

Directive Principles of State Policy

1. Introduction to Directive Principles of State Policy:

Directive principles are the prominent and unique characteristic of Indian constitution influenced by the Irish Constitution of 1937; the Constitutional fathers of the Indian Constitution incorporated these Principles from Articles 36-51 in Chapter IV of the Constitution. These Principles are like the instrument of instructions or directions to the future legislature and executives to show in what manner they are to exercise their powers.

The inclusion of these principles was described by Dr. B.R. Ambedkar as a 'Novel feature' of the Indian Constitution. The objective of these principles is to establish a social and economic democracy in India. People cannot use their political rights properly if they are confronted with economic problems. Political democracy without social and economic democracy cannot be successful. The Directive Principles are complimentary to the Fundamental Rights.

According to Prof. J.C. Johri, "While Part III of Fundamental Rights lays down the Foundations of political democracy in the country. Part IV contains a set of positive directions spelling out the charter of social and economic democracy."

Directive Principles place an ideal for the country's administration and expectations for the people that State in India stands to establish social and economic democracy. **These principles are not justiciable.** Article 37 of the Indian Constitution states that "The provisions contained in this Part shall not be enforceable by any Court but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in the making of laws."

The objective of the Directive Principles of State Policy is to establish a new social order in which there will be social, economic and political justice. Article 38 of Part IV declares, "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political shall inform all the institutions of national life."

2. Classification of Directive Principles of State Policy:

The Directive Principles of State Policy from Articles 36 to 51 in Chapter IV have not been properly classified. There are many elements in these Directive Principles. Some are economic and some relate to justice and education. Some are related to agriculture and animal husbandry and some to scheduled tribes and weaker sections of the society.

Keeping in view the nature and objective of directive principles, they may be divided into the following categories:

1. Socialist Principles.
2. Liberal Principles

3. Gandhian Principles

4. General and International Principles.

1. Socialist Principles:

This category includes those Principles which aim at the establishment of a welfare socialist state of India. It was through the 42nd Amendment that the word 'Socialism' has been added to the Preamble of the Constitution.

Some of the following Directive Principles fulfill this objective of the Constitution:

I. According to Article 38 of the Indian Constitution the State shall try to promote the welfare of the people by securing a social order characterised by justice—social, economic and political.

II. Art 38 (2) which has been inserted into the Indian Constitution by the 44th Constitutional Amendment provides that the State will strive for minimising the inequalities present in the income of the people, their social status, privileges and opportunities but would also try to minimise the inequalities present in the various fields of national life of the people living in different parts of the country and belonging to different professions.

III. According to Article 39 (a) the State will try to formulate its policy in such manner that all citizens, men as well as women, would get adequate means for earning their livelihood.

IV. According to articles 39 (b), the State shall direct its policy towards securing the ownership and control of the material resources of the community in such a manner as to ensure public welfare.

V. According to Article 39 (c) the economy of the State will be administered in such a manner that wealth may not get concentrated in a few hands and the means of production may not be used against the public interest.

VI. According to Article 39 (d) arrangements will be made to ensure equal pay for equal work both for men and women.

VII. According to Article 39 (e) the health of the workers, labourers, men, women and children will not be permitted to be adversely affected. Beside this, it will also be ensured that the citizens compelled by their economic needs, do not undertake such works which may not be in accordance with their age or capacity.

VIII. According to Article 39 (f) which has been inserted by the 42nd Constitutional Amendment, the State will formulate and execute its policies in such a manner that the children will get opportunities and facilities in a healthy, free and respectable environment. It will end the exploitation of the children and the youth and will ensure them protection against moral and material degeneration.

IX. According to Article 39 A which has been added by the 42nd Constitutional Amendment, the State will act in such manner as to ensure legal provisions which will help in getting justice on the basis of equal opportunities. This State will also make arrangements for the availability of free legal assistance to the economically backward people. This will ensure that a person may not be deprived of getting justice because of his economic or other inabilities.

X. According to Article 41 of Indian Constitution, the State will, working within the limits of its economic viability and progress, provide to the citizens the right to work, the right to education and general assistance in the event of unemployment, old age, disease and other disabilities.

XI. According to Article 42 of the Indian Constitution, the state will make provisions for the creation of appropriate and human conditions for work. It will also ensure assistance to pregnant women.

XII. According to Article 48 of the Indian Constitution, the state will ensure adequate wages, good life and rest to the labourers. The State will also endeavour to make available to the labourers various socio-economic facilities.

