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# The Increasing Importance of the Directive Principles of State Policy and Judicial Activism

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## INTRODUCTION

The Constitution of India is the most important document for independent India. The Preamble in the Constitution of India states a number of goals and ideals. In order to achieve the same enshrined and to establish a welfare state, Fundamental Rights and the Directive Principles of State Policy ("**DPSP**") have been provided for in the Constitution. The Fundamental Rights are enumerated in Part III, Articles 12 to 35 and the DPSPs are stated in Part IV, Articles 36 to 51. Fundamental Rights are the most important and crucial rights for any citizen. A human being cannot survive in dignified manner in a civilized society without these rights. Fundamental Rights are known as "basic rights" which every citizen is entitled to by virtue of the Constitution. They are justiciable, i.e. they can be referred to as a matter of right in the Court of law. They are also called as "individual rights or negative rights" and impose negative obligations on the state not to encroach upon individual liberty.

Part-IV of the Constitution deals with Directive Principles of State Policy. They are positive rights and impose positive obligations on the state. They are not justiciable and thus citizens cannot demand the rights, unlike Fundamental Rights. These are the recommendations to the state in Legislative, Executive and Administrative matters. (State means Legislative and Executive organs of the Central and State governments, all local authorities and all other public authorities in the country). In GOI (Government of India) Act, 1935 "Instruments of Instructions" enumerated and in the Indian Constitution, they are called Directive Principles of State Policy. DPSP embody the oncept of a welfare state. Many of the provisions in Part IV correspond to the provisions of the international Covenant on Economic Social and Cultural Rights (ICESCR).

At the time of drafting of the Constitution, it was initially felt that all of the rights in the DPSP should be made justiciable. However, a compromise had to be struck between those who felt that the DPSPs could not possibly be enforced as rights and those who insisted that the Constitution should reflect a strong social agenda. Consequently, Article 37 of the Constitution declares that the DPSP, "shall not be enforceable by any court, but the principles therein laid down are

  

nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws".

## Fundamental Rights versus DPSPs

Right from the time the Constitution came into force, there has been a situation of legal conflict between Fundamental Rights and duty of State to implement the DPSPs. The very first case being that of enactment of laws for Zamindari Abolition which came into direct conflict with Fundamental Right of Property which was subsequently removed from Part III of the constitution and placed under Article 300A. The Supreme Court in the case of **Champakam Dorairajan v. State of Madras** [1](1951) held that DPSPs cannot override the provisions of Part III of the constitution. The DPSPs have to run subservient to the Fundamental Rights and the DPSPs must be in conformity with the Fundamental Rights:

"The Directive Principles of the State Policy, which by Article 37 are expressly made unenforceable by a court cannot override the provisions found in part III (Fundamental Rights) which, notwithstanding other provisions, are expressly made enforceable by appropriate writs, orders or directions under Article 32. The chapter on fundamental rights is sacrosanct and not liable to be abridged by any legislative or executive act or order, except to the extent provided in the appropriate Article in part III. The Directive Principles of state policy have to conform to and run as subsidiary to the chapter on Fundamental Rights."

With the passage of time, the Supreme Court came to adopt the view that although Directive Principles, as such, were legally non-enforceable, nevertheless, while interpreting a statute, the courts could look for light to the "lode star" of the Directive Principles. "Where two judicial choices are available, the construction in conformity with the social philosophy" of the Directive Principles has preference. The courts therefore could interpret a statute to implement Directive Principles instead of reducing them to mere theoretical ideas. This is on the assumptions that the lawmakers are not unmindful or obvious of the Directive Principles. Further, the courts also adopted the view that in determining the scope and ambit of Fundamental Rights, the Directive Principles should not be completely ignored and that the courts should adopt the principles of harmonious construction and attempt to give effect to both as far as possible. Thus, Supreme Court in the **Re Kerala Education Bill (1957)**[3] had propounded the Doctrine of Harmonious Construction to avoid a situation of conflict while enforcing DPSPs and the Fundamental Rights. As per this doctrine the court held that there is no inherent conflict between Fundamental Rights and DPSPs and the courts while interpreting a law should attempt to give effect to both as far as

