

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

An

Act

further to amend the Higher Education Commission Ordinance, 2002

WHEREAS, it is expedient further to amend the Higher Education Commission Ordinance 2002 (LIII of 2002) in the manner and for the purposes hereinafter;

It is hereby enacted as follows: -

1. **Short title and commencement:** (1) This Act shall be called the Higher Education Commission (Amendment) Bill, 2023.

(2) It shall come into force at once.

2. **Amendment of section 3, 'Ordinance LIII of 2002.**— In the Higher Education Commission Ordinance, 2002 (LIII of 2002), hereinafter referred to as the said Ordinance, in section 3, the following shall be substituted, namely: -

“3. The Controlling Authority of the Commission shall be the Prime Minister who may supervise the affairs of the Commission.”.

3. **Amendment of section 4, Ordinance LIII of 2002.** —In the said Ordinance, in section 4, in sub-section (1), after the word “Commission”, occurring at the end, the words “as the minimum standard setting institution for Higher Education in Pakistan” shall be inserted.

4. **Amendment of section 5, Ordinance LIII of 2002.** — In the said Ordinance, in section 5,-

- (i) in sub-section (1), for the words “Controlling Authority”, the words “Prime Minister” shall be substituted; and
- (ii) Sub-Section (2) shall be omitted.

5. **Amendment of section 6, Ordinance LIII of 2002.**— In the said Ordinance, in section 6, -

(i) in sub-section (1), -

- (i) for clause (b), the following shall be substituted namely: -

“(b) the Secretary, Division concerned”

- (ii) in clause (e), for the words “thirteen” the words “ten” shall be substituted.

(2) for sub-section (3), the following shall be substituted, namely: -

“(3) The Prime Minister shall appoint **ten** Members amongst whom-

- (a) **four** Members shall be eminent scientists, Information Technology experts or educationists of proven ability with significant contribution to higher education provided that at least one of the Members shall be a woman, they shall be appointed with immediate effect;
- (b) The Chairman of the four Provincial Higher Education Commissions;
- (c) one Member shall be a Rector or Vice-Chancellor appointed by the Prime Minister out of a panel of three persons suggested by a committee consisting of all Vice-Chancellors/ Rectors of public sector universities to be setup by the Commission;
- (d) one Member shall be a Rector or Vice-Chancellor appointed by the Prime Minister out of a panel of three persons suggested by a committee consisting of all Vice-Chancellors/Rectors of private sector universities to be setup by the Commission.”

(3) For sub-section (4), the following shall be substituted, namely: -

“(4) The Members specified in clause (a) of sub-section (3), the Commission through Division concerned shall recommend a panel of three persons for each seat out of whom one may be appointed by the Prime Minister;

(4) in sub-section (5) of Section 6, for the word “two”, the word “**four**” shall be substituted and shall always be deemed to have been so substituted,

(5) sub-section (5A) shall be omitted; and

(6) for sub-section (6), the following shall be substituted, namely: -

“(6) The Chairperson, Executive Director and the Members may be removed by the Prime Minister from office before the expiry of their term on proven charges of corruption, inefficiency, permanent disability or failure to attend three consecutive meetings without intimation in advance.”.

6. **Amendment of section 8, Ordinance LIII of 2002.** — In the said Ordinance, in section 8,-

(i) in sub-section (2), for the words “or resignation” the words “, resignation or completion of tenure of a Member” shall be substituted;

(ii) in sub-section (3), for the word ‘three’, the word “four” shall be substituted.

(iii) after the existing sub-section (3), the following new sub-section (4) shall be

added, namely:-

“(4) In the case of a vacancy in the office of the Executive Director, the Prime Minister may nominate a Member of the Commission to act as Executive Director on the recommendation of the Commission, for a maximum period of four months during which period a regular Executive Director shall be appointed.”

7. **Amendment of section 9, Ordinance LIII of 2002.**— In the said Ordinance, in section 9, -

(i) for sub-section (1), the following shall be substituted, namely: -

“(1) A meeting of the Commission shall be held at least twice in a financial year on such day, at such time and place as the Chairperson may determine. However, at least one-third Members of the Commission may also call a meeting of the Commission in relation to the functions of the Commission only.”

(ii) in sub-section (2), for the word “nine”, the words “sixty percent”, shall be substituted.

8. **Amendment of section 10; Ordinance LIII of 2002.** — In the said Ordinance, in section 10, for sub-section (1), the following shall be substituted, namely

"(1) For the regulation, evaluation, improvement, and promotion of higher education, research and development, the Commission shall be empowered to-

(a) formulate policies, guiding principles and priorities for higher education;

(b) prepare plans for the development of higher education;

(c) develop standards of accreditation and quality for Institutions including academic programs, curricular and co-curricular activities technological parks and extra-curricular activities;

(d) cause evaluation of the performance of higher education Institutions and take appropriate regulatory actions as may be prescribed, against institutions violating academic, research, governance, and other standards;

(e) set up national or regional evaluation councils or authorize any existing council or similar body to carry out accreditation of Institutions including their departments, faculties, disciplines and programs by giving them appropriate ratings. The Commission shall help build capacity of existing councils or bodies in order to enhance the reliability of the evaluation carried out by them;

(f) carry out performance audits of the Institutions where required through the office of the