

Directive Principles of State Policy and Fundamental Duties: Constitutional Imperatives

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Lecture 20: Engaging DPSPs with Ancient Indian Texts

Greetings to all of you. We are in Module 3, where we are discussing the salient features of the Directive Principles of State Policy under the Indian Constitution. In this module, we have been discussing the relationship between fundamental rights and Directive Principles, where we have discussed that the role played by Directive Principles in influencing the judiciary's interpretative strategy. We have read that the directive principles have also limited the functioning of the rights, how it has justified the exercise of the power of the state. We have also looked at the repositioning done by the parliamentary process between the directive principles and fundamental rights. In today's session, we shall be talking about the connection between the directive principles and the ancient Indian texts.

In today's session, we shall not be developing an argument on the genesis of the directive principles with the ancient Indian texts. We are not arguing that the directive principle has originated from these texts. We are bringing this discussion to emphatically build a case for analyzing some of the directive principles in the light of ancient Indian texts and giving an opportunity to the learners to undertake further research on this connect. Because such research would strengthen the reading of the directive principles, which are about socio-economic entitlement, which are about fulfilling welfare goals, which are about cultural values and which is about national identity. So, in today's session, we shall be addressing these concepts. We look into the DPSP under the Indian Constitution and try to see how individual directives are some of those that are closely connected with the ancient Indian texts. We will draw a connection between these two things. As we have been studying the directive principles, it entrenches the idea of social justice. It is founded on the very principles of distributive justice and fosters economic justice.

And that is why it is conveniently argued that the Directive Principles amplify the ideals of justice, liberty, equality, and fraternity. Because directive principles aim to establish a welfare state. And the establishment of the welfare state is not feasible in the absence of the state's commitment to provide for socio-economic justice. Apparently, these principles appear to be the genesis of modern constitutional design. But if you analyze it deeper, you will find that it has a very deep connection with ancient Indian texts and philosophy. Because the concept of governance in the ancient Indian text is also driven by the idea of *Dharma*, which you would find referenced in *Dharmashastras* and *Arthashastra* wherein in these two seminal works, you would find a very significant role suggested for the king, where the king has been entrusted in working towards the welfare, prosperity, and well-being of all with a special emphasis on the marginalized class of people. So, when you look at the overall purpose of the Directive Principle in establishing an egalitarian system, valuing every individual and along with valuing, also look at how equality can be effectively aligned with the idea of equity. Now, if you connect with *Yajnavalkya Smriti*, which highlights the importance of equitable distribution of resources, which is closely connected with the idea of economic justice, where it talks about the reduction of income inequality. Similarly, in the *Bhagavad Gita* and the *Upanishads* you would find there is a strong emphasis on duty, compassion, and non-exploitation. Directive principles also talk about that. It talks about human working conditions, just and humane working conditions. It talks about a living wage. It talks about participation in the management.

So, governance under the ancient text focuses on, bases on, or anchors on the idea of ethical governance, the idea of justice, the idea of welfare, and the common good. Though the Constituent Assembly Debate, there is scant reference to this ancient text. But the reference cannot be overlooked altogether. Their relevance is very enduring. Their relevance is unwavering and steadfast in the present age. As I said, in order to re-strengthen the very responsibility of the government and the very obligation of the government toward welfare. So, if the idea is of justice, welfare and if such ideas are also categorically manifested in the ancient text, we can very well draw the connection. For example, the Principles of Ethical Rulership Justice as a Pillar of Statecraft Common Good as a Central Tenet. Principles of Ethical Rulership, as it has been described in the ancient text, is about the ruler's need to be just in their approach. They need to maintain virtue, and it is expected that their actions should be backed by wise decisions. So, a good ruler is the one who governs with moral integrity, ensuring that the laws are fair and are applied in an impartial manner. That is what *Kautilya's Arthashastra* advocates for: a pragmatic approach to governance, focusing on the welfare of

the state. A reference of something similar can also be found in the *Mahabharata*, where you have a concept of *Dharma Rajya*, where a king is expected to uphold justice and righteousness. When you look at justice as a pillar of statecraft, you find a reference again in the ancient text, where justice is not seen only in ancient texts as a legal concept, but is also seen as moral and spiritual precepts, which are intertwined with the idea of cosmic order, where we look at what is just and what is acceptable to everyone, has got a reference to nature which has divine approval. *Yajnavalkya Smriti* prescribes that the duty which is restored upon the king is to ensure that justice is upheld, and that the people live in harmony. It also advocates for the principle of non-violence, ahimsa. Justice should also avoid cruelty and oppression and promote peace and tolerance. It is also seen that the common good is a central tenet of the directive principles, and that is also very core to the ancient texts. Now, when I read ancient texts here, I am using them in a very generic sense. I am not identifying the text in any historical timeline. Ancient texts suggest that the ruler is not to be seen only for governing the masses.

