

POLITY

❖ **The law and the A-G's decision**

❖ **CONTEXT:** Attorney General of India K K Venugopal has declined a request for consent to initiate criminal contempt of court proceedings against Senior Advocate and Member of Parliament Kapil Sibal for certain remarks that he made during a speech on the subject of “Judicial Rollback of Civil Liberties” on August 6. “No part of the statements cast any blame or aspersion upon the court,” the A-G said in his opinion rejecting the request made by advocate Vineet Jindal.

❖ **First, what is contempt of court?**

- Around the world, “contempt of court”, or simply “contempt”, is understood as a set of legal provisions that firewall courts, and safeguard and protect their ability to dispense justice. The Cornell Law School’s Legal Information Institute defines contempt as “the disobedience of an order of a court” and, “also conduct tending to obstruct or interfere with the orderly administration of justice”. It is also understood to describe acts of defiance or disrespect of court orders or judges, and to ascribe motives to them.
- According to The Contempt of Courts Act, 1971, contempt of court can either be civil contempt or criminal contempt.
- Civil contempt means “wilful disobedience to any judgment, decree, direction, order, writ or other process of a court, or wilful breach of an undertaking given to a court”.
- Criminal contempt, on the other hand, is attracted by “the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which:
 - Scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or
 - Prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
 - Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.”

❖ **Who can bring a charge of criminal contempt of court against an individual?**

- The Contempt of Courts Act, 1971, lays down the law on contempt of court. Section 15 of the legislation describes the procedure on how a case for contempt of court can be initiated.
- In the case of the Supreme Court, the Attorney General or the Solicitor General, and in the case of High Courts, the Advocate General, may bring in a motion before the court for initiating a case of criminal contempt.
- However, the motion can be brought by a private citizen as well and in such a case, the consent of the Attorney General (or the Advocate General, as the case may be,) is required.
- The motion or reference made for initiating the case will have to specify the contempt of which the person charged is alleged to be guilty.

❖ **But what is the reason that the consent of the A-G is required?**

- The objective behind requiring the consent of the A-G before taking cognizance of a complaint is to save the time of the court. Judicial time is squandered if frivolous petitions are made and the court is the first forum for bringing them in. The A-G’s consent is meant to be a safeguard against frivolous petitions, as it is deemed that the A-G, as an officer of the court, will independently ascertain whether the complaint is indeed valid.
- Therefore, while the A-G deemed cases such as the one involving Kapil Sibal and before him actor Swara Bhasker (for allegedly making “derogatory and scandalous” statements against the Supreme Court) and author Shefali Vaidya (for her tweets) as not fit for the initiation of contempt proceedings, he did give his consent for those involving stand-up comedian Kunal Kamra (for his tweets following the Supreme Court’s decision to grant interim bail to television anchor Arnab Goswami), and comic illustrator Rachita Taneja (for allegedly scandalising the judiciary through her tweets and illustrations).

❖ **What if a court itself decides to bring a case of contempt?**

- It can, indeed — and it did so recently in the case of Prashant Bhushan. In such a situation, the A-G’s consent is not required. This is because the court is exercising its inherent powers under the Constitution to punish for contempt, and such Constitutional powers cannot be restricted because the A-G declined to grant consent. A three-judge Bench headed by Justice Arun Mishra (now retired) reiterated this position in the Prashant Bhushan case.
- According to the court “As far as the suo motu petitions are concerned, there is no requirement for taking consent of anybody, including the learned Attorney General because the Court is exercising its inherent powers to issue a notice for contempt. It is equally well settled, that once the Court takes cognizance, the matter is purely between the Court and the contemnor. The only requirement is that the procedure followed is required to be just and fair and in accordance with the principles of natural justice”.

