

Comparison of Indian RTE Act and Pakistan RTE Bill

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Article 25A of the Constitution of Pakistan states, "The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law." This article was added to Chapter I titled- Fundamental Rights, as part of the 18th amendment to the constitution of Islamic Republic of Pakistan, 1973. On Nov 12, 2012, Pakistan's National Assembly passed the historic Right to Free and Compulsory Education Bill, 2012 paving the way to give effect to the fundamental right guaranteed under the constitution. The bill was introduced in the Senate by Yasmeen Rehman as a private member's bill.

In comparison to India where Education is under the Concurrent List indicating concurrent responsibility and powers to enact legislations, Pakistan has totally devolved Education to the Provinces. Therefore, each province has to promulgate such a legislation to give effect to the 18th amendment. Consequently, the RTE Act in India extends to the whole of India except J&K which has a special status where education comes under the State List. However, the slated education law in Pakistan extends to only Islamabad Capital Territory (one of the two territories controlled by the Federal Govt.) and would be applicable to all schools run by the Federal and Local Govt.

	Indian RTE Act	Pakistani RTE Bill
Beneficiaries	Children of ages 6-14 years	Children of ages 5-16 years
Jurisdiction	Whole of India except J&K	Islamabad Capital Territory (one of the two territories controlled by Federal Govt.)
Legislative Competence	Education is in Concurrent List	Education is in Provincial List. ⁱ
Definitions		
Appropriate Govt.	School established/owned/controlled: <ol style="list-style-type: none"> i. By Central Govt/UT without legislature- Central Govt. ii. By State/Local Govt. within a State: State Govt. iii. UT with legislature- Govt. of UT 	School established/owned/controlled: <ol style="list-style-type: none"> i. By Federal Govt- Federal Govt. ii. By Local Govt- Local Govt.
School	<ol style="list-style-type: none"> i. Govt. School ii. Govt. Aided School iii. Specified Category School iv. Unaided Schools 	<ol style="list-style-type: none"> i. Govt. School ii. Govt. Aided School iii. Unaided Schools
Teacher	Definition of Teacher absent	Definition of Teacher absent
Disadvantaged Group/Weaker Sections	<ul style="list-style-type: none"> • Disadvantaged: SC/ST/backward class as specified by appropriate Govt. • Weaker sections: Annual Income lower than limit specified by appropriate Govt. 	<ul style="list-style-type: none"> • Socially and economically disadvantaged class/group or Parent whose annual income is lower than limit specified by the appropriate govt.
Other Sections		
Right to Education	Right to children of ages 6-14 years to free and compulsory education. Includes disabled children	Right of children of ages 3-16 to free and compulsory education.
Special Training	Age appropriate special training for out of school children.	Age appropriate special training for out of school children.

Timeline for provisioning the right	3 years within notification of the Act.	3 years within notification of the Act.
Financial Responsibility	Concurrent responsibility of both Central and State Govts.	Concurrent responsibility of both Federal and Local Govts.
Duty of appropriate govt.	Establish a neighbourhood school within a period of 3 years.	<ul style="list-style-type: none"> Establish school within the neighbourhood within 3 years. Encourage enterprises/institutions by offering incentives to establish schools. Develop grants-in-aid to improve attendance of poor students.
Duty of Parent	To admit or cause to be admitted a child in the neighbourhood school.	To cause a child to attend a school except if the SMC is of the view that child is incapable/should not be compelled or there is no neighbourhood school.
Pre-school Education	Appropriate Govt. may make arrangements for free pre-school education for children till they complete six years.	Appropriate Govt. may make arrangements for free pre-school education for children of ages 3+.
Reservation in unaided/private schools	<ul style="list-style-type: none"> Proportional reservation in schools receiving aid from the Govt. At least 25% reservation in class I in unaided schools for weaker sections and disadvantaged group. Reservation shall apply to pre-school education. 	<ul style="list-style-type: none"> Proportional reservation in schools receiving aid from the Govt. At least 10% reservation in class I and then in every class in unaided schools for the disadvantaged group. Reservation shall apply to pre-school education.
Reimbursement to unaided/private schools for reservation	Reimbursement to be provided by the govt. to the tune of per-child expenditure of the govt. or the actual fees charged whichever is lesser.	No mention
No capitation fee or screening procedure	Heavy fine for contravening the provisions.	Heavy fine for contravening the provisions.
Prohibition of holding back and expulsion	No child can be held back or expelled until completion of elementary education.	No child can be expelled until completion of prescribed education.
Prohibition of private tuition	Teachers are prohibited from engaging in any private tuition activity.	No mention.
Recognition/Registration of schools	<ul style="list-style-type: none"> No school other than a Govt. school would be allowed to be established or function without Certificate of registration. Norms/standards for registration as per schedule. All schools before commencement of the Act have to conform to the norms/standards within 3 years. 	<ul style="list-style-type: none"> No school other than a Govt. school would be allowed to be established or function without Certificate of registration. Norms/standards for registration as prescribed. All schools before commencement of the Act have to conform to the norms/standards within 2 years.

School Management Committee	SMC to be constituted in all schools except unaided private schools.	SMC to be constituted in all schools except unaided private schools.
Qualification of Teachers	Minimum qualifications for teachers as laid down by the academic authority.	Minimum qualification for teachers as prescribed.
Child's rights	NCPCR and SCPCR to monitor child's right to education.	Appropriate govt. to monitor child's right to education.
Advisory Council	National Advisory Council at national and State Advisory Councils at state level.	Education Advisory Council as constituted by the appropriate govts.
Awards	No Mention	<ul style="list-style-type: none"> • Teachers/Administrators/Researchers/Organisations who meet the minimum criteria may be awarded. • Students with achievements in learning outcomes/training may be awarded.
No Advertisement	No Mention	Unregistered schools are not allowed to advertise.