

## 8 Directive Principles of State Policy

The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51<sup>1</sup>. *The framers of the Constitution borrowed this idea from the Irish Constitution of 1937, which had copied it from the Spanish Constitution.* Dr. B.R. Ambedkar described these principles as 'novel features' of the Indian Constitution. The Directive Principles along with the Fundamental Rights contain the philosophy of the Constitution and is the soul of the Constitution. Granville Austin has described the Directive Principles and the Fundamental Rights as the 'Conscience of the Constitution'<sup>2</sup>.

## FEATURES OF THE DIRECTIVE PRINCIPLES

1. The phrase 'Directive Principles of State Policy' denotes the ideals that the State should keep in mind while formulating policies and enacting laws. These are the constitutional instructions or recommendations to the State in legislative, executive and administrative matters. According to Article 36, the term 'State' in Part IV has the same meaning as in Part III dealing with Fundamental Rights. Therefore, it includes the legislative and executive organs of the central and state governments, all local authorities and all other public authorities in the country.
2. The Directive Principles resemble the 'Instrument of Instructions' enumerated in the Government of India Act of 1935. In the words of Dr. B.R. Ambedkar, 'the Directive Principles are like the instrument of instructions, which were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935. What is called Directive Principles is merely another name for the instrument of instructions. The only difference is that they are instructions to the legislature and the executive'.
3. The Directive Principles constitute a very comprehensive economic, social and political programme for a modern democratic State. They aim at realising the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution. They embody the concept of a 'welfare state' and not that of a 'police state', which existed during the colonial era<sup>3</sup>. In brief, they seek to establish economic and social democracy in the country.
4. The Directive Principles are non-justiciable in nature, that is, they are not legally enforceable by the courts for their violation. Therefore, the government (Central, state and local) cannot be compelled to implement them. Nevertheless, the Constitution (Article 37) itself says that these principles are fundamental in the governance of the

country and it shall be the duty of the State to apply these principles in making laws.

5. The Directive Principles, though non-justiciable in nature, help the courts in examining and determining the constitutional validity of a law. The Supreme Court has ruled many a times that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a Directive Principle, it may consider such law to be 'reasonable' in relation to Article 14 (equality before law) or Article 19 (six freedoms) and thus save such law from unconstitutionality.

## CLASSIFICATION OF THE DIRECTIVE PRINCIPLES

The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual.

### Socialistic Principles

These principles reflect the ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards welfare state. They direct the state:

1. To promote the welfare of the people by securing a social order permeated by justice—social, economic and political—and to minimise inequalities in income, status, facilities and opportunities<sup>4</sup> (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<sup>5</sup> (Article 39).
3. To promote equal justice and to provide free legal aid to the poor<sup>6</sup> (Article 39 A).
4. To secure the 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<sup>7</sup>, 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<sup>8</sup> (Article 43 A).

8. To 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. They represent the programme of reconstruction enunciated by Gandhi during the national movement. In order to fulfil the dreams of Gandhi, some of his ideas were included as Directive Principles. They require the State:

1. To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).
2. To promote cottage industries on an individual or co-operation basis in rural areas (Article 43).
3. To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies<sup>8a</sup> (Article 43B).
4. To promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation (Article 46).
5. To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).
6. To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48).

## Liberal-Intellectual Principles

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

1. To secure for all citizens a uniform civil code throughout the country (Article 44).
2. To provide early childhood care and education for all children until they complete the age of six years<sup>9</sup> (Article 45).
3. To organise agriculture and animal husbandry on modern and scientific lines (Article 48).
4. To protect and improve the environment and to safeguard forests and wild life<sup>10</sup> (Article 48 A).

5. To protect monuments, places and objects of artistic or historic interest which are declared to be of national importance (Article 49).
6. To separate the judiciary from the executive in the public services of the State (Article 50).
7. To promote international peace and security and maintain just and honourable relations between nations; to foster respect for international law and treaty obligations, and to encourage settlement of international disputes by arbitration (Article 51).

