

8 EDITORIAL



Breaking barriers

The key is to allow women to pray at Sabarimala in an orderly way

In facilitating the entry of two women, albeit in stealth and under the cover of darkness, the Kerala government has displayed some resolve in breaking the illegal blockade imposed by some devotees on permitting females in the 10-50 age group into the Sabarimala temple. This is the first time women of menstruating age have made their way into the shrine after a Constitution Bench of the Supreme Court in September 2018 threw the temple open to women of all ages. Under some pressure to demonstrate that it had not gone soft as a result of the upsurge of protests against the Supreme Court’s order and was keen on signalling that it was in favour of upholding the law, the government appears to have drawn up an elaborate and closely scripted plan, with assistance from the State police and civil administration, to help Bindu and Kanakadurga make their way unnoticed to the temple from the foothills at Pampa. Unfortunately, but not entirely unpredictably, news of their visit has resulted in a cycle of violent and politically orchestrated protests, clashes, and mass arrests. Tragically, one life was lost.

In the face of an illegal blockade to prevent menstruating-age women from visiting the temple, the Kerala government will regard this operation as a victory. But clearly, even it must be aware that covert ops such as this one are not a sustainable solution to the Sabarimala problem. The State government’s dilemma – and also its responsibility – is to find a way of ensuring safe passage for all women who want to visit the temple while keeping the peace at the same time. Given the passions at play, and the cynical attempts to politically exploit them, this is anything but an easy task. In the short term, though – and this may well have been its intent – the Left Front government has managed to alter the narrative in the Sabarimala controversy. The decision of the temple authorities to close the *sanctum sanctorum* and perform purification rituals has invoked old and regressive notions of purity and pollution, of defilement and desecration. They have focussed attention on the role of the chief priest (or Tantri) of Sabarimala, leaving him open to the charge levelled by Kerala Chief Minister Pinarayi Vijayan that his actions violated both the Supreme Court order and the Devaswom Manual. At a larger level, the entry of the two women has, perhaps inevitably, recalled Justice D.Y. Chandrachud’s words in the majority judgment in the Sabarimala case. In his judgment, he had argued that the ban on women’s entry was a “form of untouchability”, and their exclusion was a “violation of the right to liberty, dignity and equality”. Meanwhile, as passions continue to escalate, it is important for the State government, the Travancore Devaswom Board and also those representing the devotees to initiate a conversation and prevent the State from being consumed in a further cycle of violence and conflict over this issue.

Dark side of the moon

China’s successful mission will greatly advance knowledge of earth’s satellite

China joined a select group of countries with successful missions to the moon, when its spacecraft, Chang’e-4, successfully made a landing at ‘10.26 on January 3’, according to the China National Space Administration. It landed at a spot on the moon’s far side, the Von Kármán crater, which is untouched by earlier missions from earth. After landing, Chang’e-4, named after the Chinese moon goddess, relayed a close-up image of the ‘far’ side of the moon through the communication relay satellite Queqiao. The Queqiao satellite was launched last May by China for the very purpose of helping Chang’e-4 communicate with earth, as a direct communication with it is not possible from the moon’s far side, which never faces earth. The Chang’e-4 mission carries payloads, of which two are in collaboration with Germany and Sweden, respectively. The instruments include cameras, low-frequency radio spectrum analyser, lunar neutron and radiation dose detectors, and many more. Among other things, the mission could pave the way to setting up a radio telescope on the far side of the moon.

Considering that earth is right next door to the moon, we know precious little about it. Its formation and early evolution present mysteries which, if understood, could guide us in planetary studies, and help in understanding exoplanets. The near side, which faces earth, has dark patterns; the far side, turned away, is marked with circular spots that are craters formed by meteorite collisions. The moon’s near side is believed to have a thinner shell, so that when meteorites bombarded it they cracked its shell, releasing lava which gushed out and covered traces of the impact and left dark patches. Being thicker, the far side did not face such an erasure and bears the marks of the crater impacts. This mission could verify these theories and discover the reason behind these dichotomies. The moon’s far side also differs from the near side in that it is shielded from all the radio waves emanating from earth. Communication devices and satellites have made it too noisy for radio astronomers to easily and accurately interpret signals. The near side of the moon also suffers from this problem of noise. On the other hand, the far side is a quiet place and a haven for earthly aspirations to set up a radio telescope that could reveal astronomical mysteries, such as the structure of the universe shortly after the Big Bang. China has now joined the U.S. and the former USSR as the only countries to have made a “soft landing” on the moon. But beyond underlining China’s technological advances, Chang’e-4 could herald a new chapter in lunar exploration.

