CIRCULAR

Sub: Regarding Corporal Punishment in Schools

Inspite of repeated orders and various instructions issued by Directorate of Education, Govt of NCT of Delhi from time to time regarding ‘Prohibition of corporal punishment in schools’, instances of beating of students by teachers and other forms of corporal punishment are being reported.

Attention of all the Heads of Govt/Govt Aided/Recognised unaided schools is, once again, drawn towards earlier Orders and Circulars issued by School Branch dated 25/01/01, 28/02/02, 26/08/07, 25/09/07 and 22/10/09 on Guidelines and Ban on Corporal punishment in schools. The photocopies of the Guidelines and additional guidelines issued by National Commission for protection of Child Rights and orders dated 25/01/01, 28/02/02 are attached herewith.

Corporal punishment is a serious offence which attracts violation of RTEA 2009 and CCS (CCA) Conduct Rules, 1965.

All the Heads of Govt/Govt Aided/Recognised Unaided schools are once again directed to ensure that the above orders are strictly adhered to in their respective schools.

Encl: As above

ALL HOSs/EOs/DDEs through DEL_E

Copy to:–

1. PS to Pr. Secretary (Education)
2. PS to Director (Education)
3. All RDEs
4. All DDEs (District)/EOs to ensure that all schools adhere to the directions.
5. OS (IT) to paste on website
6. Guard File

Dr. (Mrs) Suman Rekha
Deputy Director of Education (Schools)
National Commission for Protection of Child Rights, Government of India
5th Floor, Chandralok Building, 36, Janpath, New Delhi-110001

No. NCPCR/Edu.1/07/39

May 26, 2009

Additional Guidelines on Corporal Punishment in Schools

The National Commission for Protection of Child Rights is concerned about the violence on children in the schools in the country. There have been complaints from children received by the Commission highlighting the insults and humiliation they face while in schools. There are also newspaper reports both in local as well as national dailies that have brought to the forefront the violence children are subjected to in schools.

2. In this regard, Commission's guidelines on corporal punishment issued vide d.o. letter of even number dated 3rd August 2007 addressed to the Chief Secretaries/Administrators of the State Governments/Union Territories respectively may be recalled (copy attached), which were to be displayed in every school and publicized adequately.

In order to stop corporal punishment of children once and for all and enable school teachers to treat children as equal human beings with respect and dignity, the Commission would like the District Collectors/District Magistrates/Deputy Commissioners (as the case may be) to take the following actions (in addition to the guidelines already issued by the Commission and referred to in para 2 above):

(i) To get Block-wise meetings conducted for all the school headmasters on corporal punishment and to convey them that serious action would be taken against the school as a whole on any act of violence on children in the State.

(ii) To conduct meetings with the District Education Officers, Block Education Officers as well as the Cluster Resource Centres staff on the importance of protection of children's rights and against corporal punishment in schools and to issue instructions to them that they would be held accountable for any instance of violation of children's rights and corporal punishment in school.
(iii) To instruct every school headmaster to hold a general meeting with all parents of the school as well as school education committees or parent-teacher associations on the NCPCR guidelines and the procedures to be adopted for protecting children and their rights in schools.

4. An action taken on the above may be submitted by the District Collectors/District Magistrates/Deputy Commissioners (as the case may be) to the Secretary (School Education) of the State Government/UT concerned by August 1, 2009, who may submit a consolidated report in respect of all the Districts of the State/Union Territory to the Commission by September 1, 2009 along with the copies of the letters/circulars issued by the District Administration with regard to the earlier guidelines as well as these additional guidelines issued by this Commission.

(Shantha Sinha)
Chairperson, NCPCR

The District Collectors/District Magistrates/Deputy Commissioners of the Districts in the Country.

Cc:

1. The Chief Secretaries/Administrators of State Governments/Union Territories – with the request to issue necessary instructions in the matter.

2. Secretary (School Education) of State Governments/Union Territories – with the request to issue necessary instructions and submit a consolidated report in respect of all the Districts of the State/UT to the Commission by September 1, 2009 along with the copies of the letters/circulars issued by the District Administration in the matter.

(Shantha Sinha)
Chairperson, NCPCR

Encl Commission's guidelines dated 9th August 2007
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,

(Shantha Sinha)

The Chief Secretary,
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION: SCHOOL BRANCH
OLD SECRETARIAT : DELHI - 110 054

No. F. DE-23/School Br./45534-47833 Dated: 28-2-2002

ORDER

Attention of all the heads of Government and recognized schools in the NCT of Delhi is invited to order No. No.F.DE/15/Act/Court Case/98/School Br./2423-4722 dated 25th January, 2001 whereby they were directed to ensure that, in compliance to the directions issued by the Hon’ble High Court of Delhi, no corporal punishment, in any form whatsoever is inflicted on the students in any school.

