

DPSP - Definition of State, Article-36, 37

Definition of State

There are some definitions of state given below

Willoughby says, state is “where there can be discovered in any community of persons a supreme authority exercising control over the, social actions of individuals and groups of individuals and itself subject to no such regulation.”

Salmond defines it “a society of men established for the maintenance of order and justice within a determined territory, by way of force.”

To sum up, we can define state as a society of people politically organized within a definite territory, having its own government with coercive power to enforce obedience and which is free from external control.

ARTICLE 36: DEFINITION

In this Part, unless the context otherwise requires, “the State” has the same meaning as in part 3.

ARTICLE 37: APPLICATION OF THE PRINCIPLES CONTAINED IN THIS PART

The provisions contained in this Part shall not be enforced 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 making laws.

DPSP - DPSP Amendment 42nd 44th 86th (Write 2002 Instead of 2009), Article 39,39(d),41

Part.4 Directive Principal of states Policy: Art 36 to art. 51

- Article 36- Definition
- Article 37- Application of DPSP
- Article 39A- Equal justice and free legal aid
- Article 40- Organisation of village panchayat
- Article 41- Right to work, to education, and to public assistance in certain cases
- Article 43- Living Wages, etc. for Workers.

- Article 43A- Participation of workers in management of industries.
- Article 44- Uniform civil code.(applicable in Goa only)
- Article 45- Provision for free and compulsory education for children.
- Article 46- Promotion of educational and economic interest of scheduled castes, ST, and OBC.
- Article 47-Duty of the state to raise the level of nutrition and the standard of living and to improve public health.
- Article 48-Organisation of agriculture and animal husbandry.
- Article 49- Protection of monuments and places and objects of natural importance.
- Article 50- Separation of judiciary from the executive.
- Article 51- Promotion of international peace and security.

42nd Amendment of Indian Constitution

The 42nd amendment of the constitution was enacted by the Indira Gandhi government in the year 1976. This amendment is also known as “The Constitution Act 1976”. This amendment brought the most widespread changes to the Constitution history. The provisions of the 42nd amendment came into effect on 3 January 1977.

44th Amendment Act, 1978

44th Amendment is an act that was introduced into the constitution by 45th Amendment Bill in the year 1978. In 1976, with the introduction of the 42nd Amendment Act, there were various provisions that were amended against the will of the citizens hence, to **reverse those changes and safeguard the interests of the nation**, 44th Amendment Act was called into action.

86th Amendment Act, 2002

The Constitution **86th Amendment Act, 2002** enshrined right to education as a fundamental right in part-III of the constitution. It came up with the below features: Change in Fundamental Rights A new article 21A was inserted below the Article 21 which made Right to Education a Fundamental Right for children in the range of 6-14 years.

Definition: These principles are based on Gandhian ideology used to represent the programme of reconstruction enunciated by Gandhi during the national movement. Under various articles, they direct the state to:

Article 40	Organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government
Article 43	Promote cottage industries on an individual or co-operation basis in rural areas
Article 43B	Promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies
Article 46	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	Prohibit the consumption of intoxicating drinks and drugs which are injurious to health
Article 48	Prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds

DPSP - Article - 45 to 51 and DPSP - Article - 45 to 51

DPSP – Liberal-Intellectual Principles

Definition: These principles reflect the ideology of liberalism. Under various articles, they direct the state to:

Article 44	Secure for all citizens a uniform civil code throughout the country
Article 45	Provide early childhood care and education for all children until they complete the age of fourteen years
Article 48	Organise agriculture and animal husbandry on modern and scientific lines
Article 49	Protect monuments, places and objects of artistic or historic interest which are declared to be of national importance
Article 50	Separate the judiciary from the executive in the public services of the State
Article 51	<ul style="list-style-type: none">• Promote international peace and security and maintain just and honourable relations between nations• Foster respect for international law and treaty obligations• Encourage settlement of international disputes by arbitration

97th Amendment Act, 2011

The Constitution (**97th Amendment**) Act, 2011 relates to the cooperative societies working in India. It aims to overcome all the problems faced by these societies and bring about an efficient way to manage them. It aims at encouraging economic activities of cooperatives which in turn will help rural India progress.

Article 335 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 of a State:

Article 350. Language to be used in representations for redress of grievances Every person shall be entitled to submit a representation for the redress of any grievance

to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be

Article 351. Directive for development of the Hindi language.

It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.

Difference between Fundamental Rights and Directive Principles

BASIS FOR COMPARISON	FUNDAMENTAL RIGHTS	DIRECTIVE PRINCIPLES
Meaning	Fundamental Rights are the essential rights of all the citizens of the country.	Directive Principles are the guidelines which are referred while formulating policies and laws of the country.
Defined in	Part III of the Constitution	Part IV of the Constitution
Nature	Negative	Positive
Enforceability	They are legally enforceable	They are not legally enforceable
Democracy	It establishes political democracy.	It establishes social and economic democracy.
Legislation	Not required for its implementation.	Required for its implementation.
Promotes	Individual welfare	Social welfare