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An Analysis of the Evolution of Directive Principles of State Policy as the Soul of Fundamental Rights Through Judicial Activism

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ABSTRACT

The paper explores how the Directive Principles of State Policy (Part IV) of the Constitution of India, despite being non-enforceable or non-justiciable under Article 37, have been gradually elevated and transformed into core constitutional principles through judicial rulings and interpretation, using instruments such as Public Interest Litigation, judicial review and the expansive reading of constitutional provisions, notably Article 21. Through judicial activism these changes have made the Directive Principles the constitutional conscience of human rights, profoundly influencing and broadening the scope of the Fundamental Rights (Part III) in general and the philosophy of the Indian Constitution in particular. The study adopts a doctrinal and analytical method to trace the evolution of the Directive Principles from the early judicial insistence that Fundamental Rights must prevail whenever the two conflict, through the doctrine of harmonious construction and the basic structure doctrine, to the expansive interpretation of Article 21 of the Constitution that strikes a harmonious balance between individual liberty and socio-economic welfare. The findings show how the Directive Principles serve the courts as a code of interpretation for reading Fundamental Rights, and how this interpretation has allowed the courts to give substantive content to the “right to life” under Article 21, including livelihood, education, health, environment and legal aid. The paper thus examines the original intent of the framers, the key judicial decisions on the question of superiority between Part III (Fundamental Rights) and Part IV (Directive Principles), and the extent and limits of judicial activism in this field, and concludes with recommendations for strengthening the constitutional promise that Fundamental Rights and Directive Principles should remain, as the Supreme Court has said, “like two wheels of a chariot, one no less important than the other”.

Keywords: DPSP, Fundamental Rights, Harmonious Construction, Article 21, Judicial Activism

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I. INTRODUCTION

The Constitution of India is the mother of all Indian laws. It is dynamic in nature and sets out the rules that govern the country and every citizen in it. The Constitution is the *grundnorm*, meaning that it is the fundamental law, the *suprema lex*, the supreme law of the land. It is dynamic because it keeps changing and adapting with the flow of time and with changes in society. It adjusts and shapes itself to the needs and ambitions of society and to the changing aspirations of its citizens, and for that quality it is also known as a living law.

Part III and Part IV of the Constitution, though separate units, give concrete form to the lofty goals of justice, liberty, equality and fraternity, and to the dignity of the individual, as set out in the Preamble. Drawing on the dominant theories of human rights, the two Parts are generally classified as follows: (1) Fundamental Rights are negative obligations on the State, that is, an admonition to the State not to interfere with the liberty and equality of citizens and non-citizens as enshrined in the Constitution, so as to secure an egalitarian society; and (2) Directive Principles of State Policy are positive obligations on the State, which is duty-bound to take positive steps and to apply the Directive Principles in making laws, so as to establish a welfare state and secure the welfare of its citizens.¹

The origin of Fundamental Rights can be traced to the concept of human rights. Natural law philosophers such as Locke and Rousseau argued that human beings possess certain basic, natural and inalienable rights and freedoms. The concept of fundamental rights protects every individual against the excesses of the State, and against oppression and injustice, so that everyone enjoys a minimum of guaranteed rights that no one can take away.² Part III of the Constitution of India has aptly been described as the Magna Carta of India.³ When the Constitution of India was being framed, this background was already present; the framers drew inspiration from it and incorporated a full chapter on Fundamental Rights whose declarations are among the most elaborate and comprehensive yet framed by any State.

Speaking of the importance of Fundamental Rights in *Maneka Gandhi v. Union of India*, Bhagwati, J. observed that they represent the basic values cherished by the people of India since Vedic times, and are calculated to protect the dignity of the individual and to create conditions in which every human being can develop his personality to the fullest extent. They weave a “pattern of guarantees on the basic-structure of human rights” and impose negative

¹ INDIA CONST. pmbli., art. 37; *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625, AIR 1980 SC 1789 (India); *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225, AIR 1973 SC 1461 (India).

² M.P. JAIN, INDIAN CONSTITUTIONAL LAW 827 (5th ed. 2007).

³ M. LAXMIKANTH, INDIAN POLITY 158–60 (5th ed. 2016).

obligations on the State not to encroach on individual liberty in its various dimensions. Article 13(1) declares pre-constitutional laws that are inconsistent with the Fundamental Rights void to the extent of the inconsistency, and Article 13(2) prohibits the State from making any law that takes away or abridges them. Fundamental Rights are, in substance, civil and political rights.⁴ The Supreme Court under Article 32 and the High Courts under Article 226 are empowered to declare such laws unconstitutional. Since *Kesavananda Bharati* (1973), it has been settled that even constitutional amendments cannot destroy the “basic structure” of the Constitution.⁵

When it comes to the Directive Principles in Part IV, the question arises whether, beyond these civil and political rights, the framers could have guaranteed everyone a decent standard of living by law. The answer is no. Such rights were not made fundamental and were not made enforceable in courts of law, because it was not practicable to enforce them at the very inception of the Constitution. The framers therefore placed them in a separate category in Part IV, the Directive Principles of State Policy, directing the State to formulate policies to secure them, to be given effect as and when successive governments possessed the economic resources and the capacity to do so. Two categories of rights were thus created: Fundamental Rights and Directive Principles of State Policy.⁶ Dr. Ambedkar explained to the Constituent Assembly that in the Draft Constitution the Fundamental Rights were followed by the Directive Principles. He acknowledged that the Directive Principles had no legal force and were not enforceable in a court, but he rejected the argument that they were therefore useless. He likened them to the “Instrument of Instructions” issued to the Governor-General and the Governors under the 1935 Act, the difference being that they were instructions to the Legislature and the Executive. A government might not have to answer for their breach in a court of law, but it would “certainly have to answer for them before the electorate at election time”.⁷

This study examines the interplay between Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV), and mainly explores how the Supreme Court of India has interpreted these provisions over time, moving from an early period in which the two seemed to clash to the present approach, in which they are seen as working together in a balanced and harmonious way. The focus is on the key Supreme Court judgments that have shaped this area, with much of the analysis centred on Article 21, the right to life and personal liberty, where the Directive Principles have often helped to broaden what counts as an enforceable fundamental

⁴ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, AIR 1978 SC 597 (India) (Bhagwati, J.); INDIA CONST. art. 13(1)–(2).

⁵ *Kesavananda Bharati*, AIR 1973 SC 1461; INDIA CONST. arts. 32, 226.

⁶ D.D. BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA 143–46 (27th ed. 2024).

⁷ 7 CONSTITUENT ASSEMBLY DEBATES 41–42 (Nov. 4, 1948) (Lok Sabha Secretariat photo. reprint 2014) (speech of B.R. Ambedkar).

right, so that “life” means much more than bare existence: it includes dignity, health, education and a clean environment.

