UNIT 6  DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES*

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6.0  OBJECTIVES

This Unit deals with the Directive Principles of the State Policy and Fundamental Duties. It explains the genesis, characteristics, and limitations of the Directive Principles of State Policy and Fundamental Duties outlined in the Constitution. After reading this unit, you will be able to:

• Understand Directive Principles of State Policy and Fundamental Duties
• Explain Amendments to Directive Principles of State Policy and Fundamental Duties; and
• Limitation of Directive Principles of State Policy and Fundamental Duties

6.1  INTRODUCTION

In unit 5, you have read justiciable rights, i.e. Fundamental Rights. In this unit, you will read non-justiciable rights, i.e. Directive Principles of State Policies and about Fundamental Duties. Directive Principles are the directions given by the constitution to the state for the welfare of citizens of India. The Directive Principles of State Policy are mentioned in Articles 36-51, Part IV of the Constitution. Their main purpose is to achieve social and economic development of all sections of the society, aiming to set up an egalitarian society. In Granville Austin’s views, Directive Principles of State Policy have been helpful in achieving the constitutional goals of social, economic and political justice to all. On the other hand, Indian constitution contains not only positive laws but also describes some duties of state as well as citizens. These duties are incorporated in the Part

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6.2 GENESIS OF DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

As you have read in unit 5, the Fundamental Rights were incorporated in the Constitution according to the suggestions of Rights Sub-committee of the Constituent Assembly. Apart from giving suggestions on the Fundamental Rights, this Sub-committee gave suggestions on Directive Principles of State Policy. Indeed, there has been a debate in the Constituent Assembly whether the rights should be divided into two parts – justiciable and non-justiciable or Fundamental Rights and Directive Principles of State Policy. They provide directives or instructions to the state to introduce policies about the welfare of different sections of the society. Granville states that four members played decisive role in framing Directive Principles of State Policy – B.N. Rau, A.K. Ayyar, B.R. Ambedkar and K.T. Shah. Among them B.N. Rau was “the most influential”.

The origin of Directive Principles of State Policy can be traced to Karachi Resolution, and socialist and nationalist ideas which were prevalent from the 1920s in India. As you have read in unit 5, Sapru Committee suggested that rights should be divided between two parts – justiciable and non-justiciable. Even the Right Sub-Committee made these suggestions. At the time of discussion on Directive Principles of State Policy in India, the inclusion of provisions about the state’s role in social and economic development of society was not an exception to India. In the opinion of Granville Austin, they attracted “a wide range of Assembly members”. Hindu outlook and Gandhian ideas also influenced the decision to include provisions of social, economic and political development of people. After serious deliberations, the Constituent Assembly included Directive Principles of State Policy in Part IV in the Constitution. A list of Directive Principles of State Policy is given below.

**Directive Principles of State Policy – Part IV**

<table>
<thead>
<tr>
<th>Articles No.</th>
<th>Subject-Matter</th>
</tr>
</thead>
<tbody>
<tr>
<td>36.</td>
<td>Definition of the State</td>
</tr>
<tr>
<td>37.</td>
<td>Application of the principles contained in this part</td>
</tr>
<tr>
<td>38.</td>
<td>State to secure a social order for the promotion of welfare of the people</td>
</tr>
<tr>
<td>39.</td>
<td>Certain principles of policy to be followed by the State</td>
</tr>
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<td>39 A.</td>
<td>Equal Justice and free legal aid</td>
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<tr>
<td>40.</td>
<td>Organization of village panchayats</td>
</tr>
<tr>
<td>41.</td>
<td>Right to work, to education and to public assistance in certain cases</td>
</tr>
<tr>
<td>42.</td>
<td>Provisions for just and humane conditions of work and maternity relief</td>
</tr>
<tr>
<td>43.</td>
<td>Living wages, etc… for workers</td>
</tr>
<tr>
<td>Article</td>
<td>Principle</td>
</tr>
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<tr>
<td>43 A.</td>
<td>Participation of workers in the management of industries</td>
</tr>
<tr>
<td>43 B.</td>
<td>Promotion of co-operative societies</td>
</tr>
<tr>
<td>44.</td>
<td>Uniform civil code for the citizens</td>
</tr>
<tr>
<td>45.</td>
<td>Promotion for early childhood care and education to children below the age of sex years</td>
</tr>
<tr>
<td>46.</td>
<td>Promotion of educational and economic interests of Scheduled Castes, Schedules Tribes and other weaker sections</td>
</tr>
<tr>
<td>47.</td>
<td>Duty of the State to raise the level of nutrition and the standard of living and to improve public health</td>
</tr>
<tr>
<td>48.</td>
<td>Organization of agricultural and animal husbandry</td>
</tr>
<tr>
<td>48 A.</td>
<td>Protection and improvement of environment and safeguarding of forests and wildlife</td>
</tr>
<tr>
<td>49.</td>
<td>Protection of monuments and places and objects of national importance</td>
</tr>
<tr>
<td>50.</td>
<td>Separation of Judiciary from Executive</td>
</tr>
<tr>
<td>51.</td>
<td>Promotion of international peace and security</td>
</tr>
</tbody>
</table>

Durga Das Basu classifies the Directive Principles of State Policy into three groups. First, certain ideals, which the members of the Constituent Assembly expected the state to achieve. These ideals especially, were economic. Second, certain directions to the Legislatures and the Executive which they were expected to follow for exercising exercise their legislative and executive powers. Third, certain rights of the citizens were not be enforceable by the Courts like the Fundamental Rights, but which could be implemented by the state through its legislative and administrative policies.

