



## **Constitutional and government initiatives towards inclusive education in India**

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### **Abstract**

Philosophies regarding the education of children with special needs have changed dramatically over the past two decades and several countries including India have led in the effort in implementing policies which foster the integration and more recently inclusion of students with special needs into the mainstream education system. Inclusive education is a worldwide phenomenon widely advocated in the recent past. It is a philosophy as well as a principle and/or practice that is based on human rights and social justice. It advocates that children with special needs have to be educated along with their normal peers in the regular classrooms. India has advocated the implementation of inclusive education supported by relevant policies, legal enactments, schemes, programmes, and plans. This paper addresses contemporary initiatives undertaken by Central and State Governments for persons with disabilities in India.

**Keywords:** Constitutional, government initiatives, education.

### **Introduction**

Inclusive education (IE) is a new approach towards educating the children with disabilities with that of normal ones within the same roof. It seeks to address the learning needs of all children with a specific focus on those who are vulnerable to marginalization and exclusion. It implies all learners with or without disabilities being able to learn together through access to common pre-school provisions, schools and community educational setting with an appropriate network of support services. Inclusive Education is a process of increasing the participation of all students in school, including those with disabilities (Ainscow, 2000). This is possible only in flexible education system that assimilates the needs of diverse range of learners and adapts itself to meet these needs.

Inclusion is not an experiment to be tested but a value to be followed. All the children whether they are disabled or not have the right to education as they are the future citizens of the country. The principle of inclusive education was adopted at the "World Conference on Special Needs Education: Access and Quality" (Salamanca, Spain 1994) and was restated at the World Education Forum (Dakar, Senegal 2000). The idea of inclusion is further supported by the United Nation's Standard Rules on Equalization of Opportunities for Person with Disability Proclaiming Participation and equality for all. On December 13, 2006, The Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol was adopted at the UN headquarters in New York. This particular convention had the highest number of signatories in history to a UN Convention on its opening day. Of late, a consensus has emerged among Indian intellectuals and pedagogues for adopting inclusive education in mainstream schools.

### **Legislation and Policies in India**

The Constitution of India (26 November, 1949), clearly states

in the Preamble that everyone has the right to equality of status and of opportunity. The Article 41 of the Directive Principles of the Indian Constitution supports the right to work, education and public assistance in certain cases including disablement. Further, Article 45 commits to the provision of free and compulsory education for all children up to the age of 14 years. Based on this, the Constitution (86th Amendment) Act 2002 has been enacted by the parliament making education a fundamental right of all children in the age group of 6-14 years. Moreover the 93rd Amendment to the Constitution of India (now renumbered as the 86th), passed by the Lok Sabha on November 28, 2001, makes it mandatory for the government to provide free and compulsory education to "all children of the age of 6-14 years", with its preamble clarifying that "all" includes children with disabilities as well. Although many viewed this amendment as positive, others criticized the age restrictions. In addition, many thought that the type of education (inclusive, segregated, or other) should be specified within the law.

The Government of India created the Kothari Commission in 1964. This commission was created because the Government of India wanted to create a plan of action to improve the education system. The plan of action created by the Kothari Commission included people with disabilities, but unfortunately, the Government of India never implemented it. It reads,

"We now turn to the education of handicapped children. Their education has to be organized not merely on humanitarian grounds of utility. Proper education generally enables a handicapped child to overcome largely his or her handicap and make him into a useful citizen. Social justice also demands it...on an overall view of the problem, however, we feel that experimentation with integrated programmes is urgently required and every attempt should be made to bring in as many children in integrated programs."

### **The Integrated Education of Disabled Children (IEDC) 1974**

The Ministry of Welfare created the Integrated Education of Disabled Children Scheme (IEDC) in 1974. The scheme provided children with disabilities “financial support for books, school uniforms, transportation, special equipment and aids,” with the intention of using these aids to include children in mainstream classrooms. However, the government of India realized that providing structural changes to the classroom, such as adapted equipment, would not be enough to integrate children with disabilities into the classroom. Although it was encouraged and partly funded by UNICEF, fifty percent of the funding was supposed to go through the state governments. The responsibility was transferred to the Department of Education in 1992. Despite the fact that this scheme was supposed to be nation-wide, it was implemented in only 10 out of 29 of the states in India.

Sharma (2001) found three major problems with the IEDC. There was a lack of training and experience of the teachers, a lack of orientation among regular school staff about the problems of disabled children and their educational needs, and the lack of availability of equipment and educational materials.

**The National Policy on Education, 1986 (NPE, 1986)**, and the Programme of Action (1992) stresses the need for integrating children with special needs with other groups. The objective to be achieved as stated in the NPE (1986) is “to integrate the physically and mentally handicapped with general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence.” Although this policy was created in 1986, it was not implemented until the Plan of Action was created in 1992.

