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EDITORIAL ANALYSIS

Article 21 and the Right to the City

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Article 21 and the Right to the City

 **The Indian Express** 29 June 2026 **GS2**

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INTERVIEW ANGLE

"A court can declare a safe footpath a fundamental right, but it cannot pour the concrete. When a right depends entirely on a cash-strapped municipality to fulfil it, is it a right or an aspiration?"

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

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WHY THIS MATTERS NOW

In **June 2026**, the **Supreme Court** held that the **right to walk on demarcated footpaths** is a **fundamental right** under **Article 19(1)(d)** read with **Article 21**, ruling that pedestrians have priority over motor vehicles and that urban authorities have a duty to provide safe footpaths. For an aspirant, this is a **GS2** case on **fundamental rights, judicial expansion of Article 21 and urban governance**.

THE CRUX IN 60 WORDS

The Supreme Court has made **safe footpaths a fundamental right**, extending **Article 21** and **Article 19(1)(d)** into urban public space and asserting the citizen's **first claim** over motor vehicles. It names **municipalities and panchayats** as duty bearers and opens legal remedies. But a court can declare a right, not pour concrete; delivery needs **funding, accountability and urban-governance reform**.

THE ISSUE, DECODED

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CONCEPT	WHAT IT MEANS	WHY IT MATTERS
Expansive Article 21	Right to life includes dignity and safe living	Footpaths become a constitutional entitlement (https://ujivari.com/vocab/entitlement/)
Positive obligation	State must act, not merely refrain	Authorities must build and maintain footpaths
Right to the city	Citizen's claim on shared urban space	Pedestrians prioritised over private vehicles
Duty bearers	Bodies legally responsible	Municipal corporations, municipalities, panchayats

THE ANALYSIS

- ① **The Article 21 arc continues.** From Maneka Gandhi onward, the Court has read Article 21 expansively, adding dignity, health, a clean environment, and now safe pedestrian movement to the right to life.
- ② **A right-to-the-city assertion.** By giving pedestrians the first claim over motor vehicles, the Court reframes the street as a shared civic good rather than a motorist's domain.
- ③ **From negative to positive rights.** The judgment imposes a positive duty on the State to build infrastructure, a stronger and harder-to-enforce obligation than a mere prohibition.
- ④ **The delivery gap is the real test.** Under-funded municipalities and weak urban local bodies mean the right may outrun the capacity to fulfil it, the recurring weakness of positive-rights jurisprudence (<https://ujivari.com/terms/jurisprudence/>).

DATA AND INSTITUTIONS VAULT

Supreme Court, June 2026, in a motor-accident compensation case; bench of Justices P.S. Narasimha and A.S. Chandurkar; right to walk on demarcated footpaths a fundamental right under Article 19(1)(d) read with Article 21. The holdings: pedestrians have first claim and priority over motor vehicles; duty bearers are urban development authorities, municipal corporations, municipalities and panchayats; remedies independent of the Motor Vehicles Act, 1988. The constitutional base: Article 21 (life and dignity); Article 19(1)(d) (freedom of movement); 74th Amendment (urban local bodies); DPSP Article 39. Concept: expansive due process; positive rights; right to the city; urban governance.

THE DEBATE

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Argument for the expansion: A right to life is hollow if citizens are run over for lack of a footpath. The Court rightly converts a daily safety failure into an enforceable right and names accountable authorities.

Argument warning of overreach (<https://ujijari.com/vocab/overreach/>): Declaring positive rights that cash-strapped municipalities cannot fund risks creating unenforceable promises, straining the separation of powers and the courts' credibility when the right goes unmet.

Balanced verdict: Both concerns are legitimate. The right is morally and constitutionally sound, but a right without delivery breeds cynicism. The remedy is not judicial timidity but matching the pronouncement with municipal finance, design standards and accountability, so the right becomes pavement, not just precedent.

HOW TO THINK ABOUT THIS (TRANSFERABLE SKILL)

For any newly declared positive right, identify the duty bearer and test its capacity and funding. A right's reality lies not in the judgment but in the institution bound to deliver it. Mapping rights onto capable, financed institutions separates enforceable guarantees from aspirational declarations.

