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# RIGHT TO SAFE TRAVEL ON HIGHWAYS AS AN INTEGRAL FACET OF ARTICLE 21: CONSTITUTIONALIZING ROAD SAFETY IN INDIA

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## I. ABSTRACT

*“A road, particularly a high-speed Expressway, must not become a corridor of peril due to administrative lethargy or infrastructural gaps.” – Supreme Court of India. The expansion of highways and expressways has transformed India’s transportation network, facilitating trade, connectivity, and economic growth. This infrastructural advancement has simultaneously intensified concerns relating to road accidents, unsafe highway conditions, and preventable fatalities. India records one of the highest numbers of road accident deaths globally, with National Highways accounting for a disproportionately high percentage of fatalities despite constituting only a small portion of the total road network. These accidents frequently arise not merely from individual negligence but from unsafe road conditions such as illegal encroachments, unsafe parking practices, inadequate lighting, defective road engineering, poor surveillance systems, and delayed emergency medical response. Traditionally regarded as an administrative or regulatory issue, road safety has acquired constitutional worth through judicial interpretation of Article 21 of the Constitution of India. The Supreme Court, in *In Re: Phalodi Accident v. National Highways Authority of India*, recognized commuter safety and the right to safe travel on highways as a vital part of the Right to Life and dignity guaranteed under Article 21. The Court observed that the State’s obligation extends beyond refraining from unlawful deprivation of life and includes a positive duty to create conditions where life is preserved and protected. The paper examines the constitutional foundations of highway safety through Articles 14, 19, and 21 of the Constitution, along with the Directive Principles of State Policy. It further analyses the statutory framework governing road safety, including the Motor Vehicles Act, 1988, the National Highways Authority*

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*of India Act, 1988, and the Control of National Highways (Land and Traffic) Act, 2002. Judicial developments in cases such as Maneka Gandhi v. Union of India, Municipal Council, Ratlam v. Vardhichand, and S. Rajasekaran v. Union of India demonstrate the judiciary's growing approach towards public safety, legal tort liability, and State accountability. The study also highlights persistent challenges including weak enforcement, infrastructural neglect, lack of institutional coordination, and inadequate trauma care facilities. It argues that authorities must prevent avoidable accidents rather than mere post-accident compensation. The recognition of safe travel as a constitutional guarantee signifies an important development in Article 21 interpretation, reaffirming that highways cannot be permitted to become "corridors of peril" due to administrative indifference or infrastructural failure.*

## **II. KEYWORDS**

Article 21 and Road Safety, Constitutionalisation of Highway Safety, Right to Safe Travel, Highway Governance and State Accountability, Public Safety and Constitutional Law.

## **III. INTRODUCTION**

The growth of highway infrastructure in India represents one of the most visible symbols of the country's economic and developmental transformation. National Highways and expressways have significantly enhanced connectivity between States, facilitated trade and commerce, reduced travel time, and contributed to regional integration. Projects such as the Bharat Mala Pariyojana, Delhi-Mumbai Expressway, and other high-speed corridors reflect the State's commitment toward infrastructural modernization and economic expansion. parallel to this developmental narrative lies a disturbing reality: highways have become sites of large-scale fatalities and catastrophic road accidents. India consistently records one of the highest numbers of road accident deaths in the world.

A significant percentage of these fatalities occur on National Highways despite such highways constituting only a small fraction of the total road network. The disproportionate concentration of deaths on highways reveals serious structural deficiencies in road governance, infrastructure planning, and enforcement mechanisms.

The problem is no longer confined to isolated incidents of negligent driving; rather, it reflects deeper institutional failures involving defective road engineering, potholes, absence of signage, illegal encroachments, unsafe parking of heavy vehicles, inadequate lighting, and lack of emergency medical response systems.

The alarming nature of these deficiencies compelled judicial intervention in *In Re: Phalodi Accident v. National Highways Authority of India*, 2026 INSC 388. The Supreme Court took suo motu cognizance after two successive highway accidents in Rajasthan and Telangana during November 2025 resulted in the deaths of thirty-four persons within forty-eight hours. In the first incident, a bus carrying pilgrims collided with a stationary trailer parked near an unauthorized roadside dhaba on the Bharat Mala Expressway in Rajasthan, causing fifteen deaths. In the second incident, a gravel-laden truck collided with a state transport bus on National Highway-163 in Telangana while attempting to avoid a pothole, leading to nineteen deaths, including that of a forty-day-old infant.

The Supreme Court did not treat these accidents as ordinary traffic mishaps. Instead, the Court recognized them as manifestations of systemic negligence and catastrophic infrastructural failures. It observed that preventable fatalities caused by unsafe highways amount to a grave infringement upon the right to life and safe passage. The Court further remarked that highways “must not become corridors of peril due to administrative lethargy or infrastructural gaps.” This judicial approach reflects the evolving constitutional jurisprudence under Article 21 of the Constitution of India.

Initially interpreted narrowly as protection against unlawful deprivation of life, Article 21 has gradually expanded into a guarantee of dignified existence. Beginning with *Maneka Gandhi v. Union of India*, the Supreme Court transformed the meaning of “life” under the Constitution from mere physical survival to a life lived with dignity, safety, and meaningful liberty. Over the decades, Article 21 has been interpreted to include rights relating to health, clean environment, shelter, privacy, education, and livelihood. The recognition of the right to safe travel on highways constitutes another important extension of this constitutional evolution. The Court in *Phalodi Accident* emphasized that

the Right to Life under Article 21 is not merely a negative guarantee restraining the State from unlawfully taking life; it also imposes a positive Legal mandate upon the State to create conditions where life is protected and preserved. This shift from passive governance to affirmative constitutional responsibility marks a significant transformation in Indian public law jurisprudence. The State is not only expected to construct highways but also to ensure that such highways remain reasonably safe for public use.

The constitutionalizing of road safety also signifies a broader change in governance philosophy. Traditionally, road accidents were viewed through the lens of negligence, compensation, or criminal liability under traffic laws. The judiciary has now elevated the issue into the administrative domain by recognizing that preventable road deaths implicate the State's duty to protect life and dignity. Infrastructural negligence is no longer merely an administrative lapse but a constitutional concern capable of attracting judicial scrutiny and remedial directions under Articles 21 and 142 of the Constitution. In response to the increasing number of highway fatalities, the Supreme Court issued interim directions relating to illegal parking, removal of encroachments, constitution of District Highway Safety Task Forces, installation of surveillance systems, identification of blackspots, and establishment of emergency medical facilities along highways.

These directions demonstrate the Court's willingness to actively monitor and reform highway governance to secure constitutional protection of commuters. The recognition of safe travel as an integral component of Article 21 represents an important development in Indian constitutional jurisprudence. It reinforces the principle that public infrastructure cannot be divorced from constitutional accountability. Roads and highways are not merely developmental projects; they are spaces where the State's Mandated responsibility toward preservation of life must operate effectively and continuously.

The article seeks to examine the emergence of the right to safe travel on highways as a guarantee under Article 21. It analyses the constitutional foundations, statutory

framework, landmark judicial pronouncements, and recent developments concerning highway safety in India. The study further evaluates the deficiencies within the existing system and argues that constitutional governance requires proactive prevention of avoidable fatalities rather than merely reactive compensation after accidents occur.

### **A. Research Objectives**

The present study seeks to examine the constitutional recognition of the right to safe travel on highways as an integral facet of Article 21 of the Constitution of India. The article aims to analyse the evolving judicial interpretation of the Right to Life in the context of road safety and public infrastructure governance. It further seeks to evaluate the constitutional foundations of highway safety under Articles 14, 19, and 21, along with the relevance of the Directive Principles of State Policy.

The study also examines the statutory framework governing highway safety, including the Motor Vehicles Act, 1988, the National Highways Authority of India Act, 1988, and the Control of National Highways (Land and Traffic) Act, 2002. Additionally, the article analyses recent judicial developments, particularly the Supreme Court's decision in *In Re: Phalodi Accident v. National Highways Authority of India* and evaluates the challenges and reforms necessary for strengthening constitutional accountability in road safety governance.

### **B. Research Questions**

1. Whether the right to safe travel on highways can be constitutionally recognized as an integral component of Article 21 of the Constitution of India?
2. How have judicial interpretations expanded the scope of the Right to Life to include commuter safety and infrastructural protection?
3. What is the constitutional and statutory framework governing highway safety and road infrastructure in India?
4. To what extent do administrative negligence and infrastructural deficiencies contribute to violations of fundamental rights relating to life and personal safety?

5. What reforms are necessary to ensure effective implementation of constitutional obligations concerning highway safety and prevention of road fatalities?

### **C. Research Methodology**

The present study adopts a doctrinal and analytical research methodology based primarily upon constitutional interpretation, judicial precedents, statutory analysis, and secondary legal sources. The research relies upon an examination of constitutional provisions, including Articles 14, 19, and 21 of the Constitution of India, along with relevant statutory enactments governing road safety and highway administration. Judicial decisions delivered by the Supreme Court of India, particularly those relating to Article 21, public safety, constitutional tort liability, and highway governance, form the core basis of the analysis.

The study also refers to governmental reports, policy documents, academic commentaries, and secondary materials concerning road safety and public infrastructure governance. The methodology is descriptive and analytical in nature, focusing upon the constitutionalization of road safety and the evolving positive obligations of the State toward protection of life and commuter safety.

## **IV. EVOLUTION OF ARTICLE 21 AND THE RIGHT TO SAFE TRAVEL**

Article 21 of the Constitution of India occupies a central position within Indian constitutional jurisprudence. It guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Although the language of Article 21 appears concise, judicial interpretation has transformed it into one of the broadest and most dynamic provisions within the Constitution. The evolution of the right to safe travel on highways is deeply connected with this constitutional expansion of the meaning of “life” and “personal liberty.”

In its initial years, the interpretation of Article 21 remained narrow and formalistic. In *A.K. Gopalan v. State of Madras*<sup>2</sup>, the Supreme Court adopted a restrictive approach by holding that the State could deprive a person of liberty so long as there existed a legally enacted procedure. The Court did not examine whether such procedure was fair, reasonable, or just. Fundamental rights were interpreted compartmentally, and Article 21 was not viewed as a source of substantive rights relating to dignity, safety, or welfare. This restrictive understanding underwent a transformative change with the landmark decision in *Maneka Gandhi v. Union of India*. The Supreme Court held that the “procedure established by law” under Article 21 must be “fair, just and reasonable” and not arbitrary, oppressive, or fanciful.

