

1. DO YOU THINK DIRECTIVE PRINCIPLES OF STATE POLICY SHOULD BE GIVEN SAME IMPORTANCE AND PRIMACY AS IS GIVEN TO THE FUNDAMENTAL RIGHTS? CRITICALLY ANALYSE. (200 WORDS)

Fundamental rights are justiciable rights enjoyed by citizens to lead an honourable and dignified life. DPSPs are instructions to States to establish social and economic democracy and realise a welfare state. Both are integral to a socialist democratic state like India. However, the justiciability of FRs and non-justiciability of DPSPs on one hand and the moral obligation of the State to implement DPSPs (Article 37) on the other have led to a conflict between the two since the commencement of the Constitutions. In deciding various constitutional cases, the Supreme Court of India has given divergent views on the primacy of Part III and Part IV. In Champakam Dorairajan Case (1951), in Golaknath Case (1967) fundamental rights were given primacy over DPSPs. In Minerva Mills case (1980) the SC held that the Indian Constitution founded on the bedrock of balance between FRs and DPSPs. They together constitute core of commitment to social revolution. They are like two wheels of a chariot and one no less than the other. The harmony and balance between the two is an essential feature of the basic structure of the Constitution. The goals set out by DPSPs have to be achieved without any abrogation or dereliction of the Principles enshrined in Part IV.

Although the present situation seems to give primacy to FRs as obvious from various PIL cases, DPSPs can be implemented even by amending the rights in Part III to the extent such amendments or abrogation do not damage or destroy the basic structure of the Constitution.