



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE
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No. 12]

AMARAVATI, TUESDAY, MARCH 28, 2017.

ANDHRA PRADESH BILLS
ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 28th March, 2017.

L. A. BILL No. 12 of 2017

A BILL TO PROVIDE FOR ESTABLISHMENT AND REGULATION OF A FUNCTIONAL UNIVERSITY IN THE STATE OF ANDHRA PRADESH WITH OBJECTS TO PROVIDE HIGH QUALITY, RESEARCH ORIENTED AND INDUSTRY RELEVANT HIGHER EDUCATION IN FISHERIES AQUACULTURE AND OCEAN SCIENCE AND TO IMPROVE ACCESS AND EQUITY IN HIGHER EDUCATION IN ORDER TO ENHANCE THE GROSS ENROLMENT RATIO (GER) AND FOR THE MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-eighth year of the Republic of India, as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh Fisheries and Ocean University (Establishment and Regulation) Act, 2017.

Short title, extent and commencement.

(2) It extends to the whole State of Andhra Pradesh.

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

Definitions.

Central Act No.52 of 1987.

Central Act No.21 of 1860.

2. In this Act, unless the context otherwise requires,-

- (1) "AICTE" means the All India Council for Technical Education established under section 3 of the All India Council for Technical Education Act, 1987;
- (2) "AIU" means the Association of Indian Universities Registered under the Societies Registration Act, 1860;
- (3) "Central Government" means the Government of India;
- (4) "Constituent College or Institution" means and includes a college or institution of the Sponsoring body;
- (5) "CSIR" means the Council of Scientific and Industrial Research, New Delhi, a society registered under the Societies Registration Act, 1860;
- (6) "DBT" means the Department of Biotechnology of the Central Government;
- (7) "DST" means the Department of Science and Technology of the Central Government;
- (8) "Eminent Persons Panel" means a panel of Six persons of impeccable integrity having outstanding knowledge and expertise in academics, scientific research in Fisheries field, public administration, finance, law or management etc. notified by the Government from time to time;
- (9) "Expert Committee" means a Committee of eminent persons notified by the Government to promote, facilitate and assist in establishment of new Private Universities in Andhra Pradesh constituted under section 8;
- (10) "Fee" means collection of amounts made by the University from students for different purposes under different heads and which is non-refundable;
- (11) "Fisheries" means fishing, fish farming related to the conservation, development, propagation, protection, exploitation, processing, value adding like activities of fishing and fish products connected with education and research and it includes all sectors comprising Biology, Environmental Science, Technology, Economics, Social Science;
- (12) "Fishermen Community" means people mainly engaged in fishing activities for livelihood;
- (13) "Fisheries Education" means all education in production, conservation, processing trading and sustainable management of all fishery resources;
- (14) "Fish farmer" means the person doing farming of different varieties of aquatic animals and plants for his livelihood or to enable him to earn economic gain at any stage of their life cycle.
- (15) "Fish processing industry" means and includes processing and value addition of fish products and industries connected with it;
- (16) "Fish Resources" means all aquatic living resources;
- (17) "University" means the university established under section 3 of the Act;
- (18) "Government" means the Government of Andhra Pradesh;

(19) "Higher Education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;

(20) "ICAR" means the Indian Council of Agricultural Research, registered under the Societies Registration Act, 1860; Central Act No.21 of 1860.

(21) "NAAC" means the National Assessment and Accreditation Council, an autonomous institution of the UGC;

(22) "Notification" means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;

(23) "Ocean Sciences" means all education and research in Ocean Science including ocean resource development, living and non-living resources and their exploration, conservation, fostering, consumption, management and trade; Central Act No.8 of 1948.

(24) "Prescribed" means prescribed by rules made under this Act;

(25) "Regulatory Authority" means the Authority established under section 32 of the Andhra Pradesh Private Universities (Establishment and Regulation) Act, 2016; Act No.3 of 2016.

(26) "Regulatory Body" means and includes a body such as UGC, AICTE, NAAC, ICAR, DBT, DST, CSIR, BCI established by the Central Government or Government for maintenance of standard of higher education;

(27) "Regulations" means regulations made by any authority of the University under section 31;

(28) "Rules" means rules made under section 44;

(29) "Schedule" means the Schedule appended to this Act;

(30) "Specified" means specified by Ordinances, Statutes and Regulations under this Act;

(31) "Sponsoring body" in relation to a University established under this Act means,-

Central Act No.21
of 1860,

Act No.35 of 2001.

Central Act No.2 of 1882.

Central Act No.13
of 2013.

Act No.4 of 1991.

(i) a society "not for profit" registered under the Societies Registration Act, 1860 or the Andhra Pradesh Societies Registration Act, 2001; or

(ii) a public trust "not for profit" registered under the Indian Trusts Act, 1882; or

(iii) any other society or trust "not for profit" registered as above and formed by consortia of academic institution(s), industry and/or educational societies; or

(iv) any company registered under section 8 of the Companies Act, 2013; or

(v) any company other than the company mentioned in item (iv), with such limitations as specified by the Government from time to time.

