



## Special Report: Directive Principles of State Policy

**For Prelims:** Directive Principles of State Policy (DPSP), Fundamental Rights (FRs).

**For Mains:** Directive Principles of State Policy (DPSP), Difference Between Fundamental Rights (FRs) and DPSP, Acts and Amendments Associated with DPSP.

The [Directive Principles of State Policy \(DPSP\)](#) aims at ensuring socio-economic justice for the people and establishing India as a welfare state.

- The founding fathers of the [Indian constitution](#) were aware of the fact that an **independent India was going to face many challenges**. After colonial rule for almost 200 years, the country was left with widespread poverty, hunger and deep-rooted socio-economic inequalities.
- The framers of the Constitution **felt that specific policy directions guidelines or instructions for the country's governance were required to handle these problems**.

### What are Directive Principles of State Policy (DPSP)?

- **Constitutional Provisions:**
  - [Part IV](#) of the Constitution of India (**Article 36-51**) contains the DPSP.
  - **Article 37** of the Indian Constitution **States about the application of the Directive Principles.**
- **Background:**
  - The directive principles contained in the Indian constitution **are taken from the Irish Constitution**. The Irish themselves had however taken the ideas from the **constitution of Spain**.
  - The **idea of such policies can be traced to the Declaration of Rights of Man and the Declarations of Independence by the American colonies as well as the [Gandhian concept of Sarvodaya](#)**.
    - Similar guidelines were provided in the form of **instruments of instruction in the government of India Act of 1935**.
- **Objectives:**
  - **Checks & Balance:** Legislatures and executives are expected to exercise their powers in accordance with the DPSP. Hence, directive principles are certain ideals, particularly aiming at socio-economic justice **which according to the framers of the constitution Indian State should strive for**.
    - They **lay down a code of conduct for the legislatures, executives and administrators of India to discharge their responsibilities** in tune with these ideas.
  - **Legal Actions & Government Policies:** Directive principles embody the aspirations of people objectives and ideals that the Union and the State governments must bear in mind **while making laws and formulating policies**.
  - **Philosophy of Social Justice:** 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 not legally binding by any court however, **they are fundamental in the governance of the country.**

## What are the Different Directive Principles?

The Directive Principles are classified **on the basis of their ideological source and objectives.** These are Directives based on:

### ▪ Based on Socialist Principles:

- **Article 38:** The state shall strive to promote the welfare of the people by securing and protecting a social order by ensuring social, economic and political justice and by minimizing inequalities in income status facilities and opportunities.
- **Article 39:** The state shall in particular direct its policies toward securing
  - the right to an adequate means of livelihood to all citizens
  - the ownership and control of material resources shall be organized in a manner to serve the common good
  - the state shall avoid concentration of wealth in few hands
  - equal pay for equal work for both men and women
  - the protection of the strength and health of workers
  - childhood and youth shall not be exploited
- **Article 41:** It talks about securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disability.
- **Article 42:** The state shall make Provisions for securing just and humane conditions of work and for maternity relief.
- **Article 43:** The state shall Endeavor to secure to all workers a living wage and a decent standard of life
- **Article 43A:** The state shall take steps to secure the participation of workers in the management of Industries
- **Article 47:** To raise the level of nutrition and the standard of living of people to improve Public Health

### ▪ Based on Gandhian Principles:

- **Article 40:** The state shall take steps to organize village panchayats as units of self-government.
- **Article 43:** The state shall Endeavor to promote cottage industries on an individual or cooperative basis in rural areas.
  - **Article 43B:** It focuses on the promotion of voluntary formation, autonomous functioning, democratic control and professional management of Cooperative societies.
- **Article 46:** The state shall promote the educational and economic interests of the weaker sections of the people, particularly that of **Scheduled Castes (SCs), Scheduled Tribes (STs)** and **other weaker sections.**
- **Article 47:** The state shall take steps to improve public health and prohibit the consumption of intoxicating drinks and drugs that are injurious to health meanwhile
- **Article 48:** To **prohibit the slaughter of cows, calves and other milch** and draught cattle and to improve their breeds.

