

Learner Discipline: Finding Lawful Alternatives to Corporal Punishment (Learner Discipline)

T. S. Mashau*, H. N. Mutshaeni and L. R. Kone

University of Venda, South Africa
**E-mail: takalani.mashau@univen.ac.za*

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ABSTRACT In most South African schools, learner discipline is out of control as corporal punishment has been abolished and is unlawful. Many educators still hold the perception that corporal punishment was/is the only alternative to maintain discipline in schools. Educators have become victims of violent learners. They are chased with broomsticks and in extreme cases, even threatened at gunpoint. Sometimes learners form vigilante groups are very dangerous for educators and other learners. This happens due to the rights which learners have, as stipulated in the Bill of Rights, Chapter 2, Section 10 of the Constitution, which states that everyone has inherent dignity and the right to have their dignity respected and protected. These rights are limited in terms of Section 36 (1) (a)-(e) where it is stated that the rights may be limited. Such limitation is only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors. These factors include the nature of the right, the importance of the purpose of the limitation, the nature and extent of the limitation, the relation between the limitation and its purpose, and less restrictive means to achieve the purpose. In order to emphasize on Section 10 of the Constitution, Section 10 of the South African Schools Act 84 of 1996 prohibits corporal punishment. This conceptual paper explores learner discipline as per Section 10 of the Constitution and Section 10 of South African Schools Act 84 of 1996, and gives recommendations on lawful alternatives to corporal punishment.