



RIGHT
TO EDUCATION
PAKISTAN



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



Article 25 A:

“The State shall provide free and compulsory education to all children of age 5-16 years in such a manner as may be determined by law” was finally made a part of the constitution”



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The Blue Book on Right to Education legislation, aims to mobilize citizens, especially youth and teachers to promote democratic rights and civic participation of Pakistanis, particularly those of girls/women and vulnerable groups who are poor, differently abled and minorities. It aims to achieve this by generating increased awareness and support among youth, school teachers and communities for Article 25-A of the Constitution, which ensures that all children between the ages of 5 -16 are extended the right to free and compulsory education. The Blue Book is a reference document for all citizens with key acts/legislation and rules for right to education; it is to be used in trainings and awareness raising campaigns for diverse target groups. The trainings will mobilize trainees to become multipliers in their constituencies regarding core principles, knowledge and skills through appropriate materials and activities. This information may be leveraged through social media, campaigns, policy dialogues and public forums to popularize right to education or Article 25 A enactments in each region/province with respect to fundamental entitlements and principles, mapped against ground realities.

Article 25 A

“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.”

Source: The Islamic Republic of Pakistan Constitution 1973

How to use this book:

- Navigate to Chapter 1 for an overview of this book, the history of RTE and its link with other Fundamental Rights in Pakistan
- Navigate to Chapter 2 for Legislation in Sindh, Chapter 3 for Balochistan, Chapter 4 for Punjab, Chapter 5 for Khyber Pakhtunkhwa and Chapter 6 for ICT
- Navigate to Chapter 7 for a brief analysis on RTE Provincial Acts
- Navigate to 8 for a discussion on the SDGs, and SDG4 as key in achieving all other SDGs
- Navigate to Chapter 9 for concluding remarks

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Glossary

ANER	Adjusted Net Enrolment Rate
ASER	Annual Status of Education Report
AJK	Azad Jammu and Kashmir
CCI	Council of Common Interest
CEDAW	Convention on Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
ECE	Early Childhood Education
EFA	Education for All
FLL	Federal Legislative List
GB	Gilgit Baltistan
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Islamabad Capital Territory
ITA	Idara e Taleem o Aagahi
KP	Khyber Pakhtunkhwa
MDGs	Millennium Development Goals
MoUs	Memorandum of Understanding
NEF	National Education Foundation
NWFP	North West Frontier Province
OOSC	Out Of School Children
PSLM	Pakistan Social and Living Measurement
RTE	Right to Education
SAA	School Attendance Authority
UDHR	Universal Declaration of Human Rights



CHAPTER 1

INTRODUCTION

Chapter 1: INTRODUCTION

Right to Education (RTE) was established as a fundamental right under the Universal Declaration of Human Rights (UDHR) 1948 and has been reinforced through many other International Declarations and Resolutions. Pakistan has been a signatory to many of these International Treaties and Resolutions; however, for over 60 years, the state of Education in Pakistan has been off track; it has not been accorded the priority it deserved for a young nation. This changed in 2010 with the 18th amendment to the Constitution of the Islamic Republic of Pakistan, when Article 25A was added as a fundamental right. This Article stated unequivocally that the state has to provide free and compulsory education to ALL children of ages 5 to 16 years. Article 25-A is a paradigm shift as it makes ‘the state’ responsible for provision of free and compulsory education to all children aged 5 to 16 years. Article 25 A as part of the Fundamental Rights (chapter II) of the Constitution of Pakistan was upgraded from the earlier provision under (chapter II), Principles of Policy as per Article 37 Promotion of Social Justice and Eradication of Social Evils section.

- (b) remove illiteracy and provide free and compulsory secondary education within minimum possible period and
- (c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;

Article 37, sections b and c, although comprehensive in scope, could only be implemented subject to availability of resources and thus were lackluster in implementation for many decades due to paucity of resources and low allocations to education. The allocations still remain around 2.3% of GDP (Economic Survey 2018) instead of what was promised in the National Education Policy (2009) as 7% or as recommended by UNESCO around 4%.

Today, it is important to engage with fundamental rights through the powerful lens of Article 25 of the Constitution that provides for the principle of non-discrimination for ALL Citizens or Equality of Citizens

Equality of citizens.

Article 25

- (1) All citizens are equal before law and are entitled to equal protection of law.
- (2) There shall be no discrimination on the basis of sex
- (3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

Source: Constitution of Pakistan 1973

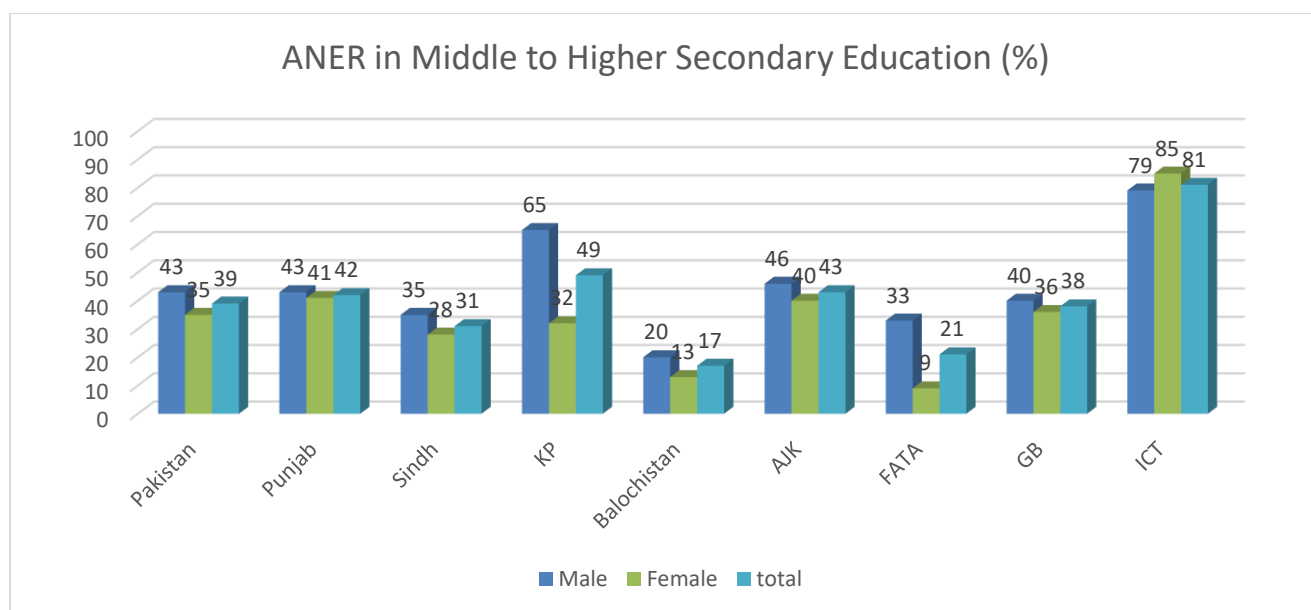
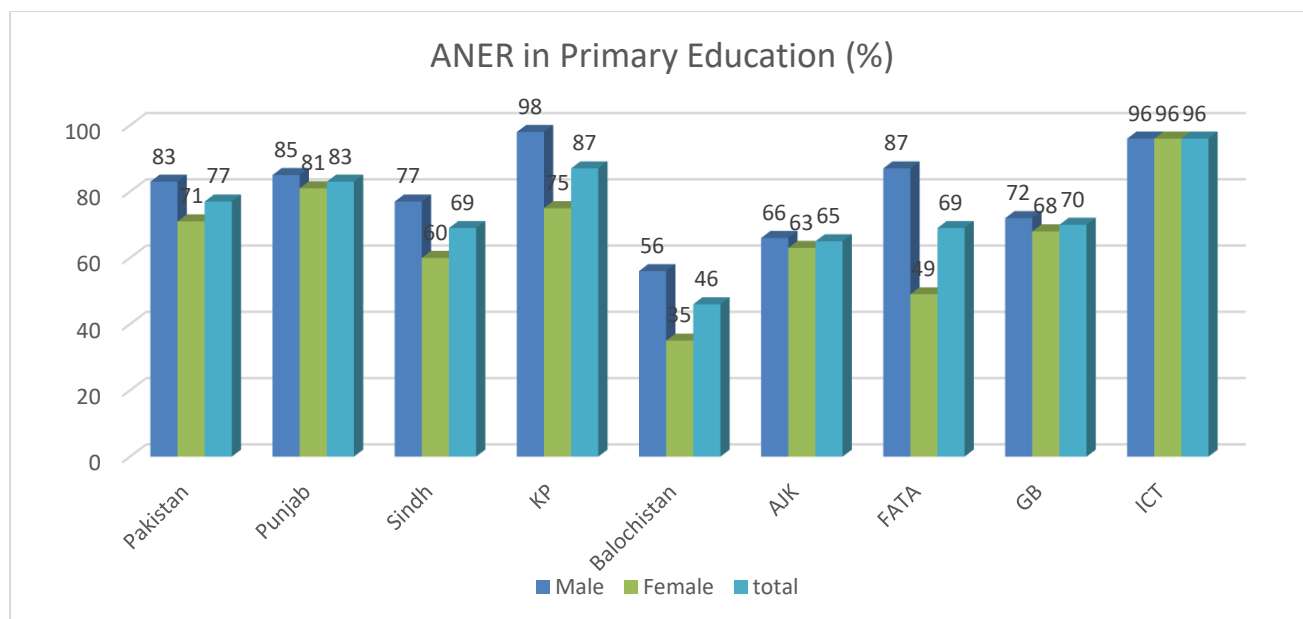
Convention on the Rights of the Child¹ (ratified by Pakistan in 1990) It has 54 articles and article 1 defines the child up to 18 years of age. Sadly in Pakistan this definition is not harmonized as in different laws it is stated at different ages viz. in 25 A it is 5-16 years; whilst in most labor laws it is 14 years of age; and other than the province of Sindh, right to marriage is 16 years, whilst in Sindh, it is 18 years!

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 drop-out 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.

Pakistan Social and Living Measurement (PSLM) Survey reveals that enrollment trend, in Pakistan, have been improving very slowly. According to Pakistan Education Statistics (2016-17) produced by the Academy of Education Planning & Management (AEPAM) of the Ministry of Federal Education and Professional Training, there are 22... million children out of school.

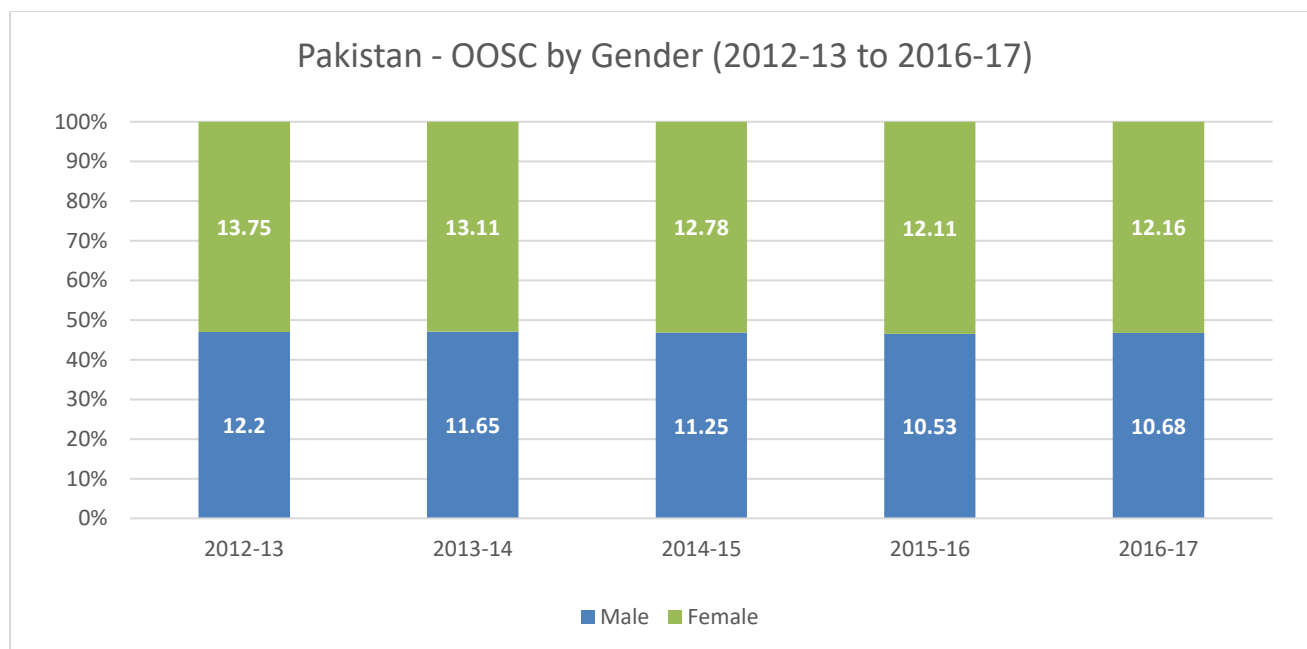
¹ https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRC_1989.pdf



Source: AEPAM p. 22

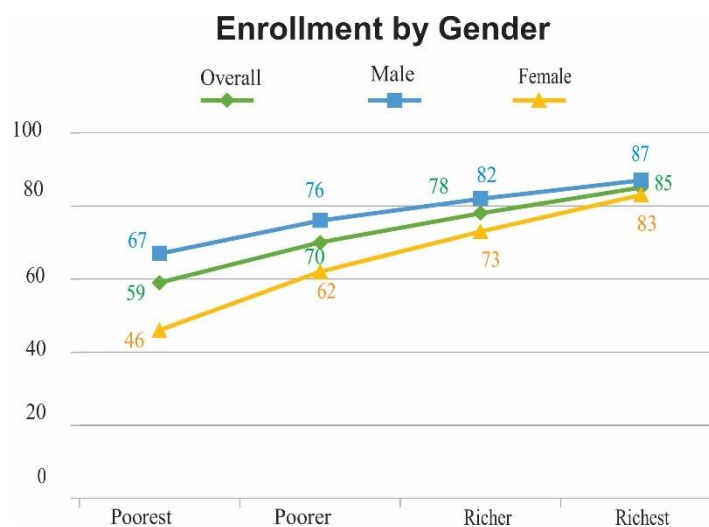
According to AEPAM (2018) out of a total of 51.53 million children between the ages of 5-6 eligible for education under 25 A, only 28.68 million are enrolled in schools from pre-primary to higher secondary across all service delivery/school systems; thus 22.84 million children are out of school; (5.06 million primary; middle high and higher secondary 6.51 million, 4.97 million and 6.29 million respectively). More girls than boys are out of school (12.16 million girls vs. 10.68 million boys) as can be seen in the table below. “Alif Ailaan”, the campaign on ‘transforming education in Pakistan’ has used this figure to galvanize action on 25 A as well.

Table: Out of School Children by Gender in the Past Five Years (AEPAM)



Source: p. 24 [AEPAM \(2018\)²](#) Pakistan Education Statistics,

According to a citizen led household based widely benchmarked survey by ITA, the Annual Status of Education Report (ASER) 2016, enrollment has been almost static since 2015; there are 19% out of school children of age 6-16, 11 % are girls. For each income quartile/level, the inequality across households is exacerbated for the poorest groups and within them, especially girls.



ASER (2016) Enrolment by Income Quartiles and Gender

² <http://library.aepam.edu.pk/Books/Pakistan%20Education%20Statistics%202016-17.pdf>

Moreover, the results reveal that socio-economic background influences gender inequity. The richest quartile has the highest percentage of children enrolled (53%) in private schools.

The poorest quartile has the lowest learning levels (19% Urdu/Sindhi/Pashto, 17% English, and 16% Math) and richest quartile has the highest learning levels (44% Urdu/Sindhi/Pashto, 43% English, and 39% Math). 14% of females from the poorest quartile can read a story in Urdu/Sindhi/Pashto as compared to 22% of males from the same income group. The patterns on gender exclusion are similar across all provinces of Pakistan where the poorest females are doubly disadvantaged with unequal opportunity of enrolment and learning undermining their right to access, quality, and equity entitlements.


This state of affairs on quality calls for continuous monitoring of learning levels, seeking urgent actions for improving learning outcomes, critical thinking, creating sustained pressure for positive change in the core business of learning for ALL, across Pakistan. The Citizens' call to action demands crisp evidence which the ASER right to education campaign provides annually.

To raise awareness amongst all citizens regarding 25-A and to make education for all in Pakistan a reality, ITA has built upon its bold Right to Education Campaign that began in January 2009 when the girls' schools were shut down by a Taliban edict in Swat (Jan 15th 2009). It mobilized weekly signatures sent to all key decision makers for action until the schools reopened in March 2009! The campaign was further accelerated in 2010-11 with the 18th amendment in April 2010. ITA, once again mobilized diverse groups, especially youth and continued community engagement to impact key policies and their implementation, by holding stakeholders/duty bearers to account. A call to youth to enlist as Education Youth Ambassadors (EYAs) across Pakistan was given in 2013/14, supporting the Global Youth Ambassadors movement led by [Their World](http://www.theirworld.org/), a UK based campaign³. The impetus for RTE was accelerated with the launch of the 17 Sustainable Development Goals (SDGs) 2030 in September 2015, discussed in more detail in Chapter 8.



Figure 1: the 17 Sustainable Development Goals

³ <http://www.theirworld.org/>



Furthermore, through informed debate and mass awareness, involving parents, teachers and students alike, ITA has continued to apprise policymakers, other stakeholders of their role in ensuring effective and timely implementation of 25-A as a fundamental right aligned well to SDGs in general and SDG 4 on education in particular. The RTE campaign today will not only push for changes in legislation for implementation, but will continue to advocate the knowledge about ‘Education for All-as A Fundamental Human Right’ or Leave No Child Behind movement, in thematic knowledge nuggets, equipping citizens with facts for advocacy and action.

The platforms for RTE will continue to multiply with distinct multiplier groups as alliance partners- who are already part of larger alliances that push for other entitlements through education. These include: Child Rights Movement (CRM); Commonwealth (FCO) Platform for Girls Education; Pakistan Coalition for Education (PCE);

1.1 The Blue Book - An Overview

The BLUE Book as elaborated above is an initiative by Idara e Taleem-o-Aagahi to contribute to the Right to Education activism and Action for all children, as a Fundamental Right, in Pakistan. It is an effort to raise awareness regarding the constitutional right of the citizens of this country for quality education, not as a privilege but an entitlement.

