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DIRECTIVE PRINCIPLES OF STATE POLICY

Part IV of the Constitution of India (Article 36–51) contains the Directive Principles of State Policy (DPSP). These principles aim at ensuring socio-economic justice to the people and establishing India as a Welfare State. The founding fathers of Indian Constitution were aware of the fact that Independent Indian State was going to face many challenges. After colonial rule for almost two hundred years, country and the society was left with widespread poverty, hunger and with deep rooted socio-economic inequalities. The framers of the Constitution felt that certain policy directions, guidelines or instructions for the governance of the country were required to handle these problems. Legislature, executive and administration of the Independent India were expected to exercise their powers in accordance with the direction and guidelines given in this part of the Constitution.



OBJECTIVES

After studying this lesson, you will be able to:

- understand the meaning and nature of Directive Principles of State Policy;
- explain the philosophical basis of the Directive Principles;
- classify the Directive Principles of State Policy;
- appreciate the role of Directive Principles towards making India a Welfare State;
- appreciate the importance of Directive Principles of State Policy in Promoting socio-economic equality;
- distinguish between Fundamental Rights and Directive Principles of State Policy; and
- assess the role of government in implementing DPSP.

20.1 DIRECTIVE PRINCIPLES OF STATE POLICY: MEANING AND NATURE

Directive Principles are certain ideals, particularly aiming at socio-economic justice, which according to the framers of the Constitution, Indian State should strive for.

Dr. B. R. Ambedkar described Directive Principles as a “Novel Feature” of the Constitution. They are in the nature of general directions, instructions or guidelines to the State. Directive Principles embody the aspirations of the people, objectives and ideals which Union and the State governments must bear in mind while making laws and formulating policies.

According to L.M. Singhvi; the Directive Principles are the life giving provisions of the Constitution. They represent the philosophy of social justice incorporated in the Constitution of India. Although Directive Principles are non-justiciable or they are not legally binding by any Courts, they however, are fundamental in the governance of the country. They lay down a code of conduct for the legislatures, executives and administrators of India to discharge their responsibilities in tune with these ideals.

20.2 PHILOSOPHICAL BASE OF THE DIRECTIVE PRINCIPLES

Directive Principles in the Indian Constitution are taken from the Constitution of Ireland. But the idea and philosophy of these principles can be traced back to French declaration of human rights, American declaration of independence, liberal as well as socialist philosophy of 19th century and our own, Gandhian Concept of Sarvodaya.

Ivor Jennings has observed that philosophy underlying most of the Directive Principles, is “Fabian Socialism”. Many of our Constitution makers were under the great influence of Socialism and Gandhism. So, through these provisions and principles they laid down the Socialistic Pattern of Society and Gandhian Ideal State as the objective, which the Indian State should strive to achieve. Article-37 of the Constitution, states about the application of the Directive Principles, which says that the provisions contained in this part (Part-IV) shall not be enforceable by any Court but principles there in laid down, are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles while making the laws.



Notes

**Notes****Do you know**

- Part-IV of the Constitution of Indian (Article 36-51) provides The Directive Principles of State Policy.
- The Directive Principles contained in Indian Constitution are taken from Irish Constitution, The Irish themselves had, however, taken the ideas from the Constitution of Spain.
- Similar guidelines were provided in the form of instruments of instruction in the Government of India Act, 1935.
- Directive Principles of State Policy aim at making India a Welfare State and thus strike a balance between liberal individualist and socialist ideology.

**INTEXT QUESTIONS 20.1****Fill in the blanks**

- Directive Principles make India a State. (Socialist/Welfare)
- Directive Principles are (non justiciable/justiciable)
- Thoughts and Ideas of have been incorporated in the Constitution in the form of Directive Principles of State Policy.
(C. Rajgopalachari/Mahatma Gandhi)
- Socialistic pattern of society can be achieved by..... distribution of wealth. (unequal/equitable)
-System has been abolished completely in India.
(Caste/Capitalist/Zamidari)

20.3 CLASSIFICATION OF THE DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles are classified on the basis of their ideological source and objectives. For the sake of making their study convenient, we can broadly place them in four categories, These are;

1. Economic and Social Principles;
2. Directives Based on Gandhian Principles;
3. Directive Principles relating to International Peace; and
4. Miscellaneous.

