



THE CONSTITUTIONALIZATION OF PEDESTRIAN SAFETY: A CRITICAL ANALYSIS OF THE 'RIGHT TO WALK' IN MANIYAR ILIYAZ V P. AYYAPPAN

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INTRODUCTION AND CASE BACKGROUND

Departing from the traditional rules of tort liability under the Motor Vehicles Act 1988, the Supreme Court of India in *Maniyar Iliyaz @ Shaik Riyaz & Anr v P Ayyappan & Ors*¹ elevated a routine road accident compensation claim into a constitutional question. The case originates from a personal tragedy that highlights the systemic vulnerabilities embedded within Indian urban design. The appellant was walking with his five-year-old son to a neighbourhood primary school when, owing to the complete absence of a designated pedestrian footpath or safe crossing, they were forced to walk along the active, motorised carriageway. A water tanker travelling from behind struck the young boy, causing fatal crush injuries.

While the litigation journey began as a basic statutory insurance dispute over the quantum of compensation, the Division Bench of the Supreme Court, comprising Justice Pamidighantam Sri Narasimha and Justice Atul S. Chandurkar, refused to treat the case merely as an arithmetic exercise in insurance calculation. Instead, the Court used the tragedy to confront a deeper structural issue: why the state apparatus fails to protect its most baseline commuters. By shifting the administrative discourse from simple vehicular negligence to absolute state accountability, the Court formally declared the "Right to Walk on safe, demarcated footpaths" a Fundamental Right under ²Part III of the Constitution.

FACTS OF THE CASE

The dispute began with an ordinary morning routine that ended in a tragic loss of life. On September 15, 2024, at approximately 9:00 AM, the appellant, Maniyar Iliyaz, left his

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¹ *Maniyar Iliyaz @ Shaik Riyaz & Anr v P Ayyappan & Ors* [2026] INSC 647.

² Constitution of India 1950, Part III

residence alongside his five-year-old son to drop him off at a neighbourhood primary school. The stretch of public road they had to navigate entirely lacked any designated pedestrian footpath, safety sidewalk, or pedestrian crossing. Left with no alternative, the father and son were forced to walk along the extreme left edge of the active, motorised roadway to reach the school. As they proceeded, a heavy commercial water tanker travelling in the same direction approached from behind. The vehicle struck the young boy, causing catastrophic and fatal crush injuries to his waist and lower body. The child succumbed to these injuries shortly after the impact.

Following this incident, the grieving father initiated a claim petition before the Motor Accident Claims Tribunal, seeking financial compensation of 25,000,000 rupees for the loss of his son under the provisions of the ³Motor Vehicles Act, 1988. After examining the initial arguments, the Tribunal awarded a total compensation sum of 7,82,000 rupees along with interest. Displeased with this valuation, both the appellant and the respondent insurance company filed cross-appeals before the High Court. The High Court dismissed the father's plea for enhanced compensation. Instead, it ruled in favour of the insurance provider's appeal, drastically scaling down the final compensation amount to a meagre 4,70,000 rupees.

Aggrieved by this reduction, the father filed a Special Leave Petition before the Supreme Court of India. The Division Bench consisting of Justice Pamidighantam Sri Narasimha and Justice Atul S. Chandurkar quickly identified the calculation errors made by the High Court. The Bench recalculated the metrics and enhanced the final compensation package to 11,44,628 rupees, ordering the insurance company to make the payment within two months.

However, the Court chose not to dispose of the matter as a standard vehicular accident claim. Recognising that the recurring loss of pedestrian lives stems from deep structural layout issues, the Bench expanded the boundaries of the case to address municipal liability. To keep the systemic problem alive for broader institutional monitoring, the Court ordered its Registry to re-number the remainder of the ongoing proceedings into an independent public interest writ petition under⁴ Article 32 of the Constitution, operating under the specific title *Re: Fundamental Right to Walk and Footpath*.

