

# Inclusive Education: Policies and Legislation approaches by the Government of India after Independence

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**Abstract** - The term inclusion refers to an approach wherein students with special needs spend most or all of their time with non disabled students. Inclusive education (IE) is a way towards educating the disabled children and learning complication with that of normal ones within the same platform. The convention of Inclusive Education was first approved at the “World Conference on Special Needs Education: Access and Quality” (Salamanca Statement, Spain, 1994) and was repeated at the World Education Forum (Dakar, Senegal, 2000). It attempted to address the learning needs of all children with a particular target on those who are vulnerable to marginalization and exclusion. Indian Constitution (26 November, 1949) apparently states in the Preamble that everyone has the right to equality of status and opportunity. The focal point of the study was to bring out the matter related to education of the disabled children and highlighted the related policies and legislation of Indian Government.

**keywords** - Inclusion, Inclusive Education, Policy and legislation.

## I. INTRODUCTION

The term inclusion refers to an approach wherein students with special needs spend most or all of their time with non disabled students. The classrooms of inclusive might consist of many students with special needs who were mainstreamed for fully into the general classroom or one or more students who used time each day in both a special education classroom and a general classroom. Inclusive education (IE) is a way towards educating the disabled children and learning complication with that of normal ones within the same platform. It attempted to address the learning needs of all children with a particular target on those who are vulnerable to marginalization and exclusion. It indicated all learners with or without disabilities being able to learn together through access to common pre-school provisions, schools and community educational setting with a perfect network of support services. This is possible only in flexible education system that incorporates the needs of diverse range of learners and adapts itself to meet these needs. Indian Constitution (26 November, 1949) apparently states in the Preamble that everyone has the right to equality of status and opportunity. Article 41 of the Directive Principles of Indian Constitution supported the right to work, education and public assistance in certain cases including disablement. Furthermore, 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 executed by the parliament making education a fundamental right of all children in the age group of 6-14 years. In 86<sup>th</sup> Amendment of the Constitution of India passed by the Lok Sabha, decided mandatory for the government to provide free and compulsory education to “all children ages between 6-14 years”, with its preamble clearly mentioned that “all” means children with and without disabilities. The focal point of the study was to bring out the matter related to education of the disabled children and highlighted the related policies and legislation of Indian Government.

## II. OBJECTIVE

The objective of the study was to emphasize various Policy and legislations for the education and rehabilitations services for disabled persons.

## III. NATIONAL LEVEL POLICY AND LEGISLATION

The researcher found various policy and legislation at national level passed by many Commission and committees. Some of the policies and legislation described below:

### **Policies for Persons with Disabilities**

#### ***Kothari Commission 1964-66:***

Kothari Commission (1964-66) first advocates that the education of disabled children has to be framed not merely on humanitarian grounds, but also a condition of applicability. The commission noticed that very limited had been done in spite of constitutional constraint on universal compulsory education for all, along with children with disabilities. Commission is also point out the necessity of integrated education in introducing this target as it is money making and fruitful in flourishing mutual understanding between children with and without disabilities.

#### ***National Education Policy (1968):***

The education policy suggested for the expansion of various facilities for the education of children with physical and mental disabilities. This policy also advises to develop integrated program for regular school education for disabled children. After six years of this education policy in 1974 a project for integrated learning of disabled children was started by the welfare ministry.

***The Integrated Education of Disabled Children Scheme (1974):***

Integrated education of disabled children scheme was formulated by the Ministry of Welfare in 1974. This scheme was encouraged and partly funded by UNICEF. The scheme provided financial support for books, school uniforms, transportation, special equipments and aids for disabled children. The government of India feels that providing structural changes to the classroom such as adapted equipment would not be enough to integrate disabled children into the classroom.

***National Policy on Education 1986:***

The policy indicates the elimination of discrepancies, and securing equalization of educational conveniences of the disabled. Following measures may be taken:

1. Where possible, children with loco motor handicaps and other mild handicaps might be educated like normal children, 2. Schools with hostel facilities will be provided at the district head headquarters for the severely handicapped children, 3. Appropriate arrangements will be made to impart Vocational training to the disabled children, 4. Training programs for primary school teachers will be repeated to deal with the special difficulties of the handicapped children, 5. Voluntary efforts in disabled education will be encouraged in every possible way.

***Bahrul Islam Committee (1988):***

This committee included integrated education in the draft legislation. It suggested that the state should take initiative to provide free universal education to physically and mentally handicapped children. The state also needs to come forward for education and training at secondary and higher levels. It also indicated to progress of integrated education and consistency of residential education.

***Programme of Action (1990, MHRD):***

The Programme of Action (POA, MHRD, 1990) synopsis the capacities to implement the policy. It suggested impressive in-service training programmes, orientation programmes for teachers and administrators respectively. To enhance the skills of supervisory expertise in the resource institutions for school education at the district and block levels, and provision of incentives like supply of aids, appliances, textbooks and school uniforms.

***Programme of Action (1992, MHRD):***

In the year of 1986, NPE was renovated and in 1992 new POA was framed out. This 1992 POA has built an aspirant announcement at the end of ninth plan for both categories of children- those who could be educated in general primary schools and those who required education in special schools or special classes in general schools (MHRD, 1992, p.18). It was reorientation of the pre-service and in-service teacher education program.

