

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education Department - The A.P. Higher Education Regulatory and Monitoring Commission Rules, 2019 – Notification – Issued.

HIGHER EDUCATION [U.E] DEPARTMENT

G.O.Ms.No.49

Dated:11 -10-2019

Read the following:-

1. A.P. Higher Education Regulatory and Monitoring Commission Act, 2019 (Act No.20 of 2019).
2. G.O.Ms.No.41, Higher Education [U.E] Dept., Dated:19.08.2019.

O R D E R:

The following notification will be published in extraordinary issue of the Andhra Pradesh Gazette Dated:14-10-2019.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 23 of the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act,2019 (Act.No.20 of 2019), the Governor of Andhra Pradesh hereby makes the following rules prescribing to the Andhra Pradesh Higher Education Regulatory and Monitoring Commission, namely:

RULES

1. Short title extent and commencement

- (1) These rules may be called the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Rules, 2019;
- (2) They shall extend to the whole of the State of Andhra Pradesh;
- (3) These rules shall come into force from the date of publication in the official Gazette;

2. Definitions

- (1) In these rules unless the context otherwise requires:-
 - (a) "Act" means the Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019 (Act.No.20 of 2019);
 - (b) "fee" means all fees including tuition fee and development charges;
 - (c) "State" means the State of Andhra Pradesh;

(PTO)

::2::

- (d) "Eminent Academician" means a Professor who has rendered over 25 years of professional experience having worked in an Institute of National Importance or a Central University, having published works in the field of Education in Journals of National or International repute;
 - (e) "Eminent Chartered Accountant" means a Chartered Accountant who has over 25 years of experience in the field of Accounting;
- (2) the word and Expression used but not defined in these rules shall have the meanings as assigned to them in Andhra Pradesh Higher Education Regulatory and Monitoring Commission Act, 2019.

3. Constitution of the Commission.

- (1) Search-cum-Selection Committee : The Government shall constitute the Search-cum-Selection Committee as specified under section 5 of the Act;
- (2) Procedure at Search-cum-Selection Committee meetings;
 - (a) The Chairperson of the Search-cum-Selection Committee shall preside over the meeting of the Search-cum-Selection Committee;
 - (b) The Chairperson of the Search-cum-Selection Committee shall be empowered to determine the term of the Search-cum-Selection Committee;
 - (c) In case of a difference of opinion amongst the members of the Search-cum -selection Committee, the matter shall be decided by the majority of the members present and voting;
 - (d) Each member of the Search-cum-selection Committee shall have one vote, and in case of equality of votes on any question to be decided by the Search-cum-Selection Committee, the chairperson or the member presiding over the meeting shall have a casting vote;
- (3) Selection of the Commission: The Search-cum-Selection Committee shall select members of the Commission in accordance with Section 4(1) of the Act;
- (4) The Search-cum-Selection Committee shall notify the Constitution of the Commission;

(Contnd. p 3)

4. The terms and conditions of service of Chairperson and Members of the Commission may be notified by the Government.

5. Meeting: The Commission shall meet at least once a month, at such time and place and observe such procedure, as may be prescribed internally.

6. No Act or proceeding of the Commission shall be deemed to be invalid merely by reason of any vacancy in the constitution of the Commission.

7. Maintenance of Standard of Education.

(1) The Commission shall perform all functions as laid down in section 9 of the Act as well as such other functions as may be deemed fit to achieve the objectives laid down in section 9 of the Act;

(2) Inspection: The Commission shall have the power to call for such information as is considered necessary from institutions of higher education for the purpose of the act and also interact with the students of an institution to appraise itself regarding the standards of education in coordination with other regulatory bodies;

(3) Service Condition of Teachers – It shall be the duty of the commission to monitor and ensure compliance by the higher education institutions of the following;

(a) Recruitment of Staff - Recruitment of teaching and non-teaching staff by the Private Higher Educational Institutions in accordance with central and state laws;

(b) Qualification and Pay-The Commission shall ensure that all Private Higher Education Institutions follow the qualification and pay guidelines prescribed by the Central Regulatory Authorities;

(c) Selection and Appointment - The Commission shall ensure that the selection and appointment of all teachers are done in accordance with guidelines prescribed by the Central Regulatory Authorities/Universities;

(d) Schedule of employment to be maintained: -Every Private Higher Educational Institution shall maintain a schedule of employees indicating there in the number of persons in its employment, the name and qualification of each employee, the pay and such other particulars;

::4::

(e) Private Higher Educational Institutions shall update the information on the web from time to time;

The functions of the Commission in this regard shall be in coordination with and in supplemental to other regulatory authorities.