(32) "State University" means a university established under the Andhra Pradesh Universities Act, 1991;

(33) "Statutes" and "Ordinances" mean the Statutes and the Ordinances of the University made under this Act;

(34) "Student" means a student of the University and includes any person enrolled in the University for pursuing any course of study for a degree, diploma or other academic distinction duly instituted by the University, including a research degree;

(35) "Teacher" means a Professor, Associate Professor, Assistant Professor, or any other person required to impart education or to guide research or render guidance in any other form to the students for pursuing a course of study of the University;

Central Act No.3
of 1956.

(36) "UGC" means the University Grants Commission established under section 4 of the University Grants Commission Act, 1956.

CHAPTER II

ESTABLISHMENT OF UNIVERSITY

3. (1) The Government may permit the establishment of Fisheries and Ocean University which shall be a functional university and shall confine to the field of fisheries and related allied activities by inclusion of the name and location of the University, the name and address of Sponsoring body and details of its registration in Schedule.

Establishment of University.

(2) The location of the University shall be within the State of Andhra Pradesh and shall be notified by the Government.

(3) The University shall be established on a Public-Private-Participatory mode with the contribution of the Government to a maximum of 49% of share capital on civil works and equipments (capital investment).

(4) The University shall exercise such powers and discharge such functions as it may require but shall confine to the field for which the University is established.

(5) The University shall have a minimum of 50 acres of land and the income derived from farming on the land shall be unitised to meet the part of recurring expenditure of the University.

(6) The University shall normally be permitted to have two campuses with one fresh water campus and another campus with marine environment provided that the Government may, under exceptional circumstances such as starting a new specialized course nearby the industrial clusters, if it deems fit, permit one additional academic campus or centre subject to adherence to quality levels and satisfactory accreditation standards as may be specified:

Provided that the Government may permit a university to open additional campus or centre beyond three (3) campuses, if any, anywhere within the State of Andhra Pradesh subject to satisfactory running for a period of five years and on fulfilment of such infrastructure and other requirements as may be specified.

(7) The University shall be free to encourage or use technology extensively as a part of its curriculum in line with modern pedagogic concepts.

Powers and
functions of the
University.

5. The University shall exercise the following powers and perform the following functions, namely:-

- (1) administer and manage the University;
- (2) establish, administer and manage the University's constituent colleges, schools, institutes and centers for research, education, training, extension and outreach;
- (3) provide an ecosystem for research, higher education including professional education, teaching, learning, training, extension and outreach in the fisheries and allied fields of education;
- (4) conduct programmes and courses of study that are in the opinion of the University, necessary for the furtherance of its objects;
- (5) conduct innovative experiments in educational technologies, teaching and learning methods that improve the delivery of education and assist in achieving international standards of education;
- (6) offer joint programmes in collaboration with national and international institutions recognized by Regulatory Bodies;
- (7) hold examinations and confer degrees, diplomas (PG Diplomas) and other academic distinctions or titles on persons subject to such condition as the University may determine and to withdraw or cancel any such degrees, diplomas and other academic distinctions or titles in the manner specified by the Regulations;
- (8) confer honorary degrees or other distinctions in the manner provided by the Statutes;
- (9) establish a new constituent college, institution or center for furtherance of its objects;

- (10) collaborate with other national and international Universities, and acquire membership of bodies, authorities, or associations, in such manner and for such purpose as the University may determine by Statutes;
- (11) sponsor and undertake research and educational programmes in the fisheries and allied fields of education and obtain the intellectual property rights for such research or any other research;
- (12) institute and award fellowships, scholarships, prizes, medals and other awards;
- (13) regulate the expenditure, manage the finances and maintain the accounts of the University;
- (14) demand and receive fellowships, scholarships, prizes, medals and other awards;
- (15) receive funds, movable and immovable properties, from business, industry, other sections of society, national and international;
- (16) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (17) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, with the prior permission of the Government, on such terms as it may think fit and consistent with the interest, activities and objects of the University;
- (18) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;

- (19) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities with the prior permission of the Government and upon such terms and conditions as it may think fit and to payout of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- (20) to invest the funds of the University in or upon such securities and transpose any investment from time to time with the prior permission of the Government in such manner as it may deem fit in the interest of the University;
- (21) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements, and other conveyances in respect of property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with the prior permission of the Government;
- (22) to admit students for the courses offered by the University in the manner prescribed by the Ordinances; to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;
- (23) to create academic, technical, administrative, ministerial and other posts prescribing qualifications by the Ordinances and to make appointments thereto;
- (24) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts and to prescribe by the Statutes, the qualifications for the persons to be appointed on such posts;

- (25) to appoint qualified persons as professors, associate professors, assistant professors, or as teachers and researchers or other officers of the University in such manner as may be prescribed by the Statutes;
- (26) to delegate all or any of its powers (except the power to make regulations) to any officer or authority of the University; and
- (27) to do all such acts and things as the University may consider necessary conducive or incidental to the attainment or enlargement of all or any of the objects

6. Any Sponsoring body desirous of establishing a Private University shall make an application to the Council or the Designated Authority as may be notified by the Government. Such an application should contain, among other things, an outline of the purpose & vision of the proposed Private University, along with a project report with all relevant details containing the proposal and the project report in such manner containing such particulars along with such fee as may be prescribed.

