

Policy Recommendations for Education of Persons with Disabilities in India: A Critical Analysis

Abstract

Many millions of children across the globe have been marginalized or excluded from schools because they have some form of disability. These children face discrimination not only in educational institutions but also in society. India is also facing a similar situation as disabled children constitute a very large part of the population, i.e., 26.8 million (Census, 2011). To enhance their education and to make them equal members of society, many efforts have been made in India by the Government at the policy level. From the days of the Kothari Commission 1966 to the NEP 2020, many laws, and regulations have been formed to support disabled children to face life with courage and confidence. The present research deals with a review of the policy level efforts in India made regarding the education of disabled children and to provide them inclusive and acceptable environment. Based on the review of policy documents, the research also makes some recommendations to make the education of disabled children accessible and effective, and normal in a general education system.

Key Words: Commission, Disabilities, Disabled persons, Policies & acts.

Introduction

The Census 2011, conducted by the office of the Registrar General and Census Commissioner, revealed that in India 26.8 million (2.21%) persons are disabled out of the 1210 million population. Among the total disabled population, 15 million (56%) are males, 12 million (44%) females, 45% are illiterates, and 55% are literates. Out of the literate disabled persons, 13% have matric / secondary education and 5% are graduates and above. The Census 2011 also showed that 27% of the disabled children (aged between 5-19 years) have never attended educational institutions and 12% of the disabled children attended educational institutions earlier and it is only 61% of the disabled children aged 5-19 years are attending an educational institution. Among school attending children, 43% are female and 57% are male. The other significant observation is that the school attendance of disabled children (5-19) is higher in urban areas.[1]

Research reveals that children who suffer from some form of disability neither get equal access to education, employment, and health care opportunities nor they receive the services that are related to their disability and they have to face exclusion even from their everyday life activities (WHO, 2011). And the exclusion of these children (who are with disabilities or have special needs to address their activities) resulted in inferiority among them. Fortunately, after independence in 1947, the constitution of India clarified that every citizen of India has the right to equality and opportunities.[2]

Researches reveal that all the children who are disabled or do not have an equal right to education as they are the future nation builder. The Indian government has realized the significance of education for every section of the society including the disabled population and gradually increased focus on children and adults with special needs and over the last five decades, the Indian Government is attempting to provide comprehensive services towards the education of all children including children with disabilities.[3]

Although this focus on children with disabilities has shown greater improvement in awareness and insensitivity towards children with special needs but their implementation efforts have not been as expected. The government of India needs to bridge the gap that lies between the education system of the children with special needs and the government policies to make their education systems strong and to this appropriate measures should be taken to review plans and strategies for special needs children. Under these measures policy, practices, and creating developing teachers training programmes should be included to make education accessible for all children whether he is disabled or not.[4]

Many efforts are being made by the government of India to provide education to all individuals so that they can make effective progress in living their life and can have access to all aspects. Although for the education of the person with disabilities efforts are being made from the period of Independence but the earlier emphasis was on the medical rehabilitation that has been replaced by social rehabilitation and emphasis has been given on mainstreaming of them in society based on their capabilities. Therefore to improve the educational enrolment and attainment of disabled children, different commissions and committees have been formed to give recommendations about the education of persons with disabilities. Besides, the government also came with certain policies and Acts in this area. The present paper attempts to critically analyze all such recommendations and provisions.

Major recommendations regarding the education of person with disabilities in Indian policy documents

Kothari Commission (1964-1966): The Education Commission was appointed by the Government of India by a Resolution, dated 14 July 1964. The commission stated that the education of handicapped children has to be organized on the grounds of utility and not on humanitarian grounds. The commission was of the view that proper education will enable them to overcome largely his or her handicap and prepare them to be useful citizens. The commission also stated that the primary task of education for a handicapped child is to prepare him for adjustment to a social-cultural environment so that he/she can meet the needs of the normal. It was also emphasized that the education of handicapped children should not be a separate part of the general education system.

When the commission was set up, the disabled children were classified under four categories, i.e., blind, deaf, orthopedically, and mentally retarded, and the facilities for the education of such children were inadequate. Considering this situation, the commission suggested a 'Plan for Action'.

The 'Plan for Action' targeted providing educational facilities to 15% of the blind, deaf, and orthopedically and 5% to the mentally retarded. To achieve this target, the adoption of the special and integrated programs was emphasized and the experimentation with the integrated programs was felt out and to bring as many children as possible into integrated programs and to make service available for other categories of children who are speech –handicapped, partially-sighted, the aphasic, emotionally disturbed and with brain injury because there were

almost no facilities for the partially-sighted or emotionally disturbed and for brain-injured children.

