



HANDBOOK ON ARTICLE 25 A: RIGHT TO EDUCATION

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Handbook on Article 25-A: Right to Education

Participants' Book

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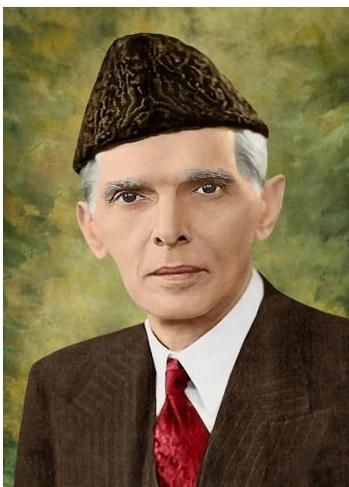
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"Without education it is complete darkness and with education it is light. Education is a matter of life and death to our nation. The world is moving so fast that if you do not educate yourselves you will be not only completely left behind, but will be finished up".

(Father of the Nation, Quaid-i-Azam Muhammad Ali Jinnah)

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FOREWORD

Islamabad, Wednesday, November 20, 2019

Dear Readers,

The Islamic Republic of Pakistan is a welfare parliamentary democracy. The founding fathers led by the Quaid e Azam Muhammad Ali Jinnah always envisioned a state based on principles of protection of life and faith of all citizens proactively fulfilling the responsibility of catering the fundamental rights of people including equality in front of law, freedoms of speech, organization and information and most importantly universal free education. The spirit is acknowledged and thoroughly makes the part of Constitution of Pakistan.

Quite understandably the world evolved over years, Education – which is catalyst to all human civilization and societies, became the most pressing concern for elected public representatives, legislators and policy makers around the globe. With rapid progression, education is now legally guaranteed right to all without discrimination, state have the obligation to protect, respect and fulfill rights’ commitment, and state is accountable for violations or disruptions caused in it. In this context, in wake of 18th constitutional amendment, honorable parliamentarians of Pakistan added Article 25A – guaranteeing compulsory education between ages 5 to 16, which redefined the priorities of state towards education.

We are pleased to share this Handbook titled *Article 25A: Right to Education 2019 jointly published by the Idara-e-Taleem o Aaghi (ITA) and the Pakistan Institute for Parliamentary Services (PIPS)*, with honourable Members of Parliament, all readers and concerned stakeholders. The handbook presents a comprehensive analysis of evolution and development of the state of the right to education in Pakistan.

I would like to extend my thanks to the authors Ms. Baela Raza Jamil, CEO and Ms. Ifrah Ahmad, Manager Research from our partners *Idara-e-Taleem o Aaghi* for the eminent contribution in completion of the handbook; as well as the team of Research and Legislation Wing of the Pakistan Institute for Parliamentary Services, especially my researchers Ms. Tehseen Khalid, Deputy Director; Mr. Hanif Khan Nasar, Senior Consultant and Mr. Asim Khan, Young Parliamentary Officer, for their intellectual input in developing the handbook. We extend our special thanks to our partner *Idara-e-Taleem-o-Aagahi (ITA)* for providing the desired support in concluding and publishing the informative handbook on Article 25A (Right to Education).

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PREFACE

Education is a universal human right which is essential for human well-being and sustainable development. It has been given a central place by the United Nations in the Universal Declaration of Human Rights (UDHR) 1948 (Article 26). The recognition of education as a fundamental right reiterates its catalytic power in reducing poverty, lowering child mortality, achieving gender equality and ensuring sustainable development - all of which highlight its significance as a foundation for Education for All (EFA) and Sustainable Development Goals 2030. In 2015, 193 member states unanimously signed the comprehensive 17 Sustainable Development Goals (SDGs) where SDG 4, goal is to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”.

For any global commitment to be fulfilled it must be embedded in a country's national and local context. What needs to be fully recognized is that the addition of Article 25-A in Constitutional Fundamental Right in 2010 by the 18th Amendment to the Constitution of the Islamic Republic of Pakistan provides such a platform. The enactments for 25-A across Pakistan are well mapped to the Sustainable Development Goal No. 4. According to the Constitution, Article 25-A clearly states “the State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.”

Since 2010 all four provinces and the Islamabad Capital Territory (ICT) have passed the enactments over seven years for their respective territories (2012-2017). Of these ICT (2012), Sindh (2013) and Punjab (2014) are elaborate in taking a comprehensive approach regarding what 25-A will cover and the roles of responsibilities of the: State/Governments (provincial and local); private schools; parents; SMCs/School Councils; Teachers/Principals; and oversight councils to ensure implementation of the act keeping the best interest of the child as inclusively as possible. Each of the acts in turn has included ECE or early foundational learning support with clear stipulation for child protection and care.

To fully own SDG 4 in terms of its substance and spirit for implementation, we need to map its seven targets and three means of implementation against 25-A provincial acts. For Parliamentarians, who are actively engaged with SDG 4 and 25-A, fulfilling their national and global commitments with their constituencies at home and those across and beyond Pakistan this is an important exercise and as covered in this booklet. The best global commitment is one that is fully embedded in our local spaces and with our children, youth and adults. This booklet has been developed by Idara-e-Taleem-o-Aagahi (ITA), a national and regional civil society organization that runs nationwide assessment on learning (ASER Pakistan) and campaigns for implementation of right to education with support of key stakeholders, in collaboration with the Pakistan Institute of Parliamentary Services (PIPS) and with support from Foundation Open Society Institute (FOSI) Pakistan. Our Parliamentarians are the custodians of democracy committed to quality learning for ALL, and we are grateful to the Pakistan Institute of Parliamentary Services (PIPS) for its capacity building services for democratic strengthening. This booklet is an endeavor to facilitate our parliamentarian leaders to a) connect the global to the local obligations for right to education and SDGs/SDG 4 and b) play their catalytic role in accelerating implementation of 25-A to meet the targets of SDG 4 in Pakistan.



Baela Raza Jamil
Chief Executive Officer
Idara-e-Taleem-o-Aagahi

Chapter 1

Right to Education Article 25 A

Education is considered as a fundamental human right which is essential for sustainable development. The Right to Education (RTE) has been recognized in Universal Declaration of Human Rights (UDHR) 1948 and is supported by various other international declarations and resolutions. Understanding this, nations from all across the globe have pursued the cause of provision of quality education. Pakistan, as a signatory of these international resolutions and declarations, has also taken multiple initiatives for the promotion of education in the country. However, these efforts were deemed as inadequate until 2010.

With the introduction of 18th Amendment and inclusion of Article 25A in the constitution of the Islamic Republic of Pakistan in 2010, governance mechanism of education was devolved to provinces. Since then, education has been placed among the top priorities of Pakistan and several policies, sector plans, acts and strategies have been formulated by the provincial governments.

Article 25A states unequivocally that the state is responsible for the provision of free and compulsory education to ALL children within the age group of 5 to 16 years. This article is based on the principle of non-discrimination and promotes inclusive and equitable education.

Article 25A: *“The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.”*

Prior to Article 25A, right to education up to the secondary level was ensured through Article 37b of the constitution under Principles of Policy (Chapter II). However, Article 37b could only be implemented subject to the availability of resources. Therefore, the provision for Right to Education was upgraded through Article 25A in 2010.

“Remove illiteracy and provide free and compulsory secondary education within minimum possible period.” Article 37(b)

According to the Human Development Report 2018 by UNDP, Pakistan ranks 150th out of 189 countries with a Human Development Index (HDI) value of 0.561 out of 1. In terms of regional comparison of education indicators, Pakistan is ahead only of Afghanistan. This makes sense since only 2.4% of the GDP was estimated to be spent on education under Public Expenditure in FY 2018¹. Although an improvement from FY 2017's 2.2% of the GDP, the Public Expenditure of 2.4% is still significantly lower than what was promised in National Education Policy, 2019 (7%) or the minimum percentage that is recommended by UNESCO (4%)². As far as the provinces are concerned, we find an increase in the overall education related expenditure in FY 2018 when compared with that of FY 2017: Punjab increased its expenditure in FY2018 to Rs 340.8 billion from Rs 260.6 billion in FY2017 (an increase of 30.8%); Sindh increased its expenditure from Rs 146.7 billion in FY2017 to Rs 166.0 billion in FY2018 (an increase of 13.16%); Khyber Pakhtunkhwa increased its expenditure on education from Rs 136.1 billion (FY 2017) to Rs 142.6 billion (FY 2018); and Balochistan increased its expenditure from Rs 47.7 billion (FY 2017) to Rs 52.8 billion (FY 2018).³

¹ Ministry of Finance, Economic Survey of Pakistan, 2018-19. (Islamabad: Printing corporation of Pakistan, 2019).

² Idara-e-taleem-o-Aaghi, The blue book: A book on Article 25 A- The Right to Education (RTE) Acts and Rules of Business Formulated for Each Act in Pakistan. (ITA, 2019). Available at: http://rtepakistan.org/wp-content/uploads/2019/04/Blue_Book.pdf.

³ Ministry of Finance, Economic Survey of Pakistan, 2018-19. (Islamabad: Printing corporation of Pakistan, 2019).

1.1 History of Right to Education in Pakistan

In 1990s, the push for RTE came from an emergent global movement for education. Education for All (EFA) became a global call in the aftermath of Jomtien Conference (1990). Pakistan also became a party to Jomtien Education for All declaration which focused primarily on primary education, literacy and Early Childhood Education (ECE). This led to the establishment of education foundations in all provinces and National Education Foundation (NEF) at the federal level along with the provincial legislations on primary education: Punjab Compulsory Primary Education Act (1994) and NWFP Compulsory Primary Education Act. Regardless of legislation in place, these acts lacked implementation due to the absence of rules of business. Additionally, Convention on the Rights of the Child (CRC) was ratified by Pakistan in 1990. Article 28 of CRC is about the Right to Education:

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) make primary education compulsory and available free to all;
 - (b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) make educational and vocational information and guidance available and accessible to all children;
 - (e) take measures to encourage regular attendance at schools and the reduction of dropout rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

In 2000, Pakistan reaffirmed its commitment to the Jomtien Conference through signing off the EFA Dakar Declaration and participating in the Education World Forum in Dakar, Senegal. This declaration was further strengthened by the Millennium Development Goals (MDGs). As a response to these international developments, Pakistan devised the Education Sector Action Plan 2001/2-2005 for the implementation of the 1998 National Education Policy and the action plans for EFA and the MDGs. Another National Education Policy was finalized in 2009 just seven months before the passing of the 18th Amendment. After the 18th Amendment, many principles pertaining to the implementation of NEP 2009 were dislodged. Nonetheless, federal government and all provinces agreed to keep NEP 2009 and National Curriculum 2006/07 in place while incorporating the necessary adjustments for governance under the 18th amendment. Moreover, the government has also introduced a National Education Policy Framework, 2018. This document highlights the key challenges that Pakistan is facing with regards to education in the country.

Summary of Education Challenges in Pakistan

Out of School Children	Uniform Education System	Quality	Skills and Higher Education
Low and inequitable access and participation	Lack of coordination in policy formulation and implementation across the country	Low student learning outcomes	Low and inequitable access and participation
High levels of poverty in certain disadvantaged areas resulting in high OOSC	Lack of coherence and coordination in curriculum frameworks, textbooks and exam systems	Poor teacher quality and accountability	Poor quality and relevance of teaching and research conditions.
Limited investments in early childhood education resulting in high dropout in early grades	Discrepancies in systems of schooling, i.e. across public, private and madrasa education system	Lack of school leadership-School principals/Head Teachers	Weak linkages with Industry
Low Quality of Non-Formal and Accelerated Learning Programs	Variation in management of school systems	Poor school environment multi-grade teaching, limited facilities in schools and poor infrastructure Inadequate use of student learning outcome data to inform policy making	Inadequate sector governance and management

Source: National Education Policy Framework, 2018 Pakistan

National Education Policy Framework, 2018 sets the National Education Priorities which are as follows:

Priority 1: Decrease OOSC and Increase School Completion

Priority 2: Uniformity in Education Standards

Priority 3: Improve the Quality of Education

Priority 4: Enhance Access to and Relevance of Skills Training

1.2 Out of School Children (OOSC)

According to Pakistan Education Statistics 2016-17, around 22.8 million children in the age group of 5-16 years old are out of school in Pakistan⁴. Out of these 22.8 million OOSC, 12.2 million are girls and 10.6 million are boys. The breakdown of this figure as per the official grade-age pairs is as follows:

- Out of school (Primary classes 1-5 – Age 5-9): 5,060,804
- Out of school (Middle classes 5-9 – Age 10-12): 6,514,170
- Out of school (Secondary classes 10-12 – Age 13-16): 11,269,328

⁴ Ministry of Federal Education and Professional Training, Pakistan Education Statistics 2016-17. (Islamabad: National Education Management Information System (NEMIS), Academy of Educational Planning and Management (AEPAM), 2018).

There are more OOSC at the middle and secondary levels relative to the primary level. This makes sense since the number of schools are highest for the primary level (172.2 thousand schools) followed by middle level (46.8 thousand schools) and secondary level (30.9 thousand schools) in 2017-18⁵ Therefore, the middle and secondary schools are less accessible to children due to non-availability of these schools in some areas.

As per the Annual Status of Education Report (ASER) 2018, 16.8% of the surveyed children from the rural areas of Pakistan were found to be out of school (either Never Enrolled – 10.4% or Dropped Out – 6.4%).⁶

Age Group	% Out of School	
	Never Enrolled	Dropped Out
6 to 10	10.8	2.6
11 to 13	8.5	8.3
14 to 16	11.5	15.6
6 to 16	10.4	6.4
	16.8	

Source: ASER National 2018

1.3 Enrollment and Learning

In terms of enrollment, 57% of the students were studying in public sector schools while the remaining 43% were enrolled in private sector schools. Despite this, private schools have more teachers (51%) relative to the public schools (49%). Gender-wise analysis shows that, of all the enrolled students, 44% were girls and 56% were boys.⁷ Moreover, these percentages translate to 22.9 million students at the primary level, 7.3 million students at the middle level and 3.9 million students at the secondary level.⁸

In 2017-18, a total of 433.2 thousand students (increase of 25.6% relative to the enrollment in 2016-17) were enrolled in the 3.7 thousand technical and vocational institutes in Pakistan. This shows the increase in the demand for skill-based education.⁹

Likewise, ASER 2018 quotes that 83.2% of the surveyed children within the age group were enrolled in government.

Besides collecting data on the education indicators and learning outcomes of children, ASER has also conducted a disability prevalence survey¹⁰ in 5 districts of Punjab and Sindh (Lahore, Multan, Bahawalpur, Karachi and Hyderabad) in 2018. Under this survey, a sample of 3000 households was selected and parents/primary caregivers were asked about their respective child’s health and functioning along with the educational status of the child. It was found that 77.29% of the total 1264 children with disabilities (977

⁵ Economic Survey 2018-19, *op cit*.

⁶ ASER, Pakistan, Annual Status of Education Report, 2018. (Islamabad: ASER, ITA, 2019)

⁷ Pakistan Education Statistics 2016-17, pp 4-5, *op cit*.

⁸ Economic Survey 2018-19, *op cit*.

⁹ *Ibid*.

¹⁰ ASER Pakistan. More information on this can be accessed at <https://www.itacec.org/inclusion>

children) were found to be enrolled in a school. Of those who were enrolled in a school, only 18.73% were attending a special education school while the rest were already a part of a mainstream school. This raises a question of whether the mainstream schools are equipped to facilitate the learning of children with disabilities and to ensure their inclusion in the mainstream education system.

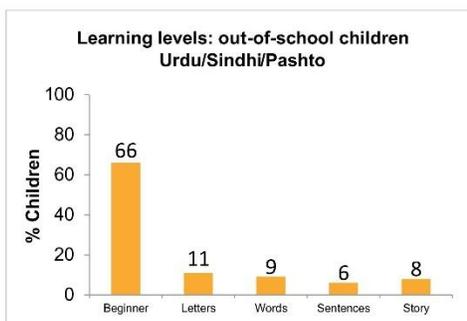
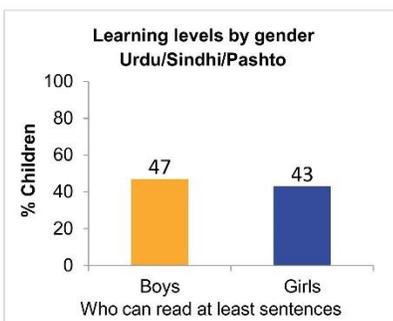
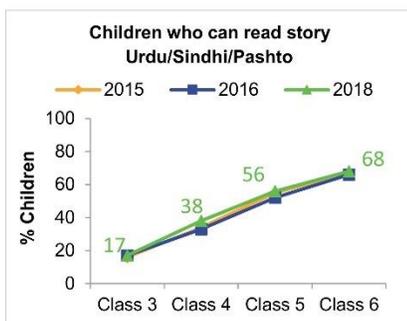
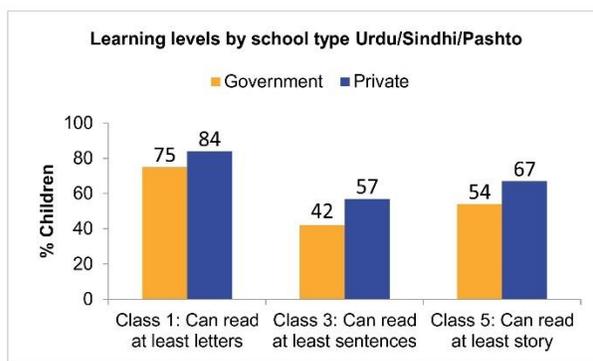
Furthermore, the 2014-15 round of Pakistan Social and Living Standards Measurement (PSLM) survey states that literacy for 10 years or older population in Pakistan is 60%. The same has been published in the Pakistan Education Statistics Report 2016-17.

Equally important are the learning outcomes of children. ASER 2018, which has assessed the basic competencies at the level of grade 2/3 of National Curriculum (Arithmetic, English, /Sindhi/Pashto) and is based on the survey of over 89000 households, provides the much needed information in this regard. Following graphs reflect the learning outcomes of children in the age group of 5-16 years.

Learning levels (Urdu/Sindhi/Pashto)

Class-wise % children who can read						
Class	Nothing	Letters	Words	Sentences	Story	Total
1	23.7	48.1	24.8	3.4	0.0	100
2	7.4	30.5	40.5	14.5	7.2	100
3	4.0	11.3	40.3	27.2	17.1	100
4	2.6	4.7	23.0	31.6	38.0	100
5	2.0	3.3	13.2	25.4	56.1	100
6	1.7	2.0	7.4	21.2	67.8	100
7	1.5	1.3	4.1	14.2	78.9	100
8	1.5	1.3	2.6	10.1	84.5	100
9	1.2	1.1	1.5	5.1	91.0	100
10	1.2	0.8	1.3	3.5	93.1	100

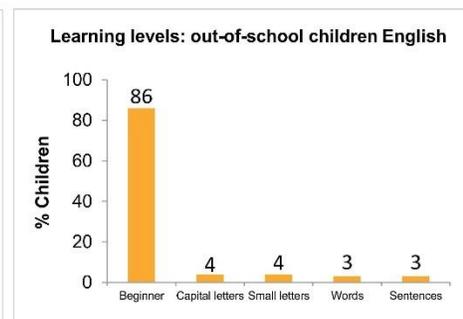
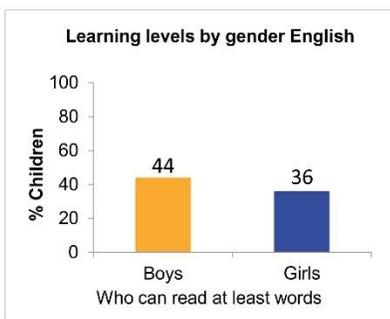
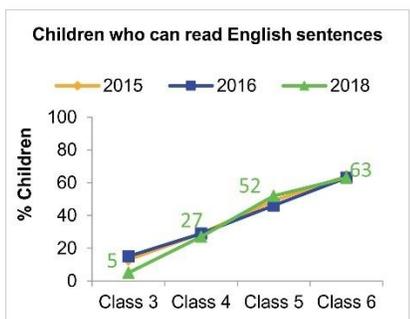
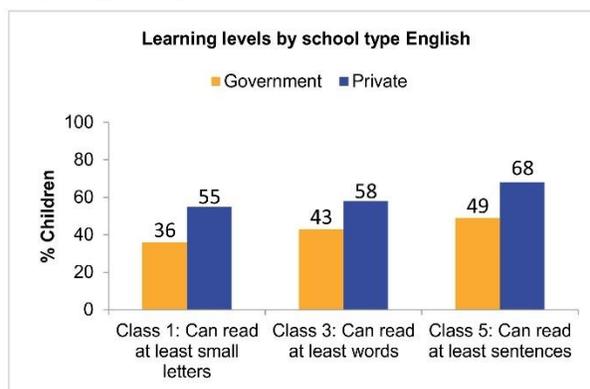
How to read: 3.4 % (3.4+0) children of class 1 can read sentences



Learning levels (English)

Class-wise % children who can read						
Class	Nothing	Letters		Words	Sentences	Total
		Capital	Small			
1	31.9	28.6	28.6	10.9	0.0	100
2	15.9	25.8	31.2	25.8	1.3	100
3	12.7	12.8	29.4	40.3	4.8	100
4	12.5	5.5	16.0	38.5	27.4	100
5	9.6	3.5	9.4	25.2	52.3	100
6	11.2	1.6	4.5	19.3	63.4	100
7	10.6	1.0	2.4	13.7	72.2	100
8	10.7	0.9	1.6	8.8	78.0	100
9	10.6	0.8	1.0	4.8	82.8	100
10	10.7	0.6	0.7	3.3	84.6	100

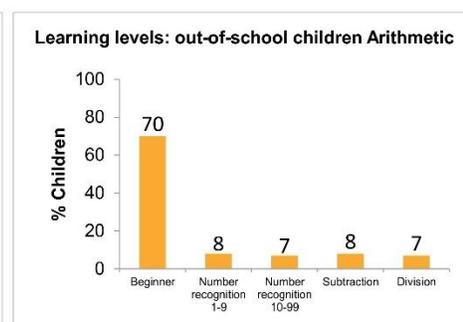
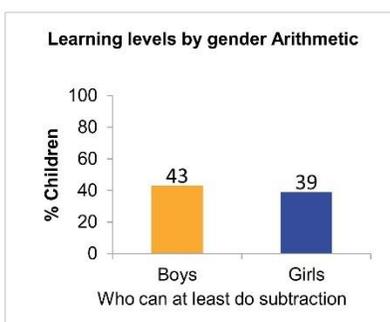
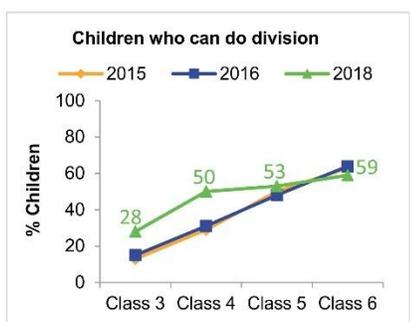
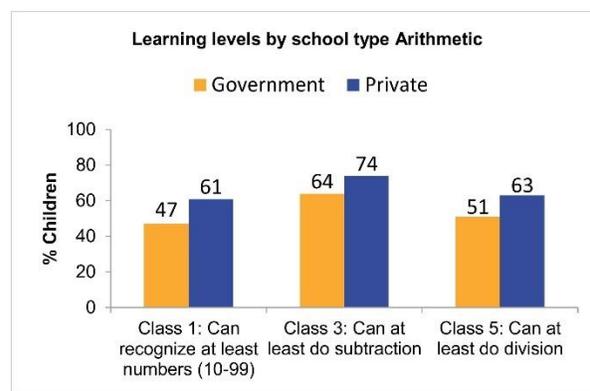
How to read: 10.9 % (10.9+0) children of class 1 can read words



Learning levels (Arithmetic)

Class-wise % children who can do						
Class	Nothing	Number recognition		Subtraction (2 Digits)	Division (2 digits)	Total
		1-9	10-99			
1	21.3	29.4	30.2	15.7	3.4	100
2	7.6	19.1	29.4	29.8	14.0	100
3	4.7	7.7	22.4	36.9	28.3	100
4	4.1	3.6	13.2	29.4	49.7	100
5	4.7	3.8	12.2	26.7	52.5	100
6	5.0	2.4	9.8	24.1	58.7	100
7	5.7	2.6	6.4	19.8	65.6	100
8	8.3	4.2	7.9	18.1	61.5	100
9	9.9	3.9	6.5	14.4	65.3	100
10	10.1	3.5	7.4	14.7	64.2	100

How to read: 19.1 % (15.7+3.4) children of class 1 can do subtraction



Source: Annual Status of Education Report, 2018, ASER

Chapter 2

THE CONSTITUTION AND LEGAL BACKGROUND OF RIGHT TO EDUCATION

2.1 The Provision of Free Education for Children in the Constitution of Pakistan

The Constitution of Islamic Republic of Pakistan, 1973 (the “**Constitution**”), when enacted, committed commitment of the State for eradication of illiteracy and expressed its determination for the provision of free education up to secondary level. In Chapter 2, **Article 37(b)** of the same in the Constitution this determination is reflected in following words:

“The State shall ... remove illiteracy and provide free and compulsory secondary education within minimum possible period.”

