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LECTURE NOTE ON HUMAN RIGHT, 200 LEVEL

TOPICS: 1. Fundamental Objectives and Directive Principles of State Policies.

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Introduction:

There is no better way to start this topic- Fundamental Objective and Directive Principles of State Policy than to reproduce, *in extenso*, the apt and lucid remarks of the former Chief Justice of India, **Justice Bhagwati** in the Indian supreme court case of **Minerva Mills Ltd v. Union of India**², thus:

The large majority of people who are living in almost sub human existence in conditions of abject poverty and for whom life is one long unbroken story of want and destitution, notion of individual freedom and liberation though representing some of the most cherished values of a free society would sound as empty words bandied about in the drawing rooms of the rich and well to do, and the only solution for making these rights meaningful to them was to remake the material conditions and usher in a new social order where socio economic justice will inform all institutions of public life so that the preconditions of fundamental liberties for all may be secured. It was necessary to create socio economic conditions in which every citizen would be able to exercise civil and political rights and they would not remain the preserve of a few----fundamental rights are no doubt important and valuable in democracy, but there can be no real democracy without social and economic justice to everyone which is the theme of directive principles. It is the directive principles which nourish the roots of our democracy, provides strength and vigor to it and attempt to make it a real participatory democracy. The dynamic provisions of the directive principles fertilize the static provisions of the fundamental rights.

Strictly speaking, fundamental objectives sections of the constitution of the Federal Republic of Nigeria prescribe the ultimate social, environmental, educational, and economic, cultural goals of government. These are identified aims, goals or objective a

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² A.I.R (1980) S. C, cited in Osita Nnamani Ogbu, *Human Right Law and Practices in Nigeria* (Snaap Press Limited, 2013) 119

state hopes to achieve in order to uplift the living standard of its citizens. Directive principles of state policy on the other hand are the presumed strategies for achieving the fundamental objectives.

Nigeria inherited from England the tradition which assumes that socio economic right by their nature do not lend themselves to judicial enforcement as they are considered as mere manifestos which are out of place in a constitution. The inclusion of a chapter in fundamental objectives and directive principles of state policy in Nigeria in 1979 constitution is according to **Osita NnamaniOgbu**,³ a radical innovation. The objectives and directives were borrowed from the Indian experience while their contents that touch on socio economic rights were largely derived from the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**. According to Professor Mike Ikhariale, many countries that have experienced bad or poor governance saw to create constitutions that contain minimum standards of performance for any government that come into office. It is in this light that the fundamental objectives and directive principles of state policy were introduced into the Nigeria political process in 1979 when the nation returned into constitutional democracy after several years of military dictatorship. The primary motives or primordial intention was that there should be a basic guideline about core values about constitutional democracy that will guide those that will steer the ship of Nigerian administration.

According to the **Constitution Drafting Committee (CDC)** that drafted the 1979 constitution, fundamental objective means the ultimate objective of the nation while directive principle of state policy indicates parts which leads to those objectives⁴ or define the strategies of achieving those ultimate objectives. Fundamental objectives, going by the report of the Constitution Drafting Committee, are ideas towards which the nation is expected to strive while directive principles of state policy lay down the policies which are expected to be pursued in the efforts of the nation to realize the ideals. The very jurisprudence and philosophy adumbrated by the CDC of 1979 constitution for the incorporation of fundamental objectives and directive principles into the constitution was outstandingly elucidated thus:

“Government in developing countries have tended to be preoccupied with power and its material perquisite with scant regard for political idea as to how society can be organized and ruled to the best advantage of all⁵. The 1999 constitution contains a chapter on fundamental objective and directive principle of state policy which is CHAPTER II of the

³ *Human Right Law and Practices in Nigeria* (Snaap Press Limited, 2013) 113

⁴ Simon Uchenna Ortuanya *Human Right in Nigeria, Law, Practice and International Perspective* (Princeton and Associate Publishing Company (2022) 209

⁵ N 3, 114

constitution and according to section 13⁶ “all authorities- legislative, executive and judicial powers are under the duty and responsibility to conform to, observe, and apply the fundamental objective and directive principles of state policy. In given effect to the above, the specimen Oath of Office in the Seventh Schedule to the constitution for certain political office holders contain the following: “that I will strive to preserve the fundamental objective and directive principles of state policy contained in the constitution of the Federal Republic of Nigeria” However by section 6 (6) (c) of the 1999 constitution, the objective and directives are non-justiciable. “The apparent contradiction could only mean that the spirit of the objective and directives principles should inspire and inform judicial interpretations, legislation and executive actions while action to enforce the objectives and directives principles *per se* are not maintainable⁷.

