

discussed manner of budget allocation and release actually saves taxpayers money, the Secretary College Education and the Secretary Finance shall ensure that the budget allocation and release is targeted at the completion of a project before moving on to the next one.

3. With regard to maintenance of existing Schools and colleges it is stated that budget is not allocated under the head M&R, however both respective Secretaries undertake that they will ensure to adjust the amounts available in other heads which are not so necessary and could be used for maintenance and repairs. The dilapidated condition of *place* of education is an open secret yet non-existence of M&R head is quite surprising. Completion of a *building* would never be sufficient to keep aside maintenance thereof which, *otherwise*, legally and logically continues if purpose of such building continues. Without saying much in this regard, the proposal, so placed, appearing to be reasonable to meet with existing issue of M&R (maintenance and repair) therefore, Secretary Finance, Chief Engineers and Finance Department shall ensure that funds available in the heads, not required for immediate use and those in *routine* lapse every year, shall be transferred in M&R. Needless to add that such work (M&R) be not delayed rather be taken up while keeping conditions thereof as well need so as to avoid any misuse of such *fund* on account of entry / introduction of any *hidden* hand.

4. At this juncture Secretary Schools contends that department intends to close 46 higher secondary schools as degree colleges are available. Admitted to those schools and students' ratio is very low and that transfer is with regard to the students *only* and teachers cadre will not be affected. Needless to mention that *normally* every *scheme* is established after due process which includes the root (**need**) therefore, such *scheme* normally should not be disturbed except after due study regarding '**whether need / purpose thereof exists or otherwise?**'. Needless to add that it is not the building which matters but the ***purpose / need*** which had been a cause for erecting such building. Record reveals that since many years there is no sufficient increase in colleges and higher secondary schools hence department is required to examine the need of schools and colleges as per census so as to enable them to make an *intelligent* decision without harming / prejudicing the purpose / need of any such *building / project*. Therefore Chief Secretary with consultation of Secretary Planning and Development and Secretary of Colleges/Schools shall notify committees that shall study and submit their proposals alongwith figures of

population, as well as, reports shall be submitted with clarity whether existing colleges are sufficient to cater the issue of education or there is need to increase the number, till then Higher Secondary Schools in question shall not be disturbed. Besides report shall be submitted regarding Para No.8 of order dated 20.09.2017 on same issue.

5. With regard to Degree Colleges it is stated by Secretary Schools that number of students is very low. Secretary Colleges was questioned as to whether biometric system is introduced on college side as per order passed by this court in 2017. He contends that department has installed biometric machines but same are not effective, as same are not monitored by central directorate.

6. Whereas Secretary Schools disclosed that in schools separate mechanism is provide whereby monitoring officers and other local officers who pay surprise visits to schools and check the attendance of teachers, such machines provide a mechanism whereby location and identity of teachers cannot be concealed and same is notified by headquarter. However he contends that system is also compromised due to corrupt practices by the local staff who have been provided such machines. Further he contends that he is going to introduce a separate mechanism with the help of the funds of UNICEF. Secretary Schools also contends that in case civil judges/judicial magistrates are deputed to look after the issue of biometric system in their respective area that would be helpful until new mechanism is provided.

7. Since in school management biometric system is completely having separate branch whereas college side is lacking that mechanism. Such *like* system is meant to ensure *punctuality* which, if is not effective as acknowledged, shall mean compromising on *purpose* thereof. Accordingly Secretary Colleges shall ensure application of same pattern of schools. Worth to add here that number of colleges and lecturers is much less than the number of schools and teachers therefore it is easy to ensure attendance of lecturers and point out ghost lecturers. This exercise shall be completed within two months. Secretary Schools undertakes that there officers will provide basic guidance and will facilitate the college side while establishing that mechanism.

8. The plea that biometric system in schools being compromised is alarming. Such an admission appears to fail least bring cloud over the efforts of this Court as well Apex Court on such

vital issue (education). It had been the collapsing *education system* which had allowed a room for surprise visits of judicial officers. The efforts of judicial officers *did* leave their mark but since again there is an admission of *failure* hence, we find it proper to order all District Judges to direct civil judges of their respective jurisdictions to make surprise visits with regard to performance of biometric officers and their mode of taking attendance by first managing their judicial duties in a **cause**. Civil Judges would be competent to call monitoring officers in case of any illegality or irregularity is found or in case any officer is facilitating teachers by informing them on telephone or with other mode, he shall be booked under Pakistan Penal Code.

