
FROM REASONABLE CHASTISEMENT TO DIGNITY: SRI LANKA AND THE TRANSITIONAL PROBLEM IN INTERNATIONAL HUMAN RIGHTS LAW ON CORPORAL PUNISHMENT

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ABSTRACT

This article argues that Sri Lanka's recent developments on the corporal punishment of children are not merely a local story of incomplete compliance with the Convention on the Rights of the Child (CRC) but evidence of a wider transitional problem in international human rights law. Sri Lanka illustrates the shift from a proportionality or "reasonable chastisement" model, which tolerates corrective violence, to a dignity-based CRC model grounded in the child's status as a rights-holder. While existing scholarship establishes the dignity critique, Sri Lanka adds a distinct perspective by showing how a legal system may abolish judicial corporal punishment and constrain school punishment, yet remain attached to parental authority, proportionality and general assault logic. Reading the CRC, General Comment No. 8 and *N.B. v. Georgia*, the article argues that the international human rights framework requires not only explicit prohibition and equal protection but also an institutional transition from punitive discipline to non-violent forms of correction consistent with the child's dignity.

Keywords: Corporal punishment; children's rights; Sri Lanka; human dignity; school discipline; international human rights law; Convention on the Rights of the Child

Introduction: Between Punishment and Discipline

Sri Lanka's recent controversy over the corporal punishment of children reveals more than a domestic dispute about school discipline, parental authority or legislative drafting. The Supreme Court has increasingly moved toward a rights-based rejection of corporal punishment in schools.¹ Parliament has considered statutory reform aimed at removing residual statutory provisions that could still be invoked to defend punishment as correction.² Yet public resistance to the reform shows that corporal punishment continues to be understood by some political, educational and religious actors not simply as violence against children but as “ordinary discipline.”³ This tension makes Sri Lanka a useful case through which to examine corporal punishment as an international human rights law problem, rather than merely a domestic-law issue.⁴

This article uses Sri Lanka's experience to distinguish between two models of legal reasoning on corporal punishment. The first is a proportionality or “reasonable chastisement” model, still visible in parental discipline in jurisdictions such as Canada, England and Northern Ireland, under which physical punishment is not treated as unlawful in itself but becomes objectionable only when it exceeds a threshold of reasonableness, harm or excess.⁵ The second is a dignity-based or equal-protection model under which the deliberate infliction of pain, humiliation or

¹ *Bandara v. Wickremasinghe*, [1995] 2 Sri L.R. 167, 169–70, 174 (Sri Lanka); *Karunapala v. Siriwardhana*, SC/FR/97/2017, at 12–13, 15–16 (Sup. Ct. Sri Lanka Feb. 12, 2021); *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 14, 16 (Sup. Ct. Sri Lanka July 9, 2025).

² Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka); Off. of the Cabinet of Ministers, *An Act to Amend the Penal Code (Corporal Punishment) (Chapter 19)* (June 9, 2025), https://www.cabinetoffice.gov.lk/cab/index.php?Itemid=49&dID=13229&id=16&lang=en&option=com_content&view=article; Penal Code (Amendment) Bill, Bill No. 33 of 2025, cls. 2–7 (Sri Lanka), https://www.documents.gov.lk/view/bill/2025/8/630-2025_E.pdf; Parliament of Sri Lanka, *Penal Code (Amendment) Bill Receives Approval of the Sectoral Oversight Committee on Governance, Justice and Civil Protection* (Sept. 23, 2025), <https://www.parliament.lk/en/home/parliament-news/view/4814> [hereinafter *Committee Approval*].

³ Yohan Perera, *Opposition, School Principals Oppose New Law Banning Corporal Punishment*, DAILY MIRROR (Oct. 1, 2025), <https://www.dailymirror.lk/print/news/Opposition-School-Principals-oppose-new-law-banning-corporal-punishment/239-321039>; *Govt. Backtracks on LGBTQI Tourism Push, Corporal Punishment Ban*, SUNDAY TIMES (Oct. 5, 2025), <https://www.sundaytimes.lk/251005/news/govt-backtracks-on-lgbtqi-tourism-push-corporal-punishment-ban-615175.html> [hereinafter *Govt. Backtracks*].

⁴ Convention on the Rights of the Child arts. 19, 28(2), 37(a), Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter CRC]; Comm. on the Rights of the Child, General Comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment, ¶¶ 1, 11, 18, 21, 26, U.N. Doc. CRC/C/GC/8 (Mar. 2, 2007).

⁵ Criminal Code, R.S.C. 1985, c. C-46, § 43 (Can.); *Canadian Found. for Child., Youth & the Law v. Canada* (Att’y Gen.), 2004 SCC 4, [2004] 1 S.C.R. 76, ¶¶ 37–40; *R. v. Hopley* (1860) 175 Eng. Rep. 1024, 1026; 2 F. & F. 202, 206; Children Act 2004, c. 31, § 58 (UK); Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006, SI 2006/1945 (N.I. 14), art. 2 (UK); Explanatory Memorandum to the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006, SI 2006/1945 (N.I. 14), ¶¶ 8, 10 (UK).

fear is treated as incompatible with the child's bodily integrity and status as a rights-holder.⁶ Sri Lanka's recent developments show the difficulty of moving from the first model to the second. Its courts and reform proposals increasingly speak the language of dignity and child protection, while the surrounding controversy continues to draw on older assumptions about correction and authority.⁷

The latter model better reflects the international normative framework.⁸ That movement is visible in the Convention on the Rights of the Child, General Comment No. 8 of the Committee on the Rights of the Child, equal-protection reforms in jurisdictions such as Scotland, Wales and New Zealand, and dignity-based constitutional decisions such as South Africa's rejection of the reasonable chastisement defence.⁹ It is also reinforced by the Committee's decision in *N.B. v. Georgia*, which treats corporal punishment not merely as a question of excessive force, but as one engaging the state's obligations of protection, investigation and effective remedy.¹⁰ The article returns to that framework in detail below.

The article's contribution is to identify this transitional category more clearly. Existing scholarship has established the dignity critique of corporal punishment.¹¹ Sri Lanka adds a distinct perspective to that literature by showing how a legal system may abolish judicial corporal punishment and increasingly constrain school punishment, yet remain attached to parental authority, proportionality and general assault logic in other settings.¹² The Sri Lankan case therefore helps refine the international debate by shifting attention from the abstract

⁶ CRC, *supra* note 4, arts. 19, 28(2), 37(a); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 11, 18, 21, 26; Christian Courtis & John Tobin, *Article 28: The Right to Education*, in THE UN CONVENTION ON THE RIGHTS OF THE CHILD: A COMMENTARY 1056, 1107–08 (John Tobin ed., 2019).