Hope with concerns in 2019

Five issues need to be addressed comprehensively if India is to achieve sustained high growth



C. RANGARAJAN

The New Year is always looked forward to with hope, whatever the conditions might have been the previous year; 2018 has been a mixed bag, both globally and domestically.

Globally, the growth rate in 2018 was high, particularly in the United States. But strong signs of a trade war emerged, dimming hopes of faster international trade. Britain is passing through the pangs of separation from the European Union. Domestically, the first quarter growth rate was high. But signs are not good for the balance of the year. The rupee underwent a severe shock as crude oil prices rose, and abated after a fall in oil prices. While prices fell, agrarian distress accentuated.

India’s growth rate in 2018-19 is forecast at 7.4% by the Reserve Bank of India (RBI). But it looks to be a touch-and-go situation. More likely, it will be slightly lower. Looking ahead, 2019 may not show any substantial rise in the growth rate. Even though the Goods and Services Tax (GST) has stabilised, much will depend on the pickup in the investment rate.

The international environment is not that conducive for growth in our foreign trade; this will have an impact on our exports and, therefore, growth. Perhaps the growth rate will be between 7.2% and 7.5%. Though this may be the highest growth rate of any country, it falls short of our requirements.

Going ahead, what are our major concerns?

Investment ratio

In the final analysis, the growth rate depends on the investment rate and the productivity of capital or its inverse incremental capital-output ratio.

The incremental capital output ratio is a catch-all expression. It depends upon a multiple number of factors such as quality of labour, which again depends on education and skill development levels, and technology, which is constantly changing. For ensuring a sustained high growth, we need to raise the investment ratio and keep the incremental capital-output ratio at 4. The Gross Fixed Capital Formation ratio has fallen from 35.8% in 2007-08 to 28.5% in 2017-18. The journey to raise the investment ratio is not going to be easy. ‘Animal spirits’ must be revived. A tranquil political and economic environment needs to be nurtured.

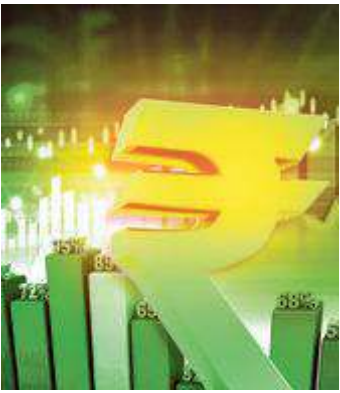
Banking system

An important factor affecting economic growth is the condition of our banking system. Non-performing assets (NPAs), including stressed assets, as a proportion of loans of public sector banks stood at 16.7% as of March 2018. As many as 11 public sector banks are under Prompt Corrective Action (PCA). This restricts the lending abilities of these banks. Added to this, the non banking financial company (NBFC) system is also under stress. This is partly a reflection of the stress in the banking system since most NBFCs borrow from banks. Recapitalisation of public sector banks will partly solve the problem. It is not clear at this point how much it will help in adding to lending capacity.

Some have advocated providing more capital to banks outside the PCA framework as that will increase their lending capacity immediately.

Today, banks are responsible both for short-term and long-term lending. Their inability to lend affects the availability of working capital as well as capital expenditures.

The decision to pump in more capital to public sector banks must be completed soon. The growth rate in the industrial sector will de-



pend on how quickly the banking system comes back to normalcy.

Employment growth

There is a great concern about the inadequate growth of employment. Honestly, we do not have satisfactory employment numbers. The employment data in the organised sector are reliable. But the employment in the informal sector is much larger. One question that is asked is that if growth is around 7%, why is there no corresponding growth in employment? We need to keep two factors in mind. Growth can occur either as a result of increase in investment or because of better utilisation of existing capacity. It is growth which is led by new investment that leads to a significant increase in employment. But growth caused by improved efficiency of utilisation of existing capital can lead only to a marginal increase in employment. Much of the growth seen in the last few years is of the latter variety.

Second, the increase in employment seen in the period between 2004-05 and 2009-10 was because of the rapid growth of the information technology (IT) and financial sectors. The IT sector has slowed down. The financial sector is under stress. Employment in these sectors was visible and educated entrants into the labour market found ample opportunities. The IT sector growth rate is not likely to pick up significantly as this industry is undergoing many structural

A case of unprincipled criminalisation

The triple talaq Bill is a classic case of an unfair legislative move with a populist agenda



KALEESWARAM RAJ

In an essay published in the *Washington University Law Review* (1979), Martin R. Gardner posed a significant question whether an “illicit legislative motivation” could be “a sufficient condition for unconstitutionality”. He explored this “muddled area” in the context of religious motivation under the establishment clause of the U.S. Constitution and said that “the claim that religious motivation justifies invalidation is controversial and largely conjectured”. He, however, identified “significant sectarian motivation” without a “secular purpose” as a ground for invalidation of the law.