This is a part of a series of color coded books as an effort to help citizens of the country become informed about their rights and in turn trigger actions by them as active citizens becoming vocal for the education rights of children, youth and adults. Three Color Coded Books are:

- o **Blue Book on the Right to Education Acts & Rules of 1974 Act/s (25-A)**
 - All Acts on Right to Education 25 A in Pakistan
 - Rules Notified on Right to Education 25 A in Pakistan
 - Civil Society Shadow Rules – by ITA
- o **Green Book on Implementation of Right to Education (RTE)**
 - Government Initiatives to Implement Right to Education
 - Civil Society Activism to Implement Right to Education
 - Advocacy Campaigns; Alif Ailaan – Youth Mobilization
 - Judicial Activism and Cases on RTE against the Govt. of Pakistan
- o **Yellow Book on Voices of EYAs/Youth—as a Guide to Building Cases for Advocacy**
 - Case Studies on RTE Youth Champions and Education Youth Ambassadors
 - Case studies of schools in Sukkur and Swat
 - Social media campaigns for Right to Education

“This user-friendly book is intended for awareness of **citizens, teachers, youth, students, parents, media, parliamentarians and major stakeholders**”

The Blue Book - Intended Objectives

- The Blue book covers all the RTE acts for Article 25A that have been passed in all provinces and Islamabad Capital Territory (ICT) and Rules, where they have been formulated for each Act.
- The Blue book will help the readers:
 - understand what the law says and what the responsibilities of local government in this context are.
 - become familiar with the acts and all its provisions – along with the rules/shadow rules
 - engage with other laws that overlap supplement RTE 25 A on inclusion and protection
 - access to SDGs/ SDG 4 its targets means of implementation and provision
 - easily access the above and other RTE websites through hyper links
 - test their knowledge and skills on activity sheets and tools in communities and neighbourhood schools

These books are supported by:

- Hyper Links to other relevant resources
- Tips on how to use the book
- Analysis of topics and related themes
- Worksheets/activities/tools
- Important Websites for RTE – 25 A and SDG 4

1.2 History of Right to Education (RTE):

In this book, we shall focus on the period 1989 onwards. It is important to note that according to the Constitution of 1973 and its article 37 b, the right to education up to secondary education was ensured in the chapter on Principles of Policy as stated above. This article under the Principles of Policy provision as shared earlier could only be implemented subject to availability of resources and sadly these have never been adequate and continue to remain sub-optimal even today in 2018! However the constitution has upgraded the RTE provision in 2010.

1990s: In 1990s the impetus for RTE came from an emergent global movement of which Pakistan was also a signatory. After the Jomtien Conference (Thailand) in 1990 where the call for Education for All was given in a global compact, Pakistan became a party to the Jomtien Education For All (EFA) declaration. The call for EFA focused mainly on primary education, literacy and also Early Childhood Education (ECE) that spurred several education initiatives in the post Zia or Martial Law period in Pakistan (1977-1989). Among them, was the establishment during the decade of the 1990s of the Education Foundations across all provinces of Pakistan and a National Education Foundation (NEF) at the federal level. The main objective was to provide opportunities through grants to non-state partners for setting up education facilities for extending services for the most underserved groups and especially girls in rural areas. During the same decade some provinces began a movement for legislating Compulsory Primary Education Acts (Punjab and KP/then NWFP). In **1994 the Punjab Compulsory Primary Education Act** was finalized and in 1996 the NWFP (now KP) Government enacted the **NWFP Compulsory Primary Education Act**. Sadly both acts remained toothless as the rules were not made for their implementation. Unfortunately the tradition still continues of laws and policies, sans implementation.

In 2000, Pakistan was a part of the Education World Forum in Dakar, Senegal where a strong 7 members ministerial delegation was present from all provinces and federal government. The participants reaffirmed the vision of the Jomtien Conference, established ten years earlier and signed on the EFA Dakar Declaration for EFA. The E-9 and South Asia Forum were reaffirmed and established in 2000. The goals of this Framework were to be achieved no later than 2015. The EFA Declaration at Dakar was further strengthened by the Millennium Development Goals (MDGs) in 2000. Pakistan responded by putting together the Education Sector Action Plan 2001/2-2005, to implement the 1998 National Education Policy, the action plans for EFA and the MDGs.

In 2009 another National Education Policy was finalized just seven months ahead of passing of the 18th Amendment in 2010 (April); the latter devolved the entire governance mechanisms of education from federal/concurrent to provincial levels. This dislodged many assumptions and principles of implementation of NEP 2009. In September 2010, all provinces, area and federal government agreed to keep NEP 2009 and the National Curriculum 2006/7 in place, ensuring adjustments of governance as deemed by the 18th amendment.

The 18th Amendment to the Constitution of Pakistan, passed on 19th April 2010; it led to major shifts in entitlements of citizens, decision making, accountability and responsibilities across the federation. 47 subjects on which both federal and provincial governments could jointly make laws, were devolved completely to the provinces with the abolition of the concurrent list; these subjects were reassigned. Some selective functions as listed in Schedule 4, Part I and II⁴ remained the responsibility of the federal government for which a Federal unit would be needed, in turn to be guided by the Council of Common Interest (CCI), whilst the majority functions devolved to the provinces⁵.

Under the Concurrent Legislative List entry 386 was removed and new rights, responsibilities for curriculum, syllabus, planning and policy, centres of excellence and standards of education was passed to the provinces as well as entry 39 on Islamic Education. All budgets and implementation were done according to the needs, evidence and priorities of each province. The retained subjects under the Federal Legislative List (Part I) covered responsibilities for implementation of international treaties and agreements, including ‘educational cultural pacts’. Entry 15 of FLL Part I includes libraries, museums and entry 16 furthermore includes research, professional and technical training or promotion of special studies. More specifically Entry 31 of FLL states clearly liaison with International treaties, conventions and agreements, international arbitration including education of Pakistanis for studies overseas, signing of Bilateral and Multilateral education agreements, pacts, protocols MoUs including EFA/MDGs, Convention on the Rights of the Child (CRC) ratified by Pakistan in 1990, Convention on Elimination of all forms of Discrimination Against Women (CEDAW) ratified by Pakistan in 1996 and International Covenant on Economic, Social and Cultural Rights 1966 ratified by Pakistan in 2008, with respect to education as well as the UN resolution on Right to Education in Emergencies 2010.

Article 25-A declared

“The State shall provide free and compulsory education to all children of age 5-16 years in such a manner as may be determined by law”

Since 47 subjects on which earlier both federal and provincial governments could make laws were devolved completely to the provinces, the responsibility of making the law and implementing 25-A also fell to each individual province for enactment/legislation and rules of business for implementation.

The provincial Right to Education bills were passed in the provincial assemblies under the devolved authority to the provincial governments to pass and enforce laws. The constitutional law was presented as Bills for right to education in the provincial assemblies (2013-2017). The bills on RTE were progressively passed in Islamabad Capital Territory in 2012, Sindh in 2013, Punjab and Baluchistan in 2014 and in April 2017 in Khyber Pakhtunkhwa (KP). However, it is important to note that implementation has yet to begin on 25 A – whilst judicial activism from the highest court of law is vividly visible (Suo Moto notices and judgments).

⁴ Schedule 4 Part I and II downloaded from <http://www.pakistani.org/pakistan/constitution/schedules/schedule4.html>

⁵The 18th Constitutional Amendment: Glue or Solvent for Nation Building and Citizenship in Pakistan? Shah, Anwar, September 2012

⁶Census

ITA 's Right to Education movement began in 2012-13 when it collected a million citizens' signatures and presented to Gordon Brown during his visit to Islamabad in November 2012 – when he raised the issue with the Prime Minister and the Federal Government urging action, taking cognizance of civil society demands on the issue. This led to action for RTE in Islamabad Capital Territory (ICT). In December 2012, the first Act was passed in ICT after a 20 months lapse when article 25 A was made part of the Constitution.

<http://rtepakistan.org/news/2012/11/09/gordon-brown-united-nations-secretary-generals-envoy-for-global-education-endorses-the-one-million-signature-campaign-for-right-to-education/>

1.2.1 Fundamental Rights in Light of Article 25A

One must remember that the Right to Education, Article 25A, is not a stand-alone right, it is part of the Fundamental Rights specified in the Constitution. Therefore, it is vital to understand the importance of Right to Education by studying the underpinnings that connect this right to many other Fundamental Rights awarded to all Pakistani citizens. Table 1 below highlights the links between Fundamental Rights and the Right to Education in the Constitution of Pakistan.

Table 1: Article 25A is connected with many other Fundamental Rights in Pakistan

Fundamental Right	How it links to 25-A
9. Security of person	<i>No person shall be deprived of life or liberty.</i>
Liberty is defined as “each of those social and political freedoms which are considered to be the entitlement of all members of a community” by the Oxford English Dictionary. Acquiring education is a social freedom and thus a right of all members of the community.	
11. Slavery, forced labour, etc., prohibited	<p>(2) <i>All forms of forced labour and traffic in human beings are prohibited</i></p> <p>(3) <i>No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.</i></p>
No child must be forced to engage in any sort of work, dangerous or otherwise, especially in lieu of acquiring education.	
14. Inviolability of dignity of man	(1) <i>The dignity of man and, subject to law, the privacy of home, shall be inviolable.</i>
Right to receive a quality education is strongly linked to personal dignity, and denial of same could be considered violation of personal dignity.	
15. Freedom of movement	<i>Every citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public</i>

	<i>interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.</i>
Therefore, all citizens 5-16 have a right to acquire education in any region of Pakistan, provided they are resident in that region. They also have the right to move freely in order to attain Education.	

16. Freedom of assembly	<i>Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.</i>
This may apply to schools and other forms of educational institutes. This implies the right of students and educational staff to assemble for Education attainment or to protest in case of unfair treatment.	

17. Freedom of association	<i>(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.</i>
Students/teachers are, hence, allowed to form unions, take collective action and organize for the sake of their Right to Education.	

18. Freedom of trade, business or profession	<i>Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.</i>
Receiving a quality education is often a prerequisite for professional work, trade, business. Thus, access to quality Education is key for fulfilment of this right. This also shows the right to work in the field of education, awarded to Educational professionals.	

19. Freedom of speech, etc. 19A. Right to information	<i>Every citizen shall have the right to freedom of speech and expression....subject to any reasonable restrictions imposed by law...; Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.</i>
This shows that teachers and students are allowed to freely express their views and opinions in schools, and they are also allowed to access public information, complementing education.	

22. Safeguards as to educational institutions in respect of religion, etc.	<p>(1) <i>No person attending any educational institution shall be required to receive religious instruction...if such instruction...relates to a religion other than his own.</i></p> <p>(3) (a) <i>no religious community... shall be prevented from providing religious instruction for pupils of that community... in any educational institution maintained wholly by that community...</i></p> <p>(b) <i>no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.</i></p> <p>(4) <i>Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.</i></p>
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This article deals with the right to education pertaining to religion and religious communities. It clearly shows that religious liberties and education are protected under law. This provision may also pertain to Right to Education of religious minorities in the country.

24. Protection of property rights	(1) <i>No person shall be compulsorily deprived of his property save in accordance with law.</i>
Private educational institutions and their ownership is covered under this article.	

25. Equality of citizens 25A. Right to education	<p>(1) <i>All citizens are equal before law and are entitled to equal protection of law.</i></p> <p>(2) <i>There shall be no discrimination on the basis of sex</i></p> <p>(3) <i>Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.</i></p> <p><i>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.</i></p>
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These articles reiterate that in order to have equality between all citizens, it is vital to have free and compulsory access to Education for all citizens. There must be equality of Educational opportunity.

26. Non-discrimination in respect of access to public places	(1) <i>In respect of access to places of public entertainment or resort not intended for religious purposes only, there shall be no discrimination against any citizen on the</i>
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	<i>ground only of race, religion, caste, sex, residence or place of birth.</i>
This could apply, by extension, to Educational institutions, as they provide creative outlets for students in the form of art and sports.	

28. Preservation of language, script and culture	<i>...any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.</i>
This implies the importance of Education in conservation and promotion of diverse local cultures, thus, echoing the significance of Right to Education.	

1.2.2 RIGHT TO EDUCATION ACTS AT THE PROVINCIAL LEVEL

- ICT – December 19th, 2012
- Sindh – March 6th, 2013
- Baluchistan – 28th January 2018
- Punjab – 11th August 2014
- Khyber Pakhtunkhwa (KP) – April 2017

Each Act outlines the right to free and compulsory education for each area/province, as well as responsibilities of local government, local authorities, parents, teachers and schools.

The “Rules of the Business” have so far been only finalized under the Sindh Right to free and compulsory education Act 2014 and notified in 2017. For the successful enactment of the Act, these rules are essential.

ITA has developed draft shadow rules for the Sindh, Punjab and ICT and KP Acts.

To date ITA has held consultations in ICT, Sindh and KP with key stakeholders including government officials, civil society members, teacher unions, youth etc. to gather critical inputs and recommendations. For Sindh the shadow rules have been consulted intensely and integrated in the notified Rules for Sindh Right to Free & Compulsory Education Act 2017



CHAPTER 2

LEGISLATION IN SINDH

29 Districts
Population 48 Million (Census 2017)
Literacy Rate 48% *



Chapter 2: LEGISLATION IN SINDH

2.1 The Sindh Right of Children to Free and Compulsory Education Act, 2013 Sindh Act NO. XIV OF 2013.

The Sindh Right of Children to Free and Compulsory Education Act, 2013 *To provide free and compulsory education to all children of five to Sixteen.*

This act has 08 chapters and 30 articles with sub sections. This Act comes into effect immediately. It contains critical 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 to have special teaching 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:

- 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 ensures the role of parents and guardians in regard to the education of their wards. Private schools, in this Act, are obligated to provide free education to at least 10 percent of their total student body. It also required the Private schools to be properly registered under the concerned authority. This Act also outlines the need for necessary qualifications for the teachers, along with a timeline in which the teachers need to complete the required qualifications. Furthermore it outlines, in detail, the duties of teachers.

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 Right to Education in Sindh.

Implementation status of the Act:

- Article 25-A has promised free and compulsory education to all children between the ages of 5 -16 years, and the 18th amendment to the constitution has led to the devolvement of power to the provincial level. Given these developments, the government of Sindh with the combined efforts of all key stakeholders, created the Sindh Education Sector Plan (SESP) 2014-2018. The SESP is a living document that addresses the challenges faced by the education sector in Sindh, including issues of access, quality, governance, monitoring and effective utilization of resources.

The Urdu translation of the Act can be [accessed here](#)⁷.

**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;

⁷ http://itacec.org/document/rte/The_Sindh_Right_of_Children_to_Free_and_Compulsory_Education_Act_2013_urdu.pdf

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 confirming 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;
- (b) shall admit in class-I and subsequent classes not less than ten percent of the strength of that class to disadvantaged children;
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.
- (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:

Child to attend school in the neighbourhood.

Provision for free pre-school

No capitation fee and screening procedure.

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 academic year or within such extended period as may be prescribed. **Admission and expulsion 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.
- (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;
 - (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

Norms and Standards of School.

School Management Committee.

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.** maintained in each school within one year from the date of commencement of

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 **Inspections and**

registered educational institution for the purpose of ascertaining that the provisions of this Act and the rules have been and are being complied with.

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.
- (3) Every school shall provide such information as may be required by

Registration.

Government.

26. (1) No prosecution of offences punishable under this Act shall be instituted except upon a complaint with the previous sanction of Government.

Prosecution 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.
- (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;

Powers to make rules.

- 
- (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**

**G.M.UMAR FAROOQ
ACTING SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**

The Government of Sindh through its School Education & Literacy Department (SELD) started its work on the drafting of the rules of business for the Sindh Free & Compulsory Education Act 2013. It built consensus and took inputs from various organizations including ITA with respect to shadow rules developed. In 2017 the Rules of Business were notified. Sindh is the only province where the rules are in place and that makes the implementation of the RTE act entirely possible. The official go ahead for the implementation of the Sindh Free & Compulsory Education Act 2013, however is still awaited. ITA undertook its translation and it is available here: www.rtepakistan.org/

2.3 The Right of Free and Compulsory Education Rules, 2016 (Sindh)

EXTRAORDINARY

Registration No. M 324

The Sindh Government Gazette
Published by Authority
KARACHI THURSDAY DECEMBER 29, 2016
PART – I
SCHOOL EDUCATION DEPARTMENT
Karachi, dated the 8th December, 2016

NOTIFICATION

No. (G-III) E & L/F & CER/3-669/16: In exercise of the powers conferred by section 30 (1) of the ***Right to Free and Compulsory Education Act of 2013***, the Government of Sindh are please to make the following rules to provide for free and compulsory education to all children of applicable age as envisaged in Article 25-A of the Constitution of the Islamic Republic of Pakistan and other corresponding policies.

PART I
PRELIMINARY

1.	<p>1) These Rules may be called “The Right of Free and Compulsory Education Rules, 2016.”</p> <p>2) They shall come into force from the date of Notification.</p> <p>3) They shall extend to the whole of Sindh.</p>	Short title and commencement.
2.	<p>1) In these rules, unless the context otherwise requires,</p> <p>1) “Act” means the Sindh Right of Children to Free and Compulsory Education Act, 2013;</p> <p>2) “Age” means 5-16 years as per article 25-A and 3-5 years as per article 9 of the Sindh RTE Act, 2013 aligned of Sindh ECCE Policy 2015; the age group ECCE from 0-5 will be progressively expanded commensurate to resources;</p> <p>3) “chapter”, “section” and “schedule” means respectively chapter, section of, and schedule to, the Act;</p> <p>4) “Department” means the department of Special Education;</p> <p>5) “ECCE” means Early Childhood Care and Education;</p> <p>6) “formal education” means the structured, chronologically granted ‘education system’, running from primary school through the university and including, in addition to general academic studies, a variety of specialized programmes and institutions for full-time technical and professional training;</p> <p>7) “Neighborhood” means the area near or within a walking distance of an elementary school referred to in section 8 of the Act and shall include areas of such schools in adjacent local bodies;</p> <p>8) “Non-formal education” means the organized educational activity outside the established formal system – whether operating separately or as an important feature of some broader activity – that is intended to serve identifiable learning clienteles and learning objectives;</p> <p>9) “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation;</p> <p>10) “SMC” means School Management Committee;</p> <p>11) “School mapping” means planning school location to overcome social barriers and geographical distance;</p> <p>12) “Universal Design” means “Universal Design” An approach to ensure that educational programs serve all students. While courses, technology, and student services are typically designed for the narrow range of characteristics of the average student, it goes beyond accessible design for people with disabilities to make all aspects of the educational experience more inclusive for students, parents, staff, instructors, administrators, and visitors with a great variety of characteristics. These characteristics include those related to gender, race and ethnicity, age, stature, disability, and learning style.</p> <p>2) All reference to “forms” in these Rules shall be construed as references to forms set out in Appendix – I hereto.</p>	Definitions.

