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# Constitutional Responsibility of the State towards Out of School Children (OOSC): A Case of Pakistan

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#### **Abstract**

Pakistan's total population stands at 241.49 million, with approximately 64% of the population being below the age of 30, presenting both opportunities and challenges. To transform this youth demographic into a dividend rather than a threat, this article specifically covers these three groups of youth: Out of school children, madaris students & juveniles in prisons. The article also highlights different perspectives of such youth segments and discuss some useful sources which can help harness their potential for the nation. In conclusion, the article recommends a set of measures which can be adopted by the state at different levels to train this group of youngsters for the current and upcoming challenges of Pakistan resulting in a positive outcome.

**Keywords:** OOSC, Grooming, Iqbal Poetry, Motivation, Madrais Students, Juveniles

#### 1. Introduction

In the opening of the article, concept of Out of School Children (OOSC) is elaborated followed by a comprehensive examination of demographic information related to Pakistan. This initial step serves to establish the foundation for the subsequent discussion.

Further elaborating the concept of Out-of-school children (OOSC) the article discusses this difficult dilemma in Pakistan, necessitating thorough examination of constitutional obligations and governmental remedies. The Pakistani constitutional framework, which is based on the fundamental ideals of equal access to education and the right to study, emphasizes the state's commitment to provide free and compulsory education for children aged five to sixteen. The constitutional reforms, notably Article 25-A, represent a critical step towards removing the hurdles

that prevent marginalized communities from accessing education. As the country struggles with financial inequities, cultural norms, and geographical differences, a detailed assessment of constitutional obligations becomes critical in order to develop successful ways for bringing every kid into the fold of formal education.

Concluding the discussion, the article goes into Pakistan's constitutional environment, examining legal provisions, policy frameworks, and ongoing efforts aimed at achieving the state's promise to ensure that no child falls behind in the pursuit of knowledge.

## 1.1.Objective

Objective of the study being carried out in this article is to identify and propose measures for converting Pakistan's youth, specifically the Out of School Children (OOSC) and the madaris students, bulge into a dividend for the homeland. Moreover, this article examines Pakistan's constitutional responsibility towards Out-of-School Children (OOSC) and its effectiveness in addressing the issue. It explores constitutional amendments, legislation, and national policies, emphasizing the right to education. The article also explores the impact of constitutional provisions on marginalized groups and suggests areas for improvement to enhance educational inclusivity and address complex factors contributing to OOSC.

## 1.2. Methodology

The methodology of the article would be based on some case studies, grouping the OOSC according to their age and focusing on their motivation through different aspects.

# 2. Defining Out-Of-School Children(OOSC)

There is no standard definition for clarifying children who are out of school. Varied approaches have been adopted in different parts of the world. Generally, out of school children (OOSC) may be those who are non-enrolled in any school or dropped out at any stage before completing elementary education.

There is a great heterogeneity among children who are out of school. Children living or working in urban slums, streets, train platforms, or construction sites are a few instances of OOSC. They can be seen working as domestic workers, child labourers, livestock herders, dhaba workers, mechanics, rag pickers, and shoe shine boys. These children are often excluded from both formal and non-formal education systems.

## 2.1.OOSC population data

The estimates by the GEM Report (General, 2023) of UNESCO show that 244 million children and youth between the ages of 6 and 18 worldwide were still missing out on school till the year 2021.

With 98 million children and young people excluded from school, Sub-Saharan Africa remains the area with the most out-of-school children and youth, followed by Central and Southern Asia with 85 million. India, Nigeria, Pakistan, Ethiopia, and China are the top five nations with the most children that are not enrolled in school. Sub-Saharan Africa is the only region where the number of children out of school is growing, as attendance rates decline more slowly than school-age population growth rates. (*Out of school children - goa*)

#### 2.2. Pakistan's OOSC

Currently, Pakistan has the world's second-highest number of out-of-school children (OOSC) with an estimated 22.8 million children aged 5-16 not attending school, representing 44 per cent of the total population in this age group. In the 5-9 age group, 5 million children are not enrolled in schools and after primary-school age, the number of OOSC doubles, with 11.4 million adolescents between the ages of 10-14 not receiving formal education. Disparities based on gender, socio-

economic status, and geography are significant; in Sindh, 52 percent of the poorest children (58 percent girls) are out of school, and in Baluchistan, 78 percent of girls are out of school.

