

# NICKELED & DIMED



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## ABOUT US



Nickeled and Dimed is the official research platform of the Centre for New Economics Studies (CNES) which is a Research Centre at the Jindal School of International Affairs, O.P Jindal Global University, Sonipat.

The platform serves as an open academic forum for commentaries, opinions, thematic research article series on current political and economic issues allowing readers to get a balanced, informative view.

Nickeled and Dimed welcomes articles from all scholars working in the fields of international political economy, development studies, public policy, applied macro & microeconomics, to name a few. Nickeled and Dimed has multiple clusters focusing on different research areas: Public Policy, International Relations and Policy, Legal Studies, Environment and Social Issues, Gender and Society and Finance and Economics.



## THEMES FOR THE MONTH

**Reflection On South Korea's  
Abortion Ban Movement**

**PAGE 02**

**Raising the bar - US's ever-  
increasing debt ceiling**

**PAGE 05**

**Institutionalized Casteism: How  
Caste Atrocities Undermine Justice  
in Indian Law**

**PAGE 08**

**Rustom: Unravelling the Intricacies  
of Criminal Law in Bollywood's  
Blockbuster**

**PAGE 12**

**Freebies: Citizen Welfare or  
Economic Burden**

**PAGE 17**

**Global Warming from Fossil Fuels**

**PAGE 21**

**Academic Freedom in Indian  
Educational Institutions**

**PAGE 25**

**Eco Showers: A Catalyst for Water  
Conservation**

**PAGE 30**

**PAGE 01**

# GENDER AND SOCIETY

## Reflection On South Korea's Abortion Ban Movement

*By Apurva Kandpal*



*This article explores the history of abortion laws in South Korea and the 2019 Constitutional Court judgement that finally held the abortion ban unconstitutional. With the emergence of reproductive rights and feminist groups on the issue of abortion, the article delves into the longstanding struggle of the public and the social justice groups that ultimately resulted in the historic 2019 judgement in the country.*

### Introduction

On April 11, 2019, the Constitutional Court of the Republic of South Korea held the ban on abortion law in the country as unconstitutional. Joint Action For Reproductive Justice (Joint Action), a group formed by doctors, feminist groups, disability organizations, youth activists etc. in 2017 were the biggest advocates of the historic decision. The main argument that was brought forward by the group was to make the government aware of their responsibility of safeguarding every individual's sexual and reproductive health rights and the fundamental right of self-determination. Until 2010, the issue of abortion was not considered an important one due to the enforcement of the anti-abortion law. There were government policies that encouraged abortions, contraceptives, and sterilization to reduce the nation's fertility rates. But post-2000s, the government began implementing the abortion ban due to the significant decline in the country's birthrate. As the number of prosecutions for abortions began rising, various reproductive justice organizations brought back the issue of sexuality and reproduction into the main public discourse.



## History of Abortion in South Korea

Before the 2000s, the government established multiple family planning clinics around the country which provided abortion services under the name of menstrual regulation, despite the law still making it illegal. The enforceability rate of the anti-abortion law was as low as 5.6 cases per year. One of the major goals of the government was to reduce the fertility rate so that the country could receive international aid for economic development. The South Korean Family Planning program was an extremely successful project that significantly declined the country's total infertility rate. But despite abortions being widely encouraged, women still had difficulties in getting abortions due to multiple reasons. Firstly, any woman who wanted to get an abortion was required to have the permission of her male partner. Secondly, as abortion was not legal, women still struggled to get access to good healthcare services and any information related to abortion easily. When South Korea's fertility rate started dropping too low, where at a point it reached 1.08 in the year 2005, which was among the lowest rate in the world, the government was quick to drastically change the population control policies in the country. They came up with Framework Act on Low Birth Rate in an Aging Society and also began enforcing the Criminal Act of 1953 within which Articles 269 and 270 criminalised abortion. The only exceptions to the articles were cases of incest, rape, severe genetic disorders, specific diseases, or threat to women's health. The Ministry of Health and Welfare came up with the "Master Plan for the Prevention of Illegal Abortion" in 2005. Multiple abortion prevention policies were established to increase the country's total birth rate. The government was very worried about the significant rise in the adult population while the youth population continued to decline. The youth were typically important for every growing economy and hence, the government came up with strict enforcement policies to prosecute anyone who went through illegal abortion and the doctors who conducted the abortions. Several women went to other countries for abortions. But the Koreans who were not financially stable did not have such an option with them. Many resorted to illegal and unsafe ways to have abortions. There were calls around the country urging the government to expand the grounds for legal abortion under Article 14 of the Mother and Child Health Act, to also include socioeconomic reasons. There was a tense and dangerous environment around the country where both the patient and the doctors were living in fear of prosecution.

## Lifting the Abortion Ban

In 2012, the Constitutional Court upheld the anti-abortion statute, with 4 justices against the law and 4 supporting it. The court stated that "...it could not be said that the burden on women due to the abortion ban is more serious than the public interest, i.e. protection of the fetus's life." They did not find the abortion ban out of proportion when balanced against public interests. Finally, in 2019, the Constitutional Court lifted the ban with the Case on the Crime of Abortion. The court held the current law to be non-confirming with the Constitution, in a seven to two ruling. To declare a statute unconstitutional, more than six out of nine justices are supposed to agree with it. The seven justices declared the law to be violative of women's right to self-determination, deriving it from Article 10 (protection of human dignity). But the court left the law in its place and ordered the Korean legislature to revise the law until the end of 2020.



When the court's judgement came out in 2019 and the ban was lifted, there were multiple factors like changes in the political environment, progressive judges, shifts in the general public's opinions etc. that lead to the final judgement. Articles 269 and 270 of the Criminal Act of 1953, which punished both mother and doctor for terminating a pregnancy, were held unconstitutional by the bench. The court's decision was used as a reference point to create new discourses and develop new policies related to abortion in South Korea. In the judgement, three main implications that the court brought up were: a woman's right to decide whether to have or not have a baby is a fundamental right guaranteed by the constitution and the right to self-determination includes a woman's right to autonomously form her sphere of living based on her dignity. Second, women face socioeconomic burdens like gender biases, patriarchy, and poor childcare conditions hence banning abortions will not only be ineffective in reducing abortions but also harm women's health and lives. Third, the court emphasized the duty of the government to implement and strengthen sex education, conduct counselling, provide social assistance to pregnant women and children, and resolve various institutional and social structures that impede childbirth and childbearing.

### **Reproductive Justice Movement**

The Joint Action for Reproductive Justice, formed in 2017, expanded the discourse of reproductive and sexual rights around Korea. They managed to recruit progressive social justice organizations to collaborate on the issue of abortion rights for Koreans. Previously, the main discourse around reproductive rights was only confined to young, cisgender, heterosexual and able-bodied women but Joint Action wanted to include people of diverse identities into the movement like queer and transgender women, women with disabilities, women having HIV/AIDS, young girls and sex workers. The solidarity group urged government ministries, and activist groups to submit amicus briefs to the Constitutional Court which stated that the government should change the criminal codes on abortion intersect women's rights. Joint Action organized large rallies in South Korea to spread awareness of reproductive rights and to force the government to decriminalize abortion. Their major demands from the government were that; first, fully legalize abortion for the safe termination of pregnancy, second, improve sex education and better access to contraceptives in the country, and third, guarantee reproductive right to Koreans without any stigma or discrimination.

After 4 years of the historic decision, the South Korean government have failed to come up with a new regulation that fully decriminalizes abortion. Although from the end of 2020, the statutes have lost their power to prosecute a person for abortion it is still an unclear issue. Not all medical practitioners are ready to perform abortions despite the judgement due to fear of prosecution as the new abortion law is still not introduced by the government. Six different representatives have put forward seven bills but neither of those has made it past the parliamentary subcommittee stage. The Roe v. Wade U.S. Supreme Court ruling on June 24th 2022, has made the situation even more unclear and complicated as it was part of the Constitutional Court's argument for decriminalizing abortions in South Korea. The Korean public is still waiting for a new abortion legislation so that there would be no hesitancy and complications around getting abortions in the country.



