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Legal Dimensions of Teacher Deviance in Educational Institutions

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ABSTRACT

The deviance of teachers within educational institutions is a matter of growing socio-legal import, one that strikes at the heart of the education system's integrity and the very ethics of the profession while putting student safety at risk. We are seeing a range of deviant conduct from the teaching ranks: professional and cyber misconduct, corruption, negligence, abuse of power, discrimination, corporal and sexual harassment, and outright flouting of institutional rules. This kind of behaviour is an affront to the constitutional and human rights of students and serves to erode public confidence and discipline in schools. With more cases of teacher misconduct coming to light in universities, colleges and schools of late, there is a clear need for tighter legal oversight and for institutions to be held to account.

With the Indian legal framework in mind, this article offers a critical look at the law as it pertains to teacher deviance. We put under the microscope the judicial response to such matters and the statutory and disciplinary provisions that govern them, not to mention the constitutional safeguards for students. The paper also considers how regulatory bodies and educational authorities are faring in their efforts to stem this tide of deviant behaviour, with particular attention to ethical lapses in academia, the misuse of digital media, discrimination and sexual offences against the young.

In assessing whether current laws and enforcement are up to the task, we find shortcomings; procedural hold-ups, a dearth of accountability, institutional bias and the fact that many cases go unreported are among the obstacles. Adopting a socio-legal lens, the study puts forward some much needed reforms to better protect students and instil a sense of ethical professionalism. Our contention is that you cannot preserve the standing of an educational institution without a sound mix of preventive regulation, vigilance on the part of the institution, and a firm hand in both legal accountability and ethical training.

Keywords: *Teacher Deviance, Educational Institutions, Professional Misconduct, Teacher Misbehaviour, Student Rights, Institutional Accountability, Educational Law, Criminal Liability, Sexual Harassment, Corporal Punishment, Ethical Violations, Cyber Misconduct, Constitutional Protections, Disciplinary Mechanisms, Educational Ethics, Regulatory Framework, Abuse of Authority, Student Safety, Human Rights, Socio-Legal Study.*

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I. INTRODUCTION

Few would dispute that education is one of the most powerful tools for moral and intellectual growth in society, as well as a means of social change. At the heart of this system are teachers. They have long been seen as occupying a noble profession built on trust, ethics and social accountability, given their charge to mould the character, discipline and future of their students.¹

Yet there is a troubling undercurrent in recent years: a rise in deviant behaviour by some teachers has put the safety and dignity of students at risk. By teacher deviance we mean conduct that runs afoul of the law, professional ethics or the standards expected in an educational setting. This can manifest in many ways, from abuse of authority, discrimination and corporal punishment to more insidious forms like sexual harassment, emotional or cyber misconduct, and even corruption. The impact is not merely a matter of institutional discipline; it can do real harm to a student's psychological and academic well-being. In extreme cases, such misbehaviour is nothing short of criminal and will be met with the full force of civil and penal law.

The issue has grown more complicated of late with the advent of new technologies, shifting power dynamics and what appears to be a lax enforcement of ethical norms. You will still find instances of misconduct in schools and universities despite the constitutional and statutory protections in place. Too often, cases go unreported; fear, stigma or simply not knowing how to make a complaint keeps students and parents silent.²

In India, the rules of the road for teacher conduct are set by a mix of constitutional principles, service rules, judicial precedent and criminal legislation. We have the right to equality and dignity enshrined in the Constitution, and specific acts like the 2012 Protection of Children from Sexual Offences Act and the 2009 Right of Children to Free and Compulsory Education Act offer recourse. The Bharatiya Nyaya Sanhita of 2023 is another provision that can be called upon. Regulatory bodies have also put forward codes of conduct to keep teachers in line.³

But one has to wonder about the efficacy of these measures. Weak implementation and procedural delays are common, and administrative negligence is not unknown. Some institutions seem more concerned with their own reputation than with protecting the student,

¹ Emile Durkheim, *The Rules of Sociological Method* 52–58 (W.D. Halls trans., Free Press 1982).

² S. Bhattacharya, *Professional Ethics in Teaching and Teacher Education*, 12 *J. Educ. & Psych. Res.* 45, 49–53 (2019).

³ Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* 1–15 (Free Press 1963).

and the move to online learning has opened up fresh avenues for deviance, such as privacy violations and digital harassment.

