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# **50 DAYS PLAN**

Mains Answer Writing Program  
for **BPSC 67**

**INDIAN POLITY**

- राज्य के नीति निदेशक तत्व देश के शासन के लिए कितना मौलिक है? 42 CAA, 1976 द्वारा जोड़े गए नए डीपीएसपी के महत्व की जांच करें?
- How Far DPSP is fundamental to governance of the country? Examine the Significance of New DPSP added by 42 CAA 1976?

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## 67TH BPSC MAIN EXAM

### Ques 2. How Far DPSP is fundamental to governance of the country? Examine the Significance of New DPSP added by 42 CAA 1976?

Directive Principle of State Policy provides guidelines to Central and State governments in India, to be kept in mind while framing laws and policies and are mentioned in part IV of the constitution. Articles 36-51 under Part-IV of Indian Constitution deal with Directive Principles of State Policy (DPSP).

They are very Crucial in the Governance of the Country because of the following reasons:

- 1. Not mere pious declaration:** Article 37 of the Indian Constitution states that the directive principles under Part IV shall not be enforceable by any court, but the principles therein laid down are nevertheless **fundamental in the governance** of the country and it shall be the duty of the State to apply these principles in making laws. The word “shall” in Article 37 makes the DPSPs not mere pious declarations but clear directions for the guidance of State Policy.
- 2. Assessment of Governance:** They can also be regarded as a test of the governance of a particular government. As these reflect the ultimate goals of the country, people may examine the programmes and policies that the government is implementing in order to achieve these goals and if the citizens find that the efforts are not up to the mark, they can always change the representation in the next elections.’
- 3. Separation of Powers**  
They have served as useful beacon-lights to the courts.  
They have helped the courts in exercising their power of judicial review, that is, the power to determine the constitutional validity of a law.
- 4. Justification to Governance**  
They form the dominating background to all State action, legislative or executive and also a guide to the courts in some respects.
- 5. Stability in Governance**  
They facilitate stability and continuity in domestic and foreign policies in political, economic and social spheres in spite of the changes of the party in power. Because political parties across ideology should consider DPSP while framing policies
- 6. Supplementary to Values in Governance**  
They are supplementary to the fundamental rights of the citizens. They are intended to fill in the vacuum in Part III by providing for social and economic rights.
- 7. Atmosphere for Governance**  
Their implementation creates a favourable atmosphere for the full and proper enjoyment of the fundamental rights by the citizens. Political democracy, without economic democracy, has no meaning.
- 8. Role of Opposition in Governance**  
They enable the opposition to exercise influence and control over the operations of the government. The Opposition can blame the ruling party on the ground that its activities are opposed to the Directives.

#### Limitations:

However in spite of various progressive ideals as propounded by Directive Principle of State Policy they some create issues in governance mostly of the following issues:

- 1. No Legal Force:** The DPSP are non-justiciable in nature i.e. they are not legally enforceable by the courts for their violation.
- 2. Constitutional Conflict:** DPSP leads to constitutional conflict between Centre and states, Centre and President, Chief Minister and governor.
- 3. Conflict with Fundamental rights:** They can be amended to implement the fundamental rights.
- 4. Constitutional validity:** A law cannot be struck down by courts for violating DPSP.

Three new DPSPs (Directive Principles of State Policy) were added to the existing list of DPSPs such as.

1. Article 39A: To provide free legal aid to the poor.
2. Article 43A: Participation of workers in management of Industries.
3. Article 48A: To protect and improve the environment.

#### 1. Environmental protection

Inserting Article 48A help government to take action for the protection and conservation of environment.

Creation of new law such as Wildlife (Protection) Act, 1972 and the Forest (Conservation) Act, 1980 which increased the protection of biodiversity in the Country.

Government also passed the National Forest Policy (1988) which aims for the protection, conservation and development of forests.

Awareness for the environment was spread by passing the Environment Protection Act 1986. “Environmental protection is being done judicially by passing the National Green Tribunal 2010.

## 2. Legal justice

- To provide free legal aid government established National Legal Services Authority
- The Legal Services Authorities Act (1987) was formulated which has established a nation-wide network to provide free and competent legal aid to the poor and to organize lokadalat for promoting equal justice.
- Lokadalat is a statutory forum for conciliatory settlement of legal disputes. It has been given the status of a civil court. Its awards are enforceable, binding on the parties and final as no appeal lies before any court against them.

## 3. Improved condition of workers

It instructed state to take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry.

Labor conditions improved such as; Equal Pay Equal wage, Wage Code 2019, Industrial Relations Code 2020, Social Safety Code 2020, Occupational Safety Health and Work Status Code 2020. All these have led to better improvement in the labor force, which is a significant change under the Directive Principles of State Policy.

## Conclusion

In *Markandeya v. State of Andhra Pradesh*, the Apex court stated the view that directive principles along with fundamental rights constitute conscience of the Constitution and together they form core of the Constitution. Also, merely because they are not enforceable by the judicial process does not mean that they are of subordinate importance to any other part of the Constitution.

