INTER-RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCILPES OF STATE POLICY

(Constitutional law – 1)

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INTRODUCTION

(FUNDAMENTAL RIGHTS AND DRECTIVE PRINCIPLES OF STATE POLICY)

To implement the ideals and to achieve the goals enshrined in the preamble and to establish welfare state, fundamental rights and the directive principles of state policy have been provided for in the constitution. Part III, which contains Articles 12 to 35, deals with fundamental rights, while part-IV, which contains Articles 36 to 51, deals with directive principles of state policy.

Before examining the relationship between the fundamental rights and directive principles, it is necessary to discuss about the two in brief as follow:

Fundamental Rights (part-III):- fundamental rights are rights without which a human being cannot survive in dignified manner in a civilized society. Fundamental rights are known as “basic rights or Justiciable rights”. They are also called as individual rights or negative rights” and impose negative obligations on the state not to encroach on individual liberty.

Article 12 to 35 of the constitution provide for different kinds of fundamental rights as stated below:

Definition of state (Art 12)

Laws inconsistent with or in derogation of the fundamental rights (Art.13)

Right to equality (Art 14-18)

Right to freedom (Art 19-21)

Safeguard against Arbitrary arrest (Art 22)

Right against Exploitation (Arts 23 & 24)

Freedom of religion (Arts 25-28)

Cultural and educational rights (Arts. 29 & 30)

Saving of certain laws (Arts 31-A, 31-B and 31-C) and

Right to constitutional remedies (Arts 32-35)

Directive Principles (Part-IV):- Part-IV of the constitution deals with "directive principles of state policy". They are positive rights and impose positive obligations on the state.

The directive principles are categorized under three heads namely

(1) Social and economic charter

(2) Social security charter and

(3) Community welfare charter

In social and economic charter, Art 38 (1) provider for social justice and Arts 39 (d) Equal pay for equal work. In social security Charter, Art 43 provides for workers participation in management of factories. Arts 45 insist on free and compulsory education to all children up to the age 14 years and Arts 39-A as inserted by the 42nd Amendment provides for equal justice and free legal aid. In community welfare charter, Arts 44 envisages "uniform civil code and Art 48-A (inserted by the 42nd Amendment Act, 1976) deals with "protection and improvement of forests and wild life."

DIFFERENCE BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY.

Directive principles are in the nature of instruments of instructions to the government of the day to do something positive. They are not justiciable or enforceable in courts. On the other hand, the fundamental rights are enforceable in the courts under Arts 32 and 226 of the constitution and hence are justiciable.[1]

During the proclamation of emergency the operation of the Fundamental rights (except Arts. 20 and 21) can be suspended, but no such provisions is required to be made with regard to the Directive Principle of State Policy. Article 32(2) prohibits the state to make any law which takes away or abridges the right conferred by Part III of the constitution, but there is no such categorical restriction on the power of the state regarding the Directive Principle of State policy.

Fundamental rights are facilities given by the state to the people, whereas directive principles are directions given by the constitution to the state. Fundamental rights aim at establishing political democracy in India, while directive principles attempt to provide socio-economic foundations to Indian democracy.

The framers of the constitution gave primacy to fundamental rights by placing them ahead of directive principles. However, fundamental rights and directive principles are not contrary, but complimentary to each other. Both ultimately aim at the welfare and well-being of the citizens.

[1] Ranbir Singh, constitutional law, P 323

Although directive principles are non-justiciable, this does not imply that their implementation has been left at the will and mercy of the state. Directive principles are part of the constitution, and the judiciary is under obligation to maintain the supremacy of the same. The supreme court of India has resorted to provisions relating to the directive principles while delivering its verdict is several cases.

CONSTITUTION (42nd AMENDMENT ACT 1976)

EQUAL JUSTICE AND FREE LEGAL AID – (Article 39-A)

Article 39-A of the Indian constitution provides for "Equal Justice and free legal Aid". It (39-A) was inserted/added by the Constitution (forty Second Amendment) Act, 1976. It came into force from 3.1.1977 and reads as follows.

"The state shall secure that the operation of the legal system promote justice, on the basis of equal opportunities and shall, in particularly, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. This article was added to the constitution pursuant to the new policy of the government to give legal aid to economically backward classes of people.

