CHAPTER - III

VARANASI MUNICIPAL CORPORATION : A PERSPECTIVE

Scholars have shown keen interest in the study of evolution of the system of urban governance, the complexity of municipal administration and the multiplicity of urban governments. To begin with, the system must have been simple and unitary and so has been the size of the urban centres. As the population size of urban centres became larger, the system of administration became multiplicative and multidimensional. Therefore, with this objective in view, a broad review of the formation, growth and present day structure of the Varanasi Municipal Corporation has been discussed in this Chapter. In the urban management of this ancient city one can notice a representative case that how a traditional city has continuously been changing its panorama to meet the requirements of its cosmopolitan population. It is, however, desirable to lay greater emphasis on the legal status of the Varanasi Municipal Corporation and try to assess that how far the provisions of the Act are flexible to cover its wide ranging functions and responsibilities.
ORGANISATION OF THE MUNICIPALITY

Though the stone pavements in some of its intricate lanes and underground drains are many centuries old, and fragmentary details of the administration of Varanasi as a City - State are found in numerous old epigraphic records, however, it is not known whether any municipal administration existed here prior to the penultimate years of the eighteenth century. As early as 1790, Jonathan Duncan, the British Resident, appears to have paid some attention to the sanitation and general improvement of the city. He diverted the fees and fines collected in the courts of Varanasi for this purpose. Public latrines were constructed and receptacles were placed in the city and arrangements were made for collecting the filth. An attempt was also made to keep the streets and lanes clean and regular sweepers were employed for this purpose. A drain was constructed skirting the garden of Beni Ram Pandit with its outlet in Varuna for carrying away stagnant water. The institution of these urban amenities notwithstanding the first step towards local self-government seems to have taken in 1795, when by Regulation XVII (Section 23 to 28) of that year, Collection of Chowkidari or Phatak bandi tax began. The residents of individual localities were required to pay the tax for the maintenance of the city Chowkidars. This system continued till 1867. It was in 1803 that, consequent upon the failure of the residents of certain Muhallas in paying the tax, the magistrate assumed the responsibility himself of realisation of these dues. The monthly rates were fixed at three annas (Nineteen paise)
for a house built of stone, two annas (Twelve paise) for a building made of bricks and six pies (Three paise) for a mud dwelling. The actual collection of dues used to be made by the Kotwal. The realisation amounted to Rs.1264 per month in 1809. It was utilised in paying the salary of 381 Chowkidars. 3

A general house tax was introduced in 1810 but it had to be withdrawn in the following year, because of public opposition. The annual income and expenditure of the city administration had gone up to about Rs.50,000 (the finances being controlled by the Magistrate) by 1867. The balance, if any, after paying for watch and ward, was spent on improvement of utilities and since 1866 on conservancy as well. Another source of income was provided by markets, the accumulated funds being utilised to execute programmes for general improvements. The construction of new bazars and repairs of old one's was usually financed through public subscription or by loans. The old Chowk Bazar was built in 1808 and was reconstructed in 1859. The Prahlad Ghat market was constructed in 1815 and the market at Bisheshwarganj in 1830. The former was built out of the profits derived from grain market at Trilochan Ghat.

Other Nazul properties were managed by the Collector, assisted from 1810 onwards by a committee of persons called local agents. The committee included the Commissioner and a number of official and non-official members. The committee administered
the income separately and did not utilise the proceeds for local improvements. Other sources of income included ferry receipts which were entrusted to the Magistrate. The town duties like octroi, were collected at the out skirts of the city. The realisation of all these dues was under the control of the Collector who also exercised control over customs. The management of all these items was transferred to local agents in 1823 but, six years later, the charge of ferry receipts and town duties was restored to the Collector in 1829. The Magistrate was responsible for up keep of the city roads upto 1850, but the abolition of town duties resulted in the depletion of funds and deterioration of road conditions.

CONSTITUTION OF THE MUNICIPAL BOARDS

The foundation of present system of municipal administration in Varanasi was laid in the year 1867. The provisions of the North-Western Provinces and Oudh Municipalities Act, 1850 were applied to Varanasi also for the purpose of providing a police force, making better provision for conservancy and other public utilities. The first committee consisted of the Magistrate as Chairman and four official as well as sixteen non-official members. In the subsequent year the number of official members was increased to eight and that of the non-officials was reduced to fifteen. In April 1868, an Act came into being according to which the funds at the disposal of the committee comprised an octroi tax on imports, rents and profits from Nazul lands and buildings, the proceeds
from other public property whether constructed or vested in Municipal Commissioners (who were the successors of the local agents), the sale proceeds of grass, etc. growing on the public lands and of refuse and manure within municipal limits and income from the tax on public vehicles. A system of polling was introduced to elect committee members.

