

**THE VISAKHAPATNAM MUNICIPAL CORPORATION ACT, 1979**

**ACT NO.19 OF 1979**

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# THE VISAKHAPATNAM MUNICIPAL CORPORATION ACT, 1979

## ACT NO.19 OF 1979

[12<sup>th</sup> July, 1979]

### AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A MUNICIPAL CORPORATION FOR THE CITY OF VISAKHAPATNAM.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Thirtieth Year of Republic of India as follows:-

**1. Short title and commencement-** (1) This Act may be called the Visakhapatnam Municipal Corporation Act, 1979.

(2) It shall be deemed to have come into force on the 16<sup>th</sup> April, 1979.

**2. Definitions-** (1) In this Act, unless the context otherwise requires:-

(a) "Corporation" means the Municipal Corporation of Visakhapatnam deemed to have been constituted under section 3;

(b) "Council" means the municipal council of Visakhapatnam;

(c) "Municipality" means the Visakhapatnam municipality;

(d) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution of India.

<sup>1</sup>[(e) "Sewerage System" means, all structures, process, equipment and arrangements to collect, treat and discharge waste water or faecal sludge.".]

(2) All words and expressions used in this Act and not defined but defined in the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), shall have the meanings respectively assigned to them in that Act.

**3. Establishment of a Municipal Corporation for the city of Visakhapatnam-** (1) With effect on and from the commencement of this Act, the local area included in the Visakhapatnam Municipality shall constitute the city of Visakhapatnam for purposes of this Act; and from such commencement, a municipal corporation shall be deemed to have been established for the said city by the name of Visakhapatnam Municipal Corporation:

Provided that the Government may, from time to time, after consultation with the Corporation, by notification in the Andhra Pradesh Gazette, alter the limits of the city constituted under this sub-section so as to include therein or to exclude therefrom, the areas specified in the notification:

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) The Corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) The Visakhapatnam Municipality functioning immediately before the commencement of this Act shall be deemed to have been abolished from such commencement.

**4. Municipal Authorities-** The municipal authorities charged with carrying out the provisions of this Act shall be:-

(a) a Corporation;

(b) a Standing Committee;

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<sup>1</sup>. Added by the Act No. 44 of 2020.

(c) a Commissioner.

**5. Constitution of Corporation-** <sup>1</sup> [(1) Subject to the provisions of sub-section (2), the Corporation shall consist of such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed.]

(2) <sup>2</sup>[XXXX]

<sup>3</sup>[(2-A) In addition to the members referred to in sub-section (1) and (1-A) three persons having special knowledge or experience in Municipal Administration of whom one shall be woman, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation from among the person who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.

(2-B) Two persons belonging to the minorities of whom one shall be woman be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation specified in sub-section (1) and (1-A) from among the persons who are registered voters in the Corporation and who are not less than twenty-one years of age:

Provided that the members co-opted under this sub-section shall have the right to speak in and otherwise to take part in the meetings of the Corporation but shall not have right to vote.]

<sup>4</sup>[(3) In the Corporation out of the total strength of elected Members, the Government shall, subject to the rules as may be prescribed, by notification, reserve, -

(a) such number of seats to be Scheduled Castes and Scheduled Tribes as may be determined by them, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Corporation, as the population of the Scheduled Castes, as the case may be, the Scheduled Tribes in the Corporation bears to the total population of the Corporation, and such seats may be allotted by rotation by different wards in the Corporation;

(b) one-third of the seats for the members belonging to the Backward Classes; and such seats may be allotted by rotation to different wards in the Corporation;

(c) not less than one-third of the total number of seats reserved under Clauses (a) and (b) for woman belonging to the Scheduled Castes, Scheduled Tribes or s the case may be, the Backward Classes;

(d) not less than one-third ( including the number of seats reserved, for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to the Corporation shall be reserved for women and such seats may be allotted by rotation to different Wards in the Corporation.

*Explanation:-* In this Section,-

(i) the expression ‘Scheduled Castes’ and ‘Scheduled Tribes’ shall have the same meanings respectively assigned to them in Clause (24) and Clause (25) of Article 366 of the Constitution of India;

1. Substituted by the Act No 14 of 2005.

2. Omitted by the Act No.5 of 2008.

3. Inserted by the Act No.29 of 2005.

4. Substituted by the Act No 14 of 2005.

(ii) the expression 'Backward Classes' means any socially and educationally Backward Classes of citizens recognized by the Government for the purpose of Clause (4) of Article 15 of the Constitution of India <sup>1</sup>[without reference to the classification but including the creamy layer amongst such Backward classes of citizens].

