

Directive Principles of State Policies DPSP A. 36- A. 51 Part IV

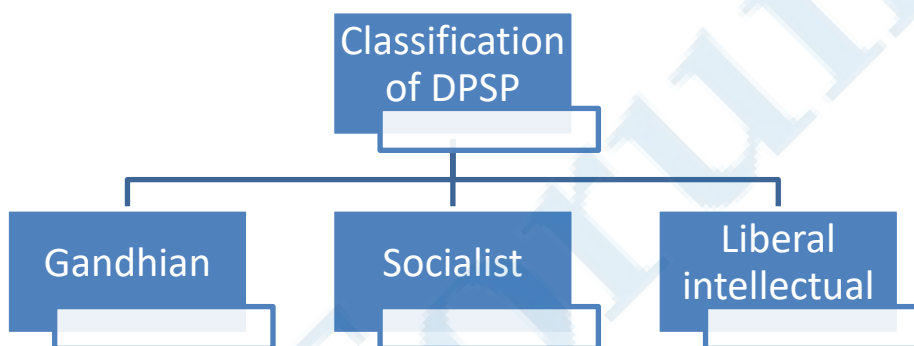
DPSP comes -> Irish Constitution which itself was inspired -> Spanish Constitution.

Features of DPSP

- Constitutional instructions to the State
- Instrument of instructions -> legislature and executive
- Aim -> ideals of justice, liberty, equality and fraternity
- Non justiciable
- Help courts in deciding -> constitutional validity of a law.
- Preamble along with A. 38, A.42, A.43, and A. 46 & A. 48A promote -> social justice.
- A law inconsistent with DPSP can't be invalid but a law promoting DPSP can be valid.

A.36 defines State

A.37- DPSP is non-enforceable in courts, but help in governance of country.



Gandhian -

- **40** - Organisation of Village Panchayats
- **A. 43** - Promotion of cottage scale industries
- **A.43-B** - Formation, autonomous functioning, democratic control & professional management of cooperatives
- **A. 46** - promote educational and economic interests of SCs/STs & other weaker sections
- **A. 47**- prohibit intoxicating drinks and drugs
- **A. 48**- prohibit slaughter of cow and other milch and draught animals and to improve their breeds

Socialistic

- **A.38** – secure a social order with socio economic and political justice
- **A.39**- secure adequate livelihood for citizens, equitable distribution of resources for common good, prevent concentration of wealth, equal pay for equal work, preservation of health and strength of workers and children against forced abuse, opportunities for healthy development of child
- **A.39A**- promote equal justice & provide free legal aid to poor
- **A. 41**- secure right to work, education and public assistance for unemployed, old age, sick and disable
- **A.42**- provision for just and humane work conditions and maternity relief
- **A. 43**- secure a living wage, a decent standard of living
- **A.43A**- participation of workers in management
- **A. 47**- raise nutrition level and living standard of people and improve public health.

Liberal- Intellectual

- **A.44** – Secure Uniform Civil Code (UCC)
- **A.45**- provide early childhood care & education for children until six years of age
- **A.48**- organise agriculture and animal husbandry on modern scientific lines
- **A.48A**- protect and improve environment, safeguard forest and wildlife
- **A.49**- protect monuments, places and objects of historic artistic interest which are of national importance
- **A. 50**- separate judiciary from executive
- **A. 51**- promote international peace, security and maintain just and honourable relations between nations, have respect for international law, encourage settlement of international disputes by arbitration.

42nd amendment added new DPSP - A.39, A.39A, A.43A, A. 48A

86th amendment- changed A. 45, made elementary education a fundamental right under A.21-A

97th amendment- added a new directive A.43B.

Relationship between FRs & DPSPs

- Principle of harmonious construction
- Complementary and supplementary to each other
- They form an integrated scheme which is elastic enough to respond to changing needs of society
- FRs represents civil & political rights & DPSPs represent social & economic rights (Ashok Kumar Thakur vs UOI, 2008).
- DPSPs have broaden the scope of A.21, a bundle of rights have been derived from A.21.
- DPSPs become relevant for considering reasonableness of restriction under A. 19. Restriction promoting DPSP would be reasonable.

Relevance of DPSP in the era of Globalisation-

- Directive principles are the Constitutional directions to the State. They promote the idea of welfare state and also act as a restraint on those in power.
- The advent of globalization has impacted many aspects of the society. There has been an increase in privatisation, disinvestment, and the culture of consumerism.
- Development comes at a cost – environmental damages, rise in pollution, exploitation of workers in private factories etc.

DPSP remain relevant in spite of globalisation because -

- Inequalities and poverty
- Sustainable development goals
- Check monopolistic tendencies
- Protection of human rights
- Building human capital
- Safeguarding the vulnerable section
- Good governance and socio economic justice
- Uncertainty created by pandemic and natural disasters.