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Right to Inclusive Education for Persons with Disabilities: An Overview

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Abstract:

"Inclusive Education systems for all children learning together in mainstream classrooms in their locality or community, irrespective of the different range of abilities and disabilities, with teaching methods, materials and school environments that address the needs of all girls and boys."

Inclusive education is to educate all learners together in regular classrooms under the leadership of the classroom teacher has evolved. Inclusive education happens when children with and without disabilities participate and learn together in the same classes. Research shows that when a child with disabilities attends classes alongside peers who do not have disabilities, good things happen. For a long time, children with disabilities were educated in separate classes or in separate schools. People got used to the idea that special education meant separate education. But we now know that when children are educated together, positive academic and social outcomes occur for all the children involved. Inclusive education has received more attention throughout the region in the last few years. There is movement toward more inclusive schooling in almost every country. Through inclusive education, one can respond to the diversity of needs of all learners and thereby reducing exclusion to and within education system. With the growing prevalence of children having disability, inclusive education can definitely benefit those children who have mild or borderline intellectual functioning and other children with disabilities. Hence, inclusive education is a means to achieve fundamental right to education for all. Under this new model all necessary resources, the knowledge of specially trained teachers, accommodations and modifications to learning tasks, accessible curricula, and differentiated instruction are brought to the support of regular classroom teachers and all students in any classroom. Inclusive education is about every child's right to be a valued member of society and to be provided with equal opportunities to actively participate in and contribute to all areas of learning. This requires all participants within an educational setting to be open to listening and learning together. In recent years, human rights frameworks have begun to inform a vision for delivering on the right to education for disabled children as well as articulating what this might look in practice. In 2006, UN Convention on the Right of Persons with Disabilities (CRPD) was a milestone in this regard and established inclusive education as the main mechanism to deliver the right to education for disabled children. The system of inclusive education is grounded on the right –based analysis which can empower learners, celebrate diversity, combat discrimination and promote more inclusive societies. The main objective of inclusive education is fundamental to achieving better quality in education and realizing the



human rights of all children along with to raise the quality bar across education systems, by using strategies that cater for naturally diverse learning styles of all students, while accommodating the specific learning needs of some students. Inclusive education act as a powerful tool in addressing inequalities and also help to solve discrimination by challenging widely held attitudes and behaviors helping us to celebrate and embrace the diversities in our societies. The present paper, therefore, highlights that it is right time to deliver on the right of all children to have a quality education and to do this, education systems need to respond to the needs of disabled children. The solution is rooted in building inclusive education systems. The author suggested that a real inclusive education acts to guarantee the right to equality and to diversity that is to guarantee to each individual equal possibilities to develop his or her own abilities towards the complete, personal and social, self-realization. In this perspective, the inclusive education has to remove the obstacles related to individual diversities, through pedagogical, models of teaching based on individualization, learning styles and conditions characterizing disabled person.

Keywords: Inclusive Education, Disability, Right to Education, Strategies, obstacles

Introduction:

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

Inclusion is not an experiment to be tested but a value to be followed. All the children whether they are disabled or not have the right to education as they are the future citizens of the country. In the prevailing Indian situation resources are insufficient even to provide quality mainstream schools for common children; it is unethical and impracticable to put children with special needs to test or to prove anything in a research study to live and learn in the mainstream of school and community (Dash, 2006).

The principle of inclusive education was adopted at the “World Conference on Special Needs Education: Access and Quality” (Salamanca, Spain 1994)¹ and was restated at the World Education Forum (Dakar, Senegal 2000). The idea of inclusion is further supported by the United Nation’s Standard Rules. Of late, a consensus has emerged among Indian intellectuals and pedagogues for adopting inclusive education in mainstream schools. The right to inclusive education of persons with disabilities involves the reorganizing of the educational system which

