

Indian Polity Notes Part 7 in English

7] Directive Principles of state policy

- The Constitution of India provides certain directives to the government. These directives are known as the 'Directive Principles'.
- These are enshrined in Part IV of the constitution from **Article 36 to Article 51**.
- The framers of the Constitution borrowed this idea from the **Irish Constitution of 1937**, which had copied it from the Spanish Constitution.
- Dr B R Ambedkhar described these principles as '**novel features**' of the Indian Constitution.
- 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 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. They direct the state:

Article 36

- Definition of State

Article 37

- They are non justifiable in nature

Article 38

- To promote the welfare of the people by securing a social order permeated by justice—social, economic and political—and to minimise inequalities in income, status, facilities and opportunities

Article 39

- the right to adequate means of livelihood for all citizens
- the equitable distribution of material resources of the community for the common good
- prevention of concentration of wealth and means of production
- equal pay for equal work for men and women
- preservation of the health and strength of workers and children against forcible abuse
- opportunities for healthy development of children

Article 39 A

- To promote equal justice and to provide free legal aid to the poor

Article 41

- To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement

Article 42

- To make provision for just and humane conditions of work and maternity relief

Article 43

- To secure a living wage a decent standard of life and social and cultural opportunities for all workers

Article 43 A

- To 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 and to improve public health

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. They require the State:

Article 40

- To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government.

Article 43

- To promote cottage industries on an individual or co-operation basis in rural areas

Article 43B

- To promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies

Article 46

- To promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation

Article 47

- To prohibit the consumption of intoxicating drinks and drugs which are injurious to health

Article 48

- To prohibit the slaughter of cows, calves and other milk and draught cattle and to improve their breeds

Liberal–Intellectual Principles

- The principles included in this category represent the ideology of liberalism. They direct the state:

Article 44

- To secure for all citizens a uniform civil code throughout the country

Article 45

- To provide early childhood care and education for all children until they complete the age of six years

Article 48

- To organise agriculture and animal husbandry on modern and scientific lines

Article 48 A

- To protect and improve the environment and to safeguard forests and wild life

Article 49

- To protect monuments, places and objects of artistic or historic interest which are declared to be of national importance

Article 50

- To separate the judiciary from the executive in the public services of the State

Article 51

- To promote international peace and security and maintain just and honourable relations between nations

- To foster respect for international law and treaty obligations, and to encourage settlement of international disputes by arbitration

New Directive Principles

- The 42nd Amendment Act of 1976 added four new Directive Principles to the original list. They require the State:

Article 39

- To secure opportunities for healthy development of children

Article 39 A

- To promote equal justice and to provide free legal aid to the poor

Article 43 A

- To take steps to secure the participation of workers in the management of industries

Article 48 A

- To protect and improve the environment and to safeguard forests and wild life

Article 38

- The 44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimise inequalities in income, status, facilities and opportunities.

Others:

- The **86th Amendment Act of 2002** changed the subject-matter of **Article 45** and made elementary education a fundamental right under **Article 21 A**.
- The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.
- The 97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies.
- It requires the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).
- In the Minerva Mills case (1980), the Supreme Court also held that 'the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles.
- They together constitute the core of commitment to social revolution.
- These principles strive to create a frame work of socio-economic ideals through which a welfare state can be formed.

- Most of these directives aim at the establishment of the economic and social democracy pledged for in the preamble.
- These principles cover a wide range of state activities and lay down objectives in social, economic, legal, educational, administrative, cultural and international fields.
- The state is required to uphold these directives in their policies can be classified under three headings
- Directives in the nature of ideals of the state
- Directive shaping the policy of the state
- Non justifiable rights of citizens.

Directive in the nature on ideals of the state

- secure social, economic and political justice
- secure just and human conditions of work and a decent standard of living
- raise the level of nutrition and improve public health
- secure equal distribution of wealth and means of production
- Endeavour to promote international peace and amity.

Directives shaping the policy of the states

- The policies of the state shall
- Secure economic rights
- Secure uniform civil code
- Provide free and compulsory primary education
- Prohibit consumption of liquor and intoxication drugs
- Develop cottage industries
- Organize agriculture and animal husbandry on modern lines
- Prevent slaughter of useful cattle
- Organize village panchayats as units of self government
- Promote educational and economic interests of weaker sections
- Protect and improve the environment
- Protect and maintain places of historic interest.
- To separate judiciary from the executive.

Non Justifiable rights of citizens

- Right to adequate means of livelihood
- Right of both sexes to equal pay for equal work
- Right against economic exploitation
- Right of children and the young to be protected against exploitation
- Right to equal opportunity for justice and free legal aid
- Right to work

- Right to public assistance for old age, sick to humane conditions of work and maternity relief
- Right to decent standard of life for workers
- Right of workers to participate in management of industries
- Right of children to free and compulsory education.
- These principles are just directives to the government which the government has to strive to follow. These principle are not enforceable by legal interventions.