



RIGHT
TO EDUCATION
PAKISTAN



RULES UNDER THE
**RIGHT TO FREE AND
COMPULSORY EDUCATION
ACT**
2012

DRAFT



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DRAFT RULES UNDER THE RIGHT TO FREE AND COMPULSORY EDUCATION ACT, 2012

PART I - PRELIMINARY

1. Short title, extent, and commencement

1. These Rules may be called the Right to Free and Compulsory Education Rules, 201-.
2. They shall come into force from the date of Notification.
3. They shall extend to the whole of the Islamabad Capital Territory.

2. Definitions

1. In these Rules, unless the context otherwise requires;
 - a. “Act” means The Federal Government Right To Free And Compulsory Education Act, 2012;
 - b. “Academic Authority” means an institution constituted and vested with the power by the Appropriate Government for preparing the curriculum, syllabus and evaluation methods, also referred to as the ‘prescribed authority’ within the Act;
 - c. “Appropriate Government” means-
 - i. In relation to a school established, owned or controlled by the Federal Government, the Federal Government; and
 - ii. In relation to a school established, owned or controlled by the Local Government, the Local Government.
 - d. “Area” means a geographical area of up to _____ from where a child resides or his/her place of residence;
 - e. “Alternative Learning Centres” means schools/centres for children, without disabilities or special needs, who are not enrolled in the regular schools
 - f. “Child” means a child, including a child with special education needs, male or female, of the age of five to sixteen years of age;

- g. “Disadvantaged Child” means a child who belongs to a socially or economically disadvantaged class, or group or belongs to such parent whose annual income is lower than the minimum limit specified by the Appropriate Government by a notification in the Official Gazette;
- h. “Education” means the education pertaining to all or any of the class 1 to 10 in a school of a minimum quality as per prescribed standards; / “Education” means the prescribed education for a child by the Academic Authority, notified by the Appropriate Government;
- i. “Education Advisory Council” means the Education Advisory Council established under the Act;
- j. “Free Education” means education free of any education related costs, including expenditure on stationery, school bags, and transport,
- k. “Islamabad Capital Territory” means the Islamabad Capital Territory (hereinafter referred to as the ‘ICT’) as defined under the Capital Territory Local Government Ordinance, 1979;
- l. “Neighbourhood” means the area near or within a walking distance of an elementary school referred to in section 3 of the Act and shall include areas of such schools in adjacent local bodies;
- m. “Notification” means a notification published in the Official Gazette;
- n. “Parent” includes a person having the care and custody of a child and includes a natural guardian or legal guardian so appointed or declared by a Court;
- o. “Prescribed” means prescribed by Rules made under the Act;
- p. “Pupil Cumulative Record” means a record of the progress of the child based on comprehensive and continuous evaluation;
- q. “School” means any recognised school imparting elementary education and includes-
 - 2. A school established, owned or controlled by the Appropriate Government;
 - i. An aided school receiving aid or grants to meet whole or part of its expenses from the Appropriate Government;

- ii. A school belonging to a specified category, having a distinct character, established by the Appropriate Government;
 - iii. A centre set up for a catch up, bridge or alternative programme for out of school dropout or never enrolled children and receiving grants from government and/or private philanthropy
 - iv. An unaided school not receiving any kind of aid or grants to meet its expenses from the Appropriate Government;
 - a. “School Management Committee” means the School Management Committee under Section 16 of the Act;
 - b. “Screening Procedure” means the method of selection for admission of a child, in preference over another, other than a random method;
 - c. “Special Education” means education programmes and practices designed for students with a disability, either physical or intellectual, which require special teaching approaches, equipment, or care within or outside a regular classroom;
2. All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART II - DUTIES AND RESPONSIBILITIES OF THE APPROPRIATE GOVERNMENT TO ENSURE FULFILMENT OF THE RIGHT OF EVERY CHILD TO FREE AND COMPULSORY EDUCATION

