

# **Maniyar Iliyaz @ Shaik Riyaz & Anr. Vs. P. Ayyappan & Ors.**

Civil Appeal No(s). 4665-4666/2025 · Supreme Court of India · 2026-06-19 · Pamidighantam Sri Narasimha · Atul S. Chandurkar · F2J-C-1014

## **Full judgment text**

Maniyar Iliyaz @ Shaik Riyaz & Anr. Vs. P. Ayyappan & Ors.

[Civil Appeal No(s). 4665-4666/2025]

1. Like any young father, the appellant lovingly readied his five-yearold son and left home at 9 am to drop him at the neighbourhood school. Who could have ever imagined that it would be the last walk with his son? As father and son were walking towards the school, a tanker came from behind and struck the boy, crushing his waist and lower body. He succumbed to the injuries.

2. Take it for granted, there was neither a footpath nor a pedestrian crossing.

3. Accidents like this continue to occur, perhaps they are inevitable till we restructure our rights regime as regards access to roads and recognise their correlative duties. Till then, we will continue to cope with these tragedies by routinely transforming them into FIRs and Motor Accidents Claims. We are not referring to road safety, for this Court is deeply concerned about it and is, in fact, monitoring the implementation of safety guidelines<sup>1</sup>. The issue is something more fundamental, and it is in recognition of the simplest of the simple human activity- "Walking". While the right to walk is inextricably connected to life, our Constitution recognises and guarantees it as a fundamental right - "All citizens shall have the right...to move freely throughout the territory of India".<sup>2</sup>

4. It is necessary, rather compelling, that we first disabuse our minds of associating this "right to move" only with movement on wheels. We have started walking long before wheels were put on our path. The primary right of movement under Article 19(1)(d) is the Fundamental Right to Walk, a right that precedes the right to move on wheels and this precious right must extend to guaranteeing access to safe and well demarcated footpath. The citizen's fundamental right to walk on a demarcated footpath is primary and shall have priority over movement by motorised vehicles.

5. It is rather strange that we failed to focus on recognizing and securing this "right to walk". It may be because wheels eclipsed our imagination, and our municipal administration was busy creating roads that are suitable for motorised vehicles. It could also be elitism to start with, for machines with wheels were only for the rich, but as economies progressed and cheaper motor vehicles were introduced, the entire spectrum of motorised transportation dominated the roads, pushed aside the walkers to the extent that they are treated as a nuisance for the drivers who routinely run over the walkers and their footpaths. This should stop from now on as we declare the fundamental right to walk on demarcated footpaths alongside motorised roads.

6. The Motor Vehicles Act, 1988, is not and has never been the statute that recognises the fundamental right to walk. In fact, the Motor Vehicles Act has been an impediment and, in many ways, undermined the precious rights of walkers. The absence of safe and comfortable footpaths to walk on, and even when they exist, their subjugation to motor transport, has been a civilizational problem.

7. It is not at all difficult to imagine how a wide, well-demarcated and uninterrupted footpath can change the beauty of and equitable access to our cities and towns - this could truly be transformative of our urban and rural living. In reality, how much does it take to create a well-demarcated footpath wherever a road exists? All that the fundamental right to walk demands is a comfortable space for an easy and carefree walk. Should this not be the minimum of the minimum duty that a municipal authority owes to the citizens?

8. Walking has always triggered the Indian imagination- it has deep cultural,<sup>3</sup> social,<sup>4</sup> religious,<sup>5</sup> political,<sup>6</sup> and reformativ<sup>7</sup> roots. Walking is a struggle for the not so fortunate, meditation in motion for many, resistance for others, discovery for the inquisitive, a cohesive strategy for sharp socio-political minds. It certainly did inspire and ignite some of the ideals of the freedom struggle - which we have a duty to cherish Article 51-A of the Constitution.

In that sense, walking is not just motion, it certainly embodies expressional, congregational and associational rights under Article 19(1)(a), Article 19(1)(b) and Article 19 (1)(c). Unfortunately, we have failed to recognize these aspects to such an extent that the phrase "pedestrian" has acquired pejorative shades. We labour to emphasize the freedom to walk subject to reasonable restrictions, only to ensure that access to common spaces- in both urban areas and rural areas is distributed in such a way that it is not a monopoly of the motorized class alone.

