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THE PUNJAB HIGHER EDUCATION COMMISSION ACT, 2014

(I of 2015)

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TEXT

¹THE PUNJAB HIGHER EDUCATION COMMISSION ACT, 2014 (I of 2015)

[2nd January, 2015]

An Act

to provide for the establishment of Punjab 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 Punjab Higher Education Commission and for ancillary matters;

It is enacted as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Higher Education Commission Act, 2014.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act:

(a) “Accreditation Committee” means the Accreditation Committee constituted under the Act;

(b) “Chairperson” means the Chairperson of the Commission;

(c) “Chief Operating Officer” means the Chief Operating Officer of the Commission[;]²

(d) “Commission” means the Punjab Higher Education Commission;

(e) “committee” means a committee constituted by the Commission under Section 13;

(f) “Controlling Authority” means the Controlling Authority of the Commission specified in Section 3;

(g) “governing body” means the Senate, Syndicate, Board of Governors or any other governing body, by whichever name called, of a university or institution;

(h) “Government” means Government of the Punjab;

¹This Act was passed by the Punjab Assembly on 29 December 2014; assented to by the Governor of the Punjab on 2 January 2015; and published in the Punjab Gazette (Extraordinary), dated 2.1.2015, pages 2015-2120.

²Misprinted in the Gazette as “inverted comma”.

- (i) “higher education” means post 12th grade education including bachelor’s or higher degree programmes, graduate and postgraduate certificates, diplomas, and research and development activities in any area of knowledge;
- (j) “Higher Education Commission” means the Higher Education Commission set up under the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (k) “institution” means any entity offering certificate, diploma or degree in higher education including colleges, university or any other degree awarding institute imparting higher education, established or incorporated under any law of the Punjab;
- (l) “member” means a member of the Commission;
- (m) “prescribed” means prescribed by statutes or regulations made under the Act;
- (n) “regulations” mean the regulations made under the Act; and
- (o) “statutes” means the statutes made under the Act.

CHAPTER II CONTROLLING AUTHORITY AND COMMISSION

3. Controlling Authority.— (1) The Chief Minister Punjab shall be the Controlling Authority of the Commission.

(2) The Controlling Authority shall supervise the affairs of the Commission.

4. Establishment of the Commission.— (1) The Government shall, by notification in the official Gazette, establish a Commission to be called Punjab Higher Education 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 and shall, by the said name, may sue or be sued.

(3) The headquarters of the Commission shall be at Lahore and it may set up its sub-offices at such place or places as it may deem fit.

5. Appointment of Chairperson.— (1) The Controlling Authority shall appoint a person of eminence and proven ability, having at least a Ph.D degree or equivalent with significant contribution to higher education as teacher, researcher or administrator, as Chairperson on such terms and conditions as it may determine.

(2) The Chairperson shall:

- (a) be appointed for a term of four years; and
- (b) not be eligible for re-appointment for more than two terms.

(3) The Chairperson shall be the chief executive officer of the Commission and shall be responsible for all administrative, financial and academic functions of the Commission.

6. Composition of the Commission.— (1) The Commission shall consist of the following:

- (a) Chairperson;
- (b) Secretary to the Government, Higher Education Department;
- (c) Secretary to the Government, Health Department;
- (d) Secretary to the Government, Agriculture Department;
- (e) Secretary to the Government, Finance Department;
- (f) a nominee of Higher Education Commission not below the rank of a whole time member of the Higher Education Commission;
- (g) Chairperson, Accreditation Committee;
- (h) one member of the Provincial Assembly of the Punjab with excellent academic background and understanding of the higher education sector to be nominated by the Speaker of the Assembly;
- (i) three Vice Chancellors of the universities including one from a professional university and one from a private sector university to be nominated by the Governor of the Punjab;
- (j) four eminent academicians, including at least one woman and principal of a degree college to be nominated by the Controlling Authority; and
- (k) two members representing industry and civil society to be nominated by the Controlling Authority.

(2) The Chief Operating Officer shall be the ex-officio Secretary to the Commission.

(3) The term of a member other than an ex-officio member shall be four years and such a member shall not be eligible for re-appointment for more than two terms.

