

Importance of the Indian Constitution's Guiding Principles for Government Policy

Ramesh Chandra Yadav^{1*}, Prof. Mahesh Shukla²

¹ Research Scholar, TRS, College, APSU, Rewa, M.P.

Email-ramesh47yadav@gmail.com

² Professor, Sociology, T.R.S, College, Rewa, M.P.

Email- msociology@gmail.com

Abstract - Directive Principles have been codified as part of the Constitutional Law precisely because their scope extends beyond political democracy to include social and economic liberalism. They are put in place to serve as a "Instrument of Instructions for the Governance of the Country," with the hope that future lawmakers and administrations might learn from the precedent they create. It has a major place in the Constitution since it was crucial in guiding the State to create equitable economic and social circumstances for all Indians.

Keywords - Directive, Principles, Constitutional, liberalism, Governance

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INTRODUCTION

"Patience and tolerance are the best prayers." Our motto is "wipe every tear from every eye," "feed the ill-fed, half-fed, and the hungry," "clothe the naked, half-clad, and unsheltered," and "teach the ill-literate, and the uneducated." Making radical changes to the current economic and social structure of society is necessary to end this poverty and misery and improve the conditions of the Indian masses. The preamble of our constitution, which envisions not only political but also social and economic justice for all people of the nation, echoes the lofty thoughts. However, if the democracy envisioned by the Constitution were to be limited to a political democracy, it would be difficult to realize the economic fairness guaranteed by the preamble. India grew impatient to quickly achieve economic and political equality for all of its citizens who were suffering from glaring inequities and protracted poverty, as promised in the preamble of the Indian Constitution.

The preamble's psychological appeal stems from the emotional connotations of its terms, which include "justice," "liberty," "equality," and "fraternity." The preamble of the Constitution has been referred to as its most gracious section, its heart and soul, its fulcrum, and its philosophy. It is also a magnificent prose poem. The preamble is expanded upon and made clearer throughout the whole Indian Constitution.

The Constituent Assembly's members bore enormous responsibility for drafting a new Constitution that would

be able to endure the pressure of the native socio-economic conditions while also demonstrating its resilience and viability. Therefore, the Constitution's goals ought to take into account the measures for ensuring the people's basic means of subsistence and advancement. Freedom, according to Nehru, is a means to the social evolution of humanity; it is not an end in itself. It is clear from the socioeconomic revolution, which served as the basic tenet of the Constituent Assembly, that political independence should be used as a tool to attain this goal. Nehru warned the Constituent Assembly that if this issue wasn't resolved right away, all of our constitutions will be become meaningless and without meaning ". The members of the Constituent Assembly had only Gandhian and Euro-American models left after rejecting the Soviet Communist model. Despite the fact that Gandhi was never involved in the Constituent Assembly or the Constitution-writing process, Gandhian tradition was represented in a minor way throughout the Constituent Assembly's discussions. The Congress leadership was adamant that the Congress 3 Party needed to be strengthened in order to further social progress and national cohesion.

THE IDEA OF DIRECTIVE PRINCIPLES

The question of what the concept of directive principles is and how and why it is included into the Indian Constitution is one that immediately pops up. The Advisory Committee developed the concept of Directive principles first, and it was incorporated into

the Constituent Assembly. On the 30th day of August 1947, Sardar Vallabhbhai J. Patel, Chairman of the Advisory Committee on Minorities, Fundamental Rights, etc., presented the "Supplementary Report on Fundamental Rights" for consideration by the House. It read, "There were two parts to the report; one featured essential right that could be justified, and the other part alluded to fundamental rights that could not be justified but were nonetheless core or less directions that would be helpful for the country's governance." He repeats, "There is another portion of the report that contains, in addition to legitimate rights, certain directives of State policy that, albeit not cognizable by any Court of Law should be regarded as vital in the governance of the country."

Truth be told. Both a Bill of Rights and a list of Directive Principles of State Policy are contained in the Indian Constitution. The former is in-depth. Negative responsibilities of the State are outlined in Part III of the Constitution whereas positive obligations of the State to its inhabitants are outlined in Part IV of the Constitution. Sir ALADI Krishnaswami Aiyar accurately noted that the arrangement under which the Constituent Assembly for undivided India was set up the Constituent Assembly strove to create not only the principles but also some of the details really determined the usage of fundamental liberties. The concept of creating and formulating guiding principles is a result of British political issues, a holdover from the Congress' history of defying British laws, and a desire to alter some of the social structures that have grown in India as a result of time and circumstance. These fundamental rights are largely upheld by popular opinion rather than by the legislation.

