

# **DIRECTIVE PRINCIPLES OF STATE POLICY**

**‘Novel features’**

**-Dr. B. R. Ambedkar**

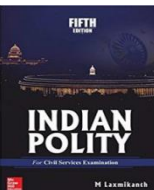
**‘Conscience of Constitution’**

**- 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**

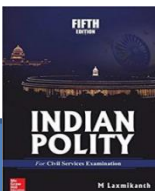
**To minimize inequalities in income, status, facilities & opportunities.**

✓ **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**

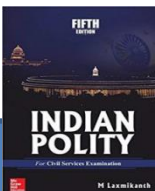
**❖ Disablement**

## **✓ 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**



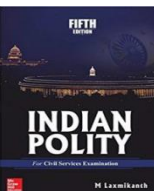
## **SOCIALISTIC PRINCIPLES**

### **✓ Art 43 A**

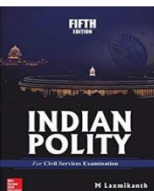
**Participation of workers in the management of industries**

### **✓ 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**

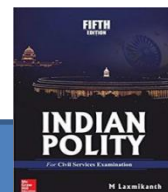
**Art. 48 - Agriculture and animal husbandry on scientific lines**

**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**

**42<sup>nd</sup> 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**

**44<sup>th</sup> A. Act, 1978**

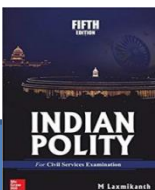
**Art 38: To minimize inequalities in income, status, facilities & opportunities**

**86<sup>th</sup> A. Act, 2002**

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

**97<sup>th</sup> 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 → 1<sup>st</sup>, 4<sup>th</sup> 17<sup>th</sup> Amendments**

- **1967 – Golaknath case – FRs vs DPSP - FRs NOT amendable → 24<sup>th</sup> , 25<sup>th</sup> 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 → 42<sup>nd</sup> 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**