The judgment fundamentally altered Indian constitutional law by linking Articles 14, 19, and 21 into a unified framework protecting substantive due process and personal safety. The Court recognized that the Constitution is not merely concerned with physical existence but with the quality and dignity of life. The importance of *Maneka Gandhi* lies in the fact that it converted Article 21 from a negative restraint upon State action into a positive guarantee of conditions necessary for dignified living. Following this judgment, the Supreme Court progressively expanded the scope of Article 21 to include numerous derivative rights essential to human existence. These included the right to livelihood, right to health, right to shelter, right to education, right to privacy, right to clean environment, and right to emergency medical treatment.

The judicial expansion of Article 21 was particularly evident in cases concerning public health and safety. In *Parmanand Katara v. Union of India*<sup>3</sup>, the Supreme Court held that protection of life is of paramount importance and that every doctor has duty to provide immediate medical assistance to accident victims. The Court emphasized that procedural formalities cannot stand in the way of protecting life. This decision significantly contributed to the jurisprudential understanding that the State carries a Foundational

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<sup>2</sup> AIR 1950 SC 27

<sup>3</sup> AIR 1989 SC 2039; (1989) 4 SCC 286

responsibility not merely to avoid taking life unlawfully but also to actively preserve life. In *Consumer Education and Research Centre v. Union of India*<sup>4</sup>, the Court recognized health and medical care as integral components of Article 21. In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*<sup>5</sup>, the Court held that failure of government hospitals to provide timely medical treatment violated Article 21. These decisions collectively reinforced the principle that the State possesses affirmative compulsion toward protection of life and bodily integrity.

The development of environmental jurisprudence also contributed significantly to the evolution of Article 21. In *M.C. Mehta v. Union of India*,<sup>6</sup> the Supreme Court expanded constitutional protections relating to public safety and introduced the principle of absolute liability for hazardous activities. The Court repeatedly emphasized that the right to life includes the right to live in a safe and healthy environment. Environmental safety, public infrastructure, and dignity became interconnected constitutional concerns.

Judicial interpretation recognized that modern life cannot be separated from mobility and transportation infrastructure. Roads and highways constitute important public spaces through which citizens access employment, education, healthcare, and social opportunities. Unsafe roads directly threaten not only physical safety but also dignity and liberty. The absence of proper infrastructure, lighting, signage, traffic regulation, and emergency response mechanisms exposes commuters to avoidable hazards. Safe mobility gradually emerged as a constitutional necessity rather than a mere administrative objective.

The Supreme Court's decision in *S. Rajasekaran v. Union of India* represented an important stage in this evolution. Concerned with increasing road accident fatalities across the country, the Court issued extensive directions regarding implementation of road safety measures, establishment of Road Safety Committees, stricter enforcement of

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<sup>4</sup> (1995) 3 SCC 42

<sup>5</sup> (1996) 4 SCC 37

<sup>6</sup> AIR 1987 SC 1086; (1987) 1 SCC 395

traffic regulations, and institutional accountability. The judgment acknowledged that road safety constitutes a matter of public importance affecting the right to life of citizens. The statutory recognition of safe travel reached a decisive stage in *In Re: Phalodi Accident v. National Highways Authority of India*. Taking suo motu cognizance of catastrophic highway accidents in Rajasthan and Telangana, the Supreme Court expressly held that commuter safety and safe travel on highways form an important component of Article 21. The Court observed that the Right to Life is not merely protection against unlawful deprivation of life but also a “positive mandate” requiring the State to ensure conditions where human life is protected and valued.

The Court further emphasized that highways must not become “corridors of peril” due to administrative negligence or infrastructural deficiencies. This observation is constitutionally significant because it transforms highway safety from a matter of governance policy into an obligation enforceable under Article 21. The State’s duty extends beyond construction of highways to ensure that such highways are maintained safely, monitored effectively, and equipped with emergency response systems. This constitutional evolution validates a gradual but profound shift in Indian public law. Initially, Article 21 protected individuals only against direct unlawful action by the State. Over the decades, judicial interpretation expanded the provision into a source of positive responsibility requiring the State to actively preserve personal safety and welfare.

The recognition of the right to safe travel on highways is a continuation of this constitutional development. The jurisprudence surrounding Article 21 now reflects the understanding that the right to life cannot be meaningful where public infrastructure itself exposes citizens to avoidable dangers. A highway designed and maintained without adequate safety mechanisms does not merely represent administrative inefficiency; it potentially constitutes a constitutional failure. The evolution of Article 21 illustrates the judiciary’s effort to adapt constitutional principles to contemporary realities where infrastructure, governance, and dignity are deeply interconnected.

## V. CONCEPT OF THE RIGHT TO SAFE TRAVEL

The concept of the “Right to Safe Travel” has emerged from the broader constitutional understanding that life and dignity cannot be meaningfully protected unless individuals are able to move safely within public spaces. Roads and highways are no longer viewed merely as instruments of transportation or economic infrastructure; they constitute essential public spaces through which citizens exercise mobility, livelihood, access to healthcare, education, and social participation. The safety of commuters has acquired constitutional worth within the framework of Article 21 of the Constitution of India.

The right to safe travel refers to the entitlement of every individual to move on public roads and highways without being exposed to unreasonable, preventable, or avoidable dangers arising from infrastructural negligence, administrative failure, or lack of enforcement. It includes protection against hazardous road conditions, unsafe highway design, defective engineering, absence of signage, illegal encroachments, inadequate lighting, reckless traffic management, and delayed emergency medical response. The concept extends beyond protection against accidents caused solely by private negligence and recognizes the role of the State in ensuring reasonably safe conditions for mobility. The constitutional importance of safe travel arises from the fact that mobility is deeply connected with personal liberty and dignity.

A citizen cannot effectively exercise the freedoms guaranteed under the Constitution if public infrastructure itself becomes a source of danger. The right to move freely throughout the territory of India under Article 19(1)(d) becomes illusory where highways expose individuals to continuous threats arising from administrative neglect. Safe travel is not merely a matter of transportation policy but an indispensable condition for meaningful enjoyment of constitutional freedoms.

The Supreme Court in *In Re: Phalodi Accident v. National Highways Authority of India* recognized this constitutional dimension by holding that commuter safety forms an essential part of the Right to Life under Article 21. Held that the State bears a “positive mandate” to ensure safe conditions where life is preserved and valued. The significance

of this observation lies in its departure from the traditional understanding of road safety as purely regulatory or administrative. By placing commuter safety within Article 21, the Court transformed road governance into a constitutional responsibility. The concept of safe travel also reflects the principle that preventable deaths caused by unsafe infrastructure are constitutionally unacceptable.

Traditionally, road accidents are often treated as unavoidable consequences of modern transportation. contemporary constitutional jurisprudence recognizes that many fatalities occur not due to unavoidable circumstances but because of Organizational neglect such as poorly designed roads, lack of barriers, absence of illumination, dangerous blackspots, and illegal roadside structures. The State's failure to address such hazards may amount to failure in its constitutional obligation to protect life. This understanding is closely connected with the jurisprudence surrounding dignity. The Supreme Court has repeatedly held that Article 21 protects not only life in a physical sense but also the dignity and quality associated with human existence. Unsafe roads undermine dignity because they subject citizens to fear, insecurity, and avoidable risk during ordinary daily activities.

A highway that becomes a site of constant danger due to administrative indifference compromises the constitutional promise of secure and dignified living. The Court's observations in Phalodi Accident illustrate this principle clearly. While addressing catastrophic accidents on National Highways, the Court observed that highways "must not become corridors of peril due to administrative lethargy or infrastructural gaps." This expression reflects judicial recognition that infrastructural safety is inseparable from constitutional governance. Roads designed and maintained without adequate safeguards represent more than technical deficiencies; they symbolize institutional failure to preserve life.

The concept of the right to safe travel further encompasses the State's obligation to provide emergency assistance and trauma care. Road safety does not end with accident prevention; it also includes timely medical response capable of minimizing fatalities

during emergencies. In *Parmanand Katara v. Union of India*, the Supreme Court held that Protection of life is of paramount importance and that immediate medical assistance must be provided to accident victims without procedural delay. This principle forms an important component of the right to safe travel because survival after road accidents often depends upon availability of prompt trauma care during the “golden hour.”

Another important dimension of the concept relates to public accountability. The recognition of safe travel as a constitutional right implies that public authorities responsible for highways, traffic regulation, and infrastructure maintenance may be subjected to judicial scrutiny were negligence results in loss of life. This approach aligns with constitutional tort jurisprudence developed in cases such as *Nilabati Behera v. State of Orissa*, where compensation was awarded for violation of fundamental rights caused by State negligence. In the context of road safety, constitutional accountability signifies that avoidable infrastructural failures cannot be dismissed merely as administrative lapses.

The concept of safe travel also possesses a collective dimension. Road accidents affect not only individual victims but also families, public health systems, economic productivity, and social stability. Fatal accidents involving buses, school vehicles, and public transport demonstrate that unsafe highways endanger society at large. The constitutionalizing of road safety reflects recognition that safeguard life within public infrastructure is vital for welfare governance. Modern constitutional democracies acknowledge that infrastructure planning cannot remain divorced from human rights considerations. International organizations such as the World Health Organization have repeatedly emphasized that road safety constitutes a major public health and developmental concern.

The “Safe System Approach” adopted internationally recognizes that transportation systems must be designed in a manner that anticipates human error and minimizes the possibility of fatal consequences. India’s developing constitutional jurisprudence concerning safe travel reflects similar principles by emphasizing preventive governance rather than merely punitive or compensatory measures after accidents occur. The

recognition of the right to safe travel signifies a broader transformation in constitutional thought. It demonstrates the judiciary's willingness to adapt constitutional guarantees to contemporary realities where public infrastructure plays a decisive role in determining quality of life and security. The Constitution is no longer interpreted merely as a document restraining State power; it operates as a framework requiring affirmative governance measures for protection of life and dignity.

The concept of the right to safe travel reflects the principle that roads and highways cannot be treated merely as physical structures facilitating movement. They are constitutional spaces where the State's obligation to preserve life must operate continuously and effectively. A highway that exposes citizens to avoidable danger undermines not only administrative efficiency but also constitutional morality itself.

