

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

W.P.No.4507 of 2024

Kamatchi Shanker Arumugam,  
4/16/1, Bharathi Nagar,  
Bodipatti Post,  
Udumalpet Taluk,  
Tiruppur District- 642 154,  
Phone 8754000313.

... Petitioner

**Vs.**

1. Tamil Nadu School Education Department,  
Rep. by its Principal Secretary,  
Secretariat, Fort St George,  
Chennai-600 009.

2. The Head Master,  
Panchayath Union Middle School,  
Bodipatti, Udumalpet Taluk,  
Tiruppur District- 642 154.

3. The Director Of Elementary Education,  
Directorate Of Elementary Education,  
DPI Campus, Chennai-600 006.

4. The District Education Officer (Elementary),  
District Educational Office (Elementary),  
Thiruppur, Govt.H.S.S.Campus,  
Tharapuram-638 656.

5. The Block Education Officer,  
Block Educational Office,  
Govt.H.S.S.Campus, Rajendra Salai,  
Udumalaipet-642 124.

(R3 to R5 are *suo motu* impleaded as per order dated 23.02.2024 in  
WP.4507/2024 by ASMJ) ... Respondents

**Prayer :-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the Respondent No.1, to implement the “Guidelines for Elimination of Corporal Punishment in Schools (GECPP)” provided by National Commission for Protection of Child Rights (NCPCR) or any other equally efficient set of guidelines and protocol to eliminate corporal punishment, across all schools in Tamil Nadu, under the control of Tamil Nadu School Education Department, with immediate effect disseminating necessary training, periodic (weekly and monthly) reminders to teachers and students, so that petitioner's daughter can learn in an ethical environment. To ensure compliance by respondents, we request that this Hon'ble Court include a compliance checking date in the files of this writ petition. This will hold the Respondents accountable for acting within the stipulated time frame and thus, render justice; for directing Respondents to pay the Petitioner, a nominal compensation (found appropriate by this Hon'ble Court ) for each day of no response and inaction, from the 31st day after grievance (dated 07.9.2023) submission till redressal, payable by the Respondents for their negligence and non-compliance with the grievance redressal process stipulated in G.O.(Ms) No.73 dated 11.06.2018, issued by the government of Tamil Nadu, we request this Hon'ble Court to include a compliance

checking date in the files of this writ petition to guarantee adherence by the Respondents. This Compensation serves as a reminder of the consequences of neglecting their duties and the emotional toll their inaction has caused us.

For Petitioner : Mr.Kamatchi Shanker Arumugam  
(party in person)

For Respondents : Mrs.P.Raja Rajeswari,  
Government Advocate (for R1 to R5).

### **ORDER**

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 (GECP) 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 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 (GECP) provided by the National Commission for Protection of Child Rights (NCPCR).

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

Index : Yes  
Speaking Order  
Neutral Citation : Yes  
(Svn/Sha)

To

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**S.M.SUBRAMANIAM. J.,**

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