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SINDH ORDINANCE NO. XL OF 2001

THE SINDH COMPULSORY PRIMARY EDUCATION ORDINANCE, 2001

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SIND ORDINANCE NO. XL OF 2001

THE SINDH COMPULSARY PRIMARY EDUCATION ORDINANCE, 2001

[26th December, 2001]

An Ordinance to provide for compulsory education in the Province of Sindh.

Preamble.

WHEREAS it is expedient to provide for compulsory education in the Province of Sindh;

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS, the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate following Ordinance:--

CHAPTER - I
PRELIMINARY

Short title and commencement.

1. (1) This Ordinance may be called the Sindh Compulsory Primary Education Ordinance, 2001.

(2) This section and section 2 shall come into force at once and such other provisions of the Ordinance shall come into force in such areas and or such dates as Government may, by notification in the Official Gazette, specify in this behalf:

Provided that this Ordinance shall be enforced in all Districts by June, 2004.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context—

(a) "Authority" means an Authority appointed under section 5;

(b) "child" means child of ether when age o five beginning of the school year is not leas than five years an not more than eleven years;

(c) "Government" means a guardian or any other person who has the custody of a child;

(d) "parent" includes a guardian or any other person who has the custody of a child;

(e) "primary education" means the education pertaining to all or any of the classes I to V, in a school;

(f) "prescribed" means prescribed by rules made under this Ordinance;

(g) "primary school" means a primary school maintained by Government and includes a school or Department a school recognized by Government as suitable for imparting primary education.

CHAPTER - II
COMPULSORY PRIMARY EDUCATION

Compulsory Primary Education.

3. Subject to other provisions of this Ordinance, the primary education shall be compulsory for every child in the Province.

4. The parent of a child shall, except in the case of a reasonable excuse, cause a child to regularly attend a primary school until the child has completed the primary education.

Explanation:- For the purpose of this section, reasonable excuse includes any of the following causes:-

(a) Where the child is prevented from attending a primary school by reason of sickness or mental incapacity or any other unavoidable cause;

(b) Where the child in receiving, otherwise than in a primary school, instruction which, in the opinion of the Education Officer concerned in sufficient.

(c) Where there is no primary school within a distance of one kilometer measured according to the nearest route from the residence of the child.

School, Attendance Authority.

5. (1) Government shall appoint one or more Authorities for the purpose of this Ordinance.

(2) The Authority shall ensure that every child required to attend a primary school under this Ordinance attends a school and for the purpose it shall take such steps as may be considered necessary by it or as may from time to time be specified by Government.

(3) Where the Authority is satisfied that a parent who is required under this Ordinance to cause a child to attend a primary school, has failed to do so, the Authority, after giving the parent on opportunity of being heard and after such inquiry as it considers necessary, may be an order direct the parent to cause such child to attend a primary school on and from a date which shall be specified in the order.

(4) The Authority may exercise such power or perform such functions as may be prescribed.

Offences.

6. (1) Any parent who fails to comply with an order issued under sub-section (3) of section 5 shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to twenty five rupees for every day after the conviction if the failure continues.

(2) Any parents who, after receiving due warning from the Authority continues to employ a child, who is required under this Ordinance to attend the primary school whether on remuneration or otherwise, shall be punishable with fine which may extend to fifty hundred rupees with a further fine which may extend to twenty five rupees for every day after the conviction if the failure to attend a school continues due to such employment.

(3) No court shall take cognizance of any offence under this action except on a complaint in writing made by the Authority.

Power to make rules.

7. Government may make rules for carrying out the purposes of this Ordinance.

Repeal.

8. The Sindh Primary Education Ordinance, 1962 is hereby repealed.