

ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 21] AMARAVATI, FRIDAY, 16th AUGUST, 2019.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 14th August, 2019 and the said assent is hereby first published on the 16th August, 2019 in the Andhra Pradesh Gazette for general information :

ACT No. 21 of 2019

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE ANDHRA PRADESH SCHOOL EDUCATION REGULATORY AND MONITORING COMMISSION TO MAINTAIN STANDARDS OF EDUCATION, REGULATION OF FEE, COMPETENCES OF TEACHERS, EFFECTIVE INSPECTION/MONITORING OF SCHOOLS, AND IMPLEMENTATION OF PROVISIONS OF RIGHT TO EDUCATION ACT, 2009, PUBLIC SPIRITEDNESS, EQUITY, EXCELLENCE, FINANCIAL STABILITY AND PROBITY ALONG WITH GOOD GOVERNANCE IN LINE WITH THE NATIONAL POLICY ON EDUCATION AND RIGHT TO EDUCATION ACT 2009 AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Whereas, the Government of Andhra Pradesh is committed to educating and nurturing all students by providing better access, promoting enrolment and retention with emphasis on equity, quality and school infrastructure;

And whereas, Andhra Pradesh is making strides towards overall growth and sustainable development, Education provides the surest instrument for attaining these goals;

And whereas, as per unified data on School Education (U-DISE) 2018-19, Andhra Pradesh has 62,063 Schools covering 13 districts that include Primary Schools, Upper Primary Schools and High Schools. The total students enrolment from Primary to High School is 70,41,568. The total Teachers strength is 2,87,423. There are 778 Teacher Education Institutions managed and regulated by School Education Department, including Government and Private;

And whereas, in the context of fast changes in the education System, there is a need for change in the academic requirements, teaching methods, supervision, curricula, courses of study, system of examination, teacher training, school organization and teacher competences. This situation naturally calls for revised and continually rising standards in these key areas of School Educational Administration. The existing rules are not comprehensive enough to deal with aforesaid significant developments and have also proved ineffective in actual implementation. It has, therefore, become necessary to confer by law adequate powers on the concerned authorities to deal with the changed situation;

And whereas, the Government of India enacted Right of Children to Free and Compulsory Education Act, 2009;

Now, therefore, in this regard, the Andhra Pradesh Government endeavors to establish a regulatory mechanism to maintain standards of school education, regulation of fee, competences of teachers, information disclosure, effective inspection /monitoring of schools, implementation of the provisions of Right to Education Act, punitive measures on defaulting schools etc., A Regulatory Commission established for this purpose will develop effective and responsive regulation ensuring maintenance of standards of education, regulation of fee in private institutions,

implementation of provisions of Right to Education Act, 2009, public spiritedness, equity, excellence, financial stability and probity along with good governance in line with the National Policy on Education and Right to Education Act, 2009.

Central Act
No.35 of 2009.

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

CHAPTER 1 PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh School Education Regulatory and Monitoring Commission Act, 2019.

Short title,
extent,
commencement
and application.

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

(3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint.

(4) It shall apply to all the Pre-Primary, Primary, Upper Primary, Secondary Education and Teacher Education Institutes in the State of Andhra Pradesh.

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

Definitions.

(1) "aided school" means a School, Teacher Education Institution established and run by the private individuals /societies, with the aid/financial support from Government;

(2) "appropriate authority" means authority designated by government for a particular purpose as per the existing rules;

(3) "Board" means Board of Secondary Education AP, Central Board of Secondary Education, Council of Indian School Certification, any other Indian or International Board of examinations or any other board which Government may specify;

(4) "commission" means the Andhra Pradesh School Education Regulatory and Monitoring Commission established under section 3 of this Act;

