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**A CRITICAL ANALYSIS OF THE IMPLEMENTATION OF THE
RIGHT TO EDUCATION IN THE CONSTITUTIONAL
DEVELOPMENT OF PAKISTAN**



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Abstract

Education in Pakistan is a luxury that most cannot afford. Without educating children, there is no hope for empowerment and progress. A state is obligated to specific duties towards its children. Along with the other basic rights of nationality, housing, recreation, freedom, protection, and belonging, the most significant of all is the provision of education (Tahera Hasan, 2022). The core objective of this study is to critically analyze the implementation of Right to Education in the Constitutional History of the Pakistan after independence. Therefore, in this study the Independence Act, 1947 till the 18th amendment in which article 25-A is inserted in the Islamic Republic of Pakistan 1973 are critically analyze for finding the enactment of the Right to Education. While, education played as a role of third eye for human being, in connection with this the various documents have been framed in the legal system of Pakistan, but huge gap still exists in the codified Constitution and laws, when we talk about its true spirit in letter and patent. Moreover, this study is only conducted from the available data and researchers have tried to conduct critically study over the measures taken by the government regarding implementation of the Right to Education. Furthermore, Article 37-b allows the state to promote social equity and eradicate socially unacceptable behaviors, such as eliminating illiteracy and providing free and mandatory education within the shortest practicable time frame.
Keywords: Right to Education, Implementation, Fundamental Right, 18th amendment and Article 25-A.

1. INTRODUCTION

According to the National Commission on the Rights of Child, up to 22.8 million Pakistani children aged 5 to 16 were not attending school in 2022. This dismal number ought to have forced the administration to consider the situation and come up with a plan to get children back in the classroom. Sadly, the government rarely prioritizes bettering education. The nation spends one of the least amounts of money on education in the world, at just 2.8% of its GDP, according to UNICEF (Nabila Feroz Bhatti, 2023). Education in Pakistan is a luxury that most cannot afford. Without educating children, there is no hope for empowerment and progress. A state is obligated to specific duties towards its children. Along with the other basic rights of nationality, housing, recreation, freedom, protection, and belonging, the most significant of all is the provision of education (Tahera Hasan, 2022). The countries must uphold, reverence, and guarantee the right to education of children. In modern times, the right to education has been profoundly affected by the quick advancement of technology. Concerns regarding how to protect this child's right without discriminating or without creating a bigger divide between children who have access to and use a suitable digital environment and those who do not have it have been (re)opened by the COVID-19 epidemic (Kraljić, 2024). The pervasive struggle in Pakistan to achieve equal educational opportunities is an illustration of the larger obstacles to the country's socioeconomic progress. Despite the fact that every child has the constitutional right to education, the actual situation is very

different. Disparities continue to exist across the nation, depriving numerous children of their basic right to flourish and learn (Jamal, 2021).

The immediate implementation of Article 25 of the Constitution, which requires every child to have equal access to education, is at the heart of this problem. This constitutional provision, which reflects Pakistan's commitment to impartiality, social justice, and inclusive growth, is not only legally binding but also morally essential. Sadly, not much has changed in the years after Article 25-A was introduced in terms of the realization of this right. The continuing gender gap in educational attainment, which disproportionately affects girls due to access hurdles, is one of the most urgent issues. Socioeconomic and cultural restrictions still impede girls' school enrollment and retention in areas like Sindh, Balochistan, and K-P. Additionally, it can be extremely difficult for children from the lowest-income families and those with impairments to get an adequate educational opportunity. Circumstances of poverty and marginalization are further aggravated by economic limitations, poor infrastructure, and scarce resources. In order to close these gaps and guarantee that no child is left behind, comprehensive strategies that tackle the many obstacles that marginalized populations confront are needed (Tahirkheli and Khan, 2013).

