

## **Theory and Practice of Federalism after 18<sup>th</sup> Amendment: A Case Study of Education Sector Governance in KP**

**Noreen Parvez**

*Department of Political Science, University of Peshawar*

**Prof. Dr. Abdul Rauf**

*Department of Political Science, University of Peshawar*

**Dr. Jalal Faiz**

*Associate Professor/ Pro-Vice Chancellor, Lasbela University of Agriculture,  
Water and Marine Sciences, Uthal, Baluchistan, Pakistan*

### **Abstract**

*One of the common reservation against the 18<sup>th</sup> amendment, when it was in the offing, was the problem of capacity of the provinces particularly the small provinces to handle the concurrent subjects supposed to be transferred to the federating unites. The parliament finally trusted the provinces in April 2010 and stepped forward for strong federation. The issue of capability, policy formulation and administration, service distribution and human fitness in education sector is addressed in this paper. It is evaluated that how far the transfer of policy formation and administration to provinces created the financial, capacity and consistency issues in educational policy making and curriculum development at elementary and secondary level. It is believed that no such problem challenged the provincial administration in policy making and implementation on one hand and the Elementary and Secondary Education Department is busy in carrying out the universal enrollment policy without any directive from the federal government in Khyber Pakhtunkhwa (KP). Problems related to the curriculum development remained the same as observed in the pre-18<sup>th</sup> amendment period. The work opens new ways for further research on provincial autonomy and substantiate to build trust upon the provinces' capacity to cope with challenges arise in the post 2010. While conducting this qualitative study, the post 18th amendment period news appeared in media were scrutinized, official documents were accessed through formal procedures and clarification were sought from the concerned officials after conducting extensive interviews. After analysis of data and finding a set of recommendations for a reformed education governance in Khyber Pakhtunkhwa, is followed in the paper.*

**Keywords:** *Federalism, 18<sup>th</sup> Amendment, Governance, Secondary Education, Khyber Pakhtunkhwa.*

### **Introduction**

Due to the prevailing challenges of security, federalism and satisfaction of the provinces in Pakistan; the newly elected government in 2008 felt the need for reforms in the constitution of the country. The main objectives were to insure good governance, transparency, strengthening of institutions, independence of judiciary and curtailing of individual discretionary powers. For this

purpose, the government established a constitutional reforms committee within the Parliament.<sup>1</sup> The Parliamentary Committee on Constitutional Reforms held 77 meetings, for a total of almost 400 hours, between mid-2009 and early 2010.<sup>2</sup> As a result, 69 of the 280 articles of the 1973 Constitution were amended, 20 articles were changed, seven new articles were added and four articles were repealed. The national assembly passed this bill on 8<sup>th</sup> April 2010 while the Senate passed it on 15<sup>th</sup> April 2010. It was formally sanctioned by the president and enacted on 19<sup>th</sup> April 2010.

An outside observer must surely be inspired by the amount of the changes made in the 18<sup>th</sup> amendment to the constitution of Pakistan.<sup>3</sup> It changed the existing center-provinces power structure in the country and gave more autonomy to the provinces. The amendment accepted the previous struggle of all the provinces in Pakistan to become a component of policy making practice in Islamabad and jointly manage the state affairs. This act provides an opportunity to the provinces to utilize their own natural resources and prove that a strong province is assures a strong country.<sup>4</sup> The major areas which were directly affected by the amendment were law, rules and regulations, policy formulation and implementation and administrative structure. Through the omission of concurrent legislative list, 47 subjects devolved to the provincial jurisdiction. The Council of Common Interest (CCI) was strengthened with regard to solve the central-provincial problems. Election Commission and Judiciary were made independent and National Economic council was reformed. Another important step was the abolition of presidential power of dissolution of parliament thus making Pakistan a full parliamentary republic and replacing the name of NWFP by Khyber Pakhtunkhwa.

Education was one of the important subjects, whose important elements came under the provincial operations that include the setting of standards, development of curricula and Islamic education up to class 12.<sup>5</sup> This raised questions upon the capacity of provinces to manage the affairs of education sector as well as pointed out issues of national unity, quality, equality, financial resources and standard setting. However the government of KP among all took immediate actions and is busy in providing free quality education to its citizens of age five to sixteen years. This research work explains the changes and challenges in secondary education sector, brought by the implementation of 18<sup>th</sup> amendment and the response of federal and provincial governments (especially KP government) to them for promoting provincial autonomy

<sup>1</sup> The 26-Member Committee which was constituted by the PPP Government in 2009 for recommending the constitutional reforms package to restore 1973 Constitution in its original form included only 11 members from the parties, i.e., the PPP-5, the Pakistan Muslim League-Nawaz (PMLN) 3 and the Pakistan Muslim League Quaid-i-Azam (PML-Q)-3. Other 15 members included the Muttahida Quami Movement (MQM)-2, the Awami National Party (ANP)-2, the Jamiat Ulemai-e-Islam Fazlur Rehman (JUI-F)-2 and one each from the Balochistan National Party (BNP), Jam'at-e-Islami Pakistan (JIP), the National Party (NP), the Pakistan Peoples Party-Sherpao (PPP-S), the National People's Party (NPP), the Pakhtoonkhwa Milli Awami Party (PKMAP) and the Jamhoori Watan Party (JWP).