9. Learned District Judges shall direct Magistrates surprise visits of for Higher Secondary Schools and Degree Colleges of their respective on fortnightly basis, in terms that :-

- 1). To examine total number of teaching staff.
- 2). To ensure their attendance.
- 3). To ensure that lecturers or teachers are imparting education by delivering lectures as per their schedule, such schedules shall be available on notice board.
- 4). shall ensure that mobile phones are not being used by the teachers / lecturers or students during the time of school/colleges.

10. With regard to libraries in schools and colleges it has come on record that no budget has been allocated during current financial year for purchase of books however Secretary Schools contends that one philanthropist Agha Noor Muhammad is establishing libraries in schools on his own and his work is commendable. This court appreciates conduct of Mr. Agha Noor Muhammad however since such liability exclusively rests with the government and cannot be avoided with reference of **remarkable efforts** of an individual however he may strengthen the work of government sector. It is matter on record that no mechanism is provided with the colleges and schools side regarding criterion to purchase books and to maintain the libraries and even post of separate librarian is not sanctioned. How one can hope to know developing changes / research works on side of his *interest* but with help of **books**, including **e-books**, which are meant to operate as *tool*.

Accordingly Secretary Colleges shall ensure that libraries are established in every college having sufficient number of seating arrangement, however libraries shall be in two portions, one shall be digital and another by providing books. Sufficient space be provided for such purpose and post of librarian counsel / or shall be created and filled by IBA Sukkur or Karachi. Passing out students shall be provided cards for at least three years, to visit the same library. Such portion of libraries be equipped with WIFI networks with solar facility *immediately* least gradually. Books of competitive examinations shall be purchased with the consultation of CSS officers. Besides a portal or separate website shall be launched by joining all Universities and Degree Colleges, such website shall place every information regarding Admissions, Scholarships, Jobs and guidance. Further Secretary Schools shall submit compliance report regarding establishment of IT Labs as undertaken, reflecting in order dated 23.08.2017.