Art. 39-A and Art.21 as interpreted by the supreme court and S.304 of the code of Criminal procedure, 1973 provide for free legal aid, particularly in criminal cases. As such, 'Legal aid' and 'speedy trial' have now been held to be fundamental rights under Article 21 of the constitution available to all prisoners and enforceable by the courts. The state is under the duty to provide lawyer to a poor person and it must pay to the lawyer, his fees as fixed by the court.

In State Bank v. N.S. Money [2]

In this case it was held that the government should set up a "suitor's fund" to meet the cost of defending a poor or indigent person.

[2] AIR 1976 SC 1111

In M Hoskot v State of Maharastra and Hussainara Khatoon v Home Secretary, State of Bihar[3]

The court held that the legal aid and speedy trial are fundamental rights under art 21 of the constitution which are available to all detainees. Further, it ruled that the state is under a duty to provide a lawyer to a poor person, and it must pay to the lawyer his fees as fixed by the court.

In Center of legal research v state of Kerala[4]

The court held that in order to achieve the objectives in art 39A, the state must encourage and support the participation of voluntary organizations and social action groups in operating the legal aid programmes. Further, legal aid schemes, which are meant to bring social justice to the people, cannot remain confined to traditional or litigation-orientation attitudes, and must take into account the socio-economic conditions prevailing in the country, and adopt more dynamic approaches. The voluntary organizations must be involved and supported for implementing the legal aid programme, and they should be free from government control.

In Abdul Hassan v Delhi Vidyut Board,[5]

The Supreme Court commended the system of lok adalats set up by the parliament by enacting the Legal Services authority Act 1987. The court directed that most authorities ought to set up such adalats.

[3] AIR 1979 SC 1322.
[4] AIR 1986 SC 1322.
[5] AIR 1999 DEL 88

In State of Maharastra v Manubhai Bagaji Vashi[6]

The Supreme Court held that art 21 read with art 39-A casts a duty on the state to offer grants-in-aid to recognized private law colleges, which qualify for receipt of the grant. The aforesaid duty cast on the state cannot be whittled down in any manner, either by pleading paucity of funds, or otherwise.

PROTECTION AND IMPROVEMENT OF FORESTS AND WILD LIFE.

Article 48-A requires the State to take steps to protect and improve the environment and to safeguard the forests and wild life of the country. In M.C Mehta v. Union of India[7], the supreme court relying on Article 48-A gave directions to the Central and the State Governments and Various local bodies and Boards under the various statutes to take appropriate steps for the prevention and control of pollution of water.

ARTICLE 31-C AND THE DIRECTIVE PRINCIPLES

Art 31-C was added by the Constitution 25th Amendment, 1971. The amendment has considerably enhanced the importance of the directive principles. The object of the amendment as stated in the object clause of the Bill was that this was enacted to get over the difficulties placed in the way of giving effect to the directive principles of State policy. The first part of article 31-C provides that no law which is intended t give effect to the directive principles contained in Art. 39 (b) and (c) shall be deemed to be void on the ground that it is

[66] 1995 5 SCC 730
[7] (1988) 1 SCC 471

inconsistent with or takes away or abridges any of the rights conferred by Article 14, or 19. The second part of Art 31-C provided that "no law containing a declaration that it is for giving effect to such policy can be called in question on the ground that it does not in fact give effect to such policy'' (invalid). The validity of first part of Article 31-C was upheld in the fundamental rights case[8], but the second part of this Article, which barred the judicial scrutiny of such laws was struck down as unconstitutional.

Article 31-C was again amended by the 42nd Amendment Act, 1976. This Amendment further widened the scope of Art.31-C so as to cover all directive principles. For the purpose, the amendment substituted the words, "all or any of principles laid down in Part IV" for the words "the principles specified in clause (b) or (c) of Article 39" in Article 31-C of the constitution.

Thus, whereas the 25th amendment gave primacy of directive principles contained in Art.39 (b) and (c), over the fundamental rights in Arts. 14, 19 or 31 the 42nd amendment gave precedence to all the directive principles over the Fundamental rights guaranteed in Articles 14,19 or 31 of the constitution.

[8] Kesavanand v. state of kerala, AIR 1973 SC 1461.

INTER-RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

The question of relationship between the Directive Principles and the Fundamental rights has caused some difficulty, and the judicial attitude has undergone transformation on this question over time. What if a law enacted to enforce a directive principle infringes a fundamental right? On this question, the judicial view has veered round from irreconcilability to integration between the Fundamental rights and Directive Principles and in some of the more recent cases, to giving primacy to the Directive Principles.

