

Factors Obstructing Devolution Of Higher Education In Khyber Pakhtunkhwa: An Exploratory Study

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Abstract

Decentralization has been an emerging phenomenon for the improvement of performance, resource mobilization, and transparency of the system. The process of decentralization for education started in Pakistan in 2001. Elementary and Secondary (E & SE) education was decentralized to district governments under the devolution of the power plan in Pakistan under the 17th Constitutional Amendment in 2001. Similarly, Higher Education was decentralized to provinces under the 18th Constitutional Amendment in 2010 in Pakistan. The current research was designed to study the factors obstructing devolution of Higher Education in Khyber Pakhtunkhwa from decentralization perspective. Data were collected through In-depth interviews from 17 participants including university faculty, Vice Chancellors, HED officials and HEC officials. Study sample was selected through purposive sampling technique. Thematic analysis technique was used for data analysis. Broun and Clarke (2006) model were applied. The findings shows that the centralist mindset is reluctant to implement the 18th Constitutional Amendment in true spirit. They resist decentralization drive. On the other hand, he current provincial government in Khyber Pakhtunkhwa also opposes the execution of the 18th Amendment, although the first phase is completed in the previous government. The second and third phases are in abeyance. Khyber Pakhtunkhwa has the potentials and train human resources to deal with Higher Education. It is also revealed that the main hurdle is the lack of political will and interest of current provincial and federal governments. The government of Khyber Pakhtunkhwa has the potential to deal with the transition of the 18th amendment. However, there are differences in political ideologies which halt the transition of the 18th Constitutional Amendment. Similarly, the current political setup in Khyber Pakhtunkhwa believes in a strong center/federation.

Keywords: Centralism, Decentralization, Universities, provincial autonomy, HED, HEC

1. Introduction

The Islamic republic of Pakistan's parliament unanimously passed the 18th Constitutional Amendment on April 20, 2010. This constitutional amendment restored the original spirit of 1973

Constitution. The amendment guaranteed the federal parliamentary democracy. The amendment replaced the centralist mindset with decentralized mindset. The concurrent list was abolished and federal legislative list II constituted. The 18th Amendment decentralized 17th departments to provinces including Higher Education. So, this historic landmark ensured the process provincial autonomy and devolution of powers (Shah, 2012). The Islamic Republic of Pakistan introduced devolution of powers, after the enactment of 18th constitutional amendment in the constitution of 1973. The post 18th Constitutional Amendment script elucidates to sit the provinces together was supplanted with the invoice of sit with the provinces together. The right of education and providing right to the common masses was accepted. This historic step empowered the provinces to have their say in the planning and governance of education (Ahmed,2015).

The constitution of 1973 was amicably altered by the parliament. So, out of 270 articles in the constitution of 1973 of Islamic Republic of Pakistan, some 97 Articles were altered. The constitutional amendment empowered the provincial units are to frame and enforce their educational polices, curriculum according to their cultural and historical heritage of the country. This constitutional amendment will lead Pakistan more politically functional, economically independent, and socially coherent. The concurrent list contained Educational i.e., Higher Education Planning, Governance, and curriculum accordingly. Education was hundred percent devolved to the provinces. So, the centralized policies of the center were no more endorsed to exploit the provinces (I-SAPS, 2012). The third constitution of the Islamic Republic of Pakistan was enforced on 14 August 1973. The constitution provided two lists namely the Federal legislative list and the concurrent list. Education was included in the concurrent list. So, the federal government was empowered to play a dominant role in the field of education i.e., policy, planning, curriculum, and syllabus. The Curriculum wing was established in 1976. However, the government of the Pakistan People Party (PPP) along with the coalition passed a historic 18th constitutional amendment from the parliament. Thus, the concurrent list was devolved to the provinces. So, education was also conferred to the provinces including Higher Education (Rizwan, Arshad & Waqar, 2014). The constitution of Pakistan says in the light of the 18th Amendment education is a provincial subject. the provincial government of Khyber Pakhtunkhwa ended the Educational Department of Federal Ministry in 2011. Similarly, each province has its ministry of education. Now each province has two ministries i.e., Elementary & Secondary (E & SE) and the Ministry of Higher Education (Ministry of Education; Khan, 2019).

