

அனுப்புநர்
திருமதி.க.சசிகலா,
இணைஇயக்குநர்,
(நாட்டு நலப்பணித்திட்டம்)
பள்ளிக் கல்வி இயக்ககம்,
சென்னை-6.

பெறுநர்
அனைத்து மாவட்ட முதன்மைக் கல்வி
அலுவலர்கள்,
அனைத்து மாவட்டங்கள்.

ந.க.எண்.32750/எம்/இ1/2024, நாள். 27.06.2024

பொருள்: பள்ளிக் கல்வி மற்றும் தொடக்கக் கல்வி - பள்ளிகள் விடுதிகளில் உடல் ரீதியான தண்டனைகள் - மாணவர்களுக்கு பாதுகாப்பான வளர்ப்பு சூழலை உருவாக்குதல் - பள்ளிகளுக்கு வழங்கப்படும் வழிகாட்டுதல்கள் வழங்குதல் - சார்பு.

பார்வை: 1. தமிழ்நாடு பள்ளிக் கல்வி இயக்குநர் மற்றும் தொடக்கக் கல்வி இயக்குநரின் செயல்முறைகள், ந.க.எண். 007790/ஜே/எஸ்1/2024, நாள். 24.04.2024.
2. மாண்பும சென்னை உயர்நீதி மன்ற இடைக்கால ஆணை W.P.No.4507 of 2024, நாள்.23.04.2024.

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பார்வையில் காணும் இணைச் செயல்முறையின் படி, வழங்கப்பட்ட வழிகாட்டுதல் நெறிமுறையினை தங்கள் ஆளுகைக்குட்பட்ட அனைத்து மாவட்ட கல்வி அலுவலர்களுக்கும், அனைத்துப் பள்ளித் தலைமையாசிரியர்களுக்கும் வழங்கிய ஆணையினை இவ்வலுவலகத்தின் மின்னஞ்சல் msectndse@gmail.com முகவரிக்கு இன்று மாலை 3.00 மணிக்குள் அனுப்புமாறு அனைத்து மாவட்ட முதன்மைக் கல்வி அலுவலர்களுக்கு அறிவுறுத்தப்படுகிறது.


இணை இயக்குநர்
27.6.24

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**Joint Proceedings of Director of School Education and
Director of Elementary Education, Chennai-600006**

.R.C.No. 007790/J/ S1/2024 Dated: 26-04-2024

Sub: School Education and Elementary Education –
Corporal Punishment in schools, hostels–Guidelines
issued to schools –Prompt action to be taken -
Establishing monitoring committees in each school-
School Heads to familiarize withwith these guidelines
-creating a safe and nurturing environment for
students- Regarding

Corporal punishment remains a prevalent issue in various settings, including schools, hostels, and even within families. Shockingly, studies indicate that a significant percentage of children experience physical abuse, often at the hands of those entrusted with their care. The urgent need for concerted efforts to address and eliminate such harmful practices.

Under this circumstance Guidelines for Elimination of Corporal Punishment in Schools issued:

- ❖ To safeguard the mental well-being of students.
- ❖ To Conduct seminars and awareness camps to familiarize stakeholders with the NCPCR guidelines for effective implementation.
- ❖ To Promptly address any complaints related to corporal punishment. Any negligence by authorities must result in disciplinary action.
- ❖ To Extend the focus beyond eliminating corporal punishment to address any forms of harassment or situations impacting students' mental health.
- ❖ To Establish monitoring committees in each school, comprising school heads, parents, teachers, and senior students, to oversee guideline implementation and address any issues promptly

With the provisions of the RTE Act, 2009, corporal punishment could be classified as physical punishment, mental harassment and discrimination.

