

THE ANDHRA PRADESH PUBLIC SECTOR UNDERTAKINGS
(RECONSTITUTION OF MANAGEMENT) ACT, 1996

ACT No. 4 OF 1996

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Cessation of office of the non-official Chairman and the non-official directors.
4. Action for reconstitution of public sector undertakings.
5. Power to amend the Schedule.
6. Act to override other laws and bar of jurisdiction of civil courts.
7. Power to remove difficulties.
8. Repeal of Ordinance 18 of 1995.

SCHEDULE

THE ANDHRA PRADESH PUBLIC SECTOR UNDERTAKINGS
(RECONSTITUTION OF MANAGEMENT) ACT, 1996

ACT No.4 OF 1996

[20th January, 1996]

AN ACT TO PROVIDE FOR EFFECTIVE FUNCTIONING OF PUBLIC SECTOR
UNDERTAKINGS BY RECONSTITUTING THEIR MANAGEMENT AND
FOR THE MATTERS CONNECTED THEREWITH OR INCIDENTAL
THERE TO.

Whereas there are a number of non-trading public sector undertakings functioning as instrumentalities of the State under various branches of administration within the State of Andhra Pradesh;

And whereas, immediate action is found to be essential in public interest to accelerate revamping of management of such bodies to function as bodies responsive to the aspirations and needs of the people;

And whereas, in the notifications issued in G.S.R.No.906, dated the 30th July, 1981, G.S.R.No.577(E), dated the 16th July, 1985, and G.S.R.No.579(E), dated the 16th July, 1985, and also in certain other notifications issued from time to time, the Government of India have exempted all the Government companies from various provisions of the Companies Act, 1956 under section 620 of the said Act (Central Act 1 of 1956);

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows:-

1. Short title and commencement - (1) This Act may be called the Andhra Pradesh Public Sector Undertakings (Reconstitution of Management) Act; 1996.

(2) Items 18 and 19 of the Schedule appended to the Act shall be deemed to have come into force on the 25th November, 1995 and the remaining provisions shall be deemed to have come into force on the 13th November, 1995.

2. Definitions - In this Act, unless the context otherwise requires,-

(a) "Government" means the Government of Andhra Pradesh;

(b) "Notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(c) "Public Sector Undertaking" means a public sector undertaking specified in the Schedule to this Act;

(d) "Schedule" means the Schedule appended to this Act;

3. Cessation of office of the non-official Chairman and the non-official directors - Notwithstanding anything contained in any rule, order or notification or bye-laws or Memorandum or Articles of Association or in any provision of any law for the time being in force, the non-official Chairman and the non-official Directors by whatever name called of every public sector undertaking holding office at the commencement of this Act shall cease to hold such office forthwith.

4. Action for reconstitution of public sector undertakings -

Notwithstanding anything contained in any rule, order or notification or bye-laws or Memorandum or Articles of Association or in any provision of any law for the time being in force, the Government shall, within such period as they consider reasonable from the date of commencement of this Act

reconstitute the Board, or committee or management or the governing body by whatever name called.

5. Power to amend the Schedule - (1) The Government may, by notification, alter or add to or cancel any item in the Schedule.

(2) Where a notification has been issued under sub-section (1), there shall, unless the notification is in the meantime rescinded, be introduced in the Legislative Assembly, as soon as may be, but in any case during the next session of the Legislative Assembly following the date of the issue of the notification, a Bill on behalf of the Government to give effect to the alteration, addition or cancellation as the case may be, of the Schedule specified in the notification, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications but without prejudice to the validity of anything previously done thereunder:

Provided that if the notification under sub-section (1) is issued when the Legislative Assembly is in session, such a Bill shall be introduced in the Legislative Assembly during that session:

Provided further that where for any reason a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislative Assembly, the notification shall cease to have effect on the expiration of the said period of six months.

(3) All references made in this Act to any item in the Schedule shall be construed as relating to the item in the Schedule as for the time being amended in exercise of the powers conferred by this section.

6. Act to override other laws and bar of jurisdiction of civil courts -

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force, and accordingly,--

(a) no suit or other proceeding shall be instituted, maintained or continued in any Court for the continuance of any non-official Chairman, or a non-official Director as the case may be, who cease to hold office under this Act;

(b) no court shall enforce any decree or order directing the continuance of such Chairman or the Director; and

(c) all proceedings pending in any court claiming his continuance shall abate.

7. Power to remove difficulties - (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such orders not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under this section shall be laid before the Legislative Assembly of the State, as soon as may be, but in any case during the next session of the Legislative Assembly following the date of making such order.

8. Repeal Ordinance 18 of 1995 - The Andhra Pradesh Public Sector Undertakings (Reconstitution of Management) Ordinance, 1995 is hereby repealed.

SCHEDULE

(See Section 2 (d))

1. A.P. State Agro Industries Development Corporation.
2. A.P. Fisheries Development Corporation.
3. A.P. Meat and Poultry Development Corporation.
4. A.P. Travel and Tourism Development Corporation.
5. A.P. Forest Development Corporation.
6. A.P. Industrial Infrastructure Corporation.
7. A.P. Industrial Development Corporation.
8. A.P. Electronics Development Corporation.
9. A.P. State Housing Corporation.
10. A.P. Urban Development and Housing Corporation.
11. A.P. Leather Industries Development Corporation.
12. A.P. Mineral Development Corporation.
13. A.P. State Minorities Finance Corporation
14. A.P. State Irrigation Development Corporation.
15. A.P. Textile Development Corporation.
16. A.P. Handicrafts Development Corporation.
17. A.P. State Trading Corporation.
18. A.P. State Civil Supplies Corporation.
19. A.P. State Small Scale Industrial Development Corporation.