



The Andhra Pradesh Education (Amendment) Act, 1987

Act 27 of 1987

Keyword(s):

High School, Middle School, Registered Teacher, Secondary Education, Secondary School, Text Book

Amendment appended: 17 of 1993

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THE ANDHRA PRADESH EDUCATION (AMENDMENT) ACT,
1987.

ACT No. 27 OF 1987.*

[29th April, 1987.]

An Act further to amend the Andhra Pradesh Education Act, 1982.

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

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| Pra |) This Act may be called the Andhra Education (Amendment) Act, 1987. | Short title and commencement. |
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*Received the assent of the Governor on the 29th April, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 1st April, 1987 at page 17.

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

Amendment
of section 2,
Act 1 of
1982.

2. In the Andhra Pradesh Education Act, 1982, (hereinafter referred to as the principal Act) in section 2,—

(i) in clause (6), for the words "primary education" the words "pre-primary or primary education" shall be substituted;

(ii) in clause (11), for the words "a college established or maintained" the words "a college including a medical college established or maintained" shall be and shall be deemed always to have been substituted;

(iii) in clause (16), for the words "general education", the words "general education, medical education" shall be and shall be deemed always to have been substituted;

(iv) in clause (17),—

(1) in sub-clause (a) for the words "any person who, or body of persons which", the words "any body of persons which" shall be substituted;

(2) in sub-clause (b), for the words "any person or body of persons", the words "any body of persons" shall be substituted;

(v) in clause (18), for the words "college" the words, "colleges including a medical college" shall be and shall be deemed always to have been substituted;

(vi) for clause (19), the following clause shall be and shall be deemed always to have been substituted, namely:—

“(19) ‘general education’ means every branch of education, including special education, but does not include medical education or technical education^b”;

(vii) in clause (26), for the words “Zilla Parishad, Panchayat Samithi” the words “Zilla Praja Parishad, Mandala Praja Parishad” shall be substituted;

(viii) after clause (32), the following clause shall be inserted, namely:—

“(32-a) “pre-primary education” means any education imparted prior to primary education and includes education imparted in nursery, Kindergarten, montessory, anganwadi, balwadi and the like.”

(ix) in clause (35), the words “person or” shall be omitted;

(x) for clause (37), the following clause shall be substituted, namely:—

“(37) ‘secondary education’ means education from class-VIII to Class-X.”

3. In section 7 of the principal Act,—

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(i) in sub-section (2), in clause (a), for the words “two years”, the words “three years” shall be substituted;

(ii) in clause (b) of sub-section (4),—

(a) in sub-clause (v), for the words “work experience”, the words “socially useful productive work” shall be substituted;

(b) after sub-clause (vii), the following clauses shall be inserted, namely:--

“(viii) the introduction of Intermediate Courses;

(ix) the teaching of morals.”

Substitution
of new sec-
tion for sec-
tion 8.

4. For section 8 of the Principal Act, the following section shall be substituted, namely:--

8. (1) Every municipal corporation or municipal council shall make provision for education upto the end of the secondary education stage in the area within its jurisdiction for all children in the prescribed age group ordinarily resident therein and shall undertake the management of pre-primary, primary and secondary education schools taken over by the Government and entrusted to it.

(2) Every Zilla Praja Parishad shall establish, maintain or expand secondary, vocational and industrial schools in the area within its jurisdiction and shall undertake the management of such schools taken over by the Government and entrusted to it and shall also be responsible to implement the objectives of secondary education.

(3) Every Mandala Praja Parishad shall be responsible to establish and maintain pre-primary and primary schools in the area within its jurisdiction and shall undertake the management of such Government

and taken over aided pre-primary and primary schools as deemed necessary.

(4) Every Municipal Corporation, Municipal Council, Zilla Praja Parishad or Mandala Praja Parishad shall undertake to make provision for, and improvement of, accommodation for schools with peoples participation."

5. To section-11 of the principal Act, the following Amendment of section 11. explanation shall be added, namely:—

"Explanation:--For purposes of this section and section-14, the term "approved school" includes a non-formal education centre."

6. In the Principal Act, in section-19, in clause (c), Amendment of section 19. the words "person or" shall be omitted.

7. In the principal Act, fro section-20 the following Substitution of new sections for section 20. sections shall be substituted, namely:—

20. (1) The competent authority shall, from time to time, conduct a survey as to identify the educational needs of the locality under its jurisdiction, and notify in the prescribed manner through the local news papers calling for applications from the educational agencies desirous of establishing educational institutions.

Permission for establishment of educational institutions.