At the time of commission, special education was considered as an educational system in which differences lie in the methods employed to teach the child and the means the child uses to acquire information and these differences in methodology do not influence the content or the goals of education. The commission recommended having at least one good institution for the education of the handicapped children in each district and reviewing the status of education of disabled children after 10 years.[5]

National Policy on Education 1968: National Education Policy 1968 was a considerable step in education after independence and the main objective of the policy was to increase national progress and to strengthen the spirit of common citizenship, culture, and national unity. The policy recommended that for the physically and mentally handicapped children educational facilities should be expanded. NPE 1968 promoted the recommendations of the Kothari Commission regarding the launch of integrated programs and making renewed efforts to enable handicapped children to study in regular schools.[6]

National Policy on Education 1986: This policy was adopted by the Indian Parliament in May 1986. The cardinal principle of the National Policy on Education was "Education is a unique investment in the present and the future." NPE implied that all students, irrespective of caste, creed, location, or sex, have access to education of comparable quality. The policy emphasized that to promote equality and equal opportunities in accessing education, the government will initiate appropriate funded programs. NPE 1986 also emphasized equalizing educational opportunities and the removal of disparities by attending to specific needs of those children who have been denied equality so far.[7]

Regarding the education of disabled children, the views of the NPE 1986 were similar to Kothari Commission and NPE 1968. Both these documents recommended the integration of the physically and mentally disabled with the general community as equal partners with an argument that this measure will prepare them for normal growth and to enable them to face life with courage and confidence. NPE, 1986 recommended that the education of mild disabled and motor disabled will be common with that of others. The policy also reiterated that special teachers are not mandatory to teach such students and declared that for severely disabled children, special schools with hostels will be provided. The policy also called for giving vocational training to the disabled and making adequate arrangements for education including voluntary efforts. The policy also suggested reorienting and training, particularly, primary school teachers to deal with special difficulties of the handicapped children.[7]

Rehabilitation Council of India Act 1992: The Rehabilitation Council of India (RCI) was set up as a registered society in 1986. In September 1992 the RCI Act was enacted by Parliament and it became a Statutory Body on 22 June 1993. This Act provided the constitution of the RCI for regulating and monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education, the maintenance of a central rehabilitation register, and for matters connected therewith or incidental thereto. The main functions of the Council were envisaged as under -

- Promote the development of resources and materials in accessible formats and of universal design
- Establish academic cells/bureaus to promote academic and professional excellence in human resource

- Apply the principle of reasonable accommodation concerning persons with disabilities in matters of training and evaluation.
- Promote the training of professionals and staff working with persons with disabilities
- Encourage institutions to develop human resources in disability.
- Promote the inclusion of disability issues in all policies, programs, and strategies relating to human resource development through systemic changes.
- Ensure that training programs promote dignity, autonomy, non-discrimination, participation, accessibility, equality, and inclusion of persons with disabilities.[8]

Persons with Disabilities Act 1995: The Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 came into force on 7, 1996. This Act was hailed as a significant step to ensure equal opportunities for people with disabilities. This Act was enacted to give an effect to the "Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region" for the disabled children and make them an important part of nation-building. This act was equally applicable to the whole nation except Jammu and Kashmir. This act especially emphasized about prevention and promotion of education, employment, and vocational training, reservation, creation of a barrier-free environment, rehabilitation of persons with disabilities, and unemployment allowance for disabled children. PWD's Act 1995, stated about seven types of disabilities (Blindness, Low vision, Leprosy cured, Hearing impairment, Locomotor disability, Mental retardation, Mental illness). Some of the major definitions given by this Act are -

- **Person with disability:** A person suffering from not less than forty percent of any disability as certified by a medical authority.
- **Person with benchmark disability:** A person with not less than forty percent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.
- **Person with disability having high support needs:** A person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support.
- **Public facilities and services:** All forms of delivery of services to the public at large, including housing, educational and vocational training, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation (PWD Act, 1995).

