

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

HIGHER EDUCATION DEPARTMENT – ADMISSION OF STUDENTS INTO UNDER GRADUATE COURSES IN ARCHITECTURE IN UNIVERSITY, UNAIDED NON-MINORITY AND UNAIDED MINORITY PROFESSIONAL INSTITUTIONS- THE ANDHRA PRADESH REGULATION OF ADMISSIONS INTO UNDER GRADUATE PROFESSIONAL COURSES IN ARCHITECTURE (B.ARCH AND OTHER RELATED COURSES) RULES, 2012 - ORDERS –ISSUED.

HIGHER EDUCATION (EC.1) DEPARTMENT

G.O.Ms.No. 73

Dated: 25.09.2012

Read the following :-

- 1) G.O.Ms.No.34 Higher Education (EC.2) Dept dt: 07.04.04
- 2) G.O.Ms.No.60 Higher Education (EC.2) Department dt: 26.05.06
- 3) G.O.Ms.No.108 Higher Education (EC.2) Dept dt: 02.08.07
- 4) G.O.Ms.No.62 Higher Education (EC.2) Dept dt: 13.07.09

ORDER:

"The following notification will be published in the extra-ordinary issue of the Andhra Pradesh Gazette dated:26.09.2012.

NOTIFICATION

In exercise of the powers conferred by sub section (1) of section 3 and section 15 of the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983 (Andhra Pradesh Act No.5 of 1983) and in supersession of the Andhra Pradesh Planning and Architecture Common Entrance Test (PACET) for entry into 5-year B.Arch and 4-year B.Plng and other related courses Rules, 2004 issued in G.O.Ms.No.34 Higher Education (EC.2) Department dt: 07.04.2004 and the Andhra Pradesh Regulation of admissions into Under Graduate Professional courses in Planning and Architecture (B.Arch, B.Planning and other related courses) Rules, 2006 issued in G.O.Ms.No.60 Higher Education (EC.2) Department dt: 26.05.2006 and as amended from time to time, the Governor of Andhra Pradesh hereby makes the following Rules for Admission into Professional Institutions imparting Under Graduate Professional courses in Architecture (B.Arch and other related courses) in the State.

1. Short Title, applicability and commencement:

- i) These rules may be called the ANDHRA PRADESH REGULATION OF ADMISSIONS INTO UNDER GRADUATE PROFESSIONAL COURSES (IN ARCHITECTURE (B.ARCH AND OTHER RELATED COURSES), RULES 2012
- ii) .
- iii) They shall apply to all University, Unaided Non-Minority/Minority Under Graduate Professional Institutions imparting Under Graduate Professional Courses in B.Arch and other related courses in the State.
- iv) They shall come into force from the academic year 2012-2013.

2. Definitions:

- (i) In these rules, unless the context otherwise requires:
 - (a) "**Act**" means the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983 (Andhra Pradesh Act No. 5 of 1983).
 - (b) "**Admissions and Fee Regulatory Committee**" (**AFRC**) means Committee established and constituted by the Government for regulating the admissions and for fixing the fees to be charged from candidates seeking admission into Unaided Minority and Non-Minority Professional institutions.

- (c) **"Admission Committee"** means the Committee empowered to discharge functions as specified in these rules relating to admissions.
- (d) **"Association of colleges (AC)"** means Association of colleges formed with representatives of Managements of Private Unaided Minority Institutions offering Architecture courses for the purpose of conducting admissions into B.Arch course.
- (e) **"Competent Authority"** means the Chairman, Andhra Pradesh State Council of Higher Education
- (f) **"Concerned Minority"** means the linguistic or Religious Minority status accorded to the Minority Institution by the Government.
- (g) **"Convener of Architecture Admissions"** means the Commissioner / Director of Technical Education or Senior Professor from Jawaharlal Nehru Architecture & Fine Arts University or any other officer of such rank, nominated by the Competent Authority for selection and allotment of candidates for admission into Architecture Institutions covered under Single Window (SW-I).
- (h) **"Convener of Architecture (AC) Admissions"** means a person nominated by the Association(s) of Unaided Professional Colleges for selection and allotment of qualified candidates for admission into Architecture Institutions covered under Single Window (SW-II).
- (i) **"Eligible Candidate"** means the candidate who is eligible for admission as per the eligibility criteria laid down in these rules.
- (j) **"Government"** means State Government of Andhra Pradesh.
- (k) **"Inspecting Authority"** means the Authority/Officer appointed by the Admission and Fee Regulatory Committee for inspecting and scrutinising the Admissions of the candidates made in the Un-aided Professional Institutions offering Under Graduate Professional courses in Architecture and other related courses.
- (l) **"Institutions"** means, unless otherwise specifically mentioned, all the Professional Institutions imparting Under Graduate Professional courses in Architecture and other related courses.
- (m) **"Minority Professional Institution"** means the Institution imparting Professional Education established and administered for and by the concerned Minority and recognized by the Government as such.
- (n) **"NATA"** means **National Aptitude Test in Architecture** (NATA) administered by Council of Architecture, New Delhi.
- (o) **"Non-Resident Indian"** (Non Resident Indian)/"NRI Sponsored candidate" means a candidate born to a parent of Indian origin residing outside the country or 'ward' of a person of Indian origin residing outside the country, and who has passed the qualifying examination or its equivalent.
- (p) **"Qualifying Examination"** means the examination of the minimum qualification passing of which securing at least not less than 50% aggregate marks with Mathematics as subject (45% in case of reserved categories) entitles one to seek admission into the 5-year B.Arch course.
- (q) **"Qualified Candidate"** means the candidate who passed the qualifying examination and who obtained NATA score for admission into B.Arch course and has been assigned State Architecture Rank (SAR) in the Common merit list.
- (r) **"State Architecture Rank"** means State Architecture Rank as determined by the Convener, Architecture Admissions taking into account both National Aptitude Test in Architecture score and marks secured in the qualifying examination as prescribed in these rules.
- (s) **"Single Window System"** means a system by which available seats in all the Institutions are offered through Common Centralized

Counselling or Decentralized Online Counselling to qualified candidates in order of merit in the National Aptitude Test in Architecture.

- (t) **"Single Window Admission"** means Single Window System (SW-I) operated by Convener Architecture Admissions and Single Window System (SW-II) operated by Convener, Architecture (AC) Admissions based on options exercised by the Managements of colleges for the SW-I & SW-II as the case may be for admitting SAR holders.
- (u) **"State Council"** means the Andhra Pradesh State Council of Higher Education, constituted under the Andhra Pradesh Council of Higher Education Act, 1988 (Andhra Pradesh Act No. 16 of 1988).
- (v) **"University"** means the University concerned in which the particular courses are offered.
- (ii) Words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1993. (Andhra Pradesh Act 5 of 1983).

3. **Eligibility Criteria for Admission:**

The eligibility criteria for Admission into Under Graduate 5-year B.Arch course shall be as mentioned below;

- (i) The candidate should be of Indian Nationality
- (ii) The candidate should satisfy 'local'/'non-local' status requirements as laid down in the A.P. Educational Institutions (Regulation of Admission) order, 1974, as subsequently amended.
- (iii) The candidate should have passed the qualifying examination either in,-
 - (a) 10+2 or equivalent and secured 50% marks (45% in case of reserved categories) in aggregate with Mathematics as subject. **Or**
 - (b) 10+3 Diploma (any stream) recognized by State Government and secured 50% aggregate marks (45% in case of reserved categories) in aggregate with Mathematics as subject.
- (iv) The candidates should also have secured State Architecture Rank and satisfy other conditions as laid down in these rules.
- (v) Provided that Category B seats shall be as specified in Rule 7 (ii) (c) of these rules.
- (vi) The vacant seats, if any, in B.Arch course shall be filled only with candidates who secured SAR/score at Online NATA test conducted by Council of Architecture and satisfied other conditions.
- (vii) The candidates should satisfy local/non-local status requirement as laid down in the Andhra Pradesh Educational Institutions (Regulation of Admissions) order, 1974 as subsequently amended for admission into category A seats in Unaided Professional Institutions and for all seats in University colleges.

4. **Allotment of Seats:**

(i) **University colleges**

All the sanctioned intake of seats in Under Graduate Professional Institutions offering Architecture and other related courses in University colleges shall be filled by the Convener, Architecture admissions. Such seats shall be allotted to eligible candidates on the basis of **State Architecture Rank** by following the provisions of the rules laid down hereunder.

(ii) Unaided Non-Minority and Minority Professional Institutions

- (a) The seats allotted in each un-Aided Non Minority and Minority Under Graduate Professional institutions for admission of candidates under these rules shall be classified as;

(a) Category A seats

(b) Category B seats

- (b) The Category A seats shall be 70% of sanctioned intake of seats in B.Arch courses in Unaided Non Minority and Minority Professional Institutions, which shall be filled with eligible candidates on the basis of State Architecture Rank following the procedure and reservations laid down in these rules hereunder.
- (c) The Category B seats shall be 30% of the total intake of seats in this course in respect of Unaided Non Minority and Minority Professional Institutions, which shall be open for admission to all the eligible candidates including candidates belonging to other States and Union Territories of India and NRIs on merit basis, following the provisions of Rule 7 (ii) (c).
- (d) In case of Minority Professional Institutions, the seats shall be filled up by the eligible candidates of the concerned Minority, as a percentage of total seats and should satisfy the minimum percentage norm as prescribed by the Government while according the minority status.

5. Preparation of the merit list and assigning State Architecture Rank (SAR):

The Convener of Architecture Admissions shall follow the following in preparing the merit list and assigning State Architecture Rank.

(i) SAR:

Weightage to qualifying examination and National Aptitude Test in Architecture shall be as below for assigning State Architecture Rank.

(i) National Aptitude Test in Architecture for B.Arch - 50%

(ii) Qualifying examination – 50%

(As laid down in Rule 3 of these rules)

The Convener, Architecture Admissions shall call for the submission of marks sheet of the qualifying examination from the candidates by way of a notification immediately after publication of the results of the qualifying examination or directly from the concerned Examination Boards and by giving reasonable time frame which in any case shall not be less than (15) days.

- (ii)** The merit list for admission into 5-year B.Arch Degree course shall be prepared following the above criteria.

- (iii)** For the preparation of merit list in case of more than one candidate scoring the same marks at National Aptitude Test in Architecture and qualifying examination put together, the tie shall be resolved to decide the relative SAR as follows:

(i) By considering the marks scored at National Aptitude Test in Architecture.

(ii) By considering the percentage aggregate marks in the qualifying examination.

(iii) If the tie still persists then it shall be resolved by taking into consideration the age of candidate, giving the older candidate priority.

