

Post 18th Amendment Scenario and Higher Education in Pakistan? A Case Study of Khyber Pakhtunkhwa

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The historic 18th Constitutional Amendment has led to a drastic change in the federal structure of Pakistan from a more centralized parliamentary to a decentralized participatory federal system with a greater provincial autonomy having a more participatory role of the province in federal domains through Concurrent Legislative List (CCL). The CCL has been abolished through this landmark Amendment, a long-standing demand of the smaller nationalist-based provinces. Along with other subjects, education and especially higher education has also been devolved to provinces. Higher Education is now under the provincial domain. However, the Federal Legislative List, Part II with Entry No. 12 that deals with "standard in institutions for higher education and research, scientific and technical institutions," under the preview of Council of Common Interests, created incomplete devolution of higher education to provinces. This study examines the new arrangements regarding higher education in Pakistan after the 18th Amendment focussing on a case study of Khyber Pakhtunkhwa to understand the applications of the 18th Amendment with all its pros and cons. How far the devolution process has been successful in terms of devolution of higher education, the issues between the federal government and provinces relating to the distribution of resources and powers, hurdles in the creation of provincial HEC, and more importantly the resources distribution of the federal government for higher education at the provincial level are some of the questions that have been thoroughly explored in this study. For collecting the relevant data, the researcher relied on primary data using interviews thereby using the purposive sample technique. Experts of administration and academia were selected through the snowball technique and their interviews were properly and ethically recorded, transcribed, and analyzed to get the major themes of the study. The study finds that the issues of financial and administrative devolution haven't yet materialized and that the establishment of provincial HEC is mandatory for uplifting provincial higher education. Moreover, the distribution of powers and authority needs to be resolved for better devolution.

KEYWORDS

Federalism, 18th Constitutional Amendment, Provincial Higher Education Commission, Khyber Pakhtunkhwa

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1. INTRODUCTION

As agents of change, higher education institutions (HEIs) and especially universities have a significant role in uplifting a nation in science and technological advancement. HEIs are increasingly important to materialize positive social changes and gain economic development (Isani, 2001). Higher education promotes the education and training of young people considering the local needs and the enhancement of educational potential at the national level. Internationally, HEIs prove to be the agents of globalization, civilizations, languages, and the development of thinking beyond boundaries. It is therefore claimed that universities do transform societies towards more progressive and productive societies by presenting the main source of scientific and technological developments (Arthur & Bohlin, 2005; Brennan, 2012). In sum, HEIs shape society's structure by educating the political, administrative, and scientific elites that in turn have a substantial impact on the value system/structure in which the entire population of the given society receives its formative education (Scott, 1985).

Since the inception of Pakistan, different policies, plans, commissions, and conferences had been held to devise an education system keeping in view the needs of the local people and fulfilling the requirements of the day. But the policies and plan were not much successful in providing a solid and futuristic foundation that has far-reaching impacts in the higher education sector. From 1947 to 1973, education was a provincial subject. The Government of India Act 1935 was adopted as the provisional constitution of Pakistan till 1956. The 1935 Act provided three legislative lists; Federal, Concurrent, and Provincial. Education was included in the Provincial List. In the first constitution of Pakistan (1956), the same legislative lists were maintained and education including university education was placed in the Provincial List. In the 1962 constitution, education was also devolved to provinces; even during the interim constitution of 1972, it remained a provincial obligation. In the Constitution of 1973, it was formally included in the Concurrent List. Education-related matters like planning and policy, curriculum and syllabus development, quality and standards as well as Islamic education were incorporated in the Concurrent and Federal Legislative Lists (Isani, 2001).

In 1974, the University Grant Commission (UGC) was established, and its main function was to regulate and coordinate inter-university affairs and monitor the quality of university education. The UGC was also given the task to disburse the funds to the universities (Naureen & Lodhi, January -June 2015; Shaikh, 1998). The civilian governments during the 1990s had pledged to increase not only the budget of higher education but also tightened its reins in the shape of the University Act 1974, with immense powers delegated to the vice-chancellor, the nominee of the government.

A drastic change was observed during the Musharraf era regarding higher education as a Task Force, Steering Committee on Higher Education was established, and other efforts were also directed to improve higher education in Pakistan. In 2002, the UGC was replaced by the Higher Education Commission (HEC). The HEC was made an autonomous and financially independent body by the government to improve higher education and the same year Federal Model University Ordinance was also promulgated. The HEC developed the Medium-Term Development Framework, 2005–10, with clear objectives mainly focused on faculty development, increased access, quality improvement, and relevance. The Task Force recommended a revision in the curriculum, providing an improvement of science and technology facilities, restructuring universities and their governing structures and their links with industries (Jahangir, 2008; Hayward, 2009; Tarar, 2006).

In 2008, the Pakistan People's Party came into power, started negotiations with other political parties for the next constitutional Amendment to meet the long-awaited demand of provincial autonomy. The provinces demanded the abolition of the Concurrent List, which was considered the main hurdle in provincial autonomy and bone of contention between the center and provinces (Hathaway, 2005). The National Assembly passed the 18th Amendment on 8th April 2010. This Amendment is thought of as a landmark in the constitutional history of Pakistan and is considered a pivotal step towards provincial autonomy. After the 18th Amendment, the constitution contains only one list—the Federal Legislative List, divided into two parts. Part I contains subjects that are exclusively controlled by the federal government, and Part II contains subjects that come under the purview of the Council of Common Interests (Rid and Awan, 2015).