¹ Samanaca Statement (1994). World Conference on special needs education: Access and Quality, Spain, p.12. Retrieved from: http://www.unesco.org/education/pdf/SALAMA_E.PDF



has the purpose to eliminate discrimination and ensure access to education on an equal manner for all students. The Article 24 of the Convention on the right of persons with disabilities refers to the concept of "inclusion", a concept less used in international legal sources. Inclusive education can be progressively achieved due to the fact that it encounters several obstacles, especially if we take into account that this process includes certain "measures of support" which struggle to satisfy the academic and social demands (needs) of these persons. For some students with disabilities there is a problem of choosing between a special school and an inclusive school, especially if we take into account the type of disability. Inclusive education is an ideal educational system, but for many states it represents a real challenge due to economic and social factors. Some countries such as India, have implemented the inclusive education system long time ago. Although there are inclusive schools, they do not involve all the aspects of the inclusive education principles, on the contrary, they just integrate people with disabilities in regular schools.

Inclusive education and the right to education of persons with disabilities in mass schools, is the main modality to answer to all educational needs of individuals who suffer from different deficiencies. [UNESCO \(1983\)](#) defines inclusive education as "a form of education provided for those who are not achieving, or are not likely to achieve through ordinary educational provisions, the level of educational, social and other attainments appropriate to their age, and which has the aim of furthering their progress towards these levels". Inclusive education does not have as effect just the transmission of some academic knowledge, but to remove marginalization, teaching the students to accept difference, to learn how to live together and more than this, to understand that they also have an important role in the society. People with disabilities were and still are the beneficiaries of the right to education, as well as the persons without problems, but because of the needs hard to satisfy they arrive quite difficultly to fulfill the final academic or social outcome. In this situation occurs a limitation of the performance of the right to education of disabled people in equal measure with the others. This limitation is related to the resources which the schools can offer to students depending on the type of disability. For example, a child with mild autism can develop his/her social side and can assimilate the norms of "normality" with less easiness if he/she has the possibility to be integrated into a normal school.

Development of social side is a consequence of education, and the implementation of inclusive education in schools is for most students with disabilities and opportunity to fully benefit from the right to education. However, the process of implementation of inclusive education is hard to be carried out, this being mentioned also in the Convention for the Rights of Disabled People (CRPD) within which it is about a progressive carrying out of inclusive education, because of several social, economic and legislative factors. With respect to social factors, it is indeed a change in the perception of society about the image of disabled people, especially in the case of



teachers, of parents and students of a mass school, as change must start from each individual. Reorganization of mass schools and their transformation into inclusion schools depends mostly also on the financial resources allotted to educational system, especially that each deficiency is “educated” with the help of educational material. In case these regulations are not compliant with specified objectives, the chances to carry out these objectives are probably reducing. In this respect, financing can be a decisive factor in carrying out inclusion, as financing system can inhibit the inclusion processes, and keeping the student with special needs in mass schools is not enough encouraged ([UNESCO, 2016](#)).

The right to education is not absolute, more than this; it also includes an acceptance of some limitations. Consequently, domestic authorities enjoy of a certain limited appreciation as the final decision, as the content of Convention implies, is made in compliance with the appreciations of the court.

Persons with disabilities are not included, but neither excluded from the content of international stipulations, they fall under the scope of protection of human rights without assigning a particular framework of emphasis in respect of education. The appearance of the Convention on the Rights of Persons with Disabilities (2006) succeeded in changing the social perception relating to these persons, more than this, there were 147 ratifications of this instrument, fact which determined the States to approach new influences of integration of persons with disabilities in the general educational system ([UNICEF, 2011](#)).

