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## **DIRECTIVE PRINCIPLES OF STATE POLICY: EVALUATING IMPLEMENTATION IN THE CONTEXT OF RECENT SOCIAL AND ECONOMIC REFORMS.**

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### **I. INTRODUCTION**

The Constitution of India, in Articles 36 to 51, essentially enshrines certain Directive Principles of State Policy which impose positive obligations on the State to perform functions in particular directions which guarantee the welfare of the People of India and the Democracy as a whole. Taking an insight into the paramount relevance of Part IV of the Constitution in which these principles are included, this undertaking would strive to provide an impetus on as to how they have been duly implemented by the State in context of recent social and economic reforms in India.

#### ***i) BACKGROUND INFORMATION***

The Constitution- being the Supreme Law of the Land in India confers upon several rights and duties upon the people of the countries and lays down how our sovereign State has to function as a whole. Besides Fundamental Rights contained in Part III of the Constitution and all the essential components that were contemplated to be a part of the Constitution, the drafters in the Constituent Assembly of India conjointly laid emphasis on the paramountcy of “Directive Principles of State policy contained in Part IV. DPSP embodied in part IV of the Constitution contains certain obligations of the state. The Directive Principles, according to the Chief

architect of the Indian Constitution Ambedkar”<sup>1</sup>, “*Have a great value for they lay down that our ideal is not only economic democracy but also economic democracy*”<sup>2</sup> The root of the concept being added in this part through an inspiration from the Irish Constitution was that once, there was a time when prevailed the *laissez faire* era when the only concern of the State was to protect the society of any kind of external aggression and maintain the necessary law and order in the State, however, this idea no longer remains prevalent and the makers of the Constitution contemplated that a country like India which had very less wealth left remaining as a consequence of the colonial rule, only constitutional democracy alone was not effective. Therefore, economic democracy had to be stressed upon and “few provisions were added in the *Constitution* with a view to achieve amelioration of the socio-economic condition of the masses”<sup>3</sup>.

These provisions came to be known as the *Directive Principles of State Policy* which ensure that the State performs certain functions which are oriented positively towards the society in order to pursue various socio-economic goals which contribute in making our country- *a welfare state* in which the well-being of the people will prosper. Laying down and prescribing such principles being one aspect, the implementation of the same in a democracy with the highest population of people is a whole disparate concept altogether. Therefore, an attempt has been made in this undertaking to carefully analyse how in the recent social and economic developments in our country, the Directive Principles of the State Policy are being effectively implemented.

## **ii) OBJECTIVES**

- The objectives of this article are as follows:
  - a) To state the various Directive Principles of State Policy contained in Part IV of the Constitution and how they promote welfare of the State.
  - b) To analyze the effectiveness of implementation of these Directive Principles of State policy in recent socio-economic reforms in the country.

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<sup>1</sup> A. David Ambrose, *Directive Principles of State Policy*, 55, JOURNAL OF ILI, 1, 1-2 (2013).

<sup>2</sup> *Id* at 1.

<sup>3</sup> M.P. JAIN, INDIAN CONSTITUTIONAL LAW, 1209, (8<sup>th</sup> ed. 2018).

- c) To study whether the implementation really effective or some modification in implementation policies is required.

## II. THE PROMOTION OF 'WELFARE STATE' BY THE DIRECTIVE PRINCIPLES OF STATE POLICY IN INDIA.

The principles enshrined in Part IV emphasize on building and constituting a 'just' society and have been drafted in such a manner where the State can promulgate and implement policies for the common good of the society from time to time, in accordance with the ever wavering social and economic scenario in the society.

The vital role of Directive Principles of State Policy- *Socialism*, has been given impetus by the addition of the word '*Socialist*' in the Preamble of the Constitution by the 42<sup>nd</sup> Amendment, 1976. "The term socialist has been brought in the Constitution to establish an egalitarian social order through rule of law as its basic nature"<sup>4</sup>. In the case of *Minerva Mills v. Union of India*<sup>5</sup> "The Hon'ble Supreme Court of India considered the meaning of "*Socialism*" as to crystallise a socialistic state securing to its people socio-economic justice by interplay of the Fundamental Rights and the Directive Principles"<sup>6</sup>. An acceptable as well as decent living conditions that constitute a meaningful and harmonious human life are also promoted through socialism. Directive Principles of State Policy, through Article 37 of the Constitution are made unenforceable and non-justiciable in the courts of India. The Article states that "*The provisions contained in this Part shall not be enforceable by any Court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.*"<sup>7</sup> No writs as that in the case of Fundamental Rights will be issued to enforce these principles by the Courts which are bound "to evolve, affirm and adopt principles of interpretation which will further and not hinder the goals set out in the Directive Principles of State Policy"<sup>8</sup>. Article 36 to 51 embodies the various Directive principles of State Policy.

