

## **Education in Pakistan: Are the Articles 25A and 37(b) Closing the Gender Gap in KP Province?**

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### **Abstract**

*This study aims to analyze the effectiveness of articles 25A and 37(b) in closing the gender gap in Pakistan's KP province. This stated Article explains the right to free and compulsory education up to the secondary level. The literature review has shown that two types of factors can affect achieving the goals defined by articles 25A and 37(b). Article 25A provides constitutional efforts to provide free and compulsory education in the chapter of fundamental rights. Article 37(b) enjoined the respective institutions' obligation to remove illiteracy and provide free and compulsory education to the secondary level within the minimum possible period. Clause (f) of the same Article declares how the State will enable Pakistani citizens to participate in national life through education. These claims were named as "efforts." The efforts are under human control. Some factors act against these stated efforts, known as "circumstances," which are natural and out of human control, such as gender gaps, poverty, Pashtunwali culture, etc. In Pakistan, the "efforts" are made to achieve the stated Articles' targets. Still, no policy was developed to answer the "circumstances." This attitude extends hurdles in educating KP girls. Suggestions were made to eradicate these "circumstances" entirely or partially to the extent possible. If these "circumstances" were removed, the girls' ratio of gross enrolment rate would be at least at a high level as boys, and thus the vision explained by the stated Articles can be achieved.*

**Keywords:** Article 25A; Article 37(b); Circumstances; Factors; Gender gap; Girls' education; KP province of Pakistan

### **Introduction**

The Constitution of Pakistan 1973 (25A, 37(b), 37(f), and 38(d)) has explained the right of education for the states' citizens (Ali, 2017). Article 25A has given every child of the nation the right to get free education up to the secondary level (e.g., Khan et al., 2019). Article 37(b) has clarified, the "state [Pakistan] should be responsible for the eradication of illiteracy and provision of free and compulsory education up to secondary level, within the minimum possible time" (Ministry of Education, NEMIS-2015, p.3).

The primary responsibility falls upon the government's shoulders to provide sufficient schools with a conducive environment. In Pakistan, 69% of government schools enroll 63% of students (Ali, 2017). Governments have globally been the essential education provider in different countries, delivering education's nature as a public good. However, the trends are revolutionary changing with new entries in the educational market, such as private schools in Pakistan (Bizenjo, 2020). Therefore, to fulfill the *illiteracy gap*, 31% of the private schools have enrolled 27% of students (Ministry of Education, NEMIS-2015).

Unfortunately, some factors are acting behind government schools' ineffectiveness, for example, the unsatisfied job performance of emerging graduates (Ali, 2017). This government schools' attitude possibly helps to minimize the students' enrollment ratio, especially for girls. As a result, the targets, as explained by articles 25A and 37(b) of the Constitution, are challenging to be achieved.

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On the other hand, mostly the parents in the context are illiterate (e.g., Ali et al., 2020); therefore, they consider education only for the sake of return. As a general opinion, most parents believe that their sons can return the best for their educational expenses than daughters because most girls are being married at an early age (e.g., Qamar et al., 2020). That's why the gender imbalances prevalent in Pakistan's educational institutions, developing challenges for the stated articles 25A and 37(b) and Article 34, held the State responsible for enabling Pakistan's women to participate in national life. Gender issues are among Pakistan's perplexing problems (Das & Pandey, as cited in Bizenjo, 2020). Parents' disinterest primarily explains these disparities in Pakistan in girls' education, i.e., religious barriers, overall cultural and high tuition cost, access to schools, and the low quality of academic institutions (Bizenjo, 2020; Salmi & D'Addio, 2020). This research will outline the gender gaps in education in Pakistan, and secondly, it will narrate the contributions of articles 25A, 37(b) (f), 34, and 38(d) of the Constitution.

