



Understanding Discipline and its Legal Implications

A Guide for Child Protection Practitioners



Why This Guide Matters

Social work practitioners occupy a unique position of trust and responsibility in the lives of children. In **April 2025**, Prerana convened its **first workshop on Positive Disciplining** to explore how **non-violent, respectful methods of guidance** can **foster children's emotional well-being, build resilience, and promote healthy development**. This note aims to translate those insights into practical guidance and legal clarity for all professionals whose daily work brings them into close contact with children under eighteen: teachers, caregivers, supervisors, and institutional staff.

At its heart, **positive discipline is about teaching and supporting children**, rather than penalizing them. When practitioners replace punitive measures with **dialogue, role-modelling, consistent limits, and restorative practices**, they **honour each child's dignity and uphold their fundamental rights**. By contrast, **harsh or violent punishments** can **inflict lasting damage** such as eroding self-esteem, sowing anxiety, and undermining a child's ability to learn and thrive. This note highlights the urgent need to prevent abuse, raise awareness, and ensure that any violations are reported without delay.

This resource is designed for **all social work professionals engaged with children under 18**- whether you're a study-class or remedial teacher, a caregiver in a crèche, daycare or drop-in centre, preschool educator or assistant, night-care center staff member, or a supervisor in any child-focused setting. It highlights how India's legal architecture, from constitutional

guarantees and the Right to Education Act, to the Juvenile Justice Act and guidelines issued by bodies like the NCPCR unequivocally endorses non-violent, dignity-respecting, educative approaches to behaviour management, reinforcing every child's right to protection, development, and self-respect.

This guide is organized in **two parts**:

- The first **unpacks the distinction between "discipline" and "punishment"** from both conceptual and statutory perspectives, illustrating how constructive strategies align with Indian and international law.
- The second section offers **concrete practices** such as dialogue techniques, restorative circles, time-in approaches, and more, tailored to educational and care settings.

Throughout, you will find tips for institutional compliance, reporting protocols, and signposts to key statutes.

We hope this note equips you to cultivate safe, nurturing environments in which every child can learn, grow, and flourish.

Understanding Punishment and Discipline from the Indian Legal Perspective

In the context of Indian law, especially regarding children's rights, **discipline** and **punishment** have distinct meanings with important legal and ethical implications:

Discipline

Definition

Discipline refers to **constructive methods** used by parents, guardians, or teachers to **guide and teach** children appropriate behavior. It emphasizes **learning, understanding consequences, and developing self-control**.

Punishment

Punishment generally refers to **inflicting pain, suffering, or penalty** on a child for **misbehavior or mistakes**. It can be **physical, emotional, or psychological**.

Legal Perspective

- Indian law supports **positive discipline**, which includes methods like reasoning, setting limits, role modeling, and reinforcing good behavior.
- It aligns with the **United Nations Convention on the Rights of the Child (UNCRC)**, to which India is a signatory.
- Discipline is **non-violent and respectful of the child's dignity**.

- Under Indian law, **corporal punishment is prohibited** in schools (Right to Education Act, 2009, Section 17).
- Punishment that causes harm violates **child protection laws**, such as:
 - *Juvenile Justice (Care and Protection of Children) Act, 2015*
 - *Bhartiya Nyaya Sanhita, Section 115(2) (voluntarily causing hurt)*
 - Even in homes, **cruel or degrading punishment** may constitute **abuse** under child welfare frameworks.

Example

Explaining to a child why their behavior is wrong and encouraging better choices next time.

Hitting, slapping, humiliating, or locking a child in a room as punishment.

International Legal Foundations

UN Convention on the Rights of the Child

Although the UN Convention on the Rights of the Child does not explicitly use the term "corporal punishment" in every article, several core provisions have been interpreted by the UN Committee on the Rights of the Child as requiring States Parties to protect children from all forms of physical violence:

Core Articles related to Corporal Punishment and Physical Violence



Article 19 – Protection from all forms of violence

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.