# INTERNATIONAL RELATIONS & POLICY

## Raising the bar - US's ever-increasing debt ceiling

By Rohit Muthiah



*USA is known for having large amounts of debt, which has been steadily increasing. However, with the US dollar being used as a global currency, the nature of US government debt is vastly different to that of other countries. In this article, I shall seek to show how the US uses the 'debt-ceiling' to borrow money and the implications this holds domestically and internationally.*

"Our system of debt-fueled economic growth is eating itself alive," said economist Paul Gilding. This issue has never been as pertinent as it has been in the recent past.

On Jan 19 this year, the United States officially reached its so-called "debt ceiling" limit. After nearly 4 months of grueling negotiations, on May 31st the US House of Representatives passed a bill to suspend the country's debt ceiling till 2025. It is said that this is the 90th time the debt ceiling has increased in the 20th century alone.

A potential default by the US government on its debt would have triggered an economic catastrophe. Such a scenario was starting to look highly likely and kept global markets in a state of limbo and uncertainty for almost 4 months. Naturally, this agreement between US policymakers has been met with a collective sigh of relief from the international community.



## What is the debt ceiling?

Central governments often spend more than they earn, and as a result, incur a budget deficit. They then have to borrow money to match the deficit. Instead of borrowing money from other countries, the US Federal government, as it is called, raises its own money by issuing government bonds. Simply put, the debt ceiling is the maximum amount of money that the United States can borrow cumulatively by issuing bonds.

The debt ceiling was created under the Second Liberty Bond Act of 1917, to limit borrowing more money just to meet some of its existing obligations, such as government salaries and pensions. The primary purpose of this ceiling is to prevent the country from going into a vicious debt cycle.

The problem for the US, however, is that they have reached their debt ceiling multiple times, the latest being January 2023. This means that they cannot borrow more money. The only way out is either for the debt ceiling to be raised, or for their tax revenues to be good enough to match their spending needs.

When it was first introduced in 1917, the ceiling limit was a mere \$1 billion. It now stands at a staggering \$31.4 trillion. To avoid the risk of default, the debt ceiling has been tweaked 61 times since 1978, which works out to once every 9 months! There have been several showdowns over this, some of which have even led to government shutdowns.

## Impact of the agreement

Amidst the uncertainty surrounding the debt ceiling from January to May, interest rates on US Treasury bills rose significantly, by around 7%. This increase also affected derivatives used to protect US treasuries, leading to higher prices. Developments like these had a ripple effect on the global foreign exchange market, especially impacting emerging market currencies. Concerns also abound about the reduced confidence in US assets and the potential implications for the US dollar's status as a global reserve currency.

In 2011, when the US faced a similar debt ceiling crisis, its credit rating was lowered and massive panic in global markets ensued. While the downgrade was only due to the high levels of domestic debt, its ultimate impact on a global level should not be underestimated.

This current debt ceiling resolution has had a significant impact on not only the global markets but the Indian market as well. Following the announcement of the agreement, the BSE Sensex experienced a massive surge, nearing an all-time high. The Nifty50 also made significant gains. This accurately highlights the profound interconnectedness of the global economy and the substantial influence that U.S. fiscal policy holds over emerging markets.

## Understanding the ramifications

However, it is important to be wary of the fact that this is only a short-term relief. The debt ceiling deal has broader implications for the Indian economy and other emerging markets. It is crucial to understand and be ready for long-term ramifications, given the massive interdependence of the global economic landscape.



President Joe Biden said that "the nation has never defaulted on its debt, and it never will." But suppose this agreement had failed and the US did default on its obligations, the consequences would have been dire. This would have reverberated across the global financial ecosystem and resulted in a catastrophe similar to that of the 2008 financial crisis.

India is a country that is heavily reliant on foreign investments. In an instance of a US default, there would be a significant outflow of capital from the country. This would create significant volatility and downward pressure on the Indian Rupee, which would in turn result in higher inflation, hurt corporate profitability, and undermine economic growth

Further, a US default would increase global risk aversion, and borrowing would become more costly. Large economies like India would be particularly affected. Higher cost of borrowing would put more pressure on India's fiscal situation and also constrain India's ability to finance infrastructure and other growth-enhancing investments.

## **The Road Ahead**

Even with the current deal in place, the US still grapples with the future implications of its soaring national debt, which continues to remain an unsolved problem. But on the flip side, global economic growth remains positive for the foreseeable future owing to high US spending. That is until it again hits the ceiling.

The good thing to come out of this whole 'debt-ceiling' saga is that it has shown countries the importance of building resilience against such external shocks. It has reiterated the need for a robust fiscal strategy that can effectively navigate the uncertainties of the global economic landscape.

To this end, India has to try and increase growth in the domestic sector and implement growth-oriented policies. It should strengthen its foreign exchange reserves and maintain a clear fiscal approach. Enhancing the competitiveness of the Indian economy and encouraging investments in crucial sectors that drive growth should be prioritized. By adopting a comprehensive and multi-faceted approach like this, India and other countries can better equip themselves to navigate the challenges posed by global events like the US debt ceiling crisis.



# LEGAL STUDIES

## Institutionalized Casteism: How Caste Atrocities Undermine Justice in Indian Law

*By Amisha Mittal*



*This second installment of a two-part series examines the film 'Court,' directed by Chaitanya Tamhane, through the lens of caste-based prejudice within the Indian legal system. Building upon the previous analysis of the film's characters, this section delves deeper into the issue, unraveling the pervasive nature of institutionalized casteism that obstructs justice. Drawing insights from scholars like Prof. Upendra Baxi, the paper underscores the paradoxical relationship between law and caste-based violence, revealing how the absence of law's enforcement perpetuates discrimination, as exemplified by the cases of Narayan Kamble and the manhole worker in the film. The study also references Teltumbe's insights on the State's role in perpetuating casteism and highlights instances where law enforcement agencies exhibit deep-seated biases. Moreover, the paper explores the connection between manual scavenging and caste, shedding light on the structural underpinnings of caste-based occupational hierarchy. The article critically evaluates the persistence of caste-based violence despite legislation, such as the SC/ST Prevention of Atrocities Act, and scrutinizes the failures of the executive in protecting marginalized communities. By exposing how state machineries perpetrate caste-based violence and suppress legitimate expressions of dissent, the analysis underscores the significance of cultural institutions like the Kabir Kala Manch in challenging the status quo. The film 'Court' serves as a poignant portrayal of the intricate interplay between casteism, systemic prejudice, and the struggle for justice in contemporary India.*



## Theoretical Underpinnings

To understand the happenings in the film 'Court', the author refers to none other than India's own jewel Prof. (Dr.) Upendra Baxi. Baxi in his work emphasizes on the paradox of Primitive accumulation that takes place when there is an absence in the presence of law. While the law prohibits caste and class-based violence and discrimination, the same goes unchecked and unimplemented in real scenarios like the film where both Narayan Kamble and the manhole worker face discrimination. The same can be attributed to the cases of child and bonded labor even where there is a legislation prohibiting it, but the implementation stands absent. The case of Narayan Kamble is a subtle example of how caste discrimination works, in practice. There are cases such as the Khairlanji Massacre where the situation is much larger than being detained, where a family is killed and molested by tens of people owing to their caste and the same goes unrecognized and unreported by the police arising out of mere ignorance. The Khairlanji atrocity is a prime example of how the state apparatus which is responsible for protecting Dalits from societal prejudice itself becomes a major perpetrator of caste crime. The same happened in the case of Narayan Kamble where the state, which must uphold one's right to free speech, protect the minorities and prevent prejudice itself perpetrates it. The judiciary, the prosecutor as well as the investigating officers are all examples of the failing role of the Indian legal system to use their authority and power for justice.