⁷ *Bandara v. Wickremasinghe*, [1995] 2 Sri L.R. 167, 169–70, 174 (Sri Lanka); *Karunapala v. Siriwardhana*, SC/FR/97/2017, at 12–13, 15–16 (Sup. Ct. Sri Lanka Feb. 12, 2021); *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 14, 16 (Sup. Ct. Sri Lanka July 9, 2025); Penal Code (Amendment) Bill, Bill No. 33 of 2025 (Sri Lanka); Perera, *supra* note 3; *Govt. Backtracks*, *supra* note 3.

⁸ Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 11, 18, 21, 26.

⁹ Children (Equal Protection from Assault) (Scotland) Act 2019, (ASP 16), § 1; Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020, (ASC 3), § 1; Crimes Act 1961, s 59(2)–(3) (N.Z.); Freedom of Religion S. Afr. v. Minister of Just. & Const. Dev. [2019] ZACC 34, ¶¶ 52–76 (S. Afr.).

¹⁰ Comm. on the Rights of the Child, *N.B. v. Georgia*, Comm'n No. 84/2019, ¶¶ 7.5–7.8, 8–9, U.N. Doc. CRC/C/90/D/84/2019 (June 1, 2022).

¹¹ Michael D.A. Freeman, *Upholding the Dignity and Best Interest of Children: International Law and the Corporal Punishment of Children*, 73 LAW & CONTEMP. PROBS. 211, 214–16 (2010); Courtis & Tobin, *supra* note 6, at 1107–08.

¹² Corporal Punishment (Repeal) Act, No. 23 of 2005, §§ 2–4 (Sri Lanka); Children and Young Persons (Amendment) Act, No. 39 of 2022, § 22 (Sri Lanka); Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka); *Bandara v. Wickremasinghe*, [1995] 2 Sri L.R. 167, 169–70, 174 (Sri Lanka); *Karunapala v. Siriwardhana*, SC/FR/97/2017, at 12–13, 15–16 (Sup. Ct. Sri Lanka Feb. 12, 2021); *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 14, 16 (Sup. Ct. Sri Lanka July 9, 2025); End Corporal Punishment, *Country Report for Sri Lanka* (Mar. 2024), <https://www.endcorporalpunishment.org/reports-on-every-state-and-territory/sri-lanka/>.

illegality of corporal punishment to the harder question of how law should reconstruct discipline once the dignity critique has been accepted in principle.¹³

This article therefore argues that Sri Lanka's controversy is best understood not as a simple conflict between discipline and child protection, but as a failure of legal and institutional transition. International human rights law does not abolish discipline, parental guidance or school authority. Rather, it requires those forms of authority to be reconstructed so that correction is no longer exercised through pain, humiliation or fear.¹⁴ The Sri Lankan experience demonstrates that achieving this transition requires more than judicial condemnation or legislative prohibition in isolation.¹⁵ It also requires the removal of residual legal defences, a clearer separation between lawful discipline and punitive violence, and administrative measures that make non-violent discipline practicable in schools, homes and care settings.¹⁶

The article first develops the distinction between the proportionality or reasonable-chastisement model and the dignity-based equal-protection model. It then examines the international and comparative legal framework. The analysis then turns to Sri Lanka's domestic legal position, distinguishing judicial corporal punishment, school discipline and punishment in the home or care setting, and analysing the movement from statutory tolerance to constitutional and legislative reform. The final substantive section examines the controversy surrounding reform to argue that its deeper significance lies in the incomplete transition from a legal order that tolerated reasonable punishment to one that requires discipline to be reconstructed through dignity, equal protection and institutional support.

From Social Tolerance to Equal Protection: The Two Models of Corporal Punishment Law

Human rights norms are not static. Practices once treated as ordinary, necessary or socially

¹³ CRC, *supra* note 4, arts. 19, 28(2), 37(a); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 20–21, 26, 39; *Freedom of Religion S. Afr. v. Minister of Just. & Const. Dev.* [2019] ZACC 34, ¶¶ 52–76 (S. Afr.).

¹⁴ CRC, *supra* note 4, arts. 5, 18(1), 19, 28(2); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 11, 13–14, 18, 26.

¹⁵ *Karunapala v. Siriwardhana*, SC/FR/97/2017, at 12–13, 15–16 (Sup. Ct. Sri Lanka Feb. 12, 2021); *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 16–17 (Sup. Ct. Sri Lanka July 9, 2025); Penal Code (Amendment) Bill, Bill No. 33 of 2025 (Sri Lanka).

¹⁶ Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka); Penal Code (Amendment) Bill, Bill No. 33 of 2025, cls. 2–4 (Sri Lanka); *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 16–17 (Sup. Ct. Sri Lanka July 9, 2025); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 26–29, 38–39.

acceptable may later come to be understood as incompatible with dignity and legal protection.¹⁷ Child labour during the Industrial Revolution offers a familiar example of a practice once deeply embedded in family economies and ordinary economic life, but later reframed through the language of exploitation, protection and rights.¹⁸

The development of children's rights in international law reflects a similar movement. Older legal and social assumptions often tolerated physical punishment by parents, teachers and other adults as an incident of correction or authority. Contemporary children's rights law, by contrast, increasingly treats the child as a rights-holder whose dignity, bodily integrity and best interests limit the methods by which adults may discipline, educate or control the child.¹⁹

That movement has not occurred uniformly. Contemporary legal systems broadly reflect two models of reasoning about corporal punishment.²⁰ The first is a proportionality model, also described as "reasonable punishment" or "reasonable chastisement," under which physical punishment is not treated as unlawful in itself but becomes legally objectionable only when it is excessive, harmful or unreasonable.²¹ This model preserves a limited space for adult corrective authority. The second is a dignity-based or equal-protection model, under which the deliberate infliction of pain, humiliation or fear is treated as incompatible with the child's bodily integrity and status as a rights-holder.²² This model does not deny the need for discipline but rejects the idea that discipline may lawfully be pursued through violence or degradation.²³

The older model did not arise from a single source. It was reinforced by legal, economic, social and religious ideas through which adult authority over children was treated as both natural and corrective.²⁴ In colonial and missionary educational settings, particular interpretations of

¹⁷ Freeman, *supra* note 11, at 214–16.

¹⁸ Sara Horrell & Jane Humphries, "*The Exploitation of Little Children*": *Child Labor and the Family Economy in the Industrial Revolution*, 32 *EXPLORATIONS ECON. HIST.* 485, 485–87 (1995).

¹⁹ Freeman, *supra* note 11, at 211–16.

²⁰ Freeman, *supra* note 11, at 214–15; Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 1–2, 11, 18, 26.

²¹ Criminal Code, R.S.C. 1985, c. C-46, § 43 (Can.); Canadian Found. for Child., Youth & the Law v. Canada (Att'y Gen.), 2004 SCC 4, [2004] 1 S.C.R. 76, ¶¶ 37–40; R. v. Hopley (1860) 175 Eng. Rep. 1024, 1026; 2 F. & F. 202, 206; Children Act 2004, c. 31, § 58 (UK); Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006, SI 2006/1945 (N.I. 14), art. 2 (UK).

