

South Asia: summary of legal status of corporal punishment of children

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Please note: The following information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information. Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org.

STATE	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Afghanistan	NO ¹	NO ²	YES	NO ³	NO ⁴
Bangladesh	NO ⁵	NO ⁶	NO ⁷	NO ⁸	NO ⁹
Bhutan	NO ¹⁰	NO ¹¹	???	NO ¹³	NO ¹⁴
India	NO ¹⁵	SOME ¹⁶	YES	NO ¹⁷	NO ¹⁸
Maldives	NO ¹⁹	YES	NO ²⁰	NO ²¹	SOME ²²
Nepal	NO ²³	NO ²⁴	SOME ²⁵	NO ²⁶	NO ²⁷
Pakistan	NO ²⁸	SOME ²⁹	SOME ³⁰	NO ³¹	NO ³²

¹ Government committed to full prohibition (2006)

² Ministry of Education announced in June 2006 that “the use of any form of violent behaviour and beating and humiliation of children is strictly prohibited”, though this is yet to be confirmed in legislation; government committed to full prohibition (2006)

³ Prohibited by policy and practice in the Children’s Rehabilitation Centre and as at September 2005 Regulations for the Children’s Rehabilitation Centre were under discussion; government committed to full prohibition (2006)

⁴ Government committed to full prohibition (2006)

⁵ Government committed to full prohibition (2006)

⁶ Ministerial directives advise against use; government committed to full prohibition (2006)

⁷ Government committed to full prohibition (2006)

⁸ See previous note

⁹ See previous note

¹⁰ Government committed to full prohibition (2006)

¹¹ See previous note

¹² See previous note

¹³ See previous note

¹⁴ See previous note

¹⁵ 2003 National Charter for Children recognises children’s right to protection from corporal punishment

¹⁶ National Policy on Education recommends prohibition; prohibited in Andhra Pradesh, Goa, Tamil Nadu, Chandigarh, Orissa, Delhi, Himachal Pradesh and West Bengal; in June 2006, it was announced that the Punjab government had decided to prohibit corporal punishment in schools and it was under consideration in Bihar; 2005 National Plan of Action for Children includes goal of prohibition in schools; as at April 2006, prohibited at national level in draft Free and Compulsory Education for Children Bill; government committed to prohibition in schools and other settings outside the home (2006)

¹⁷ 2005 National Plan of Action for Children includes goal of prohibition in relation to children in difficult circumstances; prohibited in institutions in Offences Against Children (Prevention) Bill (2006)

¹⁸ See previous note

¹⁹ Government committed to full prohibition (2006)

²⁰ Government has stated commitment to prohibition but also to retaining corporal punishment under Islamic law (2006)

²¹ Government committed to full prohibition (2006)

²² Prohibited in the Education and Training Centre for Children; government committed to full prohibition (2006)

²³ 2005 Supreme Court ruling removed legal defence available to parents, guardians and teachers; government committed to full prohibition (2006)

²⁴ 2005 Supreme Court ruling removed legal defence available to parents, guardians and teachers; legislation prohibiting corporal punishment in schools possibly in preparation (December 2006); government committed to full prohibition (2006)

²⁵ Prohibited in state laws, but permitted in Maoist courts

²⁶ 2005 Supreme Court ruling removed legal defence available to parents, guardians and teachers; government committed to full prohibition (2006)

²⁷ See previous note

STATE	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence	As disciplinary measure	
Sri Lanka	NO ³³	NO ³⁴	YES	YES	NO ³⁵

²⁸ Prohibited in draft Protection of Children Act 2005, under discussion (May 2007); 2005 National Child Policy recognises right of the child to protection from corporal punishment

²⁹ Prohibited in North West Frontier Province, by Federal Ministerial directive and by directives in Punjab and Sindh Provinces; 2005 National Child Policy recognises right of the child to protection from corporal punishment; prohibited in draft Protection of Children Act 2005, under discussion (May 2007)

³⁰ Prohibited in 2000 Juvenile Justice System Ordinance but as at June 2006 this not implemented in tribal areas and other legislation not amended; 2005 National Child Policy recognises right of the child to protection from corporal punishment; prohibited in draft Protection of Children Act 2005, under discussion (May 2007)

³¹ See previous note

³² Prohibited in draft Protection of Children Act 2005, under discussion (May 2007); 2005 National Child Policy recognises right of the child to protection from corporal punishment

³³ Government committed to full prohibition (2006)

³⁴ Prohibited by government circular; court ordered corporal punishment for truancy prohibited by 2005 Act No. 23; government committed to full prohibition (2006)

³⁵ Government committed to full prohibition (2006)