



BIAL can sue President

An outrageous clause in the concessionaire agreement gives new airport the power to question country's sovereignty

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BENGALURU International Airport can sue the President of India as the government has given up its sovereign immunity status while signing the agreement to set up the airport.

Clause 18.131 of the concessionaire agreement says the Government of India has unconditionally and irrevocably signed the agreement as a private party and not as the government.

The following clause, 18.132, says in the event of any action being taken against the government, the government would not seek sovereign immunity.

The Association of Outsourcing Professionals is fighting a court case questioning these clauses. The high court is expected to hear the case today.

The association, headed by former IT secretary Vivek Kulkarni, has filed a petition in the high court questioning the validity of the concession agreement.

The clauses were included at the behest of BIAL so that it could prosecute anyone, including the President, in case the government breaches the contract. The secretary to the civil aviation ministry has signed the agreement on behalf of the President.

It is dangerous, said Kulkarni. The government has given up its immunity to help BIAL, but it has in the process invalidated the agreement. Kulkarni, who was the Karnataka government's IT secretary earlier, believes the agreement will be considered invalid as the government has not

What's AOP?

The Association of Outsourcing Professionals was formed to create IT awareness and promote education and training. Eminent citizens are associated with it. While Vivek Kulkarni, a former bureaucrat, is the

founder-president, luminaries such as Ghanasham Das, director-South Asia, Nasdaq, Kris Goplakrishnan, CEO, Infosys, and Prof Balki from the Indian Institute of Science are among its members.

signed it in the capacity of the government.

The case in the high court was listed for Monday, but the court could not take it up as there were other cases to be heard.

It's a monopoly

Apart from the validity of the concessionaire agreement, the petition has also questioned the closure of the HAL airport on the grounds of Monopolistic and Restrictive Trade Practices Act.

The petition argues that the agreement violates Section 32 of the MRTPA Act that bars a private firm from having a monopoly.

The MRTPA Act exempts the central government, said B C Thiruvengadam, counsel appearing for the association. But the agreement states that both sides

are private parties.

The Employees Union of Airport Authority of India has also filed a petition questioning the closure of HAL Airport.

This petition is also expected to come up for hearing today. A two-member bench comprising P D Dinakaran and Mohan Shanthana Gouder will hear the cases.

A BIAL spokesperson declined to comment. (Related story on Pg 10)

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