

# **Corporal Punishment in Chennai schools - A study**

: BY :

**Tashi Yangzom Bhutia**  
[Law Student, Bangalore]

: ASSIGNMENT :

**MANITHAM**  
– HUMAN RIGHTS ORGANISATION,  
274- GC, Avvai Shanmugam Salai, Royapettah, Chennai, TAMIL NADU  
[www.manitham.net]

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274- GC, Avvai Shanmugam Salai, Royapettah, Chennai, TAMIL NADU, INDIA

web : [www.manitham.net](http://www.manitham.net)

email : [manitham@manitham.net](mailto:manitham@manitham.net)

mobile : +91-9443322543

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: THIS ASSIGNMENT IS DEDICATED TO :  
**ALL AFFECTED STUDENTS OF CORPORAL PUNISHMENT**

## FORWARD

Corporal punishment is a method that has been implemented by schools since times immemorial to enforce discipline amongst the students and it is also used as a means to deter the students from committing similar offences in the near future.

MANITHAM [www.manitham.net], a Human Rights NGO based in Tamil Nadu, India has recommended the 'Ending Legalised Violence Against Children' [Report for South Asia Regional Consultation, The UN Secretary General's Study on Violence against Children, Islamabad, Pakistan, 2005] submitted to UN in 2005 by Global Initiative to End All Corporal Punishment of Children [www.endcorporalpunishment.org], an INGO, based in London .

I am very interested in human Rights issues. I joined intern for 15 days [23-06-2006 TO 07-07-2006] under MANITHAM - Human Rights Organization with Mr. Subramanian.G as its Executive Director, have been given an independent assignment on the topic "Corporal Punishment in Chennai schools - A study".

Manitham is one such organization which is actively involved in Human rights related issues and I feel it is a good ground for me to learn a lot about various aspects of Human Rights issues, and I am very thankful to Mr. Subramanian. G , Executive Director of Manitham for taking me as an intern.

The assignment that I have been given is related to corporal punishment in schools, especially on schools in Chennai and the report covers opinions of parents, teachers, students and other important personalities like Politicians, Journalists etc. It also covers certain guidelines and recommendations, however due to paucity of time I could not go into much detail but nevertheless hope this proves to be quite effective in highlighting the position of corporal punishment. In our survey, we visited to more than 20 schools, met more than 20 teachers, more than 30 parents and more than 50 students of either sex.

I am also very thankful and indebted towards Mr. Subramanian. G Executive Director, Manitham for providing all the valuable opinions and suggestions. Without his proper guidance it would be very difficult to complete this report.

## **CORPORAL PUNISHMENT IN CHENNAI - SCHOOLS - "A STUDY"**

Corporal punishment implies physical chastisement of an offender. At one extreme it includes the death penalty too, but the term usually refers to punishments like flogging, mutilation and branding. Until 1800c in many parts of the world, most crimes were punished thus, or by such practices as confinement in the pillory or stocks, which combined physical chastisement with the humiliation of an individual possible in a relatively small, cohesive society. Flogging was especially prevalent being used also to keep order among the institutionalized insane and in schools and the armed forces.

### **ORIGIN OF CORPORAL PUNISHMENT**

Early Babylonian law developed the principle of *lex talionis*, which asserted that criminals should receive as precisely those injuries they had inflicted upon their victims. Many subsequent societies applied this "eye for an eye and tooth for a tooth" principle quite literally in dealing with offenders. From ancient times through the 18<sup>th</sup> century, corporal punishment was commonly used in those instances that did not call for the death penalty or for exile or transportation. But the growth of humanitarian ideals during the enlightenment and afterward led to the gradual abandonment of corporal punishment, and by the later 20<sup>th</sup> century it had been almost entirely replaced by imprisonment or other non-violent penalties.

Corporal Punishment no longer exists in the legal systems of most developed nations of the world. The last flogging in the United States, for example was carried out in the state of Delaware 1952 (later abolished in 1972). British criminal law stood as a rare exception in its legal prescription of whipping as punishment for some offenses, but the infliction of this penalty was severely limited by the criminal justice act of 1948 and was abolished in 1967. Whipping and even amputation. Remain prescribed punishments in several Middle Eastern nations that strictly observe Islamic law; however beatings and other corporal forms of disciplinary action are still administered, whether legally or covertly, in the prison system of many countries. Corporal punishment is explicitly prohibited by several international conventions on human rights, including the European convention on human rights and the United Nations "standard minimum rules for the treatment of prisoners"

In America, a movement against the use of Corporal punishment was let in the late 17<sup>th</sup> century by the Quakers who achieved local reforms in Pennsylvania and New Jersey. The 18<sup>th</sup> century, saw a general action against violent punishment and with the emergence of the modern concept of rehabilitating an offender, confinement has been accompanied more by the forms of moral, rather than physical coercion.

An important rationale for the use of corporal punishment has historically been that the pain, injury, humiliation and degradation it inflicted would deter the offender from committing similar offenses in the future. It was also maintained that, for instance, the amputation of a pickpockets right hand would lessen his physical ability to commit similar crimes in the future or that the branding of a tell-tale mark upon his forehead would alert his potential victims in a crowd to take special precaution while there were in his vicinity. The claim that corporal punishment is an especially effective deterrent has been refuted by empirical evidence, however which shows that offenders who are punished by corporal means are actually slightly more likely to commit further crimes than are those punished by imprisonment. Although there have been some calls for the reinstatement of corporal punishment in response to rising crime rates in the United

States and other countries in the post-World War II era, corporal punishment continues to be regarded as an inhuman and barbaric relic of the criminal justice systems of bygone eras.

