UNIT 2: DIRECTIVE PRINCIPLES OF STATE POLICY

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2.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- explain the meaning, features and various types of Directive Principles
- describe the significance and importance of Directive Principles
- explain implementation of Directive Principles in our country
- describe the differences between Directive Principles and Funda mental Rights

2.2 INTRODUCTION

This unit introduces you to the Directive Principles of State Policy which are mentioned in Part IV of the Indian Constitution covering Article 36 to Article 51. These principles are meant for the State to follow them in

matters of administration and in making of laws. Because the basic aim behind these principles is to establish a welfare State. These principle are differ from fundamental rights which is discussed in earlier chapter. While fundamental rights are enforceable, Directive Principles are not enforceable by the courts. The courts can not compel the government to follow these principles. But it is the duty of every responsible government to translate these principles into action to promote social and economic justice among citizens. These principles are fundamental in the governance of the country.

2.3 MEANING OF DIRECTIVE PRINCIPLES OF STATE POLICY

One of the distinctive features of Indian Constitution is the inclusion of the Directive Principles of State Policy or DPSPs. Borrowed from the Irish Constitution, the makers of our Indian Constitution incorporated these principles in Part IV of the Constitution from Article 36 to Article 51. These principles were deemed fundamental in the governance of the country which epitomized the hopes and aspirations of the Indian people. The Irish Constitution had greatly impressed the members of the Constituent Assembly . The members of the Constituent Assembly observed that most of the new constitutions that came into being after World War I, particularly those of Germany and East European countries, had recognized that one of the chief functions of the State must be to foster and secure the social well-being of the citizens and the economic prosperity of the nation . Such an attitude impressed our Constitution makers to incorporate these principles in our Constitution.

The Directive Principles are some affirmative instructions to the State authorities to secure to all citizens justice- social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the nation. These principles underline the philosophy of Democratic Socialism to secure the high ideals set forth in the Preamble to the Constitution. It is the duty of the State to follow these

principles both in the matter of administration as well as in the making of laws of the Directive Principles is to establish a welfare state where economic and social democracy might flourish.

The Directive Principles of State Policy may be classified under several groups, covering socio-economic rights to statements of international policy of the country . Significantly, these principles are not justiciable in character. They cannot be enforced by the courts of law if the State does not follow these principles in matters of administration as well as in making of laws . But it is the duty of the State to follow them to promote fraternity and equality and to guarantee justice to the people of the country. Nevertheless, the Directive Principles are regarded as the basic foundation of democracy and welfare State. They are incorporated in the Constitution to meet economic and social aspirations of the people of our country. Political democracy requires for its success economic security. Therefore the makers of our Constitution incorporated the Directive Principles as supplement to the Fundamental Rights. The Directive Principles provide some economic principles to secure economic justice and security.

2.4 FEATURES OF DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy incorporated under Part IV from Article 36-Article 51 possess the following features:

- Directive Principles of State Policy are some instructions to the State for achieving socio-economic development.
- Directive Principles of State Policy are not enforceable in the courts and no one can go to the court for its proper implementation.
- Directive Principles of State Policy are positive in nature . These principles increase the powers and functions of the State .
- Directive Principles of State Policy aims at establishment of a welfare state by securing social and economic justice. These principles are based on socialist thinking .
- These principles are indispensable for socio-economic development

of our country .Because welfare and justice are the twin objectives of our Constitution.

- These principles have great moral value also. It constitutes the conscience of our Constitution . No responsible government can dare to go against these principles.
- Directive Principles of State Policy constitute the mirror of public opinion. These principles always reflect the will of the people .These are embodied in the Constitution to meet the aspirations of the people.
- These are fundamental in the governance of the country. The State should follow these principles for progress of the country.

