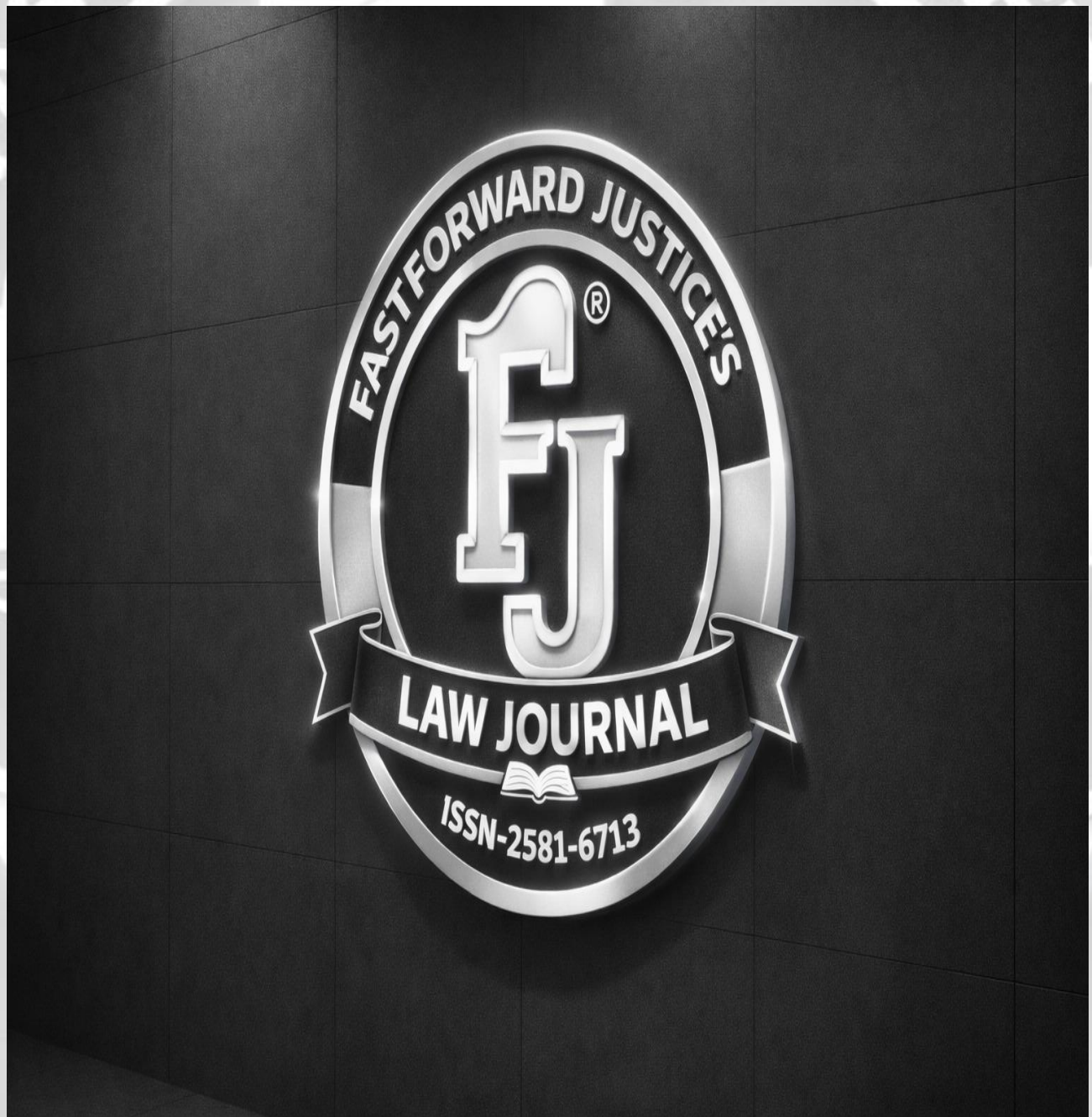


**Directive Principles of State Policy: Borrowing from the
Irish Constitution And Their Adaptation to Indian
Conditions | Authored By : Vasundhra Roy, Available at Link**



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ABSTRACT

Part IV of the Indian Constitution known as the Directive Principles of State Policy is an integral part of the Indian constitutional structure and embodies the progressive aim of the Indian Constitution to create social and economic justice. The Directive Principles of Social Policy featured in Article 45 of the Constitution of Ireland, 1937, had a strong impact on the conceptual underpinning of the Directive Principles. But the Irish model was not a straightforward one to copy in India. It selectively picked up the constitutional device of the inclusion of non-justiciable socio-economic directives and made it applicable to the specific historical, social, economic and political context of India. It focuses on the nature of the Irish influence and the extent of borrowing and adaptation in the Constitution, and compares the Irish approach with the Indian approach. The study also explores how the judicial interpretation of the Directive Principles has evolved in the judgments of the following cases: State of Madras v. Champakam Dorirajan, Kesavananda Bharati v. State of Kerala, Minerva Mills Ltd. v. Union of India and Olga Tellis v. Bombay Municipal Corporation. The research is done through doctrinal and comparative approach of law. It claims that the Irish influences, Indian adaptation and later the transformation of constitution have been the three stages which constitute the Indian Directive Principles. Their non-justiciability does not render them constitutionally insignificant; rather, they function as normative standards for governance, legislative policy and constitutional interpretation.

Keywords: Directive Principles of State Policy; Irish Constitution; Constitutional Borrowing; Comparative Constitutional Law; Social Justice; Constitutional Transformation.