- (iv)** The following rank lists shall be prepared by the Convener:

(a) State wide common merit list

(b) Region wise common merit list

- (c) Minority community merit list
- (d) Community wise merit list
- (e) Merit lists for physically challenged, NCC, Games & Sports, Children of Ex-servicemen and for women both State wide and Region wise
- (v) Every candidate who has been assigned rank in the merit list shall be issued rank card by the Convener. The rank card among other things shall include the marks obtained at NATA besides 50% of the aggregate marks secured by the candidate in the qualifying examination and rank assigned in State wide merit, region wise merit, community wise merit etc.

6. **Method of Admission:**

The general guidelines for the admission of candidates into Professional Institutions offering B.Arch courses shall be as follows,-

- i) The admissions into all the University colleges offering Under Graduate B.Arch course shall be made through single window system in the order of merit on the basis of State Architecture Rank.
- ii) All the seats in the Unaided Non Minority/ Minority Institutions offering Under Graduate Professional courses in B.Arch shall be filled as follows:
 - a) All the Category A seats shall be filled by the respective Institutions by admitting candidates as allotted by the Convener, Architecture Admissions/Convener, Architecture (AC) Admissions, as the case may be depending upon the option exercised by the institution as per Rule 7 (ii) (a) of these rules.
 - b) All the Category B seats shall be filled by the respective Institutions on merit basis following the procedure laid down in Rule 7 (ii) (c) hereunder.
 - c) The admission of the candidates made in various Unaided Non Minority and Minority Professional Institutions shall be subject to scrutiny by the Inspecting Authority appointed for the purpose.
- iii) The Convener, Architecture Admissions/Convener, Architecture (AC) Admissions shall allot candidates to Institutions in terms of Rules laid down herein.
- iv) The admissions shall be made in the order of merit on the basis of the SAR.
- v) The total number of candidates to be admitted in all the Professional Institutions offering B.Arch shall not exceed the limits prescribed by All India Council for Technical Education/Council of Architecture from time to time.

7. **PROCEDURE OF ADMISSIONS:**

- (i) Each Unaided Minority Institution who has opted for Social Welfare-II shall indicate in writing to AFRC by a cutoff date specified by it, as to whether the Institution would admit students through the Single Window System to be operated by the Convener, Architecture Admissions(Single Window-I) or Convener, Architecture (AC) Admissions (Single Window-II).
- (ii) The Procedure for admission of candidates through the single windows operated by Conveners shall be as follows:
 - (a) **To fill up 100% seats in case of University colleges and Category A seats (70%) in Unaided Non Minority & Minority Institutions who opted for admissions through single window admissions (SW-I).**
 - (1) The Committee for Admissions shall be constituted by the Competent Authority with the following members to advise the

Convenor, Architecture Admissions, in the matters relating to admissions and on such other matters necessary for the smooth conduct of admissions.

- (A) Chairman of Andhra Pradesh State Council of Higher Education. ... (Chairman)
 - (B) Secretary of Andhra Pradesh State Council of Higher Education.
 - (C) Convener, Architecture Admissions (Member Convener).
 - (D) Professor in-charge of Computer / online systems in admission camp.
 - (E) Two representatives of the Universities as nominated by the State Council.
 - (F) Three representatives of the Private Unaided Technical Institutions offering B.Arch course as nominated by the State Council.
 - (G) Commissioner /Director of Technical Education or his nominee.
 - (H) One special invitee nominated by the State Council.
- (2) The Convener, Architecture Admissions shall call for the submission of marks sheet of the qualifying examination from the candidates by way of a notification immediately after publication of results of the qualifying examination and by giving a reasonable time frame for submission of the same which in any case shall not be less than 15 days in special cases the Convener shall also have the option of obtaining the marks of qualifying examination of the candidates who possess NATA score from concerned examination Boards.
- (3) The merit lists for admission into 5-year B.Arch Degree course shall be prepared by the Convener as per the procedure laid down in these rules.
- (4) (a) Merit list of eligible candidates for admission shall be prepared on the basis of their SAR.
- (b) For the preparation of merit lists in case of more than one student scoring the same score at NATA and qualifying examination put together the tie shall be resolved to decide the relative rank as follows:
- (i) By considering the NATA score and tie still continue to persist then it shall be resolved by taking into consideration the percentage of aggregate marks in the qualifying examination and if it still persists it shall be resolved by taking the age of the candidate, giving the older candidate priority.
- (5) The Convener shall prepare:
- (a) State wide common merit list
 - (b) Region wise merit list
 - (c) Minority community merit list
 - (d) Community merit list
 - (e) Merit list for special categories of reservation (PHC/NCC/Games & sports/CAP & women both state wide and region wise)
- (6) The Convener, Architecture Admissions shall prepare and notify the schedule of admissions, venue, timings and all other necessary details in at least three leading newspapers one each in Telugu, Urdu and English, at least 8-10 days before the commencement of counseling. The decision of the Admission

Committee shall be final in issuing notification, the schedule and procedure of counseling.

- (7) The Convener, Architecture Admissions shall adopt computerised Single Window system of Counselling either by following centralized or decentralized Online Counselling or Web based counselling at various centres for the convenience of the Candidates and shall prepare the seat matrix of Unaided Professional Institutions. He shall make all the necessary arrangements for manpower, admission venue, drawing scrutiny officers from other departments, fee collection, networking, facilities for Online Counselling at various centres, mobilization of software etc., in consultation with the Admission Committee.
- (8) No Management of Unaided Non-Minority Professional Institution shall issue notification and call for applications for admission separately or individually except as provided in these rules.
- (9) Candidates shall be called for counselling and provisional allotment of Courses / Institutions shall be made in the order of merit of SAR by following the Rules of Reservation issued by the Government from time to time and G.O.Ms.No.550, Higher Education Department dated: 30.7.2001 and such allotment is only provisional.
- (10) The selection of candidates and allotment of Courses / Institutions in respect of Unaided Non-Minority Professional Institutions shall be solely on the basis of merit as adjudged by SAR subject to the condition that the candidate should have passed the qualifying examination. However, mere appearance at the Entrance Test and obtaining rank in the merit list does not entitle a candidate to be considered for admission automatically into any Course / Institution unless he / she also satisfies the rules and regulations of admission prescribed by the concerned University / Government including marks to be obtained in the qualifying examination.
- (11) Subject to the provisions of the clause (10) once a candidate secures admission to a particular College / Institution based on his / her option, no more claim for admission into other Colleges, to any other kind of seat or any other course, be entertained during that phase of admissions.
- (12) The candidates admitted into Unaided Non-Minority Professional Institutions offering courses in B.Arch shall pay at the time of admission the fees payable per student per annum, as prescribed by the AFRC/Government.
- (13) Sliding shall be permissible between the single windows operated by the Convener, Architecture Admissions and Convener, Architecture (AC) Admissions in case of Unaided Minority Institutions for admission of candidates on the basis of SAR.
- (14) The Convener, Architecture Admissions shall handover the vacant seats, if any to the Institutions concerned after conducting the counseling till the last SAR.
- (15) The institution shall fill, on merit basis, such vacant seats handed over by the Convenor of Admissions duly on merit basis following the rules of reservation as provided in these rules. Such seats in case of Unaided Minority Institutions shall be first filled with eligible candidates belonging to the concerned Minority and then with eligible candidates belonging to other than the concerned Minority.
- (16) The Institution shall obtain ratification from the Competent Authority for all the admissions conducted by it.
- (17) The Convener, Architecture Admissions shall prepare the final list of candidates, admitted Institution-wise and send the same to Concerned Universities, Institutions and AFRC.
- (18) The Competent Authority in consultation with the Admission Committee shall fix the cut off dates for each stage of admissions.

- (19) All the *candidates* called for Counselling shall produce the specified original documents along with duly attested photocopies and the Convenor, Architecture Admissions shall be entitled to cause verification of all the documents produced by the candidates.

(b) (I) Association of colleges – formation and its functions:

- (a) There may be a separate Association of colleges (AC) recognized by Andhra Pradesh State Council of Higher Education representing all the Private Architecture colleges.
- (b) The Secretary of Association of colleges formed shall intimate their formation, rules and byelaws and the names of Office Bearers and Member colleges to the Competent Authority and AFRC before a date stipulated by the Competent Authority. The State Council shall accord recognition to the Association (s) who submit the above particulars and documents before the stipulated date.
- (c) Irrespective of the number of Associations recognized under clause above they can conduct admissions through only single window of admissions (SW-II). AFRC shall issue notification inviting options from the Managements of all the Private colleges for admitting their students either SW-I or SW-II.
- (d) The option of choosing between SW-I or SW-II shall be exercised by the Managements of the Private Unaided colleges for the Convener seats only and shall intimate in writing before a stipulated date to the Competent Authority and AFRC. In case of failure on the part of any management to exercise their option it shall be construed that they shall admit the candidates into their colleges for the seats only through SW-I.
- (e) A committee for Architecture (AC) Admissions conducting SW-II admissions shall be constituted by the Association of colleges with eminent members and academicians representing Architecture. A member of this committee shall be appointed as Convener of the Committee to discharge various functions as assigned by the Committee.

(II) To fill up Convener seats in un Aided Minority Institutions who have opted for admissions based on State Architecture Rank through SW-II window

- (1) The Convener, Architecture (AC) Admissions shall collect lists of SAR qualified candidates prepared by the Convener, Architecture Admissions.
- (2) The Convener, Architecture (AC) Admissions shall prepare and notify the schedule for admissions, venue, timings and all other necessary details in at least three leading newspapers one each in Telugu, Urdu and English, at least 8-10 days before the commencement of counselling. The decision of the Committee for Architecture (AC) Admissions shall be final in issuing notification, schedule and procedure of counselling.
- (3) The Convener, Architecture (AC) Admissions shall adopt computerised Single Window system of Counselling either by following centralized or decentralized Online Counselling at various centers for the convenience of the Candidates and shall prepare the seat matrix of Unaided Minority Professional Institutions. He shall make all the necessary arrangements for manpower, admission venue, drawing scrutiny officers from other departments, fee collection, networking, facilities for Online Counselling at various centres, mobilization of software etc., in consultation with the Admission Committee.

