



Directive Principles of State Policy

Manish Mishra

KEY BENEFITS OF OUR COURSES



Video Lectures



Live Sessions



PDFs



Mock
Tests



Current
Affairs



Daily Preparation
Material



Personalised
Feedback

Our course structure includes a lot of perks that are otherwise unavailable elsewhere. It is a comprehensive guide to help you crack the paper & secure your dream position.

We provide personal solutions all queries using a Telegram group wherein Anuj Jindal himself will clarify your doubts.

We curate the learning strategies of past year toppers to help you learn from the success of the best

What are DPSP?

- These are the **ideals that the state should keep in mind while formulating policies and enacting laws.**
- These are the constitutional recommendations to the state in legislative, executive and administrative matters.
- The DPSP are enumerated in **part IV** of the constitution, from **articles 36 to 51.**
- This feature was borrowed from the ***Irish constitution.***

Features of DPSPs

- The principles resemble the “Instrument of Instructions” enumerated in government of India act of 1935.
- DPSP aim at realizing the high ideals of justice, liberty, equality and fraternity as outlined in the preamble to the constitution.
- The principles embody the concept of “welfare state” and not a “police state” which existed during the colonial era.
- The DPSP are ***non-justiciable*** in nature, that is, they are not legally enforceable by the courts for their violation. However, the constitution (Article 37) itself says that these principles are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws.
- The principles though non-justiciable in nature, help the courts in examining and determining the constitutional validity of a law.

Constitutional Provisions

Article 36 to 51 of the constitution of India contains the provisions with respect to the DPSPs.

- **Article 36** – This article defines the term “State”. It includes legislative and executive organs of the central and the state governments, all local authorities and all other public authorities in the country.
- **Article 37** - These principles are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws.

Classification of the principles

The principles are classified on the basis of their content and direction; into three broad categories –

- Socialistic
- Gandhian
- Liberal-Intellectual

Socialistic principles

- **Article 38** - The State shall strive to promote the welfare of the people by securing and protecting a social order by ensuring social, economic and political justice and by minimising inequalities in income, status, facilities and opportunities
- **Articles 39:** The State shall in particular, direct its policies towards securing:
 - Right to an adequate means of livelihood to all the citizens.
 - The ownership and control of material resources shall be organised in a manner to serve the common good.
 - The State shall avoid concentration of wealth in a few hands.
 - Equal pay for equal work for both men and women.
 - The protection of the strength and health of the workers.
 - Childhood and youth shall not be exploited.
- **Article 39A** – To promote equal justice and to provide free legal aid to poor.
- **Article 41** - To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disability.
- **Article 42** - The State shall make provisions for securing just and humane conditions of work and for maternity relief.
- **Article 43** - The State shall endeavour to secure to all workers a living wage and a decent standard of life.
 - **Article 43 A** - The State shall take steps to secure the participation of workers in the management of industries.
- **Article 47:** The State shall take steps to improve public health and prohibit consumption of intoxicating drinks and drugs that are injurious to health.

Gandhian Principles

- **Article 40** - The State shall take steps to organise village panchayats as units of Self Government
- **Article 43B**: To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies
- **Article 46**: The State shall promote educational and economic interests of the weaker sections of the people particularly that of the Scheduled Castes (SCs), Scheduled Tribes (STs) and other weaker sections.
- **Article 47**: The State shall take steps to improve public health and prohibit consumption of intoxicating drinks and drugs that are injurious to health.
- **Article 48**: To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds.

Liberal-Intellectual Principles

- **Article 44**: The State shall endeavour to secure for the citizen a Uniform Civil Code through the territory of India.
- **Article 45**: To provide early childhood care and education for all children until they complete the age of six years.
- **Article 48**: To organise agriculture and animal husbandry on modern and scientific lines.
- **Article 48A**: To protect and improve the environment and to safeguard the forests and wildlife of the country.
- **Article 49**: The State shall protect every monument or place of artistic or historic interest.
- **Article 50**: The State shall take steps to separate judiciary from the executive in the public services of the State.
- **Article 51**: It declares that to establish international peace and security the State shall endeavour to:
 - Maintain just and honourable relations with the nations.
 - Foster respect for international law and treaty obligations.
 - Encourage settlement of international disputes by arbitration.