- A-G Venugopal had repeatedly objected to the court's initiation of contempt proceedings against Bhushan during the course of the hearing. But the court had gone ahead anyway.
- ❖ **And what happens if the A-G denies consent (in the case of a private citizen)?**
- If the A-G denies consent, the matter all but ends. The law also has a limitation period of one year for bringing in action against an individual.
- The complainant can, however, separately bring the issue to the notice of the court and urge the court to take suo motu (on its own motion) cognizance. If the court does take suo motu cognizance, as it did in the case of Prashant Bhushan, the consent of the senior-most law officer is not required.
- Article 129 of the Constitution gives the Supreme Court the power to initiate contempt cases on its own, independent of the motion brought before it by the AG or with the consent of the AG.
- Article 129 states that "The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself,".
- ❖ **What is the process if the A-G does grant consent?**
- Once the A-G gives his consent in writing, a notice under The Contempt of Courts Act is served personally on the person against whom the proceedings are sought to be initiated by the court. If the court decides not to serve the notice personally, the law requires the court to record the reasons for it.
- If the court is satisfied that the alleged contemnor is likely to abscond or evade judicial proceedings, it can order attachment of property of a value that it deems reasonable.
- Once the notice is served, the alleged contemnor may file an affidavit in support of his defence, explaining the nature and circumstances of her remarks. The case is required under the Act to be heard by a Bench of at least two judges. The court then takes into account any evidence available to check the affidavit, and pass appropriate orders.

IMPORTANT INTERNATIONAL AFFAIRS

- ❖ **The International Monetary Fund's staff-level agreement with Sri Lanka**
- ❖ **CONTEXT: The International Monetary Fund (IMF) on September 1 announced a staff-level agreement with Sri Lanka, months after the island nation's economic crisis intensified this year, following a serious Balance of Payments problem.**
- ❖ **What is the staff-level agreement?**
- It is a formal arrangement by which IMF staff and Sri Lankan authorities agree on a \$2.9-billion package that will support Sri Lanka's economic policies with a 48-month arrangement under the Extended Fund Facility (EFF).
- However, even though the IMF has agreed to support Sri Lanka, the EFF is conditional on many factors. Sri Lanka must take a series of immediate measures that the Fund has deemed necessary to fix fiscal lapses and structural weaknesses — such as raising fiscal revenue, safeguarding financial stability and reducing corruption vulnerabilities.
- Apart from making domestic policy changes to strengthen the economy, Sri Lanka must also restructure its debt with its multiple lenders. The IMF has said that it will provide financial support to Sri Lanka only after the country's official creditors give financing assurances on debt sustainability, and when the government reaches a collaborative agreement with its private creditors. The process could take several months.
- ❖ **What next?**
- Sri Lanka has already taken some significant policy measures. The Central Bank has floated the rupee, raised interest rates sharply, increased electricity tariffs and fuel prices and restored tax cuts introduced during President Gotabaya's time in office. While the government embarks on a path of fiscal consolidation, it has the difficult task of negotiating with a diverse group of creditors, including International Sovereign Bond (ISB) holders, to whom the island owes nearly half of its foreign debt, multilateral-lateral agencies, and foreign governments, mainly China, Japan, and India. While talks with the ISB holders are likely to be legal and technical, discussion with bilateral creditors is a more complex exercise, with geopolitical dimensions.
- ❖ **What have the countries said?**
- China has signalled its willingness to lend more money to the country but has put the onus of restructuring past debt on Sri Lanka.
- Japan has pledged to work with Sri Lanka and other creditors, but underscored that it is important for Sri Lanka, in collaboration with the IMF and Paris Club, "to work for the betterment of its economic and fiscal situation while securing transparency.
- India, too, backs the IMF process and will likely cooperate, although India is still studying the "evolving, unfolding" story of the IMF agreement. This means that India expects Sri Lanka to treat all its creditors equally and fairly. The IMF has indicated that creditors also have a role to play in ensuring Sri Lanka's crisis does not deepen.

