

PROBLEMS IN ENFORCEMENT OF LAWS/REGULATIONS WITH SPECIAL REFERENCE TO PROHIBITION OF CORPORAL PUNISHMENT OF CHILDREN IN ELEMENTARY SCHOOLS IN DISTRICT PESHAWAR (NWFP)

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ABSTRACT:

Corporal punishment of children is a sad phenomenon in the school system. It exists in the form of commonly mild nature and rarely in severe nature. Teacher's community and even parents still believe in the traditional philosophy of "sparing the rod spoils the child". The determinants of corporal punishment are various i-e social, economic, cultural, organizational and most importantly psychological. Children brought up in large families are backward in study. Ill and malnourished children are not attentive, starved children cannot learn. Poor physical facilities, absence of recreational activities, unproductive curriculum, unattractive school environment, over crowded classrooms, absence of teaching aids and innovative methods etc cannot attract children towards school, rather they are kept alienated and suffer their self esteem and recognition.

As every body knows those children are not only the source of love and affection, hopes and aspiration of their parents but they are also our precious national assets which need to be promoted and protected. The future of the nation, of course, hinges on the tiny shoulder of these children, who are usually neglected. Children of 5years of age constitute 15.0% of the country population and children less than 10years of age, constitutes 30.0% of population. This is a being challenge for the government to provide them quality education at elementary level and the most formidable challenge is to retain them in the school system.

We cannot achieve the goal of the convention on the rights of child "CRC"1989 and the goal of universal primary education as policy objective of the government until and unless we achieve universal enrolment and universal retention of children in schools which is largely affected by the "Hostile environment of the school". The dropout of children from school is a common and serious phenomenon. The "harsh treatment" of children by the teachers including other factors, is the main reason for the drop out of children. The policy makers have one thought to eliminate corporal punishment form school, particularly at elementary level and to make the social environment of the school

vibrating with warm love and affection and to create a source of belongingness among children for their schools. The education departments, Government of NWFP in 2004 has issued an executive order strictly prohibiting corporal punishment of children in schools which is a good attempt towards improving the teaching-learning situation in school and particularly discourage the appalling wastage. The issue of this investigation was to ascertain the problems and constitutes in the enforcement of the order, prohibiting corporal punishment of children studying in elementary schools in district Peshawar. The study reveals that corporal punishment is still practiced but usually in mild nature. Most of social and psychological problems of children, unattractive environment of school, negligence of children, unfamiliarity of teachers with innovative approaches in teaching, crowded classrooms, absence of effective supervision and absence of mechanism of getting feedback as how such orders are implemented are such reasons that perpetuate the presence of corporal punishment in school.

Keywords: Corporal Punishment, Awareness, Teachers Behavior, Drop out, PTA

INTRODUCTION:

Children are not only source of love, hopes and aspirations of their parents but they are also precious national asset. This national asset will have to be preserved, promoted and protected. The future of the nation hinges on the tiny shoulders of these children. Their negligence will cost generation. Children less than five years of age comprises 15.0% of population and less than 10 years of age constitutes 30.0% of population and less than 18 years of age consists of 53.0% of population. Such a big segment of population needs 'universal education', but unfortunately, all these children are not in schools. Most of them are left out and dropped out, because of poor socio-economic condition of parents and unattractive environment of schools.

At the close of 20th century, children have been the focal point of national and international organizations, to preserve, promote and protect the 'rights' of children. The convention on the Rights of the Child (CRC) 1989 is the landmark in the history of mankind. Pakistan is a signatory of the convention since 1993, and is committed to fulfill its obligations. The convention covers all children below the age of 18 years. The important issues addressed in the convention are to protect the child, provide them the necessities of life and the means of all round development and most importantly, to safeguard them from all sorts of exploitation and violence. The broad strategies evolved related to survival, development, protection, and participation of children to be incorporated in the development efforts of the members countries.² Pakistan's achievement in the first phase of implementation of the convention, obligations were not impressive because its implementation strategy was lacking with respect to the selection of targeted groups, inconsistency in rules and weak financial support. There have been general feelings that legal support be provided if one intends to achieve the aims of the convention i.e. protecting a child against all kinds of injustice, violence and exploitation.

