

DIRECTIVE PRINCIPLE OF STATE POLICY

THE INDIAN CONSTITUTION

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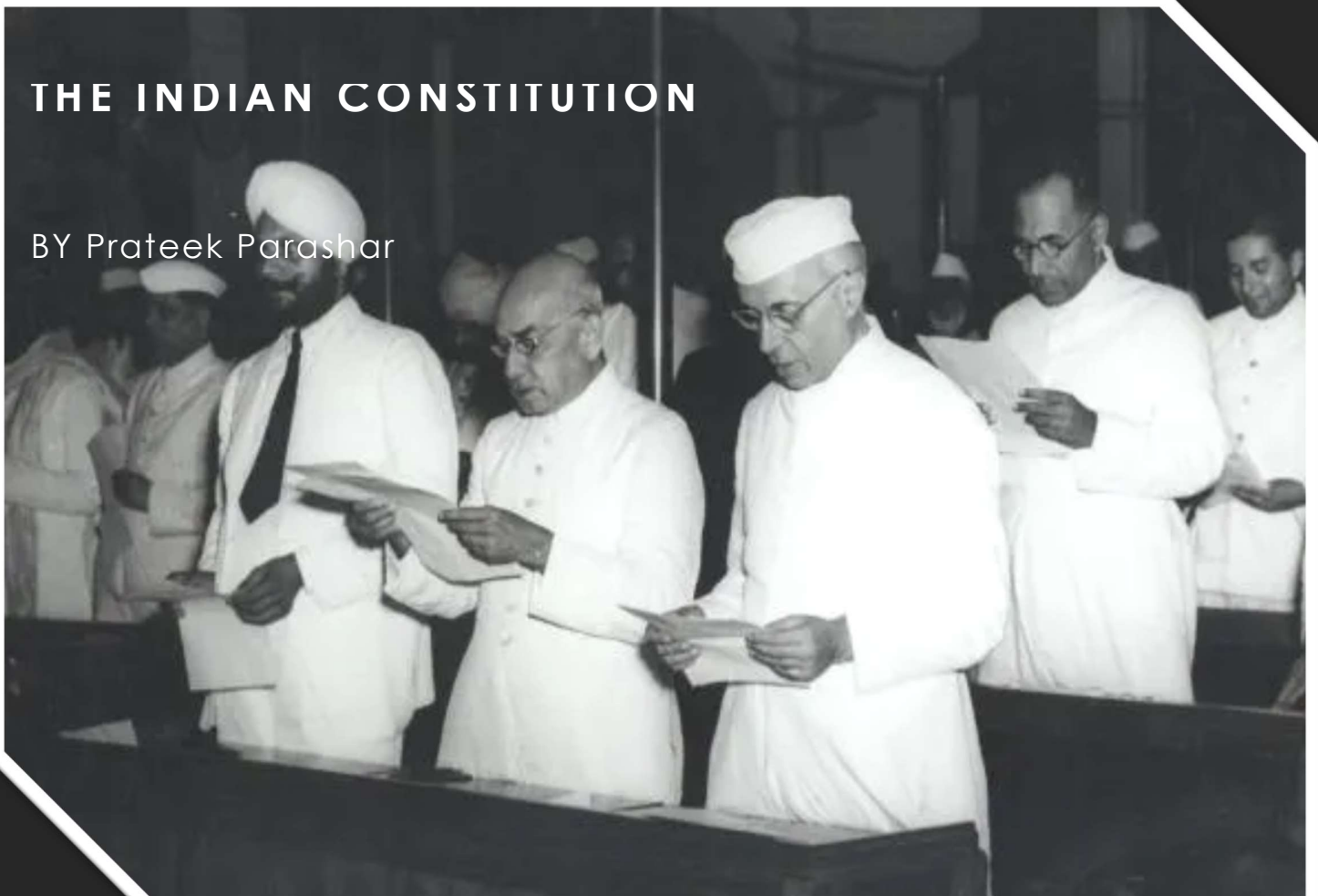


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ABSTRACT

The Directive Principles of State Policy (DPSP) are a crucial part of the Indian Constitution, providing a framework for creating a fair and just society. This paper delves into the origins, ideologies, and political debates surrounding the DPSPs, highlighting their impact on India's socio-economic development. Influenced by the Irish Constitution and Gandhian ideals, the DPSPs were championed by figures like Dr. B.R. Ambedkar and Jawaharlal Nehru, who believed they were vital for achieving social justice and economic equality. However, some critics argued that since the DPSPs are not enforceable by law, they lacked practical effectiveness. Despite this, the DPSPs are significant in shaping policies related to education, health, labor, and welfare. This paper explores the philosophical and legal aspects of the DPSPs, showing their ongoing importance in guiding India towards inclusive growth and development. Through a thorough analysis, it highlights how the DPSPs help achieve constitutional goals, balance law and justice, and promote effective governance in India. And what is the behind its non-justiciability.

THE BEGINNING OF A NEW JOURNEY

A JOURNEY OF RISK & REWARD

- The leaders of India's struggle for freedom envisioned a society where individuals would have ample opportunities for social and economic advancement in the aftermath of gaining political freedom. They believed it was imperative for the state to ensure progress by making suitable provisions. The Directive Principles of State Policy, enshrined in Part IV of the constitution, serve as guiding principles for both central and state governments to establish a just society. These principles bind the State to uphold the welfare of the people by promoting social, economic, and political justice, as well as combating economic inequality.
- According to the constitution, governments must bear these principles in mind when framing laws, even though they are not legally enforceable. The concept of Directive Principles of State Policy was borrowed from the Irish Republic and was integrated into the Indian Constitution to ensure economic justice and prevent the concentration of wealth. Therefore, it is incumbent upon every government not to overlook them. In essence, they serve as directives for future governments, urging them to integrate these principles into their decisions and policies. These directives were intended to be the fundamental principles upon which all executive and legislative actions in the governance of the country would be based.

