

## Implementation of Article 25-A of the Constitution of the Islamic Republic of Pakistan in Punjab and KPK: A Critical Analysis of Government's Memorandum and Shortcomings

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### Abstract

Education is one of the key factors to make a country's socio-economic conditions a better place. Pakistan, a signatory to EFA, UN conventions on education, and several other educational policies, still needs to develop the educational sector concerning free education. One of the significant causes of failure to achieve this goal is a catastrophe in strategically implementing clause Article 25-A mentioned under constitution 1973. What exactly Pakistan needs to do is to present identical policies across provinces through the competent staff for tutoring the same curriculum with the allocation of Budget at 4% of GDP while taking the complete support of bureaucracy and politicians; otherwise to boost up education sector would be considered as a vision only rather than a reality. The study also suggests that local bodies, with the help of NGOs, should take this concern from the primary level to the secondary level, at least around all provinces irrespective of gender, class, and area.

**Keywords:** Article 25-A, Female Literacy, Free education, Uniform Policy, Schooling, HDIR, GDP



### Introduction

Challenges that are faced by Pakistan today are related to improvement and expedition of its education set up. One-half of the inhabitants of Pakistan are ignorant, and children are predominantly from the primary age group even they do not appear in schools. The study delivered the school system summarily in Punjab and KPK. This problematic situation has been primarily witnessed in rural areas and for the female child.<sup>1</sup> It is instructed under Constitution 1973 to offer free and compulsory education in the age group of 5-16 years and improve adult literateness. The 18th Amendment under constitution 1973 grasped the significant changes and provided autonomous powers to provinces via inserting clauses of free education under article 25.<sup>2</sup> Even after inserting 25(A) in the constitution to ensure free and compulsory education, the situation is still not fruitful. In many rural areas, the female child faces many issues, like reaching schools through transportation, which are lacking at rural sides. The other primary reason is poverty to manage the fares of bus daily.<sup>3</sup> Secondly, in a patriarchal society, many parents are resistant to sending their female offspring to co-education schools in urban areas, which alarmingly increases the illiteracy rate in girls even though they are unable to read and write.<sup>4</sup>

Through education, a difference can be created in the minds and lives of people. No. of constitutions around the globe takes education as an enforceable and fundamental right, while others inserted this principle under state policies only.<sup>5</sup> In Pakistan, it's part of the principle of policy and considered a fundamental right (hereinafter FR) and a breach that can be challenged under the court of law. Punjab, the most populous province in Pakistan, is facilitated by the best education and health amenities.<sup>6</sup> Meanwhile, KPK is suffering from a shortage of the policy due to an extremists group of people as they blasted the girl's school a few years back for being reluctant for their education. Brutal attack on Malal Yousaf Zai and APS is nothing but a tool to convey hatred towards women's education.<sup>7</sup>

Being a developing country, Pakistan is trying its level best to grab the issue of education almost in all provinces. After the 18<sup>th</sup> Amendment, the Right to education becomes FR of every other child in Pakistan.<sup>8</sup> The state shall put its best to abolish illiteracy and ensure quality education, at least at the secondary

level. To knob down this issue, the Pakistani Government took every step while joining conferences at the international and national level for FR of education. Pakistan lacks basic level education (syllabus designing) and is abortive to provide quality and equal education in infrastructure and syllabus.<sup>9</sup>

### **History and Current position of Education in Pakistan**

The initial step taken in the field of education by Pakistan can be traced from 1947 while recognizing "*Universal Primary Education*" as an authority.<sup>10</sup> Commission of National Education (hereinafter CNE) is another step taken in 1959 followed by national policies from 1969 to 2009 with few missing years in-between. Many international consonants talk about the Right to education in which the Universal Declaration of Human Rights (hereinafter UDHR), CRC, and ICESCR are prominent.<sup>11</sup> Pakistan constitution 1973 under articles 25-A, 37-B, and 38-D are safeguarding education.<sup>12</sup> For the implementation of these articles under the constitution following methods to be required by the concerned Government;

a) Sanction boards need to be established across provinces to improve schools' conditions with due authority. There should be deletion of ghost schools with punitive actions for a guilty person receiving benefits/salaries without executing their duties.<sup>13</sup>

b) The Accreditation boards should be more vigilant for the primary purposes for which they have been established. The board's findings should be implemented in "*stricto sensu*" so that schools' sense of justice and improvement can be seen evidently.