The abolishing of the Concurrent List devolved seventeen ministries from the center to provinces. With the 18th Amendment, along with other subjects, education was also transferred to provinces. Now, higher education constitutionally falls under the jurisdiction of the provinces' prerogative in terms of financing, policymaking, curriculum development, governance, and management. After the 18th Amendment, the devolution of higher education to provinces has generated new debates about the status, future of higher education, and its institutions in Pakistan, especially center-provinces relations over transferring of higher education institutions like universities and Higher Education Commission to provinces. Previously, in the scenario of pre 18th Amendment, the federal government had a greater say in the overall management, financing, and controlling of the universities.

After the 18th Amendment, the federal government, (including ruling parties and bureaucracy) has been creating hurdles in transferring higher education to provinces. The said Amendment abolished the Concurrent List where the research, medical, legal education, and standards for higher education have been shifted to the Federal Legislative List (Part-II); thus, the higher education falls within the purview of the Council of Common Interest. With the devolution of education to provinces, HEIs, like universities and HEC were automatically turned to the provinces' jurisdiction and that's why the provinces demanded that along with universities, the HEC, must also be devolved. But the center insisted that the HEC should be in the federal government's purview, which is perceived as a violation of the 18th Amendment (Khan, 2015; Rid & Awan, 2015).

After the 18th Amendment, two of the provinces, Punjab and Sindh established their own Higher Education Commissions. This situation, with federal HEC parallel to provincial HECs, created new complexities in respect of the smooth functioning of higher education management. This duality hampers the flow of substantial federal grants to the universities in the provinces. Secondly, any restriction on the constitutionally mandated functions of the HEC may create complications concerning the recognition of higher education degrees of Pakistani universities at the international level.

This study investigates the transfer of higher education that has been debated in previous literature (Lingard, Rawolle, & Taylor 1). The study attempts to cover the following few questions. (1) whether the 18th Amendment has a positive impact on higher education? (2) Has higher education been properly transferred to the provinces? (3) Are provinces ready to accept and face the challenges of transferring higher education to them? (4) Have provinces have the required potential and expertise to meet the mounting standards of higher education? This study tries to fill the gap and answer the questions by selecting the higher education of Khyber Pakhtunkhwa as a contextual background. Especially, the study focuses on the questions in the light of the 18th Amendment and highlights the situation of higher education.

This research work contextualized Khyber Pakhtunkhwa province as a case study based because the main issue related to the devolution of higher education still exists as the provincial higher education commission has not yet been established. So far, the literature on higher education in the context of Pakistan focuses on some facets, general pathetic condition, drawbacks in the educational policies and plans, the politicization of higher education institutions, students' issues, teachers and administrative staff problems, and so on. But up to the best information of the authors, no study has yet examined the center-provinces relations over higher education after the 18th Amendment and especially determining the problems that emerged after the said Amendment in the federal structure of Pakistan, which ultimately affected higher education in a broader context.

2. LITERATURE REVIEW

The literature on post 18th amendment 2010 primarily revolves around the provincial autonomy, governance, center-provincial relations, ethnic-linguistic intricacies in Pakistan, resources allocation between center and provinces, different political and economic institutions position, role and functions, and so on. Due to the 18th Amendment, devolution has occurred in different areas along with higher education in Pakistan. Still, on the other side, the federal government has adopted certain

measures to control higher education and its institutions like the HEC and all other subjects and areas whose interests are there. As Kishwar Khan (2015) pointed out, devolution is not merely a transfer of ministries. Still, it means empowerment, and that's why devolution is not completed in the real sense.

Rasool (2011) elucidated a comparative study on the quality assurance, assessment, and maintenance in public and private universities of Islamabad and Rawalpindi. Mustafa (2012) analyzed the human resource and financial problems that existed in higher education after the amendment and Kishwar Khan (2015) examined higher education in Sindh after the 18th Amendment and criticized the federal government for using delaying tactics in transferring higher education and HEC to provinces and especially to Sindh, through constitutional means. Similarly, Qazi et al. (2010) examined the private sector's contributions in promotion and access to higher education in Pakistan while examining HEC policy and Educational Reforms in Pakistan. Zubair et al. (2019) contemplated the governance structure regarding higher education after the 18th Amendment in Pakistan. They found that due to its historical legacy the governance style is persisted. That need to be accommodated according to international standard and local needs, but the authors overlooked providing detail about the colonial way of governance and its legal and constitutional basis. The work also contains a few errors, like on page 7 it is mentioned that the University Grant Commission was established in 1947, while page 8 about the HEC development frameworks is also incorrect. The authors often mentioned historical context which is not equally addressed and left it unclear.

Lall (2015) has largely debated the education system in the post 18th Amendment scenario and government responsibility in the implementation of Article 25 (A), but the author neglected higher education, its status, and position in the education system of Pakistan, after the said Amendment. Nizamuddin (April 2015) provided findings of a research study conducted in 12 federations indicated that in most of the federal states, the federal units are responsible for higher education with full responsibilities in developing academic programs, funding, and governance. The study of Hassan (2016) focused on higher education reforms and their planning and implementation in Pakistan. The study findings show that university teachers can play a vital role in introducing and implementing reforms at this level for the improvement of the whole higher education sector.

I-SAPS (n.d.) report provided a detailed study on the status of education after the 18th Amendment and the roles and responsibilities of both federal and provincial governments in the education domain. The Report points out the legal and constitutional changes before and after the 18th Amendment in the education sector and mainly focuses on lower education in respect of Article-25-A. Though some details are given about, higher education with, the standards in higher education but no particular focus is given to transferring of higher education to provinces and federal and provincial stands over HEC.