***The UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993):***

An important resolution was taken in 1993 for improving the educational aspects of persons with disabilities. For Indian situation, this had major implications in the form of three legislative acts like the RCI Act (1992), PWD Act (1995) and National Trust Act (1999). In the month of June, 1994 the Salamanca Statement and Framework for Action on Disability Education (1994) come up as a result of conference held by more than 300 participants of 92 governments including India and 25 international organizations. Education for all in order to take it forward, the policies of inclusive education need to be adjusted. It also emphasized that schools should acclimate all children irrespective of their physical, intellectual, social, emotional linguistic or other conditions.

***The Sarva Shiksha Abhiyan (SSA):***

To achieve the goal of Universalization of Elementary Education, SSA had been working since 2000-01 in partnership with the state governments. This adopts zero abandonment policy and uses a way of converging various schemes and programs. For education of children with disability it emphasized on various aspects. Among them some important features were: Early detection and identification, Functional and formal assessment, Education placement, Aids and appliances, Support services, Teacher training, Resource support, Individual Educational Plan (IEP), Mobilization of community and Parental training, Planning and management, Strengthening of special schools, Removal of architectural barriers, Girls with disability etc.

***National Policies for Persons with Disabilities (2006):***

National Policies for Persons with Disabilities (2006) acknowledged that disabled persons are important human resources for a nation and seek to create an environment that provides those equal opportunities, protection of their rights and full participation in society. The targets of the policy were: Prevention of Disabilities, Rehabilitation Measures, Women with Disabilities, Children with Disabilities, Barrier free environment, Issues of Disability Certificate, Social Security, Promotion of NGO, Research and Sports Recreation and cultural life.

***Specific Legislation for Persons with Disabilities:***

On the basis of above international declaration and policies framework, Parliament of India has passed following legislation for equalization of opportunities and safeguarding the rights of the persons with disabilities in India.

***The Mental Health Act 1987:***

This Act replaced the Lunacy Act of 1912. The aim of this act was to ensure that all mentally ill persons did not have the ability to manage psychiatric hospitals or nursing homes through their own intelligence. Some valuable provisions of the Act are: 1. In govt. or private Psychiatric hospital or psychiatric nursing home, it was the right of mentally ill person to be admitted, treated and taken care of, 2. mentally ill persons jailed for crime and minors have the right to treatment in governmental psychiatric hospitals or psychiatric nursing homes, 3. Mentally ill persons undergoing treatment shall not be

subjected to any indignity physical or mental or cruelty, 4.a mentally ill person will not be deprived of their salary, pension, gratuity or any allowances from the government like servants who become mentally ill during their tenure.

***The Rehabilitation Council of India (RCI) Act, 1992:***

In 1992 this Act was passed for controlling the Training of Rehabilitation Professionals and for sustenance of a Central Rehabilitation Register. It was amended in 2000 to provide for supervision the training of rehabilitation professionals and personnel, advocating research in rehabilitation and special education as additional aims of the Council. The main objectives were 1. to control the training policies and programmes in the field of rehabilitation of persons with disabilities, 2. take necessary steps to standardized of training courses for professionals dealing with persons with disabilities, 3. to lay down least standards of education and training of different types of professionals/ personnel concern with people with disabilities, 4. to monitor these standards in all training institutions uniformly throughout the country, 5. to recognized institutions / organizations or universities running master's degree/ bachelor's degree/ P.G.Diploma/ Diploma/ Certificate courses in the field of rehabilitation of persons with disabilities, 6. to sanction degree/diploma/certificate awarded by foreign universities on exchanged ground.

***Persons with Disabilities (Equal Opportunities, Protection of Rights & full Participation) Act, 1995:***

Persons with Disabilities Act, 1995 (Equal Opportunities, Protection of Rights & Full Participation) was the landmark legislation in the history of special education in India. This Act includes seven disabilities; those were blindness, low vision, hearing impaired, loco-motor impaired, mental retardation, leprosy cured and mental illness. Responsibilities of Government and local authorities were laid down in chapter V (Section 26) of the Act. Some responsibilities were 1. Ensuring free education in an appropriate environment till the age of eighteen years of every disabled child, 2. Advocating the integration of students with disabilities in normal schools, 3. Equipping the special schools for children with special needs with vocational training facilities.

***National Trust for the Welfare of Persons with Autism, Cerebral Palsy, mental Retardation and Multiple Disabilities Act, 1999:***

In 1999 another landmark legislation was the National Trust Act for the persons with disabilities. This Act explores to assure and promote the rights of persons who, within the disability sector, have been even more diminishing than others. The goal of the National Trust was to empower families to retain their disabled members within the family and the community. The Trust keeps in touch to disabled persons and their families and serves a range of relief and care services.

#### IV. CONCLUSION

Government of India tried to cover a wide range of policies, plans, programs, schemes related to disabled persons in the country since the independence, but government was unable to reach the goal of education for all. The government needs to remove the barrier of education system to build a universal system including inclusive education in India. It is not only the duty of national and state government, but also of the teachers, parents, community and society as a whole to fulfill the Right to Education.

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