1. INTRODUCTION

Constitutions are not necessarily products of isolated constitutional imagination. Constitution-makers frequently examine foreign constitutional systems and adopt institutions, principles and mechanisms which appear suitable to the constitutional requirements of their own societies. Such borrowing, however, is rarely a process of literal reproduction. A constitutional principle borrowed from one jurisdiction may undergo substantial modification

when incorporated into another because constitutional provisions derive their practical meaning from the historical, institutional and socio-economic environment in which they operate.¹

The Directive Principles of State Policy under Part IV of the Constitution of India provide a significant example of such constitutional borrowing. Articles 36 to 51 embody a series of constitutional directives concerning social justice, economic equality, distribution of resources, workers 'welfare, education, public health, legal aid, decentralisation, environmental protection and international peace.² Article 37 expressly provides that the provisions contained in Part IV shall not be enforceable by any court.³ Nevertheless, the same Article declares the principles to be fundamental in the governance of the country and imposes a constitutional duty upon the State to apply them in making laws.⁴

The principal foreign constitutional influence associated with this model is the Constitution of Ireland, 1937. Article 45 of the Irish Constitution contains the "Directive Principles of Social Policy".⁵ It provides that these principles are intended for the general guidance of the Oireachtas and that their application in law-making is the responsibility of the legislature rather than the courts.⁶ The provision addresses matters including welfare, livelihood, distribution of material resources, private enterprise and protection of weaker sections.⁷

The significance of the Irish model for India lies principally in the constitutional technique that it employed: socio-economic objectives could be incorporated into a written Constitution

¹ See generally, Vicki C. Jackson, "Constitutional Comparisons: Convergence, Resistance, Engagement" 119 Harvard Law Review 109 (2005); David S. Law, "Generic Constitutional Law" 89 Minnesota Law Review 652 (2005).

² The Constitution of India, 1950, arts. 36–51.

³ *Id.*, art. 37.

⁴ *Id.*

⁵ The Constitution of Ireland, 1937, art. 45.

⁶ *Id.*

⁷ *Id.*

without converting each objective into an independently enforceable judicial right.⁸ This was particularly relevant to the Indian Constitution-makers, who were required to reconcile political democracy and individual liberty with the urgent need for social and economic reconstruction.⁹

However, describing the Indian Directive Principles simply as a "borrowed feature" from Ireland is constitutionally incomplete. The Indian Constitution expanded the concept considerably. While Article 45 of the Irish Constitution concentrates on social policy, Part IV of the Indian Constitution addresses a much wider range of subjects. Articles 38 and 39 deal with social and economic justice; Article 39A concerns equal justice and free legal aid; Article 40 concerns village panchayats; Article 45 concerns early childhood care and education; Article 47 addresses nutrition and public health; and Article 48A concerns environmental protection.¹⁰

The Indian model has to be understood with the principle, *cessante ratione legis cessat ipsa lex*, which translates to 'When the reason for a legal rule disappears, it ceases to have its original force'. When applied to the India's transformative constitutional project, the underlying constitutional technique from Ireland found a new constitutional purpose.

A similar process of adaptation can be seen from the judicial history of the Directive Principles. Initially, the Supreme Court in *State of Madras v. Champakam Dorairajan* took a hierarchical approach to the issue and gave much priority to Fundamental Rights over Directive Principles in case of a conflict.¹¹ The doctrine of harmonious construction was gradually developed into the law thereafter. In *Kesavananda Bharati* and specially in *Minerva Mills*, the Court acknowledged the need to have a balance between the Fundamental Rights

⁸ Gerard Hogan, "Constitutional Antecedents Reconsidered: The Irish Influence on the Constitution of India" 20(1) *National Law School Journal* (2026).

⁹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

¹⁰ The Constitution of India, 1950, arts. 38, 39, 39A, 40, 45, 47 and 48A.

¹¹ *State of Madras v. Srimathi Champakam Dorairajan*, AIR 1951 SC 226.

and the Directive Principles in the Constitution.¹² Later, decisions like *Unni Krishnan and Olga Tellis* illustrated that the Directive Principles could have an impact on the meaning of enforceable Fundamental Rights.¹³

The main argument of this research is thus that the Indian Directive Principles do not fit easily into the category of an imported constitutional device. They are an example of the process of selective borrowing, substantive adaptation and judicial transformation.

2. STATEMENT OF PROBLEM

The Directive Principles are considered as a feature taken from the Irish Constitution.¹⁴ But a comparison of the two raises a more fundamental comparative constitutional issue whether the Indian Constitution simply adopted the Irish model or adapted it to the needs of the Indian Constitution.¹⁵

This research solves the main problem which is the character and scope of the influence of Ireland upon Part IV of the Constitution of India followed by the extent to which the Indian Constitution deviated from the original model.¹⁶ Another issue is that the Directives Principles are not justiciable. Unless they can be enforced directly by the courts, their constitutionality must be discussed in law, amendment and interpretation. This evolution of Fundamental Rights and Directive Principles relationship thus assumes significance in the

¹² *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461; *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

¹³ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645; *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

¹⁴ The Constitution of Ireland, 1937, art. 45; see also Gerard Hogan, "Constitutional Antecedents Reconsidered: The Irish Influence on the Constitution of India" 20(1) *National Law School Journal* (2026).

