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PART-IV

**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.

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

SINDH ACT NO. XIV OF 2013.

**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; **Preamble.**

**CHAPTER-I
PRELIMINARY**

It is hereby enacted as follows:-

Short title and commencement.

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.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context-

- (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 to 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.

Right of Transfer to other School.

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**

Duty of Government and local authority to establish school.

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.

(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.

Sharing of financial and other responsibilities.

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.

