

CLAT 2027

LEGAL CURRENT AFFAIRS



JANUARY 2026

Breakdown of the Session

- Pending Criminal Cases & Passport Rights
- Menstrual Hygiene as a Fundamental Right
- Australia's Social Media Ban for Children & India's Policy Dilemma
- 'Disturbed Areas' Laws & Property Rights'
- Celebrity Endorsements & Consumer Liability
- UGC Guidelines | Equity or Regression





Pending Criminal Cases & Passport Rights

Supreme Court on Article 21 and Passport
Renewal

Why in the news?

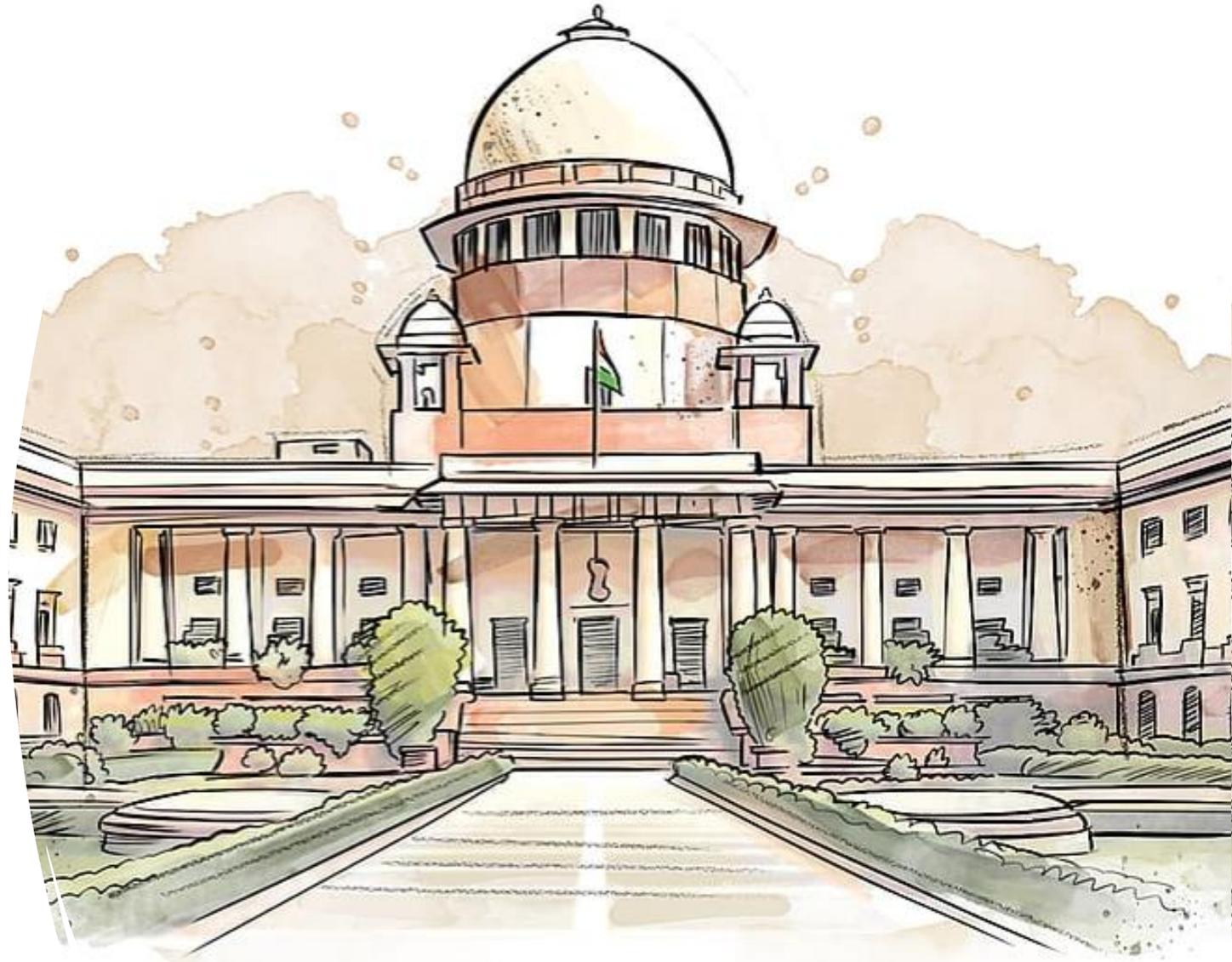


Why This Case Matters?

