

**ANDHRA PRADESH EDUCATIONAL INSTITUTIONS
(REGULATION OF ADMISSION AND PROHIBITION OF
CAPITATION FEE) ACT, 1983**

5 of 1983

[7th APRIL, 1983]

CONTENTS

1. Short title, commencement and application
2. Definitions
3. Regulation of admission into educational institutions
- 3 A. Special provision in respect of unaided private educational institutions
4. Special provision in respect of minority educational institutions
- 4A. Special provision in respect of Non-Resident Indian Students
5. Collection of capitation fee prohibited
6. Manner of giving donations
7. Regulation of fees
8. Application of Chapter XI of Act of 1982
- 8A. Exemption
9. Penalties
10. Offences by companies
11. Power to enter and inspect
12. Act to override other laws
13. Protection of acts done in good faith
14. Amendment to the Act 1 of 1982
15. Power to make rules
16. Repeal of Ordinance 3 of 1983

**ANDHRA PRADESH EDUCATIONAL INSTITUTIONS
(REGULATION OF ADMISSION AND PROHIBITION OF
CAPITATION FEE) ACT, 1983**

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An Act to provide for regulation of admission into Educational Institutions and to prohibit the collection of capitation fee in the State of Andhra Pradesh. Whereas the undesirable practice of collecting capitation fee at the time of admitting students into educational institutions is on the increase in the State; And

whereas, the said practice has been contributing to large scale commercialisation of education; And whereas, it is considered necessary to effectively curb this evil practice in order to avoid frustration among the meritorious and indigent students and to maintain excellence in the standards of education: Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-fourth year of the Republic of India as follows

1. Short title, commencement and application :-

(1) This Act may be called the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983.

(2) It shall be deemed to have come into force on 30th January, 1983.

(3) It shall apply to all educational institutions.

2. Definitions :-

In this Act, unless the context otherwise requires

(a) Backward Classes' means any socially and educationally Backward Classes of citizens recognised by the Government for purposes of clause (4) of Article 15 of the Constitution of India;

(b) capitation fee' means any amount collected in excess of the fee prescribed under Section 7.

(c) educational institution' means a college, a school imparting education upto and inclusive of tenth class or other institution by whatever name called, whether managed by Government, private body, local authority or University and carrying on the activity of imparting education therein, whether technical or otherwise, and includes a polytechnic, Industrial Training Institute and a Teachers Training Institute, but does not include a tutorial institution;

(d) Government' means the State Government of Andhra Pradesh;

(e) management' means the managing committee or the governing body by whatever name called of an educational institution to which the affairs of the said institution are entrusted and where such affairs are entrusted to any person whether called by the name of Secretary, Correspondent or by any other name, include also such person;

(f) notification' means a notification published in the Andhra

Pradesh Gazette and the word 'notified' shall be construed accordingly;

(g) 'prescribed' means prescribed by rules made by the Government under this Act;

(h) 'Scheduled Castes' and 'Scheduled Tribes' shall have the meanings respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India;

(i) all words and expressions used but not defined in this Act shall have the meanings assigned to them in the Andhra Pradesh Education Act, 1982.

3. Regulation of admission into educational institutions :-

(1) Subject to such rules as may be made in this behalf, admission into educational institutions shall be made either on the basis of the marks obtained in the qualifying examination or on the basis of the ranking assigned in the entrance test conducted by such authority and in such manner as may be prescribed:

Provided that admission into Medical and Engineering Colleges shall be made only on the basis of the ranking assigned in the common entrance test conducted as aforesaid.

(1A).

(2) The admission into educational institutions under sub-section (1) shall be subject to such rules as may be made by the Government in regard to reservation of seats to the members belonging to Scheduled Castes, Scheduled Tribes and Backward Classes {and other categories of students as may be notified by the Government in this behalf} and the Andhra Pradesh Educational Institutions (Regulation of Admission) Order, 1974.

(3) Notwithstanding anything in sub-sections (1) and (2), it shall be lawful for the Government, to admit students belonging to other States on reciprocal basis and the nominees of the Government of India, into Medical and Engineering Colleges in accordance with such rules as may be prescribed.

Provided that admission of students into the Regional Engineering College, Warangal to the extent of one-half of the total number of seats shall be in accordance with the guidelines issued by the Government of India, from time to time.}

3A. Special provision in respect of unaided private educational institutions :-

Notwithstanding anything contained in section 3 but subject to such rules as may be made in this behalf and the Andhra Pradesh Educational Institutions (Regulation of Admission) Order, 1974, it shall be lawful for the management of any unaided private engineering college, medical college, dental college and such other class of unaided educational institutions as may be notified by the Government in this behalf to admit students into such colleges or educational institutions, to the extent of one half of the total number of seats from among those who have qualified in the common entrance test or in the qualifying examination, as the case may be, referred to in sub-section (1) of section 3 irrespective of the ranking assigned to them in such test or examination and nothing contained in section 5 shall apply apply to such admissions.}

4. Special provision in respect of minority educational institutions :-

(1) Notwithstanding anything in Section 3, it shall be lawful for any minority educational institution to admit students belonging to the concerned minority whether based on religion or language, on the basis of the marks obtained by them in the qualifying examination or as the case may be, on the basis of the ranking assigned to them in the entrance test conducted in the prescribed manner.