- If these directives are not adhered to or implemented by the state, their compliance cannot be enforced through judicial proceedings. Directive Principles, by definition, are not binding on the State and are not enforceable in a court of law. However, the Constituent Assembly intended that both the legislature and the executive should not merely pay lip service to these principles but that they should form the basis of all executive and legislative action in governance.
- The Directive Principles obligate the State to elevate the standard of living and enhance public health. Additionally, they mandate the organization of agriculture and animal husbandry on modern and scientific lines by improving breeds and prohibiting the slaughter of specific categories of livestock. Moreover, the State must safeguard the environment and wildlife within the country.
- These principles also urge the state to ensure that citizens have adequate means of livelihood and that the economic system operates in a manner that serves the common good. The health of workers, including children, should not be compromised, and special consideration must be given to pregnant women. One of the primary duties of the state is to improve the level of nutrition and the general standard of living of the people. The Principles express the hope that within ten years of adopting the Constitution, compulsory primary education for children up to the age of fourteen years will be instituted. Furthermore, the other provisions of the Principles aim to revitalize Indian society by enhancing agricultural techniques, animal husbandry, cottage industry, and more.
- At the heart of this commitment lie both fundamental rights and directive principles of state policy. Together, they form the cornerstone of India's pledge to build a society that is not only politically free but also socially and economically just. While these principles may not be legally binding, they serve as a moral compass for governance and policymaking, ensuring that the welfare and progress of all citizens remain at the forefront of the nation's agenda.

Objectives of The Directive principles

- The Directive Principles of State Policy (DPSP) in India were crafted by the Constituent Assembly with clear goals in mind, aiming to steer the governance and policies of the newly liberated nation. These goals mirror the hopes, dreams, and socio-economic realities prevalent in India during the constitution-making phase. To truly understand the intent behind the DPSP, we need to delve into the historical backdrop, the vision of the leaders of the independence movement, and the socio-economic circumstances that marked India's post-independence era.

1. **Ensuring Socio-economic Justice:** The foremost aim of the Constituent Assembly in devising the DPSP was to secure socio-economic justice within Indian society. The leaders of the independence struggle envisioned a society where every individual could pursue social and economic progress on an equal footing. This objective sought to redress the historical wrongs inflicted by colonial rule, including economic exploitation, social prejudice, and unequal distribution of resources.
2. **Advancing the Well-being of the People:** Another pivotal objective was to advance the welfare of the people. The DPSP aimed to forge a nation that not only enjoyed political freedom but was also deeply committed to the welfare and prosperity of its citizens. This encompassed provisions for ensuring sustainable livelihoods, access to quality education and healthcare, social safety nets, and overall enhancement of living standards.
3. **Addressing Economic Disparities:** Addressing economic disparities was a critical concern for the leaders of the independence movement. They recognized the urgent need to tackle the glaring gaps in wealth and income distribution that plagued Indian society. The DPSP sought to foster equitable economic development and prevent the hoarding of wealth by a privileged few through policies aimed at promoting social and economic justice.
4. **Promoting Socialist Principles and Welfare State:** The DPSP reflected the socialist ideals cherished by many leaders of the independence movement. It aimed to establish a welfare state that actively intervened in the economy to ensure the well-being of its citizens. This objective encompassed measures such as public ownership of key industries, fair distribution of resources, and protection of the interests of marginalized communities.
5. **Drawing Inspiration from International Models:** The Constituent Assembly drew inspiration from various international models while formulating the DPSP. Ideas of social and economic justice, the welfare state, and inclusive development were influenced by the experiences of other nations, including the Irish Republic, which had similar provisions in its constitution.
6. **Safeguarding Minority Rights:** Another crucial objective of the DPSP was to safeguard the rights and interests of minority communities in

India. The Constituent Assembly acknowledged the importance of preserving India's rich cultural, linguistic, and religious diversity and included provisions to ensure the representation and active participation of minority groups in the nation's political and social fabric.

7. **Promoting Environmental Conservation and Sustainable Development:** The DPSP also aimed to promote environmental conservation and sustainable development. The Constituent Assembly recognized the imperative of preserving India's natural resources for future generations and incorporated provisions for the protection of the environment, wildlife, and forests.
 8. **Emphasizing Education and Public Health:** Education and public health received special emphasis in the DPSP. The Constituent Assembly understood that access to quality education and healthcare was indispensable for the social and economic progress of the nation. Hence, the DPSP included provisions to ensure universal access to education and healthcare services.
 9. **Empowering Women and Children:** Gender equality and the rights of women and children were also central objectives of the DPSP. The Constituent Assembly acknowledged the importance of empowering women and safeguarding the rights of children by including provisions for equal opportunities in education, employment, and participation in the nation's political and social life.
 10. **Promoting Gandhian Principles:** Many objectives of the DPSP were inspired by the principles espoused by Mahatma Gandhi, who advocated for decentralized governance, rural development, and community participation. Hence, the DPSP included provisions for promoting cottage industries, rural development, and decentralized planning to empower local communities and foster self-sufficiency.
- The framers of the Indian Constitution harbored a central objective: to uplift the common man and catalyze socio-economic change grounded in social justice. While they envisioned progress across social, economic, and political realms, they adamantly opposed a society where individual dignity waned. The Directive Principles delineated the State's course under this Constitution, spanning economic ideals, legislative and executive directives, and non-enforceable citizen rights aimed at regulation through policy. Serving as the Constitution's

foundational ideal, they encapsulated humanitarian socialist principles, affirming justice, liberty, equality, and fraternity. B.R. Ambedkar underscored the need for both political and economic democracy, leaving room for diverse interpretations. The Indian Constitution, hailed as a foremost social document, reflects a commitment to social revolution, with its core embedded in Fundamental Rights and Directive Principles, serving as the Constitution's conscience. Deeply rooted in the struggle for independence, these principles hold the promise of true liberty for India's future, present, and provide impetus for social transformation. They aim to liberate the masses from historical coercion, enabling individuals to realize their fullest potential. By imbuing the State with positive obligations, the Constituent Assembly tasked future governments with balancing individual liberty and public good, ensuring equitable distribution of benefits. The leaders of India's freedom movement envisioned a post-independence era marked by ample opportunities for social and economic advancement, underpinned by state provisions. The Fundamental Rights, including free elementary education and measures for health and welfare, epitomize the aspirations of various political bodies and movements, aiming to alleviate the exploitation of the masses. The 1937 Constitution of Ireland, along with international precedents, influenced the idea of bifurcating rights into justiciable and non-justiciable categories, as envisioned by the Sapru Committee.