The 18th Amendment empowered Provinces to bring devolved Federal Ministries into Provincial domain. However, the pro center mindset resist decentralization due loss of control over fiscal, physical and human resources. The issue of provincial capacity building was also raised. The decentralization was halted.

The 18th Amendment introduced Article 25 A, which made education free and compulsory for all children between the ages of 5- 16. The Provincial Governments of Sindh and Punjab enacted necessary legislation. Whereas, the provinces like Khyber Pakhtunkhwa and Baluchistan resist due central tendencies. The abolition of Concurrent List empowered provinces to legislate and have a

say in Curriculum, Syllabus, Policy, Centre of Excellence Standard of Education and Islamic Education (Rana, 2020).

After the passage of 18th Amendment Sindh and Punjab decentralized Higher Education and established own PHEC in 2013 and 2015 respectively. However, there were certain obstacles in implementation (Haroon,2021). Khyber Pakhtunkhwa is yet to take significant steps for devolution of higher education and establishment of Provincial higher education commission. Against this backdrop the current study is designed to explore factors obstructing devolution of higher education in Khyber Pakhtunkhwa.

2. Literature review

The former prime minister Zulfikar Ali Bhutto presented the university Act 1972 in Majlis-I-Shora. According to the Act 1972 universities were given huge autonomy. So, the universities were autonomous and independent to run their daily business in the light of prescribed rules under the universities Act 1972. Similarly, the introduction of the 18th constitutional amendment in the parliament is also the achievement of the Pakistan People Party (PPP). The current leadership of the Pakistan People Party (PPP) followed their predecessors and presented a bill in the provincial assembly of Sindh. The bill is known as the Sindh Universities Amendment Act 2013. The Act 2013 regarding the universities was passed per devolution and decentralization. So, the Act 2013 reveals that in the name of devolution and decentralization provincial centralization was implemented (Khan,2015).

The universities Act 1972 states the autonomy of the universities. While the provincial act 2013 elucidates the control and uniformity for universities. Similarly, several punctuation marks, propositions, and phrases have been added to the recommendation of the provincial government. By introducing these alterations, the provincial government ensures its influence on the autonomy of universities. For instance, the chancellor will exercise power on the approval of the provincial government (The Sindh University Laws Act, 2013). So, the provincial government will frame a policy for administration and admission. To provide equal opportunities to the different parts of the provinces. The policy of admission for the constituent colleges will be review by the provincial government from time to time as per need. Similarly, the seats of admission were increased by the chief minister for the constituent colleges. Previously this was the function of the universities under the universities Act 1972 (The University of Karachi Act, 1972).

The Sindh Universities Amendment Act 2013 elucidates that the final decision will be in the control of the provincial government. Thus, Act 2013 is a heavy centralization of power. After the passage of Act 2013, the universities stood to unite against the provincial government. They demanded the withdrawal of Act 2013. After the 18th Constitutional Amendment, the jurisdiction of the center, provinces, and stakeholders of Higher Education is clear. So, the federal ministry will continue its function in federal territory. Thus, the rules and regulation of central Higher Education Commission will be applicable on those universities which come under the federal

territory. However, there is still a tug of war between the center, provinces, and Higher Education Commission on administration, legislation, and institution of Higher Education. Similarly, the establishment of the National Curriculum Council (NCC) is another issue raised by the federal ministry of education. This issue points out by the government of Khyber Pakhtunkhwa. Thus, the government of Punjab extends its full support to the Khyber Pakhtunkhwa government. So, this issue was also referred to the Council of Common Interest (CCI) as well. Similarly, the provincial government should formulate an Act regarding the universities, keeping in view their autonomy and freedom (Sindh University Act 2013).