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<sup>4</sup> *Supra* note 3 at 2.

<sup>5</sup> *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789 (1980).

<sup>6</sup> *Supra* note 3 at 2.

<sup>7</sup> India Const. art. 37.

<sup>8</sup> *U.P. SEB v. Hari Shankar Jain*, AIR 1979 SC 65, (1978).

Article 36 starts by stating the meaning of word 'State' in the DPSPs and it has the same meaning as given in Part III of the Constitution-*The Fundamental Rights*, unless otherwise required by the context. Article 37 elaborates regarding the non-justiciable nature of these principles and clearly states that they are not enforceable by any court in India, however, as these are essential in the governance of the country, the State has to necessarily apply the principles while formulating laws. Article 38(1) and (2) obliges the State to strive to promote the welfare of people by "ensuring social, economic and political justice and by minimizing inequalities in income, status, opportunities and facilities"<sup>9</sup>. Article 39 in clauses (a) to (f), lays down certain principles of policy to be followed by the State- Equal right to adequate means of livelihood to every citizen, Particularize ownership and control of distribution of material resources so as to subserve to common good in the society, Wealth should not be concentrated only in few hands, Men and women should be equally paid for equal work, The health and strength of workers is ensured and there is no abuse of the tender age of children, Protection of child and youth against exploitation, moral and material abandonment. Through the 42<sup>nd</sup> Constitutional Amendment, Article 39A was added to ensure equal justice and free legal aid to anyone who is otherwise economically disabled. Article 40 provides for organization of village panchayats and give them such powers so that they can function as units of self-government. Article 41 "secures the right to work, education and to public assistance in cases of unemployment, old age, sickness and disability"<sup>10</sup>. "Article 42 states that humanly and just conditions shall prevail for work and also for maternity relief. Article 43 ensures to all workers a living wage and decent conditions of life etc. Article 43A and B provides for participation of workers in management of industries and promotion of co-operative societies respectively. A Uniform Civil Code is ensured to secured every citizen of India through Article 44. In Article 45, early childhood care and education are provided to every child below the age of six. Through Article 46, the educational as well as economic interests of marginalized people and particularly scheduled castes, scheduled tribes and other weaker sections are promoted"<sup>11</sup>. Article 47 obliges the State to increase in the society-nutrition level, standard of living and also to improve public health by prohibiting the intake of intoxicating drinks which are injurious to health. The "organization of animal husbandry and agriculture on modern and scientific lines and also the prohibition of the slaughter of cows, calves, milch and other draught cattle is the

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<sup>9</sup> *Supra* note 5 at 3.

<sup>10</sup> India Const. art. 41.

<sup>11</sup> Dr. J.N. PANDEY. CONSTITUTIONAL LAW OF INDIA, 400, (59<sup>th</sup> ed. 2022)

provision by *Article 48*<sup>12</sup> whereas, *Article 48A* states that State shall actively endeavor to engage in preservation of forests and wildlife of the country. Similarly, *Article 49* protects historical monuments and places which are of national importance. The exclusive separation of judiciary from executive is elaborated in *Article 50*. International peace and safety are guaranteed through *Article 51*. All these articles, respectively, are aimed towards evolving India as a Welfare State.

