

DIRECTIVE PRINCIPLES OF STATE POLICY

‘Novel features’

-Dr. B. R. Ambedkar

‘Conscience of Constitution’

- Granville Austin

- **Part IV**
- **Art. 36 to 51**
- **Borrowed from Irish constitution of 1937 → Spanish constitution**

State – Art . 36

Government & Parliament of India + Govt & Legislature of states + Local authorities + statutory authorities + bodies LIC, ONGC, SAIL + Private body working an instrument of State



FEATURES OF DIRECTIVE PRINCIPLES – Fundamental in governance

- **Ideals state should keep in mind while formulating policies and enacting laws**
- **Constitutional instructions [Resembles Gol Act, 1935, ONLY to GG or Governor] /recommendation to legislative/executive/administrative**
- **Economic, Social & Political program**
- **To establish Economic & Social democracy**
- **Non – justiciable but, help courts in examining & determining validity of Law**
- **Classification – NOT in constitution - 3**

SOCIALISTIC PRINCIPLES

Aim to democratic socialistic state & socio-economic justice

✓ **Art 38**

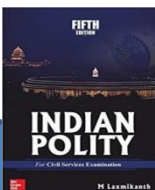
To minimize inequalities in income, status, facilities & opportunities.

✓ **Art 39**

Adequate means of livelihood, equitable distribution of material resources, prevention of concentration of wealth & means of production, equal pay, preservation of health & strength of workers & children against forcible abuse, opportunities for healthy development of children.

✓ **Art 39 A**

Equal justice & free legal aid.



SOCIALISTIC PRINCIPLES

✓ Art 41

right to work , to education, public assistances

❖ Unemployment

❖ Old age

❖ Sickness

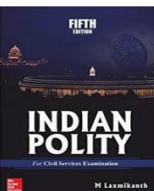
❖ Disablement

✓ Art 42

Just & humane conditions for work & maternity relief

✓ Art 43

Secure living wage, a decent STD of life & social & cultural opportunities for all workers



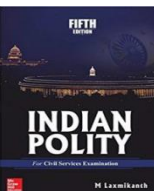
SOCIALISTIC PRINCIPLES

✓ Art 43 A

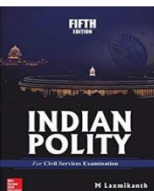
Participation of workers in the management of industries

✓ Art 47

Raise the level of nutrition & STD of living of people and to improve public health



- **Minimum wage: Bare needs: Food, shelter & clothing**
- **Living wage: Bare needs + education, health & insurance**
- **Fair wage: mean of 1 & 2**



GANDHIAN PRINCIPLES – programme of reconstruction

Art 40: organization of village panchayats

Art 43: promotion of cottage industries in rural areas by individual/cooperation

Art 43B: cooperative societies

- ❖ **Voluntary formation**
- ❖ **Autonomous functioning**
- ❖ **Democratic control**
- ❖ **Professional management**

Art.46: promotion of educational & economic interests of SCs, STs & other weaker sections and protect them from social injustice & exploitation

Art 47: prohibit the consumption of intoxicating drinks & drugs

Art 48: prohibition of slaughter of cows, calves and other milch & draught animal and to improve their breeds



Liberal intellectual principles

Art.44 – for all citizens uniform civil code

Art.45 – early childhood care and education for all children – 6

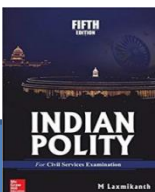
Art. 48 - Agriculture and animal husbandry on scientific lines

Art. 48A – Environment protection

Art. 49 – nationally important monument protection

Art. 50 – separation of judiciary from executive

Art. 51 – promotion of international peace & security



NEW DIRECTIVE PRINCIPLES

42nd A. Act, 1976

Art. 39: opportunities for health development of children

Art. 39A : Equal justice & free legal aid

Art 43 A : Participation of workers in the management of industries

Art. 48A – Environment protection

44th A. Act, 1978

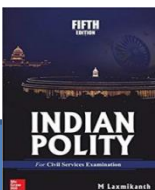
Art 38: To minimize inequalities in income, status, facilities & opportunities

