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## **PEDESTRIAN ETIQUETTE: WHAT YOU NEED TO KNOW**

### Introduction

It was on October 31, 1951, the zebra crossing was invented as a way to make crossing the street safer for all users. The volume of traffic on UK highways increased annually after the war. Experiments with various road markings were carried out at one thousand locations throughout the United Kingdom in the late 1940s. The black and white stripes that are so recognizable to us today were, of course, the pattern that stood out as the most effective among all of the testing. The individuals crossing the roadway were considerably easier to see against the background, and the stripes were visible from a distance, giving drivers ample time to slow down<sup>1</sup>. Pedestrians should develop the habit of using road infrastructure correctly in order to be safe from traffic hazards. There are alternative methods to cross the road besides zebra crossings, such as foot over bridges, subways, etc. Numerous studies have revealed that one of the main reasons for pedestrian-related crashes is the negligent behavior of pedestrians.

### Overview on Pedestrians Behaviour

While there are occasions when pedestrians can choose to cross the street via the subway or zebra crossing, they rarely do so. They would rather cross the highways on the ground<sup>2</sup>. Studies have shown that one of the main factors contributing to pedestrian-related collisions at signalized intersections is the behavior of pedestrians who violate the signals. Crossing against the light at signalized junctions demonstrated an accident risk about eight times greater than that of legal crossing. This study was one of the first to examine the illegal crossing behaviors of pedestrians<sup>3</sup>.

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<sup>1</sup> Shane Genziuk, "A Striped History – The Story Of The Zebra Crossing" (July 10, 2013).

<sup>2</sup> Tiwari, Geetam, Mariya Khatoon, and Niladri Chatterjee. "Pedestrian Crossing Behaviour at Different Types of Crosswalks." Department of Civil Engineering, Indian Institute of Technology Delhi. Department of Mathematics, Indian Institute of Technology Delhi. TRIPP/IITD Project Scientist.

<sup>3</sup> King et al., (2009).

A 2021 Bosch study states that 60,000 pedestrian injuries occur annually in India, where 99% of pedestrians are at risk of harm. Half of pedestrian accidents happen when they are crossing the street, according to the report<sup>4</sup>. Inadequate utilization of pedestrian crossing has been widely reported, with Malaysia serving as a case study. This is caused by pedestrians' tendency to disregard traffic laws and regulations when crossing, though a deficiency of essential crossing facilities may also be to blame<sup>5</sup>. Approximately 56% of pedestrians reported that they ignored crossing signals, 8% stated that they weren't looking correctly, and 7% indicated that their phone had distracted them<sup>6</sup>. Since waiting at the curb, crossing streets, and traveling along the road are all closely associated with pedestrians' non-compliant behavior, they should exercise greater caution when doing so.<sup>7</sup>

### Role of Contributory Negligence Doctrine

According to Austin<sup>8</sup>, negligence occurs when a party violates a positive responsibility rather than carrying out an act for which he is required. The obligation of care was reorganized by Lord Atkin<sup>9</sup>. He said that you should always take the necessary precautions to prevent leaving out an action that could have the unintended result of hurting your neighbor. The English case *Butterfield v. Forrester*<sup>10</sup> from 1809 served as the model for the contributory negligence theory. Despite the absence of the word "contributory negligence" in the case, it is regarded as a seminal case regarding the matter.

Contributory negligence occurs when both parties are careless in causing an accident. It involves violating duty of care or acting inappropriately. Liability depends on whether reasonable care could have prevented outcomes. Even if the other party caused harm, they may still be accountable if the injured party contributed. This concept applies mainly to the plaintiff's behavior and is crucial in determining liability and damages in accidents<sup>11</sup>.

In cases of contributory negligence, courts divide losses fairly between parties. "Adjustment" refers to reducing damages based on shared culpability. Apportionment isn't considered if the victim didn't contribute negligently. Injury from combined negligence, even if the victim isn't

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<sup>4</sup> Bosch Limited. "India's First Comprehensive Study Analyzing Pedestrian Behavior in India." 15.05.2023.

<sup>5</sup> Hamidun R., Ishak S.Z., & Endut I.R., Assessing pedestrian crossing risk at signalized intersection, The International Journal of Emerging Technology and Advanced Engineering (2013).

<sup>6</sup> Mitchell, Stacey. "Pedestrian crossing dangers returning to pre-pandemic levels." (March 14, 2023), updated (November 15, 2023).

<sup>7</sup> Ulfarsson et al., (2010).

<sup>8</sup> Sir John Austin (1790-1859).

<sup>9</sup> James Richard Atkin, Baron Atkin, PC, FBA (28 November 1867 – 25 June 1944).

<sup>10</sup> *Butterfield v. Forrester* 103 ER 926

<sup>11</sup> Charlesworth on Negligence, 3rd ed., para. 328.

negligent, is described as composite negligence by Pollock.<sup>12</sup> Contributory negligence is the consequence when one party's actions or inactions, along with the carelessness of the other party, resulted in the accident and were equivalent to a lack of ordinary care or a violation of duty or obligation on the side of the complaining party.<sup>13</sup>

People need to be made more aware of the fact that pedestrian crossings are not an automatic safe zone, and that pedestrians should exercise reasonable care while crossing the street by accepting the fact that it is not always the responsibility of drivers to take care of the pedestrians.

### Indian Approach

A Mumbai magistrate court while dealing a case has stated that it is not an offence if a pedestrian was hit while he was not using a zebra crossing. The court remarked that "...it is a question of common knowledge that pedestrians are not supposed to cross Eastern Express Highway unless there is a zebra crossing."<sup>14</sup> Similar decision was taken in the case of *State of Maharashtra v Swapnil S Sakhalkar* also. According to the bench, it is the responsibility of pedestrians to exercise caution when crossing or strolling over the road. If a pedestrian's carelessness caused an accident, the car would not be held criminally liable.<sup>15</sup> Recently the Kerala State Human Rights Commission also has mandated that pedestrians who disregard zebra crossing regulations or choose to walk on public roadways instead of using the footpaths be subject to police punishment<sup>16</sup>.

### Conclusion

The above discussed kind of approach shall be encouraged to avoid pedestrian negligence. But completely pushing the liability towards the pedestrian is also not a solution. The concept of contributory negligence, wherein damages are reduced to a degree deemed reasonable and equitable by the court, takes into account that both parties share some burden for the damages. This will ensure that the road users, including pedestrians and drivers, take reasonable precautions while using the road. It is also necessary to supply adequate infrastructure at regular

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<sup>12</sup> Pollock on Torts, 15th ed., p. 361.

<sup>13</sup> The Municipal Corporation of Greater Bombay v. Shri Laxman Iyer and Anr., Appeal (Civil) 8424 of 2003.

<sup>14</sup> State (Pant Nagar Police Station) v. Hemant Nagesh Hatkar C.C.No.1243/PS/2018

<sup>15</sup> State of Maharashtra v Swapnila Sakhalkar CRLA No.526/2015

<sup>16</sup> Kerala State Human Rights Commission. "Action Ordered Against Pedestrians Not Following Rules on Zebra Crossing." Mathrubhumi, February 24, 2023, 09:26 AM.

intervals to prevent lengthy wait times. These kind of strategies will help to curb the ascending rate of pedestrian accidents at road.