

Unit - 2

CHAPTER 2

DIRECTIVE PRINCIPLES UNDER STATE POLICY

INTRODUCTION

The Motilal Nehru Report of 1928 was one of the fore runners of the Indian Constitution. This report listed a number of fundamental rights which were demanded for the Indians from the British during the struggle for Indian independence. Later, during the framing of our Constitution, these rights were considered but were divided into two categories – justiciable and non – justiciable. Justiciable rights were those which can be enforced by a court, and non-justiciable rights are those which cannot be enforced in the court. The non-enforceable or non-justiciable rights became the basis for 'Directive Principles' which were listed separately. As a result we have Fundamental rights which are justiciable in part III and Directive principles which are non-justiciable in part IV (Articles 38 to 51). Directive principles were also partly inspired by the Irish Constitution of 1937.

NATURE OF DPSP

Directive principles of State Policy (DPSP) are basically directives given by the Indian Constitution to the various governments and its agencies to follow in the governance of the country. It shall be the duty of the State to consult these principles before making any law. The Directive Principles gives clear directions to the Legislature and Executive in the exercise of their powers. They contain certain ideals that the state should strive for, according to the framers of the Constitution. In the view of G.N. Joshi, the Directive Principles "constitute a very comprehensive political, social and economic program for a modern democratic state". Directive Principles actually guide the path which lead the people of India to the noble ideals which the Preamble to the Constitution proclaims. Directive principles, are in fact, the fundamental principles of governance of the state.

DIFFERENT DIRECTIVE PRINCIPLES AND THEIR SIGNIFICANCE

There are sixteen Articles of the Constitution, from 38 to 51, that deal with Directive Principles. These cover a wide range of state activities concerning economic, social, legal, educational and international problems. A brief discussion on several directive principles and their relevance to our modern society are discussed in following pages.

1. Article 38 : The State shall strive to promote the welfare of the people by securing, protecting and maintaining a social order.
 - The most basic responsibility of any government running the state would be to maintain a social order where people may live peacefully and without fear.
 - This directive principle is consistent with the statement in preamble to the Constitution which says 'Justice, Social, economic and political'. This is to remind the state about the kind of society the Constitution expects it to create.
 - Clause (2) which was added to Art. 38 during 44th amendment to Constitution, 1978, recognizes group equality. It recognizes that grave inequalities of income and status exist amongst different groups of people which need to be minimized.
2. Article 39 : The State shall, in particular, direct its policy towards:
 - a) Securing adequate means of livelihood to all citizens, and to men and women equally.
 - b) Ensuring a proper distribution of the national resources for the common good of all communities.
 - c) Prevention of concentration of wealth into a few hands to the common detriment.
 - d) Securing equal pay for equal work for both men and women.
 - e) Ensuring health and strength of workers both men and women, to see that the children are not abused, to see that citizens are not forced by economic necessity to do jobs unsuited to their age or capacity.
 - f) Giving opportunities and facilities to children to develop in a healthy manner and conditions of freedom and dignity, to see that children and youth are protected against exploitation and against moral and material corruption.
3. Article 39-A : The State shall see to that the working of the legal system promotes justice, on a basis of equal opportunity.
 - This article also directs the state to provide legal aid to those who need it and therefore provide opportunities for seeking justice.
 - It is to be seen that justice is not denied to any citizen just because he is unable to pay for the legal advice or because he is disabled in any other way.

