

DRAFT MODEL RIGHT TO COMPULSORY EDUCATION RULES 2014

Rules under Balochistan Compulsory Education Act, 2014



Submitted to:
Department of Secondary Education, Government of Balochistan

Model Right to Compulsory Education Rules 2014
(Rules under the Balochistan Compulsory Education Act, 2014)
Balochistan Act No. V Of 2014

PART I – PRELIMINARY

Short title, extent and commencement

1. (1) These Rules may be called the Right to Compulsory Education Rules, 2014.
 - (2) They shall come into force from the date of Notification
 - (3) They shall extend to the whole of Balochistan except Tribal Areas.

Definitions

2. (1) In these rules, unless the context otherwise requires;
 - i. “Act” means the Balochistan Compulsory Education Act, 2014;
 - ii. “Area” means a geographical area of up to 2 kilometers radius from a child’s place of residence.
 - iii. “Birth certificate” means certificate of birth registration in Union/town council;
 - iv. “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;

- v. “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.;
- vi. “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;
- vii. “Free education” means that the state shall charge no fee either directly or through any other head that impose a financial burden on the parent/guardian of the child and the state shall provide the child with free text books, stationery, one meal in school and transport facilities;
- viii. “Government” means the Government of Balochistan;
- ix. “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;
- x. “Local Authority” means a local government or an autonomous or statutory body of the Government exercising administrative control over a school
- xi. “Management Committee” means the Parent Teacher School Management Committee as formed /notified under Rules 8 of these Rules, read with Section 4 of the Balochistan Compulsory Education Act 2014;
- xii. “Notification” means a notification issued by Education Department, Government of Balochistan;
- xiii. “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;
- xiv. “Pre-primary” means the initial stage of organized instructions, designed primarily to introduce very young children to a school-type environment, that is, to provide a bridge between home and a school-based atmosphere;

- xv. “Prescribed Authority” means an authority notified as such by the Provincial Government either generally or for a particular purpose with specified nomenclature;
- xvi. “Prescribed” means prescribed in these Rules;
- xvii. “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation;
- xviii. “School Attendance Authority” means the Authority established under the Balochistan Compulsory Education Act 2014, for ensuring all the School going age children are in School;
- xix. “School mapping” means planning school location to overcome social barriers and geographical distances;
- xx. “School” means a school established and maintained by the provincial Government and includes school/section of a school /madrassa registered by the Government in which education is imparted;
- xxi. “Disadvantaged group” means handicapped children, whose mental ability, physical ability, emotional functioning, require special teaching approaches, equipment, or care within or outside a regular class room or in a Special education School;
- xxii. “Specified category” in relation to a school, means a school known as Public School, Foundation School, Cadet College or any other school having a distinct character which may be specified, by notification, by the Education and Literacy Department, Government of Balochistan.
- xxiii. “Standards” means any standards on educational inputs, processes and outputs developed and notified by the Prescribed Authority; and

xxiv. “To attend a School” means to be enrolled and present for instructions in such school, on such days in the year at such times or time and for so many hours on each day of attendance, as may be fixed by the Prescribed Authority.

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

PART II

DUTIES OF PARENTS & GOVERNMENT

Prescribed Authority and its Duties

3. The Secretary to Government of Baluchistan, Department of Secondary Education shall hold the responsibilities of Prescribed Authority.

1) Functions of Prescribed Authority

The Prescribed Authority shall:-

- i. Ensure implementation of the provisions of the Balochistan Compulsory Education Act and these Rules.
- ii. Provide policy guidelines for the implementation of the Balochistan Compulsory Education Act and these Rules.
- iii. Supervise the performance of the School Attendance Authorities.
- iv. Notify schedule for constitution of PTSMC in each school through a democratic process of election.
- v. Notify the PTSMCs for general information of the stakeholders and place the lists on departmental website.
- vi. Monitor the performance of School Attendance Authorities and PTSMC.

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 Parent Teacher School Management Committee (PTSMC) under Section 5 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 as defined under Section 6 of the Act.
- 3) School Attendance Authority established under Section 7(1) of the Act shall ensure admission and continuation of the school of a child.

- 4) In case of non-admittance or continued absence from the school the School Attendance Authority shall take cognizance of offence by parents/guardian, acting under Section 7 (3) of the Act.
- i. In case of failure of admission of child, provided a School is available in the area as prescribed under rule 4, the School Attendance 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 10.
 - iv. If a child is absent from the school for more than 10 days without any intimation, the principal/head teacher will inform the School Attendance Authority, in writing, about the absence of the particular child.
 - v. School Attendance 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 12.

Areas or limits for Establishment of a School

5. (1) The areas or limits of Area 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 two (2) kilometers from the child's place of residence.
 - (b) In respect of children in classes VI - VIII, a school shall be established within a walking distance of three (3) kilometers from the child's place of residence.