### III. IMPLEMENTATION OF DIRECTIVE PRINCIPLES OF STATE POLICY IN CONTEXT OF RECENT SOCIAL AND ECONOMIC REFORMS.

Each of the Directive Principles, as separate components, constitute for the betterment and welfare of the society- in all aspects be it *social, economic and political*. Commencing from *Article 38(1) and (2)*, for the effective implementation of securing social order in which political, social and economic justice is delivered to people, in context of recent reforms, various schemes have been formulated by the Government. In this ambit, for eliminating the issue of poverty and reducing income disparity in the society the *Pradhan Mantri Jan Dhan Yojna and Mahatma Gandhi National Rural Employment Guarantee Act-MGNREGA* have been formulated where the former was launched in 2014 by the Prime Minister aiming “financial inclusion” by providing all kind of banking facilities such as account opening, remittances, credit etc. to every person-even to the population in most rural areas. The scheme has now about 50 crore beneficiaries out of which around 20 crores are women and the total amount in these bank accounts have crossed the mark of 3 lakh crore as of 2024. The progress has significantly increased from the previous years and has provided efficient financial services to low-income groups, also, during the outbreak of Covid-19 pandemic, under this scheme, Rs 500 were given to every woman in the country for three months. MGNREGA scheme provides a legal guarantee of hundred days of employment to any adult member of a rural household who needs and is willing to perform manual and unskilled labor. Data shows that in the financial year 2023-24, above 80 million people worked under this scheme benefitting unemployed youth and a larger portion of the 2024 Budget would be now allocated than in the last year. For social security schemes, Various schemes like the *Employees' Provident Fund*

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<sup>12</sup> India Const. art. 48.

(EPF), Employees' State Insurance (ESI), and pension schemes for the elderly aim to provide financial security and support for different segments of society.

Thereafter, for the effective implementation of Article 39(a) to (f), including MGNREGA in the ambit too, for providing adequate means of livelihood- programs like Prahan Mantri Kaushal Vikas Yojana has been formulated which aims to enhance employment through various skill development programs. In cases like State of Karnataka v. Ranganath<sup>13</sup> Reddy and Sanjeev Coke Mfg. Co. v. Bharat Coking Coal Ltd.<sup>14</sup>, the Hon'ble Court has stated what material resources mean in Article 39(b)-all private and public property, not only natural resources, that are of value to an individual and many land distribution scheme to marginalized sections have been promoted alongside, various policies where maintaining equal material resource allocation is effectuated. Similarly, effective schemes have been implemented in regard of other clauses of Article 39. Article 39A mandates that justice shall be delivered equally to every person and that free legal aid should be accessible to anyone who is otherwise economically challenged. "The Legal Services Authorities Act, 1987 was enacted to provide free and competent legal services to the weaker sections of society and to ensure that justice is not denied to anyone by reason of economic or other disabilities. The Act also aims to organize Lok Adalat to secure that the operation of the legal system promotes justice on the basis of equal opportunity"<sup>15</sup>. Therefore, the Act for this purpose, established "National Legal Services Authorities, State Legal Services Authorities, District Legal Services Authorities and also at Taluk level"<sup>16</sup>. Lok Adalat aim at Alternate Dispute Resolution where disputes are resolved between parties amicably and the burden of courts is reduced. The implementation of this Article has significantly increased awareness among the weaker sections of the society regarding their legal rights and how delivery of justice is quintessential to them.

The implementation of Article 40 has seen various reforms and initiatives aimed at strengthening local governance and decentralizing power. The 73<sup>rd</sup> Constitutional Amendment, 1992 provided impetus to the formation of Panchayati Raj system at three tier level at district, intermediate as well as village levels-which effectively gave a boost to governance even at the grassroot levels of the country. To implement right to work, under Article 41 Atmanirbhar Bharat Rojgar Yojna had been implemented during the Covid-19 pandemic phase to sub solve

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<sup>13</sup> State of Karnataka v. Ranganatha Reddy, AIR 1978 SC 215, (1977).

<sup>14</sup> Sanjeev Coke Mfg. Co. v. Bharat Coking Coal Ltd., AIR 1983 SC 239, (1983).

<sup>15</sup> *Supra* note 3 at 2.

