

Enforceability of Directive Principles of State Policy

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ABSTRACT: *Unlike Constitutional Rights, the Directive Principles of State Policy (DPSP) are non-justiciable, which suggests that their infringement is not enforceable by the courts. The Constitution itself, moreover, states that certain values are central to the country's government and that it is the responsibility of the state to apply those principles in the making of laws. They thus place a legal duty on the state authority to apply it. The secret to the minds of the drafters of the Constitution is called the Preamble of the Constitution. This sets out the goals that our Constitution aims to accomplish. Many academics consider that the heart of the Constitution is the DPSPs. The rules for the state are laid down in the Directive Principles of State Policy (DPSPs) which represent the general goals set out in the Preamble of the Constitution. Justice-social, fiscal, political speech is pursued by DPSPs to be accomplished. DPSPs are implemented to fulfil the preamble's ultimate principles, i.e. Justice, democracy, dignity, and brotherhood. In comparison, it also embodies the notion of the welfare state that under colonial rule robbed India of.*

KEYWORDS: *Constitution of India, Policy, Constitutional Rights, DPSPs.*

INTRODUCTION

The idea that the responsibility for the country's growth rests with the government is not disputed. And the government is forming these policies with the goal of growth in mind. The Directive Principles of State Policy (DPSPs) serve as driving measures for the formulation of policies by the government. For a long time, the assumption that kings and masters are responsible for society's wellbeing has been prevalent in India[1].

Amidst such a climate, the composition of the Constituent Assembly also took place. The DPSPs are at the heart of Article 36 to Article 51, which are enshrined in Section IV of the Constitution. These articles shall, when carrying out the constitutional work, be taken into account by the government and the legislature. But the DPSPs, very unlike the Constitutional Rights enshrined in Section III of the Constitution, are not enforceable[1].

In making policy decisions, the DPSPs not only serve as the guiding principles, but also set India's goals as a country. The DPSPs' presence makes India a welfare state. In order to foster the welfare of people and community, the DPSPs urge the government and legislature. In addition, the DPSPs, as promised by the Preamble, also aim to ensure that there is economic and social democracy in our country. The DPSP's primary goal is to maintain a socialist pattern of society. The thing to be remembered here is that there are no extremities like total socialism or complete individualism endorsed by the Constitution[2].

Article 37 of the Constitution explains the essence of DPSPs. Article 37 states that it is not practicable to implement the provisions found in Section IV of the Constitution in the Court of Law, but it is the responsibility of the Government of the Nation to take these concepts into account in the administration of the republic, as those articles are necessary to ensuring the good governance of the land. Non-enforceability in the Court of Justice does not find these articles worthless[2].

"These values have an educational value and also help the nation maintain its status as a "welfare state. These values also allow the judiciary to interpret numerous laws and the constitutional rights protected by the Constitution as well. The Supreme Court found that the DPSPs are the harbingers of the Right to Creation in the judicial pronouncement of *Air India Statutory Company vs. Unified Labour Union*. The Court found the values to be an integral part of the Constitution and claimed that universal human rights are absolute. The key question that emerges when learning about DPSPs is how compliant they are with the human rights enforceable under various forms of writs in the Court of Law[3].

There are many disputes on the topic as the matter of priority occurs between DPSPs and Fundamental Rights. Over the years, court rulings have also varied. In the case of the *State of Madras v. Champakan Dorairajan*, the Supreme Court ruled that if any statute breaches fundamental rights, the law will be deemed

unconstitutional, but that stance will not be taken if the DPSPs are in breach of any valid law. It can also be argued that more attention has been given to Constitutional Rights over the DPSPs. But with the aid of the Civil Law (42nd Amendment) Act, 1976, this plan was revised[3].

The scope of Article 31C has been broadened, meaning that if any legislation is passed in order to enact the DPSPs, it would not be found to be illegal on the basis that it contradicts Articles 14 and 19. However, the expansion of the scope of Article 31C was again defeated by the Court in the seminal judicial pronouncement of *Minerva Mills v Union of India*. The Court was of the view that, since they are complementary to each other, the balancing of fundamental rights and the DPSPs must be maintained and the legislature should look at the harmonious construction of the two[4].

DISCUSSION

A rather debatable matter is the enforceability of DPSPs. H. M. Seervai said that the consequences would be devastating if the Basic Rights were ever struck down by the Courts. But if DPSPs were struck down, this would not be the case. Nevertheless, with several noteworthy personalities like B, these ideals find their support within the Constituent Assembly. K. T. Shah, N. Rau, and B. R. Ambedkar defended the incorporation of the Values of the Directive in the Constitution[4].

