

RESEARCH ARTICLE

Child Protection vs. Academic Discipline: An Analysis of The Adverse Impacts of Maar Nahi Pyar Policy on children in District Dir lower, Khyber Pakhtunkhwa

Hamid Alam ^a Zakir Hussain ^b Imtiaz Ahmad ^c

Abstract: The Government of Pakistan has introduced a child protection policy called Maar Nahi Pyar with the objective to achieve a more facilitating teaching environment by eliminating corporal punishment. This policy was codified in Khyber Pakhtunkhwa (KP) in the form of the Child Protection and Welfare Act of 2010 which became a radical breakthrough in disciplinary measures in schools. This qualitative study explores the unanticipated effects of the policy on the academic performance, behavior of students and the maintenance of discipline in the classroom in government and private high schools. Semi-structured interviews were conducted with 15 teachers, 15 parents. Thematic analysis demonstrated both academic participation and the moral behavior of students were perceived to have deteriorated with the introduction of the policy. According to teachers, there was more disruption in the classroom, less homework, and students lacked a serious attitude towards academics. Where teachers shared frustration due to limited disciplinary tools. The parents had mixed views; some thought the policy was a good move toward protecting the emotional wellbeing of children, but others noted that disciplinary actions, which should be structured, were necessary to hold children accountable in terms of academics. The findings demonstrate the necessity of culturally competent positive discipline systems, teachers' capacity building, and community involvement to make the policy both effective and affordable without undermining the quality of education.

Keywords: Educational Policy, Corporal Punishment, Child Protection, Academic Performance, Classroom Discipline, Capacity Building

Introduction

Corporal punishment has been defined by different writers in their way. Gershoff (2008) defines corporal punishment as the use of physical force against a child with the intention to give pain to the child. The aim of this punishment is to promote desirable behavior or minimize the undesirable behavior of child. According to the UN Committee on the Rights of the Child, corporal punishment is "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light" (U.N. Committee, 2001, general comments #1). Most of the definitions define corporal punishment in the broader and undefined context, however according to Northington (2007), have tried to specify it. Corporal punishment may include physical pain which is created through a number of ways including paddles, excessive exercise drills, or requiring students to assume painful body positions.

The concept of corporal punishment is centuries old. The practice of corporal punishment existed during the period of Greem and Romans as well. During that time corporal punishment was inflicted on children. Children were considered the property of their guardians and it was believed that acute physical punishment was compulsory to maintain order. With the passage of time the concept of children rights got

^a Associate Professor, Department of Social Work, University of Malakand, Khyber Pakhtunkhwa, Pakistan.

^b Lecturer, Department of Social Work, University of Malakand, Khyber Pakhtunkhwa, Pakistan.

^c Assistant Professor, Department of Journalism and Mass Communication, University of Malakand, Khyber Pakhtunkhwa, Pakistan.

popularity and societies started rethinking about corporal punishment. In this regard Scandinavian countries such as Sweden were the pioneer to ban corporal punishment (Meher & Leghari, 2020).

Corporal punishment is viewed differently in different countries of the world depending upon the perception of society. In some societies of the world, especially the developing countries and some developed countries, corporal punishment is considered necessary for personality development of children and hence corporal punishment is allowed in those countries. However, in some countries, corporal punishment is considered violation of children rights and hence it is banned in such countries. In Corporal punishment is legally prohibited in schools in 128 countries and allowed in 69 (35%) (Gershoff, 2017). For example, corporal punishment has been banned in many states of United States of America, however it is still permitted in 19 states of USA. (Peterson & Connor, 2014). In Canada also, corporal punishment is allowed. Section 43 of Canada's Criminal Code justifies the use of physical violence against children by teachers and parents in the name of correction (Stewart-Tufescu, 2023). In the context of Pakistani society, there is confusion about the legal status of corporal punishment.

Punjab Destitute and Neglected Children Act 2004 (art. 35) and the Sindh Children Act 1955 (art. 48). The Khyber Pakhtunkhwa Child Protection and Welfare Act 2010 section 33 narrates that Corporal punishment stands abolished in all its kinds and manifestations and its practice in any form is prohibited as provided under section 89 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860). However, section 89 of Pakistan Penal Code cited in Child Protection and Welfare Act 2010, states that "nothing done in good faith for the benefit of a person under twelve years of age or of unsound mind is an offense, even if it causes harm, and this applies whether or not the guardian or person in lawful charge consents". While section 44 of the same act narrates that some reasonable punishment, not corporal punishment, in good faith is administered to a child by the person having lawful control or protective care of the child as parents normally would do for the betterment of the child, it shall not be deemed to be an offence under this section. Courts have confirmed that this article provides a legal defense for corporal punishment of children (Abbas, Ashiq and Butt, 2020). However, in 2020, Islamabad High Court suspended article 89 of Pakistan Penal Code (Naseer, 2020)

