



Excellence of Directive Principles of State Policy

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Abstract

The Concept of Directive Principle of State Policy borrowed from the Constitution of Ireland.

The Directive Principles are “**Moral Precepts**” for the authorities of state. They provide a middle way between individual liberty and public good. Dr. Ambedkar had said that these Principles were not intended to be more Pious obligations; they are “instruments of instruments” upon all future governments, irrespective of their party creeds, directives have shaped the governmental Policies and Programme. They are fundamental in the governance of the country (Art 37). Thus, they are mere Moral Percepts, but are positive Mandates.

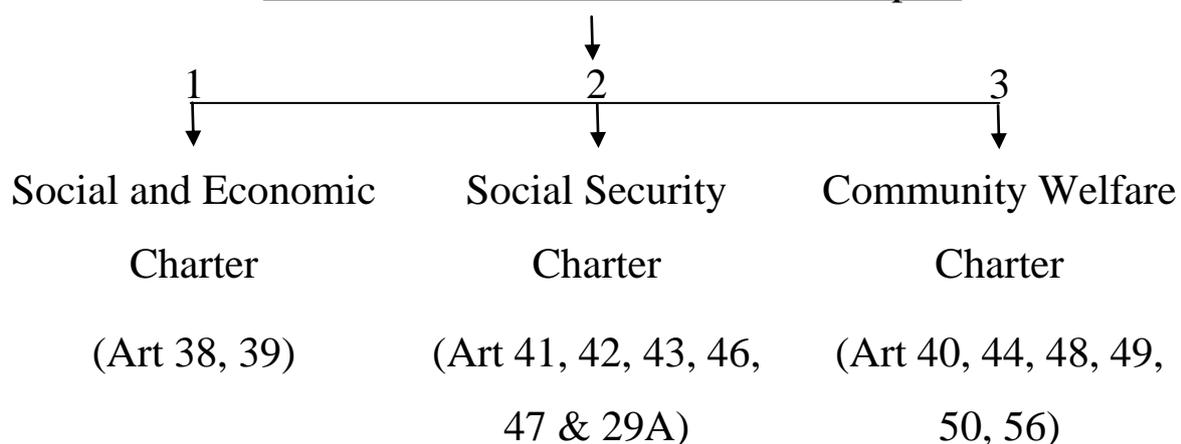
Keywords: Liberty, obligations, instrument, Programme, governance, envisage, endeavour, ideals, comprehensive, economic justice, strive, adequate material, disablement, improvement.

Introduction

The idea of “welfare state” envisaged by our constitution can only be achieved if the states **endeavour** to implement them with a high sense of moral duty. The real importance of Directive Principles is that they contain positive obligation of state towards its citizens. They are the ideals which the union and state governments must keep in mind while they formulate or pass a law. The Directive Principles constitute

a very comprehensive political social and economic programme for a modern democratic state. The main object in enacting them appear to have been set standards of achievements before the legislature and the executive, the local and other authorities, by which their success or failure can be judged. Sanctions behind the Directive Principles are based on sound constitutional and Moral obligations. Art 37 of the constitution lays down that it shall be the duty of state to apply these directives in making laws, Art 355 and 365 of the Constitution can be applied for enforcing implementation of Directive Principles.

Classification of the Directive Principles



A Social and Economic Charter

(Art 38, 39)

1. Social order based on justice Art 38(1) provided that the state shall strive to promote the welfare of people by securing and protecting a social order in which justice social, economic and political shall inform all the institutions of National life. Further the state shall strive to minimise inequalities.



Art. 39 specifically requires the state to direct its policy towards securing the following principles

- a. Equal right of men and women to adequate means of livelihood.
- b. Distribution of ownership and control of material resources of the community to the common good.
- c. To ensure that the economic system should not result in concentration of wealth and means of production to the common detriment.
- d. Equal pay for equal work for both men and women.
- e. To protect health and strength of workers and tender age of children that they are not forced by economic necessity to enter avocation unsuited to their age or growth.
- f. That the children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and abandonment.

Art 38 and 39 embody the principle of 'distributive justice' while connotes the removal of economic inequalities rectifying the injustice resulting from transactions between unequals in society. The Principles of 'Equal pay for equal work' article 39(d) though not a fundamental right is certainly a constitutional goal and therefore capable of enforcement through constitutional remedies under Art 32¹.

B Social Security Charter

1. Participation of workers in Management of Industries².
2. Right to work, education and public assistance in cases of unemployment, old age, sickness and disablement³.



3. Just and human conditions of work⁴.
4. Living wage for workers⁵
5. Free and compulsory education for children until they complete the age of 14 years⁶.
6. Duty to raise the standard of living and improvement of health. It includes, in particular the prohibition of liquor⁷
7. Promotion of educational and economic interest of weaker sections⁸
8. Equal justice and free legal aid to economic backward classes⁹

C. Community Welfare Charter

1. Uniform Civil Code Art 44 while the state has tried to reform and codify the personal law of The Hindu (which is also applicable to Sikh, Jain's and Buddhist) no attempt has been made to bring the Muslims, Christians and Parsees under the purview of common civil code.
2. Organisation of agriculture and animal husbandry Art.48
3. Protection and improvement of forest and wildlife Art.48A.
4. Protection of monuments etc. Art.49.
5. Separation of executive from judiciary Art.50.
6. Promotion international peace and security Art.51
7. Organisation of village panchayat Art.40



Relationship between directive principles and fundamental rights

Directive Principles	Fundamental Rights
1. Directives are non-justiciable i.e. it cannot be enforced by the courts they are declaratory.	Fundamental rights are justiciable i.e. can be enforced by courts they are mandatory.
2. The directives are instrument of instructions to the government, they contain positive commands to the state to promote social and welfare state.	The fundamental rights are limitations upon the state actions they contain negative injunctions to the state not to do various things.
3. Unlike fundamental rights the directives are required to be implemented by legislation.	Fundamental rights are enforced by court.
4. The court cannot declare as void any law which is otherwise valid on the ground that the contravenes any of the directives.	On the other hand, the court are bound to declare as void any law that is inconsistent with the fundamental rights.

Controversial point with D.P.& S.P v. Fundamental Rights

1. That the directive principles cannot override the fundamental rights¹⁰
2. The directive principles cannot override the fundamental rights never the less, in determining the scope and ambit of rights the court may not entirely ignore the directive principles but should adopt the principle of



harmonious construction and should attempt to give effect to both as much as possible¹¹

3. That a fundamental rights and directive principles of state are complementary to each other¹².

Conclusion

There is no conflict or disharmony between Directive Principles and Fundamental Rights because they are supplementary to each other in aiming at the same goal of bringing about a social revolution and establishment of a welfare state. As described Granville Austin. The Fundamental Rights and Directive Principles are the conscience of our constitution.

References:-

1. Randhir Singh vs U.O.I. AIR 1982 SC 879.
2. Art 43A
3. Art 41
4. Art 42
5. Art 43
6. Art 45
7. Art 46
8. Art 47
9. Art 39
10. State of Madras v. Chamloakam Durai Rajan AIR 1951 SC 228.
11. In re Kerala Education Bill AIR 1987 SC 956.
12. Keshavanand Bharti v. Union of India AIR 1978 SC (461)