THE BALOCHISTAN COMPULSORY EDUCATION ACT, 2014

(Baln Act V of 2014)

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[1]THE BALOCHISTAN COMPULSORY EDUCATION ACT, 2014

(Baln Act V of 2014)

[*6th February, 2014*]

An Act to provide for the free & compulsory education in the Province of Balochistan.

Preamble.

WHEREAS, it is expedient in the public interest to provide for the compulsory education in the Province of Balochistan 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;

AND WHEREAS, 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 imitation 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. (1) This Act may be called the Balochistan Compulsory Education Act, 2014.

(2) It extends to the whole of Balochistan except the Tribal Areas.

(3) 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 Balochistan 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

[1] This Act was passed by the Balochistan Assembly on 28th February, 2014: assented to by the Governor of Balochistan on 4th February, 2014: published in the Balochistan Gazette (Extraordinary) No. 121, dated 6th February, 2014.

five years and not more than sixteen years;

(d) "Education" means education pertaining to all or any of the classes I to X in a school, of a minimum quality as per prescribed standards;

(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 prescribe by rules made under this Act;

(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 include a 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.

Compulsory Education.

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.

Formation of Parent School Management Committee.

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 power 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 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 function:—

(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 the authority the exemptions for 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 it 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;

(k) to sanction one day casual leave in favour 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 development activities.

Issue of attendance order by the Management Committee.

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.

Reasonable excuse for non-attendance.

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 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 with in a distance of two kilometers measured via nearest route from the residence of the child.

School Attendance Authority.

7. (1) Government may constitute one or more School Attendance Authorities for the purpose 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 re-admitted 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 a opportunity of being heard and after such enquires 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.

Offences.

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 employee a child whether on remuneration of otherwise required under this Act to attend a School, shall on conviction before a Magistrate, be punished 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.

Cognizance of Offence.

9. No Court other than a Magistrate 1st class having territorial jurisdiction where the case 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 the behalf.

Provision of Education by the Provincial Government.

10. The Government shall make facilities for education available in the Province.

Power of Provincial Government to make Rules.

11. The Government may make rules for the purpose of carrying into effect the provision of this Act.

Repeal and Saving.

12. (1) The Balochistan Primary Education Ordinance,

1962 (West Pakistan Ordinance No. XXIX of 1962) and the Balochistan Compulsory and Free Education Ordinance, 2013 (Ordinance No. II 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 confessed, 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, confessed, made or issued under this Act.
