

CHAPTER 34

Harmonisation of Fundamental Rights and Directive Principles

By Sakcham Singh Parmar

INTRODUCTION

The Constitution, for the first time, enshrined a system where rights were complemented by obligations. What the Constitution did was to combine individual liberty, dealt with in Part III, with social justice that would be detailed in Part IV.¹³²⁷ Such dualism reflected the aspirations of the framers; they wanted to set up both a liberal democratic state and a welfare state. They inherited the mix of justiciable civil-political rights from the British crown-colony experience. Besides these, they introduced a whole new range of non-justiciable "Directive Principles". The Irish experience had inspired them in this respect.¹³²⁸ From the very beginning, something that leaders such as B.R. Ambedkar argued that the Directive Principles were "instructions to the future legislature" or "the moral core of governance," but not enforceable by courts. The Constituent Assembly explicitly provided (Article 37) for the Principles to be very "fundamental in the governance of the country" but "not enforceable by any court."¹³²⁹ In his keynote role, Dr. Ambedkar insisted that both adjectives "Fundamental" and "Directive" be preserved, stressing that these guidelines must remain binding directions for state policy even if they are not judicially enforceable. The Principles were to be the very "soul of the Constitution," Ambedkar declared, and would guide all future legislation.¹³³⁰ Granville Austin was cited by constitutional scholars who echoed this vision: he famously called the DPSPs the "conscience of the

¹³²⁷ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, London, 1966).

¹³²⁸ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, London, 1966).

¹³²⁹ *The Constitution of India*, Art. 37 (Government of India)

¹³³⁰ B.R. Ambedkar, *Constituent Assembly Debates*, Vol. VII (Government of India, New Delhi, 1948-1950).

Constitution."¹³³¹ H.M. Seervai noted that the Directive Principles were woven into the Preamble's promise of an equitable social order.¹³³²

The Part III-Part IV dichotomy was, of course, an intentional synthesis. The Preamble itself pledged to establish in the world's most surprising democracy governance wherein social, secular, as well as democratic, would be placed. In concrete terms, the Fundamental Rights (FRs) guaranteed an individualistic, negative-rights framework relating to equality, speech and personal liberty, on which the state would have to refrain from imposing restrictions.¹³³³ The Directive Principles, on the other hand, were concerned with positive socio-economic goals: getting people out of poverty, free schooling, promoting workers' welfare, protecting the environment, gender equality and others. Part III was completed by these Principles in such a way that founding voices, like K.M. Munshi acknowledged them.¹³³⁴ For instance, in the debates on the Uniform Civil Code, he argued that it would not be possible to achieve the promise of equality of the sexes in Article 15 in the absence of necessary legislative reform (a DPSP commitment). Others like Prof. K.T. Shah cautioned, however, that non-justiciable "pious wishes" would mean little unless transformed into enforceable obligations, a plea that the Assembly ultimately rejected.¹³³⁵ Thus, the Constitution deliberately left open the question of enforcement, creating a constitutional mandate for harmony between negative rights and positive goals. Enshrined in Articles 36-51 and 37 were agreements made by the framers that Directive Principles were there to inform and animate laws and policies, but not directly enforced, with a hope that political processes and future courts would eventually have a balanced approach.¹³³⁶

THEORETICAL AND LEGAL FRAMEWORK

¹³³¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, London, 1966).

¹³³² H.M. Seervai, *Constitutional Law of India* (N.M. Tripathi, Bombay, 4th edn., 1991).

¹³³³ H.M. Seervai, *Constitutional Law of India* (N.M. Tripathi, Bombay, 4th edn., 1991).

¹³³⁴ K.T. Shah & K.M. Munshi, *Constituent Assembly Debates* (Government of India, New Delhi, 1948).

¹³³⁵ K.T. Shah & K.M. Munshi, *Constituent Assembly Debates* (Government of India, New Delhi, 1948).

¹³³⁶ Granville Austin, *Working a Democratic Constitution* (Oxford University Press, New Delhi, 1999).

