

THE ANDHRA PRADESH HANDLOOM WEAVERS CO-OPERATIVE SOCIETY  
LIMITED (MERGER OF CERTAIN CO-OPERATIVE SOCIETIES) ACT, 1983

ACT No. 14 OF 1983

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SECTIONS

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THE ANDHRA PRADESH HANDLOOM WEAVERS CO-OPERATIVE SOCIETY  
LIMITED (MERGER OF CERTAIN CO-OPERATIVE SOCIETIES) ACT, 1983

ACT No. 14 OF 1983

[24<sup>th</sup> September, 1983]

AN ACT TO PROVIDE FOR THE MERGER OF THE ANDHRA PRADESH STATE WOOL INDUSTRIAL CO-OPERATIVE SOCIETY LIMITED, HYDERABAD THE ANDHRA PRADESH STATE TEXTILE PROCESSING CO-OPERATIVE SOCIETY LIMITED, HYDERABAD AND NELLORE DISTRICT WEAVERS' SERVICE CO-OPERATIVE SOCIETY LIMITED, NELLORE WITH THE ANDHRA PRADESH STATE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LIMITED AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty fourth Year of the Republic of India as follows:-

1. Short title, extent and commencement - This Act may be called the Andhra Pradesh State Handloom Weavers Co-operative Society Limited (Merger of certain Co-operative Societies) Act, 1983.

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

(3) It shall be deemed to have come into force on the 22nd July, 1983.

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

(a) 'Co-operative Societies Act' means the Andhra Pradesh Co-operative Societies Act, 1964 (Act 7 of 1964);

(b) 'general body of the transferee society ;' means the general body consisting of such number of members as may be specified by the Government by notification under section 5;

(c) 'Government' means the State Government of Andhra Pradesh;

(d) 'notification' means a notification published in the *Andhra Pradesh Gazette*; and the word 'notified' shall be construed accordingly;

(e) 'Registrar' means the Registrar of Co-operative Societies, Andhra Pradesh and includes any other person on whom all or any of the powers of the Registrar under this Act are conferred by the Government;

(f) 'Specified day' means the date specified by the Government under sub-section (1) of section 3;

(g) 'transfer of assets and liabilities' means the transfer of assets and liabilities of the Andhra Pradesh State Wool Industrial Co-operative Society Limited, Hyderabad, the Andhra Pradesh State Textile Processing Co-operative Society Limited, Hyderabad and the Nellore District Weavers Service Co-operative Society Limited, Nellore as specified in section 3;

(h) 'transferee society' means the Andhra Pradesh State Handloom Weavers Co-operative Society Limited;

(i) 'transferor societies' means the Andhra Pradesh State Wool Industrial Co-operative Society Limited, Hyderabad, the Andhra Pradesh State Textile Processing Co-operative Society Limited, Hyderabad and the Nellore District Weavers Service Co-operative

Society Limited, Nellore registered under the Co-operative Societies Act;

(j) Act 7 of 1964. all words and expressions used in this Act and not defined, but defined in the Andhra Pradesh Co-operative Society Act, 1964, shall have the meanings respectively assigned to them in the Act.

3. Transfer of assets and liabilities of other societies to the Andhra Pradesh State Handloom Weavers Co-operative Society Limited - Notwithstanding anything in the Co-operative Societies Act, or the rules made thereunder or the bye-laws of the transfer or societies for the time-being in force, with effect on and from such date as the Government may, by notification, specify in this behalf, the assets and liabilities of the Andhra Pradesh State Wool Industrial Co-operative Society Limited, Hyderabad, the Andhra Pradesh State Textile Processing Co-operative Society Limited, Hyderabad and the Nellore District Weavers Service Co-operative Society Limited, Nellore, shall stand transferred to and form part of the assets and liabilities of the Andhra Pradesh State Handloom Weavers Co-operative Society Limited having as the area of its operation, the entire territory comprised in the State.

(2) On and from the specified day-

(a) the registration of each of the transferor societies shall stand cancelled and the said societies shall be deemed to have been dissolved and shall cease to exist as corporate bodies;

(b) the Andhra Pradesh State Handloom Weavers Co-operative Society Limited shall have full and sufficient conveyance and vestiture in the assets and liabilities transferred to it and shall apply all the provisions of its bye- laws as amended from time to time in regard to their operation and regulation;

(c) the existing units of the transferor societies shall function as separate functional units of the Andhra Pradesh State Handloom Weavers Co-operative Society Limited.

4. General effect of merger - (1) Notwithstanding anything in the Co-operative Societies Act, or the rules made thereunder or the bye-laws of the transferor societies for the time being in force, with effect on and from the specified day,-

(i) the transferor societies shall stand merged with the transferee society;

(ii) the assets and liabilities of every description of the transferor societies shall stand transferred to the Andhra Pradesh State Handloom Weavers Co-operative Society Limited:

Provided that no such transfer shall prejudicially affect or render ineffective any suit, appeal or legal proceedings of whatever nature pending by or against the transferor societies, but such suit, appeal or legal proceedings may be continued, prosecuted and enforced by or against the transferee society;

Provided further that the liabilities of the transferor societies shall continue to be governed by such guarantee of the Government as substituted with regard to them on the specified day, as if such guarantee were given in respect of the liabilities so transferred, immediately after the specified day;

(iii) the Government, the primary and other Co-operative Societies, and others who are members of, or affiliated to the transferor societies shall be deemed to be the members of, or affiliated to the transferee society;

(iv) all contracts, deeds, bonds, agreements and other instruments of whatever nature subsisting and relating to the assets and liabilities transferred to the transferee society from the transferor societies which have been parties thereto, shall have full force in favor of or against the transferee society, and may be enforced as if the said transferee society has been a party thereto.