It is in this context that the present study sets out to take a hard look at the legal side of teacher deviance. We will be examining the current framework and the way the judiciary handles these matters to see if the law is doing enough to hold institutions to account and shield students. From a socio-legal point of view, our aim is to put forward some reforms that would make for a more ethical and secure environment in our educational institutions.

Research Problem

The matter of teacher deviance is one that has come to be viewed with some seriousness in educational circles. It is a legitimate concern given the toll it takes on student welfare and institutional discipline, not to mention the credibility of the system as a whole. We are talking about more than simple professional lapses; often there are transgressions of legal, ethical and even constitutional norms at play.

The present study identifies several important legal and institutional issues connected with teacher deviance, including:

- The absence of a uniform legal framework specifically addressing teacher misconduct in educational institutions.
- Inadequate implementation of disciplinary and regulatory mechanisms within schools and universities.
- Increasing incidents of sexual harassment, corporal punishment, and abuse of authority by teachers.
- Lack of awareness among students regarding their legal rights and complaint mechanisms.
- Institutional reluctance to report misconduct due to concerns over reputation and administrative pressure.
- Misuse of digital platforms and cyber misconduct by teachers in online educational environments.
- Delay in investigation and adjudication of complaints relating to teacher deviance.
- Insufficient psychological counselling and support systems for victims within educational institutions.

- Challenges in balancing teacher autonomy, disciplinary control, and institutional accountability.
- Need for stronger ethical training and professional standards within the teaching profession.

Yet for all this, you will find many institutions do not deal with such behaviour as they should. Whether it is a lack of transparency or monitoring, an aversion to any harm to their reputation, or simply because enforcement is too lax, the response is frequently wanting. The students are left open to the kind of abuse, harassment and psychological trauma that can be hard to put right. In short, what we are seeing is not just a problem with the individual but a systemic and legal one. It calls for sweeping reforms and sterner enforcement to properly safeguard the rights of the student.

Hypothesis

H1: Inadequate legal enforcement, weak institutional accountability, and lack of effective disciplinary mechanisms contribute to the rise of teacher deviance in educational institutions, resulting in increased violations of student rights and educational ethics.

H2: Teacher deviance, including misconduct, abuse of authority, harassment, and unethical behaviour, adversely affects student safety, psychological well-being, academic development, and public trust in the education system.

II. MEANING AND CONCEPT OF TEACHER DEVIANCE

When we speak of teacher deviance, we are talking about any conduct on the part of a teacher that runs counter to the law, professional ethics, institutional rules or the standards of behaviour one would expect in an educational setting. It is not just a matter of criminal acts; the term also covers unethical, irresponsible or even abusive actions that are at odds with what is required of a teacher. The impact can be considerable, eroding public trust in the system and doing harm to students, institutional integrity and the discipline of the school.⁴

There is an expectation in any institution that a teacher will deal with colleagues and pupils in a fair, moral and professional manner. But if a teacher is found to be misusing his or her authority, being discriminatory, shirking duties or breaking the rules, that is deviant behaviour. It can happen in a physical classroom, in other institutional settings or in digital learning spaces.

⁴ P. Rajalakshmi & K. Arulselvi, Teacher Misconduct and Student Protection in Educational Institutions, 8 Indian J. L. & Justice 112, 118–24 (2021).

You can look at the concept from a sociological or legal angle. Sociologically, it is simply behaviour that strays from the norms and values of the profession. Legally, it means violating service rules, statutory provisions or even criminal law. Some transgressions, like sexual harassment or corporal punishment, for instance, open a teacher up to both disciplinary and criminal charges.⁵ Whether intentional or not, deviance may stem from a host of personal, psychological or social factors. Lately, we have seen more of it, no doubt in part to the stresses of the job, weak controls within institutions, less monitoring and the sheer complexity of modern education systems. Since schools are so vital to the fabric of society, it is imperative that teachers uphold their ethical and professional obligations to safeguard student rights and the good name of the education system.