- (5) "educational institution" means any institution of education in Pre-Primary, Primary, Upper Primary, Secondary Level, and Teacher Education;
- (6) "fees" means the total amount collected by the school from the student(s) / their parent(s) / their guardian(s)/ any person paying on behalf of the student. This to reflect the total burden on the parents and is the total of tuition fee and all other charges paid to or collected by the school;
- (7) "government" means the Government of Andhra Pradesh;
- (8) "member" means a member of the Commission including the Vice-Chairperson;
- (9) "prescribed" means prescribed by rules made under this Act;
- (10) "private school" means a School, Teacher Education Institution established and run by the private individuals / societies governed / affiliated to State / Central / other boards;
- (11) "regulations" means regulations made by the Commission under section 21 of this Act;
- (12) "Regulatory body" means any State or Central Regulatory Body set up for the purpose;
- (13) "School Education" means study of a curriculum or course for the pursuit of knowledge from pre primary, class I to X and Teacher Education;
- (14) "student" means person enrolled in the Educational Institution, including teacher education for pursuing a course of study from Pre Primary, Class I to X, Teacher Education;

- (15) "teacher", means Headmaster, School Assistant, Secondary Grade Teacher, Physical Education Teacher, pre primary teacher, teacher education faculty, etc., or any other person required to impart education or to guide research or render guidance in any other form to the students for pursuing a course of study in such educational institutions, including teacher education institutions.

CHAPTER – II

ESTABLISHMENT OF THE COMMISSION

3. (1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint, there shall be established a Commission by the name of the Andhra Pradesh School Education Regulatory and Monitoring Commission.

Establishment of
Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name;

(3) The headquarters of the Commission shall be at such a place as may be notified by the State Government.

4. (1) The Commission shall consist of, –

- (a) A Chairperson who is a Retired Judge of the High Court;
- (b) A Vice Chairperson who is an eminent academician of National repute as prescribed under the rules;
- (c) One Member who is an eminent Chartered Accountant or a person with over 20 years of experience in the field of Public Finance;
- (d) Five Members who are eminent Academicians of National repute in school education & teacher education;
- (e) Two Administrative Members who have extensive experience in administrative matters preferably a person belonging to the Indian

Composition of
the Commission.

Administrative Service, or equivalent cadres, either working or retired;

- (f) One senior officer from School Education Department in the cadre of Director/Addl. Director working or retired;
- (g) One representative from one of the good School Education Institution in the State.

Such members must be of unimpeachable integrity and of undoubted eminence in their fields.

(2) There shall be a Secretary who shall be the Chief Executive Officer of the Commission who shall be appointed by the State Government in consultation with the Commission on such terms and conditions, as may be prescribed from time to time.

(3) The Chairperson and members of the Commission shall be appointed by the State Government, for a period of five years or until he or she attains the age of 70 years, whichever is earlier:

Provided that after the expiry of the term of the office, the Chairperson or the member, as the case may be, shall be ineligible for further employment or any assignment in any of the School or Higher Educational Institutions within Andhra Pradesh or their associate offices or companies within or outside Andhra Pradesh:

Selection of the members of the Commission. 5. (1) The Chairperson shall be appointed by the Government in consultation with the Chief Justice of High Court, Andhra Pradesh.

(2) Members of the Commission shall be appointed by a Search-cum-Selection Committee consisting of, —

- (i) the Chief Secretary of the Government of Andhra Pradesh — Chairperson ex officio; and
- (ii) four experts of repute who have special knowledge of, and professional experience in, school education & teacher education and related research, belonging to Institutes of National

Importance, not holding any office of profit under the Government of Andhra Pradesh, to be nominated as members by the State Government.

(3) The terms of reference for the Search-cum-Selection Committee and the manner of selection of panel of names shall be such as may be prescribed.

6. In the event of the occurrence of a vacancy in the office of the Chairperson by reason of his resignation, death or otherwise, the State Government shall appoint the Chairperson immediately in accordance with the provision of this Act and till such time the Vice Chairperson shall officiate as the Chairperson of the Commission.

Vacancy filled by the Government.

7. (1) Any member, by notice, in writing, addressed to the government may resign from office.

Resignation and Removal of members.

(2) No member shall be removed from office without giving such member an opportunity to defend himself.

(3) The State Government may, by order, remove from office, any member, in public interest.

8. (1) To efficiently discharge its functions under this Act, the Commission shall engage such number of officers and other employees as it may consider necessary, subject to such regulations as may be made in this regard.

Appointment of officers and other employees of the commission.

(2) The terms and conditions of service of the officers and employees of the Commission shall be such as may be prescribed.

