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Indian Polity for UPSC/APSC Exam

Part B10: Directive Principles of State Policy

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Part IV of the Indian Constitution relates to the Directive Principles of State Policy. They are guidelines for creating a social order characterised by social, economic and political justice, liberty, equality and fraternity as enunciated in the Constitution's preamble.

Features of the Directive Principles:

1. The phrase 'Directive Principles of State Policy' denotes the ideals that the state should keep in mind while formulating policies and enacting laws.
2. They resemble the 'Instrument of Instructions' enumerated in the Government of India Act 1935.
3. The Directive Principles constitute a very comprehensive economic, social and political programme for a modern democratic state.
4. They are non-justiciable in nature, that is, they are not legally enforceable by courts for their violation.
5. Though non-justiciable in nature, they help the courts in examining and determining the constitutional validity of a law.

Classification of Directive Principles:

On the basis of their content and direction, the Directive Principles can be classified into three broad categories: socialistic, Gandhian and liberal-intellectual.

Socialistic Principles:

These principles reflect the ideology of socialism. They lay down the framework of a democratic socialist state, aim at providing social and economic justice, and set the path towards a welfare state. Some examples of socialistic principles are:

- Article 39 A directs the state to promote equal justice and to provide free legal aid to the poor.
- Article 42 directs the state to make provision for just and humane conditions of work and maternity relief.

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 as Directive Principles. Some examples of Gandhian principles are:

- Article 43 requires the state to promote cottage industries on an individual or co-operation basis in rural areas.
- Article 46 requires the state to promote educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation.
- Article 48 requires the state to prohibit the slaughter of cows, calves and other milch and draught cattle, and to improve their breeds.



Liberal-Intellectual Principles:

The principles included in this category represent the ideology of liberalism. Some examples of liberal-intellectual principles are:

- Article 44 directs the state to secure for all citizens a uniform civil code throughout the country.
- Article 45 directs the state to provide early childhood care and education for all children until they complete the age of six years.

Difference between Directive Principles and Fundamental Rights:

- While the Fundamental Rights constitute limitations upon state action, the Directive Principles are instructions to the government of the day to do certain things and to achieve certain ends.
- The Fundamental Rights are justiciable, but the Directive Principles are non-justiciable.
- The Fundamental Rights lay down the negative obligation of the state, They are prohibitive in

character. Directive Principles are affirmative directions dealing with the positive obligations of the state.

- The main objective of the Fundamental Rights is to establish political democracy, but the aim of Directive Principles is to establish a just social, economic and political order.

Implementation of Directive Principles:

Since 1950, the successive governments at the centre and in the states have made several laws and formulated various programmes for implementing the Directive Principles. Some examples are:

1. The Maternity Benefit Act, 1961 and Equal Remuneration Act, 1976 have been made to protect the interests of women workers.
2. The Legal Service Authorities Act, 1987 has established a nationwide network to provide free and competent legal aid to the poor and to organise *lok adalats* for promoting equal justice.

Criticism of the Directive Principles:

1. The Directives have been criticised mainly because of their non-justiciable character.
2. Critics opine that the Directives are not arranged in a logical manner based on consistent philosophy.
3. K Santhanam has pointed out that the Directives lead to a constitutional conflict (a) between centre and the states, (b) between the President and the Prime Minister, and (c) between the Governor and the Chief Minister.

In spite of the above criticism and shortcomings, the Directive Principles are not an unnecessary appendage to the Constitution. The Constitution itself declares that they are fundamental to the governance of the country. They form the dominating background to all state action, legislative or executive, and also acts as a guide to the courts in exercising their power of judicial review.

(Note: General Studies and Assamese Compulsory paper of APSC CCE will start from January. To enrol, contact 9085601887/6002400025)