

DPSP an Unachievable Task: How did Madhya Pradesh Government Proved it wrong?

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Abstract:

The directive principles of the state policy as the name itself suggests, are the directions on the basis of which the state (as defined in article 12) should frame its policies. Though these principles are non-justiciable, yet they have been backed by the 'vox-populi' i.e. the voice of the people. As these principles are non-enforceable in the courts of law, in this particular research paper researcher would look at how did the city of Indore which is situated in the state of Madhya Pradesh manage to achieve the same. When we closely look at these principles in relation with the fundamental rights, then one might find them contradictory to each other. Now when the fundamental rights ensure the peaceful existence of the individuals and on the other hand the constitution binds the states to follow these policies it becomes very difficult for not only the legislature but also for the other two organs to decide whom to give the preference to. Multiple attempts have been made by the Indian judiciary to draw a broader differentiating line between the relevance of these two parts through various cases. The biggest question that needs to be answered is when these articles cannot be enforced in the court of law and when these articles are in contradictory to the 'Fundamental Rights' of the citizens, then why did the framers of our constitution put in so much efforts to borrow it from various sources. Thus the only way masses have responded to it is by labeling them as an 'Unachievable task'.

Introduction:

There are three main sources from where the directive principles of state policy have been derived - Irish constitution, Govt. of India act 1935, and The Sapru report 1945. This Sapru divided the rights into two parts- The justiciable rights and the non justiciable rights. The justiciable rights were instituted in part III of the Indian constitution as the fundamental rights and the non justiciable were incorporated into the part IV of the Indian constitution as the DPSP(s). While the various articles talk about numerous things such as free legal aid, organization of panchayats, uniform civil code, infant care, animal husbandry, protection of SC's and ST's, separation of judiciary from the executive, protection of monument, international peace and security, standard of living health and nutrition, are mentioned under this part of the constitution, our main focus in this particular research paper would be on Article 48- A that talks about environmental protection.

Environment protection has been a part of our cultural values and traditions from a very long period of time. Earth should be treated as our paradise and it stands as our duty to protect our so claimed paradise. The constitution of India embodies the framework for protection and preservation of nature without which life cannot be enjoyed. To ensure the protection of the same, article 48 -A was enacted after long struggling efforts through public interest litigations.

Article 48- A as added by the 42nd amendment to the Indian constitution, states that, '*the*

state shall endeavor to protect and improve the environment and surroundings, and to safeguard the forests and wildlife of the country to make the environment sustainable.'

Not only through article 48-A, the framers of the constitution have impliedly made the govt. responsible for securing safe and healthy environment for all its citizens as a matter of right under article 21, i.e. Right to life and personal liberty.

What are DPSP?

The directive principles as mentioned under Part IV of the Indian constitution are the ideals which the govt. that is both the central and the state govt. are expected to follow while formulating any policy or while passing any law. These are certain social, economical and political principles which are suitable to the peculiar condition prevailing in our country. Dr. B.R. Ambedkar has aptly defined them as the objectives of the 'welfare state'.¹ The main objective behind the laying down of directive principles of state policies is to set the standards of achievement before the legislature, the executive, the local and the other authority. If we look at this from the historical view then it might be followed that, these principles are like the instruments of instruction, which were given by the Britishers to the governor generals and governors of the colonies. The Constitution of India does not formally classify the Directive Principles of State Policy but for better understanding and on the basis of content and direction- they can be classified into three categories: Socialistic Principles, Gandhian Principles, and Liberal-Intellectual Principles.

Why are the DPSP(s) non enforceable?

Though DPSP's are non- enforceable in themselves but in order to meet its legal obligations, the legislature has come up with various laws and these laws and enactments are the way the government has kept up to the expectations of the framers by impliedly following the same.