- Clarifies **whether pending criminal cases bar passport issuance**
- Balances **State power vs individual liberty**
- Reinforces **passport as part of Article 21**
- Important for:
 - Constitutional Law
 - Administrative Law
 - Fundamental Rights jurisprudence

Core Legal Question

- Can passport authorities deny renewal of a passport solely because criminal proceedings are pending, even when courts have issued “No Objection” orders?



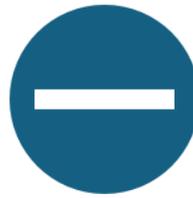
Facts of the Case

- Mahesh Kumar Agarwal issued passport in **August 2013 (10 years validity)**
- **During validity period:**
 - Accused in **NIA case (Jharkhand)** – extortion & funding banned organisation
 - Convicted in **CBI Coal Block case (Delhi)** – 4 years sentence (suspended by Delhi HC)
- **Courts:**
 - Directed surrender of passport
 - Restricted foreign travel without permission

Events Leading to the Dispute



Passport nearing expiry



NIA Court, Ranchi:

Granted **No Objection for renewal**
Passport released only for renewal
Travel abroad prohibited without permission
Passport to be redeposited after renewal



Delhi High Court:

No legal bar to renewal
Continued travel restriction

Passport Authority's Refusal

- Regional Passport Office refused renewal
- Relied on **Section 6(2)(f), Passports Act**
- Argument:
 - Criminal proceedings pending
 - Exemption applies only if court permits foreign travel
- Calcutta High Court upheld refusal



Relevant Legal Provisions

Passports Act, 1967

- **Section 5** – Issuance or refusal by written order
- **Section 6(2)(f)** – Refusal if criminal proceedings pending
- **Section 6(2)(e)** – Post-conviction bar (moral turpitude + 2 years sentence)
- **Section 7 & 8** – Short-term passports and extensions
- **Section 10** – Power to impound/revoke passport
- **Section 22** – Government's power to grant exemptions

Government Notification – GSR 570(E), 1993

- Issued under **Section 22**
- Creates exemption from Section 6(2)(f)
- Conditions:
 - Court must apply its mind
 - Applicant must give undertaking to appear
- Passport validity linked to court order
- Default validity allowed if court doesn't specify duration

Supreme Court's Key Observations

- Passport renewal = same scrutiny as fresh issuance (assumed)
- Even then, **Section 6(2)(f) is not an absolute bar**
- Once exemption conditions are met, refusal is unjustified
- Courts retained supervision over travel → core concern addressed



SUPREME COURT OF INDIA

Rejection of Passport Authority's Argument

- No law requires court to:
 - Approve a specific foreign trip
 - Convert renewal into a “one-time travel licence”
- Passport authorities **cannot override judicial supervision**





Legal Principles Established

- Pending criminal cases ≠ automatic passport denial
- Court's NOC prevails over police objections
- Passport authorities must act proportionately
- Article 21 has substantive content beyond procedure



Menstrual Hygiene as a Constitutional Right

Supreme Court Judgment – Access,
Equality & Education



Why in the News?



Background of the Case

- Supreme Court Bench: **Justices J.B. Pardiwala & R. Mahadevan**
- Issue: Lack of menstrual hygiene facilities in schools
- Concern: Absenteeism and dropouts among girl students
- Court issued a **Continuing Mandamus** to monitor compliance



Menstrual Hygiene – From Health to Rights

- Earlier viewed as a **public health issue**
- Court recognises it as a **constitutional entitlement**
- Menstrual hygiene linked to:
 - Dignity
 - Equality
 - Education
 - Bodily autonomy

Article 14 – Substantive Equality

- Equality ≠ identical treatment
- Court applies **substantive equality doctrine**
- Girls face unique biological realities
- Lack of facilities converts biology into **structural exclusion**
- Unequal conditions require **unequal support**



Article 21 – Right to Life & Dignity

Right to life includes:

- Dignity
- Privacy
- Bodily autonomy

Absence of MHM facilities causes:

- Stigma
- Humiliation
- Forced absenteeism

Court: This violates Article 21



Right to Education & RTE Act, 2009

- Section 3: “Free education” ≠ only fee waiver
- Includes removal of **all financial barriers**
- Cost of sanitary napkins → absenteeism/dropout
- State inaction makes education **conditional**
- Free sanitary napkins = **statutory obligation**



