

# Corporal punishment of children in India

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**Child population** 451,990,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal  
Punishment of Children**

## Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, some alternative care settings, day care, some schools and as a sentence for crime in traditional justice systems.

Section 89 of the Penal Code 1860, and in Jammu and Kashmir the Ranbir Penal Code, states:

“Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person....” This section should be amended/repealed to ensure that no legal provision can be construed as providing a defence for the use of corporal punishment. The law should prohibit all corporal punishment, however light, by parents and others with authority over children.

*Alternative care settings* – Corporal punishment is prohibited in care institutions: prohibition should now be enacted in relation to all forms of non-institutional care. Corporal punishment should be prohibited in all alternative care settings (foster care, institutions, places of safety, emergency care, etc) in Jammu and Kashmir.

*Day care* – Corporal punishment should be prohibited in all early childhood care (nurseries, crèches, preschools, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc).

*Schools* – Legislation should be enacted to prohibit corporal punishment of children aged 15, including in Jammu and Kashmir. Corporal punishment should be prohibited in religious schools throughout India.

*Sentence for crime* – The law should make clear that no child convicted of an offence, including under traditional law, can be ordered to undergo corporal punishment.

## Current legality of corporal punishment

### Home

Corporal punishment is lawful in the home. Section 89 of the Penal Code 1860 (in Jammu and Kashmir the Ranbir Penal Code) states: “Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person....” The Government has confirmed that this provides a legal defence for the use of corporal punishment.<sup>1</sup> Provisions against violence and abuse in the Penal Code, the Juvenile Justice (Care and Protection of Children) Act 2015, the Protection of Child Rights Act 2005, the Protection of Women from Domestic Violence Act 2005 and the Constitution are not interpreted as prohibiting all corporal punishment in childrearing. The National Charter for Children 2003 confirms children’s right to protection from all corporal punishment (art. 9), but this is not reflected in legislation.

In 2010, Government representatives in SAIEVAC (South Asia Initiative to End Violence Against Children) developed a national action plan to achieve prohibition, and in 2011 endorsed a report on progress towards prohibiting corporal punishment in South Asia states which included an analysis of the reforms required in India.<sup>2</sup> In the third/fourth state party report to the UN Committee on the Rights of the Child, dated 2011, the Government confirmed that corporal punishment of children is not considered an offence due to section 89 of the Penal Code; this was to be rectified by the drafting of a Prevention of Offences against the Child Bill which would make corporal punishment an offence.<sup>3</sup> However, in 2011 this Bill was replaced by a bill on sexual offences – as enacted, the Protection of Children from Sexual Offences Act 2012 does not prohibit corporal punishment. The National Policy for Children 2013, adopted in April 2013, provides for protection of children from “all forms of violence” but specifically refers to corporal punishment only in connection with education (see below, under “Schools”). The Government accepted the recommendation to prohibit corporal punishment in all settings made during the Universal Periodic Review of India in 2012.<sup>4</sup> In the same year, the Ministry of Women and Child Development proposed amendments to the Juvenile Justice (Care and Protection of Children) Act 2000 which would include a new section on corporal punishment, defining and punishing such punishment in line with the Penal Code provisions on the offences of causing hurt and grievous hurt. The Act as adopted in 2015 did not achieve full prohibition of corporal punishment (see below). The Government again accepted recommendations to prohibit corporal punishment in all settings during the Universal Periodic Review in 2017.<sup>5</sup>

The Global Initiative no longer considers India committed to prohibiting all corporal punishment of children without delay. Despite stating commitment on numerous occasions since 2011, corporal punishment remains lawful in most settings of children's lives, and there is no evidence that the Government intends to introduce legislation prohibiting all corporal punishment in the near future.

### Alternative care settings

Corporal punishment is prohibited in child care institutions in the Juvenile Justice (Care and Protection of Children) Act 2015, in force from January 2016. The Act states in article 82: “(1) Any

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<sup>1</sup> Third/fourth report to the UN Committee on the Rights of the Child (2012), ch. 4, para. 40

<sup>2</sup> SAIEVAC (2011), *Prohibition of corporal punishment of children in South Asia: a progress review*

<sup>3</sup> Third/fourth report to the UN Committee on the Rights of the Child (2012), ch. 4, para. 40, ch. 4

<sup>4</sup> 9 July 2012, A/HRC/21/10, Report of the working group, para. 138(104)

<sup>5</sup> 6 September 2017, A/HRC/36/10/Add.1, Report of the working group: Addendum

person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both. (2) If a person employed in an institution referred to in sub-section (1), is convicted of an offence under that sub-section, such person shall also be liable for dismissal from service, and shall also be debarred from working directly with children thereafter. (3) In case, where any corporal punishment is reported in an institution referred to in sub-section (1) and the management of such institution does not cooperate with any inquiry or comply with the orders of the Committee or the Board or court or State Government, the person in-charge of the management of the institution shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to fine which may extend to one lakh rupees.”

