

## Inclusive Education: Constitutional Provisions and Challenges in India

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### ABSTRACT

*Inclusive education is a recently approach towards educating the disability child and learning difficulties with that of general ones within the same classroom. Regardless of their areas of strength or weakness, all students are in the same classroom and community in an effort to help each student reach their full potential. Kids and students with learning disabilities may need accommodations and support to access the curriculum. The study's main goals were to identify research trends and inclusion education while learning about obstacles to inclusive education. The study was qualitative in approach and data were collected from secondary sources like books, articles, journals, thesis, University news, websites and e- contents relating on Inclusive education. Since the independence the Indian government has developed a number of special education related policies. Although the Indian government has made an effort to develop policies that are inclusive of those with disabilities, their implementation efforts have not led to an inclusive educational system or allowed them to realize their nationwide goal of "Education for All." Many were asked to leave because they were overly animated or had behaviour problems. The management of special schools for children with impairments has historically been the responsibility of NGOs. Gaining a better awareness of the state of the education of kids with disabilities today and how inclusive practices can be pushed will help with this.*

**Keywords:** *Inclusive Education, Provisions and Challenges.*

### INTRODUCTION

Inclusive education denotes that every child irrespective of their strengths and weaknesses will be part of the mainstream education the feeling of belongingness among all community members, teachers, students and other functionaries is developed through inclusive education. Inclusive education is when all students regardless of any challenges they may have are placed in age-appropriate general education classes that are in their own neighbourhood schools receive high-quality instruction, intervention, and support that enable them to meet success in the core curriculum (Bui, Quirk, Almazan, and Valenti 2010). According to Salamanca's statement "school should accommodate all children regardless of their physical, intellectual, social, emotional and linguistic or other condition. This should include disabled and gifted children from the remote or nomadic population children from linguistic, ethnic are cultural minority and children from other this advantage or marginalized areas or groups.

Inclusive education is for all irrespective of any social community, caste, class, gender and disability of the child. Inclusive Education is a new approach towards educating the children

with disability and learning difficulties with that of normal ones within the same room. All students together in one classroom and community, regardless of their strengths or weaknesses in any areas, and seeks to maximize the potential of all students. Learning weakness pupils and students may require adaptations and support to access the curriculum. Inclusion, in the context of school calls for redesigning the admission policy, the infrastructure, the teaching strategies, and the learning experiences for all students and the expected outcomes to include all the learners of different abilities.

### **OBJECTIVES OF THE STUDY**

The basic objectives of the study was-

- To understand the inclusive education and provisions in India.
- To know about challenges to Inclusive Education in India.

### **METHODOLOGY OF THE STUDY**

This study was qualitative and pure theoretical research work. Secondary data analysis methods were used by the researchers. Therefore methodologies used are secondary data analysis. This research work mainly based on secondary source of information like books, e-books, journal (Including e-journal), article, websites, report of various organization, internet, blogs, written documents etc.

### **DISCUSSION**

#### **Policies and Legislation provision in India**

The laws in India reflect the fact that segregation has historically been the most popular technique. The government's measures to create special workshops, model schools, Braille prices, and job exchanges for our nation's disabled people came next. The human rights paradigm has replaced the charity new model in approaches to disability, however this has led to a variance of policy and practise. The Union Government introduced the Integrated Education for the Disabled Children (IEDC) programme to offer students with Special Educational Needs (SEN) educational opportunities in regular schools. The UN Commission on Human Rights created the Universal Declaration of Human Rights (1948) between 1947 and 1948. Amongst other human rights, this declaration enunciates certain fundamental human rights of every humanbeing which are of special interest in the study of the ethics of circumcision. They are the rights to security of person, to freedom from torture and other cruel and unusual treatment, and to privacy. Motherhood and childhood have a right to special protection.

**Articles 1, 2, 3, 5, 6, 7 and 8:** All people are born free and entitled to the same respect and rights. They should behave toward one another in a brotherly manner because they are gifted with reason and conscience. "Without difference of any sort, including but



not limited to, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other position, everyone is entitled to all the rights and freedoms stated in this Declaration. Everyone is entitled to life, liberty, and personal security. There shall be no torture or cruel, inhuman, or humiliating treatment or punishment of any person. Everywhere, everyone has the right to be recognised as a person before the law. All are equal before the law and are entitled without any discrimination to equal protection of the law.” All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 12:** “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

**Article 18:** “Everyone has the right to freedom of thought, conscience, and religion; this right includes the freedom to change one's religion or belief and the freedom to manifest one's religion or belief in teaching, practice, worship, and observance, either alone or in community with others and in public or private.”

**Article 25:** All children should have the same social protection whether they were born married or not. Everyone has a right to a social and international order that allows them to fully exercise the freedoms and rights outlined in this Declaration.

**Article 29:** “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

**Article 30:** “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.”

**IEDC 1974:** Integrated Education for Disabled Children (IEDC), in the 1970s, the government launched the Centrally Sponsored Scheme of IEDC. The scheme is currently being revised to reflect the paradigm shift towards inclusive education. The right of every child to an education is proclaimed and was strongly asserted again by the World Declaration on Education for All.

**National Institute for the Mentally Handicapped 1984:** The National Institute for the Mentally Handicapped was founded in 1984 and is an autonomous body that reports to the MSJE of the Government of India. As such, the institute is rapidly approaching its silver jubilee, which will mark its commitment to serving people with mental retardation in the public interest. In addition to its model special education facility in New Delhi, NIMH maintains three regional facilities in Kolkata, Mumbai, and New Delhi. The institute strives to be the best at empowering people with mental impairment.