  

possible i.e. should try to harmonize the two as far as possible. The court further said that where two interpretation of the law are possible, and one interpretation validates the law while other interpretation makes the law unconstitutional and void, then the first interpretation, which validates the law, should be adopted. However, if only one interpretation is possible which leads toconflict between DPSPs and Fundamental Rights, the court has no option but to implement Fundamental Rights in preference to DPSPs. The Parliament responded by amending and modifying various Fundamental Rights which were coming in conflict with DPSPs. The Supreme court, however, in the **Golaknath Case**[4](1967) pronounced that Parliament cannot amend the Fundamental Rights to give effect to the DPSPs. The Parliament responded again by bringing 25th Amendment Act of the constitution, which inserted Article 31C in Part, III. Article 31 C contained two provisions:

- If a law is made to give effect to DPSPs in Article 39(b) and Article 39(c) and in the process, the law violates Article 14, Article 19 or Article 31, and then the law should not be declared as unconstitutional and void merely on this ground.

- Any such law that contains the declaration that it is to give effect to DPSPs in Article 39(b)
- Article(c) shall not be questioned in a court of law.

The above Amendment was challenged in the **Keshavananda Bharati Case**[5](1973). In this case, the second clause of Article 31C was as declared as unconstitutional and void as it was against the Basic Structure of the constitution propounded in this case itself. However, the SC upheld the first provision of the Article 31C. In **Keshavananda Bharti v. State of Kerala**, Judges Hegde and Mukherjee observed that:

"the fundamental rights and directive principles constitute the "conscience of the constitution" there is no antithesis between the fundamental rights and directive principles and one supplements the other."

Judges Shelat and Grover observed in their judgment that:

"both parts III (fundamental rights) and IV (directive principle) have to be balanced and a harmonized then alone the dignity of the individual can be achieved they were meant to supplement each other".

The 42nd Amendment added new Directive Principles, viz. Article 39A, Article 43A and Article 48A. The 42nd Amendment gave primacy to the Directive Principles, by stating, "No law implementing any of the Directive Principles could be declared unconstitutional on the grounds

  

that it violated any of the Fundamental Rights". It extended the scope of above first provision of Article 31C by including within its purview any law to implement any of the DPSPs specified in Part IV of the constitutional and not merely Article 39(b) or (c). However, this extension was declared as unconstitutional and void by the Supreme Court in the **Minerva Mills Case**[6](1980). In its judgement, the Supreme Court declared two provisions of the 42nd Amendment, which prevent any constitutional amendment from being "called in question in any Court on any ground", and accord precedence to the Directive Principles of State Policy over the Fundamental Rights of individuals respectively, as unconstitutional. Justice Chandrachud said that the Fundamental Rights "are not an end in themselves but are the means to an end." The end is specified in the Directive Principles. It was further observed in the same case that the Fundamental Rights and Directive Principles together "constitute the core of commitment to social revolution and they, together, are the conscience of the constitution." The Indian constitution is founded on the bedrock of "balance" between the two.

**Maneka Gandhi v. Union of India** was a landmark case. The case involved the refusal by the Government to grant a passport to the petitioner, which thus restrained her liberty to travel. In answering the question whether this denial could be sustained without a pre-decisional hearing, the Court proceeded to explain the scope and content of the right to life and liberty. The question posed and the answer given now was: 'Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously the procedure cannot be arbitrary, unfair or unreasonable'. Once the scope of Article 21 had been explained, the door was open to its expansive interpretation to include various facets of life.

In 1981, in **Francis Coralie Mullin v. The Administrator**[8], the Supreme Court declared that, "The right to life includes the right to live with human dignity and all that goes with it, namely, the bare necessaries of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. The magnitude and components of this right would depend upon the extent of economic development of the country, but it must, in any view of the matter, include the bare necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human self."

  

The Supreme Court said in **State of Kerala v. N.M Thomas**[9], that the Directive Principles and Fundamental rights should be construed in harmony with each other and every attempt should be made by the court to resolve any apparent in consistency between them.

In **Pathumma v. State of Kerala**[10], the Supreme Court has emphasized that the purpose of the directive principles is to fix certain socio-economic goals for immediate attainment by bringing about a non-violent social revolution. The Constitution aims at bringing about synthesis between Fundamental Rights and the Directive principles.