### ▪ Based on Liberal Intellectual Principles:

- **Article 44:** The state shall Endeavor to secure for the citizen a **Uniform Civil Code** through the territory of India.
- **Article 45:** It focuses on providing **early childhood care and education** for all children until they complete the age of six years.
- **Article 48:** It focuses on organizing agriculture and **animal husbandry** on modern and scientific lines.
  - **Article 48A:** It aims at protecting and improving the environment and to safeguard the forest and **wildlife** of the country.
- **Article 49:** The state shall protect every monument a place of artistic or historic interest.
- **Article 50:** The state shall take steps to separate Judiciary from the Executive in the **Public Services** of the state.
- **Article 51:** Declares to establish International Peace and security the state shall Endeavor to:

- Maintain just and honourable relations with the nations.
- Foster respect for international law and treaty obligations.
- Encourage settlement of international disputes by arbitration.

## What are the Related Amendments?

For amending the DPSP Constitutional amendment is **required and it has to be passed by the special majority of both houses of Parliament**. Post-independence there have been a number of amendments to the Constitution and some of them relate to these directives.

- **The 42<sup>nd</sup> Amendment of 1976:** It introduced certain changes in part 4 of The Constitution by adding new directives. These include:
  - **Article 39A:** To provide **free legal aid** to the poor
  - **Article 43A:** For the participation of workers in the management of industries
  - **Article 48A:** To protect and improve the environment
- **The 44<sup>th</sup> Amendment of 1978:** It inserted section 2 to article 38 which declares that the state in particular shall strive to minimize economic inequalities in income and eliminate inequalities in status, facilities and opportunities not amongst individuals but also amongst groups.
  - It also **eliminated the right to property** from the list of fundamental rights.
- **86<sup>th</sup> Amendment Act of 2002:** It changed the subject matter of article 45 and made **Elementary education a fundamental right** under Article 21A.

## What is the Difference between Fundamental Rights and DPSP?

- Both Fundamental Rights (FRs) and directive principles are essential features of the Indian constitution **but there has been persistent Conflict for a considerable period between them.**
  - FRs are **legally binding but DPSP are not legally binding**, it means that a person can appeal to the court of law if his/her FRs are violated but people cannot appeal to the court if the government does not implement the directive principles.
  - **FRs are negative or prohibitive in nature** because they put limitation on the state on the contrary **directive principles are affirmative directions** as they declare the duty of the state to achieve certain social and economic objectives.
  - FRs **established liberal political democracy** in India however directive principles **make India a welfare state.**
  - FRs **protect the interest** of the individual while DPSP seek **to promote socio-economic equality** and particularly provide safeguards to weaker and vulnerable sections of the society.

## What are the Different Judgements Related to DPSP and FRs?

There has been a long-round debate that in case of conflict between the FRs and directive principles that **which of the two classes of constitutional provisions should be accorded priority.** With the help of **four court verdicts the relationship between fundamental rights and DPSP is decoded.**

- **Champakam Dorairajan v the State of Madras (1951):**
  - In this case, the Supreme Court ruled that in case of any conflict between the FRs and the Directive Principles, **the former would prevail.** It declared that the Directive Principles have to conform to and run as subsidiary to the FRs.
  - It also ruled that fundamental rights **could be amended by Parliament by enacting Constitutional Amendment Acts.**
- **Golaknath v the state of Punjab (1967):**
  - In this case, the Supreme Court declared that FRs **could not be amended by Parliament** even for implementation of directive principles.
- **Kesavananda Bharati v the State of Kerala (1973):**
  - The Supreme Court declared that Parliament can amend any part of the Constitution but it **cannot alter its basic structure** thus the right to property was eliminated from the list of fundamental rights.