## NEW DIRECTIVE PRINCIPLES

The 42nd Amendment Act of 1976 added four new Directive Principles to the original list. They require the State:

1. To secure opportunities for healthy development of children (Article 39).
2. To promote equal justice and to provide free legal aid to the poor (Article 39 A).
3. To take steps to secure the participation of workers in the management of industries (Article 43 A).
4. To protect and improve the environment and to safeguard forests and wild life (Article 48 A).

The 44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimise inequalities in income, status, facilities and opportunities (Article 38).

The 86th Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

The 97<sup>th</sup> Amendment Act of 2011 added a new Directive Principle relating to cooperative societies. It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).

## **SANCTION BEHIND DIRECTIVE PRINCIPLES**

Sir B.N. Rau, the Constitutional Advisor to the Constituent Assembly, recommended that the rights of an individual should be divided into two categories—justiciable and non-justiciable, which was accepted by the Drafting Committee. Consequently, the Fundamental Rights, which are justiciable in nature, are incorporated in Part III and the Directive Principles, which are non-justiciable in nature, are incorporated in Part IV of the Constitution.

Though the Directive Principles are non-justiciable, the Constitution (Article 37) makes it clear that ‘these principles are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws’. Thus, they impose a moral obligation on the state authorities for their application, but the real force behind them is political, that is, public opinion. As observed by Alladi Krishna Swamy Ayyar, ‘no ministry responsible to the people can afford light-heartedly to ignore the provisions in Part IV of the Constitution’. Similarly, Dr. B.R. Ambedkar said in the Constituent Assembly that ‘a government which rests on popular vote can hardly ignore the Directive Principles while shaping its policy. If any government ignores them, it will certainly have to answer for that before the electorate at the election time’<sup>11</sup>.

The framers of the Constitution made the Directive Principles non-justiciable and legally non-enforceable because:

1. The country did not possess sufficient financial resources to implement them.
2. The presence of vast diversity and backwardness in the country would stand in the way of their implementation.
3. The newly born independent Indian State with its many preoccupations might be crushed under the burden unless it was free to decide the order, the time, the place and the mode of fulfilling them.

‘The Constitution makers, therefore, taking a pragmatic view, refrained from giving teeth to these principles. They believed more



in an awakened public opinion rather than in court procedures as the ultimate sanction for the fulfilment of these principles'<sup>12</sup> .

## **CRITICISM OF THE DIRECTIVE PRINCIPLES**

The Directive Principles of State Policy have been criticised by some members of the Constituent Assembly as well as other constitutional and political experts on the following grounds:

### **1. No Legal Force**

The Directives have been criticised mainly because of their non-justiciable character. While K.T. Shah dubbed them as 'pious superfluities' and compared them with 'a cheque on a bank, payable only when the resources of the bank permit'<sup>13</sup>, Nasiruddin contended that these principles are 'no better than the new year's resolutions, which are broken on the second of January'. Even as T.T. Krishnamachari described the Directives as 'a veritable dustbin of sentiments', K C Wheare called them as a 'manifesto of aims and aspirations' and opined that they serve as mere 'moral homily', and Sir Ivor Jennings thought they are only as 'pious aspirations'.

### **2. Illogically Arranged**

Critics opine that the Directives are not arranged in a logical manner based on a consistent philosophy. According to N Srinivasan, 'the Directives are neither properly classified nor logically arranged. The declaration mixes up relatively unimportant issues with the most vital economic and social questions. It combines rather incongruously the modern with the old and provisions suggested by the reason and science with provisions based purely on sentiment and prejudice'<sup>14</sup>. Sir Ivor Jennings too pointed out that these principles have no consistent philosophy.