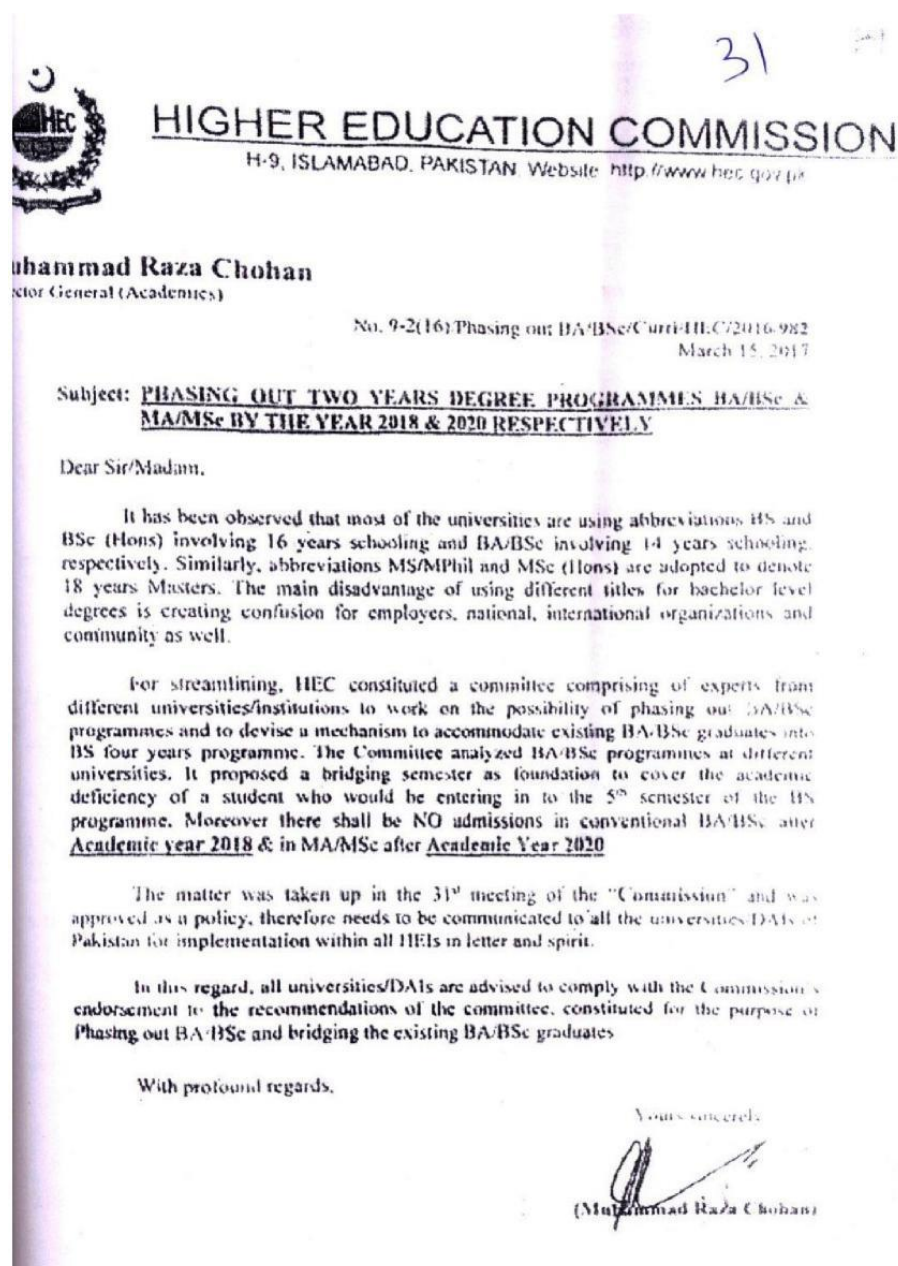
11. By order dated 29.08.2017 it was observed that Chairman of Higher Education Commission shall be a person having commendable reputation; such notices were issued, yet Dr. Asim Hussain, involved in NAB cases, is Chairman since years. The order was not aimed to effect status of **allegations** but was intended to have the Chairman of highest forum of *education* of **commendable reputation** only. Therefore, it was not advisable to let **any** such person continue as chairman of highest forum of **educational system**, who, *even*, is alleged to be involved in corruption. This appears to be a *deliberate* attempt to avoid compliance of the Court order. Such like act / omission cannot be appreciated, however, without detailing consequences, we find it proper to issue notice to Chief Secretary Sindh, Secretary Higher Education, also Secretary Universities and Boards thereby *first* calling an explanation as to why above referred order is not complied with. On next date of hearing Secretary Boards and Chairman Sindh Higher Education Commission (HEC) shall be in attendance.

12. It has come on record that around 25 posts of principals are lying vacant in higher secondary schools. The importance of the post of **principal** in a *school* or *college* cannot be denied as he is supposed to ensure *proper* functioning of the *school* or *college*; thus, Secretary Schools shall ensure that such posts are filled in accordance with law. At this juncture, Secretary Education contends with regard to appointment of all teaching staff up to grade 16 as provided by

education policy of foreign donors, recruitment process is initiated through third party, whereas for above the 17 grade posts Sindh Public Service Commission is required to recruit every post. Since education is more important and any compromise with regard to recruitment process cannot be accepted, hence, Secretary Schools and College Education undertakes that before initiating recruitment process by the Sindh Public Service Commission there will be screening test through third party contract. Needless to mention that in the case of Muhammad Sami Abro and others vs. Province of Sindh and others [2017 PLC (CS) 419], the Chairman Public Service Commission was directed by the Division Bench of this Court to ensure that all recruitments in education department shall be initiated after screening test through third party (IBA Sukkur/NTS).

13. Secretary Colleges and Chief Engineers of both respective regions contend that Khipro Girls Degree College and Pithoro Girls Degree College will be established within three years, on the government land which is available adjacent to both towns.

