

Inclusive Education in India: Trajectory and Challenges

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Abstract

For the exercise of human rights, the right to education is deemed as a central right and is considered itself as human rights. The fundamental human right to education is protected by several international standard setting instruments and also by constitution of India under article 21A. Persons with disabilities have minimal access to mainstream education and this puts a challenge in the pursuit of their right to education. Specific provisions can “ensure the right to education and encourage countries to adopt an approach that is inclusive for all, including those with disabilities.” For a developing country like India, Inclusive education is no longer a privilege, it is the need of the hour for growth and development. We will fail as a country if education is still not being made accessible to each and every individual in every corner of the country. Over the years, the Government of India came with various policies on inclusive education such as the RPwD Act 2016. All the policies emphasized the rights of the children from diverse backgrounds and abilities to access formal education but still, the disparities continued. After 34 years, finally we have our long waited National Education Policy which promises accessible, equitable and inclusive education for all. In this backdrop, this article attempts to analyze the journey of inclusive education in India and challenges that have been faced in achieving that it also discusses the steps taken by the government time to time to create equal opportunities for the persons with disabilities to get accessible, equitable and inclusive education.

Keywords: *Inclusive Education, Constitutional Provisions, Persons with Disabilities, Special Education*

Introduction

During the first three decades of the 19th century, there were many initiatives that were taking place with regard to the education of the persons with disabilities. There are several documented initiatives, which prove that in the beginning of three decades of the 19th century as far as education of the persons with disabilities was concerned was finally realized and also the efforts for the upliftment of the intellectually disabled along with those disabled in other ways was achieved. In 1826 Raja Kali Shankar Ghosal initiated the first school for special education for visually im-

paired students at Varanasi. Some other institutions were established in different parts of India like a special school that was started at Ambala, Punjab for the visually impaired. Braille was first introduced in India in an institution for the deaf and blind in Mumbai in 1886. A special school was established in Kurseong in Bengal for the intellectually impaired and a similar institution was formed in Travancore in Kerala in 1931. Two cities in establishing clear distinctions between the intellectually disabled from those who are mentally ill, established separate schools for ‘idiots’, in Chennai in 1936 and in Ranchi in 1939.

"As a consequence of The Childrens' Act, in 1941 a school for the intellectually disabled was built. Another school for the intellectually disabled was started in 1944, by Mrs. Jai Vakil from her own apartment in Mumbai." (Ibid.).

On the eve of the Indian Independence from British colonizers in 1947, there emerged the task of social reconstruction. The government that got formally formed involved in the policy decisions at a national level. The Central Social Welfare Board was formed in 1953, which recognized that persons with disabilities have similar educational rights like the rest of the citizens. It was also recognized that for a nation grappling with graver issues ranging from poverty to sheer survival problems, the ability to sustain center on the development of services for students with disabilities was far-fetched. To mainly focus on the needs of children from low socio-economic areas, many committees to frame a national policy were appointed between 1960 and 1975. The Indian government formed the Kothari Commission named after its chairman, P.S Kothari, to address the need to frame a plan of action for the improvement of the education system. This plan that was formulated included persons with disabilities; however, the Government of India never implemented it. It says that the country should address the education of children with disabilities not only on humanitarian grounds but that social justice also demands it as it provides an overall view of the problem. Experimentation with integrated programmes by bringing in as many children within the fold of these programmes and initiating the processes of education enabled the children to overcome their disability and make them useful citizens. The Commission addressed the section on 'disabled children', under the chapter, 'Towards Equalization of Educational Opportunities'. The report was similar in tone as manifested in the 1944 Post Second World War Sargent Report. Although the Commission observed that under the Constitutional directive, children with disabilities were already included under compulsory education, however on seeing the disappointing results, it

recommended that by 1986 about ten percent of the total number of children with disabilities should be provided educational facilities. Against this, the CABE (1944) had recommended setting aside ten percent of expenditure on basic and secondary education for the persons with disabilities to be spent on really comprehensive lines. Secondly, although the Commission had recommended for 'integrated education', it found that many children with disabilities found it psychologically detrimental to be placed within the orbit of an ordinary school, which could easily be read as a statement against the spirit of integrated education.