## **VI. CONSTITUTIONAL FOUNDATIONS OF HIGHWAY SAFETY**

The constitutional recognition of the right to safe travel on highways is rooted in the broader framework of fundamental rights and constitutional governance under the Constitution of India. Although the Constitution does not expressly mention "road safety" or "safe travel" as independent rights, judicial interpretation has progressively expanded existing constitutional guarantees to include protection against avoidable dangers arising from unsafe public infrastructure. The constitutional foundations of highway safety primarily emerge from Articles 14, 19, and 21, read together with the Directive Principles of State Policy.

The Supreme Court has repeatedly emphasized that the Constitution is a living document capable of adapting to changing social realities. As transportation systems and public infrastructure shape everyday life, constitutional guarantees relating to dignity, liberty, equality, and welfare necessarily extend into the domain of road safety and commuter protection. The recognition of highway safety as a constitutional concern represents a natural evolution of rights-based constitutional interpretation.

### A. Article 21 – Right to Life and Safety

Article 21 constitutes the most significant constitutional foundation for the right to safe travel. The provision guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Judicial interpretation has transformed this guarantee into a protection of personal safety, bodily integrity, health, and security. The Supreme Court in *Maneka Gandhi v. Union of India* fundamentally expanded the meaning of Article 21 by holding that the right to life includes more than mere physical existence. The Court observed that any procedure affecting life or liberty must be fair, just, and reasonable. This interpretation laid the foundation for recognizing derivative rights necessary for dignified living. Subsequent judicial decisions further broadened the scope of Article 21.

In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*<sup>7</sup>, the Court held that the right to life includes the right to live with dignity and all that goes along with it. In *Bandhua Mukti Morcha v. Union of India*<sup>8</sup>, the Court recognized that the State bears affirmative obligations toward protection of health and welfare. These decisions established that constitutional rights cannot remain confined to abstract guarantees but must operate practically to secure conditions essential for dignified existence. Within this constitutional framework, highway safety emerges as an indispensable component of the right to life. Unsafe roads expose citizens to constant risk of injury and death. Poorly maintained highways, absence of lighting, defective engineering, illegal encroachments, and lack of emergency medical facilities directly threaten bodily integrity and security.

The State's failure to ensure reasonably safe road conditions may amount to failure in its constitutional duty under Article 21. The Supreme Court expressly recognized this principle in *In Re: Phalodi Accident v. National Highways Authority of India*, where it held that commuter safety constitutes an integral facet of the right to live with dignity under Article 21. The Court observed that the right to life is not merely protection against

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<sup>7</sup> AIR 1981 SC 746

<sup>8</sup> AIR 1984 SC 802

unlawful deprivation of life but a “positive mandate” requiring the State to create conditions where life is preserved and valued. This observation is constitutionally significant because it converts road safety from a matter of administrative policy into a constitutional obligation enforceable through judicial review. Article 21 also encompasses the right to emergency medical treatment following road accidents.

In *Parmanand Katara v. Union of India*, the Supreme Court emphasized that Saving lives is of paramount importance and that accident victims must receive immediate medical assistance without procedural delay. Later, in *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, the Court held that failure of government hospitals to provide timely treatment violated Article 21. These judgments reinforce the constitutional principle that road safety includes not merely accident prevention but also timely trauma care and emergency response.

Article 21 imposes a positive constitutional duty upon the State to ensure reasonably safe transportation infrastructure, effective regulation, emergency medical systems, and preventive measures against avoidable hazards.

### **B. Article 14 - Equality and non-arbitrariness**

Article 14 guarantees equality before law and equal protection of laws. The principle underlying extends beyond formal equality and prohibits arbitrary State action. Administrative negligence and failure to maintain public infrastructure may attract constitutional scrutiny where such negligence results in avoidable danger to citizens. The Supreme Court has repeatedly held that arbitrariness is antithetical to equality. In *E.P. Royappa v. State of Tamil Nadu*, the Court observed that equality and arbitrariness are sworn enemies.<sup>9</sup>

This principle becomes particularly relevant regarding highway safety where inconsistent enforcement, selective regulation, and prolonged neglect of known blackspots expose commuters to unreasonable risks. For instance, failure to remove

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<sup>9</sup> AIR 1974 SC 555; (1974) 4 SCC 3 [Writ Petition No. 284 of 1972, decided on 23 November 1973].

illegal encroachments despite repeated complaints, neglecting maintenance of dangerous highway stretches, or allowing unauthorized parking of heavy vehicles on expressways may amount to arbitrary exercise of administrative power. Citizens are entitled to equal access to safe public infrastructure irrespective of geographical location or economic status. In *Phalodi Accident*, the Supreme Court criticized administrative failure and infrastructural negligence that allowed highways to become “corridors of peril.” The Court’s reasoning implicitly reflects Article 14 principles by recognizing that State inaction causing avoidable loss of life is constitutionally unacceptable.

The principle of equality also requires fair and uniform enforcement of traffic regulations, licensing systems, and safety norms. Arbitrary or selective enforcement undermines public confidence and compromises constitutional governance. Article 14 strengthens the constitutional obligation of authorities to ensure non-discriminatory and reasonable implementation of road safety measures.

### **C. Article 19(1)(d) – Freedom of Movement**

Article 19(1)(d) guarantees every citizen the right “to move freely throughout the territory of India.” Freedom of movement constitutes an essential aspect of democratic citizenship and personal liberty. This freedom cannot be exercised meaningfully where transportation infrastructure itself becomes unsafe and hazardous. The right to move freely necessarily presupposes reasonably safe conditions for mobility. Citizens cannot effectively exercise constitutional freedoms where highways expose them to constant danger due to infrastructural failures and administrative negligence. Highway safety indirectly becomes an important component of the constitutional guarantee under Article 19(1)(d).

The relationship between safe travel and freedom of movement is particularly evident in cases involving dangerous highways, lack of pedestrian infrastructure, unsafe public transport systems, and absence of emergency response mechanisms. Excessive risks associated with transportation effectively restrict the ability of individuals to travel safely for employment, education, healthcare, and social participation. The constitutional

importance of mobility was emphasized in *Satwant Singh Sawhney v. Assistant Passport Officer*<sup>10</sup>, where the Court recognized that freedom of movement is an integral component of personal liberty. Modern constitutional interpretation extends this principle to include conditions necessary for safe and meaningful mobility.

Article 19(1)(d), read with Articles 14 and 21, strengthens the constitutional basis for recognizing safe travel on highways as a protected constitutional interest.

#### **D. Directive Principles of State Policy**

The Directive Principles of State Policy further reinforce the constitutional foundations of highway safety. Though non-justiciable, these principles guide governance and constitutional interpretation by imposing welfare-oriented obligations upon the State.

- 1. Article 38:** Article 38 directs the State to secure a social order promoting welfare and minimizing inequalities. Safe public infrastructure forms an element of welfare governance because unsafe highways disproportionately affect economically vulnerable sections dependent upon public transportation.
- 2. Article 39(e):** Article 39(e) requires the State to protect the health and strength of workers and citizens against abuse and hazardous conditions. Unsafe highways and defective transportation systems expose citizens to grave physical danger, thereby engaging constitutional concerns relating to public health and safety.
- 3. Article 47:** Article 47 imposes a duty upon the State to improve public health and quality of life. Road accidents constitute a major public health concern resulting in thousands of preventable deaths annually. Effective highway safety measures have become essential for fulfilling public trust obligation under Article 47.

The Directive Principles collectively strengthen the constitutional argument that road safety cannot remain a matter of administrative discretion alone. Instead, it forms part of

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<sup>10</sup> AIR 1967 SC 1836

the broader constitutional commitment toward welfare governance, protection of life, and preservation of dignity.

The constitutional foundations of highway safety emerge from an integrated reading of fundamental rights and Directive Principles. Articles 14, 19, and 21, together with welfare-oriented constitutional directives, establish that safe travel is inseparable from dignity, liberty, equality, and security. The recognition of commuter safety by the Supreme Court in Phalodi Accident represents the culmination of this constitutional evolution where public infrastructure is no longer viewed merely as a developmental project but as a constitutional space requiring active protection of life.

## **VII. SUPREME COURT'S CONSTITUTIONALISATION OF ROAD SAFETY**

The recognition of road safety as a constitutional concern represents one of the most significant developments in contemporary Indian public law jurisprudence. Traditionally, matters relating to traffic regulation, highway maintenance, and transportation safety were treated primarily as administrative or statutory issues governed by municipal regulations and motor vehicle laws. Judicial intervention was generally limited to compensation claims arising from accidents or enforcement of traffic norms.

The increasing number of preventable road fatalities compelled the judiciary to reconsider the constitutional implications of unsafe public infrastructure. The Supreme Court gradually transformed road safety from a matter of regulatory governance into a constitutional obligation linked directly with Safeguarding right to life and dignity under Article 21. This process of constitutionalizing reflects the broader judicial approach of expanding fundamental rights to address social realities where infrastructural failures can have devastating consequences for life.

India witnesses thousands of road accident deaths every year, many of which occur due to Deep-rooted negligence rather than unavoidable circumstances. Dangerous

blackspots, illegal encroachments, poorly designed highways, absence of traffic management systems, unsafe parking practices, and delayed emergency response mechanisms have repeatedly contributed to catastrophic accidents. The judiciary recognized that such failures cannot be dismissed merely as administrative inefficiency because they directly affect the constitutional guarantee of life and safety. A significant step toward constitutionalizing road safety occurred in *S. Rajasekaran v. Union of India*.

Concerned with alarming road accident statistics and inadequate implementation of safety measures, the Supreme Court exercised continuing mandamus jurisdiction to monitor compliance with road safety recommendations across the country. The Court directed establishment of Road Safety Committees, stricter enforcement of traffic laws, and coordinated action by governmental authorities. The judgment in *S. Rajasekaran* acknowledged that road accidents constitute a serious public safety crisis requiring institutional accountability and active State intervention. The Court emphasized that road safety cannot remain dependent solely upon sporadic administrative initiatives but requires sustained constitutional commitment toward protection of life.

The constitutionalizing of road safety reached a decisive stage in *In Re: Phalodi Accident v. National Highways Authority of India*. The Supreme Court took suo motu cognizance following two catastrophic highway accidents in Rajasthan and Telangana during November 2025, which collectively claimed thirty-four lives within two days. The accidents exposed severe infrastructural deficiencies including illegal roadside encroachments, unsafe parking of heavy vehicles, potholes, absence of dividers, inadequate signage, and lack of lighting on National Highways. The Court departed from the conventional approach of treating such accidents as isolated incidents caused merely by driver negligence.

