



CORPORAL PUNISHMENT IN NEPALESE SCHOOLS

Trends, Impacts and Stakeholders' Roles



Legal Literacy - Nepal

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TABLE OF CONTENTS

Foreword	vii
Executive Summary	1
Chapter I: History of Corporal Punishment in Nepal	7
1.1 Introduction and Background:	7
1.2 An overview of corporal punishment in schools in Nepal	9
1.3 A brief about the study	10
1.4 Research Design and Methodology	11
1.4.1 Data Collection	11
1.4.2 Data Analysis	12
Chapter II: Laws against Corporal Punishment	13
2.1 International Legal Framework	13
2.2 National Legal Framework	18
Chapter III: Patterns of Corporal Punishment in Nepal	27
3.1. Data Analysis	27
3.1.1 Students' Responses to Corporal Punishment	28
3.2.1 Teachers Response on Corporal Punishment	38
3.3.1 Education Officers Response to Corporal Punishment	43
3.2 Some Emblematic Cases	43

3.3 Discussion on the patterns of corporal punishments (including changing scenarios)	48
Chapter IV: Conclusion and Recommendations	51
Conclusion	51
Recommendations	52
References	59
Annex – 1	65

FOREWORD

In the modern era, corporal punishment persists as a concerning issue in Nepal, despite its legal prohibition in schools, family settings, and other institutions since the enactment of the Children’s Act in 2018. Reports indicate that teachers and parents continue to resort to physical punishment as a disciplinary measure, perpetuating a cycle of harm for children across urban and rural areas. Regardless of legal provisions and judicial directives, the practice persists, reflecting a broader cultural acceptance of punishment as a means of enforcing compliance and discipline.

This report endeavors to critically examine the prevalence, methods, and impacts of corporal punishment in Nepalese schools. Through meticulous research conducted by the Om Legal Study and Research Centre in collaboration with Legal Literacy - Nepal, the report aims to shed light on the realities experienced by children in educational settings and advocate for meaningful change. This study encompasses diverse perspectives, incorporating insights from students, teachers, and education officers across various provinces.

The findings of this study emphasize the urgent need for comprehensive reforms to address the pervasive issue of corporal punishment in schools. We present evidence-based recommendations targeting stakeholders at all levels, from school management committees to the federal government. By fostering collaboration, raising awareness, and implementing effective policies and

interventions, we aspire to create safe and nurturing learning environments where every child can thrive.

We invite educators, policymakers, and advocates to join us in our commitment to safeguarding the well-being of Nepal's youth and building a brighter future for generations to come.

Additionally, we extend heartfelt gratitude to all those who contributed to the realization of this report. Special thanks to DKA partner the organizations¹ that helped to collect data, data collectors in schools, and individuals whose dedication and efforts have made this study possible. We acknowledge Zoe Hauser for drafting the report; Advocate Chandrika Khatiwada and Agrasar, New Delhi, India for reviewing the report and constructive feedback; and Zoe Hauser for her invaluable contributions to data analysis.

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Om Prakash Sen Thakuri

Executive Director

Legal Literacy - Nepal

¹ The following DKA Partners collected data from the following districts: Yuwalaya (Bara and Parsa), Caritas Nepal (Nawalparasi and Nawalpur), Social Work Institute (Rolpa and Solukhumbu), SEED (Dang), Janaki Women Awareness Society (Dhanusha and Mahottari), AWAJ (Surkhet) Advocate Pandav Prasai (Ramechhap) and LLN (Kathmandu).

EXECUTIVE SUMMARY

Chapter I of this report delves into the historical background of corporal punishment in Nepal, tracing its roots to traditional societal values influenced by Hinduism and the legal systems of ancient and medieval Nepal. Despite legislative efforts to ban corporal punishment officially since 2018, it remains prevalent in schools, which further raises concerns about its impact on children.

An overview of corporal punishment in Nepalese schools reveals alarming statistics. Approximately 88% of students experience some form of physical punishment. The study, conducted by Om Legal Study and Research Centre in collaboration with Legal Literacy - Nepal, involved 242 children from diverse backgrounds across 24 schools in five provinces of Nepal.

Multiple methodologies including surveys, focused group discussions, key informant interviews, questionnaires, case studies, and a comprehensive literature review were used in the research. These approaches aimed to provide a nuanced understanding of the issue, considering perspectives from students, teachers, education officers, and child rights experts.

Data analysis involved both qualitative and quantitative techniques, categorizing information into thematic areas for critical analysis. The findings shed light on the diverse forms of corporal punishment, ranging from physical beatings to degrading acts, and

highlighted the lack of awareness regarding children’s rights among stakeholders.

Despite legal provisions and directives from the Supreme Court of Nepal, the impact of corporal punishment remains significant and pervasive. The report underscores the urgent need for effective measures to address this issue, including enhanced awareness campaigns, teacher training programs, and stricter enforcement of existing laws.

Chapter II of this report examines the legal provisions governing corporal punishment, both at the international and national levels, with a focus on Nepal. The study underscores the significance of these frameworks in scrutinizing disciplinary practices within Nepalese schools and highlights the challenges hindering their effective enforcement.

The international legal framework, as elucidated by instruments such as the Universal Declaration of Human Rights (UDHR) and the Convention on the Rights of the Child (CRC), unequivocally condemns all forms of physical or mental violence against children. The CRC Committee’s definition of corporal punishment includes a wide range of actions causing pain or discomfort, emphasizing a “zero tolerance” policy towards such practices.

Recommendations from international bodies, including the CRC Committee, urge states to adopt legislative measures prohibiting corporal punishment and promoting positive, non-violent forms of discipline. Nepal’s engagements in various international reviews and commitments under the Sustainable Development Goals (SDGs) stresses its obligation to address violence against children comprehensively.

Key provisions in Nepal's legal framework, such as those enshrined in the Constitution 2072, National Civil Code Act, 2074 and Education Act, 2028 emphasize the right of children to live free from any form of physical or mental torture. The Children's Act provides comprehensive protection measures, including child protection standards, criminalization of offenses against children, and penalties for perpetrators.

Furthermore, national policies, such as the National Children's Policy, 2080 and National Education Policy, 2076 highlights Nepal's commitment to safeguarding children's rights and promoting a conducive learning environment free from violence.

Chapter III of this report delves into the patterns of corporal punishment in Nepal, focusing on data collected from students, teachers, and education officers across various districts and schools.

Data analysis involved interviewing 242 students from community and private schools across 12 districts, along with 37 teachers and 9 education officers. The sample represented diverse demographics in terms of gender, ethnicity, and age distribution.

Students' responses revealed varying levels of awareness regarding legal provisions against corporal punishment. While a significant portion were knowledgeable about constitutional rights and penal code provisions, many reported experiencing corporal punishment in schools. Forms of punishment included physical beatings, slapping, ear pinching, hair pulling, and various forms of humiliation.

Teachers admitted to administering corporal punishment, citing reasons such as incomplete assignments, late arrivals, lack of attention, quarreling, and disrespect towards teachers. Forms of

punishment ranged from using sticks and scales to assigning extra homework or prohibiting students from attending classes.

Education officers demonstrated awareness of legal protections for children but expressed varied levels of knowledge regarding specific provisions. Their responses highlighted the need for greater implementation of existing laws and policies to address corporal punishment effectively.

The study found that corporal punishment had negative effects on students' academic performance, attendance, and mental well-being. While some students reported improvements in behavior and academic performance as a result of punishment, many expressed feelings of fear, shame, and reluctance to attend school.

Chapter IV of this report concludes that despite legal prohibitions, corporal punishment remains prevalent in Nepal's schools, reflecting systemic issues rooted in cultural norms, insufficient training, and competitive learning environments. Urgent reforms are needed at all levels of government, accompanied by robust implementation strategies, to address this pressing issue.

The study highlights the necessity for targeted interventions, including teacher training programs, cultural sensitization initiatives, parental education, and policy amendments. It highlights alarming cases of children resorting to self-harm, indicating the urgent need for comprehensive actions to safeguard their well-being.

Key recommendations are outlined for various stakeholders:

- School Management Committees (SMCs) are urged to develop and enforce Child Protection Standards, adopt zero-tolerance policies toward corporal punishment, provide training for

teachers, and establish confidential reporting systems for students.

- Parents and guardians should frequently visit the school and ask about the performance of their wards. They should communicate and develop a positive relationship with teachers and the school management committee. If they suspect corporal punishment or other kinds of violations against their children, they should report it to the school management committee. They should advocate for positive disciplining at schools and familiarize themselves with the teacher's code of conduct and other laws related to child rights.
- Teachers are encouraged to familiarize themselves with legal prohibitions and negative effects of corporal punishment, build positive relationships with students, and utilize alternative disciplinary methods learned through training.
- Child-focused organizations are called upon to conduct research, advocate for policy implementation, provide training and resources, and create safe spaces for children to express their concerns.
- Local Authorities are tasked with monitoring school compliance, establishing complaint mechanisms, collaborating with stakeholders, and allocating resources for training programs.
- Provincial Governments are urged to develop guidelines, provide funding for training, establish inspection teams, and collaborate with child-focused organizations.
- Federal Government recommendations include enacting legislation, developing a national framework for teacher

training, establishing reporting systems, and allocating budgetary resources.

By implementing these recommendations, it is anticipated that Nepal's education system can gradually eliminate corporal punishment, fostering safe learning environments for all children. This holistic approach requires collective efforts to address the root causes and ensure the well-being of the nation's youth.

Chapter I

HISTORY OF CORPORAL PUNISHMENT IN NEPAL

1.1 INTRODUCTION AND BACKGROUND:

Corporal punishment, or the use of physical force to discipline individuals, has been a common practice in many cultures throughout history. The use of corporal punishment can be traced back to cultural and religious beliefs that emphasize the importance of discipline and respect for authority. In traditional Eastern societal value systems, children were expected to show respect and obedience to their elders, including parents, teachers, and other authority figures. Physical punishment was considered as a way to instill these values and it was believed that children would grow up to be a responsible and disciplined adults if they are punished in their childhood.

In ancient times, the Nepalese legal system, which was heavily influenced by Hinduism, allowed for corporal punishment as a means of punishment. The society was governed according to *Dharma* specially the *Smritis* of *Manu*, *Gautam*, *Bharat* and *Yagyavalkya* (Tripathee, 2014). For example, the *Manusmriti*, an ancient Hindu legal text, prescribes “the wife, the son, the slave, the servant, and the uterine brother shall be beaten with a rope or a split bamboo when they have committed a fault” (Jha, 1920). Similarly, *Yagyavalkya Smriti*, a religious text including large sections on judicial procedural

theories, mentions various forms of punishment, such as censure, rebuke, pecuniary punishment, and corporal punishment. It stated that corporal punishment included imprisonment, banishment, branding, cutting of offenders' limbs, and even the death sentence (Sen, 1918). These religious texts held an influential role in the introduction of the legal systems during ancient and medieval Nepal.

During the ancient and medieval periods, the use of corporal punishment was widespread, particularly in the context of the maintenance of peace and security in Nepal. The punishment system during Kirat was harsh; the traditional punishment for stealing, for example, was the amputation of fingers. Similarly, the use of corporal punishment, including flogging and amputation was common in the dynasties that followed such as Lichhabi, and Malla (Human Rights Violations in Nepal, 1989).

In the modern era, corporal punishment of children continues to be used in Nepal, although its administration has been legally banned in schools, family settings, and other institutions after the enactment of the Children's Act, 2018. However, there are reports of teachers and parents still using physical punishment as a means of disciplining children, both in the city as well as in rural areas. To date, there is a general trend in Nepal that punishment is necessary and legitimate way of imposing rules and maintaining a sense of discipline and obedience. This scenario prompts a critical assessment of the trends and patterns of the situation of corporal punishment within schools in Nepal and the impact of it on the children.

In this regard, the study aims to find out:

- i) The practices of corporal punishment in schools in Nepal,
- ii) The methods and reasons for administering corporal punishment, and

- iii) The effects of corporal punishment on children and identify the roles of the stakeholders at various levels.

1.2 AN OVERVIEW OF CORPORAL PUNISHMENT IN SCHOOLS IN NEPAL

In the context of Nepal, a population of 29 million according to the latest 2021 national census, of which 33.84% comprises children aged 0–18, the issue of corporal punishment in schools emerges as a critical concern (Shrestha, 2023). Though the intention behind sending children to both private and public schools is to equip them with knowledge and skills for future contributions to their nation, the harsh reality of prevalent corporal punishment in schools paints a different picture.