c) Financial allocations need to be enhanced by the provincial Government to develop the education system through infrastructure and ensure students' attendance at the school level.<sup>14</sup>

d) Schools at village or district level which barons at respective area/ locality have illegally occupied should be released on immediate grounds. If any litigation is pending in any courts, then the registrar of the High Court of the respective province should take immediate action to make those cases expeditiously. Likewise, litigations are in High Court, and Supreme Court should be disposed of on speedy grounds regarding the

concerned school's properties. Some villages in Punjab, like Rasool Pur have not been reported in any criminal activity for the last 100 years. A 100% literacy rate in that village is considered an example for the rest of the provinces.<sup>15</sup>

### **Gross Enrolment Rate (GER) and Human Development Index Ranking (HDIR) 2020**

So far as Gross Enrolment Rates is concerned, it was 91% during the year 2014-2015; however, this ratio has been decreased from that 91% to 84% in the year 2019-2020 at the primary level.<sup>16</sup> Net Enrollment Rates (NER) was 67% in 2014-15, which deteriorated 64% in 2019-2020. The foremost reason for its deterioration is that 32% of children in Pakistan aged 5- 16 years are out of school for their daily wages, services at home, labor, and many other reasons.<sup>17</sup> In Human Development Index Ranking, Pakistan has been ranked on 152 positions out of 189 countries in UNDP. Tactlessly Pakistan has not unveiled its improvement in educational meters like GER, literacy, spending on education compared to other countries.

From 2014-2015, the literacy rate of Pakistan (hereinafter LRP) is not movable, which is fixed at 60% even in 2019-2020. However, collective education expenses are at 1.5, less than 2019, at 2.3% of the GDP.<sup>18</sup> So far as the provinces of Pakistan are concerned, Punjab has the highest literacy rate (hereinafter HLR), which is 64%, with the lowest rate in Baluchistan, 46%. In 2019-2020 expenditures have been decreased from 868 billion to 611.0 billion, which is an awful situation for Pakistan, is developing country. One of the primary reasons which have been witnessed in this year is to shut down schools via lockdown and online education system to cope with the situation of covid-19. While looking at our neighbor country who took independence in the same year with more population than Pakistan is flying high in the education sector compared to Pakistan. The chart below shows a comparative analysis of Pakistan and India regarding literacy degree from age group 15 to older, including GER, GBE, and HDIR of respective years 2008 to 2018.<sup>19</sup>

### **Education Indicators from Government of Pakistan Finance Division**

Country	Literacy Degree from age 15 years to older (2008-18)	Literacy degree from age 15 to 24 (2008-2018)		GER (2014-19)				Governmental Budget On Education	D I R
		Male	Female	Pre-primary	primary	second	tertiary	% of GDP	
Pakistan	60.0	81.3	75.6	3	4	3		2.9	54
India	74.4	93.0	89.2	4	13	5	8	3.8	31

**Factors of Illiteracy, The Punjab Free and Compulsory Education Act 2014 and Constitution of Pakistan 1973:**

Islam is such a liberal religion, but unluckily the people in whose hands the tool to interpret the teachings of Islam are from the orthodox school of thought. Instead of construing the real meaning of Islam, they try to discuss various customs and traditions that don't concern the Islamic religion.<sup>20</sup> Quran is such a best source of the Islamic law that there is no need for interpretations of those Quran verses clearly uttered about Education. The first revelation for Prophet Muhammad (s.a.w.w) starts with "IQRA," which means Read. Hazrat Muhammad (s.a.w.w) is the best teacher for all the times till the existence of earth and humanity talks about the education of all human beings irrespective of their caste, creed, religion, and gender.

Another vital factor for illiteracy level in Pakistan, specifically regarding girls' education, is early age marriages. Although Article 2(b) of the Child marriages Restraint Act 1929 restricts this practice, it still happens in most areas of Pakistan, especially targeting rural areas and backward classes.<sup>21</sup>

Parents in most poor houses used to sell their daughters for very few thousand rupees for early marriages. Almost 40% of the population of girls never enroll in schools, according to the survey.<sup>22</sup> Most of the family with the agricultural background doesn't educate their kids enough to get jobs.<sup>23</sup> Many other causes include lack of consistency in policymaking by the Government, bad implementation with bad planning plus very poor coordination with institutions, cultural issues, and feudal lords behaviors towards their servants, which makes them their slaves from generation to generation.<sup>24</sup> Like many other countries, Pakistan also failed to make effective strategies to cope with such literacy issues.<sup>25</sup>

