Chapter - 6

Fundamental Rights and Directive Principles of State Policy
Chapter - 6

Fundamental Rights and Directive Principles of State Policy

This chapter is intended to be an analytical note on Fundamental Rights and Directive Principles and their source. The researcher has taken into account the legislative history well categorised into three periods. In fact, it has been tried to demolish the myth that Directive Principles of State Policy can override Fundamental Rights.

The Directive Principles of State Policy contained in the Part IV of the Indian Constitution is borrowed from the Constitution of Ireland which had copied it from the Spanish Constitution. Part IV of the Indian Constitution sets out the aims and objectives to be taken up by the states in the governance of the country. The idea of a welfare state envisaged in our Constitution can only be achieved if the states endeavour to implement them with a high sense of moral duty. The key to the directive principle is found in Article 37 which runs:

"The provisions contained in this part shall not be enforceable by any court, but the principle there in laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws."
"Article 37 thus confers no enforceable rights on any person nor imposes no enforceable obligation on the ‘state’, as widely defined in Article 12. The word ‘fundamental’, in the governance of ‘the country’ is described in rhetorical language, hope, ideals and goals rather than the actual reality of government. The principal object in enacting the directive principles appears to have been to set standards of achievement before the legislature and executive, the local and other authorities, by which their success or failure could be judged. It was also hoped that those failing to implement the directives might, receive a rude awakening at the poles.”¹

In this chapter an attempt has been made to scrutinise supreme court’s decisions on Directive Principles, which fall into three periods.

A. Champakam Dorai Rajan² to Chandra Bhawan case³.

B. Chandra Bhawan case to Minerva Mills case.⁴

C. Post Minerva Mill's cases

A. **First Period (Champakam Dorai Rajan to Chandra Bhavan)**

_Champakam Dorai Rajan case⁵_

In this case a government order reserved certain seats for admission into a medical college on communal lines comprising
non-Brahmins, Backward Hindus, Brahmins, Harijans, Anglo Indian and Indian Christians and Muslims.

It was challenged on the ground that it was violative of Art. 29(2). The order was justified on the ground that it implemented the Directive Principle in Art. 46. Rejecting this contention, S.R. Das J. said:

"The Directive Principles... which by Art. 47 are expressly made unenforceable by a court, can not override the provisions found in Part III which notwithstanding other provisions are expressly made enforceable by appropriate writs, orders and direction under Art. 32. The chapter on Fundamental Rights is sacrosanct and not liable to be abridged by any legislative and executive Acts or Order except to the extent provided in the appropriate Art. in Part III. The Directive Principles ... have to be conformed to and run as subsidiary to the chapter on Fundamental Rights".

Justice Das further held that if a law made in implementing Art. 47 could override Fundamental Rights, Art. 16(4), which conferred a power to reserve seats in public employment for any backward class of citizens would be redundant.

Hanif Qureshi's case (1959)

In this case, there was a direct conflict between the right to carry on butcher's business (Art. 19(1) (g) and Art. 48 Directive
Principles. In this case the prohibition of impugned Acts directly affected the business of the petitioners, who were butchers, because

"The last part of the Directive Principles embodied in Art. 48 requires the State to take steps for prohibiting the slaughter of the specified animals and this Directive can be carried out by prohibiting the petitioners and other butchers (Kasai's) from slaughtering them."

Justice S.R. Das said:

"The Directive Principles can not override this categorical restrictions imposed on the legislative power of the state. A harmonious interpretation must be placed upon the Constitution, and so interpreted it means that the state should certainly implement the Directive Principles but must do so in such a way as not to take or abridge Fundamental Rights." Chief Justice Das further held "That the total ban on the slaughter of she - buffaloes, bulls and bullocks (cattle or buffalow) after they cease to be capable of yielding milk or of breeding or working as draught animals could not be supported as reasonable in the interest of general public."

Das C.J. held the aforesaid "total ban" unreasonable for the following reasons:
(a) the unfit and useless cattle kept alive were allowed to run wild and they were a danger to men and crops;

(b) Old and unfit cattle were left to fend for themselves in "concentration camps" and were left to a process of slow death which did the no good;

(c) the presence of a large number of old and useless cattle had an adverse effect on the breed of cattle;

(d) useless cattle consumed fodder which was much needed for fit cattle;

(e) to spend Rs. 19 per head in preserving useless cattle when the expenditure on national education was Rs. 5 per capita (as opposed to Rs. 104.6 and Rs. 223.7 per capita expanded in the United Kingdom and the United States respectively) was "illogical and extravagant bordering on the incongruous".  

