

CLAT WHISPERS

(CLAT Mentorship Program)

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Passage -1

Article 14 of the Indian Constitution guarantees that the State shall not deny to any person equality before the law and equal protection of the laws. These are two distinct but related concepts: “equality before law” is a negative concept (absence of special privileges), while “equal protection of the laws” is positive (equal treatment in similar circumstances).

The Supreme Court has clarified that Article 14 does not mean absolute equality but prohibits class legislation while permitting reasonable classification. For classification to be valid, two conditions must be satisfied: (1) the classification must be based on intelligible differentia, and (2) the differentia must have a rational nexus with the objective sought to be achieved.

Over time, the doctrine of equality has expanded beyond formal equality. The Court has adopted the doctrine of non-arbitrariness, meaning that any arbitrary state action is violative of Article 14, even if classification is not involved. Thus, equality has become a dynamic concept, ensuring fairness in governance.

For example, in *E.P. Royappa v. State of Tamil Nadu*, the Court observed that arbitrariness and equality are sworn enemies. Similarly, in *Maneka Gandhi v. Union of India*, Article 14 was read alongside Articles 19 and 21 to create the “golden triangle” of fundamental rights, ensuring that laws affecting personal liberty must not be arbitrary.

At the same time, affirmative action policies such as reservations are permitted, as long as they aim to achieve substantive equality. Article 14 thus balances individual rights with social justice objectives, preventing discrimination but allowing protective discrimination for disadvantaged groups.

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Q1. A State law exempts women from paying certain court fees to encourage their access to justice. A man challenges it under Article 14. Is the classification valid?

- a) Yes, intelligible differentia + rational nexus exist.
- b) No, law must apply equally to all.
- c) Yes, but only if temporary.
- d) No, as financial concessions are arbitrary.

Q2. The government creates a rule that only residents of one district can apply for state government jobs. Is this valid under Article 14?

- a) Yes, classification is geographical.
- b) No, classification is arbitrary.
- c) Yes, as states control employment.
- d) No, unless Parliament approves.

Q3. A government officer is transferred without any stated reason, while others in similar positions are retained. He challenges it under Article 14. Can he succeed?

- a) Yes, because arbitrary action violates Article 14.
- b) No, transfers are an administrative power.
- c) Yes, but only if mala fide is proven.
- d) No, because equality applies only to laws, not executive action.

Q4. A new tax law imposes higher rates on luxury goods but not on essential commodities. Is this discriminatory?

- a) Yes, unequal treatment.
- b) No, valid reasonable classification.
- c) Yes, unless Parliament approves.
- d) No, taxation is outside Article 14.

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Q5. A university reserves seats for Scheduled Castes and Scheduled Tribes. Is this violative of Article 14?

- a) Yes, because reservation is discrimination.
- b) No, protective discrimination is valid.
- c) Yes, unless limited to 10%.
- d) No, but only if Parliament enacts a law.

Passage 2

In tort law, strict liability is a rule laid down in *Rylands v. Fletcher* (1868). It states that if a person brings onto his land anything likely to do mischief if it escapes, he must keep it at his peril. If it escapes and causes damage, he is liable even without negligence. However, certain exceptions exist, such as act of God, act of stranger, plaintiff's own fault, or statutory authority.

In India, this doctrine was modified in *M.C. Mehta v. Union of India* (Oleum Gas Leak case, 1987). The Supreme Court held that enterprises engaged in hazardous activities owe an absolute and non-delegable duty to ensure no harm results. This evolved into the doctrine of **absolute liability**, where no exceptions are allowed. The rationale is that industries benefiting from hazardous activities must bear the cost of any damage.

For example, if a factory stores toxic chemicals and they leak causing harm, under strict liability the owner could escape if it was due to an unforeseeable natural event. But under absolute liability, no defense is available—the enterprise must compensate victims.

This shift reflects India's emphasis on protecting fundamental rights and environmental justice. The Court linked Article 21 (right to life) with tort principles, ensuring higher accountability. While strict liability balances fairness with exceptions, absolute liability imposes uncompromising responsibility on hazardous industries, reflecting a policy choice for stronger protection.

Questions (Passage 4)

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Q1. A chemical factory's tank bursts due to an earthquake. Toxic gas spreads causing deaths.

Is the factory liable?

- a) Yes, under strict liability.
- b) No, act of God is an exception.
- c) Yes, under absolute liability.
- d) No, liability only arises with negligence.

Q2. A farmer's water reservoir leaks into his neighbor's field due to faulty construction.

Damage occurs. Which applies?

- a) Strict liability.
- b) Absolute liability.
- c) No liability as farming isn't hazardous.
- d) Only negligence liability.

Q3. A firecracker unit explodes due to unknown reasons, injuring workers nearby. Which liability applies in India?

