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Topic: Directive Principles of State Policy

Introduction

The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51. The framers of the Constitution borrowed this idea from the Irish Constitution. Dr B R Ambedkar described these principles as 'novel features' of the Indian Constitution. The Directive Principles along with the Fundamental Rights contain the philosophy of the Constitution and is the soul of the Constitution. Granville Austin has described the Directive Principles and the Fundamental Rights as the 'Conscience of the Constitution'.

Features of the Directive Principle

1. The phrase 'Directive Principles of State Policy' denotes the ideals that the State should keep in mind while formulating policies and enacting laws. These are the **constitutional instructions or recommendations to the State** in legislative, executive and administrative matters.

2. The Directive Principles seek to **establish economic and social democracy** in the country. They aim at realising the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution. They embody the concept of a 'welfare state' and not that of a 'police state', which existed during the colonial era.
3. The Directive Principles are **non-justiciable in nature**, that is, they are not legally enforceable by the courts for their violation. Therefore, the government (Central, state and local) cannot be compelled to implement them.
4. The Directive Principles, though non-justiciable in nature, help the courts in examining and **determining the constitutional validity of a law**. The Supreme Court has ruled many a times that in determining the constitutionality of any law, if a court finds that the law in question seeks to give effect to a Directive Principle, it may consider such law to be 'reasonable'.

Differences between Fundamental Rights and Directive Principles

Fundamental Rights	Directive Principles
1. These are negative as they prohibit the State from doing certain things.	1. These are positive as they require the State to do certain things.
2. These are justiciable, that is, they are legally enforceable by the courts in case of their violation.	2. These are non-justiciable, that is, they are not legally enforceable by the courts for their violation.
3. They aim at establishing political democracy in the country.	3. They aim at establishing social and economic democracy in the country.
4. These have legal sanctions.	4. These have moral and political sanctions.
5. They promote the welfare of the individual. Hence, they are personal and individualistic.	5. They promote the welfare of the community. Hence, they are and socialistic.
6. They do not require any legislation for their implementation. They are automatically enforced.	6. They require legislation for their implementation. They are not automatically enforced.
7. The courts are bound to declare a law violative of any of the Fundamental Rights as unconstitutional and invalid.	7. The courts cannot declare a law violative of any of the Directive Principles as unconstitutional and invalid. However, they can uphold the validity of a law on the ground that it was enacted to give effect to a directive principle.

List of Directive Principles:

- **Article 38** directs the State to secure a social order for the promotion of **welfare of the people** by securing and protecting justice, social, economic and political; minimising the inequalities in income, status, facilities and opportunities, not only amongst individuals but also amongst groups of people.
- **Article 39** states **certain principles of policy to be followed by the State**. It says that the State shall, in particular, direct its policy towards securing equal rights for men and women, right to an adequate means of livelihood; just distribution of resources to serve the common good; equal pay for equal work for both men and women etc. And it also directs the state to ensure that no concentration of economic wealth happens and that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- **Article 39A** promotes **Equal justice and free legal aid**. It says that the State shall secure the operation of the legal system to promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- **Article 40** directs the state to **organise village panchayats**. It says that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.
- **Article 41** ensures **Right to work, to education and to public assistance in certain cases**. It directs the State to make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want within the limits of its economic capacity.
- **Article 42** directs the state to make provision **for just and humane conditions of work and maternity relief**.
- **Article 43** directs the state to ensure **Living wage, etc., for workers**. It says that the State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.
- **Article 43A** aspires to promote **Participation of workers in management of industries**. It directs the State to take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.
- **Article 43B** promotes **co-operative societies**. It directs the State to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.
- **Article 44** is concerned with **Uniform civil code for the citizens**. It directs the State to secure for the citizens a uniform civil code throughout the territory of India.
- **Article 45** covers the provision for **early childhood care and education to children below the age of six years**. It directs the State to provide early childhood care and education for all children until they complete the age of six years.
- **Article 46** promotes **educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections**. It directs the State to deal with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation.