(f) because of its cheapness, beef and buffalow meat were the principle source of much needed protein consumed by the poorer people of certain communities who would be deprived of essential protein by such prohibition;

(g) such prohibition would deprive to 2,00,000 persons and their families of their livelihood.

The judgement also shows a contravention of the Directives in the earlier part of Art. 48 and of the directives in Arts. 41, 45 and 47.
Thus, reasons (a) to (d) show a contravention of that part of Art. 48 which speaks of the state organizing animal husbandry of modern and scientific lines and of preserving and improving the breed of cattle.

Reason (e) above shows the contravention of Art. 45, because money which can be spend on providing free and compulsory eduction was illogically and extravagantly spent on maintaining cattle. Reason (f) shows a violation of Art. 47 when it speaks of raising the level of nutrition and living standard of people, and reason (g) shows violation of Art. 47 and also of Art. 41 which speaks of the state making effective provision for securing the right to work. The prohibition would destroy the right to work of over 2,00,000 persons without providing them alternative work.

Thus the implementation of a part of Art. 48 violated other parts of the same Article, besides violating the directive principles in Arts. 41, 45 and 47.10

In In re Kerala Education Bill 1957 Das C.J., held that the fundamental right conferred by Art. 30 had been expressly conferred on minority communities, and as long as the Constitution stood they could not be taken away. Directive Principles about free and compulsory education could not be implemented at the expenses of minorities; the state could implement the directive principles in Art. 45 by making good the
loss suffered by minorities educational institution as a result of not charging for. He further observed that the provisions of the Bill which required school belonging to minority community not to charge any fees in primary classes "would in a fact make it impossible for an educational institution established by a minority community being carried on."

The Supreme Court further observed that though the Directive Principle can not override the Fundamental Rights, nevertheless, in determining the scope and ambit of fundamental right the court may not entirely ignore the directive principle but should adopt "the principle of harmonious construction and should attempt to give effect to both as much as possible." It must be noted that there was a direct conflict between the right of minority communities and the Directive Principles in Art. 45, and no question of the reasonableness of restrictions arose in this case, as it arose in Hanif Qureshi's case.\textsuperscript{12}

B. The Second Period (Chandra Bhavan to Minerva Mills)

In \textit{Chandra Bhawan's case}\textsuperscript{13} Hedge J. made the following observation:

"... It is a fallacy to think that under our Constitution there are only rights and no duties. While rights conferred under Part III are fundamental, the directives given under part IV are fundamental in the governance of the country. We see no conflict on the
whole between the provisions contained in part III and part IV. They are complementary and supplementary to each other."

It was a strange observation because there was no question of direct conflict between the directive principle in Art. 43 and fundamental right, under Art. 40 and Art. 19. Moreover none was argued before the court. These observations are, therefore, 'obiter' and they can not overrule the three cases discussed above laid down the position of directive principles vis-a-vis fundamental rights. It may, however, be stated that the observation "we see no conflict on the whole between" the provisions contained in Part III and Part IV" tells us nothing as to what is to happen if a conflict does arise. Secondly, the dichotomy between part III, which confers rights, and part IV, which is said to impose duties, is untenable if "rights" and "duties" are used in their legal sense. A law "implementing the directive in Art. 43" which imposes a duty on employers to pay a minimum wage, confers a right on workmen to claim a minimum wage.

In the draft Constitution prepared by the Constitutional Advisor, Sir B.N. Rau, Part III was entitled "Fundamental Rights including Directive Principles of State Policy". Chapter I was "General" and Art. 10 therein stated that "the principles of policy set forth in Chapter III of this part are intended for the guidance of the state. While the principles are not enforceable in
any court, they are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws’. Chapter II was entitled “Fundamental Rights” and contained Arts. 1 to 30. Chapter III was entitled “Directive Principles of State Policy” and these principles were set out in Arts. 31 to 41, Sir B.N. Rau had discussions in Dublin with President De Valera on the working of the directive principles in relation to fundamental rights under the Irish Constitution,¹⁶ and, as a result of his discussion, Sir B.N. Rau suggested the following amendments in the draft Constitution:

