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Article 46 of the Constitution

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Article 46 of the Constitution

Freedom on paper is not enough for a child whose family has no land and no school nearby. The framers knew this. Article 46 is their promise to such families. It does not give a right that a court can enforce. It gives the State a duty to act, and a reason to pass laws that do.

> **Text** The State shall promote with special care the educational and economic interests of the weaker sections, and in particular the Scheduled Castes and Scheduled Tribes.
> **Also** It shall protect them from social injustice and all forms of exploitation.
> **Part** Part IV, Directive Principles of State Policy.
> **Status** Not enforceable in court (Article 37).

Directive Principle: a goal the State should follow when it makes laws and policy.

Weaker sections: groups that are socially, educationally or economically behind.

Non-justiciable: a court cannot order the State to obey it.

1 What does Article 46 direct the State to do?

1.1 What are the two duties?

The first duty is to **promote**. The State must raise the educational and economic interests of weaker sections. Scholarships, hostels and loans are examples. The second duty is to **protect**. The State must shield these groups from social injustice and exploitation. Laws against atrocities and bonded labour are examples.

1.2 Why does it say “special care”?

The words “with special care” show urgency. The framers did not want a lukewarm effort. **SCs and STs** are named in particular. But the article also covers “other weaker sections”, so the State can widen its help to other groups that need it.

- Promote: education and economic interests.
- Protect: from social injustice and exploitation.
- Named: Scheduled Castes and Scheduled Tribes.
- Also covers other weaker sections.

Remember This: Article 46 has two halves: promote their interests, and protect them from injustice and exploitation.

2 Why is Article 46 only a directive?

2.1 What does Article 37 say?

Article 37 settles the matter. Directive Principles are **not enforceable by any court**. Yet they are **"fundamental in the governance of the country"**. It is the duty of the State to apply them when it makes laws. So a citizen cannot sue the State to force a scholarship scheme. But a law that follows Article 46 has a firm constitutional base.

2.2 What happened in Champakam Dorairajan?

In 1951, a Madras order reserved college seats by community. The Supreme Court struck it down in *State of Madras v. Champakam Dorairajan*. It held that Directive Principles cannot override a Fundamental Right. The order had clashed with Articles 15(1) and 29(2).

Parliament responded quickly. The **First Amendment (1951)** added Article 15(4). This let the State make special provisions for backward classes, and for SCs and STs.

- Article 37: Directive Principles cannot be enforced in court.
- Champakam 1951: a directive cannot override a Fundamental Right.
- First Amendment 1951: added Article 15(4).

> **Quick check 1.** A court can order the State to carry out Article 46. *(True or False?)* See answer ↓

3 How do Articles 15(4) and 16(4) carry it out?

3.1 What is the link?

Think of Article 46 as the goal and Articles 15(4) and 16(4) as the tools. **Article 15(4)** allows special provisions in education. **Article 16(4)** allows reservation in public jobs. They are enabling provisions. They permit special measures but give no right to demand them. Measures taken under them can be challenged and defended in court. Article 46 itself cannot be enforced in court.

3.2 Why does the difference matter?

Exams love this contrast. All three articles aim at the same thing. But they work differently. Article 46 is a non-justiciable directive. Articles 15(4) and 16(4) are enabling provisions. The directive sets the aim. The Fundamental Rights provisions give the State the power to act.

Article	Part	Role	Enforceable?
46	IV (Directive)	Duty to promote and protect weaker sections	No
15(4)	III (Fundamental Rights)	Special provisions, such as in education	Enabling provision

Article	Part	Role	Enforceable?
16(4)	III (Fundamental Rights)	Reservation in public employment	Enabling provision

Remember This: Article 46 is the goal. Articles 15(4) and 16(4) are the tools that carry it out.

4 Which laws and bodies give it effect?

4.1 What do the protection laws look like?

The **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** was passed because older laws were found too weak. It sets up Special Courts and provides relief for victims. It is the clearest example of the “protect” half of Article 46.

4.2 Which bodies watch over these groups?

The 89th Amendment (2003) split the old commission in two. It created separate National Commissions for Scheduled Castes (Article 338) and for Scheduled Tribes (Article 338A). The ST commission began work in February 2004. Each body checks how safeguards are working.



Study room at Eklavya Model Residential School, Vankuva. Such schools are built for tribal students. Photo: મિહિર (Mihir), Wikimedia Commons, CC BY-SA 4.0.

- 1989 Atrocities Act: criminal protection and Special Courts.
- Article 338: National Commission for Scheduled Castes.
- Article 338A: National Commission for Scheduled Tribes.
- Eklavya Model Residential Schools: education for tribal students.

Explain It Back: In your own words, say why Article 46 cannot be enforced in court. Then say which articles help the State act on it.