- (4) No management of un aided Minority Professional Institutions shall issue notification and call for applications for admission separately or individually except as provided in these rules.
- (5) Concerned minority shall be called for counselling and provisional allotment of Courses / Institutions shall be made by observing the rules of reservation as laid down in these rules firstly in the order of SAR merit, secondly in the order of NATA score and thirdly in the order of merit assigned in the qualifying examination.
- (6) Vacant seats, if any, at the end of the above counseling process shall be filled up by single window counseling by inviting candidates, other than the concerned minority, in the order of SAR merit.
- (7) The selection of minority candidates and allotment of Courses/ Institutions in Professional Institutions, shall be solely on the basis of State Architecture Rank merit and following the sequential order as provided under clause (5) above subject to the condition that the candidate should have passed the qualifying examination. However, mere appearance at the Entrance Test and obtaining SAR does not entitle a candidate to be considered for admission automatically into any Course / Institution unless he / she also satisfies the rules and regulations of admission prescribed by the concerned University / Government including marks to be obtained in the qualifying examination.
- (8) Once a candidate secures admission to a particular College / Institution based on his / her option, no more claim for admission into other Colleges, to any other kind of seat or any other course, be entertained during that phase of admissions.
- (9) The candidates admitted into Unaided Minority Professional Institutions offering B.Arch shall pay at the time of admission the fees payable per student per annum as prescribed by the Admission and Fee Regulatory Committee.
- (10) Sliding shall be permissible between the single windows operated by the Convener, Architecture Admissions and Convener, Architecture (AC) Admissions in case of Unaided Minority Institutions that have opted for SW-I and SW-II respectively for admission of candidates.
- (11) The Convener, Architecture (AC) Admissions shall handover the vacant seats, if any to the Institutions concerned only after conducting single window counselling as provided for under clause (5) above.
- (12) The vacant seats handed over by the Convener shall be notified and filled by the institutions on merit basis following the rule of reservation as provided under these rules. Such seats shall be first filled with eligible candidates belonging to the concerned minority and then with eligible candidates belonging to other than the concerned minority.
- (13) The private unaided minority institution shall obtain ratification from the Competent Authority for all the admissions conducted by the Institution.
- (14) The Convener, Architecture (AC) Admissions shall prepare the final list of candidates, admitted course-wise and Institution-wise and send the same to concerned Universities, Institutions and AFRC.
- (15) The Competent Authority in consultation with the Committee of Architecture (AC) Admissions shall fix the cut off dates for each stage of admissions.
- (16) All the candidates called for Counselling shall produce the specified original documents along with duly attested photocopies and the Convenor, Architecture (AC) Admissions shall be entitled to cause verification of all the documents produced by the candidates.

(c) To fill up category – B seats (30%) into Unaided Minority /Non Minority Institutions:

- (1) The Institutions shall notify all the details of seats available under this category and conduct the admissions in a fair transparent and non-exploitative manner.
- (2) The NRI Seats (not exceeding 5% of the sanctioned intake in each course) shall be filled on merit basis with NRI candidates who have passed the qualifying examination with not less than 50% of aggregate marks or cumulative Grade Point average (CGPA) equivalent to 5 on scale of 10.
- (3) The left over seats shall be filled on merit basis by the Management of the Architecture Colleges with candidates from other states and Union Territories of India who have passed the qualifying examination and secured score in NATA Test.
- (4) The vacant seats still exists, may be filled on merit basis only with eligible candidates who secured SAR/All India Common Entrance Test.
- (5) The Institution shall obtain ratification from the competent Authority for all the admissions conducted under Category B seats by the Institution.
- (6) After scrutiny the competent Authority shall send the ratified list of candidates from outside the State, NRIs and others admitted by the College to the University concerned and also to the respective Institutions.

8. Rules of Reservation for admission:

All the seats in the University Colleges and category A seats in un aided Non-Minority and Minority colleges offering Under Graduate B.Arch course shall be reserved, to the following categories in Admissions.

(i) Region-wise reservation of seats:

Admission to 85% of the seats in each course shall be reserved for the local candidates and the remaining 15% of the seats shall be un-reserved seats as specified in the Andhra Pradesh Educational Institutions (Regulations and Admissions) Order, 1974 as subsequently amended.

EXPLANATION: For purpose of these rules,-

(a) *Local Areas means:*

- (1) The part of the State comprising the districts of Adilabad, Hyderabad (including Twin Cities) Ranga Reddy, Karimnagar, Khammam, Medak, Mahaboobnagar, Nalgonda, Nizamabad and Warangal shall be regarded as the Local Area for the purpose of admission to the Osmania University, the Kakatiya University and the Telangana University and to any other educational institutions (other than a state-wide university or state-wide educational institution) which is subject to the control of the State Government and is situated in that part.
- (2) The part of the State comprising the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur and Prakasam shall be regarded as the Local Area for the purpose of admission to the Andhra University, the Acharya Nagarjuna University and Adikavi Nannaya University and to any other educational institutions (other than a state-wide university or state-wide educational institution) which is subject to the control of the State Government and is situated in that part.
- (3) The part of the State comprising the districts of Anantapur, Kurnool, Chittoor, Kadapa and Nellore shall be regarded as the Local Area for the purpose of admission to the Sri Venkateswara University, the Sri Krishnadevara University and the Yogi Vemana University and to any other educational institutions (other than a state-wide university or

state-wide educational institution) which is subject to the control of the State Government and is situated in that part.

(b) The Local Candidate means:

- (1) A candidate for admission shall be regarded as a local candidate in relation to a local area-
 - (A) If he/she has studied in educational Institution or educational Institutions in such local area for a period of not less than four consecutive academic years ending with the academic year in which he/she appeared or as the case may be, first appeared in the relevant qualifying examination, or
 - (B) Where, during the whole or any part of the four consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination, he/she has not studied in any educational Institutions, if he/she has resided in that local area for a period of not less than four years immediately preceding the date of commencement of the relevant qualifying examination in which he/she appeared or, as the case may be, first appeared.
- (2) A candidate for admission to the Course who is not regarded as local candidate under clause (A) in relation to any local area shall-
 - (A) If he has studied in educational Institutions in the State for a period of not less than seven consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination be regarded as a local candidate in relation to-
 - (i) Such local area where he/she has studied for the maximum period out of said period of seven years, or
 - (ii) Where the period of his/her study in two or more local areas are equal, such local area, where he/she has studied last in such equal period, or
 - (B) If, during the whole or any part of seven consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination, he/she has not studied in the educational Institutions in any local area, but has resided in the State during the whole of the said period of seven years, be regarded as a local candidate in relation to,-
 - (i) Such local area where he/she has resided for the maximum period out of the said period of seven years, or
 - (ii) Where the periods of his/her residence in two or more local areas are equal, such local area where he/she has resided last in such equal periods.
- (3) The following categories of candidates are eligible to apply for admission to the remaining 15% of un-reserved seats:
 - (A) All the candidates eligible to be declared as local candidates.
 - (B) Candidates who have resided in the State for a total period of 10 years excluding periods of study outside the State or either of whose parents have resided in the State for a total period of ten years excluding period of employment outside the State.
 - (C) Candidates who are children of parents who are in the employment of this State or Central Government, Public Sector Corporations, Local Bodies, Universities and other similar quasi-public Institutions, within the State.
 - (D) Candidates who are spouses of those in the employment of the State or Central Government, Public Sector Corporations, Local Bodies, Universities and Educational Institutions recognized by the Government or University OR other competent authority and similar quasi Government Institutions within the State.

- (E) If a local candidate in respect of a local area is not available to fill any seat reserved or allocated in favour of a local candidate in respect of that local area, such seat shall be filled if it had not been reserved.

NOTE: For details, see the Andhra Pradesh Educational Institutions (Regulations of Admission) Order, 1974 as subsequently amended.

(ii) All seats in University colleges and category A seats in Unaided Non Minority institutions offering B.Arch shall be reserved in favor of SC/ST/BC categories as follows:

- (a) 15% of seats in each course in each institution shall be reserved for the candidates belonging to Scheduled Castes.
- (b) 6% of seats in each course in each Institution shall be reserved for the candidates belonging to the scheduled Tribes. The seats reserved for scheduled Tribes shall be made available to scheduled Castes and Vice-versa, if qualified candidates are not available in the category. If qualified candidate belonging to Scheduled Castes and Scheduled Tribes communities are not available the left over seats reserved for them shall be treated as unreserved seats and shall be filled by the candidates of General pool.
- (c) 29% of seats in each course in each institution shall be reserved for the candidates belonging to the Backward classes and shall be allocated among the four groups of Backward classes as shown below:
- | | | |
|-----------|---|-----|
| GROUP 'A' | - | 7% |
| GROUP 'B' | - | 10% |
| GROUP 'C' | - | 1% |
| GROUP 'D' | - | 7% |
| GROUP 'E' | - | 4% |

If qualified candidates belonging to Backward class of a particular group are not available, the leftover seats can be adjusted for the candidates of next group. If qualified candidates belonging to Backward classes are not available to fill up the 29% seats reserved for them, the left over seats shall be treated as unreserved and shall be filled up with candidates of General pool.

No candidate seeking reservation for admission under the above categories be allowed to participate, in the Counseling for admission unless he produces the Integrated Community Certificate prescribed by the Govt., and issued by the Revenue Authorities in the Government (vide G.O. Ms. No: 58, Social Welfare (J), Dept., Dated: 12-5-1997)

- (iii) The following reservations in admissions shall be applicable to University colleges and Private Unaided Non Minority Institutions offering B.Arch in respect of Category- A seats in accordance with consensus arrived at between Private Unaided Professional Institutions and the Government:

(1) Reservation for Special Categories:

- a) There shall be horizontal reservation in each category (OC, BC, SC, ST) in each course of an institution, for the following categories, to the extent indicated against them,
- Physically Handicapped (PH) - there shall be 3% (three percent) horizontal reservation in each category (OC, BC, SC, ST) for Visually handicapped / hearing impaired / Orthopaedically Handicapped (each 1%) (one percent).
 - Children of Armed Forces Personnel (CAP) - 2% (two percent) for the children of armed persons i.e. Ex-Servicemen, Defence Personnel including the Children of Border Security Force and the Central Reserve Police Force

residing in Andhra Pradesh for a minimum period of 5 years.

- (iii) National Cadet Corps (NCC) - 1% (one percent) for National Cadet corps candidates.
- (iv) Sports and Games (SP) - 1/2 % (half percent) for sports and Games candidates.

If qualified candidates belonging to NCC / SP / CAP categories are not available, the seats shall not be filled.

Note: The candidates claiming reservation benefits under the above categories shall produce original documents in support of their claim to the Convenor of Admissions and he shall be entitled to refer the original documents of the candidates claiming reservation for scrutiny and confirmation, to the following authorities.

- | | |
|----------------------------|---|
| (A) NCC | - To the Director of NCC, Andhra Pradesh |
| (B) Sports & Games | - To the Vice-Chairman and Managing Director, Sports Authority of Andhra Pradesh (SAAP) |
| (C) Physically handicapped | - To the Director, Medical & Health Services, A.P. |
| (D) CAP | - To the Director, Sainik Welfare Board, A.P. |

- b) The priorities in respect of the special categories mentioned above shall be in accordance with Government Orders issued from time to time.

(2) **Reservation of seats for women:**

There shall be a reservation of 33 1/3% of seats in favour of women candidates in each course and in each category (OC / SC/ST/BC/PH/CAP/Sports).

The above reservation shall not be applicable if women candidates selected on merit in each category exceeds 33 1/3%.

If sufficient number of women candidates are not available in the respective categories those seats shall be diverted to the men candidates of the same category.