The study argues that, although the Directive Principles are constitutionally non-enforceable under Article 37, judicial rulings and interpretation through Public Interest Litigation (PIL), judicial review and the expansive reading of constitutional provisions have gradually elevated and transformed them into core constitutional principles, the constitutional conscience of human rights, thereby profoundly influencing and broadening the nature and scope of the Fundamental Rights and the philosophy of the Indian Constitution. The objectives of the study are: to analyse the constitutional philosophy and original intent of the framers with respect to Fundamental Rights and Directive Principles and their respective roles; to evaluate critically the judicial evolution of the relationship between them, tracing the shift from conflict to harmonious complementarity; and, in view of the widespread violation of human dignity by non-State actors as well as by the State, to examine the relevance and role of the Directive Principles in guiding legislation to eliminate exploitation and secure social and economic justice. The study asks how the Supreme Court has transformed the relationship between Fundamental Rights and Directive Principles from one of conflict to one of harmony, in what ways judicial interpretation has woven the Directive Principles into the Fundamental Rights, and what this means for constitutional equilibrium and the separation of powers.

The scope of the study is confined to an analytical examination of this relationship, mainly through key Supreme Court judgments, with Article 21 at the centre of the analysis. The study follows a doctrinal and analytical approach without empirical or field research, and does not evaluate how well the welfare laws stemming from the Directive Principles have worked in practice. It is confined mainly to Supreme Court jurisprudence and does not comprehensively analyse High Court decisions, nor does it attempt an exhaustive comparison with foreign constitutional systems except where incidental references are necessary for conceptual clarity. The existing literature, from the doctrinal treatises of D.D. Basu, M.P. Jain, J.N. Pandey and V.N. Shukla to Granville Austin’s historical account, establishes that Fundamental Rights and Directive Principles are complementary and together form the “conscience of the Constitution”. These works, however, remain largely descriptive and doctrinal and do not examine in depth the role of judicial activism in reading the Directive Principles into the Fundamental Rights. This study therefore examines how judicial activism has transformed the Directive Principles into enforceable dimensions of the Fundamental Rights in contemporary constitutional practice,

and in particular how Article 21 became the principal constitutional vehicle through which the Directive Principles acquired enforceability. That is the gap this article seeks to address.⁸

II. HISTORICAL EVOLUTION OF FUNDAMENTAL RIGHTS AND THEIR CONSTITUTIONAL FRAMEWORK

Fundamental rights developed in the West as rights claimed against the State itself, and the same conception has shaped the application of Fundamental Rights under the Indian Constitution.

In *P.D. Shamdasani v. Central Bank of India Ltd.*, the Supreme Court confirmed this vertical character, holding that the language and structure of Article 19, and its setting in Part III, showed that the Article was intended to protect freedoms against State action, and that the violation of a right by a private individual was not within its purview. Historically, therefore, the judiciary treated most Fundamental Rights as strictly vertical, enforceable by a citizen only against the State.⁹ The Supreme Court has since extended the doctrine to permit horizontal enforcement, so that certain Fundamental Rights can now be claimed directly against non-State actors and private individuals. The traditional vertical restriction was substantially qualified by a Constitution Bench in *Kaushal Kishor v. State of Uttar Pradesh*, which held by a majority that the rights under Articles 19 and 21 can be enforced even against persons other than the State and its instrumentalities.¹⁰ In *State of West Bengal v. Subodh Gopal Bose*, Patanjali Sastri, C.J. held that “the whole object of Part III of the Constitution is to provide protection for the freedoms and rights mentioned therein against arbitrary invasion by the State”. Fundamental Rights may, moreover, be violated by the State indirectly as much as directly: directly where its officials or agents violate them, and indirectly where it allows others to violate them through its own action or active connivance. For that reason, and still more because some of the Fundamental Rights are expressly guaranteed against the State, a definition of the “State” was necessary.¹¹ In *People’s Union for Civil Liberties v. Union of India* (2003), the Court observed that “fundamental rights themselves have no fixed content, most of them are empty vessels into which each generation must pour its content in the light of its experience. The attempt of the Court should be to expand the reach and ambit of the fundamental rights by process of judicial interpretation”, and that “[t]he Constitution is required to be kept young, energetic and alive”.¹²

⁸ BASU, *supra* note 6; GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* 50 (2d ed. 1999); JAIN, *supra* note 2, at 827.

⁹ *P.D. Shamdasani v. Central Bank of India Ltd.*, AIR 1952 SC 59 (India).

¹⁰ *Kaushal Kishor v. State of Uttar Pradesh*, (2023) 4 SCC 1 (India).

¹¹ *State of West Bengal v. Subodh Gopal Bose*, AIR 1954 SC 92 (India).

¹² *People’s Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399 (India); *see also Kesavananda Bharati*, (1973) 4 SCC 225 (Mathew, J.) (“most of them are mere empty vessels into which each generation must pour its content in the light of its experience”).

A. Classification of Fundamental Rights

The Constitution classifies the Fundamental Rights under six heads (originally seven): the Right to Equality (Articles 14–18), which guarantees equal treatment before the law; the Right to Freedom (Articles 19–22), which secures personal liberties such as free speech and movement; the Right against Exploitation (Articles 23–24), which prohibits trafficking in human beings and child labour; the Right to Freedom of Religion (Articles 25–28), which guarantees to all persons the freedom to profess and practise their faith; Cultural and Educational Rights (Articles 29–30), which safeguard the interests of minorities; and the Right to Constitutional Remedies (Article 32), which allows individuals to approach the Supreme Court for the enforcement of these rights.¹³ The Right to Property was deleted from Part III by the 44th Amendment and now survives only as a legal right under Article 300A.¹⁴ Article 21 has been expanded enormously by the judiciary to include privacy, dignity, a clean environment, education, health, speedy trial and the right to die with dignity, among much else, and Article 21A guarantees free and compulsory education to children aged six to fourteen. Dr. Ambedkar described Article 32, which empowers the Supreme Court to issue the five great writs for the enforcement of the Fundamental Rights, as the very heart and soul of the Constitution.¹⁵

B. Suspension, limitation and amendment of Fundamental Rights

During a national emergency proclaimed under Article 352, the enforcement of most Fundamental Rights can be suspended, though with important safeguards introduced by the Constitution (Forty-fourth Amendment) Act, 1978. Article 358 provides for the automatic suspension of the Article 19 freedoms, but only where the emergency is declared on the ground of war or external aggression, not armed rebellion. Article 359 empowers the President to suspend the right to move any court for the enforcement of specified Fundamental Rights during the emergency, but the President cannot suspend the enforcement of Articles 20 and 21, which remain enforceable at all times. This change, introduced after the abuses of the 1975–77 Emergency highlighted in cases such as *ADM Jabalpur v. Shivakant Shukla*, ensures that the core protections against arbitrary deprivation of life and liberty can never again be switched off.¹⁶

¹³ INDIA CONST. arts. 14–32.