At beginning of cl. 9(2) [now Art. 13(2)] insert the words “Subject to the provisions of Cl. 10” [which emphasised the fundamental nature of directive principles].² To clause 10 add the following:

“No law which may be made in the discharge of its duty under the first paragraph of this section, and no law which may have been made by the state in pursuance of principles of policy now set forth in Chapter III this part shall be void merely on the ground that it contravenes the provisions of (Cl.) 9, or is inconsistent with the provisions of Chapter III of this part.”¹⁷

He said that the object of these amendments was:

“... to make it clear that in a conflict between the rights conferred by Chapter II (Fundamental Rights)
Fundamental Rights and Directive Principles of State Policy

which are for the most part rights of the individual and the principles of policy set forth in Chapter III which are intended for the welfare of the state as a whole, the general welfare should prevail. Otherwise, it would be meaningless to say as clause 10 does say that these principles are fundamental and that it is the duty of the state to give effect to them in its laws."

The minutes of the Drafting Committee show that these amendments were either not considered or not accepted. In any event, the amendments were not made in the Constitution, as finally enacted. The relevant documents show that between those who wanted to make the directive principles justiciable and those who wanted to make them non-justiciable, the latter won the day. Therefore, it is not surprising that the amendments suggested by Sir B.N. Rau to give primacy to directive principles over fundamental rights in case of conflict, were not adopted. It is necessary to add that because directive principle have received increasingly greater importance since the Constitution was enacted, it would be inaccurate re-writing of history to say that the framers of our Constitution gave primacy to directive principles over fundamental rights.

Theoretically, a merely declaratory Bill of Rights was open to the framers of our Constitution, but the practical compulsion of our fight for independence made a judicially enforceable Bill of Rights inevitable. In our Constitution fundamental rights are strict
rules of law limiting legislative and executive power. This is emphasized first by Art. 13 (2) which expressly declares that any law made in contravention of fundamental rights is protanto void and, secondly, by Arts. 32 and 226 which confer on the Supreme Court and the High Courts respectively the power to grant relief against the violation of fundamental rights by the issue of appropriate writs. As pointed out by Prof. de Smith, fundamental rights could have been made merely declaratory by putting them in the preamble, or including them in directive principles of state policy. We will revert to this contrast between fundamental rights and directive principles later.22

In the result, Part III of our Constitution was entitled “Fundamental Rights”, and Part IV was entitled “Directive Principles of state Policy”. This separation of fundamental rights and directive principles emphasizes the fact that they are in their nature and effect essentially different.23

An important aspect of directive principle of state policy is that even if Part IV had not be enacted, the objective of the Constitution set out in the Preamble would have to remain; so that justice, social, economic and political would have remained as an objective of the Constitution. The reference to justice, social, economic and political in Part IV is followed by detailed provisions which are believed to bring about social, political and economic justice. If the directive principle are to be applied in making laws they rightly assume the existence of legislative power.
In our own Constitution legislative powers are plenary except to the extent that they are fittered by fundamental rights and other Constitutional limitations. Therefore, even without directive principles. Parliament and State legislature can in the exercise of their legislative powers enact laws with respect to matters mentioned in the directive principles.

*Minerva Mills case*[^24] is a very revolutionary judgement relating to the inter relation between Part III and Part IV of the Indian Constitution. The case was heard by a five judge Constitution Bench. The brief facts of the case are as follows:

The Minerva Mills, a limited company, owned a textile undertaking in Karnataka. The undertaking was nationalised and taken over by the Central government under the provision of the Sick Textile Undertaking (Nationalisation) Act, 1974. The petitioners challenged the Constitutional validity of the said Act. the petitioners further challenged the Constitutionality of the 39th (Amendment) which inserted the impugned Nationalisation Act as Entry 105 of the IX Schedule to the Constitution.

The moot question came before the Supreme Court was the Constitutional validity of Art. 31B. Finally, the petitioners challenged the Constitutional validity of Sections 4 and 55 of the Constitution (42 Amendment) Act, 1976. The Constitution Bench decided only the challenge to the said sections 4 and 55. Section 55 inserted the following sub-articles (4) and (5) in Art. 368:

[^24]: Minerva Mills case
“(4) No Amendment of this Constitution (including the provisions of part III) made or purporting to have been made under this article (Whether before or after the commencement of section 55 of the Constitution (Forty-Second Amendment) Act, 1976] shall be called in question in any court on any ground.