³ Motor Vehicles Act 1988

⁴ Constitution of India 1950, art 32

ISSUES RAISED

The Supreme Court's decision to move beyond the narrow boundaries of a motor accident claim brought several critical constitutional and administrative questions to the forefront:

1. Does the guarantee of free movement under Article 19(1) (d), when read alongside the right to a dignified life under Article 21, inherently include a "Right to Walk" on safe, clear, and properly built footpaths?
2. Can a municipal authority's failure to build and maintain basic sidewalk infrastructure be treated as a direct violation of the State's positive obligation to protect the lives of its citizens?
3. Do local civic bodies such as Municipal Corporations, Urban Development Authorities, and Gram Panchayats bear a mandatory, non-discretionary duty under the Constitution to construct footpaths parallel to every motorised road they build?
4. Can an individual pursue a distinct public law remedy for restitution against negligent civic bodies for violating their pedestrian rights, completely separate from the private law compensation claims filed under the Motor Vehicles Act 1988?
5. How should courts resolve the immediate constitutional conflict between a pedestrian's right to clear sidewalks under Article 21 and an informal street vendor's right to livelihood under Article 19(1)(g), especially in light of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014?
6. Does the complete absence of pedestrian infrastructure shift the burden of proof in motor accident claims, effectively creating a presumption of systemic institutional negligence rather than isolating the incident as mere driver recklessness?
7. To what extent can municipal authorities cite budgetary constraints, dense urban planning, and rapid population migration as valid defences to avoid their positive obligations under this newly recognised fundamental right?
8. Does the judicial creation of a 'Right to Walk' under Part III of the Constitution overstep the boundaries of judicial review, or is it a necessary intervention to address a legislative vacuum in pedestrian safety laws?

CONFLICT WITH PAST ORDERS AND ARGUMENTS OF THE PETITIONERS

The petitioners argued that traditional applications of the Motor Vehicles Act 1988 suffer from a severe legislative blind spot. They contended that by establishing the "motorised vehicle" as

the primary subject of interest, the statutory framework treats human pedestrian lives as merely incidental. The petitioners highlighted a deep systemic conflict with prior judicial standard-operating procedures: historical tort claims treat pedestrian fatalities as unavoidable individual accidents or, worse, instances of contributory negligence for walking on the main road.

The petitioners argued that this tragedy was not just an unfortunate traffic accident, but the direct result of a systemic failure by the state to protect its citizens.

First, they pointed out a massive bias built right into the Motor Vehicles Act 1988. The law is designed around motorised vehicles, treating them as the primary owners of the road while treating pedestrians as a mere afterthought. This legal setup allows municipal authorities to completely ignore pedestrian safety because they are rarely held legally responsible when a lack of basic infrastructure forces people into active traffic. The petitioners argued that the current tort system does not actually solve this. It only steps in to calculate financial compensation after a life is already lost, completely ignoring the structural neglect that caused the death in the first place.

To challenge this, the petitioners urged the Court to look at the right to move freely under Article 19(1)(d) of the Constitution through a historical lens. Long before humans invented cars, they walked. Walking is the most basic, baseline form of human movement. Therefore, the 'right to move' cannot be limited only to those who can afford wheels. If the state builds roads but fails to provide safe, separated footpaths, it is effectively denying citizens their most fundamental right to move safely in their own neighbourhoods.

Furthermore, the petitioners contended that the complete lack of a footpath directly violates the right to life with dignity under Article 21. Forcing a five-year-old child to walk on an active, high-speed road just to get to school is an unnecessary hazard. When civic bodies fail to provide basic walking spaces, they commit a form of state-sanctioned structural violence. This neglect hits the most vulnerable members of society the hardest, especially children, the elderly, those with physical disabilities, and low-income families who have to walk out of economic necessity.