Instead, it examined the systemic administrative failures that created dangerous conditions on highways. The Court observed that National Highways constitute approximately two percent of India's road network account for nearly thirty percent of all road fatalities. Such disproportionate fatalities, according to the Court, reflected

structural failures within highway governance and enforcement systems. Most significantly, the Court expressly recognized commuter safety and safe travel on highways as an essential part of Article 21 of the Constitution. It was held:

“The Right to Life enshrined under Article 21 of the Constitution is not merely a guarantee against the unlawful taking of life, but a positive mandate upon the State to ensure a safe environment where human life is preserved and valued.”

This observation carries immense Value. The Court shifted the understanding of Article 21 from a purely negative guarantee restraining unlawful State action to a positive obligation requiring the State to actively create conditions necessary for safe human existence. Infrastructural safety became constitutionally connected with Sanctity of life and dignity. The Court further remarked that highways “must not become corridors of peril due to administrative lethargy or infrastructural gaps.” This expression reflects judicial recognition that preventable road fatalities resulting from infrastructural negligence constitute a failure of constitutional governance itself.

Unsafe highways are not merely engineering deficiencies; they represent institutional inability to fulfill the State’s constitutional obligations. The Court’s reliance upon Article 142 of the Constitution to issue extensive nationwide interim directions. The Court directed prohibition of unauthorized parking on highways, removal of illegal encroachments and roadside structures, establishment of District Highway Safety Task Forces, operationalization of Advanced Traffic Management Systems (ATMS), deployment of ambulances and recovery cranes, identification of accident blackspots, installation of surveillance systems, and creation of emergency response mechanisms.

The use of Article 142 is constitutionally significant because it determines the judiciary’s willingness to employ extraordinary constitutional powers to secure public safety and prevent avoidable loss of life. The Court recognized that ordinary administrative processes had failed to adequately address highway safety concerns, thereby necessitating judicial supervision and constitutional intervention. The judgment also reflects the evolving principle of “positive constitutional obligations.” Traditionally,

constitutional rights primarily protected individuals against direct State interference. Modern constitutional jurisprudence recognizes that the State must also take affirmative measures to safeguard rights against threats arising from infrastructural failures, environmental hazards, and institutional negligence. Road safety jurisprudence represents an important manifestation of this principle. The Supreme Court's approach further aligns with constitutional tort jurisprudence developed in cases such as *Nilabati Behera v. State of Orissa*<sup>11</sup>, where compensation was awarded for violations of fundamental rights caused by State negligence. In the context of highway safety, the logic of constitutional accountability implies that the State may bear responsibility where avoidable infrastructural failures lead to loss of life.

The constitutionalizing of road safety also illustrates judicial recognition of the relationship between governance and dignity. Roads and highways are public spaces through which citizens exercise mobility, livelihood, and social participation. Unsafe infrastructure compromises not merely physical safety but also the constitutional promise of secure and dignified living. The judiciary views transportation safety as inseparable from constitutional morality and welfare governance. Another important dimension of the Court's approach is the emphasis upon prevention rather than merely compensation.

Traditionally, legal responses to road accidents focus primarily upon post-accident liability through compensation claims under motor vehicle laws. The Supreme Court emphasized proactive governance involving surveillance systems, periodic inspections, removal of encroachments, and emergency response mechanisms aimed at preventing accidents before they occur. This preventive approach shows a broader constitutional philosophy centered upon preservation of life rather than mere remedial relief after constitutional injury has already occurred.

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<sup>11</sup> AIR 1993 SC 1960; (1993) 2 SCC 746

The constitutionalizing of road safety represents an important shift in Indian constitutional law. The judiciary has recognized that highways cannot be treated merely as developmental infrastructure disconnected from constitutional accountability. Instead, roads constitute constitutional spaces where the State's obligation to protect life and dignity must operate continuously and effectively.

The Supreme Court's evolving jurisprudence demonstrates that the Constitution is not indifferent to the everyday realities faced by citizens while traveling on public roads. The right to life loses much of its meaning if individuals are forced to navigate unsafe highways marked by institutional negligence and infrastructural hazards. By recognizing commuter safety as part of Article 21, the Court has reaffirmed the principle that preservation of life remains the highest constitutional value within a democratic welfare State.

## VIII. LANDMARK JUDICIAL DECISIONS

The constitutional recognition of road safety and safe travel in India has not emerged through a single judicial pronouncement. Rather, it is the result of a gradual evolution of constitutional jurisprudence through a series of landmark decisions delivered by the Supreme Court over several decades. These judgments collectively expanded the meaning of life, dignity, equality, public safety, emergency medical care, and State accountability under the Constitution. The jurisprudence relating to highway safety draws strength from diverse constitutional doctrines including substantive due process, constitutional tort liability, public welfare obligations, and positive duties of the State. The following judicial decisions constitute the principal foundations upon which the contemporary right to safe travel on highways has developed.

### A. *Maneka Gandhi v. Union of India*

The decision in *Maneka Gandhi v. Union of India* represents one of the most transformative judgments in Indian constitutional history.<sup>12</sup> Prior to this case, Article 21

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<sup>12</sup> AIR 1978 SC 597; (1978) 1 SCC 248

was interpreted narrowly in *A.K. Gopalan v. State of Madras*, where the Supreme Court had adopted a formalistic approach toward personal liberty. In *Maneka Gandhi*, the petitioner's passport was impounded by the Government "in public interest" without furnishing reasons. The constitutional issue before the Court concerned the interpretation of "procedure established by law" under Article 21.

The Supreme Court rejected the earlier narrow interpretation and held that any procedure depriving a person of life or liberty must be "fair, just and reasonable" and not arbitrary, fanciful, or oppressive. The judgment fundamentally altered Indian constitutional jurisprudence by linking Articles 14, 19, and 21 together. The Court recognized that life under Article 21 means more than mere physical existence and includes conditions necessary for dignified living.

This judgment forms the constitutional foundation for recognizing the right to safe travel because it established that the State bears obligations extending beyond mere non-interference. Public infrastructure and governance mechanisms affecting liberty and safety must satisfy standards of fairness and reasonableness. Unsafe highways resulting from administrative negligence raise constitutional concerns under Article 21.

### **B. Municipal Council, Ratlam v. Vardhichand**

The judgment in *Municipal Council, Ratlam v. Vardhichand* significantly strengthened the principle of public authority accountability.<sup>13</sup> Residents of Ratlam Municipality approached the Court complaining of insanitary conditions, open drains, and public nuisance affecting public health and safety. The Municipality argued that it lacked sufficient financial resources to undertake remedial measures. Rejecting this contention, the Supreme Court held that public authorities cannot evade statutory and constitutional obligations merely by pleading financial inability.

Justice Krishna Iyer observed that governmental bodies entrusted with public welfare functions possess a mandatory duty to protect citizens from hazards affecting health and

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<sup>13</sup> AIR 1980 SC 1622; (1980) 4 SCC 162

safety. The significance of this judgment for highway safety lies in its recognition that infrastructural negligence affecting public welfare cannot be justified on grounds of administrative inconvenience or financial constraints. Highway authorities responsible for dangerous road conditions, absence of signage, potholes, or illegal encroachments cannot escape constitutional accountability merely by citing lack of resources. The reasoning in *Ratlam Municipality* strongly influenced later road safety jurisprudence by reinforcing the principle that protection of life outweighs administrative and financial considerations.

### C. **Parmanand Katara v. Union of India**

The judgment in *Parmanand Katara v. Union of India* occupies a central position within Indian emergency medical jurisprudence.<sup>14</sup> The case arose from the death of a scooterist who was denied immediate medical treatment by a doctor on the ground that medico-legal formalities required the patient to be taken to another hospital. The Supreme Court held that preservation of life is of paramount importance and that every doctor, whether in a government or private hospital, possesses a professional obligation to provide immediate medical assistance to accident victims.

The Court emphasized that procedural formalities cannot take precedence over protection of life. This judgment is directly connected with the constitutional concept of safe travel on highways because road safety includes not only accident prevention but also prompt trauma care and emergency response. Fatalities resulting from road accidents frequently occur due to delay in medical assistance during the “golden hour.” The principles laid down in *Parmanand Katara* were later reflected in the Supreme Court’s directions in *Phalodi Accident*, where the Court mandated deployment of ambulances, trauma facilities, and emergency response systems along National Highways.

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<sup>14</sup> AIR 1989 SC 2039; (1989) 4 SCC 286

#### **D. Nilabati Behera v. State of Orissa**

The decision in *Nilabati Behera v. State of Orissa* significantly expanded the doctrine of constitutional tort liability in India.<sup>15</sup> The case concerned custodial death caused by State authorities. The Supreme Court held that compensation can be awarded under public law jurisdiction where fundamental rights are violated due to State negligence or unlawful conduct. The Court held that constitutional remedies under Articles 32 and 226 operate independently of private law claims for damages. The significance of this judgment for highway safety jurisprudence lies in its recognition that the State may incur constitutional liability where negligence results in violation of the right to life.

Dangerous highways, defective infrastructure, failure to remove known hazards, or lack of emergency systems may potentially attract constitutional scrutiny and compensatory liability. The doctrine established in *Nilabati Behera* strengthened judicial willingness to treat infrastructural negligence as a constitutional issue rather than merely a matter of administrative inefficiency.

#### **E. M.C. Mehta v. Union of India**

The decision in *M.C. Mehta v. Union of India* marked a major development in Indian public safety and environmental jurisprudence.<sup>16</sup> The case arose after leakage of oleum gas from a hazardous industry in Delhi endangered public health and safety. The Supreme Court evolved the doctrine of “absolute liability,” holding that enterprises engaged in hazardous activities bear absolute responsibility for harm caused by such activities irrespective of negligence.

The Court noted that industries and public authorities must adopt the highest standards of safety where life is involved. Although the case concerned industrial hazards, its broader constitutional significance lies in the recognition that public safety forms a vital component of Article 21. The judgment reinforced the principle that governance systems

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<sup>15</sup> AIR 1993 SC 1960; (1993) 2 SCC 746

<sup>16</sup> AIR 1987 SC 1086; (1987) 1 SCC 395

affecting safety must operate proactively rather than reactively. This reasoning later influenced judicial approaches toward highway safety, where authorities responsible for dangerous infrastructure may bear heightened obligations to prevent foreseeable harm.

