BLOGS

Last Minute Revision for CLAT PG: Important Judgements for the Month of November- Part II

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Preparing for CLAT 2025 and looking for comprehensive resources? Read this post to go through Part II of the important judgements of November.

The Need for a Comprehensive Rehabilitation Framework for Victims of Sex Trafficking: Supreme Court

- Case: Prajwala v. Union of India and Others
- Background: The Supreme Court heard a case concerning compliance with a 2015 decision regarding the establishment of the Organized Crime Investigating Agency (OCIA) and strengthening the Victim Protection Protocol. The petition highlighted the increasing prevalence of sex trafficking, particularly through cyber-enabled platforms, and the lack of effective rehabilitative measures for victims.
- The Supreme Court emphasized the importance of punishing offenders and preventing trafficking, but also emphasised the need for equal focus on the care, protection, and rehabilitation of victims. It called for legislative mechanisms to ensure victims' well-being by creating a supportive legal, economic, and social environment. The Court reiterated that sex trafficking dehumanizes victims,disproportionately affects women and children, and violates their fundamental rights to life, freedom, and personal security.
- Decision: The Court directed the Centre to address the legislative vacuum and file a fresh affidavit detailing the steps it intends to take to curb cyber-enabled trafficking and strengthen victim support systems.

Words like 'Bhangi' or 'Neech' Are Not Caste-Specific Insults Under the SC/ST Act: Rajasthan High Court

- Case: Achal Singh & Ors. v. State of Rajasthan & Anr

- Background: The accused faced charges under the SC/ST Act for allegedly obstructing public servants and verbally abusing them with derogatory terms during an inspection of encroachments in Jaisalmer. The defense argued that the terms used were not caste-specific and that the accused were unaware of the complainants' castes.
- Court's Observation: The High Court clarified that terms like 'Bhangi' and 'Neech,' while offensive, are not specific caste names. The court noted that the allegations did not indicate an intent to humiliate the public servants due to their caste, but rather served as a general protest against their actions.
- Decision: The Court discharged the accused from charges under the SC/ST Act but allowed criminal proceedings for obstructing public servants to continue.

Sexual Intercourse With Wife Below 18 Constitutes Rape: Bombay High Court

- Case: Unspecified Case on Child Marriage and Rape Charges
- Background: The accused, convicted of raping his wife (a minor), argued that their sexual relationship was consensual and conducted under the premise of marriage. The victim, under the age of 18, reported the abuse after becoming pregnant and realizing the marriage lacked legal validity.
- Court's Observation: Referring to the Supreme Court's ruling in Independent Thought v. Union of India, the Bombay High Court held that sexual intercourse with a minor constitutes rape under the POCSO Act, irrespective of marital status or consent. The court emphasized that minors cannot legally consent, and marriages involving minors do not provide immunity from prosecution for sexual offenses.
- Decision: The Court upheld the trial court's 10-year rigorous imprisonment sentence for the accused, reinforcing the protection of minors against sexual exploitation.

Postpartum Depression Alone Cannot Justify Permanent Removal of a Child from Mother's Custody: Kerala High Court

- Case: Custody Dispute Appeal by Mother

- Background: A mother appealed against a family court's decision granting permanent custody of her child to the father based on her alleged postpartum depression and associated psychiatric disorders. The father argued that her mental state rendered her incapable of properly caring for the child.
- Court's Observation: The High Court directed a medical evaluation, which revealed no significant mental health issues affecting the mother's ability to care for her child. The court criticized the family court for relying on outdated and insufficient medical evidence and emphasized that postpartum depression, a treatable condition, cannot be the sole basis for permanent custody decisions.
- Decision: The High Court set aside the family court's ruling, ordering a rehearing of the matter and reaffirming the need to prioritize the child's emotional and psychological well-being.

Adverse Police Report Alone Cannot Deny Passport Renewal: Rajasthan High Court

- Case: Savitri Sharma v. Union of India
- Background: An adverse police verification report questioning her nationality led the petitioner, a 34-year-old woman, to challenge the rejection of her passport renewal application. She presented evidence of her Indian citizenship, including school records, Aadhaar, voter ID, PAN, and a prior passport issued in 2012.
- The Court's observation: The Rajasthan High Court emphasized that an adverse police verification report does not automatically disqualify a citizen from obtaining or renewing a passport. It stated that the passport authority must independently assess the applicant's antecedents and not solely rely on the police report's conclusions.
- Decision: The Court directed the passport authority to issue the petitioner's passport, affirming that denial based on unsubstantiated allegations violates her legal rights. It also allowed authorities to proceed against her in accordance with due process if further adverse findings emerge.