Reports suggest the widespread occurrence of corporal punishment across all regions of Nepal, from the Hill to Terai. In this recent study, an alarming 88% of students interviewed revealed experiencing corporal punishment, the trauma further exacerbated by the authoritative role of teachers in the schools. It was also found among the participants that the awareness is minimal regarding children's rights, and the observed forms of corporal punishment are disturbingly diverse. Ranging from beating physically with objects to degrading acts like forcing students into compromising positions or cutting their hair forcefully, the reported incidents shed light on the grim reality of the cruel disciplinary methods employed in schools. It would not be wrong to state that corporal punishment has unfortunately evolved into a prominent tool, deployed within the context of parental expectations, the constant urge to impose discipline, and an increasingly commercialized education sector.

Irrespective of the legal provisions criminalizing corporal punishment in Nepal and directive orders from the Supreme Court of Nepal instructing the government to adopt necessary and effective measures to prevent ongoing and potential instances of physical punishment or cruel, inhumane, or degrading treatment or punishment, the impact of corporal punishment on children in schools remains significant and pervasive in Nepal (*Devendra Ale v Nepal Government*, 2005).

1.3 A BRIEF ABOUT THE STUDY

The study was led by Om Legal Study and Research Centre, in collaboration with Legal Literacy - Nepal. A thorough research design and methodology were used to comprehensively assess and examine the trends and patterns of corporal punishment in schools in Nepal. A total of 242 children, of them 116 girls and 126 boys, were interviewed across 24 schools of 12 districts, covering 5 provinces of Nepal. The diverse participant pool included individuals from various castes, such as Brahmin, Chhetri, Dalit, Dasnami, Indigenous, Madhesi, Muslim, Thakuri, others, and some not mentioned. The age distribution ranged from 12 to 18 years old, providing a holistic perspective from different age groups.

Methodologies, including surveys, 5 focused group discussions (FGD), 3 key informant interviews (KII), and 4 case studies were used for collecting the data from the field. The use of these multifaceted approaches helped in exploring the nuances of corporal punishment experienced by students in the schools. Additionally, the study involved a thorough review of both national legislation and international legal provisions concerning the rights of the child in general and corporal punishment in particular, providing a

contextual understanding of the legal landscape. The examination of emblematic cases further enriched the study, shedding light on real-world scenarios and their implications.

1.4 RESEARCH DESIGN AND METHODOLOGY

The research aimed to thoroughly examine the current state of corporal punishment in Nepalese schools, with a particular focus on comprehending the perspectives and experiences of students, teachers, and education officers.

The following methodology were administered for this research:

1.4.1 DATA COLLECTION

a. Survey

A cross-sectional survey was conducted which involved 242 students, 37 teachers, and 9 education officers.

- i) Focused group discussion (FGD):** In the course of the survey, 5 focused group discussions involving students, teachers and guardians, to gain qualitative insights into the nature, causes, and impact of corporal punishment were implemented.
- ii) Key Informant Interviews (KII):** During the research preparation process, a total of three key informant interviews were carried out with child rights experts, teachers and representatives of the education department with the objective of understanding different aspects of the issue of corporal punishment imposed to children in Nepalese schools.

b. Questionnaire

Drawing upon the qualitative and quantitative data gathered from FGDs and KIIs, 3 sets of meticulously designed culturally appropriate questionnaires for teachers, education officers, and students were developed and applied.

c. Case Studies

Four emblematic cases were documented, reviewed, and analyzed to represent a range of situations, trends, and patterns of corporal punishment in schools in Nepal.

d. Literature review

For the purpose of this study, pertinent legal frameworks, policies, and guidelines in Nepal, along with existing research on corporal punishment were reviewed. It included the study of relevant publications, national and international legislation, policy instruments, monitoring and evaluation of documents, and academic and grey literature in both English and Nepali. The literature was sourced through documents provided by key informants and online.

1.4.2 DATA ANALYSIS

Qualitative and quantitative techniques such as interpretation, explanation, and data comparison were used in the data analysis. All the collected data were cleaned and transcribed before analysis. After the data were cleaned, they were categorized in different thematic areas manually. The categorized information was then presented through figures, bar charts, and critically descriptive analysis. Then, findings and recommendations were drawn based on the analysis of the information.

Chapter II

LAWS AGAINST CORPORAL PUNISHMENT

The existing legal provisions against corporal punishment, both at the national and international levels, provide a solid ground for so-called ‘practiced disciplinary mechanisms’ in Nepalese schools to be brought under scrutiny. The findings of this study also necessitate the need for causes which has further impeded enforcement of the prevalent constitutional rights, several acts, policies, and directives.

2.1 INTERNATIONAL LEGAL FRAMEWORK

The term ‘corporal’ denotes a bodily or physically based strength. The term ‘corporal punishment’ has also been used to indicate ‘physical punishment’ as they both involve inflicting bodily pain or discomfort upon a person as a means of discipline or correction. However, corporal punishment does not only deal with inflicting pain but, it also involves other methods of discomfort. It has been pointed out by writers that “any excessive discomfort such as forcing a child to stand for a long period of time, confining one in an uncomfortable space, or forcing a child to eat obnoxious substances,” among others, also amounts to corporal punishment (Odeyinde, 2021; Glenn, 1983).

A. THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

The United Nations Declaration of Human Rights (UDHR) of 1948 declares a resolute stance against “torture or ... cruel, inhuman or degrading treatment or punishment” in Article 5 (UDHR, 1948). The provision is particularly of utmost importance as it provides a strong basis for the prohibition of corporal punishment which also in turn aligns with the overarching principle of respecting human dignity – a foundational tenet in international human rights law as emphasized in the UDHR.

B. CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

The United Nations Convention on the Rights of the Child (CRC) of 1989, is the most widely ratified international treaty concerning children’s human rights (CRC, 1989). The CRC requires “States to 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, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (CRC, 1989, Article 19).

Furthermore, CRC mandates States Parties to make primary education compulsory and free to all (CRC, 1989, Article 28 (1) (a)). The provision delves into a critical aspect of school discipline, emphasizing the need for it to be carried out in a way protecting the human dignity of the children (CRC, 1989, Article 28 (2)). It has also touched upon the advocacy for international cooperation in education, particularly focusing on eliminating global ignorance and illiteracy, facilitating access to knowledge and teaching methods, and

accommodating the specific needs of developing countries (CRC, 1989, Article 28 (3)).

In addition, CRC also unequivocally prohibits the application of torture, cruel, inhuman, or degrading treatment, and explicitly outlaws individuals below eighteen years of age from being found guilty of capital punishment or being given life imprisonment without the possibility of parole (CRC, 1989, Article 37 (a)). Similarly, it stipulates that a child's deprivation of liberty should be in conformity with the law and be used as a measure of last resort and for the shortest appropriate duration while maintaining the obligation to keep the child deprived of liberty separate from adults (CRC, 1989, Article 37 (b); CRC, 1989, Article 37 (c)).

C. COMMITTEE ON THE RIGHTS OF THE CHILD

The UN Committee on the Rights of the Child's (also referred as CRC Committee), the treaty body for the convention, definition for corporal punishment is as follows:

“... any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involve hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking, or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scolding, or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices)” (CRC Committee, 2006)

Furthermore, the CRC Committee also outlined the additional non-physical forms of corporal punishment that are both cruel and degrading. Examples include the punishment that “belittles, humiliates, denigrates, scapegoats, threatens, scares, or ridicules the child” (CRC Committee, 2006).

The CRC Committee not only defines corporal punishment but also supports a “zero tolerance” policy towards it. In various settings, including within families and homes, all alternative care methods and practices, schools, and any other educational institutions, corporal punishment, and other cruel and degrading forms of punishment against children are strictly ruled out (CRC Committee, 2006).

The CRC Committee (in General Comment No. 20: Article 7) stipulates prohibiting all torture, or other forms of cruel, inhuman, or degrading treatment or punishment as well as states that “prohibition not only to acts that cause physical pain but also to acts that cause mental suffering to the victim. In the Committee’s view, moreover, the prohibition must extend to corporal punishment, including excessive chastisement ordered as punishment for a crime or as an educative or disciplinary measure” (UN Human Rights Committee, 1992).

RECOMMENDATIONS FROM THE CRC COMMITTEE

The UN Committee on the Rights of the Child first raised the issue of corporal punishment in Nepal and recommended it be prohibited in the family and other settings in 1996 (CRC Committee, 1996).

In 2005, the CRC Committee recommended the “State party to (a) expressly prohibit corporal punishment and ill-treatment of children by law in the family, schools and other institutions; (b) strengthen awareness-raising campaigns to inform parents, teachers

and professionals working with children, particularly in institutions, as well as the public at large about the negative impact of corporal punishment and ill-treatment on children and actively involve children and the media in the process; (c) ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, in particular, Article 28 (2) as an alternative to corporal punishment at all levels of society, and (d) adopt appropriate legislative measures to combat the use of corporal punishment in school" (CRC Committee, 2005; CRC Committee, 1996).

D. SUSTAINABLE DEVELOPMENT GOALS

Under the Sustainable Development Goals (SDG) adopted in 2015, States have committed to build peaceful, non-violent societies in which human rights are respected. Key to ceasing all violence against children involves ending corporal punishment (SDG target 16.2) and more generally, the reduction of violence throughout all of the society. It further requires the States to work towards additional SDG goals, including those associated with health (SDG 3), education (SDG 4), violence against women and girls (SDG 5 and 16), equality (SDG 5 and 10), and economics stability and growth (SDG 8) (Global Partnership to End Violence Against Children, 2021).

Although SDGs may not be legally binding, they serve as an important guide and incentive for countries to work towards the fulfillment of their obligations committed on international platforms. Nepal has expressed its commitments towards realization of the SDG goals in the country.

E. UNITED NATIONS REPORT ON VIOLENCE AGAINST CHILDREN

The report outlines that violence against children is pervasive and transcends diverse settings including homes, streets, schools, workplaces, detention centers, and childcare institutions. Respecting the child's dignity, no one has the right to inflict violence on them under any pretext (Office of the SRSG on Violence against Children, 2015).

F. HUMAN RIGHTS COUNCIL IN THE UNIVERSAL PERIODIC REVIEW

In 2011 (Session 10), 2015 (Session 23), and 2021 (Session 47), Nepal underwent reviews as part of the Universal Periodic Review. While no specific recommendations were made concerning corporal punishment of children, the reviews did suggest that Nepal should ensure that all forms of violence against children and child recruitment are punishable under domestic law. The reviews also recommended that Nepal intensify its efforts to adopt revised child legislation that aligns with international standards on violence against children (UPR, 2013; UPR, 2016; UPR, 2021).

2.2 NATIONAL LEGAL FRAMEWORK

A. PRO-PUBLIC NEPAL V OFFICE OF PRIME MINISTER AND COUNCIL OF MINISTERS ET AL.

The Supreme Court of Nepal established that inflicting assault under the guise of defense education amounts to torture, and in cases where it results in death, it qualifies as a criminal act. It stated that even if the act of defense is good, any offense committed during its execution should be rightly recognized as a transgression (*Pro-Public Nepal v*

Office of Prime Minister and Council of Ministers et al., 2061). The provision in the Muluki Ain (General Code), 2019, permitting assault under the pretext of defense education and subjecting it to minimal compensation, was declared void. This ruling was grounded in the belief that such a provision not only violated the right to live with dignity but also contravened the right against torture, along with the provisions stated in Articles 19(1), 28(2), and 37(a) of the Convention on the Rights of the Child, 1989, as ratified by Nepal.

B. *DEVENDRA ALE V NEPAL GOVERNMENT*

The Supreme Court of Nepal declared that the Constitution's prohibition of torture and cruel, inhuman, or degrading treatment applies to all individuals and is not confined to those involved in legal disputes and conflicts (*Devendra Ale v Nepal Government*, 2005). The decision invalidated the provision allowing "minor beating" and mandated government officials to take proactive measures to prevent physical punishment of children. The Supreme Court of Nepal issued a directive order to the Office of Prime Minister and Council of Ministers, among others, urging them to implement effective measures to prevent physical punishment, as well as any other form of cruel, inhuman, or degrading treatment or abuse inflicted or likely to be inflicted on children.

These precedents played a fundamental role in bringing changes to the national legislation, culminating in the prohibition of corporal punishment. Not only did the decision contribute to the evolving Nepalese legal landscape, but it also pushed Nepal to the forefront as the first country in South Asia and the 54th in the world to explicitly prohibit corporal punishment against children.