Pakistani Constitution was outlined subsequent to the United Nations Charter and the Universal Declaration of the Human Rights 1948. These historical documents stressed on the protection of the human rights. Therefore, Pakistani legal system also relied upon these documents and tried to incorporate the human rights. After Independence in Pakistan the objective resolution (12th March 1949) is considered as a foundation document in the Constitutional development of Pakistan and one may be don't hesitant to call it as a Magana Carta in the Constitutional History of Pakistan. Moreover, that was first step of stairs for development of the Constitution such as 1956, 1962, 1973 and 18th Amendment. It is very imperative to mention here that the provisions of education was included in the all Constitutions of Pakistan (Khan et al., 2019).

All around the world education is declared as free and compulsory at a certain level either in schools or at home schooling. Further, the United Nations institutions are also working on the betterment of the education in the entire globe. Therefore, the working and efforts of the UN is appreciable. Moreover, as per Article 25-A of the Constitutions 1973, the Right of Education is declared as open and mandatory for the children of 5 to 16 years of age (Ambreen and Hussain, 2020).

The purpose of education is not just to shine the personality of individual but its motive is to develop the values and vision of individual in such a manner so that one must be beneficial for the society as a whole (Asghar and Bhatti, 2023). Furthermore, Article 37-b of the Islamic Republic of Pakistan's 1973 Constitution allows the state to promote justice for all and eradicate socially unacceptable behaviors, i.e., to eliminate illiteracy and offer free and obligatory secondary education within the shortest time possible.

Main purpose of the research is to investigate the existing documents on the Right to Education and find out the gap between the codified laws and its hurdles in the implementation of true essence. Moreover, the researchers will suggest pragmatic measures for improvement and getting the desired outcomes in this way.

1.1 Meaning and purpose of Education:

The English term "education" originates from the Latin words Educare (Educere) and Educatum. The term "educare" refers to train or mould. It refers to the ability to bring up, lead out, or draw out,

implying movement from inside to outside. The term "Educatum" refers to the act of teaching. It sheds insight into the concepts and practices of teaching (Kumar and Ahmad, 2008). Human beings is the creation of three things such as Spirit, body and mind. Therefore, people usually consider education as a source of bread and butter but the reality is contrary to this because the original purpose is to establish the spirit, body and mind.

2. Major Concerns regarding Education:

Primary education has a significant impact on children's intellectual growth and academic achievement. It equips students with the core information and skills they need to excel in further education and their future employment. Yet, numerous issues within the primary school system restrict the quality of instruction delivered to children of all ages. Education is sometimes regarded as an essential component to unlocking a more promising future for individuals as well as communities as a whole. Education provides individuals with the information, abilities, and perspectives required to thrive throughout their lives and effectively contribute to the communities in which they live. However, in many regions of around the globe, primary education faces a number of problems that limit its efficacy and influence (Tajiddinovna, 2024).

The issue of education is very intricate and necessitates a grave understanding of the key issues. As per the global educational systems, the following flaws are flagrant in the education systems across Pakistan:

2.1 Access to Education:

Many children, especially those from low-income households, have no opportunity to attend school due to poverty, a lack of facilities, and other societal problems. Essential facilities like electricity, clean water to drink, and proper sanitation are lacking in many rural schools. Insufficient facilities and resources in schools pose a challenge for instructors to deliver top-notch education to their students. Gender inequality is a significant problem in addition to the teacher shortage. Girls in Pakistan are severely marginalized, with fewer students attending school and larger rates of dropping out than boys. Numerous factors contribute to this, such as cultural norms, the preference for boys' education over girls' education, early marriage and parenthood, and the dearth of adequate educational opportunities for girls. The biggest obstacles to girls' access to education are proximity to the school and safety concerns. According to Idara-e-Taleem-o-Aagahi (ITA)'s Annual Status of Education Report (ASER) for 2022, 64% of enrolled students in government schools were boys and 36% were girls, while 63 percent of enrolled students in private schools were boys and 37% were girls (Nabila Feroz Bhatti, 2023).

