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PART-IV

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION KARACHI, THE 1ST MARCH, 2013.

NO.PAS/Legis-B-03/2013-The Sindh Higher Education Commission Act, 2013 having been passed by the Provincial Assembly of Sindh on 21st February, 2013 and assented to by the Governor of Sindh on 27th February, 2013 is hereby published as an Act of the Legislature of Sindh.

THE SINDH HIGHER EDUCATION COMMISSION ACT, 2013.

SINDH ACT NO. XI OF 2013.

**AN
ACT**

to provide for the establishment of Sindh Higher Education Commission.

WHEREAS in the interest of improvement and promotion of higher education, research and development it is expedient to provide for the establishment of the Sindh Higher Education Commission and for matters connected therewith or incidental thereto; **Preamble.**

It is hereby enacted as follows:-

**CHAPTER-I
PRELIMINARY**

Short title and commencement.

1 (1) This Act may be called the Sindh Higher Education Commission Act, 2013.

(2) It extends to the whole Province of Sindh.

(3) It shall come into force at once.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context-

- (a) "Chairperson" means the Chairperson of the Commission;
- (b) "Commission" means the Sindh Higher Education Commission established under section 4;
- (c) "Committee" means a committee constituted by the Commission under section 13;
- (d) "CIE Committee" means the Charter Inspection and Evaluation Committee established by the Government;
- (e) "Controlling Authority" means the Controlling Authority of the Commission specified in section 3;
- (f) "degree awarding institution" means an institution imparting higher education and awarding degree of its own;
- (g) "Government" means the Government of Sindh;
- (h) "Governing body" means the Senate, Syndicate or any other executive or governing body, by whatever name called, of a university or degree awarding institution established by or under any law;
- (i) "Higher Education" means education at bachelor's and higher level degree courses including postgraduate certificates, diplomas, and research and development activities;
- (j) "Institutions" means any university or other degree awarding institutions that offers higher education or is involved in the research and development activities;
- (k) "Member" means Member of the Commission;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "public sector institution" means the Institution set up by Government;
- (n) "rules" means the rules made under this Act;
- (o) "Secretariat" means the Secretariat of the Commission;
- (p) "Secretary" means the Secretary of the Commission; and

- (4) "University" means a University established or incorporated under any law for the time being in force;

CHAPTER-II
ESTABLISHMENT AND FUNCTIONS OF COMMISSION

3. The Controlling Authority of the Commission shall be the Chief Minister Sindh, who may supervise the affairs of the Commission. **Controlling Authority.**
4. (1) As soon as may be, Government shall, by notification in the official Gazette, establish a Commission to be called the Sindh Higher Education Commission; **Establishment of the Commission.**
- (2) The Commission shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and shall by the said name sue or be sued.
- (3) The headquarters of the Commission shall be at Karachi and it may set up its sub-offices at such place or places as it may deem fit.
5. (1) The Controlling Authority shall appoint a person of international eminence and proven ability who has made significant contribution to higher education as teacher, researcher or administrator, as Chairperson on such terms and conditions as it may determine from time to time. **Appointment of Chairperson.**
- (2) The Chairperson appointed under sub-section (1) shall have the status of a Minister.
6. (1) The Commission shall consist of the following members, namely - **Composition and constitution of the Commission.**
- (a) the Chairperson;
 - (b) the Secretary, Education and Literacy Department;
 - (c) the Secretary, Information and Technology Department;
 - (d) the Secretary, Planning and Development Department;
 - (e) the Secretary, Finance Department;
 - (f) the Chairman, CIE Committee;
 - (g) the Director General of Colleges;
 - (h) six other members to be appointed in the manner specified in sub-sections (3) and (4) of section 6; and
 - (i) the Secretary of the Commission;
- (2) The Secretary of the Commission shall be ex-officio Secretary of the Commission;
- (3) The Controlling Authority in the first instance shall appoint six members of the Commission out of whom -
- (a) three shall be persons of international eminence and proven ability with significant contribution to higher education as teacher, researcher or administrator; provided that at least one of the members shall be a woman;
 - (b) one member shall be a Rector or Vice Chancellor or President of an Institute appointed by the Controlling Authority out of a panel of three persons suggested by a committee consisting of all Vice Chancellors of public sector universities to be set up by the Commission; and

- (c) two members shall be persons of eminence from the private sector who have made significant contributions in the field of higher education or research and development; provided that one of the members shall be the Rector or Vice Chancellor or President of an Institution.

