

The Confrontation between Fundamental Rights and Directive Principles

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The confrontation between Fundamental Rights and Directive Principles of State Policy in India's constitutional

framework is a complex and critical aspect of Indian constitutional jurisprudence. Several historical events and legal cases have shaped this relationship.

Let's delve into these key events and cases:

1. Article 32 - Right to Constitutional Remedies:

- Article 32 of the Indian Constitution grants individuals the fundamental right to move the Supreme Court for the enforcement of their fundamental rights.
- This provision is considered the cornerstone of the Fundamental Rights chapter as it empowers citizens to seek remedies directly from the Supreme Court in case their rights are violated.

2. Kerala Education Bill, 1959:

- The Kerala Education Bill, 1957 (commonly known as the Kerala Shiksha Vidheyak), raised questions about the balance between Fundamental Rights and Directive Principles.

- The legislation, which aimed to regulate private educational institutions, was challenged in the Supreme Court on the grounds that it violated the rights of minorities to establish and administer educational institutions under Article 30(1).
- The case highlighted the tension between the state's desire to regulate education for the common good (Directive Principles) and the rights of minorities (Fundamental Rights).
- The Supreme Court upheld the law but emphasized that regulations must be reasonable and not destroy the essence of the minority rights.

3. 25th Amendment Act, 1971:

- The 25th Amendment Act was enacted to nullify the Supreme Court's judgment in the Golaknath case (1967), which had held that Parliament could not amend Fundamental Rights.
- This amendment sought to clarify that Parliament had the power to amend the Constitution, including the Fundamental Rights chapter, subject to certain limitations.
- It highlighted the tension between judicial interpretation of fundamental rights and parliamentary supremacy.

4. Kesavananda Bharati Case, 1973:

- The Kesavananda Bharati case is a landmark judgment that settled the debate over the extent of Parliament's amending power and the supremacy of the Constitution.

- The case centered on the 24th, 25th, and 29th Amendments to the Constitution.
- The Supreme Court, in a historic decision, ruled that while Parliament could amend the Constitution, it could not alter its basic structure, which included Fundamental Rights.
- This judgment reinforced the idea that certain core principles of the Constitution, including Fundamental Rights, were beyond the reach of legislative amendments.

5. 42nd Amendment Act, 1976:

- The 42nd Amendment Act, often referred to as the "Mini-Constitution," was passed during the Emergency and made significant changes to the Constitution.
- It expanded the scope of Directive Principles and placed them above Fundamental Rights in certain respects.
- This amendment was seen as an attempt to assert the primacy of Directive Principles over Fundamental Rights.
- Subsequent amendments have largely restored the balance between the two.

6. Minerva Mills Case, 1980:

- The Minerva Mills case challenged the 42nd Amendment Act, particularly provisions that gave primacy to Directive Principles over Fundamental Rights.

- The Supreme Court held that while both Fundamental Rights and Directive Principles were important, the former could not be subservient to the latter.
- This judgment reaffirmed the significance of Fundamental Rights and the need for a balance between the two sets of principles.

The confrontation between Fundamental Rights and Directive Principles has been a recurring theme in Indian constitutional history. The balance between individual rights and the collective welfare of society remains a subject of debate and judicial interpretation. The landmark cases and amendments mentioned above have played a pivotal role in shaping this delicate equilibrium, ensuring that the rights of individuals are protected while also considering the broader principles of social justice and the welfare of society.

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