

## LEGAL PROVISIONS OF INCLUSIVE EDUCATION FOR CHILDREN WITH DISABILITIES IN INDIA

**Sunil Kumar**

Assistant Professor, TAMANA TTI, New Delhi

### ABSTRACT

This article provides information about legal provisions for Inclusive Education of Children with Disabilities (CWDs). The goal of education for children with or without special needs is to prepare them for a happy, productive and dignified civil life.

In India about eighty percent of population lives in rural areas without provision for special schools. It means, there are an estimated 8 million children out of school in India (MHRD 2009 statistics), many of whom are marginalized by dimensions such as poverty, gender, disability, and caste.

Our The Rights of Persons with Disabilities (RPWD) Act, 2016 is enacted to operationalize human rights enshrined in United Nation Convention on Rights of Persons with Disabilities (UNCRPD), ratified by India in 2007. This act is more comprehensive than the Persons with Disability (PWD) Act, 1995. The number of disabilities increased from seven to twenty-one in this act along with a number of new provisions and institutional arrangements, therefore, it presents many challenges before school education. This paper includes specific provisions with their implications with reference to teachers, special teachers, and school administration. It also covers the concerns and challenges emerging from the act. Today, what are the needs and challenges for achieving the goal of inclusive education? How will an inclusive environment meet the needs of children with disabilities? How quality education can be effectively and efficiently delivered for all children? Therefore, inclusive schools have to address the needs of all children in every community and the central and state governments have to manage inclusive classrooms. Keeping in view these questions, this article discusses in detail the concept of inclusive education, including importance, challenges and measures to implement inclusive education in India.

Further it has been mentioned that under mainstreaming we made special provisions in regular setup or change the system to suit individual needs in regular schools for them. The major barriers also has been focused which create obstacles in the education of CWDs like lack of rehabilitation equipments, poverty, physical barriers, ignorance and negative attitudes of the society. Thus there are a lot of challenges regarding education of CWDs is also mentioned in the article. Also various measures have been discussed which makes inclusion successful.

**Key words:** Inclusive Education, Children with special needs, Disabilities, Inclusion.

### INTRODUCTION

It is known that 73 million children of primary school age were out of school in 2010, down from a high of over 110 million out-of-school children in the mid-1990s, according to new estimates by the UNESCO Institute for Statistics (UIS). About Eighty percent of Indian population lives in rural areas without provision for special schools. It means, there are an estimated 8 million children out of school in India (MHRD 2009 statistics), many of whom are marginalised by dimensions such as poverty, gender, disability, and caste.

Specially The Rights of Persons with Disabilities (RPWD) Act, 2016 is enacted to operationalize human rights enshrined in United Nation Convention on Rights of Persons with Disabilities (UNCRPD), ratified by India in 2007. This act is more comprehensive than the Persons with Disability (PWD) Act, 1995. The number of disabilities increased from

seven to twenty-one in this act along with a number of new provisions and institutional arrangements, therefore, it presents many challenges before school education.

Education is birthright of every child irrespective of any category, caste, religion and socio-economic status so there should be equality in education. For this the government of India has passed the right of children to free and compulsory education act, 2009. For achieving the goal of universalization of education, today there various educational options are available for the diverse categories of children such as mainstreaming (inclusion and integration) and special education. Inclusion is an educational option where we change the systems to suit individual needs in regular schools while in integration special provisions are made in regular set up. In special education along with education we provide need based intervention services for each and every child.

### **INCLUSIVE EDUCATION**

Inclusive education may be defined as "A learning environment that promote the full personal, academic and professional development of all learners irrespective of race, class, gender, disability, religion, culture, learning styles and language."

Inclusion is an effort to make sure that diverse learner – those with disabilities, different languages and cultures, different homes and family lives, different interests and ways of learning. Inclusive Education denotes that all children irrespective of their strengths and weaknesses will be part of the mainstream education. It is clear that education policy in India has gradually increased the focus on children and adults with special needs, and that inclusive education in regular schools has become a primary policy objective.

The Traditional Teaching practices hardly benefit children in classroom with a non-standard teacher to student ratio. These methods do not benefit CWDs because they are not child centric.

### **DIFFERENCE BETWEEN TRADITIONAL & INCLUSIVE APPROACH**

Traditional Approach	Inclusive Approach
Education for few	Education for all
Static	Flexible
Collective Teaching	Individualized Teaching
Learning in Segregated settings	Learning in Integrated settings
Emphasis on Teaching	Emphasis on Learning
Subject centered	Child centered
Follow diagnostic approach	Follow holistic approach
Opportunities limited by Exclusion	Opportunities for all

### **NEED BASED INSTRUCTIONAL STRATEGIES IN INCLUSIVE EDUCATION**

In Inclusive Approach the diverse categories of children can be handled by adopting different instructional strategies such as:

- Nearly 45% children with mild disabilities can be handled by general classroom teacher with minimal training.
- Nearly 30% children with mild/ moderate disabilities need counseling services & adequate technical support.
- Nearly 15% children with moderate/ severe disabilities need resource assistance including corrective aids & periodical help in academic areas from the special teachers.
- Finally 10% children with severe disabilities require direct intensive attention / preparatory assistance & remedial strategies from the special teachers.

