

Directive Principles of State Policy: A Concise Guide

What are they?

- Part IV of the Indian Constitution (Articles 36-51).
- Non-justiciable guidelines for the government to achieve social and economic justice.
- Inspired by the Irish Constitution and Gandhian ideas.
- Unlike provisions in other parts, the DPSP provisions cannot be enforced by any court.
- However, they play a fundamental role in shaping the governance of the country.
- It becomes the duty of the State to apply these principles while formulating laws.

Definition:

Directive Principles of State Policy are aspirational ideals that guide the government in making laws. They serve as a compass for legislative, executive, and administrative actions.

Key Features:

- Enabling: Guide government policies towards welfare and inclusivity.
- **Historical Connection:** These principles draw parallels with the "Instrument of Instructions" in the 1935 Government of India Act. Dr. B.R. Ambedkar equated them, considering them as instructions to the legislature and executive.

Comprehensive Program: DPSP encompasses economic, social, and political aspects, aiming for justice, liberty, equality, and fraternity, aligning with the Constitution's Preamble. It emphasizes the creation of a 'welfare state,' distinct from a 'police state.'

Non-Justiciability: While not legally enforceable by courts, Article 37 highlights their indispensable role in governance. The government isn't compelled to implement them, but they remain integral to the policy framework.

Judicial Role: Courts cannot force the implementation of DPSP but consider them while assessing laws.

Utility of Directive Principles: "life-giving provisions", emphasizing "economic democracy", "moral precepts"

Why non-justiciable?

- Practical limitations like resources and diversity.
- Emphasis on moral responsibility of the government.
- Scope for flexibility and adaptation.

Impact:

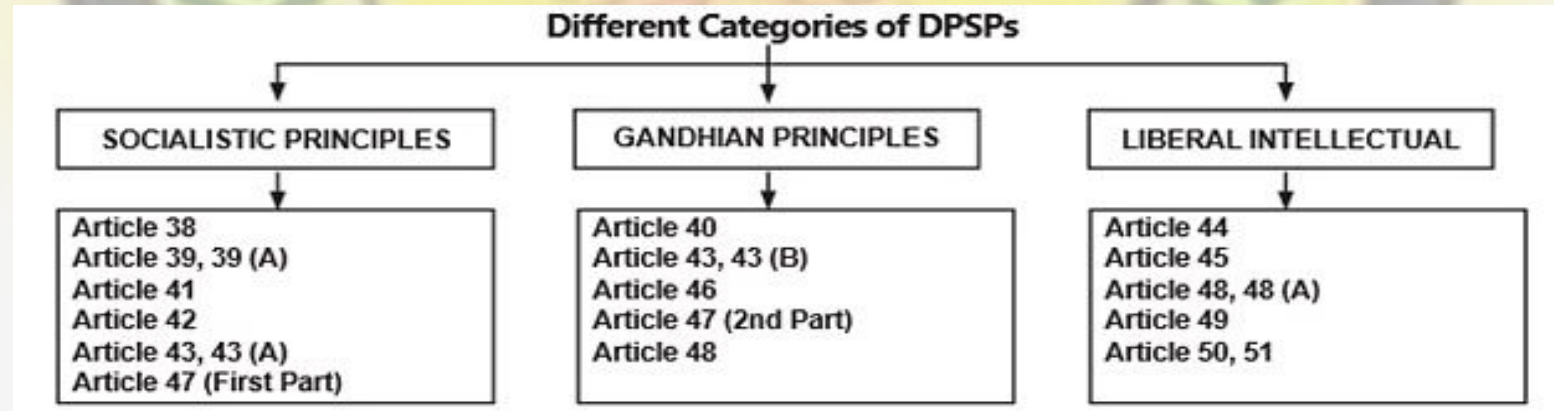
- Empower marginalized communities.
- Set long-term goals for human development.