Ali (2015) has provided a detailed report about the education status in Khyber Pakhtunkhwa, and analyzed the 18th Amendment in respect of policymaking and implementation, before the said amendment education policies were framed by the center, though the provinces were also the part of developing educational policy but with a limited role, as the center had a leading role in this regard. Now, the provinces will frame the education policy by keeping in view the peoples' needs and sectorial priority of the province. Sabiha Mansoor (2016) analyzed the education system of Pakistan and especially the developments that occurred in the last decades by pointing out some flaws and shortcomings, especially in the higher education sector. She appreciated the role of the Higher Education Commission (HEC) in the promotion and expansion of higher education but she could not examine the status of the Higher Education Commission and its role after the 18th Amendment which became crucial after the said Amendment.

Siddiqui (2016) encapsulated different policies relating to the education sector especially higher education holistically, but he gathered and analyzed the data till the Musharraf regime (2008) and provided various explanations of different educational issues. He did not include developments from 2008 onward, especially constitutional development in respect of education, like the status and future of higher education after the 18th Amendment. Khan (2015) and Mustafa (2012) studied different challenges and problems facing the Khyber Pakhtunkhwa government, in higher education after the 18th Amendment.

Hameed (2016) explored a comparative study of higher education systems of Khyber Pakhtunkhwa and Punjab, in respect of academic and physical facilities, the standard of teaching materials, and physical and academic facilities provided to students and teachers. The study finding shows a wide range of differences in both higher education systems especially in access to quality academic materials, decision-making process, and merit scholarships in the two provinces. The work has not covered legal and constitutional provisions about higher education in the pre and post-colonial period with equally neglected the post 18th Amendment developments in the higher education sector in Pakistan.

Zakaria, Janjua, and Fida (2016) studied the impact of globalization in the context of Pakistan. The work provided a framework to control the outflow of Pakistani students abroad for their future destiny. Mukhtar et. al, (2011) examined the curial role of the Higher Education Commission in supervision, management, plans in higher education in Pakistan. Parveen (2011) identified drastic changes that occurred in higher education in Pakistan and the contribution of the Higher Education Commission of Pakistan in the promotion of higher education in the country.

Celik and Gomeksi (2000), studied the effects of globalization on the education sector; their study encircles globalization benefits for both individuals and institutions. The study only emphasizes the importance of globalization and its positive impact on higher education but ignores the issues and challenges produced due to globalization about higher education.

Celik V, Gomleksiz, and M.N (2000) discussed a critical examination of globalization and its effects on education. Education has become that can be moved and demanded globally and due to a knowledge-based economy, competition enhances the importance of education. Higher Education plays a key role in economic prosperity and social development. Gordon, (1999), views higher education's importance for future challenges as it trains intellectual faculty for future challenges in social and cultural life. According to Jandhyala (2000) and the report of the Taskforce on higher education and society (Mundial, 2000), countries need qualified and skilled human resources that can only be provided by higher education so, higher education is not considered as a luxury but vital for survival. Higher education in the modern world is considered essential for development.

With this marketization of higher education with market forces globalization, Naidoo (2005) viewed the government policies drastically changing the boundary between higher education and society, adversely impacting academic discourse. Education becomes a commercial transaction, with 'lecturer as the 'commodity producer' and the student as the 'consumer' (p.29). The knowledge produced in such manner is regarded as the 'the capitalization of knowledge' works of Tikly (2001); (Araya and Peters (2010) globalization of education in the context of culture and neo-liberal thinking. The neo-liberal forces change the structure of higher education in countries for promoting an integrated world economy.

Hasan and Riaz (2013) pointed out that in developing countries, education is gaining importance. It is unfortunate that in Pakistan, education is ignored compared with other regional countries. Ozair and Khan (2017) examined the 18th Amendment, its impacts on provincial autonomy, and provincial responses, especially that of Khyber Pakhtunkhwa and Baluchistan over discriminative policy on the part of the federal government towards provincial governments, over resources allocation and distribution.

The 18th Amendment brought new debates for higher education. Most of the researchers focused on the 18th Amendment and its impact on different subjects of Pakistani polity, its governing structure, legislature, judicial system, provincial autonomy, executive power, provinces-federation relation in respect of the areas as mentioned above. So far, no study has been conducted to focus on higher education's devolution to provinces and examining higher education in Pakistan after the 18th Amendment. This study attempts to fill this gap and examine the higher education system in Pakistan after the 18th Amendment with a case study of Khyber Pakhtunkhwa.

3. METHODOLOGY

The choice of methods in social sciences research usually applies a mono-method (either qualitative or quantitative) or multiple-methods i.e., multi-methods (all qualitative or all quantitative) or mixed methods (a combination of qualitative and quantitative methods) (Saunders et al., 2016). The main advantage of qualitative research is that it provides a richer and more in-depth understanding of the study under discussion. According to Simons (2009), Denzin & Lincoln, (2011), Verschuren (2003), the case study, being qualitative in data collection and data analysis, is rightly considered as a part of qualitative research.

As this is a 'Case Study, the qualitative method has been used to collect the data and find answers to the research questions. In qualitative research methods, the case study method is perceived as one of the classic methods for conducting social sciences research. This is a comprehensive examination of any specific case or phenomena in social sciences. Usually, the case study method enables a researcher to collect data through interviews and observations (Blaikie, 2003).

As mentioned, this study believes in the qualitative data, therefore, they were collected through semi-structured interviews. The semi-structured interview is generally used in qualitative research to get intensive and divergent insights into the phenomenon (Bernard 1988). The researcher approached the specialists in higher education that were well-versed in terms of academia, administrations, as well as had understating of the higher education issues in the pre and post 18th amendment plan. In this regard, the researcher interviewed almost 20 respondents (men of letters) in higher education and then transcribed their interviews. Their details are given later in the methodology section.