C. THE CONSTITUTION OF NEPAL

The Constitution of Nepal (2015) includes the rights of the child as fundamental rights. Article 16 states that “every person shall have the right to live with dignity” (The Constitution of Nepal, 2015).

Furthermore, Article 39 (7) states that “no child shall be subjected to physical, mental or any other form of torture in home, school or other place and condition whatsoever” (The Constitution of Nepal, 2015). These rights are guaranteed as fundamental rights in the Constitution of Nepal. In case of the infringement of fundamental rights, a constitutional remedy is allowed.

D. NATIONAL PENAL CODE, 2017

National Penal Code, 2017 (*Muluki Aparadh Samhita, 2074 B.S.*) (which came into effect in 2018) replaced the country’s General Code. Section 13 of the Act states that no act done by a child below ten years of age shall be considered to be an offence. A child below 10 shall not be liable for any type of punishment. According to Section 45 of the Act, if a child between 10 and 14 years old commits an offence may be sentenced to imprisonment for a maximum of six months or sent to a reform home for a maximum of one year. If the child is between the ages of 14 and 16, he/she shall be punished with half of the penalty prescribed by law for an adult. A child who is sixteen years of age or above sixteen but below eighteen years of age commits any offence punishable by imprisonment, such person shall be liable to two-thirds of the punishment imposed by law for an adult.

E. NATIONAL CIVIL CODE, 2017 (*MULUKI DEWANI SAMHITA, 2074 BS*)

Section 129 of the Act grants the power to the mother and father of the child to take necessary actions for the improvement of a minor's behavior, habits, conduct, and character provided that the minor shall not be subjected to any treatment that entails physical or mental pain.

F. EDUCATION ACT (EIGHTH AMENDMENT) 2016

Section 16 (m) of the Act prohibits physical or mental abuse when expelling a child from school (Education Act, Eight Amendment, 2016).

G. EDUCATION RULES (NINTH AMENDMENT) 2002

Rule 133(1)(k) under the Code of Conduct for teachers expressly prohibits subjecting students to physical and mental torture. The provision was added by the sixth amendment of the rule in 2011 (Education Rules, Ninth Amendment, 2002).

H. THE COMPULSORY AND FREE EDUCATION ACT, 2018

The Act explicitly prohibits the expulsion of a child receiving basic education upon admission to any school (The Act Relating to Compulsory and Free Education, 2018). Moreover, a child admitted to a school may not be prevented from receiving basic education or exams due to undisciplined behavior. The school is mandated to offer counseling services to such a child. In cases where improvement is necessary in discipline, conduct, or studies, the head teacher, after consultation with the guardian, must implement psycho-social

counseling or other necessary alternatives to foster an environment conducive to the child's education up to the basic level (The Compulsory and Free Education Act, 2018, Section 10).

I. THE CHILDREN'S ACT, 2018

The Children's Act, 2018 defines children as individuals under the age of 18 (The Children's Act, 2018, Section 2 (j)). The following paragraphs highlight some of the provisions of the Act.

RIGHT TO PROTECTION

The scope of the Act has been broadened to include the protection of the rights of children outlined in Section 7(5) which states that "every child shall have the right to protection against any type of physical or mental violence and torture, hatred, inhuman treatment, gender or untouchability-based mistreatment, sexual harassment, and exploitation that might be caused by his or her father, mother, other family member or guardian, teacher and other person" (The Children's Act, 2018).

Furthermore, Section 7 (6) states that "every child shall have the right to protection from being exploited economically and shall also be entitled to be protected from any activity which may be harmful to him or her or be an obstacle to his or her education or detrimental to his or her health, physical, mental, moral, social development" (The Children's Act, 2018). In addition, attack or obstruction on the operation and management of any school along with its premises, services, or facilities used for the best interests of children is strictly prohibited by Section 7(8) (The Children's Act, 2018). The prohibition

remains applicable during armed conflicts or any adverse situations, without exception.

CHILD PROTECTION STANDARDS

The Act requires public entities, schools, the private sector, and social organizations that work directly with children to develop and implement child protection standards at the institutional level. These standards seek to prevent child sexual abuse and violence against children while also protecting children's well-being and ensuring prompt action on complaints. Schools, chief of every public body, private sector and social organization are mandated to enforce these child protection standards (Act Relating to Children, 2018, Section 57).

OFFENCE AGAINST CHILDREN AND PUNISHMENT

Section 66(2)(d) criminalizes physical or mental punishment or behaving disrespectfully or inhumanely towards children in various settings, including the home and school (Act Relating to Children, 2018). This behavior is considered a form of violence against children (Section 2 (k)). Section 66 (2) (e) prohibits the infliction of physical injuries or effects to, "terrorize or intimidate, humiliate, neglect, discriminate, exclude or hate, isolate, or cause mental torture" (Act Relating to Children, 2018(e)). Moreover, the Act criminalized harassment or causing pain through the use of electronic or other means (Act Relating to Children, 2018, Section 66 (2)(f)).

The Act ensures the protection of children in alternative care settings. Before law reform corporal punishment was lawful in the

home, in alternative care and daycare settings, in schools, and in penal institutions. According to Section 67(1), if an individual working in public or private institutions commits an offense against a child, they may be dismissed based on the severity and nature of the offense (Act Relating to Children, 2018). They will also be prohibited from engaging in any work involving direct contact with children and will not be eligible for recruitment, appointment, or election in such institutions for up to 10 years.

For committing violence against children, the Act provides for a fine of up to 50,000 Nepalese Rupees and a maximum prison term of one year (Act Relating to Children, 2018, Section 72 (3) (a)).

J. NATIONAL CHILDREN'S POLICY, 2069 BS (2012)

The policy's primary objective is to safeguard children from various forms of physical or mental harm, encompassing violence, abuse, abandonment, neglect, exploitation, or sexual abuse (policy 7.1). All forms of physical and mental abuse directed towards children are to be considered as criminal offenses. It outlines the formulation of provisions aimed at preventing such abuse by families, educational institutions, and children's homes (policy 8.6). Furthermore, the policy emphasizes the enactment and effective implementation of essential laws to protect children from abuse, deprivation, exploitation, violence, discrimination, corporal punishment, and torture across various surroundings such as home, school, workplace, or within the community (policy 8.25).

K. NATIONAL EDUCATION POLICY, 2019

The policy envisions the creation and enforcement of a professional code of conduct, ensuring accountability among teachers, employees, and officials in the discharge of their duties. Besides, a legal framework will be instituted to consolidate a unified professional organization, dedicated to protecting the professional rights and interests of individuals within the education sector (policy 10.37). The policy aims to implement the concept of “School as Zone of Peace” to transform schools into environments dedicated to non-violent teaching and learning practices (policy 10.37.5).

L. SCHOOL AS ZONE OF PEACE, NATIONAL FRAMEWORK AND IMPLEMENTATION GUIDELINES 2011

School as Zone of Peace (SZOP) guidelines were brought into the picture to ensure a child-friendly environment in schools, free from hindrances and threats, thereby maintaining the important right to quality education. The guideline stresses the need for shared understanding and collaboration among state mechanisms and relevant stakeholders. Objective 4.3 of the guideline commits to keeping schools free from discrimination, abuse, neglect, and exploitation (School Peace Zone National Framework and Implementation Guidelines, 2011).

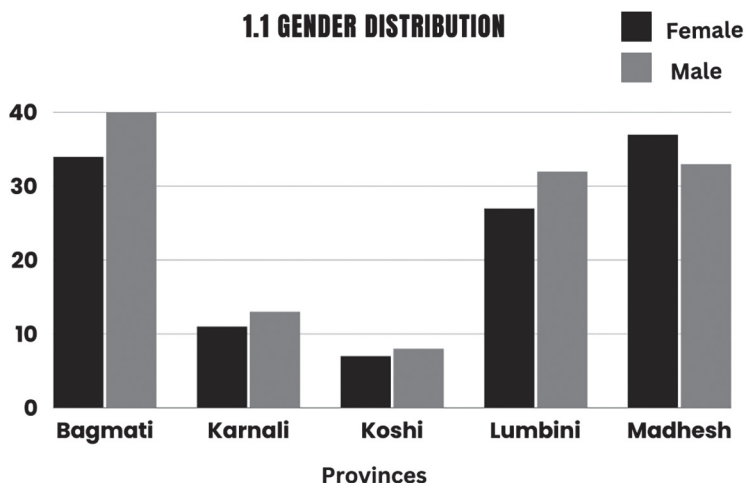
Chapter III

PATTERNS OF CORPORAL PUNISHMENT IN NEPAL

3.1 DATA ANALYSIS

For the study purpose, sample data on corporal punishment was collected by interviewing 242 children (116 girls and 126 boys) from 24 community schools and private schools across 12 districts (Solukhumbu, Bara, Parsa, Dhanusha, Mahottari, Ramechhap, Kathmandu, Nawalparasi, Nawalpur, Dang, Rolpa and Surkhet), covering 5 provinces of Nepal. Among the interviewed students, 148 students were from community schools and 94 students were from private schools. The survey participants included 38 Brahmin, 42 Chhetri, 13 Dalit, 3 Dasnami, 66 Indigenous, 37 Madhesi, 5 Muslim, 10 Thakuri, 18 others, and 10 participants who did not disclose their ethnicity. The age distribution comprised 4 children aged 12, 24 aged 13, 52 aged 14, 82 aged 15, 39 aged 16, 29 aged 17, 12 aged 18.

Likewise, sample data was collected by interviewing 37 (19 male and 18 female) teachers from the same schools where students were interviewed. To collect the official views, sample data was collected by interviewing 9 Education Officers from the same Municipality/Rural Municipality where these schools are running.



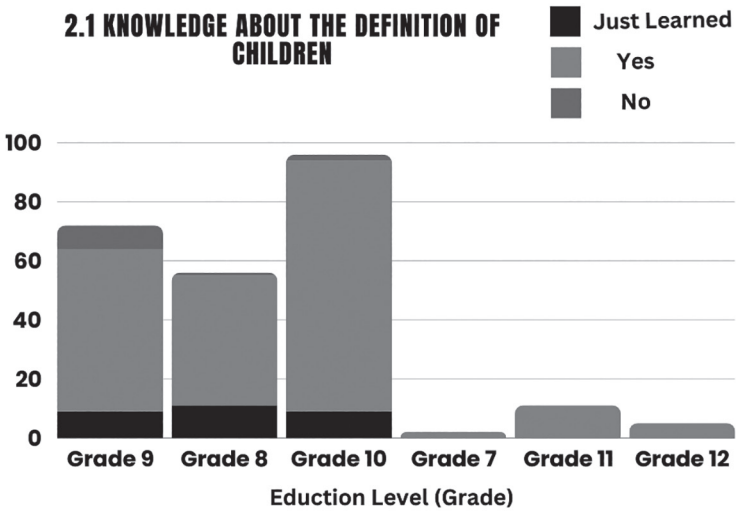
Separate questionnaires were developed for students, teachers, and Education Officers (See Annex – 1). The findings of data are analyzed as follows:

3.1.1 STUDENTS' RESPONSES TO CORPORAL PUNISHMENT:

i. Information About Legal Provisions Against Corporal Punishment:

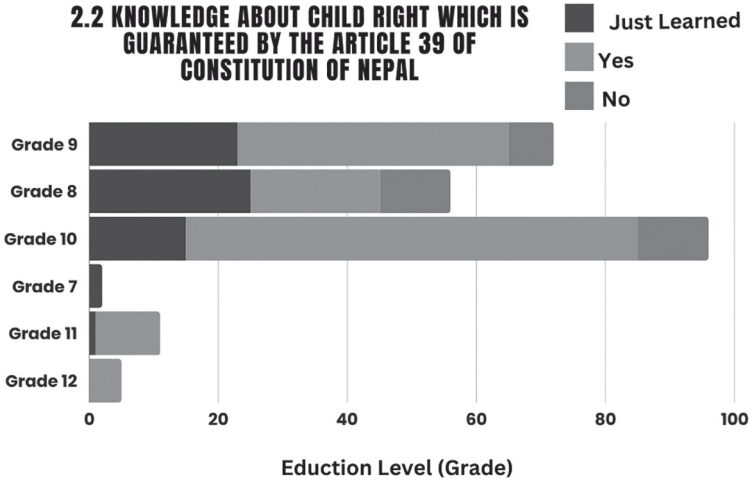
- 202 students of the 242 students interviewed responded that they are aware that children under 18 are considered juveniles in Nepal;
- 29 students of the 242 students interviewed shared that they just learned through the interview; and
- 11 students of the 242 students interviewed responded that they lacked knowledge of it.