Corporal punishment is defined in the Act as “the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child” (art. 2(24)). A child care institution is defined as a “children’s home, open shelter, observation home, special home, place of safety, specialised Adoption Agency and a fit facility recognised under this Act for providing care and protection to children, who are in need of such services” (art. 2(21)). A “fit facility” is “a facility being run by a governmental organisation or a registered voluntary or non-governmental organisation ...” (art. 2(27)). Corporal punishment was previously unlawful in child care institutions under the Juvenile Justice (Care and Protection of Children) Rules 2007. But corporal punishment is lawful in non-institutional forms of care under section 89 of the Penal Code 1860 (see under “Home”).

There is currently no prohibition of corporal punishment in care settings in Jammu and Kashmir, where it is lawful under the Ranbir Penal Code. The Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Bill 2018 does include prohibition of corporal punishment in child care institutions in its article 76, which mirrors article 82 of the Juvenile Justice (Care and Protection of Children) Act 2015.

## **Day care**

There is no explicit prohibition of corporal punishment, which is lawful under section 89 of the Penal Code 1860 (see under “Home”). The National Early Childhood Care and Education (ECCE) Policy 2013, adopted in September 2013, provides for services for children up to the age of six. It states that in the provision of early education a National ECCE Curriculum Framework will be developed within six months of notification of the policy and in this context “an enabling and loving environment devoid of corporal punishment will be ensured” (para. 5.2.3). There is no reference specifically to law reform to prohibit corporal punishment, but the policy does provide in general for the development of a Regulatory Framework (para. 5.2.2) and “appropriate legislation” (para. 10.9) to support implementation of the policy.

## **Schools**

The National Policy for Children 2013 states that in education, the state shall “ensure no child is subjected to any physical punishment or mental harassment” and “promote positive engagement to impart discipline so as to provide children with a good learning experience”.<sup>6</sup> Law reform has gone some way to prohibiting corporal punishment in schools but is not yet complete.

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<sup>6</sup> National Policy for Children 2013, para. 4.6(xv)

Corporal punishment is prohibited in some schools in the Right to Free and Compulsory Education Act 2009 (RTE Act). Article 17 states: “(1) No child shall be subjected to physical punishment or mental harassment. (2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.” The Right of Children to Free and Compulsory Education Rules 2010 provide for implementation of the Act, including awareness raising about the rights in the Act, procedures for monitoring implementation, and complaints mechanisms when the rights are violated. In 2014, the Ministry of Human Resources Development issued guidance (“Advisory for Eliminating Corporal Punishment in Schools under Section 35(1) of the RTE Act 2009”) which sets out the national law relevant to corporal punishment in schools, the international human rights standards, steps that may be taken to promote positive child development and not resorting to corporal punishment, and the role of national bodies in implementing the RTE Act, stating (p. 18): “This advisory should be used by the State Governments/UT Administrations to ensure that appropriate State/school level guidelines on prevention of corporate punishment and appropriate redressal of any complaints, are framed, disseminated, acted upon and monitored.” However, the Act – including the prohibition of corporal punishment – applies only to children aged 6-14; neither the Act nor the Rules apply in Jammu and Kashmir, and according to Government figures for 2013 corporal punishment was banned in schools under the Act in only 34 states/territories.<sup>7</sup> Furthermore, the Act was amended in 2012 to state (art. 1(5)): “Nothing contained in this Act shall apply to Madrasas, Vedic Pathsalas and educational institutions primarily imparting religious instruction.”<sup>8</sup> The amendment followed a ruling by the Supreme Court in April 2012 that the Act does not apply to unaided minority schools.<sup>9</sup>

In some states, children in all schools are legally protected from corporal punishment under state laws – Goa (Goa Children’s Act 2003, art. 41), Andhra Pradesh (Education Rules 1966, amended 2002, rule 122), Tamil Nadu (Education Rules, amended 2003, rule 51) and possibly in Telangana.<sup>10</sup> In Delhi, provisions for corporal punishment in the Delhi School Education Act 1973 were struck down by the Delhi High Court in 2000, and in 2004 the Calcutta High Court ruled that caning in state schools in West Bengal was unlawful.

