



DISTINCTION BETWEEN FUNDAMENTAL RIGHT, DIRECTIVE PRINCIPALS OF STATE POLICY AND FUNDAMENTAL DUTIES.

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ABSTRACT

The constitution of India is the supreme law of the nation. It must be read by every India citizen. The constitution of India which is deals with major three pillar of the nation i.e. Legislative, Executive and Judiciary. In the constitution of India there are XXV (25) Parts, XII (12) Schedules and total increased articles are 448 due to 104 constitutional amendments. In above all the parts of the constitution is very important and providing subjective bifurcation, but this article is clearing the distinction between three most important part of the constitution i.e. Part-III Fundamental Right, Part-IV Directive Principals of State Policy and Part-IV-A Fundamental Duties. These three part of very important regarding Rights V/S Duties. Researcher try to clear this distinction by tabular format as under :-

KEYWORDS : The Constitution of India – Fundamental Right – Directive Principal of State Policy – Fundamental Duty.

(1) Table :-

SN	Fundamental Right	DPDP	Fundamental Duties
1	Part – III	Part – IV	Part – Iv A
2	Article – 12 To 35	Article – 36 to 51	Article – 51 A
3	ORIGINAL	Original	ADDED BY 42ND AMD. ACT 1976. Recommended by : Swaran Singh committee 1976
4	Borrowed from : USA.	Borrowed from : Ireland / Spain.	Borrowed from : USSR (Union of Soviet Socialist Republic)
5	SIX TYPES OF FUNDAMENTAL RIGHT (1) RIGHT TO EQUALITY : 14 TO 18 (2) RIGHT TO FREEDOM : 19 TO 22 (3) RIGHT AGAINST EXPLOTATION : 23 TO 24 (4) RIGHT TO FREEGOM OF RELIGIOUS : 25 TO 28 (5) RIGHT TO CONSTITUTIONAL REMADIES : 32	THREE TYPES OF DPSP RIGHTS (1) SOCIALIST PRINCIPAL : 38,39,39A,41,42, 43,43A, 47 (2) GANDHIAN PRINCIPAL : 43,43,43B,46,47,48 (3) LIBRAL / INTELLECTUAL PRINCIPAL : 44,45,48,49,50,51	TWO TYPES OF FUNDAMENTAL DUTIES (1) MORAL DUTY : cherishing noble ideals of freedom struggle (2) CIVIL DUTY : respecting the Constitution, National Flag and National Anthem
6	Object : Provide Basic Human Right to Individual.	Object : to establish a welfare state.	Object : They remind Indian Citizens of their duty towards their society, fellow citizens and the nation They warn citizens against anti-national and anti-social activities They inspire citizens & promote a sense of discipline and commitment among them They help the courts in examining and determining the constitutional validity of a law
7	Justiciable by Court. (Enforceable)	NONJUSTICIABLE (Non-Enforceable)	NONJUSTICIABLE (Non-Enforceable)
8	As per the law, the violation of Fundamental Rights is punishable.	Violation of Directive Principles is not a punishable.	Violation of Fundamental duties is not a punishable.
9	If there is a law which is in violation of fundamental rights then the courts can declare it as invalid and unconstitutional.	If there is a law in violation of Directive Principles, then the courts do not have the power to declare it as invalid and unconstitutional.	If there is a law in violation of Fundamental Duties, then the courts do not have the power to declare it as invalid and unconstitutional.
10	Fundamental Rights are sometimes considered as a kind of restrictions imposed on the State.	Directive Principles are directions for the Government in helping it to achieve some particular objectives.	Fundamental Duties are guideline for the citizens in helping it to achieve some particular objectives.
11	The welfare of each and every citizen is promoted through Fundamental Rights. And as per government violation of fundamental rights is punishable.	The welfare of the entire community is fostered with the help of directive principles. Violation of directive principles is not a punishable crime unlike violation of fundamental rights.	The Fundamental Duties have been incorporated in the constitution of India to remind every citizen that they should not only be conscious of their rights but also of their duties. In case of violation of fundamental duties it is punishable under Prevention of Insults to National Honour Act, 1971

