

Directive Principles of State Policy

- Directive Principles of State Policy aims to create social and economic conditions under which citizens can live a good standard of life.
- Directive Principle of state policy is the ideology of the Irish Constitution.
- The concept of Directive Principles of State Policies (DPSP) is borrowed from Article 45 of the Irish Constitution.
- In Part IV of the Indian Constitution (Article 36–51), Directive Principles of state policies (DPSP) are mentioned. Article – 37 of the Indian Constitution deals with the application of the Directive Principles.

What is the Directive Principle of State Policy?

- The Indian Constitution imposes certain Directive Principles of State Policy, is the fundamental in the governance of the country and the duty of the State is to apply these principles in making laws.
- It means that the State will strive to promote the well- beings by protecting it effectively.
- The State must direct its policies in such a manner that protect the right of all men and women to the means of support, equal pay-scale, equal opportunity within limits of its economic capacity and development.
- The State must also aspire to secure to its workers, Human resources, standard of life, and the management of workers.

Directive Principles of State Policy – Classification

1. Principle of Social and Economic Justice
2. Principle of Social Security Provisions
3. Principle of Community Welfare Provisions

1. Principle of Social and Economic Justice:

The Principle which make sure that The State must strive to minimize inequalities in income and status, facilities, and opportunities. Articles 38 & 39 come under this classification. Article 38 about securing a social order for the promotion of the welfare of the people. Whereas Article 39 is about :

- Every citizen has the right to adequate means of livelihood.
- Control of material resources of community & ownership must be originated in common good nature.
- Operation of the economic system does not result in a concentration of wealth and means of production to the common detriment.
- There is equal pay for equal work for both men and women.
- Health and strength of workers, men, and women, and the tender age of children are not abused, and citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- Children are given the opportunity to develop in a healthy manner and in conditions of freedom and dignity and childhood and youth are protected against exploitation and moral or material abandonment.

2. Principle of Social Security Provisions:

Following Directive Principles come under this category:

- Equal justice and free legal aid (Article 39-A, inserted by 42nd Constitution Amendment Act, 1976).
- The state should give the right to education, employment (Article 41).
- Just and humane conditions of work and maternity relief (Article 42).
- Provides Living wage, remuneration, and other economical facilities for workers (Article 43).
- Participation of workers in the management of industries (Article 43-A).
- Promotion of co-operative societies (Article 43-B Inserted by 97th Constitution Amendment, 2011).
- Provision for early childhood care and education to children below the age of six years. (Article 45).
- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections (Article 46).
- Duty raises the level of nutrition and the standard of living and improves public health (Article 47).

3. Principle of Community Welfare Provisions:

Following Directive Principles come under this category:

- Organization of village panchayats (Article 40).
- Uniform Civil Code for citizens (Article 44).
- Organization of agriculture and animal husbandry (Article 48).
- Protection and improvement of environment and safeguarding forests and wildlife (Article 48-A).
- Protection of monuments and other national importance things, places, etc (Article 49).
- Judiciary separated from the executive (Article 50).

- The state must Promote international peace and security (Article 51).

Important Directive Principles:

Directive principles of state policy short notes are described below:

1. Uniform Civil Code:

- Uniform Civil Code means a single uniform law applicable to all citizens, irrespective of religion, which governs matters like marriage, divorce, adoption, guardianship, etc.
- In the Constituent Assembly, an objection was taken regarding the inclusion of this provision.
- The objection was countered by the reasoning that uniform law applicable would promote national unity.
- The enactment of a uniform civil code will strengthen the secularism feeling of separation and divisiveness will disappear. Ms. Jordan v. SS Chopra, SC held that laws relating to marriage should be given uniformity irrespective of religion.
- The Supreme Court suggested providing for uniform civil code for marriage and divorce.
- Similarly in Mohd Ahmed Khan v. Shah Bano Begum, AIR 1985, SC 945 Supreme Court emphasized that a common civil code will create National integration by removing the different ideologies of different laws.
- In the absence of the Code, the role of reformer of law has to be assumed by the courts themselves.