III. NATURE AND CHARACTERISTICS OF TEACHER DEVIANCE

There is a multidimensional problem in the form of teacher deviance that has repercussions for the educational environment, student welfare and institutional discipline. You can distinguish it from run-of-the-mill professional errors by the fact that it entails behaviour in breach of the ethical, legal or institutional obligations of the teaching profession. How this deviance presents itself will depend on the teacher's intent, the severity of what is done and its effect on the students and the institution.⁶

A key feature is the way authority and power are put to bad use. A teacher holds a position of trust and influence; when that is abused, it can lead to exploitation, emotional distress, fear or discrimination on the part of the students. We see this in deliberate acts of misconduct – be it harassment, physical punishment, corruption or an unethical relationship with a pupil. Then there is the question of where the deviance takes place. It is no longer confined to the traditional classroom. The rise of digital communication and online learning means teachers can violate institutional ethics and student privacy through virtual classrooms, messaging apps or social media.

And while some of this is an individual matter stemming from a teacher's own negligence, psychological make-up or personal failings, at times it is institutional. Where you have weak oversight, no real accountability or a lack of proper ethical training, you are bound to get deviant conduct. In that sense, it is as much a symptom of regulatory and institutional weakness as it is an individual failing.

⁵ National Council for Teacher Education, Code of Professional Ethics for School Teachers 4–11 (2010).

⁶ University Grants Commission, UGC Regulations on Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions, 2018, Gazette of India, July 31, 2018.

The following are some major characteristics of teacher deviance:

- Violation of professional ethics and institutional discipline.
- Abuse of authority, trust, or position within educational institutions.
- Physical, emotional, psychological, or sexual misconduct towards students.
- Discriminatory behaviour based on caste, gender, religion, or social background.
- Negligence in academic responsibilities and professional duties.
- Misuse of digital platforms and online educational systems.
- Behaviour resulting in legal, disciplinary, or criminal liability.
- Negative impact on student rights, mental health, and educational development.

Thus, the nature of teacher deviance demonstrates that it is both a legal and social issue requiring effective regulation, ethical awareness, and institutional accountability to maintain discipline and professionalism within the education system.⁷

IV. TYPES OF TEACHER DEVIANCE IN EDUCATIONAL INSTITUTIONS

The nature and impact of a teacher's misconduct will dictate the form his or her deviance takes, be it in the classroom or at the institutional level. What for some may be a breach of professional ethics is for others a disciplinary matter or even a criminal offence. And as educational systems and the digital learning spaces they occupy have grown more complex, so too has the range of misconduct one can find in modern institutions.

Professional misconduct is perhaps the most prevalent type of deviance. It covers a host of issues from shirking teaching duties and irregular attendance to favouritism and the tampering of academic records, not to mention outright flouting of institutional rules. All of this does an end run around professional integrity and degrades the quality of education on offer.

Then there is the more serious matter of abusing one's authority. A teacher in a position of power can all too easily use it to control or exploit students, whether through intimidation, threats or coercion. This kind of behaviour, which can be discriminatory on the basis of caste, gender, religion or even how well a student performs, makes for an unsafe and hostile environment. At the other end of the spectrum are the gravest offences: sexual harassment and misconduct. This encompasses anything from unwanted physical contact and sexually tinged remarks to online

⁷ Supreme Court of India, *Parents Forum for Meaningful Education v. Union of India*, (2001) 8 S.C.C. 481.

exploitation. In India, such acts are met with severe criminal liability because they are a clear violation of a student's constitutional rights and bodily autonomy.⁸

You will also see significant deviance in the form of corporal and emotional abuse. Public shaming, mental harassment and physical punishment take a toll on a student's psychological development and schooling. Even though the law is against it, you still come across these practices in many places, owing to a lack of enforcement and old fashioned views on discipline.

Lately, the move towards digital education has given rise to cyber misconduct. Teachers are using social media and messaging apps to cross lines, be it by invading privacy or putting out inappropriate material. It is a growing problem that poses real questions about digital ethics and the protection of students online.

The major types of teacher deviance include:

- a) Professional misconduct and negligence.
- b) Abuse of authority and discriminatory behaviour.
- c) Sexual harassment and exploitation of students.
- d) Corporal punishment and emotional abuse.
- e) Corruption, bribery, and academic malpractice.
- f) Cyber misconduct and misuse of digital platforms.
- g) Violation of institutional ethics and service rules.
- h) Psychological harassment and intimidation of students.