4. Article 40 : The state shall take steps to organize village Panchayats and give them the necessary powers and authority to enable them to function as units of self-government.
 - Under this article, the state is expected to organize and strengthen village panchayats and give them sufficient power and authority to carry out administration of all the resources that come under their purview.
 - In a country like India where 70% of people live in villages, the best way to take democracy to the villages is to create panchayats and help them to achieve self-governance. These elected panchayats take care of local civic administration such as maintenance of village roads, provision of primary education, building tanks & wells, providing sanitation, medical relief etc.,
5. Article 41 : The State shall make effective provisions to secure the Right to work, Right to education and Right to public assistance in case of unemployed, old, sick and disabled people.
 - The State is directed by this article to ensure all the above within the limits of its economic capacity and development.
 - However, this article places no liability on the State to pay compensation to workers whose employment has suffered as a result of some government action. For example, persons employed under any scheme such as Jawaharlal Nehru Rozgar Yojna cannot claim regularization of their employment when that scheme comes to an end or the money for it is exhausted.
6. Article 42 : The State shall make provisions for securing just and humane conditions of work and for maternity relief.
 - Just and humane conditions of work is phrase which is very relative. This can vary from country to country or even between region to region in the same country. Imagine people working in India under severe extremes like heat, cold, mountains, forest, monsoons etc. In such situations where are just and humane conditions?
 - Maternity relief is extended to all women who work in organized sector in India, though limited to only two children. But in unorganized sector, pregnant women have to work as long as they are capable of, since there are no real maternity benefits.
 - Laws such as the Industrial Disputes Act, the Minimum Wages Act, the Maternity Relief Act, the Workmen Compensation Act, the Employees State Insurance (ESI) Act etc., are operational in the country to take care of workers in the organized sector w.r.t. this directive principle.

7. **Article 43 : The State shall endeavour to provide all people living wages, a decent standard of life, leisure and social and cultural opportunities.**
- A living wage is a wage which enables a person receiving it, as well as the family dependent on him, the basic necessities of life such as food, clothing and shelter. Living wages vary from region to region. But this has to be assured to everyone in the country.
 - This article directs the state to promote social and cultural activities among people which goes a long way in furthering harmony, national integration and personality development.
 - This article also directs the state to promote cottage industries on an individual or co-operative basis in rural areas.
 - There are several cottage industries in India which are organized well, although they are labour intensive. If modern techniques could be incorporated, they could multiply their scale of operations, without firing people, and also think of a global market. Several well known arts and crafts originate from these cottage industries.
 - For the promotion of cottage industries, the Govt. has set up many boards such as All India Khadi Board, Small Scale Industries Board, Handloom board, Silk Board, Coir Board etc.,
8. **Article 43 – A : The State shall take steps to secure the participation of workers in managements of their establishments.**
- This was added by the 42nd amendment to Constitution, 1976.
 - In a capitalistic society, the ownership and management of any industry, belongs to individual owners who hire people and give them only wages *whereas* under a socialist economy, there is no place for a capitalist because all means of production along with their management, belong to the state.
 - India started off on a socialist character but is rapidly moving towards a capitalistic economy. But the Constitution of India very much favours a socialistic pattern of society.
 - But modern management techniques suggest that workers participation in management actually helps the cause of management in the long run, even in Owners-Managed-Industries.

9. **Article 44 : The State shall try to secure a uniform civil code for all the citizens throughout the territory of India.**
- This is one of the most controversial articles in the Indian Constitution. Civil code generally refers to personal practices of various communities w.r.t. marriages, property inheritance, adoptions, divorces, status to women etc.,
 - A uniform civil code calls for uniform practices among all people of India in all those areas.
 - When uniform civil code was proposed both Hindus and Muslims attacked it on the ground that it interfered with the Fundamental right of freedom to religion. However it was pointed out that the creation of separate personal laws for the various communities in India was not in the interests of national integration. It was also made clear that Art. 25 guarantees religious freedom but Art. 44 seeks to keep religion away from personal laws.
 - Various acts like The Special Marriage Act (1955) The Hindu Succession Act (1956) etc., have brought almost all communities except Muslims into one civil code. Except practices like marriages, divorces and status to women, all other practices of the Muslims too have been integrated with rest of the country and come under the same law.
 - But time has come to apply the same set of laws in regards to marriage, divorce, adoption and succession to all citizens irrespective of their religious affiliation. Without a uniform set of laws, India cannot be a truly secular country.
 - It should be clearly noted that Uniform Civil Code does not mean that Hindu Law shall apply to all. It means that one code should be enacted which should apply to all.
 - It is worth noting that many Muslim countries such as Iran, Egypt, Jordan, Syria, Turkey, Pakistan etc., have adopted monogamy and changed Muslim Law in various other aspects. Even triple talaq which was clearly disapproved by the Prophet is followed in India though abolished elsewhere. Chief Justice Chagla has regarded polygamy as an insult to womanhood and a discrimination between Hindu & Muslim women.
 - The Supreme Court has also urged successive Governments several times to bring about a Uniform Civil Code. It seems that it is the opinion of the Muslim vote bank that guides the policy of the government and not the principles contained in the Constitution.
 - Even the BJP party, which once strongly spoke for uniform civil code sidelined the issue during their rule, for lack of support.

