

Directive Principles of State Policy, DPSP Articles, Features

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The Directive Principles of State Policy (DPSP) are enshrined in **Articles 36 to 51 of Part IV** of the Indian Constitution. These concepts aim to create a **welfare state** in India and ensure social and economic justice for all citizens. Inspired by the Spanish and Irish constitutions, they have been added to address problems such as pervasive poverty, hunger, and deep-seated socioeconomic inequalities. Despite not being justiciable or enforceable in courts, these directives have been the instruments of instruction and key to the policy implementations by the governments of India since independence. According to **Granville Austin**, DPSPs have helped meet the constitutional requirements of social, economic, and political justice for all.

DPSP Articles

DPSPs resemble the “Instrument of Instructions” enumerated in the Government of India Act of 1935. They are enumerated in the Constitution from Articles 36 to 51. As per the evolving needs of society, the **Parliament** has added new provisions to the DPSP through **Constitutional Amendments**.

- According to **Article 36**, the term ‘**State**’ has the same meaning as in Part III (Article 12).
- **Article 37**: It states that the Directive Principles are non-justiciable. Nevertheless, Article 37 itself says that these principles are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

- **Classification of DPSP:** The Indian Constitution does not specifically classify the DPSP. However, for ease of understanding, they can be divided into three categories: **socialist principles, Gandhian principles and liberal-intellectual principles.**
- **Implementations:** Successive governments have made several laws and formulated various programmes for implementing the DPSPs.
 - **Examples:** Five Year Plans, land reform acts, Minimum Wages Act, Bonded Labour System Abolition Act, Child Labour Prohibition and Regulation Act, Maternity Benefit Act, National Legal Services Authority, Nationalisation of banks, Wildlife (Protection) Act, Forest (Conservation) Act, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, etc.

DPSP Articles according to their classification	
Socialist Principles	- Article 38: Directs the state to promote social, economic, and political justice. • And minimise inequalities in income, status, and opportunities (Added through the 44th Amendment Act (AA) of 1978). - Article 39: The State shall direct its policy toward securing (a) the right to adequate means of livelihood for all Citizens, (b) equitable distribution of material resources, (c) prevention of the concentration of wealth and means of production, (d) equal pay for men and women, (e) preservation of the health and strength of workers and children against forcible abuse. (f) Opportunities for the healthy development of children (42nd AA of 1976). - Article 39A: Emphasises equal justice and free legal aid to all citizens, irrespective of economic or other disabilities. (42nd AA of 1976). - Article 41: To secure the right to work, education, and assistance in cases of unemployment, old age, sickness, and disablement. - Article 42: Make provision for securing just and humane conditions of work and for maternity relief. - Article 43: Secure a living wage, fair remuneration, and decent working conditions for workers. - Article 43A: Secure the participation of workers in the management of undertakings, establishments, or other organisations engaged in any industry. (42nd AA of 1976). - Article 46: Promotes the educational and economic interests of weaker sections. - Article 47: To raise the level of nutrition, the standard of living of people, and the improvement of public health.

Gandhian Principles	- Article 40: This article emphasises the organisation of village panchayats and promotes their empowerment as institutions of local self-government. - Article 43: To promote cottage industries to ensure economic development and self-reliance at the rural level. - Article 43B: To promote voluntary formation, autonomous functioning, democratic control, and professional management of cooperative societies (97th AA of 2011). - Article 46: It emphasises the protection and promotion of the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections of society. - Articles 47: To prohibit the consumption of intoxicating drinks and drugs which are injurious to health. - Article 48: To prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds.
Liberals Principles	- Article 39: DPSP emphasises the promotion of gender equality and the empowerment of women. - Article 44: Secure the Uniform Civil Code for all citizens. - Article 45: Provide free and compulsory education to children up to the age of 14 years. The 86th Amendment Act of 2002 modified Article 45, making elementary education a fundamental right under Article 21A. - Article 48: To organise agriculture and animal husbandry on modern and scientific lines. - Article 48A: To protect and improve the environment and to safeguard forests and wildlife. (42nd AA of 1976). - Article 49: To protect every monument or place of national importance from spoliation, disfigurement, destruction, etc. - Article 50: Separation of Judiciary from the executive in the public services of the State. - Article 51: Promote international peace and security, maintain just and honourable relations between nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by arbitration.

Directives outside DPSP

In addition to the Directives outlined in Part IV of the Constitution, there are other Directives spread throughout various sections of the Constitution. They include:

- **Claims of SCs and STs to Services:** Consideration should be given to the claims of Scheduled Castes and Scheduled Tribes in appointments to services and posts related to Union or State affairs while ensuring the

efficiency of administration (**Article 335 in Part XVI**).

- **Instruction in Mother Tongue:** States and local authorities should strive to provide adequate educational facilities for children belonging to linguistic minority groups to receive instruction in their mother tongue at the primary stage of education (**Article 350-A in Part XVII**).
- **Development of Hindi Language:** The Union has the responsibility to promote the usage and development of the Hindi language as a means of expression for the diverse cultural elements of India (**Article 351 in Part XVII**).

Conflict of Directive Principles of State Policy with Fundamental Rights

The conflict between FRs and DPSP arises when the implementation of certain policies or laws for achieving the goals of DPSP potentially infringes upon the FRs of individuals.