Nearly 10.7 million boys and 8.6 million girls are enrolled at the primary level and this drops to 3.6 million boys and 2.8 million girls at the lower secondary level. (*Education*)

# 2.3.OOSC in religious seminaries (Madaris Deeniyah).

There are also youngsters who attend maktabs and madarsas managed by religious communities, where they read religious literature but have little or no impact on mainstream curriculum. There are over 30,000 such religious schools in Pakistan, educating around 2.5 million students. (Hays, *Pakistan's education system*)

## 2.4.OOSC Prison Population

In Pakistan prisoners' number is 87712 of which 1.6% are female & juvenile each (below 18 years of age) which includes pre-trial detainees/remand prisoners in 116 establishments/ institutions (World Prison Brief, Institute for Crime & Justice Policy Research, *Pakistan* 1970). In order to make the jail a correctional center, prisons in KPK are engaging prisoners in education, (Web Desk, 2023) for last a number of years (Yusufzai, 2017).

## 3. Factors contributing to children being out of school

There are various reasons why children may find themselves out of school, and these reasons can be complex and interconnected. Some common factors contributing to children being out of school include:

**Economic Barriers**: Families facing financial challenges may struggle to afford the costs associated with education, such as school fees, uniforms, and textbooks. In some cases, children may need to work to contribute to the family income, preventing them from attending school.

**Geographical Barriers:** Some children, especially in rural or remote areas, may face difficulties accessing schools due to long distances, lack of transportation, or challenging terrain.

**Cultural and Social Norms:** Societal norms and cultural practices can sometimes discourage certain groups, particularly girls or minority populations, from attending school. Early marriage or expectations for children to contribute to household work may also play a role.

**Conflict and Instability:** Children in areas affected by conflict, war, or political instability may find it challenging to access education due to the destruction of infrastructure, displacement, or the absence of educational resources.

**Disabilities:** Children with disabilities may face barriers in accessing inclusive education. The lack of appropriate facilities, trained teachers, and support services can contribute to their exclusion from the education system.

**Discrimination**: Discrimination based on gender, ethnicity, religion, or socioeconomic status can result in the exclusion of certain groups of children from the educational system.

**Lack of Infrastructure and Resources**: Insufficient educational infrastructure, including a lack of schools, classrooms, and educational materials, can limit access to education.

#### 4. Initiatives for Out-Of-School Children

Following are the milestones in this perspective:

#### 4.1.UNICEF

UNICEF Supports GoP efforts to significantly reduce number of OOSC at pre-primary, primary and lower secondary levels. Its education programme focus on Early Childhood Education (ECE) to improve school readiness; expansion of equitable and quality Alternative Learning Pathways (ALP) at basic education levels.

There are two kinds of out-of- school children (OOSC). The first is the child, who never attends the school in earlier age group and the rest of life too and the second kind of OOSC is the child

who attends school in earlier classes and drops out very soon. Of the children who never attend the school, the PIDE report discovered new data Pakistan has never provided a chance approximately to 1 in 4 (23.45%) children of ever attending school while around 7% had enrolled and dropped out in every year (Shahbeer, 2022).

Over the new censuses in Pakistan, population of children has increased to over 63 million aged 5-16 years. But public schooling system carries only 27 million children, while over 16 million children are enrolled in private schools, Madaris & non-formal educational institutions.

## 4.2. Pakistan Initiatives

Fulfilling its resolve towards right of education for all, Pakistan has amended Constitution, 1973 adding that the State shall provide free and compulsory education to all children of the age of 5 to 16 years in such manner as may be determined by law.