National Education Policy formed in 1968, following the recommendations laid down by the Commission. It suggested the expansion of educational facilities, which further developed integrated programmes to enable children with disabilities to access regular schools. "This further translated into forming the National Policy for Children in 1974 as also the National Children's Board. As part of India's five-year plan (1974-78), the Integrated Child Development Scheme (ICDS) was launched and was considered one of the major achievements." (Planning Commission of India, *Fifth Year Plan 1974-79*) Bringing down infant mortality rates and training women in healthcare and nutrition were laid down as the primary objectives of the scheme. It was only in 1975 that the scope of the Scheme was broadened by including a psychological component on non-formal early childhood education.

The 1960s saw a fundamental transformation in special education in India in terms of its organization and funding. The Ministry of Social Welfare was formed by splitting the Ministry of Education. The responsibility for the "weak and vulnerable" sections of society was given to the Ministry of Social Welfare. Their main focus was on rehabilitation and not on education. It is rather giving support to the existing education system the Ministry of Social Welfare gave grants to non-profitable organizations that give education for children with disabilities, inadvertently preventing the inclusion of these children within the

public or mainstream sector. Special education in India is given by the welfare ministry known as the Ministry of Social Justice and Empowerment and has no mandate of the conventional system. In contrast, the UNESCO report of 1995 has revealed that over 95 per cent countries have transferred the responsibility of special education to the more mainstream ministries like the Ministry of Education. An accurate estimate of expenditure on education of the persons with disabilities as compared to that of the regular school education cannot be made, but it is estimated to be much less than ten percent." (UNESCO (1995).

Eight years later, in 1974, a scheme of the Integrated Education for Disabled Children (IEDC) began in the ministry of welfare. The Ministry of Social Welfare created the IEDC Scheme, not to be mistaken for the Integrated Child Development Scheme of 1974. "The program provided children with disabilities the financial support for special equipment and aids, books, school uniforms, transportation, to use these types of equipment to facilitate the inclusion of children in mainstream classrooms. Under the scheme, the aim was to provide children with moderate disabilities with both facilities and financial support. This was implemented in 15,000 schools in 26 States and Union Territories and reportedly covered 65,000 children with disabilities in mainstream schools." (Pramila Balasundaram (2005).

"After India's independence, education continued to be with the Ministry of Education. The recommendation of the visionary Kothari Commission, claiming an exhaustive inclusion of children with disabilities in mainstream schools, was unequivocally included in their plan of action." (N. K. Jangira (1995) "As a result, in 1986, the Parliament of India adopted the National Policy on Education (NPE) and for the first time, "Equality of Opportunity" was formally stated as a goal of education and the phrase "education for the disabled" was used". (Government of India (1986) The first National Policy on Education framed for independent India was passed in 1968 but was reformulated in 1985 as it lacked the detailing of the financial and organizational support within

the draft. "Continuing in the spirit of the 1974 IEDC, the NPE stated that children with "mild" disabilities should be included in mainstream classrooms, whereas children with "moderate to severe" disabilities should be placed in segregated schools." (Ibid).

The 1992 Program of Action (POA) was formulated to enforce the NPE 1986 that widens the definition as to who is to be accommodated in the mainstream schooling and further elaborated that "a child with a disability who could be educated in the general school should not be in the special school." (MHRD (1992) The requisite condition laid for mainstreaming children with disabilities was that they gain basic skills for life that could be taught to them through special schools or resource rooms. "The District Primary Education Program (DPEP) also focused on integration in the areas of provision of appropriate aids, teacher training and in removing architectural barriers which did fare better but was unable to include a vast majority of children with disabilities in mainstream education." (R. S. Pandey and L. Advani (1995).

