



Government of Andhra Pradesh

DRAFT
COMPREHENSIVE EDUCATION BILL
Recommended by the Committee



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National Institute of Educational
Planning and Administration
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Page No.

✓ *Introduction :*

CHAPTER I				
	Short title, extent, application, commencement and definitions.	1
CHAPTER II				
	General Aims and Objectives.	..	..	6
CHAPTER III				
	School Education ..	..	..	7
CHAPTER IV				
	Curriculum, Textbooks and Teacher Training	..	..	23
CHAPTER V				
	Junior College Education—(Referential) ..	..	..	28
CHAPTER VI				
	Higher Education—(Referential)	..	..	29
CHAPTER VII				
	Adult Education ..	..	..	33
CHAPTER VIII				
	Teacher Welfare ..	..	..	34
CHAPTER IX				
	Student Welfare ..	..	..	35
CHAPTER X				
	Examinations ..	..	..	36
CHAPTER XI				
	Administration, Inspection and Supervision	..	..	37

	<i>Page</i>
CHAPTER XII	
Establishment of Educational Institutions and their Administration and control.	399
CHAPTER XIII	
Teaching and Non-Teaching Staff in Educational Institutions.	466
CHAPTER XIV	
Educational Finances.	488
CHAPTER XV	
Grant-in-aid	522
CHAPTER XVI	
Educational Planning.	566
CHAPTER XVII	
Prohibition of transfer of properties of an educational institution acquired with the aid of grants made out of State Funds.	583
CHAPTER XVIII	
Requisitioning and Acquisition of Educational institutions.	611
CHAPTER XIX	
Miscellaneous:	671
Appendices (I to V)	77 to 883

INTRODUCTION

Even though we are legislating for Education in Andhra Pradesh, it is good to pause and take a world-view in both spatial and temporal terms. Educational Legislation is a comparatively recent phenomenon all over the world, including the industrially and educationally advanced countries. The U. K. Education Act of 1944 can perhaps be regarded as a landmark in Comprehensive Educational Legislation. In countries of the third world, dominated until recently by colonial powers, there was hardly any comprehensive legislation, though in the last few years some African and Latin American countries have made some headway mainly under the initiative and inspiration of UNESCO and provided themselves with some legislative enactments. Barring University Acts in India the field is almost virgin, despite recent efforts by States like Tamil Nadu, Maharashtra, Karnataka, Kerala etc.

I. The world background to Educational Legislation falls into roughly three periods which are as follows :—

1. The period before the First World War, particularly the second half of the 19th century, when the State took little responsibility for education and it was largely a matter of private enterprise, particularly by the Church, in the countries of Europe as well as in their colonial possessions.

2. The period between the two wars when the State assumed some control over Education mainly of a regulatory nature over private activity and some token participation of its own in the establishment and maintenance of schools and colleges from the public exchequer.

3. The period after the Second World War when the responsibility for education was almost entirely assumed by the State, not only by establishing and maintaining schools and colleges of its own on a scale unprecedented until then, but by a system of grant-in-aid which assumed almost cent per cent responsibility for financing of institutions even in the private sector. This feature was much more accentuated in countries which gained their national independence and private resources were unequal to the magnitude of the educational enterprise. So far as India is concerned Education is the biggest commitment of the State, next probably to defence.

The administrative pattern of education has also correspondingly varied to match the three historical phases referred to above. From the period before the war when there was little administrative intervention or interest in education by the State, it has ranged through a period when the State started regulating the expanding efforts of the private [institutions, largely through manuals, circulars and customary law, to a period of complete assumption by government of the responsibility for education. This major change was necessitated by a constellation of factors, such as the physical expansion in the numbers and size of the educational system and the consequent explosion and proliferation of administrative tasks, the increasing consciousness of the right of the individual *vis-a-vis* the powers of a centralised State, the need for greater control over all kinds of educational institutions for the effective Planning and Administration of the system as a whole, the increasing importance which educational standards assumed in the context of quantitative growth of schools as well as the deepening sophistication of the processes of teaching-learning, supervision and evaluation. All these developments clearly pointed to the need for legislation as a means of both control and further growth. Despite its urgency to tackle many of the baffling problems of educational administration, legislation is not at the same time the only answer, as educational legislation has certain inherent limitations. The limitations of law are most evident in the vital area of the academic aspects of education which are not amenable to legislative expression or authority, but yet constitute the most significant part of educational growth. For instance, the inter-personal relationships among educational functionaries particularly at the level of an institution, the Headmaster and his assistants, the Principal and his colleagues. Another limitation is the obvious inadequacy of any legal expression to emphasise and enforce purely academic tasks like objective-based teaching, effective learning, reliable and valid evaluation etc. Any legislation would, at the same time, be inadequate if it completely ignored these aspects, without incorporating some at least of these things in some form to some extent. The advantages on the other hand are, however, the clear enunciation of power and responsibility in the educational system from the government to the lowest functional levels, both vertically and horizontally. The controls which the Government, the local authorities, private managements heads of institutions and other staff (academic, para-academic and non-academic) must have in order to achieve the pre-determined goals and objectives of the educational system can also be clearly defined. Educational legislation can also spell out in concrete terms the clear consequences of defiance or default of the provisions of the law in regard to all the connected functionaries, not excluding the Government and demarcate unambiguously the frontiers between the ultimate authority

of the State and the rights and obligations of institutions and individuals, including the teachers.

The nature and quality of drafting in educational legislation

Education is probably the one area of human development where the rigidity of the State should be least evident. This means that a minimum level of simplicity and flexibility has to be maintained in the entire drafting of the legislation. At the same time, there should be enough firmness in the legislative language for the State and the subordinate authorities to act in the event of defiance or default. The simplicity and flexibility of the main act can be ensured by confining its scope to the basic issues affecting the academic, administrative, Planning and Financial aspects of Education. This naturally enlarges the extent of subordinate legislation to which most of the other things which are of a more fleeting and less urgent nature have to be relegated. Educational legislation, like any other developmental legislation, is controlled by the unpredictable socio-economic changes that are overtaking contemporary societies of the world, almost every decade. Legislation should, therefore, be such that while it does provide for an unknown but fairly anticipated future, it should at the same time resist the temptation of legislating for all time, particularly if we recall the accepted concept that law is the expression of the spirit of an age and, therefore, no static conception of its function is possible or desirable. While we can, with some measure of confidence, legislate for the next 10 or 15 years, there should be enough resilience and flexibility built into the Act, to provide for the demands and compulsions of a future which we cannot project at the moment, despite the sophisticated statistical and economic tools devised for such projections and the advances in the science of futurology. In developing societies like ours, even these tools are rather primitive. Precise and upto-date data constitute our biggest handicap. Hence the greater need to be more tolerant in educational legislation.

The position in Andhra Pradesh

As far back as 1969 the Government considered the situation then obtaining in the Education Department and prepared a draft Education Bill to deal with the problems facing the department then. This draft bill was vetted by the departments of Finance and Law and it was the intention of the department to introduce it before the Legislature at the earliest opportunity. For reasons beyond the control of the Government, the Bill could not be brought before the Legislature. In 1972 the Government, again took up the Bill for certain revisions which it thought was necessary before the Bill could be submitted to the Legislature and, accordingly, meetings were held under the chairmanship of the then

Education Minister towards the end of 1972. But before these changes could be approved, incorporated and the Bill made ready for the legislature, Presidential rule was introduced in the State in January 1973 and, in the circumstances then prevailing, no further action could be taken on making the Bill ready for the Legislature. This was, therefore, resumed in 1974 soon after the restoration of a popular Ministry in the State.

In this connection it would be appropriate to make a reference to a non-official effort made in the State to introduce a private Bill on Education. It was in 1971 that Sri Vavilala Gopalakrishnayya a member of the Legislative Assembly introduced a private Bill with some important objects and reasons. (Vide Appendix I-a)

Such private effort in educational legislation is rather uncommon and therefore Sri Vavilala Gopalakrishnayya's Bill was unique in that sense. The Bill, however, could not be pressed to conclusion as the Assembly was dissolved in 1972, before the General Elections.

Soon after the new Ministry took over, a State level Seminar with a representative cross-section of the people of the State including educationists, educational administrators, University and School Teachers, Legislators, students and others interested in education was called by Sri M. V. Krishna Rao, the Minister for Education in March 1974 and as many as thirteen groups went into various aspects of education. The general consensus of the Seminar as a whole, was that the time had come, in view of the many significant developments in education both in the country and outside, to attempt an Educational Legislation which would not only answer the urgent administrative and academic problems confronting the Educational system in the State but would also be comprehensive enough to bring it in tune with the significant developments in educational thinking that had taken place in the State, country and the world at large.

The Committee was, therefore, set up in G. O. Ms. No. 272, dated 20-3-1974 (vide Appendix I) with the following terms of reference :

1. Recasting the draft of the Comprehensive Education Bill so as to incorporate the major recommendations of the Seminar on the Bill and also to make it as comprehensive as possible, keeping in view the dynamics of educational change both inside the State and the country but also, to the extent relevant, the major trends in the world at large.
2. The recommendations of the Seminar in regard to pre-primary and primary education, secondary education, intermediate

and collegiate education and other areas covered by the Seminar in its various groups.

3. To suggest such amendments as are necessary and urgent to the existing University Acts and the Board of Intermediate Education Act in the State.

The Committee had as many as six sittings spread over the months of March, April and May 1974. At the outset, the main Committee constituted a sub-committee to prepare a paper on the major aims and objectives of the educational system, so that it could serve as a background document and a frame of reference to the provisions in the proposed Comprehensive Education Bill. This paper was circulated to those interested in the work of the Committee both within the State and outside the State. The broad reactions, comments and suggestions made by them were considered by the Committee and included in the Bill as far as possible.

The main Committee then divided itself into two groups. The members of the groups as well as the subjects allotted to them are given in Appendix II. The two groups met a number of times and prepared a draft Comprehensive Education Bill, draft Amendments to the Acts of the three General Universities in the State and also the Board of Intermediate Education Act. These drafts were placed before the main Committee at its final sittings on the 29th, 30th and 31st of May 1974, by which date the term of the Committee which had since been extended had expired. After considerable discussions the Committee finalised its recommendation on the draft comprehensive bill, the Board of Junior College Education Act and on the suggestions of the March Seminar. The Amendments to the University Acts were approved at an earlier meeting of the Committee held on 7-5-1974. The dates of the meetings of the Main Committee, Sub-Committees and the two groups are given in Appendix III. All the sittings were held at Hyderabad only.

As already observed, commendable work had been done by the Department in the preparation of the Draft Education Bill in 1969 and it largely answered the purposes which the Government had in view then, but the passage of time for over five years since then, had not only altered those very problems to some extent but many new problems in the meanwhile had arisen. These needed rethinking and revised legislative measures. The Draft Bill of 1969 concentrated almost exclusively on administrative problems. Ever since its inception nearly a century ago, the Education Department had physically outgrown its normal size as a result of the explosion of numbers at all levels of education and also the amalgamation in 1956 of three administrative systems from the erstwhile states of Madras, Andhra and Hyderabad as a sequel to States Reorganisation.

The consequent proliferation of administrative responsibilities simply cried for a new enunciation of the powers and functions of the Department. Educational administration before then was carried on by a comparatively smaller number of functionaries who derived their authority mostly from manuals, codes and departmental circulars which had no legislative sanction behind them. The new challenges made it necessary for the department to acquire legislative authority to deal effectively with the developing situation and, therefore, the draft bill of 1969 concentrated largely on themes like educational officers, their powers and functions, advisory and other bodies, establishment of educational institutions, their administration and control, rationalisation of grant-in-aid procedures, educational funds of the local authorities, requisitioning and acquisition of educational institutions and other allied matters. While these aspects of the 1969 Bill still continue to face the department probably in a much more acute manner and therefore need to be resolved effectively, a new dimension had to be given to the bill by bringing in certain equally important academic features which require no less urgently, legislative expression and authority. The Committee appointed by the Government approached its task in this light and the Draft Comprehensive Education Bill placed before the Committee for its consideration and approved by it at its meeting on the 29th, 30th and 31st of May represents this effort.

The mechanics of preparing the material for the Draft Bill which follows this introduction has been two-fold. The Committee went through the provisions of the 1969 draft clause by clause and amended it so as to bring it in line not only with the latest thinking but also make it answer more precisely the latest administrative requirements. This was preceded by another exercise which was largely academic in character. The Committee took a wholistic view of the entire educational system and the problems and requirements of each sector and prepared a basic document in which the main aims and objectives of education, not only according to each sector from the pre-primary to the post-graduate, but also all aspects like curriculum and textbooks, examinations, teacher training, student welfare, student participation, teacher welfare, educational planning, administration and finances were considered and basic aims and objectives were spelt out. In the light of such aims and objectives as spelt out in the basic document, certain legislative provisions were drafted and integrated suitably with the Draft Bill of 1969. In its present form the Draft Bill, therefore, represents a new feature in educational legislation. The educational provisions in the draft comprehensive bill are almost as many as the regulatory provisions and the two combined, it is hoped, will make a comprehensive and educationally meaningful piece of legislation. The International Education Commission as well as our own Kothari Commission report have emphasised the importance of such

educational legislation so as to give expression to educational goals within an effective legal framework. It is hoped that for the judge who may be called upon to interpret the legislation, the legislator who would like to press its provisions against any erring or inactive Government and the educational administrator who has to derive his understandings and guidance from the Act, all these can find enough material and guidance within the Act itself for interpretation or action. Devoid of its educational content, any legislation would become a disembodied legal exercise of extremely limited importance to real and meaningful educational development and consequently a document which only talks of pedagogical concepts without the necessary provisions of law to make the individuals and institutions engaged in the realisation of those principles effective. Such an enactment would be equally lopsided and, to that extent, it would be reduced despite its academic thoroughness, to a beautiful but ineffective angle.

Even after the Committee's Bill has been accepted by both the Government and the Legislature, it would still not be a completely self-sufficient document because there would still be left areas of educational thinking which defy legislative expression. It was, therefore, considered by the Committee that the basic document spelling out the main aims and objectives of Education should still be regarded as a companion to the legislation on the subject. The paper on aims and objectives presented to the Government separately will therefore have to be considered and accepted by the Government as its White Paper on educational policy and thus provide a referential frame work for the legislative provisions. The White Paper is intended to fill out those areas of educational thinking and administration which cannot be brought fully within the ambit of a legislative enactment.

The Bill, as recast by the Committee, consists of 19 Chapters which, between them, not only cover all levels of education from the Pre-Primary to the Post-graduate but almost all those aspects of education which are relevant to its proper and effective administration. Isolated pieces of earlier legislation like the Andhra Pradesh (Andhra area) Elementary Education Act, 1920, The Andhra Pradesh Aided Institutions (Prohibition of Transfer of Property) Act 1948, The Andhra Pradesh Educational Institutions (Requisitioning and Acquisition) Act, 1956, the Andhra Pradesh Primary Education Act of 1961, and also some relevant sections from the Andhra Pradesh Zilla Parishad and Panchayat Samithies Act and Andhra Pradesh Municipalities Act have been incorporated into the provisions of the present Bill to make it an integrated piece of educational legislation.

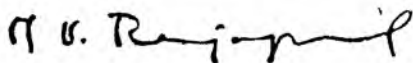
Altogether the Committee's proposed Bill in its present form is, as already observed, a departure from conventional legislation on Education. Aspects like curriculum and Textbooks, Examinations, Teacher Training, Student Welfare, Student participation, Teacher Welfare, Educational Planning, Administration and Finance, normally left out of a Bill purely regulatory in character, have been incorporated, giving a rich academic content to the proposed legislation. At the same time, provisions for the proper regulation of private managements, suitable provisions for take over of managements, should it become necessary in the public interest, the requisitioning and acquisition of properties for the purpose, have also been dealt with and clearly defined. For the effective implementation of educational administration and a more meaningful implementation of academic policies and programmes, a number of autonomous and semi-autonomous bodies have been suggested. The Committee is of the view that the bodies it has suggested in the Bill, namely, Board of School Education, State Council of Educational Research and Training, State Council of Girls' and Women's Education, State Board of Teacher Education, State Board of Special Education, Board for Adult Education, Bureau of Textbook Production, Board of Junior College Education, State University Grants Committee, Andhra Pradesh Residential Schools Society, Andhra Pradesh Telugu Akademi, State level Board for Administrative Coordination, and the State and District level Planning Boards will go a long way in not merely decentralising educational authority in the State but also providing for the modernisation of educational administration in the State. Of particular importance is the establishment of State and District level Planning Boards which are calculated to introduce into educational Planning some of those vital elements which have been conspicuous by their absence in educational Planning so far. The Bill also provides for the registration of Tutorial Institutions without unduly encroaching upon their present freedom of functioning but at the same time ensuring that minimum responsibility which the Government has for all kinds of institutions engaged in educational activity. Other salient aspects of the Bill are provision for the appointment of a Tribunal to deal with matters arising out of differences with Teacher Organisations, Student representation, Teacher Welfare, reform of the conduct and content of examinations, redefining of academic supervision so as to distinguish it from Inspection with which it has been confused all these years. The Bill also contains a chapter dealing with the broad aims and objectives of the educational system, to act as a general frame of reference to the detailed provisions of the Bill. It is the hope of the Committee that the Bill may meet the problems in the Educational system of the State at least for the next ten years in which the most crucial years of the Second United Nations Development decade

will be included. A new socio-economic order which will emerge by then may, perhaps, warrant a second scrutiny of its provisions.

