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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJLAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

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Description

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HARMONIZING PARTS III AND IV: THE EVOLUTION OF DPSP IN INDIA

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Abstract

While the prevalence of the Article 37 of the Indian Constitution pertaining to the DPSP's is highly critical. The paper examines the various justifications and also the immunity to enforce the DPSPs in India considering the reverence it holds when the validity of the action the legislation although not much appreciated by the critics. The part holds a integral value in the constitution. Therefore, this paper analyses the relevance of the DPSP's with historical background and also the philosophical perspective. While the paper also clarifies major challenges DPSP's pose due to which they are found not enforceable and this is also justified from a philosophical perspective. Further this paper elaborates the contentions by judicial precedents highlighting how judiciary evolved from conflict to construction through landmark judgements. These include *State of Madras v. Smt Champakam Dorairajan*, *His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala*, *Minerva Mills Ltd v. Union of India*, *Unni Krishnan, JP v State of Andhra Pradesh*. In addition to this the paper also argues on providing some autonomy to the state to make laws of which the sanction to be decided through electoral process as discussed and provided by various members of constituent assembly primarily Dr B R Ambedkar who argue that the forum of accountability of the DPSP's are the elections which is the justification for no regulation present to govern the DPSP's .The paper concludes on the aspect of duty of the state and right of the citizens how both are eyes of the country which needs to administered to ensure the growth and development of the country.

Introduction

"No ministry responsible to the people can afford light-heartedly to ignore the provisions in Part IV of the Constitution." says Sir Alladi Krishnaswamy Ayyar, a member of the Constituent assembly. However, one must ponder the aspect of Directive Principles of State Policy the principles which are to be considered by the state to enact legislation. Whether they are equally relevant to the fundamental rights enshrined under the Constitution of India or is this at the discretion of the state to consider these principles during any enactment of a statute? This aspect is often debated and yet remains mostly unsettled. However, various legal scholars and jurists feel these are equally relevant and important despite the fact that Directive Principles of State Policy cannot be enforced in the court of law under Article 37 of the Indian Constitution. A right can become relevant only when it is enforced which is not appreciated when Directive Principles of State Policy is considered with. In many cases the courts have clarified the accordance of the Directive Principles of State Policy to be followed pertaining to law making. However, many also argue that the application of the DPSP is often a constitutional breach. Therefore, it is essential to ensure that the ambiguity is clarified. Although the DPSP's are criticized for their constitutional overreach often one must consider whether one contains the reasonable evidence to support the claim. Further there are numerous assumptions pertaining to application of DPSP however there is little factual evidence to prove the statement. There is also a sanction for the discrepancies pertaining to overreach of DPSP which is the election wherein citizens determine who is competent and who is not.

Historical justification and philosophical insights

Pertaining to differences in Part III and Part IV of the Indian Constitution there is a stark difference pertaining to the rights of the concerned entity. Wherein the Part III administers the right of an individual with contrast with Part IV which oversees the aspect of the right of a certain sect of citizens. The duty of a state may be compromised and the trade off is often not worthwhile to the growth and development of the nation.

The evolution of the term DPSP was derived from the Irish constitution but to ensure the smooth socio-economic functioning of the state, there was The Sapru Committee report in 1945 which dealt with principles pertaining to the functioning of the legislation to ensure that there is effective operation with not much of the judicial paralysis which in some cases curbs the growth and

development country causing great distress in the law-making process. Although there was no mention of DPSP's in the report the debate was regarding the socio-economic developmental decisions to be taken by the state to ensure not much of problems in process the law making. The responsibility of a state is humongous and to ensure not much of a procedural delay is caused there must some autonomy vested in the legislature making it a smooth operative discipline.

Why does the society feel there will be constitutional overreach due to the inherent nature of the DPSP's? This is one of the most prominent aspect which must be pondered upon. Furthermore, there must be enough consideration given to the aspect of the intention of the makers of the Constitution. When they had enough knowledge of the exploitation of the resources by the legislators why did they make such kind of arrangement. When we delve into the Constitutional assembly debates¹ we find the justification the makers gave to make such an arrangement wherein prominent members of Constitution assembly namely K.T. Shah and Nasiruddin Ahmed did oppose such an arrangement considering the very aspect and also suggested to change the word 'Directive' into 'Fundamental' which was highly debated and was the suggestion was rejected by the house. Then later many opined that this was great error as Dr B R Ambedkar highlighted this would lead to irrelevant judicial intervention wherein one may often initiate legal proceeding just for the sake of it.