CHAPTER – III

POWERS AND FUNCTIONS

9. The Commission shall take all such steps as necessary for ensuring coordinated and integrated development of School Education and maintain high standards and for the purposes of performing its functions under this Act. The Commission may,-

Powers and functions of the Commission .

(i) shall ensure that standards of infrastructure, admission, teaching, teacher education, student assessments, examinations, research, and qualification of teachers are being maintained

- by the School Educational Institutions in accordance with the guidelines issued by the Central or the State Government from time to time;
- (ii) the Commission shall have the power to monitor and regulate Fee across all Private Schools in the State duly developing parameters of fee structure and grading of schools, irrespective of their Board of Affiliation (or Curriculum) including but not limited to CBSE, ICSE, IB, IGCSE and / or any other in Private Schools, and private teacher education institutions in School Education. However, this shall not apply to any of the school education institutions managed by the Government of India Agency or Department;
 - (iii) the Commission shall lay framework of guidelines regarding the service conditions of teachers in Private (Aided and Un-Aided) School Educational Institutions and Private (Aided and Un-Aided) Teacher Education Institutions;
 - (iv) The Commission shall monitor the implementation of the provision of 12.1.c of the Right to Education Act, 2009, where by 25% of reservation of seats in Class I in Private Un-Aided Schools for dis-advantaged groups and weaker sections by developing suitable guidelines;
 - (v) The Commission shall also have the responsibility for setting up the framework under which an independent Accreditation Agency/s shall carry out the task of accrediting school educational institutions, including Teacher Education Institutions;
 - (vi) Whenever required, the Commission may hold public consultations with various stakeholders, including Private Education Institutions Management Associations, from time to time;
 - (vii) The Commission shall ensure redressal of grievances of students and parents in a time bound manner;
 - (viii) The Commission shall advise, when called upon to do so by the State Government, as the case may be, on policies relating to school education, teacher education and research in any field

of knowledge therein; cause to be undertaken policy research in school education and teacher education to identify future direction and processes in school education;

- (ix) The Commission shall ensure that all School Education Institutions, including Teacher Education Institutions, comply with guidelines of information disclosure to supervise, monitor and evaluate their performance;
- (x) Wherever required, the findings of the Regulatory Commission shall be communicated to appropriate authority for necessary action as per the provisions of law / Rules;
- (xi) If any School Education Institution/s, including Teacher Education Institutions fails, within a reasonable time, to comply with any directions made by the Commission, the Commission after taking into consideration the reasons/cause, if any, shall initiate action in accordance with the provisions of this Act;
- xii) In case of successive violations of any provision of this Act, rules and regulations made there under, the Commission shall direct the appropriate authority to withdraw the affiliation or recognition of such institution/s.

10. (1) The Commission may, for the contravention of any provision of this Act or other relevant Acts / Rules or Regulations recommend the appropriate authority for imposing penalties made there under, or by directions impose appropriate penalty.

Penalties.

(2) In case of grave violations, the Commission shall direct the appropriate authority to withdraw the affiliation or recognition of such institution/s.

(3) The penalty imposed under sub- section (1) shall be recoverable from the endowment fund or any other Fund or as an arrear of land revenue from the School Education Institution/s, including Teacher Education Institutions concerned.

Procedure and Powers of the Commission. Central Act No. 5 of 1908.

11. (1) The Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

- (i) Summoning and enforcing the attendance of any person and examining him on oath;
- (ii) discovery and production of any document or other material object producible as evidence;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning of any public record;
- (v) issuing commission for the examination of witnesses;
- (vi) reviewing its decisions, directions and orders;
- (vii) any other matters which may be prescribed.

(2) The Commission shall have the powers to pass such interim orders in any proceeding, hearing or matter as the Commission may consider appropriate.

3) The Commission may authorize any person, as it deems fit, to represent the interest of the students and parents in the proceedings before it.

(4) All disputes under this Act shall be decided summarily in accordance with the provisions of Order XXXVII of the Code of Civil Procedure, 1908.

(5) Notwithstanding anything contained in this Act, the School Education Institution, including Teacher Education Institution shall be bound to comply with all the orders passed, rules, regulations, norms, etc., of the Regulating Bodies and provide all such facilities and assistance to such Bodies as are required by them to discharge their duties and carry out their functions.