Application for establishment of a University.

7. In addition to the particulars as may be stated in section 6, the project report shall contain the following, namely:-

Project Report

- (a) Details of the Sponsoring body along with the copies of its registration certificate, constitution and bye-laws;
- (b) Information regarding financial resources of the Sponsoring body along with audited financial statements for the last five years;
- (c) Name, location and headquarters of the proposed University and records of a minimum of 50 acre of suitable land owned by the sponsoring body;
- (d) Track record, experience and expertise of the Sponsoring Body in fisheries disciplines;
- (e) Plan for pre-commencement activities, including in academic & non-academic areas;

- (f) Projected detailed financial statements, and key operating ratios, detailed break-up of sources of revenues including student fees, ancillary income from student services such as student housing, and other professional income such as through consulting;
- (g) Proposed fee structure, and proposed minimum concessions or rebates in fee or freeships and scholarships to the poor students from economically poor or socially backward families, including Scheduled Castes, Scheduled Tribes, other Backward Classes and physically challenged students;
- (h) System proposed to be followed for appointment of faculty and other employees in the University;
- (i) Details of facilities proposed to be created for sports and other extra-curricular activities;
- (j) Proposed approach & initial plan for academic & research excellence, including accreditations to be sought;
- (k) Corpus funds (Endowment funds) to be maintained;
- (l) Other required details as may be notified from time to time.

The power of
Council for
constitution of
Expert (Screening)
Committee and
factors to consider
proposal.

8. (1) The Government shall constitute an Expert Committee (Screening Committee), consisting of such persons as may be prescribed, to examine the application received under Sections 6 and 7.

(2) The Expert Committee shall consider the proposal and the project report based on the information given under sections 6 and 7 and recommend or otherwise whether the proposal to set up a Functional University is acceptable and whether the Sponsoring body is competent to set up and manage the University

(3) The Expert Committee shall consider each proposal and project report with reference to the following factors:

- (a) financial soundness and assets of the Sponsoring body and its ability to setup the infrastructure of the proposed University;
- (b) Equity Participation of government in the University;

- (c) background of the Sponsoring body such as experience in the field of Fisheries, its credibility and general reputation;
- (d) potentiality of the programmes and courses to be offered which are not only of conventional nature but also in tune with the contemporary requirements of emerging branches of learning and relevant to various fisheries sectors and to the fishermen community in general;
- (e) appropriateness of the objectives of the proposed University against the overall goals & objectives of the State; and
- (f) fee to be charged vis-à-vis market potential of the course & fee charged is similar institution & various scholarships etc., offered to the meritorious candidates;
- (g) Endowment funds (Corpus funds) to be establish by the University;
- (h) any other factor that the Expert Committee may deem appropriate.

(4) The Expert Committee, while considering the proposal and the project report, may call for such other information from the Sponsoring body as it thinks proper for the purpose.

(5) The Expert Committee shall endeavor to present its recommendations to the Government within 60 days of its receipt of the proposal from the Government.

9. The Expert Committee may recommend to the Government appropriate additional measures for Fisheries and Ocean University, from time to time.

Recommendations of the additional measures.

10. (1) After receipt of the recommendations of the Expert Committee under section 8, the Government shall, as far as possible within a period of 30 days, take a decision on accepting, rejecting, or seeking modifications in the proposal, and project report:

Letter of intent.

Provided that the Government may consider the additional measures as recommended by the Expert Committee under section 9.

(2) The Government shall inform the Sponsoring Body about its decision within 10 days of taking such decision, through a Letter of Intent, a Letter of Regret, or a letter seeking additional clarifications.

(3) The Government, while issuing the Letter of Intent, shall require the Sponsoring body to fulfill such terms and conditions as recommended by the Expert Committee. If the letter from the Council seeks additional clarifications, the Sponsoring Body may provide the same and that shall be considered as a re-submission of the Application.

(4) The Sponsoring body shall fulfill the terms and conditions and report compliance to the Government within two years period from the date of issue of Letter of Intent:

Provided that Government may further extend the term for a maximum period of one year not exceeding six months at a time if it is satisfied that the sponsoring body has taken substantial steps towards setting up of the University.

(5) On receipt of compliance report, the Government shall, within a period of one month, request the Expert Committee, constituted under Section 8 or constitute another similar Committee, to verify the compliance report within a period of 30 days.

