

INCLUSIVE EDUCATION AND RTE ACT (2009): PIVOTAL POLICIES FOR INCULCATION OF PWDS

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Abstract

Persons with Disabilities (PwDs) are most marginalised section in the world. Their diversity and extent of disability need customised rehabilitation approach, which complicates the situation further. As per Census 2011, there are 26.8 million PwDs (2.2 per cent of population) in India and therefore inclusive growth of country cannot be imagined without include them in mainstream education. Each and every country is making effective policies towards inclusion of PWDs. Indian policy makers also know the importance of education of persons with disabilities, that's why our prime minister addressed them as "Divyaang" instead of persons with disabilities. Indian constitution makes several provisions for Cwds towards their mainstreaming in education sector. The recent and more powerful policy is right to education act, which came into force from 1st April, 2010. The Central and State governments are implementing the RTE Act for CwDs through special, regular and open school systems. Early identification of children with disabilities(CWDs) below five years of age, sensitizing teachers and students to avoid cases of bullying in schools, developing disabled-friendly infrastructure and preventing their expulsion from schools are some of the suggestive measures which should be taken by government.

Key Words: Children with disabilities (CWds), RTE act, Mainstreaming education, Inclusion.

As defined in Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD, Act), "person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority. "Disability" means: (i) blindness; (ii) low vision; (iii) leprosy-cured; (iv) hearing impairment; (v) loco-motor disability; (vi) mental retardation; and, (vii) mental illness. While the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (NT Act), includes, (i) autism; (ii) cerebral palsy; (iii) mental Retardation; and, (iv) multiple disabilities.

As per the census of 2011 there are 6.57 million children with disabilities in the school going age group (5-19). Of these, 20% (1,278,764) are children with hearing impairment, by far the largest percentage of all children with disabilities. Children with vision impairment account for 17% (1,133, 152,) while children with movement disability are 14% (928, 330,) Although children with speech difficulties are not recognized as a

separate category of children with disabilities in our laws, both the Census and the DISE collect data on these children as part of children with special needs/disability. Children with speech difficulties account for 10 % (651, 241,) of all children with special needs.

Children with multiple disability and intellectual disability (mental retardation) are 9% (599,790) and 8% (545, 728,) respectively. Another large group amongst these is children whose impairment is not known. These children account for 20% (1,307,155) of the children with disabilities. Significantly for the first time, we have figures of children living with mental illness (127,429,) 2% in the age group of 5-19. At present no thought has been given to provisioning for children living with mental illness within the education system of our country.

Inclusive education “is a process of strengthening the capacity of the education system to reach out to all learners.” It involves restructure they can respond to the diversity of students in their locality. For a school to be inclusive, the attitudes of everyone in the school, including administrators, teachers, and other students, should be positive towards students with disabilities. Inclusive education means that all children, regardless of their ability level, are included in a mainstream classroom, or in the most appropriate or least restrictive environment (LRE), that students of all ability levels are taught as equals, and that teachers must adjust their curriculum and teaching methodologies so that all students benefit.

Policy for Inclusion: Historical Background

After independence in 1947, the Government of India created several policies in terms of special education. 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. It is important to note that within government documents and scholarly publications in India, the three different terms-segregation, integration and inclusion-are often used interchangeably..

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

- 1.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 endeavour 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.
2. 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.
3. 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.

4. The National Policy on Education (NPE) 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.”

5. 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.”

6. In 2002 the 86th amendment to the constitution was made, mandating free and compulsory education to all children ages 6-14. 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. With the help of World Bank, Government of India Initiated Sarva Shiksha abhiyan-SSA (Education for All) in India. **SSA and its focus on children with special needs (CWSN)**

The SSA lists 8 priority areas of intervention for inclusive education:

- 1) Survey for identification of CSWN
- 2) Assessment of CWSN
- 3) Providing assistive devices
- 4) Networking with NGOs/Government schemes
- 5) Barrier free access
- 6) Training of teachers on IE
- 7) Appointment of resource teachers
- 8) Curricula adaptation/textbooks/appropriate TLM

7. 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.

8. 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.

9. The most concerning policy specifically on education and people with disabilities is the Ministry of Social Justice and Empowerment's National Policy for People with Disabilities. This policy was created in 2006. The policy seeks to bridge the gap between rural and urban areas by creating more District Disability and Rehabilitation Centres (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.