The 1992 Program of Action (POA), created to implement the 1986 NPE, broadens the 1986 definition of who should be included in mainstream schooling, that “a child with a disability who can be educated in the general school should not be in the special school.”

### **The rehabilitation council of Indian Act (1992)**

The year 1992 was also the year of the Rehabilitation Council of India (RCI) Act. The RCI Act provided standards for rehabilitation professionals; one type of rehabilitation professional being special education teachers. In essence, the Council and its Act, aims to regulate the quality of training of Rehabilitation Professionals.

Possibly one of the most important landmark legislation to date in India regarding people with disabilities is the **Persons with disabilities Act (Equal Opportunities, Protection of rights and Full Participation) 1995**. The PWD Act strives to address all major aspects of the education sector that pertains to students with disabilities. It states that students with disabilities have the right to access education in a “free and appropriate environment” until they are 18 years of age, “promoting integration into normal schools.” The PWD Act is supposed to provide transport facilities, remove architectural barriers, supply free books and other study materials, grant scholarships, restructure curriculum, and modify the examinations system for the benefit of students with special

needs.

The act also addresses teacher training, for special educators and mainstream educators, by requiring adequate teacher training programs to train teachers to work with students with disabilities. Another extremely important part of this act was the clause that requires all parts of the country, urban and rural, to have facilities that accommodate students with disabilities and ensure that they are in school. The People with Disabilities Act functioned as a catalyst for several other development projects around inclusion and disability.

In 1999, the government passed the **National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act** for the economic rehabilitation of people with disabilities. These legislations have been instrumental in bringing about perceptible change in the attitudes of government, NGOs and people with disabilities.

The government of India started collaborating with the UN and World Bank to put the People with Disabilities Act into action. One major initiative that was born out of the PWD Act was the District Primary Education Program (DPEP). A joint venture between the Indian Government’s Department of Education and the World Bank. The goal of DPEP was “education for all” by the year 2000. As many of the initiatives in India regarding education and children with disabilities, the DPEP focused on inclusion of children with mild to moderate disabilities. Following the PWD Act, important parts of the initiative included Teacher trainings through the District Institutes of Education and Training (DIETS), curriculum modifications, resource room, teacher support and integration or inclusion.

### **Inclusive education in Sarva Shiksha Abhiyan**

Sarva Shiksha Abhiyan (SSA) was launched to achieve the goal of Universalisation of Elementary Education. This adopts a zero rejection policy and uses an approach of converging various schemes and programmes. The key objective of SSA is Universalisation of Elementary Education (UEE). Three important aspect of UEE are access, enrolment and retention of all children in 6-14 years of age. A zero rejection policy has been adopted under SSA, which ensures that every Child with Special Needs (CWSN), irrespective of the kind, category and degree of disability, is provided meaningful and quality education. It covers the following components under education for children with special needs:-Early detection and identification, functional and formal assessment, Educational Placement, Aids and appliances, Support services, Teacher training, Resource support, Individual Educational Plan (IEP), Parental training and community mobilization, Planning and management, Strengthening of special schools, Removal of Architectural barriers, Research, Monitoring and evaluation, Girls with disabilities.

The most recent initiative of Government of India to achieve the goal of universalisation of secondary education (USE) is **Rashtriya Madhyamik Shiksha Abhiyan (RMSA)**, aimed at expanding and improving the standards of secondary education i.e. from class VIII to X. RMSA will work in line with revised scheme of Inclusive Education for the Disabled at Secondary Stage (IEDSS) which ensures that every child with disability will be identified at secondary level and his/her

educational needs will also be assessed and supplied learning material, aids and appliances, assistive devices, support services, as per his/her requirement.

### **The right to education bill**

The Government of India decided to make Amendment 21(A) of the constitution, giving children between the ages of 6-14 the right to a free, appropriate and compulsory education, into an act. In 2005, the Right to Education Act was drafted by the Ministry of Human Resource Development. However, for three years, the bill was not discussed by the cabinet, was not brought up in budget sessions, and was passed around and generally avoided by different departments. The Right to Education Act was passed in 2009 and put into full effect in 2010. The Supreme Court upheld the constitutional validity of the act on April 12, 2012.

### **The action plan for inclusion in education of children and youth with disabilities**

It was extremely important that India create a bill around section 45 and 21 (A) of the constitution, which became the Right to Education Act which was originally floated in 2005. However, in the same year, the Ministry of Human Resource Development also drafted the Action Plan for Inclusion in Education of Children and Youth with Disabilities (IECYD). This action plan envisions that all children with a disability will have access to mainstream education. In order to facilitate this, the government, specifically collaborating between the Rehabilitation Council and the National Council for Teacher's Education, will ensure that there are adequate numbers of teachers trained in inclusive education, as well as the proper physical and ideological infrastructure to facilitate inclusion in schools. The plan specifically looks to move from integration towards inclusion, stating, whereas under the Scheme of Integrated Education for the Disabled Children (IEDC) as it stands at present, children with disabilities are placed in a regular school without making any changes in the school to accommodate and support diverse needs, the revised IECYD will, in contrast, modify the existing physical infrastructures and teaching methodologies to meet the needs of all children, including Children with Special Needs.