It is also pertinent to mention that in the interviewing process, a non-probability technique i.e., purposive sampling was used to reach the potential respondents. Special care, following all ethical considerations, was taken to reach the most relevant participants, asking relevant and key questions, and recording their interviews properly. This practice aimed to collect the data and then analyze the data to meet the objectives of the research. In some cases, for getting in-depth information, the researcher also snowballed to find the most relevant and suitable interviewees.

For the case study research, different other sources might be helpful in the data collection process. the research work also needed primary data taken mostly from governmental official documents in the shape of reports, letters, policies statements, official records, and correspondence between the federal and provincial governments. Such data were collected ethically and then analyzed for getting some relevant information related to the devolution of higher education after the 18th Amendment. In this regard, special care was taken to choose both genders (men and women), academicians, and key administrators from KP province to include in the interviewees list, who were/are serving in the universities of Khyber Pakhtunkhwa. The interviewees were well-versed, highly qualified, and leaned respondents who independently shared their views about the devolution of higher education to the provinces, especially in Khyber Pakhtunkhwa.

In more plain words, the researcher used semi-structured interviews of the very important officials (both in service and retired) at the federal and provincial level, vice-chancellors, registrars, deans of the public universities situated in Khyber Pakhtunkhwa, and officials in the Higher Education Commissions Islamabad and the Higher Education Department in Khyber Pakhtunkhwa. The main emphasis was to get abreast of the latest information and developments in the post-18th Amendment settings of higher education at the province level, examining the powers exercised by higher education institutions and authorities shifted from federal to provinces. For some of the officials and interviewees who were not easily accessed, Google Form was created for them, and their responses were taken through the Google Form.

Last but not least, the researcher kept in mind all the ethical considerations, like prior written/verbal consent of interviewees, and respecting the interviewees' opinions, avoiding sharing their information in any other way causing any harm to them. The measures were aimed to ensure trust, confidentiality, and respect of all the stakeholders to research in a conducive, ethical, and logical manner.

4. RESULTS AND ANALYSIS

The analysis of the study is based on interviews data. Eight interviews of prominent scholars and academicians (details in the appendix) are presented and summarized here to highlight the different aspects of higher education after the 18th amendment in Khyber Pakhtunkhwa.

1) The 18th amendment is one of the most significant amendments among all the amendments in the constitution of 1973 in Pakistan. It has covered most parts of the constitution. Federalism has been strengthened with this amendment. We see real autonomy in the post 18th amendment scenario. The real provincial autonomy is secured after devolving certain subjects including education. Before the said amendment there were 59/60 subjects on the federal legislative list. Ideally in the federal legislative list, there should be three departments with the federal government. If Pakistan is a different country. There could be ten subjects under the federation but if there are sixty subjects under the control of the federal government, how you can claim that it was a federation. After the 18th Amendment education was supposed to devolve to provinces fully. The Federal Ministry of Education was abolished. This means the provinces will have their education setup and departments and everything will be done inside the provinces, curriculum development, higher and school education, and the federal government has nothing to do with these things. The 18th Amendment is important and there are some problems in its implementation. There are so many problems in the way of implementation of the 18th Amendment. Education is devolved, HEC should also be devolved to provinces. After the 18th Amendment, HEC should be established in every province. IPCC was established to monitor devolved ministries.

IPCC notified the transfer of universities to Provinces. HEC was retained with the federal government through Supreme Court Order. HEC is financing to universities, provincial governments considered to be calm down and refrained from demanding the dissolution of HEC to the provinces. HEC is financing at the federal level has great importance for universities and provincial government. The provincial governments are not in a position to fund entirely universities. If the federal HEC is devolved and the funding to universities is no more there then the provincial governments are not in a position to finance Higher Education completely. Universities after the 18th Amendment, the universities are hanging between federal and provincial governments. Legally, universities are under the provincial government domain, but the universities are funded by HEC. The financing issue is so important and as for funding to higher education institutions, HEC is providing funds to universities. If the federal HEC is devolved to provinces, and if there is no more HEC at the federal level then the provincial governments will be responsible to finance the universities. The government is going to establish Higher Education Council which is under process. The federal HEC is financing and putting checks and balances on the standardization of higher education and provinces are hold the administration of the universities. When the intuitions have decision making and financially strong or not depending on other. The vice-chancellors have numerous powers. Punjab and Sind are the only two provinces that established provincial HECs but that is the failure. The reason for its failure is that the main mandate of HEC is to maintain standardization, degree attestation, equivalence, foreign scholarships, awarding of projects, and curriculum. The financial control of HEC at the center level provides a pool from where all universities get benefits and ultimately will look to that pool. The degree attestation is required from the main HEC and not that from the provincial HEC.

It is good a step taken by the KP government not to establish provincial HEC. the government is focusing on school education at the cost of universities. Most of the universities are facing financial and they do have not enough resources to pay the pensions of their employee and they are near to bank corrupt. There are two different views about the post 18th Amendment scenario. One is about the wrap of the 18th Amendment. The small provinces and the nationalists are opposing and started raising their voices against it. Second. The second aspect is the administrative one. If there are some real problems and facing both federal and provincial governments, then the parliament should amend some of its parts. Both governments implement it smoothly. All parties' parliamentary committees should be established to review the 18th Amendment again.

2) Higher education in Pakistan is passing through a critical phase in respect of academic research. The numbers game in research papers production is going on but the real impact of research on areas of knowledge fading away. Researchers are focusing only on publications instead of critical thinking and new knowledge production.