"The Rehabilitation Council of India (RCI) Act, 1992, provided standards for rehabilitation professionals. For example, one type of rehabilitation professional is a special education teacher. This Act is important because it addresses the complexities and difficulties of teaching without receiving formal training. Teachers without a formal training certificate could face imprisonment for up to one year or may be fined upto Rs 1000, or both." (Government of India (1992) Meanwhile, National Council of Educational Research and Training (NCERT) joined hands with United Nations International Children's Emergency Fund (UNICEF) and launched Project Integrated Education for Disabled Children (PIED) in 1987 to facilitate the incorporation of disabled children into regular schools. "In recent years, the concept of inclusive education has been broadened to encompass not only students with disabilities, but all students who may be affected by some form of disadvantage. This broader understanding of curriculum has paved the way for developing

the National Curriculum Framework (NCF-2005)" (NCERT (2005) that "reiterates the importance of including and retaining all children in school through a programme that reaffirms the value of each child and enables all children to experience dignity and the confidence to learn." (J. D. Singh (2106).

India is a party to the 1990 United Nations World Declaration on Education for All (EFA). It affirmed once again the rights of all children, including children with disabilities, to gain access to regular schools. "It advocates the Biwako Millennium Framework for Action towards an inclusive, barrier-free and rights-based society for persons with disabilities and also emphasized the Declaration on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region." (UNESCAP (2011) India adopted the doctrine of the 1993 UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities and the Salamanca Statement and Framework for Action (1994). Possibly this set out in concise terms for the first time the concept of inclusive education and pressed all governments to the enforcement of the principle of inclusive education as a matter of law and policy and underlined the accessibility of regular schools to children with special needs. The Normalization Principle of Wolfensberger had placed the focus much before on the disabled person with the slogan "change the environment to suit the child not the child to suit the environment" that was a well-known quote. (Wolf P. Wolfensberger (1972).

Constitutional Provisions in India

The Constitution of India does not explicitly include children with disabilities under the provisions made for education, but Article 41 refers to persons with disabilities and states in part "the State shall within the limits of its economic development make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, disablement and in other cases of undesired want." (Please see Constitution of India, Part-4) It does make free and compulsory education as a fundamental right but is considered as a direc-

tive principle to guide state policy. This, however, has been rectified by Article 45, which states that "free and compulsory education should be provided for all children until they complete the age of 14 years". However, the term 'all' is, not clearly specified. The importance of Article 45 was again affirmed in 1993 in the Unnikrishnan judgment of the Supreme Court. In this case, the court ruled that Article 45 must be read in conjunction with Article 21 of the constitution that states, "No person shall be deprived of his life or personal liberty except according to procedure established by law". Subsequently, the 93rd amendment to the Indian Constitution passed in December 2001, affirms the Government's commitment towards the Education of All.

Right To Education Act 2009: A Step Towards Inclusive Education

Historically, the Right to Education has deduced its legal ground from Article 26 (1) of the Universal Declaration of Human Rights (UDHR) that notes, "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory." "The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations in 1966, has also recognized the right to education for all." (UNHR (1966)) The attempts at universalization of education at the primary level, led to several initiatives, ever since India attained independence. In the attempt to transform Right to Education from a Directive Principle to a Fundamental Right, the legislation has gone through many ups and down historically. In 1950, the Constitution, through its Directive Principles of State Policy, declared its commitment towards education. "The 86th Constitutional Amendment was followed by multiple rounds of discussions which made education a fundamental right for children in the age group of 6-14 years. The Act was introduced in Rajya Sabha in December 2008. It was passed in the Lok Sabha on 4 August 2009 and the President gave his assent to it on 26 August 2009. The Act came into force on 1 April 2010 as a fundamental right in India." (Government of India (2009).

Main Provisions

“Section 3 of Chapter II of this Act states that a child suffering from disability, as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.” (Ibid.) “Section 26 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, states 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 18 years. Section 27 of this Act makes provisions for enabling the integration of students with disabilities in regular schools. Further, Section 28 promotes setting up special schools in the government and private sector so that children with disabilities living in any part of the country can have easy access to such schools. Similarly, Section 29 of the Act attempts to equip the special schools for disabled children with vocational training facilities.” (Government of India (1995).

