

INCLUSIVE EDUCATION IN INDIA: CONCERN AND POLICY PRESPECTIVE

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ABSTRACT

The constitution of India embodies certain fundamental rights. Such rights are meant for everybody irrespective of cast, community religion and disadvantages such as disabilities. Education is also one of the most important fundamental rights. Education is the right of every child because it equips him to meet the challenges of life. The children with disabilities (CWD) need this all the more, to supplement their differential talents so that they can prepare themselves for a happy productive and useful life. After Right to Education Act, It is very much clear that no school can deny admission of any child on the basis of any ground. In this connection an attempt has been made to examine the policies and legislations for educating the children with disabilities in India after post- constitution era. . These declaration and policies are discussed in the present paper.

KEYWORDS: Democracy, Right to Education Act, Children with Disabilities (CWD), Inclusive Education, Policies

INTRODUCTION

Indian Society is naturally more inclusive than segregationist in nature. Starting from Gurukul System to western model of day-care system efforts has been made to bring people in, rather than to keep them out. India is the largest democracy in the world. According to Census 2011, there are 1.2billion people in the country, out of which, about 833 million people live in rural areas. Census 2011 data on disability has not been announced yet. United Nations observes that 10% of the population has disability and there are about 120 million people with disabilities in India.

About 1.40 million (NIEPA, 2005) children with disabilities are in regular schools. Govt. of India has to accelerate the new scheme of Inclusive Education to achieve the target of Education for All (EFA) by 2010. The last two decades of the 19th century has witnessed the knowledge and processes of educating the disabled children through Christian Missionaries. The first school for the deaf was established in Mumbai in 1883 and the first school for the blind in Amritsar in 1887. At that time, it was believed that children with disabilities could not be educated along with normal children. Therefore, the education to disabled children was offered through special school. This trend continued early sixties of the last century with the help of some international agencies who developed program of integrated education. Here children disabilities were placed in regular school so that they could study along with their nondisabled 'peers'. The integrated education adopts various models for service deliver. Presently the emphasis is on the need to provide education for all in appropriate environment with inclusive philosophy through inclusive education.

NEED OF THE STUDY

Owing to lack of knowledge, educational access and technology, disabled children were initially treated as unwanted and segregated from other children. Later their education was carried out in special schools. In recent times there

has been a shift towards having children with disabilities attend the same schools as non-disabled children. The educationists now feel that each child should be allowed to learn in his own way. The concept of inclusive education has been spelt out in the Salamanca statement and the framework for action on special needs education 1994. It states that all governments have been urged to "adopt as a matter of law or policy, the principle of inclusive education, enrolling all children in regular schools unless there are compelling reasons for doing otherwise". The basic premise is that the school should meet the educational needs of all children irrespective of their disabilities or limitations.

The Government of India has created numerous policies around special education since the country's independence in 1947. Although the Government of India has attempted to create policies that are inclusive for people with disabilities, 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. The Government of India needs to bridge the gaps in their education system to build a strong system of inclusive education in India. Accountability of the Government of India and its implementing partners is imperative for ensuring successful implementation of policy. One of the best ways to do this is to ensure that citizens are well informed about these policies and schemes. This includes all members of the community-teachers, administrators and students; but also shopkeepers, farmers, lawyers, engineers, stay at home mothers, and all of the other people, including people with disabilities! They can be the best advocates for themselves. World Bank data shows that attitudes of community members and families of children with disabilities are not changing in respect to inclusion.

OBJECTIVES

- To understand the various international declarations pertaining to disabilities.
- To understand various Policy and legislations for the education and rehabilitations services for persons with disabilities
- To provide suggestions for effective implementation of mentioned policies.

INTERNATIONAL DECLARATIONS

The international promotion and protection of human rights was originated in the foundation of United Nation by the end of World War II. In the year 1970, the disability was viewed with a different angle, which was established as human rights approach. This approach given a way to major international declarations related to the rights of the disabled. All the member countries enforced the declaration as per the law of the land.

