

Directive Principles of State Policy - DPSP

[UPSC Notes]

What is Directive Principles of State Policy?

The DPSP provide guidelines to the governing bodies of India. The DPSP has a primary objective of creating better social and economic conditions for the citizens of a country to lead a better life. Our constitution's economic and social democracy finds its footing here. They aim to find socio-economic justice by establishing India as a welfare state.

- It was the Sapru Committee of 1945 suggested a set of justiceable rights and a set of non-justiceable rights. The former turned out to be the Fundamental Rights that serve as the backbone of a democracy like India, and the latter was the Directive Principles of State Policy.
- They act as 'instruments of instruction', as enumerated in the Government of India Act of 1935.

The DPSP, though non-justiceable, aren't less important. They serve as ideals to be kept in the head while the Centre and State formulate policies for the country.

DPSP	Highlights
DPSP Full-Form	Directive Principles of State Policy
DPSP Articles	Part IV of the constitution- Article 35 to Article 51
DPSP Borrowed from	Article 45 of the Irish Constitution
Basic concept behind Directive Principles of State Policy	To create a welfare state

Classification of Directive Principles of State Policy

The DPSP of the Indian Constitution are classified based on their ideological roots and the objectives they chase. On these grounds mentioned above, they can be divided into three major classifications.

- Socialistic Principles - Article 38, 39, 39A, 41, 42, 43, 43A and 47
- Gandhian Principles - Article 40, 43, 43B, 46, 47 and 48
- Liberal-Intellectual Principles - Article 44, 45, 48, 49, 50 and 51

DPSP Socialistic Principles

This directive is based on socialistic principles and its primary purpose is to provide socio-economic justice to the masses by bridging the gaps created on the economic, social and political fronts. Below are the articles that cover the socialistic principles of Directive Principles of State Policy.

Socialistic Principles of DPSP	Details
Article 39	The State shall work towards direct objectives concerning; <ul style="list-style-type: none"> -Means of livelihood -Ownership of material resources and control over it -Avoiding concentration of wealth in a few hands -Equal pay despite gender -Health and strength of the workers -Meaningful childhood and youth
Article 41	This article states that the State shall ensure the right to education, work and public assistance despite unemployment, ill-health, disability, and old age.
Article 42	This article states that the State should make arrangements that secure humane conditions for work and assures maternity relief.
Article 43	This article states that the State is to provide a livable wage to its workers, enabling them to have a decent standard of life.
Article 43A	The State is to move towards securing workers' participation in the management of the companies.
Article 47	This article guides the State to increase the nutritional level to work on public health and uplift the standard of living of the masses

DPSP Gandhian Principles

The Gandhian Principles of Directive Principles of State Policy are true to their name and follow the Gandhian ideology that the Indian independence struggle established. Below are the articles that cover the Gandhian principles of DPSP

- Article 40: This article guides the State to fashion village panchayats into units of Self Government.
- Article 43: This article guides the State to work on promoting cottage industries; on both-individual and cooperative basis in rural parts of the country.
 - Article 43B: This article indicates the State to promote the ideals of autonomy of function, voluntary formation, and democratic control of cooperative organisations.
- Article 46: This article shall guide the State to promote the educational and economic interest of the marginalised section of the society (SCs, STs, etc.)
- Article 47: This article guides the State to work toward improving public health by prohibiting alcohol and drugs that risk health and being.
- Article 48: This article guides against slaughtering calves, cows and other milch to improve their breeds.

DPSP Liberal-Intellectual Principles

As the name suggests, this part of the Directive Principles of State Policy has been influenced by the ideas of liberalism. Below are the articles that follow the liberal-intellectual principles;

- Article 44: This article guides the State to attempt to secure a Uniform Civil Code for every citizen throughout the Indian territory.
- Article 45: This article asks the State to provide adequate early childhood care and education for children till 6 years of age.
- Article 48: This article gives provisions for the better organisation of agriculture and animal husbandry by advancing science.
 - Article 48A: This article aims to protect, improve and safeguard the environment and wildlife.
- Article 49: This article guides safeguarding every monument of historical interest and value.
- Article 50: This article works toward separating the Judiciary from the Executive for the smoother functioning of these systems.
- Article 51: This article wishes to work on international peace and security. For this, the state shall practice the following:
 - Maintaining honourable and just relations with other nations
 - Encouraging respect for treaty obligations and international law.
 - Promoting peace for international disputes by the cause of arbitration.

Fundamental Rights vs Directive Principles

Learn the difference between DPSP and FR in the constitution of India. The Sapru Committee of 1945 made the suggestions for both; the DPSP and the Fundamental Rights. The differences between them have been discussed below:

- The Directive Principles of State Policy is a non-justiceable part of the constitution which means one cannot legally challenge their violation. On the other hand, the Fundamental rights are legally binding, and their violation can cause legal trouble.
- Fundamental rights work on the micro-level while the DPSP has limitless scope as it operates on a wider/macro level.
- DPSP is the idealistic branch which guides the conduct of the State for the maximum betterment of the country and its masses before making and enacting the laws.
- While DPSP acts as an affirmative hand, fundamental rights are negative and prohibitive in their approach as they work as limitations on the State.
- Despite their differences, DPSP and Fundamental Rights go hand in hand. And in no way is the DPSP inferior to Fundamental rights.