Need based instructional strategies may includes early identification & early intervention, use of critical period for various aspects of development, appropriate technical support, guidance & parental support etc.

### CHALLENGES IN PROMOTING INCLUSIVE EDUCATION

- Negative Social attitude towards disability
- Lack of awareness & knowledge in the community
- Resistance of parents
- Scarcity of trained teachers & other professionals
- Absence of Barrier Free Environment
- Inadequate Infrastructure of our educational system
- Inadequate instructional & technical support.

In 1974, the centrally sponsored scheme for Integrated Education for Disabled Children (IEDC) was introduced to provide equal opportunities to children with disabilities in general schools and facilitate their retention. The government initiatives in the area of inclusive education can be traced back to National Educational Policy, 1986, which recommended, as a goal, 'to integrate the handicapped with the general community at all levels as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence. The World Declaration on Education for All adopted in 1990 gave further boost to the various processes already set in the country. The Rehabilitation Council of India Act 1992 initiated a training programme for the development of professionals to respond to the needs of students with disabilities. The National Policy for Persons with Disability, 2006, which attempts to clarify the framework under which the state, civil society and private sector must operate in order to ensure a dignified life for persons with disability and support for their caretakers. Most recent advancement is the Right of Children for Free and Compulsory Education (2009) which guarantees right to free and compulsory education to all children between ages six to fourteen. For education for a child with disability, the act has to be read in conjunction with Chapter V of the Persons with Disability Act, 1995. Chapter V of the PWD Act ensures that every child with disability is entitled to a free education up to the age of 18 years. Keeping in view, Govt. of India had accelerated the new scheme of Inclusive Education to achieve the target of Education for All (EFA) by 2010.

Rights of persons with disabilities (RPWD) Bill was passed by Rajya Sabha on 14th December 2016 and it came into force as RPWD Act, 2016 on 19th April 2017. It replaced Persons with Disabilities (PWD) Act, 1995. PWD Act, 1995 was based on the medical perspective of disability which considers disability as a consequence of impairment. Nowadays disability is viewed as an interaction between impairment, and attitudinal and environmental barriers. Therefore, disability now considered a social phenomenon. In order to ensure all the rights of persons with disabilities United Nations convened a convention on Rights of Persons with Disabilities (UNCRPD) in 2006. UNCRPD contains fifty articles covering different aspects of disabilities. It was ratified by 160 member states including India in the year 2007. UNCRPD is based on eight principles mentioned in the article -3 as under:

- respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- non-discrimination;
- full and effective participation and inclusion in society;
- respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- equality of opportunity;
- accessibility;
- equality between men and women;
- respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

It sets high standards to recognize and protect rights of persons with disabilities. Different stakeholders in disability sectors felt that provisions in PWD Act 1995 were inadequate to accommodate the promises made in UNCRPD. Therefore, they appealed for a more comprehensive act to meet the emerging aspirations of persons with disabilities and standards set by UNCRPD. Consequently, the draft of the new act was prepared in 2011 which recognized the same principles enshrined in UNCRPD, 2006. After a long waiting period of five years, finally, Rajya Sabha approved it on 14th December 2016 and subsequently by Lok Sabha on 16th December 2016. The Bill was further approved and signed by the Hon'ble President before the year-end and 'notified' by the Government in its official Gazette on 28th December 2016. Thus, RPWD Bill 2016 was 'enacted' and became a 'LAW', the Rights of Persons with Disabilities (RPWD) Act, 2016. As mentioned earlier it came into force on 19th April 2017. The act consists of seventeen chapters which contain 102 sections.

As the number of disabilities increased from seven to twenty-one in this act with some new provisions and institutional arrangements, therefore, the roles and responsibilities of regular classroom teachers, special teachers and administrators need to be reviewed to implement the RPWD Act, 2016. RPWD Act, 2016 put forth new challenges before school education. Regular classroom teachers and special teachers need to be equipped with more comprehensive knowledge and skills required to cater special educational needs of students with a wider spectrum of disability. Consequently, the curricula of Pre-service and in-service teacher training programmes need revision to accommodate the demands arising due to new provisions in RPWD Act, 2016.

In almost every country, inclusive education has emerged as one of the most the dominant issues in the education. With the release of the Salamanca Statement in 1994 (UNESCO), a large number of developing countries started reformulating their policies to promote the inclusion of students with disabilities into mainstream schools. The researches show that teachers in inclusive settings collaborate more and spend more time planning, learn new techniques from one another, participate in more professional development activities, show a greater willingness to change, and use a wider range of creative strategies to meet students' needs. All school going children, whether they are disabled or not, have the right to education as they are the future citizens of the country. Today it is widely accepted that inclusion maximizes the potential of the vast majority of students, ensures their rights, and is the preferred educational approach for the 21st century.

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