Why Non-Justiciable DPSPs Remain Relevant:

- **Flexibility:** Broad principles allow adaptation to varying state resources and citizen needs.
- **Complementary to Rights:** Non-justiciability doesn't hinder progress; DPSPs can inspire legislation and policy while safeguarding fundamental rights.
- **Proactive States:** Governments are increasingly taking legislative and executive measures to fulfill DPSP goals.

Classifying DPSPs:

- **Socialistic:** Promote a welfare state with social and economic justice.
- **Gandhian:** Reflect Mahatma Gandhi's vision for reconstruction and development.
- **Liberal-Intellectual:** Uphold individual liberty and intellectual pursuits.



Category	Key Principles and Articles
Socialistic Principles	Reflects socialist ideals for a democratic socialist state, emphasizing social and economic justice towards a welfare state.
- Article 38	Promotes people's welfare, striving for a just social, economic, and political order.
- Article 39	Ensures citizens' right to adequate livelihood, fair distribution of resources, and prevention of wealth concentration.
- Article 39A	Promotes equal justice and provides free legal aid to the poor.
- Article 41	Guarantees the right to work, education, and public assistance during unemployment, old age, sickness, and disability.
- Article 42	Provides just and humane working conditions and maternity relief.
- Article 43	Secures a living wage, decent standard of life, and cultural opportunities for workers.
- Article 43A	Encourages worker participation in industrial management.
- Article 47	Aims to improve public health, raise nutrition levels, and enhance people's standard of living.

Gandhian Principles	Based on Gandhian ideology, reflecting ideas from Gandhi's vision during the national movement.
- Article 40	Organize village panchayats, empowering them for self-government.
- Article 43	Promote cottage industries in rural areas, either individually or cooperatively.
- Article 43B	Encourage the formation of cooperative societies with voluntary participation, democratic control, and professional management.
- Article 46	Promote the educational and economic interests of marginalized groups (SCs, STs, and others), protecting them from social injustice.
- Article 47	Prohibit the consumption of harmful intoxicants.
- Article 48	Forbid the slaughter of cows, calves, and other useful cattle, aiming to enhance their breeds.

Liberal-Intellectual Principles	Reflects liberal principles, emphasizing individual rights and progressive governance.
- Article 44	Ensure a uniform civil code for all citizens across the country.
- Article 45	Provide early childhood care and education for children until the age of six.
- Article 48	Organize agriculture and animal husbandry using modern and scientific methods.
- Article 48A	Protect and improve the environment, safeguarding forests and wildlife.
- Article 49	Preserve monuments, places, and objects of artistic or historic importance declared national.
- Article 50	Separate the judiciary from the executive in public services of the State.
- Article 51	Promote international peace, maintain just and honourable relations between nations, respect international law and treaties.

Amendment	Directive Principle Added
42nd Amendment Act (1976)	<ul style="list-style-type: none">- Article 39: Secure opportunities for healthy child development.
	<ul style="list-style-type: none">- Article 39A: Promote equal justice and provide free legal aid to the poor.
	<ul style="list-style-type: none">- Article 43A: Take steps to involve workers in industry management.
	<ul style="list-style-type: none">- Article 48A: Protect and improve the environment, safeguarding forests and wildlife.
44th Amendment Act (1978)	<ul style="list-style-type: none">- Article 38: Requires the State to minimize inequalities in income, status, facilities, and opportunities.
86th Amendment Act (2002)	<ul style="list-style-type: none">- Changed the subject of Article 45, making elementary education a FR under Article 21A. Requires the State to provide early childhood care and education for all children until the age of 6
97th Amendment Act (2011)	<ul style="list-style-type: none">- Article 43B: Requires the state to promote voluntary formation, autonomous functioning, democratic control, and professional management of cooperative societies.



