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# INDIA'S ROADMAP: UNDERSTANDING DIRECTIVE PRINCIPLES OF STATE POLICY

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## ABSTRACT:

The Directive Principles of State Policy (DPSP) is the embodiment of the ideal of social justice that inspired the founding ideology of the Indian Republic. These lofty ideals are enumerated in Part IV of the Indian Constitution as broad guidelines or socio-economic goals that are meant to guide the state in establishing a welfare state and egalitarian society. Although the DPSP are legal no justiciable, they have a moral and political significance that gives them an instructional value of governance. Since India's independence, judicial interpretations and court rulings on DPSP of the Constitution have repeatedly highlighted the importance of balance between mandatory fundamental rights and the no mandatory constitutional directives. In effect, these interpretive approaches have further consolidated the constitutive value of DPSP and provided methodological illumination to the path towards social justice in Indian polity.

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## MEANING:

The Directive Principles of State Policy our modeled on the Irish<sup>1</sup> constitution and attribute to government the primary responsibility for ensuring the welfare of Indian citizens in a way that balances all groups' interests. These DPSPs are listed in Part IV of the Indian Constitution.

The purpose of DPSP is to make India a 'Welfare State.' In other words, the idea of having DPSP is not just to make political democracy possible but to make the state itself socially and economically democratic. The DPSP adds to the goals of state some fundamental directives for the government. These directives are principles and instructions for the government to follow while enacting laws as well as implementing the laws. This expanded promissory meaning for the DPSP shows that the purpose of the DPSP is not just to make political democracy possible but to make social and economic democracy, including the wellbeing of the citizens, possible.

The principles elaborated in the Constitution become the new characteristics of man, and the new frame of society' — B. R. Ambedkar, The DPSP 'shall be fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws,' states Article 37 of the Constitution. The non-justiciable nature of DPSP means that a state is not forced to comply with the directives enumerated in its list of principles.

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## HISTORY:

1. The directive principles of state policy came out of the Spanish Constitution and entered the Irish Constitution later there. The makers of the Constitution of India were greatly inspired from the Irish national movement and implemented DPSP as an exact replica of Irish Constitution in 1937 He defined this concept as the set of state's principles that the state accomplishes to provide the citizens with welfare and development which are now directly incorporated into the Indian Constitution.<sup>2</sup>
2. While the Government of India Act was in effect, the dynamic was closely connected to the principle of the representation by constituencies. This group, at the same time, became a much-needed basis for the Directive principles of State Policy (DPSP).
3. Directive Principles, though influenced by the Social Policy Directives of the Constitution of India, are also the ones shaping them. In fighting for the Indian independence from the British rule, the Indian independence activists found lots of motivation from the movements and independence struggles that took place in Ireland. Hence, these movements were truly inspirational for the Indians; they encouraged the latter to end with colonial rule and open the way to the constitutional reform. It has been noted that Indian nationalists too were greatly inspired by what the Irish revolutionaries were doing and adjusted their methods to better suit their environment.
4. DPSP is the holistic guiding light and the inspiring source for government of independent India in managing to solve the complex social, economic and other challenges stemming from the virtue of being a big and a diverse nation.
5. DPSP (Directive Principles of State Policy) and fundamental rights derive from the same fundamental principle. Way back in 1928, the Nehru Report presented the Indian Constitution of Swaraj. This Constitution consisted of the fundamental list of rights and also other rights, including the right to education that though not provided for by the law at that time, it was very significant. In short, the Nehru Report set out the foundation.

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<sup>1</sup> T.S. Narayan Rao, *Directive Principles of State Policy*, The Indian Journal of Political Science

Vol. 10, No. 3, available at: <https://www.jstor.org/stable/42743242> last seen on: 30/11/2023

<sup>2</sup> Richa Singh, *Directive Principles of State Policy*, available at: <https://blog.ipleaders.in/directive-principles-state-policy/> last seen on 23/11/2023

6. The Sapru<sup>3</sup> Report, which was published in 1945, introduced a classification of fundamental rights into two categories: Fair and Unfair.
7. Enforceable rights, which are the rights that can be legally enforced, are provided in Part III of the Constitution. These rights give individuals the legal protections and remedies in a court of law. While non-executable directive principles are set to be guiding principles for the government, when it comes to the welfare state it strives for, in India. This section of the Constitution which is in Part IV is known as Directive Principles of State Policy. Although unlawful rights cannot be enforced, they are an essential element in the determination of policies and the actions of the state that promote the welfare and development of the country.
8. The main function which the Constituent Assembly was to undertake was to draft the constitution that would govern India. Consisting of members, who were chosen through a democratic process, the assembly then elected Dr. Rajendra Prasad as its President, handing him the prominent leadership role.

