



## Higher education governance in Pakistan: the role and influence of HEC in the post-18<sup>th</sup> Amendment

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### Abstract:

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In the 18<sup>th</sup> Amendment in the 1973 Constitution of Pakistan, the role of the Higher Education Commission (HEC) of Pakistan was limited to the quality standards of higher education and federal institutions and research centres only, as explained in Federal Legislative List I and II. Despite this constitutional constraint, the HEC maintains significant power over the universities and higher education, including policy formation, budgetary administration, and governance. The HEC was established as an advisory body under the HEC Ordinance, 2002. However, its powers have since then expanded its role to that of a quasi-governing organisation. The 2011 Supreme Court decision reaffirmed the HEC's authority under the law, emphasising the necessity of maintaining high educational standards and effective control. This article critically explores the degree of HEC's impact after the 18<sup>th</sup> Amendment, investigating the conflicts between provincial autonomy and federal monitoring and assessing the ramifications of HEC regulation on Pakistan's higher education environment. The study's findings show that despite the passage of the 18<sup>th</sup> Amendment, higher education is a more centralised subject controlled by Pakistan's federal government. The provinces, especially Khyber Pakhtunkhwa and Balochistan, possess limited autonomy concerning higher education governance and rely on HEC for higher education governance.

**Keywords:** Higher Education Commission, Higher education, Devolution, Governance of higher education, Education policies, Area study centres, Autonomy of universities.

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## 1. Introduction

Higher education always plays a pivotal role in the development of a society. Its effectiveness and proper governance directly correlate with its overall impact and benefits. The developed world, the US, Germany, and Canada, has focused more on the governance of higher education and has devoted funds and designed a more decentralized model for higher education governance. In most of the developed countries, higher education is devolved to the provinces, while in some states, monitoring of quality falls under the jurisdiction of the federal government. Some states, such as Australia employ a mixed governance model as well. The South Asian states have adopted different governance models from each other. Indian model is more closed to the Western model of educational governance, and provinces mostly govern higher education.

The governance of higher education is referred to the processes, structure and policies that regulated how the educational institutions are governed. It encompasses the responsibilities and obligations of the stakeholders, including government bodies, administration of the universities, faculty members and students. Good governance is important for maintaining openness, accountability and excellence in higher education. Throughout the world, a variety of governance models exists, ranging from strong centralized systems in which government institutions play a key role to a more decentralized system where academic institutions have extensive autonomy. According to various studies, good governance may raise academic standards, increase institutional performance and align the development goals (Salmi, 2009; Altbach, 2004; Naqvi et al., 2024). Amaral and Magalhaes (2002) found that the governance system has a substantial influence on academic freedom and institutional autonomy, which is mandatory for encouraging innovation and quality in higher education.

The higher Education Commission in Pakistan has a pivotal role in the governance of higher education. It is responsible for quality assurance, financial management and policy formulation for higher education institutions in Pakistan. Although it has contributed to higher education in Pakistan, the centralized authority of HEC is criticized, especially in light of devolution after the 18<sup>th</sup> Amendment in the constitution of Pakistan. The amendment, ratified in 2010, sought to devolve authorities, including higher education, to the provinces. Critics claimed that the centralization approach of HEC hinders the creation of region-specific academic programs and destroys provincial capacity (Bari, 2012; Rehman, 2011). Ahmad (2013) is of the opinion that the reluctance of HEC to execute the devolution in letter and spirit complex challenges of education governance and coordination within the federal framework of Pakistan.

Contrary to the standard models across the globe, and despite the passage of the 18<sup>th</sup> Amendment, higher education is a more centralized subject in Pakistan. The federal government is not ready to hand over higher education to the provinces. Higher education is controlled by the Higher Education Commission, which works under the Federal Ministry of Education and Professional Training. The Council of Common Interests is also utilized in the

process and halts the devolution of higher education to the provinces (Hussain, 2015; Taiyeb, 2019). HEC makes policies, designs curriculum, manages finances, verifies and validates degrees and institutions, controls scholarship programs and ‘maintains’ the quality of higher education. Furthermore, despite the constitutional protection, provinces are not allowed to govern higher education completely. All the provinces possess limited autonomy, especially Pakhtunkhwa and Baluchistan, concerning the governance of higher education and are reliant on HEC for higher education governance (Ali & Rid, 2021).

