

Directive Principles of State Policy (DPSP)

Basic Facts

- **Part IV** of the Constitution
- **Articles 36–51**
- Aim: Establish a **Welfare State** & ensure **Social + Economic Justice**
- Inspired by: **Irish Constitution & Spanish Constitution**
- **Non-justiciable**, but **fundamental in governance** (Art. 37)
- Described by **Granville Austin** as:
“*Constitutional instructions for achieving social, economic, and political justice.*”

Articles 36 & 37

- **Article 36** – ‘State’ has the same meaning as in **Article 12**.
- **Article 37** –
 - DPSP is **not enforceable by courts**.
 - But **binding on the State while making laws**.

Classification of DPSP

1. Socialist Principles

Article	Directive
38	Promote social, economic & political justice; reduce inequalities (44th AA)
39	Livelihood, distribution of wealth, prevent concentration, equal pay, child health & development (clause f added by 42nd AA)
39A	Free legal aid; equal justice (42nd AA)
41	Right to work, education & public assistance
42	Humane work conditions & maternity relief
43	Living wage, fair wages
43A	Workers’ participation in management (42nd AA)
46	Promote SC/ST & weaker sections’ education/economy
47	Raise nutrition, public health

2. Gandhian Principles

Article	Directive
40	Village panchayats
43	Cottage industries
43B	Promote cooperative societies (97th AA)
46	Promote the interests of SC/STs (overlaps with socialist)
47	Prohibit intoxicating drinks/drugs
48	Prohibit cow slaughter & improve breeds

3. Liberal–Intellectual Principles

Article	Directive
39	Gender equality (implicit)
44	Uniform Civil Code
45	Free education up to 14 years (modified by 86th AA → shifted to Art 21A)
48	Modern agriculture & animal husbandry
48A	Protect environment, forests & wildlife (42nd AA)
49	Protect monuments of national importance
50	Separation of judiciary & executive
51	Promote international peace, honour treaties, and arbitration

Directives Outside Part IV

Article	Directive
335 (Part XVI)	Claims of SC/ST in services while keeping efficiency
350A (Part XVII)	Primary education in the mother tongue for linguistic minorities
351 (Part XVII)	Promote the Hindi language

Conflict Between FR & DPSP

1. Champakam Dorairajan Case (1951)

- FR > DPSP
- Led to 1st, 4th, 17th Amendments

2. Golaknath Case (1967)

- Parliament cannot amend FRs to implement DPSP.

3. 24th Amendment

- Restored Parliament's power to amend FRs.

4. 25th Amendment (Article 31C)

- Laws implementing **Art 39(b) & (c)** are protected from violation of **Arts 14, 19, 31**.

5. Kesavananda Bharati (1973)

- Struck down the clause preventing judicial review.
- Accepted protection for **39(b) & (c)**.

6. 42nd Amendment (1976)

- Extended Art. 31C protection to **all DPSPs**.

7. Minerva Mills (1980)

- Struck down the 42nd Amendment's extension.
- FR > DPSP (except 39(b), 39(c))
- Emphasised **Balance = Basic Structure**.

Current Position

- **Fundamental Rights prevail over DPSPs**,
BUT Parliament may amend FRs to implement DPSPs **without harming the Basic Structure**.

Importance / Significance of DPSP

- Embody **Welfare State** philosophy.
- Provide **socio-economic justice** (real democracy).
- Complement Fundamental Rights.
- Guide the government in policymaking.
- Many DPSPs converted into laws/rights:
 - MGNREGA, Legal Services Authority Act, Environment laws, Labour laws, Panchayati Raj, Bank nationalisation, Land reform acts, etc.
- Political accountability: manifestos are often based on DPSPs.

Limitations

- Non-justiciable (lacks legal force)
- Not logically arranged
- Sometimes outdated (Ivor Jennings' criticism)

- Conflicts with FR, centre–state disputes
- Implementation depends on political will