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### SOURCES:

1. The Directive Principles of State Policy (DPSP) contained in the Indian Constitution were surely influenced by the Irish Constitution, which in turn borrowed those from Spain.
2. Directive Principles of State Policy was the offshoot of the tools of instructions which in turn derived from Government of India Act, 1935. These are the tools that will provide direction and assistance in the incorporation and implementation of policies and principles stipulated in the guidelines.
3. Other major source is also those which put forward both fundamental rights (that are justiciable) and directive principles of state policy which are non-justiciable.

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### IMPORTANCE:

The Directive Principles of State Policy (DPSP) in India which goes into 25 articles (Article 36-51) of Indian Constitution.

The achievement of a "welfare state" is a multifaceted challenge and requires the consideration of various factors like, giving topmost priority to the issues of women empowerment, environmental conservation, embark on rural development and growth, decentralization process and the formulation of uniform civil code. They constitute the key elements in the process of preparation of bills which focus on the enhancement of the general welfare of the country and all its inhabitants.

Although not bound by law, nonetheless these rules constitute a good example for the Cabinet for its obedience within the whole society.

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### SIGNIFICANCE:

1. The principles laid down in the aforementioned Directive are outside the scope of legal enforceability but notwithstanding they provide a lot of help and support and thus a matter of general acceptance among the public also known as "the voice of the people."
2. DPSP of State Policy have the basis for the formation of the government machinery which would take care of the welfare of the people<sup>4</sup>. The State is, thereby, charged on responsibility to provide for the people by using mechanical means. The DPSP, in turn, is a navigation axe.
3. These principles are concepts of these qualities, which are close to moral principles. Hence they become an ideal and thus the society reason to act morally and not just pursuing material gain. It is very important to mention the fact that these principles maintain their value even if they are seen as the golden rules for the state. Surprisingly, the value of the arts being validated in such a setting can be really as high as it gets. The nation founded by people is people pursuing their ambitions. Therefore there is a need to build a system of ethics for elaborating and implementing the laws within the country. These standards provide a reference for maintaining a policy that is just and fair in all spheres of the society's life while upholding the key values that make a peaceful and successful country.
4. The Directive Principles provide for a framework for the government to work on, and guides the formulation of policies and laws aimed at effecting the ideas of justice and realization of access to other economic, social, and cultural opportunities within the State.
5. Sometimes these guiding principles, which we call DPSP or Directive Principles of State Policy, are a fundamental source of continuity and wisdom in the governance of a nation. In a democratic establishment where governors are elected and they take control for limited period, each new government has its unique policies and pieces of legislation. However, unlike DPSP, this has not diminished the need for some kind of consistency in governance as this is what the DPSPs are all about, the guidelines are meant to provide the reference point for every government to work out their legislation.
6. DPSPs is the mechanism through which the citizens ensure that their elected officials understand that each of laws actions that they may take from time to time should guide the core principles which the government of the day is obligated to adhere to. Through this interpretation of DPSP, the government gets a set of positive instructions that help it in balancing the social and economic slice of democracy. What contrasts more sharply the Fundamental Rights that are mentioned to provide political rights and individual freedoms is that the DPSP prefers social and economic democracy from the name itself. In this case we have not one but two ingredients that are cohesive, as they cooperate, making the democratic order all inclusive and balanced.

