

# **Directive Principles of State Policy and Fundamental Duties: Constitutional Imperatives**

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## **Lecture 09: Thematic Understanding of DPSPs I**

Greetings to all of you. We are in Module 2, where we are discussing the incorporation of Directive Principles of State Policy and Constituent Assembly Debates. In today's session, we shall be understanding the thematic presentation of the director's principles. We have divided this lecture into two parts. In today's discussion, we shall be taking up: What is the in the DPSP from the perspective of socialist ideas and Gandhian ideas. This is what we will try to look at and try to learn in today's session. So, the concepts we are covering in today's session are how the directive principles are positioned under the Indian Constitution. How have the Constituent Assembly debates discussed the different values inscribed under the Indian Constitution?

What is that accommodating approach which the Constituent Assembly has adopted for formulating the directive principles? We will also try to understand how the Constituent Assembly has very appropriately ensured that the socialist voice and socialist idea are reflected in the drafting of the directive principles along with Gandhian ideas. Now, when you look at the dielectric principle and try to understand its general nature, you get the impression that it is generally cosmopolitan in nature. When I say cosmopolitan, what does it mean is that it reflects the experience of different regions. It has got an outlook on other regions in the drafting. So, the Constitution of India is generally described as a cosmopolitan one, and it is also being discussed as a transnational dialogue. Now, when I say "transnational dialogue," it means about learning from cultural values.

Learning from diversification and then trying to come up with a document that shall be acceptable to everyone by accommodating differing views and committing to a cause of nation-building. So, the Constitution of India is truly described as a cosmopolitan constitution, as we know very well, a reference has been drawn from other constitutions of the world. But at the same time, it has been adequately customized to address the needs of the people of this country.

So, while debating the foundational document, it has been observed that the members of the Constituent Assembly. They certainly looked at the practices, the governance patterns followed in different jurisdictions. How this was prevalent also during British times in India. From these learnings and experiences, they have tried to bring in a governance pattern that fulfills aspirational need for future generations. That is why we say that its Debates shine a light on the past and give contemporary generations a critical insight into the factors that led to the ideas incorporated into the Constitution.

So, either way, it is about learning from the past, but then fulfilling the aspirations of future generations. Very aptly, we quote a noted jurist, Madhav Khosla, writes that “In 1950, for the first time in their history, a diverse collection of individuals and groups became the people of a single book, one that reflects their commitment to protect their mutual rights and which articulates a collective identity.” Now, when you say "collection of individuals," it is a known fact that majority of the members were affiliated to the then Congress Party, but when you read the debates carefully, you would come to understand that the members of the Assembly were ideologically divided, and that division has ensured that differing views are assimilated and concretized and then those different views are agreed upon by the members collectively. So, when you talk about particularly the differing views in relation to the directive principles, you find that there are different ideas and different values that have been incorporated into the Constitution.

With the kind of different cultural values, with different social understandings, one may argue that prominent ones were the socialist idea, drawn from Gandhi's approach and the approach of Dr. Ambedkar, and then also an ideology inspired by cultural nationalists. Each of these groups have made their presence felt through a very powerful argument on the structuring of the framework of the Constitution. Each of the groups has influenced the framing of the directive principles. In this process it is generally been seen that the group is trying to get a sort of understanding on power-sharing and power arrangements. Power sharing and power arrangements here would mean that members with different ideological understandings have evaluated the proposals of the groups and arrived at the common point acceptable to all stakeholders. This became a process of interest-based bargaining, where ideologies were being presented by the set of individuals, and in that

the individuals collectively agreed to incorporate those provisions which are catering to the larger interests of the people. It would not be an reservation to say that this very approach has

accommodated the diversified ideological groups and directive principles are a testimony of such accommodative approach. Because the nature of the content of directive principles is very wide-ranging. It conveys a message of different values and ideologies. As Tarunabh Khaitan states that the Indian polity at its founding witnessed deep disagreements among a group advocating for a strong Centre for maintaining national unity, another group asking for a more centralized decentralization scheme for the provinces. He writes: *“the Indian polity at its founding witnessed deep disagreements – not only in the sense that the dissenters were politically significant but also that the dissent concerned fundamental matters and was strongly felt, strongly enough to potentially get in the way of their accepting the Constitution.”* This was the kind of difference, but then Directive Principles were very aptly, appropriately, and adequately accommodated that differing views and deep disagreement became a point of wider consultation and that consultation resulted in a well-needed document committing to the cause of social justice. That collective decision advances the idea of economic justice and also advocating the decentralization of governance.