❖ **Is the \$2.9-billion a bailout package?**

- The \$2.9 billion agreed upon by both sides, is short of Sri Lanka's expectations of support totalling \$3 to \$4 billion. In any case, even if the IMF package arrives swiftly, subject to Sri Lanka's success with the "prior actions" spelt out by the Fund, it cannot "bailout" Sri Lanka.
- After a pre-emptive sovereign default in April — the island's foreign debt totals \$51 billion — Sri Lanka is still grappling with its Balance of Payments crisis. The government has resorted to wide import restrictions, while exports remain limited to the country's traditional basket of tea, garments, and spices.
- From the ordinary citizen's point of view, cost of living is soaring. Headline inflation went up to 64.3% in August 2022, and food inflation increased to 93.7%. The World Food Programme estimated that about 30% of Sri Lanka's population, became food insecure, since the crisis worsened this year. Many families, especially those belonging to the working population, are starving.

❖ **How then can the IMF package help?**

- The IMF package will effectively make Sri Lanka credit-worthy again, allowing the government to borrow once again from private creditors, multilateral lenders and bilateral partners. While many see the programme as necessary, few think it will be sufficient for substantive economic recovery. They believe it would push the government to make necessary policy shifts to ensure higher revenue and lesser state spending and address the problem of corruption.
- The responsibility of building fiscal strength and resilience is, however, Sri Lanka's. For that, the government must also introspect on its heavy reliance on imports, the status of domestic production, prospects for boosting exports with greater value addition, and ways to address income and wealth inequality.

PRELIMS

1. Who can enter various zones in an airport

❖ **CONTEXT: Delhi Police have registered an FIR accusing the deputy commissioner of Deoghar of sedition after the IAS officer reported to the Jharkhand government that two BJP MPs had entered Air Traffic Control (ATC) at the airport and forced officials to clear their aircraft for take-off even though the airport does not have facilities for night operations.**

❖ **Who can enter an airport in India?**

- A person who is not a passenger with a valid ticket requires an Aerodrome Entry Permit (AEP) that is issued by the airport operator in concurrence with the security agency in charge of the airport. Typically, at the bigger airports, the Central Industrial Security Force (CISF) undertakes the security responsibilities, while at a smaller airport like Deoghar, it is the state police that manages security. The security in-charge of Deoghar airport is Deputy Superintendent of Police Suman Anand, who was the complainant in the case.

❖ **What is the ATC in an airport?**

- Air traffic control, as the name suggests, is the traffic control room for aircraft at airports and in certain designated airspaces, from where ground-based air traffic controllers direct aircraft movements. The controllers use equipment including radar to track aircraft, and communicate with pilots over radio. The ATC complex typically has a tower, which may be attached to a building.
- The United States Federal Aviation Administration (FAA) says "the primary purpose of the ATC system is to prevent a collision between aircraft operating in the system and to organize and expedite the flow of (air) traffic". Under certain circumstances, the ATC may have security or defence responsibilities as well, and may be manned by military officers.

❖ **Does an AEP authorise the holder to enter the ATC premises?**

- It does not happen automatically; prior approval is needed to enter the ATC building. The AEP application form, which is issued by the Bureau of Civil Aviation Security (BCAS), mentions 13 zones that a person can potentially enter. Among them are the arrivals hall, the departures hall, the terminal building, the security hold area, the apron area, the ATC building, the ATC tower, the cargo terminal building, etc.
- However, the access authorisations are granted on a 'need' basis. For example, airline ground staff, who may have authorisation to enter the arrivals hall, the departures hall, the terminal building, and the security hold area, may not necessarily be authorised to enter the ATC tower or the ATC building.

❖ **Does a Member of Parliament have special privileges to enter airport premises?**

- An order issued by the Ministry of Civil Aviation in October 2007 on the subject "Courtesy towards Members of Parliament at Airports" said a "Member of Parliament may be allowed free access in the Terminal building and Visitors Gallery on the basis of MPs Identity Card".
- However, the order did not state whether MPs were allowed to also enter ATC premises. The same order was circulated again by the Civil Aviation Ministry in January 2020.

2. From Mamangam to Mahatma Gandhi: Why there is a call to protect relicts in Kerala's Thirunavaya

❖ **CONTEXT:** In 1984, K J Yesudas's Tharangini Records came up with an album Vasantha Geethangal. It had 10 songs but none became as popular as 'Mamangam pala kuri kondadi', sung by Yesudas himself. Not discounting the grandeur of Raveendran Master's music but the biggest allure of the song was the lyrics by Bichu Thirumala, who opened a window to Kerala's history from medieval times, and to the bloodshed and tales of valour on the banks of Bharathappuzha in Thirunavaya all those centuries ago. Recently, a few history researchers urged the Kerala government to declare Thirunavaya, in the present-day Malappuram district, a heritage village and protect the historical relics in the area.

