



Waiting for daybreak

Chandrayaan-2 missed this rendezvous with the moon, but the next date is not too far

India's second moon mission, Chandrayaan-2, was pulled back from launch just 56 minutes before its scheduled liftoff on July 15. This was owing to a technical glitch in the GSLV Mark-III rocket launcher. No rescheduled date has been announced for launch. This has no doubt served as a damper on those who eagerly looked forward to India being only the fourth country to launch a mission that would land on the moon, and the very first to land on and explore its south pole region. Yet, it was best that the glitch was discovered before the launch. Rocket launches always have a nail-biting finish. Even the GSLV-DI, the slighter predecessor to the GSLV Mark-III, suffered such a setback when it was about to be launched for its first developmental test flight in 2001. It was called off exactly one second before launch, as it was discovered that one of the four liquid propellant strap-on stages had not developed the required thrust. This test flight was conducted just 21 days later, paving the way for several successful launches of the GSLV rocket subsequently.

What seems to have touched the popular imagination is that the current launch window ends on July 16 and if this window is missed there could be an indefinite delay in rescheduling the launch. Coupled with news reports that checking and correcting the error could take up to 10 days, this has led to dire pronouncements of an indefinite postponement of the mission. The 'launch window' is determined by several factors. One of the most important considerations is that any spot on the moon receives sunlight for approximately 14 (earth) days before being plunged in night for another fourteen. The landing has to be timed so that it maximises the overlap with the sunlit days on that spot. This is because the lander and the rover need solar energy to power them and to keep the instruments warm. Therefore, given a landing spot that can be seen from the earth, the landing date has to coincide with the sixth phase of the moon (first quarter) as seen from the earth, on that spot. Secondly, once placed on the moon orbit, Chandrayaan-2 must have full visibility to the ground station, which will determine the time of operation of the landing. From the date of launch to the date of landing, the planned interval is about 54 days. Much of this time is needed for the Chandrayaan-2 mission to make various orbital manoeuvres and operations, but there is a leeway of a day or two to take some decisions. A window that takes all this into account, is available for about 10 minutes on each day now for about a week. Such a window can be found every month. Other tighter windows are available but are high-risk options. So even if Chandrayaan-2 misses its rendezvous with the moon this month, it will find a date, perhaps even next month, that will be suitable.

Closer than close

England did well to win the World Cup, but New Zealand did not deserve to lose

Summit clashes of global sporting tournaments can often be underwhelming. One team revels in the occasion, the other wilts, and a lopsided climax occurs. But Sunday's ICC World Cup final involving England and New Zealand at Lords wasn't cut from the same cloth. Never has a cricket match invested with such magnitude concluded in a tie. The same finish line was again replicated after the super over was taken to break the stalemate. The rivals scored 241 apiece in their respective innings and drew level at 15 in the super over. Ideally both units should have shared the trophy but the quest for a singular winner and a tournament law that mentioned cumulative boundaries as the ultimate deal-breaker, helped England pip New Zealand. The host had 26 strikes past the ropes, well ahead of the visitor's 17. For a contest of gladiatorial proportions, it was perhaps an unfair judgment. In the current popular imagination both squads are champions, but after many years when only cold statistics linger, England will have the halo and New Zealand will remain the bridesmaid. The tussle that kept London agog had many stars, but one player shone the brightest. Ben Stokes, who had spoken about how England cannot be denied, rose to the occasion, and his splendid unbeaten 84 helped Eoin Morgan's men keep pace with Kane Williamson's unsung heroes.

England, the willow game's birthplace, needed this triumph to resuscitate the sport which is waning across the country. The game's followers belong to an older demographic space and Asian immigrants, while the youth root for football. A win of this scale should increase footfalls at various training academies and grounds, and the talent base will widen. For New Zealand, the second consecutive loss at the last hurdle will hurt, but unlike in the 2015 edition where it succumbed meekly to co-host Australia, here it fought with all its might, be it crucial runs or decisive wickets. The Black Caps dished out outstanding fielding, and in a face-off of slender margins every run saved has deep ramifications. Williamson, who excelled with the bat and amassed 578 runs, was a brilliant captain and he never lost his sense of grace. Judged the 'Player of the Tournament', the Kiwi skipper and his men can return home with their heads held high. For a championship that featured skewed games and four rained-out fixtures in its first part, the second stage proved engrossing and the final was the piece-de-resistance. The World Cup also held a mirror to cricket's overall health. Except for England, New Zealand, Australia, India and to some extent Pakistan, the other squads have become weak and the respective boards have to address structural flaws. The sport needs robust competition, not jaded outfits.