#### **F. Paschim Banga Khet Mazdoor Samity v. State of West Bengal**

This judgment further expanded the State's constitutional obligation concerning emergency medical treatment.<sup>17</sup> The petitioner, a laborer who suffered severe injuries in a train accident, was denied treatment by multiple government hospitals due to lack of facilities. The Supreme Court held that failure of government hospitals to provide timely medical assistance violates Article 21. The Court observed that preservation of life constitutes a primary obligation of the State and that financial limitations cannot justify denial of medical care. The decision remains highly relevant to highway safety because timely trauma care plays a decisive role in reducing fatalities following road accidents. The constitutional duty to establish adequate emergency response systems along highways directly flows from this jurisprudence.

#### **G. S. Rajasekaran v. Union of India**

The judgment in *S. Rajasekaran v. Union of India* represents one of the most important judicial interventions specifically concerning road safety governance in India.<sup>18</sup> The Supreme Court took note of alarming accident statistics and inadequate implementation of road safety recommendations across States. The Court monitored implementation of traffic regulations, road safety measures, and institutional reforms on a continuing basis. It directed establishment of State Road Safety Councils, Road Safety Committees, and stricter enforcement of traffic laws.

The judgment recognized road accidents as serious public health and constitutional concern requiring coordinated governmental action. The Court stated that avoidable fatalities caused by weak enforcement and infrastructural negligence cannot be tolerated

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<sup>17</sup> (1996) 4 SCC 37

<sup>18</sup> (2018) 13 SCC 516

within a constitutional democracy. This decision laid important groundwork for later recognition of commuter safety as part of Article 21 in Phalodi Accident.

#### **H. In Re: Phalodi Accident v. National Highways Authority of India**

This judgment constitutes the most direct and explicit constitutional recognition of the right to safe travel on highways. The Supreme Court took suo motu cognizance after catastrophic highway accidents in Rajasthan and Telangana caused the deaths of thirty-four persons. The Court identified Entrenched negligence including illegal roadside encroachments, potholes, unsafe parking practices, absence of signage, and defective infrastructure as major causes behind the accidents. The Court declared that commuter safety forms an “essential part” of Article 21.<sup>19</sup>

The Court observed “The Right to Life enshrined under Article 21 is not merely a guarantee against unlawful taking of life, but a positive mandate upon the State to ensure a safe environment where human life is preserved and valued.” The Court further emphasized that highways “must not become corridors of peril due to administrative lethargy or infrastructural gaps.”

Invoking Article 142, the Court issued extensive nationwide directions regarding illegal parking, blackspots, surveillance systems, emergency medical response, encroachment removal, and constitution of District Highway Safety Task Forces.

The judgment transformed road safety from an administrative concern into a constitutional obligation and firmly established safe travel as part of the Right to Life.

Collectively, these judicial decisions demonstrate the gradual constitutional evolution of road safety jurisprudence in India. Beginning with expansion of Article 21 in Maneka Gandhi, continuing through public welfare and medical jurisprudence in Ratlam Municipality, Parmanand Katara, and Paschim Banga, and culminating in Phalodi

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<sup>19</sup> 2026 INSC 388

Accident, the judiciary progressively recognized that preservation of life requires proactive governance and safe public infrastructure.

The Supreme Court's jurisprudence now firmly establishes that highways cannot be treated merely as developmental assets disconnected from constitutional accountability. Instead, there are constitutional spaces where the State's obligation to preserve life, dignity, equality, and safety must operate effectively and continuously.

## **IX. STATUTORY FRAMEWORK GOVERNING HIGHWAY SAFETY**

The constitutional recognition of safe travel on highways is supported and reinforced by an extensive statutory framework enacted to regulate road transport, traffic management, highway administration, and accident prevention in India. While constitutional jurisprudence provides the normative foundation for protection of life and commuter safety, statutory enactments create the operational and regulatory mechanisms necessary for implementation of road safety measures. The legislative framework governing highway safety in India primarily includes the Motor Vehicles Act, 1988<sup>20</sup>, the National Highways Authority of India Act, 1988, the Control of National Highways (Land and Traffic) Act, 2002<sup>21</sup>, and subordinate rules and policies framed by the Ministry of Road Transport and Highways (MoRTH).

These statutes collectively regulate licensing, traffic enforcement, infrastructure management, encroachments, emergency response mechanisms, and safety standards. Despite the existence of legislation, recurring highway accidents reveal persistent gaps in implementation, enforcement, and institutional coordination. Courts have intervened to ensure that statutory duties are discharged in a manner consistent with constitutional obligations under Article 21.

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<sup>20</sup> Motor Vehicles Act, 1988

<sup>21</sup> Control of National Highways (Land and Traffic) Act, 2002

## **A. Motor Vehicles Act, 1988**

The Motor Vehicles Act, 1988 constitutes the principal legislation governing road transport and traffic regulation in India. Enacted to consolidate and amend laws relating to motor vehicles, the Act establishes the legal framework concerning vehicle registration, licensing, traffic regulation, road safety standards, compensation mechanisms, and liability arising from road accidents. The statute plays a central role in highway safety governance because it seeks to regulate both drivers and vehicles to minimize accidents and ensure public safety on roads.

### **1. Licensing and Regulation of Drivers**

The Motor Vehicles Act establishes a system regulating issuance of driving licenses and permits. The underlying objective is to ensure that only competent individuals possessing adequate driving skills are permitted to operate vehicles on public roads. Sections 3 and 4 prohibit driving without a valid license and prescribe age requirements for driving different categories of vehicles. The licensing framework seeks to reduce accidents caused by untrained or inexperienced drivers. The Act further empowers authorities to suspend or revoke licenses in cases involving dangerous driving, repeated traffic violations, intoxication, or negligence causing accidents. These provisions reflect the legislative objective of balancing freedom of movement with public safety considerations.

### **2. Regulation of Dangerous Driving**

One of the most important safety-related provisions under the Act is Section 184, which criminalizes dangerous and reckless driving. The provision penalizes driving in a manner that endangers public safety or causes injury to other people. The Motor Vehicles (Amendment) Act, 2019<sup>22</sup> significantly strengthened road safety enforcement by enhancing penalties for traffic violations including over speeding, drunken driving, driving without license, and dangerous driving. The amendment sought to address the increasing number of road fatalities by introducing stricter deterrent measures and

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<sup>22</sup> Motor Vehicles (Amendment) Act, 2019

higher penalties. The Supreme Court in *S. Rajaseekaran v. Union of India* emphasized the importance of effective enforcement of traffic regulations and observed that weak implementation contributes significantly to road accident fatalities.

Despite stricter penalties, enforcement challenges remain substantial due to corruption, understaffing, inadequate surveillance systems, and inconsistent implementation across States.

### **3. Compensation Mechanisms**

The Motor Vehicles Act also establishes mechanisms for compensating victims of road accidents. Sections 161 and 166 provide for compensation in hit-and-run cases and claims before Motor Accident Claims Tribunals (MACTs). These provisions seek to ensure financial relief to victims and dependents affected by road accidents. The compensation framework reflects legislative recognition that road accidents frequently result in severe economic and social hardship. Constitutional jurisprudence has clarified that compensation alone cannot substitute the State's duty to prevent avoidable fatalities through effective road safety governance. The Supreme Court in *Nilabati Behera v. State of Orissa* recognized that constitutional remedies for violation of fundamental rights operate independently of statutory compensation mechanisms. This principle becomes important where accidents occur due to infrastructural negligence attributable to public authorities.

### **4. Good Samaritan Protection**

An important development in road safety jurisprudence concerns protection of Good Samaritans assisting accident victims. Fear of legal harassment and police procedures often discouraged bystanders from helping injured persons. In *Save LIFE Foundation v. Union of India*<sup>23</sup>, the Supreme Court approved guidelines protecting Good Samaritans from unnecessary legal and procedural harassment. The Court recognized that immediate assistance to accident victims significantly increases survival chances during

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<sup>23</sup> (2016) 7 SCC 194

emergencies. These guidelines were later incorporated into statutory amendments under the Motor Vehicles Act. The protection of Good Samaritans reflects the evolving understanding that road safety includes not merely accident prevention but also efficient post-accident emergency response systems.

### **B. National Highways Authority of India Act, 1988**

The National Highways Authority of India Act, 1988 established the National Highways Authority of India (NHAI) for development, maintenance, and management of National Highways. The NHAI functions as the principal authority responsible for planning and execution of highway infrastructure projects. Its responsibilities include construction of highways, maintenance of roads, installation of safety infrastructure, toll management, and development of expressways.

The constitutional significance of the NHAI's functions became particularly evident in *In Re: Phalodi Accident*, where the Supreme Court scrutinized failures relating to highway safety, encroachments, and infrastructural deficiencies on National Highways. The Court emphasized that highway authorities bear a continuing obligation to ensure that roads remain reasonably safe for commuters. The statutory duties of the NHAI possess constitutional dimensions because failure to maintain safe highways directly affects the right to life under Article 21.

#### **1. Duties Relating to Highway Maintenance**

The NHAI is responsible for maintenance and supervision of National Highways, including repair of potholes, installation of signage, maintenance of barriers, traffic management systems, and illumination infrastructure. Deficiencies in these functions frequently contribute to accidents. In *Phalodi Accident*, the Supreme Court observed that absence of lighting, dangerous blackspots, illegal parking, and unsafe roadside structures created severe hazards for commuters. The Court directed NHAI to operationalize Advanced Traffic Management Systems (ATMS), deploy emergency response systems, and conduct periodic inspections of highways.

## **2. Wayside Amenities and Emergency Infrastructure**

The NHAI is also responsible for development of wayside amenities including rest areas, fuel stations, emergency facilities, parking spaces, and food services. In Phalodi Accident, the Court directed construction of truck lay-by facilities at intervals of seventy-five kilometers and mandated deployment of ambulances and recovery cranes along National Highways. These directions reflected judicial recognition that highway safety requires integrated infrastructure capable of preventing accidents and ensuring timely response during emergencies.

### **C. Control of National Highways (Land and Traffic) Act, 2002**

The Control of National Highways (Land and Traffic) Act, 2002 regulates land use, traffic management, and removal of encroachments on National Highways. The legislation seeks to ensure orderly development and prevent unauthorized activities affecting highway safety. Illegal roadside encroachments, unauthorized dhabas, unsafe parking practices, and commercial structures within highway safety zones frequently obstruct visibility and create hazardous conditions.