Initially, the courts adopted a strict and literal legal position in this respect. The Supreme Court adopting the literal interpretative approach to Art. 37 ruled that a Directive Principle could not override a Fundamental right, and that in case of conflict between the two, the Fundamental right would prevail over the Directive Principle

This point was settled by the Supreme Court in **State of Madras v. Champakam Dorairajan**, where governments order in conflict with Art. 29 (2), a fundamental right, was declared invalid, although the government did argue that it was made in pursuance of Art 46, a Directive Principle[9]. The court ruled that while the Fundamental rights were enforceable, the Directive Principles were not, and so the laws made to implement Directive Principles could not take away Fundamental rights. The Directive Principles should conform, and run as subsidiary, to the Fundamental rights. The Fundamental rights would be reduced to 'a mere rope of sand' if they were to be override by the directive principles. The court observed in this regard.

[9] AIR 1951 SC 226

"The Directive Principles of the state policy, which by Art. 37 are expressly made unenforceable by a court cannot override the provisions found in part III (fundamental rights) which, notwithstanding other provisions, are expressly made enforceable by appropriate writs, orders or directions under article 32. The chapter on fundamental rights is sacrosanct and not liable to be abridged by any legislative or executive act or order, except to the extent provided in the appropriate article in part III. The Directive Principles of state policy have to conform to and run as subsidiary to the chapter on Fundamental rights."

In course of time, a perceptible change came over the judicial attitude on this question. The Supreme Court's view as regards the interplay of Directive Principles and Fundamental rights underwent a change. The Supreme Court started giving a good deal of value to the Directive principles from a legal point of view and started arguing for harmonizing the two- the Fundamental rights and Directive Principles.

The Supreme Court came to adopt the view that although Directive Principles, as such, were legally non-enforceable, nevertheless, while interpreting a statute, the courts could look for light to the "lode star" of the Directive Principles. "Where two judicial choices are available, the construction in conformity with the social philosophy" of the Directive Principles has preference[10]. The courts therefore could interpret a statute so as to implement Directive Principles instead of reducing them to mere theoretical ideas. This is on the assumptions that the law makers are not completely unmindful or obvious of the Directive Principles.

Further the courts also adopted the view that in determining the scope and ambit of Fundamental rights, the Directive Principles should not be completely ignored and that the

[10] Mumbai Kangar Sabha v. Abdulbhai, AIR 1976 SC 1455

courts should adopt the principles of harmonious construction and attempt to give effect to both as far as possible. For example, as early as 1958, **in Kerala Education Bill**[11], DAS, C.J., while affirming the primacy of fundamental rights over the directive principles, qualified the same by pleading for a harmonious interpretation of the two. He observed

"nevertheless, in determining the scope and ambit of the Fundamental rights relied upon by or on behalf of any person or body, the court may not entirely ignore these Directive Principles of state policy laid down in part IV of the constitution but should adopt the principle of harmonious construction and should attempt to give effect to both as much as possible.[12]"

Without, therefore, making the directive principles justifiable as such, the courts began to implement the values underlying these principles to the extent possible. The Supreme Court began to assert that there is "no conflict on the whole" between the fundamental rights and the directive principles. 'They are complementary and supplementary to each other.[13]"

Since then, the judicial attitude has become more positive and affirmative towards directive principles, and both fundamental rights and directive principles have come to be regarded as co-equal. There is in effect a judicial tendency to interpret Fundamental rights in the light of, and so as to promote, the values underlying Directive Principles.

This aspect of the directive principles was stressed upon by the Supreme Court in **Golak Nath**[14]. The Supreme Court there emphasized that the fundamental rights and directive

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[11] In re Kerala Education Bill, AIR 1958 SC 956 : 1959 SCR 995.
[12] AIR 1958 SC at 966-67: 1959 SCR 995
[13] Chandra Bhavan Boarding and Lodging, Bangalore v. State of Mysore, AIR 1970 SC 2042 at 2050: (1969) 3SCC 84
[14] Golak Nath v. State of Punjab, AIR 1967 SC 1643

principles formed an "integrated scheme" which was elastic enough to respond to the changing needs of the society.

