MODEL RIGHT TO FREE AND COMPULSORY EDUCATION RULES 2014

Rules under Right to Free and Compulsory Education Act, 2012

Draft for Comments Presented to:

Federal Directorate of Education, Islamabad
Ministry of Capital Administration and Development (CA&DD)
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Model Right to Free and Compulsory Education Rules 2014

(Rules under Federal Government Right to Free and Compulsory Education Act, 2012

Act No. XXIV of 2012)

PART I

PRELIMINARY

Short title, extent and commencement

1. (1) These Rules may be called the Right to Free and Compulsory Education Rules, 2014.

(2) They shall come into force from the date of Notification

(3) They shall extend to 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) “Area” means a geographical area of up to 2 kilometers radius from a child’s place of residence.

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) “Authorized Authority” means an authority notified as such by the Government either generally or for a particular purpose with specified nomenclature;

e) “Birth certificate” means certificate of birth registration in Union/town council;

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) “Child” means a child of either sex whose age at the beginning of the school year is not less than 5 years and not more than 16 years;
h) “CA & DD” means Capital Administration and Development Division, under which the Federal Directorate of Education works;

i) "disadvantaged child" means a child who belongs to a socially and 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 the notification in the Official gazette;

j) “Education” means the education pertaining to all or any of the class I to X in a school of a minimum quality as per prescribed standards.;

k) “Employer” means a person who has employed a child as a laborer for his benefit at home, shop, factory or any other place of economic gain;

l) "Education Advisory Council” means the Education Advisory Council established under this Act;

m) "free education" means education free of any education related costs including expenditure on stationery, school bags, and transport.

n) “Government” means the Government of Pakistan;

o) “Guardian” means a person having the care and custody of a child and includes a natural guardian or guardian appointed or declared by a Court;

p) “Islamabad Capital Territory” means the Islamabad Capital Territory as defined under the Capital Territory Local Government Ordinance 1979;

q) "notification" means a notification published in the Official gazette;

r) “Parent” natural or step or adoptive father or mother of a child, including a guardian or any other person who has the custody of a child or legal guardian so appointed or declared by a Court.

s) "prescribed" means prescribed by rules made under this Act;

t) “Prescribed Standards” means standards on educational inputs, processes and outputs developed and notified by the Government from time to time; and

u) “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation

v) "School" means any registered school imparting prescribed education and includes a,—

(i) A school established, owned or controlled by the appropriate Government;

(ii) A school receiving aid or grants from the appropriate Government to meet the whole or part of its expenses; and

(iii) A school not receiving any kind of aid or grants from the appropriate Government to meet its expenses.;

w) “screening procedure” means the method of selection for admission of a child, in preference over another, other than a random method;

x) "special education" means educational programs and practices designed for students as handicapped or gifted students, whose mental ability, physical ability, emotional functioning, etc. require special teaching approaches, equipment, or care within or outside a regular classroom.

y) “School Management Committee” means the School Management Committee as formed /notified under Rules 8 of these Rules, read with Section 4 of the Federal Government Right to Free and Compulsory Education Act 2012;
z) “School” means a school established and maintained by the Government and includes school/section of a school registered by the Government in which education is imparted;

(2) All other words and expressions used herein and not defined but defined in the these Rules and the Act shall have the same meanings respectively assigned to them in these Rules and the Act.
PART II

ACCESS, AREAS OR LIMITS OF SCHOOLS

3 (1) The areas or limits of neighborhood within which a school has to be established by the Government shall be as under –

(a) In respect of children in classes I - V, a school shall be established within a walking distance of one kilometer of the neighborhood.

(b) In respect of children in classes VI - VIII, a school shall be established within a walking distance of 3 km of the neighborhood.

(2) Wherever required, the Government shall upgrade existing schools with classes I - V to include classes VI – VIII, wherever required. In respect of schools which start from class VI onwards, the Government shall Endeavour to add classes I – V, wherever required.

(3) For children from small hamlets, as identified by the Government, where no school exists within the area or limits of neighborhood specified under sub-Rule (1) above, the Government shall make adequate arrangements for providing elementary education in a school, in relaxation of the limits specified under sub-Rule (1).

(4) In areas with high population density, the Government may consider establishment of more than one neighbourhood school(s), having regard to the number of children in the age group of 5-16 years in such areas.

(5) The Appropriate Government shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation within its jurisdiction.

(6) In respect of children with disabilities which prevent them from accessing the school the Appropriate Government will endeavour to make arrangements for them to attend school and complete elementary education.

