

Dear Chief Secretary,

Sub: 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.

With regards

Yours sincerely,

Sd/-
(Shantha Sinha)

To

The Chief Secretaries of all the States/UTs

- 1 The Chief Secretary,
Govt. of Assam
Dispur (Guwahati)
- 2 The Chief Secretary,
Govt. of Mizoram
Aizawl
- 3 The Chief Secretary,
Govt. of Meghalaya
Shillong
- 4 The Chief Secretary,
Govt. of Nagaland
Kohima
- 5 The Chief Secretary,
Govt. of Sikkim
Gangtok
- 6 The Chief Secretary,
Govt. of Tripura
Agartala
- 7 The Chief Secretary,
Govt. of Uttaranchal
Dehra Dun
- 8 The Chief Secretary,
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Lucknow
- 9 The Chief Secretary,
Govt. of Madhya Pradesh
Bhopal
- 10 The Chief Secretary,
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Chennai
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Kolkata

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- 15 The Chief Secretary,
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Itanagar
- 35 The Chief Secretary,
Govt. of Jammu & Kashmir
Srinagar