

Directive Principles of State Policy & Social Justice: An Evaluation

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Directive Principles of State Policy (DPSP) constitutes the stuff of the constitution and it is the philosophy of social justice. Being the kernel of the Constitution lays down the guidelines for the state and is reflections of the overall objectives laid down in the Preamble of Constitution. The expression "Justice- social, economic, political" is sought to be achieved through DPSPs. These are incorporated to attain the ultimate ideals of preamble i.e. Justice, Liberty, Equality and fraternity. Moreover, it also embodies the idea of the welfare state. According to L.M. Sighvi that Directive Principles of State Policy are the life giving provision of the constitution. It is widely believed that if all these principles fully carried out our country would indeed be a heaven on earth a welfare state in which there will be economic equality between its different citizens and which everyone would have the same opportunity to educate oneself, to work and to reap the reward of one's labour. According to Apex Court, DPSP are the "core" of the Constitution.

The Constitution of India lays down certain directives, which though not justiciable in nature, but are the 'fundamental in governance of the country. It is the duty of the State to apply these principles in making laws. State shall strive to promote the welfare of people by securing and protecting a social order, in which justice-social, economic and political-shall form in all institutions of national life. It shall also endeavour to secure to workers a living wage, humane conditions of work, a decent standard of life, and full involvement of workers in management of industries. Other important directives relate to provision of opportunities and facilities for children to develop in a healthy manner; free and compulsory education for all children up to the age of 14; promotion of education and economic interests of scheduled castes, scheduled tribes and other weaker sections; organisation of village panchayats etc. DPSP are related to social justice, economic welfare, foreign policy, and legal and administrative matters and are classified under the following categories economic and socialistic, political and administrative, justice and legal, environmental, protection of monuments, peace and security. DPSP supplemented the Fundamental Rights of the people and built a State characterized by these four pillars – **Justice, Liberty, Equality, and Fraternity.**

Meaning: In order to understand the meaning of the directive principle of state policy, we need to understand the meaning of each word i.e. *Directive + principle + state + policy* which suggest that these are *the principles that direct the state when it makes policies for its people.* The Concept of DPSP is not an indigenous one. Our Constitution makers borrowed this concept from Irish Constitution (Article 45), it has its genesis in Spanish Constitution. The makers of the Constitution of India were influenced by the Irish

nationalist movement, particularly the Irish Home Rule Movement. Hence, the Directive Principles of the Indian constitution have been greatly influenced by the Directive Principles of Social Policy. The idea of such policies "can be traced to the Declaration of the Rights of Man proclaimed by Revolutionary France and the Declaration of Independence by the American Colonies." The Indian constitution was also influenced by the United Nations Universal Declaration of Human Rights.

Fundamental Rights vs Directive Principles: The directives are differ from the fundamental rights in Part III of the Constitution or the ordinary laws of the land, the following ways: The fundamental rights constitute limitations upon state action, the directive principles are in the nature of instruments of instruction to the government of the day to achieve certain ends by their actions. The main objective of fundamental rights is to establish political democracy, by guaranteeing equality, liberty, religious freedom and cultural rights but the aim of directive principles of state policy is to establish just social and economic order.

Objectives of Directive Principles: The purpose of DPSP is to fix economic as well as social goals for immediate attainment. Secondly, the constitution establishes the welfare state at a federal level along with the state level. So, in a welfare state, the main duty of government is the safety of the welfare of the people. Thirdly, It emphasises the ideas of the Preamble. The directive principles in amplification, emphasizes the preamble and the goal of the state of Indian politics which is not laissez-faire.

Article What Say

- 36 Defines the "state".
- 37 Part IV of the Indian Constitution shall not be enforceable in any court of law.
- 38 Social, Political and Economic Justice.
- 39 Principles of Policy.
- 39A Free Legal aid.
- 40 Organization of Panchayats.
- 41 Welfare Government.
- 42 Securing just and humane work and maternity relief.
- 43 Fair wages and a decent standard of life.
- 43-A Workers' participation in management.
- 43-B Promotion of Cooperatives.
- 44 Uniform Civil Code.
- 45 Infant and Child Care.
- 46 Protection of SCs, STs and other weaker sections from exploitation.
- 47 Nutrition, Standard of living and public health.
- 48 Scientific agriculture and animal husbandry.
- 48-A Environment and Wildlife Protection.

Volume 9 Issue 6, June 2020

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49 Protection of monuments and places and objects which have national importance.

50 Judiciary should be separate from the Executive.

51 The state shall promote international peace and security.

42nd Amendment: Four Directive Principles which were added by the 42nd amendment are as follows: Article 39 – To secure opportunities for healthy development of children.

Article 39A – It says that the State shall promote justice with the aim of administering it on the basis of equal opportunity, and shall provide free legal aid through any suitable legislation or the schemes which State may think fit or in any other way so that State can ensure that opportunities for securing justice are not denied to any citizen because of any economic or other disabilities.

Article 43A – The State shall 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.

Article 48A – The State shall endeavour to protect and improve the environment and surroundings and to safeguard the forests and wildlife of the country to make its environment liveable.

44th Amendment: The 44th Amendment Act of 1978 added Article 38(2) in the DPSP.

Article 38(2) says that the state shall work to minimize the inequalities in income, and endeavour to eliminate inequalities in status, opportunities etc. not only amongst individuals but also amongst all the groups of people residing in different areas or engaged in different fields.