A ruling by the Gujarat High Court in 2008 confirmed that where the law prohibits corporal punishment in schools, section 89 of the Penal Code cannot be used as a legal defence for its use.<sup>11</sup>

## **Penal institutions**

Corporal punishment is unlawful as a disciplinary measure in penal institutions under the Juvenile Justice (Care and Protection of Children) Rules 2007, which state in Chapter VI: “Principle of Safety (no harm, no abuse, no neglect, no exploitation and no maltreatment): (a) At all stages, from the initial contact till such time he remains in contact with the care and protection system, and thereafter, the juvenile or child or juvenile in conflict with law shall not be subjected to any harm, abuse, neglect, maltreatment, corporal punishment or solitary or otherwise any confinement in jails and extreme care shall be taken to avoid any harm to the sensitivity of the juvenile or the child....” However, there is no explicit prohibition of corporal punishment in penal institutions in Jammu and

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<sup>7</sup> 1 May 2014, CRC/C/IND/Q/3-4/Add.1, Reply to list of issues, pp. 29 and 31. (There are 29 states, seven Union Territories and one National Capital Region in India.)

<sup>8</sup> The Right of Children to Free and Compulsory Education (Amendment) Act 2012

<sup>9</sup> *Society for Un-aided Private Schools of Rajasthan vs U. O. I. & Anr.*, Write Petitions (C) No. 95 of 2010 et al

<sup>10</sup> See <http://www.deccanchronicle.com/nation/current-affairs/141017/school-punishes-kids-on-late-fees.html>, accessed 24 October 2017

<sup>11</sup> *Hasmukhbhai Gokaldas Shah v. State of Gujarat*, 17 November 2008

Kashmir: the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act 2013 punishes cruelty but does not prohibit all corporal punishment.

The Juvenile Justice (Care and Protection of Children) Act 2015 confirms prohibition in observation homes and other institutions for children in conflict with the law (art. 82) (see under “alternative care settings” above).

### **Sentence for crime**

Corporal punishment is unlawful as a sentence for crime under the Penal Code 1860 and the Juvenile Justice (Care and Protection of Children) Act 2000, which do not provide for sentencing of offenders to corporal punishment. In Jammu and Kashmir, the Juvenile Justice (Care and Protection of Children) Act 2013 and the Ranbir Penal Code do not provide for judicial corporal punishment. However, throughout India, corporal punishment may be imposed under traditional justice systems, such as the Pison system: in the absence of explicit prohibition, this appears to be lawful.

### **Universal Periodic Review of India’s human rights record**

India was examined in the first cycle of the Universal Periodic Review in 2008 (session 1). No recommendations were made specifically concerning corporal punishment of children. However, the following recommendation was made and was accepted by the Government:<sup>12</sup>

“Take into account recommendations made by treaty bodies and special procedures, especially those relating to women and children, in developing a national action plan for human rights which is under preparation (Mexico)”

Examination in the second cycle took place in 2012 (session 13). The following recommendation was made during the review:<sup>13</sup>

“Introduce legislation to prohibit corporal punishment of children in all settings (Liechtenstein)”

The Government accepted the recommendation.<sup>14</sup>

In 2017 India underwent its third cycle examination (session 27). The following recommendations were made:<sup>15</sup>

“Introduce legislation to prohibit corporal punishment of children in the home and in all other settings, including as a sentence under traditional forms of justice (Liechtenstein);

“Introduce comprehensive and continuous public education, awareness raising and social mobilization programs on the harmful effects, of corporal punishment (Liechtenstein);

“Establish a database of all case of violence against children and explicitly prohibit all forms of corporal punishment of children under 18 of age in all settings (Zambia)”

The Government accepted all three recommendations.<sup>16</sup>

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<sup>12</sup> 23 May 2008, A/HRC/8/26, Report of the working group, para. 86(11)

<sup>13</sup> 9 July 2012, A/HRC/21/10, Report of the working group, para. 138(104)

<sup>14</sup> 17 September 2012, A/HRC/21/10/Add.1, Report of the working group: Addendum

