

Constitutional Provisions on Public Policy with Special Reference to Gandhian Principles - Directive Principles of State Policy

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Abstract -- The Constitution of India which is the law of the land which provides the basic guidelines for the implementation and evaluation of public policies in our country. Whenever a policy creates a deadlock affecting the fundamental right or any other provision of the constitution it will affect the formulation and implementation of a policy. The Constitution of India is safeguarded by the judiciary and monitors the policy which affects the fundamental rights of the citizens. Likewise, the role of constitution and public policy is an important factor in determining the welfare of the citizens which should be integrated and reviewed recurrently. Hence the integration of the constitution and public policy is to be reviewed recurrently.

Indexed Terms: Constitution, Directive principles, Public Policy, Gandhian principles

I. INTRODUCTION

The Constitution of India which is the law of the land which provides the basic guidelines for the implementation and evaluation of public policies in our country. Whenever a policy creates a deadlock affecting the fundamental right or any other provision of the constitution it will affect the formulation and implementation of a policy. The Constitution of India is safeguarded by the judiciary and monitors the policy which affects the fundamental rights of the citizens. Likewise, the role of constitution and public policy is an important factor in determining the welfare of the citizens which should be integrated and reviewed recurrently. Hence the integration of the constitution and public policy is to be reviewed recurrently.

In the present scenario, there are various public policies which have been witnessed on the right based public policy that has brought serious discussion and interpretation of the Fundamental rights and directive principles of the state policy. The intervention of judiciary in policy making has made it clear that

government cannot go beyond the jurisdiction of affecting individual right and liberty of the citizens.

II. CONSTITUTION AND PUBLIC POLICY

A constitution is a basic design, which deals with the structure and powers of the government. It also includes rights and duties of citizens. Very often 'constitution' is understood as a document which has been written and accepted at a particular time, but this is not the true meaning of constitution, constitution may be written or may be unwritten. Sometimes it is found in an established body of rules, maxims, traditions and practices in accordance with which its government is organized and its powers are exercised. Many political thinkers have tried to define the term 'constitution'. Public policy is a set of policies (laws, plans, actions, behaviors) of a government; plans and methods of action that govern that society; a system of laws, courses of action, and priorities directing a government action. Public policy is a wider concept and difficult to define it under a single platform. It has gained the significance often used during legislation in a particular matter or sometimes disqualifies the public policy when it is said to be unconstitutional. Public policy resembles the national and state policy of a government and the government is the outcome of the constitution. It is further understood as the result of the constitution which is executed as the public policy. Likewise all the countries in the world follow the reference of constitution in implementing various policies and it also includes the constitutional values of rights/duties. While bringing out legislation in the parliament regarding a policy it should not affect the individual liberty and freedom which is guaranteed by the constitution. The court is the custodian of the

constitution and safeguards the citizens when there is a deadlock in public policy.

III. DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy contained in Part IV; Articles 36-51 of the Indian constitution constitute the most interesting and enchanting part of the constitution. The Directive Principles may be said to contain the philosophy of the constitution. The idea of directives being included in the constitution was borrowed from the constitution of Ireland. As the very term "Directives" indicate, the Directive principles are broad directives given to the state in accordance with which the legislative and executive powers of the state are to be exercised. The Directive Principles may be classified into 3 broad categories, Socialistic, Gandhian and Liberal-intellectual.

IV. GANDHIAN PRINCIPLES

Such directives are spread over several Arts. Principles among such directives are (a) to organize village panchayats (Art. 40), (b) to secure living wage, decent standard of life, and to promote cottage industries (Art.43), (c) to provide free and compulsory education to all children up to 14 years of age (Art. 45), (d) to promote economic and educational interests of the weaker sections of the people, particularly, the scheduled castes and scheduled tribes, (e) to enforce prohibition of intoxicating drinks and cow-slaughter and to organize agriculture and animal husbandry on scientific lines (Arts. 46-48).(Vijay Jaiswal,2013)

- Article 40, State will strive to organize Panchayat in villages and Will endow them with such power which enable them to act as units of self government.

The article clearly denotes the importance of panchayat raj institutions which is one of the Gandhian ideologies of bringing out self governance at the local level. Though the framer of the Constitution, Dr. B. R. Ambedkhar was not convinced with the ideology of self governance to the villages which will create feudal setup stronger. Lately various discussions with Mahatma Gandhi finally the concept of local self governance was included in the directive principles of

state policy. Over the past seven decades the role of local self governance has created a new way of people participation in local bodies. The spirit of Gandhian ideology has been achieved through gram sabha which is said to be the people's parliament at the local level. This was guaranteed by the policy which envisaged by the 73rd Constitutional amendment act which had an three tier system of strengthening of local bodies. In the year 1992, 73rd Constitutional Amendment Act was enacted by the Indian parliament .73rd constitutional amendment gave constitutional status to rural local governance at the grassroots level. Village Panchayats (Village level rural local government) have been established as self governing institutions. One of the main objectives of the constitutional amendment act is ensuring social justice at the grassroots by empowering the marginalized sections like Dalits, Tribals and women. In 1992, 73rd Constitutional amendment reserved 1/3rd elected offices of rural local government to women and in 2011 it has been increased to 50%. Presently, we have 6, 54,504 villages which consists of 2, 67,235 local bodies where it has created an opportunity of half million women to participate in the local bodies which shows a sign of women empowerment.

