Abstract

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. Efforts to educate children with disabilities began soon after independence in India. An attempt has been made to examine the policies and legislations for educating the children with disabilities in India after post-constitution era. In the final section, challenges for providing education to CWD and in that light some recommendations were made.

Key- Words : Inclusive Education, Special Needs, Human Rights

Introduction

India is the largest democracy in the world. According to Census 2011, there are 1.2 billion 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. Disability is difficult to define since it varies in type, form and intensity. Understanding disability will require understanding of these differences. As per the World Health Organization; Disability is an umbrella term, covering impairments, activity limitations, and participation restrictions, impairment is a problem in body function of structure; an activity limitation is difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Thus disability is a complex phenomenon, reflecting an interaction between features of a person’s body and features of the society in which he or she lives. The Convention on the Rights of Persons with Disabilities (2006), the first legally binding disability specific human rights convention, adopted by the United Nations gives two descriptions of disability. The Preamble to the Convention states that “Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation
in society on an equal basis with others”. Again it emphasizes that “Persons with disabilities include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. Both the expressions reflect a shift from a medical model to social model of disability. In the medical model, individuals with certain physical, intellectual, psychological and mental impairments are taken as disabled. According to this, disability lies in the individual as it is equated with restrictions of activity with the burden of adjusting with environment through cures, treatment and rehabilitation. In contrast in the social model the focus is on the society, which imposes undue restrictions on the behaviour of persons with impairment. In this, disability does not lie in individuals, but in the interaction between individuals and society. It advocates that persons with disabilities are right holders and are entitled to strive for the removal of institutional, physical, informational and attitudinal barriers in society.

In India, different definitions of disability conditions have been introduced for various purposes, essentially following the medical model and, as such, they have based on various criteria of ascertaining abnormality or pathologic conditions of persons. In absence of a conceptual framework based on the social model in the Indian context, no standardisation for evaluating disability across methods has been achieved. In common parlance, different terms such as disabled, handicapped, crippled, physically challenged, are used inter-changeably, indicating noticeably the emphasis on pathologic conditions.

In India Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 defined as a person suffering from not less than forty percent of any disability as certified by a medical authority. The disabilities identified are, blindness, low vision, cerebral palsy, leprosy, leprosy cured, hearing impairment, loco motor disability, mental illness an mental retardation as well as multiple disabilities. The National Sample Survey Office (NSSO) considered disability as “Any restriction or lack of abilities to perform an activity in the manner or within the range considered normal for human being”. It excludes illness / injury of recent origin (morbidity) resulting into temporary loss of ability to see, hear, speak or move. Presently, there has been a considerable shift in the understanding of disability, from earlier medical interpretations of seeing disability as a deficit within the individual to that of viewing it in the context of a Human Rights issue. Education is a human right with immense power to transform. Education of children with disabilities (CWD) has been a part of policy developments in India for the past few decades. The policies of the government of India towards the education of children with disabilities have been reflected in the enactments, schemes and through institutions established for various relevant activities.

Profile of Elementary Education and Literacy of CWD

According to the NSS 58th round (Jul.–Dec. 2008) 25 percent of the literate population of people with disabilities had received education up to the primary level (five years of schooling), 11 percent up to the middle level (eight years), while a mere 9 percent had nine or more years. Interestingly, enrolment ratios for those with disabilities aged 5 to 18 years in a mainstream school were higher in rural areas than in the urban areas.

Data on children with disabilities in elementary classes collected under District Information System for Education (DISE) reveals that their number varies from year to year. In the year 2003–04, there were 1.75 million such children as against 1.40 million in 2004–05. However, their number has always remained around one percent of the total enrolment in elementary classes. In 2006–07, about 1.42 million children with disabilities were enrolled in elementary classes across the country, of which 1.04 million were in primary and 0.38 million in upper primary classes. The percentage of children with disability, in primary, is 0.79 and in upper primary 0.80 of the total enrolment in these classes. The corresponding percentage at the elementary level is 0.80. Table–1 indicates the differences in enrolment according to the type of disability. Almost one in every three children with disabilities in elementary classes has some problem in moving (28.56 percent). About 24 percent are visually handicapped, 12 percent hard-of-hearing, 12 percent disabled in speech, about 17 percent are mentally retarded and 7 percent have other types of disabilities. Some interesting differences are evident as children make the transition from primary to upper primary classes. Compared to 20.79 percent of children with visual impairment in primary classes, their percentage in upper primary classes is as high as 32.87. On the other hand, figures for children with mental retardation show a significant decline in numbers.