## **2. Theoretical background**

Federalism is based on the idea of celebrating diversity, good governance, and devolved authority. Daniel Elazar is of the opinion that it is more concerned with political justice, political order, and the creation of an appropriate civic environment through civil society and a civil community capable of integrating the first two themes to produce a good political life. (Elazar, 1991). The twenty-eight federations are more decentralized and have devolved powers to the units such as Germany, Canada and the US, while some are more centralized and ignore devolution.

Devolution is the sign-over of authority to the provincial governments by the Federal or Central government (Kincaid, 1998). In politics, devolution is often used interchangeably with decentralization. Nathan (1996) suggests that the “Devolution Revolution” will result in a more effective and strengthened federation. The Devolution always has six objectives. It includes more well-organized provision and production of civic services, improved alignment of the advantages and disadvantages of government for a diverse society, better fits between civic goods and their geographical characteristics, better competition, training, and novelty in the public sector, better openness to public preferences and more translucent accountability in policy-making.

Mark Bevir defines governance as the patterns and processes of rule and authority that exist outside of typical governmental institutions. He advocates a decentralized approach, suggesting that governance is moulded by diverse, contingent practices affected by historical circumstances and the conduct of numerous actors, both governmental and non-governmental. Governance is a dynamic process that involves networks, institutions, and human actions (Bevir, 2013). Governance is a sort of social coordination that involves legally enforced norms and long-term interaction designs. Governance can range from "institutionalized self-regulation of civil societal elements" to "authoritarian decision-making by governmental actors." Between these extremes, there is a broad spectrum of governance that includes collaboration among different actors.

The governance of higher education is diverse in federations across the globe. The majority of the federal states have highly decentralized higher education systems, such as the US, Germany and Canada, while some states, such as Australia and Mexico, have a mixed governance system

of higher education. The world's leading universities are mostly established in those states which have a decentralized higher education system. In all these states, quality assurance is monitored by central governments, on the other hand universities receives most of its budgets from central and unit's governments. Other areas of governance of higher education such as policy, scheme of studies, research and innovation, curriculum are the domains of provincial governments (Carony et al., 2018).

With the passage of 18<sup>th</sup> amendment in Pakistan, seventeen ministries were devolved to the provinces and the concurrent list was abolished. Some of the areas related to higher education in the concurrent list were made part of federal legislative list I (FLL I) under FLL I, Federal Research Institutes, libraries and museums and Pakistanis students abroad are the jurisdiction of federal government, while Federal Legislative List II, under clause 7 and 12 makes higher education partially federal subject as well which is dealt under Council of Common Interest (Federal Legislative List II, 2010). As per 18<sup>th</sup> amendment it was decided that all units will establish their own higher education commissions to overlook the matters related to higher education governance. However, after fourteen years of the passage of the bill HEC is reluctant to hand over higher education to the provinces completely.

### **3. Research methodology**

The study utilized the Qualitative method to examine the diverse dynamics of political Science research. Primary data was collected from diverse official sources, including government reports, Policy papers, and legislative records, to understand institutional procedures and policy choices. Furthermore, a comprehensive assessment of newspaper stories provided current opinion and public discourse analysis, providing vital insight into the changing political environment. These sources were analysed to see patterns, narratives, and themes that underlay political occurrences, resulting in an inclusive and nuanced interpretation of data.