"The corporal punishment as per clause 4 of NCPCR,

4.2 Physical punishment is understood as, any action that causes pain, hurt/injury and discomfort to a child, however light. Examples of physical punishment include but are not restricted to the following:

4.2.1 Causing physical harm to children by hitting, kicking, scratching, pinching, biting, pulling the hair, boxing ears, smacking, slapping, spanking or with any implement (cane, stick, shoe, chalk, dusters, belt, whip, giving electric shock etc.);

4.2.2 Making children assume an uncomfortable position (standing on bench, standing against the wall in a chair-like position, standing with schoolbag on head, holding ears through legs, kneeling etc.);

4.2.3 Forced ingestion of anything (for example: washing soap, mud, chalk, hot spices etc.);

4.2.4 Detention in the classroom, library, toilet or any closed space in the school.

4.3 Mental harassment is understood as any non-physical treatment that is detrimental to the academic and psychological well-being of a child. It includes but is not restricted to the following:

4.3.1 Sarcasm that hurts or lowers the child's dignity;

4.3.2 Calling names and scolding using humiliating adjectives, intimidation;

4.3.3 Using derogatory remarks for the child, including pinning of slogans;

4.3.4 Ridiculing the child with regard to her background or status or parental occupation or caste;

4.3.5 Ridiculing the child with regard to her health status or that of the family – especially HIV/AIDS and tuberculosis;

4.3.6 Belittling a child in the classroom due to his/her inability to meet the teacher's expectations of academic achievement;

4.3.7 Punishing or disciplining a child not recognising that most children who perform poorly in academics are actually children with special needs. Such children could have conditions like learning disability, attention deficit hyperactivity disorder, mild developmental delay etc.;

4.3.8 Using punitive measures to correct a child and even labelling him/her as difficult; such as a child with attention deficit hyperactivity disorder who may not only fare poorly in academics, but also pose a problem in management of classroom behaviours;

4.3.9 'Shaming' the child to motivate the child to improve his performance;

4.3.10 *Ridiculing a child with developmental problems such as learning difficulty or a speech disorder, such as, stammering or speech articulation disorder.*

4.4 Discrimination is understood as prejudiced views and behaviour towards any child because of her/his caste/gender, occupation or region and non-payment of fees or for being a student admitted under the 25% reservation to disadvantaged groups or weaker sections of society under the RTE, 2009. It can be latent; manifest; open or subtle. It includes but is not restricted to the following:

4.4.1 *Bringing social attitudes and prejudices of the community into the school by using belittling remarks against a specific social group or gender or ability/disability;*

4.4.2 *Assigning different duties and seating in schools based on caste, community or gender prejudices (for example, cleaning of toilets assigned by caste; task of making tea assigned by gender); admission through 25% reserved seats under the RTE; or non-payment of any prescribed fees;*

4.4.3 *Commenting on academic ability based on caste or community prejudices;*

4.4.4 *Denying mid-day meal or library books or uniforms or sports facilities to a child or group of children based on caste, community, religion or gender;*

4.4.5 *Deliberate/wanton neglect.*

4.5 The United Nations Committee on the Rights of the Child defines corporal punishment as follows:

The Committee defines "corporal" or "physical" punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ("smacking", "slapping", "spanking") children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading.

In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

4.6. The Committee also notes that corporal punishment can be inflicted in many contexts:

Corporal punishment and other cruel or degrading forms of punishment of children take place in many settings, including within the home and family, in all forms of alternative care, schools and other educational institutions and justice systems – both as a sentence of the courts and as a punishment within penal and other institutions – in situations of child labour, and in the community.

This definition is a useful benchmark because it emphasises the various physical forms that corporal punishment might take, and establishes that this full spectrum of physical punishment – even acts that many consider 'mild' constitute corporal punishment. There is no threshold below which physical force against a child is acceptable. "

Ensuring the well-being and safety of students in our schools, we hereby inform you to implement the guidelines for the elimination of corporal punishment, in consonance with Clauses 7.8 and 7.9 of the Guidelines for Elimination of Corporal Punishment in Schools (GECP).

It is imperative that all educational institutions under our jurisdiction adhere to the following:

A. Initiation of remedial measures: In the event of any untoward incident or behavior affecting the mental or physical well-being of students, immediate remedial action must be taken. This includes addressing any form of corporal punishment or harassment promptly and effectively.

B. Issuance of guidelines: The first respondent has been directed to issue comprehensive guidelines in alignment with the GECP. These guidelines will provide clear instructions and protocols for handling situations involving corporal punishment and ensuring the safety of students.