CHARACTERISTICS OF DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy in a country like India embody a nuanced approach towards governance, reflecting both idealism and pragmatism. While they lack enforceability in a court of law, their significance lies in their fundamental role in shaping the ethos of governance and guiding legislative actions. Let's explore these principles through a more human lens, delving into their essence, impact, and the debates surrounding their implementation.

Imagine a nation where the aspirations of its citizens for a better life are enshrined in principles meant to guide the actions of its government. These principles, while not legally binding, serve as a moral compass, urging the state to strive towards creating a society where every individual can thrive. In India, these principles are articulated in the Directive Principles of State Policy, a set of guidelines laid down in the Constitution.

At their core, these principles envision a society where social and economic conditions enable citizens to lead fulfilling lives. They advocate for the establishment of a welfare state, where the government takes affirmative action to ensure social and economic justice. This vision extends beyond mere governance; it embodies a commitment to building an egalitarian society, where opportunities are accessible to all, regardless of their background or circumstances.

However, the reality of governance involves navigating various constraints, chief among them being financial limitations. The framers of the Indian Constitution recognized this challenge and opted for a pragmatic approach. While the Directive Principles lay down lofty ideals, they stopped short of making them legally enforceable, understanding the complexities involved in implementing positive obligations on the state.

Instead, the framers believed in the power of public opinion as the ultimate sanction for holding the government accountable. They envisioned an informed citizenry that would measure the performance of the government against its promises, using elections as a mechanism for course correction when necessary. This democratic ethos underscores the essence of the Directive Principles as a tool for citizen empowerment.

Yet, the absence of legal enforceability has sparked debates about the efficacy of these principles. Critics argue that without teeth, they risk becoming mere rhetoric, devoid of real impact on governance. However, proponents counter that the moral obligation they impose on the state carries weight, even if not legally binding. They assert that these principles serve as a constant reminder of the state's duty towards its citizens, influencing policy decisions and legislative actions.

In practice, the dichotomy between idealism and pragmatism is evident in court decisions that have occasionally enforced Directive Principles in support of fundamental rights. While this may seem like a departure from their non-enforceable nature, it underscores the interconnectedness of rights and duties within the constitutional framework.

Moreover, the Directive Principles serve as a yardstick for evaluating the reasonableness of government actions. When the state acts in alignment with these principles, its actions are deemed reasonable, reflecting a commitment to the welfare of its citizens. However, this does not imply that deviation from these principles renders actions

ultra vires; rather, it emphasizes the relevance of these principles in governance.

Fundamentally, the Directive Principles embody the spirit of the Indian Constitution, emphasizing the pursuit of social and economic justice. They symbolize a departure from laissez-faire policies towards a welfare state, where the government actively intervenes to uplift the marginalized and ensure dignity for all.

In essence, while the Directive Principles may not carry the force of law, they wield immense influence in shaping the moral fabric of governance. They represent a collective vision for a just and equitable society, where the state shoulders the responsibility of securing the well-being of its citizens. Ultimately, their significance lies not in their legal enforceability, but in their ability to inspire and guide transformative change in the pursuit of a better future for all.

The Directive Principles of State Policy (DPSP) in India encompass several fundamental characteristics that shape the governance framework of the country:

1. **Foundational Guidance, Not Legally Enforceable:** DPSP serve as foundational guidance for governance, but they lack enforceability in courts. Despite this, they play a pivotal role in shaping government policies and actions.
2. **Rooted in Ethics and Morality:** DPSP are grounded in ethical and moral imperatives rather than strict legal mandates. They outline the moral responsibilities of the state towards its citizens and provide a framework for achieving social and economic justice.
3. **Aims for Social and Economic Progress:** DPSP are aimed at establishing social and economic conditions conducive to a good quality of life for citizens. They envision a welfare state committed to eradicating poverty, promoting education, ensuring healthcare, and reducing inequalities.
4. **Guiding Principles for Governance:** Despite their non-justiciable nature, DPSP serve as guiding principles for governance. They instruct the government on formulating laws and policies, promoting responsible governance practices.
5. **Reflects Constitutional Values:** DPSP are a reflection of the core values enshrined in the Indian Constitution, such as justice, equality, and fraternity. They underscore the state's commitment to upholding these values and advancing the welfare of its citizens.

6. **Balancing Rights and Responsibilities:** DPSP strike a balance between the rights of citizens and the duties of the state. While fundamental rights safeguard individual liberties, DPSP delineate the obligations of the state towards its citizens, including ensuring social and economic welfare.

7. **Adaptability to Changing Needs:** DPSP are adaptable and responsive to evolving societal needs and priorities. While the core principles remain steadfast, the specific policies and measures to achieve them may evolve over time in line with socio-economic dynamics.

8. **Empowerment of Citizens:** DPSP empower citizens by articulating their socio-economic rights and expectations from the state. Although citizens cannot directly enforce DPSP through legal channels, they can leverage them as a benchmark to assess government performance and advocate for policy changes through democratic processes.

In essence, DPSP in India embody a harmonious blend of moral imperatives, constitutional values, and pragmatic governance principles aimed at fostering social and economic justice. Despite their non-justiciable nature, they stand as foundational pillars of the Indian state's commitment to the welfare and well-being of its citizens

DIVISION IN THE FORM OF PRINCIPLES

VARIOUS PRINCIPLES OF DIRECTIVE PRINCIPLE OF STATE POLICY

The Directive Principles of the Constitution, while not formally categorized, can be broadly understood through their content and orientation, which fall into three main categories:

1. Socialistic Principles, emphasizing societal welfare and equality.
2. Gandhian Principles, reflecting ideals of community development and sustainable living.
3. Liberal-Intellectual Principles, advocating for individual rights and intellectual freedoms.