<sup>16</sup> *Supra* note 11 at 4.

the issue of employment and to provide subsidies to people who had been newly employed to earn wages. For right to education under the same article, “Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) ensures free and compulsory education to children aged 6 to 14 years and Samagra Shiksha Abhiyan- an integrated scheme for school education extending from pre-school to Class 12<sup>th</sup> to ensure inclusive and equitable quality education”. Other schemes to provide assistance to people in unemployment, old age, sickness and disablement are- Pradhan Mantri Rojgar Protsahan Yojana, Pradhan Mantri Vaya Vandana Yojna, Indira Gandhi National Old Age Pension Scheme, Ayushman Bharat, Sugamya Bharat Campaign etc. Just and humanly conditions for work as well as of maternity relief under Article 42, formulated. Article 43 promotes welfare on the same lines. The Uniform Civil Code, under Article 44, aims to override the personal laws on marriage, divorce, inheritance, adoption and maintenance based on religion by a uniform law applicable to every citizen. Recently, **Uttarakhand** has become the only State to implement the UCC under Article 44. Article 45 obliges the State to impart childhood care and education to every child up to the age of six years. Its implementation has been carefully carved out in the form of policies like National Education Policy 2020, Anganwadi Services, Mid-day Meal scheme, Samagra Shiksha Abhiyan-integrated scheme for school education extending from pre-school to class 12<sup>th</sup>, Poshan Abhiyan etc. Article 46 largely follows the footsteps of Articles 38 and 39. Article 47 states that “The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health”. For the implementation of the same, National nutrition mission (Poshan Abhiyan) was launched in 2018 which aims at eradicating malnutrition and also ensure the better nutritional needs of children, pregnant women as well as lactating mothers. It led to merger of schemes like Anganwadi Services, Pradhan Mantri Matru Vandana Yojana, Swachh Bharat Mission etc. Also included in this is the Mid-day meal scheme for school going children, Pradhan Mantri Jan Arogya Yojana which provides secondary and tertiary healthcare services to marginalized section, the National Health Mission etc. Article 48 focuses on agriculture and animal husbandry mainly, formulating schemes like Pradhan Mantri Krishi Sinchai Yojana, Soil Health Card, National Livestock Mission, Rashtriya Gokul mission etc. The State protects and preserves historical monuments of national importance under Article 49, and therefore, formulated schemes like Adopt a Heritage: Apni Dharohar, Apni Pehchaan Initiative.

Similarly, implementation programs have been effectuated for Articles 50 and 51 by the State.

#### IV. IS IMPLEMENTATION EFFECTIVE?

In the real life democratic set up, it is role of the organs of the Government to effectuate and implement these directive principles for the proper functioning of the Welfare State. The Legislature has to keep in mind these principles while formulating laws for the social and economic welfare of the Indian society and the *Judiciary*, as the guardian of the Constitution of India has to necessarily keep a check where the Directive Principles have to be given precedent over other provisions of the Constitution, as the situation requires- like broadening the strict and literal interpretive approach to Article 37 in cases like State of Madras v Champakam Dorairajan<sup>17</sup> to expansive view in the Kerala Education Bill<sup>18</sup> Case and the Kesavananda Bharati v. State of Kerala<sup>19</sup> case where the principle of harmonious construction between fundamental rights and directive principles and that both of them are supplementary to each other, respectively. While the executive- including the bureaucracy has the main duty to implement the principles in every part of the country. The current implementation schemes of the Government in context of recent social and economic reforms have come a far way since the 20<sup>th</sup> century which has provided an impetus to the development of the literate as well as illiterate population of the country, holistically. These principles are non-enforceable in the courts, however, making some of the essential principles like those relating to education, healthcare and free legal aid may be made enforceable so that they are necessarily guaranteed to the citizens. A considerable portion of the Union budget shall be allocated to implementing Part IV of the Constitution. There should be robust mechanisms for monitoring and evaluating the impact of policies and programs that aim to fulfill the DPSPs. Independent audits and public accountability play a crucial role. Also, campaigning regarding the awareness among people for the relevance of these principles may give effect to the already better implementation. Novel laws shall be formulated from time to time by the legislature in relation to Directive Principles, so that the prosperity and security of the nation is not compromised with.

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<sup>17</sup> State of Madras v. Champakam Dorairajan, AIR 1951 SC 226, (1951)

<sup>18</sup> Kerala Education Bill, 1957, Re, AIR 1958 SC 956, (1958)

<sup>19</sup> Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461, (1973).

## **V. CONCLUSION**

The priority and emphasis given to the Directive Principles in the welfare of the Indian Society is evident from the provisions of Articles 36 to 51. The implementation policies, as discussed, have proven extremely effective in the better development of the country and precluding the significant modification in the implementation policies would prove to be favorable in context of our country.