CHAPTER I

Introduction
A) IMPORTANCE OF THE STUDY:

"The greatest prayer is patience and Tolerance". Our motto is wipe every tear from every eye; to feed ill-fed, half-fed and the hungry; to clothe ill-clad, half-clad and the naked; to shelter ill-sheltered, half-sheltered and unsheltered; to educate ill-literate and the ignorant. In order to remove this poverty and misery and to ameliorate the conditions of the Indian masses it is essential to make revolutionary changes in the present economic and social structure of society.

The lofty sentiments are echoed in the preamble of our constitution which envisages, not only political but also social and economic justice to all citizens of the country. However the economic justice assured by the preamble can hardly be achieved if the democracy envisaged by the Constitution were to be confined to a political democracy. India, therefore became impatient for bring about the speedy economic equality, along with political equality as pledged by the preamble
of the Indian Constitution; among all her citizens suffering from long grinding poverty and the glaring inequalities. The real value of the preamble lies in its psychological appeal because it contains words surcharged with emotions - Justice, liberty, equality and fraternity. The preamble of the Constitution was described as the most gracious part of the Constitution, soul of the Constitution, key of the Constitution and superb prose poem, philosophy of the Constitution. The whole of the Indian Constitution is an elaboration and the elucidation of the preamble. The members of the Constituent Assembly shouldered heavy responsibility for creating a new Constitution which has to stand the challenges of Indian socio-economic situation and demonstrate its resilience and viability in withstanding the pressure of indigenous socio-economic conditions. The objects of the Constitution should therefore reckon with the provisions of the basic means of livelihood to the people and securing material advancement. Nehru pointed out that freedom is not an end; it has a means to social advancement of humanity. It is evident from the socio-economic revolution which constituted the mainstay of the Constituent Assembly for the achievement of which political independence should be used as an instrument. While speaking to drew attention to this immediate task Nehru pointed out in the Constituent Assembly "If we cannot solve this problem soon, all our constitutions, become useless and purposeless". While rejecting the Soviet Communist model, the members of the Constituent Assembly had limited their options, to Euro-American and Gandhian models. Although Gandhi never associated himself with the Constituent Assembly or drafting of the Constitution, there was a small section which represented Gandhian tradition in the deliberations of the Constituent Assembly. The Congress leadership firmly believed that the Congress
Party should be strengthened to promote national unity and social progress. There was a strong belief that the Gandhian decentralised Constitution can not adequately meet the requirements of Unity, integrity, material welfare and the demands of defence. The members of the Constituent Assembly and the Congress leadership had not only a soft corner for Western liberal tradition, but they had a staunch belief that the unity and stability of India would demand a centralised polity. They entertained suspicion in the ineffectiveness and inadequacy of a loose and weak decentralised Constitution. Nehru and Patel championed the cause of centralised Constitution and justified that it was necessary for social revolution and economic modernisation. Nehru, a product of Fabian Socialist Doctrine, had indelible belief in Parliamentary tradition and it was strengthened by intellectual and emotional commitment of socialism and liberalism.

The objectives and resolutions prepared under the leadership of Nehru constitute the blueprint for framing of Indian Constitution. The Constituent Assembly declares India as an independent, sovereign, Republic and designed as the union of states and the powers of the units and organs of government are derived from the people and the people shall enjoy social, economic and political justice, equality of status and opportunity before law and freedom of thought and expression and protection of minorities, backward classes and scheduled tribes. The objectives and resolutions are fully reflected in the preamble, which is the key to understand the Constitution. Prof. Jennings paid rich compliments to Indian constitution and remarked "Indian constitution is the finest Constitution in the world".
The Constitution of India is a historical setting with the object of enabling students of law and citizens in general to understand and appreciate the legal and constitutional aspects and implications of the Constitution. The Constitution of India is the longest and most complex Constitution in the world. It embodies a comprehensive and detailed declaration of Fundamental Rights and Directive Principles. A large number of articles have provisos, limitations and saving clauses. The anxiety of the framers of the Constitution is to frame the Constitution to meet the peculiar needs and conditions of India which represents a mosaic of humanity consisting of diverse religious, linguistic and caste groups; whose allowed objective is to achieve the welfare state. In its internal structure of Constitution it is fundamentally British and the framers have borrowed freely from other federal Constitutions and have attempted to avoid the defects and difficulties felt in the working of a federal Constitution. Though the Constitution is elaborate and detailed, it is reasonably flexible and capable of growth with experience. The Indian Constitution has been designed to meet India's special needs and reflects the past, embodies the present and is designed to embrace the unfolding future. Unlike other Constitutions, it is intended not merely to serve as a instrument for the governance of the country, but also to serve as an instrument to strengthen, consolidate and even generate forces which will transform India into a homogeneous democratic state based on social justice and economic equality. The success of a Constitution depends more upon the manner and spirit in which it is worked than upon formal provisions. Whether the Constitution will be adequate to meet the growing needs of a dynamic society and will be able to stand the increasing linguistic and regional strains and pressures one feels that the future of the largest democracy in the world in ensured by the
constitution which is an excellent document devised to meet the needs of India and to realise the objectives set out in the preamble Constitution can work and reflect in accordance with its basic social and economic conditions. India has its own specific and in some cases unique features and all exert deep influence on Indian politics which make her political system distinct from others, especially that of Western Countries. The first task of the Constitution Assembly was to free India through a new Constitution, to feed the starving people and to clothe the naked masses and to give every Indian the fullest opportunity to develop himself according to his capacity. What the constitution demands and expects is perfect equality between one section of the community and another in the matter of political and civic rights, equality, liberty and securing in the enjoyment of the freedom of religion worship and the pursuit of the ordinary activities of life.