1. The Economic and Social Principles

A large number of Directive Principles are socialistic in nature and dedicated to achieve social and economic welfare of the people with the objective to establish India as a Welfare State. Some of these principles are as follows:

- (i) The State shall strive to promote the welfare of the people by securing and protecting a social order in which justice, social, economic and political, shall inform all institutions of national life (Article 38).
- (ii) Article 39 says that State shall in particular, direct its policies towards securing:
 - (a) right to an adequate means of livelihood to all the citizens;
 - (b) the ownership and control of material resources shall be organised in a manner to serve the common good;
 - (c) the operation of the economic system does not result in the concentration of the wealth to the common detriment. In other words state shall avoid concentration of wealth in few hands;
 - (d) equal pay for equal work for both men and women;
 - (e) the protection of the strength and health of the workers; and
 - (f) that the childhood and youth are not exploited;
- (iii) Article-42 declares that, the State shall make provisions for securing just and humane conditions of work and for maternity relief.
- (iv) According to Article-43, the State shall endeavour to secure to all workers a living wage and a decent standard of life, while article 43A says that the State shall take steps to secure the participation of workers in the management of industries.

2. Directives Based on Gandhian Principles

Mahatma Gandhi was the main guiding force during our freedom struggle. He had tremendous influence over the common people as well as framers of the Constitution. There are certain directives principles as aiming at implementing Gandhian Principles. These are as follows;

- (i) State shall take steps to organise village panchayats as units of Self-Government (Article-40)
- (ii) The State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas, (Article-43)
- (iii) Article-45 provides for free and compulsory education to all children till the age of 14 years. This original provision was amended by 86th Constitutional Amendment Act 2002, it now declares that, “the State shall endeavour to provide early childhood care and education for all children until they complete the age of 14 years.” (Article 21-A)



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- (iv) Article-46 lays down that the State shall promote educational and economic interests of the weaker sections of the people particularly that of the Scheduled Castes (SCs) and Scheduled Tribes (STs) and other weaker sections.
- (v) Article-47 states that State shall take steps to improve public health and prohibit consumption of intoxicating drinks and drugs that are injurious to health.
- (vi) Article-48 says that, State shall take steps to prohibit slaughter of cows, calves and other milch and draught cattle.

3. Directive Principles Relating to International Peace and Security

A year after the end of the Second World War, constitution making process began in India. It was obvious that members of our Constituent Assembly were deeply concerned about international peace and security. Through Directive Principles of State Policy they tried to ensure that Government of free India should render active cooperation for world peace and security. Article 51 declares that to establish international peace and security the State shall endeavour to—

- (i) promote international peace and security;
- (ii) maintain just and honourable relations with the nations;
- (iii) foster respect for international law and treaty obligations; and
- (iv) encourage settlement of international disputes by arbitration.

4. Miscellaneous Directive Principles

The fourth category of Directive Principles Contains some general subjects which are sometimes termed as liberal principles. These are as follows;

- (i) Article-44: The State shall endeavour to secure for the citizen a uniform civil code through the territory of India.
- (ii) Article-48A: Directs the State to protect and improve the environment and to safeguard the forests and wildlife of the country.
- (iii) Article-49: State should protect every monument or place of artistic or historic interest.
- (iv) Article-50: The State shall take steps to separate judiciary from the executive in the public services of the State.



Do you know

- The 42nd Constitutional Amendment, 1976 introduced certain changes in the part-IV of the Constitution by adding new directives like:
 - (i) Article-39A – State to provide free legal aid to poor.
 - (ii) Article-43A – Participation of workers in management of Industries.
 - (iii) Article-48A – Directs the State to protect and improve environment.

