

## 7. DIRECTIVE PRINCIPLES OF STATE POLICY

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 of 1937, which had copied it from the Spanish Constitution.* Dr B R Ambedkar described these principles as 'novel features' of the Indian Constitution.

### FEATURES OF THE DIRECTIVE PRINCIPLES

- The Directive Principles, though non-justiciable in nature, help the courts in examining and determining the constitutional validity of a law.
- The Directive Principles resemble the 'Instrument of Instructions' enumerated in the Government of India Act of 1935.
- The Directive Principles constitute a very comprehensive economic, social and political programme for a modern democratic State. They embody the concept of a 'welfare state' and not that of a 'police state'.
- The Directive Principles are non-justiciable in nature, that is, they are not legally enforceable by the courts for their violation.
- 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.

### CLASSIFICATION OF THE DIRECTIVE PRINCIPLES

#### 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. They direct the state:

- 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 38).
- To secure (a) the right to adequate means of livelihood for all citizens; (b) the equitable distribution of material resources of the

community for the common good; (c) prevention of concentration of wealth and means of production; (d) equal pay for equal work for men and women; (e) preservation of the health and strength of workers and children against forcible abuse; and (f) opportunities for healthy development of children (Article 39).

- To promote equal justice and to provide free legal aid to the poor (Article 39 A)
- To secure the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement (Article 41).
- To make provision for just and humane conditions for work and maternity relief (Article 42).
- To secure a living wage, a decent standard of life and social and cultural opportunities for all workers (Article 43).
- To take steps to secure the participation of workers in the management of industries (Article 43 A).
- To raise the level of nutrition and the standard of living of people and to improve public health (Article 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. They require the State :

- To organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government (Article 40).
- To promote cottage industries on an individual or co-operation basis in rural areas (Article 43).
- 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 46).
- To prohibit the consumption of intoxicating drinks and drugs which are injurious to health (Article 47).



- To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds (Article 48).

### **Liberal-Intellectual Principles**

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

- To secure for all citizens a uniform civil code throughout the country (Article 44).
- To provide early childhood care and education for all children until they complete the age of six years (Article 45).
- To organise agriculture and animal husbandry on modern and scientific lines (Article 48).
- To protect and improve the environment and to safeguard forests and wild life (Article 48 (A)).
- To protect monuments, places and objects of artistic or historic interest which are declared to be of national importance (Article 49).
- To separate the judiciary from the executive in the public services of the State (Article 50).
- 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 (Article 51).

### **NEW DIRECTIVE PRINCIPLES**

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

- To secure opportunities for healthy development of children (Article 39).
- To promote equal justice and to provide free legal aid to the poor (Article 39 A).
- To take steps to secure the participation of workers in the management of industries (Article 43 A).
- To protect and improve the environment and to safeguard forests and wild life (Article 48 A).

The 44th Amendment Act of 1978 added one more Directive Principle, which requires the State to minimise inequalities in income, status, facilities and opportunities (Article 38).

Again, 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.

### **Distinction Between Fundamental Rights and Directive Principles**

#### **Fundamental Rights**

- These are negative as they prohibit the State from doing certain things.
- These are justiciable, that is, they are legally enforceable by the courts in case of their violation.
- They aim at establishing political democracy in the country.
- These have legal sanctions.
- They promote the welfare of the individual. Hence, they are personal and individualistic.
- They do not require any legislation for their implementation. They are automatically enforced.
- The courts are bound to declare a law violative of any of the Fundamental Rights as unconstitutional and invalid.

#### **Directive Principles**

- These are positive as they require the State to do certain things.
- These are non-justiciable, that is, they are not legally enforceable by the courts for their violation.
- They aim at establishing social and economic democracy in the country.
- These have moral and political sanctions.
- They promote the welfare of the community. Hence, they are societarian and socialistic.
- They require legislation for their implementation. They are not automatically enforced.
- 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.



**Add. 41-42A, Ashok Park Main, New Rohtak Road, New Delhi-110035**

**+91-9350679141**

#### **DIRECTIVES OUTSIDE PART IV**

Apart from the Directives included in Part IV, there are some other Directives contained in other Parts of the Constitution. They are :

- **Claims of SCs and STs to Services :** The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or a State (Article 335 in Part XVI).
- **Instruction in mother tongue :** It shall be the endeavour of every state and every local authority within the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups (Article 350-A in Part XVII).
- **Development the Hindi Language :** It shall be the duty of the Union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India (Article 351 in Part XVII).

The above Directives are also non-justiciable in nature. However, they are also given equal importance and attention by the judiciary on the ground that all parts of the constitution must be read together.