This is the **main article** used to argue for a ban on corporal punishment.

The UN Committee on the Rights of the Child has clearly stated that "**all forms of corporal punishment, however light, are unacceptable under Article 19.**"



Article 28(2) – School discipline must respect child's dignity

States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity.

This implies **no corporal punishment in schools** or institutions.



Article 37(a) – Freedom from torture or cruel, inhuman or degrading treatment

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...

Corporal punishment is often considered degrading or cruel and falls under this article in many interpretations.



Article 6 – Right to life, survival and development

Used in advocacy to argue that corporal punishment, especially in extreme forms, may threaten a child's survival or development.



Article 3(1) – Best interests of the child

In all actions concerning children... the best interests of the child shall be a primary consideration.

Physical punishment is inconsistent with the child's best interests.

Interpretation by the UN Committee on the Rights of the Child

General Comment No. 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment

- Clarifies that all corporal punishment, in all settings (home, school, alternative care, justice system), should be prohibited.
- States that corporal punishment is incompatible with the Convention.

Positive Discipline Practices in Indian Education Context



➤ Creating a Safe and Inclusive Environment

- Schools are encouraged to provide a non-threatening, inclusive space where children feel respected and valued.
- Teachers are trained to avoid discrimination and promote emotional well-being.

➤ Using Dialogue and Explanation

- Instead of scolding, teachers explain why a behavior is inappropriate.
- Encourages children to reflect on their actions and make better choices.



➤ Setting Clear Rules and Expectations

- Clearly communicated classroom rules help children understand boundaries.
- Rules are applied consistently and fairly.

➤ Recognition and Encouragement

- Positive reinforcement (praise, rewards, certificates) for good behavior motivates students.
- Focuses on what the child does right rather than only pointing out mistakes.



➤ Time-In (instead of Time-Out)

A child is brought closer to the teacher or adult for support and reflection, rather than being isolated or excluded.

➤ Restorative Practices

- Involves the child in resolving conflicts, understanding consequences, and making amends.
- Encourages accountability and empathy.

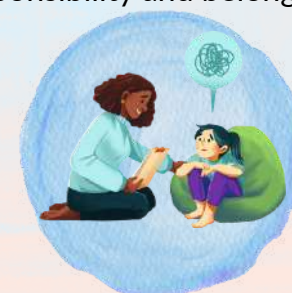


➤ Student Participation in Decision-Making

Involving students in making classroom rules or resolving issues builds a sense of responsibility and belonging.

➤ Mentoring and Counseling

Schools are encouraged to have trained counsellors or mentors who help students manage emotions, behaviour, and peer relationships.





Constitutional Rights of Children

Article 21 – Right to Life and Personal Liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law

- The **Right to Life** includes the **right to live with dignity**.
- The Supreme Court has interpreted this to include **freedom from violence, abuse, and degrading treatment**, including corporal punishment.

Article 21A – Right to Education

The State shall provide free and compulsory education to all children of the age of six to fourteen years...

- This is interpreted to include a **safe and non-violent learning environment**, which excludes corporal punishment.
- Reinforced by the **Right of Children to Free and Compulsory Education (RTE) Act, 2009** – explicitly **prohibits corporal punishment** in schools.

Article 15(3) – Special Provisions for Children

Nothing in this article shall prevent the State from making any special provision for children.

Allows for **laws and policies specifically banning corporal punishment** and ensuring child protection.

Article 39(f) – Directive Principles

The State shall ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity...

Reinforces the need for non-violent upbringing and protection from degrading treatment.

Article 39(e) – Directive Principles of State Policy

The State shall direct its policy towards securing that children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age or strength.

Implies a duty to protect children from all forms of abuse, including physical violence.

Article 51A(k) – Makes it a fundamental duty of parents or guardians to provide opportunities for education and moral development.



Right of Children to Free and Compulsory Education (RTE) Act, 2009

Section 17: Prohibits physical punishment and mental harassment.

