

SENATE OF PAKISTAN



REPORT NO-01

REPORT OF THE STANDING COMMITTEE ON FEDERAL EDUCATION AND
PROFESSIONAL TRAINING

ON

THE HIGHER EDUCATION COMMISSION (AMENDMENT) BILL, 2023

PRESENTED BY

SENATOR IRFAN-UL-HAQUE SIDDIQUI

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON FEDERAL EDUCATION AND PROFESSIONAL TRAINING ON "THE HIGHER EDUCATION COMMISSION (AMENDMENT) BILL, 2023" LAID IN THE SENATE SITTING HELD ON 2ND AUGUST, 2023 BY RANA TANVEER HUSSAIN, FEDERAL MINISTER FOR FEDERAL EDUCATION AND PROFESSIONAL TRAINING, REFERRED BY THE HOUSE TO THE COMMITTEE FOR CONSIDERATION AND REPORT

I, Senator Irfan-ul-Haque Siddiqui, the Chairman Senate Standing Committee on Federal Education and Professional Training have the honour to present, on behalf of Committee, this report on "The Higher Education Commission (Amendment) Bill, 2023" laid in the Senate sitting held on 2nd August, 2023 by Rana Tanveer Hussain, Federal Minister for Federal Education and Professional Training, referred by the House to the Committee for consideration and report.

2. The Composition of the Standing Committee is given as under:-

1.	Senator Irfan-ul-Haque Siddiqui	Chairman
2.	Senator Prof. Dr. Mehr Taj Roghani	Member
3.	Senator Ejaz Ahmad Chaudhary	Member
4.	Senator Fawzia Arshad	Member
5.	Senator Jam Mahtab Hussain Dahar	Member
6.	Senator Engr. Rukhsana Zuberi	Member
7.	Senator Rana Maqbool Ahmad	Member
8.	Senator Mushtaq Ahmad	Member
9.	Senator Molvi Faiz Muhammad	Member
10.	Senator Ahmed Khan	Member
11.	Senator Khalida Sikandar Mandhro	Member
12.	Senator Falak Naz	Member
13.	Minister for Federal Education and Professional Training	Ex-Officio Member

3. The Committee held its meeting on the Bill on 3rd August, 2023. The following members attended the Committee meeting:

1.	Senator Irfan-ul-Haque Siddiqui	Chairman
2.	Senator Jam Mahtab Hussain Dahar	Member
3.	Senator Engr. Rukhsana Zuberi	Member
4.	Senator Rana Maqbool Ahmed	Member
5.	Senator Molvi Faiz Muhammad	Member
6.	Senator Fawzia Arshad	Member

7.	Senator Mushtaq Ahmed	Member/Mover of Amendments
8.	Senator Dr. Mehr Taj Roghani	Member
9.	Senator Mian Raza Rabbani	Mover of Amendments

4. The Committee deliberated on the Bill and took into consideration the proposed amendments given by Senator Mian Raza Rabbani and Senator Muhstaq Ahmed. Being a Mover of Amendments, Senator Mian Raza Rabbani, attended the meeting on special invitation, briefed the Committee about the historical background of the 18th Amendment, its objectives, CCI role in this regard and argued in favour of his proposed amendments. He also touched upon multiple issues of governance in the educational field.

5. Senator Mushtaq Ahmed, one of the Movers of amendments, emphasized that the autonomy of the Higher Education Commission must be ensured. He said that most of his amendments have been covered by Senator Mian Raza Rabbani, but he insisted on his two major amendments to ensure the HEC's autonomy. One of his proposed amendments pertaining to the honouring of Chairman, HEC with the status of a Federal Minister, as envisaged in the original HEC Ordinance, 2002. This proposed amendment was also supported by Senator Prof. Dr. Mehr Taj Roghani and Senator Fawzia Arshad. However, the Federal Minister for Education did not agree with the amendment. The Chairman, Senator Irfan-ul-Haq Siddiqui inquired that does any other Chairman like NAB, FPSC, PEMRA enjoy the status of a Federal Minister? The response was in negative on which this amendment was not approved.

