



# infocus

National Commission for Protection of Child Rights

## Gram Panchayats-Custodians of Child Rights

The sarpanch in village Nilavaram, Dantewada district, Chhattisgarh and his gram panchayat have mobilised every child to school. This is quite unusual considering that it is a tribal pocket and in an area where there has been civil strife due to the presence of Maoists. This message, that the gram panchayat was willing to take charge of their children's education, inspired more than a hundred parents to send their children to school.

The sarpanch from a village of Chhindwara district in Madhya Pradesh narrated how he had worked hard to get all the children in his village back to school including 18 bonded labourers. He petitioned the district collector for release orders and appealed to the NCPCR for action on release of the bonded children. Consequent to the public hearing held in Bhopal in January 2009, all the children were released and are now studying in the residential bridge course camps. This, too, is an extraordinary case of activism by the gram panchayat. At yet another public hearing organised by the NCPCR in Palwal district in Haryana in March, sarpanch after sarpanch narrated the plight of children's education due to poor infrastructure, irregular school teachers and several other problems. Contrary to the mistaken belief that the Muslim population cares less for girls' education, these voices from gram panchayats made an evocative plea for educating their daughters. The sarpanch from Ranga Reddy district, Andhra Pradesh, also shared the experiences of his team at the gram panchayat and ward level in monitoring the education, health and nutritional rights of children. They keep track of every single child in the 0-18 year age group and engage with all schools, anganwadi centres and sub-centres in their constituency even if this implies defiance of existing social and economic hierarchies.

NCPCR has come across several such exemplary gram panchayats in its first two years. Some of them have even set up sub-committees for education and health within the gram panchayat and have enlisted support from the community to build institutions for the protection of child rights. We recognise the indispensable role they play as custodians of child rights and draw inspiration from them. Yet, none of the gram panchayats we met have included issues of the well being of children in the action plan they sent to the district authorities under the Backward Grants Relief Fund (BGRF). It seems that they require guidance to include activities that go beyond construction and public works. They should know that planning to build human capabilities through children's access to education, health and all other entitlements are equally important and can be included in the BGRF. There is also a need for coming together of all child related departments in the country to send clear messages to the gram panchayats to work on plans for protection of child rights. The state and central government have a huge role to play in taking to scale the existing good practices of gram panchayats, training them to make relevant action plans and ensuring that the rights of every child are protected. ■

*Shantha*

Shantha Sinha

March 2009 Issue

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## Children in Madhya Pradesh Get Heard



- A Class 6 student from Sonkacchh tehsil in Devas district of Madhya Pradesh testified at a NCPCR-organised public hearing in Bhopal that teachers in his school discriminated against students on the basis of their caste and practiced untouchability. He said that his midday meal rotis were thrown at him from a distance. Taking a serious view of the case, the NCPCR directed district authorities to file a police complaint and a notice was sent to the concerned district education official
- A girl child belonging to the Bedia community in Sagar district, MP, complained that many underage girls from her community had been forced into the traditional trade of nautch girls. The NCPCR immediately directed the state government officials to write to all district officials to stop the practice which was leading to trafficking of minors and promised to evaluate the efficacy of schemes for their rehabilitation with the WCD Ministry
- An anguished father from MP's Shivpuri district, whose two year old son died of malnutrition in July last year, complained about the irregular functioning of the anganwadi in his village Maheshpur in Picchore block, where his son had been registered as having Grade IV level of malnutrition. Villagers said that workers at the Maheshpur anganwadi did not serve meals as specified in the menu and the healthcare of children was neglected. The father said he had not received any work as promised by the government under the National Rural Employment

Guarantee Act (NREGA), due to which he had no resources to take his child to a Nutrition Rehabilitation Centre.

These are some cases that the NCPCR was presented with at the public hearings it organised in Satna and Bhopal in Madhya Pradesh on January 10 and 11 respectively. The Commission decided to hold the public hearings after receiving a large number of complaints of violation of child rights from the state, as well as reports of extensive child malnutrition.