XIII. According to Articles 43A, which has been added by the 42nd Constitutional Amendment, the State will endeavour, either by appropriate legislation or by certain other methods that the workers and labourers participate in the management of business connected with industries or other institutions.

2. Liberal Principles:

The aim of these principles is to establish a liberal socio-political system in India and to make the state an instrument of socio-economic welfare.

The following directive principles can be included in this category:

I. According to Article 44, the State shall endeavour to secure for the citizens to Uniform Civil Code throughout the territory of India.

II. According to Article 45, the State shall endeavour to provide, within a period of ten years, free and compulsory education for all children below the age of 14 years.

III. According to Article 47, the State shall endeavour to raise the level of nutrition and the standard of living of its people and the improvement of public health.

IV. According to Article 50, the state shall take steps to separate the judiciary from the executive in the public services of the State.

3. Gandhian Principles:

Those directive principles which have been included in the Indian Constitution under the influence of Gandhism are known as Gandhian Principles.

The following directive principles are covered in this category:

I. According to Article 40 of the Indian Constitution, the State shall take steps to organise village panchayats and will provide them with such powers and authority as may be necessary to enable them to function as units of self-government.

II. According to Article 43 of the Indian Constitution, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

III. According to Article 46 of the Indian Constitution, the State shall promote with special care the educational and economic interests of the weaker sections of society and in particular of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and their forms of exploitation.

IV. According to Article 47 of the Indian Constitution, the State shall endeavour to bring about the prohibition of consumption, except for medical purposes, of intoxicating drinks and drugs which are injurious to health.

V. According to Article 48 of the Indian Constitution, the State shall endeavour to prohibit slaughter of cows, calves, and other milch cattle.

4. General and International Principles:

Those principles which do not belong to any ideology and are of generic nature and also deal with the formulation of foreign policy of India and its role as member of the international community come under this category.

These principles are as under:

I. According to Article 48 of the Indian Constitution, the state shall endeavour to organise agriculture and animal husbandry on modern and scientific lines take steps for preserving and improving their breeds.

II. According to Article 48A which has been added by the 42nd Amendment, the state shall endeavour to protect and improve the environment and to safeguard the forest and wild life of the country.

III. According to Article 49 of the Indian Constitution, it shall be the obligation of the state to protect every monument or place or artistic or historic interest from spoliation, disfigurement and destruction.

IV. According to Article 51 (a) of the Indian Constitution, the State shall endeavour to promote international peace and security.

V. According to Article 51 (b) of the Indian Constitution, the State shall maintain just and honourable relations among various states in the world.

VI. According to Article 51 (c) of the Indian Constitution, the state shall promote respect for international law and treaty obligations.

VII. According to Article 51 (d) of the Indian Constitution, the state shall encourage settlement of international disputes by arbitration.

Part IV of the Indian Constitution enumerates the Directive Principle which the State is expected to realise through legislation. Directive Principles of State Policy are not enforceable yet these are to be regarded as fundamental principles in the governance of the State.

The constitution while stating that these are not enforceable declares that these are nevertheless fundamental in the governance of the country. The directive principles specify the aim and objectives of the Indian Constitution which are to be secured by the state through future policy-making and legislation.

The directive principles are not holy declarations and mere ornaments rather they constitute the sacred constitutional direction to the state to work for promoting the socio-economic culture welfare of the people by implementing these principles through legislation. The term 'State' means the Government and parliament of India and the government and legislature of each state and all local or other authorities within the territory of India or under the control of the Government of India (Art 36).

Thus it is the constitutional duty, though non-enforceable, of all the legislatures and executives working in the state of the Union and at the Union level to work for implementation of the directives contained in part IV of the constitution. Some of the directives have been adopted by the state for implementation through various laws and policies.

Accepting Directive Principles of State Policy as guidelines, the State Governments have passed many laws to abolish Zamindari System. When in the Supreme Court and the High Courts these laws were held ultra vires to the fundamental right to property given in the Constitution, the government amended the Constitution to provide constitutional protection to these laws.

In accordance with the directive to organise panchayats and other local government institutions, the state has organised a three tier Panchayati Raj system in the rural areas. The Panchayati Raj institutions have been given adequate powers and authority. In urban areas, the institutions like municipal councils, improvement trusts, town planners, cantonment boards etc. have been established by 73rd amendment Act, the Panchayati Raj institutions have been revamped. These institutions have been given fixed tenures, assured elections and more financial and non-financial powers.

