

MINUTES OF THE MEETING OF THE COMMITTEE, CONSTITUTED TO EXAMINE THE INQUIRY REPORT ON THE CORPORAL PUNISHMENT OF LATE ROUVANJIT RAWLA IN LA MARTINIERE FOR BOYS, KOLKATA AND TO FINALIZE THE RECOMMENDATIONS OF THE COMMISSION AFTER INQUIRY IN THE MATTER AS PER SECTION 15 OF THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT (CPCR), HELD ON 6TH JULY, 2010 AT 10.00 A.M. IN THE CONFERENCE ROOM OF NCPCR.

The Inquiry Team constituted by the Commission to inquire into the alleged corporal punishment to Late Rouvanjit Rawla, ex-student of Class-VIII of La Martiniere for Boys School, Kolkata, submitted its Report to the Commission on 22nd June, 2010. Subsequently a Committee, consisting of the following members, was formed to examine the Inquiry Report and to finalize the recommendations of the Commission:

- i) Dr. Shantha Sinha, Chairperson (NCPCR)
- ii) Shri Lov Verma, Member Secretary (NCPCR)
- iii) Ms. Dipa Dixit, Former Member (NCPCR)
- iv) Ms. Kiran Bhatta, Head, RTE Division (NCPCR)

A meeting of the Committee was held on 6th July, 2010 at 10.00 a.m. in the Conference Room of NCPCR in which all the members of the Committee were present.

Based on the Inquiry Report submitted by the Inquiry Team and also the petitions received by the Commission from the parents and alumni of the La Martiniere for Boys, Kolkata, the findings of the Committee are:

- i) The Commission is of the view that late Rouvanjit Rawla, student of Class-VIII, was subjected to corporal punishment in the school.
- ii) The existing norms in the School seem to accept corporal punishment as a standard practice for disciplining children.
- iii) The School does not have any procedure or mechanism for hearing children or addressing their grievances.
- iv) The School Management is disengaged from the issues relating to the practice of corporal punishment in the school.

In the light of the above and the Kolkata High Court Order dated 06.02.04 in the matter of Tapas Kumar Bhanja Versus State of West Bengal & Ors., wherein canning of a student was strictly prohibited (copy enclosed), the Commission recommends the following action to be taken by the School Management, Govt. of West Bengal and the Union Govt., with a sense of urgency.

1. **ACTION TO BE TAKEN BY THE SCHOOL BOARD/MANAGEMENT:**

1.1 **AGAINST STAFF OF LA MARTINIÈRE FOR BOYS, KOLKATA**

- i) Removal of Mr. Sunirmal Chakravarthi, Principal and Mr. L.J. Gunnion, Head of the Middle School for inflicting violence on late Rouvanjit Rawla and also for allowing the practice of corporal punishment in the school by other teachers as well despite being aware that it is in violation of the law.
- ii) Withholding of two increments, without cumulative effect, of Mr. Partho Datta, Assistant Teacher; Mr. David Royan; Assistant Teacher; and Mr. Brian Gomes, Assistant Teacher, for causing mental and physical harassment to late Rouvanjit Rawla. Thereafter, the School Board and Management will review and assess their behavior and accordingly decide whether their increments be resumed.

1.2 **REVIEW OF STAFF OF SCHOOL**

- i) The School Board and Management shall consider reviewing and assessing the behavior of all other teachers in an objective and professional manner and take necessary action under their service rules.
- ii) The School Board/Management shall initiate action against the staff of the School, as recommended by the Commission, under Para 1 (i) and (ii) above, within 15 days and submit a Report thereof to the Commission.

1.3 **MODIFICATION OF SCHOOL RULES**

- i) The School Board/Management shall delete Section 5 (vii) of the School Diary which confers unfettered powers on the Principal and reads as under:

“The Principal may, in the interest of the school, have a student’s name removed from the school rolls if, in the former’s opinion, the student has failed to accept the discipline of the school and his continued presence is detrimental to the interests of the other students and/or the student fails to come up to the academic standard of his class when the detention of boy in the same class would make him too old for his class.”