The critics of the DPSP also opined that to protect and enshrine the DPSP's the only authority would be Constitution as there is no intervention or regulation by the judiciary to address this gap. They also highlighted the shortcoming which often would be exploited by the law makers due to needless autonomy. However, the justification of Mr Ananthasayanam Ayyangar was "In case a decree is granted by a court of law, who will carry it out? If the Government does not carry it out, can the High Court or the Supreme Court enforce it? Is it open to the Supreme Court to change such a government? With its authority, can it by an officer of the Court, an Amin or a Sheriff, imprison all the Ministers, and bring into existence a new set of ministers? In the nature of things, these are only directives and cannot be justiciable rights at all. So, there is no purpose in removing the word directive"

¹ "19 Nov 1948 Archives" (*Constitution of India*) <<https://www.constitutionofindia.net/debates/19-nov-1948/>> accessed July 11, 2026

They also held that there would be bankruptcy in the treasury of the government just fighting the legal battle. Even if there was conviction of the same then there would be a great delay in the due process of legislation. It is the moral force and humane aspect that is responsible for the functioning of the government when the core of it is sacked there would cause perturbation in the whole country. Therefore, these principles are often considered duly and the only aspect which is addressed is the sanction for constitutional overreach which the citizens of the country will determine in voting booth during elections.

A legislation is often for the protection of minorities if not for a legal framework the concept of “survival of the fittest” would prevail exacerbating the liberties of the poor. The very concept of the DPSP’s are to ensure welfare of each and every one not just the rich and affluent ones but even the most of the most underprivileged ones. There are numerous instances wherein the concept of right often disrupts the right of the minorities. For instance, if a person is making a livelihood by agriculture not through ownership of the land, but by cultivating the property of a rich landlord. If not for the DPSP’s then the right would content the right to property and the poor would not been able to enjoy the land although it is he who regularly makes a living out of it and it would often lead to totalitarianism of the land wherein the land is often with the landlord although he is just managing the land. To ensure everyone gets what they deserve the DPSP’s are very much essential.

Further there is also the aspect of ultimate satisfaction wherein a law cannot satisfy every citizen and there can be various discrepancies to the minorities if everyone starts to initiate judicial proceedings in the state how will the country function. For instance, when the Prevention of Cruelty to Animals Act, 1960² was enacted various snake charmers failed to make a livelihood and various circuses went bankrupt if there was any scope to knock the door of the court then things would be different. When everything is fundamental then nothing is.

Major objections to challenge the validity of the DPSP’s

The primary contention pertaining to DPSP’s are contending the accountability aspect wherein the critics KT Shah and other constituent assembly member opined that the aspect of DPSP’s would often supersede the judicial intervention. This is often disregarded as a violative of the system of

² Rules under Prevention of Cruelty to Animals Act, 1960 (1972)

checks and balances which is the pillar of a democracy also there must be transparency which is in minimal manner or there is no scope for the intervention of the judiciary in verifying the decisions of the legislation. Also, many aspects override the liberty of the individual to satisfy the societal growth and development. The aspect which is compromised is the liberty of the affluent and the growth necessarily is not in accordance with him who's fundamental rights is compromised for the growth of the country.

The aspect which is often disregarded by the critics is the shift in forum of the accountability which transfer the power to adjudicate from the judiciary to common public who through votes determine the most suitable candidate and also consider the ability to law making to manage the country which was also given by Dr B R Ambedkar in the constituent assembly debates³ during the draft of the constitution. The aspect of judicial was negated on the primary aspect of delay in the growth of the country as development is ensured when the last person on the ladder of privilege is on the top. If there was the aspect of judicial intervention in the law-making process the most underprivileged would not have been given the chance for the development which would often lead a concentration of the resources and growth of the country in hands of few affluent citizens.