As per UN and World Bank data, an estimated 23 million children aged 5-16 years not attending school (Jamal, 2023). As part of the plan, the upcoming Public Sector Development Programme (PSDP) for 2023-24 will institutionalize key initiatives to achieve universal education in Pakistan. A pilot project is being launched in Islamabad Capital Territory (ICT) as a model to eliminate out-of-school children in ICT, and the same would be replicated in other regions of the country.

Planning ministry will also identify districts with highest concentrations of out-of-school children, and a national out-of-school children fund will be established to provide performance-based cash grants to provincial governments for improving education outcomes in those districts. The ministry also directed the establishment of a birth certificate-based admission system in collaboration with the National Database and Registration Authority (NADRA) to ensure that children are enrolled in nearby schools as soon as they reach school-going age. The Govt plans to launch a comprehensive Virtual Schooling System to reduce dropout rates, particularly for girls facing mobility challenges.

## 4.3. Schools on Wheels

The government Pakistan launched the Schools on Wheels initiative in Islamabad to provide education to the children of rural areas by converting buses into mobile schools having state-of-the-art facilities, including toilets (Figure-21). Such mobile buses facility was on cards to the children of flood-affected areas of Balochistan and Sindh.

World Bank (WB) appreciated the Govt's initiative and assured to provide 30 buses for the noble cause. The Govt also started Tele-School-System, besides focusing on distance learning. Accelerated Learning Programme is also being undertaken in cooperation with UK to enhance the literacy rate in the country (Yusuf, 2023). Planning Commission under the Ministry of Planning, Development & Special Initiatives has allocated funds for two mega projects for out-of-school children (OOSC) in ICT. According to official Public Sector Development Program (PSDP) 2023-24 document available with ProPakistani, the federal government is set to launch two projects in Islamabad called Out of School Children Project and National Fund for Addressing the Crisis of Out of School Children (Ahmed, 2023).

#### 4.4. Private Educational Institutions Regulatory Authority (PEIRA).

PEIRA has 717 PEIs in ICT with 329519 children of higher secondary school level. Mostly, their building with complete infrastructure is available in the afternoon.

The private schools' premises can be utilized for educating OOSC in respective regions. Govt can enter into public private partnership (PPP) with PEIs for undertaking evening classes for OOSC. To use gardens/ parks areas near Katchi Abadis. Some retired Naval Officers are running a School for children of Kiln Workers (مزدوران بهائم خشت) in Islamabad suburbs. The system involves education as well as comprehensive grooming/ upbringing of kiln workers' kids.

Where no garden/ park is available, the project of mobile Buses may be implemented.

## 5. Madaris OOSC

In Pakistan, there are approximately 3 million students attending around 35,000 Madaris (religious schools). Out of these, 26,160 Madaris are officially registered under the Society Act of 1925, and approximately 25,000 are affiliated with religious boards represented by Ittehad Tanzeemat-ul-Madaris Pakistan. To oversee & assist these institutions, the Govt established a Directorate General of Religious Education (DGRE) within the Ministry of Education in 2019, reflecting significant role of Madaris in Pakistan's education system. (Figure)

Madaris remain vital for millions of children from economically disadvantaged backgrounds. Critics argue most madaris graduates struggle to find employment. Experts say that the Govt must take madrasa reforms to their logical conclusion, but in the same breath they believe most of the madaris graduates are unemployable, making it difficult for the Govt to bring down unemployment numbers. While the jobless rate is at 5.7%, the unemployment rate among graduates is 16.3%.

## 5.1. Youth Parliament Pakistan Report

Youth Parliament Pakistan (YPP) was launched by the Pakistan Institute of legislative Development and Transparency (PILDAT) in 2007 to build leadership skills and critical thinking, foster political knowledge, and meaningfully engage Pakistani Youth in democratic decision-making. In 2014, YPP in a Report on Madrasa Education (6th youth parliament Pakistan) mainly suggested that education models adopted by Indonesia (Madaris follow Govt curriculum and focusing on teachers' professionalism/resources enhancement) and Cuba (students choosing a 'Philosophical Degree' or 'Vocational Training' after high school) may be followed in Pakistani Madaris by modernizing their curriculum. Under the guidance of experts' opinions, the members analyzed the models and addressed the reforms to each challenge for the betterment of Pakistan's education and youth, in light of the above models.

