

## Chapter 11 - Directive Principles of State Policy

“No ministry responsible to the people can afford light-heartedly to ignore the provisions in Part IV of the Constitution” - Sir Alladi Krishnaswamy Ayyar (Member - Drafting Committee of the Constitution)

After independence, India faced immense social and economic challenges in the forms of widespread poverty, illiteracy, social inequality, etc. The Constituent Assembly aimed to address these issues by providing guidelines for the State to work towards the establishment of a just and egalitarian society. These guidelines led to the inclusion of Directive Principles of State Policy (DPSP) in Part IV (Articles 36 to 51) of the Indian Constitution.

After independence, India grappled with widespread poverty, illiteracy, social inequality, and economic backwardness. To guide the newly independent nation in addressing these challenges, the Constituent Assembly incorporated the **Directive Principles of State Policy (DPSPs) in Part IV (Articles 36–51)** of the Constitution. Inspired by the Irish Constitution, the DPSPs act as a set of non-justiciable but fundamental principles, directing the State to frame policies aimed at building a **just, egalitarian, and welfare-oriented society**. These guidelines led to the inclusion of Directive Principles of State Policy (DPSP) in Part IV (Articles 36 to 51) of the Indian Constitution. .

The DPSPs serve as moral and political directives to the State that are fundamental to the governance of the country (PYQ 2013). The governments, both at the central as well state levels, should keep these instructions in mind while formulating policies and making laws. Despite being non-justiciable, DPSPs seek to establish socio-economic democracy through the ideal of a ‘Welfare State’ (PYQ 2013, 2015, 2020). As these are non-justiciable, they do not constitute limitations upon the legislative and executive functions of the State (PYQ 2017).

**Welfare State Concept:** A *welfare state* is one where the government plays a key role in ensuring the social and economic well-being of its citizens. The Constitution’s DPSPs envisage India as a welfare state by obligating the State to promote social justice, reduce inequalities, and provide basic needs (e.g. health, education, employment) to all.

Dr. B.R. Ambedkar described these principles as the ‘novel features’ of the Indian Constitution. He said that these directives were not merely pious declarations but they “should be made the basis of all executive and legislative actions.” Granville Austin has described the DPSPs, combined with the Fundamental rights, as the ‘conscience of the constitution.’

Dr. B.R. Ambedkar termed the **DPSPs** as the “*novel features*” of the Indian Constitution, stressing that they were not mere moral ideals but they “should be made the basis of all executive and legislative actions.” Granville Austin has described the DPSPs, combined with the Fundamental rights, as the ‘conscience of the constitution.’ These directives, along with Fundamental Rights, Preamble, and Fundamental duties, reflect the principles and provisions of the Universal Declaration of Human Rights, 1948 (PYQ 2020).

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## Chapter 11 - Directive Principles of State Policy

### Sources of the DPSPs:

The DPSPs of the Indian Constitution were drawn from the “Instrument of Instructions.” (PYQ 2010). These instructions were issued to the Governor-General and to the Governors of the colonies of India by the British Government under the Government of India Act of 1935. Also, these principles were inspired by the Irish Constitution (1937) which was, in turn, inspired by the Spanish Constitution.

Another source was the Sapru Report, 1945, which gave two categories of individual rights - one being justiciable (Fundamental Rights) and the other being non-justiciable rights (DPSPs)

### Categorization of Directive Principles:

The Directive Principles reflect a blend of diverse ideologies, as the Constitution makers did not adhere to any single school of thought. Although the Constitution itself does not classify them, scholars generally group DPSPs into three broad categories:

### Categorization of Directive Principles:

**1. Socialistic Principles:** Inspired by the idea of *socialism*, these provisions direct the State to ensure social and economic justice. They emphasize equitable distribution of resources and envision India as a *welfare state* committed to reducing inequality and uplifting weaker sections.

**2. Gandhian Principles:** Rooted in Gandhiji’s philosophy of *reconstruction*, these principles encourage the State to promote village panchayats, cottage industries, prohibition, and the welfare of marginalized groups. They integrate Gandhian ideals into governance, ensuring that development remains people-centric and inclusive.

**Fabian Socialism Influence:** The DPSPs reflect ideals of democratic socialism inspired by Fabian principles. Leaders like Jawaharlal Nehru, influenced by Fabian Socialism (which advocates gradual socio-economic reforms through legislation), embedded welfare-oriented policies in Part IV. Sir Ivor Jennings even remarked that the Directive Principles represent “Fabian Socialism without the socialism,” underscoring that they set socialist goals for the State without being legally enforceable.

**3. Liberal-Intellectual (or Internationalist) Principles:** Based on *liberalism and democratic governance*, these provisions stress individual liberty, separation of powers, and accountability of the State. They also reflect internationalist ideals by promoting peace, harmony, and respect for international law.