(4) In all subsequent appointments of the members specified in sub-section (3), the Commission shall suggest a panel of three persons for each seat out of whom one may be appointed by the Controlling authority not later than one month from the date of receipt of the names proposed by the Commission and the Controlling Authority may not appoint any of the persons proposed by the Commission and may seek a fresh proposal for suitable persons for appointment as member.

(5) The Chairperson and the members shall hold office for a period of four years and shall in no case be eligible for re-appointment for more than one similar term.

(6) The Chairperson and the members may not be removed from office before the expiry of their term save on proven charges of corruption, inefficiency, permanent disability or failure to attend two consecutive meetings without intimation in advance.

Honorarium and allowances of the members.

7. The members, other than Chairperson and Secretary, shall not be entitled to any salary or benefits for their services except such honorarium and allowances as may be prescribed.

Resignation and filling of vacancies.

8. (1) The Chairperson or any Member may, by writing under his hand addressed to the Controlling authority, resign from his office.

(2) Any vacancy occurring in the membership of the Commission due to death, removal or resignation shall be filled in accordance with the provisions of this Act.

(3) In the case of vacancy occurring in the office of the Chairperson, the Controlling Authority may nominate any Member of the Commission to act as Chairperson for a maximum period of three months during which period the Controlling Authority shall fill in the vacancy by appointing a regular Chairperson.

Meetings of the Commission.

9. (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. At least five members may also call meeting of the commission in relation to the functions of the commission only.

(2) For the purposes of a meeting of the Commission, eight members shall constitute a quorum.

(3) The Chairperson or, in his absence, a member elected by the members present in the meeting for the purpose, shall preside over a meeting of the Commission.

(4) All decisions of the Commission shall be expressed in terms of the opinion of the majority of its members present and voting. In the event of an equality of votes, the Chairperson or, as the case may be, the Member presiding the meeting shall have a casting vote:

Provided that the Controlling Authority may refer any decision of the Commission to the Commission for reconsideration.

10. (1) For the evaluation, improvement and promotion of higher education, the Commission may -

**Powers and
functions of the
Commission**

- (a) formulate policies, guidelines and priorities for higher education Institutions for promotion of socio-economic development of the of Province;
- (b) cause monitoring and evaluation of the performance of institutions through CIE Committee which henceforth shall be the part of the Commission;
- (c) prepare, in consultation with the Institutions, plans for the development of higher education and express its opinion on all matters relating thereto;
- (d) prescribe conditions under which institutions, including those which are not part of the educational system of the Province, may be opened and operated;
- (e) set up evaluation councils or authorize any existing council or similar bodies to carry out accreditation of institutions including their departments, faculties and disciplines by giving them appropriate ratings.
- (f) assist to build capacity of existing council or similar bodies in order to enhance the reliability of the evaluation carried out by them;
- (g) advise Government on proposals for granting a charter to award degrees in both public and private sector Institutions;
- (h) submit to Government the recurring and development budgets for public sector Institutions and allocate funds to public sector Institutions out of bulk financial provision received from Government and other resources on performance and need basis;
- (i) review and examine the financial requirements of public sector institutions, approve and provide funds from the funds to be allocated by the Federal Government till the next NFC Award, to public sector Institutions on the basis of recurring needs as well as for development projects and research based on specific proposals and performance and while approving funds for a public sector Institutions the Commission shall ensure that a significant proportion of the resources of the Institutions are allocated to research support and libraries;
- (j) approve projects within the same ceilings as are specified for Departmental Development Working Party;
- (k) advise institutions in raising funds from the sources other than Government;
- (l) support the development of linkages between institutions and industry as well as national and international organizations that funds research and development with a view to enhancing research;
- (m) facilitate the introduction of educational programmes that meets the needs of the employment market and promote the study of basic and applied sciences in every field of national and international importance in the Institutions;