DIRECTIVE FOR LEGISLATURE-, EXECUTIVE AND THE ADMINISTRATIVE PURPOSE

In India, the government is overseen by the legislature, the elected body of the populace. The executive branch cannot go against the laws passed by the legislature. It lays out the administration's overarching policy. In addition to defining the government's duties, the legislature also allocates funds for all of its numerous programs. The different committees created by the legislature are used to exercise control over financial problems. Without the approval of the legislature, the administration is not allowed to spend a single rupee. All financial transactions must be accurately recorded by the administration, and it is required to disclose these transactions to the legislature.

The legislature also addresses issues involving public employees. The method of hiring public employees, their numbers, their responsibilities and authority, their working conditions, procedural regulations, codes of conduct, etc. are all decided by the legislature. The administration has been disciplined as a result of not abiding by such guidelines. Additionally, public employees are accountable for their official actions. They must maintain accurate records of their official

actions and present reports to the legislature, providing a detailed account of their actions, at least once a year, or more frequently as requested by the legislature. The legislature has the authority to launch a special investigation or inquiry into the administration of administrative affairs. The legislature has broad authority to oversee, direct, and control administration.

The means of legislative control: Questions, resolutions, Zero-Hour Discussions, Adjournment Motions, Votes of Censure, Budget, and Parliamentary Committees are just a few ways that the public can exert oversight over the executive branch. Below is a discussion of these different methods.

The President's Speech: The President's address serves as the introduction to each new session of the parliament. In his speech, the President outlines the broad objectives and initiatives that executives will pursue in the foreseeable future. Every session's first four days are reserved for a general discussion of the speech. The parliamentarians have debates about the president's address, which gives them a chance to critique the executive action.

Discussion on Budget: Every year, the parliament approves the funding for executive spending. The general budget discussion begins when the finance minister presents the budget to the House of Representatives. Each department submits requests for funding and for the Parliament's approval during the budget enactment process. The members of Parliament have the chance to discuss and assess the operations of the administration of several departments at this point. Members of the opposition may also introduce cut motions to voice their unhappiness with how the administration is currently operating. As a result, the discussion of the budget bill gives Parliament's members a chance to talk about the entire administration.

Question Hour: It is a very effective method for the legislature to exert influence over the executive branch. Every parliamentary day during a session of the Parliament begins with the question period. Questions are only permitted during the first hour of the day. The goal of the question period is to obtain information or clarification on topics of interest to the general public. The government receives written inquiries from the parliamentarians. Thirty questions are typically asked. The parliamentarians have the option to ask follow-up questions if they are unsatisfied with the responses. In reality, the question period's main goal is to address public complaints or to call attention to government failures and abuses of power.

Adjournment Motions: to call the government's attention to issues that are urgent and important to the general population, such as floods, earthquakes, etc. A motion for adjournment is utilized. The presiding officer may grant an adjournment motion, in which case the immediate discussion takes place

and the regular business of the House is postponed for the day. The members of parliament have the chance to criticize the government during the debate and discussion on the adjournment motion. The instrument of daily control is the adjournment motion.

SOCIOLOGICAL BACKGROUND OF THE INCEPTION OF THE DIRECTIVE PRINCIPLES OF STATE POLICY

The Constitution's Directive Principles of State Policy may be found in Article IV. These principles have come a long way from their original form. Most researchers in the field now attribute it to that country's fight for independence from British rule. Granville Austin states that "the Fundamental Rights and Directive Principles had their beginnings in the Indian independence movement, which sought to attain the principles of liberty and social welfare as the aims of the Indian State." 2 The events that triggered them may be traced back countless centuries. In this chapter, the author tries to explain how DPSP became a part of the Constitution and where exactly it came from. Prior to and before the establishment of the Constituent Assembly, the development of these Principles has been thoroughly examined in correct historical sequence.

ORIGIN AND DEVELOPMENT OF DIRECTIVE PRINCIPLES OF STATE POLICY BEFORE SETTING UP OF THE CONSTITUENT ASSEMBLY

As a result of their victory at the Battle of Plassey in 1757, the British were able to fill the political void left by Aurangzeb's death in 1707. During this time, the British imposed a new legal and political order on India that was based in part on their own but heavily adapted in other ways to better suit the local context and advance British interests. Thus, between the years of 1857 and 1947, the British ruled over almost the whole Indian subcontinent. The economic, political, and social changes of this time period aided the growth of the independence movement in India, which eventually led to the country's victory against colonial authority. From the time of the British colonization of India until the establishment of the Constituent Assembly of India, the researcher has attempted to explain the development of DPSP within this rubric.