2.5 CLASSIFICATION OF DIRECTIVE PRINCIPLES

(i) Socialist and Economic Principles: The socialist and economic principles always aim at shaping our country into a welfare state. Art. 38(1) provides that the State shall promote the welfare of the people by securing and protecting as it may a social order in which justice – social, economic, and political shall inform all the institutions of national life. The State shall strive to minimize the inequalities in income and try to eliminate inequalities in status, facilities and opportunities among individuals and groups engaged in different vocations within the country- Art.38(2). Thus promotion of welfare of people by securing a social order where justice shall prevail is the objective of our Constitution. To ensure such objectives, the State shall direct its policy in securing-

- adequate means of livelihood for all citizens irrespective of men and women equally ;
- equal distribution of wealth and resources among all classes ;
- equal pay for equal work for both men and women ;
- just and humane conditions of work, a decent standard of living , full employment, leisure and social and cultural opportunities;
  participation of workers in the management of undertakings and establishments;
- protection of children, youth against exploitation and against moral

and material abandonment. The Forty-Second Amendment altered this provision and provides that "children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment";

Provision of work and compulsory education for all people, relief in case of unemployment, old age, sickness and disability and other cases of undeserved want;

equality of opportunity and status for all individuals;

- level of nutrition and standard of living of the people;
- public health and enforce prohibition of consumption of intoxicating drinks and drugs;

environment safeguarding forest and wild life of the country ;

- a uniform civil code throughout the country;
- protection of adult and child labour.

(ii) Gandhian Principles: Principles enjoined under Gandhian principles in Article 40, Article 43, Article 47 and Article 48 are some ideals of Mahatma Gandhi followed during his life time. Our constitution framers wanted to implement these ideals to fulfill his dream. The State shall take steps-

- to organize village panchayats and endow them power and authority to enable them to function as unit of self-government. ;
- to promote cottage industries and village industries on an individual or co-operative basis in rural areas ;
- to prohibit consumption of intoxicating and injurious drinks and drugs;
- to promote educational and economic interests of the weaker sections of the people particularly SCs, STs to establish social justice and equity;
- to organize agricultural and animal husbandry on modern and scientific lines;
- to prohibit the slaughter of cows and other useful cattle;
- to protect and improve environment and safeguard the forests and wild life of the country;
- to protect, preserve and maintain places of national historical

importance;

- to separate the judiciary from the executive.

(iii) International Principles: Principles enjoined in Art. 51 under international principles are some provisions to the State relating to ensure international peace and security. The State shall attempt –

- to promote international peace and security ;
- to maintain just and honourable relations between nations ;

  to foster respect for international law and treaty obligation ;
- to encourage settlement of international disputes by arbitration.

2.6 IMPLEMENTATION OF DIRECTIVE PRINCIPLES

The Constitution framers enshrined many principles in order to establish a new social order in which justice – social, economic and political shall prevail. The Constitution framers adopted the Directive Principles of State Policy as a peaceful and evolutionary method of constitutional reform aimed at ensuring minimum basic necessities of the citizens in a civilized society and to establish a democratic setup based on social justice. To implement and translate the directives into action, the government has taken many steps from time to time. The government has enacted social, labour and economic legislations and has framed industrial, agricultural and taxation policies. For example, the Taxation Inquiry Commission, 1953 –54 was asked to examine the tax structure and to suggest measures to reduce the inequalities of income and wealth and some other related subjects. The Industrial Development and Regulation Act 1951 and the establishment of the Monopolies Inquiry Commission in 1965 were aimed at achieving the objectives outlined by the Taxation Inquiry Commission. The Monopolies Commission made inquiries into the causes and extent of concentration of economic power in private hands, the factors responsible for monopolies tendencies in the national economy and their social consequences. Similarly in the early years of the 1950s land reform legislation was enacted to abolish intermediaries and zamindari system and now land, both rural and urban, is subject to ***ceilings*** and the surplus land has gone to the weaker sections of



Ceiling: Ceiling means a limit of maximum land holdings that an individual owner can own.