8. Fee Regulation

- (1) The Commission shall call for, from each Institution, its proposed fee structure well in advance before the date of issue of notification for admission for the academic year along with all the relevant documents and books of accounts for scrutiny;
- (2) The Commission shall decide whether the fees proposed by the institutions is justified and does not amount to profiteering or charging of capitation fee;
- (3) The Commission shall be at the liberty to approve or alter the proposed fee for each course to be charged by the Institution;

Provided that it shall give the Institution an opportunity of being heard before fixing any fee or fees;

- (4) The Commission shall take into consideration the following factors while prescribing the fee;
 - (a) The location of the Higher Educational Institution,
 - (b) The nature of the course,
 - (c) The cost of available infrastructure,
 - (d) The expenditure on administration and maintenance,
 - (e) A reasonable surplus required for growth and development of the Higher Educational Institutions,
 - (f) The revenue foregone on account of waiver of fee, if any, in respect of students belonging to the Scheduled Caste, Scheduled Tribes and wherever applicable to the Socially and Educationally Backward Classes and other Economically Weaker Sections of the Society, to such extent as shall be notified by the Government from time to time,
 - (g) Any other relevant factor.

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- (5) The Commission shall communicate the fee structure as determined by it, to the Government, for notification under Act 5 of 1983;
- (6) The fee or scale of the fee determined by the Commission shall be valid for a period of three years;
- (7) The fee so determined shall be applicable to a candidate who is admitted to an institution in that academic year and shall not be altered till the completion of his/her course in the institution in which he/she was originally admitted. The Higher Educational Institutions shall not club and/or collect a fee which is more than the amount prescribed for that Academic year;

9. Admissions

- (a) The Commission shall supervise the admission made by the Private Higher Educational Institutions and ensure that the admission are done in a fair, transparent and non – exploitative manner. If the Commission comes to the conclusion, after giving an opportunity of representation, that the admission were not conducted in a fair, transparent and non – exploitative manner or were not conducted in accordance with relevant admission rules, it shall have the power to cancel such admission and issue such orders as it may deem fit;
- (b) The Commission shall have power to require a Private Higher Educational Institutions to furnish information as may be necessary for enabling the Committee to regulate the conduct of admission and/ or to fix in respect of each Course offered in the Institutions;
- (c) The Commission shall specify the standard and procedures to be adopted by the Association of Private Unaided Higher Educational Institutions to furnish, by a prescribed date, information as may be necessary for enabling the Committee to regulate the conduct of admission and or to fix the fee in respect of each course offered in the Institution;
- (d) The Commission shall call for options from Unaided Minority and Non- Minority Higher Educational Institutions to opt either for the Common Entrance Test Conducted by the Government or its Agency or the Common Entrance Test conducted by the Association of Professional Colleges;

- (e) The Commission shall call for options from Unaided Minority Higher Educational Institutions to opt either for the Single Window System for admission to be operated by the Government or its agency or the same operated by the Association of Unaided Professional Institutions;
- 10.** Grievance Redressal Mechanism: The Commission shall develop an appropriate mechanism for the receipt and redressal of grievances of students and parents in a time bound manner.
- 11.** AFRC:
- (a) Commission shall discharge all the duties and functions of the AFRC as per section 12 (1) of the Act. AFRC shall cease to hold office, as and when the Commission takes charge and G.O. Ms No.6 dated 8-01-2007 is deemed to be automatically withdrawn;
 - (b) All matters pending with the AFRC shall be transferred to the Commission including the issues of fee fixation which have not been notified as per Act 5 of 1983, as and when the Commission takes charge;
 - (c) All persons employed under AFRC will continue to work with the Commission as per the agreed terms and conditions of employment;
- 12.** Establishment of IT Cell:
- (a) The Commission may setup a compact IT cell to develop a State-wide database on all matters concerning Higher Educational Institutions;
 - (b) The Commission shall monitor through the State-wide database, all matters concerning the Regulation of Higher Education to ensure effective regulation and provide advice to the Government as per section 9(g) of the Act;
 - (c) The Commission from time to time, shall prescribe the parameters that are to be included in the database;
 - (d) The Commission shall maintain a real-time website which will host all its decisions related to Higher Educational Institutions and will make the same available to the public;
 - (e) All the data related to the Commission shall be maintained with State Data Centre;