In line with our commitment to promoting a safe and nurturing environment for all students, we are pleased to provide you with simplified guidelines for affirmative actions against corporal punishment. Please ensure that these points are communicated to all staff members and stakeholders within your school community:

1. **Addressing Difficult Situations:** Encourage open communication and dialogue to address challenging situations in schools effectively.
2. **Positive Engagement with Children:** Foster positive relationships and interactions with students, emphasizing encouragement and support.
3. **Focus on Help, Not Punishment:** Recognize that children in distress need assistance and support rather than punitive measures.
4. **Rights of Teaching Community:** Empower teachers with the necessary resources and support to address disciplinary issues constructively.
5. **Rights of Children:** Ensure that the rights and well-being of students are prioritized in all school activities and interactions.
6. **Multi-disciplinary Intervention:** Collaborate with relevant stakeholders, including counselors and social workers, to provide holistic support to students in need.
7. **Life-Skills Education:** Incorporate life-skills education into the curriculum to promote positive behavior and conflict resolution skills among students.
8. **Role of School Management:** Provide clear guidance and leadership to create a conducive learning environment free from corporal punishment.
9. **Creating a Positive Environment:** Implement strategies to create an inclusive and supportive atmosphere that fosters learning and growth for all students.
10. **Mechanisms for Children's Voice:** Grievance box for children in schools for students to voice their concerns and actively participate in creating a positive school culture.

The clause 7.8 and 7.9 of the NCPCR guidelines are extracted as follows,

7.8 Role of school management/administration

7.8.1 All staff associated with the school should be subject to these guidelines.

7.8.2 All staff should ensure that all children enjoy their rights as per the RTE Act.

7.8.3 All forms of interaction with children and amongst children should be geared towards ensuring this objective. All staff should ensure that the child is treated in a manner that encourages him or her to stay in school and learn to his or her potential.

7.8.4 To achieve the aims of RTE it should be recognised that teachers are not in loco parentis. In other words teachers should not take on the role of parent.

7.8.5 No physical punishment of any kind should be permitted.

7.8.6 No mental harassment of any kind should be permitted. No form of discrimination based on gender, caste, class, disability, etc., should be permitted.

7.8.7 Any instance of corporal punishment, mental harassment or discrimination should be dealt within a time-bound manner in such a way that implications for the child are minimised.

7.8.8 It should be the responsibility of all staff to create an environment free of all forms of fear, trauma, prejudice and discrimination.

7.8.9 The treatment of the child in the school should be such that the child feels included and secure. Counselling services for children should be made available.

7.9 Guidelines for creating an environment conducive to learning as well as enablement for the same

7.9.1 All children should be informed through campaigns and publicity drives that they have a right to speak against physical punishments, mental harassment and discrimination and bring it to the notice of the authorities. They should be given confidence to make complaints and not accept punishment as a 'normal' activity of the school.

7.9.2 The conduct of the teacher and administration should be such that it fosters a spirit of inclusion, care and nurturing.

7.9.3 All school management and educational administration authorities should run regular training programmes to enable teachers and educational administrators to understand and appreciate the rights of children and the spirit of the Right to Education. This is essential to make a shift to a rights-based approach to education and abolish physical punishment, mental harassment and discrimination.

7.9.4 The teachers should be trained in the skills required to positively engage with children who are different in order to understand their predicaments.

7.9.5 All teachers working in any school – government run, aided or private – should provide a written undertaking to the management of the school and to the concerned district authority of the department of the government to which the schools normally report that they would not engage in any action that could be construed legally as amounting to 'physical punishment, mental harassment and discrimination'.

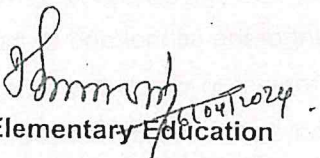
7.9.6 All schools should conduct an annual social audit of physical punishment, mental harassment and discrimination. This should be made public and accessible to the authorities, the parents and to civil society. This audit should be concluded before the end of the academic year and be made public before the commencement of the new academic year.

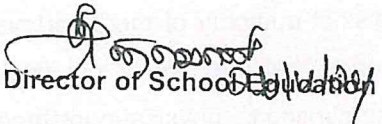
7.9.7 The school management/administration should instruct every school headmaster/head teacher to hold a general body meeting with all parents of the school as well as the school management committees (SMCs) under the RTE, the school education committees or parent-teacher associations (where the SMCs are not functional) on the NCPCR guidelines and the procedures to be adopted for protecting children and their rights in schools.