The famous resolution of the Viceroy, Marquis of Ripon, on Local Self Government was issued in 1882 according to which more extensive powers than existing till then concerning local affairs, were transferred to the Municipal Committee vide the Act XV of 1883. Later on the U.P. Lodging House Act I of 1892 and the U.P. Sewerage Act III of 1894 were enacted. After the enactment of the U.P. Municipalities Act 1900, all the aforesaid Acts were repealed. The U.P. Municipalities Act was amended by the Act V of 1901 and again by the Act I of 1907.

According to the provisions of the aforesaid Acts the District Magistrate used to be ex-officio President of the local bodies of the district. This system continued in Varanasi upto November 13, 1916 when, as a result of the recommendations of the Royal Commission for decentralisation of the Municipal administration, the U.P. Municipalities Act, 1916 was enacted and applied to this city providing for increase in the number of elected representatives of the municipal committee and for
elected chairman. In accordance with the said provision, the late Raja Motichandra C.I.E. was elected the first non-official chairman of the municipal committee of this city.

Amendments were made to the U.P. Municipalities Act, 1916 from time to time, e.g., 1918, 1930, 1932 and 1946. The provisions of U.P. Municipalities Acts ceased to operate in this city with effect from February 1, 1960, after the formation of the present Nagar Mahapalika to which the U.P. Nagar Mahapalika Adhiniyam Act II of 1959 applies.

The municipality of Varanasi was divided into six wards in 1867. The number of wards was increased in proportion to increase in the area and population of the city. The number of wards was 8 in 1916 which increased to 10 in 1936-37, 11 in 1942-43 and, after the formation of the present Nagar mahapalika, the city was divided into 27 Wards. At present the city has been divided into 40 wards.

The municipal committee of this city consisted of 18 elected and 8 nominated members in 1867. The latter were nominated by the State Government and usually all of them used to be officials. The number of elected and nominated members was prescribed as 25 and 4, respectively in 1936-37 and the same continued till February 1, 1960. During the recorded history
of Varanasi Municipal Board the Government superseded it twice, (May 1, 1933 - January 20, 1937 and July 9, 1953 - February 1, 1960) and took up in their hands the management of its affairs. There was no significant change in the population of the city during 1881-1931. As birth and death rates remained stable at a relatively higher level, the resultant change in the city population was almost negligible. A secular trend in the population change was hard to discern before 1931, the census year treated by many as 'demographic divide'. The city population increased to 255,744 persons in 1941 and 347,177 persons in 1951.

ORGANISATION OF MUNICIPAL CORPORATION

It was felt that this divided responsibility of municipal administration was not working satisfactorily particularly in larger towns, where problems of civic administration have assumed greater importance and have become complex. The U.P. Local Self Government Committee, 1938 (popularly known as Kher Committee) has recommended the classification of municipalities based on their size and capacity. It had also suggested that municipalities which had a population of 150,000 or above and whose annual income was not below Rs.15,00,000 should be designated as municipal corporations. The cities so upgraded were to be conferred with special privileges.

In accordance with the recommendations of this Committee, the State Government decided in 1953 to have a unified civic
administration by combining the functions of Improvement Trusts and Municipal Boards. The State Government introduced a bill in the legislature for the formation of Municipal Corporation in April 1957. Certain provisions of the U.P. Municipalities Act, 1916 were also retained. The bill was passed by the House in 1958 and the President's assent was accorded in January, 1959.

The Corporation was constituted on February 1, 1960 under the U.P. Nagar Mahapalika Adhiniyam 1959. The opening paragraph of the U.P. Nagar Mahapalika Adhiniyam, 1959, spells out the objective of the Act as to ensure better municipal government in the city.

Area

The main parts of the city extend along the left bank of the river Ganga. The total area included within the corporation limits is 78.50 sq.kms. In case the urban outgrowth is included the area increases to 83.60 sq.kms.

Population

The population of the Corporation at the time of its formation in 1961 was 4,71,258 persons. The population increased to 5,83,856 persons in 1971 and to 7,08,647 persons in 1981. The total population of the city including the urban outgrowths of Sheodaspur, Varanasi Railway Colony, Ashapur, Karaundi and Tulsipur was 7,20,755 persons in 1981.
Income

According to its 1960-61 budget the income of the Corporation at the time of its formation was Rs.1,00,57,272. It had increased to Rs.11,28,80,227 in 1988-89.

