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EVOLUTION OF DIRECTIVE PRINCIPLES OF STATE POLICY

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ABSTRACT

The State Political Guidelines for the development of economic democracy in India include guidance for both the state and people. In India, the constitution makers did not impose a particular economic structure on citizens but instead sought to suggest a structure more suited to Indian circumstances. The Directive Principles of State Policy are constitutional rights generally composed of socio-economic and cultural rights reflected in the form of duties, on the state without reciprocal rights to the people. The adoption by different countries of this definition of the Directive Principles of State Policy is based on one political or economic purpose and, if not on the other, countries believe that the implementation of these principles and goals would support if not eradicate it. No doubt the two countries under analysis-India and Nigeria had their fair share of the above-mentioned problems and experiences. Hence, this research paper discusses the evolution of this concept in Indian and Nigerian constitutional creation.

1. Introduction

The 1937 Irish constitution popularized the idea of Directive Principles. It is however instructive to note that the principle of including such unjustifiable Directive Principles for Note Guidance was impregnated by the Constitution of Spain from which Ireland adopted it in Art. 45 of the Constitution of 1937. Irish and Spanish were predominantly Roman Catholics and these are values and ideas that came from countries whose citizens are primarily Roman Catholics, as the Church not only offered a "Faith" but also a "philosophy" India copied the idea and broadened it to include other countries like Nigeria.

Despite this general consensus that the Spanish and Irish Constitutions and Practices originated or became common with the Directive Principles, some Indian writers have argued that the definition of rights, whether civil or political, economic, social or cultural, is not purely European in origin. It is believed or argued that Directive Principles has its origin in the philosophy of Dharma-which is clarified to mean, etc. Reddy's opinion here is very instructive and reflect the common view of the idea's supporters, I have nothing to add but to quote estensu what he has said:

“It is the ancient Indian practice of laying down policies, by Dharma-Sastras, for the state. In ancient India the state used to undertake many functions which socialist, ancient and modern, are advocating, yet these went hand in hand with the enlargement of rights and freedom. There is the illusion that he correct economic thought is only of recent growth and exclusively of European origin. Given this view or similar views, it is generally accepted that the Directive Principles of State Policy as it is understood today is of western origin and was first used in their constitutions by Spain and Later Ireland before it was adopted by India in 1950. Even S. Sundara Rami Reddy acknowledged this when, in his view, he made a disclaimer by stating, “in this paper, the attempt to trace the roots of fundamental rights and the Guidelines to ancient wisdom must not be interpreted as acceparne of the nature of fundamental rights and implementation of the directives are one of the aspects of dharma in the ancient India”. This caveat appears to be in line with the opinion expressed by Austin when he stated thus:

The Hindu outlook and the Gandhian experience would ultimately make themselves felt in the Assembly as it shall see, and would affect the content of the Directive Principles, but at no time did the Assembly attempts to base its socialist aim upon, or to draft the Directive Principles in terms of, a religious ethic exhumed from an Assembly members at times referred to the ancient roots of Indian Socialism, but these allusions were made more for the sake of form than from historical conviction.¹

2. Discussion

1. Directive principles of state policy in India:

India can be identified in the constitutions of most nations today as the “most” of modern Directive Principles of State Policy, though it copied the concept from Ireland. The founding fathers Regards India's difficulty as a country combined with their neighboring nations experiences. They needed a constitution that would be as welcoming as it is home grown and detailed, taking into account local circumstances for India as part of the process of power transfer during the final stages of the British rule(Raj.). In 1928, the Nehru Commission comprising members of India political parties proposed constitutional reforms for India that, besides calling calling for Indian hegemony position and elections under suffarage, would guarantee rights presumed fundamental, including some economic rights such as education,

¹ Oraville Austin, *The Indian Constitution: Cornerstone of a Nation*, 76-77 (Oxford University Press, London 1966)

health, workers' living wages, maternity protection, etc.² The leaders also demanded political, legal, cultural, and social rights in the Indian Round Table Conferences held. Also in 1931 the National Conferences held. Also in 1931 the National Congress of India adopted a resolution committing itself to the protection of basic civil rights, as well as socio-economic rights such as the abolition of the minimum wages of untouchability and servitude.