Further created in 1973 was **Article 38(d)** which remains to be part principal policies of the Constitution, states that:

“The State ... shall provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”

In April 2010, one of the components of the 18th amendment to the Constitution included guaranteed Free and Compulsory education for all 5-16 year olds as a “Fundamental Right” for all citizens of Pakistan, by inserting **Article 25-A** in the same, stating that:

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

Under the 18th amendment of the Constitution after devolution of the subject of education to the provinces, it is obligatory on all the Provincial Governments including the Islamabad Capital Territory administration to ensure that the children of respective areas receive education as a fundamental right up to intermediate level.

2.2 International Conventions and Practices about Right to Free Education

The notion of Free and compulsory elementary education for all the human beings was conceived at the **Universal Declaration of Human Rights** (“**UNHR**”), which was proclaimed and adopted by United at UN General Assembly in 1948. This document for the first time, articulated the rights and the freedom for which every human being is equally and inalienably entitled. The members of the United Nations that include the Islamic Republic of Pakistan, are signatories to this document, which has extraordinary vision to safeguard all human beings in this universe from discriminatory treatment by the states or otherwise.

Article 26 (1) of UNHR recognized the rights to free education in following words:

- (1) *“Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*
- (2) *Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”*

Similarly the **Convention on the Rights of the Children** (“**CRC**”), which was adopted by UN General Assembly on 20th November 1989, and ratified by the Government of Pakistan on 12th November 1990, explicitly recognized education for children essential and as a fundamental human right, encapsulated in **Article 28(1)** of the same, in following words:

1. *“States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular;*
 - a. *Make primary education compulsory and available free to all;*
 - b. *Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.”*

Moreover, 17 global goals were adopted through a resolution in the UN General Assembly on the 25th September 2015, namely ‘**Sustainable Development Goals**’ (“**SDGs**”). The Goals and targets was aimed to stimulate action over the next 15 years i.e. by 2030 for the member countries to work upon and accomplish areas of critical importance for humanity and the planet, which includes the provision of free education for children at the primary and secondary level, encapsulated in Goal 4.1 of the same in the following words:

- “Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*
- 4.1 *By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes”*

Pakistan as a signatory of SDGs has developed a National Framework for localization of SDGs at district level to improve public social service delivery for implementation of the global agenda. To accomplish SDGs, the federal government has decided to enhance working relationship with the provinces by providing all possible support to ensure successful implementation of all SDGs including those related to education.

2.3 Provincial and ICT Enactments For Implementing Article 25-A of the Constitution

A. Balochistan

The Provincial Assembly of Balochistan enacted **The Balochistan Compulsory Education Act No. V of 2014**. This Act provides for compulsory education in the province of Balochistan in pursuance of Article 25-A of the Constitution. The Act provides its determination towards removing any obstruction whether in shape of financial, physical limitations, or socio-cultural attitudes that impede upon children, especially female children, to attain education.

The Balochistan Compulsory Education Act 2014 comprises of 12 Articles and repeals the Balochistan Primary Education Ordinance 1962 and the Balochistan Compulsory and Free Education Ordinance of 2013 along with providing critical definitions such as for ‘Child’, ‘Employer’ and ‘Management Committee’.

This Act states that parents are obligated to enroll their children to school till the completion of highest education provided in the said school, the only exemption is given in the case of a ‘reasonable excuse’ (where prescribed authority is satisfied that the child is incapable of attending school due to mental or physical infirmity, where the child is receiving education through another source and the authority is satisfied by the standard of education and in the case of unavailability of school in the area where the child resides). In case of mental or physical challenges the parents are required to make sure the child attends a special education school. In addition to this, the formation of a school management committee is obligated and duties of this committee are given in detail. This committee is to keep records of attendance of children who are exempted from compulsory education due to a ‘reasonable excuse’. The same committee is required to look after the facilities and provide any missing facilities in schools as well as to maintain healthy educational environment.

The Act also indicates the process for the formation of a School Attendance Authority and clearly states the penalties for offences of any of the rules stated in the Act.

The Urdu translation of this Act can be accessed here¹¹.

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, 06th February, 2014.

No.PAB/Legis: V (05)/2014. The Balochistan Compulsory Education, Bill 2014, (BillNo.05 of 2014), having been passed by the Provincial Assembly of Balochistan on 28th January,2014 and assented to by the Governor, Balochistan on 04th February, 2014 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALUCHISTAN COMPULSORY EDUCATION ACT, 2014

(ACT NO. V OF 2014)

(First published after having received the assent of the Governor Balochistan in the Balochistan Gazette (Extra-ordinary) dated 04th February, 2014).

AN ACT

to provide for the free & compulsory education in the Province of Balochistan.

Preamble.

WHEREAS, it is expedient in the public interest to provide for compulsory education in the province of Balochistan in pursuance of Article 25A of the Constitution of the Islamic Republic of Pakistan, 1973;

WHEREAS, the current financial and physical limitations as well as the socio-cultural attitudes obstruct the education for children, especially the female child; ANDWHEREAS, the economic limitations obstruct for continuing education for children who may contribute to household income, therefore, to provide for both persuasive and penal approaches and recognize the current limitation of the state to effectively implement the fundamental right of the children to the education as provided in the Constitution, in the short run.

It is hereby enacted as follows:-

Short title, extent and commencement.

1. (a) This Act may be called the Balochistan Compulsory Education Act, 2014.
- (b) It extends to the whole of Balochistan except the Tribal Areas.
- (c) It shall be deemed to have come in force as and from the 12th day of June, 2013.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,
 - (a) **“Act”** means the Balochistan Compulsory Education Act, 2014;
 - (b) **“Area”** means a geographical area of up to a 2 kilometers radius from a child’s place of residence;
 - (c) **“Child”** means a child of either sex whose age at the beginning of the school year is not less than five years and not more than sixteen years;
 - (d) **“Education”** means The education pertaining to all or any of the class I to X in a school, of a minimum quality as per prescribed standards;

¹¹ http://itacec.org/document/rte/The_Balochistan_Compulsory_Education_Act_2014_Urdu.pdf

- (e) **“Employer”** means a person who has employed a child as laborer for his benefit at home, shop, factory or any other place of economic gain;
- (f) **“Free Education”** means that the state shall charge no fee for tuition either directly or through any other head that imposes a financial burden on the parent/guardian of the child and the state shall provide the child with free textbooks, stationery, one meal in school and transport facilities;
- (g) **“Government”** means the Government of Balochistan;
- (h) **“Management Committee”** means the Parent Teacher School Management Committee as formed / notified under Section 4 of this Act;
- (i) **“Parent”** includes a guardian or any other person who has the custody of a child; or is in-charge of a child;
- (j) **“Prescribed”** means prescribed by rules made under this Act;

Compulsory Education.

Formation of Parent School Management Committee.

- (k) **“Prescribed Authority”** means an authority notified as such by the provincial Government whether generally or for a particular purpose with specific nomenclature;
 - (l) **“School”** means a school established and maintained by the provincial Government and includes school/ section of a school/ Madrassa registered by the Government in which education is imparted;
 - (m) **“Standards”** mean any standards on educational inputs, processes and outputs developed and notified by the Prescribed Authority; and
 - (n) **“To attend a school”** means to be enrolled and present for instructions at such school, on such days in the year, at such times or time and for so many hours on each day of attendance, as may be fixed by the prescribed authority.
3. The parent of a child shall except in the case of a reasonable excuse, cause a child to attend a school until the child has completed the highest level of education course, offered in the school;

Provided that in the case of a mental or physical disability the parent shall cause the child to attend a special education school within the ‘area’ of his residence.

4. (1) The prescribed authority shall notify one or more committees of the school to be formed through democratic process of elections for the purpose of exercising the powers and performing the duties of the Parent Teacher School Management Committee under this Act.
- (2) The constitution and composition of the Management Committee, the procedure of the nomination and removal of its members, their term of office, their qualifications and disqualifications for continuing as a member, the filling of vacancies, the dissolution of the Committee and the procedure for the conduct of its business, shall be such as may be prescribed.
- (3) Subject to the provisions of this Act and the rules made there-under, the Management Committee shall exercise and discharge the following powers and functions:-
- (a) to motivate parents and children to take admission in the school for spread of education in its area;
 - (b) to recommend any changes which may seem, to the Management

Committee, to be necessary in the hours of work, holidays and occasions in the schools in its area;

- (c) to plan and implement such schemes which may facilitate the children in the school including mid-day meal scheme etc;
- (d) to recommend to the authority exemptions from compulsory attendance at school under this Act;
- (e) to maintain and up date the list of children liable to attend the school in its area and to obtain and keep record of such other information as may be necessary for the purpose of enforcing the attendance of the children at school and of preventing interference with such attendance;
- (f) to report the cases of the absence or late attendance of school teachers and non-teaching staff posted in schools, in its area;
- (g) to render all necessary help to Government officials engaged in the work of compulsory Education in its area;
- (h) to facilitate the school and local area education management in looking after the day to day matters relating to developmental, academic and co-curricular activities;
- (i) to ensure maintenance of healthy educational environment which encourages the parent and child to attend the school and stay till completion of the specific level;
- (j) to take care of discipline and physical structures, other assets of the school and to carry out minor/petty repairs etc;

Issue of attendance order by the Management Committee.

Reasonable excuse for non-attendance.

School Attendance Authority.

Offences.

Cognizance of offence.

Provision of Education by the Provincial Government.

- (k) to sanction one day casual leave in favor of teacher of the school and make alternate arrangements in case the teacher is on leave; and
 - (l) to open and operate a joint bank account for utilization of funds made available by the Government or from any other source for school's developmental activities.
5. Where the Management Committee is satisfied that a parent who is bound under the provisions of Section 3 to cause the child to attend a school has failed to do so, the parent school management committee may, after giving the parent an opportunity of being heard, and after such inquiry as it considers necessary, pass an order directing the parent to cause child to attend a school from a date which shall be specified in the order.
6. Reasonable excuse for the purpose of Section 3 shall include any of the following cases:-
- (a) where the Prescribed Authority is satisfied that the child is incapable of attending school by reason of sickness or infirmity or that by reason of the child's mental incapacity it is not desirable that the child should be compelled to carry on his study further;
 - (b) where the child is receiving otherwise than in a school, instruction which in the opinion of the Prescribed Authority, is sufficient; or
 - (c) where there is no school within a distance of two kilometers measured via nearest route from the residence of the child.

7. (1) Government may constitute one or more School Attendance Authorities for the purposes of this Act.
- (2) A School Attendance Authority shall ensure that every child required to attend a school and in case his/her name is struck off required to get readmitted under this Act and for this purpose it shall take such steps as may be considered necessary by the Authority or as may be specified by Government.
- (3) Where a School Attendance Authority is satisfied that a parent who is required under the Act to cause a child to attend a school has failed to do so, the Authority, after giving the parent an opportunity of being heard and after such enquiries as it considers necessary, shall pass an order directing the parent to cause such child to attend a school on and from a date which shall be specified in the order. In case the parent or employer still avoids sending the child to school, Attendance Authority shall register a case against the accused in the court of Magistrate.
8. (1) Any parent who fails to comply with an order issued under sub-section (3) of Section 7, shall on conviction before a Magistrate first class be punished with fine which may extend to two hundred rupees to the minimum and with further fine which may extend to fifty rupees for every day to the minimum after the conviction for which the failure continues or with imprisonment which may extend to one week or with both.
- (2) The parent of a child or an employer of such a child who, after receiving due warning from the School Attendance Authority continues to employ a child whether on remuneration or otherwise required under this Act to attend a School shall on conviction before a Magistrate, be punishable with fine which may extend to five hundred rupees to the minimum and with a further fine which may extend to fifty rupees for every day to the minimum after the conviction for which the non-attendance at a school continues or with imprisonment which may extend to one month or with both.
9. No court other than a Magistrate 1st class having territorial jurisdiction where the cause of action occurred, shall take cognizance of an offence under Section 8, except on the complaint of or on information received from the Management Committee, or from such person as may be authorized by the Management Committee or by the provincial Government by general or special order in this behalf.
10. The Government shall make facilities for Education available in the Province.

Power of Provincial Government to make rules.

Repeal and Saving.

11. The Government may make rules for the purpose of carrying into effect the provisions of this Act.
12. (1) The Balochistan Primary Education Ordinance, 1962 (W.P. Ordinance No. XXIX of 1962) and the Balochistan Compulsory and Free Education Ordinance, 2013 (Ordinance No. 11 of 2013) are hereby repealed.
- (2) Notwithstanding the repeal of the enactment maintained in sub section (1) anything done action taken, obligation, liability incurred, penalty or punishment imposed, inquiry or proceeding commenced, or powers conferred, rule made and orders issued under any of the said enactment shall if not inconsistent with the provision of this Act, be continued and, so far as may be deemed to have been respectively done, taken, incurred, commenced, confessed, made or issued under this Act.

Secretary.

No.PAB/Legis: V (05)/2014.

Dated Quetta, the 07th February, 2014.

B. Khyber Pakhtunkhwa

The Provincial Assembly of Khyber Pakhtunkhwa has recently passed **Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, No. XII of 2017**, in order to achieve the objective and provide mechanism for free and compulsory primary and secondary education to all the children from the age of five to sixteen years in the Province of the Khyber Pakhtunkhwa. With the introduction of the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act 2017, The Khyber Pakhtunkhwa Compulsory Primary Education Act of 1996 was repealed.

This act has 9 articles and is arguably the shortest of all acts at the provincial and federal levels. It states that the Government shall provide free and compulsory education to all children from the age of five to sixteen in the province of Khyber Pakhtunkhwa while the parents are obligated to enroll their children into school till the completion of child's secondary education, the only exemption being in the case of a reasonable excuse (where the School Attendance Authority is satisfied that a child is incapable of attending school for reasons of sickness, infirmity or mental incapacity; where the child is receiving education from another source which the School Attendance Authority thinks is sufficient and in the case where there is no school within the distance of two kilometers).

Moreover, the formation and responsibilities of School Attendance Authority (SAA) is comprehensively dealt with in the act. The Act also allows the formation of a 'Taleem Fund' which will pool the funds from government, philanthropists and alumni etc. whereby two members of the SAA will have access to this fund.

Despite the Act in place, Rules of Business are yet to be formulated, therefore delaying the implementation of the act.

**THE KHYBER PAKHTUNKHWA FREE COMPULSORY PRIMARY AND SECONDARY
EDUCATION ACT, 2017**

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2017)

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**THE KHYBER PAKHTUNKHWA FREE COMPULSORY PRIMARY AND SECONDARY
EDUCATION ACT, 2017**

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 26th April, 2017).

AN ACT

*to provide for Free Compulsory Primary and Secondary Education in the Province
of the Khyber Pakhtunkhwa.*

WHEREAS Article 25A of the Constitution of the Islamic Republic of Pakistan provides that the State shall provide free compulsory education to all the children of the age of five to sixteen years in such a manner as may be determined by law;

AND WHEREAS to achieve the objective it is expedient to provide by law the mechanism for free compulsory primary and secondary education to all the children from the age of five to sixteen years in the Province of the Khyber Pakhtunkhwa in conformity with aforesaid Article;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1)

- (a) This Act may be called the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017.
- (b) It shall extend to such district in the Province of the Khyber Pakhtunkhwa as the Government may by notification specify in the official Gazette.
- (c) It shall come into force from the forthcoming Educational year (Fresh Admission) in the Schools.

2. Definitions. ---In this Act, unless the context otherwise requires,-

- (a) “child” means a child of either sex whose age at the beginning of the school year is not less than five years and not more than 16 years and within the age limit prescribed for admission in class 1 to class 10th;
- (b) “Government” means the Government of the Khyber Pakhtunkhwa;
- (c) “parents” means the father or mother of a child and also includes a person declared to be a guardian of such child, as defined in Guardian and Wards Act, 1890 (Act No. VIII of 1890), or any other person declared by any Court as guardian;
- (d) “school” means primary school, middle school and higher secondary school in the public sector;
- (e) “School Attendance Authority” means the School Attendance Authority constituted under section 5 of this Act; and
- (f) “secondary education” means primary, middle and secondary education upto 10th class in a school.

3. **Free compulsory primary and secondary education.** ---(1) Government shall provide free compulsory primary and secondary education to all the children from the age of five to sixteen years in the Province of the Khyber Pakhtunkhwa.

The parents shall, except in the case of reasonable excuse as provided in section 4, cause a child to attend a school until the child has completed secondary education.

4. **Reasonable excuse for non-attendance.**---Reasonable excuse for the purpose of sub-section (2) of section 3 shall include any of the following cases:

(a) where, the School Attendance Authority is satisfied that the child is incapable of attending school by reason of sickness, infirmity or mental incapacity or it is not desirable that the child should be compelled to carry on his secondary education further on account of peculiar circumstances; or

(b) where, the child is receiving education otherwise than in school, which in the opinion of the School Attendance Authority are sufficient; or

(c) where, there is no school within a distance of two kilometers radius according to the nearest route from the residence of the child.

5. **School Attendance Authority.**---(1) Government may, by notification, constitute a School Attendance Authority for each school having mandatory representation from parent's teacher's council (PTC) for the purpose of this Act and shall consist of such members, as may be determined by Government.

(a) The School Attendance Authority shall ensure that every child shall attend a school under its jurisdiction and shall take such steps as it may consider necessary or as may be specified by Government.

(b) Where the School Attendance Authority is satisfied that the parents, who are required under this Act to cause a child to attend a school, has failed to do so, the School Attendance Authority, after giving to the parents, as the case may be, an opportunity of being heard and after such enquiries, as it may consider necessary, may pass an order directing the parents to cause such child to attend a school on and from a date which shall be specified in the order.

6. **Offence:**

(a) Parents, who fail to comply with an order issued under sub-section (3) of section 5 shall, on conviction before a Judicial Magistrate, be punishable with imprisonment, which may extend to one month or fine which may extend to hundred rupees for every day after the conviction for which the failure continues or with both.

(b) No court shall take cognizance of an offence under this Act, except on a complaint in writing made by the School Attendance Authority.

7. **Taleem Fund:**

(a) Government may permit a School Attendance Authority, to establish in the prescribed manner, a Taleem Fund for the school.

(b) The Fund shall consist of grants made by the Federal Government, Government, District Government, all voluntary contributions from the philanthropist, alumni, students and parents.

(c) The Fund shall be maintained at a Scheduled Bank in such a manner and in such a form as may be prescribed.

(d) The Fund shall be utilized for the welfare of the students of the school in the prescribed manner.

(e) All moneys from the Fund shall be withdrawn in the prescribed manner jointly by the at least two members of the School Attendance Authority.

(f) The accounts of the Fund shall be audited by the Auditor General of Pakistan.

8. **Power to make rules.** Government may make rules by notification for carrying out the purposes of this Act.

9. **Repeal and Savings.**

(1) The Khyber Pakhtunkhwa Compulsory Primary Education Act, 1996 (Khyber Pakhtunkhwa Act No. XII of 1996), is hereby repealed.

(2) Notwithstanding the repeal of the aforesaid Act, anything done, action taken, rules made, and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.

C. Punjab

The Provincial Assembly of Punjab enacted **Punjab Free and Compulsory Education, Act No. XXVI of 2014**, The Act recognizes the right of every child to have free and compulsory education, as envisaged in Article 25-A of the Constitution, from class one to ten, non-formal education, vocational education or a combination of all or any of the two as notified by the Government considering the needs, capability and age of the child so as to ensure completion of their education.

The Governor of Punjab had promulgated the Punjab Free and Compulsory Education Ordinance 2014 on 13th May 2014, which was later introduced in the Punjab Assembly. Subsequently, the ordinance was referred to the Standing Committee on Education for consideration. The ordinance was passed on November 10, 2014 which makes all children aged five to sixteen years residing in Punjab eligible for free and compulsory education – **implementation of which will depend on “Rules of Business” which are yet to be formulated.**

This Act extends to the whole province of Punjab and has 6 Chapters and 26 Articles.

The Act gives some critical definitions such as “Child”, “Capitation Fee”, “Screening Procedure”, “Local Authority” and so on.

It is stated in this Act that all Children from class one to ten will be provided free and compulsory education including vocational education and non- formal education and a combination of all three. The Act covers early childhood education for 3-5 years old and Special Education for children with disabilities. The duties of the Government, regarding the Act, are outlined in detail. Duties include:

- Provide free and compulsory education to all children
- Ensure good quality and prepare annual statements of the children admitted and retained in schools.
- Maintain in a prescribed manner, record of all children, aged 5 to 16, within its jurisdiction.
- Ensure and maintain a record of all admissions, attendance and completion of education of all children within its jurisdiction.

This Act has special provisions for all out of school children (OOSC), either never enrolled or dropped out, to develop special mechanisms to enroll these children in to schools according to their age.

Financial responsibilities of the government are also stated in detail and provisions for the finances are also discussed. Local Authorities under this Act are also made responsible to arrange for requisite number of schools. This Act clearly states the duties of parents regarding the compulsory education of the child. Furthermore the schools are, under this Act, allowed to establish a ‘Taleem fund’ i.e. a fund that can be contributed to by philanthropists, alumni and others.

The rules and duties of Private Schools are also explained in detail in the Act – they will enroll ten percent of the student body of every class, for free. Provisions against Capitation fee and screening procedures are highlighted as well. The Act states rules against expulsion and corporal punishment. The duties of teachers are also stated in detail in this Act.

AN ACT

to provide for free and compulsory education to all children of the age of five to sixteen years.

Whereas Article 25A of the Constitution of Islamic Republic of Pakistan enjoins that the State shall provide free and compulsory education to all children of the age of five to sixteen years and, for the purpose, it is expedient to make necessary provisions;

It is enacted as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—

- (1) This Act may be cited as the Punjab Free and Compulsory Education Act 2014 (XXVI of 2014).
- (2) It shall extend to whole of the Punjab.
- (3) It shall come into force on such date as the Government may, by notification, determine and the Government may, in like manner, determine different dates on which the specified provisions of this Act shall come into force.