A test of law and justice

The challenges made to the 103rd constitutional amendment present a more difficult judicial examination than usual



SUHRITH PARTHASARATHY

Constitutional challenges are often described as hard cases. This is, however, seldom true. Invariably, disputes possess a simple solution. We can debate over what theories of interpretation to apply and over whether the text of a clause needs to be read literally or in light of its historical background, but in most cases, the Supreme Court's own precedent and commonly accepted legal theories provide an easy enough guide to finding a principled answer. The challenges made to the 103rd constitutional amendment, though, which a two-judge bench of the Supreme Court is slated to hear this month, present a rather more difficult test.

Here, the issues involved concern questions both over whether the amendment infringes the extant idea of equality, and over whether that idea is so intrinsic to the Constitution, that departing from it will somehow breach the document's basic structure. The court's answers to these questions will operate not merely within the realm of the law but will also likely have a deep political bearing – for at stake here is the very nature of justice that India's democracy embodies.

The law, which was introduced in January this year, amends Articles 15 and 16 of the Constitution, and grants to government the power to provide for reservation in appointments to posts under the state and in admissions to educational institutions to "economically weaker sections of citizens [EWS]". At first blush, this reservation, which can extend up to 10%

of the total seats available, may not appear to impinge on the existing constitutional arrangement. But what it does mandate is a quota that will apply only to citizens other than the classes that are already eligible for reservation. Consequently, persons belonging to Scheduled Castes and Scheduled Tribes and persons who are not part of the creamy layer of the Other Backward Classes will not be eligible to the seats available under the quota.

According to the petitioners in the Supreme Court, the central hypothesis of the amendment, where reservation is predicated on individual economic status, violates the Constitution's basic structure. In their belief, the law, by providing for affirmative action unmindful of the structural inequalities inherent in India's society, overthrows the prevailing rationale for reservations. In doing so, they argue, the amendment destroys the Constitution's idea of equal opportunity. The Union of India argues that while the Constitution demands equality, it does not confine Parliament to any singular vision. According to it, the power to amend the Constitution must necessarily include a power to decide how to guarantee equal status to all persons.

Meaning and purpose

In some senses, as sociologist Gail Omvedt wrote in these pages ("The purpose of reservation - I", March 24, 2000), "the whole history of the struggle for reservation has also been a debate about its very meaning and purpose". When reservations were first introduced by some of the princely states the policy was seen largely as an alleviative measure. For instance, in the princely State of Mysore, where privileged castes had cornered virtually every post available under the government, a system of reservations was



introduced denominating communities as "Backward Classes", and providing for them a larger share in the administration. By the time the Constitution was being drafted as a reading of the Constituent Assembly's debates shows us, the rationale for reservations had broadened. The Constitution's framers saw the measure as a promise against prejudice, as a tool to assimilate deprived groups into public life, and as a means of reparation, to compensate persons belonging to those groups for the reprehensible acts of discrimination wrought on them through history. Marc Galanter has called this a compensatory discrimination principle.

Yet, despite the expanded justification, the basic foundational logic for reservations was still predicated on a demand for a fairer and more representative share in political administration. This is demonstrated by R.M. Nalavade's comment in the Constituent Assembly. "Our experience in the provinces, though there are provisions for reservation in the services, is bitter," he said. "Even though the depressed classes are educated and qualified, they are not given chances of employment under the Provincial Governments. Now that we have provided for this in the Constitution itself, there is no fear for the Scheduled castes. According to this clause we can be adequately represented in the provincial as well as in the Central

A hand-to-mouth Budget

It is inescapable from the arithmetic that revenue expenditures and tax revenues are in need of serious corrections



PUJA MEHRA

Finance Minister Nirmala Sitharaman began a new practice in the Union Budget, presented on July 5, when she relegated the numbers, or the budgeting, to the fine print, in a break with tradition; they are usually presented as a part of the speech on the floor of the House in Parliament.

What are the compulsions that could have made her shy away from stating the numbers as her predecessors have done earlier, no matter how uncomfortable the fiscal position?

Falling tax revenues

The Central government's tax revenues for the financial year ending March-end 2019 – as reported by the Controller General of Accounts (CGA) – fell short of the Interim Budget's estimates (that the Modi government presented in its first tenure) in February by a whopping 0.9% of GDP.

The CGA's figures show that direct tax collections for 2018-19 fell short by ₹74,774 crore while those of indirect tax collections were by ₹3,198 crore.

The Budget Speech saved the Modi government the embarrass-

ment of owning up to this shortfall on the floor of the House, although this is not the first time that a government has overestimated tax collections.

Ms. Sitharaman has now budgeted for lower tax revenue in the ongoing financial year, 2019-20, than her predecessor, Piyush Goyal had in the Interim Budget.