¹⁴ INDIA CONST. arts. 21A, 300A.

¹⁵ INDIA CONST. arts. 21, 21A, 32.

¹⁶ INDIA CONST. arts. 352, 358, 359; INDIA CONST. arts. 358, 359, amended by The Constitution (Forty-fourth Amendment) Act, 1978; *ADM Jabalpur v. Shivakant Shukla*, AIR 1976 SC 1207 (India).

Fundamental Rights are, moreover, not absolute and may be qualified or restricted.¹⁷ Article 19 itself permits reasonable restrictions in clauses (2) to (6), and other rights are subject to similar limitations in the interests of public order, morality or health. Nor is Parliament's amending power under Article 368 boundless. In *Kesavananda Bharati v. State of Kerala*, decided by a thirteen-judge bench by a 7:6 majority, the Supreme Court overruled *I.C. Golak Nath v. State of Punjab*, which had held that Parliament could not amend Part III so as to take away or abridge the Fundamental Rights, and established the basic structure doctrine instead: Parliament may amend any provision, including the Fundamental Rights, but cannot damage or destroy the basic features of the Constitution. The features identified in that case and in later decisions include the supremacy of the Constitution, the republican and democratic form of government, secularism, separation of powers, federalism, the rule of law, judicial review, judicial independence, and the core of equality, liberty and dignity embodied in Articles 14, 19 and 21. The doctrine has since served as a cornerstone of Indian constitutional jurisprudence. The Fundamental Rights in Part III are often described as natural and primordial human rights; a law made in contravention of them is void to the extent of the contravention under Article 13, and the Supreme Court remains, in the words of Patanjali Sastri, C.J., a "sentinel on the qui vive".¹⁸

III. A DETAILED DISCUSSION OF THE DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy have not been made enforceable in a court of law, but that does not mean that they are not fundamental to the governance of the country. Article 37 declares that the provisions of Part IV "shall not be enforceable by any court, but the principles therein 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". In that sense they are as fundamental as the Fundamental Rights.¹⁹ The difference is that the Fundamental Rights are enforceable and civil and political in character, whereas the Directive Principles are economic and social in nature.²⁰ The Fundamental Rights are essentially limitations on government, in a negative sense; the Directive Principles are not so much limitations as signposts showing the path forward.²¹ Because the Directive Principles are not enforceable in a court of law, the

¹⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, AIR 2017 SC 4161 (India).

¹⁸ *Kesavananda Bharati*, AIR 1973 SC 1461; *I.C. Golak Nath v. State of Punjab*, AIR 1967 SC 1643 (India); *State of Madras v. V.G. Row*, AIR 1952 SC 196 (India) (Patanjali Sastri, C.J.); INDIA CONST. arts. 13, 368.

¹⁹ INDIA CONST. art. 37.

²⁰ *Akhil Bharatiya Soshit Karamchari Sangh (Railway) v. Union of India*, (1981) 1 SCC 246 (India).

²¹ *Id.*; see also *In re Ramlila Maidan Incident v. Home Secretary, Union of India*, (2012) 5 SCC 1, 42 (India).

remedy for their neglect lies in political action: the people can vote a government out of power for failing to apply them.²² Once a law has been made giving effect to a Directive Principle, however, that law can be enforced in court like any other.²³

The Constitution-makers followed the model of the Constitution of Eire (Ireland), which set out certain principles of social policy for the guidance of the State, not cognisable by any court.²⁴ The Directive Principles are set out in Articles 38 to 51. Articles 39A, 43A and 48A were inserted by the 42nd Amendment in 1976,²⁵ clause (2) was added to Article 38 by the 44th Amendment in 1978, and Article 45 was substituted by the 86th Amendment in 2002.²⁶ The Directive Principles are commonly grouped into those that aim at a welfare state, those that aim at equality of status and opportunity, and those in the nature of individual rights. A parallel classification groups them as socialistic, Gandhian and liberal-intellectual.

Originally, the Directive Principles were more akin to moral than to legal precepts. The main idea underlying them was that they would serve an educational purpose and act as a restraint on those who come to power, who would have to respect these principles in exercising it and would be held accountable not before a court but before the electorate.²⁷ Dr. Ambedkar told the Constituent Assembly that whoever captured power would have to answer for breach of these principles before the electorate at election time; accountability for their enforcement was thus deliberately left to the political process.²⁸ The Directive Principles, though non-enforceable, have profoundly shaped India's legislative and administrative policies. They inspired the vision of a socialist pattern of society, guided economic planning towards constitutional goals, restructured the agrarian system, diluted the absolute nature of the right to property, and expanded the public and industrial sectors. Despite these achievements, gaps in implementation persist.

The reason for the non-enforceability of the Directive Principles is that they impose positive obligations on the State, and in taking positive action the government functions under several constraints, the most crucial of which is financial resources. The framers, taking a pragmatic

²² 7 CONSTITUENT ASSEMBLY DEBATES 494–95 (Nov. 19, 1948) (Lok Sabha Secretariat photo. reprint 2014) (speech of B.R. Ambedkar); see also *Property Owners Ass'n v. State of Maharashtra*, 2024 INSC 835, ¶¶ 149–54 (India) (discussing Ambedkar's explanation of economic democracy and of accountability to the electorate).

²³ INDIA CONST. art. 37; see *Akhil Bharatiya Soshit Karamchari Sangh*, (1981) 1 SCC 246.

²⁴ Constitution of Ireland, 1937, art. 45.

²⁵ INDIA CONST. arts. 38–51; INDIA CONST. arts. 39A, 43A, 48A, inserted by The Constitution (Forty-second Amendment) Act, 1976.

²⁶ INDIA CONST. arts. 38, 45; INDIA CONST. art. 38(2), inserted by The Constitution (Forty-fourth Amendment) Act, 1978; INDIA CONST. art. 45, substituted by The Constitution (Eighty-sixth Amendment) Act, 2002.

²⁷ 7 CONSTITUENT ASSEMBLY DEBATES 41–42 (Nov. 4, 1948) (Lok Sabha Secretariat photo. reprint 2014).

