
RIGHT TO SAFE, WELL-MAINTAINED AND MOTORABLE ROADS: A CRITICAL ANALYSIS OF SUPREME COURT'S RULING IN UPP TOLLWAYS PVT. LTD. V. M.P. ROAD DEVELOPMENT CORPORATION

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ABSTRACT

The scope of the Right to Life under Article 21 of the Constitution of India has witnessed a dynamic evolution through judicial interpretation. What was once confined to the protection of mere physical existence has gradually expanded. It includes a wide range of socio-economic entitlements essential for living with dignity. In this continuum, the recognition of the right to safe, well-maintained, and motorable roads as an integral aspect of Article 21 marks a significant development in Indian constitutional jurisprudence. Roads are not merely pathways of mobility. It constitutes a critical component of infrastructure, economic growth, and public safety. Despite their importance, inadequate maintenance and poor safety standards have posed persistent challenges in India. This paper explores the background and significance of road infrastructure in India and examines the constitutional provisions relevant to it. Central to the study is a critical analysis of the Supreme Court's judgment in *UPP Tollways Pvt. Ltd. v. Madhya Pradesh Road Development Corporation*¹, where the Court emphasised the State's constitutional obligation to ensure road safety and proper maintenance as an extension of the fundamental right to life. The research also investigates the statutory underpinnings of this right and traces the broader judicial expansion of Article 21. To enrich the discussion, the paper engages with international perspectives, particularly the United Nation's Sustainable Development Goal 3.6 on reducing road traffic injuries and Mexico's National Law on Mobility and Road Safety, 2022. Finally, the study highlights the challenges of practical enforcement and offers policy recommendations to strengthen accountability and governance in road safety.

Keywords: Article 21, Right to Life, Road Safety, Constitutional Law, Sustainable Development Goals, Mobility Rights.

¹ CIVIL APPEAL NO. 9920 OF 2025 [Arising out of SLP (C) No. 13415 of 2025].

INTRODUCTION

The right to life and personal liberty enshrined under Article 21 of the Constitution of India has consistently been interpreted by the Supreme Court. Its scope extends beyond mere animal existence to encompass the right to live with dignity, health, and a safe environment. Over the years, judicial interpretation has transformed Article 21 into a reservoir of socio-economic rights, including the right to clean air, health care, shelter, and education. Within this evolving jurisprudence, the recognition of the right to safe, well-maintained, and motorable roads marks a significant constitutional development.

Road infrastructure plays a foundational role in India's socio-economic development. Roads are not only an economic artery but also a social lifeline connecting rural and urban populations, enabling access to education, employment, and healthcare. However, the conditions of roads in India are disturbed by poor maintenance, potholes, encroachments, and unsafe engineering practices. This directly contributes to the country's high road accident rate. The lack of accountability mechanisms and the governance structure between central and state authorities increases these risks.

Although the Government of India (GoI) aims to tackle the road safety challenge through a multifaceted approach. The National Road Safety Strategy (2018 to 2030) asserts to guide the road safety agenda and sets out India's proposed journey towards Vision Zero, which seeks to reduce road fatalities to zero.² To tackle the problem of road safety, the Ministry of Road Transport and Highways (MoRTH) has also developed a multifaceted approach centred on emergency care, education, engineering (of both roads and vehicles), and enforcement.³

The Supreme Court's recent ruling in *UPP Tollways Pvt. Ltd. v. M.P. Road Development Corporation*⁴ (2025) is a watershed movement. The court analysed contractual and statutory obligations concerning road maintenance. Further, the court affirmed the right to safe and motorable roads as an integral component of Article 21. This recognition places a duty on the state authorities to ensure safe infrastructure is made available to all, and it should meet minimum safety and maintenance standards.

² World Bank, "Delivering Road Safety in India: Leadership Priorities and Initiatives to 2030" (2020) available at: <https://documents1.worldbank.org/curated/en/827641581916488024/pdf/Delivering-Road-Safety-in-India-Leadership-Priorities-and-Initiatives-to-2030.pdf> (last visited on Sept. 6, 2025).

³ Gujarat Road Safety Authority, available at <https://gujroa.gujarat.gov.in/road-safety-in-india> (last visited on Sep 07, 2025).

⁴ CIVIL APPEAL NO. 9920 OF 2025 [Arising out of SLP (C) No. 13415 of 2025].

This research paper discusses the background and significance of road infrastructure in India, along with the relevant provisions of the Constitution. It further undertakes a critical examination of the Supreme Court's judgment on the right to safe roads. The study seeks to explore the policy and governance dimensions of recognising safe road infrastructure as a constitutional imperative, while also highlighting the international framework.

