

THE ANDHRA PRADESH COMMISSIONERATE OF HIGHER EDUCATION
ACT, 1986.

ACT No. 26 OF 1986

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and Commencement
2. Definitions
3. Constitution of Commissionerate of Higher Education
4. Composition of the Commissionerate
5. Terms and conditions of service of Chairman and members
6. Meeting of the Commissionerate
7. Vacancies amongst members or defect in constitution not to invalidate acts or proceeding of the Commissionerate
8. Temporary association of persons with the Commissionerate for particular purposes
9. Director of Higher Education etc., to be under the administrative control of the Commissionerate
10. Authentication of orders and other instruments of the Commissionerate
11. Powers and functions of the Commissionerate
12. Fund of the Commissionerate
13. Inspection
14. Annual Report
15. Accounts and Audit
16. Lirections by Government
17. Returns and information
18. Power to make rules
19. Power to make regulations

THE ANDHRA PRADESH COMMISSIONERATE OF HIGHER EDUCATION
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[8th August, 1986]

AN ACT TO PROVIDE FOR THE CONSTITUTION OF A COMMISSIONERATE
TO ADVISE THE GOVERNMENT IN MATTERS RELATING TO HIGHER
EDUCATION IN THE STATE AND TO OVERSEE ITS DEVELOPMENT
WITH PERSPECTIVE PLANNING AND FOR MATTERS CONNECTED
THEREWITH AND INCIDENTAL THERETO.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh
in the Thirty-seventh Year of the Republic of India as follows:—

1. Short title and Commencement - (1) This Act may be called the Andhra Pradesh Commissionerate of Higher Education Act, 1986.

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

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

- (a) "Chairman" means the Chairman of the Commissionerate ;
- (b) "College" means a College affiliated to or associated with or recognised by, any University in the State and includes a Junior College recognised by or affiliated to the Andhra Pradesh Board of Intermediate Education ;
- (c) "Commissionerate" means the Andhra Pradesh Commissionerate of Higher Education constituted under sub-section (1) of section 3 ;
- (d) "Government" means the State Government of Andhra Pradesh ;
- (e) "Higher Education" means intermediate education and education leading to a degree or post graduate degree including professional and technical education ;
- (f) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly ;
- (g) "prescribed" means prescribed by rules made by the Government under this Act;
- (h) "private college" means a college imparting education or training established and administered or maintained by any person or body of persons, whether incorporated or not, or any local authority and recognised as such by Government but does not include a college,—
 - (i) established and administered or maintained by the Central Government or the State Government;
 - (ii) established and administered or maintained by any University established by law; and

(iii) giving, providing or imparting only religious instruction, but not any other instruction.

3. Constitution of Commissionerate of Higher Education - (1) The Government may, by notification, and with effect on and from such date as may be specified therein, constitute a Commissionerate for the purposes of this Act to be called the Andhra Pradesh Commissionerate of Higher Education.

(2) (a) The Commissionerate 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 Commissionerate, the proceedings 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.

(3) The Headquarters of the Commissionerate shall be located at Hyderabad.

4. Composition of the Commissionerate - (1) The Commissionerate shall consist of—

(i) a Chairman;

(ii) a Vice-Chairman; and

(iii) not more than ten members.

(2) The Chairman and Vice-Chairman shall be eminent educationists appointed by the Government.

(3) Of the other members referred to in clause (iii) of sub-section (1) —

(a) the Secretary to the Government in the Education Department or the nominee of the Government not below the rank of a Deputy Secretary of the Department, ex-officio;

(b) the Secretary to the Government in the Labour, Employment, Nutrition and Technical Education Department, or the nominee of the Government not below the rank of a Deputy Secretary of the Department, ex-officio;

(c) the Secretary to the Government in the Finance and Planning (Finance Wing) Department, or the nominee of the Government not below the rank of a Deputy Secretary of the Department, ex-officio;

(d) four shall be appointed by the Government to represent Professors or Vice-Chancellors of any of the Universities in the State;

(e) one shall be appointed by the Government to represent industry and commerce; and

(f) one shall be appointed by the Government to represent engineering or legal or medical education with a distinguished academic background; and

(g) one distinguished educationist to be appointed by the Government.

(4) The Vice-Chairman shall exercise such powers and discharge such duties as may be prescribed.

(5) Every appointment under this section shall take effect from the date on which it is notified by the Government.

