



Official Guidelines

What are the guidelines to enable the move towards prohibitions of corporal punishment?

In August 2007, the NCPCR wrote to all chief secretaries with detailed guidelines recommending that there should be no gradations while judging corporal punishment and noted that “small acts” should not be condoned, but nipped in the bud, as they actually lead to gross violations. Approximately 12 states/ union territories responded and undertook initiated measures based on the guidelines.

Box 1: NCPCR Guidelines Banning Corporal Punishment, August 2007 (extracts)

The National Commission for Protection of Child Rights directs the education departments of all the States to ensure the following:

1. All children are to be informed through **campaigns and publicity** drives that they have a right to speak against corporal punishment and bring it to the notice of the authorities. They must be given confidence to make complaints and not accept punishment as a 'normal' activity of the school.
2. Every school, including hostels, Juvenile Justice (JJ) Homes, shelter homes and other public institutions meant for children must have a **forum** where **children** can express their views. Such institutions could take the help of an NGO for facilitating such an exercise.
3. Further a **box** where children can drop their **complaints**, even if anonymous has to be provided for in each school.
4. There has to be a **monthly meeting** of the Parent Teacher Associations (PTAs) or any other body such as the School Education Committee (SEC)/ Village Education Committee (VEC) to review the complaints and take action.
5. The **PTAs** are to be encouraged to **act immediately** on any complaints made by children without postponement of the issue and wait for a more grave injury to be caused. In other words the PTAs need not use their discretion to decide on the grievousness of the complaint.
6. Parents as well as children are to be empowered to **speak out against corporal punishment** without any fear that it would have adverse effect on children's participation in schools.
7. The education department at all levels-block, district and State are to establish procedures for reviewing the responses to the complaints of children and monitoring the action taken on the same

Table 1: States which responded to the NCPCR Guidelines

Name of the State	Measures taken to implement guidelines
Haryana, Dept. of social Justice and Empowerment, vide letter no. B.K-2/S.J.E/2007 dated 13/12/2007	Letter issued by Dept. of social Justice and Empowerment to child Development Dept., observation homes, shelter homes, Social Welfare Boards of all Districts to implement the guidelines of NCPCR.
Government of NCT of Delhi, Directorate of Education, vide letter no. Addl. DE(A)2007/Corp. Punish./i/327 dated 15/11/2007	Letter issued by Add. Director of Education to Deputy Director of Education and Head of Schools of all Districts to implement the guidelines of NCPCR

Andhra Pradesh, Education Departmental, vide letter no. Lr.Rc.No.84/CRC/2007 dated 25/10/2007	Circulation of letters by Director of School Education to all the District Education Officers and Regional Joint Directors of School Education.
Himachal Pradesh, Director of Higher Education, vide letter no. EDN-H(11)-1 Policy/2006 dated 19/11/2007	Director of Higher Education issued vide order no. EDN-H(8)A(1)Policy/2006 dated 9/2/2007 to all the , Principal Secretary (Education), Director Public Relation, Deputy Directors of Higher Education in Himachal Pradesh, notice to all Heads of Pvt. Educational Institutions directing them to ensure Ban on Corporal Punishment.
Tripura Directorate of School Education, vide letter no. F.13(3-13)SE/GL-1/2005/3928 dated 27/9/2007	Directions issued by Director of Education to Head of Institution, High/H.S. Schools(both Govt. and Govt. aided) Inspector of Schools, D.E.O, Dy.D.Es to follow the guidelines issued by NCPCR.
Gujarat, Director of Education vide letter no./GH-Sec.Parach-07-08 dated 23/11/2007	Instructions issued to all district education officers to stop corporal punishments
Nagaland, office of Deputy Commissioner, vide letter no. NCPCR/CP/BALDIVAS/2007 dated 11/10/2007	Circulation of guidelines issued by NCPCR to DIS School Education and all principals, headmasters, head teacher Govt./Private School for necessary action.
Pondicherry, Directorate of School Education, vide letter no. 2-16/DSE/Ee/P7/2007 dated 11/10/2007	Circulation of guidelines issued by NCPCR to Head of all Educational Institution, all inspecting officers to follow them and take necessary action
Goa, Dept. of Law and Judiciary vide notification no. 7/19/2003/LA dated 14/7/2003	Circulation of notification the Goa Children's Act, 2003(Goa Act 18 of 2003) (8-7-2003) which bans the corporal punishments in all schools.
Tamil Nadu, Directorate of School Education, vide Ln.Ro.No.109720/010/2002 dated 1/1/2003	Amendment to Tamil Nadu Educational Rules by Notification dated 18/1/2007 provides that school on any account shall not resort to corporal punishments.
Uttar Pradesh	No details available
Rajasthan	No details available

However, to prevent children from being abused on a daily basis in child care institutions including schools, it is important to bring about fundamental shifts in the societal acceptance of violence. It is important to raise public awareness and generate a collective debate on the harmful effects of a culture of violence and effective strategies for its prevention. In this task, the mass media potentially plays a crucial role.



Guidelines issued by the National Commission for Protection of Child Rights on banning corporal punishment

9th August, 2007

Dear All,

Subject: Corporal Punishment in Schools

Since the time schools have reopened this academic session, there have been news items on the ghastly violence on children in schools. For example in Rajasthan the report was on the death of a student two days after the school teacher beat him up; in Andhra Pradesh the report was on how a school teacher subjected her students to electric shock, with full support and even justification given by the school head master. These are not isolated instances but manifestations of a culture of violence and insensitivity to children and their rights.