²⁸ *Id.*

view, refrained from giving teeth to these principles, believing more in awakened public opinion than in court proceedings as the ultimate sanction for their fulfilment.²⁹ A court cannot issue a writ of mandamus directing the government to fulfil a Directive Principle. The Supreme Court has repeatedly reiterated that it has no power to give directions for their enforcement, since they create no justiciable right in favour of any individual.³⁰ The courts are nevertheless bound, as the Court put it in *U.P. State Electricity Board v. Hari Shankar Jain*, “to evolve, affirm and adopt principles of interpretation which will further and not hinder the goals set out in the Directive Principles of State Policy”.³¹ Article 38 directs the State to strive to promote the welfare of the people by securing a social order in which justice, social, economic and political, shall inform all the institutions of national life. Article 39 directs the State to secure an adequate means of livelihood, the equitable distribution of material resources, the prevention of the concentration of wealth, equal pay for equal work, and the protection of workers and children from abuse.³² Article 39A obliges the State to promote equal justice and to provide free legal aid, a mandate that the Supreme Court treated as essential to a reasonable, fair and just procedure in *Hussainara Khatoon v. Home Secretary, State of Bihar*.³³ Article 41 directs the State, within the limits of its economic capacity and development, to secure the right to work, to education and to public assistance. Article 42 provides for just and humane conditions of work and maternity relief. Article 43 directs the State to secure a living wage and decent conditions of work.³⁴

Article 44, which directs the State to endeavour to secure a Uniform Civil Code, has proved the most contested of all the Directive Principles. In *Mohd. Ahmed Khan v. Shah Bano Begum* (1985), the Supreme Court observed that Article 44 had remained a “dead letter” and that the State should take the initiative. In *Sarla Mudgal v. Union of India* (1995), the Court requested the Government of India to have a fresh look at Article 44, and in *John Vallamattom v. Union of India* (2003) it regretted that Article 44 had not been given effect to, observing that Parliament was still to step in for framing a common civil code. But in *Pannalal Bansilal Pitti v. State of Andhra Pradesh*, the Court observed that although a uniform law is highly desirable, enacting

²⁹ LAXMIKANTH, *supra* note 3, at 158–62; INDIA CONST. art. 37.

³⁰ *Lily Thomas v. Union of India*, (2000) 6 SCC 224, 251–52 (India); *see also U.P. State Electricity Board v. Hari Shankar Jain*, (1978) 4 SCC 16, AIR 1979 SC 65 (India).

³¹ *Hari Shankar Jain*, (1978) 4 SCC 16; *see also Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645, 651–52, AIR 1993 SC 2178 (India).

³² INDIA CONST. arts. 38–39.

³³ INDIA CONST. art. 39A; *Hussainara Khatoon (IV) v. Home Secretary, State of Bihar*, (1980) 1 SCC 98, 107–08 (India).

³⁴ INDIA CONST. arts. 41–43.

it in one go may be counter-productive. The implementation of a Uniform Civil Code remains a distant prospect.³⁵

Article 45 directs the State to provide early childhood care and education for all children until they complete the age of six years, and Article 46 directs the State to promote the educational and economic interests of the weaker sections. Article 47 makes it a primary duty of the State to raise the level of nutrition and the standard of living and to improve public health. Article 48 directs the State to organise agriculture and animal husbandry on modern and scientific lines and to take steps to prohibit the slaughter of cows and calves and other milch and draught cattle. Article 48A directs the State to protect and improve the environment and to safeguard forests and wildlife, a provision the courts have read together with Article 21. Article 49 requires the State to protect every monument, place or object of artistic or historic interest declared to be of national importance from spoliation, disfigurement, destruction, removal, disposal or export. Article 50 directs the State to take steps to separate the judiciary from the executive in the public services of the State. Article 51 directs the State to promote international peace and security.³⁶

The Directive Principles of State Policy have been moderately effective in promoting social and economic justice. They have powerfully shaped legislation and judicial interpretation, but their non-justiciable character, patchy implementation and persistent inequalities show clear limitations. Starting from the early conflict in *Champakam Dorairajan*, where the Fundamental Rights prevailed over the Directive Principles, the Supreme Court progressively adopted the doctrine of harmonious construction, first in *In re Kerala Education Bill* and then, treating the two Parts as complementary, from *Kesavananda Bharati* onwards, reading socio-economic entitlements drawn from the Directive Principles into the justiciable Fundamental Rights. Article 21 in particular draws on the Directive Principles for the rights to livelihood, education, health, a clean environment and legal aid, and thereby enforces the Directive Principles indirectly. More recently, in *Property Owners Association v. State of Maharashtra* (2024), a nine-judge bench held that Article 31C (inserted by the 25th Amendment), to the extent that it was upheld in *Kesavananda Bharati*, remains in force, while holding that not every privately owned resource is a “material resource of the community” under Article 39(b). The State may

³⁵ *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945 (India); *Sarla Mudgal v. Union of India*, AIR 1995 SC 1531 (India); *John Vallamattom v. Union of India*, AIR 2003 SC 2902 (India); *Pannalal Bansilal Pitti v. State of Andhra Pradesh*, AIR 1996 SC 1023 (India).

³⁶ *Indra Sawhney v. Union of India*, AIR 1993 SC 477 (India); *M.C. Mehta v. Kamal Nath*, AIR 2000 SC 1997 (India); INDIA CONST. arts. 45, 47, 48A, 51.

thus rely on the Directive Principles to justify the equitable distribution of resources, but such laws must still meet constitutional standards.³⁷

IV. ORIGINAL INTENT OF THE FRAMERS AND COMPARATIVE PERSPECTIVES

When the framers of the Indian Constitution, guided by Dr. B.R. Ambedkar as Chairman of the Drafting Committee, set out to design Parts III and IV, they envisioned them as two pillars working hand in hand. The Fundamental Rights were meant to secure political democracy by guaranteeing citizens enforceable freedoms, while the Directive Principles were crafted to lay the foundation for socio-economic democracy through the long-term goals of a welfare state. This vision drew on global inspirations and on India's own struggle for independence: the Fundamental Rights echoed the spirit of the American Bill of Rights and the French Declaration of the Rights of Man, while the Directive Principles borrowed heavily from the Irish Constitution of 1937, infused with socialist ideals and Gandhian values.³⁸

The framers viewed the Fundamental Rights as justiciable guarantees and negative obligations on the State: prohibitions against arbitrary action that protect individual liberty, equality and dignity against State overreach, and that were meant to be immediately enforceable through the courts, especially through Article 32, which Dr. Ambedkar called the heart and soul of the Constitution. Their core intent was to prevent the recurrence of colonial-era repression, to safeguard minorities and to establish the rule of law.³⁹

Dr. B.R. Ambedkar described the Directive Principles as “a novel feature in a Constitution framed for Parliamentary Democracy”, representing positive obligations of the State to promote social and economic justice and to establish a welfare state.⁴⁰ Their non-justiciability is expressly stated in Article 37.⁴¹ Ambedkar's statements to the Constituent Assembly on 4 and 19 November 1948 made clear that the Directive Principles were not intended as “mere pious declarations” or window-dressing: they were to be “the basis of all executive and legislative action”, and a government resting on the popular vote could not ignore them without having to answer for that before the electorate, the ballot-box sanction. The framers consciously made the

³⁷ *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226, [1951] SCR 525 (India); *In re Kerala Education Bill*, 1957, AIR 1958 SC 956, [1959] 1 SCR 995 (India); *Kesavananda Bharati*, AIR 1973 SC 1461; *Minerva Mills*, AIR 1980 SC 1789; *Property Owners Ass'n*, 2024 INSC 835, ¶ 229.

