

Bill No. LXXVI of 2010

THE ABOLITION OF CORPORAL PUNISHMENT IN EDUCATIONAL
INSTITUTIONS BILL, 2010

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BILL

to provide for abolition of corporal punishment in educational institutions by providing protective measures against use of physical force towards children and to set forth good practices and provide stringent penalties to any person involved in corporal punishment keeping the best interest of the child and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Corporal Punishment in Educational Institutions Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate authority" means the head of the educational institution or an authority set up for the purpose by the educational institution;

10 (b) "appropriate Government" means in the case of a State, the Government of that State and in all the other cases, the Central Government;

(c) "child" means any person who has not completed eighteen years of age;

(d) "corporal punishment" means physical punishment that involves deliberate infliction of pain for a mistake or act of indiscipline by a child for the purpose of disciplining or reforming the child;

(e) "educational institutions" means any institute that provides education to children, be it a school or college, private tuition centres, creches, including Government funded, aided or affiliated educational institutions;

(f) "prescribed" means prescribed by rules made under this Act.

Grievance
settlement
mechanism
on corporal
punishment.

3. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of every educational institutions to set up a grievance settlement mechanism comprising equal representatives of teachers, parents and students to receive complaints on corporal punishment and submit a report to the head of the institution within thirty days of the receipt of the said complaint after conducting an inquiry in such manner as may be prescribed.

(2) It shall be the duty of the appropriate authority to take action against the person found guilty of corporal punishment within thirty days of the receipt of the report in such manner as may be prescribed:

Provided that if the same person is found guilty of corporal punishment on second occasion his services in the educational institution shall be terminated forthwith.

(3) The complainant if not satisfied with the inquiry report may prefer an appeal to the State Education Board or any such authority as may be notified by the appropriate Government which shall examine and investigate the appeal within fifteen days of its receipt.

(4) The State Education Board or the authority notified under sub-section (3) shall take action against the person found guilty of corporal punishment within thirty days of the receipt of the appeal from the complainant.

Duties of the
appropriate
authority.

4. It shall be the duty of the appropriate authority of each educational institution—

(a) to ensure that no incident of corporal punishment takes place in its institution;

(b) to review teaching practices in the school and the service rules for teachers in the light of the spirit of child-friendly and child-centered education as mentioned in the Right of Children to Free and Compulsory Education Act, 2009;

(c) to set up an independent child Right Cell which shall have representatives from students, teachers, parents and school management, to impart Personal Safety Education in order to empower children and to make them aware of their rights and remedies if their rights are violated; and

(d) to facilitate discussion with parents and teachers at periodic intervals during Parents Teachers Association in order to empower children and carryout measures to protect their rights.

Penalty.

5. Whoever, contravenes the provisions of this Act and rules made thereunder shall be liable for the first offence, for imprisonment which may extend to one year or fine of rupees five thousand or with both and for second or subsequent contravention, for imprisonment which may extend to three years or fine which may extend to rupees twenty-five thousand or with both.

Duty of State
Government.

6. (1) The appropriate Government shall ensure that every educational institution put in place appropriate grievance redressal mechanism so that matters relating to discipline and punishment are dealt with in a continuous and comprehensive manner by all concerned including the students, teachers, school management and parents to curb the acts which are detrimental to the interest of the child.

(2) The appropriate Government shall also ensure that if any second or subsequent incident of corporal punishment is reported from the same educational institution, the concerned institution shall be de-recognised for all purposes:

5 Provided that before de-recognition of any educational institution the appropriate authority shall be given an opportunity of being heard.

4 of 2006. **7.** The National Commission for Protection of Child Rights set up under the Commission for Protection of Child Rights Act, 2005, shall be the nodal agency to ensure that all laws, policies, administrative mechanism are in consonance with this Act and with the child rights perspective as enshrined in the Constitution of India. Nodal agency.

10 **8.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The discipline is not taught, it is learnt. Text books give information. The communication through teaching is imparting education. To attain wisdom, an abundant amount of common sense has to be added to education, which then includes discipline. Discipline is an attitude, character, responsibility or commitment. The discipline is basically internal, while the attempt to impose it would be an external process. One has to internalize the process of education and discipline. Discipline and education go together in letter and spirit.

Indian being a signatory to the United Nations Convention on Rights of Child is under an obligation to remove cruelty towards children by prohibiting the use of canes as method of punishment from schools. It is an important element of a Child's protection rights as envisaged by the Convention to lay down national policy and legislation on use of corporal punishment in schools. There should neither be physical nor mental punishment. The stress and strain are imposed on the child with the atmosphere of fear prevalent in the schools because of corporal punishments, cut throat competitions and increasing pressure for good ranks which also lead them to leave the schools. Suicides are another major possible consequence of such terrible incidents in the schools. The plight of junior college students, who commit suicides due to meaningless competition and ambitious craze for professional courses is lowering the morale of other students and their parents. School children should not be driven to such an unfortunate situation. We shall not wait till more school students commit suicides. It is high time for us to act upon. Let us all save their childhood. 'Spare the rod and save the childhood' should be the new slogan.

Hence, this Bill.

P. RAJEEVE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of this Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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(Shri P. Rajeev, M.P.)