Establishment
of University by
amending
Schedules

11. If the Government is satisfied that the Sponsoring body has complied with the conditions of Letter of Intent and on the specific recommendations of the Expert Committee, it shall endeavor within a maximum period of seven months for inclusion of the name of the University in Schedule with details of its location(s) by way of amendment of Schedule.

Management of
certain Institutions

12. Subject to the provision of sub-section (4) of section 3 the University may, as and when it deems fit and proper, establish and manage and additional campuses, centers education, training, extension and outreach within the State of Andhra Pradesh.

13. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the ground of sex, race, creed, class, caste, place of birth, religious belief or political or other opinion.

University open to all irrespective of sex, religion, class, creed or opinion

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or political or other opinion in order to entitle him to be admitted as a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or any benefaction thereof.

CHAPTER III

OFFICERS OF UNIVERSITY

14. The following shall be the officers of the University, namely:-

Officers of University.

- (a) The Chancellor;
- (b) The Vice Chancellor;
- (c) The Registrar;
- (d) The Chief Finance and Accounts Officer;
- (e) Controller of examinations;
- (f) Deans of various faculty;
- (g) Dean of student affairs; and
- (h) such other officers as may be declared by the Statutes to be the officers of the University.

15. (1) The Chancellor shall be appointed by the Sponsoring body from a panel of three names selected by a Search Committee, by following such procedure and on such terms and conditions as may be prescribed.

Chancellor.

Explanation:- For the purposes of this Chapter, "Search Committee" shall mean a Search Committee consisting of three members; of which two members nominated from the Board of Management and one member by the Fisheries Department, Government of Andhra Pradesh.

(2) The Chancellor shall be the head of the University.

(3) The Chancellor shall preside at the meetings of the Governing Body and at the convocation of the University for conferring degrees, diplomas or other academic distinctions and in his absence by any other member of the Governing Body nominated by it.

(4) The Chancellor shall have the following powers, namely,-

- (a) to call for any information or record;
- (b) to remove the Vice Chancellor in accordance with the provisions of sub-section (6) of section 16;
- (c) such other powers as may be prescribed by the Statutes.

(5) The term of the office of the Chancellor shall be as may be specified in the Statute.

Vice Chancellor.

16. (1) The Vice Chancellor shall be appointed by the Chancellor from out of a panel of three persons recommended by the Search Committee shall, and subject to the provisions of sub-section (6) hold office for a term of three years or up to the age of 70 years whichever is earlier.

Provided that after expiry of the term of three years, a person shall be eligible for re-appointment for another term of three years (only two terms) subject to the upper age limit of 70 years:

Provided further that there would be one nominee of Government in the search committee. The members of search committee shall not be in any way related to the university and shall not be below the rank of Vice Chancellor.

Provided also that a Vice Chancellor shall continue to hold office even after expiry of his term till a new Vice Chancellor takes charge of the office, but in any case this period shall not exceed six months:

(2) The Vice Chancellor shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) Where, in the opinion of the Vice Chancellor, it is necessary to take immediate action on any matter for which powers are conferred on any other officer or authority by or under this Act, he may take such action as he deems necessary and shall at the earliest opportunity thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Vice Chancellor then such case shall be referred to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Governing Body and it may confirm or modify or reverse the action taken by the Vice Chancellor.

(4) Where, in the opinion of the Vice Chancellor, decision of any officer or authority of the University is not within the powers conferred by this Act or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to revise its decision within fifteen days from the date of its decision and in case the authority refuses to revise such decision wholly or partly or fails to take any decision within fifteen days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.

(5) The Vice Chancellor shall exercise such powers and perform such functions as may be specified by the Statutes or the Ordinances.

(6) If, at any time upon representation made or otherwise and after making such inquiry as may be deemed necessary, the situation so warrants and if the continuance of the Vice-Chancellor is not in the interests of the university, the Chancellor may, by an order in writing stating the reasons therein, ask the Vice-Chancellor to relinquish his office from such date as may be specified in the order:

Provided that before taking an action under this sub-section, the Vice Chancellor shall be given an opportunity of being heard, in person.

Registrar

17. (1) The appointment of the Registrar shall be made by the Chancellor in such manner as may be specified by the Statutes.

(2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.

(3) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and the Academic Council but he shall not have a right to vote.

(4) The Registrar shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Chief Finance
and Accounts
Officer.

18. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chancellor in such manner as may be specified by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified in the Statutes or the Ordinances.

Other Officers.

19. (1) The University may appoint such other officers as may be necessary for its functioning.

(2) The manner of appointment of other officers of the University and their powers and functions shall be such as may be specified in the Statutes or the Ordinances.

CHAPTER IV

AUTHORITIES OF UNIVERSITY

Authorities of
the University.

20. The following shall be the authorities of the University, namely:-

(a) The Governing Body;

- (b) The Board of Management;
- (c) The Academic Council; and
- (d) such other authorities as may be declared by the Statutes to be the authorities of the University.