As these principles are very basic in nature they cannot be made enforceable by keeping in view the overburdened situation of the Indian judiciary. For example if we take this moral obligation of the state the state as mentioned under article 45 that the state shall observe to protect the infant and children and must ensure proper care of them. Though the legislation has come out with various schemes, enactments and laws to promote this particular principle but in case this is made enforceable then in any case of non performance of this because of unavailability of resources or any due reasons, the court would flee with petitions claiming this as their matter of right. As these dpsps talk about everything that is required for the survival and growth of any particular human being, right from the infant care to the air that we breathe, the food that we eat, the way we must be treated, if these principles are made justiciable then it would lead into a lot of chaos. Though the government is expected to provide its citizens with all the basic needs and always work for their welfare but such welfare cannot be made available as a claim by the citizens. But when we look at these principles and the enactments followed out of this it is very evident to find that the government has performed its job well and has given the power in the hands of the citizens impliedly to enforce these principles through the laws and enactments. Further, only by all of these schemes that the government introduces during its regime it can confirm its victory in next elections. So not only constitutionally, but morally and politically also the

government is obliged to follow these principles and promote the welfare of the state.ⁱⁱ

How did Indore manage to turn this unachievable task into an achieved one?

“Swachh Bharat Abhiyan”

Swachh Bharat Abhiyan was launched by Prime Minister Narendra Modi ji on 2 october 2014 with three million governmental employees with the aim to solve sanitation and waste management problems across the India. it focuses to ensure hygiene in rural and urban India. The Abhiyan is divided into two phases: Swachh Bharat Abhiyan (urban) which is operated under Ministry of Housing and Urban Affairs and Swachh Bharat Abhiyan (rural) operated under Ministry of Sanitation and Drinking water.ⁱⁱⁱ

Objectives of Swachh Bharat Abhiyan are:

1. Reduction or elimination of open defecation
2. Construct individual,community toilets
3. Create public awareness about harms of open defecation
4. To provide toilets to every rural family by 2019
5. Liquid and solid waste management
6. Provide water supply to all houses in village through setting proper supply

According to recent report of September,2019 there was a survey conducted in 4237 cities and Indore stood on top of the charts by becoming the cleanest city in India. Also state of Chattisgarh came out to be the cleanest state in India.^{iv}

Indore and Swachh Bharat Abhiyan

Indore city is the only city in the country to achieve 100% source waste segregation 30,000 households of Indore is indulged into composting managing their own wet waste. .Indore main aim is to reduce waste and for the Abhiyan they follow 3R's - Reduce, Reuse, Recycle. The city got the title of Open Defecation Free Plus Plus (ODF++) and is India's first city to receive such title> the title is given on grounds of total sanitation in terms of improved sewage system,waste management,pucca cement roads,also open defecation free tag.

The journey of the city Indore situated in the state of Madhya Pradesh from being ranked as 149th cleanest city to being ranked number 1 consecutively is one that would encourage any dreamer to pursue his dreams.^v These rankings are given every year by the ministry of health and sanitation in order to keep a check at the ground root level implementation of the ‘Swachh Bharat Mission’.

Swachh Survekshan:

Swachh Survekshan is a survey taken up by the government to analyse urban and rural areas for their cleanliness and hygiene and active implementation of Swachh Bharat Mission conducted in a periodic manner. The main objective of this survey is to encourage the people to do active participation among creating and spreading cleanliness. Additionally it intends to create spirit of competition amongst citizens to create self driven felling of concern and

and duty of cleanliness.