2. Free Legal Aid:

- In Article 39A Free Legal Aid is the operation of the legal system that promotes justice on a basis of equal opportunity and provide free legal aid, by suitable legislation or schemes.
- In 2014, Manoharan v. Sivarajan, by SCC 163 held that Article 39A provides for a holistic approach in imparting justice to the litigating parties.
- It not only includes provision for free legal services through the appointment of counsel, but it also includes ensuring that justice is not denied to litigating parties due to financial difficulties.
- Legal Services Authority Act, 1987 was enacted by parliament to provide free legal aid to indigenous people.

- This legislation comprehensively provides for the rendition of free legal aid at all levels. Supreme Court in Anita Kushwaha v. Pushapa Sudan, (2016) 8 SCC 509 held that legal aid to the needy has been recognized as one of the facets of access to justice, and affordability of justice has been taken care of by the State-sponsored legal aid programs under the Legal Services Authority Act, 1987.
- It must be noted that legal assistance to poor and indigent persons is constitutionally mandated not only under Article 39A but also under Article 21.
- Thus, free legal assistance at State's cost has been raised to the status of fundamental rights.

3. Equal pay for Equal Work:

- Article 39(d) provides that the State has to ensure that there is equal pay for equal work for both men and women.
- Parliament has enacted the Equal Remuneration Act, 1976 to implement Article 39(d).
- The Act provides for payment of equal remuneration to men and women for the same work or work of similar nature and for the prevention of discrimination on grounds of sex. *Randhir Singh v.*
- *Union of India, (AIR 1982 SC 879)*, held that the directive principle of equal pay for equal work is not a fundamental right but since it is a constitutional goal in supreme court. it can be enforced through Article 32. In *Grih Kalyan Kendra v Union of India*,
- After that *AIR 1991 SC 1173* Supreme Court held that the provision of 'equal pay for equal work has not been expressly declared to be a fundamental right but it has assumed the status of fundamental right by construing Articles 14 and 16 in light of Article 39(d).
- This principle may be properly applied to cases of unequal scales of pay based on no classification or irrational classification.

4. Living Wage:

- Article 43 requires the State to endeavour to secure by suitable legislation, or economic organization, or in any other way.
- The term 'living wage' is not defined in Article 43. The term "living wage" means a wage that not only provides essentials like food, clothing, and shelter but also measures of frugal comfort including education for children, protection against ill health, requirements of essential social needs, etc.

- It is contradistinguished with a minimum wage which means a wage sufficient to cover bare physical needs.
- Fixing minimum wages under the Minimum.
- The Wages Act has been characterized as the first step in the direction of fulfilling the mandate of Article 43.

Criticism of Directive Principles of State Policy

Here are the following that lead for the criticism of Directive Principles of State Policy:

1. No Legal Force
2. illogically Arranged
3. Conservative approach
4. Constitutional Conflict

1. No Legal Force:

- The Directive Principle of State Policy (DPSP) was criticized due to a lack of justiciability of character, K.T. Shah dubbed them as irrelevant theories of law and it is just like a person with a cheque from an economic employer, does not get payable until the equal time because of the assets of the economic employer permits.

2. Illogically Arranged:

- Critics opined that the Directives are not organized in a logical way which is totally based on ordinary philosophy and lack of any special philosophy.
- This does not separate the uttermost problems with simple or simply it could be said that it mixes every economic and other problem.
- It combines as a possibility incongruously the modern-day with the antique and provisions recommended through the cause and technological know-how with provisions primarily based honestly on sentiment and prejudice.

3. Conservative approach:

- According to Sir Ivor Jennings, the Directives are primarily based absolutely on the political philosophy of nineteenth-century England.
- Part IV of the Indian Constitution expresses such Socialism which itself is without the Socialism character.
- He opined that the Directives may be deemed to fit for the 20th century but what about the 21st century.

4. Constitutional Conflict:

- According to a prominent southern member of the assembly, K. Santhanam has said that the Directives result in a constitutional conflict (a) a number of the Centre and the states, (b) a number of the President and the Prime Minister, and (c) a number of the governor and the leader minister.