(2) In pursuance of the notification under sub-section (1), any educational agency including local authority or registered body of persons intending to—

(a) establish an institution imparting education,

(b) open higher classes in an institution imparting primary education; or

(c) upgrade any such institution into a high school;

(d) open new courses (certificate, diploma, degree, post-graduate degree courses, etc.),

may make an application, within such period, in such manner and to such authority as may be notified for the grant of permission therefor.

(3) Any educational agency applying for permission under sub-section (2) shall,—

(a) before the permission is granted, satisfy the authority concerned,—

(i) that there is need for providing educational facilities to the people in the locality;

(ii) that there is adequate financial provision for continued and efficient maintenance of the institution as prescribed by the competent authority;

(iii) that the institution is proposed to be located in sanitary and healthy surroundings;

(b) enclose to the application:—

(i) title deeds relating to the site for building, playground and garden proposed to be provided;

(ii) plans approved by the local authority concerned which shall conform to the rules prescribed therefor; and

(iii) documents evidencing availability of the finances needed for constructing the proposed buildings; and

(c) within the period specified by the authority concerned in the order granting permission:—

(i) appoint teaching staff qualified according to the rules made by the Government in this behalf;

(ii) satisfy the other requirements laid down by this Act and the rules and orders made thereunder failing which it shall be competent for the said authority to cancel the permission.

(4) On and from the commencement of the Andhra Pradesh Education (Amendment) Act, 1987 no educational institution shall be established except in accordance with the provisions of this Act and any person who contravenes the provisions of this section or who after the permission granted to him under this section having been cancelled continues to run such institution shall be punished with simple imprisonment which shall not be less than six months but which may extend to three years and with fine which shall not be less than three thousand rupees but which may extend to fifty thousand rupees:

Provided further that the court convicting a person under this section shall also order the closure of the institution with respect to which the offence is committed."

~~20-A~~ On and from the commencement of the ^{Prohibition of individuals to establish institutions,} Andhra Pradesh Education (Amendment) Act, 1987 no individual shall establish a private institution:

Provided that this section shall not have any effect on any private institution established by an individual and recognised by the competent authority prior to such commencement."

Insertion
of new
section
31-A.

8. After section 21 of the principal Act, the following section shall be inserted, namely:—

31-A. (1) No institution imparting education and located in this State shall affiliate itself to any University outside the State of Andhra Pradesh.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with simple imprisonment for a term which shall not be less than six months but which may extend to three years or with fine which shall not be less than three thousand rupees but which may extend to fifty thousand rupees or with both.

Amendment
of section 22.

9. In section 22 of the Principal Act, for sub-section (3), the following sub-section shall be substituted namely:—

“(3) Any person who in contravention of sub-section (2) runs any such un-recognised institution shall be punished with simple imprisonment for a term which shall not be less than six months but which may extend to three years or with fine which shall not be less than three thousand rupees but which may extend to fifty thousand rupees or with both.”

Amendment
of section 24.

10. In section 24 of the principal Act,—

(i) in sub-section (1), after the proviso, the following further proviso shall be added, namely:—

“Provided further that the constitution of the management under this sub-section shall apply to a minority educational institution, in so far as it is not repugnant to clause (1) of article 30 of the Constitution of India.”

(ii) to clause (a) of sub-section (3), the following further proviso shall be added, namely:—

“Provided further that no management of a minority educational institution shall be suspended under this sub-section save for mismanagement.”;

(iii) to sub-section (4), the following proviso shall be added, namely:—

“Provided that no manager of a minority educational institution shall be declared to be so unfit under this sub-section save for mis-management”.

(iv) sub-section (5) shall be omitted.

11. In section-26 of the Principal Act, in sub-section (2), for the words “one thousand rupees”, the words “five thousand rupees”, for the words “two months” the words “one year” and for the words “rupees fifty”, the words “rupees one hundred” shall be substituted. Amendment of section 26.

12. In section-27 of the principal Act,—

(i) in sub-section (1), for the words “private institution”, the words “private institution other than a registered school” shall be substituted; Amendment of section 27.

(ii) in sub-section (2), in clause (b), for the words “six months”, the words “one year” and for the words “two thousand rupees” the words “five thousand rupees” shall be substituted.

13. In section-28 of the principal Act, in sub-section (1), for the words “private institutions” the words “private institution other than a registered school”, shall be substituted. Amendment of section 28.

