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The Right to Walk: Footpaths, Article 19(1)(d) and Article 21

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On August 3, 2026, a Supreme Court bench of Justices P.S. Narasimha and Alok Aradhe directed the Union government and road development authorities to ensure clearly demarcated, encroachment-free pedestrian zones on all roadways. The direction was issued in the ongoing suo motu proceeding *Re: Fundamental Right to Walk and Footpath*, which arose from the Court's judgment of **19 June 2026** in *Maniyar Iliyaz v. P. Ayyappan*. It was that judgment, by a bench of Justices P.S. Narasimha and A.S. Chandurkar, which declared the right, locating it in **Article 19(1)(d) read with Article 21** rather than in Article 21 alone.

WHAT THE COURT DIRECTED

ELEMENT	CONTENT
The declaring judgment	<i>Maniyar Iliyaz v. P. Ayyappan</i> , 19 June 2026 ; bench of Justices P.S. Narasimha and A.S. Chandurkar
The right	Walking on a safe, encroachment-free footpath flows from Article 19(1)(d) read with Article 21 , alongside Articles 19(1)(a), (b) and (c)
The continuing proceeding	Converted into a suo motu matter, <i>Re: Fundamental Right to Walk and Footpath</i>
The 3 August 2026 order	Directions in that proceeding, by a bench of Justices P.S. Narasimha and Alok Aradhe
Duty-bearers named	Urban development authorities, municipal corporations, municipalities and panchayats
Immediate direction	The Additional Solicitor General to have road development authorities secure walking zones; compliance steps sought within two weeks
Remedy indicated	Constitutional and civil remedies against violating authorities, including compensation

Justice Narasimha's observation is the one worth carrying into an answer. His words were that without any big investment or construction, authorities should simply ensure proper demarcation of walkers' space, doing it with a rope or anything, and ensure it is not encroached. The framing is **deliberate**, because it forecloses the standard municipal defence of fiscal incapacity.

The sequence matters for accuracy. The right was **declared in June**; the August order is **enforcement**. Writing that the Court created the right in August would misdescribe both the timeline and what the Court was doing.

THE CONSTITUTIONAL LINEAGE

The pairing of provisions is what makes this judgment interesting, and it is the part most likely to be tested.

Article 19(1)(d) guarantees the right to move freely throughout the territory of India. It has ordinarily been read as a protection against restrictions on movement, that is, as a negative liberty. Reading it together with Article 21 converts it into a claim to the **conditions that make movement possible**, which is a positive obligation on the state. That is the **doctrinal** move, and it is a larger one than adding another item to the Article 21 list.

Article 21 itself has repeatedly been read as protecting the conditions that make life possible rather than mere animal existence.

CASE	EXPANSION OF ARTICLE 21
Maneka Gandhi v. Union of India (1978)	Procedure established by law must be fair, just and reasonable; the foundation of all later expansion
Francis Coralie Mullin v. Administrator, UT of Delhi (1981)	Right to live with human dignity , not merely to exist
Olga Tellis v. Bombay Municipal Corporation (1985)	Right to livelihood as part of the right to life, in a case that itself concerned pavement dwellers
Subhash Kumar v. State of Bihar (1991)	Right to a pollution-free environment
M.C. Mehta line of cases	Environmental and urban-governance directions issued under Article 21
Maniyar Iliyaz v. P. Ayyappan (19 June 2026)	Right to walk on safe, encroachment-free pedestrian infrastructure, under Article 19(1)(d) read with Article 21

The Olga Tellis link is worth noticing for its irony. That case protected pavement dwellers against summary eviction on livelihood grounds; the present case asserts a competing pedestrian claim to the same physical space. Both are Article 21 claims, and the tension between them is real rather than rhetorical.

THE GOVERNANCE LAYER

The duty-bearers the Court named map onto the **74th Constitutional Amendment Act, 1992**.

PROVISION	CONTENT
Article 243W	Legislature of a State may endow municipalities with powers and authority to function as institutions of self-government, and to perform functions listed in the Twelfth Schedule
Twelfth Schedule	Includes urban planning including town planning; roads and bridges; regulation of land use; public amenities
Article 243G / Eleventh Schedule	The corresponding provisions for panchayats, which the Court also named

So the constitutional design already assigns footpaths to municipal bodies. The Court is not creating the obligation; it is attaching a fundamental right to an existing municipal function, which converts a policy failure into a rights violation with remedies attached.