(2) Where any minority educational institution intends to admit students not belonging to the concerned minority, such admission shall be only on the basis of the marks obtained in the qualifying examination or as the case may be, on the basis of the ranking assigned in the entrance test conducted in the prescribed manner.

4A. Special provision in respect of Non-Resident Indian Students :-

(1) Notwithstanding anything in this Act, it shall be lawful for the Government to admit students belonging to foreign countries and non-resident Indian students into a Medical College established for the purpose in accordance with such rules as may be prescribed on payment of such sum as may be notified by the Government in this behalf.

(2) There shall be constituted a fund called "Medical Education Fund" into which shall be credited the sums received under sub-

section (1). The said fund shall be operated by a Committee consisting of such number of persons and in such manner as may be prescribed.

(3) All moneys belonging to the said fund shall be deposited in such bank of treasury or be invested in such securities in accordance with such guidelines as may be issued by the Government in this behalf and shall be applied and expended for the improvement of the said college and the development of the Medical Educational facilities and such other related purposes as may be prescribed. Explanation For the purposes of this section, "non-resident Indian student" means a student of Indian origin residing in any country outside India.}

5. Collection of capitation fee prohibited :-

The collection of any capitation fee by any educational institution or by any person who is incharge of or is responsible for the management of the institution is hereby prohibited.

6. Manner of giving donations :-

(1) Any donation of money to any educational institution, shall be made only in such manner as may be prescribed and not otherwise.

(2) All moneys received by any educational institution by way of voluntary donations shall be deposited in the account of the institution, in any Scheduled Bank and shall be applied and expended for the improvement of the institution and the development of the educational facilities and for such other related purposes as may be prescribed.

7. Regulation of fees :-

(1) It shall be competent for the Government by notification, to regulate the tuition fee or any other fee that may be levied and collected by any educational institution in respect of each class of students.

(2) No educational institution shall collect any fees in excess of the fee notified under sub-section (1).

(3) Every educational institution shall issue an official receipt for the fee collected by it.

8. Application of Chapter XI of Act of 1982 :-

Where the Government are of opinion that the management of an

educational institution has contravened the provisions of this Act, it shall be competent for them to take over the management of such institution for a period not exceeding five years applying in so far as may be, the provisions of Chapter-XI of the Andhra Pradesh Education Act, 1982.

8A. Exemption :-

Nothing in this Act shall apply to the following educational institutions

(a) Food Craft Institution, Hyderabad;

(b) Regional and other training centres financed by the Government of India.}

9. Penalties :-

Whoever contravenes the provisions of this Act or the rules made thereunder shall on conviction be punishable with imprisonment for a term which shall not be less than three years but which shall not exceed seven years and with fine which may extend to five thousand rupees. Where the conviction is for an offence under Section 5 or Section 6, the institution shall refund the money so collected to the party from whom it was collected.

10. Offences by companies :-

(1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person, who at the time the offence was committed was incharge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything in sub-section (1) where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that

offence and shall be liable to be proceeded against and punished accordingly.

Explanation For the purpose of this section

(a) company' means any body corporate and includes a firm, a society or other association of individuals, and

(b) director' in relation to-

(i) a firm, means a partner in the firm;

(ii) a society or other association of individuals means the person who is entrusted, under the rules of the society or other association, with management of the affairs of the society or other association, as the case may be.

11. Power to enter and inspect :-

(1) Any officer not below the rank of a Gazetted Officer authorised by the Government in this behalf may enter at any time during the normal working hours of an educational institution or any premises of such institution and to search and inspect any record, register or other document relating to such institution and to seize any such record, register or other document for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Act.

(2) In order to secure proper and effective utilization of the finances or resources or other assets of any educational institution at the commencement of this Act, it shall be competent for the Government to invoke the provisions of sub-section (1) and ascertain such finances, resources and assets of any institution and after such ascertainment to give such directions to the management as they deem fit.

12. 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.

13. Protection of acts done in good faith :-

No suit, prosecution or other legal proceeding shall be instituted against the Government or any officer, authority or person empowered to exercise the powers or 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.

14. Amendment to the Act 1 of 1982 :-

In the Andhra Pradesh Education Act, 1982

(i) Section 44 shall be omitted;

(ii) in Section 99, in sub-section (1) in clause (a) the words "and after previous publication", shall be omitted.

15. Power to make rules :-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this section 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.

16. Repeal of Ordinance 3 of 1983 :-

The Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Ordinance, 1983 is hereby repealed.