PWD Act,1995 in chapter V states that within the limits of their economic capacity and development, the appropriate Governments (means the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government , State Government or any establishment wholly or substantially financed by that Government, or any local authority., other than a Cantonment Board, the State Government and the Central Co-ordination Committee and the Central Executive Committee, the Central Government and State Co-ordination Committee and the State Executive Committee) and the local authorities, with a view to preventing the occurrence of disabilities, shall undertake surveys, investigations and research concerning the cause of occurrence of disabilities and will promote various methods of preventing disabilities and they will make efforts to screen all the children at least once in a year for the purpose of identifying "at-risk" cases and facilities for the training to the staff at the primary health centers will be provided and to create

awareness campaigns will be sponsored they will educate the public through the pre-schools, schools, primary health Centers, village level workers and anganwadi workers and they will make arrangements to create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted.

The Act further stated that appropriate Governments shall identify posts, in the establishments, which can be reserved for the persons with disability and in every establishment not less than three percent of vacancies shall appoint a person with disabilities or for the class of PWD's and one percent will be reserved for blindness or low vision, one percent for hearing impaired and one for the locomotor disabled or cerebral palsy in the identified for each disability. And after not more than three years a review of the list of posts identified and up-date the list taking into consideration the developments in technology will be made.

In chapter V of the PWD,s Act 1995, many steps have been suggested to provide education to children with disabilities and it has been clarified that appropriate government and local authorities shall ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years. The Act called for making endeavors to promote the integration of students with disabilities in normal schools. The Act also emphasized on setting up of special schools in the Government and private sector for those in need of special education and special schools for children with disabilities having sufficient vocational training facilities.

The Act suggested that appropriate government and local authorities shall make schemes (by notification) for conducting part-time classes in respect of children with disabilities who have completed education up to class fifth and could not continue their studies on a whole-time basis. The Act also emphasized imparting education through open schools or open universities, and to conduct classes and discussions through interactive electronic or other media. The other useful recommendation of this Act was to provide every child with a disability-free of cost special books and equipment needed for his/her education. The Act also provided 3% reservation in Government jobs and educational institutions.

PWD's Act stated that government shall prepare a comprehensive education scheme for making provision for transport facilities to the children with disabilities or as an alternative, provide financial incentives to the parents or guardians to enable their children with disabilities to attend schools. The Act also called for the removal of architectural barriers from schools, colleges, or other institutions, imparting vocational and professional training, and ensuring the supply of books, uniforms, and other materials to children with disabilities attending school and this act also suggested that Government will make provision for restructuring the curriculum for benefit of children with disabilities and for hearing impairment to facilitate them to take only one language as part of their curriculum. The other recommendation of the Act was that government will ask all educational institutions to make sure that they provide amanuensis to blind students or students with or low vision and for the setting up of an appropriate forum for the redressal of grievances of the parent, regarding the placement of their children with disabilities.[9]

National Trust Act, 1999: This act of the parliament received the assent of the President in December 1999. The National Trust is a statutory body of Social, Justice, and Empowerment of India set up under the “National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities” Act (Act 44 of 1999). The Act was enacted to provide for the constitution of a body at the National level for the Welfare of

Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities and matter connected therewith or incidental thereto. National Trust Act includes four types of disabilities that are -

- Autism (a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behaviour),
- Cerebral palsy (a group of non-progressive conditions of a person characterized by abnormal motor control and posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal, or infant period of development),
- Mental retardation (a condition of arrested or incomplete development of mind of a person which is especially characterized by sub-normality of intelligence)
- Multiple disabilities (combination of two or more disabilities as defined in clause (i) of section 2 of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

The National Trust Act defined Persons with Disability as "a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability." The national trust endeavored to provide opportunities to persons with disabilities and their families for capacity development, facilitating and promoting the creation of enabling the environment and in an inclusive society. The objective of the national trust was to -

- strengthen facilities to provide support to the person with disabilities to live within their own families support
- deal with the problems of persons with disabilities who do not have family support
- promote measures for the care and protection of PWD,s
- evolve procedure for the appointment of guardian and
- facilitate the realization of equal opportunities, protection of rights, and full participation of person with a disability
- extend support to its registered organization to provide needed services
- evolve procedure for appointment of guardians and trustees for persons with disabilities.[10]

RCI (Amendment) Act, 2000: This Act was introduced and notified consequently by the government of India. The amendment brought definitions and discussions provided within the earlier Rehabilitation Council of India Act, 1992, under the ambit of a larger act, namely, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The amended Act has redefined significant terms related to persons with disabilities

- **Handicapped:** Handicapped word has been replaced by "person with disability" by the RCI amendment act 2000)means a person suffering from not less than forty percent of any disability (referred in PWD'S Act,1995) and RCI included in it visually handicapped, hearing handicapped, any person suffering from locomotor disability and mental retardation.
- **Visually handicapped:** Means a person who suffers from any of the following conditions namely –total absence of sight; visual acuity not exceeding 6/60 or 20/200(Snellen) in the better eye with the correcting lenses; or limitation of the field of vision subtending an angle of degree or worse.

