

**THE SINDH RIGHT OF CHILDREN TO FREE AND
COMPULSORY EDUCATION
BILL, 2013.**

SINDH BILL NO. 07 OF 2013.

**A
BILL**

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

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

Preamble.

**CHAPTER-I
PRELIMINARY**

It is hereby enacted as follows:-

- 1 (1) This Act may be called the Sindh Right of Children to Free and Compulsory Education Act, 2013;
- (2) It extends to the whole Province of Sindh.
- (3) It shall come into force at once.

Short title and commencement.

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 -
 - (i) a school established by or controlled by the Government or a local authority;
 - (ii) a school receiving aid or grants, whole or part of its expenses from Government or the local authority;
 - (iii) a school belonging to specified category; and
 - (iv) 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 of sex and race shall have a fundamental right to free and compulsory education in a school.

Right of Child to Free and Compulsory Education

(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.

(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;

Special provisions for education.

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;

Right of transfer to other school.

(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.

Duty of Government and local authority to establish school.

(2) Government shall encourage enterprises, institutions and other segment of society, by offering incentive, to establish schools to facilitate free and compulsory education.

(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.

Sharing of financial and other responsibilities.

(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.

(4) It is obligation of the Government to -

- (a) provide free education to every child;
- (b) ensure compulsory admission and attendance to complete school education;
- (c) ensure that the disadvantaged child is not discriminated against and prevented from, on any grounds whatsoever for pursuing and completing education;
- (d) provide infrastructure including standard school building, playgrounds, laboratories, teaching learning material and teaching staff;
- (e) monitor functioning of schools within its jurisdiction;
- (f) decide the academic calendar;
- (g) provide all training facilities for teachers and students;
- (h) ensure good quality education conforming to the

- prescribed standard and norms;
- (i) ensure timely prescribing of curriculum and courses of studies for education; and
- (j) 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. **Child to attend school in the neighbourhood.**

(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. **Provision for free pre-school education.**

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;

Private Schools to provide for free and compulsory education.

11. (1) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents to any screening procedure other than academic merit. **No capitation fee and screening procedure.**

(2) Any school or person, if in contravention of the provisions of sub-section (1) -

(a) receives capitation fee, shall be punishable with fine which may extend to twenty times the capitation fee charged for the first contravention and fifty thousand

rupees for each subsequent contravention; in default of fine by the owner of the school or his authorized representative shall undergo imprisonment for one month and two months respectively;

- (b) subject a child or parent or guardian to screening procedure, shall be punishable with fine which may extend to fifty thousand rupees for the first contravention and one hundred thousand rupees for each subsequent contravention; in default of payment of fine by the owner of the school or his authorized representative shall undergo imprisonment upto three months.

12. For the purposes of admission to a school, the age of a child shall be determined on the basis of the birth certificate issued as may be prescribed: **Determination of age of a child.**

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

13. (1) A child shall be admitted in school at the commencement of every 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 Government, after the commencement of this Act, shall be established or shall function, without obtaining a certificate of registration from the prescribed authority. **Registration of schools.**

(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.

Norms and Standards of School

(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

School 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 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 (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.

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 maintained in each school within one year from the date of commencement of this Act or as may be prescribed from time to time.

Other Teachers Related Matters.

(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 Act, also perform the following functions, namely:- **Implementation and monitoring of child's rights.**

- (a) take all necessary measures for the effective implementation of the child rights under this Act; and
- (b) inquire into complaints relating to child's right and take appropriate action.

(2) Any person having any grievance relating to the rights of a child under this Act may make a written complaint to Government.

(3) After receiving the complaint under sub-section (2), Government shall decide the matter within the period of one month after affording a reasonable opportunity of being heard to the parties concerned.

22. (1) Government shall constitute an Education Advisory Council consisting of such number of members, not exceeding nine including chairperson, to be appointed from amongst persons having knowledge and practical experience in the field of the education, child rights and child development to advise the Government on implementation of the provisions of this Act in an effective manner. **Education Advisory Council.**

(2) The Education Advisory Council shall also ensure that every

child required to attend a school under this Act attends a school and for this purpose it shall take all steps as may be considered necessary or as may be specified by Government;

(3) The terms and conditions of the appointment of members of the Education Advisory Council shall be such as may be prescribed.

23.(1) Teachers, educational administrators, educational researchers, individuals and organizations who meet the prescribed criteria may be awarded the prescribed awards. **Awards.**

(2) Parents and school management committees with outstanding performance may be given awards.

(3) Students with excellent achievements in learning and training may be given the prescribed awards.

CHAPTER-VIII MISCELLANEOUS

24. (1) No person shall promote an educational institution, whether by advertisement, prospectus, brochure or otherwise, unless the educational institution has been registered or a provisional certificate of registration has been issued. **Registration.**

(2) A person who contravenes sub-section (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year, or to both.

25. (1) Government shall, from time to time, inspect or cause to be inspected a registered educational institution for the purpose of ascertaining that the provisions of this Act and the rules have been and are being complied with. **Inspections and Directions.**

(2) Government may issue such guidelines and give such directions as it deems fit for the proper implementation of the provisions of this Act.

(3) Every school shall provide such information as may be required by 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 **Protection of action taken in good faith.**

person, in respect of anything which is in good faith done, in pursuance of this Act, or any rules or order made thereunder.

28. The Sindh Compulsory Primary Education Ordinance, 2001, stand repealed:

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

29. Notwithstanding anything contained in any other law, for the time being in force, the provisions of this Act shall have over-riding effect. **Over-riding effect.**

30. (1) Government may, by notification, make rules, for carrying out the provisions of this Act. **Powers to make rules.**

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely: –

- (a) the area or limits for establishment of a school;
- (b) the manner of maintenance of records of children;
- (c) determining the age of child;
- (d) the extended period for admission and the manner of completing study if admitted after the extended period;
- (e) the manner of giving special teacher or management, training and the time-limit thereof;
- (f) the authority, the form and manner of making application for certificate of registration;
- (g) the form, the period, the manner and the conditions for issuing certificate of registration;
- (h) the manner of giving opportunity of hearing under this Act;
- (i) the functions of School Management Committees;
- (j) the preparing School Annual Development and Academic Plan;
- (k) the salary and allowances payable to, and the terms and conditions of service of teachers;
- (l) the duties to be performed by the teachers;
- (m) the manner of redressing grievances of teachers, students or any other person;
- (n) the form and manner of awarding certificate for completion of the education; and
- (o) the allowances and other terms and conditions of appointment of members of the relevant Education Advisory Council.

STATEMENT OF OBJECTS AND REASONS

Article 25A of the Constitution of the Islamic Republic of

Pakistan, 1973 provides for free and compulsory education to all children aged five to sixteen years as a fundamental right and its provision is a responsibility of public and private schools in the Province. Accordingly, a comprehensive law to provide for free and compulsory education is the mandate of the Constitution and the need of the time and to enact this Act.

The Bill seeks to achieve the above object

MEMBER-IN-CHARGE

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