Corporal punishment implies the use of physical force as a school to impose discipline amongst school children but this is not considered to be a good way to impose punishment as it undermines the dignity of the child. The use of physical force upon children can be quite dangerous as it may lead to dangerous and violent behavior later on in life and later it may have psychological problems on the children. It needs to be taken a serious note to put an end to Corporal punishment in every school.

Corporal punishment is unlawful as a sentence for crime under the Juvenile Justice (Care and Protection of Children) Act. Under the Juvenile Justices Act (1986), in most cases, children sentenced to detention could be sent to children's homes and homes for rehabilitation where corporal punishment is routinely used.

Tamil Nadu Education Rules prohibits the infliction of mental and physical pain during corrective measures.

UN Committee on the Rights of the Child recently recommends to Indian government as: "The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions. The committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The committee recommends that the state party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children needs to be strengthened, and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment.

#### **UN INSTRUMENTS:**

Rights to respect for human dignity and physical integrity and to equal protection under the law are upheld for everyone including children in The International Covenant of Civil and Political Rights.

The Universal Declaration of Human Rights in its Article 5 states "No one shall be subjected to torture or to cruel, in-human or degrading treatment or punishment". India accepted and signed the UN Convention on the Rights of the Child in 1992. Signed States should follow the articles of the Convention,

- # States should ensure that each child enjoys full rights without discrimination or distinctions of any kind.

- # States shall protect children from physical or mental harm and neglect, including [sexual] abuse or exploitation.

Our Indian Constitution also gives more importance to our child;

- # Article 39 (f), children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment.

## **BANNED IN INDIAN STATES:**

Andhra Pradesh : In 2002, the Andhra Pradesh government imposed a ban on corporal punishment in all educational institutions by amending Rule 122 of the Education Rules (1966), violations of which should be dealt with under the Penal Code.

Tamil Nadu : Corporal punishment was prohibited in Tamil Nadu in June 2003 through an amendment of Rule 51 of the Tamil Nadu Education Rules prohibiting the infliction of physical or mental and physical pain during "corrective" measures.

West Bengal : In February 2004, the Calcutta High Court ruled that canning in state schools in West Bengal was unlawful.

Chandigarh : Corporal punishment was prohibited in Chandigarh in the 1990s.

Delhi : In December 2000, the Delhi High Court ruled that provisions for corporal punishment in Delhi School Education Act (1973) were inhumane and detrimental to the dignity of children.

## **INDIAN LAW RELATING TO CORPORAL PUNISHMENT:**

In India there is no national prohibition in law of corporal punishment in schools. Corporal punishment is lawful as a disciplinary measure in penal institutions.

Corporal punishment is unlawful as a sentence for crime under the Juvenile Justice (Care and Protection of Children) Act, which prohibits torture and other cruel, inhuman degrading treatment or punishment and does not list corporal punishment among permitted sanctions (article 21).

Government has instructed to states to stop the use of corporal punishment in educational institutions and the National Policy on Education (1986, modified 1992) states in section 5, 6 that "corporal punishment will be firmly excluded from the educational systems". A draft Free and Compulsory Education for Children Bill which proposes prohibiting corporal punishment in schools, applicable to whole of India, is under discussion (April 2005).

The Law has also directed to put an end to corporal punishment, in India, the High Court of New Delhi in 2000 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". The judges noted that India had ratified the Convention on the Rights of Child and concluded: "Before parting with the case we would like to observe that fundamental rights of the child will have no meaning if they are not protected by the state ... The state must ensure that corporal punishment to students is excluded from schools. The state and the schools are bound to recognize the right of the children not to be exposed to violence of any kind connected with education"

## **GENERAL OPINIONS: [Various Sources]**

Arguments: For and against on corporal punishment.

Opponents of corporal punishment of children are rightly critical of its extensive use and the severity with which it is all too often inflicted. They have been at pains to show that corporal punishment is not used merely as a last resort, but is inflicted regularly and for the smallest of infractions (1) they have also recorded the extreme harshness of many instances of corporal punishment.

To a certain extent the opponents of corporal punishment are wrong in saying that physical punishment should never be inflicted. The popular as well as the educational and psychological debates about corporal punishment are characterized largely by polarization. Those who are opposed want to rule it out entirely. Those who are in favor tend to have cavatia defense of the practice that is insensitive to many reasonable concerns about the dangers and abuses of this form of punishment. It is surprising that the moral question of corporal punishment has escaped the attention of philosophers to the large extent.

The effectiveness of corporal punishment in schools has been questioned by criminologists and educators, but it is still widely used. Flogging for instance, was not banned in South Africa until 1995, and canning is employed in Singapore. Within British and American prisons flogging and beatings are still used, unofficially to maintain order, mutilation, including amputation of fingers and hands, is also used in some countries, especially in those whose legal system is based on Islamic law. Canning and spanking remain common in schools in some areas of the United States and Britain. Movements to restore or encourage corporal punishment of children recur periodically, as in rural and Southern parts of the United States.

#### SHOULD CORPORAL PUNISHMENT BE PERMITTED IN SCHOOLS:

This is a very common phrase and the level of its practice depends. It is often stated not spare the rod and spoil the child. Meaning, refuse from implementing corporal punishment and allowing the child to be rotten and eventually ruthless. The bible also gives the reason for this corporal punishment, "Foolishness is hound in the heart of a child, but the rod of correction shall drive it far from him" in other words, the child's tendencies is always folly, mischief and "evil" inclinations, but proper physically felt punishment can correct them, with lasting adulthood effects of a good character and discipline. This is the wisdom given from a being that when making man, saw this age and all ages.

Modern methods and the alternatives might seem to be more favorable, but can be really damaging.

