**What ails the HEC?**

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It is interesting to note that political parties that draw their major support from Punjab tend to promote centralization and resist devolution to provinces. This we have seen even after the passage of the 18th Amendment to the constitution since 2010.

Among other ministries and divisions, education at all levels – from elementary to higher – now comes under the purview of the provinces. Before the 18th Amendment, education under entry No 38: ‘Curriculum, Syllabus, Planning, Policy, Centres of Excellence and Standards of Education’ found itself in the concurrent list. It was a joint function of the federal and provincial governments and especially under the military dictatorship of Gen Pervez Musharraf, the then education minister – who himself was a retired general – tried to consolidate most powers in his own hands. After the 18th Amendment, there was a strong hope that the situation would change.

For college and school education, the provinces had ample powers, but the Higher Education Commission became a major hurdle in the devolution of tertiary education to provinces – as the 18th Amendment had stipulated. Under the HEC Ordinance 2002, the HEC arrogated to itself all powers to regulate higher education in the country. Though the 18th Amendment clearly shifted higher education to the executive and legislative jurisdiction of the provinces, it never materialized. A new entry – at No 12 of the Federal Legislative II – emerged in the constitution with a fancy title: ‘Standards in Institutions for Higher Education and Research, Scientific, and Technical Institutions.’

This new entry fell under the domain of the Council of Common Interests (CCI) and became a joint responsibility of both the federal and provincial governments. In 2011, a multi-party 10-member Implementation Commission under Article 270 recommended that a limited body would continue to work as ‘Commission of Standards in institutions of higher education’ per entry No. 12 of the Part Two of the Federal Legislative List. When the Functional Committee on Devolution of the Senate presented its report, the Senate unanimously adopted it and confined the role of the federal HEC to the formulation of standards, enhancing the legitimate role of the provinces in funding and implementation of higher education management and policy.

A major recommendation was about amending the HEC Ordinance 2002 which had the protection of the 17th Amendment imposed by General Musharraf. The 18th Amendment had devolved education at all levels – including curriculum – to the provinces but did not specifically touch or withdraw the HEC Ordinance; that gave the court of Justice Iftikhar Chaudhry an excuse to forestall the devolution of higher education. Years passed, and then neither the PML-N nor the PTI showed any willingness to promote devolution. Instead, both acted to consolidate higher education management at the centre.

Perhaps the only positive decision of the previous PML-N government was to appoint Dr Tariq Banuri as the HEC chairman. But then the PTI government, rather than doing any positive work for education, indulged in something that it should not have done at all. It tried to impose a so-called ‘single national curriculum’ and attempted to curtail the powers of Dr Tariq Banuri who was trying to do some really good work. Instead of withdrawing the HEC Ordinance and facilitating provincial HECs, the PTI government first gave all the powers to the executive director and then reduced the tenure of the chairperson to just two years.

When the Shehbaz Sharif government took office in April 2022, there was some hope that it would reverse the damaging steps that the PTI government had taken. Sadly, it continued with both, with slight modification. Now some MNAs are trying to give even more arbitrary powers to the HEC. Ideally, any such matter should come under discussion in the Council of Common Interests (CCI). All relevant stakeholders – such as faculty, provincial HECs and, most of all students – must have a say in such matters as those that affect their education.

The new bill that some MNAs have developed as a private members’ bill – a copy of which is available with this writer – seeks to introduce ambitious changes to the HEC Ordinance by overriding the autonomy of provinces that the constitution guarantees. The most disturbing alterations will affect Section 10 of the existing ordinance that lays down the powers and functions of the HEC. It encroaches upon the domain of the provinces and aims to render the institutes of higher education as totally subordinate entities devoid of whatever little autonomy they have.

The to-be-proposed bill is clearly ill-intentioned and will introduce even more issues in the higher education sector in the country. A new clause (z) seeks to snatch the power of constituting search committees for the appointment of vice-chancellors of the public sector universities in the provinces too. The formation of search committees has always been controversial and has not produced good results. The good old method of selecting one of the five senior-most deans of faculty at the university as vice-chancellor avoided the rigmarole of dozens of interviews and hundreds of applicants going through the process for months.

The HEC itself has seen so much controversy in the appointment of its own chairpersons and executive directors (ED). It has been unable to appoint a suitable ED after multiple advertisements in the past couple of years; a retired bureaucrat kept the charge for a long time. Ad-hoc appointments and decisions have marred the higher education in the country. Many universities do not have full-time VCs and languish under acting heads of the institution. From Quaid-e-Azam University to Federal Urdu University, countless universities come under federal control, but they have become embodiments of central incompetence in Islamabad, and now the new bill aims to concentrate even more powers at the centre.

Hundreds of universities across the country are suffering by the tendency of the centre to exercise more power without offering adequate funds and by not doing what it should be doing. Acquiring more powers appears to be the sole desire of the bureaucracy at the HEC and at the Ministry of Federal Education, with a limited authority of the HEC. Another proposed clause in the bill aims to acquire the authority to ‘give directions to government functionaries, district administration and police to aid the commission wherever it deems necessary’.

One of the amendments to the HEC Ordinance wants to declare it ‘as the sole standard setting and regulatory authority of higher education in the country’; another wants to insert ‘regulation’ before ‘evaluation’, and substitute ‘may’ with the expression ‘shall be empowered to’. Then under 5 (b) it wants to insert ‘accreditation standards, criteria’ after the term ‘guiding principles’. Under 5(c) it wants to allow the HEC to ‘take appropriate regulatory action as may be prescribed, against institutions violating academic, research, governance, and other standards’.

All this amounts to a gross misunderstanding of the needs and realities of higher education within a federal setup. The government must empower the CCI to take appropriate action for strengthening provincial higher education commissions. The money that is channeled through the HEC must go to the provincial HECs, with of course some guiding principles from the HEC. There is a dearth of properly educated, qualified, and trained personnel at the HEC itself, and senior educationists from Balochistan and Sindh do not get much of a representation there. All provinces have their own deans, senior educationists, and vice-chancellors that can run their own provincial HEC, with some guidance from the federal HEC.

The key here is that the Ministry of Federal Education and the HEC in Islamabad must work to enhance the quality of education rather than trying to concentrate more powers at the centre.

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