- (f) Data pertaining to decisions of the Commission and data of other bodies like universities, Andhra Pradesh State Council of Higher Education, Head of Departments, etc shall be available to each other;

13. Appointment of Secretary

(a) The Commission shall appoint a Secretary in consultation with the Government who will be Chief Executive Officer of the Commission as per Section 4(2) of the Act and shall be a full time member of the Commission;

(b) The Secretary of the Commission shall be a retired Senior Government official in the rank of Secretary or Additional Secretary to the Government with good administrative experience;

(c) The Secretary to the Commission shall be appointed on contractual basis for a period of three years extendable further by the Government on the recommendation of the Chairperson by not more than two years or until he or she attains the age of 70 years whichever is earlier;

(d) The Secretary to the Commission shall receive a consolidated pay of Rs. 1,25,000/- per month;

14. Appointment and Conditions of Service of Officers and Staff

(1) Appointment of Finance Officer :-

(a) The Commission may appoint a Finance and Accounts Officer who has 15 years of experience in the field of Finance in the Private Sector or a retired Government official of the rank of Joint Director who has worked with the Finance Department of the Government;

(b) The Finance and Accounts Officer shall be appointed on contractual basis for a period of three years extendable further by the Government by not more than two years or until he or she attains the age of 70 years whichever is earlier;

(c) The Finance and Accounts Officer shall receive a consolidated pay of Rs.50,000/- per month;

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::8::

- (2) Appointment of Other Staff: The nature and categories of the employees of the Commission and consolidated pay thereof shall be as specified below :-

| S.No | Name of the Post | Consolidated Pay | No. of Posts |
|------|---------------------|---|--------------|
| 1 | Data Analyst | Rs. 25,000 per month | 2 |
| 2 | Stenographer | Rs. 25,000 per month | 1 |
| 3 | Data Entry Operator | As per Government norms for outsourcing staff | 2 |
| 4 | Office Subordinates | As per Government norms for outsourcing staff | 6 |

- (3) Mode of appointments: The Commission may appoint suitable persons from time to time, where necessity arises requiring specialised or expert knowledge for dealing with a particular matter or subject, the Commission may engage persons of requisite qualification and experience on outsourcing basis on such terms and conditions as the Commission may decide;
- (4) For outsourced staff, the Commission shall follow the prevailing remuneration rates as prescribed by the Government;
- (5) For Contractual Staff other than Secretary of the Commission shall determine the terms and conditions in the contract agreement;
- (6) Disciplinary authority: In the case of staff other than the Secretary, the Secretary of the Commission shall be the disciplinary authority and the Chairperson will be the appellate authority;

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

J.S.V.PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase,
Vijayawada- with a request to publish in A.P. Extraordinary Gazette.
The Chairperson, A.P. Higher Education Regulatory and Monitoring
Commission, Tadepalli.

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:: 9 ::

The Commissioner of Collegiate Education, A.P.
The Commissioner of Technical Education, A.P.
The Secretary, APSCH, Tadepalli.
All the Registrars of State Universities.

Copy to:

The Accountant General, A.P.
The Pay & Accounts Officer, A.P.Vijayawada,
The P.S to Secretary to Governor, Raj Bhavan, Vijayawada.
P.S to Addl. Chief Secy to CM,
O.S.D to M[Education]
P.S to C.S
P.S to Spl.CS, H.E. Dept.
The Law (B) Dept.
Sc/Sf.

// FORWARDED :: BY ORDER//

SECTION OFFICER