Development during the British Rule till the formation of the Indian National Congress, 1885

In order to do business in India, the British established the East India Company and obtained a Royal Charter from the British king. The British landed in India with the intention of engaging in business with the East. In order to fund their political ambitions, they looted as much of India as they could. In order to achieve this goal, they embarked on a campaign of economic exploitation and assault on the Indian economy. British dominance had a number of economic repercussions, including the demise of the agricultural sector and the manufacturing sector. The area's handiwork and industry took a major hit when the British opened the

village to international products and turned the local artisans into wage earners. Because of this, poverty worsened.

The British government acknowledged and controlled India's economy in favor of British commerce and industry, and it established a cutting-edge administrative structure to ensure the country's safety. However, nobody cared about the general populace. The Indian bureaucrats in charge of running things didn't have much leverage to really make their decisions stick. The whole of the system was still being used to further their financial goals. After 1813, however, they actively set out to alter the Indians' social and cultural practices, since up until that year they had stayed out of the country's religious and cultural affairs. The British hoped to turn India into a sizable consumer market for their products as a result of the industrial revolution, which had started in the middle of the eighteenth century. There was a fresh perspective on human development that the scientific and technological revolution made possible. The British perspective on the Indian issue was shaped by the immense ferment of new ideas that occurred in Britain and Europe throughout the eighteenth and nineteenth centuries. Strong democratic feelings were sparked by the message of liberty, equality, and brotherhood during the great French revolution of 1789, which also released the strength of contemporary nationalism. Rationalism, or a belief in reason and science, humanism, or a love of humankind, and progressivism were the three defining features of new thinking. The humanistic worldview is the philosophical basis for liberalism, socialism, and individualism. Nothing was or could remain the same, and civilizations, according to the theory of progress, had to evolve as the world around them did.

Development after the formation of the Indian National Congress till the Commonwealth of India Bill, 1925 and Swaraj Constitution, 1927

In December of 1885, the Indian National Congress was established. In the early years of its existence, it pushed for more Indian involvement in political issues of the nation. Surinder Nath Banerjee, a leader in Bengal, spoke from the Congress platform, arguing that Indians, as naturalized British citizens, are entitled to the same rights and advantages that the English are under their own Constitution. As he put it, they were going to use constitutional measures to achieve that goal.

It was in 1895, with the Constitution of India Bill, likely inspired by Lokmanya Bal Gangadhar Tilak and called the Home Rule Bill by Annie Besant, that the first calls were made for the recognition of Fundamental Rights. The provisions of this Bill provide a glimpse of the rights and instructions that may be available. Freedom of expression and the right to be imprisoned only for infractions of the law were both guaranteed under Article 16 of the Bill. The Bill also included measures to ensure all

children in the State had access to a free and quality public elementary education.

The Congress demanded in 1906 that India be given the same form of government as the self-governing British colonies. For all of India's economic woes and poverty, Swaraj, or self-rule, was the best hope. It was also decided to begin the Swadeshi Movement, a boycott of British products meant to encourage the development of domestic businesses and the manufacture of commodities made from local resources. Financial gain was the obvious goal. Along with Tilak, Annie Besant launched the Home Rule Movement in 1916. Throughout the years of 1917-1919, the Congress enacted a number of resolutions that restated the need for civil liberties and parity with the English.

Development of Directive Principles of State Policy in the term of Socioeconomic Rights in the Nehru Committee Report, 1928

This All-Parties Conference was called by the Congress Working Committee in response to the Congress Resolution of 1927, which called for the creation of a Swaraj Constitution for India. In order to establish the foundations of India's Constitution, the Conference created a small committee with Motilal Nehru as its Chairman and seven other members. The Committee, whose findings became known as "The Nehru Report," advocated for a dominion status with full accountable Government modeled after a parliamentary system. Fundamental Rights that had been denied to Indians and which are not to be removed under any circumstances were explained to be the primary concern of Indians in the document's proposed Constitution.

There were many Fundamental Rights included in the report's suggestions. Personal freedom, freedom of conscience and the free profession and practice of religion within the bounds of public order and morality, freedom of speech, freedom of peaceful assembly (without the use of force), and the right to equality were all included in the report. Some economic and social rights were also listed. For instance, everyone in all professions has the right to free elementary education without regard to caste or creed, and this right will be enforced as soon as the competent authority has made the necessary arrangements; people in all fields are guaranteed the freedom to form and join associations for the purpose of preserving and bettering their working and economic conditions; and health care is to be provided without regard to a person's ability to pay. For the Congress, this Constitution represented a significant step toward ending India's political and sectarian conflict.