Corporal punishment is prevalent in 40 percent of the government schools and 35 percent of the private schools of Pakistan. According to the UNICEF, 85 percent of children in Pakistan experience some form of psychological oppression and physical punishment as a disciplinary measure. Of all being subjected to physical punishment, 25 percent are subjected to severe physical punishment, 81 percent face psychological aggression and only 9 percent are subjected to non-violent disciplinary practices (Meher & Leghari, 2020).

Pakistan being a signatory of UN's Child Right Convention, Pakistan also started some initial steps (Qadoos, 2022). The government of Pakistan has taken social and administrative measures to ban corporal punishment in all educational institutions and raise the slogan "Maar Nahi Piyar" to secure the right of children against corporal punishment. In this regard, various efforts were made to stop the corporal punishments in the schools. For example, "Sindh Prohibition of Corporal Punishment Act, 2016". Similarly, the government of Khyber Pakhtunkhwa also initiated the decision to ban corporal punishment and enforced the act "The Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010" (Abbas, Butt and Ashiq, 2020). The Pakistan administered area of Gilgit-Baltistan prohibited corporal punishment of children by passing the "Gilgit-Baltistan Prohibition of Corporal Punishment Act" and the "Islamabad Capital Territory Prohibition of Corporal Punishment Bill 2021" also prohibit corporal punishment in schools (UNICEF, 2020)

Literature Review

Literature regarding corporal punishment is divided into two categories. One category considers it necessary for maintenance of discipline, improvement of academic growth and moral development. The other group consider it the violation of children human rights. Both groups have their own justifications. Those who favor

corporal punishment believe that corporal punishment is necessary for children because it leads to the outcome of extraordinary potentials and skills of children. Moreover, in childhood it is relatively easy to handle the deviant behavior of students through corporal punishment at primary school level. When students reach to high school, it becomes difficult for school management to control the deviant behavior of students and as a result there will be disorganization in schools (Mararieke, 2005).

The supporter of corporal punishment who belong to developed and developing countries, favor corporal punishment for a number of positive outcomes. In this regard some French educational experts are in favor of punishment. They believe that spanking should not be used in education. Similarly, the USA criminal Code explains that parents, guardian or any other responsible person can use power against a young person when it is realized that the use of power is necessary for the rectification of misconduct of a young person.

The supporters of corporal punishment link corporal punishment with discipline and respect of teachers. They believe that it is necessary to give corporal punishment to students at primary level. If they are not awarded corporal punishment at primary level then at high school level, they will be more disrespectful towards their teachers (Mararieke, 2005). Moreover, corporal punishment is a source of maintaining discipline among students. Traditional believe that corporal punishment is the best way to develop personality of children according to expectations of parents and teachers. (Shmueli, 2010).

Supporters of corporal punishment in schools typically argue that it is a useful way to correct student misbehavior. However, a review of the scientific evidence shows that the overwhelming majority of studies conclude it is an ineffective disciplinary strategy and causes significant harm to the physical and mental health of children. According to the Office for Civil Rights (2007), 223,190 students in the United States were subjected to corporal punishment during the 2006-2007 school year. Some estimates suggest up to 3.3 million children are affected, with 10,000 to 20,000 requiring medical attention. Many students suffer physical injuries — such as abrasions, severe muscle damage, large hematomas, whiplash, life-threatening fat hemorrhages — and some are unable to return to school for days, weeks or even longer (Greydanus, 2010).

The critiques of corporal punishment resist punishment for many reasons. Baker-Henningham et al (2009) found that there is in fact no evidence that school corporal punishment enhances or promotes children's learning in the classroom. In a cross-sectional study in Jamaica, school children who received one or two types of school corporal punishment scored lower on mathematics, and children who received 3 more types of corporal punishment at school scored lower on spelling, reading, and mathematics. In a study in Nigeria, children who attended a school that allowed corporal punishment (slapping, pinching, hitting with a stick) had lower receptive vocabulary, lower executive functioning and lower intrinsic motivation than children who attended a school that did not allow corporal punishment (Gershoff, 2017).

Harsh physical punishments do **not** lead to better student behavior in school nor improved academic results. In fact, a recent study found that the states where corporal punishment is heavily used perform worse academically than those that ban it. Though most states saw their American College Testing (ACT) scores increase between 1994 and 2008, "the group of states that paddled most improved their scores the least." At the same time, "the ten states with the longest bans on corporal punishment improved the most," with improvement rates roughly three times as high as the high-punishment states (Greydanus, 2010).