	3)	All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.	
	PART II RIGHT OF CHILD TO FREE AND COMPULSORY EDUCATION		
3.	1) 2) 3) 4)	The non-formal education Programmes shall not function in lieu of formal education, providing a means to evade the responsibility to education all children. Such non-formal Programmes shall be designed to function as alternate literacy bridging Programmes to facilitate formal education. The Local Authority concerned shall raise awareness about child's right to Free and Compulsory Education. The Government / Local Authority concerned shall form partnerships with private sector to provide counseling for children / parents to admit or cause to be admitted in schools for completion of elementary education.	Free Education
4.	1) 2)	The sub-Rules (2) and (3) of Rule 3 pertaining to non-formal education, shall act in conjunction with the rules developed by the Education and Literacy Department, the Government of Sindh, and its affiliates, as part of the Sindh Education Sector Plan for 2014-18. The rules identified in sub-rule hereinabove shall be read as Supplementary Rules along with these Rules and shall be amended, if need be, as per these Rules.	Application of Supplementary Rules.
5.	1) Explanation: All children include children in remote areas, out of school children, children with disabilities, children belonging to disadvantages groups, children belonging to weaker sections. 2)	The Local Authority concerned shall identify all children in its jurisdiction within a period of two years from the notification of these Rules to determine out of school children and to determine areas and limits of schools. The Local Authority concerned shall maintain a record of all children, in its jurisdiction, using child's unique identification number, from their birth till they attain the age of 16 year's.	
5	(i) Explanations: (2)	The local authority concerned shall identity all children in its jurisdiction within a period of two years from the notification of these rules to determine out of school children and to determine areas and limits of school. All children includes children in remote areas, out of school children, children with disabilities, children belonging to disadvantage group, children belonging to weaker section. The Local Authority concerned shall maintain a record of all children, in its jurisdiction, using child's unique identification number, from their birth till they attain the age of 16 years.	Identity of Children

	<p>Explanations it is mandatory, under the 1973 constitution of Islamic republic of Pakistan for the parents to get their children registered with in one month of their birth</p> <p>(3) The record, referred to in sub – Rule (2) shall, in respect of every child, include</p> <ul style="list-style-type: none"> a) name, sex, date of birth, (Birth Certificate Number) place of birth; b) basic medical record i.e blood group, immunization c) parents/guardians names, address, occupation; d) pre-primary school that the child attends (up to age 5); f) present address of the child g) class in which the child is studding (for children between age 5-16), and if education is discontinued in the territorial jurisdiction of the local Authority, the cause of such discontinuance; h) whether the child belong to the weaker section within the meaning of this Act i) whether the child belongs to disadvantage group within the meaning of the Act; j) details of the children requiring special facilities / residential facilities on account of migration and sparse population; age appropriate admission, disability. <p>(4) The record. Reffered to in sub –rule (2), hall be maintained transparently, in the public domain.</p>	
	<p>(5) The Government / Local authority concerned shall utilize the available resources in the private sector by forming partnership for the purpose of sub-Rule(1) and (2)</p>	
	<p>Part III</p> <p>SPECIAL PROVISIONS FOR EDUCATION</p>	
6	<p>(1) The head of a school referred to in sub-clause (i) and (ii) of clause(m) of section 3 of the act shall identify children requiring special training.</p> <p>(2) The government shall be provide specially design teacher and learning material for special referred to in sub-rule(1)</p> <p>(3) The special training shall be provided in classes held on the permises of the school, or in classes organized in place identified by the Local Authority concerned respective school management committee.</p> <p>(4) It shall be provided by teacher working in the school or by teachers specially appointed for the purpose</p> <p>(5) The duration of such trainings shall be for a minimum period of three months which may be extended based on periodical assessment of learning progress by the concern teacher for a maximum period not exceeding two years</p>	Special training

	(6)	The department of the special education shall insure that the child shall upon induction into the age appropriate class after special training, continue to receive special attention by the teacher to enable him/her to effectively integrate with rest of the class	
	PART IV DUTIES OF GOVERNMENT AND LOCAL AUTHORITY		
7	(1)	The local Authority concern shall undertake school mapping to determine the number of existing schools and ensure the establishment to required number of school.	
	(2)	The areas or limits within which a school has to be established shall be as under	

	<ul style="list-style-type: none"> a) “non formal education” means the organized educational activity outside the established formal system whether operating separately or as an important feature of some broader activity that is intend to serve definable learning clientless and learning objectives. b) “Pupil cumulative record” means record of the progress pf the child-based on comprehensive and continues evaluation. c) “SMC” means school management committee. d) “Universal design” means “universal design” An approach to ensure that educational program serve all students while courses, technology, and student services are typically designed for the narrow range of characteristics of the average students it goes beyond accessible design for people with disabilities to make all aspects of the educational experience more inclusive for students, parents, staff, instructor, administrators. These characteristics include those related to gender race and ethnicity, age, stature, disability, and learning style. 	
	<p>(3) All reference to “form” in these Rules shall be construed as references to forms set out in Appendix-1 hereto.</p> <p>(4) All other words and expressions used herein and not defined but defined in the act shall have the same meanings respectively assigned to them in the act</p>	
	PART - II RIGHT OF CHILD TO FREE AND COMPULSORY EDUCATION	
3	<ul style="list-style-type: none"> (1) The non-formal education programmers shall not function in lieu of formal education, providing a means to evade the responsibility to educate all children. (2) Such non-formal programmers shall be designed to function as alternate literacy bridging program to facilitate formal education. (3) The local Authority concerned shall raise awareness about child’s right to free an compulsory education. (4) The Government / Local authority concerned shall form partnership with private sector to provide counseling for children / parents to admit or cause to be admitted in schools for completion of elementary education. 	Free Education

4	(1) The sub-Rules (2) and (3) of Rule 3 pertaining to non-formal education shall act in conjunction with the rules developed by the education and literacy Department the government of Sindh, and its affiliates as part of the Sindh education Sector plan for 2014-18	Application of Supplementary Rules
	<p>a) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;</p> <p>b) the school is open to inspection by any officer authorized by the Government / Local Authority;</p> <p>c) the school furnishes such reports and information as may be required by the Director of Education / District Education Officer from time to time and complies with such instructions of the Government / Local Authority of the condition of recognition or the removal of deficiencies in working of the school.</p> <p>2) Every self-declaration received in Form-I shall be placed by the District Education Officer in public domain within fifteen days of its receipt.</p> <p>3) The District Education Officer shall conduct on-site inspection of such schools which claim in Form-I to fulfill the norms and standards and the conditions mentioned in sub-rule (1) within three months of the receipt of the self-declaration.</p> <p>4) After the inspection referred to in sub-rule (3) is carried out, the inspection report shall be placed by the District Education Officer in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the District Education Officer in Form-II within a period of 15 days from the date of inspection.</p> <p>5) School that do not conform to the norms, standards and conditions mentioned in sub-rule (1) shall be listed by the District Education Officer through a public order to this effect, and any time within the next two and a half years, such schools may request the District Education Officer for an on-site inspection for grant of recognition.</p> <p>6) The Directorate of Private Schools is the prescribed authority for the registration of schools referred to in sub0clause (ii), (iii), and (iv) of clause (m) of section 2 of the Act.</p>	
15.	1) Where the District Education Officer on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognized under Rule 14, has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule, he/she shall act in the following manner:	Withdrawal of recognition to schools.
	<p>a) Issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month;</p> <p>b) In case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the District Education Officer may cause an inspection of the school, to be conducted by a Committee of two to three members comprising of educationists, civil society representatives, media, and government representatives, which shall make due inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the District Education Officer;</p>	

	<ul style="list-style-type: none"> c) The District Education Officer shall forward the Report of the Committee, along with his/her comments, to the Education and Literacy Department. 2) The Education and Literacy Department, shall, on the basis of the recommendations referred to in sub-rule (1) (b) convey its decision to the District Education Officer. 3) The District Education Officer shall, on the basis of the decision of the Education and Literacy Department, pass an order cancelling the recognition granted to the school. 4) The order of de-recognition shall be operative from the immediately succeeding academic year and shall specify the schools to which the children of the de-recognized schools shall be admitted. 	
16.	<ul style="list-style-type: none"> 1) Schools which do not conform to the norms, standards and conditions mentioned in sub-rule (1) of Rule 14 after three years from the commencement of the Act, shall cease to function 2) Every school, other than a school established, owned or controlled by the Government or local authority established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-rule (1) in order to qualify for recognition. 	Norms and Standards for establishing school.
	PART VI SCHOOL MANAGEMENT COMMITTEE	
17.	<ul style="list-style-type: none"> 1) General Body comprises of the following: <ul style="list-style-type: none"> a) All the parents whose children are studying in the school. b) All the teachers including the head teacher working in the school/college. c) All the students of two highest grades. 	Composition and functions of the School Management Committee.
	<ul style="list-style-type: none"> 2) The role and authority of the General Body shall be as follows: <ul style="list-style-type: none"> a) Conduct elections of Executive Committee members; b) Approve the annual School Improvement Plan (SIP) which is made by Executive Committee; c) Oversee implementation of the School Improvement Plan; d) Mobilize parents of out-of-school children to send their children to school through application of various mobilization tools and techniques; e) Find out ways and means to facilitate children's and teachers' (particularly female teachers) access to schools; f) Approve the annual budget and expenditures at the Annual General Body Meeting; g) Ensure that over all formal rules and regulations of SMC are strictly enforced; h) The General Body shall approve the names of co-opted members; i) The General Body shall approve the election schedule of the election; j) Any member through Executive Committee shall request to call any Extraordinary General Body Meeting; k) Organizing the General Body shall be the responsibility of Head Teacher/In-charge of School; 	

	<div><div>l) The notice of General Body Meeting’s notice should be issued to members 15 days prior to commencing of Annual General Body Meeting or Extra Ordinary General Body Meetings;</div><div>m) The General Body is authorized to determine the schedule & frequency of the meetings;</div><div>n) General Body shall meet at least once in a year.</div></div>																	
18.	<div><div>1) Executive Committee means elected, co-opted, nominated and/or ex-officio member including the Chairperson and Secretary. Members shall not be less than seven and more than thirteen. These members shall include:</div><div><div>a) The parents or guardians of the students;</div><div>b) The Head Teacher (ex0fficio);</div><div>c) Two elected students of highest grades;</div><div>d) Local capable and good citizens and school improvement partners/adopters;</div><div>e) The Secretary of the Executive Committee shall be head teacher/school In-charge</div></div></div>	Executive Committee.																
	<div><div>f) The Chairperson/Chairman shall be parent/guardian of the student studying in respective school;</div><div>g) There should be no blood relation or any relation between the members of the Executive Committee and especially between the cosignatories i.e. Chairperson and Secretary;</div><div>h) The School Management Committee may co-opt any person as a member.</div><div>2) Following is the proposed composition of SMCs at different levels of schools;</div><div><div>a. Primary/Middle School (3 parents/guardians, 1 head/In-charge teacher, 2 children, 1 teacher) up to 2 co-opted members (7 or 9 members).</div><div>b. Elementary School – (4 parents/guardians, 1 head/In-charge teacher, 2 Children, 2 teachers) up to 2 co-opted members (9 or 11 members).</div><div>c. Secondary/Higher Secondary School – (4 parents/ guardians, 1 head/In-charge teacher, 3 Children, 3 teachers) up to 2 co-opted members (11 or 13 members).</div></div></div>	SINDH EDUCATION & LITERACY DEPARTMEN T																
	<div>3) Composition of School Executive Committee-</div> <table><tr><td>Level & Number of SMC Member</td><td>Head/In charge (Secretary)</td><td>Teacher</td><td>Parent (1 will be Chairperso n)</td><td>Children</td><td>Co-opted/ Adopter/ Partner</td></tr><tr><td>Primary/Middle (seven (7) or nine (9).</td><td>One (1)</td><td>One (1) (Not applicable in single teacher school)</td><td>Three (3)</td><td>Two (2)</td><td>Two (2) (Only one member in case of single teacher school)</td></tr></table>						Level & Number of SMC Member	Head/In charge (Secretary)	Teacher	Parent (1 will be Chairperso n)	Children	Co-opted/ Adopter/ Partner	Primary/Middle (seven (7) or nine (9).	One (1)	One (1) (Not applicable in single teacher school)	Three (3)	Two (2)	Two (2) (Only one member in case of single teacher school)
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	Elementary (nine (9) or eleven (11))	One (1)	Two (2)	Four (4)	Two (2)	Two (2)
	Secondary/ Higher Secondary School (eleven (11) or thirteen (13).	One (1)	Three (3)	Four (4)	Three (3)	Two (2)
4) Gender representation in Executive Committee: -						
		For parents	Male		Female	
		Girls Schools	Thirty percent (30%)		Seventy percent (70%)	
		Boys Schools	Seventy percent (70%)		Thirty percent (30%)	
		Mis Schools	Fifty percent (50%)		Fifty percent (50%)	
5) The functions of the Executive Committee: a) Propose election schedule to General Body. b) The Executive Committee shall meet once in two months time. c) Propose the names of co-opted members to the General Body for the approval. d) Monitor the general working of the school e) Prepare and recommend School Improvement Plan (SIP) and mobilize resources through philanthropists, industry, communities and local government funds. The Executive Committee is authorized by the General Body to execute the SIP under the approved rules and regulations of the Education Department. f) Ensure that the prescribed governmental rules and regulations are adhered to the mark. g) Monitor the utilization of the regular budgets (SMC, School specific budget, and school consolidation budget), aids and grants received from Government or any other source. h) Record school assets as per guidelines of the Education Department in case of evacuation of school building. i) Monitor child abuse incidents, and demonstrate zero tolerance for corporal punishment, trafficking / kidnapping and take necessary measures through community participation / negotiation to minimize such incidents. In extreme cases, register formal complaints at police stations, ombudsmen, human rights, child complaints at police stations, ombudsmen, human rights, child right and women’s commissions; at local/district/provincial level.					SINDH EDUCATION & LITERACY DEPEARTMENT	

	<ul style="list-style-type: none"> j) Coordinate and communicate with other line departments such as health, community development, social safety nets/income/education support programs for child and households, NADRA, forestry department, environment, public health for information, services and resource mobilization for school and children. k) Communicate and coordinate with Civil Society Organizations, philanthropists and companies/industry, Corporate Social Responsibility (CSR) for enhancement of smc functions. l) Encourage literate persons of the area to assist in students learning on voluntary basis to improve their learning outcomes. m) Monitor the performance of the students, teacher/head teachers and formally inform the Education Department if their performance is not satisfactory. n) Perform such other functions as may be prescribed or entrusted or it by Government or by General Body. In case of any disaster or emergency situation (flood, earth quake, etc.) the school management committee shall be consulted through and emergency meeting for shelter/rehabilitation work. o) Forward the resignation of any Executive Committee official or member to the General Body along with recommendations. 6) The Executive Committee shall hold office for three academic years, which may, on a resolution of the General Body be extended for one more academic year. 7) The termination of membership of Executive Committee: <ul style="list-style-type: none"> a) In case of the death of member. b) In case of parent whose child ceases to be student. c) Absence in three consecutive meetings without valid reason. d) Inability to perform functions. e) On resignation. 8) Powers of Chairperson. The chairperson shall be elected by the members of Executive Committee. Who shall be parent of the student studying in initial grade in the respective school. The chairperson shall: <ul style="list-style-type: none"> a) Advise the Secretary to convene a meeting of the SMC. b) Approve the agenda of a meeting. c) Preside over a meeting, and maintain proper decorum of the meeting. d) Ensure implementation of Executive Committee's decisions. e) Liaise with Education Department and other relevant authorities. 9) Power of Secretary The Secretary shall: <ul style="list-style-type: none"> a) Perform the functions as assigned to him by the executive committee. b) Maintain records of financial and non-financial documents. c) Support Chairperson / Chairman in correspondence on behalf of the SMC. 	
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	<ul style="list-style-type: none"> d) Convene regular meetings including Annual General Body Meeting/Extraordinary General Body Meetings as per legal requirement or directions of the Chairman. e) Record minutes of the meetings. f) Prepare and submit report to the General Body about the activities of SMC and public institutions. g) The Secretary of the Executive Committee shall be head teacher/school In-charge. <p>10) Function of Executive Committee:</p> <ul style="list-style-type: none"> a) The Executive Committee shall meet at least three times a year. Than the regular salaries / emoluments receiving as Head/Master/Principal/Teachers. <p>4) Monitoring of SMCs:</p> <ul style="list-style-type: none"> a) The Education Department shall adhere a formal monitoring mechanism through District Administration to ensure effective functioning of SMCs. b) Such performance shall also be shared annually with SMCs aiming to improve their performance. The performance shall be shared in Annual General Meeting. <p>5) School Management Accounts and Audit: Executive Committee through its secretary shall present the annual expenditure at the Annual General Body Meeting for approval. The SMC Accounts shall be maintained as per rule 19 (1)(a) and shall be audited by the Government.</p>	
	PART VII TERMS AND CONDITIONS OF SERVICE OF TEACHERS	
20.	<ul style="list-style-type: none"> 1) The Education and Literacy Department, shall lay down the minimum qualification for persons to be eligible for appointment as a teacher in an elementary school in Schedule-I. 2) The minimum qualification laid down in the Service Rules referred to in sub-rule shall be applicable for every school referred to in the Act. 	Minimum Qualification of Teachers.
21.	<ul style="list-style-type: none"> 1) The Government shall estimate the teacher requirement as per the norms and standards set out in section 15 of the Act ibid all schools within the province, within six months from the notification of these Rules. 2) Where a District/Taluqa does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as laid down by the Education & Literacy Department, the school shall request, within one year of the notification of these rules, the Government for relaxation of the prescribed minimum qualifications along with request or plan for specific teacher education programme(s) to support up gradation of qualification. 	Relaxation of minimum qualification.

	3) On receipt of the request referred to in sub-rule (2), the Government shall examine the request and may relax the minimum qualifications by way of a Notification.	
	<p>4) The Notification referred to in sub-rule (3) shall specify the nature of relaxation and the time period, not exceeding two years, but not beyond five years from the notification of these Rules.</p> <p>5) After six months after the commencement of the Act, no appointment of teacher for any school shall be made in respect of any person not possessing the minimum qualifications.</p> <p>6) A person appointed as a teacher within six months of the commencement of the Act, shall possess at least the academic qualifications not lower than Second Class Bachelors (14 years of Education) or equivalent.</p> <p>7) A person appointed as a teacher shall take Induction Training of 1-2 months offered through PITE/Teacher Training Institutions recognized by Government.</p>	
22.	<p>1) The Government shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clause (i), (ii), (iii) of clause (m) of sections 2 of the Act who do not possess the minimum qualifications laid down under sub-rule (2) of Rule 15 at the time of commencement of the Act, to acquire such minimum qualifications within a period of five years from the commencement of the Act.</p> <p>2) For a teacher, of a school referred in sub-clause (iv) of clause (m) of Section 2 of the Act, who does not possess the minimum qualifications laid down under sub-rule (2) of Rule 15 at the time of commencement of the Act, the management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from the commencement of the Act.</p>	Acquiring minimum qualifications by teachers.
23.	<p>1) The Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.</p> <p>2) Terms and conditions: - The scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training, shall be that of regular teachers, and at par for similar work and experience.</p>	Terms and conditions of service School teachers.
24.	<p>1) In addition to the functions specified in sub-clauses (a) to (i) of clause (1) of section 18, a teacher shall perform the following duties assigned to him or her, without interfering with regular teaching:</p> <p>a) Participation in continuing professional development and counseling Programmes;</p> <p>b) Participation in curriculum formulation, and the development of syllabi, training modules text book development, policy reviews;</p>	Additional duties/ functions of teachers.

