Chapter IV

Functions

In this chapter we have made an attempt to discuss the functions of Municipal Corporation, Shimla and also evaluated the performance in the execution of those functions.

With the introduction of local self government with a view of decentralise powers, the role of the Municipal Corporation in lives of inhabitants has increased manifold. Apart from providing civic amenities for the safety and convenience of its citizens, it is the role of the Municipal Corporation to mobilise local support and co-operation for implementation of programmes of health, maternity, child welfare, family planning, education, housing, slum clearance improvement and other schemes of social welfare.

A State mandate is a "responsibility, legislative, procedure, or activity that is imposed by (the state government) on its (local governments) by constitutional, legislative, or judicial action." Ten percent of all mandates are programmatic, as opposed to procedural, in nature. Programmatic mandates are also called "spillover" or service mandates. These mandates dictate to local government the services (quantity and quality) they must provide to their citizenries.

With jurisdiction confined to local area and its people, the local government has well defined responsibility. The government can secure relief from local problems with an assurance that the local people can procure the services, they need from the local government. Without much worry, the government and the people at large may obtain local contribution to the total growth and development of the nation. Operationally, the local government can ensure the fulfilment of its obligation in a responsible and efficient way - the two-fold test of good
public management. It can be the convergence of the highest degree of knowledge and experience of all the three sets of its functionaries: politicians, administrators and technocrats. At no other level of the government, the political, organisational and technological processes get so much intermingled at every stage of its operation.⁴

There is, however, a feeling that the municipal machinery at present constituted, has not been able to fulfil its tasks in efficient and straightforward manner. There is need to reform the administrative structure and financial working of local bodies. It has been made responsible for sanitation, water-supply, maintenance of roads, etc.⁵

Urban local bodies all over the world are primary agencies for meeting social, cultural, and physical needs of the citizens. They provide for a variety of services and public utilities for the convenience, healthy living and welfare of individual and the community. The growth of the trade and the industry and the city in general also depends on the efficient performance of municipal services.⁶ Municipal authorities are endowed with specific local functions covering regulatory, maintenance and development activities within their jurisdiction. Most municipal legislation lay down detailed list of functions; these are sometimes laid down in the financial rules. Generally municipal functions are classified into obligatory and discretionary. Classifying the municipal function into obligatory and discretionary does not mean that local authority can not undertake a discretionary function unless all the obligatory duties have been satisfactorily performed, since enforcement of such a condition would entail detailed laying down physical standards of performance which is not easy for regulatory functions nor practicable for functions in view of the general paucity of resources.⁷
Following the English practice, delegation of the state's functional responsibilities to the municipal authorities are made in terms of the doctrine of ultra virus, meaning that unless a particular subject is specifically delegated, the municipal authorities cannot undertake it or exceed the extent of such delegation. In such delegation the state government assume the process activities, like, laying down of standards, functional planning, construction, resource matching, etc., leaving operations and maintenance activities to the municipalities.

In municipal area, Shimla being hilly resort its maintenance has become the prime duty of the Municipal Corporation, Shimla. The functions of Municipal Corporation, Shimla have been in listed in Chapter III of Himachal Pradesh Municipal Corporation Act, 1994. These have been classified into obligatory and discretionary functions under section 43 and section 44 of Himachal Pradesh Municipal Corporation Act, 1994 respectively, which are described as follows:

**Obligatory Function of Municipal Corporation, Shimla:**

It shall be incumbent on the corporation to make adequate provision by any means or measures which it may lawfully use or take for each of the following matters, namely:

(a) the construction, maintenance and cleaning of drains and drainage works and of public latrines, urinals and similar conveniences;
(b) the construction of works and means for providing supply of water for public and private purposes;
(c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters;
(d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;
(e) the regulation of places for the disposal of the dead and the
provision and maintenance of places for the said purpose;
(f) the construction and maintenance of cattle pond;
(g) measures for preventing and checking the spread of dangerous diseases;
(h) the construction and maintenance of municipal markets and the regulation thereof;
(i) the regulation and abatement of offensive or dangerous trades or practices;
(j) the securing or removal of dangerous buildings and places;
(k) the construction, maintenance, alteration, and improvement of public streets, bridges, culverts, causeways and the like;
(l) the lighting, watering and cleaning of public streets and other public places;
(m) the removal of obstructions and projections in or upon streets, bridges and other public places;
(n) the naming and numbering of streets and premises;
(o) the maintenance of municipal offices;
(p) the laying out of the maintenance of public parks, gardens or recreation grounds;
(q) the maintenance of monuments and memorials vested in a local authority in the municipal area immediately before the commencement of this Act or which may be vested in the Corporation after such commencement;
(r) the maintenance and development of the value of all properties vested in or entrusted to the management of the Corporation;
(s) the fulfilment of any other obligation imposed by or under this Act or any other law for the time being in force;
(t) planting and care of trees on road sides etc, and
(u) survey of buildings and lands.
Discretionary Functions of Municipal Corporation, Shimla

The corporation may in its discretion provide either wholly or in part for all or any of the following matters: 10

(a) the furtherance of education including cultural and physical education;
(b) the establishment and maintenance of, and aid to, libraries, museums art galleries, botanical or zoological collections;
(c) the establishment and maintenance of, aid to stadia, gymnasium, akharas and places for sports and games;
(d) the civic reception to persons of distinction;
(e) the providing of music or other entertainment's in public places or places of public resort and the establishment of theatres and cinemas;
(f) the organisation and management of fairs and exhibitions;
(g) the construction and maintenance of
   (i) rest houses;
   (ii) poor houses;
   (iii) infirmaries;
   (iv) children’s houses;
   (v) house for the deaf and dumb and for disabled and handicapped children;
   (vi) shelters for destitute and disabled persons;
   (vii) asylums for persons of unsound mind.
(h) the building or purchase and maintenance of dwelling houses for corporation officers and other corporation employees;
(i) any measures for the welfare of the corporation officers and other corporation employees or any class of them, including the sanctioning of loans to such officers and employees or any class of them for construction of houses and purchase of vehicles;
(j) the organisation or management of chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health medical relief;

(k) the provision for relief to destitute and disabled persons;

(l) public vaccination and inoculation;

(m) the organisation, construction, maintenance and management of swimming pools, public wash houses, bathing place and other institution designed for improvement of public health;

(n) the organisation and management of farms and diaries within or outside the municipal area for the supply, distribution and processing of milk and products for the benefits of the residents of the municipal area;

(o) the organisation and management of cottage industries, handicraft centres and sales emporium;

(p) the construction and maintenance of warehouses and godowns;

(q) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers;

(r) the provision for unfiltered water-supply;

(s) the improvement of municipal areas in accordance with the improvement schemes approved by the corporation;

(t) the provision of housing accommodation for the inhabitants of any area or for class of inhabitants;

(u) the establishment and maintenance of hospitals, dispensaries and maternity and child welfare centre and carrying out of the other measures necessary for medical relief; and

(v) any measure not hereinbefore specifically mentioned, likely to promote public safety, health, convenience or general welfare.
Additional Functions Under 74th Constitutional Amendment Of Municipal Corporation, Shimla:

In view of the spirit of 74th Constitutional Amendment, the sphere of functions of the Municipal Corporation, Shimla have been enlarged to a greater extent so as to achieve greater democratic decentralisation at the grass root level. The the 74th Amendment to the Constitution and the consequential changes enacted in the Himachal Pradesh Municipal Corporation Act, 1994 has considerably widen and assigned comprehensive function and responsibilities - statutory and obligatory, solid waste management, abatement of slum degradation, protection of environment and promotion of ecological aspects.

Section 42 of Himachal Pradesh Municipal Corporation Act, 1994 empower the state government to issue notification to determine the various additional functions of the corporation on the subject itself indicated in section 42 (1) (a) & (b) and further heads (i) to (xviii) and the twelfth schedule of the constitution corresponding to Article 243 W. (Refer to Annexure vii) Therefore, apart form the obligatory and discretionary functions of the corporation, the some additional functions are bestowed on the corporation.