The Punjab Free and Compulsory Education Act 2014 (hereinafter PFCEA 2014) unveils the definition of *Education*. Section 2(d) of the respective Act is wholly related to teachers' teaching skills and self-appearance. In other words, to "boost up the mind and character of students" by influential personalities of teachers can be interpreted by said statute. At the same time, section 17 sub-clause 2 of the said Act establishes standards for teachers to boost up the confidence level, building up characters, aptitude towards extra co-curriculum activities of students, taking queries from them and styled them as bold and blunt in their fields as much as they can do. Still, the respective law didn't outline the proper dimensions for Government to insert these skills in instructors through training sessions on a prior basis.<sup>26</sup> This mission can only be achieved by setting targets by the government to train distinctive abilities for teachers with a limit period of 2 years. At the time of initial training, such expertise should be crammed by teachers, and to fulfill this purpose government should allocate some portion of the budget too.<sup>27</sup>

*Free education* is such a scorching issue nowadays. The existing Government is trying its best to create history in academia while making courses equal throughout the country, mentioned under section 2(e) of respective act 2014.<sup>28</sup> The government of Pakistan and executive authorities are now exerting to eliminate the monetarist blockades that might thwart students from reaching schools every year and completing their secondary level education, including other reasons, which is the disability of Minor.<sup>29</sup> This

clause is the most attractive one as it is directly linked with article 25-A of the constitution. There are several reasons which can stop students from attending their schools because of monetarist blockades like low-income families, expenses attached to education, lack of provisions regarding funds for educational organizations to make them able to convey free and quality education.<sup>30</sup> Law is there to provide provisions for implementations. Still, at the same time, it is lacking with those guidelines through which any mechanism can be established to generate the funds for free education. World Bank is one of the significant institutions trying its level best to facilitate Pakistan in this regard.<sup>31</sup>

Now here question arose about how to remove monetarist blockades.<sup>32</sup> The government may take initiatives to attach a limited amount for every school, or separate allocation may also be provided to each student on a needy basis. This purpose more can be achieved while allocating a budgetary amount to schools councils directly under the supervision of administrative bodies while using a tool of pooling with particular reference to their proportional share of funds. Such motivational steps will guarantee the smooth running of the school system, and it will also enable school administrations to increase their enrolment via offering an incentive.<sup>33</sup> Section 3 is a very comprehensive provision which speaks out complete *free education from class one to ten* plus it also didn't put any liability on parents for fees and payments to complete education at the school level, and special provision is also made for quota and scholarships for those who are disabled and special ones.<sup>34</sup>

Even Article 37(b), 37(f), and 38(d) also talk about the removal of illiteracy, especially in children.<sup>35</sup> Child labor is one of the significant causes to fulfill the task of education as many parents involve their kids in labor even before the age of 14. Article 11(3) of constitution 1973 is already there to handle this issue, but still, this menace exists in Pakistan.<sup>36</sup> Pakistan is still living in a trance of patriarchal society where the old school of thought exists and believes that girls should stay at home and boys are responsible for livings. In most communities, people are reluctant to spend on girls' education as they don't exist (ALI 2021). KPK is suffering from a dearth of the policy due to

extremist groups of people as they a few years back blast the girl's school being reluctant for their education (Saqib 2014). Brutal attack on Malal Yousaf Zai and APS is nothing but just a tool to convey hatred feelings towards women's education (Yousafzai 2021). Religious misinterpretations are also one reason.