<sup>2</sup>**5A. Sanction of works contract:-** The powers of the several authorities of the Visakhapatnam Municipal Corporation and the Government to sanction works contract shall be as follows, namely:

- (i) **Commissioner:** Works contract for a value exceeding rupees twenty lakhs;
- (ii) **Standing Committee:** Works contract for a value exceeding rupees twenty lakhs but not exceeding rupees fifty lakhs;
- (iii) **Corporation:** Works contract for a value exceeding rupees fifty lakhs but not exceeding rupees two hundred lakhs;
- (iv) **Corporation and the Government:** Works contract for a value exceeding rupees two hundred lakhs after approval of the Corporation shall be submitted to the Government for sanction].

**6. Andhra Pradesh Municipalities Act, 1965 not to apply to the city-** (1) Subject to the provisions of sub-sections (2) and (3), the Andhra Pradesh Municipalities Act, 1965, shall, with effect on and from the commencement of this Act, cease to apply to the local area comprised within the City of Visakhapatnam.

(2) Such cesser shall not affect:-

- (a) the previous operation of the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965) in respect of the local area comprised within the City of Visakhapatnam,
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Andhra Pradesh Municipalities Act, 1965, or
- (c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-section (1), all notifications, rules, bye-laws, regulations, orders, directions and powers, made, issued or conferred under the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), and in force at the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act continue to be in force in the local area comprised within the City of Visakhapatnam, until they are replaced by the notifications, rules, bye-laws, regulations, orders, directions and powers to be made or issued or conferred under this Act.

**7. Application of the provisions of the Hyderabad Municipal Corporations Act, 1955 to the Corporation -** (1) Save as otherwise expressly provided herein, all the provisions of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956) (hereinafter in this section called "the said Act") including the provisions relating to the levy and collection of any tax or fee except Chapter V, sections 380, 381, 382, 383, 384, 385 and 387 in Chapter XI and Chapter XIII thereof are hereby extended to and shall apply mutatis mutandis to the Corporation and the said Act shall, in relation to the Corporation be read and construed as if the provisions of this Act had formed part of the said Act.

(2) For the purpose of facilitating the application of the provisions of the Hyderabad Municipal Corporation Act, 1955 (Act II of 1956), to the

<sup>1</sup>. Added by the Act No. 7 of 2012;

<sup>2</sup>. Added by Act No. 15 of 2013, w.e.f. 5-8-2013.

Corporation, the Government may, by notification, make such adaptations and modifications of the said Act and the rules and byelaws made thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the said Act and the rules made thereunder, shall apply to the Corporation subject to the adaptations and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the said Act, or the rules made thereunder any court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the Corporation, construe these provisions in such manner, without affecting the substance, as may necessary or proper in regard to the matter before the court, tribunal or authority.

<sup>1</sup>[**7-A. Levy and collection of pipeline service charges:-** The Government may, by notification, direct the corporation to levy and collect pipeline service charge from every owner or occupier of a premises to which water connection has been given at such rate as may be prescribed to the different categories as may be specified in this regard to defray the capital cost of pipeline service works undertaken by the Corporation and the operation and maintenance of the pipeline system from time to time:

Provided that no such charges shall be levied on the owner or occupier of any premises situated in the areas which are not served by the pipeline system of the Corporation.]

<sup>2</sup>[**7-B. Levy and Collection of user charges for sewerage systems:** The Government may by notification, direct the Municipal Corporation to levy and collect user charges from every owner or occupier of a premises served by the Sewerage System of the Corporation at such rate and manner or method, to the different categories specified therein to defray the capital and operation and maintenance costs of sewerage and sewage treatment works under taken in the Corporation:

Provided that it is obligatory on the part of the owner or occupier of the premises falling in areas served, to get the premises connected to the sewerage system.]

**8. Transitional provisions-** (1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the Council, with all rights of whatever kind used, enjoyed or possessed by the said Council as well as all liabilities legally subsisting against the said Council, shall, on and from the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, pass to the Corporation.

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation, or otherwise due to the said Council at such commencement may be recovered as if they had accrued to the Corporation and may be recovered as if the said arrears or payments had become due, under the provisions of this Act.

