

## Directive principles of state policy and constitutional amendments in India



### Political Science

KEYWORDS :

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### ABSTRACT

*The directive principles of state policy are the guidelines for the union and state governments of India and are supposed to be considered by them while framing any laws & policies. The directive principles are contained in part fourth of the Indian constitution but cannot be claimed as a matter of right by the citizens of India i.e. cannot be enforced in a court of law but the essence of these principles is taken as being elementary for governing the country & hence a duty has been imposed on the states to consider these principles while framing any laws so as to build a society which believes in promoting equality and justice. These principles are basically an inspiration taken from the Irish constitution & Gandhian philosophy and they aim at to promote social fairness, economic benefits, foreign policies and strong legal and administrative management.*

### Introduction:

the inclusion of direct principles of state policy in our constitution is a unique feature of our constitution. The idea about the directive principles of state policy under articles 36th to 51 has been borrowed from the Irish constitution. they are as he said, like the instruments of instructions of the government of India Act 1935 issued to the governor general by the British Government. these are directives to the governments of the day to consider them fundamental while formulating the policies with regard to the government of the country.

### Features of directive principles

\* these principles are not justiciable the government cannot be called to the courts for not having implemented them.

\* They serve as guidelines while making laws for the people they are like the policies for the government. the national manifesto irrespective of the political party in power.

\* They are so comprehensive that they seek to build a socialist society a Gandian India and the liberal international state. (Article 38 to 51)

\* Directive principles seek to establish social and economic democracy.

\* They are indeed not enforceable. but they cannot be ignored either the governments cannot make laws against them and if they do so, they can be declared violative of the constitution. In this sense the directive principles are enforceable.

\* Ever since the directive principles of state policy were incorporated in the constitution, certain new directive principles have been added these are

a) To secure opportunities for healthy development of children (Article 39)

b) To promote equal justice and to provide free legal aid to the poor (Article 39 A)

c) To take steps to secure the participation of workers in the management of industries (Article 43A)

### Amendments

Changes in Directive Principles require a Constitutional amendment which has to be passed by a special majority of both houses of the Parliament. This means that an amendment requires the approval of two-thirds of the members present and voting. However, the number of members voting should not be less than the simple majority of the house – whether the Lok Sabha or Rajya Sabha.

Article 31-C, inserted into the Directive Principles of State Policy by the 25th Amendment Act of 1971 seeks to upgrade the DPSPs. If laws are made to give effect to the Directive Principles over Fundamental Rights, they shall not be invalid on the grounds that they take away the Fundamental Rights.

To minimize inequalities in income, status facilities, and opportunities and adding them in article 38 (44th amendment 1978)

Article 45, which ensures Provision for free and compulsory education for children, To declare elementary education obligatory under article 21 was added by the 86th Amendment Act, 2002.

Article 48-A, which ensures Protection and improvement of environment and safeguarding of forests and wild life, was added by the 42nd Amendment Act, 1976.

Difference between directive principles and fundamental rights.

The fundamental rights and directive principles are oftenly distinguished

1) fundamental rights are both negative and positive; the directive principles are essentially positive.

2) fundamental rights are justiciable, Directive principles are not justiciable

3) fundamental rights put limitations on the governments, a check on their obsolescence; directive principles provide them the tasks they must perform.

4) fundamental seek to establish political democracy directive principles seek to establish social and economic democracy;

5) fundamental make the governments implement them directive principles have no such force they only have appeal.

6) fundamental are individual oriented, directive principles are community oriented.

### Evaluation of Directive principles:

The directive principles of state policy have been described by where as a manifesto of aims and aspirations. It is, K T Shah said, a cheque payable by the bank concerned at its own convenience. Srinivasan held the view that these principles combine rather incongruously the modern with the old, and provisions suggested by reason and science with provision based purely on sentiment and prejudice. These principles have been criticised as lacking legal sanctions. Devoid of constitutional importance; they are vaguely stated and have been illogically arranged. No two principles are linked together; there are principles which

would not to be implimented in any remote future, and there are principles which any government worth the name would enforce. And yet principles have utility of their own.

These principles act as signposts indicating what has been achieved and what still has to be achieved; they provide criteria to judge the performance of the rules; they help induce the governments to work for the welfare of the people. Justice Sapru had said, In these directive principles will be found the entire philosophy on which the welfare state in any modern community can be founded " these principles serve as the common manifesto. Justice Gajendragadkar says; "A ruling party, irrespective of its political ideiology, has to recognise the fact that these principles are intended to be its guide, philosopher and friend in its legislative and execulative acts."

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