Fundamental Objectives and Directives Principles of State Policy.

The art of governance that direct government to ensure as a matter of state policy the fulfillment of identified fundamental objectives is a culture that pervade the constitution of most emerging democracies for example CHAPTER II of the 1999 constitution contain series of provisions bearing on fundamental objectives such as political objectives, economic objectives, social objectives, education objectives, foreign policy objectives and environmental objectives of the Nigerian government. Unfortunately, and surprisingly too, the lofty aims and bold claims of these fundamental objectives are unenforceable and the albatross is section 6 (6) (c) of the 1999 constitution which prohibits the enforceability of any provision of the fundamental objectives contained in the constitution when it provides that the judicial powers vested in accordance with fore going provision of this section:

“(c) shall not, except as otherwise provided by this constitution, extend to any issue or question by any authority or as to whether any law or judicial decision is in conformity with the fundamental objectives and directive principles of state policy set out in CHAPTER II of this constitution.

Non-Enforceability of Fundamental Objectives.

Non-enforceability simply means the prevention of the power of the court to make a ruling and enforce the violation of the rights. This was judicially confirmed in the case of **AG of Borno State v. Rev J. J. Adamu and Ors⁸**. In that case, the court held that by virtue of

⁶ CFRN 1999 (as amended)

⁷ Okere B O Fundamental Objectives and Directive Principles of State Policy under the Nigerian constitution (1978-1988) 3 Nig. J. R p74 cited in *ibid* n 2, 115

⁸ (1998) 1 NWLR (pt. 427) 681-687

section 6 (6) (c) of the 1979 constitution which is *impari materia* with section 6 (6) (c) of the 1999 constitution of Nigeria, the determination of whether or not any authority or persons is in breach of the provision of CHAPTER II dealing with fundamental objectives has been excluded. Is this non-enforceability a beneficial wrong doing or a democratic demagoguery⁹.

There are essentially three main divergent views or schools of thoughts on the question of inclusion of the non-justiciable objectives and directive principles in the constitution. According to Prof Simon Uchenna Ortuanya¹⁰, one school of thoughts contends that the objective and directive principles should be included in the constitution but should not be justiciable or enforceable. The second school of thought agrees that the objectives and directive principles should be contained in the constitution but contends that they can only be meaningful if they are justiciable. The third school of thought vaguely aligns with the view that the constitution should contain only legal rules are therefore non-legal rules like the objectives and directives should be excluded from the constitution. Which school of thought do you belong? Take a position.

Argument in Favor of Non-Enforceability

1. It's a matter of policy which is the exclusive preserve of the executive arm and which the judiciary may not be seized with the intricacies of executive powers and functions.
2. Their contents are difficult to achieve especially in developing economies that are already burdened with the actualization of the guaranteed civil and political rights coined as fundamental rights
3. It will lead to flood gates of litigation and repeated litigation on the same subject
4. Government of the developing or emerging democracies are unequipped to compound the actualization of fundamental human rights with the more complex and rigorous economics, social and cultural components of fundamental objectives.
5. According to Prof Ben Nwabueze, functions of government, are various. A constitution operating as law and imposing judiciary an enforceable restraint upon government should not abandon its other functions as a source of legitimacy for those political concepts and governmental powers and relations that are by their very nature non-justiciable. Nor should it renounce its function of affirmations of fundamental objectives and ideas or directives principles of government which serve to inform and inspire government actions along desirable lines.¹¹

⁹ A. J Adakole, Philip Faga, Irunka Wilfred "Incorporation Fundamental Objectives and Directives Principles of State Policy in the Constitution of Emerging Democracy "A beneficial wrong doing or a Democratic Demagoguery (Beijing Law Review vol 7 no. 4 2016) p 10

¹⁰ *Ibid* n 4, 211

¹¹ *Ibid* n 2, 116.

6. The constitution drafting committee of the 1999 constitution advanced the argument that if the objectives and directives made enforceable it will lead to constant confrontation between the executive and the legislature on the one hand, and the judiciary on the other hand.
7. It will make judges to make political value judgments if they have to decide whether governmental actions and omission are in line with objectives and directives¹²
8. According to Abiola Ojo,¹³ most of the matters in objectives and directive sections belong to the area of party-political manifestos and therefore should have no place in the constitution, let alone being justiciable.