STATEMENT OF THE PROBLEM

Despite India having the largest road network in the world, the condition and safety of these roads remain highly inadequate. The country continues to witness one of the highest road accident fatalities globally, with over 1.5 lakh deaths annually attributed to unsafe and poorly maintained roads. While infrastructure expansion has been prioritised under various government initiatives, issues such as delayed projects, poor maintenance, unscientific designs, potholes, and lack of accountability persist.

The recent Supreme Court decision in *UPP Tollways Pvt Ltd v MP Road Development Corporation*⁵ explicitly recognised the right to safe, well-maintained, and motorable roads as part of the right to life under Article 21, expanding the jurisprudence on fundamental rights. However, this recognition also raises crucial questions:

- How enforceable is this right in practical terms?
- To what extent can private toll operators, state authorities, and government agencies be held liable?

The problem lies in the gap between constitutional recognition and ground realities, a gap that threatens the very essence of Article 21's guarantee of dignity and safety of life.

RESEARCH OBJECTIVES

The research has the following objectives:

- To examine the background, growth, and importance of road infrastructure in India as an economic, social, and constitutional necessity.
- To critically analyse the Supreme Court's judgment in *UPP Tollways Pvt Ltd v MP Road Development Corporation*⁶ in the context of Article 21 jurisprudence.
- To identify the challenges that hinder the realisation of the right to safe and motorable

⁵ *Ibid.*

⁶ *Ibid.*

roads in India.

- To study international perspectives, with specific reference to SDG Goal 3.6 and Mexico's constitutional recognition of the right to mobility.
- To propose recommendations for strengthening legal and policy frameworks to ensure effective enforcement of the right to safe, well-maintained roads in India.

RESEARCH QUESTIONS

The research poses the following questions:

- What is the constitutional and judicial basis for recognising safe, well-maintained, and motorable roads as a part of the right to life under Article 21?
- How did the Supreme Court in *UPP Tollways Pvt Ltd v MP Road Development Corporation*⁷ expand the scope of Article 21, and what are the implications of this judgment?
- What are the practical challenges in ensuring road safety in India?
- How do international frameworks inform India's approach to road safety and citizens' mobility rights?
- What recommendations are necessary to bridge the gap between judicial recognition and on-ground enforcement of this right?

HYPOTHESIS

The hypothesis of this research lies at the heart of the present road conditions. The recognition of the Right to Safe Roads as a part of Article 21 suggests a positive reform. It will promote the idea of a dignified life and curtail the mishaps that take place due to poor road infrastructure.

RESEARCH METHODOLOGY

The methodology adopted for the successful completion of this research paper is Doctrinal in nature. It shall further incorporate both primary and secondary sources. Firstly, primary sources include the first-hand information available from specific sources, including constitutional provisions, statutory framework, and judicial decisions and on the other hand, secondary sources, a reference has been made to scholarly works like articles from reputed law journals available on this topic.

⁷ *Ibid.*

LITERATURE REVIEW

- **“Promoting Road Safety” by Mike Esbester (2015):** This paper thoroughly investigates and emphasises the need to promote and ensure safety on roads. It proposes various solutions, including training practices, educational policies, a stringent legal framework, etc. On a broader aspect, it visualises the need for road safety from a more holistic view encompassing different fields.⁸
- **“An Analytical Study of Types, Importance and Concerns of Highways in India” by Manjit (2018):** This paper has carried out a detailed analysis of the types of issues that are associated with the Indian Highways. It stresses the importance of highways in commutation and what steps should be taken to promote better infrastructure development.⁹
- **“Delay analysis of construction infrastructure projects in India” by L. Pinky Devi (2025):** This paper critically evaluates the factors that hinder the smooth use of road facilities. It highlights that external attributes like insufficient planning of road construction, shortage of skilled labour, poor quality raw material, etc, contribute mainly to the poor construction of roads. It puts forth the need to come up with an integrated approach for its betterment and overcoming these challenges.¹⁰
- **“Rural Roads and Economic Development: Insights from India” by Sandip Chakraborti (2025):** This paper is specifically based on the road connectivity in the rural areas and the low to middle-income areas. It proposes that the literature on India’s Pradhan Mantri Gram Sadak Yojana is one of the largest rural road programs in the whole world. It promotes the idea of inclusivity when it comes to road safety.¹¹
- **“Road Safety Awareness Using Internet Meme Posts: The Role of Visual Design in Effective Communication” by Bhaskar Mishra (2025):** This paper takes into consideration the importance of emerging technologies in creating awareness about the present issue at hand among the general public. It brings out the major differences in the traditional and modern ways of handling the issue, which can grab more attention

⁸ Mike Esbester, “Promoting Road Safety” 56 *Technology and Culture* 493-497 (April, 2015).