	<ul style="list-style-type: none"> c) Participation in citizenship, life skills based education for extending soft skills to students/learners for effective societal integration, and d) Any other duty as shall be assigned by the Government from time to time. <p>2) A teacher shall maintain a file containing the Pupil Cumulative Record for every child which shall be basis for awarding the certificate for completion of elementary education.</p>	
25.	<p>1) Sanctioned strength of teachers in a school shall be notified by the Government or the local authority, as the case may be, within a period of three months of the date of appointment.</p> <p>Provided that the Government or the local authority, as the case may be, shall, within three months of such Notification, redeploy teacher of schools having strength in excess of the sanctioned strength prior to the Notification referred to in sub-Rule (1).</p> <p>2) If any person/official of the Government or the local authority violates the provisions of sub-clause (2) of section 19, he or she shall personally be liable for disciplinary action.</p>	Maintaining Pupil-Teacher Ratio in each school.
26.	<p>1) The Certificate of completion of elementary education shall be issued at the school level within one of the completion of elementary education.</p> <p>2) The Certificate referred to in sub-rule (1) shall-</p> <ul style="list-style-type: none"> a) Certify that the child has completed all courses of study; b) Contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and may include debated, literature, culture, sports 	Award of completion certificate.
	PART VIII PROTECTION OF RIGHT OF CHILDREN	
27.	<p>1) The Government or the Local Authority concerned, as the case may be, shall set up a child help line, accessible by SMS, telephone and letter, which shall act as the forum for aggrieved child/guardian to register complaint regarding violation of rights under the Act. But it shall secret.</p> <p>2) All complaints to the helpline shall be monitored through a transparent 'alert and action' online mechanism by the Government or the Local Authority concerned, as the case may be.</p>	Manner of furnishing complaints before the Commission for Protection of Child Rights.
28.	<p>1) The Education Advisory Council shall consist of a Chairperson and eight Member.</p> <p>2) The Minister in charge of the Ministry/Department of School Education in the Government shall be the Chairperson of the Council.</p> <p>3) Members of the Council, shall be appointed by the Government from amongst persons having knowledge and practical</p>	Constitution of the Education Advisory Council.

	<p>experience in the field of elementary education and child care and development, as under</p> <ol style="list-style-type: none"> Four members shall be from amongst person having specialized knowledge in the fields of pre-primary to Higher Secondary education; One member should be from amongst persons belonging to Schedule casts and Minorities; One member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs; Two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education One third of all such members shall be from amongst women <p>Functions of the Education Advisory Council:</p> <ol style="list-style-type: none"> The Education Advisory Council shall perform the following functions in an advisory capacity: <ol style="list-style-type: none"> Advice the appropriate Government on the implementation of the provisions of the Act in an effective manner; Assess the levels of school education and analyze survey reports on student attainments; Review compliance with norms and standards as specified in the Act; Commission studies and research for the effective implementation of the Act; and Act as an interface between the public, the media and the Appropriate Government in creating awareness, mobilization, and a positive environment for the implementation of the Act. 	
	<ol style="list-style-type: none"> The Council shall prepare reports relating to the reviews, studies and research undertaken by it and furnish the same to the Government. The Education Advisory Council may invite representatives of other departments / organizations as required. The Elementary & Secondary Education shall provide logistic support for meetings of the Education Advisory Council and its other functions. <p>Meetings of the Education Advisory Council:</p> <ol style="list-style-type: none"> The procedure for transaction of Business of the Council shall be as under. <ol style="list-style-type: none"> The Council shall meet regularly at such times as the Chairperson thinks appropriate but at least bi-annually; The meeting of the Council shall be presided by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he may nominate a member of the Council to preside over such meeting. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present. 	<p>SINDH EDUCATION & LITERACY DEPARTMENT</p>

	<p>2) The terms and conditions for appointment of Members of the Council shall be as under:</p> <ol style="list-style-type: none"> a) Every member shall hold office as such for a term of three years from the date on which he assumes office. Provided that no member shall hold office more than two terms; b) The member shall be removed from his office by an order of the Government on the ground of proved misbehavior or incapacity, or on the happening of any one or more of the following events. <ol style="list-style-type: none"> i) Is adjudged an insolvent; or ii) Refuses to act or become incapable of acting; or iii) Is of unsound mind and stands so declared by a competent Court; or iv) Has so abused his office as to render his continuance in office detrimental to the public interest or v) Is convicted for an offence by a competent Court; or vi) Is without obtaining leave of absence from the Council. Absent from four consecutive meetings of c) No Member shall be removed from his office without being given an adequate opportunity of being heard. d) If vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of 120 days by making a fresh appointment in accordance with the provisions of sub-rule (2). e) Members of the Council shall be entitled to reimbursement of travelling and daily allowances for official tours and journeys in accordance with the orders issued by the Government in relation to non-official members of the Committees and Commissions and such like categories of person. 	
	PART IX ESTABLISHMENT OF SINDH RIGHT TO EDUCATION SECRETARIAT	
29.	<ol style="list-style-type: none"> 1) The Government shall establish a dedicated Secretariat for the implementation of the Act. 2) The Secretariat shall perform the following functions: <ol style="list-style-type: none"> a) Mapping Out of School children in all district of Sindh. This could be done in cooperation with districts administration. This data needs to be based preferably on UC level to serve as cornerstone for all future planning. This is very critical task assigned under this Act. And ELD will provide for necessary human and financial resources to undertake this exercise. b) Providing an overall situation analysis of availability of present infrastructure using available data from school side, SEF and other non-government organizations. c) Develop a system of continuous monitoring through comprehensive quarterly appraisal of each district against a 	SINDH EDUCATION & LITERACY DEPARTMENT

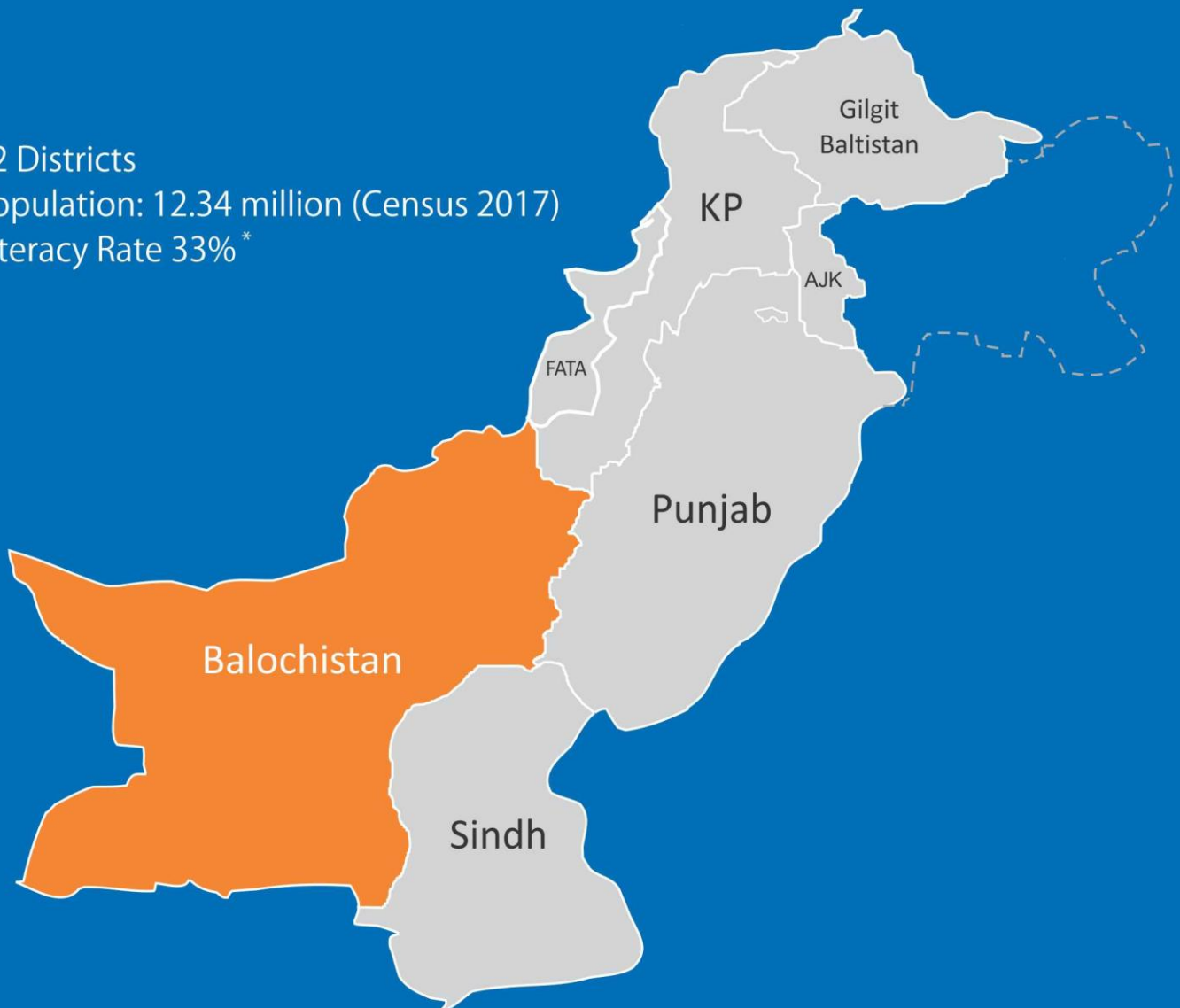
	<p>well-defined performance management framework a well-defined performance management frame work catering all aspects of this Act.</p> <p>d) Tracking students in schools to pre-empt drop-out</p> <p>e) Ensuring that regional directorates fully comply with requirements entrusted to government under this Act.</p>	
30.	<p>1) The Government shall set up, through notification, a Steering Committee with representation from all the relevant wings of the Education and Literacy Department.</p> <p>2) The Secretariat, established under sub-rule (I) of Rule (29) shall submit a quarterly progress report of the Steering Committee.</p>	



CHAPTER 3

LEGISLATION IN BALOCHISTAN

32 Districts
Population: 12.34 million (Census 2017)
Literacy Rate 33%*



Chapter 3: LEGISLATION IN BALOCHISTAN

3.1 THE BALOCHISTAN COMPULSORY EDUCATION ACT, 2014

The Balochistan Compulsory Education Act, 2014

To provide for free and compulsory Education in the Province of Balochistan

This Act applies to all of Balochistan with the exception of the Tribal Areas. It is deemed to have come into effect on 12th June, 2013.

It has altogether 12 Articles

Some critical definitions are given in the Act like the definition of ‘Child’, ‘Employer’, ‘Management Committee’ etc. It has no reference to ECE or to Inclusive Education at all. (Balochistan has in place an ECE Policy Framework since 2016 and more recently Balochistan has passed the Disability Act 2018)

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 the Act formation of a parent school Management committee is obligated and duties of this committee are given in detail.

The committee is to keep records of attendance, of children who are exempted from compulsory education due to a ‘reasonable excuse’. It 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 initiates the formation of School Attendance Authority. It clearly states the penalties to offences of any of the rules stated in the Act. It repeals the Balochistan Primary Education Ordinance, 1962 and the Balochistan Compulsory and Free Education Ordinance of 2013.

The Urdu translation of this Act can be [accessed here](#)⁸.

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, 06th February, 2014.

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

THE BALUCHISTAN COMPULSORY EDUCATION ACT, 2014

(ACT NO. V OF 2014)

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

AN ACT

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

Preamble.

WHEREAS, it is expedient in the public interest to provide for compulsory education in the province of Baluchistan 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 Baluchistan Compulsory Education Act, 2014.
- (b) It extends to the whole of Baluchistan 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 Baluchistan 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;

⁸ http://itacec.org/document/rte/The_Baluchistan_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.

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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, conferred, made or issued under this Act.

Secretary.

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

Dated Quetta, the 07th February, 2014.



CHAPTER 4

LEGISLATION IN PUNJAB

36 Districts
Population 110 million (Census 2017)
Literacy Rate 54% *



Chapter 4: LEGISLATION IN PUNJAB

4.1 THE PUNJAB FREE AND COMPULSORY EDUCATION ACT, 2014

THE PUNJAB FREE AND COMPULSORY EDUCATION ACT 2014

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

This Act extends to the whole Province of Punjab and is to come into force on the date decided by the Government. The Act has 6 Chapters; 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 ECE in article # as well for 3-5 year olds and Special Education for children with disabilities in Articles.

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 so on.

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.

THE PUNJAB FREE AND COMPULSORY EDUCATION ACT 2014 (XXVI OF 2014)

[10th November, 2014]

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.

16. 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.

17. 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.

18. 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 learning abilities 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

19. 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

20. 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.

21. 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.

22. 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.


23. 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*).

24. 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.

25. 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.

26. 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.

27. ¹Repeal: 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.

DRAFT

4.2 Draft RULES UNDER THE PUNJAB FREE AND COMPULSORY EDUCATION ACT 2014

PART I - PRELIMINARY

1. Short title, extent and commencement

1. These Rules may be called the Punjab Free and Compulsory Education Rules, 201-.
2. They shall come into force from the date of Notification.
3. They shall extend to the whole of Punjab.

2. Definitions

1. In these Rules, unless the context otherwise requires;
 - a. “Act” means The Punjab Free and Compulsory Education Act 2014;
 - b. “Academic Authority” means an institution constituted and vested with the power by the Appropriate Government for preparing the curriculum, syllabus and evaluation methods, also referred to as the „prescribed authority“ within the Act;
 - c. “Appropriate Government” means the Government of Punjab;
 - d. “Area” means a geographical area of up to _____ from where a child resides or his/her place of residence;
 - e. “Alternative Learning Centres” means schools/centres for children, without disabilities or special needs, who are not enrolled in the regular schools
 - f. “Child” means a child, including a child with special education needs, male or female, of the age of five to sixteen years of age;
 - g. “Disadvantaged Child” means a child who belongs to a socially or economically disadvantaged class, or group or belongs to such parent whose annual income is lower than the minimum limit specified by the Appropriate Government;
 - h. “Education” means the education pertaining to all or any of the class 1 to 10 in a school of a minimum quality as per prescribed standards;
/ “Education” means the prescribed education for a child by the Academic Authority, notified by the Appropriate Government;

- i. “Free Education” means education free of any education related costs, including expenditure on text books, stationery, school bags, and transport;
- j. “Neighbourhood” means the area near or within a walking distance of an elementary school referred to in Section 3 of the Act and shall include areas of such schools in adjacent local bodies;
- k. “Notification” means a notification issued by the School Education Department, Government of Punjab;
- l. “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;
- m. “Prescribed” means prescribed by Rules made under the Act;
- n. “Pupil Cumulative Record” means a record of the progress of the child based on comprehensive and continuous evaluation;
- o. “School” means any recognised school imparting elementary education and includes-
 - i. A school established, owned or controlled by the Appropriate Government;
 - ii. An aided school receiving aid or grants to meet whole or part of its expenses from the Appropriate Government;
 - iii. A school belonging to a specified category, having a distinct character, established by the Appropriate Government;
 - iv. A centre set up for a catch up, bridge or alternative programme for out of school dropout or never enrolled children and receiving grants from government and/or private philanthropy, and
 - v. An unaided school not receiving any kind of aid or grants to meet its expenses from the Appropriate Government;
- p. “School Management Body” means the School Management Body under Section 11 of the Act;
- q. “Screening Procedure” means the method of selection for admission of a child, in preference over another, other than a random method; and

- r. “Special Education” means education programmes and practices designed for students with a disability, either physical or intellectual, which require special teaching approaches, equipment, or care within or outside a regular classroom.
-

All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART II - DUTIES AND RESPONSIBILITIES OF THE APPROPRIATE GOVERNMENT TO ENSURE FULFILMENT OF THE RIGHT OF EVERY CHILD TO FREE AND COMPULSORY EDUCATION

3. Access, areas, or limits or school

1. The area or limits of a neighbourhood within which a school has to be established by the Appropriate Government shall be:-
 - a. in respect of children in classes from pre-school to 5, a school shall be established within walking distance of 1 km [**establish reasonable distance**] of the neighbourhood;
 - b. in respect of children in classes from 6 to 8, a school shall be established within walking distance of 1.5 km [**same contention as before**] of the neighbourhood; and
 - c. in respect of children in classes from 9-10/12, a school shall be established within a walking distance of ... the neighbourhood? (up to 16 years minimum)
2. The Appropriate Government shall endeavour to upgrade existing government and aided schools in a phased manner with classes from 1 to 4 to include classes from 5 to 10 and in respect of schools which start from class 5 onwards, to add classes from 1 to 4 wherever required, taking into account the availability of such classes in the existing schools in the neighbourhood.
3. In places with difficult terrain, risk of landslides, floods, lack of roads, or an area prone to any other natural disasters, and in general danger for young children in the approach from their homes to the school, the Appropriate

Government shall locate the school or alternative learning centres in such a manner as to avoid such dangers, by reducing the area or limits specified under sub-rule (1) of Rule 3.

4. For children from small hamlets, as identified by the Appropriate Government or the local authority, where no school exists within the area or limits of a neighbourhood specified under sub-rule (1) of Rule 3, the Appropriate Government shall make adequate arrangements, such as free transportation and residential facilities for providing elementary education in a school or alternative learning centre, in relaxation of the area or limits specified in the sub rule (1) of Rule 3.
5. In places with high population density, the Appropriate Government may consider establishment of more than one neighbourhood school having regard to the number of children in the age group of 5-16 years in such places based on the child census conducted by the Federal Government.
6. In respect of children with a disability, which prevent them from accessing the school, the Appropriate Government shall make appropriate and safe transportation and facility arrangements to enable them to attend school and complete elementary education. Additional assistance in the form of home-based teaching shall be arranged for children with severe disabilities, by the Appropriate Government.
7. The Appropriate Government shall impress upon parents and guardians their duty under Section 9 of the Act, to admit or cause to be admitted, their child or ward as the case may be, to a neighbourhood school, for completion of elementary education.
8. The Appropriate Government shall ensure that access of children to school is not hindered:-
 - a. on account of social and cultural factors;
 - b. on account of closure of a government or aided school referred to under sub-Section (i) and (ii) of sub-Section (k) of Section 2 of the Act, and

- c. shall ensure that no school is closed down without the recommendation and prior sanction of the Appropriate Government.