14. In section 32 of the principal Act,—

in sub-section (6),—

(a) in the opening paragraph, for the words; “with fine which may extend to two hundred and Amendment of section 32.

fifty rupees" the words "with imprisonment for a term which shall not be less than six months but which may extend to one year or with fine which may extend to one thousand rupees or with both" shall be substituted;

(b) in the proviso, for the words "which may extend to three months or with a fine which may extend to five hundred rupees or with both", the words "which shall not be less than one year but which may extend to two years or with fine which may extend to five thousand rupees or with both" shall be substituted;

(c) after the proviso, the following further proviso shall be added, namely:—

"Provided further that the Court convicting a person under this section shall also order the closure of the tutorial institution with respect to which the offence is committed."

Insertion
of new
Chapter-
VI-A.

15. After Chapter-VI of the principal Act, the following Chapter shall be inserted, namely:—

CHAPTER-VI-A

Registered Schools.

33-A. For the purposes of this
 'Definition. Chapter, the expression "registered
 school", shall mean a school recognised
 under section-21 but not receiving aid from the Govern-
 ment.

33-B. (1) The competent authority shall, from time to time, conduct a survey as to identify the need for establishing registered schools under its jurisdiction and then notify in the prescribed manner through the local news papers calling for applications from the educational agencies desirous of establishing the school to be registered in the manner hereinafter provided.

(2) In pursuance of the notification under sub-section (1), any registered body of persons intending to—

- (a) establish a registered school;
- (b) open higher classes in a registered school imparting pre-primary or primary education; or
- (c) upgrade any such school into a high school

may make an application, within such period, in such manner and to such authority as may be notified for the grant of permission therefor.

(3) The authority empowered to grant permission under sub-section (2) may, after satisfying that the conditions prescribed for the grant of permission are fulfilled, grant the permission and register the school in such manner as may be prescribed or refuse such permission after giving reasons therefor and where the school is so registered a certificate to that effect may be issued in the name of the school.

33-C. (1) The management of every private institution existing on the date of commencement of the Andhra Pradesh Education (Amendment) Act, 1987 desirous of registering the school in accordance with the provisions of this Chapter may make an application for registration in accordance with the provisions of section 33-B to the competent authority

Special provision in respect of existing schools.

within sixty days from such commencement and if no application is made within the said period or where the application is rejected, the institution shall continue to be a private institution.

33-D. Where the competent authority is of the opinion that the management of a registered school has failed to fulfill all or any of the conditions of registration under section 33-B or the rules made thereunder, it may after giving a notice not less than thirty days to the manager of such school cancel the registration of the school and the certificate granted under section-33-B.

33-E. The teaching and non-teaching staff of the registered schools shall be entitled to receive such salaries and allowances and shall be subject to such conditions of service as may be prescribed.

33-F. The registered school shall follow the same syllabi, text books and hand books and maintain the same records and registers as may be followed and maintained by the recognised schools.

33-G. The management of every registered school shall constitute an advisory body for the pre-primary, primary and upper primary classes and for secondary school classes separately and the composition and the constitution of such advisory body shall be such as may be prescribed.

33-H. The advisory body shall perform the following functions, namely:—

(i) to advise the management in evolving the fee structure;

(ii) to evolve the procedure for the admission of the students;

(iii) to evolve the procedure for accounting and auditing the accounts of the registered school;

(iv) to suggest guidelines for the administration of the school without interfering with the minority character of the minority institutions;

(v) to approve the annual report;

(vi) ~~to~~ subject to the provisions of section-33-E evolve the procedure for the recruitment and conditions of service of the teaching and non-teaching staff of the registered school.

33-I. No registered school shall be entitled to ^{Grants} receive grant-in-aid or any other financial assistance from the Government for its management. The existing recognised schools which are receiving the grant-in-aid shall continue to receive such aid only until they are registered under section 33-B.

33-J. The properties of any private institution registered as registered school, like ^{Properties of registered schools.} building, furniture, library, laboratory, equipment, playground, aids, endowments and bank balances, shall continue to be the properties of such institution even after it is registered under section-33-B.

33-K. (1) The transfer certificate in respect of any student of a registered school shall be in such form and issued in such manner as may be prescribed. ^{Transfer certificate to be counter-signed}

(2) Students of any recognised school may seek admission in or transfer from any such school to any registered school and vice-versa. The transfer

certificate issued by the registered school shall be countersigned by the competent authority in such manner as may be prescribed.

33-L. Examination for the students of registered school. Where the Government have prescribed any common examination or any public examination for student evaluation, the students studying in the registered schools shall appear for those examinations subject to satisfying the rules made in this behalf and the conditions prescribed by the Commissioner for Government Examinations.

33-M. Registered schools to make arrangements for conducting of examination. Where the competent authority selects any registered school as a centre for the conduct of the VII Class, District Common Examination, or the X Class Public Examination, the management of the school shall extend all the facilities for the smooth conduct of the examination.

