

**ANDHRA PRADESH EDUCATIONAL INSTITUTIONS (TAKING
OVER MANAGEMENT, REQUISITIONING AND ACQUISITION)
RULES, 1983**

CONTENTS

1. Short title
2. Definitions
3. Taking over of management of Educational Institutions
4. .
5. .
6. Payment of compensation
7. Requisitioning of educational institutions
8. Release from requisitioning
9. .
10. .
11. Acquisition of property
12. .
13. .
14. .
15. .
16. .
17. .
18. .
19. .
20. .
21. .
22. .
23. .
24. .
25. .
26. .
27. General
28. .
29. .

**ANDHRA PRADESH EDUCATIONAL INSTITUTIONS (TAKING
OVER MANAGEMENT, REQUISITIONING AND ACQUISITION)
RULES, 1983**

In exercise of the powers conferred by Sections 60 to 69 read with Section 99 of the Andhra Pradesh Education Act, 1982 (Act 1 of 1982), the Governor of Andhra Pradesh hereby makes the following rules governing taking over Management, Requisitioning and

Acquisitioning of Educational Institutions

1. Short title :-

These rules may be called the "Andhra Pradesh Educational Institutions (Taking over Managements, Requisitioning and Acquisition) Rules 1983".

2. Definitions :-

In these rules unless the context otherwise requires,-

- (a) 'Act' means the Andhra Pradesh Education Act, 1982.
- (b) 'Special Officer' means the Special Officer appointed by the Government under sub-section (6) of Section 60, and includes any other person directed by the Government, for the purposes of carrying on the management of the educational institutions; and
- (c) 'Section' means section of the Act.

3. Taking over of management of Educational Institutions :-

- (1) A notice for taking over management of any education under sub-section (1) of Section 60, shall be given to the manager of the institution or the educational agency, if any, in Form 1.
- (2) The representation, if any received from the manager or the educational agency in response to the notice, shall be considered by the Government and if they are satisfied that there is no necessity to take over the management of the educational institution, the Government may drop further proceedings in this regard.
- (3) Where the Government are of the opinion that the management of the educational institution should be taken over either in the public interest or in order to secure the proper management, they may by notification in Form II, direct that on and from the date specified therein the management of the institution shall vest in the Government.
- (4) The notification under sub-rule (3) of this rule shall also specify the Special officer for the purpose of carrying on the management of the institution and to whom, the possession of educational institution and the properties attached thereto, shall be delivered.
- (5) A copy of the notification shall be delivered in person or sent by registered post addressed to the manager or the educational agency, and shall also be affixed on the notice board or at a

conspicuous place within the institution.

4. . :-

(1) Immediately after the service of the notification, the manager or the educational agency shall prepare a detailed inventory in duplicate of all property, movable and immovable including instruments. Vehicles, cash balances, reserve funds and book debts and all other rights and interests arising out of such property as were in the ownership, possession, power or control of the management and of all books of accounts, registers and all other documents of whatever nature relating thereto. The inventory shall be attested by the Manager of the Educational Agency and a copy of the same shall be delivered to the special officer.

(2) The manager or the educational agency who prepared the inventory shall be held personally responsible for its correctness, and if it is found that he has wilfully omitted to include any item in the inventory or has furnished as true, information which he knows or has reason to believe to be false, he shall be deemed to have contravened this rule and shall be liable for penalty under Section 87.

5. . :-

(1) The Special officer may, by an order, require every person, in whose possession or custody or under whose control the educational institution or any part thereof or any properties attached thereto, may be immediately before the taking over, to deliver to him the possession of such institution or part thereof or any properties attached thereto as the case may be on the date specified in the order.

(2) If any such person fails to deliver the possession of the properties aforesaid within the time specified in the order or obstructs the Special officer in taking over possession, the Special officer shall take possession thereof with such police assistance as may be necessary.

6. Payment of compensation :-

(1) As soon as may be after the issue of notification under subsection (1) of Section 60, the Special Officer shall cause statement to be prepared showing the annual income, expenditure and the average net annual surplus income of the educational institution

during the period of its existence, or the period of five consecutive accounting years immediately preceding the date of vesting of management, whichever is less.

(2) Every such statement may be got verified by an auditor of the department, if the Special Officer considers it to be necessary.