the community. In compliance with such laws, many States have enacted separate State Acts to prevent concentration of land holdings and fixed a ceiling for an individual owner. A large number of laws have been enacted to implement organization of village panchayats as units of self-government all over the country in purusance of Article 40. Especially, the government has enacted the historic Seventy-Third and Seventy-Fourth Constitution Amendment Acts, 1992 to build Panchayati Raj Institutions as administrative units. Now panchayats have been accorded constitutional status and assigned 29 departments with full powers so that people of the village can fulfill their long standing needs and aspirations through their own support and participation . Most of the States have enacted their own State Panchyat Acts keeing intact the spirit of the main Act and devolved funds, functions and functionaries to make panchyats into institutions of self- government. For the promotion of cottage industries (Art.43), steps have been taken to encourage the masses. Besides the government has established the All India Handicrafts Board, All India Handloom Board, Small Scale Industries Board, Central Silk Board, Coir Board etc., for promotion of cottage industries. The National Small Industries Corporation, the Khadi and Village Industries Commission, have been set up for the development of the Khadi and Village Industries. Various measures including employment generation schemes have been undertaken for the uplift of SCs, STs and Other Backward Classes. Legislation for compulsory primary education (Art. 45) has been enacted. For raising the standard of living (Art.47) the Government of India adopted the first ever large scale programme called Community Development Project in 1952 for rural re-construction in the fields of communication, transport, housing facilities, sanitation , agriculture, education etc. Regarding prohibition of intoxicating drinks and drugs (Art. 47) most of the States has enacted legislations and imposes some restrictions on such items. Necessary legislations have been enacted to protect places and monuments of national importance. As to the separation of the executive from the judiciary (Art. 50) most of the States have adopted legislative measures. Steps have been taken to assist and give free legal aid to the needy. More recently, the Government of India has enacted the

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) to ensure hundred days' work assistance to rural people which is in conformity to the Right to Work as enshrined in the Directive Principles of State Policy of the Indian Constitution.

The principle of International Peace and Security enshrined in Art.51 finds its full expression in the external policy of India. After Independence, the Government of India under the leading role of Pandit Jawaharlal Nehru advocated many ideals of peace and mutual tolerance.



CHECK YOUR PROGRESS

Q 1: Directive Principles are non-justifiable? (True/False)

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Q 2: What is the main aim of Directive Principles?

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Q 3: Directive principles are meant for

(a) the people (b) the State

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Q 4: Describe any two features of the Directive Principles.(within 50 words)

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Q 5: Mention any two Socialist and Economic Directive Principles.

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2.7 CONSTITUTIONAL SIGNIFICANCE OF DIRECTIVE PRINCIPLES

The Directive Principles have great constitutional significance. They have been declared to be fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws (Art-37). Though these principles are not enforceable in the courts, yet no government would dare to ignore them. Every government should take steps for implementing Directive Principles of State Policy as far as possible or else it would be criticized on the ground of non-fulfillment of the directives. These principles represent the deliberate wisdom of the nation and act as a constant reminder to the State for the implementation of the same. Inclusion of Directive Principles in the constitution always gives a constitutional recognition of the responsibility of the State to promote the social and economic welfare of the people. The 42nd and 44th amendments emphasized the socialistic goal of the Indian polity that every State has a positive duty to ensure to its citizens social and economic justice and dignity of the individual.

2.8 DIFFERENCES BETWEEN DIRECTIVE PRINCIPLES AND FUNDAMENTAL RIGHTS

The Directive Principles of State Policy differ from the Fundamental Rights in certain respects. The differences are discussed as follows –

- Fundamental Rights are meant for the citizens while Directive Principles of State Policy are meant for the State. They are some socio-economic instructions for the establishment of a welfare State.
- Fundamental Rights are individualistic and meant for individual citizens. On the other hand, Directive Principles of State Policy are socialistic in nature and want to establish equality and justice in the society.
- Fundamental Rights are enforceable in the courts. Individuals can move the court seeking legal assistance if Fundamental Rights are violated. On the other hand, Directive Principles of State Policy are not enforceable and no one can go to the court to compel the State to

properly implement the same.

- Fundamental Rights are automatically enforced. Directive Principles, on the other hand, need legislation for their proper implementation so long as there is no law carrying out the policy laid down in the Directive Principles.
- Fundamental Rights seek to establish political democracy while directive principles seek to establish social and economic democracy.
- Some Fundamental Rights are positive and some are negative in nature. On the contrary, almost all Directive Principles are positive in character.
- Some Fundamental Rights of the citizens remain suspended during national emergency. But the question of suspension of Directive Principles does not arise during emergency or at any other time.
- Fundamental Rights are not absolute and they are subject to reasonable restrictions. On the other hand, Directive Principles are not subject to any constitutional limitations. Based on the given political will, the government may or may not implement them
- Fundamental Rights are enforceable by the courts and the courts are bound to declare as void any law that is inconsistent with any of the Fundamental Rights. On the contrary, Directive Principles are not enforceable by the courts and the courts cannot declare as void any law which in conflict with any of the Directive Principles.
- In case of conflict between Fundamental Rights and Directive Principles, the former gets supremacy in the court. Every legislation made to implement Directive Principles of State Policy is subject to scrutiny of the court to determine whether it is violative of the Fundamental Rights, particularly Article 14 and Article 19.
- Fundamental Rights are more precise and concrete while Directive Principles are more broad based and are of wider significance.