Objectives of the Study

- To study the impact of "Mar Nahi Piar" policy on academic performance of school students
- To investigate the impact of "Mar Nahi Piar" policy on moral development of school students

Methodology

This study is exploratory as well as phenomenological because most of research studies have focused upon the negative consequences of corporal punishment. Research studies have focused upon corporal punishment in the context of human rights violation of children as well as its negative impacts on mental health and academic downfall of students. However, this study focuses upon the positive impact of corporal punishment. For this study qualitative methodology was developed. A multi-method qualitative study combining:

- Semi-structured in-depth interviews
- Focus group discussions
- Non-participant classroom and school environment observations

Universe and sampling

Universe

For this research study data has been collected from teachers of private and public high schools in tehsil Timergara, District Dir Lower. In addition, parents of the students were also interviewed about the impact of Mar Nahi pyar policy on the educational and moral development of their children.

Sampling Strategy

Data has been collected both from teachers of both public and private schools of District Dir lower. In addition to teachers, data about the subject topic has been collected from parents of currently enrolled students in public and private schools. Parents of students were contacted after obtaining parental contact number from school record. Data has been collected from fathers of students because there were barriers to contact mothers of the students. Convenient sampling technique has been used in this research study because there is homogeneity in culture and curriculum of public and private schools. Moreover, this research is qualitative in nature and hence convenient sampling is more appropriate.

Data was collected from 15 teachers and 15 parents of students currently enrolled in public and private schools.

Tools of Data Collection

Data has been collected from parents/caregivers of students through in-depth interview by the use of semi structure interview guide. In addition to indepth interview observation and focus group discussion has also been used during data collection.

Data Analysis

The collected data was analyzed through thematic analysis. The following themes emrged during the process of transcription.

No Consultation with Teachers or Department of Education

During data collection process of this study, most of the teachers were of the opinion that this is an abrupt change without any preparation . the authorities ought to conduct consultation meeting with teachers and head of educational institutions. A schoolteacher commented about this situation as

"Athough Mar Nahi Piar was concerned with students and teachers; however, we were not consulted about this policy. We are considered a hostile group instead of a concerned party"

Most of teachers were of the opinion that their input could improve the policy, however we were ignored. The policy of mar nahi piar is considered a demarcation line between two parties. Between these parties one is school administration while the other party consist of students, representatives of NGOs and concerned offices such as child protection units, district administration and district administration of education department. Teachers consider this policy humiliating and abusive not because it stops teachers

from giving corporal punishment to students. It is abusive in the sense that banners are display on main gate of schools with the comments that in case of corporal punishment by a teacher in school, the authorities may be contacted on the contact numbers given in the banner. Regarding this authoritative approach of the government a teacher commented as

"Corporal punishment does not give us pleasure. Its aim is to promote academic performance and moral development of students. We know about the positive and negative aspects of corporal punishment. Those who constituted this policy, are they schoolteachers? Have they collected data from teaching faculty of school?"

Teachers were of the opinion that we do not believe upon inhuman punishment but the concept of punishment need to be there. For behavior modification there is the concept of positive and negative reinforcement. For academic grooming it is necessary that the concept of negative reinforcement be there. Regarding this situation a school Headmaster expressed his views as

"Some students had contacted army officers about corporal punishment in our school. The army officer visited the school along with security guards. After discussion about corporal punishment, I asked the army officer that if corporal punishment is not vital then why guns are there in your hands".

Regarding corporal punishment the opinion of parents are divided into two camps. According to one group, corporal punishment is necessary for academic and moral development of children. A father of a student commented as

"Teachers of our children in schools are like their spiritual parents. If they punish my children, no interest of teacher is linked with it. It is necessary for successful life of children".

Other group of parents do not favor corporal punishment. Some members of this group were well qualified and do not consider corporal punishment an effective strategy for academic growth. Some illiterate parents resisted corporal punishment in schools. They consider health of their children more important than education of their children. Some parents including literate and illiterate were those having single children. They have extra ordinary close intimacy with their children, were against corporal punishment in schools.

Relationship between "Mar Nahi Pyar" Policy and Academic Growth of Children

Almost all participating teachers of this study highlighted negative impact of this policy on academic growth of school students. Teachers mentioned this policy an evil policy for students and teachers as well.