The present position is that only Article 39 (b) and Article 39 (c) can be given precedence over Article 14, 19 and not all the Directive Principles. The Directive Principles and Fundamental Rights are not regarded as exclusionary of each other. They are regarded as supplementary and complementary to each other. In course of time, the judicial attitude has veered from irreconcilability to integration of the Fundamental Rights and the Directive Principles. The Directive Principles which have been declared to be "fundamental" in the governance of the country cannot be isolated from Fundamental Rights. The Directive Principles have to be read into the Fundamental Rights. The "right to education" furnishes an example of such relationship.

## Judicial Activism (The Origin of the PIL)

The internal emergency that was in force between 1975 and 1977 and its consequences contributed extensively to the change in the judiciary's insight of its role in the working of the Constitution. The period of the emergency witnessed major violations of basic rights of life and liberty. There were also manifest violations of the right to freedom of speech and expression. The popularly elected government was weak and it did not last very long. It collapsed by 1978/1979, which was when the judiciary initiated the public-interest litigation (PIL) movement. The development of the jurisprudence of Economic, Social and Cultural Rights is inextricably connected to this noteworthy progress. The post-emergency period provided the accurate setting for the judiciary to redeem itself as a protector and enforcer of the rule of law. PIL was the necessary tool and this development helped the judiciary to reach out to the vast majority of the citizens, differing in social and economic status. The insuperable walls of procedure were taken apart and the doors of the Supreme Court were made open to people and issues that had never reached there before. By relaxing the rules of standing and procedure to the point where even a postcard could be treated as a writ petition, the judiciary ushered in a new phase of activism where litigants were freed from the unnecessary formalities. This development contributed significantly to raise the status of

  

DPSPs in our country. A number of social issues were taken up the Court, which under the cover of Fundamental Rights helped in the implementation of DPSPs. The combined effect of the expanded interpretation of the right to life and the use of PIL as a tool led the court into areas where there was a crying need for social justice. These were areas where there was a direct interaction between law and poverty, as in the case of bonded labor and child labor, and crime and poverty, as in the case of under trials in jails. In reading several of these concomitant rights of dignity, living conditions, health into the ambit of the right to life, the court overcame the difficulty of justiciability of these as economic and social rights. These rights were hitherto, in their manifestation as DPSP, considered non-enforceable. Directive Principles have been used to broaden, and to give depth to some Fundamental Rights and to imply some more rights there from for the people over and above what are expressly stated in the Fundamental Rights.

## The Transformation of Fundamental Rights

That biggest beneficiary of this approach has been Article 21. Reading Article 21, with the Directive Principles, the Supreme Court has derived many rights, which are stated in some form in the DPSPs.

Further, Article 39-A of the Indian constitution provides for "Equal Justice and free legal Aid". It (39-A) was inserted/added by the Constitution (Forty Second Amendment) Act, 1976. It came into force from 3.1.1977 and reads as follows:"The state shall secure that the operation of the legal system promote justice, on the basis of equal opportunities and shall, in particularly, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities".

This Article was added to the constitution pursuant to the new policy of the government to give legal aid to economically backward classes of people. As such, 'Legal aid' and 'speedy trial' have now been held to be Fundamental Rights under Article 21 of the constitution available to all prisoners and enforceable by the courts. The state is under the duty to provide lawyer to a poor person and it must pay to the lawyer, his fees as fixed by the court.

In **M Hoskot v. State of Maharashtra** and **Hussainara Khatoon v Home Secretary, State of Bihar**[11], the court held that the legal aid and speedy trial are Fundamental Rights under Article 21 of the constitution which are available to all detainees. Further, it ruled that the state is under a M Hoskot v State of Maharastra and Hussainara Khatoon v Home Secretary, State of Bihar, AIR

  

1979 SC 1322 duty to provide a lawyer to a poor person, and it must pay to the lawyer his fees as fixed by the court.

In **Center of Legal Research v State of Kerala**[12], the court held that in order to achieve the objectives in Article 39-A, the state must encourage and support the participation of voluntary organizations and social action groups in operating the legal aid programmes. Further, legal aid schemes, which are meant to bring social justice to the people, cannot remain confined to traditional or litigation-orientation attitudes, and must take into account the socio-economic conditions prevailing in the country, and adopt more dynamic approaches. The voluntary organizations must be involved and supported for implementing the legal aid programme, and they should be free from government control.