(3) On the basis of the statement so prepared and verified under sub-rules (1) and (2) of the rule and after satisfying that the trust or management for the running under which the educational institution is formed has not made any provision of the institution, the Government shall pass an order determining the amount payable under sub-section (8) of Section 60 of the Act to the person interested. In the educational institution, the amount so determined shall be paid by the special officer in cash or in Government bonds within three months from the date of such order, either in a lumpsum or in instalments, not exceeding three.

(4) If there is any dispute with regard to persons claiming interest or with regard to apportionment of the amount among the persons interested, the amounts shall be deposited in the District Court.

7. Requisitioning of educational institutions :-

(1) The show cause notice under clause (a) of sub-section (2) of Section 64 of the Act shall be served in Form III.

(2) After considering the objections if any, received in response to the said show cause notice, if the Government are satisfied that there is no need to requisition the property, they may drop further proceeding in this regard.

(3) If, however the Government consider it necessary to requisition the property, they may, by an order in Form IV, requisition the property. A copy of the order shall be served on the manager and other persons who are in possession of the property and shall also be affixed on the notice board or at a conspicuous place in the institution.

(4) Where the property is requisitioned, the manager or other person, who is in possession of the property, shall deliver possession of the property to such Officer, person body or local authority and within such time as the Government may specify.

(5) If any person refuses to deliver possession of the property within the time specified, or any officer of the Revenue Department

not below the rank of a Tahsildar may, on a requisition made by the Officer, person, body or local authority referred in sub-rule (4) of this rule, may summarily dispossess the person of the property in the manner provided in sub-section (1) of Section 65 of the Act.

(6) Where possession is taken in pursuance of the powers conferred by this rule or by sub-section (1) of Section 65 of the Act, an inventory of the properties taken possession of, shall be prepared in the presence of two witnesses.

8. Release from requisitioning :-

(1) Where the Government have decided to release any property requisitioned under Section 64 of the Act, they may pass an order in Form V and specify the person to whom the possession of the property shall be given. A copy of the order shall be served on the person to whom possession of property has been ordered to be delivered.

(2) Where any property is released from requisitioning, the property shall, as far as practicable, be given to the person from whom possession was taken at the time of requisition or to the successors interest of such person.

9. . :-

Release from requisitioning and restoration of possession may be effected in the manner provided for delivery of possession of property under a decree of the Civil Court.

10. . :-

The notice under sub-section (2) of Section 66 of the Act shall be in Form VI.

11. Acquisition of property :-

(1) The show cause notice under the proviso to sub-section (1) of Section 67 of the Act shall be in Form VII.

(2) The notice of acquisition under sub-section (1) of Section 67 of the Act shall be in Form No.VIII. A copy of the notice shall be served on the manager or the other persons interested.

(3) The notice under sub-rule (2) of this rule shall also specify the special officer or any other person for the purpose of acquiring the property and within such time as the Government may deem fit.

12. . :-

(1) The special officer or any other authority specially authorised by the Government in this behalf shall as soon as may be after the issue of an order of requisitioning under sub- section (1) of Section 64 of the Act or notice of acquisition under sub-section (1) of Section 67 of the Act, as the case may be, serve notice on the manager of the educational institution and other person interested in the property requisitioned or acquired requiring them to state in writing the nature of the respective interests in the property requisitioned or acquired and particularly of their respective claims on the amount payable therefor.

(2) After considering the representations if any, received in response to above notice, the Special Officer or the authority referred to in sub-rule (1) of this rule shall after making such enquiries as deemed necessary, recommended to the Government the amount payable to the person interested in the manner provided in these rules.

13. . :-

In determining the rent which would have been payable for the use and occupation of the immovable property, if it had been taken on lease, the following matters shall also be considered for the purpose of sub-section (2) of Section 68 of the Act namely;

(1) In the case of immovable property other than buildings;

(a) if reliable evidence is produced, the average of the rent fetched during the three preceding years; or

(b) the net income from the property where proper accounts have been maintained;or

(c) the amount of net income recognised by the relevant authority for the purpose of levy of agricultural income to, if any;or

(d) where no proper accounts are maintained the net income as ascertained having regard to the income of similar property, after making local inspection.

(2) In the case of buildings;

(a) the annual rental value assessed for the purpose of rates or taxes levied by a local authority;

(b) Where there is no such assessment the rent fixed in accordance with the principles followed for fixing fair rent by a rent controller

under the law relating to rent control for the time being in force.

