BLOGS

# Directive Principles of State Policy

Adtiya Aryan · 30 Oct 2025

## Introduction

The Directive Principles of State Policy (DPSP), encapsulated in Part IV of the Constitution of India (Articles 36 to 51), represent a comprehensive set of constitutional guidelines designed to direct the State in its legislative, executive, and administrative functions. These principles are considered fundamental to the governance of India and integral to establishing a just society and promoting the welfare of the people.

By defining the social and economic goals that the newly independent republic must strive towards, the DPSPs essentially serve as the “constitutional conscience” of the nation, articulating a broad vision for the transformation of society.

A defining feature of the DPSPs, detailed in Article 37, is their non-justiciable nature. Unlike Fundamental Rights (FRs), which are legally enforceable by the courts, the DPSPs cannot be enforced through judicial mandates.

This unique duality—being non-justiciable yet simultaneously declared by Article 37 as “fundamental in the governance of the country”—reflects a conscious choice by the framers.

This structural arrangement recognizes that the achievement of broad socio-economic justice depends heavily on the availability of resources and the evolving political will of the State, factors that cannot be instantly commanded by a court decree. Therefore, while Fundamental Rights are supported by legal sanctions, Directive Principles rely primarily on moral and political sanctions for their implementation, linking their success directly to the electoral accountability of the governing body.

The primary constitutional aim of the Directive Principles is to establish social and economic democracy, contrasting with the Fundamental Rights, which primarily establish political democracy.

Where Fundamental Rights are personal and individualistic, focusing on the welfare and liberty of the individual citizen, the DPSPs are fundamentally societarian and socialistic, promoting the

welfare of the community as a whole and working towards reducing inequality across various sections of society.

This inherent distinction establishes the DPSPs as the foundational mechanism for transitioning India from a politically free nation to a genuinely equitable welfare state, ensuring the common good directs the operation of the economic and social systems.

The historical genealogy of the DPSPs traces its primary influence to the Irish Constitution of 1937, which provided a foundational blueprint for achieving a just society through state guidelines.

This inspiration was pivotal, given the shared history of independence movements and the need for a comprehensive framework to tackle complex socio-economic challenges in vast, diverse nations. Furthermore, the conceptual structure of the DPSPs bears a striking resemblance to the 'Instrument of Instructions' that the British Government issued to the Governor-General and Governors under the Government of India Act, 1935.

This historical continuity transformed what was an administrative colonial directive into a solemn, self-imposed national duty for the independent State, democratizing the commitment to principled governance.

Broader philosophical influences also stemmed from foundational human rights declarations, including the United Nations Universal Declaration of Human Rights and the Declaration of the Rights of Man proclaimed by Revolutionary France.

## The Statutory Manifestation (Articles 38–51)

Although the Indian Constitution does not explicitly provide a classification for the Directive Principles, they are conventionally grouped based on their ideological content to better understand their scope and legislative intent.

These categories—Socialist, Gandhian, and Liberal-Intellectual Principles—demonstrate the confluence of diverse political philosophies that guided the framers in articulating the goals of the State.

The Socialist principles are designed to facilitate the creation of a democratic socialist society, emphasizing social, economic, and political justice. Article 38 mandates the State to strive actively to promote the welfare of the people by securing and protecting a social order founded upon

justice.

A significant constitutional evolution occurred with the 44th Amendment Act of 1978, which reinforced Article 38 by specifically directing the State to minimize inequalities not only in income but also in status, facilities, and opportunities, extending this mandate beyond individuals to encompass groups.

This explicit constitutional refinement acknowledged the structural and systemic nature of inequality within society, providing a constitutional basis to address deep-rooted, group-based disadvantages through policy interventions like affirmative action. Article 39 further details this socialist commitment, requiring policies that secure adequate means of livelihood for all, ensure equitable distribution of material resources to subserve the common good, prevent the concentration of wealth and means of production to common detriment, guarantee equal pay for equal work for both men and women, and protect the health and strength of workers and children against exploitation.

Complementing these provisions, Article 39A, added by the 42nd Amendment Act of 1976, mandates the State to secure equal justice and provide free legal aid to ensure that justice is not denied to any citizen merely because of economic or other disabilities.