14. At this juncture, it would be conducive to refer the Higher Education Commission's letter dated 15th March 2017, which is that:-



15. It has come on record that in Province of Punjab and KPK 04 years BA and BSc programs are commenced in view of guidelines provided by HEC, whereas in Sindh, Degree Colleges are providing degrees based on two years program upto 14 years. This seems to be in complete negation to above *decision*. Secretary Colleges is not in a position to controvert the above factual aspect. Petitioner's counsel contends that two years BA /BSC degree is not acceptable all over the world, hence there is no use if 14 years education is provided in the Degree Colleges instead of 16 years. Similarly there shall be MS/M.Phil and MSc (Hons) as of 18 years. A little discussion on *vitality* of such issue also brought it on surfaced that through Notification# 15-54/A&C/2019/HEC/691 dated: Thursday July 11, 2019 the Higher Education Commission (HEC), Islamabad has decided to discontinue the BA/BSc programs of 02 years in transition with Associate Degree Programs. It has further been directed that the new nomenclature (Associate Degree or AD) shall be adopted in all documentation and announcements related to 02 year post higher secondary or equivalent programs, and the previous nomenclature of BA/BSc programs shall be discontinued forthwith. The Students who are enrolled/registered in BA/BSc programs on or before December 31, 2018 are allowed until December 31, 2020 to complete their programs and receive the BA or BSc degree as applicable. Those who fail to complete their courses of studies by the cutoff date shall be awarded an Associate Degree upon completion of such requirements as determined by the Degree awarding University. **There can be no escape legal escape to such legal position therefore, Secretary Colleges and Secretary Universities shall ensure that that education system of the Sindh does meet with required standard of World and above referred decision and directives are complied with in its letter and spirit. We, needless to add, are not supposed to educate people for a limited area but for the whole globe. Courses of all above degrees and mechanism in this behalf shall be converted from two years to four years by including all relevant subjects.** At this juncture, it would be significant to direct Chief Secretary Sindh to constitute a committee comprising of Secretary Colleges; Mr. Nisar Ahmed Siddiqui, Vice Chancellor, IBA; Ms. Naheed Shah Durrani, Managing Director, Sindh Education Foundation, Government of Sindh (SEF) and Secretary Planning and Development (P & D) Sindh, Secretaries of Colleges and Universities and Mr Hussain kapri Associate professor Sachal Sarmast college

Hyderabad, Vice Chancellors of respective Universities, that committee shall examine this aspect and ensure that relevant and necessary subjects are provided in the syllabus and this order is implemented in its letter and spirit within six weeks.

16. It has come on record that subjects of SSC level are not at the par of Agha Khan University Examination Board and Punjab Examination Board. Learned counsel for petitioner has submitted certain documents showing therein a mechanism of all subjects as revised by School Education Province of Punjab and Agha Khan University Board whereas notification dated 28.02.2018 issued by Intermediate and Secondary Education Hyderabad Sindh shows different signature. It would be relevant to provide here chart of comparison, which is that:-

Scheme of studies in comparison Organizational Chart:

	Punjab B.I.S.E. (Since 2003)		Agha Khan Board B.I.S.E. (Since 2007)		Sindh B.I.S.E. (Since 1990)	
	SSC-I	SSC-II	SSC-I	SSC-II	SSC-I	SSC-II
01	Biology-I	Biology-II	Biology-I	Biology-II	Biology	Mathematics
02	Chemistry-I	Chemistry-II	Chemistry-I	Chemistry-II	Chemistry	Physics
03	Physics-I	Physics-II	Physics-I	Physics-II	(Compulsory) URDU/SINDHI	(Compulsory) A.Urdu/A.Sindhi
04	Mathematics-I	Mathematics-II	Mathematics-I	Mathematics-II	(Compulsory) Pak. Studies	(compulsory) Islamic Studies
05	English-I	English-II	English-I	English-II	English-I	English-II
06	Urdu-I/A. Urdu/History Geo. Pakistan	Urdu-II/Sindhi/ History Geo. Pakistan	Urdu-I/A.Urdu/History Geo. Pakistan	Urdu-II/Sindhi/ History Geo. Pakistan		
07	Islamiyat-i/Eithics-II	Islamiyat-ii/Eithics-II	Islamiyat-i/Eithics-II	Islamiyat-ii/Eithics-II		
08	Pakistan Studies-I	Pakistan Studies-II	Pakistan Studies-I	Pakistan Studies-II		

SHORT FORMS:

B.I.S.E: Board of Intermediate & Secondary Education

A.Urdu/A.Sindhi: Asaan Urdu/Asaan Sindhi

Geo.: Geography

SSC: Secondary School Certificate (Matric IX, X)

Note: Data collected and compiled on the basis of documentation sent before.