The state government shall by notification endow the corporation with such power and authority as may be necessary from time to time to enable it to function as institution of local self-government, subject to such conditions as may be specified therein with regard to,

(a) the preparation of plans for economic development and social justice;

(b) the performance of functions and implementation of schemes which be entrusted to it including the functions in respect of the following matters, namely :-
(i) Urban Planning including Town Planning:
(a) Implementation of land use map notified by the government;
   Provided that where no such map is notified, the concerned, local
   body, will prepare and implement the local land use map;

(ii) Planning for Economic and Social Development:
(a) Formulation of schemes for the upliftment of poor,
(b) Generation of employment;
(c) Implementation of poverty alleviation programmes.

(iii) Roads and Bridges:
(a) Construction and maintenance of roads and bridges except the
   roads and bridges on National Highway and State Highway
   within municipal areas.

(iv) Water-Supply:
(a) Planning, provision for construction and maintenance of water-
   supply for domestic, commercial and industrial purposes in this
   the municipal area; Provided that execution of really new
   schemes will be in accordance with decision of government in
   each case.

(v) Public Health:
(a) Provision of drain and sewerage, and sewerage disposal and
   nullahs;

(vi) Urban Forestry, Protection of the Environment and Promotion of
     Ecological Aspects:
(a) Creation maintenance and regulating the use of urban forest
    blocks;
(b) Plantation, maintenance and preservation of trees both
    ornamental and economic within the municipal areas;
(c) Regulating the plantation preservation and felling of trees;
(d) To establish and maintain refuse disposal sites and apparatus;
(e) To regulate the polluting trades, callings and occupations causing air-water pollution;
(f) Establishment and maintenance of electric crematoriums.

(vii) Safeguarding the interests of weaker section of society, including the handicapped and mentally retarded:
   (a) Establishment of orphanage, mental hospital, administration and care of mentally retarded children and women homes

(viii) Slum Improvement and Upgradation:
   (a) Identification of slum areas, formulation of schemes for the rehabilitation of the people living in slums.

(ix) Urban Poverty Alleviation:
   (a) Identification of urban poor localities predominantly occupied by them;
   (b) Formulation and execution of schemes for the upliftment;

(x) Promotion of Cultural, Educational and Aesthetic Aspects:

(xi) Burial and Burial Grounds, Cremation-Cremation Grounds and Electric Crematoriums:
   (a) To establish and maintain electric crematorium;

(xii) Cattle Ponds, Prevention of Cruelty to Animals:
   (a) To provide for a care and upkeep of old and injured cattles;
   (b) To establish and maintain veterinary hospitals;
   (c) To take action against persons causing cruelty to animals;

(xiii) Vital Statistics including Registration of Births and Deaths:
   (a) To keep the population record of the municipal areas and annual publications of population statistic including male, female, schedule caste, schedule tribe, and handicapped persons living below poverty line.

(xiv) Public Amenities Including Street Lighting, Parking Lots, Bus stop and Public Conveniences:
   (a) Bus Stand, bus stop, rain shelters loading and unloading points;
(xv) Regulation of Slaughter Houses and Tanneries:

(a) Establishment, maintenance, regulation and control of slaughter houses and tanneries.

In India, there has been an increasing tendency on the part of governments to take over more and more local functions, either directly or indirectly or by creating special purpose agencies. This has been justified mainly on the growth of poor performance and inefficiency of the local bodies in the discharge of their functions, inadequacy of efficient staff, want of financial resources, factionalism and maladministration and indifference of citizens to civic-affairs. The remedy lies not in depriving the local bodies functions but in improving and strengthening their organisational and administrative set-up, allocating to them adequate resources and giving expert and technical help in the discharge of their functions.12

In earlier days, the Corporation was responsible for providing municipal transport, maintenance of municipal school and Bhargava Municipal College, Cart Road, Ripon Hospital and dispensaries of Chhota Shimla and Dhar Phagli, Fire Brigade, Electricity and Food Laboratory. But with a passage of time, all these functions have been taken away from Municipal Corporation. Following table will shows the details of function taken away from Municipal Corporation, Shimla:

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of Function Taken away</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Municipal Transport</td>
<td>1956</td>
</tr>
<tr>
<td>2.</td>
<td>Municipal School</td>
<td>1957</td>
</tr>
<tr>
<td>4.</td>
<td>Cart Road Maintenance</td>
<td>1962</td>
</tr>
<tr>
<td>5.</td>
<td>Ripon Hospital, Dispensaries of Chotta Shimla &amp; Dhar Phagli</td>
<td>1968</td>
</tr>
</tbody>
</table>
6. Fire Brigade 1972
7. Electricity 1974
8. Food Laboratory 1976
10. Transfer of Pumping Station to 1984 Irrigation and Public Health Department.

The above table is self explanatory and makes sad commentary on the functioning of municipal corporation on one hand and distrust of the government in allowing the local bodies to manage their affairs.

**Evaluation of Functions of Municipal Corporation, Shimla:**

In democracies, like ours and due to the concept of welfare state, it is the attempt of the municipal corporation to provide basic facilities to the people. This is sought to be achieved through adequate provision of social services such as supply of drinking water, public health amenities, construction and maintenance of roads and buildings, etc. But the function of the corporation can be carried out properly if there is proper provision of financial resources at the disposal of the corporation. As the Municipal Corporation is self financing body, beside grant-in-aid given by the state government it has various sources of revenue through direct and indirect taxes but despite these the position of Municipal Corporation finances is not adequate. Because there are ever increasing demands for the better provision of these services, the services provided by these institutions have become inadequate because of meagre sources of finances. This inadequacy being felt all the more for the reason that some of revenue earning sources have been taken from Municipal Corporation, Shimla. (# Map No. 4.1)

Shimla being the summer capital of undivided India, was one of the most well maintained towns of the world, but now its past glory is rapidly fading. The sanitary condition of the town is horrible at many
places. There are many dirty houses in the city, urinals are not being properly maintained, drainage system is not adequate, water-supply is always irregular and rubbish and filth are scattered here and there. It will not be out of place to mention the reaction of foreign tourists when asked about their impression of Shimla city, “It is slum pasted on a hill”.

Shimla was designed to cater a population of approximately twenty-five thousand souls. Shimla has 20,826 members of inhabited houses with 19.55 sq. km area and 82,054 people according to 1991 census. According to Municipal Corporation, Shimla’s Annual Report 1996-1997, the permanent population of Shimla Town has swollen to approximately 1.35 lakh and town receives a continuous and unending streams of tourists throughout the year. Besides this, due to pressure of population on land, some influx of the rural population has also noticed. All these factors and growth of population has over strained the essential services like water supply, sewerage, and sanitation. While attention is being paid by the state government and the Municipal Corporation, Shimla but the problem is gigantic and require to be tackled on top priority basis. The rise in population on influx of rural people to the urban areas for earning their livelihood, etc. has created problem of slums. The municipal corporation, has shortages of finances, has become more acute because all the resources of income have been appropriated by the state government for themselves through most of the income generated in the urban areas. The problem can only be solved if the state government gives adequate share of taxes collected in the urban areas in order to augment in the income of the Municipal Corporation, Shimla. Corporation with its limited resources and old tax and water rates, which were assessed at the time of its infancy is not in a position to cope with the requirement of ever-increasing demands of
the local residents as well of the tourists. With these main reasons the overall conditions of the infrastructure such as sanitation, roads, railing, and drainage, etc., is deteriorating day by day. It is high time that some solution for providing adequate resources to the Municipal Corporation, Shimla must be devised so that not only the desisting infrastructure is kept in a reasonable condition, but additional roads, parts, drainage system and water supply system be augmented and constructed. Department wise evolution of function of Municipal Corporation, Shimla is as follows:

**Roads and Buildings:**

The roads and building department is looking after the maintenance repairs, widening of roads and buildings, rain shelters, labour hostels, parks, slaughter houses and incinerators in the Town. At present, this department is responsible for maintenance of 140 kms of metalled roads and 21 km's unmetalled, and 40 km's nallahs, drains, and various lanes and alleys in town.

Due to the lean financial position and population load, the condition of these roads have deteriorated. Himachal Pradesh government is providing grant-in-aid for the repair of these roads but this too meagre to cope with the work. However, the Municipal Corporation is also spending some funds from its own resources for the repair of roads, drains, etc. Ornamental railing, flat railing in different localities of Town were provided.