The election to the Corporation was first held in 1960. Shri Kunj Bihari Gupta was its first Nagar Pramukh. This elected body continued to function upto 31.1.1966. The U.P. Government promulgated an ordinance on Jan. 25, 1966 dissolving the elected municipal corporation with effect from February 1, 1966. Thereafter, the powers were vested in the administrator appointed by the Government. This arrangement continued till the first week of July 1968, when the elected representatives again took over the administration of the Corporation. The U.P. Government again promulgated an Ordinance on June 30, 1973 dissolving the elected municipal corporation with effect from 1st July 1973 and vesting thereby powers in the government appointed administrator. This arrangement continued till the first week of February 1989 when elected representatives took over the administration of the corporation. At present Mohd. Swaleh Ansari is the Nagar Pramukh of Varanasi Municipal Corporation.

The main authorities responsible to carry out the functions under the Act for Varanasi Municipal Corporation are:
(a) the Mahapalika;
(b) an Executive Committee of the Mahapalika;
(c) a Development Committee of the Mahapalika;
(d) a Mukhya Nagar Adhikari appointed for the Mahapalika under this Act; and
(e) in the event of the Mahapalika establishing or acquiring electricity supply or public transport undertaking or other Committee or Committees of the Mahapalika as the Mahapalika may with the previous sanction of the State Government establish with respect thereto.

CONSTITUTION OF THE MAHAPALIKA

The organisational set-up of the Corporation consists of the deliberate wing and the executive wing in addition to the Mayor and the Deputy Mayor as shown in the chart.

The deliberate wing of the Mahapalika consists of a Nagar pramukh and

(a) the Sabhasads whose number shall be such as the State Government may by notification in the official gazette fix exceeding ninety; and

(b) the Vishishta Sadasyas whose number shall be as close as possible to one-ninth of total number of Sabhasads fixed under Clause (a). The Vishishta Sadasyas
VARANASI MUNICIPAL CORPORATION: BROAD ORGANISATIONAL SET-UP

Mahapalika
(General body)

\[ \downarrow \]

Deliberate Wing

\[ \downarrow \]

Mayor

\[ \downarrow \]

Deputy Mayor

\[ \downarrow \]

Political Executive

\[ \downarrow \]

Permanent executive

\[ \downarrow \]

Mukhya Nagar Adhikari

\[ \downarrow \]

Upa-Nagar Adhikari

\[ \downarrow \]

Sahayak Nagar Adhikari

\[ \downarrow \]

Superintendent

\[ \downarrow \]

Asst. Superintendent

\[ \downarrow \]

Other Staff

\[ \downarrow \]

Nagar Abhiyanta

\[ \downarrow \]

Nagar Swasthya Adhikari

\[ \downarrow \]

Mukhya Nagar Lekha Parikshak

\[ \downarrow \]

Sahayak Nagar Abhidyanta

\[ \downarrow \]

Overseers

\[ \downarrow \]

Other Staff
are elected by the Sabhasads and the latter are elected through ward elections.

Out of the total number of Sabhasads fixed under section 6 of the Act, the number reserved for the scheduled castes Sabhasads is proportionate to the scheduled castes population in the city. 8

The term of the Mahaplika is five years from the date of notification issued in pursuance of Section 9 that the Mahapalika is constituted. The State Government in case of some emergency may extend the term of the Mahapalika for one year. 9 There shall be an Upa-Nagar Pramukh for each Mahapalika. In case the Nagar Pramukh for any reason is unable to act, or the office of the Nagar Pramukh falls vacant, all the duties of his office shall have to be performed by the Upa Nagar Pramukh until the Nagar Pramukh resumes his duties or a new incumbent takes over. 10 A person is not qualified to seek election as Nagar Pramukh: 11

(a) If he is not an elector in the city;
(b) If he has not attained the age of 30 years;
(c) If he is disqualified under sub-section (1) of Section 25 for election as a Sabhasad or Vishishta Sadasya;
(d) If he has been defeated at an election to any seat of Vishishta Sadasya or Sabhasad unless at least six months have elapsed since the date of declaration of the result of that election.
An out-going Nagar Pramukh shall be eligible for re-election. A person who is a member shall be eligible for election as Upa-Nagar Pramukh.