<sup>15</sup> 8 May 2017, A/HRC/WG.6/27/L.8, Draft report of the working group, unedited version, paras. 5(233), 5(234) and 5(235)

<sup>16</sup> 6 September 2017, A/HRC/36/10/Add.1, Report of the working group: Addendum

## **Recommendations by human rights treaty bodies**

### ***Committee on the Rights of the Child***

(7 July 2014, CRC/C/IND/CO/3-4, Concluding observations on third/fourth report, paras. 47, 48, 50 and 56)

“The Committee notes the legal prohibition of corporal punishment in all educational and care institutions. However, it remains concerned that:

- a) such prohibition in educational institutions only applies to children between 6 and 14 years;
- b) corporal punishment is still lawful in non-institutional care settings;
- c) corporal punishment as a disciplinary measure and as a sentence for a crime is not prohibited throughout the State party;
- d) despite the State party’s efforts, corporal punishment continues to be widely used within the family, alternative care and school settings and within the penal system.

“With reference to the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:

- a) explicitly prohibit all forms of corporal punishment of children under 18 years in all settings throughout its territory;
- b) introduce comprehensive and continuous public education, awarenessraising and social mobilization programmes, involving children, families, communities and traditional and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice;
- c) ensure that legal proceedings are systematically initiated against those responsible for ill-treating children and that they are duly prosecuted;
- d) promote positive, non-violent and participatory forms of child-rearing and discipline;
- e) strengthen existing complaints mechanism with a view to ensuring that they are confidential and child-friendly.

“In line with its previous recommendations (CRC/C/15/Add.228, para. 51), the Committee urges the State party to: ...

- c) establish a national database of all cases of violence against children with special emphasis on sexual abuse and corporal punishment in all settings, in particular schools, and undertake a comprehensive assessment of the extent, causes and nature of such violence....

“Recalling the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty, or conditions directly imputable thereto, should not be the sole justification for removing a child from parental care. The Committee recommends that the State party:

- a) establish adequate support services for parents, as well as adopt and implement awareness-raising and training programmes on parenting skills, including on alternatives to corporal punishment....”

### ***Committee on the Rights of the Child***

(26 February 2004, CRC/C/15/Add.228, Concluding observations on second report, paras. 44 and 45)

“The Committee notes the decision of the New Delhi High Court of December 2000 regarding prohibition of corporal punishment in the schools under its jurisdiction, but remains concerned that corporal punishment is not prohibited in the schools of other states, in the family, nor in other institutions for children, and remains acceptable in society.

“The Committee strongly recommends that the State party prohibit corporal punishment in the family, in schools and other institutions and undertake education campaigns to educate families, teachers and other professionals working with and/or for children on alternative ways of disciplining children.”

### ***Committee on the Rights of the Child***

(23 February 2000, CRC/C/15/Add.115, Concluding observations on initial report, paras. 38, 40, 44 and 45)

“With respect to article 37 (a) of the Convention, the Committee is concerned by numerous reports of routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.

“Amendment to the Juvenile Justice Act is recommended to provide for complaints and prosecution mechanisms for cases of custodial abuse of children. In addition, the Committee recommends the amendment of section 197 of the Code of Criminal Procedure, which requires government approval for prosecution of law enforcement officials when complaints of custodial abuse or illegal detention are alleged; and section 43 of the Police Act, so that police cannot claim immunity for actions while executing a warrant in cases of illegal detention or custodial abuse.

“In the light of articles 19 and 39 of the Convention, the Committee is concerned at the widespread ill-treatment of children in India, not only in schools and care institutions but also within the family.

“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 need to be strengthened, and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment.”

### ***Committee on the Elimination of Discrimination Against Women***

(18 July 2014, CEDAW/C/IND/CO/4-5 Advance Unedited Version, Concluding observations on fourth/fifth report, paras. 26 and 27)

“The Committee takes note of the Right of Children to Free and Compulsory Education Act, 2009, guaranteeing free and compulsory education for all children aged 6 to 14. However, it remains concerned that only 4 per cent of the GDP is spent on education, that girls with disability and minorities still register low enrolment rates, and that the dropout rate among adolescent girls is as high as 64 percent, making them particularly vulnerable to child marriage. The Committee is also

concerned about girls' low retention and completion rates at the secondary level due to early marriage, harmful practices and poverty, especially in rural areas. The Committee is equally concerned that girls are subjected to sexual harassment and violence including in conflict-affected regions where the reported occupations of schools by the security forces contributes to school drop-out.

