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Directive Principles of State Policy (DPSP)

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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

- **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.
- **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:

- **42nd 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.
- **44th 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.
- **86th Amendment Act of 2002:** It changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A.

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
 - 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 73rd 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 **86th 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**.
- **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.