In conclusion, I would like to say how deeply grateful I am to the Members of the Committee who attended the meetings of the main committee and its groups which had to be fairly large in number in view of the limited time within which the Government wanted the committee to finish its work. It is a matter for gratification that in an area like educational legislation comprising the entire educational system and its myriad aspects, the Committee was able to adopt a unity of approach on a variety of issues. Even the notes of reservation which some members preferred to record because of their deep convictions on certain issues, have enriched the intellectual quality and practical value of the recommendations of the Committee. Apart from the members of the Committee, the general public also have greatly helped the Committee in its endeavours. In many of the places visited by the Chairman during the course of his official tours, the representatives of people, Chairmen of Zilla Parishads, the representatives of Teacher Organisations, representatives of Managements of Educational Institutions, individual teachers and departmental officials etc., met him, submitted memoranda and discussed various points pertaining to the Bill. These discussions proved helpful to the Committee in appreciating in a wider perspective some of the local problems and needs, though obviously the Committee could not indicate to them fully its response to the several points in the memoranda submitted to the Committee. The Committee received a number of memoranda from some members of the State Legislature, various Teachers Unions, Educationists and other men who are interested in education. A list of Organisations which submitted Memoranda and individuals who offered their suggestions is given at appendix IV. The Committee wishes to record its appreciation of the trouble and time taken by them in preparing and submitting memoranda to the Committee and for giving the Committee the benefit of their valuable advice on several issues of great importance.

At the Chairman's request, the Director of Public Instruction was good enough to spare his senior officers to assist him with whatever information and advice needed by the Committee from time to time in connection with the committee's work. The Committee is grateful to all of them. In particular the Chairman would like to record his sense of personal appreciation of the work done by Sri R. V. Krishnan, I.A.S., Member-Secretary and Sri G. Kesava Reddy, B.A., B.L., Assistant Secretary (Education). Both these officers put in an enormous amount of hard work but for which the Committee would not have been able to

discharge successfully its time-bound assignment. Sarvasri I. V. Radhakrishna Murty of the Director of Public Instruction's office and Sri S. M. V. K. S. Ramacharyulu of the Andhra Pradesh State Gazetteer's office have helped the Committee in recording the minutes of the various meetings and also typing out all the materials to be made ready for the press. The Chairman wishes to record his personal appreciation of the work of both these officials.



(M. V. RAJAGOPAL,)

*Secretary to Government (P.R.)
and Chairman, Andhra Pradesh
Comprehensive Education Bill
Committee.*

Hyderabad,
26-6-1974.

Recommendations of the Comprehensive Education Bill Committee constituted in G. O. Ms. No. 272, Dated 20-3-1974 to make further provisions with respect to the academic administrative, financial and planning aspects of Education in the State of Andhra Pradesh and for matters connected therewith.

CHAPTER I

SHORT TITLE EXTENT, APPLICATION AND COMMENCEMENT

1. This Act may be called the Andhra Pradesh Comprehensive Education Act 1974.

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

3. It applies to all educational institutions and tutorial institutions in the State except—*

- (i) institutions for scientific or technical education financed by the Central Government, wholly or in part and declared by Parliament by law to be institutions of national importance ;
- (ii) institutions established or maintained and administered by, or affiliated to, or recognised by the Andhra Pradesh Agricultural University and the Jawaharlal Nehru Technological University ;
- (iii) Colleges insofar as the matters pertaining to them dealt within the enactments relating to the establishment of Universities in force in the State ;
- (iv) In regard to educational institutions imparting Intermediate Education insofar as the matters pertaining to them dealt with within the Board of Junior College Education Act.

4. The provisions of the Act shall come into force on such date as the Government may, by notification appoint and they may appoint different dates for different provisions.

Definitions

5. In this Act, unless the context otherwise requires—

(1) “ Academic year ” means a period of twelve months commencing on the first day of June of the year concerned or any other

*The Committee felt that in regard to minority institutions they need not be cited here but shown at appropriate places in the body of the Bill.

period as declared by the Government through a special notification in the Andhra Pradesh Gazette with regard to educational institutions in general or any specified class of educational institutions in particular.

(2) "Adult Education" is the education of a person more than 11 years old who has never attended any educational institution at any time before or the further education of a person who is a drop out from an educational institution or terminated his studies at any level therein.

(3) 'Approved School' means any school in any specified area within the jurisdiction of a local authority imparting primary education which

- (i) is under the management of the Government or a local authority ; or
- (ii) being under any other management, is recognised by the Education Department as an approved school for the purposes of this Act ;

(4) "Attendance" means the presence for instruction at an educational institution on such days in the academic year and at such time on each day of attendance as may be prescribed ;

(5) 'Attendance authority' means any person appointed to be an attendance authority under section 17(1).

(6) 'Child' means a boy or girl within such age group, not being less than six or more than eleven years, as the Government may in each case, specify for the purpose of this Act, either generally or with respect to any specified area;

(7) "Collector" means any officer in charge of a revenue division and includes District Collector, District Revenue Officer, Sub-collector and Assistant Collector ;

(8) "College" means a college established or maintained and administered by, or affiliated to or recognised by, any University in the State or by the Board of Junior College Education.

(9) "Competent authority" means any person or authority authorised by the Government by notification to perform the functions of the competent authority under this Act for such area or such purpose as may be specified in the notification ;

(10) "Director" means—

- (i) in relation to general education or any part thereof the Director in charge of Primary (including pre-primary), Secondary, Junior College Education or Higher Education, Special Education (including Adult Education), as the case may be;

(ii) in relation to technical education, the Director of Technical Education ;

(11) " Education " includes General Education, Technical Education, Physical Education, Teacher Education, Special Education, Oriental Education, Adult Education and any other area of education which the Government may by notification specify ;

(12) " Educational institution " means a recognised school, college or other institution (including an orphanage or boarding home or hostel attached to it) for imparting education and includes every other premises attached thereto but does not include a tutorial institution ;

(13) " General education " includes every branch of education other than technical education, education for the physically handicapped and mentally retarded and special education ;

(14) " Government " means the State Government ;

(15) " Grant " or " grant-in-aid " means any sum of money paid as aid out of State funds to any educational institution ;

(16) ' Guardian ' means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage or who has accepted or assumed the care, nurture or custody of any child or to whom the care or custody of any child has been entrusted by lawful authority ;

(17) ' Inspection ' means the scrutiny of records, registers and checking of physical specifications as determined by the competent authority in regard to buildings, libraries, laboratories, playgrounds and other allied matters and overall appraisal of the educational institution and its functionaries in the development of the physical plant of the institution.

(18) ' Listed Backward Classes ' are those Backward Classes declared as listed by the Government.

(19) " Local authority " means the local area comprised within the jurisdiction of the Municipal Corporation of Hyderabad and in relation to any other local area in the State, the concerned Municipal Council, Zilla Parishad, Panchayat Samithi or Gram Panchayat, Township, Contonment having jurisdiction over such local area or any other local authority having jurisdiction over the area.

(20) " Malpractice " is the use of material, other than permitted by the authority conducting the examination, whether printed, typed or hand-written either on paper or on the person of the examinee or on any other material, imported into the examination hall without the knowledge of the invigilators and of which the examinee is found to be in actual possession.

(21) "Manager" means—

- (i) in relation to a Government institution the officer or/ authority to whom the power of immediate control over the administration of the institution has been delegated for the time being.
- (ii) in relation to a local authority institution the local authority concerned or the standing committee thereof, if any, in charge of education ;
- (iii) in relation to a private institution the person appointed as manager under sub-section (1) of section 129.

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

(23) "Panchayat Samithi" means a Panchayat Samithi constituted under section 3 or reconstituted under that section or section 63 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Act, 1963 (Andhra Pradesh Act I of 1963) ;

(24) "Primary education" means education in and upto such classes or standards as may be prescribed;

(25) "Prescribed" means prescribed by rules made under this Act ;

(26) "Residential School" means a school where pupils are resident on the premises of the school and is affiliated to the Andhra Pradesh Residential Schools Society.

(27) "Special Education" means the education imparted in a special institution ;

(28) "Special institution" means any institution reformatory schools, schools for physically handicapped or mentally retarded or other defective pupils and includes any other type of special institution which may be notified as such by the Government ;

(29) "Subject specialisation" means the specialisation in a subject selected on an optional basis for any first University Degree or its equivalent, and for methodology for the B. Ed. degree or its equivalent;

(30) "Specified area" means any area within the jurisdiction of a local authority in which primary education is declared by the local authority or the Director, as the case may be, to be compulsory under sub-section (6) of section 16;

(31) "Student" is a person who has been admitted to a recognised educational institution in the State and is borne on the attendance register of the educational institution until the end of the academic year.

(32) "Supervision" means the professional assessment of a teacher, the guidance given to him, and the level of pupil achievement as determined by an Educational Officer appointed for the purpose and shall also include overall academic appraisal of an educational institution;

(33) "Teacher" means any member of the teaching staff in an educational institution appointed to give instruction in that institution;

(34) "Technical education" means any course of study in engineering, architecture, ceramics, industrial training mining, music and dance or in any other subject which may be notified by the Government in this behalf;

(35) "To attend an approved school" means to be present for instruction at an approved school on so many days in a year and at such time or times on each one of those days as may be fixed by the prescribed authority;

(36) "Tutorial institution" means any institution started by a person or body of persons for giving coaching or instruction to fifty or more candidates and/or employing five or more teachers to prepare them to appear for an examination in any branch of education conducted by any body or authority or the Acts of the universities in the State under this Act;

(37) 'Zilla Parishad' means a Zilla Parishad constituted under section 36 or reconstituted under section 63 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 (Act No. XXXV of 1959).

CHAPTER II

GENERAL AIMS AND OBJECTIVES

6. It shall be the duty of the Government to promote the education of the people of the State and the development of institutions devoted to that purpose and to secure the effective execution by itself, by local authorities and by private managements, of this objective subject to overall policy, control and direction of the Government.

7. The Government shall devise the educational system so as to achieve the following general aims and objectives.

(1) it shall help the fullest development of both the society and the individual.

(2) consistent with national policy, it shall emphasise the importance of education being developed as an instrument of establishing and strengthening a secular, democratic, casteless and socialistic society and also promote national integration.

(3) it shall be firmly linked at all levels with Science and Technology, developing at the same time the spirit of scientific humanism, in the pupils.

(4) it shall, at all levels, be such as to promote respect for and capacity to do manual labour, be productivity oriented and for this purpose a strong programme of work experience be incorporated into the syllabus from the very beginning of School Education.

(5) it shall place particular emphasis on the inculcation of moral, social and universal human values and the development of patriotism in the children.

(6) in addition to instruction in the classroom, the system shall provide, at all levels a well-conceived programme of physical education inclusive of a rich variety of extra-curricular activities which shall contain, among others, Games and Sports, Scouting, Guiding, Youth Hostelling, N.C.C. and N.S.S.

(7) that, in addition to the first language, namely, the regional language and or the mother-tongue, the educational system shall promote, as prescribed the achievement of proficiency in Hindi and English also as second and third languages.

CHAPTER III

SCHOOL EDUCATION

8. Pre-primary, Primary and Secondary shall be the main sectors of School Education and the duration of each sector shall be as prescribed.

9. The curriculum and instruction shall, in addition to the major objectives spelt out in Chapter II, achieve the following specific objectives at the end of the first five years of Primary Education.

(1) irrelapsable literacy in the mother-tongue including skills of articulation as prescribed by the competent authority.

(2) basic Numeracy skills as prescribed by the competent authority.

(3) necessary knowledge of the child's physical and social environment as prescribed by the competent authority.

10. The Government shall, in a phased programme, convert all single teacher schools into plural teacher schools.

11. The Government shall progressively provide for the Medical Inspection, care and Nutrition of children in the pre-primary and primary schools.

12. The children in the age group of 2 to 5 shall be eligible for pre-primary education. The Government shall promote, in general, the development of pre-primary education throughout the State and, in particular, assume responsibility for teacher training, establishment of pace-setting institutions and sanction of developmental grants for pre-primary institutions established and maintained by local authorities, voluntary agencies and other private managements.

13. The main method of pre-primary education shall be informal learning and it may be effectively linked with the Nutrition programmes of the Government for pre-school children. The Government may, as part of the pre-primary education system, provide for the attachment of play-way centres to existing primary schools in the State.

14. It shall be the responsibility of the Government to secure and maintain the Universal enrolment of children upto the age of 14.

Provided, however, that the responsibility to sustain universal enrolment upto the age of 14 shall be undertaken by the Government as and when universal enrolment is extended to children of the age group of 11 to 14.

Provided further that special efforts be made in respect of the enrolment of girls in general, Scheduled Castes, Scheduled Tribes and

listed Backward Classes, so as to secure 100% enrolment of the children between 6 and 14 years of age belonging to these groups, within 10 years of the commencement of the Act.

Provided further that a Commission be set up by the Government immediately after five years of the commencement of this Act to evaluate the progress in this regard and suggest measures for effective implementation within the period indicated.

15. The Government shall also make every effort to achieve universal retention simultaneously with universal enrolment upto the age of 14.

Schemes for Primary Education

16. (1) Any local authority, if called upon by the Government so to do, shall within such time as may be specified by the Government submit to them a scheme for compulsory primary education in such area within its jurisdiction for children ordinarily resident therein of such ages and up to such standard as the Government may specify.

(2) In the case of the Corporation of Hyderabad and the municipalities, the Government may call on the Director to submit a scheme for compulsory primary education in those areas for children ordinarily resident therein of such ages and up to such standard as the Government may specify.

(3) The scheme submitted under sub-section (1) or sub-section (2) shall be in such form as the Government may specify and shall contain the following particulars :—

- (a) the area in which primary education will be compulsory;
- (b) the approximate number of children to whom the scheme will apply, classified according to age and mother-tongue;
- (c) a list of existing approved schools and the schools, if any proposed to be opened for the purpose, classified by languages in which instruction is given or is proposed to be given;
- (d) the number of teachers already employed and the additional staff proposed to be recruited;
- (e) the recurring and non-recurring cost of the scheme; and
- (f) such other particulars as may be prescribed.

(4) The Government may, after such inquiry as they may consider necessary, sanction with or without modifications the scheme submitted by the local authority under sub-section (1) and by the Director under sub-section (2). The implementation of the scheme, so sanctioned, shall be subject to the general control of, and the directions issued from time to time by the Government.

(5) No sanction shall be accorded under sub-section (4) in respect of any scheme unless the Government are satisfied that such steps, as may be prescribed, have been taken to provide the necessary facilities for imparting compulsory primary education to all children to whom the scheme will apply.

(6) On receipt of sanction under sub-section (4) the local authority or the Director, as the case may be, shall give effect to the scheme so sanctioned, by means of a declaration that, with effect from the first day of the next academic year, primary education for children of both sexes up to such class or standard and within such age group as may be specified therein shall be compulsory in any area which may be so specified. The Government may at any time direct the Director to entrust the administration of any scheme submitted by him under sub-section (2) and sanctioned by the Government, to the local authority concerned.

(7) Every declaration under sub-section (6) shall be published, before the first day of April of each year immediately preceding the academic year, in the Andhra Pradesh Gazette and in such other manner as the local authority or the Director, as the case may be, decide :

Provided that the Government may, for any good and sufficient cause, condone any delay in the publication of such declaration in any year.

(8) Where any local authority fails to submit a scheme when called upon to do so under sub-section (1) or to give effect to any sanctioned scheme under sub-section (6) to the satisfaction of the Government, the Government may cause the scheme to be submitted or the sanctioned scheme to be implemented, as the case may be, by such person or authority as they think fit. The Government may at any time entrust the administration of the sanctioned scheme to the local authority concerned.

Explanation :—Where, after a Zilla Parishad has been called upon to submit, or has submitted, a scheme under this section in respect of any local area, a Panchayat Samithi has been constituted for such local area under the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 (Andhra Pradesh Act XXXV of 1959), the Panchayat Samithi so constituted shall be deemed to be the local authority which has been called upon to submit, or has submitted, the scheme for purpose of this Act.

Attendance authorities and their powers and functions

17. (1) The local authority in the cases mentioned in sub-section (1) of section 3, or the Director in the cases mentioned in sub-section (2) of that section may appoint as many persons as it or he thinks fit to be attendance authorities for the purposes of this Act, and may also appoint as many persons as it or he considers necessary to assist the attendance authorities in the discharge of their duties.

(2) It shall be the duty of the local authority or the Director, as the case may be, to cause to be prepared as early as possible after the publication of a declaration under sub-section (6) of section 3 and in such manner as may be prescribed, a list of children in any specified area. Such lists shall also be prepared annually in every specified area at such time and in such manner as may be prescribed.

(3) The attendance authority or any person appointed to assist the attendance authority may put such questions to any guardian or require any guardian to furnish such information, about his child, as it or he considers necessary and every such guardian shall be bound to answer such questions or to furnish such information, as the case may be, to the best of his knowledge or belief.

Responsibility of guardian to cause his child to attend school

18. It shall be the duty of the guardian of every child to cause the child to attend an approved school unless there is a reasonable cause for his non-attendance within the meaning of section 19.

Reasonable cause for non-attendance

19. (1) For the purposes of this Act, any of the following circumstances shall be deemed to be a reasonable cause for the non-attendance of a child at an approved school :—

- (a) that there is no approved school within the prescribed distance from his residence ;
- (b) that the only approved school within the prescribed distance from the residence of the child to which the child can secure admission is one in which religious instruction of a nature not approved by his guardian is compulsory ;
- (c) that the child is receiving instruction in some other manner which is declared to be satisfactory by the Government or by an officer authorised by them in this behalf ;
- (d) that the child has already completed primary education up to the class or standard specified in the declaration under sub-section (6) of section 16;
- (e) that the child suffers from a physical or mental defect which prevents him from attendance ;
- (f) that the child has been granted temporary leave of absence by the prescribed authority, local authority or by any other person authorised by any such authority in this behalf, for sickness or other prescribed reason ;

- (g) that there is any other compelling circumstance which prevents the child from attending school, provided the same is certified as such by the attendance authority.