In Pakistan, previous data has indicated an inadequate literacy rate among adults where only 42% of adults aged fifteen and above are illiterate. Furthermore, significant differences between male and female inhabitants in rural and urban areas are noted. These statistics represent both the current and the past. Even with reforms and the development of various measures aimed at raising the literacy rate, half of seventeen-year-old children from low-income homes have never attended school, and the main cause of this is the difficulty in getting to schools. Rural children are less likely than urban children to attend elementary school, which means that urban children are more likely to complete higher education, such as a university degree (Siddiqui et al., 2021).

2.2 Declining Standards:

Inadequate infrastructure is a key concern in basic schooling. Many schools lack essential amenities like classes, libraries, labs, and toilets. This can make for a difficult learning environment for pupils and limit their capacity to be completely involved with their educational pursuits. Another concern is a lack of trained teachers. Many educational institutions lack trained instructors with the essential abilities and expertise to properly teach students. This can result in substandard instruction and less educational chances for youngsters. In addition, obsolete curricula can be a concern in primary education. The curriculum offered in schools might not be significant or in line with contemporary educational standards or societal demands. This can leave students underprepared for future academic endeavors or employment (Tajiddinovna, 2024).

Since Pakistan's independence, educationalists have been extremely concerned by the country's educational standards. Everybody in the community has an opinion about Pakistan's educational standards. Every government made an effort to improve educational standards, but their attempts were mostly focused on writing educational policies into documents. We were unable to locate any real-world application of their suggestions for raising Pakistan's educational standards (Faizi, 2010). According to ASER, 45% of students were unable to read even a single sentence in Urdu or any of their regional languages, and 44% were unable to read even a single sentence in English due to the nation's defective educational system. Class Three and Class Five children's learning skills have decreased in all three competences. In 2019, just 50% of Class Five students could read an Urdu narrative at the Class Two level, compared to 55% in the previous year. Just 15% of children in Class Three were able to read books in Urdu, compared to 19% in 2019 (Nabila Feroz Bhatti, 2023).

2.3 Miscellaneous:

Regretfully, Pakistan has endured years of social, economic, and political instability. We urgently need to address our unresolved issues, which include moral decay, political instability, economic stagnation, and reliance on outside sources of income. Without argument, one of the most promising paths out of these situations is through high-quality education. However, Pakistan has strayed from the path of prosperity and growth by demonstrating a lack of enthusiasm for improving the education system. As such, a critical analysis of the issues facing the educational system is necessary.

Many bright young minds are compelled to drop out of school in their pursuit of academic success, and their parents struggle to pay for the ever-increasing costs of education. For many mothers and fathers, the pursuit of education is turning into an unfulfilled pipe dream, while being a crucial prerequisite for integrating every member of the population into the country's social and economic fabric. The huge inflation of the basic necessities such as food, healthcare, fuel and utility services has propelled many families to opt for public sector institutional schooling. However, this option seems to be shutting off as well due to galloping inflation, poor governance, sheer corruption and colossal mismanagement on the part of government schools with little purposefulness in their roles. Both class and caste realities exist and pose great social and economic hurdles in educational aspiration.

The examination system often is blamed for undermining the education process in Pakistan through encouraging rote learning and memory over real learning. The modular system of examinations in medical education has fueled the process leading students choosing easier subjects over their more

important subjects like anatomy. Political intervention in institutions of learning has further tarnished the reputation of the system for credibility as well as fairness in the education process.

Education receives extremely low funding, never exceeding 1.5 to 2.0% of the gross domestic product, Because of an absence of awareness and expertise with legislated standards and timely funds payouts, even this cash was underutilized and had to be refunded to the state. It is necessary to raise it to about 7% of GDP overall while taking neighboring nations' allocations into consideration. It is also necessary to rationalize the share at various levels without neglecting any (Rashid and Mukhtar, 2012).

