

Directive principles of state policy

- Enumerated in part IV of constitution from articles 36 to 51.
- The framers of the constitution borrowed this idea from Irish constitution of 1937, which was copied from Spanish constitution.

Features

- State should keep these principles in mind while formulating policies and enacting laws.
- It resembles the “Instrument of instructions” enumerated in Government of India Act, 1935.
- It constitute a very comprehensive economic, social and political program for the state. Aim is to have ‘welfare state’ and not ‘Police state’.
- Non justiciable in nature, They are not legally enforceable by court for their violation.
- It helps the court in examining and determining the constitutional validity of a law.
- If a law aims to achieve directive principle then court finds it reasonable.

Classification of directive principles

Three broad categories

- Socialistic Principles
- Gandhian Principles
- Liberal-Intellectual Principles

Socialistic Principles

The socialist and economic principles always aim to shape our country into a Welfare State. They direct the state:

1. To promote the welfare of the people by securing a social order permeated by justice and to minimize inequalities in income, status, facilities and opportunities (Article 38).
2. To secure (a) the right to adequate means of livelihood for all citizens; (b) the equitable distribution of material resources of the community for the common good; (c) prevention of concentration of wealth and means of production; (d) equal pay for equal work for men and women; (e) preservation of the health and strength of workers and children against forcible abuse; and (f) opportunities for healthy development of children (Article 39).

3. To promote equal justice and to provide free legal aid to the poor (Article 39 A).
4. To secure to right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement(Article 41).
5. To make provision for just and humane conditions of work and maternity relief (Article 42).
6. To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43).
7. To take steps to secure the participation of workers in the management of industries (Article 43 A).
8. The raise the level of nutrition and the standard of living of people and to improve public health (Article 47).

Gandhian Principles

- These principles are based on Gandhian ideology. In order to fulfil the dreams of Gandhi, some of his ideas were included as Directive Principles. They require the states:
 1. To organize village panchayats and endows them with necessary powers and authority to enable them to function as units of self government.
 2. To promote cottage industries on an individual or cooperation basis in rural area(Article 43).
 3. To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies(Article 43A).

4. To promote educational and economic interests of the weaker sections of the people particularly SCs, STs to protect them from social injustice and exploitation. (Article 46)

5. To prohibit the consumption of intoxicating drinks drugs which are injurious to health (Article 47).

6. To prohibit the slaughter of cows and other useful cattle to improve their breeds.

Liberal-intellectual Principles

The principles included in this category represent the ideology of liberalism. They direct the states:

- To secure for all citizens a uniform civil code throughout the country(Article 44).
- To provide environment safeguarding forest and wild life of the country
- To protect, preserve and maintain places of national historical importance
- To separate the judiciary from executive in public services of life
- To promote international peace and security and maintain honorable relations between nations.

Criticism of the directive principles

- No legal force :- Directive principles have been criticized mainly because of their non-justiciable nature.
- **Illogically arranged** :- Critics often say that directives are not arranged in a logical manner based on consistent philosophy.
- **Conservative** :- They are suitable in India in the middle of twentieth century but that may not be the case in twenty-first century.
- **Constitutional conflict**:- It can lead to conflict like between President and Prime Minister.
- For ex. PM passes a bill in parliament but president may reject it on non compliance of these principles.

UTILITY OF DIRECTIVE PRINCIPLES

- In spite of the above criticisms and shortcomings the Directive principles are necessary appendage to the Constitutions.
- According to M C Setalvad, the former Attorney General of India, the Directive Principles, although confer no legal rights and create no legal remedies are significant and useful in the following ways:
 1. They are like an “Instrument of Instructions” addressed to all authorities in the Indian Union.
 2. They have served as useful beacon-lights to the courts in exercising their power of judicial review.
 3. They form the dominating background to all state action.

The Directives also play the following roles:

- They facilitate stability and continuity in domestic and foreign policies in political, economic and social spheres in spite of the changes of the party in power.
- They are supplementary to the fundamental rights of the citizens.
- Their implementation creates a favorable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens.
- They enable the opposition to exercise influence and control over the operations of the government.

Thank you