

*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

**—CHITTALURI SATYANARAYANA,
B.A., B.L., LL.M., Advocate**

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;

consequently the relevance of caste or community to determining backwardness could not be minimized. At the same time the vicious circle of granting privileges and benefits on the basis of caste and community will never come to an end; it will degenerate into discrimination of a serious type resulting in class war, inefficiency and dependence. One of the major occupations of the Seminar would, therefore, be to have a fresh look on the social policy of granting equal rights to all irrespective of caste and community, and, of making reservations in educational institutions and employment in favour of certain sections of the community predominantly on the basis of caste or class, the manner or style of its implementation and the extent to which the stated objectives have been realized.

Due to historical reasons women in our society have occupied a subordinate position. The social policy did not favour economic independence of women. The social system operated harshly against them in such important matters as inheritance, marriage, divorce, adoption and maintenance. Since the advent of independence there has been a shift in the social policy towards granting of equal rights to women in economic and social fields. Several laws have been enacted to give effect to this social policy. To protect women from moral and material abandonment, exploitation and abuse, the Central and State Governments have adopted several measures including enactment of laws and setting up of social welfare boards.

Yet another theme of the Essay would be to review the laws and social policy relating to protection of children. In spite of the National Policy for Children, 1974, and the International Year of the child, 1979, children remain a neglected and exploited lot in our country. There has been a steady rise in juvenile delinquency. Rapid urbanization within the last three decades has exposed the

child to hazards of a different type. Family break-up, accidental death or unemployment of the bread earner and preoccupation of the parents with complex problems of city life end up in neglect of children. Children Acts which were enacted by the Central and State Governments raised the hope that something substantial would be done to improve the lot of children who exhibited deviant behaviour or who are neglected by parents. Not much progress has been made in this direction. We have yet to develop dependable implementation machinery to give effect to the policy goals in respect of children.

Last, but not the least, an important area of discussion relates to protection of the labour. Since independence labour legislation has proliferated and become complex. The social policy of ameliorating the condition of this class of citizens has yet to be realised. Bonded labour still exists in a subtle form and many devices have been worked out to defeat the national wage policy. The members of the labour force are not adequately protected against hazards of the industry such as accidental death, disability and occupational disease. The endeavor to assess the magnitude of the problem, identify and gain insight into the causes which tend to defeat social policy and the functioning of the implementation machinery.

A look at the historical past indicates that the focus of the foreign ruler was not on maintaining social equilibrium. In fact, by maintaining disparity and lack of cohesion in the society of this country, the foreign ruler found it convenient to satisfy its desires. One of the first tasks that faced the newborn nation was, therefore, to provide appropriate cushion to the weaker sections of the society so that at the earliest possible opportunity those that had trailed behind could come up to the main line and enter into the common national stream. That came to be debated by the Constituent Assembly,

and the Constitution fathers took great care to make provision for protection of the weaker sections, particularly those belonging to the Scheduled Castes and the Scheduled Tribes. Provisions in the Constitution given to the nation more than 34 years back still remain to be translated into practice. Initially the stalwarts who had fought for our independence and had engaged themselves in giving us the Constitution had hoped that a period of 15 years would be adequate to eliminate the backwardness and bring about a single totality of social existence. This has, however, not been possible and it is the opinion of many that implementation has not been proper.

Ø the manner in which social policy is formulated and projected by the legislature (ii) how policy goals are interpreted and applied by the courts and officials; and (iii) the extent to which divergent and conflicting attitudes of individuals and groups affect the social policy. (i) equal justice for weaker sections; (ii) protection of women; (iii) protection of children; and (iv) protection of the interests of the labour.

The Constitution gave a cushion for an initial period with a view to bringing weaker sections to the national channel by making provision in such a way that untouchability was abolished. Provision was made while implementing the Directive Principles of State Policy for protection of the weaker sections. The Civil Rights Protection Act, 1975, is essentially a law in this direction. Reservations in schools, colleges, technical institutions are also a similar step.

With a view to making it possible for the poor litigants to reach the courts for protection of their rights and for vindication of their grievances permissible within the ambit of law, schemes of legal aid keeping in view the requirements of Directive Principles have been set up and substantial progress has been made in many of the States in this direction.

Indisputably law is a regulator of human conduct but it is difficult to achieve noticeable social reform through law.

Article 14 of the Constitution of India confers equality before law. Article 15 enshrines the prohibition on the grounds of religion, caste, sex or place of birth. Article 16 mandates the State for equality of opportunity in matters of public employment.

a. Article 17 of the Constitution does away with untouchability. Article 23 of the Constitution deals with prohibition of traffic in human beings and forced labour and Article 24 with prohibition of employment of children in factories. Article 43-A enjoins participation of workers in management of industries. Article 43-A read with Article 39 occupies a special place in the constitutional scheme for the upliftment of the working class. Article 39-A introduced in 1976 directs the States to provide free legal aid by suitable legislation of schemes or in any other way. 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. Public interest litigation which has worked as a burgeoning branch of law.

“A society is as strong as its weakest sections. Therefore to protect and promote interests of such sections is to stabilize and strengthen the society.” As a national policy, the framers of the Constitution provided for special measures to ameliorate the conditions of the weaker sections of society. The policy of ‘protective discrimination’ has been used to mitigate the existing inequalities between various sections of the society and to accomplish a social reconstruction ensuring socio-economic justice to all weaker sections.