The government is unable to draw in qualified people with great enthusiasm and energy for teaching. Teaching is the least desirable career for young people due to its minimal pay, slow rate of promotion, and inadequate benefits. The educators working in government schools lack proper training, preparation, and grooming (Rashid and Mukhtar, 2012).

Corruption is one of the leading causes of the collapse of academic initiatives, strategies, and projects. The structure undermines openness and accountability; earnings are minimal, incentives are insufficient to be relied on, and some are incoherent. In the fiscal years 2001-2006, approximately Rs. 2,594 million of the Rs. 7,016 million intended to upgrade educational facilities, including structures, power, drinking water, etc., remained unreported (Rashid and Mukhtar, 2012).

In the process of education, concerns regarding information technology and its application, novel developments and methods, and the integration of any kind of novelty into the system as a whole, directly through upgrading and modifying the instructor's activity, are of crucial significance. Autonomous works like booklets, informative bulletins, presentations, sample summaries, schemes, graphics, and tables all benefit from technological advances in terms of boosting the efficacy of the educational process (Murodov, 2024). The current state of advancement in information and communication technologies in the 21st century is so advanced that the development of a national system in line with the incorporation of the facilities of the world information space and the national information and computing network in our country plays a significant role in the efficiency of the national economy, management, science, and education. These issues are both complex and crucial for the survival of our nation.

The responsibility lies heavily with the government to not only emphasize the importance of providing free, compulsory and quality education but also introduce a wide-range reforms that include infrastructural development and revamping the curriculum (Abdul Rafae, 2023).

3. Legal Landscape for protecting Educational Rights:

Government of Pakistan provides brings in different policies for education time to time to demonstrate that the government is concerned about the intricate concern. The details of the relevant documents that focused on education are provided below:

3.1 The Interim Constitution 1947-1956 (Government of India Act 1935):

After the independence in 1947, the Constitution framing was remained a great debatable topic. Furthermore, as stated in Entry 17 of the provincial legislative list, education constituted under the sole legislative and executive jurisdiction of the provincial governments during this time period. The Federal Legislative List and the Concurrent Legislative List did not include any education-related legislative, strategic, or curricular issues.

3.2 Education under the Constitution of 1956:

The first ever Constitution in the legal development of Pakistan is considered as the 156 Constitution. Whereas, Education was available in the 1956 Constitution but it cannot be justifiable and further it was included as obligation upon State. The fundamental values of state policy outlined in the 1956 Constitution obliged the government to eliminate illiteracy and offer open and obligatory elementary education within the shortest practicable time frame. Article 106 of the Constitution addressed the division of responsibilities among the federal and provincial authorities. Education (which involves higher education, vocational education, and occupational training) was entrusted to the provincial governments as an exclusive legislative jurisdiction.

3.3 Education under the Constitution of 1962

The Foundation of free and compulsory education in the constitution of Pakistan 1962 was the Sharif commission which was formed in 1959 by the Ayub government. Moreover, Article 12(3) of the Constitution of Pakistan 1962 emphasized that all the forms of decimation must be eradicated for improving the education irrespective of sex, color, religion and region etc. (Khan et al., 2019).

3.4 Education under the Constitution of 1973

Similarly, as the right to education was included in the previous Constitutions the same right has also been protected impliedly and explicitly in the Constitution of Islamic Republic of Pakistan 1973. It requires the State to support the educational needs of underprivileged groups, offer free public education, and use education to foster national unity. Additionally, it guarantees the right to education as a fundamental living necessity and as a state-mandated policy principle. But rather than being overseen by the judiciary, it is left to the good will of the executive and legislative branches. However, it expressly provided right to life or personal liberty as a fundamental right. Article 9 of the Constitution, which is part of the fundamental rights, assure every person, instead of only citizens that “no person shall be deprived of life or liberty, save in accordance with law”(Ullah, 2020). Moreover, article 37-b of the Constitution of Islamic Republic of Pakistan 1973 empowers the State for promotion of social justice and eradication of social evils i.e. remove illiteracy and provide free and compulsory secondary education within minimum possible period.