Reason being, the other methods employed are :

- 1) depravation of food - leading to ulcers and other childhood complications (if not spout ally fasting)
- 2) Neglect - which can lead to sow self-esteem, lack of self-worth social ineptness and even suicide in the long run? The other methods used are far more dangerous and involves the mind or general psychological process. Such things as time out, "do-this-don't get this-don't do this- get that- get this- get that", garbage, and other mental gymnastics, that even the less educated parents can't do and are led to rash behavior.

The mental reprimand is dangerous because it deals with and area that if tampered with can hardly be fixed or death to damages we can't see. A normal child turns into an adult psychopath, with no apparent reason. Mentally they were affected. We never have full expertise in, and made it physical. Bruises will heal, but a scared mind or mixed-up mind can cause untold problems. The mind is the central part of the body, like the engines to a car, and if the engine or car is damaged, the whole car is inept, but f a bumper, to bumper hit occurs the car can go on. Therefore, corporal punishment is the best and even more effective. Because a child will more remember a physical pain and avoid the offense, as

against a mental process that he neither understand and not know will affect him in the long run.

The only objection to corporal punishment is abuse. But corporal punishment is not abuse, though there is a thin line. If and when abuse is suspected or seen coming, then the authorities should step in. With chances of this happening, doesn't mean it shouldn't be implemented; but rather monitored in the above way. For instance, eating food can cause obesity, but does that mean we shouldn't eat food? No! it just means that eating food should be monitored-moderation. Another thing or objection is that some children have ailments and cannot take corporal punishment. Usually such students don't give that much trouble or trouble warranting corporal punishment. Moreover, students with that seven of an ailment should be in a special school.

#### OPINIONS AS TO WHEN CORPORAL PUNISHMENT SHOULD BE GIVEN :

1. Corporal punishment may be given by the head of the school in cases of persisting impertinence or rude behaviour towards the teacher, physical violence, intemperance and serious form of misbehaviour with other students.
2. Corporal punishment should not be inflicted on the students who are in ill health.
3. Where corporal punishment is imposed, it shall not be severe or excessive and shall be so administered as not to cause bodily injury.
4. Where cane is used for inflicting corporal punishment such punishment shall take the form of strokes not exceeding 10 on the palm of the hand.
5. Every punishment inflicted in a student shall be recorded in the conduct register of each student.

#### ARGUMENTS AGAINST CORPORAL PUNISHMENT :

1. It perpetuates a cycle of child abuse. It teaches children to hit someone smaller and weaker when angry.
2. Injuries occur. Bruises are common. Broken bones are not unusual, many deaths have occurred due to corporal punishment.
3. Corporal punishment is used much more often on poor children, minorities, children with disabilities and boys.
4. Schools that use corporal punishment often have poorer academic achievement, more vandalism, truancy, pupil violence and higher drop out rates.
5. Corporal punishment is often not used as a last resort. It is often the first resort for minor misbehaviours.
6. Many alternatives to corporal punishment have proven their worth. Alternatives teach children to be self disciplined rather than cooperative only because of fear.

HOWEVER there are other alternatives to corporal punishment and they include emphasizing positive behaviors of students, realistic rules consistently enforced, instruction that reaches all students, conferences with students for planning acceptable behavior, parent /teacher conferences about student behavior, use of staff such as school psychologists and counselors, detentions, in-school suspension and Saturday school.

## **ARTICLES: ON CORPORAL PUNISHMENT**

### SHRC against scrapping corporal punishment

The state Human Rights Commission (SHRC), Chennai, Tamil Nadu, India has recommended to the State Government that corporal punishment should not be scrapped from the statute book. Rule 51 of the Tamil Nadu Education Rules ("corporal punishment shall not be inflicted in school, except case of moral delinquency ...") should be suitably amended in keeping with the present-day requirements.

Disposing of a batch nine petitions against corporal punishment submitted to the rights panel, the Commission Member, S. Sambandham, recommended that erring students be reprimanded separately and not before an assembly. If a student's behavior is intolerable, teachers, instead of punishing them, should inform their parents to correct their wards.

The other recommendation are that each school must have a counsellor to reduce the tension of teachers and students, so that there is good relationship between the two, moral instructions should be given in every standard, parents must keep a watch on their children's activities and there should be guideline for admissions.

The Member said admission should not be provided on the basis of the parents' economic status. Preference should be given to local residents (those residing within 5-km radius), transferees and physically handicapped.

Educational qualification of parents should not be insisted upon as a criterion. Regular parent – teacher meeting must be held and heads of institutions should be easily accessible to parents on all working days during school hours.

Following the receipt of the petitions, Mr. Sambandham held meetings with heads of institutions of various streams, government authorities and students. He noted that while there is an opinion that teachers should be strict with students, but should not beat them, another view is that of corporal punishment is abolished; discipline among students would go down. Most parents interviewed by him felt that corporal punishment should not be abolished, but should be regulated and administered without hurting the students' self-respect, he said.

A majority of students are of the opinion that if there is no fear of punishment should not be awarded in the presence of other children. Mr. Sambandham recorded the problems faced by teachers and parents.

He said the government should stop awarding special incentives about some of the schools, which are being run more as business than as service to society.

The government should ensure that teachers are paid properly and are not made to work beyond their capacity. [CHENNAI, MAY 11]

### Ban corporal punishment:

VIOLENCE AGAINST A child is an unpardonable act. It needs to be condemned outright. Nothing can be more cruel than beating a child, which is often helpless in the face of adult might. And to spank it or cane it in a way that it feels ashamed to face the world is nothing short of barbarism. The case of a 16 year old boy in Chennai who committed suicide after being thrashed by his schoolmaster underlines a sadistic tendency among a class of people entrusted with a wellbeing and welfare of children. If acts of teachers were to drive their

students to death, it merely indicates a serious malaise in our society. It is unfortunate that many schools still have rules permitting corporal punishment. Obviously, many rules in India are misinterpreted to suit personal convenience and prejudice, and the guilty master probably went overboard in trying to discipline a boy. What is even more disturbing is the fact that the schools concerned had reportedly pushed at least one more teenager to the precipice some time ago, besides regularly resorting to ugly forms of "detention". All these forms of retribution contravene the convention on the Rights of the Child, adopted by the United Nations General Assembly in 1989, and acceded to by India in 1992. Article 28 of the Convention provides: State parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the Child's human dignity.