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<sup>3</sup> Balasubramanian.T, *Directive Principles of State Policy in India*, Indian Journal of Natural Sciences, Vol. 10, ISSN: 0976 – 0997, available at: [https://www.researchgate.net/publication/339817284\\_Directive\\_Principles\\_of\\_State\\_Policy\\_in\\_India](https://www.researchgate.net/publication/339817284_Directive_Principles_of_State_Policy_in_India) last seen on 30/11/2023

<sup>4</sup> Mittal, Neeru. "DPSP an Unachievable Task: How did Madhya Pradesh Government Proved it wrong?" History Research Journal 5.6 (2019): 1340-1346, available at: <https://thematicsjournals.org/index.php/hrj/article/view/12714> last seen on 30/11/2023

7. Basically, the Indian Constitution makes mold for the state that is supposed to assess and foster the well-being of the people. The directive principles of the state policy are essential as they offer a basis against which the government or any other organization can be appraised for its performance. These principles if violated a government, hence rejects it, in place of the candidate that acknowledges the value of Directive doctrines within the state is appointed. Such initiative clearly emphasizes the fact of giving the right kind of due attention to the implementation and attainment of such valuations so as to build the people's trust and confidence.
8. The principles marked as Directive Principles stand on the same foundation with nation ideology and aspirations.<sup>5</sup> The expressions they contain belong to the ideas and attitudes which the drafters thought of as they written it. Albeit, this set of principles represents the fundamental concept that initiated the drafting of the Constitution giving the judges an indispensable tool to figure out what they mean and revise the existing legislations and making new regulations. The courts can be instrumental in bringing desired operational efficacy and practical relevance for implementation of the directive principles which in turn can usher in societies that uphold the constitutional provisions and its spirit.
9. The Directive Principles, though subject to clarify, lend leeway to the state for deliberating them in present context without necessarily being limited, at any given time. It displays flexibility which contributes towards the contextual operation for applying these principles so that they remain valid and relevant.

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### REFLECTION OF PREAMBLE:

The Preamble provides a brief overview of the Constitution of India, containing an illustration of the significant purposes of those who authored it. It is a basic document that enshrines the basic principles and the chief corner stones that ultimately guided in the creation of the Constitution thus giving way for the governance and the general functioning of the country. In essence, the

Some of the scholars opine that DPSP which outlines the tenets of the Indian Constitution are the very core of the same<sup>6</sup>.

Under the direct framework of the States' Policy Principles (DPSP), the government has to consider the guidelines while making new laws and policies. These principles delineate the goals and purposes that the Constitution strives to achieve. By making use of DPSP along with its decision making the state prioritizes its action according to whole process of the Constitution. These principles serve as framework which is used for designing the policies. Looking from the preamble "Justice- Social, economic and political" is the supreme one to be followed while bringing DPSP into reality. This maxim represents the total technique of reacting to any injustice as per the social, economic and political spheres.

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### ENFORCEABILITY OF DPSP:

1. As mentioned in the DPSP the Directive Principles of State Policy, which were designed by the Constituent Assembly while preparing the Constitution of India, no mechanism was included to enforce those principles. On the other hand, the inexistence of enforceability does not mean the total irrelevance and nonweight ration of these treaties. DPSPs attract varying perspectives in terms of how they should be enforced and about enforceable or non-enforceable. Proponents of the enforceability assert that if DPSPs were made enforceable it would be a process to hold the Government responsible which could also be a step for developing national unity. The illustration of this can be figured out from Articles 44<sup>7</sup> of Indian Constitution that establishes Uniform Civil Code. The objectives of Uniform Civil Code revolve around creating normative civil law principles that professionals should apply to all Indian citizens irrespective of their religion, caste, faith or beliefs.
2. Through the intensification of the debate about the enforceability of DPSPs, we can analyze the roaring accusations of opposing points of view concerning this matter. There is a conviction that making Key of Public Interest enforceable provisions will act as a mechanism to monitor and check the actions of the government, thus ensuring it observes the principles prescribed in the Constitution. Those who reject the idea of implementing the directive principles of state policy (DPSP) as an independent branch of law, suggest that there is no need for such a separate legal institution, because there are already existing laws which implicitly develop the ideas of DPSP provided in the constitution.
3. Here is an example to the Article 40<sup>8</sup> of the Constitution that sets the panchayat Ray System. The system was incorporated through a constitutional ordinance to appear as a reality as there is a presence of the modern panchayats not only locally but across the nation too. They adopt this act to a way that the objectives of the DPSP are achieved. With this, the purportment of separate enforcement of the principles is believed to be unnecessary.
4. Other than that, the imposition of DPSP or Direct Provision of Services and Programs, the challenge voiced is the imposition of a set of morality and values by this approach on the citizens of the country. It is very crucial to understand the prohibition of law and morality, they are different separate. Throughout history, there was a pattern of subordination of one class upon the other that sometimes has a backward motion and does not let the society move forwards To incorporate DPSP into the policy, the attention should be directed towards the possibility that some beliefs may be imposed on the people, which may result in the limited personal autonomy and social development.