- **Hearing handicapped:** Means with hearing impairment of 70 decibels and above, in the better ear, or total loss of hearing in both ears.
- **Locomotor disability:** This means a person's inability to execute distinctive activities associated with moving, both himself and objects from place to place, and such inability resulting from affliction of either bones joints muscles, or nerves.
- **Mental retardation:** Means a condition of arrested or incomplete development of the mind which is specifically characterized by impairment of adaptive behaviour manifested during the development period which contributes to the overall level of intelligence, i.e., cognitive, language, motor, and social abilities
- **Rehabilitation:** This means a process aimed at enabling persons with disabilities to reach and maintain their optimum physical, sensory, intellectual, psychiatric, or social functional levels.
- **Rehabilitation professionals:** This means(Personnel word has been included with professional by the amendment of 2000 because personnel also facilitates application to all teachers) audiologists and speech therapists; clinical psychologists; hearing aid and earmold technicians; rehabilitation engineers and technicians; special teachers for educating and training the handicapped; vocational counselors, employment officers, and placement officers dealing with handicapped; multi-purpose rehabilitation therapists, technicians; or such other category of professionals as the Central Government may, in consultation with the Council, notify from time-to-time.[11]

SarvaShikshaAbhiyan (SSA) 2001: The government of India formulated SSA for providing free and compulsory education to all children between 6-14 years for the universalization of elementary education. A very important part of SSA was children with special needs (CWSN) and to provide inclusive education to all children with special needs in general schools. SSA emphasized that every child with special needs irrespective of the kind, category, and degree of disability is provided a quality education. Inclusive Education for CWSN under SSA sought to develop the full potentiality of each child with a disability by emphasizing ending all forms of discrimination and promoting effective participation of all. The scheme has seen the inclusion of CWSN in terms of physical access, social access, and quality of access.

SSA declared that a team should be constituted at the block/cluster level to assess each identified team to ascertain the extent and type of the disability, the developmental level of the child, and the nature of support services required. It was propagated that every child with special needs should be placed in the neighborhood schools, with needed support services, and will be facilitated to acquire certain skills that will enable him/her to access elementary education. The other useful recommendation was that all children requiring assistive devices should be provided with aids and appliances and architectural barriers in schools would have to be removed for easy access and to promote inclusion of CWSN.

SSA called for designing schools by using an inclusive lens to create a barrier-free environment. The building must be accessible not only through ramps but also through accessible classrooms toilets, playgrounds, laboratories, etc. Schools would have to be prepared in terms of support services required by the child, availability of a trained teacher, support from a resource teacher acceptance by peers, and inclusive teaching practices. Elements like classroom spaces, building furniture, equipment, seating arrangements, classroom organization, etc. would have to be adapted to meet the varied and diverse educational needs of CWSN. The program also highlighted that specific services should be made available and must include availability and upgrading of aids and assistive devices according to individual needs, technological support in the form of augmentative and

alternative communication tools, audio-visual materials, communication board, computer access, universal design for the school building, classroom transport /escort facility, furniture and fixtures, resources room support, textbooks in an accessible format, ICT support, and vocational education and training.

Regarding teachers' training, SSA focused that intensive training should be provided to sensitize regular teachers on effective classroom management of CWSN. For resource support to CWSN, specially trained educators should be appointed particularly for teaching special skills to CWSN.

SSA stated that as far as possible one resource teacher from each category of disability should be appointed at the block level and multi-category training should be provided to all resource teachers to strengthen academic support to CWSN. If qualified teachers are not available, teachers with short training courses reorganized by RCI may be appointed with the condition that they will complete the full course within three years of appointment. The other significant recommendation was to appoint inclusive education volunteers on a contractual basis at the cluster /gram panchayat level from amongst the parents /family of CWSN and provide intensive training to them.