(7) The appropriate Government shall ensure that access of children to the school is not hindered on account of social and cultural factors.
PART III

DUTIES OF PARENTS & GOVERNMENT

Admission and Retention

4. Parents are bound to admit their children in the available schools in the area as under Section 3 of the Act to be regulated as under:

1) The School Management Committee (SMC) under Section 16 of the Act may direct the parent to admit the child in school if the parents fail to do so; provided that no child shall be denied admission.

2) Except in case of reasonable excuse defined under Section 8(2) of the Act.

3) In case of non-admittance or continued absence from the school the Authorized Authority shall take cognizance of offence by parents/guardian, acting under Section 26 of the Act.

   i. In case of failure of admission of child, provided a School is available in the area as prescribed under rule 3, the Authorized Authority shall summon the parent/guardian of the said child to explain the reason.

   ii. In case of a satisfactory reply the authority may allow the child in writing and recording the reasons thereof.

   iii. If the parent/guardian fails to give any reasonable excuse, the authority will grant him 10 days to admit the child in the school. In case of failure to do so the authority will proceed as prescribed under rule 17.

   iv. If a child is absent from the school for more than 10 days without any intimation, the principal/head teacher will inform the Authorized Authority, in writing, about the absence of the particular child.

   v. Authorized Authority shall in writing summon the parent/guardian of the child found to be absent from the school to explain the reason for the absence from School

   vi. The authority if finds the excuse/reason provided by the parent/guardian untenable will record its reasons in writing, and will proceed as prescribed under Rule 17.

5. Other obligations of the Government

   (1) A child attending a school of the Government, referred to in Clause 3 and in pursuance of Section 3 of the Right to Free and Compulsory Education Act 2012 shall be entitled to free text books, stationery, bags and transport. Provided that a child with disabilities shall also be provided free special learning and support material.

   (2) The Government shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.
(3) For the purposes of the Act, the Government shall ensure that a child belonging to a disadvantaged group is not segregated or discriminated against in the classroom, in the play grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.

6. Maintenance of record of children

(1) The School Management Committee (SMC) in collaboration with the Secretary Union Council, responsible for birth registration, shall maintain record of all children, from their birth till they attain the age of 16 years in its jurisdiction, through a household survey.

(2) The record, referred to in Rule 6(1), shall be updated each year.

(3) The record, referred to in Rule 6(1), shall be maintained transparently, in the public domain.

(4) The record, referred to in Rule 6(1) shall, in respect of every child, include.

a) name, sex, date of birth, (Birth Certificate Number), place of birth;
b) parents’ / guardians’ names, address, occupation;
c) pre-primary school that the child attends (upto age 5);
d) elementary school where the child is admitted;
e) present address of the child;
f) class in which the child is studying (for children between age 5-16), and if education is discontinued in the territorial jurisdiction of the Authorized Authority, the cause of such discontinuance;
g) whether the child belongs to a disadvantaged group;
h) details of children requiring special facilities / residential facilities on account of migration and sparse population; age appropriate admission; disability.

7. Documents as proof of age

(1) Wherever a birth certificate is not available, any one of the following documents shall be deemed to be proof of age of the child for the purposes of admission in schools:

a) Hospital / Nurse and Midwife register record or
b) Union Council record or
c) Declaration through an affidavit of the age of the child by the parent or guardian

8. Extended period for admission

(1) Extended period of admission shall be six months from the date of commencement of the academic year of a school.

(2) Where a child is admitted in a school after the extended period, he or she shall be eligible to complete studies with the help of special training, as determined by the head of the school.
PART IV

SCHOOL MANAGEMENT COMMITTEE


1) A Perennial School Management Committee (SMC) shall be constituted in each school, within 6 months of the notification of these Rules.

2) Composition of SMC

   a) The SMC, in a Primary School, shall consist of 5 members, of which 3 shall be elected democratically, by such parents in the community whose children are studying in the school and 2 teachers, provided that in case of single teacher school the number of Parent members shall raise to 4.

   b) The SMC in a Middle or High School shall consist of 8 members, of which the Head Teacher and two teachers, one from Primary section if available nominated by the Head Teacher, shall be ex-officio members and 5 members shall be democratically elected from such parents in the community whose children are studying in the school.

   c) The SMC shall elect its Chair person, and a voice Chairperson form amongst the Parent members, on the basis of majority vote, Provided that in case the position of chairperson become vacant, the remaining members shall elect a new chairperson for the remaining term.

   d) The Chairperson shall chair the meetings provided that in his / her absence the Vice Chairperson shall chair the meeting.

   e) The Head Teacher shall be ex-officio Secretary of the SMC.