²² CRC, *supra* note 4, arts. 19, 28(2), 37(a); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 11, 18, 21, 26; Courtis & Tobin, *supra* note 6, at 1107–08.

²³ Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 13–14, 26, 28–29; Freedom of Religion S. Afr. v. Minister of Just. & Const. Dev. [2019] ZACC 34, ¶¶ 52–76 (S. Afr.).

²⁴ R. v. Hopley (1860) 175 Eng. Rep. 1024, 1026; 2 F. & F. 202, 206; Freeman, *supra* note 11, at 214–15; Valerie E. Michaelson & Joan E. Durrant, *Introduction*, in *DECOLONIZING DISCIPLINE: CHILDREN, CORPORAL PUNISHMENT, CHRISTIAN THEOLOGIES, AND RECONCILIATION* 3 (Valerie E. Michaelson & Joan E. Durrant eds., 2020).

Christian ideas of obedience, sin, correction and moral formation helped shape accepted understandings of children's discipline, including in contexts where violence against Indigenous and colonised children was justified as moral education.²⁵

More broadly, comparative scholarship suggests that corporal punishment remained deeply normalised within mid-twentieth-century childrearing cultures, with more sustained challenges emerging only later.²⁶ Sweden illustrates that the decline of corporal punishment was gradual rather than immediate. Although corporal punishment in schools was prohibited there in 1958, later reporting suggested that over 90 per cent of parents still physically punished children in the 1960s. Early legal reform, in other words, did not by itself dissolve the social normalisation of corporal punishment.²⁷

It is against this background that the dignity-based model began to crystallise through international human rights law. The Convention on the Rights of the Child, the work of the Committee on the Rights of the Child, and later constitutional and legislative reforms in several jurisdictions gradually reframed corporal punishment not as a question of moderate discipline but as a question of dignity, bodily integrity and equal protection.²⁸ This does not mean, however, that the older model has disappeared.²⁹

This older model remains visible in several contemporary jurisdictions. In Canada, it survives through section 43 of the Criminal Code, which permits parents and persons standing in the place of a parent to use corrective force where it is reasonable in the circumstances, a provision upheld, though significantly narrowed, by the Supreme Court of Canada in *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*.³⁰

²⁵ R. v. Hopley (1860) 175 Eng. Rep. 1024, 1026; 2 F. & F. 202, 206; Freeman, *supra* note 11, at 214–15; Michaelson & Durrant, *supra* note 24, at 3.

²⁶ Renata Porzig-Drummond, "Help, Not Punishment": Moving on from Physical Punishment of Children, 40 CHILD. AUSTL. 43, 49 (2015).

²⁷ *Id.*

²⁸ CRC, *supra* note 4, arts. 19, 28(2), 37(a); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 1–2, 11, 18, 21, 26; Freeman, *supra* note 11, at 214–16; Children (Equal Protection from Assault) (Scotland) Act 2019, (ASP 16), § 1; Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020, (ASC 3), § 1; Crimes Act 1961, s 59(2)–(3) (N.Z.); Freedom of Religion S. Afr. v. Minister of Just. & Const. Dev. [2019] ZACC 34, ¶¶ 52–76 (S. Afr.).

²⁹ CRC, *supra* note 4, arts. 19, 28(2), 37(a); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 1–2, 11, 18, 21, 26; Freeman, *supra* note 11, at 214–16; Children (Equal Protection from Assault) (Scotland) Act 2019, (ASP 16), § 1; Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020, (ASC 3), § 1; Crimes Act 1961, s 59(2)–(3) (N.Z.); Freedom of Religion S. Afr. v. Minister of Just. & Const. Dev. [2019] ZACC 34, ¶¶ 52–76 (S. Afr.).

³⁰ Criminal Code, R.S.C. 1985, c. C-46, § 43 (Can.); Canadian Found. for Child., Youth & the Law v. Canada

In England, the model survives differently: the common-law language of moderate and reasonable correction associated with *R v. Hopley* has not been fully abolished but has been restricted by section 58 of the Children Act 2004, which prevents the defence of reasonable punishment from being used for more serious offences while leaving a residual space in relation to common assault.³¹ Recent controversy following the murder of Sara Sharif in 2023 and the convictions in 2024 has renewed calls for abolition in England and Northern Ireland, but it has not displaced the underlying legal structure.³² The important point is that, in Canada and England, the law continues to ask whether corrective force has crossed a threshold of reasonableness or harm, rather than treating corporal punishment as inherently incompatible with equal protection.³³ Sri Lanka's difficulty is that its courts increasingly speak the language of dignity, while parts of its statutory structure still resemble the reasonable-chastisement model.³⁴

The CRC Framework: Dignity, Equal Protection and Non-Violent Discipline

The contemporary international legal position is centred on the Convention on the Rights of the Child. The Convention is the principal normative instrument through which the dignity-based model of corporal punishment has been articulated. Whatever the historical persistence of corporal punishment within domestic and institutional settings, the Convention reframes the issue by treating children not as objects of corrective authority but as rights-holders entitled to protection from violence, respect for their dignity, and forms of discipline consistent with their status as persons under international law. It is through this framework that the modern legal objection to corporal punishment is most clearly expressed.³⁵

The Convention's significance lies not only in its general protection against violence but also

(Att'y Gen.), 2004 SCC 4, [2004] 1 S.C.R. 76, ¶¶ 37–40.

³¹ *R. v. Hopley* (1860) 175 Eng. Rep. 1024, 1026; 2 F. & F. 202, 206; Children Act 2004, c. 31, § 58 (UK); DEP'T FOR CHILD., SCHS. & FAMS., REVIEW OF SECTION 58 OF THE CHILDREN ACT 2004, 2007, Cm. 7232, ¶¶ 10, 46 (UK).

³² Children's Comm'r for Eng., *Children's Commissioners Unite to Call for Equal Protection for Children from Assault in UK* (May 1, 2025), <https://www.childrenscommissioner.gov.uk/news-and-blogs/childrens-commissioners-unite-to-call-for-equal-protection-for-children-from-assault-in-uk/>.

³³ Criminal Code, R.S.C. 1985, c. C-46, § 43 (Can.); Canadian Found. for Child., *Youth & the Law v. Canada* (Att'y Gen.), 2004 SCC 4, [2004] 1 S.C.R. 76, ¶¶ 37–40; *R. v. Hopley* (1860) 175 Eng. Rep. 1024, 1026; 2 F. & F. 202, 206; Children Act 2004, c. 31, § 58 (UK); DEP'T FOR CHILD., SCHS. & FAMS., *supra* note 31, ¶ 10.

