



28.06. 2026

Sunday



The Advocate, 1860, Honore Daumier

A day in a lawyer's life, is someone's entire life in a day.

Dear Readers

The Week in Law was supposed to be a weekly, but I have sometimes called it a newsletter or a magazine. I settled on the word periodical, but now choose to call it a zine. And then they say, What's in a name?

Shakespeare was clearly not a lawyer.

While the category fluid, written-material-in-your-digital device turns 2, we can look back at our own lives since 2024 and wonder, is our growth any less significant? We don't keep metrics for the experiences we have, nor track how many 'subscribers' came into our lives and unsubscribed us or simply forgot to read us as we lay in their inboxes. We might have wanted so many authors to write a chapter in our lives, but did they ever revert?

Growing up also comes with witnessing institutional apathy first hand. It's the realisation that all those cautionary stories the NCERT told before the chapter began, are real. It is a goldmine of bitter experiences that one wishes could be highlighted on their resume, but alas.

The Week In Law had started with the idea of making legal knowledge accessible. However, when you are aware of your rights, the world could become a more tormenting to live in and not less. Because your awareness doesn't automatically mean the vindication of your rights. Many of us waive our rights because we wish to buy peace from legalese and fine print.

But the legal system runs on people who are willing to fight. It runs on people who can endure the uncertainty of the system. It's not necessarily some remarkable trait. But it's a choice.

I present the 15th issue of The Week In Law to our family of readers with a question- Can we envision a legal system where mental peace and pursuit of justice can coexist?

Peace,
Anushka

Week-in-law

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MANIYAR ILIYAZ SHAIK RIYAZ VS P. AYYAPPAN|C.A. NO. 4665-4666/2025

Pedestrians have fundamental right to walk on footpath : SC



The pavement, Illustrated Daily News London, 1856

The Highways Act of the UK, 1835, Section 72 was one of the earliest provision to make riding cycles on pavements an offence, highlighting that pavements are spaces meant exclusively for pedestrians.

The Supreme Court of India has recognised the right of pedestrians to walk on footpaths as a fundamental right protected under Articles 19(1)(d) and 21 of the Constitution, affirming that this right takes precedence over the movement of motorised vehicles. The landmark observation was made by the Court, while hearing a motor accident compensation case involving the death of a five-year-old child who was fatally struck by a tanker while walking to school with his father.

Beyond the compensation issue, the Court highlighted the urgent need for a comprehensive statutory framework to safeguard pedestrians' rights. It observed that although the right to walk safely on footpaths is an integral part of the constitutional guarantees of life, liberty, and free movement, no specific legislation currently exists to protect and enforce this right. The Court stated that such a law should clearly identify duty bearers, establish mechanisms for enforcement, provide speedy remedies for violations, and create a full-time regulatory authority responsible for planning, implementation, and monitoring.

The Bench further clarified that the Motor Vehicles Act, 1988 is not designed to protect pedestrian rights and has, in certain respects, undermined them. Copies of the judgment have been directed to the Ministries of Housing and Urban Affairs, Rural Development, Road Transport and Highways, as well as the Law Commission, for consideration of appropriate legal reforms.



**PIYUSH TIWARI, FOUNDER,
SAVELIFE FOUNDATION**

GOOD SAMARITAN LAW IN INDIA (S. 134A of Motor Vehicles Act)

India has the highest number of road accident fatalities. According to an article by the World Economic Forum (2024) entrepreneur Piyush Tiwari started the SaveLIFE foundation in 2008 with an objective of improving road safety in India. The efforts of this organisation led to the passage of the first Good Samaritan Law in India, which rewards bystanders for assisting during road accidents. The foundation was also responsible for drafting a large chunk of India's current road safety litigation passed in 2019. In an interview to the WEF, Tiwari highlighted how the Good Samaritan law changed the traditional treatment of bystanders from witnesses and detainees to rewarding assisting victims and saving their lives.

Week-in-law

LAKSH VIR SINGH YADAV V. UNION OF INDIA, 2026 SCC ONLINE DEL 4491

Right to be forgotten is a part of right to privacy under Article 21: Delhi High Court



Proceedings of the Lebach Soldier Murder Case, 1969.