In **Kesavananda Bharti v. State of Kerala**, HEGDE and MUKHERJI,JJ[15]., observed:

"the fundamental rights and directive principles constitute the "conscience of the constitution" there is no antithesis between the fundamental rights and directive principles and one supplements the other."

SHELAT and GROVER,JJ., observed in their judgment :

"both parts III (fundamental rights) and IV (directive principle) have to be balanced and a harmonized then alone the dignity of the individual can be achieved they were meant to supplement each other.,"

The Supreme Court said in **State of Kerala v. N.M Thomas**[16], that the Directive Principles and Fundamental rights should be construed in harmony with each other and every attempt should be made by the court to resolve any apparent in consistency between them.

In **Pathumma v. State of Kerala**[17], the Supreme Court has emphasized that the purpose of the directive principles is to fix certain socio-economic goals for immediate attainment by bringing about a non-violent social revolution. The constitution aims at bringing about synthesis between Fundamental rights and the Directive principles.

[15] AIR 1973 SC 1461 at 1641 : (1973) 4 SCC 225
[16] AIR 1976 SC 490: (1976) 2 SCC 310
[17] AIR 1978 SC 771 : (1978) 2 SCC 1

Recently, in **Ashoka Kumar Thakur v Union of India**[18], BALAKRISHNA, CJI said that no distinction can be made between the two sets of rights. The Fundamental right represents the civil and political rights and the directive principles embody social and economic rights. Merely because the directive principles are non-justiciable by the judicial process does not mean that they are of subordinate importance.

The Directive principles and Fundamental rights are not now regarded as exclusionary of each other. They are regarded as supplementary and complementary to each other. In course of time, the judicial attitude has veered from irreconcilability to integration of the fundamental rights and the directive principles. The directive principles which have been declared to be "fundamental" in the governance of the country cannot be isolated from fundamental rights. The directive principles have got to be read into the fundamental rights. An example of such relationship is furnished by the "right to education".

The Supreme Court has argued in **Olga Tellis**[19] that since the directive principles are fundamental in the governance of the country they must, therefore, be regarded as equally fundamental to the understanding and interpretation of the meaning and content of fundamental rights.

CHANDRACHUD, CJ., in **Minerva Mills**[20], said that the fundamental rights "are not an end in themselves but are the means to an end." The end is specified in the directive principles. It was further observed in the same case that the fundamental rights and directive principles together "constitute the core of commitment to social revolution and they, together, are the conscience of the constitution." The Indian constitution is founded on the bedrock of

[18] (2008) 6 SCC 1, at page 515: (2008) 5 JT 1.
[19] Olga Tellis v. Bombay Municipa corpn, AIR 1986 SC at 194: (1985) 3 SCC 545.
[20] Minerva mills v. Union of India, AIR 1980 SC 1789

"balance" between the two. "To give absolute primacy to one over the other is to disturb the harmony of the constitution. This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the constitution."

The fundamental rights "are not an end in themselves but are the means to an end." The end is specified in directive principles. On the other hand, the goals set out in directive principles are to be achieved without abrogating the fundamental rights. "It is in this sense" that fundamental rights and directive principles "together constitute the core of our constitution and combine to form its conscience. Anything that destroys the balance between the two parts will ipso facto destroy an essential element of the basic structure of our constitution."

In Unnikrishna v. state of Andhra Pradesh[21], JEEVAN REDDY, J., said that the fundamental rights and directive principles are supplementary and complimentary to each other, and not exclusionary of each other, and that the fundamental rights are but a means to achieve the goal indicate in the directive principles that "fundamental rights must be construed in the light of the directive principles."

In **Dalmia Cement**[22], the Supreme Court has emphasized that the core of the commitment of the constitution to the social revolution through rule of law lies in effectuation of the fundamental rights and directory principles as supplementary and complimentary to each other. The preamble to the constitution, fundamental rights and directive principles-the trinity-are the conscience of the constitution.

It has now become a judicial strategy to read fundamental rights along with directive principles with a view to define the scope and ambit of the former. By and large this

[21] AIR 1993 SC 2178, 2230 : (1993) 1 SCC 645
[22] Dalmia Cement (bharat) ltd. V. Union of India, (1996) 10 SCC 104

assimilative strategy has resulted in broadening, and giving greater depth and dimension to, and even creating more rights for the people over and above the expressly stated, fundamental rights. At the same time, the values underlying the directive principles have also become enforceable by riding on the back of the fundamental rights. On the whole, a survey of the case-law shows that the courts have used directive principles not to restrict, but rather to expand, the ambit of the fundamental rights.

