BLOGS

Last Minute Revision for CLAT PG: Important Judgements for the Month of September- Part III

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

Internet Suspension Without Judicial Permission Violates Fundamental Rights: Jharkhand High Court

- Case: Rajendra Krishna vs. The State of Jharkhand
- The suspension of internet services during the Jharkhand General Graduate Level Combined Competitive Examination prompted the filing of a Public Interest Litigation (PIL). The state had initially only suspended mobile internet but later extended this to all broadband services.
- The High Court noted that such internet shutdowns infringe on fundamental rights under Article 19, especially without judicial oversight. The Court held that “phrases such as ‘public interest’ or ‘ensuring fair examination’ without factual backing are insufficient justifications for state-wide internet suspension.”
- The Jharkhand High Court ordered the restoration of internet services, emphasizing that suspending access without legitimately documented threats undermines public rights and judicial orders.

Viewing or Storing Child Pornographic Material is Punishable: Supreme Court

- Case: Just Right for Children Alliance and Anr v. S. Harish and Ors
- An NGO challenged a High Court ruling that viewing child pornography privately did not constitute an offense. The Supreme Court examined the POCSO Act’s intent and clarified the

mens rea associated with such possession.

- The Court concluded that even viewing child pornography without storing it physically amounts to possession under the POCSO Act. It emphasised that mens rea could be inferred from storage without attempts to delete or report such material.
- The Supreme Court overruled the High Court, expanding the interpretation of “possession” under POCSO to include digital content viewed without actual storage. The Court further recommended an amendment to refer to such content as “child sexual exploitative and abuse material.

Compensation for Sexual Abuse Victims Must Facilitate Complete Rehabilitation: Delhi High Court

- Case: Appeal for Enhanced Compensation for Sexual Abuse Victims
- A minor who had been a victim of abuse received an initial compensation of ₹85,000 from a Special Court under the POCSO Act. The victim’s family argued that this amount was insufficient for her rehabilitation and mental health recovery.
- The Delhi High Court stressed that compensation should aid the victim’s full rehabilitation, not just provide temporary relief. It observed that the statutory minimum should serve as a guideline, and the circumstances could warrant significantly higher amounts.
- The Court increased the compensation bracket to ₹7-10.5 lakhs, directing prompt payment by the Delhi State Legal Services Authority to ensure comprehensive support for the victim’s recovery.

Patna High Court’s Insensitive Remarks on Widow’s Use of Makeup Criticised: Supreme Court

- Case: Vijay Singh vs. State of Bihar
- In a 1985 murder case, the Patna High Court inferred from the presence of makeup articles that the deceased resided at a disputed property, questioning their appropriateness for a widow.
- The Supreme Court disagreed with the High Court’s reasoning, asserting that, particularly in sensitive cases, one cannot infer residence or character from the possession of personal items like makeup.

- The Supreme Court criticized the High Court for using stereotypes in legal determinations, underscoring the importance of evidence over conjecture. It acquitted the accused due to a lack of sufficient direct evidence linking them to the murder.