One of the most significant articles of the Convention on the Rights of Persons with Disabilities is article 24 called “education”, article which aims at restructuring rights already existing in the instruments of human rights. The attainment of article 24 of the Convention entailed disputes relating to the definition of disability, as well as to the “inclusive” concept within the Convention. In respect of inclusion, the States are not obligated to implement the inclusive system obligatorily in the educational system, as this involves major changes within each general educational system, and it is preferable to ensure this inclusive system only for persons who want to attend an inclusive school. By elaboration of article 24, as supporter of inclusive education, there is the possibility to change social perceptions, thus promoting certain moral values by which everybody may understand and capitalize diversity. Ideally, the countries will use art as a model for their own laws and to ensure the access to inclusive education, having as ideal to raise productivity, economic growth, decrease the illiteracy, all these elements being factors in carrying out educational equality and opportunities for disabled persons. Under article 24, (1) of the Convention on the rights of persons with disabilities, the States Parties recognize the right of persons with disabilities to education. Before continuing the interpretation, it is necessary to define the concept of “right to education”, therefore reference will be made relating to



education within World Declaration on Education for All (1990), article 1, where is described that “shall be able to benefit from educational opportunities designed to meet their basic learning needs. These needs comprise both essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning. The scope of basic learning needs and how they should be met varies with individual countries and cultures, and inevitably, changes with the passage of time”.

Policies and Practices for Inclusive Education:

After independence, there have been many policies and practices made for inclusion in education in India. Some of major policies are as under-

- The inclusive education is written into India’s constitution as a fundamental right for all citizens. Part IX, Article 45 of the Constitution states, the state shall endeavor to provide, within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen years.
- The significance of Article 45 was reaffirmed in 1993 with the Supreme Court’s Unnikrishnan judgment. In this case, the court ruled that Article 45 must be read in conjunction with Article 21 of the constitution, which states that “No person shall be deprived of his life or personal liberty except according to procedure established by law.”
- The 86th amendment to the constitution, section 21A reads, “The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
- The 1960s marked an important change in how special education was organized and funded in India. The Ministry of Education split, and a new branch called the Ministry of Social Welfare was created. The Ministry of Social Welfare was given the responsibility for the “weak and vulnerable” sections of society. They largely focused on rehabilitation, and not as much on education. Instead of supporting the current education system, the Ministry of Social Welfare began giving out grants to nonprofits that provided education for children with disabilities, inadvertently preventing inclusion of these children within the public or mainstream sector.
- The Government of India created the Kothari Commission in 1964, named after its chairman, P.S. Kothari. This commission was created because the Government of India wanted to create a plan of action to improve the education system. The plan of action created by the



Kothari Commission included people with disabilities, but unfortunately, the Government of India never implemented it. It reads, we now turn to the education of handicapped children. Their education has to be organized not merely on humanitarian grounds of utility. Proper education generally enables a handicapped child to overcome largely his or her handicap and make him into a useful citizen. Social justice also demands it...on an overall view of the problem, however, we feel that experimentation with integrated programmes is urgently required and every attempt should be made to bring in as many children in integrated programs.

- The Ministry of Welfare created the Integrated Education of Disabled Children Scheme (IEDC), not to be confused with the Integrated Child Development Scheme in 1974. The program provided children with disabilities “financial support for books, school uniforms, transportation, special equipment and aids,” with the intention of using these aids to include children in mainstream classrooms.
- The National Policy on Education (NPE-1986) was created in 1986. Continuing in the spirit of the 1974 IEDC, the NPE states that children with “mild” disabilities should be included in mainstream classrooms, whereas children with “moderate to severe” disabilities should be placed in segregated schools. The 1992 Program of Action (POA), created to implement the 1986 NPE, broadens the NPEs definition of who should be included in mainstream schooling, that “a child with a disability who can be educated in the general school should not be in the special school.” It says that once children with disabilities acquire basic living skills, which would be learned in resource rooms or special schools, that they should be mainstreamed.
- The year 1992 was also the year of the Rehabilitation Council of India (RCI) Act (1992). The RCI Act provided standards for rehabilitation professionals; one type of rehabilitation professional being special education teachers. This act is important because it establishes consequences for teaching without a license. Teachers without a license could face imprisonment for up to one year, be fined R1000, or both.
- In 2002 the 86th Amendment to the Constitution was made, mandating free and compulsory education to all children ages 6-14. And with the help of World Bank, Government of India Initiated Sarva Shiksha abhiyan-SSA (Education for All) in India.
- The Government of India decided to make Amendment 21A of the constitution, giving children between the ages of 6-14 the right to a free, appropriate and compulsory education, into an act. In 2005, the Right to Education Act was drafted by the Ministry of Human Resource Development. This bill, framed through a “social justice and collective advocacy perspective” rather than through a framework of individual rights, is not disability-specific, but is inclusive of children with disabilities, with specific sections that address the



educational rights of students with disabilities. The Right to Education Act (2009) was passed in 2009 and put into full effect in 2010.