The new Budget estimate for gross tax revenue is ₹90,936 crore lower than what was projected in the Interim Budget. This is despite the higher surcharge Ms. Sitharaman has imposed on income-tax for those earning more than ₹ 2 crore and a range of hikes she has levied on customs duties.

The new Budget estimates show that the government does not expect to improve its performance on tax collections in the current year: Gross tax revenue-GDP ratio is budgeted to slip from 11.9% in 2018-19 to 11.7% in 2019-20. While the direct tax-to-GDP ratio is expected to go from 6.4 to 6.3, the indirect tax-to-GDP ratio will reduce from 5.5 to 5.3.

To fill the gaping hole on the tax revenue side, significantly higher non-tax revenues have been budgeted than the estimates of the Interim Budget. Dividends and profits from public sector enterprises are budgeted at ₹1,63,528 crore compared to ₹1,36,072 crore in February. This includes an extraordinarily large increase in dividends from the Reserve Bank of India from the ₹68,000 crore it paid last



year to ₹90,000 crore.

The Budget now estimates ₹1,05,000 crore to be raised through disinvestment, higher than the ₹90,000 crore that Mr. Goyal had projected in the Interim Budget and the ₹80,000 crore raised in 2018-19.

Tapping public enterprises

On the revenue side, therefore, the government proposes to make up for its below-expectations performance by extracting more from profitable public sector enterprises (PSEs); the economy would have been better off had these enterprises taken the lead in rolling out fresh investments, thereby generating growth impulses for the rest of the economy.

As a percentage of GDP, non-tax revenue is budgeted to grow from 1.3% in 2018-19 to 1.5% in 2019-20.

The expenditure estimates show that the money the government is raising from assets, through disinvestment and extracting from the PSEs through di-

services."

By providing for a more proportionate distribution of the share in administration, the programme of reservations, it was believed, would end at least some of caste-based domination of jobs, particularly of employment in the public sector – a domination that was built over thousands of years, where Dalits and Adivasis were denied access to equal status. As Ms. Omvedt has pointed out, the strategy behind reservations could, therefore, never have involved an attack on pure economic backwardness. The idea was always to disavow caste-monopoly in the public sector.

Theory of justice

Even when the Constitution's first amendment was introduced in 1951, to allow the state to make special provisions beyond reservations in public employment for "the advancement of any socially and educationally backward classes of citizens, or for the Scheduled Castes and the Scheduled Tribes", the rationale, as the lawyer Malavika Prasad has argued, remained constant. Attempts made at the time to categorise individuals on the basis of economic status were expressly rejected. Behind this thinking was a distinctive theory of justice: that by according a greater share in public life to historically disadvantaged groups the relative position of those groups would stand enhanced. No doubt such a policy would not, in and of itself, help eliminate the various inequalities produced by the caste system, but it was believed it would represent a resolute effort to eliminate at least some of the caste-based domination prevailing in society.

Indeed, the policy and the idea of justice that undergirds it have been seen as so indispensable to the Constitution's aims and purposes that the Supreme Court in

State of Kerala v. N.M. Thomas (1975) held that reservations based on social and educational backwardness, far from being an exception ought to be seen as an intrinsic facet of the idea of equality.

Unseating equality

It is in departing from this logic that the 103rd amendment unseats the Constitution's code of equality. Pure financial ability is a transient criterion; it doesn't place people into a definite group requiring special privileges. If anything, allowing for reservation on such a principle only further fortifies the ability of powerful castes to retain their positions of authority, by creating an even greater monopolisation of their share in administration. If such an end is indeed the vision, it's difficult to see how the elementary conception of equality guaranteed by the Constitution can continue to survive.

Now, no doubt the Supreme Court may, on the face of things, consider Parliament as possessing the power to altogether dismantle the Constitution's existing idea of equality without simultaneously demolishing the document's basic structure. But, if nothing else, when the court hears the challenges made to the 103rd amendment, it must see the petitioners' arguments as representing a credibly defensible view. The least the court ought to do, therefore, is to refer the case to a constitution bench, given that Article 145(3) mandates such an enquiry on any issue involving a substantial question of law concerning the Constitution's interpretation, and, in the meantime, stay the operation of the amendment until such a bench hears the case fully. Should the court fail to do so the government will surely one day present to it a cruel fait accompli.

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vidends, is not going towards significantly expanding public investments. This is because much of it is getting spent on providing for salaries, pensions, subsidies and interest payments on past borrowings.

This is why the Budget presented by Ms. Sitharaman is a hand-to-mouth Budget. She did well in resisting demands for a fiscal stimulus to pump prime the economy. That is also what has made it a fiscally prudent budget.

The revenue expenditure is budgeted to grow to ₹24,47,780 crore in 2019-20, an increase of 14.3% over the revised estimate for the previous year.