**Nallahs and Drains:**

Various nallahs in the town had been in deplorable condition. Improvement of drainage system in Shimla city (# Map No. 4.2) is most important subject which should be undertaken on top priority basis. The work of reconstruction/repair of various nallahs in Ruldu-ka-Bhatta giving special design to provide protective measure to “sinking Ridge”
was undertaken, besides drains which were in deplorable condition were repaired / constructed. Sinking problem in Shimla city has been solved partially. To address the problem of “Sinking Ridge” the corporation has shifted the Tibetan Refugee, from the Ridge to road to Rivoli Cinema. On road to Rivoli Cinema, the corporation has constructed temporary shed for this purpose. The Municipal Corporation has also proposed to check leakage in the Lower Bazar tunnel.

**Municipal Properties:**

The Municipal Corporation, Shimla has also municipal property. The maintenance and construction of municipal properties like stalls, shopping complex, and residential dakbungalows, etc. The following building are owned by the Municipal Corporation, Shimla:

1. 104 units of residential accommodation are maintained by the corporation for their employees.
2. 31 vegetables stalls are rented by Municipal Corporation, Shimla

The following buildings are owned the Municipal Corporation, Shimla.

**Table No. 4.2**

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Old Poultry and Fish stalls</td>
<td>11 Nos.</td>
</tr>
<tr>
<td>2) Meat stalls and Halal Meat stalls</td>
<td>17 Nos.</td>
</tr>
<tr>
<td>3) Bakery stalls</td>
<td>12 Nos.</td>
</tr>
<tr>
<td>4) Fruit stalls</td>
<td>10 Nos.</td>
</tr>
<tr>
<td>5) Arhti stalls</td>
<td>6 Nos.</td>
</tr>
<tr>
<td>6) Dairy stalls</td>
<td>9 Nos.</td>
</tr>
<tr>
<td>7) Old Vegetable Market</td>
<td>21 godowns</td>
</tr>
<tr>
<td>8) New Meat and Fish Market</td>
<td>15 stalls</td>
</tr>
<tr>
<td>9) Offal stalls</td>
<td>2 Nos.</td>
</tr>
<tr>
<td>10) Anaj Mandi</td>
<td>60 shops</td>
</tr>
<tr>
<td>11) Motor Garage</td>
<td>27 Nos.</td>
</tr>
</tbody>
</table>
12) Municipal Saria Quarters 20 Nos.
13) Cow stalls-Singh Sabha 9 Nos.
14) Horse Stables 4 Nos.
15) Stalls/shops 530 Nos.

Besides above said accommodation and building the corporation has two dak bungalows, at Craignano, Evening College Buildings, The Mall Shimla, Ashiana and Goofa Restaurant Building which is now with Himachal Pradesh Tourism Corporation, earlier known as Band Stand. In addition to this Corporation has one working women hostel at Sanjauli and 5 labour hostels, Shopping Complexes at Lakkar Bazar The Ridge and The Mall Shimla namely Daulat Ram Chauhan Shopping Complex, Pt. Padam Dev Shopping Complex and Nand Lal Verma Shopping Complex respectively. Besides these Municipal Corporation, Shimla owns library and present office of Municipal Corporation, Shimla.

Municipal Corporation has proposed to construct shopping complex at the Ridge named Pandit Padam Dev Commercial Complex, Phase II, and work of the same has been taken up. The work on Ropeway project has already started near U.S Club gate to Jakhoo Temple.

Municipal Corporation, Shimla on 15-12-98 and 16-12-98 auctioned twenty six shops at various places in Shimla. Out of twenty six shops, four were reserved for Scheduled castes and Scheduled Tribes. An amount of 6,92,286/- was realised from the open auction.

The Corporation has decided to start construction of Marketing Complex (Phase 1) at Subji Mandi, Shimla. This project will be executed by H.P. Housing Board, Shimla at an estimated cost of 3.26 crores. The project has been already approved by General House vide resolution No. 3(39) dated 28.11.98.

The Corporation has also decided to renovate the Rivoli Tunnel, Shimla for which estimate has been prepared by H.P. State Electricity
Board, Shimla which is Rs. 53,51,865/-. A sum of Rs. 35.00 lacs has already been made to H.P. State Electricity Board, Shimla. and a balance amount which comes Rs. 18,51,865/- of the estimate amount which comes Rs. 18,51,865/- of the estimate amount has to be deposited with H.P. State Electricity Board, Shimla. This matter was approved by Finance, Contract and Planning Committee in its meeting vide resolution No.13 dated 13-01-99 and has been approved by General House meeting wide resolution No. 3(13) dated 28-01-99.

**Water Supply:**

The huge reservoir under The Ridge was constructed in the year 1880. For more than a hundred years now, the reservoir is the main source of water supply to the residents of Shimla Town and the improvement made in the water-supply system since then have been grossly inadequate. The Report of Shimla Water Works Committee, 1904, gives in detail the water supply situation at that time. It points outs that prior to 1880, the only source for the supply of water to the residents was through baolis or natural water springs. It says that “in 1880, the upper gravitation line was opened with church reservoir which holds 1,20,000 gallons and two year later, the Sanjauli reservoir was added which contains 1,80,000 gallons.” A third reservoir was constructed at sao by 1904 and the cost of these reservoirs was Rs. 6,06,000. One of the biggest and powerful pumping engines was installed, which has also been working satisfactorily for over 100 years now.

It is interesting to note the estimate of water requirements, as prepared by municipal committee, separately for the Europeans and the Indian residents. The report contains a chart showing that the water requirement for the 4,000 Europeans at 25 gallons per head was 1,00,000 gallons while the “natives”, the water requirements was five
gallons per head and totalled 1,80,000 gallons. Flush latrines were provided exclusively for the Europeans and while the Indians were provided dry latrines. The report goes on to say that the requirement for the sanitary purposes was 1,12,000 gallons while for watering of roads (twice a day), the requirement was 30,000 gallons. It was estimated that building operations and animals would require 10,000 gallons while railways would consume 5,000 gallons of water. It was stressed that the supply of water can be still "husbanded and economised" if greater attention is paid to the stoppage of leakage and wastage. The then Commissioner of Simla Municipal Committee had advocated compulsory storage of rain water for non-drinking purposes and had said that even legal authority should be taken to compel the residents to store rain water.

After Independence, the population of Shimla has increased manifold. Besides being the state capital, Shimla is also a famous tourist resort, lacs of tourists from different parts of country and abroad visit Shimla every year. The civic amenities like water-supply and sewerage system have not been upgraded with the increase of population. The Ridge and Sanjauli water reservoirs were constructed in the years 1880-1882 respectively. The Gumma and Chair water pumps were installed in 1913-14. 14

The water supply and sewerage system is also being improved. The water-supply in eastern part of the town has improved with commissioning of Ashwani Khud water-supply scheme in 1992. To improve the water-supply in western part of the city, a new line of 200 media has been laid this summer from Mansfield tank to Gorton castle sectoral tanks are under construction at Summer Hills, Boileauganj, Tuti Kandi, Nabha, Kaithu, Fingask, Bus-stand, Bharari, Keleston, Ruldu-ka-
Bhatta, Kanlog and Ganj Bazar. These tanks will considerably improve the water supply in different localities of Shimla.15

Water supply to Shimla town (# Map No. 4.3) and its adjoining area is being supplied from different sources as per details given below:

**Source of Water**

i) Gumma Pumping System;

ii) Cherot Pumping System;

iii) Chair Pumping System;

iv) Upper Gravity System;

v) Ashwani Khud Pumping System.