21. (1) The Governing Body of the University shall consist of at least 6 members, including the Chancellor, the Vice Chancellor, two nominees of the government (one from Finance Department and one from Animal Husbandry, Dairy Development and Fisheries Department) and the remaining members to be nominated by the sponsoring body who shall be eminent people of standing; in the fields of Fisheries:

Provided that it shall be the duty of sponsoring body, to maintain the gender parity, in nominating women members not less than one half of the total members in the composition of the Governing body.

Constitution,
Tenure, Powers,
Quorum, etc. of
the Governing
Body.

(2) (a) Save as otherwise provided in this section, the term of nominated members shall be three years:

Provided that each nominated member is eligible to hold the position for additional term not more than 6 years (2 terms).

(b) An ex-officio member shall continue so long as he holds the office by virtue of which he is such a member;

(c) As nearly as one third of the nominated members, except the ex-officio member shall retire by rotation each year. In the first two instances, the Board may decide the procedure to identify the members who will retire;

(d) A member may resign his office by informing in writing to the Chairperson, but he shall continue in office until his resignation has been accepted.

(3) The Governing Body shall be the overarching supervisory and statutory authority of the University. All the movable and immovable property of the University shall vest in the Governing Body.

(4) The Governing Body shall have the following powers, namely,-

- (a) to provide general superintendence and directions and to control functioning of the University by using all such powers as are provided by this Act;
- (b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act;
- (c) to approve the budget and annual report of the University;
- (d) to lay down the extensive policies to be followed by the University;
- (e) to recommend to the Sponsoring body about the voluntary liquidation of the University; and
- (f) such other powers as may be prescribed by the Statutes.
- (g) to vest to the Board of Management or any other entity or official of the University such of its powers as it deems appropriate, along with the appropriate governance mechanism;

(5) The Governing Body shall meet at least four times in a financial year with one meeting in each quarter.

(6) A minimum of one-half of the members shall form a quorum for a meeting of the Governing Body.

Board of
Management.

22. (1) The Board of Management shall consist of 12 members, including the following persons,-

- (a) the Vice Chancellor;
- (b) up to one-fourth members (Three) of the Board of Management to be nominated by the Sponsoring body;
- (c) Two eminent persons from the fields of fisheries or fishermen community and Ocean sciences who are

not the members of the Governing Body, to be nominated by the Sponsoring body;

- (d) Four persons from Academic Council of the University, to be nominated by the Chancellor.
- (e) Two nominees (one from Finance Department and one from Animal Husbandry, Dairy Development and Fisheries Department) of the government not below the rank of Joint Secretary:

Provided that it shall be the duty of the sponsoring body, to maintain the gender parity in nominating women members in any case not less than one fourth and not more than one half of total members in the composition of the Board.

(2) The Vice Chancellor shall be the Chairperson of the Board of Management:

Provided that in the absence of the Vice Chancellor, the Chancellor may, at his discretion, nominate any other member of the Governing Body to be the Chairperson of the Board of Management.

(3) The Powers and functions of the Board of Management shall be such as may be specified by the Statutes including fixation of fee, scholarships & freeships for courses run by the University.

(4) The Board of Management shall meet at least once in every two months.

(5) A minimum of one-half of the members shall form a quorum for a meeting of the Board of Management.

23. (1) The Academic Council shall consist of the Vice Chancellor, the Registrar and such other members as may be specified by the Statutes.

Academic Council.

(2) The Vice Chancellor shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes, the Ordinances and the rules made thereunder, co-ordinate and exercise general supervision over the academic policies of the University.

(4) The quorum for meetings of the Academic Council shall be such as may be specified by the Statutes.

Dis-qualifications.

24. (1) A person shall be disqualified from being a member of any of the authorities or bodies of the University, if,-

- (a) he is of unsound mind and stands so declared by a competent court;
- (b) he is an undischarged insolvent;
- (c) he has been convicted of any offence involving moral turpitude;
- (d) he is conducting or engaging himself in private coaching with or without pecuniary gain; or
- (e) he has been punished for indulging in or promoting unfair practice in the conduct of any examination, in any form, anywhere.

Vacancies not to invalidate the constitution of, or the proceedings of any authority or body of University.

25. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy in or defect in the constitution of any authority or body of the University.

Constitution of committees.

26. The authorities of the University may constitute such committees with such terms of reference as may be necessary for specific tasks to be performed by such committees. The constitution of such committees, powers to be exercised and duties to be performed shall be such as may be specified by the Statutes.

CHAPTER V**STATUTES, ORDINANCES AND REGULATIONS**

27. (1) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes may provide for all or any of the following matters, namely:-

First Statutes.

- (a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;
- (b) the terms and conditions of appointment of the Vice Chancellor, his powers and functions;
- (c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;
- (d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;
- (e) the terms and conditions of service of employees of the University;
- (f) the procedure for arbitration in cases of disputes between employees or students and the University;
- (g) the conferment of honorary degrees;
- (h) framing of policy for admissions, including regulation of reservation of seats;
- (i) the rule of Reservation (ROR) shall be followed in the recruitment wherever feasible;
- (j) fees to be charged from students; and
- (k) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students.