A team comprising NCPCR chairperson Shantha Sinha, NCPCR Member Dipa Dixit, nutritionist Vandana Prasad, NCPCR consultant Swati Narayan, human rights activist Ashutosh Dharmadhikari and District Collector Shiv Shekhar Shukla heard testimonials from over 15 districts in the state. As many as 140 petitions were submitted to the Commission at the Bhopal hearing and 33 testimonials presented in Satna. The relevant state and district officials present at the hearings were immediately directed by the bench to take appropriate action for redressal of the complaints.

### Malnutrition Looms Large

NGO representatives at the public hearings demanded an increase in the number of anganwadis, schools and juvenile homes as well as an improvement in their services. A day before the Bhopal meeting, the NCPCR team visited Satna district from where it had



received reports of acute malnutrition leading to the death of children. The Madhya Pradesh Right to Food campaign and Adiwasi Adhikar Manch had reported deaths of 28 children due to malnourishment in Satna district alone between October 2008 and January 2009. Another survey by NGOs Spandan and ActionAid (India) had found that in four other districts of the state, 22 children had died of undernourishment in six months.

A public hearing was held in Satna and the NCPCR team visited anganwadi centres and Nutrition Rehabilitation Centres (NRCs), speaking to women and children affected by hunger and malnutrition. Over 1,200 people from 40 villages in the district were present at the public hearing in Satna, where 22 testimonials were from families whose children had died of malnutrition.

“Why must a child die at all?” asked Sinha at the hearing, emphasising that the death of any child irrespective of its cause can-

not be overlooked. It is particularly alarming that three-fourths of the children, especially tribal and dalit are considered to be malnourished by the NFHS III. Sinha said the issue of children who are already in the severely malnourished category should be treated as an emergency and effective programmes chalked out for them.

“Since there are 2,000 children in the severely malnourished category in the district, as acknowledged by the administration, and there are only four NRCs with limited resources, there is an urgent need to reach out to children wherever they are,” Sinha told the Satna district collector, calling for coordination of all concerned departments to ensure the nutritional security of the children.

### Right to Food

NGOs at the hearing ascribed the deaths to poorly-equipped government health centres and the failure of government schemes to reach the poor. Participants at the hearing complained of lack of food as only 18-20 kgs of grain were available to them through the public distribution system. There were several complaints that the villagers did not get work under the NREGS, while several others said they did not receive their wages on time. Other complaints related to shortage of drinking water, poorly run anganwadis with poor monitoring of children's health, non-availability of medicine kits and other facilities.

Sinha subsequently held meetings at the secretariat in Bhopal with state government officials including chief secretary Rakesh Sahni to brief them on the NCPCR team's public hearings at Satna and Bhopal. Officials discussed the steps being taken by the MP government to combat malnutrition and future plans.

### Release from Bondage

At the Bhopal hearing, petitioners from Chhindwara block spoke of children there being forced to work as bonded labourers and their increased victimisation after official complaints are registered with the SDM. A petition was also presented on behalf of 18 children from Betul, including a family in which a young child had been left to take care of his siblings, which mentioned that though children were freed from bonded labour in several villages, no release certificates was issued, nor did the block have a Child Labour Rehabilitation programme. The NCPCR team insisted that the children be immediately issued Bonded Labour Release Certificates, provided rehabilitation, enrolled in residential bridge courses, issued caste certificates and provided scholarship.

Based on the petitions presented to the Commission during its MP visit and its interaction with state, district and block level officials as well as children, villagers and civil society activists, the NCPCR has suggested to the state government that a series of steps be undertaken as priority actions to promote child nutrition and prevent child labour and trafficking, among other child rights issues. It suggested that health camps be held in all villages where child deaths have been reported, be they of malnutrition or other health-related causes. It has also recommended that NRCs be made child friendly and their capacities substantially enhanced. The NRCs presently cater to only 40,000 children per year, whereas NFHS 3 data has revealed that the state has six million malnourished children. ■

## Miles to Go



The National Commission for Protection of Child Rights (NCPCR), which recently visited Hatin block, Haryana, was distressed to find a large number of out-of-school children, many educationally backward blocks and an inadequate educational infrastructure in the state despite its proximity to the national capital.