6. The Federal Minister for Federal Education and Professional Training, Rana Tanveer Hussain informed the Committee that it took three months of discussions at the highest levels of the Government to finalize this bill. He stated that all political allies of the Government and provincial authorities were part of the meetings and assented to the Bill. After its approval from the Cabinet, it was laid in the Senate. During the proceedings, all the pertinent and relevant process

was followed. He added that after the 18th Constitution Amendment, the Council of Common Interests entrusted the HEC with setting standards, attestation and maintenance of quality in the universities. Therefore, for fulfilling the responsibilities, the said Bill has been introduced.

7. Thereafter, the four proposed amendments of Senator Mian Raza Rabbani and two proposed amendments of Senator Mushtaq Ahmed were incorporated in the Bill. Their proposed amendments were unanimously acceded to. The Bill and its report were to be laid in the Senate sitting to be held on 4th August, 2023. However, on the morning of 4th August, before the start of Senate session, it came to the notice of Chairman Committee that due to an amendment by honourable Senator Mian Raza Rabbani, the whole structure of the proposed Bill has been drastically changed and HEC has been deprived of its various important functions and duties regarding its mandate. An official of the HEC also approached the Chairman of the Committee and briefed him regarding the situation arisen out of the amended Bill.

8. Since as for the Orders of the Day, the Chairman of the Committee was supposed to lay the report before the House but due to changed situation, he informed the honourable Chairman Senate that some time may please be given for presentation of the said report due to some issues related to the Bill. This request was accepted by the honourable Chairman who ruled that the Committee may have another meeting before Sunday.

9. Accordingly, a meeting of the Committee was convened on 4th August. The following members attended the meeting:

1.	Senator Irfan-ul-Haque Siddiqui	Chairman
2.	Senator Prof. Dr. Mehr Taj Roghani	Member
3.	Senator Fawzia Arshad	Member
4.	Senator Jam Mahtab Hussain Dahar	Member
5.	Senator Engr. Rukhsana Zuberi	Member
6.	Senator Rana Maqbool Ahmad	Member
7.	Senator Mushtaq Ahmad	Member
8.	Senator Molvi Faiz Muhammad	Member

9. Senator Falak Naz
10. Khawaja Asif, MNA

Member
Special Invitee

10. The Chairman of the Committee at the outset apologized from the Members that due to some reasons, a big lapse happened which was highly regrettable. The Chairman said that he takes the whole responsibility. However, Senator Mushtaq Ahmed was of the view that it all happened due to Federal Secretary of Education not properly briefing the Committee regarding the particular amendment by Senator Mian Raza Rabbani which resulted in curtailing the powers of HEC. The Chairman Committee in his remarks said that the particular amendment in the Bill is bound to turn the HEC into a primary school as all the major financial, academic and other powers were being eroded from its domain. He said that with such limited powers, the HEC could not perform its functions well. Khawaja Muhammad Asif, MNA, a special invitee, tasked by the honourable Prime Minister to look after the HEC Bill upheld the principle that regulatory bodies should remain independent and effectively functional. He highlighted a number of regulatory bodies in Pakistan which were immensely and efficiently serving the public interest. Khawaja Muhammad Asif also said that this body (The Senate Committee) is the supreme authority and whatever it decides, he will convey to the Prime Minister. Senator Jam Mahtab Hussain Dahar expressed his serious concerns about retaking the Bill for consideration after it had already been approved. He was of the opinion that no hasty legislation should be done. Besides, Senator Rukhsana Zuberi also endorsed the views propagated by Senator Jam Mahtab Hussain Dahar.

11. Since Senator Mian Raza Rabbani had already expressed his views in the previous meeting and took long time to stress his amendments, arguing his case very ably so he was not invited in the meeting. Senator Mushtaq Ahmed was of the view that the Committee may request Senator Mian Raza Rabbani to withdraw his amendment in Clause 9 of the Bill. But, the Chair was of the

view that due to constraints of the time, the Committee should decide the issue in the current meeting.

12. After long heated discussion, the Chairman Committee Mr. Irfan-ul-Haque Siddiqui sought the opinion of various officials attending the meeting. Federal Secretary Mr. Wasim Ajmal Chaudary said that the Ministry had no objection whatsoever if the amendment under discussion is withdrawn and all the powers of HEC are restored as already these powers of HEC were included in the proposed Bill. HEC representative Mr. Muhammad Awais also endorsed the views of the Federal Secretary.