Some important developments have taken place during last five years. A Bill relating to the Protection of Child Act 2005 has been framed and will be tabled in the National assembly at appropriate time. A similar Bill has been formulated for the Establishment of National Commission on the Right of Child (2005) which

² (Anees Jillani, Zarina Jillani (2000) *Child Rights in Pakistan*, SPARC Islamabad)

will be presented into the house of parliament in due course of time. All these documents are specifically relating to the abolishment of corporal punishment of children in educational institutions.³

The important development relating to prohibiting corporal punishment of school children is the executive order (2004) issued by Directorate of Education, Government of N.W.F.P. This order has been issued in the true spirit of the convention 1989 and achieving the universal goal of 'basic education' i.e. Education for All (EFA) by 2015.

This study is exclusively undertaken to ascertain the problems in the implementation of the order of the government prohibiting corporal punishment of children at elementary level in district Peshawar.

2. *Statement of the Problem*

The problem of this study is to ascertain problems and constraints in the enforcement of law/regulations with special reference to the order issued in 2004, by Directorate of Education prohibiting corporal punishment of children studying in elementary schools District Peshawar.

3. *Objectives of the Research Paper*

The study is directed by the following objectives.

1. To review the efforts made by national and international organizations to the protection of the child.
2. To find out the state of availability of basic facilities in schools
3. To find out the state of availability of basic facilities in the classroom
4. To find out awareness of teachers and parents of the order issued by government prohibiting corporal punishment
5. To find out the kind of attitude of teachers and the situation in which corporal punishment is given to children
6. To find out instances of corporal punishment of mild and severe nature given to children by teachers
7. To identify the case/cases of corporal punishment of serious nature given to children by a teacher and action taken by higher authorities against him
8. To ascertain the causes of corporal punishment
9. To ascertain the role of school in creating conducive environment for learning and better socialization
10. To ascertain the role of home in creating conducive environment for development of better social behaviour
11. To ascertain the role of Parent-Teacher Association (PTA) for bringing about effective linkage between school, home and community
12. To ascertain role of higher authorities for providing essential facilities and efficient supervision to ensure better teaching learning environment, and monitoring of the instructions carried out by schools
13. To find out the role of training institutions to equip the teachers with 'knowledge' and 'skill' so that they could impact the teaching-learning environment in the classroom

4. *Expected Outcome of the Study*

The study is hoped to contribute for seeing the phenomena of punishment in schools in the broad context of socio-economic, cultural and psychological environment in schools and in society and impacting the policy of the government to bring about, change and improvement in teaching learning situation. Specifically, the study is hoped to:

- I. bring in focus the manner the government is fulfilling its commitment to for providing protection and basic education to children
- II. review the efforts made so far by the government to cope with the problem of corporal punishment given to children in schools

³ (SPARC (2005) *The Protection of Children Act 2005* (Draft Bill) Islamabad (Pakistan).

- III. bring in lime light the physical, social and psychological environment in which children live inside and outside the school
- IV. make aware of the concerned of the various factors responsible for corporal punishment in schools
- V. determine the role of school, home and society to create conducive environment for harmonious development of children
- VI. influence the policy of the Education Department relating to supervision, monitoring of its regulations, prohibiting corporal punishment of children in schools
- VII. influence the content of teacher-training for better equipping teachers with knowledge and skill required in the changing scenario
- VIII. revitalize the role of PTA for bringing about effective linkage between, school, home and community and government for the welfare of children
- IX. prove a useful document on the problems and issues of elementary education for policy makers, administrators and research students

5. *Delimitation of the Study*

The study is delimited to:

- I. District Peshawar
- II. Elementary schools for boys
- III. Elementary schools setup by Government of KPK
- IV. The executive order prohibiting corporal punishment of children in schools (2004)

6. *Assumptions*

The underlying assumptions in the study are:

- I. Corporal punishment is considered a routine matter
- II. It is believed as unavoidable
- III. Physical and instructional environment is not conducive for better learning
- IV. School-home linkage is weak
- V. The apathetic attitude of government makes sincere efforts fruitless

7. *The Nature of Study*

The nature of study is descriptive, popularly used in social sciences. It involves collection of data through a questionnaire and interview schedule in order to test hypotheses or to answer questions concerning the problems. The significance of such study lies in the fact that no progress can be made in solving problems and no policy can be formulated to deal with conflicting issues unless we possess descriptions of the phenomena with which we are dealing.

8. *Sample of the Study*

The sample of study is based on selecting 150 elementary schools (Primary and Middle, urban and rural) from total number of 634 schools. The selection has been made through random sampling technique. The list of schools was obtained from District Education Officer Peshawar.

9. *Treatment of Data*

After collection of data, it was organized, tabulated and interpreted accordingly. Questions of 'quantitative' type were interpreted in percentage. Questions of 'qualitative' nature (received in statement form indicating respondents comments/observation/suggestions) were carefully studied. The most meaningful and relevant were retained and recorded in order of merit. Findings, conclusion were drawn from the analysis of data which are expressed in separate section.