The spirit of the democracy is growth and development of everyone and the opinion and view of each individual is value and appreciated. If the an underprivileged has no voice the state on behalf of him takes a stance which is beneficial to him. Even if the rights of the privileged people are violated the state considers the well being of each and everyone and balance everyone's rights are upheld. If for every aspect the state is being questioned for its action the progress is brought in to a temporary halt. While the affluent might not be affected by this the underprivileged who is fighting for his livelihood everyday would be affected as the judiciary is a meticulous exercise making the situation worst.

Therefore, the aspect of DPSP's although has less accountability is effective as there is no external intervention to the functioning which otherwise would exacerbate the legislative process wherein every aggrieved party can file a law suit as law cannot satisfy everyone, would be initiate a legal

³ "19 Nov 1948 Archives" (*Constitution of India*) <<https://www.constitutionofindia.net/debates/19-nov-1948/>> accessed July 11, 2026

proceeding under the personal liberty which ought to be directed to the electoral process than just providing vesting the autonomy to the judiciary delaying the nation's interest in a significant manner.

Judiciary stands from rigours conflict to harmonious construction

1. State of Madras v. Smt Champakam Dorairajan⁴

In this case there was conflict between the collective development of the state and the individual liberty where a brahmin girl was denied admission contending there was reservation policy to be enforced to promote education of economically and socially backward classes under Article 46 of the Constitution. She contended her Right against Discrimination Article 15 of the Indian Constitution was violated. The Supreme court concluded that the state cannot override the basic fundamental rights under the defence of the DPSP's. In this case it was held that the Fundamental Rights prevail over the DPSP's. this case set a stark difference between the Part III and Part IV of the Indian Constitution. The judgement just after a year of adopting the Constitution failed to ensure the validity and enforceability of the DPSP's due to which there was various aspects which held this to be socially invalid as there would be no proper enforcement of the DPSP's and the progress of the nation would be delayed proportionally.

2. His Holiness Kesavananda Bharati Sripadagalvaru v. State of Kerala⁵

This case is fundamental ruling which is often prevalent for its basic structure doctrine where the pontiff of the Edneer Mutt initiated a legal proceeding against the State of Kerala concerning his disposition from the Right to Property under Article 19(1)(f) and Article 31 of the Indian Constitution. The Supreme Court held that the Fundamental rights of the Indian Constitution cannot be tarnished upholding them in an integral manner. In a monumental 7:6 majority verdict, the Supreme Court upheld the constitutional validity of land reforms but established the "Basic Structure Doctrine," ruling that while Parliament has wide powers to amend the Constitution to implement Directive Principles, it cannot

⁴ *State of Madras v Smt Champakam Dorairajan* AIR 1951 SC 226

⁵ *His Holiness Kesavananda Bharati Sripadagalvaru v State of Kerala* (1973) 4 SCC 225

alter or abrogate its essential, unamendable core. The *Kesavananda* ruling represents the structural anchor of India's pragmatic governance. The overruling the previous case gave more autonomy to the DPSP's making it an integral part as prior disregarded in the case of *State of Madras v. Smt Champakam Dorairajan* AIR 1951 SC 226 upholding the validity of both the aspect wherein the Part IV which was negated was given the status of enforceability. However, the court also clarified that fundamental rights and the liberties of the constitution cannot be negated under DPSP's, which clarified the approach of DPSP's enforceability without any encroachment of the fundamental rights.

3. *Minerva Mills Ltd v. Union of India*⁶

This case is a testament for the judicial peak of the DPSP's wherein the government's amendment of the constitution pertaining mainly to section 4 of the 42nd Constitutional Amendment Act, 1976 which upheld the validity of the immunity of the DPSP's against the fundamental rights was questioned and challenged. While formalist scholars often misinterpret this case as a judicial containment of the welfare state, its internal legal logic actually rescued the Directive Principles from procedural isolation. Delivering the majority opinion, Chief Justice Y.V. Chandrachud rejected the idea of a hostile hierarchy between individual liberties and collective socio-economic upliftment. The Supreme Court established that Parts III and IV are organically complementary and must be read together to achieve the promises of the Preamble. This was a balanced approach by The Supreme Court underlining the relevance and intersection of the Part III and Part IV of the Constitution which helps to interpretation of the same accordingly. The balance of the Part III and Part IV of the Constitution which was determined in this case is very much disregarded any difference or superiority of the Part III and Part IV of the Constitution which ensured the development without compromising on the personal liberty.

