

ANALYSIS OF KPK BILL

The bill passed by the KPK assembly, compared to other passed bills seems to be a concise document and ignores the areas of coverage that otherwise can be incorporated into the bill in light of the law. The bill does not specify the **geographical boundaries** to which the province will exercise its power. Furthermore, the definition of child is **limited to the age category** and does not include children with **special needs** neither has any section addressing the education for this disadvantaged group. The definition does not outline the category of **'cost'** for **'free education'**.

The authority of the government for this law's applicability in the region is also compromised; no **'power to make rules'**² for enforcement of this law can be seen in the presented document. The manuscript has no mention of private schools, their responsibility towards this law and the kind of authority the local government will be able to exercise upon them. A **pre-primary education** section has been added in elaborate bills of Punjab and Sindh which are entirely missing here.

A detailed reference towards the government being a **law making, controlling, directory, monitory and inspection authority** has to be made in the bill to make it much expansive and show the serious commitment of government towards their pledge for right to education.

The problems in the current KP Free & Compulsory Primary & Secondary Act 2017 are in the following areas:

- **Its limited vision or none actually because it has been copied from a dated limited act of 1996**
- **Its limited scope since it has been stretched artificially and without logic from a primary education act to one that covers essentially 10-12 years of education!**
- **It does not cover ECE, Special Needs/inclusion/ NFE or Vocational education**
- **Its language is not aligned to the spirit of 25 A -**
- **It is stretching the concept of School Attendance Authority which was to be set up for each school as an oversight body- SAA was never set up either in Punjab in 1994 under the same act or in KP since 1996 so why now?**
- **It has not covered many critical areas such as duties of the government, local government; responsibilities of the schools/private schools and teachers; protection of rights of children; etc.**

¹ Infrastructure, books, stationery, travel and other recurring cost of a student of attending the school.

² Mentioned in the Punjab bill for RTE, section 24.

- Compared to other RTE Acts made in compliance with Article 25 A of the constitution in the provinces of Sindh and Punjab the KP Bill may be reviewed

| RTE Acts | Scope | Govt. Responsibility /Private sector | Rights of the Child SMCs/School Council |
|---|---|---|---|
| Sindh 2013 | 5-16, pre-primary, NFE, vocational education. | Duties of govt, teachers. Private schools and parents. | Rights of the child, monitoring of rights of children |
| Punjab 2014 28 Articles & 6 Chapters | 5-16 -also ECE (10) Special Ed;(2d/3.2) NFE & Vocational (2d and 3) | Duties of Govt. Local Govt (7&8), Teachers (17) & Parents(9), inspection (19) & private schools /free ed (13) Monitoring of RTE (18) | Proof of Age (15) Rights of the child (18) Admission & Protection from corporal punishment (16) Sch. Management Body/Taleem Fund (11&12) |
| ICT 2012 | 5-16 years, free and compulsory education | Responsibility of govt, teachers and parents | School advisory council, proof of admission, expulsion and admission |
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ITA's Concluding Thoughts:

ITA has spoken with Special Secretary Schools on April 17, 2017 about the above problems. KP government has taken the short route through a very outdated and inappropriate act (1996) that will not fulfill the purpose and intent of 25 A -nor the spirit of SDG 4 up to 2030.

ITA would suggest that these amendments are quickly moved through as a private motion in the assembly so that these are fully integrated in what is a very insufficient Bill/Act for fulfilling the mandate of article 25 A of the constitution of education as a fundamental right. The Special Secretary assured ITA of facilitating this process as soon as the comments and document is received. The next assembly session was to be held on May 2 2017.