2. Definitions:— In this Act:

- (a) “child” means a child from the age of five to sixteen years;
- (b) “capitation fee” means any kind of donation or contribution or payment, by whatever name, other than the fee notified by the Government or the local authority;
- (c) “disadvantaged child” means a child who belongs to a socially and economically disadvantaged class, or to any other group having disadvantage owing to social, or such other reasons or who belongs to such a parent whose annual income is less than the limit which the Government may, by notification, specify;
- (d) “education” means teaching and training of mind and character by attendance in regular school education, madrassa education, vocational training and special education in the class room and school setting, or non-formal education or the education prescribed for a child or category of children by the Government;
- (e) “free education” implies that the Government or a local authority shall not charge any fee or expense for providing education and shall endeavour to remove financial barriers that may prevent a child from completing ten years’ education;
- (f) “Government” means Government of the Punjab;
- (g) “local authority” means a local government, an autonomous or semi- autonomous body or authority of the Government, a public sector organization or body having administrative control over a school or empowered by or under any law to function as a local authority;
- (h) “parent” includes a person having the care and custody of a child or a guardian appointed by a court;

- (i) “prescribed” means prescribed by rules;
- (j) “rules” means the rules made under the Act;
- (k) “school” means an educational institution imparting primary, elementary or secondary education to the children and includes:
 - (i) a school owned or controlled by the Government or a local authority;
 - (ii) a school receiving aid or grant to meet whole or part of its expenses from the Government, Federal Government or a local authority;
 - (iii) a school not receiving any kind of aid or grant from the Government, Federal Government or a local authority; and
 - (iv) a Deeni madrassa or any school providing religious education recognized by the Government;
- (l) “screening procedure” means the method of selection for admission of a child at nursery level or any other initial level, in relation to another child other than a random method; and
- (m) “vocational education” includes the training of skills to prepare trainees for jobs and careers at various levels from trade to a craft.

CHAPTER II RIGHT TO FREE AND COMPULSORY EDUCATION

3. Right to free and compulsory education.

- (1) Every child shall have a right to free and compulsory education from class one to ten, non-formal education, vocational education or a combination of all or any of the two as notified by the Government considering the needs, capability and age of the child so as to ensure completion of education or specified education in a school in the neighborhood or the school allocated for the child.
- (2) The Government shall prescribe academic calendar for class one to class ten and for non-formal education, vocational education and special education.
- (3) For purposes of subsection (1), a child or parent shall not be liable to pay any kind of fee or charges or expenses for completing the education in a school mentioned in sub-clause (i) of clause (k) of section 2.
- (4) The Government shall, in the prescribed manner, provide or cause to be provided suitable education to a child suffering from disability or a special child.

4. Duty to provide education.

- (1) The Government shall:
 - (a) provide free and compulsory education to every child in the neighborhood school or the school allocated for the child;
 - (b) ensure good quality education conforming to the standards and norms of quality education; and
 - (c) prepare an annual statement of the children admitted and retained in the educational institutions.
- (2) A local government shall:

- (a) maintain, in the prescribed manner, a record of children up to the age of sixteen years residing within its jurisdiction; and
- (b) ensure and monitor admission, attendance and completion of education by every child residing within its jurisdiction.

5. Special provisions for education.— If a child above five years of age has not been admitted in any school or after admission, could not complete education, the local Government shall, in the prescribed manner, develop a mechanism to ensure admission of the child in a school according to age, previous class and other circumstances.

6. Transfer to other school.

- (1) Where in a school, there is no provision for completion of the prescribed education, a child or a parent may opt for transfer of the child to any other school for completing his education.
- (2) Where a child is required to move from one area to another, for any reason, such child shall continue to have a right to complete his education in such other area.
- (3) For purposes of admission in another school, the in charge of the school where the child was last admitted, shall immediately issue the transfer certificate or school leaving certificate.

CHAPTER III DUTIES OF GOVERNMENT, LOCAL AUTHORITY AND PARENTS

7. Sharing of financial and other responsibilities:

- (1) The Government and local authority shall have concurrent responsibility for providing funds for carrying out the purposes of this Act.
- (2) The Government may approach the Federal Government to provide as grants-in-aid such percentage of expenditure for education as may be determined with mutual consultation.

8. Establishment of schools:

- (1) For carrying out the purposes of this Act, a local authority shall make arrangements for the requisite number of schools, within such area as may be prescribed.
- (2) The Government shall devise a scheme for using the schools in the evening hours for providing education to the children and for making arrangements for providing non-formal education to the children in other educational institutions.
- (3) The Government and a local authority may encourage enterprises, institutions and other segments of civil society, by granting exemption or rebate in taxes and offering incentives for those who establish, maintain or run schools for provision of free and compulsory education to children.
- (4) The Government and a local authority shall devise a system of grants-in-aid to encourage admission of a child in a school and to support the school attendance of a disadvantaged child.

9. Duty of parent:

- (1) A parent shall admit or cause to be admitted the child for education in a school or, as the case may be, in the school allocated for the child.
- (2) The parent shall, except in the case of a reasonable excuse, cause the child to attend a school in the neighborhood or the allocated school until the said child has completed the education provided and contemplated for him.
- (3) If a parent fails to admit and keep the child in a school, he may not be entitled to any subsidy or poverty targeted support of the Government and the Government may recommend such a measure to the Federal Government or any other body providing such subsidy or support.

Explanation: Reasonable excuse for purposes of this section shall include any of the following cases:

- (a) where the school management body is satisfied that the child is incapable of attending school by reason of sickness or infirmity or that by reason of the child's mental incapacity it is not desirable that the child should be compelled to attend a school or carry on his study further; or
- (b) where the child is receiving, otherwise than in a school, education or instructions which in the opinion of the school management body, is sufficient.

10. Pre-school education.— The Government or the local authority may establish a kindergarten school or childcare centre in a local area or consolidate or merge such schools or centres for providing free pre-school education and early childhood care for the children above the age of three years until they join a school for education.

11. Management of schools.— The Government or the local authority shall establish a school management body of a public school consisting of its representatives, teachers, parents of children admitted to the school and confer on it the prescribed powers in relation to the school.

12. Taleem Fund:

- (1) The Government may permit a school management body to establish, in the prescribed manner, a Taleem Fund for the school.
- (2) All voluntary contributions from the philanthropists, alumni, students and parents shall be credited to the Taleem Fund, maintained at a scheduled Bank.
- (3) The Fund shall be utilized for the welfare of the students of the school in the prescribed manner.
- (4) All moneys from the Fund shall be withdrawn in the prescribed manner jointly by at least two members of the school management body.

CHAPTER IV RESPONSIBILITIES OF SCHOOLS AND TEACHERS

13. Responsibility of private school for free education.— For purposes of this Act, a private sector school:

- (a) specified in sub-clause (ii) of clause (k) of section 2, shall provide free education to such proportion of children admitted therein as its annual aid or grant so received bears to its annual recurring expenses;

- (b) specified in sub-clauses (iii) and (iv) of clause (k) of section 2, shall admit in class one and then in every class, ten percent of the strength of that class, children, including disadvantaged children of the neighbourhood or other children as may be determined by the Government, and shall provide free and compulsory education to such children or, in the alternative, provide prescribed vouchers for education of disadvantaged children in any other school, as may be determined by the Government;
- (c) shall provide the information pertaining to the students admitted under clauses (a) and (b) to the Government, the local authority or any other prescribed authority; and
- (d) shall not require a parent to purchase textbooks, uniform or other material from a particular vendor or provider and shall not charge any amount other than tuition fee, admission fee or prescribed security in the name and style of building fund or under any other name or style.

14. Capitation fee and screening procedure:

- (1) No school or person shall, while admitting a child in the school:
 - (a) collect any capitation fee; or
 - (b) in case of schools owned or controlled by the Government or a local authority, subject the child or his parent to any screening procedure.
- (2) Any school or person who, in contravention of the provisions of subsection
 - (a) receives capitation fee, shall be punishable with fine which may extend to twenty times the capitation fee charged in the first instance and fifty thousand rupees for each subsequent instance of the contravention; or subjects a child or parent to screening procedure shall be punishable with fine which may extend to fifty thousand rupees in the first instance and one hundred thousand rupees for each subsequent instance of contravention.

15. Proof of age for admission:

- (1) For purposes of admission to a school, the age of a child shall be determined on the basis of the birth certificate or such other document as may be prescribed but a child shall not be denied admission in a school for lack of proof of age.
- (2) If a child is admitted in a school without producing the birth certificate, the in charge of the school shall send, in writing, the particulars of the child to the local authority responsible for birth registration of the child.

16. Admission, expulsion and corporal punishment.

- (1) Subject to such exceptions as may be prescribed, a school shall admit children at the commencement of every academic year.
- (2) Subject to the provisions of sections 3 and 6, a school shall not transfer or expel a child admitted in the school till the completion of the prescribed education until:
 - (a) arrangement is made for transfer of the child to any other school in the prescribed manner;
 - (b) the child has been assessed in two consecutive annual examinations as being below the educational standard of the school;

- (c) a reasoned judgment has been passed by the disciplinary committee of the school that further retention of the child in such school shall be detrimental to the discipline of the school; or
 - (d) the child or parent fails to fulfill any prescribed condition including non- payment of fee of a private school.
- (3) If a child is expelled from a school under subsection (2), the in charge of the school shall immediately inform the local government and to such officer as the Government may authorize to receive such communication.
 - (4) The teacher or in charge of a school shall ensure that a child studying in the school is not subjected to corporal punishment or harassment.
 - (5) A person who contravenes any provision of this section shall be guilty of gross misconduct and shall be liable to disciplinary action under the law or contract of service of such person.

17. Duties of teachers:

- (1) The in charge of a school shall effectively carry out his functions and shall enforce discipline amongst the teachers and the students.
- (2) A teacher including the in charge shall:
 - (a) maintain regularity and punctuality in attending the school, classes, curricular and co-curricular activities;
 - (b) complete the curriculum within the specified time;
 - (c) assess the learningabilities of every child and impart additional instructions, if required;
 - (d) try for all round development of the child;
 - (e) build up child's knowledge, potential and talent;
 - (f) adopt learning through activities, discovery and exploration in a child- friendly and child-centered manner;
 - (g) keep the child free of fear, trauma and anxiety and help the child to express his views freely;
 - (h) hold regular meetings with parents and share with them the relevant information about the child; and
 - (i) perform such other duties as may be prescribed.
- (3) A teacher who fails to perform the duties specified in subsection (1) in a satisfactory manner shall be liable to disciplinary action under the relevant service laws or terms of service contract.

CHAPTER V PROTECTION OF RIGHT OF CHILDREN

18. Monitoring of right to education.

- (1) The Government shall:
 - (a) take all necessary measures for the effective implementation of this Act; and
 - (b) inquire into complaints relating to right to education and take appropriate action.
- (2) Any person having any grievance relating to the rights of a child to education may make a written complaint to the Government or to the prescribed authority.
- (3) On receipt of a complaint under subsection (2), the Government or the prescribed authority shall decide the matter within the period of thirty days after affording a reasonable opportunity of being heard to the parties.
- (4) Any order passed under this section shall be final and the administration of the school shall implement such order.

CHAPTER VI MISCELLANEOUS

19. Inspections and directions:

- (1) In addition to the routine quality assurance of the schools and education of different levels, the prescribed authority shall inspect or cause to be inspected a school for purposes of ascertaining that this Act and the rules have been and are being complied with.
- (2) The Government may issue such guidelines and give such directions to a local authority, as it deems fit, for effective implementation of this Act.
- (3) A school shall provide such information as the Government or the prescribed authority may require.

20. Residuary penalty and liability of corporations:

- (1) Unless otherwise provided, if a person contravenes any order made under this Act, he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.
- (2) If the person contravening an order made under this Act or any penal provision of the Act is a Company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

21. Prosecution and compounding of the offences:

- (1) No Court shall take cognizance of any offence under this Act except on a complaint in writing made by the prescribed authority.
- (2) An offence under this Act shall be bailable and compoundable.
- (3) An officer so authorized by the prescribed authority may, in the prescribed manner, compound any offence punishable under this Act on payment, within such time as may be specified in the order, of specified sum of money which shall not exceed fifty percent of the amount of the maximum fine to which the person would have been liable if he had been convicted of the offence.

22. Summary trial:

- (1) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (*V of 1898*) but subject to subsection (3), the Court shall summarily try an offence punishable under this Act on the basis of a complaint submitted by the authorized officer of the prescribed authority and may impose punishment of imprisonment for a term not exceeding six months or fine not exceeding fifty thousand rupees.
- (2) The Court shall conduct the summary trial of an offence under the Act in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure 1898 (*V of 1898*) relating to the summary trials.
- (3) If the Court is of opinion that the nature of the offence does justify summary trial, it may conduct proceedings in accordance with the provisions of Chapter XX of the Code of Criminal Procedure 1898 (*V of 1898*).

23. Protection of action taken in good faith: No suit or other legal proceeding shall lie against the Government, the prescribed authority, a local authority or any other person, in respect of anything which is in good faith done under this Act, the rules or any order made under the Act.

24. Power to make rules:

- (1) The Government may, by notification, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for any of the following matters:
 - (a) manner of maintenance of records of children;
 - (b) criteria for determination of disadvantage children or payment of vouchers;
 - (c) the area or limits for establishment of a neighbourhood school;
 - (d) extended period for admission of a child and the manner of completing study by the child if admitted after the extended period;
 - (e) academic calendar;
 - (f) duties to be performed by the teachers;
 - (g) the manner of redressing grievances of teachers, students or any other person;
 - (h) the manner of giving opportunity of hearing under this Act;
 - (i) receipt of contribution, utilization and withdrawal of money from the Taleem Fund; and
 - (j) maintenance and audit of accounts.

25. Act to override other laws: Notwithstanding anything contained in any other law, this Act shall have overriding effect and all such other laws shall be brought in conformity with the scheme and the objectives of this Act within a period of five years.

26. ¹**Repeal:** The Punjab Compulsory Primary Education Act, 1994 (IX of 1994) and the Punjab Free and Compulsory Education Ordinance 2014 (V of 2014) are hereby repealed.

¹ The Punjab Compulsory Primary Education Act, 1994 (IX of 1994) and the Punjab Free and Compulsory Education Ordinance 2014 (V of 2014) was promulgated on 13.05.2014.

D. Sindh

The Provincial Assembly of Sindh enacted **Sindh Right of Children to Free and Compulsory Education Act, No.XIV of 2013**. This Act acknowledges and determines to ensure the provision of free and compulsory education to all children of the age of five to sixteen years as envisaged in Article 25-A of the Constitution.

The Act has 8 chapters (30 articles) and contains definitions of “Child” (5 -16 years), Capitation fee, Disadvantaged child etc. It states that every child, regardless of gender or race has a right to free and compulsory education. This Act also covers Out of School Children (OOSC) who have either never been enrolled or have dropped out, providing provisions for them so as to be at par with others. It also covers, extensively, the duties of the government and local authorities as well as the obligations of the government to provide facilities, curriculum development and enabling learning environment.

It states the obligations of the government as follows:

- Free education for all children
- Prevent discrimination against any child based on race, religion, gender or economic disadvantage.
- Provide proper infrastructure, laboratories, libraries and so on.
- Ensure good quality education and provide training facilities for teachers and students.

This Act also focuses on the role of parents and guardians with regard to the education of their wards and outlines the need for necessary qualifications for the teachers, along with a timeline in which the teachers need to complete the required qualifications. Private schools are obligated to provide free education to at least 10 percent of their total student body. It also requires the Private schools to be properly registered under the concerned authority. Government of Sindh, in reference to powers sanctioned by section 30 (1) of Sindh Right to Free and Compulsory Education act 2013, confirmed the Rules of Business to implement the Right to Education in Sindh.

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 11TH MARCH, 2013.

NO.PAS/Legis-B-07/2013-The Sindh Right of Children to free and Compulsory Education Bill, 2013 having been passed by the Provincial Assembly of Sindh on 13th February, 2013 and assented to by the Governor of Sindh on 6th March, 2013 is hereby published as an Act of the Legislature of Sindh.

AN ACT

to provide for free and compulsory education to all children of the age of five to sixteen years.

WHEREAS it is expedient to provide for the right to education to all children of the age of five to sixteen years as envisaged in Article 25-A of the Constitution of the Islamic Republic of Pakistan, 1973;

Preamble.

CHAPTER-I
PRELIMINARY

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Right of Children to Free and Compulsory Education Act, 2013;

Short title and commencement.

- (2) It extends to the whole Province of Sindh.
- (3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context-

Definitions.

- (a) “capitation fee” means any donation contribution or payment by whatever name, other than the fee notified by the school or Government;
- (b) “child” means a child of any gender of the age of five to sixteen years with varied learning needs;
- (c) “disadvantaged child” means a child who belongs to a socially and economically disadvantaged class, or group or belongs to such parent whose annual income is lower than the minimum limit and whose parents have become victim of terrorism as notified by Government;

- (d) “education” means the prescribed education for child by the academic authority, notified by the Government;
- (e) “Education Advisory Council” means the Education Advisory Council established under this Act;
- (f) “free education” means education free of any education related costs including expenditure on text books, stationary, schoolbags, and uniform;
- (g) “Government” means the Government of Sindh;
- (h) “guardian” means a person having the care and custody of a child and includes a natural guardian or guardian appointed or declared by a Court;
- (i) “local authority” means a Metropolitan Corporation, District, Taluka, Town, Union Councils, or by whatever name called and includes such other authority or body having administrative control over the schools or empowered by or under any law for the time being enforce to function as a local authority;
- (j) “notification” means a notification issued by Education and Literacy Department, Government of Sindh;
- (k) “parent” means either the natural or step or adoptive father or mother of a child;
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “school” means any recognized school imparting primary, elementary and secondary education and includes
 - a school established by or controlled by the Government or a local authority;
 - a school receiving aid or grants, whole or part of its expenses from Government or the local authority;
 - a school belonging to specified category; and
 - a school not receiving any kind of aid or grants for expenses from the Government or the local authority;
- (n) “screening procedure” means the method of selection for admission of a child, in preference over another, other than a random method;
- (o) “special education” means educational programmes and practices designed for students, as handicapped or gifted students, whose mental ability, physical ability, emotional functioning, require special teaching approaches, equipment, or care within or outside a regular class room;
- (p) “specified category” in relation to a school, means a school known as Public School, Foundation School, Cadet College or any other school having a distinct character which may be specified, by notification, by the Education and Literacy Department, Government of Sindh.

CHAPTER-II
RIGHT OF CHILD TO
FREE AND COMPULSORY EDUCATION

3. (1) Every child of the age of five to sixteen years regardless to sex and race shall have a fundamental right to free and compulsory education in a school.
- (2) No child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the school education.

Right of Child to Free and Compulsory Education.

- (3) Privately owned or managed schools shall also provide free education to such students of the age of five to sixteen years atleast ten percent of their actual strength of students.
4. Where a child above five years of age has not been admitted in any school or though admitted could not complete his or her secondary education, then, he or she shall be admitted in a class appropriate to his or her age;

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time limits, as may be prescribed;

Provided further that a child so admitted to secondary education shall be entitled to free education till completion of secondary education even after sixteen years.

5. (1) Where in a school, there is no provision for completion of elementary or secondary education, a child shall have a right to seek transfer to any other school for completing his or her elementary or secondary education;
- (2) Where a child is required to move from one school to another, within the Province or Country, for any reason whatsoever, such child shall have a right to seek transfer to any other school for completing his or her elementary or secondary education;
- (3) For seeking admission in such other schools, the Head Teacher or In-charge of the school where such child was last admitted, shall immediately issue the transfer certificate.

Provided that delay in producing school leaving certificate shall not be a ground for either delaying or denying admission in other school:

Provided further that the Head Teacher or In-charge of the school delaying issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.

CHAPTER-III
DUTIES OF GOVERNMENT,
LOCAL AUTHORITY AND PARENTS

6. (1) For carrying out the provision of this Act, Government and the local authority as the case may be shall establish, within such area or limits, as may be prescribed, a school, where it is not so established, within a period of two years from the commencement of this Act on the basis of feasibility prepared by so notified office for the purpose. **Special Provisions for Education.**
- (2) Government shall encourage enterprises, institutions and other segment of society, by offering incentive, to establish schools to facilitate free and compulsory education. **Right of Transfer to other School.**
- (3) Government shall establish a system of grants-in-aid to support the school attendance of poor students.
7. (1) Government and local authority, if any, shall be responsible for providing funds for carrying out the provisions of the Act, keeping in view the availability of funds at its disposal.
- (2) Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provision of this Act.
- (3) The Education and Literacy Department may make a request to the Chief Minister, Sindh to make a reference to the Finance Department to examine the need for additional resources and may provide funds for carrying out the provisions of the Act. **Duty of Government and local authority to establish school.**
- (4) It is obligation of the Government to - **Sharing of financial and other responsibilities.**
- provide free education to every child;
- ensure compulsory admission and attendance to complete school education;
- ensure that the disadvantaged child is not discriminated against and prevented from, on any grounds whatsoever for pursuing and completing education;
- provide infrastructure including standard school building, playgrounds, laboratories, teaching learning material and teaching staff;
- monitor functioning of schools within its jurisdiction;
- decide the academic calendar;
- provide all training facilities for teachers and students;
- ensure good quality education conforming to the prescribed standard and norms;
- ensure timely prescribing of curriculum and courses of studies for education; and
- ensure enabling learning environment for better teaching learning in schools.
8. (1) The parent or guardian of the child shall, except in the case of a reasonable excuse, cause a child to attend a school until the said child has completed the prescribed education.

- (2) Reasonable excuse for the purpose of sub-section (1) shall include any of the following cases:-
- (a) where the school management committee is satisfied that the child is incapable of attending school by reason of any infirmity or lack of capacity or it is not desirable that the child should be compelled to carry on his or her study further; or
 - (b) where there is no school in the reasonable distance.

9. Government may make necessary arrangements for providing free pre-school education and early childhood care for the children above the age of three years until they join the school for education. **Private Schools to provide for free and compulsory**

CHAPTER-IV

RESPONSIBILITY OF PRIVATE SCHOOL FOR FREE AND COMPULSORY EDUCATION

10. For the purposes of this Act, a school -
- (a) shall provide free and compulsory education to such proportion of total strength of children admitted as mentioned hereinafter; **Child to attend school in the neighbourhood.**
 - (b) shall admit in class-I and subsequent classes not less than ten percent of the strength of that class to disadvantaged children; **Provision for free pre-school**
11. (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents to any screening procedure other than academic merit. **No capitation fee and screening procedure.**
- (2) Any school or person, if in contravention of the provisions of sub-section (1) -
- (a) receives capitation fee, shall be punishable with fine which may extend to twenty times the capitation fee charged for the first contravention and fifty thousand rupees for each subsequent contravention; in default of fine by the owner of the school or his authorized representative shall undergo imprisonment for one month and two months respectively;
 - (b) subject a child or parent or guardian to screening procedure, shall be punishable with fine which may extend to fifty thousand rupees for the first contravention and one hundred thousand rupees for each subsequent contravention; in default of payment of fine by the owner of the school or his authorized representative shall undergo imprisonment upto three months.
12. For the purposes of admission to a school, the age of a child shall be determined on the basis of the birth certificate issued as may be prescribed: **Determination of age of a child.**
- Provided that no child shall be denied admission in a school for lack of proof of age.
13. (1) A child shall be admitted in school at the commencement of every **Admission and expulsion**

academic year or within such extended period as may be prescribed. **of a child at school.**

Provided that no child shall be denied admission if such admission is sought subsequent to the extended period:

Provided further that any child admitted after the extended period shall complete his studies in such manner as may be prescribed.