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this Article.’’

The majority judgements was delivered, by Chandrachude C.J. for himself and Gupta, Untwalia and Kailasam J.J., and Minority Judgement by Bhagwati J. In majority judgement the S.C. were held that Sections 4 and 55 of the Amending Act were void. Bhagwati J. partially agreed with majority opinion that the Section 55 was void, and Section 4 was valid. The attempt to confer a primacy upon the directives as against the fundamental rights has, however, been foiled in two respects:

(a) It has struck down the widening of Art. 31C to include any or all of the Directives in Part IV, on the ground that such total exclusive of judicial review would offend the ‘basic structures’ of the Constitution. In the result, Art. 31C is restored to its pre-1976 position, so that a law would be
protested by Art. 31C only if it has been made to implement the directive in Art. 39(b)-(c) and not any of the other Directives included in Part IV.

(b) That there is a fine balance in the original Constitution as between the Directives and the Fundamental Rights, which categories of provisions, instead of giving any general preference to the Directive Principles.

Further, Chandrachud C.J. referred to the history of India's struggle for independence, and to the Constituent Assembly Debates, to show how deeply our people valued their personal liberties which were regarded as indispensable, and as an integral part of our Constitution. He then traced the history of the demand for fundamental rights, and referred to the following observations of the 'Motilal Nehru’ Committee:

"It is obvious that our first care should be to have our fundamental rights guaranteed in a manner which will not permit their withdrawal under any circumstances ... Another reason why great importance attaches to a declaration of rights is the unfortunate existence of communal differences in the country. Certain safeguards are necessary to create and establish a sense of security among those who look upon each other with distrust and suspicion." 25

After referring to the Sapru Report, 1945, Chandrachud C.J. observed:
"To destroy the guarantees given by Part III in order purportedly to achieve the goals of Part IV is plainly to subvert the Constitution by destroying its basic structure."\textsuperscript{26}

He further observed:

"The goals set out in part IV have, therefore, to be achieved without the abrogation of the means provided for by Part III. It is in this sense that Parts III and IV together constitute the case 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."\textsuperscript{27}

In our Constitution there are additional grounds why the laws designed to secure social welfare on the lines of the directive principles in Part IV should not override fundamental rights. Part IV deals with only one of the several objectives of our Constitution as set out in the Preamble, namely, Justice, Social, Economic and Political.\textsuperscript{28} But the Preamble sets out other objectives, which, if not more important than justice, social, economic and political are not less important; and it is reasonable to suppose that the framers of our Constitution could not have intended that laws designed to secure one objective should be allowed to destroy all or any of the other objectives.\textsuperscript{29}
C. Third Period (Post Minerva Mills Cases)

The decision of the court is in accordance with the spirit of the Constitution. But in *Sanjeev Coke Mfg. Co. v. Bharat Cooking Coal Ltd.* the Supreme Court expressed doubt on the validity of the decision in Minerva Mills case. A five judges Bench held that the question regarding the validity of Section 4 of the 42nd Amendment was not directly at issue in Minerva Mills case and therefore, determination of that question was uncalled for and 'obiter' and since the validity of Art. 31C, as originally introduced in the Constitution, had been upheld in Kesavanand Bharti's case, it should lead to the conclusion that Art. 31-C as amended by the 42nd Amendment is also valid.

It is submitted that the court has only expressed doubt about the validity of Minerva Mills decision but has not expressly overruled it, and therefore the decision regarding invalidity of Section 4 and 42nd Amendment in Minerva Mills case remains valid until it is overruled. This decision has again created conclusion which has been finally settled in earlier decisions that there is no conflict between fundamental right and directive principles and both are supplemenery to each other.

We must now consider decided cases on the Articles in Part IV. However, we must bear in mind that those decisions are based on a view of a relation of fundamental rights by themselves and vis-a-vis directive principles of state policy which according to the present writer, is clearly wrong.
The confusion created by the *Sanjeev Coke Mfg. Co. Case*\textsuperscript{33} has been removed by decision of the Supreme Court in *State of Tamil Nadu V.L. Abu Kaur Bay*\textsuperscript{34}. When the court held that although the directive principles are not enforceable yet the court should make an attempt at harmonising and reconciling the directive principles and the fundamental rights and any collision between the two should be avoided as far as possible. The reason why the founding fathers of our constitution did not advise to make these principles enforceable was, the court said, perhaps due to vital consideration of giving the Government sufficient latitude to implement these principles from time to time according to capacity, situations and circumstances that may arise.