### **3. Conservative**

According to Sir Ivor Jennings, the Directives are based on the political philosophy of the 19th century England. He remarked: 'The ghosts of Sydney Webb and Beatrice Webb stalk through the pages of the text. Part IV of the Constitution expresses Fabian

Socialism without the socialism'. He opined that the Directives 'are deemed to be suitable in India in the middle of the twentieth century. The question whether they are suitable for the twenty-first century cannot be answered; but it is quite probable that they will be entirely out moded.<sup>15</sup>

#### **4. Constitutional Conflict**

K Santhanam has pointed out that the Directives lead to a constitutional conflict (a) between the Centre and the states, (b) between the President and the Prime Minister, and (c) between the governor and the chief minister. According to him, the Centre can give directions to the states with regard to the implementation of these principles, and in case of non-compliance, can dismiss the state government. Similarly, when the Prime Minister gets a bill (which violates the Directive Principles) passed by the Parliament, the president may reject the bill on the ground that these principles are fundamental to the governance of the country and hence, the ministry has no right to ignore them. The same constitutional conflict may occur between the governor and the chief minister at the state level.

## UTILITY OF DIRECTIVE PRINCIPLES

In spite of the above criticisms and shortcomings, the Directive Principles are not an unnecessary appendage to the Constitution. The Constitution itself declares that they are fundamental to the governance of the country. According to L.M. Singhvi, an eminent jurist and diplomat, 'the Directives are the life giving provisions of the Constitution. They constitute the stuff of the Constitution and its philosophy of social justice'<sup>16</sup>. M.C. Chagla, former Chief Justice of India, is of the opinion that, 'if all these principles are fully carried out, our country would indeed be a heaven on earth. India would then be not only democracy in the political sense, but also a welfare state looking after the welfare of its citizens'<sup>17</sup>. Dr. B.R. Ambedkar had pointed out that the Directives have great value because they lay down that the goal of Indian polity is 'economic democracy' as distinguished from 'political democracy'. Granville Austin opined that the Directive Principles are 'aimed at furthering the goals of the social revolution or to foster this revolution by establishing the conditions necessary for its achievement'<sup>18</sup>. Sir B.N. Rau, the constitutional advisor to the Constituent Assembly, stated that the Directive Principles are intended as 'moral precepts for the authorities of the state. They have at least an educative value.'

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' or general recommendations addressed to all authorities in the Indian Union. They remind them of the basic principles of the new social and economic order, which the Constitution aims at building.
2. They have served as useful beacon-lights to the courts. They have helped the courts in exercising their power of judicial review, that is, the power to determine the constitutional validity of a law.

3. They form the dominating background to all State action, legislative or executive and also a guide to the courts in some respects.
4. They amplify the Preamble, which solemnly resolves to secure to all citizens of India justice, liberty, equality and fraternity.

The Directives also play the following roles:

1. 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.
2. They are supplementary to the fundamental rights of the citizens. They are intended to fill in the vacuum in Part III by providing for social and economic rights.
3. Their implementation creates a favourable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens. Political democracy, without economic democracy, has no meaning.
4. They enable the opposition to exercise influence and control over the operations of the government. The Opposition can blame the ruling party on the ground that its activities are opposed to the Directives.
5. They serve as a crucial test for the performance of the government. The people can examine the policies and programmes of the government in the light of these constitutional declarations.
6. They serve as common political manifesto. 'A ruling party, irrespective of its political ideology, has to recognise the fact that these principles are intended to be its guide, philosopher and friend in its legislative and executive acts'<sup>19</sup>

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## CONFLICT BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

The justiciability of Fundamental Rights and non-justiciability of Directive Principles on the one hand and the moral obligation of State to implement Directive Principles (Article 37) on the other hand have led to a conflict between the two since the commencement of the Constitution. In the *Champakam Dorairajan* case<sup>20</sup> (1951), the Supreme Court ruled that in case of any conflict between the Fundamental Rights and the Directive Principles, the former would prevail. It declared that the Directive Principles have to conform to and run as subsidiary to the Fundamental Rights. But, it also held that the Fundamental Rights could be amended by the Parliament by enacting constitutional amendment acts. As a result, the Parliament made the First Amendment Act (1951), the Fourth Amendment Act (1955) and the Seventeenth Amendment Act (1964) to implement some of the Directives.