## **5.2.Directorate General of Religious Education (DGRE)**

An MOU was signed between Ministry of Federal Education & Professional Training and Ittehad Tanzeemat ul Madaris Pakistan (ITMP) on 29 Aug 19, aiming to reform, Registration of Deeni Madaris, Opening of Bank Accounts, Admission of Foreign Students and Visa policy and Technical and Vocational Education.

A new entry added in the Rule of Business 1973, as Matters relating to Deeni Madaris and mainstreaming of religious education (*Ministry of Federal Education and professional training* 2023). DGRE has established a Head Office at Islamabad to strategize implementation of the agreement, entered pursuant to Cabinet decision, between the M/o FE&PT and the ITMP. It was formally inaugurated (Figure-19) by the Federal Minister on 19 Dec19.To provide the facilitation to Madaris for registration and in other matters,16 regional offices and notified on 22 Oct 19.

## 6. Islamic view on youth

In the Quran and Hadith, the importance of youth and their position and role in society have been recognized and emphasized. Surah Al-Kahf (Chapter 18 of the Quran) presents the story of a group of young men as a special and ideal example for youth. This story is presented in the Quran as a way to illustrate the unwavering faith and commitment of young believers, emphasizing the significance of youth. It serves as an inspiration and guidance for young people in Islam, highlighting their potential to be strong and faithful individuals who can make positive contributions to their communities and society as a whole.

#### 6.1.General Laws of Success & Islam

The Secret Laws of Success and the Islamic Perspectives on the topic are discussed hereunder:

**Law of Attraction.** It is a belief or principle that suggests that positive or negative thoughts bring about corresponding positive or negative experiences into a person's life.

**Law of Abundance.** It is a belief that the universe is inherently abundant and capable of providing limitless resources and opportunities. Law of abundance states that there is an unlimited source of everything we need available to all of us, at all times.

These two laws are inter-connected.

**Law of Focus.** This principle highlights importance of concentrating your attention and energy on specific goals, desires or intentions in order to bring them into reality

## **6.2.** Islamic Perspective of these Secrets

The exploration of these General Laws of Success and their alignment with Islamic perspectives reveals a remarkable harmony between universal principles and the teachings of Islam. The Law of Attraction, emphasizing the power of positive thoughts and energy, resonates with the Quranic encouragement to maintain positive and hopeful thoughts about Allah. The Law of Abundance, rooted in the belief in limitless resources, finds support in Quranic verses, The Law of Focus, stressing the importance of concentrating energy on specific goals, mirrors the Islamic practice of Salat, which is a comprehensive demonstration of focus and concentration. The Quranic references and the saying of Prophet Muhammad (SAW) underscore the significance of maintaining mindfulness and concentration in worship and reflection.

The synthesis of these laws and Islamic teachings highlights the interconnectedness of these principles, forming a holistic approach to success and fulfillment. The resonance between the laws and Islamic perspectives reinforces the idea that success is not merely a worldly achievement but a harmonious integration of spiritual principles and universal laws. Embracing these principles can lead to a transformative shift in one's life, aligning personal aspirations with divine guidance and creating a path toward holistic success and fulfillment. (Rana, 2022)

The youth should be made acquainted with these teachings by conducting seminars, workshops, trainings and focused group studies on these aspects in order to give them positive understanding, hope and a direction towards positivity.

## 7. Iqbal's poetry in reforming nation

Allama Muhammad Iqbal, widely known as Mufakkir-e-Pakistan (The Thinker of Pakistan) or Shair-e-Mashriq (The Poet of the East), played a crucial role in inspiring and shaping the intellectual foundations of Pakistan. His poetry, characterized by its depth, philosophy, and vision, has had a profound impact on the reformulation of national identity and aspirations. Allama Iqbal's poetry has been instrumental in the reformulation of Pakistan's national identity and aspirations. With a strong philosophical foundation emphasizing self-discovery, individual empowerment, and the concept of *Khudi* (selfhood), Iqbal's works have inspired a sense of self-confidence and responsibility among the people. His poetry played a pivotal role in shaping the idea of a separate Muslim identity, advocating for social justice, equality, and the rights of the marginalized. Iqbal envisioned the unity of the Muslim Ummah and motivated individuals to take positive action in their lives. His verses also contributed to educational reforms, emphasizing the importance of knowledge and critical thinking. Overall, Iqbal's poetry serves as a catalyst for intellectual and spiritual awakening, influencing cultural renaissance and fostering a vision of a dynamic, just, and self-aware society in Pakistan. In present time, the teachings of Iqbal should be revived at every level.

