

THE ANDHRA PRADESH STATE COUNCIL OF HIGHER EDUCATION
ACT, 1988
ACT No. 16 OF 1988
ARRANGEMENT OF SECTIONS

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THE ANDHRA PRADESH STATE COUNCIL OF HIGHER EDUCATION
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[21st April, 1988]

AN ACT TO PROVIDE FOR THE CONSTITUTION OF A STATE COUNCIL 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.

Whereas the National Educational Policy, 1986 recommended that State Level Planning and Co-ordination of Higher Education shall be done through Councils of Higher Education and that the University Grants Commission and these councils will develop co-ordinative methods to keep a watch on standards;

And whereas the University Grants Commission constituted a committee to make recommendations regarding setting up of State Councils of Higher Education as per the aforesaid National Policy;

And whereas the said committee recommended that there is a pressing need for an effective machinery for promotion and co-ordination of Higher Education at the State Level and Co-ordination of State level programmes with those of the University Grants Commission;

And whereas the University Grants Commission had laid down the guidelines for setting up of State Councils of Higher Education as recommended by the said Committee;

And whereas the State Government has accordingly decided to fill the gap by constituting a State Council of Higher Education as recommended in the National Educational Policy of the Government of India and as recommended by the Committee constituted by the University Grants Commission.

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

1. Short title and commencement - (1) This Act may be called the Andhra Pradesh State Council of Higher Education Act, 1988.

(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 State Council of Higher Education;

(b) "*College*" means a college affiliated to or associated with or recognised by any University in the State including engineering colleges, polytechnic colleges and all colleges established in the co-operative sector;

(c) "*Degree*" means a degree in arts, science, commerce, oriental languages, engineering, technology, law, or such other degree recognised by any University in the State and includes a post-graduate degree;

(d) "*Diploma*" means any course of study after the tenth class to which a diploma is awarded but does not include a certificate;

(e) "*State Council*" means the Andhra Pradesh State Council of Higher Education constituted under sub-section (1) of section 3;

(f) "*Government*" means the State Government of Andhra Pradesh;

(g) "*Higher Education*" means every education above the tenth class leading to a degree or diploma including Intermediate Education and Technical Education but does not include a certificate course in Technical Education not leading to a degree or diploma;

(h) "*Notification*" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

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

(j) "*Private Colleges*" 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 State Council of Higher Education - (1) The Government may, by notification, and with effect on and from such date as may be specified in this behalf, constitute a State Council for the purpose of this Act to be called the Andhra Pradesh State Council of Higher Education.

(2)(a) The State Council 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 State Council 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 State Council shall be located at Hyderabad.

4. Composition of the State Council - (1) The State Council shall consist of the following members, namely:-

I. FULL TIME MEMBERS:

(i) a Chairman ; and

(ii) ¹[two Vice Chairmen],

to be appointed by the Government from among eminent educationists.

II. EX-OFFICIO MEMBERS:

(i) the Secretary to Government, Education Department ;

(ii) the Secretary to Government, Finance Department ;

(iii) the Secretary to Government, Labour, Employment and Technical Education ;

(iv) the Secretary or any other officer of the University Grants Commission not below the rank of a Joint Secretary nominated by the Chairman, University Grants Commission.

²[(v) the Vice Chancellors of the Osmania University, Andhra University, Sri Venkateswara University, Sri

¹ . The item (ii) substituted by the Act No. 26 of 2005, section 2.

² . The item (v) added by the Act No. 26 of 2005, section 2.

Krishnadevaraya University, Acharya Nagarjuna University, Kakatiya University and Jawaharlal Nehru Technological University.]

III. OTHER MEMBERS:

- (i) four persons to be appointed by the Government from among eminent educationists ;
- (ii) one person who shall represent the industry to be appointed by the Government ;
- (iii) three persons of whom one shall be a technical expert, to be nominated by the State Government.

(2) 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, Vice-Chairman and Members - (1) The Chairman, Vice-Chairman or any Member (other than an *ex-officio* member) shall be appointed by the Government ordinarily for a term of three years and shall be eligible for re-appointment for a second term:

Provided that a person who has not attained the age of sixty-five years shall be eligible to be appointed as Chairman or Vice-Chairman:

Provided further that it shall be competent for the Government to make an appointment under this sub-section for a term of less than three years if they consider necessary;

Provided also that the Chairman, Vice-Chairman or any member (other than an *ex-officio* member) who incur disqualification under the rules made in this behalf shall cease to hold such office as Chairman, Vice-Chairman or Member.