- Perhaps a uniform civil code may have to wait indefinitely until a general consensus among all communities in the country emerges in this regard.
10. Article 45 : The State shall endeavour to provide, within a period of 10 years from the commencement of this Constitution, free and compulsory education for all children until they complete the age of 14 years.
- The present Art. 45 is an amendment (86th, 2002) over the original Art. 45 of the Constitution. In fact, the Right to Education has been made a fundamental right from 2002 to achieve the goal of education to all at a faster speed.
 - To provide free and compulsory education to all children in the country is a herculean task for the government considering that a large number of children go to work either by force or by lack of choice.
11. Article 46 : The State shall promote education and economy for weaker sections such as scheduled castes and scheduled tribes and protect them from social injustice and exploitation.
- The expression "weaker sections" refers to those sections of the people who, though they do not belong to the scheduled castes and tribes, suffer from similar backwardness owing to educational and economic reasons.
 - It is not to be taken for granted that once a section of people are classed as a weaker section, it should permanently be so. As their educational and economic conditions improve, the Government may have to revise the list of backward classes or weaker sections of the society.
 - The Government on its part has established several training and educational institutes, hostels etc., for the exclusive benefit of scheduled castes and tribes and other weaker sections.
12. Article 47 : The State shall strive to raise the level of public health and the standard of living and also try to achieve prohibition of intoxicating drinks and drugs.
- Raising the level of public health would remain a distant dream with "dedicated" doctors and "excellent" infrastructure not available at government hospitals.
 - As for lifting the standard of living of the people especially in the rural areas the central government has launched several welfare and infrastructure schemes such as Jawahar Rojgar Yojana, Integrated Rural Development Program, Desert Development Program, Indira Awas Yojana, Sarva Shiksha Abhiyan, Ashraya Housing etc.,

- Prohibition of alcohol and drugs was strongly advocated by Mahatma Gandhi. Although prohibition was introduced in many states after Independence, poor implementation and rampant corruption failed to check the consumption of alcohol.
 - Gradually all states barring a few have eased the prohibition rules. Prohibition has failed in India as it did in U.S.A a long time ago.
13. Article 48 : The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines, and take steps to prohibit the slaughter of cows, calves and other cattle.
- Under this article the state is directed to take steps for preserving and improving the native domestic breeds which contribute to our lives.
 - The prohibition of slaughter is recommended to only cows and calves of all categories and to those other animals which are presently or potentially capable of yielding milk or doing work as draught cattle.
 - The BJP government during its rule tried to ban cow slaughter throughout the country by enacting a law. But there was severe resistance from Muslim and Christian dominated parts of the country as well as communist – run states where the 'Holy Cow' concept was ideologically not accepted.
14. Article 48 – A : The State shall try to protect and improve the environment and to safeguard the forest and wild life of the country.
- This was added by the 42nd amendment to the Constitution, 1976.
 - Slowly and surely the Government is understanding and appreciating the importance of conservation of forests and wild life. But recent studies have proved that there is depletion of forest cover in the country as well as a reduction in the population of wild life, inspite of several acts to prevent the same.
15. Article 49 : The State is obliged to protect all monuments of historic interest and national importance and prevent them from disfigurement, destruction, vandalism, export etc.,
- All monuments and heritage structures like temples, palaces, forts, mosques, mausoleums, etc., are the treasures of this country. It takes one visit to any western country to understand the importance given to monuments & heritage properties there.
 - Global interest for art and architecture is extremely high. India is sitting on a treasure, when it comes to tourism potential. In order to realize the potential we have to preserve all our monuments and present it well. All the

monuments that we think as ordinary can actually bring a lot of tourists and raise our economy. All this can happen provided our infrastructure improves to international standards.