▪ **Minerva Mills v the Union of India (1980):**

- In this case, the Supreme Court reiterated that Parliament can amend any part of the Constitution but **it cannot change the basic structure of the Indian constitution.**

## What are the Acts and Amendments Associated with DPSP?

- **Land Reforms:** Almost all the states have passed **land reform** laws to bring changes in the agrarian society and to improve the conditions of the rural masses. **These measures include:**
  - Abolition of intermediaries like zamindars, Jagirdars, Inamdars, etc
  - Tenancy reforms like security of tenure, fair rents, etc
  - Imposition of ceilings on land holdings
  - Distribution of surplus land among the landless labourers
  - **Cooperative farming**
- **Labour Reforms:** The following acts were enacted to protect the interests of the Labour section of the society.
  - The Minimum Wages Act (1948), **Code on Wages, 2020**
  - The **Contract Labour Regulation and Abolition Act (1970)**
  - The **Child Labour Prohibition and Regulation Act (1986)**
    - Renamed as the **Child and Adolescent Labour Prohibition and Regulation Act, 1986** in 2016.
  - The **Bonded Labour System Abolition Act (1976)**
  - The **Mines and Minerals (Development and Regulation) Act, 1957**
  - The **Maternity Benefit Act (1961)** and the Equal Remuneration Act (1976) have been made to protect the interests of women workers.
- **Panchayati Raj System:** Through **73<sup>rd</sup> Constitutional Amendment Act, 1992**, government fulfilled constitutional obligation stated in Article 40.
  - Three tier '**Panchayati Raj System**' was introduced at the Village, Block and District level in almost all parts of the country.
- **Cottage Industries:** To promote cottage industries as per Article 43, the government has established several Boards such as Village Industries Board, **Khadi and Village Industries Commission**, **All India Handicraft Board**, **Silk Board**, Coir Board, etc., which provide essential help to cottage industries in finance and marketing.
- **Education:** Government has implemented provisions related to free and compulsory education as provided in Article 45.
  - Introduced by the **86<sup>th</sup> 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.
- **Rural Area Development:** Programmes such as the Community Development Programme (1952), **Integrated Rural Development Programme** (1978-79) and **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA-2006)** were launched to raise the standard of living particularly in rural areas, as stated in the Article 47 of the Constitution.
- **Health:** Central Government sponsored schemes like Pradhan Mantri Gram Swasthya Yojana (PMGSY) and **National Rural Health Mission (NRHM)** are being implemented to fulfill the social sector responsibility of the Indian State.
- **Environment:** The **Wildlife (Protection) Act, 1972**, the **Forest (Conservation) Act, 1980** and the **Environment (Protection) Act, 1986** have been enacted to safeguard the wildlife and the forests respectively.
  - The **Water** and **Air Pollution** Control Acts have provided for the establishment of the **Central Pollution Control Board.**
- **Heritage Preservation:** The **Ancient and Historical Monument and Archaeological Sites and Remains Act (1958)** has been enacted to protect the monuments, places and objects of national importance.

## UPSC Civil Services Examination Previous Year's Questions (PYQs)

### Prelims

Q1. Which part of the Constitution of India declares the ideal of Welfare State? (2020)

- (a) Directive Principles of State Policy
- (b) Fundamental Rights
- (c) Preamble
- (d) Seventh Schedule

**Ans: (a)**

**Q2. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/ reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)**

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

**Select the correct answer using the code given below:**

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Ans: (d)**

**Q3. With reference to the provisions contained in Part IV of the Constitution of India, which of the following statements is/are correct? (2020)**

1. They shall be enforceable by courts.
2. They shall not be enforceable by any court.
3. The principles laid down in this part are to influence the making of laws by the State.

**Select the correct answer using the code given below:**

- (a) 1 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 2 and 3 only

**Ans: (d)**

### **Mains**

**Q1.** 'Constitutional Morality' is rooted in the Constitution itself and is founded on its essential facets. Explain the doctrine of 'Constitutional Morality' with the help of relevant judicial decisions. **(2021)**

**Q2.** "Parliament's power to amend the Constitution is limited power and it cannot be enlarged into absolute power." In light of this statement explain whether Parliament under Article 368 of the Constitution can destroy the Basic Structure of the Constitution by expanding its amending power? **(2019)**