(2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the Government for its approval.

(3) The Government shall consider the First Statutes, submitted by the University and shall approve it as far as possible within two months from the date of its receipt, with or without modifications, as it may deem necessary provided that the Government shall mention reasons for such modifications, if any.

(4) The University shall communicate its agreement to the First Statutes as approved by the Government, and if it desires not to give effect to any or all the modifications made by the Government under sub-section (3), it may give reasons therefore and after considering such reason, the Government may or may not accept the suggestions made by the University.

(5) The Government shall publish the First Statutes, as finally approved by it, in the Andhra Pradesh Gazette, and thereafter it shall come into force from the date of such publication.

Subsequent Statutes.

28. (1) Subject to the provisions of this Act and the rules made there under, the subsequent Statutes of the University may provide for all or any of the following matter, namely,-

- (a) Creation of new authorities of the University;
- (b) Accounting policy and financial procedure;
- (c) Representation of teachers in the authorities of the University;
- (d) Creation of new departments and abolition or restructuring of existing department;
- (e) Institution of medals and prizes;
- (f) Procedure for creation and abolition of posts;
- (g) Revision of fees;
- (h) Alteration of the number of seats in different disciplines; and
- (i) All other matters which by or under the provisions of this Act require to be specified by the Statutes.

(2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be submitted to the Government and it may approve or, if it considers necessary, give reasoned suggestions for modification as far as possible within two months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the Government.

(5) The Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the Andhra Pradesh Gazette, and shall come into force from the date of such publication.

29. (1) Subject to the provisions of this Act, the rules and the Statutes made thereunder, the first Ordinances may provide for all or any of the following matter, namely,-

First Ordinances.

- (a) The admission of students to the University and their enrolment as such;
- (b) The courses of study to be laid down for degrees and diplomas of the University;
- (c) The award of degrees, diplomas and other academic distinctions, the minimum qualifications for the same;
- (d) The rules & procedures for award of fellowships, scholarships, stipends, medals and prizes;
- (e) The conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (f) Fees to be charged for the various courses, examinations, degrees or diplomas of the University;
- (g) Provision of various student facilities & services provided by the University including but not limited to student housing;

- (h) Provision regarding disciplinary action against the students;
- (i) The creation, composition and functions of any other body which is considered necessary for improving the academic standards of the University;
- (j) The manner of co-operation and collaboration with other Universities and institutions of higher education;
- (k) Such other matters which are required to be provided by the Ordinance by or under this Act.

(2) The First Ordinance of University shall be made by the Vice Chancellor which, after being approved by the Board of Management, shall be submitted to the Government for its approval.

(3) The Government shall consider the First Ordinances submitted by the Vice Chancellor under sub-section (2) as far as possible within two months from the date of its receipt and may approve it or give reasoned suggestions for modifications therein.

(4) The Vice Chancellor shall either modify the Ordinances incorporating the suggestion of the Government or give reasons for not incorporating any of the suggestions made by the Government and shall return the First Ordinances, after due consideration by the Board of Management, to the Government and on receipt of the same, it shall consider the comments of the Vice Chancellor and may approve the First Ordinances of the University with or without such modifications and it shall then be published by the Government in the Andhra Pradesh Gazette, and it shall come into force from the date of such publication.

**Subsequent
Ordinances.**

30. All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Board of Management shall be submitted to the Government for its information and publication in the Andhra Pradesh Gazette.

31. The authorities of the University may, subject to the prior approval of the Board of Management make Regulations, consistent with this Act, the Statutes, the Ordinances and the rules made thereunder, for the conduct of business of each such authority and committees constituted by each such authority.

Regulations.

CHAPTER VI

REGULATION AND ACCREDITATION OF UNIVERSITY

32. (1) The University shall have full autonomy, along with full disclosure and transparency, on starting various academic programme, and the admissions process thereof, so long as it adheres fully to the admission norms that it has committed to in its approved project proposal.

Regulation and Accreditation of University.

(2) The University shall have full autonomy, along with full disclosure and transparency, on setting fees for the various programmes that it decides to offer. Fees shall be determined by each University through a Fee Fixation Committee which would consist of members drawn from Board of Management, Academic Council, as well as external members. The Fee Fixation Committee shall be headed by a member of the Board of Management.

33. The Convocations of the University for conferring degrees, diplomas or for any other purpose, may be held in every academic year in the manner as may be specified by the Statutes.

Convocation.

34. Within a period of five years from commencement of programmes, the University shall obtain such accreditation as may be prescribed by the Government from time to time. It shall also obtain certification/accreditation from such other Regulating Bodies which are connected with the courses taken up by the University. It shall inform the Government about the grade provided to the University. The University shall ensure renewal of such accreditation from time to time.

Accreditation University.

University to follow rules, regulations, norms, etc. of regulating bodies.

