

THE ANDHRA PRADESH INTERMEDIATE EDUCATION ACT, 1971

Act No. 2 of 1971

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement
2. Definitions
3. Establishment, constitution, incorporation, etc., of the Board
4. Term of office of members of the Board and filling of casual vacancies among members
5. Appointment of Chairman and his functions
6. Appointment of Vice Chairman and his functions
7. Appointment of Secretary and his functions and of other employees of the Board
8. Removal of a member of the Board
9. Powers of the Board
10. Meetings of the Board
11. Committees of the Board
12. Power of Board to make regulations
13. Income and expenses of the Board
14. Proceedings not to be invalidated by reason of vacancies etc., in the Board or its committees
15. Powers of Government
16. Dissolution of the Board in certain cases
17. Power of the Government to make rules
18. Members of the Board, examiners and officers and other employees of the Board to be public servants
19. Protection of action taken in good faith
20. Saving in respect of existing Board
21. Power to remove difficulties

THE ANDHRA PRADESH INTERMEDIATE EDUCATION ACT, 1971

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD TO REGULATE AND SUPERVISE THE SYSTEM OF INTERMEDIATE EDUCATION IN THE STATE OF ANDHRA PRADESH AND TO SPECIFY THE COURSES OF STUDY THEREFOR AND FOR MATTERS CONNECTED THEREWITH.

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

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Intermediate Education Act, 1971.

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

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

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

(1) "academic year" means the period commencing on the 1st day of July of any year and ending with the 30th day of June of the succeeding year, or in the case of any junior college or any other affiliated college or any class of junior colleges or other affiliated colleges, the classes in which are started on a date other than the 1st day of July with the previous sanction of the Director, the year commencing on such date and ending with twelve months from such date; and consisting of such number of semesters as may be prescribed;

(2) "affiliated college" means any college or any other educational institution within the State affiliated to the Board as providing, whether wholly or partly, courses of study qualifying students for admission to the Intermediate Examination, in accordance with the regulations.

(3) "Board" means the Andhra Pradesh Board of Intermediate Education established under section 3;

(4) "college" means a college established or maintained by or affiliated to, or recognised by any University; but does not include a junior college;

(5) "committee" means a committee appointed by the Board under section 11;

¹[(6) "Director" means (i) the Commissioner and Director of Collegiate Education, (ii) The Commissioner and Director of School Education, (iii) The Commissioner and Director of Intermediate Education" and includes an Additional or Joint Director of the respective above Head of the Departments on whom all of any of the powers of the Directors under this Act may be conferred by the Government;]

(7) "Government" means the State Government;

(8) "Intermediate Examination" means the examination conducted by the Board according to the regulations;

(9) "Junior College" means any educational institution in the State established or maintained by the State, or by any association of individuals and affiliated to the Board as providing courses of study qualifying students for admission to the Intermediate Examination, in accordance with the regulations, but not to the degree examinations of a University;

Explanation : For the removal of doubts, it is hereby declared that the term 'college' as defined in any law relating to the Universities for the time being in force in the State, shall not be deemed to include or to have ever included, a junior college;

¹. Substituted by Act No.10 of 1982 and subsequently by Act No 9 of 2016, s 2.

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

(11) "prescribed" means prescribed by rules made by the Government under this Act;

(12) "Principal" means the head of a Junior college or other affiliated college or of a recognised college or educational institution;

(13) "recognised" with its grammatical variations used with reference to a college or other educational institution, not being a junior college or other affiliated college, means recognised by the Board for the purpose of admitting it to the privileges to be granted by the Board, in accordance with regulations;

(14) "regulations" means regulations made by the Board under this Act;

(15) "Secretary" means any person appointed by the Government under sub section (1) of section 7 to be the Secretary to the Board;

(16) "semester" means a term or section within an academic year, during which such subjects in a course of study as may be specified in the regulations shall be taught in a junior college or other affiliated college;

(17) "teachers" means the lecturers, junior lecturers, teachers, tutors, demonstrators and such other persons giving instruction in a junior college or other affiliated college as may be declared by the regulations to be teachers;

(18) "University" means a University established by law in India.

