

Concept and Features of Directive Principles of State Policy

Victor Nayak, Department Of Law
Galgotias University, Yamuna Expressway Greater Noida, Uttar Pradesh
E-mail id - victor.nayak@Galgotiasuniversity.edu.in

ABSTRACT: *The ultimate objective that must be accomplished by the formulation of the DPSP is the term "Justice-Social, Economic and Political" stated in the preamble. The Values of the Directive constitute a very detailed social, economic and political agenda for the new welfare state. These values underline the effort of the State to foster the welfare of persons by supplying them with basic services such as housing, food and clothes. Unlike fundamental rights, the Directive Principles of Public Policy (DPSP) are non-binding in essence, which suggests that their violation is not enforceable by the courts. The Constitution itself, moreover, states that 'those values are central to the country's government and it is the responsibility of the state to apply these principles in the making of laws. Therefore, they place on the state a constitutional obligation. Hence, it is important to understand the concept.*

KEYWORDS: *Concept, Constitution, Directive Principles, Values;*

INTRODUCTION

A Reflection of Preamble

The Preamble is a short guide to the Constitution which comprises all the aims that the drafters of the Indian Constitution had in mind.

DPSP is, according to some scientists, 'the kernel of the Indian Constitution.'

The Directive Principles of Public Policy (DPSP) are the state rules to be considered in the formulation of new laws and policies and set forth all the goals to be fulfilled by the Constitution.

As indicated in the preamble, DPSP is enlisted to accomplish this ultimate objective, i.e. The four foundations of the Indian Constitution are also known as justice, liberty, freedom, and fraternity. Which also contains the principle of the welfare state that was lacking under the colonial government.

Attributes of Directive State Policy Principles (DPSP)

1. It denotes the principles that should be taken into consideration by the state when formulating policies and enacting legislation.
2. It is analogous to the 'Instrument of Orders' enumerated in the 1935 Act of the Government of India. In the words of Dr B R Ambedkar, 'the Directive Principles are like the instrument of advice provided by the British Government under the Government of India Act of 1935 to the Governor-General and to the Governors of the colonies of India.

What is referred to as the Guidance Principles is just another term for the Guidance Tool.

3. It constitutes a very detailed economic, social and political program for a new democratic State which, as illustrated in the Preamble to the Constitution, seeks to realize the high values of justice, democracy, equality and brotherhood. They represent the idea of a 'welfare state' which, during the colonial period, was absent.[1]

The Constitution of India does not formally define the Directive Principles of State Policy, but they can be categorized into three categories: Socialist Principles, Gandhian Principles, and Liberal-Intellectual Principles for greater understanding and on the basis of substance and direction.

Socialistic Principles

The theory of socialism is contemplated by these ideals and defines the foundation of a democratic socialist society. The definition envisages the provision of social and economic fairness such that the optimal

expectations of the welfare state can be reached by the state. Via Article 38, Article 39, Article 39 A, Article 41, Article 42, Article 43, Article 43 A, and Article 47, they steer the state.

Classification of Directive Principles of State Policy (DPSP)

Principles from Gandhian

These values embody the reconstruction plan enunciated during the national revolution by Gandhi. Any of his proposals were included in the DPSP in order to fulfill Gandhi's dreams and direct the state through Article 40, Article 43, Article 43 B, Article 46, Article 47 and Article 48.

Liberal-Intellectual Principles

These values were inclined towards and motivated by the philosophy of liberalism: Article 44, Article 45, Article 48, Article 48 A, Article 49, Article 50 and Article 51.

DISCUSSION

The values of the Directive are non-justiciable, but they are supported by vox populi (voice of the people), which in fact is the true sanction behind any statute.

DPSP establishes the philosophical basis of a scheme of welfare. It is the duty of the State to uphold these values by welfare legislation.

Their life is all about universal values. They represent a moral code for the State, but as moral values are very necessary and the lack of them will hamper the development of a society, this does not decrease their importance. A state is governed by its citizens and they still shape and control the government, so it is very important to have a collection of norms to make.

The Values of the Directive serve as a reference for the government to help them formulate policies and laws to ensure justice and welfare in the state.

The DPSP is a source of stability in the country's governance since the governments change after normal elections in a democratic structure and every new government makes different policies and laws for the country. It is very important to have such guidance because it means that every government respects the collection of principles in the form of the DPSP when formulating its rules.

The Values of the Directive can be defined as a constructive path for the State that aims to maintain the social and economic aspects of democracy. In addition to human liberties, the DPSP gives civil rights and other freedoms. Without each other, they are both none, since one provides social and economic democracy and the other provides civil freedom.[2]

The State Policy Values of the Directive make it possible for citizens to assess the importance of a government and its functioning. On this field, a government that does not recognize these values will be rejected by the people in favor of a government that gives the role of protecting these Directive Principles in the state due importance.