These various declarations are as follows:

- **The Universal Declaration of Human Rights in United Nations (1948)**

The general assembly of the United Nations adopted above declaration vide resolution no.217A on December 10, 1948. Some of the article such as Article 1,2,22 and 25 are relevant to the need of persons with disabilities.

- **The Universal Declaration on the Rights of Mentally Retarded Persons (1971)**

The general Assembly of United Nations declared the rights of the mentally retarded persons vide its resolution no.2865 (XXVI) on 10th December 1971. This was the first step towards integration of persons with disabilities.

- **The Universal Declaration & on the Rights of the Disabled Persons (1975)**

This declaration was adopted on 9th December 1975 vide resolution No.3447 (XXX)

- **The World Programme of Action Concerning Disabled Persons (1982)**

This was formulated as a result of the International year of Disabled 1981. It is an

International strategy to enhance disability prevention, rehabilitation and equalization of opportunities, related to full participation of persons with disabilities in social life and national development.

- **The Salamanca Statement and Framework for Action on Special Needs Education (1994)**

The world conference on special Needs Education was jointly organized by Government of Spain and UNESCO in Salamanca in 1994. The major thrust of the Conference was inclusive education. The Statement refers to “Regular schools with inclusive orientation are the most effective means of combating discriminatory attitudes, building on inclusive society and achieving education for all, moreover they provide effective education to the majority of children and improve the efficiency and ultimately the cost effectiveness of the entire education system”. The statement also calls on the international community to endorse the approach of inclusive schooling.

- **Millennium Development Goals, 2000**

The MDGs were the first time global leaders had come together to agree a concrete set of development goals that provide a common framework and set of targets for everyone across the globe working on international development. Goal 2 states: Achieve universal primary education. Ensure that all boys and girls complete a full course of primary schooling. Although none of the MDGs explicitly mention disability, disabled children are of course covered by the requirement that ‘all’ children should be able to complete primary education.

- **World Education Forum for Action, 2000**

The Dakar forum was convened to re-assert the urgency of ensuring marginalized groups can access education, particularly in light of the MDG target. It was clear that without reaching these groups, universal education would remain a dream. The Forum Stated: All children, young people and adults have the human right to benefit from an education that will meet their basic learning needs in the best and fullest sense of the term, an education that includes learning to know, to do, to live together and be.

- **Education for all Flagship on Right to Education for Persons with Disabilities, 2001**

The aim of the EFA Flagship was to reinforce the Dakar statement and to make it clear that without actively seeking to integrate children with disabilities and children from other minorities, the MDGs will never be met. It states: the goal of Dakar will only be achieved when all nations recognize that the universal right to education extends to all individuals and children with disabilities and when nations act upon their obligations to establish or reform public education

Systems that are accessible to, and meet the needs of, individuals with disabilities.

- **UN Convention on the Rights of Persons with Disabilities (UNCRPD), 2007**

This is a human rights instrument that explicitly sets out the rights of disabled people, and is the most important

tool we have to help argue for inclusive education worldwide. Parties to the convention are required to promote, protect and ensure the full enjoyment of human rights by persons with disabilities and ensure that they enjoy full equality under the law.

NATIONAL LEVEL POLICY AND LEGISLATION

A reference to the Govt. of India report on Blindness “1944 in this context is very relevant. Most of the modern Educational programs for the Visually Handicapped in this country owe their origin to the recommendations of this report. It was in accordance with its recommendations that the Ministry of Education established a unit for the blind in April 1947. In this connection the commissions committees, Acts, schemes have been made, implemented and constituted for persons with disabilities in India for their education employment and rehabilitation. Some important among them e given below in chronological order:

- **Sargent Report (1944)**

The CAGE report, written by John Sargent, The British chief educational advisor, observed that the Indian government had not done much for the education of the disabled. What had done was due to the voluntary efforts and the country could ‘profitably borrow’ from the experiences and achievements of those country which had been active in this field (CAGE, 1944, p.111).

The 1944, Sargent Report also referred to the 1936 CAGE recommendation which are directed the provincial governments not to neglect education of handicapped. The report can be said to be a landmark in the policy on ‘Integration’ of disabled children in general schools, though it continued its recommendation for special schools, but ‘only when the nature and extent of their defect (made) it necessary.