13. At this stage, the particular amendment in Clause 9 proposed by Senator Mian Raza Rabbani was red out to the Committee. The Chairman, Mr. Irfan-ul-Haque Siddiqui put the proposed amendment for voting on which the following six honourable Members of the Committee voted for not approving the amendment.

1. Senator Prof. Dr. Mehr Taj Roghani	Member
2. Senator Fawzia Arshad	Member
3. Senator Rana Maqbool Ahmad	Member
4. Senator Mushtaq Ahmad	Member
5. Senator Molvi Faiz Muhammad	Member
6. Senator Falak Naz	Member

The following two honourable Members of the Committee voted against annulling the amendment.

1. Senator Engr. Rukhsana Zuberi	Member
2. Senator Jam Mahtab Hussain Dahar	Member

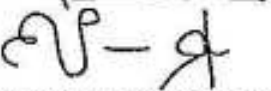
14. The amended Bill was subsequently approved by six vote to two. Following are the amendments moved by Senator Mian Raza Rabbani:

- (i) In the Higher Education Commission (Amendment) Bill, 2023, (hereinafter referred to as the "Bill, 2023"), Clause (2) shall be omitted.
- (ii) In the "Bill, 2023", in Clause (4), after the words, "standard setting" the words, "authority in" shall be omitted.
- (iii) In the "Bill, 2023", in Clause (6), ;
 - a. the sub-clause (2) shall be substituted with the following 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."

The Committee approved two amendments of Senator Mushtaq Ahmed which are as following:

- (i) In the "Bill, 2023", in clause 6,
 - in sub-clause (4), for the word "two", the word "four" shall be substituted and shall always be deemed to have been so substituted.
- (ii) In the "Bill, 2023", Clause 10 shall be omitted. Proposed Amendment in section 10 and 10 (A) shall be omitted.

15. Accordingly, the Committee recommends that "The Higher Education Commission (Amendment) Bill, 2023" as reported by the Committee may be passed by the Senate of Pakistan (Copy of the Bill as reported by the Committee is annexed as "A" and copy of Bill as introduced in the Senate is annexed as "B").


(ABDUL RAZIQUE)
Secretary Committee


(SENATOR IRFAN-UL-HAQUE SIDDIQUI)
Chairman Committee

[As reported by the Standing Committee]

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 (e), 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.

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 2, 'Ordinance LIII of 2002.**— In the Higher Education Commission Ordinance, 2002 (LIII of 2002), hereinafter referred to as the said Ordinance, in section 2, after clause (e), the following new clause shall be inserted, namely: -

"(ee) 'Division conceived' means the division to which the business of this Ordinance stands allocated".

3. **Amendment of section 3, Ordinance LIII of 2002.** — In the said Ordinance, for 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".

4. **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 standards setting authority in institutions for Higher Education in Pakistan" shall be inserted.

5. 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.

6. 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"; and

- (ii) in clause (e), for the words "thirteen" the words "five" shall be substituted.

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

"(3) The Prime Minister shall appoint five 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 be a woman shall be appointed with immediate effect;

- (b) 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; and

- (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 or Rectors of Private Sector universities to be set up by the Commission.”;

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

“(4) The members specified in clause (a) or 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), for the word “two”, the word “three” 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 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.”

7. 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.

8. 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 function of the Commission only."

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

9. 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 educational 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 institution 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 needs as well as for development projects and carrying out research based on specific proposal and performance and while approving funds for a public sector institute, 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 provide a proper content of basic sciences, social sciences, humanities, engineering and technology in the curricula of each level;
- (o) cause to setup 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 the government as non-governmental resources as prescribed by the Government in consultation with the 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 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 Department 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.

10. Insertion of section 10A, Ordinance LIII of 2002. — In the said Ordinance, after section 10, the following new section 10A, shall be inserted, namely:—

10A. Performance report of the Commission. — (1) The Federal Government may issue policy directions to Commission for compliance from time to time and Commission shall submit an implementation report on policy directions before Federal Government, whenever required.

(2) The Prime Minister may assign measurable performance targets to the commission for achievement.

(3) The Commission shall submit its annual performance report to the division concerned for review of the Prime Minister."

11. 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."

12. 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 be prescribed by rules."

13. 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.

14. 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.


ZULFIKAR ALI SAMIN
Deputy Secretary

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.



Rana Tanveer Hussain
Federal Minister for
Federal Education & Professional Training

In the Bill, 2023,