In **Abdul Hassan v. Delhi Vidyut Board**[13], the Supreme Court commended the system of Lok Adalats set up by the Parliament by enacting the Legal Services Authority Act 1987. The court directed that most authorities ought to set up such adalats.

In **State of Maharastra v. Manubhai Bagaji Vashi**[14], the Supreme Court held that Article 21 read with Article 39-A casts a duty on the state to offer grants-in-aid to recognized private law colleges, which qualify for receipt of the grant. The previously mentioned duty cast on the state cannot be whittled down in any manner, either by pleading paucity of funds, or otherwise.

Article 41 of the Constitution provides that the State shall within the limits of its economic capacity and development; make effective provision for securing the right to work, to educa•tion and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. Article 38 states that the state shall strive to pro•mote the welfare of the people and Article 43 states it shall endeavor to secure a living wage and a decent standard of life to all workers. In **Bandhua Mukti Morcha v. Union of India**,[15] a PIL by an NGO highlighted the deplorable condition of bonded laborers in a quarry in Haryana, not very far from the Supreme Court. A host of protective and welfare-oriented labor legislation, including the Bonded Labour (Abolition) Act and the Minimum Wages Act, were being observed in the breach. The court said that,

"The right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Article 41 and 42 and at the least, therefore, it must include protection of the health and strength of

  

workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief."

"Since the Directive Principles of State Policy contained in clauses (e) and (f) of Article 39, Articles 41 and 42 are not enforceable in a court of law, it may not be possible to compel the State through the judicial process to make provision by statutory enactment or executive fiat for ensuring these basic essentials which go to make up a life of human dignity, but where legislation is already enacted by the State providing these basic requirements to the workmen and thus investing their right to live with basic human dignity, with concrete reality and content, the State can certainly be obligated to ensure observance of such legislation, for inaction on the part of the State in securing implementation of such legislation would amount to denial of the right to live with human dignity enshrined in Article 21, more so in the context of Article 256 which provides that the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State."

Thus, the court converted what seemed a non-justiciable issue into a justiciable one by invoking the wide sweep of the enforceable Article 21.

There is no reference to a fundamental right to Shelter in Part III of the Constitution of India. This right has been seen as forming part of Article 21 itself. However, the Court has never really acknowledged a positive obligation on the State to provide housing to the homeless. In **Olga Tellis v. Bombay Municipal Corporation**[16], the court held that the right to life included the right to Olga Tellis v. Bombay Municipal Corporation (1985) 3 SCC 545.

livelihood. The petitioners contended that since they would be deprived of their livelihood if they were evicted from their slum and pavement dwellings, their eviction would be tantamount to deprivation of their life and hence be unconstitutional. The Court did not go that far and thus, denied that contention, by stating that:

"No one has the right to make use of a public property for a private purpose without requisite authorisation and, therefore, it is erroneous to contend that pavement dwellers have the right to encroach upon pavements by constructing dwellings thereon . . . If a person puts up a dwelling on the pavement, whatever may be the economic compulsions behind such an act, his use of the pavement would become unauthorised."

  

In **Municipal Corporation of Delhi v. Gurnam Kaur,**[17]the court held that the Municipal Corpo•ration of Delhi had no legal obligation to provide pavement squatters alternative shops for rehabilitation as the squatters had no legal enforceable right. In **Sodan Singh v. NDMC**[18], a constitution bench of the Supreme Court reiterated that the question whether there can at all be a fundamental right of a citizen to occupy a particular place on the pavement where he can squat and engage in trade must be answered in the negative.

The right to health has been perhaps the least difficult area for the court in terms of justiciability, but not in terms of enforceability. Article 47 of DPSP provides for the duty of the state to improve public health. However, the court has always recognized the right to health as being an integral part of the right to life.[19] In **Consumer Education and Research Centre v. Union of India**,[20] the court, in a PIL, tackled the problem of the health of workers in the asbestos industry. Noticing that long years of exposure to the harmful chemical could result in debilitating asbestosis, the court mandated compulsory health insurance for every worker as enforcement of the worker's fundamental right to health.