(2) Notwithstanding anything in clause (e) of sub-section (1), the attendance authority may, if it is satisfied that, in relation to a child suffering from a physical or mental defect in any specified area, there is a special school within the prescribed distance from the residence of the child to which it could be sent, and that nothing in clauses (b) and (c) applies in relation to such child, it may, by order, require the child to attend the special school, and sub-section (1) shall have effect in relation to such child as if clauses (f) and (g) were the only provisions applicable.

Attendance orders

20. (1) Whenever the attendance authority has reason to believe that the guardian of a child has failed to cause the child to attend an approved school and that there is no reasonable cause for the non-attendance of the child within the meaning of section 19, it shall hold an inquiry in the prescribed manner.

(2) If as a result of the inquiry the attendance authority is satisfied that the child is liable to attend an approved school under this Act and that there is no reasonable cause for his non-attendance within the meaning of section 19, it shall pass an attendance order in the prescribed form directing the guardian to cause the child to attend the approved school with effect from the date specified in the order.

(3) An attendance order passed against a guardian in respect of his child under this section shall, subject to the provisions of sub-section (6), remain in force for so long as this Act continues to apply to the child.

(4) If any guardian against whom an attendance order has been passed in respect of his child under sub-section (2), transfers the custody of the child to another person during the period in which the attendance order is in force, such guardian shall be bound to immediately inform the attendance authority in writing of such transfer.

(5) Where an attendance order has been passed against a guardian in respect of his child under this section, such order shall have effect in relation to every other person to whom the custody of the child may be transferred during the period in which the attendance order is in force as it has effect in relation to the person against whom it was originally passed.

(6) A guardian may at any time apply to the attendance authority for cancellation of an attendance order on the ground—

- (i) that he is no longer the guardian in respect of the child ;
or

- (ii) that circumstances have arisen which provide a reasonable cause for non-attendance ; and thereupon the attendance authority may, after holding an inquiry in the prescribed manner, cancel or modify the attendance order.

Children not to be employed so as to prevent them from attending school

21. No person shall employ a child in a manner which shall prevent the child from attending an approved school.

Primary Education to be free

22. (1) When a declaration under sub-section (6) of section 16 has been made in respect of any area, no fee shall be levied in respect of any child for attending an approved school which is under the management of the Government or a local authority in that area.

(2) Fees may be levied from any such child at any other school situated within that area ;

Provided that where within one kilometre of such school or such other distance therefrom as may be prescribed there is no other approved school, such number of free places as may be fixed by the local authority shall be reserved in such school.

Age of child how to be computed

23. (1) The age of a child for the purpose of this Act shall be computed in terms of years completed by the child on or before the first day of the academic year.

(2) Where the birthday of a child falls on a day not later than the first day of September each year, the birthday shall be deemed to fall on the first day of the academic year for the purpose of computing the age of the child under sub-section (1).

Penalty for contravention of section 20

*24. (1) If any person fails to furnish any information as required by sub-section (4) of section 20, he shall be punishable with fine which may extend to twenty-five rupees.

(2) If any guardian fails to comply with an attendance order passed under section 20, he shall be punishable with fine not exceeding one rupee, and, in the case of a continuing contravention, with an additional fine not exceeding ten naye paise for every day during which such contravention continues after conviction for the first of such contraventions:

* The Chairman of the Committee is of the view that there is no need for these punitive provisions and therefore they may be deleted or kept in abeyance.

Provided that the amount of fine in any one year shall not exceed twenty rupees.

Penalty for contravention of section 21.

*25. If any person contravenes the provisions of section 21, he shall be punishable with fine which may extend to twenty-five rupees, and, in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contraventions.

Recovery and payment of fines

*26. Every fine imposed for an offence under this Act shall be recoverable as arrears of land revenue and the same shall be credited to :—

- (a) the Government, in the case of a scheme submitted under sub-section (2) of section 16 or of a scheme mentioned in sub-section (8) of that section so long as any such scheme is under the administration of the Government ; and
- (b) the local authority :—
 - (i) in the case of a scheme submitted by it under sub-section (1) of section 16, or
 - (ii) of a scheme submitted by the Director under sub-section (2) of that section and later on entrusted to a local authority under sub-section (6) of that section, or
 - (iii) of a scheme mentioned in sub-section (8) of that section the administration of which is entrusted to a local authority under that sub-section.

Courts competent to try offences

*27. (1) The courts competent to try offences under this Act shall be the following :—

- (a) in the areas to which the law relating to village panchayats in force in the State extends, the nyaya panchayats constituted under that law within whose jurisdiction the person committing the offence resides :
- (b) in other areas or in areas where there is no nyaya panchayats, the court of a Magistrate within whose jurisdiction the person committing the offence resides.

Cognizance of offences

*28. No court shall take cognizance of an offence under this Act except on the written complaint of an attendance authority or any other

*The Chairman of the Committee is of the view that there is no need for these punitive provisions and therefore they may be deleted or kept in abeyance.

person authorised in this behalf by the Government by general or special order.

Certain persons to be public servants

29. The attendance authority, every person appointed to assist the attendance authority under sub-section (1) of section 17 and every person authorised to make complaints under section 28 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith

30. No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done or intended to be done under this Act.

Power to exempt

31. If the Government are satisfied that it is necessary or expedient so to do in the public interest or that circumstances exist which render it necessary so to do, they may by notification in the Andhra Pradesh Gazette, exempt any class of persons or any community in any specified area from the operation of all or any of the provisions of this Act.

Delegation of powers

32. (1) The Government may, by notification in the Andhra Pradesh Gazette and subject to such condition, if any, as may be specified in the notification, authorise any officer or authority subordinate to them to exercise all or any of the powers conferred on the Government by or under this Act.

(2) A local authority in the cases mentioned in sub-section (1) of section 16 or the Director, in the cases mentioned in sub-section (2) of that section may, by general or special order and with the previous approval of the Government and subject to such conditions as may be specified in the order authorise any officer or authority subordinate to it or him to exercise all or any of the powers conferred on the local authority or the Director by or under this Act.

Power to make rules

33. (1) The Government may, by notification in the Andhra Pradesh Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the classes or standards, education in and up to which shall be considered as primary education ;

- (b) the steps to be taken for providing necessary facilities for imparting compulsory primary education before notifying any area to be specified area ;
- (c) the manner in which lists of children shall be prepared by the attendance authority in any specified area ;
- (d) the distance beyond which a child cannot be compelled to attend an approved school ;
- (e) the manner in which any inquiry under this Act shall be held ;
- (f) the form in which an attendance order under this Act shall be passed ;
- (g) the registers, statements, reports, returns, budgets and other information to be maintained or furnished by approved schools for the purpose of this Act ;
- (h) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry 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 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, 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 :

Provided that the rules made under this section pertaining to penal provisions shall come into force only after approval of them by both Houses of the Legislature.

34. In regard to an area covered by a Municipal Council it shall be the duty of the Council to provide for instruction, upto the end of the Primary level, of all children in the prescribed age-group resident in its area.

35. In areas covered by the jurisdiction of Panchayat Samithis it shall be the responsibility of the Panchayat Samithi concerned to undertake the maintenance and expansion of elementary schools, and in particular,

- (i) **management of Government and taken-over Aided Elementary and Higher Elementary Schools**
- (ii) **establishment of Adult Education Centres including Adult Literacy**
- (iii) **provision and improvement of accommodation for schools with people's participation.**

Secondary Education

36. In addition to and without prejudice to the generality of the major objectives of the educational system as spelt out in chapter II the specific objectives of secondary education shall be to provide the pupil, by the time he completes his Secondary Education, with liberal education as prescribed so as to fit him either for higher academic studies or for job-oriented vocational courses. The content of the general education referred to above shall among others, include

- (a) **the development of linguistic skills and literary appreciation in the mother-tongue/regional language as the case may be,**
- (b) **standards of efficiency as prescribed by the competent authority in Hindi and English,**
- (c) **knowledge of Mathematics as prescribed by the competent authority to pursue courses of study at the Junior College level,**
- (d) **knowledge of Physical and Biological Sciences necessary as prescribed by the competent authority to pursue courses of study at the Junior College level,**
- (e) **The Study of Social Sciences as prescribed by the competent authority with special reference to History, Geography and Civics as independent subjects so as to achieve the minimum necessary knowledge by the pupil in regard to his district, region, State, Country and the World,**
- (f) **Introduction of work-experience as prescribed by the competent authority as an integral part of the curriculum throughout the Secondary School.**

Provided that the work experience programme in schools located in rural areas shall be given an agricultural bias.

37. For students who leave the primary school but do not enter secondary school, provision may be made for instruction in vocational training through institutions to be specially established for the purpose.
38. In areas over which the Zilla Parishads have jurisdiction, they shall have the power to establish, maintain or expand secondary, vocational and industrial schools.
39. The Government shall accept and implement progressively the principle of subject specialisation by the teacher at the secondary level.
40. The Government shall introduce work experience as an integral part of the curriculum at the secondary stage. It may not however be an examination subject.
41. Government shall take all steps necessary to secure the qualitative strengthening of Secondary Education and for that purpose make every effort to bring the physical standards of existing schools to optimum levels.
42. A report of progress of action taken U/S 41 by the Government and the results achieved shall be placed on the table of the House in the Budget session of 1980.

Board of School Education

43. Government shall establish a Board of School Education with the following powers and functions :—

- (i) to prescribe the curriculum, syllabus and textbooks (for the entire school system) both primary and secondary for all classes
- (ii) to conduct a common examination at the end of the upper primary stage and award certificates as prescribed ;
- (iii) to conduct a Public Examination at the end of the secondary stage and award certificates as prescribed ;
- (iv) generally to consider and take suitable innovative steps continuously for the qualitative improvement of school education at all levels, provided, however, that recognition of schools and higher classes, release of grants and prescribing qualifications for teaching and non-teaching staff, inspection and supervision of recognised aided schools, establishment and maintenance of government schools shall vest with the Director in charge ;
- (v) the powers and functions of the Board shall be exercised by a governing council of which the Minister in charge of School Education shall be the Chairman and be constituted as follows :—

* The Chairman is of the view that the special schools contemplated here are already there in the shape of Junior Technical Schools which may be developed as Technical High Schools with provision for the required quantum of general education along with the technical subjects and leading to admission into either Polytechnics or Junior Colleges as the student may desire.

Education Secretary.

Finance Secretary.

Director in charge of School Education.

Director of Technical Education.

Principal S.C.E.R.T.

Representative of the Board of Teacher Education.

Representative of the Council for Girls and Women's Education.

Representative of the Council for Special Education.

Representative of the Board of Adult Education.

A representative of Osmania University.

A representative of Andhra University.

A representative of Sri Venkateswara University.

A representative of A. P. Agricultural University.

A representative of Jawaharlal Nehru Technological University.

Secretary, Board of Junior College Education

One Member of Parliament from Andhra Pradesh	} To be nominated by the State Government.
One Member of the State Legislative Assembly	
One Member of the State Legislative Council	

(One of these three representatives should be from Scheduled Castes or Scheduled Tribes)

Two Headmasters	} To be nominated by the Government in consultation with recognised Teacher Associations of the State.
Two classroom teachers (One secondary and one Primary)	
Two Headmasters of Oriental schools, One primary and one secondary.	

One Zill Parishad Chairman	} To be nominated by the Government
One Panchayat Samithi President	

Two distinguished educationists to be nominated by Government.

Two parent-teacher associations representatives to be nominated by the Government.

One Municipal Council Chairman to be nominated by Government.

One representative of the Private aided managements to be nominated by Government in consultation with recognised associations of private managements in the State.

two representatives of teacher organisations to be nominated by the Government in consultation with the teacher organisation.

Two District Educational Officers	} To be nominated by the Director in charge of School Education.
Two Gazetted Inspectors of Schools	
Two Deputy Inspectors of Schools	
Two Extension Officers, Education, Panchayat Samithi.	
Two Deputy Secretaries of Education Zilla Parishads.	

Deputy Secretary in charge of School Education in the Department of Education, Government of Andhra Pradesh.

—Member—Secretary.

(vi) The Board of School Education shall have the sole right of conducting the S.S.C. Examination and with effect from the establishment of the Board of School Education no other agency under any other law shall conduct the S.S.C. Examination or any equivalent thereto and will be deemed to have not been vested with such rights at any time before.

(vii) The Board of School Education is empowered to accord as well as to withdraw status of autonomy to selected schools in consultation with the Director in-charge of School Education. Terms and conditions for the award of such autonomy shall be as prescribed.

44. The Board shall meet atleast twice a year. It shall be assisted by three Standing Committees to be known as (1) Executive Committee for Administration and Finance, (2) Syllabus and Textbooks Committee and (3) Examinations Committee.

45. The Director in-charge of School Education shall be the ex-officio-Chairman of all the three Standing Committees.

46. The composition of the three Standing Committees shall be as follows :—

I. Executive Committee (Administration and Finance)

Director (in-charge of School Education) *Chairman.*

Representative of Finance Department.

Representative of Syllabus Committee.

Representative of Examinations Committee.

Joint Director of Public Instruction in-charge of School Education.

Planning Officer from the D. P. I's. office.

Secretary of the School Board—Convenor.

II. Syllabus and Textbooks Committee :

Director in-charge of School Education—*Chairman*

Principal State Council of Educational
Research and Training.

One Officer each in charge of School Education
in the Directorate of Public Instruction
not below the rank of Deputy Director :

(a) Elementary (b) Secondary.

One Deputy Secretary, for Education, Zilla Parishad.

One Principal of College of Education.

Two Headmasters — One each for an upper Primary and
Secondary schools.

Five subject teachers—Two for languages of which one
shall be for Telugu, one Mathematics one
Sciences and one Social Studies.

Director, in-charge of Printing and Production of Text-books.

Deputy Secretary of the Board (Academic)—Convenor.

III. Examinations Committee.

Director in-charge of School Education—*Chairman*

Deputy Secretary of the Board (Examinations)—Convenor.

Director in-charge of printing and production of Textbooks.

Evaluation Officer of the S.C.E.R.T.

Three Headmasters, one of upper Primary school and two of
Secondary schools.

Five subject teachers—Two for languages, one for Mathematics,
one for Sciences and one for Social Studies.

47. The Standing Committee for Administration and Finance shall meet atleast once a month and the other Committees as frequently as required.

48. The Government shall appoint a suitable person to be the Secretary of the Board in consultation with the Governing Council and he shall hold office on such terms and conditions as may be prescribed. The status and emoluments of the Secretary of the Board shall be of the rank of Joint or Additional Director.

49. The Governing Council with the prior approval of the Government may appoint Deputy Secretaries not below the rank of Deputy Director each to be in-charge of administration, Syllabus and Textbooks, Examinations and Accounts.

50. The Board may also appoint such number of Assistant Secretaries (of the rank of Assistant Director) as may be required in consultation with the Government. In addition the Board may also appoint such other Ministerial and supporting staff as it may consider necessary.

51. The Annual report of the School Board shall be placed on the table of the Legislature.

A. P. Residential School Society

52. There shall be a Registered Society to maintain and establish Residential Schools in Andhra Pradesh. The Governing body of the Society shall have such powers and functions as may be prescribed.

Council for Girls' and Women's Education

53. There shall be a Council for Girls' and Women's Education vested with the responsibility of reviewing the position of Girls' and Women's Education at all levels *i. e.* Pre-primary, Primary, Secondary and Higher from time to time and make suitable recommendations to Government for the qualitative as well as quantitative development of Girls' and Women's Education in the State in general and in particular to achieve the universal enrolment and retention of girls in the age group of 6 to 11 and 11to14.

54. Government shall nominate a distinguished lady educationist as Chairman of the Council according to such terms and conditions as may be prescribed.

55. Government shall also nominate a distinguished lady educationist as Vice-Chairman to assist the Chairman in such manner and in accordance with such terms and conditions as may be prescribed.

56. Government shall nominate the members of the Council provided, however, that representation for the following categories is ensured.

One Lady M.L.A., M.L.C. and M.P.—one of whom shall belong to Scheduled Castes or Scheduled Tribes.

Two distinguished Lady educationists.

Two distinguished lady social workers.

Two representatives of well-known voluntary organisations.

Chairman of the State Social Welfare Advisory Board, Hyderabad.

Director of Women's Welfare.

Three heads of Women's Institutions *i.e.*

One Principal of a Women's Degree College.

One Headmistress of a Girls' High School.

One Headmistress of a Girls' Primary School.

A Lady Officer not below the rank of Deputy Director of School Education shall be member-Secretary.

57. Government may also establish as prescribed, District Councils to assist the State Council and appoint such number of lady members as may be considered necessary.

Special Education

58. Government shall constitute an Advisory Council for Special Education with the Secretary to Government in the Education Department as Chairman and the Director in charge of School Education as Vice-Chairman.

59. The members of the Advisory Council shall include the following, among others to be nominated by the Government :

Principals of the institutions for the physically handicapped and mentally retarded children.

Representative of the Finance Department.

One member of Parliament.

One M. L. A.

One M. L. C.

Superintendent, Niloufer Hospital, Hyderabad.

Superintendent, Orthopaedic Hospital, Hyderabad.

Superintendent, Mental Hospital, Hyderabad.

