

# Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019

ANDHRA PRADESH

India

## Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019

### Act 20 of 2019

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Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019(Act No. 20 of 2019)Last Updated 25th December, 2019The 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:An Act to Establish Andhra Pradesh Higher Education Regulatory and Monitoring Commission to Maintain Standards of Education, Regulation of Fee, Service Condition of Teachers and Safeguard the Interests of Students and to Ensure Public Spiritedness, Equity, Excellence, Financial Stability and Probity Along with good Governance and for Matters connected therewith or Incidental Thereto.Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth Year of the Republic of India as follows:-Chapter-I Preliminary

### 1. Short title extent, commencement and application.

(1)This Act may be called the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019.(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 ail Higher Educational Institutions including Medical, Dental, Agriculture, Horticulture and Veterinary institutions in the State of Andhra Pradesh.

### 2. Definitions.

- In the Act, unless the context otherwise requires. -(1)"AFRC" means the Admission and Fee Regulatory Committee, Andhra Pradesh, established under GO Ms. No.6, dated 8-01-2007;(2)"Commission" means the Regulatory and Monitoring Commission established under section 3 of this Act;(3)"Government" means the Government of Andhra Pradesh;(4)"Higher

Education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;(5)"Higher Educational Institution" means any institution of education post the secondary school level (Grade 12) that awards a degree, diploma, certificate or other academic distinction at any level in any field or discipline;(6)"Member" means a member of the Commission including the Vice - Chairperson;(7)"prescribed" means prescribed by rules made under this Act;(8)"private university" means a university established under section 3 of the Andhra Pradesh Private Universities (Establishment and Regulations) Act, 2016 (Act No. 3 of 2016.);(9)"regulations" means regulation made by the Commission under section 22 of this Act;(10)"Regulatory Authority" means any Statutory State or Central Regulatory Authority set up for the purpose regulating Higher Education under any other Act or Rules for the time being in force;(11)"student" means person enrolled in the Higher Educational Institution for pursuing a course of study for the award of a degree, diploma, certificate or other academic distinction;(12)"teacher" means a Professor, Associate Professor, Assistant Professor, lecturer 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 Higher Educational Institutions;(13)"University" means a University established or incorporated by under a State Act;(14)"University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956 (Central Act No. 3 of 1956.).Chapter-II Establishment of the Commission

### **3. Establishment of Commission.**

(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 Higher Education Regulatory and Monitoring 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. Composition of the Commission.**

(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;(c)One Member who is, an eminent Chartered Accountant or a person with over 25 years of experience in the field of Public Finance;(d)Three Members who are experts and not less than the rank of a Professor preferably with over 25 years of teaching & research experience from any of the following disciplines:-(i)Social Sciences;(ii)General Science;(iii)Medical and Dental Sciences;(iv)Engineering and Architecture;(v)Agriculture and Allied Sciences.(e)One Member who has extensive experience in administrative matters preferably a person belonging to the Indian Administrative Service either working or retired;(f)One representative from one of the Higher Educational Institutions in the State.All 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 term and conditions, as may be prescribed.(3)The Chairperson and members of the Commission shall be appointed by the State Government, for a maximum 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 office, the Chairperson or the member, as the case may be, shall be ineligible for further employment or any assignment with the State Government within or outside Andhra Pradesh.

## **5. Appointment of Chairperson and Members.**

(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, - (a) the Chief Secretary to the Government of Andhra Pradesh - Chairperson ex officio; and (b) four experts of repute who have special knowledge of, and professional experience in, higher education and research, belonging to Institutes of National Importance or Central Universities, not holding any office of profit under the Government of Andhra Pradesh, to be nominated as members by the State Government. (3) The term of the Search-cum-selection Committee and the manner of selection of panel of names shall be such as may be prescribed.

## **6. Vacancy Filled by the Government.**

(1) In the event of the occurrence of a vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the State Government shall, appoint the Chairperson immediately in accordance with provision of this Act within 90 days. (2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the Vice - Chairperson will discharge the functions of the Chairperson till the Chairperson assumes the charge of his duties.

## **7. Resignation and Removal of members.**

(1) Any member may, by notice in writing, addressed to the Government, resign from office. (2) The State Government may by order remove from office, any member on the grounds of public interest. (3) No member shall be removed from office without giving such member an opportunity to defend himself.

