

2025 LiveLaw (SC) 643

IN THE SUPREME COURT OF INDIA
ABHAY S. OKA; J., UJJAL BHUYAN; J.

WRIT PETITION (CIVIL) NO(S).295/2012; 14-05-2025

S. RAJASEEKARAN *versus* UNION OF INDIA AND ORS. & ORS.

Public Interest Litigation – Right to Safe Pedestrian Infrastructure – Right to unobstructed, accessible, and disabled-friendly footpaths forms an integral part of the right to life under Article 21 of the Constitution – Supreme Court directs all States and Union Territories to formulate and implement guidelines for pedestrian safety, ensuring compliance with Indian Roads Congress standards and High Court directives – States and Union Territories to file compliance reports within two months – Union of India to submit policies on pedestrian rights within two months – National Road Safety Board under Section 215B of the Motor Vehicles Act, 1988, to be constituted within six months. (Paras 1 - 6)

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ORDER

IA No. 50798/2025 (APPROPRIATE ORDERS/DIRECTIONS)

1. A very important issue has been raised by the applicant by way of this Application. The issue is about the safety of pedestrians. The applicant has pointed out that (i) it is necessary to have proper footways or footpaths for the use of citizens; (ii) the footpaths should be such that the same are accessible and usable by persons with disability; and (iii) removal of encroachments on the footpaths is mandatory.
2. Right from the decision of this Court in the case of *Olga Tellis & Ors. vs. Bombay Municipal Corporation & Ors.*¹, this Court has recognized that the right of pedestrians to use footpaths or footways is guaranteed under Article 21 of the Constitution of India. The right to have footpaths or footways which are in good condition is certainly an essential part of Article 21 of the Constitution of India.
3. If there is no provision made for proper footpaths or footways, the pedestrians will be forced to walk on the roads which will pose danger and which may lead to accidents.
4. The question is how would States and local authorities protect this fundamental right of the pedestrians to have footpaths and footways in proper condition without any obstruction and which are disabled-friendly. The applicant has relied upon a number of reports. According to us, safety of the pedestrians is of utmost importance and, therefore, it follows that by the side of all public roads, there must be proper facility of footpaths or footways with special emphasis on user-friendly to persons with disabilities. On this aspect, directions have been issued in detail by the High Court of Bombay in the case of *High Court on its own Motion vs. State of Maharashtra & Ors.*² and the High Court of Karnataka in the case of *D.S. Ramachandra Reddy vs. The Commissioner of Police, Bangalore & Ors.*³. The States will have to evolve their own policies for ensuring that proper footpaths and footways are available for the benefit of the pedestrians. We, therefore, direct all the States and Union Territories to come out with guidelines in terms of the directions issued by the High Courts as mentioned above. The applicant has relied upon the standards fixed by the Indian Roads Congress (IRC) and other documents. We direct the States and the Union Territories to file compliance reports within a period of two months from today. We also direct the Union of India to place on record the policies/guidelines issued by it on the subject of protecting the rights of the pedestrians. We grant time of two months to the Union of India to file a compliance report. The compliance reports shall be forwarded to the office of the learned Amicus Curiae so that he will be able to assist the Court.
5. List on 1st August, 2025.

IA No. 43519/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

6. In terms of the order dated 17th April, 2025 passed by this Court, the Government of India has filed an affidavit seeking time of 09 months to constitute the National Road Safety Board. We fail to understand why the Government of India needs such a long time to implement Section 215B of the Motor Vehicles Act, 1988. We grant time of 06 months from today to the Government of India to ensure that the National Road Safety Board is constituted. No further time shall be granted.

¹ (1985) 3 SCC 545

² 2018 SCC OnLine Bom 21221

³ 2021 SCC OnLine Kar 12223

IA No. 119142/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

7. Finally we grant time of six weeks to the State of Uttar Pradesh to respond in terms of the order dated 17th April, 2025. No further time shall be granted.

8. List on 1st August, 2025.

9. Before we part with this order, we record our appreciation for the assistance rendered by Shri Gaurav Agrawal, learned Senior Advocate appointed as Amicus Curiae and Shri Ravi Raghunath, learned Advocate-on-Record, assisting the learned Amicus Curiae. We hope and trust that they will continue to render assistance to this Court.

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