Articles	Provisions & Examples
Article 36	<ul style="list-style-type: none"> <li>The term ‘State’ carries the same meaning as in Article 12 of Part III (FR).</li> </ul>
Article 37	<ul style="list-style-type: none"> <li>The Directive Principles are ‘non-justiciable’ in nature; however, they are fundamental to the governance of the country. Thus, it shall be the duty of the State to apply these principles in making laws and public policy. (PYQ 2013)</li> </ul>
Article 38	<ul style="list-style-type: none"> <li>This Article is the keystone or the core of the DPSPs. It explicitly lays down</li> </ul>

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## Chapter 11 - Directive Principles of State Policy

	<p>that the State shall secure a 'Social order' for the promotion of the welfare of people by ensuring social, economic, and political justice. [Socialist principle]</p> <ul style="list-style-type: none"> <li>• By the 44th Amendment, 1978 State was also directed to minimize and eliminate inequality among individuals and society in general.</li> <li>• For instance, the establishment of the National Commission for Scheduled Castes (NCSC)</li> </ul>
Article 39	<ul style="list-style-type: none"> <li>• It lays down certain principles towards which the State shall direct its policy: [Socialist principle] <ul style="list-style-type: none"> <li>◦ a: Citizens (men and women equally) have the right to adequate means of livelihood. For instance, Rural livelihood mission; MGNREGA etc.</li> <li>◦ b: Equitable distribution of resources - ownership and control. For instance, Article 31C (primary over Articles 14 and 19).</li> <li>◦ c: Establishment of an economic system that prevents 'concentration of wealth.' Under the Indian Constitution, the concentration of wealth violates the Directive Principles of State Policy (PYQ 2021). For instance, Progressive Taxation; Land reforms; Nationalization of Corporations, etc.</li> <li>◦ d. "Equal pay for equal work" for both men and women. For instance, the Equal Remuneration Act, 1976.</li> <li>◦ e. Protecting the health of workers, and children shall not be forced into a job unsuited for their age or strength. For instance, the National Programme for Control and Treatment of Occupational Diseases.</li> <li>◦ f. Children should be given the opportunity and facility to develop in a healthy manner. Also, childhood and youth must be protected against exploitation and abandonment. For instance, the Child Labour Prohibition Act, etc.</li> </ul> </li> </ul> <p>Note: This last principle (f) was inserted by the 42nd Amendment, 1976.</p>
Article 39 A	<ul style="list-style-type: none"> <li>• This was inserted by the 42nd Amendment, 1976, to mandate the State to promote a just legal system while providing for "Free Legal Aid." [Socialist principle]</li> <li>• For instance, National Legal Services Authorities Act, 1987 (Lok Adalats).</li> </ul>
Article 40	<ul style="list-style-type: none"> <li>• Village Panchayats should be organized and empowered to enable them to function as units of self-government (PYQ 2012). [Gandhian principle]</li> <li>• For instance, the 73rd Amendment, 1992, gave constitutional status to village Panchayats.</li> </ul>

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## Chapter 11 - Directive Principles of State Policy

Article 41	<ul style="list-style-type: none"> <li>The State shall secure the Right to work, to education and to public assistance in certain cases – unemployment, old age, sickness, disablement, etc. [Socialist principle]</li> <li>For instance, MGNREGA; RTE Act; Old Age Pension Scheme; Old Age Homes run by state, etc.</li> </ul>
Article 42	<ul style="list-style-type: none"> <li>It seeks to ensure just and humane conditions of work and maternity relief. [Socialist principle]</li> <li>For instance, Code on Occupational Safety, Health and Working Conditions, 2020</li> </ul>
Article 43	<ul style="list-style-type: none"> <li>To ensure a decent standard of life and full enjoyment of leisure and social and cultural opportunities, the State shall ensure a living wage, etc. for workers (PYQ 2012). For instance, the Minimum wages Act. [Socialist principle]</li> <li>It also seeks to promote cottage industries on an individual or cooperative basis (PYQ 2012). For instance, the establishment of KVIC. [Gandhian principle]</li> </ul>
Article 43A	<ul style="list-style-type: none"> <li>Inserted by the 42nd Amendment, 1976, it seeks to secure the participation of workers in the management of industries (PYQ 2017). [Socialist principle]</li> <li>For instance, Code on Industrial Relations, 2020</li> </ul>
Article 43B	<ul style="list-style-type: none"> <li>Inserted by the 97th Amendment, 2011, it directs the State to promote Cooperative societies by facilitating their formation, functioning, democratic control, and management. [Gandhian principle]</li> <li>For instance, Co-operative Societies Acts by States.</li> </ul>
Article 44	<ul style="list-style-type: none"> <li>The State must endeavour to secure a 'Uniform Civil Code' for its citizens, i.e., striving to establish a uniformity of laws in personal matters like marriage, divorce, maintenance, succession, adoption, etc. (PYQ 2012). [Liberal-Intellectual principle]</li> <li>For instance, Uttarakhand became the first state to enact a UCC, which encompasses laws such as the Hindu Marriage Act, Indian Christian Marriage Act, Special Marriage Act, Muslim Personal Law (Shariat) Application Act 1937, etc.</li> </ul>
Article 45	<ul style="list-style-type: none"> <li>It attempts to ensure "early childhood care and education" for children up to 6 years of age. For instance, Beti Bachao Beti Padhao Scheme. [Liberal-Intellectual principle]</li> <li>The original directive to secure 'free and compulsory education' for all (up to 14 years of age) was amended by the 86th Amendment, 2002, and a new</li> </ul>