However, during the public hearing held in the first week of March and after visits to schools there, the Commission team comprising chairperson Shantha Sinha, Member Sandhya Bajaj, Registrar Binod Sahu, and consultants Swati Narayan and Ramanath Nayak were overwhelmed by the groundswell of demand for education not just among children and teachers but also by district and block levels officials, sarpanches and villagers.

### Schools lead to the Future

According to Shantha Sinha, although the region was not considered developed, the people and their thoughts are progressive. Especially encouraging was the positive attitude of the government officials, villagers, sarpanches and organisers of the public hearing including White Lotus who showed genuine commitment towards ensuring education for all children.

Several issues came to the fore during the public hearing. According to Mohammed Hussain, president, village education committee (VEC), Rupraka, it is necessary to waive admission,

tuition and related fees charged to the poor families to ensure they are able to remain in schools. He pointed out that the scholarship amount meant for the children was not distributed in time. Further, the midday meal programme was not functioning with regularity and drinking water was often not available in schools.

On hearing from a woman member of the village education committee (VEC) in Kumrehda, about teachers being unable to tackle challenges children faced like dyslexia, the NCPCR chairperson said, "This will put these children off track. Orientation of teachers is necessary to encourage all children to enjoy education."

Several testimonies by sarpanches also indicated that the quality of education of the teachers was often abysmal and consequently the pass rate of students in examinations was very low. The dropout rate was also found to be high. All this indicated the urgent need to address systemic issues in the quality of education being imparted.

### Education in the Mother Tongue

During the public hearing, the Commission found that although more than 90 per cent of the population in Hatin block comprised Muslims belonging to the Meo tribe with Urdu as their mother tongue, there were few Urdu teachers in primary schools. The Commission has recommended that at least two Urdu teachers



The NCPCR team saw a classroom filled with construction material



People at the public hearing held in a school building in Rupraka village

per school should be appointed instead of imposing Sanskrit on Muslim children.

Teacher absenteeism and vacancies has led to children dropping out of school. Residents of village Utawar complained that more than 1000 children were out of school as the number of teachers was inadequate. Currently 485 children are being taught by just two teachers. Further, because there were not enough classrooms, children were sitting in verandahs and open spaces.

The Commission feels that this problem can be addressed by using schemes like National Rural Employment Guarantee Act (NREGA) to construct access roads to schools, toilets, boundary walls and classrooms.

### Education is Priority

NCPCR member Sandhya Bajaj assured the people that the Commission would follow up the issues raised in the public hearing with the concerned officials of the state.

In a letter written to Haryana chief secretary Dharam Vir, copies of which were sent to the chief minister, governor (also the chairperson of the Mewat Development Agency), chief secretary

and joint secretary, Woman and Child Development and director Education, the NCPCR chairperson recommended several interventions that needed to be taken by the state. These could be equally applicable for other educationally backward districts of the state and their implementation could make a visible difference to lives of all children, including those from the Meo tribes.

### Recommendations:

#### Elementary Education

- Restart the scheme of guest teachers on a temporary basis at least in Mewat and Palwal districts, in both primary and secondary schools to ensure children do not miss out on education
- Based on the Supreme Court ruling of December 6, 2007, strict instructions be issued to ensure that teachers and head masters are freed of any additional non-academic work burden. Services of panchayats, self-help groups and village education committees can be used to supervise the midday meal programme (for which funds need to be released in a timely manner) and other programmes
- Modernise the madrassas by introducing subjects like science and mathematics through centrally sponsored Area Intensive and Madrassa Modernisation Programme of the Ministry of Human Resource Development
- Since more than 90 percent of the population in Hatin block includes Muslims belonging to the Meo tribe with Urdu as their mother tongue, it is imperative that their medium of instruction at the pre-primary and primary level is Urdu.