- Promotes a **child-friendly** and **fear-free learning environment**.
- Applies to all schools – government and private.
- Violators can face action by school authorities, or be reported to education officers, SCPCR/NCPCR, or even the police.
- The Act also ensures children's right to a safe and respectful learning environment.
- Parents or anyone with complaints can write to the local authority.
- **Right to Education Guideline 2021:** Guidelines say schools must create safety plans and involve the School Management Committee (SMC).

Juvenile Justice (Care and Protection) Act, 2015 {JJ Act 2025}

Section 2(24) of the JJ Act defines corporal punishment as “subjecting 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.

Section 75: any person having charge of or control over a child who assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering.

- If a parent, teacher, caregiver, or anyone responsible for a child hits, neglects, harms, or endangers the child, it's a punishable offence.
 - **Punishment: Jail up to 3 years and fine.**
- Care providers (like parents, foster care, CCLs, shelter homes, NGO staff) cannot use corporal punishment.
 - **Punishment: Jail up to 6 months or fine or both (more if repeated).**

Rule 89 (Maharashtra state JJ act Rules of 2016)- Institutional Responsibility –

- Prohibits any form of physical punishment, solitary confinement, or degrading treatment.
- Ban on corporal punishment in Child Care Institutions (CCIs)
- No physical or emotional punishment in CCIs (e.g., shelter homes).
- Must have written rules for child-friendly behavior management focused on child-sensitive, non-violent behavior management.
- Set up internal complaint systems for reporting any mistreatment.
- Regular staff training is a must.
- Must keep records of all incidents and actions taken.
- Non-compliance can lead to legal action.

Bharatiya Nyaya Sanhita (BNS), 2023

Section 119 – Assault or Criminal Force on a Child

Penalizes anyone who assaults, uses criminal force, or commits outraging modesty, particularly when the victim is a **minor**.

Section 125(2) – Voluntarily causing grievous hurt

Aggravated if done to a **child**, leading to serious injury or long-term harm.

Section 138 – Wrongful confinement of a child

Imprisonment for wrongfully confining a person, with **increased penalty** if the person is a **child**.

Manual on safety and security of children in schools developed by national commission for protection of child rights, 2021

What is Corporal Punishment?

- Corporal punishment includes any **physical punishment, verbal abuse, emotional harassment, or discriminatory treatment** that harms the dignity of the child.
- Slapping, pinching, caning, forcing a child to stand or kneel for long periods, name-calling, ridiculing, and public shaming.

Core Principles

- Respect for the child's dignity and individuality.
- Use of child-friendly, age-appropriate methods for behavior correction.
- Reinforcement of positive discipline strategies such as praise and encouragement.

Institutional Responsibilities

- Schools must set up Corporal Punishment Monitoring Cells.
- Maintain complaint registers.
- Create clear policies and train all staff.
- Regular training of teachers and staff on non-violent discipline

Children Participation

Encourage child participation through child committees or forums/ collective

Reporting Mechanism

- Clear channels must be in place for children and caregivers to report incidents.
- Serious cases must be escalated to the School Management Committee, Education Department, and if needed, child protection authorities.

National Policy for Children (2013)

- Emphasizes **non-violent parenting** and the promotion of children's mental and emotional well-being.
- Encourages **positive discipline** as part of parenting and education.

National Education Policy (NEP) 2020

- Promotes a **constructive, learner-centric approach to education**.
- Encourages **life skills, emotional safety, and empathetic teacher-student relationships**.

National Mental Health Policy, 2014

- Advocates for mental well-being in schools and institutions.
- Recognizes the importance of **non-abusive environments** for healthy development.

National Early Childhood Care and Education (ECCE) Policy

- Recommends **positive engagement** of young children and training of Anganwadi/Preschool teachers in non-punitive discipline.
- National Commission for Protection of Child Rights (NCPCR) issued Guidelines for Eliminating Corporal Punishment in Schools which states:

"Corporal punishment amounts to abuse and militates against the freedom and dignity of a child. It also interferes with a child's right to education because fear of corporal punishment makes children more likely to avoid school or to drop out altogether."

