

Legal Policies and Provisions to Provide Equal Opportunities in Education to Special Needs Children in India: Special Reference to Inclusive Education Approach

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Abstract: *In India, democracy stands as a fundamental value embraced by all its citizens. Everyone has the right to equal opportunities in all respects. Hence, special-needs children are also a part of these democratic rights. It will be unethical if we segregate them for their disabilities. Inclusive Education means all the students irrespective of their disabilities or not will learn in one classroom. In India, various legal policies and programmers are formed to provide equal opportunities in Education to Special Needs Children in mainstream school. Among them the contribution of PWD Act (1994), SSA (Sarva Siksha Abhiyan) Act 2001, NCF- 2005, RTE Act- 2009 are most important. The purpose of this paper is to emphasize the Concept of Inclusive Education and analyze the implementation of these policies and provisions in India, ensuring equal educational opportunities for children with special needs. Furthermore, the paper will provide clarity on the types of Special Needs Children according to census-2011 report.*

Keywords: Equality of Educational Opportunity, Inclusive Education, Integrated Education, Special Needs Children

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Introduction

In India democracy is a primary value for all the people. Everyone has rights to get equal opportunities in all respects. Hence, Special needs children are also a part of these democratic rights. It will be unethical if we segregate them for their disabilities. Inclusive education has emerged as an important issue in contemporary India. Inclusive Education means all the students irrespective of their disabilities (or not) will learn in one classroom. Excluding people from the society and different institutions convey various reasons and factors behind it. Segregate the special needs children for a long time is the part of this exclusion. They were deprived from all the rights as well as educational rights. Like as general school system a parallel system was created for the special needs children called it “Special School”. Special education is provided to the special needs children in a special school, those are completely segregated from the general school setting. The Constitution of India provides Social, Civil and Educational Rights to each and every person with or without their disabilities. In order to honor fundamental rights, it would be inequitable to confine children based on their disabilities. Every member of the community bears a duty to recognize and appreciate the diversity of humanity, encompassing gender, language, abilities and disabilities. It is the birthright of each child to access quality education and enjoying equal opportunities in every part of the education system.

History and Types of Children with Disabilities (CWDs)

Tamhane (2013) said that the matter of disability was included in the questionnaire of all the Indian Censuses from 1872 to 1931. However, during the Censuses held between 1941 and 1971, inquiries regarding disability were omitted. During the Census of 1981, data concerning Three Types of Disability were gathered. However, this question was omitted from the Census of 1991. During the 2001 Census, the question was reintroduced, leading to the collection of data concerning five distinct disability types. Subsequently, in the 2011 Census, information regarding eight types of disability was gathered. The Eight types of Disabilities according to Census of India- 2011 are mentioned below:

- Seeing Disability
- Hearing Disability
- Speech Disability
- Difficulty in Movement Disability

- Mental Retardation
- Mental Illness
- Multi Disability
- Any Other Disability

Education for Special Needs Children (SNCs)

Education for Children with Disabilities (CWDs) demands an alternative approach that accounts for their individual needs. Multiple strategies have been employed to cater to the educational needs of CWDs. Special Education and Integrated Education constitute the two primary approaches. To meet the educational needs of special needs children separate arrangement was established for them, known as a "Special School." These institutions provide specialized educational services designed to meet the different learning needs of these children. Yet, a third approach, the Inclusive Education Approach, has arisen and is progressively being embraced worldwide (Kumar, 2022).

Special Education System: The idea of Special education flourished in the 18th century. Just as the mainstream education system exists, a parallel framework called a "Special School" was established to accommodate the educational needs of children with disabilities. The concept of "special education" includes educational initiatives designed to support children with cognitive, physical, emotional, and behavioral disabilities (Ansell, 2004). In 1578, Pedro Ponce de Leon, a Spanish monk first established a Special school for Hearing Impaired Children. After that, a French Catholic Priest in 1760 created an institute for deaf (Sharma, 2021).

Integrated Education: Integration involves the incorporation of students with special needs into regular education settings, emphasizing their inclusion within the mainstream educational environment. Instead of being supportive, this approach has compelled children with disabilities (CWDs) to adapt to the education system. However, it could lead to increased labeling of Special Needs Students due to pre-existing attitudes and mindsets. As a result, the advancement of a child's education could be hindered (Nedha, 2015).

Inclusive Education: The emergence of the Inclusive Education Approach in contemporary times serves as a response to criticisms directed at both the Special Education and Integrated Education Approaches. Inclusive Education involves the integration of all young learners, including those with disabilities, within common classroom system and schools, facilitated by an appropriate framework of support services (Amareswaran, 2018). This approach highlights the importance of inclusion by encompassing all categories of students, regardless of whether they have disabilities or not. It also extends to students who are not integrated into the mainstream of society, such as child laborers or those belonging to scheduled castes or indigenous tribes, within a shared educational environment. It's called a process of mainstreaming where special needs children acquiring education in a regular classroom with their non disabled peers. However, approach is emphasized to fulfill the special needs of every child (Kumar, 2022).

Understanding Equal Opportunity in Education

In the ancient Vedic period people were discriminated on the basis of their caste. Also, Occupations and rights were imposed on the ground of their class stratification. Even, Educational Rights was only obtained by upper class people. But with the change of the era the attitude and mindsets of the people were changed. The Government has also taken some initiatives by composing various Policies, Acts Legal Provisions for equally distribution of rights to each and every people in India. Our Constitution provides us Fundamental Rights that is Right to Education to Every child.