Further, Teltumbe in *The Persistence of Caste* exposes how the State is responsible for protecting Dalits from societal violence and prejudice that perpetuates casteism in the first place and also goes on to exhibit the State's aversion to naxalism that further oppresses Dalits and Adivasis. He argues that the caste-based character of the State persists irrespective of who dominates the administration, be it, the marginalized castes, or the dominant castes. An illustration of this statement is visible in the film where the police are questioned by the defense lawyer, Vinay Vohra, regarding the unlawful arrest of the protagonist, Narayan Kamble. He asks the police officer to show the arrest warrant and the reason for arrest given he was just singing songs. This is a deeply critical moment in the film where the caste biases and prejudice of the police against a Dalit man are subtly perceptible to the audience. This goes to show that though the structure of the police as an institution of the government is supposed to be non-prejudicial since it is run by individuals and because "institutions are trans-individual and maintain its character despite the individuals that are a part of it", the institutional structures i.e., the police here breeds casteism. Teltumbe brilliantly exposes the relationship between "Dalits, privileged castes and the state, with the privileged castes everywhere denying Dalits their rights and receiving partisan preference from the police." The fact here is that, because the defense lawyer, Mr. Vohra, belongs to an upper-caste Hindu family who is educated and financially stable, therefore, he was in a position to sit at the police station and question the officials. The police entertained him knowing his background and reach. Had it been another Dalit coming and asking the same questions, there is a high possibility that the police would have reprimanded and shooed that person away or worse, harassed them. This instance illuminates the structural necessities of the neoliberal state and the state acting as perpetrators of caste violence instead of protecting the Dalits.



It is to be noted that caste is at the heart of the film 'Court' and Manual Scavenging as a profession is deeply rooted in caste. Clifton Rozario, a Bengaluru-based advocate, petitioned against manual scavenging in the Karnataka High Court stating "Any death related to manual scavenging is called an accident, but the truth is that it is culpable homicide if not murder. When you send someone inside a pit with poisonous gases, you are aware of the danger to that person's life". He went on to state that manual scavenging is a caste issue. Any kind of sanitation worker be it, a sweeper or manhole worker or toilet cleaner at airports etc., all of them predominantly belong to the Dalit community. This is institutionalized casteism where work is reserved only for the members of the Dalit community as they are born into this by birth and there is a lack of choice here given the institutional structures around.

The initial inheritors of the Indian British colonial state were landlords and capitalists that created an egalitarian constitution. While a new constitution was drafted by Dr. Ambedkar, a lot of colonial legislations in modern India were passed unchanged and used by the government as and when necessary. For instance, the Land Acquisition Act is often used to usurp land from Dalits and Adivasis and create tax heavens for multinational corporations in the name of Special Economic Zones. While such instances still represent a subtle way of how caste prejudice works, cases of detention and state-sponsored atrocities are much bigger yet common forms of caste-based violence. A method of perpetrating state-sponsored violence is through the use of the police force for inflicting brutality against Dalits. The same can be traced back to the case of Khairlanji where the police repeatedly bashed the Dalits who sought their protection and ended up covering up the caste atrocity when they were raped and killed eventually. The film 'Court' also represents the role of police while showcasing their poor investigation, and state-sponsored prejudice where the entire judicial system treated Kamble as a nuisance and refused to provide him with justice disregarding the fact that a song abetting suicide never existed in the first place and that his poetry was nothing but a form of expression to register dissent and spread awareness about social inequalities.

### **SC/ST Prevention of Atrocities Act**

Another example of the state turning a blind eye toward caste prejudice can be seen in Rao's Death of a Kotwal. While the Scheduled Caste/Scheduled Tribes Prevention of Atrocities Act is seen as a key achievement and result of Dalit mobilization, the implementation of this law takes a different form and is highly unregulated. This piece talks about a Dalit's killing on August 17, 1991, in Maharashtra. The killing was associated with various absurd narratives with the killing with his family registering it as caste violence, the police shunning it as a spontaneous incident unrelated to caste and being related to things like alcohol consumption and illicit relations, and the state regarding it as a result of political activism while the entire case was, in fact, a caste atrocity arising out a Dalit entering a temple and trying to install an 'Ambedkar' statue in the locality. No stringent punishment was given to the accused in this case and thus, the implementation of the SC/ST Prevention of Atrocities Act which was passed 2 years before the incident took place went unregulated.

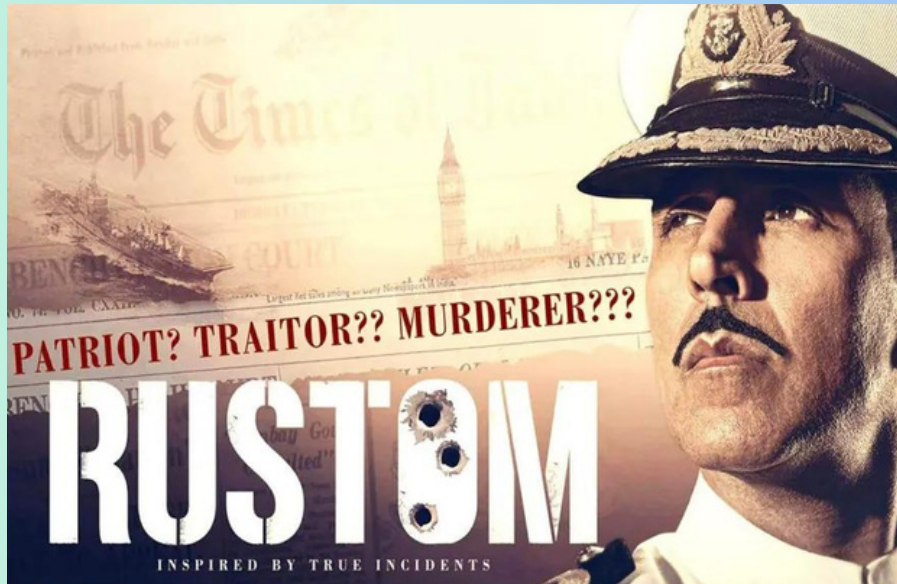


Manual Scavenging remains unchecked, but this is not the limit of Caste prejudice. The film, Court, is a prime example of caste-based violence perpetuated through the governmental structures i.e., the police, judiciary, and executive. Despite having a manual scavenging act known as, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, the atrocious practice of manual scavenging persists in India, that too, without supplying the manhole workers with requisite tools and masks for cleaning. This is where the executive fails. Implementation of government orders and laws is deplorable for the protection of Dalits. The case is entirely different when it comes to privileged castes who are surrounded by the bureaucratic sycophants available at their beck and call. The judge's apathetic response towards Kambale in the film alongside the police action to intentionally prosecute a Dalit man illustrates the caste-based violence perpetuated by State machineries. Manipulation of such acts of expression to stifle legitimate criticism in a democracy like India, which claims to be democratic in the true sense, is a violation of the fundamental right to freedom of speech and expression, which has been guaranteed to the Indian citizens without discrimination on a variety of grounds, including caste and lineage. Folklore singers like that of Narayan Kamble and The Kabir Kala Manch are institutions that have survived extended periods of state atrocities and are still on a mission to change the world with music and calmness of poetry rather than violence.



# Rustom: Unravelling the Intricacies of Criminal Law in Bollywood's Blockbuster

By Diksha Mittal



*This article aims to undertake a comprehensive analysis of the legal implications depicted in a widely acclaimed film, elucidating its contribution to the comprehension of criminal law intricacies. By delving into the film's narrative, this study seeks to unveil the complexities of criminal law involvement, thereby offering profound insights into its multifaceted dimensions. The film, a global sensation captivating millions, serves as a unique lens through which the legal intricacies can be scrutinized. Through a meticulous examination, this article endeavours to provide a nuanced understanding of the intersections between cinematic artistry and the legal realm, shedding light on the broader implications for both Indian nationals and global audiences.*

## 1. Introduction and Issues Raised:

The film Rustom, featuring Akshay Kumar and Ileana D'Cruz, resurrected one of the most contentious and infamous cases in Indian legal history: the 1959 Nanavati case. After all, it was this case that contributed to India's final abolition of the jury system. This film is based on the true story of a navy officer, his gorgeous but lonesome wife, and her lover, as well as a controversial murder. In the movie, after finding that his wife, Cynthia, had an infidelity with the affluent businessman, Rustom Pavri, an esteemed officer of the Indian Navy, shoots his mate Vikram to death. The Commander promptly surrenders to the police and admits to killing Vikram, but pleads 'not guilty' in court on the grounds of self-defense. He was found not guilty by the jury. The objective of this article is to critically examine the legal perspective of this film to have a better understanding of criminal law involvement and intricacies in something as simple as a film watched by millions of Indian nationals and people all around the world.