5. Terms and conditions of service of Chairman and members – (1) A person appointed as Chairman, Vice-Chairman or member (other than an ex-officio member) shall, unless he becomes disqualified for continuing as such under the rules made under this Act hold office for such term as may be specified in the order of appointment which shall not exceed three years and shall be eligible for re-appointment as Chairman, Vice-Chairman or member as the case may be, for another term of three years only :

Provided that in no case the Chairman, Vice-Chairman or other member shall hold office beyond the age of sixty years.

(2) The Chairman, Vice-Chairman or a member (other than an ex-officio member) may resign his office by writing under his hand addressed to the Government and every such resignation shall take effect from the date on which it is accepted by the Government.

(3) The Chairman, the Vice-Chairman or a member, other than an ex-officio member, shall not be removed from his office except by an order of the Government passed on the ground of willful omission or refusal to carry out the provisions of this Act or abuse of the powers vested in him and after due inquiry by such person who is or has been a Judge of a High Court or the Supreme Court as may be appointed by the Government, in which such Chairman, Vice-Chairman or member shall have an opportunity of making his representation against such removal.

(4) If a casual vacancy occurs in the office of the Chairman, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity the Vice-Chairman holding office as such for the time being shall act as the Chairman and shall, unless any other person is appointed earlier as the Chairman, hold the office of the Chairman for the remainder of the term of office of the person in whose place he is to so act:

Provided that where no Vice-Chairman is holding office at the time when the vacancy in the office of the Chairman occurs, the Government shall, appoint any other member to act as the Chairman and the person so appointed shall not hold the office of the Chairman for a period exceeding six months.

(5) If a casual vacancy occurs in the office of the Vice-Chairman or any other member, whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity, such vacancy shall be filled by the Government by making a fresh appointment and the member so appointed shall hold office for a term of three years.

(6) The office of the Chairman and the Vice-Chairman shall be whole-time and salaried and subject thereto, the terms and conditions of service of the Chairman and Vice-Chairman and other members shall be such as may be prescribed.

6. Meeting of the Commissionerate - The Commissionerate shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

7. Vacancies amongst members or defect in constitution not to invalidate acts or proceeding of the Commissionerate - No act or proceedings of the Commissionerate shall be deemed to be invalid by reason of any vacancy, in or any defect in the constitution of the Commissionerate.

8. Temporary association of persons with the Commissionerate for particular purposes - (1) The Commissionerate may associate with itself in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advise it may require in carrying out any o f the provisions of this Act.

(2) A person associated with it by the Commissioherate under subsection (1) for any purpose shall have a right to speak in or otherwise to take part in the proceedings of any meeting of the Commissionerate but shall not by virtue of this section be entitled to vote at any such meeting.

9. Director of Higher Education etc., to be under the administrative control of the Commissionerate -(1) With effect on and from the Constitution of the Commissionerate under section 3 and notwithstanding anything contained in the Andhra Pradesh Intermediate Education Act, 1971 and the Andhra Pradesh Education Act, 1982, the Director of Higher Education, the Secretary, Board of Intermediate Education, the Director of Technical Education and the Secretary to the Board of Technical Education shall function under the Administrative control of the Commissionerate.

(2) The Government may appoint a Secretary and the Commissionerate may appoint such other Officers and employees from time to time with the previous approval of the Government.

(3) The Government shall pay out of the Consolidated Fund of the State the salaries, allowances, pension and contributions, if any, towards the provident fund or pension-cum-provident fund of the officers and other employees of the Commissionerate.

(4) The classification and the methods of recruitment, conditions of service, pay and allowances and disciplinary conduct of the officers and other employees referred to in this section shall be regulated in accordance with the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 and such rules as may be made under the proviso to Article 309 of the Constitution.

10. Authentication of orders and other instruments of the Commissionerate - All orders and decisions of the Commissionerate shall be authenticated by the signature of the Chairman or any other member authorised by the Commissionerate in this behalf, and all other instruments issued by the Commissionerate shall be authenticated by the signature of the Secretary or any other officer of the Commissionerate authorised in like manner in this behalf.