### **Literature review**

#### **Articles 25A and 37(b) of the Constitution of Pakistan 1973**

##### **Efforts and Circumstances**

Many factors are causing to hinder the Youngers' education attainment up to 16 years as described in the article 25A. Some authors have categorized these factors into two groups, i.e., efforts and circumstances (Tusińska, 2020). The "efforts" are under human control, such as choosing a school, while "circumstances," i.e., family background, ethnicity, parental social status, poverty, and caste, etc. are out of the human control (Brzeziński & Magda, 2016; Shaheen et al., 2016). Unfortunately, in Pakistan, the parents are looking at their children through the prism of reward. The sons are more likely to return the best than girls. The girls stay at home in the context, and the boys are attending the schools (Tusińska, 2020), disrupting the Constitution's articles 25A and 37(b).

##### **The gender gaps**

The broader inequality between the genders in social, educational, economic, and political matters is formally known as gender gaps (Jamal, 2016). Women's education plays a vital role in developing a country (Balatchandirane, 2003; Schultz, 1993).

The researchers noted an inequality in access to Education in Pakistan concerning genders. According to Tusińska (2020), "The Universal Declaration of Human Rights (Article 26) states that everyone has the right to education. To "Ensure inclusive and quality education for all and promote lifelong learning" (Zaidi, Farooq, et al., 2018, p. 7) was claimed as one of the sustainable development goals. Education shall be free, at least in the elementary and fundamental stages" (p. 233). Furthermore, it claimed that every boy and girl has the absolute right to schooling access, and for the aim to educate people, there should be gender equality. The nations took severe steps to tolerate the gender gaps concerning education, but some girls still face gender discrimination in Pakistan (United Nations, 2019). In a nutshell, it could be narrated that there is a less suitable environment for the girls to get an education in Pakistan.

The education management information system has summarized that the overall enrollment in the government schools 69%, including primary, middle, high, and higher secondary schools. Among these stated schools, 65% are boys' schools, while 35% are girls' schools (MoE, EMIS-2013). The number of girls' schools asks whether girls' population is 35% only. If not, then why girls' schools are decreased. The gender parity for Gross Enrollment Ratio (GER) in overall secondary (government and non-government) schools is 41%, of which 29% is only for the government secondary schools.

According to the NEMIS-2015 report (GoP, NEMIS-2015), girls' enrollment rate at the primary level is 44%, while for boys, it is 56%, clearly showing the gender gap (p. 8). Regarding middle schools, girls' enrollment rate is 39%, while it is 61% for boys (p. 10). Similarly, at the secondary level, girls' enrollment rate is 42%, while for boys, it is 58% (p. 12). At the higher secondary level, girls' enrollment rate is only 21%, and for boys, it is 79%. The data shows that girls' enrollment rate is dropping rapidly than boys, with the change in education level from low to high. It remains as low as 21%, just at a higher secondary level in the KP province of Pakistan.

The report of NEMIS-2015 (GoP, 2015) has highlighted a decline in the number of primary schools. In 2008-9, the number of primary schools was 13500 in the province, which decreased to approximately 12000 only in 2013-14 (Jamal, 2016). The reasons were given as up-grading primary schools to a higher level, closing non-functional schools, and merging schools due to lack of teachers

and enrollment. The above-stated reasons are disrupting the constitutional rights and responsibilities under articles 25A, 34, 37(b) (f), and 38(d).

***Budgetary problems/ unavailability of Resources***

The government aims to set high standards for balanced and quality education, "which revitalizes public confidence in the government schools" (Ministry of Education, NEP-2009, p. 18). In a landmark move called the 18th amendment 2010, the Pakistan government made education a fundamental right for children aged between 5 and 16 by inserting Article 25A in the Constitution. Educational-practitioners and policymakers side welcomed the government's earnest efforts to achieve the Sustainable Development Goals (Malik & Rose, 2015).

Though the government made a high altitude of promises to enroll 80% of the student, the facts remained something else (Bizenjo, 2020). This cold attitude to practicalize the promises made by the government created a space for private schools. The government is not looking severe about achieving the goal of "education for all" who spend approximately 2% of GDP on Education (e.g., Ideas, 2014; Tahir, 2017; UNESCO, 2015). Most of the stated minute budget is spending on salaries only, lifting behind a low chance for the renovation of buildings and quality of Education (Bizenjo, 2020). Furthermore, this budgetary problem was considered one of the most disturbing universal education obstacles (Ali, 2017).