The report is important two point of view First, it recommended that the provision for the disabled should form an essential part of a national system of education and should be administered by the Education Department’.

Second, 10percent of the budget for basic and high schools had been set aside for the (education) services of the disabled. Special education in India continues to be administered by the welfare ministry (now called the Ministry of Social Justice and Empowerment) and is not a part of the regular system of education.

- **Kothari Commission 1964-66**

The Indian Education Commission (1964-66) first suggest that the education of handicapped children has to be organized not merely on humanitarian grounds, but also an aspects of utility. The commission viewed that in spite of constitutional obligation on universal compulsory education for all, including children with disabilities, very little had been done in this regard. The Commission emphasized that the education of children with disability should be “an inseparable part of the general education system” commission is also specifically emphasized the importance of integrated education in meeting this target as it is cost effective and useful in developing mutual understanding between children with and without disabilities.

- **National Education Policy (1968)**

National Education Policy (1968) followed the commission’s recommendations and suggested the expansion of education facilities for physically and mentally handicapped children and the development of ‘Integrated Program ‘enabl-

ing handicapped children to study in regular schools. Eight years later a scheme for the integrated education of disabled children (IEDC), 1974 was started by the welfare ministry.

- **National Policy on Education 1986**

The National Policy on Education was adopted by Indian Parliament in 1986. The policy emphasizes the removal of disparities, and ensuring equalization of educational opportunity under its Para education of the disabled. The measures may be taken in this regards are :

- Wherever feasible, the education of children with loco motor handicaps and other mild handicaps will be common with that of others.
- Special schools with hostels facilities will be provided, as far as possible at district head headquarters for the severely handicapped children.
- Adequate arrangements will be made to give Vocational training to the disabled.
- Teacher's training programs will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children.
- Voluntary effort for the education of the disabled will be encouraged in every possible manner.

BAHRUL ISLAM COMMITTEE (1988)

The committee included education in the Draft Legislation. It mentioned that the state should endeavor to provide free and universal elementary education to children with physical and mental disabilities. The state shall also provide assistance to them for education and training at the secondary and higher levels. It also emphasized promotion of integrated education and continuation of residential education.

PROGRAMME OF ACTION (1990, MHRD)

This program outlined the measures to implement the policy, which included massive in-service training programs for teachers, orientation programs for administrators, development of supervisory expertise in the resource institutions for school education at the district and block levels, and provision of incentives like supply of aids, appliances, textbooks and school uniforms.

PROGRAMME OF ACTION (1992, MHRD)

The NPE/POA 1986 was modified and a new POA was chalked out in 1992. The 1992 POA made an ambitious commitment for universal enrolment by the end of the Ninth Plan for both categories of children: those who could be educated in general primary schools and those who required education in special schools or special classes in general schools (MHRD, 1992, p.18). It also called for the reorientation of the preservice and in-service teacher education

service and in-service teacher education programs.

WORLD COMMITMENT ON EDUCATION AS A RIGHT:

The right of every child to education is proclaimed in the Universal Declaration of Human Rights (1948) and was

strongly reaffirmed by the World Declaration on Education for All (1990). The philosophy agreed upon at the Jometien World Declaration included the following statements:

- Every person – child, youth and adult – shall be able to benefit from educational opportunities designed to meet their basic learning needs.
- The learning needs of the disabled demand special attention. Steps need to be taken to provide equal access to education to every category of disabled persons as an integral part of the education system.