- The 44th Constitutional Amendment, 1978 inserted Section-2 to Article 38 which declares that; “The State in particular shall strive to minimise economic inequalities in income and eliminate inequalities in status, facilities and opportunities not amongst individuals but also amongst groups”
- The 44th Constitutional amendment, 1978, eliminated, Right to property from the list of Fundamental Rights. It was considered as an hindrance in the path of implementing Directive Principles.



INTEXT QUESTIONS 20.2

For each multiple choice question given below, choose the correct answer/ alternative

1. Directive Principles of State Policy in India have been taken from the Constitution of–
 - (i) Britain
 - (ii) Germany
 - (iii) France
 - (iv) Ireland.
2. Who amongst the following was great advocate of ‘Panchayati Raj System’ ?
 - (i) Pt. Jawahar Lal Nehru
 - (ii) Mahatma Gandhi
 - (iii) Sardar Patel
 - (iv) Dr. B.R. Ambedkar
3. Directive Principles of State Policy strive to make India a
 - (i) Welfare State
 - (ii) Capitalist State
 - (iii) Communist State
 - (iv) Authoritarian State
4. In which of the following there is a provision for “equal pay for equal work” for both men and women ?
 - (i) Fundamental Rights
 - (ii) Preamble of the Constitution
 - (iii) Directive Principles of State Policy
 - (iv) Fundamental Duties



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5. Which Article of the Constitution directs the State to establish Panchayati Raj Institutions in rural areas ?
- (i) Article 40
 - (ii) Article 45
 - (iii) Article 37
 - (iv) Article 36.

20.4 DISTINCTION BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

Both Fundamental Rights and Directive Principles are essential features of the Indian Constitution. But there had been persistent conflict for a considerable period, between the two. Implementing Directive Principles of State Policy required imposing various restrictions on the Fundamental Rights. They have different and sometimes conflicting objectives and it was the main cause of conflict. Directive Principles of State Policy differ from Fundamental Rights in following respect;

- (i) Fundamental Rights are justiciable but Directive Principles of State Policy are non-justiciable. It means that a person can appeal to the court of law if his/her Fundamental Rights are violated, but people cannot appeal to the court if the Government does not implement the Directive Principles.
- (ii) Fundamental Rights are negative or prohibitive in nature because they put limitation on the State. On the contrary, Directive Principles are affirmative directions. They declare the duty of the State to achieve certain social and economic objectives.
- (iii) Fundamental Rights establish liberal political democracy in India. However, Directive Principles make India a Welfare State.
- (iv) Fundamental Rights protect the interests of the individual while Directive Principles of State Policy seek to promote socio-economic equality and particularly provide safeguards to weaker and vulnerable sections of the society.

20.5 RELATIONS BETWEEN DIRECTIVE PRINCIPLES AND FUNDAMENTAL RIGHTS

In the first three decades of working of the Constitution, there has been a long drawn debate that in case of conflict between the Fundamental Rights and Directive Principles, which of the two classes of the constitutional provisions should be accorded priority? Land Reforms, Nationalisation of Banks and many other such moves of the government were challenged in the court on the ground that they infringed upon the Fundamental Rights of the individual. The main bone

of contention was Article-31 Right to Property, which was acting as major hindrance in the process of implementing Directive Principles of State Policy. For some period, contradictory judgements of the Supreme Court and political compulsions of the ruling class deeply complicated this issue. In 'Golok Nath case', 1976, 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 'Shankari Parsad case'. In 'Keshvanand Bharti case' in 1973, the Supreme Court overruled its Golok Nath (1967) verdict and declared that Parliament can amend any part of the Constitution but it cannot alter its "Basic Structure". In 1978, by 44th Constitutional Amendment, Right to Property (Article 31) was eliminated from the list of Fundamental Rights. Parliament, by this move removed the main hinderance from the path of implementing Directive Principles. Again in Minerva Mill case, 1980, Supreme Court reiterated that Parliament can amend any part of the Constitution but it cannot change the "Basic Structure" of the Constitution.

