

Andhra Pradesh Education (Amendment) Act, 1987

27 of 1987

[29 April 1987]

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Andhra Pradesh Education (Amendment) Act, 1987

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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 eight 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, 1987.

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

2. Amendment Of Section 2 In The Andhra Pradesh Education Act, 1982, (Act 1 Of 1982) (Herein After 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 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 the 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;"

(vii) in clause (26) for the words "Zilla Parishad, Panchayat Samithi" 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. Amendment Of Section 7. In Section 7 Of The Principal Act :-

(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."

4. Substitution Of New Section For Section 8. For Section 8 Of The Principal Act, The Following Section Shall Be Substituted, Namely :-

8. "Establishment, maintenance, etc., of schools by local authorities.

(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. Amendment Of Section 11 :-

To section-11 of the Principal Act, the following 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. Amendment Of Section 19 :-

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

7. Substitution Of New Sections For Section 20 :-

In the principal Act, for sec. 20 the following sections shall be substituted, namely.--

20. Permission for establishment of educational institutions.(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.

(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 health 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) document 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 extent 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. Prohibition of individuals to establish institutions. On and from the commencement of the 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;".

8. Insertion Of New Section 21-A :-

After section 21 of the principal Act, the following section shall be inserted, namely.--

21-A. "Prohibition of affiliation with Universities outside the State.
(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.

9. Amendment Of Section 22 :-

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."

10. Amendment Of Section 24 :-

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 manager 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 mismanagement;"

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

11. Amendment Of Section 26 :-

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.

12. Amendment Of Section 27 :-

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 ;

(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. Amendment Of Section 28 :-

In Section-28 of the Principal Act, in sub-section (1) for the words "private institution" the words "private institution other than a registered school", shall be substituted.

14. Amendment Of Section 32 :-

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 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 extent 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."

15. Insertion Of New Chapter-Vi-A :-

After chapter-VI of the principal Act, the following Chapter shall be inserted namely.--

"CHAPTER VI-A

Registered Schools

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

33-B. Permission for establishment of registered Schools.

(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. Special provision in respect of existing schools.

(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 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. Cancellation of registration of the Registered Schools. 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 Conditions of service of staff. 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. Maintenance of registers and following of syllabus, etc. The registered school shall follow the same syllabi, textbooks and hand books and maintain the same records and registers as may be followed and maintained by the recognised schools.

33-G. Advisory Body. 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. Functions of the advisory body. 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. Grants. No registered school shall be entitled to 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. Properties of registered schools. The properties of any private institution registered as registered school, like 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 sec. 33-B.

33-K. Transfer certificate to be counter signed.

(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.

(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."

16. Amendment Of Section 56 :-

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

17. Amendment Of Section 79 :-

In section-79 of the Principal Act, to sub-section (1), the following provisos shall be added, namely.--

"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. Insertion Of New Section 84-A :-

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

84-A. Penalties for contravention of this chapter. 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. Amendment Of Section 85 :-

In section 85 of the Principal Act, in sub-section (2), the words "in consultation with representatives of the employees of Educational Institutions", shall be omitted.

20. Amendment Of Section 87 :-

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.

21. Amendment Of Section 96 :-

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

22. Amendment Of Section 99 :-

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