- (2) No child admitted in a school shall be expelled from school till the completion of the prescribed education.
 - (3) No child shall be subjected to corporal punishment or mental harassment.
 - (4) Whoever contravenes the provisions of this section, shall be liable to disciplinary action under the service rules.
14. (1) No school, other than a school established, owned or controlled by **Registration of schools.** Government, after the commencement of this Act, shall be established or shall function, without obtaining a certificate of registration from the prescribed authority.
- (2) The prescribed authority shall issue the certificate of registration in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:

Provided that no such registration shall be granted to a school unless it fulfills the prescribed norms and standards.

- (3) The prescribed authority shall, on the contravention of the conditions of registration, by an order in writing, withdraw registration:

Provided that registration shall not be withdrawn without giving a reasonable opportunity of being heard to such school:

Provided further that such order shall contain a direction as to which of the school, the children studying in the so de-registered school, shall be shifted.

- (4) Government or an authorized officer may, in writing, take such steps as deemed necessary to close any unregistered or de-registered educational institution.
 - (5) Any person who establishes or runs a school without obtaining certificate of registration, or continues to run a school after withdrawal of registration, shall be liable to fine which may extend to rupees five hundred thousand and imprisonment for six months which may extend to one year, or with both. In default of the payment of fine, he or she shall undergo further imprisonment of another one year.
15. (1) No school shall be established or registered or continue to function, unless it fulfills the prescribed norms and standards.

- (2) Where a school established before the commencement of this Act does not conform to the prescribed norms and standards, it shall take steps to conform to prescribed norms and standards at its own expense, within a period of two years.
- (3) Where a school fails to conform to the prescribed norms and standards within two years, the prescribed authority shall withdraw registration granted to such school.
- (4) Any person who continues to run a school after the registration is withdrawn, shall be liable to fine which may extend to two hundred thousand rupees and in case of continuing contraventions, to a fine of twenty-five thousand rupees for each day during which such contravention continues.

CHAPTER-V

PUBLIC AND PRIVATE SCHOOLS

16. (1) Every school shall constitute a school management committee with the equal representation from Government, teachers, parents of children admitted and management of the schools in such school, which shall be headed by the Principal or Head of an Institution of such school. This management committee shall have nine members including Principal or Head of Institutions. **Norms and Standards of School.**
- (2) The school management committee shall meet atleast three times in an academic year.
- (3) The school management committee shall perform the following functions, namely:-
 - (a) monitor the general working of the school; **School Management Committee.**
 - (b) ensure that the prescribed norms and standards are observed;
 - (c) ensure that the education policy of the Government is implemented;
 - (d) prepare and recommend the School Improvement Plan (S.I.P)
 - (e) monitor the utilization of the aids and grants received from the Government or any other source; and
 - (f) perform such other functions as may be prescribed or entrusted to it by Government or by the management committee itself.
- (4) The school management committee shall ensure attendance of every child for the purpose of this Act.
- (5) Where a school management committee is satisfied that a parent who is required under this Act to cause a child to attend a school has failed to do so, the school management committee, after giving the parent an opportunity of being heard and after such enquiries as it considers necessary, may pass an order directing the parent to cause such child to attend a school on and from a date which shall be specified in the order.
- (6) Any parent who fails to comply with an order issued under sub-section
- (7) of this section, shall on conviction be punishable with fine which may extend to five thousand rupees and with further fine which may extend to five hundred rupees for every day after the conviction for which the failure continues or with imprisonment which may extend to three month or with both.

17. (1) No person shall be appointed as a teacher unless he possesses the prescribed qualifications. **Terms and Conditions of Service of Teachers.**

(2) Where the persons having the prescribed qualifications are not available, the Government may, by notification, relax the prescribed qualifications, for a period not exceeding two years:

Provided that a teacher, who at the commencement of this Act, does not possess the prescribed qualifications, shall acquire such qualifications within a period of two years.

18. (1) A teacher shall perform the following duties, namely:- **Duties of Teachers.**

- (a) maintain regularity and punctuality in attending the school;
- (b) complete the curriculum within the specified time;
- (c) assess the learning abilities of every child and supplement additional instructions, if any, as required;
- (d) take care of all round development of the child;
- (e) build-up child's knowledge, potential and talent;
- (f) adopt learning through activities, discovery and exploration in a child friendly and child-centered manner;
- (g) make the child free of fear, trauma and anxiety and help the child to express views freely;
- (h) hold regular meetings with parents and share with them the relevant information about the child; and
- (i) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the applicable service laws:

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

19. (1) Government shall ensure that the prescribed Pupil-Teacher Ratio, is **Other Teachers Related Matters.**

this Act or as may be prescribed from time to time.

(2) Government shall ensure that vacancies of teachers in a school shall not exceed ten percent of the total sanctioned strength and such vacancy shall be filled within four months.

(3) No teacher shall be deployed for any non-educational purposes other than the Population Census, disaster relief duties or duties relating to election.

- (4) Every child completing his education shall be awarded a proper certificate, in such form and in such manner, as may be prescribed.
- (5) The grievances, if any, of a teacher, shall immediately be redressed in such manner as may be prescribed.

CHAPTER – VI

CURRICULUM AND EVALUATION PROCEDURE

20. (1) The curriculum and the evaluation procedure for education shall be laid down by an academic authority to be specified by Government, by notifications; **Curriculum and Evaluation Procedure.**
- (2) The academic authority, while laying down the curriculum and the evaluation procedure under sub-section (1), shall take into consideration the following, namely:-
 - (a) conformity with the values enshrined in the Constitution;
 - (b) take care of all round development of the child;
 - (c) build-up child's knowledge, potent and talent;
 - (d) development of physical and mental abilities to the fullest extent;
 - (e) learning through activities, discovery and exploration in a child friendly and child-centered manner;
 - (f) comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same.

CHAPTER-VII

IMPLEMENTATION AND MONITORING OF CHILD'S RIGHT TO EDUCATION

21. (1) Government, shall, in addition to the functions assigned to it under this **Implementation and monitoring of child's rights.**
Act, also perform the following functions, namely:-
 - (a) take all necessary measures for the effective implementation of the child rights under this Act; and
 - (b) inquire into complaints relating to child's right and take appropriate action.

- (2) Any person having any grievance relating to the rights of a child under this Act may make a written complaint to Government.
- (3) After receiving the complaint under sub-section (2), Government shall decide the matter within the period of one month after affording a reasonable opportunity of being heard to the parties concerned.

- 22. (1) Government shall constitute an Education Advisory Council consisting of such number of members, not exceeding nine including chairperson, to be appointed from amongst persons having knowledge and practical experience in the field of the education, child rights and child development to advise the Government on implementation of the provisions of this Act in an effective manner. **Education Advisory Council.**
- (2) The Education Advisory Council shall also ensure that every child required to attend a school under this Act attends a school and for this purpose it shall take all steps as may be considered necessary or as may be specified by Government;
- (3) The terms and conditions of the appointment of members of the Education Advisory Council shall be such as may be prescribed.
- 23. (1) Teachers, educational administrators, educational researchers, individuals and organizations who meet the prescribed criteria may be awarded the prescribed awards. **Awards.**
- (2) Parents and school management committees with outstanding performance may be given awards.
- (3) Students with excellent achievements in learning and training may be given the prescribed awards.

**CHAPTER-VIII
MISCELLANEOUS**

- 24. (1) No person shall promote an educational institution, whether by advertisement, prospectus, brochure or otherwise, unless the educational institution has been registered or a provisional certificate of registration has been issued. **Registration.**
- (2) A person who contravenes sub-section (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year, or to both.
- 25. (1) Government shall, from time to time, inspect or cause to be inspected a registered educational institution for the purpose of ascertaining that the provisions of this Act and the rules have been and are being complied with. **Inspections and Directions.**
- (2) Government may issue such guidelines and give such directions as it deems fit for the proper implementation of the provisions of this Act. **Registration.**
- (3) Every school shall provide such information as may be required by
- 26. (1) No prosecution of offences punishable under this Act shall be instituted **Prosecution**

- except upon a complaint with the previous sanction of Government. **of the offences.**
- (2) All the offences under this Act are bailable and compoundable.
27. No suit or other legal proceeding shall lie against Government, the school management committee or any other person, in respect of anything which is in good faith done, in pursuance of this Act, or any rules or order made thereunder. **Protection of action taken in good faith.**
28. The Sindh Compulsory Primary Education Ordinance, 2001, stand repealed: Provided that such repeal shall not affect the previous operations of the law under repeal or order passed or anything duly done or suffered thereunder.
29. Notwithstanding anything contained in any other law, for the time being in force, the provisions of this Act shall have over-riding effect. **Over-riding effect.**
30. (1) Government may, by notification, make rules, for carrying out the provisions of this Act. **Powers to make rules.**
- (2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely: –
- (a) the area or limits for establishment of a school;
 - (b) the manner of maintenance of records of children;
 - (c) determining the age of child;
 - (d) the extended period for admission and the manner of completing study if admitted after the extended period;
 - (e) the manner of giving special teacher or management, training and the time-limit thereof;
 - (f) the authority, the form and manner of making application for certificate of registration;
 - (g) the form, the period, the manner and the conditions for issuing certificate of registration;
 - (h) the manner of giving opportunity of hearing under this Act;
 - (i) the functions of School Management Committees;
 - (j) the preparing School Annual Development and Academic Plan;
 - (k) the salary and allowances payable to, and the terms and conditions of service of teachers;
 - (l) the duties to be performed by the teachers;
 - (m) the manner of redressing grievances of teachers, students or any other person;
 - (n) the form and manner of awarding certificate for completion of the education; and
 - (o) the allowances and other terms and conditions of appointment of members of the relevant Education Advisory Council.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

E. Islamabad Capital Territory

The National Assembly of Pakistan enacted **Right to Free and Compulsory Education Act No. XXIV of 2012**. The Act recognizes and determines to ensure provision of free and compulsory education to all children, regardless of sex, nationality, or race of the age of five to sixteen in schools established by the Federal Government and Local Government in Islamabad Capital Territory.

With this Act in place, the Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002 is repealed. This Act extends to all of Islamabad Capital Territory and defines terms such as “Child”, “Appropriate Government”, “Education Advisory Council” etc.

It states that all children have a right to free and compulsory education regardless of age, religion, gender etc. Under this Act the government is obligated to provide free education to all children, ensure admission of children of migrant families, and ensure compulsory education and completion of said education. The Government is also obligated to ensure the safety of children and teacher to and from school, to ensure that the disadvantaged child is not discriminated against, provide infrastructure, establish academic calendar, and ensure good quality of education and so on.

The Act also has provisions for OOSC: the OOSC are to be enrolled and provided special training in order for them to be at par with their peers. The duties of the government and parents are also written in detail in the Act.

Additionally, this Act clarifies that capitation fee and screening procedures are illegal and that denial of admission or expulsion is not allowed. It also asserts the formation of School Management Committees in all schools and outlines the duties of teachers.

Moreover, it also states that no private school is allowed to remain open without proper registration from the prescribed authority.

The Urdu translation of this Act can be [accessed here](#).

RIGHT TO FREE AND COMPULSORY EDUCATION ACT, 2012

ACT NO. XXIV OF 2012

RIGHT TO FREE AND COMPULSORY EDUCATION ACT, 2012

An Act to provide for free and compulsory education to all children of the age of five to sixteen years

[Gazette of Pakistan, Extraordinary, Part-I, 24th December, 2012]

No. F. 23(43)/2012-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 19th December, 2012 and is hereby published for general information:-

WHEREAS it is expedient to provide free and compulsory education to all children of the age of five to sixteen years in schools established by the Federal Government and Local Government in Islamabad Capital Territory;

It is hereby enacted as follows:-

1. Short title, extent and commencement.

- (1) This Act may be called the Right to Free and Compulsory Education Act, 2012.
- (2) It shall extend to the Islamabad Capital Territory.
- (3) It shall come into force on such date and in such areas, as the Federal Government may, by notification in the Official gazette, appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Appropriate Government" means,—
 - (i) in relation to a school established, owned or controlled by the Federal Government, the Federal Government; and
 - (ii) in relation to a school established, owned or controlled by the Local Government, the Local Government;
- (b) "capitation fee" means any donation, contribution or payment, by whatever name, other than the fee notified by the school or the appropriate Government;
- (c) "child" means a child including a child with special education needs, male or female, of the age of five to sixteen years of age;
- (d) "disadvantaged child" means a child who belongs to a socially and economically disadvantaged class, or group or belongs to such parent whose annual income is lower than the minimum limit specified by the appropriate Government, by the notification in the Official gazette;
- (e) "education" means the prescribed education for a child by the academic authority, notified by the Government;
- (f) "Education Advisory Council" means the Education Advisory Council established under this Act;
- (g) "free education" means education free of any education related costs including expenditure on stationery, school bags, and transport.
- (h) "notification" means a notification published in the Official gazette;
- (i) "parent" includes a person having the care and custody of a child and includes a natural guardian or legal guardian so appointed or declared by a Court.
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "School" means any registered school imparting prescribed education and includes a,—

- (i) A school established, owned or controlled by the appropriate Government;
 - (ii) A school receiving aid or grants from the appropriate Government to meet the whole or part of its expenses; and
 - (iii) A school not receiving any kind of aid or grants from the appropriate Government to meet its expenses.;
- (l) "screening procedure" means the method of selection for admission of a child, in preference over another, other than a random method; and
- (m) "special education" means educational programmes and practices designed for students as handicapped or gifted students, whose mental ability, physical ability, emotional functioning, etc. require special teaching approaches, equipment, or care within or outside a regular classroom.

3. Right of child to free education.

- (1) Every child, regardless of sex, nationality or race, shall have a fundamental right to free and compulsory education in a neighbourhood school.
- (2) No child shall be liable to pay any kind of fee, charges, expenses, etc., which may prevent him from pursuing and completing the education.
- (3) It is the obligation of the appropriate Government to,
 - (a) provide free education to every child;
 - (b) ensure admission of children of migrant families;
 - (c) ensure compulsory admission, attendance and completion of education;
 - (d) ensure safety of travel of the child and the teacher to and from school;
 - (e) ensure availability of a neighbourhood school;
 - (f) ensure that the disadvantaged child is not discriminated against and prevented from, on any grounds whatsoever, pursuing and completing education:
 - (g) provide infrastructure including school building, playgrounds, laboratories, teaching learning material and reaching staff;
 - (h) monitor functioning of schools within its jurisdiction;
 - (i) decide the academic calendar;
 - (j) provide all training facilities for teachers and students;
 - (k) ensure good quality education conforming to the prescribed standards and norms;
 - (l) ensure timely prescribing of curriculum and courses of study for education; and
 - (m) provide proper training facility for teachers.

4. Special provisions for education.—Where a child has not been admitted in any school or though admitted, could not complete his education, then he shall be admitted in an appropriate class in a formal or non-formal school:

Provided that he shall, in order to be at par with others, have a right to receive special training, in such a manner, and within one academic year.

5. Right of transfer to other school.

- (1) Where in a school, there is no provision for completion of the prescribed education, a child shall have a right to seek transfer to any other school for completing his education.
- (2) Where a child is required to move from one school to another, for any reason whatsoever, such child shall have a right to seek transfer to any other school for completing his education.
 - (1) for seeking admission in such other school, the in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate:

Provided that delay in producing the transfer certificate shall not be a ground for either delaying or denying admission in such other school:

Provided further that the in-charge of the school delaying issuance of transfer certificate or delaying or denying admission shall be liable for disciplinary action under the service rules.

6. Duty of appropriate Government to establish school.

- (1) The appropriate Government shall, for carrying out the provisions of this Act, establish, within such limits of neighbourhood as may be prescribed, a school, within a period of three years from the commencement of this Act.
- (2) The appropriate Government shall encourage enterprises, institutions and other segments of society, by offering incentives, to establish schools to facilitate free and compulsory education.
- (3) The appropriate Government shall establish a system of grants-in-aid to support the school attendance of poor students.

7. Sharing of financial and other responsibilities.

- (1) The Federal Government and the Local Government, if any, shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.
- (2) The Federal Government may provide to the Local Government as grants-in-aid such percentage of expenditure for education as it may determine, from time to time, in consultation with the Local Government.
- (3) The Federal Government shall establish or specify, through notification, an academic authority to lay down the curriculum and evaluation procedures, including approval of syllabi and textbooks for students, to develop and enforce standards for training of teachers, and to provide technical support and resources for planning and capacity building of teachers and education managers.

8. Duty of parents.

- (1) The parent of a child shall, except in the case of a reasonable excuse, cause a child to attend a school in the neighbourhood until the said child has completed the prescribed education.
- (2) Reasonable excuse for the purpose of sub-section (1) shall include any of the following cases namely;—
 - (a) where the School management Committee is satisfied that the child is incapable of attending school by reason of any infirmity or mental incapacity or it is not desirable that the child should be compelled to carry on his study further; or
 - (b) where there is no School in the neighbourhood.

9. Appropriate Government to provide pre-school education.—The appropriate Government may make necessary arrangements for providing free pre-school education and early childhood care for the children above the age of three years until they join the school for education.

10. Responsibility of private school for free education.—For the purposes of this Act, a school,—

- (a) specified in sub-clauses (i) and (ii) of clause (k) of Section 2, shall provide free education to such proportion of children admitted therein as its annual aid or grant so received bears to its annual recurring expenses; and
- (b) specified in sub-clause (iii) of clause (k) of Section 2, shall admit in class I and then in every class, to the extent of at ten percent of the strength of that class, disadvantaged children in the neighbourhood and provide free education till the educational level of that school:

Provided that where a school specified in clause (b), imparts preschool education, the provisions of clauses (a) and (b) shall apply for admission to such pre-school education.

11. No capitation fee and screening procedure.

- (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his parents or parent to any screening procedure.
- (2) Any school or person, if in contravention of the provisions of sub-section (1),—
 - (a) receives capitation fee, shall be punishable with fine which may extend to twenty times the capitation fee charged for the first contravention and fifty thousand rupees for each subsequent contravention; and
 - (b) subjects a child or parent to screening procedure, shall be punishable with fine which may extend to fifty thousand rupees for the first contravention and one hundred thousand rupees for each subsequent contravention.

12. **Proof of age for admission.**—For the purposes of admission to a school, the age of a child shall be determined on the basis of the Form-B of NADRA and birth certificate issued as prescribed:

Provided that no child shall be denied admission in a school for lack of proof of age.

13. **No denial of admission and expulsion.**

- (1) A child shall be admitted in a school at the commencement of every academic year:

Provided that no child shall be denied admission if such admission is sought subsequent to termination of admission period of the academic year:

Provided that any child subsequently admitted shall complete his studies in such manner as may be prescribed.

- (2) No child admitted in a school shall be expelled from school till the completion of the prescribed education.
- (3) No child shall be subjected to corporal punishment or mental harassment.
- (4) Whoever contravenes the provisions of this section, shall be liable to disciplinary action under the service rules.

14. **Registration of Schools.**

- (1) No school, other than a school established, owned or controlled by the appropriate Government, after the commencement of this Act, be established or function, without obtaining a certificate of registration from the prescribed authority.
- (2) The prescribed authority shall issue the certificate of registration in such form, within such period, in such manner, and subject to such conditions, as may be prescribed:
- Provided that no such registration shall be granted to a school unless it fulfils the prescribed norms and standards.
- (3) The prescribed authority shall, on the contravention of the conditions of registration, by an order in writing, withdraw registration:
- Provided that registration shall not be so withdrawn without giving a reasonable opportunity of being heard to such school:
- Provided further that such order shall contain a direction as to which of the neighbourhood school, the children studying in the so de-registered school, shall be shifted.
- (4) The appropriate Government or an authorized officer may take such steps as it or he may deem necessary to close a unregistered or de-registered educational institution.
- (5) Any person who establishes or runs a school without obtaining certificate of registration, or continues to run a school after withdrawal of registration, shall be liable to fine which may extend to two hundred thousand rupees and in case of continuing contraventions, to a fine of twenty five thousand rupees for each day during which such contravention continues.

15. Norms and standards of school.

- (1) No school shall be established or registered or continue to Function, unless it fulfils the prescribed norms and standards.
- (2) Where a school established before the commencement of this Act does not conform to the prescribed norms and standards, it shall take steps to conform to prescribed norms and standards at its own expense, within a period of two years.
- (3) Where a school fails to conform to the prescribed norms and standards within two years, the prescribed authority shall withdraw registration granted to such school.
- (4) Any person who continues to run a school after the registration is withdrawn, shall be liable to fine which may extend to two hundred thousand rupees and in case of continuing contraventions, to a fine of twenty-five thousand rupees for each day during which such contravention continues.

16. School Management Committee.

- (1) Every school, other than a school specified in sub-clause (iii) of clause (k) of Section 2, shall constitute a School Management Committee consisting of the representatives of the appropriate Government, teachers, parents of children admitted in such school:

Provided that at-least two-thirds of members of such Committee shall be parents: Provided further that one-third of members of such Committee shall be women.

- (2) The School Management Committee shall perform the following functions, namely:
 - (a) monitor the general working of the school;
 - (b) ensure that the prescribed norms and standards are observed;
 - (c) ensure that the education policy of the appropriate Government is implemented;
 - (d) prepare and recommend the annual development plan;
 - (e) monitor the utilization of the aids and grants received from the appropriate Government or any other source; and
 - (f) perform such other functions as may be prescribed or entrusted to it by the appropriate Government.
- (3) The School Management Committee shall also ensure that every child required to attend a school under this Act attends a school and for this purpose, it shall take all steps as maybe considered necessary or as may be prescribed by Government.
- (4) Where a School Management Committee is satisfied that a parent who is required under this Act to cause a child to attend a school has failed to do so, the School Management Committee, after giving the parent an opportunity of being heard and after such enquiries as it considers necessary, may puss an order directing the parent to cause such child to attend a school on and from a date which shall be specified in the order.
- (5) Any parent who fails to comply with an order issued under sub-section (4) of this section, shall on conviction be punishable with fine which may extend to five thousand rupees and with further fine which may extend to five hundred rupees for every day after the conviction for which the failure continues or with imprisonment which may extend to three month or with both.
- (6) Any employer of a child, who is required under this Act to attend a School, after receiving due warning from the School Management Committee, continues to employ a child, whether on remuneration or

otherwise, shall on conviction, be punishable with fine which may extend to fifty thousand rupees or with imprisonment which may extend to six month or with both and with a further fine which may extend to one thousand rupees for every day after the conviction for which the non-attendance at a school continues.

17. Terms and conditions of service of teachers.

- (1) No person shall be appointed as a teacher unless he possesses the prescribed qualifications.
- (2) Where the persons having the prescribed qualifications are not available, the appropriate Government may, by notification, relax the prescribed qualifications, for a period not exceeding two years:

Provided that a teacher, who at the commencement of this Act does not possess the prescribed qualifications, shall acquire such qualifications within a period of two years.

18. Duties of teachers.

- (1) A teacher shall perform the following duties, namely:
 - (a) maintain regularity and punctuality in attending the school;
 - (b) complete the curriculum and syllabi within the specified time;
 - (c) assess the learning abilities of every child and supplement additional instructions, if any, as required;
 - (d) all round development of the child;
 - (e) building up child's knowledge, potentiality and talent;
 - (f) adopt learning through activities, discovery and exploration in a child friendly and child- centered manner;
 - (g) make the child free of fear, trauma and anxiety and help the child to express views freely;
 - (h) hold regular meetings with parents and share with them the relevant information about the child; and
 - (i) perform such other duties as may be prescribed.
- (2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the applicable service laws.