Superintendent, Sarojinidevi Eye Hospital, Hyderabad.

60. The Advisory Council shall meet atleast twice a year and make such recommendations to the Government as it deems necessary for the strengthening and improvement of Special Education in the State.

CHAPTER IV

CURRICULUM, TEXTBOOKS AND TEACHER TRAINING

(a) State Council of Educational Research and Training

61. There shall be a State Council for Educational Research and Training with the following functions.

(1) to review the curriculum from time to time at all levels of school education and to ensure that it keeps pace with the continual expansion of knowledge in the Physical and Biological Sciences, Technology, Social Sciences, Humanities, languages and other areas of knowledge and make appropriate recommendations to the Government.

(2) to ensure that Nationalised Textbooks for the various classes are written and reviewed by experts drawn from a wide spectrum of educational functionaries, with specialised knowledge of both content and methodology in each subject area, conduct try-out of such textbooks as prescribed and to ensure in particular that classroom teachers are invariably involved in the writing and review of textbooks.

(3) to ensure that the textbooks written in the regional languages adopt the standard modern language and that terminologies in the regional languages in the physical and biological sciences, social sciences and other areas of knowledge are standardised and used along with the corresponding international terminologies.

(4) to keep in continuous touch with the development of educational technology and to impress on the Government continuously the growth of teacher competence as a crucial factor in the qualitative improvement of education at all levels from the pre-primary to the Collegiate and make appropriate recommendations to the Government in regard thereto.

(5) to keep in continuous touch with the growth of evaluational tools and techniques and to make appropriate recommendations to the Government in regard to the continual reform of the examination system and also for the efficient conduct thereof.

(6) to co-operate and collaborate with the board of Teacher Education, the colleges of education and the Universities in the State with a view to strengthening from time to time the syllabuses for teacher education at the pre-primary, primary and the secondary levels.

(7) to organise inservice training courses for teachers at all levels keeping in view the advice of the Advisory Council and the State Council of Teacher Education from time to time.

(8) to guide the Extension Services Programme attached to the Colleges of Education and strengthen them so as to make them a supporting programme for the inservice training of school teachers.

(9) to undertake action-oriented research either on its own or on the advice of the Director in-charge of School Education, Director in-charge of Higher Education, Director in-charge of Junior College Education, The Board of School Education or the National Council of Educational Research and Training, New Delhi in regard to academic problems confronting the educational system in the State.

(10) to undertake any other academic functions that may be entrusted to it by the Government from time to time.

62. There shall be in the Council a Collegiate Cell with exclusive responsibility for the organisation of orientation courses for the Junior Lecturers, Assistant Lecturers, Lecturers and Principals of Junior Colleges and Degree Colleges provided, however, that the Council will fully avail itself of the resources and expertise of the Universities in the State for this purpose.

63. The Office of the Council shall be headed by a whole-time officer not below the rank of Joint Director and shall be designated as 'Principal' and be supported by such number and variety of specialist officers and staff as the Government may determine either on its own or on the recommendation of the Advisory Council.

64. The Council shall be advised in the discharge of its functions by an Advisory Council which shall be constituted as follows :

Secretary, Education Department—Chairman.

Director in-charge of school education—Vice-Chairman

Principal, S.C.E.R.T. —Member-Secretary

Deputy Secretary to Government in the Education Department dealing with S.C.E.R.T.

Officer in-charge of syllabus and textbooks of the School Board.

Three Principals of Colleges of Education.

Deans of the Faculties of Education in the Universities of the State.

One M.P., one M.L.A. and one M.L.C., provided that one of the three should be from the Scheduled Castes or Scheduled Tribes.

Two District Educational Officers.

Two Gazetted Inspectors of Schools.

Two Deputy Inspectors of Schools.

Three Degree College Lecturers.

Two Junior College Principals.

Two Degree College Principals.

Three Primary School teachers of which one
atleast shall be from an Upper Primary School.

One representative of the Girls' and Women's
Council of Education.

One representative from the Board of Special
Education.

Three subject specialists not below the rank
of Readers from Universities.

Two Headmasters of High Schools.

Four Class-room teachers for the four subject
areas, *i.e.*, Languages, Mathematics,
Sciences and Social Sciences drawn from
Secondary Schools.

Joint Director in-charge of School Education.

65. The Advisory Committee shall meet atleast twice a year.

66. The Training and Research Programmes of the S.C.E.R.T. for each Academic year shall be put up to the Advisory Committee well in advance for its review and comments.

67. The programme as amended or modified by the Advisory Committee shall be submitted to the Government for approval through the Director in-charge of School Education.

Board of Teacher Education

68. Government shall establish a Board of Teacher Education with the power to review the position of Teacher Education in the State at all levels and in all institutions of Teacher Education, both pre-service and in-service and make appropriate recommendations to the Government and the Universities in the State.

69. The Board which shall meet atleast once a year shall be constituted as follows :—

Minister in-charge of Education—Chairman

Secretary, Education Department—

Vice-Chancellors of the General Universities
in the State

Director in-charge of School Education—Member-Secretary

Deputy Secretary to the Government dealing
with Teacher Education.

Principal S.C.E.R.T.

Deans of the Education Faculties of the
Universities of the State.

Three Principals of Colleges of Education by
rotation.

Three Principals of Teacher Training Schools
or any equivalent institution by rotation.

Representative of the Regional College of
Education, Mysore.

Representative of the National Institute of
Education, New Delhi.

Two Students one studying in the M.Ed.
course and one in the B.Ed. course.

Two co-ordinators of Extension Services
attached to Colleges of Education, one
each for High School and Primary School.

Two District Educational Officers.

Two Gazetted Inspectors of Schools.

Two Deputy Inspectors of Schools.

Class-room teachers—2 Secondary and
2 Primary of whom one shall be a Graduate
Headmaster of an Upper Primary School

Two representatives of recognised Teacher
Organisations.

One M. L. A.

One M. L. C.

One M. P.

Two Headmasters of Teacher Training institutions.

Bureau of Textbook Production

70. Government shall set up a Bureau of Textbook Production vested with the responsibility for the printing, production, stocking, distribution and sale of Nationalised Textbooks. It shall be managed by a Governing Body of which the Secretary to Government in Education Department shall be the Ex-officio Chairman with such other members as may be prescribed.

71. The Governing Body shall meet once in every three months or more frequently, if necessary, and it shall have the power of appointing such number of Standing Committees as it may think necessary.

72. The Governing Body shall determine the functions of the Standing Committees and the procedures to transact their business.

73. The Government shall have the power of issuing a directive to the Bureau in regard to the pricing of Textbooks and such directive shall be binding on the Bureau.

74. Government shall appoint a Chief Executive Officer for the Bureau in consultation with Governing Body on such terms and conditions as may be agreed to between the Governing Body and the Government.

75. The appointment of the supporting staff for the Chief Executive Officer shall be as prescribed.

CHAPTER V

JUNIOR COLLEGE EDUCATION

THE BOARD OF JUNIOR COLLEGE EDUCATION

76. The Board of Junior College Education shall be the authority to promote the Aims and Objectives of Intermediate Education in the State.

77. It shall be the duty of the Board to promote Junior College Education as a means to

(1) transfer to University courses of study.

(2) to offer diversified courses of duration varying from one to three years leading to either self-employment or employment in Trade, Commerce, Industry, Government Services and non-engineering occupations.

(3) also to provide such courses of such duration as may be necessary in such areas as are likely to benefit the community at large.

(4) the Board shall take particular care to ensure that its functions do not duplicate the courses offered by Polytechnics or other corresponding Engineering Institutions.

(5) that the Board shall conduct advance manpower surveys as a tool to determine the employment potential of the diversified courses it intends to provide.

(6) that the Board shall aim at the development of broad general skills in its diversified courses so as to enable adaptation by students to emerging patterns of new technologies. Experts and employers in the trade, industry and non-engineering professions concerned may be represented on the bodies dealing with the curriculum, courses of study, scheme of examination and certification.

78. No provision in this Act shall be construed in a manner repugnant to or inconsistent with the provisions of the Board of Junior College Education Act.

CHAPTER VI

HIGHER EDUCATION

79. The Universities in the State shall seek to achieve the following objectives.

(1) To seek and cultivate new knowledge, to engage constantly in the pursuit of truth and to interpret old knowledge and beliefs in the light of new needs and discoveries.

(2) To promote both teaching and research and to ensure not only a proper balance between the two but a meaningful feed-back from the one to the other.

(3) To produce sufficient numbers of people with the required degree of practical competence in fields such as Agriculture, Medicine, Engineering, Law, Commerce, Administration and other emerging professions or in any selected combination of subjects which will enable them to work efficiently in their chosen professions as well as in their capacity as ordinary citizens of a secular, democratic, socialistic State.

(4) To train a smaller number of highly competent specialists in fields relevant either to the present or to the foreseeable future.

(5) To encourage and build up a corpus of research in the History, Geography, Geology, Sociology, Anthropology, fauna and flora of the region in which the University is situated so as to form the requisite basis for teaching at all levels in the University and also to contribute to the growth of universal knowledge.

(6) To endeavour in every manner open to the University to help the spread of Higher Education among the weaker sections of the community with particular reference to Scheduled Castes and Scheduled Tribes.

(7) To minimise continuously and constantly the sense of separation of the University Graduate from his less educated and uneducated countrymen.

(8) To try and reduce all institutional barriers to access to Higher Education at all levels without in any way lowering the requisite standards.

(9) To serve as an intellectual leaven for the Nation as a whole and help it directly through extension courses, correspondence courses, Radio and Television courses and other means of mass communication.

(10) To provide and preserve for the teacher and the student that measure of academic freedom from time to time without which the search for scientific and philosophical truth and the transmission of knowledge to posterity will be impaired.

State University Grants Committee

80. Government may establish a State University Grants Committee with the following functions.

(i) to take over the functions of the Government existing before the commencement of this Act connected with the distribution of grants to the existing Colleges and Universities as determined immediately before the commencement of this Act.

(ii) to admit privately managed Degree and Junior Colleges in future to grant-in-aid subject to such terms and conditions as prescribed.

(iii) to disburse such developmental grants as are already sanctioned before the commencement of this Act to affiliated colleges (both private and government) as well as the Universities in the State and in future to determine and disburse such grants.

(iv) it shall also determine and disburse in future Block Grants for specified periods to the general Universities as well as the Jawaharlal Nehru Technological University.

(v) to decide the question of sanctioning any grants to the Universities, outside the block grants, necessitated by the revision of pay of staff under the Government, D. A., H. R. A., etc.

(vi) to release grants to the general Universities and the Jawaharlal Nehru Technological University for schemes specially entrusted by the committee to any of these Universities for implementation.

(vii) to determine and disburse annually grant-in-aid to private Aided Colleges in the manner prescribed.

(viii) to undertake the study of problems of Higher Education in the State and to publish the results of such studies.

81. To perform any other function which may be entrusted to it by the Government from time to time in regard to Junior College and Higher Education.

82. To co-operate and collaborate with the University Grants Commission established by Act of Parliament so as to avoid any duplication or conflict of functions.

83. The Government shall appoint an outstanding educationist as full-time Chairman on such terms and conditions as may be prescribed. His status and emoluments shall not be below that of a Vice-Chancellor of a University.

84. Other members of the Commission shall be as follows :—

- (i) Education Secretary to Government Ex-officio.
- (ii) Finance Secretary to Government Ex-officio.
- (iii) Director in charge of Higher Education Ex-officio.
- (iv) three eminent educationists not connected with the Universities in the State to be nominated by the Government.
- (v) Secretary of the Commission. Member-Secretary

85. The Commission may appoint such committees as it deems necessary for specific purposes.

86. Government shall appoint a Secretary in consultation with the Committee to function as the Chief Executive Officer of the Committee according to such terms and conditions as may be prescribed.

87. Commission may appoint such other officers and staff as may be prescribed.

88. Government shall provide funds necessary to the Committee for the disbursement of Block Grants to the Universities to the extent determined before the commencement of this Act and annual grant-in-aid to affiliated private aided colleges on the sanctioned list of the Committee to the extent determined before the commencement of this Act. These funds shall be earmarked for the purpose of disbursement to the institutions concerned and shall not be diverted by the Committee for any other purpose.

89. In consultation with the State University Grants Committee, the State Government shall determine annually and provide in full the required funds in the annual budget. This procedure shall also apply in the case of developmental grants.

90. Government may also provide to the Committee such funds as they may think appropriate for disbursement as developmental grants to Universities and Colleges by the Committee in accordance with prescribed procedures.

91. The annual report of the Committee shall be placed on the table of both the Houses of the State Legislature.

92. Nothing in the provisions of this Act shall be construed in any manner repugnant to or inconsistent with the Acts governing the Universities in the State.

Andhra Pradesh Telugu Akademi

93. There shall be a body called the Andhra Pradesh Telugu Akademi which shall be a Registered Society.

94. It shall have a governing body whose powers and functions, among others to be prescribed, shall include the preparation in Telugu and other regional languages of the State, as well as the printing, production and sale of textbooks and other reading materials for Junior College Education and Higher Education in the State.

CHAPTER VII

ADULT EDUCATION

95. Government shall take all steps necessary to develop a system of Adult Education (Informal, non-formal, life-long)*

96. That such Adult Education be so designed as not only to remove illiteracy but to provide life-long opportunities for further education.

97. That for this purpose a Board of Adult Education with the Chief Minister as the Chairman and the Minister in charge of General Education as Vice-Chairman be constituted with such number and categories of members as may be prescribed.

98. The powers and functions of the Board shall be as prescribed and it shall come into effect on a date to be notified in the State Gazette.

*Suggested by the Chairman for deletion as Adult Education itself is a comprehensive enough term.

CHAPTER VIII

TEACHER WELFARE

99. In addition to Teacher Organisations in the State already granted recognition by the Government, other existing organisations as well as new ones may be granted recognition by the Government on such terms and conditions as may be prescribed.

100. Government shall establish a Joint Consultative Machinery with the representatives of the Government, Managements and Teachers to deal with matters pertaining to Teacher Welfare.

101. Government shall establish a Tribunal (herein-after referred to as the Tribunal) as prescribed to deal with matters referred to it by the Government for decision.

102. The decision of the Tribunal shall be final.

CHAPTER IX

STUDENT WELFARE

103. Government may take all steps to promote Student Welfare and in particular to provide for the representation of students on the important Authorities of the Universities in the State.

104. Government may constitute an Advisory Body for Student Welfare to advise the Government regarding matters concerning Government Hostels, Scholarships and other matters of Student Welfare. The composition of the Advisory Body shall be as prescribed.

CHAPTER X
EXAMINATIONS

105. The Examination system, be it purely internal assessment, partially internal and partially external assessment, or wholly external assessment, shall in all events, be so prescribed by the competent authority as to make it a reliable and valid instrument of student evaluation.

Conduct of Examinations

106. Any authority conducting an examination under this Act or any of the University Acts of the State and functionaries appointed by it for that purpose shall have the right to prohibit candidates with dangerous weapons from entering the examination halls or any premises attached thereto. Resistance to such prohibition shall be a cognisable offence.

107. The assembly of more than five unauthorised persons within a kilometre from the examination hall shall be a cognisable offence.

108. Indulgence in malpractices by candidates for the examination, employees and other functionaries of the authority conducting the examination and/or any other person shall be a cognisable offence.

109. Any assault, threat or show of force by a candidate or any other person on an examiner or invigilator or other person connected with the examination shall be a cognisable offence.

110. Decisions of the authority conducting an examination under this law or any of the University Acts of the State based on the recommendations of the appropriate Committee appointed by the authority conducting the examination shall not be questioned in a court of law.

111. The authority conducting the examination or any person duly authorised in this regard shall have the power to search the person of a candidate for any suspected prohibited material on his person and also to seize such material, provided, however, that women candidates shall be searched only by women.

CHAPTER XI

ADMINISTRATION, INSPECTION AND SUPERVISION

112. Government may appoint for the State one or more Directors for general education and a Director of Technical Education for the purpose of exercising the powers and performing the functions conferred on or entrusted to them by or under this Act.

113. Government may also appoint such number of Additional Directors, Joint Directors, Deputy Directors, Assistant Directors and such other officers as they think fit to assist each Director in the exercise of the powers conferred on and the performance of the functions entrusted to each one of them by or under this Act.

114. Subject to the general or special orders of the Government in this behalf or provisions elsewhere in this Act.

(a) Director shall be the chief controlling authority in all matters connected with the administration of that part of general education in the State allotted to him by an executive order of the Government.

(b) The Director of Technical Education shall be the chief controlling authority in all matters connected with the administration of technical education in the State.

115. (i) The Government may appoint a District Educational Officer for each revenue district and he shall be the academic and executive head of the District Educational Administration and shall exercise such powers and perform such functions as may be entrusted to him by or under this Act.

Provided that in the case of Hyderabad District, there shall be appointed a District Educational Officer, for the area comprised within the jurisdiction of the Hyderabad Municipal Corporation and another District Educational Officer for the remaining area of that District.

(ii) The Government may sanction the appointment of such number of supporting staff to the District Educational Officer with such designations as may be deemed appropriate for the purposes of this Act.

(iii) The appointment to the posts sanctioned in sub-section (ii) shall be made by such authority as may be prescribed.

(iv) The powers and functions of the officers appointed under this section shall be such as may be prescribed.

State Board for Co-ordination

116. Government shall constitute a Board at State level for the purpose of co-ordinating the programmes and policies of Directors of General Education. The Board shall be constituted as follows:—

Minister in charge of General Education	—Chairman.
Secretary to Government, Education Department.	—Vice-Chairman.
Dy. Secretary to Government, Education Department.	—Member-Secretary.
Directors of General Education	—Members.