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## Chapter 11 - Directive Principles of State Policy

	<p>fundamental right to education (6–14 years of age) was added under Article 21A.</p> <ul style="list-style-type: none"> <li>Thus, along with Fundamental Rights, Fundamental Duties, Schedule 11, Schedule 12, and Schedule 7, DPSPs have a bearing on Education (PYQ 2012).</li> </ul>
Article 46	<ul style="list-style-type: none"> <li>It mandates the State to promote the ‘educational and economic interests’ of SCs, STs, and other weaker sections and to protect them from social injustice. [Gandhian principle]</li> <li>For instance, Women and EWS reservation; Eklavya model schools for ST; Stand up India, etc.</li> </ul>
Article 47	<ul style="list-style-type: none"> <li>The State should make endeavours to raise the level of nutrition and standard of living and improve public health. For instance, MDM scheme; PDS, National Health Mission, etc. [Socialist principle]</li> <li>Also, it is the duty of the State to prohibit consumption of intoxicating drinks and drugs except for medical purposes. For instance, liquor ban policy by states like Kerala, Bihar, Gujarat, etc. [Gandhian principle]</li> </ul>
Article 48	<ul style="list-style-type: none"> <li>Organization of agriculture and animal husbandry on scientific lines (like breeding) and prohibition of slaughter of cows and calves and other milch and draught cattle, etc. [Gandhian principle]</li> <li>For instance, the Green Revolution; White revolution; Pink revolution; cow slaughter banning laws in states like Gujarat, etc.</li> </ul>
Article 48A	<ul style="list-style-type: none"> <li>Inserted by the 42nd Amendment, 1976, it mandates the state to protect and improve the environment and to safeguard forests and wildlife in the country. [Liberal-Intellectual principle]</li> <li>For instance, the Environment Protection Act 1986, Wildlife Act 1972, National Forest Policy 1988.</li> </ul>
Article 49	<ul style="list-style-type: none"> <li>Protection of monuments, places, and objects of National importance (declared by law) from spoliation, disfigurement, export, etc. [Liberal-Intellectual principle]</li> <li>For instance, PRASAD (Pilgrimage Rejuvenation and Spirituality Augmentation Drive), HRIDAY (Heritage City Development and Augmentation Yojana)</li> </ul>
Article 50	<ul style="list-style-type: none"> <li>Steps shall be taken to separate the Judiciary from the Executive in public services of the State. (PYQ 2020) [Liberal- Intellectual principle]</li> <li>For instance, CrPC, 1973 separated Executive and Judicial functions of Executive and Judicial magistrates.</li> </ul>

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## Chapter 11 - Directive Principles of State Policy

Article 51	<ul style="list-style-type: none"> <li>Promotion of international peace and security (PYQ 2014), maintaining just and honourable relations, respecting international law and treaty obligations and settling disputes by arbitration. [Liberal-Intellectual principle]</li> <li>For instance, Neighbourhood First Policy; NAM; No Nuclear First use; Panchsheel; UN Peace Keeping Mission, etc.</li> </ul>
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### Property Owners Association vs State of Maharashtra (2024)

In this major ruling, a 9-judge Constitution Bench of the Supreme Court held that the government cannot acquire and redistribute all private property by merely labeling it as “material resources of the community” under Article 39(b). The apex court emphasized that while the State can aim to promote the common good, this power must respect property rights protected under Article 300A.

The Court also addressed Article 31C, which was introduced by the 25th Amendment (1971) to protect laws implementing Article 39(b) and (c) from challenges under Articles 14, 19, and 31. Although its scope was unconstitutionally expanded by the 42nd Amendment and later struck down in *Minerva Mills* (1980), the Court confirmed that the original, limited post-Kesavananda Bharati position still holds. Thus, Article 31C remains valid only for laws that genuinely further the objectives of Articles 39(b) and (c), and courts, not Parliament, will decide if such protection applies.

The bench rejected earlier broad interpretations, notably Justice VR Krishna Iyer’s view in *Ranganatha Reddy* and its adoption in *Sanjeev Coke* (1983), which allowed state acquisition of all private resources. The Court ruled that only resources that are both “material” and have a clear “community” element – like scarcity or essential public value – can fall under Article 39(b).