9. Though late in the day, we must affirm and secure to our citizens this fundamental right to walk on demarcated footpaths. Clear articulation and declaration of such a right is necessary to recognise the correlative duty to provision and maintain footpaths. The duty bearers are the Urban Development Authorities, Municipal Corporations, Municipalities, and even Panchayats.

10. If a road exists, there must then be a duty to ensure that a footpath is demarcated and maintained for the walkers. This is an enforceable duty. The fundamental right to walk on demarcated footpaths shall override the privilege of a motorised vehicle.

11. Part III of our Constitution guaranteeing fundamental rights has a unique relationship with Parliament and State Legislatures. While it injuncts and limits the legislature from making "laws that are inconsistent with or in derogation of fundamental rights"<sup>8</sup>, it also envisages a positive role for the legislature to effectuate the exercise and enjoyment of the fundamental rights. Following this, Parliament and State Legislatures have enacted laws effectuating each of the fundamental rights.

Modern legislatures have devised and adopted a statutory regime that not only reiterates the concerned fundamental right but also recognises the duty bearers and provisions legal remedies. Apart from the declaration, recognition, and provision of the right, duty, and remedy, modern statutes have been entrenching a new character of institutional governance by establishing regulatory bodies. These bodies institutionalise memory through perpetual seal and succession, institutionalise expertise by incorporating specialisation, institutionalise diversity through composition and also institutionalise integrity through accountability.

For example, the 2009 enactment, the Right to Education Act, declares the fundamental right to free and compulsory elementary education under Article 21 A in Sections 3-5.<sup>9</sup> The Act recognises the duty bearers as the appropriate government, the local authority, the neighbourhood schools, parents, and the primary school teachers.<sup>10</sup> The remedies are provided under Section 32, and the National Commission for Protection of Child Rights<sup>11</sup> is recognised as the regulator.

12. Similarly, the National Food Security Act, 2013, recognises the basic human sustenance under Article 21 in Sections 3-7.<sup>12</sup> The Act obligates the Central, State Governments, and the local authorities to procure, allocate, and deliver subsidised foodgrains.<sup>13</sup> Remedies are provided under Chapter VII, and the Food Commissions alongside District Grievance Redressal Officers (DGROs), are recognised as the regulators.<sup>14</sup> On similar lines, the Right to Information Act, 2009, declares the right to information under Sections 3 and 4, recognises the duty bearers as the Public Authorities, the Heads of Departments, and the designated Public Information Officers (PIOs).<sup>15</sup> The remedies against non-disclosure or delay are provided under Section 19, and the Central and State Information Commissions are recognised as the regulators.<sup>16</sup>

13. Insofar as the right to walk on demarcated footpaths is concerned, though it is integral to Articles 21 and 19(1) (d), there is no legislation. It is compelling to lay down a statutory framework not only for declaring the right, but also to recognise the duty bearers. The Act must protect, enhance, and provide quick remedies for violations, and also establish a full-time regulator to plan, enforce, and implement this precious right.

We direct the Registry to send a copy of our judgment to the Ministries of Housing and Urban Affairs, Rural Development, Road Transport and Highways, to reflect on the compelling necessity for initiating the necessary legal framework. A copy may also be sent to the Law Commission for examining the statutory framework for protecting the right, identifying the duty bearers and provisioning remedies. Constitutional Courts also have a duty to declare with clarity the existence of this fundamental right and ensure that the existing civil and the constitutional remedies are accessible and effective.

14. We have clarified at the very outset that the Motor Vehicles Act, 1988, is not a legislation for protecting the right to walk on the footpath. Its predecessor, the Motor Vehicles Act 1939, was enacted with the primary concern of the State to standardise commercial transport and to create a revenue-generating system through registration, licensing, and permits.

Its successor the present 1988 Act, continues the same tradition of laying down the entire infrastructure for licensing of drivers of motor vehicles<sup>17</sup>, licensing of conductors of stage carriages<sup>18</sup>, registration of motor vehicles<sup>19</sup>, control of transport vehicles<sup>20</sup>, special provisions relating to state transport undertakings<sup>21</sup>, construction, equipment and maintenance of motor vehicles<sup>22</sup>, control of traffic<sup>23</sup>, insurance of motor vehicles<sup>24</sup>, claims tribunals<sup>25</sup> and such other provisions.