Although the Directive Principles and the Fundamental Rights appear in the Constitution as distinct entities, there may, nevertheless, be a conflict between them, particularly when laws are enacted to implement Directive Principles and such acts of the State impinge upon the Fundamental Rights of the individual.

But inspite of these differences there is a close relationship between the Fundamental Rights and Directive Principles of State Policy, They are complementary and supplementary to each other, both are required to realise the goals and ideals declared in the Preamble of the Constitution. Fundamental Rights form political democracy in India but to sustain this political democracy, implementation of Directive Principles is essential, as it will eventually lead to emergence of social and economic democracy or a Welfare State. Fundamental Rights have legal force behind them, however Directive Principles have sanction of the public opinion. They are fundamental in the governance of the country, no democratic government, therefore, can afford to ignore them.



INTEXT QUESTIONS 20.3

Write True or False against each of these statements:

- (i) Fundamental Rights are justiciable. (True/False)
- (ii) People can appeal to the court if Directive Principles are not being implemented. (True/False)
- (iii) Directive Principles aim at socio-economic justice. (True/False)
- (iv) Right to Property is a Fundamental Right. (True/False)
- (v) Parliament cannot alter the "Basic Structure" of the Constitution through constitutional amendment. (True/False)



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20.6 IMPLEMENTATION OF THE DIRECTIVE PRINCIPLES OF STATE POLICY**Notes**

Directive Principles are sometimes criticised for being non justiciable, vague and moral precepts, whose execution is totally left to the discretion of the government. But for more than sixty years of the working of the Constitution shows that successive governments in India have taken various steps to implement Directive Principles. Some of the measures in this effect are as follows–

- (i) In order to give effect to the principle of Article-39, various legislations were enacted by the government with the objective to organise the ownership and control of material resources to serve the common good. Some of these are:
 - (a) Land Reforms – Land is most essential material resource in an agrarian country like India. Through land reforms zamindari system was abolished, ceiling on land holdings imposed and surplus land distributed among landless labourers.
 - (b) Minimum Wages Act, Income Tax and other Taxation measures to tax high income group and provide exemption and relief to the weaker sections.
- (ii) Through 73rd Constitutional Amendment Act, 1992, government fulfilled constitutional obligation stated in Article-40. Three tier ‘Panchayati Raj System’ was introduced at the Village, Bloc and District level in almost all parts of the country.



Figure 20.1: Village Panchayat Meeting

- (iii) To promote cottage industries (Article-43), government has established several Boards such as Village Industries Board, All India Handicraft Board, Silk Board, Coir Board, etc., which provide essential help to cottage industries in finance and marketing.
- (iv) Government has implemented provisions related to free and compulsory education (Article-45). Introduction of 86th Constitutional Amendment and subsequently passed the Rights to Education Act 2009, Elementary Education has been accepted as Fundamental Right of each child between the 6 to 14 years of age.

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Figure 20.2: A picture of School going Children.

- (v) Government has launched various development programmes, like Community Development Programme (1952), Integrated Rural Development Programme (1978-79) and in recent years Mahatma Gandhi Rural Employment Guarantee Act (MNREGA-2006) to raise the standard of living particularly in rural areas, as stated in the Article-47 of the Constitution.
- (vi) Government has introduced various programmes to provide health and nutritional support to the women and children. i.e. maternity relief and mid-day meal to school children.
- (viii) Central Government sponsored schemes like ‘Pradhan Mantri Gram Swasthya Yojana’ (PMGSY), ‘National Rural Health Mission’ (NRHM) and many other health and welfare related programmes are being implemented to fulfill the social sector responsibility of the Indian State. Directive Principles are no doubt the main guiding force behind all these welfare measures.