3.5 Insertion of Right to Education in the 18th Amendment

A number of recent efforts have been made to declare Education as fundamental Right in the Constitution of Pakistan (Juneja, 2003). Moreover, The Right to education was considered as a principle of policy in earlier Constitutions of Pakistan, it was considered as a first time in the Constitutional of Pakistan as a fundamental Right after insertion of Article 25-A through the 18th Amendment. In which it made obligatory for catering the education to the children from five to sixteen years of age (Ullah, 2020).

3.5.1 Draw back in the Constitution prior 18th amendment

Right to Education was available in all the Constitutions viz. 1956, 1962 and 1973 directly or indirectly. Further the education was given in the principles of policy it means the same was left on the whims and wishes of the Government and the Executive was duty bound to protect, safeguard and take pragmatic measures for catering the free and compulsory education. That may be considered as a major common draw in all these Constitutions because education was not fundamental right and it was not subject to the judicial review that is to say the judicial monitoring

was missing. Moreover, the Fundamental Rights are the directly enforceable by the Courts on the other hand principle of policy is not subject to the judicial interference (Ullah, 2020).

3.6 The Sindh Right of Children to Free and Compulsory Act, 2013:

The Sindh Right of Children to Free and Compulsory Education Act 2013 is a momentous legislation aimed at ensuring access to quality education for all children in the Sindh province of Pakistan. The Act embodies the constitutional guarantee of the right to education as enshrined in Article 25-A of the Constitution of the Islamic Republic of Pakistan, 1973 which mandates free and compulsory education for children aged 5 to 16 years regardless of sex and race. Moreover, no child is charged any fee, charges or expenses in whatsoever manner which precludes the said child from pursuing the education. Furthermore, as per sub-section (3) of section privately managed owned schools shall also ensure the free and compulsory education to the children at the age of 5 to 16 years at least 10 percent of their total enrollment.

Whereas, section 4 of said says that in case any of the child not admitted at the school after expiry of 5 years then he may be allowed to get admission as per his age. Provided that if a child admitted in secondary school then he may be allowed to complete the education even after the expiry of the 16 years of age. Moreover, the child has right to transfer from one school to another school in case there is no secondary school or a child moved from one province to another province of the Country then has right to transfer as provided in the section 5.

Section 6 owes duty on the Government and local authority to establish the schools in the locality wherever it is required or on need based. Subsection (2) postulates that the Government shall encourage enterprises, institutions and other segment of society, by offering incentive, to establish schools to facilitate free and compulsory education.

Section 9 also bound the government to make necessary arrangements for free pre-school education and also early childhood care for the children above the age of three years until they join the school for education. In addition to this, section 10 encourages the Private Schools to provide for free and compulsory education.

Overall, the Sindh Right of Children to Free and Compulsory Education Act 2013 represents a significant step towards realizing the constitutional mandate of universal education in the province. By establishing legal frameworks for access, quality, and equity in education, the Act seeks to ensure that every child in Sindh has the opportunity to fulfill their potential through education.

As a matter of fact, this is a good initiative from the Sindh government but still the rules have not been framed which were under obligation and duty to frame rules and regulations for proper working and implementation of this enactment. Failure to do so clearly shows that there no political will for implementation of the Act to its letter and patent.

4. Efforts for bringing reforms in the Educational System of Pakistan

At national level following ten policy documents have been framed with varying degree of consultation and involvement of the federating units:

1. Report of the Pakistan National Educational Conference 1947
2. Report of the Second Pakistan Educational Conference 1951
3. Report of the National Commission on Education 1959
4. Proposals for New Education Policy 1969
5. New Education Policy 1970

6. Education Policy 1972-78
7. National Education Policy 1979
8. National Education Policy 1992
9. National Education Policy 1998-2010
10. National Education Policy 2009

5. Right to Education in Judicature perspective:

The judiciary in Pakistan has not played as a role for declaration of the education as a fundamental right rather the judiciary remain reluctant and just emphasized government for fulfilling its obligation as provided in the principle of policy. Therefore, Parliament initiate a positive step and introduced the article 25-A through 18th Constitutional amendment. Whereas, Article 25-A say as “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” (Ullah, 2020).