The fiscal gap between expenditures and revenues will be financed by borrowing ₹7.10 lakh crore. In 2019-20, the outgo towards interest payments is budgeted at ₹6,60,471 crore, or more than a third of the total revenue receipts.

The government's interest payments for past borrowings, the largest component of the revenue expenditure, are budgeted to grow in nominal terms, from 11.1% in 2018-19 to 12.4% in 2019-20, or faster than even the estimated GDP growth.

Capital expenditure of the government is budgeted at ₹3,38,569 crore for 2019-20 which reflects a growth of 6.9% over the revised estimate of 2018-19. In other words, capital expenditure is projected to grow at a rate slower than the pro-

jected rate of GDP growth.

This comes when the Budget speech made much about the need to revive investments to accelerate GDP growth. Ms. Sitharaman emphasised in her speech that investments of ₹100 lakh crore would be needed cumulatively over the next five years to boost infrastructure; this works out to be around ₹20 lakh crore a year.

She did not say where this money would come from. Current savings and investment rates in the economy cannot provide for such large sums. Perhaps the hope is that foreign investors will deploy in India cheap funds they will be able to raise in advanced economies where the costs of borrowings are expected to reduce as the global economy enters a phase of weak economic growth and trade.

Be that as it may, what is not clear is how the government expects the Budget to be called 'pro-investments'.

It is inescapable from the Budget arithmetic, though, that revenue expenditures and the tax revenues are in need of serious corrections. If they were in better shape, significant expansions in public investments would have been possible.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Chandrayaan-2 delay

Indians need not lose heart after the launch of the Chandrayaan-2 mission was stopped due to a technical glitch. The Indian Space Research Organisation is one of the finest institutions of the country and has carried out several world-class missions successfully over the past few decades, despite the absence of a lavish budget. The institution is the pride of India and should be an inspiration to many developing countries.

MEENA YADEM,
Hyderabad

The Karnataka crisis

Whatever be the rights or legality of the actions of the MLAs in Karnataka, are they performing their duties as elected

representatives of their constituencies (Editorial, "Karnataka conundrum," July 15)? Are they looking after the interests of the people? Are they being true to the oath taken at the time of their induction as legislators? They seem to be just blatantly advancing their own interests to claim power and position, which is their sole objective of getting into politics. Political parties nurture them for their own survival. Why doesn't the public see through this game and protest against such grand betrayals?

M.K. ANANTHA SWAMY,
Bengaluru

Honours tied

The semi-final clash between Australia and South Africa in 1999 was for

long considered the greatest World Cup match ever played ('Sport' page, "Ecstasy for England, agony for New Zealand in a humdinger," July 15). This Sunday's contest, also hosted by England, can now lay its claims over the epithet. Following the humdinger, neither England nor New Zealand deserved to lose. It is a shame for cricket's governing body that such a great match had to be decided on the basis of such a farcical metric. It is high time the International Cricket Council revisits its rule book to provide some predictability when it comes to giving closure to such fiercely fought encounters. However, for a cricket fan, it is heartening to see a new World Cup

champion emerge for the first time since 1996.

L.S. HAREESH,
Chennai

■ A 'Super Over' at the end of a Cricket match is meant to decide the winner of a knock-out contest. But what happens if the tie-breaker itself ends up in a stalemate? England was handed over the World Cup by virtue of having scored more boundaries, a rule that needs to be revisited. Why couldn't both teams have been declared winners and made to share the World Cup? Why should the result have caused ecstasy for one team and agony for the other when the performance, and the scores, were on such an even keel?

VICTOR FRANK A.,
Chennai

■ The scores were: 241 for 8 for New Zealand and 241 all out for England. The Super-Over also resulted in a tie. Hence, to decide the result on the basis of a lone statistic of boundaries scored looked like a travesty. Both the teams could have been declared joint winners.

S.V.S. MANI,
Chennai

It was a feast for sport lovers as two high-profile events reached their climax in the same city, in the same style, within minutes of each other. The Cricket World Cup match provided unmatched thrills, a contest of equals where the dominance passed repeatedly from one team to the other in a seesaw battle that ended in an incredible tie. And then the Super Over also produced a tie, proving

that there was little to choose between England and New Zealand. Then came the anticlimax. In the final of such a major event, there should have been a more sensible way to break the deadlock. An additional Super Over would not have been out of place. Even declaring the teams as joint winners was acceptable. Around the same time at Wimbledon, Roger Federer and Novak Djokovic, produced a classic final (Sports page, "Djokovic leaves Federer heart-broken after epic finale", July 15). Again, it was a match neither player deserved to lose. And again, a new rule to break the tie was the culprit.

P.P. MENON,
Kochi

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