The Theoretical framework of this study is based on a review of a variety of academic publications and research work. It aided the creation of a conceptual framework guided the work and analysis of the acquired data. The fusion of these diverse sources resulted in a comprehensive grip of the research topic. The study assures the validity and trustworthiness of its findings by triangulating data from various sources which added a better understanding to the subject.

### **4. Devolution of higher education**

The 18th Constitutional Amendment (2010) has caused uncertainty among Pakistan's higher education governance at both federal and provincial levels. The 18th Amendment transferred education to the provinces but did not specify the status of higher education (World Bank, 2017). The Supreme Court of Pakistan (2011) created an ambiguous situation by issuing a ruling regarding the status of HEC and allowed HEC to continue its routine work accordingly.

However, the provinces contend that education is a provincial subject under the 18th Amendment, allowing them to govern it accordingly (Khwaja, 2020).

Punjab and Sind established Higher education commissions in their respective provinces. The Punjab Higher Education Ordinance was passed in January 2015 and established the commission with Prof. Dr. Muhammad Nizamuddin. The Sind HEC was also established under the 18th Amendment in 2013. It raised the question of more autonomy for the governance of higher education in Sind. In 2016, a committee under the Council of Common Interests was formed under CCI to investigate the matter; HEC Punjab decided to work under HEC Pakistan in 'principle'; (Tahir, 2016) nevertheless Sind didn't participate in the meetings and refused to work under HEC Pakistan.

The other two provinces, Pakhtunkhwa and Baluchistan, haven't established their HECs to date. In Pakhtunkhwa, long before the passage of the 18th amendment, a separate department with three directorates, Higher Education, Achieves and Libraries and Commerce and Finance, was established in July 2001. After the passage of the 18th amendment, it claimed the inheritance of higher education. From the establishment of new universities in Pakhtunkhwa to financial governance, appointments of Vice Chancellors, education policy and curriculum design, HED Pakhtunkhwa is managing all the affairs too (Higher Education Department Pakhtunkhwa, 2011).

The functions to be devolved to the provinces under 18<sup>th</sup> amendment includes, are curriculum, syllabus, policy, Standards for Education, Planning, Islamic education, area study centres, centres of excellence, Pakistan study centres and Higher education institutes. However, the absence of HEC Pakhtunkhwa and the reluctance of federal government to devolve higher education, the HEC Pakistan control all these functions and very little progress is made in this direction.

To keep higher education more centralized under the cover of Article 25A of the constitution and judgment of Supreme Court of Pakistan dated 25<sup>th</sup> November 2011, a new ministry titled Ministry of Federal Education and Professional Training is established in July 2011. It controls policy, finance, education policy, reforms in education and curriculum (Ministry of Federal Education and Professional Training, 2012).

The incomplete devolution has created many problems in governing higher education in the country. In Pakhtunkhwa HEC and HED are competing for the control of higher education in the province. The 'power and function' of the two bodies are overlapping and which has resulted in a tug of war between the two bodies. However, when it comes to financing higher education, especially universities, both of them are reluctant to finance it. In the proposed budget for the fiscal year 2024-25, HEC Pakistan has refused to finance universities in the provinces (Askari, 2024). Similarly, HED only gives 'grants' to universities, mostly under construction heads. Similarly, a conflict arose over the designing of a 'standard curriculum'

between HEC and HED, where HEC tried to bar HED from designing curricula for universities in Pakhtunkhwa (HEC, 2024).

#### **4.1. HEC Vision 2025**

In 2018, HEC unveiled its vision plan titled “HEC Vision 2025”. The strategic plan outlines the government's goals for improving the standards of higher education in Pakistan during the next decade. The HEC Vision 2025 aims to address the problems, difficulties, and demands of higher education by expanding on earlier plans for higher education. The plan aims to improve the quality of higher education, develop faculty, increase research and innovation access to higher education, and internationalize higher education by establishing strong linkages with academia in the developed world (HEC, 2017). The plan directed provincial governments to establish universities in almost every district of the state. The number of universities has doubled in a decade; however, the allocation of budget and other institutional requirements was not addressed properly. It opened space for political leadership to establish new universities without feasibility and proper homework. On the other hand, HEC tries to control these institutions time and again through directives where HEC requires it.