These directives also reflect the moral and philosophical vision of Mahatma Gandhi, focusing on indigenous development, decentralization, and rural upliftment. Foremost among these is Article 40, which mandates the State to organize Village Panchayats, equipping them with the powers necessary to function as units of self-government. Other Gandhian principles include the promotion of cottage industries in rural areas (Article 43), the promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections (Article 46), the duty to raise the level of nutrition and the standard of living, and the improvement of public health, including the prohibition of intoxicating drinks and drugs (Article 47).

Article 48 also directs the State to organize agriculture and animal husbandry on modern and scientific lines, which includes taking steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves.

This category also encompasses directives aimed at promoting modern, rational administration and progressive governance. Article 50 directs the separation of the Judiciary from the Executive in the public services of the State. This principle is vital to securing the independence and impartiality of the judiciary, which is the institutional bedrock necessary for enforcing the

fundamental rights of citizens.

The implementation of Article 50 ensures that the system of judicial review and protection of liberties is free from political pressure exerted by the administrative wing of the State, thereby buttressing the foundational concepts of the rule of law. Furthermore, Article 44 mandates the State to secure a Uniform Civil Code (UCC) for all citizens throughout the territory of India.

This contentious provision seeks to unify personal laws (regulating marriage, divorce, and inheritance) presently governed by diverse religious customs. Other key liberal principles include Article 49, which imposes the duty on the State to protect every monument or place of national importance, and Article 48A (added by the 42nd Amendment), which directs the State to protect and improve the environment and to safeguard forests and wildlife.

## DPSP Versus Fundamental Rights

The structural relationship between the non-justiciable Directive Principles and the justiciable Fundamental Rights has been the subject of intensive and evolving judicial scrutiny, culminating in landmark constitutional doctrines. This tension stems from the inherent conflict between securing individual rights and pursuing comprehensive societal goals.

Initially, judicial interpretation often leaned toward the superiority of Fundamental Rights, based on their enforceable nature. However, the Parliament consistently sought to prioritize socio-economic reforms.

This legislative intent materialized most clearly with the 25th Constitutional Amendment Act of 1971, which introduced Article 31C. Article 31C contained two key provisions aimed at shielding laws enacted for resource distribution and wealth concentration prevention: first, it stipulated that no law seeking to implement the directives specified in Articles 39(b) and 39(c) could be declared void on the grounds that it contravened the Fundamental Rights guaranteed under Article 14 (Equality) or Article 19 (Freedoms).

Second, it contained a clause barring judicial review of any law containing a declaration that it was for giving effect to such policy.

The judicial response to this encroachment on fundamental rights came decisively in *Kesavananda Bharati v. State of Kerala* (1973). The Supreme Court upheld the first provision of Article 31C, acknowledging the critical importance of socio-economic reform by allowing laws based on

Articles 39(b) and (c) to proceed even if they impinged upon Articles 14 or 19.

However, the Court struck down the second provision, which sought to remove judicial review, asserting that the power of judicial review is an essential feature that cannot be curtailed. This judgment famously introduced the doctrine of the “Basic Structure” of the Constitution.

The conflict escalated with the 42nd Amendment Act of 1976. This amendment attempted to drastically expand the scope of Article 31C, extending the protective shield to cover all DPSPs (Articles 36–51), effectively prioritizing the entire Part IV over the Fundamental Rights enshrined in Articles 14 and 19. This legislative move aimed to prioritize large-scale socio-economic reforms and the community’s welfare over certain individual liberties.

The definitive resolution came in the case of *Minerva Mills v. Union of India* (1980). The Supreme Court struck down the 42nd Amendment’s attempt to extend Article 31C to all DPSPs. The Court delivered the seminal declaration that the harmony and balance between Fundamental Rights and Directive Principles are themselves an integral, essential characteristic forming part of the basic structure of the Constitution.

The ruling emphasized that the two parts of the Constitution are intended to complement each other, with the Fundamental Rights establishing the political freedoms and the DPSPs laying the foundation for the necessary socio-economic infrastructure. The verdict reiterated the significance of the “Golden Triangle” of fundamental rights—Articles 14, 19, and 21—and ensured that DPSPs, while fundamental in governance, could not unilaterally override core individual freedoms.

However, the unique, limited primacy granted to Articles 39(b) and 39(c) by the *Kesavananda Bharati* ruling remains valid, recognizing these specific directives as uniquely critical for the survival and equity of the nation.