

RESERVATION AND FUNDAMENTAL RIGHTS WITH  
DIRECTIVE PRINCIPLES OF STATE POLICYSTATE OF MADRAS  
VERSUS  
CHAMPAKAM DARAIRAJAN

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CHAMPAKAM DORAIRAJAN & ANOTHER, 2 (5) &  
51 of 2022, IJLR.**ABSTRACT:**

This judgement proved as a historic event and decision of the Supreme Court. It led to the 1st Amendment in the Constitution of India in relation to the reservation policy in India. The amendment included the adding of clause 4 under Article 15. The judgement accounts at the impugned Communal Government Order adopted before independence and in continuance even after the Constitution came into force. This order had the reservation policy on the foundation of caste system in the state maintained college institutions. The court held this government order to be void in nature. This judgement is important as it resolves the conflict between Fundamental Rights and Directive Principles of State Policy. It says that whenever the conflict between Fundamental Rights and Directive Principles of State Policy arises, the Fundamental Rights hold the upper hand over the Directive Principles of State Policy. When a fundamental right is violated and directive principle is also in question, the preference will be of fundamental rights.

**Keywords:** Fundamental rights, DPSP, Reservation, Amendment

Jurisdiction	Supreme Court of India
Quorum	Kania, Hiralal J. (Cj), Fazal Ali, Saiyid, Sastri, M. Patanjali, Mahajan, Mehr Chand, Mukherjea, B.K. & Das, S. R. Bose, Vivian
Author of the Judgement	Hon'ble Justice Mr. S R Das
Date of order	09-04-1951
Appellant	State of Madras
Respondent	Smt. Champakam Dorairajan
Counsel for appellant	V.K.T. Chari, Advocate-General, Madras (R. Ganapathy Iyer, with him)
Counsel for respondent	Aliadi Krishnaswami Aiyar (Alladi Kuppuswami Aiyar, with him)
Acts and provision involved	Indian Constitution, 1950 <ul style="list-style-type: none"> <li>• Article 13</li> <li>• Article 16(4)</li> <li>• Article 29(2)</li> </ul> Directive principle of State policy.

**I. INTRODUCTION:**

State of Madras versus Champakam Darairajan is an landmark judgement in the reservation aspect. It is the clubbed case of State of Madras v. Srimathi Champakam Dorairajan and State of Madras v. C.R. Srinivasan. This case judgement resulted in the 1<sup>st</sup> amendment of the Indian Constitution in 1951. The conflict between directive

principles of state policy and the fundamental rights were addressed and held that fundamental right cannot be overridden by directive principles of state policy. This case kick started the moulding of constitution with regards to the reservation as per the ideal spirit of the constitution, which is still evolving.

Article 14 which have the aspect of equal protection of law, deals with the positive discrimination through affirmative actions by the state. Article 15 which prohibit the discrimination on the grounds of religion, race, caste, sex or place of birth , but on the additional ground state can discriminate, which was added in amendment as 15(4) in effect of this case. Article 16 which deals with equality of opportunity in matters of public employment irrespective of religion, race, caste, sex or place of birth, but can be discriminated on additional grounds under 16(4). These 3 main articles gave birth to the concept of reservation.

In this paper we will analyse the decision of Apex Court through the lens of constitutional jurisprudence and conclude with that of its impact on discussing the current scenario on constitutional amendments.

## II. FACTS:

During 1950 in the state of Madras, there existed a quota system for admission in government medical and engineering college. The State maintained four medical colleges and four engineering colleges. The admission in that was on the basis where for every fourteen seats, 6 were to be given to non-Brahmins, 2 to backward classes, 2 to Brahmins, 2 to Harijans, 1 to Anglo-Indians and Indian Christians, and 1 to Muslim. This was based on the order issued by the Province of Madras or Madras Presidency in 1927, before independence, which was called as Communal Government Order (Communal G. O.).

On June 7, 1950, Srimathi Champakam Doratrajan made an application to the High Court of Judicature at Madras based on the she would not be admitted to the College as she belonged to the Brahmin community ,on the other hand, Sri

Srinivasan who had actually applied for admission into the Government Engineering College at Guindy, both filed a petition praying for a writ of mandamus or any other writ restraining the State of Madras and all officers thereof from enforcing, observing, maintaining or following the Communal G.O. in and by which admission into the medical and Engineering College respectively was sought to be regulated in such manner as to infringe and involve the violation of the fundamental right of the petitioner under article 15 (1) and article 29 (2) of the Constitution.