³⁸ AUSTIN, *supra* note 8, at 50–55; B. SHIVA RAO, THE FRAMING OF INDIA'S CONSTITUTION: A STUDY 202–08 (1968); U.S. Const. amends. I–X; Declaration of the Rights of Man and of the Citizen (Fr. 1789), in THE FRENCH REVOLUTION AND HUMAN RIGHTS: A BRIEF DOCUMENTARY HISTORY 52 (Lynn Hunt ed. & trans., 2d ed. 2016); Constitution of Ireland, 1937.

³⁹ INDIA CONST. arts. 19, 21; BASU, *supra* note 6.

⁴⁰ 7 CONSTITUENT ASSEMBLY DEBATES 41 (Nov. 4, 1948) (Lok Sabha Secretariat photo. reprint 2014) (speech of B.R. Ambedkar).

⁴¹ INDIA CONST. art. 37.

Directive Principles non-justiciable because the immediate enforcement of socio-economic rights was impractical given India's poverty, the aftermath of Partition and the limited resources of 1947–49. They preferred political accountability to judicial enforcement for these positive goals.⁴²

The framers never saw Parts III and IV as rivals locked in inevitable conflict. Their division was born not of philosophical opposition but of practical concerns: rights that could be enforced immediately were placed in Part III, while long-term socio-economic goals were set out in Part IV. The relationship was intended to be complementary, the Fundamental Rights providing the protective framework of individual liberty and the Directive Principles guiding the State towards social and economic justice, with harmony and not hierarchy as the guiding principle.⁴³

The framers believed that the Directive Principles would gradually take shape through legislation and governance without undermining the guarantees of Part III. Their vision of harmony later inspired the judicial doctrine of harmonious construction.⁴⁴ Over time, however, the courts went beyond the framers' strict textual intent and engaged in judicial activism, for instance by reading socio-economic directives into Article 21 and expanding its scope.⁴⁵

India's framers were not working in isolation. The Irish Constitution of 1937 had already set out "Directive Principles of Social Policy" as broad, non-enforceable guidelines, and India adopted this model. The South African Constitution of 1996, by contrast, makes socio-economic rights legally enforceable guarantees, and the Portuguese Constitution of 1976 and several Latin American charters expressly enshrine socio-economic rights as enforceable commitments. India chose a middle path, keeping the Directive Principles non-justiciable while ensuring that the Constitution carried a transformative mandate. Over the years, Indian courts have bridged this gap by interpreting the Fundamental Rights in the light of the Directive Principles.⁴⁶

The Supreme Court of India has time and again reiterated that, although the Directive Principles are not enforceable in courts because they create no justiciable rights in favour of any person, the courts are nevertheless bound "to evolve, affirm and adopt principles of interpretation which will further and not hinder the goals set out in the Directive Principles of State Policy". In

⁴² 7 CONSTITUENT ASSEMBLY DEBATES 41–42, 476–77, 494 (Lok Sabha Secretariat photo. reprint 2014).

⁴³ AUSTIN, *supra* note 8, at 50–55; SHIVA RAO, *supra* note 38, at 202–08; 7 CONSTITUENT ASSEMBLY DEBATES 494–95 (Nov. 19, 1948) (Lok Sabha Secretariat photo. reprint 2014); H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA 1556–60 (4th ed. 1993).

⁴⁴ AUSTIN, *supra* note 8, at 50–55; SHIVA RAO, *supra* note 38, at 202–08; *State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310 (India).

⁴⁵ *Maneka Gandhi*, (1978) 1 SCC 248; *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161, AIR 1984 SC 802 (India).

⁴⁶ Constitution of Ireland, 1937, art. 45; Constituição da República Portuguesa [C.R.P.] arts. 58–79; S. Afr. Const., 1996, §§ 7–39; INDIA CONST. arts. 36–51.

Workmen of Meenakshi Mills Ltd. v. Meenakshi Mills Ltd., the Court went further and held that a restriction on a Fundamental Right “which has the effect of promoting or effectuating a directive principle can be presumed to be a reasonable restriction in public interest”. In the words of Chinnappa Reddy, J. in *Akhil Bharatiya Soshit Karamchhari Sangh (Railway) v. Union of India*, “[t]he Directive Principles should serve the Courts as a code of interpretation. Fundamental Rights should thus be interpreted in the light of the Directive Principles and the latter should, whenever and wherever possible, be read into the former.”⁴⁷

V. JUDICIAL DECISIONS ON SUPERIORITY BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

In *State of Madras v. Champakam Dorairajan*, the Court held that the Fundamental Rights are enforceable and the Directive Principles are not, so that where an enforceable right conflicts with a non-enforceable directive, the enforceable right prevails: “The directive principles of State policy have to conform to and run as subsidiary to the Chapter of Fundamental Rights.” Parliament’s response was the Constitution (First Amendment) Act, 1951, which inserted Article 15(4).⁴⁸

The Supreme Court soon softened this rigid position. In *In re Kerala Education Bill, 1957*, Das, C.J. reaffirmed that the Directive Principles cannot override the Fundamental Rights, but held that in determining the scope and ambit of the Fundamental Rights 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”.⁴⁹

In *Kesavananda Bharati v. State of Kerala*, the Court built on this emphasis on harmonious construction and treated the Fundamental Rights and the Directive Principles as fundamental in nature and as complementary and supplementary to each other. Shelat and Grover, JJ. held that “[b]oth Parts III and IV which embody them have to be balanced and harmonised”, and Ray, J. observed that it could not be said “that the fundamental rights are superior to Directive Principles in our Constitution”. The Court thus came out against any superiority of one Part over the other.⁵⁰ Section 4 of the Constitution (Forty-second Amendment) Act, 1976 then went

⁴⁷ *Hari Shankar Jain*, (1978) 4 SCC 16; *Workmen of Meenakshi Mills Ltd. v. Meenakshi Mills Ltd.*, (1992) 3 SCC 336, AIR 1994 SC 2696 (India); *Akhil Bharatiya Soshit Karamchhari Sangh*, (1981) 1 SCC 246 (Chinnappa Reddy, J.).

⁴⁸ *Champakam Dorairajan*, AIR 1951 SC 226; INDIA CONST. art. 15(4), inserted by The Constitution (First Amendment) Act, 1951; INDIA CONST. art. 29(2).

⁴⁹ *In re Kerala Education Bill*, AIR 1958 SC 956, [1959] 1 SCR 995 (Das, C.J.).