⁹ Manjit, “An Analytical Study of Types, Importance and Concerns of Highways in India” 15 *Journal of Advances and Scholarly Researches in Allied Education* 88-91 (2018).

¹⁰ L. Pinky Devi, “Delay analysis of construction infrastructure projects in India” *Journal of The Institution of Engineers (India) Series A* (June, 2025).

¹¹ Sandip Chakraborti, “Rural Roads and Economic Development: Insights from India” 168 *Transport Policy* 305-318 (2025).

and has the capability to reach to larger audience.¹²

BACKGROUND AND IMPORTANCE OF ROAD INFRASTRUCTURE IN INDIA

Road infrastructure has historically been regarded as the backbone of economic growth and social development in India. With a diverse population, roads serve as the most accessible and cost-effective means of transport for the majority of the people. Unlike railways and airways, which are limited by coverage and affordability, roadways provide last-mile connectivity, linking villages, towns, and cities to major trade centres and urban hubs.

India has one of the largest road networks in the world, spanning over 6.3 million kilometres, which carries more than 65% of freight traffic and nearly 90% of passenger traffic in the country.¹³ This makes roads indispensable for commerce, mobility, and socio-economic integration. The development of highways, expressways, rural roads, and urban arterial routes not only enhances connectivity but also fosters regional development by reducing travel time, improving access to healthcare, education, and employment opportunities.

Historically, the significance of roads in India can be traced back to ancient times, with the Grand Trunk Road being a prominent example of infrastructural development for trade and administration. In modern times, post-independence governments have prioritised road construction under various schemes such as the National Highways Development Project (NHDP) and the Pradhan Mantri Gram Sadak Yojana (PMGSY), reflecting the State's recognition of roads as an essential element of nation-building.

The importance of road infrastructure goes beyond economic considerations. Roads are intrinsically linked with the exercise of fundamental rights guaranteed under the Constitution. A safe, well-maintained, and motorable road network ensures the effective realisation of Article 19(1)(d)¹⁴ (freedom of movement) and Article 21¹⁵ (right to life and personal liberty). Poorly maintained or hazardous roads hinder mobility. It also poses a direct threat to life, thereby bringing the issue within the fold of fundamental rights jurisprudence.

In recent years, the alarming increase in road accidents—India accounts for nearly 11% of

¹² Bhaskar Mishra, "Road Safety Awareness Using Internet Meme Posts: The Role of Visual Design in Effective Communication" 36 *Journal of Road Safety* 15-26 (August, 2025).

¹³ Government of India, "National Road Safety Policy" (Ministry of Road, Transport and Highways).

¹⁴ The Constitution of India, art. 19(1)(d).

¹⁵ The Constitution of India, art. 21.

global road accident deaths¹⁶—has further highlighted the importance of road safety and quality infrastructure. Judicial recognition of the right to safe and motorable roads, as seen in cases like *S. Rajasekaran v. Union of India*¹⁷ and more recently in *UPP Tollways Pvt. Ltd. v. M.P. Road Development Corporation*¹⁸, underscores the growing constitutional dimension of road infrastructure in India.

A collaborative study by IIT Roorkee and CSIR-CRRI examined a 36.5 km section of Pune's road network and concluded that well-maintained roads could save 0.128 million litres of fuel per 1,000 vehicle-kilometres over 15 years, amounting to around US \$155,000. Proper preventive and corrective maintenance reduces fuel use by approximately 2.32%, compared to reactive-only upkeep. Moreover, cement concrete surfaces use about 4.86% less fuel than bituminous roads. These results underscore that smoother roads not only lower operational costs but also reduce pollution, suggesting even greater benefits if applied citywide.¹⁹

Thus, road infrastructure is not merely a question of development policy but also of constitutional governance. Its background and importance reflect both the economic imperatives of growth and the constitutional mandate to secure the dignity, safety, and mobility of citizens under Article 21.²⁰

CONSTITUTIONAL FRAMEWORK

Fundamental Rights

- **Article 19(1)(d):** This Article ensures to all citizens the right to move freely throughout the territory of India.²¹ Though not directly, indirectly, this article includes the movement of people as safe and dignified, which is only possible if we have access to well-maintained roads.
- **Article 21:** Article 21 asserts that no person shall be deprived of their life except according to the procedure established by law.²² A person's right to life is put at

¹⁶ World Health Organization, "Global Status Report on Road Safety 2023" available at: <https://www.who.int/teams/social-determinants-of-health/safety-and-mobility/global-status-report-on-road-safety-2023> (last visited on Sept. 7, 2025).

