Directive Principles of State Policy (DPSP)

Introduction

- Articles 36-51 under Part-IV of the Indian Constitution deal with Directive Principles of State Policy (DPSP).
- They are borrowed from the Constitution of Ireland, which had copied it from the Spanish Constitution.
- It refers to the ideals that the State should keep in mind while formulating policies and enacting laws.
- DPSP are non-justiciable enforceable, which means the government cannot be compelled to implement them.

Feature of DPSP

- It denotes the ideals that the State should keep in mind while formulating policies and enacting laws.
- These are the constitutional instructions or recommendations to the State in legislative, executive and administrative matters.
- The Directive Principles resemble the 'Instrument of Instructions' enumerated in the Government of India Act of 1935.
- It constitutes a very comprehensive economic, social and political programme for a modern democratic State which aimed at realising the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble to the Constitution.

Classification of DPSP

- The Constitution of India does not formally classify the Directive Principles of State Policy but for better understanding and on the basis of content and direction.
- DPSPs can be classified into three categories-
  - Socialistic Principles
  - Gandhian Principles
  - Liberal-Intellectual Principles.

Socialistic Principles

- These principles contemplate the ideology of socialism and lay down the framework of a democratic socialist state.
- The concept envisages providing social and economic justice, so that state should achieve the optimum norms of welfare state.
- They direct the state through- Article 38, Article 39, Article 39 A, Article 41, Article 42, Article 43, Article 43 A and Article 47.

Directive Principles of State Policy (DPSP)

Gandhian Principles

- These principles are based on Gandhian ideology.
- These principles reflect the programme of reconstruction enunciated by Gandhi during the national movement.
- In order to fulfil the dreams of Gandhi, some of his ideas were included in DPSP. They direct the state through- Article 40, Article 43, Article 43 B, Article 46, Article 47 and Article 48.

Liberal-Intellectual Principles

- These principles inclined towards the ideology of liberalism.
- They direct the state through- Article 44, Article 45, Article 48, Article 48 A, Article 49, Article 50 and Article 51.

Criticism of DPSP

- Non-Justiciable in nature – non-enforceable by court of law
- Some principles are reactionary – subject to interpretation
- Unsystematic enumerations and lots of overlapping.
- Lack of clarity led to different interpretations by different government according to prevailing circumstances.
- Non-accountability of government for non-implementation of DPSP.
- Directives are not arranged in a logical manner based on a consistent philosophy
- Part IV of the Constitution expresses “Fabian Socialism without the socialism” which is less relevant in contemporary world.

Similarities between Fundamental right and DPSP

- Both are borrowed features of constitution.
- Both are directed to achieve inclusive and equitable growth of nation.
- Both are backed by broader constitutional provisions.
- Both are critical for strengthening democratic setup in India.
- Both acts as guiding light for judiciary to determine the constitutionality of act or order.
- The genesis and objectives underlying part III and part IV have common desideratum in responding to the social consciousness rest with the constitution making force.

Directive Principles of State Policy (DPSP)

Conflict between Fundamental right and DPSP

- Champakam Dorairajan Case (1952)– Court asserted that all Fundamental Rights are superior over DPSP. FR can be amended to give effect to DPSP.
- Kerala Education Bill (1957)- Supreme Court had propounded the Doctrine of Harmonious Constructionto avoid a situation of conflict while enforcing DPSPs and the FR.
- Golak Nath Case (1967)- Court asserted that FR cannot be abridged or diluted. FR are sacrosanct and absolute in nature.
- Kesavananda Bharathi Case (1973)- Court asserted that Parliament can amend any part of constitution, subject to Basic Structure of the Constitution. This led to evolution of Doctrine of Basic Structure of the Constitution.
- Minerva Mill Case (1980)- Court asserted that a law made Parliament by under Article 31C would be protected only if it is made to implement directives in Art 39(b) and 39 (c) and not any other DPSPs.

Significance of DPSP

- Helps courts as Guiding Light in determining and examining constitutional validity of act/rules/regulation.
- Symbolizes idea of welfare state and amplifies social and economic justice as entailed in Preamble.
- They impose a moral obligation on the state authorities for their application, however, public opinion is real force behind them.
- Serves as moral precepts for Legislature, executive and administrative of state.
- Provides stability and continuity in policies despite change in governments.
- Directives lay down that the goal of Indian polity is ‘economic democracy’ as distinguished from ‘political democracy’ (Fundamental rights).

Importance of DPSP

- Helps citizen to assess the work done and policies implemented by incumbent government.
- Ensures welfare of the citizens in particular and society at large.
- Ensures inclusive, equitable growth and helps in reducing inequality among citizens.
- Provides framework for enactment of various legislations which benefits citizens in various ways.
- It ensures progressive development and fulfilment of aspirations of the citizens.

Directive Principles of State Policy (DPSP)

Socialist Principles

- Art. 38 – State to secure a social order for the promotion of welfare of the people
- Art. 39 – Certain principles of policy to be followed by the state. Art. 39 (b) and (c) are exceptions to Art. 14 and 19.
- Art. 39 A– Equal justice and free legal aid.
- Art. 41 – Right to work, education and public assistance in certain cases.
- Art. 42- Provision for just and humane conditions of work and maternity relief.
- Art. 43– To secure a living wage, a decent standard of life and social and cultural opportunities for all workers.
- Art. 43A– Participation of workers in management of industries.
- Art. 47– Duty of the State to raise the level of nutrition, standard of living and improve public health.

Gandhian principles

- Art. 40– Organisation of village panchayats.
- Art. 43– To promote cottage industries on an individual or co-operation basis in rural areas.
- Art. 43 B– Promotion of co-operative societies.
- Art.46– Promotion of educational and economic interests of SC, ST and other weaker sections
- Art. 47 – To prohibit the consumption of intoxicating drinks and drugs which are injurious to health
- Art. 48– Organisation of agriculture and animal husbandry by state.

Liberal- Intellectual principles

- Art. 44– Uniform civil code for the citizens.
- Art. 45– Provision for early childhood care and education to children below the age of six years.(42nd CAA 1976 changed subject matter of Art 45 and added Art.21A to FR)
- Art. 48-To organize agriculture and animal husbandry on modern and scientific lines.
- Art. 48A-Protection and improvement of environment and safeguarding of forests and wildlife.
- Art.49– Protection of monuments and places and objects of national importance.
- Art. 50– Separation of judiciary from executive.
- Art.51– Promotion of international peace and security