2.1 TRANSITION OF HIGHER EDUCATION

The Higher Education sector is the most significant part of the government of Pakistan. So, Higher Education plays a determining role in the achievement of government goals such as socio-economic development and technological advancement of the county. So, the government of Pakistan made several attempts through their National Educational Policies (NEP) and National Five Years Plans (NFYP) to introduce the process of reforms in the governance of the sector of Higher Education and Higher Education Institution (HEI). So, the process of development and implementation begun in the university Education (UE) by establishing the University Grant Commission (UGC) in 1974(The Government of Pakistan, 1972 & Zubair et al., 2019).

Thus, University Grant Commission (UGC) was replaced by the Higher Education Commission (HEC) in 2002 through the presidential Ordinance. The prime aim behind the establishment of (HEC) was to introduce innovation in Higher Education (HE). The establishment of (HEC) was the practical implementation of the National Education Policy 1998-2010. Similarly, the federal government of Pakistan introduced the tenth National Education Policy 2009. This policy aimed to introduce an equal education system in the country. However, the federal government of the Islamic Republic of Pakistan introduced the 18th constitutional amendment in the Majlis-e-Shura. Thus, the 18th constitutional amendment hand over 17th federal ministries to the provinces. Like the other ministries, the ministry of education including Higher Education also devolved to the provinces. So, the 18th constitutional amendment empowered each province to establish its own provincial Higher Education (PHEC). Thus, Sindh and Punjab established their own provincial Higher Education in 2013 and 2015 respectively (Zubair, Jabeen & Salman,2019).

2.2 APPRAISAL OF 18th AMENDMENT AND DEVOLUTION OF HIGHER EDUCATION

18th Constitutional Amendment was a great attempt towards the restoration of parliamentary democracy. So, the 18th Amendment ensures practical decentralization and provincial autonomy. Thus, the provinces were empowered to legislate 47 items. Similarly, through the 18th amendment seventeen federal departments to provinces in three phases. The department of education was also shifted in the second phase. It is noteworthy that in past Pakistan People Party (PPP) and Pakistan

Muslim League Nawaz Group (PMLN) were strong rivals. However, in the passage of the 18th amendment both showed willingness (Arshad, Chawla & Zia,2018).

The leaders of both political parties signed the Charter of Democracy in London in 2005. Later, Mian Nawaz Sharif also signed Muree Accord and was determined to work for the restoration of parliamentary democracy. So, these agreements wield both parties and results were in the shape of parliament democracy. So, the chairman of the senate Mian Raza Rabbani was appointed as chairman of the constitutional committee. While senator Farhat Ullah Baber from (PPP), Dr. Ihsan Iqbal (PMLN), Ishaq Dar (PMLN), professor Khursheed from Jumat-e-Islami (JI), Afrasiab Khattak, Haji Adeel from Awami National Party (ANP), and Aftab Ahmad Khan Sherpao from Sherpao Group (Arshad, Chawla & Zia,2018).

Similarly, the constitution of 1973 was passed and enacted during the rule of prime minister Zulfiqar Ali Bhutto in 1973. Thus, the historic 18th Amendment was also presented during the rule of (PPP) in 2010. The establishment of (UGC) in 1974 was the contribution of (PPP). The same party also passed the university Act 1972. Which elucidate regarding the conduct of university daily and routine business. Similarly, the Sindh government was the pioneer of the Provincial Higher Education Commission (PHEC) in 2013 and the University Act 2013 as well (Khan,2015).

When the parliament passed the 18th constitutional amendment sweeping majority, various political parties and their leaders showed tremendous satisfaction. Thus, the 18th amendment abrogated undemocratic addition and deletion from the constitution of 1973. The political leaders of various political parties respond to the 18th Amendment in their own words. Prime minister Yousaf Raza Gilani offered special thanks to President Asif Ali Zardari (PPP) and Ex-Prime Minister Mian Nawaz Sharif. The sitting Prime Minister also added, “Zulfiqar Ali Bhutto’s constitution has finally been restored to its original form once again”. The opposition leader Chaudry Nisar from (PMLN) said “it is a win, win situation for Pakistan” (Tribune, 2011).