### Changes made to DPSPs through Amendments

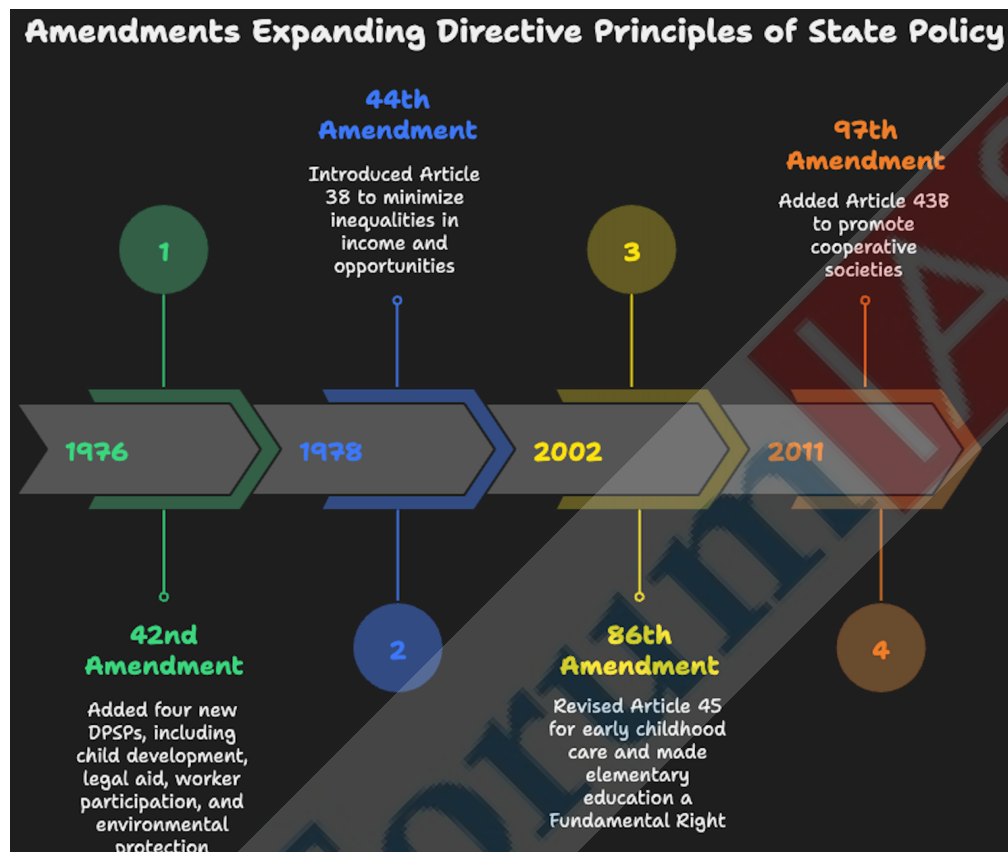
Several constitutional amendments have modified or added new Directives to the original list of DPSPs. Here are the changes introduced by various amendments:

- 42nd Amendment, 1976: It added four new Directive Principles to the original list.
  - Article 39: To secure opportunities for the healthy development of children.
  - Article 39A: To promote equal justice and to provide free legal aid to the poor.
  - Article 43A: To take steps to secure the participation of workers in the management of industries (PYQ 2017).
  - Article 48A: To protect and improve the environment and to safeguard forests and wildlife.
- 44th Amendment, 1978: It added one new Directive Principle:
  - Article 38: To minimize inequalities in income, status, facilities, and opportunities.
- 86th Amendment, 2002: It made two changes with respect to DPSPs:
  - It changed the subject matter of Article 45. It now directs the State to provide early childhood care and education for all children until they complete the age of six years.

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## Chapter 11 - Directive Principles of State Policy

- It made elementary education a Fundamental Right under Article 21A.
- 97th Amendment, 2011: It added a new Directive Principle as listed below:
  - Article 43B: To promote voluntary formation, autonomous functioning, democratic control, and professional management of cooperative societies.



### Significance of DPSPs:

The Directive Principles of State Policy (DPSPs) are central to India's constitutional vision of socio-economic transformation.

1. **Constitutional Balance:** They embody the equilibrium between *Fundamental Rights* (Part III) and *collective welfare goals* (Part IV), ensuring a holistic model of governance (Article 37).
2. **Sustainable & Inclusive Development:** DPSPs emphasize not just economic growth but also *environmental protection* and sustainability (Article 48A).
3. **Gandhian Ideals:** Reflecting Gandhi's vision, they stress *village panchayats* (Article 40), upliftment of weaker sections (Article 46), and welfare-oriented governance.

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## Chapter 11 - Directive Principles of State Policy

4. **Accountability in Governance:** They empower citizens to assess government performance on issues like *workplace equality* (Article 39(d)), *humane work conditions* (Article 42), *minimum wages* (Article 43), *worker participation* (Article 43A), and *prevention of wealth concentration* (Article 39(c)).
5. **Women & Child Welfare:** They recognize state responsibility in promoting *early childhood care* (Article 45), *education*, and *gender equality* in wages and opportunities (Article 39(d)).
6. **International Outlook:** Though non-justiciable, DPSPs guide legal interpretation and reflect India's commitment to *justice, peace, and international cooperation* (Article 51).

In essence, DPSPs form the *moral compass of governance*, directing the State towards a welfare-oriented, inclusive, and just society.