It is also the caretaker of a subject, ensuring that the king has a responsibility to fulfill the material, spiritual, and social needs of the people. And that is how *Kautilya's Arthashastra* suggests the responsibility of the king in arranging the basic needs of the people, ensuring a balanced economy, equitable distribution of wealth, and production by all citizens. Where you find that this is closely connected with the idea of welfare goals as envisaged under the Indian Constitution and the very concept of *Raja Dharma*, which is ingrained in the ethical principles of governance. Let us look at the specific directive principles and connect again. I reiterate that this session is not intended to draw the argument that the directive principles have an originative connection to this ancient text. Because we have read that it has a reference to the Irish Constitution and to the resolutions passed by the then Indian National Congress.

But then, some of the provisions of the Directive Principles have got a very specific reference to the ancient text. For example, in Chapter 4 of Book One in *Arthashastra*, you find that there is an emphasis that the government seeks to acquire what has not been acquired, to safeguard what has been acquired, to augment what has been safeguarded, and to bestow what has been augmented on worthy recipients. Now, if you look at the dicta given under Article 38 on social order, the mandate given under Article 38 on socio-economic justice closely connects with this Chapter. Chapter 4 also suggests the importance of agriculture and animal husbandry, which is connected with Article 48 of the Constitution. In *Kautilya's Directive to King* there is an alignment between the directive principles given and the work of *Kautilya*. *Kautilya* talks about

yogakeshma, which is about protecting citizens and ensuring the prosperity of citizens. Now, if you look at this, protecting citizens and ensuring their prosperity is about valuing liberty while not allowing that libertarian idea to counter the commitment of the state to ensure welfare for everyone. It is also a commitment laid down under Article 39(a) and Article 39(b), which talks about no distinction in payment between men and women for any work, which talks about distributive justice which talks about non-concentration of wealth. So, you would find that what *Kautilya* talks about for the duty of a king has got a resemblance with the duty of the state in modern times, closely connected with the concept of socialism, where it is not about the state owning property, but about the state's responsibility to ensure that a system is established that promises an egalitarian order. There is also a connection between the directive principle and the concept of justice, as we perceive and understand it through the ancient texts. As I said, Article 38 talks about social justice, political justice, and economic justice, and that is what is also a very visible reference in *Arthashastra*, where it says that the state is tasked with securing social order and welfare—this is a very defined responsibility of the state, as suggested by *Kautilya*. So, in ancient texts, you would find that justice is not to be seen only through law and legal but also through maintaining harmony in the society and ensuring equity in the society to guarantee equity in the society.

Where you would find that the concept of welfare state, as it has been described in the ancient Indian text, is not completely disconnect from the way we visualize and perceive in today's context. For example, in the *Manusmriti*, it has been said प्रजायाः सुखं कर्म, King must address the economic inequality and ensure welfare which is closely resembles the idea of addressing the historical injustices suffered by weaker sections of the society under Article 46. Where you find that there is a very specific directive principle for the state to come up with a plan on uplifting that class. There is a responsibility suggested in the Vedas, like *Atharvaveda* suggests सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः which says that the health of the citizen is a primary concern.

Now, this enunciation can very well be related to the mandate given in Article 47 about raising the level of nutrition and improving public health. You would find that there is a clear reference to this. So, one may argue that the ancient Indian text gives us a very visible understanding of the role and responsibility of the state, where the role and responsibility of the state is not only to respect the rights but also commit to the welfare of the people, but also make necessary interventions for the redistribution of wealth. The directive principles also highlights the

importance of this responsibility of the state, where it talks about the significance of some socio-economic rights.

Along with that, it also gives a broader guideline for the state to follow in making "we, the people," at the core or center of the operationalization of the constitution, where the constitution, in its essence, serves everyone, even the last person in the queue, who is being served by the last person in the queue, is meant to be realized only when the Directive Principles are given due importance and significance. Such due importance and significance should get further refocused with the reading of the ancient text, one may currently say that concepts like dharma, which are there in the ancient texts or the work of *Kautilya*, can also serve as guidance to facilitate political processes. They can help the government in reorienting the known priority between the rights and the Directive Principles.

These are the references for this session.

Thank you.