9. The Appropriate Government shall provide free and appropriate pre-school education based on an early childhood care and education policy which shall be formulated by the Appropriate Government as per Section 10 of the Act, to all children above the age of three years till they complete five years so as to prepare them for elementary education. For this and in furtherance of the aforementioned policy, Pre-school Centres (or Early Childhood Care and Education [ECCE] Centres) should be established in all government and aided schools/alternative learning centres in a phased manner within three years from the date of notification of these Rules. A unified child-friendly curriculum shall be developed by the Academic Authority for these Centres.
10. As an interim arrangement, the Appropriate Government may open a new class in all schools for children aged between 4 and 5 years to be known as Pre-primary class for which age appropriate and child friendly learning interactive materials shall be developed. The class shall initially be conducted by utilizing the services of existing teachers for a period of ____ from the date of notification of these Rules, however, the Appropriate Government must train and employ staff duly trained and equipped to teach and deal with children aged between 4 and 5 once this period has elapsed.

4. Academic responsibility of the Appropriate Government to ensure quality education

1. The Appropriate Government shall provide free and compulsory education to every child of the age of five to sixteen years and to this end:-
 - a. ensure provision of high quality education uniformly in all schools and to this end specify norms and standards in respect of all activities involving quality;
 - b. notify the Academic Authority within two months of the date of notification of these Rules, for development of the framework of

provincial curriculum and for adopting appropriate text books and supplementary learning materials as far as practicable;


- c. prescribe an effective system for the implementation of the syllabus, teaching/learning processes and the development of learner-parent friendly learning assessment procedures;
- d. prescribe minimum qualifications for teachers and support staff and infrastructure facilities in respect of pre-primary schools based on national norms;
- e. ensure quality in pre-primary teacher and elementary and secondary teacher training courses by revising the pre-service pre-primary, elementary and secondary teacher training curriculum in consonance with the pre-primary, primary, elementary and secondary school curriculum every _____ years;
- f. provide facilities for pre-service and in-service training for teachers through a specially designed and certified training course in consultation with the provincial-national institutes in this field using Information Communication

Technologies (ICTs) where appropriate for face to face and distance learning, and for imparting education to children with disabilities in accordance with internationally-nationally recognized standards, and

- g. Design an appropriate monitoring mechanism as per the Act and use the outcomes of such monitoring for improving the performance of teachers and appraisal on a continuous basis.

2. The Appropriate Government shall:-

- a. ensure that children with disabilities have access to free education till they attain the age of 18 years and shall promote their integration in to regular schools;
- b. equip and upgrade the existing „Special Schools“ for children with severe disabilities and provide them with residential facilities in appropriate locations;

- 
- c. offer vocational training facilities to all children with disabilities;
 - d. provide special teaching/learning material and improved assistive devices and all such items that are necessary to give a child with a disability equal opportunities in education;
 - e. formulate a restructured and relevant curriculum for children with various categories of disabilities, with counselling and linkages to postsecondary programmes for learning, skills and livelihoods, and
 - f. develop appropriate systems for their continuous and comprehensive evaluation.
 3. The Appropriate Government shall ensure that no child is subjected to caste, class, religious or gender abuse in any school.
 4. The Appropriate Government shall:-
 - a. provide emotional, psychological and course/career counseling for all children by professionals in co-ordination with government departments in charge of health and social welfare.
 5. The Appropriate Government shall ensure, in addition to its obligations specified in Section 4 of the Act that it provides avenues of and access to non-formal education programmes and/or literacy bridge programmes to children specified under Section 5 of the Act (and even otherwise) in the form of any organised educational activity outside the established formal system – whether operating separately or as an important feature of some broader activity. To this end:-
 - a. the Appropriate Government shall further ensure that such non-formal education programmes do not function in lieu of formal education as per the Act, providing a means to evade the responsibility to educate all children;
 - b. such non-formal programmes must be designed to perform the function of alternate literacy bridging systems in order to facilitate learning alongside a child's formal education, and

- c. the Appropriate Government shall involve various community based stakeholders such as non-governmental organisations specializing in education policy making and reforms, for the provision of such non-formal programmes.

PART III - DUTIES AND RESPONSIBILITIES OF PRIVATE (UNAIDED) SCHOOLS TO ENSURE FULFILMENT OF THE RIGHT OF EVERY CHILD TO FREE AND COMPULSORY EDUCATION

(q) Responsibilities of Private (Unaided) Schools for the purposes of Section 13 of the Act

For the purposes of these Rules, „Private School“ shall refer to a „School“ as defined under Section 2(k)(iii) of the Act and sub-rule 1(o)(v) of Rule 2 hereinabove.

All Private Schools shall ensure that they admit in all classes from 1 to 10, children from disadvantaged groups, constituting at least 10% of the total strength of each class.

That there is nothing contained within these Rules or in the Act that restricts Private Schools from admitting more disadvantaged children than as specified in sub-Rule 2 hereinabove.

Private Schools shall further ensure that such children as specified in sub-Rule 2 hereinabove are provided free education as defined in sub-Rule 1(i) of Rule 2 hereinabove.

Private Schools shall admit, as far as practicable, the specified percentage of disadvantaged children from the neighbourhood in which the School is situated. However, there is nothing in these Rules or in the Act that restricts or restrains the Schools from admitting the specified percentage of disadvantaged children from outside the neighbourhood in which the School is situated.

Provided if the Private School has Pre-primary classes as established under sub-Rule 10 of Rule 3 hereinabove, 10% of the strength of each of such Pre-primary classes will be reserved for disadvantaged children.

Children from the disadvantaged groups and weaker Sections should apply under this reservation of 10% seats if their annual family income is less than the minimum limit specified by the Appropriate Government.

Each Private School should publically announce through newspapers/ radio/ television and other modes of electronic media the number of seats it has reserved under Section 13 of the Act.

- (g) Each Private School should provide information on the number of seats it has reserved and which have been occupied to the Academic Authority and the Appropriate Government.
- (h) All Private Schools which have admitted disadvantaged children must ensure that they protect such children from any and all forms of discrimination and that they do not allow for any segregation between the student populations as a whole.
- (i) All other Rules contained herein shall apply in equal measure to Private Schools, barring those which are specifically under the remit and control of the Appropriate Government and thereby exclude Private Schools from their purview.
- (j) Nothing contained herein the Rules or in the Act implies that Private Schools can no longer charge fees from the majority of the admitted student population as before. The Schools "obligation under the Act and these Rules to provide free education is limited only to the disadvantaged children admitted to the 10% reserved seats.

PART IV - SCHOOL MANAGEMENT BODY

4. Composition and functions of the School Management Body for the purposes of Section 11 of the Act

There shall be a School Management Body (hereinafter referred to as „the Body“) in every school other than an unaided school, to be constituted within a period of six months from the date of notification of these Rules, which shall be reconstituted every ____ years. [possibly 2?]

The Body shall consist of _____ members excluding the member convener and the number of members in the Body shall in no case exceed_____. The composition of the Body shall be as under: -

Seventy five percent of the members of the Body shall be from amongst parents or guardians of children. As far as practicable, proportionate representation shall be given to the parents of students belonging to disadvantaged groups.

The remaining twenty five percent of the strength of the Body shall be from amongst the following persons:

one third members from amongst the elected members of the local-Appropriate Government, to be decided by the Appropriate Government;

one third members from amongst teachers from the school, to be selected by the teachers of the school, and remaining one third from amongst students in the school, to be selected by the parents in the Body.

(2) To manage its affairs, the Body shall elect a Chairperson and Vice-Chairperson from among the parent members. The Headmaster/Principal of the school or in his/ her absence the senior most teacher of the school nominated by the Academic Authority shall be the ex-officio Member-Convener of the Body. The Body shall meet at least once in a period of _____ months and the minutes and decisions of the meeting shall be properly recorded and made available to the public.

(3) The Body shall, in addition to the functions specified in Sections 11 and 12 of the Act, perform the following functions, for which it may constitute smaller working groups from amongst its Members:

a. communicate in simple and creative ways to the population in the neighbourhood of the school, the rights of the children as enunciated in the Act; and also the duties of the Appropriate Government, schools, parents and guardians;

ensure the implementation of sub-Sections (a) to (i) of sub-Section 2 of Section 17 of the Act;

monitor that teachers are not burdened with non-academic duties other than those involving the population census, disaster relief duties or duties relating to elections;

ensure the enrolment and continued attendance of all children from the neighbourhood in the school;

bring to the notice of the Appropriate Government any deviation from the rights of the children, in particular the right to be free of mental and physical harassment, denial of admission in to a school, and timely provision of free entitlements as per Section 3(3) of the Act;

identify the needs of, prepare a plan accordingly, and monitor the implementation of the provisions of Section 4 of the Act;

monitor the identification and enrolment of students, and the provision of facilities for learning by children with a disability, and ensure their participation in, and completion of elementary education, and

prepare an annual account of receipts and expenditure of the school.

1 Any money received by the Body for the discharge of its functions under Section 12 of the Act, shall be kept in a separate account called the Taleem Fund, to be made available for audit every year.

2 The Body's role would be limited to elementary education level.

6. Preparation of School Development/Improvement Plan

(1) Every School Management Body shall prepare a School Development/Improvement Plan.

(2) The School Development/Improvement Plan shall be the basis for all subsequent plans and grants to be made by the Appropriate Government.

(3) The Body shall prepare the School Development/Improvement Plan at least three months before the end of the financial year in which it is first constituted under the Act.

(4) The School Development/Improvement Plan shall be a three year plan comprising of three annual sub plans.

(5) The School Development/Improvement Plan shall contain the following details, namely: estimates of class wise enrolment for each year; requirement of the number of additional teachers, including subject teachers and part time teachers etc., separately calculated for all classes; physical requirement of additional infrastructure and equipment, especially

for laboratory, Information and Communication Technology, libraries, sports and games;

existing infrastructure facilities such as buildings, laboratories, libraries, toilets, drinking water, furniture, equipment, and play-ground; prepare a master plan for the school using services of experts keeping in view the future requirements of the school under each item and incorporating the concept of learner-friendly and eco-friendly construction, and financial requirement in respect of sub-Rules c) and d) above, including for providing special training facilities for late enrolments specified in Section 5 of the Act, and assess the requirements separately for each category by age, and entitlements of children such as free text books and uniforms, free transportation and residential facilities required.

1. Special Training

- (1) The School Management Body of a school owned and managed by the Appropriate Government, local authority and aided schools shall identify children requiring special training and organize such training in the following manner namely:-
 - (a) the special training shall be based on specially designed, age appropriate learning material for children with special needs and late enrolments, developed by the Academic Authority;
- (2) the said training shall be provided in classes held on the premises of the school, or in classes organized in places identified by the local authority or the head teacher;
- (3) the said training shall be provided by teachers working in the school, and
- (4) the duration of the said training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress by the teacher concerned, for a maximum period not exceeding two years.
- (5) The child shall, upon induction into the age appropriate class after special training, continue to receive special attention by the teachers to enable

him/her to successfully integrate with the rest of the class, academically and emotionally.

PART V - DUTIES AND RESPONSIBILITIES OF SCHOOLS AND TEACHERS

(3) Admission of children belonging to disadvantaged groups

- (a) All schools as so specified under the Act shall ensure that no child admitted from within the neighbourhood be segregated from the other children in classrooms nor shall their classes be held at places and timings different from the classes held for other children.
 - (b) The schools shall ensure that children admitted shall not be discriminated against compared to the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, the use of laboratories, libraries and Information and Communication Technology facilities, extra-curricular activities and sports.
 - (c) Where in a school, there is no provision for completion of elementary and secondary education, a child shall have the right to seek a transfer to any other school or, where a child is required to move from one school to another, either within Punjab or outside, such child shall have the right to seek a transfer to any other government or aided school for completing his or her elementary and secondary education.
 - (d) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure. Contravention of the same shall be liable for punishment under Section 14 of the Act.
-
- (e) No child shall be subjected to physical punishment or mental harassment.

(4) Minimum qualifications of teachers

- (a) The Academic Authority shall lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.
- (b) The minimum qualifications as per sub-rule 1 hereinabove shall be applicable for every school referred to in the Act.

(5) Relaxation of minimum qualification

The Appropriate Government shall estimate the teacher requirement for all schools within Punjab, within six months from the notification of these Rules.

Where an area does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications, as laid down by the Academic Authority, schools shall request, within one year of the commencement of these Rules, the Appropriate Government for relaxation of the prescribed minimum qualifications with programmes to support upgradation of qualifications.


1. On receipt of the request referred to in sub rule 2, the Appropriate Government shall examine the request of the area and may relax the minimum qualifications by way of a Notification with conditions to support upgradation of qualifications over a given period of time.
2. The Notification referred to in sub rule 3 shall specify the nature of relaxation and the time period, not exceeding _____ within which teachers appointed under the relaxed conditions can acquire the minimum qualifications prescribed.

1 Salary and allowances and conditions of service of teachers

The Appropriate Government shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.

(6) Duties performed by teachers

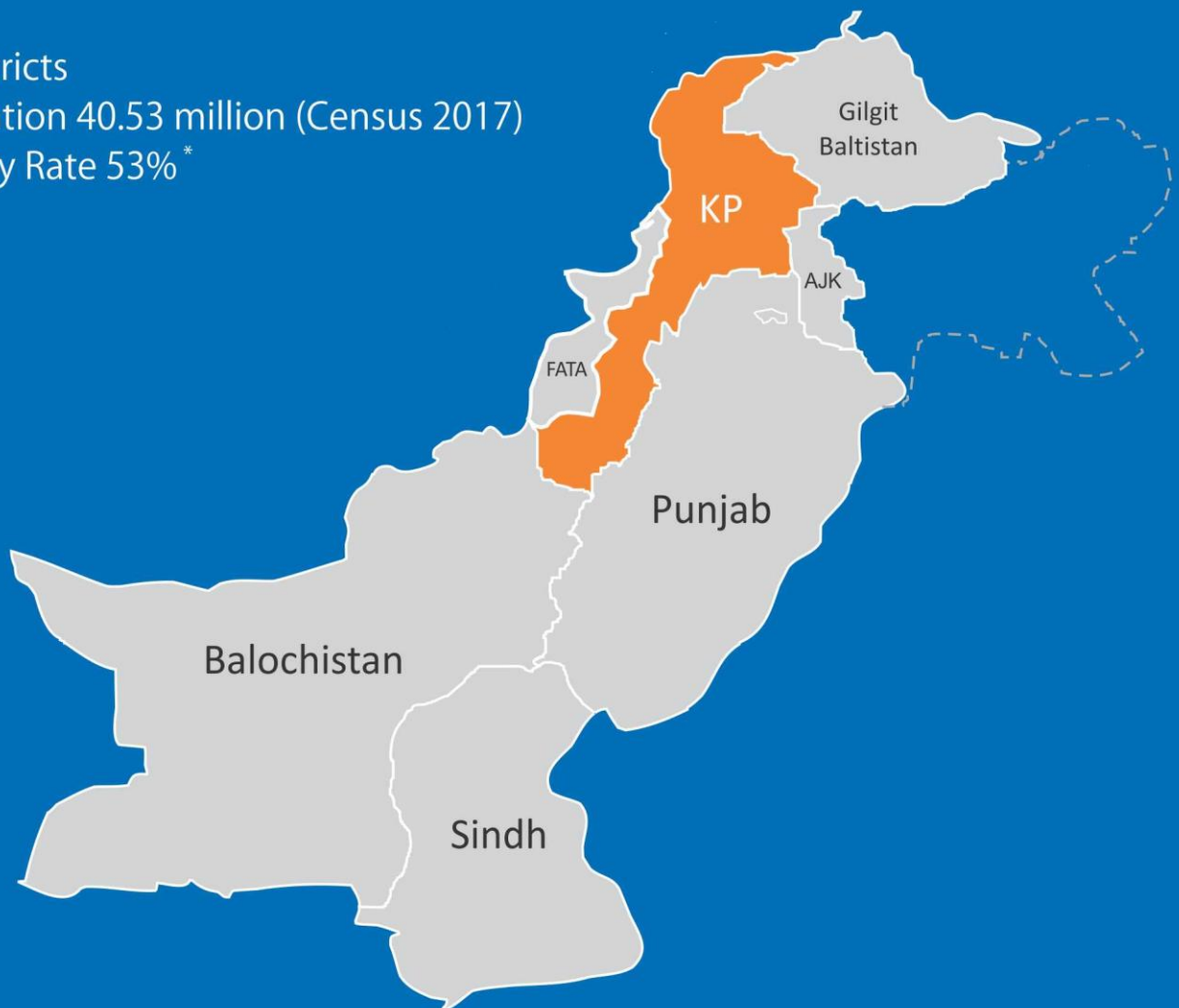
1. A teacher in addition to the functions specified in clauses (a) to (i) of sub-Section of Section 17 of the Act, may perform the following duties:-
 - a. participation in training and counselling programmes –school based and off site;
 - b. participation in curriculum formulation, and development of syllabi, training modules, text book development and policy reviews;
 - c. participation in citizenship, life skills based education for extending soft skills to students/learners for effective societal integration, and
 - d. any other duty as may be prescribed by the Appropriate Government from time to time.

- 
2. The teacher shall maintain a file containing the Pupil Cumulative Record for every child which shall be the basis for awarding the certificate for completion of elementary education.

▶ CHAPTER 5

LEGISLATION IN KHYBER PAKHTUNKHWA

35 Districts
Population 40.53 million (Census 2017)
Literacy Rate 53% *



Chapter 5: LEGISLATION IN KHYBER PAKHTUNKHWA

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

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

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

This Act was to come in to force from the start of the Educational year 2018-19.

It has 9 articles altogether and is the shortest act of all provinces and federal area.

It provides some critical definitions such as ‘Child’, ‘School Attendance Authority’ and so on.

The Act 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. It states that parents are obligated to enroll their children in to school till the completion of their Secondary Education, the only exemption being in the case on 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).

This Act, in detail, explains the formation of School Attendance Authority, such as mandatory participation from at least two representatives of the PTC. The role and duties of SAA are also clearly stated in this Act.

The Act also grants the formation of ‘Taleem Fund’ which will have all funds from the Government, philanthropists, alumni etc. two members of the SAA will have access to this fund, as stated in the Act.

Under this Act, The Khyber Pakhtunkhwa Compulsory Primary Education Act of 1996 is repealed.

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

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2017)

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PREAMBLE

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7. Taleem Fund.
8. Power to make rules.
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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.

**Government of Khyber Pakhtunkhwa
Department of Elementary and Secondary Education
Rules Under The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary
Education Act, 2017**

NOTIFICATION

No.-----

In exercise of the powers conferred by Section 8 of The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017 (No. ____ of 2017) the do hereby make the following rules, namely:-

PART I - PRELIMINARY

(1) Short Title and Commencement: -

1. These rules may be called the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Rules, 2018.
2. They shall come into force from the date of publication in Khyber Pakhtunkhwa Government Gazette.

