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FREE AND COMPULSORY EDUCATION AS FUNDAMENTAL RIGHT: A CRITICAL ANALYSIS OF ARTICLE 25-A OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

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Abstract: Article 25-A of the Pakistani Constitution, introduced in 2010, is a landmark provision that establishes free and compulsory education as a fundamental right for all children between the ages of five and sixteen. This article signifies Pakistan's commitment to providing equitable educational opportunities, regardless of geographical location, gender, or socioeconomic background. While it has led to increased enrolment and awareness, there remain significant challenges related to educational quality, infrastructure, and teacher training. Socioeconomic and cultural factors, such as poverty, rural-urban disparities, cultural norms, security concerns, and language barriers, continue to impact the realization of the right to education. This analysis underscores the need for increased funding, comprehensive policy reforms, and the bridging of socioeconomic and cultural divides to fully implement Article 25-A and provide a brighter future for Pakistan's children and the nation as a whole.

Keywords: Article 25-A, Quality Education, Infrastructure Issues, Law and Constitution.

Article 25-A was introduced by the 18th Amendment in 2010, Article 25-A of the Pakistan Constitution is a historic clause that ensures every child in Pakistan has the fundamental right to an education. This article symbolizes the country's commitment to

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provide children between the ages of five and sixteen with free and compulsory education. It upholds the idea that every Pakistani child has a right to education and that it is not a privilege. Article 25-A recognizes that it is the state's duty to guarantee that education is available to everyone, irrespective of geographic location, gender, or socioeconomic differences. It represents a crucial commitment to closing the disparities in Pakistan's educational system and achieving educational equality. Additionally, this clause complies with international agreements, like the Sustainable Development Goals (SDGs), which demand that all people have access to high-quality education. Pakistan exhibits its commitment to upholding these international duties by enacting Article 25-A.

NEED AND IMPORTANCE OF ARTICLE 25-A

By looking at Pakistan's educational system before Article 25-A was incorporated, one can comprehend the historical background and necessity of the provision.

1. Low Literacy Rates: Pakistan has historically suffered with low literacy rates, especially in impoverished and rural areas. Illiteracy was common and many children had limited access to formal schooling.

2. Gender Disparities: Girls were disproportionately excluded from school, and there were notable differences between the sexes in terms of educational attainment. There was a worrying gender disparity that required attention.

3. Absence of Compulsory Education: Prior to Article 25-A, there was no constitutional clause enforcing the state's duty to educate all children and making education mandatory. Education was frequently viewed as a privilege as opposed to a right.

4. Economic and Social Challenges: Poverty and socioeconomic development were impeded by the general lack of education. It became clear that tackling these issues called for an all-encompassing approach to education.

PRIOR TO 2010 (BEFORE ARTICLE 25-A)

- **Low Enrolment:** Due to access issues, poverty, and cultural considerations, a large number of children, particularly in rural areas were not enrolled in schools.
- **High Drop-Out Rates:** Even in cases where kids did enrol, drop-out rates were high, frequently as a result of financial strain, inadequate facilities, and a lack of laws requiring attendance.
- **Absence of Compulsory Education:** In the absence of a legislative framework requiring compulsory education, there was no way to hold the government, parents, or educational institutions responsible for making sure kids attended.

AFTER 2010 (ARTICLE 25-A)

- **Legal Guarantee:** Pakistan made a legal commitment to provide free and compulsory education to children between the ages of five and sixteen when Article 25-A was introduced. This signalled a dramatic change in the nation's educational system.
- **Increased Enrolment:** As more parents and guardians realized their children's right to an education, the provision resulted in a rise in enrolment. Additionally, there was more pressure on schools to accept more pupils.
- **Gender Parity:** In areas where cultural barriers were common, efforts were made to close the gender gap in education, which led to an increase in the number of girls attending school.
- **Increased Accountability:** By adding this article, the state, parents, and educational institutions can now be held legally responsible for guaranteeing children's access to education.
- **Alignment with SDGs:** Article 25-A brought Pakistan in line with international agreements such as the Sustainable Development Goals (SDGs), highlighting the significance of providing all citizens with access to high-quality education.

ARTICLE 25-A: THE RIGHT TO EDUCATION

"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."

COMMENTS

1. Free and Compulsory Education: Under Article 25-A, the state is required to provide all children between the ages of five and sixteen with free and compulsory education. This implies that all children in Pakistan, irrespective of their financial situation, are legally entitled to an education, and the state is required to see to it that they are enrolled and attend classes.

