

CHAPTER 3

Salient Features of the Constitution—II

SYLLABUS

Salient Features of the Constitution—II

(B) Directive Principles of State Policy (meaning), Welfare State.



- (iv) The Charter of Human Rights framed by the United Nations.
- (v) The Universal Declaration of Human Rights was adopted by the United Nations when the Constituent Assembly was deliberating over the Indian Constitution.

IMPORTANCE OF DIRECTIVE PRINCIPLES

Like in the case of Fundamental Rights there is a difference of opinion regarding the importance of the Directive Principles of State Policy. The main difference of opinion surrounds their non-justiciable nature. Fundamental Rights are justiciable. That is to say, citizens can move the court to get their rights. But Directive Principles are not justiciable. Despite these limitations, the Directive Principles are very important. This importance stems from the following:

- 1. Directive Principles are in the nature of a pledge made by the framers of the Constitution to the people of India. They provide a framework, political, social and economic programme for a modern democratic State.
- 2. The Directive Principles give guidelines to the governments to make laws and draft their policies according to these fundamental principles, which summarise the objectives of our Constitution. They provide an element of permanence in a democracy.
- 3. They provide a measure to judge a government's performance.
- 4. The Directive Principles direct the government to move towards the goal of a Welfare State. They reflect the ideas of justice, liberty, equality and fraternity mentioned in the Preamble.

Sources of Directive Principles

At the time of drafting of the Constitution, its framers were inspired by five important sources.

- (i) The Constitution of the Irish Republic which contains the Principles of Social Policy for the guidance of legislators.
- (ii) The Declaration of the Rights of Man and Citizens of revolutionary France.
- (iii) The ideas of Mahatma Gandhi. The fact that the Directive Principles also contain Gandhian Principles is sufficient proof that ideas of Mahatma Gandhi had influenced the framers of the Constitution.

5. They enlighten and educate the people of what they can expect from the politicians whom they vote to power.

6. They provide a direction to Courts in respect of safeguarding the rights of the citizens.

7. Since public opinion backs the Directive Principles, the goal of establishing social and economic order is clearly laid out before the government.

8. The 42nd Amendment Act, 1976 provides that if a law is made to give effect to any of the Directive Principles it will not be declared unconstitutional even if it takes away any of the rights under Articles 14, 19 and 31. This provision is of great importance for the implementation of the Directive Principles. It also makes it clear that in case of any conflict between the Directive Principles and Fundamental Rights, the former shall prevail. This is because the welfare of the people as a whole is of paramount importance over that of an individual.

However, the Directive Principles are not enforceable by any court of law in the country. This in effect means that the citizens cannot move the courts of law if the government fails to implement these directives. But on moral grounds both the government and the courts have to take cognizance of these directives.

WELFARE STATE

A Welfare State is a state which seeks to ensure the maximum happiness of maximum number of people living within its territory. The Constitution of India seeks to establish India as a Welfare

State. Although the words "Welfare State" are not specifically mentioned in the Constitution, the aims and objectives of a Welfare State are clearly pointed out in the Directive Principles of State Policy. These Directives emphasise that the goal of the Indian Polity is a Welfare State, where the State has a positive duty to ensure to its citizens social and economic justice and dignity to the individual. Both the Union and the State governments, have over the past six decades taken steps to implement Directive principles, which aim at establishing social and economic democracy, the basic goal of a Welfare State.

SOCIAL EQUALITY AND JUSTICE

The Union and State Governments have been taking steps to implement the Directive Principles.

1. The Right to Education Act has made it mandatory for every child between the ages of 6-14 to be provided free education in all government and government aided schools. The Act also requires all private schools to reserve 25 per cent of seats for the children belonging to economically weaker sections of the society as a part of the public-private partnership plan.

2. Special scholarships are provided to socially and economically weaker sections of the society. There is a system of reservation of seats in jobs and in educational institutions for Scheduled Castes and Scheduled Tribes.