Decried by psychologists and social scientists, these incidents of corporal punishment come at a time when India's school system is under severe strain. The syllabus is dominated by a textbook culture, which forces a child to cram for examination grades, rather than help him or her develop as rounded human beings with a fine sense of intelligence and a mind sensitive to the common good of the community and suffering of a fellow being. In an increasingly fierce global scenario where competition and consumerism blind men and women to rationality and reason, India's education structure refuses to incorporate imagination and pragmatism. It remains oblivious to the strides education has taken not only in the West but even in relatively newer regions, such as Australia or New Zealand, where course content is largely tailored to suit the interest and aspiration of a youngster.

India's education is handicapped in yet another way: an inadequate number of dedicated teachers. It is true that school teachers continue to be ill-paid, and, obviously, the profession often attracts the mediocre or those who fail to find other jobs. Even those who are talented and are capable of moulding tomorrow's India soon fall into a rut of poverty and disrespect. The rod comes in handy for them to deal with their resentment and anger against a society that is callously indifferent to their interests and betterment. The weak and helpless students are thus reduced to a punching bag. Such bodily abuse can affect a boy or a girl for life. Research has revealed that corporal punishment is not merely ineffective but also makes children defiant, rebellious and hostile. They can develop a warped personality; they can become spouse beaters, molesters, rapists. What is more, they begin to believe that might is right, and that violence is the answer to most problems. [Editorials - The Hindu/17-06-2003]-  
<http://www.hindu.com/thehindu/2003/06/17/stories/2003061700071000.htm>

#### Terrorizing students is part of a flawed education system - By G. Babu Jayakumar

Corporal punishment, which in plain terms means 'infliction of physical pain as punishment', has become a subject of serious discussion, sadly, after a tragedy. But with debates failing to transcend beyond two issues- that teachers thrash students because the law provides for it and that the school in the thick of the latest controversy is a hellhole for its students- the exercise looks like much ado about nothing.

On its part, the management of the particular school, while seeking to deny the charge that the boy killed himself because of the humiliation he faced in school, ended up losing its credibility by suggesting that the school's teachers never pick up the stick.

For not only it is common knowledge that schools where children are beaten up are a rarity today but also is a fact that almost all school authorities and teachers

have an enduring faith in the prowess cane, which they wield not because there is a legal sanction but because of the misconception that sparing the rod is spoiling the child.

In the Indian social milieu, treatment meted out to children anywhere is far from desirable - be it homes, schools or any public place – and brutality, both physical and psychological, is never frowned upon.

So, the issue of corporal punishment in school needs to be viewed in a broader perspective, if the collective aim of the society is to prevent suicide by students in the future.

First, without giving a clean chit to the teacher in the dock for being brutal, one should remember that he himself is possibly a product of the flawed education system, in which he might have been caned, slapped and made to suffer pain for being an errant. That he had never imbibed the view that it is criminal to brutalize a child, during his long years as a student or as a teacher speaks volume of the education system itself.

Since he happens to be a post-graduate in education, one wonders if wannabe teachers are told during training that children should be dealt with tenderly and not violently and if the curriculum does provide for sensitizing them and enjoying them not to unleash terror and violence among their charges, then every teacher who beats up students deserves to be hauled up on criminal charges.

But then we know that in the event of the long arm of the law catching up with every teacher who beats students, there would be no room in our jails and there would hardly be any teacher in the classroom. That indeed is the real failure of our civil society - to prevent corporal punishment gain acceptability. And the blame should be shared by parents, teachers, school managements, educationalists and policy makers.

For, in the prevailing educational system, which lays stress on academic excellence, not making the grade in school is considered to be a shame. That teachers, parents and grown-ups fail to realize that every child cannot be an achiever or a topper in class, but believe that a child can be made to realize its full potential through force is the root-cause of the problem, which gets compounded by the looming fear that not coming up trumps in studies will spell doom for the child's future in the dog-eat-dog job market.

Possibilities of the pressure exerted on children to perform in school turning some rebellious and some others suicidal are things overlooked by most parents, who go about setting the agenda for children based on their personal dreams and aspirations.

With such overambitious parents hovering around schools, teachers, too, take it as a license to push and prod students to perform, even if that tantamount to harassing those who fail to make the grades perhaps ignorant of the fact that all pupils cannot be achievers and that losers too should have a place in earth.

Maybe they cannot have such a line of thinking when they work for private schools managements, which blow their trumpets about achieving high percentage of results in board examinations and producing toppers to advertise themselves as purveyors of quality education.

So with school managements out to achieve exemplary results, the onus of making every student perform falls on the teachers, who take to task those

whom they consider as bad eggs in the basket . So students who are not bright are sought be made bright through terror tactics , a method that parents, too, seldom object to even if it causes pain to a child.

This social acceptance to causing pain to children- be it with a view to sharpening their academic skills or disciplining them – gives a free hand to teachers to manhandle their charges and those landing the profession as the last resort to go a bit overboard, mostly to cover up their inadequacies and lack of commitment.