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<sup>5</sup> Ibid 2.

<sup>6</sup> Ibid

<sup>7</sup> Art 44, Constitution of India

<sup>8</sup> Art 40, Constitution of India

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## DPSP AND FUNDAMENTAL RIGHTS:

1. A fundamental right is a right that every individual has and cannot be taken away or taken from him in any way. These are the rights that the constitution of a country guarantees its citizens. One of these rights is the constitutional guarantee of the rights of a person, indicated in part III of the Constitution<sup>9</sup>, which is aimed to establish an environment where citizens live a fulfilling and a peaceful life. Another vital sign of the natural rights is that they ensure the government does not cross the line, thus leaving free the individual to exercise the rights without obstructions. It is, however, important to highlight that the fundamental rights are applicable to all citizens so that their racial, caste, or religious background of any other one should not hinder them from enjoying the rights as equals no matter the place of birth.
2. Such infractions are punishable under the law, and upon the request of an individual, legal action can be initiated against the authorities who contemplate violating the rights of the individual. When fundamental rights are magnified in a constitution and it is accepted that they play a vital role in upholding the liberty of individuals, they serve to reinforce the democratic structure of a country and preserve the rights of its citizens.
3. Directive Principles of State Policy<sup>10</sup> are important as they give the central government its instructions. While they act as a guide to the government for designing laws and policies, these principles make sure that they are in conformity with the desired goals. Constructing a just and fair society moreover, businesses are a key factor in building one. Mentioning of these norms is government's attempt to create an acceptable and enabling environment in which the people's wellbeing is always top rated.
4. Because of the specific aspect of the law that principles are not arbitrarily subject to the point-and-shoot of the legal enforcement, their importance cannot be disputed either. Principles rule the State without a doubt. By highlighting the need to shape the surrounding to support the welfare of its people, the philosophers stress that peace and harmony ought to prevail hence as an outcome, the quality of a person's life improves. They do not have the force of law but rather are veiled words that serves as a beacon and a guide of all nations.
5. Among different limiters of the government's effectiveness, the directive principles are pivotal similarly with the satisfaction of the components mentioned in the Indian Constitution preamble. They are a ruler to benchmark for the Government and it's achievement so that the vision or the set objective can accordingly be achieved.

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## CONFLICT BETWEEN DPSP AND FUNDAMENTAL RIGHTS:

1. In a democratic government, power contains Fundamental Rights and the directive principles of Constructive Republic Policy. Accordingly, these two legs of power are interrelated and they cooperate to tackle either the social or economic justice aspects of governance. DPSP and Fundamental Rights frequently clash due to the issue of DPSP dealing more widely with the topics also covered in the Fundamental Rights<sup>11</sup>.
2. Constitutional Rights act as the rights that can be checked and protected by the courts, hence, fundamentally, any law that does not comply with part III of the constitution is seen as null and void and therefore unlawful. It is reported in this case that the DPSP embody a wider scope of the socio-economic aspirations as well as objectives, which can also supplant the individual rights such as freedom the Fundamental Rights are supposed to maintain.
3. The DPSP (Directive Principles of State Policy) consist to put the government on a track that would enable the government to play an active role in the provision of social services and justice. Though the Directive Principles of State Policy are weak on the enforceability through law courts, they indeed form the guiding spirit of judicial decisions. This implies that the provisions of the DPSP should not be seen as necessary conditions for invalidating either any action or legislation for breach.
4. However, in the State of Madras vs Champakam case<sup>12</sup> the Supreme Court ruled that the Fundamental Rights are relatively more important or higher in the hierarchy when compared to the Directive Principles of State Policy (DPSP). The court concluded that when there is a competition between fundamental rights or item in the part III of Indian constitution and DPSP fundamentals rights can always over the law on directive principles.
5. The much-acclaimed resolution pronounced by the Supreme Court in the Golak Nath case<sup>13</sup>, not only rendered that all the provisions codified in Part III, as the Fundamental Rights enjoy utmost protection and cannot be diluted for the sole aim of implementing the instructions abridged in Part IV, as the Directive Principles of State Policy (DPSP), rather they are mandatory for the State. With the highest court ruling that the fundamental rights do not lose their significance of being upheld and developed despite the goal of achieving the objectives listed in the DPSP, it becomes clear to everyone that the protection and celebration of basic freedoms still apply unchanged.
6. During the time of the Article -31C<sup>14</sup>, the Constitution was seen as amended. The Directive Principles of State Policy (DPSP) which was given significant support was added on this Article.
7. The Article 31C has also been clearly back to the same position as it was before 1976; only a law will be safeguarded under the Article 31C if it is in order to fulfil the aims specified in Part IV of the DPSP with regard to directives of Articles 39(b) and 39(c), but no the other directives. This motion is intended to provide the needed support in enhancing people's perception that or Article 31C especially the laws meant to promote good life and an equitable distribution of resources.