2. Reports of incidents involving corporal punishment and sexual harassment in schools, however, continue to appear in the media. It appears that the field officers, particularly the heads of school, have a tendency to hush up the matter and do not come out with facts unless and until a report is asked for with the result that we come to know of an incident only from the media. This is a highly unsatisfactory state of affairs and shows scant regard on the part of field officers, particularly the heads of school, for the seriousness of the offence as well as the discipline in the Department.

3. All the heads of school are, therefore, directed that whenever any incident involving corporal punishment, sexual harassment, dharna, demonstration, law and order problem or any other unlawful or undesirable activity takes place in the school, they must immediately conduct an inquiry at their level by talking to the concerned employees and the students and submit a preliminary report to the Secretary (Education) and the Director of Education either by fax or by a special messenger within 24 hours of the incident. A copy of the report should be simultaneously sent to the concerned DDE (District) and the Education Officer.

4. All the heads of school are warned that any laxity in compliance of the directions contained in this order, will result in initiation of summary disciplinary measures against them including immediate suspension and departmental inquiry.

(NDL) (N.S. TOLIA)
ADDL. DIRECTOR OF EDUCATION (SCHOOL)

All the heads of schools
Govt./Govt.Aided/Recognised Unaided

Copy forwarded for information and necessary action to:-
1. P.S. to the Secretary/Director (Education) for information
2. All Regional Directors to ensure that as soon as an incident of the nature mentioned above takes place in any school within their jurisdiction, disciplinary inquiry is initiated against the persons found guilty prima facie without any delay.
3. All Dy. Directors of Education (District) with the direction to initiate disciplinary proceedings against those found guilty prima facie in the preliminary report as soon as they come to know of the incident.
4. All the E.O./DEOs with the direction that no sooner is the preliminary report received from a head of school than they should rush to the school and make suitable recommendations for further action in the matter to the concerned DDE.

(S.S. SHARMA)
ASSTT. DIRECTOR OF EDUCATION (SCHOOL)
ORDER

WHEREAS, the Hon'ble High Court of Delhi in civil writ petition No. 196 of 1998 titled by Parents Forum for Meaningful Education and another, has been pleased to strike down the following provisions of Rule 37 of RSEB, 1973 as violative of Articles 14 and 21 of the Constitution and has directed the State to ensure that the children are not subjected to corporal punishment in schools and they receive education in an environment of freedom and dignity free from fear.

AND WHEREAS, the provisions struck down by the Hon'ble High Court read as follows:-

37. Forms of disciplinary measures-

(1) The following shall be the disciplinary measures which may be adopted by a school in dealing with:-

(a) All students -

(i) Detention during the break, for neglect of class work, but no detention shall be made after the school hours;

(ii) Corporal punishment

(b) Corporal punishment may be given by the head of the school in cases of persisting impertinence or rude behaviour towards the teachers, physical violence, intemperance and serious form of misbehaviour with other students;

(c) Corporal punishment shall not be inflicted on the students who are in ill health;

(d) Where corporal punishment is imposed, it shall not be severe or excessive and shall be so administered as not to cause bodily injury;

(e) Where cane is used for inflicting any corporal punishment, such punishment shall take the form of strokes not exceeding ten on the palm of the hand.

(f) Every punishment inflicted on a student shall be recorded in the Conduct Register of the student.

NOW THEREFORE, in view of the directions of the Hon'ble High Court, all heads of schools are hereby directed to ensure that no student Government or recognized is detained during the break and no corporal punishment in any form whatsoever is inflicted on any student. A violation of these directions shall amount to contempt of the Hon'ble Court.
These directions may also please be brought to the notice of all the employees and the students of the school.

(Signature)

G. SRIVASTAVA
DIRECTOR OF EDUCATION

The Heads of all Government and recognised schools in the NCT of Delhi


Copy for information and necessary action to the following:-

1. Secretary to the Hon'ble Minister of Education
2. P.S. to Pr. Secretary (Education)
3. Director of Education, MCD
4. Director of Education, NDMC
5. Education Officer, Cantonment Board.
6. All Additional and Joint Director of Education
7. All the District Deputy Director of Education, Delhi/New Delhi
8. All Assistant Director of Education and Education Officers
9. All Deputy Education Officers
10. Superintendent (Act)

(N.S.TOlia)
ADDL. DIRECTOR OF EDUCATION