

## **Right to Life under Article 21 of the Constitution of India:**

A Division bench of the Delhi High Court, while striking down a rule for disciplinary action under the Delhi School Education Rules, 1973 held that children should not be subjected to corporal punishment in schools and they should receive education in an environment of freedom and dignity, free from fear.

### **Why is it Important for Students in India?**

The right was evoked with Parents Forum for Meaningful Education & Anr vs Union of India & Anr. AIR 2001 Del 212: (2001) 89 DLT 705 (DB) case. The Parents Forum filed a PIL to stop the punishment of students in schools. After this, the court gave the verdict with direction to educational institutions for dealing with students who neglect schoolwork, but should refrain from any kind of corporal punishment. After the verdict, schools have to follow the guidelines below when dealing with students -

- Detain students during lunch break hours if they neglect classwork
- No punishment or detention after school hours if they neglect classwork
- No punishment/ expulsion/ fine/ detention to students under the age of 14
- A fine can be imposed only on students above 14 years of age in case of late attendance, being absent from school without application, skipping/ bunking classes, causing damage to school property, or if there is any delay in payment of school fees and dues
- Corporal Punishment (not harsh) could be given only if the student is impolite towards teachers, causes physical violence in

school, or any other serious misbehaviour towards fellow

- No Corporal Punishment for students who are ill
- Corporal Punishment should not lead to physical injury to the student
- If any student is expelled from one school, he should not be denied admission to any other school
- No student can be expelled or rusticated without giving a chance to parents/guardians for a 'show-cause' notice

**Indian Contract Act:** A student who has entered the age of majority, i.e., 18 years, can enter into a contract under the Indian Contract Act, 1872. E.g., while taking an educational loan, a student has to enter a contractual agreement with a sanctioning bank, or while entering a lease agreement with the owner of a residential property.

**Criminal Law:** Students below 7 years of age are exempted from criminal liability under the Indian Penal Code (now Bhartiya Nayay Sanhita, BNS Act), and between 7 to 12 years liability will be dependent upon the maturity of a student.

Students under 18 years of age are treated as per the Juvenile Justice Act, 2015. These accused are protected from being treated as adult criminals, but in heinous crime, they cannot take this privilege. While dealing with such Students in conflict with the law, certain principles have to be followed by government authorities under Section 3 of the Act, such as the Principle of presumption of Innocence, the Principle of equality and non-