The pumping system as well as treatment path is being looked after by the Irrigation and Public Health Department from which Municipal Corporation, Shimla purchases water in bulk Rs. 1.35 per 1000 litres for distribution to general public through metered water supply system. The water from Gumma pumping station is pumped to Craignano which has a storage capacity of 6,68,000 gallons and from this reservoir the water flows by gravity to Sanjauli reservoir. Similarly, water from Cherst / Jagroti is pumped to Dhalli filter and further to Sanjauli reservoir through gravity pipeline for distribution to Dhalli and part of Sanjauli Cemetery area as well as to the Ridge reservoir. A pumping system to lift water to Dhingoo Dhar has also been installed near Tunnel at Dhalli. Sanjauli reservoir further provides water to Ridge reservoir through gravity main for distribution to various places of the town as well as to two Mansfield tanks of 4,00,000 Gallons capacity each. Ashwani khud pumping system through Kasumpti pumping main also provides water to Mansfield tanks for distribution mainly to Chhota Shimla zone. The water is 11,68,000 GPD with 16Hrs of pumping (# Map No. 4.4).
RESERVOIRS
TANKS
MAP NO 4.4

CHAUDRA MAIDAN ZONE
LANKARBAZAR ZONE
CENTRAL ZONE
CHITTASHPA ZONE
MANSFIELD
KASUMPTI

△ CAGNANO
△ MASHOBA
△ SANGULI ZONE
△ SANOULI
△ CHERI (RIDGE)

TANKS
RESERVOIRS
ZONE BOUNDARY
MUNICIPAL BOUNDARY
Following storage capacity is presently being utilised within Shimla town for distribution:

1. Sanjauli Reservoir 19,33,625 gallons
2. Ridge Reservoir 10,19,500 gallons
3. Mansfield Tanks 8,00,000 gallons
4. Advance Studies Tank 50,000 gallons
5. Jakhoo Tanks 1,00,000 gallons
6. Phagli Tanks 30,000 gallons
7. Upper Chakkar Tanks 20,000 gallons
8. Boileauganj Tanks 20,000 gallons

TOTAL 39,73,125 gallons

It is important to mention here that distribution system to Shimla Town is as old as Shimla water supply scheme i.e. over 100 years. No improvement to rejuvenate distribution has been done except providing additional sectoral water storage capacity to different localities. This system has eased the water problem to certain extent but more concrete steps are required to replace the old worn-out system. It was also proposed to provide sectoral tanks at Annadale, near Deputy Commissioner’s office and Bemloe but site could not be made available in this urban conglomerate.

Although the corporation is responsible for the proper supply of water, but generally, it is found that the supply of water is almost irregular and sometimes in many areas of the town, there is no supply of water for many days together. Generally, the water is supplied two times daily, in the morning and the evening but it is found that there is no supply of water even at restricted hours. The water is supplied in late hours of the night time and thereby putting public in great inconvenience. Without adequate supply of water, drainage and sewerage schemes cannot be implemented, and also corporation has to discontinue
the system of washing road side drains prevalent in early time through Bishti use.

Municipal Corporation, Shimla gets approximately 35 lakhs gallons per day: Out of this supply of water, 40% of water goes waste on following services:

1. There are 126 blocks of public latrines in the town consisting of 371 W.C.'s and 107 urinals and 106 number of free Public Stand posts 10% wastage on this account.
2. Wastage in water trunk 50 Kms old and 10 Kms new lines - 15% wastage on this account.
3. Wastage in distribution 50 kms in the length - 15% wastage in this account.

Under these circumstances, no sector / zone is provided water for more than one shift and duration of supply to consumer in different locations of the town varies from thirty minutes to sixty minutes. Thus, the water supply to the town is intermittent supply with a rate of supply at 70 to 80 litre per head per day. It is evident that the corporation is left only with 60% of total supply of water for sale. Therefore, taking into consideration the increasing population, the supply of water should be augmented.

A study conducted by academy of Mountain Environment, Dehradun, reveals that almost 65 percent of the town's population drink filth, because of heavy population of water resources, springs and water distribution lines and are exposed to serious health hazards. The dumping sites selected at Shimla bye-pass at Lalpani-Khalini site also leads to major contamination of water drained into Ashwani Khud, which is the source of the water supply to parts of Shimla and Solan town. About 145 nallahs that flow from Shimla town carrying filth,
CRITICAL WATER PROBLEM AREAS
MAP NO. 4.5
About 145 nallahs that flow from Shimla town carrying filth, liquid, refuse and all sorts of dirt are also drained into Ashwani Khud and other river basin.

Dealing with issues and options, the study admits that the Municipal Corporation, Shimla, not only lacks financial backup to provide urban amenities but also suffers from organisational inadequacies, improper policies and overlapping institutional responsibilities and multiplicity of laws. The system loses due to improper drinking water supply distribution, absence of leakage detecting equipment and high pumping cost also impose heavy financial burden on the Corporation. Suggesting options, the study recommended revision in water rates and treatment of the liquid refuse before disposal into the water resources and water conservation measures. 16

**Sewerage System:**

The first sewerage system was laid in the year 1880. The system was divided into five zones with certain pockets having direct in line connection i.e. water borne flush system. Rest of the town was connected by so called “Pale Depot.” Most of the part of the town was having dry latrines (Map No. 4.6).

The five zones were divided as per topography of the area and are still being used.

These are:

1. Lalpani Disposal Work;
2. North Disposal Work;
3. Summerhill Disposal Work;
4. Kasumti Disposal Work; and
5. Snowdon Disposal Work.
The disposal works as shown above has now become obsolete and defective, and required replacement with modern sewerage treatment plant. Similarly sewerage pipe lines laid in the towns hundred years ago need immediate replacement under North Disposal work and Snowdon Disposal Work. There are missing links in sewerage pipe which require to be connected.

Government of Himachal Pradesh in its endeavour to “free scavenger from carrying might soil or head load has decided to add more lines within the existing system as well as providing additional septic tanks in different localities. The work has taken in hand but providing land for construction arising. There is no government land and public is not providing even land to lay sewerage pipes through offset. In its effort to provide civic amenities, the corporation has been able to construct septic tanks of 300 uses in Majitha House, Bharari, Annadale, Summerhill, Sajauli (North Oak), etc. after crossing many hurdles. Out of 8,247 dry latrines as identified during 1984, only 237 numbers of dry latrines remains to be converted. The reason for non-conversion is internal dispute of tenants - land- lord and hon’ble court’s stay order. It will be utmost important to point out that government of Himachal Pradesh should approached for providing new sewerage system to the town. A bilateral assistant from “OPEC” nation has also come up and work for providing treatment work is being taken up by Irrigation and Public Health Department.

Sanitation:

Faced with the up-hill task of upkeep and maintenance of sanitation and protection of environment of Shimla town, once known for its scenic beauty and cleanliness, the Health Department of Municipal Corporation, Shimla despite its best endeavours to meet the challenging tasks entrusted to it could not meet the expectations of
citizens of Shimla and the tourist alike. In the recent past the town like most of the other growing cities has also suffered to consequences of urbanisation and the inherent ills like growing population and construction activities. This as expected has affected the environments adversely and the Corporation on its part had strived to put its best to at least shall its further decaying in the field of upkeep of sanitation, hygiene and public health. The 74th Amendment to the Constitution has considerably widen and assigned comprehensive functions like solid waste management, abatement of slum degradation, protection of environment and promotion of ecological aspects. (# Map No. 4.7)

It may be sound ironic that while the modern day Shimla does not have any incinerator, not even in hospitals, the destruction of rubbish is carried out nearly a hundred years ago by incinerators in the town. The Shimla Municipal Committee, giving its report in 1950, said that the number of incinerators “should be increased at once from eight to twelve” as its members found rubbish still thrown in the valleys in some parts of the town particularly, Chhota Shimla. The committee endorsed a proposal for the erection of a “large incinerator of modern pattern” to consume rubbish from the Bazar “without nuisance and to generate steam power or electricity for some useful purpose from the heat evolved”. Insanitary conditions in certain localities rival those in the worst slums in cities in the plains, and constantly one of the most difficult problems for the local Municipality,” the committee observed

Present Shimla is spread over about 9.55 Sq. Kms. having a population about One lac beside Urban Agglomeration population in peripheries and tourists visiting Shimla almost throughout the year. Its area has population density of about 5000 person per sq. Km. having approximately 2000 house holds. It has about 8 sq. Km forest area where Corporation not faced with much of sanitation problem. Total length of
road stretches is about 20p0 Km. Street sweeping is done on pucca metalled stretches only and could be covered once a week except streets in thickly populated and largely visited areas where it is done on alternative days if not daily. Sewerage system is more than 100 years old and because of abrupt and frequent chokages it adds to the sanitation problem. Increasing commercial activities and the number of lodging houses presently numbering about 200 contribute to the problem. The public is as much responsible for cleanliness in the streets and bazar, etc. The public is throwing useless things on the roads despite of the dustbins and dumpers out day and night.