3. Access, areas, or limits or school

1. The area or limits of a neighbourhood within which a school has to be established by the Appropriate Government shall be:-
 - a. In respect of children in classes from pre-school to 5, a school shall be established within walking distance of 1km (**establish reasonable distance**) of the neighbourhood:
 - b. In respect of children in classes from 6 to 8, a school shall be established within walking distance of 1.5 km (**same contention as before**) of the neighbourhood
 - c. In respect of children in classes from 9-10/12, a school shall be established within a walking distance of ... the neighbourhood? (up to 16 years minimum)
2. The Appropriate Government shall endeavour to upgrade existing government and aided schools in a phased manner with classes from 1 to 4 to include classes **5 to 10** and in respect of schools which start from class 5 onwards, to add classes from 1 to 4 wherever required, taking into account the availability of such classes in the existing schools in the neighbourhood.
3. In places with difficult terrain, risk of landslides, floods, lack of roads, or an area prone to any other natural disasters, and in general danger for young children in the approach from their homes to the school, the Appropriate Government shall locate the school or alternative learning centres in such a manner as to avoid such dangers, by reducing the area or limits specified under sub-rule (1) of Rule 3.
4. For children from small hamlets, as identified by the Appropriate Government or the local authority, where no school exists within the area or limits of a neighbourhood specified under sub-rule (1) of Rule 3, the Appropriate Government shall make adequate arrangements, such as free transportation and residential facilities for providing elementary education in a school or alternative learning centre, in relaxation of the area or limits specified in the sub rule (1) of Rule 3.

5. In places with high population density, the Appropriate Government may consider the establishment of more than one neighbourhood school having regard to the number of children in the age group of 5-16 years in such places based on the child census conducted by the Federal Government.
6. In respect of children with a disability, which prevents them from accessing the school, the Appropriate Government shall make appropriate and safe transportation and facility arrangements to enable them to attend school and complete elementary education. Additional assistance in the form of home-based teaching shall be arranged for children with severe disabilities, by the Appropriate Government.
7. The Appropriate Government shall impress upon parents and guardians their duty under Section 8 of the Act, to admit or cause to be admitted, their child or ward as the case may be, to a neighbourhood school, for completion of elementary education.
8. The Appropriate Government shall ensure that access of children to school is not hindered:
 - a. on account of social and cultural factors;
 - b. on account of closure of a government or aided school referred to under sub-section (i) and (ii) of sub-section (k) of section 2 of the Act, and
 - c. shall ensure that no school is closed down without the recommendation and prior sanction of the Appropriate Government.
9. The Appropriate Government shall provide free and appropriate pre-school education based on an early childhood care and education policy which shall be formulated by the Appropriate Government as per Section 9 of the Act, to all children above the age of three years till they complete five years so as to prepare them for elementary education. For this and in furtherance of the aforementioned proposed policy, Pre-school Centres (or Early Childhood Care and Education [ECCE] Centres) should be established in all government and aided schools/alternative learning centres in a phased manner within three years from the date of notification of these Rules. A unified child-friendly curriculum with standards shall be developed by the Academic Authority for these Centres.
10. As an interim arrangement, the Appropriate Government may open a new class in all schools for children aged between 4 and 5 years to be known as Pre-primary class for

which age appropriate and child friendly learning interactive materials shall be developed. The class shall initially be conducted by utilizing the services of existing teachers for a period of _____ from the date of notification of these Rules, however, the Appropriate Government must train and employ staff duly trained and equipped to teach and deal with children aged between 4 and 5 once this period has elapsed.

3. Academic responsibility of the Appropriate Government to ensure quality education

1. The appropriate government shall provide free and compulsory education to every child of the age of five to sixteen years and to this end:-
 - a. Ensure provision of high quality education uniformly in all schools and to this end specify norms and standards in respect of all activities involving quality. These norms and standards shall supplement the norms and standards prescribed in section 15 of the Act;
 - b. Notify the Academic Authority within two months of the date of notification of these Rules, for development of the framework of federal curriculum and for adopting appropriate text books and supplementary learning materials as far as practicable;
 - c. Prescribe an effective system for the implementation of the syllabus, teaching/learning processes and the development of learner –parent friendly learning assessment procedures;
 - d. Prescribe minimum qualifications for teachers and support staff and infrastructure facilities in respect of pre-primary schools based on national norms;
 - e. Ensure quality in pre-primary teacher and elementary and secondary teacher training courses by revising the pre-service pre-primary, elementary and secondary teacher training curriculum in consonance with the pre-primary, primary, elementary and secondary school curriculum every _____ years;
 - f. Provide facilities for pre-service and in-service training for teachers through a specially designed and certified training course in consultation with the provincial-national institutes in this field using Information Communication Technologies (ICTs) where appropriate for face to face and distance learning, and

for imparting education to children with disabilities in accordance with internationally-nationally recognized standards, and