7.9.8 An environment free of corporal punishment should be stipulated as one of the conditions for giving recognition/no-objection certificate (NOC) to a school by the State Government under the new RTE 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/NOC given to any school by the State Government and also for affiliation given to a school by the State Board. The State should frame appropriate rules and regulations concerning

the recognition/ NOC in relation to the above. The rules should be reviewed by the State Government and necessary amendments to this effect should be notified in a time-bound manner.

All the Chief Educational Officers, District Educational Officers (Secondary) and District Educational Officers (Elementary) are instructed to urge all schools to familiarize themselves with these guidelines and take proactive steps to create a safe and nurturing environment for our students. Any deviations or lapses in compliance will be subject to disciplinary action as per the relevant service rules.

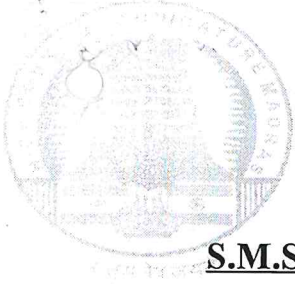

Director of Elementary Education


Director of School Education


To

All the Chief Educational Officers
All the District Educational Officers (Secondary)
All the District Educational Officers (Elementary)

Copy submitted to to Principal Secretary to Government, School Education
Department, Chennai-9



WP No.4507 of 2024

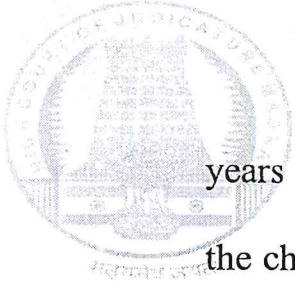
S.M.SUBRAMANIAM, J.

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The petitioner-in-person Mr.Kamatchi Shanker Arumugam instituted the present writ proceedings to grant a Writ of Mandamus to direct the first respondent to implement the Guidelines for Elimination of Corporal Punishment in Schools (GECPS) provided by the National Commission for Protection of Child Rights (NCPCR) and further reliefs sought for are relating to grant of nominal compensation regarding the incident occurred to his daughter in the school.

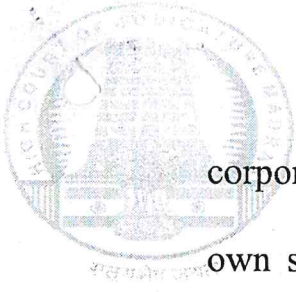
2. The respondents are yet to file their counter-affidavit. However, the petitioner-in-person articulated his case by stating that the guidelines issued by the National Commission for Protection of Child Rights, are to be implemented by the Government of Tamil Nadu, in order to recognise the child rights.

3. Corporal punishments of any form is completely unacceptable and prohibited under Section 17(1) of the Right of Children to Free and Compulsory Education Act, 2009. A child in his / her growing



years require a safe and caring environment. Any untoward experiences for the child may have a long lasting unpleasant impression, capable of shaping the characteristic of the child in unpalatable ways. Corporal punishment is never the solution to guide the child. The children have to be inspired by the respectful and dignified conduct of the adults. Controlling the child with unjustifiable measures will serve no purpose and do more harm than good. Patience is the key quality required for handling children.

4. We as a society are the key player in successfully transforming the children. In the earlier centuries, child rights never existed. Children were treated with little respect and it was only in the recent century that child rights have evolved and the needs and safety of the child are given topmost priority. It is in recent years that major reforms in upbringing of children have been brought about including the prohibition of corporal punishment. Moving forward, it is only right that the society works towards evolution of child rights. The wishes and voices of the children must be heard. Children, especially in the formative years, must be allowed to grow in a safe and secure environment and be allowed to express themselves in their own voices. Trying to downsize their voices and views by imposing

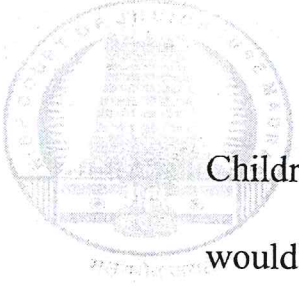


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corporal punishments is not the answer. We must let them grow in their own space and at their own pace. Each child is different and unique. No common method of upbringing can be adopted for all the children. We can monitor them but can never suppress them. The next era of child rights must move forward with a better and more equipped and pragmatic approach where the children are better heard and treated with more respect. We need to be more receptive to the needs of the children. **We have to start listening to them.**

5. Child rights are globally recognised and India is signatory in several accords. Therefore, the well being, mental health, environment in schools, are to be closely monitored and to be maintained by the competent authorities of the Education Department in the 'State'.