Argument for the Enforceability of the Fundamental Objectives and Directive Principles of State Policy.

1. The constitution is first and foremost a legal document of fundamental importance and not a moral code and according to **TobiJSC** (as he then was) in **AG of Abia v. AGFederation**¹⁴, the constitution is the *fons et origo*. It is the barometer that measures all statutes. It is the king of all laws and all the three arms of government are slaves of the constitution but not in the sense of undergoing servitude or bondage, but in the sense of total obeisance and loyalty to it.
2. Section 1 (1) CFRN provides that the constitution is supreme and its provisions shall have binding force on all authority and persons throughout the Federal Republic of Nigeria and any infraction of any provision of same, according to John Austin of the positive school of jurisprudence, should attract sanction.
3. According to Chief Obafemi Awolowo, the objectives and directives should not only be contained in the constitution but should be justiciable because social objectives constitute the *raison d'etre*, the bedrock and indeed the original legitimacy of the state. Accordingly, Nigerians cannot afford to leave anything as fundamental as the social objectives to what we amount to party political discretion which some times can be whimsical and capricious¹⁵.
4. It has been argued that a document as sacred as the constitution loses its seriousness and invites public cynicism and odium when it degenerates to the level of making pious declarations which are unenforceable.
5. Need to save the legislative 'ordeal' of having embodied mere moral adjurations and pious declarations the breach of which will not allow the curiosity of the watch dog of the laws of the land- the judiciary.

¹² Nwabueze, B.O, "Fundamental Objectives and Directive Principles of State Policy; Its Nature and functions", in Ofonagoro, *The Great Debate – Nigeria's viewpoint on the Draft Constitution* (Daily times, 1977) 49, Cited in *ibid* n2, 116

¹³ Ojo A. O "The Objectives and Directives must be Expunged in Ofonagoro W p47 cited in n 2, 117

¹⁴ (2006) 16 NWLR pt. 1005) 265 at 381

¹⁵ Awolowo O "My Thoughts" in Ofonagoro, *ibid*, n 2 116

6. Non-justiciability has reduced the whole of CHAPTER II to empty platitude and hollow admonitions which shouldn't have no place in the constitution.

kindly note the ECOWAS court decision in the *Registered trustees of SERAP v. FRN*¹⁶, in which there was application to the ECOWAS court for the enforcement of the right to education guaranteed by the African Charter and some local statutes in Nigeria. The 2nd defendant contended, inter alia, that the educational objective of the 1st defendant, FRN contained in CHAPTER II of the 1999 constitution of Nigeria lies at heart of the plaintiff's suits and that the provision of CHAPTER II of the 1999 constitution are not justiciable. Dismissing the objections, the ECOWAS court held that application before the court was for enforcement of the right to education under article 17 of African Charter on Human and people's right and not a breach of the right to education contained under the CHAPTER II of the 1999 constitution of Nigeria. Therefore, since the plaintiff's application was in pursuance of a right guaranteed by the African charter, the contentions of the 2nd defendants that the right to education is not justiciable as it falls within the directive principles of state policy cannot hold. I submit that the outcome of this case will be different if the matter was taken in Nigeria.

By way of comparative analysis, South Africa has become an international role model by including socio-economic rights as contained under Nigerian fundamental objectives and directives as enforceable rights in its constitution and having an increasing record of enforcing these rights in South African courts. The poor, the vulnerable and disadvantage have access to court. They have brought cases before courts challenging government policies and laws that deprived them of access to social services, resources and opportunities¹⁷. Apart from going to court, everyone has the right to take complains to body like South African Human Right Commission (SAHRC) to get remedy if their socio-economic rights are violated.

The South African constitutional court supported including socio-economic right in the final constitution as could be vividly gleaned having recourse to the case of *Government of the Republic of South Africa & Ors v. Grootboom & Ors*¹⁸. The socio-economic right included in the South African constitution are thus:

1. The right to a healthy environment (section 20 of CFRN, a provision under objectives and directives)
2. Right of access to land, to tenure security, and to land restitution.