Frequently Asked Questions

Can Parents Be Punished for Corporal Punishment?

Yes. Indian law allows for parents and relatives to be held accountable for abusive or harmful disciplinary practices.

Applicable Laws:

- **Juvenile Justice Act, 2015** – Section 75: Applies to any person having actual charge or control over a child, including parents. Covers physical abuse, neglect, and cruelty.
- **Bharatiya Nyaya Sanhita (BNS)**: Provisions for voluntarily causing hurt or grievous hurt apply to all individuals, including family members.
- **Constitution of India**: Articles 21 and 39(e)(f) uphold the child's right to dignity, protection, and freedom from exploitation.

What laws are violated when a teacher or CCI caregiver slaps a student?

Several laws and constitutional provisions are violated, including:

- **Right of Children to Free and Compulsory Education (RTE) Act, 2009** – Section 17: Prohibits physical punishment and mental harassment in schools.
- **Juvenile Justice (Care and Protection of Children) Act, 2015** – Section 75: Criminalizes cruelty to children by caregivers or authorities.
- **JJ Act – Section 82**: Penalizes corporal punishment in child care institutions (CCIs).
- **Bharatiya Nyaya Sanhita (BNS)**: Relevant sections under the BNS replace IPC provisions on physical assault.
- **Constitution of India – Article 21 & 39(e)(f)**: Ensures right to life and dignity; mandates protection from abuse and exploitation.

What should the school or institution do if a teacher or CCI caregiver slaps a student?

The institution must take prompt protective and remedial actions, including:

- Ensure the safety and well-being of the child.
- Remove the accused teacher/caregiver from student contact during the investigation.
- Report the incident to the School Management Committee and authorities such as CWC (Child Welfare Committee) or DCPU (District Child Protection Unit).
- Provide emotional and psychological support to the child.
- Document the incident and all actions taken.
- Conduct sensitization and training of school/CCI staff on positive, non-violent disciplinary methods.

Frequently Asked Questions

What role can NGOs play in support and follow-up?

NGOs play a critical role in safeguarding the child and ensuring accountability:

- Support the child and family in accessing legal and protection services.
- Ensure timely reporting of the case to CWC or State Commission for Protection of Child Rights (SCPCR).
- Monitor the institution's follow-up actions to ensure compliance and safety.
- Advocate for establishing and enforcing Child Protection Policies in the school or CCI.
- Conduct awareness and training sessions for teachers and authorities on lawful, positive discipline.

Which laws or rules are violated if a Child Care Institution (CCI) locks a child in a room?

The following legal provisions are applicable and violated in such a case:

- **Juvenile Justice (Care and Protection of Children) Act, 2015 – Section 75:** Addresses cruelty to children by caretakers or institutional staff, including confinement.
- **JJ Act – Section 82:** States that confinement causing hurt constitutes corporal punishment, which is a punishable offense for care providers.
- **JJ Model Rules, 2016 – Rule 89**
 - Prohibits solitary confinement of children.
 - Mandates child-sensitive, non-violent disciplinary practices in CCIs.
 - Promotes restorative, supportive interventions instead of punitive isolation.

