

Directive Principle of State Polity

Part-4 (Article 36-51)

- We adopted it from Ireland and Ireland adopted that from Spain
- These are the ideals that state should keep in mind while making policies
- These are instrument of Instructions

Example Right to work DPSP is the base of MNREGA

- DPSP included economic, social & political programs
- Higher ideas if Justice, Liberty, Equality
- Concept of welfare state
- These are non justiciable
- These are fundamentals in governance(Source) of state(Ar-37)
- It helps court in determining the constitutional Validity
- Article 36:Definition of state, Same as that of Article-12

Classification of DPSP(Not in constitution)

- Socialistic Principle
- Gandhian Principle
- Liberal Intellectual principle

DPSC based on Socialistic Principle(Main focus on govt)

- A-38:promote welfare of the people & minimise inequality in income, status & opportunity (But you cant go to court saying that मैं गरीब हु कोई अमीर है Equal nahi hai)
- Article-39
 - a) that the citizen, men and women equally, have the right to an adequate means of livelihood;
 - (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good(equal distribution)

- (c) Prevention of concentration of wealth.
 - (d) that there is equal pay for equal work for both men and women;
 - (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength
 - (f) that children are given opportunities and facilities to develop in a healthy manner
- Article 39(A): To promote equal justice & to provide free legal aid to the poor, For this Govt has made National Legal Service Authority-1978 (Lok Adalat)
 - Article 41: To secure Right to work, education, public assistance in case of old age and sickness
 - Article 42: To make conditions of just and Humane conditions of work & maternity relief
 - Article 43: To secure living wages, decent standard of life and social-cultural opportunities to workers
 - Article 43(A): To take steps to secure the participation of workers in management of industries
 - Article 47: To raise the level of Nutrition & standard of living of people to improve the public health

DPSP based on Gandhian Principles

For State to

- Article 40: To Organise village panchayats and give them necessary powers & authority to enable them to function the units of self government: 73rd & 74th CAA are based on this
- Article 43: To promote cottage industries on individual and

cooperation basis in rural areas

- Article 43(B): To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies
- Article 46: To promote educational and economic interests of SC, ST and other weaker sections of society and to protect them from social injustice and exploitation
- Article 47: To prohibit consumption of intoxicating drinks & drugs which are injurious to health (Liquor ban in Gujarat)

Liberal-Intellectual Principle (उदार और बुद्धिमान लोग)

- Liberal-democratic principles enshrined in DPSPs are:
 - Article 44: To secure for all citizens a uniform civil code throughout the country.
 - Article 45: To provide early childhood care and education for all children until they complete the age of six years. (6-14 already available in FR)
 - Article 48: To organise agriculture and animal husbandry on modern and scientific lines (Problems and diseases should be solved)
 - Article 48-A: To protect and improve the environment and to safeguard forests and wild life (1973: Tiger Project)
 - Article 49: To protect monuments, places and objects of artistic or historic interest which are declared to be of national importance. (No constructions within 100 meter)
 - Article 50: To separate the judiciary from the executive in the public services of the State (50-50 Division)
 - Article 51: To promote international peace and security (Basis of International Relations)

New Provisions of Directive Principles after Amendment

Four new Directive Principles were added in the 42nd Amendment Act of 1976 to the original list. They are requiring the state:

1. Added clause in Article 39: To secure opportunities for healthy development of children
 2. Added clause in Article 39 as Article 39A: To promote equal justice and to provide free legal aid to the poor
 3. Added clause in Article 43 as Article 43 A: To take steps to secure the participation of workers in the management of industries
 4. Added clause in Article 48 as Article 48A: To protect and improve the environment and to safeguard forests and wildlife
- The 44th Amendment Act of 1978 added one more Directive Principles which requires the state to minimise inequalities in income, status, facilities and opportunities in 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 97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies. It envisages that the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).

In nutshell, the Directive Principles of State Policy refers to those principles, which should be kept in mind by the State while formulating policies. They are non-justiciable which means one cannot approach the court for its non-implementation but can be referred to by the Supreme Court while deciding whether a

particular policy is unconstitutional or not.

If government will ignore this part-4 then people will ignore the Government after 5 Years