Amendment in Directive Principles of State Policy (DPSP)

The Directive Principles of State Policy is an amendable section of the constitution as it has undergone some work over the years. These amendments are discussed below:

- The 42nd Constitutional Amendment of 1976: This amendment brought a few changes and additions to Part IV of the Indian constitution.
 - Article 39A provided free legal aid to the poor
 - Article 43A encouraged workers' participation in the management of the companies
 - Article 48A aimed to protect and preserve the environment
- The 44th Constitutional Amendment of 1978: This amendment added Section 2 to Article 38. This stated that the State shall make strides towards minimising the widening wage gap, which is dependent on status, uneven opportunities and facilities. It also removed the Right to Property as a Fundamental Right.
- The 86th Amendment Act of 2002: This amendment changed the subject matter that was covered under Article 45 and made elementary education a fundamental right. This was codified under the new Article 21A.

Conflicts Between Fundamental Rights and DPSP: Associated Cases

Owing to the nature of fundamental rights and DPSP, there have been some clashes between them. These have been well-documented by the cases listed below:

- Champakam Dorairajan v the State of Madras (1951)

- The Supreme Court states that in a situation where conflict between a fundamental right and a directive principle, the fundamental right will take precedence.
 - It ruled that the DPSP must function as a subsidiary of the fundamental rights.
 - Another significant result of this ruling was that the Parliament could amend the fundamental rights.
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- **Golaknath v the State of Punjab (1967)**
 - In this case, the SC observed that the Fundamental Rights could not be amended even if it was to accommodate the execution of DPSP.
 - However, this was in contrast to its judgement in the Shankari Prasad case.
 - **Kesavananda Bharati v the State of Kerala (1973)**
 - The SC overruled the Golak Nath judgement and stated that the Parliament was free to amend any part of the Indian constitution as long as it didn't change the 'basics' of the structure.
 - The Right to property (article 31) was withdrawn as a fundamental right.
 - **Minerva Mills v the Union of India (1980)**
 - In this case, the SC recapitulated its earlier judgement stating that the Parliament can make amends in the constitution without comprising the 'basic structure' it has.

Implementation of DPSP: Associated Acts and Amendments

In this article, we have continuously discussed how the Directive Principles of State Policy were placed to guide the State governments to make laws keeping the betterment of the masses of the country in mind. Below, we have listed the acts and reforms that have been passed in alignment with the DPSP;

- **Land Reforms:** A majority of states have implemented land reform laws where the population is involved in agrarian occupations so as to improve their living standard. Measures like;
 - Abolition of 'middle men' like Zamindars, Inamdar, Jagirdars, etc.
 - Reforms in the field of tenancy (tenure security, fair rent prices, etc.)
 - Surplus land distribution among the landless
 - Promotion of cooperative farming
- **Labour Reforms:** Several acts have been passed to protect the rights of the labourers, like;
 - Minimum Wages Act of 1948
 - Code on Wages of 2020
 - Contract Labour Regulation and Abolition Act of 1970
 - Child Labour Prohibition and Regulation Act (1986) was later renamed the Child and Adolescent Labour Prohibition and Regulation Act, 1986 in 2016.
 - Bonded Labour System Abolition Act of 1976
 - Mines and Minerals (Development and Regulation) Act of 1957

- The Maternity Benefit Act of 1961 and the Equal Remuneration Act of 1976 were implemented to benefit female workers.
- Introduction of Panchayati Raj: The constitutional obligation under article 40 was accomplished by the 73rd constitutional amendment in 1992.
 - This amendment introduced the third tier of governance in the rural parts of the country.
 - This was introduced on the Village, Block and District levels in almost all parts of the country.
- Cottage Industries: Cottage industries are a way to earn a meaningful income by taking charge of the course of things. Promotion of this particular industry takes an important place which is why government reforms are needed.
 - Under article 43, the government has put in place several boards like Village Industries Board, Khadi and Village Industries Commission, All India Handicraft Board, Silk Board, Coir Board, etc.
 - These bodies shall extend great help to cottage industries in matters regarding finance and marketing.
- Education: This is a very important sector that aids in the country's future development and its people.
 - The 86th Constitutional Amendment introduced the Rights to Education Act of 2009, which made elementary education mandatory for children under 6 to 14 years of age.
 - This made the right to education a fundamental right.
- Rural Area Development: multiple programmes have been undertaken to promise rural development, like;
 - Community Development Programme (1952)
 - Integrated Rural Development Programme (1978-79)
 - Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA-2006)
- Health and Environment: There are several schemes that protect the lives of people, like;
 - Pradhan Mantri Gram Swasthya Yojana (PMGSY) and National Rural Health Mission (NRHM) were launched to accomplish the social responsibility of the State.
 - The Wildlife (Protection) Act of 1972, the Forest (Conservation) Act of 1980 and the Environment (Protection) Act of 1986 were codified to preserve wildlife and forests, respectively.

- Water and Air Pollution Control Acts have been passed that have helped to set up the Central Pollution Control Board.
- Heritage Preservation: India has had a rich history of numerous kingdoms prospering on its territory. This has left a lasting legacy in the form of monuments, cultures, food, etc.
 - Ancient and Historical Monument and Archaeological Sites and Remains Act of 1958 was enacted to safeguard monuments and objects of historic importance.