- (n) advise the Institutions in ensuring a proper balance between teaching and research;
- (o) cause to be set up testing bodies or designate any existing body for the purpose;
- (p) determine the equivalence and recognition of degrees, diplomas and certificates awarded by the institutions within the Province, country and abroad;
- (q) develop guidelines in consultation with the Institutions and facilitate the implementation of a system of evaluation of performance of faculty members and institutions;
- (r) provide guidelines as regards minimum criteria and qualifications for appointment, promotion, salary structure and in consultation with the Finance Department, and other terms and conditions of service of faculty for adoption by individual institutions and review its implementation;
- (s) take measures, including the allocation of funds, for the establishment of fellowships, scholarships, visiting professorship programmes or any other programme, in addition to the assistance of similar programs of the institutions and facilitate greater mobility of faculty through provincial, national and international contacts;
- (t) set up committees comprising provincial, national and international experts in various disciplines to advise the Commission on its affairs;
- (u) promote formal links between institutions in the Province to make the most effective use of experience and specialized equipment and promote Provincial, national and international linkages with respect to knowledge sharing, collaborative research, personal exchange and cost sharing;
- (v) encourage, support and facilitate training programs, conferences, workshop and symposia at Provincial, national and international levels in public and private sector;
- (w) guide the institutions in designing curricula of arts, humanities, sciences, engineering, technology and emerging disciplines, and to guide and establish minimum standards for good governance and management of the institutions;
- (x) advise the Institutions on its statutes, regulations and rules;
- (y) establish an endowment fund for higher education with contributions from government as well as non-governmental resources;
- (z) collect information and statistics on higher education and institutions as it may deem fit and may cause its publication;
- (aa) provide guidelines to ensure maintenance of high standards of higher education; and

(bb) perform such other functions consistent with the provisions of this Act as may be prescribed or as may be incidental or consequential to the discharging of the aforesaid functions.

(2) The Commission shall perform all its functions efficiently and diligently.

11. (1) The Commission shall appoint a Secretary in the manner prescribed who shall, unless earlier removed on any of the grounds specified in sub-section (6) of section 6, hold office for four years and shall be responsible for the various activities of the commission. **Secretariat of Commission.**

(2) The Secretary shall be the head of the Secretariat, which shall be responsible for performance of the functions and implementation of all the orders, decisions, directives and policy of the Commission.

12. (1) The Commission may, from time to time, appoint such officers, servants, consultants and advisers as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed by the Government. **Recruitment of officers, etc.**

(2) The Commission shall make rules for recruitment of its employees

13. (1) The Commission may set up as many committees as may be required to effectively perform its functions. **Committees.**

(2) The Composition and functions of a committee shall be such as the Commission may determine.

CHAPTER-III ACCOUNTS AND AUDIT

14. (1) The Commission shall have an account to which shall be credited all grants and contributions made by Federal Government or Government or by any person or authority and out of which shall be disbursed the grants and other expenditure to be made and incurred by the Commission. **Account and reports of the Commission.**

(2) Till the next National Finance Commission Award, the Federal Government through Government, shall provide funds to the Commission for meeting all expenses required for discharging its functions and for the public sector institutions and shall, subject to availability of funds, provide annual grants regularly.

(3) The accounts of the Commission shall be—

(a) maintained in such form and manner as the Government may, in consultation with the Finance Department, determine; and

(b) audited by Accountant General of Sindh.

(4) The Commission shall, after the end of every financial year, submit to the Controlling Authority the audited annual statement of accounts of the Commission, together with the report of the Accountant General of Sindh.

(5) The Commission shall also submit to the Controlling Authority after the end of every year a report on the state of higher education and on its activities during that year.

**CHAPTER-IV
MISCELLANEOUS**

Authentication of decision, etc.

15. All decisions of the Commission shall be authenticated by the signature of the Chairperson or of any other member authorized by it in this behalf and all other orders or instruments issued or executed by or on behalf of the Commission shall be authenticated by the signature of an officer of the Commission authorized by it.

Representation of Commission

16. Any law or other instrument providing for the establishment or incorporation of a Institution shall have effect as if it provided for the governing body of the Institution consisting of a nominee of the Commission in addition to the members of the governing body.

Validity of proceedings

17. No act, proceedings, decision or order of the Commission shall be invalid by reason only of the existence of vacancy in, or defect in the constitution of, the Commission.

Delegation of functions

18. The Commission may, by general or special order and subject to such conditions as it may deem fit to impose, delegate to Chairperson, Secretary of the Commission or any of its member any of its functions under this Act.

Chairperson, members and officers, act., to be public servants

19. The Chairperson, members, officers, servants, consultants and advisers shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

Act to override other laws.

20. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.

Power to make rules.

21. The Commission may, with the prior approval of the Controlling Authority, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Repeal.

22. The provisions of the Higher Education Commission Ordinance, 2002, to the extent of its application to the Province of Sindh, are hereby repealed.

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**