Devolution of different subjects to provinces under the 18th Amendment is not a single natural phenomenon in respect of higher education. Along with the transfer of human resources, some administrative, resources, and managerial and structural changes in hierarchy.

3) Today we can observe federalism is an important political arrangement for solving and adjusting ethnic and cultural society's demand of its identity and rights through federalism. We can satisfy people with their genuine demands in respect of their broader role in the political system. In Pakistan's context, the federal system is not implemented in its true spirit and has always shown little interest and attention towards its follow-up.

It is the 18th amendment that Pakistani policy is trying to turn into a genuine federation and this amendment is fluffing the long standing demand of provinces economy. The 18th amendment is also reducing the power of the federal Govt: with its decentralized character, over-centralization of federal power diminishes in favor of federating units or provinces with more power and autonomy. Different observe the 18th amendment with their different perceptions about the federal system prevailing in Pakistan. Some appreciate with lauding words and they hope that it will bring democratic stability in the country, while others apprehend that federal power and role in Pakistan is still dominated over its provinces and the federal decisive role in controlling most of the important institutions and policies as compared with the provinces.

With the devolution of many ministries and functions to provinces after repealing the concurrent legislative list through the 18th amendment. With this devolution along with other subject's education is also transferred to provinces though some of its areas and instructions like a standard in higher education and higher education commission (HEC) is retained with the federal government. Higher Education is now under the provincial government, though the provincial government is also looking after the lower education, quality, and schools. The devolution of Higher education places more responsibilities on the shoulder of the provincial governments. The Provincial governments with their limited resources and non-availability of technical and expert personnel pose challenges to implementing the 18th amendment in respect of education. Through a cooperative and coordinated mechanism with the federal government, the provincial governments can bitterly manage the newly decentralized higher education in the provinces and especially in Khyber Pakhtunkhwa.

The amicable solution to all these challenges and problems facing the provinces especially the Khyber Pakhtunkhwa is to establish its own higher education commission so to reduce the burden on the provincial government's HED. Through the useful utilization of federal and provincial bodies through coordinated manners like inter-provincial coordination (IPC), the council of common interest (Johnstone), and higher education (HEC) for running higher education in Khyber Pakhtunkhwa. Through cooperation between the Khyber Pakhtunkhwa and federal government can be in a position to fulfill the financial needs of the Higher Education especially of the universities to continue its academic and such activities for national building and to maintain its positive image.

4. If you are going to dissolve this and you are going to implement the 10th amendment, then you will have to dissolve Federal HEC completely. There may be a commission or a board that can work facilitate among the provinces. The Provinces should develop linkages with foreign universities. Theoretically, HEC has been devolved but in practice, there is no such development the local HEC spends zero pence on universities in KP. While in Punjab HEC Shahbaz Sharif has given 200 billion rupees for research and other activities. There is a huge difference. Some provinces have taken advantage of devolution. KP has not yet established its own regional HEC because they do not have any benefit. There is corruption as well. The decision may be reversed secondly KP. There was a time when there were universities granting commissions. Musharraf dissolved it many academicians were of the view that there were corrupt practices in the Universities Grant commission. So in the same fashion, HEC is suffering the same. Third-world countries face a shortage of funds, especially in the education sector. The HEC was founded for reforming Higher Education. But with the devolution and passing of the 18th amendment, just a mess was created and the 18th amendment was not implemented in true letter and spirit. The PIT Govt: has created a mess.

HED interference in Universities-2016 statutes and act BS Programs will only be run in colleges and Universities will only run the graduate program. The universities charge huge fees while on the other hand, the colleges charge Rs.5000/-, so the universities will face a shortage of students. The 18th amendment made it possible for the Bureaucracy to the middle into the affairs of the universities. A grade 19 Secretary has been assigned the charge of universities. It is quite difficult for the Vice-Chancellors who have BPS-22 and a Secretary or Deputy Secretary of BPS-18 to issue commands to him.

In KP Universities have no resources to spend on research. They have no funds for salaries. In Western countries, even schools are attached to universities. The course structures are outdated. Even in PhD students are taught freedom movement. These must be practical labs. Same how universities in Punjab and Sindh are performing better than in KP. For theoretical course work at least these.

Provinces were ready for devolution. 10th amendment is the need of the day. There were efforts as well for bringing the 18th amendment, as there were other matters as well, especially the financial needs of the provinces. Institutions were not in favor of the 18th amendment, they deliberately want to create problems to roll back the 18th amendment, that is why Higher Education was deliberately destroyed through favored political blue-eyed people to create a favorable atmosphere for repelling the 18th amendment. The KP Govt: was not in a position to utilize the developmental funds and funds lapsed but were not provided to universities. There may be at least 10 universities or a maximum of 15 universities in the whole of KP. The creation

of universities should not be for political point-scoring. The KP should be divided into zones and there should be no mushroom growth of universities.

In real term there is no devolution still our finances and curriculum is decided by HEC. I was the part of VC's committee made for sorting out the problems arising out of the 18th amendment in the senate. Some people (Academics) were in hurry to have provincial commissions (Punjab HEC). The majority of VCs were not favoring separate commissions, but instead, they believed that there should be offices subservient to central HEC. HED considers itself as commanding the universities. In a real sense, there is no devolution as we get finances and curriculum from higher education.

HED needs to be developed further because they have no capacity at the time to manage the universities. Even court cases are there challenging the devolution and there is still confusion existing after the 18th amendment. HED considers itself the custodian of Higher Education. One is philosophical that curriculum will be decided by HEC or HED. Still, controversy exists and is more philosophical. The second is finances. In case of devolution, the finances will be devolved but the agreed phrase is unrealistic. Like in Balochistan, the universities will get more funds, interior Sind has no institution but it will get the same budget which is not feasible.