3. Establishment, constitution, incorporation, etc., of the Board - (1) The Government may, by notification, and with effect on and from such date as may be specified therein, establish a Board for the purposes of this Act, to be called the Andhra Pradesh Board of Intermediate Education.

(2) The Board shall consist of the Chairman of the Board and the following members, namely:-

EX-OFFICIO MEMBERS

(a) the Secretary to Government in the Education Department;

¹[(b) the Director of Higher Education, Andhra Pradesh;

(bb) the Director of the School Education, Andhra Pradesh;]

²[(bbb) the Director of Intermediate Education, Andhra Pradesh]

(c) the Director of Technical Education, Andhra Pradesh ¹[or his nominee];

(d) the Director of Medical Services, Andhra Pradesh¹[or his nominee];

(e) the Director of Industries, Andhra Pradesh ¹[or his nominee];

(f) the Director of Agriculture, Andhra Pradesh;

(g) the Director of Telugu Academy, Andhra Pradesh;

(h) the Secretary to the Board;

NOMINATED MEMBERS

(i) one person to be nominated by the Government to represent the Finance Department;

(j) one person to be nominated by each of the Universities in the State, to represent the University concerned;

¹ . Inserted by Act No. 10 of 1982, s 3.

² . Inserted by Act No. 9 of 2016, s 3.

¹ [(k) one Principal of the College to be nominated by the Government];

² [(l) four Principals of Junior Colleges one from each of the four Zones or other affiliated colleges and recognised colleges or educational institutions in the State, to be nominated by the Government, of whom at least one shall be a Principal of a Women's Junior College and one shall be a Principal of a Junior College under private management by rotation;]

³ [(ll) three junior lecturers of the junior colleges or other affiliated colleges and recognised colleges or educational institutions in the State, to be nominated by the Government, each to represent the Coastal Andhra Area, Rayalaseema Area of the State;]

CO-OPTED MEMBERS:

⁴ [(m) not more than two persons possessing expert knowledge in the subjects included in the courses of study to be co-opted by the Board in the manner laid down in the regulations.]

⁵ [Explanation - For the purposes of this sub-section, the expression :-

(i) "Coastal Andhra Area" means, the area, comprising the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Prakasam and Nellore;

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

⁶ [(iii) * * *]

(3) (a) The Board shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said corporate name.

(b) In all suits and other legal proceedings by or against the Board, the pleadings shall be signed and verified by the Secretary and all processes in such suits and proceedings shall be issued to and served on, the Secretary.

(4) The headquarters of the Board shall be located at ⁷ [State Capital].

4. Term of office of members of the Board and filling of casual vacancies among members - (1) The nominated members of the Board shall hold office for a term of three years from the date of notification of their nomination; and the term of office of the co-opted members of the Board shall terminate on the same date as that of the nominated members thereof:

Provided that the Government may, by notification and for reasons to be recorded therein, extend the term of office of all or any of the members of the Board including the Chairman and Vice-Chairman by such period not exceeding one year at a time as they may deem fit; so however, that the period so extended shall not in the aggregate exceed two years.

(2) No person who is nominated as a member of the Board as the holder of a particular appointment shall continue to be a member of the Board on his ceasing to be the holder of that particular appointment.

(3) The vacancies arising by efflux of time and all causal vacancies among the nominated or co-opted members of the Board may be filled at any time, but not beyond a period of three months from the date of occurrence of the vacancy, in the manner specified in section 3:

¹ . Substituted by Act No. 9 of 2016, s 3.

² . Substituted by Act No. 9 of 2016, s 3.

³ . Inserted by Act No.10 of 1982, s 3 subsequently substituted by Act No. 9 of 2016, s 3.