Section 26 of the Act empowers authorities to remove unauthorized encroachments and structures affecting highways. In Phalodi Accident, the Supreme Court specifically directed enforcement of Section 26 for removal of illegal roadside structures and encroachments. The Court further prohibited construction of new dhabas and commercial establishments within highway safety zones without authorization. These directions reflected the judiciary's concern that lax enforcement of statutory provisions directly contributes to preventable road fatalities.

### **D. Role of Ministry of Road Transport and Highways (MoRTH)**

The Ministry of Road Transport and Highways functions as the principal governmental body responsible for policy formulation concerning road transport and highway development. MoRTH issues policy guidelines relating to road engineering, safety standards, surveillance systems, emergency response mechanisms, and blackspot

identification. The Ministry also coordinates with State Governments, NHAI, and transport authorities for implementation of safety measures. In Phalodi Accident, the Supreme Court directed MoRTH to establish an Inter-State Highway Safety Coordination Committee for standardizing enforcement protocols and surveillance systems across States.

The Court's intervention reflected concerns regarding lack of institutional coordination and inconsistent implementation of safety norms. MoRTH's policies emphasize technology-driven governance including use of AI surveillance systems, intelligent traffic management, automated enforcement mechanisms, and drone-based highway monitoring. These measures reflect recognition that modern highway safety requires continuous technological supervision rather than merely manual enforcement.

#### **E. Limitations of the Existing Statutory Framework**

Despite the existence of detailed legislation and regulatory mechanisms, road accident fatalities continue to remain alarmingly high. Several structural limitations weaken the effectiveness of the statutory framework Weak enforcement of traffic regulations, Inadequate institutional coordination, Corruption and administrative negligence, Delayed implementation of safety measures, Poor Road engineering standards, Lack of periodic highway inspections, Insufficient trauma care facilities, Inconsistent enforcement across States

The judiciary has repeatedly emphasized that enactment of legislation alone is insufficient unless accompanied by effective implementation and accountability mechanisms. The Supreme Court's intervention in Phalodi Accident reflects judicial recognition that statutory duties relating to road safety possess constitutional implications under Article 21. Highway authorities cannot treat safety obligations as merely administrative functions because failure to discharge these duties directly threatens life and dignity.

## X. INTERIM DIRECTIONS ISSUED BY THE SUPREME COURT

The interim directions issued by the Supreme Court in *In Re: Phalodi Accident v. National Highways Authority of India* represent one of the most detailed judicial interventions concerning highway safety in India. The directions were framed after the Court took suo motu cognizance of catastrophic highway accidents in Rajasthan and Telangana in November 2025, which exposed serious infrastructural deficiencies, unsafe parking practices, illegal encroachments, absence of emergency facilities, and administrative negligence.

The Court recognized that preventable road fatalities resulting from systemic failures amount to a violation of Article 21 of the Constitution. exercising powers under Article 142, the Court issued extensive nationwide directions aimed at strengthening road safety governance, ensuring accountability of authorities, and preventing highways from becoming “corridors of peril.”

The consequence of these directions lies not merely in their operational content but in their constitutional character. The Court treated road safety as a matter directly connected with preservation of life and personal safety. The interim measures reflect the judiciary’s attempt to transform road safety from a fragmented administrative concern into a coordinated constitutional obligation.

### A. Prohibition on Illegal Parking and Unauthorized Encroachments

One of the primary concerns identified by the Court was the widespread practice of unauthorized parking of heavy vehicles on National Highways and expressways. In the Rajasthan accident that triggered judicial intervention, a bus carrying pilgrims collided with a stationary trailer parked near an unauthorized roadside dhaba on the Bharat Mala Expressway. The Court observed that unsafe parking practices create grave risks for commuters, particularly on high-speed corridors.

Accordingly, the Court prohibited parking or stopping of heavy commercial vehicles on highway carriageways and paved shoulders except at designated bays, lay-byes, or

authorized wayside amenities. Enforcement mechanisms were directed to include Advanced Traffic Management Systems (ATMS), GPS-enabled monitoring, and e-challan generation systems.

The Court further directed immediate removal of unauthorized roadside structures, illegal dhabas, eateries, and commercial establishments operating within highway safety zones. Construction of new unauthorized structures within the Right of Way (ROW) of National Highways was prohibited with immediate effect.

The legal importance of these directions lies in the recognition that illegal encroachments and unsafe parking are not merely regulatory violations but hazards directly threatening the right to life of commuters.

### **B. Inspection Mechanisms and Highway Surveillance**

The Supreme Court expressed concern regarding the absence of regular inspections and monitoring systems on highways. Administrative authorities frequently failed to identify blackspots, dangerous encroachments, and infrastructural deficiencies until catastrophic accidents occurred.

To address this issue, the Court directed NHAI, NHIDCL, State Public Works Departments, and highway authorities to constitute dedicated inspection teams for periodic monitoring of highway stretches. Authorities were required to file consolidated reports concerning encroachments identified, notices issued, and structures demolished under the Control of National Highways (Land and Traffic) Act, 2002.

The Court also mandated drone-based aerial surveys of highways at least twice annually. Such surveys were intended to identify unsafe structures, illegal encroachments, potholes, and hazardous stretches requiring urgent intervention.

The use of surveillance technologies reflects the judiciary's recognition that modern highway safety requires continuous monitoring and data-driven governance rather than sporadic inspections after accidents occur.

### **C. Operationalization of Advanced Traffic Management Systems (ATMS)**

The Supreme Court placed significant emphasis upon technology-driven enforcement and surveillance systems. It directed NHAI to operationalize Advanced Traffic Management Systems (ATMS) across all four-lane and six-lane highways and expressways in accordance with existing policy guidelines.

The ATMS framework includes Traffic Monitoring and Command Control Centre (TMCC) cameras, Vehicle Speed Detection Systems (VSDS), Video Incident Detection Systems (VIDS), Variable Message Signboards, Emergency Call Boxes, Real-time traffic surveillance systems.

The Court further directed that non-operational surveillance units be made functional within fixed timelines and required NHAI to file compliance affidavits confirming operational status of all systems.

These directions demonstrate judicial recognition that technological infrastructure plays a crucial role in preventing accidents, enforcing traffic discipline, detecting hazards, and enabling rapid emergency response.

### **D. Constitution of District Highway Safety Task Forces**

Recognizing the lack of coordination among multiple agencies responsible for highway administration, the Court directed constitution of District Highway Safety Task Forces in every district through which National Highways pass.

Each Task Force was directed to include officers from District Administration, Police Department, NHAI or concerned highway authority, Public Works Department, Local bodies and municipal authorities

The Court imposed joint responsibility upon District Magistrates and Police Commissioners/Superintendents for removal of encroachments and implementation of safety measures. Fortnightly review meetings and maintenance of official records were made mandatory.

The creation of these Task Forces reflects judicial acknowledgment that highway safety requires coordinated institutional governance rather than fragmented administrative functioning.

#### **E. Emergency Medical Response and Trauma Care**

One of the most important aspects of the Court's directions concerned emergency medical infrastructure. The Court recognized that many road accident fatalities occur due to delay in trauma care during the "golden hour" following accidents.

Invoking the constitutional principles laid down in *Parmanand Katara v. Union of India* and *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, the Court directed deployment of Basic Life Support (BLS) ambulances and recovery cranes at intervals not exceeding seventy-five kilometers on National Highways.

These facilities were required to be stationed at toll plazas, wayside amenities, and dedicated emergency response posts. The Court explicitly stated that timely emergency medical response forms part of the State's "Constitutional duty" under Article 21.

The directions expanded the constitutional understanding of road safety beyond accident prevention to include post-accident survival and emergency healthcare systems.

#### **F. Identification and Removal of Accident Blackspots**

The Court directed MoRTH and NHAI to identify accident blackspots and hazardous stretches on National Highways and publish a list within prescribed timelines.

The Court further ordered installation of, High-intensity LED lighting, High-mast illumination systems, Speed enforcement cameras, Retro-reflective warning signs, Transverse bar markings at all identified blackspots.

The significance of these directions lies in their preventive orientation. Rather than waiting for accidents to occur, the Court highlighted proactive identification and elimination of dangerous highway conditions.

### **G. Truck Lay-Bye Facilities and Wayside Amenities**

The Court recognized that driver fatigue contributes significantly to highway accidents involving heavy commercial vehicles. It directed NHAI and MoRTH to construct truck lay-by facilities at intervals of seventy-five kilometers on National Highways.

These facilities were required to include, Safe parking areas, Rest facilities, Food services, Washrooms, First-aid infrastructure, Reflective signage systems

The Court accentuated that long-distance drivers require adequate resting facilities to reduce fatigue-related accidents. This direction reflects a broader constitutional understanding that road safety requires attention not only to infrastructure but also to social factors affecting transportation systems.

### **H. Institutional Coordination and Compliance Monitoring**

The Supreme Court further directed the Ministry of Road Transport and Highways to establish an Inter-State Highway Safety Coordination Committee for standardizing enforcement protocols, surveillance standards, driving-hour regulations, and parking enforcement systems across States.

All implementing agencies including NHAI, NHIDCL, State PWDs, and Border Roads Organization (BRO) were made jointly and severally responsible for compliance within their respective jurisdictions. The Court required periodic compliance reports and continued judicial monitoring. The emphasis upon coordination and accountability Highlights judicial recognition that highway safety failures frequently result from fragmented governance and lack of institutional responsibility.

### **I. Constitutional Significance of the Interim Directions**

The interim directions issued in Phalodi Accident extending beyond ordinary administrative regulation. The Court effectively constitutionalized highway governance by recognizing that unsafe roads directly threaten the right to life under Article 21.

The directions reflect several important constitutional principles:

1. **Positive obligations of the State:** The State must actively ensure safe conditions for travel.
2. **Preventive constitutional governance:** Public authorities must prevent avoidable fatalities rather than merely compensate victims after accidents occur.
3. **Social and infrastructural safety:** Roads and highways are constitutional spaces affecting dignity and security.
4. **Judicial accountability Mechanisms:** Courts may intervene where administrative negligence endangers life.