16. Article 50 : The state shall take steps to separate the judiciary from the executive in the public services of the state.

- The Executive (legislature, govt. machinery) are the law-makers while the judiciary are the law-keepers.
- The efficiency of the judiciary (Supreme Court, High Court and other courts) will be the highest if it is free from the influence of the Executive both officially and unofficially.
- Many states have passed laws to separate the judiciary from the Executive.

17. Article 51 : The State shall endeavour to

- a) Promote international peace and security.
- b) Maintain just and honourable relation between nations.
- c) Show respect for international laws and Treaties, and
- d) Encourage settlement of international disputes by arbitration and negotiations.

Comparison between Fundamental Rights & Directive principles

FUNDAMENTAL RIGHTS	DIRECTIVE PRINCIPLES
1. Fundamental Rights are justiciable, Courts protect them and compel the state to respect them.	Directive principles are non-justiciable. Courts cannot protect them but can only ask the states to respect them.
2. Scope of fundamental rights is limited.	Scope of directive principles is vast.
3. Fundamental Rights are mostly political rights.	Directive principles are mostly social rights.
4. Fundamental rights are called negative rights because they are negatively worded.	Directive principles are called positive rights because they make positive obligations on the state.
5. Fundamental rights tend to restrain the state.	Directive principles tend to activate the state.

6. The main objective of Fundamental rights is to achieve political equality, among all people.	The main objective of directive principles is to achieve economic equality among all people.
7. Fundamental rights are first priority of the Government.	Directive principles are next priority of the government.
8. Fundamental rights are available directly from the Constitution.	Directive principles require to be implemented by a law of parliament or State Legislature.
9. Fundamental rights are enforceable in courts.	Directive principles are not enforceable in courts.

Finally, we can say that the fundamental rights and the directive principles are the two wheels of the huge chariot which is called democracy!

FUNDAMENTAL DUTIES

Introduction

"Think not what the country can do for you, Think what you can do for your country"

- John F. Kennedy

This was a famous statement made by former U.S. President John F. Kennedy in his address to the nation just before assassination. He was urging the people of America to first contribute positively and whole-heartedly before asking for any benefits. Similarly the Constitution of India expects every citizen to carry out certain fundamental duties in order to create a strong nation and a strong nation will certainly be in a position to assure fundamental rights to its citizens.

Originally the Constitution of India did not include any chapter on Fundamental Duties. But during the period of Emergency in 1975, the need and necessity of fundamental duties was felt. The Sardar Swaran Singh Committee appointed by the Congress President recommended the inclusion of a chapter on fundamental Duties and hence part IV-A listing the same was added to the Constitution by the 42nd amendment in 1976.

Article 51 (A) - LIST OF FUNDAMENTAL DUTIES

It shall be the duty of every citizen of India

- 1) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

- 2) To cherish and follow the noble ideals which inspired our national struggle for freedom.
- 3) To uphold and protect the Sovereignty, Unity and Integrity of India.
- 4) To defend the country and render national service when called upon to do so.
- 5) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, regional or sectional diversities; to renounce practices derogatory to the dignity of women.
- 6) To value and preserve the rich heritage of one's composite culture.
- 7) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
- 8) To develop scientific temper, humanism and the spirit of enquiry and reform. (Students, please note!)
- 9) To safeguard public property and to abjure (keep away from) violence.
- 10) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of productivity and achievement.
- 11) To provide opportunities for education to children between the age of 6 and 14 years (this fundamental duty was inserted in the 86th amendment to Constitution, 2002, and was meant for parents and guardians who have children both boys and girls).