The above situation underwent a major change in 1967 following the Supreme Court's judgement in the *Golaknath* case<sup>21</sup> (1967). In that case, the Supreme Court ruled that the Parliament cannot take away or abridge any of the Fundamental Rights, which are 'sacrosanct' in nature. In other words, the Court held that the Fundamental Rights cannot be amended for the implementation of the Directive Principles.

The Parliament reacted to the Supreme Court's judgement in the *Golaknath Case* (1967) by enacting the 24th Amendment Act (1971) and the 25th Amendment Act (1971). The 24th Amendment Act declared that the Parliament has the power to abridge or take away any of the Fundamental Rights by enacting Constitutional Amendment Acts. The 25th Amendment Act inserted a new Article 31C which contained the following two provisions:

1. No law which seeks to implement the socialistic Directive Principles specified in Article 39 (b)<sup>22</sup> and (c)<sup>23</sup> shall be void on the ground of contravention of the Fundamental Rights conferred by Article 14 (equality before law and equal

protection of laws), Article 19 (protection of six rights in respect of speech, assembly, movement, etc) or Article 31 (right to property).

2. No law containing a declaration for giving effect to such policy shall be questioned in any court on the ground that it does not give effect to such a policy.

In the *Kesavananda Bharati* case<sup>24</sup> (1973), the Supreme Court declared the above second provision of Article 31C as unconstitutional and invalid on the ground that judicial review is a basic feature of the Constitution and hence, cannot be taken away. However, the above first provision of Article 31C was held to be constitutional and valid.

**Table 8.1** *Distinction Between Fundamental Rights and Directive Principles*

| Fundamental Rights  | Directive Principles   |
|---|--|
| 1. These are negative as they prohibit the State from doing certain things.                               | 1. These are positive as they require the State to do certain things.                                      |
| 2. These are justiciable, that is, they are legally enforceable by the courts in case of their violation. | 2. These are non-justiciable, that is, they are not legally enforceable by the courts for their violation. |
| 3. They aim at establishing political democracy in the country.   | 3. They aim at establishing social and economic democracy in the country.                                  |
| 4. These have legal sanctions.  | 4. These have moral and political sanctions.   |
| 5. They promote the welfare of the individual. Hence, they are personal and individualistic.              | 5. They promote the welfare of the community. Hence, they are societal and socialistic.                    |
| 6. They do not require any legislation for their  | 6. They require legislation for their implementation. They   |

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|--|--|
| implementation. They are automatically enforced.   | are not automatically enforced.  |
| 7. The courts are bound to declare a law violative of any of the Fundamental Rights as unconstitutional and invalid. | 7. The courts cannot declare a law violative of any of the Directive Principles as unconstitutional and invalid. However, they can uphold the validity of a law on the ground that it was enacted to give effect to a directive. |

Later, the 42nd Amendment Act (1976) extended the scope of the above first provision of Article 31C by including within its protection any law to implement any of the Directive Principles and not merely those specified in Article 39 (b) and (c). In other words, the 42nd Amendment Act accorded the position of legal primacy and supremacy to the Directive Principles over the Fundamental Rights conferred by Articles 14, 19 and 31. However, this extension was declared as unconstitutional and invalid by the Supreme Court in the *Minerva Mills* case<sup>25</sup> (1980). It means that the Directive Principles were once again made subordinate to the Fundamental Rights. But the Fundamental Rights conferred by Article 14 and Article 19 were accepted as subordinate to the Directive Principles specified in Article 39 (b) and (c). Further, Article 31 (right to property) was abolished by the 44th Amendment Act (1978).