Apart from the articles mentioned in Part IV of the constitution, there are some other articles in the constitution which enjoin on the state to make certain policies for people and non-justiciable in nature. Such articles are Articles 335, 350A and 351. According to Article 335 the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with affairs of the Union of a State. Article 350 A suggests that every state and every local authority within state will provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups. Article 351 enjoins the Union to promote the spread of Hindi language and to develop it so that it may serve as a medium of expression of all elements of the composite culture of India.

### 6.2.1 Evolution of Fundamental Duties

When the constitution was adopted, there was no provision on Fundamental Duties. It was incorporated into the constitution in the late 1970s. However, Article 33 provided for some Fundamental Duties mainly for armed forces and police as they were supposed to maintain discipline and perform their duties. The 42nd Amendment of 1976 has introduced Fundamental Duties in the
Constitution. According to this amendment, the people (including police personnel and armed forces) were expected to perform certain Fundamental Duties. The 42\textsuperscript{nd} Constitutional Amendment was made according to the recommendations of the Swaran Singh Committee Report. The Swaran Singh Committee was set up in 1976 by Indira Gandhi Government. Sardar Swaran Singh was the Chairman of the Committee. The Committee had recommended to include a new part in the Constitution of India on the Fundamental Duties of the Indian citizen. Based on the recommendations of the committee, government brought some changes to the constitution through 42\textsuperscript{nd} amendment of the constitution and that came into effect on 3 January, 1977. These duties are further expanded in the 86\textsuperscript{th} Constitutional Amendment in 2002. The Fundamental Duties are enshrined in Article-51A have similarity with Article 29(1) of the Universal Declaration of Human Rights which states “everyone has duties to the community in which alone the free and full development of his personality is possible”. There are 11 Fundamental Duties of the citizens of India which have been discussed in the following section.

6.3 **FUNDAMENTAL DUTIES OF INDIAN CITIZENS**

Article 51 A of Part IVA has listed the following Fundamental Duties of Indian Citizens:

a) To abide by the constitution and respect its ideals and institutions, national flag and the national anthem;

b) To cherish and follow the noble ideals which inspired our national struggle for freedom;

c) To uphold and protect the sovereignty, unity and integrity of India;

d) To defend the country and render national service when called upon to do so;

e) 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;

f) To preserve and value the rich heritage of our composite culture;

g) To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures;

h) To develop the scientific temper, humanism and spirit of inquiry and reform;

i) To safeguard public property and abjure violence;

j) 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;

k) To provide opportunities by a parent or guardian for education to his/her child or, as the case may be, to the ward between the age of six to fourteen years.
6.4 AMENDMENTS TO DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

Some new clauses were added through constitutional amendments to the existent articles in the Directive Policy. These amendments made the list of articles about Directive Principles of State Policy more inclusive of social welfare. The 42nd Amendment Act of 1976 added four new subjects that required the State to secure healthy development of children (Article 39), to promote equal justice and to provide free legal aid to the poor (Article 39 A), to secure participation of workers in the management of industries (Article 43 A), to protect the environment, forests and wildlife (Article 48 A). The 44th Amendment Act of 1978 added the Article 38 that required the State to minimize inequalities in income, status, facilities and opportunities. The 86th Amendment Act of 2002 brought changes in both DPSP and Fundamental Duties. In DPSP, it modified the content of Article 45 which required the State to provide early childhood care and education for all children until they complete the age of 6 years and was directed in making education a fundamental right under Article 21 A. In Fundamental Duties, it made parents or guardians of children from 6-14 years of age to provide education to them. The 97th Amendment Act of 2011 added Article 43 B in DPSP, which required the State to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

Check Your Progress Exercises 1

Note: i) Use the space below for your answers.
ii) Check your answers with model answers given at the end of the unit.

1) What are the Fundamental Duties of the citizens of India?

