

# 18th Constitutional Amendment: Issues and Challenges in Curriculum and Standards



## 18<sup>th</sup> Constitutional Amendment: Issues and Challenges in Curriculum and Standards

The Eighteenth Constitutional Amendment Act 2010<sup>1</sup> has introduced significant changes having direct bearing on the education sector. The jurisdictional change emerging as a result of the omission of the concurrent legislative list is noteworthy. As a result of deletion/omission of concurrent legislative list, two key entries<sup>2</sup>, among others, which empowered the federal government to legislate and administer in the key areas of education policy, planning, curriculum, standards, centers of excellence and Islamic education have been devolved to the provincial ambit.

Of the challenges and opportunities emerging as a result of these changes, the delegation of curriculum and standards to the provinces is most debated. The present policy note attempts to outline the key issues associated with the devolution of curriculum and standards. Curriculum provides a framework for the educational

### Key Changes Introduced by 18th Constitutional Amendment in Education

In terms of education governance the 18<sup>th</sup> Constitutional Amendment Act 2010 has reconfigured the federal and provincial relationship. The significant changes altering the education governance framework include the following:

#### **Free and Compulsory Education- Introduction of Article 25-A:**

The amendment has inserted a new Article in the chapter dealing with fundamental rights in the Constitution of 1973. Article 25-A obligates the state to provide free and compulsory quality education to children of the age group five to sixteen years.

*“The State shall provide free and compulsory education to all children of the age of five to sixteen years in such a manner as may be determined by law”*

#### **Removal of the Concurrent Legislative List- Delegation of Subjects to Provincial Jurisdiction:**

The concurrent legislative list which included the subjects in the shared legislative jurisdiction of Federation and provinces has been omitted. In context of education the two key entries of concurrent list which stand devolved to the provinces include:

**Entry 38:** Curriculum, syllabus, planning, policy, centers of excellence, standard of education. &

**Entry 39:** Islamic Education

#### **Empowering CCI: Revision of Federal Legislative List Part II**

Part II of the Federal Legislative list, which is in the mandate of reconstituted and more empowered Council of Common Interest (Article 153-154), has been reconfigured. A number of new entries have been inserted; the entries which have direct bearing on Education include; All regulatory authorities established under a federal law; Standards in institutions of Higher education and research, scientific and technical institutions and Interprovincial matters and Coordination.

#### **Omission of Sixth & Seventh Schedule**

The enactment has omitted Sixth and Seventh Schedules altering Article 268(2) and Article 270(A) of the constitution. The omission has revoked the constitutional protection for the following statutes: *The privately managed Schools and Colleges (Taking over) Regulation 1972; Agha Khan University Order 1983, The National College of Textile Engineering (Governing Body and Cess) Order, 1985, and The Lahore University of Management Sciences Order 1985.*

institutions determining the subjects, learning objectives, and learning outcomes. The key value of a curriculum is to ensure cohesion and uniformity in the education system of a given area. The recent devolution of curriculum is not for the first time in Pakistan. Historically education as a subject, including curriculum, remained in the provincial jurisdiction till the adoption of 1973 Constitution. Until the present amendment the preparation and provision of national curriculum as well as standards for all provinces was performed by the Federal Bureau of Curriculum/Curriculum Wing (CW) in the Ministry of Education<sup>3</sup>.

<sup>1</sup>The Gazette of Pakistan, Extr Pt.1, Constitution (Eighteenth Amendment) Act 2010, Act No X of 2010, P267, 20<sup>th</sup> April 2010.

<sup>2</sup>Article 70 (4), Entry 37 & 38, Concurrent Legislative List, Schedule IV, Constitution of Pakistan 1973; Entry 37 reads as, “Curriculum, syllabus, planning, policy, centers of excellence, standard of education”; Entry 38, reads as, “Islamic Education”.

<sup>3</sup>Section 3 of the *Federal Supervision of Curricula, Textbooks and Maintenance of Standards of Education Act 1976* was enacted in 1976 mandated the Federal Ministry of Education to establish Federal Bureau of Curriculum/Curriculum Wing

The formation of curriculum wing at Ministry of Education in 1976 was followed by the establishment of four Provincial Curriculum Bureaus (one in each province) to ensure provincial collaboration and evolve consensus in all activities falling within the purview of the Federation. The Provincial Text Book Boards were also established subsequently<sup>4</sup>. Under the auspices of Federal Ministry of Education *National Curriculum* was recently developed in 2006-7. The omission/removal of the concurrent list under the eighteenth amendment has devolved the key roles of educational policy, planning and curriculum in the exclusive legislative jurisdiction of the provinces<sup>5</sup>

### Pre 18<sup>th</sup> Constitutional Amendment: Curriculum Development Process

	Curriculum Wing Ministry of Education	Regional/Provincial level <ul style="list-style-type: none"> <li>● Local Authorities</li> <li>● Inspectors</li> <li>● Teacher's Choice</li> </ul>	School Level <ul style="list-style-type: none"> <li>● Heads</li> <li>● Teachers</li> <li>● Communities</li> </ul>
Aims and objectives	National aims, as reflected in the National Educational Policy	Evaluation/study reports of curriculum centers provide change direction	Some aims of effective domains are suggested by teachers
Curriculum plan	National framework: syllabus and weightage	Introduce unique cultural/regional aspects, including mother tongue	Scheme of work, adjustment of time-table, provision for co-curricular activities, exams
Methods and approaches to learning	Teacher-training courses are designed, also in-service teacher training	Teachers' colleges implement training programmes (pre-service)	Practice different methodology
Materials	Provincial textbooks are reviewed/approved by Federal Ministry through National Review Committee	Provincial Textbooks Boards commission writers and select material on merit basis	Representation of teachers in the National Review Committee
Evaluation and examination	Inter-Board Committee of Chairmen, co-ordinate activities of the Exams Board	Board of Education holds exams	Trained teachers set the papers and evaluate the script