Although Municipal Corporation has bought an automatic sweeping van at the cost of Rs. 5 lacs, yet it is not in position to clean all the narrow streets of Lower and Middle Bazar as it can only maintain and clean on the Ridge and Mall Road. To improve the sanitary conditions in the town, one day in a week all the sweepers and scavengers should be mobilised in specified area of town. Public consciousness can play a big role in keeping the town neat and clean and free from various types of diseases. ( # Map No. 4.8 )

**Slaughter Houses:**

The corporation is hopeful of having modern abattoir during the year 1998 with the grant-in-aid being received from the government of India, a part of which had already been received but the project could not be completed and is still in the process. The slaughtering work is presently being done in the existing worn-out abattoir in unhygienic conditions although with best efforts put in by Veterinarian Incharge, the Corporation has been able to ensure the supply of whole-some and hygienic meat, fish and poultry in the Town. Anti mortem and post mortem is caused to be done of the goats, sheep and pigs brought in for slaughtering. It is needed that the supply of water to the slaughter
Location for Dumper Containers & Disposal Site
MAP NO 4.8
house should be augmented to have its proper cleanliness so that it can prevent infection and keep itself free from diseases.

**Public Parks:**

Provision for parks, gardens, playgrounds as relievers of vivid temptation to children although public parks are looked after by the Municipal Corporation yet their maintenance is not up to the satisfaction of public. The Corporation is looking after nine parks namely -- the Ladies Park (Rani Jhansi Park), Daulat Singh Park, Ridge Garden, Khadi Board Park, Lala Lajpat Rai Park, Takka Bench Park, Craignano Rest House Compound, Corner House compound and Forest Office Compound, but there is no provision of sufficient benches, etc. in these parks. With the park fee for adults is only fifty paise, yet the corporation should provide adequate facilities when people pay for it. The Ladies Park is on whole maintained well. There is a provision of ‘Aya’ to look after the children, who visit there and the corporation has given a building for weaving centre. There should be a provision of proper lightening and water facilities, flowers etc. For maintenance and to have a check on these things, there should be provision of recreation grounds in the Himachal Pradesh Municipal Corporation Act, 1994. Therefore recreation grounds should be maintained by the Municipal Corporation, Shimla to raise the income of the Corporation.

**Public Safety:**

Provision of public safety and inconvenience is an important obligation of the Municipal Corporation. It includes functions like destruction of stray dogs, control and regulation of offensive and dangerous trades. These services make the life of the people comfortable and convenient. No incident of infectious diseases like chicken pox, infectious hepatitis, measles, mumps whooping cough, diphtheria, plague, typhoid, cholera, small pox, tetanus, and/or tuberculosis was reported.
As such no specific health problem was faced in the town. The steam disinfection system which remained unfunctional for last many years could not be made use of because of absence of requisite infrastructure. Under Prevention of Food Adulteration Act, the corporation seized food samples and sent for analysis to the Food Laboratories at Kandaghat or Chandigarh to prevent the selling of adulterated food goods. A team for apprehending stray cattle and destruction of dogs has been engaged to combat the menace. The Corporation has not been able to formulate any plan to combat the monkey nuisance because of certain constrains like ‘social - religious beliefs’ and rigours of the Wild Life Protection Act although the menace is at alarming stage. Some viable and acceptable system to contain if not its total elimination has to be formulated such as sterilisation of male monkeys and/or to hand over the monkeys to the Medico Research Institute after trapping the monkeys. Trapping of the monkeys is not a problem as many professional from Uttar Pradesh having requisite expertise are willing to do the job but the problem of the Corporation is where to leave them. One alternative was thought of at one stage to trap and keep them into big size cages in local zoo at Tutikandi, and in that case the corporation could meet the feeding expenses. Regular spraying of insecticides and pesticides in commercial establishment, municipal markets, barriers, education-institute, dumping institute, containers, cattle sheds and ponds remained regular features besides periodic spraying in residential areas as per request received from individual and/or through special sanitation campaigns launched in the town from time to time.

The Corporation has aggressively acted in such powers delegated by Deputy Commissioner under Epidemics Disease Act to check the sale of food, eatables, ice cream, candies, meat, fish, exposed to sun, rain, dust and flies, huge quantities of rotten, over ripe fruits and vegetables
have been destroyed. The Corporation has no infrastructure or authority to combat beggars nuisance. The corporation could request police to proceed appropriately in cases only where the beggars are suspected to be carrying some infections disease. Lately the beggars more particularly the lepers have started appearing on the stretches of the Mall and other business areas. This nuisance at times is non seating.

Health department of municipal corporation inspects all such establishments dealing in sale, storage or preparation of food articles periodically, besides at the time renewal or grant of licences in order to prevent these institution from selling unhygienic and adulterated goods. All places of public entertainment’s, lodging houses, cow sheds, stables, fruits and vegetable shops inspected in a phased manner to ensure public safety.

**Maintenance of Public conveniences & Street Sweeping**:

With the entrustment of upkeep of all important public toilets to the Sulabh International, the Health Department has left with the job of maintenance on public toilets at a very few places. The upkeep and maintenance sanitation has been ensured although not to desired level because of co-ordinated working and co-operation received from sister department water supply and drainage which arranged complete and total renovation and replacement of worn out accessories with the conservation of dry service latrines into water borne system, closure of pail depots, handing over upkeep of many of public toilets to the Sulabh International, abandonment of incineration, stoppage of practice of removal of cow dung from stables, introduction of vehicles for the removal of garbage, the corporation has been left with the primary duty of street scavenging which has been managed through out the year. Scavenging of road side hill slopes which are littered indiscriminately
repeatedly posed problems but the Corporation arranged through scavenging during special campaigns carried out from time to time.

**Menace of Encroachment:**

The Corporation despite best efforts put by its Inspectorial strength and Teh Bazari contingent could not contain the ever increasing eye-sore problem. Despite repeated encouragement received from hon’ble court directions from time to time in various public interest petition or otherwise, the Corporation could not combat with the nuisance. ‘Chapoy Culture’ for exhibiting the wares by hawkers and at times by shopkeepers more particularly the booksellers in Lower Bazar tend to create plain like Bazar conditions in narrow hilly track streets. Subzi Mandi, Ram Bazar, and Rivoli road are worst hit. (Refer to Photograph-Annexure viii)

Tehbazari which defaces the over congested Lower Bazar continues unchecked by authority, despite being illegal. The government lacks strong will to end tehbazari whenever there and local political leaders comes to their rescue\(^\text{17}\) (Refer to Annexure –ix)

The permission granted to Tibetans and others on Tehbazari in some localities have created more problems and in some of the areas, the licences have raised permanent structures on the sites encroaching upon more then half of the width of the public roads. It is high time that the policy of allowing space on Tehbazari is reviewed in right perspective. Lately, it has assumed nomenclature as permission to sell wares on public roads and to raise structures on the public roads with impunity. The permission granted on Teh-Bazari is making the problem a complex one and poising grave danger in congested localities, Bazar and Lanes and is a source of annoyance to general pubic. These licences have developed vested interests who are working at tandem with the law enforcing agencies for indulging permanent structures on the
already narrow stretches of roads. Launching of hundred of cases against the encroachments on public streets have left a deterrent effect but the problem remains complex. Teh-Bazari licences over the years have managed to raise permanent structures, fixtures and stalls on and over the public drains and on the public roads. The departments have time and again recommended that in no case Teh-Bazari permission be given to persons selling eatables, food, fruits and vegetables. Public protests are being received day in and day out protesting against the leasing out of public roads to the unscrupulous vendors. It was recommended to the licensing authority not to renew the permission in favour of the persons who have raised structures. In many of the instances the original licences have sub-let the spaces on 'high premium' and the corporation have recommended cancellation of permission in such cases. Despite all this it has remained corporation's endeavour to provide convenient and free passage of public in the streets for which the wares articles and structures were removed from the thoroughfares under section 232 of Himachal Pradesh Municipal Corporation Act, 1994.