Several of the Fundamental Rights enumerated in the Nehru Report were lifted verbatim from the rights enumerated in the Commonwealth of India Bill, evoking comparisons to the American and post-war European Constitutions. However, several clauses had

a more specific Indian origin, such as "no breach of contract of service or abetment thereof shall be made a criminal offence," which pertained directly to the forced labor. The Nehru Report's rights served as a close forerunner to the Constitutions' Fundamental Rights, with ten of the nineteen sub-clauses reappearing substantially unchanged and three being incorporated into the Directive Principles.

DIRECTIVE PRINCIPLES OF STATE POLICY AND THE CONSTITUENT ASSEMBLY, 1946.

The 1946 Cabinet Mission to India proposed a Constituent Assembly to draft a Constitution for India as part of the process of transferring power during the waning years of the British Raj.

Therefore, the Constituent Assembly established in 1946 fulfilled its responsibility to implement these pre-independence promises. Assigned the monumental task of writing India's new constitution, the Assembly was composed largely of elected officials who were broadly representative of the country's diverse population. Researchers looking into how our Constitution came to be have had to sift through a lot of resolutions and discussions, such as the Objective Resolution, B.N. Rau's Notes and Draft on Fundamental Rights and Directive Principles, the Deliberations of the Sub-Committee on Fundamental Rights, the Report of the Sub-Committee on Minorities, and the Final Report of the Sub-Committee on Fundamental Rights, to get a sense of the evolution of the document.

Adoption of the Objective Resolution, 1947 and Notes on Directive Principles of State Policy

On December 11, 1946, following the Assembly's initial meeting on December 9th, Rajendra Prasad was officially elected as the Assembly's permanent Chairman. The first major accomplishment was the passing of Pandit Jawaharlal Nehru's 13 December 1946 Objectives Resolution on 22 January 1947. The Constitution's Preamble and many of its provisions can be traced back to the Resolution, which outlined the underlying assumptions upon which the document must be based in order to be a legitimate framework for a free India. Below are copies of the relevant sections of the Resolutions:

- (1) By these presents, the Constituent Assembly of India makes known its strong and solemn intention to declare India a republic and to create a constitution for her future government....
- (2) Freedom of thought, expression, belief, faith, worship, vocation, association, and action, within the bounds of law and public morality; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association, and action, within the bounds of law and public morality; and

- (3) In which disadvantaged groups, rural areas, indigenous communities, and working-class people will be adequately protected; and
- (4) This historic country attains its proper and dignified position in the world and provides its full and ready contribution to the advancement of global peace and the wellbeing of the people.

Directive Principles of State Policy and Sub-Committee on Fundamental Rights

On its inaugural meeting date of February 27, 1947, the Sub-Committee on Fundamental Rights chose J.B. Kriplani to serve as its first Chairman. Alladi Krishnaswami Ayyar, who sparked the debate on the topic, argued that a constitution's protections for its citizens should include legal guarantees that can be enforced in a court of law, and that it would be counterproductive to write down rules that could never be put into practice. To back up his claim, he cited the applicable section of the United States Constitution. It's worth noting that M.R. Masani was also against including rights that couldn't be enforced in court. Consequently, he advocated for the establishment of a separate supreme judicial authority to issue rulings on the constitutionality of laws that could violate the Fundamental Rights. Both K.M. Munshi and B.R. Ambedkar shared this view. K.M. Munshi stated that the Sub-Committee needed to think about whether Fundamental Rights that were merely precepts should be written into the Constitution, and if not, what should be the justiciable rights. When asked about whether or not the Constitution should allow for Writs to be issued by the Courts, he responded emphatically in the affirmative. Raj Kumari Amrit Kaur agreed with Professor Shah and Munshi's assessment. Besides having rights, citizens should also have responsibilities, as emphasized by Professor K.T. Shah. Civil, political, economic, and social rights are his four main categories. Professor Shah emphasized the significance of social and economic rights as the most vital of these. It was his opinion that they were indispensable. The State's obligation to provide these guarantees, in his view, follows naturally from the existence of these rights.

The Sub-Committee met, but they left without deciding whether or not non-justiciable rights would be written into India's new constitution. The Subcommittee did, however, come to the conclusion that the list of Fundamental Rights that were to regulate the Governments in question should be distinguished from provisions that were in the nature of fundamental principles of social policy.