## 2. Relevant Sections Applicable:

As already remarked, Rustom is based on a true story, yet still so distant from reality. Some aspects of the movie like Adultery (§497), battery (§352), criminal trespass (§441), and criminal intimidation (§503) are all relevant sections of the Indian Penal Code (IPC) that apply to the crime committed in the film. However, after critically investigating the movie, one may acquire several substantial legal issues, including:

**Culpable Homicide:** Culpable homicide is defined in Section 299 of the IPC as "Whosoever causes death by doing an act with the intention of causing death or with the intention of causing such bodily injury as it is likely to cause death or with the knowledge that he is likely by such act to cause death."

Rustom obtained a pistol under false pretences and went to the victim's residence with a loaded gun, shooting him twice in the chest, causing the victim's death. Thus, he was tried in the court of law under Culpable Homicide.

**Self-defense:** According to Section 96 of the IPC, "nothing is an offence, which is done in the exercise of the right of private defense", while Section 97 states that "every person has a right to defend his own body, and the body of any other person, against any offence affecting the human body."

Rustom claimed he went to the victim's residence to resolve their feud, but when they met, one thing led to another in the heat of the moment, ending in a scuffle between the two. Hence, in court, Rustom claimed to have exercised his right to self-defense to defend himself.

**Provocation:** Section 300 of the IPC makes an exemption for deaths that occur as a result of acts committed under the influence of grave and sudden provocation. If the death was prompted by a well-planned plot and the major goal of the provocation was to commit murder, the accused cannot plead to sudden or grave provocation.



Rustom claimed he went to the victim's residence to resolve their feud, but when they met, one thing led to another, and Rustom, in a grave and sudden provocation, pulled out his revolver and shot him thrice in the chest. In court, he argued that his actions were justifiable due to grave and sudden provocation.

Attempt to murder: According to Section 307 of IPC, "Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to [imprisonment for life], or such punishment as is hereinbefore mentioned."

Rustom's actions in this movie, such as obtaining a loaded pistol from a ship under false pretences, carrying it to the victim's residence, and shooting him thrice in the chest, were tried in court as an attempt to murder.

### **3. Understanding the Conundrum Involved Critically:**

This case came down to one crucial question: Can the acts of Rustom be equated as a crime of passion (an act undertaken "under grave and sudden provocation") or be equated as premeditated? However, the appointed jury determined that he was merely protecting his and his wife's honor and that he had not committed any criminal offense as a consequence. The jury's judgment was based on the idea of masculine honor and a man protecting his woman and making sure she is committed to him as a justification for murder rather than the standards of fairness.

Many of the scenes in the film were entirely hypothetical, there were fewer specifics provided in terms of criminal law. According to me, the outcome would be entirely different if the offense were prosecuted under contemporary Indian criminal law. The jury in the film neglected to consider the "Stages of the crimes" which is a standard followed in criminal law, resulting in gaps. The first stage of the crime, the intentions of Rustom, could be deduced from the incident of a revolver being obtained under false pretences. He had the demeanour of someone who had planned and calculatedly executed vengeance on his wife's lover. His conduct of acquiring the handgun on a false pretext deduces the second stage of crime, which is preparation. Despite having several occasions to do so, he did not notify anyone that he shot the deceased by mistake until his trial. His actions, such as going into Ahuja's bedroom with a loaded weapon, plainly demonstrated the attempts stage, since he is acting towards the commission of a crime. Furthermore, as noted in R v. Robinson [1915] 2 K.B. 342, the accused's conduct of striding into the victim's bedroom with a loaded pistol is directly associated with the commission of a crime. Later, he shot him, completing all of the stages of the crime and resulting in the commission of the crime.

As a result, in my opinion, the courts, under existing Indian criminal law, would examine the stages of the crime and reject the defense of grave and sudden provocation (exception 1 to section 300 of IPC).



The word 'sudden,' as held in Mahmood vs State on November 17, 1960, involves two components. The provocation must, first and foremost, be unanticipated. The provocation cannot be considered to be unexpected if the accused anticipates receiving a provocation to validate the following killing. Second, the time between the provocation and the homicide should be as short as possible. Therefore, we may deduce that the provocation claimed by the accused was not sudden and grave, as he testified in court that he had anticipated the provocation because he was afraid of the victim's propensity of becoming agitated and pulling out the pistol. He claimed self-defense for bringing the pistol to the victim's home but based on these shards of evidence it should be disqualified. Moreover, the period between the provocation and the homicide was not brief since he travelled to the ship to pick up the gun and the victim's office at that time. Furthermore, was the verbal split between Ahuja and Nanavati when he arrived at the former's residence adequate to provoke such a provocation? A mere remark cannot be called provocation; an objective evaluation is required.

Furthermore, there was no deprivation of self-control power and it was not continuing from the perspective of a reasonable individual. His asking Ahuja about him marrying his wife shows that he was in self-control and was making plans for the future. Furthermore, no reasonable person would shoot a man three times in the chest to defend himself in a scuffle. He undertook things exceptional that no reasonable person would do in a similar situation.

We may also deduce that his actions were planned and premeditated because he was also thinking about the future of his family and he had ample time to cool down after his wife disclosed her infidelity to him.

As a result of his vengeance and premeditated plan, he shot the victim, leading to his death. Hence, it's apparent that his actions were pre-planned rather than the outcome of a spontaneous provocation.

The accused should also be liable under Culpable homicide because his actions satisfy all the ingredients of Section 299.

The notion that he killed the victim by shooting him three times in the chest demonstrates his actus reus. So, we can deduce that his actus reus was the proximate cause of the victim's death. The fact that he shot himself in the chest three times proves his intent to kill. He could have shot someplace else and only once if it was in self-defense, but instead, he shot him three times and constantly, which was unnecessary. His conduct of taking a loaded pistol to the victim's house and using it instead of a lathi or asking for help demonstrates his intent to cause bodily injury that is likely to result in death. Any other reasonable individual in the same situation would not have responded in the same way since it is foreseeable that firing with a gun will result in serious injury and death. There was no room for doubt that death could certainly be caused. He had knowledge of his actions since he had meticulously planned and executed vengeance on his wife's lover. He calculatedly obtained the pistol under false pretences and took it to the victim's residence, where he shot him in revenge.



Therefore, as it is proven above, it was a pre-planned strategy with intention. So, the accused should be found guilty under (section 304 (1) IPC) and sentenced to life imprisonment with liability to pay a fine.

#### **4. Conclusion:**

This film is lacking in the unsettling tension that such a film should have. Director Tinu Suresh Desai, on the other hand, adds a lot of drama and suspense to the film. This courtroom play is based on the true story of naval commander KM Nanavati, although the ending has been cleverly dramatized. Given that this was the country's final jury trial, the narrative should have been much better. As a result, in my opinion, this film did not address criminal law or the aforementioned key components of criminal law but rather focused on the lives of the individuals involved.

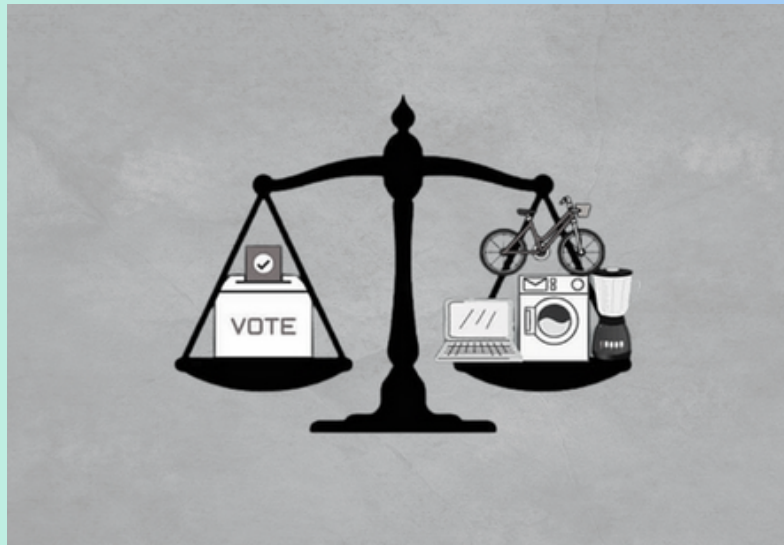




# FINANCE AND ECONOMICS

## Freebies: Citizen Welfare or Economic Burden

*By Aryan Govindakishnanan*



*Democracy and diversity make India's politics complicated. Caste, religion, and region shape Indian politics. Parties target certain social segments to get support. Welfare and handouts are popular political techniques. Freebies strain the economy and cause financial pressure, imbalanced market incentives, and resource misallocation. Freebies reduce poverty, social exclusion, and local economic growth, despite their downsides. Long-term economic stability and growth in India require balancing social welfare goals with fiscal sustainability.*