³⁴ *Bandara v. Wickremasinghe*, [1995] 2 Sri L.R. 167, 169–70, 174 (Sri Lanka); *Karunapala v. Siriwardhana*, SC/FR/97/2017, at 12–13, 15–16 (Sup. Ct. Sri Lanka Feb. 12, 2021); *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 14, 16 (Sup. Ct. Sri Lanka July 9, 2025); Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka); Penal Code (Amendment) Bill, Bill No. 33 of 2025, cls. 2–4 (Sri Lanka).

³⁵ CRC, *supra* note 4, arts. 19, 28(2), 37(a).

in its specific regulation of discipline. Article 19 requires protection against all forms of physical or mental violence;³⁶ Article 28(2) provides that school discipline must be administered in a manner consistent with the child's human dignity and in conformity with the Convention;³⁷ and Article 37(a) prohibits cruel, inhuman, or degrading treatment or punishment.³⁸ Read together, these provisions do not merely condemn violence in the abstract; they place disciplinary authority itself under legal constraint.³⁹ The Committee on the Rights of the Child has interpreted this framework as excluding corporal punishment from the category of legitimate discipline.⁴⁰

General Comment No. 8 makes this interpretive shift explicit. The Committee defines corporal punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. It also recognises that non-physical forms of punishment may be cruel or degrading where they belittle, humiliate, denigrate, scapegoat, threaten, scare or ridicule the child.⁴¹ The significance of this formulation is that it does not preserve a category of lawful "mild" corporal punishment. It rejects the older assumption that physical correction becomes legally objectionable only when it is excessive, unreasonable or injurious.⁴²

This position is reinforced by broader international human rights standards, including the prohibition of cruel, inhuman or degrading treatment or punishment under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁴³ The contemporary legal question, therefore, is no longer whether corporal punishment may be defended as an ordinary method of correction but how systems of discipline are to be structured consistently with the child's dignity, bodily integrity and status as a rights-holder.⁴⁴

The individual communications procedure under the Optional Protocol to the Convention on

³⁶ *Id.* art. 19.

³⁷ *Id.* art. 28(2).

³⁸ *Id.* art. 37(a).

³⁹ *Courtis & Tobin, supra* note 6, at 1107–08.

⁴⁰ *Comm. on the Rights of the Child, General Comment No. 8, supra* note 4, ¶¶ 11, 18, 26; *Courtis & Tobin, supra* note 6, at 1107–08.

⁴¹ *Comm. on the Rights of the Child, General Comment No. 8, supra* note 4, ¶ 11.

⁴² *Comm. on the Rights of the Child, General Comment No. 8, supra* note 4, ¶¶ 11, 18, 21, 26.

⁴³ *International Covenant on Civil and Political Rights* art. 7, Dec. 16, 1966, 999 U.N.T.S. 171; *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* arts. 1, 16, Dec. 10, 1984, 1465 U.N.T.S. 85.

⁴⁴ *Comm. on the Rights of the Child, General Comment No. 8, supra* note 4, ¶¶ 20–21, 26, 39.

the Rights of the Child on a Communications Procedure gives this framework further doctrinal significance.⁴⁵ In *N.B. v. Georgia*, the Committee on the Rights of the Child considered allegations of corporal punishment in a school setting and treated the issue not merely as one of excessive force but as engaging the state's obligations under Article 19 of the Convention.⁴⁶ The Committee's reasoning is important because it links the prohibition of corporal punishment to duties of protection, investigation and remedy. In that sense, the dignity-based model is not only substantive. It also requires institutional due diligence: where corporal punishment is alleged, the state must provide child-sensitive procedures capable of responding effectively to violence, rather than leaving the matter to ordinary disciplinary discretion or general assault logic.

Comparative developments in New Zealand and South Africa illustrate the same shift from reasonable correction to dignity-based discipline. New Zealand's reform of section 59 of the Crimes Act preserves limited parental use of reasonable force for protective and caregiving purposes, such as preventing harm, preventing criminal or disruptive conduct, or performing ordinary tasks incidental to good care and parenting. However, it expressly provides that neither those statutory purposes nor the common law justifies the use of force for the purpose of correction. South Africa reaches a similar result through constitutional adjudication.⁴⁷

In *Freedom of Religion South Africa v. Minister of Justice and Constitutional Development*, the Constitutional Court rejected the common-law defence of reasonable and moderate parental chastisement, holding that it was inconsistent with constitutional protections of dignity, freedom from violence and the best interests of the child. The significance of these examples is not that discipline disappears. Rather, they show the legal reconstruction of discipline: force may be tolerated only where it is genuinely protective or incidental to care, not where it is used to punish, humiliate or correct through pain.⁴⁸

⁴⁵ Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, *opened for signature* Feb. 28, 2012, 2983 U.N.T.S. 135 (entered into force Apr. 14, 2014).

⁴⁶ Comm. on the Rights of the Child, *N.B. v. Georgia*, Commc'n No. 84/2019, ¶¶ 7.5–7.8, 8–9, U.N. Doc. CRC/C/90/D/84/2019 (June 1, 2022).

⁴⁷ Crimes Act 1961, s 59(1)–(2) (N.Z.); *Freedom of Religion S. Afr. v. Minister of Just. & Const. Dev.* [2019] ZACC 34, ¶¶ 52–76 (S. Afr.).

⁴⁸ Crimes Act 1961, s 59(1)–(2) (N.Z.); *Freedom of Religion S. Afr. v. Minister of Just. & Const. Dev.* [2019] ZACC 34, ¶¶ 52–76 (S. Afr.).

Sri Lanka's Present Position: Between Statutory Tolerance and Dignity-Based Reform

Sri Lanka's legal position must also be understood against the background of its mixed legal system.⁴⁹ Like South Africa, Sri Lanka inherited a legal order shaped by Dutch and British colonial rule, in which Roman-Dutch private-law traditions coexist with substantial English common-law, statutory and public-law influences.⁵⁰ In the context of corporal punishment, however, the more immediate legal inheritance is found in the British colonial criminal-law framework and English ideas of reasonable correction.⁵¹ This mixed legal background helps explain why older assumptions about authority, discipline and correction could survive within statutory and common-law reasoning even as constitutional and international human rights norms increasingly moved the law toward dignity and equal protection.

Colonial Legal Inheritance and Penal Code Tolerance

As discussed earlier, Christian theological ideas of obedience, sin, and correction formed part of a wider colonial understanding of children's discipline, and in Sri Lanka that legacy intersected with British rule and a school system shaped in significant part by missionary institutions. Within that setting, corporal punishment could be treated as an ordinary technique of correction rather than as a distinct legal wrong.⁵² The original Penal Code reflected that wider disciplinary tolerance. The most relevant provisions are section 82 and section 341. Section 82 preserves a broad good-faith defence in relation to harm done to a child under lawful charge, while section 341, read with illustration (i), treats a schoolmaster's flogging of a scholar in the reasonable exercise of disciplinary discretion as not amounting to illegal criminal force.⁵³ The point is not simply historical. These provisions reveal that the colonial legal framework understood the child's "benefit" and the scope of lawful discipline in terms far broader than those permitted by a contemporary framework centred on dignity, protection, and best

⁴⁹ L.J.M. Cooray, *Common Law in England and Sri Lanka*, 24 INT'L & COMP. L.Q. 553, 554 (1975); L.J.M. COORAY, AN INTRODUCTION TO THE LEGAL SYSTEM OF SRI LANKA 2–5 (2003).