Teachers view this policy a defective policy for academic and moral development of students. According to teachers when the concept of punishment in school was there, students did their home work on time. Note books of most of the students used to complete. The concept of cheating was very rare. Students success ratio in school as well as board exam was far better than the current situation. After the implementation of this policy if a student academic participation is low then we have two options

- A. To impose fine on students
- B. To contact parents about the poor academic performance of their children.

School teachers considered both these techniques ineffective. The practice of fine is ineffective because students can easily pay fine from their pocket money which they get from their parents on daily basis.

The second option for behavior modification and academic growth of children is meeting with parents of students. Usually, parents do not participate in such meetings. They come to school when their children get fail.

Keeping in view low parental interest and fail practice of parents, teachers also take no interest and if he moves toward corporal punishment then it may lead to public insult and even imprisonment. So, the net result is academic decline of students.

Impact of “*Mar Nahi Pyar*” Policy on Moral Development of Students

According to teachers the impact of this policy on moral development of students are far reaching than academic growth of students. There is no check and balance on students. Once teacher was a symbol of respect for students but now a teacher can easily become victim of misbehavior of students. Even students laugh at their teachers. But the hands of teachers are tied. There is either no alternative to corporal punishment or the alternative is ineffective. Students feel no hesitation to discuss about movies with their class mates. Sometimes even teachers observe immoralities but most of teachers ignore this behavior of students with the comments that in this regard action may cause personal problems for teachers. According to teachers, students treat their teachers like their class fellows.

Conclusion

For behavior modification there is need of positive and negative reinforcement. In “*Mar Nahi Pyar*” policy there is only the concept of positive negative reinforcement. The absence of negative reinforcement brings consequences on academic and moral level of students. For moral and academic development, a minor and acceptable level of corporal punishment need to be there.

Recommendations

On the basis of literature review, feed back of students, teachers and parents it is recommended that the government of Pakistan should constitute a committee consisting of government representatives, students, teachers and parents to discuss different dimensions of corporal punishment in schools. The recommendation is this committee need to implement in schools.

References

Abbas, N., Butt, B. I., & Ashiq, U. (2020). Corporal punishment act in public schools: A phenomenological analysis of perceptions of practitioners. *Journal of Business and Social Review in Emerging Economies*, 6(4), 1415-1425. <https://publishing.globalcsrc.org/ojs/index.php/jbsee/article/view/1466>

Gershoff, E. T. (2008). *Report on physical punishment in the United States: What research tells us about its effect on children*. Columbus, OH: Center for Effective Discipline.

Gershoff, E. T. (2017). School corporal punishment in global perspective: prevalence, outcomes, and efforts at intervention. *Psychology, Health & Medicine*, 22(sup1), 224-239. Available online at <https://doi.org/10.1080/13548506.2016.1271955>

Greydanus, D. E. (2010). Corporal punishment in schools and its effect on academic success: Testimony before the US House of Representatives, Committee on Education and Labor, Subcommittee on Healthy Families and Communities.

Mararike, C. (2005). Spare the rod, save the child. *Johannesburg IRIN*.

Meher, R and Leghari, I. (2020). Corporal Punishment in Schools: A Case Study of Gilgit Baltistan, Pakistan, *Pakistan Journal of History and Culture*, Vol. XLI, No. 2, Pp 127-141

Naseer, T. (2020, February 13). *IHC bans corporal punishment for children under the age of 12*. Dawn. <https://www.dawn.com/news/1534226>

Northington, C. (2007). The corporal punishment of minorities in the public schools. *The Office Journal of the National Association for Multicultural Education*, 9(3). 57-59. <https://doi.org/10.1080/15210960701443789>

Peterson, R. L., & O'Connor, A. (2014). *Tiers 2 & 3 Intervention: Corporal Punishment, A Traditional Discipline Consequence*.

Qaddos, M. (2022). Foucault's Discipline and Punishment: Analysis of People's Perception about Govt. of Punjab's Policy of "Mar Nahi Pyar" for School Education Department. *Human Nature Journal of Social Sciences*, 3(4), 231-240. <https://doi.org/10.71016/hnjss/z635ra07>

Shmueli, B. (2010). Corporal punishment in the educational system versus corporal punishment by parents: A comparative view. *Law & Contemp. Probs.*, 73, 281.

Stewart-Tufescu, A. (2023). Corporal punishment: The global picture. *Canadian Journal of Children's Rights/Revue canadienne des droits des enfants*, 10(1). <https://doi.org/10.22215/cjcr.v10i1.4373>

UN Committee on the Rights of the Child (2001) "General Comment No. 1:" par 11.

UNICEF (2020). Corporal punishment of children in Pakistan.