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<sup>9</sup> Part III, Constitution of India

<sup>10</sup> Part IV, Constitution of India

<sup>11</sup> Supra 6.

<sup>12</sup> State of Madras v. Champakam Dorairajan, AIR 1951 SC 226

<sup>13</sup> Golaknath v. State Of Punjab, 1967 AIR 1643, 1967 SCR (2) 72

<sup>14</sup> Art 31(C), Constitution of India

8. The DPSP and the Fundamental Rights are two aspects of the Constitution that ensures a healthy balance between them. This balance cannot be tipped towards one or the other and years of stable economic development can be ensured by the courts only. Such a balance guarantees that both principles are given the priority and pursued rigorously to do the justice with the human rights.

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### SOME OF THE DIRECTIVE PRINCIPLES OF STATE POLICIES:

1. Provision for free and compulsory education for the children:  
Article 45<sup>15</sup> is the part of the constitution in which it is mandated for any person within the nation to take and complete free as well as compulsory education. The One who does the state must pass the legislation, which underwrites the entry of children to the educational system without any cost or obligations for youngsters in the age 0-14. This plank is a constitutional provision that is a set timeframe of 10 years within which such measures should be implemented. The goal is to facilitate the provision of free education for all children in the country regardless of belonging to a majority or minority group.
2. Uniform Civil Code:<sup>16</sup>  
Art.44 addresses the translation into legislative acts of Uniform Civil Code. One among the crucial provisions for the execution of a uniform civil code (UCC) in the present Indian legal system needs clarity and ambiguity reduction. The adoption of this law by all citizens would then signify that they are to an extent equal before the law and the apparent complexities will be nullified and replaced by a simpler system.
3. Nutrition, Standard of living and Public Health:<sup>17</sup>  
Article 47 among other things takes leaves that are equal to life coverings like - food and clothing, and public health and safety. It says that there is a demand placed on the State to set up a plan to progress in the direction of improving the nutritional and living levels of the citizenry and bring forth such health standard. The government also aims to ban the consumptions of drugs and drinks that are likely hazardous to one's health unless used as medicinal reasons. Social Development Programs such as National Health Mission, Mid-Day Meal Scheme, etc. are underlined by this Directive Principles which aim to promote equality, gender justice, children are the future institutions and women exclusion.
4. Fair wages and a decent standard of life:  
In Article 43, one important aspect, which is the establishment and entrenchment of a decent living and fair wages, is highlighted.<sup>18</sup> The advantage for the state could be in the capability of rational laws (ones which directly apply to workers across the different employment sectors) or perhaps establishing fair economic systems which would enable all workers in agriculture, industry and other sectors to receive a fair wage. Aside from having these workers shed their low skills, the state also wants these workers to work in a decent environment, during which they can enjoy the fruits of working (a good living standard and free leisure and social-cultural activities). In addition to that, state Government also focuses on growth of cottage industries in semi-urban and remote areas — through individual efforts or community initiatives. such policy aims to better economic situation and improve life quality for men and women who are working in the fields of technology, transport or agriculture.
5. Protection of SCs, STs, weaker sections from exploitation:  
The lead sentence of article 46 defined the rights and welfare of Scheduled Castes (SCs) and Scheduled Tribes (STs) as a priority, which is given in the constitution of India.<sup>19</sup>  
The state must be proactive i.e. to ensure the required support and act as a leader by recognizing the educational and economic struggles of the SCs and the STs. After all, the State as one of the main players in this field has a responsibility to take proactive actions that will keep these groups safe from all sorts of exploitations including social injustices.