86th Amendment: The 86th Amendment changed the subject of Article 45 in the DPSP and brought it within the ambit of the fundamental rights mentioned in Part III as Article 21-A has been made for the children between the age group of 6-14 years of age. The same article was previously a directive principle which says that the State should take care of the children who are below 6 years of age.

97th Amendment: The 97th Amendment act of 2011 inserted Article 43-B in the list of DPSP. It says that the State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of the co-operative societies. Directives in other parts of the Constitution (Except part IV)

Article 350 A: It enjoins every State and every local authority within the State to provide adequate facilities for the instructions in the mother tongue at the primary stage to children of linguistic minority areas.

Article 351: It enjoins the Union to promote the spread of Hindi Language so that it may serve as a medium of expression of all the elements of the composite culture of India.

Article 335: It says that the claims of SC/ST 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 affairs of the Union or of a State. Under the implementation of DPSP, Zamindari, Jagirdari & inamdari systems were abolished & actual tillers of the soil were made owner of the land.

Importance: DPSP covers the Articles 36-51 in Part IV of the constitution. It mentions protection of women of the country, environmental conservation, rural growth and development, decentralisation of power, uniform civil code, etc. which are considered some of the essentials in making laws for a “welfare state”. As the Article 37 itself describes these principles as *fundamental in the governance of the country*, a citizen can use DPSPs as a measure of the performance of the government and can identify the scope where it lacks. DPSP gives the philosophical foundations of a welfare system.

Implementation of Directive Principles: There are some acts and policies from 1950 onwards which had been implemented to give effect to these Directives, these are : The Minimum Wages Act (1948), Child Labour Prohibition and Regulation Act (1986), The Maternity Benefit Act (1961), Equal Remuneration Act (1976), Handloom Board, Handicrafts Board, Coir Board, Silk Board, etc. have been set up for the development of cottage industries in the country., Integrated Rural Development Programme (1978), Jawahar Rozgar Yojana (1989), Swarnajayanti Gram Swarozgar Yojana (1999), Sampoorna Gram Rozgar Yojana (2001), Mahatma Gandhi National Rural Employment Guarantee Programmes (2006), The National Forest Policy (1988), Article 21-A was inserted by the 86th amendment, making free education for children below the age of 14 compulsory, Prevention of Atrocities Act safeguarding the interests of SCs and STs.

The Apex Court has, in a number of judgments, referred to the importance of the DPSP. It held that the courts can look at the Directive Principles for the purpose of interpretation of the fundamental rights.

Social Justice under DPSP:

- 1) **Provide for a Welfare State:** The DPSP lays down the philosophical foundations of a welfare polity and stands for securing of Justice—social, economic and political for all the people as pledged in the preamble.
- 2) **Strengthen Constitutionalism:** DPSP summarizes the ideals of the people of India and act as a guide for the state and thus strengthen constitutionalism.
- 3) **Supplementary to the Fundamental Rights:** Directive Principles are the positive directions to the State for securing and strengthening the socio-economic dimension of Indian democracy. These are supplementary to Fundamental Rights which provide for civil and political rights and freedoms.
- 4) **Yardstick for the Government:** DPSP constitutes a yardstick with which the people can measure the principles of the governance and a government.
- 5) **Helpful in the interpretation of the Constitution:** These reflect the philosophy of the Constitution and

hence provide useful help to the courts in their task of interpreting the Constitution.

- 6) **Directive Principles are backed by Public Opinion:** Duty of the State is to raise the level of nutrition, standard of living and to improve public health. Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Proper implementation of DPSP will achieve Social, economical justices, Elimination of inequalities, Eradication of child labour, Environmental protection, Equal Employment opportunities for both men and women, Development of villages.

Various Socialist Principles reflects social justice

DPSP is designed to bring about the socio-economic revolution that remained to be fulfilled after independence. Various socialistic principles are -

- To secure a social order for the promotion of welfare of the people.
- To strive to minimise inequalities of income and avoid concentration of wealth.
- Ownership and control of the material resources.
- Equal justice and free legal aid.
- Equal pay for equal work.
- Health & strength of workers, and the tender age of children must not be abused.
- Right to work, to education and to public assistance in certain cases.
- Provision of just and humane conditions for work and maternity relief.
- Participation of workers in the management of the industries.

Criticism of DPSP

- 1) To some critics, DPSP don't carry any importance as their violation can't be challenged in the courts.
- 2) It is a mere declaration of the instructions which are to be observed and secured by the State.
- 3) Several Directives lack clarity and they have been repeated at different places.
- 4) The Directive to push world peace and friendly relations among all the nations is just a declaration.
- 5) Part IV includes some directives which are not complete in actual observation.
- 6) Most of the DPSP are based on old and foreign philosophy which has lost its relevance now.
- 7) Their description in Part IV has made things more complicated and complex.

However, developments over the years have conclusively proved that the directives from an important part of the constitution and are in no way inferior even to fundamental rights. It stands the greatest guarantee for a genuine democracy in India. Political democracy can't exist for long without the simultaneous existence of economic democracy. In the absence of economic democracy political democracy is bound to degenerate into dictatorship. The DPSP ensures the eventual emergence of economic democracy and thereby

provide the most effective sustaining force for the political democracy in India.

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