In the *Minerva Mills* case (1980), the Supreme Court also held that 'the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles. They together constitute the core of commitment to social revolution. They are like two wheels of a chariot, one no less than the other. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between the two is an essential feature of the basic structure of the Constitution. The goals set out by the Directive Principles have to be achieved without the abrogation of the means provided by the Fundamental Rights'.



Therefore, the present position is that the Fundamental Rights enjoy supremacy over the Directive Principles. Yet, this does not mean that the Directive Principles cannot be implemented. The Parliament can amend the Fundamental Rights for implementing the Directive Principles, so long as the amendment does not damage or destroy the basic structure of the Constitution.

## **IMPLEMENTATION OF DIRECTIVE PRINCIPLES**

Since 1950, the successive governments at the Centre and in the states have made several laws and formulated various programmes for implementing the Directive Principles. These are mentioned below:

1. The Planning Commission was established in 1950 to take up the development of the country in a planned manner. The successive Five Year Plans aimed at securing socio-economic justice and reducing inequalities of income, status and opportunities. In 2015, the Planning Commission was replaced by a new body called NITI Aayog (National Institution for Transforming India).
2. Almost all the states have passed land reform laws to bring changes in the agrarian society and to improve the conditions of the rural masses. These measures include (a) abolition of intermediaries like zamindars, jagirdars, inamdars, etc; (b) tenancy reforms like security of tenure, fair rents, etc; (c) imposition of ceilings on land holdings; (d) distribution of surplus land among the landless labourers; and (e) cooperative farming.
3. The Minimum Wages Act (1948), the Payment of Wages Act (1936), the Payment of Bonus Act (1965), the Contract Labour Regulation and Abolition Act (1970), the Child Labour Prohibition and Regulation Act (1986), the Bonded Labour System Abolition Act (1976), the Trade Unions Act (1926), the Factories Act (1948), the Mines Act (1952), the Industrial Disputes Act (1947), the Workmen's Compensation Act (1923) and so on have been enacted to protect the interests of the labour sections. In 2006, the government banned the child labour. In 2016, the Child Labour Prohibition and Regulation Act (1986) was renamed as the Child and Adolescent Labour Prohibition and Regulation Act, 1986.
4. The Maternity Benefit Act (1961) and the Equal Remuneration Act (1976) have been made to protect the interests of women workers.

5. Various measures have been taken to utilise the financial resources for promoting the common good. These include nationalisation of life insurance (1956), the nationalisation of fourteen leading commercial banks (1969), nationalisation of general insurance (1971), abolition of Privy Purses (1971) and so on.
6. The Legal Services Authorities Act (1987) has established a nation-wide network to provide free and competent legal aid to the poor and to organise lok adalat for promoting equal justice. Lok adalat is a statutory forum for conciliatory settlement of legal disputes. It has been given the status of a civil court. Its awards are enforceable, binding on the parties and final as no appeal lies before any court against them.
7. Khadi and Village Industries Board, Khadi and Village Industries Commission, Small-Scale Industries Board, National Small Industries Corporation, Handloom Board, Handicrafts Board, Coir Board, Silk Board and so on have been set up for the development of cottage industries in rural areas.
8. The Community Development Programme (1952), Hill Area Development Programme (1960), Drought-Prone Area Programme (1973), Minimum Needs Programme (1974), Integrated Rural Development Programme (1978), Jawahar Rozgar Yojana (1989), Swarnajayanti Gram Swarozgar Yojana (1999), Sampurna Grameena Rozgar Yojana (2001), National Rural Employment Guarantee Programme (2006) and so on have been launched for raising the standard of living of people.
9. The Wildlife (Protection) Act, 1972 and the Forest (Conservation) Act, 1980, have been enacted to safeguard the wildlife and the forests respectively. Further, the Water and Air Acts have provided for the establishment of the Central and State Pollution Control Boards, which are engaged in the protection and improvement of environment. The National Forest Policy (1988) aims at the protection, conservation and development of forests.
10. Agriculture has been modernised by providing improved agricultural inputs, seeds, fertilisers and irrigation facilities.