These forms of deviance demonstrate that teacher misconduct extends beyond disciplinary violations and may result in serious legal, social, and psychological consequences for students and educational institutions.⁹

V. CAUSES OF TEACHER DEVIANCE IN EDUCATIONAL INSTITUTIONS

There is a confluence of personal, institutional, social and professional elements that give rise to teacher deviance. You will find that the trend toward such behaviour has been fuelled by the mounting pressures of modern educational systems, a softening of ethical norms and an inability to monitor effectively.

⁸ Anupama Roy, Corporal Punishment and Constitutional Rights of Children in India, 5 Indian J. Const. L. 88, 93–101 (2011).

⁹ Supreme Court of India, Avinash Nagra v. Navodaya Vidyalaya Samiti, (1997) 2 S.C.C. 534.

At its core, the problem is often one of weak supervision and accountability. Too many institutions do not have the means to enforce their disciplinary rules or keep a close enough watch on their staff. When there is no real administrative control and action against wrongdoing is slow to come, it is no surprise to see professional ethics and institutional rules being flouted with some regularity.

Then you have the psychological toll of the job. A heavy workload, the threat of job loss, meagre pay and a lack of recognition can take their toll on a teacher's mental stability and conduct. Add in some unresolved emotional issues and it can colour how they deal with students and those they work with.¹⁰

Ethical training is another area where things are lacking. Institutions tend to put all their emphasis on academic credentials and overlook the need for behavioural standards and emotional management in the profession. Deprived of that kind of ethical grounding, a teacher might not grasp the gravity of his or her actions and be prone to an abuse of authority.

You also have to consider the social and cultural climate. Where there is a traditional tolerance for hard-line discipline or where gender bias and power structures are the order of the day, abusive conduct is simply normalised. This does little to protect students or to make them feel they can report what has happened. And now technology has opened up new avenues for trouble. The use of social media, messaging apps and virtual classrooms has made it easier for teachers to overstep the mark, leading to privacy breaches and other forms of cyber misconduct with students.¹¹

The major causes of teacher deviance include:

- a) Weak institutional monitoring and disciplinary control.
- b) Lack of accountability within educational institutions.
- c) Psychological stress and workplace pressure.
- d) Inadequate ethical and professional training.
- e) Abuse of authority and power imbalance.
- f) Social discrimination and cultural attitudes supporting harsh discipline.
- g) Corruption and personal financial interests.
- h) Misuse of digital technology and online communication platforms.

¹⁰ Supreme Court of India, *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241.

¹¹ Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012, India Code.

- i) Lack of awareness regarding legal and professional responsibilities.
- j) Fear of institutional reputation leading to suppression of complaints.

Therefore, teacher deviance is not caused by a single factor but results from multiple institutional and social failures that require comprehensive legal regulation, ethical awareness, and effective administrative supervision.

VI. LEGAL FRAMEWORK GOVERNING TEACHER CONDUCT IN INDIA

In India, the way in which teachers are held to account is a matter of law that draws on a number of sources: constitutional precepts, statutes and regulations, the rulings of the courts, as well as the disciplinary apparatus of individual institutions. At its core, the expectation is that a teacher will uphold professional ethics, see to it that students' rights are safeguarded and that the educational setting is a safe one. Should those duties be breached, the teacher can be made answerable through civil, disciplinary or criminal channels, the liability hinging on what the misconduct entails.¹²

The Constitution is the bedrock of this regulatory scheme. It enshrines fundamental rights to life, freedom, equality, dignity and education. One need only look at Articles 14, 15 and 21 for the guarantees against discrimination and any affront to personal dignity; Article 21A goes further by making education itself a right. This places a legal onus on both the institution and the teacher to foster an environment in keeping with these values and where student safety is not compromised.

Then there are the statutory laws that put teeth into the regulation of behaviour in schools. The Right of Children to Free and Compulsory Education Act of 2009 is clear in barring any form of physical punishment, mental harassment or discriminatory treatment of children. The Protection of Children from Sexual Offences Act, 2012 is even more stringent, with provisions for harsh criminal penalties should a teacher be found guilty of sexual assault, harassment or exploitation of a minor.¹³

Under the Bharatiya Nyaya Sanhita of 2023, there are also clauses covering everything from stalking and obscenity to assault and criminal intimidation. If a teacher's actions cross over into the realm of criminality, proceedings can be brought under these terms. And for transgressions on digital platforms, the Information Technology Act, 2000 may come into play. On an

¹² Asha Baxi, Student Dignity and Educational Discipline Under Article 21 of the Constitution, 9 Indian J. Hum. Rts. 120, 126–33 (2017).