Significance & Characteristics of Fundamental Duties

- 1) Fundamental duties were added by the 42nd amendment to the Constitution, 1976.
- 2) Fundamental duties are drawn from rich Indian traditions and common principles of all religions.
- 3) Some of the fundamental duties are moral duties like cherishing noble ideals of freedom struggle while some are civic duties like respecting National Flag and Anthem.
- 4) Fundamental duties are not listed in any of Constitution of other major democracies of the world such as U.S.A. Australia, Canada, France, Germany etc., But these duties can be compared to "The Seven Principles of Public Life" as listed by Lord Nolan, Chairman, Committee on "Standards in Public Life", in United Kingdom. The 7 principles listed there were selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

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- 5) Fundamental duties apply to only Indian citizens and not to foreigners / aliens.
- 6) Fundamental duties are similar to directive principles. That is, these duties are neither justiciable nor enforceable in the court of law.
- 7) Fundamental duties have no sanctions (penalties) attached. Every citizen must introspect and endeavour to perform these duties. The sanction should be self-imposed.

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CHAPTER 5

SPECIAL CONSTITUTIONAL PROVISIONS

INTRODUCTION

For centuries, the backward classes of India have borne the brunt of the domination and suppression at the hands of the upper classes. Multitude of hierarchies practiced in every walk of life have been the bane of Indian Society which is now struggling to get into international mainstream and become a developed nation. There has always been social hierarchy, economic hierarchy, sex hierarchy, hierarchy of skin colour, hierarchy of muscle power, hierarchy of age etc., operating in this country. Time has come to review all these practices and look for a new way of life where there could be only be these hierarchies present - that of hard work and that of merit.

While framing the Indian Constitution, the members of the Constituent Assembly wisely recognized the need for ameliorating the backward classed, pull them up and put them on par with the upper classes, to a great extent possible. Therefore Articles 330 to 342 under "*Special provisions relating to certain classes, PART IV*" were created for their upliftment.

Apart from the special provisions provided under Arts. 330 to 342, all the articles under fundamental rights and several directive principles have already boosted the status and development of the backward classes of India. But these special provisions (Arts. 330-342) have focused the attention especially on backward classes and given them a wide spectrum of opportunities. In this chapter we discuss all such special constitutional provisions, article by article. At the end, the provisions made especially for women & linguistic minorities are also discussed.

1. Art. 330 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the Houses of the people

- Under this article, a certain number of seats are reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha. The number of seats reserved shall be in proportion to their population in the state or Union Territory.
- Such reservation was originally to continue till 1960 but by successive amendments it has now been extended till 2010.

- At present, there are 125 seats reserved in the house of the people (Lok Sabha) for these communities. Of these 79 are reserved for SC and 46 for ST.
- 2. **Art. 331 : Representation of the Anglo-Indian Community in the House of the People**
 - Under this article, the President of India is authorized to nominate not more than 2 members of the Anglo-Indian Community in the Lok Sabha, if he is of the opinion that this community is not adequately represented in the Lok Sabha.
- 3. **Article 332 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.**
 - Under this article a certain number of seats shall be reserved for Scheduled Castes and Scheduled tribes in the Assemblies of State and Union Territories.
 - Thus in a total of 4,037 seats in the Assemblies of States and Union Territories, 532 have been reserved for SC and 529 have been reserved for ST.
- 4. **Article 333 : Representation of the Anglo-Indian Community in the Legislative Assemblies of the States**
 - Under this article the Governor of a State is empowered to nominate not more than 1 member of the Anglo-Indian community in any State Assembly, if he is of the opinion that this community is not adequately represented in that State Assembly.
- 5. **Article 334 : Reservation of seats and special representation to cease after sixty years**
 - Under this article reservation of seats for SC & ST in Lok Sabha & Vidhana Sabha, and reservation of seats for Anglo-Indian Community should cease in 2010 A.D. i.e 60 years from the year 1950 A.D.
- 6. **Article 335 : Claims of Scheduled Castes and Scheduled Tribes to Services and Posts**
 - This article state that the claims of the members of SC & ST shall be taken into consideration in the making of appointments to services and posts in connection with the affairs of the Union or of a State, subject to maintenance of efficiency of administration.

