

**THE KHYBER PAKHTUNKHWA FREE COMPULSORY PRIMARY AND
SECONDARY EDUCATION ACT, 2017**

(KHYBER PAKHTUNKHWA ACT NO. XII OF 2017)

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Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary),
dated the 26th April, 2017).*

**AN
ACT**

*to provide for Free Compulsory Primary and Secondary
Education in the Province of the Khyber Pakhtunkhwa.*

WHEREAS Article 25A of the Constitution of the Islamic Republic of Pakistan provides that the State shall provide free compulsory education to all the children of the age of five to sixteen years in such a manner as may be determined by law;

AND WHEREAS to achieve the objective it is expedient to provide by law the mechanism for free compulsory primary and secondary education to all the children from the age of five to sixteen years in the Province of the Khyber Pakhtunkhwa in conformity with aforesaid Article;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Free Compulsory Primary and Secondary Education Act, 2017.

(2) It shall extend to such district in the Province of the Khyber Pakhtunkhwa as the Government may by notification specify in the official Gazette.

(3) It shall come into force from the forthcoming Educational year (Fresh Admission) in the Schools.

2. Definitions. ---In this Act, unless the context otherwise requires,-

- (a) “child” means a child of either sex whose age at the beginning of the school year is not less than five years and not more than 16 years and within the age limit prescribed for admission in class 1 to class 10th;
- (b) “Government” means the Government of the Khyber Pakhtunkhwa;

- (c) “parents” means the father or mother of a child and also includes a person declared to be a guardian of such child, as defined in Guardian and Wards Act, 1890 (Act No. VIII of 1890), or any other person declared by any Court as guardian;
- (d) “school” means primary school, middle school and higher secondary school in the public sector;
- (e) “School Attendance Authority” means the School Attendance Authority constituted under section 5 of this Act; and
- (f) “secondary education” means primary, middle and secondary education upto 10th class in a school.

3. Free compulsory primary and secondary education. ---(1) Government shall provide free compulsory primary and secondary education to all the children from the age of five to sixteen years in the Province of the Khyber Pakhtunkhwa.

(2) The parents shall, except in the case of reasonable excuse as provided in section 4, cause a child to attend a school until the child has completed secondary education.

4. Reasonable excuse for non-attendance.---Reasonable excuse for the purpose of sub-section (2) of section 3 shall include any of the following cases:

- (a) where, the School Attendance Authority is satisfied that the child is incapable of attending school by reason of sickness, infirmity or mental incapacity or it is not desirable that the child should be compelled to carry on his secondary education further on account of peculiar circumstances; or
- (b) where, the child is receiving education otherwise than in school, which in the opinion of the School Attendance Authority are sufficient; or
- (c) where, there is no school within a distance of two kilometers radius according to the nearest route from the residence of the child.

5. School Attendance Authority.---(1) Government may, by notification, constitute a School Attendance Authority for each school having mandatory representation from parent’s teacher’s council (PTC) for the purpose of this Act and shall consist of such members, as may be determined by Government.

(2) The School Attendance Authority shall ensure that every child shall attend a school under its jurisdiction and shall take such steps as it may consider necessary or as may be specified by Government.

(3) Where the School Attendance Authority is satisfied that the parents, who are required under this Act to cause a child to attend a school, has failed to do so, the School Attendance Authority, after giving to the parents, as the case may be, an opportunity of being heard and after such enquiries, as it may consider necessary, may pass an order directing the parents to cause such child to attend a school on and from a date which shall be specified in the order.

6. Offence.---(1) Parents, who fail to comply with an order issued under subsection (3) of section 5 shall, on conviction before a Judicial Magistrate, be punishable with imprisonment, which may extend to one month or fine which may extend to hundred rupees for every day after the conviction for which the failure continues or with both.

(2) No court shall take cognizance of an offence under this Act, except on a complaint in writing made by the School Attendance Authority.

7. Taleem Fund.---(1) Government may permit a School Attendance Authority, to establish in the prescribed manner, a Taleem Fund for the school.

(2) The Fund shall consist of grants made by the Federal Government, Government, District Government, all voluntary contributions from the philanthropist, alumni, students and parents.

(3) The Fund shall be maintained at a Scheduled Bank in such a manner and in such a form as may be prescribed.

(4) The Fund shall be utilized for the welfare of the students of the school in the prescribed manner.

(5) All moneys from the Fund shall be withdrawn in the prescribed manner jointly by the at least two members of the School Attendance Authority.

(6) The accounts of the Fund shall be audited by the Auditor General of Pakistan.

8. Power to make rules.---Government may make rules by notification for carrying out the purposes of this Act.

9. Repeal and Savings.---(1) The Khyber Pakhtunkhwa Compulsory Primary Education Act, 1996 (Khyber Pakhtunkhwa Act No. XII of 1996), is hereby repealed.

(2) Notwithstanding the repeal of the aforesaid Act, anything done, action taken, rules made, and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done; taken, made or issued, under this Act, and shall have effect accordingly.