Despite the above mentioned differences between the two, Fundamental Rights and Directive Principles are closely connected to each other. Both concepts constitute an indispensable part of the Constitution and are fundamental for the proper development and governance of our country.



CHECK YOUR PROGRESS

Q 6: Explain the constitutional significance of the Directive Principles.(within 50 words)

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Q 7: Mention any two differences between the Directive Principles and Fundamental Rights.

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2.9 LET US SUM UP

- The Directive Principles of State Policy are incorporated under Chapter-IV from Article 36-Article 51are some instructions to the State for achieving socio-economic development and establishment of a welfare state. These principles have been largely borrowed from the Irish Constitution.
- The Directive Principles of State Policy may be classified under several groups, covering socio-economic rights to statements of international policy of the country .
- The Directive Principles of State Policy are classified into Socialist and Economic Principles, Gandhian Principles and International Principles.
- The government has enacted social, labour and economic legislations besides industrial, agricultural and taxation policies.
- The Directive Principles of State Policy differ from the Fundamental Rights in many respects. Essentially, Fundamental Rights are meant

for the citizen while Directive Principles of State Policy are meant for the State. They are some socio-economic instructions for the establishment of a welfare State.

- The Directive Principles of State Policy, though not enforceable in the court of law, are an indispensable part of our Constitution and no responsible government can deny these principles as it is answerable before the electorate. The implementation of these principles is the key to the socio-economic development of the country as a whole.



2.10 FURTHER READINGS

1) Chander, Prakash.(2000). *Indian Government and Politics*. New Delhi :Cosmos Bookhive Pvt. Ltd.

2) Ghai, K.K.(2007). *Indian Government and Politics*. New Delhi: Kalyani Publishers.

3) Kapur, Anup Chand and Misra, K.K. (2006). *Select Constitutions.* New Delhi : S. Chand and Company.

4) Pylee, M, V. (2006). *Constitutional Government in India.* New Delhi: S. Chand and Company.



2.11 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: True

Ans to Q No 2: Establishment of a welfare state

Ans to Q No 3: State

Ans to Q No 4: True

(i) Directive Principles of State Policy are positive in nature . These principles increase power and functions of the State.

(ii) Directive Principles of State Policy aims at establishment of a welfare state by securing social and economic justice. These principles are based on socialist thinking.

Ans to Q No 5:

(i) adequate means of livelihood for all citizen irrespective of men and women equally ;

(ii) equal distribution of wealth and resources among all classes;

Ans to Q No 6: The Directive Principles have great constitutional significance. They have been declared to be fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws (Art-37). Though these principles are not enforceable in the courts, yet no government would dare to ignore them. Every government should take steps for implementing Directive Principles of State Policy as far as possible or else it would be criticized on the ground of non-fulfillment of the directives.

Ans to Q No 7: (i) Fundamental Rights are meant for the citizen while Directive Principles of State Policy are meant for the State. They are some socio-economic instructions for the establishment of a welfare State.

(ii) Fundamental Rights are individualistic and meant for individual citizens. On the other hand, Directive Principles of State Policy are socialistic in nature and want to establish equality and justice in the society.



2.12 MODEL QUESTIONS

A) Very Short Questions

Q 1: The Directive Principles of State Policy or DPSPs have been borrowed from which constitution?

Q 2: The DPSPs are incorporated in which part of the Constitution?

Q 3: Mention the Artcles incorporating the Gandhian Principles under DPSPs.

Q 4: The International Principles under DPSPs are incorporated in which Article?

B) Short Questions (Answer each question in about 150 words)

Q 1: Write the main features of the Directive Principles of State Policy?

Q 2: Mention any four Gandhian Principles enumerated under Directive Principles of State Policy ?

Q 3: What do you mean by the Directive Principles of State Policy? What are the international principles mentioned under the Directive Principles of State Policy ?

Q 4: Mention any four differences between Directive Principles and Fundamental Rights ?

C) Long Questions (Answer each question in about 300-500 words) :

Q 1: Discuss the various types of Directive Principles of State Policy.

Q 2: Discuss the implementation of the Directive Principles of State Policy.

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