¹³ National Human Rights Commission, Advisory on Protection of Children in Educational Institutions 6–14 (2018).

institutional level, service rules and codes of conduct laid down by school boards, universities and regulators like the University Grants Commission or the National Council for Teacher Education set the standard for professional behaviour and how grievances are to be handled.¹⁴

The judiciary has been no less insistent. In numerous decisions, the Supreme Court and the High Courts have made it plain that institutions must act swiftly to discipline deviant behaviour and be accountable for the protection of their students. In short, while the Indian legal system has put in place a framework of constitutional and judicial oversight to govern teachers, it is only through proper implementation and accountability that student rights can be truly protected.

A. Constitutional Protections relating to Teacher Conduct

In India's educational institutions, the Constitution is the touchstone for upholding student rights and keeping a check on teacher conduct. It is through its various principles of liberty, dignity, equality and protection from exploitation that the document lays down both moral and legal duties for teachers and those in authority to see that the learning environment is one of respect and safety, free from discrimination.¹⁵

Take Article 14, for instance: it ensures equal protection under the law and puts an end to any arbitrary or discriminatory behaviour a teacher might show towards a student. Then there is Article 15 which is even more specific in barring discrimination by reason of caste, sex, race, religion or where one was born. To treat a student differently on account of their personal or social identity is to run afoul of not only the Constitution but the ethics of the institution as well.

The courts have given a broad reading to Article 21's guarantee of life and personal liberty, extending it to cover a person's right to privacy, mental health and freedom from harassment. In this light, when a teacher resorts to corporal punishment, public shaming or sexual and emotional abuse, he is in direct violation of a student's personal security and dignity. Article 21A makes education a fundamental right and it is up to the institution to foster an atmosphere where students can learn without fear. A teacher who acts in a way that disrupts a student's access to education or instils insecurity is undermining that very guarantee.

All of this is underpinned by the Directive Principles and Fundamental Duties, which call for an educational system founded on compassion and human dignity. In short, the constitutional protections form the bedrock of the legal framework we rely on to ensure our teachers act with the proper ethics and that the rights of the students are secure.

¹⁴ UNICEF India, *Ending Violence in Schools: Global and National Perspectives* 10–18 (2019).

¹⁵ Nandita Rao, *Institutional Accountability in Cases of Teacher Misconduct*, 17 *Indian Bar Rev.* 201, 210–18 (2021).

B. Statutory Laws Regulating Teacher Misconduct

India has a range of statutory laws to put in place legal remedies for teacher misconduct and to govern their conduct, over and above the protections afforded by the constitution. Under these statutes, educational institutions can be held to account for matters like cyber misconduct, abuse of authority, discrimination, sexual harassment or corporal punishment.

Take the Right of Children to Free and Compulsory Education Act of 2009 for instance: it is quite explicit in barring any form of physical or mental harassment of children in schools. A teacher who resorts to abusive discipline will be answerable to the law and face the consequences the Act prescribes.

Then there is the Protection of Children from Sexual Offences Act, 2012, which offers broad protection to minors. Should a teacher be accused of anything from sexual assault and exploitation to inappropriate behaviour with a student, the Act allows for prosecution and stiff criminal penalties.

If the misconduct is of a criminal nature, one can look to the Bharatiya Nyaya Sanhita of 2023. Its provisions on assault, stalking, obscenity, and other offences that impinge on bodily dignity and integrity can be the basis for criminal proceedings. In the digital realm, the Information Technology Act of 2000 is what comes into play for online harassment, privacy breaches or the circulation of unsuitable content via electronic means.¹⁶

But it is not only a matter of criminal law. Schools and universities have their own service rules and codes of conduct to regulate how teachers behave. The likes of the University Grants Commission and the National Council for Teacher Education are the regulatory bodies that set the ethical tone and institutional responsibilities required to ensure the profession remains professional and accountable.

