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Supreme Court Recognises the Right to Walk on Safe Footpaths

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CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

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Supreme Court Recognises the Right to Walk on Safe Footpaths

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WHY IN NEWS

In a recent judgment, delivered on June 19, 2026 in S. Rajaseekaran v. Union of India, a Supreme Court bench of Justice P.S. Narasimha and Justice A.S. Chandurkar held that the right to walk safely on demarcated footpaths is a fundamental right flowing from Article 19(1)(d) and Article 21 of the Constitution, and that it cannot be subordinated to the convenience of motor vehicles.

The case arose against the backdrop of road-safety litigation in which the Court considered, among other issues, the death of a pedestrian where no usable footpath existed. The bench used the occasion to articulate, for the first time so directly, a constitutional “right to walk,” reframing pedestrian infrastructure from a discretionary civic amenity into an enforceable obligation of the State.

THE CONSTITUTIONAL REASONING

The Court grounded the right to walk in two fundamental rights read together.

CONSTITUTIONAL PROVISION	WHAT IT GUARANTEES	APPLICATION TO FOOTPATHS
Article 19(1)(d)	Freedom to move freely throughout the territory of India	Movement is meaningless if pedestrians have no safe space to walk
Article 21	Right to life and personal liberty	Life with dignity includes safe mobility and protection from preventable road deaths

The bench held that the availability of unobstructed, safe and accessible footpaths is essential to human dignity, personal safety and meaningful mobility. Crucially, it ruled that pedestrians' rights are "primary" and "shall have priority over movement by motorised vehicles," inverting the car-centric assumption that dominates Indian urban road design.

A Positive Obligation on the State

The judgment is significant because it imposes a positive obligation, not merely a negative restraint. It is not enough for the State to refrain from obstructing movement; it must actively build and maintain pedestrian infrastructure, including disability-friendly, accessible footpaths. The Court directed that authorities prioritise pedestrian welfare in urban planning, and forwarded a copy of the judgment to the Law Commission of India to examine a statutory (<https://ujjiyari.com/vocab/statutory/>) framework, identifying duty-bearers, providing remedies, and considering a dedicated regulatory body to plan and enforce the right to walk.

THE LINE OF ARTICLE 21 JURISPRUDENCE

This ruling sits squarely within the Supreme Court's tradition of reading Article 21 expansively to include unenumerated rights essential to a dignified life.

- **Olga Tellis v. Bombay Municipal Corporation (1985):** The right to life includes the right to livelihood, and by extension shelter, protecting pavement dwellers from arbitrary eviction.
- **M.C. Mehta cases (from the 1980s):** A series of judgments reading the right to a clean and healthy environment into Article 21.
- **Subhash Kumar v. State of Bihar (1991):** Right to pollution-free water and air as part of the right to life.

The "right to walk" extends this lineage into the domain of urban mobility and public space, recognising that the design of the city itself can advance or violate fundamental rights.

ANALYSIS AND WAY FORWARD

The judgment carries weight beyond doctrine. India records a very large share of the world's road-traffic deaths, and pedestrians are among the most vulnerable victims, especially where footpaths are absent, encroached, or surrendered to parking and vending. By making safe footpaths a constitutional entitlement (<https://ujjiyari.com/vocab/entitlement/>), the Court gives citizens and civil-society groups a tool to demand accountability from municipal bodies.

Implementation, however, will determine the right's real value. The way forward includes: incorporating mandatory, accessible footpath standards into municipal building and road-design codes; clearing encroachments while rehabilitating informal vendors and pavement dwellers humanely, consistent with Olga

Tellis; integrating pedestrian-first design into smart-city and urban-mobility planning; and enacting the national pedestrian-rights statute the Court has invited the Law Commission to examine. A right declared in court must be financed and engineered on the street to become real.

UPSC RELEVANCE

GS Paper 2 (Polity and Governance): Fundamental Rights, judicial review (<https://ujijari.com/terms/judicial-review/>) and judicial activism, expansion of Article 21, and the role of the judiciary in governance and urban policy.

Prelims pointers:

- The “right to walk” was read into Article 19(1)(d) (freedom of movement) and Article 21 (right to life).
- Bench: Justice P.S. Narasimha and Justice A.S. Chandurkar; case: S. Rajaseekaran v. Union of India.
- The Court referred a possible statutory framework to the Law Commission of India.
- Olga Tellis (1985) read the right to livelihood into Article 21.

Mains question: “The Supreme Court’s recognition of a ‘right to walk’ continues its tradition of expansively interpreting Article 21.” Examine this development in the context of urban mobility and the positive obligations of the State, and discuss the challenges in enforcing such judicially declared rights. (15 marks, 250 words)

FACTS CORNER

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Case: S. Rajaseekaran v. Union of India (2026); bench of Justice P.S. Narasimha and Justice A.S. Chandurkar.

Holding: The right to walk on safe, demarcated footpaths is a fundamental right under Article 19(1)(d) (freedom of movement) and Article 21 (right to life and personal liberty).

Key principle: Pedestrians’ rights are “primary” and take priority over motorised-vehicle movement; the State has a positive obligation to build and maintain accessible footpaths.

Direction: Judgment forwarded to the Law Commission of India to consider a statutory framework and a regulatory body for pedestrian rights.

Article 19(1)(d): Guarantees freedom to move freely throughout the territory of India.

Article 21: Read expansively to include rights to livelihood (Olga Tellis, 1985), a clean environment (M.C. Mehta cases), and now safe mobility.

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

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UPSC Educator & Content Creator

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