Election

The Nagar Pramukh and the Upa Nagar Pramukh are elected by the members in accordance with the system of proportional representation by means of a single transferable vote and the voting at such an election is by secret ballot.\textsuperscript{12}

Term of Office

The Nagar Pramukh is elected for one year and the term of an Upa Nagar Pramukh is conterminous with the term of the Mahapalika.\textsuperscript{13}

Resignation

The Nagar Pramukh can submit resignation to the State Government.\textsuperscript{14}

Removal of Upa Nagar Pramukh

If a no confidence motion, after 12 months of his holding office, supported by more than half of the total members is carried through he may resign or, after 3 days of communication of the motion, automatically ceases to be Upa Nagar Pramukh on recommended dissolution of the Mahapalika to the State Government. The State Government may dissolve or ask the Upa-Nagar
Pramukh to resign within 3 days. He may submit his resignation to the Nagar Pramukh which becomes effective on receipt by the Nagar Pramukh.

FUNCTIONS OF THE NAGAR PRAMUKH (MAYOR)

1. Preside over the meetings of the Corporation.
2. If not a member, becomes an ex-officio member and has a casting vote.
3. The power to appoint Upa-Nagar Ahikari, Nagar Abhiyanta, Nagar Swasthya Adhikari, Mukhya Nagar Lekha Parikshak and personnel to other posts carrying an initial salary of not less than Rs.500/- per month is vested in the Nagar Pramukh in consultation with State Public Service Commission. Appointment to posts carrying an initial salary of not less than Rs.200/- per month is to be made by Mukhya Nagar Adhikari and Mukhya Nagar Lekha Parikshak in respect of the staff directly subordinate to them.

After the centralisation of municipal services he has the power of appointment in respect of scheduled posts normally carrying an initial salary between Rs.120-250 per month.
FUNCTIONS OF UPA-NAGAR PRAMUKH (DY. MAYOR)

(1) In the absence of Nagar Pramukh he performs all the functions of Nagar Pramukh.21

92) He is ex-officio Chairman of the Executive Committee and Development Committee.22

EXECUTIVE COMMITTEE

It consists of:

(a) the Upa Nagar Pramukh who is ex-officio Chairman of the Executive Committee;
(b) Twelve persons elected by the Mahapalika out of Sabha-sads and Vishishta Sedasvas;
(c) Committee elects one of its member as its Vice-Chairman; and
(d) One of the members of the Committee retire every succeeding year at noon of the day of the month in which the first meeting of the Mahapalika is held.23

The election of members of the Committee and of Vice-Chairman is held in accordance with the system of proportionate representation by means of single transferable vote.24

A member wishing to resign his office may do so in writing under his signature addressed to the Nagar Pramukh and it shall become effective from the moment of its receipt by the Nagar Pramukh.25
POWERS OF THE COMMITTEE

The Executive Committee is vested for and on behalf of the Mahapalika, with the powers of superintendence of the municipal administration of the city.\textsuperscript{26} The Committee may delegate to the Mukhya Nagar Adhikari any of its functions under this Act other than those specified in Part B of Schedule I.\textsuperscript{27}

The Executive Committee has powers to direct the Mukhya Nagar Adhikari to produce documents and furnish returns, reports etc.\textsuperscript{28}

The Development Committee

It consists of:

(a) the Upa-Nagar Pramukh who is its ex-officio Chairman;
(b) ten persons elected by the Mahapalika out of Sabhasads and Vishishta Sodasyas; and
(c) two persons co-opted by the members of the Committee, who have experience of municipal administration and of matters pertaining to development improvement or planning.\textsuperscript{29}

The election of the members of the Development Committee and its Vice-Chairman is held in accordance with the system of proportionate representation by means of single non transferable vote and the voting at such an election is through secret ballot.\textsuperscript{30}
A member of the Development Committee wishing to resign his office may send written resignation signed by him to the Nagar Pramukh and his resignation shall become effective from the time of its receipt.  

POWERS OF THE DEVELOPMENT COMMITTEE

(1) The Development Committee performs the functions and has the powers relating to improvement schemes.

(2) The Executive Committee, the Development Committee or any other Committee may appoint one or more sub-committees for any purpose with which it is entitled to deal with.

(3) It may require any of the officers of the Mahapalika to attend any of its meetings at which any matter being dealt with any such officer is being discussed. The Officer may be called upon to make a statement or explain facts or supply such information in his possession relating to any matter dealt with by him as the Committee may require.