The crucial theoretical issues stem from the delicate balance between Part III and Part IV, are rights and directive goals in opposition to each other, or do they support one another.¹³³⁷ Harmonisation was the general understanding of them by Indian jurisprudence in its nascent stages.¹³³⁸ Directive Principles may be non-justiciable; however, Article 37 implicitly commands judges to "apply" them while interpreting provisions other than those mentioned.¹³³⁹ Judges and theorists alike have long observed that the Constitution's "basic structure" has within its designated bounds both the FRs and the underpinnings of the DPSPs.¹³⁴⁰ The theory of constitutionalism that emerges from this: rights are available to individuals, and principles steer governments toward welfare. It is not a static "suicide pact," but rather a dynamic living document that requires the courts to read rights in light of social goals and guiding the legislators to adapt those key freedoms with a high degree of respect.¹³⁴¹

The legal community has articulated this in the form of a doctrine of harmonious construction.¹³⁴² Both Austin and Seervai declare that the Constitution never says one Part supersedes the other; their architecture makes assumptions of equilibrium between them.¹³⁴³ Directive Principles may not bind in a strict sense but have a persuasive effect of turning broad writs of liberty into a "licence to legislate for social justice."¹³⁴⁴ True human dignity in India, to reiterate the work Upendra Baxi did, cannot be founded on civil liberties alone but on socio-economic directives as normative promises that enliven rights with substance.¹³⁴⁵ The same activist judiciary, viewing the Constitution as the living charter of India, has equally argued that DPSPs would be more than token "pious expressions" but incremental sparks to trigger progressive jurisprudence. On the other hand, more formalistic theorists stress that justiciability is a constitutional choice: it does not lead to enforceable rights.¹³⁴⁶ Thus, the Indian framework positions itself between classical liberal constitutions wherein only rights are given precedence and transformative ones, such as South Africa, which embrace social rights as justiciable.¹³⁴⁷

¹³³⁷ S.P. Sathe, *Judicial Activism in India* (Oxford University Press, New Delhi, 2002).

¹³³⁸ Sudhir Krishnaswamy, *Democracy and Constitutionalism in India* (Oxford University Press, New Delhi, 2009).

¹³³⁹ *The Constitution of India*, Art. 37

¹³⁴⁰ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

¹³⁴¹ Upendra Baxi, *The Right to be Human* (Lancer International, New Delhi, 1987).

¹³⁴² *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

¹³⁴³ Granville Austin, *Working a Democratic Constitution* (Oxford University Press, New Delhi, 1999).

¹³⁴⁴ H.M. Seervai, *Constitutional Law of India* (N.M. Tripathi, Bombay, 4th edn., 1991).

¹³⁴⁵ Upendra Baxi, *The Right to be Human* (Lancer International, New Delhi, 1987).

¹³⁴⁶ T.M. Cooley, *Constitutional Limitations* (Little, Brown & Co., Boston, 1868).

¹³⁴⁷ Sudhir Krishnaswamy, *Democracy and Constitutionalism in India* (Oxford University Press, New Delhi, 2009).

Most legally explicit convergence between the two occurred in Article 31C (inserted in 1951), which permitted certain statutes on the basis of DPSPs to override certain FRs. This legislative experiment testifies to the enduring tension, the First Amendment protected land reform (DPSP) even if it impinged on property rights (then an FR).¹³⁴⁸ However, at the end, the Supreme Court was unwilling to consider it overriding Part III. The famous jurist H.M. Seervai lamented the "threat of conflict" in pushing the state too far toward Part IV at the expense of Part III, while Upendra Baxi would argue that such conflicts must be resolved in favour of the Constitution's deep humanistic goals. Comparative constitutional design offers insights here: South Africa's model, for instance, makes social rights justiciable (with resource caveats), leading to a rich jurisprudence of minimum standards. The model adopted in Ireland served as an inspiration to India, as it kept DPSPs non-justiciable in a strict manner; in reality, most scholars would note that those Irish directives have rarely been relied upon in court cases or legislation. Thus, aspirational text does not ensure realisation: it throws some light on the wisdom of the mechanism. Middle paths were thus, hence, evolving in theory: rights and directives supplement and reinforce each other, neither completely subordinating the other. That approach effectively views Part III and Part IV as different sides of the same constitutional promise-promising individual liberty in the first and projecting social justice as a constitutional commitment in the second.¹³⁴⁹