¹⁶ Suit no. ECW/ECJ/APP/0808 24 october 2009, reported in Compendium of African Sub Regional of Human Right Document (Pretoria University Law Press, 2010) p 298

¹⁷ *Ibid n 4, 218*

¹⁸ 2000 (11) BCLR 1169 (CC)

3. The right of access to adequate housing and protection against arbitrary evictions and demolitions (**section 16 (2) (d) CFRN 1999**).
4. The right to have access to health care services, including reproductive health care, sufficient food and water, social security, including, if they are unable to support themselves and their dependents, appropriate social assistance. Under this, no one may be refused emergency medical treatment.
5. The right to basic nutrition, shelter, basic health care (for every child that is a person under 18) services and social services. The right to be protected from maltreatment, neglect, abuse or degradation (**section 17 (2) (b), sub 3 (c) and section 16 (2) (d) CFRN 1999**).
6. The right to education etc. (**section 18 (1) CFRN 1999**).

Essence of Fundamental Objectives and Directive Principles of State Policy

1. The objectives and directives constitute the national ideology for a just society.
2. They enshrine the basic principles and philosophy of democracy.
3. The fundamental objectives and directives principles of state policy promotes social justice and popular empowerment which are indispensable for political participation and competition and the exercise of negative rights.
4. The fundamental objectives and directive principles of state policy provide the underlining philosophy for the interpretations of other legislations for other part of the constitution. See the case of **Damisha v. speaker Benue State House of Assembly**¹⁹. The court maintained very pertinently that though the fundamental objectives and directives principles of state policy contained in CHAPTER II of the constitution are not justiciable, they contained guidelines as to what the court should follow when seized of the problems of interpretations of the constitution. Again, in **INEC and anor v. Balarabe Musa and 4 ors**,²⁰ **AyoolaJSC** (as he then was) observed as follows:

.....By **section 14 (1)** of the constitution of the FRN, Nigeria shall be a state based on the principles of democracy and social justice. Political parties are essential organs of the democratic system. They are organs of political discussion and of the formulation of ideas, policies and programs. Plurality of parties widens the channel of political discussion and discourse, engenders plurality of political issues, promote the formulations of competing ideas, policies and programs and generally provides the citizen with a choice of forum for participation in governance, whether as a member of the party in government or of opposition, thereby ensuring the reality of

¹⁹ (1983) 4 NCLR, 625

²⁰ (2003) NWLR pt. 806) 72 at 150

government by discussion which democracy is all about in the final analysis. In the above case the supreme court struck down as unconstitutional the INEC guidelines for the registration of political parties which went beyond section 222 of the constitution. Thus, the objectives and directives though unenforceable may become enforceable indirectly when read together with acts of parliament or other enforceable parts of the constitution.

5. The objectives and directives provide a basis for the emergence of positive law in areas not covered by the substantive provisions of the constitution. Where national assembly or state house of assembly have enacted appropriate laws for the enforcement of the fundamental objectives and directive principles then the provision will become enforceable. In **AG Ondostate and 35 ors v A.G Federation**,²¹ the supreme court observed that court cannot enforce any of the provisions of CHAPTER II of the constitution until the national assembly has enacted specific laws for the enforcement as was done in respect of **section 15 (5)** of the 1999 constitution by the enactment of Corrupt Practices and Other Related Offenses Act 2000.
6. I maintain that Objectives and directives widen the scope of our legal jurisprudence thereby enabling the growth of the law as a living organism.
7. The impact of objectives and directives will be strongly felt if public authorities are established to promote and enforce their observance as required by item 60 (a) of the exclusive legislative list²²
8. If the constitution in another section makes a section or sections of CHAPTER II justiciable it will so be interpreted by the courts. The supreme court held in **FRN v. Anache**²³ that **section 6 (6) (c)** of the 1999 constitution did not foreclose the justiciability of CHAPTER II in its entirety as the sub section provides a leeway by the use of the words "except as otherwise provided by this constitution".
9. The fundamental objectives and directives provide a common standard of the goals and programs of political parties. Accordingly, section 224 of the constitution provides that the program as well as the aims and objectives of any political party in Nigeria shall conform with the provision of CHAPTER II of the constitution. By necessary implications, ***mutatis mutanda***, the fundamental objectives and directives principles are incorporated or deemed to be incorporated into the constitution of political parties. Thus, any political parties elected into office are under obligation to implement them when elected.