Implementation of Directive Principles

Area	Initiatives and Acts
Planning and Development	- Planning Commission (1950) and NITI Aayog (2015) focused on planned development. Successive Five Year Plans aimed at socio-economic justice and reducing inequalities.
Land Reforms	- States enacted laws for agrarian changes, including intermediary abolition and tenancy reforms. Ceilings on land holdings, surplus land distribution, and promotion of cooperative farming.
Labor Welfare	- Various Acts like Minimum Wages Act, Payment of Wages Act, and Child Labour Prohibition Act enacted to protect labor rights. Child labor banned in 2006.
Women's Rights	- Maternity Benefit Act (1961) and Equal Remuneration Act (1976) safeguard women workers.
Financial Resource Utilization	- Nationalization of life insurance (1956), fourteen leading banks (1969), and abolition of Privy Purses (1971) for common good.
Legal Aid and Justice System	- Legal Services Authorities Act (1987) for free legal aid, Lok Adalats for conciliation, and Panchayati Raj system (1992) for local self-governance.

Cottage Industries Development	- Various boards and commissions established for the development of cottage industries.
Rural Development Programs	- Programs like Community Development, Jawahar Rozgar Yojana, and NREGA launched to raise the standard of living in rural areas.
Environmental Conservation	- Acts like Wildlife (Protection) Act (1972), Forest (Conservation) Act (1980), and Pollution Control Boards for environmental protection.
Agriculture and Animal Husbandry	- Modernization efforts including improved agricultural inputs, seeds, fertilizers, and irrigation facilities. Scientific modernization of animal husbandry.
Reservation for Weaker Sections	- Reservations in education, government services, and representative bodies for SCs, STs, and other weaker sections. Acts like Untouchability (Offences) Act for protection.
National Commissions for Social Groups	- Establishment of national commissions for backward classes, minorities, women, and child rights. 103rd Amendment Act (2019) provided 10% reservation for Economically Weaker Sections (EWSs).
Judicial Reforms	- Criminal Procedure Code (1973) separated judiciary from the executive in public services.

Monument and Archaeological Protection	- Ancient and Historical Monuments and Archaeological Sites and Remains Act (1951) for protection.
Public Health Initiatives	- Establishment of primary health centers and hospitals nationwide. Special programs for disease eradication.
Anti-Cow Slaughter Laws	- Some states enacted laws prohibiting the slaughter of cows, calves, and bullocks.
Old Age Pension Schemes	- Some states initiated pension schemes for people above 65 years.
Foreign Policy for Peace	- India follows non-alignment and panchsheel for international peace and security.

Directives Outside Part IV

Directive	Details
Reservation for SCs and STs in Services (Article 335)	<ul style="list-style-type: none">- Members of SCs and STs have claims to services and posts.- Consideration given during appointments, balanced with the efficiency of administration.
Mother-Tongue Instruction for Linguistic Minorities (Article 350-A)	<ul style="list-style-type: none">- States and local authorities should provide facilities for mother-tongue instruction at the primary stage.- Focus on children belonging to linguistic minority groups.
Promotion and Development of Hindi (Article 351)	<ul style="list-style-type: none">- Union's duty to promote and develop the Hindi language.- Aiming for Hindi to serve as a medium of expression for the diverse culture of India.

Conflict Between Fundamental Rights and Directive Principles

Case	Key Points
Minerva Mills Case (1980)	<ul style="list-style-type: none"> - Reaffirmed Fundamental Rights' supremacy over Directive Principles. - Emphasized the Constitution's balance between Fundamental Rights and Directive Principles as essential. - Goals of Directive Principles should be achieved without compromising the means provided by Fundamental Rights.
Current Position	<ul style="list-style-type: none"> - Fundamental Rights have supremacy over Directive Principles. - Parliament can amend Fundamental Rights to implement Directive Principles without damaging the Constitution's basic structure.

Basis	Fundamental Rights	Directive Principles of state policy
Injunctions	Fundamental rights are negative injunctions	DPSP are positive injunctions.
Justiceable	Are justiceable.	Are not justiceable.
Superiority	Are legally superior to DPSP, as they are enforceable.	DPSP are non enforceable.
Attainment	Have already been attained.	Yet to be attained.
Backing	Are backed by Law.	Are backed by Public Opinion.
Suspension	Can be suspended during emergency under article 352.	DPSP unless implemented are in a state of permanent suspended animation.
Type of democracy	Provide for political democracy.	Aim at socio-economic democracy.