JURISPRUDENTIAL EVIDENCE

Since the Supreme Court began embarking upon the right versus directive doctrine only in 1950, the Court was initially measured in its approach during the early decades. *A.K. Gopalan*(1950) heavily stressed individual liberty and hardly mentioned any socio-economic rights.¹³⁵⁰ In proposals made in the sixties, *Chintaman Rao*¹³⁵¹ and *Sajjan Singh*¹³⁵² et al., though indirectly concerned with DPSPs, established the tenor that Directive Principles were not justiciable

¹³⁴⁸ *The Constitution First Amendment Act, 1950*

¹³⁴⁹ S.P. Sathe, *Judicial Activism in India* (Oxford University Press, New Delhi, 2002).

¹³⁵⁰ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

¹³⁵¹ *Chintaman Rao v. State of Madhya Pradesh*, 1950 AIR 118

¹³⁵² *Sajjan Singh v. State of Rajasthan*, 1965 AIR 845

constraints against statutes. The *Golaknath v. State of Punjab* (1967) decision was an epoch-making one, where a split majority ruled out the possibility of amending fundamental rights out of existence.¹³⁵³ The Golaknath judgment implicitly undercut the standing of DPSPs: it suggested that laws impinging based on fundamental rights could not be justified even on the grounds of Directive Principles, as these principles lacked any enforceable status. In this respect, this early period left fundamental rights in a commanding position.

Thereafter, the balance began to tip following the emergence of the 1971 amendment. The brilliant 13-judge bench of Kesavananda Bharati (1973) produced the "basic structure" theory. In the majority opinion, the main voices, being Justice Sikri, Justice Beg, and Justice Ray, went further in expressly recognising the Directive Principles as a part of the constitutional core.¹³⁵⁴ The Court stated that those ideals in Part IV are intimately bound up with the harmony of the foundations of the Constitution. It declared famously that Parts III and IV are not antagonistic, a guarantee of "fundamental rights" is to be interpreted in harmony with the welfare goals of the DPSPs. Kesavananda failed to make the DPSPs enforceable, but it rendered them "fundamental in the governance of the country", quoting Article 37, thus constituting them as part of the "Conscience of the Constitution". The proposition, therefore, rejected any constitutional amendment capable of nullifying core DPSPs in favour of one ideological skew, presumably reinforcing the theory in which FRs and DPSPs are supposed to strike a balance with one another.

The struggle was thus institutionalised in the 1970s. While amendments were proposed by Parliament to weigh the scale in its favour, such as by the 24th Amendment, which overturned the principle outlined in Golaknath and allowed amendments of the FRs, the 25th Amendment protected the basic structure.^{1355,1356} The 42nd Amendment in 1976 sought to give even stronger ratification to Article 31C during the Emergency, wanting to place all the DPSPs above rights.¹³⁵⁷ Then, the 42nd Amendment was struck down by the *Minerva Mills* (1980), which upheld the balance achieved through Kesavananda. The Court, under the leadership of Chief Justice Y.V. Chandrachud and Justice Krishna Iyer, declared in strong terms that Parts III and IV "supplement

¹³⁵³ *Golak Nath v. State of Punjab*, AIR 1967 SC 1643.

¹³⁵⁴ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

¹³⁵⁵ The Constitution (Twenty-fourth Amendment) Act, 1971

¹³⁵⁶ The Constitution (Twenty-fifth Amendment) Act, 1971

¹³⁵⁷ The Constitution (Forty-second Amendment) Act, 1976

and complement" each other and cannot be wielded against each other. It has been stated that harmony between fundamental rights and directive principles is "the soul of our Constitution's philosophy", again invoking the mandate within the Preamble. *Minerva Mills*, so to speak, revived that balance: it stated that the state cannot deviate from fundamental rights to fulfil directive principles, but nor can fundamental rights stray from the demands of social justice.