2. Determining Manner by Law: According to the article, legislation will decide how free and compulsory education is to be delivered. This makes it possible for the government to design and carry out frameworks, rules, and policies related to education that guarantee the effective application of this constitutional right.

IMPORTANCE

1. Equality and Inclusivity: Article 25-A emphasizes the idea of educational equality, stressing that all children have the fundamental right to an education and that it is not a privilege for a chosen few. By guaranteeing that kids from underprivileged and marginalized backgrounds have access to high-quality education, it fosters inclusivity.

2. Legal Obligation: By including this article, the state is required by law to offer free and compulsory education. It holds the government responsible for putting policies and plans into action to actually make this right.

3. Socio-economic Development: The foundation of socio-economic development is education. Pakistan hopes to develop a better educated and skilled populace that can support the advancement and prosperity of the country by ensuring this right.

4. Alignment with International Commitments: The Sustainable Development Goals (SDGs), which demand universal access to high-quality education, are among the international commitments Pakistan has made. Article 25-A is in line with these goals. This illustrates Pakistan's dedication to reaching these international goals.

5. **Child Development:** Free and compulsory education is critical to children's overall growth. By providing them with knowledge and skills, it promotes personal development and a brighter future for them.

ASPECTS OF LAW AND CONSTITUTION

1. **Constitutional Guarantee:** The right to education is protected by Article 25-A of the Constitution. It gives education a highest legal status in the nation and establishes it as a fundamental right.

2. **Enforceability:** The right to education is now legally enforceable thanks to the addition of this article. If the state does not give children between the ages of five and sixteen free and compulsory education, then individuals and organizations may pursue legal action.

3. **State Responsibility:** According to Article 25-A, the state is in charge of making sure that everyone has access to education. It recognizes that the government bears the primary responsibility for ensuring that everyone has access to educational opportunities.

4. **Legislative Framework:** The phrase "by law" refers to deciding how education will be provided, which permits the development of a legislative framework. This implies that the realization of the right to education can be governed by the enactment of particular laws, policies, and rules.

In the summarize context, Article 25-A of the Pakistani Constitution, which emphasizes equality, inclusivity, and the state's legal obligation, guarantees all children, ages 5 to 16, the right to free and compulsory education. This important legal and constitutional provision emphasizes how crucial education is to fostering personal growth, advancing socioeconomically, and upholding obligations made internationally.

INTERVIEWS

Q. 1- "Can you provide insights into the implementation of Article 25-A and its impact on education in Pakistan"?

Dr. Khan: Article 25-A has been a critical step towards ensuring education for all. It has increased awareness of the right to education, leading to higher enrolment. However, challenges remain in terms of quality, infrastructure, and teacher training.

Q. 2- What challenges have you encountered in implementing Article 25-A in your school? Mr. Ali Ahmad,

Mr. Ahmed: While we've seen an increase in student numbers, maintaining the quality of education is a struggle. Insufficient resources, overcrowded classrooms, and a lack of well-trained teachers are our main issues.

Q. 3- How do students perceive the impact of Article 25-A?

Ms. Malik: Many students appreciate the right to education, but they face challenges like bullying, inadequate facilities, and long commutes. Access to extracurricular activities and quality education is limited.

Q. 4- What efforts has the government made to implement Article 25-A effectively?

Mr. Khan: The government has initiated several programs to increase access to education. However, more funding and comprehensive policy reforms are needed to address the quality and infrastructure issues.

ANALYSIS AND CHALLENGES

Increased Awareness and Enrolment

The interviews suggest that Article 25-A has increased awareness of the right to education, leading to higher enrolment in schools.

Challenges in Quality and Infrastructure

The interviews highlight that while there has been progress in enrolment, challenges in maintaining the quality of education and addressing infrastructure issues persist. This includes overcrowded classrooms, inadequate resources, and a lack of well-trained teachers.

Student Perspective

Students appreciate the right to education, but they face challenges such as bullying, limited access to extracurricular activities, and the need for better quality education.

Government Efforts

The government has initiated programs to improve access to education. However, there is a consensus among experts, educators, and policymakers that more funding and comprehensive policy reforms are needed to address the challenges associated with Article 25-A.

Education Quality: In order to guarantee that students, have access to and obtain a high-quality education, the education system must be made better.

Infrastructure: Common problems include crowded classrooms and subpar amenities. Infrastructure improvements in schooling are essential.