By invoking Article 142 and issuing directions nationwide, the Supreme Court reaffirmed that protection of life remains the highest constitutional value. The judgment transformed highway safety from a matter of administrative discretion into a continuing constitutional responsibility requiring coordinated governance, technological enforcement, and institutional accountability.

## XI. CHALLENGES IN ENSURING HIGHWAY SAFETY

Despite the existence of constitutional protections, statutory mechanisms, judicial interventions, and policy reforms, highway safety in India continues to face serious structural and administrative challenges. The alarming rise in road accident fatalities demonstrates that the problem does not merely arise from individual negligence but from systemic deficiencies embedded within infrastructure planning, enforcement mechanisms, institutional coordination, and governance structures.

The Supreme Court in *In Re: Phalodi Accident v. National Highways Authority of India* acknowledged that many highway fatalities occur due to “administrative lethargy or infrastructural gaps.” This observation reflects the broader reality that the effectiveness of road safety laws depends largely upon implementation, accountability, and continuous monitoring.

The challenges confronting highway safety governance in India are multidimensional and interconnected. They involve engineering defects, weak enforcement, institutional negligence, inadequate emergency response systems, technological limitations, and lack of public awareness. These deficiencies collectively undermine the constitutional objective of preserving life and ensuring safe mobility under Article 21.

### **A. Poor Infrastructure and Defective Road Engineering**

One of the most significant causes of highway accidents in India is poor infrastructure and defective road engineering. Dangerous road design, potholes, absence of dividers, inadequate drainage systems, sharp curves, uneven carriageways, and poorly constructed intersections frequently contribute to fatal accidents.

Many highways lack safety infrastructure such as reflective signage, crash barriers, lane markings, pedestrian crossings, illumination systems, and warning indicators. High-speed expressways without adequate safety mechanisms expose commuters to severe risks, particularly during nighttime travel and adverse weather conditions.

The Telangana accident considered in Phalodi Accident highlighted these infrastructural deficiencies. The collision occurred when a truck attempted to avoid a pothole on National Highway-163, resulting in the death of nineteen persons, including a forty-day-old infant. The absence of proper road maintenance and safety infrastructure demonstrated how defective engineering can directly threaten constitutional guarantees under Article 21.

The problem is aggravated by inadequate auditing and delayed repair mechanisms. Dangerous highway stretches often remain unattended despite repeated complaints and previous accidents. preventable hazards continue to persist until major tragedies compel administrative action.

### **B. Illegal Encroachments and Unsafe Commercialization of Highway Spaces**

Illegal encroachments along highways constitute another major challenge affecting road safety. Unauthorized dhabas, roadside shops, commercial establishments, temporary

structures, and illegal parking zones frequently obstruct visibility and create dangerous traffic conditions.

Heavy vehicles parked near unauthorized roadside establishments often occupy paved shoulders and carriageways, significantly increasing collision risks. The Rajasthan accident examined in Phalodi Accident occurred when a bus collided with a stationary trailer parked near an unauthorized dhaba on the Bharat Mala Expressway.

The problem persists primarily due to weak enforcement of the Control of National Highways (Land and Traffic) Act, 2002 and administrative inaction. Encroachments frequently continue despite notices issued by authorities because of political influence, corruption, lack of coordination among agencies, and inadequate monitoring mechanisms.

The commercialization of highway spaces without proper regulation compromises commuter safety and undermines the constitutional obligation of authorities to maintain reasonably safe public infrastructure.

### **C. Weak Enforcement of Traffic Regulations**

India possesses detailed traffic laws and regulatory mechanisms under the Motor Vehicles Act, 1988, hitherto enforcement remains inconsistent and ineffective in many regions. Over speeding, drunken driving, overloading of vehicles, driving without licenses, and reckless driving continue to contribute substantially to highway fatalities.

Several factors weaken enforcement mechanisms are, Insufficient traffic personnel, Corruption and bribery, Inadequate surveillance systems, Lack of technological infrastructure, Inconsistent implementation across States, Political interference in enforcement activities

The Supreme Court in *S. Rajasekaran v. Union of India* observed that weak implementation of road safety laws remains one of the principal reasons for increasing accident fatalities in India.

Although the Motor Vehicles (Amendment) Act, 2019 introduced stricter penalties for traffic violations, deterrence remains limited where enforcement mechanisms themselves are ineffective.

#### **D. Inadequate Emergency Medical Response Systems**

A substantial number of road accident deaths occur not immediately after collisions but due to delay in medical assistance during the critical “golden hour.” Lack of ambulances, trauma centers, emergency communication systems, and trained first responders significantly increases fatality rates on highways.

In many rural and remote highway stretches; accident victims are transported over long distances before receiving medical care. Delays frequently arise due to, Lack of nearby trauma facilities, Poor ambulance connectivity, Absence of emergency response coordination, Fear among bystanders regarding legal harassment, Shortage of trained emergency personnel

The constitutional significance of emergency response was recognized in *Parmanand Katara v. Union of India* and *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, where the Supreme Court emphasized that preservation of life is a primary constitutional obligation of the State.

Recognizing these deficiencies, the Court in *Phalodi Accident* directed deployment of ambulances and recovery cranes at regular intervals along highways. Effective implementation remains a continuing challenge.

#### **E. Administrative Negligence and Accountability Deficit**

One of the most persistent challenges in highway safety governance is the absence of institutional accountability. Highway administration in India involves multiple agencies including Ministry of Road Transport and Highways, National Highways Authority of India, State Public Works Departments, Traffic Police, District Administration, Local Municipal Authorities

The multiplicity of authorities often results in fragmented responsibility and lack of coordination. Dangerous highway conditions frequently remain unattended because agencies shift blame upon one another.

Administrative negligence becomes particularly problematic where authorities fail to act despite prior knowledge of dangerous blackspots, encroachments, or repeated accidents. The Supreme Court in Phalodi Accident criticized such “administrative lethargy” and emphasized that avoidable fatalities represent failure of the State’s protective obligations under Article 21.

The absence of personal accountability mechanisms further weakens enforcement. Rarely are officials held individually responsible for infrastructural failures leading to fatal accidents.

#### **F. Lack of Technological Integration**

Modern highway safety depends upon technology-driven surveillance and traffic management systems. many highways in India continue to operate without adequate technological infrastructure such as, Intelligent Traffic Management Systems, Speed detection cameras, Video surveillance systems, Automated challan systems, Emergency communication networks, AI-based traffic monitoring

The Supreme Court directed operationalization of Advanced Traffic Management Systems (ATMS) across highways in Phalodi Accident. Nevertheless, implementation remains uneven due to financial constraints, technical deficiencies, and lack of trained personnel.

Without real-time monitoring and data-driven governance, authorities often remain unable to detect hazards, enforce regulations, and coordinate emergency responses effectively.

#### **G. Driver Fatigue and Unsafe Working Conditions**

Commercial vehicle drivers frequently travel long distances under unsafe working conditions involving excessive driving hours, lack of rest facilities, poor nutrition, and

inadequate sleeping arrangements. Driver fatigue significantly increases the risk of highway accidents involving buses and heavy transport vehicles.

The Supreme Court acknowledged this issue by directing construction of truck lay-by facilities and wayside amenities in Phalodi Accident., implementation of such facilities remains limited.

The problem is compounded by economic pressures upon transport operators, who often prioritize speed and delivery schedules over safety considerations.

### **H. Public Awareness and Behavioral Challenges**

Road safety governance also faces challenges arising from public behavior and lack of awareness. Non-compliance with traffic rules remains widespread, including, Failure to wear seatbelts and helmets, Mobile phone usage while driving, Drunken driving, over speeding, Lane indiscipline, Ignoring traffic signs

Lack of road safety education and weak civic discipline contribute significantly to accident risks. Public awareness campaigns remain insufficient compared to the scale of the problem.

Constitutional governance alone cannot eliminate highway fatalities unless accompanied by societal awareness and behavioral change.

### **I. Constitutional Implications of the Challenges**

The persistence of these challenges reveals that road safety in India is not merely a technical or administrative issue; it is fundamentally connected with constitutional governance and preservation of dignity. Unsafe highways undermine the constitutional promise of life, liberty, and equality under Articles 14, 19, and 21.

The Supreme Court's developing jurisprudence reflects recognition that infrastructural negligence causing preventable deaths constitutes a constitutional failure rather than merely an administrative lapse. Road safety requires continuous institutional vigilance,

technological modernization, coordinated governance, and accountability mechanisms consistent with the State's duty to act under Article 21.

The challenges discussed above further illustrate why judicial intervention became necessary in cases such as *S. Rajaseekaran and Phalodi Accident*. The constitutionalizing of highway safety emerged largely because ordinary administrative systems repeatedly failed to adequately protect life on public roads.

## **XII. NEED FOR REFORMS**

The constitutional recognition of safe travel on highways under Article 21 has made it clear that road safety can no longer be treated merely as a matter of traffic administration or regulatory compliance. The alarming number of preventable road fatalities in India demonstrates the urgent necessity for structural, technological, institutional, and legal reforms. Although judicial interventions such as *In Re: Phalodi Accident v. National Highways Authority of India* have strengthened constitutional accountability, long-term improvement in highway safety depends upon sustained policy implementation and coordinated governance mechanisms.

The Supreme Court in *Phalodi Accident* observed that no "pecuniary or administrative constraint can outweigh the sanctity of life." This observation reflects the constitutional principle that preservation of life must remain the primary consideration in infrastructure governance. Reforms relating to highway safety must focus not merely upon post-accident compensation but upon prevention, accountability, technological modernization, and institutional responsibility.

### **A. Technology-Driven Highway Governance**

Modern highway safety requires integration of advanced technological systems capable of ensuring real-time surveillance, traffic regulation, and emergency coordination. Traditional enforcement methods dependent solely upon manual monitoring have proven inadequate in managing high-speed transportation corridors and rapidly expanding traffic volumes.

The Supreme Court directed operationalization of Advanced Traffic Management Systems (ATMS) across National Highways and expressways. These systems include CCTV surveillance cameras, Vehicle Speed Detection Systems, Video Incident Detection Systems, GPS-based monitoring, Emergency communication systems, Real-time traffic management centers

Technology-driven governance enables authorities to detect unsafe parking, over speeding, traffic violations, and accidents instantly. It also improves coordination between highway authorities, police departments, and emergency medical services.