⁵⁰ *Kesavananda Bharati*, AIR 1973 SC 1461 (Shelat & Grover, JJ.; Ray, J.).

further, extending Article 31C so that a law giving effect to any of the Directive Principles could not be challenged as inconsistent with Articles 14, 19 or 31. This change would have made the Directive Principles as a whole superior to key Fundamental Rights, but in *Minerva Mills Ltd. v. Union of India* the Supreme Court, by a majority of four to one, struck down section 4 as beyond Parliament's amending power. As a result, only laws giving effect to Article 39(b) (distribution of the material resources of the community) and Article 39(c) (prevention of the concentration of wealth) remain protected against challenge under Articles 14 and 19. In *Minerva Mills*, the Court held that the "harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution". Outside the protection that Article 31C continues to give to laws under Article 39(b) and (c), the Directive Principles therefore have no primacy over the Fundamental Rights; both stand on the same level, and where an apparent conflict arises it is for the court, exercising its power of judicial review, to resolve it. Drawing on Granville Austin, Chandrachud, C.J. wrote that "Parts III and IV are like two wheels of a chariot, one no less important than the other. You snap one and the other will lose its efficacy." There is thus a need for balance between the two Parts; neither is superior.⁵¹

VI. CRITICAL ANALYSIS: HOW JUDICIAL ACTIVISM HAS TRANSFORMED DIRECTIVE PRINCIPLES INTO ENFORCEABLE DIMENSIONS OF FUNDAMENTAL RIGHTS

The judicial transformation of the relationship between Fundamental Rights and Directive Principles has been most visible in the expansion of socio-economic rights under Article 21, while constitutional balance has been preserved through the basic structure doctrine. Initially, the Fundamental Rights were given priority over the Directive Principles, as in *Champakam Dorairajan*, but over time the judiciary creatively interpreted Article 21 to incorporate socio-economic entitlements such as livelihood, health, education and a clean environment, effectively converting parts of the Directive Principles into enforceable rights. *Kesavananda Bharati* established that Parliament's amending power under Article 368, though wide, is not unlimited, and introduced the basic structure doctrine. *Minerva Mills* later reaffirmed this balance by striking down the provision of the 42nd Amendment that sought to give the Directive Principles primacy over the Fundamental Rights, emphasising that the two are complementary and that neither can dominate the other. The extent of this transformation lies in the courts'

⁵¹ INDIA CONST. art. 31C, inserted by The Constitution (Twenty-fifth Amendment) Act, 1971; INDIA CONST. art. 31C, amended by The Constitution (Forty-second Amendment) Act, 1976, § 4; *Minerva Mills*, AIR 1980 SC 1789 (holding, by four to one, § 4 of the Forty-second Amendment Act void).

ability to expand Article 21 into a broad repository of socio-economic rights; its limits are defined by the basic structure doctrine, which ensures that such expansion does not undermine essential liberties or constitutional equilibrium.⁵²

This process, driven by post-Emergency judicial activism and Public Interest Litigation, has expanded socio-economic rights while remaining anchored in the basic structure doctrine. The turning point came with the assertion of judicial activism after the Emergency (1975–77), through PIL and a purposive, expansive reading of constitutional provisions. The Supreme Court adopted the doctrine of harmonious construction, viewing the Fundamental Rights and the Directive Principles as the “two wheels of a chariot” of constitutional progress: complementary and supplementary, not hierarchical. After *Maneka Gandhi v. Union of India*, which required that any procedure depriving a person of life or liberty be fair, just and reasonable, and which read dignity into Article 21, the Court systematically read the Directive Principles into the Fundamental Rights. Article 21 became the primary vehicle for incorporating socio-economic rights, expanding the right to life to mean the right to live with human dignity. This is not the direct enforcement of the Directive Principles but their use as interpretive aids to define the scope and content of the Fundamental Rights.⁵³

VII. LANDMARK CASES

Right to livelihood and work. In *Olga Tellis v. Bombay Municipal Corporation*, the Court held that the right to livelihood is an integral part of the right to life under Article 21, so that pavement dwellers could be deprived of it only by a fair, just and reasonable procedure. The Court upheld the power of eviction, however, and did not create an absolute constitutional right to alternative shelter or an unconditional right to remain on public pavements: it directed that pavement dwellers censused in 1976 be offered alternative pitches, but expressly “not as a condition precedent” to their removal. On the role of the Directive Principles, the Court held that Article 39(a) (adequate means of livelihood) and Article 41 (the right to work and to public assistance, within the limits of economic capacity) “must be regarded as equally fundamental in the understanding and interpretation of the meaning and content of fundamental rights”.⁵⁴

Right to education. *Mohini Jain v. State of Karnataka* recognised a right to education flowing from Article 21, and *Unni Krishnan, J.P. v. State of Andhra Pradesh* held that every child has a right to free education until he completes the age of fourteen years, beyond which the right is

⁵² *Champakam Dorairajan*, AIR 1951 SC 226; *Kesavananda Bharati*, AIR 1973 SC 1461; *Minerva Mills*, AIR 1980 SC 1789.

⁵³ *Maneka Gandhi*, AIR 1978 SC 597; *Minerva Mills*, AIR 1980 SC 1789; INDIA CONST. art. 21.

⁵⁴ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545, AIR 1986 SC 180 (India); INDIA CONST. arts. 39(a), 41.

subject to the limits of the State's economic capacity and development. This judicial mandate directly spurred the Constitution (Eighty-sixth Amendment) Act, 2002, which inserted Article 21A, making free and compulsory education for children aged six to fourteen a Fundamental Right, and substituted Article 45, which now directs the State to endeavour to provide early childhood care and education for all children until they complete the age of six years.⁵⁵

Right to health. *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* and *Consumer Education & Research Centre v. Union of India* recognised emergency medical care and occupational health as fundamental rights under Article 21, and *State of Punjab v. Mohinder Singh Chawla* reaffirmed that the right to health and medical care is fundamental to life and human dignity.⁵⁶

Right to environment. The *M.C. Mehta v. Union of India* series and *Subhash Kumar v. State of Bihar* embedded the right to a pollution-free environment, and later the principle of sustainable development, within Article 21. Articles 48A and 51A(g) were harmonised with Article 21. In *M.K. Ranjitsinh v. Union of India* (2024), the Supreme Court expressly recognised the “right to be free from the adverse effects of climate change” as part of Articles 21 and 14.⁵⁷

Free legal aid and speedy trial. *Hussainara Khatoon v. Home Secretary, State of Bihar*, one of the earliest public interest litigations, linked speedy trial and legal aid to the guarantee of Article 21, and *M.H. Hoskot v. State of Maharashtra* held that free legal services to an indigent prisoner, to enable an appeal, are part of the fair procedure guaranteed by Article 21, read with Article 39A.⁵⁸

Menstrual health. In *Dr. Jaya Thakur v. Government of India* (2026), the Supreme Court recognised menstrual health and hygiene as part of the right to life and dignity under Article 21, read with Articles 14 and 21A. The right to menstrual health aligns closely with several gender- and health-centred Directive Principles. Article 39(e) and (f) direct the State to ensure that the health and strength of workers, men and women, and the tender age of children are not abused, and that children are protected against exploitation and against moral and material

⁵⁵ *Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666, [1992] 3 SCR 658 (India); *Unni Krishnan*, AIR 1993 SC 2178; INDIA CONST. art. 45, substituted by The Constitution (Eighty-sixth Amendment) Act, 2002; INDIA CONST. art. 21A.