(2) The Chairman or 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 or 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 wilful omission or refusal to carry out the provisions of this Act or abuse of the powers vested with him and after due inquiry as may be ordered by the Government, in which such Chairman or 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 or for any other reason the Vice-Chairman holding office as such for the time being shall hold the office of the Chairman until another person is appointed as Chairman for the term as may be specified by the Government under sub-section (1):

Provided that where no Vice-Chairman is holding office at the time when the vacancy in the office of the Chairman occurs, the Government may appoint any other member (not being an *ex-officio* member) or appoint any other person to hold the office of the Chairman until another person is appointed as the Chairman for the term as may be specified by the Government under sub-section (1).

(5) If a casual vacancy occurs in the office of the Vice-Chairman or any other member, (other than an *ex-officio* member) whether by reason of his death, resignation or inability to discharge his functions owing to illness or other incapacity or for any other reason such vacancy shall be filled by the Government in the manner specified under sub-section (1).

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

6. Meetings of the Council - The Council shall meet at such times and places 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 proceedings of the Council - No Act or proceedings of the Council shall be deemed to be invalid by reason of any vacancy in or any defect in the Constitution of the Council.

8. Temporary association of persons with the Council for particular purpose - The Council may associate with itself in such a manner and for such a purpose, any person whose assistance or advice it may desire in carrying out its work. A person associated with Council for any purpose shall have a right to take part in the discussions relevant to that purpose but shall not have a right to vote at a meeting of the council and shall not be a member for any other purpose. The Council may associate with its members of Medical, Engineering and Agricultural Universities and such other expert bodies as the Government, by order, specify with a view of developing coordination among the Universities.

9. Staff of the Council - (1) The Council may appoint a Secretary and the other Officers with the previous approval of the Government and the other employees may be appointed by the Council from time to time in accordance with the guidelines prescribed.

(2) The classification and 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 such as may be prescribed.

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

11. Powers and functions of the Council - (1) It shall be the general duty of the Council to co-ordinate and determine standards in institutions of Higher Education or Research and Scientific and Technical institutions in accordance with the guidelines issued by the University Grants Commission from time to time.

(2) The functions of the Council shall include:

I. PLANNING AND CO-ORDINATION:

(i) to prepare consolidated programmes in the sphere of Higher Education in the State in accordance with the guidelines that may be issued by the University Grants Commission from time to time, and to assist in their implementation, keeping in view the over all priorities and perspectives to Higher Education in the State;

(ii) to assist the University Grants Commission in respect of determination and maintenance of standards and suggest remedial action wherever necessary;

(iii) to evolve perspective plans for development of Higher Education in the State ;

- (iv) to forward the Developmental Programmes of Universities and Colleges in the State to the University Grants Commission along with its comments and recommendations;
- (v) to monitor the progress of implementation of such developmental programmes;
- (vi) to promote co-operation and co-ordination of the educational institutions among themselves and explore the scope for interaction with industry and other related establishments;
- (vii) to formulate the principles as per the guidelines of the Government and to decide upon, approve and sanction new educational institutions by according permission keeping in view the various norms and requirements to be fulfilled ;
- (viii) to suggest ways and means of meeting additional resources for higher education in the State.

II. ACADEMIC FUNCTIONS:

- (i) to encourage and promote innovations in curricular development, restructuring of courses and updating of syllabi in the University and the colleges;
- (ii) to promote and co-ordinate the programme of autonomous colleges and to monitor its implementation;
- (iii) to devise steps to improve the standards of examinations conducted by the Universities and suggest necessary reforms;
- (iv) to facilitate training of teachers in colleges and Universities;
- (v) to develop programmes for greater academic co-operation and interaction between University teachers and College teachers and to facilitate mobility of students and teachers within and outside the State;
- (vi) to conduct entrance examination for admission to institutions of higher education and render advice on admissions;
- (vii) to encourage sports, games, physical education and cultural activities in the Universities and Colleges;
- (viii) to encourage extension activities and promote interaction with agencies concerned with regional planning and development;
- (ix) to prepare an overview report on the working of the Universities and the colleges in the State and to furnish a copy of the report to the University Grants Commission.

III. ADVISORY FUNCTIONS:

to advise the Government, -

- (i) in determining the block maintenance grants and to lay down the basis for such grants;
- (ii) on setting up a State Research Board so as to link research work of educational institutions with that of the research agencies and industry, keeping in view the overall research needs of the State;
- (iii) on the statutes and Ordinances to various Universities in the State (excluding Central Universities) and on the statutes proposed by the Universities in the State;

(iv) to work in liaison with the Southern Regional Committee of the All India Council for Technical Education in the formulation of the schemes in the State;

(v) to make new institutions self-sufficient and viable;

(vi) on the policy of 'earning while learning';

(vii) to perform any other functions necessary for the furtherance of higher education in the State.