⁵⁰ Cooray, *Common Law in England and Sri Lanka*, *supra* note 49, at 553–54; A. Cooray, *Oriental and Occidental Laws in Harmony: The Case of Trusts in Sri Lanka*, 3 J. COMP. L. 133, 133–35 (2008); SOUTHERN CROSS: CIVIL LAW AND COMMON LAW IN SOUTH AFRICA 1–5 (Reinhard Zimmermann & Daniel Visser eds., 1996).

⁵¹ Penal Code, No. 2 of 1883, § 341 (Sri Lanka); *R. v. Hopley* (1860) 175 Eng. Rep. 1024, 1026; 2 F. & F. 202, 206; Children Act 2004, c. 31, § 58 (UK); DEP'T FOR CHILD., SCHS. & FAMS., *supra* note 31, ¶¶ 10, 46.

⁵² ANGELA W. LITTLE, DEVELOPMENT, EDUCATION AND LEARNING IN SRI LANKA: AN INTERNATIONAL RESEARCH JOURNEY 20–23 (2024); Michaelson & Durrant, *supra* note 24, at 3; Valerie E. Michaelson, *Lies That Have Shaped Us: Racism, Violence, and Ageism in Canadian Churches*, in DECOLONIZING DISCIPLINE: CHILDREN, CORPORAL PUNISHMENT, CHRISTIAN THEOLOGIES, AND RECONCILIATION 54 (Valerie E. Michaelson & Joan E. Durrant eds., 2020).

⁵³ Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka).

interests.⁵⁴

The Education Ordinance of 1939 and the Children and Young Persons Ordinance of 1939 did not create a comprehensive prohibition of corporal punishment of children. Instead, they formed part of an older legal order in which punitive discipline remained legally permissible in different ways. In the educational sphere, the Education Ordinance was linked to school-related governance, including its former provision allowing a court to order corporal punishment for persistent truancy.⁵⁵ The Children and Young Persons Ordinance, by contrast, addressed child welfare and protection but did not itself amount to a clear statutory repudiation of corporal punishment as such.⁵⁶

Partial Reform and the Limits of Criminalisation

By the late twentieth and early twenty-first centuries, Sri Lanka began to move unevenly toward reform. In 1991, Sri Lanka ratified the Convention on the Rights of the Child, and, in 1994, the Children's Charter expressed a policy commitment to protecting children from violence and abuse but did not itself change the statutory position.⁵⁷ The 1995 amendment introducing section 308A of the Penal Code went further by criminalising cruelty to children.⁵⁸ However, the wider Penal Code still contained provisions such as section 82, which preserved a broad good-faith defence in relation to harm done to a child under lawful charge. The boundary between punishable cruelty and legally tolerated corporal punishment therefore remained uncertain.⁵⁹ What emerged, therefore, was not a comprehensive prohibition, but a narrower criminal response to serious mistreatment that still left space for physical punishment to be defended as discipline administered for the child's benefit.

A significant change came in 2005, with the enactment of the Corporal Punishment (Repeal) Act No. 23 of 2005. The Act repealed the Corporal Punishment Ordinance of 1889 and removed judicial corporal punishment from other written laws, thereby ending whipping as a lawful sentence in the criminal justice system. It also repealed the former Education Ordinance

⁵⁴ CRC, *supra* note 4, arts. 3(1), 19, 28(2), 37(a); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 11, 18, 21, 26; Freeman, *supra* note 11, at 214–16, 220–24.

⁵⁵ Education Ordinance, No. 31 of 1939, § 56 (Sri Lanka) (deemed omitted by Corporal Punishment (Repeal) Act, No. 23 of 2005, § 3 (Sri Lanka)).

⁵⁶ Children and Young Persons Ordinance, No. 48 of 1939, § 71(6) (Sri Lanka) (repealed 2024).

⁵⁷ Karunapala v. Siriwardhana, SC/FR/97/2017, at 12 (Sup. Ct. Sri Lanka Feb. 12, 2021); Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka).

⁵⁸ Penal Code (Amendment) Act, No. 22 of 1995, § 2 (Sri Lanka); Penal Code, No. 2 of 1883, § 308A (Sri Lanka).

⁵⁹ Penal Code, No. 2 of 1883, §§ 82, 308A (Sri Lanka).

provision permitting corporal punishment for persistent truancy.⁶⁰ Even so, the reform was limited in scope. It addressed corporal punishment imposed by the state, not the wider legality of physical punishment in the home or in school discipline exercised by individuals. Thus, while the 2005 Act marked a clear break with formal judicial and quasi-judicial whipping, everyday disciplinary practices by parents and teachers remained outside the scope of that Act.⁶¹

School Discipline: Administrative Constraint without Full Legal Transformation

Since the 2000s, the Ministry of Education has issued circulars seeking to curb corporal punishment in schools and to regulate school discipline through non-violent means.⁶² Circular No. 17/2005 stated that corporal punishment should not be used in schools, and Circular No. 12/2016, which later superseded the earlier circular, reinforced the move toward non-violent disciplinary methods. The most recent circular, No. 11/2026, reiterated the decision in *Lalitha Bandara* that there is “zero tolerance of any form of corporal punishment.”⁶³ Even so, these measures remained administrative rather than legislative.⁶⁴ In 2017, a large-scale Sri Lankan study of school disciplinary practices was published. In that study, 80.4 per cent of the 948 students surveyed reported experiencing at least one episode of corporal punishment during the preceding school term, while the report concluded that teachers’ use of corporal punishment and psychological aggression remained very high across school types.⁶⁵

Concrete legal reform materialised first in the sphere of child justice rather than through comprehensive amendment of the Penal Code. In November 2022, Parliament enacted the Children and Young Persons (Amendment) Act, No. 39 of 2022, a major reform of the 1939 Ordinance.⁶⁶ The Act extended the definition of “child” to all persons under 18, aligning the Ordinance more closely with the Convention on the Rights of the Child.⁶⁷ It also repealed

⁶⁰ Corporal Punishment (Repeal) Act, No. 23 of 2005, §§ 2–4 (Sri Lanka).

⁶¹ End Corporal Punishment, *supra* note 12; Comm. against Torture, Concluding Observations on the Third and Fourth Periodic Reports of Sri Lanka, ¶ 30, U.N. Doc. CAT/C/LKA/CO/3-4 (Dec. 8, 2011).

