



Child Safety and Protection

Manual

This documents aims at creating awareness about Child Sexual Harassment at the schools levels and serve as guide to both Parents and Students on the Laws that are in place to protect children from Abuse & Harassment.

The recent years have seen more caution towards sexual crimes on Minors and yet there are repeated incidents of harassment across schools which makes it imperative for more education on this.

This Document shall cover the Following attributes to enlighten parents & students on the Child Protections Rights & Laws :

1. Harassment and Abuse – Its forms
2. Perceptions on Corporal Punishment
2. Long-term Consequences of Corporal Punishment
3. Definition of Corporal Punishment
- 4 Legal Basis
- 5 The Vels Initiatives
6. Guidelines for positive engagement with children

Harassment and Abuse – Its forms

All forms of corporal punishment including sexual abuse are harmful to the child. Currently, there is no statutory definition of corporal punishment of children in Indian law. Definition of corporal punishment can at best only be indicative. In keeping with the provisions of the RTE Act, 2009, corporal punishment could be classified as physical punishment, mental harassment and discrimination.

1. Bullying

Bullying is a deliberate or intentional behavior using words or actions intended to cause fear, intimidation, or harm. Bullying may be repeated behavior and involves an imbalance of power. The behavior may be motivated by an actual or perceived distinguishing characteristic such as age, national origin, race, ethnicity, religion, gender, gender identity, sexual orientation, physical attributes, physical or mental ability or disability, and social, economic, or family status.

Bullying behavior can be:

- Indirect (such as spreading rumors, intimidation through gestures, social exclusion, or Sending insulting messages or pictures)
- Physical (such as assault, hitting, punching, kicking, theft or threatening behavior)
- Power imbalance (such as someone taking power over someone else)
- Punitive (aimed at hurting or punishing targeted individuals)

2. Cyber-bullying

Cyber bullying means bullying through the use of ‘electronic communication’. Electronic Communication means the communication of written, verbal, or pictorial information through electronic devices, including telephones, cellular phones, computers, or any other means of communication.

3. Sexting

Sexting is the act of sending sexually explicit messages or photographs, primarily between cellular phones. Sexting that involves teenagers sending explicit photographs of themselves to their peers has led to a legal gray area in countries that have strict anti-child pornography laws.

Perceptions on Corporal Punishment

- Punishing children is regarded as normal and acceptable in all settings – whether in the family or institutions. It is often considered necessary in order that children grow up to be competent and responsible individuals.

- It is widely used by teachers and parents regardless of its evident lack of effectiveness, and potentially deleterious side-effects. Its very ineffectiveness tends to result in an escalation spiral which then leads to both a culture of rationalization by those in authority and passive acceptance of the situation as evidence of ‘caring’ by children.
- So pervasive is the justification of corporal punishment that a child may not think her/his rights have been infringed upon. Even if the punishment hurts, the child does not feel the importance of reporting the incident.
- Therefore there are layers of beliefs and practices that cloak corporal punishment under the guise of love, care and protection, when it is actually an abuse of authority that harms the child.
- This follows from the belief that those in whose care children are entrusted in school or other institutions are ‘in loco parentis’ and will therefore always act in the interests of the child. This notion needs to be reviewed in the light of the Widespread violence that exists in all institutions occupied by children.

Long-term Consequences of Corporal Punishment

- It is now globally recognized that punishment in any form or kind in school comes in the way of the development of the full potential of children.
- When adults use corporal punishment it teaches their children that hitting is an acceptable means of dealing with conflict. The more children are hit, the more is the anger they report as adults and consequently the more they hit their own children when they are parents, and the more likely they are to approve of hitting.
- Corporal punishment leads to adverse physical, psychological and educational outcomes – including increased aggressive and destructive behavior, increased disruptive behavior in the classroom, vandalism, poor school achievement, poor attention span, increased drop-out rate, school avoidance and school phobia, low self-esteem, anxiety, somatic complaints, depression,

suicide and retaliation against teachers – that emotionally scar the children for life.