- **Article 47** directs the duty of the State to **raise the level of nutrition and the standard of living and to improve public health**. It directs the State to raise the level of nutrition and the standard of living of its people and to improve public health as among its primary duties and, in particular to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
- **Article 48** directs the state to **organise agriculture and animal husbandry**. It says that the State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.
- **Article 48A** directs the State to **protect and improve environment and safeguard forests and wild life**. It says that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.
- **Article 49** directs the state to indulge in the **protection of monuments and places and objects of national importance**. According to this article, it shall be the obligation of the State to protect every monument or place or object of artistic or historic interest to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.
- **Article 50** talks about **Separation of judiciary from executive**. It says that the State shall take steps to separate the judiciary from the executive in the public services of the State.
- **Article 51** directs the State to indulge in **promotion of international peace and security**. According to this, the State shall endeavour to promote international peace and security; maintain just and honourable relations between nations; foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and encourage settlement of international disputes by arbitration.

Classification of the Directive Principles

The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal–intellectual.

Socialistic Principles

These principles reflect the ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards welfare state. Example: - Article 38, 39, 39A, 42, 43, 43A, 47.

Gandhian Principles

These principles are based on Gandhian ideology. They represent the programme of reconstruction enunciated by Gandhi during the national movement. In order to fulfil the dreams of Gandhi, some of his ideas were included as Directive Principles. Example: - Article 40, 43, 43B, 46, 47, 48.

Liberal–Intellectual Principles

The principles included in this category represent the ideology of liberalism. They are Article 44, 45, 48, 48A, 50, 51.

Criticism of the Directive Principles

The Directive Principles of State Policy have been criticised by some members of the Constituent Assembly as well as other constitutional and political experts on the following grounds:

1. No Legal Force

The Directives have been criticised mainly because of their non-justiciable character. While K T Shah dubbed them as 'pious superfluities' and compared them with 'a cheque on a bank, payable only when the resources of the bank permit', Nasiruddin contended that these principles are 'no better than the new year's resolutions, which are broken on the second of January'. K C Wheare called them as a 'manifesto of aims and aspirations' and opined that they serve as mere 'moral homily', and Sir Ivor Jennings thought they are only as "pious aspirations".

2. Illogically Arranged

Critics opine that the Directives are not arranged in a logical manner based on a consistent philosophy. According to N Srinivasan, 'the Directives are neither properly classified nor logically arranged. The declaration mixes up relatively unimportant issues with the most vital economic and social questions. It combines rather incongruously the modern with the old and provisions suggested by the reason and science with provisions based purely on sentiment and prejudice'.

3. Conservative

According to Sir Ivor Jennings, the Directives are based on the political philosophy of the 19th century England. Part IV of the Constitution expresses Fabian Socialism without the socialism'. He opined that the Directives 'are deemed to be suitable in India in the middle of the twentieth century. The question whether they are suitable for the twenty-first century cannot be answered; but it is quite probable that they will be entirely out modelled.'

4. Constitutional Conflict

K Santhanam has pointed out that the Directives lead to a constitutional conflict (a) between the Centre and the states, (b) between the President and the Prime Minister, and (c) between the governor and the chief minister. According to him, the Centre can give directions to the states with regard to the implementation of these principles, and in case of non-compliance, can dismiss the state government. Similarly, when the Prime Minister gets a bill (which violates the Directive Principles) passed by the Parliament, the president may reject the bill on the ground that these principles are fundamental to the governance of the country and hence, the ministry has no right to ignore them.

Conclusion

Though the directive principles are non-justiciable its significance cannot be ignored. The philosophy of India is reflected through the directive principles enshrined in the constitution. The main objective of the directive principles of the state policy is to establish social and economic democracy in the country. These principles aim to establish a welfare state wherein every individual is guaranteed certain basic rights and there is no exploitation of any kind.