

- (3) The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.
- (4) The Hyderabad (Abolition of Jagirs) Regulation of 1358 F.
- (5) The Hyderabad Jagirs (Communication) Regulation, 1359 F.

The Zamindars, Jagirdars landlords *etc.* whose lands and estates were taken by the Act of States began to attack those Acts under Articles 14, 19 and 31. A numerous litigation began to flow blocking 'AGRARIAN REFORMS' throughout the country.

To give the constitutional validity to such laws, it had become necessary to bring the amendment to the Constitution. As a result, the Parliament inserted ARTICLE 31-A, ARTICLE 31-B, SCHEDULE-IX incorporates all such Acts and validates them.

It is inserted in the Constitution by the Constitution (Twenty-fifth Amendment) Act, 1971 with effect from 20-4-1972.

Every Banks were nationalized by the Union Government in 1969 by THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1969 (Act No.22 of 1969). There are some difficulties in the Nationalisation. To remove these difficulties the Parliament passed the 44th Constitution Amendment Act, 1978 which repealed the ARTICLES 19(1)(f) and 31 from the Constitution. In their place a New ARTICLE 300-A has been inserted.

ARTICLE 300-A :

Persons not to be deprived of property save by Authority of Law - No person shall be deprived of his property save by authority of Law.

DEVELOPMENTAL AND WELFARE CONCEPT IN DIRECTIVE PRINCIPLES OF INDIAN CONSTITUTION

By

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The Principles, in accordance with which any State develops on the prefixed plan, are called the Directive Principles of State Policy. The significance of these principles is moral rather than legal. These principles form a sort of code of conduct of the State. The directive principles of State Policy have been included in the Indian Constitution with a view that Indian Parliament, Legislatures of the state and the Council of ministers will follow them and will make efforts for an all round development of the country. In fact, these principles are the pillars of a welfare state and inspiring symbols of the development of the nation on socialistic pattern.

There is a remarkable difference between the fundamental rights of the citizens and the directive principles of the state policy. The former is enforceable by a court where as the later is not. It depends upon the will of the state whether to act or refuse to act in accordance with those principles. No court or any other institution can compel the state to act in accordance with the directive principles of the state policy as contained in the constitution.

Articles 37 to 51 of part IV of the constitution lay down the directive principles of state policy. These principles can be divided into the following categories.

1. Directive principles concerning social development.
2. Directive principles concerning economic development.
3. Directive principles concerning administrative reforms.
4. Directive principles concerning cultural development.
5. Directive principles concerning international peace and security.

1. Directive principles concerning social development.

The Indian constitution contains following directive principles of the state policy concerning the social development of Indian citizens.

- a. *Creation of welfare society:* Article 38 provides that the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall prevail in all the institutions of the national life.
- b. *Improvement of the standard of living:* Article 47 provides that it is among the primary duties of the state to raise the level of nutrition and the standard of living of its people and improvement of public health.
- c. *Reforms in conditions of women and protection against exploitation:* The state will make best possible efforts to reform the backward conditions of the women. Like men they would be afforded equal opportunities for employment and salary. They would get special felicities during maternity period. Article 39(f) provides that the state will protect the childhood and youth against exploitation.

2. Directive principles concerning economic development:

The main directive principles of the state policy concerning economic development of the citizens are as under:

- a. *Adequate means of livelihood and employment:-* In accordance with the provisions of the Indian Constitution, all men and women are entitled to get adequate means of livelihood. The state shall endeavor to ensure that each citizen get employment according to his or her ability. The state will also help such people who are in capable of earning their livelihood due to old age.
- b. *Equal paper equal work:* The state shall direct its policy such that there is equal paper equal work for both men and women.
- c. *Equal distribution of property:* In order to remove the economic disparity, the constitution has provided that the state shall direct its policy towards securing equal distribution of property so as to ensure the establishment of a true democracy in the country.
- d. *Equal distribution of means of production:* The state shall endeavor to ensure that the means of production or property may not be centralized at one place and that there may be equal distribution of wealth and means of production.
- e. *Adequate wages for workers:* The state shall endeavor to ensure that the workers employed in agriculture and other industries may earn adequate wages to enable them to subsist, with ease, may improve their standard of living and may get full enjoyment of leisure, and social and cultural opportunities.