- a) Strict liability with exceptions.
- b) Absolute liability, no defense.
- c) No liability if unit followed rules.
- d) Only criminal liability applies.

Q4. An oil refinery suffers sabotage by terrorists, causing leakage and damage to locals. Is the refinery liable?

- a) Yes, strict liability.
- b) No, act of stranger is a defense.
- c) Yes, absolute liability applies.
- d) No, terrorism breaks the chain.

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Q5. A dam bursts after unprecedented rainfall (natural disaster). Villagers sue the dam authority. What is correct?

- a) Strict liability.
 - b) Absolute liability, no defense.
 - c) No liability, act of God.
 - d) Only negligence if proven.
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Answers:

Passage 1

1. A

Answer: This is a case of reasonable classification. The intelligible differentia is gender, and the rationale is to promote women's access to justice which satisfies Article 14's test. The object is legitimate since it strengthens equality in substance by reducing barriers. Such concessions in law for disadvantaged or vulnerable groups are not arbitrary. Hence, the classification is valid.

Correct option: **a) Yes, intelligible differentia + rational nexus exist.**

2. B

Answer: This classification is geographical, but it has no rational nexus with the object of providing equal employment under state authority. It discriminates against equally qualified persons in other districts without justification. Article 14 prohibits such discriminatory rules that serve no valid public purpose. It is not protective discrimination but arbitrary exclusion. Therefore, it is invalid.

Correct option: **b) No, classification is arbitrary.**

3. A

Answer: Arbitrary executive action is prohibited under Article 14 as clarified in E.P. Royappa's case where arbitrariness was equated to inequality. Even administrative transfers must be guided by fairness and non-discrimination. If the officer is singled out without justification, it amounts to arbitrary treatment. The doctrine of non-arbitrariness allows Article 14 to extend beyond legislation and cover executive action too. Hence, the officer can succeed.

Correct option: **a) Yes, because arbitrary action violates Article 14.**

4. B.

Answer: This is not discriminatory but a valid exercise of reasonable classification. The intelligible differentia here is the nature of goods, luxury versus essential. The nexus is that the State seeks to secure revenue from non-essential goods while keeping necessities affordable. Such progressive

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tax measures are constitutionally valid as they promote equity in society. Hence, no violation of Article 14 occurs.

Correct option: **b) No, valid reasonable classification.**

5. B

Answer: Article 14 does not prohibit protective discrimination, but in fact allows affirmative action to achieve real and substantive equality. Reservation policies for SCs and STs are constitutionally approved under Articles 15(4) and 16(4). The objective is to uplift disadvantaged groups who suffered historical discrimination. Far from violating equality, such measures promote it by giving disadvantaged sections equal opportunity. Therefore, the reservation is valid.

Correct option: **B) No, protective discrimination is valid.**

Passage 2

1. C

Answer: Under traditional strict liability, the factory could escape liability by claiming act of God as a defense. However, in India, the Supreme Court in M.C. Mehta evolved the doctrine of absolute liability for hazardous industries. Under this rule, no exception is available once harm occurs due to hazardous activity. The enterprise has to bear full responsibility for the damage caused. Hence, absolute liability applies.

Correct option: **c) Yes, under absolute liability.**

2. A

Answer: Strict liability applies where a person brings onto his land a potentially dangerous thing that escapes and causes harm. Water collecting in an artificial reservoir qualifies because escape of large water masses can cause mischief. A farming reservoir is not an inherently hazardous industry, so absolute liability does not apply. Thus, this is a case of strict liability under Rylands v. Fletcher.

Correct option: **a) Strict liability.**

3. B

Answer: Firecracker industries are classified as hazardous and dangerous enterprises. In India, after the Oleum Gas case, absolute liability applies to such units. This means that even if the cause

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is unknown and all precautions were taken, the enterprise cannot escape liability. No exceptions like act of God or stranger are allowed under this rule. Hence, the firecracker unit is absolutely liable to compensate victims.

Correct option: **b) Absolute liability, no defense.**

4. C

Answer: Under the strict liability rule, act of a stranger would have been a valid defense. However, Indian law after M.C. Mehta imposes absolute liability for hazardous industries. The rule is non-delegable, and no escape is allowed even if a third party caused the incident. The rationale is that such industries must ensure safety and bear risks of harm to society. Therefore, the refinery remains liable.

Correct option: **c) Yes, absolute liability applies.**

5. C

Answer: A dam is not a hazardous industry for profit like chemical or nuclear plants, so Indian absolute liability does not apply. Under strict liability principles, act of God is a recognized exception which applies in cases of extraordinary natural events beyond human control. Here, unprecedented rainfall is a classic act of God that exempts liability. The dam authority would not be held liable unless negligence can be shown.

Correct option: **c) No liability, act of God.**