Besides with violence having a macho image, many teachers take pride in their penchant to strike terror among students and those of that ilk walk around in every school campus. Yet nobody cares to rein them in, neither do parents nor managements. For the collective belief is that inflicting pain can make a child do better in studies. [News Today, Chennai, 21 June 2003]

### Spare the rod

It took the hanging of a X Standard student of a private school in Chennai to scrap corporal punishment. That corporal punishment is one form or another has been around in schools for centuries is common knowledge. It has been an accepted disciplinary method in homes as well as schools. The 16- year-old boy allegedly hit on his cheek by one of his teacher in such a way that it left a tell-tale mark. Ashamed to face his fellow students, the boy committed suicide. The Convention on Rights of the Child, adopted by the Un General Assembly to which India was a party, asks government to take all measures to ensure that school discipline is maintained in a manner consistent with the child's human dignity, but Tamil Nadu Education Rules 51 authorized corporal punishment . A committee was set up by the state government to revise the outdated rules has recommended that every child be given an opportunity to learn from error of his/her ways through corrective measures. "The school shall not cause mental and physical pain to the child", it said.

Along with revising Education Rules, government should also review the entire education. Dominated by grades and competition, students are forced to cram for examinations. Not only schools, even some colleges in Tamil Nadu indulge in corporal punishment. Teaching is not exactly the best paid profession in the country. Often it attracts people who fail to find other jobs and they tend to take out their frustrations on hapless students. Coeducation is frowned upon in higher secondary schools. Researchers say rigid separation of sexes is not the best way to develop personality. It is about time government finds better, more effective ways of charting students' progress. [Editorial - THE STATESMAN, Calcutta – 3<sup>rd</sup> July, 2003]

### The Child's Dignity and Indian Education- by Serguei Badaev

It is said that the maturity of a society can be seen from what place and respect children and women gain in it. Many Sathya Sai Baba's followers (especially those from overseas) believe that an educational programme (Education in human values= EHV) promoted by SSB and his worldwide organization is bound to change the social climate in India and the world. Education as a primary formative force for transformation of society is considered to be a crucial factor. The EHV programme is believed to be a remedy for moral and spiritual decline of our time .SSB declared several times that India was going to be a dharmic example for the whole world.

If it were true, we would expect to notice a set of revival in Indian education or at least some significant trend. As one can see from the article excerpts below,

corporal punishment is the real problem in India. Indian education can hardly be an example for the rest of the world in this respect. It is noteworthy that SSB has never said anything against corporal punishment at schools in his discourses, as if there is no problem here.. He has said in one discourse that sparing the rod is spoiling the child. These words of his are fully backed up by action, as anyone who reads the popular book by Smt. Vijayamma will find. The author reveals how SSB literally gave her baby boy relentless, hard beatings week after week over a long period.

Also his physical abuses like pinching, twisting ears and so forth, which were reportedly very painful, are liberally documented there.( Antyatha Saranam Nasthi Other than you refuge there is none'. Private publ. 1999: Vijamma W/o K.S. Hemchand, Opp. Brooke Bond, Main Road, Whitefield, PH= 8452553 Bangalore, 560066. India. Email: [asn\\_vijayamma@hotmail.com](mailto:asn_vijayamma@hotmail.com) - <http://home.no.net/anir/Sai/sairong/IndEdu.htm>

#### 'Discriminatory clauses remain (Extract) - By Ramya Kannan

A new set of revised Tamil Nadu Education Rules has been submitted to the government.

The good news is that corporal punishment is out. But the bad news is that some discriminatory clauses remain part of the revised rules, which will guide the educational policies of the state in the years to come.

While the Committee Chairperson A. Muthukrishnan, appointed to draft the revised rules says suggestions made by various bodies were incorporated in the draft recommendations, educationist say that more changes must be made before the rules are finally implemented.

Legal sanction for corporal punishment has finally been withdrawn .Rule 51 has been replaced with a section, which recommends every child be given an opportunity to learn error of his/her ways through 'corrective' measures. While making it clear that the school shall not cause mental and physical pain to the child, among the corrective measures suggested are 'imposition' and suspension from class.

However, the new set of draft rules calls for maintaining a cumulative record of every act of indiscipline by 'problem students'. "It is natural to make a mistake in the classroom. Teachers should not be encouraged to look at children as problem elements", according to child rights consultant, Girija Kumarababu.

There is no definition of 'torture' of the children. Consequently, no punitive measure suggested for violators.

"No attempt has been made to outline the consequences of violating the rule," says Child Rights Protection. He also calls for removal of the section on Disciplinary Proceedings – Rules 93 to 97 [The Hindu, Chennai, 19 June 2003, Southern States: Tamil Nadu – Chennai]

#### **INSTANCES OF CORPORAL PUNISHMENT:**

##### Primary school Dalit Tamil students clean school teacher's toilets

Ganapathypalayam Panchayat Primary School, 15 km from Erode, Tamil Nadu State, has taken the concept of "dignity of labour" too far barefoot students have been ordered to clean school toilets by the authorities.

Two students, studying in iii and IV standard, were found cleaning the toilet on Thursday by District Collector Karthikeyan. Nobody knows how long the practice has been going on. But it came to light by chance on the day the Collector came on a visit to the school.

Mr. Karthikeyan was in the village to inaugurate a district-level intensive motivation campaign for school children .Even as classes were going on , the two students were busy cleaning the school toilets .They admitted to the collector that their teacher had deputed them to do the task . In fact, students took turns to clean the toilets and the classrooms, the Collector was told.

In a district that is striving to eradicate child labour in any form, children were being forced to clean the toilets. (THE HINDU - 10-06-2005)  
<http://www.hindu.com/2005/06/11/stories/2005061104030400.htm>

#### Slapped for skipping school on b'day, Indian boy commits suicide

An Indian student, who skipped school to celebrate his birthday, committed suicide after he was allegedly thrashed by his teacher, a news report said Sunday. Sixteen –year-old P.S Ramos Abhinav, a class 10 student in the southern city of Madras (aka Chennai), was found hanging from a ceiling fan in his house, the Indian Express newspaper reported.

