

## DIRECTIVE PRINCIPLES OF STATE POLICY

- Directive Principles of State Policy (DPSP) are a set of non-justiciable guidelines in Part IV of the Indian Constitution (Articles 36–51) that tell governments what kind of socio-economic order they should aim to build.
- They are not enforceable in court, but are “fundamental in the governance of the country” and serve as a moral and political yardstick for evaluating laws and policies.

### Meaning and basic features

- They are affirmative directions to the State (Union, State and local governments) on how to frame laws and policies for the welfare of the people.
- Their main purpose is to help India become a “welfare state” by securing social, economic and political justice, rather than just political democracy.

### Key characteristics

- Non-justiciable: Courts cannot compel the government to implement them; no individual can sue the State for their non-implementation.
- Fundamental in governance: Article 37 declares that it is the duty of the State to apply these principles in making laws, even though they are not legally enforceable.
- Positive and directive: They are positive instructions (what the State should do) rather than restrictions (unlike Fundamental Rights).

Articles 36 to 51 of the Indian Constitution form Part IV – Directive Principles of State Policy (DPSP) and contain non-justiciable, yet fundamental, guidelines for the Union and State Governments while making laws and policies.

### **Article 36 – Definition**

- Defines the term “State” in Part IV with the same meaning as in Part III (Fundamental Rights), i.e., it includes the Union, States, local bodies, and other authorities.

### **Article 37 – Application of the principles**

- States that the DPSPs are not enforceable in court, but are fundamental in the governance of the country, and it is the duty of the State to apply these principles while making laws.

### **Article 38 – Social order for welfare**

- The State shall secure a social order for the promotion of the welfare of the people and minimise inequalities in income, status, facilities and opportunities

### **Article 39 – Certain principles of policy**

The State shall, in particular, direct its policy towards securing:

- (a) Adequate means of livelihood for all citizens, men and women equally.
- (b) Distribution of material resources to subserve the common good.
- (c) Prevention of concentration of wealth and means of production in a few hands.
- (d) Equal pay for equal work for men and women.
- (e) Protection of children and youth against exploitation.
- (f) That children are not forced into professions unsuited to their age.

### **Article 39A – Equal justice and free legal aid**

- The State shall secure equal justice and provide free legal aid to ensure that opportunities for securing justice are not denied to any person due to economic or other disabilities.

### **Article 40 – Organisation of village panchayats**

- The State shall take steps to organise village panchayats and endow them with powers to function as units of self-government.

### **Article 41 – Right to work, education, public assistance**

- The State shall make adequate provisions within the limits of its economic capacity and development for:
  - Right to work,
  - Right to education,
  - Public assistance in cases of unemployment, old age, sickness and disablement.

### **Article 42 – Just and humane conditions of work**

- The State shall secure just and humane conditions of work and maternity relief (e.g., maternity benefit laws).

### **Article 43 – Living wage etc. for workers**

- The State shall endeavour to secure for all workers a living wage, decent standard of life, and social and cultural opportunities.

### **Article 43A – Participation of workers in management**

- The State shall take steps to secure participation of workers in management of industries (added by 42nd Amendment, 1976).

### **Article 44 – Uniform Civil Code**

- The State shall endeavour to secure for all citizens a uniform civil code throughout the territory of India (one common personal-law framework).

### **Article 45 – Provision for early childhood care and education**

- Originally: free and compulsory education for all children up to age 14.
- Later modified by 86th Amendment (2002) to become Article 21A (Right to Education); Article 45 now focuses on early childhood care and education.

### **Article 46 – Promotion of educational and economic interests**

- The State shall promote with special care the educational and economic interests of SCs, STs and other weaker sections.

### **Article 47 – Duty of the State to raise level of nutrition**

- The State shall regard the raising of the level of nutrition and the standard of living and the improvement of public health as among its primary duties.
- It also mentions prohibition of intoxicating drinks and drugs except for medicinal purposes.

### **Article 48 – Organisation of agriculture and animal husbandry**

- The State shall organise agriculture and animal husbandry on modern and scientific lines.
- It shall take steps to prohibit slaughter of cows, calves and other milch and draught cattle

### **Article 48A – Protection and improvement of environment**

- The State shall endeavour to protect and improve the environment and to safeguard forests and wildlife (added by 42nd Amendment, 1976).

### **Article 49 – Protection of monuments and places of national importance**

- It shall be the duty of the State to protect and preserve every monument or place of national importance.

### **Article 50 – Separation of judiciary from executive**

- The State shall take steps to separate the judiciary from the executive in the public services of the State.

### **Article 51 – Promotion of international peace and security**

The State shall endeavour to:

- Promote international peace and security.
- Maintain just and honourable relations between nations.
- Foster respect for international law and treaty obligations.
- Encourage settlement of international disputes by arbitration.

## **Main categories and important articles**

### **1. Socialist/gandhian-social principles (Articles 38, 39, 41–43A)**

- Article 38: State to promote welfare by securing social, economic and political justice and minimising inequalities in income, status, facilities and opportunities.
- Article 39: Directives include:
  - Adequate livelihood for all.
  - Equal pay for equal work.
  - Protection of children and workers from exploitation.
- Article 41–43: Right to work, education, public assistance; living wage and decent conditions of work; promotion of cottage industries

### **2. Gandhian principles (Articles 40, 43, 43B, 46, 47, 48)**

- Article 40: Organisation of village panchayats.
- Article 43: Promotion of cottage industries and village-level industries.

- Article 46: Promotion of educational and economic interests of SCs, STs and weaker sections.
- Article 47: Improvement of public health and prohibition of intoxicants.

### **3. Liberal-intellectual principles (Articles 44, 45, 48A, 49, 50, 51)**

- Article 44: Uniform civil code for citizens.
- Article 45: Early childhood care and education (now amplified by RTE).
- Article 48A: Protection and improvement of the environment.
- Article 50: Separation of judiciary from executive.
- Article 51: Promotion of international peace and security.