“After the amendment in the Right to Education Act in 2012, it constitutes, under Section 3, a new sub-section which explicitly refers to the right of children with disabilities to free and compulsory elementary education in a neighbourhood school till the completion of his or her elementary education. It also notes that children with multiple disabilities may also opt for home based education.” (Mudita Sharma (2016).

NEP-2020

The new policy is spread into four parts where equitable and inclusive education is covered under School Education. NEP 2020 is in line with the RPwD act 2016 which defines inclusive education as a “system of education wherein students with and without disabilities learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities”. The RPwD act also increased the 3% reservation to 5% for the

persons with benchmark disabilities in all government institutions for higher education. The act also emphasized on the barrier free access as a non-discrimination measure.

Some major recommendations of RPwD Act, 2016 adopted in NEP 2020 are as follows:

Equal Educational Opportunities: Equal Opportunities for sports and recreation, Accessible Infrastructure, Reasonable accommodations, Individualized support Services and Accessible modes and means of communication

Suitable Pedagogical Measures: Suitable modifications in curriculum and examination systems (Scribe or amanuensis, Exemption from second and third language), Monitoring participation and progress, Transportation facilities, Training & employing teachers and Teachers with disabilities (Teachers qualified in sign language & Braille).

Training of Professionals and Staff: Establishment of resource centres, Augmentative & Alternative modes, means and formats of communication, Books and learning materials in Accessible formats, Assistive devices, Provision of scholarships and Promotion of research.

Findings and Suggestions

Thus, the journey of Persons with Disabilities to get/achieve their right to education in India has gone through various stages that clearly reflect a lot of ambiguity in terms of institutional attitudes and financial liabilities. “India currently stands as the 4th largest economy in terms of purchasing power parity, and has made remarkable gains in the last decade, yet it has more than 260 million people living under abject poverty. There are unique challenges that accost the integrated education movement in India due to a cyclical quagmire where poverty produces disability and disability in turn results in poverty.” (U. Sharma (2001). Though the Indian government has signed almost all the international covenants and treaties, it took almost six decades to adopt the Right to Education as a fundamental right to all persons, including those with disabilities. As one gathers from the discussions above, there still lie huge lacunae, and confusions abound on the

approach to be adopted for the education of the disabled children. For example, in some of the reports and schemes, importance is given on a special/segregated system of education, whereas the programmes like IEDC, DPEP etc., were designed to promote integration and inclusion of children with disabilities within the mainstream. It is thereby useful to analyze the different models and approaches that are available for the education of children with special needs.

Although the essential responsibility of inclusion of children with special needs lies with the regular education system, however, to make it truly effective special education professionals, parents of disabled children, students without disabilities, parents of non-disabled children, and the entire community has to be empowered for making inclusive education a success. To a greater extent, there is a necessity to address the infrastructural lacks and have a conducive environment without any barriers and comfortable mode of transport to reach the school. Moreover, the sensitization of administrators, evaluation procedures, adaptations in the curriculum, and teacher readiness to improve their competence in teaching children with special needs are significant for the effective inclusion of children with special needs. There is a necessity for merging special education with general education. Management and planning education for children with special needs should aspire to bring such transformation in the educational system. Ensuring the implementation of the Right to Education is by getting the needful transformation in the structure of society.

Conclusion

Hence, in terms of educational needs, it is invidious to treat students with disabilities as a separate category. Rather, these students fall along with a range of learner differences and share similar challenges and difficulties that all students face in getting an education. Sometimes the barriers are more severe for them, but sometimes not. Arguably, in the long run, the main beneficiaries of disabled-friendly mechanisms and the need to make suitable adjustments in advance are the non-disabled students because

many of the adjustments, such as well-prepared handouts, instructions given in writing as well as verbally, notes put on-line, and variety and flexibility in forms of assessment, are simply good teaching and learning practices which benefit all students. One unintended consequence of these (disability) support mechanisms is that as departments and institutions introduce more flexible learning and alternative ways of assessment for students with disabilities, demand is likely to rise for giving greater flexibility for all students. Therefore, let people know that the doors of all the educational institutions are open to everyone in the community.

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