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EDITORIAL ANALYSIS

Room to Walk: On the Right to Secure Footpaths

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Room to Walk: On the Right to Secure Footpaths

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Source: ujyari.com — researched, fact-checked & UPSC-mapped



INTERVIEW ANGLE

"If a fundamental right to footpaths exists, who should the citizen sue when a footpath is encroached, and how would courts measure compliance?"

Source: [Original editorial](#)  [The Hindu](#)

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WHY THIS MATTERS NOW

The Supreme Court has held that the right to walk on safe, demarcated footpaths flows directly from the right to life under Article 21 and the freedoms guaranteed by Article 19. For the first time, pedestrian infrastructure is framed not as a discretionary civic amenity but as a constitutional **entitlement** (<https://ujyari.com/vocab/entitlement/>) that the state must honour wherever it builds a road. In a country where pedestrians are among the most frequent victims of road crashes, the ruling reorders the moral and legal priorities of urban planning.

THE CRUX IN 60 WORDS

A city designed only for vehicles pushes walkers onto the carriageway and into danger. The Court has located the right to secure footpaths within Articles 21 and 19, creating an enforceable duty on the state to provide and maintain them. The promise will fail, however, if it remains a compensation remedy invoked only after a pedestrian is killed.

THE ISSUE, DECODED

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ELEMENT	WHAT IT IS	WHY IT MATTERS
Right to walk	Access to demarcated, unobstructed footpaths	Makes pedestrian safety a justiciable (https://ujjiyari.com/vocab/justiciable/) claim, not a favour
Article 21 anchor	Right to life and dignity	Extends life to mean safe conditions of living
Article 19 linkage	Freedom of movement, speech, assembly	Walking enables exercise of other freedoms
State duty	Build and maintain footpaths with every road	Shifts planning from vehicle-first to people-first
Enforcement gap	Reactive, post-tragedy litigation	Risk that the right stays symbolic

THE ANALYSIS: FROM DECLARATION TO DELIVERY

- ❶ **The constitutional logic is sound.** The Court reads the right to life as the right to live with dignity and safety. A pedestrian forced onto a fast carriageway because no footpath exists is denied that safety, so the absence of footpaths becomes a deprivation under Article 21.
- ❷ **Article 19 widens the foundation.** Movement, assembly, and expression in public space all presuppose the ability to walk freely. By linking footpaths to these freedoms, the Court makes the claim harder to dismiss as a mere policy preference.
- ❸ **The vulnerability** (<https://ujjiyari.com/vocab/vulnerability/>) **of pedestrians is the empirical backbone.** Walkers, cyclists, and two-wheeler riders bear a **disproportionate** (<https://ujjiyari.com/vocab/disproportionate/>) share of road deaths. Recognising safe footpaths as a right responds to a documented public-health crisis.
- ❹ **The enforcement question is unresolved.** **Encroachment** (<https://ujjiyari.com/vocab/encroachment/>) by vendors, parked vehicles, utility cabinets, and unauthorised structures is endemic. Without measurable standards and accountable officials, declarations do not clear pavements.

DATA AND INSTITUTIONS VAULT

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Right to life and personal liberty, judicially expanded to include dignity, health, clean environment, and livelihood.

Freedom of speech and expression, assembly, association, and movement throughout India.

Substantive (<https://ujjiyari.com/vocab/substantive/>) due process and the “right to life as right to live with dignity” line of cases.

Pedestrians and two-wheeler riders form the largest share of crash fatalities, making walking infrastructure a safety priority.

THE DEBATE

The argument for is that constitutional recognition forces municipalities to treat footpaths as infrastructure on par with roads, giving citizens a remedy and planners a **mandate** (<https://ujjiyari.com/vocab/mandate/>).

The argument against is that the judiciary is creating positive obligations that require budgets, land, and local capacity the courts cannot supply, risking unenforceable directives and **judicial overreach** (<https://ujjiyari.com/terms/judicial-overreach/>) into municipal governance.

