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EDITORIAL ANALYSIS

When the Footpath Becomes a Right: On Article 21 and Urban Mobility

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When the Footpath Becomes a Right: On Article 21 and Urban Mobility

 **The Indian Express** 21 June 2026 **GS2**

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



INTERVIEW ANGLE

"How do positive rights under Article 21 change what the State is obliged to actually build and fund?"

Source: [Original editorial](#)  [The Indian Express](#)

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WHY THIS MATTERS NOW

The Supreme Court has located the right to walk within the fundamental rights to life under Article 21 and freedom of movement under Article 19(1)(d), framing safe pedestrian infrastructure as a constitutional entitlement (<https://ujyari.com/vocab/entitlement/>). In a country where pedestrians die in large numbers on roads built without footpaths, the ruling moves walkability from policy preference to legal duty.

THE CRUX IN 60 WORDS

A right to walk grounded in Article 21 creates a positive State duty to build and maintain footpaths and prioritise pedestrians. Pedestrians bear a heavy share of road deaths, often for want of safe walking space. The ruling matters only if it drives a funded national pedestrian-safety and walkability standard, not merely post-tragedy compensation.

THE ISSUE, DECODED

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ELEMENT	WHAT IT IS	WHY IT MATTERS
Right to walk	Read into Article 21 and 19(1)(d)	Makes safe footpaths a constitutional duty
Positive rights	Duty of the State to provide, not just abstain	Expands obligations in urban governance
Pedestrian fatalities	High share of road deaths	The human stakes behind the ruling
Street Vendors Act, 2014	Law governing footpath vending	Must be balanced with walkability

THE ANALYSIS: FROM DECLARATION TO DELIVERY

- 1 A positive right implies a positive duty.** If life and movement are protected, the State must provide and maintain the infrastructure that makes safe walking possible.
- 2 The human cost is the driver.** Pedestrians account for a *disproportionate* (<https://ujijari.com/vocab/disproportionate/>) share of road-traffic deaths, frequently because footpaths are missing, broken or encroached.
- 3 The fiscal caution is real.** Declared rights without budgets risk becoming unfunded mandates enforced only after deaths, through compensation rather than prevention.
- 4 Implementation is the test.** The right's value depends on a funded national standard, integrated with vendor rights so footpaths serve both mobility and livelihoods.

DATA AND INSTITUTIONS VAULT

Constitutional basis: Article 21 (right to life) and Article 19(1)(d) (freedom of movement). **Doctrine:** Positive rights, the State's duty to provide, not just refrain. **Linked law:** Street Vendors Act, 2014, governing footpath vending. **Concept:** Walkability and pedestrian-safety standards in urban planning. **Stakes:** Pedestrians form a large share of India's road-traffic fatalities.

THE DEBATE

Argument for: Anchoring the right to walk in Article 21 forces governments to treat pedestrian safety as a non-negotiable duty and prioritise the most vulnerable road users.

Argument against: Judicially declared positive rights can outpace fiscal capacity, creating unfunded obligations that strain municipal budgets.

Balanced verdict: The right is sound; its delivery is the challenge. A funded, audited standard turns the declaration into protection; its absence reduces it to litigation after tragedy.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

When a court expands a fundamental right, ask the implementation question: who must now do what, with what budget, and how is it enforced? Positive rights create duties that need delivery mechanisms. A right without a funded standard is a right on paper.

DIAGRAM-IN-WORDS

Right to walk under Article 21 -> positive State duty -> funded footpath standards -> fewer pedestrian deaths

THE WAY FORWARD

- ① Frame a funded national pedestrian-safety and walkability standard.
- ② Require footpaths, crossings and accessibility in all urban road projects.
- ③ Integrate the Street Vendors Act, 2014 so footpaths serve walkers and vendors.
- ④ Audit municipal compliance, shifting from compensation to prevention.
- ⑤ Prioritise vulnerable road users in transport planning and budgets.

THE TAKEAWAY BOX

*Expansion of Article 21 into positive rights and its impact on urban governance. **Lift line:** “Rights without delivery mechanisms invite cynicism.” **Prelims hooks:** Article 21, Article 19(1)(d), positive rights, Street Vendors Act 2014. **Ethics/Interview angle:** The State’s duty of care toward the most vulnerable road users. **PYQ linkage:** UPSC has asked on the expanding scope of Article 21 through judicial interpretation. **Connects to:** Right to life jurisprudence (<https://ujjiyari.com/terms/jurisprudence/>), road safety, urban planning, accessibility.*

Sources: *Indian Express* (<https://indianexpress.com/section/opinion/editorials/>), *The Hindu* (<https://www.thehindu.com/opinion/editorial/>)

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● **KEY ARGUMENTS AT A GLANCE**

**Rooting the right to walk in Article 21 imposes a positive State
 duty to build and maintain footpaths, but it will matter only if it
 drives funded national standards.**

 **SUPPORTING**

- The shift is significant: a right to walk implies an enforceable duty to provide for it.
- Pedestrians bear a disproportionate share of India's road-traffic deaths.
- Article 19(1)(d) freedom of movement strengthens the constitutional basis for walkable cities.

 **COUNTER**

Critics warn that judicial declarations of positive rights can outrun fiscal capacity and create unfunded mandates.

 **WAY FORWARD**

Translate the right into a funded national pedestrian-safety and walkability standard, not just post-tragedy compensation.


MAINS ANSWER FRAMEWORK

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QUESTION

Examine how the expansion of Article 21 into a positive right to safe mobility reshapes the State's obligations in urban governance. (250 words)

INTRODUCTION

The Supreme Court grounding a right to walk in Article 21 and Article 19(1)(d) marks an important expansion of fundamental rights into the domain of everyday urban mobility. It converts safe footpaths from amenity to constitutional entitlement.

BODY

Indian jurisprudence has long read Article 21's right to life as a positive right, encompassing dignity, health and a safe environment, not merely freedom from arbitrary deprivation. Extending it to the right to walk follows that logic: if life and movement are protected, the spaces that make movement safe cannot be left to chance.

The practical stakes are high. Pedestrians account for a large and rising share of road-traffic fatalities, often because footpaths are absent, encroached or unsafe.

A positive right implies a corresponding State duty to build, maintain and keep clear pedestrian infrastructure, and to prioritise the most vulnerable road users in planning. The risk is that a declared right without funding becomes a paper promise, enforced only through post-tragedy compensation rather than prevention.

The right's value therefore lies in implementation: a national walkability and pedestrian-safety standard, budgeted and audited, integrated with the Street Vendors Act, 2014 so that footpaths serve both walkers and livelihoods. Rights without delivery mechanisms invite cynicism.

CONCLUSION

The judgment reframes the footpath as a constitutional obligation. Its promise will be realised only if the right is converted into funded, enforceable standards rather than left as aspiration.


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