

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON FEDERAL EDUCATION AND PROFESSIONAL TRAINING ON THE PREVENTION OF MAL-PRACTICES IN ACADEMIA BILL, 2016

I, Chairman of the Standing Committee on Federal Education and Professional Training, have the honor to present this report on the Bill to prevent mal-practices in academic research and to establish anti-plagiarism system within country especially in the working of universities and research institutions [The Prevention of Mal-practices in Academia Bill, 2016], introduced by Ms. Shakila Luqman, MNA (Private Member's Bill) and referred to the Committee on 27th September, 2016.

2. The Committee comprises the following members: -

1).	Col. (R) Dr. Amirullah Marwat	Chairman
2).	Mr. Muhammad Nazir Khan	Member
3).	Dr. Zulfikar Ali Bhatti	Member
4).	Mr. Shahab ud Din Khan	Member
5).	Mr. Waheed Alam Khan	Member
6).	Ms. Shaista Pervaiz	Member
7).	Ms. Asyia Naz Tanoli	Member
8).	Ms. Rida Khan	Member
9).	Ms. Amra Khan	Member
10).	Ms. Phyllis Azeem	Member
11).	Chudhary Hamid Hameed	Member
12).	Ms. Surriya Asghar	Member
13).	Ms. Surriya Jatoi	Member
14).	Dr. Shazia Sobia	Member
15).	Ms. Shahida Rehmani	Member
16).	Dr. Imran Khattak	Member
17).	Dr. Nikhat Shakeel Khan	Member
18).	Ms. Shahida Akhtar Ali	Member
19).	Sardar Kamal Khan Bangulzai	Member
20).	Dr. Khalid Maqbool Siddiqui	Member
21).	Engr. Muhammad Baligh ur Rehman, Minister of State for Federal Education and Professional Training.	Ex-officio Member

3. The Committee in its meeting held on 8th December, 2016 considered the above mentioned Bill and disapproved it unanimously. Therefore, the Committee recommends that the Bill as reported by the Standing Committee (Annex-A) may not be processed for further legislation.

Sd/-

(ABDUL JABBAR ALI)

Secretary

Islamabad, the 30th January, 2017

Sd/-

(COL. (R) DR. AMIRULLAH MARWAT)

Chairman

Standing Committee on Federal Education
and Professional Training

[AS REPORTED BY THE STANDING COMMITTEE]

**A
BILL**

to prevent mal-practices in academic research and to establish anti-plagiarism system within country especially in the working of universities and research institutions.

WHEREAS it is expedient to provide for curbing plagiarism, academic dishonesty, academic mal-practices and substandard research;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**- (1) This Act may be called "the Prevention of Mal-practices in Academia Act, 2016.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**- (1) In this Act, unless there is anything repugnant in the subject or context,-

"Academic Dishonesty" means to exploit one's authority in the course of academic guidance, research and teaching or encourages a substandard or plagiarized research;

"Academic Mal-practices" means whosoever coerce or intimidate in the course of teaching and research as well as involves in the demonstration of nepotism, favoritism and biasness;

"Accused" means a person who has practiced or is involved in the academic dishonesty or other mal-practices with regards to academic research and against whom complaint has been made under this Act;

"Act" means the Prevention of Mal-practices in Academia Act, 2016.

"Authority" means the Higher Education Commission;

"Bona fide student" means a student whose conduct is in accordance with the rules and regulations as prescribed by the concerned institution and against whom no disciplinary action has been taken or pending;

"Committee" means a committee constituted by the Authority under section 3;

"Competent Authority" means the Vice Chancellor or the administrative head of the concerned institution.

"Complainant" means a student of the concerned institution or a person on his/her behalf who has made a complaint to the Redressal Inquiry Committee on being aggrieved of academic dishonesty, mal-practices or plagiarism;

"Government" means Federal Government as the Rules of Business may specify;

"Higher Education" mean education at bachelors and higher level degree courses including postgraduate certificates, diplomas and research and development activities;

"Institution" means a public sector or private university/institution imparting higher education and awarding degree or an institution involved in the research and development activities;

"management" means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;

"Ombudsman" means the Ombudsman for Academic Excellence in Pakistan setup under Federal Ombudsman of Pakistan;

"Plagiarism" means the act of using or taking someone else's words, work or ideas and passing them off as one's own without giving credit to that person;

"Prescribed" means prescribed by rules made under this Act;

"Redressal Inquiry Committee" means the Redressal Inquiry Committee established under subsection (1) of section 3;

"Rules" means rules made under this Act;

"Substandard Research" means research without any conceptual framework or theoretical debate and mostly based upon unauthorized internet sources;

(2) The expressions, not defined in sub-section (1), shall have the same meaning as defined in any other relevant law or generally used.

3. Redressal Inquiry Committee.- (1) Every institution shall constitute in consultation with the authority a Redressal Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

(2) The Committee shall consist of three members of whom one shall be amongst senior ranks not below BS-21 of Higher Education Commission who shall act as the Chairperson, one officer not below BS-20 from the Ministry of Federal Education and Professional Training and one from the senior management of the concerned institution.

(3) In case of a complaint against one of the members of the Redressal Inquiry Committee, the concerned member should be replaced by another member for that particular case. Such member may be from within or outside the organization.

(4) In case of a false complaint the complainant shall have to lose the admission in the concerned institution.

(5) In case of a person who had filed a false written complaint on the behalf of a student is liable to pay the amount not less than five hundred thousand rupees to the person against whom complaint was moved.