DIAGRAM-IN-WORDS

Maneka Gandhi -> Article 21 expanded (dignity, health, environment) -> footpath judgment
 -> safe walking = fundamental right -> pedestrians first claim over vehicles -> duty bearers: municipalities/panchayats -> BUT under-funded ULBs -> needs finance + standards + accountability -> right becomes pavement

THE WAY FORWARD

- ① **Fund the duty bearers.** Provide dedicated municipal finance and grants tied to pedestrian-infrastructure delivery.
- ② **Set design standards and targets.** Mandate (<https://ujijari.com/vocab/mandate/>) footpath-coverage and accessibility norms with measurable, time-bound goals.
- ③ **Empower** (<https://ujijari.com/vocab/empower/>) **urban local bodies.** Implement the 74th Amendment fully so ULBs have the powers, funds and functionaries to act.
- ④ **Build accountability.** Create grievance and audit mechanisms so citizens can enforce the right against negligent authorities.

THE TAKEAWAY BOX

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The footpath judgment extends Article 21 into urban public space and imposes positive State duties, but its meaning depends on municipal finance, capacity and accountability.

“The Court has redrawn the boundary of Article 21 to include the citizen’s claim on the city.”

Article 21; Article 19(1)(d); footpath judgment 2026 (Justices Narasimha and Chandurkar); 74th Amendment; Motor Vehicles Act, 1988; right to the city.

A right that depends entirely on a cash-strapped municipality tests whether it is a guarantee or an aspiration; the duty of the State to the most vulnerable road users.

UPSC has asked on the expansive interpretation of Article 21 and judicial activism (<https://ujjyari.com/terms/judicial-activism/>) versus overreach; this connects both to urban public space.

Judicial activism and PIL, urban governance and the 74th Amendment, directive principles, accessibility and disability rights, road safety.

Sources: *The Indian Express* (<https://indianexpress.com/section/opinion/>), *The Tribune* (<https://www.tribuneindia.com/>), *Down To Earth* (<https://www.downtoearth.org.in/>)

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KEY ARGUMENTS AT A GLANCE

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The Supreme Court's recognition of safe footpaths as a fundamental right extends Article 21 and Article 19(1)(d) to urban public space and the State's positive obligations, but converting the pronouncement into infrastructure needs funding, accountability and urban-governance reform.


SUPPORTING

- The ruling continues the long expansion of Article 21 from a negative protection into a positive guarantee of dignity, health and safe living.
- By prioritising pedestrians over motor vehicles, the Court asserts the first claim of the citizen on common urban space, a right-to-the-city idea.
- It names clear duty bearers, municipal corporations, municipalities and panchayats, opening constitutional and legal remedies for citizens.


COUNTER

Critics caution that declaring positive rights the State lacks the funds and capacity to deliver risks judicial overreach and unenforceable promises that erode the courts' credibility.


WAY FORWARD

Back the right with dedicated municipal finance, pedestrian-design standards, accountability for duty bearers, empowered urban local bodies under the 74th Amendment, and measurable footpath-coverage targets.


MAINS ANSWER FRAMEWORK

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QUESTION

"The judicial expansion of Article 21 into urban public space is meaningful only if matched by institutional capacity to deliver." Examine in light of the Supreme Court's recognition of safe footpaths as a fundamental right. (250 words)

INTRODUCTION

A fundamental right is only as real as the institution bound to deliver it. The Supreme Court's footpath judgment is a bold extension of Article 21, and a test of whether courts can will the means as well as the end.

BODY

In a motor-accident case, the Supreme Court held that the right to walk on demarcated footpaths is a fundamental right under Article 19(1)(d), read with Article 21. This continues the long arc by which Article 21 has grown from a narrow protection against arbitrary deprivation of life into a positive guarantee of dignity, health and a safe living environment.

The Court went further, ruling that pedestrians have the first claim on common space, that their movement takes priority over motor vehicles, and that urban authorities have a duty to build and maintain footpaths, breach of which invites constitutional and legal remedies. This is a right-to-the-city moment: it treats the street as a shared civic good, not a motorist's preserve.

Yet the harder question is delivery. A court can declare the right; it cannot lay the pavement.

Indian cities suffer chronic municipal under-funding, weak urban local bodies and poor accountability. Without dedicated finance, pedestrian-design standards and enforceable targets, the judgment risks becoming a noble but unfulfilled promise, the fate of many positive rights.

The critique of overreach is real, but the answer is not judicial restraint; it is to pair the right with the governance reforms that make it deliverable.

CONCLUSION

The Court has redrawn the boundary of Article 21 to include the citizen's claim on the city. Whether that claim becomes concrete depends on money, capacity and accountable urban governance.


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