⁴ . Substituted by Act No. 9 of 2016, s 3.

⁵ . Substituted by Act No.10 of 1982, s3.

⁶ . Omitted by Act No. 9 of 2016, s 3.

⁷ . Substituted by Act No. 9 of 2016, s 3.

Provided that a period nominated or co-opted in a casual vacancy shall be a member only for the residue of the term for which the person in whose place he is nominated or co-opted would have been a member of the Board.

5. Appointment of Chairman and his functions - (1) (a) The Government shall appoint a person to be the Chairman of the Board, who shall, by virtue of the said appointment, be a member of the Board, if he is not already a member of the Board.

(b) The Chairman shall hold office for a term of three years from the date on which he enters upon his office:

Provided that the Chairman shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) It shall be the duty of the Chairman to see that this Act and regulations are observed and he shall have all powers necessary for this purpose.

(3) In any case of emergency arising out of the administrative business of the Board, which in the opinion of the Chairman, requires the taking of immediate action, he shall take such action as he deems necessary and shall thereafter report his action to the Board at its next meeting.

(4) The Chairman shall perform such other functions as may be laid down by the regulations.

6. Appointment of Vice-Chairman and his functions - (1) The Government shall appoint one or more but not exceeding three Vice-Chairmen from amongst the members of the Board, of whom one shall be a person ordinarily residing at the headquarters of the Board. Every Vice-Chairman shall hold office only so long as he continues to be the member of the Board.

(2) The Vice-Chairman shall assist the Chairman in all matters, administrative or academic, and shall exercise such powers and perform such functions as may be delegated to them by the Chairman.

(3) When the office of the Chairman is vacant, one of the Vice-Chairmen in all matters, administrative or academic, and shall exercise such powers and perform such functions as may be delegated to them by the Chairman.

7. Appointment of Secretary and his functions and of other employees of the Board - (1) The Government shall appoint a Secretary to the Board for performing such functions as may be entrusted to him by or under this Act.

(2) (a) The Secretary shall be the chief executive officer of the Board and its committee and shall be responsible for implementing the resolutions of the Board or its committees;

(b) He shall be the custodian of all the records of the Board and shall be responsible for the efficient functioning of its office;

(c) He shall exercise such powers of control and supervision over the offices under the Board and the staff therein, as may be prescribed.

(3) (a) Subject to such rules as may be made in this behalf, the Board may appoint such other officers and servants as it may deem necessary and proper for the efficient execution of its duties;

(b) Notwithstanding anything in clause (a), the Government may transfer any officer or servant of the Board to the service of the Government, and transfer any officer of the Government to the service of the Board.

8. Removal of a member of the Board - The Government may, by notification and for reasons to be recorded therein, remove any nominated or co-opted member of the Board during the term of his office, who, in their opinion, has abused his position as such member so as to render his continuance on the Board detrimental to the public interest:

Provided that the Government shall, before issuing the notification for the removal of such member give him an opportunity to make his representation against the action proposed and consider the same.

9. Powers of the Board - (1) Subject to such directions as the Government may give in this behalf and to the other provisions of this Act, the Board shall have the following powers, namely: -