Thus, a balance is to be maintained between a largely democratic system and the complex administrative responsibilities. The greatest problem is to minimise wastages and to ensure effective implementation of every work of the Corporation. The spirit behind a local body is service to the people. So far as this spirit is upheld the city will continue to provide a congenial atmosphere to its population. Otherwise, it will go on adding to its problems.
The executive wing, headed by the Mukhya Nagar Adhikari, consists of public servants employed by either the state government or the Mahapalika. These together constitute the permanent executive of the mahapalika.

(1) MUKHYA NAGAR ADHIKARI

The Mukhya Nagar Adhikari is appointed by the State Government. A person, who is not already in service of the Government, may not be appointed Mukhya Nagar Adhikari unless his appointment has been approved by the State Public Service Commission. The power of removal of the Mukhya Nagar Adhikari rests with the State Government. The Act provides that in case 5/8th majority of the members of the Corporation vote for withdrawal of the Mukhya Nagar Adhikari it becomes obligatory for the Government to recall him if he is a Government servant. In case he is not a Government servant his services can be terminated or he may be employed on some other posts. But the 5/8th majority is a very difficult proposition and hence, in practice this does not act as a deterrent once such a resolution is passed.

The Mukhya Nagar Adhikari receives from the Mahapalika such monthly salary and allowances, as the State Government may from time to time determine.
POWERS AND FUNCTIONS OF THE MUKHYA NAGAR ADHIKARI

(1) The Mukhya Nagar Adhikari is required to perform the routine duties of the Nagar Pramukh and the Upa-nagar Pramukh when the office remains vacant till a Nagar Pramukh or Upa-Nagar Pramukh is elected.38

(2) He has a right to attend the meetings of the Mahapalika or of any Committee, Sub-committee, Joint Committee and special committee. He can participate in the discussion without the right to vote.39

(3) The executive power for the purpose of the Act rests in the Mukhya Nagar Adhikari.40

(4) He, subject to the provisions of the Act and Rules, prescribes the duties of and exercises supervision and control over the acts and proceedings of all municipal officers other than the Mukhya Nagar Lekha Parikshak and his subordinates.41

(5) In case of an emergency, the Mukhya Nagar Adhikari can take necessary and immediate action for the service or safety of the public or the protection of the property of the Mahapalika. He can spend upto Rs.10,000/- under such a situation without any prior approval.42

(6) The Mukhya Nagar Adhikari can delegate his powers to any officer of the Mahapalika except the Mukhya Nagar Lekha Parikshak.43

(7) It is only the Mukhya Nagar Adhikari who can be sued or can sue on behalf of the Mahapalika.
The Mahapalika or the Executive Committee may require the Mukhya Nagar Adhikari:

(A) To produce any record, correspondence, plan or other document which is in his possession or under the control;

(B) To furnish any return, plan estimates, statement, account or statistics concerning any matter connected with the administration of the city;

(C) To furnish a report by himself or to obtain from any office subordinate to him and furnish a report upon any subject concerning or connected with the administration of the Act or the municipal administration of the city.44

"The powers enjoyed by the Mukhya Nagar Adhikari are, thus, significant and their exercise projects extra-legal implications."45

ADMINISTRATIVE SERVICES

According to the existing system the various revenue departments of the Mahapalika are placed under the administrative control of an officer of the PCS cadre. Other officers include the Superintendent and Assistant Tax Superintendent; Tax Inspectors; Ziledars; Amins, Moharrirs and Naib Moharrirs and Tax Collectors.
The medical, public health and veterinary services consist of Nagar Swasthya Adhikari, Atirikta Nagar Swasthya Adhikari; Chief Sanitary Inspector, Sanitary Inspectors, Doctors (Allopathic), Hakims and Vaids; Veterinary Assistant Surgeons and Lady Doctors. Subordinate staff consists of Safai Naik, Assistant Safai Naiks, Nurses, Compounders, Ward Boys, Dressers and Lady Health Instructors etc. There are Sweepers and Bhistis also.

The principal officers of the technical services are the Nagar Abhiyanta and Sahayak Nagar Abhiyanta; Overseers, Chief Pipe Line Inspector; Pipe Line Inspectors, Computers, Draftermen; Chemists, Lighting Superintendent, Lighting Inspectors and Superintendent of Parks. Subordinate staff includes the work Agent, Ferry boy, Mason, Mates, Beldars, Coolies, Khallasis, Carpenters, Blacksmiths, Electricians, Shift Incharge, Fitters, Pump Attendants; Oilmen, Gangmen, Meter Readers, Filters Operators, Malies etc.