CHAPTER – IV

FINANCE, ACCOUNTS AND AUDIT

Payment to the Commission.

12. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission in each financial year such sums as may be considered necessary for the performance of functions of the Commission under this Act.

13. (1) The Commission shall have its own Fund; and all sums which may from time to time be paid to it by the State Government and all the receipts of the Commission shall be credited to the Fund and all payments by the Commission shall be made there from.

Fund of the
Commission.

(2) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Commission.

14. The Commission shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the State Government.

Budget.

15. (1) The Commission shall maintain its accounts in such form and in such manner as may be prescribed.

Accounts and
Audit of the
Commission.

(2) The accounts of the Commission shall be audited annually by the Comptroller and Auditor General of India

(3) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the State Government, the Government shall cause the same to be laid before the State Legislature and shall also forward a copy of the audit report to the Commission for taking suitable action on the matter arising out of the audit report.

16. (1) The Commission shall, as soon as, may be, after the end of each financial year, prepare and submit to the State Government, before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the State Government, shall cause every such report to be laid before the Legislature of the State as soon as may be, after its receipt.

Annual Report.

(2) The Commission shall send a copy of the audited annual accounts of the Commission to the State Government every year, and the State Government shall cause such accounts to be laid before the Legislature of the State.

CHAPTER V MISCELLANEOUS

Chairperson and members, officers, and employees of the commission to be public servants. Central Act No. 45 of 1860.

17. Chair-person and all the Members of commission established under this Act, and all officers and other employees of the Commission when acting or purporting to act in pursuance of any provisions of this Act, or regulations made or orders or directions issued thereunder shall be deemed to be public servants with the meaning of section 21 of the Indian Penal Code, 1860.

Protection of actions taken in good faith.

18. No suit, prosecution, or other legal proceedings shall lie against the commission, or chairperson or any member, officer, employee in respect of anything done or intended to be done in good faith, or any contract of any kind entered into by the commission in good faith in pursuance of this Act, or the regulations made, or orders or directions issued thereunder.

Power of State Government to issue directions.

19. (1) The State Government shall be empowered to seek a review of any of the decisions of the Commission, for reasons to be recorded in writing.

(2) The State Government can revise and modify the order of the Commission through speaking order in public interest.

Power to remove difficulties.

20. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as it is made before the State Legislature.

Power to make regulations.

21. (1) The Commission may, make regulations to carry out the provisions of this Act with prior approval of the Government.

(2) Every Regulation made under this section shall be laid, as soon as it is made before the State Legislature.

22. (1) The State Government may, by notification publish in the Official Gazette, make rules in consultation with the Commission for carrying out the provisions of this Act.

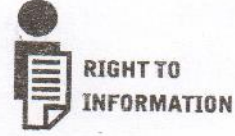
Power to make rules.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely: -

- (a) procedure to follow by the members in the discharge of their functions;
- (b) the inspection of School Education Institutions;
- (c) the form and manner in which the accounts shall be maintained by the Commission under section 15 of this Act;
- (d) such other matters as may be required for proper functioning of the Commission.

(3) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the next 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 the Legislature of the State agrees 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.

V. V. DURGA PRASADA RAJU,
*Secretary to Government (I/c),
Legal and Legislative Affairs & Justice,
Law Department.*



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THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 14] AMARAVATI, FRIDAY, 3rd JANUARY, 2020.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 2nd January, 2020 and the said assent is hereby first published on the 3rd January, 2020 in the Andhra Pradesh Gazette for general information :

ACT No. 14 of 2020.

AN ACT TO AMEND THE ANDHRA PRADESH SCHOOL EDUCATION REGULATORY AND MONITORING COMMISSION ACT, 2019

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth year of the Republic of India as follows, -

1. (1) This Act may be called the Andhra Pradesh School Education Regulatory and Monitoring Commission (Amendment) Act, 2019.

Short title and commencement.

(2) It shall be deemed to have come into force with effect on and from the 1st November, 2019.

2. In the Andhra Pradesh School Education Regulatory and Monitoring Commission Act, 2019 (hereinafter referred to as the Principal Act), in Section 1, in sub-section (4), after the words "Secondary Education" the words "Intermediate Education" shall be inserted.