- (i) to make regulations providing for courses of study and medium of instruction in such branches of Intermediate education as it may think fit, and for carrying out other purposes of this Act;
- (ii) to affiliate any college or other educational institution in the State to the Board as providing courses of study qualifying students for the Intermediate Examination, and to recognise any college or other educational institution for the purpose of admitting it to the privileges to be granted by the Board; and to withdraw such affiliation or recognition;
- (iii) to lay down the qualifications of teachers required to teach the subjects included in the courses of study in different branches of the Intermediate Education, the workload of such teachers and the number of working days in an academic year or semester and other matters incidental thereto;
- (iv) to formulate schemes for the conduct of Intermediate Examination and to admit candidates such examination;
- (v) to demand and receive such fees and other charges as may be fixed in the regulations for the Intermediate Examination;
- (vi) to conduct the Intermediate Examination to take all steps ancillary thereto and publish the result thereof;
- (vii) to grant certificates to the candidates who have passed the Intermediate Examination;
- (viii) to co-ordinate and co-operate with the Universities and other authorities in the State in such manner and for such purposes as may be prescribed.
- (ix) to direct inspection of junior colleges or other affiliated colleges, and to take all measures necessary to ensure that proper standards of instruction are maintained in them;
- (x) to call for such reports, returns and other information as may be prescribed, from the junior colleges or other affiliated colleges or the recognised colleges or educational institutions and to call for reports from the Director on the condition, of the junior colleges or other affiliated colleges, or of colleges or educational institutions applying for affiliation or recognition;
- (xi) to adopt measures to promote physical, moral and social welfare of students in the junior colleges or other affiliated colleges, and to lay down conditions of their residence and discipline;
- (xii) to recognise, any diploma or certificate granted by any other Board or educational authority, whether within or outside the State, as equivalent to the certificate granted by the Board, and any course of study undertaken by candidates as sufficient for the purposes of admitting them for the Intermediate examination;
- (xiii) to hold and manage endowments and to institute and award scholarships, medals, prizes and the like under conditions that may be prescribed;

(xiv) to acquire, hold and dispose of property, both movable and immovable, for the purposes of the Board and to enter into agreements therefor;

(xv) to administer the funds placed at its disposal for the purposes for which they are intended or generally for purposes of the Board;

(xvi) to approve its annual accounts and to delegate financial powers to a committee, if any, constituted therefor;

(xvii) to delegate such of its powers as it deems fit to any of the committees or to the Chairman or to any other authority of the Board;

(xviii) to submit to the Government, its views on any matter with which it is concerned, and its report on any matter called for from it by the Government;

(xix) to perform such other functions as may be entrusted to it by the Government by or under this Act for regulating and supervising all aspects of the Intermediate education in the State;

(xx) to do all acts or things necessary or incidental for carrying out the purposes of this Act.

(2) Notwithstanding anything in any law relating to the Universities for the time being in force in the State, -

(a) the Board shall have, and a University in the State or any authority thereof shall not have and shall be deemed never to have had, the power to affiliate any college or other educational institution in the State as providing courses of study for qualifying students for admission to the Intermediate examination and to recognise any college or educational institution for the purpose of admitting it to the privileges to be granted by the Board in accordance with the regulations or, any of the powers specified in items (iv), (v), (vi) and (vii) of sub-section (1), notwithstanding that any such college or other educational institution has been affiliated to, or recognised by, any University for any other course of study provided by such University;

(b) any person passing the Intermediate examination and holding a certificate granted by the Board therefor shall be eligible for admission into any college in the State to a course of study qualifying students for admission to University examinations in accordance with the regulations of the University concerned.

10. Meetings of the Board - (1) The Board shall, for the disposal of its business, meet as often as necessary but not less than twice in each academic year.

(2) Every meeting of the Board, including a meeting at the requisition of members of more than one-half of the total strength of the Board, shall be convened in such manner and at such time and place and by such authority as may be provided in the regulations.

(3) Every meeting of the Board shall be presided over by the Chairman, in his absence by the Vice-Chairman, and in the absence of both the Chairman and Vice-Chairman, by a member chosen therefor by the members present at the meeting.

(4) All questions at any meeting of the Board shall be decided by a majority of the members present and voting at the meeting and in the case of equality of votes, the person presiding shall have and exercise a second or casting vote.

(5) One-third of total strength of the Board existing at the time of a meeting of the Board, shall form the quorum for that meeting.

Explanation- For the purpose of this sub-section, fractions exceeding one-half be counted as one and other fractions shall be disregarded.

(6) The Board shall observe such rules of procedure in regard to the transaction of business at its meetings as may be laid down by the regulations.