#### Mainstreaming Out of School Children

- Draw a detailed education plan based on appropriate population norms to meet infrastructural needs of middle schools and support the creation of high schools (of good quality, similar to the Mewat Model School) with the provision of bus facilities to help solve the problem of unavailability of teachers and improve the quality of education
- Increase the number of Kasturba Gandhi Balika Vidyalaya (KGBV) under the aegis of Sarva Shiksha Abhiyan
- Enroll children, especially girls, both in school and out of school in age-appropriate classes to prevent dropouts and provide intensive remedial coaching through residential bridge courses (RBCs)
- Create a comprehensive strategy to reach every child of migrant labour working on brick kilns across Mewat and Palwal districts

#### Monitoring and Accountability

- Train panchayats across Haryana to monitor the progress of each child through formal education by using the Backward Region Grant Fund (BGRF) of the Panchayati Raj Ministry
- Institute a redressal mechanism by organising public hearings or jan sunwais and social audits at block and district levels at regular intervals; identification of nodal block and district level government functionaries responsible for responding to child rights petitions by the community within stipulated timeframe ■

## Steps in the Right Direction

Significant initiatives have been taken by the Maharashtra government on the issues of health, malnutrition, child labour, education and the juvenile justice system. Yet, much more can be done to protect the dignity of children, feels the NCPCR which visited Mumbai in February.

Besides an active collaboration between the NCPCR and the newly set up State Commission for Protection of Child Rights (SCPCR), NCPCR chairperson Shantha Sinha has in a letter to Maharashtra chief secretary, Johnny Joseph, suggested steps to improve children's access to services and rights.

### Children's Homes

The NCPCR found that while in some children's homes there had been interventions to provide accelerated learning to bring children to their age appropriate class, a systematic and comprehensive policy on formal education was needed. An education policy was also required for children in observation homes. Also, an assessment of the children's health, and the status of sanitation and water in these homes must be made and gaps addressed immediately by the department of Women and Child Development in coordination with the Education Department and the Sarva Shiksha Abhiyan (SSA).

### Malnutrition and Health

The NCPCR had sent a team to assess action taken to reduce malnutrition in Amravati district after its earlier visit there. However, it felt the improvement was marginal. It has recommended scaling up of the Rajmata Jijau Mother Child Malnutrition Mission programme headquartered in Aurangabad, and suggested moving it to Amravati.

### Ashram Schools

The NCPCR received several complaints about the presence of male teachers and wardens in ashram schools for girls. The

Commission felt male teachers needed to be relocated and not allowed to reside in the same premises as girl students.

### Child Labour and Education

The NCPCR has pointed out that the education of thousands of children in Surat, Gujarat, who migrated with their families from adjoining districts in Maharashtra, continued to get disrupted despite the seasonal hostels started under the SSA in these districts. Interstate coordination between Maharashtra and Gujarat SSAs was necessary to ensure education of all such children.

In addition, the Commission wanted the state to provide information and data on the methods adopted to end child labour, right from the stage of identifying the children to their rescue and rehabilitation. The Commission was ready to sponsor a study on the Maharashtra Protocols so that it could be adapted for other states.

### Panchayati Raj and Child Rights

Child rights in all twelve districts in Maharashtra covered under the BRGF (Backward Regions Grants Fund) were neglected, noted the NCPCR. The Commission has recommended that since panchayats had a critical role to play in monitoring the status of all children and the functioning of departments at the gram panchayat level, they should be involved in resolving this problem. The Education Department should coordinate with the Panchayati Raj Department to get out-of-school children back into schools with the support of BRGF.

In fact, the Commission recommended that the Panchayati Raj Department train all the sarpanches in the 12 districts on the role of gram panchayats in securing child rights. The NCPCR also suggested that while the Department of Women and Child Development should list the requirements needed to bridge the gaps in nutrition inanganwadi centres under the BRGF, child labour monitoring cells must be instituted by the Labour Department under this Fund to monitor out-of-school children. ■

### FOLLOW UP

## Orissa's Special Help for Riot-hit Students

Responding to the NCPCR's request to the Orissa government to provide special help to students from Kandhamal district who because of the riots, could not fulfill the conditions required for sitting for Board examinations, UC Mohanty, joint secretary, Department of School and Mass Education, has said 5102 of the 5733 students who had got admission to class 10 in 2008 have filled up the forms for the annual HSC examination of 2009. However, 631 students could not fill up forms due to health problems, poor academic performance or because they had left the district.