4. *Unni Krishnan, JP v. State of Andhra Pradesh*⁷

⁶ *Minerva Mills Ltd v Union of India* AIR 1980 SC 1789 (1980) 3 SCC 625

⁷ *Unni Krishnan, JP v State of Andhra Pradesh* (1993) 1 SCC 645

The relevance of the intersection of both Part III and IV of the Constitution of India⁸ is clearly evident in this case. The guidance of the state reducing the consideration for educational institution for providing education in medical and other disciplines was challenged under violation of Article 19(1)(g). The relevant regulation was a concerned with social and economic welfare as per the welfare as per Article 38(2) which was the responsibility of the State. The Supreme Court held that the education cannot be commercialized as this violate the Article 45 of free education until the age of fourteen years. However, the DPSP's are also equally enforceable in the legislation wherein both the aspects were comprehensively addressed by the Supreme Court. The eloquence of the compliance of both the liberty and the obligation of the state was vindicated by the Supreme Court.

This paradigm shift from differentiating the Part III and IV to the compliance of the two highlights the primary complementarity of. The intent of the applicability and enforceability of the two was devised in the judiciary. The cases are a testament to the relevance and applicability of judiciary from a conflict to a constructive way is a clarity given of the intersection DPSP's and the Fundamental Rights. Here are the three phases under which they can be organized into

Strict Hierarchy

In the case of *State of Madras v. Smt Champakam Dorairajan* the Supreme court held that the Fundamental rights are more relevant displacing and negating the integrity of the DPSP's which distorts the integrity and the reverential value of the DPSP. Therefore, the judiciary regarded the Fundamental Rights superior to the DPSP's.

Constitutional reasoning of the DPSP's

In the case *His Holiness Kesavananda Bharati Sripadagalvaru v State of Kerala* the court held that although the Fundamental Rights cannot be extinguished the DPSP's superseded the fundamental rights and preference to the DPSP's is more and required. Therefore, the judiciary regarded the DPSP's superior to the Fundamental Rights.

⁸ Jain MP, *M.P. Jain Indian Constitutional Law* (2003)

Harmonious Construction

In the case of *Minerva Mills Ltd v. Union of India* and later also in *Unni Krishnan, JP v State of Andhra Pradesh*. The Supreme Court interpreted the intent and objective of the DPSP's and how the accountability of the state and the personal liberties of a citizen is equally important and how the interpretation of the two should be was determined by the Supreme Court. The ruling represents the juncture of DPSP's and Fundamental Rights.

Conclusion

While we can agree to understand the intersection of the Part III and IV of the Constitution⁹ it is of at most importance to understand in what manner. This evolves back to the concept of right of citizens and duty of a state. There is long standing debate that the right is inherent indifferent of the duty of the State. However, a right can only enforceable with a duty embodied by the state to uphold and enforce the same. This aspect embodies the aspect of the juncture of the evolution the intersection of the Part III and IV of the Constitution where DPSP's are duties and personal liberty of the citizens are the Fundamental Rights. There must be a regulation of the right, as the liberty of an individual might cause a harm to another person. For instance, a person is making a livelihood by running an educational institution and it is right for him under Article 19(1)(g). However, the same might be violative of right to education to a middle-class person who cannot afford the amount set as fees which violates their right to education under Article 21A of the Constitution. The DPSP's help the government to understand the extent or the jurisdiction of the liberty to ensure there is a collective entrenchment of the right as a welfare for the whole country this is very much essential to reverse of value of equality through as given in the concept of Article 14 of the Indian Constitution. The enforceability of a right is carried out by the DPSP's. The effect of totalitarianism would be prevalent if there was not the aspect of DPSP's basic amenities like health care and education would not be accessible by underprivileged who would often be deprived by their fundamental rights. The country development often lies in the development of the most underprivileged not in the most affluent one. The development of the underprivileged is often conceived through the DPSP's. Therefore, DPSP's play vital role in development of the country alongside the Fundamental rights.

⁹ Jain MP, *M.P. Jain Indian Constitutional Law* (2003)