12	Fundamental rights are sometimes considered as a kind of restriction imposed on the state.	Directive Principles are directions for the government in helping it to achieve some particular objectives.	The Fundamental duties are considered to be the moral obligations of all citizens to help to promote the spirit of patriotism.
13	Fundamental rights can be suspended during a national emergency. But rights guaranteed under articles 20&21 cannot be suspended.	Directive principles of State Policy can never be suspended under any circumstances.	Fundamental rights can be suspended during an emergency by the President of India under Article 359.
14	Part-III discussed 16 Days in the Constituent Assembly.	Part-IV discussed 6 Days in the Constituent Assembly.	Part-IV-A discussed 4 Days in the Parliament of India.
15	AMENDMENTS :- 1st Amendment 1951: 15,19 4th Amendment 1955 : 31,31A 16th Amendment 1963 : 19 17th Amendment 1964 : 31A 24th Amendment 1971 : 13 25th Amendment 1971: 31,31C 42nd Amendment 1976 : 31,31C,31D,32A 43rd Amendment 1978 : 31D,32A Remove 44th Amendment 1978 : 19,22,30,31A,31C 50th Amendment 1984 : 33 77th Amendment 1995 : 16 81st Amendment 2000 : 16 85th Amendment 2002 : 16 86th Amendment 2002 : 21A 93rd Amendment 2006 : 15 97th Amendment 2012 : 19 103rd Amendment 2019 : z	AMENDMENTS :- 7th Amendment 1956 : 49 42nd Amendment 1976:39,39A,43A,48A 44th Amendment 1978 : 38 86th Amendment 2002 : 45 97th Amendment 2011 : 43-B	AMENDMENTS :- 42nd Amendment 1976 : Add this Part. 86th Amendment 2002 : 51-A-(k)
16	"What are we having this liberty for? We are having this liberty in order to reform our social system, which is full of inequality, discrimination and other things, which conflict with our fundamental rights." -Dr. B.R. Ambedkar.	"Novel Feature" – Dr. B.R. Ambedkar.	"The true source of rights is duty" – Mahatma Gandhi.

(2) Case Law :-

- **The State Of Madras Vs Srimathi Champakam²**

DPSP cannot override the provisions of The Fundamental Rights.

The Supreme Court here held that the DPSP cannot override the provisions of Part III of the Constitution of India i.e. the Fundamental Rights.

Now DPSP has to run a subsidiary to the fundamental Rights and have to confirm them and this was a very important judgement the parliament responded by amending various fundamental rights which were coming in conflict with DPSP

- **I.C. Golaknath And ORS. VS State Of Punjab And ANR.³**
Fundamental Rights Cannot Be Diluted.

The Supreme Court has said that Fundamental rights cannot be diluted, diminished or taken away and then in response to it by bringing the Amendment Act of the Constitution and inserting Article 31(C) in part III.

- **Pathumma And Others Vs State Of Kerala And Others⁴**
Purpose of DPSP

Here the Supreme Court emphasised on the purpose of DPSP that it is to fix some social- economic goals. The Constitution aims at bringing about a combination between DPSP and Fundamental rights which is reflected in several other cases as well.

- **Dalmia Cement (bharat) Limited Vs The Union Of India⁵**
Fundamental rights and DPSP are complimentary

The Supreme Court said that Fundamental rights and DPSP are supplementary and complementary to each other and the

preamble to the constitution which gives an introduction, fundamental rights, DPSP are conscience of the Constitution.

- **State Of Kerala & ANR VS N.M. Thomas & ORS⁶**
Disputes between Fundamental Right and DPSP should be resolved

The Supreme Court said that Fundamental rights and DPSP should be built in such a way to be with each other and every effort should be taken by the Court to resolve the dispute between them. **Doctrine of Harmonious Construction**

(3) CONCLUSION :-

The distinction between these three major parts of the constitution of India is very important and may be useful for all and especially very useful to Law students. Researcher try best to cover all the distinction which are important.

REFERENCE :-

1. The Constitution of India, 1950.
2. 1951 AIR 226 1951 SCR 525
3. 1967 AIR 1643, 1967 SCR (2) 762
4. 1978 AIR 771, 1978 SCR (2) 537
5. W.P NOS. 16316, 16404 AND 16405 OF 201
6. 1976 AIR 490, 1976 SCR (1) 906