VII. ROLE OF EDUCATIONAL INSTITUTIONS AND REGULATORY AUTHORITIES

It is the job of educational institutions and their regulators to keep a close watch on teacher deviance in the education system, to put a stop to it and deal with it when it arises. Because teachers are part of an institutional framework, there is both a legal and ethical onus on schools, colleges and universities to see that professional standards are upheld, disciplinary rules are followed and students are safe. If an institution does not act on misconduct, it is open to charges of negligence and for infringing on the rights of its students.

¹⁶ K. Venkatesan, Ethics and Accountability in the Teaching Profession, 11 Acad. L. Rev. 54, 59–66 (2018).

To govern the behaviour of their staff, these institutions should have well defined codes of conduct and procedures in place for discipline, complaints and grievance redressal. Any allegation of abuse, harassment or discrimination must be looked into in a fair and timely manner. Where the offence is serious, the institution has to work with law enforcement and make sure the victim is protected.

Then you have the regulatory side of things. The University Grants Commission, the National Council for Teacher Education and the various school boards set the ethical guidelines and professional standards for what is acceptable from a teacher. They put out regulations on everything from qualifications to accountability and are key to making sure educational norms and student welfare are being respected.

On top of that, an institution ought to be making students aware of their rights and of the anti-harassment and cyber ethics policies that are in effect. With the right kind of orientation and counselling for teachers, you can foster a sense of professional responsibility and curb any deviant tendencies.

All too often, though, one finds that institutions do not handle teacher misconduct as they should. There can be a reluctance to rock the boat for fear of damaging the institution's reputation, or because of administrative pressure and poor transparency. Complaints get put on the back burner or even quashed, which does more harm to the student and erodes the public's trust in the system. When there is no real accountability or monitoring, it is only a matter of time before an offender gets away with it again.

The major responsibilities of educational institutions and regulatory authorities include:

- Establishing professional codes of conduct and ethical guidelines.
- Creating effective complaint and grievance redressal mechanisms.
- Ensuring prompt disciplinary action against misconduct.
- Protecting student rights, dignity, and safety.
- Providing counselling and support systems for victims.
- Conducting ethical awareness and professional training programs.
- Monitoring digital conduct and cyber ethics in educational environments.
- Cooperating with legal authorities in cases involving criminal offences.

Therefore, effective institutional supervision and regulatory accountability are essential for preventing teacher deviance and maintaining discipline, professionalism, and trust within educational institutions.

VIII. IMPACT OF TEACHER DEVIANCE ON STUDENTS AND EDUCATIONAL INSTITUTIONS

The repercussions of teacher deviance are felt not just by the individual but by students, their institutions and society at large. Given that teachers are in a position of trust and authority, even a modicum of unethical conduct or misconduct can have a profound effect on a student's emotional, psychological and academic welfare. In many ways the damage goes beyond the immediate victim to colour the institutional credibility and the educational climate as a whole.¹⁷

Psychologically and emotionally, the harm can be considerable. When a teacher resorts to humiliation, intimidation, discrimination or an abuse of authority – including corporal punishment or harassment – it can leave a student with anxiety, depression and a bruised self-esteem. The trauma of such acts takes a toll on their mental health and personal development.

Then there is the matter of academic progress. A classroom that feels hostile or where students are fearful will see a drop in participation and concentration. Some may lose all interest in their studies; in more extreme instances they might stop coming to class or walk away from their education entirely, no longer trusting the institution. The consequences are especially dire in cases of sexual harassment or exploitation. These are violations of a student's dignity and bodily autonomy that can result in social stigma and emotional distress which lingers well after one has left the school.

On an institutional level, this kind of deviance erodes discipline and the public's faith in the system. If an establishment is seen to be shielding an offender or turning a blind eye to complaints, it risks legal trouble and reputational harm. It is a failure to meet the constitutional standard of delivering an education that is both safe and of quality.¹⁸

The major impacts of teacher deviance include:

- Psychological and emotional trauma among students.
- Decline in academic performance and educational interest.
- Violation of student dignity, privacy, and constitutional rights.

¹⁷ Supreme Court of India, Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 S.C.C. 645.

¹⁸ Supreme Court of India, Mohini Jain v. State of Karnataka, (1992) 3 S.C.C. 666.