3. Untouchability has been made an offence punishable by law.

Difference Between Directive Principles and Fundamental Rights

Directive Principles	Fundamental Rights
<ol style="list-style-type: none">They are provided in Part-IV of the Constitution.These are not justiciable or enforceable by any court of law.They are meant for the government to create certain privileges for the citizens.They are mere directions to the State to attain certain set objectives.These aim to establish a Welfare State.Their scope is wider as they deal with wide range of subjects including international peace and security.	<ol style="list-style-type: none">These are provided in Part-III of the Constitution.These are justiciable. The citizens can seek protection from a High Court or Supreme Court in case of infringement.They are privileges in existence for the citizens to enjoy.They are a certain kind of restriction on the State.These aim to establish political democracy.Their scope is limited as they are concerned with individual's rights.

4. In order to provide justice to the Economically Weaker Sections (EWS) from the upper castes, the Central Government has provided 10 per cent reservation for them in government jobs and in higher education. This provision was introduced by the Constitution (103rd Amendment) Act in January 2019. The amendment aims to fulfill the commitments of the Directive Principles of State Policy under article 46 to promote the educational and economic interests of the weaker sections of the society. The benefits of this act are given to —

- ✓ People who have an annual income of less than Rs. 8 lakhs, or
- ✓ People who own less than five acres of farm land, or
- ✓ People who have a house lesser than 1,000 sq feet in a town (or 100 sq yard in a notified municipal area).

ECONOMIC WELFARE

(a) The Government has abolished the Zamindari System and introduced the land reform programme to do away with the old feudal socio-economic structure of rural India.

(b) *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013* was passed by the Parliament in September 2013. This Act came into force from January 1, 2014. The Act aims to establish the law on land acquisition, as well as the rehabilitation and resettlement of those directly affected by the land acquisition in India. The Act provides for fair compensation to those whose land is taken away, transparency in the process of acquisition of land to set up factories or buildings, infrastructural projects and assures rehabilitation of those affected. The Act has replaced the Land Acquisition Act, 1894, a nearly 120-year-old law enacted during British rule.

(c) Nationalisation of banks, insurance companies and some key industries have been done to ensure that the ownership of the material resources of the community are so distributed so as to obtain best service of common good.

(d) In order to ensure just payment to workers and equal pay for equal work, the payment of wages is governed by the Government which has enacted legislation to the effect that the payment be made according to the Minimum Wages Act 1948, as amended from time to time.

Women Reservation Bill

(Nari Shakti Vandana Adhiniyam)

The Women Reservation Bill, also known as the *Nari Shakti Vandana Adhiniyam* was passed by the Parliament on September 21, 2023 and became an Act after receiving the President's assent on September 28, 2023. The Act seeks to provide 33 per cent reservation to women in the Lok Sabha and State Assemblies. The reservation for women will continue for 15 years and the Parliament can later extend the benefit period. This Act is an attempt to bring gender parity into the political domain by encouraging more women to voice their opinion and play an active role in politics.

(e) *Ayushman Bharat Yojana* is a centrally sponsored health scheme launched in 2018. It is an umbrella of two major health initiatives namely, Health and Wellness Centres and National Health Protection Scheme (NHPS). The scheme will cover 10 crore poor and vulnerable families, providing coverage up to 5 lakh rupees per family per year for secondary and tertiary care hospitalisation. Benefits of the scheme are portable across the country and a beneficiary covered under the scheme will be allowed to take cashless benefits from any public or private empanelled hospitals across the country.