**Polythene Menace:**

Discarded polythene carrier bags, wrappers has been posing serious threat not only leading to the degradation of environments, choking of nallahs but also to the cattle population and resultantly to human beings. (Refer to Annexure x) Animals who are led to stray and feed themselves on the left overs in public dustbins and drains consume, these polythene bags and other non-debiogradables. A study conducted by veterinarians on pollution and its ill-effects in humans revealing that 83 percent of urban cattle population particularly cows and buffaloes are ailing due to polythene bags consumed from various garbage heaps pointing out the lethal effects on human race. As they consume hospital
bio-medical waste chemical called cadmium used in manufacture and recycling of plastic tends to cause cancer.

Most of the residents are in the habit of throwing house-holds garbage packed and filled in polythene bags indiscriminately down-hill, on hill-slopes, back lanes, vacant space and in the drains resulting in blocking of the nallahs, hampering the free and proper working of the drainage system. Dumping of polythene waste in the forest areas is major source of milien degradation. The Himachal Pradesh is the first state to enact the H.P Non-Biogradable Garbage (Control) Act, 1995 but because of the non-formulation of the scheme for the implementation of the Act, the provisions have not so far been implemented.

Solid Waste:

Domestic, commercial and hospital waste generated in Shimla has become one of the major pollutant causing considerable damage to the ecology and threat to human health. There is a great consensus that long term remedial measures and in that a viable solid-waste management is to be planned and implemented or otherwise future scenario of the town on environment aspect is indeed grim. Health Department of Municipal Corporation, Shimla with the help of Department of Bio-Sciences, H.P. University, Shimla conducted a sample study to assess the quantity and quality of solid waste generated in Shimla, quantity of solid waste disposal of at land fill site and to ascertain the attitude and practices adopted by the community for disposal of waste ( # Map. No. 4.9 ).

As per rough estimates about 50 metric tonnes of solid waste is generated in Shimla and only half of this could be collected and transported to the dumping site on the bye-pass road near Darni-ka-Bagicha and remaining waste goes down hill or thrown into nallahs and drains resulting in frequent blockages. The Corporation for this
CRITICAL SOLID WASTE PROBLEM AREAS
MAP NO. 4·9
purpose have five dumper placers and three tippers. Lack of Public awareness is the main reason of such indiscriminate throwing of garbage. The waste collected in the community garbage bins placed by the Municipal Corporation in the areas which are accessible does not reach the dumper containers for final disposal and is rather is disposed on the hill slopes and/or in nallahs creating serious problem resulting in degradation of environment. Dumping of town waste on the bye-pass road which is near to inhabitation is also posing a serious problem and cause of nuisance.

To address the problem of solid waste, the Corporation have to plan a viable strategy and management with to segregation, storage, collection, transfer and transport, processing and final disposal keeping in view all the constrains. Public awareness has to be inculcated to prevent indiscriminate throwing of waste, segregation at source and to extend co-operation to the sanitation staff. Finally, the evolving of scientific disposal of waste is the need of hour.

To address the problem of solid waste, the Municipal Corporation, Shimla has taken following steps:

a) **Contract with Non-Governmental Organisation:**

The Municipal Corporation, Shimla through its Commissioner, Dr. V.P. Gupta signed a memorandum of understanding with Shri Sant Ram Dikshit, Chairman, Jan-Sewa Ashram, Solan on 13/8/97 for solid waste management, which was approved by General House vide resolution No. 2(7) dated 22-9-1997. Jan Sewa Ashram has area of expertise in paper recycling, solid waste management and animal health and has major source of support from NORAD (Norwegian Embassy) Department of Science and Technology, Government of India and CAP, (Royal Neitherland Embassy)
A population nearly 1,04,000 projected is spread over an area of 19.55 Sq. Km. under the Municipal Corporation, Shimla jurisdiction. The Table No. 4.3 shows the number of house holds, solid waste generated and collected alongwith percentage of combustion.

Table No. 4.3

<table>
<thead>
<tr>
<th>Total Population</th>
<th>Number of House Holds</th>
<th>Solid Waste Generation</th>
<th>Solid Waste Collected Matter</th>
<th>% age of Combustible</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,04,000</td>
<td>21,023</td>
<td>50-60 Tonnes*</td>
<td>Nearly 50%</td>
<td>55 (assumption)</td>
</tr>
</tbody>
</table>

* Based on national per capita assumption

**Problem to be Addressed:**

(i) Lack of Effective mechanism for collection of segregated dry waste and wet waste at source and its recycling.

(ii) Cleanliness of Shimla city.

(iii) Employment generation for economically weaker section through various waste recycling activities which are presently not existing in Shimla.

(iv) Environmental awareness among the people for conservation of Natural Resources.

(v) Awareness among the people for use of recycled / eco-friendly products.

**Expected Results:**

(i) Clean Environment.

(ii) Efficient recycling of city waste.
(iii) Employment generation for economically weaker section.
(iv) Environment awareness among the people.
(v) Production /Sale of recycled paper products, bio-fertilizers, used polythene bags products.

(b) Door To Door Collection:

Health Department of Municipal Corporation, Shimla in collaboration with Yuvsatta (Registered Society) of Chandigarh is planning to introduce door to door collection of waste on cost-sharing basis so that the problem of effective waste can be addressed effectively. This non-governmental organisation is founded by Shri Parmod Sharma of Chandigarh.

This proposal has been adopted vide resolution no.3(18) of General House meeting held on 28/1/99. The general house has adopted an agreement deed being prepared by the Law Officer of Municipal Corporation, Shimla. Agreement deed includes various terms, conditions and mode of payment system. The text of the agreement deed is as follows:

"Agreement Deed"

This agreement made on this day__________ between Municipal Corporation, Shimla through its Commissioner (Hereinafter called the first party) and Yuvsatta (Regd. Society) through its President Shri Parmod Sharma having its registered office 3362, Sector 35-D Chandigarh, India Pin-160022 (Hereinafter the second party).

Whereas a proposal has been received from President, Yuvsatta, a non-government organisation for collection and disposal of garbage and whereas the Municipal Corporation has accepted the proposal on the following terms and conditions between the parties to this agreement:--

Now this agreement witnesses and parties here to hereby agree as follows:--
1. That Yuvsatta a registered society will indulge in collection of garbage from house to house and shall remain in service of the Corporation for a period of two years from this ______ day of ______ 1999.

2. That Yuvsatta shall collect and dispose the garbage from Ward No._______ of Municipal Corporation, Shimla regularly on all days of week.

3. That Yuvsatta shall be at liberty to deploy minimum number of workers for the job and such deployment shall be in consonance with quick and prompt collection and disposal of garbage for general cleanliness and maintenance of hygienic conditions in the aforesaid area/wards of Municipal Corporation, Shimla.

4. That both the parties with close assistance with each other shall work for creating environmental awareness among its working staff and general public especially among house holds, offices, educational institutions and markets for popularization of the programme.

5. That the second party i.e. Yuvsatta shall charge 20 rupees per family upto 500 houses and matching grant of the same amount shall be paid by Municipal Corporation, Shimla, for more than 500 houses the matching grant shall be given by Municipal Corporation, as per following tables:-

<table>
<thead>
<tr>
<th>No. of Houses</th>
<th>Matching grant per house</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested. More than 500 houses (upto 1000)</td>
<td>Rs. 10000/- for 500 house holds plus Rs. 10/- for every additional household.</td>
</tr>
<tr>
<td>More than 1000 houses (upto 1500)</td>
<td>Rs. 15000/- for 1000 house holds plus Rs. 6/- for every additional household.</td>
</tr>
</tbody>
</table>
More than 1500 houses Rs. 18000/- for 1500 households plus Rs.5/- for every additional households.

6. That Yuvsatta should ensure from its worker and Safai Karamchari that the garbage should be carried up to Municipal bins and in the event of any default the Municipal Corporation i.e. second party shall not be responsible to pay any matching grant.