Finally, the petitioners asserted that municipal corporations and local development authorities have a positive, non-discretionary duty to build and maintain safe walkways. Simply put, the right to build a road must automatically carry the duty to build a corresponding footpath. The state cannot bypass this duty by citing tight budgets or administrative difficulties. The

petitioners requested the Court to step in and establish a distinct, public law remedy for restitution. This would allow everyday citizens to hold civic bodies directly accountable for poor infrastructure, completely separate from any insurance claims against negligent drivers.

ARGUMENTS OF THE RESPONDENTS

The respondents, comprising the insurance companies and municipal authorities, sought to restrict the boundaries of the dispute strictly to private law tort liability. They argued that:

- Roadway developments and the allocation of civic funds for sidewalks are matters of purely discretionary executive policy and administrative feasibility, which should not be subject to rigid judicial overreach or constitutional box-ticking.
- The local bodies asserted that budgetary constraints, rapid unplanned urban migration, and dense structural limitations prevent the immediate or uniform construction of wide sidewalks alongside every active municipal road.
- The insurance providers further contended that the scope of a Special Leave Petition arising out of a Motor Accident Claims Tribunal award should be limited exclusively to calculating the financial liability of the driver and insurer based on established actuarial metrics. They argued that inventing a new, broad-sweeping fundamental right within an insurance appeal upsets settled statutory boundaries and creates an unmanageable, parallel landscape of restitutionary claims against municipal bodies.

JUDGMENT OF THE COURT (*RATIO DECIDENDI*)

The Supreme Court allowed the appeal, set aside the High Court's reduction of the compensation, and transformed the case into a landmark constitutional precedent. The Court's ruling can be broken down into the following key points:

Correction of the Accident Compensation: The Bench ruled that the High Court made a clear error when it slashed the initial compensation awarded to the family. Applying the calculation standards set in *Karuna Parmar v. Prakash Sinha*,⁵ the Supreme Court restored and enhanced the final compensation to 11,44,628 rupees. The Court ordered the insurance provider to pay this amount to the father within two months.

⁵ *Karuna Parmar v. Prakash Sinha* 2025 INSC 1244

Declaration of the Right to Walk as a Fundamental Right: Beyond the insurance calculations, the Court formally declared that the "Right to Walk" is a Fundamental Right guaranteed under Part III of the Constitution. The Bench held that this right is a natural extension of the freedom of movement under Article 19(1)(d) and the right to life with dignity under ⁶Article 21. Furthermore, the Court noted that walking represents deep cultural, social, and political roots in India, which connects it directly to expressive and congregational rights under Articles 19(1)(a), (b), and (c).

Primacy Over Motorised Vehicles: The Court explicitly ruled that the fundamental right to walk includes the right to safe, demarcated footpaths. Crucially, this pedestrian right is primary and must take absolute priority over the movement and privileges of motorised vehicles.

Establishment of a Correlative Civic Duty: The Court established that this right carries a direct, mandatory, and enforceable duty. If a motorised road exists, the relevant local authorities have an automatic obligation to build, demarcate, and maintain a corresponding footpath alongside it. The Court identified the primary 'duty-bearers' as Urban Development Authorities, Municipal Corporations, Municipalities, and Gram Panchayats.

Creation of an Independent Restitutionary Remedy: The Court clarified that if a citizen's right to safe walking space is violated, they do not have to rely only on standard motor accident claims. Instead, citizens are entitled to pursue an independent restitutionary remedy under the Constitution or under Sections 38 to 40 of the Specific Relief Act 1963⁷ directly against the negligent municipal bodies.

Call for a New Statutory Framework: Recognising that the Motor Vehicles Act 1988⁸ focuses almost entirely on the "vehicle" as its subject while treating human pedestrians as a mere afterthought, the Court highlighted a massive legislative gap. The Bench directed its Registry to send copies of the judgment to the Ministry of Housing and Urban Affairs, the Ministry of Rural Development, the Ministry of Road Transport and Highways, and the Law Commission of India. These bodies are expected to study and initiate a dedicated legal framework to protect pedestrian rights and establish a full-time independent regulator.