²¹ (2002) NWLR (pt. 772) 222

²² See the second schedule to the 1999 constitution. See generally AG Ondo state v. AG federation and 35 ors, (2002) 9 NWLR (pt. 772) 222 the supreme court held that the ICPC is an agency established within the meaning of item 60 (a) of the constitution to promote and enforce the fundamental objectives and directives principles of state policy vide Osita Nnamani Ogbu, n3, 124

²³ (2004) vol 14 WRN 1

10. The fundamental objectives and directives are barometer by which the people can measure the performance of their government **Per Barford-Addo JSC in NPP v. AG Ghana**²⁴.
11. The objectives and directives will serve as a standard of measuring the reasonableness and justifiability of legislation that affect fundamental rights and will be of great assistance to resolving statutory ambiguities.
12. The spirit of the objectives and directives can also be employed to give expressive interpretation to the fundamental rights provisions to the constitution. In **Olga tellis v. Bombaymunicipal corporation**²⁵, the action was filed by slum and pavement dwellers to prevent their eviction from their shelters without provisions for alternative accommodation. They contended the eviction would deprive them of their economic livelihood and hence their right to life under article 21 of the India constitution because their shelters were the only place where they could reside in close proximity to employment. The Supreme Court of India held that an important facet of right to life is the right to livelihood. If the right to livelihood is not treated as part of the constitutional right to life, the easiest of depriving of one of one's life is to deprive one of the means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and its meaningfulness but would make life impossible to live. Deprive a person his right to livelihood and you shall have deprived him of his right to life.
13. The fundamental objectives and directive principles provide the basis for judicial activism for promotion social justice.
14. Lastly the fundamental objectives and directive principles of state policy indicate Nigeria attitude to international by enjoining respect for international law.

The Corpus of the Fundamental Objectives and Directive Principles of State Policy

A. section13 of the constitution provides that it is the duty and responsibility of all organs of government and of all authorities and persons exercising legislative, executive or judicial powers, to conform, observe and apply the provision of this chapter of this constitution. In the case of **A.G Ondo state v A.G federation**²⁶, the court held that the 'contention that section 13 limits the duty and responsibility to conform to, observe and apply the provisions of CHAPTER II only to organs of government and all authorities and persons exercising legislative, executive or

²⁴ (2000) 16 MRN 142 at 161

²⁵ A.I.R, 1992 S.U.P, Ct (1858,1854) (APP 7)

²⁶ 2002 FWLR(Pt111)1972

judicial powers does not take account of the undeniable fact that those organs do not operate entirely within their official cocoons'.....²⁷

- B. **section 14** provides that Nigeria shall be a state based on principle of democracy and social justice. The section further stipulates that sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its powers and authorities. And also, that the security and welfare of the people shall be the primary purpose of government. Continuing the section went further to say that the composition of the government of the federation or any of its agencies and of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need for national unity.... This is also defined with a specificity in section 318 of the constitution. In **Amoshima v State**,²⁸ in this case the accused persons were alleged to have committed robbery while armed and in the process beat the deceased who later died in the hospital. They were therefore arraigned in the high court on charge of armed robbery and conspiracy under Robbery and Fire Arms (Special Provisions) Act 1984. The Supreme Court held in confirming their death sentence, that by virtue of **section 412** of the constitution of the federal republic of Nigeria 1999, the federal and state government can legislate in respect of robbery. This provision is further reinforced in **section 318** of the constitution.
- C. political objectives of the fundamental objectives are contained in **section 15** which provide for national integration and also provide for the motto for the federal republic of Nigeria which shall be Unity and Faith, Peace and Progress while discrimination on the grounds place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited. Freedom from discrimination is also provided for in **section 42** of the constitution. The state is also required to abolish all corrupt practices and abuse of power (sub section 5 of section 15) as the Supreme Court held in **A.G Ondo v A.G Federation**³⁵ ors that the word state in the context of this section includes federal, state and local government
- D. the economic objectives of the nation are stipulated in **section 16**. See the case of **A.G Adamawa state v A.G federation**²⁹. The suit was filed by originating summons before the Supreme Court by Adamawa state challenging the Enactment of the Allocation of Revenue (Abolition of Dichotomy in the Application of the Principle of Derivation) Act 2004. The plaintive averred that they will be short changed by the revenue allocation. The court held that **section 16** of the constitution deals with economic objectives of Nigeria under the Fundamental Objectives and Directive Principles State Policy. There is not connection between the provision of **section 16**