3) Term of Office

   (1) The parent members shall hold office for a term of 4 years subject to the condition that a member shall loose his / her status in case he / she remains continuously absent from meetings for four times. However the SMC shall issue a notice to the absconding member, before notifying his / her termination. A member can also resign from his / her office, at his / her own will. The Authorized Authority shall notify the name of new member.

   (2) In case a membership position becomes vacant, the chairperson shall arrange for the election of a new member for the remaining term, on the directives of the Authorized Authority.

   (3) Frequency of meetings

       The SMC shall hold meeting at least once a month.

   (4) Quorum

       2/3 of the membership of the SMC shall form quorum and decisions shall be taken by simple majority of Parent members. In case of a tie the Chairperson shall use casting vote.
(5) Dissolution of SMC

a) The SMC shall be dissolved in case it resolves, by 2/3 majority, and recommends to the Authorized Authority to do so.
b) The Authorized Authority shall dissolve the SMC in case the SMC fails to hold meeting and discharge its functions effectively or there are unresolvable conflicts among the members.

10. Functions of SMC.

(1) The School Management Committee shall, shall perform the functions specified in Section 4(3) of the Act, reproduced, and other functions as follows:

a) To motivate parents and children to take admission in the school for spread of education in its area;
b) To recommend any changes which may seem, to the Management Committee, to be necessary in the hours of work, holidays and occasions in the schools in its area;
c) To plan and implement such schemes, which may facilitate the children in the school including mid-day meal scheme etc;
d) To recommend to the Authorized Authority exemptions from compulsory attendance at school under the Act;
e) To maintain and update the list of children liable to attend the school in its area and to obtain and maintain record of such other information as may be necessary for the purpose of enforcing the attendance of the children at school and of preventing interference with such attendance;
f) To report the cases of the absence or late attendance of school teachers and non-teaching staff posted in schools, in its area;
g) To render all necessary help to Government officials engaged in the work of compulsory education in its area;
h) To facilitate the school and local area education management in looking after day to day matters related to developmental, academic and co-curricular activities;
i) To ensure maintenance of healthy educational environment which encourages the parent and child to attend the school and stay till completion of the specific level;
j) To take care of discipline and physical structures, other assets of the school and to carry out minor/petty repairs etc;
k) To sanction three to five days casual leave in favour of teacher of the school and make alternate arrangements in case the teacher is on leave; Leave upto two days shall be granted by the Head Teacher,
l) To open and operate a joint bank account for utilization of funds made available by the Government or from any other source for school’s developmental activities;
m) communicate in simple and creative ways to the population in the Area of the school, the rights of the child as enunciated in the Act; and also the duties of the Government, Authorized Authority, school, parents and guardians;
n) Ensure the implementation of the measures prescribed in the Act,
o) Ensure enrolment and continued attendance of all the children from the Area in the school;
p) Bring to the notice of the Authorized Authority any deviation from the rights of the child to education, in particular mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per Act.

q) Identify the needs, prepare a plan, and monitor the implementation of the provisions of the Act.

r) Prepare an annual account of receipts and expenditure of the school.

s) Shall coordinate/hold elections and nomination of the SMC as per these Rules.

(t) Shall terminate membership of any Member due to non-performance or any other reason, by majority vote after serving him/her a notice.

(u) Shall fill the vacancies arising due to termination or resignation of any Member.

(2) Any money received by the School Management Committee for the discharge of its functions under the Act, shall be kept in a separate bank account under joint signatures of the Chairperson and Secretary, to be made available for audit every year.

(3) The annual accounts referred to in sub-Rule (1)(r) above shall be signed by the Chairperson/Vice-Chairperson and Secretary of the School Management Committee and made available to the Authorized Authority/Education Administration within one month of their preparation.

11. Preparation of School Development Plan

(1) The School Management Committee shall prepare a School Development Plan at least three months before the end of the financial year.

(2) The School Development Plan shall be a three year plan.

(3) The School Development Plan, shall contain the following details –

(a) Estimates of class-wise enrolment for each year;

(b) Physical requirement of additional infrastructure and equipment over the three year period, calculated, with reference to the data they collected through local survey.

(c) Additional financial requirement over the three year period, year-wise, in respect of (a) and (b) above, including additional requirement for providing special training facility, entitlements of children such as free text books, bags and transport and scholarships/grant-in-aid to poor students or any other additional requirement for fulfilling the responsibilities of the school under the Act.

(4) Develop a list of requirements of school for purchases and submission of an indent to the department.