The Registrar of NCPCR had visited Kandhamal to look at the plight of the children affected by the communal violence and in February the NCPCR had written to chief minister Naveen Patnaik to postpone the examination for class 10 and 12 by three months and provide special help for the children

who had missed six months of schooling.

Responding to the Commission's letter, Mohanty has said among the special concessions made to the students of 123 schools of the district that come within the government purview are a five per cent waiver in attendance (from the required 66 per cent to 61 per cent). Instructions have been issued to all principals and headmasters to hold extra classes for the 10th board examination for all students as well as students of those schools which had been taken over by the CRPF.

Text books have been distributed free of cost to all students of class 1 to 10; mock tests are being conducted at regular intervals and district education authorities have been asked to issue instructions to school principals to facilitate the admission of children affected by the riots. Monitoring of these special facilities is being carried out by school inspectors and other district authorities, assured the Orissa government. ■

## Intelligence Network to Track Missing Children



Photo courtesy: UNICEF, New Delhi

At a meeting to take stock of the large number of missing children and the action to be taken, NCPCR chairperson Shantha Sinha suggested that the Bureau of Police Research and Development (BPRD) open a Child Intelligence Network to keep track of missing children.

The BPRD representative suggested that since both the National Crime Research Bureau and the National Sample Survey Organisation were maintaining a database on missing children, they should be involved in all meetings on missing children. With the support of the Commission, the Women and Child Development Department is also keen to evolve a national intelligence system to track movement of children across the country.

Others who attended the meeting convened by the NCPCR were from UNICEF, Delhi Police, NIPCCD and Childline India Foundation.

Sinha pointed out that the NCPCR was set up in the context of the missing children of Nithari on the Uttar Pradesh and Delhi border. The Commission, she said, had appealed to all police stations to keep track of missing children as well as ensure that no child goes missing. Information about most categories of missing children whether kidnapped, runaway, trafficked or abandoned is absent because there is no proper recording system. So it is important to have a uniform process or a mechanism to record data on missing children.

Veena Rao, the Commission's special rapporteur for trafficking, suggested mapping of areas from which children go missing and a mechanism to empower the community to set up community surveillance and neighbourhood watch to apprise the police about missing children. The community surveillance should also be established in rural areas with the involvement of panchayats.

The UNICEF representative laid emphasis on the importance of having a database within the police system. A database main-

tained by NGOs alone would not be effective, it was pointed out. In West Bengal, for example, with support from UNICEF the police have developed an online reporting mechanism where all the police stations are involved. This information was shared with other states and then linked with information on 'children found'. Since the child's movement from one place to another is not easy to record, integration of information systems is essential. When the missing child is found and returned to his/her family, this information is not entered. Updating and streamlining the entire database system of lost and found children is, therefore, vital. The Childline India Foundation also agreed to share its data with those working in the field. DCP (East) Anand Mohan indicated that the District Collector had a separate register at all police stations for missing children. After the case is entered, wireless messages are sent out on the missing child and the information is shared with ZIPNET (Zonal Internet Police Network), operating in various states. In each district of Delhi, a Missing Persons Squad of the police collects and collates information. Information about the missing child is disseminated to hospitals, railway stations and bus stands and shared with the child welfare officers and NGOs.

The meeting was informed that the Delhi police was about to start a Child Helpline for missing children. The UNICEF representative suggested that the mechanisms to be followed at the city and state levels for missing children be linked up encompassing both missing and found children. Sinha said the necessary groundwork should be completed before the Delhi Police started the Child Helpline. The NCPCR, she said, would be happy to associate with it. It was also suggested that school teachers be oriented to be vigilant for students who may be abducted or choose to elope.