¹⁷ Writ Petition (C) No. 295 of 2019.

¹⁸ Civil Appeal No. 9920 of 2025 [Arising out of SLP (C) No. 13415 of 2025].

¹⁹ Neha Madaan, "Maintained roads can save few million litres fuel: Study" *The Times of India*, Oct. 14, 2022, available at: <https://timesofindia.indiatimes.com/city/pune/maintained-roads-can-save-few-million-litres-fuel-study/articleshow/94847028.cms> (last visited on Sept. 6, 2025).

²⁰ The Constitution of India, art. 21.

²¹ The Constitution of India, art. 19 (1)(d).

²² The Constitution of India, art. 21.

constant risk if roads are unsafe or poorly designed, since such conditions directly contribute to accidents, injuries, and fatalities.

Directive Principles of State Policy (DPSP)

- **Article 38:** This article obligates a state to secure a social order by promoting the welfare of people and providing them order in which justice—social, economic, and political—pervades all institutions of national life, and to minimise inequalities among citizens.²³ There are some vulnerable groups in society which heavily rely on public transport for their day-to-day activities. Poor maintenance of roads is directly hampering their access to safe mobility. Further, it contributes to social and economic inequalities, as those with fewer resources bear the heaviest costs of unsafe mobility.
- **Article 47:** This article states that it is the duty of the State to raise the level of nutrition and the standard of living of its people.²⁴ The primary concern is to improve the public health of its citizens. This article imposes a constitutional responsibility on the State to treat road safety and well-maintained infrastructure as essential to public health. The accidents on roads lead to accidents which affect public health.

Fundamental Duty

- **Article 51A (i):** This article imposes a duty on every citizen to safeguard public property and to abjure violence.²⁵ Since roads, highways, and related infrastructure are public property, respecting traffic signals, avoiding reckless driving, refraining from dumping waste on roads, and reporting unsafe conditions are all practical ways in which citizens fulfil their duty under Article 51A(i). In this way, this article reinforces the idea of access to safe and motorable roads.

JUDICIAL RECOGNITION OF THE RIGHT TO SAFE AND MOTORABLE ROADS IN INDIA

The right to safe and motorable roads has increasingly been read into Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. Indian courts, particularly the Supreme Court, have expanded the ambit of this provision to encompass various aspects of public safety, environmental protection, and infrastructure development.

²³ The Constitution of India, art. 38.

²⁴ The Constitution of India, art. 47.

²⁵ The Constitution of India, art. 51A (i).

Below are the two leading cases on this aspect:

- **M.C. Mehta v. Union of India²⁶ (Vehicular Pollution Case)**

The Supreme Court, in a series of petitions filed by environmental activist M.C. Mehta, dealt extensively with the problem of vehicular pollution in Delhi. The Court recognised that unregulated vehicular emissions posed a grave threat to public health and infringed upon the constitutional right to life under Article 21. It directed the phasing out of old commercial vehicles, mandated the use of cleaner fuels such as CNG, and imposed stricter standards for automobile manufacturers. The Court held that the right to life includes the right to live in a pollution-free environment, which necessarily extends to the use of safe and motorable roads free from the hazards of uncontrolled vehicular emissions. This decision was a milestone in linking environmental health and road safety with fundamental rights.

- **S. Rajaseekaran v. Union of India²⁷ (Road Safety Case)**

In this case, the Supreme Court dealt directly with the issue of road safety. It was held that the right to use footpaths without obstruction is an essential part of the fundamental right of the Right to Life under Article 21. The Court, in this case, directed the establishment of the National Road Safety Council and empowered the Union Government to set up a National Road Safety Board under the Motor Vehicles Act, 1988. The Court also ordered the States and Union Territories to implement strict safety standards, improve road engineering, and create trauma care facilities.

This judgment thus firmly established that safe and motorable roads are an inalienable component of the right to life, obligating both the State and its instrumentalities to ensure adequate infrastructure and safety mechanisms.