He left behind a note saying he was killing himself because he “he did not want to go to school”. A day earlier, Abhinav was allegedly beaten by his math teacher for missing classes. The student had not gone to school because it was his birthday and his parents had planned a celebration, the report said.

The math teacher, Kannapan, has been arrested, following a complaint by the boy's father, the newspaper said.

Corporal punishment continues unchecked in several Indian schools, with many teachers and even the administration believing it the best form of discipline.

In February, a school student near madras fell unconscious for about two hours after her botany teacher allegedly pounded her with a hardbound book, The Hindu newspaper reported.

The student, Caroline Daffodil, received no immediate medical attention, continues to have problem with her neck and requires physiotherapy everyday, the report said.

Earlier this year, 15 children from a government school near madras were made to crawl on their knees beneath the scorching sun for talking during class, The Hindu reported.

S.S. Rajagopalan, a relentless campaigner against corporal punishment in schools, told the Hindu, “in their enthusiasm to see that their children do well, parents sometimes force them to stretch beyond their capacity. In this process, they do not even take cognizance of the fact that their children are beaten up at school”.

Others say the state government's Education Department does not take student's complaint seriously .The southern states of Tamil Nadu, of which Madras is the capital, permits corporal punishment, the report said.

Parents of students I Abhinav's school have formed a committee to make an independent investigation into the incident and will draft a complaint to the state's human rights commission, the Hindu reported. [Borneo Bulletin, Brunei, 16th June 2003]

Spare the rod, save the child - By Vandana majumdar

Twelve –year –old Nitin Rai has permanently lost 20 per cent vision in his right eye, thanks to a teacher who flung a duster to another boy but shattered his spectacles instead.

He's undergone three operations and, last week, a year after the incident, his parents moved the high court seeking Rs 10 lakhs in damages from his school, Preet Public Secondary School, Preet Vihar.

Nitin isn't alone – corporal punishment is widespread in schools. Eight –year-old Roil Kumar Sakpal of Sangli, Maharashtra was beaten to death by his headmaster this February .Infuriated over his transfer, a teacher in Madhya Pradesh two six-year-olds to death last December 14<sup>th</sup>; Jeet Ram, a class VI student in Shimla died on may 14 last year after he was beaten by his teacher for leaving his math's and English copies at home. [Hindustan Times, New Delhi, 2 may 1999]  
<http://www.hindu.com/2006/04/16/stories/2006041607620300.htm>

#### 'Ban corporal punishment'

Vijay was beaten by his class teacher Anandarama Balasubramaniam and Physical Education Teacher Gnanasekaran over missing sum of Rs. 50 from the class on March 23, 2006. The next day he died on his way to the hospital after he complained of pain.

There are 140 boys and 170 girls in the school in which Vijay was studying. Majority of them are from very poor families.

Eight teachers are available in the school and there is not a single woman teacher. Though it is a high school, it had only facilities sufficient for a middle school.

The committee gathered from students and parents that the two teachers, who are accused in the death case of Vijay and against whom police have registered cases, were very rude to students and used to move roughly with them.

Evidence welcomed the registering a case under Section 302 of The Indian Penal Code against the two teachers at Vattathikottai police station.

The two teachers have surrendered at Serannadevi court in Tirunlveli district and were remanded to custody.

Evidence wanted the police to investigate properly and punish the teachers.

It urged the Government to pay Rs. Three lakh as compensation to the family of Vijay. It asked the National Human Rights Commission and The National Women Commission to conduct an inquiry and submit their recommendations to the State Government

It also exhorted the Government to conduct a State –level enquiry into schools regarding corporal punishment before August 2006 with child right activists,

educationalists, women activists, student representatives, judges, doctors, advocates and journalists as members. [Hindustan Times, New Delhi, 2 may 1999]

Probe ordered into beating of student

Pondicherry Education Minister K Lakshminarayanan today said a probe had been ordered into the incident in which a fifth standard boy was allegedly caned severely by a teacher at a private school.

Lakshminarayanan told reporters here that Joint Director of the Education Department Vijayalakshmi would hold the inquiry and submit a report within a week.

He said on the basis of a complaint lodged by parents of the boy Satish Prabhu, the teacher who was involved had been arrested and the boy referred to the general hospital for medical examination.

The boy was allegedly beaten up because he was a slow writer.

He said there were a number of instances where parents of students of private schools in the Union Territory complaining of receiving "shabby and disrespectful" treatment at the hands of school authorities.

The Minister asked the parents to file their complaints whenever "mental and physical torture" was inflicted upon the students because schools had been instructed to avoid corporal punishment. [The Hindu, Chennai, 18 June 2003]

### **CORPORAL PUNISHMENT - CHENNAI**

Corporal punishment was prohibited in Tamil Nadu in June 2003 through amendment of Rule 51 of the Tamil Nadu Education Rules.

This section prohibits the infliction of mental and physical pain during "corrective measures".

The Educational Department Corporation of Chennai has ordered instruction not to impose corporal punishment to the students of educational institutions.

Corporal punishment was prohibited in Tamil Nadu in 2003 through an amendment of Rule 51 of the Education Rules prohibiting the infliction of mental and physical pain during "corrective measures".

Hence all HMS of CRS, CMS/ CHS/CHSS/ and zonal supervisions were thereby instructed to follow the above said amendment strictly and not to impose any corporal punishment to the students of Chennai Corporation Schools.

This seems to be the real instruction imparted to educational institutions but still to a certain extent corporal punishment is being implemented in schools, the teachers still resort to the practices of corporal punishment such as knelling down, spanking so on and on.