### Curriculum & Standards of Education & 18<sup>th</sup> Constitutional Amendment: Issues & Challenges

The devolution of curriculum and standards to the provinces has given rise to a number of questions and issues regarding formulation of curriculum and common minimum standards of education. The prospective change on the one hand poses a daunting challenge for the provincial governments for formulation of curriculum and standards, and on other it presents the federal government with a serious question to ponder upon as how to ensure common minimum standards in all the constituent units without compromising the autonomy as envisaged by Eighteenth Constitutional Amendment.

The devolution of the curriculum also poses questions regarding the possible issues of uniformity of curriculum and implications for national cohesion and identity. A number of researchers believe that the transfer of curriculum to the concurrent list in 1973 was a result of the East Pakistan debacle. In context of the present amendment a number of critics have put across apprehensions regarding introduction of content in the curricula which may have negative consequences for national identity and integration. Examination of the report of the constitution commission indicates that the issue of curriculum was also raised during the deliberations of the commission and at least two notes of reiteration on the same subject were submitted. These notes though did not oppose the devolution of education to the domain of provinces but did put across objection on transfer of curriculum to the provincial legislative list<sup>6</sup>.

<sup>4</sup><http://www.ibe.unesco.org/curriculum/Asia%20Networkpdf/ndreppk.pdf>

<sup>5</sup>Entry 37 reads as, "*Curriculum, syllabus, planning, policy, centers of excellence, standard of education*"; Entry 38, reads as, "*Islamic Education*"

<sup>6</sup>Apprehensions were recorded by Senator Prof. Khurshid Ahmad while supporting the devolution of education to provinces suggests that uniform national curriculum is necessary to ensure national identity and solidarity, and suggests the role of coordination for the same be mandated to Council of Common Interest. *Report of the Parliamentary Committee on Constitutional Reforms, Note of Reiteration Senator Prof. Khurshid Ahmad (JI) pp.43-44, Annex D-V*. In the same vein it was also submitted by another member to place entry 38, of concurrent legislative list to Federal Legislative List Part-II *Report of the Parliamentary Committee on Constitutional Reforms, Note of Reiteration Mr. Ahsan Iqbal (PML-N) pp.58, Annex D-IX*

There is a consensus among most of the stakeholders that major area of concern will be the future curricula developed for social science subjects. Among other questions a pertinent issue causing inconvenience for a number of stakeholders is that what sort of historical revisions or additions might be incorporated in the provincially/regionally developed curricula.

On the technical side there appears serious capacity deficit, on the part of the federal as well as provincial levels to benefit from the opportunities created after the eighteenth amendment. Particularly at the provincial level the bureaus of curriculum need special attention. The provincial Bureaus of Curriculum and other related institutions dealing with Curriculum, like CRDC in Punjab, face serious issues of capacity and human resource deficit. The fundamental reason for this apprehension is that until recently these bureaus were only working as the field formations of the federal curriculum wing. Now they will be required to harness professional expertise for the preparation of curriculum from grade 1 to 12. The Bureaus and provincial institutions dealing with curriculum will now be required to articulate the standards for the approval of textbooks to be published by the Provincial Textbook Boards. This will necessitate revision of their existing roles and functions. Taking into account the limited capability of the provincial bureaus of curriculum, fears have been expressed regarding the modalities for maintenance of standards and quality across the country.

The federally administered areas including; ICT, FATA, GB, and AJ&K will be following the federal curriculum. It is important to note that none of these regions have specialised institutions for curriculum and textbook development except AJ&K (DCRD). For the same reason the regions have been using textbooks developed by different provinces. The institutions in FATA used books developed by the KPK Textbook Board, whereas GB institutions have been using books developed by National Book Foundation Islamabad as well as KPK Textbook Board. So abolition of the federal bureau of curriculum along with a serious capacity deficit in textbook development in the federally administered areas will be a serious challenge to be attended at the earliest.

Curriculum has now been effectively devolved to the provincial domain, thus resulting in the closure of the federal bureau of curriculum. Abolition of the federal bureau of curriculum consequent to the devolution of curriculum to provinces and the limited mandate of the inter-governmental bodies pose a serious challenge especially in generating a national response to the issues of quality and equity.

### **Recommendations**

In the absence of a national curriculum, the prospect of five uncoordinated and different curriculum frameworks for separate provinces will have direct implications for equity, and quality of education as well as it will make the issue of equivalence more critical. The present National Curriculum 2006-7 as well as the National Textbook and Learning Materials Policy 2007 were framed after an intensive process with active participation from the provinces. The review of both the documents indicates that these sufficiently assuage the apprehensions of federating units. The recently developed National Curriculum is a consensually adopted document and should stay as the foundation document which can support the provincial curriculum development.

A review of international evidence suggests that almost all the federations have some form of formal arrangement at the federal tier for curriculum and standard formulation. Notwithstanding the different mechanisms adopted by each country and the particular practices of fixing the national curriculum frameworks, they all seek to ensure that the stakes related to national cohesion and values are protected irrespective of who - federal or the state [provincial] government - has the legal mandate for preparation of the curriculum. It seems imperative in case of Pakistan that a national coordinating mechanism for curriculum needs to be developed which can ensure cohesion, equitable opportunities to all, and to coordinate the development of curricula across the provinces.

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