In Swachh Survekshan 2019 award Indore has been awarded cleanest city whereas Bhopal has been awarded for cleanest capital. Also as per the ranking of Swachh Survekshan Grameen 2018, Haryana has been ranked as the best state and Satara district of Maharashtra is ranked for same.^{vi}

Prior to such rankings, the job of garbage collection was carried out by the private waste collectors called as the 'Jagirdars' and as it is carried on throughout the country, the garbage was picked up from the households and common dustbins and the same was dumped anywhere they found the place to do so. The city had various huge dustbins which were open and a source of food to stray dogs and other street animals. The Jagiradars were known as the primary players and once they have finished their job of collecting the waste from households and dumping in open places the another private company known as the 'A-Z infra limited' played the secondary role. The job of this company was to search throughout the city for this openly dumped garbage, collect the same and dump it into a particular huge open area in the city where the garbage has been dumped since decades. As this legacy of dumping the garbage into the same open land since decades and ages the open land got converted into a huge mountain and the place was known by the name of 'Garbage Mountain'. The condition of the city became worse as any person passing by the open areas and the garbage couldn't even afford to breathe while the animals sacrificed their lives every day by eating the garbage and while eating so they scattered the same everywhere. Finally it was the time for the city's fate to change when in 2015 the new mayor was elected, the control of the entire city and its cleanliness was in the hands of the Indore municipal corporation's commissioner, Mr. Manish Singh. As soon as he came into power, he took his job seriously and decided to make the Indorians proud of their city. He divided the entire city into 19 zones and 85 wards. The policy of collecting the garbage from door to door was followed. In order to check the reliability of this policy it was first tested in two wards to derive the method of mechanism. Once it was proved successful in these two wards, then it was later on implemented in the entire city. A detailed route plan was made on the basis of this test in these two wards.^{vii}

The waste was collected by segregating it into three parts, i.e. dry waste, wet waste, domestic waste. The main aim behind such segregation was to ensure that the further treatment of the waste becomes easy. Each zone was provided with the fixed vehicles for collecting the garbage called as 'dippers'. These dippers visited every house twice a day at fixed timings and the IMC kept an eye on these by installing the GPS monitors in them. There was a separate monitoring cell in the IMC that had a check on the working of these dippers. They had a song as an indication that they have arrived in front of the households. This song has been sung by the famous bollywood playback singer, Mr. Shaan. After listening to this song every person comes out of their respective homes and gives the garbage respectively to dipper person. Once the garbage is collected, the dippers move to the weigh bridges and get their garbage weighed. After being weighed the same is carried to the trenching ground where the garbage as segregated previously is treated in a segregated way.

Dry waste:

All the materials made out of the plastic are further segregated from this dry waste by the rag pickers. The left over non plastic is recycled and sold by the government at very cheap prices. The plastic materials that have earlier being segregated are further segregated into the recyclable and the non recyclable waste.^{viii} The recyclable waste is used in various governmental works such as road development, cement factories, construction activities etc. The non recyclable plastic waste is further shredded into small pieces so that it can be easily dumped into the landfills.

Wet waste:

After weighing the wet waste at the weighing bridge this type of wet waste is directly sent into the Central composition plant wherein the entire waste is converted into the manure and this manure is further used for the development of green belt. Not only this, the major use of this manure is done by the farmers of Indore as it is sold to them at a very low price.

Domestic waste:

This type of waste includes waste generated from hospitals such as medical waste, sanitary waste etc. This waste is straight away sent to common biomedical waste machinery where it is treated through machines and further if it cannot be either recycled or reused then it is converted into ashes to prevent the misuse of the same.

Even after carrying out all the measures to ensure the reuse and recycling of the garbage, still the IMC is left with certain products that cannot be treated anymore. To ensure that this waste is not left ignored, 2 engineered landfills of about 6.5 acres has been allocated. To prevent it from becoming like the previous garbage mountain it is properly kept under the watch of the IMC. The earlier mountain has been enclosed by making huge walls around it and making green boundaries to prevent the smell. Further the dippers are washed and serviced regularly to ensure that there is no deviation from the work due to unavailability of the dippers.

Tackling the issue of open defecation:

For achieving the open defecation free Indore, the IMC took the help of the NGOs. The major task assigned to these NGOs was to identify the crucial areas of defecation in and around the city. It was not an easy task as to know these spots the NGOs should first know the city in and out. The NGO cracked the nutshells and identified 72 sites within the city. Every site was assigned with one 'Dabba Gang' each. These groups are known as Dabba gang imitating the game of hide and seek and the job of these gangs is to seek the open defecators and fine those then and there red handed. One IAS officer was assigned to every gang and in this way people were actually afraid to defecate in open. And to provide them with an alternate option the IMC took efforts and has built 10000 toilets in 128 communities of these 72 identified areas.