The Motor Vehicles Act is built upon "vehicle" as the subject of the legislation, while "human" interests are incidental, which a motor vehicle must avoid violating - that's all, and no further. In its discourse, the right of a pedestrian is incidental; the mainstay of this legislation is the Motor Vehicle. In the year 2017, the Ministry of Road, Transport and Highways notified i.e., on 23.06.2017, the Motor Vehicles (Driving) Regulations, 2017, which defines Road User to include a person driving or travelling on the road in a vehicle or otherwise and a pedestrian (Regulation 2(o)). Regulation 3 contemplates a duty of a vehicle towards road users and general public.

Regulation 5 imposes a duty on drivers to take special care and precautions to ensure safety of vulnerable road users such as pedestrians, cyclists, children etc. Regulation 9 speaks about precautions to be taken at intersections where there is inter alia a pedestrian crossing. These regulations are nothing more than guiding principles for a motor vehicle driver, they neither recognise the fundamental right to walk on demarcated footpaths nor prioritise the right to footpath over a motorised road.

Unfortunately, as of today, even under the Motor Vehicles Act, 1988, the Parliament has not put in place a full time regulatory body for motor transport. The Transport Authorities contemplated under Chapter V are not regulatory bodies. This Court has long been struggling to squeeze in pedestrian rights in the nooks and crannies of the Motor Vehicles Act and the attempt is still continuing with monitoring the implementation of its directions issued since 2012.<sup>26</sup>

15. It is important to recognise that if the fundamental right to walk on a demarcated footpath is violated, a citizen is entitled to enforce restitutionary remedy. This remedy is distinct from that of the claim that a person may make under the Motor Vehicles Act. The restitutionary remedy under the Constitution or under Sections 38-40 of the Specific Relief Act, 1963 for the enforcement of public duties can be enforced against the Urban Development Authorities, Municipal Corporations, Municipalities, or the Panchayats.

16. To enhance and effectuate the fundamental right to walk on demarcated footpaths, it is necessary to establish a regulatory body. Working with perpetual seal and succession, such a regulator will develop and retain institutional memory so that it can act on the basis of the experience, data, and information it has gathered and processed. Institutional expertise is critical, and such a regulator will employ human resources with domain expertise and talent. The regulator will maintain institutional integrity by taking independent and objective decisions without governmental or industrial control. These values shall flow naturally if there is institutional transparency and accountability. It is in this perspective that we need to effectuate the fundamental right to walk.

17. Returning to the facts of the present case, the claim petition filed by the father for compensation of Rs. 25,00,000/- was considered and MACT, by its award dated 30.05.2016, granted Rs. 7,82,000/- with interest at the rate of 6% p.a. from the date of the petition till realisation. In an appeal filed by the appellant as well as the Insurance Company, by the order impugned before us, the High Court dismissed the appellant's appeal and, while allowing the respondent's appeal, reduced the compensation to Rs. 4,70,000/-.

18. We are of the opinion that the High Court committed an error in reducing the compensation granted by the MACT. In a recent decision in *Karuna Parmar v. Prakash Sinha*<sup>27</sup>, involving a similar factual situation in which the deceased minor was 6 years old, this Court fixed the child's daily income at Rs. 223/- and, by referring to the notification issued under the Minimum Wages Act, 1948, it prescribed the wages payable to a skilled worker for the year 2014. Consequently, the monthly income was calculated at Rs. 6,690/-, and the deceased's annual income was taken as Rs. 80,280/- (6,690 x 12).

After adding 40% towards future prospects, the annual income was assessed as Rs. 1,12,392/- (80,280 + 32,112). Upon deduction of 50% towards personal and living expenses, the annual loss of dependency was determined as Rs. 56,196/-. Applying the multiplier of 18, the total loss of dependency was computed as Rs. 10,11,528/-. Applying the same to the instant case, the

compensation is required to be recalculated as an amount of Rs. 10,11,528/- towards loss of dependency, an amount of Rs. 96,800/- towards loss of consortium, an amount of Rs. 18,150/- towards loss of estate and Rs. 18,150 towards funeral expenses.

19. In this view of the matter, the appellant(s) will be entitled to compensation of Rs. 11,44,628/- and the amount shall be paid within a period of two months from today.

