

Constitutional provision and the key conflicts between Fundamental Rights and Directive Principles of State Policy

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Abstract: *Fundamental rights and Directive principle of state policy are important components of basic structure of the Indian constitution. An interesting fragment of justiciable and non-justiciable character of Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV) presented by the Indian Constitution will be analysed in this paper. Individual freedom is protected by Fundamental rights through and it is justiciable, while Directive principle of state policy is non-justiciable. Furthermore, the article will analysis the opposing characters through landmark cases such as Champakam Dorairajan (1951), Golaknath (1967). In conclusion the article will explore the judicial verdict, significance, history, and removal of rights to property by the 44th amendment act of 1978 from fundamental rights and inserted in Article 300A as a legal right.*

Keywords: *Fundamental Rights, Indian Constitution, Directive Principles of State Policy.*

Introduction

The conflict between Fundamental Rights and Directive Principles of State Policy are very interesting and eye-catching scenario in the working and function of Indian democracy. Because one is justiciable and the other one is non justiciable. Part III (Articles 12-35) of the Indian constitution guarantees the Fundamental rights, while Part IV (Articles 36-51) of the Indian Constitution enshrines the Directive principles of state policy (Shukla & Singh, 2022). During a national emergency Fundamental right can be suspended except Articles 20 and 21 nonetheless at any circumstances Directive Principles of State Policy can never be suspended (LawTeacher, 2018). Jawaharlal Nehru stated that: "The Directive Principles of State Policy represent a dynamic move towards a certain objective. The Fundamental Rights represent something static, to preserve certain rights which exist. Both again are right" (Kanoon, n.d.).

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Objectives

This paper aims to explore an overview of the key conflicts between Fundamental Rights and Directive Principles of State Policy. And also highlighting the history and constitutional provision in relation to.

Methodology

This study relies on secondary sources such as landmark cases, news, constitutional provisions, official historical records, and judicial judgement. In order to extract outcomes of the clashes between Fundamental Rights and Directive Principle of State Policy, a qualitative approach is used in this article.

History of Fundamental Rights

In, 1215 King John ensured specific rights to the English people through the Magna Carta. It became the first written document of early liberties that acknowledged the civil liberties of the people. Later in 1689 the English Bill of Rights was formulated to unify essential rights and liberties for the English people. In 1789, The Declaration of the French Revolution stated that the purpose of all political associations is to protect the natural and inalienable rights of man. Such historical significances significantly influenced the making of Article 19 and Article 21 under Part III of Indian constitution (Finology Legal, 2025).

Furthermore, because of two Important reason fundamental rights are called basic rights because (Sarkimo, 2023):

1. Enshrined in the Constitution of India which guarantees to all the citizen of India.
2. Fundamental Rights are justiciable. In case of a violation, he or she can write a petition in the High Court or a Supreme Court.

The idea of Fundamental Rights was borrowed from United State of America. The provision of the fundamental rights enshrined in Part III of the Indian Constitution are listed below (Dubey, n.d.; George, 2024):

- *Article 12. "Definition of State"*: In this part unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.
- *Article 13*: Laws inconsistent with or in derogation of the fundamental rights

- *Articles 14 to 18:* Right to equality.
- *Articles 19 to 22:* Right to freedom
- *Articles 23 and 24:* Right against exploitation
- *Articles 25 to 28:* Right to freedom of religion
- *Articles 29 and 30:* Cultural and educational rights
- *Articles 32 to 35:* The right to constitutional remedies.

However, “Right to property - Articles 31” was removed from the Fundamental rights and inserted as a legal right under Article 300A by the 44th constitutional amendment in 1978 (Vajiram, 2025).

Fundamental Rights Available Only to Indian Citizens

The Indian constitution gave the following list of Fundamental Rights which are valid only to the Indian citizen and not to the foreigners (Constitutional Law, 2024):

- Article 15: Prohibition of discrimination on grounds of race, religion, caste, gender or place of birth.
- Article 16: Equality of opportunity in matters of public employment.
- Article 19: Protection of freedom of.
 - Speech and expression
 - Association
 - Assembly
 - Movement
 - Residence
 - Profession
- Article 29: Protection of the culture, language and script of minorities.
- Article 30: Right of minorities to establish and administer educational institutions.

Provision of Directive Principles of state policy in Indian constitution

The idea of Directive Principles of State Policy was borrowed from Ireland. Articles 36-51 under Part-IV of the Indian Constitution deal with Directive Principles of State Policy (Government of India, 2020; Basu, 2015):

- *Article 36:* Definition.
- *Article 37:* Application of the principles contained in this Part.

- *Article 38:* State to secure a social order for the promotion of welfare of the people.
- *Article 39:* Certain principles of policy to be followed by the State.
- *Article 39A:* Equal justice and free legal aid.
- *Article 40:* Organisation of village panchayats.
- *Article 41:* Right to work, to education and to public assistance in certain cases.
- *Article 42:* Provision for just and humane conditions of work and maternity relief.
- *Article 43:* Living wage, etc., for workers.
- *Article 43A:* Participation of workers in management of industries.
- *Article 43B:* Promotion of co-operative societies.
- *Article 44:* Uniform civil code for the citizens.
- *Article 45:* Provision for early childhood care and education to children below the age of six years.
- *Article 46:* Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
- *Article 47:* Duty of the State to raise the level of nutrition and the standard of living and to improve public health.
- *Article 48:* Organisation of agriculture and animal husbandry.
- *Article 48A:* Protection and improvement of environment and safeguarding of forests and wild life.
- *Article 49:* Protection of monuments and places and objects of national importance.
- *Article 50:* Separation of judiciary from executive.
- *Article 51:* Promotion of international peace and security.