SOCIALISTIC PRINCIPLES

These principles, rooted in socialism, outline the blueprint for a democratic socialist state. Their overarching aim is to create a caring society by ensuring fairness and equality in social and economic matters.

ARTICLES BASED ON SOCIALISTIC PRINCIPLES

Article 38: This article aims to ensure fairness and justice in society by reducing inequalities in income, status, and opportunities. Initiatives like the Pradhan Mantri Awas Yojana and the Public Distribution System work towards achieving this goal.

Article 39: It focuses on securing livelihoods for all citizens, fair distribution of resources, preventing wealth concentration, ensuring equal pay for equal work, and protecting the health and well-being of workers and children. Various programs like the Maternity Benefit Law and the Minimum Wages Act contribute to these objectives.

Article 39A: This article promotes equal justice by providing free legal aid to the poor through initiatives like the National Legal Services Authority.

Article 41: It guarantees the right to work, education, and public assistance during times of unemployment, old age, sickness, or disability. Programs such as the National Social Assistance Program and the Persons with Disabilities Act support this right.

Article 42: This article focuses on ensuring fair working conditions and maternity relief through schemes like the PM Maitritva Vandana Yojana and the Maternity Benefit Act.

Article 43: It aims to secure a living wage, decent living standards, and social opportunities for workers. Various labor codes and acts, along with initiatives like the Atmanirbhar Bharat Rojgar Yojana, contribute to achieving this goal.

Article 43A: This article encourages worker participation in industrial management through labor laws and acts such as the Trade Union Act.

Article 47: It aims to improve public health and raise the standard of living by ensuring proper nutrition for all citizens. Initiatives like the National Food Security Act and the Poshan Abhiyan work towards this objective, along with schemes like One Nation One Ration Card.

NECESSITY OF SOCIALISTIC PRINCIPLES

Without socialistic principles in the Directive Principles of State Policy (DPSP), society may witness heightened inequality as policies may lack focus on bridging socio-economic gaps, potentially widening the divide between the affluent and the underprivileged. The absence of advocacy for social welfare programs, a hallmark of such principles, could leave marginalized communities without vital support systems for healthcare, education, and employment opportunities. Additionally, vulnerable groups

may face increased exploitation due to a lack of regulatory safeguards against powerful economic interests. This absence could also contribute to heightened social tensions and divisions, as policies promoting social justice and cohesion may be lacking. Furthermore, the foundation of a welfare state, characterized by government intervention to ensure citizen well-being, might be compromised, leading to potential neglect of crucial social and economic matters. Ultimately, without these guiding principles, society risks becoming less fair, inclusive, and more susceptible to various forms of injustice.

GANDHIAN PRINCIPLES

These principles are rooted in Gandhian ideology and encapsulate the framework for reconstruction outlined by Gandhi during the national movement. They embody the vision Gandhi articulated for the nation's progress, drawing upon his principles of self-reliance, community empowerment, and sustainable development. Gandhian ideals such as decentralization, rural development, and non-violence form the bedrock of these principles, aiming to guide the nation towards a more just, equitable, and morally grounded society.

ARTICLES BASED ON GANDHIAN PRINCIPLES

Article 40: It underscores the importance of establishing village panchayats and granting them the requisite powers to function as self-governing entities. This principle has been enshrined in law through the 73rd and 74th Constitutional Amendment Acts of 1992, which devolved power to local bodies, and the Panchayats (Extension to Scheduled Areas) Act of 1996, which extended this decentralization to tribal regions.

Article 43: It aims to foster cottage industries in rural areas, whether through individual or cooperative efforts. This objective is advanced through initiatives like the Khadi and Village Handloom Boards and the Khadi and Village Industries Commission (KVIC), which support rural artisans and promote indigenous crafts.

Article 43B: It seeks to encourage the voluntary establishment and effective management of cooperative societies, emphasizing autonomy, democratic governance, and professional administration. This endeavor is supported by the establishment of the Ministry of Cooperation, schemes like the Yuva Sahakar-Cooperative Enterprise Support and Innovation Scheme, and legal reforms such as the 97th Constitutional Amendment and the National Cooperative Development Corporation Act of 1962.

Article 46: It is dedicated to promoting the educational and economic well-being of marginalized communities, including Scheduled Castes, Scheduled Tribes, and other vulnerable groups, while safeguarding them from social

injustices and exploitation. Legislative measures and policies, such as the National Historic Preservation Act of 1966 and the Antiquities and Art Treasure Act of 1972, aim to protect their cultural heritage and economic interests.

Article 47: It aims to safeguard public health by prohibiting the consumption of harmful intoxicants. While not directly legislative, principles such as the Doctrine of Separation of Powers and the Independence of the Judiciary, integral to the Constitution's foundation, support the enforcement of laws promoting public welfare.

Article 48: It endeavors to protect cattle from slaughter and promote their breed improvement. Although not directly linked, principles such as the Non-Alignment Movement (NAM), the Panchsheel Doctrine, and participation in UN Peacekeeping Operations reflect India's commitment to peace, indirectly supporting measures for livestock protection.

NECESSITY OF GANDHIAN PRINCIPLES

Without Gandhian principles within the Directive Principles of State Policy (DPSP), several significant consequences could unfold. Firstly, there might be a loss of moral clarity in decision-making processes, as Gandhian ideals such as non-violence, truthfulness, and simplicity provide a guiding light for governance. This could potentially lead to the adoption of unethical practices and policies. Secondly, the emphasis on rural development and community empowerment, central to Gandhian ideology, might diminish. As a result, the needs of rural communities may be overlooked, leading to neglect in areas like economic development, social welfare, and infrastructure. Furthermore, the absence of Gandhian principles could pave the way for increased centralization of power, undermining grassroots democracy and inclusive governance structures. This could exacerbate social tensions and conflicts, eroding the fabric of social harmony that Gandhian philosophy promotes. Additionally, without Gandhian principles advocating for environmental conservation and sustainable living, there might be a lack of focus on protecting nature and promoting eco-friendly policies. In essence, the absence of Gandhian principles in the DPSP could lead to a loss of moral direction, neglect of rural communities, centralization of power, social discord, and environmental negligence in governance and policymaking.