10. Data Analysis:

Table I: Awareness of teachers about the order of prohibition of Corporal punishment of children, issued by the Education Department

S#	State of Awareness	No.	%
A	Are you aware of the order issued by the department, prohibiting corporal punishment of children in school?	93	62.0
B	Are you aware of the kind of punishment to be given to a person who is found guilty of giving corporal punishment to children?	63	42.0
C	Have you received other necessary instructions in this regard from higher authorities?	45	30.0
D	Does the school acts fully on the order issued by the department?	60	40.0
E	Are the parents of children aware of such order, issued by the department?	18	12.0
F	Has the department followed up the implementation of its order in schools?	12	8.0

Table II: Punishment of Mild nature given to children in Schools

S #	Punishment of Mild Nature	No.	%
A	Pulling ear of a child	120	80.0
B	Slapping on the face of a child	54	36.0
C	Striking a child with stick on the palm	66	44.0
D	Striking a child with stick on legs	30	20.0
E	Striking a child with stick on back	36	24.0
F	Make a child standup on seat	105	70.0
G	Making a child to hold ears in sitting position, crossing arms under his legs	75	50.0
H	Making a child standing at the wall in bending position	69	46.0
I	Making a child standup on the bench/desk	72	48.0
J	Getting child out of the classroom	66	44.0

Table III: Punishment of severe nature given to children

S #	Nature of Severe Punishment	No.	%
A	Striking a child with a stick on both palms	81	54.0
B	Making a child to hold ear in sitting position crossing arms under his legs and striking him with stick on back	30	20.0
C	Striking a child with stick on head	6	4.0
D	Striking a child with stick on fingers in opposite position	27	18.0
E	Hurting a child with stick while striking him on arms or legs	6	4.0
F	Flogging a child with stick	0	0.0
G	Suffocating a child	0	0.0
H	Striking a child's head against wall	15	10.0
I	Making a child keep standing in the sun	21	14.0
J	Using abusive language to a child	45	30.0

Table IV: The causes of corporal punishment

S #	Causes of Punishment	No.	%
A	Not doing school/home work	74	49.03
B	Copying work from others	72	48.03
C	Not preparing lesson	74	49.03
D	Not preparing for test	74	49.03
E	To get failed in the test	74	49.03
F	Cheating in the test	74	49.03
G	Making noise or mischief in the classroom	74	49.03
H	Damaging belongings/property in the classroom	74	49.03
I	Throwing ink on walls of the classroom	74	49.03
J	Tearing copies/books of other children	74	49.03
K	Fighting with other children in the classrooms	74	49.03
L	Running from class/period	74	49.03
M	Always coming late to school	74	49.03
N	Always keeping himself absent from school	74	49.03
O	Stealing copy, pen, pencil etc from other children	74	49.03

11. DISCUSSION:

The study was undertaken to identify the problems in the enforcement of law/regulations with special reference to the order of ‘Abolishment of Corporal Punishment 2004’ in schools in Khyber Pukhtoon Khwa. The initiative is commendable because we are no longer living in medieval time. The entire pattern of life has been changed. We are living in a dynamic, democratic and progressive world where such practices are irrelevant. Unfortunately, such ideal situation does not exist. There are certain questions, apparently, they look simple but their answers are complex. For example, why are children punished? What are social, economic, cultural, psychological and systemic factors which force teachers to resort to punishment in the name of maintaining discipline? What are the compulsions that have weakened the relationship between school, home and community? In fact school, home and community are inherently united, if this unity is lost, the whole purpose of education is lost.

In this study, all these factors have been taken into consideration. Punishment is a sociological, and psychological problem, compelling conditions leading to punishment do not exist in vacuum. For example why a child steals things from others? Why he repeatedly fails in test? Why he runs away from school? Why he is dropped out from school before completing the cycle? Such questions need answers through separate investigations. Ignorance of teachers of the order under discussion, apathetic attitude of the authorities, absence of effective monitoring system are other constraints, observed in effective implementation of instruction.

Teacher’s compliance is an other obstacle in the way of producing positive results in the exercise of such order. It is a teacher who makes or mars the character of a child, therefore his knowledge; skill and attitude need reorientation in the light of rapidly changing conditions of our life.

In short, the problem is not only simply to see the effective implementation of the executive order issued by the government but also to look into ‘all the factors and forces’, which are obstructing the way of its enforcement in effective manner.