7. That monthly progress report shall also be submitted by the second party i.e. Yuvsatta to the first party i.e. Municipal Corporation, Shimla with regard to area covered and the number of Safai Karamchari deployed for collection garbage in the wards and all payments i.e. matching grant shall be paid to Yuvsatta after receipt of job completion report.

8. That all payments payable to works-men under the provisions of this agreement during its existence shall be made by the Yuvsatta and the Corporation shall have not obligations and liability towards the workmen engaged by the Yuvsatta for the job.

9. That any liability / claim arisen under the workmen Compensation Act shall be made entirely by the Yuvsatta and the Corporation shall not entertain any claim or damages from any worker under workmen compensation Act or under any other law in Vogue.

10. That all implements tools/machinery and other infrastructure for carrying out the job shall be provided by the Yuvsatta i.e. (Second Party) and it shall be the responsibility of Second Party to deploy honest and sincere workers for executing the aim and object of this project.

11. That Yuvsatta will indemnify the Municipal Corporation against any loss caused in any manner to Municipal Corporation property by the workers of Yuvsatta on account of their negligence.

12. That the Corporation shall watch the performance of the Yuvsatta
for months at a initial stage & their services can be taken for other areas/wards in Shimla, however for that separate agreement shall be executed between the parties.

13. That since the job involves basic health and environment of Shimla Town and as such any lapse/negligence in implementing the job by Yuvsatta would result in termination of this agreement without notice and Yuvsatta shall not be entitled to any claim/damages from the Corporation. Both the parties have to agree to this clause in public interest.

14. That if at any time any dispute doubt or any question relating to implementation of job arises between the parties it shall be referred to the arbitrator to be appointed with the mutual consent of the parties & the decision of such arbitrator shall be final.

In witness whereof the parties here to have signed at Shimla on the day of ____________ above written.

Witnesses :-

President Commissioner
Yuvsatta M.C. Shimla
(Second Party) (First Party)

(c) Norad Project:

Norweagian Agency for Development and Cooperation (NORAD) has provided an assistance of 7.00 crore to Municipal Corporation, Shimla for solid waste management. Under the project lots of hardware equipments like hydraulic dumpers, placers, garbage containers, dust bins, and wheel barrows have been supplied to Municipal Corporation, Shimla to handle the problem of urban waste. For dumping and recycling of solid waste, the municipal corporation has already finalised a site near Baragaon, Shimla. (Refer to Annexure-xii)
Car Parking:

Shimla city has been facing acute shortage of space for parking of vehicles in and around. This has been creating traffic problem during peak hours. No doubt Municipal Corporation, Shimla has already two car parking in Shimla city, but still the problem is aggravating with every passing day. To address this problem the Corporation has further identified following places for car parking to be completed in the near future.

a) Parking near Yodha Niwas  
b) Parking near Ram Nagar, Phagli  
c) Parking near High Court

Municipal Corporation has also considered the private party participation to address this problem. Corporation has agreed with Cecil Hotel management to construct car parking opposite to hotel, Chaura Maidan at a cost Rs. 54,18,505/- to be executed by H.P. Housing Board, Shimla and the cost of construction is to be reimbursed by management of Cecil Hotel to the Corporation. But unfortunately, reason well known to the Commissioner, the construction work has been stopped.

The construction of car parking opposite Cecil Hotel at Chaura Maidan, Shimla was stopped by Commissioner, Municipal Corporation Shimla. The estimate has been prepared for construction of car parking by H.P. Housing Board, Shimla, amounting to Rs. 54,18,505/-. This is deposit work being executed by H.P. Housing Board, Shimla for which a sum of Rs. 25.00 lacs has been deposited by Cecil Hotel, and balance payment will be reimbursed accordingly by Cecil Hotel to Municipal Corporation, Shimla. Out of which a payment of Rs. 10.00 lakhs was made to H.P. Housing Board, Shimla and the balance which comes out of this deposit is lying with Municipal Corporation.
Now the Chief Engineer, H.P. Housing Board has written to the Commissioner, Municipal Corporation, Shimla a D.O. Contents of D.O. are as under:-

This is in continuation of my D.O. letter No. HHB/Accts. Oberoi Hotel/97 dated 27.11.98 and telephonic discussions with you, where you have desired that the work may stopped till further orders. Necessary instructions have been issued to the Executive Engineer, H.P. Housing Board, Shimla, Division No.2 to immediately stop the work. However, the Executive Engineer has intimated that the expenditure to the tune of Rs. 17.00 lakhs has already been incurred by the Board upto November, 1998 for the above work. You are, therefore, requested to kindly deposit 2nd installment of Rs. 10.00 lakhs to this Board so that the accounts can be reconciled. You are also requested to kindly intimate if some finishing touches are to be given to the un-complete work or un-complete work has to left as such."

This matter was placed before the Finance, Contract and Planning Committee on 13.01.99 vide resolution No. 8 and the Committee has approved the above proposal. Hence the matter was placed before General House vide resolution No. 3(8), dated 28.01.99 for information.

Why the work was stopped by the Commissioner, Municipal Corporation, Shimla, the reasons are well known to the Commissioner only.

**Lift From Lakkar Bazar To The Ridge:**

The Municipal Corporation, Shimla awarded the civil work of construction of lift (three phases) from Lakkar Bazar (Rivoli Bus Stand) to the Ridge to M/S Alacmag Engineering in a sinking zone without prior survey from Geological Department. The estimated cost of the project is Rs. 1.04 crore. During the course of the work landslides occurred. After these landslides, the Municipal Corporation, Shimla
requested Geological Department to conduct a survey to ascertain the feasibility of this project.

The Geological Department submitted its report and advised Municipal Corporation, Shimla to stop construction and recommended that this project is not feasible and viable. (Refer to Annexure -xii) On this report, the Municipal Corporation, Shimla requested Chief Engineer, H.P. Public Works Department, Shimla to study the report and give his opinion on the feasibility of this project.

The Chief Engineer, H.P. Public Works Department, Shimla advised Municipal Corporation, Shimla to request Engineering Wing, Roorkee University, Roorkee form Dynamic Analysis.

The scientists of Roorkee University, Roorkee, conducted Dynamic Analysis and advised that the place of lift is not safe. As per the report of Executive Engineer, Roorkee University for whose technical advice was sought has not approved the structural design of the lift. On the basis of this report the Roads and Building Department of Municipal Corporation, Shimla, Division No.1 decided not to go ahead with the work on account of technical defect. As per the resolution No.15 dated 13.01.99 of Finance, Contract and Planning Committee resolved that “as per there is no alternative than to close the contract. However, Municipal Corporation, Shimla may clear the liability of the Contractor for work done. It may to avoid litigation on the court of law,” which was adopted vide resolution No.3(15) in its general house meeting dated 28/01/99.

Demolition of Dilapidated Building:

To provide safety to the public is an important function of the corporation, which includes control and regulation of dangerous buildings. The municipal corporation approves the plans for construction of buildings. With it the corporation should take care of public safety. The corporation fails to prevent and check the unauthorised construction
of buildings in Fingask Estate Area, near Kali Bari temple, where two
under construction building were collapsed killing about twenty persons.
It was the duty of the engineering staff of the Corporation to intervene,
when the owners were constructing additional fourth and fifth storeys,
while three storeys were permitted. The fault not unilaterally lies with
the corporation as it only approves the plans and it is the duty of the
owner to observe other laws and bye laws of construction. There are
many buildings in the town which are old, very dangerous and require
immediate demolition. The Corporation has power under section 258 and
259 of Himachal Pradesh Municipal Corporation Act, 1994 to demolish
those buildings which are dangerous and there is the fear that the
building can collapse any time. The Corporation should issue notice to
the owner of such buildings for purpose of demolition keeping in view
the public safety.

Regarding Execution of Developmental Works:

In order to streamline and stop delays in the execution of
developmental works, the municipal corporation in its Finance, Contract
and Planning Committee meeting decided to formulate the policy
regarding completion of the work awarded to the contractor. As per
resolution No. 7 of Finance, Contract and Planning Committee dated
16.12.98, the departmental proposal is as under:

"To speed up the completion of works awarded to the contractors
it is suggested that Corporation should ensure of having only two
numbers of works awarded to the contractor no extension of time limit
beyond the period stipulated in the tender should be given except in
case of special circumstances otherwise penal action should be
emphasized."
In case the contractor has the capacity of doing more than two
works at a time, then specific recommendation of the Executive Engineer
should be criteria to do so.