Children due to fear are often silent and submit to violence without questioning. They sometimes show signals of deep hurt in their behavior but this goes unnoticed, perpetuating further violence on them.

Corporal punishment involves, rapping on the knuckles, running on the school ground, kneeling down for hours, standing up for long hours, sitting like a chair, and beaten with a scale, pinched and slapped, child sexual abuse, torture, locking up children alone in classrooms, 'electric shock' and all other acts leading to insult, humiliation, physical and mental injury, and even death.

It is being noticed that corporal punishment in schools both government as well as private is deeply ingrained as a tool to discipline children and as a normal action. All forms of corporal punishment are a fundamental breach of human rights. A slap is as detrimental to the child's right as grievous injury. Indeed there are no gradations since it must be seen that condoning so called 'small acts' actually lead to gross violations. It is also legally impermissible. The Supreme Court has banned corporal punishment for children on December 1 2000 when it directed the State to ensure "that children are not subjected to corporal punishment in schools and they receive education in an environment of freedom and dignity, free from fear".

Children are as human and sensitive as adults are, if not more. They need to be secure with a caring atmosphere. Practicing non-violence as a highest form of culture begins with seeing children as children. It is necessary for adults to behave with them in a manner that they are not subject to violence and hurt of any kind. In a way fostering such a culture will develop adults as responsible adults who would in turn be vigilant and question those that are breaking the norms of respecting childhood.

It is in this context, that the onus of responsibility in safeguarding children from punishment lies with the schools teachers, education administration at all levels as well as all those responsible for management equally.

The National Commission for Protection of Child Rights directs the education departments of all the States to ensure the following:

1. All children are to be informed through campaigns and publicity drives that they have a right to speak against corporal punishment and bring it to the notice of the authorities. They must be given confidence to make complaints and not accept punishment as a 'normal' activity of the school.

2. Every school, including hostels, JJ Homes, shelter homes and other public institutions meant for children must have a forum where children can express their views. Such institutions could take the help of an NGO for facilitating such an exercise.

3. Further a box where children can drop their complaints, even if anonymous has to be provided for in each school.

4. There has to be a monthly meeting of the PTAs or any other body such as the SEC/VEC to review the complaints and take action.

5. The PTAs are to be encouraged to act immediately on any complaints made by children without postponement of the issue and wait for a more grave injury to be caused. In other words the PTAs need not use their discretion to decide on the grievousness of the complaint.

6. Parents as well as children are to be empowered to speak out against corporal punishment without any fear that it would have adverse effect on children's participation in schools.

7. The education department at all levels-block, district and State are to establish procedures for reviewing the responses to the complaints of children and monitoring the action taken on the same.

All the States are to intimate to the Commission on the action taken regarding above directions within two months.

From Dr. Shantha Sinha

National Commission for Protection of Child Rights

103, Jeevandeep Building, 2nd Floor,

Parliament Street, New Delhi – 110 001

Office No.011-23743981, 23381910

Fax No. 011-23743982



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अरुण कुमार रथ
सचिव

ARUN KUMAR RATH
SECRETARY

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DO No.F.16-94/2007-Sch.1

December 17, 2007

Dear

There have been reports in the media of instances of corporal punishment in schools recently. This is a disturbing phenomenon. Hon'ble Members of Parliament have also expressed their concern in the Houses about such incidents.

2. As you are aware, National Policy on Education 1986, as modified in 1992, has explicitly mentioned that any form of corporal punishment should be firmly excluded from the school system. Corporal punishment also goes against the UN Convention on the Rights of the Child adopted by the General Assembly. Article 28 of the UN Convention strongly advocates that "State parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with child's human dignity and in conformity with the present convention".

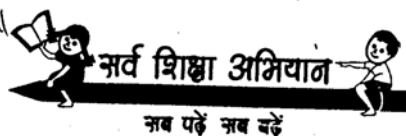
3. Affiliation Bye-laws of Central Board of Secondary Education (CBSE) inter-alia empowers a School Managing Committee to place an employee under suspension if 'he/she is charged with cruelty with any student or any employee of the school'. The Board has also issued a circular to its affiliated schools not to resort to physical punishment to students.

4. While teachers sometimes believe that punishment is one of the essential means of controlling students' errant behaviour, there is little doubt that corporal punishment severely affects the human dignity of the child, thereby reducing his/her self esteem and self confidence. The desire to escape punishment may lead to school dropout and/or other personality problems.

Contd....2/-

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5. May I request you to prohibit corporal punishment in all schools under the jurisdiction of your State Government in the spirit of National Policy on Education? If necessary, the relevant School Education Act or Rules may be amended. The provisions of CBSE Affiliation Bye-laws in this respect may also be treated as a model for this purpose. I shall be thankful if you could take necessary action in the matter and intimate us of the same, so that the pernicious practice affecting physical and mental health of children can be nipped in the bud.

With regards,

Yours sincerely,

Arun
15/11/07
(Arun Kumar Rath)

Chief Secretaries of all States/UTs
[As per list attached]

Copy to:

- i) National Commission for Protection of Child Rights, 103, Jeevandeep Building, Parliament Street, New Delhi with reference to D.O. No.NCPCR/Edu.1.07/40 dated 9.8 2007.
- ii) Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110 016.
- iii) Commissioner, Navodaya Vidyalaya Samiti, 28, Kailash Colony, New Delhi - 110 048.
- iv) Director, Central Tibetan Schools Administration, Sector-3, Rohini, New Delhi - 110 085.
- v) Joint Secretary (EE.II), Department of School Education & Literacy
- vi) Joint Secretary (EE.I), Department of School Education & Literacy