

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

to amend the Right to Free and Compulsory Education Act, 2012

Whereas it is expedient to amend the Right to Free and Compulsory Education Act, 2012 (XXIV of 2012), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Right to Free and Compulsory Education (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 10, Act XXIV of 2012.**- In the Right to Free and Compulsory Education Act, 2012 (XXIV of 2012), hereinafter referred to as the said Act, in section 10, in clause (b), in the Proviso, for the full stop at the end a colon shall be substituted and thereafter the following new proviso shall be added, namely:-

"Provided further that every school established under sub-clause (ii) and (iii) of clause (k) of section 2, shall submit annual report to the Government of all admissions in the school and name of the disadvantaged children admit in the school on the prescribed quota under clause (b).

3. **Amendment of section 13, Act XXIV of 2012.**- In the said Act, for section 13, the following shall be substituted, namely:-

"13. 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 5, 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 sub-section (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 teacher or 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."

4. Amendment of section 15, Act XXIV of 2012.-Inthe said Act, in section 5, after sub-section (4), the following new sub-sections shall be added, namely:-

"(5) class size of every school is forty to fifty children per teacher, however, class size may be increased to sixty to seventy pupils per teacher if there is a teacher aide.

Classroom size and land of the school should be appropriate as per requirements of necessary equipment.

(6) Furniture such as tables, chairs, shelves lockers and cabinets should be proportionate to children's sizes. Playground apparatus must be installed in the school ground such as jungle gym, sandbox, slide, balance beams and simple obstacles.

(7) Health facilities such as toilet, safe drinking and washing facilities must be adequate and suitable to children's height, size and other special needs. First aid kits must be available. A rest area may be provided for the children. The area should be free from hazards and proper and adequate lighting and ventilation should be provided.

(8) The classroom should have activity areas for the personal care and grooming, house and garden care, communication skills, sensory-perceptual and numeracy skills corner and creative development corner etc.

(9) Space for playground must be provided, otherwise, easy and safe access to the nearest part or open space not more than 200 meters walking distance from the school site may be presented as an alternative. This arrangement must be approved in writing by the authorized representative of the park or open space.

(10) The school site must be used for educational purposes only. It must not serve as the residence of the owner. It should not also be a convertible school," that is during the day it is used as a school and after class hours converted into a residence or used for commercial purposes."

5. Amendment of section 17, Act XXIV of 2012.- In the said Act, in section 17, in sub section (2), for the full stop at the end a colon shall be substituted and thereafter the following new proviso shall be added, namely:-

"Provided further that teachers shall participate in the refresher courses designed by the authority so that the teachers keep abreast with the latest in their field and what new teaching methodology do they need to incorporate for the betterment of students. The courses will be subject-specific and will be updated every year."

6. Insertion of new section 25A, Act XXIV of 2012.- In the said Act, after section 25, the following new section 25A, shall be inserted, namely:-

"25A. Residuary penalty and liability of corporations.- (1) Unless otherwise provided, if any responsible person contravenes the Act or 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 two hundred 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.

7. Amendment of section 26, Act XXIV of 2012.- In the said Act, after section 26, the following new section 26A shall be inserted, namely:-

"26A. Summary trial—(1) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (Act V of 1898) but subject to sub-section (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 two hundred 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 (Act 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 (Act V of 1898)."

STATEMENTS OF OBJECTIONS AND REASONS

It is the responsibility of the Government to ensure the implementation of laws in the state. Education has a key role in the development of a nation. The Right to Free and Compulsory Education Act, 2012 is toothless legislation and required to insert penal clauses to implement Article 25A of the Constitution of Islamic Republic of Pakistan. Schools especially private schools are not implementing the ten percent quota of the poor children in letter and spirit. Furthermore, the progress of a country depends on quality education. Quality education can only be achieved through basic facilities like curriculum and extra curriculum activities, school buildings, electricity, laboratories and drinking water for education. Basic facilities missing in the existing schools may be provided on a fast track so that all schools and buildings are fully functional. The proposed legislation will bring a change in quality education and helps the Government to implement the vision of free and compulsory education in the Islamabad Capital Territory.