Provided that a complaint shall only be declared false if it is categorically proved that the complaint was entirely baseless, without any reality and ground and it was just to defame the defendant. Otherwise, the complainant shall not be punished and the complaint shall not be declared false only on the basis of insufficient evidence.

4. Complaint.- A bona fide student, may make a written complaint to the concerned committee or directly to the authority on an act of plagiarism, academic dishonesty or other mal-practices:

Provided that any disciplinary inquiry or action is not taken or pending against him:

Provided further that:

- (a) If, such mal-practices occur in the due course of teaching or academic supervision.
- (b) If, complainant is being exploited, harassed or coerced in the context of clause (a) of section 4.
- (c) If the said complainant is forced or left with an inadequate supervision to conduct a substandard research.

- (d) If the complainant is facing any kind of discrimination based on gender, community, nationality or set of religious, political or cultural belief.

5. Procedure for holding inquiry.- (1) The Redressal Inquiry Committee, within three days of receipt of a written complaint, shall—

- (a) communicate to the accused the charges and statement of allegations leveled against him in a formal written receipt;
- (b) require the accused within seven days from the day the charge is communicated to him to submit a written defence and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte; and
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) Subject to the provisions of this Act and any rules made there under the Redressal Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for the fixing place and time of its sitting.

(3) The following provisions inter alia shall be followed by the Committee in relation to inquiry:

- (a) Adverse action shall not be taken against the genuine complainant or the witnesses;
- (b) The Redressal Inquiry Committee shall ensure that the institution or accused shall in no case create any hostile environment for the complainant so as to pressurize him/her from freely pursuing the complaint; and
- (c) The Redressal Inquiry Committee shall give its findings in writing by recording reasons thereof.

(4) The Redressal Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Redressal Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties:

(a) Minor penalties:

- (i) Censure;
- (ii) Withholding, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (iii) Stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (iv) Recovery of the compensation payable to the complainant from pay or any other source of the accused;

(b) Major penalties:

- (i) Reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (ii) Compulsory retirement;
- (iii) Removal from service;
- (iv) Dismissal from service; and
- (v) Fine:

Provided that a part of the fine may be used to compensate the complainant as per recommendation of the Committee. In case of private institution the owner or, as the case may be, board of trustees would be vigorously liable for the trauma faced by the complainant. Resultantly the owner or, as the case may be, the board of trustees shall be bound to give pecuniary compensation to the complainant.

(5) The Competent Authority shall impose the penalty recommended by the Redressal Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Redressal Inquiry Committee.

(6) The Redressal Inquiry Committee shall monitor the situation until they are satisfied that their recommendations subject to decision has been implemented.

6. Powers of the Redressal Inquiry Committee.- (1) The Redressal Inquiry Committee shall have power to enquire into the matters of plagiarism, academic mal-practices and dishonesty:

- (a) To summon and enforce attendance of any person and examine him/her on oath;
- (b) To require the discovery and production of any document;
- (c) To receive evidence on affidavits; and
- (d) To record evidence.

(2) The Redressal Inquiry Committee shall have the power to inquire into the matters of plagiarism under this Act, and may recommend appropriate penalty against the accused within the meaning of sub-section (4) of section 5.

(3) The Redressal Inquiry Committee may recommend to competent authority for appropriate action against the complainant if allegations leveled against the accused found to be false and made with mala fide intentions.

(4) The Redressal Inquiry Committee shall have the power of summary and in-camera proceeding and shall decide a matter within 21 days.

7. Appeal against minor and major penalties.- (1) Any party aggrieved by a decision of the Competent Authority on whom minor or major penalty is imposed may within thirty days of written communication of the decision prefer an appeal to the Ombudsman.

(2) The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the institution.

8. Ombudsman.- The Federal Ombudsman shall appoint a special cell to be called 'Ombudsman for Academic Excellence in Pakistan' to deal matters under this Act including plagiarism, academic dishonesty, academic mal-practices and substandard research within public and private institutions.

9. Responsibility of institution.- (1) It shall be the responsibility of 'the institution' to ensure implementation of this Act, including formation of a permanent Redressal Inquiry Committee referred to in section 3.

(2) On failure of an institution to comply with the provisions of this section or recommendations of the committee any aggrieved person may make a complaint to the authority

and on having been found guilty the institution shall be liable to fine which may extend to one million rupees but shall not be less than one hundred thousand rupees.

(3) In case of constant non-compliance with the provisions of this Act the name of institution may be withdrawn from the list recognized institutions of Higher Education Commission.

10. Power to make rules.- The Federal Government may make rules to carryout the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The process of nation building, development and good governance is mainly based on the thresholds of academic excellence in a country. However in Pakistan, the academic research in higher education is mostly unregulated as the Higher Education Commission has not legal force to assert its power to achieve and regulate the academic excellence in Pakistan. Due to this scenario, the incidents of plagiarism and academic dishonesty as well as mal-practices are not only being common but also brings bad name for the country in national and international context.

Nonetheless, the Higher Education Commission (HEC) being a regulatory authority has a mandate to regulate the conduct of private and public academic institutions, yet it is unable to curb plagiarism and other mal-practices in which faculty is itself alleged to be involved. Resultantly, this bill intends to strengthen the role of Higher Education Commission (HEC) for the enhancement of quality education in Pakistan in consonance with clause (c) of Article 37 of the Constitution of the Islamic Republic of Pakistan. Since the later deals with the elements of exploitation of all kind and can be extended to eliminate the misuse of authority in the noble profession of teaching and research. Thereby this bill would bring integrity, dignity and honesty in the sacred relationship of teacher and taught.

Sd/-

MS. SHAKILA LUQMAN,
Member, National Assembly.

