

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No.16 of 2014

THE PUNJAB FREE AND COMPULSORY EDUCATION Bill 2014

A
Bill

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.

(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 of any or no gender 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, cultural, gender 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 or an autonomous or statutory body of the Government exercising administrative control over a school;
- (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 framed under the Act;
- (k) "school" means an educational institution imparting 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) an un-aided school not receiving any kind of aid or grant to meet its expenses 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, in preference to another, 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 or a position in engineering, accounting, nursing, healing arts or architecture.

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 school to another, for any reason, such child shall continue to have a right to completing his education in such other school.

(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 establish 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;
- (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; or
- (c) where there is no school within a distance of two kilometers measured according to the nearest route from the residence of the child.

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 consisting of such persons and confer on it the prescribed powers in relation to the school.

12. Farogh-e-Taleem Fund.– (1) The Government may permit a school management body to establish, in the prescribed manner, a Farogh-e-Taleem Fund for the school.

(2) All voluntary contributions from the philanthropists, alumni, students and parents shall be credited to the Farogh-e-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;
- (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) A school or person shall not, while admitting a child in the school, collect any capitation fee or, in case of schools owned by the Government or a local authority other than the prescribed schools, subject the child or his parent to any screening procedure.

(2) Any school or person who, in contravention of the provisions of subsection (1),-

- (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
- (b) subjects a child or parent to screening procedure, shall be punishable with fine which may extend to fifty thousand rupees in the first instance and one hundred thousand rupees for each subsequent instance of contravention.

15. Proof of age for admission.— (1) For purposes of admission to a school, the age of a child shall be determined on the basis of the birth certificate or such other document as may be prescribed but a child shall not be denied admission in a school for lack of proof of age.

(2) If a child is admitted in a school without producing the birth certificate, the incharge of the school shall send, in writing, the particulars of the child to the local authority responsible for birth registration of the child.

16. Admission, expulsion and corporal punishment.— (1) Subject to such exceptions as may be prescribed, a school shall admit children at the commencement of every academic year.

(2) Subject to the provisions of sections 3 and 6, a school shall not 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;
- (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 incharge of the school shall immediately inform the local government and to such officer as the Government may authorize to receive such communication.

(4) The incharge of a school shall ensure that a child studying in the school is not subjected to corporal punishment or harassment.

(5) A person who contravenes any provision of this section shall be guilty of gross misconduct and shall be liable to disciplinary action under the law or contract of service of such person.

17. Duties of teachers.– (1) The incharge of a school shall effectively carry out his functions and shall enforce discipline amongst the teachers and the students.

(2) A teacher including the incharge 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, potentiality 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.

(2) 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.

CHAPTER V

PROTECTION OF RIGHT OF CHILDREN

18. Monitoring of right to education.– (1) The Government shall:

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

(2) Any person having any grievance relating to the rights of a child to education may make a written complaint to the Government or to the prescribed authority.

(3) On receipt the complaint under subsection (2), the Government or the prescribed authority shall decide the matter within the period of thirty days after affording a reasonable opportunity of being heard to the parties.

(4) Any order passed under this section shall be final and the administration of the school shall implement such order.

CHAPTER VI MISCELLANEOUS

19. Inspections and directions.— (1) In addition to the routine quality assurance of the schools and education of different levels, the prescribed authority shall inspect or cause to be inspected a school for purposes of ascertaining that this Act and the rules have been and are being complied with.

(2) The Government may issue such guidelines and give such directions to a local authority, as it deems fit, for effective implementation of this Act.

(3) A school shall provide such information as the Government or the prescribed authority may require.

20. Residuary penalty and liability of corporations.— (1) Unless otherwise provided, if a person contravenes any order made under this Act, he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

(2) If the person contravening an order made under this Act or any penal provision of the Act is a Company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

21. Prosecution and compounding of the offences.—(1) No Court shall take cognizance of any offence under this Act except on a complaint in writing made by the prescribed authority.

(2) An offence under this Act shall be bailable and compoundable.

(3) An officer so authorized by the prescribed authority may, in the prescribed manner, compound any offence punishable under this Act on payment, within such time as may be specified in the order, of specified sum of money which shall not exceed fifty percent of the amount of the maximum fine to which the person would have been liable if he had been convicted of the offence.

22. Summary trial.—(1) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (*V of 1898*) but subject to subsection (3), the Court shall summarily try an offence punishable under this Act on the basis of a complaint submitted by the an authorized officer of the prescribed authority and impose punishment of imprisonment for a term not exceeding six months or fine not exceeding fifty thousand rupees.

(2) The Court shall conduct the summary trial of an offence under the Act in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure 1898 (*V of 1898*) relating to the summary trials.

(3) If the Court is of opinion that the nature of the offence does justify summary trial, it may conduct proceedings in accordance with the

provisions of Chapter XX of the Code of Criminal Procedure 1898 (V of 1898).

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

24. Power to make rules.— 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) manner of giving special training and the duration of such trainings;
- (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 Farogh-e-Taleem Fund; and
- (j) maintenance and audit of accounts.

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

26. Repeal.— The Punjab Compulsory Primary Education Act, 1994 (IX of 1994) is hereby repealed.

27. Repeal.— The Punjab Free and Compulsory Education Ordinance 2014 (V of 2014) is hereby repealed.

MINISTER INCHARGE

Lahore:
May 2014

RAI MUMTAZ HUSSAIN BABAR
Secretary