- ii) Apart from the above, the School Board/Management will review their rules and regulations as contained in the school diary as well as the Staff Service Rules and Regulations in order to bring them in line with the provisions of the Right to Free and Compulsory Education Act, 2009. For example, no child will be detained in any class till and including Class VIII.
- iii) Infliction of corporal punishment is to be treated as a grave misconduct which will invite major penalties. In addition, manipulation or bringing pressure on students to testify in favour of the school authorities by the staff of the school shall also be treated as a grave misconduct and invite major penalties.
- iv) The School Board/Management shall draft provisions to address any violation by the Head/Principal of the School and penalties in connection thereto. This shall be incorporated in the Rules and Regulations of the school.

1.4 PREVENTION OF CORPORAL PUNISHMENT

- i) The School Board/Management shall immediately introduce practices for preventing corporal punishment in the school in accordance with the provisions of RTE Act and submit a quarterly report, indicating the steps taken by it in this regard, to the Commission.
- ii) The School Board/Management shall ensure that the Parent-Teacher Association for every class is constituted and held at least once in every two months and make it mandatory for the parents to attend at least 75% of such sessions.
- iii) The School Board/Management shall establish an independent Child Right Cell (CRC), one for Junior and Middle School and another for the

Senior School, comprising representatives of management, teachers, parents, alumni and students to be chaired by a Member of the Board of Governors. The CRC shall:

- (a) direct the Principal to get complaint boxes placed at strategic locations in the school. The keys of such boxes shall remain with the Child Rights Cell and the boxes shall be opened in its meetings;
 - (b) hear the grievances of students/parents and ensure that no student/parent is harassed for making complaints;
 - (c) ensure that adequate steps have been taken to prevent corporal punishment in the school;
 - (d) oversee the measures taken by the school in improving its basic amenities like hygienic and clean toilets, provision of potable drinking water, etc.
- iv) The School Board/Management shall ensure the smooth functioning of the Child Rights Cell and submit a quarterly report in this regard to the Commission.
- v) The first report to this effect should reach the Commission by 30th September, 2010.

2. **ACTION TO BE TAKEN BY THE GOVT. OF WEST BENGAL**

- i) The State Govt. shall issue a circular to all the schools to set up a Child Rights Cell.
- ii) The State Govt. shall direct all the schools to place complaint boxes at strategic locations in the school. The keys of such boxes shall remain with the Child Rights Cell and the boxes shall be opened in the meetings of the Child Rights Cell.
- iii) The State Govt. shall maintain an accredited panel of counsellors up to the District level whose services may be enlisted by the schools periodically. The Child Rights Cells in the schools can consult the said counsellors and seek their advice, wherever necessary.

- iv) The State Govt. shall publicize the penal provisions in the law and hold staff as well as the School Management/Board responsible for violating the provisions of RTE Act, JJ Act, IPC, etc.
- v) The State Govt. shall ensure that 'Corporal Punishment free environment' is stipulated as one of the conditions for giving recognition/no-objection certificate to a school and also as one of the conditions for giving affiliation to a school by the State Board. Similarly, 'Practice of Corporal Punishment' should be stipulated as one of the conditions for withdrawal of recognition/no-objection certificate given to any school by the State Govt. and also for affiliation given to a school by the State Board.
- vi) The State Government shall report Action Taken to NCPCR within four months.
- vii) These recommendations should be read together with the earlier guidelines issued by NCPCR (copy enclosed).

3. **ACTION TO BE TAKEN BY THE UNION GOVERNMENT**

- i) MHRD shall frame and issue detailed rules and guidelines under Section 17 of the RTE Act for addressing the issue of corporal punishment.
- ii) MHRD shall issue an Advisory to all the State Governments and UT Administrations to review the relevant State Rules and Guidelines having ramifications with regard to physical punishment and mental harassment in schools.