RECENT SUPREME COURT RULING - UMRI POOPH PRATAPPUR (UPP) TOLLWAYS PVT. LTD. V. M.P. ROAD DEVELOPMENT CORPORATION & ANR.²⁸

Background of the Dispute

- On 5 January 2012, UPP Tollways Pvt. Ltd. (private concessionaire) entered into a Build-Operate-Transfer (BOT: Toll + Annuity) concession agreement with M.P. Road Development Corporation (MPRDC), a state-owned entity, for the development of the

²⁶ AIR 1998 SC 2340.

²⁷ (2014) 6 SCC 36.

²⁸ CIVIL APPEAL NO. 9920 OF 2025 [Arising out of SLP (C) No. 13415 of 2025].

Umri–Pooph–Pratappur Road, a 43.775 km stretch on a Major District Road. The project cost was ₹73.68 crore with a completion timeline of 24 months.

- The project became contentious. UPP alleged that due to delays, design rejections by the Independent Engineer, and other disruptions, costs escalated drastically leading to claims totalling over ₹280 crore.
- UPP first approached the Madhya Pradesh Arbitration Tribunal (MPAT) under the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983. It is a special statute creating a statutory arbitration mechanism for disputes in works contracts with state entities.
- UPP later withdrew that reference petition before MPAT, without seeking liberty to refile.
- UPP then invoked ICADR arbitration under the Arbitration and Conciliation Act, 1996, relying on a clause (Clause 44.3.1) in the Concession Agreement.
- MPRDC challenged this in the Madhya Pradesh High Court, which held that disputes in works contracts involving a state entity must be decided exclusively by MPAT under the 1983 Act. Therefore, ICADR arbitration under the A&C Act was quashed.
- This led to an appeal before the Supreme Court of India.

Issues Before the Supreme Court

- Can the State challenge a private concessionaire via a writ petition under Article 226 in respect of a public infrastructure project?
- Whether disputes under such works contracts must be adjudicated exclusively by the statutory MPAT (under the 1983 Act), excluding private arbitration under the 1996 Act.
- Whether contractual clauses (like Clause 44.3.1) allowing private arbitration override statutory mandates favouring tribunal jurisdiction.
- Whether withdrawing the reference and later re-attempting arbitration amounts to forum shopping, resulting in estoppel.
- Whether UPP's delay in invoking arbitration (claims dating back to 2013–2015, invoked in 2022 and 2025) violated statutory limitation periods.

Arguments

Appellant: UPP Tollways Pvt. Ltd.

- It was emphasised that the parties contractually consented to ICADR arbitration under

Clause 44.3.1 in the Concession Agreement.

- They contended that its claims are “ascertainable” and not precluded by limitation or forum actions, distinguishing from earlier precedents.
- It was argued that withdrawal from MPAT was “administrative” and not a waiver of rights.
- They claimed that MPRDC’s failure to provide approvals caused cost escalation, which is due to uncertain delays and external interference by MPRDC. Therefore, they sought arbitration under the Arbitration and Conciliation Act to recover claims worth Rs. 280 Crore.

MPRDC (State Authority – Respondent)

- They contended that these disputes in “work contracts” fall within the exclusive statutory jurisdiction of the MPAT under the 1983 Act, which displaces private arbitration by law.
- Furthermore, the road construction and toll collection are public functions, so private concessions cannot dilute accountability.
- They claimed that UPP’s withdrawal of reference was final and revival without permission was barred under Rule 53 of the 1983 Act, and invoking private arbitration was impermissible forum shopping.
- The respondents highlighted that the claims were time-barred (2013–2015; arbitration initiated in 2022 and 2025), thus legally untenable.

Supreme Court’s Ruling

- Constitutional Dimension - Article 21 and Road Safety: The Court held that safe, motorable roads are an integral facet of Article 21 (Right to Life). The Court drew links with Article 19(1)(d) and (g) (freedom of movement and trade) to emphasise that access to reliable road infrastructure is fundamental for livelihood, mobility, and dignity. Also, the state’s responsibility is non-delegable: Even if a private entity operates the road, the ultimate accountability for safety rests with the State.
- Maintainability of Writs Against Private Concessionaires: Though UPP is a private entity, it performed public functions (toll collection, highway maintenance). Hence, writ jurisdiction under Article 226 was maintainable.
- Works Contract: The Court classified the Concession Agreement as a “works contract” under the 1983 Act. The statutory arbitration under the 1983 Act prevails over

contractual arbitration clauses. Clause 44.3.1 was struck down as inoperative insofar as it conflicts with the statutory mandate.