#### **4.2. Finances and budget**

In Pakistan, the social sector is almost often disregarded. Higher education is no exception in this regard. In 2017 Pakistan has spent 0.64109 % of its GDP on higher education (Pakistan - Government Expenditure on Tertiary Education As % Of GDP - 2022 Data 2023 Forecast 1971-2017 Historical, 2022). Under power and function section 10 g and 10 h HEC prepare a draft proposal to the government of Pakistan prior to the annual budget. It specifies the recurrent and development budgets for public sector higher education institutions. The government allocates the funds in the state budget, which is distributed to the universities through HEC later on. The Universities are financed based on transparency, justice, and predictability (HEC, 2022).

HEC keeps a big chunk of the pie for HEC secretariat and distribute the rest among all universities. As per the HEC recurring budget 2021-22, HEC kept more budget for itself than forty-eight universities of Azad Jammu Kashmir, Pakhtunkhwa, and Baluchistan combined. On the other hand, universities are encouraged to generate its budget. Lack of funding has pushed Pakistan's institutions into the dark ages. In Pakistan's fiscal year 2021-22, just 44 billion were allocated to the HEC for 177 universities.

The economic situation of universities in Pakhtunkhwa's hard-hit districts is volatile. The allocation of resources is based on the teacher-student ratio, which is extremely low in underdeveloped regions and newly established universities. Secondly, the low enrolment further undermines their position. According to annual reports provided to HED Pakhtunkhwa, universities rely mostly on student enrolment and fees to meet their financial needs.

The central government's and HEC Pakistan's behaviour are the primary causes of the economic crisis in universities. HEC Islamabad has the support of the federal government through the Ministry of Federal Education and Professional Training and is hesitant to delegate authority to the provinces. The end outcome is an imperfect devolution of higher education. The federal government claims that funding allocations to provincial chartered universities have been transferred to the provinces and are now a provincial concern. The provincial universities must be funded by the province. However, when it comes to governance and management, the universities in Khyber Pakhtunkhwa remain under the supervision of HEC Islamabad and the federal government.

The scholarship programs are also channelled through HEC Pakistan with the federal funding and control. In its budget proposal, it also demands creating a head of the scholarship program. From scholarship announcement to award, HEC adopts the required process and controls the whole procedure. It makes the eligibility rules and regulations for each scholarship program and awards it after completing the process itself. The provinces have no say in the whole process (HEC, 2023).

Faculty competencies and traits have a substantial influence on educational quality. One of the major responsibilities of faculty members is to provide subject matter expertise, respond to inquiries about the course, engage professionally with a diverse student body, coach and mentor students, share academic resources, facilitate the acquisition of skills, assess learning outcomes, and support research and development. Teachers and researchers may improve their teaching and research practices by staying up to date on developing technologies (Ebrahimi, 2012; Maqsood & Hina, 2024).

#### **4.4. Appointment and promotion policy**

Article 10(q) of the HEC Act suggests that HEC will make policy for appointment, service structure and promotion of the faculty. HEC has made appointment criteria which bind the universities to make appointments under the policy of HEC (HEC, 2022). The policy is circulated among the universities and the universities are bound to follow that policy. The appointments are further divided into two major categories, Basic Pay Scale (BPS) and Tenure Track System (TTS). HEC give a proper promotion and structure policy for TTS. A faculty member is appointed under the TTS system as an Assistant Professor and gets tenured for ten years as a professor. However, it does not give any promotion and Service structure policy of the BSP system. For promotion to the next level, a member must wait for an advertisement in his home department and complete the whole process as done at the first appointment in an institution. In the last couple of years some universities teachers' unions raised the slogan for a proper promotion policy and service structure (Dawn News, 2022). They were refused by their respective universities by claiming that it's the duty of HEC to make policy and that the institutions will implement it.