(2) The Government or any officer authorized by them in this behalf may amend the bye-laws of the transferee society so as to give effect to the merger and for any other matters incidental thereto.

(3) The Government may, by notification, make such supplemental, incidental and consequential provisions (including the provisions as to committees, authorities, properties, right and interest, liabilities, duties and obligations of the transferor societies or transferee society) as they may deem necessary to give effect to the provisions of this Act.

5. Ultimate authority to vest in the general body - Subject to the provisions of this Act, the Co-operative Societies Act the rules and the bye-laws, the ultimate authority of the transferee society shall vest in its general body consisting of such members of the general bodies of the transferor and the transferee societies as may be specified by the Government by notification.

6. Management of affairs of transferee society - (1) With effect on and from the specified day and notwithstanding anything in the Co-operative Societies Act or the Andhra Pradesh State Handloom Weavers Co-operative Society (Formation) Act, 1976, or the rules made thereunder or the bye-laws of the transferor societies or the transferee society, the Government, may, by notification, appoint a committee consisting of not more than eleven persons to manage the affairs of the transferee society for a period not exceeding three years:

Provided that the Government may, from time to time, by notification and for reasons to be specified therein extend the said period of appointment beyond three years for a further period or periods not exceeding six months at a time; so however, that the total period of appointment shall not in the aggregate extend beyond six years;

Provided further that the Government may without giving any notice and without assigning any reasons therefore remove any member of the Committee and appoint another member in his place who shall hold office for the residue of the term of his predecessor;

Provided also that any casual vacancy occurring in the office of the member of the committee may be filled by the Government by appointment of another person and the person so appointed shall hold office for the residue of the term of his predecessor.

(2) The Committee appointed under sub-section (1) shall, subject to the control of the Government or the Registrar and to such directions as they or he may issue, from time to time have power to exercise all or any of powers and functions of the Committee of the transferee society.

(3) The Registrar shall arrange for the calling of a general meeting of the transferee society for the, election of the committee in accordance with the provisions of the Andhra Pradesh Co-operative Societies Act, 1964, (Act 7 of 1964) and the rules made thereunder so as to enable the members of the committee to come to office at the expiration of the term of the committee appointed by the Government.

7. Transfer of services of officers and other employees of the transferor societies - (1) The services of officers and other employees of the transferor societies shall stand transferred to the Andhra Pradesh State Handloom Weavers Co-operative Society Limited.

(2) Every person who has been, immediately before the specified day, in the employment of the transferor societies shall in so far as such person is employed in connection with any of the transferor societies become as from the specified day, an employee of the transferee society and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to gratuity and other retirement benefits and other matters as he would have held the same under the transferor societies prior to the transfer of their assets and liabilities and shall continue to do so unless and until his employment in the transferee society is duly terminated or until his terms and conditions of employment are duly altered by the transferee society.

(3) The transfer of the services of any officer or other employee of any of the transferor societies to the transferee society shall not entitle such officer or other employee to any compensation under this Act or other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

8. Over riding effect of the Act - The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Andhra Pradesh Co-operative Societies Act, 1964( Act 7 of 1964).

9. Power to make rules - (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) Every rules 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, 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.

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

11. Amendment of Act 54 of 1976 - With effect on and from the specified day, the Andhra Pradesh State Handloom Weavers Co-operative Society (Formation) Act, 1976 shall have effect subject to the modification that for section 6, the following section shall be substituted, namely:

“6. Management of the affairs of the new Society - (1) Notwithstanding anything in this Act, the Co-operative Societies Act, or the rules made thereunder or the bye-laws for the time being in force, the management of the affairs of the new society shall vest in the Committee consisting of the following members, namely:-

<sup>1</sup>[(i) one representative of the Primary handloom weavers co-operative societies (other than Primary Wool Weavers Co-operative Societies) in each District to be elected from among themselves by the delegate of such societies;]

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<sup>1</sup> . The clause substituted by the Act No. 14 of 1988, Section 2.

Explanation:- For the purpose of this sub-section the expression:-

(a) "Coastal Andhra Area" means, the area comprising the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishan, Guntur, Prakasam and Nellore.

(b) "Rayalaseema Area" means the area comprising of the districts of Kurnool, Cuddapah, Anaparthi and Chittoor; and

(c) 'Telangana Area' means the territories specified in sub-section (1) of section 3 of the States Re-organisation Act, 1956 (Central Act 37 of 1956).

(ii) one representative of the primary handloom wool weavers co-operative societies to be elected from among themselves by the delegates of such class of societies in the State;

(iii) three nominees of the Government consisting of-

(a) Director of Handlooms and Textiles;

(b) Joint Secretary to Government or Deputy Secretary to Government in the Industries and Commerce Department dealing with the Handloom Industry;

(c) one expert in Handlooms and Textiles technology;-

(iv) Managing Director, Andhra Pradesh State Co-operative Bank;

(v) Deputy General Manager, Regional Office of the National Bank for Agricultural and Rural Development, Hyderabad.

(vi) Regional Director, National Co-operative Development Corporation, Poona;

(vii) Managing Director, Andhra Pradesh State Handloom Weavers Co-operative Society Limited.

(2) The elected members of the Committee shall elect from among themselves a Chairman".

12. Repeal of Ordinance 14 of 1983 - The Andhra Pradesh State Handloom Weavers Co-operative Society Limited (Merger of certain co-operative societies) Ordinance, 1983 is hereby repealed.