- It was extremely important that India create a bill around Section 45 and 21 (A) of the constitution, which became the Right to Education Act which was originally floated in 2005. However, in the same year, the Ministry of Human Resource Development also drafted the Action Plan for Inclusion in Education of Children and Youth with Disabilities (IECYD). This action plan envisions that all children with a disability will have access to mainstream education; in order to facilitate this, the government, specifically collaborating between the Rehabilitation Council and the National Council for Teacher's Education, will ensure that there are adequate numbers of teachers trained in inclusive education, as well as the proper physical and ideological infrastructure to facilitate inclusion in schools. The plan specifically looks to move from integration towards inclusion, stating, whereas under the Scheme of Integrated Education for the Disabled Children (IEDC) as it stands at present, children with disabilities are placed in a regular school without making any changes in the school to accommodate and support diverse needs, the revised IECYD will, in contrast, modify the existing physical infrastructures and teaching methodologies to meet the needs of all children, including Children with Special Needs.
- In 2008, the government reformed the Scheme of Integrated Education for Disabled Children (IEDC) and created the Inclusive Education of the Disabled at the Secondary Stage (IEDSS). It went into effect on April 1st, 2009. IEDC was reformed to take into account the resources provided for students with disabilities ages 6-14 under Sarva Shiksha Abhiyan. The objective of IEDSS is to enable the disabled children who have completed eight years of elementary education to continue their education at the secondary stage in an inclusive environment in regular schools. IEDSS provides students with disabilities ages 14-18, studying in public or government-funded schools, ₹3000 per school year from the central government to purchase the necessary materials to use to ensure inclusion of the student in the mainstream school system. This is the first policy that specifically acknowledges the importance of secondary education for persons with disabilities.
- The most recent policy specifically concerning education and people with disabilities is the Ministry of Social Justice and Empowerment's National Policy for People with Disabilities. Although this policy was created in 2006, after the 2005 Action Plan, and the two policies were created under separate ministries, they are very similar in both the ideologies that they were founded on, as well as the actual changes they are trying to make to the system. The National Policy for People with Disabilities utilizes Sarva Shiksha Abhiyan (in English, Education for All), also created by the Ministry of Social Justice and Empowerment, as their main mode of implementation of the policy. This policy echoes the 2005 plan of action and



2005 (made official in 2009) bill by changing special schools in resource centers for people with disabilities and teachers. In addition, the policy seeks to bridge the gap between rural and urban areas by creating more District Disability and Rehabilitation Centers (DDRCs), which disseminate information in terms of availability of aids and appliances, ensure the mandated 3% coverage of persons with disabilities in poverty reduction programs and target girls with disabilities.

Facts and Figures of Inclusive Education in India:

Statistics on disability in India vary widely, and accuracy of statistics is always questionable. However, almost all of the statistics available point to the gaps in the education system, the marginalization of children with disabilities, and the need of the Government of India to step up their efforts to reach their goal of “education for all.” The Government of India (GoI) did its first and only national survey to date on the population of people with a disability, from July, December, 2002. In December 2003, one year later, Report No. 485, the 593-page Disabled Persons in India was published in conjunction by the National Sample Survey Organization, Ministry of Statistics and Program Implementation, and the Government of India.