- f. *Provision of just and human conditions of work and maternity relief:* The state will endeavor to make such loss as will secure just and humane conditions of work. The state will also ensure that the women may get maternity relief.
 - g. *Organization of agriculture and animal husbandry:* The state shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall take steps for preserving and improving the breeds and prohibiting the slaughter of house and other milk cattle.
3. *The Directive principles concerning administrative reforms:*
- The main directive principles concerning administrative reforms are as follows:
- a. *Uniform Civil Code for the citizens:* Articles 44 provides that the state shall endeavor to secure for the citizens the uniform civil code through out the territory of India.
 - b. *Organization of Village Panchayats:* Article 44 provides that the state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government.
 - c. *Separation of Judiciary from executive:* Articles 50 lays down that the state shall take steps to separate the judiciary from executive in public services of the state.
 - d. *Directive principles concerning cultural development:* Following are the main elements of the directive principles in this connection:
 - a. *Provision for compulsory education for children:* Article 45 lays down that the state shall endeavor to provide with in a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of 14 years.
 - b. *Provision of educational and economic interests of schedule caste, schedule tribes and other weaker sections:* Article 46 provides that the state shall promote with special care the educational and economic interest of the weaker sections of the people, and, in particular of the schedule caste and schedule tribes and shall protect them social injustice and all forms of exploitation.
 - c. *Protection of monuments and places and objects of national importance:* Article 49 provides that it shall be the obligation of the state to protect every monument or place or object of artistic or historic interest, declare to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export.
 - d. *Opportunity for cultural development:* The state shall endeavor to provide full felicities to each citizen for his or her cultural development.
4. *Directive Principles concerning international peace and security:*
- Article 51 provides that the state shall endeavor to: (a) promote international peace and security; (b) maintain just and honorable relations between nations; (c) Foster respects for international law and treaty obligation in the dealing of organized peoples with one another; and (d) encourage settlement of international disputes by arbitration.

*IMPORTANCE AND UTILITY OF THE
DIRECTIVE PRINCIPLES OF STATE
POLICY:*

These principles are unique and are of much utility. In the words Dr. Ambedkar "They are a novel feature in a constitution framed for parliamentary democracy". The

directive principles of the state policy are that goal, the achievement of which is our moral duty. These will contribute in establishment welfare state and will bring about political stability and administrative uniformity. These will lead to the establishment of political democracy and the society based on socialistic pattern will be created.

PROTECTION TO WEAKER SECTIONS

By

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The Preamble of the Constitution of India holds out a promise to all the citizens of India of securing social, economic and political justice. The term justice has been concretised by laying down minimum standards of substantive and procedural justice. The notion of justice enshrined in the Constitution is based on the equality principle. In a caste-ridden and feudal social order the principle of equality runs counter to and is at war with prevalent social beliefs, mores and institutions. In order to ensure that new institutions based upon principles of equality grow, and benefits accruing from this revolutionary principle accrue to the segment of citizens which for centuries were deprived of elemental human rights through discriminatory treatment, vigilance is needed of those; who formulate and implement social policy, and by associations and institutions set up to safeguard the interests of these sections of the society. Revolutionary changes in social policy necessitate adoption of strategies of an unconventional type to ensure an orderly transition from the old to the new, from dependence to self-reliance, from serfdom to freedom and from want to plenty. In democratic societies the chief strategy followed has been to translate social policy into law and to confer legal rights on the beneficiaries.

Such societies entertain deep respect for the rule of law, which in its turn generates the confidence that the aggrieved individuals will seek the intervention of the courts to safeguard these rights.

Insights into the realities of the judicial process, however, have revealed that the adversary system of litigation works when both the parties to litigation are equally resourceful. If one of the parties, because of an economic handicap, is unable to bear the costs of litigation it is difficult for him to defend his rights. He may either abandon the right by opting not to pursue a legal remedy or lose the case as a result of his not being able to afford the costs of litigation, and, in particular, the fee of a competent lawyer. To ensure that no one is compelled to abandon the legal rights or is unable to defend himself when his right to life and personal liberties are in jeopardy, provision for adequate legal services has been made in almost all the western democratic societies. In India little precious has been done in this regard.

There is no doubt that the hierarchical caste-system in India left out certain castes from economic and social progress;