Principal officers of the accounts, treasury and audit services are the Mukhya Nagar Lekha Parikshak, Lekha Adhikari, Sahayak Lekha Adhikari; Cashier and Senior Auditors. The subordinate staff includes the Accountant, Assistant Accountants, Departmental Accountants, Assistant Cashiers, Sahayak Lekha Parikshak etc.
Ministerial Service

Under this service posts of Office Superintendent, Head Clerks, Stenographers, First and Second grade Clerks are included.

Inferior Service

This service provides for the posts of Peons, Orderlies, Drivers of Staff Cars, Chowkidars, Daftaris and Jamadars etc.

The principal officers of the education service are Superintendents of Education for boys and girls separately and Assistant Attendance Officers.

There are following departments under the administrative control of the Corporation:

1. Tax Department - This department is under the charge of a Tax Superintendent. This department is responsible for collection of general and property taxes, drainage tax, conservancy tax, betterment tax or any other tax of the kind.

2. Octroi Department - It is under the charge of an Octroi Superintendent. The latter is responsible for collection of octroi duty.

3. Revenue Department - It is under the charge of a Revenue Superintendent who is responsible for the management of the municipal properties and collection of rent and revenue accruing from the said properties.
Licence Department - It is responsible for the regulation, control and licencing of vehicles, hackney carriages, boats, horses and pack animals etc.

Water Works Department - Since the inception of the Corporation this department has been under the control of Mahapatika. A separate body known as Jal Sansthan was established in 1977-78 under the charge of a General Manager appointed by the Government. Administrator of the Corporation is the ex-officio Chairman of the Jal Sansthan. The Sansthan is responsible for the supply of filtered water to the citizens.

Education Department - It is responsible for making provisions for primary education. There is a separate sub-department for looking after girls education. Primary education is compulsory for boys and free for girls.

Engineering Department - takes care of construction and building works. There are 2 sub-departments under this section : General and Development.

Public Health Department - This department is under the control of the Nagar Swasthya Adhikari and Atirikta Nagar Swasthya Adhikari. It is responsible for making provisions for general cleaning, inspection and control of sale of edible articles, prevention of epidemic diseases, registration of births and deaths and vaccination etc. An infectious diseases hospital, three allopathic dispensaries, 6 Ayurvedic dispensaries, 5 Unani dispensaries,
child welfare and maternity organisation and a municipal laboratory for chemical and bacteriological analysis of water, blood, urine, stool, sputum, and edible articles are being run by this department.

(9) Veterinary Department - is responsible for treatment of animals and control as well as inspection of slaughter houses. A veterinary hospital is run by the Mahapalika.

(10) Lighting Department - takes care of lighting arrangement on roads, lanes and public places.

(11) Accounts Department - holds the responsibility of keeping the accounts of the Mahapalika.

(12) Nazirat - looks after the supply of stationery, furniture, and equipments to the different departments of the Mahapalika.

(13) Higher Secondary Education - One municipal intermediate college and a higher secondary school for girls are run by the Mahapalika.

It is highly imperative that municipal services should attract highly qualified and technically skilled personnel by means of a state cadre of certain specialised services and parity in pay scales with similar service cadres in the State Government. Proper arrangements should be made and facilities provided for training and specialisation in various fields of local administration.
Centralisation of municipal services in U.P. is a right step in this direction.

FUNCTIONS OF VARANASI MUNICIPAL CORPORATION

Indian Constitution provides two tier system of Governments i.e. the Central and the State. However, local body is under the direct control of the States. Functions of national importance are taken up by the central government. They are listed in the central list. Functions of the local bodies are listed within the State list. The local bodies have to derive their powers and duties from the State.

As stated earlier Varanasi Municipal Corporation was established under the U.P. Nagar Mahapalika Adhiniyam, 1959. According to Section 114, of the Mahapalika Adhiniyam, the obligatory duties of the Corporation are, as follows:

i- where there are no natural boundary marks, it will settle the substantial boundary marks of such description and in such a position as shall be approved by the State Government defining the limits or any alteration for the general limits of the city,

ii- the naming or numbering of streets and of public places in the Mahapalika and the numbering of premises,

iii- the collection and removal of sewage, abnoxious matter and rubbish and treatment and disposal thereof including establishing or maintaining farm or factory;
vi- the watering, scavenging and cleaning of all public streets and places in the city and the removal of all sweeping therefrom;

v- the construction, maintenance and cleaning of drains and drainage works, and of public latrines, water closets, urinals, and similar conveniences;