9. **Funds for the conduct of the Admissions:**

- (a) Adequate funds shall be generated to meet the counseling expenditure by levying reasonable charges from the candidates appearing for the counseling as specified by the Admission Committee and shall be credited into the account of the Secretary, Andhra Pradesh State Council of Higher Education, Hyderabad.
- (b) The Convener, Architecture Admissions shall draw advances from the Andhra Pradesh State Council of Higher Education to meet expenditure for items/services connected with Architecture admissions and submit accounts to the local fund audit and on closure of admissions report thereof be submitted to the Andhra Pradesh State Council of Higher Education, Hyderabad.

10. **FEE for Professional Institutions offering B.Arch course:**

- i) "The fee payable per student per annum for each discipline in each institution shall be as prescribed by the Admission and Fee Regulatory Committee.
- ii) The fee prescribed and collected from Non Resident Indian/Non Resident Indian sponsored candidates in excess of the fees prescribed

for Non NRI candidates under category B shall be utilized for benefiting the students from economically weaker sections of the society whose eligibility criteria shall be notified by the Government. The mechanism for extending such benefit to the students belonging to economically weaker sections shall be as prescribed by the Admission and Fee Regulatory Committee.

- iii) The Government may notify specific Fee Waiver Scheme (s) with the approval of Admission and Fee Regulatory Committee for benefiting the disadvantageous sections of society.

11. Penalty for violation of rules:

In case of violation of Admission rules laid herein by any private institution thereby resulting in making irregular admissions such institutions shall be liable for penalty or cancellation of affiliation of the university concerned or for referring the matter to apex bodies like Council of Architecture/All India Council of Architecture disqualifying the college from making admissions in future.

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

**M.G.GOPAL,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Printing, Stationary and stores, purchase Department, Hyderabad (with a request to publish Gazettee and supply 500 copies immediately)

The Secretary, A.P., State council of Higher Education, Hyderabad.

The Commissioner of Technical Education, Andhra Pradesh, Hyderabad.

The Registrars of all the Universities in the State.

Copy to:

The Law (A) Department.

The Special Secretary to Chief Minister.

The P.S. to Hon'ble Deputy Chief Minister.

The P.S. to Principal Secretary (HE)

SF/SC-2

// FORWARDED :: BY ORDER //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Higher Education – Guidelines for implementation of Reservation for Economically Weaker Sections(EWSs)-Admissions to Higher Education Institutions-Orders Issued.

HIGHER EDUCATION (E.C) DEPARTMENT

G.O.MS.No. 39

Dated: 30-07-2019

Read the following:

1. From the MHRD, Dept of Higher Education, GOI, Letter No.12-4/2019-U1, Dated: 17.1.2019.
2. G.O.Ms.No.60, BC Welfare (F) Dept., Dt.27.07.2019.

ORDER:

1. In accordance with the provisions of the Constitution (One hundred and third Amendment) Act, 2019, and the reference of Ministry of Social Justice and Empowerment vide O.MNo.20013/01/2018-BC-II, Dated:17.1.2019, enabling provisions of reservations for the Economically Weaker Sections (EWSs) who are not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes it has been decided to provide reservation in admission to educational institutions subject to a maximum of ten percent of the total seats in each category. This would not apply to the minority education institutions referred to in clause (1) of Article 30 of the Constitution of India .

2. The provision of reservation to the Economically Weaker Sections shall be in accordance with the directions contained in the O.MNo.20013/01/2018-BC-II, Dated: 17.1.2019 of the Ministry of Social Justice & Empowerment, GOI, New Delhi.

3. Persons who are not covered under the existing scheme of reservations for the Schedule castes, the Schedule Tribes and the Socially and Educationally Backward Classes and whose family has gross annual income below Rs.8.00 lakhs are to be identified as Economically Weaker Sections (EWSs) for the benefit of reservation. Family for this purpose will include the person who seeks benefit of reservation, his/ her parents and siblings below the age of 18 years as also his/ her spouse and children below the age of 18 years. The income shall include income from all sources i.e. salary, agriculture, business, profession, etc., and it will be income for the financial year prior to the year of application. Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWSs, irrespective of the family income:

- I. 5 acres of Agricultural Land and above.
- II. Residential flat of 1000 sq.ft and above.
- III. Residential plot of 100 sq. yards and above in notified municipalities.
- IV. Residential plot of 200 sq. yards and above in areas other than the notified municipalities.

4. Every Educational Institution shall increase the number of seats over and above its annual permitted strength in each branch of study or faculty so that the number of seats available, excluding those reserved for the persons belong to the EWSs, is not less than the number of such seats available, in each category, for the academic session immediately preceding the date of the coming into force of the office Memorandum of MHRD, GOI 1st cited.

5. Govt after careful examination of the matter have hereby decided to implement the above said provisions in accordance with 103rd Constitutional Amendment Act, 2019 and the guidelines issued by Govt., of India vide Office Memorandum F.No.36039/1/2019-Estt(Res.) Dated: 19.01.2019. and the guidelines issued by the Ministry of HRD, GOI, vide F.No.12-4/2019-U1, Dated:17.01.2019. The guidelines relevant for current academic year 2019-2020, in regard to the subject matter consistent with 103rd Constitutional Amendment, would read as under:

Contd....//2//

//2//

- a. All Castes which are not covered under any reservation category (SC/ST/BC) are entitled to avail of the reservation facility under EWS Category.
- b. The students admitted under EWS Category will be adjusted against the 10 percent of the sanctioned seats granted additionally, as is followed by the Government of India. However, $\frac{1}{3}$ rd ($\frac{33}{100}$) of the seats enhanced for the purpose of accommodating the EWS Category students shall be earmarked to women among them.
- c. The model format of the EWS Certificate prescribed by Government of India in Annexure-I vide their O.M.No.36039/1/2019-Estt. (Res), Dated: 31-1-2019 shall be followed along with the conditions referred in para 2 above.
- d. The persons seeking the benefit of reservation under EWS category shall obtain the necessary EWS Certificate issued by the Tahsildar concerned.
- e. The eligibility conditions for a person to avail of the facility Of EWS reservation are the same as fixed by the Government of India as referred in Para 2 above:

6. In this regard, every educational institution in AP shall increase the number of seats over and above its annual permitted strength in each branch of study or faculty from the academic year 2019-20. Further, the number of seats available, excluding those reserved for the persons belonging to the EWSs, should not be less than the number of seats that were available in each category, for the previous academic session of 2018-19.

7. The Scheme for implementing the reservation for the EWSs shall be displayed on the website for every educational institution immediately.

8. The Secretary, A.P. State Council of Higher Education (APSCHE), Commissioner, Technical Education, Commissioner of Collegiate Education, Vice Chancellors of all State Universities and Vice Chancellor, Rajiv Gandhi University of Knowledge Technologies (RGUKTs) are requested to ensure compliance to these instructions.

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

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

To

The Spl. Commissioner of Technical Education, AP, Vijayawada

The CCE, A.P.Vijayawada.

The Secretary, APSHCE, Tadepalli.

All VC of State Universities in AP

The Vice Chancellor, RGUKT,

Copy to:

The PS to Spl.C.S, AH, DD & F Dept,

The PS to Prl. Secy, Agriculture Dept

The PS to Prl. Secy, HM&FW Dept

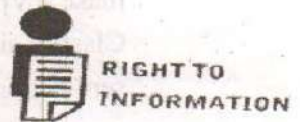
The PS to Spl. C.S, HE Dept.

The Law (B) Dept.

The Registrars of Agriculture, Veterinary and Health Universities in the State.

//FORWARDED:: BY ORDER//

SECTION OFFICER



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PART IV-A EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 33]

AMARAVATI, SATURDAY, DECEMBER 2, 2017.

ANDHRA PRADESH BILLS

ANDHRA PRADESH LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 2nd December, 2017.

L. A. BILL No. 33 of 2017

A BILL TO PROVIDE FOR RESERVATION OF SEATS IN EDUCATIONAL INSTITUTIONS IN THE STATE OF ANDHRA PRADESH AND OF APPOINTMENTS OR POSTS IN THE SERVICES UNDER THE STATE FOR THE TELAGA, KAPU, ONTARI AND BALIJA COMMUNITIES AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Whereas, the policy of reservation for the social, economic and educational upliftment of the citizens not only for the admissions into educational institutions but also for appointments in the services under the State is being implemented in the State of Andhra Pradesh for a long time and the same was being implemented for the Backward Classes, Schedule Castes and Schedule Tribes;

And Whereas, Article 15(4) of the Constitution of India empowers the State to make provisions for the Social and Educational Advancement of the Backward Classes;

And Whereas, Article 15(5) of the Constitution of India empowers the State to make any special provision by law for the advancement of any socially and educationally Backward Classes of citizens or for the Schedule Castes or Schedule Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions either aided or unaided by the State other than the Minority Educational Institutions referred to in Clause (1) of Article 30;

And Whereas, Article 16(4) of the Constitution of India empowers the State to make any provision for the reservation of appointments or posts in favour of any Backward Class of citizens, which in the opinion of the State is not adequately represented in the services under the State;

And Whereas, Article 31 (C) of the Constitution of India Notwithstanding anything contained in Article 13, no law giving effect to the policy of the State towards securing allorany of the principles laid down in Part IV shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14 or Article 19 and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy: Provided that where such law is made by the Legislature of a State, the provisions of this Article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.

And Whereas, under Clause (1) of Article 38 of the Constitution of India, the State shall strive to promote the welfare of the people by securing and protecting as affectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of national life;

And Whereas, under Clause (2) of Article 38 of the Constitution of India, the State shall, in particular, strive to minimize the inequalities in income, and Endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations;

And Whereas, under Clause (b) of Article 39 of the Constitution of India, the State shall, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

And Whereas, under Clause (c) of Article 39 of the Constitution of India, the State shall, in particular, direct its policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

And Whereas, the State Government after having careful consideration of the long standing demand of Kapus for inclusion in the Backward Classes category for reservations in admissions and appointments, keeping in view the social, economic, educational backwardness and inadequate representation in government services in proportion to their population, basing on the Report of the Commission, the State Government came to a conclusion that there is every need for inclusion of Kapus into the

Backward Classes category for reservation in admissions to educational institutions in the State and in the services under the State without there being any political reservation for their upliftment and to ensure their advancement in the State of Andhra Pradesh.

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

1. (1) This Act may be called the Andhra Pradesh Kapu (Reservation of Seats in educational institutions and of appointments or posts in the services under the State) Act, 2017.

Short Title,
Extent and
Commencement:

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

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

2. It is hereby declared that this Act is to give effect to the policy of the State to secure the principles laid down in Part-IV and in particular, Article 38 Clauses (1) and (2) and Article 39 Clauses (b) and (c) of the Constitution of India.

Declaration:

3. In this Act, unless the context otherwise requires:-

Definitions:

(1) "Kapu" means the people belonging to the Telaga, Kapu, Ontari, Baliya communities of the State of Andhra Pradesh.