After studying the working of the Constitution and development strategy adopted by the government in India, we can definitely say that the Directive Principles have always been accorded due importance and priority in the legislation and policy making. Some of the Directives Principles have been implemented in word and spirit and some others are being deliberated. However, there are still wide

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gaps in the fields of health and education in India as compared to developed and also many of the developing countries. India, as a Democratic Welfare State cannot turn a blind eye to it. So rapid modernisation and expansion of basic health and education demands immediate attention of the government. Constitution also contemplates right to work, right to adequate means of livelihood and socio-economic justice to all sections of society. So, the government is effectively doing much more in this direction to realise the ideals set by the founding fathers of our Constitution.

**INTEXT QUESTIONS 20.4****Fill in the blanks**

- (i) 73rd Constitutional Amendment introduced Panchayati Raj system in rural areas. (two tier/three tier)
- (ii) Right to Education Act was passed by Parliament in year (2006/2009).
- (iii) Right to Education Act is applicable from the age to years. (0–6/6–14)
- (iv) 86th Constitutional Amendment was adopted in the year (2009/2002)

**WHAT YOU HAVE LEARNT**

Part IV of the Constitution of India (Article 36-51) contains Directive Principles of State Policy. These principles are in the form of instructions and guidelines to the government, aiming at socio-economic equality and establishing Welfare State in India. The State in India is expected to be guided by Directive Principles while making laws and framing policies to achieve greater collective good. These principles are non-justiciable or in other words they are not enforceable by the court of law but there is moral force and public opinions behind them.

On the basis of ideological source and objectives, Directive Principles can be classified into four categories;

1. Economic and Social Principles
2. Directives Based on Gandhian Principles
3. Directive Principles relating to International Peace
4. Miscellaneous Principles

The Directive Principles have been taken from Irish Constitution. These principles aim at establishment of socialistic pattern of society, which is one of the objectives declared in the Preamble of the Constitution and eventual emergence of India as a Welfare State.

Being a democratic Constitution Indian Constitution provides Fundamental Rights to all the citizens of the country. There are some basic difference between Fundamental Rights and Directive Principles of State Policy. Fundamental Rights put restrictions on the State authority, so they are negative and prohibitive on the other hand Directive Principles are positive and affirmative in nature. Directive Principles guide the State to act in a particular manner. Fundamental Rights are justiciable but Directive Principles are non-justiciable. Fundamental Rights represent liberal individualistic features of the Constitution while Directive Principles show the socialistic characteristic of the Constitution. In spite of these differences, we can say that both fundamental Rights and Directive Principles of State Policy are essential features of our Constitution. It is a well recognised fact that for the sustainance of political democracy, established by fundamental Rights, socio economic equality and Welfare State is essential.

**Notes****TERMINAL QUESTIONS**

1. Describe the Directive Principles of State Policy ? Are they justiciable?
2. Classify the Directive Principles of State Policy.
3. State any four Directive Principles aiming at socio-economic equality.
4. Describe Directive Principles based on Gandhian thought and principles.
5. Distinguish between Fundamental Rights and Directive Principles of State Policy.
6. “Successive governments in India accorded high priority to Directive Principles of State Policy” Do you agree with the statement ? Give suitable argument to support your answer.
7. What steps have been taken by the Government so far to implement Directive Principles of State Policy?
8. “In a poor country like India socio-economic justice should be given priority over the individual freedom” Do you agree with the statement? Justify your answer with suitable arguments.

**ANSWER TO INTEXT QUESTIONS****Notes****20.1**

- (i) Welfare
- (ii) Non-justiciable
- (iii) Mahatma Gandhi
- (iv) Equitable
- (v) Zamindari

20.2

1. (iv) Ireland
2. (ii) Mahatma Gandhi
3. (i) Welfare State
4. (iii) Directive Principles of State Policy
5. (i) Article 40

20.3

- (i) True
- (ii) False
- (iii) True
- (iv) False
- (v) True.

20.4

- (i) Three tier
- (ii) 2009
- (iii) 6 to 14
- (iv) 2002