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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

LAW AND PROSECUTION DEPARTMENT

(Gilgit-Baltistan Secretariat)

Gilgit, the 22nd June, 2020

THE GILGIT-BALTISTAN COMPULSORY EDUCATION ACT-2020

(ACT NO. XI OF 2020)

AN

ACT

To provide the Compulsory Education to all the children living in Gilgit-Baltistan

WHEREAS it is expedient to provide compulsory education to all the children of age 5-12 years living in the Province of Gilgit-Baltistan:

It is enacted as follows:

[5705(2020)/Ex Gaz.] *Price : Rs. 10.00*

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1. **Short title, extent and commencement.**

i. This Act may be called as the Gilgit-Baltistan Compulsory Education Act-2020.

ii. This Act shall extend to all the people living in Gilgit-Baltistan.

iii. The Act shall come into force at once.

CHAPTER-1

(PRELIMINARY)

2. **Definitions.**—In this Act unless there is anything repugnant in the subject or context;

(a) **"Law"** means the law of compulsory Education for all the children of Gilgit-Baltistan.

(b) **"Area"** means the geographical area within 03 km of radius from the resident of a child.

(c) **"Child"** means a child of either sex within the age limit 5 to 12 years.

(d) **"Education means"** regular education from class nursery to class 10th or any class between them.

(e) **"Payer"** means a person who hires the services of a child at his shop, factory, residence or any other place of income.

(f) **"Free Education"** means the education for which the Government of Gilgit-Baltistan shall not receive any direct fee and financial burden of education shall not be on the parents. Moreover, the Government shall manage free books and stationery to each of the students.

(g) **"Standard Education"** means the education that is competitive with the modern trends of education at the respective level and by no means it includes obsolete knowledge.

(h) **"Management Committee"** means the committee which shall be notified under section 6 of this act and shall consist of parents, teachers and the notables from community.

(i) **"Parents"** means either of the parents or the guardian under the supervision of which a child lives.

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(j) **"Notified Authorities"** means the committee that shall be notified by the Secretary Education under this act.

(k) **"School"** means the school which is running under the control of provincial Government either from public or private sector.

(l) **"School going"** means going to school for the hours of a day, days of a month and months of a year which is notified by the Department of Education.

(m) **"Corporal/Physical punishment"** means beating an enrolled student by stick or any other means by the teacher in the school.

(n) **"Executive Magistrate 1st Class"** means Deputy Director Education of the respective district, who would henceforth function as executive magistrate 1st class under this Act.

CHAPTER-2

(COMPULSORY EDUCATION TO ALL THE CHILDREN)

3. The parents, except any valid reasons, shall enroll their children in a nearest school to complete the standard course of education over there. In case of some physical or mental disability the parents shall send their children to the nearest special education center.

4. Valid reasons mentioned in section-3 may include the following;

(a) If the child is not able to go to school and attend classes due to sickness or physical/mental disability and if the committee under section 5 is satisfied with the reasons.

(b) If the child is receiving education from an institution other than a formal school and if the committee finds it satisfactory.

CHAPTER-3

(MANAGEMENT COMMITTEE: ITS ESTABLISHMENT, POWERS AND RESPONSIBILITIES)

5. **Establishment of steering committee:**

i. There shall be a notified steering committee soon after the commencement of this act and not later than 60 days.

ii. The Secretary Education Gilgit-Baltistan shall have the powers to notify the steering committee under section 5(i).

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iii. The notified steering committee shall comprise of officers of good repute from within the Education Department selected on the basis of seniority and merit.

iv. The notified steering committee shall constitute a school management committee for each school, which members from the community, by democratic process (elections) and shall assign them responsibilities and delegate powers to make them able to accomplish the responsibilities under this law. The Deputy Director Education of the concern district shall assist the notified authority in constitution of the school management committees.

v. The Headmaster of the School shall be the chairman of the School Management Committee.

6. **Code of conduct of the committee.**

The notified steering committee shall decide the procedure of election, termination, tenure of membership, qualification and disqualification as a member and the procedure of official business of the school management committee.

7. **Powers and responsibilities of the Committee:** Conditioned to the laws made under this act and its sections and sub-sections, the committee shall exercise the powers and shall perform the obligations as follow;

i. Shall motivate the parents and children in the locality to promote education.

ii. Shall recommend changes in the school timings, holidays/off days, and any other positive changes in the schools of the locality that the committee thinks would be beneficial.

iii. Shall recommend to the steering committee the compulsory presence in the school under this law.

iv. Shall consolidate lists of the school going children in the locality and shall update them from time to time. Moreover, the committee shall receive and preserve such information which would be helpful for regular attendance of students and which opposes hurdles in the regular attendance of the students.

v. Shall report about absence or late commence that of the teaching and non-teaching staff of the schools of the locality to the steering committee.

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vi. Shall assist the Government officials who are working for the provision of compulsory education in the locality.

vii. Shall facilitate and assist the administration of schools and Education Department in developmental, curricular and co-curricular activities in the locality.

viii. Shall develop a healthy environment which would enhance motivation of the parent to send their children to school and to complete them a specific level of education.

ix. Shall monitor the discipline and minor repair works and look after the assets of school.

x. Shall have check on physical punishment to the students by the teaching staff and try to solve this problem at local community level. If the problem could not solved at community level, the committee shall report to the concerned Deputy Director Education against the concerned teacher along with recommendations for further action.

8. School Management Committee may issue an order, if the committee thinks it necessary, to such parents/payer who under section-3 had to send their children to the school but fail. The order shall clearly mention the date from which the child must be sent to the school. The committee shall give a chance to such parents and shall try to unearth the reasons of not sending the child to school.

CHAPTER-4

(PUNISHMENT TO RELUCTANT PARENTS/GUARDIANS/PAYERS)

9. Not sending the child/children to school or offering hurdles in his education on part of parents/payers shall be considered a crime.

10. Any parents/payer who fail to obey the orders issued under section-8, the School Management Committee shall register a case against him (in black & white and dully signed by the headmaster of the school) in the court of Magistrate Class-I for legal action.

11. **Powers of the Executive Magistrate:** The Magistrate Class-I (if the crime proves) shall have the powers;

i. To fine the parents or payer with a minimum of Rs.3000

ii. To put them behind the bars for a maximum of 01 month(30 days)

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iii. If again the parents/payer fails to send the child/children to school, the magistrate shall have the powers to fine him @ Rs.300 per day until he sends the child/children to school.

iv. The magistrate shall have the powers to listen the cases of physical punishment and take legal action against the concerned teachers.

CHAPTER-5

(POWERS OF THE PROVINCIAL GOVERNMENT)

12. **Powers of the Provincial Government to make rules:** The provincial Government of Gilgit-Baltistan shall have the powers to make rules for the practical implementation of this Act.

CHAPTER-6

(REPEAL)

13. **Gilgit-Baltistan Primary Education Ordinance 1962 (West Pakistan Ordinance No.29 of 1962):**

i. The Gilgit-Baltistan Primary Education Ordinance 1962(West Pakistan Ordinance No.29, 1962) is hereby repealed.

ii. Notwithstanding any action, responsibilities, inquiries, delegated powers, imposed fine or punishment, rules made or any orders issued under sub-section (1) of Gilgit-Baltistan Primary Education Ordinance 1962 shall be continued provided that they shall not contradict the laws under this act.

FIDA MUHAMMAD NASHAD,
Speaker,
Gilgit-Baltistan Assembly.

RAJA JALAL MAQPOON,
Governor,
Gilgit-Baltistan Assembly.

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