Amendment of Section 1. Act No. 21 of 2019.

3. In the principal Act, in Section 2,-

Amendment of Section 2.

(1) In clause (1) after the words "a school," the words "Junior College, shall be inserted.

- (2) in clause (3), after the words "Board of Secondary Education AP," the words "Board of Intermediate Education, Andhra Pradesh," shall be inserted.
- (3) for clause (5), the following clause shall be substituted, namely,-
- "(5) "Educational Institution" means any institution imparting education in Pre Primary, Primary, Upper Primary, Secondary Level, Intermediate and Teacher Education including Tutorial Institutions as defined in clause (47) of section 2 of the Andhra Pradesh Education Act, 1982 (Act 1 of 1982)."
- (4) in clause (10), after the words "a School," the words "Junior College," shall be inserted.
- (5) in clause (13), after the words and expressions, "class I to X" the words and expressions "Intermediate (XI & XII)" shall be inserted.
- (6) in clause (14), after the words and expressions, "class I to X," the words and expressions "Intermediate (XI & XII)," shall be inserted.
- (7) in clause (15), for the words "etc.," the words "Junior Lecturer, Principal of Junior Colleges" shall be substituted.

Amendment of
Section 4.

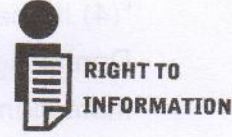
4. In the Principal Act, in Section 4, in sub-section (1) for clause (f), the following clause shall be substituted namely, -

"(f) one senior officer from Intermediate Education in the cadre of Commissioner/ Additional Director and Secretary as ex-officio member."

Repeal of
Ordinance No.7
of 2019.

5. The Andhra Pradesh School Education Regulatory and Monitoring Commission (Amendment) Ordinance, 2019 is hereby repealed.

GONTU MANOHARA REDDY,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.



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THE ANDHRA PRADESH GAZETTE

PART IV- B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 16] AMARAVATI, SATURDAY, 27th JUNE 2020.

ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 26th June, 2020 and the said assent is hereby first published on the 27th June, 2020 in the Andhra Pradesh Gazette for general information:

ACT No. 16 of 2020.

AN ACT TO AMEND THE ANDHRA PRADESH HIGHER EDUCATION
REGULATORY AND MONITORING COMMISSION ACT, 2019.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy First Year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh Higher Education Regulatory and Monitoring Commission (Amendment) Act, 2020.

Short title and commencement.

(2) It shall be deemed to have come into force on and from 1st November, 2019.

2. In the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019 (herein after referred to as the Principal Act), in the long title, for the words "MAINTAIN STANDARDS OF EDUCATION, REGULATION OF FEE, SERVICE CONDITIONS OF TEACHERS AND SAFEGUARD THE INTEREST OF STUDENTS", the words "REGULATE THE FEE, ENSURE STANDARDS OF ADMISSION, TEACHING, EXAMINATION, RESEARCH, REGULATE THE ASPECTS OF CONDUCT OF ENTRANCE TEST AND SAFEGUARD THE INTERESTS OF STUDENTS, TEACHERS" shall be substituted.

Amendment to long title.

Act No. 20 of 2019.

Amendment of section 1.

3. In the Principal Act, in section 1, for sub-section (4) the following shall be substituted, namely,-

“(4) It shall apply to all Higher Educational Institutions including Medical, Dental, Agriculture, Horticulture, Veterinary, Engineering, Pharmacy and Law Institutions in the State of Andhra Pradesh.”.

Amendment of section 2.

4. In the Principal Act, in section 2,-

(i) after clause (2), the following clause shall be inserted, namely,-

“(2A) “Deemed to be a University” means a University declared and notified for the purpose under section 3 of the University Grants Commission Act, 1956.”.

(ii) in clause (5) for the word “post”, the word “beyond” shall be substituted and after the word “awards”, the words “or leads to award” shall be inserted.

(iii) in clause (7) after the words “prescribed by rules”, before the words “made under this Act”, the words “and regulations” shall be inserted.

(iv) after clause (10), the following new clause (10A) shall be inserted, namely, -

“(10A) “rules” means the rules made by the Government under section 23 of this Act;”.

Amendment of section 4.