Although statistics vary across the board, depending on the year, surveyors, methods used, and other extraneous factors, this survey is considered most legitimate and accurate by governments and organizations across the globe. The Ministry found that there were 18.49 million people with disabilities in India, or about 1.8% of the population. Data from the World Bank differs in both the ages of the sample group and the statistics, but draws a dramatically different picture. According to the World Bank, 38% of children with disabilities ages 6-13 are not in school. In addition, starkly contrasting with Kalyanpur’s interpretation of the National Census, the World Bank states that 70% of children with disabilities ages 5-20 have attended a school at some point in their life, and that 90% of these children have attended a mainstream school. This data is further supported by data from the National Census, which states that of the children with disabilities in school in 2002, 94.8% of these children attend a mainstream school, and only 5.2% of children with a disability attend a special school. It is important to emphasize that these statistics do not include all of the children with a disability out-of-school, but only those that were attending school in 2002. Therefore, a large percentage of the population is still not receiving any type of schooling. Alarming, the World Bank states that almost all children with disabilities do not continue their education past primary school.

There are several areas across which people with disabilities receive unequal services in India. One of those is the difference between urban and rural areas and the services available in both. 75% of people with disabilities live in rural areas in India. This is an overwhelming majority. The number becomes worrisome in comparison to where the majority of services are offered; which



is in urban areas. Less than 15% of national services for people with disabilities are located in rural areas, and of those, most are expensive and/or private. The discrepancy in services is directly reflected in educational achievement and enrollment in schools. Drawing data from The National Census, states, "In terms of educational levels, only 11% of children with disabilities between the ages of 5–18 years in urban areas (less than 1% in rural areas) were enrolled in special schools, while 55% of adults with disabilities were illiterate (59% in rural and 40% in urban areas), with only 7% in rural and 18% in urban areas having completed secondary education. Another area of inequity between persons with disabilities is gender. The Government of India National Census pointed out the extreme inequities between girls and boys with a disability. In number, there are fewer girls than boys with a disability. People with disabilities in India are also discriminated against based on their type of disability. The National Census did not break down types of disability according to the Diagnostic and Statistical Manual of Mental Disorders IV (DSM IV) or a similar text, but rather, by the categories "locomotor, multiple, mental retardation (intellectual disability), mental illness, blindness, low vision, hearing and speech.

Conclusion:

The policies of the new millennium are the most inclusive of those to date. But, just as the policies of the past, will these policies remain words on paper? The Government of India has fallen short of their goal for all of the policies of the past 66 years. Yet in the past decade, there have been several promising pieces of legislation and schemes: 2005 Action Plan for Children and Youth with Disabilities, the 2006 National Policy for People with Disabilities, the 2008 Inclusive Education of the Disabled at Secondary Stage ([IEDSS](#)) and the 2009 Right to Education Act—as well as continuing with the Sarva Shiksha Abhiyan scheme. So, is there a lack of political will that is preventing full implementation of policies, or lack of governmental resources and capacity? It seems to be a combination of both.

To enable an inclusive system of education, the Government of India needs to consolidate the responsibility for education under the Ministry of Education, and abolish the responsibility of the Ministry of Social Justice and Empowerment. Although the 2006 National Policy for People with Disabilities mandated the change of special schools into various types of resource centers, Sarva Shiksha Abhiyan states that people with disabilities should be educated in the least restrictive environment, which could potentially be a special school. Therefore, this scheme and this policy actually contradict each other. The Ministry of Social Justice and Empowerment could still support students with disabilities by continuing to provide grants for these resource centers, but ultimately, it is imperative for inclusion that students of all ability levels are receiving services under the same ministry. This directly relates to the definition of inclusion and the social model



defined above, because the Ministry of Education will have to adjust to accommodate people of all ability levels, including everyone. 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. A system of reliable monitoring is imperative for evaluating the success or failures of a policy or scheme.

Training teachers in teaching methods that include students of all ability levels, as well as spreading awareness to teachers about the importance and benefits of inclusion, is one of the most important parts of implementing a system of inclusive education, because the teachers are the people on-the-ground who are going to accommodate the students. Building accessibility is absolutely imperative for students with disabilities to be included as an equal member in their school. But what is typically more challenging for mainstream schools who are trying to become inclusive is converting their curriculum to fit students of all ability levels.

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