The content of the Muslim Women (Protection of Rights on Marriage) Bill, 2018 (Triple Talaq Bill) clearly reflects a sectarian over-

tone that even attempted to mislead the public by distorting the Supreme Court judgment in Shayara Bano’s case (2017). In the ‘statement of objects and reasons’ attached to the Bill, Union Law Minister Ravi Shankar Prasad said that in spite of the Supreme Court setting aside the practice of talaq-e-biddat in *Shayara Bano*, there have been reports of divorce by way of such means. He described the Bill as an instance of “state action to give effect to the order of the Supreme Court and to redress the grievances of victims of illegal divorce”. He also lamented that the Supreme Court verdict “has not worked as any deterrent in bringing down the number of divorces by this practice among certain Muslims”.

Disproportionate punishment

The Bill is a classic case of an unfair and deceptive legislative move with a populist agenda, which in a country like India should call for a novel and effective judicial scrutiny. First of all, in the emblematic judgment in *Shayara Bano* the ma-



majority on the Bench had invalidated the practice by terming it as unconstitutional. The simple and plain effect of the verdict is that the pronouncement of triple talaq is a nullity having no legal effect at all on a subsisting marriage, and despite the husband’s gesture, the matrimonial bond would remain intact, without being dissolved, in the eye of the law. Therefore, the Bill proposes to criminalise an act which is *non est* in the eye of the law. The disproportionate punishment of imprisonment for three years for a civil wrong without even a civil consequence due to the Supreme Court’s judgment is antithetical to the very idea of

changes. The revival of the banking system depends on a number of factors. Thus, even from the point of view of employment, the key factor is the pickup in investment.

India’s external sector has grown and is well integrated with the rest of the world. India’s trade in goods and services as a percentage of GDP has grown to 42% of GDP. Therefore, what happens in the rest of the world affects India’s growth very much. India’s balance of payment situation has been comfortable since liberalisation. However, there are vulnerabilities as seen in September-October 2018, when the value of the rupee suddenly plummeted when crude oil prices rose and there were simultaneously capital outflows. RBI intervention and the subsequent fall in crude prices have restored the value of the rupee. In April-November 2018, India’s exports of goods grew by 11.6%. However, we need to note that exports growth was 5.2% (2016-17) and 9.8% (2017-18). Strong growth in exports is a must if we have to keep the current account deficit (CAD) at a manageable level.

The forecast for world trade and output is not encouraging. There are too many uncertainties which include an intensification in the trade war. Along with export promotion, we also need to contain some of our large imports. A watch on India’s CAD is critically important if we have to achieve growth with stability.

Agrarian distress

The future growth also depends on the performance of agriculture. Agrarian distress is widespread. Strangely, the fall in prices of agricultural products is in one sense a reflection of our success in raising output. Some years ago, the concern was a rise in the price of pulses to abnormally high levels. But today the picture is reversed. Thanks to increase in production, prices have fallen. Similar is the case with respect to vegetables,

particularly onion. The need of agriculturists is income in current prices. The solution to the fall in prices lies in government intervening in the market and buying off the surplus over normal levels. The market will then automatically take prices to the normal level. The important requirement in this context is not only the financial capacity of the government to procure but also adequate physical arrangements to procure and store. The procured agricultural products can be sold by the government in later years when output is low or utilised in any safety net programme.

Loan waivers are at best short-term solutions. The fundamental problem is one of increasing productivity and enabling farmers to achieve increased output and better prices. There is also a basic weakness that we have to address. The average size of landholding is so small that any amount of increase in productivity will not give adequate income. Farmers have to think in terms of consolidation of landholdings so that they can get the benefits of larger size. Small farmers will also have to think in terms of higher value-added products like vegetables. A combined attack to increase productivity, consolidate landholdings and improve marketing is needed to assure farmers of better income.

Thus there are five concerns as we stand at the beginning of 2019. These are: raising the investment ratio; putting the banking system back on the rails; employment generation through better growth; enhancing export growth to contain the CAD; and removing agrarian distress by increasing productivity and consolidation of small landholdings. These issues need to be addressed comprehensively, if we have to achieve sustained high growth.

C. Rangarajan is Former Chairman of the Economic Advisory Council to the Prime Minister and Former Governor, Reserve Bank of India

sumes validity for an action which the court invalidated, and as such the very thematic premise for the Bill is artificial, erroneous and even contemptuous. The settled legal principle in India that no ill motive could be attributed to legislation would require a revisit, when politics overweighs constitutionalism.

Third, criminalisation of triple talaq, can only motivate a “clever” husband to resort to other methods of divorce which do not fall within the ambit of the Bill or to simply desert his wife. Thus the Bill does not serve the Muslim woman’s interest.