School Infrastructure & Constitutional Failure

- Section 19, RTE Act:
 - Separate toilets for boys & girls
- Court: Toilets are not symbolic, but **functional rights**
- Absence of:
 - Toilets
 - Napkins
 - Disposal mechanisms
- Termed a “**stark constitutional failure**”

Key Directions - Facilities

Court directed compliance within **3 months**:

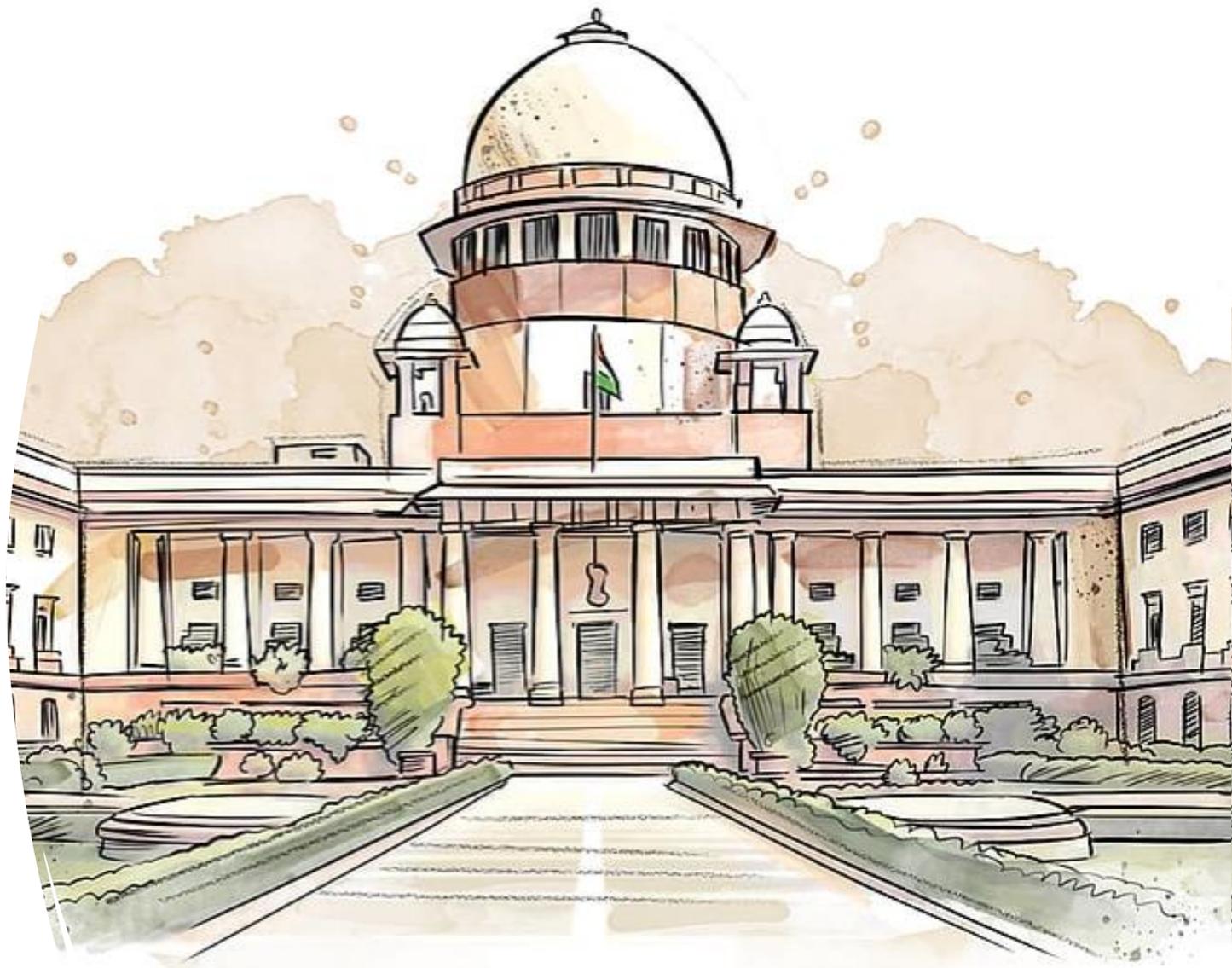
- Free **oxo-biodegradable sanitary napkins**
- Vending machines / designated school authority
- Safe & hygienic disposal systems
- Covered bins, regular cleaning
- Functional water supply & handwashing facilities





Support Systems & Monitoring

- Gender-segregated, disability-friendly toilets
- **Menstrual Hygiene Management Corners**
 - Spare uniforms
 - Innerwear
 - Disposal bags
- Annual inspections by DEOs
- **Anonymous student feedback surveys**



Destigmatisation & Conclusion

- Menstruation education for **boys & girls**
- NCERT & SCERT to revise curricula
- Mandatory teacher sensitisation
- Court's message:
- "The fault is not hers."
- Judgment affirms:
 - Education
 - Equality
 - Dignity
 - Gender justice



Australia's Social Media Ban for Under-16s & Andhra Pradesh's Proposal

Legal Framework, Rationale & Indian Implications



Why in the News?