It is criticised that the Indian Constitution is a value loaded document which represents the philosophy and ideology of the Congress Party. Nevertheless, it can be said that it is a document not wedded to any particular ideology or viewpoint because leaders like Nehru, who dominated the show, were very liberal. It has been argued out that the Constitution Assembly of India was not a representative body with specially elected representatives for the specific job of making Constitution of India. It is also argued that the Constitution Assembly was not a sovereign body and that it, was not free from pressures. In fact the pressures were so high that it made many to remark that Indian Constitution was a Congress document. The pressure of majority party was so great that even if the founding fathers of the Constitution wanted to give a different Constitution, perhaps they could not do that. It is quite often said that the Constitution of India would have been a different
document had it not been prepared under the close supervision of Congress oligarchy. They gave the people some rights while for the satisfaction of many they prepared a long list of Directive Principles of State Policy.

The Constituent Assembly is not a representation of all sections of Indian Society but was dominated by politicians and lawyers. According to some critics the Constitution of India is a lawyers paradise. It is also said that the Constitution framed by the Constituent Assembly was not submitted to any referendum before its final adoption. Inspite of the vehement criticism, it can be said that the Constituent Assembly did a remarkable job of saving India from another revolution and saved country from chaos and anarchy and gave the nation a document which still provides steel framework of Indian administration. The Constitution of India is the product not of a political revolution but of the research and deliberation of a body of eminent representatives of the people who sought to improve upon the existing system of administration.

B) NEED OF THE STUDY :

The makers of Indian Constitution poured their political sagacity by setting forth the humanitarian socialist democratic state under the inspiration of Mahatma Gandhi who was humanist to the core and votary of non-violence. To uplift the conditions of the down-trodden the weaker sections of the community, they incorporated the Directive Principles of State Policy in the Constitution which epitomised the hopes and aspirations of the people. It is the duty of all the authorities of the state to direct their activities in such a manner so as to secure the high ideals set forth in the preamble and copiously analysed and enshrined in Part IV of
Constitution. The purpose of the Directive Principles is to fix certain social and
economic goals for immediate attainment by bringing out a non-violent social
revolution and to fulfil the basic needs of the common man and to change the
structure of our society. The Directive Principles of State Policy are an amalgam of
diverse subjects embracing the life of the nation and include principles which are
general statements of social polity, principles of administrative policy, socio-econo­
mic rights and a statement of international policy of the country. Infact our
country is firmly wedded to the concept of a "Welfare State" which is embodied in
was appreciably realised by almost all the members of the Constitutent Assembly.
Their primary concern was to usher in a new social order in which, Justice, social,
economic and political shall inform all institutions of the national life. The policy of
the government from the being of India's republican career has been shaped
according to the Directive Principles and every decision of the planning Commission
has been guided or coloured by these principles.

The high sounding moral sentiments mentioned in Chapter IV and named
as Directive Principles of State Policy direct that the state should provide adequate
means of livlihood for men and women; proper distribution of material resources to
subserve the common good; equal pay for equal work for men and women; to
provide an opportunity to the youth for their moral and material advancement; to
organise village panchayats with such powers and authorities for proper function­
ing; to secure just and humane conditions of work and for maternity relife;; to
provide a living wage to the workers in agricultural and industrial fields; to provide
participation of workers in the management of under takings, establishments or
other organisations; to organise a uniform civil code throughout the territory of India; to provide free and compulsory education to the children until they complete the age of 14 years; to promote with special care the educational and economic interests of the weaker sections of the society and protect them from social injustice and all forms of exploitation; to raise the standard of living of the people and prohibit the consumption of intoxicating drinks and drugs; to organise agriculture and animal husbandry on modern and scientific lines; to prohibit the slaughter of cows and claves and other milch and draught cattle; to protect and improve the environment and to safeguard forests and wild life of the country; to protect every monument or place or object of artistic or historical interest; to separate judiciary from the executive; to promote international peace and security and to maintain just and honourable relations between nations; and finally to settle international disputes by arbitration.