The Values of the Directive are the manifesto of a government. These reflect the thoughts and viewpoints that were present in the minds of the drafters during the drafting of the constitution. These represented the ideology behind the constitution's making and therefore provide the courts with valuable knowledge to understand the new clauses of the Constitution and to come up with better laws and policies. The interpretations of the Directive Principles do not seem to be very strict and this allows the State to understand and apply these principles in accordance with the prevailing condition at the time.[3]

The addition of Part IV, which comprises the State Policy Directive Principles, has therefore proved to be of great use to the government. The Directive Values provide the welfare state with good foundations. Securing the values of the Directive served to meet the conditions of the political structure. It supplemented people's constitutional rights and established a state characterized by the four foundations of liberty, democracy, equality, and fraternity (Figure 1).

Article Related to DPSP	
36: Definition of State	43B: Promotion of co-operative societies
37: Application of the principles contained in this part	44: Uniform civil code for the citizens
38: State to secure a social order for the promotion of welfare of the people	45: Provision for early childhood care and education to children below the age of six years
39: Certain principles of policy to be followed by the State	46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
39A: Equal justice and free legal aid	47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health
40: Organisation of village panchayats	48: Organisation of agriculture and animal husbandry
41: Right to work, to education and to public assistance in certain cases	48A: Protection and improvement of environment and safeguarding of forests and wildlife
42: Provision for just and humane conditions of work and maternity relief	49: Protection of monuments and places and objects of national importance
43: Living wage, etc., for workers	50: Separation of judiciary from executive
43A: Participation of workers in management of industries	51: Promotion of international peace and security

Figure 1: List of Articles Pertaining To the Directive Principles of State Policy

Important facts about Police FIR

The 44th Amendment Act of 1978 added one more Directive Principles which requires the state to minimise inequalities in income, status, facilities and opportunities in article 38.

The 86th Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

The 97th Amendment Act of 2011 added a new Directive Principle relating to co-operative societies. It envisages that the state to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies (Article 43B).

In nutshell, the Directive Principles of State Policy refers to those principles, which should be kept in mind by the State while formulating policies. They are non-justiciable which means one cannot approach the court for its non-implementation but can be referred to by the Supreme Court while deciding whether a particular policy is unconstitutional or not.[4]

Enforceability of DPSP

DPSP were not made enforceable by the Constituent Assembly which was formed to draft the Indian Constitution. But the non-enforceability of the Principles does not mean that they are of no importance.

There are some arguments which are in favor of its enforceability and some are against the making of DPSP enforceable. Those who favor the enforcement of the Principles argue that enforceability of DPSPs will keep a check on the Government and would unite India. For instance, Article 44 of the Indian Constitution talks about the Uniform Civil Code which aims for uniform provisions of civil law for all the citizens of the country irrespective of their caste, creed, religion or beliefs.

People who are against the enforcement of the DPSPs are of the view that these principles need not be separately enforced as there are already many laws which indirectly implements the provisions mentioned in DPSP. For instance, Article 40 of the Constitution which deals with Panchayati Raj system was introduced through a constitutional amendment, and it is very evident that there are numerous panchayats exist in the country today.[5]

Another argument against DPSP is that it imposes morals and values on the citizens of the country. It should not be clubbed with the law as it is really important to grasp that law and morals are unit various things. If we impose one on the opposite that will generally impede the expansion and development of the society.

Importance of DPSP

DPSP covers the Articles 36-51 in Part IV of the constitution.

It mentions protection of women of the country, environmental conservation, rural growth and development, decentralisation of power, uniform civil code, etc. which are considered some of the essentials in making laws for a “welfare state”.

Although non-justiciable, they provide a set of guidelines for the Government for its functioning in the country

CONCLUSION

Taken from the Irish Constitution, the Directive Principles of State Policy (DPSP) have been enumerated in Section IV of the Indian Constitution.

A 'Welfare State' is the principle behind the DPSP. The motive behind the incorporation of the DPSP, in other words, is not to establish democratic independence, but to establish social and economic democracy in the state. There are certain fundamental rules or standards or guidelines for the government when formulating the country's laws/policies and enforcing them. These ideas are 'novel aspects' of the Constitution, according to Dr B R Ambedkar. The DPSP serves as a checklist for the state which can be taken into account when creating a new strategy or statute. But as DPSP is not justiciable, no one can force the State to accept and obey everything that is stated in DPSP.[6]

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