6. Good parents and well behaved children constitute a happy family. Happy families alone can constitute a good Nation and our Great Nation can proceed towards development and to reach great heights globally. Therefore, the importance of the well being of the children are to be concentrated by the parents, the schools and the 'State' authorities in general.



Children must be taught to acquire multi-dimensional knowledge, which would be of greater assistance to transform them as good citizens. Good citizen alone can contribute for the development of our great Nation. Therefore, implementation of such guidelines issued by the National Commission for Protection of Child Rights are of paramount importance.

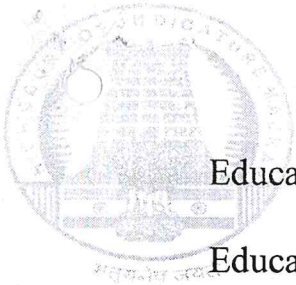
7. The petitioner has made out a *prima facie* case for issuing interim directions in the present writ petition.

8. Learned Government Advocate states that the Government of Tamil Nadu is pro-active in implementing Child Rights and steps are taken to prevent untoward incident including imposing corporal punishments in the schools across the State of Tamil Nadu.

9. Thus, this Court is incline to issue the following directions:-

(1) The first respondent-Principal Secretary to Government, School Education Department, is directed to implement the Guidelines for Elimination of Corporal Punishment in Schools (GECPP) provided by the National Commission for Protection of Child Rights (NCPCR).

(2) The guidelines are directed to be communicated to all the



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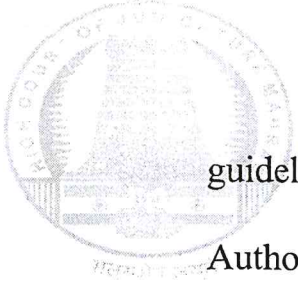
Educational Institutions across the State of Tamil Nadu and to the District Educational Authorities, who in turn, are directed to sensitise the Authorities, so as to follow the guidelines scrupulously to protect the mental health of the children, studying in the schools.

(3) In this regard, suitable instructions are directed to be issued to the District Educational Authorities to conduct Seminars/Awareness Camps etc., for the purpose of creating awareness regarding the guidelines issued by the National Commission for Protection of Child Rights (NCPCR), so as to implement the same effectively.

(4) In the event of any complaint in this regard, actions are to be initiated scrupulously by the Competent Authorities. If any lapse, dereliction or negligence are noticed, the Authorities Competent must be subjected to departmental disciplinary proceedings under the Service Rules.

(5) The idea is not only for elimination of corporal punishment in schools, any indirect form of harassing the children or circumstances affecting the mental health of the children, are also to be taken note of and suitable remedial measures are to be provided by the Competent Educational Authorities.

(6) In this context, in order to effectively implement the



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guidelines, the first respondent shall direct all the District Educational Authorities to constitute Monitoring Committees in each schools headed by the Head of the Institution, parents, teachers, senior students etc., as decided by the Government and such Monitoring Committees shall ensure that the guidelines are implemented scrupulously and any untoward incidents or any different behaviour of the staff members and the children, are brought to the notice of the Authorities, for initiation of remedial measures, the first respondent is directed to issue the guidelines in consonance with the Clauses 7.8 and 7.9 of the Guidelines for Elimination of Corporal Punishment in Schools (GECP).

(7) The consolidated Circular/Instructions are directed to be issued, within a period of five weeks from the date of receipt of a copy of this order.

10. The Registry is directed to list the matter under the caption 'For Reporting Compliance' before this Court on 14.06.2024.

23-04-2024

Svn/Shu