**CHILD ABUSE OF CHILDREN IN SCHOOL**

When it comes to sending a child to school, it is a fact that every parent believes that their child is to be treated well. However, there has always been the evil of child abuse lingering around in schools, despite most schools having measures against teachers or faculty members who try to hit children. Imparting discipline, apart from education is an important aspect of every school, however the method of teaching a child discipline often comes with the child becoming a victim of abuse. Often, even the act of showing grievances by a child amounts to him or her getting punished. Apart from physical abuse, most children are tormented mentally by verbal means which often affect their well-being as a whole. Many schools have teachers who start giving labels to certain children who do not perform too well, often cornering such children and mistreating to the point other children start with mistreating such children too. The Juvenile Justice Act (Care and Protection of Children) Act 2015 provides a set of principles that primarily state that any act done by a child is done without the presence of any mens rea or a bad intention, thus implying that any favourable situation caused by a child must be treated in a sensitive manner without subjecting the child to any sort of punishment which can harm them.

Discipline in school is an important part of the curriculum, but the way in which it is imparted is an extremely significant factor. Corporal punishment is miles away from being the appropriate way of dealing with children who are unable to follow the disciplinary rules that a school comes up with. Corporal punishments have remained a way of treating children manners and for centuries, different odd forms of corporal punishments like hanging some errant children upside down have been major techniques. Methods like using a ruler to hit the hands of an unruly child, asking children to kneel down in front of the gate, getting slapped for not wearing socks are practices that have existed in schools for a prolonged period of time and continue to exist in a number of schools. It is an unsaid fact that no religion or right of parenthood gives any teacher or parent the legal authority to inflict measures of corporal punishment on children that may damage their later years, both physically and mentally. Such punishments have been segregated into physical punishments, emotional punishments, and negative reinforcements.

Physical punishment includes modes such as:

* Making a child do sit ups
* Making them stand for the whole day in the sun
* Twisting the ears
* Making children kneel down and do classwork, etc.

Emotional punishments include modes like:

* Getting scolded, abused and humiliated
* Suspending the child for a few days
* Pin-pointing a particular student and humiliating him/her
* Making a child stand at the back of the class and making them complete work

Negative reinforcements include:

* Giving detention to the child during lunch and breaks
* Locking them up in a dark room
* Calling for parents for unreasonable matters and asking for explanatory letters from children
* Deducting marks and threatening to give a TC to the child
* Treating three days of coming late as an equivalent to one absent

Punishments may prevent a child from repeating the same act for which they got punished, but it does not improve their understanding of the situation or help them in any sort of personal growth.

Article 28(2) of the Convention of Child Rights 1989 provides that punishments given in schools should be given in a manner which is consistent with the child’s dignity and their personal development. Article 28 in this Act says that education is a right and article 29 provides that the basics of school education is to allow children to develop their mental and physical capabilities to the fullest potential. Article 3, 18 and 36 of the Convention deals with the responsibility of parents to exercise any sort of authority on their children. Article 19 of the Convention also protects children from all sorts of physical and mental abuse and it imposes an obligation on member states to protect children from all sorts of violence, injury and abuse. Hence, any sort of abuse towards children can be reported under the Convention of Child Rights, 1989 and the Juvenile Justice Act, 2005, which provides protection to juveniles from any sort of mistreatment.

Law does not agree with punishment to an excessive degree where it violates a person’s fundamental right. Corporal punishment is not the answer to treating children to any form of teaching where they are taught discipline. Often punishments given in school, that are to harsh on the child, leads to creation of anger and resentment and later creates a vengeful personality in the child. The law and legal system as a whole intends to protect children from punishments as there is the principle of innocence that holds a child innocent and incapable of understanding the kind of punishments being put forth them. Children under seven years are exempted from criminal liability and any act done by them cannot be treated as an offense. This simply amounts to the fact that any act done by them cannot amount to a corporal punishment even under several penal provisions placed under doliincapaxi. Also, a child cannot be a subject to any ordinary methods of physical punishments including imprisonment for the offences relating to their age and being incapable of formulating any sort of malicious intentions. Hence, being a student and having a committed a wrong of merely not following rules such as of not doing homework or violating a dress code in schools, should not serve as a mode of inviting any form of corporal punishment.Section 88 of the Indian Penal Code, 1860, protects an act which is not intended to cause death, done by consent in good faith for person's benefit, and the notion of master chastising pupil fall under this clause. A head master or teacher who administers in good faith a moderate and reasonable corporal punishment to a pupil to enforce discipline in school is protected by this section and such an act is not crime under Section 323.Section 89 of Indian Penal Code also protects an act by guardian or by consent of guardian done in good faith for benefit of child under 12 years. However, the same section puts forth an exception that says that the acts will not extend to cause death, or attempting to cause death, or cause cause any kind of grievous hurt. These provisions extend to teachers having quasi-parental authority i.e., consent or delegation of authority from parents that also come several with exceptions. Things like using excessive force, causing serious injury, the purpose being very unreasonable can turn the act of the guardian or teacher with the consent of guardian, an offence, because such incidents are outside the scope of good faith.

Section 23 of the Juvenile Justice Act, 2000 provides punishment for any kind of cruelty towards juveniles or children. Whoever has the actual charge of or authority over a juvenile or the child ends up assaulting, abandoning, exposing or willfully neglects the juvenile or causes or procures him/her to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child any unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both.This section has no exceptions towards exempting parents or teachers from punishment. Though it is intended to punish cruelty by those in authority, it equally applies to parents and teachers also. The whole purpose of the Juvenile Justice Act 2000, is to focus on the objectives and rights enshrined in Convention on Child Rights which include separation of juveniles in conflict with law from ordinary judicial proceedings to avoid corporal punishment.In the case ofTilak Raj of Chandigargh v. Haryana School Education Board, Bhiwani, the State Commission observed that the imparting of education is not sovereign function and so it is a service. Whether inflicting corporal punishment unreasonably is "deficiency in service" is straightly not answered so far in any case, was questioned in this.

There should be no use of means that are so humiliating to a child that it harms their physical and mental well-being. Usage of corporal punishments impose a strain on children of cut-throat competitions where they are forced to either do things the correct way or to be better than the others, otherwise they are subjected to punishments that harm them. Suicide among adolescents is a common situation currently, solely due to the imposition of corporal punishments. Corporal punishments should be abolished as a whole with the proper implementation of laws and timely reports of commission of such punishments on children by people, especially teachers in schools who have a minimal amount of authority over children.