- g. Design an appropriate monitoring mechanism as per the Act and use the outcomes of such monitoring for improving the performance of teachers and appraisal on a continuous basis.
2. The Appropriate Government shall:-
 - a. ensure that children with disabilities have access to free education till they attain the age of 18 years and shall promote their integration in to regular schools;
 - b. equip and upgrade the existing ‘Special Schools’ for children with severe disabilities and provide them with residential facilities in appropriate locations;
 - c. offer vocational training facilities to all children with disabilities;
 - d. provide special teaching/learning material and improved assistive devices and all such items that are necessary to give a child with a disability equal opportunities in education;
 - e. provide health and dental care for a child with disabilities at the school level as per section 21 of the Act;
 - f. formulate a restructured and relevant curriculum for children with various categories of disabilities, with counseling and linkages to postsecondary programmes for learning, skills and livelihoods and
 - g. develop appropriate systems for their continuous and comprehensive evaluation
 3. The Appropriate Government shall ensure that no child is subjected to caste, class, religious or gender abuse in any school.
 4. The Appropriate Government shall:-
 - a. provide emotional, psychological and course/career counseling for all children by professionals in co-ordination with government departments in charge of health and social welfare
 5. The Appropriate Government shall ensure, in addition to its obligations specified in section 3(3) of the Act that it provides avenues of and access to non-formal education

programmes and/or literacy bridge programmes to children specified under section 4 of the Act (and even otherwise) in the form of any organised educational activity outside the established formal system – whether operating separately or as an important feature of some broader activity. To this end:-

- a. the Appropriate Government shall further ensure that such non-formal education programmes do not function in lieu of formal education as per the Act, providing a means to evade the responsibility to educate all children;
- b. such non-formal programmes must be designed to perform the function of alternate literacy bridging systems in order to facilitate learning alongside a child's formal education, and
- c. the Appropriate Government shall involve various community based stakeholders such as non-governmental organisations specializing in education policy making and reforms, for the provision of such non-formal programmes.

PART III - DUTIES AND RESPONSIBILITIES OF PRIVATE (UNAIDED) SCHOOLS TO ENSURE FULFILMENT OF THE RIGHT OF EVERY CHILD TO FREE AND COMPULSORY EDUCATION

5. Responsibilities of Private (Unaided) Schools for the purposes of section 10 of the Act

1. For the purposes of these Rules, 'Private School' shall refer to a 'School' as defined under section 2(k)(iii) of the Act and sub-rule 1(p)(v) of Rule 2 hereinabove.
2. All Private Schools shall ensure that they admit in all classes from 1 to 10, children from disadvantaged groups, constituting at least 10% of the total strength of each class.
3. That there is nothing contained within these Rules or in the Act that restricts Private Schools from admitting more disadvantaged children than as specified in sub-Rule 2 hereinabove.
4. Private Schools shall further ensure that such children as specified in sub-Rule 2 hereinabove are provided free education as defined in sub-Rule 1(i) of Rule 2 hereinabove.
5. Private Schools shall admit, as far as practicable, the specified percentage of disadvantaged children from the neighbourhood in which the School is situated. However, there is nothing in these Rules or in the Act that restricts or restrains the Schools from admitting the specified percentage of disadvantaged children from outside the neighbourhood in which the School is situated.
6. Provided if the Private School has Pre-primary classes as established under sub-Rule 10 of Rule 3 hereinabove, 10% of the strength of each of such Pre-primary classes will be reserved for disadvantaged children.
7. Children from the disadvantaged groups and weaker sections should apply under this reservation of 10% seats if their annual family income is less than the minimum limit specified by the Appropriate Government.
8. Each Private School should publically announce through newspapers/ radio/ television and other modes of electronic media the number of seats it has reserved under section 10 of the Act.

9. Each Private School should provide information on the number of seats it has reserved and which have been occupied to the Academic Authority and the Appropriate Government.
10. All Private Schools which have admitted disadvantaged children must ensure that they protect such children from any and all forms of discrimination and that they do not allow for any segregation between the student populations as a whole.
11. All other Rules contained herein shall apply in equal measure to Private Schools, barring those which are specifically under the remit and control of the Appropriate Government and thereby exclude Private Schools from their purview.
12. Furthermore, all Private Schools shall adhere and conform to the norms and standards specified under section 15 of the Act.
13. Nothing contained herein the Rules or in the Act implies that Private Schools can no longer charge fees from the majority of the admitted student population as before. The Schools' obligation under the Act and these Rules to provide free education is limited only to the disadvantaged children admitted to the 10% reserved seats.