It became one of the earliest known cases where the convict's right to be forgotten right to be left alone or resocialisation after release from the prison was recognised.

In a milestone 144-page judgment delivered on May 29, the Delhi High Court ruled that the "right to be forgotten" is an essential part of the fundamental right to privacy under Article 21 of the Indian Constitution. Justice Sachin Datta established a new legal framework allowing individuals to request that their personal details be masked or "de-indexed" (removed from search results) from public digital platforms when the information no longer serves a public purpose.

The court noted that while India currently lacks explicit legislation for the right to be forgotten, constitutional courts hold the power to enforce it. The ruling addressed over 30 petitions from individuals—including those acquitted of crimes, parties in matrimonial disputes, or people whose cases were dropped. Petitioners argued that name-based searchability on commercial search engines like Google caused "disproportionate and continuing harm" to their careers and reputation, keeping them tied to their past legal struggles.

The court carefully balanced privacy with the "principle of open justice," which demands transparency in legal proceedings. Justice Datta ruled that while public access to court records remains vital, a private citizen's name should not function as a permanent search keyword. Open justice exists to keep the system transparent.

However, this right is not absolute. The court outlined strict exceptions where de-indexing requests will be denied- Convicted individuals, Crimes against women and children: Serious offenses in this category and Breach of public trust by public servants, elected officials, or individuals holding financial or legal trust.

For eligible petitioners, the court ordered search engines and legal databases to remove specific judgments from name-based search queries. Crucially, the High Court directed that these de-indexing orders must operate globally, forcing intermediaries to block these name-based results worldwide.

Justice Without Precedent

How the Supreme Court Navigated Article 142 in Maruthupandi

• ANJALI CHOUDHARY



The idea that justice should go beyond the written word of law, can be traced back to Aristotle, to what he called '*epieikeia*' - it goes beyond justice, since it enables one to improve written law when it is in need of correction or when written law is incomplete.

The Supreme Court's recent ruling in *Maruthupandi v. State* arising out of SLP (Crl.) No. 2782 of 2021, serves as a stark reminder that an exercise of extraordinary constitutional equity does not automatically morph into a binding legal precedent.

The Delicate Balance of Equity and Law

The Supreme Court of India occupies a rarefied space in the nation's constitutional architecture. It is not merely the ultimate court of appeal; it is the final interpreter of constitutional text and the vanguard of its foundational values. While the judiciary is structurally tethered to statutory mandates, constitutional framers recognized that the mechanical application of codified law can occasionally result in severe, unintended injustices.

To prevent the law from becoming an instrument of its own undoing, Article 142 of the Constitution arms the apex court with plenary powers. This unique provision empowers the Bench to pass orders *ex debito justitiae*, in the absolute interest of doing "complete justice."

Yet, this sweeping mandate triggers a perennial debate in constitutional jurisprudence: does every decree carved out under the aegis of Article 142 establish a binding precedent for posterity?

The judgment in *Maruthupandi v. State* Represented by the Inspector of Police & Anr. (handed down on May 26, 2026) offers a masterful masterclass on this distinction.

It demonstrates that while Article 142 permits the court to mould relief to fit the peculiar contours of a specific case, such judicial interventions do not inherently crystallize into a universal *ratio decidendi* i.e the legal principle upon which a judgment is based.

The Facts Driving the Constitutional Question

The controversy before the Supreme Court originated from a conviction under the Protection of Children from Sexual Offences (POCSO) Act, 2012. The teenaged appellant and the prosecutrix had been together in a consensual relationship. Their relationship ended after the girl filed a complaint against him for refusing to marry her. He was tried under the stringent Act and was sentenced to 10-years of jail term in 2019. The appellant's conviction by the trial court had already been affirmed on appeal by the High Court.

Following his conviction, the girl married another man who later left her only three days after the marriage, after knowing her past relationship with the accused. While undergoing jail sentence in the case, he was released on bail and following this he tried to reconcile the differences with her. The prosecutrix attained majority, the parties entered into a valid matrimonial alliance, and she explicitly manifested her desire to quash the criminal proceedings to preserve her domestic peace.

