




















DPSP AND FUNDAMENTAL DUTIES

DIRECTIVE PRINCIPLES

Article 36 to 51 of the Indian Constitution embodies the Directive Principles of State policy. It acts as a guideline for the state while coming up with any new law but a citizen cannot compel the state to follow them.

Socialist	Liberal	Gandhian
<p>Provide adequate means of livelihood to citizens </p> <p> Prevent concentration and ensure equal distribution of wealth & resources</p> <p>Equal pay for equal work for all men and women </p> <p> Ensure decent standard of living & leisure for workers</p> <p>Provide opportunities & facilities to prevent exploitation of youth & children </p> <p> Make efforts to secure the right to work</p> <p>Assistance in case of unemployment, sickness & old age </p>	<p>Free compulsory education for children upto 14 yrs </p> <p> Separation of Judiciary and Executive</p> <p>Protect monuments & historical places </p> <p> Safeguard forests and wildlife of the country</p> <p>Securing participation of workers in management of industries </p> <p> A uniform civil code for the country</p> <p>Organise animal husbandry & agriculture scientifically </p>	<p>Establish panchayats to function as units of self government </p> <p>Prohibition of drugs and alcohol </p> <p> Promotion of economic & education of weaker sections</p> <p>Promotion of cottage industries </p> <p>Prevention slaughter of cows, calves & milch cattle </p> <p><small>DPSPs are positive obligations on the state. They were not made justiciable because India did not have sufficient financial resources. Moreover, its backwardness and diversity were also a hindrance in implementing these principles at that time. At the time of the drafting of the Constitution, India was a newly born independent state and was struggling with other issues and making DPSPs justiciable would have put India in great difficulty.</small></p> <p style="text-align: right;">Prof. Freddy Singaraj</p>

Part IV: Directive Principle of State Policy → Later added to the Constitution

- Art 36–Art 51
- Taken from Ireland

Guidelines to Central and State Government of India, to be kept in mind while forming laws and policies

Used to check Constitutional values of any law

• Art 36: Defines State as same as Art 12 unless the context otherwise defines.

→ Eg: Govt. bodies, Central Govt., etc.

• Art 37: They are non-justiciable

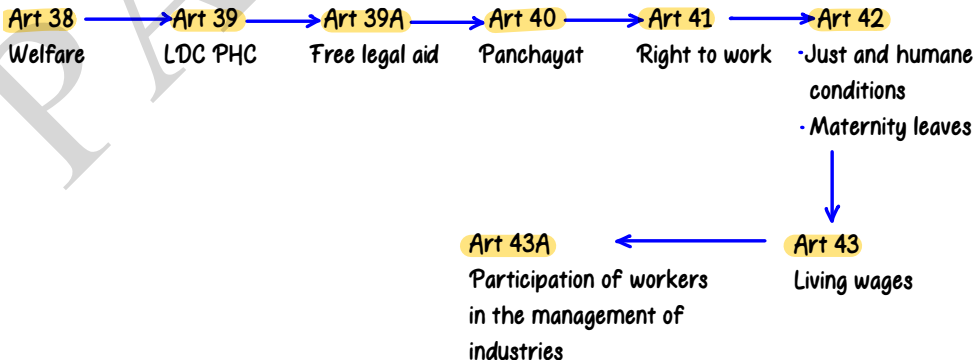
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DPSP: Non-justiciable rights

- Instrument of instruction — DPSP → Resembles GOI Act 1935
- Novel feature of Constitution — B R Ambedkar
- Described DPSP as "Conscience of Constitution" — Grainville Austine

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Cooperative Federalism of India