The NIPCCD representative said a division on child protection with a data management cell would be created in the institute to deal with missing children. ■

## No Child Out Of School in 300 Panchayats



Three hundred village panchayats in three districts of Tamil Nadu have been declared as 'child friendly'. In these 300 panchayats, all children in the 6-14 age group attend fulltime school, all government schools function effectively, teacher-student ratio is maintained, there is an empowered community that willingly and effectively protects child rights through child right protection committees, children attend regular health camps and all children are tracked so that they do not lapse into labour or malnutrition.

"The district administration, panchayat presidents, school teachers, youth, self help groups and parents all cooperated to achieve this significant milestone," said a representative of the NGO Hand in Hand that made the declaration. Hand in Hand is working in the area for elimination of child and bonded labour and promotion of education.

The presidents of the panchayats were honoured for their efforts at a function in Kancheepuram on February 13. They were commended by the chief guest, NCPCR chairperson Shantha Sinha who presented them with mementos and certificates. Principal secretary, Labour and Employment, T Prabhakara Rao, and former chief vigilance commissioner, P Shankar, also participated in the function.

Panchayat chiefs of the villages which are spread over the districts of Kancheepuram, Tiruvallur and Vellore, had succeeded in

bringing about 100 per cent enrolment in schools and retention of all children by helping to identify school dropouts and unlettered children in their respective areas and putting them back in the mainstream of school education. Hand in Hand's chief executive officer, Kalpana Sankar, said a total of 29,763 children have been brought into the education mainstream in these three districts. Sankar pointed out that the panchayats in Kancheepuram district, for instance, had to contend with children being employed in silk looms, appalam (papad) making, stone quarrying and cattle grazing. A large number of children also drop out of school due to other reasons like failing in exams, dyslexia, hostile school teachers, parental apathy, domestic labour like housekeeping and baby-sitting and frequent family migration in search of work.

Other criteria for attaining the 'child friendly panchayat' tag was a teacher-student ratio of at least 1:30, maintenance of adequate infrastructure, provision of drinking water facilities and conducting regular meetings of the Parent Teacher Association in the schools and the formation of child rights protection committees and village education committees.

Sinha spoke about the need to be vigilant about protecting child rights. She pointed out that for the panchayat-level volunteers, workers, teachers and panchayat officials who worked with children directly, children should not be mere statistics. ■

### Malaria Department moves out of Classrooms

Three classrooms of the MCD Primary School, Rajouri Garden Main, Delhi, which were occupied by the Malaria Department for several years causing inconvenience to students of the school, have been vacated after the NGO Social Jurist issued the MCD Commissioner with a contempt notice for misuse of the school premises.

Advocate Ashok Agarwal had visited the school and saw the misuse of the school premises by the Malaria Department of the MCD. Though parents have been protesting against the illegal and unauthorised occupation of class 3, the Malaria Department

would not budge.

In his letter to the MCD Commissioner, Agarwal pointed out that in 2002 when a municipal dispensary was being run in an MCD boys school in Bawana, depriving 750 school children of class 1 to 5 the benefit of their classrooms, multi-purpose room and toilet block and playground, Social Jurist had filed a PIL in Delhi High Court and the premises had been handed back to the school authorities. Despite the Court's clear directive in 2002 to the MCD not to deprive children of their classrooms, the current occupation of the Rajouri Garden school by the Malaria Department amounted to contempt of Court orders. ■

## Zero Tolerance for Corporal Punishment



A report on child abuse by the Ministry of Women and Child Development in 2007 found that corporal punishment takes place in every district of the country and punishment as a tool to discipline children was deeply ingrained in both government and private schools as well as in institutions for children. It revealed that while two out of every three children faced physical abuse, every second child faced sexual abuse, and every second child faced emotional abuse. Boys were more likely to face physical abuse. But most children did not report abuse to anyone, continuing to suffer in silence.