2.1 KNOWLEDGE ABOUT THE DEFINITION OF CHILDREN



➤ 147 of the 242 students interviewed claimed that they knew about the rights of children guaranteed by Article 39 of the Constitution of Nepal;

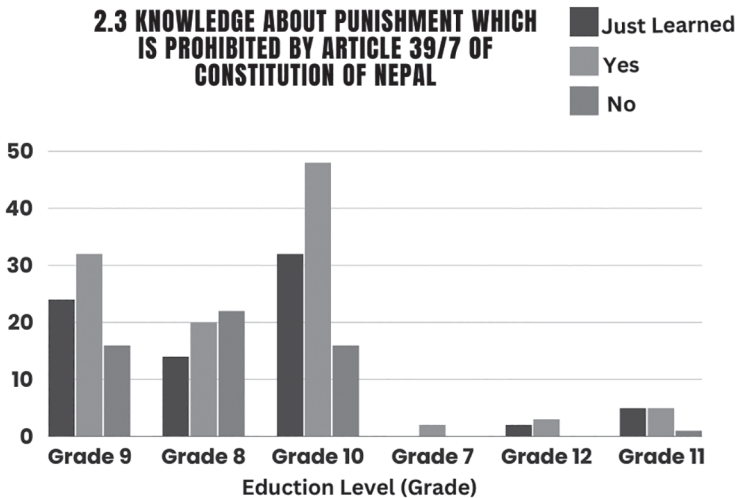
2.2 KNOWLEDGE ABOUT CHILD RIGHT WHICH IS GUARANTEED BY THE ARTICLE 39 OF CONSTITUTION OF NEPAL



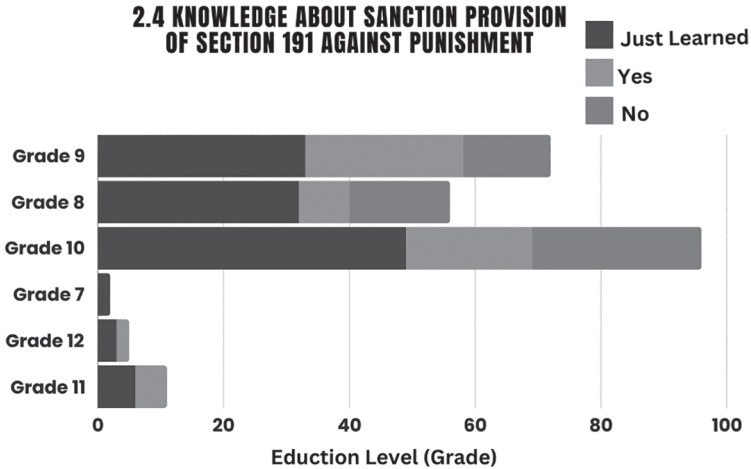
- 66 students of the 242 students interviewed said that they just learned about it; and
- 29 students of the 242 students interviewed said that they didn't have any knowledge regarding it.

Article 39 (7) of the Constitution of Nepal forbids the physical and mental punishment of children at home and in schools.

- 110 students stated that they were aware of this provision;
- 53 students said that they recently become aware of it; and
- 79 students stated that they were unaware of it.
- A total of 60 children said that they are aware of Section 191 of the National Penal Code, 2017, which states that hurting another person is punishable by three years in prison or a fine of thirty thousand rupees;

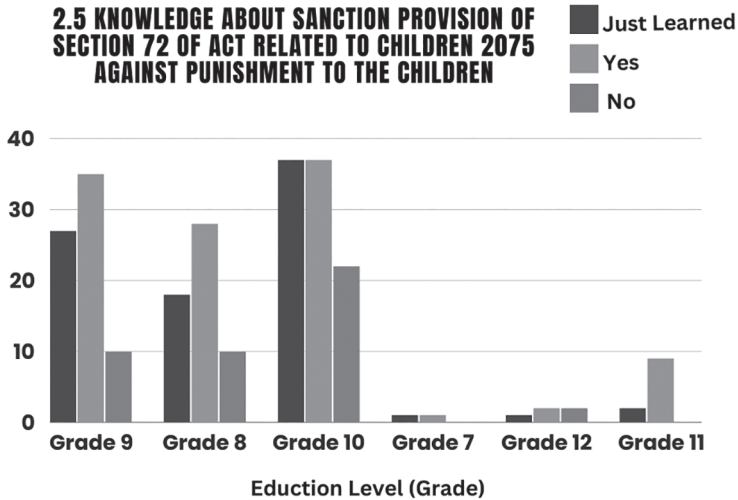


- 125 students of the interviewed students said that they came to know about it through this interview; and
- 57 students of the interviewed students said that they were unaware of it and one student didn't respond.



Regarding the provision of Section 72 of the Children's Act, 2075 that states an individual who subjects children to corporal punishment or engages in behavior against the well-being of children, such person shall be subjected to a monetary fine or prison sentence.

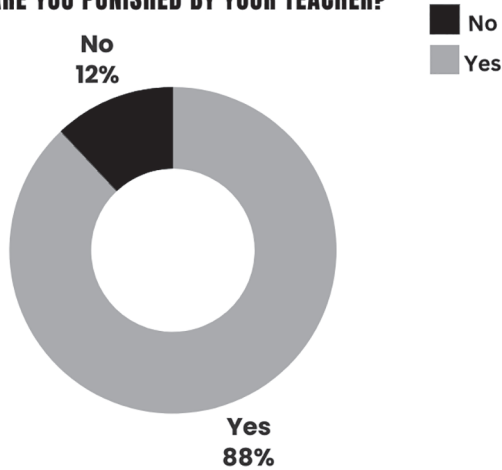
- 44 students out of the interviewed students stated that they were unaware of it;
- 86 students out of the interviewed students said that they learned just now; and
- 112 students out of the interviewed students stated that they were aware of it.



ii. Experience of Corporal Punishment in Schools:

In response to the question about experiencing corporal punishment by teachers:

- 88% (213) of students stated that they have experienced corporal punishment, while 12% (29) reported that they have not.
- Among the 213 students who experienced corporal punishment 55% (148) students were from community schools and 45% (94) students were from private schools.
- Among them, 2 were from grade 7, 56 were from grade 8, 72 were from grade 9, 94 were from, grade 10, 11 were from grade 11, 4 were from grades 12 and 2 didn't mention their grade.

3.1 ARE YOU PUNISHED BY YOUR TEACHER?**iii. Forms of Corporal Punishment:**

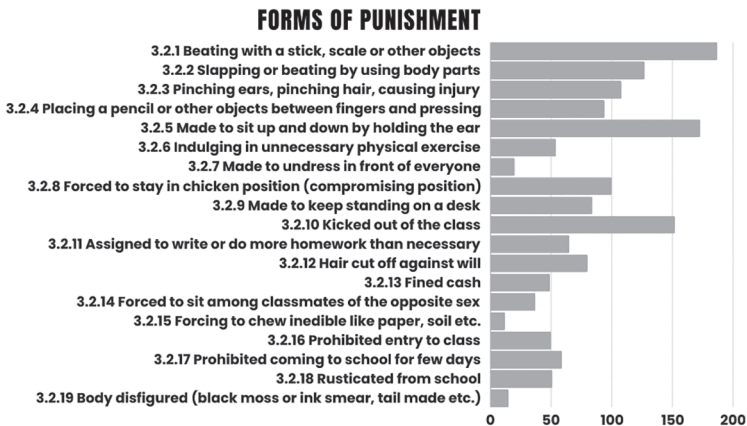
Regarding the question on the objects used by teachers to administer physical punishment:

- 87.79% (187) students reported having been beaten with a stick, scale, or other objects;
- 59.62 (127 students) of them reported being slapped or hurt by using body parts i.e. hands and legs;
- 50.70% (108 students) complained of pinching ears, and pulling hair; and
- 44.23% (94 students) reported applying pressure with a pencil or other objects between their fingers.
- 82.22% (173 students) students were forced to do sit-ups and downs while holding their ears.

- 25.35% (54 students) complained about engaging in unnecessary physical works;
- 9.38% (20 students) were forced to undress in front of colleagues;
- 46.94% (100 students) were forced to sit in a chicken-like position;
- 39.43% (84 students) were forced to stand on the desk for a long time;
- 71.36% (152 students) were kicked out of the class;
- 30.51% (65 students) were assigned more homework;
- 37.55% (80 students) had their hair cut forcefully;
- 23% (49 students) were punished with monetary fines;
- 17.37% (37 students) claimed that they were forced to sit among the classmates of opposite sex;
- 5.63% (12 students) were forced to chew paper or inedible things;
- 23.47% (50 students) claimed that they were not given access to school from the school gate;
- 27.69% (59 students) claimed that they were prohibited attending classes for few days;
- 23.94% (51 students) claimed that they were rusticated from the school;
- 7.04% (15 students) (complained they were humiliated by disfiguring face or clothes ruined by using ink or papers; and

- 28.16% (60 students) complained that they were inflicted corporal punishment by using other methods.

The above-mentioned data shows that students face multiple forms of corporal punishment. Among them, beating students with a stick or scale is the most common form of corporal punishment followed by making students perform sit-down and ups while holding their ears. Likewise, sending out students from class is also found the most commonly used form of punishment.

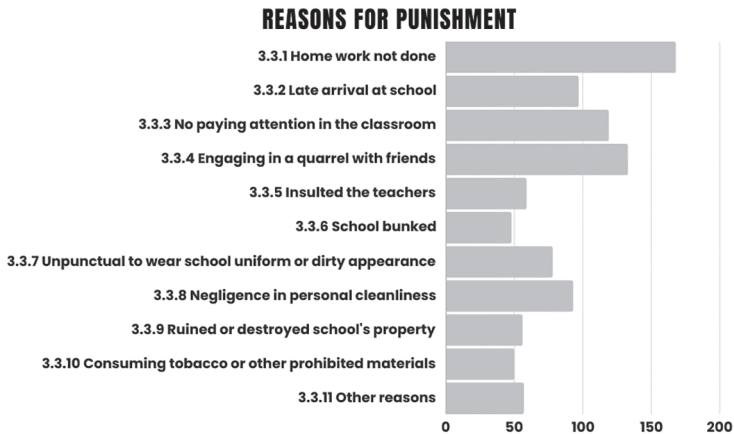


iv. Reasons for corporal punishment

In response to the question about the reasons for corporal punishment, among the 213 students who experienced corporal punishment, responded that:

- 78.87% (168 students) reasons were not doing homework;
- 46% (97 students) reasons were late arriving late to school;

- 55.86% (119 students) reasons were not paying attention in the class;
- 62.44% (133 students) were punished for quarreling or fighting with their friends;
- 42.25% (90 students) were punished for teasing classmates or other students;
- 41.78% (89 students) were punished for beating classmates or other students;



- 27.69% (59 students) were punished for insulting teachers;
- 22.53% (48 students) were punished for bunking school;
- 36.61% (78 students) were punished for not maintaining cleanliness;
- 26.29% (56 students) were punished for destroying school property;
- 23.47% (50 students) were punished for consuming tobacco or other prohibited materials; and

- 26.76% (57 students) were punished for other reasons.

The data shows that students were punished for multiple reasons among them, as the students mentioned, not completing homework is the most common reason for corporal punishment, followed by quarreling with friends and not paying attention in class.

v. Frequency of corporal punishment

As the above data shows, it was found that the students were punished for multiple reasons. Mostly, the students were found punished for not doing homework followed by engaging in quarrel with other students. Likewise, not paying attention while teachers are teaching in the class is another reason for punishment.

vi. Effects of Corporal Punishment

Among the 213 students who reported experiencing corporal punishment:

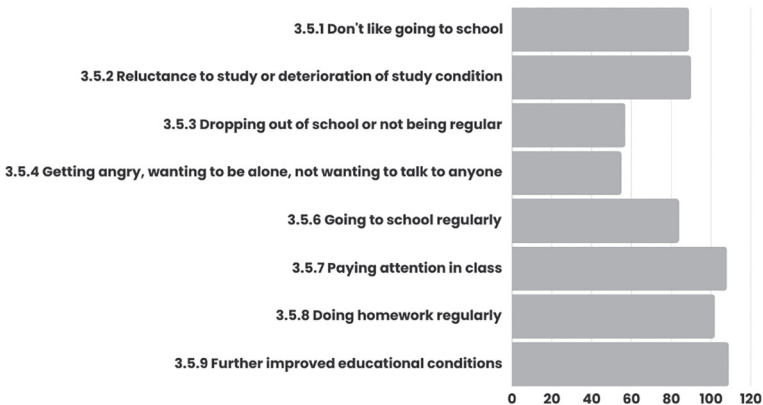
- 41.78% (89 students) expressed that they do not like going to school due to such punishment;
- An equal percentage of students 42.25% or (90 students) reported that their academic performance is deteriorating;
- 26.76% (57 students) mentioned changing schools or experiencing a decrease in regular attendance;
- 25.82% (55 students), claimed feelings of anger, aggression, solitude, and reluctance to speak due to the corporal punishment inflicted on them;

- 41.31% (88 students) admitted feeling ashamed, embarrassed or humiliated as a result of the punishment.