- Children subjected to punishment prefer aggressive conflict resolution strategies with peers and siblings and they do not consider it a violation of their rights.
- There is an association between corporal punishment meted out to children and maladaptive behavior patterns in later life, such as aggression and delinquency.
- The effects of various forms of mental harassment or psychological maltreatment have shown that combinations of verbal abuse and emotional neglect tend to produce the most powerfully negative outcomes; (b) psychological maltreatment is a better predictor of detrimental developmental outcomes for young children than the severity of physical injury experienced by them; (c) it is the indicator most related to behavior problems for children and adolescents; and (d) psychological abuse is a stronger predictor of both depression and low self-esteem than physical abuse.
- Chronic pattern of psychological maltreatment destroys a child's sense of self and personal safety.
- Subtle and overt forms of discrimination are also known to have a negative effect on the emotional and intellectual health of children.
- In recognition of the harmful consequences of corporal punishment on the child, the General Comment on corporal punishment stated that, “There is no ambiguity: ‘all forms of physical or mental violence’ does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them.”

Legal Basis:

International Law

- Article 28(2) of UN CRC requires the State parties to “take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.”
- Similarly, Article 29(1) (b) of the Convention emphasizes that the “State parties agree that the education of the child shall be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations”.
- Further, Article 37(a) of UN CRC requires States Parties to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.
- This is complemented by Article 19(1) of the Convention, which 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.” Article 19(2) lays down that– “Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”

Relevant Constitutional Provisions

Article 21 of the Constitution of India which protects the right to life and dignity includes the right to education for children up to 14 years of aged. Corporal punishment amounts to abuse and militates against the freedom and dignity of a child. It also interferes with a child's right to education because fear of corporal punishment makes children more likely to avoid school or to drop out altogether. Hence, corporal punishment is violative of the right to life with dignity.

Article 21A of the Constitution provides that “the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.” This fundamental right has been actualized with the enactment of Right of Children to Free and Compulsory Education Act, 2009.

Article 39(e) directs the State to work progressively to ensure that “... the tender age of children are not abused”.

Article 39(f) directs the State to work progressively to ensure that “children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

Indian Penal Code (IPC)

Several provisions of the Indian Penal Code (IPC) relating to varying degrees of physical harm and intimidation can be used to prosecute perpetrators of corporal punishment against children in an institutional setting. These include, inter alia:

Section 305: Abetment of suicide committed by a child;

Section 323: Voluntarily causing hurt;

Section 325: Voluntarily causing grievous hurt;

Section 326: Voluntarily causing hurt by dangerous weapons or means;

Section 352: Assault or use of criminal force otherwise than a grave provocation;

5.3.6 Section 354: Outraging the modesty of a woman;

5.3.7 Section 506: Criminal intimidation;

5.3.8 Section 509: Word, gesture or act intended to insult the modesty of a woman;

5.3.9 Till recently, the provisions of Sections 88 and 89 of the IPC were invoked to explain the power teachers exercised when inflicting corporal punishment. These two provisions in the chapter on ‘General Exceptions’ cover harms that may be caused without penal consequence.

Section 88 exempts an act from being treated as an offence when the harm was caused “to any person for whose benefit it is done in good faith”. Section 89 exempts acts “done in good faith for the benefit of a person under 12 years of age ... by or by consent, either express or implied, of the guardian or other person having lawful charge of that person.” However, contrary to Sections 88 and 89 of the IPC, the Gujarat High Court in its judgement *Hasmukhbhai Gokaldas Shah v. State of Gujarat*, 17 November 2008, has clearly stated that “corporal punishment to child in present days ... is not recognized by law”. Further, India is a State Party to the Convention on the Rights of the Child. The standard of ‘the best interests of the child’ is now a part of domestic law. In 2006, the Committee on the Rights of the Child explained this obligation further when it reiterated, in General Comment “the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”.

In theory, corporal punishment is covered by all the provisions under Indian law that punish perpetrators of physical harm. While these provisions make no distinction between adults and children, in practice, corporal punishment in schools and other institutions tends not to be prosecuted because it is widely accepted socially and regarded as legitimate. So the provisions highlighted in this section, the criminal provisions in particular, have the potential to be used in situations of corporal punishment, but rarely are.