The theme that "fundamental rights are but a means to achieve the goal indicated in the directive principles" and the fundamental rights must be construed in the light of the directive principles" has been advocated by the Supreme Court time and again.

Thus, the integrative approach towards fundamental rights and directive principles, or that "fundamental rights must be construed in the light of the directive principle" has been advocated by the Supreme Court time and again.

Thus, the integrative approach towards fundamental rights and directive principles, or that the both should be interpreted and read together, has now come to hold the field. It has now become a judicial strategy to read fundamental rights along with directive principles with a view to define the scope and the ambit of the former. Mostly, directive principles have been used to broaden, and to give depth to some fundamental rights and to imply some more rights there from for the people over and above what are expressly stated in the fundamental rights. That biggest beneficiary of this approach has been Art 21. By reading Art. 21 with the directive principles, the Supreme Court has derived there from a bundle of rights. To name a few of these:

(1) The right to live with human dignity. The Supreme Court has stated in Bandhua Mukti Morcha, that right to live with human dignity enshrined in Art. 21 derive its life breath from the directive principles of state policy.[23]

(2) Right to life includes the right to enjoy pollution free water and air and environment.[24]

(3) Right to health and social justice has been held to be a fundamental right of the workers. It is the obligation of the employer to protect the health and vigor of his employee workers. The court has derived this right by reading Art. 21 with Arts 39(e), 41, 43 and 48A[25].

(4) Right to shelter[26]

(5) Right to education implicit in Article 21 is to be spelled out in the light of the directive principle contained in art. 41 and 45.[27]

(6) Right to privacy.

Accordingly, the directive principles are regarded as a dependable index of "public purpose". If a law is enacted to implement the socio-economic policy envisaged in the directive principles, then it must be regarded as one for public purpose. Thus, in **State of Bihar v. kameshwar**, the supreme court relied on Art. 39 to decide that the law to abolish zamindari had been enacted for a "public" purpose within the meaning of Art. 31.

On the same argument, directive principles have also come to be regarded as relevant for considering 'reasonableness' of restrictions under Art. 19. A restriction promoting any of the

[23] Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802, 811-812 : (1984) 3 SCC 161
[24] Subhash kumar v. State of Bihar, AIR 1991 SC 420 : (1991) 1 SCC 598
[25] Consumer Education and Research Center V. Union of India, AIR 1995 SC 922
[26] Chameli Singh v. state of Uttar Pradesh, AIR 1996 SC 1051: (1996) 2 SCC 549
[27] Unnikrishnan v. State of Uttar Pradesh, AIR 1993 SC 2178 : (1993) 1 SCC 645

objectives of the directive principles could be regarded as reasonable. Thus, Art. 47 which directs the state to bring about prohibition of consumption of intoxicating drinks except for medical purposes, could be taken into account while considering the reasonableness of a prohibition law under Art. 19. Art. 47 relate the idea of prohibition to public health. Therefore, to enforce prohibition effectively, the law could define the word 'liquor' broadly so as to include all alcoholic liquids which might be used as substitutes for intoxicating drinks to the detriment of health. But exemptions of medicinal preparations containing alcohol would not be reasonable under Art. 19(6).

In **Nashirwar v State of Madhya Pradesh**, the supreme court cited Art. 47 as one of the reasons for taking the view that the citizens have no fundamental right under Art 19(1)(g) to do business in liquor. In **Har Shankar V. Deputy E. and T. Commr,** this principle has been extended to all narcotics

Payment of the statutory minimum bonus even when the management suffers loss has been held to be reasonable and in public interest being in implementation of Art. 39 and 43. Directive principles being fundamental to the governance of the country, what is directed as state policy cannot be regarded as unreasonable or contrary to public policy.

In **Laxmi Khandsari v. State of Uttar Pradesh**[28], the supreme court has asserted that an importance consideration which must weigh with the courts in determining the reasonableness of a restriction is that it should not contravene the directive principles. The directive principles aim at establishing an egalitarian society so as to bring about a welfare

[28] AIR 1981 SC 873 : (1981) 2 SCC 600.

state and these principles should be kept in mind in judging the question as to whether or not the restrictions are reasonable vis-à-vis Art 19.