vi- supplying, constructing and maintaining, in accordance with the general system approved by the Mahapalika receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Mahapalika (Corporation);

vii- the management and maintenance of all Mahapalika water works and the construction or acquisition of new works necessary for sufficient supply of water for public and private purposes;

viii- guarding from pollution water used for human consumption and preventing polluted water being so used;

ix- the lighting of public streets, Mahapalika markets and public buildings and other public places vested in the Mahapalika;

x- the establishment, maintenance or support of public hospitals and dispensaries including hospitals for the isolation and treatment of persons suffering or suspected to be injected with a contagious or infectious disease and carrying out other measures necessary for public medical relief;
xi-preventing and checking the spread of contagious, infectious and dangerous diseases;
xii-maintenance of ambulance service;
xiii-provision of anti-rabbit treatment;
xiv-establishing and maintaining a system of public vaccination;
xv-the registration of vital statistics including births and deaths;
xvi-establishing, maintaining and assisting maternity centres and child welfare and birth control clinics;
xvii-the organization, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of diseases or adulteration or for researches connected with public health;
xviii-the reclamation of unhealthy localities, the removal of noxious vegetations and generally the abatement of all nuisances;
xix-the regulation and abatement of offensive and dangerous trades, callings or practice including prostitution;
xx-the maintenance, fixing and regulation of places for the disposal of the dead and provision of new places for the said purpose and disposing of unclaimed dead bodies or aiding within its means any arrangement made with the same objects by any other institution;
xxi-the construction and maintenance of public markets and slaughter houses and regulation of all markets and slaughter houses;
xxii- the securing or removal of dangerous buildings and places;
xxiii- maintaining hydrants and rendering such assistance, including the maintaining or managing of a fire brigade for extinguishing fires and protecting life and property when fires occur, as the State Government may by general or special order direct from time to time;
xxiv- the removal of obstructions and projections in or upon streets, bridges and other public places;
xxv- establishing, maintaining, aiding and suitably accommodating schools for primary education including nursery education;
xxvi- establishing and maintaining or granting aid to institutions of physical culture;
xxvii- maintaining or contributing to the maintenance of veterinary hospitals;
xxviii- the construction or acquisition and maintenance of cattle-ponds;
xxix- the construction, maintenance, alteration and improvement of public streets, bridges, sub-way culverts, causeways and the like;
xxx- planting and maintaining trees along the municipal roads and other public places;
xxxi- regulation of traffic and provisions of traffic signs;
xxxt- assisting by constructing and maintaining residential quarters, by giving loans, in the proper housing of Maha-
palika conservancy staff and all sections of working classes;

xxxiii- town planning and improvement including slum clearance and preparation and execution of housing schemes and laying out of new streets;

xxxiv- maintaining and developing the value of property vested in or entrusted to the management of the Mahapalika;

xxxv- the maintenance of a Mahapalika Office and of all public monuments and open spaces and other property vesting in the Mahapalika;

xxxvi- the issue of a bulletin reporting proceedings or substance of proceedings of the Mahapalika and of its committees and giving other information about the activities of the Mahapalika;

xxxvii- prompt attention to official letters and preparation and submission of such returns, statements and reports as the State Government may require the Mahapalika to submit; and

xxxviii- fulfilment of any obligation imposed by or under the Act or any other law for the time being enforce.

Discretionary duties of the Mahapalika means duties, which the Mahapalika may perform wholly or partially from time to time. The discretionary duties provided under Section 115 of the Mahapalika Adhiniyam are as follows:
i- the organization and maintenance or management of institutions including lunatic asylums, leper homes, orphanages and rescue homes for women, within or outside the city for the care of persons who are infirm, sick or incurable; or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children;

ii- the provision of milk to expectant or nursing mothers or infants or school children;

iii- swimming pools, public wash houses, bathing places and other institutions designed for the improvement and construction of bathing ghats on river banks;

iv- dairies or farms within or outside the city for the supply, distribution and processing of milk or milk products for the benefit of the residents of the city;

v- the construction and maintenance, in public streets or places, of drinking fountains or drinking sheds or stands for human being and water trough for animals;

vi- encouraging music and other fine arts and providing music in public places or places of public resort;

vii- making grants to educational and cultural institutions situated within or outside the city;

viii- the provision of public parks, garden, playgrounds and recreation grounds, installing statues and beautifying the city;

ix- the holding of exhibitions, athletics or games;
the regulation of lodging houses, camping grounds and rest houses in the City;