If we try to delineate the directive principles based on ideology, we may possibly come up with these groupings: Socialist, Gandhian, Nehruvian, Ambedkarite, Cultural Nationalist, Liberal. While making this group, it is an admission of the fact that there may be a case of overlapping of views and agendas, but then one may try to develop an understanding of the directive principles based on ideologically based categorization of these parameters. Here today, we shall be discussing two parameters: Socialist and Gandhian ideology. When I say "socialist" in India the various ideas of socialism have been adopted in a unique sense, establishing an egalitarian society without mandating the state to nationalize all properties.

The socialist ideals are reflected in the Constitution, particularly in the Preamble's content on socio-economic justice very truly advocates the aim of reducing inequalities and ensuring equitable distribution of resources. So, socio-economic justice here is about distributive justice, where the set of directives given in Part IV guides the state on how to plan, adopt and achieve that socialist goal. Socio-economic justice aims to be achieved based on non-negotiable values because it says that the building of a welfare state should be anchored on the ideas of justice, liberty, equality, and fraternity. These terms play a significant role in giving content to the directives and also guide the institutions of the state. For example, the directive principle suggests state ownership of resources and equitable distribution of wealth. There was a kind of unanimity on this point that independence is not all about political sovereignty. It is not only

about delegitimizing the British Raj; it is more than that: freedom from fear and freedom from hunger, both are about social and economic revolution; and thus, it was suggested that political justice must be coupled with economic and social justice. That is why member Mr. K Santhanam of the Assembly suggested that political revolution, social revolution, and economic revolution they are to be understood as the common goal for independent India. It was not for political independence alone. Though the socialist party barricaded participation in the drafting of the Constitution, they did not participate in the proceedings of the Constituent Assembly on the very that the members of the Assembly were not elected based on universal adult suffrage. But then, the idea of socialism was very much considered while drafting the directive principle and very truly reduced into writing in the Constitution. Let us try to look at the voice of this idea in the Assembly. Two prominent voices were Mr. K.T. Shah and Mr. D.S. Seth. K.T. Shah vehemently argued to clarify right at the beginning in the Preamble, that independent India is committed to the socialist goal. Thus, he suggested that It should be written very clearly that India is a socialist state. On this very premise, that "state" is not about political independence, as I said. The state has a larger responsibility to ensure the availability of basic amenities is essential for people to lead a quality life. And that is the reason why K.T. Shah argued for the constitutional mandate for the nationalization of means of production and the prohibition of private monopolies on the lines of a socialist state. He objected to private ownership, saying that there is something which we shall not be encouraging if we wish to achieve the goal of social and economic revolution. Thus, he suggested an amendment under Article 39 of the present Constitution where he said that the ownership, control, and management of natural resources should be vested in and belong to the country collectively and shall be exploited and developed on behalf of the community by the state. Further, he proposed that no private monopolies in any form of production of material wealth, social service, or public utilities and no concentration of means of production and distribution in private hands shall be allowed. Now, if you read these ideals, you can very well understand the significance of directive principles in regulating the even accumulation of private wealth and the responsibility of the state in redistribution of wealth. Because these directive principles play a significant role in setting a goal for the state, where liberty needs to be balanced with socioeconomic justice. Another member Mr. DS Seth proposed an amendment in Article 38 (Draft Article 30). He suggests that there shall be endeavoured on the part of the state to establish and maintain a democratic socialist order and direct its policy to transfer important means of communication, credit, exchange, minerals, and resources to public ownership.