## Introduction

India's democratic and diversified society makes politics complex and ever-changing. India, the world's largest democracy, holds regular elections under a multi-party system. Caste, religion, and regional affiliations intertwine in Indian politics. Political parties target certain social groups by appealing to their unique interests and concerns. Policies like providing free electricity and free public transport for women, laptops and bicycles for students aim to attract and win over certain demographics. Governments have instituted caste-based reservations and affirmative action to address socioeconomic inequality. However, caste, religion, and regional identities severely bind Indian politics. The caste system in India shapes society. Political parties have developed ways to capitalise on caste-based support and boost their election prospects. Religion dominates many aspects of life. Religious diversity shapes India's political landscape. This country's diverse faiths shape its voting patterns and political alliances, despite its Hindu majority. Caste, religion, and regional identities are interwoven in Indian politics, revealing the complexity of Indian society.

## Freebies and welfare

Since India's independence, welfare programmes have provided food, clothing, and shelter to the poor. They now cover retirement pensions, healthcare, and education. Political parties have used these campaigns to attract people and support their ideas across India. The National Rural Employment Guarantee Act (NREGA), launched in 2005 to give guaranteed employment to rural households, has been criticised for its inefficiencies and inability to target economically disadvantaged people. The Pradhan Mantri Jan Dhan Yojana (PMJDY), launched in 2014 to guarantee financial inclusion for all Indians, has been criticised for its bureaucracy and inability to help economically disadvantaged people.

"Freebie politics" is a common practice in India and elsewhere. Political parties offer supplementary goods, services, or perks to voters to win their support. A frequent approach to election campaigns is to engage the public and promote the political party.

Freebies have been a ubiquitous theme in Indian election campaigns. Political parties have used promises to win votes and support. Free or significantly subsidised goods are routinely promised to specific populations. These parties offer everything from rice to computers and TVs to attract voters. Some parties have even promised direct cash transfers to help financially disadvantaged groups. Parties use such promises to woo voters, affecting election dynamics. Pledges have been made to attract farmers, women, students, and low-income people. These promises seek to target specific groups to sway their support for upcoming events.



## Macro-analysis of free electricity and water schemes

Complementary electricity and water can strain a nation's economy. These burdens include financial pressure, lost opportunities, unbalanced market incentives, lowered investments, resource misallocation, and long-term financial responsibilities. Free utilities require major funding for infrastructure generation, distribution, maintenance, and development. Budget deficits can stem from poor cost management. This may increase government debt, cut funding for key sectors like education and healthcare, or raise taxes.

Opportunity costs arise from allocating financial resources to provide electricity and water instead of productive expenditures that could boost economic growth. Artificially low or free power and water costs can upset market incentives, resulting in inefficient and excessive use. This strains infrastructure encourages waste and worsens environmental issues.

Free utility policies can hurt investments and companies. Cross-subsidisation or inadequate infrastructure may raise business costs, inhibit investment, reduce productivity, and lower the competitiveness of electricity- and water-intensive businesses. This might reduce economic growth, job prospects, and private sector participation in utilities.

Free utilities distort resource allocation, reducing economic efficiency and production. The phenomenon could limit resource diversity and technological advancement. Complementary utilities may also incur government debt. When delivering complementary services, infrastructure maintenance, growth, and improvement costs may be overlooked.

To protect the nation's economy, free electricity and water programs must be evaluated for sustainability, efficiency, and trade-offs.

### Social Benefit

Freebie schemes have numerous micro-level consequences for individuals and households. Micro-level consequences of freebies:

- Freebie scheme recipients save money. Free goods and services allow people to spend money on other things. This can help low-income people immediately. Freebies can help people afford necessities. Food, healthcare, education, and utilities are examples. Freebies help people live better by reducing financial restrictions.
- Poverty Alleviation: A freebie scheme can help alleviate poverty by meeting immediate needs. Vulnerable populations can benefit from free goods and services in nutrition, healthcare, and education.
- Social Inclusion: The freebie scheme helps marginalized populations get resources. This can improve social equality by bridging socioeconomic gaps. Freebies can minimize social inequality and foster a sense of belonging.



- Freebie schemes can boost local economies, especially where goods and services are obtained or distributed. Free school uniforms or supplies can promote local companies that sell them. This can produce local economic activity and jobs.

## Conclusion

India's freebie debate has exposed poverty, economic inequities, and inadequate funding for healthcare and education. Long-term capacity-building programs in education, healthcare, and employment are underutilized, prompting a study. Freebies from political parties are draining public funds and confusing resource allocation. The Election Commission ordered political parties to limit giveaways, sparking a heated discussion. Non-elected institutions have been intruding on electoral democracy, potentially altering its dynamics and raising concerns about the electorate's agency and ability to make informed democratic decisions.

Policy instruments offer optimism for India's social systems' massive untapped resources. Financial regulators must be reinforced to track and steer unseen and illogical spending. Welfare programs need simplification to identify and serve the poor, prompting concerns about rampant corruption. To protect the underprivileged, urgent action is needed. To grasp these provisions' complexity, frameworks must be re-evaluated. But blatantly providing Free energy and water can put the national economy under fiscal strain due to opportunity costs, flawed market incentives, decreased investments, distorted resource allocation, and long-term financial liabilities. These costs can raise government debt, fiscal deficits, market-driven motives, resource allocation, consumption, and utility industry investment. Free public services' inequitable resource allocation and financial commitments affect the nation's economy. Electricity and water can increase financial savings, the availability of vital goods and services, poverty alleviation, and social integration on a smaller scale. These essentials can alleviate economic problems, improve quality of life, help underprivileged people, and make society fairer. Complementary goods and services boost economic growth and employment development.

In conclusion, free utilities can improve social outcomes, but their macroeconomic effects are costly. Free utilities' sustainability, efficiency, and trade-offs directly affect the nation's economic well-being. Long-term economic stability and growth necessitate balancing social welfare goals with fiscal sustainability, resource allocation and use.



# ENVIRONMENT AND SOCIAL STUDIES

## Global Warming from Fossil Fuels

*By Vashita Ahuja*



*This paper will talk about the global warming effects mainly from the consumption of fossil fuels, specifically focusing on India.*

In order to address the environmental consequences associated with fossil fuels in India, it becomes imperative for the country to shift its focus towards renewable energy sources like wind, solar, and hydropower. In order to promote the utilization of these sources and foster private investment in the renewable energy sector, the government has the ability to provide incentives. In addition, it is worth noting that the implementation of energy efficiency measures can effectively reduce the overall energy demand. In exploring ways to mitigate greenhouse gas emissions from existing fossil fuel infrastructure, India can also consider the possibilities of carbon capture and storage. In conclusion, one effective approach to mitigating the environmental consequences of fossil fuel extraction and transportation is the implementation of stringent regulations and enforcement measures. In this introduction, we will explore various measures that can be taken to address environmental concerns. These measures include monitoring and reducing air and water pollution, minimizing land use impacts, and ensuring the protection of indigenous communities and their rights.

## **What are fossil fuels?**

Fossil fuels originate from the decomposition of carbon-based creatures that died millions of years ago and were subsequently buried. Carbon-rich resources are mined and burned for energy. They presently supply roughly 80% of the world's energy and are nonrenewable. They are also utilized to produce plastic, steel, and a vast array of other things. There are three types of fossil fuels: coal, oil, and gas.

## **What precisely is the connection between fossil fuels and climate change?**

When fossil fuels are burned, significant volumes of carbon dioxide, a greenhouse gas, are released into the atmosphere. Greenhouse gases trap heat in our atmosphere, which contributes to global warming. Already, the average global temperature has risen by 1 degree Celsius. Warming exceeding 1.5°C threatens additional sea-level rise, extreme weather, biodiversity loss, and species extinction, as well as food scarcity, worsened health, and poverty for millions of people throughout the world.

