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‘Expression of opinion is not contempt’

- Expressing opinion or bona fide anguish, however outspoken, disagreeable or unpalatable, cannot constitute contempt amounting to scandalising the court, noted civil rights lawyer Prashant Bhushan has said in a reply to a contempt notice issued to him by the Supreme Court.
- Mr. Bhushan was responding to suo motu contempt action initiated against him on his tweets — one concerning a photograph of Chief Justice of India Sharad A. Bobde on a motorcycle and the other about the functioning of the Supreme Court in the past six years under four Chief Justices.
- A three-judge Bench led by Justice Arun Mishra issued the contempt notice on July 22, saying the tweets undermined the dignity and authority of the court and the office of the CJI.

‘Ultimate guardian’

- The senior lawyer highlighted the very words of a Constitution Bench of the Supreme Court in the contempt case against former Madras High Court judge C.S. Karnan, namely that the “law of contempt is not made for the protection of judges who may be sensitive to the winds of public opinion. Judges are supposed to be men of fortitude, able to thrive in a hardy climate”.
- Freedom of speech and expression was the “ultimate guardian” of values upheld in the Constitution. The exercise of contempt powers by the Supreme Court must necessarily not be of a nature that went beyond ‘reasonable restrictions’. The power of contempt under Article 129 was to be utilised to aid in administration of justice. Contempt could not be pressed into service to stifle bona fide criticism from citizens who were well-informed about the omissions and commissions of the Supreme Court, he said.

Value Added Information

What is Contempt?

- The contempt of court law is one of the most controversial elements in the Indian legal context.
- While the basic idea of a contempt law is to punish those who do not respect the orders of the courts, in the Indian context, contempt is also used to punish



speech that lowers the dignity of the court and interferes with the administration of justice.

Contempt of court can be of two kinds:

1. **Civil**, that is the willful disobedience of a court order or judgment or willful breach of an undertaking given to a court.
2. **Criminal**, that is written or spoken words or any act that scandalises the court or lowers its authority or prejudices or interferes with the due course of a judicial proceeding or interferes/obstructs the administration of justice.

Relevant provisions:

- Article 129 and 215 of the Constitution of India empowers the Supreme Court and High Court respectively to punish people for their respective contempt.
- Section 10 of The Contempt of Courts Act of 1971 defines the power of the High Court to punish contempts of its subordinate courts.
- The Constitution also includes contempt of court as a reasonable restriction to the freedom of speech and expression under Article 19, along with elements like public order and defamation.

Why courts need contempt powers?

- To ensure their orders are implemented.
- To sustain the independent nature of the judiciary itself.
- While the judiciary issues orders, they are implemented by the government or private parties. If the courts are unable to enforce their orders, then the rule of law itself will come to grinding halt.

Issues with Contempt Law:

- Article 19(1)(a) of the Constitution gives the right to freedom of speech and expression to all citizens, while “contempt provisions” curb people’s freedom to speak against the court’s functioning.
- The law is very subjective which might be used by the judiciary arbitrarily to suppress their criticism by the public.



Analysis of Bhushan's case:

- The suo motu contempt proceedings initiated by a bench of the Supreme Court against Mr. Bhushan constitutes an abuse of the court's contempt jurisdiction, which—for good reason—is to be exercised sparingly and with circumspection.
- It is because, according to some experts, there is nothing in Mr. Bhushan's tweets that qualify as contempt of Court.
 1. His tweets are an exercise of his fundamental right under Article 19 (1) (a) to freely express himself by way of comment and criticism on the conduct of the CJI as a private citizen.
 2. Also, these tweets in question appear to be in the realm of perception and comment and don't seem to have transgressed into contempt. The general principle on contempt is that one can criticise a judgment but you can't attribute motives to the judge.

Govt. issues draft policy to ramp up defence exports

Defence Production & Export Promotion Policy (DPEPP) 2020:

- With the aim of achieving a manufacturing turnover of \$25 bn or ₹1,75,000 crore, including exports of \$5 bn in aerospace and defence goods and services by 2025, the Ministry of Defence (MoD) on Monday put out a draft 'Defence Production & Export Promotion Policy (DPEPP) 2020' for public feedback.

Significance:

- The DPEPP 2020 is envisaged as overarching guiding document of MoD to provide a focused, structured and significant thrust to defence production capabilities of the country for self-reliance and exports.

Details:

- The share of domestic procurement in overall defence procurement is about 60%. In order to enhance procurement from domestic industry, it is incumbent that procurement is doubled from the current ₹70,000 crore to ₹1,40,000 crore by 2025.



- On increasing defence exports, the policy states that Defence Attachés have been mandated and are supported to promote export of indigenous defence equipment abroad.
- This effort would be supplemented by selected **Defence Public Sector Undertakings (DPSU)**, which would work as export promotion agencies for certain countries with earnings linked to success fee, to promote export of defence products abroad.
- Subject to strategic considerations, domestically manufactured defence products will be promoted through Government to Government agreements and Lines of Credit/Funding.