(5) The School Development Plan should be signed by the Chairperson/Vice-Chairperson and Secretary of the School Management Committee and submitted to the Authorized Authority/Education Officer before the end of the financial year in which it is to be prepared.
12. Special Training

(1) The School Management Committee/ Appropriate Government shall identify children requiring special training and organise such training in the following manner, namely:

(a) The special training shall be based on specially designed, age appropriate learning material, approved by the academic authority.
(b) It shall be provided in classes held on the premises of the school.
(c) It shall be provided by teachers working in the school, or by teachers specially appointed for the purpose.
(d) The duration shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, 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 teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.
PART V

EDUCATION ADVISORY COUNCIL AND AUTHORIZED
AUTHORITY

13. Constitution and Functions of the Education Advisory Council

(1) The Education Advisory Council shall consist of a Chairperson and seven Members.

(2) The Minister in-charge of CA & DD)/Department of Schools Education in the Government shall be the ex-officio Chairperson of the Council.

(3) Members of the Council, shall be appointed by the Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, with at least one member each from a) specialized knowledge and practical experience of education of children with special needs b) specialised knowledge in the field of pre-primary education, teachers’ education and c) minorities and d) out of the seven members, two shall be from amongst women.

(4) The Department of School Education shall provide Secretariat services to the Council.

(5) The procedure for transaction of Business of the Council shall be as under.

(i) The Council shall meet regularly at such times as the Chairperson thinks fit but three months shall not intervene between its last and the next meeting.

(ii) The meeting of the Council shall be presided by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he may nominate a member of the Council to preside over such meeting. Quorum of the meeting of the Council shall be considered complete if at least 4 (50%) of its members are present.

(6) The terms and conditions for appointment of Members of the Council shall be as under:

(a) Every member shall hold office as such for a term of three years from the date on which he assumes office. Provided that no member shall hold office more than two terms

(b) The member may be removed from his office by an order of the Government on the ground of proved misbehaviour or incapacity, or on the happening of any one or more of the following events.

i. Is adjudged an insolvent; or
ii. Refuses to act or become incapable of acting; or
iii. Is of unsound mind and stands so declared by a competent Court; or
iv. Has so abused his office as to render his continuance in office detrimental to the public interest or
v. Is convicted for an offence by a competent Court; or
vi. Is without obtaining leave of absence from the Council, absent from two consecutive meetings of the Council

(c) No Member shall be removed from his office without being given an adequate opportunity of being heard.
(d) If vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of 120 days by making a fresh appointment in accordance with the provisions of sub-Rule (3).
(e) Members of the Council shall be entitled to reimbursement of travelling and daily allowances for official tours and journeys equivalent to BPS-20 officers.

14. Functions of Education Advisory Council

(1) The Education Advisory Council shall:-

i. Ensure implementation of the provisions of the Right to Free and Compulsory Education Act and these Rules.
ii. Provide policy guidelines for the implementation of the Right to Free and Compulsory Education Act and these Rules.
iii. Formulate plans, policies and strategies for the promotion of school level education for the consideration of the Government.
iv. Coordinate and approve curriculum and syllabus.
v. Give policy directions to SMCs.
vi. Notify schedule for constitution of SMC in each school through a democratic process of election.
vii. Notify the SMCs for general information of the stakeholders and place the lists on departmental website.
viii. Supervise the performance of the Federal Directorate of Education.

15. Authorized Authority

(1) Director General, Federal Directorate of Education shall be the Authorized Authority for the purpose of these Rules for the Male and Females Schools respectively.

16. Functions of Authorized Authority

(1) The Authorized Authority shall:-

i. Ensure implementation of the provisions of the Right to Free Compulsory Education Act and these Rules in ICT.
ii. Ensure enrollment in schools of all children of the school age in the area and initiate action in case of noncompliance by the parents/guardians.
iii. Coordinate the constitution of SMC in each school through a democratic process of election.
iv. Notify the SMCs for general information of the stakeholders with intimation to the Education Advisory Council.
v. Monitor the performance of SMCs.
PART V

OFFENCES UNDER THE ACT

17. For effective implementation of the provisions of the Act;

(1) The Authorized Authority shall maintain record of the children in the area, in collaboration with SMC, under Clause 6 and shall ensure that all children are admitted in school and shall readmit a child if he/she has left the school due to any reason.

(2) The Authorized Authority shall enquire about the reasons of not sending a child to school by his/her parents and the Authority if finds no cogent reasons/reasonable excuse (physical or mental health disability or security) shall proceed against such parents under Section 26 of the Act.