RTE Act (2009) and Inclusive Education

Under the Right of Children to Free and Compulsory Education (RTE) Act, 2009, children with learning disabilities are also covered. They are broadly grouped under Dyslexia (difficulty in processing language), Dyscalculia (difficulty in math skills), Dysgraphia (difficulty in written expression) and Dyspraxia (difficulty in fine motor skills). The objective of mainstreaming of CwDs in the general education system through Inclusive Education was realised when Article 21-A was inserted in the Constitution (86th Amendment in 2002) making elementary education a fundamental right. Its consequential legislation, the RTE, Act, became operative, w.e.f., 1 April 2010.

There are number of schemes for education of CwDs in regular schools, e.g., Integrated Education for Disabled Children (IEDC), Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA), National Plan of Action for Inclusion in Education for Children and Youth with Disabilities, 2005, National Institute of Open Schooling (NIOS) & IGNOU.

Inclusive education under RTE, Act is implemented through SSA and RMSA for all CwDs with zero rejection policy. Parents have the option of providing home-based education to children with severe disabilities but under RTE Act, this clause is not to be used as an instrument to deny admission by institutions. Inclusive education provides a universal disabled friendly educational atmosphere; while the integrated model provides an accommodative atmosphere; while special schools provide a disabled friendly accessible environment. Special school tends to segregate CwDs from others and level of education imparted could be limited, but at times essential for certain disabilities, as they cater to a customised subset of skills which are required to be imparted, in view of the disability of the child. Inclusive education also provides inclusive growth not only to CwDs but also to their non-disabled peers, who learn and share with their fellow CwDs. Some important provisions to encourage education of CwDs are:

- I. Provision of a barrier-free environment for students with disabilities.
- II. 3 per cent Reservation for CwDs in all forms and at all levels of education.
- III. Aids and Assistive devices are provided either free or at subsidised rates under Assistance to the

Disabled for Purchase/Fitting of Aids and Appliances (ADIP) Scheme or Integrated Education of Disabled Children (IEDC) Scheme.

IV. Exemption from payment of application and examination fee for competitive examinations of Staff Selection Commission (SSC) and Union Public Service Commission (UPSC).

V. Scholarships for pursuing higher education such as National Scholarships for PwDs, Rajiv Gandhi National Fellowship etc.

VI. Provision of alternative questions to students who cannot attempt questions based on pictures, graphs, etc. for blind and low-vision students.

VII. Provision to write examinations with the help of special devices and equipments.

VIII. Provision for extra time in examinations for students with disabilities.

IX. Vocational training facilities in Vocational Rehabilitation Centres (VRCs) under M/o Labour, NGOs, NIs etc.

Outcome of RTE act in context of Inclusive Education

Comparative data regarding enrolment of CwDs

Year	No of children with disabilities enrolled in elementary education	Percentage of children with disabilities enrolled in relation to all children in primary classes	Percentage of children with disabilities enrolled upper primary classes
2009-10	1.4 million	0.75	0.74
2010-11	1.9 million	0.74	0.70
2011-12	1.68 million	0.87	0.83
2012-13	2.35 million	1.18	0.90
2013-14	2.50 million	1.30	1.18

Source: Elementary Education in India, State report cards, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14

Enrolment of children by nature of disability in class I –V and V-VIII (2013-14)

Nature of disability	Enrolment in class I-V	Enrolment in class V-VIII
Mentally Retarded	21.48	15.58
Loco-Motor	16.76	17.68
Low-Vision	14.83	29.63
Learning	12.15	9.62
Speech	11.02	8.03
Hearing	10.96	10.5
Multiple	5.88	3.52
Blind	3.32	3.12
Cerebral Palsy	2.7	1.62
Autism	0.89	0.68

Source: UDISE 2013-14

Conclusion

The experiences of students with disabilities reflect the harsh reality that inclusive education is not gathering pace as it should in India. Although many more children are coming into education, the system is not changing to include them. Most of the issues faced by children with disabilities are the same as those faced by other children who struggle within the system. Some are specific to this child and need attended to as such. The school system needs to gear up and support children with disabilities. This support needs to be holistic and look at all aspects that determine whether the child continues in school. Children essentially need the support of peers, teachers to continue in school. Policies are made on papers, but in reality we human who does the work towards the successful implementation of these particulars policies. RTE and other policies are making their own path, but as a stakeholder of society we all should work together for the inclusion of children with special needs.

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