A media dialogue on corporal punishment was organised in New Delhi by the NCPCR and UNICEF on February 19, as part of a sustained initiative to end physical and mental abuse of children and uphold their right to dignity and protection. In addition to press persons, student child reporters from Springdales and Delhi Public School as well as several children associated with NGOs Badhte Kadam and CHETNA were also present. These child reporters bring out newsletters in English titled Yamuna and Balaknama in Hindi. Some students from both government and private schools also shared their experiences of corporal punishment.

### Tip of the Iceberg

Shantha Sinha, chairperson, NCPCR, revealed that they have received the highest number of complaints from Tamil Nadu as the Commission had organised a public hearing there in January 2008 to specifically address the issue. The complaints mostly rep-

resent extreme cases of brutality which ranged from giving electric shocks, physical and sexual abuse, asking children to strip and discrimination based on caste resulting in children committing suicide. She said the current legal framework allows punishment of children below 12 years if done in good faith. In a way this protects the perpetrators of violence. Corporal punishment has been banned by 16 state governments but she said there is a need to reform central legislation to protect children against any form of violence.

Calling for greater transparency in schools, in his keynote address Professor Krishna Kumar, director, National Council for Educational Research and Training (NCERT), said while weaknesses existed in the area of teacher training, the teacher should not be viewed in isolation. The devaluation of the teaching profession was evident in the lowering of salaries of teachers, also a reason why young and talented teachers were no longer attracted to the profession. He asked why teaching had become so trivialised that recently teachers in Bihar were reported to have lit a bonfire of textbooks to keep themselves warm. On the other hand, teachers also did not hesitate to hit a student in an examination hall so brutally that he fell unconscious and later died.

### Lifelong Emotional Scars

What made the violence more unbearable is that children considered the school their second home and teachers like their parents, said 14 year old Tina (name changed) a student of a private school in Delhi. She said the 'razor sharp tongues of teachers'

*Extracts from a speech by Peter Newell, Coordinator, Global Initiative to End All Forms of Corporal Punishment of Children, in New Delhi:*

All abuse of children administered in a context of punishment or control is corporal punishment. But for very long, even those involved in child protection kept corporal punishment in a separate box from child 'cruelty' or 'abuse' which were considered more extreme forms of violence against children. However, the idea that breaching a child's human dignity and physical integrity is acceptable, normal or 'in their best interests', perpetuates children's status as objects and makes every other sort of extreme abuse such as sexual exploitation and trafficking more likely and easier.

### Unjustifiable

Ending corporal punishment is an essential strategy for ending all forms of violence against children. There is no other children's rights issue so symbolic of children's low status. Hitting and humiliating children is a part of the traditional culture of almost every society. What we are about in this campaign is cultural change – a real shift in how children are regarded and respected. I feel research into the harmful effects of corporal punishment – such as low self esteem, depression, delinquency – misses the point altogether. Women would find it surely insulting if we looked for evidence of the ill effects of male violence to justify prohibiting it: there is a human rights imperative to prohibit all such violence.

The Committee on the Rights of the Child, the monitoring body for the UN Convention on the Rights of the Child (CRC), has twice recommended to India (in 2000 and 2004) prohibition of corporal punishment in all settings. The Committee highlights that rejecting violent and humiliating punishment does not mean rejecting discipline-which is about leading children to good behaviour.

Twelve percent of UN member states – 23 countries – have prohibited all corporal punishment in all settings, including the home. Eliminating corporal punishment requires both explicit law reform and sustained public-parent education. Fulfilling children's human rights requires that assaults on them should be criminal offences under the law just as assaults on adults are, whether or not the assault is disguised as discipline. In my view the current provision in India's Right



to Free Education Bill that suggests contravention of the ban in schools and institutions will be dealt with by action under 'service rules', is too weak.

### Prevention better than Cure

Public education must accompany law reform. For example, government must see that the key messages are built into all points of the state's contacts with parents – at birth registration, with health service for families, entry to pre-school and school and in the school curriculum.

In some states law reform to prohibit corporal punishment has proceeded sequentially – first banning it in penal systems, then in schools and institutions, and finally in the home. But for children there is no logic in this. If you campaign for less than complete prohibition in all settings including the home, your case is weakened and children have to wait even longer.