11. Committees of the Board - (1) The Board may, from time to time, appoint one or more committees for such purposes and in such manner and consisting of such number of members as may be prescribed.

(2) Every meeting of the committee shall be convened and held in such manner and at such time and place as may be provided in the regulations.

(3) The Board may, refer to any such committee for enquiry and report any matter relating to any of the purposes of this Act or, delegate to it any of its functions by resolution, subject to such conditions as it deems fit to impose and may cancel any such delegation.

(4) The Board may, at any time, dissolve any such committee.

12. Power of Board to make regulation - (1) The Board may, with the approval of the Government and by notification, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for -

(a) the manner of co-opting persons as members of the Board and the convening and holding of meetings of the Board and its committees, the times and places at which such meetings shall be held and the conduct of business thereat;

(b) the functions of the committees appointed under section 11;

(c) any other functions to be performed by the Chairman;

(d) the method of management of the property of the Board and the appointment of officers and other employees of the Board and their conditions of service,

(e) the conditions for affiliating any college or other educational institution in the State or for granting recognition to any college or other educational institution under this Act;

(f) the standards of staff, equipment, accommodation, training and other facilities in any junior college or other affiliated college;

(g) the courses of study including practical training, if any, and the period thereof, and the medium of instruction, for Intermediate education and the eligibility for admission of students to the courses of study in different branches of Intermediate education;

(h) the subjects for, and the conduct of, Intermediate examination, the appointment, qualifications, duties and powers of examiners in relation to the said examination and the remuneration payable to them, the fixation of fees and other charges for admission to the Intermediate examination, and the conditions for admission of candidates to the Intermediate examination;

(i) the standards of proficiency required for the grant of certificates;

(j) the allowances payable to the members of the Board or its committees for attending meetings of the Board or its committees;

(k) any other matter which is to be or may be provided under this Act and in respect of which no rules have been made.

13. Income and expenses of the Board - (1) The income of the Board shall consist of

- (a) all fees and other charges received by the Board under the provisions of this Act;
- (b) all monies received from the State or Central Government and the University Grants Commission by way of grant, gift, or deposit;
- (c) donations or other sums received by the Board from any person or institution; and
- (d) all other income from endowments and other properties.

(2) The expenses of the Board shall include the salaries and allowances of the Secretary, officers and other employees of the Board, the remuneration payable to examiners, invigilators and other persons employed in relation to, or in connection with, the conduct of the Intermediate examination, the allowances, if any, paid to the members of the Board or its committees for attending meetings of the Board or its committees and such other expenses as are necessary for carrying out of the purposes of this Act.

(3) All monies received by the Board shall be lodged in the Government treasury or in any bank specified by the Government.

(4) The Board may, with the sanction of the Government, invest its surplus funds in such manner as may be prescribed.

(5) The monies of the Board so lodged or invested shall be drawn by the Secretary in such manner as may be prescribed.

(6) Any sums placed at the disposal of the Board by the State or Central Government, the University Grants Commission or by any person or other institution for a specific purpose shall be administered by the Board for that purpose, subject to any general or special orders of the Government in that behalf.

(7) The Board shall keep proper accounts of its income and expenses and the annual accounts of the Board shall be subject to audit by an auditor appointed annually by the Board.

14. Proceedings not to be invalidated by reason of vacancies etc., in the Board or its committees - No act or proceeding of the Board or any of its committees shall be deemed to be invalid by reason only of a defect in the constitution of the Board or such committee or on the ground that the Chairman or Vice-Chairman of the Board, or any member of the Board or committee, as the case may be was not entitled to hold or continue in such office, or by reason of such act or proceeding having been done or conducted during the period of any vacancy in office of the Chairman or Vice-Chairman of the Board or any of the members of the Board or committee, as the case may be.