### **The Government Memorandum and Strategies**

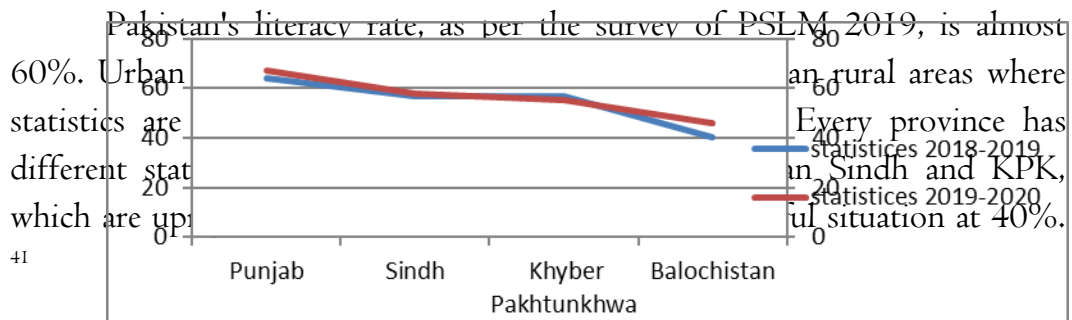
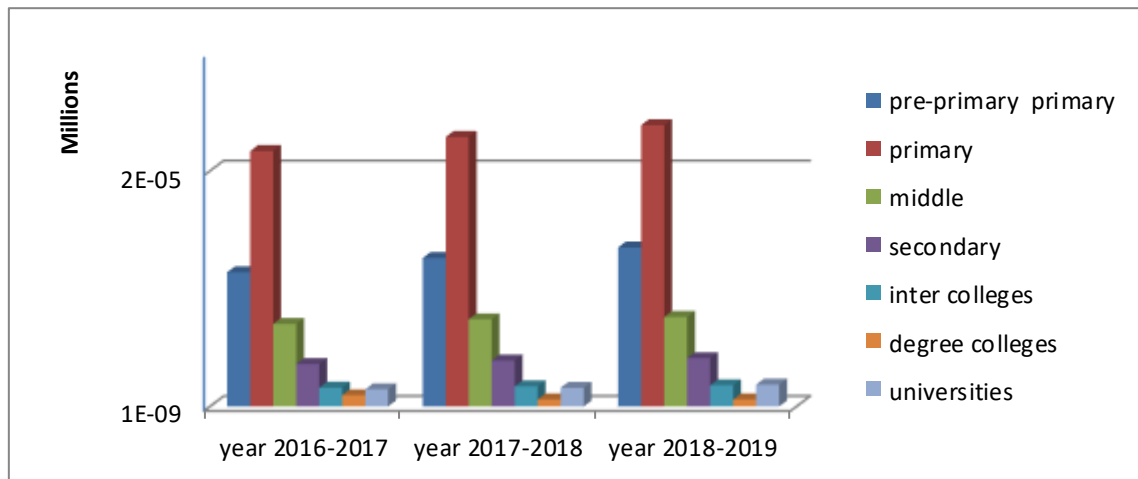
Federal Government took too much pain to exert their energies to improve the quality of education through their strategies & disbursement divisions. To cope with this situation, NEPF has verbalized to battled challenges witnessed by the education segment. The following areas to be addressed with their matters are; **Rise in School graduation:** The Government projected main actions related to the infrastructure of schools, financial help to students, especially female students, and enhance harmonization with governmental finance unites to transfer funds timely.<sup>37</sup> Moreover, Government is launching a few campaign programs to improve student and teacher knowledge. **Attain Consistency towards Education Standards:** Pakistan is trying its level best to introduce a uniform set of principles which can make sure the education system is equal for all sectors like public, private, and madrassa communal curriculum outline, reforming national schooling system and cultural canons, guaranteeing a trilingual policy, consolidating controlling framers to certify management across the nation, hovering wakefulness regarding public school system through promotions.

**Expand the Worth of Learning:** to deal with this issue government is trying its level best to ensure continuous proficient progress of teachers while enforcing a meritocracy in the appointment procedure of teachers, even to facilitate the group of women who are intelligent enough to work but have hindrance in their way because of non-available of daycare centers for their kids. The government is trying its best to address this issue at all workplaces, whether public or private while providing a daycare center after signing CEDAW 1979. **Enhance skills through training:** public-private enterprises with commerce are also one way to introduce industry skills. Seminars, conferences, and papers/article writing are also ways for teachers to enhance



their speaking and writing skills and get the students the opportunity to work with these skills.<sup>38</sup> Recently, in its meeting in collaboration with the department of education, the Punjab government settled down new policies regarding education and allocated an expensive of 34.6 billion for projects in the running and 29 future projects.<sup>39</sup> Division of money would be 27.6, 3.9, 0.6, and 2.5 billion for schools, higher education, special education, and non-formal education. The same is the case with KPK province, which allocated 30.1 billion for 188 running plans and 61 for projects. Division of money would be as 6.3, 9.7, and 9.0 for primary, secondary, and higher education, which is 94 % higher than last year.

Ministry of Federal Education & Professional Training (hereinafter MFEPT) paid off its work by introducing for the very first time the channel named "*Teleschool*," of which purpose is to educate the children at home from grade I to I2 with the collaboration of PTV and AIOU. The aim of launching this channel is to justify the loss that has been agonizing in academics in COVID-19 and lockdown.<sup>40</sup> So far as enrollment data and institutions are concerned, there are different education sectors at the Primary level. The Pakistan net enrollment rate (hereinafter PNER) in 2020 is 13.3 million, almost 6.1 %. Primary education from class 1st to 5th also has a different enrollment rate in 2019 is 23.9 billion, which is 4.4%. In middle education, from class 6th to 8<sup>th</sup> in 2019, it is 7.6 million, almost 3.8% of GDP. Along with this higher school from class 9<sup>th</sup> to 10<sup>th</sup> in 2010, it's nearly 4.1 million, estimated 6.6%. However, when talking about the inter colleges ratio of enrollment from class 11<sup>th</sup> to 12<sup>th</sup> in 2019, it's almost 1.8 million. A registration of around 0.59 million was in the year 2019 in degree colleges. However, at the universities level, this enrollment has been increased in the year 2019 to 1.86, in which both public and private universities data is included as per information by HEC. Here chart is indicated given below from the year 2016 to 2019;