⁶ Constitution of India 1950, art 21

⁷ Specific Relief Act 1963, ss 38–40

⁸ Motor Vehicles Act 1988

Transition into a Public Interest Litigation: To ensure this issue is actively monitored on a structural level, the Court ordered its Registry to re-number the remainder of the case as an independent Article 32 writ petition under the title, *Re: Fundamental Right to Walk and Footpath*. The Union Ministries of Housing and Urban Affairs, Rural Development, and Road Transport and Highways were impleaded as active parties to the proceedings.

CRITICAL ANALYSIS

While the Supreme Court's ruling in *Maniyar Iliyaz* is undeniably a compassionate response to a horrific tragedy, it opens up a massive can of worms when it comes to practical application and constitutional law.

First, the Court's attempt to read a 'Right to Walk' into Articles 19(1)(d) and 21 is a classic example of well-intentioned judicial overreach. By directing the government to draft a specific statutory framework and design a brand-new regulatory body, the judiciary is effectively stepping into the shoes of the legislature. In India, the separation of powers is a basic structural feature. While the Court can point out legal gaps, designing the administrative architecture of municipal planning is simply not a job for judges.

Second, the judgment completely glosses over the harsh, chaotic reality of Indian municipal finance and urban density. Telling bankrupt local municipalities or tiny Gram Panchayats that they have an absolute, non-discretionary constitutional duty to build footpaths alongside every single road is highly unrealistic. Most Indian cities are already built up. There is literally no physical space to carve out footpaths on narrow, congested roads without demolishing existing, legally standing properties. If the state cannot physically or financially comply, this newly minted fundamental right risks becoming nothing more than a paper promise.

Another critical oversight is the immediate clash this creates with the informal economy. The Court briefly mentions that walking carries congregational and expressional elements, but it ignores how public spaces actually work in India. Street vendors, hawkers, and small shopkeepers rely entirely on roadside spaces to survive. By prioritising the "Right to Walk" over everything else, the Court has inadvertently handed municipal authorities a massive legal weapon. We are highly likely to see municipal corporations launch aggressive, sweeping eviction drives against poor street vendors under the guise of 'clearing the footpaths,' directly violating their right to a livelihood under Article 19(1)(g).

Furthermore, creating a parallel public law restitutionary remedy under Sections 38 to 40 of the Specific Relief Act⁹ is going to clog up an already overburdened court system. Instead of streamlining accident claims, this ruling invites a flood of parallel civil lawsuits against cash-strapped local bodies. Every time someone trips on a broken paving slab or is forced onto the road by an obstruction, a potential constitutional writ petition is born.

Ultimately, the Court is completely right that the Motor Vehicles Act is outdated and treats human lives as incidental. However, forcing a structural urban planning revolution through a judicial decree is the wrong way to fix it. Without massive capital investments, strict anti-corruption measures in municipal contracting, and a realistic policy to integrate informal street vendors, this judgment will likely remain an academic masterpiece rather than a ground-level reality.

CONCLUSION

In my opinion, *Maniyar Iliyaz v. P. Ayyappan*¹⁰ represents a historic judicial intervention that successfully re-balances the power dynamics of public spaces, moving Indian streets away from aggressive ‘wheel elitism’ toward human-centric dignity. By elevating the simple act of walking to a Part III fundamental right, the Supreme Court has fundamentally altered how public infrastructure must be conceptualised. However, for this landmark declaration to step off the judicial pages and onto actual asphalt, India requires swift legislative follow-up. State and central governments must immediately execute independent, statutory pedestrian safety audits and hold civic engineers personally accountable for infrastructure gaps. Only through systemic budget restructuring and inclusive urban design can the state ensure that a parent's morning walk with their child ceases to be an exercise in mortal danger.

⁹ Specific Relief Act 1963, ss 38–40

¹⁰ *Maniyar Iliyaz @ Shaik Riyaz & Anr. v. P. Ayyappan & Ors.* 2026 INSC 647