Various steps have also been taken to organise animal husbandry on modern and scientific lines.

11. Three-tier panchayati raj system (at village, taluka and zila levels) has been introduced to translate into reality Gandhiji's dream of every village being a republic. The 73rd Amendment Act (1992) has been enacted to provide constitutional status and protection to these panchayati raj institutions.
12. Seats are reserved for SCs, STs and other weaker sections in educational institutions, government services and representative bodies. The Untouchability (Offences) Act, 1955, which was renamed as the Protection of Civil Rights Act in 1976 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have been enacted to protect the SCs and STs from social injustice and exploitation. The 65th Constitutional Amendment Act of 1990 established the National Commission for Scheduled Castes and Scheduled Tribes to protect the interests of SCs and STs. Later, the 89<sup>th</sup> Constitutional Amendment Act of 2003 bifurcated this combined commission into two separate bodies, namely, National Commission for Schedule Castes and National Commission for Schedule Tribes.
- 12a. Various national-level commissions have been established to promote and protect the social, educational and economic interests of the weaker sections of the society. These include the National Commission for Backward Classes (1993), the National Commission for Minorities (1993), the National Commission for Women (1992) and the National Commission for Protection of Child Rights (2007). Further, the 102<sup>nd</sup> Amendment Act of 2018 conferred a constitutional status on the National Commission for Backward Classes and also enlarged its functions.
- 12b. In 2019, the central government issued orders providing 10% reservation to the Economically Weaker Sections (EWSs) in admission to educational institutions and civil posts and services in the Government of India. The benefit of this reservation can be availed by the persons belonging to EWSs who are not covered under any of the existing

schemes of reservations for SCs, STs and OBCs. This reservation was facilitated by the 103<sup>rd</sup> Amendment Act of 2019.

13. The Criminal Procedure Code (1973) separated the judiciary from the executive in the public services of the state. Prior to this separation, the district authorities like the collector, the sub-divisional officer, the tehsildar and so on used to exercise judicial powers along with the traditional executive powers. After the separation, the judicial powers were taken away from these executive authorities and vested in the hands of district judicial magistrates who work under the direct control of the state high court.
14. The Ancient and Historical Monument and Archaeological Sites and Remains Act (1951) has been enacted to protect the monuments, places and objects of national importance.
15. Primary health centres and hospitals have been established throughout the country to improve the public health. Also, special programmes have been launched to eradicate widespread diseases like malaria, TB, leprosy, AIDS, cancer, filaria, kala-azar, guineaworm, yaws, Japanese encephalitis and so on.
16. Laws to prohibit the slaughter of cows, calves, and bullocks have been enacted in some states.
17. Some states have initiated the old age pension schemes for people above 65 years.
18. India has been following the policy of non-alignment and panchsheel to promote international peace and security.

In spite of the above steps by the Central and state governments, the Directive Principles have not been implemented fully and effectively due to several reasons like inadequate financial resources, unfavourable socio-economic conditions, population explosion, strained Centre-state relations and so on.

## DIRECTIVES OUTSIDE PART IV

Apart from the Directives included in Part IV, there are some other Directives contained in other Parts of the Constitution. They are:

1. **Claims of SCs and STs to Services:** The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or a State (Article 335 in Part XVI).
2. **Instruction in mother tongue:** It shall be the endeavour of every state and every local authority within the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups (Article 350-A in Part XVII).
3. **Development of the Hindi Language:** It shall be the duty of the Union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India (Article 351 in Part XVII).

The above Directives are also non-jus-ticiable in nature. However, they are also given equal importance and attention by the judiciary on the ground that all parts of the constitution must be read together.