A unique aspect of this plan is that it steps outside the Indian constitution and includes students with disabilities outside of the 6-14 age range. Through Integrated Child Development Services (ICDS), anganwadi workers will be trained to identify children with disabilities at an early age, so they can receive early intervention services. While the crucial importance of early intervention cannot be overlooked, the IECYD also discusses accommodations for students with a disability in universities, including a mandatory "Disability coordinator" who provides inclusion services for students with disabilities.

### **Reforming past scheme: Inclusive education of the disabled at the secondary stage**

In 2008, the government reformed the Scheme of Integrated Education for Disabled Children (IEDC) and created the Inclusive Education of the Disabled at the Secondary Stage (IEDSS). It went into effect on April 1st, 2009. IEDC was reformed to take into account the resources provided for

students with disabilities ages 6-14 under Sarva Shiksha Abhiyan.

The objective of IEDSS is to enable the disabled children who have completed eight years of elementary education to continue their education at the secondary stage in an inclusive environment in regular schools. IEDSS provides students with disabilities ages 14-18, studying in public or government-funded schools, Rs. 3000/- per school year from the central government to purchase the necessary materials to use to ensure inclusion of the student in the mainstream school system. This is the first policy that specifically acknowledges the importance of secondary education for persons with disabilities.

### **The national policy for people with disabilities**

The most recent policy specifically concerning education and people with disabilities is the Ministry of Social Justice and Empowerment's National Policy for People with Disabilities. Although this policy was created in 2006, after the 2005 Action Plan, and the two policies were created under separate ministries, they are very similar in both the ideologies that they were founded on, as well as the actual changes they are trying to make to the system. This policy echoes the 2005 plan of action and 2005 (made official in 2009) bill by changing special schools in resource centers for students with disabilities and teachers. In addition, the policy seeks to bridge the gap between rural and urban areas by creating more District Disability and Rehabilitation Centers (DDRCs), which disseminate information in terms of availability of aids and appliances, ensure the mandated 3% coverage of persons with disabilities in poverty reduction programs and target girls with disabilities.

The **Rights of Persons with Disabilities Act (2016)** is the disability legislation passed by the Indian Parliament to give effect to the United Nations Convention on the Rights of Persons with Disabilities, which India ratified in 2007. The Act replaces the existing Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995. The number of disabilities recognized under the act has been increased from 7 (recognized under the Old Act) to 21, and have been elaborately defined. The law recognizes for the first time three blood disorders namely thalassemia, hemophilia, and sickle cell disease, intellectual disability, disability caused due to neurological conditions, acid attack etc. as disabilities. Responsibility has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others.

The Act focuses on multiple aspects such as education, skill development, employment, recreation, rehabilitation, health and social security of person with disability. The act provides every child with benchmark disability between the age group of 6 and 18 years right to free education. Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities. For persons with benchmark disabilities a reservation of not less than 5% in higher education, not less than 5% in government jobs and not less than 4 %, has been provided in allotment of agriculture and housing land, in poverty alleviation schemes and in doing so

priority has to be given to women. The law has become more gender sensitive as separate provisions have been made for women suffering from disability.

Private establishments have also been covered within the ambit of the new Act. Governments as well as private service providers are required to provide services in accordance with the rules on accessibility formulated by the Central Government. No building plan is to be approved unless it complies with the rules of accessibility. Special powers have been conferred on the Executive Magistrate and Police Officer to deal with complaints of abuse, violence or exploitation against the person with disabilities. The Act also requires the State Governments in concurrence with the Chief Justice of High Court to notify District Court/Court of Session to be special courts for speedy trial of offences under the Act. The Act provides for setting up of National Fund for persons with disabilities. Thus, this new act will not only enhance the rights and entitlements of persons with disabilities but also provide effective mechanism for ensuring their empowerment and true inclusion into the society in a satisfactory manner.

### Conclusion

Initiatives undertaken by the Government of India cover a wide range of policies, plans, programmes, schemes and legal enactments related to persons with disabilities in the country. Although the Government of India has attempted to create numerous policies that are inclusive for people with disabilities since the country's independence in 1947, their implementation efforts have not resulted in an inclusive system of education, nor have they reached their goal of "Education for all" across the country. Still, at present, the policies governing the education system are inclusive but, the problem is with implementation. The Government of India needs to bridge the gaps in their education system to build a strong system of inclusive education in India.

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