⁶² End Corporal Punishment, *supra* note 12.

⁶³ End Corporal Punishment, *supra* note 12; Ministry of Educ., *Circular No. 11/2026: Maintaining Discipline in Schools* (Mar. 30, 2026), https://www.moe.gov.lk/en/circulars/?_circular_number=11%2F2026; Karunapala v. Siriwardhana, SC/FR/97/2017, at 15–16 (Sup. Ct. Sri Lanka Feb. 12, 2021); *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 14, 16 (Sup. Ct. Sri Lanka July 9, 2025).

⁶⁴ End Corporal Punishment, *supra* note 12; Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka).

⁶⁵ NAT’L CHILD PROT. AUTH., A STUDY ON CHILD DISCIPLINARY METHODS PRACTICED IN SCHOOLS IN SRI LANKA 2–5, 29, 58, 74–86 (2017), <https://www.childprotection.gov.lk/images/pdfs/acts-guidelines/24.1.2018%20Disciplinary%20Methods%20final%20report%2006-07-2017.pdf>.

⁶⁶ Children and Young Persons (Amendment) Act, No. 39 of 2022 (Sri Lanka).

⁶⁷ Children and Young Persons (Amendment) Act, No. 39 of 2022, § 2 (Sri Lanka); CRC, *supra* note 4, art. 1.

section 71(6) of the former Ordinance, which had expressly recognised “the right of any parent, teacher or other person having lawful control or charge of a child to administer punishment to him.”⁶⁸ That amendment came into force on 1 January 2024.⁶⁹ Even so, the reform did not fully settle the legality of corporal punishment across the legal system, because the broader Penal Code framework remained unchanged. UNICEF described the commencement of the amendments as a “long-awaited” reform and “a significant step towards protecting the rights and welfare of all children in Sri Lanka.”⁷⁰

However, even after section 71(6) of the Children and Young Persons Ordinance was repealed, the wider legal position remained incomplete.⁷¹ Penal Code section 82 continued to preserve a broad defence, while section 341, read with illustration (i), still treated a schoolmaster’s flogging of a scholar in the “reasonable exercise” of disciplinary discretion as not amounting to illegal criminal force.⁷² These provisions meant that, notwithstanding reforms, Sri Lankan law still left legal space for some forms of physical punishment to be defended as discipline administered in good faith or in the exercise of school authority.⁷³ Full prohibition had therefore still not been achieved in the home, alternative care settings, day care, schools and some penal institutions.⁷⁴ In that sense, the next step in reform was clear: the Penal Code itself required amendment if these older defences were to be removed and corporal punishment prohibited across all settings involving children.⁷⁵

Judicial Movement from Excessive Force to Prohibition

Although the statutory framework preserved traces of an older punitive structure, it did not displace the Constitution. Article 11, which prohibits torture and cruel, inhuman or degrading treatment or punishment, applied as much to children in schools as to any other person and thus

⁶⁸ Children and Young Persons (Amendment) Act, No. 39 of 2022, § 22 (Sri Lanka).

⁶⁹ Children and Young Persons (Amendment) Act, No. 39 of 2022, § 1(2) (Sri Lanka); Gazette Extraordinary No. 2366/09, pt. I, § I, at 1A (Jan. 8, 2024) (Sri Lanka), https://www.documents.gov.lk/view/egz/2024/1/2366-09_E.pdf.

⁷⁰ UNICEF Sri Lanka, *UNICEF Welcomes the Commencement of the Amendments to the Children and Young Persons Ordinance* (Feb. 7, 2024), <https://www.unicef.org/srilanka/press-releases/unicef-welcomes-commencement-amendments-children-and-young-persons-ordinance>; UNICEF Sri Lanka, *Child Welfare and Child Justice in Sri Lanka—No Time Like the Present for Reform* (Nov. 24, 2022), <https://www.unicef.org/srilanka/press-releases/child-welfare-and-child-justice-sri-lanka-no-time-present-reform>.

⁷¹ Children and Young Persons Ordinance, No. 48 of 1939, § 71(6) (Sri Lanka) (repealed 2024); Children and Young Persons (Amendment) Act, No. 39 of 2022, § 22 (Sri Lanka).

⁷² Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka).

⁷³ Children and Young Persons (Amendment) Act, No. 39 of 2022, § 22 (Sri Lanka); Penal Code, No. 2 of 1883, §§ 82, 341 illus. (i) (Sri Lanka).

⁷⁴ End Corporal Punishment, *supra* note 12.

⁷⁵ Penal Code (Amendment) Bill, Bill No. 33 of 2025, Statement of Legal Effect (Sri Lanka).

imposed constitutional limits on the exercise of disciplinary authority.⁷⁶ In *Bandara v. Wickremasinghe* (1995), the Supreme Court held that the discipline of students falls within the purview of schoolteachers and that, when teachers purport to maintain discipline, they act under “colour of office.” The significance of that holding was that school discipline ceased to appear as a merely internal matter insulated from constitutional scrutiny: where disciplinary force “exceeded lawful authority,” it became capable of amounting to an infringement of fundamental rights by executive or administrative action. *Bandara* therefore did not abolish discipline, but it did establish that disciplinary power in schools was reviewable under Article 11.⁷⁷

Bandara v. Wickremasinghe was not framed as a case about ordinary classroom correction but about disciplinary violence of sufficient seriousness to produce documented physical injury, humiliation, and psychological harm, which the Court treated as an excess of disciplinary power violative of Article 11.⁷⁸ The later judgment in *Karunapala v. Siriwardhana* moved the law further. There, drawing expressly on the Committee on the Rights of the Child’s formulation that corporal punishment includes punishment causing some degree of pain or discomfort “however light,” the Supreme Court stated that the Convention on the Rights of the Child could not be interpreted as supportive of corporal punishment in any form.⁷⁹ At the same time, however, the Court emphasised that rejection of corporal punishment was not a rejection of discipline itself. On the contrary, it recognised that the healthy development of the child depends on parents and other adults providing guidance in line with the child’s evolving capacities. The judgment’s significance lies in the way it connected that distinction to the domestic school context. By relying on the Ministry of Education circular and its recognition of non-violent alternatives, the judgment moved the law beyond the narrower idea of mere excess of disciplinary authority towards a clearer position: discipline remained lawful, but corporal punishment did not remain justified merely because it was imposed for disciplinary purposes.⁸⁰

That position was stated in still clearer terms in *Lalitha Bandara v. Ramya De Silva*. Whereas *Bandara v. Wickremasinghe* had treated serious disciplinary violence as an excess of lawful

⁷⁶ SRI LANKA CONST. art. 11.

⁷⁷ *Bandara v. Wickremasinghe*, [1995] 2 Sri L.R. 167, 169–70, 174 (Sri Lanka).