19. Other teachers related matters.

- (1) The appropriate Government shall ensure that the prescribed pupil-teacher ratio, is maintained in each school within one year from the date of commencement of this Act.
- (2) The appointing Government shall ensure that vacancies of teachers in a school shall not exceed ten per cent of the total sanctioned strength and such vacancy shall be filled within four months.
- (3) No teacher shall be deployed for any non-educational purposes other than the population census, disaster relief duties or duties relating to elections.
- (4) Every child completing his education shall be awarded a proper certificate, in such form and in such manner, as may be prescribed.
- (5) The grievances, if any, of a teacher shall immediately be redressed in such manner as may be prescribed.

20. Monitoring of child's right to education.

- (1) The appropriate Government, shall, in addition to the functions assigned to them under this Act, also perform the following functions, namely:-
 - (a) take all necessary measures for the effective implementation of the child rights under this Act; and
 - (b) inquire into complaints relating to child's right and take appropriate action.
- (2) Any person having any grievance relating to the rights of a child under this Act may make a written complaint to the appropriate Government.
- (3) After receiving the complaint under sub-section (2), the appropriate Government shall decide the matter within the period of one month after affording a reasonable opportunity of being heard to the parties concerned.

21. Medical and dental inspection of children.

- (1) Every school shall, so far as it is reasonable and practicable so to do, provide for the medical and dental inspection, at appropriate intervals, of the students.
- (2) The school may require the parent of a student to cause the student to undergo medical or dental inspection in accordance with arrangements made by the school authorities, or by a registered medical or dental practitioner, and a person who fails without reasonable excuse to comply with the requirement shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand rupees.

22. Education Advisory Council.

- (1) The appropriate Governments shall constitute an Education Advisory Council consisting of such number of members, not exceeding nine, to be appointed from amongst persons having knowledge and practical experience in the field of the education, child rights and child development to advise the appropriate Governments on implementation of the provisions of this Act in an effective manner.
- (2) The Education Advisory Council shall also ensure that every child required to attend a school under this Act attends a school and for this purpose it shall take all steps as may be considered necessary or as may be specified by Government.
- (3) The terms and conditions of the appointment of members of the Education Advisory Council shall be such as may be prescribed.

23. Awards.

- (1) The teachers, educational administrators, educational researchers, individuals and organizations who meet the set criteria may be awarded the prescribed awards.
- (2) The students with excellent achievements in learning and training may be awarded the prescribed awards.

24. No Advertisement without Registration.

- (1) No person shall promote an educational institution, whether by advertisement, prospectus, brochure or otherwise, unless the educational institution has been registered or a provisional certificate of registration has been issued.
- (2) A person who contravenes sub-section (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both.

25. Inspections and directions.

- (1) The appropriate Government shall, from time to time, inspect or cause to be inspected a registered educational institution for the purpose of ascertaining that this Act and the rules made under this Act have been and are being complied with.
- (2) The appropriate Government may issue such guidelines and give such directions as it deems fit for the proper implementation of the provisions of this Act.
- (3) Every school shall provide such information as may be required by the appropriate Government.

26. Prosecution of the offences.

- (1) No prosecution for offences punishable under this Act shall be instituted except upon a complaint with the previous sanction of the appropriate Government.
- (2) All the offences under this Act are bailable and compoundable.
- (3) The authorized officer in a case where he deems it fit and proper so to do, may compound any offence committed by a person which is punishable under this Act on payment, within such time as may be specified in the order, of such sum of money, as may be so specified, which shall not exceed fifty per centum of the amount of the maximum fine to which the person would have been liable if he had been convicted of the offence.

27. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the appropriate Government, the School Management Committee or any other person, in respect of anything which is in good faith done, in pursuance of this Act, or any rules or order made there under.

28. Repeal.—The Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002 (XIV of 2002) shall stand repealed:

Provided that such repeal shall not affect the previous operations of the law under repeal or order passed or anything duly done or suffered there under.

29. Powers to make rules.

- (1) The appropriate Government may, by notification, make rules, for carrying out the provisions of this Act.
- (2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-
 - (a) the area or limits for establishment of a neighbourhood school;
 - (b) the manner of maintenance of records of children;
 - (c) determining the age of child;
 - (d) the extended period for admission and the manner of completing study if admitted after the extended period;
 - (e) the manner of giving special training and the time-limit thereof;
 - (f) the authority, the form and manner of making application for Certificate of Registration;
 - (g) the form, the period, the manner and the conditions for issuing Certificate of Registration;
 - (h) the manner of giving opportunity of hearing under this Act;
 - (i) the functions of School Management Committees;
 - (j) school annual development plan;
 - (k) the salary and allowances payable to, and the terms and conditions of service of teachers;
 - (l) the duties to be performed by the teachers;
 - (m) the manner of redressing grievances of teachers, students or any other person;
 - (n) the form and manner of awarding certificate for completion of the education; and
 - (o) the allowances and other terms and conditions of appointment of members of the relevant Education Advisory Council.

Chapter 3

PARLIAMENTARY COMMITTEES OVERSIGHT

A. FUNCTIONS OF PARLIAMENTARY COMMITTEES

Parliament- the guardian of basic rights of its people have vested powers through which they can not only bring effective legislative reforms but also monitor progress of government education departments through various oversight tools such as standing committees, calling attention notices, questions, resolutions, motions etc. They can become agents of change in the society because their voices are heard at constituency, national and international level. Individual parliamentarians are the critical stakeholders in legislative scrutiny who can identify gaps in enforced policies and monitor implementation. Parliamentarians can utilize various methods for raising their voices against such societal disturbances.

One of the common platforms is the Standing Committee where MPs are able to directly engage with key stakeholders including ministries, government departments and agencies. Committees perform the watch dog role in the parliament and hold the government accountable not only in financial matters but in implementation of legislations and policies for public welfare. Specifically, the committees are set to: conduct inquiries, ensure the attendance of persons and presentation of documents, and prepare reports and recommendations for the respective house. In a compact set up with limited membership and more powers at hand, committees enable parliamentarians to efficiently scrutinize the working of the government, analyze the ongoing legislation and monitor use of funding. The Parliamentarians can initiate discussions so that a national narrative with concrete state policy can be developed. Parliamentary Committees can also guide executive to review existing policies in the light of international best practices, UN resolutions and regional commitments.

Given below are the functions of Parliamentary Standing committees in Pakistan which have been shared to develop understanding of their role as an oversight body.

1. Federal Government

As per **Rule 166 of Rules of Procedure and Conduct of Business in Senate, 2012** and **Rule 201 of Rules of Procedure and Conduct of Business in National Assembly, 2007** Standing Committees examines the bills referred to it, propose amendments and may hear public petitions on a Bill.

a) Rules of Procedure and Conduct of Business of Senate of Pakistan

As per **Rule 166 of Rules of Procedure and Conduct of Business in Senate, 2012**, the functions of the standing committees of the Senate of Pakistan are following:

“166. Functions of Standing Committees.-

- (1) *A Standing Committee shall examine a Bill, subject or matter referred to it by the Senate or the Chairman and shall submit its report to the Senate or to the Chairman, as the case may be, with such recommendations including suggestions for legislation, if any, as it may deem necessary. In the case of a Bill, the Committee shall also examine whether the Bill violates, disregards or is otherwise not in accordance with the provisions of the Constitution.*
- (2) *The Committee may propose amendments which will be shown in its report along-with original provisions of the Bill, but the Committee shall have no power of preventing the Bill from coming to the Senate.*

(3) *If a Committee does not present its report within the period prescribed, or the time allowed, the Bill, subject or matter referred to it may be considered by the Senate, without waiting for the report, upon a motion by any member or by the Minister concerned and such Bill, subject or matter shall be treated as withdrawn from the Committee.*

(4) **A Committee may examine suo moto the budgetary allocation and its utilization, administration, delegated legislation, public petitions and policies of the Ministry concerned and its attached corporations and public bodies and may call for views of the Ministry.** *After examining the views of the Ministry, the Committee shall make a report to the Senate, which may make such recommendations thereon as it may deem fit:*

Provided that the Committee shall bi-annually examine the budgetary allocation and its utilization by the Ministry concerned and present a report in this regard before the House within forty-five days.

(5) **Public petitions may be presented on any matter connected with the business pending before the House or a Committee, or any matter of general public interest which is primarily the concern of the Government,** *provided that it is not one which falls within the cognizance of a court of law or tribunal, and it shall not directly relate to a matter pending before any court or other authority performing judicial or quasi-judicial functions.*

(6) *All nominations of members to various Policy and Administrative Boards, Councils, etc. made by the Chairman shall be ratified by the concerned Committees within a period of thirty days of reference of nomination to the Committee, failing which the nomination shall be deemed to have been ratified:*

Provided that the Committee, for reasons to be recorded, may not ratify the nomination upon which the Chairman Senate shall nominate another Member which shall be ratified by the Committee within a period of fifteen days, failing which the nomination shall be deemed to have been ratified.

(7) *Each Standing Committee shall scrutinize the Public Sector Development Program (PSDP) proposed by the Ministry concerned for the next financial year and suggest amendments, if necessary, and make recommendations thereon before the same is sent to the Ministry of Finance for inclusion in the Federal Budget for the next financial year. Each Ministry shall submit its budgetary proposals relating to the Public Sector Development Program (PSDP) for the next financial year to the relevant Standing Committee not later than the 31st January of preceding financial year and the Standing Committee shall make its recommendations thereon, if any, not later than the 1st March of preceding financial year, failing which the proposals of the Ministry shall be deemed to have been endorsed by the Standing Committee.”*

b) Rules of Procedure and Conduct of Business of National Assembly

As per **Rule 201 of Rules of Procedure and Conduct of Business in National Assembly, 2007**, the functions of the standing committees of the National Assembly are following:

“201. Functions.-

- (1) *A Committee shall examine a Bill, subject or matter referred to it by the Assembly or the Speaker and shall submit its report to the Assembly or to the Speaker, as the case may be, with such recommendations including suggestions for legislation, if any, as it may deem necessary. In case of a Bill, the Committee shall also examine whether the Bill violates, disregards or is otherwise not in accordance with the Constitution.*
- (2) *The Committee may propose amendments which shall be shown in its report along with original provisions of the Bill:*

Provided that the Committee shall have no power of preventing the Bill from being considered by the Assembly.
- (3) *If a Committee does not present its report within the prescribed period, or the time allowed, the Assembly may consider the Bill, subject or matter referred to it, without waiting for the report upon a motion by any member or by the Minister concerned and such Bill, subject or matter shall be treated as withdrawn from the Committee.*
- (4) *A Committee may examine the expenditures, administration, delegated legislation, public petitions and policies of the Ministry concerned and its associated public bodies and may forward its report of findings and recommendations to the Ministry and the Ministry shall submit its reply to the Committee.*
- (5) *Public petitions may be presented on a Bill which has been introduced, or any matter connected with the business pending before the House, or any matter of general public interest which is primarily the concern of the Government, provided that it is not one which falls within the cognizance of a court, nor shall it relate to a matter pending before any court or other authority performing judicial or quasi-judicial functions.*

2. **Functions of the Standing Committee of the Provincial Assembly of Balochistan**

As per **Rule 135 of Rules of procedure of the Provincial Assembly of Balochistan 2012** the standing committee on Education, may exercise following powers regarding provision of free and compulsory, primary and secondary education to all children in the Province of Balochistan:

- (1) *“A Committee shall examine a Bill or other matter referred to it by the Speaker or by the Assembly, as the case may be, and shall submit its report to the Assembly with such recommendations, including suggestions for legislation, if any, as it may deem necessary. In the case of a Bill, the Committee shall also examine whether the Bill violates, disregards or is otherwise not in accordance with the Constitution, Fundamental Rights and Principles of Policy.*
- (2) *The Committee may propose amendments which will be shown in its report alongside the original provisions of the Bill, but the Committee shall have no power of preventing the Bill from coming to the Assembly.*
- (3) *If a Committee does not present its report within the period prescribed, or the time allowed, the Bill or the matter referred to it may be considered by the Assembly without waiting for the report, upon a motion by any Member.”*

3. **Functions of the Standing Committee of the Provincial Assembly of Khyber Pakhtunkhwa**

As per **Rule 155 of the Rules of procedure of the provincial assembly of the ‘Khyber Pakhtunkhwa 1988** the Standing Committee on the above stated Department, along with the general power of oversight, may exercise following powers regarding education:

- (1) *“A Committee shall examine a Bill, subject or matter referred to it by the Assembly and shall submit its reports to the Assembly with such recommendations, including suggestions for legislation, if any as it may deem necessary.”*
- (2) *The Committee may propose amendments which be shown in its report along with the original provisions of the bill; but the Committee shall have no power of preventing the bill from coming to the Assembly.*
- (3) *If a Committee does not present its report within the period prescribed, or the time allowed, the Bill, subject or matter referred to it, may be considered by the Assembly, without waiting for the report, upon a motion by any Member or by the Minister concerned.”*

4. **Functions of the Standing Committee of the Provincial Assembly of Punjab**

As per **Rule 154 of Rules of procedure of the Provincial Assembly of Punjab 1997** the Standing Committee on Education, may exercise following powers s in order to ensure that all the children’s in the Province of Punjab are provided free and compulsory, primary and secondary education:

- (1) *“A Committee shall examine a Bill or other matter referred to it by the Assembly and shall submit its report to the Assembly with such recommendations, including suggestion for legislation, if any, as it may deem necessary.*
- (2) *In the case of a Bill, the Committee shall also examine whether or not the Bill violates, disregards or is otherwise not in accordance with the Constitution.*
- (3) *The Committee may propose such amendments as are within the scope of the Bill, but the Committee shall have no power of preventing the Bill from being considered by the Assembly.*
- (4) *The amendments will be shown in its report along with the original provisions of the Bill.*
- (5) *A Committee may, with the approval of the Speaker, appoint a sub-committee, for a specified function arising out of the matter referred to the Committee.*
- (6) *If a Committee does not present its report within the specified period, or within the extended period, if any, the Bill or the matter referred to it may, on a motion by a member, or a Minister, be considered by the Assembly without waiting for the report.”*

5. **Functions of the Standing Committee of the Provincial Assembly of Sindh**

As per **Rule 167 of the Rules of Procedure of the Provincial Assembly of Sindh, 2013** the Standing Committee on Education, may exercise the following powers in order to ensure that all the children’s in the Province of Sindh are provided free and compulsory, primary and secondary education:

- (1) *“A Committee shall examine a Bill or other matter referred to it by the Assembly and shall submit its report to the Assembly with such recommendations, including suggestion for legislation, if any, as it may deem necessary.*
- (2) *In the case of a Bill, the Committee shall also examine whether or not the Bill violates, disregards or is otherwise not in accordance with the Constitution.*

- (3) *The Committee may propose such amendments as are within the scope of the Bill, but the Committee shall have no power of preventing the Bill from being considered by the Assembly.*
- (4) *The amendments will be shown in its report along with the original provisions of the Bill.*
- (5) *A Committee may, with the approval of the Speaker, appoint a sub-committee, for a specified function arising out of the matter referred to the Committee.*
- (6) *If a Committee does not present its report within the specified period, or within the extended period, if any, the Bill or the matter referred to it may, on a motion by a member, or a Minister, be considered by the Assembly without waiting for the report.*
- (7) *A Committee may examine the expenditures, administration, delegated legislation, public petitions and policies of the Department concerned and its associated bodies, and may forward reports of findings and recommendations to the Department and the Department shall submit its reply to the Committee within a period of two weeks.”*

B. FUNCTIONS OF EDUCATION DEPARTMENTS

1. Federal Government

- (i) As per **Schedule-I of Rules of Business, 1973** Ministry of Federal Education and Professional Training is having responsibilities to ensure Education under which Federal Education and Professional Training Division works.

(ii) Functions of Ministry of Federal Education

As per **second schedule of Government Rules of Business 1973**, following are the functions of the Federal Education and Professional Training Division:

- (1) National Vocational and Technical Education Commission (NAVTEC).
- (2) Academy of Educational Planning and Management (AEPAM), Islamabad.
- (3) Federal Board of Intermediate and Secondary Education (FBISE), Islamabad.
- (4) National Education Assessment Centre, Islamabad.
- (5) National Talent Pool, Islamabad.
- (6) Youth Centres and Hostels.
- (7) All matters relating to National Commission for Human Development (NCHD) and National Education Foundation (NEF).
- (8) Pakistan National Commission for UNESCO (PNCU).
- (9) Higher Education Commission.
- (10) External examination and equivalence of degrees and diplomas.
- (11) Commission for standards for higher education.
- (12) Pakistan technical assistance programme in the field of education, professional and technical training.

2. Government of Balochistan

(i) As per **Schedule-I of The Balochistan Government Rules of Business, 2012** following Department, have the responsibility to ensure provision of free and compulsory, primary and secondary education to all children in the Province of Balochistan:

- (1) Secondary Education Department.
- (2) Colleges, Higher and Technical Education Department.
- (3) Social Welfare, Special Education, Literacy, Non-Formal Education and Human Rights Department.

(ii) As per **second schedule of Balochistan Government Rules of Business, 2012** following are the functions of the above discussed departments:

i. **Functions of Secondary Education Department**

- (1) Curriculum development, implementation of Education for all (EFA) and Sustainable Development Goals (SDG), Free and Compulsory Education.
- (2) Administration and Regulation:
 - (a) Early Childhood Education/Primary;
 - (b) Elementary;
 - (c) Secondary;
 - (d) Technical and Vocational/Education Research;
 - (e) Physical Education.
- (3) Education Policies and Planning.
- (4) Measures to eliminate drop-outs at Primary/Secondary/ Elementary Colleges levels.
- (5) Grant of scholarship in consultation with Finance Department.
- (6) Promotion of Literacy (male/Female)
- (7) Production and distribution of Educational and Scientific Films.
- (8) Teacher Professional Development Pre-Service and In-Service.
- (9) Extra Curriculum activities in Educational Institutions.
- (10) Development and Review of Text Book upto Higher Secondary level.
- (11) All Service matters of the employees of the Attached Departments, which does not include employees of the Secretariat and except those matters entrusted to Services and General Administration Department or to any other Department.

ii. **Functions of Colleges, Higher and Technical Education Department**

- (1) Higher Education Commission;
- (2) Universities;
- (3) *Board of Intermediate and Secondary Education*;
- (4) Degree, Inter, Cadet and Balochistan Residential Colleges, including Technical Education Colleges;
- (5) Balochistan Academy for College Teachers (BACT);
- (6) Grant of Scholarships in consultation with Finance Department;
- (7) All Service matters of the employees of the Attached Departments, which does not include employees of the Secretariat and except those matters entrusted to Services and General Administration Department or to any other Department.

iii. **Functions of Social welfare, Special Education, Literacy, Nonformal Education and Human right Department regarding Education:**

- (1) Special Education School
- (2) Affairs of Literacy and Non-Formal Education.

3. **Government of Khyber Pakhtunkhwa**

- (i) As per **Schedule-I of Khyber Pakhtunkhwa Government Rules of Business, 1985** following Department and its Directorates have the responsibility to ensure provision of free and compulsory, primary and secondary education to all children in the KP Province:

S#	Secretariat Departments	Attached Departments of Education	Head of Attached Departments
1.	Elementary & Secondary Education Department.	(a) Directorate of Elementary & Secondary Education. (b) Directorate of Curriculum and Teachers' Education.	(a) Director Elementary & Secondary Education. (b) Director, Curriculum and Teachers' Education.

As per **Schedule II of Khyber Pakhtunkhwa Government Rules of Business, 1985** following are the functions of the Elementary and Secondary Education Department:

- (1) General Education.
 - (a) Primary Education.
 - (b) Secondary Education, at the level of high/Higher Secondary Schools.
- (2) Regulation, Registration and Supervision of Private Schools/Training Institutions.
- (3) BISEs, Text Book Board, Public Schools & Colleges/Cadet Colleges and Elementary Education Foundation.
- (4) Grants of scholarships/stipends to students.
- (5) Administration of Compulsory Primary Education Act-1996.
- (6) Boys Scouts and Girls Guide Associations in NWFP.
- (7) Service matters except those entrusted to Establishment and Administration Department and District Government.

District offices as per the District Government Rules of Business, 2015

As per **First Schedule of The Khyber Pakhtunkhwa District Government Rules of Business, 2015** following District offices and Operational Components are related with Education:

S#	Proposed District Office	Operational Components
01	Education	Primary and Secondary Education, Vocational Education.
02	Social Welfare	Special Education

4. Government of Punjab

- (i) As per **First schedule of Punjab Government Rules of Business, 2011** following Department, attached departments, autonomous bodies and companies have the responsibility to ensure provision of free and compulsory, primary and secondary education to all children in the Province of Punjab:

S#	Departments	Head of Attached Departments	Autonomous Bodies & Companies
1.	School Education Department	(i) Director Public Instruction (SE). (ii) Director Public Instruction (EE). (iii) Program Director, Directorate of Staff Development. (iv) Project Director, Children Library Complex Punjab. (v) Director, Punjab Education Assessment System. (vi) Director, National Education Equipment Centre, Punjab. (vii) Director, National Museum of Science & Technology, Lahore.	(i) Punjab Text Books Board. (ii) Punjab Examination Commission. (iii) Punjab Education Foundation. (iv) Punjab Teachers Foundation. (v) The Punjab Danish Schools. and Centers of Excellence Authority. (vi) Cadet College Hassan Abdal. (vii) Government Central Model School, Lower Mall Lahore. (viii) The Punjab Curriculum Authority.
2.	Literacy and Non Formal Basic Education Department	-	-
3.	Special Education Department	Director, Special Education, Punjab.	The Punjab Fund for Rehabilitation of Special Persons

- (ii) As per **second schedule of Punjab Government Rules of Business 2011** following are the functions of the above discussed departments:

Functions of School Education Department

- (1) Legislation, policy formulation and planning for:
 - (a) Primary education,
 - (b) Elementary education,
 - (c) Secondary and Higher Secondary education.
- (2) Regulatory policy concerning private sector schools
- (3) Development and supervision of curricula, syllabi, textbooks and maintenance of
- (4) standards of education:
 - (a) Curricula and syllabi up to class XII,
 - (b) Production and publication of text books for class I to XII.
- (5) Staff development including:
 - (a) Pre-service and in-service teachers training,
 - (b) Continuous professional development (CPD),
- (6) Monitoring & evaluation system:

- (a) Distribution of free textbooks,
 - (b) Development schemes,
 - (c) Presence of teaching & non-teaching staff,
 - (d) Updation of online-access information,
 - (e) Redressal of public complaints.
- (7) Promotion of quality education through:
- (a) Punjab education assessment system
 - (b) Student assessment and terminal examination of Grade-V and VII Elementary education through Punjab Examination Commission,
 - (c) Grant of scholarships
 - (d) Production and distribution of educational and scientific films
- (8) Children libraries and libraries affiliated with Children Library Complex
- (9) Promotion of sports in schools
- (10) Provision of compulsory and free education to all of age 5-16 years
- (11) The matters relating to the Punjab Daanish Schools and Centers of Excellence
- (12) To promote quality education through public-private partnership through Punjab
- (13) Education Foundation.
- (14) The matters relating the Punjab Teachers Foundation.
- (15) Budget, accounts and audit matters.
- (16) Purchase of stores and capital goods for the department
- (17) Service matters except those entrusted to Services and General Administration Department.
- (18) Administration of the following laws and the rules framed there-under:
- i. Charitable Endowments Act 1890 (VI of 1890).
 - ii. The Punjab Universities and Boards of Intermediate and Secondary Education Malpractices Act, 1950.
 - iii. The Punjab Departmental Inquiries (Powers) Act, 1958.
 - iv. The Punjab Government Educational and Training Institutions Ordinance 1960.
 - v. The Punjab Textbook Board Ordinance, 1962.
 - vi. The West Pakistan Publication of Textbooks (Regulations and Control) Ordinance, 1970.
 - vii. The Punjab Local Councils High Schools (Taking Over) Ordinance 1970.
 - viii. The Privately Managed Schools and Colleges (Taking Over) Regulation 1972.
 - ix. The Punjab Boards of Intermediate and Secondary Education Act, 1976.
 - x. Punjab Private Educational Institutions (Promotions & Regulations) Ordinance 1984.
 - xi. Punjab Compulsory Primary Education Act 1994.
 - xii. Punjab Education Foundation Act 2004.
 - xiii. Punjab Daanish Schools & Centre of Excellence Authority Act 2010.
 - xiv. The Punjab Curriculum Authority Act 2012.
 - xv. Matters incidental and ancillary to the above subjects

Functions of Literacy and non-formal basic Education Department

- (1) Policy and Planning
- (a) Formulation and review of policies and planning for promotion of non-formal education.
 - (b) Establish Literacy Resource Centers, Directorate of Literacy, Literacy Council and other institutional support for the department.