SSA clarified that the curriculum for schooling must be inclusive and it should be ensured that the same curriculum is followed for children with and without special needs. SSA also called for providing textbooks and curriculum in accessible formats for CWSN and offering Individualised Educational Plan (IEP) for every child with special needs in consultation with parents and experts. SSA also called for researching all areas of education of children with special needs. SSA made it clear that a greater challenge is to ensure social access of CWSN as compared to providing physical access as it requires an in-depth understanding of the various educational needs of CWSN. The SSA realized that a very important dimension of social access is discrimination and in this backdrop teachers and peers have a very important role to play.[12]

National Policy for Person with Disabilities, 2006: This policy recognized that PWD's are a valuable human resource for the country and called for creating an environment that can provide them equal opportunities, protection of their rights, and full participation in society. The policy mainly focused on the prevention of disabilities, rehabilitation measures, a barrier-free environment, women with disabilities, and children with disabilities. The principal areas of intervention suggested for persons with disabilities were prevention, early detection and intervention, programs of rehabilitation, human resource development, education, employment, barrier-free environment, social security, research, sports, recreation, and cultural activities.

Person with Disabilities Act, 2006: PWD's Act 2006 made many provisions to provide education for a person with disabilities. PWD's proposed that every child with a disability has access to appropriate pre-school, primary, and secondary level education by 2020. The Act also advocated for making schools (building, approaches, toilets, playgrounds, laboratories, libraries, etc.) barrier-free and providing special care for the students in terms of medium and method of teaching. The Act also made provisions for making appropriate teaching-learning tools and aids (such as educational toys, Braille / talking books, appropriate software, etc. available to the children and locating schools for the children will within easy traveling distance.

The Act also asks schools to provide parent-teacher counseling and grievance redressal system and to prepare children with disabilities to join mainstream inclusive education.

Provisions were also made for providing home-based education on the nature of disability (its type and degree), personal circumstances, and preferences. The Act advocated that a course curriculum and evaluation system for children with various disabilities shall be developed keeping in view their capabilities. The Act called for modifying the examination system to make it disabled-friendly. The measures suggested for this purpose were making exemptions such as learning mathematics, learning only one language, giving extra time, allowing the use of calculators, Clarke's tables, scribes, etc.

As another significant measure, the Act made provisions to train human resources to meet the requirements of education for children with disabilities under inclusive education, special education, home-based education, pre-school education, etc. It was emphasized that training programs of different specialization and levels shall be developed for teachers under the following categories

- Training modules for teachers for inclusive education.
- Diploma, degree, and high-level programs in special education
- Training of caregivers for home-based education and care services for disabled adults/ senior citizens etc.[13]

Inclusive Education of the Disabled at Secondary Stage: Under the efforts to provide an accessible and affordable environment for persons in 1974 a scheme for Integrated Education for Disabled Children (IEDC) was launched. In 2009 IEDC scheme was replaced by the Inclusive Education of Disabled at the Secondary Stage (IEDSS). This was a centrally sponsored scheme under which the Central Government assisted States, Union Territories, and autonomous bodies related to the education of persons with disabilities on a hundred percent basis. The targeted group for this scheme was all children who are above fourteen and passing out of elementary schools and studying in a secondary stage in government, government-aided schools, and local bodies and who are suffering from one or more disabilities defined under PWD, Act 1995 and in National Trust Act, 1999 (blindness, low vision, leprosy cured, hearing impairment, mental retardation mental illness, autism, cerebral palsy and eventually speech impairment and learning disabilities, etc.). Under this scheme girls with disabilities were given special focus and they were supported to gain access to secondary education.

IEDSS scheme aimed to ensure that every child with disabilities will be identified at the secondary level and their educational needs will be assessed. The identified students will have access to support services like the appointment of special educators. The scheme also suggested for establishment of resource rooms in every block and providing basic training to general teachers to teach students with disabilities. The other significant recommendations of this scheme were to ensure that all architectural barriers in schools are removed, children make access to the classrooms laboratories, libraries, and toilets in the school freely, and each student is provided with needed learning material (IEDSS 2009).