THE UN STANDARD RULES ON THE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES (1993):

It was an important resolution for improving the educational conditions of persons with disabilities. This had major implications for the Indian situation in the form of three legislative acts – the RCI Act (1992), PWD Act (1995) and National Trust Act (1999). The Salamanca Statement and Framework for Action on Disability Education (1994) emerged as a result of deliberations held by more than 300 participants representing 92 governments including India and 25 international organizations in June 1994. For furthering the objectives of education for all, it considered the fundamental policy shifts required to promote inclusive education. It emphasizes that schools should accommodate all children regardless of their physical, intellectual, social, emotional linguistic or other conditions. The statement affirms, ‘Those with special educational needs must have access to regular schools which should accommodate them within a child centered pedagogy capable of meeting these needs’

THE SARVA SHIKSHA ABHIYAN (SSA):

SSA has been operational since 2000-01 in partnership with state governments to achieve the goal of Universalization of Elementary Education. This adopts a ZERO rejection policy and uses an approach of converging various existing schemes and programs. It covers the following components under education for children with disability –

- Early detection and identification.
- Functional and formal assessment.
- Education 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 disability

NATIONAL POLICIES FOR PERSONS WITH DISABILITIES (2006)

This recognizes that persons with disabilities are valuable human resources for the country and seek to create an environment that provides those equal opportunities, protection of their rights and full participation in society. The focus of the policy includes-

- Prevention of Disabilities
- Rehabilitation Measures
- Women with Disabilities
- Children with Disabilities
- Barrier free environment
- Issues of Disability Certificate
- Social Security
- Promotion of NGO
- Research and
- Sports Recreation and cultural life.

SPECIFIC LEGISLATION FOR PERSONS WITH DISABILITIES

In the lights of above international declaration and policies framework, Parliament of India has passed following legislation for equalization of opportunities and safeguarding the rights of the persons with disabilities in India.

(i) The Mental Health Act 1987

This Act replaced the Lunacy Act of 1912. The purpose of this Act was to regulate admission to psychiatric hospitals or nursing homes of mentally ill persons who do not have sufficient understanding to seek treatment on a voluntary basis and to protect the rights of such persons while being detained. Some of the important provisions of the Act are:

- A mentally ill person has the right to be admitted, treated and taken care of in a
- Psychiatric hospital or psychiatric nursing home established or maintained by the government or any other person for the treatment and care of mentally ill persons.
- Even mentally ill prisoners and minors have a right of treatment in psychiatric hospitals or psychiatric nursing homes of the government.

- Mentally ill persons undergoing treatment shall not be subjected to any indignity physical or mental or cruelty.
- Mentally ill persons who are entitled to any pay, pension, gratuity or any allowance from the government (such as government servants who become mentally ill during their tenure) are not to be denied such payment.
- A mentally ill person shall be entitled to the services of a legal practitioner by order of a magistrate or district court if he/she has no means to engage a legal practitioner or his /her circumstances so warrant in respect of proceedings under the Act.

(ii) The Rehabilitation Council of India (RCI) Act, 1992

This Act was passed in 1992 for the purpose of constituting the Rehabilitation Council of India, for regulating the Training of Rehabilitation Professionals and for maintenance of a Central Rehabilitation Register. It was amended by Rehabilitation Council of India (Amendment) Act, 2000 to provide for monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education as additional objectives of the Council.

- Recognition of qualifications in the field of disability and rehabilitation granted by institutions, universities, etc., in India for rehabilitation professionals.
- Recognition of qualifications granted by Institutions outside India under reciprocal system. Granting/withdrawal of recognition to institutions on the basis of approved standards.
- Set minimum standards of education /curriculum.
- Maintenance of Central Rehabilitation Register (CRR) for rehabilitation professionals/personnel.
- Provision for inclusion/removal of names from CRR.
- The RCI through its linkages with training institutions and universities has been undertaking standardization of curriculum, monitoring and evaluation, assessment of teacher training and research and development in the field of disability and rehabilitation.

(iii) Persons with Disabilities (Equal Opportunities, Protection of Rights & full Participation) Act, 1995

Landmark legislation in the history of special education in India is the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995. This comprehensive Act covers seven disabilities, namely blindness, low vision, hearing impaired, loco-motor impaired, mental retardation, leprosy cured and mental illness. Chapter V (Section 26) of the Act, which deals with education, mentions that the appropriate Governments and the local authorities shall:

- Ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
- Endeavour to promote the integration of students with disabilities in normal schools;
- Promote setting up of special schools in government and private sectors for those in need of special education in such a manner that children with special needs living in any part of the country have access to such schools; and
- Endeavour to equip the special schools for children with special needs with vocational training facilities.