The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which has come into force with effect from 1 April 2010, prohibits ‘physical punishment’ and ‘mental harassment’ under Section 17(1) and makes it a punishable offence under Section 17(2). These provisions read as follows:

Prohibition of physical punishment and mental harassment to child– No child shall be subjected to physical punishment or mental harassment.

1. Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.
2. Sections 8 and 9 of the RTE Act place a duty on the appropriate Government and the local authority to “ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds”.
3. The RTE Act does not preclude the application of other legislation that relates to the violations of the rights of the child, for example, booking the offenses under the IPC and the SC and ST Prevention of Atrocities Act of 1989.
4. The Juvenile Justice (Care and Protection of Children) Act, 2000³The Juvenile Justice (Care and Protection of Children) Act, 2000 is an important statute that criminalises acts that may cause a child mental or physical suffering.
5. Section 23 of the JJ Act, 2000 states as follows: “Whoever, having the actual charge of, or control over, a juvenile or the child, assaults, abandons, exposes or willfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both.”
6. Section 23 covers the actions of anyone who has “actual charge or control over” a child. While Section 23 is likely to be applied most often to personnel

in childcare institutions regulated by the JJ Act, it arguably applies to cruelty by anyone in a position of authority over a child, which would include parents, guardians, teachers and employers.

7. Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989
Some provisions of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 can be used to prosecute an adult in the general category who inflicts corporal punishment upon a scheduled caste or scheduled tribe child.
8. Protection of Civil Rights Act, 1955 - Various provisions of the Protection of Civil Rights Act, 1955 can be used to prosecute a person/manager/trustee as well as warrant resumption or suspension of grants made by the Government to the educational institution or hostel on the ground of untouchability.

Vel's Initiatives:

- 1) Vels Group of Institutions has taken measures to create this policy document keeping in mind the recent developments, with the focus being given to Child Protection & Safety.
- 2) The POCSO (Prevention of Child Sexual Offense) act passed in 2012 aimed at protecting child from the offenses of Sexual assault, Sexual harassments and pornography, giving every child the opportunity of process of reporting, recording of evidence, investigation and
- 3) Keeping in mind the above act, Vels Group of Schools have taken this early initiative to unfold the following strict measures that will be implemented henceforth.
- 4) The school complaint committee has been formed in each of the schools with Principal as the lead and its members being, the Vice Principals, Co-ordinators, one male and female teaching staff each, one male and female student each along with the Head Boy and Head Girl. The School has already a qualified Counsellor

appointed as mandated by the bye laws who will be available and accessible by the students in the school campus on all working days.

- 5) The school has established mechanism in place for any student who is subjected to any form of child abuse to immediately report to a teacher, a friend or any school administrator (whomever the child feels comfortable to reach out to) to share even the smallest form of abuse.
- 6) All the cases reported will be escalated to the 'School Compliance Committee (SCC)' keeping in confidence the victim and the reporter.
- 7) The Committee will then probe into the case and make thorough investigations with the people involved and take very strong measures against the accused and if need be, even dispel them from the Organization if the allegations are proven to be true.
- 8) The cases will be documented and the committee members will comply with the collective decision taken in concurrence with each other against the offender.
- 9) The School will also take measures to create awareness amongst children starting from Kindergarten to Grade XII through workshops related to 'good touch and bad touch' and other relevant topics.
- 10) The School will also take other measures like creating 'Vigilant Monitors' (block-wise), to monitor the behaviour of the students and staff helping the members to be mindful of their activities and refrain from activities like eve teasing and bullying.
- 11) Lady helpers will be posted at the entrance of the Restrooms to make sure that there is an orderly use of restrooms.
- 12) The school will make sure that the students use the school buses in an orderly manner. Proper background checks will be done for Drivers, Attenders and Conductors before recruitment for having clean records. Any sort of abuse during travel amongst students or between students and staff will be considered seriously and strict measures will be taken keeping the concerned stakeholders well

informed. If a staff is found guilty of bad conduct it will result in immediate dismissal from employment.

