

SAINIK FOUNDATION SCHOOL
SCHOOL STANDING ORDER

CORPORAL PUNISHMENT

1. Corporal punishment refers to the use of physical force to cause pain or discomfort as a form of discipline or punishment. It can take many forms, including spanking, slapping, hitting with objects, or any other act that inflicts physical pain on a person. It can be something minor like having him stand on a bench or using force and beating the child. This method of "inducing discipline" has been banned by the government of India under several laws.

2. In recent years, there has been a growing awareness about the negative effects of corporal punishment on children's physical and mental health. The Indian government has taken steps to address this issue, and several states have enacted laws banning corporal punishment in all forms. However, there is still a long way to go to completely eliminate this practice from Indian society. Today, corporal punishment is largely viewed as an ineffective and outdated means of discipline. Many countries have outlawed the practice altogether, while others have placed restrictions on its use. The use of alternative methods of discipline, such as positive reinforcement and counselling, has become increasingly popular in recent years.

3. **Types of Corporal Punishment**

(a) **Spanking**: This is the most common form of corporal punishment and involves striking a person on the buttocks with a hand or object such as a belt or paddle.

(b) **Whipping**: This involves striking a person with a whip, usually on the back or legs, and is often used as a form of punishment in prisons.

(c) **Caning**: This involves striking a person on the back or buttocks with a cane and is often used as a form of punishment in some schools and in some countries' justice systems.

(d) **Slapping**: This involves striking a person on the face with an open hand and is often used as a form of punishment in some cultures.

(e) **Pinching**: This involves gripping and twisting a person's skin, usually on the arms or legs, and is often used as a form of punishment in some families.

(f) **Forced Exercise**: This involves forcing a person to perform physical exercise, often to the point of exhaustion, as a form of punishment.

(g) **Shaming**: This involves humiliating a person in front of others, often by making them perform a task or wear a sign indicating their wrongdoing.

LAWS RELATING TO CORPORAL PUNISHMENT

4. In India, the legal framework related to corporal punishment includes various laws and regulations at the national and state levels. Here are some of the key laws related to corporal punishment in India:

5. Article 21 of the Indian Constitution Article 21 of the Indian Constitution says that "No person shall be deprived of his life or personal liberty except according to procedure established by law." Corporal punishment violates Article 21 as the dignity of the child is forsaken when a teacher ridicules or beats him in front of his peers.

6. Further, it also violates Article 21-A of the Constitution which says that all children between the ages of 6 and 14 shall receive free and compulsory education. any child faces humiliation or violence at school, he might be encouraged to miss school regularly. Children can even drop out of school out of fear of Punishment.
7. The Juvenile Justice (Care and Protection of Children) Act, 2015: This law prohibits physical abuse and corporal punishment of children, both in institutions and in families. It also requires the establishment of child protection committees at the district and state levels to prevent and address child abuse and violence.
8. The Right of Children to Free and Compulsory Education Act, 2009: This law prohibits physical punishment and mental harassment of children in schools and requires all schools to adopt a child protection policy.
9. The Protection of Children from Sexual Offences Act, 2012: This law provides protection to children against sexual offenses, including physical abuse and corporal punishment.
10. The Indian Penal Code:
 - (a) Section 305: Abetment of suicide committed by a child;
 - (b) Section 323: Voluntarily causing hurt;
 - (c) Section 325: Voluntarily causing grievous hurt;
 - (d) Section 326: Voluntarily causing grievous hurt by dangerous weapons or means;
 - (e) Section 352: Assault or use of criminal force otherwise than a grave provocation;
 - (f) Section 354: Outraging the modesty of a woman;
 - (g) Section 506: Criminal intimidation;
 - (h) Section 509: Word, gesture or act intended to insult the modesty of a woman;
 - (i) Section 89 of the Indian Penal Code allows the use of reasonable force for the purpose of self-defence or preventing a crime. However, the use of force must not be excessive and must be proportionate to the situation.

REGULATORS OF CORPORAL PUNISHMENT IN INDIA

11. In India, the Supreme Court has played a significant role in checking corporal punishment in various forms. In 2000, the Supreme Court issued a directive that banned corporal punishment in all educational institutions, and in 2007, it extended the ban to all childcare institutions as well.
12. Additionally, The National Commission for Protection of Child Rights (NCPCR) has also been actively working towards eliminating corporal punishment in India. The NCPCR is a statutory body established under The Commissions for Protection of Child Rights (CPCR) Act, 2005, which aims to protect, promote, and defend the rights of children in India. The NCPCR has been conducting inspections of schools and childcare institutions to ensure that they are not using corporal punishment.
13. Apart from the Supreme Court and NCPCR, various other organizations such as UNICEF and child rights NGOs are also working towards ending corporal punishment in India.

LANDMARK CASES ON CORPORAL PUNISHMENT

14. **Ingraham v. Wright (1977)[4]**: This was the landmark case in which the U.S. Supreme Court to decide if corporal punishment in public schools violates the Eighth

Amendment of the U.S. Constitution. The case involved a student who was beaten with a paddle by a school administrator and challenged the punishment as a violation of his Eighth Amendment rights. The Court ruled that physical punishment does not qualify as "cruel and unusual punishment" under the Eighth Amendment.

15. **PUCL v. Union of India (2014)**: In this case, the Supreme Court of India banned corporal punishment in all forms, including caning, slapping, and hitting, in schools and other educational institutions. The court held that any form of physical violence, however light, can have a lasting impact on the psyche of a child and can impair their mental and emotional development.

16. **Vishwa Lochan Madan v. Union of India (2015)**: This case dealt with the issue of corporal punishment in the armed forces. The court held that physical punishment has no place in modern, civilized society and that the use of force should be restricted to situations where it is absolutely necessary to maintain discipline and order.

17. **Abdul Basit v. State of Delhi (2018)**: In this case, the Delhi High Court held that corporal punishment violates a child's fundamental right to education and is a form of torture. The court directed the Delhi government to ensure that all schools in the city implement a zero-tolerance policy towards corporal punishment.

IMPORTANT MEASURES TO KEEP IN MIND

18. If you witness or experience corporal punishment in school, here are some important measures to keep in mind:

- (a) Report the incident: It is important to report any instance of corporal punishment to the authorities, such as the Training co-ordinator, Head Mistress Officer-in-charge, Chairman of Sainik Foundation School.
- (b) Seek medical attention: If you or someone you know has been physically injured as a result of corporal punishment, seek immediate medical attention.
- (c) Seek legal advice: Consult with a lawyer who specializes in child protection and education laws to understand your legal options and seek justice.
- (d) Educate others: Spread awareness about the harmful effects of corporal punishment and promote alternative methods of discipline, such as positive reinforcement, counselling, and peer mediation.

19. Remember that corporal punishment is a violation of a child's rights and can have lasting negative effects on their physical and emotional well-being. By taking action, you can help create a safer and more supportive environment for children in India.

CONCLUSION

20. Corporal punishment has negative impacts on children's physical and mental health, and can also perpetuate cycles of violence and abuse.

21. It is totally prohibited in Sainik Foundation School and teachers are advised to find alternative, non-violent forms of discipline that promote positive behaviour and respect for children's rights. Necessary disciplinary action will be taken if any staff is found indulging in such activities.