Background & Andhra Pradesh Initiative



Australia banned social media for children under 16 (Dec 10)



Andhra Pradesh exploring similar move



Group of Ministers (GoM) constituted



Headed by IT & Education Minister **Nara Lokesh**



Objective: Study feasibility within Indian legal framework

Australian Law - Overview

- Law: **Online Safety Amendment (Social Media Minimum Age) Act, 2024**
- Passed: November 2024
- One-year transition period for tech companies
- Minimum age: **16 years** to hold social media accounts
- No penalty on children or parents



Liability & Penalties

- Responsibility placed on **social media companies**
- Platforms must take “reasonable steps” to block under-16 users
- Failure attracts fines up to:
 - **AUD 49.5 million** (~₹270 crore)
- Focus on platform accountability, not criminalisation of users



Platforms Covered & Exempted

- **Covered platforms:**
 - Instagram, Facebook, TikTok
 - Snapchat, Reddit, X
 - YouTube (included due to algorithmic risks)
- **Exemptions:**
 - Messaging apps: WhatsApp, Messenger
 - Gaming platforms: Roblox
 - Educational tools: Google Classroom, YouTube Kids





Rationale – Mental Health Concerns

- Triggered by rising teenage mental health issues
- Influenced by Jonathan Haidt's *The Anxious Generation*
- 2025 study:
 - Nearly $\frac{2}{3}$ **children (10–15 yrs)** exposed to harmful content
- PM Albanese:
 - “We want our kids to have a childhood”

Enforcement & Privacy Challenges



- Age verification methods:
 - AI facial estimation
 - Government ID uploads
 - Third-party verification
- Privacy Commissioner warns of **mass data risks**
- Workarounds:
 - VPN usage
 - Fake birth dates

Implications for India

- India's law: **Digital Personal Data Protection Act, 2023**
 - Requires *verifiable parental consent* (not total ban)
- Technical rules yet to be notified
- Internet regulation under **IT Act (Union subject)**
- Any AP-level ban requires:
 - Centre's approval
 - Policy coordination
- Raises questions on:
 - Federalism
 - Privacy
 - Child protection vs autonomy

Celebrity Endorsements & Consumer Liability

Kerala High Court on Brand
Ambassador Responsibility



Why in the News?

Why this case matters?

Clarifies limits of:

Celebrity liability
Endorser responsibility
under consumer law

Distinguishes:

Advertising influence
Transactional
accountability

Important for:

Consumer Protection
Act, 2019
Misleading
advertisements
jurisprudence

Core Legal Question

- Can a brand ambassador be held liable for unfair trade practice or deficiency of service merely because consumers relied on an advertisement featuring them?



Facts - The Gold Loan Transaction



Borrowers initially took gold loan from Catholic Syrian Bank @ 15%



In 2018, Manappuram Finance took over the loan



Manager allegedly promised lower interest rate



Later, higher interest demanded at time of loan closure

Consumer Proceedings Initiated

Borrowers approached District Consumer Commission

Allegations:

- Deficiency of service
- Unfair trade practice

Relief sought:

- Refund of excess interest
- ₹25 lakh compensation

Mohanlal impleaded solely due to advertisements

Mohanlal's Objection

- No role in:
 - Loan transaction
 - Interest rate determination
 - Dealings with borrowers
- Mere endorsement ≠ service provider
- Raised preliminary objection to maintainability
- District Commission rejected objection