- (2) Wherever required, the Government shall;
 - a) upgrade existing schools with classes I - V to include classes VI – VIII.
 - b) In respect of schools which start from class VI onwards, the Government shall Endeavour to add classes I – V, wherever required.
- (3) In areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the Government shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub-rule (1).
- (4) For children from small hamlets, as identified by the Government, where no school exists within the area or limits of Area specified under sub-Rule (1) above, the Government shall make adequate arrangements, such as free transportation and other facilities, for providing elementary education in a school, in relaxation of the limits specified under sub-Rule (1) within next 10 years.
- (5) In areas with high population density, the Balochistan Government may consider establishment of more than one neighborhood/area school, having regard to the number of children in the age group of 5-16 years in such areas.
- (6) The School Attendance Authority shall identify the neighborhood school(s) where children can be admitted and make such information public for each habitation within its jurisdiction.
- (7) In respect of children with physical disabilities which prevent them from accessing the school the Government will endeavor to make appropriate and safe transportation arrangements for them to attend school and complete the level of education available in the area.
- (8) In respect of children with special needs, the Government will endeavor to make appropriate arrangements for the establishment of special education institutions.

Local Authority

7. Deputy Commissioner and District Education Officer of the concerned district shall be the School Attendance Authority for the purpose of these Rules.

1) Functions of Local Authority

The Local Authority shall:-

- i. Ensure implementation of the provisions of the Balochistan Compulsory Education Act and these Rules in their respective district/area.
- ii. Ensure enrollment in schools of all children of the school age in the district/area and initiate action in case of noncompliance by the parents/guardians.
- iii. Coordinate the constitution of PTSMC in each school through a democratic process of election.
- iv. Notify the PTSMCs for general information of the stakeholders with intimation to the Prescribed Authority.
- v. Monitor the performance of PTSMCs.

Other obligations of the Government

8. (1) A child attending a school of the Government, referred to in Clause 3 and in pursuance of Section 2 of the Balochistan Compulsory Education Act shall be entitled to free text books. Provided that a child with disabilities shall also be provided free special learning and support material.

(2) For the purpose of determining and for establishing schools in the area, the Government shall undertake school mapping through household Survey, and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged groups, within a period of two years from the appointed date, and every year thereafter.

(3) The Government shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.

(4) For the purposes of the Act, the Government and the School Attendance Authority 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.

PART III

MAINTENANCE OF RECORDS OF CHILDREN

Maintenance of record of children

9. (1) The Parent Teacher School Management Committee (PTSMC) 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) class in which the child is studying (for children between age 5-16), and if education is discontinued in the territorial jurisdiction of the School Attendance Authority, the cause of such discontinuance;
 - f) whether the child belongs to the weaker section within the meaning of the Act
 - g) whether the child belongs to a disadvantaged group within the meaning of the Act;
 - h) detail of children requiring special facilities / residential facilities on account of migration and sparse population; age appropriate admission; disability.

- (5) The School Attendance Authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

Documents as Proof of Age

10. 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

PART IV

PARENT TEACHER SCHOOL MANAGEMENT COMMITTEE (PTSMC)

Constitution and Composition of Parent Teacher School Management Committee (PTSMC)

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

(2) Composition of PTSMC

- a) The PTSMC, 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 PTSMC 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 PTSMC 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 PTSMC.

(3) Term of Office

The parent members shall hold office for a term of 4 years subject to the condition that a member shall lose his / her status in case he / she remains continuously absent from meetings for four times. However the PTSMC 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 School Attendance Authority shall notify the name of new member.

- 1) 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.
- 2) The Secretary shall notify the vacancy in membership to the School Attendance Authority

(4). Frequency of meetings:

The PTSMC shall hold meeting at least once a month.

(5). Quorum for the PTSMC Meetings:

2/3 of the membership of the PTSMC 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.

(6). Dissolution of PTSMC:

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

12. Functions of PTSMC.

(1). The Parent Teacher 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 School Attendance 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 two days casual leave in favour of teacher of the school and make alternate arrangements in case the teacher is on leave;
- 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, School Attendance 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) Decide menu of lunch for the school children, to be started not later than 5 years of the notification of the Act;
- q) Bring to the notice of the School Attendance Authority/ District Education Administration 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.
- r) Identify the needs, prepare a plan, and monitor the implementation of the provisions of the Act.
- s) Prepare an annual account of receipts and expenditure of the school.
- t) Shall coordinate/hold elections and nomination of the PTSMC as per these Rules.
- u) Shall terminate membership of any Member due to non-performance or any other reason, by majority vote after serving him/her a notice to explain the reasons of non- performance.
- v) Shall fill the vacancies arising due to termination or resignation of any Member.

(2) Any money received by the Parent Teacher 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 (6) and sub-Rule (7) shall be signed by the Chairperson/ Vice-Chairperson and Secretary of the School Management Committee and made available to the District Education Administration within one month of their preparation.

13. Preparation of School Development Plan

The Parent Teacher 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, transport, free lunch and any other additional financial 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 District Education Officer before the end of the financial year in which it is to be prepared.

PART V

OFFENCES UNDER THE ACT

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

(1) The School Attendance Authority shall maintain record of the children in the area/Area, in collaboration with PTSMC, under Section 7 of the Act 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 School Attendance 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 7(3) of the Act.

(3) The School Attendance Authority and PTSMC 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 School Attendance 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 School Attendance Authority and the amount of fine and imprisonment may compound under Section 8(2) of the Act, in case of employment of a child (paid or unpaid) until the child is admitted and sent to school.

PART VI

AWARD OF CERTIFICATE

Pupil record and Award of Certificate

15. In performance of the functions specified in the Balochistan Compulsory Education Act 2014, the teacher shall maintain a file containing the pupil cumulative record for every child which will be the basis for the awarding the completion certificate.

(2) The Certificate of completion of elementary education shall be issued at the School level within two months of the completion of elementary education.

(3) 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.