

# DIRECTIVE PRINCIPLES OF STATE POLICY

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# Introduction:

- The Directive Principles of State Policy are enumerated in Part IV of the constitution from Art. 36-51.
- These principles were borrowed from the Irish constitution by the framers of our constitution.
- Dr BR Ambedkar described these principles as the novel features of the Indian constitution.
- The Directive Principles along with Fundamental rights contains the philosophy of the constitution.
- Most of these principles aim at the establishment of social and economic democracy in India.
- It is the duty of the state to follow these principles both in the matters of administration as well as in the making of laws.

# Meaning of Directive Principles:

- The directive principles are in the nature of general directions or instructions to the state.
- They embody the objectives and ideals which the union and the state governments must bear in mind while formulating policy and making laws.
- They lay down the code of conduct for the administrators of India while they discharge their responsibilities as agents of sovereign power of the nation.
- In short, the Directive Principles enshrines the fundamentals for the realization of which the state in India stands or the noble ideals which the preamble of the constitution proclaims.

# Features of the Directive Principles:

- Some important features of Directive Principles may be listed as follows –
  1. It contains Ideals for the formulation of policies & making of laws,
  2. Instruments of instructions to the legislatures and executives, an idea borrowed from the Govt. of India Act, 1935,
  3. Aims at establishing a welfare state in India,
  4. They are non-justiciable in nature & not legally enforceable in the courts of for their violation.
  5. It helps the court in examining & determining the constitutional validity of a law.

# Classification of Directive Principles:

- The constitution does not contain any classification of directive principles
- On the basis of their content, direction & ideology they can be classified into three broad categories like –
  1. Socialistic principles,
  2. Gandhian principles &
  3. Liberal intellectual principles.

# 1. Socialistic Principles:

- These principles **reflect the ideology of socialism.**
- They lay down the frame work of a democratic socialist state.
- They also **aim at providing social and economic justice** and set the path toward **welfare state.**
- They direct the state –
  1. Promote the welfare of the people by securing social order based on justice-social, economic and political and to **minimise inequalities of income, status, facilities and opportunities.**

# Socialistic principles .....

2. 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, preservation of the health and strength of workers and children against forcible abuse.
  - e. Opportunities for the healthy **development of children**(Art. 39).

# Socialistic Principles .....

3. To promote equal justice and to provide **free legal aid to the poor** (Art. 39A).
4. To secure **the right to work**, to education and to public assistance in cases of unemployment, old age, sickness and disablement(Art. 41).
5. To make provision for just and humane conditions of work and **maternity relief**(Art. 42).
6. To **secure a living wage, a decent standard of life** and social and cultural opportunities for all workers(Art. 43).
7. To take steps to secure the **participation of workers in the management of industries**(Art.43)
8. To **raise the level of nutrition** and the standard of living of the people and to improve public health (Art. 47)



## 2. 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 fulfill the dreams of Gandhi, **some of his ideas** were included under the Directive Principles such as –
  1. To **organize village panchayaths** and endow them with necessary powers and authorities to enable them to function as units of self governments(Art. 40).
  2. To **promote cottage industries** on an individual or cooperation basis in rural areas(Art. 43).

# Gandhian Principles:

3. To promote voluntary formation, autonomous functioning, democratic control and professional **management of cooperative societies** (Art. 43B).
4. 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(Art. 46).
5. To prohibit the consumption of **intoxicated drinks** and drugs which are injurious to health(Art. 47).
6. To **prohibit the slaughter of cows**, calves and other draught cattle and to improve their breeds(Art. 48)

# Liberal-intellectual Principles:

- The principles included in this category represent the ideology of liberalism. They direct the state –
  1. To secure for all citizens a **uniform civil code** throughout the country (Art. 44).
  2. To provide early childhood care and **education for all children until they complete 14 years** (Art. 45).
  3. To **organize agriculture and animal husbandry on modern and scientific lines** (Art. 48).
  4. To **protect and improve the environment** and to safeguard forests and wildlife (Art. 48A).

# Liberal-intellectual principles .....

5. To **protect monuments**, places and objects of artistic or historic interest which declared to be of national importance (Art. 49).
6. To **separate the judiciary from the executive** in the public services of the state (Art.50).
7. 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 (Art. 51).

# New directive principles:

- Through various constitutional amendments new directive principles have been added to the existing list.
- The 42 Amendment Act of 1976 added four new principles.
- Likewise the 44<sup>th</sup> Amendment Act of 1978 added one more directive principle.
- Again 86<sup>th</sup> Amendment Act of 2002 changed the subject matter of Art. 45 and made elementary education a fundamental right under Art. 21A.
- The 97<sup>th</sup> Amendment Act of 2011 added a new principle relating to cooperative societies in the form of Art. 43B.

# Non justiciable:

- The framers of the constitution made the directive principles non justiciable and legally non-enforceable because –
  1. The country did not possess sufficient financial resources to implement them.
  2. The presence of vast diversity and backwardness in the country would stand in the way of their implementation.
  3. The newly born independent Indian state with its many preoccupations might be crushed under burden unless it was free to decide the order, the time, the place and mode of fulfilling them.
- The framers believed in an awakened public opinion rather than the court procedures as the ultimate sanction for the fulfillment of these principles.

# Criticisms of the Directive Principles:

- They are criticized on the following grounds –
  1. No legal force,
  2. Illogically arranged,
  3. Conservative,
  4. Constitutional conflict,.

# 1. No legal force:

- The directives have been criticized mainly because of their non justiciable character.
- Naseeruddin contended that these principles are ‘no better than the new years resolutions, which are broken on the second January.’
- TT Krishnamachari described the Directive Principles as ‘a veritable dust bin of sentiments’.
- Sir Ivor Jennings thought they are only as ‘pious aspirations’.



## 2. Illogically arranged:

- Critics opines that the Directive Principles are not arranged in a logical manner based on a consistent philosophy.
- According to N Srinivasan, “the Directive Principles are neither properly classified nor logically arranged. The declaration mixes up relatively unimportant issues with the most vital economic and social questions. It combines rather incongruously the modern with the old and provisions suggested by the reason and science with provisions based purely on sentiment and justice.”

### 3. Conservative:

- According to Ivor Jennings, the Directives are based on the political philosophy of the 19<sup>th</sup> century England.
- Part IV of the constitution expresses Fabian Socialism without the socialism.
- Whether these 19<sup>th</sup> century principles are relevant in the 21<sup>st</sup> century cannot be answered.

## 4. Constitutional conflict:

- The Directives lead to a constitutional conflict -
  - a. Between the centre and the states,
  - b. Between the president and prime minister, &
  - c. Between the governor and chief minister, said, K. Shanthaam.
- According to him, the centre can give directions to the states with regard to the implementation of these principles and in case of non-compliance, can dismiss the state government.

# Distinction between F. Rights & Directive Principles:

Fundamental Rights	Directive Principles
1. These are negative as they prohibit the state from doing certain things	1. These are positive as they require the state to do certain things.
2. These are justiciable, as they are legally enforceable in the courts of law in case of their violation.	2. These are non-justiciable, i.e. are not legally enforceable by the courts for their violation.
3. They aim at establishing political democracy in the country.	3. They aim at establishing social and economic democracy in the country
4. These have legal sanctions	4. These have moral and political sanctions.
5. They promote the welfare of the individual. Hence, they are personal and individualistic.	5. They promote the welfare of the community and hence they are socialistic
6. They do not require any legislation for their implementation They are automatically enforced.	They require legislation for their implementation They are not automatically enforced.