

2. The schools of the petitioners are private ones, they have challenged the referred notification; petitioners' stance is that the amendments are in violation of the parent law hence such amendments have no legal sanctity and same are *ultra vires*.

3. The definition of "school" as per Section 2(m) of the **Sindh Right of Children to Free and Compulsory Education Act, 2013** provides a comprehensive framework for what constitutes a school within the province of Sindh, Pakistan. This definition is crucial for ensuring that all children have access to education as mandated by the Act. Below is a detailed elaboration of this definition:

Definition of "School" under Section 2(m)

1. General Definition:

- A "school" is defined as any recognized institution that imparts primary, elementary, and secondary education. This broad categorization ensures that various levels of education are covered, from basic schooling to higher educational stages.

2. Types of Schools Included:

- The definition explicitly includes several categories of schools, which are:

(i) Government or Local Authority Schools:

- Schools that are established or controlled by the Government or local authorities are included. This ensures that state-run institutions, which are often the primary providers of education, fall under the definition.

(ii) Aided Schools:

- Schools that receive financial aid or grants, either wholly or partially, from the Government or local authorities are also recognized. This provision helps to include a significant number of private institutions that depend on government support, thus ensuring their accountability and quality.

(iii) Specified Category Schools:

- The definition encompasses schools belonging to specified categories, which may include religious schools, vocational institutions, or other recognized educational establishments. This helps in recognizing the diversity of educational systems and approaches within the province.

(iv) Unaided Schools:

- Schools that do not receive any form of financial aid or grants from the Government or local authorities are also included. This is important as it acknowledges private schools that operate independently while still committing to educational standards set by law.

Importance of the Definition

- **Inclusivity:** The broad definition ensures that all children, regardless of the type of school they attend, benefit from the rights guaranteed under the Act. This promotes an inclusive educational environment.
- **Regulatory Framework:** By categorizing schools, the Act establishes a regulatory framework that governs the functioning of educational institutions, ensuring compliance with educational standards and norms.
- **Access to Education:** The definition aims to facilitate access to education for all children in Sindh, thereby supporting the government's commitment to providing free and compulsory education.
- **Quality Assurance:** Including various types of schools under a single definition allows for the implementation of quality assurance measures across the educational spectrum, ensuring that all schools meet established standards.

Conclusion

The definition of "school" in the Sindh Right of Children to Free and Compulsory Education Act, 2013 (the "Act") is a critical element in promoting educational access and quality. By encompassing a wide range of educational institutions, the Act aims to create an equitable educational landscape in the province of Sindh, ensuring that every child has the opportunity to receive a quality education. The Act is fully applicable to all "schools" as defined

therein, including “private schools” which are operating with or without financial aid.

4. To examine the functions of the Petitioners’ schools and determine their compliance with the Sindh Right of Children to Free and Compulsory Education Act, 2013, it is essential to evaluate whether they are adhering to the provisions of the Act, including the requirement to provide free education to at least 10% of underprivileged (Les Miserables, a novel by Hugo, which is a true picture of under privileged classes) children from their total admissions across all current batches. A comprehensive breakdown and detailed account, duly signed by the respective Principals of the schools, shall be submitted including name, parentage and criterion of selection. In this regard, Sections 10 and 2(c) of the Act, 2013, are reproduced herein:

CHAPTER-IV
RESPONSIBILITY OF PRIVATE SCHOOL FOR
FREE AND COMPULSORY EDUCATION

10. For the purposes of this Act, a school -
- (a) shall provide free and compulsory education to such proportion of total strength of children admitted as mentioned hereinafter;
 - (b) shall admit in class-I and subsequent classes not less than ten percent of the strength of that class to disadvantaged children.

Whereas term “disadvantaged children” is defined as :-

2(c): “disadvantaged child” means a child who belongs to a socially and economically disadvantaged class, or group or belongs to such parent whose annual income is lower than the minimum limit and whose parents have become victim of terrorism as notified by Government”

5. Bare reading of the aforesaid provisions of law shows that Section 2(c) defines a "disadvantaged child" within the context of the Act, 2013. The definition includes several important criteria:

- **Social and Economic Disadvantage:** A disadvantaged child is one who belongs to a socially and economically disadvantaged class or group. This recognizes the systemic inequalities that affect certain segments of society, ensuring that those in need receive special consideration. (Les Miserables).

- **Income Threshold:** The definition specifies that a disadvantaged child is also one whose parents' annual income falls below a government-determined minimum limit. This criterion aims to identify children from low-income families who may face barriers to accessing education.
- **Victims of Terrorism:** Furthermore, the definition extends to children whose parents have been victims of terrorism, as notified by the government. This inclusion underscores the Act's commitment to supporting children affected by violence and instability, acknowledging their particular vulnerabilities.

Section 10: Provisions Related to Free and Compulsory Education. Section 10 outlines the responsibilities of schools concerning the provision of free and compulsory education:

(a) Proportional Education Requirement:

- Schools are mandated to provide free and compulsory education to a specified proportion of children admitted. This section establishes a legal obligation for educational institutions to accommodate disadvantaged children, ensuring that they are not excluded from the educational system.

(b) Admission of Disadvantaged Children:

- Specifically, schools must admit no less than ten percent of the total strength of each class to disadvantaged children, starting from Class I and extending to subsequent classes. This provision aims to ensure that a significant portion of the student body is composed of disadvantaged children, facilitating their access to quality education.

Importance of Sections 2(c) & 10

- **Promoting Inclusivity:** These sections are designed to foster inclusivity in the education system, ensuring that children from various socio-economic backgrounds have equitable access to educational opportunities.
- **Legal Framework for Protection:** By establishing clear definitions and obligations, these provisions create a legal framework that protects the rights of disadvantaged children and holds educational institutions accountable for compliance.
- **Addressing Inequality:** The Act aims to address and mitigate the disparities in educational access, thereby promoting social justice and equity within the education sector.
- **Encouraging Government Oversight:** The definitions and provisions encourage government oversight and intervention

where necessary, ensuring that schools fulfill their legal obligations towards disadvantaged children.

Overall, Sections 2(c) and 10, of the Sindh Right of Children to Free and Compulsory Education Act, 2013, are crucial in establishing a framework that promotes the rights of disadvantaged children and ensures their access to quality education.

6. Furthermore, the Secretary of Schools shall instruct the Director General of Private Schools to visit the petitioners' schools, accompanied by the Additional Secretary of Education, and verify whether the petitioners' schools are maintaining the mandated ratio of admitting at least 10% disadvantaged children/students, as per the spirit and requirements of the Sindh Right of Children to Free and Compulsory Education Act, 2013. The Director General of Private Schools shall be present during this inspection to ensure thorough oversight and compliance assessment.

To come up on 03.10.2024.

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