(1) The Chairman may invite any other officer of the Government to attend the meeting, as and when required.

A. P. Educational Service

117. There shall be an Educational Service in the State to be called “Andhra Pradesh Educational Service”.

118. The terms and conditions, scales of pay, the cadre structure and other allied matters relating to the service and recruitment thereto shall be as prescribed.

119. Recruitment to a prescribed percentage of the first level gazetted posts in the Andhra Pradesh Education Secretary in the departments of general and technical education shall be through an open competitive examination which the Andhra Pradesh Public Service Commission shall conduct.

Supervision of Secondary Schools

120. The Government shall progressively implement the principle of subject specialisation in regard to supervision of secondary schools.

121. Government shall establish a cell exclusively for supervision in the office of the Director in charge of School Education to be manned by an Officer not below the rank of Joint Director.

CHAPTER XII

ESTABLISHMENT OF EDUCATIONAL INSTITUTIONS AND THEIR ADMINISTRATION AND CONTROL

Government to provide facilities for imparting education

122. The Government may, for the purpose of implementing the provisions of this Act provide adequate facilities for imparting general education, technical education, special education and teacher education in the State—

- (a) establish and maintain educational institution ;
- (b) permit or require any local authority and permit body of persons to establish educational institutions and maintain them according to specifications as may be prescribed.
- (c) take, from time to time, such other steps as they may consider necessary or expedient.

Classification of educational institutions

The educational institutions shall be classified as follows :—

- (a) State institutions, that is to say, educational institutions established or maintained and administered by the Government.
- (b) Local authority institutions, that is to say, educational institutions established or maintained and administered by a local authority ; and
- (c) private institutions, that is to say, educational institutions established or maintained and administered by a body of persons registered in the manner prescribed.

Permission for establishment of educational institutions

123. (1) No educational institution shall, after the commencement of this Act, be established except in accordance with the provisions of this Act or the Rules made thereunder.

(2) Any local authority or registered body of persons intending to establish an educational institution or for upgrading primary into upper primary by opening VI Class and Upper Primary into High School by opening VIII Class, in any such institution, may make an application within such period, in such manner and to such authority as may be prescribed, for the grant of permission therefor.

(3) While granting permission under sub-section (2), the authority concerned shall have due regard to the following matters, namely :—

- (a) that there is need for providing educational facilities to the people in the locality ;
- (b) that there is adequate financial provision for continued and efficient maintenance of the institution ;
- (c) that the institution is proposed to be located in sanitary and healthy surrounding ;
- (d) that the site for building, playground and garden proposed to be provided and the building, if any, in which the institution is proposed to be housed, conform to the rules prescribed therefor ;
- (e) that qualified staff as per rules will be appointed ;
- (f) that the application satisfies the requirements laid down by this Act and the rules and orders made thereunder.

Grant or withdrawal of recognition of educational institutions

124. (1) The competent authority may, by order in writing, grant recognition in respect of any educational institution or for a higher class in any such institution permitted to be established under Section 123, subject to such conditions as may be prescribed in respect of accommodation, equipment, appointment of teaching staff, syllabi, textbooks and other aspects.

- (i) In the case of existing institutions under all managements the deficiencies should be made good within a specified period.
- (ii) that such other conditions as may be laid down by or under this Act shall be fulfilled.

125. Where the Manager of any local authority institution or private institution—

(a) fails to fulfil all or any of the condition of recognition, or fail to comply with the orders of the competent authority in respect of accommodation, equipment, syllabi, textbooks, appointment, punishment and dismissal of teachers ;

(b) denies admission to any citizen on grounds only of religion, race, caste, language or any of them ;

(c) directly or indirectly encourages in the educational institution any propaganda, with the deliberate intention of outraging the

religious feelings of any class of citizens of India or insulting the religion or the religious beliefs of that class ;

(d) employer continues to employ any teacher, whose certificate has been cancelled or suspended by the competent authority after due enquiry or who has been considered by the competent authority after due enquiry to be unfit or undesirable to be a teacher ; or arbitrarily removes a teacher and fails to comply with the orders of the competent authority in this regard ;

(e) fails to remedy the defects in the instructions or accommodation or the deficiencies in the management or discipline within such reasonable time as may be specified therefor by the competent authority ; the competent authority may for reasons to be recorded in writing, withdraw the recognition of the institution or take such other action as deemed necessary after giving to the manager an opportunity of making his representation against such withdrawal.

126. Notwithstanding anything in any other law for the time being in force, no educational institution which has not been recognised under this Act shall be entitled —

(a) to receive any grant-in-aid from the State funds or other financial assistance from the Government ;

(b) to send up candidates for appearing for examinations in courses of study conducted under this Act.

Special provision in respect of existing institutions

127. All the educational institutions established and recognised in accordance with rules in force immediately before the commencement of this Act and in existence at such commencement, shall satisfy the provisions of this Act within such period after following such procedure as may be prescribed.

Duties of Manager of Local Authority Institution

(1) It shall be the responsibility of the Manager of a Local Authority institution to comply with all the provisions of this Act and the rules or orders made thereunder.

(2) Without prejudice to the generality of the foregoing provision, it shall be the duty of the Manager of the local authority institution.

(i) to ensure that all monies collected by or granted or allotted to the local authority by or under this Act are expended for educational purposes ; and

(ii) to submit every year before such date and to such authority as may be prescribed an annual report relating

to the administration of the local authority institution and an annual budget estimate relating thereto.

Appointment and removal of Manager of Private Institution

128. (1) The managing committee or Governing Body of every private institution shall, appoint a person to be the manager of the institution for the purposes of this Act and intimate such appointment within 30 days to the Director for approval.

(2) The Director may, for reasons to be recorded in writing declare a person to be unfit to be the Manager of a private institution, after giving to such person an opportunity of making his representation against such declaration and on such declaration the person aforesaid shall cease to be the manager of the private institution and the managing committee or governing body of such institution shall appoint another person as manager in his place in accordance with the provisions of sub-section (1)

Duties of Manager of Private Educational Institution

129. (1) The manager appointed under section 128 shall be responsible for managing and conducting the affairs of the private institution in accordance with the provisions of this Act and the rules or orders made thereunder and to maintain the properties thereof in proper and good condition.

(2) It shall be the duty of the manager to maintain such records and accounts of the institution and in such manner as may be prescribed.

(3) The manager shall afford all assistance, and facilities as may be necessary or reasonably required for the inspection of the institution and its records and accounts by such Officer as may be authorised by the Director in this behalf.

(4) Before the end of April in each year, the manager of every private institution shall furnish to the competent authority a statement containing a list of all movable and immovable properties of the institution with such particulars as may be prescribed and such other duties as may be prescribed.

Private Educational Institution not to be closed down etc. without sufficient notice

130. (1) No private institution shall be closed down or discontinued, unless a notice of not less than one full academic year expiring with the end of any academic year, indicating the intention to do so has been given by the manager to the officer authorised by the Director in this behalf. In the event of closure, the Government shall make alternative arrangements for the students and staff.

(2) If any manager fails to give notices required under sub-section (1) he shall be punished with fine which may extend to one thousand rupees or simple imprisonment which may extend to 2 months or both and a fine of Rs. 50/- for every day of further default.

Manager to handover properties, records etc. to competent authority on closure etc. of private institution

131. (1) In the event of the private institution being closed down or discontinued or its recognition being withdrawn the manager shall hand over or cause handing over to the competent authority all the properties, records and accounts of the institution in his possession or competence.

(2) (a) Where the competent authority is resisted in, or prevented from, obtaining the possession of properties, records or accounts of the institution by such manager, any magistrate of the first class having jurisdiction, shall, on an application made by the competent authority, by order, after notice to the manager, direct delivery of the possession of such properties, records or accounts of the institution to the competent authority within the time specified in such order.

(b) Where the manager fails to deliver possession of the properties, records or accounts within the time specified in the order of the magistrate under clause (a), he shall be punished with imprisonment which may extend to six months or with fine, which may extend to two thousand rupees or with both and the magistrate shall cause the possession of the properties, records or accounts to be delivered to the competent authority taking such police assistance as may be necessary.

Restriction on alienation of property of private institution

132 (1) Notwithstanding any thing in any law for the time being in force no sale, mortgage, lease, pledge, charge or transfer of possession in respect of any property of a private institution shall be made or created except with the previous permission in writing of the competent authority on an application made in this behalf.

(2) No permission applied for under sub-section (1) shall be refused by the competent authority except where the grant of such permission will, in its opinion, adversely affect the working of the institution.

(3) Any person aggrieved by an order refusing permission under sub-section (2) may, in such manner and within such time as may be prescribed, appeal to the prescribed authority.

(4) Any transaction made in contravention of sub-section(2) shall be null and void.

Staff Councils and parent-teacher Associations

133. (1) There shall be a staff council and a Parent-teacher Association for every educational institution.

(2) The composition and functions of the staff council and the parent-teacher association shall be in accordance with such rules as may be prescribed.

Inspection of educational institutions

134. (1) The Government or the competent authority may authorise any officer to inspect any educational institution in the State.

(2) The Officer authorised under sub-section (1) shall exercise general powers of inspection over the working of the educational institution.

(3) The manager and the employees of the Educational Institution shall, at all reasonable times be bound to afford to the aforesaid officer all such assistance and facilities as may be required for the purpose of such inspection.

(4) The Manager shall comply with such directions or suggestions as may be given by the aforesaid officer.

Provided that the manager aggrieved by any such direction or suggestion may, appeal within thirty days from the date of receipt of such direction or suggestion to the prescribed officer and the decision on such appeal shall be final.

Registration of tutorial institutions

*135. (1) The proprietor of every tutorial institution shall in the case of an institution in existence at the commencement of this Act make an application for registration within ninety days from such commencement, and no tutorial institution after the commencement of this Act shall be started without prior registration.

(2) On receipt of an application under sub-section (1) the prescribed Officer shall, after satisfying himself that the application contains all the prescribed particulars and that the tutorial institution complies with the minimum requirements prescribed in regard to the sanitary conditions of the premises, the qualifications of the teaching staff and register the tutorial institution in a register to be maintained for the purpose and shall issue in the prescribed form a registration certificate in the name of the tutorial institution.

* Sri Jupudi Yagnanarayana, M.L.C., is however of the view that such registration of tutorial institution is not called for. Please see Appendix-V for his note of reservation on this as well as others.

(3) The proprietor of every tutorial institution so registered, shall submit to the prescribed Officer within two months after the end of every academic year.

- (a) an annual report regarding the coaching facilities provided by it during the academic year ; and
- (b) The proprietor of every tutorial institution so registered shall give intimation to the prescribed Officer any change in any of the particulars furnished under sub-section (1) or closure of the institution in such form, in such manner and within such time as may be prescribed ; and the prescribed Officer shall on receipt of such intimation amend the register and the registration Certificate, wherever necessary or cancel the certificate, as the case may be and notify the same in the Gazette.

(4) Where the Proprietor of any such institution has, in the opinion of the prescribed Officer, contravened any of the conditions subject to which the registration certificate is issued to such Proprietor, he may, after giving the Proprietor an opportunity of making his representation cancel the registration certificate and remove the name of the institution from the register referred to in sub-section (2) and notify the same in the Gazette.

(5) Any person who establishes and manages a tutorial institution without obtaining a registration certificate under sub-section (2) or who after the registration certificate issued to him under that sub-section having been cancelled, continues to run such institution shall be punished with a fine which may extend to two hundred and fifty rupees.

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment for a term which may extend to three months or with a fine which may extend to five hundred rupees or both.

CHAPTER XIII

TEACHING AND NON-TEACHING STAFF IN EDUCATIONAL INSTITUTIONS

Method of recruitment of and qualifications for appointment as teachers

136. Notwithstanding any thing in any other law, the method of recruitment of teachers and the qualifications to be possessed by persons for appointment as teachers, in all the educational institutions in the State shall be regulated by rules made by the Government in this behalf. Provided, however that in respect of minority institutions envisaged in Article 30 of the Constitution no direction shall be given as the method of recruitment.

Conditions of service etc. of teaching and non-teaching staff in private institutions

137. (1) The Government shall have power to make rules to regulate the conditions of service relating to security of tenure, pay and allowance, leave, pension, provident fund, gratuity, family pension, age of retirement discipline and conduct of the teachers and other members of staff in a private institution.

(2) Notwithstanding any thing in any judgment, decree or order of a Court, or scheme, contract, agreement, usage or custom, the provisions of this section shall prevail in so far as they relate to the matters governed by the corresponding provisions in any such judgment, decree or order of a Court, scheme, contract, agreement, usage or custom and such corresponding provisions shall with effect on and from the commencement of this Act, have no effect.

Power of Director to punish teachers in educational institutions in certain cases

138. (1) Where it comes to the notice of the Director that any teacher of an educational institution who is guilty of misconduct has not been dealt with suitably by the manager, the Director may direct the manager to take disciplinary action against such teacher, failing which the Director may, after following the prescribed procedure, impose, by an order in writing, any of the penalties specified in the rules made in this behalf, on such teacher.

(2) Any teacher aggrieved by an order passed under subsection (1) may, within thirty days from the date of receipt of the order by him, prefer an appeal to the Government and any order passed in such appeal shall be final.

Payment of salary of teachers of private aided institutions

139. The Government shall have power to direct the payment of salary of all teachers in any private institution or in such class of private aided institutions, in such manner and through such agencies as the Government may, by order, specify.

CHAPTER XIV

EDUCATIONAL FINANCES

Definition

140. In this Chapter, the expression "local authority" does not include a gram panchayat.

Education Fund of Local Authority

141. There shall be constituted for each local authority, an education fund, to which shall be credited—

(1) the proceeds of any tax levied for the purpose of providing educational facilities within the jurisdiction of such authority under the provisions of this Act or any other law ;

(2) an annual contribution from the general funds of such authority, not being less than a minimum fixed by the Government in that behalf ;

(3) such additional contribution from the general funds of such authority as the Government may decide to be necessary in any year in order to balance the budget of the fund for such year ;

(4) all sums granted to such authority by the Government for the purpose of providing educational facilities within its jurisdiction ;

(5) all fine and penalties levied within the jurisdiction of such authority under the provisions of this Act and those to be credited to the local authority under the Andhra Pradesh Primary Education Act, 1961 ;

(6) all income derived from any endowment or other property owned or managed by such authority for the benefit of education ;

(7) all tuition fees, if any, collected in educational institutions managed by such authority ; and

(8) all other sums of money which may be contributed to, or received by, such authority for the purposes of this Act and the Andhra Pradesh Primary Education Act, 1961.

Education Fund where to be Lodged and how to be drawn upon

142. (1) The education fund constituted under section 141 shall be lodged in Government treasury or in such bank as the Government may direct.

(2) All expenses incurred on education by the local authority concerned shall be paid out of the fund.

(3) All orders or cheques upon the fund shall be signed by the chief executive officer of the local authority or by such person as he may authorise in writing to sign on his behalf.

(4) So far as the funds to the credit of the local authority concerned permit, the treasury or bank shall pay :—

- (a) all orders or cheques signed in accordance with sub-section (3) ;
- (b) all payments made on expenses incurred by the Government on behalf of the local authority by or under the provisions of this Act, provided that the local authority has given previous permission in writing to the treasury or bank to debit such expenses to the fund without the issue of any order or cheque.

Levy of taxes by local authorities

143. (1) Any municipal council may, with the previous sanction of the Government and shall, if so directed by them, levy within its jurisdiction, taxes for the purposes of the Act, at such rates as may be considered necessary, as an addition to the taxation levied in the municipality under the Andhra Pradesh Municipalities Act, 1965, under the head of property tax or of professional tax or under both those heads.

*Explanation :—*In construing the expression “ Taxation levied ” occurring in this sub-section, exemptions granted under sub-section (2), sub-section (3), sub-section (4) or sub-section (5) of section 88 of the Andhra Pradesh Municipalities Act 1965, shall not be taken into account.

(2) Any Panchayat Samithi may, with the previous sanction of the Government and shall, if so directed by them, levy within its jurisdiction or part thereof taxes for the purposes of this Act, at such rates as may be considered necessary as an addition to the taxation levied in such jurisdiction or part under the law for the time being in force governing panchayat samithis, under all or any of the following heads, namely, land-cess, profession tax and house-tax.

Rates of Levy of Taxes under Section 143

144. (1) The rates of levy of any tax under section 143 shall be determined :—

- (a) by the local authority with the previous sanction of the Government, in case the tax is levied by the local authority of its own motion ; and

- (b) by the Government, in case the tax is levied at their direction :

Provided that the rates of any such tax levied as an addition to the taxation under the head of profession tax, shall be subject to the limits specified in any law for the time being in force governing the local authority or prescribed by rules made under this Act :

Provided further that the rates of any such tax levied by a municipal council as an addition to the taxation under the head of property tax shall not exceed ten per centum per annum in the case of properties taxed on their annual rental value, one-half per centum per annum in the case of property taxed on their capital value, and ten rupees per annum for every three hundred and twenty square metres or part thereof in the case of properties taxed on their extent ;

Provided also that the rates of any such tax levied by a Panchayat Samithi as an addition to the taxation under the head of land-cess shall not exceed*..... paise in the rupee of the annual rental value of the land.

- (2) The local authority, may with the previous sanction of the Government, or shall, if so directed by them, alter the rates of levy of any such tax.