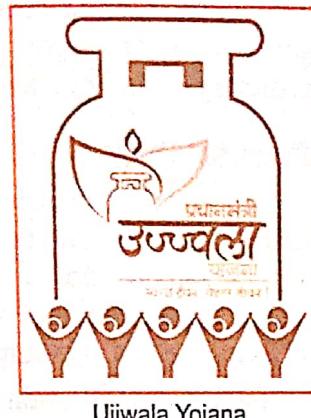


Ayushman Bharat Yojana

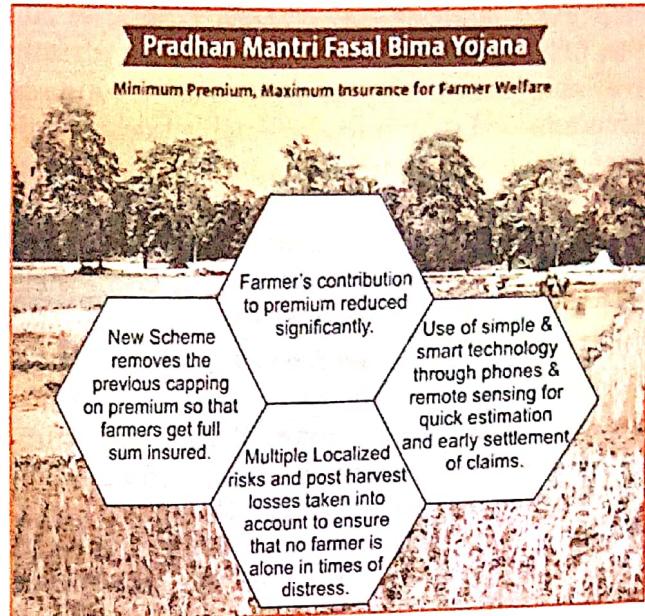
(f) *Pradhan Mantri Samaan Nidhi Yojana*: Under this scheme, small and marginalised farmers (SMFs) are given Rs. 6000 per year in three installments of Rs. 2000 each, which is transferred directly to the bank accounts of beneficiaries through direct benefit transfer (DBT) scheme. The scheme aims help SMFs in procuring various inputs to ensure proper crop health and appropriate yields and thereby

augment their income. The scheme will also help protect the farmers from falling in the clutches of money lenders.

(g) *Pradhan Mantri Ujjwala Yojana*: Under this scheme, five crore LPG connections are to be provided to Below Poverty Line (BPL) households. The scheme provides a financial support of Rs. 1600 for each LPG connection to the BPL households. Providing LPG connections to BPL households will ensure universal coverage of cooking gas in the country. Besides, this scheme will empower women, protect their health and reduce drudgery and the time spent on cooking.



Ujjwala Yojana

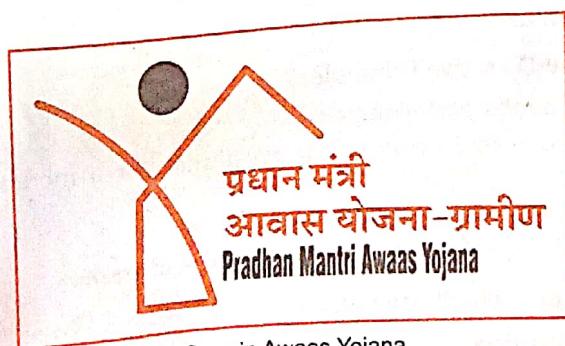


Pradhan Mantri Fasal Bima Yojana

Under this scheme, farmers will have to pay a uniform premium of two per cent for all kharif crops and 1.5 per cent for all rabi crops. For annual commercial and horticultural crops, farmers will have to pay a premium of 5 per cent. The remaining share of the premium will be borne equally by the Centre and the respective State governments.

Under PMFBY, there is be no upper limit on government subsidy and even if balance premium is 90 per cent, it will be borne by the government. The scheme also provides farm level assessment for localised calamities including hailstorms, unseasonal rains, landslides and inundation.

(j) A social upliftment scheme, called the 'Jan Dhan Yojana', was announced by the Prime Minister, Narendra Modi on August 15, 2014. Under the scheme, bank accounts have been opened for the poor. Each account has a life



Gramin Awaas Yojana



Jan Dhan Yojana

insurance cover of Rs. 30,000, adding to the one lakh accidental insurance benefit already available under the account. The account is accompanied with a RuPay-enabled debit card. This scheme is aimed at improving the lives of millions of India's poor by bringing them into the financial mainstream and freeing them from the clutches of money lenders, while giving them the benefit of insurance cover.

(k) The Government has launched various programmes such as Integrated Rural Development Programme (IRDP) and Rural Landless Employment Guarantee Programme (RLEG) to help the poor. The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 seeks to provide 100 days of guaranteed wage employment to rural households.