Employees are too much in HEC and most of them will be fired in case of implementation of devolution. The HED is happy over the devolution specifically the political government will like to interfere in appointments. It is a philosophical question to say that devolution the burden will fall on HED and even the efficacy of universities will suffer as colleges suffered. The universities are performing better as we claimed. Education is not that much bad in universities moreover there is not much difference between colleges and in universities. They offered the same courses in case of devolution and if it is practically implemented then still we will have a dependence upon the center. The Nuclear research in that case we will have a dependence upon the center. The devolution of HEC does not mean devolution of research. Open Classified research is the need of the nation and can be done at the national level in institutions or labs. The HED in many provinces cannot manage the affairs of the universities. The universities should have their board of governor, senate and Syndicate should be scrubbed. The board of governors should manage all the affairs of universities. Pakistani universities just give pieces of paper and we are not imparting education but we give education.

Higher education in the environment of a socio-culturally complex society requires more of a federal system that can be better assimilated to the provinces for fulfilling their constitutional role. Higher education has been improved in my views after the devolution if it is implemented in its true spirits and intents. The federal government should support the provinces in setting up higher education in the provinces and help them set provincial HECs to better manage the academic, financial, and administrative issues so the HEIs.

The curricula, budgets, and other activities can better be managed at the provincial level so it is quite feasible and beneficial to transfer the higher education to provinces. As per the 18th amendment.

Before discussing the importance of the 18th amendment and higher education in Khyber Pakhtunkhwa a background scenario of higher education must be taken into consideration. The Musharaf regimes establish HEC to promote higher education in Pakistan. The military government generously provided funds to higher education and every year new universities were established different types of scholarships were offered to students and teachers at the national and international level. The military regime through HEC the research activities were highly encouraged through funds and awards. After the military regime of Musharaf, the subsequent governments could not have sustained the Musharaf regime policies regarding the promotion of higher education in Pakistan because their political priorities and targets were changed. As a result of new policies of civilian governments, HEC and higher education faced a cut down on its funds and allocation of resources in its budgets and the civilian government could not show its enthusiasm what the Musharaf regime had shown. The devolution of education in the 18th amendment and especially in higher education is placed under the provincial government's prerogatives. Due to these new arrangements, first the HEC and then the higher education as a whole faced financial crises because it received limited funds from federal governments. The HEC is the only one controlling the standard and financing of higher education and due to its availability of resources the universities are facing financial problems for the smooth running of its affairs. The universities, while before the 18th amendment depend only on HEC but right now they are accountable to different stack holders like provincial bureaucracy, governor of the province, finance department, and other departments of the province. After the 18th amendment, most of the important positions are occupied by the officers who belong to colleges and they have no technical and research expertise in higher education. The involvement of this non-technical and suitable personnel in higher education creates multi-facets problems in running of universities smoothly. To run the affairs of universities the people working at the universities level must have special scientific knowledge, research expertise, and high qualification.

The KP universities are run through Khyber Pakhtunkhwa universities model statutes 2016 at the presence of civil bureaucracy, the nominee of HEC, HED, finance, colleges and retired Judge in syndicate show that different stack holders are taking decisions and run the affairs of the universities. But the case of the Senate is quite different, as the senate mainly deals with financial matters of universities and approves all the decisions of the syndicate. In Senate composition along with officials of HED, HEC, and Finance the local representative is given membership. The political figure involvement is ultimately dictating the Vice-Chancellors of universities and sometimes creates hurdles in the smooth running of the universities. The

political involvement in the affair of the university greatly affected quality, academic progress, and research activities in universities, and thus the autonomy of the universities are curtailed.

The quality assurance division which is a vital and technical one in university must be occupied by technical experts who have scientific knowledge and can easily utilize research-based data. The quality assurance division can easily judge the academic research standard of the university but also point out the main hurdles in its improvement. The 18th amendment ensures that at the provincial level we should have higher education commission offices to look after higher education in the province. The commission should have well-qualified personnel, seasoned academician, and skilled people who are worked hard and can easily understand the issues and higher challenges prevailing in higher education at the provincial level. These research-based people can know all methods and techniques to overcome the bearers and issues in research academic areas at the university level.

The next important step for improving and to put a limited financial burden on universities exchequer, there should be one board of governors with all universities VCs of KP be its members instead of separate Senate of every university of the province. Through this board of governors, the Vice-Chancellor along with all stakeholders of KP government evaluate the performance of the universities through this platform the Vice-Chancellor can easily convey the university needs to high ups. We can observe that the important aspects of higher education in developed countries are the commercialization of academic and research of universities. According to this trend, the KP universities should also focus on industry-academia linkages to enable the people to get more jobs and attract different local and international investors in this region. As a result of all these activities, the people of this region the living standard of life will improve and our young generation will contribute to regional and national prosperity.

The Higher Education of any country is playing a key role in building an image of a country at the international level, as well as its standard shows normal prosperity and progress. The developed countries use focusing on their higher education because it produces both bits of intelligence and top minds of society and that intellectual mind brings changes in society. Due, to this reason the advanced countries place high education on its priority to play its leading role at a global level. It is unfortunate that in Pakistan, we had no proper well-established education system but we had inherited British and we continue it. The Pakistani government could not upgrade. The whole education system with its own needs and requirement for its multi-ethnic society and that is the main reason that different educations levels for different classes in society are prevailing and these are unfortunately in the whole country. As for the higher education systems, we are lagging behind the other countries in respect of quality, standard, research, and the most important allocation of funds in annual budget with the devolution of education in the 18th amendment. Higher education is now under the jurisdiction of the provincial government but there is still some influence of the federal government as the federal government is the main source of funding to universities through HEC. The universities are evaluated maintaining of standards, research and polices formation in Higher Education are under the jurisdiction of HEC. The HEC is still playing important role in providing different types of scholarships to students and faculty in Pakistan and also abroad. The HEC is also exercising a vital role in universities' statutory bodies like Syndicate and Senate. The 18th amendment is bringing a strenuous task to administer the universities through the Provincial Government of Khyber Pakhtunkhwa has already a huge setup of colleges and schools and with the addition of universities will bring more challenges to the provincial governments.