It would not be an easy task to survey the progress made by the governments of the union and the states in implementing such a large number of Directives over a period of four decades since the promulgation of the Constitution. Nevertheless, a brief resume of some of the outstanding achievements may be made in order to illustrate that the Directives have not been taken by the government in power as pious homilies, as was supposed by many when they were engrafted in the Constitution. The greatest progress in carrying out the Directives has taken place as regards the Directive (Article 39 (b)) that the state should secure the ownership and control of material resources of the community and see that they are so distributed as best to subserve the common good. In order to prevent the concentration of land holdings legislation has been enacted in many of the states,
fixing a ceiling, that is say, a maximum area of land which may be held by an individual owner. Secondly for raising the standard of living, the government of India launched its community development project in 1952. Later on Integrated Rural Development Programme (I.R.D.P.), National Rural Employment Programme (N.R.E.P.), Rural Landless Employment Gaurantee Programme (R.L.E.G.P.), Desert Development Programme (D.D.P.), Drought Prone Areas Programme (D.P.A.P.) and some other schemes were launched.

The researcher's earnest desire is to make the students know what these Directive Principles are? Why the makers of the Constitution have incorporated these Principles? What is the Constitutional status provided? What is the socio-economic value of these principles in a democratic socialist society of India? What are the various measures taken by the governments in implementing these principles from the inception of the Constitution? What are the hindrances that come across in the execution of these principles? What will be reaction of the public if the governments neglect these principles? What is the role of Supreme Court with regard to the Directive Principles? Why the makers of the Constitution refused to give the legal backing to the Principles? What is the historical background and the circumstances under which the Directive Principles of State Policy were incorporated? Does India establish economic democracy through these Principles? What is the opinion given by the Supreme Court in case of conflict with the Fundamental rights what are the measures to be taken to maintain the balance between fundamental rights and Directive Principles of State Policy? What are the views expressed by political scientists in support of and at the same time criticising these lofty principles? What are the measures or steps that the people should take in
proper implementation of these Principles? How to understand the concept of reasonableness and public interest of Directive Principles of State Policy? What will the fate of the common man if the governments neglect these Principles? The above mentioned are some of the ideas that germinated in research's mind to ponder over the vital need of studying the Directive Principles of State Policy in a more detailed manner and also thought of giving some suggestions for the proper implementation of these Principles, which are the germs of socialistic government.

The need of the hour therefore is that all three wings of the state - Executive, Legislature and Judiciary, must move together. They must drive together the chariot of the Welfare state. They must co-operate and co-ordinate with each other. It is a must if we want to satisfy the needs and requirements of our teeming and toiling masses. It is a must if we want to redeem the dreams of our great national leaders. It is the duty of every responsible citizen of India to have an eye on the working system of the government and the political promises made by the politicians to achieve and attain political authority. If the government acts against the aspirations and ambitions of the Public, the citizens should declare and conduct a peaceful, non-violent revolution until their demands are fulfilled. The people should possess a strong will power and rich moral courage to dethrow the governments which are obstacles for the social and economic uplift of the human beings. To motivate the people in the direction is really the dire need of studying the topic. "An Appraisal and Application of Directive Principles of State Policy in the Indian Constitution". The researcher strongly believe, that rebellion against tyranny is worship to God. It is hoped that very soon the government will do the needful through social, economic and labour legislations so that the Directive Principles may not remain
merely decoratives of Constitution but become a reality. So the researcher's study is intended to raise the awareness of people about the real significance of Directive Principles of State Policy of our Constitution and this help to achieve a better government.

C) OBJECTIVES OF THE STUDY:

The objectives of the Study are:

1) To examine the circumstances that led to the demand for right of self-determination.
2) To take into account the efforts/steps taken by the Indian leadership for achieving the Independence.
3) To examine the various Constitutional developments before the framing of the Indian Constitution.
4) To study the steps taken for framing the Constitution.
5) To study the Philosophical ideology behind the introducing/adopting the Directive Principles of State Policy in the Indian Constitution.
6) To examine the differences between Fundamental Rights and Directive Principles.
7) To study the operation/execution of the Directive Principles.

D) METHODOLOGY:

The present study "An Appraisal and Application of Directive Principles of State Policy in the Indian Constitution" is mainly historical and analytical study and is based on primary and secondary sources. An examination of the various documents/Proceedings of various Congresses/meetings has been made source material on the subject has been collected from the relevent books, periodicals and Dailies for this study.
E) CHAPTERISATION:

Chapter One - 'Introduction' - Outlines the importance, need, objectives, methodology and the Chapterisation of the Study.

Chapter Two - 'The Indian Constitution' - deals with the Historical background, sources, preamble, objectives/Philosophy, nature and salient features of the Indian Constitution.


Chapter Four - 'Implementation/Operation of Directive Principles' analysis the Constitutional, the legislative, the executive, the Judicial measures and reaction of Public, Political Parties and Opposition Parties.

Chapter Five - 'Conclusion' Summarises the findings/observations of the research study.