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THE ANDHRA PRADESH GAZETTE

PART IV- B EXTRAORDINARY

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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;

(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."

Central Act No. 3 of 1956.

Central Act No.102 of 1956.

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.