It is prime duty of province to provide education on international/national standard. Admittedly, in Sindh same old curriculum / syllabus is existing since years thus Province of Sindh can take benefits of system whereby subjects of SSC are revised by the Province of Punjab on the same line as by the Agha Khan University Examination Board. Accordingly, Secretary Schools and Boards shall

ensure the same mechanism like Aga Khan Board. Copy of this order shall be circulated to all chairman boards for compliance, including referred Secretaries. This exercise shall be completed preferably within three months.

17. In the judgment passed by the apex Court reported in 2014 SCMR 396 with regard to suo-moto case of miserable conditions of schools, directions were issued to establish Accreditation Board. Notification is placed on record, which shows establishment of Service Delivery Commission/Accreditation Board. While from inquiry it is surfaced that such Accreditation Board is not functional as outlined by the apex Court, as well by this court vide order dated 20.09.2017.

At this juncture, paragraph Nos. 4 & 5 of a letter produced by Secretary School Education addressed to Chief Minister are that:

4. The spirit of the order of Supreme Court, and subsequently the High Court of Sindh however required that such boards be constituted at the divisional and district level. For that, an institutional mechanism already exists. Under World Bank Assisted SERP II, District Education Plans were developed and for effective implementation, the Government of Sindh vide Nonfiction No. SO(C-IV)/SGA&CD/4-26/11 dated 07th June, 2017 notified District Reform Oversight Committee (DROC) (Annexure-C). Similarly, Divisional Reform Oversight Committees were also constituted at divisional level.

5. Now, that the World Bank assisted SERP II has been closed, the same Divisional/ District Over Sight Committees may be renamed **as Divisional/ District Service Delivery/ Accreditation Committees** with addition of one prominent educationist from civil society as their member. The committees so constituted shall work under the overall supervision and guidance of provincial service delivery **commission/accreditation board** which may be re-notified with the modification that the Minister for Education & Literacy may be made its Chairman, and in place of one educationist member from each district, it will have only two educationists from civil society at the provincial level to be nominated by the Minister for Education and Literacy, and Chief Program Manager of Reform Support Unit of SE&LD as its Member / Secretary.

18. It is strange that despite categorical directions since five years no Accreditation/Service Delivery Commission Board has been notified though directives of Apex Court *even* are referred in above said letter. This, *prima facie*, shows the seriousness of quarter concerned in shouldering the collapsing education system. Further, suggestion by

the Secretary that “*Minister for Education & Literacy may be made its Chairman*” is apparently not justified nor appears to be in line for which emphasis was given for such **board**. The manner in which things have been kept *hanging* despite directions of honourable Apex Court as well of this Court is not worth appreciating rather again speaks how quarter concerned is interested in reformation of collapsing education system. It is needless to add that role and importance of the **board** (accreditation) needs no further affirmation as already detailed in para 13 of order dated 20.09.2019, same shall be complied with in its letter and spirits.

19. The above was, *prima facie*, a time gape arrangement *least* till active functioning of the **accreditation board** on Provincial and District levels but things again are found hanging as they were. *Legally* things could only be done as required by law to be done *least* objective should be kept alive even, if any, unrestrained policy / action is adopted / taken. Active involvement of **board** is required hence accreditation/ service delivery commission shall be headed by a nonpolitical and person having a big reputation/experience in education. Though previous orders show that there was suggestion that Mr. Nisar Ahmed Siddiqui, Vice Chancellor IBA will be the Chairman of Accreditation Board, however, Chief Secretary Sindh shall ensure that Mr. Siddiqui or Ms. Naheed Durrani who is concerned may be appointed as Chairman and Accreditation Board, as suggested, shall be established in all over the Districts within one month with compliance report.

To come up on 16.10.2019.

Copy of this order shall be transmitted to all relevant authorities including learned District & Sessions Judges.

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