<sup>2</sup> Amjad Bhatti, "Operational Manual: Transition Management of Democratic Devolution in Pakistan", (Ottawa: Forum of Federations, 2011), p.19.

<sup>3</sup> Dr. Leslie Seidle & Khan, "Federalism and Eighteenth Amendment: Challenges and Opportunities for Transition Management in Pakistan", (Ottawa: Forum for Federations, 2012), <http://www.undp.org.pk>.

<sup>4</sup> Raza Rabbani, "Conference on Challenges of Deepening Democracy in Pakistan", *Center for Civic Education Pakistan*, <http://www.civiceducation.org>, Nov 24, 2010.

<sup>5</sup> Education System in Pakistan: Good or Bad? <http://www.defence.pk>, February 20, 2012.

in the country. For this purpose qualitative method is used for collection and analysis of data and clarified it by extensive interviews with some government officials.

## 1. Changes in Education Sector

**1.1 Article 25-A:** The 18<sup>th</sup> amendment added a new article 25-A in the fundamental rights mentioned in the constitution. This article consists; “Right to education ---The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law”.<sup>6</sup> According to this article the state has to take the responsibility of providing education up to secondary level and has recognized it as the fundamental right of its citizens.<sup>7</sup>

**1.2 Concurrent Legislative List:** The 18<sup>th</sup> amendment abolished the concurrent legislative list due to which 47 subjects, including education, which were previously included in the shared jurisdiction of the provinces and federation, were transferred to the provincial domain. As a result of this devolution, new entries were made (Entry 38 & 39), which authorized the provincial governments in planning, legislating and administering the important matters of education including policy and planning, curriculum and Islamic education, standards of educations and centers of excellence.

**1.3 Federal Legislative List:** Subjects of national interest were inserted to the Council of Common Interest (CCI), part II of the federal legislative list. The entries that are directly related to education are as under; “Entry 6. All regulatory authorities established under a federal law”. “Entry 12. Standards in institutions of higher education and research, technical and scientific institutions” and “Entry 13. Interprovincial matters and coordination”. Due to the insertion of additional powers to the Council of Common Interest, this guaranteed the provinces to have more influence in the council regarding national matters.<sup>8</sup>

**1.4 6<sup>th</sup> and 7<sup>th</sup> Schedules of the Constitution:** The 18<sup>th</sup> amendment omitted 6<sup>th</sup> and 7<sup>th</sup> schedules from the constitution of 1973. The 6<sup>th</sup> schedule was consisting of the 35 statutes and that could only be repealed with the prior assent of the president. Due to the omission of 6<sup>th</sup> schedule, the condition of the prior sanction of the president to cancel “the privately managed schools and colleges (taking over) regulation 1972” was abolished. The 7<sup>th</sup> schedule, that has been inserted into the constitution in 1985 through 8<sup>th</sup> amendment, provided cover to 9 presidential orders. In these, three statutes were related to education i.e. “Agha Khan University Order 1983, The National College of Textile Engineering (governing body and Cess) Order 1985, and the Lahore University of Management Science Order 1985”. Due to the omission of seventh schedule the protection to these statutes was removed and these could be amended like other ordinary rules.

## 2. Challenges Brought by Eighteenth Amendment in Education Sector

The 18<sup>th</sup> amendment on one side provides for provincial autonomy that leads to a strong federation while on the other hand it has raised several challenges both for the center as well as

<sup>6</sup>Chapter 9, “Constitution of Pakistan 1973”, (18<sup>th</sup> amendment act) 2010 (10 of 2010) w.e.f. 19 April 2010.

<sup>7</sup>Ahsan Rana, “Decentralization of Education Under the 18<sup>th</sup> Amendment”, <http://economicreview.com.pk/may-2013/decentralisation-of-education-under-the-18th-amendment>. May 15, 2013.

<sup>8</sup>National School of Public Policy, “Strategic Appraisal of 18<sup>th</sup> Amendment. Federal/Provincial Roles and Impact on Service Delivery”, (February, 2012), P.8. [www.nspp.gov.pk/integral-nmc.htm](http://www.nspp.gov.pk/integral-nmc.htm). December 12, 2012.

for the federating units. At provincial level the challenges are related to the financial and professional capacity to carry on the responsibility of the newly assigned roles, but at federal level, the problem was basically linked to the already existing institutional management, the best possible course of action in order to generate a national response to the educational challenges and the institutionalization of inter provincial coordination for the insurance of minimum common standards. The challenges to provinces are discussed below.