After passing of the 18th amendment on 15 April 2010, the judiciary changed his views and stressed on the fully implementation of the Right to Education as a fundamental right under the purview of the Article 25-A. In this regard, various citations of the Courts of Pakistan made part of this study and same are provided here under:

The Honorable High Court of Balochistan in one of the reported judgment held as “Art. 25-A---right to education ---Scope---State is responsible to provide education to its citizens, children and youth without any discrimination of race, religion, caste, sex, residence or place of birth”. Further it was held that the education is either formal or informal. While, the formal can be catered through the schools, colleges or other institutions etc. Moreover, the informal education is used in the general term and it refers to various standards of non-schooling and in housing schooling system. In connection with the right to education it was further held that since right to education is the fundamental right. Therefore, Courts are under obligation to protect such right. It was further pointed out the right to education has obvious nexus with the rights provided in the Article 4 and 9 of the Constitution. Hence, Quality of education has a significant impact on people's understanding of their rights and obligations, development of civic consciousness in society, enjoyment of the fundamental rights protected by the Constitution, and legal empowerment. Lastly, it was recommended that the people cannot be free without free and compulsory education. (2023 PLC (CS) 1526 QUETTA-HIGH-COURT-BALUCHISTAN).

The Honorable Lahore High Court in the August judgement held that the Part II, Chapter 1---Fundamental rights---Fundamental rights, kinds of---"Positive rights" and "negative rights"---Connotation---Positive rights are those that provided something to people and require action to ensure provision of the right (for example the right to education). Whereas, Negative rights are free from interference and thus limit the ability of other people/governments from taking action to ward/against the right holder. Reported as (2022 PLD 39 LAHORE-HIGH-COURT-LAHORE).

The Honorable Peshawar-High-Court in the August judgement held that the article 25-A of Constitution establishes the right to education as a fundamental right. Further, the said provision enshrines and stresses that the education is free and compulsory for all the children age 5 to 16. It is worth to mention here that the State is under legal obligation to take pragmatic measures for providing the primary to higher level education. It is admitted position that the human development and growth have the clear nexus with the education. Therefore, it is duty of the State to establish the institutions or universities for research, technical skills development, and professional and other

development courses. Last, it was held that the State should take measures for provision of the higher education and industrialization which is the core functions of the State. (2023 PLC(CS) 866 PESHAWAR-HIGH-COURT).

5.1 Right to education and its connectivity with Right to Life (Article 25-A and 9)

The Honorable Supreme Court of Pakistan in one of the August judgements holds that the Right to Life is not only a matter of taking breath, it also intakes the necessary components that support a life such as drinking water; provision of electricity; provision of education; provision of health facility; provision of civic and civil infrastructure, and provision of transportation for citizens etc. reported as (2020 SCMR 622 SUPREME-COURT).

The Honorable Sindh High Court has kept right to education on top place among fundamental rights. It regards education as symbol of progress in society, and considers education as most enlightened path. (2020 CLC 1465 KARACHI-HIGH-COURT-SINDH).

5.2 Quality Education

Honorable Lahore High Court has given utmost important to quality education that Education with fruitful results. Whereas, the quality education focuses two factors i.e. free and compulsory education (2018 PLD 509 LAHORE-HIGH-COURT-LAHORE).