11. Powers and functions of the Commissionerate - (1) It shall be the general duty of the Commissiouerate to -

- (a) evolve a perspective plan for the development of Higher Education in the State;
- (b) administer and release grants-in-aid to Universities and private colleges in the State and report the same to the Government ;
- (c) decide on the need for, and location of, new Colleges and courses of study including Engineering Colleges, subject to general guidelines issued by Government from time to time ;
- (d) monitor and evaluate the academic programmes in higher education and enforce accountability in the system ;
- (e) suggest ways and means of mobilising additional resources for higher education in the State;
- (f) establish and develop resources centre for curriculum materials and continuing education of teachers;
- (g) co-ordinate the academic activities of various institutions of higher education in the State ;
- (h) undertake examination reforms;
- (i) assume accreditation functions;
- (j) organise entrance tests;
- (k) administer and grant scholarships and organise work study programmes;
- (l) establish linkages between Universities, industries and community development organisations;
- (m) undertake preparation and publication of standard text books and works of reference;
- (n) make suggestions in regard to the scale of pay and service conditions of the teaching and non-teaching staff working in colleges and Universities, subject to general guidelines issued by Government from time to time;
- (o) transfer teachers appointed in aided posts from one aided private college to another such College subject to such rules as may be made by the Government in this behalf and generally encourage mobility of teachers; and
- (p) perform any other functions necessary for the furtherance and maintenance of excellence in the standards of higher education in the State.

(2) Notwithstanding anything contained in any law relating to Universities in the State, the Board of Intermediate Education Act, 1971 and the Andhra Pradesh Education Act, 1982 every University or college including a private college in the State shall obtain the prior approval of the Commissionerate in regard to—

- (i) creation of new posts;
- (ii) financial management; and

(iii) starting of new higher educational institutions.

(3) In giving its approval under sub-section (2) the Commissionerate shall follow the general guidelines issued by the Government in this behalf from time to time.

12. Fund of the Commissionerate - (1) The Commissionerate shall have its own fund consisting of the grants from Government voted by the Legislative Assembly of the State towards grants to Universities, and aided Junior and Degree Colleges and grants received from Central Government for higher education.

(2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Government, be decided by the Commissionerate.

(3) The Commissionerate 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 Commissionerate.

13. Inspection - (1) For the purpose of ascertaining the financial needs of a University or its standards of teaching, examination and research, the Commissionerate may, after consultation with the University, cause an inspection of any department or departments thereof to be made in such manner as may be prescribed and by such person or persons as it may direct.

(2) The Commissionerate shall communicate to the University the date on which any inspection under sub-section (1) shall be made and the University shall be entitled to be associated with the inspection in such manner as may be prescribed.

(3) The Commissionerate shall communicate to the University its views in regard to the result of any such inspection and may, after ascertaining the opinion of the University, recommend to the University the action to be taken as a result of such inspection, and the University shall comply with any such direction.

14. Annual Report - The Commissionerate shall prepare once in every year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before the Legislative Assembly of the State.

15. Accounts and Audit - (1) The Commissionerate shall cause to be maintained such books of account and other books in relation to its account in such form and in such manner as may be prescribed.

(2) The Commissionerate shall as soon as may be after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Government by such date, as the Government may determine.

(3) The accounts of the Commissionerate shall be audited by such authority, at such times and in such manner as may be prescribed.

(4) The annual accounts of the Commissionerate together with the audit report thereon shall be forwarded to the Government and the Government shall cause the same to be laid before the Legislative Assembly of the State and shall

also forward a copy of the audit report to the Commissionerate for taking suitable action on the matters arising out of the audit report.

16. Directions by Government - (1) In the discharge of its functions under this Act, the Commissionerate shall be guided by such directions on questions of policy relating to State purposes or in case of any emergency as may be given to it by the Government.

(2) If any dispute arises between the Government and the Commissionerate as to whether a question is or is not a question of policy relating to state purposes, or whether an emergency has arisen, the decision of the Government thereon shall be final.

17. Returns and information - The Commissionerate shall furnish to the Government such returns or other information with respect to its property or activities the Government may, from time to time require.

18. Power 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 the Legislative Assembly of the State 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, the Legislative Assembly 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.

19. Power to make regulations - (1) The Commissionerate may make regulations consistent with this Act and the rules made thereunder—

(a) regulating the meetings of the Commissionerate and the procedure for conducting business thereat ; and

(b) regulating the manner in which and the purposes for which persons may be associated with the Commissionerate under section 8.

(2) No regulation shall be made under this section except with the previous approval of the Government.