After *Minerva*, the courts in India entered a phase of pro-active interpretations. Under the name "judicial activism (a term articulated and analysed by S.P. Sathe)", the Supreme Court attempted to further the constitutional vision.¹³⁵⁸ The courts also began to enforce rights under Article IV. The late 1980s and a major part of the 1990s constituted the phase of expansion, chiefly under Article 21 (life and liberty),¹³⁵⁹ But with social aims as the guiding principle. The judges invoked DPSPs in cases, especially for environmental issues, welfare matters, and equality, consistently referring to the spirit of Article 21, broadened by Part IV to represent dignity. For instance, Articles 48A (DPSP on the environment) and 51A(g) (fundamental duty to protect nature) inform many decisions in environmental rights.¹³⁶⁰

Over time, even those cases that seem to have nothing to do with the social aspect, such as the right to privacy, have been interpreted as having implications for collective welfare and human dignity.¹³⁶¹ Such developments cohere with what legal theorists refer to as "transformative constitutionalism", actively interpreting rights to transform society according to the Constitution's highest values, as propounded by thinkers like Baxi and Bhatia.¹³⁶² There has been subtle legislative harmonisation in recent years. The 86th Amendment (2002) did include Article 21A (right to education as a fundamental right) in express response to the goal for free education of DPSP 45.¹³⁶³ The Right to Information Act (2005) reflects DPSP themes of democratic participation. Overall, jurisprudence has moved from the standpoint of strict separation of FR and DPSP to one of a vigorous dialectic in which both Parts guide constitutional change. Presently, scholars aver that Indian law regards DPSPs as non-judicially enforceable, but more often than not as obligatory moral norms, which bestow legitimacy on socio-economic

¹³⁵⁸ S.P. Sathe, *Judicial Activism in India* (Oxford University Press, New Delhi, 2002).

¹³⁵⁹ *The Constitution of India*, Art. 21

¹³⁶⁰ *Subhash Kumar v. State of Bihar & Ors.*, AIR 1991 SC 420

¹³⁶¹ *Justice K.S. Puttaswamy (Retd.) v. Union of India & Ors.*, AIR 2017 SC 4161

¹³⁶² Gautam Bhatia, *The Transformative Constitution* (HarperCollins Publishers India, Noida, 2019).

¹³⁶³ The Constitution (Eighty-sixth Amendment) Act, 2002

legislation. The Supreme Court's motto, "*Let Justice Extend unto All*," speaks of a living Constitution that never tires of seeking the balance.

CASE LAW SYNTHESIS

An evolution in the Indian judiciary's approach to harmonise, balance, and define the interactions between Fundamental Rights and Directive Principles of State Policy is traced back to the early days when the two were treated entirely separately and, upon realisation, reconciled in a mutually complementary manner. A critical reading of landmark cases gives scope for the evolutionary changes of court jurisprudence, whereby DPSPs have extensively come to be seen as interpretative aids, normative goals, and, to an extent, substantive sources of enforceable obligations under Part III.

Champakam Dorairajan v. State of Madras (1951) witnessed the first collision in the Court's terminology between Fundamental Rights and Directive Principles. The Court invalidated a state order reserving seats in educational institutions to promote social justice (Article 46) because it violated the guarantee of non-discrimination in Article 15(1). The Supreme Court presided over Article 37's non-justiciability and postulated, "Fundamental Rights must prevail in case of a conflict." The case, thus by way of precedence, gave birth to the notion of individual liberty's supremacy over social objectives and delineated a clear doctrinal boundary: DPSPs were, in essence, only morally binding and could not encroach upon enforceable rights.¹³⁶⁴

The *Golak Nath v. State of Punjab (1967)* reaffirmed the already-existing discord, if any, between Parts III and IV. The Court held that Parliament could not amend Fundamental Rights so as to give effect to the Directive Principles, which, in effect, would freeze the amendment of the Fundamental Rights. The opinion emphasised that even for this noble enterprise, any erosion of rights would be a wilful violation of the basic structure of the Constitution. The judgment was heavily criticised by H.M. Seervai, who termed it an extreme case of rigid interpretation of the Constitution that subordinated the transformative aspirations that existed in the DPSPs. The

¹³⁶⁴ *Champakam Dorairajan v. State of Madras*, AIR 1951 SC 226.