86th A. Act, 2002

Art.45 – early childhood care and education for all children – 6

97th A. Act, 2011

Art 43B: cooperative societies



SANCTION BEHIND DIRECTIVE PRINCIPLE

Sir B N Rau [constitutional adviser to constituent assembly]- 2 type of rights for individual – justiciable (FRs) & non-justiciable(DPSP)

Not able to ignore the DPSP

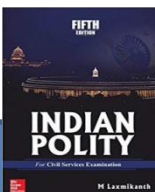
-Alladi Krishna Swamy Ayyar & Dr. B.R. Ambedkar

Assertion: DPSP non-justiciable & non-enforceable

Reason 1: insufficient financial resources

Reason 2: diversity & backwardness inhibit implementation

Reason 3: promote flexibility in decision making



➤ **CRITICISMS**

- **No legal force**
- **Illogically arranged**
- **Conservative**
- **Lead to constitutional conflict**

✓ **UTILITY**

- ✓ **Instrument of instructions to all authorities**
 - ✓ **Helped courts in judicial review**
- ✓ **Facilitate stability & continuity in domestic & foreign policies**
 - ✓ **A:Supplementing FRs, R: socio-economic rights**
- ✓ **Creates favourable atmosphere for citizens**
 - ✓ **Enable the opposition parties to exercise influence & control**
 - ✓ **Reference set for People to judge**



- **CONFLICT BETWEEN FRs (Judiciary) & DPSP (Parliament + Government)**

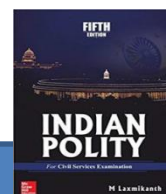
- **1950 – Champakam Dorairajan case – FR vs DPSP – FRs amendable → 1st, 4th 17th Amendments**

- **1967 – Golaknath case – FRs vs DPSP - FRs NOT amendable → 24th , 25th Amendments → Parliament alter, amend, abrogate any part of the Constitution even to the extent of taking away all fundamental rights [Article 368]**

- **1973 – Keshavanada Bharathi case – FRs vs DPSP - basic structure doctrine → 42nd Amendment**
DPSP

- **1980 – Minerva Mills case - FRs vs DPSP - basic structure doctrine**

- **IMPLEMENTATION OF DPSP**
- **Since 1950 – Governments of centre & states made laws & implemented several programmes**
 1. **Planning Commission & NITI Aayog**
 2. **Land reform laws by states**
 3. **Acts related to industrial workers**
 4. **Child labour banned**
 5. **Laws for protection of women workers**
 6. **Measures to utilise financial resources for common good**
 7. **Free legal services – Lok Adalat: Statutory, civil court status, awards binding on the parties, no appeal on any court**
 8. **Boards for cottage industries development**
 9. **Employment schemes/programmes**
 10. **Laws related to environment**
 11. **Steps to modernise agriculture & animal husbandry**
 12. **Panchayat system**
 13. **Reservation for weaker sections**
 14. **Cr. P . C to separate judiciary from executive**
 15. **Steps to ancient heritage**
 16. **PHCs & other health programmes**
 17. **Laws to prohibit slaughter**
 18. **Old age pension/ unemployment allowance**
 19. **Non- alignment in foreign policy**



- **Assertion: Implementation of DPSP non-successful**
- **Reason 1: inadequate financial resources**
- **Reason 2: unfavourable socio-economic conditions**
- **Reason 3: population explosion**
- **Reason 4: strained centre state-relations**

Directive outside Part IV in constitution

- **Claims of SCs & STs to Services of the Union or states – Art. 335 in part XVI**
- **Instruction in mother tongue [every state & local authority] at the primary stage for linguistic minority – Art. 350-A in part XVII**
- **Duty of Union to develop Hindi as a medium of expression – Art. 351 in part XVII**