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## Implementing Directive Principles to Promote better Livelihood Conditions, Public Health and Assistance

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**ABSTRACT-**Our Country has progressed and developed in the world as an important Nation, but till today we are far away from achieving better livelihood conditions public health and assistance. Therefore the article mainly focuses on implementing Directive Principles to promote and distribute natural resources as the State legally owns these natural resources on behalf of the actual owner the people. The article explains that these principles impose certain obligations on the State to take positive action in certain directions to promote the welfare of the people and achieve socio-economic rights and to set of instructions to Lawmakers and Executive. The article also explains that these Directive Principles of State policy in our Constitution are made on - justifiable directly but indirectly these principles are fundamental in the governance of the country in making laws. Thus Article concludes to achieve the goals enshrined in the Constitution directly or indirectly that is the spiritual essence of our Constitution.

**Keywords-**Public Health, Law Constitution, Directive Principles.

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### INTRODUCTION

“Where there is no imagination, life perishes,” says Swinburne.

How to make a Nation better for men and women to live in fascinated the minds of our great leaders after Independence.

The Directive Principles of State Policy consist of the imagination and insightful thinking of the framers of the Constitution that provides for the foundations of an adequate quality of life. The Directive Principles of State are guidelines to the central and state Government of India, to be kept in mind while framing laws and policies. Therefore The State has been directed to strive to secure:-

- (a) An adequate means of livelihood;
- (b) The proper distribution of ownership and control of the material resources of the community so that it may subserve the common needs;
- (c) The prevention of the concentration of wealth and means of production;
- (d) Equal pay for equal work for men and women;
- (e) The health and strength of workers;
- (f) Right to work to education to public assistance in cases of undeserved want;
- (g) Just and humane condition of work and maternity relief;
- (h) Living wage and decent standard of living for laborers’;
- (i) The participation of workers in the management of undertakings or industrial establishments by suitable legislation or otherwise and improving public health;

These provisions spell out the socio-economic objectives of the national policy to be realized by legislation. These are the directives to the legislature and executive organs of the State who are committed to make, interpret and enforce the law.

### Object of Directive Principles of State Policy

DPSPs aim to create a social and economic condition under which the citizens can lead a good life. They also aim to establish social and economic democracy through a welfare state. They act as a check on the government, theorized as a yardstick in the hands of the people to measure the performance of the government and vote it out of power if it does not fulfill the promises made during the election. The DPSPs are non-justifiable rights of people. Article 31-C, inserted by the 25<sup>th</sup> Amendment Act of 1971 seeks to upgrade the Directive Principles. If laws are made to give effect to the Directive Principles over the Fundamental Rights,

they shall not be invalid on the ground that they take away Fundamental Rights. In the case of conflict between Fundamental Rights and DPSPs, if the DPSP aims at promoting the larger interest of the society, the Courts shall have to uphold the case for the DPSP. The DPSP, though not justifiable, are fundamental in the governance of the country. It shall be a duty of State to apply these principles in making Laws. Besides, all executive agencies should also be guided by these principles. Even the Judiciary has to keep them in mind in deciding cases.

DPSPs ensure that the State shall strive to promote the welfare of the people by promoting a social order in which social, economic and political justice is instilled or provided in all institutions of life. Also, the State shall work towards reducing economic inequality as well as inequalities in status and opportunities, not only among the individuals but also among the group of people residing in different areas or engaged in different vocations. The State shall aim for securing the right to an adequate means of livelihood for all citizens both men and women as well as equal pay for equal work for both. The State should work to prevent concentration of wealth and means of productions in the hands of few only, and try to ensure that ownership and control of the material resources are distributed to serve the common good best. Child abuse and exploitation of workers should be prevented. Children should be allowed to develop in a healthy manner and should be protected against exploitation and moral and materials abandonment. The State shall provide free legal aid to ensure that equal opportunities for securing justice is ensured to all, and is not denied because of economic or other disabilities. The State shall also work for establishing an organization of village Panchayats and help enable them to function as unit of self-Government. The State shall Endeavour to provide the right to work, to education and to public assistance in case of unemployment, old age, sickness, and disablement, within the limits of economic capacity, as well as provide for just and humane condition of work and maternity relief. The State should also ensure living wage and proper working conditions for workers with full enjoyment of leisure and social and cultural activities. Also, the promotion of cottage industries in rural areas is one of the obligations of the State. The State shall take steps to promote their participation in the management of industrial undertakings.

Also, the State shall endeavor to secure a uniform civil code for all citizens and provide free and compulsory education to all children till they attain the age of 14 years. This directive regarding the education of children was added by the 86<sup>th</sup> amendment act, 2002. It should work for the economic and educational upliftment of scheduled castes, scheduled tribes and other weaker sections of the society.

