



CIVIL

CONSTITUTIONAL LAW

Supreme Court Recognises the Fundamental Right to Walk: A Transformative Step Towards Pedestrian Justice

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PUBLISHED 22 June 2026

Introduction

The Supreme Court's judgment in *Maniyar Iliyas @ Shaik Riyaz & Anr. v. P. Ayyappan & Ors.*^[1], marks an important development in Indian constitutional and urban governance jurisprudence. What began as a tragic motor accident claim involving the death of a five-year-old child was transformed by the Court into a broader constitutional discussion on the dignity, safety and rights of pedestrians.

The case arose from a heartbreaking incident where a young child, while walking to school with his father, was hit from behind by a tanker and succumbed to his injuries. The Court specifically noted the absence of a footpath or pedestrian crossing at the place of accident.

In its judgment, the Supreme Court recognised that walking is not a secondary or incidental activity on roads, but the most basic form of human movement. The Court held that the right to walk on demarcated footpaths is a fundamental right under Article 19(1)(d), read with Articles 19(1)(a), 19(1)(b), 19(1)(c) and Article 21 of the Constitution of India. It further declared that this right carries a corresponding duty on urban development authorities, municipal corporations, municipalities and panchayats to provide and maintain safe pedestrian infrastructure.

The judgment is significant because it shifts the legal focus from merely compensating victims after road accidents to recognising the State's proactive duty to prevent such tragedies through safe, accessible and well-maintained footpaths. It also affirms that roads are not meant only for motorised vehicles; they are public spaces where the rights of pedestrians must receive primary constitutional protection.

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Background of the Case

The case arose out of a tragic road accident involving the death of a five-year-old child. The appellant-father was walking with his young son at around 9:00 a.m. to drop him at a neighbourhood school. While they were walking, a tanker came from behind and hit the child, crushing his waist and lower body. The child later succumbed to the injuries. The Supreme Court noted that, at the place of accident, there was neither a footpath nor a pedestrian crossing, which exposed the larger issue of unsafe and inadequate pedestrian infrastructure.

Following the accident, the father filed a claim petition seeking compensation of ₹25,00,000. The Motor Accident Claims Tribunal, by its award dated 30 May 2016, granted compensation of ₹7,82,000 with interest at the rate of 6% per annum from the date of the petition till realisation. Both the claimant and the insurance company challenged the award before the High Court. However, the High Court dismissed the claimant's appeal and allowed the insurance company's appeal, reducing the compensation to ₹4,70,000.

Aggrieved by the reduction of compensation, the appellants approached the Supreme Court. While examining the correctness of the High Court's order, the Supreme Court also addressed the larger constitutional concern arising from the case: whether citizens have a fundamental right to safe pedestrian movement and access to demarcated footpaths. The Court observed that

such accidents cannot be viewed only as motor accident claims, because they also reflect a systemic failure to recognise and protect the basic right of citizens to walk safely on public roads.

The Core Issue Before the Court

The immediate issue before the Supreme Court was whether the compensation awarded by the High Court was legally sustainable. However, the larger constitutional issue that emerged was whether citizens have a fundamental right to safe pedestrian movement, including the right to walk on demarcated and well-maintained footpaths.

The Court observed that road accidents involving pedestrians cannot be addressed only through FIRs and motor accident claims. According to the Court, the deeper problem lies in the failure of the legal and administrative system to recognise walking as a constitutionally protected activity and to impose corresponding duties on public authorities.

Recognition of the Fundamental Right to Walk

One of the most important aspects of the judgment is the Supreme Court's clear recognition that the right to walk is a fundamental right. The Court observed that the right to move freely throughout the territory of India under Article 19(1)(d) of the Constitution cannot be understood only in terms of movement by motor vehicles. Walking is the most basic and natural form of human movement, and therefore, it must receive primary constitutional protection.

The Court held that the right to walk includes the right to access safe, demarcated and well-maintained footpaths. It further clarified that pedestrian movement is not secondary to vehicular movement. On the contrary, the right of citizens to walk on footpaths is primary and must have priority over the convenience of motorised vehicles. This observation is significant because it challenges the common approach of treating roads mainly as spaces for vehicles, while pedestrians are often left to adjust to unsafe or poorly maintained conditions.

