

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON FEDERAL EDUCATION, PROFESSIONAL TRAINING, NATIONAL HERITAGE AND CULTURE ON THE HIGHER EDUCATION COMMISSION (SECOND AMENDMENT) BILL, 2021

I, Chairman of the Standing Committee on Federal Education, Professional Training, National Heritage and Culture have the honor to present this report on the Bill further to amend the Higher Education Commission Ordinance, 2002 (Ordinance No. X of 2021) [The Higher Education Commission (Second Amendment) Bill, 2021] (Government Bill) referred to the Committee on 21st May, 2021.

2. The Committee comprises the following:-

1.	Mian Najeeb Ud Din Awaissi	Chairman
2.	Mr. Ali Nawaz Awan	Member
3.	Mr. Sadaqat Ali Khan	Member
4.	Ms. Javairia Zafar Aheer	Member
5.	Mr. Umar Aslam Khan	Member
6.	Mr. Muhammad Farooq Azam Malik	Member
7.	Ms. Nafeesa Inayatullah Khan Khattak	Member
8.	Ms. Andleeb Abbas	Member
9.	Ms. Ghazala Saifi	Member
10.	Ms. Asma Qadeer	Member
11.	Ms. Tashfeen Safdar	Member
12.	Mrs. Farukh Khan	Member
13.	Ms. Mehnaz Akber Aziz	Member
14.	Ch. Muhammad Hamid Hameed	Member
15.	Ms. Kiran Imran Dar	Member
16.	Ms. Musarrat Asif Khawaja	Member
17.	Mr. Abid Hussain Bhayo	Member
18.	Ms. Mussarat Rafiq Mahesar	Member
19.	Dr. Shazia Sobia Aslam Soomro	Member
20.	Mr. Asmatullah	Member
21.	Mr. Shafqat Mahmood, Minister for Federal Education, Professional Training, National Heritage and Culture	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly, placed at 'Annex-A' in its meeting held on 1st July, 2021 and recommends that the Bill placed at 'Annex-B' may be passed by the National Assembly. However, Dissent Note of Ms. Mehnaz Akber Aziz and Ch. Muhammad Hamid Hameed, MNAs is placed at 'Annex-C'.

Sd/-
(MIAN NAJEEB UD DIN AWAISS)
Chairman

Sd/-
(TAHIR HUSSAIN)
Secretary
Islamabad, the 5th August, 2021

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the laws relating to the Higher Education Commission Ordinance, 2002

WHEREAS, it is expedient further to amend the Higher Education Commission Ordinance, 2002 (Ordinance No. LIII of 2002) and the Higher Education Commission Ordinance, 2002 (Ordinance No. X of 2021), for the purposes hereinafter appearing;

AND WHEREAS, the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.- (1) This Bill shall be called the Higher Education Commission (Second Amendment) Bill, 2021.

(2) It shall come into force at once and shall be deemed to have taken effect on and from the 26th day of March, 2021.

2. Amendment of section 2, Ordinance No. IX of 2021.- In the Higher Education Commission (Amendment) Ordinance, 2021 (IX of 2021), in section 2,-

(A) In clause (a), after the word "substituted", the words "and shall always be deemed to have been so substituted" shall be inserted; and

(B) In clause (b), after the expression "sub-section (5)", occurring for the second time, the expression "as amended," shall be inserted.

3. Amendment of section 6, Ordinance No. LIH of 2002.- In the Higher Education Commission Ordinance, 2002 (LIH of 2002), in section 6, for sub-section (3),-

(A) In the rider clause, for the word "ten", the word "thirteen" shall be substituted; and

(B) In clause (c), for the word "two", the word "five" shall be substituted.

4. Amendment of section 2, Ordinance No. IX of 2021.- In the Higher Education Commission (Amendment) Ordinance, 2021 (IX of 2021), in section 3, for the expression "The Government shall appoint an Executive Director on the recommendation of the Ministry of Federal Education", the expression "The Commission shall appoint an Executive Director in the prescribed manner" shall be substituted,...

STATEMENT OF OBJECTS AND REASONS

In the new knowledge economies of 21st Century educational standards are shaping the destinies of nations. Particularly, in post-COVID era, the paradigm of Higher Education System and its delivery mode has undergone tremendous changes.

2. In order to align the Higher Education Commission with the fast-changing environment, the process and criteria of tenured appointments need to be reviewed so that the incumbents may keep pace with the changing eco-system of 21st Century skills.

3. The Bill is designed to achieve the afore-said objectives.

(SHAFQAT MAHMOOD)

Minister for Federal Education and
Professional Training

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the laws relating to the Higher Education Commission

WHEREAS, it is expedient further to amend the Higher Education Commission Ordinance, 2002 (Ordinance No. LIII of 2002) and the Higher Education Commission Ordinance, 2002 (Ordinance No. X of 2021), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

- 1. Short title and commencement.-** (1) This Bill shall be called the Higher Education Commission (Second Amendment) Bill, 2021.