Golak Nath case would prompt Parliament to invoke the 24th and 25th Amendments to restore its amending power.¹³⁶⁵

Another watershed moment arrived with the judgment in *Kesavananda Bharati v. State of Kerala* (1973), which enunciated the proposition of the Basic Structure Doctrine. The Court, while reaffirming Parliament's unlimited power to amend the Constitution, limited it by stating that certain basic features, including democracy, the rule of law, and the balance of FRs with DPSPs, could never be transgressed. The Doctrine then elevated the DPSPs beyond mere policy preferences: it entrenched them as constitutional ideals within the basic structure. Justice Mathew laid substantial emphasis on the goal of the Constitution as the establishment of a humane society, with rights being due for interpretation in tandem with social objectives. This was the high point of another mutation regarding where the earlier binary could be redefined: FRs and DPSPs are now means of complementary aid to constitutional governance.¹³⁶⁶

The 'balance and harmony' doctrine between the two Parts was, in concrete terms, avowed in *Minerva Mills v. Union of India* (1980). It struck down provisions of the 42nd Amendment that purported to confer absolute primacy to the DPSPs over FRs, especially the widened application of Article 31C. The Court yet again said that neither Part has primacy, and both are vital to the Constitution's identity. Justice Chandrachud maintained, "To destroy the guarantees given by Part III to achieve the goals of Part IV is plainly to subvert the Constitution." The ruling presented an ethic of constitutional mutual restraint where the FRs check abuses of state power while the DPSPs guarantee that the state goes to governments with a mind on justice and welfare.¹³⁶⁷

D. S. Nakara v. Union of India (1983) stands paradigmatic of a case where the judiciary activated the DPSPs to broaden equality rights under Article 14. The discrimination between old and new employees under the pension scheme was struck down by the Court as socially unjust; it found merit in invoking Articles 39(e) and (f) as social welfare obligations of constitutional relevance. Justice D. A. Desai stated that the state shall act by social justice and will not arbitrarily discriminate. A landmark statement was put forward here, which changed the judicial perception:

¹³⁶⁵ *Golak Nath v. State of Punjab*, AIR 1967 SC 1643.

¹³⁶⁶ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

¹³⁶⁷ *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

the means of attaining socioeconomic objectives became more than mere guiding principles and assumed an active role in interpreting FRs.¹³⁶⁸

The Court in *Olga Tellis v. Bombay Municipal Corporation* (1985) declared that the right to a livelihood is an integral part of the right to life under Article 21, in harmony with Articles 39(a) and 41. Concerning the cases of evicting pavement dwellers, the Court rejected the argument that the right to life bears no socio-economic content. In this piece, the view expressed by Justice Chandrachud established how heavily the DPSPs weigh in that, bereft of sustenance, a life is no life. This judgment proved a great asset toward embedding socio-economic entitlements within the procedural and substantive protection of Part III. Although it does not directly centre upon the DPSPs.¹³⁶⁹

Maneka Gandhi v. Union of India would fundamentally alter the conception of Article 21 and broaden Article 21's very scope. The Court has correlated the "procedure established by law" to substantive due process; thus, it opened the door for the Court to interpret rights against the value of the DPSPs. The ruling mentioned the Preamble and the larger constitutional objectives, leading to subsequent rulings which treated the concepts of life and liberty in a manner that embraced welfare rights, dignity, and fair play. Thus, this case became a testament to the way the DPSPs became the contextual bridging wheel for judicial interpretation of rights.¹³⁷⁰

The Right to Education, as laid out under Article 45, became enshrined into the category of a Fundamental Right under Article 21 by the Apex Court in the case of *Unni Krishnan v. State of Andhra Pradesh* (1993). The Court considered the age limit of 14 to be part of life, which would base the insertion of Article 21A through the 86th Amendment to the Constitution. This judgment is important because it demonstrates how DPSPs could be treated as foundations for justiciable rights, with the Court contributing to the metamorphosis of these from mere guidelines to justiciable entitlements.¹³⁷¹

In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* (1996), the Court stated that the denial of emergency health services was infringing the right to life under Article 21, and read Article 47 as an additional context by imposing a duty upon the State in respect of public health.