¹⁵ Gautam Bhatia, "Directive Principles of State Policy", in Sujit Choudhry, Madhav Khosla, et.al. (eds.), *The Oxford Handbook of the Indian Constitution* 644–661 (Oxford University Press, Oxford, 2016).

¹⁶ The Constitution of India, 1950, art. 37.

understanding of their present status.¹⁷ The study, therefore, looks at borrowing and adaptation in addition to considering borrowing as a historical fact.

3. RESEARCH QUESTIONS

1. To what extent were the Directive Principles of State Policy influenced by the Directive Principles of Social Policy contained in Article 45 of the Irish Constitution?¹⁸
2. What substantive and structural modifications were made by the Indian Constitution to adapt the Irish model to Indian conditions?
3. How have Indian courts transformed the constitutional significance of the Directive Principles despite their non-justiciable character?¹⁹
4. What does the Indian experience of adapting the Irish model demonstrate about constitutional borrowing in comparative public law?

4. RESEARCH OBJECTIVES

The research seeks:

1. To examine the historical and constitutional basis of the Irish influence on Part IV of the Indian Constitution.
2. To compare the constitutional language, scope and institutional role of Article 45 of the Irish Constitution with Part IV of the Indian Constitution.²⁰
3. To identify the substantive modifications introduced by the Indian Constitution.

¹⁷ Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461; Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789.

¹⁸ The Constitution of Ireland, 1937, art. 45.

¹⁹ Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789; Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645; Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.

²⁰ The Constitution of Ireland, 1937, art. 45; The Constitution of India, 1950, Part IV.

4. To examine the relationship between Fundamental Rights and Directive Principles through leading judicial decisions.²¹
5. To analyse the effect of constitutional amendments and judicial interpretation on the status of Directive Principles.
6. To determine whether the Indian experience represents transplantation, adaptation or constitutional transformation.

5. RESEARCH METHODOLOGY

The research adopts a **doctrinal and comparative legal research methodology**.

The doctrinal component examines primary constitutional materials, including the Constitution of India, the Constitution of Ireland, constitutional amendments, Constituent Assembly materials and judgments of the Supreme Court of India. Relevant secondary literature includes constitutional law textbooks, scholarly writings on Directive Principles, comparative constitutional law and constitutional borrowing.²²

The comparative methodology focuses primarily on India and Ireland because Article 45 of the Irish Constitution constitutes the principal constitutional model associated with the Indian Directive Principles. The comparison examines the constitutional purpose, enforceability, institutional responsibility, substantive scope and subsequent judicial development of the two models.²³

The research follows a qualitative analytical approach. Empirical research has not been undertaken because the research questions are principally doctrinal and comparative in character and concern constitutional text, historical development and judicial interpretation.

²¹ State of Madras v. Srimathi Champakam Dorairajan, AIR 1951 SC 226; Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461; Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789.

²² See Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966); M.P. Jain, *Indian Constitutional Law* (Wadhwa, Nagpur, 5th edn., 2005); D.D. Basu, *Introduction to the Constitution of India* (LexisNexis Butterworths Wadhwa, Nagpur, 20th edn., 2011).

²³ The Constitution of India, 1950, Part IV; The Constitution of Ireland, 1937, art. 45.

6. RESEARCH HYPOTHESIS

The research proceeds on the hypothesis that the Directive Principles of State Policy represent neither a mechanical transplantation of the Irish constitutional model nor an entirely indigenous constitutional creation. Rather, they constitute an instance of **selective constitutional borrowing**, whereby the Indian Constitution adopted the Irish technique of incorporating non-justiciable socio-economic directives while substantially modifying their content, scope and constitutional purpose.²⁴

It is further hypothesised that the Indian adaptation was necessitated by the distinctive historical and socio-economic circumstances prevailing at the commencement of the Constitution. Unlike a constitutional system merely seeking to guide ordinary legislative policy, the Indian Constitution was designed to facilitate a process of social transformation following colonial rule, widespread poverty, economic inequality, inadequate education and public health infrastructure and entrenched social disadvantages.²⁵

The research further hypothesises that non-justiciability does not equate to constitutional insignificance. Article 37 itself characterises the Directive Principles as fundamental to governance.²⁶ Their constitutional influence has subsequently been strengthened through legislation, constitutional amendments and judicial interpretation. The evolution of education, legal aid, environmental protection and livelihood demonstrates that principles initially placed outside the sphere of enforceable rights can influence the interpretation and development of enforceable constitutional guarantees.²⁷

²⁴ The Constitution of Ireland, 1937, art. 45; The Constitution of India, 1950, Part IV.

²⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

²⁶ The Constitution of India, 1950, art. 37.

²⁷ *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789; *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645; *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

Accordingly, the research hypothesises that the Indian experience represents a three-stage process: **Irish inspiration, Indian adaptation and constitutional transformation**. The borrowed constitutional technique provided the initial framework, Indian constitutional conditions determined its substantive content, and subsequent judicial and legislative developments gave the principles a distinct constitutional identity.²⁸

7. LITERATURE REVIEW

There is a general view that the literature on the Directive Principles can be categorised into three streams: Historical background of the Directive Principles, the relationship between Fundamental Rights and the Directive Principles, and the significance of the Directive Principles in India's transformative constitutionalism. Granville Austin's scholarship of the Indian Constitution is of special importance in the context of social change and social transformation through the Constitution. The Constitution wasn't only designed to create government institutions, but it was also aimed at aiming to balance political democracy with social and economic restructuring.²⁹

The works of M.P. Jain, D.D. Basu and H.M. Seervai provide substantial analysis of the constitutional status of Part IV, Article 37 and the relationship between Directive Principles and Fundamental Rights.³⁰ These scholars demonstrate that non-justiciability does not remove the principles from the constitutional framework but affects the institutional mechanism through which they may be implemented.

