

[AS PASSED BY THE SENATE]

A

Bill

further to amend the Higher Education Commission Ordinance, 2002

WHEREAS, it is expedient further to amend the Higher Education Commission Ordinance 2002 (LIII of 2002) in the manner and for the purposes hereinafter;

It is hereby enacted as follows: -

1. **Short title and commencement:** (1) This Act shall be called the Higher Education Commission (Amendment) Bill, 2023.

(2) It shall come into force at once.

2. **Amendment of section 3, Ordinance LIII of 2002.**— In the Higher Education Commission Ordinance, 2002 (LIII of 2002), hereinafter referred to as the said Ordinance, in section 3, the following shall be substituted, namely: -

“3. The Controlling Authority of the Commission shall be the Prime Minister who may supervise the affairs of the Commission.”.

3. **Amendment of section 4, Ordinance LIII of 2002.** —In the said Ordinance, in section 4, in sub-section (1), after the word “Commission”, occurring at the end, the words “as the minimum standard setting institution for Higher Education in Pakistan” shall be inserted.

4. **Amendment of section 5, Ordinance LIII of 2002.** — In the said Ordinance, in section 5,-

- (i) in sub-section (1), for the words “Controlling Authority”, the words “Prime Minister” shall be substituted; and
- (ii) Sub-Section (2) shall be omitted.

5. **Amendment of section 6, Ordinance LIII of 2002.**— In the said Ordinance, in section 6, -

(i) in sub-section (1), -

(i) for clause (b), the following shall be substituted namely: -

“(b) the Secretary, Division concerned”

(ii) in clause (c), for the words "thirteen" the words "nine" shall be substituted.

(2) for sub-section (3), the following shall be substituted, namely: -

"(3) The Prime Minister shall appoint nine Members amongst whom-

- (a) three Members shall be eminent scientists, Information Technology experts or educationists of proven ability with significant contribution to higher education provided that at least one of the Members shall be a woman, they shall be appointed with immediate effect;
- (b) The Chairman of the four Provincial Higher Education Commissions;
- (c) one Member shall be a Rector or Vice-Chancellor appointed by the Prime Minister out of a panel of three persons suggested by a committee consisting of all Vice-Chancellors/ Rectors of public sector universities to be setup by the Commission;
- (d) one Member shall be a Rector or Vice-Chancellor appointed by the Prime Minister out of a panel of three persons suggested by a committee consisting of all Vice-Chancellors/Rectors of private sector universities to be setup by the Commission."

(3) For sub-section (4), the following shall be substituted, namely: -

"(4) The Members specified in clause (a) of sub-section (3), the Commission through Division concerned shall recommend a panel of three persons for each seat-out of whom one may be appointed by the Prime Minister;

(4) in sub-section (5) of Section 6, for the word "two", the word "four" shall be substituted and shall always be deemed to have been so substituted,

(5) sub-section (5A) shall be omitted; and

(6) for sub-section (6), the following shall be substituted, namely: -

"(6) The Chairperson, Executive Director and the Members may be removed by the Prime Minister from office before the expiry of their term on proven charges of corruption, inefficiency, permanent disability or failure to attend three consecutive meetings without intimation in advance."

6. Amendment of section 8, Ordinance LIII of 2002. — In the said Ordinance, in section 8, in sub-section (3), the word "three", the word "four" shall be substituted.

7. **Amendment of section 9, Ordinance LIII of 2002.**— In the said Ordinance, in section 9, -

(i) for sub-section (1), the following shall be substituted, namely: -

“(1) A meeting of the Commission shall be held at least twice in a financial year on such day, at such time and place as the Chairperson may determine. However, at least one-third Members of the Commission may also call a meeting of the Commission in relation to the functions of the Commission only.”

(ii) in sub-section (2), for the word “nine”, the words “sixty percent”, shall be substituted.

8. **Amendment of section 10; Ordinance LIII of 2002.** — In the said Ordinance, in section 10, for sub-section (1), the following shall be substituted, namely

“(1) For the regulation, evaluation, improvement, and promotion of higher education, research and development, the Commission shall be empowered to-

(a) formulate policies, guiding principles and priorities for higher education;

(b) prepare plans for the development of higher education;

(c) develop standards of accreditation and quality for Institutions including academic programs, curricular and co-curricular activities technological parks and extra-curricular activities;

(d) cause evaluation of the performance of higher education Institutions and take appropriate regulatory actions as may be prescribed, against institutions violating academic, research, governance, and other standards;

(e) set up national or regional evaluation councils or authorize any existing council or similar body to carry out accreditation of Institutions including their departments, faculties, disciplines and programs by giving them appropriate ratings. The Commission shall help build capacity of existing councils or bodies in order to enhance the reliability of the evaluation carried out by them;

(f) carry out performance audits of the Institutions where required through the office of the Auditor General of Pakistan;

(g) submit to the Federal Government the recurring and development budgets for public sector Institutions and allocate funds to public sector Institutions out of bulk financial provision received from the government and other resources on performance and need basis;

(h) to advise Institutions in resource mobilization strategy including public-private

partnership.