Punjab, the most populous province in Pakistan, is facilitated by the best education and health amenities. Any further scuffling for improving education in this specific region means one-half of the country will begin to get profits from this. Concerning its livestock sector and its agriculture production, Punjab is the chief achiever to retain a significant part of the budget. Still, the literacy rate at Punjab is at 64%, as per last year's statistics.<sup>42</sup>

### Conclusion and Recommendations:

Education is such a giant expression through which concepts of learning, training, teaching, and improvement get emerged. Quality education holds another massive appearance which talks about production, development, and learned society (Donald B. Holsinger 2009). Our existing government is trying its level best to have an education system that is sole and equal under one flag to vanish discrepancies irrespective of caste, creed, and status of students. Single national curriculum (hereinafter SNC) and same medium of

instruction is the slogan of exiting Government (PTI) right now. SNC has also been divided into different phases. For primary classes, it's been implemented from 2021 and for secondary courses until March 2021. For matric to inter classes, the same techniques are under pipelines for preparation by March 2022 and to be implemented by the end of March 2023. Many challenges are seen by this middle age country from its birth. Every Government at their times tried their level best to handle this problem, but none of them could do it thoroughly. With primary reasons like lack of infrastructure and training centers for teachers, minor issues like stumpy level involvement from public and incongruity between school course and workstation are additional challenges at the rudimentary level. The planned national level standard should be there to synchronize the latitude and domain of RTA in Pakistan with healthy competition among provinces. Council of Common Interest should be galvanized to address this issue with an annual period report to the legislature, which would be helpful to make new laws accordingly.

❖ To stop gender discrimination in the field of education can be done while adopting strict strategies and plans. For this purpose, government, individuals, and civil society collectively can cope with this issue. Still, one of the essential points to be considered is fundamental principles that are essential for this purpose and should remain the same in all conditions. Highlighted principles related to education are discrimination, which should be reduced from society at large according to set principles of equality, justice, and equity.

❖ UN should provide and facilitate their laws while making standing committees to promote and protect child education across the border. They should have meetings/ sessions of NGO's representatives and National Rapporteur on an annual basis. Experts should conclude their point of view through standing advisory groups made by the executive. The UN should have freely exercised gender educations and their enrollment in schools. The international community is such power like UN, EU, Japan, and Russia being bilateral donors. They should exert pressure on Pakistan to implement their domestic laws and submit their periodic reports annually.

International organizations, NSE, and INGOs are meant to compel the provincial and federal governments to achieve their motto of education.

❖ Legislative reforms should be taken by parliament through their respective states. All the nations should try to improve the practical legislation regarding primary free education. Pakistan tried to knock down this issue while passing education enactments not only at the national level but also at the provincial level. The word "*free education*" should have identical meanings across borders around the globe. Ground-level working for improving women's education should be better done by NGOs who have excellent working more than Government.

❖ An awareness campaign should be initiated related to free education at the primary level with the help of leaders and landlords of respective areas/localities. A man should also get awareness seminars/ sessions to get their female child enrolled in schools and college and still reluctant. There should have a campaign regarding home tuitions to fulfill the slogan of UN "Education for All" at the national level. The concept "*to educate women for the job*" is unripe because women's education is directly linked with maternal health, affecting the next generations' minds and growth. Annually 189k lives of women can be saved while giving them basic/ primary education. Educated women of today become future leaders of tomorrow. They are considered glittery assert for the future.

❖ Provinces and federations failed to increase the literacy rate from the last five years, winged almost at 58%. Pakistan needs to see the education system profile of a superpower like the USA who has the second prime higher education structure around the globe. Madarasa system is another educational structure in Pakistan running parallel to the private and public sector where the latest HEC recognized syllabus and other reforms need to be established.

❖ While proving unlimited powers to one authority may face malpractices in any field, education is such a fragile department where chances of corruption are very much there in the form of funds. So there is a need to have some monitoring department that can grill this issue by conducting inquires. Joblessness is the core issue of the Pakistani region. Career counseling at the school level can be the best opportunity for children to get facilitated while choosing their disciplines at a higher level. With these, they would be able to

understand the demand of the Market. Schools can conduct parent-teacher sessions to make them market-friendly concerning their kids' abilities/skills.

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