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Q6(a)

"Constitutionally reconciling the Fundamental Rights with the Directive Principles of State Policy has led to frequent amendments of the Constitution and judicial interventions."

Comment

UPSC Civil Services Mains 2021 · PSIR GS 1 · 20 marks · Salient Features of the Indian Constitution

Salient Features of the Indian Constitution: The Preamble, Fundamental Rights and Duties, Directive Principles; Parliamentary System and Amendment Procedures; Judicial Review and Basic Structure doctrine.

Core demand of the question

- "Constitutionally reconciling the Fundamental Rights with the Directive Principles of State Policy has led to frequent amendments of the Constitution and judicial interventions." Comment. (20 marks)

Revision summary

Parts III and IV were one social-revolution design that collides in property, reservation, and welfare.

Champakam triggered the First Amendment and the **Ninth Schedule**.

Golaknath, Kesavananda, and Minerva Mills are the judicial spine of the conflict.

Article 31C tried to immunise directives; Minerva restored harmony rather than supremacy of Part IV.

Amendment plus basic-structure review is the lasting method of reconciliation.

Introduction

- **Parts III and IV were meant as one social-revolution design:** rights that bind at once, and directives that bind the state's conscience. Courts and Parliaments have spent seventy years reconciling them. The sentence is accurate as a history of **Champakam**, the **First Amendment**, **Article 31C**, **Golaknath**, **Kesavananda**, and **Minerva Mills**.

Body

The original tension

- Fundamental Rights are justiciable limits. Directive Principles are non-justiciable aims of welfare, distribution, and village organisation.
- **Granville Austin** said they belong to one seamless web. A landlord's property right and a land-reform directive still collide in a courtroom.
- **Ambedkar** called directives a novel instrument of instruction to the state. He did not make them trump **Article 32**.
- Reconciliation was therefore always going to be political and judicial, not automatic.

Amendments as the first method

- **Champakam Dorairajan** (1951) preferred **Article 29(2)** to a communal-quota policy. Parliament answered with the **First Amendment: Article 15(4), 31A, 31B**, and the **Ninth Schedule**.
- Later property and bank-nationalisation politics produced further property amendments, until the 44th Amendment took property out of Part III.
- **Article 31C**, inserted by the 25th Amendment, tried to give specified Directive Principles immunity against **Articles 14, 19**, and 31.
- The 42nd Amendment attempted to widen 31C to all of Part IV. That was the high tide of "directives over rights" by text.

Judicial interventions

- **Golaknath** (1967) held that Parliament could not amend fundamental rights, a judicial lock that invited still more political counter-amendment.
- **Kesavananda Bharati** (1973) restored amending power but invented basic structure, so reconciliation must now respect constitutional identity.
- **Minerva Mills** (1980) struck the 42nd Amendment's unlimited 31C and said Parts III and IV must be harmonised: directives cannot destroy rights.
- Harmony, not hierarchy, became the official judicial formula. In practice, welfare statutes still need the language of reasonable restriction and of 15(4) and 16(4).

What the cycle shows

- Frequent amendment was not accidental. Formal equality blocked agrarian reform and reservation until the text was changed.
- Judicial intervention was not only conservative. It also expanded **Article 21** into due-process fairness and socio-economic readings, which is another way of absorbing directives into rights.
- **Rawls**'s lexical liberties resemble Minerva's warning: welfare aims cannot erase the fair value of basic liberties.
- **Marxist** critics say the cycle hides property power. The counter is that without Part III, the same state could crush unions and minorities in the name of Part IV.

Comment

- The quoted statement is historically true. Reconciliation produced a chain of amendments and a chain of benches.
- The deeper comment is that Austin's web cannot be sewn once. Each generation reopens land, reservation, and welfare against liberty and equality before the law.
- After Coelho (2007), even **Ninth Schedule** shields face basic-structure review, so the judicial last word continues.

Flow diagram

Part III rights -> Collision

Part IV directives -> Collision

Collision -> Amendments 1st 25th 42nd

Collision -> Champakam Golaknath Kesavananda Minerva

Champakam Golaknath Kesavananda Minerva -> Harmony not hierarchy

Conclusion

Reconciling Fundamental Rights and Directive Principles has indeed driven amendments from 1951 onward and interventions from Champakam to Minerva Mills and Coelho. The founding design wanted both. The working method has been conflict, rewrite, and basic-structure harmony, not a single hierarchy.

Facts & figures

Champakam Dorairajan, 1951

Rights overrode a quota policy; led to **Article 15(4)**.

Article 31C

Inserted by the 25th Amendment to protect laws giving effect to specified Directive Principles.

Kesavananda, 1973

Basic structure limits amendment, including attempts to dissolve rights in the name of directives.

Minerva Mills, 1980

Struck the 42nd Amendment's expansion of 31C; Parts III and IV to be balanced.

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