Unit-II

**Directive Principles of State Policy**

The directive principles are a mixture of various subjects that embraces the life of a nation. Also, it includes principles that are a general statement of principles of administrative policy, statements of social policy, statement of the international policy and socio-economic rights. Furthermore, the sanction behind any directive is, of course, political and not judicial. Although, these directives are not recognized by the courts. So, if the government fails to carry out any of its objectives than no court can make the government implement these directives. Thus, these directive principles of state policy are fundamental to the governance of a nation.

**Welfare State**

The constitution establishes the welfare state at a federal level along with the state level. So, in a welfare state, the main duty of government is the safety of the welfare of the people.

**Emphasizing the ideas of the Preamble**

The directive principles in amplification, emphasizes the preamble and the goal of the state of Indian politics which is not laissez-faire. On the contrary, it is a welfare state where the state has a duty to ensure that its citizens get social and economic justice. Also, along with this, they have the dignity of the individuals.

**Overview of part 4 of the Constitution**

There are nineteen articles in part 4 from articles 36 to 51. So, these articles can be broadly divided into principles of administrative policy, social policy directives, socio-economic policy, and principles of international policy.

**Principles of Administrative policy**

For a nation to have a democratic government, it is important to foster the development of individuals. Also, to gather the village people, article 40 was inserted which called for village panchayats. While article 50, on the other hand, provides all the information for separation of judiciary from the executive.

**Social Policy Directives**

The concept of social justice under the constitution of India includes the diverse principles which are important for the growth and development of the personality of all citizens. Under article 38, the objective of the government is to protect and secure a social order which has social, economic, and political justice.

Also, these justices are for every person in India. Under article 41, which calls the right to education, work, and public assistance for the economically weaker section. It makes the state to grant permission to government servants who are retired as well as their dependent individuals. Also, article 43A calls for the betterment of industrial relations with workers.

Right to health and the rising levels of the nutrition of the people is given in article 47. There is also a provision of the ban on liquor in this article throughout India.

Fundamental Rights

The basic rights of a citizen of any country are called fundamental rights.

The constitution provides certain rights equally to all citizens that enable the people to live freely and happily. These are applicable irrespective of race, place of birth, [religion](https://www.toppr.com/guides/legal-aptitude/indian-constitution/fundamental-rights-right-to-freedom-of-religion/), caste, creed, or [gender](https://www.toppr.com/guides/evs/across-the-wall/gender-disparity/).

Part III of our constitution states Six Fundamental Rights.

1. Right to Equality

* No discrimination on the basis of religion, caste, race, gender or place of birth.
* Equal opportunities for education and employment
* Equality before law irrespective of status
* Practice of untouchability- punishable
* Titles like Rai Bahadur, creating inequality are abolished, replaced with Sir, Major, Doctor, Colonel
* Weaker sections are given privileges in the form of reservation in schools, colleges and in jobs.

1. Right to Freedom (Act 19)

The individual of a Democracy has the right to

* Freedom of speech and expression
* Form unions or associations
* Move freely and settle anywhere in the country
* Practice any profession or trade
* Free and compulsory education for children under 14 years of age
* No citizen can be punished unless proved guilty; none can be punished twice for the same offense

1. Right against exploitation

* Helps and protects the underpaid
* Prevents child labour(under14)

1. Right to Freedom of Religion

* Secularism is practiced
* Freedom to practice any religion of one’s own choice

1. Cultural and educational rights

* Right to develop and preserve culture of their own
* Communities have the right to establish their own educational institutions

1. Right to Constitutional Remedies

* In case of violation of rights by government or any individual, case can be filed. The High Court and Supreme Court can set aside any law under such circumstances.

Article 21 (Right to Life and Personal Liberty)

“No person shall be deprived of his life or personal liberty except according to a procedure established by law”

This is the most progressive provision – foundation of our laws

Right to Life- ensures fundamental requirements, dignified living

* To live with human dignity free from exploitation
* Rights of gender equality- protects from sexual harassment at workplace
* Against violation of individual’s reputation
* Right to livelihood- shelter
* Right to get pollution free water and air, clean environment
* Against noise pollution
* Right to social security and protection of family
* Right to health and medical care
* Against suicide
* Right to know (to be informed)

Right to personal liberty- one of the oldest concepts (article 19)

“No freeman shall be taken or imprisoned but by the law of the land”