- **In the Champakam Dorairajan case (1951):** The Supreme Court ruled that the FR would take precedence in case of a conflict between FRs and Directive Principles.
 - However, it also acknowledged that Parliament could amend FR through constitutional amendment acts.
 - Consequently, Parliament enacted the **1st Amendment Act (1951)**, **4th Amendment Act (1955)**, and **17th Amendment Act (1964)** to implement certain Directives.
- **Golaknath case (1967):** Adhering to the principles set during the Champakam Dorairajan case, the Court declared that the Parliament cannot diminish or curtail any of the FRs which are 'sacrosanct' in nature to enforce the implementation of the Directive Principles.
- **24th Amendment Act:** It empowered Parliament to curtail or remove any of the FRs through Constitutional Amendment Acts.
- **25th Amendment Act:** It inserted a new Article 31C which contained the following two provisions:
 - (1) No law that seeks to implement Article 39 (b) and (c) shall be void on the ground of contravention of the Fundamental Rights conferred by **Article 14**, Article 19, or Article 31.
 - (2) No law containing a declaration for giving effect to such a policy shall be questioned in any court on the ground that it does not give effect to such a policy.
 - In the Kesavananda Bharati case (1973), the SC declared the second provision of Article 31C as unconstitutional and invalid on the ground that judicial review is a basic feature of the Constitution. However, the first provision of Article 31C was held to be constitutional and valid.
- **42nd Amendment Act (1976):** It extended the scope of the above first provision of Article 31C by including within its protection any law to implement any of the Directive Principles other than those specified in Article 39 (b) and (c).
 - Thus it gave primacy to the DPSPs over the FRs conferred by Articles 14, 19 and 31.
- **Minerva Mills case (1980):** The Supreme Court declared the above extension as unconstitutional and invalid.
 - Thus, Directive Principles were once again made subordinate to the Fundamental Rights by the Court.
 - However, the rights conferred by Article 14 and Article 19 were accepted as subordinate to the DPSPs enshrined in Article 39 (b) and (c).

- In this case, the Court stressed the importance of **balance between** FRs and DPSP. The goals set out by the Directive Principles have to be achieved without the abrogation of the means provided by the Fundamental Rights.
- **Current position:** Fundamental Rights hold supremacy over the Directive Principles.
 - However, the Directive Principles can be implemented by amending the Fundamental Rights, so long as the amendment does not destroy the **basic structure** of the Constitution.

Directive Principles of State Policy Features and Significance

Despite being non-justiciable, DPSPs are an important part of the Constitution.

- **Influence of the Irish Constitution:** DPSP drew inspiration from the Irish Constitution, which included similar principles for social justice.
- **Ambedkar's Vision:** **Dr. B.R. Ambedkar** had described the Directive Principles as “socialistic” and a “novel feature” of the Constitution. They constitute a very comprehensive economic, social, and political programme for a modern democratic State.
- **Philosophy of the Constitution:** The Directive Principles, along with the Fundamental Rights, contain the Constitution's philosophy.
 - They are complementary and supplementary to each other; both are essential to achieving the objectives and ideals stated in the **Preamble**.
- **Promote Socio-economic Justice:** Unlike Fundamental Rights, which protect political justice, DPSPs promote socio-economic justice.
- Dr Ambedkar rightly pointed out that the DPSPs provide ‘social and economic democracy’ as distinguished from the ‘political democracy’ provided by the Fundamental Rights.
- According to him, political democracy is meaningless without socio-economic democracy.
- **Promote Welfare State:** The principles embody the concept of a “welfare state” and not a “police state” which existed during the colonial era.
 - They aim to promote the welfare of the people by emphasising social justice, equal opportunities, and the improvement of living standards for all citizens.
- **Contain Progressive Measures:** It includes provisions for the promotion of educational opportunities, public health, and the protection of the interests of marginalised sections of society, such as Scheduled Castes, Scheduled Tribes, and backward classes.
- **Constitutional Guidance:** Though not legally enforceable, DPSP provides constitutional guidance to the government in formulating laws and policies.
 - It encourages the state to work towards achieving the objectives outlined in the DPSP.
- **Political sanctions:** Many provisions and principles enshrined in Part IV of the Constitution are used by the political parties in their manifestos.
 - Consequently, some of these provisions have been made legally enforceable by the ruling governments.
 - In this way, they serve as a crucial test for the performance of the incumbent government.
- **Long-term Vision:** DPSP provides a long-term vision for the country's development, setting goals and ideals that the government should strive to achieve over time.

Directive Principles of State Policy Limitations

Some members of the Constituent Assembly and constitutional and political experts have questioned the Directive Principles of State Policy, citing the following reasons.

- **Lack of Legal Force:** Critics argue that the non-justiciable nature of the Directives undermines their effectiveness. The Directives are seen as moral aspirations rather than legally binding principles.
 - Exemption of Directive Principles from being justiciable may make the state vulnerable to the pressure of politically and economically influential groups in society.
- **Lack of Logical Arrangement:** DPSPs are not logically arranged and lack a consistent philosophy. The mixing of different provisions is seen as incongruous and lacking a systematic approach.
- **Conservative Nature:** Sir Ivor Jennings opined that the directives were deemed to be suitable in India in the middle of the 20th century. The question of whether they are suitable in the 21st century cannot be answered.
- **Constitutional Conflict:** These conflicts arise from the Centre's authority to direct states for Directive Principles' implementation, potential rejection of bills by the President that violate these principles, and conflicts at the state level between the governor and the chief minister.

Directive Principles of State Policy UPSC PYQ

Question 1: Consider the following pairs: (UPSC Prelims 2025)

	Provision in the Constitution of India		Stated under
I.	Separation of Judiciary: from the Executive in the public services of the State	:	The Directive Principles of the State Policy
II.	Valuing and preserving: of the rich heritage of our composite culture	:	The Funda-mental Duties
III.	Prohibition of employ-ment of children below the age of 14 years in factories	:	The Funda-mental Rights

How many of the above pairs are correctly matched?

- a) Only one
- b) Only two

c) All the three

d) None

Ans: (c)

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