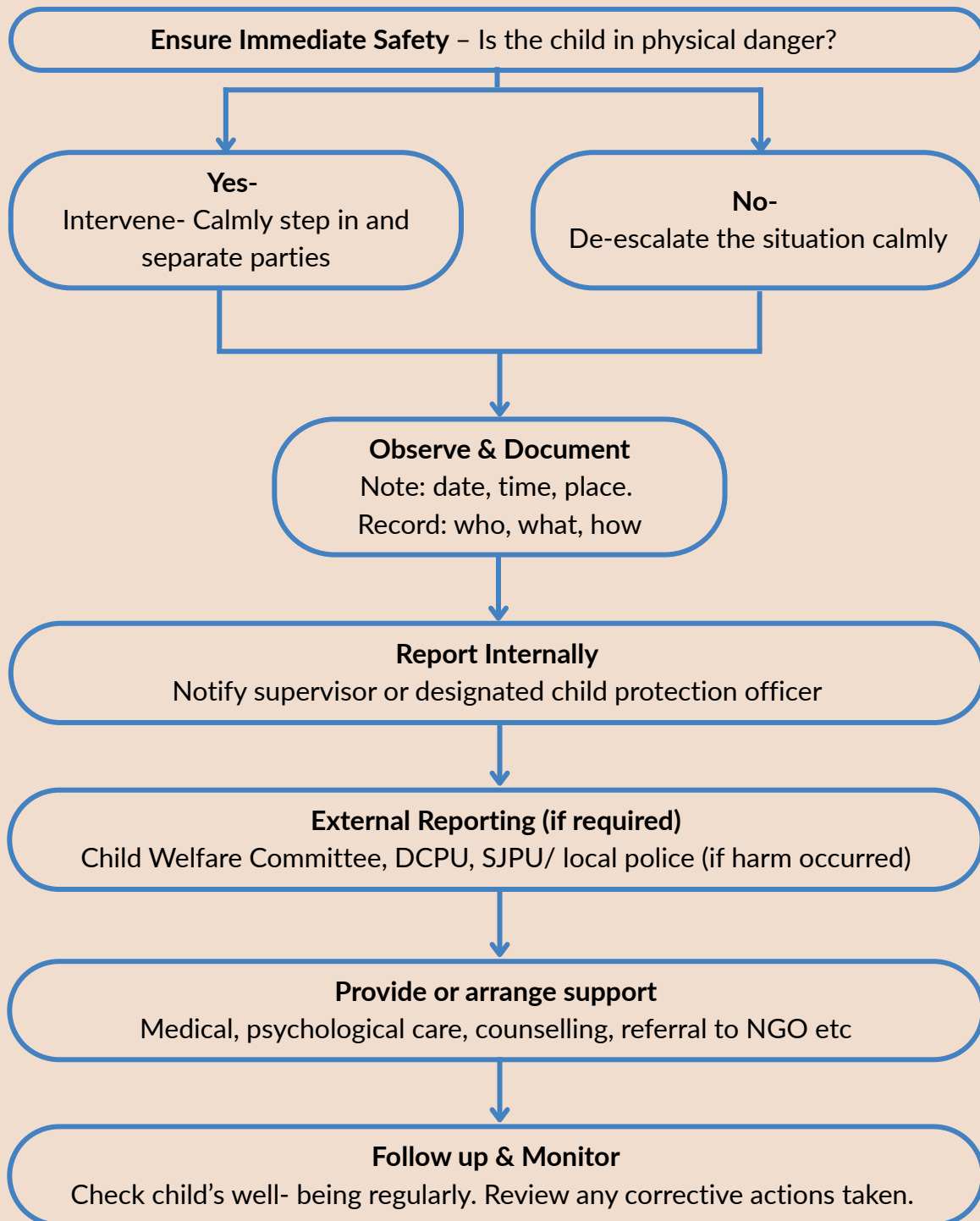
How should such an incident in an institution be reported?

Immediate and formal steps must be taken to ensure the child's safety and legal compliance:

- **Inform the institution head** and designated child protection officer immediately.
- **Report the incident to:**
 - Child Welfare Committee (CWC)
 - District Child Protection Unit (DCPU)
- If there is **physical harm or threat to safety**, report the case to the:
 - Special Juvenile Police Unit (SJPU) or local police.
- **Document the incident** thoroughly, including actions taken and responses.
- **Call 1098 (Childline)** in urgent or emergency cases to **activate child rescue** and support mechanisms.

Frequently Asked Questions

What to Do If You Witness Corporal Punishment?



This document is a work in progress.

If you have any suggestions or comments after referring it, please feel free to reach us at contactprerana@gmail.com.

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