⁵⁶ *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, (1996) 4 SCC 37, AIR 1996 SC 2426 (India); *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42 (India); *State of Punjab v. Mohinder Singh Chawla*, (1997) 2 SCC 83, AIR 1997 SC 1225 (India); *Puttaswamy*, AIR 2017 SC 4161.

⁵⁷ *M.C. Mehta v. Union of India*, (1987) 4 SCC 463 (India); *M.C. Mehta v. Kamal Nath*, AIR 2000 SC 1997; *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 (India); INDIA CONST. arts. 21, 48A, 51A(g); *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280 (India).

⁵⁸ *Hussainara Khatoon (I) v. Home Secretary, State of Bihar*, AIR 1979 SC 1360 (India); *M.H. Hoskot v. State of Maharashtra*, (1978) 3 SCC 544, AIR 1978 SC 1548 (India); INDIA CONST. art. 39A.

abandonment; the Court's directions safeguard the developmental and physiological health of adolescent girls. The ruling also aligns with Article 47, which makes raising the level of nutrition and improving public health a primary duty of the State. By treating menstrual hygiene management as a matter of health and dignity rather than an optional welfare benefit, the Court in effect gave binding force, through Article 21, to goals that Part IV states only as directives.⁵⁹

Right to walk. In *Maniyar Iliyaz v. P. Ayyappan* (2026), the Supreme Court held that the right to walk, including the right to safe, demarcated footpaths, is a fundamental right integral to the freedom of movement under Article 19(1)(d), read with Article 19(1)(a) to (c) and Article 21, and that public authorities bear a corresponding duty to provide and maintain safe pedestrian infrastructure. The ruling can also be read with Part IV: Article 38 directs the State to promote the welfare of the people, and Article 47 directs it to raise the standard of living and improve public health, which connects directly to preventing injuries and deaths among pedestrians.⁶⁰

VIII. STRENGTH AND TRANSFORMATIVE IMPACT

Socio-economic rights drawn from the Directive Principles, once dismissed as mere aspirations, have gradually been transformed into an operational, living instrument for achieving the objectives of a welfare state. Public Interest Litigation marked a turning point in India's constitutional journey: by relaxing procedural barriers, the judiciary democratised access to justice and opened the doors of the courts to marginalised and voiceless groups.⁶¹ Fundamental Rights are often described as “empty vessels” that can be filled with the content of the Directive Principles, a metaphor that captures how the Directive Principles have infused enforceable rights with the spirit of the welfare state.⁶² As *Kesavananda Bharati* recognised, the Fundamental Rights and the Directive Principles are not antagonistic but complementary. The Court there also articulated the basic structure doctrine, which ensures that neither Part can be subordinated to the other, and *Minerva Mills* reinforced it.⁶³

IX. EXTENT, LIMITS AND IMPLICATIONS

The Supreme Court has not directly enforced the Directive Principles, which Article 37 expressly bars, but has systematically used them as interpretive tools to give content to Article 21. This “reading in” approach treats the Directive Principles as aids in defining “life” as living

⁵⁹ *Dr. Jaya Thakur v. Government of India*, 2026 INSC 97 (India) (W.P. (C) No. 1000 of 2022, decided Jan. 30, 2026); INDIA CONST. arts. 39(e)–(f), 47.

⁶⁰ *Maniyar Iliyaz v. P. Ayyappan*, 2026 INSC 647 (India) (decided June 19, 2026); INDIA CONST. arts. 38, 47.

⁶¹ S.P. SATHE, JUDICIAL ACTIVISM IN INDIA: TRANSGRESSING BORDERS AND ENFORCING LIMITS 180–220 (2d ed. 2002).

⁶² *People's Union for Civil Liberties*, (2003) 4 SCC 399.

⁶³ *Kesavananda Bharati*, AIR 1973 SC 1461; *Minerva Mills*, AIR 1980 SC 1789.

with human dignity, converting aspirational socio-economic goals into justiciable positive obligations on the State; this is how Article 21 became the principal constitutional vehicle through which the Directive Principles acquired enforceability. The transformation nonetheless operates within defined boundaries.⁶⁴ Article 37 expressly declares the Directive Principles non-justiciable, so that courts cannot compel the legislature to enact specific laws or direct the executive to make budgetary allocations as though the Directive Principles were themselves Fundamental Rights. The basic structure doctrine, as reaffirmed in *Minerva Mills*, further ensures that Parliament cannot amend the Constitution so as to destroy this equilibrium, since the balance between Parts III and IV is itself part of the basic structure.⁶⁵

Indian environmental jurisprudence shows that, while the courts have expanded Article 21 to encompass environmental rights, they also exercise restraint where the resource implications are heavy, often issuing directions but deferring to executive policy choices, as in *M.K. Ranjitsinh*. Judicial declarations of socio-economic rights sometimes exceed the State's institutional and fiscal capacity, resulting in symbolic rather than substantive enforcement. The judiciary's role is primarily catalytic; substantive realisation depends on executive capacity, legislative prioritisation and citizen participation.⁶⁶

The basic structure doctrine has always been something of a paradox in Indian constitutional law. On the one hand, *Kesavananda Bharati* gave the judiciary the interpretive freedom to read the Directive Principles into the Fundamental Rights. On the other, the same doctrine acts as a brake, insisting that the separation of powers and the limits of Parliament's amending authority remain intact, as the Court made clear in *Minerva Mills*. This creative judicial approach has not formally changed the non-justiciable text of Part IV, yet it has made the Directive Principles a living force in Indian constitutionalism. In a country where governance sometimes falters, this judicial creativity has helped to realise the Constitution's transformative promise without destroying its balance.⁶⁷

Transformative constitutionalism fulfils the Preamble's promise of social and economic justice, and Public Interest Litigation has been one of the most powerful engines of this constitutional change. *M.K. Ranjitsinh* (2024) is a striking recent illustration of how Article 21 can evolve to

⁶⁴ *Bandhua Mukti Morcha*, (1984) 3 SCC 161 (holding that the right to live with human dignity under Article 21 "derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42").