Aerospace industry:

- The opportunities in the aerospace industry have been identified in the following segments — aircraft build work, aircraft Maintenance, Repair and Overhaul (MRO), helicopters, engine manufacturing and MRO work, line replaceable units, Unmanned Aerial Vehicles and upgrades and retrofits.
- A Project Management Unit will be set up for estimation of development and production lead times specifications and technologies involved.

MGNREGS running out of funds

- One-third of the way through the financial year, government data show that the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) scheme has used up almost half its allocated funds, spending more than ₹48,500 crore out of the expanded ₹1 lakh crore allocation announced following the COVID-19 outbreak.
- A new survey of 13 States, published by the Azim Premji Foundation (APF), shows what that statistic means on the ground — a number of gram panchayats in vulnerable areas have already exhausted their funds for the scheme; lower employment rates as the monsoon stops work in several States, and fewer livelihood options for more than four lakh families across the country which have completed their allotted 100 days of work.
- The APF has recommended that the Centre allocate another ₹1 lakh crore to the scheme, and double the permitted work limit to 200 days per household.



- The study noted that wages in the scheme are 25-30% lower than the minimum wages for agricultural workers in most States.

Value Added Information

What is MGNREGA?

- The scheme was introduced as a social measure that guarantees “the right to work”. The key tenet of this social measure and labour law is that the local government will have to legally provide at least 100 days of wage employment in rural India to enhance their quality of life.

Key objectives:

- Generation of paid rural employment of not less than 100 days for each worker who volunteers for unskilled labour.
- Proactively ensuring social inclusion by strengthening livelihood base of rural poor.
- Creation of durable assets in rural areas such as wells, ponds, roads and canals.
- Reduce urban migration from rural areas.
- Create rural infrastructure by using untapped rural labour.
- The following are the eligibility criteria for receiving the benefits under MGNREGA scheme:
 - Must be Citizen of India to seek NREGA benefits.
 - Job seeker has completed 18 years of age at the time of application.
 - The applicant must be part of a local household (i.e. application must be made with local Gram Panchayat).
 - Applicant must volunteer for unskilled labour.

Key facts related to the scheme:

- The Ministry of Rural Development (MRD), Govt of India is monitoring the entire implementation of this scheme in association with state governments.
- Individual beneficiary oriented works can be taken up on the cards of Scheduled Castes and Scheduled Tribes, small or marginal farmers or



beneficiaries of land reforms or beneficiaries under the Indira Awaas Yojana of the Government of India.

- Within 15 days of submitting the application or from the day work is demanded, wage employment will be provided to the applicant.
- Right to get unemployment allowance in case employment is not provided within fifteen days of submitting the application or from the date when work is sought.
- Social Audit of MGNREGA works is mandatory, which lends to accountability and transparency.
- The Gram Sabha is the principal forum for wage seekers to raise their voices and make demands.
- It is the Gram Sabha and the Gram Panchayat which approves the shelf of works under MGNREGA and fix their priority.

Role of Gram Sabha:

- It determines the order of priority of works in the meetings of the Gram Sabha keeping in view potential of the local area, its needs, local resources.
- Monitor the execution of works within the GP.

Roles of Gram Panchayat:

- Receiving applications for registration
- Verifying registration applications
- Registering households
- Issuing Job Cards (JCs)
- Receiving applications for work
- Issuing dated receipts for these applications for work
- Allotting work within fifteen days of submitting the application or from the date when work is sought in the case of an advance application.
- Identification and planning of works, developing shelf of projects including determination of the order of their priority.



Responsibilities of State Government in MGNREGA:

- Frame Rules on matters pertaining to State responsibilities under Section 32 of the Act ii) Develop and notify the Rural Employment Guarantee Scheme for the State.
- Set up the State Employment Guarantee Council (SEGC).
- Set up a State level MGNREGA implementation agency/ mission with adequate number of high calibre professionals.
- Set up a State level MGNREGA social audit agency/directorate with adequate number of people with knowledge on MGNREGA processes and demonstrated commitment to social audit.
- Establish and operate a State Employment Guarantee Fund (SEGF).

China suspends treaty with New Zealand

- China suspended Hong Kong's extradition treaty with New Zealand on Monday amid a row with Western nations protesting against a tough new security law that Beijing imposed on the city.
- New Zealand is the latest to join a string of Western powers — including Canada, Britain, Australia and Germany — that have suspended extradition treaties with Hong Kong since the controversial law was introduced in late June.
- China has already hit back by suspending Hong Kong's extradition treaties with Canada, Britain and Australia.
- Its latest travel advice to Kiwi citizens in the territory said the security law had led to an increased risk of arrest for activities such as protests, with the possibility of being removed to mainland China to face a maximum penalty of life imprisonment.
- The United States has decided to rescind Hong Kong's special trading privileges after the new law was enacted.