33-N. Duties of the management of the registered school. It shall be the responsibility of the management of a registered school to submit every year before such date and to such authority as may be prescribed an annual report relating to the administration of the school and such other information and statistical data as may be prescribed.

33-O. Inspection. The Government shall have the right to visit or cause an inspection to be made by such person or persons as they may direct for a specified purpose of the registered school and also to cause an enquiry to be made into the matters connected therewith."

Amendment
of section
56.

16. In section 56 of the principal Act, in sub-section (3), for the words "six months", the words "one year" shall be substituted.

In section 19 of the Principal Act, to section (1), the following provisos shall be added, namely:—

Amendment of section 19.

“Provided that no order of dismissal, removal or reduction in rank shall be passed under this sub-section against an employee other than an employee of a minority educational institution without the prior approval of such authority or Officer as may be prescribed for different classes of private institutions.”

“Provided further that the management may prefer an appeal against any order of the Officer or authority refusing approval under this sub-section to such authority or officer and within such period as may be prescribed.”

18. In chapter XIV of the principal Act, after section 84, the following section shall be inserted, namely:—

Insertion of new section 84-A.

84-A. If the management or manager contravenes, or attempts to contravene, any of the provisions of this chapter or any rule or order made thereunder, it or he shall be punished with imprisonment for a term which may extend to one year and with fine which may extend to five thousand rupees and in the case of continuing contravention, with imprisonment for a term which may extend to two years and with fine which may extend to ten thousand rupees, in addition to withdrawal of recognition of the institution.”

19. In section 35 of the principal Act, in sub-section (2), the words “inconsultation with representatives of the employees of Educational institutions”, shall be omitted.

Amendment of section 35.

Amendment
of section 87.

20. In section 87 of the principal Act,—

(i) in sub-section (1), for the words "five hundred rupees" the words "one thousand rupees" and for the words "one hundred rupees", the words "two hundred rupees" shall be substituted;

(ii) in sub-section (2), for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

Amendment
of section 96.

21. In section-96 of the principal Act, for the words "two hundred and fifty rupees", the words "one thousand rupees" shall be substituted.

Amendment
of section 99.

22. In section 99 of the principal Act, in sub-section (1), in clause (b), item (i) shall be omitted.

THE ANDHRA PRADESH EDUCATION (AMENDMENT)
ACT, 1993.

*ACT NO. 17 OF 1993.

[29th September, 1993]

Act further to amend the Andhra Pradesh Education Act, 1982.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Andhra Pradesh Education (Amendment) Act, 1993.

(2) It shall be deemed to have come into force with effect on and from the 13th July, 1993.

2. *Insertion of new sections 78A and 78B.*—In the Andhra Pradesh Education Act, of 1982, in Chapter XIII, after section 78, the following sections shall be inserted, namely :—

78A. *Age of Superannuation of the staff in aided private educational institutions.*—(1) Every teacher or member of the non-teaching staff employed in any aided, private educational institution, not belonging to last grade service, shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty eight years :

Provided that a teacher or a member of the non-teaching staff aforesaid, who has already attained the age of fifty-eight years and continuing in service on the date of commencement of the Andhra Pradesh Education (Amendment) Act, 1993, shall retire on the afternoon of the last day of the month of the commencement of the said Act.

*Received the assent of the Governor on the 27th September, 1993. For statement of Objects and Reasons, Please see the *Andhra Pradesh Gazette*, Part-IV-A, Extraordinary, dated the 12th August, 1993 at Pages. 4 & 5.

(2) Every member belonging to the last grade service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

Explanation:— For the removal of doubts, it is hereby declared that an employee whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty eight or sixty years, as the case may be.

78B. Pension to the employees of aided private Junior and Degree Colleges.—(1) Notwithstanding anything contained in any orders issued by the Government for the payment of pension to the employees of the aided, private Junior and Degree Colleges before the commencement of the Andhra Pradesh Education (Amendment) Act, 1993, such employees including those in the last grade service who attained the age of superannuation as specified in section 78A shall be entitled to pension with effect from 1st November, 1992 in accordance with such separate rules as may be made in that behalf.

(2) A teacher or a member in any aided private Junior and Degree Colleges who continues in service beyond the age of fifty eight years for any reason shall be entitled to pension with effect from 1st November, 1992 in accordance with such separate rules as may be made in that behalf".

3. *Act to override other laws.—*The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

4. *Repeal of Ordinance 2 of 1993.—*The Andhra Pradesh Education (Amendment) Ordinance, 1993 is hereby repealed.