

**[AS INTRODUCED IN THE SENATE]**

**A**

**Bill**

*further to amend the Constitution of the Islamic Republic of Pakistan*

Whereas it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It shall come into force at once.

**2. Amendment of Fourth Schedule to the Constitution.-** In the Constitution of the Islamic Republic of Pakistan, in the Fourth Schedule, in the Federal Legislative List, in Part-I, after entry 37, the following new entry shall be inserted, namely:-

“38. Curriculum, syllabus, planning policy, centers of excellence and standards of education.”

**STATEMENT OF OBJECTS AND REASONS**

1. The 18th Amendment Act will have a significant impact on the Higher Education Sector nationally and provincially. At the national level, no legal and legislative protection is given to the Higher Education Commission as a Federal unit. As per Article 38 devolved Higher Education Commission may not justify its position as a single body on Higher Education.

2. Devolution would encourage multiplicity of standards and regulations on admissions, and minimum quality requirement for appointment, promotion, quality assurance on academics, curriculum and scholarships and would impact on overall knowledge exchange.

3. Higher Education Commission at the national level will face serious challenges on access, quality, relevance and equity that hold fundamental positions promoting national cohesion. Higher Education Commission will also face international challenges from international donor agencies on adopting economic and social change essential to education innovation at the institutional level. As devolution limits the Higher Education Commission's role in the Provincial Higher Education Sector, it would also limit its role in cross borders/collaboration in sharing knowledge.

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4. The socio-economic development plan is very much connected with the country's Higher Education and Science and Technology Programmes. For instance the higher education requirements such as doctors, engineers, scientists and economists have to be determined at the national level and so is the funding that comes from the Federal Government. Devolution will have a negative impact on the process of national socio-economic development provincially and federally. The devolution of the education sector especially Article 38 will have a negative impact on the Higher Education Sector at the national and provincial level as it is challenging the mandate of Higher Education Commission.

5. The Higher Education Commission and the Provinces will face national and international challenges. Article 129 ("**The Provincial Government.**- Subject to the Constitution, the executive authority of the Province shall be exercised in the name of the Governor by the Provincial Government, consisting of the Chief Minister and Provincial Ministers, which shall act through the Chief Minister." Will deeply politicize the appointment of Vice-Chancellors, Rectors and Presidents.

6. Uniformity, standards/regulations compatible with the national/international standards may not be maintained in the Higher Education Sector in all Provinces. The 18th amendment would be a failure as far as the Higher Education Sector is concerned.

7. Challenges such as access, quality, relevance and equity require further response from the Higher Education Commission. Hence entry 38 must be included in the Federal Legislative List Part-I.

8. This Bill seeks to achieve the above said objective.

**SENATOR MIAN MUHAMMAD ATEEQ SHAIKH**  
Member In charge