⁷⁸ *Id.*

⁷⁹ *Karunapala v. Siriwardhana*, SC/FR/97/2017, at 12–13 (Sup. Ct. Sri Lanka Feb. 12, 2021).

⁸⁰ *Karunapala v. Siriwardhana*, SC/FR/97/2017, at 12–13, 15 (Sup. Ct. Sri Lanka Feb. 12, 2021).

authority, *Lalitha Bandara* moved to a more categorical position. The Supreme Court held that the teacher's assault, which caused a traumatic perforation of the student's eardrum and required hospital treatment, amounted to cruel, inhuman, and degrading treatment or punishment and therefore infringed Article 11.⁸¹ More significantly, the Court made clear that corporal punishment could not be preserved by recasting it as school discipline. It stated that there can be no form of corporal punishment imposed on a student either as a measure of discipline or for any other reason, and it coupled that position with a direction that the Ministry of Education adopt a "zero-tolerance" approach while promoting non-harmful forms of discipline.⁸² The judgment thus completed, at least in the school context, the doctrinal movement from review of excessive disciplinary force to rejection of corporal punishment itself as a lawful disciplinary method.

Reform, Resistance, and Continuing Ambiguity

Although the courts increasingly distinguished lawful discipline from punitive violence and rejected corporal punishment as a disciplinary method, the public outcry cannot be understood by reference to doctrine alone. It must also be situated in the contemporary legislative and institutional context in which punishment continued to be defended as discipline. By 2024, reform was already under way. Cabinet approval was granted on 29 April 2024 to amend the Penal Code so as to prohibit corporal punishment in all spheres, at a time when advocacy and public engagement surrounding the International Day to End Corporal Punishment were helping to foreground the issue in Sri Lanka.⁸³

Sri Lanka also pledged at the First Global Ministerial Conference on Ending Violence Against Children, held in Bogotá in November 2024, to introduce by mid-2025 a comprehensive legal framework prohibiting corporal punishment in all settings and promoting positive parenting and educational practices.⁸⁴ In March 2025, the Minister of Justice stated in Parliament that

⁸¹ *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 5, 11–12 (Sup. Ct. Sri Lanka July 9, 2025).

⁸² *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 16–17 (Sup. Ct. Sri Lanka July 9, 2025).

⁸³ Off. of the Cabinet of Ministers, *Amendment of the Penal Code and the Code of Criminal Procedure Act to Prohibit Corporal Punishment in All Spheres* (Apr. 29, 2024), https://www.cabinetoffice.gov.lk/cab/index.php?Itemid=49&dID=12528&id=16&lang=en&option=com_content&view=article; Hum. Rts. Comm'n of Sri Lanka, *HRCSL Statement on the International Day to End Corporal Punishment* (Apr. 30, 2024), <https://www.hrcsl.lk/hrcsl-statement-on-the-international-day-to-end-corporal-punishment/>.

⁸⁴ Ministry of Women & Child Affs., *Sri Lanka's Commitment at the First Global Ministerial Conference to End Violence Against Children*, <https://www.childwomenmin.gov.lk/news/sri-lankas-commitment-at-the-first-global-ministerial-conference-to-end-violence-against-children/ms-kdr-olga-has-appointed-as-the-secretary-to-the-ministry-of-women-and-child-affairs-on-2nd-december-2024> (last visited July 14, 2026).

corporal punishment of children had to be banned and that a Bill had already been drafted.⁸⁵

That process culminated in the gazetting of the Penal Code (Amendment) Bill in July 2025, its subsequent presentation to Parliament and placement on the Order Paper, and its approval by the Sectoral Oversight Committee on Governance, Justice and Civil Protection on 23 September 2025 for second reading.⁸⁶ Significantly, the reform initiative was framed not as a rejection of discipline as such, but as a response to the longstanding inadequacy of the legal framework governing harmful disciplinary practices affecting children, including in schools and detention settings.⁸⁷

The reported legal pressure surrounding the Bill lay in its perceived breadth. By extending the offence to physical pain or discomfort “however light” and to non-physical humiliation “however light”, while excluding reliance on the Penal Code’s general exceptions, the Bill was said to blur the line between harmful punishment and ordinary correction.⁸⁸ The resulting objection was not simply to prohibition itself, but to a drafting style thought to leave lawful discipline insufficiently clear.⁸⁹

The social pressure surrounding the Bill was expressed less as an open defence of cruelty than as a defence of authority, order, and cultural legitimacy. Reported objections came from bodies representing teachers and principals, and the opposition stressed that the reform lacked clear guidance on how children were to be corrected in practice and feared that ordinary school discipline would become legally perilous.⁹⁰ Reported religious criticism was framed in similar terms. Cardinal Malcolm Ranjith warned that the proposed law would create “unwanted

⁸⁵ Sahan Weerasooriya, *Justice Minister Promises New Laws to Ban Corporal Punishment for Children*, ISLAND (Mar. 10, 2025), <https://www.island.lk/justice-minister-promises-new-laws-to-ban-corporal-punishment-for-children>; *Bill to Ban Corporal Punishment of Children to Be Introduced Soon: Justice Minister*, ADA DERANA (Mar. 8, 2025), <https://www.adaderana.lk/news/106406/bill-to-ban-corporal-punishment-of-children-to-be-introduced-soon-justice-minister>.

⁸⁶ Penal Code (Amendment) Bill, Bill No. 33 of 2025 (Sri Lanka); Parliament of Sri Lanka, *Minutes of Parliament* (Aug. 19, 2025), <https://www.parliament.lk/uploads/documents/minutesofparliament/1759293804010209.pdf>; Parliament of Sri Lanka, *Order Paper of Parliament No. 75* (Aug. 19, 2025), <https://www.parliament.lk/uploads/documents/orderpapers/1755252247009402.pdf>; *Committee Approval*, *supra* note 2.

⁸⁷ Penal Code (Amendment) Bill, Bill No. 33 of 2025, cls. 2–4, Statement of Legal Effect (Sri Lanka).

⁸⁸ Penal Code (Amendment) Bill, Bill No. 33 of 2025, cls. 2–4 (Sri Lanka); Sajeniya Sathanandan, *Legal Fog Obscures Child Punishment Debate; Govt Willing to Amend the Bill*, SUNDAY TIMES (Oct. 5, 2025), <https://www.sundaytimes.lk/251005/news/legal-fog-obscures-child-punishment-debate-govt-willing-to-amend-the-bill-615103.html>.

⁸⁹ Perera, *supra* note 3; Ministry of Educ., *The Act on Subjecting Children to Punishment Is Not a Law Amended Targeting Teachers or Schools* (Oct. 1, 2025), <https://moe.gov.lk/en/the-act-on-subjecting-children-to-punishment-is-not-a-law-amended-targeting-teachers-or-schools/>.