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<th>Table 1 : Enrolment According to the Type of Disability</th>
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<td><strong>Disability in</strong></td>
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<td><strong>Percent to Total Enrolment</strong></td>
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Source : Compiled from DISE 2006–2007.

More recently, there have been growing scope regarding issues of access and enrolment of the CWD in the mainstream for their integration into society. The Persons With Disabilities Act, 1995 and the Right to Education Act, 2009 have given a new thrust to the education of children with disabilities, as without including them the objectives of Universalization of Elementary Education (UEE) can not be achieved.

Policy and Legislative Frameworks

In this section the main international and national level policy frameworks and legislations are explained that are relevant to education and to children with disabilities.
1. Constitutional Safeguards: The Constitution of India (26 November, 1949) clearly states in the Preamble that everyone has the right to equality of status and opportunity. It ensures for all its citizens equality before the law, nondiscrimination and the right to life and liberty (Article 14, 15, 19 and 21 respectively of the Constitution). These Articles do not specifically refer to persons with disabilities but are general in nature. The article 41 of the Directive Principles of the Indian Constitution supports the right to work, to education and to 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.

2. Kothari Commission (1964–66): The Kothari Commission officially first addressed issues of access and participation by all. It stressed a common school system open to all children irrespective of caste, creed, community, religion, economic condition and social status. In 1968, the National Education Policy followed the commission’s recommendations and suggested the expansion of educational facilities for physically and mentally handicapped children, and the development of an ‘integrated programme’ enabling handicapped children to study in regular schools.

3. National Policy on Education (NPE) – 1986: The NPE brought the fundamental issue of equality centre stage. Section 4.9 of the policy clearly focuses on the needs of the children with disabilities. “The objective should be to integrate the physically and mentally handicapped with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence. The following measures will be taken in this regard:

- Wherever it is feasible, the education of children with motor handicaps and other mild handicaps will be common with that of others;
- Special schools with hostels will be provided, as far as possible at district headquarters, for the severely handicapped children;
- Adequate arrangements will be made to give vocational training to the disabled;
- Teachers’ training programmes will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children and
- Voluntary effort for the education of the disabled will be encouraged in every possible manner”.

4. Integrated Education of Disabled Children (IEDC): The Government of India’s appreciation of the need to integrate children with disabilities came in 1974, when the Union Ministry of Welfare launched the centrally sponsored scheme of Integrated Education of Disabled Children (IEDC). In 1982, this scheme was transferred over to the then Department of Education of the Ministry of Human Resource Development. The centrally sponsored scheme of Integrated Education of Disabled Children provides educational opportunities for the disabled children in common schools, to facilitate their retention in the school system, and also to place in common schools, such children already placed in special schools after they acquire the communication and the daily living skills at the functional level.

5. Plan of Action (POA) – 1992: The NPE was followed by POA (1992). The POA suggested a pragmatic principle for children with special needs. It postulated that a child with disability who can be educated in a general school should be educated in a general school only and not in a special school. Even those children who are initially admitted to special schools for training in plus curriculum skills should be transferred to general schools once they acquire daily living skills, communication skills and basic academic skills.

6. Rehabilitation Council of India Act (RCI–1992): The POA was strengthened by the enactment of the RCI Act, 1992. Experience showed that there was no mechanism in the country to standardize and monitor the training of special educators and other rehabilitation professionals in the country. Therefore, in 1992, Parliament of India enacted the RCI Act, subsequently amended in 2000, to establish a statutory mechanism for monitoring and standardizing courses for the training of 16 categories of professionals required in the field of special education and rehabilitation of persons with disability. Training of special educators and resource teachers that can offer support services to children with disabilities in regular schools is the responsibility of RCI.

7. Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995: The most 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 the normal schools;
- Promote setting up of special schools in governments and private sector for those in need of special education, in such manner that children with disabilities living in any part of the country have success to such schools;
- Endeavour to equip the special schools for children with disabilities with vocational training facilities.
8. National Trust Act–1999: Another landmark legislation is the National Trust Act. In 1999, the Indian Parliament passed an Act entitled “National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability. 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 programmes, which foster inclusion and independence by creating barrier-free environment, developing functional skills of the disabled and promoting self-help groups.

9. Project for Integrated Education for the Disabled (PIED): In 1987, to fulfil the provisions for disabled children in the NPE (1986), the government launched the Project for Integrated Education for the Disabled (PIED). It was a joint venture of MHRD and UNICEF. It states ‘wherever feasible, the education of children with motor handicaps and other mild handicaps will be in common with that of others’.

10. District Primary Education Programme (DPEP): The success of PIED led to the inclusion of the component of Integrated Education of the Disabled (IED) in DPEP, a scheme launched in 1994 by the Government of India for the development of elementary education. At present, IED in DPEP is going on in 242 districts of 18 states. In these states, approximately 6.21 lakh children with special needs have been enrolled in regular schools with adequate support services.

11. 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 Equalisation of Opportunities for Persons with Disabilities (1993) 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 organisations in June 1994. For furthering the objectives of education for all, it considered the fundamental policy shifts required to promote inclusive education. It emphasises 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-centred pedagogy capable of meeting these needs’.

12. The Sarva Shiksha Abhiyan (SSA): SSA has been operational since 2000-01 in partnership with state governments to achieve the goal of Universalisation of Elementary Education. This adopts a ZERO rejection policy and uses an approach of converging various existing schemes and programmes. 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 mobilisation.
   - Planning and management.
   - Strengthening of special schools.
   - Removal of architectural barriers.
   - Research.
   - Monitoring and evaluation.
   - Girls with disability.

13. The RTE Act, 2009: After a continual demand of making the education a fundamental right from all corners, the government made the 86th Amendment of the Constitution of India (2002). The 86th Amendment introduced new Article 21A, making the right to education of children from 6 to 14 years of age a fundamental right. Article 51A (K) was added to Part IV-A of the Constitution as a fundamental duty of parents to provide opportunities for education to their children aged between 6 and 14. The Right of Children to Free and Compulsory Education Act, 2009, commonly known at RTE Act, 2009 was finally passed by the parliament on the 26th August, 2009 (notified on February 16, 2010 to come into effect from April 1, 2010). This act puts the responsibility of ensuring enrolment, attendance and completion on the government. The RTE Act tries to safeguard the rights of the children belonging to the disadvantaged groups and the weaker sections, protect them from any kind of discrimination and ensure their completion of elementary education. As per Amendment in the RTE Act (2010), children with disabilities have
been included in the definition of child belonging to disadvantaged group in the Section 2(d) of the RTE Act. The landmark step mentioned in this Act that Section 12(1/C) mandates for private unaided and specified category schools to admit at least 25% of its entry level class from children belonging to weaker and disadvantaged groups.

Some of the important milestones in the field of disability are shown in the following Diagram - 1:

**Challenges of Providing Education to CWD**

In spite of all the efforts taken at various levels to include children with disabilities in the learning process, there are a number of factors that still hamper their progress and leave them to fend for themselves. Many times persons with disabilities are still not accepted by society as equals and have to make great effort to realise even their most basic rights. The obstacles in the path of development are overcome by struggles and hard work on the part of the disabled themselves and by others who advocate on their behalf.