In 1936, the congress members took inspiration in their dedication to socialism from the former USSR constitution, which integrated citizens' fundamental duties as a means of mutual civic responsibility for national interests and challenges. The 1945 Sapru Committee also proposed political and civil rights that should be justiceable, and social and economic rights that should be equal. The Constituent Assembly that was created consisted of a majority of members of Congress, and others who were indirectly elected or nominated to represent various political positions and interests, including the independent states and British Provinces. Since 1950, the Directive Principles of State Policy under the Indian Constitution has undergone one or the other reform in both its substance and its implementation as a result of constitutional amendments to the definition of the Directives and Principles in court, at least five of which have influenced the Directive Principles out of the constitutional changes.

The 42nd amendment Act of 1976 brought fundamental duties under Art. 51A. The Indian constitution extended and popularized Directive Principles as earlier included and took its value to the limelight. It has lots of importance affixed to it that made Dr. B.R. Ambedkar to take his time to explain to his time to explain to his fellow countrymen the need to allow the principles to remain though they were declared to be non-justiciable: "We have established democratic democracy in the constitution so we want not to develop a permanent dictatorship of a single body of citizens by any means whatsoever. This is also our dream to set ourselves up as ideal participatory equality while building political democracy."

The values of the Guideline are not enforceable by the intent of the founders. This however does not abrogate from its significance as can be gathered from Dr. Ambedkar's statement and this non-justiciability has influenced most countries that have towed India's line in adopting Directive State Policy Principles, especially Nigeria. The Principles of the Directive are central to the country's government and it is the duty of the state to implement them in law making and other executive actions. The Directive Principles put an ideal before the Indian legislature that shows that light while drafting the policies and laws, it is essentially a code of conduct for the legislature and the country's administrators, it shows the portion to the country's leaders that takes the country to achieve the constitution idea expressed in the preamble: "justice-social, economic, political, liberty equality and fraternity."³ No wonder the Directive Principles in India has been referred to as the socio-economic Magna Carta. The object of the Directive Principles of State Policy under the Indian

² Negative rights generally mean today Fundamental Rights enshrined in Part III of the Indian Constitution

³ Indian Statutory Commission known as Simon Commission, see supra note 30.

Constitution was to create a welfare state based on economic democracy which implies that:

- a) The state must play a major part in the wellbeing of the citizen;
- b) Every citizens must have equal opportunity;
- c) Care must be given to those who are in need.
- d) Citizens must not vote based on financial inducement because of their financial predicament
- e) Wealth of the nation must be equitably distributed

In the case of *Stat spiritual of Karnataka v. Ranganatha Reddy*⁴. The apex court of India called the Directive Principle the spiritual essence of the constitution” and that “it must receive a sweeping significance, being socio-economic Magna Carta.” The Directive Principles in India were unique and unusual and a true model, it not only followed international principles alone in the form of the U.S. Bill of Right France Declaration of Human Rights, Universal Declaration of Human Rights, but also included local concepts as expressed in the Gandhian Values such as the Panchayats, prohibition of slaughter. Encouragement of cottage industries and protection of cow.

2. Directive principles of state policy and the constituent assembly, 1946:

The Assembly, convened for the first time on 9th December 1946, on 11th December 1946 elected Rajendra Prasad as its permanent chairman. The first major achievement was the adoption of Pandit Jawaharlal Nehru’s landmark objectives Resolution on January 22, 1947, on December 13, 1946.