²⁸ Gautam Bhatia, "Directive Principles of State Policy", in Sujit Choudhry, Madhav Khosla, et.al. (eds.), *The Oxford Handbook of the Indian Constitution* 644–661 (Oxford University Press, Oxford, 2016).

²⁹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

³⁰ M.P. Jain, *Indian Constitutional Law* (Wadhwa, Nagpur, 5th edn., 2005); D.D. Basu, *Introduction to the Constitution of India* (LexisNexis Butterworths Wadhwa, Nagpur, 20th edn., 2011); H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing Co., Delhi, 4th edn., 2015).

B. Shiva Rao's work on the framing of the Constitution is significant for understanding the comparative constitutional materials considered during constitution-making. The Irish constitutional experience formed part of the broader comparative exercise undertaken by the framers.³¹

Academic scholarship on comparative constitutionalism further demonstrates that constitutional borrowing should not be analysed simply through textual similarity. The effectiveness and meaning of a borrowed constitutional provision depend upon the institutional structure, political culture and social conditions of the receiving jurisdiction.³²

The principal gap addressed by the present research is therefore the tendency to treat Irish influence as the endpoint of analysis. The present study instead examines the entire trajectory: **source jurisdiction → constitutional borrowing → Indian adaptation → judicial transformation.**

8. THE IRISH CONSTITUTIONAL MODEL

Article 45 of the Constitution of Ireland, 1937, is headed "Directive Principles of Social Policy". It provides that the principles are intended for the general guidance of the Oireachtas and that their application in law-making is exclusively the responsibility of the legislature rather than the courts.³³

The provision contains principles relating to the welfare of the people, adequate means of livelihood, distribution of material resources, prevention of excessive concentration of

³¹ B. Shiva Rao, *The Framing of India's Constitution: Select Documents* (Indian Institute of Public Administration, New Delhi, 1966–1968).

³² Vicki C. Jackson, "Constitutional Comparisons: Convergence, Resistance, Engagement" 119 *Harvard Law Review* 109 (2005).

³³ The Constitution of Ireland, 1937, art. 45.

economic power, control of credit, private enterprise and protection of economically weaker sections.³⁴

The constitutional philosophy underlying Article 45 is significant. Certain socio-economic objectives require governmental prioritisation, resource allocation and legislative implementation. Their achievement may depend upon changing economic conditions and political choices. The Irish Constitution therefore placed such principles within the constitutional framework without subjecting their implementation to ordinary judicial enforcement.³⁵

This model presented an attractive constitutional solution for India. The Constitution-makers could articulate a programme of social and economic governance without transforming every socio-economic objective into a judicially enforceable entitlement.³⁶

However, the Indian framers did not accept the Irish model in its entirety. The Irish provision was treated as a constitutional source of inspiration, not as a rigid template.³⁷

9. CONSTITUTIONAL BORROWING: FROM IRELAND TO INDIA

9.1 The Structural Borrowing

The strongest evidence of Irish influence lies in the constitutional treatment of socio-economic principles as non-justiciable directives.³⁸

Article 45 of Ireland expressly excludes judicial cognisance of the application of its social-policy principles.³⁹ Article 37 of the Indian Constitution similarly provides that the Directive Principles shall not be enforceable by any court.⁴⁰

³⁴ *Id.*

³⁵ *Id.*

³⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

³⁷ *The Constitution of India, 1950, Part IV; The Constitution of Ireland, 1937, art. 45.*

³⁸ *The Constitution of Ireland, 1937, art. 45; The Constitution of India, 1950, Part IV.*

This is a clear structural similarity.

However, the Indian Constitution deliberately changed the constitutional language. Article 37 does not merely describe the principles as guidance for the legislature. It states that they are **fundamental in the governance of the country** and that it is the **duty of the State** to apply them in making laws.⁴¹

This distinction is constitutionally significant. India therefore borrowed the concept of non-justiciable directives but simultaneously gave them a stronger normative status within the constitutional order.⁴²

9.2 The Difference Between "Guidance" and "Duty"

The distinction between the two constitutional formulations is central to understanding adaptation.

In the Irish model the principles are embedded in the context of legislative guidance.⁴³ The Indian Constitution goes beyond this by referring to constitutional language that is obligatory in terms of the duty of the State.⁴⁴ The Indian model thus represents a significant constitutional paradox: the principles are not judicially enforceable, but constitutionally binding as standards of governance. This shows that constitutionality and enforceability do

³⁹ The Constitution of Ireland, 1937, art. 45.

⁴⁰ The Constitution of India, 1950, art. 37.

⁴¹ *Id.*

⁴² Gautam Bhatia, "Directive Principles of State Policy", in Sujit Choudhry, Madhav Khosla, et.al. (eds.), *The Oxford Handbook of the Indian Constitution* 644–661 (Oxford University Press, Oxford, 2016).

⁴³ The Constitution of Ireland, 1937, art. 45.