LIBERAL INTELLECTUAL PRINCIPLES

Within the Directive Principles of State Policy (DPSP), Liberal-Intellectual Principles embody a commitment to upholding individual rights, promoting critical thinking, and fostering inclusive values. These principles emphasize the protection of civil liberties, such as freedom of speech and expression, ensuring that every citizen has the right to voice their opinions without fear

of repression. Additionally, they advocate for equality before the law, ensuring that justice is accessible to all, regardless of background or status. Liberal-Intellectual Principles also prioritize education and intellectual development, recognizing the importance of fostering a society where citizens are empowered to think critically and make informed decisions. Moreover, they emphasize the value of diversity and open dialogue, creating a space where different perspectives are respected and valued. Overall, these principles aim to create a framework that promotes individual freedoms, intellectual growth, and inclusive democratic values within society.

ARTICLES BASED ON LIBERAL INTELLECTUAL PRINCIPLES

Article 44 seeks to ensure that every citizen has equal access to a Uniform Civil Code (UCC) across the nation, regardless of their religious or personal beliefs. This principle has been partially realized through legislative acts such as the Special Marriage Act of 1954 and the Hindu Code Bill of 1956, which aimed to establish common laws governing marriage, divorce, inheritance, and other personal matters irrespective of religious affiliations.

Article 45 emphasizes the importance of providing comprehensive early childhood care and education to all children until the age of six. Initiatives like the Integrated Child Protection Scheme and the Beti Bachao Beti Padhao Scheme have been introduced to ensure that young children receive essential healthcare services and educational opportunities, laying the foundation for their holistic development.

Article 48 underscores the need to modernize and improve agricultural and animal husbandry practices using scientific methods. Government initiatives such as the e-NAM (National Agricultural Market), Soil Health Card Scheme, and Rashtriya Gokul Mission aim to enhance agricultural productivity and livestock management through the adoption of modern techniques and technologies.

Article 48A is dedicated to the protection and enhancement of the environment, forests, and wildlife. Legislative measures such as the Indian Forest Act of 1927, the Wildlife (Protection) Act of 1972, and the Environment (Protection) Act of 1986, along with initiatives like the Biological Diversity Act of 2002 and the Green India Mission, aim to conserve natural resources, safeguard wildlife habitats, and promote environmental sustainability.

Article 49 highlights the importance of preserving national heritage sites, monuments, and objects of artistic or historical significance. Acts such as the National Historic Preservation Act of 1966, the Ancient Monuments and Archaeological Sites and Remains Act of 1958, and the Antiquities and Art

Treasure Act of 1972 provide legal frameworks for the protection and conservation of these cultural treasures.

Article 50 advocates for the separation of powers between the judiciary and the executive branches of the state government. This principle, inherent in the constitutional doctrine, ensures judicial independence and impartiality, safeguarding the rule of law and protecting individual rights.

Article 51 aims to promote international peace, security, and cooperation among nations. Principles such as the Non-Alignment Movement (NAM), the Panchsheel Doctrine, and participation in UN Peacekeeping Operations reflect India's commitment to fostering peaceful relations, upholding international law, and resolving disputes through dialogue and arbitration rather than conflict.

NECESSITY OF LIBERAL INTELLECTUAL PRINCIPLES

If Liberal-Intellectual Principles were not included in the Directive Principles of State Policy (DPSP), it could lead to several significant consequences. Firstly, there might be a lack of legal safeguards for fundamental rights like freedom of speech and expression, potentially resulting in increased censorship and restrictions on civil liberties. Secondly, the focus on education, critical thinking, and rationality could diminish, leading to a less informed and intellectually engaged society, susceptible to misinformation. Additionally, without emphasis on tolerance, diversity, and open-mindedness, social cohesion might suffer, giving rise to heightened polarization and intolerance. Moreover, the erosion of democratic values, such as transparency and accountability, could occur, risking democratic backsliding and decreased trust in institutions. Finally, the absence of support for innovation and intellectual freedom might stifle progress and cultural development, hindering societal growth and advancement. Overall, the lack of Liberal-Intellectual Principles in the DPSP could lead to a society that is less free, less tolerant, less informed, and less democratic, with potential repercussions for individual rights and social harmony.

NEW DIRECTIVE PRINCIPLE OF STATE POLICY

The evolution of the Directive Principles of State Policy (DPSP) within the Indian Constitution reflects the dynamic nature of governance and societal needs. Over time, various constitutional amendments have introduced new DPSPs and modified existing ones to address emerging challenges and aspirations.

The 42nd Amendment Act of 1976 stands out for its significant contributions to the DPSPs. It introduced four new directives aimed at

ensuring the healthy development of children, promoting equal justice and providing free legal aid to the poor, securing workers' participation in industrial management, and safeguarding the environment and wildlife.

Following suit, the 44th Amendment Act of 1978 added another directive principle focusing on minimizing inequalities in income, status, facilities, and opportunities. This amendment underscores the government's commitment to fostering a more equitable society.

The 86th Amendment Act of 2002 made pivotal changes to the DPSPs. It redefined the subject matter of Article 45, emphasizing the state's responsibility to provide early childhood care and education for all children until the age of six. Additionally, it elevated elementary education to a Fundamental Right under Article 21A, highlighting the fundamental importance of education in nation-building.

Lastly, the 97th Amendment Act of 2011 introduced yet another directive principle, promoting the voluntary formation, autonomous functioning, democratic control, and professional management of cooperative societies. This addition reflects a broader effort to empower grassroots organizations and foster economic cooperation and self-reliance.