- (i) review, monitor and examine the financial requirements of public sector Institutions; approve and provide funds to these Institutions on the basis of annual recurring needs as well as for development projects and carrying out research based on specific proposals and performance and while approving funds for a public sector Institution, the Commission shall ensure that significant proportion of the resources of the Institution are allocated to research support and (digital) libraries;
- (j) support the development of linkages between Institutions and industry as well as national and international organizations that fund research and development with a view to enhancing research and innovation;
- (k) facilitate the introduction of educational programmes including development of curriculum and skills standards that meet the needs of the employment market and promote related fields of knowledge having national and international importance in the Institutions, and to develop and oversee such mechanisms for implementation of these standards by the Institutions as it may deem appropriate;
- (l) build capacity of Institutions in designing curricula in related fields of knowledge;
- (m) issue instructions to the Institutions in ensuring a proper balance between teaching and research;
- (n) issue guidelines to institutions in designing curricula that provides a proper content of basic sciences, social sciences, humanities, engineering and technology in the curricula of each level;
- (o) cause to set up testing bodies or designate any existing body for the purpose;
- (p) determine the equivalence and recognition of degrees and diplomas awarded by Institutions within the country and of abroad;
- (q) develop guidelines and monitor the implementation of a system of evaluation of performance of faculty members and Institutions;
- (r) take measures, including the allocation of funds, for the establishment of fellowships, scholarships, visiting professorships programs or any other program, in addition to assistance of similar programs of Institutions and facilitate greater mobility of faculty through national and international contacts;
- (s) set up committees comprising national and international experts in various disciplines to advise the Commission about its affairs and policy development;
- (t) promote formal links between Institutions in the country to make the most effective use of

experience and specialized equipment and promote national and international linkages with respect to knowledge sharing, collaborative research, personnel exchange and cost-sharing;

(u) encourage, support and facilitate training programs, workshops and symposia and technological parks;

(v) establish minimum standards for good governance and management of Institutions;

(w) establish an endowment fund for higher education with contributions from governmental as well as non-governmental resources as prescribed by the Government in consultation with Economic Affairs Division, Finance Division and Ministry of Interior;

(x) collect information and statistics on higher education and Institutions as it may deem fit and may cause it published in the official gazette;

(y) prescribe conditions under which Institutions, including those that are not part of the State educational system, may be opened and operated;

(z) advise the Federal Government and the Provincial Governments on proposals for granting a charter to award degrees in both public and private sector, and regulate its implementation:

Provided that while establishing a university, Provincial Government shall intimate the Higher Education Commission to the effect that the minimum standards set out by the Commission have been complied;

(aa) approve projects within the same ceilings as are specified for Departmental Development Working Party;

(bb) provide guidelines as regards minimum criteria and qualifications for appointment, promotion, salary structure in consultation with the Finance Division and other terms and conditions of service of faculty for adoption by individual Institutions and review its implementation;

(cc) advise the Chancellor of any institution on its statutes and regulations; and

(dd) perform such other functions consistent with the provisions of this Ordinance as may be prescribed or as may be incidental or consequential to the discharging of the aforesaid functions.”

9. **Amendment of section 11, Ordinance LIII of 2002.**— In the said Ordinance, in section 11, for sub-section (1), the following shall be substituted;

(1) “The Executive Director shall be appointed by the Prime Minister from a panel of three persons as recommended by the Commission on such terms and conditions as may be prescribed by rules through Division concerned.”

10. Amendment of section 12, Ordinance LIII of 2002.— In the said Ordinance in section 12, for sub-section (1), the following shall be substituted, namely:-

“(1) The Commission may, from time to time, appoint such officers, servants, consultants and advisers as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed by rules.”,

11. Amendment of section 14, Ordinance LIII of 2002.— In the said Ordinance, in section 14, in sub-section (3), in clause (a), for the words “Controller General of Accounts”, the words “Auditor General of Pakistan” shall be substituted.

12. Amendment of section 18, Ordinance LIII of 2002. — In the said Ordinance, in section 18, for the words ‘any of its members any of its functions’, the expression, “member, officer or any of its project director, any of its powers and functions”, shall be substituted.

Statement of Objects and Reasons

The Higher Education Commission Ordinance was promulgated in 2002 during a dictatorial regime. Hence, it was designed in a manner where the Commission was answerable only to the "Chief Executive" of the Federal Government, bypassing all other instruments of democratic functioning, including the Minister's Office, the Cabinet, Federal Government, Parliament and its committees. Over the years, the lack of such oversight has resulted in a highly ineffective and inept organization, which is accountable to none, despite the fact that the Government channels billions of rupees in the higher education sector through it. In the aftermath of the 18th Amendment to the Constitution, the regulatory functions and powers of the Higher Education Commission have also been diluted, and it has insufficient legal authority to enforce the "standardization of higher education sector".

2. There is a dire need to bring adequate amendments in the existing HEC Ordinance, 2002. In this regard, the Bill (Higher Education Commission, (Amendment) Bill, 2023) to amend Higher Education Commission (HEC) Ordinance, 2002.