2) Trace the origin of Directive Principles of State Policy.
Since Independence, various central state and governments in India have enacted several acts, launched schemes and programmes, and set up commissions according to Directive Principles of State Policy. The Planning Commission (which has been abolished and replaced by Niti Aayog) through its Five-Year Plans aimed to bring about social and economic equity and justice. Introduction of land reforms in several states which included as Zamindari Abolition, tenancy reforms, ceilings on land holdings, cooperative farming reduced inequalities in agrarian rural society. The governments introduced several measures to help the underprivileged sections. Such measures included acts to protect the interests of the poor: ensuring minimum wages to workers, protecting contract workers, providing free legal aid to the poor, abolition of child labour, abolition of bonded labour, resolution of industrial disputes, etc. For helping women these measures included: acts about maternity benefits and equal remuneration was enacted to protect the interests of women. The government passed acts for protection of wildlife and conservation of forest and set up central and state pollution boards to protect environment. The government set up Khadi and Village Industries Board, Handlooms and Handicrafts Boards to develop cottage industries. It enacted laws for protection of ancient and historical monuments and archaeological sites and remains, and places of national importance. To protect the interests of Reservation of seats for SCs, STs and OBCs. Reservations have been given to them in government jobs and political institutions government and representative, and enacted laws for protection of civil rights and for prevention their social exploitation. Establishment of village panchayats and reservations for weaker sections in them has empowered them. Programmes such as Community Development Programme, Hill Area Development Programme, Minimum Needs Programme, IRDP (Integrated Rural Development Programmes), MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act) and NRHM (National Rural Health Mission), etc. have resulted in social and economic inclusion of people. For executing DPSP efficiently central and state governments have made several acts. There are many recommendations made by Verma committee to make Fundamental Duties effective. This committee was established under the chairmanship of Justice J S Verma which is famously known as Fundamental Duties of the Citizens Committee (1999). This committee was a response to a notice issued by Supreme Court of India to the Government of India regarding its plan to teach Duties to the citizen of the country. The Verma Committee made the following recommendations:

a) Fundamental Duties will raise standards of the citizen in public life. Therefore, every individual entity should obey and promote these duties.

b) Public office holders should avoid selfishness or nepotism. Their foremost priority must be to serve public interests rather than individual interests.

c) Integrity will be the main principle in the functioning of the public office.

d) Holders of public office must be accountable for their decisions and actions to the public.
e) They should be as open as possible about all the decisions and actions were taken by them.

f) Public officials will maintain honesty while in office.

g) Leadership is very important in the sense that holders of public office should promote these principles by leadership skill and set an example.

For strengthening the Fundamental Duties, the Verma Committee had identified few existing acts by which a proper implementation of such duties can be accomplished. These are: the Representation of People Act (1951); The Unlawful Activities Protection Act (1967); The Protection of Civil Rights Act (1955) in which the person who preach and practice untouchability must be punished in accordance with the act; the Wildlife Protection Act (1972); The Prevention of Insults to National Honour Act (1971); and the Forest Conservation Act (1980).

Ensuring the effective fulfilment of duties, the Supreme Court of India has issued directions to governments to create encouraging environment and the apex court, directed Central Government in August 2003 to implement the recommendations of the National Commission to Review the Working of the Constitution (2000) and Verma Committee (1999).

**6.6 LIMITATIONS OF DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES**

The main limitation of Directive Principles of State Policy is that state is not legally bound to implement them. This is despite the fact that the state has moral duty to implement them. Exemption of Directive Principles from being justiciable may make the state vulnerable to the pressure of politically and economically influential groups in the society. Some members of the Constituent Assembly underlined the limitations, especially regarding their being non-justiciable. K.T. Shah commented that the limitation would make Directive Principles of State Policy ‘pious wishes’. T.T. Krishnamachari described them as “a veritable dustbin of sentiment”. K. Santhanam, member of the Constituent Assembly, asserted that the Directives could lead to constitutional conflicts between the Centre and States, Prime Minister and President, Governor and Chief Minister in terms of direction, guidance, legislation, assent, enforcement with regard to the problem of non-compliance and discretion. Fundamental Duties are non-enforceable and non-justiciable like DPSP and these constraints have limited the duties as no citizen can be punished by a court for their violation. In this aspect both DPSP and Fundamental Duties are same in nature. This characteristic of Duties differentiates India’s Fundamental Duties from the other countries’ Duties. In USSR, Yugoslavia, Republic of China, Poland, Czechoslovakia, Netherland, Japan, Democratic Republic of Vietnam and Albania, Fundamental Duties are legally enforceable. Fundamental Duties have ethical, social and economic significance. It is important for every citizen to perform his/her Duties to claim their Rights. The consciousness and realization to fulfill Fundamental duties have increased in Indian in past some decades. The court and civil society organizations, political parties and governments have also underlined the significance of Fundamentals Duties for overall development of society.
6.7 LET US SUM UP

Directive Principles of State Policy are provisions which give direction or instructions to the state to enact policies for social, economic and political empowerment of people and Fundamental Duties assign duties to the citizen that help them to grow morally and ethically. They seek to establish an egalitarian society. Both are different from Fundamental Rights in the sense they are non-justiciable while the Fundamental Rights are justiciable. It is state’s duty to take care of Citizen’s duties. Rights can be protected if every citizen adheres to their Fundamental Duties. However, despite being non-justiciable DPSP and Fundamental Duties both play a very important role in safeguarding the constitutional values.

Check Your Progress Exercises 2

Note: i) Use the space below for your answers.

   ii) Check your answers with model answers given at the end of the unit.

1) What are the limitations of the Directive Principles of the State Policy and Fundamental Duties?

Check Your Progress Exercise 1

1. Article 51 A of Part IVA has listed 11 Fundamental Duties of Indian Citizens that has given in subsection 6.3.