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DIRECTIVE PRINCIPLES OF STATE POLICY: ROLE PLAYED IN 75 YEARS OF FREE INDIA

Parikshit

Research Scholar

Department of Political Science, Baba Mastnath University

Rohtak, Haryana, India

Abstract

The Directive Principles of State Policy (DPSP) of India are the guidelines or principles given to the institutes for governing the State of India. These are provided in Part IV (Article 36-51) of the Constitution of India, are not enforceable by any court, but the principles laid down there are considered 'Fundamental' in the governance of the country, making it the duty of the State to apply these principles in making laws to establish a just society in the country.

The source of the concept of directive principles of state policy is the Spanish constitution from which it came in the Irish constitution and from there it comes in Indian constitution. Directive principles of state policy cannot be enforced by the court but the essence of these principles is taken as being elementary for governing the country & hence a duty has been imposed on the states to consider these principles while framing any laws so as to build a society which believes in promoting equality and justice. These principles basically aim at to promote social fairness, economic benefits, foreign policies and strong legal and administrative management.

This paper focuses on the historical background of DPSP, how DPSP got their place in Indian constitution, the various deriving principles behind DPSP, the constitution of India have fundamental rights but still how DPSP plays great role in constitution of India. How DPSP guides the law makers of both the centre and state level to use them effectively while making laws for the common people of India. It discusses the various laws that were made by law makers while considering the directive principles of state policy as the main force behind those laws.

Keywords: DPSP, Constitution, Laws, Fundamental Rights.

Introduction

DPSP- Directive principles of state policy are ideals which are meant to be kept in mind by the state when it formulates policies and enacts laws.

Nature of DPSP: The DPSP are non-binding in nature which means they are not enforceable by the courts for their violation. They, however, impose a moral obligation on the state authorities for their implementation.

Deriving principles behind DPSP

1.Socialistic Principles: They are the principles that aim at providing social and economic justice and set the path towards the welfare state. (Art-38,39,39A,41,42,43,43A,47)

2.Gandhian Principles: These principles are based on Gandhian ideology used to represent the programme of reconstruction enunciated by Gandhi during the national movement. (Art-40,43,43B,46,47,48)

3.Liberal-Intellectual Principles: These principles reflect the ideology of liberalism. (Art-44,45,48,49,50,51)

History

The concept of Directive principles has been largely lent from the constitution of Ireland. The Irish Novelist movement greatly influenced the framers of Indian constitution & they incorporated these Directives as Directive principles of state policy. The idea of these principles has also its roots in Declaration of rights of Man adopted by France & the Declaration of Independence by American colonies. Besides this the Universal Declaration of Human rights also laid a great impact on Indian constitution. In 1919 the British Govt. and police enjoyed widespread powers under the Rowlatt Act and as a result of that indefinite arrest and detentions started happening, the searches took place without warrants, undue restrictions on public gatherings, unjustified censorship on both electronic & print media prevailed. These atrocities ultimately the people to think about their rights & as result of that there was great public opposition against these draconian laws under Rowlatt Act and in furtherance of that a huge on-violent civil Disobedience movement started throughout the country and there was an open demand for guaranteed civil freedoms and curtailment of Government powers. At that time the movement for Independent India was also going on & Indians looked upon the constitution of Ireland as a role model for Independent India's government to scrupulously handle complex social and economic challenges across a vast & diverse nation. Then in 1928, the Nehru commission which comprised of representatives of Indian political parties came up with some constitutional reforms, pressing not only for dominion status for India but also for guaranteed rights which are fundamental in nature, ethnic and religious minorities to have a considerable representation and an effective restrain in Government powers prevailing at that