#### 8. Way forward for OOSC

Based on the presented data and findings in this article, the practical steps are suggested to be taken at different levels are:

#### 8.1. Compulsory Education Laws:

Many states have laws mandating compulsory education up to a certain age. These laws require parents or guardians to ensure that their children attend school for a specified number of years. Government of Pakistan may enforce these laws through various mechanisms, such as fines or penalties for non-compliance.

#### 8.2. Education for All Policies:

Some states adopt a comprehensive - Education for All policy -, aiming to ensure that all children, regardless of gender, socioeconomic status, or other factors, have access to quality education. These policies often involve targeted initiatives to reach marginalized and vulnerable populations.

## **8.3.Financial Support and Incentives:**

State may provide financial support to families to alleviate the economic barriers to education. This support can include scholarships, cash transfers, or subsidies for school-related expenses.

## 8.4. Community Engagement and Awareness Campaigns:

Many states implement community engagement and awareness campaigns to highlight the importance of education and encourage families to enroll their children in school.

These campaigns may address cultural and social norms that contribute to children being out of school.

## **8.5.Infrastructure Development:**

Improving educational infrastructure, including building schools, classrooms, and providing essential facilities, is a common approach to enhance access to education, especially in remote or underserved areas.

#### **8.6.Inclusive Education Policies:**

State may develop inclusive education policies to ensure that children with disabilities have equal opportunities to access and participate in the educational system. This may involve adapting curriculum materials, providing special education services, and creating accessible learning environments.

## **8.7.Conflict-Sensitive Approaches:**

In regions affected by conflict or instability, states may implement conflict-sensitive education approaches. This involves strategies to ensure the continuity of education during and after conflicts, including rebuilding schools and providing psychosocial support for affected children.

# 8.8. Data Collection and Monitoring:

States often establish mechanisms for accurate data collection and monitoring to identify out-of-school children and understand the reasons for their non-enrollment. This information helps policymakers tailor interventions to specific needs.

# 8.9. Partnerships and Collaboration:

Collaboration between government agencies, non-governmental organizations (NGOs), international organizations, and communities is crucial in addressing the multifaceted challenges associated with out-of-school children. Joint efforts can leverage resources and expertise to implement effective interventions.

## 9. Way forward for Madrassah students

Managing the madrassah students to become an asset for the state these steps should be taken at respective positions. Creating a strategy to assess, analyze, and categorize Madrassah students upon completing graduation/ Shahadat-ul-Aliyah can be beneficial in guiding their educational and career paths toward specific goals. To implement such a strategy, the Wifaq (Islamic educational council) may consider the following steps:

#### 9.1. Assessment and Evaluation:

Develop a comprehensive assessment process that evaluates the students' academic performance, knowledge of religious subjects, skills, interests, and career aspirations.

## 9.2.Academic Guidance:

Provide academic counseling and guidance to students to help them understand their strengths and areas of interest. Offer information about the different educational and career pathways available to them.

## 9.3. Categorization:

Based on the assessment results, categorize students into one of the three proposed categories:

- 1. Religious Sciences: Students who show a strong aptitude and interest in religious studies may be encouraged to pursue advanced studies in Fiqh, Hadith, or Quran sciences.
- 2. Entrepreneurship: Identify students who have an interest in business and entrepreneurship and provide them with additional training in Shariah-compliant finance and business ethics.
- 3. Govt Jobs/CSS/Commissioning in Forces: Guide students who aspire to serve in government institutions and take the Central Superior Services (CSS) examination towards relevant academic and extracurricular activities to prepare for their career goals.

