

Quiz 1

The baker's establishment emits smoke and smells in the given setting. As a result, people in the vicinity have complained about it violating their fundamental rights since the smoke and smell are detrimental to health and physical comfort. As a judge, I would go through various existing theories and frameworks to arbitrate the case and try to find similar cases in the past. In such cases of air pollution, The Indian govt introduced the Air Pollution act in 1981 to control air pollution by drafting permissible limits and monitoring and penalizing the defaulters.

In a democracy, everyone has the right to exercise their freedom and operate any legal business they want, but one's freedom should not come at the cost of another's freedom. Therefore, the primary practical argument suggests everyone should have clean air access. Any establishment causing air pollution, which is causing dangerous health hazards, must be controlled as soon as possible. To arbitrate this case, we have to consider several factors.

1. Firstly, we must check if the bakery has all the required licences and permits to check for the business's legality. And is the staff working in the bakery possess knowledge of operations? For any small-scale bakery, the Indian law asks them to have the licence to establish and operate and permits to make different products and use different machinery. Moreover, we can check for the data on the maintenance of the bakery to find any negligence.
2. Then, we have to identify the reasonability for the emissions. Are the emissions necessary or not? Even in 2022, many bakeries operate with classical wood and charcoal-based technology, emitting smoke containing PM10 substances. And now, when cleaner alternatives are present, I would ask the baker to shift to cleaner alternatives. And if the bakery is not wood or charcoal-based, I would try to gather information on the emissions because of a lack of infrastructure or leakages. All the bodies releasing the smoke through the chimneys must install sluggers to reduce the emission. If the infrastructure is absent, it should be installed as a priority and checked for proper functioning. Even the major Bhopal Gas Tragedy started with a minor infrastructure issue in the factory.
3. What is the nature and degree of injury it is causing to the health of the people in the vicinity? What are the emission substances of the bakery, and is there any pattern which suggests that the emissions cause hazardous diseases or not? Can we see that the people in the vicinity go for lung-related diseases regularly and frequently?
4. What is the economic value of the pollution source and the number of people dependent on the same? The economic value of the baker suggests the number of people dependent on it for basic daily needs or employment. If the bakery generates employment for 20 people, then shutting the bakery would lead to unemployment of 20 individuals who are directly dependent on the same.
5. The suitability or unsuitability of the bakery's location. If the bakery is in a densely populated area, it will affect more people. Therefore, relocation can also be an option.

Therefore, as a utilitarian, I would try to increase utility and find a middle ground between both parties. It should not be shut down if the bakery is legal and doesn't use wood and charcoal methods. Still, the baker should be asked to follow the government guidelines and control and reduce the emissions by moving to cleaner technology to operate in the same region. If the baker fails to follow the guidelines, his licence can be cancelled, and he will be fined accordingly.