Overall, these amendments underscore the ongoing commitment of the Indian government to address evolving societal needs, promote social justice, and advance the welfare of its citizens through the framework of the Directive Principles of State Policy.

NON- JUSTICIABILITY OF DIRECTIVE PRINCIPLE OF STATE POLICY

WHY DIRECTIVE PRINCIPLE OF STATE POLICY IN NON ENFORCEABLE

The non-legally enforceable status of the Directive Principles of State Policy (DPSP) in India stems from several key considerations. Firstly, it upholds the principle of separation of powers, ensuring that policy-making remains within the purview of the legislature and executive, preventing judicial overreach. DPSPs, being guidelines rather than legal rights, lack the

specificity required for judicial enforcement, as they are intended to guide governance rather than confer individual entitlements. This non-justiciable nature was deliberately designed to prevent excessive judicial interference in policy matters, preserving the democratic process. Additionally, enforcing DPSPs through courts could pose practical challenges due to resource constraints and potentially conflict with government's ability to implement them effectively. Moreover, ensuring political accountability through elections and public scrutiny is deemed more appropriate than judicial enforcement, thus maintaining the balance of powers and upholding democratic principles. Overall, while DPSPs serve as important socio-economic guidelines, their non-justiciable status safeguards the integrity of the democratic system and preserves the respective roles of different branches of government.

THE MEMBER OF THE DRAFTING COMMITTEE WHO WENT AGAINST THE IDEA OF MAKING DIRECTIVE PRINCIPLE OF STATE POLICY NON-JUSTICIABLE

During the drafting of the Indian Constitution, there were members of the drafting committee who opposed making the Directive Principles of State Policy (DPSP) legally enforceable in India. However, it's important to note that the drafting committee, chaired by Dr. B.R. Ambedkar, aimed for a broad consensus, and the final decisions were made collectively.

Some members who expressed reservations about making DPSP legally enforceable included:

1. B. N. Rau: He was a constitutional advisor to the Constituent Assembly and played a significant role in drafting the Constitution. Rau expressed concerns about the enforceability of DPSP, fearing that it might lead to judicial activism and interfere with the legislative domain.
2. K. M. Munshi: Munshi was a prominent lawyer and politician who contributed to the drafting process. He argued against making DPSP legally

enforceable, suggesting that they should remain as moral and political guidelines rather than legal obligations.

3. Alladi Krishnaswamy Iyer: Another influential member of the drafting committee, Alladi Krishnaswamy Iyer, expressed skepticism about the enforceability of DPSP. He believed that making them legally binding could undermine the authority of elected representatives and lead to judicial overreach.

While these members voiced reservations, ultimately, the Constituent Assembly adopted a compromise approach. They made DPSP non-justiciable, meaning that they are not legally enforceable by courts but still hold significant moral and political weight, guiding the legislature and the executive in policy formulation and implementation. This decision aimed to strike a balance between the need for socio-economic transformation and the preservation of parliamentary sovereignty.

REASON WHY THEY OPPOSE OF MAKING DPSP JUSTICIABLE

B.N.RAU :-

B.N. Rau, a key figure in drafting India's Constitution, had reservations about making the Directive Principles of State Policy (DPSP) legally enforceable for various reasons:

1. Guarding Against Judicial Activism: Rau was wary that allowing DPSP to be justiciable might enable the judiciary to excessively intervene in policy matters, potentially resulting in judicial activism. He believed this could blur the boundaries between branches of government and undermine the clear roles set for each, jeopardizing the principle of separation of powers.

2. Preserving Legislative Autonomy: Rau stressed the significance of safeguarding the legislature's authority to craft laws and policies without undue interference from the judiciary. Making DPSP justiciable, he argued,

might erode this autonomy, diminishing the legislature's capacity to set and execute policy agendas according to public needs.

3. Navigating Practical Challenges: Rau also underscored the practical hurdles of enforcing DPSP through judicial mandates. Implementing socio-economic directives via court orders could present logistical and financial complexities, particularly in areas demanding intricate policy solutions or substantial resources. Rau feared such mandates might not always be feasible or effectively executed.

4. Prioritizing Democratic Accountability: Rau advocated for maintaining accountability mechanisms inherent in the democratic process, such as elections and public scrutiny. He believed these mechanisms were better suited to hold elected representatives accountable for upholding socio-economic principles and policies, rather than relying on judicial enforcement of DPSP.

Overall, Rau's concerns centered on avoiding judicial overreach, preserving legislative autonomy, addressing practical implementation challenges, and prioritizing democratic accountability in governance.

K.M.MUNSHI:-

K.M. Munshi, a significant figure in shaping the Indian Constitution, argued against making the Directive Principles of State Policy (DPSP) legally enforceable for several reasons:

1. Flexibility in Policy: Munshi believed that DPSPs should guide rather than dictate government policies, allowing for flexibility to adapt to evolving socio-economic conditions. Making them legally binding could limit the government's ability to respond effectively to changing needs and priorities.

2. Judicial Constraints: Munshi acknowledged that judges might lack the expertise or democratic mandate to effectively decide complex socio-

economic issues. Enforcing DPSPs through courts could burden the judiciary and lead to inconsistent outcomes, given the intricacies involved.

3. Respect for Legislative Authority: Munshi stressed the importance of upholding the supremacy of the legislature in policymaking. Giving DPSPs legal enforceability could undermine the authority of elected representatives to legislate based on public needs and aspirations.

4. Preserving Constitutional Balance: Munshi aimed to maintain the delicate balance between branches of government established by the Constitution. Allowing courts to enforce DPSPs might disrupt this balance, encroaching on the roles of the executive and legislative branches.

5. Democratic Accountability: Munshi favored ensuring government accountability through democratic processes like elections and parliamentary oversight. Judicial enforcement of DPSPs might shift responsibility away from elected representatives, undermining the democratic principle of accountability to the people.

In essence, Munshi opposed making DPSP legally enforceable to retain policy flexibility, respect legislative authority, preserve constitutional balance, and uphold democratic accountability.