Artificial Intelligence (AI)-based systems may further assist in predicting accident-prone zones, monitoring traffic density, identifying abnormal driving patterns, and generating automated alerts regarding hazardous conditions. The future of highway safety lies in data-driven governance supported by continuous digital surveillance and predictive safety systems.

### **B. Strengthening Institutional Accountability**

One of the most serious deficiencies in India's highway governance system is the absence of a single clearly accountable authority responsible for road safety outcomes. Highway administration presently involves multiple agencies including NHAI, State Public Works Departments, traffic police, district administration, transport authorities, and municipal bodies. This fragmented structure frequently results in diffusion of responsibility and weak enforcement.

The Supreme Court attempted to address this problem by directing constitution of District Highway Safety Task Forces and Inter-State Highway Safety Coordination Committees., long-term reforms require stronger institutional restructuring.

Several experts have emphasized the need to strengthen the National Road Safety Board established under the Motor Vehicles (Amendment) Act, 2019. At present, the Board largely performs advisory functions and lacks effective enforcement authority. Greater statutory powers should be conferred upon the Board to conduct independent highway

safety audits, monitor compliance by States and authorities, standardize enforcement protocols nationwide, publish road safety performance data, Recommend penalties for non-compliance

A centralized accountability framework would reduce institutional fragmentation and ensure continuous monitoring of safety standards across the country.

### **C. Infrastructure and Engineering Reforms**

A substantial proportion of highway accidents arise from poor road engineering, defective infrastructure, inadequate signage, absence of barriers, and dangerous blackspots. reforms in road design and infrastructure maintenance remain essential.

Highways must be developed according to internationally recognized safety standards incorporating Crash barriers and guardrails, High-intensity lighting systems, Reflective Lane markings, Proper drainage systems, Pedestrian crossings and service roads, Median dividers and rumble strips, scientifically designed curves and intersections

The Supreme Court directed identification and rectification of blackspots within fixed timelines in Phalodi Accident. periodic safety audits should become mandatory for all highways and expressways.

Infrastructure reforms must also focus upon maintenance. Potholes, damaged surfaces, broken barriers, and malfunctioning signage should be treated as emergency safety concerns requiring immediate repair rather than routine administrative issues.

### **D. Removal of Encroachments and Regulation of Highway Spaces**

Illegal encroachments remain one of the major contributors to highway accidents in India. Unauthorized dhabas, roadside markets, illegal parking areas, and temporary commercial structures frequently obstruct visibility and create dangerous traffic conditions.

The Supreme Court emphasized that highways “must not become corridors of peril due to administrative lethargy or infrastructural gaps.” Accordingly, the Court prohibited

unauthorized roadside constructions and directed strict enforcement of the Control of National Highways (Land and Traffic) Act, 2002.

Future reforms should include GIS-based mapping of encroachments, Mandatory digital monitoring of highway safety zones, Strict penalties for unauthorized constructions, Clear demarcation of Right of Way (ROW) zones, Continuous inspection mechanisms

The commercialization of highway spaces must be regulated in a manner consistent with commuter safety and constitutional obligations under Article 21.

#### **E. Emergency Medical Infrastructure and Trauma Care**

A significant number of accident victims die due to delayed medical assistance rather than immediate impact injuries. Highway safety reforms must prioritize emergency response systems and trauma care infrastructure.

The Supreme Court in Phalodi Accident directed deployment of ambulances and recovery cranes at intervals not exceeding seventy-five kilometers on National Highways.

Future reforms should include Establishment of trauma care centers along highways, Integration of emergency response systems with GPS technology, Dedicated highway ambulance corridors, Training of first responders and police personnel, Air ambulance facilities for remote highway stretches, Nationwide emergency helpline integration

The principles laid down in *Parmanand Katara v. Union of India* and *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* clearly establish that timely medical assistance forms an indispensable component of Article 21.

#### **F. Driver Welfare and Fatigue Management**

Commercial vehicle drivers frequently operate under unsafe working conditions involving excessive driving hours, sleep deprivation, poor nutrition, and lack of rest facilities. Driver fatigue significantly contributes to highway accidents involving buses and transport vehicles.

Recognizing this issue, the Supreme Court directed construction of truck lay-by facilities and rest areas along highways.

Future reforms should include, Regulation of maximum driving hours, Mandatory digital driver logbooks, Periodic medical and fatigue assessments, Development of safe rest stations, Awareness programs regarding fatigue management

Transportation systems cannot become safe unless the working conditions of drivers themselves are improved.

### **G. Public Awareness and Civic Responsibility**

Legal reforms and technological systems alone cannot eliminate highway fatalities without public cooperation and civic discipline. Over speeding, drunken driving, mobile phone usage while driving, lane indiscipline, and disregard for traffic rules continue to remain widespread.

Road safety education should become an integral part of school curricula, driving training programs, and public awareness campaigns.

Mass awareness initiatives must emphasize, Importance of seatbelts and helmets, Dangers of distracted driving, Consequences of drunken driving, Compliance with traffic signs and lane discipline, Emergency assistance and Good Samaritan protections

The constitutionalizing of road safety under Article 21 also imposes moral responsibilities upon citizens to contribute toward safer public roads.

### **H. Legislative and Policy Reforms**

Although India possesses extensive road safety legislation, further reforms remain necessary. Suggested legislative reforms include Statutory recognition of the "Right to Safe Travel", Stronger enforcement powers for National Road Safety Board, Mandatory annual road safety audits, Personal liability provisions for gross infrastructural negligence, Uniform national highway safety standards, Mandatory data transparency concerning road fatalities

The constitutional approach adopted in Phalodi Accident suggests that road safety should be treated as a rights-based issue rather than merely a policy concern.

### **I. Constitutional Governance and Preventive Justice**

The broader implication of these reforms lies in the shift from reactive governance toward preventive constitutionalism. Traditionally, legal responses to road accidents focus primarily upon compensation after fatalities occurred. The Supreme Court's jurisprudence emphasizes prevention of avoidable deaths through active governance and institutional accountability.

The Court in Phalodi Accident treated repeated highway fatalities as evidence of systemic constitutional failure rather than isolated accidents. This preventive constitutional approach reflects the understanding that Article 21 imposes affirmative duties upon the State to preserve life before constitutional injury occurs.

The future of highway safety in India depends upon whether constitutional principles are translated into effective governance mechanisms capable of ensuring safe mobility, institutional accountability, and preservation of dignity on public roads.

## **XIII. CONCLUSION**

The recognition of the right to safe travel on highways as an essential part of Article 21 marks a significant constitutional development in Indian jurisprudence. The Supreme Court's decision in *In Re: Phalodi Accident v. National Highways Authority of India* has fundamentally altered the manner in which road safety is perceived within constitutional governance. What was traditionally viewed as an administrative or regulatory concern has now acquired the status of a constitutional obligation directly connected with preservation of life, dignity, and personal liberty.

The judgment echoes the continuing evolution of Article 21 from a narrow protection against unlawful deprivation of life into a broad guarantee of conditions necessary for dignified existence. Beginning with *Maneka Gandhi v. Union of India*, the Supreme Court gradually expanded constitutional protections to include rights relating to health, shelter,

environment, privacy, livelihood, and emergency medical treatment. The recognition of safe highway travel represents a continuation of this constitutional development, acknowledging that mobility and infrastructural safety are inseparable from modern human existence. The Court in Phalodi Accident correctly identified that many highway fatalities in India are not inevitable consequences of transportation but preventable outcomes of systemic negligence, defective infrastructure, weak enforcement, and institutional indifference.

Illegal encroachments, unsafe parking practices, potholes, absence of surveillance systems, dangerous blackspots, and inadequate trauma care collectively expose commuters to unreasonable risks. Treating such failures merely as administrative lapses would undermine the constitutional value attached to life under Article 21. By observing that highways must not become “corridors of peril due to administrative lethargy or infrastructural gaps,” the Supreme Court emphasized that the State’s constitutional commitment extends beyond construction of roads to ensuring that such roads remain reasonably safe for public use. The Court’s reasoning illustrates the doctrine of positive constitutional obligations, under which the State must actively create conditions where life is preserved and protected rather than merely refraining from unlawful interference.

The interim directions issued under Article 142 further demonstrate the judiciary’s willingness to intervene where institutional failures threaten constitutional rights. The Court’s directions regarding encroachment removal, Advanced Traffic Management Systems, blackspot rectification, emergency medical infrastructure, truck lay-bye facilities, and surveillance mechanisms represent an attempt to transform highway governance from reactive administration into preventive constitutional governance. At the same time, the judgment also reveals the limitations of judicial intervention.

Courts may issue directions and establish accountability frameworks, effective implementation depends upon administrative efficiency, political will, institutional coordination, and public cooperation. India’s road safety crisis cannot be resolved solely through litigation or compensation mechanisms. Sustainable reform requires continuous

infrastructural investment, technological modernization, effective enforcement of traffic laws, and public awareness regarding responsible road behavior. The constitutionalizing of road safety carries broader implications for governance in India. It signifies a transition from a reactive model centered upon post-accident compensation toward a preventive constitutional model focused upon preservation of life before tragedy occurs. The State can no longer justify avoidable fatalities on grounds of financial constraints or administrative inconvenience.

As the Supreme Court observed, “the loss of even a single life to avoidable hazards” Highlights failure of the State’s protective obligation under Article 21. The judgment also reinforces the idea that public infrastructure cannot remain disconnected from constitutional morality. Roads and highways are not merely developmental projects facilitating economic growth; they are constitutional spaces through which citizens exercise liberty, livelihood, and social participation. Unsafe highways threaten not only physical safety but also the constitutional promise of dignity and secure existence.

The future of highway safety jurisprudence in India will depend upon whether constitutional principles articulated in Phalodi Accident are translated into effective governance mechanisms. If implemented sincerely, the judgment possesses the potential to reshape transportation governance through greater accountability, preventive planning, and institutional responsibility. if reduced merely to symbolic judicial declarations without meaningful enforcement, the constitutional promise of safe travel may remain unrealized.

The recognition of safe travel on highways as part of the Right to Life reaffirms the fundamental constitutional principle that preservation of life remains the highest responsibility of a democratic welfare State. The Constitution does not merely guarantee survival; it obliges the State to ensure conditions where individuals may live, move, and travel with safety, dignity, and security. The constitutionalizing of highway safety represents an expansion of Article 21 but an affirmation of the State’s continuing duty to

protect life against avoidable dangers arising from institutional neglect and infrastructural failure.

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