

DIRECTIVE PRINCIPLES OF STATE POLICIES

- It is borrowed from the constitution of Ireland. The Directive Principles of State Policy contained in part IV of the Constitution sets out the aims and objectives to be taken up by the states in the Governance of the country. It lays down certain economic and social policies to be pursued by the government of India. They impose certain obligation on the state to take positive actions in certain directions in order to promote the Welfare of the people and to achieve economic democracy.

ARTICLE 36 DEFINES 'STATE'-

- **36. Definition:** In this Part, unless the context otherwise requires, the State has the same meaning as in Part III
- It says “the State” has the same meaning as in **Part III**.
- Therefore, the same definition as **Article 12** will apply, which means State includes:
- Executive and Legislature of Union and State
- All local or other authorities within the territory of India or which are under the control of the Government of India

37. Application of the principles contained in this Part:

- Provides that the directive principles shall not be enforceable by any court,
 - But these principles are fundamental in governance of the country and
 - It shall be the duty of the state to apply these principles in making laws.
 - Note: - Hence this article imposes duty on the organs of the Government to apply these principles in making laws. It is the duty of the Judiciary to interpret the law in the light of these directive principles.

38. State to secure a social order for the promotion of welfare of the people

- (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life
- (2) The State shall, in particular, strive to minimize the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations

39. Certain principles of policy to be followed by the State: The State shall, in particular, direct its policy towards securing

- a) Right to adequate means of livelihood for all citizens
- b) Equitable distribution of material resources of the community for the common good
- c) Prevention of concentration of wealth and means of production
- d) Equal pay for equal work for men and women (E.g.: Equal Remuneration Act 1976)
- e) Preservation of the health and strength of workers and children against forcible abuse
- f) Opportunities for the healthy development of children (clause (f) added by 42nd amendment 1976)

- In **Randhir Singh vs. Union of India 1982** Supreme Court held that directive principle of equal pay for equal work is not a fundamental right but since it is a constitutional goal it can be enforced through art. 32.

ARTICLE 39A- EQUAL JUSTICE AND FREE LEGAL AID

- State shall secure that operation of legal system promotes justice on a basis of equal opportunity
- State shall provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities
- (Article 39A was inserted by the 42nd Amendment Act 1976)
- Implementation: Legal Services Authorities Act 1987 (NALSA/DALSA)

ARTICLE 40- PANCHAYAT SYSTEM

- States to take steps to Organize village panchayats
- Endow them with powers and authority
- Endow them to function as unit of self-government
- Implementation: 73rd Amendment Act 1992. (Added a new part IX (The Panchayat's) consisting of 16 Articles and the Eleventh Schedule to the Constitution.)

Article 41-Right to work, to education and to public assistance in certain cases:

- State shall within its economic capacity and development make effective provision for securing
- Right to work
- Right to education
- Right to public assistance
- In case of unemployment, old age, sickness, disablement, and undeserved want

Article 42- JUST AND HUMANE CONDITIONS OF WORK AND MATERNITY RELIEF

- State shall make provision for securing just and humane conditions of work and for maternity relief
- Implementation: Maternity Benefit Act 1961

43. Living wage, etc, for workers:-

- State shall endeavor to secure to all workers agricultural, industrial or otherwise
- Provide A living wage
- Provide A decent standard of life
- Provide Full enjoyment of leisure and social and cultural opportunities
- Implementation: Amendments to Minimum Wages Act 1948
Payment of Bonus Act 1965
- State shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas
- Implementation: Khadi and Village Industries Commission Act 1956

43A Participation of workers in management of industries

- State shall take steps to secure participation of workers in management of undertakings, establishments engaged in industry
- (Inserted by the 42nd Amendment Act 1976)

43BPromotion of cooperative societies

- State shall endeavor to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.
- **(Inserted by the 97th Amendment Act 2012)**

Article 44- UNIFORM CIVIL CODE

- uniform civil code for the citizens:-State shall endeavor to secure for citizens a uniform civil code throughout the territory of India
- **Sarla Mudgal versus Union of India 1995**, The Supreme Court has directed the government to make Uniform Civil Code for the citizens of India. This direction was given by the court while dealing with the question whether a Hindu husband married under Hindu law has converted to Islam and remarried without dissolving the first marriage can be prosecuted for bigamy under section 494 IPC.

- **Danial latifi vs Union of India 2001**, The supreme court upheld the constitutional validity of the Muslim women (protection of rights on divorce) Act 1986 and held that a Muslim divorced women has right to maintenance even after iddat period under act of 1986.
- **John Vallamattom vs. Union of India 2003**, The supreme court once again directed the government to implement Uniform Civil Code. in this case Supreme Court held that section 118 of the succession act is unconstitutional being violative of article 14 of the constitution.

45. Provision for free and compulsory education for children

- State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.
- (Article 45 was amended by **the 86th Amendment Act, 2002**, Before amendment it talked about free and compulsory education to all children until they complete 14 years of age, 86th amendment made that Fundamental Right by adding 21A)

46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections

- State shall promote with special care educational and economic interests of weaker section in particular, of SCs and STs State shall protect them from social injustice and exploitation
- Implementation: 65th Amendment Act 1990- National Commission for SCs and ST's (NCSCST)
- 89th Amendment Act 2003- Bifurcated the commission into two separate commissions, one for SC's (NCSC) and ST's (NCST) each
- SCs and STs (Prevention of Atrocities) Act 1989

47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health

- State shall make its primary duty in
- Raising of level of nutrition
- Raising of standard of living of people improvement of public health
- State shall endeavor to
- Bring about prohibition of consumption except for medicinal purpose of intoxicating drinks and drugs injurious to health.

48. Organisation of agriculture and animal husbandry

- State shall endeavor
- To organize agriculture and animal husbandry on modern and scientific lines
- State shall take steps for
- Preserving and improving the breeds and prohibiting slaughter of cows and calves and other milch and draught cattle

48A. Protection and improvement of environment and safeguarding of forests and wild life

- State shall endeavor: To protect and improve environment and to safeguard forests and wild life
- (Inserted by the 42nd Amendment Act 1976)
- Implementation:
- Wildlife (Protection) Act 1972
- Forest (Conservation) Act 1980
- Environment (Protection) Act 1986
- Water (Prevention and Control of Pollution) Act 1974
- Air (Prevention and Control of Pollution) Act 1981

49. Protection of monuments and places and objects of national importance

- It shall be the obligation of State
- To protect every monument or place or object of artistic or historic interest declared by Parliament to be of national importance
- From spoliation, disfigurement, destruction, removal or export
- Implementation: Ancient and Historical Monuments and Archaeological Sites and Remains Act 1951

Article 50- SEPARATION OF JUDICIARY

- **Separation of judiciary from executive** The State shall take steps to separate the judiciary from the executive in the public services of the State.
- State shall take steps
- To separate judiciary from executive in public services of State
- Implementation: Criminal Procedure Code 1973- Judicial powers have been taken away from executive authorities like Collector, Tehsildar

Article 51- INTERNATIONAL RELATIONS

- State shall endeavor
- To promote international peace and security
- To maintain just and honourable relations between nations
- To foster respect for international law and treaty obligations
- To encourage settlement of international disputes by arbitration