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7. **Article 336 : Special provision for Anglo-Indian Community in Certain Service**
 - This article states that all reservations in favour of Anglo-Indians in Central Govt. Posts shall cease in 1960, 10 years from Republic Day, 1950.
 - From 1960 onwards, Anglo-Indians are to be treated as members of Un-reserved categories in all appointments in Govt. Sector.
 8. **Article 337 : Special provision with respect to educational grants for the benefit of Anglo-Indian Community**
 - This article guaranteed financial grants to educational institutions run by Anglo-Indian Community for 10 years from 1950 provided they accommodated at least 40% of the seats to non Anglo-Indians.
 9. **Article 338 : National Commissions for SC & ST**
 - The article provides for the appointment of a National Commission for Scheduled Castes and Scheduled Tribes.
 - By the 87th amendment Act, 2003 a new article has been inserted (Art. 338 A). According to this, henceforth there will be 2 Commissions one for SC and another for ST. These Commissions will consist of a Chairperson, Vice-Chairperson and 3 other members. These Commissions have been assigned the following duties:
 - i) To investigate and monitor all matters to safeguard the interests of SC & ST.
 - ii) To inquire into specific complaints with respect to deprivation of rights to SC & ST.
 - iii) To participate and advice on the planning process of socio-economic development of the SC & ST.
 - iv) To present to the President of India an annual report on the working of the Commissions.
 - v) To make recommendations in the report as to the measures that should be taken by the State & Central governments for the effective implementation of the safeguards provided for SC & ST.
 - vi) To discharge such other functions as the President may specify.
 10. **Article 339 : Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes**
 - This article arms the President to constitute a Commission to report on the administration of the Scheduled areas and welfare of Scheduled Tribes.

11. Article 340 : Appointment of a Commission to investigate the conditions of backward classes

- This article arms the President to constitute a Commission to investigate the conditions of socially and educationally backward classes and to make recommendations as to the steps to be taken to remove any difficulties and improve their condition.
- A Commission constituted for the above reason, with Sri. B. P. Mandal as the Commissioner, submitted its report in 1980. Only in August 1990, the V.P. Singh led Government implemented the recommendation and declared a reservation of 27% seats in Government service & Govt. Educational Institutions, based on the report. There was wide-spread violence against this and resulted in self-immolation of hundreds of young men protesting against it.

12. Article 341 : Scheduled Castes

This article empowers the President to prepare the list of castes, groups, tribes or their sub-groups which can be considered as Scheduled Castes. This list is specific to each state and the Governor of that state is consulted for its preparation.

13. Article 432 : Scheduled Tribes

This article empowers the President to prepare the list of tribes, tribal communities, groups and their sub-groups, which can be considered as Scheduled Tribes. This list is specific to each state and the Governor of that state is consulted for its preparation.

CONSTITUTIONAL PROVISIONS FOR SC & ST

Apart from Articles 330, 332, 338-342, which provide special provisions for the welfare and development of Scheduled Castes & Scheduled Tribes, the following articles of Constitution generally aim to improve their status :

- 1) Article 14 : Equality before law and equal protection of laws for all people of India.
- 2) Article 15 : The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them.
- 3) Article 16 : The State shall guarantee equality of opportunity in matters of public employment and shall not discriminate on grounds of religion, race, sex, caste etc., However, the State can make reservation of appointments in favour of any backward class not adequately represented in services under state.

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- 4) Article 17: Abolition of Untouchability 'Untouchability' is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.
- 5) Article 19 : All citizens have right to move freely throughout the territory of India and to reside & settle anywhere. But this right will not prevent the state from imposing restrictions on their freedom, in the interests of Scheduled Castes and Scheduled Tribes.
- 6) Article 46 : This article provides that the state shall promote with special care the educational and economic interests of the weaker section among the people and, in particular, of the SC & ST and shall protect them from social injustice and all forms of exploitation.
- 7) Article 164 : This article provides that in the states of Bihar, Orissa & MP, there shall be a minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and other backward classes.
- 8) Article 275 : This article provided for grants from the Central Govt. to certain states for the purpose of administration of the Scheduled Areas.

SPECIAL PROVISION FOR LINGUISTIC MINORITIES

A linguistic minority is a class of people whose mother tongue is different from the majority in the state or a part of the state. In order to safeguard the interests of the linguistic minorities, certain provisions have been provided in the constitution.