- (c) Establish linkage with provincial, national and international bodies and provide a forum for exchange of ideas.
- (d) Promote adult literacy coupled with vocational trainings, life-long skills and social education.
- (e) Promote literacy through Public-Private Partnership.
- (2) Research and Development
 - (a) Development of accreditation system.
 - (b) Development of assessment system for NFE learners.
 - (c) Development of curriculum, prepare syllabi and text books for nonformal education.
 - (d) Development of Equivalency System and issuance of equivalence certificates to literacy learners.
 - (e) Development of reading material for non-formal education.
 - (f) Standards for NFE and develop equivalency system.
- (3) Management information system
 - (a) Collection and updation of data regarding illiterates and educational facilities along with EFA Mapping.
 - (b) Need assessment surveys.
- (4) Monitoring and evaluation-Develop M&E system for sustainability.
- (5) Trainings
 - (a) Training of departmental / projects, staff and teachers working in non-formal education set up.
 - (b) Organize workshops, seminars, symposia and panel discussions for capacity building and promotion of NFE.
- (6) Budget, accounts and audit matters.
- (7) Purchase of stores and capital goods for the department
- (8) Service matters except those entrusted to Services and General Administration Department.
- (9) Matters incidental and ancillary to the above subjects

Functions of Special Education Department

- (1) Legislation and policy formulation for special education.
- (2) Matters relating to education and vocational training of special children.
- (3) Teachers training in special education.
- (4) Printing of Braille books and other reading material.
- (5) Development of curriculum for special education.
- (6) Sports of special children and other related matters.
- (7) Campaign for public awareness, social integration and friendly environment for special children including their economic rehabilitation.
- (8) Centers of Excellence, Research Centers and Building of Database for Special Education.
- (9) Budget, accounts and audit matters.
- (10) Purchase of stores and capital goods for the department.

- (11) Service matters except those entrusted to Services and General Administration Department.
- (12) Administration of the 'Punjab Private Educational Institutions (Promotion & Regulations) Ordinance, 1984' and the rules framed there-under
- (13) Matters incidental and ancillary to the above subjects.

5. Government of Sindh

As per **Schedule-I of Sindh Government Rules of Business, 1986** following Department, its Directorates and attached departments have the responsibility to ensure provision of free and compulsory, primary and secondary education to all children in the Province of Sindh:

S#	Secretariat Department	Attached Departments	Head of Attached Department
1.	School Education Department. Substituted vide Notification No. SORI(SGA&CD)2-4/2016(Education) dated 06.10.2016	<ul style="list-style-type: none"> i. Directorates of Schools Education (Primary/Elementary), Secondary and Higher Secondary). ii. Directorate of Curriculum, Assessment and Research. iii. Provincial Institute of Teachers Education (PITE). iv. Directorate of Non Formal and Literacy. v. Curriculum Wing, School Education Department (Up to Matriculation). vi. Directorate of Planning, Dev. and Research for Schools. vii. Directorate of Inspection/Registration of private Institutions. viii. Directorate of Human Resource and Training. ix. Directorate of Monitoring and Evaluation. x. Sindh Education Foundation (SEF). xi. Reform Support Unit (RSU) Sindh Text Book Board (SDTBB) xii. Sindh Education Policy Commission for Schools. xiii. Public private partnership Node. xiv. Complaint Resolution Cell, School Education Department. xv. IT Data Centre, Karachi. xvi. Education Works for Schools. xvii. Construction of Schools through Consultants. xviii. Sindh Teachers Education and Dev. Authority. xix. Accreditation Board/Service Delivery Commission. 	<ul style="list-style-type: none"> i. Director Schools Education, (Primary)/Elementary, Secondary and Higher Secondary). ii. Director, Directorate of Curriculum, Assessment and Research. iii. Director General, Provincial Institute of Teachers Education. iv. Director, Literacy and Non Formal Education. v. Chief Advisor, Curriculum Wing. vi. Director General, Planning, Dev. And Research for Schools. vii. Director General, Inspection/Registration of Private Institutions. viii. Director Human, Resource and Training. ix. Director General, Monitoring and Evaluation. x. Managing Director, Sindh Education Foundation. xi. Chief Program Manager, Reform Support Unit. xii. Chairman, Sindh Text Book Board. xiii. Director, Sindh Education Policy Commission for Schools. xiv. Senior Director, Public Private Partnership Node. xv. Provincial Coordinator, School Education Department. xvi. Head of IT, School Education Department. xvii. Chief Engineer, Education Works for Schools. xviii. Project Director/Director. xix. Executive Director. xx. Chairman.

As per **Schedule II of Sindh Government Rules of Business 1986** and the **Notification No. SORI (SGA&CD)2-4/2016(Education)** dated **06.10.2016**, following are the functions of the above stated School Education Department of Sindh:

- (1) General Education:
 - (a) Early Child Hood Education (ECD),
 - (b) Primary Education,
 - (c) Secondary Education,
 - (d) Higher Secondary Education
- (2) Legislation, policy formulation and sectoral planning.
- (3) Grant of Scholarships.
- (4) Copy rights (specific to schools).
- (5) Coordination of Schemes for Higher Studies abroad.
- (6) Reform and Support for School Education.
- (7) Monitoring and Evaluation of Teachers and Schools.
- (8) Human Resource Management and Development.
- (9) Review and Preparation of Curriculum.
- (10) Production and Distribution of Scientific material.
- (11) Service matters related to Schools including Transfer and Posting.
- (12) Text Book Dev. and Distribution.
- (13) Literacy and Non Formal Education.
- (14) Teachers Education and Development.
- (15) Engineering works pertaining to construction and maintenance of Schools, miscellaneous education.
- (16) Regulating Private Schools.
- (17) Data and Archiving Center.
- (18) Legislation, Policy and Planning.
- (19) Public Private Partnership for Schools management.
- (20) Complaint Resolution.
- (21) Technological Innovation.
- (22) Education in emergencies including Education and Information and Communication Technology.
- (23) Gender Equity.
- (24) Examination and Assessment.
- (25) Construction of Schools under donor programs.
- (26) Accreditation of educational institutions.
- (27) Construction of Schools under supervision of consultants.
- (28) Printing and publication of books through private publishers.
- (29) Endowment Fund for School education.
- (30) Centers of excellence.
- (31) Organizing Libraries in Schools.
- (32) Sports Facilities in Schools.

Chapter 4

SUSTAINABLE DEVELOPMENT GOAL 4 AND RIGHT TO EDUCATION

The Sustainable Development Goals (SDGs) were adopted in 2015 at the United Nations General Assembly, where heads of state, governmental leaders, UN high level representatives and civil society members met and made a universal call for action to achieve a more sustainable future for all by 2030. They addressed the challenges faced by the global community such as poverty, inequality, climate, education, environmental degradation, prosperity and peace. The SDGs understand the correlation of various issues, and hence put forth indicators to better comprehend the progress towards the goals.

SDGs consist of 17 goals which were devised with an aim to build upon the progression of the Millennium Development Goals (MDGs). MDGs, launched in 2000, are a predecessor of SDGs which forwarded eight goals including concerns regarding poverty, education, equality and health.

SDG 4: “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.”

The significance of SDGs lies in their understanding to improve life for future generations in a sustainable manner. While MDG 2 was focused on access to primary education only, SDG 4 goes beyond and requires all countries to ensure equal opportunity in access to quality and inclusive learning opportunities at all levels of education in a lifelong perspective. The 4th goal of SDG aims to **‘ensure inclusive and equitable quality education and promote lifelong learning opportunities for all’ by 2030**. It demands an understanding of lifelong learning and ensuring that quality education is provided to people of different ages. It talks about equity rather equality, and understands that local contexts vary globally.

It was also important to ensure that monitoring of SDG 4 was based on universal principles. Hence its monitoring highlighted a participatory framework in which all stakeholders (including civil society, business, parliament, academia and government) can recognize their shared responsibility in achieving the SDGs.

To ensure that countries are able to achieve SDG 4 by 2030, ten targets were formulated. The purpose of these targets is to facilitate the monitoring and tracking of the progress which a particular country has made with regards to SDG 4. Among them, there are seven targets which are the expected outcomes (4.1 to 4.7) and three targets which are means of achieving these outcomes (means of implementation – 4.a, 4.b, 4.c). Each of these targets consists of a set of indicators. A list of 11 global indicators to monitor SDG 4 was formally adopted by the UN General Assembly in 2017.

With consensus reached on the list of global education indicators, a tier classification tool was developed to identify the state of methodological development of each indicator and its data availability on a global scale. Both Tier 1 and Tier 2 indicators have internationally-established methodologies and standards, but Tier 2 indicators are not available for a sufficient number of countries. Tier 3 indicators require the development of methodologies and standards.

In addition to these 11 global indicators, 32 thematic indicators were developed to elaborate the set of indicators to monitor the goal of education.

What is a target? A target is a specific, measurable objective which will contribute to achieving one or more goals. SDG 4 has ten targets encompassing many different aspects of education. Among them, there are seven targets which are expected outcomes and three targets which are means of achieving these outcomes.

How can the progress of SDG 4 be measured? SDG 4 has a broader focus than its predecessors, Millennium Development Goal (MDG) 2, “Achieve universal primary education” and MDG 3, “Promote gender equality and empower women”. From a statistical point of view, the MDG framework was built on a set of concrete, measurable indicators that helped to improve national capacity for monitoring in many developing countries. SDG 4 targets, on the other hand, are more complex and contain several concepts that were never measured before at the global level, creating new challenges for developing the indicators which can monitor progress towards SDG 4.

What is an indicator? Indicators are markers of change or continuity which enable us to measure the path of development. For example, within the SDGs, they describe the way in which a given unit (pupil, school, country or region) is progressing in relation to a specific target. SDG 4 indicators are multifaceted and many require new methodologies, definitions and calculation methods, as well as considerable changes to national systems reporting data both nationally and internationally.

What is the difference between a target and an indicator? If you have a personal target, say, to finish a marathon this year, a possible indicator to monitor your progress is the distance that you can run every day during your preparation. Achieving longer distances indicates that you are closer to your target. However, educational targets are much more complex than running 42 km and often more exhausting. A better analogy could be found in the process of learning how to play a new musical instrument. You might set a personal target of learning how to play the guitar this year. But how skillful will you need to be to say that you know how to play it? You may set a more specific target such as playing a particular song or learning how to play a given number of chords. Moreover, choosing one or more indicators to monitor your progress can be as complex as the target setting: Number of hours dedicated to learning? Number of chords or parts of the song that you know how to play? Your teacher’s feedback? The options are many, and the same is true for SDG 4 indicators.

How are the SDG 4 indicators developed? Following several rounds of global consultations and meetings with UN Member States, international and regional organizations, academia, businesses, non-governmental organizations (NGOs) and civil society, a list of 11 global indicators to monitor SDG 4 was formally adopted by the UN General Assembly in 2017. With consensus reached on the list of global education indicators, a tier classification tool was developed to identify the state of methodological development of each indicator and its data availability on a global scale. Tier 1 and Tier 2 indicators have internationally-established methodologies and standards, but Tier 2 indicators are not available for a sufficient number of countries. Tier 3 indicators require the development of methodologies and standards, and this work has been prioritized by the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs), a globally representative group of 28 national statistical experts established by the UN Statistical Commission in 2015 to develop and implement a global indicator framework for the monitoring of the SDGs. All indicators are considered equally important for monitoring SDG 4, independent of their tier classification.

Are all countries and regions going to use the same indicators? SDG 4 monitoring is based on universal principles and emphasizes a participatory framework in which all stakeholders (including civil society, business, parliament, academia and government) can recognize their shared responsibility in achieving the SDGs.

Global level monitoring relies on a limited and carefully-selected group of leading indicators to provide an overview of progress towards each target. The harmonization of monitoring and reporting of SDGs for international comparability is also of critical importance. The ability to analyze and compare national data

across countries and years provides insight into measuring performance, driving policy reform and allocating resources equitably to improve learning among all population groups. The IAEG-SDGs, composed of Member States and including regional and international agencies as observers, is responsible for the global indicator framework development, as well as for its refinement and occasional revision. **The IAEG-SDGs has identified the UNESCO Institute for Statistics (UIS) as the custodian agency for 9 of the 11 global indicators for SDG 4 and a partner organization for the other two global indicators.**

Thematic monitoring adds a level of monitoring of cross-nationally comparable indicators within a specific sector (e.g. education, environment, energy, health) or cross-cutting themes (e.g. gender). Thematic indicators serve as a framework to track progress on a cross-nationally comparable basis, with a more in-depth view of sectoral priorities than available in the global monitoring framework. This level provides the opportunity to identify sector-specific challenges and bottlenecks and mobilize the action required to address them. The thematic monitoring of SDG 4 follows the guidelines established by the Education 2030 Framework for Action, which was adopted by 184 UNESCO Member States in 2015. **The thematic indicators for SDG 4 are developed by the Technical Cooperation Group on the Indicators for SDG 4-Education 2030 (TCG), which consists of representatives of Member States, international agencies and civil society organizations. The UIS hosts the Secretariat and co-chairs the TCG with the UNESCO Division for Education 2030 Support.**

At the **regional level of monitoring**, a set of indicators will be developed to consider priorities and issues of common interest that are shared by countries in a particular region, as outlined in regional planning documents or frameworks. Different regions and sub-regions have reached agreements on certain goals and targets even before the approval of the SDGs. A crucial step to promote efficiency and to avoid the duplication of efforts is to map the global and regional strategies. The UIS and the Global Education Monitoring Report have produced a global overview of regional education monitoring, reporting and benchmarking mechanisms.

National level monitoring of SDG 4 is linked to the needs of national and sub-national governments in developing education sector plans and informing policies. Data that provide high-level granularity and adapt to the specificities of the national context—such as in sub-national geographical units, specific disadvantaged groups or by wealth—offers a greater capacity to inform policy by examining relevant disparities in education outcomes. Monitoring SDG 4 at this level benefits from the active participation of a diverse group of stakeholders representing their respective constituencies and education-related concerns. The UIS also works closely with national governments and statistical agencies to support national strategies for data collection and to enable international reporting on all SDG 4 targets within the Education 2030 Framework for Action.¹²

¹² UNESCO Institute for Statistics, Quick Guide to Education Indicators for SDG 4, (Canada: UNESCO Institute for Statistics, 2018). Available at: <http://uis.unesco.org/sites/default/files/documents/quick-guide-education-indicators-sdg4-2018-en.pdf>.

Within the Sustainable Development Agenda 2030, education is an essential component of several other goals. Education has been acknowledged as a critical factor in addressing environmental and sustainability issues and ensuring human well-being, and hence is linked with all 17 SDGs. Among all goals, the impact of education is more profound on the goals related to health, gender equality, economic growth, responsible consumption and production, and climate change mitigation.

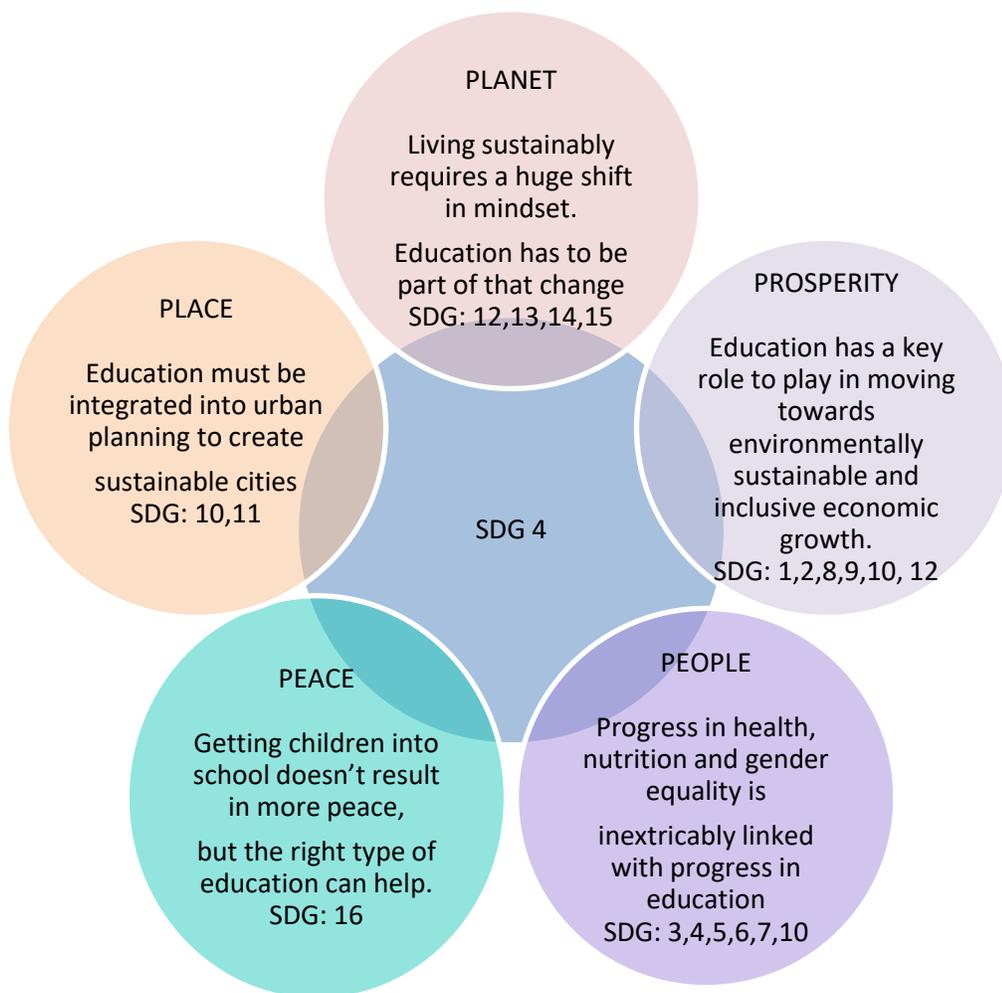


Figure 1 SDG-4 and other SDGs - Source: UNESCO GEM Report 2016

The success of the Sustainable Development Agenda 2030 relies on national policies, plans and programs. In Pakistan, the Federal Ministry of Planning, Development & Reforms is the coordinating body for SDGs and has established the Federal SDGs Support Unit for monitoring of the global indicators. Moreover, Federal Ministry of Education and Professional Training is the line department for SDG 4 and education. The following figure shows the architecture of SDG 4 at the national level.

A. National-Federal

- SDG Unit Federal: Ministry of Planning Development and Reform-coordinating body
- Line Ministry-Federal
 - Ministry of Federal Education and Professional Training
 - Academy of Educational Planning and Management (AEPAM)
Statistical arm of the Ministry)

B. Provincial

- Line Department: Provincial School Education Department
- P&D Department: SDGs Support Unit

C. Development Partners

- SDGs Planning & Monitoring Support
 - UNDP=Overall SDGs 2030
 - UNESCO-SDG 4 Custodian
 - UNICEF-SDG 4.2 (ECCE) Custodian

Recently, Pakistan has participated at the High-Level Political Forum on Sustainable Development (HLPF) 2019 to present its Voluntary National Review (VNR) Report on the status of SDGs in the country. Voluntary National Reviews (VNRs) are part of the follow-up and review of the 2030 Agenda for SDGs. Such reviews are carried out by the HLPF under the auspices of the Economic and Social Council (ECOSOC). The VNR Report is a state-led document prepared by government in a consultative, inclusive and participatory process involving all major groups and other stakeholders. **This was the first time that Pakistan had volunteered to review the progress made on SDGs in the country and although SDG 4 was set to be reviewed under HLPF 2019, Pakistan's VNR Report does not review SDG 4.** Therefore, the VNR report falls short in exhibiting the progress the country has made with regards to education.