(2) "Backward Classes of people" means the class or classes of people who are socially and educationally backward, as may be notified by the Government in the Andhra Pradesh State Gazette from time to time.

(3) "Educational Institutions" mean

(i) any college or other educational institution maintained by the State or receiving aid out of the State funds or affiliated to any university established by law including an university college and a constituent college, or

- (ii) any institute or training centre recognized or approved by the Government with the object of preparing, training or guiding its students for any certificate, degree or diploma or other academic distinctions granted or conferred by any university or authority established or approved in this behalf by the Government.

(4) "Government" means the Government of Andhra Pradesh.

Reservation of
Seats in
Educational
Institutions:

4. (1) Notwithstanding anything contained in any judgment, decree or order of any Court or other authority having regard to the social and educational backwardness of the Kapu people, the reservation in respect of the annual permitted strength in each branch or faculty for admission into educational institutions in the State for the Kapus shall be 5%.

- (2) The reservation referred to in sub-section (1) shall, in respect of the persons belonging to the Backward Classes including the Kapus, the Scheduled Castes and the Scheduled Tribes, be as hereunder: -

(i) Backward Classes	-	Percent (%)	
Group - A	-	Seven Percent	(7%)
Group - B	-	Ten Percent	(10%)
Group - C	-	One Percent	(1%)
Group - D	-	Seven Percent	(7%)
Group - E	-	Four Percent	(4%)
Group - (F) (Kapus)	-	Five Percent	(5 %)
(i) Scheduled Castes	-	Fifteen Percent	(15%)
(ii) Scheduled Tribes	-	Six Percent	(6%)

Reservations in
appointments or
posts in the
services under
the State:

5. (1) Notwithstanding anything contained in any judgment, decree or order of any Court or other authority, having regard to the inadequate representation in the services, of the Kapu people in the State of Andhra Pradesh, the reservation for appointments or posts in the services under the State, for the Kapus shall be 5% (Five percent).

- (2) The reservation referred to in sub-section (1) shall, in respect of the persons belonging to the Backward Classes including the Kapus, the Scheduled Castes and the Scheduled Tribes, be as hereunder:-

(i) Backward Classes	-	Percent (%)	
Group - A	-	Seven Percent	(7%)
Group - B	-	Ten Percent	(10%)
Group - C	-	One Percent	(1%)

Group - D	-	Seven Percent	(7%)
Group - E	-	Four Percent	(4%)
Group - F (Kapus)	-	Five Percent	(5%)
(i) Schedule Castes	-	Fifteen Perceny	
(ii) Schedule Tribes	-	Six Percent	(6%)

Explanation: For the purposes of this Act, "services under the State" includes the services under:-

- (i) State Government;
- (ii) State Legislature of Andhra Pradesh;
- (iii) Any local authority;
- (iv) Any Corporation or Company, Entity, owned and controlled by the Government; or
- (v) Any authority in respect of which the State Legislature has the power to make laws.

6. This Act shall not be construed as giving reservation to the political positions or political posts for the Kapus as the same is confined to the reservation for admissions into educational institutions in the State and in the services under the State.

No
reservation to the
Political posts or
positions:

7. Basing on the advice and recommendations made by the Andhra Pradesh State Backward Classes Commission, the Government, may from time to time by notification, classify or sub-classify the Backward Classes people for the purposes of this Act.

Classification of
Backward Classes
people:

8. (1) The Government may make rules for the purposes of this Act.

Power to make
Rules:

(2) (a) All rules made under this Act shall be published in the Andhra Pradesh Gazette and shall come into force on the day on which they are so published unless it is expressly mentioned to come into force on a particular day.

(b) All notifications issued under this Act shall come into force on the day on which they are published, unless it is expressly mentioned to come into force on a particular day.

(3) Every rule made under this Act shall be laid before each House of the State Legislature, immediately, if it is in session and if it is not in session, in the next session which follows immediately 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 be with effect from the date of notification of such modification or annulment in the Andhra Pradesh Gazette is notified and 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.

Power to remove difficulties:

9. If there is any difficulty in giving effect to the provisions of this Act, the Government may, by an order published in the Andhra Pradesh Gazette, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty;

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

STATEMENT OF OBJECTS AND REASONS

For a country that has scarce and limited public resources, reservations unquestionably have important social, economic and political implications. The system of reservation in India comprises a series of affirmative action measures, such as reserving access to seats in the various legislatures, to government jobs, and to enrollment in higher educational institutions. The societal inequality in India is represented by the grossly inadequate representation of Scheduled Castes, Scheduled Tribes and Other Backward Castes in employment and education due to historic, societal and cultural reasons. At the same time it is incumbent on the part of the state to ensure that equality prevails in all sections of the society. The primary objective of the present-day reservation system is to enhance the social and educational status of underprivileged communities and thus improve their lives. The term 'backward classes', as originally used around 1919, referred to a section of population which was backward in a socio-economic sense. It did not limit itself to the matrix of caste. The Constitution gives great liberties to the individual states to determine the quantity and limits of reservation. Reservation in common terms refers to an act of reserving, keeping back or withholding. Reservation in India is a form of affirmative action whereby a percentage of seats are reserved in the public sector units, union and state civil services, union and state government departments and in all public and private educational institutions, except in the religious/ linguistic minority educational institutions, for the socially and educationally backward communities and the Scheduled Castes and Tribes who are inadequately represented in these services and institutions. The underlying theory for the provision of reservation by the state is the under-representation of the identifiable groups.

The policy of reservation for the social, economic and educational upliftment of the citizens not only for the admissions into educational institutions but also for appointments in the services under the State is being implemented in the State of Andhra Pradesh for a long time and the same was being implemented for the Backward Classes, Schedule Castes and Schedule Tribes.

The Hon'ble Supreme Court of India by its Judgment in *Indira Sawhney vs. Union of India* reported in (AIR 1993 SC 477) observed that the reservations may cross/exceed the 50% limit in appointments or posts when there is a reasonable case for exceeding the limit and the same shall be substantiated with the existence of extraneous circumstances for such an act.

There were amendments to the Articles 15 and 16 of the Constitution by 81st Amendment Act, 2000 and 93rd Amendment Act, 2005 respectively and the same were challenged and the Supreme Court of India by its Judgments *M. Nagaraj & others vs. Union of India & others* reported in [(2006) 8 SCC 212] and

AshokaKumar Thakur vs. Union of India reported in [(2008) 6 SCC 1] laid down the law that if a State wants to exceed 50% of reservation then it is required to base its decision on the quantifiable data.

The British Government in Madras Presidency had recognized Kapus as backward caste in 1915 and the backward classes list of Andhra region included Kapus also. With the formation of the State of Andhra Pradesh on 1st October, 1953, a list of Backward Classes as existed in the Composite Madras State was adopted with slight modifications and the Kapus enjoyed reservations. In the wake of formation of the State of Andhra Pradesh, including the Telangana area as on 1st November, 1956, the list that

existed with the State of Hyderabad was continued, thereby maintaining two lists, one for Andhra and the other for Telangana area. In 1956, the then Andhra Pradesh Government deleted Kapus from the backward classes list. Again, though the successive Government tried to recognize them as other backward classes through a Government Order, the High Court struck down the G.O. on technical grounds.

There was a long standing demand for the inclusion of Kapu sub castes i.e., Telaga, Kapu, Ontari and Baliya into the Backward Classes category. The State Government after having careful consideration of their long standing demand for inclusion in the Backward Classes category for reservations in admissions and appointments keeping in view the social, economic, educational backwardness and inadequate representation in government services in proportion to their population, basing on the expert advise rendered by the Andhra Pradesh State Backward Classes Commission, the State Government came to a conclusion that there is every need for inclusion of Kapus into the Backward Classes category for reservation in admissions to educational institutions in the State and in the services under the State without there being any political reservation, for their upliftment and to ensure their all round advancement in the State of Andhra Pradesh.

This bill seeks to give effect to the above decision.

K. ATCHANNAIDU

Minister for BC Welfare,
Transport and Handlooms &
Textiles.

MEMORANDUM UNDER DELEGATED LEGISLATION

Clauses 1(3) 7 and 8 of the bill authorizes the Government to issue notifications or rules to make in respect of matters specified therein and generally to carry out the purposes of the Act. All such rules so made or notifications issued which are intended to cover the matters mostly of procedural in nature are to be laid on the table of the legislature of the state and will be subject to any modifications made by the State Legislature. The above provisions of the bill regarding Delegated Legislation are thus of normal type and are mainly intended to cover matters of procedure.

K. ATCHANNAIDU

Minister for BC Welfare,
Transport and Handlooms &
Textiles.

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

The Andhra Pradesh Kapu (Reservation of Seats in educational institutions and of appointments or posts in the services under the State) Act, 2017 after it is passed by the Legislature of the State may be reserved by the Governor for the consideration and assent of the President under Article 31C of the Constitution of India.

K. ATCHANNAIDU

Minister for BC Welfare,
Transport and Handlooms &
Textiles.

M. VIJAYA RAJU,

Secretary to State Legislature (I/c).

ఆంధ్రప్రదేశ్ బిల్లులు

ఆంధ్రప్రదేశ్ శాసనసభ

ఈ క్రింది బిల్లు ఆంధ్రప్రదేశ్ శాసనసభలో

2017, డిసెంబరు 2వ తేదీన ప్రవేశపెట్టబడినది.

2017 లోని 33వ శాసనసభ బిల్లు

ఆంధ్రప్రదేశ్ రాష్ట్రములో గల విద్యా సంస్థలలోని సీట్లను తెలగ, కాపు, ఒంటరి మరియు బలిజ కులాల వారికి రాష్ట్రంలోని సర్వీసులలో లేదా ఉద్యోగ నియామకములలో రిజర్వేషను కొరకు మరియు అందుకు సంబంధించిన లేదా అందుకు అనుషంగికమైన విషయములను నిబంధించుటకైన బిల్లు.