The Supreme Court also linked the right to walk with the broader guarantees of life, liberty and dignity under Article 21. It recognised that walking is an essential part of everyday life, not merely a mode of travel. Citizens walk to schools, workplaces, markets, public offices, religious places and community spaces. Therefore, the absence of proper footpaths directly affects access to public life, safety and dignity.

Further, the Court connected walking with the freedoms under Articles 19(1)(a), 19(1)(b) and 19(1)(c), as walking is often connected with expression, assembly and association. Processions, marches, pilgrimages and public movements are all examples where walking becomes a means of social, cultural, religious and political participation. In this sense, the Court recognised walking as more than physical movement; it is also a constitutional activity linked to public participation and civic freedom.

By declaring the right to walk on demarcated footpaths as a fundamental right, the Supreme Court has placed a positive obligation on public authorities to provide safe pedestrian infrastructure. The judgment makes it clear that where a road exists, there must also be a corresponding duty to provide and maintain a proper footpath. This duty falls on urban development authorities, municipal corporations, municipalities and panchayats.

Thus, the judgment marks a major shift from a vehicle-centric understanding of roads to a people-centric and rights-based approach. It affirms that roads are public spaces meant for vehicles, and for pedestrians, and that the safety and dignity of walkers must be protected as a matter of constitutional duty.

Duties of Public Authorities

The Supreme Court held that the recognition of the fundamental right to walk necessarily creates a corresponding duty on public authorities. The Court made it clear that wherever a road exists, the concerned authority must ensure that pedestrians are provided with a demarcated, safe and well-maintained footpath. Pedestrian infrastructure cannot be treated as an optional civic facility; it is an essential requirement flowing from the constitutional right to movement and life.

The Court identified Urban Development Authorities, Municipal Corporations, Municipalities and Panchayats as the principal duty bearers. These authorities are expected to demarcate, construct, maintain and protect footpaths and other pedestrian facilities. The judgment further clarifies that this duty is enforceable, meaning that citizens may seek constitutional or legal remedies where public authorities fail to provide or maintain safe pedestrian infrastructure.

This finding is significant because it changes the legal character of footpaths. They are no longer viewed merely as a matter of municipal planning or administrative convenience. Instead, they are recognised as part of the State's constitutional obligation towards citizens. The judgment therefore strengthens the accountability of public authorities and affirms that pedestrians have enforceable rights, not merely a hope for better civic policy.

Motor Vehicles Act Not Sufficient to Protect Pedestrians

The Supreme Court also clarified that the Motor Vehicles Act, 1988 is not a complete legal framework for protecting the fundamental right to walk. The Court observed that the Act is primarily vehicle-centric, dealing with matters such as licensing of drivers, registration of vehicles, transport permits, insurance, traffic control and motor accident claims. Within this framework, pedestrians are treated only incidentally, while motor vehicles remain the central subject of regulation.

The Court also referred to the Motor Vehicles (Driving) Regulations, 2017, which require drivers to exercise special care towards vulnerable road users, including pedestrians, cyclists and children. However, the Court held that these regulations only operate as guiding principles for drivers. They do not recognise the right to walk as a fundamental right, nor do they create a comprehensive obligation to provide demarcated footpaths or prioritise pedestrian movement over motorised traffic.

This distinction is important. A claim under the Motor Vehicles Act may provide compensation after an accident, but it does not address the larger structural failure that leads to such accidents, such as the absence of footpaths, unsafe road design or lack of pedestrian crossings. The Court therefore recognised the need for a separate rights-based and institutional framework to protect pedestrians and ensure safe access to public roads.

Need for a Statutory Framework and Regulator

The Supreme Court observed that although the right to walk has been recognised as a fundamental right, India does not yet have a dedicated law to protect and enforce it. The Court noted that other rights, such as education, food security and information, are supported by statutes that define duties, remedies and regulatory mechanisms.

On the same basis, the Court held that pedestrian rights require a clear statutory framework. Such a law should recognise the right to safe and demarcated footpaths, identify responsible authorities, provide quick remedies for violations and ensure regular monitoring.