Under this scheme, assistance was provided in two components (i) student component, and (ii) another component (relating to infrastructure, teacher training, awareness generation, etc.). In the student-oriented component, States /UTs and autonomous bodies will be provided with 3000/- per disabled student per annum for specified items and in addition of it state government will provide 600/- per annum towards a scholarship for each child and this amount of 3000/- may be spent on identification and assessment of CWD's on the provision of aids and appliances to all students with disabilities, on access to learning material and the provision of facilities like transport allowance, hostel allowance, school, books, uniforms, assistive devices, support staff (reader, amanuensis) and on the use of ICT and the external

support from an interdisciplinary team of experts and girls will be given a stipend of 200/- per month at the secondary level to encourage their participation up to senior secondary level. Under another component like teacher training, construction and equipping of the resource room, creating model schools, research and monitoring will be covered separately and these components would be the removal of architectural barriers, training of special /general teachers, the orientation of principals, administrators, strengthening of training institutions and assistance to existing organization/NGOs to develop a teachers training programme, provision of resource room and equipment for the resource room in one school per block /cluster, etc. And in creating a convergence of resources and funds for addressing the needs of children with disabilities different ministers /organizations like the Ministry of Social Justice & Empowerment, Government of India, RCI, National Trust, etc. will help and coordination committees at various levels (state, district, and sub-district) was asked to help planning and implementation of inclusive education at the secondary level. IEDSS scheme was implemented by the education departments of State, Government/UT, and administrations directly. This scheme was also implemented by autonomous organizations of stature having experience in the field of education or rehabilitation of the disabled.[14]

Rights of Persons with Disabilities Act, 2016: In 2007, when India signed and ratified the Un Convention on the Rights of Person with Disabilities (UNCRPD), the process of enacting new legislation in the place of the Persons with Disabilities Act, 1995 began in 2010 and after series of consultation meetings and drafting process, the Rights of PWD Act, 2016 (RPWD Act, 2016) was passed by both the houses of the Parliament. The purpose of this Act is to respect for inherent dignity, individual autonomy including the freedom to make one's own choices, independence of persons, non-discrimination, full and effective participation and inclusion in society, respect for difference, and acceptance of persons with disabilities as part of human diversity and humanity; equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

RPWD Act defines a person with a disability as a person with long-term physical, mental, intellectual, or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others. RPWD Act, 2016 defined twenty-one disabilities that are Blindness, Low vision, Leprosy Cured Persons, Hearing impairment, Locomotor disability, intellectual disability, cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, hard of hearing, speech and language disability, specific learning disabilities, autism spectrum disorders, chronic neurological disorders such as multiple sclerosis and Parkinson's disease, blood disorders such as hemophilia, thalassemia, and sickle cell anemia, and multiple disabilities.

The Act stated that appropriate Government (means in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006 and a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board) shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others and will take steps to utilise the capacity of persons with disabilities by providing appropriate environment and no person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim and no person shall be deprived of his or her personal liberty only on the ground of disability and necessary steps will be made to ensure reasonable accommodation for persons with disabilities. The appropriate Government and the local authorities shall take

measures to ensure that the women and children with disabilities enjoy their rights equally with others and have the right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.

The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence, and exploitation and shall ensure that persons with disabilities can exercise the right to access any court, tribunal, authority, commission, or any other body having judicial or quasi-judicial or investigative powers without discrimination based on disability.

RPWD act defines that the appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall admit children with disabilities without discrimination and provide education and opportunities for sports and recreation activities equally with others and efforts are being to make building, campus and various facilities accessible and reasonable accommodation is given according to the individual's requirements and to maximise their academic and social development necessary support is provided to the individualised or otherwise in environments with the goal of full inclusion and it will be ensured that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication and suitable pedagogical and other measures will be taken to detect specific learning in children at the earliest to overcome them and the children who have high support needs will be provided with transportation facilities and the attendant also.

The Act also aims to provide inclusive education to the children with disabilities and suggests the appropriate measures will be taken by the appropriate Government and the local authorities and a survey will be conducted of school-going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met and to establish adequate number of teacher training institutions and to train professionals and staff to support inclusive education at all levels and adequate number of resource centres will be established to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society .

RPWD Act also make recommendations for students with benchmark disabilities and clarifies that books and other learning materials with appropriate assistive devices should be provided free of cost up to the age of eighteen years and they must be given scholarships in appropriate cases and to meet the needs of students with disabilities suitable modifications should be made in the curriculum and examination system such as extra time for completion of the examination paper, facility of scribe or amanuensis, exemption from second and third language courses and other many measures should be made as required by them and it was recommended by the RPWD Act that all government institutions shall reserve not less than five percent seats for persons with benchmark disabilities and they will be given an upper age relaxation of five years for admission in institutions of higher education.[15]

The National Trust Amendment Bill, 2018: This is an amendment to the National Trust for Welfare of Person with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999.[16]

National Education Policy 2020: Released in 2020, NEP envisions education as the best tool and a great democrat for achieving social equity, inclusion, and social mobility. NEP, 2020 emphasizes the principle to have respect for diversity and full equity and for inclusion to ensure that all students can thrive in the education system.