"One of the important social objectives of education is to equalize opportunity, enabling the backward or underprivileged classes and individuals to use education as a lever for the improvement of their condition. Every society that values social Justice and is anxious to improve the lot of the common man and cultivate all available talent must ensure progressive equality of opportunity to all sections of the population. This is the only guarantee for the building up of an egalitarian and human society in which the exploitation of the weak will be minimized". (Kothari Commission)

Equality of opportunity in education means affording every individual living within the nation-state, the same access to the most suitable educational resources, with the goal of nurturing their abilities and skills

while preventing discrimination. Factors like economic status, geography, social dynamics, political circumstances, and individual attributes collectively influence the realization of equality of opportunity in education (Mammadov, 2018).

Objectives of this Study

Keeping some objectives in the mind a study can be conducted. Some objectives of this study are:

- To provide the proper understanding of Inclusive Education, Types of Special Needs Children, Meaning of Equality of Educational Opportunity.
- To explain the Policies and Provisions for providing equality of educational opportunity to special needs children in India.

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Legal Provisions and Policies in India

Since the inauguration of the first central government following Independence, education has consistently held a prominent place on the agenda of each successive government. In addition, Article 45 guarantees the provision of free and mandatory education for every child up to the age of 14 years. Following this principle, the Parliament enacted the Constitution (86th Amendment) Act 2002, enshrining education as a fundamental right for all children in the age bracket of 6 to 14 years (Amareswaran, 2018).

Kothari Commission (1964-66): In the context of including children with disabilities, it proposes that the education of these children should not be limited to a humanitarian standpoint of practicality alone. It acknowledges that a comprehensive education empowers disabled children to transcend their limitations, enabling them to make valuable societal contributions. Kothari Commission recommended the Common School system for every child (Peerzada, 2019).

Integrated Education for Disabled Children (IEDC-1974): The IEDC Scheme aimed to extend Educational Opportunities to children with disabilities. The initiative provided financial support for rehabilitation, assistive devices, educational materials, training for resource teachers, setting up preschools and parental guidance centers, transportation assistance, stipends, and the removal of physical obstacles in school infrastructure (Shyamili, 2018).

National Policy on Education (NPE-1986): NPE-1986 primarily concentrated on achieving inclusive education for all children, establishing specialized schools equipped with hostels, enhancing arrangements for teacher training, and offering vocational training to children with disabilities, fostering their educational participation (Ministry of Human Resource Development, Govt. of India).

The Person with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act(1995): The Act covers both preventive and promotive aspects of rehabilitation, which include education, employment, vocational training, reservation, research, manpower development, fostering a barrier-free environment, rehabilitating individuals with disabilities, addressing unemployment, and establishing residential facilities for those with severe disabilities, among various other components (*Ministry of Law and Justice 1995*).

Project for Integrated Education for the Disabled (PIED): In 1987, to fulfill the provisions outlined for disabled children in the NPE (1986), the government launched the Project for Integrated Education for the Disabled (PIED). This collaborative effort involving MHRD and UNICEF indicates that, whenever possible, children with motor handicaps and other mild disabilities will receive education alongside their peers in inclusive environments (*Gulyani, 2017*).

The Sarva Shiksha Abhiyan (SSA) – 2000-01: The Indian Government, partnering with state and local authorities, initiated the Sarva Shiksha Abhiyan in 2001-2002, representing a significant effort. This program aimed at achieving Universal Elementary Education for children aged 6 to 14. Furthermore, the Sarva Shiksha Abhiyan placed considerable emphasis on inclusive education for children with disabilities, allowing them to learn alongside their peers. The introduction of a No Rejection Policy was designed to ensure that no child would be denied access to education (*Gulyani, 2017*).

National Curriculum Framework (NCF) - 2005: According to NCF-2005 the adoption of an inclusive policy is essential for all schools and the entire Indian education system. Schools should transition into

centers that equip children for real-life scenarios and ensure that every student, especially those with disabilities from marginalized backgrounds, as well as children facing adversity, extract the highest advantages from this indispensable aspect of education (*Vijayan and Geetha, 2018*).

Right to Education (RTE) Act (2009): In accordance with the RTE Act, it is declared that each child within the age group of 6 to 14 years, including those with disabilities, shall be ensured the opportunity to access free and comprehensive elementary education of acceptable and quality education within any formal government school. (*Shyamili, 2018*).

RPWD Act- 2016: The Rights of Persons with Disability Act-2016 has replaced the Persons with Disabilities Act-1995. The central aims of this updated legislation are directed at protecting the rights and maintaining the dignity of Special Needs Children across a diverse range of life's aspects, including social, educational, legal, cultural, economic, and political dimensions (Legislative Department, Ministry of Law and Justice, Govt of India).

National Education Policy 2023: The NEP-2020 has marked a significant milestone in India's education system. In Chapter 6, it delves into "Equitable and Inclusive Education: Learning for all," offering recommendations to establish an inclusive framework for delivering high-quality education to children with special needs.

Apart from all the above mentions policies and practices there are various types of initiatives have been taken by the govt. of India to extend the process of inclusion as far as possible. Those are The Rehabilitation Council of India (RCI-1992), National Trust Act (1999), Integrated Education for Disabled Children (IEDC-2009), MHRD Five years Action Plan-2005 etc.

Conclusion

The adoption of inclusive education represents a challenging endeavor. It goes beyond being merely a technique to impose knowledge to special needs children; rather, it constitutes an approach that cultivates equality and assures their effective integration into society in the future progressive. The ultimate aims of these above mention initiatives in India, is to empower the effective academic and social participation of children with special needs (CWSN). It is the primary responsibility of educators, administrators, social institutions, and parents to effectively enforce the policies and initiatives for achieving the objective of *Education for All* through inclusive education.

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