Provided that where any such alteration results in the enhancement of the rates of levy of any tax the enhanced rates shall not exceed—

- (a) When the tax is levied by a municipal council, fifteen per centum per annum, in the case of properties taxed on their annual rental value, two-third per centum per annum in the case of properties taxed on their capital value, and fifteen rupees per annum for every three hundred and twenty square metres, or part thereof, in the case of properties taxed on their extent ;
- (b) when the tax is levied by a panchayat samithi*..... paise in the rupees*..... of the annual rental value of the land.

Assessment and Realisation of Taxes

145. (1) Every tax levied in any area under any head of taxation mentioned in section 144 shall be deemed to be an addition to a tax levied under the same head in such area under the law for the time being in force governing the municipalities or panchayat samithis, as the case may be, and all the provisions of such law relating to the incidence, assessment or realization of such tax or in any manner connected therewith shall be applicable accordingly.

Provided that the Government may direct that the said provisions shall apply subject to such modifications and restrictions, as may be prescribed.

*Regarding the blanks they have to be filled on the basis of a decision by the Government as the existing rates are different in the formers Andhra and Telangana regions of the state.

(2) In particular, any such tax levied within the jurisdiction of gram panchayat under any head of taxation shall be realised by such authority as may be prescribed. Out of the proceed of the tax so realised, such percentage as may be prescribed shall be deducted towards the collection charges and the balance shall be paid by such authority to the credit of the Education fund under the control of the Panchayati or Zilla Parishad in the manner prescribed.

Government Contribution to Education Fund

146. (1) When an education fund is constituted under section 141 for a municipal council, the Government may contribute to such fund—

- (i) a sum equal to twenty-five per centum of the proceeds of the taxation levied in the municipality under sub-section (1) of section 143 under the head of property tax ; and also
- (ii) a sum equal to twenty-five per centum of the proceeds of the taxation levied in the municipality under sub-section (1) of section 143 under the head of profession tax or a sum equal to five per centum of the total taxation levied in the municipality under the said head, both under sub-section (1) of section 143 and under the Andhra Pradesh Municipalities Act 1965, whichever sum is less.

(2) When an education fund is constituted under section 141 for a panchayat Samithi, or Zilla Parishad the Government shall contribute a sum equal to fifteen per centum of the proceeds of the taxation levied within the jurisdiction of panchayat samithi under sub-section (2) of Section 143 under the head of land cess.

Budget of Education Fund

147. (1) On or before the prescribed date, every local authority for which an education fund has been constituted under section 141 shall submit to the Government through the Director incharge of school education in such form as may be prescribed a budget for the ensuing financial year showing the income and expenditure relating to such fund.

(2) The Government may pass such order as they think fit in respect of the budget and the local authority concerned shall carry out such order.

(3) Notwithstanding anything in any other law, the education fund shall be kept separately and shall not be merged with the general revenues of the local authority concerned and it shall be used exclusively for purposes of education.

Audit of Accounts of Education Fund

148. The accounts of an education fund of each local authority shall be examined and audited by the competent authority and the local authority concerned shall carry out any instructions which the Government may issue on the audit report.

CHAPTER XV

GRANT-IN-AID

Government to set apart sums for giving Grant of Aid to certain Recognised Institutions

149. The Government shall within the limits of its economic capacity set apart a sum of money annually for being given as grant-in-aid to recognised local authority institutions and private institutions in the State.

Authorities which may sanction—Grant-in-Aid

150. (1) The Government may in such cases as they think fit, by order, sanction grant-in-aid to any recognised local authority institution or private institution, subject to such conditions as they may impose in that order relating to such grant.

(2) Except in cases where the Government sanction the grant-in-aid under sub-section (1) every grant-in-aid payable to a recognised local authority institution or private institution shall be assessed, sanctioned and disbursed by the Director in such manner and subject to such conditions as may be prescribed, provided however that the institution already in receipt of grant shall continue to receive such grant subject to such conditions as may be prescribed.

Provided that the Government may, by a general or special order, permit any officer subordinate to the Director to sanction grant to any recognised local authority institutions or private institution in such manner and subject to such conditions as may be prescribed.

(3) The manager of every recognised institution which is receiving any grant out of State funds shall be responsible for the fulfilment of all the conditions subject to which such grant has been given.

(4) No money shall be collected at the time of admission by any educational institution or as a condition precedent to such admission. Any institution found to be collecting such monies shall be punishable with a fine and imprisonment for a specified period. In addition, the monies so collected shall be refundable to the parties from whom they were collected. If such party indicates that he has made a voluntary contribution to the institution, such monies shall be kept in the joint account of the educational institution and the competent authority to be prescribed. Such monies shall be applied for the improvement of the institution and for the development of educational facilities.

(5) "Donations received at other times from voluntary donors shall be accepted by the institution and intimated within 30 days to the

competent authority. Such monies shall be deposited in the joint account of the institution and the competent authority, and spent as prescribed.

Application for Sanction of Grant-in-aid the Conditions to be fulfilled on such Sanction

151. (1) Every application for the sanction of grant-in-aid shall be made to the Government, Director or other Officer, as the case may be, in such form as may be prescribed and shall contain a declaration signed by the manager of the recognised institution to the effect that the conditions of recognition and of grant-in-aid are being and shall continue to be fully observed, that all facilities for inspection of that institution, its accounts, registers and other records relating to the grant shall be afforded to the inspecting staff deputed for the purpose and that all the returns and reports prescribed in this behalf shall be submitted to the competent authority within the time specified by it.

(2) The Government, the Director or other Officer, as the case may be may for good and sufficient reasons refuse to sanction such grant or may sanction such grant.

(3) Subject to the other provisions of this Act any order passed by the Government, Director or the other officer, as the case may be refusing to sanction the grant shall be final and shall not be questioned in any court of law.

Government, Director or other Officer may withhold, reduce or withdraw Grant

152. (1) Notwithstanding anything in this Chapter, the Government, the Director or other Officer may after such enquiry as they or he may deem fit, withhold, reduce, or withdraw any grant-in-aid payable to an educational institution having regard to the funds at the disposal of the Government, the conduct, efficiency and the financial condition of such institution, after giving an opportunity to the manager of the institution concerned of making a representation against such withholding, reduction or suspension.

(2) Without prejudice to the generality of the provisions of sub-section (1) or any other provision of this act, the Government, the Director or other officer may, after such enquiry as they or he may deem fit, withhold, reduce or suspend any grant-in-aid payable to any educational institution if the manager of the institution concerned :—

- (i) fails to fulfil all or any of the conditions of grant-in-aid ;
- (ii) denies admission to any citizen on grounds, only of religion, race, caste, language or any of them;
- (iii) allows any member of the teaching or non-teaching staff employed in the institution to take part in any agitation intended to bring or attempt to bring into hatred or

contempt or intended to excite or attempt to excite disaffection towards the Government established by law in India ;

- (iv) directly or indirectly, encourages propaganda with the deliberate intention of outraging the religious feeling of any class of citizens of India or insulting the religion or the religious beliefs of that class ;
- (v) is guilty of falsification of registers, or misuse of funds collected as special fee or otherwise for purposes other than those for which they are collected ;
- (vi) fails to remedy within such reasonable time as may be specified by the competent authority, the defects in the maintenance of account pointed out by the auditors ; or
- (vii) fails to restore within the time specified by the competent authority, a teacher whose services have been wrongfully dispensed with or fails to pay him any arrears of salary or other benefits when he is directed to do so by the competent authority.

(3) Subject to the other provisions of this Act, every order passed under this section shall be final and shall not be questioned in any court of law.

Utilisation of Funds and Movable Property of Private Institutions

153. (1) All the monies collected ; grants received and other movable property held by or on behalf of a private institution shall be utilised for the purposes for which they are intended, and shall be accounted for by the manager in such manner as may be prescribed.

(2) All the monies received or held by or on behalf of every private institution shall be lodged in a bank.

(3) The surplus fund of every such institution shall be invested in the Government securities or in such other manner as may be prescribed in the joint name of the institution and an officer of the Government authorised by the Director in this behalf.

Explanation :—For the purpose of this section “ Surplus fund ” means all the monies that remain unused with the institution at the beginning of each academic year out of its receipts during the previous academic year after providing for all the objects, needs, requirements or improvements of the institution during the previous academic year.

154. (1) The accounts of every educational institution receiving aid out of the State funds shall be subject to audit in the prescribed

manner by a person appointed by the Director at such intervals as the Director may determine by General or Special order in respect of any educational institution or class of such institution.

(2) The auditor appointed by the Director shall have full access to the account books and other documents required to be maintained by the Educational institution in respect of the grants received by it out of the State funds and shall certify and countersign as to the correctness of the income and expenditure of the institution after auditing such accounts thereof in such manner and after following such procedure as may be prescribed.

CHAPTER XVI

EDUCATIONAL PLANNING

155. Government shall establish in the Directorate of School Education a cell exclusively for Educational Finances and Planning and appoint an officer not below the rank of Joint Director to head the cell.

(1) The Joint Director in charge of Educational Finances and Planning shall be assisted by such number of Economic and Statistical Officers as may be considered appropriate.

(2) Planning Cells with a trained statistical officer shall be set up in all the offices of the District Educational Officers.

(3) Government may constitute at State level a Committee for Educational Planning and Finances as follows :

Minister in charge of General Education	.. Chairman
Education Secretary	.. Member
Deputy Secretary to Government incharge of Planning in the Education Department	.. Member Secretary
Directors of General Education	.. Members
Director of Technical Education	..
Nominees of the Universities in the State	..
Planning Secretary	..
Finance Secretary	..
Director, Bureau of Economics and Statistics	..
Director of Employment and Training	..
Three Senior Professors of Economics from the Universities in the State	..
One M.P., M.L.A., and M.L.C.	..
Two post-graduate students	..
One representative from recognised Managements of affiliated colleges	..

One representative of recognised Teachers Association	Member
A representative of the Administrative Staff College of India, Hyderabad	„

156. Government shall constitute District Committees for Educational Planning as follows :

District Collector	..	Chairman
Chairman, Zilla Parishad	..	Vice-Chairman
District Educational Officer	..	Member-Secretary
District Employment Officer	..	Member
District Statistical Officer	..	„
Two Principals of Colleges of Arts, Science and Commerce in the Districts	..	„
Two Headmasters of High Schools in the Districts	..	„
Two Principals of Junior Colleges in the Districts	..	„
Two Samithi Presidents	..	„
One representative of recognised Teachers Association	..	„
One representative of the private managements	..	„
One representative of the concerned University of the area	..	„

157. The District Committees shall submit the District Plans to the State level Committee through the Director in charge of School Education.

158. The Plan for Educational Finances and Planning shall be drawn up at the State level by the State level Committee and submitted to the Government for its consideration, and integration with the general economic plan of the State.

CHAPTER XVII

PROHIBITION OF TRANSFER OF PROPERTIES BY AIDED EDUCATIONAL INSTITUTIONS

Definition

159. In this Chapter—(a) “ manager ” means the owner trustee or other persons who has the power to transfer any land or building belonging to an educational institution and includes a local authority.

(b) “ transfer ” includes sale, exchange, mortgage, charge, lease or

160. (1) Where before or after the commencement of this Act—

(a) any land or building has been acquired, constructed, improved or altered for the purposes of any educational institution, with the aid of any grant made from the State funds ; or

Prohibition of transfer of lands and buildings by educational institutions without the permission from Government in certain cases

(b) any land or building has been transferred by the Government for use for the purposes of any educational institutions, then, notwithstanding anything to the contrary in any other law for the time being in force or in any deed of transfer or other document relating to the land or building, it shall not be transferred without the permission of the Government under sub-section (2) ; nor shall the land or building be used for any purpose other than the purposes of the educational institution or purposes ancillary thereto, without the permission of the Government.

(2) The Government may, by order in writing, permit the transfer of any such land or building subject to such conditions as they may impose if—

(i) the transfer is made in furtherance of the purposes of the educational institution or of ancillary purposes approved by the Government, and the proceeds of such transfer are to be wholly utilised in furtherance of the said purposes ;

(ii) the transfer is made only in part in furtherance of the purposes aforesaid, provided repayment is made to the

Government of such portion as the Government may direct in the circumstances of the case, of the grant referred to in clause (a) of sub-section (1) or of the current market value of the land or building referred to in the clause (b) of sub-section (1) or of both, as the case may be ;

- (iii) the transfer is made for any other valid reason, provided repayment is made to the Government in full, of the grant referred to in clause (a) of sub-section (1), or of the current market value of the land or building referred to in clause (b) of sub-section (1) or of both, as the case may be.

(3) Any transfer of land or building made without obtaining the permission of the Government under sub-section (2) shall be null and void.

Consequence of breach of provisions of Section 160

161. Where, in any case, the Government, after giving the manager of the educational institution concerned an opportunity to make his representation in regard to the matter, are satisfied that the provisions of sub-section (1) of section 160 have been contravened in respect of any land or building, they may, by order :—

(a) if the land or the land together with the building standing thereon belonged to the Government and was transferred by them for the purposes of the educational institution, direct the Collector to take possession of the land or land together with the building standing thereon, as the case may be, or at their option, direct the manager to pay to them in full, the current market value of the land or of the land together with that of the building where it was also transferred by them and also the amount of the grant, if any, made by the Government for improving the land or altering or constructing the building ;

(b) if the land or the building, if any, standing thereon does not belong to the Government, direct the manager to repay in full the grant made by the Government.

Effect of orders under Sections 160 (2) and 161

162. Every order passed by the Government under sub-section (2) of section 160 or section 161 shall be final.

Land or building to vest in Government absolutely on possession being taken

163. (1) When, in pursuance of an order under section 161 the Collector takes possession of any land or building by himself or through another, it shall vest absolutely in the Government free from all encumbrance.

(2) If the Collector or any person authorised by him in this behalf is opposed or impeded in taking possession of any land or building under this chapter he shall, if he is a Magistrate, enforce the surrender of such land or building to himself ; and, if he is not a Magistrate, he shall apply to a Magistrate and such Magistrate shall enforce the surrender of the land or building to the Collector.

(3) Whoever opposes or impedes the Collector or any person authorised by him in taking possession of any land or building under this Chapter shall be punished with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.

Recovery of sums due under this chapter

164. Any sum required to be repaid or paid to the Government in pursuance of section 160 or section 161 may without prejudice to any mode of recovery provided in any other law for the time being in force, be recovered from the properties of the institution or from the manager thereof as if it were an arrear of land revenue due from such educational institution or manager.

Court not to attach, sell etc., without the permission of the Government

165. (1) No land or building referred to in sub-section (1) of section 160 shall be liable to be attached, sold, or made subject to a charge by any court whether in execution of a decree or order or otherwise, unless the person seeking such relief from the Court has obtained the permission of Government to do so and files such permission in Court.

(2) When granting such permission, the Government may impose such conditions as they deem fit.

(3) If any such land or building is attached or sold, or a charge is created thereon by any Court without the permission of the Government—having been obtained and filed as aforesaid or if any condition imposed by them when granting such permission is contravened, then, the attachment, sale or charge, as the case may be, shall be *null and void*.

(4) In respect of debts incurred for running the institution the liability shall be with the person of the management who has contracted the debt.

CHAPTER XVIII

REQUISITIONING AND ACQUISITION OF EDUCATIONAL INSTITUTIONS

Definitions

166. In this chapter—

(a) “educational institution” means any institution, not being a State institution, established and recognised.

(b) “Persons interested” includes all persons claiming or entitled to claim, an interest in the compensation payable on account of the taking over of the management of the educational institution or requisitioning or acquisition of the property used for the purposes of an educational institution or of any other institution connected therewith under this act.

Withdrawal of recognition and taking over of management of educational institutions in public interest

167. Notwithstanding anything in this Act, if the Government are of opinion that the recognition/permission granted to an educational institution should, in the public interest, be withdrawn and its management taken over by them for a public purpose they may, after giving one month's notice to the manager of such educational institution to make any representation, withdraw, by notification, the recognition granted to the said educational institution and on such withdrawal of recognition/permission, its management shall vest in the Government.

Compensation for management of educational institutions vesting in Government

168. (1) The amount of compensation payable in respect of the vesting in the Government of the management of an educational institution under section 166 shall be an amount equal to the average net annual surplus income of such educational institution during the period of its existence or the period of five consecutive account years immediately preceding the date of vesting of the management, whichever is less.

(2) No compensation to be payable if the Trust provides for running educational institutions only.

Explanation :—In this sub-section “Account year” means the period beginning on the 1st July in any year and ending on the 30th June next following.

(3) The amount of compensation payable under sub-section (1), shall, subject to the rules made under this Act, be paid by the competent authority to the person interested in such manner and within such time as may be prescribed.

Requisitioning of educational institutions

169. (1) Where recognition is withdrawn from an educational institution by the Government under section 167 or otherwise or where an educational institution is closed before the last working day of an academic year, and if the Government consider it necessary to requisition any property, movable or immovable, which before the withdrawal of the recognition or the closing of the institution was being used for the purposes of the institution or of any other institution connected therewith, such as a hostel for students, quarters for the residence of teaching and non-teaching staff or a playground, then, notwithstanding anything to the contrary in any other law for the time being in force, the Government may, within three months from the withdrawal of the recognition/permission or the closing of the educational institution, as the case may be, requisition such property and make such further orders as appear to them to be necessary or expedient in connection with the requisition.

(2) Before requisitioning any property under sub-section (1), the Government—

- (a) shall call upon the manager or any other person who is in possession of the property by notice in writing to show cause, within fifteen days of the date of the service of such notice on him, why the property should not be requisitioned and shall consider the objection, if any, and
- (b) may, by order, direct that neither the manager nor any other person shall, without permission of the competent authority, dispose of structurally alter, lease or in any manner deal with, the property until the expiry of such period, not exceeding three months, as may be specified in the order.