⁹⁰ Perera, *supra* note 3.

problems,” could expose even ordinary parental or teacher guidance to complaint, and reflected “Western” norms unsuited to Sri Lankan society.⁹¹ The Sunday Times also reported objections from the Mahanayake Theras of the three Nikayas, reinforcing the wider sense that the reform threatened existing structures of authority and discipline.⁹² The controversy therefore turned not simply on whether children should be protected, but on a deeper belief that discipline itself was under threat once punishment ceased to be legally available.

However, this does not defeat the Bill’s object. Reported criticism described the proposal as creating “unwanted problems” and as importing “Western” norms unsuited to Sri Lankan society.⁹³ Comparative scholarship shows that opposition to prohibition has often taken the form of a cultural or religious defence of punishment, as though inherited practice could preserve a legal right to inflict pain in the name of correction.⁹⁴ Contemporary child-rights law rejects that logic, and comparative experience, including the Swedish example discussed earlier, shows that social resistance to prohibition is not unusual where legal reform runs ahead of disciplinary habit.⁹⁵ As argued earlier, punitive discipline in Sri Lanka developed within wider structures of authority shaped in part by colonial and missionary histories in which violence could be treated as morally necessary rather than legally contestable.⁹⁶ In that sense, it is not the prohibition, but the older tolerance of corporal punishment, that is partly entangled with “Western” historical influence. Nor can the child’s dignity be dismissed as an “unwanted problem.” If children’s voices are harder to hear in homes and schools, that is a reason for stronger protection, not weaker protection. The real question is whether any system of correction can remain lawful once the child is treated as an equal rights-holder.⁹⁷

Thus, the deeper problem is best understood not as a genuine conflict between child protection and discipline, but as a failure of administrative transition. The real failure was not that the Bill moved too far ahead of schools but that the administrative system had for too long failed to

⁹¹ Yohan Perera, *Banning Corporal Punishment Will Create Unwanted Problems: Cardinal*, DAILY MIRROR (Oct. 10, 2025), <https://www.dailymirror.lk/breaking-news/Banning-corporal-punishment-will-create-unwanted-problems-Cardinal-Ranjith/108-321927>.

⁹² Govt. Backtracks, *supra* note 3.

⁹³ Perera, *supra* note 91.

⁹⁴ Alison Dundes Renteln, *Corporal Punishment and the Cultural Defense*, 73 LAW & CONTEMP. PROBS. 253, 253–55 (2010).

⁹⁵ Porzig-Drummond, *supra* note 26, at 49; Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 26–29, 47.

⁹⁶ LITTLE, *supra* note 52, at 20–23; Michaelson & Durrant, *supra* note 24, at 1–4.

⁹⁷ CRC, *supra* note 4, arts. 12, 19(1), 28(2); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 11, 18, 21, 26.

equip schools to discipline without violence.⁹⁸ In *Lalitha Bandara v. Ramya De Silva*, the Supreme Court itself pointed to the next step: once corporal punishment is treated as impermissible, the Ministry of Education must ensure that teachers and school authorities are guided, trained, and supported in the use of non-harmful methods of correction which “may include imposition of measures of positive discipline, positive behavioural interventions and supports, and also non-punitive forms of punishment.”⁹⁹ That need, however, is not a reason to postpone legal reform. It is the consequence of it. The task of the law is to close the residual space in which punishment may still be defended as discipline; the task of administration is to reconstruct discipline in practice in a manner consistent with the dignity and rights of the child.

The more practical burden falls on the Ministry of Education and other administrative authorities.¹⁰⁰ If circulars merely announce that corporal punishment is prohibited, or repeat a standard of “zero tolerance,” without clearly identifying what teachers may do instead, they risk leaving educators with a negative command rather than a workable disciplinary framework.¹⁰¹ In that gap, resistance to reform can present itself as a practical objection: if punishment is prohibited, how are teachers to maintain order? The answer is not to preserve corporal punishment, but to complete the transition by translating the dignity-based standard into usable school practice.

Circulars and teacher-training materials should therefore identify lawful alternatives, including clear classroom rules and expectations, age-appropriate and logical consequences, restorative practices, positive reinforcement, individualised behavioural support, counselling and referral where necessary, parental engagement, de-escalation techniques, and structured responses to repeated misconduct.¹⁰² These methods preserve discipline but detach it from violence, humiliation and fear.¹⁰³ The Sri Lankan controversy is therefore not evidence that legal prohibition is premature; it is evidence that prohibition must be accompanied by administrative guidance capable of making non-violent discipline ordinary.

⁹⁸ *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶¶ 16–17 (Sup. Ct. Sri Lanka July 9, 2025).

⁹⁹ *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶ 17 (Sup. Ct. Sri Lanka July 9, 2025).

¹⁰⁰ *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶ 17 (Sup. Ct. Sri Lanka July 9, 2025).

¹⁰¹ *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶ 17 (Sup. Ct. Sri Lanka July 9, 2025); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 26–29, 38–39.

¹⁰² *Lalitha Bandara v. De Silva*, SC/FR/461/2012, ¶ 17 (Sup. Ct. Sri Lanka July 9, 2025); Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 26–29, 38–39; WORLD HEALTH ORG., SCHOOL-BASED VIOLENCE PREVENTION: A PRACTICAL HANDBOOK 36–39, 50–53, 56 (2019), <https://www.who.int/publications/i/item/school-based-violence-prevention-a-practical-handbook>.

¹⁰³ Comm. on the Rights of the Child, General Comment No. 8, *supra* note 4, ¶¶ 11, 13–14, 26.

Conclusion

Sri Lanka's recent developments on corporal punishment show that the central legal issue is no longer simply whether children should be protected from serious abuse. That proposition is already embedded in domestic constitutional law and in the international human rights framework. The harder question is whether a legal system can continue to preserve a residual space for pain, humiliation or fear when such conduct is described as discipline, correction or parental guidance. The answer suggested by the Convention on the Rights of the Child, General Comment No. 8 and developing comparative jurisprudence is that it cannot. Once the child is treated as a rights-holder with dignity, bodily integrity and equal protection, corporal punishment cannot be saved by the language of reasonableness, good faith or ordinary correction.

The Sri Lankan experience is significant because it reveals the difficulty of completing that transition. Sri Lanka has abolished judicial corporal punishment, constrained school corporal punishment through administrative circulars, and moved through constitutional adjudication toward a categorical rejection of corporal punishment in schools. Yet elements of the older legal order have persisted through general criminal-law defences, statutory ambiguity and social understandings that continue to treat punishment as a necessary incident of discipline. This article has therefore argued that international human rights law requires not only explicit prohibition and equal protection, but also the reconstruction of discipline through institutional guidance and non-violent alternatives. The point is not that human rights law abolishes parental guidance, school authority or discipline. It is that those forms of authority must be exercised without pain, humiliation or fear. In that sense, Sri Lanka's experience is not merely a local story of incomplete compliance but an example of the broader transitional challenge facing legal systems that seek to move from reasonable chastisement to dignity.