Sd/-
Mr. James Iqbal,
Member, National Assembly

[قومی اسمبلی میں پیش کردہ صورتوں میں]

بلامعاوضہ و لازمی تعلیم کا حق ایکٹ، ۲۰۱۲ء میں مزید ترمیم کرنے کا

بل

چونکہ یہ قرین مصلحت ہے کہ بعد ازیں ظاہر ہونے والی اغراض کے لئے بلا معاوضہ و لازمی تعلیم کا حق ایکٹ، ۲۰۱۲ء

(ایکٹ نمبر ۲۳ بابت ۲۰۱۲ء) میں مزید ترمیم کی جائے؛

بذریعہ ہذا حسب ذیل قانون وضع کیا جاتا ہے:-

۱۔ مختصر عنوان اور آغاز نفاذ:- (۱) ایکٹ ہذا بلا معاوضہ و لازمی تعلیم کا حق (ترمیمی) ایکٹ، ۲۰۲۰ء کے نام سے موسوم ہوگا۔

(۲) یہ فی الفور نافذ العمل ہوگا۔

۲۔ ایکٹ نمبر ۲۳ بابت ۲۰۱۲ء، دفعہ ۱۰ کی ترمیم: بلا معاوضہ و لازمی تعلیم کا حق ایکٹ، ۲۰۱۲ء (نمبر ۲۳

بابت ۲۰۱۲ء) جس کا بعد ازیں مذکورہ ایکٹ کے طور پر حوالہ دیا گیا ہے، دفعہ ۱۰ میں، شق (ب) میں جملہ شرطیہ میں، آخر میں وقف کامل کو وقف توضیحی سے بدل دیا جائے گا اور بعد ازیں حسب ذیل جملہ شرطیہ کا اضافہ کر دیا جائے گا، یعنی:-

”مزید شرط یہ ہے کہ دفعہ ۲ کی شق (ک) کی ذیلی دفعہ (ii) اور (iii) کے تحت قائم شدہ ہر سکول، سکول میں تمام داخلوں اور شق (ب) کے تحت مجوزہ کوٹا پر سکول میں داخل ضرر رساں بچوں کے ناموں کی سالانہ رپورٹ حکومت کو پیش کرے گا۔“

۳۔ ایکٹ نمبر ۲۳ بابت ۲۰۱۲ء، دفعہ ۱۳ کی ترمیم: مذکورہ ایکٹ میں، دفعہ ۱۳ میں، حسب ذیل کو تبدیل کر دیا جائے گا، یعنی:-

”۱۳۔ داخلہ، اخراج اور جسمانی سزا:- (۱) ایسی مجوزہ مستثنیات کے تابع جیسا کہ مقرر کی جائیں، کوئی سکول ہر تعلیمی سال کے آغاز پر بچوں کا داخلہ کرے گا۔

(۲) دفعات ۳ اور ۵ کی تصریحات کے تابع، کوئی سکول مجوزہ تعلیم کی تکمیل تک سکول میں داخل کسی بچے کا تبادلہ یا اخراج نہیں کرے گا یہاں تک کہ-

(الف) اس بچے کے کسی دیگر سکول میں تبادلہ کے لئے مجوزہ انداز میں انتظام کر لیا گیا ہو؛

(ب) اس بچے کا دو متواتر سالانہ امتحانات میں یہ اندازہ لگایا گیا ہو کہ وہ سکول کے تعلیمی معیار سے کم رہا ہے؛

(ج) سکول کی انضباطی کمیٹی کی جانب سے ایک معقول فیصلہ کی منظوری دی گئی ہو کہ اس سکول میں بچے کا

مزید رہنا سکول کے نظم و ضبط کے لئے نقصان دہ ہے؛ یا

(د) بچے یا اس کے والدین کسی نجی سکول کی صورت میں اس کی فیس کی عدم ادائیگی بشمول کوئی مجوزہ شرط

کو پورا کرنے میں ناکام ہوں۔