**2.1 Implementing Article 25-A:** This was the primary challenge for the provinces including KP as it has created various problems like allocation of funds that how and where from the funds can be arranged for it? Either the resources available at provinces are in a position to cope with the problem? Then other Issues were problem of policy formulation, that who will formulate educational policy at provincial level? How can it be in line with the education policies of other provinces? Planning and provision of educational facilities like buildings, textbooks and teaching staff etc in order to provide free of charge and obligatory valuable education up to secondary level. Therefore a comprehensive legislation was required to cope with the challenges raised by Article 25-A.

## **2.2 Curriculum and Standards of Education**

The 18<sup>th</sup> amendment has devolved curriculum, standard setting, policy formulation and planning to the provinces which has not only provided opportunities to the provinces regarding the incorporating of new changes in the light of their respective cultures and conditions but also created some confusion in the country. Most of the political party leaders, the chairman of standing committee on education and numerous other members of the parliament did not supported the transfer of curriculum development power to the provinces as this can create harmful results both for the provinces as well as for the whole Pakistani nation. The most important challenge was that disparate curriculum in provinces will affect national integration. It is against the uniform education system in the country even the former federal education minister Sardar Asif Ahmad Ali also criticized the devolution of curriculum to the federating units, while saying that it will lead to the situations that were responsible for the separation of East Pakistan, where the syllabi was not in line with the national curriculum and the opportunists were succeeded to take advantage of it and use it for their vested interests.<sup>9</sup> Such divided system can produce ethnic groups like Sindhi, Punjabi, Balochi and Pakhtun but cannot build a Pakistani Nation. The vision of our future generation may be limited to their provinces instead of the whole country and it indicates towards provincialism instead of nationalism.<sup>10</sup> According to the critics, these issues of provincialism and five to six separate education systems in the same country may lead to chaos and uncertainty which may affect unity and ideology of the country.<sup>11</sup>

## **2.3 The Education as a Political Dealing**

Every party may formulate education policy in line with their party politics and with the change in government, the education policy in the province may also be revised by the new government. This may be very difficult for the students and thus its academic purpose and intellectual position may be sacrificed upon political will.

<sup>9</sup>Sardar Aseff Ahmed Ali, "Meeting of the National Assembly Standing Committee on Education", *The News*, February 20, 2011.

<sup>10</sup>Razina Alam Khan, "National curriculum & 18<sup>th</sup> Amendment", *Pakistan Observer*, November 8, 2012.

<sup>11</sup>Shahid Siddiqui, "Eighteen Amendment and Education", *Dawn*, October 11, 2010.

## 2.4 Wastage of Resources

The curriculum wing in the federal ministry of education had revised 56 different subjects in the time period of 2006 to 2011 for the whole country and if these were not utilized, it would have a waste of precious economic, intellectual and academic resources like, finance, expertise and time etc. The provinces individually may not be such capable to provide advanced and mutually agreed curricula and standards; therefore further legislation is necessary for curricula and obligation of education. This was also a challenge for the provincial curriculum bureaus to take the responsibility of providing a comprehensive and authentic curriculum to its education institutions. Now the Directorate of Curriculum and Teachers Education and Text Book Board Khyber Pakhtunkhwa were essentially in need of enhancing capacity for curriculum development. With regard to the province of Khyber pakhtunkhwa, the employees working in the education department have no expertise and professional skill to form education policy for the province nor can set standards.<sup>12</sup> They are now required to demonstrate their expertise potentials, professional skills and efficiency in this regard.<sup>13</sup>

## 2.5 Redefining Roles

In the wave of devolution, the business of the provincial education department of KP extends to redefine different roles like that of Text Book Boards, BISEs, Education Foundations, Public Schools and Colleges and Cadet Colleges. This requires the establishment of a Planning and Policy Formulation Cell at least in the organizational structure of the provincial Directorate of Elementary and Secondary Education. Moreover the federal ministry has signed various developmental projects with donors such as “Millennium Development Goals (MDGs) and Education For All (EFA)”, but after the devolution of functions who may be responsible for such developmental projects at provincial level? Who may attend its meetings and what may be their future?

## 2.6 Access Issue

The 18<sup>th</sup> amendment on one side provide for free and quality education under “article 25-A” while on the other hand access to education has challenged the provincial capacity to deal with it, professionally as well as economically. Khyber Pakhtunkhwa is a multi-ethnic province having 25 districts. Less access to education is an important cause of less enrollment and high dropout. Worsening Law and order situation, religious and social conservancy are some factors that halt the way for access to education because the militants are hitting the local girls schools as they consider modern education as westernization. 710 schools had been destroyed in KP during the years of 2009 and 2010. Malakand Division is the worst hit as a total of 640 schools have been hit in this unfortunate region while 70 institutes were destroyed or damaged in all other districts of the militancy-hit province KP.<sup>14</sup> The climate of KP in different regions is very severe and in the hard areas (hilly, mountainous regions) access of all the communities to schools is not easy. Distance in middle and high schools cause dropouts as locals resent co-education.