చాలా కాలంగా ఆంధ్రప్రదేశ్ రాష్ట్రములో, రాష్ట్రంలోని విద్యాసంస్థలలో ప్రవేశాలకు మాత్రమే కాకుండా, సామాజిక, ఆర్థిక మరియు విద్యా విషయంగా పౌరులను పురోభివృద్ధి గావించేందుకైన రిజర్వేషను విధానాన్ని అమలుచేయడం జరుగుతుంది మరియు దానినే వెనుకబడిన తరగతులు, అనుసూచిత కులములు మరియు అనుసూచిత జనజాతుల వారికి కూడా అమలుచేయడం జరుగుతున్నందుననూ;

భారత సంవిధానము యొక్క 15(4) అనుచ్ఛేదము వెనుకబడిన తరగతుల వారు సామాజికంగా మరియు విద్యా పరంగా పురోభివృద్ధి నిమిత్తము నిబంధనలు చేయుటకు రాష్ట్రమునకు అధికారము నిచ్చుచున్నందుననూ;

భారత సంవిధానము యొక్క 30వ అనుచ్ఛేదపు ఖండము (1)లో పేర్కొనబడిన అల్ప సంఖ్యాక విద్యా సంస్థలు కాని ఇతరమైనవి, రాష్ట్రముచే సహాయము పొందబడినవైనను లేదా సహాయము పొందబడని విద్యా సంస్థలతో సహా విద్యాసంస్థలలో వారి ప్రవేశములకు సంబంధించి ప్రత్యేకమైన నిబంధనలను సామాజికంగాను మరియు విద్యా విషయకంగాను వెనుకబడిన తరగతుల వారి నిమిత్తం లేదా అనుసూచిత కులములు లేదా అనుసూచిత జనజాతుల వారిని పురోభివృద్ధి గావించేందుకు శాసనము ద్వారా ఏదేని ప్రత్యేక నిబంధన చేయుటకు భారత సంవిధానములోని 15(5) అనుచ్ఛేదము రాష్ట్రానికి అధికారములు ఇస్తున్నందుననూ;

మరియు రాష్ట్రంలో సర్వీసులలో ఏదేని వెనుకబడిన తరగతుల వారికి అనుకూలంగా తగినంత ప్రాతినిధ్యము లేదని రాష్ట్ర ప్రభుత్వము అభిప్రాయపడినపుడు, వారికి నియామకములు లేదా ఉద్యోగాలలో ఏదేని రిజర్వేషను చేయడానికి ఏదేని నిబంధనను చేయుటకు భారత సంవిధానము యొక్క 16(4) అనుచ్ఛేదము రాష్ట్రమునకు అధికారము ఇస్తున్నందుననూ;

మరియు 13వ అనుచ్ఛేదములో ఏమి ఉన్నప్పటికిని, భాగము-4లో నిబంధించబడిన అన్నీ లేదా ఏదేని సూత్రములు రాష్ట్ర సిద్ధాంతమునకు ప్రభావము కలిగించునట్టి శాసనము ఏదియు లేనందున. భారత సంవిధానము యొక్క 31(సి) అనుచ్ఛేదము, 14వ అనుచ్ఛేదము లేదా 19వ అనుచ్ఛేదము ద్వారా ఒనగబడిన ఏవేని హక్కులకు అసంగతముగా లేదా తీసివేయబడునది లేదా తగ్గించబడుననే ఆధారముపై శాసన సమ్మతము కానిదిగా భావించబడవలెను మరియు అట్టి సిద్ధాంతమునకు ప్రభావము కలిగించారనే ఆధారంగా ఏదేని న్యాయస్థానములో సవాలు చేయబడుటకు ప్రభావము కలిగించే రూఢి ప్రకటనను కలిగి ఉన్న శాసనము ఏదీ లేనందుననూ; అయితే అట్టి శాసనమును రాష్ట్ర శాసనమండలిచే చేయబడి భారత రాష్ట్రపతి పర్యాలోచన నిమిత్తము రిజర్వు చేయబడి, ఆయన అంగీకారము పొందిననే తప్ప ఈ అనుచ్ఛేదపు నిబంధనలు దానికి వర్తించనందుననూ;

మరియు, న్యాయ, సామాజిక, ఆర్థిక మరియు రాజకీయములలో ఎంత సమర్థవంతముగా భద్రతను కలిగిస్తూ రక్షిస్తూ ప్రజల సంక్షేమాన్ని పెంపొందిస్తుందో అదేవిధముగా సామాజిక ఉత్తరువు క్రిందివలెనే భారతసంవిధానము యొక్క 38వ అనుచ్ఛేదపుఖండము (1) క్రింద రాష్ట్రము శ్రమిస్తూ జాతీయ జీవన సంస్థలన్నింటికి తెలియచేస్తున్నందుననూ,

మరియు వివిధ ప్రాంతాలు లేదా వివిధ వృత్తులలో నిమగ్నమైన వ్యక్తులలో మాత్రమే కాకుండా గ్రూపులుగా నివసిస్తున్న వారిలో, ఆదాయంలోని అసమానతలు కనిష్టంగా ఉండేందుకు మరియు హోదా, సౌకర్యములు మరియు అవకాశములతో అసమానతలను తొలగించేందుకు భారత సంవిధానము యొక్క 38వ అనుచ్ఛేదపు ఖండము (2) ద్వారా రాష్ట్రము ప్రయత్నిస్తున్నందుననూ,

మరియు సామాజిక వనరుల స్వామ్యత్వము మరియు నియంత్రణను పంపిణీ చేయబడి ఉమ్మడి శ్రేయస్సుకు ఉపకరించే విధముగా తన సిద్ధాంతమును భారత సంవిధానము యొక్క 39వ అనుచ్ఛేదపు ఖండము (బి) క్రింద రాష్ట్రము అదేశిస్తున్నందుననూ;

మరియు సంపద మరియు ఉత్పత్తి సాధనములు కొద్ది మంది యందే నిక్షిప్తమై ఉంది. ఉమ్మడి విధానానికి హాని కలిగించే విధంగా అర్థిక విధానం ఉండకుండా చూచేందుకు రాష్ట్రము తన సిద్ధాంతము ఉండునట్లు చేయుటకు భారత సంవిధానము యొక్క 39వ అనుచ్ఛేదపు ఖండము (సి) క్రింద అదేశించవలసి ఉన్నందుననూ;

మరియు ప్రవేశములు మరియు నియామకముల విషయములలో వెనుకబడిన తరగతులలో చేర్చవలసిందనే కాపుల చిరకాల డిమాండును, సామాజిక, ఆర్థిక, విద్యా విషయకంగా వెనుకబడి ఉన్న దృష్ట్యాను మరియు కమీషను యొక్క నివేదిక ఆధారంగా వారి జనాభా దామాషాలో ప్రభుత్వ సర్వీసులలో వారి ప్రాతినిధ్యము తగినంతగా లేనందుననూ, రాష్ట్ర ప్రభుత్వము జాగ్రత్తగా పరిశీలించిన మీదట, వారి ఉన్నతి కోసం ఎటువంటి రాజకీయ రిజర్వేషను లేకుండాను మరియు ఆంధ్రప్రదేశ్ రాష్ట్రంలో వారి పురోభివృద్ధికి దోహదం చేసేందుకు వీలుగా, రాష్ట్రంలోని విద్యా సంస్థలలో ప్రవేశములకు మరియు ఉద్యోగాలలో రిజర్వేషను కొరకు కాపులను వెనుకబడిన తరగతులలో చేర్చడానికి ఎంతైనా అవసరమున్నదని నిర్ణయానికి వచ్చింది.

భారత ప్రజా రాజ్యపు అరవై ఎనిమిదవ సంవత్సరములో ఆంధ్రప్రదేశ్ రాష్ట్ర శాసనమండలి ఈ క్రింది విధముగా శాసనము చేసినది:-

1. (1) ఈ చట్టమును ఆంధ్రప్రదేశ్ కాపు (రాష్ట్రములోని విద్యా సంస్థలలోని సీట్లు మరియు నియామకములు లేదా రాష్ట్ర సర్వీసులోని ఉద్యోగాలలో రిజర్వేషను) చట్టము, 2017 అని పేర్కొనవచ్చును.

సంగ్రహనామము, విస్తరణ మరియు ప్రారంభము.

(2) ఇది, ఆంధ్రప్రదేశ్ రాష్ట్ర మంతరికిని విస్తరించును.

(3) ఇది, రాష్ట్ర ప్రభుత్వము అధిసూచన ద్వారా నియతము చేయునట్టి తేదీన అమలులోనికి రావలెను.

2. ఈ చట్టము, భాగము-4 క్రింద నిబంధించబడిన సూత్రములకు ముఖ్యంగా భారత సంవిధానము యొక్క 38వ అనుచ్ఛేదపు ఖండములు (1) మరియు (2) మరియు 39వ అనుచ్ఛేదపు ఖండములు (బి) మరియు (సి) భద్రత కలిగించే రాష్ట్ర సిద్ధాంతమునకు ప్రభావం కలిగించుటకు, ఇందుమూలంగా రూఢీ ప్రకటన చేయబడినది.

రూఢీ ప్రకటన.

3. ఈ చట్టములో సందర్భము ఇతర విధముగా కోరిననే తప్ప:-

నిర్వచనములు.

(1) “కాపు” అనగా ఆంధ్రప్రదేశ్ రాష్ట్రములోని తెలగ, కాపు, ఒంటరి, బలిజ కులాలకు చెందిన ప్రజలు అని అర్థము.

(2) “వెనుకబడిన తరగతుల ప్రజలు” అనగా ప్రభుత్వముచే ఆంధ్రప్రదేశ్ రాష్ట్ర గెజెటులో ఆయా సమయములందు అధిసూచించబడునట్టి సామాజికంగాను మరియు విద్యా విషయకంగాను వెనుకబడిన తరగతి లేదా తరగతులకు చెందిన ప్రజలు అని అర్థము.

(3) “విద్యా సంస్థలు” అనగా

(i) రాష్ట్రముచే నిర్వహించబడు ఏదేని కళాశాల లేదా రాష్ట్ర నిధుల నుండి సహాయము పొంది లేదా శాసనము ద్వారా స్థాపించబడిన ఏదేని విశ్వవిద్యాలయమునకు అనుబంధించబడిన ఇతర విద్యా సంస్థ లేదా మరియు విశ్వవిద్యాలయ కళాశాల మరియు సంఘటిత కళాశాల చేరియుండును; లేదా

(ii) ఏదేని విశ్వవిద్యాలయముచే లేదా రాష్ట్ర ప్రభుత్వముచే ఏర్పాటు చేయబడిన లేదా ఈ విషయములలో ప్రభుత్వముచే ఆమోదించబడిన ప్రాధికార సంస్థ ఒకసగబడిన ఏదేని సర్టిఫికేటు, డిగ్రీ, లేదా డిప్లమా లేదా ఇతర విద్యా విషయక విశిష్టతలకు తన విద్యార్థులను తయారేచేయు, శిక్షణ ఇచ్చు లేదా మార్గదర్శకముచేయు లక్ష్యములతో ప్రభుత్వముచే గుర్తించబడిన లేదా ఆమోదించబడిన ఏదేని సంస్థ లేదా శిక్షణ కేంద్రము.

(4) “ప్రభుత్వము” అనగా ఆంధ్రప్రదేశ్ ప్రభుత్వము అని అర్థము.

4. (1) ఏదేని న్యాయస్థానము లేదా ఏదేని ప్రాధికార సంస్థ యొక్క ఏదేని తీర్పు, డిక్రీ లేదా ఉత్తరువుతో ఏమి ఉన్నప్పటికిని, కాపు ప్రజలు సామాజిక, విద్యావిషయకంగా వెనుకబడినపుడు, రాష్ట్రంలోని విద్యాసంస్థలలో ప్రవేశమునకు ప్రతి బ్రాంచి లేదా ఫ్యాకల్టీ వారీగా అనుమతించబడిన వార్షిక సంఖ్య విషయంలో రిజర్వేషను కాపులకు 5 శాతము ఉండవలెను.