❖ **Mamangam: A trade fair that turned into a battlefield**

- Mamangam was a 28-day-long trade festival celebrated once every 12 years on the banks of the Bharathappuzha, also known as Nila.
- Traders from various parts of India and as well as places such as China, Ceylon, Arabia and Europe used to arrive by ship at the Ponnani port and then move to Thirunavaya to participate in the trade fair held on the premises of the Navamukunda temple, believed to be around 5,000 years old now.
- It is believed that the Chera kings began the duo decennial trade festival.
- The last Chera ruler passed on the right to conduct it to Valluvanakkothiri (rulers of the Valluvanad region) around the 12th century.
- The Zamorins, the rulers of Kozhikode, in a bid to expand their kingdom, beat the Valluvanakkothiri in the 14th century and secured the right to preside over Mamangam after capturing several Valluvanadan provinces, including Thirunavaya.
- The Valluvakonathiris decided to by sending suicide squads called chavers to fight the Zamorin's army during Mamangam.
- At Mamangam, the Zamorin would stand on a platform called the 'nilapadu thara' cocooned by his soldiers.
- Bodies of the chavers who died during the fight were thrown into a nearby well called the 'manikinar'.
- For nearly four hundred years, the chavers, coming to Thirunavaya over this blood feud, never managed to kill any of the Zamorins of the times.
- The last Mamangam was said to be held in 1755 before Mysore's Hyder Ali invaded Malabar and ended the Zamorin's prominence.

❖ **Remains of Mamangam**

- Today, Mamangam relics such as the 'nilapadu thara' and the 'manikinar' are protected by the Kerala government's archaeology department.
- The following has been maintained under the Nila project from 2010:
 - Pazhukka mandapam, from where the Zamorin family members used to watch the festivities;
 - marunnara, where the Zamorin kept the gunpowder; and
 - the Changampally Kalari, where the soldiers used to train, have all.

❖ **Navamukunda temple**

- The Navamukunda temple is one of the 108 major Vishnu temples in India.
- It is famous for its sculptures, including the 10 incarnations of Vishnu.
- Renowned craftsman Perumthachan is believed to have renovated the temple more than 1,000 years ago.

3. The Inflatable Aerodynamic Decelerator (IAD)

❖ **CONTEXT:** The Indian Space Research Organisation (ISRO) has successfully tested a technology that could aid cost-effective recovery of spent rocket stages and safely land payloads on other planets.

- The Inflatable Aerodynamic Decelerator (IAD) was designed, developed and successfully test-flown by ISRO's Vikram Sarabhai Space Centre (VSSC) on a Rohini-300 (RH300 Mk II) sounding rocket from the Thumba Equatorial Rocket Launching Station (TERLS)
- This demonstration opens a gateway for cost-effective spent stage recovery and this technology can also be used in ISRO's future missions to Venus and Mars.
- This was the first time that an IAD had been designed for spent-stage recovery.
- As its name suggests, the IAD serves to decelerate an object plunging down through the atmosphere.
- The IAD, made of Kevlar fabric coated with polychloroprene, was packed into the payload bay of the rocket.
- After the nose-cone of the rocket separated, the IAD inflated, balloon-like, at a height of 84 km using compressed nitrogen stored in a gas bottle. The IAD systematically reduced the velocity of the payload through aerodynamic drag.
- Once the IAD fell into the sea, it deflated by firing a deflation pyro valve. The pneumatic system used for inflating the IAD was developed by the Liquid Propulsion Systems Centre (LPSC), Valiyamala.

ANSWER WRITING

Q. Can the vicious cycle of gender inequality, poverty and malnutrition be broken through microfinancing of women SHGs? Explain with examples.