the construction, establishment and maintenance of theatres, rest houses and other public buildings;

the organization or maintenance, in time of scarcity, of shops or stalls for the sale of necessaries of life;

the building or purchase and maintenance of dwellings for Mahapalika officers and employees;

the grants of loan for building purposes to Mahapalika employees on such terms and subject to such conditions as may be prescribed by the Mahapalika;

any measures for the welfare of Mahapalika employees or any class of them;

with prior sanction of the State Government, the purchase of any undertaking for the supply of electrical energy or gas or the starting or subsidising of any such undertaking which may be in the general interest of the public;

with prior sanction of the State Government, construction, purchase, organization, maintenance or management of tramways and the trackless trams or motor transport facilities for the conveyance of people or goods within or without the city;

the furtherance of educational objects other than those mentioned in Clause (xxv) of Section 114 and making grants to educational institutions within or without the city;
the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase or construction of building therefor;

collection, establishment, maintenance or contributions to the maintenance of baths, bathing ghats, washing places, tanks, wells, dams and other works of public utility;

the construction and maintenance of infirmaries or hospitals for animals;

the destruction of birds or animals causing nuisance or of vermin, and the confinement or destruction of stray or ownerless dogs;

contributions towards any public fund raised for the purpose of alleviating human sufferings within the city or for the public welfare;

presentation of civic addresses and holding of civic receptions;

the acquisition and maintenance of grazing grounds and the establishment and maintenance of a breeding stud;

grant of loans or other facilities to any person, society or institution interested in the provision of dwellings or the execution of housing schemes;

the provision of poor relief;

the buildings or purchase and maintenance of geushalas and of sanitary stables or horses, ponies or cattle used in hackney carriages or carts;
surveys of buildings or lands;

relief measures to meet any calamity affecting the public in the city;

the adoption of measures likely to promote public safety, health or convenience other than those measures specified in section 114 or in the other clauses of this section;

subject to the provision in the budget, the making of a contribution towards any public ceremony or entertainment in the city;

the establishment and maintenance of a tourist bureau;

the establishment and maintenance of a press and workshop for the Mahapalika work as also for undertaking private work on charges in spare time;

making arrangement for preparation of compost manure from night soil and rubbish;

taking measures to promote trade and industry and establishing a Mahapalika bank;

establishing labour welfare centres for its employees and subsidising the activities of any association, union or club of such employees by the grant or loan for its general advancement;

organising or contributing to the municipal boards;

making provision for removal of social disabilities of scheduled castes and backward classes;

taking measures for the control and relief of beggary;
with previous sanction of the State Government, the
setting up and maintenance of a Mahapalika police force
for taking over and discharging such police duties and
in such manner as may be prescribed;
with the previous sanction of the State Government,
to undertake any commercial duty providing or promoting
amenity or employment or removing unemployment; and
performing an activity or function where upon expenditure
is declared by the State Government or by the Mahapalika
with the sanction of the State Government to be an appro-
priate charge on the Mahapalika fund.

It has been further provided that the State Government
may in respect of any Mahapalika or all Mahapalikas by notifi-
cation in the official gazette declare any of the functions mentioned
in this section to be a duty of the Mahapalika or Mahapalikas
and there upon the provision of this Act shall apply there to
as if it had been a duty imposed by Section 114.

Evidently, the Municipal Corporation Act, 1959, enumerates
numerous obligatory and discretionary duties of the municipal
corporation. All the duties and functions are of extensive nature.
However, the sources of revenue of the municipal corporation
of Varanasi are not equally elastic. Staffing pattern of the cor-
poration is broad based but the corporation is not in a position
to expend its staff freely. The process of acquiring the services
of highly skilled executives and workers is not an easy task.
The history of Varanasi local body is a long history extending over two centuries. During such a long period the municipal administration of the city has acquired a rich and varied experience. The present set up of the municipal corporation is highly democratic.

The very foundation of the municipal administration is the spirit of public service. The councillors and the executives of the corporation have to work with a deep sense of public service and social accountability, otherwise it would be difficult to eliminate wastages.

As contributions of the municipal corporation of Varanasi in the tax resources of the national and State Governments have been ever increasing likewise a proportionate and continuous rise in the national and State grants-in-aid to its funds is a reasonable expectation. An attempt will be made next three chapters to examine various items of municipal expenditure including their growth and classification as well as the pattern of revenue expenditure and draw parallels from Uttar Pradesh and else where.