POLITICAL, ADMINISTRATIVE AND LEGAL MATTERS

(a) Panchayati Raj has been established in the remotest villages to promote the idea of local self-government.

(b) In view of the constitutional directive, free legal aid has been provided to those people, who themselves cannot engage lawyers. This has been done to ensure equal justice to all.

(c) In order to check the misuse of power, there is now a complete separation of the judiciary from the executive.

FOREIGN POLICY

(a) In order to promote international peace and security India is opposed to colonialism and racialism and has helped many countries to win their freedom. India supported the cause of South Africa against Apartheid.

(b) India is law-abiding; it respects international law. It has stood for settlement of international issues by mutual understanding.

(c) India holds the policy of complete disarmament and has been firmly against all the attempts of some powerful countries for partial disarmament.

EXERCISES

I. Multiple-Choice Questions

Choose the correct answers to the questions from the given options.

1. Which of the following constitute the guidelines given in the Constitution for governance of the country?
(a) Fundamental Rights and Duties
(b) Directive Principles of State Policy
(c) Laws in the Constitution
(d) None of the above.
2. Which of the following formed the sources for drafting the Directive Principles of State Policy?
(a) Irish Constitution
(b) UN Human Rights Charter
(c) Mahatma Gandhi's ideas
(d) All of the above.
3. The Directive Principles are mere _____ to the State to attain certain set objectives.
(a) orders
(b) requests
(c) directions
(d) promises
4. Directive Principles: _____ :: Fundamental Rights: Justiciable.
(a) Enforceable by courts
(b) Not Justiciable
(c) Obligatory
(d) Mandatory
5. Which of the following is incorrect regarding the Directive Principles?
(a) They provide a measure to judge a government's performance.
(b) They provide a framework for political, social and economic programmes for a modern democratic state.
(c) They enlighten and educate people about profitability for the nation.
(d) They provide a direction to courts in respect of safeguarding rights of the citizens.
6. Identify the statements about Fundamental Rights which are correct.
(P) : They are provided in Part III of the Constitution.

- (Q) : They are a certain kind of restriction on the State.
(R) : Their aim is to establish a Welfare State.
(S) : They provide a measure to judge a government's performance.
(a) P and Q (b) P and S
(c) R and S (d) Q and R
7. Which of the following measures reflect the implementation of Directive Principles by the government?
(a) Untouchability made a punishable offence
(b) The Right to Education Act
(c) Reservations for Economically Weaker Sections (EWS)
(d) All of the above.
8. Pradhan Mantri Gramin Awas Yojana : Housing :: Ayushman Bharat : _____
(a) Employment (b) Health (c) Insurance (d) None of the above.

II. Short Answer Questions

1. What are known as Directive Principles of State Policy? In which part of the Constitution are Directive Principles incorporated?
2. Name four important sources of Directive Principles.
3. When the Directive Principles are not enforceable by law courts, why have they been incorporated in the Constitution?
4. What happens in case of any conflict between the Directive Principles and Fundamental Rights? Give reason to support your answer.
5. Name any two measures taken by the Government towards implementation of the Directive Principles of State Policy.

I. Structured Questions

1. There are differences of opinion regarding the significance of both the Directive Principles and the Fundamental Rights. In this context explain the following:
 - (a) State any three differences between the Fundamental Rights and Directive Principles of State Policy.
 - (b) How do the Directive Principles complement Fundamental Rights?
 - (c) What is the importance of Directive Principles?
2. With reference to the concept of a 'Welfare State,' answer the following questions:
 - (a) What is meant by a 'Welfare State'?
 - (b) How does the Constitution of India seek to establish India as a Welfare State?
 - (c) Mention any four government schemes aimed at social upliftment of the poor.

IV. Thinking Skills

1. Why do you think the Directive Principles of State Policy are not justiciable by any court of law? Give reasons to support your answer.
2. Suppose you are made the Minister for Social Welfare. What measures would you initiate for the welfare of weaker sections of the society?

