



# SNS COLLEGE OF TECHNOLOGY, COIMBATORE –35 (An Autonomous Institution)



## DEPARTMENT OF COMPUTER SCIENCE AND ENGINEERING Directive Principles of State Policy

### Introduction

- **Background:** The source of the concept of **Directive Principles of State Policy (DPSP)** is the Spanish Constitution from which it came in the Irish Constitution.
  - The concept of DPSP emerged from **Article 45 of the Irish Constitution**.
- **Constitutional Provisions: Part IV** of the Constitution of India (**Article 36–51**) contains the **Directive Principles of State Policy (DPSP)**.
  - **Article 37** of the Indian Constitution States about the **application of the Directive Principles**.
    - These principles aim at ensuring **socioeconomic justice** to the people and establishing India as a Welfare State.
- **Fundamental Rights Vs DPSP:**
  - Unlike the Fundamental Rights (FRs), the **scope of DPSP is limitless** and it protects the rights of a citizen and work at a **macro level**.
    - DPSP consists of all the **ideals which the State should follow** and keep in mind while formulating policies and enacting laws for the country.
  - Directive Principles are **affirmative directions** on the other hand, Fundamental Rights are negative or prohibitive in nature because they put limitations on the State.
  - The DPSP is **not enforceable by law**; it is non-justiciable.
  - It is important to note that DPSP and FRs go hand in hand.
    - DPSP is **not subordinate to FRs**.
- **Classification of Principles:** The Directive Principles are classified on the basis of their ideological source and objectives. These are Directives based on:
  - **Socialist Principles**
  - **Gandhian Principles**
  - **Liberal and Intellectual Principles**

### Directives based on Socialist Principles



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- **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 **minimising inequalities** in income, status, facilities and opportunities
- **Articles 39:** The State shall in particular, direct its policies towards securing:
  - Right to an **adequate means of livelihood** to all the citizens.
  - The **ownership and control of material resources** shall be organised in a manner to serve the common good.
  - The State shall **avoid concentration of wealth in a few hands.**
  - **Equal pay for equal work** for both men and women.
  - The protection of the strength and health of the workers.
  - Childhood and youth shall not be exploited.
- **Article 41:** To secure the **right to work, to education and to public assistance** in cases 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 endeavour 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 and to improve public health.

**Directives based on Gandhian Principles**

- **Article 40:** The State shall take steps to **organise village panchayats** as units of Self Government
- **Article 43:** The State shall endeavour to **promote cottage industries** on an individual or cooperative basis in rural areas.
  - **Article 43B:** To promote voluntary formation, autonomous functioning, democratic control and professional management of cooperative societies.
- **Article 46:** The State shall **promote educational and economic interests of the weaker sections** of the people particularly that of the **Scheduled Castes (SCs), Scheduled Tribes (STs) and other weaker sections.**
- **Article 47:** The State shall take steps to **improve public health** and prohibit consumption of intoxicating drinks and drugs that are injurious to health.



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

**Directives based on Liberal-Intellectual Principles**

- **Article 44:** The State shall endeavour to secure for the citizen a **Uniform Civil Code** through the territory of India.
- **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 48A:** To protect and **improve the environment** and to safeguard the forests and wildlife of the country.
- **Article 49:** The State shall **protect every monument** or 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:** It declares that to **establish international peace and security** the State shall endeavour to:
  - Maintain just and honourable relations with the nations.
  - Foster respect for international law and treaty obligations.
  - Encourage settlement of international disputes by arbitration.

**Amendments in DPSP:**

- **42<sup>nd</sup> Constitutional Amendment, 1976:** It introduced certain changes in the part-IV of the Constitution by adding new directives:
  - **Article 39A:** To provide **free legal aid** to the poor.
  - **Article 43A:** Participation of workers in management of Industries.K1M
  - **Article 48A:** To protect and improve the environment.
- **44<sup>th</sup> Constitutional Amendment, 1978:** It inserted Section-2 to Article 38 which declares that; “The State in particular shall strive to minimise 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 21 A.



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**Conflicts Between Fundamental Rights and DPSP: Associated Cases**

- **Champakam Dorairajan v the State of Madras (1951):** In this case, the Supreme Court ruled that in case of **any conflict between the Fundamental Rights and the Directive Principles, the former would prevail.**
  - It declared that the Directive Principles have to conform to and run as subsidiary to the Fundamental Rights.
  - It also held that the Fundamental Rights could be amended by the Parliament by enacting constitutional amendment acts.
- **Golaknath v the State of Punjab (1967):** In this case, the Supreme Court declared that **Fundamental Rights could not be amended by the Parliament** even for implementation of Directive Principles.
  - It was contradictory to its own judgement in the ‘Shankari Parsad case’.
- **Kesavananda Bharati v the State of Kerala (1973):** In this case, the Supreme Court overruled its Golak Nath (1967) verdict and declared that Parliament **can amend any part of the Constitution** but it cannot alter its “Basic Structure”.
  - Thus, the Right to Property (Article 31) 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 Constitution.

**Implementation of DPSP: Associated Acts and Amendments**

- **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**



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- 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**.



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- **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.