²⁷ A.M. MADEBAYO 1999 *Constitution Of The Federal Republic Of Nigeria(As Amended) Annotated With Cases* (Princeton publishing Company, 2012) 57

²⁸ 2011 ALL FWLR(Pt597) 601w

²⁹ 2006 ALL FWLR(Pt299) 1450

of the constitution and that of the 2004 act. Therefore it cannot validly be argued that 2004 Act is in conflict with the provision of **section 16** of the constitution which has to do with the harnessing the resources of the nation or promoting national prosperity or a dynamic self-reliant economy as opposed to the provision of 2004 Act which has to do with computation of revenue that accrues to state from the federation account. Even if it were, such act is not justiciable by the provision of **section 6 (6)(c)** of the constitution.

- E. **Section 17(1)** provides that the state social order is founded on ideals of freedom equity and justice and in furtherance to the social order, every citizen shall have equality of right, obligation and opportunity before the law, it further provides for the recognition of sanctity of human persons and enhancement of human dignity, government action shall be humane and that exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community shall be prevented while also providing for the independence, impartiality and the integrity of court and easy access to same etc. etc.
- F. **Section 18** provides that government shall direct its policy towards ensuring that there are equal and adequate opportunities at all levels
- G. **Section 19** provides for the foreign policy objectives, sub D provides for respect for international law and treaty obligations.
- H. **Section 20** provides that states shall protect and improve the environment and safeguard the water, air and land, forest and valley and wild life of Nigeria.

Conflict Between Fundamental Rights and the Fundamental Objectives and Directive Principles of State Policy

Naturally, where there is a conflict between fundamental objectives and directive principles of state policy which are non-justiciable and the fundamental rights which are justiciable, such conflict ought and should be resolved in favor of fundamental rights. Interestingly in the case of **Okogie v A.G Lagos state**³⁰, the court of appeal held that **section 18** of the constitution (under fundamental objectives and directives principles) could not nor was it intended to minimize or abrogate the enjoyment of right of freedom of expression guaranteed by the constitution. Similarly, in the case of **Adamu v A.G Borno state**, the court held that were a local authority as in this case, in the implementation of the fundamental objectives and directives principles of state policy adopted the system which infringes on citizens fundamental rights of freedom of religion and freedom from discrimination on ground of religion, that breach of citizens fundamental rights is justiciable, to the extent that the provision on fundamental objectives cannot stand.

³⁰ (1981) 2NCLR 337

This common knowledge that where there is a conflict between the fundamental objectives and directive principles and the fundamental human rights that the former should abate was predominant in Ghana constitution and legal system which made it clear that the provision of fundamental objectives and directive principles cannot over ride that of the fundamental human rights received judicial endorsement in the Ghanaian Supreme Court case of **state of Madras v Champakan Dorairajin**³¹

Ghanaians' jurisprudence has longed departed from the earlier practice and the common approach by the court now is to give statute and executive actions sure interpretation so much so that were they do not conform with the latter and spirits of the fundamental objectives, they are held unconstitutional. The marriage between fundamental objectives and fundamental human rights was lucidly explicated by justice **Chandrachud** in **Kesavananda Barati v state Kerela**³² in themanner here under appearing-

Our decision on this vexed question must depend on the postulates of our constitution, which aims at bringing about a synthesis between fundamental rights and directive principles of state policy, by giving to the former a place of pride and latter a place of permanence. Together, not individually, they form the core to the constitution. Together, not individually, they constitute its true conscience, if the state fails to create conditions in which the fundamental freedoms could be enjoyed by all, the freedom of the few will be at the mercy of the freedom of the many, and then all freedoms will vanish. In other, therefore, to preserve their freedom, the privileged few most part with a portion of it.

Conclusion

Fundamental objectives and directive principles of state policy constitute a charter of hope that contains ultimate objectives towards which the nation is expected to strive as well as the policies which are expected to be pursued in the efforts of the nation to realize its ideals and lofty aspirations. There should be a mutual synthesis between the fundamental objectives and directive principles of state policy on the one hand and human rights provisions under the 1999 constitution on the other hand. Whether the provisions on objectives and directives are

³¹ A.I.R 1951 SC 226

³² A.I.R 1973 SC at 1970

enforceable or not, one thing that cannot be taken away is that they are deservedly necessary towards directing the minds of the courts in the interpretation of some sections of the constitution and also influencing our leaders in decision making towards ensuring that governmental actions are humane.