In case the contractor fails to do the work awarded to him within
the time period so fixed. He then should be debarred from taking any
contract in Municipal Corporation, Shimla.”

The above proposal has been adopted by the General House in its
meeting dated 28.01.99 vide resolution No. 3(32).

The Municipal Corporation Shimla has also provided Mobile Phones
to its Municipal Engineer, (Water Supply), Executive Engineer (Roads and
Building), Division No1 & No2 and pagers to Supervisors and Junior
Engineers in a process to make functioning of Municipal Corporations
executing wings more effective.

**Town and Country Planning:**

Architect Planner Department was created in year 1989 with a
view to regulate the building activity in Shimla town. Chapter XIV of
Himachal Pradesh Municipal Corporation Act, 1994 gives power to the
Corporation to deal with cases relating to building permission and also
to check the unauthorised construction and take action including
demolition. The Municipal Corporation has also entrusted the function to
regulate the building activity in the adjoining satellite town ship of New
Shimla w.e.f. 1st April, 1998 and introduction of single window system
through Municipal Corporation, Shimla.

A survey conducted by the Tribune, Chandigarh, dated July
18, 1998 reveals, “Multistorey concrete buildings are coming up
throughout the state despite the fact that Himachal Pradesh has been
placed in seismic zones 4 and 5. These are the two highest earthquake-
prone zone of the country”.
Take any important tourist destination- Shimla, Dalhousie, Manali or Kulu- it is the same gloomy picture of monstrous concrete structures jutting out of denuded hill sides. Most of these structures have been constructed without the permission of the Town and Country Planning Department, which has been mute spectator to all this illegal activity.  

Unfortunately, Municipal Corporation, Shimla have not taken any measures to enforce the building laws or prepare a plan to allow only such structures which fit in the hill environment. The charm of the hills has, therefore, been lost due to unplanned and illegal building activity. The main tourist destination- Shimla have become heavily congested. The green cover is not only facing axe of the greedy builders, but also of such elements who have been felling deodar trees to make place for buildings, etc.

What can be expected, what the authorities have been helplessly witnessing the floating of building laws in the Capital Town of Himachal Pradesh- Shimla High rise buildings have been coming up in the town on every side. The government is itself the main violator of these laws as most of such buildings are being constructed by its departments. “Although, the government had sometime ago decided to clear the structures on the valley side to enable the tourists to have clear view of green hills, the nine storeyed building of the High Court (Refer to Annexure-xiii), which is coming up just near the Mall, has blocked the view of Tara Devi and the adjoining hills.”

Normally no building of more than four storeys is allowed in the “banned area” above the Cart Road. But the construction of the high-rise High Court building was started without obtaining permission of the government. The Cabinet Approval was obtained when the structure was almost complete. “Many green trees were cut to construct building and as a result a landslide blocked the main Cart Road during the rains”.
The law restricting the height of any building below the road level so that scenic view on the other side is not obstructed.

The newly constructed building of the Town and Country Planning Department, which along with Municipal Corporation, Shimla is responsible for enforcing the building laws, is itself violating this rule. A leading architect pointed out that high-risk structures do not fit in the hill architecture and such buildings should not be allowed to combination up. Top architects of the country, who met here sometimes ago, were concerned over the "concrete culture" that is currently prevailing in this hilly town.

Another eye shore that is coming up on the Cart Road is the building of headquarters of the Public Works Department. The multi-storeyed building in the process of construction has caused landslides in the area, damaging the houses. (Refer to Annexure-xiv). A seven-storey block to house the police headquarters is also coming up right on the other side of the road. It has badly damaged the main road. (Refer to Annexure-xv). Already this activity is being allowed in the already overcrowded area, ignoring the fact that a large area has been earmarked for government offices near kasumpti.

It is important to mention here that the Corporation has fails to prevent and check unplanned construction at Cemetary, (Sanjauli) and Kachighati, (Shimla). There is no provision for approach roads/alley. (Refer to Annexure-xvi).

The so-called satellite township of New Shimla has been developed in a most unplanned manner. It is nothing short of a slum with no green patches and breathing space. It is a concrete jungle which has combination up in place of green forest and on agricultural land. "A rope-way being built right in the heart of Shimla town has started eating up doedar trees, although the private company to whom project
has been assigned had initially claimed that no trees will be cut”.(Refer to Annexure -xvii).

The planners have expressed concern about the unplanned expansion of the town which is overloading the slopes and destabilizing the area. The destabilizing phenomenon was amply demonstrated in 1971, when large portion of northern part around The Ridge slumped down. It has been said repeatedly that overloading of slopes may cause small landslides initially, but, later these could trigger larger landslides. Construction activity has been allowed between Himland Hotel and the Secretariate, though experts have pointed out that the rocks in the area have weathered. The forest cover in Shimla is gradually decreasing with concrete buildings coming up in place of green trees.

According to engineers the felling of trees and unplanned construction of buildings have poised a threat to the natural beauty of the hill station. The Municipal Corporation, Shimla, who has been empowered to grant permission for construction of building has miserably failed in checking the illegal constructions in the State Capital – Shimla.

Among others Municipal Corporation, Shimla is responsible for the mess as the defaulters get away with paying a nominal fine. It is surprising that the town planning department has done little to implement the rules and regulations before giving permission to construct a house in Shimla 20

Shimla Master Plan:

Not that schemes for the improvement or facelifting of the town not prepared in the previous years. In fact there were an impressive array of schemes which of course, never saw the light of the day. As early as 1971, a thick booklet was printed to spell out no less than 22 high sounding schemes. It is interesting to note that 28 years later
only ten of these schemes have become a reality. According to the Master Plan then drawn, the town was to have an aerial ropeway, additional lifts, new bus terminals, a huge auditorium, holiday home, multistoried parking facilities, rest houses and several other projects.

Again during the early part of the 1980's fresh plans were drawn, which were called Interim Development Plans. The town was divided into seven zones "to arrest the decay and haphazard growth" of the town and to diversify its growth by creating suburbs. The Planning Department described the Plan to be "designed to satisfy immediate needs and to meet long-term objectives within the aims of economically viable, socially satisfying and aesthetically inspiring projects". Subsequently, the State Planning Authority prepared a Master Plan with projected population of 3.17 lakhs during 2001. According to the land use map of Shimla Master Plan, 48.77 percent of the total land is proposed to be used for residential purposes, 2.5 percent for industries, 8.75 percent for public facilities, 16.28 percent for recreation, 8.95 percent for roads and footpaths and an area of 3856 acres is proposed to be left untouched. Three fourths of the total area is proposed to be retained as a "green-belt" and the plan also includes the development of an artificial lake and plan is estimated to cost Rs 125 crores and the State government is banking on the Central Government to finance the project. It has to be cleared by several Central Government agencies, but, according to authorities, it has got preliminary sanction.

From the above it can be concluded, the role of Municipal Corporation, Shimla for providing the basic amenities to the people is of much importance. From the water supply, sanitation and overall development point of view the corporation is doing its best to improve already these things. Therefore, Municipal Corporation plays a very significant role in the urban development. But there is the lack of
finances to meet already requirements and to provide the basic facilities to the citizens.

Though there exists many weaknesses in the performance of various functions yet it goes to the credit of corporation that it has made many significant contributions in various spheres. Further, keeping in view the increasing population and services which municipal corporation provides to them the state government should increase the amount of grant-in-aids so that it can provide better facilities to the consumer.

The unplanned and unregulated urbanisation is leading to the growth of large slums and concentration of squatters. This is resulting in environmental degradation, depletion of natural resources, breaking down of services and accentuation of the problem of urban renewal and environmental pollution. The intensity and dimensions require a proper policy framework and well formulated plan of action.

Notes and References:


8. Ibid., p.22.


10. Ibid., pp.28-29.


15. Ibid., p.8.

16. The Indian Express, Chandigarh, dated 04.04.97, pp.1.7.