On the contrary:

- 39.43% (84 students) reported paying attention in class;
- 50.70% (108 students) said they were regular attendees as the consequences of corporal punishment were given to them;
- 47.88% (102 students) of the sample, reported that they regularly completed homework; and
- 51.17% (109 students) of the total respondents expressed their performance in class had improved overall despite the physical punishment.

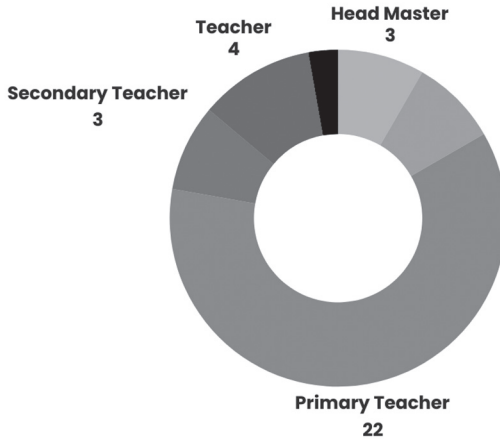
EFFECTS OF CORPORAL PUNISHMENT



3.2.1 TEACHERS RESPONSE ON CORPORAL PUNISHMENT:

LLN reached 37 teachers (18 female and 19 male) from the same schools where students were interviewed. The data is as follows:

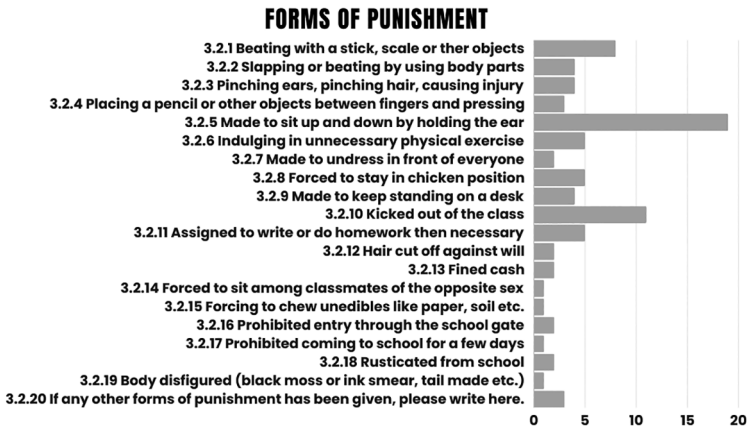
3.2.1 DO YOU KNOW THAT CHILDREN UNDER 18 YEARS AGE ARE CONSIDERED JUVENILE IN NEPAL?



- 100% of teachers said that they are aware that children under the age of 18 are classified as juveniles;
- 91% of the educators said they were aware that the Constitution of Nepal protects children's rights;
- 97% of the educators were aware that Article 39 (7) of the Constitution prohibits the physical abuse of minors.
- In terms of legislation:
 - 64.86% of respondents knew that physical assault is punishable with imprisonment for 3 years and/or a fine of up to fifty thousand rupees under Section 191 of the National Penal Code, 2017.
 - 62.16% of respondents knew that violating Section 72 of the Children's Act, 2018 by inflicting corporal punishment on children or working against their welfare could result in consequences.

- Out of 37 respondent teachers 62.17% of them acknowledged that they inflicted corporal punishment on children;
- Out of 37 respondent teachers, 37.83% denied having done so; and
- Overall, the data shows that mostly the primary teachers are involved in the corporal punishment of children.

i. Forms of Corporal Punishment:

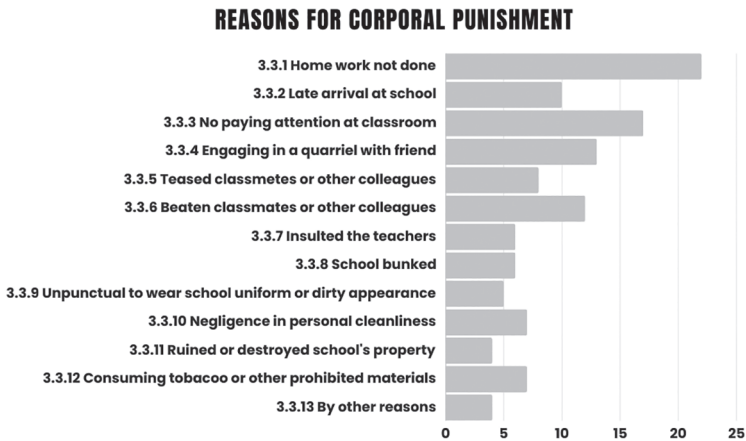


Among the teachers who admitted to imposing corporal punishment:

- 26% acknowledged using sticks or scales;
- 22% admitted to practices such as slapping, pinching ears, and pulling hair.
- More than 84% of teachers confirmed using the punishment of making students do sit-down and stand-up exercises while holding their ears;

- 21% admitted to giving unnecessary physical exercises, forcing students to sit in chicken-like positions, assigning more homework, stopping them from coming to school for a few days, or even rustication as forms of punishment;
- Over 10% of teachers acknowledged making students undress, forcing them to stand on tables in the classroom, or prohibiting their entry into the school for a few days;
- 47% of teachers admitted to sending students out of the class; and
- Only 5% acknowledged practices like making their hair cut, forcing students to chew paper, or making them sit among classmates of the opposite sex.

ii. Reasons for Corporal Punishment:



- 100% of teachers who acknowledged giving corporal punishment justified it as a response to their students' failure to complete assignments;

- 36% mentioned punishing students for late arrival or teasing others;
- 68% stressed students not paying attention in class;
- 57% attributed the punishment to students quarreling with classmates or other students; and
- 21% mentioned students being punished for insulting teachers.

iii. Childhood Punishment vs. Now:

In response to the question, what is the difference between your childhood and the current situation regarding the prevailing punishment, most of the teachers responded that now the child-friendly environment has been developing and leading to the situation of no corporal punishment. They said that comparatively the practice of punishment has been reduced now.

In the past the culture of punishing students was normal but presently the concept has been developing that punishment might have a negative effect on the students. In the past the students used to feel fear of the teachers but now the situation has changed and the teachers make the students realize their mistake instead of punishing them. In the past, bet sticks were used to punish the students. In our time punishment was the major methodology of teaching. Teachers were not trained but now the situation has changed. One of the teachers wrote, “I have faced more punishment than mentioned in this format. Teachers used to force students to kneel down for a long time or walk on knees with hands behind their head.” Likewise, another teacher wrote, “In my childhood, there were more forms of punishment than mentioned in the list. The teachers used to use natural thorns and

itching plants to punish the students. Now it is not like that.” In the past, there was a culture of punishing and scolding publicly. Now the situation has changed. However, some of them mentioned that the practice of physical and mental punishment is still practiced.

3.3.1 EDUCATION OFFICERS RESPONSE TO CORPORAL PUNISHMENT:

Section 11 (1) (h) of the Local Government Operation Act, 2074, has provided all the rights to government the schools, form school management committees, organize training for teachers, and monitor and evaluate their performance. All 753 Rural or Municipalities have dedicated teams of staff under the Education, Youths, and Sports Department. Likewise, there are the Social Inclusion Department (earlier Women and Children Department) and the Health Department. We approached the Education Officers from 9 Rural / Municipalities. Unfortunately, out of 9 respondents, only one respondent said that he had received a complaint of corporal punishment.

3.2 SOME EMBLEMATIC CASES:

a. Santosh Miya (name changed):

A sixteen-year-old 9th grader of a community school in of Siraha district was severely beaten by the Principal and school staff. He was taken to the staff room in the school where he was severely beaten by the Principal, an accountant, and a support staff with sticks. He was unaware why was he called to the principal's in the middle of his class.

Santosh said, “When I was attending my class, the office assistant called my name and took me to the staff room where the Principal Sir and an accountant were already present. Once I entered the room,

the office assistant closed the door and the three of them beat me randomly accusing me of being over-smart in the school.” He further said that after being severely beaten up the teachers didn’t provide him with medicines and was kept inside the school gate until the school hour was over. The father of the injured said, “Due to the corporal punishment by the teachers, my son has got black and blue marks all over his body parts including his face, head, back, chest, and legs”. He said that after receiving treatment in the provincial hospital his son is taking rest at home.

Santosh said, “Even after medical treatment, the headache is very painful. My body is shaking and now I am afraid to go to school.”

The Principal has claimed that Santosh teased a girl in the school. He said that Santosh was punished for that reason. He said, “*Keto* (the boy) is a badass. He is trying to divert the allegation of teasing a girl to something else. We punished him as his teachers but the situation became such that he got hurt.”

On 27 August 2023, Santosh’s father filed a complaint at the District Police Office, Siraha demanding action against the perpetrators. Siraha police chief Superintendent of Police (SP) Tekunanda Limbu said that information about the incident has been received but no complaint has been filed. He also said that the investigation is going on to find out the truth. He expressed his commitment to bring the culprits to justice.

Dilip Kumar Yadav, Chief Administrative Officer of Siraha Municipality said that he is collecting information from the Principal, students, and their families. The victim’s father has demanded strict action against the perpetrators who beat his son like an animal.

b. Priti Burma (name changed):

Priti, an 11-year-old 5th grader from Taulihawa, Kapilvastu district, was severely beaten up by a computer teacher for not getting the signature of her parent in her homework diary.

Computer subject teacher Hrishikesh Pandey brutally beat Priti on 27 September 2023. Due to corporal punishment, she received *Nildam* (blue bruises) on her arms and legs.

School Principal Dharmendra Kumar Chaudhary confirmed the case of corporal punishment on Priti by the Computer subject teacher at his school. He said, “After I came to know about the case of corporal punishment, teacher Pandey was made to apologize to the student. Further actions would be taken after the School Management Committee makes their decision. We will call a meeting of the School Management Committee soon.” According to the school administration, Priti is an obedient student and class topper. The girl’s father said that he has withdrawn the complaint from the police after an agreement was signed between the school administration and the victim’s family. The agreement was that the teacher apologizes to the student and her parents, if not he would be dismissed from his job.

c. Rumal Sarki (name changed):

A 19-year-old 12th grader boy from Dhading district committed suicide after he could not pay the school fee of NPR 2100 (Approx. 15 USD). His father claimed that his son committed suicide after the school sent him home without giving him the admit card to sit in the exam, since he was unable to pay the remaining fee.

The father of the deceased said, “Last year I got an electric shock and I got injured. I needed crutches to walk but I am unable to buy

them. Due to this incident, I could not work to earn money for the family. My 19 year eldest son was studying in 12th grade. When his final exam came, we could not pay the remaining school fee of NPR 2,100 (Approx. 15 USD). Because of that, he was not given an admit card to sit in the final exam of the 12th grade. On 3 May 2023, my son visited the school to get his admit card, however the school management returned him without one. There might have been some verbal exchanges between the school authorities and my son. So, when he returned home, he was very much disturbed and committed suicide by consuming poison at night. The following morning, we found him injured. We took him to a hospital but we couldn't save him."

The father of the deceased, Krishna Bahadur filed a complaint with the police on 7 May 2023 requesting to find out the truth behind the suicide of his son. He has demanded strict action against the person who enticed his son to commit suicide.

Balram Itani, the principal of the school, claimed that Rumal did not commit suicide because of the school or his treatment of him. "Until now, we have not denied any student from taking the exam because of money. Last year also we gave him the admit card without paying any money. We told him to take the admit card this year as well," asserted Principal Itani, "We gave concessions because we knew that his family's financial situation is weak."

According to him, the school has been giving scholarships of around 50,000 to students every year from a scholarship fund. However, Rumal's name was not among the students who got the scholarship. When asked why Rumal's name was not on the list, the principal shared that his name was not there because Rumal's attendance in the school was not regular.