- **Limitation:** The Court found UPP's claims time-barred, since disputes of 2013–2015 were only revived in 2022/2025.
- **Relief:** Still, the Court allowed revival of the earlier MPAT petition (if applied within 2 weeks), balancing justice with procedural discipline. MPAT was directed to decide the revival application within 2 weeks, and if revived, decide the case within 4 months.

Critical Commentary on the case

- **Balancing Contract and Constitution:** The judgment carefully separates contractual autonomy (Clause 44.3.1) from statutory mandates (1983 Act), privileging the latter to safeguard public accountability.
- **Checks Forum Shopping:** It strongly condemns procedural manipulation, reinforcing discipline in arbitration.
- **Rights Expansion:** Elevating road safety to the status of a fundamental right aligns with a broader rights-based approach to governance.
- **Practical Concerns:** While affirming State liability, the Court also highlighted the need for efficient resolution, hence its unusual direction to MPAT to conclude proceedings within months.

The Supreme Court's decision in UPP Tollways v. MPRDC stands as a landmark for embedding road safety within Article 21. Further, the Public Function Doctrine was reinforced, holding private concessionaires accountable under writ jurisdiction. This case is not merely about arbitration; it is a broader statement on how privatisation cannot dilute constitutional duties and how the judiciary enforces citizen-centric accountability in infrastructure governance.

POLICY AND GOVERNANCE DIMENSIONS

The governance of road infrastructure in India is primarily grounded in statutory frameworks enacted by Parliament and other subordinate legislations.

Statutory Framework

The statutes available for road safety in India:

- **The National Highways Act, 1956²⁹** which provides the legal basis for the declaration,

²⁹ The National Highways Act, 1956 (Act 48 of 1956).

development, and maintenance of national highways.

- **The National Highways Authority of India Act, 1988³⁰** created the NHAI as the principal body to implement highway projects, manage tolling, and supervise private concessionaires.
- **The Control of National Highways (Land and Traffic) Act, 2002³¹** regulates encroachments, land use, and traffic management along highways.
- **The Motor Vehicles Act, 1988³²**, as amended in 2019, enhances road safety obligations and penalties for violations.
- Tolling is regulated under the **National Highways Fee (Determination of Rates and Collection) Rules, 2008³³**, which prescribes the framework for levy, collection, and revision of tolls on national highways.

Existing institutional set-up for Road Safety in India³⁴

Road safety in the country is managed by the Government at the Central and State levels supported by efforts of academia and the private sector, including industry and non-governmental organisations (NGOs).³⁵

- **The Ministry of Shipping, Road Transport and Highways** in the Government of India is the administrative ministry responsible for road safety efforts in the country.³⁶ The Transport Division of the Department of Road Transport and Highways deals with matters relating to the safe movement of vehicles on roads and safety awareness among users.³⁷ The Transport Research Wing in the Ministry of Shipping, Road Transport and Highways collects and publishes transport statistics.³⁸
- **National Road Safety Council (NRSC)**, headed by the Union Minister for Road Transport and Highways, is the apex advisory body on road safety.³⁹
- **National Highways Authority of India (NHAI)**, set up by the Government of India in 1988 under an Act of Parliament, has been entrusted with the task of implementing

³⁰ The National Highways Authority of India, 1988 (Act 68 of 1988).

³¹ The Control of National Highways (Land and Traffic) Act, 2002 (Act 13 of 2003).

³² The Motor Vehicles Act, 1988 (Act 59 of 1988).

³³ The National Highways Fee (Determination of Rates and Collection) Rules, 2008.

³⁴ Government of India, "Report of the Committee on Road Safety and Traffic Management" (Ministry of Shipping, 2007).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

the massive National Highway Development Projects (NHDP).⁴⁰

Initiatives taken on Road Safety in India

- India's central government embarked on two large road connectivity improvement programs by the turn of the new millennium – the **National Highway Development Project (NHDP)** and the **Pradhan Mantri Gram Sadak Yojana (PMGSY)** or the Prime Minister's Rural Roads Program.⁴¹
- The NHDP, launched in 2000, involves the development of a nationwide high-speed road network connecting various metropolitan cities, industrial areas, intermodal hubs, and ports, much like the US Interstate Highway System.⁴²
- The PMGSY, also launched in 2000, was originally designed to provide basic road access to rural habitations with a population above a predetermined threshold across the country.⁴³