The Court also stressed the need for a full-time regulator to oversee pedestrian infrastructure, build expertise, maintain data and ensure accountability. Accordingly, it directed that the judgment be sent to the concerned ministries and the Law Commission for examining the need for suitable legislation and remedies.

This part of the judgment is important because it shows that the Court did not stop at declaring a right; it also highlighted the need for an enforceable system to make that right meaningful.

Restitutionary and Constitutional Remedies

Another significant aspect of the judgment is the recognition of remedies for violation of the right to walk. The Court held that where the fundamental right to walk on demarcated footpaths is violated, citizens are entitled to seek restitutionary remedies.

Such remedies may be pursued under the Constitution or under Sections 38 to 40 of the Specific Relief Act, 1963 for enforcement of public duties. Importantly, the Court clarified that this remedy is independent of remedies available under the Motor Vehicles Act, 1988.

Therefore, in appropriate cases, a citizen may claim compensation under motor accident law and may also proceed against municipal or development authorities for failure to provide safe pedestrian infrastructure.

Enhancement of Compensation

On the issue of compensation, the Supreme Court held that the High Court had erred in reducing the amount awarded by the Motor Accident Claims Tribunal. The claim arose from the death of a five-year-old child, and the Court found that the compensation required to be reassessed in line with the principles laid down in similar cases involving the death of minor children.

Relying on its decision in *Karuna Parmar v. Prakash Sinha* [2], the Court recalculated the compensation by considering the notional income, future prospects, loss of dependency and conventional heads such as loss of consortium, loss of estate and

funeral expenses. On this basis, the Court enhanced the total compensation payable to the appellants to ₹11,44,628.

The Court directed that the enhanced amount be paid within two months from the date of the judgment. This part of the decision is significant because it corrects the reduction made by the High Court and ensures a more just and reasonable compensation to the victim's family.

Final Declaration by the Supreme Court

The Supreme Court concluded by declaring that the right to walk is a fundamental right under Part III of the Constitution. The Court held that this right is integral to the freedom of movement under Article 19(1)(d), and is also connected with Articles 19(1)(a), 19(1)(b), 19(1)(c) and Article 21 of the Constitution. It further clarified that the right to walk includes the right to access demarcated and well-maintained footpaths, and that pedestrian rights must receive priority over motorised movement.

The Court also declared that public authorities have a corresponding duty to provide and maintain demarcated footpaths wherever roads exist. Urban development authorities, municipal corporations, municipalities and panchayats are therefore required to ensure safe pedestrian infrastructure. The Court further held that violation of this right would entitle citizens to seek constitutional and legal remedies, including restitution and compensation, independent of remedies available under the Motor Vehicles Act, 1988.

On the compensation aspect, the Supreme Court found that the High Court had erred in reducing the amount awarded by the Motor Accident Claims Tribunal. The Court enhanced the compensation payable to the appellants to ₹11,44,628, directing that the amount be paid within two months from the date of the judgment.

Recognising the broader constitutional importance of the issue, the Court directed the matter to be re-numbered as a petition under Article 32 of the Constitution under the title *Re: Fundamental Right to Walk and Footpath*. It also impleaded the Government of India through the concerned ministries, thereby keeping the issue alive for further consideration on the protection and enforcement of pedestrian rights.

Conclusion

This judgment is a landmark step in Indian constitutional and urban governance jurisprudence. It recognises that pedestrian rights are not merely issues of traffic management or municipal planning, but are deeply connected to dignity, liberty, equality and access to public spaces.

The judgment is also significant because it challenges the vehicle-centric model of road planning. Indian cities and towns have often prioritised roads, flyovers and parking over footpaths, crossings and pedestrian safety. By holding that the right to walk has priority over motorised movement, the Supreme Court has placed pedestrians at the centre of constitutional protection.

Further, the judgment opens the door for citizens to hold municipal bodies and development authorities accountable for unsafe roads, missing footpaths, broken pavements and inaccessible pedestrian spaces. It may also influence future legislation, urban planning norms and public interest litigation concerning road design and pedestrian safety.

1. CIVIL APPEAL NO(S). 4665-4666/2025 (2026 INSC 647) [?](#)
2. 2025 INSC 1244. [?](#)

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