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### CASE LAWS:

1. Kesavananda Bharati v. State of Kerala (1973)<sup>20</sup>:  
The case is neither DPSP's specificity nor the fundamental structure principle governing but it is a pre-cursor of the fact that it is essential to observe the DPSP to follow the fundamental structure principle. This doctrine holds that the constitution, seen as a framework of the fundamental, may not lose its significance due to any change of amendments. Given the entire significance of the DPSP, it is a part of the Constitution that one must know since it is virtually impossible to be separated.
2. I.R. Coelho v. State of Tamil Nadu (2007)<sup>21</sup>:  
In that authentic scenario, the supreme court of the land, the apex court, did decide and rule in favor that the laws created through Directive Principles had a warranty against being invalidated when collide with the fundamental rights. However, it should not be forgotten that the decision of "Rajbala v. State of Haryana" was later revoked in 2016 and the court issued another correction in this case. In other words, this

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<sup>15</sup> Art 45, Constitution of India

<sup>16</sup> Art 44, Constitution of India

<sup>17</sup> Art 47, Constitution of India

<sup>18</sup> Art 43, Constitution of India

<sup>19</sup> Art 46, Constitution of India

<sup>20</sup> Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225; AIR 1973 SC 1461

<sup>21</sup> I R Coelho v. State of Tamil Nadu, AIR 2007 SC 861

clarification singles out just those regulations which aren't unnecessary or namelessly definite of the clause in article 14 that deals with equality so that only those regulations can be overruled.

3. Unni Krishnan, J.P. v. State of Andhra Pradesh (1993)<sup>22</sup>:

In this article itself, targeting the right to education as the central point of issue while, its equally important role for a government to further its implementation was the main focal point on which more emphasis was placed. The court recognized that education, the tool that enables the country to accomplish the aspirations outlined under the Directives to the State Policy (DPSP), came as important. Likewise the bench claimed that the rule to education is co-extensive of the right to life noted down in Article 21 of the Constitution.

4. Vishakas v. State of Rajasthan (1997)<sup>23</sup>:

In this case, the court deliberator examined a sexual harassment case which occurs at the workplace. Besides freedom of speech and fairness in a workplace, the tribunal was interested whether the state will be forced to meet the conditions in the directive principles, which was guaranteed to safeguard mental and physical welfare, regardless of gender and children wellbeing. This incorporates both banning any form of exploitation and unsuitable jobs, investing in workforce development and insuring that a person is not coerced into occupations that are not appropriate given the age or the physical abilities, and also setting up necessary safeguards against lack of support from the economic environment. Thus, the court not only echoed but also brought into the limelight these significant points. And as a consequence, the court rulings cleared the way to interpret and apply sexual harassment prevention laws in the work environment in a more comprehensive and effective manner.

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## CONCLUSION:

DPSPs rank highly in terms of import even though their enforceability is lacking on the part of a court of law. These principles were among many that were employed to ensure that the government was effective, and that the country would be well orderly functioning as a nation. They have a central purpose to protect the main objectives and the final goal of the country and to make people the number one priority by making their welfare better. Additionally, the previous two paragraphs underline the existence of proclaimed acts that remind us that DPSPs are not mere symbols but have in effectance in real life practices.

The government is consequently organized based on a structure in the sense that a structure is essential for the government to get the job done and improve the living conditions of the people. This implies coming up with and the formulation of novel laws that are in sync with this framework. The primary aim is to make it certain that the policies and laws that the state proclaims complies with the provisions already indicated in chapter four that mainly deals with the wellness of the people.

We can observe that although these two kinds of rights are not subject to cognizable action (the case can be filed in the court of law), these non-justiciable principles are encompassed in important legislations and still can be considered as those parts of the Constitution which to the same extent and importance as Fundamental rights are outlined in Part III of the Indian Constitution. Right to equality is enshrined in the preamble and several fundamental rights in the valuable Acts and their amplification as the supreme and fundamental rights of the Indian citizens.

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<sup>22</sup> Unni Krishnan, J.P. v. State of Andhra Pradesh, AIR 2178, 1993 SCR (1) 594

<sup>23</sup> Vishaka and Ors. v. State of Rajasthan and Ors, AIR 1997 SC 3011