(3) <sup>3</sup>[Save as otherwise provided in sub-section (3-A), all taxes, fees and duties], which immediately before the commencement of this Act, were being levied by the said Council, shall be deemed to have been levied by the Corporation under the provisions of this Act and shall continue to be, in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

<sup>4</sup>[(3-A) In the case of lands and buildings vested in the trustees of the Visakhapatnam Port Trust, it shall be lawful for the Corporation to levy by

<sup>1</sup>. Added by A.P. Act 22 of 1990.

<sup>2</sup>. Inserted by the Act No. 44 of 2020.

<sup>3</sup>. Substituted by the Act No. 7 of 1986.

<sup>4</sup>. Inserted by the Act No. 7 of 1986.

resolution in any year, a property tax at the rate of four percentum of the annual gross earnings of the said Trust, in the year immediately preceding such levy.]

(4) All proceedings taken by or against the Council or authority or any person under the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), may be continued by or against the Corporation, authority or person as if the said proceeding had been started under the provisions of this Act.

(5) Any action taken under the Andhra Pradesh Municipalities Act, 1965, by any authority before such commencement shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything in this Act, every officer or employee who, immediately before such commencement was in the service of the municipality shall be deemed to be an officer or employee of the Corporation:

Provided that -

(i) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the Corporation shall not be less favourable than those applicable to such employees immediately before such commencement, as respects pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(ii) the service rendered by any such officer or other employee under the municipality upto such commencement shall be deemed to be service under the Corporation and he shall be entitled to count that service for the purpose of increments, leave, pension, or provident fund and gratuity:

Provided further that any officer or other employee serving in the municipality shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the Corporation or to be retained in the service constituted, under section 72 of the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), or to be retrenched from the service of the Municipality on such retrenchment benefits as may be prescribed.

(7) Any division of the Visakhapatnam Municipality into wards made under the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965) and in force at the commencement of this Act shall, be deemed to be a division of the Corporation.

(8) The electoral roll prepared for the Visakhapatnam Municipality under the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965), and in force at the commencement of this Act shall, be deemed to be the electoral roll for the Corporation until a new electoral roll is prepared and published; and the part of the said electoral roll relating to each ward of the municipality shall be deemed to be the list of the electoral roll for the corresponding division of the Corporation.

**9. Appointment of Special Officer** - (1) There shall be appointed by the State Government, by a notification in the Andhra Pradesh Gazette, a Special Officer to exercise the powers, perform the duties and discharge the functions of,-

- (a) the Corporation,
- (b) the Standing Committee; and
- (c) the Commissioner.

<sup>1</sup>[(1-A) The Government shall cause election to be held to the Corporation so that the newly elected councillors may come into office on such date as may be specified by the Government in this behalf by a notification in the Andhra Pradesh Gazette:

Provided that the Government may, from time to time, advance or postpone the date specified under this sub-section and specify instead another date:

Provided further that the term of office of the special officer shall expire on the date of election of the Mayor.]

(2) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the Corporation until the elected councillors come into office, of the Standing Committee until a Standing Committee is appointed by the Corporation and of the Commissioner, until a Commissioner is appointed by State Government as the case may be, and any such officer may, if the State Government so direct, receive remuneration for his services from the municipal fund.

(3) Until a new Special Officer is appointed by the Government under sub-section (1) the Special Officer of the municipality functioning immediately before the commencement of this Act shall be deemed to be the Special Officer of the Corporation and he shall exercise the same powers and perform the same duties and discharge the same functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

**10. Power to remove difficulties-** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by notification in the Andhra Pradesh Gazette, do anything not inconsistent with such provisions, which appears to them to be expedient or necessary for the purpose of removing the difficulty.

(2) Every notification issued under this section shall be laid before both Houses of the State Legislature as soon as may be after it is issued and if both Houses agree in making any modification in the notification or in the annulment of notification, the notification, shall thereafter have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

**11. Power to make rules-** (1) The State Government may, by notification in the Andhra Pradesh Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified in the Andhra Pradesh Gazette, have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**12. Repeal of Ordinance 8 of 1979-** The Visakhapatnam Municipal Corporation Ordinance, 1979, is hereby repealed.

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<sup>1</sup>. Inserted by The Act No. 22 of 1981, 16.06.1981.