1. **The Challenge of Poverty Associated with Disability:** India is the world’s second most populated country. Despite impressive gains in the last few decades (11th largest industrial power, 4th largest economy in terms of purchasing power parity) India still has more than 260 million people living in poverty. A large number of children with disabilities live in families with income significantly below the poverty level. According to Mondal & Mete (2012), while disability causes poverty, it is also possible that in a country like India, poverty causes disability. The combination of poverty and disability results in a condition of “simultaneous deprivation”. This is a syndrome that sets up barriers to the participation of persons with disabilities in the normal routines and activities of the community, including regular schooling. However, data released in 2009 by the Government of India estimates the percentage of the population living below the poverty line to be 37%. So, motivating poor families, with all the associated costs to send their child to school, is proving to be a big challenge.

2. **The Challenge of Modifying Deeply Held Attitude:** Attitudes of the non-disabled are proving to be a major barrier in the social integration of persons with disabilities. “The more severe and visible the deformity is, the greater is the fear of contagion, hence the attitudes of aversion and segregation towards the crippled”. Such attitudes reinforced by religious institutions may militate against any attempts to include students with disabilities into regular schools (Kauts & Bhardwaj, 2012). For example, Hindus (who constitute 85 percent of the total population in India) believe that disability is a consequence of misdeeds performed in the previous life (often referred to as the doctrine of Karma). Any attempts to improve the life of a person with a disability may be considered a “defiance of the wills of Allah or as interference with a person’s karma”.

3. **Building Awareness about the Provisions:** People, including parents and school personnel, are largely unaware of the full intent of the recent legislation passed by Indian Parliament. A large number of school personnel are also not aware of funding available to include students with disabilities in regular schools. Unless people, especially parents of children with disabilities and school personnel, are made knowledgeable about the various provisions enshrined in the Act, the Central and State governments’ commitment
to providing integrated education will be in vain. Although some attempts are being made to disseminate information about the Persons with Disabilities Act to parents, to government officials and non-government organizations, they have been extremely limited in coverage.

4. The Challenge of Providing Adequate Levels of Training to Key Stakeholders:
The majority of school personnel in India are not trained to design and implement educational programs for students with disabilities in regular schools. Most teacher training programs in India do not have a unit on Disability Studies. The universities, which do cover some aspects of special education in their teacher training programs, fail to train teachers adequately to work in integrated settings. Moreover, the majority of schools in India are poorly designed and few are equipped to meet the unique needs of students with disabilities. The lack of disability friendly transportation services and accessible buildings are considered by some to be far greater problems than social prejudice and negative attitudes. Both the Central and State governments will have to provide increased resources to this aspect of education to ensure successful implementation of integrated practices in schools. Studies on “Efficacy of mainstream teacher’s sensitization training on inclusive education under SSA” done by Nanda and Nanda (2007) suggest that sensitization training helps in capacity building of mainstream teachers and education officers at least in respect of knowledge about disability and attitude.

Suggestions

- 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 to work with various disabilities. In-service teachers also need continued training to update their skills and knowledge of inclusive education strategies.
- 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 programmes 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.

Conclusion
There is no doubt that the dream for discrimination free and equal education for the children with disability may require a comprehensive change in the institutional arrangements and legal provisions but the most important change has to come in our minds, in our thinking and attitude towards the disabled. The need of the hour is concerted efforts amongst various stakeholders to be made in a time – bound manner. We need to fulfil our obligations to this country and to the international community. What is urgently needed is the political will to ensure that disability is included across all policies, across and all Ministries and Departments, and a time is fixed to make our facilities, schools, colleges, public places, etc. accessible for all people with disabilities and adequate resources allocated. Removing barriers to accessing education and to learning for children with disabilities are prerequisites for the realization of Education for All. To ensure that all children have access to quality education, education policies and practices must be inclusive of all learners, encourage the full participation of all, and diversity as a resource, rather as an obstacle. Inclusive education will pave the way to prosperity for individuals and for the society. This prosperity will, in turn, lead to a more peaceful and sustainable development of humanity. To conclude, we repeat the words of Prof. Tanmoy Bhattacharya (2010) – “With the conviction that a disability driven education system is empowering for all people and forms of knowledge, if such a change in ethos is brought about, we will all benefit.

References