**Rehabilitation Council of India Act (1992):** In order to regulate and uphold uniform standards of professional training, the Rehabilitation Council of India was established as a registered society in 1986 by the Ministry of Social Justice & Empowerment (formerly the Ministry of Social Welfare). But it soon became clear that the Society was powerless to guarantee accurate standardisation and other Organizations' acceptance of the standards. In 1992, the Rehabilitation Council of India Act was passed by the Parliament. On June 22, 1993, the Rehabilitation Council of India was established as a Statutory Body. Regulating training policies and programmes in the area of rehabilitation for people with disabilities is one of RCI's main goals.

**Person with Disabilities Act (1995):** With the enactment of the Person with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the issue of services for children with disabilities is now considered to be one of human resources development. As a result, providing services to children with disabilities is now seen as a right of the impaired kid rather than a welfare activity. The PWD Act's primary goal is to outline the roles that the Central, State, and Local Governments would play in providing services for people with disabilities. Comprehensive breakthrough legislation that offered individuals with disabilities access to education and economic rehabilitation was the Equal Opportunities and Right of Persons with Disabilities Act of 1995. It states that free education for children with disabilities up to the age of 18 years must be provided in an appropriate environment. Inclusive education is an integral component of SSA and promise to make "Education for All" a reality.

**Education in the National Policy on Disability (2006):** Main features of this are:

- Various measures have been taken to prevent various obstacles of disability.
- Arrange for rehabilitation.
- Ensuring care, safety, and security of children with disabilities.
- Here mentioned about barrier-free environment for children with disabilities and the issue of disability certificate and amendment to existing acts dealing with the person with disabilities etc.

**RTE Act (2009):** This passed by Parliament on 26 August 2009 and came into effect on 1st April 2010. Free education will provide for the children from 6 to 14 years of age group and for the physically differently able children this age in 6 to 18 years.

**Rights of Persons with Disabilities (RPWD) Act (2016):** On 16 December 2016, this bill passed by the Lok Sabha. On 19 April 2017, this act became operational. Under article



253, this RPWD Act 2016 was enacted:

- The types of disabilities have been increased from the existing 7 years to 21 years and the Indian Government will have the power to add more types of disabilities. The Person with Disability Act 1995 has 7 disabilities types and in the RPWD Act 2016.
- In the RPWD Act, the Indian government gave the power to add more types of disabilities.
- In every district to handle cases concerning violence of the PWD Act 2016, that's why discussions about special courts will be designed.
- The government's responsibility is to take appropriate effective measures to ensure every disabled person enjoys their rights equally with others.
- The RPWD Act 2016 provided for penalties if any person offenses committed against PWD and also the violence of the provisions of the new law.

## CHALLENGES IN INCLUSION

A technique known as inclusive education embraces the diversity of pupils from other cultures, lifestyles, and beliefs. In the current India, there may be numerous opportunities for teaching children with impairments in regular schools. It is clear from what kids with disabilities and their families go through in an inclusive learning environment.

- These obstacles may result from a lack of resources, teachers' unfavorable attitudes, peers without disabilities and their parents, or other factors. Since they are closest to one another at school, peers have a significant impact on the lives of kids with disabilities. The theory that kids who don't fit in with their friends are more likely to struggle later in life has broad support.
- All students must be treated as unique individuals in inclusive education, and individuality must be valued and respected. Thus, inclusive education that addresses unique needs will benefit all students, including those with individual talents and shortcomings, as well as those with dreams and expectations.
- Social factors that affect health that may make it harder for people with impairments to function. Schools in traditionally underprivileged areas and those with higher than average unemployment rates sometimes have outdated



facilities, kids who cannot afford basic supplies, and other learning obstacles.

- Children with physical disabilities have become a financial burden on their parents since they are physically and mentally weak and require regular check-ups with doctors, counselors, and physiotherapists. They have spent a lot of money on their children because of this.
- The centrally structured and strict nature of the curriculum in many settings leaves little room for local adjustments or for teachers to experiment and test out novel ideas. Exams are also overly content-focused rather than success-focused as a result of the knowledge-based curriculum. Training frequently falls short of being truly successful, and instructors who are already overburdened with work may dislike having to come up with new methods for the same classes.

Students dropped out of mainstream schools or Educational institution in India before enrolling in a particular special school. Students frequently reported feeling lonely in class or having no friends there. Many were asked to leave because they were unruly or overly excited. Special schools run by NGOs have been in charge of instructing children with disabilities. The Indian government also sought to create numerous programmes for children with disabilities after we won independence. Due to their implementation efforts in an inclusive educational system, we are unable to realize our national aim of "Education for all." Although legislation now controls the inclusive education system, it might be difficult to put them into practice. To create a strong system of inclusive education in India, the government of India must close the gaps in their educational system. Therefore, the current emphasis will be on the implementations and their consequences.

## CONCLUSION

Inclusive education is at a very early stage of conceptualization and implementation in India. In the foreseeable future, this scenario needs to change, and focused effort is needed. The best course of action is to support inclusive education, keeping in mind the huge number of students whose needs must be met and the limited resources available. However, with its numerous tracks affording various groups unequal opportunity for education, it is unclear how to demystify the idea and make it acceptable in a nation as big and diverse as India. A long-term plan must be created, with each stage adding to the solid foundation for inclusive education. This can be facilitated by developing a better understanding of the current status of education of children with disabilities and how

inclusive practices can be promoted. The Government of India needs to bridge the omission in their education system to construct a powerful system of inclusive education in India.

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