PART IV - SCHOOL MANAGEMENT COMMITTEE

6. Composition and functions of the School Management Committee for the purposes of section 16 of the Act

1. There shall be a School Management Committee (hereinafter referred to as ‘the Committee’) in every school other than an unaided school, to be constituted within a period of six months from the date of notification of these Rules, which shall be reconstituted every ____ years. **[possibly 2?]**
2. The Committee shall consist of a minimum of _____ members excluding the member convener and the number of members in the Committee shall in no case exceed _____. The composition of the committee shall be as under: -
 Seventy five percent of the members of the Committee shall be from amongst parents or guardians of children. As far as practicable, proportionate representation shall be given to the parents of students belonging to disadvantaged groups.
 The remaining twenty five percent of the strength of the Committee shall be from amongst the following persons:
 - a. one third members from amongst the elected members of the local-Appropriate Government, to be decided by the Appropriate Government;
 - b. one third members from amongst teachers from the school, to be selected by the teachers of the school, and
 - c. remaining one third from amongst students in the school, to be selected by the parents in the Committee.
3. To manage its affairs, the Committee shall elect a Chairperson and Vice- Chairperson from amongst the parent members. The Headmaster/Principal of the school or in his/her absence the senior most teacher of the school nominated by the Academic Authority shall be the ex-officio Member-Convener of the Committee. The Committee shall meet at least once in a period of ____ months and the minutes and decisions of the meeting shall be properly recorded and made available to the public.
4. The Committee shall, in addition to the functions specified in clause (a) to (f) of Section 16(2) of the Act, perform the following functions, for which it may constitute smaller working groups from amongst its Members:

- a. communicate in simple and creative ways to the population in the neighborhood of the school, the rights of the children as enunciated in the Act; and also the duties of the Federal Government, schools, parents and guardians;
 - b. ensure the implementation of sub-sections (a) to (h) of section 18 of the Act;
 - c. monitor that teachers are not burdened with non-academic duties other than those specified in section 19 (3) of the Act;
 - d. ensure the enrolment and continued attendance of all children from the neighborhood in the school;
 - e. monitor the maintenance of the norms and standards prescribed under section 15;
 - f. bring to the notice of the Appropriate Government any deviation from the rights of children, in particular the right to be free of mental and physical harassment, denial of admission in to a school, and timely provision of free entitlements as per section 3(2) of the Act;
 - g. identify the needs of, prepare a plan accordingly, and monitor the implementation of the provisions of section 4 of the Act;
 - h. monitor the identification and enrollment of students, and the provision of facilities for learning for children with a disability, and ensure their participation in, and completion of elementary education, and
 - i. prepare an annual account of receipts and expenditure of the school.
5. Any money received by the Committee for the discharge of its functions under the Act, shall be kept in a separate account, to be made available for audit every year.
 6. The Committee's role would be limited to elementary education level.

7. Preparation of School Development/Improvement Plan

1. Every School Management Committee shall prepare a School Development/Improvement Plan.
2. The School Development/Improvement Plan shall be the basis for all subsequent plans and grants to be made by the Appropriate Government.
3. The Committee shall prepare the School Development/Improvement Plan at least three months before the end of the financial year in which it is first constituted under the Act.

4. The School Development/ Improvement Plan shall be a three year plan comprising of three annual sub plans.
5. The School Development/Improvement Plan shall contain the following details, namely:-
 - a. estimates of class wise enrolment for each year;
 - b. requirement of the number of additional teachers, including subject teachers and part time teachers etc., separately for all classes calculated with reference to the norms specified in section 15 of the Act;
 - c. physical requirement of additional infrastructure and equipment, calculated with reference to the norms and standards specified in section 15 of the Act especially for laboratories, Information and Communication Technology, libraries, sports and games;
 - d. existing infrastructure facilities such as buildings, laboratories, libraries, toilets, drinking water, furniture, equipment, and play-grounds;
 - e. prepare a master plan for the school using services of experts keeping in view the future requirements of the school under each item and incorporating the concept of learner-friendly and eco- friendly construction, and
 - f. financial requirement in respect of sub-Rules c) and d) above, including for providing special training facilities for late enrollments specified in section 4 of the Act, and assess the requirements separately for each category by age, and entitlements of children such as free text books and uniforms, free transportation and residential facilities required.

8. Special Training

1. The School Management Committee of a school owned and managed by the Appropriate Government, local authority and aided schools shall identify children requiring special training and organize such training in the following manner namely:-
 - a. the special training shall be based on specially designed, age appropriate learning material for children with special needs and late enrollments, developed by the Academic Authority;

- b. the said training shall be provided in classes held on the premises of the school, or in classes organized in places identified by the local authority or the head teacher;
 - c. the said training shall be provided by teachers working in the school, and
 - d. the duration of the said training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress by the teacher concerned, for a maximum period not exceeding two years.
2. The child shall, upon induction into the age appropriate class after special training, continue to receive special attention by the teachers to enable him/her to successfully integrate with the rest of the class, academically and emotionally.

