

Topic: Inter-Relationship Between Fundamental Rights And Directive Principles

Name of the Case: State of Madras v. Champakam Dorairajan, AIR 1951 SC 226

Bench: Chief Justice Harilal J Kania, Justice Fazal Ali, Justice M Patanjali Sastri, Justice Mehr Chand Mahajan, Justice B.K. Mukherjea, Justice SR Das, Justice Vivian Bose

Judgment: The Supreme Court while rejecting the argument of Government of India observed that while Fundamental Right was enforceable, DPSPs were not, and so the law made to implement the DPSPs could not take away Fundamental Rights. The DPSPs should confirm, and run as subsidiary, to the Fundamental Rights. The Court observed that the DPSPs, which by Article 37 are expressly made unenforceable by a Court cannot override the provision found in Part III, Fundamental Right, which, notwithstanding, other provisions are expressly made enforceable by appropriate writs, orders or directions under Article 32. The chapter on Fundamental Right is sacrosanct and not liable to be abridged by any legislative or executive act or order, except to the extent provided in the appropriate Article in Part III of the Constitution. The DPSPs have to conform to and run as subsidiary to the chapters on Fundamental Rights.

Maturity in the concept of DPSP and Fundamental Right