NEP, 2020 states to make efforts to ensure the inclusion and equal participation of children with disabilities in Early Childhood Care and Education. The objective of the policy is to enable children with disabilities to fully participate in regular school from the foundational stage to higher education and affirms that schools will be provided with resources for the integration of CWD's with the recruitment of special educators who will be trained in cross-disability and resource centers especially for the children with severe or multiple disabilities will be established and suggests that they will be accommodated in school and will have support mechanisms to tailor their needs and to ensure full participation and inclusion in the classrooms and suggests they will be accommodated in school and will have support mechanisms to tailored their needs to ensure full participation and inclusion in the classroom and barrier-free access for CWD's has been reiterated as per the RPWD Act 2016. The policy also calls for providing assistive devices, appropriate technology-based tools, and language-appropriate teaching-learning materials to help children with disabilities.

NEP, 2020 declares that children with benchmark disabilities shall have the choice of regular or special centers with special educators who will support the rehabilitation and educational needs of learners with severe or multiple disabilities and home-based education will be a choice for severe and profound disabled who are not able to go to schools. NEP, 2020 recommends that teachers must be trained to identify learning disabilities and to take specific actions that will include the use of appropriate technology, allowing and enabling children to work at their own pace, using flexible curricula to leverage each child's strengths, and creating an ecosystem for appropriate assessment and certification.

The policy also emphasizes that awareness and knowledge of how to teach children with specific disabilities (including learning disabilities) will be an integral part of all teacher education programs and to identify children with specific learning disabilities who need continuous support teachers must be helped early and plan specifically for their mitigation. Specific actions will include the use of appropriate technology allowing and enabling children to work at their own pace, with flexible curricula to leverage each child's strengths, and creating an ecosystem for appropriate assessment and certification. Assessment and certification agencies, including the proposed new National Assessment Centre, PARAKH, will formulate guidelines and recommend appropriate tools for conducting such assessment, from the foundational stage to higher education (including for entrance exams), to ensure equitable access and opportunities for all students with learning disabilities. The policy further aims to reverse the underrepresentation of different groups including students with disabilities and sensitize them through new-school culture with support from teachers, trained social workers, and counselors. The policy also suggests corresponding changes to bring in an inclusive school curriculum and school curriculum will include, early on, the material on human values such as respect for all persons, empathy, tolerance, human rights, gender equality, non-violence, global citizenship, inclusion, and equity.[17]

Summary and critique of the main recommendations of all policies and acts regarding persons with disabilities

From Kothari Commission 1966 to NPE 2020 all policies laid the stress to equalize the educational opportunities and to live independently. Kothari commission recommended educating children with disabilities in the general education system instead of special schools and says that education should be imparted in such a way that can enable them to adjust to a social-cultural environment. It was a measurable step for the education of handicapped children. But the commission classified disabled children into four categories that were blind, deaf, orthopedically, and mentally retarded and among them, mentally retarded students were given less attention. The commission also did not provide adequate guidance on what major steps must be taken to make the existing school to the new types that may be suitable for the handicapped children to adjust in a social-cultural environment. The Commission recommended reviewing the status of the education of the handicapped children after 10 years that was a very long time to make improvements in their education and the main drawback of the commission was that it does not recommend anything about the facilities that must be provided to students with disabilities.

After Kothari Commission NPE, 1968 also recommended that for the education of the handicapped children integrated programmes should be launched to enable them to study in regular schools and emphasized to extend educational facilities for the physically and mentally handicapped children. But similar to the Kothari Commission it also said nothing about the ways and methods that must be adopted to increase facilities and to make these facilities accessible to all handicapped children. The NPE 1968 stated only about the education of the physically and mentally handicapped children and clarified nothing about the facilities that must be given to teaching these students with disabilities.