⁶⁵ INDIA CONST. art. 37; *Minerva Mills*, AIR 1980 SC 1789; *Kesavananda Bharati*, AIR 1973 SC 1461.

⁶⁶ *M.K. Ranjitsinh*, 2024 INSC 280; INDIA CONST. art. 21.

⁶⁷ *Kesavananda Bharati*, AIR 1973 SC 1461; *Minerva Mills*, AIR 1980 SC 1789.

meet global challenges while staying rooted in the basic structure doctrine: a balance between innovation and restraint that makes the Constitution a “living document”.⁶⁸

X. DIRECTIVE PRINCIPLES OF STATE POLICY HAVE GIVEN FUNDAMENTAL RIGHTS A NEW DIMENSION

The Directive Principles of State Policy guide the interpretation of the Fundamental Rights. In a number of decisions, the Supreme Court has, with the welfare of the people in view, given certain important Directive Principles what is in effect the status of Fundamental Rights. In *Unni Krishnan, J.P. v. State of Andhra Pradesh*, the directive then contained in Article 45 was raised to the status of a fundamental right: every child has a fundamental right to free education until he completes the age of fourteen years. Similarly, in *Randhir Singh v. Union of India*, the Court held that “equal pay for equal work”, though not expressly declared a fundamental right, is a constitutional goal that can be enforced through Articles 14 and 16 read with Article 39(d). In *M.H. Hoskot v. State of Maharashtra*, free legal aid to an indigent prisoner was held to be part of the right to fair procedure under Article 21. In *Grih Kalyan Kendra Workers' Union v. Union of India*, the Supreme Court accepted that, in view of Article 39(d), “equal pay for equal work” has assumed the status of a fundamental right in service jurisprudence, although it found the principle not violated on the facts of that case.⁶⁹

In *M.R.F. Ltd. v. Inspector, Kerala Government*, the Supreme Court relied heavily on Article 43 to uphold social legislation giving effect to the Directive Principles. In *Gujarat Agricultural University v. Rathod Labhu Bechar*, the Court expressed the hope that the Government, as the guardian of the people and obliged under Article 38 to secure a social order for the promotion of welfare, would endeavour to give maximum relief. Elevated in this way, Directive Principles that were once merely aspirational have become, in effect, enforceable; in this sense they now stand close to the level of fundamental human rights.⁷⁰

XI. CONCLUSION AND RECOMMENDATIONS

Judicial activism is a notable feature of Indian constitutional law, contributing to the enforcement of rights while remaining subject to the limits of the separation of powers. It has harmonised the Directive Principles of State Policy with the Fundamental Rights, transforming

⁶⁸ *M.K. Ranjitsinh*, 2024 INSC 280; INDIA CONST. art. 21.

⁶⁹ *Unni Krishnan*, AIR 1993 SC 2178; *Randhir Singh v. Union of India*, (1982) 1 SCC 618, AIR 1982 SC 879 (India); *M.H. Hoskot*, AIR 1978 SC 1548; *Grih Kalyan Kendra Workers' Union v. Union of India*, (1991) 1 SCC 619, AIR 1991 SC 1173 (India).

⁷⁰ *M.R.F. Ltd. v. Inspector, Kerala Government*, (1998) 8 SCC 227, AIR 1999 SC 188 (India); *Gujarat Agricultural University v. Rathod Labhu Bechar*, (2001) 3 SCC 574, AIR 2001 SC 706 (India); INDIA CONST. arts. 38, 43.

the Constitution from a formal document of liberties into a living instrument that delivers real socio-economic justice to ordinary citizens. Through creative interpretation, the Supreme Court has woven the ideals of the Directive Principles into the expansive fabric of Article 21, guided by harmonious construction, the basic structure doctrine and the idea of human dignity, thereby bridging the old divide between the political freedoms of Part III and the welfare aspirations of Part IV, and giving life to the Preamble's promise of social, economic and political justice for every Indian.⁷¹

From the rights to livelihood and education to health care and a clean environment, and most recently to the right to be free from the adverse effects of climate change recognised in *M.K. Ranjitsinh v. Union of India* (2024), these expansions have done far more than convert non-justiciable goals into enforceable rights. They have breathed practical life into the welfare-state vision in ways the framers could hardly have imagined. Importantly, this activism has not sought to undermine the separation of powers; it has remained anchored in the discipline of the basic structure doctrine, as articulated in *Kesavananda Bharati* and *Minerva Mills*, carefully preserving the balance between Parts III and IV so that the Directive Principles enrich the Fundamental Rights without eclipsing them. Through Public Interest Litigation, the judiciary has opened the doors of justice to millions, prompted important constitutional and legislative changes such as the Constitution (Eighty-sixth Amendment) Act, 2002, and created a culture of accountability.⁷²

Ultimately, this harmonious integration stands as a testament to the judiciary's role as guardian of a living Constitution. By turning once-aspirational Directive Principles into vibrant, enforceable dimensions of Article 21, judicial activism has advanced transformative constitutionalism and strengthened the legitimacy of Indian democracy, helping to ensure that the most vulnerable are not left behind as the nation moves towards a more inclusive and equitable future.

On this basis, the following recommendations are offered.

Strengthen legislative implementation. Parliament and the State Legislatures should take proactive steps to translate the Directive Principles into clear, welfare-oriented laws, reducing the heavy reliance on judicial activism and ensuring that socio-economic goals are achieved through democratic processes.

⁷¹ *Kesavananda Bharati*, AIR 1973 SC 1461; *Minerva Mills*, AIR 1980 SC 1789; SATHE, *supra* note 61.

⁷² *M.K. Ranjitsinh*, 2024 INSC 280; *Olga Tellis*, (1985) 3 SCC 545; *Unni Krishnan*, AIR 1993 SC 2178; *Consumer Education & Research Centre*, (1995) 3 SCC 42; *Subhash Kumar*, (1991) 1 SCC 598.

Judicial prudence. While the courts have played a vital role in harmonising the Directive Principles with the Fundamental Rights, they must continue to exercise restraint. Judicial creativity should complement, not replace, legislative policy-making, preserving the delicate balance between activism and the separation of powers.

Comparative learning. India can benefit from studying models such as those of South Africa, Portugal and Latin America, where socio-economic rights are directly enforceable. Lessons from these jurisdictions could help India gradually strengthen the justiciability of its welfare commitments without destabilising governance.

Policy integration. The Directive Principles should not remain abstract ideals; they need to be woven into national development strategies so that constitutional directives directly shape policy in health, education, the environment and social justice, making the Constitution a living instrument of social change.

Constitutional awareness. Greater public and academic engagement with the Directive Principles is essential. By fostering awareness of their role as the moral compass of governance, citizens and scholars alike can reinforce their identity as the “soul” of the Fundamental Rights and ensure that they remain central to India’s constitutional journey.