## 2.7 Quality Issue

In the absence of agreed national document the problem of quality also raises not only for KP but for all provinces. On one side the 18<sup>th</sup> amendment provides for free and compulsory quality

<sup>12</sup>Interview with Jamaluddin, “Chief Planning Officer”, E&SE Department KP Peshawar, June 10, 2013.

<sup>13</sup>National School of Public Policy, “Strategic Appraisal of 18<sup>th</sup> Amendment. Federal/Provincial Roles and Impact on Service Delivery”, [www.nspp.gov.pk/integral-nmc.htm](http://www.nspp.gov.pk/integral-nmc.htm). December 12, 2012.

<sup>14</sup>Khalid Kheshgi, “710 Schools Destroyed in KP in Last Two Years”, *The News*, February 8, 2011.



education while on the other hand shift it to the ambit of the provinces which are not familiar to this job. Previously when education was devolved to the district government, during the devolution of powers, this did not produce any fruitful results. So now quality education is a challenge for the provincial education departments because of the infrastructure like the school building, laboratories, water, electricity and other basic facilities, proper planning, advanced curricula, periodical teacher trainings and all these needs financial and administrative capacity from provinces.

## 2.8 Equity Problem

Our education system is divided in multi systems like public-private, urban-rural, military-madrassa, and English-Urdu medium etc. and the devolution divided it further in five separate systems in one country which kills the very meaning of equity. Thus equity in education has become a challenge and it will take much time to achieve the task. The future of national education policy 2009 which was mutually agreed document that provided guidelines for education sectors in all the provinces and which was the outcome of a long time deliberations and a large amount of money was spent on its formulation.<sup>15</sup> Each province might develop its own curriculum according to its own standards, thus there might be no uniformity in curriculum. Different education systems at all provinces having different standards lead to five education systems in one country and it might be very serious if one province because of any reason, rejected the certificate that have been awarded by the other province.

## 2.9 Financial Challenges

The new responsibilities of 18<sup>th</sup> amendment have posed a severe financial challenge as the free education up to secondary level need, construction of school buildings, learning environment, infrastructure, textbooks and teachers, etc. This required much amount and is additional burden on the provincial exchequer. The province of Khyber Pakhtunkhwa is already in crises of terrorism, IDPs and natural calamities like floods due to which thousands of schools have been affected.<sup>16</sup> Prior to elections 2013, the major political parties promised for educational improvement and increasing its share in the budget to the level of the defense budget of the country but this cannot be achieved.<sup>17</sup> Moreover, the Council of Common Interest (CCI) has directed that the provinces would have to fund all the development programs started previously, by the ministries, devolved to them. It challenges the financial capacities of the province to cope with it. Article 25-A is another challenge as provinces have no enough resources to provide free education to all the children of age 5 to 16.<sup>18</sup> The absorption of the employees, formerly working in the dissolved ministries, is another challenge for the finance of provinces as they had two choices<sup>19</sup> that either they accept them along with assets and institutions or placed them in their new departments, however that was a lengthy process to ask for absorption of federal employees. Every province in the country needed to plan a strategy for it.<sup>20</sup> In the public sector development

<sup>15</sup> Education Sector Plan 2007-2015, *E&SE Department Khyber Pakhtunkhwa*: 2012, p.114.

<sup>16</sup> Ibid.

<sup>17</sup> Yousuf Nazar, "Challenges Post the 18th Amendment", *Dawn*, March 28, 2013.

<sup>18</sup> Peer Muhammad, "The Literacy Factor: 30m Pakistanis Aged 4 to 16 Deprived of Education", *The Express Tribune*, September 9, 2012.

<sup>19</sup> I-SAPS, "Eighteenth Constitutional Amendment; Challenges and Opportunities for Education Sector", [isaps.org/.../18th%20AmendmentChallenges%20and%20Opportunities.ph...](http://isaps.org/.../18th%20AmendmentChallenges%20and%20Opportunities.ph...) August 10, 2012.

<sup>20</sup> "Eighteenth Constitutional Amendment: Federal and Provincial Roles and Responsibilities in Education", *Institute of Social and Policy Sciences*, [http://i-saps.org/education\\_profiles#Pub25](http://i-saps.org/education_profiles#Pub25). July 12, 2014.

program for 2011-2012, the federal government had 44 education projects in which it devolved 23 projects to the provinces and for these projects 648 contract based employees were transferred to the provinces in which KP's share was 123,<sup>21</sup> while no regular employ had been transferred. This was challenging for the KP government that how could it be managed?

