



Champakam Dorairajan Case and Evolution of FRs and DPSPs

For Prelims: [Champakam Dorairajan Case](#), [Fundamental Rights](#), [Directive Principles of State Policy](#), [Article 46](#), [Article 14](#), [Article 16\(4\)](#), [1st Constitutional Amendment Act](#), [Article 15\(4\)](#), [Ninth Schedule](#), [25th Constitutional Amendment Act, 1971](#), [Article 31C](#), [Article 39\(b\) & \(c\)](#), [42nd Constitutional Amendment Act, 1976](#).

For Mains: Conflict between Fundamental Rights (FRs) and Directive Principles of State Policy (DPSPs) and related judicial rulings.

[Source: IE](#)

Why in News?

[Champakam Dorairajan Case, 1951](#) presented the first instance of **conflict** between the [Fundamental Rights \(FRs\)](#) and [Directive Principles of State Policy \(DPSPs\)](#).

What is Champakam Dorairajan Case, 1951?

- **Background of the Case:** In 1948, the **Madras government** introduced the **Communal General Order (GO)**, which **reserved seats in educational institutions** based on **caste and religion**.
 - The government cited [Article 46](#), which mandates promoting the **education and economy of SCs, STs, and weaker sections**.
 - **Champakam Dorairajan**, a **woman from Madras**, challenged the order in the **Madras High Court (HC)**, citing a violation of her **right to equality (Article 14)**.
- **Madras High Court Verdict, 1950:** The Madras HC **struck down the Communal GO** as **unconstitutional** for using **caste and religion** as basis of classification, but the Madras government **appealed to the Supreme Court (SC)**.
- **Supreme Court Verdict, 1951:** A five-judge Supreme Court bench **upheld the Madras HC ruling**, declaring the **Communal GO unconstitutional**.
 - The judgment stated that it **violated** fundamental rights under **Article 14** (Right to Equality) and **Article 15(1)** (Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex, or Place of Birth).
 - The SC ruled that **FRs prevail over DPSPs** and established that **Parliament can amend FRs** through constitutional amendments.
- **Impact of the SC Ruling:** The ruling struck down caste-based reservations in education, as the Constitution then allowed reservations **only in public jobs (Article 16(4))**.
 - This led to the [1st Constitutional Amendment Act, 1951](#) to restore education reservations.
- **1st Constitutional Amendment Act, 1951:** The government **amended Article 15** by introducing [Article 15\(4\)](#), which allowed the state to make **special provisions** for the advancement of [socially and educationally backward classes \(SEBCs\)](#), **Scheduled**

Castes (SCs) and Scheduled Tribes (STs).

- This amendment provided the **constitutional basis for reservations in educational institutions.**

What are Key Constitutional Provisions for Vulnerable Groups?

- **Article 15(1):** Prohibits discrimination **on grounds of religion, race, caste, sex, or place of birth.**
- **Article 15(4):** Allows **special provisions** for the **advancement of SEBCs, SCs, and STs**, thus enabling **reservations in educational institutions.**
- **Article 16(4):** Permits **reservations in public employment** for **backward classes.**
- **Article 17:** Abolishes **untouchability.**
- **Article 46 (DPSP):** Mandates the **promotion of educational and economic interests of SCs, STs, and weaker sections.**

What Provisions were Amended by the 1st Constitutional Amendment Act, 1951?

- **Fundamental Rights:**
 - **Article 15(4):** Allowed special provisions for **SEBCs, SCs, and STs.**
 - **Article 19:** Expanded **reasonable restrictions** on free speech (Article 19(2)), including **security of the state, public order, and incitement to offenses.**
 - The State can set **professional qualifications** and **regulate or nationalize trade, business, or industry** through State-owned corporations.
- **Parliament and State Legislatures:**
 - **Article 85 & 174:** Ensured that the **gap** between two parliamentary or state legislative sessions **does not exceed six months.**
 - **Article 87 and 176:** The President/Governor's **address to the legislature** was now required only **once after each general election and at the beginning of the first session each year.**
- **Land Reforms:**
 - **Article 31A:** Secured laws related to the **acquisition of estates and property rights** from being challenged under fundamental rights.
 - **Article 31B:** Created the **Ninth Schedule**, protecting listed laws from judicial review regarding **fundamental rights.**
- **SCs and STs:** The **President** was given authority to specify **SCs (Articles 341) and STs (Articles 342)** for each State separately.

What are Other Judgements on Conflict Between FRs and DPSPs

- **Golaknath Case, 1967:** The SC overturned its **Champakam Dorairajan** ruling, declaring that Parliament **cannot amend FRs**, ensuring their **absolute protection.**
- **Kesavananda Bharati Case, 1973:**
 - **Background:** **25th Constitutional Amendment Act, 1971** introduced **Article 31C**, which contained **two key provisions:**
 - Laws for implementing DPSPs on resource distribution (**Article 39(b) & (c)**) were shielded from **judicial review**, even if they violated FRs provided under **Article 14, 19, or 31.**
 - Any law designed to implement the **Article 39(b) & (c)** was **protected from judicial review**, even if it did not fully achieve its goals.
 - **Verdict:** The SC **upheld the first provision**, ensuring laws implementing **Article 39(b) and (c) remained valid** even if they conflicted with Fundamental Rights.
 - It **struck down** Article 31 C's **second provision** barring judicial review.
 - The SC also introduced the concept of **Basic Structure** that states that certain fundamental principles of the Constitution **cannot be altered or**

destroyed through amendments. E.g., **Judicial review, limited amending power** etc.

- **Minerva Mills Case, 1980:**
 - **Background:** [42nd Constitutional Amendment Act, 1976](#) extended Article 31C's protection to **all DPSPs, prioritizing them over FRs** under Articles 14, 19, and 31.
 - **Verdict:** The SC **struck down** the 42nd Amendment's expansion of **Article 31C**, ruling that there is a **harmonious construction between FRs and DPSPs** and **DPSPs cannot override FRs**, preserving the Constitution's balance.
- **Current Status:** **FRs take precedence over DPSPs**, but Parliament can amend Articles 14 and 19 to implement Articles 39(b) and 39(c).

Conclusion

The Champakam Dorairajan case established the **supremacy of Fundamental Rights over Directive Principles**, influencing constitutional amendments and judicial interpretations. Subsequent rulings, including **Golaknath, Kesavananda Bharati, and Minerva Mills**, shaped the **balance between FRs and DPSPs**, ensuring social justice while upholding individual liberties and judicial review as constitutional safeguards

Drishti Mains Question:

Analyze the Supreme Court's evolving stance on the conflict between Fundamental Rights and Directive Principles, citing key cases

UPSC Civil Services Examination Previous Year's Questions (PYQs)

Prelims

Q. Which part of the Constitution of India declares the ideal of Welfare State? (2020)

- (a) Directive Principles of State Policy
- (b) Fundamental Rights
- (c) Preamble
- (d) Seventh Schedule

Ans: (a)

Mains

Q. "Parliament's power to amend the Constitution is limited and it cannot be enlarged into absolute power." In light of this statement, explain whether Parliament under Article 368 of the Constitution can destroy the Basic Structure of the Constitution by expanding its amending power? (2019)