(3) Where any property is requisitioned under sub-section :

(1), the Government may—(i) use or deal with such property for any educational purpose ; or (ii) by order, permit any body or persons or local authority, to use or deal with such property for any such purpose, subject to the payment of such rent and other sums to the Government and the observance of such conditions, as may be specified in the order.

Summary power for taxing possession of property

170. (1) Any person remaining in possession of any property in contravention of an order issued under section 169 may be summarily dispossessed of such property by any officer empowered by the Government in this behalf, and in the case of a building, if free access to it is

not afforded to such officer, he may, after giving reasonable warning and facility of withdrawing to any women not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

(2) If any such officer is resisted in the exercise of such power or discharge of such duty, the Magistrate having jurisdiction shall, on a written requisition from such officer, direct any police officer not below the rank of Sub-Inspector to render such help as may be necessary to enable the officer to exercise such power or discharge such duty.

Release from requisitioning and discharge of liability of the Government

171. (1) The Government, may, at any time, release any property requisitioned under this Chapter and in such a case, the possession of the property released from requisition shall be delivered to the manager or other person from whom possession was taken at the time when the property was requisitioned, or if there were no such manager or person, the person deemed by the Government to be the manager or owner of such property, and such delivery of possessions shall be a full discharge of the Government from all liabilities in respect of that property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

(2) Where the person to whom possession of any such property is to be delivered cannot be found or has no amount or other person empowered to accept delivery on his behalf, the Government shall cause to be published in the Andhra Pradesh Gazette a notice declaring that the property is released from requisition ; and in the case of any immovable property, the Government shall also cause a copy thereof to be affixed, on some conspicuous part of such property.

(3) When the notice referred to in sub-section (2) is published in the Andhra Pradesh Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof ; and the Government shall not be liable for any compensation, rent, or other claim in respect of such property for any period after the said date.

Requisition of property

172. (1) Where any property is subject to requisition, the Government may, if they consider it necessary to acquire the property for any public purpose connected with education, acquire at any time such property for the public purpose by publishing in the Andhra Pradesh Gazette a notice to the effect that the Government have decided to acquire the property in pursuance of this section :

Provided that before issuing such notice, the Government shall call upon the manager, or, or any other person who in the opinion of the Government is the person interested in, such property to show cause why the property should not be acquired ; and after considering the objection, if any, the Government may pass such orders as they deem fit.

(2) When notice as aforesaid is published in the Andhra Pradesh Gazette, the requisitioned property shall, on and from the day on which the notice is so published, cease to be subject to requisition and vest absolutely in the Government free from all encumbrances.

Principles and methods of determining compensation for property requisitioned or acquired

173. (1) Where any property is requisitioned or acquired under this Act, compensation shall be determined and paid in the manner and in accordance with the principles herein after set out, that so to say —

- (a) where the amount of compensation is settled and fixed by agreement, it shall be paid accordingly ;
- (b) where there is no such agreement, the Government shall appoint as arbitrator a person who is holding or has held a judicial office, not below the rank of a District Judge ;
- (c) at the commencement of the proceedings before the arbitrator the Government and the person to be compensated shall state what according to them is the fair amount of compensation ;
- (d) the arbitrator shall, after, due enquiry, make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid ; and in making the award, he shall have regard to the circumstances of each case and the provision of sub-sections (2), (3), (4) and (5), so far as they are applicable ;
- (e) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to the compensation, he shall apportion the amount thereof amongst such persons according to their rights ; and
- (f) nothing in the Arbitration Act, 1940, shall apply to Arbitrations under this section.

(2) The amount of compensation payable for the requisitioning of any property, movable or immovable shall, in respect of the period of requisition, be a sum equal to the rent which would have been payable for the use and occupation of the immovable property or for the use of the movable property, if it had been taken on lease for that period.

(3) The compensation payable for the acquisition of any immovable property under section 172 shall be the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition.

(4) The amount of compensation payable for the acquisition of any movable property shall be the price which such property would have fetched in the open market if it had been sold on the date of acquisition.

(5) Where any property requisitioned or acquired under this Act was acquired with the grant-in-aid, contributions or donations made by the public or collections made from the pupils the amount of such grant, contribution or donations or collections shall be taken into account in the prescribed manner in determining the compensation payable.

Explanation :—For purposes of this sub-section, all the property acquired by the educational institution shall be deemed to have been acquired with the aid of such grant, contribution or donation or collection unless the manager of the educational institution proves to the satisfaction of the arbitrator that the property has been acquired otherwise.

Payment of compensation for property requisitioned or acquired

174. The amount of compensation payable under the award of an arbitrator shall, subject to any rules made under this Act, be paid by the competent authority to the person interested, in such manner and within such time as may be specified in the award.

Appeal from award under section 173 in respect of compensation

175. Any person aggrieved by the award of an arbitrator made under section 173 may, within sixty days from the date of such award, prefer an appeal to the High Court ;

Provided that the High Court may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Arbitrator to have certain powers of Civil Court

176. The arbitrator appointed under section 173, while holding arbitration proceedings under this chapter shall have all the powers of a Civil Court while trying a suit, 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) requiring the discovery and production of any document ;
- (c) reception of evidence on affidavits ;
- (d) requisitioning any public record from any court or office ;
- (e) issuing commissions for examination of witnesses.

Powers of entry and inspection and calling for information

177. The competent authority may, for the purpose of requisitioning of acquiring any property under this Act, by order—

- (a) empower any authority to enter and inspect any property specified in the order liable to be requisitioned or acquired under this Act ;
- (b) require any person to furnish the such authority such information in his possession relating to the property as may be specified in the order.

Provisions existing staff of educational institutions

178. Notwithstanding anything to the contrary in any contract or agreement or in any law for the time being in force, the following provisions shall apply in regard to the persons or the staff of the educational institutions immediately before the date on which the management of the educational institution is vested in the Government :—

(1) the Government shall have power to terminate the services of any such person after giving him three calendar months' notice in writing or paying him three months' pay in lieu of such notice.

(2) persons whose services are or have been retained shall be governed by such rules as may be prescribed ;

(3) the teachers of taken over institutions should be given at the time of take over to the choice either to opt for the conditions of service prescribed by the Government or to continue under the conditions of service of the private management.

(4) Government shall, at the time of take over, absorb the services of all such personnel whose services have been regularised under the rules laid down for that purpose, under the private management.

CHAPTER XIX
MISCELLANEOUS

Appeals

179. Save as otherwise provided in this Act—

- (i) any person aggrieved by an order passed by an officer or authority, other than the Director, under this Act, may, within thirty days from the date of communication of such order, appeal to the Director ;
- (ii) any person aggrieved by an order passed by the Director under this Act, other than an order passed by him under clause (i), may, within thirty days from the date of communication of such order, appeal to the Government.

*Explanation :—*For purposes of this section and section 181, the expression “ Director ” includes the Additional Director, Joint Director when he exercises the powers of the Director under this Act.

Power of revision by the Government

180. (1) The Government may, either *suo-motu* or on an application from any person interested, call for and examine the record of an educational institution, or of any authority, officer or person in respect of any proceeding, not being a proceeding in respect of which a reference to an arbitrator or an appeal to the High Court is provided, to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein ; and, if, in any case, it appears to the Government that any such decision or remitted for reconsideration, they may pass orders accordingly :

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

(3) Every application preferred under sub-section (1) of this section shall be made in such manner and accompanied by such fees as may be prescribed.

Review

181. (1) The Government or the Director may *suo-motu* at any time or on an application received from any person interested within ninety days of the passing of any order passed by them or him under any provisions of this Act, review any order if it was passed by them or him under any mistake, whether of fact or of law, or in ignorance of any material fact.

(2) The provisions contained, in the proviso to sub-section (1) and in sub-sections (2) and (3) of section 180 shall apply in respect of any proceeding under this section as they apply to a proceeding under sub-section (1) of that section.

Power of Government to give directions

182. (1) The Government may, subject to other provisions of this Act, by order, direct the Director or any other officer not below the rank of a District Educational Officer, to make an enquiry or to take appropriate proceedings under this Act in any matter specified in the said order ; and the Director or the other officer, as the case may be, shall report to the Government in due course the result of the enquiry made or the proceeding taken by him.

(2) The Government may give directions to any educational institution or tutorial institution as to the carrying into execution of any of the provisions contained in this Act or of any rules or orders made thereunder and the manager or proprietor, as the case may be, of such institution shall comply with every such direction.

Delegation of powers of Government

183. The Government may, by notification delegate all or any of their powers under this Act, except those conferred upon them by this section and sections 180, 182 and 188 to any person or authority subordinate to them subject to such conditions and to such control and revision by such authority as may be specified in the notification ; and they may in the like manner withdraw any powers so delegated.

Emergency powers of Director

184. (1) Where, at any time, it appears to the Director that the manager of a private institution has made default in performing any functions entrusted to it by or under this Act relating to the maintenance and administration of the institution, he may order in writing, fix a period for the performance of such function.

(2) If the manager of the private institution fails to perform the function within the period so fixed, the Director may appoint any officer subordinate to him to perform such function on behalf of the manager for the purpose of securing the proper maintenance and administration of the institution or for the purpose of avoiding hardship

to the teaching and non-teaching staff employed in the institution and may direct that the expenses of performing such functions shall be paid within such time as he may fix, to the Government by the manager out of the funds of the institution and without prejudice to any other method of recovery, the whole or any part of such expenses may be deducted from any sum payable to the institution by way of grant-in-aid.

Power to enter and inspect

185. Every officer not below the rank of a Deputy Inspector and any other officer duly authorised by the Director in this behalf, shall, subject to such conditions as may be prescribed, be competent to enter at any time during the normal working hours of an educational or tutorial institution, any premises of any such institution within his jurisdiction and to inspect any record, register or other document or any movable or immovable property relating to such institution for the purpose of exercising his powers and performing his function under this Act.

Penalty for obstructing officer or other person exercising powers under the Act

186. Any person who wilfully obstructs an officer of the Government in the exercise of any power conferred on him, or performing any function entrusted to him, by or under this Act or any person lawfully assisting such officer in the exercise of such power or in the performance of such function or who fails to comply with any lawful direction made by such officer or persons shall be punished with fine which may extend to two hundred and fifty rupees.

Protection of act done in good faith

187. No suit, prosecution or other legal proceeding shall be instituted against the Government or any officer, authority or person empowered to exercise powers or to perform the functions by or under this Act for anything which is, in good faith, done or intended to be done under this Act or under the rules or orders made thereunder.

Managers, teachers etc. to be public servants

188. Every manager of any educational institution and every member of the teaching or non-teaching staff of such institution shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

Power of Government to make rules

189. (1) The Government may, by notification and after previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for—

- (a) the declaration as to, what constitutes secondary or higher secondary education, professional education, technical education, special education, school places, school-age and attendance at schools or other institutions;
- (b) the registers, statements, reports, returns, accounts and budgets and other information to be maintained or furnished by the local authorities in respect of education fund ;
- (c) the procedure for the assessment and realisation of the taxes leviable under this Act ;
- (d) the establishment or maintenance and administration of educational institutions ;
- (e) the grant of recognition to educational institutions and the conditions therefor ;
- (f) regulating the rates of fees, the levy and collection of fees in educational institutions ;
- (g) the manner in which accounts, registers, records and other documents shall be maintained in the educational institutions and the authority responsible for such maintenance ;
- (h) the submission of returns, statements, reports and accounts by managers or proprietors of educational or tutorial institutions ;
- (i) the inspection of educational and tutorial institutions and the officers by whom inspection shall be made ;
- (j) the mode of keeping and the auditing of accounts of such institutions ;
- (k) the standards of education and courses of study in educational institutions ;
- (l) the grant of sums by the Government to educational institutions towards providing scholarships bursaries, fee-concessions and the like ;
- (m) the preparation and submission of development plans for educational institutions in general and technical education and the contents of such plans ;
- (n) the powers and functions of the officers and other subordinate staff of the Education Department ;

- (o) the preparation and sanction of building plans and estimates of the educational institutions and the requirements to be fulfilled by the buildings for the educational institutions maintained by the local authorities institutions and private institutions ;
- (p) the purposes for which the premises of the educational institutions may be used and the restrictions and conditions subject to which such premises may be used for any other purpose ;
- (q) the regulation of the use of textbooks, maps, plans, instruments and other laboratory and sports equipment in the institutions ;
- (r) the regulation for admission into educational institutions of pupils for the academic course, private study and other special courses and the attendance thereat ;
- (s) the qualifications necessary and other conditions to be fulfilled for appearing to the examinations, conducted by the Board of Secondary Education or the Commissioner of Government Examinations and the method of valuation or revaluation of examination scripts ;
- (t) the opening, of special night schools and the conditions for their working and of parallel sections or classes in the institutions for linguistic minorities ;
- (u) the manner of conducting the class and terminal examinations and the promotion of pupils to higher classes ;
- (v) the conditions, subject to which, donations or contributions from the public may be accepted by the educational institutions and the naming of institutions ;
- (w) the conditions for co-education in the educational institutions and the regulation of the conduct and discipline of pupils and the penalty for mis-conduct or indiscipline ;
- (x) the manner of services of notices, orders and other proceedings of presenting appeals or applications for, revision or review and the procedure for dealing with them and the fee in respect thereof ;
- (y) the scale of fees or charges or the manner of fixing fees or charges payable in respect of any certificate, permission, marks-lists or other document for which such fees may be collected ;

- (z) all matters expressly required or allowed by this Act to be prescribed or in respect of which this Act makes no provision or makes insufficient provision and a provision is, in the opinion of the Government necessary for the proper implementation of this Act.

(3) Any rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement to be laid before both Houses of the State Legislature.

(4) In making a rule under sub-section (1) or sub-section (2) the rule may provide that a contravention thereof shall be punished with fine which may extend to fifty rupees.

(5) 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, 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.

Repeals

190. (1) The following acts are hereby repealed ;

VIII of 1920

(a) The Andhra Pradesh (Andhra Area) Elementary Education Act, 1920 ;

XXXV of 1956

(b) The Andhra Pradesh Educational Institutions (Requisitioning and Acquisition) Act, 1956.

XIV of 1958

(c) The Andhra Pradesh (Andhra Area) Aided Institutions (Prohibition of Transfer of Property) Act, 1948, in so far as it relates to the institutions which are intended for an educational purposes ;

XI of 1961

(d) The Andhra Pradesh Primary Education Act of 1961.

XXXV of 1959

- (e) Sub-section (2) of section 18 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959, and

VI of 1965

- (f) Clauses 49 to 54 of Part I under Schedule II U/S 130 of Andhra Pradesh Municipalities Act 1965.

(2) Upon such repeal, the provisions of sections 8 and 18 of the Andhra Pradesh General Clauses Act, 1891, shall apply.

191. On the date on which primary education becomes compulsory in any specified area, the Andhra Pradesh (Telangana Area) Compulsory Primary Education Act, 1952 (Act XL of 1952) and Chapter V of the Andhra Pradesh (Andhra Area) Elementary Education Act, 1920 [Act (VIII) of 1920] shall stand repealed in such area.

Power to remove difficulties

192. If any difficulty arises in giving effect to the provisions of this Act, the Government may by order make such provisions not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the difficulty.

APPENDICES

APPENDIX I

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

COMMITTEE—Comprehensive Education Bill and other matters—
Constitution of a Committee—Orders issued.

EDUCATION DEPARTMENT

G. O. Ms. No. 272

Dated 20th March, 1974.

ORDER :

The State Level Seminar on Education convened by the Government on the 15th, 16th and 17th of March, 1974 considered many aspects of Education in the State and made a series of recommendations. The deliberations of the Seminar included a discussion in particular, of the draft comprehensive Education Bill which is due for submission to the State Legislature. Government is of the view that the recommendations of the Seminar should be carefully studied by a broad-based Committee representing educationists, legislators, administrators, students, aided managements and others concerned.

The Government is accordingly pleased to constitute a Committee, with immediate effect (with members as indicated in the annexure) to go into the following matters and make a report to the Government not later than the 30th of April, 1974 :—

- (1) Recasting the draft of the comprehensive Education Bill so as to incorporate the major recommendations of the seminar on the Bill and also to make it as comprehensive as possible, keeping in view the dynamics of educational change both inside the State and the country but also, to the extent relevant, the major trends in the world at large.
- (2) The recommendations of the Seminar in regard to pre-primary and primary education, secondary education, intermediate and collegiate education and other areas covered by the Seminar in its various groups.
- (3) To suggest such amendments as are necessary and urgent to the existing University Acts and the Board of Intermediate Education Act in the State.

The Committee is empowered to hold its sittings at Hyderabad and at any other place inside the State as it considers necessary. The Committee is also empowered to call any person as a special invitee for any of its meetings.

It shall be a first class committee for the purpose of T.A. and D.A. The expenditure of officers of Government on T.A. and D.A. will be debitable to the respective heads to which the expenditure on their salaries is debited. T.A. and D.A. of the non-official members will be debitable to the head under "277 Education H. General (s) Direction and Administration (1) Headquarters Office (3) T.A. and D.A." T.A. and D.A. of legislators will be governed as per procedure prescribed in paragraph 2 (4) of G. O. Ms. No. 2130 Finance T.A. Department dated 9-5-1960.

This issues with the concurrence of Finance Department vide their U.O. No. 282/FPSP/74, dated 28-3-1974.

(BY ORDER AND IN THE NAME OF THE GOVERNOR
OF ANDHRA PRADESH)

DILSUKHRAM,
Secretary to Government.