15. Powers of Government - (1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the Board and of every junior college or other affiliated college, and also to cause an inquiry to be made, in respect of any matter connected with the Board or, into the teaching and other work conducted or done by any junior college or other affiliated college. The Government shall in every such case give notice to the Board and to the junior college, or other affiliated college concerned of their intention to cause such inspection or inquiry to be made and the Board, junior college or other affiliated college, as the case may be, shall be entitled to be represented thereat.

(2) The Government shall forward to the Chairman of the Board, a copy of the inspection report for obtaining the views of the Board and on receipt of such views, the Government may tender such advice as they consider necessary and fix a time limit for action to be taken by the Board:

Provided that the Government may, for sufficient cause shown by the Board, extend the time limit by such period as they may deem fit.

(3) The Government may, where action has not been taken by the Board to their satisfaction within the time fixed or extended by them under sub-section (2), after considering any explanation furnished, or representation made by the Board, issue such directions as they may think fit and the Board shall comply with such directions.

(4) If at any time, the Government are satisfied that circumstances exist which render it necessary for them to take immediate action, they may, consistent with the purposes of this Act, take such action as may appear to them to be necessary and inform the Board of the action taken.

16. Dissolution of the Board in certain cases - (1) Where it appears to the Government that the Board has failed to exercise its powers or to perform its functions or has exceeded or abused any of the power conferred upon it by or under this Act, the Government may direct the Board to remedy such failure, excess or abuse or to give a satisfactory explanation therefor within such time as the Government may fix in this behalf, and where the Board fails to comply with such direction, or where the Government are satisfied that a situation has arisen in which the functions of the Board cannot be carried on in accordance with the provisions of this Act, the Government may dissolve the Board with effect from a specified date and reconstitute it either immediately or with effect from another specified date not later than six months from the date of such dissolution and cause all or any of the powers performed by such person or authority as the Government may appoint in this behalf until the Board is reconstituted in accordance with the provisions of this Act; and any person or authority so appointed may, if the Government so direct, receive remuneration for the services rendered from the funds of the Board.

(2) With effect from the date specified for the dissolution of the Board under sub section (1), all its members including its Chairman and Vice-Chairman shall forthwith be deemed to have vacated their offices as such.

(3) Every order of dissolution made under sub section (1) shall, as soon as may be after it is made, be laid before each House of the Andhra Pradesh State Legislature.

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

(2) Every rule 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, with effect from the date of notification of such modification or annulment 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.

18. Members of the Board, examiners and officers and other employees of the Board to be public servants - (1) The members of the Board and examiners, officers and other employees of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(2) An assault on or use of criminal force to an examiner, invigilator or any other person employed in connection with the examination conducted by the Board within a period of one month prior to the commencement of the examination, during the course of the examination and within two months immediately following such examination, shall be deemed to be an obstruction caused to a public servant in the discharge of his public functions and shall be a cognizable offence.

19. Protection of action taken in good faith - No suit, prosecution or other legal proceedings shall lie against the Government or the Board or any officer or employee of the Board for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any rule or regulation made thereunder.

20. Saving in respect of existing Board - The Board of Intermediate Education constituted and functioning immediately before the commencement of this Act under executive orders of the Government (hereinafter referred to as existing Board) shall cease to exist on the date on which a Board is established in accordance with the provisions of this Act.

(2) All things done or other actions taken by the existing Board or deemed to have been done or taken by it as a successor to any previous Board, shall be deemed to have been done or taken by the Board established in its place under this Act and all assets vested in, and all liabilities subsisting against, the existing Board on that date, shall devolve on the Board established in its place under this Act.

21. Power to remove difficulties - (1) If any difficulty arises in giving effect to any provision of this Act, the Government may, by notification, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such notification shall be issued under this section after the expiry of two years from the date of commencement of this Act.

(2) Every notification issued under this section shall be laid before each House of the State Legislature and the provisions of sub-section (2) of section 17 shall apply in respect of such notification as it applies in respect of a rule made under this Act.