## **What effect do fossil fuels have on climate change and our planet?**

According to the Intergovernmental Panel on Climate Change (IPCC), fossil fuel emissions are the leading driver of global warming. In 2018, 89 percent of the world's CO<sub>2</sub> emissions originated from fossil fuels and industry. Coal is the dirtiest fossil fuel, accounting for more than 0.3 degrees Celsius of the 1 degree Celsius increase in global average temperatures. This makes it the single largest contributor to global warming. The burning of petroleum is responsible for about one-third of all global carbon emissions. In recent years, there have been a series of oil spills that have had disastrous effects on our ocean's ecosystem. Natural gas is frequently marketed as a cleaner source of energy than coal and oil. However, natural gas is still a fossil fuel and is responsible for 20 percent of the world's carbon emissions.

## **Shall we proceed to use fossil fuels?**

If warming is to be kept to 1.5 degrees Celsius over pre-industrial levels, the IPCC cautions, fossil fuel emissions must be cut in half by 11 years. In 2015, nations throughout the world pledged to cut their carbon output by signing the Paris Agreement. A new assessment from the United Nations Environment Programme, however, reveals that by 2030, the world will have produced more coal, oil, and gas than it can burn and yet keep global warming below 1.5 degrees Celsius. So, extra effort is required.

## **When it comes to the fate of our world, what part do fossil fuel corporations play?**

Even though experts have called for a widespread transition to renewable energy and efficiency, fossil fuel businesses continue to be major contributors to pollution since they produce and sell fossil fuel goods. Oil giant BP has spent millions advertising its clean natural gas and carbon-free electricity in 2019. Despite the emphasis in its advertisements on renewable energy sources, BP continues to invest over 96% of its yearly budget in oil and gas. It's not just BP, though; the issue affects the whole sector.



In December 2019, [Clientearth](#) complained about BP's commercials to the UK National Contact Point. We have also begun an initiative to end the practice of promoting fossil fuels without a health warning similar to that displayed for cigarette products. Because the general public ought to be fully informed about fossil fuels. As part of a new strategy declaring an end to 'business reputation advertising,' BP pulled its ads in February 2020, and CEO Bernard Looney announced they would not be renewed. He also promised to refocus BP's marketing efforts on supporting legislation that addresses climate change.

## **Impact of fossil fuels in India**

Fossil fuels have been the backbone of India's economic growth for decades. The country is heavily dependent on these resources for energy production and consumption. The use of fossil fuels has contributed to the country's rapid industrialization and urbanization. However, the environmental impact of this over-reliance on fossil fuels has been severe, affecting both the country's natural ecosystems and the health of its citizens.

One of the primary environmental impacts of fossil fuels in India is air pollution. The combustion of coal, oil, and gas releases harmful pollutants such as sulfur dioxide, nitrogen oxide, and particulate matter into the air. This has resulted in severe air pollution in many parts of the country, with major cities such as Delhi and Mumbai being among the most polluted in the world. Air pollution has numerous health impacts, ranging from respiratory illnesses to cardiovascular disease and cancer. It also damages crops and forests, impacting agricultural productivity and biodiversity.

Another impact of fossil fuels on the environment in India is water pollution. The extraction and transportation of fossil fuels often result in spills and leaks that contaminate water sources. The use of fossil fuels in industrial processes also leads to the discharge of toxic chemicals into water bodies, further polluting them. This has severe implications for the health of aquatic ecosystems and the availability of clean water for human consumption and agriculture.

The extraction of fossil fuels in India also has significant impacts on land use and biodiversity. Coal mining, in particular, has been associated with deforestation, habitat destruction, and the displacement of indigenous communities. The construction of infrastructure such as pipelines and power plants can also have a significant impact on local ecosystems, disrupting wildlife habitats and altering natural landscapes.

In addition to these direct environmental impacts, the use of fossil fuels in India also contributes to global climate change. The country is one of the largest emitters of greenhouse gases, primarily due to the combustion of coal. Climate change has far-reaching impacts on the environment, including rising sea levels, more frequent extreme weather events, and the loss of biodiversity. India is particularly vulnerable to the impacts of climate change, as it has a large population living in coastal areas and is heavily reliant on agriculture, which is sensitive to changes in weather patterns.



To mitigate the environmental impacts of fossil fuels in India, the government has taken several steps in recent years. These include the promotion of renewable energy sources such as solar and wind power, the implementation of stricter emission standards for vehicles and industrial processes, and the introduction of initiatives to reduce air pollution in major cities. The government has also set ambitious targets for reducing greenhouse gas emissions and increasing the share of renewable energy in the country's energy mix. Despite these efforts, much more needs to be done to address the environmental impacts of fossil fuels in India. The country still has a long way to go in transitioning to a more sustainable energy system, and the current dependence on fossil fuels remains a significant challenge. Efforts to promote renewable energy and reduce emissions must be scaled up, and more innovative solutions are needed to address the complex environmental and social challenges posed by the transition to a low-carbon economy.

In conclusion, the impact of fossil fuels on the environment in India is severe and wide-ranging. From air and water pollution to land use and biodiversity impacts, the country's reliance on these resources has had significant environmental and social consequences. To address these challenges, India must continue to pursue a sustainable energy transition, reducing its dependence on fossil fuels and promoting renewable energy sources. This will require significant investments and policy changes, but it is essential to protect the country's natural ecosystems and the health of its citizens.

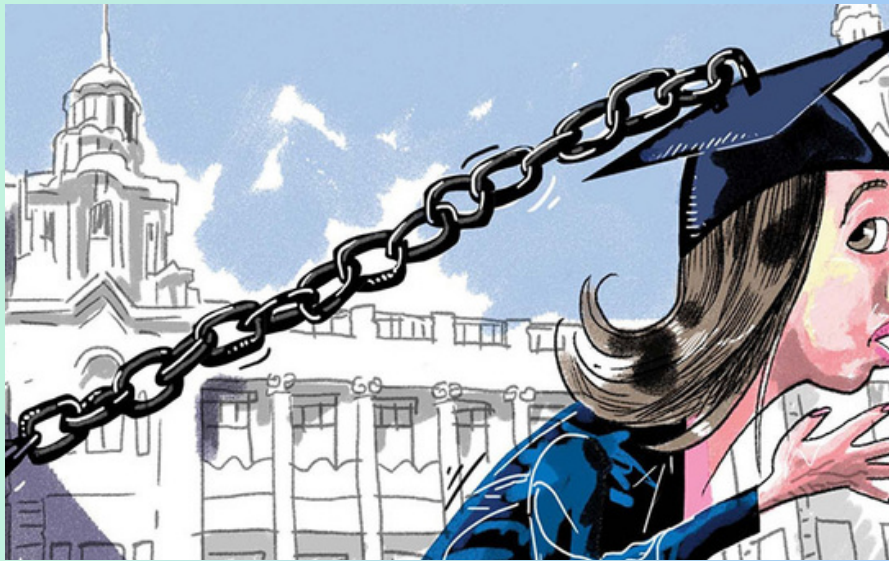




# HISTORY AND CULTURE

## Academic Freedom in Indian Educational Institutions

By Nishtha Aggarwal



*This article explores the nuanced landscape of academic freedom within Indian educational institutions, offering insights into its historical context, present challenges, and potential trajectories. Against the backdrop of India's diverse education system and historical evolution, this cornerstone of intellectual exploration has navigated a journey from colonial subjugation to post-independence autonomy. The article critically examines the legal framework that underpins academic freedom, highlighting the complex interplay between constitutional rights and reasonable restrictions. It dissects contemporary challenges, particularly the encroachments on academic autonomy and the erosion of free expression, catalyzed by recent political shifts.*

Academic freedom, a cornerstone of robust intellectual exploration and democratic societies, plays a pivotal role in the educational landscape of India. With its rich history and diverse education system, India's institutions have navigated through periods of colonial oversight to post-independence autonomy, leaving distinct imprints on the notion of academic freedom. The vitality of this academic freedom in contemporary India has recently come into question due to the unfortunate series of events at Ashoka University that led to the resignation of two of its sharpest economic minds, Sabyasachi Das and Pulapre Balakrishnan. This article critically examines the evolution of academic freedom within Indian educational institutions, shedding light on its historical context, existing challenges, and potential future directions. In an era of rapid change and globalization, the discourse on academic freedom gains renewed significance, influencing not only individual learning but also contributing to the broader progress of the nation.