⁴⁴ The Constitution of India, 1950, art. 37.

not go hand in hand. The principle "ubi jus ibi remedium" (where there is a right there is a remedy) cannot simply be applied in Part IV, as it is a principle that the Constitution intentionally intended to exclude an ordinary judicial remedy for a category of constitutional norms. The legal value of these is therefore mainly through constitutional governance, legislation and interpretation.⁴⁵

9.3 Borrowing of Principle, Not Mere Text

The Indian Constitution did not copy Article 45 word-for-word. It borrowed its underlying constitutional technique.⁴⁶

The distinction is important because constitutional borrowing operates at different levels:

12. borrowing of constitutional language;
13. borrowing of institutional structures;
14. borrowing of constitutional principles; and
15. borrowing of constitutional techniques.

⁴⁵ *Id.*

⁴⁶ Gerard Hogan, "Constitutional Antecedents Reconsidered: The Irish Influence on the Constitution of India" 20(1) *National Law School Journal* (2026).

The Indian DPSPs predominantly represent the fourth category. The framers borrowed the technique of constitutionalising social and economic objectives while preserving their non-justiciable nature.⁴⁷

10. ADAPTATION TO INDIAN CONDITIONS

10.1 Social and Economic Justice

The Indian Constitution significantly expanded the social justice dimension of the borrowed model.

Article 38 directs the State to promote a social order informed by justice and to minimise inequalities in income, status, facilities and opportunities.⁴⁸

Article 39 further requires State policy to secure adequate means of livelihood, equitable distribution of material resources, prevention of concentration of wealth, equal pay for equal work and protection of workers and children.⁴⁹

⁴⁷ The Constitution of India, 1950, Part IV; The Constitution of Ireland, 1937, art. 45.

⁴⁸ The Constitution of India, 1950, art. 38.

⁴⁹ *Id.*, art. 39.

These provisions reflect India's socio-economic realities at independence. Political equality could not by itself ensure meaningful constitutional citizenship where large sections of the population lacked economic security.⁵⁰

Thus, the Indian Constitution converted the general concept of social policy into a more comprehensive programme of distributive and social justice.⁵¹

10.2 Village Self-Government

Article 40 directs the State to organise village panchayats as units of self-government.⁵²

This provision illustrates an aspect of Indian adaptation that cannot be explained merely through Article 45. Local self-government reflected the Indian constitutional debate concerning decentralisation and democratic participation at the grassroots.⁵³

Its later constitutional development through the Seventy-Third Amendment demonstrates the capacity of a Directive Principle to become the foundation for institutional constitutionalisation.⁵⁴

⁵⁰ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

⁵¹ The Constitution of India, 1950, arts. 38–39.

⁵² *Id.*, art. 40.

⁵³ B. Shiva Rao, *The Framing of India's Constitution: Select Documents* (Indian Institute of Public Administration, New Delhi, 1966–1968).

10.3 Equal Justice and Free Legal Aid

Article 39A was introduced by the Forty-Second Amendment and directs the State to secure equal justice and provide free legal aid.⁵⁵

The provision responds to a fundamental limitation of formal equality. A legal system may guarantee equal access to courts in theory while socio-economic inequality prevents meaningful access in practice.

The constitutional objective therefore moves from **formal equality to substantive access to justice**.⁵⁶

10.4 Education

Education is one of the most obvious constitutions that have changed. The initial Article 45 was in a Part IV which contained an obligation on free and compulsory education.⁵⁷ Judicial interpretation later linked up educational interests with Article 21. In *Unni Krishnan v. State*

⁵⁴ The Constitution (Seventy-Third Amendment) Act, 1992.

⁵⁵ The Constitution of India, 1950, art. 39A; The Constitution (Forty-Second Amendment) Act, 1976.

⁵⁶ See *State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310.

⁵⁷ The Constitution of India, 1950, art. 45, as originally enacted.

of Andhra Pradesh, the Supreme Court held that education, which is not found in the Fundamental Rights, is of constitutional importance and the Directive Principles ought to read along with the right to life and personal liberty.⁵⁸ Elementary education was then dealt with in a different way by the introduction of the 86th Amendment, which added a new article 21A to the Constitution.⁵⁹ The path shows the path of motion:

Directive Principle → judicial interpretation → constitutional amendment → enforceable Fundamental Right.

This is substantially more than borrowing. It is constitutional evolution within the Indian system.⁶⁰

10.5

Public

Health

The obligations of the State to improve the nutrition, standard of living and public health are set forth in Article 47.⁶¹ This is due to India's developmental conditions and how the borrowed constitutional technique was customised to the country's priorities. There is a great need for a lot of institutional infrastructure, public expenditure and policy planning in public

⁵⁸ Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645.

⁵⁹ The Constitution (Eighty-Sixth Amendment) Act, 2002; The Constitution of India, 1950, art. 21A.

⁶⁰ Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645; The Constitution (Eighty-Sixth Amendment) Act, 2002.

⁶¹ The Constitution of India, 1950, art. 47.

health. The objective is recognized in Part IV and gives the State some flexibility in how the objective is realized.⁶²

10.6 Environmental Protection

The Forty-Second amendment to the Constitution, with the introduction of article 48A, mandates the State to protect and improve the environment and to ensure the protection of forests and wildlife.⁶³ The original Irish Constitution did not include any provisions for environmental protection.⁶⁴ It shows how the Indian Constitution has the capability of enlarging Part IV with the new issues that have arisen in the constitutional arena. The provision was then later given more substantive meaning via environmental jurisprudence under Article 21.⁶⁵

11. COMPARATIVE ANALYSIS: IRELAND AND INDIA

A meaningful comparative study must move beyond identifying similarities and examine the reasons and consequences of divergence.

⁶² *Id.*

⁶³ *Id.*, art. 48A; The Constitution (Forty-Second Amendment) Act, 1976.