**Table 8.2** *Articles Related to Directive Principles of State Policy at a Glance*

| Article No. | Subject Matter  |
|-------------|---|
| 36.         | Definition of State   |
| 37.         | Application of the principles contained in this part                      |
| 38.         | State to secure a social order for the promotion of welfare of the people |
| 39.         | Certain principles of policy to be followed by the                        |

|      |   |
|------|---|
|      | State   |
| 39A. | Equal justice and free legal aid  |
| 40.  | Organisation of village panchayats  |
| 41.  | Right to work, to education and to public assistance in certain cases   |
| 42.  | Provision for just and humane conditions of work and maternity relief   |
| 43.  | Living wage, etc., for workers  |
| 43A. | Participation of workers in management of industries  |
| 43B. | Promotion of co-operative societies   |
| 44.  | Uniform civil code for the citizens   |
| 45.  | Provision for early childhood care and education to children below the age of six years                         |
| 46.  | Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections |
| 47.  | Duty of the State to raise the level of nutrition and the standard of living and to improve public health       |
| 48.  | Organisation of agriculture and animal husbandry  |
| 48A. | Protection and improvement of environment and safeguarding of forests and wildlife                              |
| 49.  | Protection of monuments and places and objects of national importance   |
| 50.  | Separation of judiciary from executive  |
| 51.  | Promotion of international peace and security   |

## NOTES AND REFERENCES



1. Actually, Directive Principles are mentioned in Articles 38 to 51. Article 36 deals with the definition of State while Article 37 deals with the nature and significance of Directive Principles.
2. Granville Austin, *The Indian Constitution—Cornerstone of a Nation*, Oxford, 1966, P. 75.
3. A 'Police State' is mainly concerned with the maintenance of law and order and defence of the country against external aggression. Such a restrictive concept of state is based on the nineteenth century theory of individualism or laissez-faire.
4. This second provision was added by the 44th Constitutional Amendment Act of 1978.
5. The last point (f) was modified by the 42nd Constitutional Amendment Act of 1976.
6. This Directive was added by the 42nd Constitutional Amendment Act of 1976.
7. 'Living wage' is different from 'minimum wage', which includes the bare needs of life like food, shelter and clothing. In addition to these bare needs, a 'living wage' includes education, health, insurance, etc. A 'fair wage' is a mean between 'living wage' and 'minimum wage'.
8. This Directive was added by the 42nd Constitutional Amendment Act of 1976. 8a. This Directive was added by the 97<sup>th</sup> Constitutional Amendment Act of 2011.
9. This Directive was changed by the 86th Constitutional Amendment Act of 2002. Originally, it made a provision for free and compulsory education for all children until they complete the age of 14 years.
10. This Directive was added by the 42nd Constitutional Amendment Act of 1976.
11. *Constituent Assembly Debates*, volume VII, P. 476.
12. M.P. Jain, *Indian Constitutional Law*, Wadhwa, Third Edition (1978), P. 595.
13. *Constituent Assembly Debates*, volume VII, P. 470.
14. N. Srinivasan, *Democratic Government in India*, P. 182.
15. Sir Ivor Jennings, *Some Characteristics of the Indian Constitution*, 1953, P. 31–33.



16. *Journal of Constitutional and Parliamentary Studies*, June 1975.
17. M.C. Chagla, *An Ambassador Speaks*, P. 35.
18. Granville Austin, *The Indian Constitution—Cornerstone of a Nation*, Oxford, 1966, P. 50–52.
19. P.B. Gajendragadker, *The Constitution of India (Its Philosophy and Postulates)*, P. 11.
20. *State of Madras v. Champakam Dorairajan*, (1951).
21. *Golak Nath v. State of Punjab*, (1967).
22. Article 39 (b) says: The State shall direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.
23. Article 39 (c) says: The state shall direct its policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.
24. *Kesavananda Bharati v. State of Kerala*, (1973).
25. *Minerva Mills v. Union of India*, (1980).