### 2.10 Miscellaneous

Beside devolution of subjects to the provinces, the 18<sup>th</sup> amendment added three other important education related powers to the federal list part II (Council of Common Interest). These include Federal Technical and Scientific Institutions, Standard Setting of Higher Education and Research Institutions and those Regulatory Authorities which had been set up in response of federal law. Council of Common interest is a significant Constitutional body with the representatives of center and the provinces. The subjects in CCI are joint functions of the center and provinces. With the passage of 18<sup>th</sup> amendment, the future of Higher Education Commission of Pakistan (HEC) became uncertain because the provinces were calling for the devolution of the HEC. However the federal government kept the hold of it at least till the current NFC Award expiry.<sup>22</sup> There were two main problems in the implementation of the new changes. First is that the federal administration was not reluctant to leave their offices and secondly, nobody was satisfied with the provincial institutional capacity to have legal and institutional services as well as skilled manpower to manage the devolved functions. The federal education ministry requested the Implementation Commission to review the dissolution proposal back but the commission was sure about the provincial capacity to handle it effectively therefore dissolved the Ministry in July 2011.

### 3. Implementation of 18th Amendment

When the 18<sup>th</sup> amendment was passed, the prime minister of Pakistan at that time, Syed Yosuf Raza Gilani formed a commission for its implementation on May 4, 2010, under "clause 9 of Article 270 AA of the constitution".<sup>23</sup> The Commission placed its report to National Assembly, consisting of 58 pages that comprise its efforts, procedures and activities within the whole time period since its formation.<sup>24</sup> The commission set a deadline for the devolution 30 June 2011<sup>25</sup> and completed the process with in three phases as seventeen ministries were dissolved.<sup>26</sup> In a meeting with the prime minister, the chief ministers of all the provinces appreciated the work of implementation commission under senator Mian Raza Rabbani and informed about the provincial implementation cell sat up by the provincial governments.<sup>27</sup> The ministry of education at that time wrote a letter to the chairperson of the implementation commission on 18<sup>th</sup> Amendment in which the ministry warned the commission about the impacts of the devolution of curriculum, standards

<sup>21</sup>IPC Division "Post Monitoring Devolution Section", Government of Pakistan.[ipc.gov.pk/gop/index.php](http://ipc.gov.pk/gop/index.php)? July 2, 2014.

<sup>22</sup>Ahsan Rana, "Decentralization of Education under the 18th Amendment", (May 15, 2013).  
<http://www.economic-review.com.pk/>

<sup>23</sup> "PM Gilani Says: 18th Amendment Needs to be Translated into Reality", *Pakistan Times*, January 2, 2013.<http://pakistanimes.net/pt/detail.php?newsId=12147>.

<sup>24</sup> "18th Amendment: Implementation Commission Report Unveiled", *The Express Tribune*, May 4, 2011.

<sup>25</sup>Raza Rumi, "18<sup>th</sup> Amendment: the Challenges Ahead", <http://razarumi.com>. April 24, 2011.

<sup>26</sup>SaeedAbbasi, "Parliamentary Commission on Implementation of 18<sup>th</sup> Amendment Dissolved", *The News*.  
<http://www.thenewstribune.com/> June 30, 2011.

<sup>27</sup> "PM Gilani Says: 18th Amendment Needs to be Translated into Reality", *Pakistan Times*,  
<http://pakistanimes.net/pt/detail.php?newsId=12147>, January 2, 2013.

and policy to the provinces that it will lead to multiple education systems and non-uniformity. However, the commission rejected this plea and the devolution of education remained sustained.<sup>28</sup> In its second letter to the chairman of Implementation Commission, the federal education ministry reminded impacts of devolution and requested again not to devolve education.<sup>29</sup> The Implementation Commission replied in its first ever letter to ministry of education in response to its two letters written in June and December 2010, that the Commission will consult the ministry while taking decision about the administrative powers within the Federal Legislative List.<sup>30</sup>

### **Trust upon the Provinces**

The Implementation Commission expressed its trust upon the provinces while saying that the provinces are already providing schools and college education to its people and they possess the capacity to perform this job on the basis of intellectual resources. If the federation concern for it, it can keep Pakistan study and Islamiyat with itself while the remaining subjects must be in the control of the provinces. The provinces have to fund education from their budgets. However the universities will receive funds from central government.<sup>31</sup> The including of regional languages into the syllabi will strengthen the federation rather weakening it as we have experienced that refusal to *Bangla* as national language in addition to *Urdu* had contributed to the separation of East Pakistan. The issues arise regarding education between the center and provinces will be dealt by the Council of Common Interest (CCI).<sup>32</sup>

### **National Finance Commission (NFC) Award**

In the NFC Award of 2009, the provinces were given higher share in the resources from the divisible pool that clearly shows that it will enable the provinces to cope with the economic burden and additional responsibilities posed by eighteenth amendment.

### **Capital Administration and Development Division (CADD)**

This was formed by the government of Pakistan in the cabinet secretariat for all those departments and entities, whose ministries have been devolved to the provinces. CADD has to manage all those activities that were previously handled by the abolished ministries and divisions within the jurisdiction of federal capital.<sup>33</sup> In the first phase, among other, the ministry of education has also been devolved to the provinces.