B. N Rau claimed that these ideals might sometimes invade human rights for the sake of a common good. K.T., K.T. B and Shah. The DPSPs were also great followers of R. Ambedkar and looked at the ideals from a socialist point of view. The question at this point is that, since the Constituent Assembly approved the incorporation of DPSPs in a general context, why were they not made enforceable and used merely as a guiding principle?[5]

With regard to this topic, there are two reasons which can be mentioned. First of all, with the transition in time, the Assembly worried that these values would become obsolete. Secondly, India did not have a lot of money at the time of independence and constitutional ratification in order to make all the DPSPs enforceable. It was left to the government to willingly obey it[5].

It has been stated above that the DPSPs were not made enforceable by the Constituent Assembly. However, the non-enforceability of the principles does not mean that they are of no value whatsoever. There were claims both for and against making the DPSPs enforceable. Many who advocate the application of the Principles contend that the enforceability of DPSPs would hold a government's autocratic impulses in check. Enforcing the Ideals will also assist in uniting India. Article 44 of the Constitution, for example, speaks about the Uniform Civil Code. For all residents of the world, regardless of their ethnicity, religion or values, the Universal Civil Code seeks uniform provisions of civil law, just as criminal law[6].

Many who oppose the implementation of the DPSPs claim that the principles should not be applied individually, since there are several regulations and legislation that implicitly follow these principles already. For example, Article 40 of the Constitution, which deals with the Panchayati Raj, was enforced by a constitutional amendment, and it is very clear that today there are various panchayats in the country. Article 47 deals with improving the living conditions of people in society. There are different strategies in place for that as well[6].

Similarly, there are other documents, such as Article 39(a) which deals with the provision of appropriate livelihoods to the population, and Article 39(g) which states that the government is committed to preventing the trafficking of children, for which numerous measures have already been placed in place by the government. Another grievance against the DPSPs' implementation is that it seeks to place religious principles on people. It is necessary to note that law and morality are different entities, and it is not beyond the scope of the law to enforce values on people. Too many moral values may often hinder society's growth[7].

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[7].

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. The Constituent Assembly that was created to draft the Indian Constitution was not made enforceable by the DPSP. However, the non-enforceability of the values does not mean that they are meaningless[8].

Such claims are in favour of its enforceability and some are against the enforceability of the DPSP. Many who advocate the adoption of the Principles contend that the enforceability of DPSPs would hold a watch on the government and unite India. For example, Article 44 of the Indian Constitution deals with the Universal Civil Code, which seeks to provide all people of the country with uniform provisions of civil law, regardless of their caste, creed, religion or beliefs[8].

People who reject the implementation of the DPSPs are of the opinion that because there are still several laws that implicitly enact the clauses listed in the DPSP, these concepts need not be applied separately. For example, by way of a constitutional amendment, Article 40 of the Constitution dealing with the Panchayati Raj system was adopted, and it is very clear that there are various panchayats in the country today[9].

Another reason against the DPSP is that morality and principles are forced on the country's people. It should not be clubbed with the rule since it is very important to consider different topics in the field of law and morality. On the contrary, if we introduce one, it would usually obstruct the growth and progress of society[10].

It mentions the security of the country's women, the conservation of the environment, rural growth and production, the decentralization of power, the uniform civil code, etc., which are considered some of the necessary elements for the establishment of "welfare state" legislation. While not justifiable, they provide the government with a collection of rules for its working in the region[10].

CONCLUSION & IMPLICATION

As to whether the DPSPs can be made enforceable or not, there is still no straight cut response. Bearing in mind the status of the Principles, it may be assumed that they are not meaningless except without compliance in the Court of law. As such values will alter over time, making them enforceable would make the system too static. They implicitly hold a balance on a government's anarchist ways, not through the judiciary but through the nation's people.

In order to measure the efficiency of a country, the values mentioned in the Constitution also serve as a metric. Such DPSPs are also applied by numerous other laws and policies. It can lead to violations of these values if they are rendered enforceable. The Courts still accept the proposition that a balance and harmonious construction can be established between the DPSPs and the Basic Rights, which can be accomplished without the DPSPs being implemented.

It is difficult to look down on the value of DPSPs only because in every court of law it is not enforceable. To promote the country's governance and smooth operation, these concepts were included. It was added to satisfy a country's core aims and overall purpose, i.e. to work for its people' welfare. In the above-mentioned details, there are some essential actions, so we cannot assume that DPSPs are not applied and have no meaning at all.

It is like a political system, and new legislation rotating around that structure can function and be formulated only in order to guarantee the welfare of the people. Any state-formulated legislation and statute shall follow the requirements referred to in Section IV of the Constitution.

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