5.3 Consideration of Education as a sustainable goal:

A significant advancement in the formulation of a development covenant to promote collaboration and coherence across development initiatives was made when the Sustainable Development Goals (SDGs) were adopted by the UN General Assembly in 2015. The seventeen Sustainable Development Goals (SDGs) and 169 goals were more expansive, demanding, and ambitious than the Millennium Development Goals (MDGs) of their predecessor, reflecting a multifaceted understanding of development that necessitated multi-stakeholder collaboration. The fourth Sustainable Development Goal (SDG) is to "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all." This goal is not merely more ambitious than the previous two, but it also embodies an entirely distinct set of aspirations from the two targets of the Millennium Development Goals (MDGs), which consisted of one goal related to education (universal primary education) and another that targeted the elimination of gender disparities in primary and secondary education as a means of promoting gender equality. The MDGs had reduced the global education priorities from "Basic Education," as presented in the Education for All Process, to "Primary Education". In addition to early childhood education, equal access to technical and higher education, job readiness, gender inequities, adult literacy, and global citizenship, SDG 4 strives to achieve universal and equitable quality education. Implementation requires trained teachers, further education scholarships, and accessibility. SDG 4 serves as the cornerstone for all other SDGs, and the Education 2030 Framework for Action establishes priorities for development (Reimers, 2024).

5.4 Leadership Vacuum:

For proper implementation of the educational policies a strong political will of the political leaders is required which is missing in the region. Whereas, strategic planning, community participation, trained teachers and most importantly the student and teachers close collaboration must be

encouraged for the provision of the free and compulsory education in the respective provinces (Ambreen and Hussain, 2020).

6. Limitations

The central theme of this study is to focus on the implementation of the Right to Education in the legal system of Pakistan. Further, the education is considered and due importance is given in every official document. Therefore, the Right to Education exists in the various Constitutional developments including the 18th amendment but its seems huge gap between all these documents and their true implementation i.e. in its latter and patent is missing that is purely the subject matter of this study.

However, several limitations must be acknowledged, since they may have an impact on the scope and complexity of this research. The study relies mainly on secondary data sources such as scholarly articles, regulatory documents, and different governmental publications. These sources of information, while reputable and informative, might not offer a clear picture of the on-the-ground realities and actual barriers that Pakistani individuals experience in obtaining and exercising their obligatory and unconditional right to education. Furthermore, the study has significant constraints in regard to generalizability. The conclusions of this study may not be totally relevant or adaptable to other regions of the country or government institutions. As a result, the findings of this study should be taken with caution in different circumstances.

7. Conclusion:

It can be concluded from the study that:

- State must realize its obligation and duty in safeguarding the fundamental rights including the Right to Education.
- Political will is missing. Therefore, the parliamentarians is required to come forward for properly implementing the article 25-A (Right to Education) of the Constitution of the Islamic Republic of Pakistan 1973 and The Sindh Right of Children to Free and Compulsory Education Act, 2013.
- That Right to Education is no longer the option after enactment of the 18th Constitutional amendment. Therefore, every citizen must take the reasonable and cogent steps for protection of the fundamental right incase State is not performing his duty.
- Parents also required to accept their responsibility and they must also take seriously efforts otherwise, State alone may not achieve the desired outcomes.
- There must be paradigm shift from obligation to persuasion: A policy shift.

8. Recommendations:

- That after the 18th amendment in the Constitution and insertion of article 25-A, education is the subject matter of province and each province is required to work on the right of education and took reasonable measures for catering the children with their fundamental right to education. Most importantly, province may also frame the rules and regulations for properly working and getting desired outcomes from the respective laws.
- Close cooperation is required in the Provinces and Federal as after 18th amendment Education became the subject of the Provinces but the Federal may leads Education through

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developing the National Educational Policies, which is missing due to lack of political will this can be done by improving the cooperation between the provinces and federal.

- Top priority must be given by the Parliament houses to the education in connection with the resources allocation.
- New governments must consider the initiatives, plans, measures and policies in the Education so that the previous government homework may be go into dust bin box rather than adopting new plans and policies.
- Emergency decade may be announced for the betterment education in the region.
- A prima facie coordination must be improved in the different organs of the government so that the educational related policies must be properly implemented.