<sup>28</sup>Peer Muhammad, "18<sup>th</sup> Amendment: Education ministry's Plea to Stop its Devolution Denied", *The Express Tribune*, January 25, 2011.

<sup>29</sup>Noor Aftab, "Ministry of Education, Last Ditch Efforts to Avoid Transfer of Key Powers to Provinces", *The News International*, January 22, 2011.

<sup>30</sup>Noor Aftab, "Education Ministry to be Consulted on Transfer of Administrative Powers", *The News*, Islamabad, January 28, 2011.

<sup>31</sup>Shahid Siddiqui, "Eighteen Amendment and Education", *Dawn*, October 11, 2010.

<sup>32</sup>Raza Rabbani, "A Notification to Devolve Five More Ministries will be Issued in the Next Few Days", *The Express Tribune*, March 30, 2011.

<sup>33</sup>These department includes Training and Education and Rehabilitation of Disabled in Islamabad, National Education Assessment Centre Islamabad, Youth Centers and Hostels in Islamabad, Central Board of Film Censors, Islamabad, Department of Archaeology and Museums, Islamabad, Department of Tourist Services in Islamabad, Federal Directorate of Education (FDE) and Education in the Capital (of federation), Department of Libraries, FG Polytechnic Institute of Women Islamabad, Academy of Educational Planning and Management Islamabad, Animal Quarantine Department/Stations/Facilities, Directorate General of Special Education, Social Welfare, Child Welfare and Development Islamabad, Federal Board of Intermediate & Secondary Education (FBISE), National Institute of Science and Technical Education (NISTE), Federal College of Education, Mainstreaming Population Factor in



**Joint Declaration on Education:** National Education Conference was held on September 16, 2011, presided by the then prime minister Sayed Yousaf Raza Gilani, at the prime minister secretariat Islamabad. Other members were chief ministers of the four provinces, governor of KP, prime minister of AJ&K, provincial education ministers, senior education officials and representatives of key educational institutions, federal finance minister and deputy chairman of the Planning Commission. The conference issued a Joint Declaration on Education, having the following important clauses:

- Education must be given priority by the central and provincial governments.
- The National Education Policy 2009, with necessary adaptation under 18<sup>th</sup> amendment, to be maintained as joint national document.
- The Provincial governments and federal areas administration have to legislate on the article 25-A in order to implement it in their respective provinces.
- Each education department has to prepare its own Action Plan with commitments to give priority to the provision of free and quality education to all children of their respective provinces considering it as their fundamental right, raise their education budget and make strategy for implementing it within a prescribed time period keeping in view meeting the MDGs and EFA.
- Planning system in the country including the Planning Commission, Provincial Education and Planning Departments jointly will serve as the Secretariat for the Conference of Education Ministers.
- A National Education Summit will have to convene annually in order to review the progress done by all levels on the basis of which new strategies to be adopted to bring improvement and lead to national and international commitments.

#### **Dissolution of Federal Education Ministry**

In July 2011, the Federal Education ministry has been dissolved as its functions were devolved to the provinces and matters related to the international coordination and donor agencies assistance were referred to the Higher Education Commission, Planning Division and the Economic Affairs Division.<sup>34</sup>

#### **Inter Provincial Coordination Division**

The then prime minister set up this division with the aim of coordination among all the provinces of the country. Its chairman is federal minister for Inter Provincial Coordination. Other members include the Provincial Ministers for IPC, chief secretaries of provinces, and federal ministers relating to concerned issues (by special invitation). This organization included the Inter Board Committee of Chairmen (IBCC) Islamabad, Pakistan Cricket Board, Pakistan Tourism Department Corporation, Pakistan Sports Board and the National Committee on performing Arts.

#### **Establishment of New Federal Ministry**

In the wake of 18<sup>th</sup> Amendment, the Federal Government established a new ministry in July 2012, named “Ministry of Professional and Technical Training” in order to carry on the functions of those departments and organizations that were previously working under the ministry of education and MOLM. Later on in the light of the Supreme Court judgment (Nov. 25, 2011) about Article 25-A, the central government cannot exclude itself from the obligation of the

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Development Planning, Management and Distribution of Zakat and Ushr, National Veterinary Laboratory and Private Educational Institutions Regulatory Authority.

<sup>34</sup>“Education Sector Plan 2007– 2015”, (E&SE Department of Khyber Pakhtunkhwa, 2012), p.113.

provision of education to its citizens, the ministry was renamed as ministry of education and training on 24 July 2012. The Council of Common Interest (CCI) approved it in its meeting held on 8 Nov 2012. The new ministry was assigned with the tasks of establishment of educational institutions in the federal territories, and to manage the international conventions and agreements regarding education, meeting of Millennium Development Goals, and arrangements for technical and vocational training.