GENESIS OF THE DIRECTIVE PRINCIPLES OF STATE POLICY

There was no mention of Directive Principles of State policy in any law enacted between the Councils Act of 1861 and the Government of India Act of 1935. No explicit references to the Directive Principles of State Policy can be found in the Government Act, 1935. Dr.

B.R. Ambedkar argues that the Directive Principles of State Policy found in Part IV of the Indian Constitution can be understood as the "Instrument of instructions" issued to the Government of the Provinces and the Governor-General in India. These instructions were issued under sections 53 and 13, respectively, of the Government of India Act, 1935.

Articles 36–51 of Part IV, which outline the state's directive principles of policy, are the most fascinating and important provisions of the document. The most unique aspect of our constitutional government, so they say. Modern western liberal philosophy, according to which the goal of a contemporary democratic society should be what Laski calls a "Welfare state" (a social service state), provides the foundation for these ideas. The overarching goal of these guiding principles is to make India a country in which everyone is safe from the threat of poverty, hunger, illness, sexual assault, or other forms of violence or prejudice.

Many political scientists believe that India's Directive Principles of State Policy were inspired by the Constitution of the Irish Republic, which includes a chapter on Directive Principles of State Policy. This is because both documents were written with the goal of creating a state free from injustice and discrimination. One of their goals may have been to transform India into a welfare state.

INDIA'S WELFARISM THROUGH DIRECTIVE PRINCIPLES OF STATE POLICY

To establish a welfare state, India is working toward. Social and economic reform is one of its primary goals. One way in which India is a welfare state is through the role it plays as a catalyst for societal and economic transformation. Assuming its influence will grow, of course. As a nation, India aspires to ensure the stability of its society, as well as to create conditions that benefit the greatest number of its citizens.

India's promise and commitment to the well-being of all its citizens is articulated in the Preamble, the Directive Principles of State Policy, and the Fundamental Rights. India's primary goal is to advance human flourishing and safeguard human rights. If put into practice, India's Directive Principles of State Policy can help the country create a more just and equitable society for its citizens.

Since 1949, when it was formally established by the Constitution, the union government has been working to carry out the Directives established by that document's Fourth Part. The purpose of Articles 34–51 is to confer social justice by enunciating pensions, social security benefits, free health care, and many other welfare programs to ensure the social and economic security of the people of the country. The political, social, and cultural program of India is extremely broad, and it is based on the Directive Principles as its foundation. India's

commitment to democracy is declared in the country's Constitution, and as a result, the government has implemented numerous programs to combat issues like widespread illiteracy and the lack of access to quality early childhood education as well as more general goals like eliminating discrimination based on a person's religion, caste, race, color, socioeconomic status, or sex and ensuring that everyone has the same chance at success in life.

Health care in India is provided by the government, which is a welfare state. There have been both therapeutic and preventative efforts made to improve health, with the goal of lowering the rates of infant mortality and maternity-related risks and complications. Humanitarian concerns and the need to protect human rights motivate the government to provide maternity leave and maternity pay. In order to ensure that all citizens have access to quality healthcare, the government has opened primary care clinics on every street corner. Those who fall within the Below Poverty Line (BPL) bracket are nonetheless eligible for free medical care. The steps outlined in the Preamble to achieve economic and social democracy in India have already been taken, and the country is making great strides toward their realization.

CONCLUSION

Its "Directive Principles of State Policy" are the Constitution's most innovative provision. The welfare state relies on these Directive Principles, which serve as a guide for the country's socially-ordered growth and development. The DPSP are the substance of the Indian Constitution, just as the Preamble is the key to unlocking its meaning. To ensure maximum economic and social justice for the people, the freedom fighters sought political independence as well as social and economic reforms, as envisioned in Part IV of the Constitution of India. The successful implementation of a democratic system with socialist goals depends on the adoption of the principles outlined in Part IV of the Constitution. If any administration disregards it, the electorate will do the same. It is widely acknowledged that the Constitution rests on these "non-enforceable in the Courts" foundations. Our Constitution's forefathers realized that enforcing such ideals would be impossible without enough funding, so they eliminated that provision. A definition of the DPSP as "fundamental guidelines for Republican form of Government" persists, though. Therefore, "governance of the country" requires that the State carry out these DPSP.

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Corresponding Author

Ramesh Chandra Yadav*

Research Scholar, TRS, College, APSU, Rewa, M.P.