విద్యా సంస్థలలో సీట్ల రిజర్వేషను.

(2) ఉపవర్ణించబడిన (1) క్రింది నిర్దేశించబడిన రిజర్వేషను కాపులు, అనుసూచిత కులములు, అనుసూచిత జనజాతులతో సహా వెనుకబడిన తరగతులకు చెందిన వ్యక్తుల విషయంలో ఈ క్రింది విధముగా ఉండవలెను:-

(i) వెనుకబడిన తరగతులు.	-	శాతము (%)
గ్రూపు-ఏ	-	ఏడు శాతము (7%)

	గ్రూపు-బీ	-	పది శాతము (10%)
	గ్రూపు-సీ	-	ఒక శాతము (1%)
	గ్రూపు-డీ	-	ఏడు శాతము (7%)
	గ్రూపు-ఇ	-	నాలుగు శాతము (4%)
	గ్రూపు-ఎఫ్ (కాపులు)	-	ఐదు శాతము (5%)
(ii)	అనుసూచిత కులములు	-	పదిహేను శాతము (15%)
(iii)	అనుసూచిత జనజాతులు	-	ఆరు శాతము (6%)

రాష్ట్రంలోని నియామకములు లేదా ఉద్యోగాలలో రిజర్వేషనులు.

5. (1) ఏదేని న్యాయస్థానం లేదా ప్రాధికార సంస్థ యొక్క ఏదేని తీర్పు, డిక్రీ లేదా ఉత్తరువులో ఏమి ఉన్నప్పటికీ, ఆంధ్రప్రదేశ్ రాష్ట్రంలోని కాపు ప్రజలు సర్వీసులలో వారి ప్రాతినిధ్యము తగినంతగా లేనపుడు, రాష్ట్రములోని సర్వీసులలో నియామకము లేదా ఉద్యోగాలలో రిజర్వేషను కాపులకు 5 శాతము ఉండవలెను.

(2) ఉపరిచ్ఛేదము (1) క్రింది నిర్దేశించబడిన రిజర్వేషను కాపులు, అనుసూచిత కులములు, అనుసూచిత జనజాతులతో సహా వెనుకబడిన తరగతులకు చెందిన వ్యక్తుల విషయంలో ఈ క్రింది విధముగా ఉండవలెను:-

(i)	వెనుకబడిన తరగతులు	-	శాతము (%)
	గ్రూపు-ఎ	-	ఏడు శాతము (7%)
	గ్రూపు-బీ	-	పది శాతము (10%)
	గ్రూపు-సీ	-	ఒక శాతము (1%)
	గ్రూపు-డీ	-	ఏడు శాతము (7%)
	గ్రూపు-ఇ	-	నాలుగు శాతము (4%)
	గ్రూపు-ఎఫ్ (కాపులు)	-	ఐదు శాతము (5%)
(ii)	అనుసూచిత కులములు	-	పదిహేను శాతము (15%)
(iii)	అనుసూచిత జనజాతులు	-	ఆరు శాతము (6%)

విశదీకరణ : ఈ చట్టము యొక్క ప్రయోజనముల నిమిత్తము “రాష్ట్రములోని సర్వీసులు” అను వాటిలో ఈ క్రింది సర్వీసులు చేరియుండును :

- రాష్ట్ర ప్రభుత్వము;
- ఆంధ్రప్రదేశ్ రాష్ట్ర శాసనమండలి;

(iii) ఏదేని స్థానిక ప్రాధికార సంస్థ;

(iv) ఏదేని కార్పొరేషను, లేదా కంపెనీ, ప్రభుత్వము స్వామ్యత్వము కలిగిన లేదా నియంత్రణ కలిగిన సంస్థ; లేదా

(v) రాష్ట్ర శాసనమండలి శాసనములు చేయుటకు అధికారము కలిగిన రాష్ట్ర శాసనమండలి విషయంలో ఏదేని ప్రాధికార సంస్థ.

6. రాష్ట్రంలోని విద్యాసంస్థలలో ప్రవేశాలకు మరియు రాష్ట్రములోని నర్సిసులకు పరిమితమైన కాపుల కొరకైన రిజర్వేషను, వారికి రాజకీయ హోదాలు లేదా రాజకీయ పదవులకు రిజర్వేషనును ఇచ్చినదిగా ఈ చట్టమును అన్వయించుకొనరాదు.

రాజకీయ పదవులు లేదా హోదాలకు ఎట్టి రిజర్వేషను ఉండదు.

7. ఆంధ్రప్రదేశ్ రాష్ట్ర వెనుకబడిన తరగతుల కమీషను ఇచ్చిన సలహా మరియు సిఫారసులపై ఆధారపడి ప్రభుత్వము, ఈ చట్టపు, ప్రయోజనముల నిమిత్తము వెనుకబడిన తరగతులను, ఆయా సమయములందు అధిసూచన ద్వారా వర్గీకరించవచ్చును లేదా ఉప-వర్గీకరణ చేయవచ్చును.

వెనుకబడిన తరగతుల ప్రజల వర్గీకరణ.

8. (1) ప్రభుత్వము ఈ చట్టపు ప్రయోజనముల కొరకు నియమములను చేయవచ్చును.

నియమములు చేయుటకు అధికారము.

(2) (ఎ) ఈ చట్టము క్రింద చేయబడిన అన్ని నియమములు ఆంధ్రప్రదేశ్ గెజెటులో ప్రచురించబడవలెను మరియు ఒక ప్రత్యేక దినమున అవి అమలులోకి రావలెనని ప్రత్యేకముగా తెలియజేసిననే తప్ప, ఆ విధంగా ప్రచురించబడిన దినమున అమలులోనికి రావలెను.

(బి) ఈ చట్టము క్రింద జారీచేయబడిన అన్ని అధిసూచనలు ఒక ప్రత్యేక దినమున అమలులోకి రావలెనని ప్రత్యేకముగా తెలియజేసిననే తప్ప, అవి ప్రచురించబడిన దినముననే అమలులోకి రావలెను.

(3) ఈ చట్టము క్రింద చేసిన ప్రతి నియమమును, దానిని చేసిన వెంటనే అప్పుడు రాష్ట్ర శాసనమండలి అధివేషనమునందున్నచో, ఆ అధివేషనములోను, అది అధివేషనములో లేనిచో అవ్యవహితానంతర అధివేషనములోనూ దాని సమక్షమున మొత్తము పదునాలుగు దినముల కాలావధిపాటు ఉంచవలెను. ఆ కాలావధి ఒకే అధివేషనములోగాని, రెండు అనుక్రమ అధివేషనములలోగాని చేరి ఉండవచ్చును. అట్లు దానిని ఉంచిన అధివేషనముగాని, దాని అవ్యవహితానంతర అధివేషనముగాని ముగియు లోపల రాష్ట్ర శాసనమండలి ఆ నియమములో ఏదేని మార్పుచేయుటకు లేక ఆ నియమమును రద్దుచేయుటకు అంగీకరించినచో, ఆ మార్పు లేక రద్దు అధిసూచింపబడు తేదీ నుండి, ఆ నియమము అట్లు మార్పు చేయబడిన రూపంలో మాత్రమే అమలు కలిగిఉండును లేక సందర్భానుసారముగ రద్దుగును. అయినప్పటికినీ ఏదేని అట్టి మార్పుగాని, రద్దుగాని ఆ నియమము క్రింద అంతకు పూర్వం చేయబడిన దేని శాసనమాన్యతకైనను భంగము కలిగించదు.

చిక్కులను తొలగించుటకు
అధికారము.

9. ఈ చట్టపు నిబంధనలను అమలుపరచుటలో ఏదేని చిక్కు ఏర్పడినచో, ఈ చట్టపు నిబంధనలకు అసంగతముగా లేకుండునట్టియు ఆ చిక్కును తొలగించు నిమిత్తము అవసరమని లేదా ఉపయుక్తమని తోచునట్టి నిబంధనలను ఆంధ్రప్రదేశ్ గజెటులో ప్రచురించుట ద్వారా ప్రభుత్వము ఉత్తర్వు చేయవచ్చును:

అయితే, ఈ చట్టము ప్రారంభమైన తేదీ నుండి రెండు సంవత్సరములు గడిచిన మీదట అట్టి ఏ ఉత్తర్వును చేయరాదు.

ఉద్దేశాలు - కారణాలు

అరుదైన మరియు పరిమితమైన పబ్లిక్ వనరులను కలిగి ఉన్న దేశానికి రిజర్వేషన్లు అనేవి నిస్సందేహంగా ప్రధానమైన సామాజిక, ఆర్థిక మరియు రాజకీయ అంతరార్థములను కలిగి ఉన్నవి. భారతదేశములో రిజర్వేషన్లు విధానము వివిధ శాసన వ్యవస్థలలో సీట్లకు, ప్రభుత్వ ఉద్యోగాలకు మరియు ఉన్నత విద్యా సంస్థలలో నమోదుకు రిజర్వింగ్ సౌలభ్యం వంటి ఒక అనుకూల కార్యాచరణ చర్యల పరంపరను కలిగి ఉన్నది. భారతదేశములోని సామాజిక పరమైన అసమానత్వం, చారిత్రాత్మక, సామాజిక మరియు సాంస్కృతిక కారణాల మూలంగా ఉపాధి మరియు విద్యావకాశాలలో షెడ్యూల్డ్ కులాలు, షెడ్యూల్డ్ తెగలు మరియు ఇతర వెనుకబడిన తరగతుల ప్రాతినిధ్యం పూర్తిగా సరిపడనంత లేకుండుటను తెలియజేస్తుంది. అదే సమయంలో, సమాజంలోని అన్ని వర్గాలలో సమానత్వం ఉండేలా చూడడం అనేది రాష్ట్ర ప్రభుత్వానికి అనివార్యమై ఉన్నది. ప్రస్తుత రిజర్వేషన్లు విధాన ప్రధాన ఉద్దేశము ఏమిటంటే, తక్కువ హక్కులు గల సామాజిక వర్గాల సాంఘిక మరియు విద్యా స్థాయిలను పెంచి ఆ విధంగా వారి జీవితాలను మెరుగుపరచడం. రమారమి 1919లో తొలిసారిగా ఉపయోగించబడిన “వెనుకబడిన తరగతులు” అనే పదములు ఒక సామాజిక ఆర్థిక భావంలో వెనుకబడి ఉన్న ఒక తరగతి ప్రజానీకాన్ని నిర్దేశించాయి. అది తనంత తానుగా కుల చట్టానికి పరిమితం కాలేదు. రిజర్వేషన్లు పరిమాణం మరియు పరిమితులను నిర్ధారించడానికై వేరు వేరు రాష్ట్రాలకు అధికమైన స్వేచ్ఛా స్వాతంత్ర్యములను రాజ్యాంగం కల్పించింది. సాధారణంగా రిజర్వేషన్లు అను పదము, ప్రత్యేకించుట, వెనుకకు ఉంచడం లేదా నిలిపి ఉంచే చర్యను తెలియజేస్తుంది. భారతదేశంలో రిజర్వేషన్లు అనేది ఒక అనుకూల చర్యరూపం. దీని ద్వారా సర్వీసులు, సంస్థలలో సరిపడనంతగా ప్రాతినిధ్యంలేని సామాజికంగా మరియు ఆర్థికంగా వెనుకబడిన కులాలు, షెడ్యూల్డ్ కులాలు మరియు తెగలకు మతపరమైన/భాషాపరమైన మైనారిటీ విద్యా సంస్థలలో మినహా పబ్లిక్ రంగ సంస్థలు, కేంద్ర మరియు రాష్ట్ర సివిలు సర్వీసులు, కేంద్ర మరియు రాష్ట్ర ప్రభుత్వ శాఖలు మరియు అన్ని పబ్లిక్ మరియు ప్రైవేటు విద్యా సంస్థలలో సీట్ల శాతాన్ని రిజర్వు చేయడం జరిగింది. రాష్ట్ర ప్రభుత్వంచే రిజర్వేషన్లు ఏర్పాటు కొరకు నిహితమై ఉన్న ఈ సిద్ధాంతము, గుర్తించదగిన గ్రూపులకు తక్కువ ప్రాతినిధ్యమును కల్పించేదిగా ఉంది.

