BLOGS

Understanding Article 42 of the Indian Constitution

Khushi Malviya · 15 Mar 2025

In this post, we will discuss Article 42 of the Indian Constitution which pertains to the Directive Principles of State Policy, which are guidelines for the government to promote social justice and welfare of the people.

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Introduction

Article 42 of the Indian Constitution mandates the State to establish just and humane working conditions, encompassing fair wages, safe environments, and worker well-being. Additionally, the article emphasizes the provision of maternity relief, including benefits and support for pregnant and nursing women, aligning with principles of gender equality and social welfare.

Ensuring just working conditions and maternity relief holds paramount importance for the well-being of citizens and the overall societal fabric. Just working conditions encompass fair wages, reasonable hours, and safe environments, ensuring the dignity and health of workers. These conditions not only enhance the productivity and morale of the workforce but also uphold the fundamental human rights and dignity of individuals contributing to the economy.

Maternity relief, on the other hand, is a crucial element of gender equality and social justice. Providing support to pregnant and nursing women in the workforce acknowledges their dual roles as contributors to the economy and caregivers for the next generation. This relief not only safeguards the health and well-being of mothers during a vulnerable period but also lays the foundation for healthier children and a more inclusive society.

Article 42 and DPSP

Article 42 stands as a moral compass within the Directive Principles of State Policy (DPSP), offering guidance for government policymaking. These principles aim to shape policies enhancing the nation's social and economic well-being.

Adapted from the Irish Constitution, DPSP, spanning Articles 36-51 in Part IV of India's Constitution, are aspirational rather than legally enforceable due to resource limitations during the Constitution's inception. Article 42's essence underscores that the state's responsibility to gradually implement these principles aligns with the nation's progress and development trajectory.

Article 42's emphasis on just working conditions and maternity relief typifies this moral mandate, reflecting the Constitution's commitment to balanced individual rights and collective welfare. By adhering to these principles, governance aims to create an equitable society where citizens' holistic development and societal harmony are paramount.

Landmark Cases on Article 42 of Indian Constitution

The Supreme Court's verdict in ***Champakam Dorairajan v. State of Madras*** established the supremacy of Fundamental Rights over Directive Principles in instances of conflict, emphasizing the need for consistency and harmony between the two.

The Court highlighted the supportive role of Directive Principles in enhancing the socio economic goals envisioned by the Constitution while upholding the essential rights of citizens.

Furthermore, the Court acknowledged Parliament's authority to amend Fundamental Rights through constitutional amendments, underscoring the dynamic nature of constitutional provisions and their responsiveness to evolving societal needs.

In the case of ***Anshu Rani v. State of Uttar Pradesh & Ors.***, the petitioner sought a maternity leave of 180 days due to being in labor. However, the respondent only granted a leave period of 90 days.

Despite subsequent requests from the petitioner, the respondent remained unyielding and provided no explanation for their decision. The Allahabad High Court ruled that the petitioner's request for a 180-day maternity leave was valid. The court further directed the state government to ensure that all female employees, regardless of their nature of employment, are granted a maternity leave of 180 days with full payment.

In the case of ***Municipal Corporation of Delhi v. Female Workers***, temporary female workers contended that they should be eligible for maternity benefits akin to those provided to regular workers, even though they held temporary positions.

The court ruled that the provisions outlined in the Maternity Benefit Act of 1961 align with the principles of Articles 39 and 42 of the Indian Constitution. The court emphasized that a pregnant female employee cannot be compelled to work during an advanced stage of pregnancy due to potential harm to both her and her child.

Consequently, the Act's inclusion of six weeks of maternity leave before and after childbirth serves to protect the well-being of both the mother and the child.

Empowering Women through Maternity Relief

The focus on maternity relief within Article 42 of the Indian Constitution is a pivotal stride in empowering women across workforce and society. By offering essential maternity benefits, the state acknowledges women's dual roles, enabling them to seamlessly manage their professional pursuits and maternal responsibilities without undue burden.

This provision not only safeguards the well-being of expectant mothers and contributes to healthy child development, but it also combats gender inequality by supporting women's active engagement in the workforce post-childbirth.

Thus, Article 42's emphasis on maternity relief epitomizes a progressive commitment to women's empowerment, fostering a more equitable and supportive societal framework.

Analysis of Article 42

The implementation of just working conditions and maternity relief brings about a range of positive societal impacts. By ensuring fair wages, safe environments, and reasonable hours, worker morale and productivity improve, while maternity relief supports healthier pregnancies and better postpartum care, benefiting both mothers and children.

These provisions not only reduce poverty and inequality, promote gender equality, and nurture healthy child development, but also foster social cohesion and long-term economic growth, ultimately contributing to an overall enhancement of societal well-being.

By prioritizing just working conditions and maternity relief, societies create environments where citizens can thrive professionally while also fulfilling personal responsibilities. These provisions reflect a commitment to equality, health, and the overall advancement of society, fostering an environment where individuals can reach their full potential while maintaining a healthy work-life balance.

Conclusion

Article 42 stands as a cornerstone in the Indian Constitution's vision for a just and equitable society, exemplifying a commitment to social responsibility. Article 42's enduring significance lies in its guiding role, steering policy-making towards a nation that values its workforce's dignity, fosters gender equality, and ensures fair opportunities. As a moral compass, it continues to shape governance, driving efforts to build a prosperous and harmonious country that empowers women and upholds the principles of social justice.