### Limitations of DPSPs:

Though the Directive Principles of State Policy (DPSPs) embody noble ideals and aspirations, they also suffer from certain inherent limitations that hamper their utility and effectiveness. Firstly, they lack legal enforceability, which means that courts are unable to enforce them if violated. This also means that a law cannot be struck down solely on the ground of contravening a DPSP, which leaves these provisions without real teeth. Secondly, DPSPs may be vulnerable to political expediency. Governments often choose to ignore or selectively implement certain principles according to immediate political interests rather than long-term social and economic welfare, thereby diluting the true spirit of the directives.

Thirdly, it is often argued that the DPSPs contain contradictory objectives, which makes it difficult for policymakers to effectively prioritise and implement them in a consistent manner. For instance, while some provisions stress industrial development, others emphasize the protection of the environment or labour rights, which may create policy dilemmas. Fourthly, the absence of clear mechanisms for accountability and monitoring further weakens their effectiveness. This limitation has led to skepticism about their practical relevance in governance and policymaking. Sir Ivor Jennings, in this regard, criticized the DPSPs for lacking a consistent philosophy and for reflecting an outdated and conservative school of thought.

Fifthly, the operation of DPSPs has at times resulted in institutional frictions among different constitutional authorities. For example, tensions may arise between the Governor and the Chief Minister when a state bill is reserved for the consideration of the President on the grounds of violating DPSPs. Differences may also occur between the President and the Union Council of Ministers over the assent to bills or the exercise of the suspensive veto in relation to directives. Similarly, Centre-State relations can become strained when the Union issues directions to the states for the implementation of DPSPs, which in certain cases has even led to the imposition of President's Rule.

### Debate around the non-justiciability of DPSPs

The Justiciable nature of rights entails that citizens can move to the courts for enforcement of the particular right in case of violation. There was a division among the members of the Constituent Assembly that, whether DPSPs should be made justiciable or not. Some argued that making them enforceable would lead to judicial activism and encroach upon the domain of the legislature, while others believed that without enforceability, DPSPs would remain mere moral precepts. Ultimately, the Constituent Assembly decided to make DPSPs non-justiciable due to various reasons. The makers of the Constitution trusted the wisdom of future governments to gradually strive towards achieving these

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## Chapter 11 - Directive Principles of State Policy

directive principles while respecting the fundamental rights of citizens. Additionally, there were administrative and financial limitations at that time. The presence of vast diversity, illiteracy, poverty, and backwardness in the country also propelled them to make DPSPs non-justiciable. Further, it is difficult to make the directives justiciable, with inadequate social development and moral connotations of certain directives.

A prominent contention for making the Directives enforceable is that their justifiability will keep the absolutist inclinations of the ruling governments under control. However, it must be noted that DPSPs can be contradictory as on one end they suggest implementing the Uniform Civil Code; on the other hand, it restricts the slaughter of cows. It seeks to prohibit 'intoxicating drinks' while the majority of state revenue comes from the sale of liquor. Moreover, the governments over the years, have been trying to give them effect dynamically and to create a welfare state. This dynamic nature does not bind the governments, while giving it a chance to modify or interpret them better for the citizens or general public. Thus, a path, that tries to impose morals on the people without looking at the consequences, can be disastrous for a democratic country like India.

### Fundamental Rights and DPSPs

Part IV of the Constitution was a result of extensive debate and deliberation during the framing of the Constitution by the Constituent Assembly. Besides the justiciability of DPSPs, the debates revolved around the relationship between Fundamental Rights and DPSPs.

Fundamental Rights	DPSPs
They are enumerated in Part III of the Indian Constitution under Articles 12 to 35.	They are enumerated in Part IV of the Indian Constitution under Articles 36 to 51.
These were borrowed from the US Constitution (Bill of Rights)	These were borrowed from the Irish Constitution
They promote the ideal of political democracy and the welfare of the individual.	They promote the ideal of social and economic democracy and the welfare of the community.
They are justiciable in nature, i.e., they are legally enforceable in the court of law in case of violation.	They are non-justiciable in nature, i.e., if violated, DPSPs are not legally enforceable in the court of law. The judiciary, however, can uphold the validity of a law on the ground that it was enacted to give effect to a directive.

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## Chapter 11 - Directive Principles of State Policy

Most of the Fundamental Rights are automatically enforced, i.e., they do not require any legislation for their implementation.	DPSPs are not automatically enforced. They require legislation for their implementation.
These are negative obligations as they act as a restriction on the state.	These are positive obligations as they require the State to take certain steps.

### Conflict between Fundamental Rights and DPSPs:

A major point of contention in the Constituent Assembly was the potential constitutional conflict between Fundamental Rights and the Directive Principles of State Policy. The framers of the Constitution faced the challenge of balancing the guarantee of individual liberties under Fundamental Rights with the broader socio-economic objectives embodied in the DPSPs. This tension was most evident in the debates on property rights, where the individual's right to property came into conflict with the state's authority to implement land reforms aimed at ensuring social justice and reducing inequality.