Blow against tenets

By trying to segregate a particular mode of divorce in a particular community and to punish the men of that community alone, the Centre is trying to shatter two fundamental tenets of the Indian Constitution – equality in the eye of the law and secularism.

Kaleeswaram Raj is a lawyer in the Supreme Court of India

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.

Sabarimala entry

One fails to understand the hue and cry over the entry of two women into the sanctum sanctorum of the Sabarimala Ayyappa temple in Kerala when the Supreme Court has already ruled women’s entry as fair (Page 1, “Two women make it to Sabarimala”, January 3). Gender equality or justice always trumps age-old traditions. If some form of tradition comes in the way of promoting gender equality, we must do away with it. Does god consider a female devotee to be less of a devotee than her male counterpart? If god treats everyone equally, who are these priests and tantris to impose restrictions on the entry of women? Those resorting to violence seem to be obeying neither god nor the Supreme Court.

N. VENKATA SAI PRAVEEN, Singapore

■ It is a purification of the mind that is required rather than the purification of the temple. It must be

acknowledged that every change requires a certain time for acceptance. Who knows? There may come a time, years later, when there could be a woman priest who might use her discretionary powers to take a call on any issue. M.Y.R. NAGALAKSHMI, Hyderabad

■ Like men, women too have a fundamental right to enter any temple. Let us not forget that god, who is latent in every bit of the universe, lives in the heart of every woman too. Those who are impure from within are the truly impure ones. The ‘first step’ by the two women might be historic, but the real battle has just begun. R. SIVAKUMAR, Chennai

■ What does the entry of the two young women prove? It only projects a manipulative “win” by those who, aided by the political system, are attention-seeking, deceptive, stubborn, selfish and disrespectful towards faith.

Any person who is sensitive towards beliefs in faith will never try to hurt another’s belief or sentiment, especially using “crutches”.

KIRAN GOSWAMI, New Delhi

■ That the two women could enter the temple in the early hours of Wednesday, with the tacit aid of the Kerala Police, clearly shows the Kerala government’s scant regard for the sentiments of countless devotees as well as its complicity in the whole drama. The Left government is sure to pay a heavy political price as the development has ruffled many feathers. The government should have taken a neutral stance in the matter but in its greed to reap political capital, it has lost the goodwill of the majority.

MANICKAM RAVINDRAN, Nagercoil, Tamil Nadu

■ The entire exercise, a sham, a well-planned one, with the full support of law enforcement agencies, was

by ‘activists’ in the garb of believers, and with scant respect and regard for rituals. They were out only to prove a point rather than undertaking a pilgrimage out of a sense of genuine piety and true faith, which runs antithetical to the essence of the court verdict. At a time when the review petitions are yet to attain finality, the Kerala government ought to have adopted a wait-and-watch approach. This development has affected genuine efforts to resolve the issue and has only antagonised vast sections. This is no act of courage but an act of cowardice.

B. SURESH KUMAR, Coimbatore

■ No true devotee will enter a temple, for want of a better word, like a thief. There is a Supreme Court verdict no doubt, but it is not the duty of the state to sponsor it. The tantris has done his duty (“Sabarimala ‘purification’ triggers row”, January 3). The temple and its practices are pure and vibrant and the

temple’s special nature should not be dismantled.

K. RAJENDRAN, Chennai

■ The women may have the legal right to enter the temple, but the manner in which they went about it is disgusting. Did they go to Sabarimala out of religious faith? No. They took it up as a challenge to enter the temple at any cost given their failed bid earlier.

D. SETHURAMAN, Chennai

■ The great land of the literate is crumbling under the political melodrama. While the major political parties appear to be washing their hands of the issue, true devotees – those who observe and undertake the

intense 41-day austerity period before proceeding on the pilgrimage – have been badly affected. The number of dawn-to-dusk strikes which have hit the State over the issue are affecting normal life and disturbing the economy.

LAKSHMI B., Pala, Kottayam, Kerala

Well played, Sir

In the passing of Ramakant Achrekar, India has lost a great teacher who had vision yet was humble. He was cricket’s Dronacharya in every sense of the term (“Sport” page, “Achrekar, Tendulkar’s guru, passes away”, January 3). C.K. SUBRAMANIAM, Navi Mumbai

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CORRECTIONS & CLARIFICATIONS:

In the Business page story, “Reserve Bank relaxes debt recast norms for MSMEs” (Jan. 2, 2019), a sentence that read “Banks have to make only 5% provisioning for restructuring the loans as compared to 15-20% earlier” should be recast to read as: “Banks have to ... as compared to 15-20%, which is the provision that restructured loans typically attract.”

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