It is important to aim to build a broad alliance for reform, bringing in professional groups including paediatricians, psychologists, teachers, social workers, parent groups, human rights institutions and organisations including those working against violence on women, faith groups and of course, engaging with children and child led organisations.

Children are sick of being called 'the future'. They want to enjoy their childhoods, free of violence, now. ■

affected adolescent children to such an extent that they even considered committing suicide. When a teacher berated a student by saying a child was 'good for nothing' or 'should be sent to a special school' or that 'teachers were allergic to a child's face', it haunts them for a long time.

Echoing similar sentiments Dr Samir Hasan Dalwai, director, Child Development Centre, Mumbai, said that the impact on a child was greater because a child was going through a process of development. He said it was disturbing to see an increase in child abuse in homes, citing the case of a nine month infant brought to his clinic with burn marks on the back of its hand. It was obvious

the child had been deliberately burnt as a punishment. Instead of physical punishment, Dalwai recommended 'positive disciplining,' by soliciting cooperation from the child.

### Abuse of Power

But unfortunately, caretakers of institutions often resort to physical and mental abuse as a way of disciplining children. Such behaviour forced 10 year old Shamu (name changed) to run away from a government institution in Delhi. In a taped recording, Shamu revealed the physical abuse he faced for refusing to buy alcohol for the caretakers. He was made to stand naked on the ter-



race in winter. He said children were often asked to strip. In one instance a boy was asked to take off his pants and stay back alone with the caretaker.

Raj (name changed), 14, a class 7 student in an MCD school also shared some of the common forms of corporal punishment experienced by government school children. Fifty two children of whom had met prior to the media workshop to discuss the issue. In another instance the teacher hit the eye of the student and the child lost his eyesight. Teachers made girls do housework under the pretext of tuitions and some teachers allowed students to pass their examina-

tions only after sexually exploiting them.

### Legal and Social Reform

Karin Hulshof, country head, UNICEF, said eliminating corporal punishment was key for preventing all forms of violence in society. Corporal punishment in all settings should be banned through legislation. Since the Bill on 'Right to Education' had been tabled in the Rajya Sabha and had a specific clause on prohibition of physical punishment and mental harassment to the child, it was the right time to push for accelerated implementation of the commitments to children.

In order to create an academic environment free from fear and abuse, a main clause of the Education Bill was 'no detention and no failure', added Anita Kaul, joint secretary, school education, ministry of human resource development.

The reforms would change conventional notions of 'discipline' and equations between the teacher and the child.

The meet suggested plugging loopholes in the law which allowed 'reasonable' physical abuse of a child below 12. It said a legal framework was needed to protect all children up to the age of 18 years. Another suggestion by Childline was the setting up of special helpline phones (1098) in schools. Sinha said the parent-teacher associations (PTAs) had to act as the nodal body for pursuing action to end corporal punishment and that the NCPCR was pushing for the setting up of PTAs in all schools. ■



## Feedback

What an impressive newsletter! With NCPCR having launched a campaign against corporal punishment, I thought you would be interested to know that in Kenya, which I have just visited, the relevant Minister and senior officials committed themselves to full abolition of corporal punishment, including in the home. Civil society in the country also strongly supports the move. ■

**Peter Newell**

Coordinator, Global Initiative to End All Forms of Corporal Punishment of Children

It was really encouraging to know, thanks to INFOCUS January 2009, that the NCPCR is involved in protecting the

rights of the children who live on railway platforms. My special thanks to NCPCR Member Ms Sandhya Bajaj for her initiatives on the issue. I would like to be part of the national seminar and contribute on the issue. ■

**Partha Roy**

CINI ASHA, Kolkata

Sincere thanks for the new issue of the newsletter and very especially my warm congratulations for your strong leadership and the excellent work you continue to achieve. ■

**Marta Santos Pais**

UNICEF Innocenti Research Centre

Very good coverage and steps in the right direction. Congratulations for a top quality issue and touching content. ■

**PS Sharda, Lawyer, New Delhi**

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