(2) Definitions: -


1. “**Act**” means The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017;
2. “**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;
3. “**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 and within the age limit prescribed for admission in class 1 to class 10th;
4. “**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 including disability or who belongs to such a parent whose annual income is less than the limit which the Government may, by notification, specify;
5. “**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;

- (3) **“Free education”** implies that the Government or a local authority shall not charge any fee or expense for providing education including expenditure on text books, stationery, school bags, and transport and the Government shall endeavour to remove financial barriers that may prevent a child from completing ten years’ education;
- (4) **“Government”** means Government of the Khyber Pakhtunkhwa;
- (5) **“Local authority”** means a local government, an autonomous or semiautonomous 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;
- (6) **“Notification”** means a notification issued by the Elementary and Secondary Education Department, Government of Khyber Pakhtunkhwa;
- (7) **“Parent”** 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;
- (8) **“Prescribed”** means prescribed by rules or law;
- (9) **“Pupil Cumulative Record”** means record of the progress of the child based on comprehensive and continuous evaluation.
“Rules” means the rules made under the Act or rules notified by the Government;
- (10) **“School”** means primary school, middle school and higher education school in the public and private sectors with all sections including Early Childhood Education and includes:

a school owned or controlled by the Government or a local authority;

a school receiving aid or grant to meet whole or part of its expenses from the Government, Federal Government or a local authority;

a school not receiving any kind of aid or grant from the Government, Federal Government or a local authority; and a Deeni madrassa or any school providing religious education recognized by the Government;
- (11) **“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;
- (12) **“Secondary education”** means primary, middle and secondary education, including all sections, up to 10th class in a school;

- 
- (13) All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

Applicability of these Rules:- These rules shall be applicable to all Provincial Government and Private sector schools which come under the purview of Elementary and Secondary Education department, Government of Khyber Pakhtunkhwa.

PART II

1. **Free and Compulsory Primary and Secondary Education:**

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.

- (1) 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.
- (2) 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 by the Government.
- (3) A child admitted to secondary education shall be entitled to free education till completion of secondary education even after sixteen years.
- (4) 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.
- (5) 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.
- (6) For seeking admission in such other schools, the Principal, Head Teacher or Incharge of the school where such child was last admitted, shall immediately issue the transfer certificate and any delay in producing school leaving certificate shall not be a ground for either delaying or denying admission in other school. 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.

2. **Sharing of financial and other responsibilities:** The Government and local authority shall have concurrent responsibility for providing funds to schools in the public and private sector for carrying out the purposes of the Act.

3. **Access, Areas, or Limits of a School:**

The area or limits of a neighbourhood within which a school has to be established by the Government shall be :-

- a. in respect of children in classes from pre-school to 5, a school shall be established within walking distance of 1.5 km of the neighbourhood;
- b. in respect of children in classes from 6 to 8, a school shall be established within walking distance of 2 km of the neighbourhood; and
- c. in respect of children in classes from 9-10/12, a school shall be established within a walking distance of 6 km of the neighbourhood.
- d. The Government shall endeavour to upgrade existing government and aided schools in a phased manner with classes from 1 to 4 to include classes from 5 to 10 and in respect of schools which start from class 5 onwards, to add classes from 1 to 4 wherever required, taking into account the availability of such classes in the existing schools in the neighbourhood.
- e. In places with difficult terrain, risk of landslides, floods, lack of roads, or an area prone to any other natural disasters, and in general danger for young children in the approach from their homes to the school, the Government shall locate the school or alternative learning centres in such a manner as to avoid such dangers, by reducing the area or limits specified under these rules.
- f. For children from small hamlets, as identified by the Government or the local authority, where no school exists within the area or limits of a neighbourhood specified under these Rules, the Government shall make adequate arrangements, such as free transportation and residential facilities for providing elementary education in a school or alternative learning centre(s), with multi-grade skills/ teacher training, in relaxation of the area or limits specified in these Rules.

4. Admission of Children Belonging to Disadvantaged Groups:

- (1) All schools as so specified under the Act shall ensure that no child admitted from within the neighbourhood be segregated from the other children in classrooms nor shall their classes be held at places and timings different from the classes held for other children.
- (2) The schools shall ensure that children admitted shall not be discriminated against compared to the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, the use of laboratories, libraries and Information and Communication Technology facilities, extra-curricular activities and sports.
- (3) Where in a school, there is no provision for completion of elementary and secondary education, a child shall have the right to seek a transfer to any other school or, where a child is required to move from one school to another, either within Khyber Pakhtunkhwa or outside, such child shall have the right to seek a transfer to any other government or aided school for completing his or her elementary and secondary education.
- 5. No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure. Contravention of the same shall be liable for punishment under the Act.
- 6. No child shall be subjected to physical punishment, abuse or mental harassment.

(3) **Children with Disabilities and Special Needs :-**The Government shall, in the prescribed manner, provide or cause to be provided suitable education to a child suffering from disability or is a special child.

(4) **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.

(5) **Responsibility of Private School for Free Education:-**

(a) For a private sector school:

(a) 10 percent of total children in a private school will be given a fee waiver;

(b) The school will not force the parents/guardians to buy textbooks, uniforms, stationary and other required material for school to be bought from a specific vendor.

(4) **Terms and Conditions of Appointment and Service of Teachers:-**

(1) No person shall be appointed as a teacher unless he/she possesses the prescribed qualifications.

(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. The teacher so appointed shall acquire such qualifications within a period of two years.

(5) **Duties to be Performed By Teachers:-**

The head of the of a school and all other teaching staff in public and private setups shall effectively carry out his/her responsibilities and shall enforce discipline amongst the students and teachers.

A teacher including the head shall perform the following duties, namely:

maintain regularity and punctuality in attending the school, classes, curricular and co-curricular activities and impart such in the students too; complete the curriculum within the specified time;

assess the learning abilities of every child and supplement additional instructions, if any, as required; complete the curriculum, assessments, and teaching minutes within the specified time;

try to improve children's ability to build knowledge, potential and talent. He/she shall be geared towards life-long learning for children;

conduct learning through activities, discovery and exploration in a child-friendly and learner - centered manner;

keep the child free of fear, trauma and anxiety and help the child to express his/her views freely;

shall not practice rote learning and book oriented- listed fact testing;

hold regular meetings with parents and share with them the relevant information about the child;

perform such other duties as may be prescribed;

take care of all round development of the child;

build-up child's knowledge, potential and talent;

adopt learning through activities, discovery and exploration in a child friendly and child-centered manner.

A teacher committing default in performance of duties specified in these rules shall be liable to disciplinary action under the applicable service laws however before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(6) Other Teachers Related Matters :-

Every child completing his/her education shall be awarded a proper certificate, in such form and in such manner, as may be prescribed.

The grievances, if any, of a teacher, shall immediately be redressed in such manner as may be prescribed.

(7) Pupil-Teacher Ratio :-

Government shall ensure that the prescribed Pupil-Teacher Ratio, is maintained in each school within one year from the date of notification of these Rules or as may be prescribed from time to time.

(a) 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.

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

(8) Curriculum and Evaluation Procedure:

- (1) The curriculum and the evaluation procedure for education shall be laid down by an academic authority to be specified by Government, by notifications.
- (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, potential and talent;
 - (d) development of physical, mental and social 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.

9. Implementation And Monitoring Of Child's Right To Education :-

- (1) Any person having any grievance relating to the rights of a child under the Act and these Rules may make a written complaint to Government.
- (2) Government shall inquire into complaints relating to child's right and take appropriate action.
- (3) After receiving the complaint under sub-section (1), Government shall decide the matter within the period of one month after affording a reasonable opportunity of being heard to the parties concerned.

10. 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 the 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 the Act and the Rules.
- (3) A school shall provide such information as the Government or the Prescribed authority may require.

11. Award of Certificate:

(1) The Certificate of completion of elementary education shall be issued at the school/block/district level within one month of the completion of elementary education.

(2) The Certificate referred to in sub-rule (1) shall:-

(a) Certify that the child has completed all courses of study prescribed under applicable law and rules.

(b) contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and may include literature, sports, etc.

12. **Grievance Redressal:-** The first level of grievance redressal of teachers of schools shall be the District Education Officer.

PART III

20. School Attendance Authority:-

- (1) Every school shall constitute a School Attendance Authority comprising of nine members with the equal representation from Government and respective members of concerned Parents Teachers Council.
- (2) The School Attendance Authority shall meet at least three times in an academic year.
- (3) The School Attendance Authority 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 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;
 - (f) perform such other functions as may be prescribed or entrusted to it by Government.
 - (g) the School Attendance Authority shall ensure attendance of every child for the purpose of the Act and these Rules.
 - (h) 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.

21. Reasonable Excuse for Non-attendance:

- (1) Reasonable excuse for the purposes of these Rules shall include any of the following cases:
 - (a) where school attendance authority is satisfied about non-attendance of schools by reason of sickness, infirmity or mental in-capacity or it is not advised or the child to carry forward to secondary education for peculiar causes;
 - (b) where there is no school in the radius of two kilometers of the residence of child;

(c) where the child is receiving education other-wise than in school, which is sufficient for the school attendance authority.

(1) Where a School Attendance Authority is satisfied that a parent who is required under these Rules to cause a child to attend a school has failed to do so, the same 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.

22. Maintenance of Children's Records:

(1) The School Attendance Authority shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth till they attain 16 years.

(2) The record, referred to in sub-Rule (1), shall be updated each year.

(3) The record, referred to in sub-Rule (1), shall be maintained transparently, in the public domain, and used for the purposes of these Rules.

(4) The record, referred to in sub-Rule (1) shall, in respect of every child, include

(a) name, sex, date of birth, (Birth Certificate Number), place of birth;

(b) parents' / guardians' names, address, occupation;

(c) elementary school where the child is admitted;

(d) present address of the child;

(e) class in which the child is studying

(f) whether the child belongs to a disadvantaged group

(g) details of children requiring special facilities on account of migration and sparse population; age appropriate admission; disability.

(5) The School Attendance Authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

PART IV

23. Establishment of Taleem Fund:- (1) A School Attendance Authority, subject to approval of the Government, shall establish a Taleem Fund for the school.

(2) The following components shall form Taleem Fund for the school:

- (a) Grants made by the Federal Government, Government and District Government;
- (b) Grants made by Public International Organizations, International Not for Profit Organizations and National Not for Profit Organizations;
- (c) Grants made by Diplomatic Missions and Foreign and Local, National and Foreign Universities;
- (d) Voluntary contributions from Philanthropists, Corporate sector, Local Industry, Think Tanks, School alumni, Students, Parents and Local community.

24. Formation of Taleem Fund Executive Committee:- (1) The Government shall constitute a Taleem Fund Executive Committee for each school which shall have the following composition:-

- | | |
|---------------------------------------------------------------------------------------------|----------|
| (a) Secretary to Government of the Khyber Pakhtunkhwa
Elementary and Secondary Education | Chairman |
| (b) Secretary to Government of the Khyber Pakhtunkhwa
Finance Department | Member |
| (c) Chairman, School Attendance Authority
Elementary and Secondary Education | Member |
| (d) Executive District Education Officer
Elementary and Secondary Education | Member |
| (e) Any other member as and when deemed appropriate By the
Government | |

25. Functions of the Taleem Fund Executive Committee:-The Taleem Fund Executive Committee shall manage all the matters relating to the operation and administration of the Taleem Fund in accordance with these Rules and shall have to:-

- (1) Act in good faith and in the best interest of the members of the Taleem Fund, give effect to these Rules.
- (2) Process all applications for welfare benefits in compliance with these Rules.
- (3) Ensure that all applications for Taleem fund are duly supported by required documents and as prescribed by the Government.
- (4) Comply with all the requirements of financial propriety and transparency in relation to accounting, auditing and reporting of the Taleem Fund.
- (5) Approve, disapprove or otherwise dispose of any application for financial assistance declared by the Government and/or Executive Committee of the Taleem Fund as incidental or conducive to the attainment of the aims and objectives of the Taleem Fund.
- (6) Maintain, manage and oversee the investment and savings of the Taleem Fund in close coordination with the Taleem Fund Investment Committee and in accordance with these Rules and laws, rules of the Government.
- (7) Prepare, review and consider quarterly reports on the disposal and pendency of Taleem Fund applications;
- (8) Perform any other task assigned to it by the Chairman of the Taleem Fund Executive Committee.

26. Functions of the Chairman of the Taleem Fund Executive Committee:

- (1) The Chairman of the Taleem Fund Executive Committee shall, in relation to the operation of the Taleem Fund:
 - (a) Process all applications made by applicants;
 - (b) Check all documents required for the processing of applications;
 - (c) Maintain accounts and other records of the Taleem Fund;
 - (d) Prepare the annual budget of the Taleem Fund;
 - (e) Verify all bills and vouchers;
 - (f) Submit monthly statement of income and expenditure to the Taleem Fund Executive Committee on receipts and expenditure;
 - (g) Conduct the business of the meetings of the Taleem Fund Executive Committee including the preparation and circulation of agenda and minutes;
 - (h) Conduct all correspondence on behalf of the of the Taleem Fund Executive Committee; and

(i) Perform any other task assigned to him by the Government.

(2) All applications, grievances, complaints or requests in relation to the Taleem Fund or any operation thereof shall be addressed to the Chairman of the Taleem Fund Executive Committee.

27. Procedure for Taleem Fund Executive Committee Meetings:

(1) The Taleem Fund Executive Committee shall meet at least once in every three months.

(2) Meeting of the Taleem Fund Executive Committee shall be presided over by the Chairman or his nominee.

(3) One-third members shall constitute the quorum for the meeting of the Taleem Fund Executive Committee.

(4) The Chairman of the Taleem Fund Executive Committee shall conduct the business of the Taleem Fund Executive Committee including preparation and circulation of the agenda and minutes of the Executive Committee meetings.

28. Utilization of Taleem Fund: The Taleem Fund shall be utilized for the welfare of the students as prescribed by the Government.

29. Taleem Fund Applications: The Chairman of the Executive Committee of the Taleem Fund may receive applications, as prescribed by the Government, from applicants and for welfare of students.

30. Procedure for Contribution to the Taleem Fund:

The Government, while realizing, Taleem Fund from various sources specified in these Rules shall ensure following steps:

(a) Taleem fund shall be collected under proper receipt duly signed by concerned official of the school.

(b) The Principal shall maintain proper receipt book with Book & Receipt Number

(c) The Principal shall enter the receipt book in the proper stock register

(d) The Principal shall enter serial number of receipt book at the time of issuance to the concerned official and will take his/her signature in the register as a token of receipt.

(e) The amount of Taleem Fund shall be properly classified and codified on the prescribed receipt.

(f) Taleem fund should be deposited in separate bank account of the school so opened with the permission of the competent authority.

(g) The entire collection of Taleem Fund shall be deposited in the bank account of the school on the very next day.

(h) The Principal shall be personally responsible for deposit of the collected amount of Taleem fund in the bank account of the school.

- (i) Record of Taleem Fund (i.e. cash fund, classified funds register, receipt books, sanctions, vouchers, history sheets and stock registers, etc.) shall be maintained by the school in proper order.
- (j) The Taleem fund shall be utilized judiciously and with due financial proprieties.
- (k) The Taleem Fund Executive Committee shall have the power to utilize the Taleem fund to the prescribed limits
- (l) In case of expenditure over and above the prescribed limits, sanction of the competent authority shall have to be obtained up to 100% of the prescribed limit. However, full powers shall be vested into Chairman of the Taleem Fund Executive Committee.
- (m) The expenditures out of Taleem Fund shall be exempted from all kind of taxes notified by the Government & required under the law/rules in vogue.

31. Procedure for Release of Amount out of Taleem Fund: Releases out of the Fund will be made to the respective School as per decision of the Taleem Fund Executive Committee through cheques with a letter under the signature of the Chairman or any officer authorized for this purpose under intimation to the Planning and Development Department, Elementary and Secondary Education Department, Finance Department and the Accountant General of Pakistan.

32. Procedure for Taleem Fund Correspondence:

- (1) The correspondence regarding deposits in Banks/Development Finance Institutions including profit coupons and pay orders shall be signed by the Chairman Taleem Fund Executive Committee whereas the cheques for withdrawal of funds will be signed by the co-signatories in accordance with the finance rules of the Government.
- (2) The Chairman of the Taleem Fund Executive Committee may assign the correspondence regarding Fund affairs to any officer of the Government.

33. Taleem Fund Investment Committee:

(1) There shall be a Taleem Fund Investment Committee consisting of the following:-

- (a) Chief Secretary Chairman
Government of the Khyber Pakhtunkhwa
- (b) Secretary to Government of the Khyber Pakhtunkhwa Member
Finance Department
- (c) Secretary to Government of the Khyber Pakhtunkhwa Member
Elementary and Secondary Education
- (d) Director General, School Attendance Authority Member
Elementary and Secondary Education
- (e) Any other member as and when deemed appropriate By the Committee
- (2) The Taleem Fund Investment Committee shall make recommendations to the Government and Taleem Fund Executive Committee for investment of money out of the fund and shall attend to such functions as may be assigned to it by the Government and Taleem Fund Executive Committee.
- (3) The Government may constitute any other Committee for any specific assignment as and when deemed appropriate.

34. Procedure for Taleem Fund Investment Committee Meetings:

- (1) The Taleem Fund Investment Committee shall meet at least once in every three months.
- (2) Meeting of the Taleem Fund Investment Committee shall be presided over by the Chairman or his nominee.
- (3) One-third members shall constitute the quorum for the meeting of the Taleem Fund Investment Committee.
- (4) The Chairman of the Taleem Fund Investment Committee shall conduct the business of the Taleem Fund Investment Committee including preparation and circulation of the agenda and minutes of the Executive Committee meetings.

35. Taleem Fund Investments:


- (1) The Taleem Fund may invest any portion of the Fund in:-
 - (a) Profit bearing deposits in Banks/Development Financial Institutions as per Government approved list/policy; and/or Government guaranteed securities.
 - (b) The Investment Committee may decide to invest funds as per Rule (1) above and in accordance with the parameters issued by the Government from time to time.

36. Taleem Fund Maintenance of Accounts:

- (1) The accounts of the Fund shall be maintained on double entry book keeping system.
- (2) The Fund shall be maintained at a Scheduled Bank in such a manner and in such a form as may be prescribed.

37. Taleem Fund Audit and Accounts: -

- (1) The Chairman of the Taleem Fund Executive Committee shall place the annual financial statement of the Taleem Fund before the Taleem Fund Executive Committee for approval by 31st July each year.
- (2) The accounting year shall end on 30th June.
- (3) The accounts of the Taleem Fund shall be audited by the Auditor General of Pakistan.
- (4) The Taleem Fund Executive Committee shall submit the audit report to the Chairman of the Executive Committee, not later than 31st August every year.
- (5) The competent authority shall submit a monthly statement of receipts and expenditure to the Chairman of the Taleem Fund Executive Committee on the 10th day of every month.
- (6) All payments to beneficiaries of the Taleem Fund shall be made through cross cheques.

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- (7) In case of any ambiguity in interpretation, if arose at any stage during implementation of these rules, advise / guidance / clarification should be sought from the Secretary through the competent authority.