INTERNATIONAL PERSPECTIVE

SDG 3.6: HALVE ROAD TRAFFIC DEATHS

Sustainable Development Goal 3.6 seeks to halve global deaths and injuries from road traffic accidents by 2030.⁴⁴ Road safety has thus become an integral part of the international development agenda, linked with SDG 11.2, which mandates “safe, affordable, accessible, and sustainable transport systems for all”, with special focus on vulnerable groups such as women, children, elderly persons, and the disabled.⁴⁵

Globally, road crashes claim nearly 1.2–1.3 million lives annually, and millions more suffer injuries, making it a leading cause of preventable death.⁴⁶ Recognising this crisis, the World Bank and other multilateral institutions have channelled significant funding—estimated at over \$200 billion in road safety projects- towards low and middle-income countries.⁴⁷

⁴⁰ *Ibid.*

⁴¹ Sandip Chakrabarti, “Rural Roads and Economic Development: Insights from India” 168 *Transport Policy* 305-318 (2025).

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ United Nations, “Transforming our world: the 2030 Agenda for Sustainable Development”, available at: <https://sdgs.un.org/2030agenda> (last visited on Sept. 8, 2025).

⁴⁵ *Ibid.*, Goal 11.2.

⁴⁶ World Health Organization, Global Status Report on Road Safety 2023, Geneva, 2023, available at: <https://iris.who.int/handle/10665/375016> (last visited on Sept. 8, 2025).

⁴⁷ World Bank, “A Decade of Saving Lives Through Road Safety Investments,” available at: <https://www.worldbank.org/en/results/2024/03/25/a-decade-of-saving-lives-through-road-safety-investments> (last visited on September 8, 2025).

MEXICO'S NATIONAL LAW ON MOBILITY AND SAFETY

Constitutional Recognition of Mobility as a Right

In December 2020, Mexico amended its Constitution to grant every person the right to mobility under conditions of safety, accessibility, efficiency, sustainability, quality, inclusion, and equality.⁴⁸ This was the first time mobility was elevated to the status of a fundamental right, placing it at par with other constitutionally guaranteed liberties.

The 2022 General Law on Mobility and Road Safety

Building on the constitutional reform, Mexico enacted the General Law on Mobility and Road Safety in April 2022.⁴⁹ This law adopts the Safe Systems Approach, promoted by the WHO, and creates a unified national framework on licensing, penalties, and safety standards. Its provisions mandate:

- Helmet use, seat belts, and child restraint systems;
- Strict alcohol and distracted driving regulations;
- Speed limits of 30 km/h on secondary roads, 50 km/h on primary roads, and 80 km/h on central avenues;
- Permanent breathalyser checkpoints across the country.⁵⁰

CHALLENGES AND PRACTICAL IMPLICATIONS

Below are the challenges constantly being faced in relation to the availability of safe and motorable roads in India:

1. **Project Delays, Cost Overruns and Material Constraints:** A 2025 study identified key causes of delays in road and bridge construction projects, such as delayed material deliveries, land acquisition hurdles, design errors, and contractor-related inefficiencies.⁵¹ Over 40% of central infrastructure projects (1,873 projects) are behind schedule, with an average delay of 36 months. Additionally, cost overruns in 449 large

⁴⁸ World Resources Institute, "Mexico Adds Fundamental Right to Mobility to Its Constitution," *available at*: <https://www.wri.org/outcomes/mexico-adds-fundamental-right-mobility-its-constitution> (last visited on September 8, 2025).

⁴⁹ *Ibid.*

⁵⁰ Infobae (Newsroom Infobae), "Approved speed limits and breathalyzers throughout Mexico: Senate approved the General Mobility Law," *available at*: <https://www.infobae.com/en/2022/04/06/approved-speed-limits-and-breathalyzers-throughout-mexico-senate-approved-the-general-mobility-law/> (last visited on September 8, 2025).

⁵¹ L. Pinky Devi, "Delay analysis of construction infrastructure projects in India" *Journal of The Institution of Engineers (India) Series A* (June, 2025).

projects totalled around ₹5.01 lakh crore, nearly a 19% increase over sanctioned estimates.⁵² This has made the effective implementation of road safety rights even more challenging.