The state of madras alleged that they were allowed to maintain and enforce the Communal Government Order as under Article 46 which is the Directive Principles of State Policy, they are entitled to maintain the order for the promotion of educational interest of Scheduled Caste, Scheduled Tribe and other weaker sections in the society.

The Judgment for the same was filled by the High Court at Madras on 27th July, 1950. The appeals were dealt separately under Article 226 of the Constitution which started the breach of the fundamental right to get admission in an educational institution of the state.

Aggrieved by this, State of Madras appealed to SC, which covers both Cases which are appeals from the judgment passed by the High Court of Judicature at Madras.

## III. ISSUES:

1. In case of conflict between Fundamental Rights and Directive Principles of State Policy, which one will prevail over the other?
2. Whether the Communal Government Order of 1927 was against the Constitution or not?

## IV. ARGUMENTS IN FAVOUR OF APPELLANT:

The appellant contends that the provisions of article 29(2) have to be read along with other articles in the Constitution. Appellant urges that article 46 charges the State with promoting with special care the educational and economic interests of the weaker sections of the people, and, in

particular, of the Scheduled Castes and the Scheduled Tribes, and with protecting them from social injustice and all forms of exploitation.

Further appellant contends that although this article finds a place in Part IV of the Constitution which lays down certain directive principles of State policy and though the provisions contained in that Part are not enforceable by any Court, the principles therein laid down are nevertheless fundamental for the governance of the country and article 37 makes it obligatory on the part of the State to apply those principles in making laws.

#### **V. ARGUMENTS IN FAVOUR OF RESPONDENT:**

The respondent argued that the Communal Government Order under the provision of Article 46 is a clear violation of the Fundamental Rights.

The respondent also added that Caste shouldn't be an obstruction for a deserving student to get into a college maintained by a state. Caste-based reservation is a violation of Article 16(1).

It was argued that Article 29 was not aimed at admission to educational institutions based on religion, caste, or race. Article 15(1) and Article 29(2) also got violated as the state discriminated against and denied admission into a college on the basis of caste.

#### **VI. DECISION:**

The appeal was dismissed as Communal G.O. being inconsistent with the provisions of article 29 (2) in Part III of the Constitution is void under article 13.

#### **VII. RATIO DECIDEDI:**

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 which, notwithstanding other provisions, are expressly made enforceable by appropriate Writs, Orders or directions

under article 32. The chapter of 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 of Fundamental Rights. In our opinion, that is the correct way in which the provisions found in Parts III and IV have to be understood.

If the arguments founded on article 46 were sound then clause (4) of article 16 would have been wholly unnecessary and redundant. Seeing, however, that clause (4) was inserted in article 16, the omission of such an express provision from article 29 cannot but be regarded as significant. It may well be that the intention of the Constitution was not to introduce at all communal considerations in matters of admission into any educational institution maintained by the State or receiving aid out of State funds.

#### **VIII. COMMENT:**

The Supreme Court observed that directive principle of state policy cannot override fundamental rights.

This judgement played crucial role in identifying loop hole in the constitution and rectifying it. But the implementation of true intent of the judgement have been prevented by the parliament by bring its 1<sup>st</sup> constitutional amendment.

From then, till now it become a routine for the SC to give landmark judgement in reservation aspect and parliament alters the same through its amendments.

#### **IX. CONCLUSION:**

It was a landmark case in which the Supreme court of India gave a historical judgment. It led to the First Amendment. This case showed the importance of Fundamental Rights and how much Fundamental Rights and DPSPs are concerned. If there is any infringement in the fundamental right of a citizen due to any order at that time the particular order will be considered null and void like the case of 'State

of Madras Vs. Srimathi Champakam Dorairajan' where the Communal Government Order which was violating the Fundamental Rights of Srimathi Champakam Dorairajan who was denied admission in an educational institute on grounds of caste-based reservation was struck down by the court. This case also highlighted the need for change in some laws in the constitution which are violating the Fundamental Rights of the citizens of India. Fundamental Rights are always 'Supreme' and important for the people of the country as it gives them basic rights which helps them to live their life with freedom and peace.

#### X. RELATED CASE LAW:

- Brown Case, Topeka 347 US 4833  
1954 <https://www.history.com/topics/black-history/brown-v-board-of-education-of-topeka>
- Inamdar Case, writ petition (civil) 317  
1993 <https://www.lawnn.com/p-a-inamdar-ors-vs-state-of-maharashtra-ors/>

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