#### **4. Post 18th Amendment Education in Khyber Pakhtunkhwa**

After devolution of education to the provinces, the provincial governments came up to the responsibility of making new legislation on the matter, financial resources for completion of the task and administrative responsibility to implement the new changes. For this purpose the following steps have been taken:

##### **Legislation**

Due to changes in the national constitution, new legislation in the provinces was also required on the issue. For this purpose in the KP provincial assembly, few bills were initiated and the provincial government took the responsibility to supervise the curriculum development, preparation and review of the textbooks and to maintain standards of the education for primary, middle, high and higher secondary school/ intermediate level in the Khyber Pakhtunkhwa.<sup>35</sup> The then Education Minister of Khyber Pakhtunkhwa Sardar Hussain Babuk (ANP) introduced “The Khyber Pakhtunkhwa Right of Children to Free, Compulsory Quality Education Bill, 2013” and “The Khyber Pakhtunkhwa Private Schools Regulatory Authority Bill, 2014” however, these bills cannot be debated in the provincial assembly because the PTI government wanted to initiate their own education policies that they already have announced in their election manifesto.<sup>36</sup> An amendment was made in “Elementary Education Foundation Ordinance 2002” and it was upgraded to serve elementary and secondary education in the province with a reformed organizational structure.<sup>37</sup> A “Technical Education and Vocational Training Authority” was set up within the province for provision of international standard technical and vocational education. The organizational structure of TEVTA has been designed whose chairperson will be the Chief Minister of KP.<sup>38</sup> Appointment procedure for lecturers<sup>39</sup> and the regulation of already appointed teachers of all levels like, PSTs, CT, SSTs, SS, lecturers as well as instructors in technical education institutions and doctors in health facilities on contract basis to permanent basis were clarified.<sup>40</sup>

##### **Administration**

In the wake of devolution of educational functions to the provinces, the E&SED KP took the responsibility of educational development in the province. In this regard, keeping in view the

<sup>35</sup>“The Government of Khyber Pakhtunkhwa Supervision of Curricula, Textbooks and Maintenance of Standards of Education Act, 2011”, (Khyber Pakhtunkhwa Act NO. VII of 2011), May 9, 2011.

<sup>36</sup>Interview with Hidayat Ullah, “Deputy Secretary”, *Provincial Assembly of Khyber Pakhtunkhwa*, August 11, 2015.

<sup>37</sup> “The Khyber Pakhtunkhwa Elementary and Secondary Education Foundation (Amendment) Act, 2014”, Nov 6, 2014.

<sup>38</sup>“The Khyber Pakhtunkhwa Technical Education and Vocational Training authority Act, 2015”, March 11, 2015.

<sup>39</sup> “The Khyber Pakhtunkhwa Appointment of Certain Lecturers Act, 2011”, September 29, 2011.

<sup>40</sup> “The Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers and Instructors and Doctors) Regulatory Act, 2011”, May 12, 2011.

Education Declaration of September 2011, the E&SED KP took several important steps including updating and upgrading of “Education Sector Plan (ESP)”, “the Comprehensive Development Strategy (CDS)” and the “Medium Term Development and Expenditure Framework”.<sup>41</sup> These documents indicate the financial estimates, institutional procedures, and the essentials of education policy formulation for the province of KP. The Directorate of Curriculum and Teacher Education (DCTE) was declared as a competent authority for curriculum development and textbooks approval.<sup>42</sup> GIZ (Gesellschaft für Internationale Zusammenarbeit) German Society for International Cooperation, the European Union (EU) and UK Department of International Development (DFID) are also helping the Khyber Pakhtunkhwa textbook board in improving textual materials and capacity building of professionals to prepare the best quality textbooks. The extension arms of DCTE of KP include PITE, RITEs, GCPE Karak and GATTTC Peshawar etc.<sup>43</sup> The KP government developed a “Disaster Management Plan” to cope with any type of disaster either natural or manmade. In order to control absentees, low enrollment and achieve best quality performance in the public education system in the province the KP government introduced Independent Monitoring Unit. Their monthly visits have made the staff and students regular and punctual. Moreover the need of reactivation of the existing Inter Board Chairmen Committee (IBCC) is also felt in order to bring uniformity in the examination system. Presently in KP educational projects are going on with the help of foreign assistance like GIZ, Australia Aid (AUSAID), UK (DFID), the Netherlands, Canada International Development Agency (CIDA), and Norway. They are partner in development efforts in accordance with the province’s Education Sector Plan and Capacity Development Plan.<sup>44</sup> DFID has provided a vast amount of £ 203 million for the improvement of the education sector in KP. It is aiming to improve governance, female literacy and quality of education in the public education system.<sup>45</sup> AUSAID and CIDA are working for the reconstruction of the terrorism stricken schools while GIZ is providing technical assistance in education planning and curriculum development. Private sector is also playing its role however the education, offered by private sector is not a free and compulsory education.<sup>46</sup>

## 5. Conclusion

This study concludes that 18<sup>th</sup> amendment was a great step towards federalism as the devolution of 47 subjects including education to the provinces guarantees provincial autonomy in policy formulation and implementation. Beside so many challenges the national parliament trusted upon the provincial capacity and devolved powers including education sector to the provinces, the NFC award solved the financial problems and the development which could not materialize since the formation of Pakistan, is now near to be achieved. The KP government, among all, welcomed this

<sup>41</sup> “Education sector Plan 2007-2015”, (Department of Elementary and Secondary Education KP 2012), p.114.