- Article 43, the state shall strive to develop the cottage industry in the rural areas both, on individual or co-operative basis.

The role of state is very much important to develop the small scale cottage industry on the individual basis as well as in cooperative basis. In India we have 48 million small and medium scale cottage industries which provide a 37.5 percentage of GDP and provide employment to 111.4 million persons and accounts for more than 40% of India's exports.(Tulsi Jayakumar,2016) The idea of developing cottage industry had the ideology of Gandhijis constructive program of developing the village economy. He was not in favour of large scale industries which would bring lots of disparities and lead to many socioeconomic evils. He believed that large scale industries would led to drudgery and monotomy. Whereas in small scale cottage industries the exploitation of labour would be nil. He wished to construct production unit at their homes and particular in villages so all could get products at a cheaper rate. There won't be overproduction of goods and wastage can be avoided. This idea is implemented as a public

policy by central and state governments like Credit Guarantee Trust Fund for Micro & Small Enterprises (CGTMSE), Prime Minister Employment Generation Programme (PMEGP), Revamped Scheme Of Fund for Regeneration Of Traditional Industries (SFURTI), Coir Udyami Yojana (CUY), Coir Vikas Yojana (CVY), Skill Upgradation & Mahila Coir Yojana (MCY), Entrepreneurship and skill Development Programme, Micro & Small Enterprises Cluster Development (MSE-CDP).

- Article 43A The State shall 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.

The workers' participation in management is not a novel and imported idea from outside. It can be dated as far back as 1920 when Mahatma Gandhi suggested participation of workers in management on the ground that workers contributed labour and brains while shareholders contributed money to the enterprise and that both should, therefore, share in its property. He said that there should be a perfect relationship of friendship and cooperation among them. For the unions, he said that the aim should be to raise the moral and intellectual height of labour and, thus, by sheer merit, make labour master of the means of production instead of the slave that it is. It was at his instance that, in 1920, the workers and the employers in Ahmedabad Textile Industry agreed to settle their disputes by joint discussions and consultations. In fact, the first major step in the direction of workers' participation in management in India was the enactment of the Industrial Disputes Act, 1947 with the dual purpose of prevention and settlement of industrial disputes. The Industrial Policy Resolution, 1948 advocated WPM by suggesting that labour should be in all matters concerning industrial production.

In the year 1976 in which the participation of workers in the management of industries was declared specifically as the imperative upon the State in the Constitution by the Constitution (42nd) Amendment Act and the 43-A Article was newly inserted. It called upon the State to take steps, by suitable legislation or in other way, to secure the participation of workers in the management of undertakings. This provision gave

new impetus to the concept of participative management and the newly inserted Article was intended to herald industrial democracy in India. The constitutional mandate was, therefore, clear and undoubted that the management of the enterprise should not be left entirely in the hands of the suppliers of capital but the workers should also be entitled to participate in it, because in a socialist pattern of society, the enterprise which is a centre of economic power should be controlled not only by capital but also by labour. Since the 42nd Amendment, various steps were gradually taken by the government towards securing workers' participation in management, in general, in all the undertakings, mostly on voluntary basis and, in particular, in the public sector undertaking, on mandatory basis.

- Article 43B (promotion of cooperatives society)
The State shall endeavor to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

The promotion of this article started from the promotion of Gram Sawraj by Mahatma Gandhi which involved the development of village economy. This made an trust of bringing out the movement of cooperative societies which is suitable in building village economy. Mahatma Gandhi had penned, "Cooperative societies are ideally suited organizations not only for developing village industries but also for promoting group effort by the villagers." Cooperatives, in all spheres, today cover approximately 99% of Indian villages and 71% of total rural households in the country. Their contribution to the national economy, percentage of Agricultural Credit Disbursed-18 percent Fertilizer Distributed -36 percent ,Production of Fertilizer -25 percent ,Sugar Produced -50 percent, Spindleage -10 percent, Milk Procurement to Production -8 percent, Yarn Production -22 percent, Handlooms-54 percent, Wheat Procurement -33 percent, Fishermen Cooperatives-21 percent, Storage Facilities (Village) -64 percent. Promotion of cooperative societies which has involved in the creation of policies by the central government and state governments like Multi-State Cooperative Societies Act, 2002, National Cooperative Policy (2002), The Companies Amendment Act, 2002, NCDC

Amendment Act, 2002, Task Force on Revival of Cooperative Credit Institutions. (Vayak, 2017).

- Article 47, the state will strive to ban the consumption of wine, other intoxicating drinks and all such commodities which are considered injurious to health.