5. In the Principal Act, in section 4,-

(i) In sub-section (1),-

(a) in clause (e), after the words “Administrative Service”, before the words “either working or retired;” the words “or equivalent cadres” shall be inserted.

(b) in clause (f), the words and expression “, who shall be full time or part time members of the Commission.” shall be added at the end.

(ii) in sub-section (2), for the word “term”, the word “terms” shall be substituted and the words “The Secretary shall be a Member of the Commission.” shall be added at the end.

(iii) in sub-section (3), after the words “five years”, the words “or until he or she attains the age of 70 years, whichever is earlier.” shall be omitted and the proviso there under shall also be omitted.

Central Act No. 3 of 1956.

6. In the Principal Act, in section 5,- Amendment of section 5.
- (i) in sub-section (2),-
- (a) in the opening paragraph, after the word "Members", the words "other than Secretary" shall be inserted and for the word "appointed", the word "selected" shall be substituted.
- (b) in clause (b) the words and expression "or Central Universities," shall be omitted.
- (ii) after sub-section (3), the following sub-section shall be substituted, namely, -
- "(4) The salaries and allowances payable to, and other terms and conditions of the service of the Chairperson, Vice Chairperson and Members of the Commission, full time or part time, shall be such as may be prescribed from time to time by the Government."
7. In the Principal Act, in section 7, for sub-section (3), the following shall be substituted, namely, - Amendment of section 7.
- "(3) No member shall be removed from office until that person has been given an opportunity of being heard."
8. In the Principal Act, in section 8, in sub-section (1), after the words "subject to such", before the words "regulations as", the words "rules and" shall be inserted. Amendment of section 8.
9. In the Principal Act, in section 9, Amendment of section 9.
- (i) for the opening paragraph, the following shall be substituted, namely, -
- "The Commission shall, subject to section 9-A of this Act, take all such steps, inter alia, as are necessary, for ensuring compliance with standards of higher education as prescribed by regulatory authorities, more specifically, as under-"
- (ii) 'in clause (a) after the words "teachers and infrastructure" the expression "," shall be omitted and after the words "Regulatory Authorities of the" before the words "Central Government", the word and expression "State/" shall be inserted.
- (iii) in clause (b) after the words "accordance with the rules", before the words "guidelines and procedures", the word and expression "regulations," shall be inserted.

- (iv) in clause (c), the word "Private" shall be omitted.
- (v) for clause (d), the following shall be substituted, namely,-
 "(d) the Commission shall ensure that the service conditions of teachers working in Higher Educational Institutions are maintained in accordance with the guidelines of the Regulatory Authorities and take steps to protect their interests;"
- (vi) for clause (h), the following shall be substituted, namely,-
 "(h) the Commission shall ensure that all Higher Education Institutions comply with guidelines of information disclosure to monitor and evaluate their performance in compliance with the norms framed by Regulatory Authorities;"
- (vii) clause (i) shall be omitted.
- (viii) in clause (j), after the words "stake holders" the expression "," shall be omitted and the word "Private" shall be omitted.

Insertion of new section 9A.

10. In the Principal Act, after section 9, the following new section shall be inserted, namely,-

Limited powers of the Commission.

"9-A (1) In relation to the functioning of the Deemed to be University and Private University, the powers of the Commission shall be limited to ascertaining compliance with the applicable State laws, which are not in derogation of the Central laws regulating such Universities / Institutions namely, the University Grants Commission Act, 1956, The Indian Medical Council Act, 1956, etc;

Central Act No. 3 of 1956.

Central Act No. 102 of 1956.

(2) In the event of a receipt of a complaint about a Deemed to be University or a Private University, by the Commission concerning non-compliance with norms of admission and fee prescribed by the central regulatory authority including University Grants Commission, it shall be competent for the Commission to verify and forward its recommendations to such regulatory authority."

Amendment of section 10.

11. In the Principal Act, in section 10,-

- (i) for sub-section (1) along with proviso the following shall be substituted, namely,-

“(1) The Commission may, for the contravention of any provision of this Act or the rules or regulations made thereunder, or directions issued by the Commission, and/or for non-compliance of any regulation of the regulatory authorities, impose an appropriate penalty on any Higher Educational Institution as prescribed under the rules :

Provided that no penalty shall be imposed unless the institution concerned is given an opportunity of being heard.”