12. Special provisions with regard to Intermediate Education - Notwithstanding anything contained in this Act, and the Andhra Pradesh Intermediate Education Act, 1972 (Act 1 of 1972), it shall be competent for the Government to entrust to the State Council all or any of the functions relating to Intermediate Education and such other matter for the orderly functioning of the Junior Colleges (including Co-operative and self-financing Junior Colleges) and to seek such help and advice from the State Council in order to ensure the orderly and efficient functioning of such colleges in conformity with the overall objective and educational policy of the State and National Policy.

13. Fund of the Council - (1) The Council shall have its own fund consisting of the grants from Government voted by the Legislative Assembly of the State towards grants to Universities, and Colleges and Grants received from Central Government for higher education and such other funds as may be received by the Council from any other source,

(2) The Government may pay to the Council in each financial year such sums as may be considered necessary for the functioning of the Council.

(3) All moneys belonging to the Fund and all receipt of the Council shall be deposited or invested in such manner as may be prescribed.

(4) The Council may spend such sums as it may think fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Council.

14. Release of grants-in-aid to the Universities and institutions - (1) It shall be the duty of the State Council to allocate grants to different Universities and degree colleges in the State from out of the funds received by it under sub-section (1) of section 13 and release the same to concerned Universities and colleges.

(2) Without prejudice to the provisions of the Andhra Pradesh Education Act, 1982 (Act 1 of 1982) the Director of Higher Education and the other authorities administratively concerned with the colleges shall implement the decisions, programmes and instructions of the Council in regard to the planning and monitoring developments and release of grants and funds of the Council under section 13.

15. Annual Financial Statement - (1) The Council shall prepare an annual financial statement on or before such date as may be prescribed of the estimated capital and revenue receipts and expenditure for the ensuing year.

(2) The said statement shall include a statement of salaries and allowances of members, officers and servants of the Council and of such other particulars as may be prescribed.

(3) The Government shall, as soon as may be after receipt of the said statement, cause it to be laid on the Table of the Legislative Assembly of the State.

(4) The Council shall take into consideration any comments made on the said statement in the Legislative Assembly of the State.

(5) The Council may at any time during the year in respect of which a statement under sub-section (1) has been submitted, submit to the

Government a supplementary statement, and all provisions of this section shall apply to such statement as they apply to such statement under the said sub-section.

16. Annual Report - The Council 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. A copy of the report shall also be sent to the University Grants Commission.

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

(2) The Council 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 Council shall be audited by such authority, at such times and in such manner as may be prescribed.

(4) The annual accounts of the Council 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 Council for taking suitable action on the matters arising out of the audit report.

18. Directions by the Government - (1) In the discharge of its functions under this Act, the Council 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 Council 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.

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

20. Inspection and enquiry - (1) The Government shall have the right to cause an inspection to be made, by an officer not below the rank of Secretary to the Government authorised by it, of the State Council and also to cause an inquiry to be made into the work done by the State Council in respect of any matter entrusted to it. The Government shall in every case give notice to the State Council of its intention to cause such inspection or inquiry to be made and the State Council shall be entitled to be represented thereat. The Officer making the inspection or inquiry shall inform the Government of the results thereof.

(2) The Government shall communicate to the State Council its views with reference to the results of such inspection or inquiry and may, advise the State Council upon the action to be taken.

(3) The State Council shall, within such time as the Government may fix, report to it, the action, if any, which is proposed to be taken or has been taken, upon such advice.

(4) The Government may, where action has not been taken by the State Council within a reasonable time to its satisfaction, issue such directions as it may think fit, and the State Council shall comply with such directions.

21. Revision - The Government may either *suo-motu* on an application made to them, call for and examine the records of any order passed or decision taken

by the State Council under the provisions of this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or decision or as to regularity of such procedure and pass such order with respect thereto as they may think fit:

Provided that no such order shall be made except after giving the State Council or the person likely to be affected thereby, a reasonable opportunity of being heard.

22. 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 comprise 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.

23. Power to make regulations - (1) The Council may make regulations consistent with this Act and rules made thereunder :

(a) regulating the meeting of the Council 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 Council under section 8.

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

24. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may by order make such provision not inconsistent with the purpose of this Act, as appears to them to be necessary or expedient for removing the difficulty.