Now you can very well see how these two voices—two prominent members of the Constituent Assembly—influence the making of the Constitution and drafting of the intent of the directive principle. Though these amendments were negated, they certainly influenced the drafting of the content. And reading the ideas underlying Articles 38 and 39 of the Constitution. If I try to look at the provisions given in the directive principles and connected with the socialist approach, the following Articles come to our mind. Article 38, which talks about economic justice and the elimination of inequalities, if you read it carefully, you would find that it is drafted in very practical terms. It says reducing inequalities in income. And it says eliminating inequality in status is because when it comes to status, the mandate is very clear that it must be eliminated. Where on income, it says it should be a reduction. Look at the way the wordings were chosen by the framers; in one case, it is "reduction," and in another case, it is "elimination." Because on the matter of status, it should be a case of elimination. Article 39 advocates for equal distribution of wealth, which is largely seen as redistributive justice. Then Article 41 talks about right to work, education, and public assistance, to be read as social security, or Article 42, which talks about just and humane conditions of work.

Let us look at the presence of Gandhian ideas in Part IV of the Constitution. We know very well that among important absences while making of the Constitution, one prominent absence was Gandhi's presence. He did not participate in the making of the Constitution, though he was one of the prominent leaders leading the movement of independence from the front. Gandhian ideas were more focused on a democratic setup of governance, which was based on an anti-modern, localized vision of radically decentralized India. Where what he visualized was that a village should be seen as a republic, where direct representation would be of the village, and through that, a hierarchical system should be made all the way up to the Centre. So, he advocated for a Union of autonomous communitarian, simple, and autarkic village republics. He was of the view that decentralized representation would strengthen grassroots democracy and truly make the country a democratic one. But then it was rejected based on the very apprehension that how this decentralized grassroots democracy would work in reality because of the factors of parochial interest, localism, ignorance, communalism, narrow-mindedness—all these may influence the democratic structuring at the lowest level, and whatever outcome may come from this practice may not reflect the very ideal state or the ideal representative structure. In the framework of Gandhian thought, decentralization was considered to be a prominent driving factor, where he suggested that villages be a fundamental unit of social organization is where, if a village becomes self-sustainable, then that self-sustainability will

strengthen the economic structure of the country. So, the Gandhian Constitution for free India suggested economic and political decentralization. That would result in self-sufficient, self-governing village communities, which are based on the idea of a non-violent organization and also a self-reliant governing unit within the setup. Mr. Mahavir Tyagi suggested that since this Assembly has been constituted by the British we cannot think of other possibilities, and it could not be purely a Gandhian Constitution, altogether.

So, you can very well find how differing views are presented and contested in the making of the Constitution. Taking the learning from Gandhian ideas, a suggestion came to him to include the production and promotion of cottage industry for self-sufficiency. It was suggested not only for the economic growth of the country but also for prosperity at the lower levels. So much so that K.T. Shah has suggested that the Union of India be addressed as Union of India shall consist of a body of village panchayats. Obviously, these suggestions were negated, but then this discussion gives us an idea of how the drafting of the directive principle took place and how differing views were accommodated. Gandhian ideas, if I look at the different provisions of Part IV, I find Article 40 reflects the Gandhian idea where it talks about village panchayats. Article 43 talks about the Gandhian idea, where it promotes cottage industries. A part of Article 47 talks about the Gandhian idea where it talks about the prohibition on the consumption of intoxicating drinks and drugs. This provision to a large extent conveys the incorporation of Gandhian ideas under the Indian Constitution. To conclude, one may argue or say that the Assembly has accommodated differing views and diversified perspectives, which truly reflect the pluralistic spirit and ethos of this country. The spirit and ethos of this country is about the welfare of all. It is based on the idea of reducing inequality and anchored on the idea of justice, liberty, and fraternity. Socialist and Gandhian ideals have strengthened the liberal democratic principles ingrained in the Constitution with an idea of a pragmatic and inclusive constitutional framework.

This is the reference for today's session.

Thank you very much.