Superintendent of Police, Gautam Mishra, District Police Office Dhading, said that the incident is being investigated. “The relatives of the deceased have filed a complaint to investigate the cause of suicide,” he said, “We have registered a complaint. We are investigating the case.”

d. Ravi Budha (name changed):

Ravi Budha, a 5-year-old Nursery student was subjected to severe punishment for bedwetting by Hostel Warden Januka Nepali. When the warden went for rounds, she noticed Ravi Budha had passed urine on the bed. Warden Januka took action against Ravi, who had come to Pokhara from Dolpa (an undeveloped region) for study, for urinating on the bed. As a punishment, she tied Ravi’s penis with a rubber band. All morning, Ravi could not remove the rubber band that was tied to his penis, instead, he sat crying.

In the school, one student found a rubber band in the classroom and gave it to teacher Srijana Kandel saying that it could be tied on the penis of the student who bed wet in the night. The teacher was surprised by the words of a small student. She asked the student how he knew about it. Then the student told how the hostel warden ties penis with a rubber band to the boys who bed wet in the night and burns the private parts of girls with candle and wax. When the teacher went to Nursery class, she saw that Ravi was crying due to pain. When she checked, she found that his penis was tied with a rubber band and his stomach was swollen.

After the teacher made a complaint about it to the hostel administration, the hostel administration signed a written agreement promising to prevent such incidents in the hostel and act against the

warden. After the incident was made public in the media, police arrested the hostel owner and warden. The owner was found innocent and was released. However, the warden was arrested by police. SP Ramesh Thapa, Kaski Police Chief, said, “We have arrested the warden and are investigating the case. We file a case against her under Children’s Act.”

3.3 DISCUSSION ON THE PATTERNS OF CORPORAL PUNISHMENTS (INCLUDING CHANGING SCENARIOS)

The patterns of corporal punishment in schools in Nepal reveal a complex interplay of factors rooted in home environments, educational settings, and cultural norms. In the context of schools with home environments (academic institutions that promise to provide a home atmosphere to children but corporal measures to discipline as a means of enforcing academic standards or correcting behavior), poorly trained professional teachers often resort to corporal punishment as a disciplinary tool, exacerbating the prevalence of such practices. Factors such as inadequate training create a power imbalance, endowing teachers with absolute authority and leaving students vulnerable to corporal punishment. Likewise, the traditional cultural norms that perceive corporal punishment as a means of instilling discipline further perpetuate this pattern and continue them. At home, parents resort to the use of physical punishment considering it as the easiest method of disciplining a child particularly not being aware of other methods for the same.

In recent years, the competitive nature of education and the general preference for discipline within the educational system have led to the continued use of corporal punishment. The pressure to perform well academically, compounded with parents’ expectations for strict

discipline, gender, and caste-based/ class discrimination creates an environment where teachers knowingly (and unknowingly) resort to severe measures, committing acts that lead to corporal punishments. Even more severe is the changing scenario where the school system and the parent's urge for discipline and academic excellence have taken a significant toll on children with some resorting to suicide and/or attempting suicide due to their inability to express their feelings before the teachers or parents.

Although the legislation enacted after the promulgation of the Constitution of Nepal criminalizes the conduct, the practice is entrenched in multi-level structures starting from home to schools to communities. Not just the teachers but the ward representatives, and hostel wardens are also found inflicting corporal punishments (leading to severe injuries) on the student (Child Rights in Nepal, 2019; Shrestha, 2021). The reasons for punishment may be as trivial as incomplete homework, or late arrival, yet the severity of the consequences outweighs the reason as the form of punishment leads to grave injuries to death (Child Rights in Nepal, 2019; Child Rights in Nepal, 2018; Child Rights in Nepal, 2019).

Chapter IV

CONCLUSION AND RECOMMENDATIONS

CONCLUSION

The continuing practice of corporal punishment in the schools of Nepal regardless of laws prohibiting it and documented instances highlights an acute issue stemming from cultural norms, inadequate training and sensitization, and competitive learning environments. Urgent and comprehensive reforms (legal and structural) from federal to local levels (of governments), backed with strong implementation measures are required to tackle the growing incidence of corporal punishment in both private and public schools as documented by the study. The evidence presented here emphasizes the critical need for targeted interventions, encompassing teacher training programs, cultural sensitization initiatives, parental and caregiver sensitization and support, and policy amendments. The alarming cases of children resorting to self-harm, despite the country's legal provisions against corporal punishment, highlight the imperative for swift and comprehensive actions to safeguard the well-being of the nation's youth.

Addressing these challenges requires not only legal measures but also a transformative shift in cultural perceptions, reevaluation of

power imbalance and competition within the education system, and training on alternative tools of discipline. The findings of the study also call for a collaborative effort from educators, policymakers, and the wider community to dismantle deeply ingrained patterns of corporal punishment and foster an environment that nurtures the holistic development of every child. The well-being of students, both physically and mentally, should be at the forefront of educational reforms to prevent harmful disciplinary practices and should be integrated into all sectors that directly impact and influence children's welfare.

RECOMMENDATIONS

To end corporal punishment in schools in Nepal, the study has made the following recommendations to various stakeholders:

TO THE SCHOOL MANAGEMENT COMMITTEE (SMC)

- a) Develop and adopt Child Protection Standards (as well as Safeguarding Policy) and implement it properly;
- b) Develop a policy and culture of zero-tolerance policy towards corporal punishment in schools;
- c) Create a safe, supportive, and violence-free learning environment for students by enacting a Child Safeguarding Policy and implementing it thoroughly in all schools of Nepal;
- d) Conduct regular training sessions for teachers and staff on effective classroom management, child-friendly teaching-learning, and positive disciplinary techniques;

- e) Establish a confidential reporting system for students to report instances of corporal punishment; and
- f) Conduct regular sensitization training about corporal punishment and prevention among parents, and caregivers of the students enrolled in their schools.

TO THE TEACHERS

- a) Learn about the legal prohibition of corporal punishment and legal sanctions, and strictly follow the Code of Conduct meant for teachers;
- b) Study the negative effects of corporal punishment and use alternative disciplinary methods;
- c) Develop positive relationship with students, promoting open communication and empathy;
- d) Use positive reinforcement methods to encourage good behavior learned from training; and
- e) Develop a friendly relationships with students by meeting their learning needs as well as by befriending them and visiting their parents.

TO THE CHILD-FOCUSED ORGANIZATIONS

- a) Conduct research and generate awareness about the negative impacts of corporal punishment on children's well-being, physical and mental health, and academic performance;
- b) Advocate for the enforcement of laws and policies that prohibit corporal punishment in schools;

- c) Provide training and resources to schools and teachers so that corporal punishment is challenged and positive disciplinary practices as well as the rights of the child are promoted;
- d) Create safe spaces for children by working with SMC and teachers in the school in their project areas to discuss their experiences and concerns regarding corporal punishment; and
- e) Develop long-term strategic plans to work with stakeholders to create a safe learning environment for children.

TO THE PARENTS/GUARDIAN

- a) Develop friendly relationships with their children and encourage them to share their problems;
- b) Frequently visit to school and inquire about the performance and activities of their children with teachers;
- c) Raise the issue in Parent-Teacher Meetings and report the case of violation against children to the School Management Committee, if there are any;
- d) Provide support to the victims of corporal punishment and other kind of violence; and
- e) Advocate for Child Safeguarding Policy in their school and its proper implementation.

TO THE LOCAL AUTHORITIES

- a) Monitor schools regularly to ensure that they comply with laws and policies related to corporal punishment;

- b) Establish a complaint hearing mechanism (i.e., Gunaso Sunuwai Karyabidhi, 2074 BS) to address corporal punishment cases promptly;
- c) Collaborate with schools, child-focused organizations, teachers, and parents to create an environment that promotes positive discipline and protects children from harm;
- d) Allocate resources and funds to support training programs for teachers and school staff; and
- e) Organize discussion meetings of the school management committee, teachers, and parents to generate more ideas and actions to end corporal punishment in schools.

TO THE PROVINCIAL GOVERNMENT

- a) Develop and implement guidelines and policies to prevent corporal punishment in schools across the province;
- b) Provide funding and resources to train teachers and professionals in child psychology, child-friendly teaching-learning, and positive discipline techniques;
- c) Establish inspection teams to monitor and evaluate schools' compliance with the policies; and
- d) Collaborate with child-focused organizations to develop campaigns and awareness programs about corporal punishment and its harmful consequences to children.

TO THE FEDERAL GOVERNMENT

- a) Enact legislation that explicitly prohibits corporal punishment in schools, ensuring its effective enforcement;
- b) Develop a national framework for teacher training programs on positive disciplinary methods;
- c) Establish a centralized reporting system for incidents of corporal punishment in schools, ensuring timely intervention and investigation; and
- d) Allocate sufficient budgetary resources for research, training, and support programs aimed at eradicating corporal punishment in school.

Despite legal prohibitions, the persistence of corporal punishment in Nepalese schools reveals entrenched cultural norms, inadequate training, and competitive learning environments. Urgent and comprehensive policy reforms, spanning federal to local governance levels, are essential to fight against corporal punishment in Nepal. The study highlights the need for targeted interventions such as teacher training, parents, and community sensitization to address the culture of corporal punishment. Instances of self-harm among children highlight the urgency for decisive action to safeguard their well-being, requiring both legal measures and a cultural shift towards alternative disciplinary methods. Collaborative efforts involving educators, policymakers, and the community are crucial prioritizing students' physical and mental well-being, eradicating harmful disciplinary practices, and ensuring holistic child development across all sectors.

By implementing these recommendations, it is hoped that the education system in Nepal can gradually eliminate corporal punishment and create nurturing and safe learning environments for all children.

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ANNEX – 1

A. STUDENT DATA

CASTE, PROVINCE AND GENDER-WISE DATA:

Ethnicity	Bagmati			Karnali			Koshi			Lumbini			Madhesh			Grand Total
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total	
Brahmin	5	8	13	2	2	4				8	5	13	4	4	8	38
Chhetri	6	3	9	6	2	8		1	1	10	7	17	3	4	7	42
Dalit	2	2	4	2	4	6					2	2	1		1	13
Dasnami		1	1		1	1					1	1				3
Madhesi		1	1						1			1	19	16	35	37
Muslim													2	3	5	5
Others	7	12	19								5	5	2	2	4	28
Thakuri	2		2	1	4	5							1	2	3	10
Indigenous	12	13	25				7	7	14	8	12	20	5	2	7	66
Grand Total	34	40	74	11	13	24	7	8	15	27	32	59	37	33	70	242

DISTRICT – WISE STUDENTS:

District	Age 12	Age 13	Age 14	Age 15	Age 16	Age 17	Age 18	Grand Total
Bara		1	7	7	4	1		20
Dang		9	3	5	2		1	20
Kathmandu		1	7	15	9	16	6	54
Navalparasi		1	6	8	4	1		20
Navalpur			2	3	5			10
Parsa		1	5	9	3	2		20
Ramechhap		2	3	11	3	1		20
Rolpa	2	2	2	2		1		9
Solukhumbu	2	2	4	6	1			15
Surkhet		5	7	7	1	4		24
Dhanusha			1	2	3	3	1	10
Mohattri			5	7	4		4	20
Grand Total	4	24	52	82	39	29	12	242

B. LEGAL KNOWLEDGE:**2.1 KNOWLEDGE ABOUT THE DEFINITION OF CHILDREN (KNOW/DO NOT KNOW/JUST LEARNED)**

Grade	Just learned	Yes	No
Grade 9	9	55	8
Grade 8	11	44	1
Grade 10	9	85	2
Grade 7		2	
Grade 11		11	
Grade 12		5	
Grand Total	29	202	11

**2.2 KNOWLEDGE ABOUT CHILD RIGHT WHICH IS GURANTEED BY THE
ARTICLE 39 OF CONSTITUTION OF NEPAL (KNOW/DO NOT KNOW/
JUST LEARNED)**

Grade	Just learned	No	Yes	Grand Total
Grade 9	23	7	42	72
Grade 8	25	11	20	56
Grade 10	15	11	70	96
Grade 7	2			2
Grade 11	1		10	11
Grade 12			5	5
Grand Total	66	29	147	242

**2.3 KNOWLEDGE ABOUT PUNISHMENT WHICH IS PRIHIBITED BY
ARTICLE 39/7 OF CONSTITUTION OF NEPAL (KNOW/DO NOT KNOW/
JUST LEARNED)**