13. RECOMMENDATIONS

Recommendations based on “findings”, are forwarded for improvement of the situation.

- I. More teachers are employed to reduce teacher pupil ratio to manageable size.
- II. More rooms are constructed to reduce the crowd of children in classroom.
- III. Basic facilities like space according to enrolment, furniture, water, electricity, fans lights, play grounds and sports equipments etc be provided to schools.
- IV. Teachers be made aware of ‘order’ of the prohibition of corporal punishment and the consequences of its non compliance.
- V. Teachers be strictly made binding to abide by the rules regarding corporal punishment.
- VI. The enforcement of order be properly monitored by the higher authorities and the problems identified in its implementation, be resolved with consultation of teachers.
- VII. The corporal punishment of any type, as a routine matter, be discouraged.
- VIII. Teachers should shun the traditional philosophy of ‘spare the rod, spoil the child’. Teachers should adopt a more democratic attitude and be equipped with patience and tolerance while dealing with children.
- IX. Punishment even of mild nature be avoided. Punishment even of lese painful and humiliating will have adverse effect on the mind and heart of children, who will develop hatred against the teacher, school and learning.
- X. Certain punishment like slapping on face, canning on fingers, striking head against the desk/wall and particularly the common practice making a child ‘cock’ with strike on his back, are very painful and humiliating. Such barbarous type of punishment of medieval time, should be stopped.
- XI. Drastic action (as laid down in order) be taken against the teacher who commits such

- offence after making inquiry into the case by competent authority.
- XII. Causes of punishment are multifarious i.e. social, cultural, psychological and administrative and are complex, teachers must understand the situation in which a child deviate from his normal behavior and diligently handle such situation.
- XIII. The purposes behind the punishment are many. Important among them are:
- i. To retaliate the wrong
 - ii. To vindicate the law or rule violated
 - iii. To protect others from further wrong
 - iv. To deter the offender and also others from committing some kind of offence
 - v. To reform the offender
- All the above approaches are relevant but the last option is most desirable. To reform the offender, is the correct view of punishment in a school. It should make him realize what he did was wrong and he should not have done.
- XIV. The function of the school should be educative. Punishment in school, should be the last alternative. It may sometimes be deterrent or protective but it should never be retributive or vindictive.
- XV. Side by side with punishment, children should be provided “positive incentives” to right conduct. Positive incentives by way of ‘reward’, should be constantly employed. The purpose of reward such as praise prize and position etc is to motivate the pupil’s work and conduct on desired lines.
- XVI. The school should provide a dynamic type of social experience in order to give training to future generation.
- XVII. The school, home and community are united with common ideals, hopes and aspirations. Such bond should be further strengthened through mutual cooperation for the larger interest of children’s education.
- XVIII. School should be made attractive in every respect, in respect of physical environment, content, teaching strategies, teaching material and most importantly, in respect of teachers with sterling character.
- XIX. An effective contact between school, home and community be brought about for better understanding of each other problems and realizing the present and future of their children.
- XX. The introduction of Parent-Teacher Association (PTA) is a good experiment in school system. However, its objectives cannot be achieved if it is not made an effective instrument for solution of day-to-day problems facing to school.
- XXI. Regular meetings of PTA be held, problems be discussed and solution be arrived. Improvement of infrastructure of a school should be given priority in its efforts.
- XXII. The prime responsibility of development and improvement of instructional programme at school level lies with respective education department. The instructional goals cannot be achieved if the concerned authorities are not taking interest in school affairs, conducting regular supervision, following up the impact of innovations and more importantly ensuring that their orders are complied with in letter and spirit and the bottle necks if any, are removed.
- XXIII. Teachers play a pivotal role in the system. His training for raising his knowledge and skill through training and retraining is obvious. Therefore, his training programme should be completely over hauled in view of rapid changes taking in society.
- XXIV. More emphasis should be placed on teaching of “child psychology” in the pre service training requirement. Similar importance is given to ‘classroom management’ ‘problems of discipline’ and ‘preparation of instructional materials’ for children.

XXV. Similar studies be conducted on the problems of corporal punishment in girls elementary schools and in male and female secondary schools at regional level. Such studies if conducted are hoped to provide 'guidelines' to planners, policy makers for bringing about visible improvement in instructional programme.

References:

1. Anees Jillani, Zarina Jillani (2000) Child Rights in Pakistan, SPARC Islamabad
2. (SPARC (2005) The Protection of Children Act 2005 (Draft Bill) Islamabad (Pakistan)