> **Quick check 2.** The 89th Amendment created separate National Commissions for Scheduled Castes and Scheduled Tribes. *(True or False?)*
>
> See answer ↓

5 Does the Court treat directives as weak?

5.1 Are directives less important than rights?

Not quite. In *Minerva Mills* (1980), the Supreme Court said the Constitution rests on a **balance** between Fundamental Rights and Directive Principles. It struck down the 1976 attempt to give directives priority over rights. It held that this harmony is part of the basic structure.

5.2 What follows for Article 46?

Directives cannot defeat rights. But they are not empty either. Courts use them to read the law and to uphold State action that serves them. A reservation or scholarship law finds support in Article 46, even though the article cannot force it.

- Directives guide the State; rights bind the State.
- Minerva Mills 1980: balance between the two is basic structure.
- Laws that serve Article 46 are on firm constitutional ground.

> **Quick check 3.** In Minerva Mills the Supreme Court held that Directive Principles always override Fundamental Rights. *(True or False?)* See answer ↓

6 How has this topic been asked in exams?

6.1 What did the exams ask?

Asked before

PYQ 1 · UPSC CSP 2020, Q18

With reference to the provisions contained in Part IV of the Constitution of India, which of the following statements is/are correct ?

(a) 1 only
(b) 2 only
(c) 1 and 3 only
(d) 2 and 3 only

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Asked before

PYQ 2 · UPSC CSP 2015, Q7

Consider the following statements regarding the Directive Principles of State Policy:

(a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

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6.2 What is the exam angle?

- **Trap:** Article 46 is a Fundamental Right. It is a Directive Principle.
- **Trap:** Directives override rights. The Court says they must be balanced.
- **Fact:** Article 46 covers SCs, STs and other weaker sections.

- **Fact:** Champakam Dorairajan 1951 led to the First Amendment and Article 15(4).
- **Fact:** Article 338 (SC commission), Article 338A (ST commission).
- **Method:** Goal in Part IV; tools in Part III.

Practice MCQs

1. Which Article of the Constitution enjoins the State to promote educational and economic interests of the weaker sections and to protect them from social injustice and exploitation?

A. Article 45

B. Article 48

C. Article 44

D. Article 46

See answer ↓

2. According to Article 37, although the Directive Principles cannot be enforced by courts, it is the duty of the State to?

A. Apply them only after a national Emergency is proclaimed

B. Apply them in making laws

C. Ignore them while making laws

D. Apply them only to Union Territories

See answer ↓

3. In the Champakam Dorairajan case of 1951, an early conflict between Fundamental Rights and Directive Principles arose over?

A. Right to religion versus a uniform civil code

B. Property rights versus land reform

C. Reservation policy, framed to implement Directive Principles, versus the Right to Equality

D. Freedom of the press versus national security

See answer ↓

4. Which constitutional amendment was passed largely in response to the Champakam Dorairajan judgment, to protect reservation-based laws?

A. The First Amendment, 1951

B. The 24th Amendment, 1971

C. The 42nd Amendment, 1976

D. The 44th Amendment, 1978

See answer ↓

5. In the Minerva Mills case of 1980, the Supreme Court struck down the 42nd Amendment's attempt to give which change to Directive Principles?

A. Giving every Directive Principle overriding primacy over all Fundamental Rights

B. Renaming Directive Principles as Fundamental Duties

C. Removing Directive Principles from the Constitution entirely

D. Making all Directive Principles enforceable in court

See answer ↓

6. What does the National Commission for Scheduled Castes, under Article 338, do?

A. Monitors and safeguards the interests of Scheduled Castes

B. Manages recruitment for all central government jobs

C. Oversees India's foreign trade policy

D. Handles disputes over state boundaries

See answer ↓

Answer Key

1. **D.** Article 46 directs the State to promote the educational and economic interests of weaker sections and protect them from social injustice and exploitation. ↑ Q1
2. **B.** Article 37 states it shall be the duty of the State to apply the Directive Principles while making laws, even though courts cannot enforce them. ↑ Q2
3. **C.** In Champakam Dorairajan, a reservation policy meant to implement Directive Principles was struck down for violating the Right to Equality, prompting the First Amendment. ↑ Q3
4. **A.** The First Amendment of 1951 added Article 15(4), enabling reservation policies after Champakam Dorairajan struck down such a policy for violating Article 15. ↑ Q4
5. **A.** In Minerva Mills (1980), the Supreme Court struck down the 42nd Amendment's extension of Article 31C's primacy to all Directive Principles, restoring the original limited scope. ↑ Q5
6. **A.** The National Commission for Scheduled Castes has a specific role under Article 338. It monitors the interests of Scheduled Castes. It also safeguards those interests. ↑ Q6

Quick-check answers

1. **False.** ↑ 1
2. **True.** ↑ 2
3. **False.** ↑ 3

Previous year answers

1. **(d) 2 and 3 only** Part IV's Directive Principles are not enforceable by any court (Article 37), and are meant to influence the making of laws by the State, not to be enforceable themselves.
2. **(c) Both 1 and 2** Both statements are correct: DPSPs spell out socio-economic democracy, and Article 37 makes them non-justiciable, unenforceable by any court.

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