

5th National Moot Court Competition,

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School of Legal Studies & Governance

Career Point University, Hamirpur

MOOT PROBLEM

Dr. Manav is a medical chemist in the area of Valabhpur, a semi urban area situated 100 km from the city of Shanapur. He is Ph.D. in pharmacy from a reputed university. He has also served in medicine manufacturing company in Delhi from 2009-19. However, he left his job after corona pandemic. After this he decided to open his own clinic in Valabhpur. He set up the clinic in 2020 in the municipal committee of Valabhpur.

The municipal committee of Valabhpur has a medicine manufacturing unit of M.N. & Sons's Company. The company has three Methamphetamine labs. M.N. & Sons's Company built a pumping station in the area of 10 acres near the town as part of its enormous gas-transmission system. The station pumped natural gas through an artery of pipes stretching from the Valabhpur to neighbouring villages. It was found that a chemical called Hexavalent Chromium, a toxic component of Sodium Dichromate, a chemical contaminant used to make Methamphetamine has leaked into the water supply of Valabhpur town. The company also used Chromium 6 to prevent rust from corroding its water-cooling system. Over the last 10 to 15 years, many of the residents have drunk and bathed in the water polluted by a chemical called Chromium 6. They have been, suffering from many physical ailments, including bleeding noses, various intestinal ailments, joint pains, rotten teeth, liver failure and and even some residents have to face more serious medical issues like tumors and cancer. The chemical runoff was disposed in nearby ponds. The flora and funa of these water bodies also got affected by such open chemical discharge. The water of these water bodies get containminated and was highly unfit for cattles and other animals.

Dr. Manav who did his PhD in Pharma could immediately correlate that the entire problems of the residents were due to Chromium 6 toxic contaminant released by the aforesaid labs. He reported the matter to the State Pollution Control Board. The Board investigated the matter under section 21 of Water (Prevention & Control of Pollution) Act, 1974 and found that the contaminant was supposed to be cleaned up and the fresh water should be properly supplied to the residents without any clear findings on whether Chromium 6 found in toxic state. The board ordered the utility to clean up the pollution. But instead of understanding the seriousness

of the situation and its harmful effects on the residents, the Company debated that the evidence of cancer causing properties in waterborne Chromium 6 is not found. Even an expert toxicologist at the central Health and Human Services, William, says that Chromium 6 in water doesn't harm humans. "It's very unlikely that people could die from drinking Chromium 6 in the water, even over time".

Dr. Manav tried to reason out with the company but they were adamant and they refused to clean up and denied to take any responsibility of contamination.

Dr. Manav appealed to the Central Pollution Control Board under Section 28 Water (Prevention & Control of Pollution) Act, 1974 and they conducted an enquiry through which it was found that the chemical Chromium 6 was not permitted to be released anywhere near the residential areas as it was recognized to be one of the most toxic contaminants. Hence, the Central Pollution Control Board ordered M.N. & Sons's Company to clean up the area of any toxic elements immediately and stop further contamination. But M.N. & Sons's Company did not follow the directions of the Central Pollution Control Board.

Dr. Manav conducted further interviews with many residents in the area to collect evidence in favour of his argument. It was found that a woman has lost her baby due to drinking the contaminated water and her ovaries were so badly damaged that she cannot conceive in her lifetime. A football player also all of sudden lost his capacity to stand due to a rare joint disorder. The crops in the nearby fields got brown in colour and failed to grow in its fullest form.

Dr. Manav sent the sample of contaminated water to the Central Research Institute. The institute gave a report revealing that there is presence of toxicity of Chromium 6 in huge levels in water and is highly dangerous to the people.

Dr. Manav wants immediate relief to the people of Valabhpur and hence, he filed a Public Interest Litigation seeking justice for the residents. He also claimed individual compensation for each affected family. The compensation claimed was estimated to Rs 150 crores. He also prayed to the court to grant injunctions to the company to take up the task of restoring back the water to its normal level and form and also for a future assurance that the toxic contaminant will not be mixed with the water used by residents.

The issues involved in the case are:

1. Whether the PIL is maintainable?
2. Is Right to Life of the people of Valabhpur is being violated under Article 21 of the Constitution ?
3. Whether M.N. & Sons's Company has violated any law in not following the orders of the Pollution Control Boards?
4. Under which principle the Company is liable to pay compensation to the people of Valabhpur?

Notes:

* A methamphetamine laboratory is an illicit operation that has the apparatus and chemicals needed to produce the powerful stimulant methamphetamine.