2.3 PHASES OF DEVOLUTION AND HIGHER EDUCATION

The 18th amendment was devolved into three phases. So, during the process of devolution seventeen central departments were hand over to the provincial units. Thus, phase one of devolution contains the following departments.

- Local Government and Rural Development.
- Population Welfare.
- Zakat and Usher.
- Youth Affairs.
- Special Initiatives.

Phase two includes the following Departments:

- Higher Education.
- Livestock and Dairy Development.
- Social Welfare and Special Education.
- Tourism.
- Culture.

Phase three includes the following Departments:

- Labor and Manpower.
- Women Development.
- Environment.
- Sports.
- Minority Affairs.
- Food and Agriculture.
- Health.

Thus, seventeen departments were handed over by the federal government to the federating units. However, the department of Higher Education was kept in phase two. So, education especially higher education is now a provincial subject. The provinces were empowered to legislate for education. Similarly, now it is the responsibility of provinces to deal with the administration and finance of higher education in the context of provincial rules and regulations (Ahmad, 2011; Arshad, Chawla & Zia,2018).

3. Research Methodology

This study carried out with interpretivist approach. Qualitative research design was employed for study at hand. The qualitative research described the experiences of many individuals regarding issue under consideration (Creswell & Clark, 2017). The qualitative study composed on steps linking research subjects and applied for collection of data and analysis (Phillip & Burbles, 2000). The primary aim is to explain the experiences of the individuals via qualitative investigation. Its focus on respondents' descriptions with respect to factors obstructing decentralization of higher education. In this study research tool was an in-depth one to one interview.

3.1 Participants

According to Creswell (2016) states that 5-25 research participants for the interviews is a suitable sample size. According to the study 17th participants were made part of the study. The participants included 04 Vice Chancellors working and retired, 04 officials from Higher Education Commission, 04 University teaching Faculty, 03 Politicians and 02 officials from Higher Education Commission. The participants possessed maximum experience in their relevant fields.

The identity of the participants was made confidential during the study. This study attempted to get the viewpoint of the participants accurately. So, it was necessary to choose devoted participants who have enough time for in-depth experiences and information (Creswell, 2017).

3.2 Data Collection Procedure

The data collection was carried various phases. The interview was conducted with the participants in their respective offices. To maintain the accuracy of information the interviews were audiotaped, and handwritten notes were taken side by side. During the process of interview probing questions and follow-up questions were asked to get more data relevantly (Creswell & Clark 2017). The researcher gathered data and transcribed personally. The data collection was accomplished in four months.

4. Analysis and Discussion

Generating data from the field of research was intensive labor and time-consuming in terms of producing reports regarding the researched. Similarly, transcription of data was carried out from field interviews. So, the researcher tried to produce the most accurate and reliable data. Thus, the collected data was analyzed with the help of thematic analysis. Hence, thematic analysis is the most common method of analysis in the qualitative method of analysis. The collected data was analyzed with the help of thematic analysis. It emphasizes pinpointing, examining, and recording patterns (or "themes") within data (Braun, & Clarke, 2006). The Thematic analysis draws the implicit and explicit ideas related to the data. It identifies pattern answers to a research question. So, it is a method which identifying, analyzing, and reporting pattern within data. The Thematic analysis comprised of six steps such as, step 1: deal with familiarization with data i.e., reading and rereading the transcripts. Step 2: Generate initial codes, during this step data is organized systematically. Step 3: Search for themes, the codes are organized in broader themes. The data is explained relevantly. Step 4: Review themes, at this stage identified themes, are altered. Relevant data according to themes is gathered. Step 5: Define themes, during this phase themes and subthemes are related to the main theme. Step 6: Writing-up, this is the reporting stage of thematic analysis (Braun & Clarke, 2006). Similarly, every transcript was read several times and recorded with main concepts and themes (Moustakas, 1994).