20. Returning to the discussion and the articulation of the right, the correlative duty and followed by the constitutional statutory remedies, in conclusion, we declare as under:

a. The right to walk is a fundamental right under Part III of the Constitution. It is integral to the right to movement guaranteed under Article 19(1)(d), read with Article 19(1)(a), Article 19(1) (b), Article 19(1) (c) and Article 21 of the Constitution of India. The fundamental right to walk will take within its sweep the right to demarcated footpaths. These rights are primary and shall have priority over movement by motorised vehicles.

b. The fundamental right to walk on demarcated footpaths has a correlative duty. If the road exists, there is a duty to ensure that there are demarcated and well-maintained footpaths for walkers. The duty bearers are the urban development authorities, municipal corporations, municipalities and even panchayats, who must endeavour to demarcate, construct, maintain, and safeguard footpaths and other necessary pedestrian infrastructure, as walking is integral to life.

c. The violation of the right to walk on demarcated footpaths will entitle the citizens to invoke constitutional and legal remedies against duty bearers for restitution and compensation. This remedy is independent of the remedies that are available under the Motor Vehicles Act, 1988.

21. We place on record the valuable assistance rendered by Mr. Mamidipudi V Mukunda, learned counsel appointed as amicus curiae. We direct the Registry to re-number this case as a petition under Article 32 of the Constitution by changing the cause title to Re: Fundamental Right to Walk and Footpath. The Government of India, through the Ministries of Housing and Urban Affairs, Rural Development and Road Transport and Highways, is impleaded as a party in person. We request Mr. K.M. Nataraj, ASG, to assist the court.

22. The appeal(s) and pending application(s), if any, are disposed of accordingly. No order as to costs.

.....J. [Pamidighantam Sri Narasimha]

.....J. [Atul S. Chandurkar]

New Delhi;

June 19, 2026.

1 S. Rajaseekaran v. Union of India in W.P. (C) No. 295/2012; this Court also passed certain guidelines in In Re: Phalodi Accident, 2026 INSC 388 as well.

2 Article 19(1)(d).

3 For instance, the Nagar Sankirtan, a traditional neighbourhood procession where communities walk through streets singing devotional folk songs to reclaim public spaces as sites of shared cultural and musical heritage.

4 For instance, the Pandharpur Wari, an 800-year-old pilgrimage that temporarily dissolves caste hierarchies as thousands walk together in egalitarian devotion.

5 For instance, the Kanwar Yatra, an annual monsoon trek where devotees of Lord Shiva carry sacred Ganges water over hundreds of miles as an act of physical penance.

6 For instance, the Dandi March, when Mahatma Gandhi's 241-mile padayatra transformed a simple act of walking into a powerful tool of anti-colonial resistance.

7 For instance, the Bhoodan Movement, led by Vinoba Bhave, who walked over 70,000 km to persuade landowners to voluntarily redistribute land to the landless.

8 Article 13.

9 Chapter II, The Right of Children to free and Compulsory Education Act, 2009.

10 Lucknow Public School, Eldico v. State of Uttar Pradesh, 2026 INSC 422.

- 11 Section 31, RTE Act, 2009.
- 12 Chapter II (Sections 3-7), The National Food Security Act, 2013.
- 13 Sections 24, 25 and 26, The National Food Security Act, 2013.
- 14 Section 14 and Section 15, The National Food Security Act, 2013.
- 15 Section 5, The Right to Information Act, 2005.
- 16 Section 12 and Section 15, The Right to Information Act, 2005.
- 17 Chapter II, Sections 3 to 28.
- 18 Chapter III, Sections 29 to 38.
- 19 Chapter IV, Sections 39 to 65.
- 20 Chapter V, Sections 66 to 96.
- 21 Chapter VI, Sections 97 to 108
- 22 Chapter VII, Sections 109-111.
- 23 Chapter VIII, Sections 112 to 138.
- 24 Chapter XI, Sections 145 to 164.
- 25 Chapter XII, Sections 165 to 176.
- 26 Directions issued in S. Rajaseekaran v. Union of India in W.P. (C) No. 295/2012.
- 27 2025 INSC 1244.

Source disclosure: Complete sanitized public judgment text retained for research; official-primary replacement remains pending.

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