<sup>42</sup> Ibid. p.26.

<sup>43</sup> Regional Institutes for Teacher Education (RITEs), Government College for Physical Education (GCPE) Karak and Government Agro Technical Teacher Training Centre (GATTTC) Peshawar.

<sup>44</sup> GIZ, “Education Sector Development Programme in Khyber Pakhtunkhwa and in the Federally Administered Tribal Areas (FATA)”, <http://www.khyberpakhtunkhwa.gov.pk/>. April 12, 2014

<sup>45</sup> Ghulam Mustafa, “Education Policy Analysis Report of Khyber Pakhtunkhwa”, *UNESCO Pakistan*, January 17, 2012, p.6.

<sup>46</sup> Irfan Muzaffar, “Private versus Public Debate”, *The News*, January 26, 2014.

change and took immediate steps to take responsibility of newly devolved functions. It is a positive change for the people of Pakistan, and especially for KP, that they have to be educated up to secondary level by their respective governments free of cost under article 25-A. The state for the first time has recognized free and compulsory education up to secondary level as a fundamental right of its citizens and after 18<sup>th</sup> amendment secondary education governance has been improved within limited time. The enrollment rate has been increased. The teachers and students attendance has been improved and this has brought improvement in the secondary school examination results. The increased information system under “Right of Information Bill” and strict monitoring system of Independent Monitoring Unit (IMU) have made the education governance transparent, accountable, efficient and responsive. The Parents Teachers Councils (PTCs) participation and the complaint cells for abolition of corruption have also brought efficiency and effectiveness in the system. Changes in the syllabi and medium of education have improved the quality while the determination of political leadership has encouraged the merit in recruitments by transparent procedure of National Testing Service (NTS). Vacancies for teachers are being announced annually in order to fulfill the shortage of teachers for good service delivery. In short, the devolution of education to provinces gave right of participation in the decision making process to the people of respective provinces which leads to good governance.

## **6. Recommendations**

The current education governance system in Pakistan is not a stranger one because we find such type of education system in other federations like USA and Germany which may become role model for Pakistan. In USA the federation provides funds to the states and the states are responsible for curriculum, standards and policy planning. Same is the case with Germany and both of them have good results in education development. Several suggestions are recommended here that can contribute to face the challenges of eighteenth amendment and can bring improvements in education governance in the province of Khyber Pakhtunkhwa.

### **Policy Formulation**

The previous federal model for policy development can be followed by all the provinces including KP. Therefore all the related stakeholders must be called including experts from related departments in order to develop consensus on major measures like funding and developmental planning. Independent data collection is required to find out the flaws in previous policies that should be avoided in the current policy decision and remedial measures can be adopted on the basis of analysis of such research reports. Utilization of expertise from other provinces as well as lessons learned from international experiences in policy making will produce best results. Moreover, the development partners i.e. GIZ, UK DFID and USAID are already present to provide technical assistance<sup>47</sup> in policy formulation and curriculum development.

### **Policy Implementation**

Strong determination from the part of political leaders is required and therefore the government should appoint well educated and skilled person of the parliament as minister of education and assign him/her a task for completing a percentage of population educating in their respective areas within a limited time frame. The provincial assembly must have check upon its ministers and demand for progress report regularly. Education budget must be increased at least up to 5% of the GDP. An independent research/ data collection and information system must be introduced

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<sup>47</sup>Technical assistance refers to the provision of expert advice, guidance and training for operation of policy formulation and implementation.

by the E&SED KP to provide feedback after the implementation of policies. In order to have check upon employees, biometric system for attendance must be introduced. Strong monitoring and inspection system is required to keep check upon the activities and progress of district education office employees on periodical basis. Therefore the E&SED of KP should establish a monitoring cell in the department to perform this function. There should be separate staff for teaching and management. Head teacher/ principal of school must be qualified in public administration to handle all the administrative functions of the school while teaching staff have only concern with teaching so that the learning process will never be suffered due to administrative functions. Check on private sector educational institutions is needed to keep them away from using unfair means in the examination. The services of IMU can be utilized here. The EMIS data should be utilized for policy and planning and a new system of financial management information system should be introduced in the province to manage the financial accounting and auditing in education system. For improving the education governance, it is essential to introduce elementary structural changes in other linked departments and remove disparities in the distribution of power.

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