

# Here is how you can complain if someone insults you in school



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**Q** I am a student facing a peculiar problem. Some kids are troubling me in school. They make fun of me and intimidate me. They don't exactly bully me or harm me physically, but pass comments that I find insulting. I have complained to my teacher about it, but no action was taken. Do I have a legal remedy for this? Can any authority issue them a stern warning or something?

**A** Pursuant to your query, it may be noted that verbal comments which may be abusive or insulting to a fellow student is a second degree offence in accordance with Offence No. 2.8 under Article 7 (1) of Ministerial Resolution No. (851) of 2018 on code of behaviour management for students in the general education institutions (the 'Ministerial Resolution No. 851 of 2018') issued by Ministry of Education ('MOE'), which states:

## **"ARTICLE 7: Offences:**

**1.** Behaviour offences are classified into four levels according to their degree, severity, and impact on the students, and on the educational environment and community in general. The procedures of such levels shall be carried out in accordance with the provisions, provided that each of them shall be documented in accordance with the approved regulations and forms and shall be dealt with in accordance with the educational values and systems.

## **"Second degree offences (medium severity offences):**

**2.8:** Verbally abusing or insulting students, staff, or visitors of the school."

In continuance, Article 8 (1) of Ministerial Resolution No. 851 of 2018, stipulates the measures that shall be taken upon the commission of an offence by a student. The following measures shall be imposed for Second degree offences (medium severity offences):

## **"ARTICLE 8:**

### **Mechanism of dealing with offences:**

**1.** The below sequential actions shall be taken, and deduction shall be made to the behaviour marks in case of committing an offence, with due consideration to the mentioned detailed instructions, and ensuring that the topics falling within the functions of the Behaviour Management

Committee has been brought before the committee for making the necessary decisions.

## **"Second degree (medium severity offences):**

- 1.** Issuing the first written warning and instructing the student to sign on an undertaking not to repeat the offense, as per the Form No. 9.
- 2.** Completing the file of the individual case study by the academic advisor/social worker.
- 3.** Summoning the student's guardian on the day next to the offense date and asking them to sign on an agreement for reforming his son's / daughter's behaviour.
- 4.** Monitoring the student's behaviour and providing guidance sessions for him / her."

Further, it may be noted that the Behaviour Management Committee is one of the committees that should be formed at educational institutions which is deputed to address problems that may be faced by a student and determining measures that may be taken against students who commit an offence in accordance with Article 14 (1) and (2) of the Ministerial Resolution No. 851 of 2018.

However, as no action was taken despite your complaint, you may consider contacting the 'Child Protection Unit' with your grievances. It is a specialised unit established by the MOE, which aims to safeguard children from various forms of harm, negligence, and abuse that may occur at the educational institutions they are enrolled in or at their home. Based on the instructions received thereafter, you may decide to further escalate the matter by filing a criminal complaint against the students who verbally pass insulting comments on you at a police station having jurisdiction. The aforesaid criminal complaint may be filed upon a written or verbal complaint pertaining to an offence related to insult and slander.

In continuance, it may be noted that insulting any individual in the UAE is a criminal offence. This is in accordance with Article 374 of the Federal Law No. 3 of 1987 in issuance of Penal Code of UAE (the 'UAE Penal Code'), which states:

## **"ARTICLE 374:**

Shall be sentenced to detention for a maximum period of six months or to a fine not exceeding Dh5,000 in case the libel or insult takes place through the telephone or facing the victim in the presence of others.

"The penalty shall be a fine not exceeding Dh5,000 if the libel or insult takes place facing the victim without the presence of a third party or in a letter dispatched to him by any means whatsoever."

The public prosecution may consider your complaint under the prevailing Federal Law No. 3

of 1987 in issuance Penal Code of UAE and the Federal Law No. (9) of 1976 on Delinquent and Vagrant Juveniles.

## **In free zones, leave salary is basic + accommodation**

**Q** I am working in a free zone company in Jebel Ali and my monthly salary is Dh6,500. When we go on leave, we are only paid basic salary plus accommodation allowance, which is only 56 per cent of my regular salary. Is this legal?

**A** As your employment is in a company based in and governed by the Jebel Ali free Zone Authority ('Jafza'), it may be noted that your employer shall be subjected to the provisions of Federal Law No. (8) of 1980 regulating Employment Relations in the UAE (the 'Employment Law'); and rules and regulations that are implemented by the Jafza. This is in accordance with Rule 11.5.3 of the Jebel Ali Free Zone Rules, 2017 (Seventh Edition), which states:

## **"11.5: Employment:**

**11.5.3:** A customer and a sponsored employee may negotiate the terms and conditions of employment, provided the agreement is not contrary to these free zone rules and is in accordance with the Federal Labour Law No. 8 of 1980."

It may be noted that an employee availing his annual leave shall be remunerated with his annual leave salary that shall include his basic salary and housing allowance if applicable. This is in accordance with Article 78 of the Employment Law, which states:

## **"ARTICLE 78:**

Each employee shall be entitled to his basic salary and the housing allowance, if applicable, in respect of his days of annual leave ... "

Based on the aforementioned provision of law you are entitled only for monthly basic salary and housing allowance as your annual leave salary. However, if your contract states that you are eligible for the entire monthly salary as your annual leave salary, then you are entitled to the whole amount.

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