Originally Indian Constitution has not classified Directive Principles of State Policy but on their content and direction, they are usually classified into three types (Vajiram Editor, 2026)

- Socialistic Principles,
- Gandhian Principles and,
- Liberal-Intellectual Principles.

42nd Constitutional Amendment Act, 1976

Four new directive principles- Article 39, Article 39A, Article 43A and Article 48A was added by 42nd Constitutional Amendment, 1976 (Constitutional Law, 2023).

Key Conflicts and Court Judgments

The following below are the important landmark cases and the court judgment in relation to Fundamental Rights and Directive Principles of state policy (Tyagi, n.d.; Manikyam, n.d.; LawTeacher, 2018):

Champakam Dorairajan Case (1951): The first amendment to the constitution of India was happened. It was regarded as a landmark decision through which the conflict between fundamental rights and the directive principles of state policy was resolved. Through this case, the first major judgment on reservations in republic India was delivered. A judgment was delivered by the Madras High court through which a government order passed in 1927 providing a caste-based reservation in government colleges. A judgment was delivered by the supreme court in which reservation in such cases was held to be a violation of Article 29 of the Constitution of India. It was further ordered by the court that the Directive Principles of State Policy would be treated as subsidiary to individual Fundamental Rights. In addition to that, Article 37 was stated unenforceable by the court. It was determined by the Supreme court that, in the event of a conflict between Fundamental Rights and Directive Principles, precedence would be given to the former. In the event of a conflict between Fundamental Rights and Directive Principles of state policy the Supreme Court determined that the former would take precedence.

Golaknath Case (1967): It was order by the court that fundamental rights could not be diluted or abridged by the state through any method. The 25th Amendment act was introduced into the Indian Constitution by Parliament as a reaction to this judgment. Article 31C was subsequently inserted into Part III of the Indian constitution. It was stated that Article 31C contained two important provisions:

- It was provided that any law violating Articles 14, 19 or 31 while giving effect to the Directive Principles under Article 39(b) and 39(c) should not be declared unconstitutional.
- It was further stated that no law giving effect to the Directive Principles of State Policy could be questioned.

A significant change was brought about in the verdict of the *Champakam Dorairajan Case* by the *Golaknath Case*. It was clearly stated by the Supreme Court that Fundamental Rights could not be amended by Parliament, even for implementing Directive Principles.

Kesavananda Bharati Case (1973): The amendments made in the *Golaknath Case* (1967) were disputed in the *Kesavananda Bharati Case* (1973). A verdict was passed by the Supreme Court that, Parliament can amend any part of the constitution, but a restriction was imposed by the court that the basic structure of the Indian constitution could not be destroyed. The first provision of Article 31C was upheld by the Supreme Court. It was clearly stated that the power of judicial review could not be taken away by Parliament. In response to this judgment, the 42nd Amendment Act of the Indian constitution was brought by Parliament in 1976. The second provision of Article 31C added by the 25th Amendment Act was declared unconstitutional by the Supreme Court, then first provision of Article 31C was upheld as constitutional and valid.

Findings

1. Fundamental Rights in the Indian constitution (Part III) are justiciable protections for individuals, while Directive Principles of State Policy (DPSP, Part IV) are non-justiciable guidelines for socio-economic welfare.
2. Rights detail personal liberties (e.g., equality, property), whereas DPSP focus on societal welfare (e.g. resource dissemination), pitting particular allegations against community needs.
3. Fundamental Rights are justiciable. In case of a violation, he or she can write a petition in the High Court or a Supreme Court.
4. Four new directive principles- Article 39, Article 39A, Article 43A and Article 48A was added by 42nd Constitutional Amendment, 1976.
5. Right to property - Articles 31 was removed from the Fundamental rights and inserted as a legal right under Article 300A by the 44th constitutional amendment in 1978.
6. The idea of Fundamental Rights was borrowed from United State of America.
7. During a national emergency Fundamental right can be suspended except Articles 20 and 21 nonetheless at any circumstances Directive Principles of State Policy can never be suspended.

8. In the verdict of the *Champakam Dorairajan Case* by the *Golaknath Case*. It was clearly stated by the Supreme Court that Fundamental Rights could not be amended by Parliament, even for implementing Directive Principles.

Conclusion

In between the Fundamental Rights and Directive Principles of State Policy (DPSP) indicates the Indian Constitution's dual engagement to individual liberties and collective welfare. Early judicial ruling, such as *Champakam Dorairajan* (1951) and *Golaknath* (1962), detailed Constitutional Rights over non-judicial DPSP, viewing the latter as simple moral guidelines. The landmark *Kesavananda Bharati* (1973) case proposed the basic architecture concept, partially upholding Article 31C to secure select DPSP from Rights-based challenges although preserving constitutional consistency. The 42nd Amendment's overextend was short-lived in *Minerva Mills* (1980), affirming that neither Rights nor DPSP can monopolize; they are complementary part of governance. In this present day, courts advocate "peaceful construction," allowing reasonable constraints on Rights (e.g., Right to property under Article 300A) to leading DPSP goals like equality and justice besides, this is called a democratic government. This evolution reflects India's socialist pace without wrecking liberty. Conflicts/ disputes peruse in areas like reservation and economic policies, so far judicial knowledge and experience ensure balance, fostering inclusive development. Conclusively, this aggressive equilibrium embodies the Constitution's vision: particular dignity provocation in societal improvement.

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