⁶⁴ The Constitution of Ireland, 1937, art. 45.

⁶⁵ The Constitution of India, 1950, art. 48A; *M.C. Mehta v. Union of India*, (1987) 4 SCC 463.

11.1 Constitutional Status

Both jurisdictions recognise socio-economic principles which are not directly enforceable through ordinary judicial proceedings.⁶⁶

However, India's Article 37 gives the principles an expressly fundamental status within governance and imposes a constitutional duty upon the State to apply them.⁶⁷

11.2 Scope

Article 45 of the Irish Constitution primarily addresses social and economic policy.⁶⁸ The Indian Part IV is substantially wider.⁶⁹

India includes principles concerning:

- social and economic justice;
- distribution of resources;

⁶⁶ The Constitution of Ireland, 1937, art. 45; The Constitution of India, 1950, art. 37.

⁶⁷ The Constitution of India, 1950, art. 37.

⁶⁸ The Constitution of Ireland, 1937, art. 45.

⁶⁹ The Constitution of India, 1950, Part IV.

- prevention of concentration of wealth;
- workers 'welfare;
- equal pay;
- legal aid;
- village self-government;
- education;
- public health;
- environmental protection;
- judicial separation; and
- international peace.⁷⁰

The Indian adaptation therefore expanded the conceptual field considerably.⁷¹

11.3 Historical Context

Part of that is because of the historic context. The Indian Constitution was drafted in the era of independence and in a poor, stratified and unequal society, where education, health and

⁷⁰ *Id.*, arts. 38–51.

⁷¹ See Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

economic opportunities are quite unequal. The DPSPs thus had a transformative role – it was their intent to direct the State to a more equitable social order.⁷²

11.4 Institutional Consequences

The Irish model puts the emphasis on implementation in the political arena.⁷³ The Indian model also vests implementation in political institutions but Indian courts have then interpreted the Directive Principles as the tools of implementation. This has resulted in a unique Indian phenomenon, that is, non-justiciable constitutional principles having an impact on justiciable constitutional rights.⁷⁴

11.5 Evolution

Indian constitutions Part IV has seen a lot of constitutional and case law evolution as compared to the Irish model, which is relatively unchanged.⁷⁵ The introduction of Articles 39A and 48A and the changes in the nature of education by Article 21A prove the dynamic nature of Indian constitutional borrowing.⁷⁶

⁷² *Id.*

⁷³ The Constitution of Ireland, 1937, art. 45.

⁷⁴ *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789; *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

⁷⁵ The Constitution of Ireland, 1937, art. 45; The Constitution of India, 1950, Part IV.

⁷⁶ The Constitution (Forty-Second Amendment) Act, 1976; The Constitution (Eighty-Sixth Amendment) Act, 2002; The Constitution of India, 1950, arts. 21A, 39A and 48A.

12. JUDICIAL TRANSFORMATION OF THE DIRECTIVE PRINCIPLES

12.1 State of Madras v. Champakam Dorairajan

Champakam Dorairajan represents the early judicial approach towards the relationship between Fundamental Rights and Directive Principles.⁷⁷

The dispute concerned communal allocation in educational admissions. The State relied, among other considerations, upon Directive Principles relating to social welfare.

The Supreme Court held that Directive Principles could not override Fundamental Rights. The Court emphasised the difference between enforceable rights and non-enforceable directives.⁷⁸

This approach effectively placed Part IV in a subordinate position where direct conflict occurred.

However, this was not the final position of constitutional jurisprudence.

⁷⁷ State of Madras v. Srimathi Champakam Dorairajan, AIR 1951 SC 226.

⁷⁸ *Id.*

12.2 Re Kerala Education Bill

The later advisory opinion concerning the Kerala Education Bill introduced an important qualification.⁷⁹

The Supreme Court recognised that while Fundamental Rights remained enforceable, Directive Principles could not simply be ignored when determining the scope and content of Fundamental Rights.⁸⁰

The principle of **harmonious construction** became increasingly important.

The Court's approach reflected the broader interpretative principle that constitutional provisions should, as far as possible, be read so that each provision retains meaningful operation.⁸¹

12.3 Kesavananda Bharati v. State of Kerala

⁷⁹ In re Kerala Education Bill, 1957, AIR 1958 SC 956.

⁸⁰ *Id.*

⁸¹ *Id.*

Kesavananda Bharati transformed the understanding of constitutional amendment through the basic-structure doctrine.⁸²

Its significance for Directive Principles lies in the recognition that the Constitution contains multiple constitutional commitments which must coexist.

Social and economic justice cannot be achieved by destroying constitutional liberty, just as individual liberty cannot be interpreted in complete isolation from the constitutional commitment to social justice.

The case therefore laid the intellectual foundation for understanding Parts III and IV as components of a broader constitutional structure.⁸³

12.4 Minerva Mills Ltd. v. Union of India

Minerva Mills is the central authority for understanding the constitutional relationship between Fundamental Rights and Directive Principles.⁸⁴

⁸² Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

⁸³ *Id.*

⁸⁴ Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789.