In *Unni Krishnan. J.P.V. State of A.P.*\textsuperscript{35} B.P. Jeevan Reddy J. stated the law thus-

"It is thus well established by the decisions of this court that the provisions of Part III and IV are supplementary and complementary to each other and that fundamental rights are but a means to achieve the goal indicated in part IV. It is also held that the fundamental rights must be construed in the light of the directive principles".

In *Bandhua Mukti Morcha V. Union of India*\textsuperscript{36}, the Court has also held that though the directive principles are unenforceable by the courts and the courts cannot direct the legislature or
executive to enforce them, once a legislation in pursuance of them has been passed, the courts can order the state to enforce the law, particularly when non-enforcement of law leads to denial of a fundamental right.

It is now universally recognised that the difference between the fundamental rights and the directive principles lies in this that the fundamental rights are primarily aimed at assuring political freedom to the citizens by protecting them against excessive State action while the directive principles are aimed at securing social and economic freedoms by appropriate action. The fundamental rights are intended to foster the ideal of a political democracy and to prevent the establishment of authoritarian rule but they are of no value unless they can be forced by resort to courts, so they are made justiciable. However, notwithstanding their great importance the directive principles cannot in their nature of things be enforced in a court of law. It is unimaginable that any court can compel legislature to make a laws then parliamentary democracy would soon be reduced to a oligarchy of judges. It is for this reason that the Constitution says that the directive principles shall not be enforceable by courts.\(^3^7\)

The Directives, however, differ from the fundamental rights contained in part III of the Constitution or the ordinary laws of the land, in the following respects.

D. **Directive Compared with Fundamental Rights**

(i) While the Fundamental Rights constitute limitations upon state action, the Directive principles are in the nature of
instrument of instructions to the Government of the day to do certain things and to achieve certain ends by their actions.

(ii) The Directives, however, require to be implemented by legislation, and so long as there is no law carrying out the policy laid down in a Directive, neither the state nor an individual can violate any existing law or legal right under colour of following a Directive.

(iii) The Directives are not enforceable in the courts and do not create any justiciable rights in favour of the individuals.

From the stand point of the individual, the difference between the Fundamental Rights and the Directives is that between justiciable and non-justiciable rights- a classification which has been adopted by the framers of our constitution from the Constitution of Eire. Thus, though the Directive Principle under Art. 43 enjoins the state to secure a living wage to all workers, no worker can secure a living wage by means of an action in a Court, so long as it is not implemented by appropriate legislation. In other words, the courts are not competent to compel the Government to carry out any Directive, e.g., to provide for free compulsory education within the time limited by Art. 45 or to undertake legislation to implement any of the Directive Principles.

(iv) It may be observed that the declarations made in Part IV of the Constitution under the head 'Directive Principles of state
'Fundamental Rights' are in many cases of a wider import than the declarations made in Part III as 'Fundamental Rights'. Hence the question of priority in case of conflict between the two classes of provisions may easily arise. But while the Fundamental Rights are enforceable by the Court (Arts 32.226(i)) and the court are bound to declare as void any law that is inconsistent with any of the 'Fundamental Rights', the Directives are not so enforceable by the court (Art.37), and the Court cannot declare as void any law which in other wise valid, on the ground that it contravenes any of the 'Directives'. Hence in case of any conflict between Parts III and IV of the constitution, the former should prevail in the Court. 39

The analysis about the character and legal effect of Fundamental Rights and Directive Principles of State Policy has clearly shown that the current fashionable view of their inter-relation is untenable. It is not necessary to repeat what had been stated earlier, but a brief summary of preposition may be enumerated. The following propositions emerge from the discussion:

(a) Our Constitution is the supreme or fundamental law because all laws and executive action contravening the Constitution are void. Consequently, fundamental rights are part of fundamental laws. Directive Principles, although provided in

[ 181 ]
the text of the Constitutions are not a part of the fundamental law, for they are not laws at all. No law executive action violating directive principle is void.40

(b) Directive Principles are moral precepts which have an educative value, depending on their efficacy, the moral character and sense of duty of persons to whom the directives are addressed.