8. Future work

- The detailed survey may be conducted for effective results.
- The scope of the study may be enhancing at the different stockholders i.e. Constitutional Experts, Teachers, Parents and Employees who have served in the education project.
- Detailed policies of Government may be made part of study.
- Analysis can be drawn by comparing the pragmatic measures of Government with the International documents.
- Independent studies may be conducted on the lower primary and secondary level.
- A study may be conducted on the infrastructure, staffing and other related educational issues.
- Study may be conducted on the dropout children from schools.

References:

- ABDUL RAFAE, K. 2023. Revamping Education: Reflecting on Policies, Championing Action. Available: <https://www.nation.com.pk/21-Aug-2023/revamping-education-reflecting-on-policies-championing-action>.
- AMBREEN, M. & HUSSAIN, M. A. 2020. Implementation Challenges in Perspective of out of School Children: Analysis of Policies and Projects through Cultural Audit Approach. *Pakistan Journal of Distance and Online Learning*, 6, 143-166.
- ASGHAR, U. & BHATTI, S. H. 2023. A Review on Right to Education and Related Laws in Pakistan: Elucidate the Status of Elementary Education System in our Country. *Voyage Journal of Educational Studies*, 3, 165-183.
- FAIZI, W. U. 2010. The main reasons of declining educational standards at secondary level in Karachi, Pakistan. *Pakistan (May 6, 2010)*.
- JAMAL, H. 2021. Educational Status of Pakistan: Pre and Post 18th Amendment Scenario.
- JUNEJA, N. 2003. Constitutional amendment to make education a fundamental right. *NIEPA Occasional Paper*.
- KHAN, F. N., MIRZA, N. & KANWAL, S. 2019. The Impact of Constitutional Provisions for Education on the Overall Literacy: A Comparative Study of Pakistan and South Korea. *Sir Syed Journal of Education & Social Research*, 3, 171-188.
- KRALJIĆ, S. 2024. The Right to Education in a Digital Era. *Digital Technologies and Distributed Registries for Sustainable Development: Legal Challenges*. Springer.

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Print ISSN: 3006-5887

Online ISSN: 3006-5895

- KUMAR, S. & AHMAD, S. 2008. Meaning, aims and process of education. *School of Open Learning*, 3-6.
- MURODOV, O. 2024. INNOVATIVE INFORMATION TECHNOLOGIES AND NEW METHODS AND TOOLS FOR THEIR APPLICATION IN TODAY'S EDUCATION. *Центральноазиатский журнал образования и инноваций*, 3, 83-92.
- NABILA FEROZ BHATTI. 2023. EDUCATION: A TIME TO REFLECT... AND ACT. *DAWN*.
- RASHID, K. & MUKHTAR, S. 2012. Education in Pakistan: Problems and their solutions. *International journal of academic research in business and social sciences*, 2, 332.
- REIMERS, F. M. 2024. The sustainable development goals and education, achievements and opportunities. *International Journal of Educational Development*, 104, 102965.
- SIDDIQUI, M. S., AHMED, Z. & MEMON, A. 2021. Impact of devolution on education in Pakistan in the light of 18th amendment: A review article. *The Government-Annual Research Journal of Political Science*.
- TAHERA HASAN. 2022. No right to learn. *DAWN*.
- TAHIRKHELI, S. A. & KHAN, S. B. 2013. Challenges to promotion of the fundamental right to education in Pakistan. *Academic Journal of*.
- TAJIDDINOVNA, I. F. A. 2024. THE ISSUE OF EDUCATION IN PRIMARY EDUCATION. *Multidisciplinary Journal of Science and Technology*, 4, 615-620.
- ULLAH, A. 2020. Right to free and compulsory education in Pakistan after 18th constitutional amendment. *South Asian Studies*, 28.