38. Repeal and Saving:-

- (1) The Khyber Pakhtunkhwa _____ Rule(s), _____, is/are hereby repealed.
- (2) These rules shall be reviewed from time to time.
- (3) Notwithstanding the repeal of the rules mentioned in sub-rule-(1), everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officers appointed or person authorized, jurisdiction or power conferred rules made and order or notification issued under any of the provisions of the said rules, shall, if not inconsistent with the provisions of these rule, be continued, and so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under these rule.

▶ CHAPTER 6

LEGISLATION IN ICT-ISLAMABAD

50 UCs

Population 3 million (Census 2017)



Chapter 6: LEGISLATION IN ISLAMABAD CAPITAL TERRITORY

Right to Free and Compulsory Education Act, 2012

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

This Act extends to all of Islamabad Capital Territory. Within this Act some critical definitions are given such as “Child”, “Appropriate Government”, “Education Advisory Council” etc.

This Act 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, either never been enrolled or dropped out. The OOSC are to be enrolled and provided special training in order for them to be a par with their peers. The duties of the government and parents are also written in detail in the Act.

This Act clarifies that Capitation fee and screening procedures are all outlawed. The Act also does not allow for denial of admission or expulsion. It also asserts the formation of School Management Committees in all schools. Detailed duties of teachers are also stated in the Act.

No private school is allowed to remain open without proper registration from the prescribed authority. The Act also clearly states the prosecution of the offences. Under this Act, The Islamabad Capital Territory Compulsory Primary Education Ordinance, 2002 is repealed.

6.1 THE RIGHT TO FREE AND COMPULSORY EDUCATION ACT, 2012

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 teaching 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.
- (3) 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.

(4) 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.

6.2 DRAFT RULES UNDER THE RIGHT TO FREE AND COMPULSORY EDUCATION Act 2012

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6. Composition and functions of the School Management Committee for the purposes of section 16 of the Act
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9. Admission of children belonging to disadvantaged groups
10. Minimum Qualifications of Teachers
11. Relaxation of minimum qualification
12. Salary and allowances and conditions of service of teachers
13. Duties performed by teachers

PART VI - EDUCATION ADVISORY COUNCIL

14. Constitution of the Education Advisory Council for the purposes of section 22 of the Act
15. Functions of the Education Advisory Council

PART I - PRELIMINARY

3. Short title, extent, and commencement

- b. These Rules may be called the Right to Free and Compulsory Education Rules, 2012-.
- c. They shall come into force from the date of Notification.
- d. They shall extend to the whole of the Islamabad Capital Territory.

4. Definitions

In these Rules, unless the context otherwise requires;

- b. “Act” means The Federal Government Right To Free And Compulsory Education Act, 2012;
- c. “Academic Authority” means an institution constituted and vested with the power by the Appropriate Government for preparing the curriculum, syllabus and evaluation methods, also referred to as the “prescribed authority” within the Act;
- d. “Appropriate Government” means-In relation to a school established, owned or controlled by the Federal Government, the Federal Government; and in relation to a school established, owned or controlled by the Local Government, the Local Government.
- e. “Area” means a geographical area of up to _____ from where a child resides or his/her place of residence;
- f. “Alternative Learning Centres” means schools/centres for children, without disabilities or special needs, who are not enrolled in the regular schools
- g. “Child” means a child, including a child with special education needs, male or female, of the age of five to sixteen years of age;

“Disadvantaged Child” means a child who belongs to a socially or 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 a notification in the Official Gazette;

“Education” means the education pertaining to all or any of the class 1 to 10 in a school of a minimum quality as per prescribed standards; /

“Education” means the prescribed education for a child by the Academic Authority, notified by the Appropriate Government;

“Education Advisory Council” means the Education Advisory Council established under the Act;

“Free Education” means education free of any education related costs, including expenditure on stationery, school bags, and transport,

“Islamabad Capital Territory” means the Islamabad Capital Territory (hereinafter referred to as the „ICT“) as defined under the Capital Territory Local Government Ordinance, 1979;

“Neighbourhood” means the area near or within a walking distance of an elementary school referred to in section 3 of the Act and shall include areas of such schools in adjacent local bodies;

“Notification” means a notification published in the Official Gazette;

“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;

“Prescribed” means prescribed by Rules made under the Act;

“Pupil Cumulative Record” means a record of the progress of the child based on comprehensive and continuous evaluation;

“School” means any recognised school imparting elementary education and includes-

A school established, owned or controlled by the Appropriate Government;

An aided school receiving aid or grants to meet whole or part of its expenses from the Appropriate Government;

A school belonging to a specified category, having a distinct character, established by the Appropriate Government;

A centre set up for a catch up, bridge or alternative programme for out of school dropout or never enrolled children and receiving grants from government and/or private philanthropy

An unaided school not receiving any kind of aid or grants to meet its expenses from the Appropriate Government;

- (i) “School Management Committee” means the School Management Committee under Section 16 of the Act;
- (ii) “Screening Procedure” means the method of selection for admission of a child, in preference over another, other than a random method;

- (iii) “Special Education” means education programmes and practices designed for students with a disability, either physical or intellectual, which require special teaching approaches, equipment, or care within or outside a regular classroom;

5. All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART II - DUTIES AND RESPONSIBILITIES OF THE APPROPRIATE GOVERNMENT TO ENSURE FULFILMENT OF THE RIGHT OF EVERY CHILD TO FREE AND COMPULSORY EDUCATION

1. Access, areas, or limits of school

<https://uploadbuzz.org/5f0rtd96it44>The area or limits of a neighbourhood within which a school has to be established by the Appropriate Government shall be:-

- a. In respect of children in classes from pre-school to 5, a school shall be established within walking distance of 1km (**establish reasonable distance**) of the neighbourhood;
- b. In respect of children in classes from 6 to 8, a school shall be established within walking distance of 1.5 km (**same contention as before**) of the neighbourhood
- c. In respect of children in classes from 9-10/12, a school shall be established within a walking distance of ... the neighbourhood? (up to 16 years minimum)

2. The Appropriate Government shall endeavour to upgrade existing government and aided schools in a phased manner with classes from 1 to 4 to include classes **5 to 10** and in respect of schools which start from class 5 onwards, to add classes from 1 to 4 wherever required, taking into account the availability of such classes in the existing schools in the neighbourhood.

3. In places with difficult terrain, risk of landslides, floods, lack of roads, or an area prone to any other natural disasters, and in general danger for young children in the approach from their homes to the school, the Appropriate Government shall locate the school or alternative learning centres in such a manner as to avoid such dangers, by reducing the area or limits specified under sub-rule (1) of Rule 3.
4. For children from small hamlets, as identified by the Appropriate Government or the local authority, where no school exists within the area or limits of a neighbourhood specified under sub-rule (1) of Rule 3, the Appropriate Government shall make adequate arrangements, such as free transportation and residential facilities for providing elementary education in a school or alternative learning centre, in relaxation of the area or limits specified in the sub rule (1) of Rule 3.

5. In places with high population density, the Appropriate Government may consider the establishment of more than one neighbourhood school having regard to the number of children in the age group of 5-16 years in such places based on the child census conducted by the Federal Government.
6. In respect of children with a disability, which prevents them from accessing the school, the Appropriate Government shall make appropriate and safe transportation and facility arrangements to enable them to attend school and complete elementary education. Additional assistance in the form of home-based teaching shall be arranged for children with severe disabilities, by the Appropriate Government.
7. The Appropriate Government shall impress upon parents and guardians their duty under Section 8 of the Act, to admit or cause to be admitted, their child or ward as the case may be, to a neighbourhood school, for completion of elementary education.
8. The Appropriate Government shall ensure that access of children to school is not hindered:
 - (1) on account of social and cultural factors;
 - (2) on account of closure of a government or aided school referred to under sub-section (i) and (ii) of sub-section (k) of section 2 of the Act, and
 - (3) shall ensure that no school is closed down without the recommendation and prior sanction of the Appropriate Government.
9. The Appropriate Government shall provide free and appropriate pre-school education based on an early childhood care and education policy which shall be formulated by the Appropriate Government as per Section 9 of the Act, to all children above the age of three years till they complete five years so as to prepare them for elementary education. For this and in furtherance of the aforementioned proposed policy, Pre-school Centres (or Early Childhood Care and Education [ECCE] Centres) should be established in all government and aided schools/alternative learning centres in a phased manner within three years from the date of notification of these Rules. A unified child-friendly curriculum with standards shall be developed by the Academic Authority for these Centres.
10. As an interim arrangement, the Appropriate Government may open a new class in all schools for children aged between 4 and 5 years to be known as Pre-primary class for which age appropriate and child friendly learning interactive materials shall be developed. The class shall initially be conducted by utilizing the services of existing teachers for a period of _____ from the date of notification of these Rules, however, the Appropriate Government must train and employ staff duly trained and equipped to teach and deal with children aged between 4 and 5 once this period has elapsed.

11. Academic responsibility of the Appropriate Government to ensure quality education

- (1) The appropriate government shall provide free and compulsory education to every child of the age of five to sixteen years and to this end:-
- (2) Ensure provision of high quality education uniformly in all schools and to this end specify norms and standards in respect of all activities involving quality. These norms and standards shall supplement the norms and standards prescribed in section 15 of the Act;
- (3) Notify the Academic Authority within two months of the date of notification of these Rules, for development of the framework of federal curriculum and for adopting appropriate text books and supplementary learning materials as far as practicable;
- (4) Prescribe an effective system for the implementation of the syllabus, teaching/learning processes and the development of learner –parent friendly learning assessment procedures;
- (5) Prescribe minimum qualifications for teachers and support staff and infrastructure facilities in respect of pre-primary schools based on national norms;
- (6) Ensure quality in pre-primary teacher and elementary and secondary teacher training courses by revising the pre-service pre-primary, elementary and secondary teacher training curriculum in consonance with the pre-primary, primary, elementary and secondary school curriculum every _____ years;
- (7) Provide facilities for pre-service and in-service training for teachers through a specially designed and certified training course in consultation with the provincial-national institutes in this field using Information Communication Technologies (ICTs) where appropriate for face to face and distance learning, and for imparting education to children with disabilities in accordance with internationally-recognized standards, and
- (8) Design an appropriate monitoring mechanism as per the Act and use the outcomes of such monitoring for improving the performance of teachers and appraisal on a continuous basis.

12. The Appropriate Government shall:-

ensure that children with disabilities have access to free education till they attain the age of 18 years and shall promote their integration in to regular schools;

equip and upgrade the existing „Special Schools“ for children with severe disabilities and provide them with residential facilities in appropriate locations;

offer vocational training facilities to all children with disabilities;
provide special teaching/learning material and improved assistive devices and all such items that are necessary to give a child with a disability equal opportunities in education;
provide health and dental care for a child with disabilities at the school level as per section 21 of the Act;
formulate a restructured and relevant curriculum for children with various categories of disabilities, with counseling and linkages to postsecondary programmes for learning, skills and livelihoods and
develop appropriate systems for their continuous and comprehensive evaluation

13. The Appropriate Government shall ensure that no child is subjected to caste, class, religious or gender abuse in any school.
14. The Appropriate Government shall:-
 - (a) provide emotional, psychological and course/career counseling for all children by professionals in co-ordination with government departments in charge of health and social welfare
15. The Appropriate Government shall ensure, in addition to its obligations specified in section 3(3) of the Act that it provides avenues of and access to non-formal education programmes and/or literacy bridge programmes to children specified under section 4 of the Act (and even otherwise) in the form of any organised educational activity outside the established formal system – whether operating separately or as an important feature of some broader activity. To this end:-
 - a. the Appropriate Government shall further ensure that such non-formal education programmes do not function in lieu of formal education as per the Act, providing a means to evade the responsibility to educate all children;
 - b. such non-formal programmes must be designed to perform the function of alternate literacy bridging systems in order to facilitate learning alongside a child's formal education, and
 - c. the Appropriate Government shall involve various community based stakeholders such as non-governmental organisations specializing in education policy making and reforms, for the provision of such non-formal programmes.

PART III - DUTIES AND RESPONSIBILITIES OF PRIVATE (UNAIDED) SCHOOLS TO ENSURE FULFILMENT OF THE RIGHT OF EVERY CHILD TO FREE AND COMPULSORY EDUCATION

1. Responsibilities of Private (Unaided) Schools for the purposes of section 10 of the Act

- (a) For the purposes of these Rules, „Private School“ shall refer to a „School“ as defined under section 2(k)(iii) of the Act and sub-rule 1(p)(v) of Rule 2 hereinabove.
 - (b) All Private Schools shall ensure that they admit in all classes from 1 to 10, children from disadvantaged groups, constituting at least 10% of the total strength of each class.
 - (c) That there is nothing contained within these Rules or in the Act that restricts Private Schools from admitting more disadvantaged children than as specified in sub-Rule 2 hereinabove.
 - (d) Private Schools shall further ensure that such children as specified in sub-Rule 2 hereinabove are provided free education as defined in sub-Rule 1(i) of Rule 2 hereinabove.
 - (e) Private Schools shall admit, as far as practicable, the specified percentage of disadvantaged children from the neighbourhood in which the School is situated. However, there is nothing in these Rules or in the Act that restricts or restrains the Schools from admitting the specified percentage of disadvantaged children from outside the neighbourhood in which the School is situated.
 - (f) Provided if the Private School has Pre-primary classes as established under sub-Rule 10 of Rule 3 hereinabove, 10% of the strength of each of such Pre-primary classes will be reserved for disadvantaged children.
 - (g) Children from the disadvantaged groups and weaker sections should apply under this reservation of 10% seats if their annual family income is less than the minimum limit specified by the Appropriate Government.
 - (h) Each Private School should publically announce through newspapers/ radio/ television and other modes of electronic media the number of seats it has reserved under section 10 of the Act.
2. Each Private School should provide information on the number of seats it has reserved and which have been occupied to the Academic Authority and the Appropriate Government.
 3. All Private Schools which have admitted disadvantaged children must ensure that they protect such children from any and all forms of discrimination and that they do not allow for any segregation between the student populations as a whole.
 4. All other Rules contained herein shall apply in equal measure to Private Schools, barring those which are specifically under the remit and control of the Appropriate Government and thereby exclude Private Schools from their purview.
 5. Furthermore, all Private Schools shall adhere and conform to the norms and standards specified under section 15 of the Act.

6. Nothing contained herein the Rules or in the Act implies that Private Schools can no longer charge fees from the majority of the admitted student population as before. The Schools' obligation under the Act and these Rules to provide free education is limited only to the disadvantaged children admitted to the 10% reserved seats.

PART IV - SCHOOL MANAGEMENT COMMITTEE

1. Composition and functions of the School Management Committee for the purposes of section 16 of the Act

- (a) There shall be a School Management Committee (hereinafter referred to as „the Committee“) in every school other than an unaided school, to be constituted within a period of six months from the date of notification of these Rules, which shall be reconstituted every ____ years. [possibly 2?]
- (b) The Committee shall consist of a minimum of _____ members excluding the member convener and the number of members in the Committee shall in no case exceed _____. The composition of the committee shall be as under: - Seventy five percent of the members of the Committee shall be from amongst parents or guardians of children. As far as practicable, proportionate representation shall be given to the parents of students belonging to disadvantaged groups.

The remaining twenty five percent of the strength of the Committee shall be from amongst the following persons:

- a. one third members from amongst the elected members of the local-
Appropriate Government, to be decided by the Appropriate Government;
 - b. one third members from amongst teachers from the school, to be selected by the teachers of the school, and
 - c. remaining one third from amongst students in the school, to be selected by the parents in the Committee.
- (c) To manage its affairs, the Committee shall elect a Chairperson and Vice- Chairperson from amongst the parent members. The Headmaster/Principal of the school or in his/ her absence the senior most teacher of the school nominated by the Academic Authority shall be the ex-officio Member-Convener of the Committee. The Committee shall meet at least once in a period of ____ months and the minutes and decisions of the meeting shall be properly recorded and made available to the public.

(d) The Committee shall, in addition to the functions specified in clause (a) to (f) of Section 16(2) of the Act, perform the following functions, for which it may constitute smaller working groups from amongst its Members:

(e) a. communicates in simple and creative ways to the population in the neighborhood of the school, the rights of the children as enunciated in the Act; and also the duties of the Federal Government, schools, parents and guardians;

ensure the implementation of sub-sections (a) to (h) of section 18 of the Act;

monitor that teachers are not burdened with non-academic duties other than those specified in section 19 (3) of the Act;

ensure the enrolment and continued attendance of all children from the neighborhood in the school;

monitor the maintenance of the norms and standards prescribed under section 15;

bring to the notice of the Appropriate Government any deviation from the rights of children, in particular the right to be free of mental and physical harassment, denial of admission in to a school, and timely provision of free entitlements as per section 3(2) of the Act;

identify the needs of, prepare a plan accordingly, and monitor the implementation of the provisions of section 4 of the Act;

monitor the identification and enrollment of students, and the provision of facilities for learning for children with a disability, and ensure their participation in, and completion of elementary education, and prepare an annual account of receipts and expenditure of the school.

Any money received by the Committee for the discharge of its functions under the Act, shall be kept in a separate account, to be made available for audit every year.

The Committee's role would be limited to elementary education level.

2. Preparation of School Development/Improvement Plan

a. Every School Management Committee shall prepare a School Development/Improvement Plan.

The School Development/Improvement Plan shall be the basis for all subsequent plans and grants to be made by the Appropriate Government.

The Committee shall prepare the School Development/Improvement Plan at least three months before the end of the financial year in which it is first constituted under the Act.

b. The School Development/ Improvement Plan shall be a three year plan comprising of three annual sub plans.

c. The School Development/Improvement Plan shall contain the following details, namely:-

estimates of class wise enrolment for each year;

requirement of the number of additional teachers, including subject teachers and part time teachers etc., separately for all classes calculated with reference to the norms specified in section 15 of the Act;

physical requirement of additional infrastructure and equipment, calculated with reference to the norms and standards specified in section 15 of the Act especially for laboratories, Information and Communication Technology, libraries, sports and games;

existing infrastructure facilities such as buildings, laboratories, libraries, toilets, drinking water, furniture, equipment, and play-grounds;

prepare a master plan for the school using services of experts keeping in view the future requirements of the school under each item and incorporating the concept of learner-friendly and eco- friendly construction, and

financial requirement in respect of sub-Rules c) and d) above, including for providing special training facilities for late enrollments specified in section 4 of the Act, and assess the requirements separately for each category by age, and entitlements of children such as free text books and uniforms, free transportation and residential facilities required.

3. Special Training

The School Management Committee of a school owned and managed by the Appropriate Government, local authority and aided schools shall identify children requiring special training and organize such training in the following manner namely:-

1. the special training shall be based on specially designed, age appropriate learning material for children with special needs and late enrollments, developed by the Academic Authority;
2. the said training shall be provided in classes held on the premises of the school, or in classes organized in places identified by the local authority or the head teacher;
3. the said training shall be provided by teachers working in the school, and
4. the duration of the said training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress by the teacher concerned, for a maximum period not exceeding two years.

5. The child shall, upon induction into the age appropriate class after special training, continue to receive special attention by the teachers to enable him/her to successfully integrate with the rest of the class, academically and emotionally.