Grade	Just learned	No	Yes	Grand Total
Grade 9	24	16	32	72
Grade 8	14	22	20	56
Grade 10	32	16	48	96
Grade 7			2	2
Grade 12	2		3	5
Grade 11	5	1	5	11
Grand Total	77	55	110	242

2.4 KNOWLEDGE ABOUT SANCTION PROVISION OF SECTION 191 AGAINST PUNISHMENT (KNOW/DO NOT KNOW/JUST LEARNED)

Grade	Just learned	No	Yes	Grand Total
Grade 9	33	14	25	72
Grade 8	32	16	8	56
Grade 10	49	27	20	96
Grade 7	2			2
Grade 12	3		2	5
Grade 11	6		5	11
Grand Total	125	57	60	242

2.5 KNOWLEDGE ABOUT SANCTION PROVISION OF SECTION 72 OF ACT RELATED TO CHILDREN 2075 AGAINST PUNISHMENT TO THE CHILDREN (KNOW/DO NOT KNOW/JUST LEARNED)

Grade	Just learned	No	Yes	Grand Total
Grade 9	27	10	35	72
Grade 8	18	10	28	56
Grade 10	37	22	37	96
Grade 7	1		1	2
Grade 12	1	2	2	5
Grade 11	2		9	11
Grand Total	86	44	112	242

3.1 ARE YOU PUNISHED BY YOUR TEACHER? (YES/NO)

No	29
Yes	213
Grand Total	242

C. FORMS OF PUNISHMENT:**3.2.1 BEATING WITH A STICK, SCALE OR OTHER OBJECTS**

Grade	NA	No	Yes	Grand Total
Grade 9	13	4	55	72
Grade 8	7	3	46	56
Grade 10	9	16	71	96
Grade 7			2	2
Grade 11		1	10	11
Grade 12		2	3	5
Grand Total	29	26	187	242

3.2.2 SLAPPING OR BEATING BY USING BODY PARTS

Grade	NA	No	Yes	Grand Total
Grade 9	13	16	43	72
Grade 8	7	14	35	56
Grade 10	9	48	39	96
Grade 7		2		2
Grade 12		2	3	5
Grade 11		4	7	11
Grand Total	29	86	127	242

3.2.3 PINCHING EARS, PINCHING HAIR, CAUSING INJURY

Grade	NA	No	Yes	Grand Total
Grade 9	13	25	34	72
Grade 8	7	18	31	56
Grade 10	9	56	31	96
Grade 7		2		2
Grade 12			5	5
Grade 11		4	7	11
Grand Total	29	105	108	242

3.2.4 PLACING A PENCIL OR OTHER OBJECTS BETWEEN FINGERS AND PRESSING

Grade	NA	No	Yes	Grand Total
Grade 9	13	29	30	72
Grade 8	7	21	28	56
Grade 10	9	61	26	96
Grade 7		2		2
Grade 12		2	3	5
Grade 11		4	7	11
Grand Total	29	119	94	242

3.2.5 MADE TO SIT UP AND DOWN BY HOLDING THE EAR

Grade	NA	No	Yes	Grand Total
Grade 9	13	10	49	72
Grade 8	7	5	44	56
Grade 10	9	24	63	96
Grade 7			2	2
Grade 12		1	4	5
Grade 11			11	11
Grand Total	29	40	173	242

3.2.6 INDULGING IN UNNECESSARY PHYSICAL EXERCISE

Grade	NA	No	Yes	Grand Total
Grade 9	13	40	19	72
Grade 8	7	33	16	56
Grade 10	9	74	13	96
Grade 7		2		2
Grade 12		2	3	5
Grade 11		8	3	11
Grand Total	29	159	54	242

3.2.7 MADE TO UNDRESS IN FRONT OF EVERYONE

Grade	NA	No	Yes	Grand Total
Grade 9	13	54	5	72
Grade 8	7	42	7	56
Grade 10	9	82	5	96
Grade 7		2		2
Grade 12		4	1	5
Grade 11		9	2	11
Grand Total	29	193	20	242

3.2.8 FORCED TO STAY IN CHICKEN POSITION (COMPROMISING POSITION)

Grade	NA	No	Yes	Grand Total
Grade 9	13	31	28	72
Grade 8	7	20	29	56
Grade 10	9	55	32	96
Grade 7		1	1	2
Grade 12		2	3	5
Grade 11		4	7	11
Grand Total	29	113	100	242

3.2.9 MADE TO KEEP STANDING ON A DESK

Grade	NA	No	Yes	Grand Total
Grade 9	13	33	26	72
Grade 8	7	32	17	56
Grade 10	9	54	33	96
Grade 7		1	1	2
Grade 12		1	4	5
Grade 11		8	3	11
Grand Total	29	129	84	242

3.2.10 KICKED OUT OF THE CLASS

Grade	NA	No	Yes	Grand Total
Grade 9	13	16	43	72
Grade 8	7	5	44	56
Grade 10	9	31	56	96
Grade 7		2		2
Grade 12		2	3	5
Grade 11		5	6	11
Grand Total	29	61	152	242

3.2.11 ASSIGNED TO WRITE OR DO HOMEWORK THEN NECESSARY

Grade	NA	No	Yes	Grand Total
Grade 9	13	42	17	72
Grade 8	7	31	18	56
Grade 10	9	63	24	96
Grade 7		2		2
Grade 12		2	3	5
Grade 11		8	3	11
Grand Total	29	148	65	242

3.2.12 HAIR CUT OFF AGAINST WILL

Grade	NA	No	Yes	Grand Total
Grade 9	13	36	23	72
Grade 8	7	27	22	56
Grade 10	9	61	26	96
Grade 7		2		2
Grade 12		3	2	5
Grade 11		4	7	11
Grand Total	29	133	80	242

3.2.13 FINED CASH

Grade	NA	No	Yes	Grand Total
Grade 9	13	48	11	72
Grade 8	7	35	14	56
Grade 10	9	71	16	96
Grade 7		2		2
Grade 12		1	4	5
Grade 11		7	4	11
Grand Total	29	164	49	242

3.2.14 FORCED TO SIT AMONG CLASSMATES OF THE OPPOSITE SEX

Grade	NA	No	Yes	Grand Total
Grade 9	13	50	9	72
Grade 8	7	38	11	56
Grade 10	9	77	10	96
Grade 7		2		2
Grade 12		3	2	5
Grade 11		6	5	11
Grand Total	29	176	37	242

3.2.15 FORCING TO CHEW INEDIBLE LIKE PAPER, SOIL ETC.

Grade	NA	No	Yes	Grand Total
Grade 9	13	55	4	72
Grade 8	7	45	4	56
Grade 10	9	84	3	96
Grade 7		2		2
Grade 12		4	1	5
Grade 11		11		11
Grand Total	29	201	12	242

3.2.16 PROHIBITED ENTRY TO CLASS

Grade	NA	No	Yes	Grand Total
Grade 9	13	49	10	72
Grade 8	7	32	17	56
Grade 10	9	69	18	96
Grade 7		2		2
Grade 12		4	1	5
Grade 11		7	4	11
Grand Total	29	163	50	242

3.2.17 PROHIBITED COMING TO SCHOOL FOR FEW DAYS

Grade	NA	No	Yes	Grand Total
Grade 9	13	44	15	72
Grade 8	7	31	18	56
Grade 10	9	68	19	96
Grade 7		2		2
Grade 12		3	2	5
Grade 11		6	5	11
Grand Total	29	154	59	242

3.2.18 RUSTICATED FROM SCHOOL

Grade	NA	No	Yes	Grand Total
Grade 9	13	46	13	72
Grade 8	7	36	13	56
Grade 10	9	69	18	96
Grade 7		2		2
Grade 12		4	1	5
Grade 11		5	6	11
Grand Total	29	162	51	242

3.2.19 BODY DISFIGURED (BLACK MOSS OR INK SMEAR, TAIL MADE ETC.)

Grade	NA	No	Yes	Grand Total
Grade 9	13	53	6	72
Grade 8	7	46	3	56
Grade 10	9	84	3	96
Grade 7		2		2
Grade 12		5		5
Grade 11		8	3	11
Grand Total	29	198	15	242

D. REASONS FOR PUNISHMENT:

3.3.1 HOME WORK NOT DONE

Homework not done	NA	No	Yes	Grand Total
No	29			29
Yes		45	168	213
Grand Total	29	45	168	242

3.3.2 LATE ARRIVAL AT SCHOOL

Grade	NA	No	Yes	Grand Total
Grade 9	13	26	33	72
Grade 8	7	29	20	56
Grade 10	9	49	38	96
Grade 7			2	2
Grade 12		3	2	5
Grade 11		9	2	11
Grand Total	29	116	97	242

3.3.3 NO PAYING ATTENTION IN THE CLASSROOM

Grade	NA	No	Yes	Grand Total
Grade 9	13	25	34	72
Grade 8	7	15	34	56
Grade 10	9	38	49	96
Grade 7		2		2
Grade 12		4	1	5
Grade 11		10	1	11
Grand Total	29	94	119	242

3.3.4 ENGAGING IN A QUARREL WITH FRIENDS

Grade	NA	No	Yes	Grand Total
Grade 9	13	21	38	72
Grade 8	7	13	36	56
Grade 10	9	37	50	96
Grade 7		2		2
Grade 12		1	4	5
Grade 11		6	5	11
Grand Total	29	80	133	242

3.3.5 INSULTED THE TEACHERS

Grade	NA	No	Yes	Grand Total
Grade 9	13	43	16	72
Grade 8	7	28	21	56
Grade 10	9	67	20	96
Grade 7		1	1	2
Grade 12		5		5
Grade 11		10	1	11
Grand Total	29	154	59	242

3.3.6 SCHOOL BUNKED

Grade	NA	No	Yes	Grand Total
Grade 9	13	37	22	72
Grade 8	7	41	8	56
Grade 10	9	71	16	96
Grade 7		2		2
Grade 12		5		5
Grade 11		9	2	11
Grand Total	29	165	48	242

3.3.7 UNPUNCTUAL TO WEAR SCHOOL UNIFORM OR DIRTY APPEARANCE

Grade	NA	No	Yes	Grand Total
Grade 9	13	33	26	72
Grade 8	7	26	23	56
Grade 10	9	61	26	96
Grade 7		1	1	2
Grade 12		4	1	5
Grade 11		10	1	11
Grand Total	29	135	78	242

3.3.8 NEGLIGENCE IN PERSONAL CLEANLINESS

Grade	NA	No	Yes	Grand Total
Grade 9	13	28	31	72
Grade 8	7	20	29	56
Grade 10	9	57	30	96
Grade 7		1	1	2
Grade 12		4	1	5
Grade 11		10	1	11
Grand Total	29	120	93	242

3.3.9 RUINED OR DESTROYED SCHOOL'S PROPERTY

Grade	NA	No	Yes	Grand Total
Grade 9	13	40	19	72
Grade 8	7	33	16	56
Grade 10	9	68	19	96
Grade 7		1	1	2
Grade 12		4	1	5
Grade 11		11		11
Grand Total	29	157	56	242

3.3.10 CONSUMING TOBACCO OR OTHER PROHIBITED MATERIALS

Grade	NA	No	Yes	Grand Total
Grade 9	13	39	20	72
Grade 8	7	36	13	56
Grade 10	9	71	16	96
Grade 7		2		2
Grade 12		5		5
Grade 11		10	1	11
Grand Total	29	163	50	242

3.3.11 OTHER REASONS

Grade	NA	No	Yes	Grand Total
Grade 9	13	40	19	72
Grade 8	7	34	15	56
Grade 10	9	65	22	96
Grade 7		2		2
Grade 12		5		5
Grade 11		10	1	11
Grand Total	29	156	57	242

E. EFFECTS OF CORPORAL PUNISHMENT:

3.5.1 DON'T LIKE GOING TO SCHOOL

Grade	NA	No	Yes	Grand Total
Grade 9	11	33	28	72
Grade 8	7	25	24	56
Grade 10	8	61	27	96
Grade 7		2		2
Grade 12		1	4	5
Grade 11		5	6	11
Grand Total	26	127	89	242

3.5.2 RELUCTANCE TO STUDY OR DETERIORATION OF STUDY CONDITION

Grade	NA	No	Yes	Grand Total
Grade 9	11	27	34	72
Grade 8	7	31	18	56
Grade 10	8	57	31	96
Grade 7		2		2
Grade 12		3	2	5
Grade 11		6	5	11
Grand Total	26	126	90	242

