

Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) Act, 1998

ANDHRA PRADESH

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Act 32 of 1998

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Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) Act, 1998 Act 32 of 1998 Last Updated 14th September, 2019 Statement of Objects and Reasons - (Act 10 of 2000).-The restructuring of the Power Sector has been taken up by the Government and the Andhra Pradesh Electricity Reforms Act, 1998 (Andhra Pradesh Act 30 of 1998) has been passed by the Legislative Assembly and has received the assent of the President. Guidelines are being evolved, inter alia for rationalising the transmission, distribution and supply of electricity. There are nine Rural Electrical Co-operative Societies in the State which are involved in the distribution and supply of electricity in their areas of operation. The reforms in the power sector will effect the future organisation and activities of these societies. Under the provisions of the Andhra Pradesh Co-operative Societies Act, 1964, Persons-in-charge may be appointed to manage the affairs of the society for an aggregate period of three years. This period has expired in respect of certain such societies. The reforms of the Power Sector will take some more time and therefore it will be desirable and advisable to conduct elections to the Rural Electrical Co-operative Societies soon after the finalisation of such reforms. Consequently, the Government after careful consideration felt that the elections to the Rural Electrical Co-operative Societies should be postponed till a reasonable time. Accordingly it has been decided to provide for the appointment of persons-in-charge to the Rural Electrical Co-operative Societies for a period upto 31st March, 2000. This Bill seeks to give effect to the above decision. Appended to L.A. Bill No. 33 of 1998. Statement of Objects and Reasons (Act 21 of 2002):-The restructuring of the power sector has been taken up by the Government and the Andhra Pradesh Electricity Reforms Act, 1998 (Andhra Pradesh Act 30 of 1998) has been enacted and brought into force. The Electricity Reforms are under process. The reform of the power sector will take some more time and therefore it will be desirable to conduct elections to the Rural Electric Co-operative Societies only after the finalisation of such reforms. Accordingly, Government have decided to further extend the period of appointment of persons-in-charge to the Rural Electric Co-operative Societies upto 31st March, 2004 by amending the Andhra Pradesh Rural Electric Co-operative

Societies (Temporary Provisions) Act, 1998, suitably. As the Legislative Assembly of the State was not then in session having been prorogued, it was considered necessary to give effect to the above decision immediately, the Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) (Amendment) Ordinance, 2002 was promulgated by the Governor on the 22nd May, 2002 and it was published on the 22nd May, 2002. This Bill seeks to replace the said Ordinance. Published in Andhra Pradesh. Gazette, Part 4-A (Ext.), Ext. No. 13, dated 22-7-2002. Statement of Objects and Reasons - (Act No. 18 of 2009). - The restructuring of the power sector has been taken up by the Government and the Andhra Pradesh Electricity Reforms Act, 1998 (Andhra Pradesh Act 30 of 1998) has been enacted and brought into force. The Electricity Reforms are still under process. The Rural Electric Co-operative Societies in the State were under the management of committees elected under the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 and the term of the said committees was expired. The Government are contemplating reforms of the RESCOs which have not yet been concluded. It will take some more time to finalize the modalities regarding the decision to be taken about the continuance of RESCOs as independent entities or merger with A.P. Transco. As such, the matter was examined by the State Government and enacted the Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) Act, 1998. The said Act empowers the Government to appoint non-official Person-in-Charge committees to the said societies until elections are held or the reforms are materialized. Accordingly, the Government had appointed Non-Official Person-in-Charge Committees, after expiry of the term of the elected Committees and extending PICs from time to time by way of amending Section 2 of the Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) Act, 1998. (Act 32 of 1998). As the last extended period expired by 31-3-2009, the CC & RCS has now requested the Government to amend Section 2 of the Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) Act, 1998 (Act 32 of 1998) to facilitate further extension of the term of PIC Committees by one more year i.e., upto 31-3-2010 and it is decided to extend the term of the existing Non-Official PIC Committees upto 31-3-2010 or till merger process is completed whichever is earlier. As the Legislature of the State was not then in Session having been prorogued, and as it was decided to give effect to the above decision immediately, the Governor of Andhra Pradesh has promulgated the Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) (Amendment) Ordinance, 2009 on the 2nd March, 2009. This Bill seeks to replace the said Ordinance. Received the assent of the Governor on 15-12-1998 and the said assent is hereby first Published in Andhra Pradesh Gazette, Part 4-B (Ext.), dated 18-12-1998 for general information. An Act to provide for the management of the affairs of the Rural Electric Co-operative Societies by Persons-in-charge until Evolution of an Electricity Policy and for matters connected therewith or incidental thereto. Whereas, there are nine Rural Electric Co-operative Societies in the State of Andhra Pradesh, the object of which is to purchase power from the Andhra Pradesh State Electricity Board and to distribute and supply electricity in their areas of operation, and the affairs of several of them are being managed by the persons-in-charge; And whereas, the constitution of an electricity regulatory commission, restructuring of the Electricity Industry, rationalisation of the generation, transmission, distribution and supply of electricity, avenues for participation of private sector in the electricity industry and taking measures conducive to the development and management of the electricity industry in an efficient, economic and competitive manner has been engaging the attention of the State Government since a considerable time; And whereas, the Andhra Pradesh Electricity Reforms Act, 1998 (Andhra Pradesh Act No. 30