"The Committee reiterates its previous concluding observations (CEDAW/C/IND/CO/3, 2007), and calls upon the State party to allocate increased resources for the implementation of the Free and Compulsory Education Act and to take measures to: ...

b) address safety issues for girls in and out of schools, including escort to schools for girls in unsafe areas and effective investigation and prosecution of acts of corporal punishment, harassment or gender-based violence against girls at school...."

### ***Committee on the Rights of Persons with Disabilities***

(29 October 2019, CRPD/C/IND/CO/1, Concluding observations on initial report, paras. 32, 33, 34 and 35)

"The Committee is concerned about:

... (b) The fact that sanctions against ill-treatment in the Rights of Persons with Disabilities Act cover only certain forms of ill-treatment and require the intention to humiliate (sect. 92 (a));

(c) The prevalence of inherent forms of violence and ill-treatment in institutions, particularly affecting children with disabilities, persons with intellectual or psychosocial disabilities and women with disabilities, including physical and chemical restraints, forced medication, coercion, physical abuse, humiliation, electroconvulsive therapy, shackling, forced labour and corporal punishment, including in childcare facilities;

(d) The absence of measures to prevent and ensure the freedom of persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment.

"The Committee recommends that the State party adopt measures to prevent and stop all forms of ill-treatment against persons with disabilities, including by:

... (c) Establishing accessible complaint mechanisms for persons with disabilities in institutions, ensuring oversight by, inter alia, the National Human Rights Commission and state commissions of all places where persons with disabilities are institutionalized, and setting up a task force to collect data about cases of torture and ill-treatment, with the effective involvement of organizations of persons with disabilities;

(d) Ensuring that all forms of ill-treatment of persons with disabilities constitute criminal offences in line with the definition of torture in international law, that cases of torture and ill-treatment are investigated, prosecuted and the perpetrators sanctioned, and that redress is provided for persons with disabilities who are subjected to ill-treatment.

"The Committee is concerned about:

(a) All forms of violence against children and adults with disabilities, including gender-based violence against women and girls, particularly physical, sexual and psychological violence, harassment, financial exploitation and abuse, trafficking, kidnapping, neglect and corporal punishment and other forms of violent punishment in all settings;

(b) The lack of measures to identify, prevent and combat all forms of violence against persons with disabilities, including the delay in enforcing legislative provisions to tackle such violence...



“The Committee recommends that the State party:

(a) Adopt and implement national and state strategies to identify, prevent, combat and end all forms of violence against persons with disabilities, including against women, girls and boys with disabilities. This process should involve organizations of persons with disabilities, particularly of women with disabilities, in adopting measures to identify instances of gender-based violence against women and girls with disabilities;

(b) Ensure the prompt implementation of the legal remedies to address the situation of women and girls with disabilities facing gender-based violence against women that are included in the Rights of Persons with Disabilities Act, the Juvenile Justice (Care and Protection of Children) Act (2015) and the Protection of Women from Domestic Violence Act (2005)...”

## **Prevalence/attitudinal research in the last ten years**

An analysis of data gathered in 2016-17 shows that nearly 4,130 childcare institutions and homes admitted to using measures to discipline children that violate the law and, in many cases, amount to corporal punishment and humiliation. The percentage of care homes hitting and spanking children was highest in Meghalaya (19%), Haryana (17.7%), Arunachal Pradesh (12.5%) and Delhi (10%), but the actual numbers were far higher in Karnataka, Maharashtra, Kerala and Tamil Nadu. In total, 697 homes admitted to name calling children, 564 hitting and spanking, 528 restricting movement, 432 withholding food, 283 abusive language, 244 insulting and humiliating children, 183 shaking children and 171 pinching children.

(Reported in “Corporal punishment in 50% of child homes: Report”, Times of India, 20 January 2019, <https://timesofindia.indiatimes.com/india/corporal-punishment-in-50-of-child-homes-report/articleshow/67607252.cms>)

A survey conducted in Mumbai by the Podar Institute of Education between February and May 2017 involving 700 teachers (350 each in private and government schools) found around 50% of teachers in private and government schools reported shaming students to discipline them. Around 45% of teachers in government schools and 52% in private schools reported hitting children to discipline them – these figures have reduced since the institute’s 2015 survey, which found 83% of teachers in government and 58% in private schools used physical punishments to discipline students.