- Article 347 provides that if a substantial proportion of the people speak a language that the majority do not speak in a particular state, the President may direct that language to be officially recognized.
- "Article 350" provides that every person shall be entitled to submit a representation of any grievance to any Govt. officer or authority in any of the languages used in the Union or the State.
- "Article 350 A" provides that it shall be the endeavour of every state and of every authority within the state to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority groups. The President may issue such directions to the state necessary for providing such facilities.
- "Article 350 B" provides for the appointment of a Special Officer for linguistic minorities by the president. It shall be the duty of that officer to

investigate all matters relating to the safeguards provided for linguistic minorities under the constitution and give a report to the President. The President shall cause all such reports to be placed before each House of Parliament and sent to the Governor of states concerned.

CONSTITUTIONAL PROVISIONS FOR WOMEN

One of the important indicators to identify a developed country is the status given to its women. A country is said to be developed (and also civilized!) if all the women in that country have equal status and opportunities as men, in all walks of life. Women's Rights in India may not be as bad as that in Arab countries, but certainly lags behind that of U.S.A, European Countries, Australia, Japan, Thailand etc., In a country which has practiced the Sati system, child marriage, non-acceptance of widow re-marriage, dowry system, female infanticide etc., for a long time, it would take nothing less than a revolution to put an end to all these practices. Although the British abolished Sati system and child marriage, some other practices like female infanticide to a small extent and dowry system to a large extent is very much practiced in India. This country would very much need the efforts of all the educated boys and girls to overcome these social evils.

The following articles in the Indian Constitution offers some benefits in favour of women in general, although there is no section or part written separately for them.

Art. 14 : Equality before law and equal protection of laws for all people of India.

Art. 15 : The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them. Art. 15, 14 and 23 (equality and dignity) have been invoked already to prevent sexual harassment of working women.

Art. 16 : The State shall guarantee equality of opportunity in matters of public employment and shall not discriminate on grounds of religion, race, sex, caste etc.,

Art. 15A(e) : This article aims at protecting the dignity of Women.

Art. 23 : This article prohibits trafficking of Women.

National commission for Women

This was established under the National Commission for Women Act, 1990. It was setup to deal with the rights of Women and to improve the conditions of Women in India.

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Reservation for women : According to the Constitution women as a class cannot be regarded as backward. There cannot be relaxation of rules of recruitment or in regard to qualifications favouring the women, in jobs open to general public. However reservation of certain posts exclusively for women is valid under article 15(3). This clause provides special measures in legislation or executive order favouring women. In particular, provisions in the criminal law, or in the procedural law, in favour of women, have been already upheld by the Supreme Court in previous cases.

But the biggest setback for the women has been the failure to pass the Women's Bill in the parliament to reserve 1/3rd of all the seats in the parliament in favour of women. Every year the bill is placed for approval in the Parliament but gets defeated, despite the efforts of all women MP's from different parties coming together. Likewise a majority of male MP's across different political parties have ensured that the Women's Bill never gets passed in the Parliament.

CONSTITUTIONAL PROVISIONS FOR CHILDREN

Children are the future of any country. Imagine if all the children in the country are given equal benefits of health care and equal opportunities for education, the country would prosper enormously. The Constitution-makers have made the following benefits available to the children through the constitution, although they are yet to be fully realized.

Art. 15 and clause 3 declares that nothing shall prevent the state from making any special provision to both women and children.

Art. 24 prohibits employment of children below the age of 14 years in any (a) factory (b) mine or (c) other hazardous employment. The Supreme Court has directed that the states provide an adult member of the family of the child to be given employment in place of the child.

Art. 21(A) has been added by the 86th amendment 2002, making the Right to Education of children, a fundamental right.

The constitution allows for speedy trial for child offenders (juvenile delinquents). Such children with criminal records are lodged in the remand homes rather than in jails for their rehabilitation and reform.

CONSTITUTIONAL PROVISIONS FOR BACKWARD CLASSES

Apart from making special provisions for the Scheduled Castes and Scheduled Tribes, the Constitution has made separate provisions for the