## Historical Context

The evolution of academic freedom in Indian educational institutions is deeply intertwined with the nation's historical journey. During the colonial era, academic freedom faced stringent challenges as institutions fell under the dominion of foreign rulers. Censorship and control marred the free exchange of ideas, curbing the spirit of inquiry and critical thinking. The post-independence era, however, heralded a significant shift. As India reclaimed its autonomy, a newfound emphasis on academic freedom emerged. Educational institutions gradually shook off the shackles of colonial influence, fostering an environment conducive to free expression and independent research. This transition marked a pivotal moment, catalyzing a transformation from controlled learning to an atmosphere where diverse perspectives could flourish. Understanding this historical trajectory provides vital insights into the contemporary landscape of academic freedom in Indian education.

## Legal Framework of Academic Freedom in India

The concept of academic freedom in Indian educational institutions is underpinned by legal and constitutional principles. As jurist A.G. Noorani points out, universities, as creatures of statute, fall within the definition of 'the state' in Article 12 of the Constitution. Therefore, the entire chapter on fundamental rights applies to them. Article 19(1)(a) guarantees freedom of speech and expression to all citizens, while Article 19(1)(g) ensures the right to practice professions and occupations. However, these rights are subject to reasonable restrictions outlined in the Constitution itself, such as considerations of sovereignty, integrity, security, public order, and morality.

The Supreme Court has denounced the heckler's veto, emphasizing that maintaining law and order is the authorities' responsibility. Yet, issues persist due to laws like Section 124A (sedition) and Section 295A (hurting religious sentiments). Instances, where universities restrict public meetings or discussions on 'controversial' matters, clash with the right to free speech upheld by the Court.



However, legal recourse is hindered by factors like a debilitated judiciary and the misuse of sedition and anti-terror laws. Thus, academic freedom in India is grounded in legal frameworks, yet challenges persist due to the misuse of certain laws and limitations in implementing international conventions.

## **Current Landscape of Academic Freedom**

When it comes to the current state of academic freedom in India, Since independence (1947), there have been a number of structural issues with academic freedom, particularly during the Emergency (1975-77). However, since the Bharatiya Janata Party (BJP) took office in 2014 under Prime Minister Narendra Modi, academic freedom and academics have come under unprecedented attack. The substantial drop in India's ranking in the Academic Freedom Index accurately reflects this. A recent paper by Niraja Gopal Jayal makes similar claims, stating how governmental control over universities has just recently become more pronounced, with major repercussions for academic freedom. The recent attack on academic freedom has a broad scope and depth, ranging from the politicization of appointments for university presidents and even for faculty positions at all levels to restrictions on the freedom to teach, conduct research, and disseminate knowledge both within and outside of the academic community, as well as from threats to campus integrity posed by vigilante intimidation and violence directed at students and teachers. The already meagre institutional autonomy and lack of legal protections for academic freedom have made all of this possible.

## **Challenges and Controversies**

Looking at the current state of academic freedom in India raises questions about the challenges and controversies that academic freedom faces in India. Growing restrictions to academic freedom are manifested in various ways throughout the country. The limitations on institutional autonomy affect a variety of areas, including the selection of vice-chancellors or other university administrators, teachers, students, and other aspects of the university. Some of these are institutional limitations that date back to the colonial era, such as the appointment of university leaders.

The UGC, or the University Grants Commission, has also undergone several changes over the years. It is primarily in charge of allocating finances to central universities and a limited number of other institutions, as well as controlling fees, selecting faculty members, and establishing certain standards of instruction. As Niraja Gopal Jayal has noted, during the past 10 or so years, the UGC "has seen a steady accretion of power and displayed a heightened propensity to function as an instrument of the [education] ministry.", thus debarring the academic autonomy that UGC-granted institutions previously enjoyed.



The situation is just as bad—if not worse—at state universities, where numerous state governments actively try to meddle with the autonomy of colleges and universities. For instance, as Debaditya Bhattacharya details, the West Bengal Universities and Colleges (Administration and Regulation) Act 2017 reduces teacher representation and increases the number of nominees from the state government while allowing the state governor to replace the governing body of a college with their own "administrator." Additionally, it permits direct government supervision over matters such as service requirements, compensation, and evaluations as well as the movement of professors across colleges.

### **Recommendations for Improvement**

Now that we have a grasp of the current situation of academic freedom in India, we must look towards practical solutions that can help reach the optimum liberty in Indian academia that will help us reach the pinnacle of our educational system. Governments, both at the national and state levels, need to prioritize the reestablishment and enhancement of norms pertaining to institutional independence. Additionally, they should cease the practice of criminalizing educators and students, facilitate visa approvals for academic exchanges, particularly with neighbouring countries, and ensure that unrestricted internet access is available in regions like Kashmir.

Universities, on their part, should reinforce the principles of institutional autonomy and communicate the rights of academic freedom and free expression to both student and faculty unions. Employment contracts for faculty should encompass a clause safeguarding academic freedom, guaranteeing that engagement in external activities will not lead to punitive measures. Faculty members should collaborate to establish a network aimed at supporting academics, including both students and faculty, facing potential risks. At a global level, institutions can contribute by incorporating 'Academic Freedom' as a benchmark within university rankings. Moreover, foreign universities must refrain from inviting individuals responsible for curbing academic freedom to participate in academic seminars.

### **Conclusion**

Academic freedom holds a crucial place in fostering a dynamic educational environment and democratic society. The historical evolution of academic freedom in India reflects its journey from colonial constraints to post-independence autonomy. However, recent incidents, exemplified by the resignation of Sabyasachi Das and Pulapre Balakrishnan from Ashoka University, underline the challenges facing academic freedom today. The legal framework, including Articles 19(1)(a) and 19(1)(g) of the Constitution, attempts to safeguard this freedom, yet misinterpretation and misuse of certain laws persist.



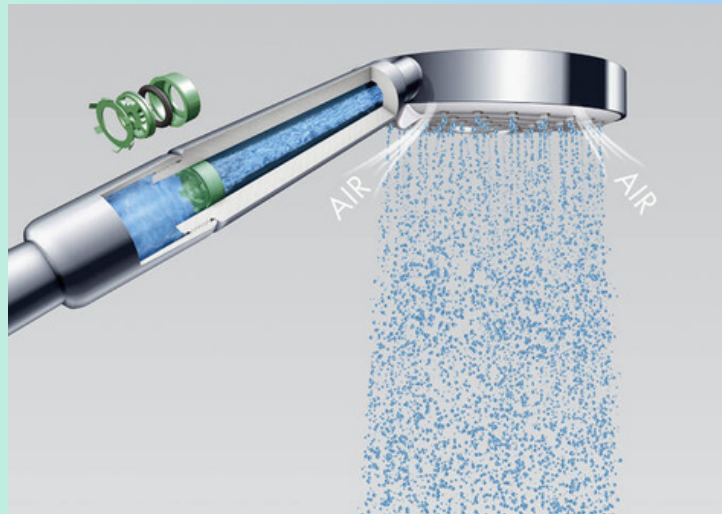
The contemporary landscape of academic freedom faces multifaceted challenges. Governments' interference, erosion of institutional autonomy, and the criminalization of dissenting voices hinder academic expression and growth. Universities must reassert and reinforce academic freedom, ensuring contracts protect faculty and encouraging solidarity against risks. In this critical juncture, it's imperative that governments, universities, and global institutions collaborate to reinvigorate and safeguard academic freedom. Upholding the principles of academic freedom not only enriches education and research but also fortifies the foundations of a progressive and intellectually vibrant society.