- 13) In case the victim being our school student goes to the police launching a complaint against the offender being a staff or student of the Organisation we will comply with the Child welfare Committee and within 24 hours the enquiry will be arranged causing very little distress to the victim and in case of a female child in the presence of a female doctor, parent and presence of any other person whom the child trusts will be ensured.
- 14) The Child Welfare Committee (CWC) cover almost every known form of sexual abuse against children as punishable offences and makes the different agencies of the State such as police judiciary and child protection machinery, collaborators in securing justice for a sexually abused child.
- 15) The school in compliance with the above act will provide a child friendly that judicial process to any child who is a victim of any kind of sexual abuse to report the offence and seek redress for their suffering as well as obtain counseling assistance in overcoming their trauma. The school will in turn not only investigate the complaint but punish those who abuse and exploit the innocent victims and also prove the school to be an effective deterrent in curbing the occurrence of these offenses.
- 16) The child safety and protection at VELs will ensure the following :-
 - a) Right to life and survival.
 - b) The best interest of the child.
 - c) The right to be treated with dignity and compassion.
 - d) The right to be protected from discrimination.
 - e) The right to special preventive measures.
 - f) The right to be informed.
 - g) The right to hear and to express issues and concerns.
 - h) The right to effective assistance .
 - i) Right to privacy.

- j) Right to protect from hardships.
- k) Right to safely
- l) Right to compensation.

17) To conclude at VELS we assure that every action of the child will be closely monitored and will be more than assured of his/ her safe schooling and never give room for any obscene incident to take place causing embarrassment or inconvenience to either the child, or a parent or a teacher, as all 3 are very valuable stakeholders to the school and their best of interests. Keeping in mind, all measures will be taken with utmost care.

Guidelines for positive engagement with children

Punishment is often justified as a 'last' resort in extreme situations for instance – bullying, causing Physical harm, destruction of property, vandalism, sexual harassment, infringement of rules such as playing truant, carrying objects which are against school rules into the classroom, provocative/ challenging behaviors etc. However, two children with the same problems may come from Different backgrounds – one an indulgent family, which believes that a little exuberance is all right, and another where the family is also at its wits' end. The contexts in which a child's behavior takes.

Place and how it comes to notice, lend themselves to child/classroom/school management. protocol of response based on first versus repeated problems founded on a set of rules the school develops with children's inputs would go a long way to democratize response dispositions.

To this, an added component of preventive interventions, such as life-skills programme, increases overall effectiveness. A difficult situation can also be resolved by a process of triangulation between the student/family, the teacher/school administration and a student council. A more difficult situation then may not be so much a discipline issue but a psychological one that needs professional attention and care.

The following guidelines are based on therapeutic strategies based in turn on the principles. Discussed above that are commonly employed by mental health professionals in clinical settings.

For families with children with behavior disorders. Though simple, these are effective strategies, when implemented consistently:

- Arriving at a consensus with children about expected behavior and consequences;
- Framing rules and guidelines in consensus with children;
- Focusing on every child's positives and appreciating good behavior;
- Using different strategies to encourage and promote positive behaviors;
- Never comparing one child's performance with another;
- Setting limits and developing clarity on boundaries;
- Providing children an opportunity to explain before any other response;
Giving a warning or chance before any response;
- Actively listening, remaining calm and ensuring the safety of other children while handling troublesome or offensive behavior;
- Addressing perceived 'severe or problematic behavior' through consultation with parents, child and counsellor/psychiatrist;
- Discussing (with children) and adopting time-out strategy as the last resort with children.

Positive engagement with children

Some examples

(i) Pay positive attention

- ◆ Notice children being good and appreciate them verbally
- ◆ Focus on the positives of every child, even the most difficult ones
 - ◆ Identify good efforts even if ultimately unsuccessful
- ◆ Never compare performance with that of other children but refer to the child's own previous attempt

◆ Use motivational award chart (for younger children) or points or additional marks for good behaviour ◆ Award children for demonstrating values such as responsibility, honesty, caring, etc.