I visited one particular school in T Nagar, Chennai, and the moment I entered the headmaster's office I saw two boys knelling down, I do not know for what reason.

When I asked the headmaster the purpose of my visit he said me to visit the additional head master but I could not meet him too because it was lunch break.

After interviewing some students, I found out that corporal punishment is still used inspite of instructions not to use it, and many also said that they do not like the use of corporal punishment. However, I was also told that corporal punishment in not used upon senior students.

The opinions of some senior students differ; they feel that the use of corporal punishment is justified, because they feel that most of the juniors are ill disciplined and corporal punishment is the only means to do so.

However majority of the schools say that they don't use corporal punishment at all but after interviewing students, they say that corporal punishment is still being used and they are also scared of the school authorities that they do not want to disclose their name or identity, they feel free to give opinions if their names are withheld.

Some schools still do still use corporal punishment though they say that they don't use it at all and they should realize that corporal punishment is not the right way to bring up a child as a child needs love and understanding more than other means of corporal punishment.

## **INTERVIEWS WITH PERSONALITIES: [FROM OUR SURVEY]**

### THE JOURNALISTS:

"Neither parent nor teacher can punish child. Childhood is not a training ground for adulthood".

Every child should/has to be given freedom to learn and to be exposed in a conducive atmosphere and that can happen only in an atmosphere free from Corporal punishment."

1. Will take a stand against it.
2. Will also make it an issue-if all the facts are authentic and victim and the victim's family are willing to co-operate then will definitely make it an issue.

- **Mr. Philix Gerald**, Journalist, Sun TV -24/06/2006 [9840712594 - Via phone]

- It depends on the particular incident. If a child has been unjustly punished, I would investigate the nature of the punishment.
- Only through proper investigation will make it an issue.
- Simple canning to other modes of punishment like knelling in hot sun is humiliating for the student and also unwarranted.
- Simple canning not a form, right to take in the right spirit.
- I am not saying that Corporal punishment has to be totally eliminated, simple form of punishment canning etc in right spirit, not with intention to hurt the child but to tell him that he has done something wrong pick up the cane, should not just beat but should also love the child, psychologically qualified, advise him why he is punished.
- Corporal punishment should be the last resort. Methods used should be to cajole the child, persuade to them, speak to them and kindly properly explain to talk to him, make him understand, what is wrong.
- Parent should follow good morals and set example for the children.

- If someone is beating a child that should be the last resort, but not to hurt him but to make him understand should sit and talk explain them properly.
- You respect them, the children may not be physically strong, but have the same emotion and understanding one should not take them for granted.

- **Mr. Vinoj Kumar**, Principal Correspondent – Chennai, Tehelka [9840771969 (via phone) - 27-06-2006]

#### EDUCATIONAL DEPARTMENTS:

- There is a fundamental rule that does not allow corporal punishment. Corporal punishment is otherwise not advisable.
- If corporal punishment is followed or implemented then, there is a call for action, then warning and inquiry follows.
- Corporal punishment should be followed in extreme situations only. Otherwise there is disciplinary action for teachers, which are as follows:
  1. suspension
  2. deduction of salary
- And it also depends on the intensity of the punishment enforced.
- If unparliamentary word etc, threat is used or caused then, there is a great injury of the mind.
- There is a new law which has revised corporal punishment completely.
- Parents too have a special role to play, they should give equal importance to physical and mental immunity, the child should be exposed to world experience, know how to stand on own and should also have decision making skill.

- **Mrs. P. Vijayalakshmi**, Asst. Director, Director of Matriculation Schools, Chennai. [Personal Interview - 27/06/06]

#### LEGAL SIDE:

- "There is no specific act for Corporal punishment ...Indian Penal Code covers up Corporal punishment. Every act of corporal punishment comes under Hurt, Grievous Hurt, and Assault and Battery and will be punishable under these.
- There was one case of corporal punishment we dealt in Madurai - Two children were playing during recess time and they were spilling ink to the teacher, the teacher beat them so much that they suffered tremendously. We took severe action against the teacher. The case is still pending.

- **Advocate Sudha Ramalingam**, Senior Advocate Madras High Court, Vice president (PUCL) [Personal Interview - 27/06/06]

#### WRITER :

- I am against Corporal Punishment that is not the way to bring up children. The maxim "Spare the rod and spoil the child "is not applicable these days. Now the scale of Corporal punishment in Tamil Nadu schools has come down.
- Children should be taught that such punishment is justified.
- Other methods that can be used in place of corporal punishment are to resolve a system of persuasion of individual and that can happen only when there is emphatic behaviour.

- **Mr. Gnani** (Freelance Writer & Journalist), Chennai [9869046486, (Via phone) - 29-06-2006]

#### POLITICAL LEADER:

- I think that Corporal punishment is not needed because during the budding age inculcates in the mind of young hearts a feeling that we could indulge in violence, if we do not like someone so it is a harmful notion people put up, a sense of beating others because they have experienced the same pain.
- A teacher should not follow Corporal Punishment, it depends on the way, a student is handled, a teacher should also have a good knowledge of behavioral attitudes only if she knows the attitude he or she can use persuasion, interaction and counseling.

- **MR Javar ullal**, President of Tamil Nadu Muslim Mandra Kazhagam (TMMK), Chennai [9443332914, (Via phone) - 29/06/06]

#### INTREVIEWS WITH THE HEADS OF THE SCHOOLS:

- I think only during necessity, Corporal Punishment is generally acceptable. Otherwise it is advisable not to advocate corporal punishment. By virtue of first hand experience, trial it is actually not considered to be fit.
- The methods that can be used to minimize the use of Corporal punishment are parents could be called, counseled or the child is made to pay fine from his own pocket money and that could act as a deterrent. The methods that I imply is talk during the assembly time, the class teacher also holds counseling sessions and if the child comes late to school instead of using Corporal punishment they are made to pay a late fine of Rs.5.
- Every staff too has been instructed not to use corporal punishment; even during extreme situations, we don't implement corporal punishment; if there is a big violation we expel the child and in other circumstances then law will take its own course.