(Reported in “After corporal punishment was banned, 50% Mumbai teachers resorted to shaming students: Survey”, Hindustan Times, 5 July 2017)

The ‘Play It Safe’ opinion poll conducted by UNICEF, NINEISMINE and Mumbai Smiles, involving interviews with almost 5,000 children across Maharashtra, found children in rural areas experience more physical punishment at home than those in cities and towns: three out of five children in rural areas – and two in five in urban areas – were slapped, forced to stand outside their homes, locked in a room or had their ears pulled as punishment. Of the rural children interviewed, 57% said they were slapped (compared to 43% of urban children), 66% had ears pulled by elders (compared to 34% of urban children) and 55% were locked in a room (compared to 45% of urban children). The survey also found children in joint families experienced more violence than those in nuclear families or single parent families.

(Reported in “Study: Rural kids face more physical abuse”, Hindustan Times, 29 March 2017)

A survey conducted in Mumbai and Bengaluru in July-September 2016 by Early Childhood Association (ECA) found on average 37% of parents threaten to hit their children, 66% hit their children, 15% sometimes hit their children and only 19% said they do not hit their children. Of those that do hit their children, this is most commonly done by both parents (76%), followed by mothers (18%), and least often by fathers (7%). After hitting the child, 53% of parents feel bad and so hug the child

and/or promise a gift, 12% say sorry to the child and 36% do nothing. On average, 80% of parents said hitting has not helped to improve the child's behavior and so now they must hit more; 11% said hitting has improved the child's behavior and 9% didn't comment.

(Early Childhood Association (ECA) (2016), Survey on bribing, threatening and keeping secrets, Mumbai, India: Early Childhood Association (ECA))

The Young Lives longitudinal study, which is following two cohorts of children in Ethiopia, India (the states of Andhra Pradesh and Telangana), Peru and Vietnam over 15 years, found that in India 93% of 8 year-olds and 68% of 15 year-olds said they had been physically punished by a teacher in the past week; 78% of 8 year-olds and 34% of 15 year-olds said they had seen other children being physically punished. Among 8 year-olds, corporal punishment was more common for boys (83%) than girls (73%), in rural areas (79%) than urban areas (75%), and in public schools (80%) than private schools (77%). Almost 16% of 8 year-olds cited "teachers beating" as the most important reason for disliking school.

(Ogando Portela, M. J. & Pells, K. (2015), *Corporal Punishment in Schools: Longitudinal Evidence from Ethiopia, India, Peru and Viet Nam*, Innocenti Discussion Paper No. 2015-02, Florence, Italy: UNICEF Office of Research)

According to the annual report of the Delhi Commission for Protection of Child Rights (DCPCR), some Delhi schools still resort to corporal punishment: the Commission had to intervene in 15 such cases reported in the year 2014-15, out of a total 195 complaints filed under the Right to Education (RTE) Act.

(Delhi Commission for Protection of Child Rights (DCPCR), *Annual Report 2014-15*, Delhi, India: Delhi Commission for Protection of Child Rights (DCPCR))

A study carried out in 60 schools across 6 districts of West Bengal has revealed that, despite a ban, corporal punishment still exists in as many as 30% of the schools covered, with 90% of teachers in most schools claiming that since abolition of corporal punishment they were finding it difficult to control students. Some teachers have resorted to other (also illegal) methods, with girls in 22 schools complaining of inappropriate touching by teachers while administering punishment; the use of verbal abuse and insult was reported in 13 schools.

(City Level Programme of Action (CLPOA), Association for Social and Health Advancement (ASHA) & ActionAid (2015), *Children's voice to Community Child Protection Mechanism in West Bengal: A Study*, Kolkata: City Level Programme of Action (CLPOA))

A working paper published in 2014 documented a survey of nearly 3,000 children on corporal punishment in Andhra Pradesh (now bifurcated into Andhra and Telangana) from 2002 to 2009 and concluded that corporal punishment was prevalent and frequent in a typical school: 92% of children aged 7-8 years reported witnessing corporal punishment in the last typical week at school, while 77% said they had experienced it. Among older children (aged 13-14 years), 68% had witnessed corporal punishment and 34% had experienced it at school in the last week.