The provincial government has already faced financial constraints and the universities will enhance and aggravate the situation of higher education and this will affect the academic and research activities in universities. The government of Khyber Pakhtunkhwa is trying to expand higher education in different areas of the province. Every big city of the province has a university though a good step towards the promotion of Higher Education but due to limited resources and lack of expertise both in administration and teaching will negatively impact higher education. The establishment of a university is not a difficult task but making it a successful and productive institution is a laborious job. The political leaders for its voter bank and to increase its influence in their respective areas establishing educational institutions to attract people to their sides. Due to this reason the education institutions and especially universities are turned into a hub of political activities and political interference will lead to complications for teachers, students, and administration. These political interferences on part of political leadership lead to frustration among the students and teachers that ultimately put bad effects on the performance of universities.

The only way forward is to establish KP's on higher education commission and there is news that the KP government is going to establish the 'Higher Education Council' for its higher education like Punjab and Sindh higher education commissions. The other important step that I think that the KP government should be taken to stop the further establishment of new universities in the province. The government should provide generous funds to universities for their academic and research activities. The federal government should not pull out and reduce its funding to universities for the betterment of higher education in the country.

5. DISCUSSION

The first education policy conference was convened in 1947 and participated by the high officials. Interior Minister Mr. Farzur Rehman, who was also responsible for education, presented his detailed speech and explicitly narrated Pakistan's

future education policy. He categorically pointed out that our education policy would have three main objectives, i.e., spiritual, social, and vocational. Inter alia, the conference stressed that after the partition, our education system should be based on those principles and moral grounds that presented our history and suited to the people's culture and modern environment.

In 1950, the University of Peshawar and later 1953, the University of Karachi were established to fulfill the higher education requirements of the young people of Pakistan. During the military regime of Ayub Khan (1958-69), two professional universities were opened for engineering and agriculture, along with a federal university in Islamabad in 1965. The Ayub regime greatly emphasis the industrial development of the country and tried reforms in educational institutions under the recommendation of Sharif commission but had little success.

During the first democratic period of Zulfikar Ali Bhutto, higher education institutions were boosted by establishing seven more universities in Sind and Punjab. In agriculture, engineering, biotechnology, and psychology, nine centers of excellence and seven area study centers, including Pakistan Study Centers; were established under the act of the parliament in 1974 in federal and provincial universities.

The successive civilian governments pledged to increase the education budget and limit government control over it, but multiple factors caused failure on its part. Bengali (1999) is commented on the different plans, policies, and commissions in the following words, "A review of the history of educational planning in Pakistan shows that setting targets, lamenting the failure to achieve the same, and setting new targets with unqualified optimism has been a continuing game policymaker have played ad nauseam and at great public expense over the last 50 years. Differences in the hues and shades of various governments be it civilian or military, elected or otherwise, socialist or Islamic -- have made little difference to how the game has been played. The results in all cases have been the same. And the results show that there has been a signal lack of political commitment to literacy or education." (Bengali, 1999)

In Eighth Five-Year Plan in 1992, the government adopted the policy to decentralize higher education. The government reiterated the need to mobilize a larger share of national resources for financing education. The universities were under the direct control of the federal ministry of education and finance. Tarar (2006) viewed that the 67% fund to universities was provided by the government, which provided an effective mechanism to subdue the autonomy of the universities in one. Through the Universities Act of 1974, the government's nominee, vice-chancellor, had unlimited powers to control the university administration in another.

With the popularity and introduction of new modern technologies, promoted globalization, internationalization, marketization of higher education, and new liberal policies, the demand for higher education has been increased around the globe. It is ironic amazing that the Pakistani government, instead of increasing the higher education budget, the government allocated not more than 3% of its GNP on education. However, the minimum that UNESCO recommended was 4%. The government was relying on foreign graduates instead of improving higher education at a local level. The universities have spent about 85 percent of sallies, and there was a scarce resource for research, laboratories, libraries, chemicals, etc., faced acute problems to provide quality education. So to face these challenges financially, the UGCs engorged the public universities to increase tuition fees, enrollments and introduce self-finance schemes in various disciplines to tackle these financial crises in universities.

In 1999, the democratic government of Nawaz Sharif was overthrown by the then army chief, Pervez Musharraf, who later declared himself as president of Pakistan in 2001. According to Sajid Ali (Ali, 2006), the most significant political reform was Musharraf's devolution plan in 2001. The 'decentralization is a worldwide phenomenon and a favored policy of neo-liberal globalization. The Musharraf regime initiated broad reforms in higher education, and in 2001, the ministry of education launched a Task Force on the improvement of higher education in the Pakistan context. One of the recommendations was drastic changes in higher education in Pakistan and new approaches for financial sustainability; as a result, in 2002, the Higher Education Commission (HEC) replaced UGC. The government made the HEC an autonomous and largely financially independent body to improve higher education in Pakistan. The Task Force also recommended revising the curriculum, providing and improving science and technology facilities, restructuring universities and their governing structures, and their links with industries. These reforms were viewed higher education as a backbone of the economic growth of the country and a source of human capital development. These reforms were influenced by neoliberal ideas and globalization, causing restructuring institutions in a broader international perspective in the higher education sector (Tarrar, 2006)

The Musharraf regime from 2002 onwards started revolutionary steps in the promotion of higher education in Pakistan. The expenditure on higher education was increased to almost 3 percent, and its development budget has also risen almost Rs.9 billion or 1500 percent in the same year. After 2005-06 the higher education budget increased more than 30 percent but not that of international level. Due to these policies and huge investments, the net enrollment in universities increased to 3.9 percent, which was of international standard (Hayward, 2009; PEP, 2006).