¹³⁶⁸ *D.S. Nakara v. Union of India*, AIR 1983 SC 130.

¹³⁶⁹ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

¹³⁷⁰ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

¹³⁷¹ *Unni Krishnan v. State of Andhra Pradesh*, AIR 1993 SC 2178.

This hence gave constitutional emphasis on the minimum health services that the State was duty-bound to provide and, thus, enforced yet another Directive Principle through the lens of Fundamental Rights. The judgment further consolidated the forthcoming trend in judicial jurisprudence of incorporating socio-economic rights within the very definition of life and dignity.¹³⁷²

The *Vishaka v. State of Rajasthan (1997)* award really is the hallucination of the constitutional principles into a situation that has come about as a result of the absence of legislation on one of the most vital subjects, really a very sensitive issue, such as sexual harassment in the workplace. It laid down the foundation of binding guidelines of jurisprudence on Articles 15, 21, 39(d), and India's resolve to give honour to international obligations, especially for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This gives an example of how, in the judicial history, one synthesises this domestic pursuit of DPSPs with the global vision of human rights, and how it is putting forward directive principles into the advancement of rights when there is legislative inaction.¹³⁷³

The environment will be healthy, and thus Article 21 grants it right to this healthy environment as the Court inferred in the *M.C. Mehta v. Union of India (1987-97)*. It relied heavily upon Articles 48-A (DPSP of environmental protection) and 51A(g) (duty of the citizen to protect nature). In all aspects of the Oleum gas leakage, pollution of rivers, and vehicular pollution, the Court pointed out these principles in the name of ecological justice. This jurisprudence works in the reverse manner; it has transformed non-justiciable norms to enforceable environmental rights, thereby fortifying the constitution's commitment towards sustainable development.¹³⁷⁴

These decisions taken together imply that jurisprudence has shifted from rigid textualism to purposive and transformative constitutionalism. The Indian Supreme Court now treats Fundamental Rights and Directive Principles not as structurally opposed but as dialogic and mutually enriching. While the earlier case like *Champakam Dorairajan* cited supremacy of Fundamental Rights, later decisions embraced a constitutional ethics of harmonisation that went beyond DPSPs to guide, inform, and expand the scope of rights.

¹³⁷² *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, AIR 1996 SC 2426.

¹³⁷³ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

¹³⁷⁴ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086.

Critics such as H.M. Seervai has warned that the process is a manifestation of judicial overreach, while luminaries like Upendra Baxi and Gautam Bhatia have contended that such creative harmonisation is the transformative promise of the Constitution. In this jurisprudence, rights become constraints on state power while directive principles are jointly normative directions in an enterprise constructed to provide a moral and democratic constitutional order that exists for purposes beyond achieving liberty and for conferring justice.

CONTEMPORARY REFLECTIONS

This was trained up with data that went in until October in the year of 2023. For the early 2020s, the tensions and synergies between Part III and IV developed into constitutional practices. Practically, ordinary India lives today under an industry canopy of rights-the rights to privacy, environment, education, and livelihood-drenched in the spirit of egalitarianism of the DPSPs.¹³⁷⁵ Courts constantly cite the Directive Principles for interpretative guidance purposes: the latest judgments on rights for gender justice and disability refer to DPSPs' promises on equality, women's welfare, and the safety of the vulnerable population.¹³⁷⁶ Democratic branches resort to this Part IV to enact welfare legislation or to uncast populist measures, for instance, rural employment guarantees under Article 41, health models at the national level reflecting Article 47 of the Indian Constitution, but many challenges and concerns continue to persist. The economic gap, universal basic services, and environmental crises reflect the diverging realities between lofty constitutional goals and reality. Scholars note that even in many creative jurisdictions, most of the DPSPs remain aspirational; real enforcement will always depend, as it has historically in all countries, on political will and resources.

Today, the crucial debate is about how best to use Part IV without violating Part III. Some demand the judicial justiciability of more DPSPs as the model of South Africa prescribes that state action could be enforced through courts (e.g., a "minimum core" of housing or

¹³⁷⁵ Marc Galanter, *Competing Equalities* (Oxford University Press, New Delhi, 1984).

