



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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WALKING AS A FUNDAMENTAL RIGHT: RETHINKING PEDESTRIAN ACCESS AND INFRASTRUCTURAL INACCESSIBILITY IN INDIA

-Annora Sailwal

INTRODUCTION

On June 19, 2026, the Supreme Court declared the right to walk on demarcated footpaths a fundamental right under Articles 19 and 21 of the Constitution. The bench comprising Hon'ble Justice P.S. Narasimha and Hon'ble Justice A.S. Chandurkar, in the judgment of **Maniyar Iliyaz @ Shaik Riyaz vs P. Ayyappan and Ors.**¹, wherein a five-year-old boy was struck by a tanker, who later succumbed to the injuries, while walking towards the neighbourhood school on the road, due to the absence of a footpath or a pedestrian crossing. This sheds light on the issue of accessible infrastructure for pedestrians in the country.

“All citizens shall have the right to move freely throughout the territory of India²” has historically prioritized motorised vehicles’ movement over that of pedestrians. The court observed, “*Walking has always triggered the Indian imagination- it has deep cultural, social, religious, political, and reformative roots*” correlative to significant events in Indian history such as The Dandi March, Bhoodan Movement, Pandharpur Wari, etc. making it an expressive and congregational right which expands the ambit of right to walking being a fundamental right under Article 19(1)(a), Article 19(1)(b), Article 19(1)(c), and Article 19(1)(d).

Walking is an integral aspect of our life under Article 21, which guarantees the right to life and personal liberty. Over the years, the scope of this article has been expanded to include the right to education, health, livelihood, shelter, and a clean environment. Recognising pedestrian

¹ Maniyar Iliyaz @ Shaik Riyaz v. P. Ayyappan, 2026 INSC 647.

² INDIA CONST. art. 19(1)(d).

safety as an integral part of the right to life is a natural extension of this jurisprudence, but one with distinct practical consequences.³

INFRASTRUCTURAL INACCESSIBILITY

Broken pavements, illegal encroachments, missing footpaths, absence of ramps, and other features expose a significant gap in infrastructural accessibility in many cities. These obstacles do not merely cause inconvenience; they make mobility troublesome for children, the elderly, people with disabilities, and regular commuters trying to reach their destinations. The judgment imposes a duty on Urban Development Authorities, Municipal Corporations, Municipalities, and even Panchayats, for the formulation and maintenance of demarcated footpaths wherever there is a road.

The court observed that the term “pedestrians” has gained a pejorative meaning in the advancement for motorised vehicles. The right to walk has been sidelined by the authorities and the lawmakers to develop commercial infrastructure, advancing transit through motorised vehicles, which has caused nuisance for pedestrians when drivers run over footpaths.

The Motor Vehicles Act, 1988; Rules of the Road Regulations, 1989; and Bharatiya Nyaya Sanhita (BNS) 2023 are some legislations that recognise pedestrian safety in the country, but the constraint lies in the fact that recourse is limited to an infringement of rights on a footpath or a pedestrian crossing, failing to recognise and provide recourse to the pedestrian in the absence of pedestrian-friendly infrastructure.

CONSTITUTIONAL AND LEGAL BASIS

Another aspect of demarcated footpaths concerns accessibility to persons with disabilities. The current infrastructure lacks designated space on footpaths for commuting due to absence of or broken ramps, uneven pavements, or narrow footpaths, and other obstructions, causing hindrance. This situation compels them to travel on roads with heavy traffic, thereby increasing risk of accidents, posing a significant challenge to the equality of resources under Article 14 for all citizens, raising concerns about whether Indian cities are truly accessible to all individuals.

³ Monark Gahlot, Aditya Bihani & Deepanshu Agarwal, *Right to Walk: A Constitutional Reckoning for Footpath on Indian Roads*, DISPUTE RESOLUTION BLOG (Jul. 2, 2026) https://disputeresolution.cyrilamarchandblogs.com/2026/07/right-to-walk-a-constitutional-reckoning-for-footpath-on-indian-roads/#_ftn1.

With the constitutional recognition of the right to walk as a fundamental right under Article 32 of the Constitution by the apex court, increasing accountability from officials and creates grounds for filing Public Interest Litigation (PIL) or official complaints by citizens in instances where their rights have been infringed.

It further recognizes the importance of constructing pedestrian-friendly infrastructure by initiating a statutory framework for not only declaring the right but also recognizing its duty bearers. It directs to send the copy of the judgement to Ministries of Housing and Urban Affairs, Rural Development, Road Transport and Highways, for the same, and a copy may also be sent to the Law Commission for examining the statutory framework for protecting the right, identifying the duty bearers, and providing remedies.

CONCLUSION

The judgment represents a significant advancement in recognising the right to walk as a constitutional right and instructs relevant authorities to establish statutory frameworks. However, questions remain regarding the sufficiency of judicial recognition in the absence of effective redressal mechanisms, particularly given the historical marginalisation of pedestrian planning. It is uncertain how local authorities will construct and maintain accessible infrastructure across their jurisdictions, and to what extent budget allocations will be dedicated to these initiatives.

Walkable streets serve as indicators of urban development and reflect the presence of pedestrian-friendly infrastructure. Although the right to walk has received judicial affirmation, the primary challenge is the effective implementation of these guidelines in all cities to ensure genuine accessibility for all citizens.