పౌరుల సామాజిక, ఆర్థిక మరియు విద్యాపరమైన అభ్యున్నతి కొరకు రిజర్వేషన్లు విధానము, విద్యా సంస్థలలో అడ్మిషన్ల కొరకు మాత్రమే కాకుండా రాష్ట్ర ప్రభుత్వ సర్వీసులలో నియామకముల కొరకు కూడా చాలా కాలం నుండి అమలు చేయడం జరుగుతున్నది. దీనినే వెనుకబడిన తరగతులు, షెడ్యూల్డ్ కులాలు మరియు షెడ్యూల్డ్ తెగలకు అమలు చేయడం జరుగుతున్నది.

గౌరవ సుప్రీంకోర్టు ఇందిరా సావర్నీ వెర్సస్ యూనియన్ ఆఫ్ ఇండియాకు సంబంధించి (ఏఐఆర్ 1993 ఎస్సి 477)లో రిపోర్టు చేయబడిన తన తీర్పులో, పరిమితికి మించడానికి సబబైన కారణం ఉన్నప్పుడు నియామకములు లేదా ఉద్యోగాలలో రిజర్వేషన్లు 50 శాతానికి దాటవచ్చని/మించవచ్చని మరియు అట్టి చర్య కొరకు, ఉన్నటువంటి అన్యమైన పరిస్థితులతో దానిని నిరూపించవచ్చని అభిప్రాయ పడింది.

2000లో 81వ సవరణ చట్టము మరియు 2005లో 93వ సవరణ చట్టము ద్వారా వరుసగా 15 మరియు 16 అనుచ్ఛేదములను సవరించడం జరిగింది. వాటిని సవాలు చేయగా, భారత సుప్రీంకోర్టు, ఎం.నాగరాజ్ & అదర్స్ వెర్సస్ యూనియన్ ఆఫ్ ఇండియా & అదర్స్కు సంబంధించి [(2006) 8 ఎస్సిసి 2012]]లో రిపోర్టు చేయబడిన మరియు అశోక్ కుమార్ టాకూర్ వెర్సస్ యూనియన్ ఆఫ్ ఇండియాకు సంబంధించి [(2008) 6 ఎస్.సి.సి 1]]లో రిపోర్టు చేయబడిన తన తీర్పులో, ప్రభుత్వం 50 శాతానికి మించి రిజర్వేషన్లు ఇవ్వాలని కోరుకున్నట్లైతే అప్పుడు పరిమాణాత్మక డేటాపై తన నిర్ణయం ఆధారపడవలసి ఉంటుందని నియమం విధించింది.

1915లో మద్రాసు ప్రెసిడెన్సీలోని బ్రిటీష్ ప్రభుత్వము, కాపులను వెనుకబడిన కులముగా గుర్తించింది. మరియు ఆంధ్ర ప్రాంతంలోని వెనుకబడిన తరగతుల జాబితాలో కాపులను కూడా చేర్చడం జరిగింది. 1953, అక్టోబరు 1వ తేదీన ఆంధ్రప్రదేశ్ రాష్ట్రం ఏర్పాటు కావడంతో, అవిభక్త మద్రాసు రాష్ట్రంలో అప్పుడు ఉన్నట్టి వెనుకబడిన తరగతుల జాబితాను కొద్దిపాటి మార్పులతో స్వీకరించడం జరిగింది మరియు కాపులు అట్టి రిజర్వేషన్లను అనుభవించారు. 1956 నవంబరు 1వ తేదీన తెలంగాణ ప్రాంతంతో కలుపుకొని ఆంధ్రప్రదేశ్ రాష్ట్రం ఏర్పడిన నేపథ్యంలో, హైదరాబాదు రాష్ట్రంలో ఉన్నటువంటి జాబితాను కొనసాగించడం జరిగింది. దాని ద్వారా ఆంధ్ర ప్రాంతానికి ఒకటి, తెలంగాణ ప్రాంతానికి మరొకటి చొప్పున రెండు జాబితాలను నిర్వహించడమయింది. 1956లో అప్పటి ఆంధ్రప్రదేశ్ ప్రభుత్వం వెనుకబడిన తరగతుల జాబితా నుండి కాపులను తొలగించింది. తిరిగి, తదుపరి వచ్చిన ప్రభుత్వం ఒక ప్రభుత్వ ఉత్తరువు ద్వారా వారిని ఇతర వెనుకబడిన తరగతిగా గుర్తించడానికి ప్రయత్నించినప్పటికీ, హైకోర్టు సదరు జి.ఓను సాంకేతిక కారణాలపై కొట్టివేసింది.

కాపు ఉప-కులాలను అంటే, తెలగ, కాపు ఒంటరి, బలిజలను వెనుకబడిన తరగతి కేటగిరీలో చేర్చమని చాలా కాలంగా డిమాండు చేయడం జరుగుతున్నది. సామాజిక, ఆర్థిక, విద్య వెనుకబాటు తనాన్ని మరియు ప్రభుత్వ సర్వీసులలో వారి జనాభా దామాషాకు సరిపడినంతగా లేని వారి ప్రాతినిధ్యాన్ని దృష్టిలో ఉంచుకొని, అడ్మిషన్లు మరియు నియామకాలలో రిజర్వేషన్ల కొరకు వెనుకబడిన కేటగిరీలో చేర్చమన్న వారి దీర్ఘ కాలిక డిమాండును జాగ్రత్తగా పరిశీలించిన మీదట రాష్ట్ర ప్రభుత్వము, ఆంధ్రప్రదేశ్

రాష్ట్ర వెనుకబడిన తరగతుల కమీషను ఇచ్చిన నిపుణుల సలహాపై ఆధారపడి, ఆంధ్రప్రదేశ్ రాష్ట్రంలో వారి ఉద్ధరణ మరియు సంపూర్ణ పురోగమనం జరిగేలా చూడడానికై, ఏవిధమైన రాజకీయ రిజర్వేషను లేకుండా రాష్ట్రంలోని విద్యా సంస్థలలోని అడ్మిషన్లలోను మరియు ప్రభుత్వ సర్వీసులలోను రిజర్వేషన్ల కొరకు కాపులను వెనుకబడిన తరగతుల కేటగిరీలో చేర్చవలసిన అవసరం ఎంతైనా ఉందని రాష్ట్ర ప్రభుత్వము ఒక నిశ్చయమైన అభిప్రాయానికి వచ్చింది.

పై నిర్ణయాన్ని అమలుపరచుటకు ఈ బిల్లు ఉద్దేశిస్తున్నది.

కింజరపు అచ్చెన్నాయుడు,
వెనుకబడిన తరగతుల సంక్షేమము,
రవాణా, చేనేత మరియు జౌళి శాఖల మంత్రి.

ప్రదత్త శాసన నిర్మాణమును గురించిన వివరణ

బిల్లులోని ఖండములు 1(3), 7 మరియు 8 వాటిలో నిర్దిష్టపరచిన విషయాలకు సంబంధించి మరియు సాధారణముగా ఈ చట్టపు ప్రయోజనాలను నెరవేర్చుటకు అధిసూచనలు జారీచేయడానికి లేదా నియమములు చేయడానికి ప్రభుత్వమునకు ప్రాధికారమిచ్చుచున్నది. అట్లు చేయబడిన ప్రతి నియమములు లేక జారీచేయబడిన అధిసూచనలు చాలావరకు ప్రక్రియాపరమైన స్వభావముగల విషయాలకై ఉద్దేశించినవే. అట్లు చేయబడిన అన్ని నియమములు రాష్ట్ర శాసనమండలి యొక్క ఉభయ సదనముల సమక్షమున ఉంచవలెను మరియు అవి శాసనమండలి చేయు ఏవేని మార్పులకు లోనై ఉండును. కనుక, ప్రదత్త శాసన నిర్మాణానికి సంబంధించిన బిల్లులోని పై నిబంధనలు సాధారణమైనవి మరియు చాలావరకు ప్రక్రియాపరమైన విషయముల కొరకు ఉద్దేశింపబడినవి.

కింజరపు అచ్చెన్నాయుడు,
వెనుకబడిన తరగతుల సంక్షేమము,
రవాణా, చేనేత మరియు జౌళి శాఖల మంత్రి.

**ఆంధ్రప్రదేశ్ శాసనసభ కార్యకలాప ప్రక్రియ మరియు నిర్వహణ నియమావళిలోని
95వ నియమము క్రింద వివరణ.**

ఆంధ్రప్రదేశ్ కాపు (రాష్ట్రములోని విద్యా సంస్థలలోని సీట్లు మరియు నియామకములు లేదా రాష్ట్ర సర్వీసులోని ఉద్యోగాలలోరిజర్వేషను) బిల్లు, 2017ను రాష్ట్ర శాసనమండలి ఆమోదించిన పిమ్మట, గవర్నరు భారత సంవిధానములోని 254(2)వ అనుచ్ఛేదము క్రింద రాష్ట్రపతి పర్యలోచన మరియు అనుమతి కొరకు ప్రత్యేకించవలెను.

కింజరపు అచ్చెన్నాయుడు,
వెనుకబడిన తరగతుల సంక్షేమము,
రవాణా, చేనేత మరియు జౌళి శాఖల మంత్రి.

ఎం. విజయ రాజు,
రాష్ట్ర శాసన మండలి కార్యదర్శి (ఇన్‌ఛార్జి).