3.5.3 DROPPING OUT OF SCHOOL OR NOT BEING REGULAR

Grade	NA	No	Yes	Grand Total
Grade 9	11	43	18	72
Grade 8	7	32	17	56
Grade 10	8	69	19	96
Grade 7		2		2
Grade 12		4	1	5
Grade 11		9	2	11
Grand Total	26	159	57	242

3.5.4 GETTING ANGRY, WANTING TO BE ALONE, NOT WANTING TO TALK TO ANYONE

Grade	NA	No	Yes	Grand Total
Grade 9	3	58	11	72
Grade 8	2	39	15	56
Grade 10	2	71	23	96
Grade 7		1	1	2
Grade 12		4	1	5
Grade 11		7	4	11
Grand Total	7	180	55	242

3.5.6 GOING TO SCHOOL REGULARLY

Grade	NA	No	Yes	Grand Total
Grade 9	11	33	28	72
Grade 8	7	27	22	56
Grade 10	8	60	28	96
Grade 7		1	1	2
Grade 12		3	2	5
Grade 11		8	3	11
Grand Total	26	132	84	242

3.5.7 PAYING ATTENTION IN CLASS

Grade	NA	No	Yes	Grand Total
Grade 9	11	32	29	72
Grade 8	7	20	29	56
Grade 10	8	44	44	96
Grade 7		2		2
Grade 12		3	2	5
Grade 11		7	4	11
Grand Total	26	108	108	242

3.5.8 DOING HOMEWORK REGULARLY

Grade	NA	No	Yes	Grand Total
Grade 9	11	31	30	72
Grade 8	7	19	30	56
Grade 10	8	50	38	96
Grade 7		1	1	2
Grade 12		4	1	5
Grade 11		9	2	11
Grand Total	26	114	102	242

3.5.9 FURTHER IMPROVED EDUCATIONAL CONDITIONS

Grade	NA	No	Yes	Grand Total
Grade 9	11	29	32	72
Grade 8	7	19	30	56
Grade 10	8	46	42	96
Grade 7		2		2
Grade 12		4	1	5
Grade 11		7	4	11
Grand Total	26	107	109	242

A SURVEY ON CORPORAL PUNISHMENT OF CHILDREN IN NEPAL

OM LEGAL STUDY AND RESEARCH CENTRE, AND LEGAL LITERACY - NEPAL

STUDENT SURVEY FORM – 2023

Note: The purpose of this survey is to find out the situation of corporal punishment of children in Nepal and work to eliminate it, so please provide accurate information as much as possible. Your identification will be kept confidential.

1. Personal Details of Informant:

1.1 Name of the informant (Optional): _____

Sex: Women Man Others

1.2 Age: _____ Year _____ Class _____

1.3 Name of the school: _____

1.4 Address: _____ Rural/Municipality, Sub/Metrocity

Ward No: _____ District: _____

1.5 Teacher's Consent for Interview: _____ Signature _____

1.6 Parents' name and Phone No. (Optional): _____

2. Information about legal provisions against corporal punishment in Nepal?

2.1 Do you know that children under 18 years age are considered juvenile in Nepal?

Yes No Just Knew about it

2.2 Do you know that Article 39 of the Constitution has guaranteed the rights of children?

Yes No Just know about it

2.3 Do you know that Article 39 (7) of the Constitution has prohibited corporal punishment of children?

Yes No Just knew about it

2.4 Do you know that in Section 191 of Chapter-14 of the National Penal (Code) Act 2017, no one should beat anyone, if they do, they can be punished with imprisonment for 3 years or a fine up to fifty thousand rupees or both?

Yes No Just knew about it

2.5 Do you know that Section 72 of the Children's Act 2075 provides that if corporal punishment is given to children or act against the welfare of children, monetary fine or imprisonment or both can be slammed?

Yes No Just knew about it

3. Student's experience on corporal punishment

3.1 Have to ever been punished?

Yes No

3.2 If yes, what kind of punishment have you received or seen, among the following?

3.2.1 Beating with a stick, scale or other objects

3.2.2 Slapping or beating by using body parts

3.2.3 Pinching ears, pinching hair, causing injury

- 3.2.4 Placing a pencil or other objects between fingers
and pressing
- 3.2.5 Made to sit up and down by holding the ear
- 3.2.6 Indulging in unnecessary physical exercise
- 3.2.7 Made to undress in front of everyone
- 3.2.8 Forced to stay in chicken position
- 3.2.9 Made to keep standing on a desk
- 3.2.10 Kicked out of the class
- 3.2.11 Assigned to write or do homework then necessary
- 3.2.12 Hair cut off against will
- 3.2.13 Fined cash
- 3.2.14 Forced to sit among classmates of the opposite sex
- 3.2.15 Forcing to chew inedible like paper, soil etc.
- 3.2.16 Prohibited entry through the school gate
- 3.2.17 Prohibited coming to school for a few days
- 3.2.18 Rusticated from school
- 3.2.19 Body disfigured (black moss or ink smear, tail
made etc.)
- 3.2.20 If any other forms of punishment has been given,
please write here
- 3.3 How many times have you faced punishment?
- 3.3.1 I have faced or seen it a couple of times
- 3.3.2 I have faced or seen it many times
- 3.3.3 I have not faced or seen such punishment
- 3.4 If you have been punished, have you experienced any of the
following consequences?
- 3.4.1 Don't like going to school

- 3.4.2 Reluctance to study or deterioration of study condition
- 3.4.3 Dropping out of school or not being regular
- 3.4.4 Getting angry, wanting to be alone, not wanting to talk to anyone
- 3.4.5 Feeling ashamed, embarrassed or humiliated
- 3.4.6 Going to school regularly
- 3.4.7 Paying attention in class
- 3.4.8 Doing homework regularly
- 3.4.9 Further improved educational conditions
- 3.4.10 Any others _____

3.5 Has the teacher apologized to you for punishing you?

Yes No

3.6 If so, did you feel that your mental state was normal after the teacher apologized?

Yes No

4. Do you want to mention anything else about punishment?

5. What suggestions do you have for banning punishment?

6. Consent:

6.1 Which of the following methods do you consider suitable for mentioning your name or changed name while preparing the report?

6.1.1 No objection even if the real name
is mentioned

6.1.2 I agree to mention the changed name

Signature of respondent

7. Any other matters that occurred to the surveyor while interviewing the respondent concerned about the penalty

Name of Surveyor: _____

Name of the organization: _____

Mobile No: _____

Date of Interview: _____

Signature: _____

**OM LEGAL STUDY AND RESEARCH CENTRE, AND
LEGAL LITERACY - NEPAL
TEACHERS' SURVEY FORM – 2023**

Note: The purpose of this survey is to find out the situation of corporal punishment of children in Nepal and work to eliminate it, so please provide accurate information as much as possible. Your identification will be kept confidential.

1. Personal Details of Information:

1.1 Name of the informant (Optional): _____

Sex: Women Man Others

1.2 Age: _____ Year _____ Position _____

1.3 Name of the school: _____

1.4 Address: _____ Rural/Municipality, Sub/Metrocity

Ward No: _____ District: _____

1.5 Contact Number: _____

1.6 Parents' name and Phone No. (Optional): _____

2. Information about legal provisions against physical and mental punishment of students in schools:

2.1 Do you know that children under 18 years age are considered juvenile in Nepal?

Yes No Just Knew about it

2.2 Do you know that Article 39 of the Constitution has guaranteed the rights of children?

Yes No Just know about it

2.3 Do you know that Article 39 (7) of the Constitution has prohibited corporal punishment of children?

Yes No Just knew about it

2.4 Do you know that in Section 191 of Chapter-14 of the National Penal (Code) Act 2017, no one should beat anyone, if they do, they can be punished with imprisonment for 3 years or a fine up to fifty thousand rupees or both?

Yes No Just knew about it

2.5 Do you know that Section 72 of the Children's Act 2075 provides that if corporal punishment is given to children or act against the welfare of children, monetary fine or imprisonment or both can be slammed?

Yes No Just knew about it

3 Teacher's experience about the situation of punishment on students:

3.1 Have you ever seen a student being punished or punished?

Yes No

3.2 If so, what kind of punishment have you seen or done among the following?

- 3.2.1 Beating with a stick, scale or other objects
- 3.2.2 Slapping or beating by using body parts
- 3.2.3 Pinching ears, pinching hair, causing injury
- 3.2.4 Placing a pencil or other objects between fingers and pressing
- 3.2.5 Made to sit up and down by holding the ear
- 3.2.6 Indulging in unnecessary physical exercise
- 3.2.7 Made to undress in front of everyone
- 3.2.8 Forced to stay in chicken position
- 3.2.9 Made to keep standing on a desk
- 3.2.10 Kicked out of the class
- 3.2.11 Assigned to write or do homework then necessary
- 3.2.12 Hair cut off against will
- 3.2.13 Fined cash
- 3.2.14 Forced to sit among classmates of the opposite sex
- 3.2.15 Forcing to chew inedible like paper, soil etc.
- 3.2.16 Prohibited entry through the school gate
- 3.2.17 Prohibited coming to school for a few days

- 3.2.18 Rusticated from school
- 3.2.19 Body disfigured (black moss or ink smear, tail made etc.)
- 3.2.20 If any other forms of punishment has been given, please write here.

3.3 How many times have you given such a punishment?

- 3.3.1 I have seen it given a couple of times
- 3.3.2 I have seen it given many times
- 3.3.3 Such a punishment has not been seen

3.4 Have you experienced any of the following effects on students if punishment was given?

- 3.4.1 Don't like to come to school
- 3.4.2 Reluctance to study or deterioration of study condition
- 3.4.3 Dropping out of school or not being regular
- 3.4.4 Getting angry, wanting to be alone, not wanting to talk to anyone
- 3.4.5 Feeling ashamed, embarrassed or humiliated
- 3.4.6 Going to school regularly
- 3.4.7 Paying attention in class
- 3.4.8 Doing homework regularly

3.4.9 Further improved educational conditions

3.4.10 Any others: _____

3.5 Did you face any administrative or legal action for punishing the student?

Yes No

3.6 If so, in what agency was such action taken?

3.6.1 Administrative action was taken in the concerned institution

3.6.2 In the judicial committee or in the village society

3.6.3 in court

3.6.4 In other institutions

3.7 Was any of the following penalties imposed after the disciplinary process?

3.7.1 Imprisonment

3.7.2 penalty

3.7.3 Suspension for a specified period, warning or apology

3.7.4 Other _____

4. What is the current trend of punishment practice?

4.1 The traditional practice of punishment continues unabated

- 4.2 There has been a decline in the practice of such punishment
- 4.3 Currently, the practice of punishing has stopped

5. What efforts have been made in the recent period to end the practice of punishment?

- 5.1 Institutionally, rules and guidelines have been developed
- 5.2 circularized letter
- 5.3 Informal warning is given
- 5.4 Organize training and orientation on alternative measures
- 5.5 Minimizing punishment by following the teacher's code of conduct
- 5.6 The concept of child-friendly schools has been promoted
- 5.7 There is nothing like that
- 5.8 Others _____

6. What is the difference between your childhood and the current situation regarding the prevailing punishment?

7. Consent:

7.1 Which of the following methods do you consider suitable for mentioning your name or changed name while preparing the report?

7.1.1 No objection even if the real name is mentioned

7.1.2 I agree to mention the changed name

Signature of respondent

8. Any other matters that occurred to the surveyor while interviewing the respondent concerned about the penalty

Name of Surveyor: _____

Name of the organization: _____

Mobile No: _____

Date of Interview: _____

Signature: _____

Legal Literacy - Nepal (LLN) was established in 2023 by a group of young, energetic, and experienced professionals in the field of law, human rights, and social work.

The organization is working to promote the rule of law and human rights standards in Nepal. It aims to achieve this objective by enhancing legal literacy and developing access to justice for children, women, and people from marginalized communities. The organization focuses on children's rights and juvenile justice, including their rights to quality education, to be safe from corporal punishment, to have a safe learning environment, to equal and fair treatment and full enjoyment of human rights, etc.

To achieve its mission, vision, goal, and objectives, the organization works with children's clubs, Child Correction Homes, schools, teachers, wardens, parents/guardians, and marginalized communities, as well as federal, provincial, and local government entities, courts, public prosecutors' offices, Bar Associations, Local Judicial Committees, the Nepal Police, and likeminded national and international organizations.

The organization files Public Interest Litigation (PIL) for policy and institutional reform for the protection and promotion of human rights in Nepal.



Legal Literacy - Nepal

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