Teacher Training: To guarantee that educators are equipped to provide high-quality instruction, extensive teacher training programmers are required.

Safety and Well-Being: According to student opinions, in order to establish a supportive learning environment, concerns about safety and bullying must be addressed.

POSSIBLE ENHANCEMENTS

More Funding: In order to solve issues with infrastructure and resources, the government should provide the education sector with additional funding.

Comprehensive Reforms: Raising standards for education, curriculum, and teacher preparation should be the main goals of policy changes.

Community Involvement: To facilitate the successful implementation of Article 25-A, promote community awareness and engagement.

Monitoring and accountability: Establish systems to keep an eye on how Article 25-A is being implemented and to hold educational institutions responsible for delivering high-quality instruction.

These observations and suggestions can be helpful for your analytical assignment since they offer a comprehensive viewpoint on how Article 25-A is being implemented, the difficulties it has encountered, and future changes that could be made to guarantee that every child in Pakistan has access to an education.

ENFORCEMENT OF ARTICLE 25-A

Children between the ages of five and sixteen are guaranteed the right to free and compulsory education by Article 25-A of the Pakistani Constitution, which was adopted via the 18th Amendment in 2010. This clause emphasizes the significance of providing everyone in Pakistan with access to high-quality education and is a major step towards the promotion of education as a basic right. We shall discuss the difficulties in enforcing Article 25-A in Pakistan in this note.

Law and Policy: Through the establishment of several policies and legislative measures, Pakistan has attempted to enforce Article 25-A. The Right to Education (RTE) Act and the National Education Policy (NEP) are important pieces of legislation that attempt to establish a legal framework for the delivery of free and compulsory education.

Provision of Resources: It is crucial to guarantee that the infrastructure and financial resources required for the implementation of Article 25-A are available. According to the RTE Act's mandate, Pakistan has devoted a sizeable amount of its budget to education, especially at the provincial level.

Public-Private Partnerships: To increase access to education, the government has promoted public-private collaborations in the field of education. With this method, non-governmental organizations and private organizations may support education while still following rules and guidelines.

Access to schools: Government initiatives have been undertaken to improve school accessibility, especially in underprivileged and rural regions. The goal of programmers like giving out free textbooks and giving stipends to students—especially female students—is to lower enrolment obstacles.

LEADING CASE LAWS

Suo-moto Action in Khyber Pakhtunkhwa (KP) for Free and Mandatory Education:

Suo-moto, the Peshawar High Court mandated the implementation of free and mandatory education in Khyber Pakhtunkhwa in 2015. The KP government was mandated by the court to assist in the enrolment of children who are not enrolled in school and to enhance the education system as a whole.

Education Reforms-Driven Judicial Activism in Punjab: Several occurrences of judicial activism to enforce Article 25-A have been documented in Punjab. In its rulings, the Lahore High Court has instructed the provincial government to enhance educational infrastructure, certify teachers, and ensure that underprivileged communities have equal access to education.

RIGHT TO EDUCATION CASE (KHUSHAB)

The Lahore High Court ruled that the Punjab government was obligated to provide stipends and complimentary textbooks to deserving students in order to remove financial obstacles to education. This ruling strengthened the right to free education. The Sindh High Court has implemented measures to guarantee the provision of fundamental amenities in educational institutions, including but not limited to functional restrooms, potable water, and perimeter walls, with the aim of establishing a secure and favourable atmosphere for learning.

Recruitment of Qualified Teachers for Quality Education in Khyber Pakhtunkhwa

In regard to the matter of teacher shortages in KP, the Peshawar High Court has ordered the provincial government to expedite the recruitment process for qualified educators.

In Punjab, the Lahore High Court has issued directives to enforce the prohibition of child labour and foster the advancement of education through measures that prevent children from being involved in perilous or exploitative occupations.

In response to the education deficit in the province, the Baluchistan High Court has issued a directive to the government to implement strategies that enhance the availability of high-quality education, with a specific focus on remote and underdeveloped regions.

CASE OF KARACHI SCHOOLS IMPROVEMENT

The Sindh High Court has issued a directive to the provincial government regarding the enhancement of educational facilities in Karachi, with a specific focus on infrastructure, safety, and quality.

These case laws illustrate the proactive involvement of the judiciary in the enforcement and interpretation of Article 25-A, which guarantees the preservation of the right to free and mandatory education in Pakistan. The aforementioned obstacles—infrastructure deficiencies, teacher shortages, educational disparities, and others—that impede the effective implementation of this constitutional provision are emphasized in relation to the significance of judicial activism. Further actions to strengthen education in the nation and advance the realization of this fundamental right for all children are predicated on the legal precedents established by these cases.