Targets and indicators of Sustainable Development Goal 4 on education

Target 4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes

- 4.1.1 Proportion of children and young people (a) in Grade 2 or 3; (b) at the end of primary education; and (c) at the end of lower secondary education achieving at least a minimum proficiency level in (i) reading and (ii) mathematics, by sex
- 4.1.2 Administration of a nationally-representative learning assessment (a) in Grade 2 or 3; (b) at the end of primary education; and (c) at the end of lower secondary education.
- 4.1.3 Gross intake ratio to the last grade (primary education, lower secondary education)
- 4.1.4 Completion rate (primary education, lower secondary education, upper secondary education)
- 4.1.5 Out-of-school rate (primary education, lower secondary education, upper secondary education)
- 4.1.6 Percentage of children over-age for grade (primary education, lower secondary education)
- 4.1.7 Number of years of (a) free and (b) compulsory primary and secondary education guaranteed in legal frameworks

Target 4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education

- 4.2.1 Proportion of children under 5 years of age who are developmentally on track in health, learning and psychosocial well-being, by sex
- 4.2.2 Participation rate in organized learning (one year before the official primary entry age), by sex
- 4.2.3 Percentage of children under 5 years experiencing positive and stimulating home learning environments
- 4.2.4 Gross early childhood education enrolment ratio in (a) pre-primary education and (b) early childhood educational development
- 4.2.5 Number of years of (a) free and (b) compulsory pre-primary education guaranteed in legal frameworks

Target 4.3 By 2030, ensure equal access for all women and men to affordable quality technical, vocational and tertiary education, including university

- 4.3.1 Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex
- 4.3.2 Gross enrolment ratio for tertiary education by sex
- 4.3.3 Participation rate in technical-vocational programmes (15 to 24-year olds) by sex

Target 4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship

- 4.4.1 Proportion of youth and adults with information and communications technology (ICT) skills, by type of skill
- 4.4.2 Percentage of youth/adults who have achieved at least a minimum level of proficiency in digital literacy skills
- 4.4.3 Youth/adult educational attainment rates by age group, economic activity status, levels of education and programme orientation

Target 4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous people and children in vulnerable situations

- 4.5.1 Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status, indigenous peoples and conflict-affected, as data become available) for all education indicators on this list that can be disaggregated
- 4.5.2 Percentage of students in primary education whose first or home language is the language of instruction
- 4.5.3 Extent to which explicit formula-based policies reallocate education resources to disadvantaged populations
- 4.5.4 Education expenditure per student by level of education and source of funding
- 4.5.5 Percentage of total aid to education allocated to least developed countries

Target 4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy

- 4.6.1 Proportion of population in a given age group achieving at least a fixed level of proficiency in functional (a) literacy and (b) numeracy skills, by sex
- 4.6.2 Youth/adult literacy rate
- 4.6.3 Participation rate of illiterate youth/adults in literacy programmes

Target 4.7 By 2030, ensure all learners acquire knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and nonviolence, global citizenship, and appreciation of cultural diversity and of culture's contribution to sustainable development

- 4.7.1 Extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in: (a) national education policies, (b) curricula, (c) teacher education and (d) student assessment
- 4.7.2 Percentage of schools that provide life skills-based HIV and sexuality education
- 4.7.3 Extent to which the framework on the World Programme on Human Rights Education is implemented nationally (as per the UNGA Resolution 59/113)
- 4.7.4 Percentage of students by age group (or education level) showing adequate understanding of issues relating to global citizenship and sustainability
- 4.7.5 Percentage of 15-year-old students showing proficiency in knowledge of environmental science and geoscience

Target 4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

- 4.a.1 Proportion of schools with access to: (a) electricity; (b) Internet for pedagogical purposes; and (c) computers for pedagogical purposes; (d) adapted infrastructure and materials for students with disabilities; (e) basic drinking water; (f) single-sex basic sanitation facilities; and (g) basic handwashing facilities (as per the WASH indicator definitions)
- 4.a.2 Percentage of students experiencing bullying in the last 12 months
- 4.a.3 Number of attacks on students, personnel and institutions

Target 4.b By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training, information and communications technology, technical, engineering and scientific programmes in developed countries and other developing countries

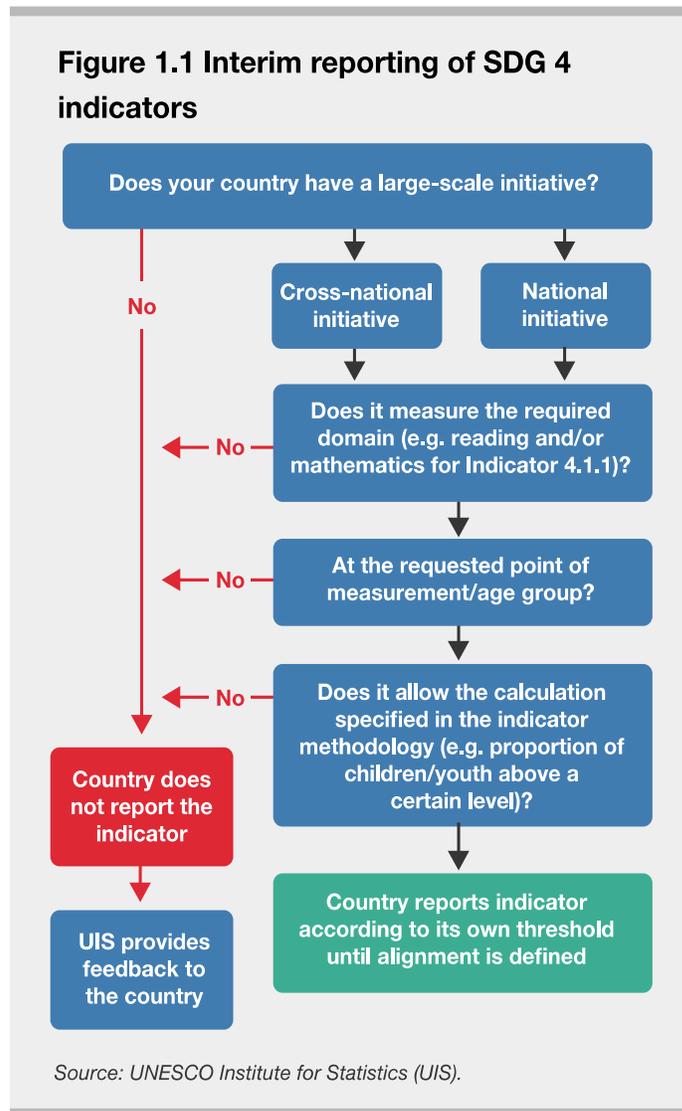
- 4.b.1 Volume of official development assistance flows for scholarships by sector and type of study
- 4.b.2 Number of higher education scholarships awarded by beneficiary country

Target 4.c By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States

- 4.c.1 Proportion of teachers in: (a) pre-primary education; (b) primary education; (c) lower secondary education; and (d) upper secondary education who have received at least the minimum organized teacher training (e.g., pedagogical training) pre-service or in-service required for teaching at the relevant level in a given country, by sex
- 4.c.2 Pupil-trained teacher ratio by education level
- 4.c.3 Percentage of teachers qualified according to national standards by education level and type of institution
- 4.c.4 Pupil-qualified teacher ratio by education level
- 4.c.5 Average teacher salary relative to other professions requiring a comparable level of qualification
- 4.c.6 Teacher attrition rate by education level
- 4.c.7 Percentage of teachers who received in-service training in the last 12 months by type of training

Note: Global indicators are presented in coloured shading.
Source: UNESCO Institute for Statistics, February 2018

Figure 1.1 Interim reporting of SDG 4 indicators



Where and how to find SDG 4 data

- The [Quick Guide to Education Indicators for SDG 4](#) describes the process of developing and producing the global monitoring indicators while explaining how they can be interpreted and used. This is a hands-on, step-by-step guide for anyone who is working on gathering or analysing education data.
- The [SDG 4 Data Book: Global Education Indicators 2018](#) ensures that readers have the latest available data for the global monitoring indicators at their fingertips, and will be regularly updated.
- The [SDG 4 Data Explorer](#), displays data by country, region or year; by data source; and by sex, location and wealth. It allows users to explore the measures of equality that are crucial for the achievement of SDG 4.
- [UIS.Stat](#) is the world's most comprehensive database on education. It enables users to search and extract data from across UIS's many databases.
- The [SDG 4 database](#) contains data on key indicators needed for global monitoring, including data on learning outcomes. It presents the assessment undertaken by each country as well as the share of children who reached minimum proficiency levels in reading and mathematics.

Source: UNESCO Institute for Statistics (UIS).

TRACKING THE PROGRESS ON SUSTAINABLE DEVELOPMENT GOALS

This template has been developed by *Idara-e-Taleem-o-Aagahi (ITA)* to monitor and track progress on achievement of SDG 4. Since most data sources are available annually, this template is to be reviewed and revised every year.

SDG 4: “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.”

Target Description	Indicator Description	Sources	2019	Comments
4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes	4.1.1 Proportion of children and young people: (a) in grades 2/3; (b) at the end of primary; and (c) at the end of lower secondary achieving at least a minimum proficiency level in (i) reading and (ii) mathematics, by sex			
	4.1.2 Administration of a nationally-representative learning assessment (a) in Grade 2 or 3; (b) at the end of primary education; and (c) at the end of lower secondary education			
	4.1.3 Gross intake ratio to the last grade (primary education, lower secondary education)			
	4.1.4 Completion rate (primary education, lower secondary education, upper secondary education)			
	4.1.5 Out-of-school rate (primary education, lower secondary education, upper secondary education)			
	4.1.6 Percentage of children over-age for grade (primary education, lower secondary education)			
	4.1.7 Number of years of (a) free and (b) compulsory primary and secondary education guaranteed in legal frameworks			
4.2 By 2030, ensure	4.2.1 Proportion of children under			

that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education	5 years of age who are developmentally on track in health, learning and psychosocial well-being, by sex			
	4.2.2 Participation rate in organized learning (one year before the official primary entry age), by sex			
	4.2.3 Percentage of children under 5 years experiencing positive and stimulating home learning environments			
	4.2.4 Gross early childhood education enrolment ratio in (a) pre-primary education and (b) early childhood educational development			
4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university	4.3.1 Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex			
	4.3.2 Gross enrolment ratio for tertiary education by sex			
	4.3.3 Participation rate in technical-vocational programmes (15- to 24-year-olds) by sex			
4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship	4.4.1 Proportion of youth and adults with information and communications technology (ICT) skills, by type of skill			
	4.4.2 Percentage of youth/adults who have achieved at least a minimum level of proficiency in digital literacy skills			
	4.4.3 Youth/adult educational attainment rates by age group, economic activity status, levels of education and programme orientation			
4.5 By 2030, eliminate gender disparities in education and	4.5.1 Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status, indigenous peoples and			

ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations	conflict-affected, as data become available) for all education indicators on this list that can be disaggregated			
	4.5.2 Percentage of students in primary education whose first or home language is the language of instruction			
	4.5.3 Extent to which explicit formula-based policies reallocate education resources to disadvantaged populations			
	4.5.4 Education expenditure per student by level of education and source of funding			
	4.5.5 Percentage of total aid to education allocated to least developed countries			
4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy	4.6.1 Proportion of population in a given age group achieving at least a fixed level of proficiency in functional (a) literacy and (b) numeracy skills, by sex			
	4.6.2 Youth/adult literacy rate			
	4.6.3 Participation rate of illiterate youth/adults in literacy programmes			
4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles,	4.7.1 Extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in: (a) national education policies, (b) curricula, (c) teacher education and (d) student assessment			
	4.7.2 Percentage of schools that provide life skills-based HIV and sexuality education			

human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development	4.7.3 Extent to which the framework on the World Programme on Human Rights Education is implemented nationally (as per the UNGA Resolution 59/113)			
	4.7.4 Percentage of students by age group (or education level) showing adequate understanding of issues relating to global citizenship and sustainability			
	4.7.5 Percentage of 15-year-old students showing proficiency in knowledge of environmental science and geoscience			
4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all	4.a.1 Proportion of schools with access to: (a) electricity; (b) the Internet for pedagogical purposes; (c) computers for pedagogical purposes; (d) adapted infrastructure and materials for students with disabilities; (e) basic drinking water; (f) single-sex basic sanitation facilities; and (g) basic handwashing facilities (as per the WASH indicator definitions)			
	4.a.3 Number of attacks on students, personnel and institutions			
4.b By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including	4.b.1 Volume of official development assistance flows for scholarships by sector and type of study			
	4.b.2 Number of higher education scholarships awarded by beneficiary country			

<p>vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries</p>				
<p>4.c By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States</p>	<p>4.c.1 Proportion of teachers in: (a) pre-primary; (b) primary; (c) lower secondary; and (d) upper secondary education who have received at least the minimum organized teacher training (e.g. pedagogical training) pre-service or in-service required for teaching at the relevant level in a given country</p>			
	<p>4.c.2 Pupil-trained teacher ratio by education level</p>			
	<p>4.c.3 Percentage of teachers qualified according to national standards by education level and type of institution</p>			
	<p>4.c.4 Pupil-qualified teacher ratio by education level</p>			
	<p>4.c.5 Average teacher salary relative to other professions requiring a comparable level of qualification</p>			
	<p>4.c.6 Teacher attrition rate by education level</p>			
	<p>4.c.7 Percentage of teachers who received in-service training in the last 12 months by type of training</p>			

Chapter 5

**MOVING FORWARD WITH
RIGHT TO EDUCATION**

RECOMMENDATIONS

In order to achieve the goal of compulsory and free education for the children of the age of 5 to 16 years in view of Article 25A of the Constitution, following recommendation are most suitably required to be undertaken: -

A. Parliament should

- 1. Increase Parliamentary Oversight:** Parliamentary committees in national assembly and senate have authority to scrutinize government policies, administration, finances, and implementation of respective education ministry responsible for delivering right to education in the federal capital. Provincial assemblies should empower their committees with similar rules for comprehensive scrutiny of respective education departments which is imperative as education is now a devolved subject in wake of 18th constitutional amendment 2010. This remains the key in ensuring that government remains accountable to the representatives of the people for the ordained constitutional and fundamental right to universal education.
- 2. Revise Education Policy:** Each government ministry or education department is responsible to chalk out comprehensive education policy identifying long, medium and short term plans and targets to ensure service delivery to the whole population. The education policy should be inclusive, equitable and responsive devised through a transparent and participatory process of incorporating suggestions from all stakeholders. Government should revise education policies, sector plans and strategies to **incorporate a cross-cutting disability inclusion component** to ensure adherence to Article 25-A of the Constitution and the federal and provincial Free and Compulsory Education Acts. Education policy should have key performance indicators (KPIs) that reflect effective and efficient provision of universal education in all parts of the country.
- 3. Increase Investment in Education:** The provincial Governments, Provincial Assemblies and National Assembly for ICT should accord greater priority to investment on education. They must enhance budgetary allocations for improvement of the education system and strengthen the monitoring mechanism to ensure presence of students at the primary, middle and high school levels, in their respective jurisdictions. Moreover, Development Budget for Education should be increased for the provision of school facilities, teachers' training, curriculum development, monitoring and supervision of education. Government should increase the federal and provincial sectoral budget allocations to at least 7% of the annual school education budgets so as to cater for the comprehensive inclusive educational needs of children with disabilities, including investment in assistive technologies.
- 4. Allocate development Budget to establish schools:** Development budget should also allocated for the establishment of lower secondary and upper secondary schools in order to increase access to these levels of education. This will help in reducing the incidence of drop-outs from these levels in future.
- 5. Decentralize Education System:** System should be decentralized and district education authorities should be empowered to be the highest decision making bodies.

B. Government should

- 1. Improve coordination between federal and provincial education departments:** Vertical and horizontal coordination among all relevant federal and provincial departments needs to be improved. This can be done through the use of ICT. Similarly, a coordination mechanism between governmental and non-governmental/civil society organizations also needs to be established for enhanced efficiency.
- 2. Establish procedures of data collection of educational Indicators:** Collect periodic, credible and rigorous data on educational indicators which are in the public domain and can be accessed by all relevant stakeholders for research and evidence-based policy making. While substantial data is collected through education management information systems (EMIS) and other means, there is a need to refine indicators, coordinate with other bodies, and draw on household surveys. The EMIS section should also collect data on private schools on the same parameters.
- 3. Target OOSC and Intensify enrollment drives:** Target OOSC and intensify the enrollment drives by involving parents, community elders and religious leaders, among others. There is a need to identify the reasons which hinder children from being in school. Economic constraints are arguably the main contributing factor towards the incidence of out of school children. While higher educational attainment is linked with higher future earnings, parents should be informed about the value of education. Moreover, students should be provided with skill-based education which can then lead to profitable employment opportunities in coordination with TEVTA and NAVTEC. To support the skill-based education, the schools should be upgraded accordingly.
- 4. Provide safe transportation to students:** There is a need to provide safe public transportation for students (especially girls) and teachers, the absence of which lead to absenteeism and fatigue.
- 5. Promote blended learning** in schools by incorporating technology to facilitate a conducive learning environment.
- 6. Focus on Standardization of Teaching Practices:** Government should focus on standardization of teaching practices in Pakistan and
 - a. Ensure Merit Based Teacher Selection:** Ensure merit oriented selection of teachers and their placement in officer cadre BS-17 in addition to appropriate teacher training incentives. The teaching faculty should have incentive of promotion to the highest level of headmaster, principal in the school and to higher position in education directorate instead of announcing new positions and recruiting fresh personnel.
 - b. Ensure Capacity building of Faculty:** Teachers should be encouraged and incentivized to improve their skillset through participation in professional degree programs, workshops and regular in-service trainings. Those who take up such opportunities should be rewarded accordingly. Existing faculty should be incentivized and trained to gradually be placed as an officer which is a must to improve overall standard of education. This would markedly enhance quality of teaching that remains the bedrock of any effective and efficient education system the world over. Scholarships for higher teaching, health and social security cover and performance oriented incentives are the key to meet the huge challenge of universal right to education to every child in the society.

- c. **Improve Curriculum of Teacher Training Courses:** Focus should be paid towards the **improvement of content of the training courses** for enhancing teaching skills. Modules should be developed on multi-grade teaching for teachers involved in multi-grade teaching.
 - d. **Develop Teacher Guide:** Federal and Provincial Ministries of Education in collaboration with Directorate of Trainings should make **teacher guides** and other open educational resources available on-line for teachers through a **portal**.
 - e. **Facilitate teachers to work in immediate neighborhood:** Teachers should be restricted to working in the areas they are hired from preferably within walking distance to schools. In areas, where teachers are not available from the immediate neighborhood, teachers should be arranged from areas which are easily accessible by local transport.
7. **Speed up Recovery of School Buildings:** The Provincial Governments and ICT administration through concerned authorities must ensure recovery of the possession of the school buildings, which have been illegally occupied by influential persons and if there is any litigation pending, the Registrars of the respective High Courts shall ensure the decision of the cases expeditiously.
8. **Establish New Schools in**
- a. **Under developed areas:** In many under developed districts or areas, schools are distantly located and many parents are reluctant to send their children, particularly girls, to school which are far away from their homes. Therefore, provinces must establish schools within such localities which are within the reach of under privileged class of people. The national census can be a helpful tool in identifying the strength of children such areas where availability of schools may be considered necessary.
 - b. **Congested Localities:** The governments can build more schools in areas wherever the demand is high, in order to curb overcrowded schools and classrooms and accommodate more out of school children.
9. **Sensitize Communities Through Awareness Campaigns:** The Provincial Governments can conduct, local drive and awareness campaigns at local and district levels, in order to sensitize the parents to send their children to schools, hence achieving the objective of implementing Article 25-A of the Constitution in letter and spirit. Parents should be mobilized to create awareness about the importance of education. In addition to this, parents need to be involved in the community schools. Schools should initiate campaigns to familiarize parents regarding: children's learning needs and parents' role in supporting them and nutritional and hygiene needs of their children.
10. **Provide Incentives for Deprived Communities:** The Provincial Governments may announce incentives to attract children towards school, particularly girls, from disadvantaged groups or in under developed areas. The incentives may be of monetary kind, food ration, mid-day meals, free uniform etc.
11. **Establish Education for All Trust Fund:** A trust fund for basic education may be established by the Government of Pakistan, whereby domestic and foreign donors, expatriate Pakistanis, industrialists etc. can contribute for the cause. The trust fund would require stringent monitoring on the donations being received, and applied effectively towards the provision of education to deserving children in Pakistan.

- 12. Promote Public Private Partnerships:** The Corporate Social Responsibility (CSR) initiatives by private entities should be encouraged and given incentives to adopt schools for infrastructure development and provision of necessary facilities. Also, public-private partnership for running government schools should also be explored.
- 13. Monitor Private Schools:** Government should monitor private schools to rationalize the fee structure and to enroll at least 10% children belonging to poor families.
- 14. Introduce Alternative Education Interventions:** Of the total 23 million OOSC in Pakistan, 18 million OOSC are within the age group of 10 to 16 years. To deal with this, Pakistan needs a large-scale accelerated or alternative education intervention which can provide basic literacy and numeracy, and help prepare those who want to go back to school to catch up on what they've missed and provide vocational skills to those who do not want to go back to school.
- 15. Promote learning in native language:** Students enrolled in early grades/pre-primary and primary schools should be taught in their mother tongue. This is important for cognitive development and makes it easier to learn foreign languages later on.
- 16. Improve the readiness and responsiveness of the school education system for inclusion in education through:**
- i. revision of syllabi to ensure they are disability inclusive.
 - ii. revision/review of pre-service/professional and in-service teacher preparation modules/curriculum to become more inclusive and rights based;
 - iii. orientation of head teachers and education managers, and development of continuous teacher capacities in disability inclusion as part of pre-service and in-service training programs.
 - iv. amendments in the assessment system/tools to accommodate the needs of children with disability.
 - v. improvements in infrastructure so that they meet national accessibility guidelines.
 - vi. provision of learning resources and learning support to children with disability in inclusive schooling environments.
 - vii. counseling and placement services for children with disabilities in secondary schools.

APPENDIX

RIGHT TO EDUCATION
(RTE) 25-A CASES SETTLED
BY THE HIGH COURTS AND
SUPREME COURT
FROM 2011-2015

There is precedence for judicial verdicts that protect the Right to Education in Pakistan. Knowledge of these cases enlightens one to the breadth and depth of the applicability of their Right to Education. This section outlines the key features of many legal cases related to Education as a Human Right in Pakistan.

Table 1: Key cases in the domain of Right to Education in Pakistan

Case No/Date of decision/Court	Violation	Verdict
2011 C L C 1375 – 27/04/11 Islamabad High Court	Higher	For
2012 C L C 168 -12/09/11 Balochistan High Court	Secondary	For
P L D 2012 Supreme Court 224 - 25/11/11	Professional	For
2013 S C MR 764 – 11/02/13 2014 S C MR 396 – 22/11/13 Supreme Court	Primary/Secondary	For
P L D 2013 S C 188 – 25/09/12 Supreme Court	All	For
2013 S C MR 54 – 03/10/12 Supreme Court	Professional	For
P L D 2014 Balochistan 86 - 23/10/13 – Balochistan High Court	Primary/Secondary	For
P L D 2014 Lahore 408 – 04/11/13 – Lahore High Court	Higher	For
2014 C L C 1810 – 07/07/14 Balochistan High Court	Primary/Secondary	For
2014 M L D 353 – 20/09/13 Lahore High Court	Secondary	For
2015 Y L R 58 – 18/08/14 Balochistan High Court	Professional	For
P L D 2015 Sindh 118 – 12/11/13 Sindh High Court	Secondary	For
2015 P L C (C.S.) 1503 - 19/03/15 - Lahore High Court	Secondary	Against
2015 Y L R 1262 - 24/04/14 Lahore High Court	Higher	Against
2015 P L C (C.S.) 1026 - 13/01/15 – Lahore High Court	Professional	For
2016 M L D 20 - 27/03/15 Peshawar High Court	Higher	Against
P L D 2015 Supreme Court 1210 - 08/09/15	All	For
P L D 2016 Peshawar 266 - 1/12/15 - Peshawar High Court	Higher	Against
2016 P L C (C.S.) 1267 - 09/11/15 – Balochistan High Court	Professional	Against
P L D 2018 Lahore 509 - 05/04/18 Lahore High Court	Professional	Mixed verdict

1. Kiran Shahzadi vs. Quaid-e-Azam University

**2011 C L C 1375
Writ Petition 213 of 2011**

**Kiran Shahzadi vs. Quaid-e-Azam University
Islamabad High Court**

Date of hearing: 1 April 2011. Decided on 27 April 2011

The petitioner was alleged to have been using unfair means in her MBA Marketing Research Examination. She was exonerated of the charge. She was subsequently not allowed by the same teacher to appear for the Comprehension Paper. Per the petition, due to maladministration of the University, the petitioner suffered great loss to her studies, and therefore her fundamental right to pursue studies under Article 25-A had been violated.

Court intervention was sought. Islamabad High Court ruled in favour of the petitioner.

2. Students of Government Girls College Kuchlak vs. Government of Balochistan

**2012 C 168
Const. Petition 577 of 2011**

**Students of Government Girls College Kuchlak vs. Government of Balochistan
Balochistan High Court**

Date of hearing and decision: 12 September 2011

This case was brought to the Balochistan High Court as a matter of public importance. A sizable portion of state land that had been earmarked for construction of Government Girls College had been encroached by influential persons through the construction of a metaled road through the center of the land. Per the petition, people could not be deprived of their fundamental rights just because they are unaware or do not have wherewithal to approach the High Court. Inaction of the High Court would result in the public college being deprived of valuable property and girl students robbed of the benefit thereof, which would violate their fundamental rights under 25A.

Additional Advocate-General referred to Surah Alaq and Articles 25A, 25(2), 34, 37 and 38, to emphasize that both men and women have a right and duty to acquire education, and that discrimination on the basis of sex is prohibited. The Balochistan High Court directed the Executive Engineer and any other officer of the Government of Balochistan who is executing the project, to ensure the construction of a boundary wall around the parameters of the College land and directed the police to provide necessary assistance.