(ii) for sub-section (2), the following shall be substituted, namely,-

“(2) In addition to the levy of the penalty under sub-section (1), for contravention of any provision of this Act, Rules and Regulations made thereunder or non-compliance of the standards laid down by the Regulatory Authorities, the Commission may advise /recommend to the appropriate regulatory authority and the concerned University for withdrawal/rejection of affiliation or recognition of such Higher Educational Institution.”.

12. In the Principal Act, in section 11, in sub-section (5), for the words “Education Institution”, the words “Educational Institutions” shall be substituted and the word “passed” shall be omitted.

Amendment of section 11.

13. In the Principal Act, in section 12, after sub-section (2), the following sub-sections shall be added, namely,-

Amendment of section 12.

“(3) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State laws for the time being in force.

(4) The Commission shall have the power to review and determine the fee payable to the Higher Educational Institutions ordinarily for a period of three years and under special circumstances, for a period of one or two years as the case may be, for special reasons to be recorded in writing.

(5) It shall be competent for the Commission to review the fee determined, whether notified or not by the Government for any academic years/blocks, if the said determination is found to be based on data furnished by the Higher Educational Institutions comprising heads of expenditure which are found to be incorrect, unverified, or inadmissible for the purpose of determination of fee :

- Provided that apart from modifying the said fee structure, it shall be competent for the Commission to initiate penal action in accordance with law.”
- Amendment of section 16. **14.** In the Principal Act, in section 16, in sub-section (3), after the words “the State Government” the expression “,” shall be omitted and after the words “the State Government” before the words “the Government” the word “and” shall be inserted.
- Amendment of section 19. **15.** In the Principal Act, in section 19, for the word “chairperson”, the word “Chairperson” shall be substituted.
- Amendment of section 20. **16.** In the Principal Act, in section 20,
 (i) for sub-section (1), the following shall be substituted, namely,-
 “(1) The State Government shall be empowered to seek a review of any of the decision of the Commission to revise or modify the order of the Commission, for reasons to be stated in writing, in public interest.”.
 (ii) sub-section (2) shall be omitted.
- Amendment of section 22. **17.** In the Principal Act, in section 22, in sub-section (1) after the words “the Government”, the words “to regulate the functioning of the Commission, which is not otherwise expressly provided for under the Rules.” shall be added at the end.

GONTU MANOHARA REDDY,
 Secretary to Government,
 Legal and Legislative Affairs & Justice,
 Law Department.



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-A EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 17] AMARAVATI, TUESDAY, 21st DECEMBER, 2021.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 17th December, 2021 and the said assent is hereby first published on the 21st December, 2021 in the Andhra Pradesh Gazette for general information :

ACT No. 17 of 2021.

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH HIGHER
EDUCATION REGULATORY AND MONITORING COMMISSION
ACT, 2019.**

Be it enacted by the legislature of the State of Andhra Pradesh in the Seventy second year of the Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Higher Education Regulatory and Monitoring Commission (Amendment) Act, 2021.

Short title and commencement.

(2) It shall be deemed to have come into force with effect on and from the 6th August, 2021.

2. In the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019, in section 9-A, for sub-section (1), the following shall be substituted, namely,-

Amendment of section 9-A.

Act No.20 of 2019.

“(1) In relation to the functioning of the Deemed to be University and Private University, the powers of the Commission shall be limited, -

(i) to fixing fees and regulate admissions for the Government Quota seats in the Private Universities;

Central Act No. 3 of
1956.

Central Act No. 102
of 1956.

Repeal and
savings.

Ordinance
No. 11 of 2021.

(ii) ascertaining compliance with the applicable State Laws, which are not in derogation of the Central Laws regulating such Universities/Institutions namely, the University Grants Commission Act, 1956, the Indian Medical Council Act, 1956, etc.,”.

3. (1) The Andhra Pradesh Higher Education Regulatory and Monitoring Commission (Amendment) Ordinance, 2021 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said ordinance shall be deemed to have been done or taken under this Act.

VADDADI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.



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VADDADI SUNITHA,
Secretary to Government (FAC),
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