Amendments in the constitution with respect to the DPSPs

- **42nd Amendment act 1976** – This amendment added four new DPSP in the list:
 - Article 39
 - Article 39A
 - Article 43A
 - Article 48A
- **44th amendment act 1978** – This amendment added article 38(2) in the constitution which requires the state to minimize inequalities in income, status, facilities and opportunities.
- **86th amendment act 2002** – It changed the subject matter of Article 45 and made elementary education a fundamental right under article 21A.
- **97th amendment act 2011** – It added article 43B (explained above).

Reasons behind non-justiciable nature of DPSP

- The presence of vast diversity and backwardness in the country would stand in the way of their implementation.
- The country did not possess sufficient resources to implement them.
- The newly independent nation might be crushed under the burden unless it was free to decide the order, the time, the place and mode of fulfilling them.

Conflicts between Fundamental rights and DPSP and the associated cases

- **Champakam Dorairajan v/s the State of Madras (1951)**
 - In this case, the Supreme Court ruled that in case of any conflict between the Fundamental Rights and the Directive Principles, the former would prevail.
 - It declared that the Directive Principles have to conform to and run as subsidiary to the Fundamental Rights.
- **Golaknath v/s the State of Punjab (1967)**
 - In this case, the Supreme Court declared that Fundamental Rights could not be amended by the Parliament even for implementation of Directive Principles.
 - It was contradictory to its own judgement in the 'Shankari Prasad case'
- **Kesavananda Bharati v/s the State of Kerala (1973)**

- In this case, the Supreme Court overruled its Golak Nath (1967) verdict and declared that Parliament can amend any part of the Constitution but it cannot alter its “Basic Structure”.
 - Thus, the Right to Property (Article 31) was eliminated from the list of Fundamental Rights.
- **Minerva Mills v/s the Union of India (1980)**
 - In this case, the Supreme Court reiterated that Parliament can amend any part of the Constitution but it cannot change the “Basic Structure” of the Constitution.

Criticism of the DPSP

- **Non-Justiciable** – The principles being non-justiciable in nature are criticized on this ground.
 - KT Shah compared the principles with “a cheque on a bank, payable only when the resources of bank are available.
 - Nasiruddin said that these principles are no better than new year’s resolutions which are broken on 2nd January.
- **Conservative** – Sir Ivor Jennings opined that the directives are deemed to be suitable in India in the middle of 20th century. The question whether they are suitable in 21st century cannot be answered.
- **Constitutional conflict** – K Santhanam has pointed out that the principles lead to a constitutional conflict between the centre and the states, between the president and the PM and between the governor and the CM.
 - For ex – The centre can give directions to the state with respect to the implementation of these principles and in case of non-compliance can dismiss the state government.
- **Improperly defined** – According to N Srinivasan, the principles are neither properly classified nor properly arranged. The principles mix up relatively unimportant issues with the important economic and political issues.

Implementation of DPSP – Acts and Policies

- **Land Reforms**
 - Abolition of intermediaries like zamindars, jagirdars, inamdars, etc.
 - Tenancy reforms like security of tenure, fair rents, etc Imposition of ceilings on land holdings
 - Distribution of surplus land among the landless labourers Cooperative farming
- **Labour Reforms**
 - The Minimum Wages Act (1948)