(2) It shall come into force at once and shall be deemed to have taken effect on and from the 26th day of March, 2021.
- 2. Amendment of section 2, Ordinance No. IX of 2021.-** In the Higher Education Commission (Amendment) Ordinance, 2021 (IX of 2021), in section 2,-
 - (A) In clause (a), after the word "substituted", the words "and shall always be deemed to have been so substituted" shall be inserted; and
 - (B) In clause (b), after the expression "sub-section (5)", occurring for the second time, the expression "as amended," shall be inserted.
- 3. Amendment of section 6, Ordinance No. LIII of 2002.-** In the Higher Education Commission Ordinance, 2002 (LIII of 2002), in section 6, for sub-section (3),-
 - (A) In the rider clause, for the word "ten", the word "thirteen" shall be substituted; and
 - (B) In clause (c), for the word "two", the word "five" shall be substituted.

4. **Amendment of section 2, Ordinance No. IX of 2021.-** In the Higher Education Commission (Amendment) Ordinance, 2021 (IX of 2021), in section 3, for the expression "The Government shall appoint an Executive Director on the recommendation of the Ministry of Federal Education", the expression "The Commission shall appoint an Executive Director in the prescribed manner" shall be substituted.

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(SHAFQAT MAHMOOD)
Minister for Federal Education and
Professional Training



ANNEX - C

Mehnaz Akber Aziz
Member National Assembly - PML (N)
(NA-77) Narowal-I

مہناز اکبر عزیز
ممبر قومی اسمبلی پی ایم ایل (این)
(این اے-77) نارووال-1

NOTE OF DISSENT

Immediate Attention is drawn to the crisis of governance triggered by the unfortunate decision to remove the Chairman HEC from his statutory position and subjugating the HEC under the Ministry of Education through hastily promulgated ordinances. We have several concerns about this decision.

First, the position of Chairman HEC, like all regulatory positions, is protected by statute. The decision to dismantle this protection without any justification or exigency will send a signal to all future occupants of statutory positions that the commitment of the government of Pakistan has no worth. This will greatly undermine the quality of governance in the country.

Second, the reduction of the term of the chairperson from four years to two years is a major strategic decision, which should have been taken on the basis of evidence as well as due deliberation in a responsible forum. The federal government has thus far provided no grounds for this reduction either in the cabinet papers or elsewhere. There is no publicly available research or analysis that suggests that shorter tenures for higher education regulators are more effective in serving the youth of a country. On the contrary, two years is too short a time for someone even to come to grips with the complexities of the Pakistani system of higher education let alone provide effective leadership for change.

Third if the federal government felt that a decision of such magnitude was warranted, it ought to have tabled the motion, along with the justification and the supportive evidence, in the parliament so that it could be subjected to due scrutiny and proper public debate. Adopting the subterfuge of an ordinance is hardly appropriate.

Fourth, the unilateral and un-consultative action is inconsistent with the status of the HEC as a national regulatory body rather than a subordinate organ of the federal government. It has representation from the federal as well as provincial governments, and has succeeded in establishing a collaborative working relationship across all governments, federal as well as provincial, consistent with the dictates of the 18th Amendment. This success was validated recently at the CCI meeting on 7th April 2021, which unanimously recognized HEC as the sole regulatory authority for higher education in Pakistan. The enactment of the HEC Amendment Ordinance 2021 will inevitably be perceived as an attempt by the federal government to reassert control over the HEC, and therefore as unconstitutional and confrontational. All major decisions pertaining to such national institutions ought to have gone through proper deliberation by and approval of the Council of Common Interests (CCI).

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Mehnaz Akber Aziz
Member National Assembly - PML (N)
(NA-77) Narowal-I

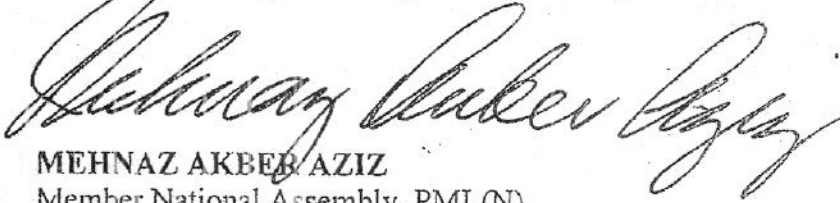
مہناز اکبر عزیز
ممبر قومی اسمبلی پی ایم ایل (این)
(این اے-77) نارووال-1

Fifth, the HEC Ordinance 2002 established the 18-member Higher Education Commission as the supreme national body to deliberate upon and decide all matters pertaining to higher education. If the federal government felt that a structural change was needed in the terms or mandate of the institution, it should have initiated a discussion with the Commission prior to proposing any amendments.

While, I wish to refrain from commenting on the set of concerns emerging in the media about the unstated reasons for the decision, we do wish to place on record our discomfort with actions that undermine accountability, transparency, and the pursuit of quality.

Finally, the fundamental issue underlying all this discussion is how to enable our younger generation to realize its potential nationally as well as in the fraternity of nations. Unfortunately, this had been neglected for a very long time, as the quality of education as well as research had continued to deteriorate despite the investment of public resources.

We reject the Ordinances and are fully endorsed to rescind the HEC Ordinance immediately as it has been promulgated on malafide intention to harm the institution and deprive the Youth of Pakistan with a regulated Higher Education System.


MEHNAZ AKBER AZIZ
Member National Assembly, PML(N)



NA90

Ch Hamid Hameed