

Visakhapatnam Municipal Corporation Act 1979

ANDHRA PRADESH

India

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Act 19 of 1979

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Visakhapatnam Municipal Corporation Act 1979(Act No. 19 of 1979)Last Updated 25th September, 2019[Dated 12th 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 16th 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 clause (24) and (25) of Article 366 of the Constitution of India.(2)All words and expressions used in this Act and not defined but defined in the Hyderabad Municipal Corporations Act, 1955, shall have the meanings respectively assigned to them in the 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 subsection 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; (c) a Commissioner.

5. Constitution of Corporation.

- [(1) Subject to the provisions of subsection (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.] [Substituted by Act No. 14 of 2005, dated 13.4.2005.] (2) [***] [Omitted by Act No. 5 of 2008, dated 16.4.2008.] [(2-A) In addition to the members referred to in sub-sections (1) and (1-A) three persons having special knowledge or experience in Municipal Administration of whom one shall be women, be co-opted as members of the Corporation in the prescribed manner by the members of the Corporation 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. (2-B) Two persons belonging to the minorities of whom one shall be woman co-opted as members of the Corporation in the prescribed manner by the members of the Corporation specified in sub-sections (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.] (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 the 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 women belonging to the Scheduled Castes, Scheduled Tribes or as 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.(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. [without reference to the classification but including the creamy layer amongst such Backward classes of citizens.]]

6.

[Omitted]

7. Application of the provisions of the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956) to the Corporation.

(1)Save as otherwise expressly provided herein, all the provisions of the Hyderabad Municipal Corporations Act, 1955 (hereinafter in this section called "the said Act") including the provisions relating to the levy and collection of any tax or fee 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 the 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 to the Corporation, the Government may, by notification, make such adaptations and modifications of the said Act and the Rules and bye-laws 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 adaptation 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 regard to the matter before the Court, Tribunal or authority.

8.

[Omitted]

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,(1A)[The Government shall cause elections 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 the 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.

[Omitted]

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. [Substituted by Act No. 14 of 2005, dated 13.4.2005.]