## **8. Appointment of officers and other employees of the commission.**

(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. (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. Powers and Functions of the Commission.**

- The Commission shall take all such steps as are necessary, for ensuring coordinated and integrated development of Higher Education and maintain high standards for the purposes of performing its functions under this Act, - (a) the Commission shall ensure that standards of admission, teaching,

examination, research, qualification of teachers and infrastructure, are being maintained by the Higher Educational Institutions in accordance with the guidelines issued by the Regulatory Authorities of the Central Government from time to time;(b)the Commission shall have the power to monitor and regulate Fee in Higher Educational Institutions in accordance with the rules, guidelines and procedures, prescribed for the purpose;(c)the Commission shall have power to regulate the aspects of conduct of entrance test/admissions by Private Higher Educational Institutions in accordance with rules framed by the State Government;(d)the Commission shall monitor the service conditions of teachers working in Private Higher Educational Institutions and take steps to protect their interests including making appropriate enforceable recommendations to the respective regulatory authorities;(e)the Commission shall ensure redressal of grievances of students and parents in a time bound manner;(f)the Commission shall take all action pertaining to and pursuant upon liquidation of private universities to ensure smooth closure as mandated in Section 32(11)(e) of the Andhra Pradesh Private Universities (Establishment and Regulations) Act, 2016;(g)the Commission shall advise, when called upon to do so by the State Government, as the case may be, on policies relating to higher education and research in any field of knowledge therein;(h)the Commission may ensure that all Higher Education Institutions comply with guidelines of information disclosure to monitor and evaluate their performance in coordination with regulatory bodies such as the Universities, Andhra Pradesh State Council of Higher Education;(i)the findings of the Commission shall be communicated to the Higher Educational Institutions formally, with a direction to rectify deficiencies noted within an acceptable timeframe. At all times, the Higher Educational Institutions shall have both the right to represent to the Commission against conclusion on deficiencies, as well as the responsibility to comply with the deficiencies expeditiously;(j)whenever required, the commission may consult various stake holders, including representatives of Private Higher Educational Institutions from time to time.

## **10. Penalties.**

(1)The Commission may, for the contravention of any provision of this Act or the rules or regulations made there under, or directions issued by the Commission, impose an appropriate penalty as prescribed under the rules:Provided that no penalty shall be imposed unless the institution concerned is given an opportunity of being heard.(2)In case of successive violations of any provision of this Act, rules and regulations made there under, the Commission can advise the appropriate statutory authority and the concerned University for the withdrawal of affiliation or recognition and even order closure in necessary.(3)The penalty imposed under sub- section (1) shall be recoverable from the endowment fund or any other Fund available with the Institution as an arrear of land revenue from the Higher Educational Institution concerned.

## **11. Procedure and Powers of the Commission.**

(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:-(a)Summoning and enforcing the attendance of any person and examining him on oath;(b)discovery and production of any document or other material object producible as evidence;(c)receiving evidence on affidavits;(d)requisitioning of any public

record;(e)issuing commission for the examination of witnesses;(f)reviewing its decisions, directions and orders;(g)any other matters which may be prescribed.(2)The Commission shall have the powers to pass such interim order 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, all the Higher Education Institution shall be bound to comply with all the orders passed, rules, regulations, norms, etc., of the Regulatory Authorities and provide all such facilities and assistance to such Authorities as are required by them to discharge their duties and carry out their functions.

## **12. Regulations.**

(1)The Andhra Pradesh Admission and Fee Regulatory Committee (AFRC) will cease to hold office upon the formation of the Commission as specified under Section 3 of this Act; the functions of AFRC will be carried out by the Commission.(2)The Commission will also carry out the provisions under Section 32 of the Andhra Pradesh Private Universities (Establishment and Regulations) Act, 2016.Chapter-IV Finance, Accounts and Audit

## **13. Payment to the Commission.**

- 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.

## **14. Fund of the Commission.**

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

## **15. Budget.**

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

## **16. Accounts and Audit of the Commission.**

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

## **17. Annual Report.**

- 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 State Legislature as soon as may be, after its receipt.

Chapter - V  
Miscellaneous

## **18. Chairperson and members, officers, and employees of the commission to be public servants.**

- 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.

## **19. Protection of actions taken in good faith.**

- 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.

## **20. Power of State Government to issue direction.**

(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.

## **21. Power to remove difficulties.**

(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.

## **22. Power to make regulations.**

(1)The Commission may, make regulations to carry out the provisions of this Act with prior approval of the Government.(2)Every Regulations made under this Section shall be laid, as soon as it is made before the State Legislature.

## **23. Power to make rules.**

(1)The State Government may, by notification publish in the Official Gazette, make rules for carrying out the provisions of this Act.(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)to monitor Higher Educational Institutions;(c)the form and manner in which the accounts shall be maintained by the Commission under section 16 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, 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 Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, with effect from the date on which the modification or annulment in the Andhra Pradesh Gazette 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.