Some critics viewed that this huge amount was utilized in the quantitative expansion of higher education instead of improving qualitative education in higher education institutions. There was also criticism over the government's new policies and the new "corporate model of higher education", as pointed out by Tarar (2006), that this led toward one direction policy,

inaccessible for the lower class of society to higher education. Only emphasizing business, science, and technological disciplines also depleted the universities' social science and art disciplines (Tarar, 2006).

6. CONCLUSION

In respect of education, the 18th Amendment has brought distinct changes in the education system of Pakistan. First, the inclusion of Article 25-A guaranteed the right to education to all children with age five to six years, and secondly, the removal of the Concurrent Legislative List. As a result of the devolution under the 18th Amendment, syllabus, planning, policy, curriculum, and standards of education at a lower level to provinces and they are made solely responsible for these sub-sectors of education. From an education policy perspective, the provinces are entitled to frame and implement their education policy according to their needs and demands. With the 18th amendment, new reforms in curriculum uniformity are introduced with new curriculum authorities, in all the provinces to devise and implement higher education policy in the country. The new textbook curriculum review committee which was functional before the 18th Amendment continues its function at the federal level, as there are provincial curriculum authorities at the provincial level.

Along with other subjects, education is devolved to provinces and along with this, the 18th Amendment has opened a new vista of opportunities to the people of Pakistan and to prove Pakistan as a true purist state with legitimate bases of ethnicities, languages, and cultures. Attributes are indelible determination to follow democratic values in the country. The Amendment has added its value in the implementation of the true spirit of federalism. By eradicating the two important amendments, the 18th Amendment of Zia and the seventeenth of Musharraf, which enabled the presidency to dissolve national and provincial assemblies and to oust the Prime Minister at any time. Thus the eighteenth Amendment restrains the president to use its power through 58 (2) (b) Article against the government made the parliament more powerful and effective. The eighteenth Amendment titled power in favor of the Prime Minister at the federal level and Chief Ministers against the governors in provinces.

The Amendment has enhanced provincial autonomy and by doing away with the concurrent legislature list. The federation-province relationship is redefined with the devolution of 17 ministries including education to provinces, providing an opportunity to provinces for improving their capacity and governance expertise along with the delivery of services in the above-mentioned areas. The 18th Amendment brings forth provincial autonomy but it also entitles provinces to control over their natural and economic resources with rejuvenating the federation provinces' relationship over these resources. An increasing share of the provinces in the Seventh National Finance Commission has changed the allocation of financial resources. With this fiscal decentralization, the provinces are in a good position to have financial resources for third respective provinces and have better resources for their needs. The 18th Amendment is also important in respect of restricting the council of common interest (Johnstone) as a constitutional body that broadens its scope and functions. The CCI is now constitutionally required to meet every three months and the four Chief Ministers are equally represented. Any grievance of any province about its rights or issue could be brought to CCI for an amicable solution.

Regional governments need autonomy in social services in multi-ethnic societies with considerable decentralization of power and authority, including higher education. Higher education institutions would be better positioned to fulfill the needs of higher education at the regional level. The provincial government could easily interlink and coordinate the community and different stakeholders associated with higher education. As a result of this linkage, higher education and industry could uplift local regions, towns, cities, and industries through academia-industries linkages. The federal and provincial government's smooth functioning of higher education could be achieved with a generous increase in provincial budgets and provincial autonomy. However, better arrangements of federal and provincial government's responsibilities and division of political and financial power could positively impact the output of higher education.

7. LIMITATIONS AND FUTURE WORK DIRECTIONS

This work has achieved its essence in higher education in the post 18th amendment era, yet the study carries certain limitations that could be further strengthened or covered in future studies. The author proposes to enhance the scope of such study by taking secondary/primary education or other fields like health, transportation and communication, and other services that how the 18th amendment has impacted the various sectors both at the federal and provincial level. This study used primary data by focussing on interviews that might pose a generalizability issue. Future research work may use a questionnaire or secondary data sources to be more robust in data collection and data analysis.

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APPENDIX: INTERVIEWEES' DETAILS

1. Dr. Fakhru Islam: Director Pakistan Study Centre, University of Peshawar
2. Dr. Syed Munir Ahmad, Institute of Education & Research, University of Peshawar
3. Interview Dr. Dost Muhammad, Ex director shaikh Zayed Islamic
4. Muhammad Ayaz, Chairman Department of Islamic and Pakistan Studies Kohat, University of Science and Technology (KUST)
5. Prof: Dr. Fida Younus Khattal, Kohat University of Science and Technology (KUST)
6. Prof: Dr. Mansoor Akbar Kundi, Ex-Executive Director HEC and Ex-vice-chancellor Gomal University
7. Prof: Dr. Shahid Niaz, Kohat University of Science and Technology (KUST)
8. Dr. Asmatullah, Ex Vice-chancellor University of Science and Technology Bannu
9. Prof: Dr. Hafiz, Khyber Medical University, Peshawar.