¹³⁷⁶ Nivedita Menon, *Seeing Like a Feminist* (Penguin Books, New Delhi, 2012).

healthcare).¹³⁷⁷ Others warn against the absence of institutional capacity-the outcome, they note, would be either too much litigation in the courts or the courts' avoidance of disagreeable decisions in favour of a highly meddling court.¹³⁷⁸ One, perhaps more prudent option could be enhancing the legislative and executive accountability to the DPSPs, for instance, by instituting constitutional schemes for progressive realisation (like with India's Right to Education Act that operationalises DPSP 45). Deepening the public-interest jurisprudence is a suggestion proposed, encouraging civil society to form constitutional, not just private, grievances currently understood.¹³⁷⁹

Transformative constitutionalism is a guiding normative idea for Gautam Bhatia; the constitution should be conceived as an engine for socio-political transformation.¹³⁸⁰ Harmonising on this perspective would entail applying fundamental rights as levers towards the social democracy envisaged in the DPSPs. While he would applaud the court's broadening of Article 21, Bhatia would also seek recognition that true dignity for India's poor may demand legally enforceable positive entitlements (in this reference, a right to health or food). Likewise important is the remembrance that Upendra Baxi's work must take rights meaningfully in real-world India; he would exhort courts and policymakers not to shrink from owning the emancipatory mission of the Directive Principles.

Madhav Khosla's recounting of the foundational vision of India has a tinge of caution.¹³⁸¹ Societal change was expected to be gradual, taking place through political activity and judicial interpretation. "founding moment," according to Khosla, was incomplete in 1950 itself; rather, it invited continued participation in showing how social values were rendered real. All in that frame of mind is where the future lies for harmonisation, with a culture of constitutionality: as much in the courts as in the legislature and civil society, fundamental rights and directive aims constitute one constitutional project. That is, neither side has absolute veto over the Part: it calls for dialogue: if a social welfare legislature were challenged, courts should examine it against the basic rights with an eye towards the constitutional purpose, thereby. Of course, if the government

¹³⁷⁷ *Government of the Republic of South Africa v. Grootboom*, [2000] ZACC 19 (South African Constitutional Court).

¹³⁷⁸ *Ryan v. Attorney General*, [1965] IR 294 (Irish Supreme Court).

¹³⁷⁹ Arun Thiruvengadam, *The Constitution of India* (Hart Publishing, Oxford, 2017).

¹³⁸⁰ Gautam Bhatia, *The Transformative Constitution* (HarperCollins Publishers India, Noida, 2019).

¹³⁸¹ Madhav Khosla, *India's Founding Moment* (Harvard University Press, Cambridge, MA, 2020).

places limitations on rights in the name of Part IV, there must be strong proof that those constraints are necessary, fair, and bounded in time.

In a few practical steps, the judiciary may keep going with the slow case-by-case direction with more and more emphasis on public accountability, i.e., public hearings or independent reviews for policies that touch DPSPs. It could lay out statutory schedules that would phase in the goals of Directive Principles more easily (as has occurred with education and adult literacy campaigns). Most significantly, the evolving discussion between rights and goals must recognise the dual promise of individual dignity and collective welfare as promised in the Constitution. Transformative constitutionalism makes this clear connection, as Bhatia puts it, to the formal liberty of the Constitution vis-a-vis the real uplift of society; this, Khosla reminds us, also becomes a living memorial toward aspirations yet to be fully realised.

In short, it remains the greatest mission to harmonise Part III with Part IV. Such understanding has come to mean both securing constitutional basics (absolute core rights) and deepening constitutional purposes (actual ameliorations of social conditions). By and large, this is the track taken by the Supreme Court when there are issues with which it can pursue the accommodation. These debates will, of course, continue about how the balance will be struck. The future probably lies in continuing this synthesis: in treating Fundamental Rights and Directive Principles not as rivals but as two wheels of the constitutional vehicle. Only by keeping that vehicle on course with vigilant courts, responsive laws, and an informed citizenry, can India realise the promise of its founding vision through its Constitution in the years to come.