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Q6(a)

How far do you agree that the Directive Principles of State Policy are more fundamental than the Fundamental Rights in meeting socio-economic justice as mentioned in the Preamble of the Constitution?

UPSC Civil Services Mains 2024 · 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

- **State the Preamble's socio-economic justice and the two instruments:** Part III and Part IV (20 marks)
- **Show the judicial history:** Champakam, Golaknath, Kesavananda, Minerva Mills
- **Answer 'how far':** DPSPs are not more fundamental as justiciable law; they are fundamental as goals that must be pursued without destroying rights
- Reach a reasoned agreement in part

Revision summary

The Preamble's socio-economic justice is pursued through both justiciable Fundamental Rights and non-justiciable Directive Principles.

Article 37 calls Directives fundamental in governance while denying court enforcement, which is the original compromise.

Early property-rights litigation blocked reform; amendments, Kesavananda, and Minerva Mills rebuilt the balance.

Minerva Mills held that making Directives destroy Fundamental Rights would wreck the Constitution's conscience.

Agree that DPSPs are more fundamental as social-justice aims; disagree that they outrank rights as law. Harmony is the constitutional answer.

Introduction

The Preamble promises justice - social, economic, and political. Fundamental Rights in Part III give justiciable liberties. Directive Principles of State Policy in Part IV tell the state to pursue a social order of welfare, work, education, and reduced inequality. The question is whether the Directives are more fundamental than the Rights for that Preamble aim. The honest answer is that they are more fundamental as programme, and not more fundamental as law that can silence liberty.

Body

Two founding tools

Nehru's Objective Resolution already named social and economic justice. **Ambedkar** explained that rights without a social programme would be incomplete, yet he made Part III enforceable and Part IV non-justiciable, a compromise with the Congress socialists and with liberal constitutionalism. **Article 37** says Directives are fundamental in the governance of the country, but not enforceable by any court. That sentence is the constitutional grammar of the question.

If 'more fundamental' means 'what the state must aim at to fulfil the Preamble', the Directives carry the socio-economic load: living wage, equal pay, health, environment, village panchayats, and reduction of inequality. Fundamental Rights, especially **Articles 14, 19, and 21**, also serve socio-economic justice when courts read them as capabilities against destitution and arbitrary state power. They are not only a property-owner's charter, though **Article 19** and the old **Article 31** were often used that way.

Judicial path

Early cases treated property and equality as trumps against agrarian reform. The First Amendment and later amendments tried to shield zamindari abolition and other measures. **Golaknath** limited amending power. **Kesavananda Bharati** (1973) saved a basic structure that includes both liberty and the Constitution's identity, and accepted that amendment could pursue social justice within that structure. **Minerva Mills** (1980) is the decisive comment on this question. The Court struck down a clause that would have made Directive Principles immune from challenge even when they destroyed Fundamental Rights. It held that Parts III and IV together are the conscience of the Constitution. To destroy rights in the name of Directives, or to freeze Directives in the name of a rigid rights reading, would unbalance the founding design.

How far to agree

One should agree that socio-economic justice in the Preamble cannot be met by civil liberties alone. Land reform, labour protection, education, and health need Part IV and legislation. In that sense Directives are more fundamental as the charter of social transformation.

One should not agree that they are more fundamental in the hierarchy of justiciability. A state that jails the poor's speech in the name of a plan has not met justice. **Rawls's lexical priority of basic liberties is a theoretical cousin of Minerva Mills: welfare is required, but not by erasing equal citizenship.** **Habermas** would add that socio-economic aims still need public justification, not only a planning commission's decree.

Indian practice after the 1970s - expansion of **Article 21**, rights to education and information, and the basic-structure shield - treats the two parts as complementary. The **Planning Commission's** old growth-and-plan state sometimes spoke as if Directives outranked rights. The constitutional settlement after **Minerva Mills** is harmony, not a victory of Part IV over Part III.

Flow diagram

Preamble justice -> Part III rights
Preamble justice -> Part IV DPSPs
Kesavananda -> Basic structure
Minerva Mills -> Harmony of III and IV
Harmony of III and IV -> Preamble justice

Conclusion

Directive Principles are more fundamental than Fundamental Rights as the Preamble's socio-economic programme that the state must pursue. They are not more fundamental as enforceable law that may abolish liberty. Kesavananda and Minerva Mills require harmony. The Preamble is met only when both parts work: social justice through policy, and equal rights that keep that policy from becoming unchecked power.

Facts & figures

Article 37

Directives are not enforceable by courts but are fundamental in the governance of the country, and it is the duty of the state to apply them in making law.

Kesavananda Bharati, 1973

Parliament's amending power cannot destroy the Constitution's basic structure; social-justice amendments must still respect that identity.

Minerva Mills, 1980

The Supreme Court invalidated a 42nd Amendment clause that subordinated Fundamental Rights to Directive Principles, insisting on harmony.

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