## 9.4. Curriculum Development

Tailor the curriculum and educational resources for each category to meet the specific needs and goals of the students.

# 9.5.Mentorship and Support

Assign mentors or advisors to students in each category to provide guidance, answer questions, and offer support throughout their educational journey.

## 9.6.Skill Development

Offer skill development programs, workshops, and internships to help students acquire practical skills and experience relevant to their chosen categories.

## 9.5. Regular Adjustments

Continuously assess students' progress and interests, and make adjustments to their educational paths as needed. Encourage open communication with students to ensure they are on the right track and address any concerns or challenges they may face.

## 9.7. Career Placement Services

Provide career placement services to help students transition into their chosen fields upon completing Shadatul Aalamiyyah. By implementing such a strategy, the Wifaq can better support Madaris students in aligning their education with their career goals, ultimately preparing them for successful futures in their chosen paths, whether it be in religious sciences, entrepreneurship, or government institutions.

## 10. Way forward for juveniles in prisons

Improving the conditions and outcomes for juvenile offenders within the prison system is crucial for their rehabilitation and successful reintegration into society. Following aspects need a special emphasis.

#### 10.1. Educational aspect

Aa key recommendation is to prioritize education and skill-building programs tailored to the unique needs of juvenile inmates. Implementing comprehensive educational initiatives, including vocational training and academic courses, can equip these young individuals with the essential tools for personal and professional development. By fostering a supportive learning environment within the prison walls, we can empower juveniles to acquire the skills necessary to secure employment upon release, reducing the likelihood of recidivism.

## 10.2. Emotional aspect

Mental health and counseling services must be made readily available to address the emotional and psychological needs of juvenile offenders. Many young individuals entering the criminal justice system have experienced trauma or face underlying mental health issues. Providing access to counseling, therapy, and mental health resources can contribute significantly to their emotional well-being, helping them to better understand and manage their emotions. This approach not only supports the rehabilitation of juvenile offenders but also contributes to creating a safer and more stable prison environment.

## 10.3. Social aspect

Promoting community engagement and family involvement is essential for the successful reintegration of juvenile offenders into society. Establishing regular communication channels between incarcerated juveniles and their families can help maintain familial bonds, providing emotional support and a sense of belonging. Additionally, community-based rehabilitation programs that involve local organizations and mentors can play a pivotal role in guiding juveniles towards positive life choices. By fostering a sense of community both inside and outside the prison walls, we can enhance the prospects of rehabilitation and reduce the likelihood of reoffending among juvenile offenders.

#### 11. Conclusion

Governments' constitutional commitment to Out of School Children is a crucial component of guaranteeing inclusive and equitable education for all. Not only is the right to education a fundamental human right, but it is also a crucial engine of social and economic progress. State constitutions, as addressed in this article, play a critical role in establishing the boundaries and responsibility of the government in addressing the issue of OOSC. It is obvious that a comprehensive and well-enforced legislative framework is required to ensure that every kid, regardless of socioeconomic status or other circumstances, has access to a high-quality education. Furthermore, the constitutional commitment to tackling OOSC involves more than just rhetoric; it necessitates the allocation of necessary resources, the execution of effective policies, and the development of monitoring and assessment procedures. To close the gaps that lead to children being absent from school, states must prioritise the development of educational infrastructure, teacher training programmes, and support networks for marginalised populations. States meet a legal requirement while also investing in the future of their communities by promoting a better educated, competent, and empowered populace by fulfilling their constitutional commitment towards OOSC.

The constitutional obligation for OOSC is a joint commitment of the government and community. It necessitates the collaboration of policymakers, educators, parents, and civic society to establish an environment in which education is not only accessible but also individualised to fit the different requirements of each kid. States may make a substantial contribution to the global quest of sustainable development and the establishment of a fairer and equitable society for future generations by protecting and defending the right to education in their constitutions.

By implementing the way forward put across hereinbefore, would hopefully contribute towards bettering the situation of OOSC in Pakistan.

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