To

All the Members.
The Accountant General, A.P., Hyderabad.
The Pay and Accounts Officer, Hyderabad.
The Director of Public Instruction, Hyderabad.
Copy to Finance (EE) Department.
Copy to Finance (BG) Department.
Copy to Registrars of the five Universities.
Copy to Panchayat Raj Department.
Copy to Health and Municipal Administration Department.
Copy to Secretary to Chief Minister.
Copy to Private Secretary to M (Edn).
Copy to Private Secretary to Chief Secretary.

Forwarded : By Order

Sd/-
Section Officer.

ANNEXURE

Members of the Committee

1. Sri M. V. Rajagopal, M.A. (Cantab), I.A.S.,—Chairman Secretary to Government, Panchayat Raj Department.
2. Sri Dilsukhram, I.A.S., Secretary to Government, Education Department.
3. Sri L. Bullayya, M.A., B.Ed., Vice-Chancellor, Andhra University.
4. Sri N. Narottam Reddy, M.A., Vice-Chancellor, Osmania University.
5. Dr. Jaganatha Reddy, M.D., Vice-Chancellor, Sri Venkateswara University, Tirupati.
6. Sri M. R. Pai, M.A., I.A.S., Vice-Chancellor, A. P. Agricultural University.
7. Sri T. R. Doss, B.E., Vice-Chancellor, Jawaharlal Nehru Technological University.
8. Sri V. Ramachandran, B.A. (Hon), B.Ed., Director of Public Instruction.
9. Secretary to Government, Finance Department, or his nominee.
10. Secretary to Government, Law Department, or his nominee.
11. Sri Vemulapalle Srikrishna, M.L.A.
12. Sri K. V. Gopalaswamy, M.A. (Oxon), Bar-at-Law, former Registrar, Andhra University, Hyderabad.
13. Dr. G. S. Melkote, M.P., Hyderabad.
14. Sri V. P. Raghavachari, M.A., M.L.C., Hyderabad.
15. Sri D. S. Subramanyam, M.A., M.L.C., Eluru.
16. Sri M. R. Appa Rao, M.A., M.L.A., Nuzvid, Krishna District.
17. Sri M. Narayana Reddy, M.L.A., Nizamabad.
18. Sri Jupudi Yagnanarayana M L C.

19. Sri H. Satyanarayana Rao, B.A., B.L., M.L.A., Adoni, Kurnool District.
20. Sri Vavilala Gopalakrishnayya, Sattenapalle, Guntur Dist.
21. Dr. Smt. Sridevi, M.A., Ph.D., Principal, Kasturba Women's College, Hyderabad.
22. Sri G. Jagannadha Raju, Bhimavaram, West Godavari Dist. President, Aided College Management.
23. Student representative from Andhra University, Waltair. (to be nominated).
24. Student representative from Osmania University, Hyderabad. (to be nominated).
25. Student representative from Sri Venkateswara University, Tirupati. (to be nominated).
26. Student representative from Jawaharlal Nehru Technological University, Hyderabad. (to be nominated).
27. Student representative from A. P. Agricultural University. (to be nominated).
28. Sri S. B. P. K. Satyanarayana Rao, Chairman, Zilla Parishad, East Godavari District.
29. Sri M. Bhoj Reddy, Chairman, Zilla Parishad, Hyderabad.
30. Sri R. V. Krishnan, I.A.S., Deputy Secretary, Education Department—Convenor.

The following two additional members were nominated on the Committee vide Government Memo No. 30-R/74-1 Education Department dated 27-5-1974.

1. Smt. Shyamala Devi, Vice-Chairman, State Council for Education of Women, Red Hills, Hyderabad-4.
2. Sri D. Sangameswara Rao, Deputy Registrar, Jawaharlal Nehru Technological University, Hyderabad.

APPENDIX I (a)

Statement of objects and reasons

1. " Article 45 of our Constitution has enjoined upon us that the state shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years as a directive principle.
2. The comprehensive and exhaustive report of Kothari Commission on Education has gone through many facts and advocated that the medium of instruction should be in the regional languages. This was accepted by the Government of India as a National Education Policy.
3. Our State was in advance in taking follow-up and introduced Telugu as medium of instruction not only in the primary classes but upto Secondary Education and it was extended to the Intermediate classes in Junior Colleges and this year it was introduced in the University Course also. And also the Government prohibited detention in the classes except 7th and 10th and want to introduce assessment evaluation of talents.
4. In these circumstances, it is expedient to regulate the administration on Education to be tightened and all the educational institutions whether private, local bodies or of its own management and all the institutions of education in a comprehensive way through a consolidated legislation. Hence this Bill."

VAVILALA GOPALAKRISHNAYYA,
Member,
A. P. Legislative Assembly

APPENDIX II

Committee for suggesting Amendments to University Acts.

Group I

1. Sri M. V. Rajagopal, M.A., (Cantab), I.A.S., Secretary to Government, Panchayat Raj Department, and Chairman of the Committee.
2. Sri N. Narotham Reddy, Vice-Chancellor, Osmania University.
3. Sri L. Bullayya, Vice-Chancellor, Andhra University.
4. Dr. D. Jaganatha Reddy, Vice-Chancellor, Sri Venkateswara University.
5. Sri M. R. Pai, Vice-Chancellor, Andhra Pradesh Agricultural University, Hyderabad.
6. Sri T. R. Doss, Vice-Chancellor, Jawaharlal Nehru Technological University.
7. Sri K. V. Gopalaswamy, M. A., (Oxon), Bar-at-Law.
8. Sri H. Satyanarayana Rao, M. L. A., Adoni.
9. Sri V. Srikrishna, M.L.A.
10. Sri Vavilala Gopalakrishnayya.
11. Sri M. Narayana Reddy, M.L.A.
12. Dr. S. Sridevi, Principal, Kasturba Women's College, Secunderabad.
13. Sri M. Venkaiah, Student representative of Andhra University.
14. Sri M. Vaman Pai, Student representative of Osmania University.
15. Sri V. Harshavardhan, Student representative of Andhra Pradesh Agricultural University.

Committee for Drafting the Comprehensive Education Bill

Group II

1. Sri M. V. Rajagopal, M.A., (Cantab), I.A.S., Secretary to Government, Panchayat Raj Department, and Chairman of the Committee.
2. Sri V. P. Raghavachari, M.L.C.
3. Sri Narayana Reddy, M.L.A.
4. Sri Vavilala Gopalakrishnayya.
5. Sri V. Srikrishana, M.L.A.
6. Sri M. Bhoj Reddy, Chairman, Zilla Parishad, Hyderabad.
7. Sri Jupudi Yagnanarayana, M.L.C., Guntur.
8. Sri M. R. Appa Rao, M.L.A., Nuziveedu.
9. Sri M. Jagannadha Raju, President, Aided Colleges Management, Bhimavaram.
10. Smt. Shyamala Devi, Vice-Chairman, State Council for Women's Education, Red Hills, Hyderabad.
11. Sri D. Sangameswara Rao, Deputy Registrar, Jawaharlal Nehru Technological University.
12. Sri K. V. Ramana Reddy, a student representative of Sri Venkateswara University.
13. Sri V. Harshavardhan, a student representative of Andhra Pradesh Agricultural University.

APPENDIX III

Meetings of the Main Committee and Groups thereof.

Main Committee met on 30-3-1974, 11-4-1974, 7-5-1974, 29-5-1974, 30-5-1974 and 31-5-1974.

- Group I : Committee for suggesting Amendments to the University Acts met on 12-4-1974 and 22-4-1974.
- Group II : Committee for Drafting the Comprehensive Education Bill and to suggest Amendments to the Board of Intermediate Education Act met on 24-4-1974, 25-4-1974, 2-5-1974, 8-5-1974 and 13-5-1974.

The following members were unable to attend any meeting of the Committee or its groups.

1. Dr. G. S. Melkote, M.P.
2. Sri L. Bullayya, Vice-Chancellor, Andhra University.
3. Student representative from Jawaharlal Nehru Technological University, Warangal.

Sri M. Gopalakrishna Reddy, Registrar, Andhra University attended the meetings of the committee on 22-4-74, 7-5-74, 29-5-74 and 30-5-74 as the Chairman's special invitee.

Discussions of the Chairman

(1) Discussions of the Chairman with the Vice-Chancellor, Senior Professors and local Syndics of the Andhra University were held on 17-4-1974 at Waltair.

(2) Discussions of the Chairman with Senior Teachers of the Osmania University were held on 19-4-1974 at Hyderabad.

(3) Discussions of the Chairman with the Vice-Chancellor, Registrar, Senior Teachers and local Syndics of the Sri Venkateswara University were held on 23-5-1974 at Tirupati.

APPENDIX IV

List of Individuals and Institutions from whom Communications were received

1. Dr. George Jacob, Chairman, University Grants Commission, New Delhi.
2. Prof. Rais Ahmed, Director, National Council of Educational Research and Training, Sri Aurobindo Marg, New Delhi-16.
3. Sri Veda Prakasha, Director, National Staff College for Educational Planners and Administrators, 17-B Sri Aurobindo Marg, New Delhi-110016.
4. Dr. P. D. Shukla, Head, Educational Survey, National Staff College for Educational Planners and Administrators, New Delhi-16.
5. Dr. S. N. Mehrotra, Director of School Education, Government of U.P., Lucknow.
6. Prof. C. B. Padmanabhan, Economist, National Staff College for Educational Planners and Administrators, New Delhi.
7. Mr. Asher Deleon, UNESCO Consultant to the Government of India, Ministry of Education, New Delhi-1.
8. Sri V. R. Mehta, Vice-Chancellor, Agricultural University, Ahmedabad, Gujarat.
9. Mrs. C. W. Pande, Deputy Educational Officer, Delhi Municipal Corporation, Kashmiri Gate, Delhi-6.
10. Report of the Proceedings and Recommendations of the Educational Conference sponsored by A.C.T.A. at Gudivada.
11. Resolutions of the Andhra Pradesh Tutorial Teachers' Association, Vijayawada.
12. Government College Gazetted Teachers' Association, Andhra Pradesh, Secunderabad.
13. Government College Gazetted Teachers' Association, Andhra Pradesh, Government College Teachers' Association, Andhra and Telangana.
14. Sri Venkateswara University Teachers' Association, Tirupati.
15. Andhra Pradesh Junior Doctors Association, Visakhapatnam.

16. Andhra Pradesh Teachers Union, Vijayawada—2.
17. Andhra Pradesh Private Elementary Schools Association, Vijayawada—1.
18. Report on the Rayalaseema Education Seminar held on the 24th and 25th of May, 1974.
19. Report of the Seminar held on 5-4-1974 by Krishna District Teachers' Guild, and Rashtra Jateeya Upadhyaya Parishat, Vijayawada.
20. The Machilipatnam City Teachers' Association, Machilipatnam.
21. Sri D. S. Raja Rao, Member-Secretary, Youth Hostels Association of India, Andhra Pradesh Action Committee, Hyderabad.
22. Sri M. P. Pai, I.C.S.(Rtd.), State Chief Commissioner, The Bharat Scouts and Guides, Hyderabad.
23. Sri G. Manohar Rao, M.A., M.Ed., Director of Public Libraries, Andhra Pradesh, Hyderabad.
24. Sri G. Murali Mohan, Advocate, Senate Member, Andhra University, Vijayawada—2.
25. Sri D. Ramachandra Reddy, M.A., Rector, Jawahar Bharati, Kavali, Nellore District.
26. Sri V. Lingamurty, M. A., Principal, M.R. College, Vizianagaram.
27. Sri G. Bhagavan Balaji Rao, 7/56, Maratikatike Street, Tadipatri, Anantapur District.
28. Sri V. L. Reddy, M.A., Head, Department of Telugu, V. K. R. College, Gannavaram Post, Krishna District.
29. Sri V. Bhaskaracharyulu, M.A., B.Ed., Lecturer in Mathematics, S.C.I.M. Government College, Tanuku, West Godavari District.
30. Sri J. Krishna Murty Sastry, Telugu Pandit, Bapatla, Guntur District.
31. Sri B. Venkateswara Rao, Ex-Headmaster, Arundalpet, Guntur.
32. Sri Aradhyula Basavapunniah, Guntur.
33. Sri A. Venkatappaiah, Retired Headmaster, National Awardee, Bapujinagar, Kovvuru, West Godavari District.

APPENDIX V

JUPUDI YAGNANARAYANA,
B.A., B.L., M. L. C.
Advocate.

3/B, Old M. L. A. Qtrs.
Hyderabad. 500001.
Date 31-5-1974.

To

The Chairman,
Steering Committee on Education Bill,
HYDERABAD.

Sir,

The following is my dissent for some of the provisions in the envisaged Education Bill.

1. Regarding Tutorial Institutions :

The Tutorial Institutions are doing great service in providing educational facilities to the failed students for whom the Government provided nothing for education. This field is occupied by the Tutorial Institutions. Instead of thanking them for enacting the uncared for failed students this education Bill envisages some control over them as per provisions given in clause 103 pages 37 and 38 of the cyclostyled copy of the Bill. In fact Government does not propose to extend any co-operation to them by giving any aid but want to have control, though stated to be nominal in the first instance. There are provisions made for removing or cancelling the registration of any Tutorial Institution. The definition of a Tutorial Institution as is now amended even, effects even small Tutorial Institutions. Where the Government Institutions and Educational Institutions under Panchayat Raj are not providing all facilities of library, laboratory, playground, furniture and good buildings, to require the Tutorial institution to give all the details and provide for inspection also on the pretext that the conditions of registration are satisfied or not would hit the institutions. I am strongly of view that Tutorial Institutions should not be sought to be controlled by this Education Bill.

As the Government seem to be in favour of the opinion to have control over them I would like to make some suggestions in that respect as well.

1. As the teacher people ratio is envisaged at 1 to 20, when five teachers are allowed naturally the students can be 100. Therefore the students number should be more than 100 if any institution has to fall under the definition of "a tutorial institution".

2. Secondly no other statistics than the qualification of the teachers employed should be called for or insisted for purposes of registration.

2. Regarding Non-Detention Scheme :

The Non-detention Scheme is an utter failure. It is tested for the last three years. The detention scheme should be reintroduced allocating percentage of marks at 60% for internal tests and 40% for yearly test. Details have been given by me in the other Dissent Note given on the conclusions arrived at while considering seminar suggestions.

3. Regarding Compensation for taking over Institutions :

Almost all institutions are built up and conducted by public charity under the guise of private managements. In fact they are public trusts. Even if the donor is alive, a donated property or money cannot be allowed to be appropriated or misappropriated for his own use is other than for the trust for which it is created. When the institution is mismanaged the institution is taken over and the Government has an obligation to start a new institution. When the institution of the donor is carried on by Government either by itself or through its agency, it is illegal to give compensation to the many persons who have brought about the muddled conditions. If compensation is to be given in such circumstances it would lead to absurdity and becomes active encouragement to mismanage so that the compensation may also be misappropriated in addition to the appropriation or misappropriation.

4. Regarding Protection to Teaching and Non-Teaching Staff Working under Aided Managements and Universities :

As decided by the Andhra High Court the relationship between the management and staff is that of a master and servant. Thus there is no right of reinstatement however absurd the order of termination of service may be. The effected teacher has to file a suit for compensation only and it means unsurmountable difficult to the effected teacher. But a teacher in Governmental institutions has security of service and is protected under Art. 311 of the Constitution. When this socialistic Government wants to treat all alike why these unfortunate teachers under Universities and Aided, managements should not be given identical protection, is not able to be comprehended. But the bill puts them into the category of Public servants (vide clause 155) for purposes of punishment under Indian Penal Code. Instead of giving protection, the teachers are sought to further punished and make them a pray to the recalcitrant managements. Instances of maltreatment are innumerable. This result I think is due to the over-dosage of representation of managements in the Steering Committee while no representation is allowed from teaching associations, at any rate, from Andhra and Rayalaseema areas.

I feel that this is a very serious matter and the same cannot be brushed aside or put in cold-storage on the ground of "Legal opinion". There should be a specific section declaring that the relationship between

the University or Aided management and the member of teaching and non-teaching staff is not that of a "master and servant" and it is only a statutory relationship having protection under Art. 311 of the Constitution.

There must be Disciplinary Committee formulated for every institution with equal, if not, more of representation of teaching staff, non-teaching staff, D. E. O. and a University representative in case of a Degree College or Intermediate Board representative in case of Junior College.

5. Regarding Removal of Educational Institutions from the Management of Zilla Parishads, Panchayat Samithis and Municipalities :

The three Local Bodies have very little time to devote for the betterment of education. The educational institutions under their management are only treated and used as political nests by the group of the political party that is in power in that locality. The complaint generally made against teachers is that the teachers have become politicians. To get rid of this slander the educational institutions should be removed from their management. Further the entire grant is given by the Government. If an "unfortunate" teacher does not work to the fancy of the person in power he is immediately transferred, creating a lot of trouble. The way in which transfers are effected immediately before and after any elections bear sufficient testimony for this assertion. In addition, the teacher is made to think of dancing to the tune of the person in power utterly and completely neglecting the teaching in the school. I am therefore of strong view that the educational institutions should be completely removed from the management of Zilla Parishads, Panchayat Samithi and Municipality.

6. Regarding Formation of Executive Committees for every Aided Management :

Whatever may be composition of the society or association, every aided educational institution should have separate executive or working Committee with equal, if not, more number of representations of teaching and non-teaching staff and D. E. O. in addition to the representatives of the Board of Intermediate Education in case of a Junior College or a University representative in case of degree college.

Yours sincerely,

Sd /-

(J. YAGNANARAYANA)
M. L. C.,
Member of Steering Committee
Education Bill.