The conflict between Fundamental Rights and the Directive Principles of State Policy evolved through a series of judicial interpretations, constitutional amendments, and socio-political developments. In the early years of independence, particularly during the 1950s and 1960s, the conflict remained relatively subdued, with the judiciary giving primacy to Fundamental Rights over the DPSPs. This position was clearly articulated in the *Champakam Dorairajan* case (1951), where the Supreme Court held that the Directive Principles are subordinate to Fundamental Rights and must remain consistent with them.

**Champakam Dorairajan Case (1951):** In *State of Madras v. Champakam Dorairajan* (1951), the Supreme Court held that Directive Principles cannot override Fundamental Rights. A Madras government order reserving seats in educational institutions (aimed to fulfill a social objective akin to Article 46) was struck down for violating the fundamental right to equality (Article 15). This verdict led to the First Constitutional Amendment Act, 1951 – which added Article 15(4) – enabling the State to make special provisions for backward classes. The amendment was a direct response to uphold the spirit of DPSPs (social justice) without contravening Fundamental Rights.

Parliament, however, sought to give effect to certain DPSPs by amending Fundamental Rights, leading to the enactment of the 1st, 4th, and 17th Amendment Acts. The conflict deepened with the *Golaknath case* (1967), in which the Supreme Court ruled that Parliament had no power to amend Fundamental Rights for the purpose of enforcing DPSPs, describing the rights as “sacrosanct.” In response, Parliament introduced the 24th and 25th Amendment Acts in 1971, within a few months of the judgment, in an attempt to reassert its authority to implement socio-economic reforms in line with the Directive Principles.

The 24th Amendment, 1971, empowered the Parliament to amend any Fundamental Right and made it mandatory for the President to give his/her assent to a Constitutional Amendment Bill. The 25th

## Chapter 11 - Directive Principles of State Policy

Amendment, 1971, later, added Article 31C to Part III of the Constitution, comprising two provisions: a) If a law is enacted to implement directives outlined in Article 39(b) and Article 39(c), and in doing so, if it infringes upon Article 14, Article 19, or Article 31, it shouldn't be deemed unconstitutional solely on this basis; b) Any such law that seeks to implement the above policy cannot be challenged in a court of law.

Further, the Supreme Court in *Kesavananda Bharati v State of Kerala*, 1973, held that no part of the Constitution, including Fundamental Rights, was beyond the amending power of Parliament. However, this power of Parliament is limited by the '**Doctrine of Basic Structure**,' wherein, the fundamental elements of the Constitution could not be abrogated even by a constitutional amendment. It, thus, overruled the *Golaknath* judgement of 1967 and upheld the validity of the 24th Amendment.

While reviewing the 25th Amendment, the Supreme Court upheld the validity of the first part of Article 31C, which gave precedence to certain Directive Principles over Fundamental Rights. However, it struck down the second part of Article 31C on the ground that it excluded judicial review, which the Court declared to be a part of the basic structure of the Constitution. The *Kesavananda Bharati* case thus reinforced the centrality of Fundamental Rights as part of the Constitution's core principles, while at the same time acknowledging the vital role of DPSPs in shaping state policies and promoting socio-economic justice.

In an attempt to counter the landmark *Kesavananda Bharati* ruling, the government enacted the 42nd Amendment in 1976, often described as the "Mini Constitution." This amendment expanded the scope of Article 31C, which earlier protected only laws enacted to implement the directives contained in Article 39(b) and (c). After the amendment, the protection was extended to laws enacted to give effect to any Directive Principle, thereby giving primacy to DPSPs over Fundamental Rights under Articles 14, 19, and 31. This sweeping change attracted strong criticism and widespread controversy, as it was seen to undermine the basic structure of the Constitution. By placing all DPSPs above certain Fundamental Rights, the amendment concentrated excessive power in the hands of the executive and significantly diluted the role and independence of the judiciary.

The 44th Amendment of 1978 brought a major constitutional change by abolishing the Fundamental Right to Property under Article 31, thereby reducing one of the main sources of conflict between Fundamental Rights and DPSPs. Soon after, in the *Minerva Mills* case (1980), the Supreme Court struck down the extended scope of Article 31C introduced by the 42nd Amendment, declaring it unconstitutional. The Court reaffirmed that Fundamental Rights enjoy supremacy over DPSPs, while at the same time recognizing that Articles 14 and 19 could be subordinated to the specific directives in Article 39(b) and (c). The Supreme Court emphasized that "**the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles.**" This judgment firmly established the **Doctrine of Harmonious Construction**, under which neither Part III nor Part IV prevails absolutely over the other. Instead, their mutual balance and interdependence were declared to be an essential feature of the basic structure of the Constitution.

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## Chapter 11 - Directive Principles of State Policy

### Doctrine of Harmonious Construction:

The word “harmonious construction” refers to the process of achieving harmony or oneness among the numerous components of a statute. According to this doctrine, the provisions of a statute should not be interpreted in isolation but collectively, to avoid a clash of contradicting provisions by removing any inconsistency or repugnancy.