(4) The Chairperson or a member may not be removed from office before the expiry of the term except on proven charges of corruption, inefficiency, permanent disability or failure to attend three consecutive meetings without intimation in advance.

7. Honorarium of the members.— The members shall be entitled to such honorarium and allowances as may be prescribed.

8. Resignation and vacancies.— (1) The Chairperson or a member other than an ex officio 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 owing to death, removal or resignation shall be filled in accordance with the provisions of this Act.

(3) If the office of the Chairperson is vacant due to any cause, the Controlling Authority may nominate any member of the Commission as Chairperson for a maximum period of three months during which period the Controlling Authority shall appoint a Chairperson.

9. Meeting of the Commission.– (1) A meeting of the Commission shall be held at least four times in a financial year on such day, at such time and place as the Chairperson may determine.

(2) Six or more members may requisition a meeting of the Commission and, in such an eventuality, the Chairperson or Secretary shall summon the meeting of the Commission to be held within ten days from the date of requisition.

(3) The quorum for a meeting of the Commission shall be one half of the total number of members, a fraction counted as one.

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

(5) 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 the member presiding the meeting shall have an additional vote.

10. Powers and functions of the Commission.– For purposes of promotion of higher education, research and development and for bringing provincial higher education institutions at par with national and international standards, the Commission may:

- (a) coordinate with Higher Education Commission in a result oriented manner;
- (b) formulate guidelines and recommend policies in line with national standards prepared by the Higher Education Commission under which public and private institutions may be opened and operated in the Province;
- (c) prescribe guidelines and conditions under which institutions, other than universities and degree awarding institutions, may offer qualifications in the higher education sector;
- (d) cause monitoring and evaluation of the performance of the institutions and carry out accreditation of institutions including their sub-campus, out posts, faculties, departments and disciplines through Accreditation Committee;
- (e) provide guidelines to ensure good governance and management of institutions to maintain high standards of higher education in the Punjab;
- (f) assist and advise the Government in quality enhancement and quality assurance of colleges;
- (g) cause third party performance audit of higher education institutions and furnish a copy of the results to the concerned body for corrective measures and follow up;
- (h) cause ranking of the higher education institutions of the Punjab;
- (i) submit to the Government precise grant in aid requirements of the institutions;
- (j) allocate funds to public sector institutions out of bulk financial provision

received from the Government and other sources for such purpose on performance and need basis;

- (k) advise Institutions in raising funds from sources other than the Government;
- (l) support in creating of linkages between institutions and industry as well as national and international organizations that support research and development in the higher education;
- (m) facilitate the introduction of educational and training programs that meet the needs of the market and promote the study in every field of national and international importance in the institutions;
- (n) ensure imparting marketable education and skills in the institutions and promote self-employment through entrepreneurship and small and medium enterprises;
- (o) advise institutions to ensure a proper balance between teaching and research;
- (p) undertake various faculty development programs for improving the quality of teaching and research in the institutions;
- (q) develop guidelines and facilitate the implementation of a system of quality assurance of institutions, based on the standards developed by the Higher Education Commission;
- (r) encourage, support and facilitate training programs, workshops and symposia at provincial and regional levels in public and private sector institutions;
- (s) prepare, in consultation with the institutions, plans for the development of higher education;
- (t) promote formal links between institutions to make the most effective use of expertise and specialized equipment and promote provincial, national and international linkages with respect to knowledge sharing, collaborative research, personnel exchange and cost sharing;
- (u) take measures, including allocation of funds, for award of fellowships, scholarships, travel and research grants;
- (v) establish endowment funds for higher education with contributions from the Government as well as non-governmental national and international sources;
- (w) collect such information and statistics on higher education and institutions as it may deem fit;
- (x) set up various committees consisting of provincial, national and international experts to advise the Commission on its affairs;
- (y) advise the institutions on framing of subordinate legislation; and
- (z) perform such other functions as may be prescribed or as may be incidental to the discharging of the above functions or as may be assigned to it by the Government.

11. Secretariat of Commission.– (1) The Government shall appoint a Chief Operating Officer, who shall, unless earlier removed on any grounds specified in sub-section (4) of Section 6, hold office for a term of four years on such terms and conditions as the Government may deem appropriate.