(c) If fundamental rights had not been enacted, the result would have been disastrous, our liberal democracy could have been converted into a police state as happened during the operation of Emergency from 25 June 1975 to 21 March, 1977.

(d) If Directive Principle had not been enacted, nothing would have happened. For, government exist to work for the social, political and economic welfare of the governed, and legislative executive power enable them to do so. the welfare state has been created in many states whose constitution do not include directive principles, as experience from the example of England, U.S.A. and Canada.

(e) Proposition in (c) and (d) above show that the similarity of fundamental rights and directive principles being two wheels of chariot so that if one is snapped the other would loose its efficacy is misleading and has infact misled the judges.

(f) Fundamental Rights are not selfish individual rights but have a large social, political and economic content. Fundamental
rights carry with the duty not to use them to injure others or the states., or, to put it in move technical terms, fundamental impose the duty not to transgress the permissible limit, of the restriction put on those rights by law.

(g) Fundamental Rights have brought about a social, political and economic revolution by subjecting legislative and executive despotism to the discipline of fundamental rights in order to protect basic human rights and values. Secondly, the equality provisions of our constitution relating to 'untouchability' have brought about a social revolutions, for, untouchable were restored to human dignity and were put on the same level as “High Caste Hindus”, to use a familiar expression for lack of better words. Further, discrimination in their favour was expressively permitted.

(h) Neither the enactment nor the existence of directive principles can bring about a social revolution, because their efficacy depends upon implementation by govenrment. These may belong to different parties, may be composed of cable mediocre or incapable person, of, persons who possess integrity and are incorruptible and persons who lack integrity and are corrupt. Further, from their very nature, all the directives were not intended to be implemented all at once and immediately. Several directives conflict with each other and there is also a conflict within individual Directives, and
Part IV contains no guidance as to how that conflict is to be resolved. Further, the emphasis of directive principle depends upon, financial and human resources and skills.

(i) It may be stated here, although it has not been set earlier, that the directives like “A Living Wage” or “The Right to Work” are incapable of fulfilment either immediately or in the foreseeable future. The right to work, which means the right to gainful employment has not been available even in the most wealthy and advance democratic countries. For, there is a larger or smaller number of people employed in all of them. As to a “Living Wage”, the Supreme Court has held that it is an ideal which can not be realised inforseeable future, infact living wage has been likened by the supreme court to the horizon which risist as we draw near. For what is a living wage at one time may sink to the level of fair wage at another time.

(j) Since Fundamental Rights and Directive Principles are the part of the same constitutions, although their legal status is different, and attempt must be made to harmonize laws made to implement directive principle with fundamental rights. In the case of an irreconciable conflict, fundamental right must prevail over the law implementing directive principles because such a law would be covered by Article 13 (2) and would be void.
Summary

The Directive Principles of State Policy of Indian Constitution have incorporated points from the Constitution of Ireland which is itself an end result of copying Spanish Constitution. Directive Principles are in the Constitution to guide the State in the governance of our nation as a "welfare State". Article 37 clearly tells that, "The provisions shall not be enforceable by any court but the principles should be the guiding force in making the laws."

The critical analysis clearly shows that attempts of propagating the views that Fundamental Rights and Directive Principles are inter-related are untenable. Directive Principles are moral guidance to State for enacting the laws. It is also proved that the soul of the Constitution is that Fundamental Rights are above Directive Principles and in case of any conflict between the two former should be accorded priority or the later.
References

2. (1951) S.C.R. 525 (51) A.SC 226
4. (80) A.S.C. 1789
5. (1951) S.C.R. 525
7. *Id.* at 655
8. *Id.* at 648
12. (1959) S.C.R. 629
14. *Supra note* 10 at 1582
17. *Id.* at 226
19. *Id.* at 326
20. Austin, *The Indian Constitution: Corner Stone of a Nation*, pp. 79-81
21. *Supra note* 10 at 1584
22. *Id.* at 1585
25. (80) A.SC, p. 1806
26. Ibid.
27. Ibid. at 1807
28. It should be remembered that fundamental rights themselves seek to secure justice, "social, economic and political."
29. Surpa note 10 at 1648
30. ('83) A.SC 239
32. Supra note 20 at 1682
33. (1983) 1 SCC 147, AIR 1983 SC 938
34. AIR 1984 SC 626
35. (1993) 1 SCC 645, 765
40. Part IV of the Constitution rightly contains no provision corresponding to article 13 (1) (2).