When the court is unable to reconcile the differences between opposing provisions, the courts must interpret them in such a manner that both opposing provisions are given effect as much as possible. The basis of this doctrine is that the Legislature never envisages providing two conflicting provisions in a statute, because it amounts to self-contradiction. The Supreme Court of India in the *Re Kerala Education Bill, 1957* case, propounded this doctrine to avoid a situation of conflict while enforcing DPSPs and Fundamental rights.

Therefore, in the event of a conflict between Fundamental Rights and DPSPs, the current hierarchy is - ‘FR except Article 14 and 19’ >> ‘DPSP Article 39(b) and 39(c)’ >> ‘FR Articles 14 and 19’ >> ‘DPSPs except Article 39(b) and 39(c)’. Despite the established judicial hierarchy between Fundamental Rights and the Directive Principles of State Policy, complex issues such as affirmative action, environmental protection, and socio-economic entitlements continue to shape and evolve their relationship. Over time, courts have increasingly acknowledged that rigid prioritisation is neither feasible nor desirable. Instead, there is a growing recognition of the need for a nuanced and balanced approach, one that carefully considers the specific context and circumstances of each case. This dynamic interpretation ensures that both Fundamental Rights and DPSPs complement each other in advancing the broader constitutional vision of justice, equality, and social welfare.

### Uniform Civil Code:

A Uniform Civil Code (UCC) aims to ensure that all citizens, regardless of their religion, are treated equally under a national civil code. This code encompasses various aspects of personal law, including marriage, divorce, maintenance, inheritance, adoption, and property succession. It is founded on the principle that law and religion should be separate in modern society.

Article 44 of the Indian Constitution provides for a UCC as a Directive Principle of State Policy, stating that the State shall endeavour to secure a uniform civil code for all citizens throughout India. After its liberation in 1961, Goa retained the Portuguese Civil Code, making it the only state to have a UCC for all religions. Uttarakhand, in 2024, became the first state in the country after independence to adopt UCC. At the central level, the Union Law Ministry has asked the Law Commission to examine the matters about the implementation of the UCC.

### UCC – an analytical perspective:

Proponents of the UCC argue that it promotes real secularism by eliminating the influence of religious laws in state affairs. In a diverse society like India, all citizens— Hindus, Muslims, Christians, or

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## Chapter 11 - Directive Principles of State Policy

Sikhs—should be subject to the same laws, driven by rational human principles. The Constitution, under Article 14, guarantees equality before the law. However, the existence of varied personal laws undermines this principle. A UCC would ensure that laws related to marriage, inheritance, and family matters are equal for all Indians, thereby upholding the essence of equality. Supporters also contend that a UCC would enhance rights for women, who are often disadvantaged under patriarchal religious frameworks. Modern nation-states advocate for equal rights, but the persistence of religion-based personal laws hinders progress. Additionally, it is believed that a UCC would support national integration by reducing identity-based politics and promoting a unified national identity.

On the other hand, opponents argue that a UCC poses a threat to India's cultural diversity. As a multicultural society, the Constitution recognizes the importance of religious and customary rights. Implementing a UCC could homogenize diverse communities, which contradicts the spirit of the Constitution. Critics also point to the progress made through judicial reforms, with the Supreme Court addressing many discriminatory practices in personal laws. Continued reform via the judiciary may be preferable to a blanket approach that a UCC would impose. Furthermore, several existing common personal laws, such as the Special Marriage Act of 1954 and the Juvenile Justice Act, already apply universally to all citizens, suggesting that a UCC may be unnecessary.

In conclusion, a bottom-up approach to the implementation of UCC would allow underlying prejudices and stereotypes to be evaluated against the Fundamental Rights enshrined in the Constitution, fostering a more equitable legal framework.

### DPSPs OUTSIDE PART IV:

While Part IV of the Constitution explicitly lays down the Directive Principles of State Policy, several other directives are dispersed across the constitutional framework, collectively shaping the vision and goals of governance in India. Like the DPSPs, these directives are non-justiciable in nature, meaning they cannot be enforced by the courts. However, they remain equally significant, as they articulate the constitutional philosophy and provide essential guidance for the State in formulating policies aimed at achieving social, economic, and political justice. Some have been explicitly outlined in provisions such as:

- **Article 335**—It mandates the State to consider SCs and STs for appointment in Government jobs at the Union and State levels while maintaining efficiency in administration.
- **Article 350A** – It directs the State to provide adequate facilities for instruction in the mother tongue at the primary stage. These facilities are to be made for the children belonging to the 'Linguistic Minorities' groups. This provision was added by the 7th Amendment, 1956.
- **Article 351** – It imposes a duty on the State to strive for the promotion and development of the Hindi Language so it can serve as a medium of expression of all elements of the 'composite culture' of India.

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## Chapter 11 - Directive Principles of State Policy

As India marches into the second quarter of the 21st century, DPSPs carry forward their relevance in this globalized world for a better, informed, productive, equity-based, and sustainable developmental model. There is an increasing realization that these directives act as a bedrock for good governance and socio-economic justice in society. As suggested by L.M. Singhvi, DPSPs continue to serve as the “life-giving provisions of the Constitution.”