Directive Principles commit The State to raise the level of the nutrition and the standard of living and to improve public health particularly by prohibiting intoxicating drinks and drugs injurious to health except for medicinal purposes. It should also organize agriculture and animal husbandry on modern and scientific lines by improving breeds. It should protect and improve the environment and safeguard the forest, and wildlife of the country this directive, regarding protection of forest and wildlife was added by the 42<sup>nd</sup> Amendment Act, 1976. Protection of Monument, places, and object of historical and artistic interest and national importance destruction and damage, and separation of judiciary from executive in public services are the absolute obligation of The State as laid down in the directive principles. Finally, the directive principles in Article 51 ensure that the State shall strive for the promotion and maintenance of international peace and security, just and honorable relations between Nations respect for international law and treaty obligations, as well as the settlement of international disputes by arbitration.

### **Enforcement of Directive Principles**

The State has made and is making many efforts to implement the Directive Principles. The Programme of Universalisation of Elementary Education and the five-year plan has been accorded the highest priority to provide free education to all children up to the age of 14 years. The 86<sup>th</sup> constitutional amendment of 2002 inserted a new article, Article 21-A, into the constitution, which seeks to provide free and compulsory education to all children aged 6 to 14 years. Welfare schemes for the weaker section are being implemented both by the Central and State governments. These include programs such as boys' and girls' hostels for students of Schedule Castes and Schedule Tribes. The Minimum Wages Act of 1948 empowers the government to fix minimum wages for employees engaged in various employments. The Consumer Protection Act 1986 provides for the better protection of consumers. The act is intended to provide simple, speedy and inexpensive redressal to the consumers' grievances, award relief, and compensation wherever appropriate to the consumer. The Equal Remuneration Act of 1976, provides for equal pay for equal work for both men and women.

In the first stage in the case of - *Champakam Vs Doorairajan*<sup>1</sup> – Supreme Court held that DPSP has subordinate importance. In the second stage, an attempt was made by the judiciary to draw a harmonious balance between part III and part IV of our Constitution in the case of *Minerva Mills Ltd Vs Union of India*<sup>2</sup>. The third stage has been explained that is known as enforcement stage. In this period DPSP not directly but indirectly enforceable by the court. as in the case of *Bandhua Mukti Morcha Vs Union of India*<sup>3</sup> - The Supreme Court found out that right to live with human dignity enshrined in Article 21 derives its breath from DPSP and therefore it must include facility for children to develop in a healthy manner and conditions of freedom and dignity with educational facility and just humane conditions of work.

In the case of *Mohini Jain Vs State of Karnataka*<sup>4</sup>, Supreme court observation is that “it is no doubt that right to education has not been guaranteed as fundamental right under part III of the Constitution earlier but now it is included as the fundamental right under article 21-A of the Constitution

Thus main object of the State must be enforceable DPSP so that State can provide citizen both men and women, adequate, means of livelihood, right to work, education and public assistance in cases of unemployment, old age, sickness etc. and an important item like “the ownership and control of material resources are so distributed to serve the common good. The most significant development in present situation of our country is that whereas poverty is increasing millionaires are becoming

billionaires, at the same time the directive principle of the State policy thrust upon the 'State in particular' to strive to minimize the inequalities in income and Endeavour to eliminate the inequalities in status, facilities and opportunities not only amongst individuals but also among group of people residing in different areas or engaged in different vocations, therefore it can be said that State should make these principles enforceable by court because in the absence of such a guaranty both the central and State Governments are going against those policies and parliament and vidhan sabhas are unable to check the process.

Through the growth of DPSP our Government has introduced so many acts like National Rural Employment Guarantee act, Right to Information act, Right to education bill, Right to health bill, Right to food bill etc. but none of these barring the NAREGA and RTI act to some extent are being implemented in a way that would help all the people concerned. If the Government is really serious it should first make the DPSP of State policy along with the fundamental duties enforceable by court. We have completed 66 years of independence but no Government, whether at the Centre or in the State, have implemented these fundamentals in the Governance of the country as directed by the Constitution

On the basis of above discussion, following points can be concluded:

- DPSP are fundamental in governance.
- DPSP aims at achieving economic democracy.
- Part IV contains many of economic and social rights which impose an obligation/duty on State.
- Directive Principles are made not enforceable as their implementation would depend on financial capabilities of the State
- Part IV is viewed as "Book of Interpretation" to interpret constitutional provisions ,specially part III
- Based on the judicial judgment that State has capacity to implement part IV, the directives in Part IV are enforced as fundamental rights.
- At times ,to realize socio economic justice primacy is given to part IV over part III

### **CONCLUSION**

As an engine of governance, the directive principles of state policy have been playing very effective role. We can have the glimpses from the cases decided by Hon'ble Supreme Court such as *Hussainara Khatoon's case*<sup>5</sup> in which legal aid was allowed to all the citizens irrespective of class, cast, creed and economic conditions. Right to education itself is a landmark case in this regard education is the symbol of eradication of all kinds of problems in the society. Now the time has come to join hands with media, NGOs, social activists to work towards the empowerment of our nation with the help of directions shown by our directive principles of state policy in our constitution. As an individual we can contribute in this regard a lot, by rendering the services in a smile mood and as a part of Fundamental duties so that the citizens can feel proud to be an Indian.

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