- Code on Wages, 2020
 - The Contract Labour Regulation and Abolition Act (1970)
 - The Child Labour Prohibition and Regulation Act (1986) Renamed as the Child and Adolescent Labour Prohibition and Regulation Act, 1986 in 2016.
 - The Bonded Labour System Abolition Act (1976)
 - The Mines and Minerals (Development and Regulation) Act, 1957
 - The Maternity Benefit Act (1961)
 - The Equal Remuneration Act (1976) have been made to protect the interests of women workers.
-
- **Panchayati Raj System:** Through 73 Constitutional Amendment Act, 1992, government fulfilled constitutional obligation stated in Article 40. Three tier 'Panchayati Raj System' was introduced at the Village, Block and District level in almost all parts of the country.
 - **Cottage Industries:** To promote cottage industries as per Article 43, the government has established several Boards such as Village Industries Board, Khadi and Village Industries Commission, All India Handicraft Board, Silk Board, Coir Board, etc., which provide essential help to cottage industries in finance and marketing.
 - **Education:** Government has implemented provisions related to free and compulsory education as provided in Article 45. Elementary education was made a fundamental right through the 86th amendment act.
 - **Rural Area Development:** Programmes such as the Community Development Programme (1952), Integrated Rural Development Programme (1978-79) and Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA-2006) were launched to raise the standard of living particularly in rural areas, as stated in the Article 47 of the Constitution.
 - **Health:** Central Government sponsored schemes like Pradhan Mantri Gram Swasthya Yojana (PMGSY), National Rural Health Mission (NRHM) and Ayushman Bharat are being implemented to fulfil the social sector responsibility of the Indian State.
 - **Environment:** The Wildlife (Protection) Act, 1972, the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 have been enacted to safeguard the wildlife and the forests respectively.
 - **Heritage Preservation:** The Ancient and Historical Monument and Archaeological Sites and Remains Act (1958) has been enacted to protect the monuments, places and objects of national importance.

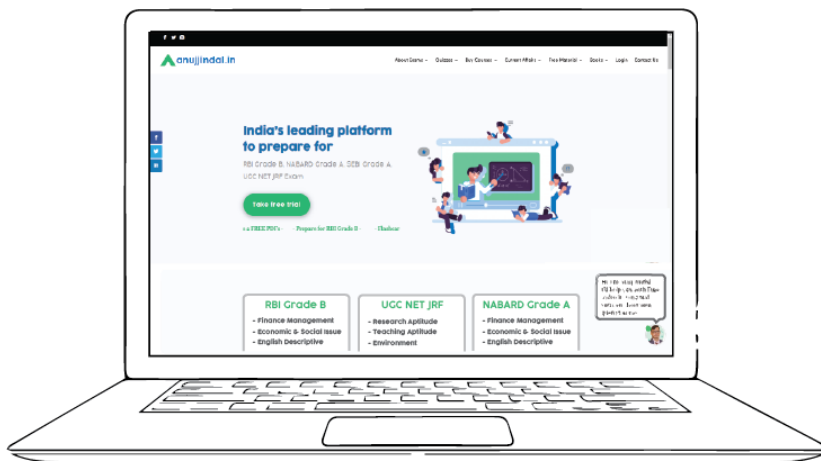
Directives outside part IV

- **Article 335 in part XVI** – The claims of members of SCs/STs shall be taken into consideration, with the maintenance of efficiency of the administration.
- **Article 351 in part XVII** – It shall be the duty of the union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all.
- **Article 350-A in part XVII** – It shall be the endeavour of every state and every local authority to provide adequate facilities for instruction in mother tongue.

Check our website www.anujjindal.in for enrolment, Course details and other updates!

Or

Log on to our mobile application.





RBI



AIR 03 RBI : Muhammad Ali

AIR 06 RBI : Aditya Sood

AIR 10 RBI : Sameer

AIR 11 RBI : Abhishek

48 Students got selected in RBI

SEBI



NABARD



1100+ Students cleared Phase 1

250+ Students cleared Phase 2

30 Students selected in NABARD

UGC NET JRF



260+ Students selected in UGC NET JRF