***The students' enrolment rate***

Ozturk (2019) reported that Pakistan allocates only 1.8% of its national budget to education, creating problems such as; insufficient schools, especially in rural areas. Furthermore, the report has declared that 23 million children are out of school, and only 73% of children enroll in primary schools. According to Ali (2017), the number of students enrolled at the primary level decreases to only 42% at the secondary level, placing Pakistan at the second number among the countries for out-of-school children. Furthermore, the author claimed that the girls outnumber the boys in Pakistan for the out-of-school children.

According to "Pakistan District Education Ranking" (Ali, 2017; Alif Ailaan, 2015), the net enrolment rate (NER) at the secondary level in Pakistan is 23% only for girls, while for boys, it was noted as 28%. The NER was 26% for both genders, while in KP province (Pakistan), it was 25% only for both genders. The report further stated that this situation ranked Pakistan at No. 106 against 113 countries for EFA (Education for All) development index (EDI). On the one hand, the net enrollment rate at the primary and secondary level in Pakistan is meager, but on the other, it is shallow for girls compared to boys (I-SAPS, 2015).

***The child labor***

Some researchers discussed child labor as one of Pakistan's hinders against Articles 25A and 37(b) of Pakistan's Constitution 1973. Though Article 11 clause 3 provides that "No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment." (Khan & Khan, 2016). Child labor in this context is one of the leading causes of illiteracy. When the parents migrate for livelihood, their children start work to fill the economic gap; thus, inequality among the children is created (e.g., Hanson & Woodruff, 2003; Khan et al., 2020; Mendola, 2016; UNICEF, 2019). Looking at the wages in hand, it becomes difficult for the children to believe in education salaries in the future. Other than that, the parents' absence also affects their children's schooling as they remain without their guidance provided typically (Khan & Khan, 2020).

Similarly, it was claimed that remittance could reduce the gender gap for education (e.g., Khan & Khan, 2016). It positively affects girls' education by decreasing disparity in primary schools' enrolment (Calero et al., 2009; Sherpa, 2011).

***Gender discrimination/ disparity***

According to Yasin et al. (2018), school-dropout was mainly caused by gender discrimination, followed by domestic problems and poverty. In this context, most parents were against the girls' education, although some continued their education with the fathers' support only (Yasin et al., 2018). It was discussed that some other reasons such as home-school distance, teachers' harsh behavior, fear of failure, and lack of interest were caused to the gender gaps in education, working against Article 25A of Pakistan's Constitution 1973.

According to Jamal (2016), the root causes of the gender gap in KP province education are multifaceted and complex. Some of the reasons discussed by the authors (Khalid & Mujahid-Mukhtar, 2002; Yasin et al., 2018), such as; lower women's status in the society, poor access to school,

sociocultural issues, lack of female teachers, transportation, and security, caused to create gender disparity in education.

***Pashtunwali code and local culture and customs***

Pashtunwali code was discussed as a factor affecting girls' education. It was claimed that "Some [people] still consider women's place in society is either kor [home] or for [grave]. Pashtuns are very sensitive to women's image and identity. Sometimes Pashtuns will not take their wives to the hospital because other men may be able to see them" (Jamal, 2016, p. 11). Due to this code, Pashtuns are ashamed even calling their females' names in front of other males. This Pashtun culture is proving a hurdle in the way of articles 25A and 37(b). Some researchers (Hunte, 2006; Jackson, 2011; Mann, 2005; Rugh, 2000; Shaheed & Mumtaz, 1993) believed that the major obstacle to girls' education is local cultural customs.

***Illiterate leadership***

The history of Pakistani politics shows that many times the education minister has been an illiterate person. Jamal (2016) has stated that "We had an illiterate education minister, who was not even able to sign his name, and next term we had an education minister who graduated from a madrassa [religious school] (p. 9)." In such circumstances, the education minister sets what kind of goals he/she himself is illiterate. It can be concluded that the political leadership is not looking serious in educating the people as per the dimension set by articles 25A and 37(b).