35. Notwithstanding anything contained in this Act, the University shall be bound to comply all the rules, regulations, norms, etc., of the Regulating Bodies and provide all such facilities and assistance to such Bodies as are required by them to discharge their duties and carry out their functions.

CHAPTER VII

FUNDS OF UNIVERSITY

Endowment Fund.

36. (1) The Sponsoring body shall establish an Endowment Fund (corpus fund) for the University with an amount specified in the Letter of Intent.

(2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per provisions of this Act, the Statutes, the Ordinances, the Regulations and the rules. The Government shall have the powers to order forfeiture, a part or whole of the Endowment Fund in case the University or the Sponsoring body contravenes the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder. In such a case the forfeited amount shall be utilized for due compliance with the provisions of this Act, statutes ordinances, regulations or the rules as the case may be:

Provided that before issuing an order of forfeiture under this sub-section, the Government shall afford an opportunity of representation to the University or the Sponsoring body as the case may be.

(3) The University if required may utilize 75% of the income from Endowment Fund for the development of infrastructure of the University and not to meet the recurring expenditure of the University. The balance and unutilized income shall be added to the Endowment Fund.

(4) The amount of Endowment Fund shall be invested in such highly secure and liquid instruments of scheduled commercial Banks and kept invested until the dissolution of the University.

(5) The Governing Body shall be responsible and accountable for the safety and correct utilization of the Endowment Fund.

(6) The Governing Body shall ensure that the University prepares an audited report on the status and utilization of interest proceeds of the Endowment Fund annually, which may be sought by the Government from time to time.

Provided that the University which fails to maintain such a Report may be enquired into as per section 44.

37. Every University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:-

General Fund.

- (a) fees and other charges received by the University;
- (b) for procurement & upkeep of the assets of the University;
- (c) any income received from consultancy and other work undertaken by the University in pursuance of its objectives;
- (d) trusts, bequests, donations, endowments and any other grants; and
- (e) the income derived from the land.
- (f) all other sums received by the University.

38. The General Fund shall be utilized for the following objects, namely:-

Application of General Fund.

- (a) for the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations and the rules made thereunder with the prior approval of the Governing Body;
- (b) for upkeeping the assets of the University;
- (c) for the payment of the fee for audit of the funds created under sections 36 and 37;
- (d) for meeting the expenses of any suit or proceedings by or against the University;

(4) The Government on dissolution of the Sponsoring body after due consideration, may dissolve the University in such manner as may be prescribed.

Dissolution of University.

42. (1) The Government, after due consideration, may dissolve the University in such manner as may be prescribed:

Provided that the dissolution of the University shall have effect only after the last batches of students of the regular courses have completed their courses and they have been awarded degrees, diplomas or awards, as the case may be.

Provided further that the Government may continue the functioning of the University by appointing an administrator in place of the Sponsoring body entrusted with powers and functions as per sub-section (3) of section 41.

(2) On dissolution of the University all the assets and liabilities of the University shall vest in the sponsoring body in the manner as may be prescribed:

Provided that funds assigned by the Government to the University shall be resumed to the Government.

Special Powers of State Government in certain circumstances.

43. (1) Where the Government is of the opinion that the University has contravened any of the provisions of this Act, the Statutes or the Ordinances or the Regulations or the rules made thereunder or has violated any of the directions issued by it under this Act or a situation of Financial mismanagement or maladministration has arisen in the University, it shall issue notice requiring the University to show cause within forty-five days as to why an administrator be not appointed.

(2) On receipt of reply of the University on the notice issued under sub-section (1), if the Government is satisfied that there is a *prima facie* case of contravention of any of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder or violation of directions issued by it under this Act or there is financial mismanagement or maladministration, it shall make an order of such inquiry as it may consider necessary.

(3) The Government shall, for the purposes of any such inquiry under sub-section (2), appoint an inquiry officer or officers to inquire into any of the allegations and to make report thereon.

(4) The inquiry officer or officers appointed under sub-section (3) shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters namely,-

Central Act No.5 of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any such documents or any other material as may be producible in evidence; and
- (c) requisitioning any public record from any court or office.

(5) On receipt of the inquiry report from the officer or officers appointed under sub-section(3), if the Government is satisfied that the University has contravened all or any of the provisions of this Act or the Statutes, the Ordinances, the Regulations or the rules made thereunder or has violated any of the directions issued by it under this Act or a situation of financial mismanagement and maladministration has arisen in the University which threatens the academic standards of the University, it may appoint an administrator.

(6) The administrator appointed under sub-section (5) shall exercise all the powers and perform all the duties of the Governing Body and the Board of Management under this Act and shall administer the affairs of the University until the last batch of the students of the regular courses have completed their courses and they have been awarded with degrees, diplomas or awards as the case may be.

(7) After having been awarded the degrees, diplomas or awards as the case may be, to the last batches of the students of the regular courses, or after transfer of all students to other institutions, if applicable, the administrator shall make a report to that effect to the Government.