The Supreme Court in the affirmative in **Mohini Jain v. State of Karnataka**[21] answered the question whether the right to education was a fundamental right and enforceable as such. The judgement of the Supreme Court of India in **Unnikrishnan J. P. v. State of Andhra Pradesh**[22], resulted in the insertion of Article 21-A in Part III of the Indian Constitution in 2002. The Article provides for the fundamental right of education to all children between the ages of 6 and 14. The case pertained to the charging of 'capitation' fees from students seeking admission, by private medical and engineering colleges. The college managements were seeking enforcement of their right to do business. The court expressly negated this claim and proceeded to examine the nature of the right to education. The court refused to accept the non-enforceability of DPSP and the margin of appreciation claimed by the State for its progressive realization. The Court asked:

"It is a noteworthy that among the several Articles in Part IV, only Article 45 speaks of a time-limit; no other Article does. Has it no significance? Is it a mere pious wish, even after 44 years of the Constitution? Can the State flout the said direction even after 44 years on the ground that the Article merely calls upon it to endeavor to provide the same and on the further ground that the said Article is not enforceable by virtue of the declaration in Article 37. Does not the passage of 44 years – more than four times the period stipulated in Article 45 – convert the obligation created by the Article into an enforceable right? In this context, we feel constrained to say that allocation of available funds to different sectors of education in India discloses an inversion of

  

priorities indicated by the Constitution. The Constitution contemplated a crash programme being undertaken by the State to achieve the goal set out in Article 45. It is relevant to notice that Article 45 does not speak of the "limits of its economic capacity and development" as does Article 41, which inter alia speaks of right to education. What has actually happened is – more money is spent and more attention is directed to higher education than to – and at the cost of primary education. (By primary education, we mean the education, which a normal child receives by the time he completes 14 years of age). Neglected more so are the rural sectors, and the weaker sections of the society referred to in Article 46. We clarify, we are not seeking to lay down the priorities for the Government – we are only emphasizing the constitutional policy as disclosed by Articles 45, 46 and 41. Surely the wisdom of these constitutional provisions is beyond question…"[23]

The issue of recurrent famines in some of the drought-prone regions of India has received a mixed reaction in courts. When a PIL case concerning starvation deaths in some of the poorest districts in the state of Orissa was taken up for consideration, the reaction of the Supreme Court in 1989 was to defer to the subjective opinion of the executive Government that the situation was being tackled effectively. In the early 1990s, civil society groups to take action approached the National Human Rights Commission (NHRC), but its intervention also had only limited success. The Indian Supreme Court's engagement, again in a PIL case, which confronted the paradox of food scarcity while the State's silos overflowed with food grains in the midst of starvation, has been a contrast to the earlier response.

## The Special Bench of the Supreme Court on Social Justice

The Chief Justice of India, Justice H.L. Dattu ordered the constitution of a Special Bench titled as "Social Justice Bench" to deal with issues troubling the common-man in daily life. This is the first time that the Supreme Court has set up a dedicated bench to hear cases pertaining to public interest. The Social Justice Bench will not only hear the pending matters but also all fresh PILs filed before it. Currently, such cases are scattered over different Benches. The said Special Bench will hear the matters relating to society and its members, in order to secure social justice, one of the ideals of the Indian Constitution. This Bench started functioning from 12 December,' 2014 and in order to ensure that the matters are monitored on regular basis, it will continue to sit on every working Friday at 2.00 p.m. The Bench comprises of Hon'ble Mr. Justice Madan B. Lokur and Hon'ble Mr. Justice Uday U. Lalit. With the establishment of the Social Justice Bench, the Hon'ble Supreme

  

Court has captured the essence of social justice, recreating focus on the principle of 'justice for all' and the primary effect will be that cases with a strong social component will be heard and judgment will be delivered at a much faster pace than what has been the trend so far. This is bound to have a salutary effect on the overall conflict-management scenario. Keeping in mind the same, the efforts taken up by the Hon'ble Supreme Court is highly commendable. This Bench has committed itself to the issues of social justice and this will result in a further push to the ideals enumerated in Part IV of the Indian Constitution. Out of around 200 such cases pending in the court, 65 cases have been identified to begin with and the cases, already pending before other benches, may be transferred to the special bench on the directions of the Chief Justice of India. Some of the cases identified are-