Acting under the directive to protect the interests of the weaker sections of society, the state has taken steps to provide educational and health facilities to the persons belonging to weaker sections of society especially the Scheduled Castes and Scheduled Tribes, for the development of their economic interests and for their protection from social injustice and exploitation.

The children of Scheduled Castes, Scheduled Tribes and backward classes are given special facilities in schools and colleges. Fees are not charged from them and they are given grants

in aid for studies. Seats for admission in medical and technical colleges are kept reserved for them. In government services also seats are reserved for them in proportion to their number

The provision for equal wages for equal work for both men and women has been given a legal shape. The State has made the employment of child labour a crime under the industrial act. According to Hindu Marriage Act 1956, Hindu Succession Act 1956 and other laws, women have the right to marry according to their own choice, divorce and become equal partner in the property of their parents. Prostitution has been declared unlawful by law. Provision for 'Protection Homes' has been made to rehabilitate those who run brothel houses.

Keeping in view the Directive Principles, the government has passed many laws like the Factories Act 1948, Mines Act 1952, Plantation Act 1951, Maternity Benefit Act 1961 etc. for protecting the interest of workers. Minimum wages have been fixed. Health and accident benefits have been granted to the workers. The working hours, compensation rates, provident fund and gratuity benefits, health insurance etc. have been introduced.

Provisions have been made for equal pay for equal work for both men and women. The practice of bonded labour has been abolished. The pregnant women are given maternity relief. There is also provision for the workers for holiday at week end, rest during work and annual holidays. Workers participation in management of industries has been secured. Even after introducing liberalisation, the State continues to protect the labour. Labour welfare legislation occupies a key place on government priority list.

The State extends help and encouragement to small scale and cottage industries. For the promotion of cottage industries several boards have been established like All India Khadi and Village Industries Board, Small Scale Industries Board, Silk Board, All India Handicraft Board, All India Handloom Board, the Coir Board etc. supply economic and technical help to cottage industries.

The State has taken several steps to develop agriculture and animal husbandry. Establishment of agricultural universities, dairy research centres, co-operative milk plants, agro-industries, fertiliser plants etc. have been undertaken. The State has been trying to make agriculture a profitable enterprise for the farmers. New kinds of seeds, manures and agricultural equipment have been invented which have helped to increase agricultural production manifold.

New schemes of irrigation have been put into practice. The farmers are encouraged to increase their production and are given subsidies for this purpose. To improve animal husbandry and to protect milch cattle, new methods are being implemented. The coming of Green Revolution resulting into the creation of buffer stocks of food-grains has been a very encouraging development.

For the raising of the living standards of the rural people the State has been implementing various programmes and projects. Within the broad frame-work of Community Development Programme several projects have been undertaken to develop rural

industries, handicrafts and cottage industries. Integrated Rural Development, National Rural Employment Programme, Self-employment Programmes etc. have been operationalised. Attempts have been made to secure better housing, better sanitation, better civil facilities, improved education and better communications in urban as well as rural areas.

Acting under the directives given by Article 51, the government has adopted Panchsheel and non-alignment as his fundamental feature of Indian foreign policy. India has always adhered to the principles of peace through peaceful means, development of friendship and co-operation with all the states, promotion of world peace, peaceful solution of conflicts and aloofness from cold war, alliance politics and unhealthy power politics. The Indian foreign policy enshrines the directives contained in all sections of Article 51 of the Constitution.

The State has enacted laws for protecting historical monuments and other objects of historical and artistic significance. A number of memorials and places have been declared of national importance and the responsibility of their preservation and protection rests with the government. Laws have been enacted for pollution control and protection of environment.

Steps to provide social security to the needy have been inadequate. Plan targets have never been realised. Even the modes needs of the common man are not adequately met, the gap between the rich and the poor is widening and the concentration wealth and economic power into fewer hands has been increasing. The failures of laws against dowry, untouchability, crimes against women, immoral traffic in women and girls and other social evils are well known facts.

The objective of securing justice—social, economic and political is a laudable ideal but its attainment is found to be and has been problematic. The state has initiated several meaningful steps towards the securing of social justice, legal reforms, and administrative reforms, economic and industrial reforms through appropriate legislation. But the success has been inadequate due to lack of efforts towards the implementation of such laws as well as due to lack of social consciousness and efforts towards the integration of these measures in the social fabric. Although a number of measures have been adopted in order to implement the various Directive Principles of State Policy but still much needs to be done.

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