A threefold approach:

To implement these plans and to achieve the success, a threefold formula was used by the IMC which included education, information and communication. For any plan to come into force a proper implementation strategy is must. This implementation cannot take place without the support of the public at large.^{ix}

The IMC had come up with certain innovative ideas to see this dream coming true:

- The IMC introduced these buses for solely advertising these campaigns. The buses are air conditioned and the mayor herself visits various places in this I-bus to show case the idea of the government.
- Further the state promotes this campaign through various street plays, festivals, songs, mime, movies etc.
- Along with the 7 marital vows, an additional vow has been added by the government which says that the couple would look forward to maintain their city clean and neat.
- The government has also come with an app called 311 that acts as a key connector between the citizens and the municipality.
- Children were made the brand ambassadors for this particular campaign.
- The huge bins all over the city were replaced with the small bins. The aim of the government is to further make the city bin less.
- The training centers for the dipper holders were fixed at Srinagar and the all the people under the IMC had to attend the mandatory training there periodically.
- Not only “Swachta Surekshan Abhiyan, Indore has also managed to grab the 8th position in the ease of living index.

Conclusion:

Since the time of drafting committee till now, the DPSPs have always been criticized by numerous scholars and many of them have claimed it to be a mere wastage of time. It has always been tagged as an unachievable task due to its non enforceable nature. But by looking at the above example we can clearly make out why these DPSPs are so important to run a country that has the largest democracy in the world. Though the same had been guaranteed in the fundamental rights but when the question comes on the obligations on the part of the government, it cannot be answered without the presence of DPSPs in our constitution. The entire Swach Bharat Abhiyan is a proof that the government is actually taking steps to ensure a better living to its citizens. Availability of such provisions in our grundnorm enables the citizens of this country to look at the feasibility of the government and whether they have actually succeeded in utilizing their right to vote or not. For the existence of welfare of the citizens and the nation at large, the existence of the DPSPs is must and this task of making them achievable has aptly been proved by the Indore Municipal Corporation, Indore, and Madhya Pradesh.

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- ⁱⁱ Balalatha Mallavarapu, *Why DPSP not enforceable*, available at: <https://www.thehansindia.com/posts/index/Hans/2016-07-26/Why-DPSP-not-enforceable/244842> (last visited on November 29,2019)
- ⁱⁱⁱ *Swachh Bharat Mission*, available at: <https://www.mapsofindia.com/government-of-india/swachh-bharat-abhiyan.html> (last visited on November 29,2019)
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- ^v Anisha Bhatia, *Swachh Survekshan 2019: Here's What Indore Did To Retain Its 'Cleanest City Of India*, available at: <https://swachhindia.ndtv.com/swachh-survekshan-2019-heres-what-indore-did-to-retain-its-cleanest-city-of-india-title-31980/> (last visited on November 29,2019)
- ^{vi} Swachh Survekshan, available at: <http://vikaspedia.in/health/sanitation-and-hygiene/swachh-survekshan> (last visited on November 29,2019)
- ^{vii} Manish Singh, available at: <https://www.freepressjournal.in/cmcm/indore-shed-sweat-and-blood-to-achieve-swachhta-title-%20manish-singh#bypass-sw> (last visited on November 29,2019)
- ^{viii} Solid waste management, available at: <https://www.smartcityindore.org/solid-waste/> (last visited on November 29,2019)
- ^{ix} Shreya Khaitan, *"How Indore became India's cleanest city (and how others can follow)"* available at: <https://scroll.in/article/939210/how-indore-became-indias-cleanest-city-and-how-others-can-follow> (last visited on November 29,2019)