PART V - DUTIES AND RESPONSIBILITIES OF SCHOOLS AND TEACHERS

1. Admission of children belonging to disadvantaged groups

All schools as so specified under the Act shall ensure that no child admitted from within the neighbourhood be segregated from the other children in classrooms nor shall their classes be held at places and timings different from the classes held for other children.

The schools shall ensure that children admitted shall not be discriminated against compared to the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, the use of laboratories, libraries and Information and Communication Technology facilities, extra-curricular activities and sports.

Where in a school, there is no provision for completion of elementary and secondary education, a child shall have the right to seek a transfer to any other school or, where a child is required to move from one school to another, either within the ICT or outside, such child shall have the right to seek a transfer to any other government or aided school for completing his or her elementary and secondary education.

No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure. Contravention of the same shall be liable for punishment under section 11 of the Act.

No child shall be subjected to physical punishment or mental harassment.

2. Minimum Qualifications of Teachers

The Academic Authority shall lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.

The minimum qualifications as per sub-rule 1 hereinabove shall be applicable for every school referred to in the Act.

3. Relaxation of minimum qualification

- a. The Appropriate Government shall estimate the teacher requirement as per the norms and standards set out in section 15 of the Act for all schools within the ICT, within six months from the notification of these Rules.

b. Where an area does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications, as laid down by the Academic Authority, schools shall request, within one year of the commencement of these Rules, the Appropriate Government for relaxation of the prescribed minimum qualifications with programmes to support upgradation of qualifications.

c. On receipt of the request referred to in sub rule 2, the Appropriate Government shall examine the request of the area and may relax the minimum qualifications by way of a Notification with conditions to support upgradation of qualifications over a given period of time.

d. The Notification referred to in sub rule 3 shall specify the nature of relaxation and the time period, not exceeding _____ within which teachers appointed under the relaxed conditions can acquire the minimum qualifications prescribed.

4. Salary and allowances and conditions of service of teachers

The Appropriate Government shall notify the terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.

5. Duties performed by teachers

A teacher, in addition to the functions specified in sub-sections (a) to (i) of sub-section (1) of section 18 of the Act, may perform the following duties:-

1. participation in training and counselling programmes –school based and off site;
2. participation in curriculum formulation, and the development of syllabi, training modules, text book development, policy reviews, and
3. participation in citizenship, life skills-based education for extending soft skills to students/learners for effective societal integration, and
4. any other duty as may be prescribed by the Appropriate Government from time to time.
5. The teacher shall maintain a file containing the Pupil Cumulative Record for every child which shall be the basis for awarding the certificate for completion of elementary education.

PART VI - EDUCATION ADVISORY COUNCIL

1. Constitution of the Education Advisory Council for the purposes of section 22 of the Act

The Education Advisory Council (hereinafter referred to as the Council) shall consist of a Chairperson and eight Members.

The Minister of State for the Ministry of Federal Education and Professional Training shall be the ex-officio chairperson of the Council.

Members of the Council shall be appointed by the Appropriate Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, as under:-

at least _____ member(s) should be from amongst persons belonging to disadvantaged groups and minorities;

at least _____ member(s) should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;

_____ member(s) should be from amongst persons having specialized knowledge in the field of pre-primary education;

at least _____ member(s) should be from amongst persons having specialized knowledge and practical experience in the field of teacher education, child health and nutrition, and

one third of the members shall be women.

The Council may invite representatives of other related departments/ organizations as required.

2. Functions of the Education Advisory Council

- a. The Council shall function in an advisory capacity.
- b. The Council shall perform the following functions, namely:-
- c. advise the Appropriate Government on the implementation of the provisions of the Act in an effective manner;
- d. assess the levels of school education and analyse survey reports on student attainments;
- e. review compliance with:-
- f. norms and standards as specified in section 15 of the Act,
- g. provision of effective system of pre-service and in-service teacher training from pre-primary level upwards,
- h. delivery of quality education to children with special needs;
- i. commission studies and research for the effective implementation of the Act, and
- j. act as an interface between the public, the media and the Appropriate Government in creating awareness, mobilization, and a positive environment for the implementation of the Act.
- k. The Council shall prepare reports relating to the reviews, studies and research undertaken by it and furnish the same to the Appropriate Government.



CHAPTER 7

ANALYSIS OF RTE ACTS

Chapter 7: ANALYSIS OF RTE ACTS

All bills that have been passed in the respective provincial assemblies along with the bill for ICT as of now declare the education in their provincial/geographical territory ‘free and compulsory’.

A detailed bill for Islamabad Capital Territory was passed in the national assembly in 2012. The law extends to the geographical boundaries of Islamabad. After the bill was passed in the National Assembly, similar bills were passed in Baluchistan, Sindh and Punjab. The bills, at one hand, largely signify the comprehensive motive of local governments to enforce a constitutional law, on the other hand, they differ in their scope and are centered on government commitments and their agendas. The bill was passed as an act/law by Sindh Assembly in March 2013, followed by Baluchistan Assembly in February 2014, Punjab Assembly in October 2014 and the Khyber Pakhtunkhwa Assembly in April 2017.

The bills passed in Punjab, Sindh Baluchistan and ICT have some features in common:

- Defining age of the child which law encompasses and excludes gender disparity for this age group.
- Defines the geographical boundaries to which the government exercises their authority.
- Defines the role of parents/guardians to be liable under this law and also outlines conditions punishable by law if the guardian or parent is found guilty.
- Advice on formation of school management committees in some form under each act
- Addresses issue of attendance
- Capitation fee for the private sector is covered in all three acts

The Sindh, Punjab and ICT Acts for RTE are more comprehensive in their scope as compared to Khyber Pakhtunkhwa and Baluchistan. Sindh, Punjab and ICT Acts have been able to address ECE and inclusivity more precisely by not only adding in special children in their bills but also passing an entire section dedicated to special education. The Sindh Act 2013 also addresses race, ethnicity and religion in for better presence of all societal segments. It also, along with the bill for ICT, sets up an Education Advisory Council in the province for the purpose of guidance, action, interventions and monitoring of the law. The Bills passed in Punjab and Sindh establish birth certificates as criteria for age determination of children at the time of admittance to schools and also order registration of all new schools under the provincial governments. Monitoring of child rights has also been designated to local authorities by the provincial governments in both the provinces. Punjab has setup an entire Taleemi Fund for the purpose of this constitutional responsibility, for its efficacy and implementation.

The Khyber Pakhtunkhwa Act, by far, is the briefest RTE Act that has been passed to date and does not encompass many issues that needed urgent address: these include the areas of coverage that otherwise can be incorporated into the bill in light of the law; it 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, nor does it address the education for other disadvantaged groups. 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’ 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. The Khyber Pakhtunkhwa bill has 22 provisions missing that had to be a part of it for making it effective. In addition a detailed reference towards the government, being a law making, controlling, and inspection authority, has to be made in the bill to make it more expansive and show the serious commitment of the Government towards their pledge for Right to Education.

The RTE Act in Balochistan gives some critical definitions like the definition of ‘Child’, ‘Employer’, ‘Management Committee’ etc. It has no reference to ECE or to inclusive Education at all. However, it must be noted that Balochistan has in place an [ECE Policy Framework](#) since 2016 and more recently Balochistan has passed the [Disability Act 2017](#). This RTE Act states that parents are obligated to enrol 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 (1) incapable of attending school due to mental or physical infirmity, (2) where the child is receiving education through another source and the authority is satisfied by the standard of education or (3) 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 the Act, formation of a parent school Management committee is obligated and duties of this committee are given in detail. The committee is to keep records of attendance, of children who are exempted from compulsory education due to a ‘reasonable excuse’. It 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 initiates the formation of School Attendance Authority. It clearly states the penalties to offences of any of the rules stated in the Act. It repeals the Balochistan Primary Education Ordinance, 1962 and the Balochistan Compulsory and Free Education Ordinance of 2013. A major shortcoming of the Act is that it places little emphasis on the responsibility of the Government, but more on the parents.

Compiles the strengths and weaknesses of Provincial RTE Acts.

An Adequate RTE Act must address:

Appropriate definitions/jurisdiction of law	Inclusivity & special education
Capitation fee	Race, ethnicity and religion
Procedure for age determination of children	Provincial Education Advisory council/body
Registration of new schools	Child Rights monitoring
Role of Parents	Education financing
Role of Teachers	Disadvantaged and/or transgender children
Role of public and private schools	Monitoring and evaluation mechanisms
Role of the Local/Provincial Government	Health and safety standards
Attendance issues	Appropriate school facilities
ECE/Pre-primary education	Designated authority to formulate Rules

Figure 2: Outline for a satisfactory RTE Act



CHAPTER 8

SUSTAINABLE DEVELOPMENT GOALS SDG4

Chapter 8: SUSTAINABLE DEVELOPMENT GOALS: SDG4

The legislation on Right to Education in Pakistan has not been cultivating in an international vacuum – the political and policy agenda on Education has also been gaining momentum internationally. The Sustainable Development Goals (SDGs), which came into effect in January 2016, are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity, a major focus of which is accessible and quality Education for all. The SDGs are a comprehensive set of [17 goals](#), and Goal 4 deals with Education, as stated below:

Sustainable Development Goal 4:

Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Article 25A corresponds to SDG 4 in remarkable ways.

- Indicator 4.1 of SDG 4 talks about equitable, free and quality primary and secondary education for all, regardless of gender. A sentiment that is the bases of Article 25A
- Indicator 4.3 talks about equal access to both males and females to affordable and quality technical, vocational and tertiary education.
- Indicator 4.5 talks about eliminating Gender disparity in education and equal access to all levels of education.
- Indicator 4.6 says that it should be ensured that substantial proportion of youth and adults achieve literacy and numeracy.
- Ensuring that all learners acquire the knowledge and skills needed to promote sustainable development – human rights, gender equality and promotion of culture of peace and non-violence is a part of indicator 4.7
- 4.7.1 Builds on indicator 4.7 and says that it should be ensured that education for sustainable development should be mainstreamed by 2030 including National Policies, curricula, teacher education and student assessment.
- Indicator 4.a is all about upgrading educational facilities so that they are gender sensitive, child and disability sensitive.
- Article 25 A and the Provincial Acts that followed mostly encompassed most of these indicators.

8.1 Importance of SDG4 in achieving all other SDGs

The motivation behind SDG 4 is that achieving inclusive and quality education for all reiterates the certainty that education is one of the most powerful and proven vehicles for sustainable development. This goal ensures that all girls and boys complete free primary and secondary schooling by 2030. It also aims to provide equal access to affordable vocational/skills training, to eliminate gender and wealth gaps, and achieve universal access to a quality higher education. The undisputed importance of achieving SDG4 in order to achieve all other SDGs is given in Figure 1 below.

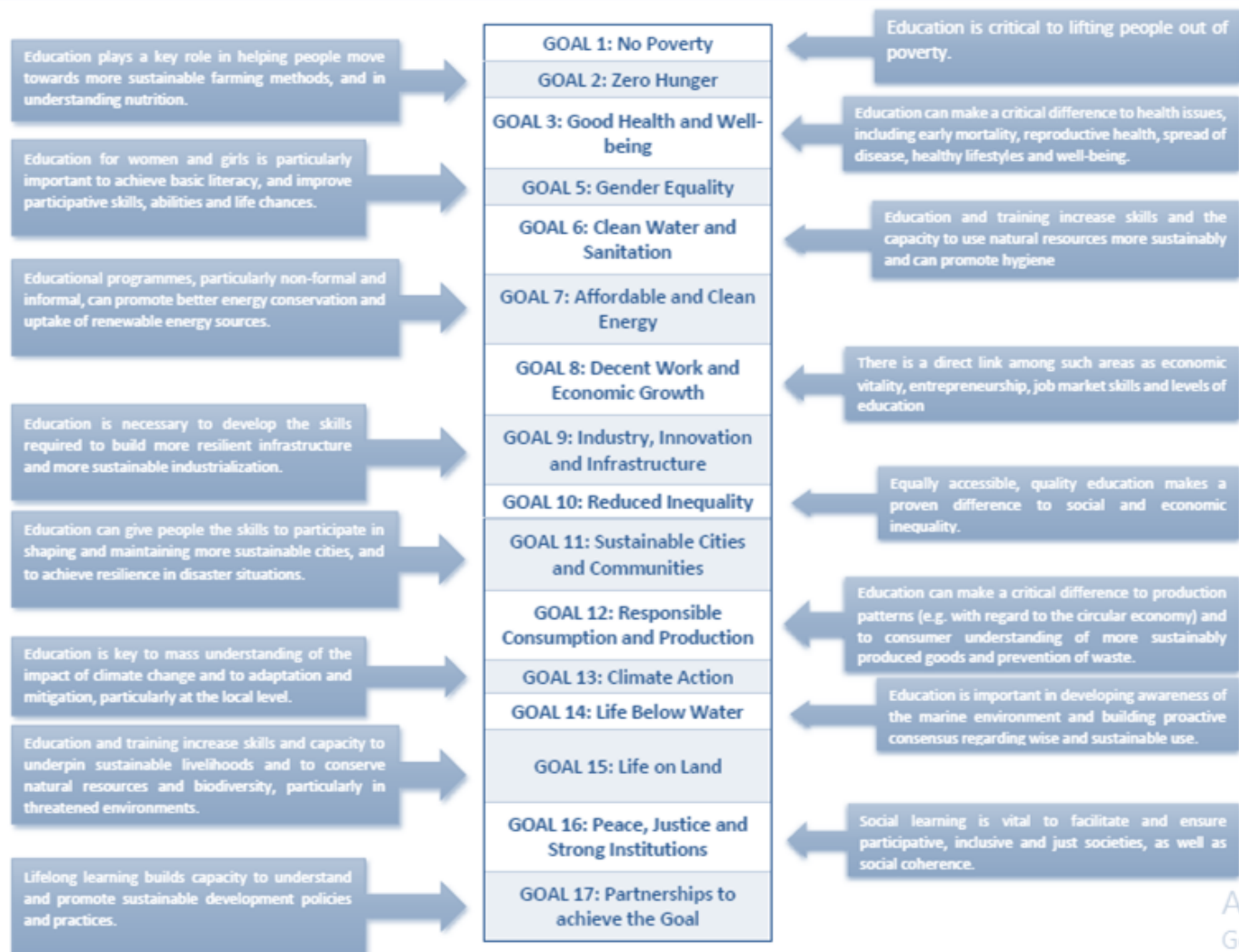


Figure 1: SDG 4 is vital for achieving other SDGs

8.2 SDG4 Targets and Indicators

The global indicator framework was developed by the [Inter-Agency and Expert Group on SDG Indicators](#) (IAEG-SDGs) and agreed to, as a practical starting point at the [47th session of the UN Statistical Commission held in March 2016](#). The report of the Commission, which included the global indicator framework, was then taken note of by [ECOSOC](#) at its 70th session in June 2016.

Figure 2 below shows the Global Indicators for [SDG4](#).

<p>4.1.1</p> <ul style="list-style-type: none"> • 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 	<p>4.2.1</p> <ul style="list-style-type: none"> • Proportion of children under 5 years of age who are developmentally on track in health, learning and psychosocial well-being, by sex 	<p>4.2.2</p> <ul style="list-style-type: none"> • Participation rate in organized learning (one year before the official primary entry age), by sex 	<p>4.3.1</p> <ul style="list-style-type: none"> • Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex 	<p>4.4.1</p> <ul style="list-style-type: none"> • Proportion of youth and adults with information and communications technology (ICT) skills, by type of skill 	<p>4.5.1</p> <ul style="list-style-type: none"> • 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
<p>4.6.1</p> <ul style="list-style-type: none"> • Percentage 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 	<p>4.7.1</p> <ul style="list-style-type: none"> • 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 	<p>4.A.1</p> <ul style="list-style-type: none"> • 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) 	<p>4.B.1</p> <ul style="list-style-type: none"> • Volume of official development assistance flows for scholarships by sector and type of study 	<p>4.C.1</p> <ul style="list-style-type: none"> • 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 	

Figure 3: The Global Indicators of SDG4

The list of SDG4 targets is given below:

- 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
- 4.2 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
- 4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university
- 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
- 4.5 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 peoples and children in vulnerable situations
- 4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy
- 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, 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.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.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 and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries
- 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



CHAPTER 9

CONCLUSION

Chapter 9: CONCLUSION

As shown in the book, the legislation under Article 25-A of the constitution and the 18th Amendment does exist across Pakistan barring Gilgit Baltistan and AJK. However, implementation of these laws is seriously lacking as Rules of Business currently only available in Sindh since 2017. In this context, raising wide public awareness about these laws is fundamental for the implementation of Article 25-A.

Considering the Right to Education Acts in Pakistan, there are some shortcomings that must be highlighted. The Acts in Khyber Pakhtunkhwa and Balochistan do not address the multifaceted nature of the issues they are addressing. [The Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act 2017](#) is very brief and simplistic. It does not go into details of the role/responsibilities of teachers, school authorities and parents in children's Right to Education. While it addresses the issue of attendance to some extent, it only shows a surface level understanding of the problem by not specifying the responsibilities of the various stakeholders or the integration procedure of disadvantaged children. [The Balochistan Compulsory Education Act 2014](#) also suffers from similar shortcomings as it places the brunt of the responsibility of Education on Parent School Management Committee (PSMCs); the responsibility of the Government is only mentioned briefly further on into the Act. As Education is a public good, it is the State's responsibility to provide it as a Fundamental Right, and there is vast evidence to believe that the Education crisis is also a supply side problem, the State cannot shirk its role in providing Free and Quality Education to all. On the other hand, the RTE Acts in Sindh and Punjab are much more comprehensive and relevant to the Education scenario at hand.

In addition to the Provincial/ICT Acts, the presence and quality of Rules of Business is fundamental to the implementation of Article 25A; other than Sindh, no province/area has passed Rules of Business as yet, even though draft rules have been formulated and repeatedly suggested by civil society experts. The Shadow Rules of Business have been shared in the Blue Book to not only bring them to the notice of people but to reinstate the need for the Rules of Business for all provinces to be passed. The hope is to inform people about the existing legislation, the improvements that can be made to it and the updates that need to be carried out.

Complementarily to the RTE Acts and Rules of Business, progress on Article 25A is underway across Pakistan. For General Elections 2018, all the major political parties included Education priorities in their manifestos. The Provinces have formulated Education Sector Plans and are implementing various initiatives to address issues of out of school children and learning outcomes. The civil society and research organisations have produced various updated and detailed resources that can help policy makers make informed decisions. In addition, there have been numerous cases on Article 25A tried and tested in courts, where the Right to Education has been protected. All these avenues of implementation, and many more, have been detailed in the [Green Book: Evidence on Implementation of RTE on Selected Themes](#). Henceforth, the laws shared in the Blue Book must be kept as critical reference documents while democratic activism gets stronger in Pakistan.



RIGHT
TO EDUCATION
PAKISTAN



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