• DPSP seeks to establish a welfare-state

• DPSP establishes Social and Economic democracy

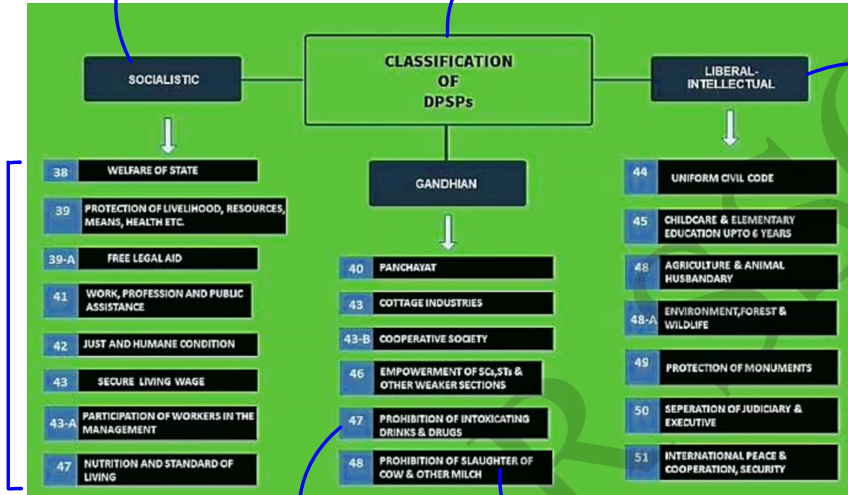


Emphasis the need for equal opportunity and Socio-economic justice

Classification not given in Constitution

Focuses on individual rights and liberties

Not in order



To raise level of nutrition

Animal husbandry production

Art 39

- Livelihood — L
- Material resources distribution — D
- Concentration — C
- Pay for equal work for both sexes — P
- Health and strength of workers — H
- Children — C

Art 44: Uniform Civil Code for the citizens

Art 45: Early childhood care (0-6 yrs)

Art 46: Promotion of education and economic interest of SC/ST and other weaker sections

- **Art 47:** Duty of the state to raise the level of nutrition and standard of living and to improve public health
- **Art 48:** Organisation of agriculture and animal husbandry
- **Art 48A:** Protection and improvement of environment and safeguarding of forests and wildlife
- **Art 49:** Protection of monuments and places and objects of national importance
- **Art 50:** Separation of judiciary from executive
- **Art 51:** Promotion of international peace and security

Amendments

- **42nd CA** —
 - **Poor:** free legal aid to poor → Art 39A
 - **Worker:** participation of workers → Art 43A
 - **Child:** opportunities for their healthy development → Art 39
 - **Environment:** Art 48A
- **44th CA** — To minimise inequality in income status facility and opportunities → Art 38
- **86th CA** —
 - FR → Art 21A added (Art 21A ← **Justiciable** Art 45)
 - DPSP → Art 45: Early childhood care for 0-6 yrs (State)
 - FD → Art 51A (k): Guardian duty to provide education 6-14 yrs
- **97th CA** → Cooperative Society → Art 43B



Fundamental Rights vs DPSP

- **Champakam Dorairajan Case (1951)**: SC said —
 - FR would prevail over DPSP
 - FRs are amendable

- **Golaknath Case (1967)**: SC said — Parliament cannot take away FRs

Then

- By Parliament —
 - **24th CA**: Parliament can amend FRs
 - **25th CA**: no law which seek to implement Art 39 (b) (c) shall be declared null and void on grounds of Art 14 and Art 19. No such law shall be questioned in any court

- **Keshavnanda Bharti Case (1973)**: 13 bench judges case

— Parliament can amend FRs however cannot disturb the **"Basic Structure of Constitution"** (24th CA)

— **25th CA**: 1st provision ✓
2nd provision — Unconstitutional

- **Minerva Mill Case (1980)**: Indian Constitution is found on the bedrock of balance between FRs and DPSP

- "Directive Principle of State Policy are like check on bank payable at convenience of the bank" → By Professor K T Shah

- **Sardar Swaran Singh** → Taken from USSR

- 8 duties recommended → Total 10 duties added

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42nd CA 1976

• Fundamental Duties were not originally part of the Constitution — Part IVA (Art 51)

↳ These are only applicable to Indians not foreigners

• Last FD → Art 51A (k) was added through 86th CA

↳ At present 11 FDs

Art 51A (k): it is the duty of guardians to provide education to 6-14 yrs

FUNDAMENTAL DUTIES

The Constitution of India

Article 51A

It shall be the duty of every citizen of India

• to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem ;

• to cherish and follow the noble ideals which inspired our national struggle for freedom ;

• to uphold and protect the sovereignty, unity and integrity of India ;

• to defend the country and render national service when called upon to do so ;

• to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities ; to renounce practices derogatory to the dignity of women ;

• to value and preserve the rich heritage of our composite culture ;

• to protect and improve the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures ;

• to develop the scientific temper, humanism and the spirit of inquiry and reform ;

• to safeguard public property and to abjure violence ;

• to strive towards excellence in all spheres of individual and collective activity so that the Nation constantly rises to higher levels of endeavour and achievement ;

Art 51A

Abide

b: Bhagat Singh

c: 3 duties

d: to defend

e: panch — to promote equality

f: fort

g: greenery

h: humanism

i: eye — Non-violence "an eye for an eye"

j: jeddu — Jadeja (Call rounder)

M K Gandhi

• Fundamental Duties have ethical, social, economical significance