THE COUNTER-ARGUMENT

Where the duty lands is where the capacity is weakest. Indian municipal bodies are chronically under-financed, with own-revenue collection low, dependence on state transfers high, and severe staff shortages in engineering and enforcement cadres. Municipal own revenue as a share of GDP in India is a small fraction of the comparable figure in most peer economies. Declaring a fundamental right against such a body creates an enforceable claim that the body may lack the means to satisfy.

Encroachment is not only a failure of will. Footpaths in Indian cities are occupied by street vendors, whose own livelihood rights are statutorily protected under the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**, which requires town vending committees, surveys, and vending zones before eviction. A direction to clear footpaths that ignores this statute would collide with it. The genuine solution is spatial planning that accommodates both, which is slower and more expensive than clearance.

The enforcement question. A declared right that municipalities cannot meet risks producing either unenforceable declarations, which erode judicial authority over time, or enforcement directed at the softest target, which in practice means vendors and hawkers rather than parked vehicles, encroaching commercial establishments or the design failures of the road-building agencies themselves.

The strongest version of the judgment's defence is that road-safety outcomes justify the intervention regardless. India records among the highest absolute road-fatality burdens in the world, and pedestrians form a substantial share of those killed. Where a governance failure kills people at scale, judicial intervention that

forces the issue onto the agenda has value even if compliance is imperfect.

UPSC RELEVANCE

GS Paper 2: Fundamental Rights; [judicial activism](#) and judicial review; devolution of powers and finances to local levels and challenges therein; government policies and interventions.

GS Paper 3: Infrastructure; issues relating to urbanisation.

Prelims pointers:

- The declaring judgment is ***Maniyar Iliyaz v. P. Ayyappan*, 19 June 2026**, by Justices **P.S. Narasimha and A.S. Chandurkar**; the right rests on **Article 19(1)(d) read with Article 21**, not on Article 21 alone.
- The matter continues as a suo motu proceeding, ***Re: Fundamental Right to Walk and Footpath***; the **3 August 2026** order, by Justices **P.S. Narasimha and Alok Aradhe**, issued directions in that proceeding.
- Municipal functions including urban planning and roads and bridges are listed in the **Twelfth Schedule**, read with **Article 243W**, inserted by the **74th Constitutional Amendment Act, 1992**.
- ***Olga Tellis v. Bombay Municipal Corporation (1985)*** is the pavement-dweller precedent that read livelihood into Article 21.
- Street vending is governed by the **Street Vendors Act, 2014**, which requires town vending committees and designated vending zones.
- **Francis Coralie Mullin (1981)** established the right to live with human dignity as part of Article 21.

Mains question: “Expansive Article 21 [jurisprudence](#) creates enforceable rights against institutions that lack the fiscal and administrative capacity to honour them.” Examine this claim with reference to the right to safe pedestrian infrastructure, and assess whether judicial declaration is a substitute for municipal finance reform. (250 words)

declared in *Maniyar Iliyaz v. P. Ayyappan*, 19 June 2026, by Justices P.S. Narasimha and A.S. Chandurkar. The right to walk on a safe, encroachment-free footpath flows from Article 19(1)(d) read with Article 21. The matter continues as the suo motu proceeding *Re: Fundamental Right to Walk and Footpath*, in which a bench of Justices P.S. Narasimha and Alok Aradhe issued directions on 3 August 2026.

urban development authorities, municipal corporations, municipalities and panchayats. Remedies indicated include compensation.

Article 243W and the Twelfth Schedule (74th Amendment, 1992) already assign urban planning and roads to municipalities; Article 243G and the Eleventh Schedule do the same for panchayats.

Maneka Gandhi (1978) → *Francis Coralie Mullin* (1981), dignity → *Olga Tellis* (1985), livelihood → *Subhash Kumar* (1991), clean environment.

the *Street Vendors Act, 2014* protects vendor livelihoods on the same footpaths and requires town vending committees and vending zones before eviction.

Sources: *Deccan Herald*, *Supreme Court of India*, *Ministry of Housing and Urban Affairs*

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