(3) In the case of movable property;

(a) if the movable property requisitioned is a vehicle, the amount as determined at the rates provided for each kind and class of vehicle by notification published by the Government, from time to time, having regard to the prevailing market rates under the Motor Vehicles Act;

(b) in other cases the amount as determined in accordance with the rates prevailing in the open market on the date of requisitioning or acquisition.

14. . :-

While recommending the amount payable, the special Officer or other authority as the case may be shall take into account the Government aid or grant, if any given to the educational institution and deduct the entire value of such aid or grant.

15. . :-

After examining the recommendation of the Special Officer or other authority, the Government shall finally determine the amount payable to each person interested in the property and communicate to the persons each concerned.

16. . :-

Every person interested may within thirty days of the service of the notice under Rule 15, communicate his acceptance in writing to the Government of the amount fixed, if he accepts the amount. The Government (Special Officer) or other shall enter into an agreement with him in Form IX with such modification as the nature of the case may require and shall within thirty days from the date of execution of the agreement pay to such person the amount as per the agreement.

17. . :-

If the person interested does not accept the amount fixed by the Government, he may within thirty days of the service of the notice under Rule 16 make an application to the Government to refer the matter to an Arbitrator, stating clearly the reasons for his disagreement with the amount fixed by the Government and what according to him, the fair amount he claims and the grounds on which such claim is based, showing also his interest in the property.

18. . :-

If the Government are satisfied that the grounds on which the claim is based are valid, they may settle the amount and enter into an agreement with the person to whom the amount is payable. Otherwise there shall be appointed an arbitrator under clause (b) of sub-section (1) of Section 68 of the Act.

19. . :-

As soon as practicable, after an arbitrator is appointed, the Government shall, refer the application to the arbitrator together a report setting forth the full facts of the case, particularly regarding the nature and extent of disagreement between the Government and the persons interested, and submit all papers connected with the application.

20. . :-

Where the person interested in the amount payable for the property requisitioned or acquisitioned is not found or if there is no person competent to alienate the property, or if there is any dispute as to the title to receive the amount, the Government shall make a reference to the arbitrator, appointed by the Government under clause (b) of sub-section (1) of Section 68 of the Act with all records connected with the case.

21. . :-

If no arbitrator has been appointed, the amount shall be deposited in the court of the District Judge having jurisdiction.

22. . :-

The arbitrator shall make his award in writing setting forth the grounds his decision and sign it: A copy of the award shall be sent to all parties to the reference.

23. . :-

When an arbitrator is succeeded by another arbitrator before making an award, the new arbitrator may deal with the evidence taken by his predecessor as if such evidence has been taken by him and may proceed from stage at which his predecessor left it:

Provided that it shall be open to the new arbitrator, after recording the reasons therefor, to conduct the proceedings de-novo.

24. . :-

The decision as to cost of proceedings before an arbitrator and appointment thereof shall be in the discretion of the arbitrator.

25. . :-

As soon as the arbitrator makes an award under Section 68 of the Act, the Government shall pay the amount awarded by the arbitrator to the persons interested thereto, according to the award except the person interested proposes to appeal to the High Court.

26. . :-

Where the costs have been ordered to be paid by the person interested, the Government shall deduct the amount of costs from the amount payable to that person.

27. General :-

(1) Service of notice or order under these rules shall be made by delivering or tendering a copy thereof to the person on whom it is to be served or to his authorised agent. When such person cannot be found, service may be made on only adult member of his family residing with him and if no such adult member can be found, service may be effected by affixing copy of the notice on the outdoor or some conspicuous part of the house on which the person to be served ordinarily resides or carries on business.

(2) If service cannot be effected in any of the modes aforesaid, or if the authority ordering the service thinks fit, the notice shall be served by sending a copy thereof by registered post to his last known address.

28. . :-

The moneys deposited in the Court under these rules shall be dealt within the manner laid down in Sections 32 and 33 of the Land Acquisition Act, 1894.

29. . :-

(1) The Special Officer or other authority may, by order, require the manager or any person in possession or custody of the properties of educational institution which is taken over or intended to be taken over or which is requisitioned or acquired or intended to be requisitioned to furnish such information as may be required by him for performing the functions under these rules.

(2) Whoever being required to furnish information wilfully omits furnish such information or furnished as true, information which he knows or has reason to believe to be false, he shall be deemed to have contravened the provisions of these rules and shall be liable to

be punished under Section 87 of the Act.