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Authors Affiliation
Assistant Professor, Dept. of
Political Science, University
College of Arts, Tumkur
University, Tumakuru.

Reprints Requests
Gunde Gowda, Assistant
Professor, Dept. of Political
Science, University College of Arts,
Tumkur University, Tumakuru,
Karnataka 572103
E-mail:
gundegowda1400@gmail.com

Directive Principles: A Tool for Socio-Economic Development in India

Gunde Gowda

Abstract

The directive principles enshrine the fundamentals for the realization of which the state in India stands. These principles place an ideal before the legislators of India while they frame the new legislation for the country's administration. They lay down the code of conduct for the administrators of India while they discharge their responsibilities as agents of the sovereign power of the nation. The real importance of the directive principles is that contain the positive obligation of the state towards its citizens. Though no one can approach the court of Law for the implementation of the principles, they play an important role in the socio economic development of the nation. This paper analyses the nature of the directive principles and their importance in the nation building.

Keywords: Constitution; Social Justice; Welfare Nation; Democratic Government; Rule of Law.

Introduction

The Founding fathers of our constitution were influenced by the Irish nationalist movement, the declaration of the rights of man proclaimed by French national assembly, the American Independence and the United Nations Declaration of Human rights 1948. The constitutional assembly thought that these principles are essential to ensure the economic democracy to the nation. Finally these principles have been incorporated in the part IV of the constitution. These principles are guidelines given to the central and state governments, to be kept in mind while framing laws and policies. These provisions are not enforceable by any court, but the principles laid down there in are considered fundamental in the governance of the country, making it the duty of the state to apply these principles in making laws to establish a just society in the country.

Directive Principles

Article 36 to 51 of the constitution embodies the

directive principles. Article 37 reveals that

- The directive principles are not justifiable
- They are fundamental to the governance of the country.
- It shall be the duty of the state to apply these directive principles while formulating policies or making laws for the governance of the state.

Classification of Directive Principles

Socialist Principles

Article 38- the state shall Endeavour to formulate such Social system which will secure social, economic, and political justice to all in all the spheres of life.

Article 39(a)- the state shall try to formulate its policy in such a manner so as to secure adequate means of livelihood for all its citizens. Article 39(b) - the ownership of material resources would be controlled in such a manner so as to subserve the common good. Article 39 (c) The economies of the

state will be administered in such manner so that wealth may not yet be concentrated in a few hands and the means of production may not be used against the public interest. Article 41, the state will work within the limits of its economic viability and progress, provide to the citizens the right to work, the right to education and general assistance in the event of unemployment, old age, disease and other disabilities. Article 42. The state will make provisions for the creation of just and humane conditions of work. It will also ensure maternity relief. Article 43 – the state will ensure adequate wages, good life and rest to the labourers. The state will also endeavour to make available to the labourers various Socio- cultural facilities.

Liberal Principles

Article 44 - the state shall endeavour to formulate and implement a uniform civil code for all the people living throughout the territory of India. Article 45 – the state shall endeavour to provide early child hood care and education for all the children until they complete the age of six year. Article 47- the state shall strive to raise the level of nutrition and the standard of living. Thus, it will endeavor to improve upon the health of the people. Article 48. The state shall strive to organize agriculture and husbandry on modern and scientific lines. It will also try to maintain and improve upon the breed of the animals. Article 50- the state will try to separate the judiciary from the executive in the case of public service.

Gandhian Principles

Article 40 – the state will strive to organize panchayats in villages and will endow them with such powers which enable them to act as units of self – government. Article 43 – the state shall strive to develop the cottage industry in the rural areas both, on individual or cooperative basis. Article 47 – the state will strive to ban the consumption of wine, other intoxicating drinks and all such commodities which are considered injurious to health. Article 48 suggests that the state will ban slaughtering of cows. Calves and other milk cattle.

The preamble of our constitution makes explicit, the resolve to create a “socialist and democratic republic” in order to secure economic and political justice, equality, liberty, and dignity. The edifice of our constitution is built upon the concepts crystallized in the preamble. We resolved to constitute ourselves into a socialist state which carried with it the obligation to secure to our people justice – social economic and political. We therefore,

put part IV into our constitution containing directive principles of state policy which specify the socialistic goal to be achieved.

In a case of a supreme importance state of Madras V. Champakam Dorairajan contended that Article 46 Charges the state with promoting with special care the educational and economic interests of the weaker sections of the people, and in particular, of the scheduled cases and the scheduled Tribes and with protecting them from social injustice and all forms of exploitation.

The Supreme Court on answering to the question as to whether the power of government to fix minimum wages was restrictive of trade and business held that freedom of trade does not mean freedom to exploit. The provisions of the constitution are not erected as barriers’ to progress. It is a fallacy to think that in our constitution there are only rights and no duties. There is no conflict between part III and part IV of the constitution which are complementary and supplemental to each other.

Article 38 provides that the State shall secure a social order for the promotion of the welfare of its people. The constitution forty fourth Amendment Act 1978, by inserting new clause (1) in article 38 have provided that the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may be as social order in which justice, social, economic and political, shall inform to the institution of national life.

The preamble and article 38 of the constitution envision social justice as the arch to ensure life to be meaningful and livable with human dignity. The constitution commands justice, liberty, equality and fraternity as supreme values to usher the egalitarian social, economic, and political democracy. Social justice equality and dignity of persons are cornerstones of social democracy.

The supreme court in Harjinder Singh vs Punjab State warehousing corporation held that while exercising jurisdiction under article 226 and /or 227 of the constitution, the High Courts are duty bound to keep in mind that the Industrial Disputes Act and other Similar legislative instruments are social welfare legislations and the same are required to be interpreted keeping in view the goals set out in the preamble of the constitution and the provisions contained in the part IV thereof in general and Articles 38, 39(a) to (e), 43, and 43A in particular, which mandate that the state should secure a social order for the promotion of welfare of the people ensure equality between men and women and equitable distribution of material resources of the

community to Sub-Serve the common good and also ensure that the workers get their dues
Implementation of the Directive Principles.

The central and State Governments have made many efforts to implement these principles. The 86th constitutional amendment of 2002 inserted a new article that is 21-A into the constitution to provide free and compulsory education to all children aged 6 to 14 years. The Government enacted the prevention of Atrocities Act which provided serve punishments for such atrocities.

Several land reform Acts were enacted to provide ownership rights to poor farmers. The thrust of banking policy in India has been to improve banking facilities in the rural areas. The minimum wages Act of 1948 empowers the government to fix minimum wages for employees engaged in various employments. The consumer protection Act of 1986 provides for the better protection of consumers the Act is intended to provide simple, speedy and inexpensive redressal to the consumers' grievances. The Equal Remuneration Act of 1976. Provides for equal pay for equal work for both men and women. The rural development programmes like SGRY, EAS, and MGNREGA were launched to attain the objective of gainful employment for the rural poor. These programmes are being implemented through the Panchayat Raj Institutions.

Conclusion

The Directive principles have been used to uphold the constitutional validity of legislations in case of a conflict with the fundamental rights. Dr. B.R.

Ambedkar rightly pointed out in constitutional assembly that the 'Central and the State Governments should born in mind when they are formulating the policies for the nation. If any Government ignores these principles, people will teach the lesson to the Government at the time election'. India is a agrarian Nation where most of the people are living rural areas and their depending upon Agriculture the Government must formulate the policies as directed in the part IV of the constitution. The Supreme court, after the judgment in the KeshavananadaBharati case has adopted the view of the fundamental rights and the directive principles being complementary to each other, each supplementing the others role in aiming at the same goal of establishing a welfare state by means of social revolution.

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