- **PRINCIPAL Joycelin James**, St Mathhians Anglo Indian Higher Secondary School Chennai. [30<sup>th</sup> June 2006 - 9 30 am]

- "In our schools we don't implement or follow corporal punishment at all. But we lay emphasis on time. And as it is a girl's school, we don't practice corporal punishment, but we give light punishments such as revise some poetries or notes. But we never impose physical punishment at all.

- **Mrs. S. Saradhamani** (Headmistress), Ganapathy Iyer Girls' High School, Chennai. [23/06/06]

- I am against corporal punishment because it is against humanity. I am also against any form of harsh punishments, but we take the parents into confidence, in case the students don't behave properly. The only punishment we give is in the form of physical exercise like, run in the playground.

- **Dr C. Satish** (M com B ed, PhD, P.G. Dip, Principal DAV School, Chennai [3/07/2006]

## **OVERALL OPINIONS FROM OUR SURVEY:**

### TEACHERS:

Teaching is like a story, like a journey. Thoughtful teaching is an intellectual enterprise; teachers are representatives of academic discipline who must themselves work to understand the knowledge, traditions and terminology of mathematics, science, history etc. Teaching demands a great deal of thought.

A teacher should generally play three roles

1. teacher as a person
2. teacher as a curriculum planner
3. teacher as a instructor/counselor

In the language of children their good teacher nurture them by treating them as intelligent people who can become even more intelligent , by taking the time to learn who we are and what we love , treating us fairly , differently and by explaining.

After taking the opinions of some teachers, many say that they don't resort to corporal punishment but they employ other means of punishing children like making them write impositions, giving them physical exercises, Making them to pay fine, cutting off their lunch time , or a play time or making them learn lessons thoroughly.

However there are a few teachers' who still use corporal punishment as they feel the need to enforce discipline and order amongst students, as the maxim says "spare the rod and spoil the child".

There are still some teachers who feel that though corporal punishment is prohibited by law but they feel the necessity to enforce it to promote discipline.

Mr. Yessudos, Principal (of CSI Rajagopal High School, Royapuram) feel the need of corporal punishment at times, he says if punishment is for correction and if it promotes welfare then it is needed. He also says that it applies and varies in various sections of society, affluent section do not use it but some section need. He also points out that in his school corporal punishment is not used, but sometimes it is used to incorporate discipline, the means of punishment that is given are mostly threatening with words. But he personally feels that there should be corporal punishment to a certain extent but the law prohibits it.

Teacher form the background of every student's life so they should treat every child with some amount of respect and dignity and nurture, train them in an environment free from corporal punishment.

### PARENTS:

Parents from one of the backgrounds for the child's mental growth:

After interviewing many parents around fifty parents from various part of the city, I have come to know that there is a difference in opinion among many parents, some say that they would like to implement corporal punishment in order to enforce discipline among their children and they feel children need to be taught through a certain degree of coercive means or else it would be very difficult to enforce discipline.

While some other parents feel that they don't need to enforce discipline through corporal punishment to correct their children, they feel that other methods could be used like giving advice, explaining things to them in a friendly and non violent means. They feel that children are too humans and that using corporal punishment could harm their dignity.

So, there is difference of opinion amongst parents as to the use of corporal punishment.

#### STUDENTS:

No doubt, corporal punishment has been banned by the government and many government schools received instruction not to use any corporal punishment. Some schools still use it. I like interviewed more than forty students (standard VI to XII ) from various schools around Chennai and a majority of students feel that they do not want any form of corporal punishment to be given to them instead they impositions advice, counseling and other lenient form of punishment. And majority of them also say that they will listen obey and co-operate with the teachers even if non-corporal means of punishment are enforced.

The students feel that they hate it when corporal punishments are used upon them. But for some students feel that it doesn't really matter if corporal punishment is used because they feel that the teacher has full right to punish if they don't learn lessons or don't do things accordingly and they also say that corporal punishment is needed to a certain extent, but a wide majority of them do not want corporal punishment.

#### **RECOMMENDATIONS :**

- The age that we have in is the age of reform and corporal punishment seems to have no place in today world.
- Today's children are sensitive towards every aspect of life and violence is not the answer to the problem. The maximum "spare the rod and spoil the child" too seems to be losing its ground.

#### IN GENERAL :

1. Advising
2. Counseling
3. Parent's Teacher meetings
4. Teacher's students meetings
5. Impositions
6. Giving physical exercises
7. Fines from the students pocket money
8. Cutting off lunch time
9. Cutting off play time
10. Making the students learn lessons.

#### **CONCLUSION:**

After analyzing all the facts it has to be noted that corporal punishment is not at all applicable in today's modern world of reform, it tends to bring negativity and make the child resort to violence, the child could possibly use corporal punishment in future date because of his/her past experience.

There are many other ways to bring up a child which would produce positive results making a child understand and value human life and dignity making him/or her better individuals and humans .

Corporal punishment though may sound like a better alternative and the last resort to inflict punishment but it is highly advisable not to use it either at homes or schools, there are instances to show that it has a far reaching bad effects upon the students because there has been many deaths in the past due to the use of corporal punishment.

So, the government should take a strong stand to prevent its use and it should also be wiped off completely from schools.

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#### **Abbreviations:**

HMS –Headmasters of school  
CMS – Corporation matriculation school  
CHSS- Corporation Higher Secondary school