***Poverty aspects***

According to Pulla et al. (2018), 58.7% of the Pakistani population live under the poverty line, with 32% for KP province as declared by the Sustainable Development Policy Institute (SDPI). Therefore, Pakistan is making the lowest improvement in girls' education than other countries in the region (Jamal, 2016). Furthermore, it was stated that the percentage for out-of-school poor girls noted as 78%, fall to 62% during the years 1999-2012. But this contribution was minimal compared to India, Nepal, and Bangladesh, for which the percentage of out-of-school girls fallen from 66% to 30%, 52%-22%, and 91% to 44%, respectively. The progress towards girls' education is plodding, and the aim of articles 25A and 37(b) can hardly be achieved within an extended period.

***Early marriage***

Due to early marriage, most parents are demotivated toward girls' education (Jamal, 2016). The National Institute of Population Studies (2008) has disclosed that 50% of Pakistani girls get married before 19 years. While 40% of the girls get married under 18 years, and 13% before 15 years of age. One cannot attend school after marriage as per cultural rules, as they are not allowed by the in-laws' family. In Pakistan, 32% of marriages are, in fact, child marriages (Ozturk, 2019). Furthermore, it was stated that 45% of the population is under 20 years in Pakistan. It can be concluded that 45% of the Pakistani population is facing an early marriage problem. In this context, early marriage can be noted as one of the significant issues against articles 25A and 37(b).

**Discussion**

Article 37(b) has explained that the "state [Pakistan] should be responsible for the eradication of illiteracy and provision of free and compulsory education up to secondary level, within the minimum possible time" (Ministry of Education, NEMIS1-2015, p. 3). However, the government has made the Article useful, but some factors hinder compulsory education struggles, as stated in articles 25A and 37(b). The most critical factor in this regard is a budgetary problem and unavailability of resources for education, which reduces the effectiveness of the fundamental right (25A) and the Principle of Policy mentioned in article 37(b) as discussed by the authors (Malik & Rose, 2015; Bizenjo, 2020).

Furthermore, the gender gaps, such as more opportunities for males than females, have reduced the effectiveness of articles 25A and 37(b), as discussed by the researchers. However, the Constitution tried to tackle the issue by providing a quota for females in all sectors of public life (Articles 22(4), 25(3), 26(2), and 27 of the Constitution of Pakistan, 1973) (e.g., Zaidi, Farooq, et al., 2018; United Nation, 2019; GoP, NEMIS-2015).

Some other factors were discussed as early marriage, illiterate leadership, and poverty, which hinder universal education (Jamal, 2016; National Institute of Population Studies, 2008; Pulla et al., 2018). All these above factors were divided into two groups, circumstances, and efforts, in which the earlier is not under control while the lateral is under human control (Tusińska, 2020). In Pakistan,

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<sup>1</sup> National Educational Management Information System developed by ministry of education Pakistan

though the "efforts" are made for getting universal education, the "circumstances" are not under control, taking the education system backward.

The circumstances do not let the education system be leveled both for boys and girls. This situation created by the "circumstances" let out the girl of the educational race, and thus the aim of articles 25 and 37(b) becomes a dream. The government needs to ensure gender equality in terms of access to education by providing equal access to both genders.

### **Conclusion**

The Constitution of Pakistan 1973 gives every child the right to free and compulsory education up to the secondary level under Article 25A. This right can be explained under the domain of "efforts" made by the government. Still, some circumstances do not allow these efforts to reach the final goal.

Among these circumstances, some were discussed as budgetary problems of education, early marriage of girls, poverty of parents, migration, cultural values and norms, illiterate political leadership for education, etc.

All these above factors affect the girls' education in the context and hinder the efforts made for universal education under the vision of articles 25A and 37(b) of the Constitution of Pakistan 1973. It is suggested that the stated "efforts" should be practicalized, and the circumstances should be removed to the extent possible to achieve the vision explained by articles 25A and 37(b).

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