

Legal Reasoning Questions for CLAT | QB Set 25

The Bombay High Court has taken suo motu cognisance of the alarming garbage accumulation along Mumbai's seashore, particularly the presence of microplastics in fish consumed by humans. A bench led by Chief Justice D.K. Upadhyaya and Justice M.M. Sathaye expressed concerns over the harmful effects of microplastics on marine life and public health, citing the ineffectiveness of existing bans on microplastics. They also raised concerns about the potential risk of flooding, with garbage obstructing the natural gradient of the sea, potentially worsening flood damage in areas like Nariman Point.

The court referenced the Great Pacific Garbage Patch as an example of large-scale pollution and emphasised that the problem in Mumbai is growing. Advocate General Birendra Saraf assured the court that the state government would provide full support through relevant departments. He acknowledged that large amounts of garbage regularly wash up on Marine Drive, symbolising the ocean "giving back what we give it." The court plans to involve agencies such as the Maharashtra Pollution Control Board (MPCB), the Union Environment Ministry, and the fisheries institute to address shoreline pollution. A similar concern was raised by the court in 2021, highlighting the need for ongoing efforts to combat pollution along Maharashtra's coastline.

1. Amit is a fisherman who operates along Mumbai's coast. He notices that the fish he catches are increasingly contaminated with microplastics, which he fears might be harmful to consumers. Amit continues selling the fish, hoping to avoid financial losses, but a few customers fall ill. The affected customers decide to file a lawsuit against Amit. What is Amit's most likely defence?

- a) He was unaware of the microplastics in the fish and cannot be held liable.
- b) The government is responsible for regulating pollution, not individual fishermen like him.
- c) Microplastics do not cause significant harm to human health, so the lawsuit is baseless.

d) He has a valid fishing license, and therefore, cannot be sued for selling contaminated fish.

2. Meera, an environmental activist, witnesses large amounts of garbage being dumped into the sea by a nearby plastic manufacturing company. She collects evidence and files a public interest litigation (PIL) against the company and the Maharashtra Pollution Control Board (MPCB) for failing to prevent the pollution. If the court finds the company guilty of illegal dumping, what is the likely consequence for the MPCB?

- a) The MPCB will be dissolved, and a new body will be formed.
- b) The MPCB will be required to take immediate corrective action and strengthen its monitoring mechanisms.
- c) The MPCB will be ordered to pay compensation to Meera for her efforts.
- d) The MPCB officials will face criminal charges for negligence.

3. Raj owns a beachfront property in Mumbai, close to Nariman Point, where garbage accumulation is a significant issue. During the monsoon season, his property floods due to clogged drainage caused by the waste. Raj filed a case against the municipal corporation, claiming that its failure to manage garbage and drainage violated his rights. Which legal argument is most relevant for Raj?

- a) The municipal corporation has violated Raj's fundamental right to property.
- b) The municipal corporation's inaction has breached Raj's right to a clean environment under Article 21 of the Constitution.
- c) The municipal corporation should compensate Raj for breach of contract.
- d) The municipal corporation has committed a nuisance by allowing garbage to accumulate.

4. Shalini runs a seafood restaurant in Mumbai and sources her fish from local fishermen. After learning about microplastics in the fish, Shalini continues serving the fish, believing it is harmless. Later, a health inspection reveals dangerous levels of microplastics in her food, and several customers fall sick. The court now holds Shalini

responsible for serving contaminated food. What is the most likely legal issue Shalini will face?

- a) She has violated consumer protection laws by serving unsafe food.
- b) She has breached contract law by failing to deliver fresh seafood to customers.
- c) She has committed environmental negligence by contributing to pollution.
- d) She has breached intellectual property rights by selling fish under false claims.

5. Arjun, a local resident, notices that despite a ban on microplastics, a cosmetics company in his area continues to sell products containing microbeads that end up in the ocean. He files a complaint with the environmental authorities, but no action is taken. Frustrated, Arjun approaches the Bombay High Court seeking relief. If the court takes suo motu cognisance of the matter, what action might the court take?

- a) The court could order the cosmetics company to pay damages to all affected citizens.
- b) The court could initiate an investigation into the environmental authority's failure to enforce the ban on microplastics.
- c) The court could dismiss the case, citing that Arjun has no direct personal harm.
- d) The court could order a nationwide ban on all cosmetics containing microbeads.

Answers and Explanations:

1. Answer: b) The government is responsible for regulating pollution, not individual fishermen like him.

Amit's strongest defence would be that regulating pollution and preventing microplastics from contaminating the fish is the government's responsibility, not his. He could argue that he had no control over the pollution, although he may still face some liability if he knowingly sold harmful products.

2. Answer: b) The MPCB will be required to take immediate corrective action and strengthen its monitoring mechanisms.

If the court finds that the MPCB failed in its duty to prevent illegal dumping, it is likely to order the agency to take corrective action and improve its oversight of pollution control.

The MPCB will not be dissolved or face criminal charges, but it will be held accountable for its inaction.

3. Answer: b) The municipal corporation's inaction has breached Raj's right to a clean environment under Article 21 of the Constitution.

Raj's strongest legal argument is that the corporation's failure to manage the garbage and drainage is violating his right to life under Article 21, which includes the right to a clean and safe environment. This right is often used in environmental cases where government inaction leads to harm.

4. Answer: a) She has violated consumer protection laws by serving unsafe food.

Shalini will most likely face charges under consumer protection laws because she served food that was harmful to consumers. Even if she was unaware of the contamination, serving unsafe food violates the legal duty of care owed to her customers.

5. Answer: b) The court could initiate an investigation into the environmental authority's failure to enforce the ban on microplastics.

If the court takes suo motu cognisance, it can investigate why the environmental authority failed to enforce the ban on microplastics. The court is unlikely to award damages to all citizens or impose a nationwide ban without first examining the specific case of non-compliance.

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