Prohibition of slaughter of cows, bulls and bullocks to enable the public to have a sufficient supply of milk, and to ensure availability of sufficient number of draught cattle for agricultural operations was held reasonable under Art 19(6) in view of the directive principle contained in Arts 47 and 48.

The wealth tax act was held reasonable in view of Art 39(c) to prevent concentration of wealth in a few hands. Acquisition of agricultural land above the ceiling and its distribution among the landless fall under art 39(b) and (c). Accordingly, it has been held that it is not possible to say that such a law would be outside the scope of entry 18, list II, and entry 42 in list III.

In **welfare Assn., A.R.P. v. Ranjit P. Gohil**[29], the expression "transfer of property" in entry 6 and the term "contrast" in entry 7 of list III were widely interpreted relying on the directive principles of state policy especially those contained in Article 38 and 39 of the constitution.

In brief, read with various directive principles, Art. 21 have emerged into a multi-dimensional fundamental right. Art. 14 and Art 39(d), read together, have led to the emergence of the principle of equal pay for equal work.

Finally, reference may be made to Art. 31C. Art 31C as enacted in 1972, through the constitution (twenty-fifth) amendment act sought to give primacy to Arts. 39(b) and (c) over the fundamental rights contained in Arts. 14, 19 and 31. The Supreme Court held the Amendment valid in **the Kesavananda case.** The court emphasized that there is no

[29] (2003) 9 SCC 358, at page 381

disharmony between the directive principles and the fundamental rights as they supplement each other in aiming at the same goal of bringing about a social revolution and the establishment of a welfare state, which is envisaged in the preamble. The courts therefore have a responsibility to so interpreting the constitution as to ensure implementation of the directive principles and to harmonize the social objectives underlying therein with individual rights. JUSTICE MATHEW went farthest in attributing to the directive principle, a significant place in the constitutional scheme. According to him:

In building up a just social order it is sometimes imperative that the fundamental rights should be subordinate to directive principles. Economic goals have an uncontestable claim for priority over ideological ones on the ground that excellence comes only after existence. It is only if men exist that there can be fundamental rights."

He thus came to the conclusions, as regards art. 31C, that "if parliament, in its capacity as an amending body, decides to amend the constitution in such a way as to take away or abridge a fundamental right to give priority value to the moral claims embodied in part IV of the constitution (i.e Directive principle) the supreme court cannot adjudge the constitutional amendment as bad for the reason that what was intended to be subsidiary by the constitution-makers has been made dominant."

The next step in the direction of giving primacy to all directive principles over the fundamental rights was taken in 1976 when all directive principles were sought to be given precedence over Arts. 14, 19 and 31 by the 42nd amendment. But the Supreme Court did not uphold this Amendment as constitutional. The main theme of the court's pronouncement was that the constitution is based on the "bedrock of balance" between the directive principles

and fundamental rights and to give absolute primacy to one over the other would disturb this balance. Both can co-exist harmoniously. The goals set out in the directive principles are to be achieved without abrogating the fundamental rights. Both can flourish happily together.

The principle was restated recently by the Supreme Court **in I.R. Coelho v. state of T.N[30].**

"by enacting fundamental rights and directive principles which are negative and positive, obligations of then states, the constituent assembly made it the responsibility of the government to adopt a middle path between individual liberty and public good. Fundamental rights and directive principles have to be balanced. The balanced can be tilted in favour of the public good. The balance, however, cannot be overturned by completely overriding individual liberty. This balance is an essential feature of the constitution."

On the whole, a survey of the case law shows that the courts have used directive principles not so much to restrict fundamental rights as to expand their scope and content.

[30] (2007) 2 SCC 1, at page 98 : AIR 2007 SC 861.

CONCLUSION

It may be concluded by saying that, one should try to establish harmony between fundamental rights and Directive Principles, since maintenance of harmony between them is a basic feature to the constitution.

BIBLIOGRAPHY

1. Dr. Ranbir Singh, Constitutional law, constitutional law, LexisNexis Butterworths
2. Dr. J.N.Pandey, Constitutional law of India, 46 edition, Central law Agency
3. M.P.Jain, Indian Constitutional law(volume 2) Wadhwa & company Nagpur
4. P.Ishwara Bhatt, Fundamental rights, Eastern Law house