- Release of surplus food grains for people affected by natural calamities;
- Framing a comprehensive scheme for public distribution;
- Rehabilitation of sex workers;
- Prevention of untimely death of pregnant women and children due to malnourishment or lack of medical care;
- Hygienic mid-day meal;
- Shelter homes for the destitute and homeless;
- Education for the children;[24]

## Prominent cases taken up by the Bench

### Narmada Bachao Andolan Petition

The Special Social Justice Bench constituted by the Hon'ble Chief Justice of the Supreme Court of India, heard the Narmada Bachao Andolan's petition challenging the unlawful decision of the Narmada Control Authority in June 2014 to raise the height of the Sardar Sarovar dam by 17 meters. It was the first case heard by the newly constituted Bench, presided by Hon'ble Justice M. B. Lokur and Hon'ble Justice U. Lalit. The special bench asked the parties, including N.B.A. activist Medha Patkar, to file short synopsis by December 24 as it did not want to waste time going through records running into thousands of pages. "So all of you should have your brief ready on or before December 24. The time shall not be extended… We want the matter to be pushed…," it said.

  

**Welfare of Tribals**

Official notification on set up of the Special Social Justice Bench, released by the Supreme Court of India; Document available at supremecourtofindia.nic.in The Court then heard a 2005 petition filed by Akhil Bhartiya Vanvasi Kalyan Ashram seeking welfare of tribals and the Court asked the Centre to file a comprehensive affidavit on the issues arising out of the Public Interest Litigation.

**Child Labour**

After briefly hearing the issues arising in matters like child labour, child trafficking and child bondage, the Bench directed the Ministry of Women and Child Welfare to act as a nodal agency and convene a meeting of secretaries of concerned States and Union territories to ensure compliance of its directions. It also directed the Secretary of Union Ministry of Women and Child Welfare to hold meetings with other central ministries concerned like MHA, Ministry of Labour.

**Separate Hostels for SC/ST students**

A Public Interest Litigation was filed highlighting the poor condition of hostels and lack of remedial measures. The Special Bench, while issuing notices to all States and Union Territories (UTs), questioned the need of separate hostels for SC/ST students. "Why should they be segregated from the mainstream?" the Bench asked.

**Night Shelters**

The specially constituted Social Justice Bench of the Supreme Court ordered the Centre and the Delhi government to provide adequate number of night shelters for the homeless before the winter got harsher. The Bench directed the National Mission Management Unit to hold meetings on or before December 31 with the Chief Secretaries of all states to set up night shelters.[25]

## CONCLUSION

Thus, it is clear that the Economic, Social and Cultural rights are no less important than Fundamental Rights in the Constitution. They are enforceable when they are estimated as supplying the content of a Fundamental Right, but not just by themselves. The judiciary has played News Article, DNA Newspaper dated December 12, 2014, titled “Social Justice Bench of Supreme Court starts hearing PILs.

  

an incredibly efficient role in protecting not only the Fundamental Rights of the citizens but have also pinned the state to its obligations towards the citizens by referring to the DPSP. Such obligation, the court has explained in the context of right to environment, can confer corresponding rights on the citizen:

"It need hardly be added that the duty cast on the State under Articles 47 and 48-A in particular of Part IV of the Constitution is to be read as conferring a corresponding right on the citizens and, therefore, the right under Article 21 at least must be read to include the same within its ambit. At this point of time, the effect of the quality of the environment on the life of the inhabitants is much too obvious to require any emphasis or elaboration."[26]

The Economic, Social and Cultural rights that the DPSP symbolize must be read as forming a part of the Fundamental Rights and thus must be implemented effectively. The State must necessary take all the steps to ensure that the constitutional mandate referred to in Part IV is implemented to the letter. The State must be constantly reminded of its obligation and duties to its citizens and this can be shaped to a considerable extent by a creative and activist judiciary. Thus, there is no tussle between the concepts of Liberty and Equality. They are on an equal footing and one supplements the other. It is only by their inter-dependence that we can truly set up a welfare nation, as envisaged by the Constitutional framers and realize the expectations of our citizens.

  