### PYQs

**Discuss the possible factors that inhibit India from enacting for its citizen a uniform civil code as provided for in the Directive Principles of State Policy. [200 Words] [12.5 Marks] [2015]**

**Although Part IV of the Constitution was envisaged as a non-justiciable set of directives, it has its own significance in the functioning of Constitutional democracy. Analyse. MGP 2025**

*Approach: Introduce by writing about Directive Principle of State Policy (DPSP) and briefly describe its non-justiciable nature. In the body write about the significant role it plays in the functioning constitutional democracy. In conclusion, mention Minerva Mills judgement to establish the utility of DPSP.*

Directive Principles of the State Policy (DPSP, Articles 36-51 of part IV) of the Constitution are a set of instructions to the State for establishing India as a **social and economic democracy**.

The framers of the constitution made **DPSP non-justiciable** (non-enforceable by courts) because of **insufficient material resources, diversity and backwardness**, considering the challenges before the **newly formed nation** and potential **conflict between legislature and judiciary**.

Although DPSPs are non-justiciable, they are **significant** in the functioning of Constitutional democracy as:

1. DPSP are **constitutional instructions** that guide legislative and executive actions. They serve as a common political manifesto that enables **the public to judge** the actions done by their **representatives; helps the opposition** to check the government's arbitrary actions.
2. They are sources of **jurisprudential support** for the judiciary in **determining the constitutionality** of legislative and executive actions. E.g., SC mandating compensatory afforestation.
3. It imposes a duty on the state towards **good governance** and make India a **welfare state**. E.g., Article 21A inspired by Article 45.
4. They are **supplementary to the fundamental rights** as they fill the vacuum by providing **social and economic rights**. E.g., Equal pay for equal work [Article 39(d)].
5. They amplify the preamble and serve as a gentle **reminder** of our **constitutional makers**; also **serve as moral percepts with educative value**.

On the other hand, several **Constitutional experts** have opined that they are **pious superfluous aspirations** with **no consistent philosophy**, leading to certain **constitutional conflicts**.

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## Chapter 11 - Directive Principles of State Policy

However, emphasizing the importance of DPSP, **Supreme Court in Minerva Mills** case held that the Indian Constitution is founded on the **bedrock of the balance** between the **Fundamental Rights** and the **Directive Principles**.

### Points to ponder based on PYQ:

1. **Zamindari Abolition (Land Reforms):** In the 1950s, states implemented agrarian land reforms by abolishing the zamindari system (eliminating intermediaries) to redistribute land to tenant farmers. This gave effect to Article 39(b), which directs the State to ensure an equitable distribution of material resources (like agricultural land) for the common good. These land reform laws advanced the DPSP vision of economic justice by breaking up large feudal estates and reducing land inequality.
2. **Constitutional Safeguards for Reforms (Article 31A & 31B):** To enable DPSP-driven social reforms like land redistribution, Parliament enacted the First Amendment Act, 1951. It inserted **Article 31A**, which protects laws related to abolition of zamindari and other agrarian reforms from being void on grounds of violating Fundamental Rights (such as the right to property). The amendment also introduced the **Ninth Schedule** via Article 31B, placing certain social legislation (starting with land reform acts) beyond judicial review. These measures immunized pro-poor laws from legal challenges, ensuring the State could pursue DPSP objectives (e.g. land reforms for social justice) without being thwarted by Fundamental Rights litigation.
3. **Bank Nationalization (1969):** The nationalization of major banks by the government in 1969 was a policy step aligned with DPSPs, particularly Articles 39(b) and 39(c). By bringing banks under public ownership, the State sought to direct credit towards social welfare, prevent the concentration of wealth, and ensure that the community's resources were used for the common good. This move reflected the Constitution's socialist directive for the equitable distribution of resources and reduction of economic inequalities.
4. **Legal Services Authorities Act, 1987:** To implement Article 39A (which urges the State to ensure equal justice and free legal aid), Parliament passed the Legal Services Authorities Act, 1987. The Act established a nationwide framework (the Legal Services Authorities at national, state, and district levels, and *Lok Adalats*) to provide free or affordable legal assistance to the poor and marginalized. This law concretely translated the DPSP mandate of "free legal aid" into reality, ensuring that lack of money or knowledge does not bar citizens from accessing justice.
5. **Directive Principles vs Fundamental Duties:** Part IV (DPSPs) and Part IV-A (Fundamental Duties) both contain non-justiciable provisions, but their focus differs. DPSPs are directives to the State to promote citizens' welfare (social and economic democracy), whereas Fundamental Duties (added by the 42nd Amendment in 1976) are moral obligations for citizens to help achieve national goals. For example, Article 48A directs the State to protect the environment, while Article 51A(g) makes it a duty of citizens to safeguard the environment – illustrating how duties complement DPSPs. In essence, DPSPs require the government to establish a just society, and Fundamental Duties call upon citizens to actively support and uphold these constitutional ideals.

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