According to Gandhiji, the use of coffee, tea, tobacco, and alcohol was detrimental to the mental, physical, and moral development of an individual. In his opinion, the use of liquor was a disease rather than a vice. He had no objection to the use of liquor if taken under medical advice. He would have preferred India to be reduced to a state of pauperism than have 'thousands of drunkards in our midst'. In one of his articles, he wrote that if he were appointed dictator of India, only for an hour, he would, in the first instance, close all the liquor shops without compensation, and compel the mill-owners to start refreshment rooms to provide harmless drinks to the workmen. He thought that the evil of drinking liquor could not be eradicated by legislative measures alone. Some suggestions given by him are as follows, (a) Public opinion should be educated; (b) Refreshment rooms should be opened for selling harmless drinks; (c) The income derived from the sale of intoxicants should be used for cultivating public opinion in favour of prohibition. He did not agree with those who contended that by prohibition, the revenue of the government will fall and it would not be able to incur expenditure on nation-building activities like education. He said that if the evil was removed, other resources of revenue could be developed without much difficulty. (Kirti Shailesh, 2017)

In order to safeguard the welfare of the citizens various state government has banned liquor and intoxicating drinks by the usage of this article. There are also some states which have banned most of the liquor consumption namely Gujarat (completely dry state), Bihar, Nagaland, Manipur, Kerala and Lakshadweep. Legal Age for Liquor Consumption in Different States of India: 7 States With 18 as the Legal Age for Liquor Consumption, Andaman Nicobar islands, Kerala, Himachal Pradesh, Pondicherry, Mizoram, Sikkim, Rajasthan. 18 States With 21 as the Legal Age for Liquor Consumption, Chhattisgarh, Arunachal Pradesh, Andhra Pradesh, Assam, Goa, Dadra and

Nagar Haveli, Jammu and Kashmir, Daman and Diu, Madhya Pradesh, Orissa, Jharkhand, Tamil Nadu, Karnataka, Uttarakhand, Tripura, Telangana, West Bengal, Uttar Pradesh. 5 States With 25 as the Legal Age for Liquor Consumption, Chandigarh, Haryana, Delhi, Punjab, Meghalaya. National Holidays: Republic Day – 26 January, Gandhi Jayanti – 2 October, Independence Day – 15 August. Dry days are observed in India around Elections, Voting Day and Major Festivals. Also, according to a law passed in 2017, consumption of alcohol in an eatery/bar/restaurant within 500 meters of a national highway is not permitted. (News 18, 2017)

- Article 48, reveals that State will ban slaughtering of cows, calves and other milch cattle.

The state has entitled to ban cows, calves and milch cattle from slaughtering to protect animal husbandry of the common country breeds of our country. It also focuses on the prevention of torcher and cruelty of animals which are used for food and other purposes. Out of 29 states in India 24 states have banned cattle slaughtering. Kerala, West Bengal, Arunachal Pradesh, Mizoram, Meghalaya, Nagaland, Tripura and Sikkim are the states where there are no restrictions on cow slaughtering. Gandhi had certain ideology when it came for slaughtering of cattle. By assuming or expecting another person to on his own ('himself be so disposed') want to serve the cow, Gandhi places the service to the cow as something we should all aspire for. There is an expectation that others should on their own worship the cow. Gandhi used to say that "protection of the cow is a primary duty for every Indian" (Saroj Giri, 2015). It is a beautiful expectation, uncoerced and lucid but an expectation by a majority community. Gandhi outlined six points regarding cattle slaughtering

1. The State should in the open market buy out every cattle offered for sale by out-bidding every other buyer.
2. The State should run dairies in all principal towns ensuring a cheap supply of milk.
3. The State should run tanneries where the hides, bones, etc., of all dead cattle in its possession should be utilized, and should offer to buy again in the open market all private-owned dead cattle.

4. The State should keep model cattle, farms and instruct the people in the art of breeding and keeping cattle.
5. The State should make liberal provision for pasture land and import the best experts in the world for imparting knowledge of the science of cattle to the people.
6. There should be a separate department created for the purpose, and no profit should be made in the department, so that the people may receive the full benefit of every improvement that might be made in the different breeds of cattle and other matters pertaining to them.(Young India,1927)

V. CONCLUSION

The Directive Principles of State Policy which is in the part IV of the constitution deals with various provisions of ensuring the citizens for welfare and healthy living. Though it is non-justifiable in nature it gives directions to the central and state government to establish equality and protect the interest of the society. Likewise, Gandhian principles in the Directive principles of the State Policy focus on the constructive programmes which is an outcome of self-governance, cottage industries, promotion of cooperatives, prohibition of alcohol and slaughtering of cattles, etc. Many of these ideologies are implemented by the state and central governments as policies and laws, only few states alone differ from implementing these ideologies. To a certain extent many of the Gandhian principles has made a resemblance in the creation of various public policies in India which is a successful one of these ideologies.

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