(8) On receipt of the report under sub-section(7), the Government after due consideration, may decide to continue the functioning of the University by vesting the powers of the Governing body in the prescribed manner to other societies having similar objects or the government may decide to dissolve the University in such manner as may be prescribed.

CHAPTER X
MISCELLANEOUS

Powers of
Government to
make rules.

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

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely,-

- (a) The manner of making proposal and Project Report to establish University and the fees payable under section 6;
- (b) Other particulars of the Project Report under section 7;
- (c) Terms and conditions under sub-section (4) of Section 10;
- (d) Other matters relating to Statutes and Ordinances under sub-section (1) of sections 27, 28 and 29;
- (e) Matters relating to dissolution of the Sponsoring body under section 42;
- (f) Matters relating to dissolution of the University under section 43 and section 44.

(3) Every rule made under this Act 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 the Legislature of the State agrees 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.

45. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Andhra Pradesh Gazette, make provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

SCHEDULE

(See section 3)

Sl. No.	Name and location (address) of the Private University	Name & address of the Sponsoring body	Details of registration of the Sponsoring body
1.			
2.			
3.			
4.			

STATEMENT OF OBJECTS AND REASONS

Andhra Pradesh is the pioneer State in fish production and consumption in India. The State has a rich resource-base of water bodies, both inland fresh water coastal marine/brackish waters that sustain a sizeable fishery farming the basis of livelihood of 1.63 lakh fishermen families. There are 353 fish landing centres spread over 555 fishing villages along the coastline extending to 974 k.m. Over last two decades, a rapidly growing Indian Economy has led to a huge demand for an educated and skilled labour force. Privatization of higher education is especially noticeable in higher education professional courses. There is urgent need to increase the involvement of private parties in fisheries sector especially in education and research.

The Andhra Pradesh Fisheries and Ocean University (Establishment and Regulation) Bill, 2017 aims to meet the demands of fisheries education and training in India and to create adequate infrastructure for generation of man power projected for future needs of the sector. The main objects of this University is:-

- (a) For improving the manpower availability for fisheries and aquaculture to meet the human resource needs and targeted production estimates.
- (b) For revamping the fisheries education, and research infrastructure facilities in the State including up-gradation of the available facilities, introduction of world class facilities through a multi discipline approach and international linkage.
- (c) To develop fisheries sciences and technology to stream line fisheries education, research and extension services in view of the greater significance of fisheries and aquaculture sector in the State's economy.

Accordingly, it has been decided to introduce the bill for establishment "Fisheries and Ocean University".

The Bill seeks to give effect to the above decisions.

PRATHIPATI PULLA RAO

MINISTER FOR AGRICULTURE, AGRI-PROCESSING,
MARKETING & WAREHOUSING, ANIMAL HUSBANDRY,
DAIRY DEVELOPMENT AND FISHERIES, HORTICULTURE,
SERICULTURE

FINANCIAL MEMORANDUM

Sub-section (3) of Section 3 of the Bill involves financial implications. To establish Fisheries and Ocean University an amount of Rs.300.00 crore will be required. The State Government equity share shall be 49%. Hence, an amount of Rs.147.00 crores will be borne by the Government for 5 years period. An amount of Rs.29.40 crores is required for University for one year period.

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MINISTER FOR AGRICULTURE, AGRI-PROCESSING,
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DAIRY DEVELOPMENT AND FISHERIES, HORTICULTURE,
SERICULTURE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1, (2), (3) of the Bill authorizes the Government to issue notifications or make rules in respect of the matters specified therein and generally to carry out the purposes of the Act. All such notifications issued or rules so made, which are intended to cover matters mostly of procedural in nature are to be laid on the table of the both Houses of the State Legislature and will be subject to any modifications made by the Legislature.

The above provision of the Bill regarding delegated legislation are thus of normal type and mainly intended to cover matters of procedure.

PRATHIPATI PULLA RAO

MINISTER FOR AGRICULTURE, AGRI-PROCESSING,
MARKETING & WAREHOUSING, ANIMAL HUSBANDRY,
DAIRY DEVELOPMENT AND FISHERIES, HORTICULTURE,
SERICULTURE

**MEMORANDUM UNDER RULE 95 OF THE RULES OF PROCEDURE
AND CONDUCT OF BUSINESS IN THE ANDHRA PRADESH
LEGISLATIVE ASSEMBLY**

The Andhra Pradesh Fisheries and Ocean University (Establishment and Regulation) Bill, 2017, after it is passed by the Legislature of the State may be submitted to the Governor for his assent under article 200 of the Constitution of India.

PRATHIPATI PULLA RAO
MINISTER FOR AGRICULTURE, AGRI-PROCESSING,
MARKETING & WAREHOUSING, ANIMAL HUSBANDRY,
DAIRY DEVELOPMENT AND FISHERIES, HORTICULTURE,
SERICULTURE

K. SATYANARAYANA RAO
Secretary to State Legislature (I/c).