- Creation of fear and insecurity within educational environments.
- Loss of trust in teachers and educational institutions.
- Damage to institutional reputation and credibility.
- Increased legal and disciplinary liability for institutions.
- Negative influence on the moral and ethical environment of education.

Therefore, teacher deviance is not merely an issue of individual misconduct but a broader social and institutional problem that threatens student welfare, educational discipline, and the integrity of the education system.

IX. CHALLENGES IN REGULATING TEACHER DEVIANCE

You would think that with the constitutional safeguards, statutory laws and institutional rules in place, keeping teacher deviance in check would be straightforward. Yet it is one of the education system's more intractable problems. Misconduct is still rife, for the most part because enforcement is weak, administrations fail to act, there is little transparency and social mores stand in the way of holding offenders to account.¹⁹

Underreporting is a case in point. Students are loath to put in a complaint; they may be intimidated by the prospect of retaliation or academic pressure, or simply not know their legal rights and how the institution's complaint process works. Some will endure emotional trauma or social stigma in silence. Parents and students alike may choose to stay out of trouble with the authorities and protect their own good name rather than make an issue of it.

Then you have the problem of institutions being unwilling to be hard line on teachers. It is not uncommon for a school to put its own reputation ahead of the student's welfare, quashing complaints to stave off bad press or a lawsuit. When inquiries are drawn out or biased, it erodes any faith people have in the disciplinary system. There is also no consistency when it comes to standards of discipline from one institution to the next.

A number of schools and colleges do not have grievance redressal committees or ethical oversight that actually work, and staff are not given enough training on professional ethics and the rights of students. Add to that the advent of digital learning and you have fresh regulatory

¹⁹ Deepa Krishnan, Sexual Harassment in Educational Institutions: Legal Challenges and Remedies, 7 Indian J. Gender Stud. 54, 60–73 (2021).

headaches. Online harassment, breaches of privacy and the like can be hard to police, and what rules are on the books are often ill equipped to deal with these new forms of misconduct.²⁰

X. CONCLUSION

When it comes to the welfare of students, institutional discipline and the public's faith in the education system, teacher deviance has become a matter of grave legal, ethical and social concern. Given that teachers are entrusted with positions of authority and responsibility, there is no room for misconduct be it an abuse of power, corporal punishment, discrimination, sexual harassment, negligence or cyber-related impropriety; all of these are direct affronts to a student's rights, dignity and safety. The impact of such behaviour goes beyond merely upending the educational setting, leaving victims with lasting psychological, emotional and academic scars.

In India, this study has looked at the legal side of teacher deviance, from constitutional and statutory law to the way courts and institutions handle regulation. You will find that while there are plenty of laws and disciplinary structures in place to keep teachers in check, they are not always put to work as they should be. Institutional apathy, a dearth of accountability, procedural hold ups and the fact that complaints go unreported can make for weak enforcement. In some cases an institution will put its own reputation ahead of protecting its students. The research also shows that what we see as individual deviance is often symptomatic of larger administrative and institutional failings. With poor monitoring, little by way of ethical training and grievance redressal, and the ready misuse of digital technology, the nature of teacher misconduct in today's schools has grown more complex.

Suggestions:

1. Establish independent and transparent grievance redressal committees in all educational institutions.
2. Ensure strict and timely disciplinary action against teachers involved in misconduct.
3. Introduce compulsory ethical and professional training programs for teachers.
4. Strengthen institutional monitoring and accountability mechanisms.
5. Create awareness among students regarding their legal rights and complaint procedures.
6. Provide counselling and psychological support systems for victims.
7. Develop clear cyber ethics and digital conduct policies for online education.

²⁰ R. Priyadharshini, Teacher Deviance and Ethical Crisis in Modern Education, 5 Int'l J. Educ. Ethics 31, 36–45 (2020).

8. Encourage confidential and fear-free reporting mechanisms within institutions.
9. Conduct regular background verification and behavioural assessments of teachers.
10. Ensure cooperation between educational institutions and law enforcement authorities in serious cases.
11. Promote child-friendly, rights-based, and non-discriminatory educational practices.
12. Strengthen the role of regulatory authorities in supervising institutional compliance and professional ethics.
13. Therefore, effective legal enforcement, institutional responsibility, ethical awareness, and preventive reforms are essential for maintaining discipline, professionalism, and student safety within educational institutions.