2. **Poor Road Quality, Maintenance Failures and Safety Hazards:** Various reports have highlighted pervasive issues potholes, poor drainage, defective road design, inadequate signage, and unsafe intersections—that contribute significantly to accidents. Unsafe and substandard roads directly threaten life and undermine the recognition of safe motorable roads as a constitutional right.⁵³
3. **Structural, Institutional and Data Infrastructure Gaps:** Persistent design flaws such as unscientific medians, poorly placed crash barriers, and insufficient road markings remain rampant; of 13,795 “black spots” on national highways, only 5,036 have been adequately rectified. Crash data systems are inadequate, as reliance on incomplete police reports without a national-level crash surveillance mechanism hampers policy-making and interventions.⁵⁴ Fatality statistics show wide state-wise disparities in death rates, with certain vulnerable road users (motorcyclists, pedestrians) disproportionately affected.⁵⁵
4. **Environmental and Terrain-Related Challenges:** Unscientific construction on mountainous highways has triggered frequent landslides due to poor drainage and deforestation, disrupting connectivity and endangering lives. Climate and geography pose complex obstacles to road safety and maintenance; legal rights to safe roads cannot be divorced from environmental resilience and sound engineering.
5. **Lack of Road Safety Education among people:** Under this Road Safety Education, persuasive methods are used to convince people to they should change their behaviour⁵⁶. This is significant because if they have education related to road signs, etc, then they will act safely. However, it is still a challenge as most of the folks lack road safety education.

⁵² Government of India, “First Report of the High-Level Committee on Urban Planning: Pathways to Amrit Kaal – Envisioning and Realising a New Future for Indian Cities” (Ministry of Housing and Urban Affairs, 2023).

⁵³ Manjit, “An Analytical Study of Types, Importance and Concerns of Highways in India” 15 *Journal of Advances and Scholarly Researches in Allied Education* 88-91 (2018).

⁵⁴ Bhaskar Mishra, “Road Safety Awareness Using Internet Meme Posts: The Role of Visual Design in Effective Communication” 36 *Journal of Road Safety* 15-26 (August, 2025).

⁵⁵ *Ibid*

⁵⁶ Mike Esbester, “Promoting Road Safety” 56 *Technology and Culture* 493-497 (April, 2015).

CONCLUSION

The recognition of the right to safe, well-maintained, and motorable roads as an extension of the Right to Life under Article 21 marks a progressive step in Indian constitutional jurisprudence. Through the judgment in *UPP Tollways Pvt. Ltd. v. Madhya Pradesh Road Development Corporation*, the Supreme Court has not only reaffirmed the importance of road safety but also emphasised the State's duty to provide infrastructure that ensures both mobility and protection of life. Roads, being indispensable to economic growth, social development, and individual liberty, cannot be neglected in governance frameworks.

However, the gap between constitutional recognition and practical enforcement remains a pressing challenge. Poor road maintenance, inadequate safety measures, lack of accountability in public-private partnerships, and weak implementation of statutory provisions often undermine the spirit of Article 21. While international frameworks such as SDG Goal 3.6 and Mexico's National Law on Mobility and Road Safety provide valuable comparative insights, India's unique infrastructural and governance realities demand context-specific solutions.

Thus, the right to safe and motorable roads should not remain a mere judicial declaration but must evolve into an actionable mandate backed by robust policies, efficient institutions, and active citizen participation.

SUGGESTIONS

After a detailed study on this aspect, the following suggestions have been made:

1. Since a major cause of unsafe and poorly maintained roads in India is the lack of funding for maintenance. Although, high amount of money is invested in building new highways and expressways, less attention has been given to their long-term maintenance. To ensure the sustainability of quality, a fixed percentage of the road transport and infrastructure budget should be mandatorily devoted to maintenance and safety measures, including pothole repairs, proper signage, lighting, and protective barriers.
2. Road infrastructure is often neglected due to bureaucratic inefficiency, lack of accountability, and absence of consequences for negligence. Fixing responsibility on government officials for road upkeep is therefore essential. This should include departmental action, disciplinary measures, and financial liability in cases where poor road conditions directly lead to accidents or fatalities. Introducing accountability will

ensure that public officials take their constitutional duty towards safe roads more seriously.

3. Courts have played a transformative role in expanding the scope of Article 21. To ensure that the right to safe and motorable roads is not reduced to a mere declaratory right, judicial mechanisms for compliance reporting should be institutionalised. High Courts and the Supreme Court can direct governments to submit periodic reports on road safety measures, accident statistics, and maintenance progress. Public Interest Litigations (PILs) can serve as an effective accountability tool when state authorities fail in their responsibilities, ensuring that citizens can seek remedies against systemic negligence.
4. Public–Private Partnership (PPP) projects form a substantial portion of India’s road development. However, concession agreements often focus on toll collection and construction rather than long-term maintenance. To address this gap, PPP contracts must include mandatory clauses that obligate private concessionaires to conduct regular maintenance and impose financial penalties or termination clauses for non-compliance.

These recommendations will help to strengthen accountability and governance in road safety.

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