

Directive Principles of State Policy

are enumerated in Part IV of the Constitution from Articles 36 to 51

- Resemble the '**Instrument of Instructions**' enumerated in the Government of India **Act of 1935**.
- 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.

Socialistic Principles

Article 38: promote the welfare of the people by securing a social order.

Article 39: Six Socialist Goals.

Article 39 A: Free Legal Aid.

Article 41: right to work to education and to public assistance in cases of unemployment, old age, sickness, and disablement.

Article 42: make provision for just and humane conditions of work and maternity relief.

Article 42: secure a living wage, decent standard of life.

Article 43 A: secure the participation of workers in the management of industries.

Article 47: raise the level of nutrition and the standard of living of people and to improve public health.

Article 39: State shall endeavour 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

Gandhian Principles

- To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).
- To promote cottage industries on an individual or cooperation basis in rural areas (Article 43).
- To promote voluntary formation, autonomous functioning, democratic control, and professional management of cooperative societies (Article 43B).

- 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).
- To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).
- To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48)

Liberal-Intellectual Principles

To secure for all citizens a uniform civil code throughout the country (Article 44).

To provide early childhood care and education for all children until they complete the age of six years (Article 45).

To organise agriculture and animal husbandry on modern and scientific lines (Article 48).

To protect and improve the environment and to safeguard forests and wild life (Article 48 A).

To protect monuments, places and objects of artistic or historic interest which are declared to be of national importance (Article 49).

To separate the judiciary from the executive in the public services of the State (Article 50).

To promote international peace and security and maintain just and honourable relations between nations;

DPSPs which are added by the Amendments:

The 42nd Amendment Act:

- preservation of the health and strength of workers and children against forcible abuse (Article 39).
- To promote equal justice and to provide free legal aid to the poor (Article 39 A).
- To take steps to secure the participation of workers in the management of industries (Article 43 A).
- To protect and improve the environment and to safeguard forests and wild life (Article 48 A).

44th Amendment Act of 1978: State to minimise inequalities in income, status, facilities and opportunities (Article 38)

86th Amendment Act of 2002: State to provide early childhood care and education for all children until they complete the age of six years.

97th Amendment Act of 2011 : state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B)

Q18. Examine the Efforts Taken in Reconciling Fundamental Rights with Directive Principles through various amendments. (To be Discussed in Class)

Initially court adopted strict legal position to giving preference to fundamental rights over DPSP. This kind of proposition could be found from the champakam dorarajam case 1951 where the court rule that fundamental rights enforceable by the virtue of article 32. while DPSP are not enforceable per wording of article 37 whoever in course of time judicial attitude had changed and court started to see and interplay of both of these. judiciary started to form opinion the DPSP and fundamental rights are not always adversary to each other rather they are complementary and supplementary to each other. this proposition was finally settle in the famous kesavanand barthi case where Justice mukharji has observed that fundamental rights and DPSP together constitute consign of constitution.

and there is no antithesis between FR AND DPSP it was also observed these provisions need to be harmonized none of these can attained Goal of dignity isolation.

this integrative approach led to expansion of various article of the constitution one of been article 21 and supreme court derived the bundle of rights from this article example right to live in dignity, pollution free environment, right to shelter, education.

Further in minerva mill case it was observed by the court that fundamental rights are not an end itself those are the means achieve goal of social political economical justice inscribed in social justice hence Indian constitution founded on the bed rock of balance between this two this balancing views was further established by 25 amendment 1972 when article 17c it provides if any legislation which seeks to implements DPSP even under 39b and 39c shall not be held unconstitutional even if its complaining with article 14 and 19.

Q19. Examine the Scope of DPSP in achieving the goal of Socio-Economic Justice.
(to be discussed in class)

DPSPs are set guideline and principal outline in the part 4 of the constitutions. In order to meet the mandate of establishing welfare state. These are legally enforceable they moral and political directive for the state while formulating and implementing policies. Article 38 creates obligation to state to raise social order from on the ground of social economical justice and it is supplemented by various other principals.

direction to the state to take social welfare measure:

DPSP emphasizes social welfare measures such as promotions of education opportunities adequate healthcare. raising the nutrition etc.

2) economical equalities: DPSP call for equitable distribution of wealth and resources and opportunities and ensuring the benefits to all the section of society this helps in achieving economic justice by narrowing wealth gap and creating more inclusive society.

beside this DPSP also contains express provisions for creating right to work ensuring living wages and providing for just and human conditions at work. moreover, economic justice sort to achieved here does not only try to bridge the gap among rich and poor but also gender disparities in income by directing state to secure equal pay for equal work.

3) social security measures: DPSP emphasizes importance of social security measure by including provisions for unemployment benefits, old ages pension support to differently able persons this measure help to provide safety net individuals and families in the time of needs, reducing poverty and promoting social economical justice.

Tho there are several efforts by legislators and executive in giving the practical shape to this DPSP. various policies and acts like equal remuneration act implementation of land reform old age pension scheme and other sectional scheme like MGNREGS, Ayushman Bharat etc. are being implemented to achieve the goal of social economical justice there are various milestones to be achieved specially achieve with regards to proper targeting of beneficiaries timely deliveries of services.