(Morrow, V. & Singh, R. (2014), *Corporal Punishment in Schools in Andhra Pradesh, India: Children's and Parents' Views*, Oxford: Young Lives)

In 2015, Human Unity Movement (HUM) surveyed 200 parents and 200 students of Lucknow city schools, finding that despite a ban 55% of children age 12-17 said corporal punishment is practised in their school on a daily basis. Of these, 55% said they are subjected to emotional punishment, 36% physical punishment. As many as 79% said that corporal punishment had a serious effect on their ability to learn and concentrate in class. Despite more than 63% of parents believing corporal punishment does not have a positive impact on children, 58% do not consider it important to report regular corporal punishment to the principal.

(Reported in “When words scar more than the cane”, *The Times of India*, 6 May 2015)

In a 2014 survey of 6-14 year olds in Delhi, 49.3% said teachers in their schools used corporal punishment. The survey was carried out by the NGO Joint Operation for Social Help (JOSH).

(Reported in *The Hindu*, 30 March 2014)

According to child rights NGO AP Balala Hakkula Sangham, 583 cases of school corporal punishment were reported in Greater Hyderabad in January 2014; more than 1,500 were reported in 2013.

(Reported in *The Indian Express*, 27 January 2014)

In a study on the wellbeing and vulnerability of child domestic workers, 68% of the child domestic workers in India said their employers physically punished them. The study was conducted in 2009 in Peru, Costa Rica, Togo, Tanzania, India and Philippines with around 3,000 children, mostly aged 10-17, half of whom worked as paid or unpaid domestic workers.

(Anti-Slavery International (2013), *Home Truths: Wellbeing and vulnerabilities of child domestic workers*, London: Anti-Slavery International)

In a survey of 4,022 parents in 10 cities in India carried out by the Podar Institute of Education, 65% said they had “spanked” their children. Mothers were more likely than fathers to hit their children, with 77% of mothers having done so.

(Reported in *Times of India*, 1 November 2012)

A 2012 study of men’s childhood experiences of violence in Brazil, Chile, Croatia, India, Mexico and Rwanda, which involved men aged 18-59 living in urban settings, found a high prevalence of corporal punishment in all six countries. In India, of the 1,547 men who participated, 45% reported having been spanked or slapped by a parent in the home during childhood, 39% threatened with physical punishment in the home, and 32% humiliated by someone in their family in front of other people; 64% reported having been beaten or physically punished at school by a teacher. Men who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence, hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits when their partner is pregnant and/or take paternity leave.

(Contreras, M. et al (2012), *Bridges to Adulthood: Understanding the Lifelong Influence of Men's Childhood Experiences of Violence, Analyzing Data from the International Men and Gender Equality Survey*, Washington DC: International Center for Research on Women (ICRW) and Rio de Janeiro: Instituto Promundo)

A study carried out in 2009-2010 by the National Commission for Protection of Children’s Rights found that 99.9% of the children involved in the study had experienced physical or verbal punishment. Little difference was found between the prevalence of corporal punishment in private, state Government and central Government schools, or between girls’ and boys’ experiences of corporal punishment. More than eight respondents in ten (81.2%) had experienced insults about their mental characteristics or the use of derisive adjectives. Three-quarters of respondents had been beaten with a cane, 69.9% slapped on the cheek, 57.5% hit on the back, and 57.4% had had their ears “boxed”. Other punishments included being pinched, being hit on the knuckles, having their hair pulled, being forced to squat, being forbidden to use the toilet and being given electric shocks. Of children aged 3-5, 65.4% had been beaten with a cane, 60.7% slapped on the cheek. Children were punished for academic reasons (e.g. not being able to do schoolwork), for meeting their physical needs (e.g. eating), to maintain order at school (e.g. for being late) and for no apparent reason. The

study involved 6,632 children aged 3-17 in seven states who took part in the study on the way to or from school.

(National Commission for Protection of Children's Rights (2012), *Eliminating Corporal Punishment in Schools*, New Delhi: NCPCR)

A study carried out by Childline India Foundation between 2009 and 2011 found that students experienced corporal punishment in almost 95% of the 198 schools in 11 states studied, despite it being prohibited. Only 6% of government schools studied and 4% of private schools studied were free of corporal punishment.

(Reported in *India Today*, 5 January 2012, [www.indiatoday.in](http://www.indiatoday.in))

A 2011 report on gender equality which involved 6,011 respondents aged 10-35 found that physical, verbal and emotional violence, including in the name of "discipline", was common in homes and schools, and that mothers and fathers were the main perpetrators of violence.

(Plan India (2011), *Engaging Men and Boys towards Gender Equality: The State of the Girl Child in India 2011*)