The Global Gender Gap Report 2021 ranks India at 140 among 156 countries. This gender inequality is the outcome of unequal opportunity, education, health economic participation and empowerment, which results in pushing women into a vicious cycle of poverty and malnutrition.

Self-Help Groups (SHGs) are informal associations of people who choose to come together to find ways to improve their living conditions. Microfinance is a type of banking service provided to unemployed or low-income individuals or groups who otherwise would have no other access to financial services.

Microfinancing of women SHGs can help uplift even the most vulnerable and marginalised section of women in the following ways:

- By mobilising poor rural women and building community institutions of the poor, SHGs are aimed at reducing poverty. To this, microfinancing acts as a catalyst because it can help channel the savings and funding of the SGH members.
- Credit flow will make women work and interact with the outside world. This will help in reducing the gender inequality and promote community involvement.
- Microfinancing of women SHGs improves the decision-making ability of its members. With greater say in the matters of resource utilization, family planning etc., it results in better nutritional values among their families.

Though microfinancing of women SHGs can help overcome challenges like malnutrition, poverty and gender equality, it is not alone enough to change the grim situation. Additionally, there needs to be a change of patriarchal mindset, spread of awareness about SHGs and penetration of rural banking facilities.

MCQs

1. Consider the following statements:

A high court has jurisdiction to

1. Punish for its contempt
2. Tender advice on a legal question referred by the President of India
3. Tender advice on a legal question referred by the Governor of the state.
4. Issue certain writs to protect fundamental rights

Which of the above statement/s is/are correct?

- a) 1 and 2 only
- b) 1 and 4 only**
- c) 2 and 3 only
- d) 3 and 4 only

2. With reference to the International Monetary and Financial Committee (IMFC) consider the following statements:

1. IMFC discusses matters of concern affecting the global economy and advises the International Monetary Fund (IMF) on the direction of its work.
2. The World Bank participates as an observer in IMFC's meetings.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2**
- d) Neither 1 nor 2

3. India has been elected as the external auditor to which one of the following prestigious international institutions for a period of six years from 2022 to 2027?

- a) WHO
- b) International Atomic Energy Agency (IAEA)**
- c) UNICEF
- d) UNDP

4. Consider the following statements with reference to Inflatable Aerodynamic Decelerator (IAD) technology

1. IAD is designed to increase drag upon entering the atmosphere of any planetary body, like Earth, Mars, or even Moon.
2. Its use was first proposed by NASA.

Choose the correct statement using the codes given below

- a) 1 only
- b) 2 only
- c) Both 1 and 2**
- d) Neither 1 nor 2

5. "Mamangam festival" often mentioned in news is associate with which of the following state?
- Karnataka
 - Tamil Nadu
 - Andhra Pradesh
 - Kerala**

6. With reference to the "G20 Common Framework", consider the following statements:
- It is an initiative endorsed by the G20 together with the Paris Club.
 - It is an initiative to support Low Income Countries with unsustainable debt.

Which of the statements given above is/are correct?

- 1 only
 - 2 only
 - Both 1 and 2**
 - Neither 1 nor 2
7. With reference to Paris Club consider the following statements
- It is an informal group of official creditors
 - The Extended Fund Facility is lending facility of Paris club

Choose the correct statement/s using the codes given below

- 1 only**
 - 2 only
 - Both 1 and 2
 - Neither 1 nor 2
8. Consider the following countries and answer the question below.
- 1.China
 - 2.India
 - 3.Laos
 - 4.Mongolia
 5. Syria

Which of the following are part of Exercise Vostok – 2022 in Russia?

- 1, 2, 3 and 4
 - 1, 3 and 5
 - 2, 3, 4 and 5
 - 1, 2, 3, 4 and 5**
9. The term "Myxoma" recently seen in news is a name for which of the following?
- Greenland ice sheet
 - An ocean phenomenon,
 - A virus as well as a cancerous tumor**
 - Modern nuclear reactors
10. Logistics Performance Index (LPI) is published by which of the following bodies?
- International Transport Organisation
 - World Bank**
 - World Trade Organisation
 - UN logistics