(iv) National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

Another landmark legislation is the National Trust Act, 1999. This Act seeks to protect and promote the rights of persons who, within the disability sector, have been even more marginalized than others. Though the National Trust Act of 1999 does not directly deal with the education of children with special needs, one of its thrust areas is to promote programs, which foster inclusion and independence by creating barrier-free environment, developing functional skills of the disabled and promoting self-help groups.

The object of the National Trust is to empower families to retain their disabled members within the family and the community. The Trust reaches out to disabled persons and their families and provides a range of relief and care services. Such services may be provided through institutional care or in the homes in case the families and their disabled members are unable to access the services outside the house.

THE RIGHT TO EDUCATION ACT, 2009

It was originally drafted in 2005, was not passed until 2009, and put into full effect in 2010. The Supreme Court upheld the constitutionality of the act in 2012. This act was not disability specific, but rather included people with disabilities.

SUGGESTIONS

On the basis of above mentioned framework it is very clear that Indian govt. is doing remarkable efforts to serve individuals with disabilities given its economic and social constraints but the aforementioned enactments of the persons with disabilities, they have not been found in full motion due to many systemic lacunae including the lack of awareness and lack of organized strength among the persons with disabilities and the people as well as organizations working for them.

The Government of India is trying to improve their education system and make it completely inclusive. However, it is important to be realistic about the time span in which this change will occur. Sarva Shiksha Abhiyan, or the Education for All initiative, was created not only for people with disabilities, but because of discrepancies in the general education sector. In the country with the second largest population in the world, with 25% of the population living under the poverty line, with a government only 65 years old, with a complicated social hierarchy, Implementation might take a bit longer in comparison to countries with less poverty and more infrastructures for change. The importance of intention and effort should be recognized in this situation, as well as the immense improvements that the country has already made toward inclusion.

- If education of the CWD is to become a reality in India, the training of teachers has to become a top priority. The teachers need to be provided with intensive training and knowledge to work with various disabilities. In-service teachers also need continued training to update their skills and knowledge of inclusive education strategies. For this purpose different workshop, seminar and in house training programme should be arranged time to time.
- Different ministries in India (MHRD, Ministry of Social Justice and Empowerment, Ministry of Labour etc.) have to work together for the education of the CWD.

- There are more than one million NGOs working in India (Canadian International Development Agency, 2003). Although not all of them are working in the education sector, a large number still provide educational services to children with disabilities. These organizations can play a significant role in implementing integrated education because they are widely located in India and can serve both urban and rural school communities.
- Attitudinal barriers engrained as part of India's historical response to disability must be changed through education programs for both teachers and the general populace.
- It is essential to address issues related to infrastructural facilities, curriculum and educational materials for education of children with disabilities. It is also necessary to establish an alternative system of examination for CWD. Students in this system should be asked to do activities that demonstrate their abilities rather than disabilities (Kauts & Bhardwaj, 2012).
- Make all schools inclusive by removing physical barriers, reviewing barriers created by admission procedures (screening, identification, parental interaction, selection and evaluation), building the capacity of teachers to function in an inclusive setting and by involving parents, family and the community at all stages of education.
- Finally, the provisions regarding the education of the CWD under the Persons with Disabilities Act, 2005 and the RTE Act, 2009 must have effective and successful implementation

CONCLUSIONS

The education system in India is changing. It is time for policies to start aligning with realities on the ground, and for students of all ability levels to receive the education they deserve.

With the passage of The Persons with Disabilities Act in 1996, India has joined the few countries that have legislation to promote integrated education. This is a landmark step as India has now overcome a major legislative hurdle. A number of unique challenges still needs to be overcome in order to implement the key objectives enshrined in the legislation. Attitudinal barriers engrained as part of India's historical response to disability must be changed through education programs for both teachers and the general populace. These programs require financial and collaborative commitment from key national and state education stakeholders, and partnership with universities to support research-based initiatives. Success in achieving integrated education will ultimately depend on how Indian educators and educational systems can collaborate to deal with difference in India's culturally charged context.

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