

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 realizing 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)

Question 18. Examine the Efforts Taken in Reconciling Fundamental Rights with Directive Principles through various amendments. (To be Discussed in Class)



Question 19. Examine the Scope of DPSP in achieving the goal of Socio-Economic Justice. (to be discussed in class)

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

Initially the courts adoptive is strict and legal position. In this regard, the Supreme Court adopting the lateral interpretive approach of Article 37 has observed the directive principles could not override of Fundamental right and in that case in case of conflict between the 2. The fundamental right would always prevail over the BSP. This kinds of proposition could be found in the very first year of the constitutional history in Champakam Dorairajan case, where the court ruled that while the fundamental rights were enforceable under Article 32, the directive principles were on not made in enforceable itself under Article 37.

However, in the course of time, a perceptible change came to. The judicial attitude in this question, the Supreme Court started to take an interplay of directive principle and fundamental right between interpretation of them. Supreme Court came to adopt the view that although directive principle were legally non enforceable, nevertheless while interpreting the any law which is there to enforce the DPSP. The directive principles can be taken help of. Further, courts has also adopted the view that, in determining the scope and ambit of the fundamental rights, the directive principles should not be completely ignored and that the codes should adopt the principle of harmonious constructions and attempt to give effect to both as far as practicable.

DPSP and fundamental rights are complementary and supplementary to each other.

This proposition was finally settled to a great extent in the famous KN Bharati case, wherein Justice Mukherjee has observed that **fundamental rights and DPSP constitute the conscience of the Constitution and there is no antithesis between fundamental rights and DPSP.**

Sir Justice Grover, in the same case as observed, that both Part 3 and Part 4 have to be **balanced and harmonised, as none of the them alone can attain the individual dignity which are professed in the Constitution, they were meant to supplement each other.**

An example of this complementary relationship can be very well observed by their right to education.

This integrative approach towards fundamental rights and DPSP Has led to enlargement of scope of Article 21 and Supreme Court has derived a bundle of rights from Article. 21 which may include

- right to live with dignity.
- Right to life includes to enjoy pollution, free water and environment.
- Right to shelter,
- to education.
- Right to privacy

Justice Chandrachud in Minerva Mills case said that the fundamental rights are not an end in themselves but rather they are the means to achieve those ends which are specified in the DPSP itself. Both fundamental rights and DSP constitute the core commitment to the social revolution and get together are the conscience of the Constitution. Hence, Indian Constitution is founded on the bedrock of balance between the two.

Moving ahead in this line of interpretation, now courts have started to observe DPSP as one of the grounds of imposing the reasonable restrictions On Article 19 also.

Supreme Court has **observed the citizen has no fundamental right to a business for the sale of liquor under Article 19 1(g)**. As it violates Article 47 of the Constitution which is a DPSP and calls for prohibition on human consumable liquor. For their payment of statutory minimum bonus, even when the management suffers a loss, has been held to be reasonable and in public interest, being in the implementation of Article 39 and 43. Directive principles being fundamental to the governance of the country, what is directed as state policy cannot be regarded as unreasonable or contrary to the public policy. Prohibition of cow slaughter, bulls and bullocks to enable. To the public to have a sufficient supply of milk and to ensure the availability of sufficient number of drought cattle for agriculture operations was held reasonable under Article 19:06 in the view of directive principles contained in Article 47 and 48.

This view of balancing fundamental rights and DPSP was further established when Article 31 C which was inserted by the 25th Amendment of the Constitution in 1972. This article seeks to give primacy for the implementation of Article 39 (b) and 39 (b) over Article 14 and 19. The Supreme Court in the K Bharti case has held the constitutional validity of this amendment.

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

The Directive Principles of State Policy (DPSP) in India are a set of guidelines and principles outlined in Part IV of the Indian Constitution. While they are not legally enforceable, they serve as moral and political directives for the government in the formulation and implementation of policies. The DPSP aims to achieve socio-economic justice in India through various means:

1. **Directing state to take social welfare measures:** The DPSP emphasizes social welfare measures, such as the promotion of educational opportunities, the provision of adequate healthcare, and the protection of the rights of marginalized sections of society. These provisions aim to bridge the socio-economic gap and ensure justice for all citizen.
2. Article 38 itself casts an obligation upon the state to promote the welfare of the people by **securing a social order in which social economic and political justice prevail.**
 - a. Various provision seeks to bridge the income disparities and re distribution of material resources of the country.
3. **Economic Equality:** It calls for the equitable distribution of resources and opportunities, ensuring that the benefits of economic development reach all sections of society. This helps in achieving socio-economic justice by narrowing the wealth gap and creating a more inclusive society.
 - a. Besides this, DPSP also contains express provisions for right to work and to secure right to work.
 - b. **Moreover, economic justice sought to achieved here does not only tries to bridge a rich poor gap but also the gender disparities in income level by directing state to secure equal pay for equal work.**

4. **Worker's Rights:** DPSP highlights the rights of workers and promotes the creation of just and humane working conditions. It advocates for fair wages, safe working environments, and the protection of labor rights. These provisions contribute to socio-economic justice by ensuring that workers receive fair treatment and are not exploited.
5. **Social Security:** DPSP emphasizes the importance of social security measures, including **provisions for unemployment benefits, old-age pensions, and disability support**. These measures help to **provide a safety net for individuals and families in times of need, reducing poverty and promoting socio-economic justice**.

Though several efforts have been taken by both legislature and executive in giving the practical shape to these DPSP and judiciary too has played a part. Various policies and acts like, Equal Remuneration Act, Wages Codes, Implementation of Land Reforms, Old Age schemes like New Pensions Scheme, Atal Pension Yojna and sectoral interventions like Ayushman Bharat, MNREGA etc. are being implemented to achieve this goal of socio economic justice in Indian society but still there are various milestones to be achieved especially with regards to proper targeting of beneficiaries and timely delivery of services.