The Supreme Court invalidated the attempt to give unlimited priority to Directive Principles over Fundamental Rights.⁸⁵

The Court emphasised that the Constitution is founded upon a balance between Parts III and IV. Giving absolute primacy to either would damage the constitutional structure.⁸⁶

The decision is particularly relevant to the present research because the Court expressly compared Article 37 of the Indian Constitution with Article 45 of the Irish Constitution.⁸⁷

The Court identified important textual differences between the two provisions, including India's description of the principles as fundamental to governance and its imposition of a duty upon the State.⁸⁸

Thus, the Supreme Court itself recognised that India had **transformed the borrowed Irish model** rather than merely reproduced it.⁸⁹

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

The constitutional principle emerging from *Minerva Mills* is one of **constitutional harmony**. Fundamental Rights and Directive Principles represent different but complementary dimensions of the constitutional project.⁹⁰

12.5 Unni Krishnan v. State of Andhra Pradesh

Unni Krishnan illustrates how Directive Principles may influence the interpretation of Fundamental Rights.⁹¹

The Court considered the constitutional significance of education and connected the Directive Principles concerning education with Article 21.⁹²

The decision demonstrates that non-justiciability does not create constitutional irrelevance.

The Directive Principle itself was not directly enforced. Instead, it informed the interpretation of an independently enforceable right.⁹³

12.6 Olga Tellis v. Bombay Municipal Corporation

⁹⁰ *Id.*

⁹¹ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

⁹² *Id.*

⁹³ *Id.*

Olga Tellis is the case where the Supreme Court dealt with the aspect of livelihood and Article 21.⁹⁴

The Court acknowledged that the right to life could not simply be seen as the right not to be deprived of physical existence. Livelihood was an important facet of a life of worth.⁹⁵

The Directive Principles of Welfare and Livelihood helped the Court in understanding the larger purpose of the Constitution behind Article 21.⁹⁶

13. CRITICAL ANALYSIS AND ORIGINAL CONTRIBUTION

Such an unconstitutional provision which is not ordinarily directly enforceable is not that weak in comparison to the Fundamental Rights. Part IV has actually been specifically designed to be a Constitutionally limited power.⁹⁷

Socio-economic objectives often raise issues of resource distribution, institutional capacity and other competing demands within government. It may not be appropriate for courts to

⁹⁴ Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ The Constitution of India, 1950, arts. 37 and 38; *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

have the institutional competence to resolve all questions about expenditure, infrastructure and policy design.

The compromise thus arrived at was that all the socio-economic aims would be given formal constitutional recognition but the utilisation of these aims would be assigned to the political institutions.⁹⁸

It does not mean that the State has unfettered discretion. Paragraph 37 lays down that the Directive Principles form the fundamental goals of the entire State Policy of the country.⁹⁹ The legislatures and the governments are thus bound by the Constitution to consider these principles in making policy.

The Indian experience shows the same that non-justiciability is not equivalent to inability.

Three mechanisms have increased their constitutional significance:

First, legislation. The legislatures can pass a law to give effect to the Directive Principles.

⁹⁸ The Constitution of India, 1950, art. 37; Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

⁹⁹ The Constitution of India, 1950, art. 37.

Secondly, a constitutional amendment. Goals which were initially Section IV items may later receive more particular constitution support, such as education.¹⁰⁰

Thirdly, judicial construction. Courts may interpret the directive principles in determining the scope and ambit of Fundamental Rights.¹⁰¹

However, the courts should be careful not to blur the lines between constitutional commands and enforceable rights. If not, constitutional interpretation will result in amendments to Article 37.

The rule- quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud-when something is prohibited, everything by which it is attained is also prohibited might be used with a cautious touch here: in other words, judicial interpretation should not accomplish indirectly that which the constitutional text expressly forbids directly.

The value-add of this work, therefore, is in the work-on-the-ground, which is to say that it is to show that there are three kinds of constitutional borrowing that are involved in the interpretation of the Indian DPSPs:

Borrowing Adaptation Transformation

¹⁰⁰ The Constitution (Eighty-Sixth Amendment) Act, 2002; The Constitution of India, 1950, art. 21A.

¹⁰¹ Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645; Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.

Borrowing explains their Irish origin.

The Indian Constitution did adapt their scope and language because of this.

It is through their transformation by way of constitutional amendments and interpretations by the courts that they are later evolved.¹⁰²

This method shows why comparative constitutional research should not finish with the exclusion of the foreign constitutional influence. The more interesting question is: what is left of the borrowed principle.

14. FINDINGS

The research establishes the following principal findings:

1. The Irish Constitution was an intellectual and structural inspiration for the Indian Directive Principles.¹⁰³

¹⁰² The Constitution of India, 1950, arts. 21A, 39A and 48A; *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

¹⁰³ The Constitution of Ireland, 1937, art. 45; Gerard Hogan, "Constitutional Antecedents Reconsidered: The Irish Influence on the Constitution of India" 20(1) *National Law School Journal* (2026).

2. The main contribution which India brought to constitutionalism was adopting a constitutional device of socio-economic objectives as non-justiciable constitutional directives.
3. The Constitution of India was textually very different from the Irish Constitution and explicitly had a very broad scope.¹⁰⁴
4. Article 37 regards the Indian Directive Principles not merely as a set of recommendations to legislation but as principles fundamental to the governance of the country to which the State has a duty to govern.¹⁰⁵
5. The social-economic conditions of India had a profound impact on the growth of the Part IV.¹⁰⁶
6. The evolution of Indian constitutional jurisprudence was linearly progressive from the hierarchical approach of Champakam Dorairajan to the principle of harmony.¹⁰⁷
7. *Minerva Mills*: the Beginning of an understanding that Fundamental Rights and Directive Principles are twin constitutional commitments.¹⁰⁸
8. Several of the Directive Principles have been converted, either by constitutional amendments or the interpretive process of the courts, from vague aims to mandatory legal principles.¹⁰⁹

¹⁰⁴ The Constitution of India, 1950, Part IV; The Constitution of Ireland, 1937, art. 45.