EFFECTIVENESS

- A rise in enrolment has been observed as a result of Article 25-A, especially in marginalized and economically challenged groups. It has raised awareness of the need of education and inspired parents to enrol their kids in school.
- This clause lays out the procedures for bringing the state to justice when it comes to delivering free and obligatory education. Citizens now have a way to demand their rights thanks to this legal responsibility.
- In an effort to reduce gender gaps in education, females' access has been facilitated under Article 25-A, particularly in areas where cultural norms are conservative.

SHORT-COMINGS

1. Despite a rise in enrolment, the educational quality frequently stays below average. Common issues include obsolete curricula, inadequate resources, and instructors with inadequate training.
2. Classrooms, libraries, and restrooms are just a few examples of the inadequate facilities seen in many schools. Overcrowding in schools is a serious problem.
3. While there is an increase in enrolment, the quality of education often remains subpar. Insufficient resources, poorly trained teachers, and outdated curricula are common shortcomings.
4. Many schools lack proper infrastructure, including classrooms, libraries, and sanitation facilities. Overcrowded classrooms are a significant issue.
5. The quality of teachers is a concern. Many educators lack adequate training, and the profession often suffers from low morale due to low salaries and limited career prospects.
6. There are concerns about the caliber of instructors. Due to poor pay and little opportunities for advancement, many educators lack proper training, and the industry as a whole frequently has low morale.
7. Although education is meant to be free, families in lower income brackets may be discouraged by the hidden expenses of attending school, which include books, uniforms, and transportation.

DISCREPANCIES BETWEEN POLICY AND PRACTICE

- Despite the fact that governments may stress the value of education, the industry does not receive enough funding, which results in resource shortages and lowers educational quality.
- Although policies emphasize the need for trained educators, actual teacher recruitment and training frequently falls short of the ideal levels.
- Policies may ask for better infrastructure, but building of that infrastructure frequently lags behind, resulting in overcrowded classrooms and subpar amenities.

SOCIO-ECONOMIC AND CULTURAL FACTORS AFFECTING THE RIGHT TO EDUCATION

- One of the biggest obstacles to education is still poverty. Low-income families find it difficult to pay for the hidden expenses of education and may decide to have their kids work to help support the family instead.
- Higher dropout rates might result from restricted access to schools in rural regions. Greater educational possibilities and facilities are often found in urban regions.
- In certain conservative communities, girls' education may be discouraged by cultural norms and beliefs, which impedes gender parity in education.
- Children frequently encounter difficulties going to school in areas impacted by violence or insecurity because their parents worry about their safety.
- Students may not be able to get teaching in their native tongue due to Pakistan's multilingual population.

CONCLUSION

To sum up, a thorough examination of Article 25-A of the Pakistani Constitution and its implications for the right to education reveals a complex environment in the nation. Even while this constitutional clause has greatly increased educational access and established a framework for accountability, there are still a lot of problems and inconsistencies. The enrolment of children, particularly those from marginalized families, has grown as a result of Article 25-A, and initiatives to redress gender imbalances have also increased. The clause has also increased public awareness of the right to education, reaffirming that every Pakistani kid has this essential right.

Nonetheless, there are many flaws, especially with regard to infrastructure, teacher preparation, school quality, and unspoken economic restrictions. The obvious discrepancy between policy aims and actual execution highlights the necessity of resolving financial restrictions, as well as enhancing teacher recruitment, training, and infrastructure development. The attainment of universal access to high-quality education is hampered by socioeconomic and cultural variables, which still have a considerable impact on educational opportunities. These constraints include poverty,

the gap between rural and urban areas, cultural norms, security concerns, and language hurdles.

RECOMMENDATIONS

Pakistan's overall prosperity depends on highlighting the Constitution's guarantee of the right to education. The nation's destiny is shaped not just by legal requirements but also by a moral pledge. For effective implementation of Article 25-A, the government has to increase funding, create comprehensive policies, and overcome socioeconomic and cultural divides.

By doing this, Pakistan may strive towards developing an education system that is more egalitarian, inclusive, and high-quality, empowers its people, promotes socioeconomic advancement, and is compliant with international obligations. Realizing the right to education is essential to ensuring a better and more successful future for the country and its citizens, not merely as a matter of law.

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