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# Right to Walk: Footpaths as a Fundamental Right

21 June 2026 · **POLITY** · **SOCIAL ISSUES** · **GS2**

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# Right to Walk: Footpaths as a Fundamental Right

21 June 2026 · 3 min read ·

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## WHY IN NEWS

Indian courts have increasingly affirmed a “**Right to Walk**”, holding that safe, accessible and encroachment (<https://ujyari.com/vocab/encroachment/>)-free footpaths are integral to the **right to life under Article 21** of the Constitution. The debate has resurfaced as cities grapple with pedestrian deaths, vanished footpaths and the rights of vulnerable road users.

The pedestrian is the most neglected actor in Indian urban transport. Roads are designed for vehicles, footpaths are encroached or absent, and pedestrians bear a disproportionate (<https://ujyari.com/vocab/disproportionate/>) share of road fatalities. The judicial recognition of a Right to Walk reframes footpaths from a civic amenity into a constitutional entitlement.

## THE CONSTITUTIONAL BASIS

### Article 21 and its Expansive Reading

**Article 21** guarantees that “no person shall be deprived of his life or personal liberty except according to procedure established by law.” Through decades of jurisprudence (<https://ujyari.com/terms/jurisprudence/>), the Supreme Court has read “**life**” to mean not mere animal existence but a **life of dignity**, encompassing a clean environment, livelihood, health and mobility.

The Right to Walk flows from this expansive reading: if the state allows footpaths to be encroached or built unsafely, forcing pedestrians onto carriageways where they are killed, it arguably fails its duty to protect life under Article 21.

RIGHT DERIVED FROM ARTICLE 21	ILLUSTRATIVE PRINCIPLE
Right to livelihood	Olga Tellis v. Bombay Municipal Corporation (1985)
Right to clean environment	Subhash Kumar v. State of Bihar (1991)
Right to health	Various directions on public health
Right to walk / safe mobility	Footpaths as part of dignified life

## Competing Rights: Vendors versus Pedestrians

A key tension is between **street vendors** (whose livelihood is also Article 21 and is protected by the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**) and **pedestrians** who need clear footpaths. The constitutional task is to **balance** these rights through designated vending zones rather than blanket eviction or unchecked encroachment.

## THE GOVERNANCE DIMENSION

The Right to Walk is ultimately a test of **urban local governance**. Footpaths fall under municipal jurisdiction, which connects the issue to the **74th Constitutional Amendment** and the functioning of Urban Local Bodies (ULBs).

Key governance failures include:

- Footpaths designed too narrow or interrupted by utility boxes and parking.
- Encroachment by vendors, parked vehicles and construction debris.
- Lack of universal accessibility for the elderly and persons with disabilities.

The **Rights of Persons with Disabilities Act, 2016** mandates accessible public spaces, reinforcing that footpaths must be barrier-free, not just present.

## ROAD SAFETY LINKAGE

Pedestrians and other vulnerable road users account for a large share of India's road fatalities. The **Motor Vehicles (Amendment) Act, 2019** and the **Sustainable Development** (<https://ujiyari.com/terms/sustainable-development/>) **Goal 3.6** (halving road traffic deaths) both demand safer street design. A Right to Walk gives constitutional teeth to road-safety obligations.

## ANALYSIS AND WAY FORWARD

- **Codify** (<https://ujiyari.com/vocab/codify/>) **standards**: Adopt and enforce footpath design standards (minimum width, continuity, universal accessibility).

- **Designated vending zones:** Implement the 2014 Street Vendors Act in letter and spirit to reconcile competing livelihoods.
- **Accountability:** Make ULBs answerable for pedestrian infrastructure, with citizen audits.
- **Complete streets:** Shift from vehicle-centric to “complete streets” planning that allocates space to walking, cycling and transit.

## UPSC RELEVANCE

- **GS Paper 2 (Polity / Governance):** Expansive interpretation of Article 21, judicial activism (<http://ujiyari.com/terms/judicial-activism/>), urban local governance and the 74th Amendment.
- **Prelims:** Article 21, Street Vendors Act 2014, Rights of Persons with Disabilities Act 2016.
- **Mains:** “The Right to Walk illustrates the judiciary’s expansion of Article 21. Examine in the context of urban governance and competing livelihoods.”

## FACTS CORNER

### FACTS CORNER — KNOWLEDGEPEDIA

Source right: Article 21 (right to life and personal liberty), read expansively.

Key precedent on livelihood: *Olga Tellis v. Bombay Municipal Corporation* (1985).

Vendors’ law: Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

Accessibility law: Rights of Persons with Disabilities Act, 2016.

Governance hook: 74th Constitutional Amendment and Urban Local Bodies.

Global target: SDG 3.6, halving road traffic deaths.

*Sources: Supreme Court of India* (<https://www.sci.gov.in>), *The Hindu* (<https://www.thehindu.com>), *Indian Express* (<https://indianexpress.com>)

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