Faced with these subsequent developments, the Supreme Court took cognizance of the highly sensitive nature of the case. Recognizing that a rigid enforcement of the sentence would dismantle a now-peaceful domestic unit, the Court invoked its extraordinary jurisdiction under Article 142 to set aside the conviction.

Crucially, however, the Bench appended a strict caveat to its ruling. It explicitly clarified that the relief was granted *inter partes* (solely between the litigating parties) based on exceptional circumstances, and was expressly barred from being cited as a binding precedent in future litigations.

This self-imposed embargo is the ideological anchor of the entire judgment.

Article 142 vs. Article 141: A Jurisprudential Separation

Article 142 is an anomaly in global constitutionalism, a safety valve designed to ensure that technicalities do not defeat substantive justice. It acts as an equitable mechanism, allowing the apex court to bridge statutory voids when ordinary legal remedies prove too blunt or inadequate.

However, this power is not a license for judicial overreach. The jurisprudence surrounding Article 142 dictates that it cannot be used to bypass express statutory prohibitions, rewrite legislation, or subvert substantive laws enacted by Parliament.

The distinction hinges on a vital constitutional dichotomy:

- Article 142 allows the Court to do equity in an individual case (an exercise of judicial discretion).
- Article 141 mandates that the law declared by the Supreme Court shall be binding on all courts within India (the creation of a *stare decisis* precedent).

The former is an exercise of discretionary equity; the latter is a declaration of law.

Demystifying Binding Precedents

A common misconception among litigants and legal commentators is that every pronouncement radiating from the apex court automatically alters the legal landscape. Constitutional doctrine, however, dictates that only the ratio decidendi carries the force of law under Article 141; passing remarks or context-specific reliefs are mere obiter dicta, things said in passing, and hence not binding. In *Maruthupandi*, the Supreme Court did not enunciate a sweeping legal proposition that post-facto marriage between an accused and a survivor absolves criminal liability under special penal statutes.

The Court did not hold that:

- (a) Non-compoundable POCSO offenses can be routinely quashed via private settlements;
- (b) Matrimonial unions can override statutory protections designed for minors;
- (c) Substantive criminal law can be bypassed on a case-by-case basis.

Instead, the Court isolated the dispute from the broader legal matrix, utilizing Article 142 simply to bring closure to a unique human crisis. The judgment represents a tailor-made remedy, not a systemic rule of law.

The Virtue of Judicial Quietism

The true brilliance of the *Maruthupandi* ruling lies in the Court's deliberate exercise of judicial quietism and restraint. By cloaking the order in the phrase "peculiar facts of the case," the Bench erected a jurisprudential firewall. This prevented the relief from being weaponized by future defendants seeking to exploit marriage as a loophole to evade prosecution under strict child-protection laws.

This caution is vital. In matters involving stringent special laws like the POCSO Act, the judiciary must continuously balance the equities of an individual case against the macro-level legislative intent of protecting vulnerable demographics from exploitation.

Supplementing, Not Supplanting, the Law

This cautious posture aligns perfectly with the Supreme Court's historical approach to its plenary powers. In the landmark *Supreme Court Bar Association v. Union of India*, the apex court famously observed that Article 142 is meant to supplement existing statutory law, not to supplant or entirely replace it. It is an instrument of equity, not a parallel stream of judicial legislation.

Ultimately, *Maruthupandi* highlights the timeless friction between certainty and flexibility in the law. For a legal system to be reliable, it requires predictability; for it to be humane, it requires flexibility. Article 142 exists precisely to curate that delicate equilibrium.

By delivering complete justice to a family without disturbing the statutory integrity of criminal law, the Supreme Court proved that the ultimate measure of judicial power is, sometimes, the wisdom to limit its own echo.

*Anjali is an advocate practising in Delhi High Court.
anjalicoudharyadv@gmail.com*

Views are personal.