While commending the Resolution for acceptance, Jawaharlal Nehru delivered an eloquent speech. According to him, the Resolution was a declaration, a firm resolve, a pledge, an undertaking, for all dedication. Pt. Nehru observed:

Explaining the democracy and socialism in the Resolution he said:⁵

"In this resolution, we have offered certain substance of democracy instead of just the content of democracy but, if I might say so, the substance of participatory equality. I support socialism, and I hope India stands for democracy, India will be for the framework of a communist state, and I think the world will go that way.

Numerous Constituent Members of the Assembly engaged in the discussion on the aim resolution. The focus was focused on what the Constitution called rights and socio-economic freedoms. When debating the importance of the motion for a resolution, the influential member of Constituent Assembly, M.R. Jayakar, indicated that the resolution was intended to set the basic principles of the constitution. This called for substantial systemic reforms in social justice in the fullest sense of the word. This torn away the liberty of the citizen to the point that the people really needed this. Numerous Constituent Members of the Assembly engaged in the discussion on the aim resolution. The focus was focused on what the Constitution called rights and socio-economic freedoms. When debating the importance of the motion for a resolution, the influential member of Constituent Assembly, M.R. Jayakar, indicated that the resolution

⁴ AIR 19-88, SC 215, para 56

⁵ G.S. Halappa (ed.), Dilemmas of Democratic Politics in India 1-19 (Manaktalas, Bombay, 1966)

was intended to set the basic principles of the constitution. This called for substantial systemic reforms in social justice in the fullest sense of the word. This torn away the liberty of the citizen to the point that the people really needed this. He pointed out that the proposed independence was supported by the various theories in the settlement that gives the structure harmony.

Ms. Vijayalakshmi Pandit stressed the crucial contribution of the resolution and pointed out that the pleasant and unpleasant aspects had been before them. The negative side is that colonial domination is over, but the positive side was the answer.

Directive principles of state policy and sub-committee on fundamental rights:

The first meeting of the Sub-Committee on Fundamental Rights took place on 27 February 1947. As its president, Kriplani. At the start of the debate on the subject. Alladi Krishnaswami Ayyar emphasizes that the citizens' rights embodied in a democracy must be protected by the courts. His claim was backed by the applicable provision of the US Constitution. M.R. Masani also refused to include rights that were not legitimately enforceable. Therefore, he proposed the creation of an independent supreme court authority to decide that laws which would threaten fundamental rights would be legitimate. Different opinion was also shared by K.M. Ambedkar Munshi and B.R. K.M. Munshi said that the sub-committee should determine whether or not fundamental rights should be included in the Convention in the shape of mere precepts. He firmly believed that the Constitution should provide that the court publish. In addition to Professor K.T. Shah, Raj meenakshi Amrit Kaur emphasizes that people and the right should be responsible. Consequently, their effort aimed at achieving this target under democrats in congress. During the two governing, the congress asked British for these rights, as did socioeconomic rights in even a Declaration for people. The Congress also pledged to uphold these liberties.

3. Conclusion

The idea of the Guideline Principles of State Policy and so-called Fundamental Rights in the Indian Constitution were suggested during the war for independence. In its early preparatory stage, Guideline Ideals and Human Rights were not rendered silane. The key goal of India's UK domination has been the nation and its people's economic exploitation. Nor did people have political or civil rights, nor did the government have any economic or social responsibilities. The colonial era was marked by the breakdown of the countryside because of the agricultural breakdown due to the tight land income system. The breakdown of local arts and crafts, the decline to indigenous production, the growth of British corporations and the creation of some Indian capitalists and other privileged classes which mainly serve British politics and economic interests. At the other hand, the rise in political consciousness, radical nationalism and consequent revival of the Indians led to the dissemination of English education, the power of liberal policy theory and the notion of democracy and equality. This conviction that government liberty lay in the country's response to socio-economic ills. Consequently, their effort

aimed at achieving this target under congressional leadership. During the two governing, the congress asked British for these rights, as did socioeconomic rights in even a Constitution for people. The Congress also pledged to uphold these rights.

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