* Right to privacy- free from unwarranted public interference
* Right to go abroad
* Right to free legal aid and appeal (for prisoners)
* Right to speedy trial
* Right against solitary confinement
* Right against custodial violence
* Right against public hanging
* Right to write a book

The Parliament

It consists of the President and two Houses (Lok Sabha and Rajya Sabha)

The President is the integral part; without his sign, no bill can be passed

Lok Sabha:

It is the lower house of the parliament; it is the house of the people

Compostion of Lok Sabha (552 members)

530 from states, 20 from Union Territories;

2 members from Anglo- Indian Community are nominated by the President

Election Procedure:

* Held every five years
* Secret ballot system
* Members have five years term
* In case of emergency, one year can be extended.

Eligibility of the candidate:

* Must be the citizen of India
* Above 25 years
* Those who are in government service are not eligible
* The winning party, with the majority is invited to form government

The Speaker or the presiding officer of the Lok Sabha supervises the proceedings and maintains order and discipline

The Rajya Sabha: (Council of States)

It is the Upper House of Parliament; it is permanent and cannot be dissolved

Composition (250 members)

238-representing the States and Union Territories; 12 are nominated by the President from those who excel in various fields of art, science, literature and social service

Term and Eligibility

* Members have a term of six years
* The candidate must be 30 years or above
* Those in government service are not eligible
* The Vice-President is its presiding officer

Functions of the Parliament

1. It is the Law Making Body

* Can introduce new and change old laws
* Law is first introduced as a Bill(draft of the proposed law)
* Bill becomes an act only if the parliament passes it
* The president signs it

Fundamental Duties:

These are defined as the moral obligations of all citizens to help promote a spirit of [patriotism](https://www.toppr.com/guides/history/nationalism-in-india/) and to uphold the unity of India and concern the individuals and the nation. Included in Part IVA of the Constitution, like the Directive Principles, they are not enforceable by the law.

* To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
* To cherish and follow the noble ideals which inspired our national struggle for freedom- nonviolence, democracy, secularism
* To uphold and protect the sovereignty, unity, and integrity of India.
* To defend the country and render national service for the nation’s security when called upon to do so.(against external enemies)
* To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, social and regional or sectional diversities; to renounce practices derogatory to the dignity of women. (against internal rivalries)
* To value and preserve the rich heritage of our composite culture.
* To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures.
* To develop the scientific temper, humanism and the spirit of inquiry and reform.
* To safeguard public property and to abjure violence.
* To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavor and achievement.
* Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six to fourteen years.
* According to the 86th constitutional amendment in 2002, it is the duty of the people of India to adapt to make India a safer place to live, to be clean and make the surrounding clean and not to hurt anybody physically and mentally.

**The Union Executive and Legislature**

The Union Executive is the body that is set up to look into the implementation of the laws. Let us know more about the composition of the Union Executive and the Legislature as well as the powers and duties of its members.

**The Composition of the Union Executive**

The Union Executive comprises of

* President
* Prime Minister
* Council of Ministers

The president is the nominal executive whereas the Prime Minister is the real executive. Let us know about the qualifications, functions and powers of the members

**The State Legislature and Legislative Council**



The State Legislature comprises of the Governor and the two Houses namely, the Upper House and the Lower House. The Upper House consists of the Legislative Council and the Lower House consists of the Legislative Assembly. Bihar, Karnataka, Maharashtra, Uttar Pradesh and Jammu and Kashmir follow a bicameral legislature while rest of the states follow a unicameral legislature.

The State Legislature consists of not let than 50 but not more than 500 members. They appoint a Deputy Speaker amongst themselves who acts as the Speaker of the Assembly.

**Powers of State Legislature**

Legislative Powers

* Make Laws related to the subjects in the State List and Concurrent List
* Governor and both houses decide whether a bill can be passed or not

Financial Powers

The Money bill can be passed on after it is first presented in the Legislative Assembly. It can only be delayed for 14 days. The State Legislature does not hold the powers to reject it.

Administrative Powers

* State Executive is responsible to the  Legislative Assembly
* Council of Ministers are accountable to Legislative Assembly

Electoral Powers

It holds the power to elect the President, members of the Rajya Sabha, Legislative Council, Speaker and Deputy Speaker

Legislative Council

* It is the Upper House of the State Legislature Assembly
* Comprises of not less than 40 members