(3) The Authorized Authority and SMC may persuade the parent through counseling either depute a member/official to visit him/her at his/her residence or summon him to the Authority’s office or the school, to admit the child in school and in case he/she still fails to comply with, provisions of Section 8 of the Act may be invoked, by reporting the case to the Magistrate first class, through a Government Public Prosecutor. The Authorized Authority shall report to the Public Prosecutor, the case on a proforma indicating the name and address of the parent and name and age of the child with reason for not sending the child to school, duly signed by Head of the Authority.

(4) The Public Prosecutor shall file the case in the court of Magistrate first class. The court may summon the parent and proceed against him/her as per legal procedure by affording him/her an opportunity to explain his/her position and may convict him/her if found guilty of violation of the Law.

(5) The parents or employer of a child in any case, shall send the child to school, save with the cogent reasons acceptable to the Authorized Authority and the amount of fine and imprisonment may compound under Section 16(6) of the Act, in case of employment of a child (paid or unpaid) until the child is admitted and sent to school.
PART VI

TEACHERS

18. Minimum Qualification of Teachers

(1) The Federal Directorate of Education, shall lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.

(2) The minimum qualifications laid down in the Service Rules referred to in sub-Rule shall be applicable for every school referred to in the Act.

19. Relaxation of minimum qualification

(1) The Government shall estimate the teacher requirement as per the norms in the Schedule for all schools within the province, within six months from the commencement of the Act.

(2) Where an area does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as laid down in the Act, shall request, within one year of the commencement of the Act, the Government for relaxation of the prescribed minimum qualification.

(3) On receipt of the request referred to in sub-Rule (2), the Provincial Government shall examine the request of the area and may relax the minimum qualifications by way of a Notification.

(4) The Notification referred to in sub-Rule (3) shall specify the nature of relaxation and the time period, not exceeding three years, but not beyond five years from the commencement of the Act, within which the teachers appointed under the relaxed conditions acquire the minimum qualifications prescribed in the service rules.

(5) After six months after the commencement of the Act, no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualifications prescribed without the notification referred to in sub-Rule (3).

(6) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic qualifications not lower than Second Class Graduation or equivalent.

20. Acquiring minimum qualifications

(1) The Government shall provide adequate teacher education facilities to ensure that all teachers in schools, who do not possess the minimum qualifications laid down under sub-Rule (6) of Rule 19 at the time of commencement of the Act, to acquire such minimum qualifications within a period of five years from the commencement of the Act.
(2) For a teacher, of any school, who does not possess the minimum qualifications laid down under sub-Rule (6) of Rule 19 at the time of commencement of the Act, the management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from the commencement of the Act.

21. Salary and allowances and conditions of service of teachers

(1) The Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.

(2) In particular and without prejudice to sub rule (1), the terms and conditions of service shall take into account the following, namely –

(a) Accountability of teachers to the School Management Committee.
(b) Provisions enabling long term stake of teachers in the teaching profession

(3) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training, shall be that of regular teachers, and at par for similar work and experience.

22. Duties to be performed by teachers

(1) In performance of the functions specified in the Act, the teacher shall maintain a file containing the pupil cumulative record for every child which will the basis for the awarding the completion certificate.

(2) In addition to the functions, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching:

(a) Participation in training programmes;
(b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;

23. Grievance Redressal mechanism for teachers

(1) The School Management Committee shall be the first level of grievance redressal of teachers of schools specified therein.

(2) The Director Administration would act as the next level of grievance redressal mechanism for the teachers.

24. Maintaining Pupil-Teacher Ratio in each school

(1) Sanctioned strength of teachers in a school shall be notified by the Government or the local authority, as the case may be, within a period of three months of the appointed date. Provided that the Government or the local authority, as the case may be, shall, within three months of such Notification, redeploy teachers of schools having a strength in excess of the sanctioned strength prior to the Notification referred to in sub-Rule (1).
(2) If any person of the Government or the local authority violates the provisions of Section 19 of the Act, he or she shall be personally liable for disciplinary action.
PART VII

CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

25. Curriculum and syllabus

(1) The Government shall ensure timely preparation of curriculum and syllabus for the purposes of the Act.

(2) While laying down the curriculum and evaluation procedure, the government shall;

(a) Formulate the relevant and age appropriate syllabus and text books and other learning Material
(b) Develop in-service teacher training design, and
(c) Prepare guidelines for putting into practice continuous and comprehensive evaluation

26. Award of certificate

(1) The Certificate of completion of elementary education shall be issued at the school/Board level within one month of the completion of elementary education.

(2) The Certificate referred to in sub-rule (1) shall–

(a) Certify that the child has completed all courses of study.
(b) Contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and may include debates, literature, culture, sports, etc.