ALLADI KRISHNASWAMY IYER:-

Alladi Krishnaswamy Iyer, an eminent Indian jurist and politician, was one of the key figures involved in drafting the Constitution of India. His suggestion regarding the Directive Principles of State Policy (DPSP) not being justiciable stemmed from a nuanced understanding of the socio-political context of India during the constitution-making process.

Here are some reasons why he might have made such a suggestion:

1. **Separation of Powers:** Iyer may have believed in the principle of separation of powers, which entails a clear distinction between the legislature, executive, and judiciary. By making DPSP non-justiciable, he might have intended to preserve the supremacy of the legislature in policymaking, without the judiciary intervening excessively.
2. **Flexibility:** Making DPSP non-justiciable provides flexibility to the government in implementing policies according to the prevailing circumstances. It allows for adjustments and adaptations without being bound by strict legal interpretations that might not be suitable in all situations.
3. **Sovereignty of Parliament:** Upholding the sovereignty of Parliament might have been another consideration. By keeping DPSP non-justiciable, Iyer may have sought to ensure that elected representatives retain the authority to enact laws and policies without undue interference from the judiciary.
4. **Avoiding Judicial Activism:** There might have been concerns about potential judicial activism if DPSP were made justiciable. Allowing courts to adjudicate on DPSP matters could lead to judicial overreach, undermining the democratic process and the role of elected representatives.
5. **Social and Economic Context:** Given the socio-economic challenges India faced at the time of independence and the need for rapid development, Iyer might have believed that making DPSP justiciable could hinder progress by tying the government's hands in implementing necessary policies.

Overall, Iyer's suggestion regarding the non-justiciability of DPSP likely aimed to strike a balance between providing guiding principles for governance and preserving the autonomy of the legislature and executive in shaping policies for the nation's development.

MEMBER OF DRAFTING COMMITTEE WHO SUPPORTED THE IDEA
OF MAKING DIRECTIVE PRINCIPLE OF STATE POLICY
JUSTICIABLE

The Directive Principles of State Policy (DPSP) within the Indian Constitution were designed to serve as guiding principles for governance, particularly in areas of social justice, economic welfare, and international relations. While the framers initially intended these principles to be non-justiciable, meaning they couldn't be legally enforced by courts, there were fervent debates within the Constituent Assembly about their potential enforceability.

Notably, Dr. B.R. Ambedkar, the Chairman of the Drafting Committee, acknowledged the significance of the DPSP and advocated for their enforceability. Despite their non-justiciable status at the time of adoption, Ambedkar envisioned a future where these principles would inform legislative and policy decisions, fostering social and economic democracy.

Similarly, K.T. Shah, another prominent member of the Constituent Assembly, passionately argued for making the DPSP justiciable. He believed that without legal compulsion, these principles might remain lofty ideals without practical implementation.

Ultimately, the decision was made to maintain the non-justiciable nature of the DPSP. However, these debates underscored the framers' aspirations for these principles to serve as a moral compass for governance, guiding future lawmakers and governments in creating policies that promote the welfare and well-being of all citizens.

Dr.B.R.AMBEDKAR:-

B.R. Ambedkar, a key architect of the Indian Constitution, played an instrumental role in the formulation of the Directive Principles of State

Policy (DPSP). Located in Part IV of the Constitution, these principles aim to promote social and economic democracy in India. They provide a framework for the state to devise policies that ensure justice, liberty, equality, and fraternity for all its citizens. Although Ambedkar did not explicitly argue for making the DPSP justiciable, meaning legally enforceable by the courts, his support for their importance and their potential future enforceability can be discerned through his comprehensive vision and significant contributions during the constitutional debates.

Ambedkar's Vision and DPSP

1. **Socio-Economic Justice:** Ambedkar was acutely aware that socio-economic justice was essential for the success of political justice. He believed that political democracy would be incomplete and ineffective if issues such as poverty, inequality, and discrimination were not addressed. The DPSP were therefore crafted to guide the state in tackling these fundamental socio-economic issues.
2. **Balancing Rights and Duties:** Ambedkar advocated for a balance between Fundamental Rights and the duties of the state towards social welfare. The DPSP serve as a counterbalance to the Fundamental Rights, emphasizing the state's responsibility to create conditions that allow all citizens to lead dignified lives.
3. **Non-Justiciability as a Strategic Choice:** While the DPSP were not made justiciable, Ambedkar viewed this as a strategic decision rather than a devaluation of their importance. He recognized that, at the time of independence, India might not have the necessary resources or administrative capacity to fully implement these principles. Nonetheless, he intended for the DPSP to serve as an enduring reminder and objective for future governments to strive towards.

Ambedkar's Support for Potential Enforceability

1. **Instrument of Instructions:** Ambedkar likened the DPSP to the "Instrument of Instructions" found in the Government of India Act, 1935, which served as guidelines for governance. He envisioned the DPSP as moral and ethical directives that would influence legislative and executive actions, thereby making them indirectly enforceable through policy decisions.
2. **Role of Judiciary:** Ambedkar acknowledged the potential role of the judiciary in interpreting and expanding the scope of Fundamental Rights to include principles enshrined in the DPSP. Over time, Indian courts have utilized the DPSP to inform and broaden the interpretation of Fundamental Rights, thereby making them indirectly enforceable.
3. **Constitutional Morality:** Ambedkar championed the concept of constitutional morality, where the spirit of the Constitution guides the state's functioning. Although the DPSP are non-justiciable, they embody this spirit and establish a framework for achieving social and economic objectives. This perspective implies a long-term vision wherein these principles might eventually become enforceable as legal and social norms evolve.
4. **Legislative Mandate:** Ambedkar supported the notion that the DPSP should inspire and mandate legislative actions aimed at socio-economic reforms. This is evident in subsequent amendments and laws aimed at fulfilling DPSP objectives, such as land reforms, the right to education, and various social welfare schemes.

