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NCPCR: End Corporal Punishment to Protect Children

The National Commission for the Protection of Child Rights (NCPCR) condemns the death due to corporal punishment of an 11-year-old girl from a MCD school in North Delhi. She was allegedly hit by her schoolteacher and made to stand in the sun for over two hours as a result of which she slipped into a coma. This afternoon, the girl studying in Class 2 at the ND Primary School in Narela succumbed to her injuries and died, as reported in the press.

The case will be taken up as a suo moto complaint by the NCPCR and an inquiry will be taken up immediately. Given the nature of the reported heinous act causing the death of the child; it implies prosecution under Section 302 of the Indian Penal Code for murder. It also necessitates prosecution of the school authorities as they draw vicarious liability for not ensuring that corporal punishment is not practiced. Indeed the education department must also be held accountable for ensuring protection of children from corporal punishment and violence.

In December 2000, following a PIL, the Delhi High Court had directed the state government to ban corporal punishment in schools and ensure that children receive education in an environment of protection and dignity, free from fear.

Unfortunately, this barbaric act is not an isolated incident. A nationwide investigation on child abuse by the Ministry of Women and Child Development in 2007 revealed that two of every three children face abuse in schools. The crime is rampant in every single district of the country. Corporal punishment in both government as well as private schools is deeply ingrained as a normal tool to discipline children.

Shantha Sinha, the chairperson of the NCPCR, draws attention to the deep-seated nature of this social ill, "Most children do not report or confide about the abuse to anyone and suffer silently. All forms of corporal punishment are a fundamental breach of human rights."

"An insult inflicts as much emotional scars as a slap or a grievous physical injury. Infact, if 'small acts' by parents, teachers and guardians are condoned or justified as normal, then there is a tendency for escalation of the extent of violence meted out. This needs to change - there should be zero tolerance for any form of corporal punishment on a child."

The NCPCR appointed Working Group comprising of educationists, lawyers, social activists, doctors, bureaucrats and representatives of non-governmental organizations and teacher's unions have also recommended law reform - to remove any existing defences of corporal punishment.

Section 88 and 89 of the Indian Penal Code which protects an act done “in good faith” for a child's benefit needs to be amended. The Right to Education Bill, which is currently tabled in the Rajya Sabha, would also need to be enacted to achieve prohibition across the country.

Moral outrage alone is not enough. How many more children would have to suffer and lose their lives before we accept that corporal punishment is unacceptable and damages children? We need to instill fear and responsibility in all the institutions through strong measures to protect every child.

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