3. Petition Regarding Miserable Condition of the Schools

**2013 S C M R 764
Const. Petition 37 of 2012**

Petition Regarding Miserable Condition of the Schools Supreme Court

Date of hearing and decision: 11 February 2013

Per the petition, the condition of schools in all Provinces was poor for several reasons, including the illegal occupation of school buildings by police or other government departments, school staffs being paid salaries despite providing no services, and the existence of ghost schools. There was a lack of progress on fulfilling requirements under Article 25-A.

The Supreme Court directed Provincial Governments through Chief Secretaries or Secretary Education(s) to implement order of the court in letter and spirit. The Court ordered carrying out of surveys of schools to determine how many are fully functioning, the number of ghost schools, the allocation of educational funds, the ratio of students studying in those areas, reasons for encroachments of school buildings, and in case of litigation between education department(s) and private person(s), why those cases were not being expedited by the Courts.

4. Const. Petition 37 of 2012

**2014 S C M R 396
Const. Petition 37 of 2012 Supreme Court**

Decided on 22 November 2013

The District and Sessions Judges and District Education Officers conducted surveys and submitted reports to the Supreme Court (following Court order of Feb, 2013 - 2013 S C M R 764) regarding the condition and functioning of schools in their respective districts.

Their findings included: untrained teachers, under-staffed/over-staffed schools, teacher absenteeism, recruitment and posting of teachers on political and monetary basis, illegal occupation/encroachment on school properties, lack of basic amenities, existence of ghost schools, and financial mismanagement and lack of audit in the Education Departments.

The Supreme Court directed that Accreditation Boards be established in all provinces and ICT to improve miserable conditions of institutions, ordered the removal of ghost schools with penal action taken against persons shirking their duties, and ordered the implementation of recommendations to make improvement of schools visible.

Provincial Governments were directed to enforce Fundamental Rights enshrined in Articles 9 and 25A. Provincial Governments and ICT were directed to enhance budgetary allocations for improvement of the education system and to provide a mechanism to ensure presence of students at primary, middle and high school levels. Provincial Governments were directed to ensure recovery of possession of school buildings illegally occupied by influential persons. In case of pending litigation, registrars of High Courts were directed to ensure expeditious disposal of cases.

5. Dr. Muhammad Aslam Khaki vs. S.S.P (Operations) Rawalpindi

P L D 2013 Supreme Court 188

Const. Petition 43 of 2009

Dr. Muhammad Aslam Khaki vs. S.S.P (Operations) Rawalpindi

Date of hearing and decision: 25 September 2012

The petition sought the restoration of fundamental rights of transgender persons, which includes the right to get education under Article 25(A) for all genders (including transgender persons). Supreme Court Chief Justice Iftikhar Chaudhry directed all relevant authorities to ensure equal treatment of transgender persons under the Constitution of Pakistan, and to ensure their participation in all walks of life, including in equal access to education.

6. Regarding grant of increment and increase in salaries of teachers in District Public School Sargodha

2013 S C MR 54

Human Rights Case 19360-P of 2012

Regarding grant of increment and increase in salaries of teachers in District Public School Sargodha

Supreme Court

Date of hearing and decision: 3 October 2012

The Supreme Court observed that Federal and Provincial Governments were required to ensure implementation of Article 25(A). The Chairman of the Board of Governors of the school in question submitted that in compliance with Supreme Court directions: 1) the salaries of school staff increased by more than 100%, 2) the Provincial Government granted Rs. 15 million as grant-in-aid for infrastructure development of the school, and 3) other administrative problems of the school were addressed.

7. Syed Nazeer Agha vs Government of Balochistan

P L D 2014 Balochistan 86

Const. Petitions 194 and 216 of 2013

Syed Nazeer Agha vs Government of Balochistan Balochistan High Court

Date of hearing: 12 September 2013. Decided 23 October 2013

Per the petition, the Provincial Government was not providing books to students of government schools. Per Article 25 A, the State must ensure all children go to school. Merely constructing a school and providing free textbooks would not be enough to get children to school, creation of right environment was needed.

The Balochistan High Court directed the Provincial Government to carry out physical audits of schools, prevent the encroachment and illegal transfer of school properties, ensure the disclosure of teachers employed at each school, inform the Board about the number of books and subjects required for the next academic year well in advance, ensure that principals or teachers of each school maintain attendance records, devise a comprehensive format for inspection of schools, and to ensure that school buildings are designed and constructed in accordance with the prevailing physical environment, look welcoming, are environmentally friendly and do not require frequent maintenance.

8. Sidra Yasin vs Mrs. Ishrat Ishaq and others

**P L D 2014 Lahore 408
Writ Petition 23186 of 2013**

**Sidra Yasin vs Mrs. Ishrat Ishaq and others
Lahore High Court**

Date of hearing and decision: 4 November 2013

For admission to a Lady Health Visitor course, the petitioner was asked to submit a bond that after successful completion of the course, she would serve the government health department for 2 years. After completion of the course and a lapse of 7 months, she was not offered a job due to a lack of vacancies. The Petitioner was refused a No Objection Certificate (NOC) to get admission for further studies on the grounds that she was required to serve the health department. This violated her fundamental right to education (25A), profession, lawful trade or business.

Lahore High Court directed the department to issue NOC to the petitioner for getting admission in nursing school for further studies.

9. Maher Gul vs Government of Balochistan Education Department

**2014 C L C 1810
Const. Petition 440 of 2011**

**Maher Gul vs Government of Balochistan Education
Department Balochistan High Court**

Date of hearing and decision: 7 July 2014

Under Article 25A, children have a right to free and compulsory education in Balochistan. Per the petition, a number of issues were prevalent in the province including the presence of Ghost Schools, contracts for repair/renovation of schools being awarded without publication, and collusion of education dept officials. Inaction on these issues demonstrated the Government's lack of desire to stem pilferage and fraud. Therefore, a substantial number of children in the province were being deprived of their Fundamental Right to free and compulsory education.

The Balochistan High Court directed that each school be photographed and its GPS coordinates determined, the particulars of all schools in the revenue record be recorded by the Provincial Government, the names of all teachers at all schools be inscribed at a conspicuous place in the school, disciplinary action be taken in case the District Education Officer or revenue officer did not fulfill their required duties, a website be launched containing the aforementioned information, and that the Provincial Government provide requisite resources for the storage and display of such data.

10. Muhammad Nadeem Nasir vs Chairman Board of Intermediate and Secondary Education, Lahore

2014 M L D 353

Writ Petition 19664 of 2013

Muhammad Nadeem Nasir vs Chairman Board of Intermediate and Secondary Education, Lahore

**Lahore High Court
Decided on 20 September
2013**

The Petitioner was a student of F.Sc. that appeared in the Intermediate examination and was issued a date sheet for the practical examination. Due to illness, the petitioner failed to appear in the practical examination; despite submitting a medical certificate, he was denied permission to appear in the second batch. The right to education and to appear in examinations under the rules and regulations was a fundamental right of the student (Article 25A).

The Lahore High Court ruled in favour of the petitioner and directed Board authorities to administer his practical examination.

11. Akhtar Hussain Langove vs IGP, Balochistan

2015 Y L R 58

**Const. Petitions 242 and 250 of 2014
Akhtar Hussain Langove vs IGP, Balochistan**

**Balochistan High Court
Decided on 18 August
2014**

Per the petition, the Lands of Sports Complex were not being utilized to realize their full potential. They were being encroached upon and misused. The Sports Complex is meant to provide access to sport facilities, and training to sportsmen and sportswomen to enable them to compete. The Right to Education (25A) is not limited to academic knowledge. It includes the provision of sports facilities, and therefore the Government is bound to provide students with sporting facilities.

Balochistan High Court issued directions to ensure that Sports Complex is efficiently run and properly used.

12. Zubair Ahmed Khaskheli vs Federation of Pakistan

P L D 2015 Sindh 118

Const. Petition 3210 of 2011

**Zubair Ahmed Khaskheli vs Federation of Pakistan
Sindh High Court**

Date of hearing: 12 November 2013

The petition sought the inclusion of Fundamental Rights in school syllabi so that children would have awareness of the same. Articles 25A, 37(a)(b)(c), 38, when read in conjunction, promote social and economic well-being of the people. If the future generation were grown with knowledge of their Fundamental Rights, it would remove illiteracy, raise awareness and improve basic quality of life. Pakistan is a signatory to the Universal Declaration on Bioethics and Human Rights, which makes it obligatory upon ratifying States to disseminate information as to the human rights of its citizens. The Sindh High Court directed the Sindh provincial Government to introduce fundamental rights/human rights as a compulsory subject in higher secondary education from academic year 2015 and onwards.

13. Muhammad Iqbal vs Government of Punjab

2015 P L C (C.S.) 1503

Writ Petition 15320 of 2014

**Muhammad Iqbal vs Government of
Punjab**

**Lahore High Court
Decided on 19 March
2015**

Per Article 25A, the State is bound to provide free and compulsory education to all children from age 5 to 16. The Punjab Government School Education Department directed action against heads of school whose 9th Class Secondary School Certificate Examination 2013 results were below 25% to maintain the standard of education and remove illiteracy, in the spirit of Article 25A. The petitioner sought to challenge the show cause notice and have it squashed by the Court.

Lahore High Court declined to entertain the petition, as it would amount to a stifling of disciplinary proceedings.

14. Awais Iqbal vs VC, Baha-ud-din Zakriya University, Multan

2015 Y L R 1262
Writ Petition 6634 of 2013
Awais Iqbal vs VC, Baha-ud-din Zakriya University, Multan
Lahore High Court
Decided on 24 April, 2014

The petitioners were students who had been rusticated, fined and barred from getting admission in the University by the Disciplinary Committee. A period of more than a year had elapsed, no complaints had been noticed about the petitioners, and they had mended their behavior.

The High Court declined to interfere in the disciplinary matter of the University, stating that the Office of the VC was able to exercise power to maintain discipline. The punishment was for reforming irresponsible attitude, not to destroy the education career of the students (their right under 25A). The petitioners expressed repentance and gave an undertaking to not indulge in wrong activities in future, therefore their punishment was set aside.

15. Amanullah vs Federation of Pakistan

2015 P L C (C.S.) 1026
Writ Petitions 20304 & 28577 of 2013
Amanullah vs Federation of
Pakistan Lahore High Court
Decided on 13 January 2015

Per the petition, Feeder Teachers contributed to providing the fundamental right of compulsory education to all children between ages 5 and 16 (Article 25A). There was a responsibility to safeguard constitutional guarantees to minor citizens of the country. Services of Feeder Teachers were being dispensed with without the backing of a decision of the competent authority.

Lahore High Court set the impugned orders aside and ordered that the petitioners be restored to their jobs of Feeder Teachers.

16. Fakheryar Khan vs Agriculture University, Peshawar

P L D 2016 Peshawar 266
Writ Petition 1085-P of 2015
Fakheryar Khan vs Agriculture University, Peshawar
Peshawar High Court
Date of hearing and decision: 1 December 2015

The petitioner was granted provisional admission to the respondent University. Admission was rescinded when the petitioner placed on record his date of birth, which per the prospectus did not entitle him for admission as he was over the age of 25. Article 25A provides the right to free and compulsory education to children between ages 5 and 16.

Peshawar High Court found that on the basis of principles of “reasonability”, setting an age threshold was the right of the University. The Court exercised judicial restraint based on precedent, did not provide relief to the petitioner, and dismissed the petition.

17. Mujeebullah Gharsheen vs Government of Balochistan

2016 P L C (C.S.) 1267

Const. Petition 512 of 2012

**Mujeebullah Gharsheen vs Government of Balochistan
Balochistan High Court**

Date of hearing: 7 October 2015. Decided on 9 November 2015

Under the Balochistan Civil Servants Act, holding demonstrations, and observing strikes and/or sit-ins (dharnas) are acts of “misconduct” (except in the case of workmen). The petitioners had been charged with a misconduct claim and sought relief from Balochistan High Court.

Among its various findings, the Court found that strikes in educational institutions were an infringement of the rights of citizens under Article 25-A. The petition was disposed of.

18. City School Private Limited vs Government of the Punjab

P L D 2018 Lahore 509

Writ Petition 29724 of 2015

**City School Private Limited vs Government of the Punjab
Lahore High Court**

Date of final hearing: 15 March 2018. Decided on 5 April 2018

The petitioner questioned whether the Government could regulate the fee structure of unaided private schools, and whether it could lay down a specific cap on increase in fees for any academic year. Arguments on both sides included the following: 1) The State has a responsibility to see that private educational institutions set up with Government permission were not involved in profiteering, capitation or exploitation of parents. 2) Private institutions being businesses were covered under the definition of “trade” and could thus be regulated by a licensing system. 3) The fee structure could be regulated under Article 18; however, any restrictions/regulations must be reasonable and should not impinge on the fundamental rights of the institutions.

Lahore Court found that private schools could fix the fees and charges payable by students, as long as the increase in fees was not exploitive and did not ravel into the arena of commercialization. The High Court directed that the Provincial Government notify The Punjab Free and Compulsory Act (2014) to ensure enforcement of the Fundamental Right of Education under Article 25A, and that the Government frame a uniform regulatory regime through rules to determine the increase claimed by schools in fees by considering certain factors.

19. Rahimuddin vs Sabahuddin

2016 M L D 20
Writ Petition 3441 of 2014
Rahimuddin vs Sabahuddin
Peshawar High Court
Date of hearing and decision: 27 March 2015

The petitioners were B.Sc. Forestry students on a self-finance basis in the Pakistan Forest Institute, University of Peshawar. They claimed the right to admissions in M.Sc. Forestry classes on the basis of Article 25A. The competent authority had abolished self-finance admission in M.Sc. and B.Sc. Forestry classes from the 2014-2015 session in the public interest.

Per the judgment, the new policy framed by the institute, as well as the Environmental Department of the Khyber Pakhtunkhwa Provincial Government, could not be struck down by the Peshawar High Court. The petitioners could not claim their admissions in the MSc Forestry classes as of right. The petition was dismissed.

20. Fiaqat Hussain vs Federation of Pakistan

P L D 2012 Supreme Court 224
Const. Petitions 50 and 69 of
2011
Fiaqat Hussain vs Federation of Pakistan
Date of hearing: 21 October 2011. Decided on 25 November 2011

Informal education is the general term for education outside of a standard school setup. There are various forms of alternative education, such as non-schooling or home schooling. Non-formal Basic Education Centres and Schools were part of a plan to increase literacy level in the country.

The Supreme Court found that the proposed action on the part of the respondents of closing down “Establishment and Operation of Basic Education Community Schools” is without lawful authority, of no legal effect and in violation of Article 25-A. The judgment also stated that the proposed act of winding up of the National Commission of Human Resources is unconstitutional and of no legal effect and the Commission is allowed to continue to perform the positive duty of providing basic human rights to the citizens of Pakistan.

21. Muhammad Kowkab Iqbal vs Government of Pakistan

P L D 2015 Supreme Court 1210
Const. Petition 56 of 2003 and 112 of 2012
Muhammad Kowkab Iqbal vs Government of Pakistan
Date of hearing: 26 August 2015. Decided on: 8 September 2015

The petitioner sought implementation of Article 251 regarding adoption, promotion and use of the national language, Urdu, as the official language of the country. It was argued that Article 251 was not a standalone provision but linked to the realization of various Fundamental Rights protected by the Constitution, including the right to education (25A).

The judgment found that the right to education has a direct link with language. Empirical studies throughout the world (including those by UNESCO) advocate the use of a child’s native language in instruction. The court ordered that the Federal and Provincial Governments implement provisions of Article 251 with full force and without unnecessary delay.

Authors' Profiles

Dr. Baela Raza Jamil is currently the Chief Executive Officer (CEO) of Idara-e-Taleem-o-Aagahi (ITA) or the centre for education and consciousness in Pakistan, a civil society organization, known for its pioneering work in service delivery, capacity building and research including the citizen led assessments, the Annual Status of Education Report (ASER).

She has served as a technical adviser to the Ministry of Education (2000-2004) and continue to engage in policy, sector reforms and SDG 4 task forces/steering committees both at provincial and national levels. With more than 25 years of work across Pakistan, she has closely investigated service delivery challenges, decentralization, governance and policies from a rights based perspective on the one hand, and been instrumental in crafting country and provincial wide education reforms/policy on the other.

Her work has been informed by research mainly in the areas of child rights within Islam and National laws; public private partnerships, privatization and equity, non-state provision, teacher education; curriculum reforms, quality assurance, early childhood care and education (ECCE); challenges of learning and schooling, right to education, innovative financing in education. She is the founder of Children's Literature Festivals in Pakistan, another social movement for creative and critical thinking and reading.

She has served on multiple international boards/commissions viz. Commissioner on the the Financing; Vice Chair of the Global Education Monitoring (GEM) Report; Chair of the UIS GAML Task Force on SDG 4.2; Advisory Board Global Business Coalition for Education (GBC Ed), the People's Action for Learning (PAL) Network, Co-chair Assessment to Impact-Varkey Foundation etc.

Ms. Tehseen Khalid is presently working as Deputy Director (Research) in Pakistan Institute for Parliamentary Services (PIPS) since April 2012. She is a highly motivated young professional with over 14 years' experience in academia, Parliamentary Research, Techniques of Parliamentary Research and parliamentary services.

Ms. Tehseen was awarded Professional Legislative Fellowship by US State Department in October-November, 2016. She has received around 15 national and international trainings such as International Best Practices of Parliamentary Research by Mr. Rob Clement, Director Research, UK House of Commons; Leadership course on John C. Maxwell 15 Invaluable Laws of Growth; Legislative Drafting and Parliamentary Research; National Parliamentary Development Course; Data and analytics; effectiveness of Parliamentary committees; Parliamentary researchers development course etc.

She is part of PIPS team, which regularly steers Parliamentary Studies program in 22 leading universities of the country. She has steered team of young researchers working on Project Parliament@70. The team has published two historic readers on Speeches of Members of Parliament (1947-1958) Volume 1 and milestones of National Assembly of Pakistan (1947-2018). She handles PIPS Research on Demand Service, PIPS Technical Assistance to Committees Service and PIPS outreach Parliamentary Education Program in addition to organizing roundtables for Honorable Parliamentarians under the supervision of Senior Director General (Research &

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She has to her credit various publications on Sustainable Development Goals, Parliamentary Research: Theory and practices, Parliamentary Research-Participant's Handbook, New Members Handbook for Parliamentarians, Parliamentary Values and best practices. She is sub-editor of PIPS monthly Parliamentary Research Digest since January 2014. This parliamentary digest is circulated to over 2000 readers including Parliamentarians from Senate, National Assembly and all provincial assemblies, embassies, civil society and academia. She regularly writes articles on Sustainable Development Goals, Education and Health.

She is leading member of PIPS Sustainable Development Goals Desk (SDGs), which provides technical assistance to MPs in shape of analytical parliamentary briefs, technical papers and organizing roundtables/ seminars/conferences to monitor the progress of country towards achieving SDGs. She has served as a faculty member in Karakoram International University and Punjab Group of Colleges for more than nine years. She holds a degree of M.Phil. in Biological Sciences from Quaid-e-Azam University Islamabad in addition to a degree in Education. She also holds a degree in Political Science from University of Sargodha.

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He is a qualified Solicitor Advocate having completed a Postgraduate Diploma in Legal Practitioners Course from UK and has graduated with an LLB (Hons) from the University of London and a BSC (Hons) Business and Management from Brunel University, UK.

Ms. Ifrah Ahmed is an Erasmus Mundus scholar who studied Education Policy for Global Development. She is currently working as Manager Research and Advocacy at Idara-e-Taleem-o-Aghai. Her interests in research include but are not limited to Girls Education, Right to Education, and Education for children affected by conflict. She completed her bachelors from Lahore University of Management Sciences in Economics.

Mr. Asim Khan is working as Young Parliamentary Officer (YPO) in Pakistan Institute for Parliamentary Services, since April 2019. He is a young dynamic lawyer and researcher and deals with legislative research requests of Honorable Members of Parliament from Senate, National Assembly and all four provincial assemblies. He has in-depth knowledge of current legal system of Pakistan and strives to improve his knowledge through continuous learning. He has recently concluded a six weeks legislative drafting course from the Senate of Pakistan.

Mr. Asim has LL.B degree from International Islamic University, Islamabad with a distinction of gold medal. He is undertaking a degree in LL.M International Law from the same institute.

Editors' Profiles

Mr. Muhammad Rashid Mafzool Zaka, a pioneering team member that established the Pakistan Institute for Parliamentary Services (PIPS) in 2008-09, is presently Senior Director General (Research and Legislation). In 2009, he commenced PIPS Research on demand services while in 2010-11 the PIPS Training services. He brings with him two decades experience in academia/research and over a decade of parliamentary services. Mr. Zaka has authored ten books on various aspects of Parliamentary Business. He holds an M. Phil. degree in International Relations (1997-98) and M.Sc in Strategic Studies with distinction (1993-94) from the top ranking Quaid e Azam University, Islamabad.

Mr. Zaka was awarded Professional Legislative Fellowship by US State Department (Oct-Nov., 2015) for Washington. He has also attended an International Course on Legislative Research by US Congressional Research Service (2008) and an International Fellowship on Human Rights and Budget Analysis (April 18-29, 2008) held by US Budget Group and Asian Institute of Human Rights, Thailand. Since 2008-09, Mr. Zaka was instrumental in developing the Institute's long standing relationships with international partners such as UNDP, USAID, Konrad Adenauer Stiftung, European Union and WestMinster Foundation for Democracy. He led PIPS to be recognized as centre of parliamentary excellence in Jordan in March, 2016. He steers PIPS team that commenced Parliamentary Studies as a discipline in universities and runs outreach programme since 2012 that has oriented more than 10,000 youth on Constitution, Parliament and State Building from all over Pakistan. He is also Editor of PIPS Parliamentary Research Digest, most widely read monthly parliamentary publication.

Mr Zaka has supervised eleven MS dissertations in the fields of development studies, international relations, sociology, diplomatic and strategic studies, at reputable Pakistani universities. He has been Member, Board of Studies at the Department of Defence and Diplomatic Studies, Fatimah Jinnah Women University, FJWU. Mr. Zaka is a certified international trainer in parliamentary research, assessing laws, peace and human rights and parliamentary business. He is an eloquent speaker on ideology of Pakistan, Parliament and Constitution, leadership, role of youth, peace, tolerance and state building well as security issues not only by academia but civil society and parliamentary institutions. He has been member of founding team member of the Foundation University, Islamabad.

He started his full-time career as Lecturer, political science at FFCB (1996-2000) and Faculty at FFIMCS (2000-2003). Mr. Zaka has also served on leading portfolios including Head, Dept. of Social Sciences and Development Studies, Iqra University (2003-2006); Director, Centre for Peace and Development Initiatives (CPDI) (2006-2007) and Legislative Capacity Advisor, Pakistan Legislative Strengthening Project, (PLSP) (2007-2010). He was promoted as Senior Director General Research and Legislation in April, 2019.

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Mr. Muhammad Afzan Munir is a Senior Research Analyst at ITA/ASER Pakistan where his work focuses on Right to Education (RTE), Provincial RTE Acts, SDG 4, disability statistics and inclusive education. He has been a member of the working groups on Inclusive Education and Special Education in Punjab and has also contributed to the country's profile on Inclusive Education for the UNESCO Global Education Monitoring (GEM) Report 2020. Currently, he is leading an initiative to devise an SDG 4 tracking and reporting mechanism in collaboration with three provincial governments. Afzan holds a master's in Economics from the Lahore University of Management Sciences and an undergraduate degree in Economics from the Government College University Lahore. His areas of interest include inclusive education, economic development, social policy, ICT4Development, impact evaluations and field experiments.



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