Legal Internship

ANC Legal, Advocates & Solicitors
Location: In-Office (New Delhi)

Commencement: July 2026

Description: This internship offers a hands-on learning experience in a dynamic legal environment, with exposure to legal research, drafting, court proceedings, and client interactions under the guidance of experienced professionals.

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Send your updated CV along with a brief cover letter ONLY to: careers@nclegal.co

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Eligibility: Students in 4th/5th year (5-year course) or 2nd/3rd year (3-year course).

How to apply: Applications must be sent exclusively to office@agchambers.in.

The application should include a CV along with a cover letter.

Interested candidates may share their CV at - info@krsc.co.in with the subject line.

"Application for Legal Internship Due Diligence & Title Search"

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Sakshar Law Associates

Description: Legal Drafting Intern / Legal Research and Article Writing; Scope: Drafting pleadings, applications, legal notices, and litigation support / Conducting research on contemporary issues, drafting articles, and case analysis. Requirement: Applicants must submit one redacted drafting sample along with their CV/Shortlisted candidates will be evaluated based on a Case Note assignment.

Eligibility: Open to students pursuing 3-year or 5-year LL.B. courses.

How to apply: Application Process: Interested candidates may email their CV and a brief Letter of Interest to: saksharlawassociates@gmail.com

Please explicitly state the position applied for in the subject line of the email. Kindly note that only shortlisted candidates shall be contacted.

Duration: July

Legal Internship

The Legalites Law Firm

Role: Legal Tech Content and Research Intern

Location: Lucknow

Important Dates:

Application Deadline: 1st July 2026

Batch Commencement: 6th July 2026

Send your updated Resume (detailing your experience) along with a Cover Letter to: hr@thelegalites.co.in

Virtual Internship

Lexful Legal Virtual Internship Program

Location: Virtual

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Description: Legal Research & Case Briefing, Drafting of Pleadings & Legal Documents, Legal Article Writing & Content Creation, Certificate of Completion and Publication Opportunity on Lexful Legal

Verified Link:

https://docs.google.com/forms/d/e/1FAIpQLScXoAEHkRTohLXpm_5Dmbt6Dt-18pbRh5_fm-jWQN8doiF_XA/viewform

Legal Internship

Chambers of Advocate Garvit Gupta

Location: District Court, Gurugram.

Description: The said chamber deals primarily in Real Estate Matters (RERA) in/and around Gurugram representing allottees, builders and associations; Civil and Arbitration matters. The Intern would be expected to assist in court appearances, draft, research on various aspects of law and assist in preparing briefs.

Preference: Final year students/Fresh graduates

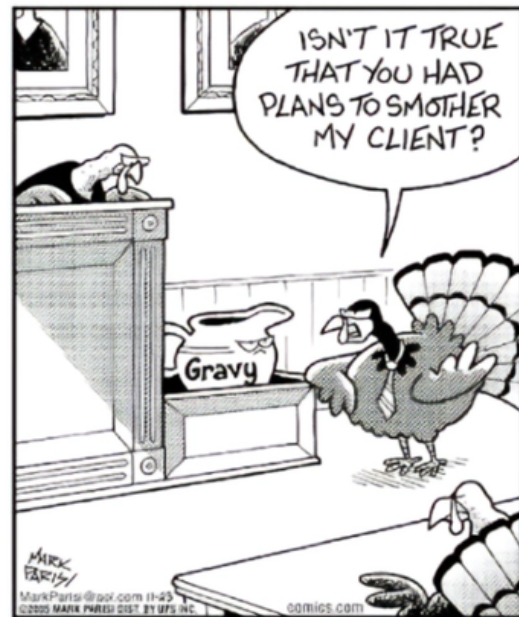
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Lawyers:



TEAM

CONTRIBUTORS

Docket

Anjali Choudhary
anjalichoudharyadv@gmail.com

Lawopportunities

Aishwary Aditya Pandey
aishwarypandey41@gmail.com

CREATOR, EDITOR AND DESIGNER

Anushka Dasgupta

Feel Free to Reach Out On:
anushkadasgupta.india@gmail.com

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Reach out to contribute as writers

Contact: Anushka Dasgupta
anushkadasgupta.india@gmail.com



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