Legal Provisions Examined

**Section 2(18), CPA 2019 –
Definition of “endorsement”**

**Section 2(47) – Unfair trade
practice**

**Section 21 – Action against
misleading advertisements**

**Section 21(5) – Due diligence
protection for endorsers**

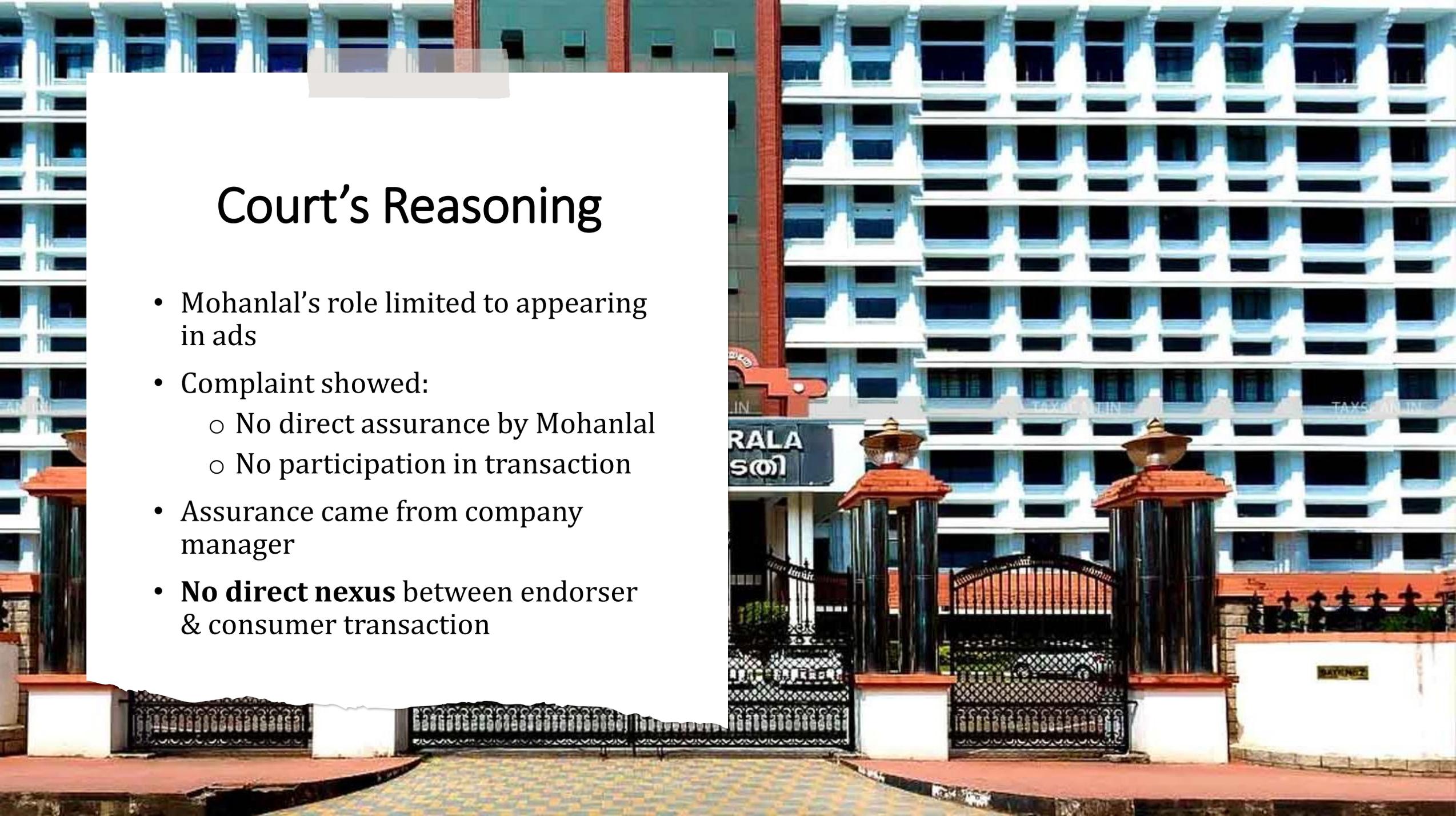
Scope of Endorser Liability

- “Endorser” mentioned **only in Section 21**
- Section 21 vests power in **Central Consumer Protection Authority**
- No provision making endorsers liable in:
 - Deficiency of service disputes
 - Consumer Commission proceedings
- Court: Legislative silence is **intentional**



Court's Reasoning

- Mohanlal's role limited to appearing in ads
- Complaint showed:
 - No direct assurance by Mohanlal
 - No participation in transaction
- Assurance came from company manager
- **No direct nexus** between endorser & consumer transaction





Key Legal Principle Laid Down

- Endorser liability requires **clear and direct link**
- Mere endorsement ≠ automatic liability
- Unfair trade practice arises when:
 - Service provider fails to deliver as advertised
- Liability rests on **company, not brand ambassador**