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time. Again in 1931, the Indian national congress proposed resolutions to safeguard the fundamental civil rights as well as socio-economic rights such as minimum wages, abolition of untouchability. Further in 1936, in order to protect socialism, the congress leaders took inspiration from the constitution of USSR which admired the idea that citizens have certain fundamental duties which are the means of collective patriotic responsibility for protecting interests of nation and for overcoming the challenges faced by it. Then came the time when India was declared as an independent sovereign nation on 15 August 1947 and the first and foremost thing to be done was to frame a constitution and this task was undertaken by the constituent Assembly which comprised of elected representatives from under the leadership of Dr. Rajendra Prasad. Various members from different backgrounds were appointed by congress for framing the constitution and other Domestic laws. Eventually B.R Ambedkar was appointed as the chairperson of drafting committee & J. Nehru and Sardar Vallabhbhai Patel were given the chairs of other committees & sub-committees. Then in 1948 a very important development strongly influenced the Indian constitution and it was the adoption of Universal declaration of human rights by General assembly of United Nations and it invited all the member states to incorporate these rights in their respective constitutions. As a result of it both fundamental rights and directive principles were inserted in first draft of constitution in February 1948, in 2nd draft in October 1948 and in 3rd and final draft in November 1949 and were accordingly prepared by the constitution.

Role played by DPSP in 75 years of free India

Right from the independence of India, DPSP is playing a huge role in law making of our country. More of moral principles are their nature. It constitutes a moral code for the state, but it does not diminish its importance, as moral principles are highly important and the lack of them could hinder the progress of a society. A state is governed by its people, and the government is founded and administered by them, so it is vital that we have a set of legislation in that country. The Directive Principles serve as a guide for the government that helps them develop policies and regulations to secure State justice and welfare. Below are some of the important laws and policies that are formulated by keeping DPSP's as motivation behind them.

Land Reforms: Almost all the states have passed land reform laws to bring changes in the agrarian society and to improve the conditions of the rural masses. These measures include:

- Abolition of intermediaries like zamindars, jagirdars, inamdars, etc.
- Tenancy reforms like security of tenure, fair rents, etc
- Imposition of ceilings on land holdings
- Distribution of surplus land among the landless labourers
- Cooperative farming

Labour Reforms: The following acts were enacted to protect the interests of the Labour section of the society.

The Minimum Wages Act (1948), Code on Wages, 2020

The Contract Labour Regulation and Abolition Act (1970)

The Child Labour Prohibition and Regulation Act (1986)

Renamed as the Child and Adolescent Labour Prohibition and Regulation Act, 1986 in 2016.

The Bonded Labour System Abolition Act (1976)

The Mines and Minerals (Development and Regulation) Act, 1957

The Maternity Benefit Act (1961) and the Equal Remuneration Act (1976) have been made to protect the interests of women workers.

Panchayati Raj System: Through 73rd Constitutional Amendment Act, 1992, government fulfilled constitutional obligation stated in Article 40. Three tier 'Panchayati Raj System' was introduced at the Village, Block and District level in almost all parts of the country.

Cottage Industries: To promote cottage industries as per Article 43, the government has established several Boards such as Village Industries Board, Khadi and Village Industries Commission, All India Handicraft Board, Silk Board, Coir Board, etc., which provide essential help to cottage industries in finance and marketing.

Education: Government has implemented provisions related to free and compulsory education as provided in Article 45.

Introduced by the 86th Constitutional Amendment and subsequently passed the Rights to Education Act 2009, Elementary Education has been accepted as Fundamental Right of each child between the 6 to 14 years of age.



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Rural Area Development: Programmes such as the Community Development Programme (1952), Integrated Rural Development Programme (1978-79) and Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA-2006) were launched to raise the standard of living particularly in rural areas, as stated in the Article 47 of the Constitution.

Health: Central Government sponsored schemes like Pradhan Mantri Gram Swasthya Suraksha Yojana (PMGSSY) and National Rural Health Mission (NRHM) are being implemented to fulfill the social sector responsibility of the Indian State.

Environment: The Wildlife (Protection) Act, 1972, the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 have been enacted to safeguard the wildlife and the forests respectively.

The Water and Air Pollution Control Acts have provided for the establishment of the Central Pollution Control Board.

Heritage Preservation: The Ancient and Historical Monument and Archaeological Sites and Remains Act (1958) has been enacted to protect the monuments, places and objects of national importance.

Conclusion: Despite these actions taken in last 75 years of free India, our country needs more laws and policies to make India a welfare state with the help of directive principles of state policy. With increasing needs of changes in free India, we are slowly but continuously making efforts to match the required changes in governance.

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