#### **4.5. Devolution of area study centres**

In Pakistan, forty-nine centres of Excellence are established in various universities. These centres were created through ACT XLV in 1974, as revised in 1976 (ACT Centre of Excellence - Higher Education Commission, 2002). These centres execute research in a variety of scientific disciplines, including social science, engineering, and robotics. It consists of national centres of excellence, institutes of clinical psychology, centres of advanced studies, Pakistan study centres, area study centres, Sheikh Zayed centres, centres created by university legislation, and national centres established under PSDP. Under the 18<sup>th</sup> amendment it is decided that all research centres and institutions along with its assists will be devolved to the provinces. However, the process is not completed, and these research centres are not transferred. In Pakhtunkhwa, HEC was engaged in dialogue with HED but failed to due to the non-transferring of assets to the provinces. Secondly, the involvement of the Peshawar High Court hindered the provincial government from engaging in constitutional matters, and any amendment in the 1976 Act required for these research centres was not done.

#### **4.6. Standard of higher education**

To maintain the ‘standard of higher education’, a new entry, No. 12, is added to the FLL II. HEC, under HEC ordinance No LIII of 2002 Para 10, the quality of higher education became the ‘sole’ authority to maintain standards of higher education. The mandate defined by HEC regarding the standard of higher education is to evaluate the performance of universities, make policy, advise federal and provincial government regarding chartering an institution, review and examine financial requirements of institutions, approve projects, advise institutions in raising funds for other than government, support and create links between industries and institutions, advise institution in keeping a balance between teaching and research, design minimum criteria for appointment, promotion and salary of the faculty and collect information and statistics regarding the subject mentioned from in (HEC Quality Assurance, 2023). Quality Enhancement Cells were established in universities to ‘ensure’ quality of education in the established universities.

HEC also categorizes research journals. It makes and shares lists of research journals named as X, Y, and W category. W category has impact factor journals, while Y enlists the journals with the lowest quality. HEC ‘determine’ the quality of journals. This act has created space for the publication of race and black-market research journals, which ignore the ethics of research and publish work on a ‘backdate’ if they are paid well. Previously, HEC used to finance these journals as well. A journal review committee annually ‘examines’ these journals and maintains the lists. The whole process is maintained through HEC’s Journal Recognition System (HEC, HJRS, 2024).

The Higher Education Commission (HEC) oversees the attestation and verification procedures for academic degrees in Pakistan. This regulating body is responsible for validating degrees,

academic programs, and the institutions which offer them. The HEC has the authority to ban, halt, or invalidate programs or even institutions that do not fulfil defined requirements. Furthermore, the commission plays an important role in the initiation of higher degree programs such as MPhil and PhD, requiring institutions to get HEC approval to ensure that these programs adhere to rigorous academic and institutional standards. This monitoring maintains the quality and reputation of higher education in the country.

## **5. Conclusion**

The governance of higher education in federal countries is not novel or unique. In developed federations such as the United States, Canada and Germany, higher education governance falls under the jurisdiction of the provincial governments, which has successfully strengthened it. However, in Pakistan, despite the constitutional provision, the federal government, through the Higher Education Commission, intervenes in the governance process, effectively controlling higher education. The central government oversight contravenes the stipulation of federal legislative lists I and II. The HEC designs all major policies, curricula, budgetary distribution, scholarships, standards of higher education, degree programs, validation, verification and attestation and Area Studies Centers and their resources. The HEC's overreach harms provincial autonomy and puts into question the effectiveness of federal intervention in promoting educational quality and regional development. The centralization of authority has made higher education governance more challenging. The dichotomy of governing authorities created difficulties for the universities in the regions. HEC stresses implementing its own policies and avoiding any financial liabilities at the same time; however, the provincial governments want to govern universities under Higher education departments and provincial HECs. It has adversely affected higher education in Pakistan.

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