◆ Be accommodating of children who require additional time and input, while providing additional tasks to children who finish work earlier

(ii) Ignore minor incidents or lapses

◆ This is the best strategy; the situation may aggravate in the short-term but it disappears later

(iii) Set clear limits

◆ Explain clearly the classroom behaviour expectations that the children have framed together

◆ Use ‘I need you to ...’ rather than ‘You need to ...’ statements

◆ Give clear commands on what is expected, e.g., ‘stay quiet’ instead of ‘be good’

◆ Avoid ‘Don’t’ commands

◆ Enable children to set clear limits for themselves

◆ Use a ‘firm and calm’ manner – avoid an angry tone

(iv) If behaviour continues, take away privileges in consultation with the children (negative reinforcement – this encourages the child to follow good behaviour to keep his privilege, therefore it is not considered punishment)

◆ Do not give star/point/mark on his chart for the day or give negative point/marks

◆ Take away 15 minutes of any privilege time (child and teacher mutually agree) for recurrent misbehaviours

◆ Discuss the consequences well ahead with children so that there is consensus regarding plan of action when a particular behaviour occurs

◆ The negative reinforcement should be appropriate and fair

◆ It should be consistently employed

Glossary

S.No	Particulars	Meaning
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1)	Corporal Punishment	The Punishment Of People By Hitting Them, Especially The Punishment Of Children By Parents Or Teachers.
2)	Social Exclusion	Exclusion From The Prevailing Social System And Its Rights And Privileges, Typically As A Result Of Poverty Or The Fact Of Belonging To A Minority Social Group.
3)	Deleterious	Causing Harm Or Damage
4)	In Loco Parentis	(With Reference To A Teacher Or Other Adult Responsible For Children) In The Place Of A Parent.
5)	Vandalism	Is The Action Involving Deliberate Destruction Of Or Damage To Public Or Private Property. The Term Includes Property Damage, Such As Graffiti And Defacement Directed Towards Any Property Without Permission Of The Owner.
6)	Maladaptive Behavior Patterns	Maladaptive Behaviors Are Those That Stop You From Adapting To New Or Difficult Circumstances. They Can Start After A Major Life Change, Illness, Or Traumatic Event. It Could Also Be A Habit You Picked Up At An Early Age. You Can Identify Maladaptive Behaviors And Replace Them With More Productive Ones
7)	Chronic Pattern	Many People With These Illnesses Become Depressed
8)	Subtle And Overt Forms	Not Obvious Or Easily Understood; Barely Noticeable.

9)	Therapeutic Strategies	Therapeutics, Treatment And Care Of A Patient For The Purpose Of Both Preventing And Combating Disease Or Alleviating Pain Or Injury. ... The Term Comes From The Greek Therapeutikos, Which Means “Inclined To Serve.”
10)	Aggressive Behavior	Ready Or Likely To Fight Or Argue.
11)	Destructive Behavior	Causing A Lot Of Harm Or Damage.
12)	Disruptive Behavior	Causing Or Tending To Cause Disruption
13)	Somatic Complaints	You May Be More Familiar With The Related Word, Psychosomatic, Which Describes A Physical Condition Or Illness Caused By The Mind Rather Than A Virus Or A Sprain.
14)	Retaliation	Revenge
15)	Delinquency	Bad Or Criminal Behaviour, Especially Among Young People.
16)	Detrimental	Detriment Is The Hurt Or Harm As A Result Of Damage, Loss, Or A Bad Decision.
17)	Perpetrator	A Person Who Carries Out A Harmful, Illegal, Or Immoral Act.
18)	Psychological maltreatment	Psychological maltreatment refers to a repeated pattern of parental behavior that is likely to be interpreted by a child that he or she is unloved, unwanted, or serves only instrumental purposes and/or that severely undermines the child's development and socialization.
19)	Abetment	Abetment under the Indian Penal Code. Abetment is constituted by: Instigating a person to commit an offence; or. Engaging in a conspiracy to commit it; or. Intentionally aiding a person to commit it.

20)	Criminal intimidation	Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person ...
21)	Contravene	Offend against the prohibition or order of (a law, treaty, or code of conduct).

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