PART V - DUTIES AND RESPONSIBILITIES OF SCHOOLS AND TEACHERS

9. Admission of children belonging to disadvantaged groups

1. All schools as so specified under the Act shall ensure that no child admitted from within the neighbourhood be segregated from the other children in classrooms nor shall their classes be held at places and timings different from the classes held for other children.
2. The schools shall ensure that children admitted shall not be discriminated against compared to the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, the use of laboratories, libraries and Information and Communication Technology facilities, extra-curricular activities and sports.
3. Where in a school, there is no provision for completion of elementary and secondary education, a child shall have the right to seek a transfer to any other school or, where a child is required to move from one school to another, either within the ICT or outside, such child shall have the right to seek a transfer to any other government or aided school for completing his or her elementary and secondary education.
4. No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardian to any screening procedure.
Contravention of the same shall be liable for punishment under section 11 of the Act.
5. No child shall be subjected to physical punishment or mental harassment.

10. Minimum Qualifications of Teachers

1. The Academic Authority shall lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.
2. The minimum qualifications as per sub-rule 1 hereinabove shall be applicable for every school referred to in the Act.

11. Relaxation of minimum qualification

1. The Appropriate Government shall estimate the teacher requirement as per the norms and standards set out in section 15 of the Act for all schools within the ICT, within six months from the notification of these Rules.
2. Where an area does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications, as laid down by the Academic Authority, schools shall request, within one year of the commencement of these Rules, the Appropriate Government for relaxation of the prescribed minimum qualifications with programmes to support upgradation of qualifications. .
3. On receipt of the request referred to in sub rule 2, the Appropriate Government shall examine the request of the area and may relax the minimum qualifications by way of a Notification with conditions to support upgradation of qualifications over a given period of time.
4. The Notification referred to in sub rule 3 shall specify the nature of relaxation and the time period, not exceeding _____ within which teachers appointed under the relaxed conditions can acquire the minimum qualifications prescribed.

12. Salary and allowances and conditions of service of teachers

The Appropriate Government shall notify the terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.

13. Duties performed by teachers

1. A teacher, in addition to the functions specified in sub-sections (a) to (i) of sub-section (1) of section 18 of the Act, may perform the following duties:-
 - a. participation in training and counselling programmes –school based and off site;
 - b. participation in curriculum formulation, and the development of syllabi, training modules, text book development, policy reviews , and
 - c. participation in citizenship, life skills based education for extending soft skills to students/learners for effective societal integration, and
 - d. any other duty as may be prescribed by the Appropriate Government from time to time.

2. The teacher shall maintain a file containing the Pupil Cumulative Record for every child which shall be the basis for awarding the certificate for completion of elementary education.

PART VI - EDUCATION ADVISORY COUNCIL

14. Constitution of the Education Advisory Council for the purposes of section 22 of the Act

1. The Education Advisory Council (hereinafter referred to as the Council) shall consist of a Chairperson and eight Members.
2. The Minister of State for the Ministry of Federal Education and Professional Training shall be the ex-officio chairperson of the Council.
3. Members of the Council shall be appointed by the Appropriate Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, as under:-
 - a. at least _____ member(s) should be from amongst persons belonging to disadvantaged groups and minorities;
 - b. at least _____ member(s) should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;
 - c. _____ member(s) should be from amongst persons having specialized knowledge in the field of pre-primary education;
 - d. at least _____ member(s) should be from amongst persons having specialized knowledge and practical experience in the field of teacher education, child health and nutrition, and
 - e. one third of the members shall be women.
4. The Council may invite representatives of other related departments/ organizations as required.

15. Functions of the Education Advisory Council

1. The Council shall function in an advisory capacity.
2. The Council shall perform the following functions, namely:-
 - a. advise the Appropriate Government on the implementation of the provisions of the Act in an effective manner;
 - b. assess the levels of school education and analyse survey reports on student attainments;

- c. review compliance with:-
 - i. norms and standards as specified in section 15 of the Act,
 - ii. provision of effective system of pre-service and in-service teacher training from pre-primary level upwards,
 - iii. delivery of quality education to children with special needs;
 - d. commission studies and research for the effective implementation of the Act, and
 - e. act as an interface between the public, the media and the Appropriate Government in creating awareness, mobilization, and a positive environment for the implementation of the Act.
3. The Council shall prepare reports relating to the reviews, studies and research undertaken by it and furnish the same to the Appropriate Government.