¹⁰⁵ The Constitution of India, 1950, art. 37.

¹⁰⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1966).

¹⁰⁷ *State of Madras v. Srimathi Champakam Dorairajan*, AIR 1951 SC 226; *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

¹⁰⁸ *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

¹⁰⁹ The Constitution (Eighty-Sixth Amendment) Act, 2002; *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

9. The Indian experience has shown that constitutional borrowing is a continuous process as opposed to a one-off experiment of constitutional transplantation.

15. SUGGESTIONS AND RECOMMENDATIONS

First, the Directive Principles should be understood as substantive constitutional obligations that should inform the content of legislation and the conduct of executive policy, rather than aspirational political statements.¹¹⁰

(ii) The concerned legislative authority when making laws relating to areas of education, health, Livelihood, Protection of Environment, social Welfare and access to Justice shall kept in mind the provisions of this Part of the Directive principles of State Policy.¹¹¹

(iii) Judicial interpretation must resort to Directive Principles as interpretative tools wherever necessary, and a separate constitutional category of non-justiciable directive should be retained.¹¹²

Fourthly, the constitutional development must preserve the balance acknowledged in *Minerva Mills*. The Fundamental Rights and Directive Principles may not be the instruments of constitutional bonfire.¹¹³

And the last: comparative constitutionalism should probe the circumstances of the receiving State when studying constitutional borrowing. The Indian story shows that borrowed

¹¹⁰ The Constitution of India, 1950, art. 37.

¹¹¹ *Id.*, arts. 39A, 45, 47 and 48A.

¹¹² *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645; *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

¹¹³ *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

principles can acquire an autonomous constitutional identity on account of the local constitution.¹¹⁴

16. CONCLUSION

The Directive Principles of State Policy stand as among the most remarkable instances of constitutional borrowing and appropriation in the Indian system of constitution making. A model on these principles in a somewhat different form was the Constitution of Ireland and its Article 45 which directed social and economic teachings into the basic law without any judicially enforceable directive.¹¹⁵

But the Indian Constitution did not merely copy the Irish template. It adopted the constitutional method but significantly changed the content, words and aim of the constitution. Indeed, even Art. 37 shows this change, in that it read that the Directive Principles are fundamental to the governance of the country and the State shall endeavour to apply them.¹¹⁶

The contrast between the two systems becomes stark in regard to the detailed Part IV. The Indian Constitution does more than broadly elaborate on social welfare; it directly deals with socio-economic sharing, livelihood, labour welfare, legal assistance, self-management of villages, education, ecology and the general health of the public. These extensions can only be grasped by acknowledging India's history and the Constitution's revolutionary goals.¹¹⁷

The Directive Principles' judicial history also reveals their development. Although Champakam Dorairajan emphasised that enforceable Fundamental Rights would take

¹¹⁴ Vicki C. Jackson, "Constitutional Comparisons: Convergence, Resistance, Engagement" 119 *Harvard Law Review* 109 (2005).

¹¹⁵ The Constitution of Ireland, 1937, art. 45.

¹¹⁶ The Constitution of India, 1950, art. 37.

¹¹⁷ *Id.*, Part IV.

precedence in conflicts, the later strategy of harmonious construction and the constitutional reasoning of *Kesavananda Bharati* and *Minerva Mills* have resulted in a more balanced approach.¹¹⁸ The later decisions in *Unni Krishnan* and *Olga Tellis* show how Directive Principles can impact Fundamental Rights interpretation without becoming directly enforceable.¹¹⁹

Thus, the Indian experience is illustrative that constitutional borrowing does not always entail constitutional imitation. The borrowed principle might be radically altered in the adopting constitutional system. It was in India that the Irish model provided the benchmark to set out the scope of the principle, which was then substantively enlarged by the Indian constitutional circumstances, followed by judicial advancement.¹²⁰

The logic of Part IV is therefore best expressed as Irish in origin, Indian in content and reconstitute of the constitution. This logic highlights the fluidity of the discipline of comparative constitutional law: constitutional concepts are transmitted from one jurisdiction to another, but their meaning is governed by the constitutional culture, institutions and social contexts of the recipient state.¹²¹

The Directive Principles have therefore acquired a special role in Indian constitutional law. They cannot be litigated in the same way as Fundamental Rights; on the other hand, they are far from being legally or constitutionally meaningless. They govern legislation, shape

¹¹⁸ *State of Madras v. Srimathi Champakam Dorairajan*, AIR 1951 SC 226; *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461; *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

¹¹⁹ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645; *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

¹²⁰ The Constitution of Ireland, 1937, art. 45; The Constitution of India, 1950, Part IV.

¹²¹ Vicki C. Jackson, "Constitutional Comparisons: Convergence, Resistance, Engagement" 119 *Harvard Law Review* 109 (2005).

governance, impact upon interpretation of the Constitution and offer normative bases for social and economic justice.¹²²

What makes the two parts matter is their attempt to address two forms of constitutionalism: one that honours liberty and another that emphasizes social justice. Fundamental Rights envisage the individual operating protected from the State and arbitrary action. Directive Principles describe the circumstances in which the person and the group can be engaged in the constitutional democracy. The Indian Constitution is not two antagonistic projects: Constitution articles 3-4 and 13, 35 form interdependent stages of the same mode of transformation.¹²³

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