The balanced verdict: the right is legitimate and overdue, but its value depends entirely on translation into enforceable executive and legislative frameworks rather than case-by-case compensation.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

When a court “discovers” a new facet of a fundamental right, separate two questions. First, is the interpretive move legitimate, meaning does it flow from established jurisprudence (<https://ujjiyari.com/terms/jurisprudence/>)? Second, is it operationalisable, meaning can it be enforced through institutions, budgets, and standards? A right can pass the first test and still fail in practice without the second. This rights-versus-remedies lens applies to clean air, education, and health alike.

DIAGRAM-IN-WORDS

Road built -> No footpath -> Pedestrian on carriageway -> Crash risk -> Article 21 breach -> State duty to build and maintain

THE WAY FORWARD

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- 1 **Legislate a national pedestrian-rights and road-safety framework** with binding footpath design standards for every urban road.
- 2 **Mandate periodic pedestrian audits** and publish footpath-coverage and encroachment data by ward.
- 3 **Name accountable municipal officers** answerable for non-compliance, with citizen-grievance redress (<https://ujyari.com/vocab/redress/>).
- 4 **Tie urban-transport and infrastructure grants** to verified footpath provision, not just road length.
- 5 **Shift the planning default** from vehicle-first to people-first street design.

THE TAKEAWAY BOX

Use this to illustrate the judicial expansion of Article 21 and the rights-versus-remedies tension in welfare jurisprudence.

“Rights on paper do not pave streets.”

Article 21 (right to life and dignity), Article 19(1)(a) to (d), vulnerable road users in crash data.

Balancing the rights of street vendors and informal users against the pedestrian’s right to a clear path tests how competing legitimate claims in public space are reconciled.

Connects to past questions on the expanding scope of Article 21 and the directive of dignified living.

Urban governance, road safety policy, municipal accountability, and the directive principles on welfare.

Sources: *The Hindu* (<https://www.thehindu.com/opinion/editorial/>), *PIB* (<https://pib.gov.in/>)

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KEY ARGUMENTS AT A GLANCE

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By rooting the right to walk on demarcated, unobstructed footpaths in Articles 21 and 19, the Supreme Court has created an enforceable state duty to build and maintain footpaths wherever a road exists.


SUPPORTING

- The judgment treats pedestrian infrastructure as a constitutional entitlement, not a discretionary civic amenity.
- It links footpath access to the freedom of movement and expression under Article 19(1)(a) to ©, widening the basis of the claim.
- Road-crash data show pedestrians among the most vulnerable users, making the duty a public-health imperative.


COUNTER

A declared right is hollow if enforcement remains reactive, surfacing only as compensation after a pedestrian death rather than as a planning mandate.


WAY FORWARD

Convert the ruling into a national pedestrian-rights and road-safety framework with mandatory footpath standards, audits, and accountable municipal officers.


MAINS ANSWER FRAMEWORK

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QUESTION

'The right to life under Article 21 has steadily expanded to include conditions that make life meaningful. Examine how the right to safe footpaths fits this jurisprudence and the challenges in enforcing it. (250 words).'

INTRODUCTION

Article 21 has evolved from a narrow guarantee against arbitrary deprivation into a charter for dignified living. The recognition of a right to safe footpaths is the latest extension of this trajectory.

BODY

The Court reasoned that a city built only for vehicles forces pedestrians onto carriageways, exposing them to fatal risk and abridging both their right to life and their freedom of movement under Article 19(1)(d). By tying the right to walk to demarcated and unobstructed footpaths, the judgment converts a soft civic expectation into a hard state obligation enforceable wherever a road is laid.

This mirrors earlier expansions covering clean air, livelihood, and health. Yet the deeper challenge is institutional.

Footpaths are encroached by vendors, parking, utility boxes, and political patronage, and municipal bodies lack the funds and will to reclaim them. Unless the right is operationalised through enforceable design standards, periodic pedestrian audits, and named officers answerable for non-compliance, it risks becoming a post-tragedy compensation tool.

The transformative potential lies in shifting urban planning from a vehicle-first to a people-first paradigm.

CONCLUSION

The ruling rightly dignifies the pedestrian, but rights on paper do not pave streets. A statutory road-safety and footpath framework, backed by audits and accountability, is essential to make the walk both safe and real.


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