In essence, while B.R. Ambedkar did not explicitly advocate for the immediate justiciability of the Directive Principles of State Policy, his extensive involvement in their formulation and his broader constitutional vision suggest that he saw them as vital for achieving a just and equitable society. He recognized the nascent state's limitations but laid out a vision for future governments and courts to progressively realize these principles, potentially leading to their enforceability in the long run. Ambedkar's vision

reflects a dynamic and evolving approach to constitutional governance, where the DPSP act as a continuous impetus for legislative and social progress.

K.T.SHAH:-

K.T. Shah, an esteemed economist and member of the Constituent Assembly of India, fervently championed the idea of making the Directive Principles of State Policy (DPSP) legally enforceable. His advocacy was rooted in several compelling arguments:

1. **Economic and Social Rights:** Shah firmly believed that the DPSP, designed to promote social and economic welfare, were crucial for addressing India's deep-rooted socio-economic disparities. By making these principles legally binding, Shah argued, the state would be compelled to adopt policies aimed at improving the quality of life for all citizens, thereby advancing social justice.
2. **Realization of Constitutional Ideals:** Shah highlighted the Constitution's aspiration to establish a welfare state, with the DPSP playing a pivotal role in achieving this goal. Without legal enforceability, Shah contended, these principles risked remaining lofty ideals, potentially leading to neglect by the state in actively pursuing social and economic justice. Enforceability would ensure that the constitutional ideals translated into concrete actions.
3. **Complementing Fundamental Rights:** Shah saw the DPSP as complementary to the Fundamental Rights guaranteed in the Constitution. While Fundamental Rights protected individual liberties, the DPSP were meant to guide the state in creating conditions for the full enjoyment of these rights by all citizens. Making the DPSP enforceable, Shah argued, would provide a comprehensive framework for safeguarding both individual freedoms and collective welfare.

4. Preventing Government Inaction: Shah expressed concern about the possibility of successive governments ignoring the DPSP, particularly if they clashed with short-term political or economic interests. Enforceability, he believed, would compel governments to prioritize these principles, ensuring that policies consistently aligned with broader social and economic development objectives.

5. Public Accountability: Shah argued that making the DPSP justiciable would enhance public accountability. Citizens would have a legal recourse to demand the fulfillment of the state's obligations under these principles. This mechanism, he contended, would promote transparency and ensure that government actions were continually evaluated against DPSP benchmarks, fostering a more responsive and accountable governance structure.

6. Promoting Equitable Development: Shah stressed the importance of equitable development in post-independence India. He maintained that enforceable DPSP would mandate the state to adopt measures aimed at reducing disparities in wealth, opportunity, and social status. Such measures, he believed, would promote a more inclusive and balanced development, addressing the needs of all segments of society.

Despite Shah's persuasive arguments, the Constituent Assembly ultimately opted to keep the DPSP non-justiciable. The prevailing view was that while the DPSP were fundamental to governance, their implementation should be flexible, guided by the state's resources and priorities, rather than subject to judicial enforcement. This approach aimed to ensure that socio-economic policies could adapt to the nation's evolving needs and to prevent the judiciary from being burdened with matters best handled by the legislature and executive branches.

CONCLUSION

The Directive Principles of State Policy (DPSP) represent a cornerstone of India's constitutional framework, embodying the nation's commitment to social, economic, and political justice. Through an exploration of the DPSP's origins, evolution, significance, and debates surrounding its enforceability, this research paper has shed light on the critical role that these principles play in shaping India's governance and development trajectory.

The DPSP, enshrined in Part IV of the Indian Constitution, articulate a vision for a just and equitable society, guiding the state in its pursuit of socio-economic objectives. Rooted in the ideals of the freedom struggle and drawing inspiration from various sources, including international conventions and the socio-cultural ethos of India, the DPSP reflect a holistic approach to nation-building. They underscore the state's responsibility to promote the welfare of its citizens, ensure social justice, and foster inclusive growth.

The journey of the DPSP from conception to incorporation into the Constitution reflects the aspirations and struggles of a nascent nation striving to chart its path towards progress and prosperity. The framers of the Constitution recognized the importance of balancing individual rights with collective welfare, thus embedding the DPSP as a guiding framework for governance. However, the decision to make the DPSP non-justiciable was not without contention.

Proponents of making the DPSP justiciable, such as K.T. Shah, argued passionately for the legal enforceability of these principles. They contended that justiciability would compel governments to prioritize social and economic welfare, enhance public accountability, and ensure the realization of constitutional ideals. Moreover, they emphasized the role of the judiciary

in safeguarding citizens' rights and holding the state accountable for its obligations.

On the other hand, opponents of justiciability, including B.R. Ambedkar, expressed concerns about the potential encroachment of the judiciary into policy matters and the limitations of judicial review in addressing complex socio-economic issues. They argued that making the DPSP justiciable could undermine the separation of powers and lead to judicial activism, detracting from the legislative and executive functions of government.

Ultimately, the Constituent Assembly decided to make the DPSP non-justiciable, opting for a pragmatic approach that entrusted the implementation of these principles to the discretion of the state. This decision was driven by considerations of flexibility, institutional capacity, and the need to balance competing interests. While making the DPSP non-justiciable may have limitations, it allows for greater policy flexibility and prevents judicial overreach, ensuring that socio-economic matters remain within the purview of the elected branches of government.

However, the absence of justiciability does not diminish the significance of the DPSP. These principles serve as a moral and political compass, guiding policymaking and holding governments accountable to the ideals of justice, equality, and fraternity. They provide a framework for progressive legislation and public policy initiatives aimed at advancing the welfare of all citizens, particularly the marginalized and vulnerable sections of society.

In conclusion, the DPSP embody India's commitment to social democracy and inclusive development, reflecting the nation's collective aspirations for a more just and equitable society. While the debate over their enforceability continues, it is imperative to recognize the enduring importance of these principles in shaping India's journey towards a more prosperous and egalitarian future. Whether justiciable or not, the DPSP remain a beacon of

hope and a reminder of the constitutional promise of a better tomorrow for all Indians.

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