4.1 Findings and Discussion

4.1.1 Centralist VS Decentralist Mindset

Respondents believed that the main reason of non-devolution is difference of political ideology. Some political parties favor strong federation while some idealize strong provinces. Pakistan people's party and Awami National Party who passed 18th Amendment advocates for strong provinces. However, these political parties could not complete transition process.

The supporter of a strong center and centralist mindset resist the devolution of Higher Education. They come to an agreement that decentralization is harmful to the unity of the federation. While the supporter of decentralization believes that strong federating units will unite federation. After the 18th constitutional amendment provinces showed varied responses to the establishment of PHEC. Sindh and Punjab established their own PHEC. While Khyber Pakhtunkhwa and Baluchistan remain passive about the establishment of PHEC In general election, 2013 Pakistan Tehrik Insaf (PTI) came into power in Khyber Pakhtunkhwa. Ideologically speaking, PTI favors strong Federation. Pro-federal and centralist mindsets are reluctant to implement the 18th constitutional amendment. They resist decentralization drive. No one is willing to share his authority with others. The same is the case between center and provinces.

“” No one is willing to share his authority with others. The same is the case between center and provinces”

(Respondent A)

The current provincial government in Khyber Pakhtunkhwa also opposed the execution of the 18th amendment. Likewise, the studies I-SAP (2012), stated that Pakistan remained a centralist state throughout history. The centralist mindset dominated the decision-making for a long period, which negatively affected the process of institution building. Similarly, Nizamuddin (2015) also concluded that pro centralist obstructs the transition process and hence higher education is not devolved to provinces. Some of the respondents said that decentralization was in three phases. So, Higher Education was in phase two. My findings are in line with the findings of Nizamuddin (2015), who highlighted that after the decentralization, there is still a federal ministry of Higher Education exercising powers of provinces. Consequently, universities face issues concerning their performance

4.1.2 Phase wise of Devolution

The 18th Amendment devolved 17th departments to the provinces. Similarly, the said departments were to be devolved in three phases. Whereas higher education was kept in phase two (Arshad, Chawla & Zia, 2018). Due to the phases wise process, the implementation of the 18th Constitutional Amendment was prolonged. The current provincial government in Khyber Pakhtunkhwa also opposed the execution of the 18th Amendment.

Most of the responded believed that phase wise devolution has negatively affected transition process. It would have been better if higher education was decentralized in phase two. They argued that decentralization was supposed to deliver in three phases. So, Higher Education was in phase two. My findings are in line with the findings of Nizamuddin (2015), who highlighted that even after the amendment a ministry of higher education is exercising the powers of the provinces. Arshad, Chawla & Zia (2018), elucidated that in the 18th Amendment 17 departments were evolved to provinces. Similarly, the said departments will be devolved in third phases. Whereas education

was kept in phase two. Due to phases, the implementation of the 18th Constitutional Amendment process was prolonged, unnecessarily.

4.1.3 Tug of War between Higher Education Commission and Provinces

The 18th amendment was a great step towards decentralization of Higher Education. The autonomy of provinces was guaranteed, however, there is confusion between the central Higher Education Commission and the province of Khyber Pakhtunkhwa on the devolution of Higher Education.

The respondents expressed that Higher Education is not decentralized to provinces like Khyber Pakhtunkhwa and Baluchistan. They are still receiving funds from (HEC). Universities follow (HEC) guidelines and policies. Provinces Like Punjab and Sindh took bold initiatives and established their provincial higher education commissions. The respondents shared that Dr. Atta-Ur- Rahman Ex- chairman of HEC, and Marvi Memen (A political leader of PTI), challenged the establishment of the Sindh provincial Higher Education Commission on the ground that it will affect the autonomy of universities. Similarly, the devolution of Higher Education to the provinces, resulted in fear, regarding the autonomy of universities. Education is a provincial subject and provincial laws, and regulations are used for resolving the issues. While the coexistence of central HEC and Provincial HEC is impossible. The academia worried that it will lead to provincial political interference and bureaucratic involvement in the affairs of universities.