(2) The Chief Operating Officer shall be the head of the Secretariat and provide secretariat support to the Commission and the Chairperson for various activities of the Commission.

(3) The Secretariat shall act as the executive wing of the Commission and be responsible for implementation of all the orders, decisions, directives and policy of the Commission.

12. Accreditation Committee.– (1) The Government shall constitute an Accreditation Committee including three members of the Commission as members of the Committee.

(2) The Accreditation Committee shall make recommendations to the Commission in respect of the following matters:

- (a) grant of charter for the establishment of institutions in the private sector;
- (b) addition of new faculties by the private sector institutions;
- (c) opening of sub-campus by the private sector institutions;
- (d) grant of affiliation by the private sector institutions;
- (e) monitoring, inspection and visitation into affairs of the institutions; and
- (f) any other matter assigned to the Accreditation Committee by the Commission.

(3) The Commission shall, within thirty days from the receipt of recommendations of the Accreditation Committee, forward the recommendations to the Government alongwith its views, if any.

(4) The Government shall, by notification, determine composition, procedure, rules of business and other ancillary matters of the Accreditation Committee.

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

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

14. Recruitment of officers.– The Commission may, from time to time, appoint or acquire services of such officers, staff, consultants and advisers as it may consider necessary for the efficient performance of its functions on such terms and conditions as may be prescribed.

15. Statutes.– The Commission may, by notification in the official Gazette, make statutes for recruitment and other conditions of service of its officers and employees.

16. Tripartite mobility.— (1) The Government may, in public interest and on the recommendation of the Commission, place the services of any officer or employee of the:

- (a) Commission at the disposal of any organization or institution; or
- (b) Government or any other institution at the disposal of the Commission.

(2) The terms and conditions of service of officer or employee under this Section shall not be less favourable than those enjoyed by him immediately before his services are placed at the disposal of the Commission, organization or institution, and full benefit of his previous service shall continue to remain in force.

CHAPTER III ACCOUNTS AND AUDIT

17. Account and reports of the Commission.— (1) The Commission shall have a fund to which shall be credited all grants and contributions made by the Government or any national or international organization 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.

- (2) The accounts of the Commission shall be:
 - (a) maintained in such form and manner as may be determined by the Government; and
 - (b) audited by Auditor General of Pakistan.

(3) 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 Auditor General of Pakistan.

(4) The Commission shall, within one month after the end of every year, submit an annual report to the Controlling Authority on the state of higher education in the Punjab and performance of the Commission during that year.

CHAPTER IV MISCELLANEOUS

18. Authentication of decision.— 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.

19. Representation of Commission.— Any law providing for the establishment or incorporation of an institution shall have effect as if it provided for the governing body of the institution consisting of a nominee, not below the rank of a whole time member, of the Commission in addition to the members of the governing body.

20. Delegation of functions.— (1) Subject to sub-section (2), the Commission may, by general or special order and subject to such conditions as it may deem fit to impose, delegate any of its functions to the Chairperson, the Chief Operating Officer or any of its member under this Act.

- (2) The Commission shall not delegate the following functions:
 - (a) making of statutes or regulations;
 - (b) approval of annual and supplementary budget of the Commission;
 - (c) submission of report to the Controlling Authority; and
 - (d) setting up and variation in the composition of a committee.

21. Public servants.— The Chairperson, members, officers, employees, consultants and advisers of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

22. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law.

23. Regulations.— Subject to this Act and the statutes, the Commission may, by notification in the official Gazette, make regulations to give effect to the provisions of the Act.

24. Indemnity.— No suit or legal proceeding shall lie against the Government, the Commission or any authority, officer or employee of the Government or the Commission in respect of anything done in good faith or purporting to have been, or intended to be done under this Act.

25. Transitory provisions.— The Controlling Authority may, on the recommendation of the Chairperson, constitute a committee for a period not exceeding six months to perform the function of the Commission till such time the Commission is constituted under this Act.

26. Removal of difficulties.— If any difficulty arises as to give effect to the provisions of this Act, the Controlling Authority may, on the recommendation of the Chairperson, pass such orders as may be necessary to remove such difficulty.

27. Repeal.— The Punjab Higher Education Commission Ordinance, 2014 (XV of 2014) is hereby repealed.