of 1998) has been passed by the Legislative Assembly of the State and received the assent of the President; And whereas, a comprehensive policy and guidelines are being evolved for restructuring and rationalising the generation, transmission, distribution and supply of electricity, participation of private sector in the Electricity Industry and Development and Management of electricity industry; And whereas, future organisation and operation of the Rural Electric Co-operative Societies will be depending upon such policy and guidelines; And whereas, sub-section (7) of Section 32 of the Andhra Pradesh Co-operative Societies Act, 1964 (Andhra Pradesh Act 7 of 1964) provides for appointment of a person or persons to manage the affairs of a Society for a period not exceeding six months which can be extended from time to time so however, that the aggregate period including the extended period, if any, shall not exceed three years; And whereas, such period of three years has expired in respect of Persons-in-charge of certain Rural Electric Co-operative Societies; And whereas, evolution of an electricity policy and guidelines for the State will take sometime and it is considered desirable and advisable to conduct elections to the said Rural Electric Co-operative Societies soon after the finalisation of such policy and guidelines. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-ninth year of the Republic of India, as follows:

1. Short title and commencement

: - (1) This Act may be called the Andhra Pradesh Rural Electric Co-operative Societies (Temporary Provisions) Act, 1998. (2) It shall be deemed to have come into force with effect from the 1st November, 1976.

2. Appointment and term of Persons-in-charge

: - Notwithstanding anything contained in the Andhra Pradesh Co-operative Societies Act, 1964 or the rules made thereunder, the Government may extend from time to time the period of appointment of a person or persons appointed to manage the affairs of any Rural Electric Co-operative Society beyond the expiry of the period of three years, so however, that the period of such appointment including the extended period shall not be beyond [the 31st March, 2010] [Substituted for the words 'the 31st march, 2009 by Andhra Pradesh Act No. 18 of 2009, w.r.e.f. 1.11.1976.].

3. Validation

: - Notwithstanding any judgment, decree or order of any Court, tribunal or other authority, - (a) no order passed under clause (a) of sub-section (7) of Section 32 of the Andhra Pradesh Co-operative Societies Act, 1964, extending the term of office of the persons appointed to manage the affairs of any Rural Electric Co-operative Society; and (b) no act or thing done or proceeding taken after the commencement of Section 2 of this Act in pursuance of an order passed under clause (a) of sub-section (7) of Section 32 of the Andhra Pradesh Co-operative Societies Act, 1964 by any person or persons appointed to manage the affairs of any Rural Electric Co-operative Society, in exercise of the powers or the performance of the duties entrusted to them by or under the Andhra Pradesh Co-operative Societies Act, 1964; shall be deemed illegal or invalid and accordingly the extension of the term of office of the person or persons appointed to manage the affairs of the Rural Electric

Co-operative Societies ordered from time to time and all acts or things done or proceedings taken by the said person or persons shall for all purposes be deemed to be and to have always been done or taken, in accordance with the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 and this Act, and no suit or other proceeding shall be instituted in any Court against any such extension, act or thing or proceeding on the ground only that any such extension, act, thing or proceeding was not done or taken in accordance with law.