My findings are line with (Jahangir ,2018: Khan ,2015: Noor, 2016) who reported that after 18th amendment there is a tug of war and matter is not handled amicably.

4.1.4 Financial Reasons

Financial reasons were another reason cited for devolution. Majority of respondents felt that Khyber province is not financially good. They cannot shoulder funding and burden of higher education.

“Where is the money to support higher education” (Respondent B)

The universities confronted problems due to financial reasons. Universities are facing financial crisis. Some universities are unable to pay salaries and pensions. The share of the provinces increased from 40% to 57% after 18th amendment, however it is yet to be materialized. Due the financial constrain the provinces are unable to deal the devolution of Higher Education in the provinces like Khyber Pakhtunkhwa. The central Higher Education Commission has the financial resources,

4.1.5 Lack of training and Capacity building

Some respondents opined certain department were devolved to provinces without any training. They were of the view that the province should have been trained to deal with these departments. So, lack of training and capacity building created so many problems. It was the responsibility of all political parties to take initiative for the capacity-building training of bureaucrats concerning

the implementation of the 18th Amendment. Those who brought the 18th Amendment were planning to work on the capacity building of officials. Some said it was not the issue of the capacity building but the matter of taking away the spirit, and pre 18th Amendment spirit was needed to be followed by all. So, the succeeding government after the 18th Amendment did not follow the spirit of the 18th Amendment. Thus, change in government affected the devolution of Higher Education.

4.1.6 Lack of political will of Current Khyber Pakhtunkhwa government

Respondents believed that the present government in Khyber Pakhtunkhwa is not willing in the establishment of Provincial Higher Education Commission (PHEC). Khyber Pakhtunkhwa has the prospective, but the government lacks the political will. If there is a lack of skillful expertise, they can be easily hired from other provinces and abroad. Our province has the potential and resources in terms of academia, intelligentsia, and professionals to cope with the establishment of (PHEC). They can carry responsibilities of academic business. So, the limitations lie on the government part. They are also less interested in completing devolution agenda of another political parties.

My findings are in conformity with Hussain and Kokab (2012), who quantified that the potential, capacity, financial resources of the provinces were discussed in detail by the functional committee of the Senate. The functional committee expressed satisfaction over the potential, capacity, and financial resources of provinces. Similarly, Siddiqui (2010), also reported that the concept of trust deficit on the capacity and potential of provinces should be avoided. The provinces will cope with it successfully. Thus, Sindh in 2013 and Punjab in 2015 established provincial Higher Education despite the federal government and centralist mindset. Similarly, Khyber Pakhtunkhwa has the potential and capacity to establish PHEC.

5. Conclusions and recommendation

After the 18th Constitutional Amendment, education was decentralized, and provinces were empowered to establish their provincial higher education commission. However, the process did not go smoothly, and federal and provincial governments confronted each other on authority. Provinces like Punjab and Sindh showed political will and implemented the 18th Amendment in true spirit. They established provincial HECs of their own. The case of Khyber Pakhtunkhwa is different, they have not made any concrete steps for the establishment of PHEC. Difference is political ideologies, financial reasons, lack of political will and lack of consistencies in government has halted devolution of higher education. It signifies that the devolution of higher education in true letter and spirit is still a dream to come true.

Khyber Pakhtunkhwa government may keep political differences aside. They should frame necessary legislation and do financial/ administrative arrangements for establishment of provincial HEC.

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Annexure-A: Interview Guide/Schedule

To study the reasons of prolonged transitional duration of implementation process.

Why transitional duration of the implementation process is so long?

- a. Why the period of transition of implementation process of 18th constitution so long?
- b. Why provinces are incapable to take the responsibilities of Higher Education?
- c. What is the potential of Khyber Pakhtunkhwa government as for as the transition is concerned?
- d. Is any political will/issue responsible behind the establishment of provincial Higher Education Commission?
- e. Do you think some hidden factors are behind to sabotage the 18th constitutional amendment?