# PUBLIC POLICY

## Eco Showers: A Catalyst for Water Conservation

*By Suteekshna Dubey*



*Showering is one of the leading water-consuming activities at home which can cause something called “habitual water waste”, a term coined for the water that drains away unused each time during showers. This collectively comprises 20% water loss in any household. Generally, the authorities and other environmentalists suggest taking fewer showers to combat climate change. The real problem boils down to the regulation of such activities and their voluntary nature. This policing is not possible during every scenario and hence the concept of eco-showers is introduced in the USA and many other countries. This will ensure minimal water loss while showering and standards set for these fixtures would ensure water conservation.*

## INTRODUCTION

The United Nations refers to water as the “primary medium through which we feel the effects of climate change” and the World Economic Forum continually ranks the water crises as one of the top five risks in its annual Global Risks Perception Survey. In the United States alone, showers are the third largest point of water consumption. Due to water shortage, numerous governments and public utilities are being compelled to make large investments in the creation and application of a variety of water solutions, such as dual supply systems, shower visual display monitors, and the installation of rainwater tanks. These programs seek to improve urban water security through more prudent and sustainable water use to satisfy future demand.

## SDG GOAL 13

Sustainable Development Goal 13 i.e., climate change, adopted by all UN members in 2015, provides a shared blueprint that the countries have to follow. Target 13.2 elaborates on States to integrate climate change measures into policies and planning and directs them to promote eco-friendly products. Eco showers in bathroom fixtures are one the products that could aid in achieving this goal.

Eco-Shower head also known as green, or water-saving head is designed to save water while offering a relaxing and effective showering experience. Due to their capacity for resource conservation, energy cost reduction, and contribution to international sustainability initiatives, eco shower heads are becoming more and more well-liked. Due to their capacity to conserve resources, reduce energy costs, and support global sustainability efforts, eco shower heads have grown in popularity.

Eco shower heads differ mainly in how they regulate the flow of water, preserving it without sacrificing comfort. Air-injection technology does this by combining air and water to form smaller droplets that cover a more extensive area with less water.

The shower head, a crucial component of our bathroom amenities, has a direct impact on water conservation and bather satisfaction. It is crucial to understand the shower’s expected discharge parameters in order to build a water-efficient and enjoyable shower. In the most recent research, a theoretical model representing the motion of the jet from a shower head’s spray holes is established using the shower head structure, the water jet characteristics, and the Lagrangian control volume (CV) element integration approach.

## HIDDEN COSTS OF INEFFICIENT CONSUMPTION

Old shower heads generally use 6 to 8 gallons of water per minute (gpm). According to American Water Works Association research, we typically take an eight-minute shower. One of those shower heads will use 48 to 64 gallons of water for an eight-minute shower. A shorter shower will use less water than the 15-minute shower at some of us enjoy taking, which can use 90 to 120 gallons.



Showerheads manufactured after 1994 were to utilize no more than 2.5 gpm, according to regulatory mandates that were implemented nearly 20 years ago. In an 8-minute shower every day, the modern shower head may save up to 44 gallons of water or more than 16,000 gallons in a year.

A showerhead water flow is limited by federal regulation to 2.5 gallons per minute as of 1994. Following the introduction of more opulent shower fixtures with many nozzles by manufacturers, the US administration changed the regulation such that the same cap can be applied to the entire fixtures. According to environmentalists, this helps in combating climate change by lowering the use of energy derived from fossil fuels. These restrictions on water flow rates have also assisted Western states in coping with a severe drought that has caused some reservoirs to reach or approach historic lows.

## **INDIAN STANDARDS**

In India, under multiple water management and environmental policies the government has launched schemes and policies to regulate the flow of water and these bathroom fixtures. Under Part A: Engineering Design, Chapter 15, Showers are expected to be designed to use less water by reducing the flow of water by regular showers flow at 15 to 20 liters of water per minute (LPM) or even more, whereas these new showers will typically flow at 6-8 LPM and save water by 60%, reducing hot water demand and save power. Another benefit of eco shower heads is their indirect effects on energy efficiency. Reduction in temperature is proportional to less energy which lowers the expenses.

National Water Mission, Ministry of Water Resources, River Development and Ganga Rejuvenation is collaborating with the Bureau of Indian Standards, to develop Standards with respect to domestic appliances i.e., washing machines, water purifiers, dishwashers, taps, bath showers, cisterns, and sanitary appliances to improve water use efficiency. Moreover, the Green Plumbing Code Supplement classifies the products based on flow rates and technical designs. Green Rating for Integrated Habitat Assessment (GRIHA) introduces a national rating to rate a building based on the degree of "greenness" thereby enlisting all the components to categorise the building under green building. Criterion 11 of GRIHA elaborates upon the reduction of water consumption in the building by using efficient fixtures. The new rating system in India under Bharat Tap will have 3, 4 and 5-star water fixtures based on their water efficiency which will be formulated under AMRUT (Atal Mission for Rejuvenation and Urban Transformation) to drive water efficiency and can be achieved only if water outlets are efficient including sanitary fixtures. According to the data, through this initiative, 30% of water can be saved. Similarly, the Smart City concept is also promoting the installation of these water-efficient fixtures.





The policies in India are inclined towards introducing smart technologies like Eco showers to achieve SDG goal 13 via these policies and incorporating new construction standards is the first step towards this cause. But, there are many households and areas around the country where the impact of these fixtures is huge, especially areas of high-density population and limited water supply. Eco-showers are still known to be categorised under luxury products and mandating it to every household in India would take some time and planning. Countries like the US, Australia, and Switzerland have already taken steps to achieve this objective, and India needs to regulate at the grassroots level. Incorporating these standards in the Smart Cities scheme and other spheres has opened room for more developmental opportunities and new technologies that could support the objective. One way to fast-track these schemes is to make these fixtures available at a subsidised rate.

## **CONCLUSION**

The article emphasises the impact that shower heads attached to our bathing area can have if we use them judiciously and conform to technological innovations. Eco-showers are one way to achieve water conservation. The technology used by these showers would help understand daily water wastage from the households and later on, be used to draft appropriate policies. The schemes and programs currently in force aim to install fixtures with a particular water flow but regulating at the individual level is still a challenge that the States might face currently.



# NICKELED & DIMED



A space for young scholars to put forth their work in the form of well-researched articles on issues relating to politics, law, IR, foreign policy, economics, finance and a lot more. The forum provides a wide range of perspectives which are often overlooked by mainstream media. If you wish to submit any articles, refer to the author's guidelines at - <https://nickeledanddimed.com> and email your article to [cnes.ju@gmail.com](mailto:cnes.ju@gmail.com)

## OTHER INITIATIVES

**SAMVAAD:** A student-run discussion forum initiated by the Centre for New Economics Studies. The forum seeks to promote active public engagement by distinguished scholars who have expertise in areas of law, economics and other social studies, presenting an interdisciplinary perspective.

**CONVERSATIONS IN DEVELOPMENT STUDIES:** The student-run publication is an in-house, peer-review journal of OP Jindal Global University which aims to promote a variety of perspectives from different scholars over a stated theme.

**INFOSPHERE:** Being the centre's latest research platform, InfoSphere offers a space for a fact-based, objective analysis on some of the most contemporary issues of economic and social policy concern in South Asia.

**INTERLINKED:** The Inter-Linked podcast series aims to hold nuanced conversations on the interdisciplinary nature of the problems that are plaguing the world today.

**AZAAD AWAAZ:** This monthly magazine (Patrika) aims to focus on the marginalized sections whose voices are often muted in the cacophony of flashy mainstream media discourse.

**SWABHIMAAN:** The premise of Swabhimaan is based on the themes of Gender and Entrepreneurship but is not limited to the conventional meanings they are commonly perceived as.

**VISUAL STORYBOARD:** Visual Storyboards are an experimental method for visually archiving our research team's fieldwork, with a more exclusive focus on studying the lives and livelihoods of unsecured workers and communities across India.

## SOCIAL MEDIA





**Oshi Agarwal:**

Associate Editor and Cluster Lead

Gender & Society

**S Vasudevan:**

Cluster Lead

Economics & Finance

**Archisha Tiwari:**

Cluster Lead

Environment & Social Issues

**Shilpa Santhosh:**

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**Amisha Mittal:**

Cluster Lead

Legal Studies

**Tanish Srivastava:**

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International Relations

**Aryan Panchal:**

Cluster Co-Lead

History and Culture

**Samragnee Chakraborty:**

Cluster Co-Lead

History & Culture