

THE ANDHRA PRADESH RELIEF UNDERTAKINGS
(SPECIAL PROVISIONS) ACT, 1971

ACT NO. 19 OF 1971

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement
2. Definitions
3. Declaration of relief undertakings
4. Power to direct industrial relations and other facilities temporarily for relief undertaking
5. Power of Government to amend the Schedules
6. Notifications to be laid on the table of the Legislature
7. Repeal of Ordinance 2 of 1971

SCHEDULES

THE ANDHRA PRADESH RELIEF UNDERTAKINGS
(SPECIAL PROVISIONS) ACT, 1971
ACT No. 19 OF 1971

AN ACT TO MAKE SPECIAL PROVISIONS FOR A LIMITED PERIOD IN RESPECT OF INDUSTRIAL RELATIONS AND OTHER MATTERS TO ENABLE THE GOVERNMENT TO CONDUCT CERTAIN INDUSTRIAL UNDERTAKINGS AS A MEASURE OF UNEMPLOYMENT RELIEF OR OF PREVENTING UNEMPLOYMENT IN THE STATE OF ANDHRA PRADESH.

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

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Relief, Undertakings (Special Provisions) Act, 1971.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force on the 6th May, 1971.

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

(1) "Government" means the State Government;

(2) "industry" means any business, trade undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or vocation of workmen, and the word "industrial" shall be construed accordingly;

(3) "notification" means a notification published in the Andhra Pradesh Gazette;

(4) "relief undertaking" means an industrial undertaking in respect of which a declaration under section 3 is in force.

3. Declaration of relief undertakings - (1) If, at any time, it appears necessary to the Government so to do, they may, by notification, declare that any industrial undertaking specified in the first Schedule to this Act, whether started, acquired or otherwise taken over by the Government and carried on or proposed to be carried on by the Government or under their authority, or to which any loan, guarantee or other financial assistance has been provided by the Government, shall, with effect on and from the date specified for the purpose in the notification, be conducted to serve as a measure of unemployment relief or of preventing unemployment; and every such undertaking shall be deemed to be a relief undertaking for the purposes of this Act.

(2) A notification under sub-section (1) shall have effect for such period not exceeding twelve months as may be specified in the notification; but it shall be renewable by like notifications from time to time for further periods not exceeding twelve months at a time, so however, that all the periods in the aggregate do not exceed five years.

4. Power to direct industrial relations and other facilities temporarily for relief undertaking - (1) Notwithstanding any law, usage, custom, contract, instrument, decree, order, award, submission, settlement, standing order or other provision whatsoever the Government may, by notification, direct that-

(a) in relation to any relief undertaking and in respect of the period of which the relief undertaking continues as such under sub-section (2) of section 3-

(i) all or any of the laws in the Second Schedule to this Act or any provisions thereof shall not apply or shall, if so directed by the Government, be applied with such modifications, not

affecting the policy of the said Law, as may be specified in the notification;

(ii) all or any of the agreements, settlements, awards or standing orders made under any of the laws in the Second Schedule to this Act, which may be applicable to the undertaking immediately before it was acquired or taken over by the Government or before any loan, guarantee or other financial assistance was provided to it, by, or with the approval of the Government, for being run as a relief undertaking, shall be suspended in operation, or shall, if so directed by the Government, be applied with such modifications as may be specified in the notification;

(iii) rights, privileges, obligations and liabilities shall be determined and be enforceable in accordance with sub-clauses (i) and (ii) and the notification;

(iv) any right, privilege; obligation or liability accrued or incurred before the undertaking was declared a relief undertaking and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto pending before any court, tribunal, officer or authority shall be stayed.

(b) the right, privilege, obligation or liability referred to in sub-clause (iv) of clause (a), shall, on the notification ceasing to have force, revive and be enforceable and the proceedings referred to therein shall be continued:

Provided that in computing the period of limitation for the enforcement of such right, privilege, obligation or liability, the period during which it was suspended under sub-clause (iv) of clause (a) shall be excluded notwithstanding anything contained in any law for the time being in force.

(2) A notification under sub-section (1) shall have effect from such date, not being earlier than the date referred to in sub-section (1) of section 3, as may be specified therein, and the provisions of section 15 of the Andhra Pradesh General Clauses Act, 1891 (Andhra Pradesh Act 1 of 1891), shall apply to the power to issue such notification.

(3) Nothing in this section shall affect the rights, privileges, obligations and liabilities accruing from or arising out of any contract, agreement, assurance of property, settlement, award, standing order or other instrument in force, decree, judgment or final order of a court to which the Central Government or any institution wholly or partly financed by that Government is a party or with which the Central Government is concerned.

5. Power of Government to amend the Schedules - The Government may, by notification, add to, alter or amend the First Schedule or the Second Schedule and on any such notification being issued the First Schedule or the Second Schedule, as the case may be, shall be deemed to be amended accordingly:

Provided that any notification to add to, alter or amend the Second Schedule shall be issued only after obtaining the concurrence of the Central Government.

6. Notifications to be laid on the table of the Legislature - Every notification issued under section 3 or section 4 or section 5 shall immediately after it is issued 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 modification in the notification, or in the annulment of the notification, the notification shall, from

the date on which the modification or annulment is notified, 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.

7. Repeal of Ordinance 2 of 1971 - The Andhra Pradesh Relief Undertakings (Special Provisions) Ordinance, 1971, is hereby repealed.

THE FIRST SCHEDULE

[Section 3 (1)]

Industrial Undertakings

1. The Azam Jahi Mills, Limited, Hyderabad.
2. The Netha Co-operative Spinning Mills, Limited, Hyderabad.

THE SECOND SCHEDULE

[Section 4 (1)]

Central Acts

1. The Industrial Employment (Standing Orders) Act, 1946 (XX of 1946).
2. The Industrial Disputes Act, 1947 (XIV of 1947).

ANDHRA PRADESH ACT

The Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964).