Continuing the efforts of providing education to the children with special needs a further step was by the government with IEDC, a centrally sponsored scheme under which hundred percent assistance was given for setting up the resource centers, surveys, and assessment of children with disabilities and the scope of the scheme included pre-school training, counselling for the parents, and special training in skills for all kinds of disabilities. Despite all these efforts, it could not make real success but was successful in creating awareness on the importance of integrating CWSN in the mainstream of education.[18]

A further step was made by NPE, 1986 to the education of handicapped children and it was an expanded and reform form of the efforts made by the Kothari Commission and NPE, 1968 for the education of the handicapped children. NPE, 1986 implies that all students have access to education of comparable quality irrespective of their caste, creed, location, or sex and it emphasized equalizing educational opportunities and the removal of disparities by attending to their special needs and it also recommended the training of the primary teachers to deal with special difficulties of the handicapped children and suggested special schools for the severely handicapped and to keep mild and motor handicaps with normal students and it also says that special teachers are not mandatory to teach students who are with special needs. Although NPE, 1986 endeavored to remove disparities and to make them equal members to the society but it also came with some drawbacks as it suggested the training of the primary teachers but nothing clarifies about the training of the teachers who are dealing with secondary level students, although it recommended special schools it also says special teachers are not mandatory to teach such students but the students who are with special problems can be more benefited from special teachers than normal teachers.

In 1995, PWD's Act was enacted to give effect to the "Proclamation on the Full Participation and Equality of the PWD's listed with seven conditions of disabilities with a focus on prevention and early detection of disabilities and attempts to clarify the facilities that should be given to persons with disabilities to live independently and to have equal opportunities. But this Act could not be as successful as it was expected because no guidelines and no deadlines in this act have been mentioned for the authorities concerned comply and this act states about only seven types of disabilities only and many other disabilities have been neglected by this act another drawback of the act was that it recommended to restructure the curriculum only for the blind and hearing-impaired students and recommended nothing how to deal with mentally retarded and mental illness student in restructuring the curriculum and it states nothing about the teacher's training and several jobs reserved for persons with disability are very less and this shows the incapacity of persons with disabilities. This act states about special measures to be taken by the establishment in the transport facilities within the limits of their economic capacity for the benefit of handicapped children and many authorities are taking undue advantage of the term 'within economic capacity' and they are not providing necessary facilities.

The objective to make person with disabilities to live independently was further strengthen by the National Trust Act ,1999 and it defined that person with disabilities should be empowered to live as independently as fully as possible within and as close to the community to which they belong and they should be provided with support to strengthen facilities and this act also emphasized that to promote measures for the care and protection of PWD's in the event of death of their parents or guardians and to facilitate the realisation of equal opportunities, protection of rights and full participation of persons with disability but the drawback of this act came when it was implemented because this act defined only four types of categories that were autism, cerebral palsy ,mental retardation and multiple disabilities and it states nothing about the other types of disabilities like hearing impaired , visually handicapped ,loco-motor disabilities, etc. whereas all students who have some sort of disabilities are in need of support and facilities .

A further step of the government of India to provide inclusive education to all children with special needs in general schools was the implementation of SSA and it emphasized that every child with special needs irrespective of the kind, category, and degree of disability is provided a quality education. SSA sought to develop the full potentiality of each child with a disability by emphasizing ending all forms of discrimination and promoting effective participation of all and it was successful in enhancing the enrolment in primary education but the main drawback of the SSA was that it was formulated to promote elementary education and it detailed nothing about secondary education. It could not enhance the enrolment of secondary education because it has been found that this enrolment does not get converted into secondary education.[19](Snehadhara Foundation) and it has been observed in researches that despite being well-articulated guidelines in SSA, the biggest challenge was the lack of disabled-friendly toilets and other facilities in schools and non –accessibilityfor children with special needs.[20](Bhandari& Hilaman,2018). It has been also mentioned that not more than 1% of all money that is allocated for SSA is used towards inclusion and students with disabilities were not having benefits from it and it is an urgent need to create a system that may be accountable for the money they allocate to ensure inclusion.[21]

RPWD Act 2016 came into existence to give effect to the UN Convention on the Rights of Persons with Disabilities with the principles to give respect to inherent dignity, individual autonomy, non-discrimination, full and effective participation and inclusion in society and to give respect for difference and acceptance of persons with disabilities as part of human

diversity and humanity. After analyzing the RPWD act it can be concluded that though intellectual disabilities, specific learning disabilities, and autism spectrum disabilities have been included as a condition of disability, mental health disabilities like intellectual disabilities, specific learning disabilities, and autism spectrum disorders are clubbed together. This is creating confusion for the certifying doctors and implementing Government departments and it looks like that these three items are the same. Special needs of persons with mental illness and their families have not been properly addressed whereas the person who is with mental illness requires special and different types of attention and care due to the nature of their illness. In the chapter on education, vocational, and self-employment nothing has been mentioned on the specific measures that must be taken to ensure the realization of the rights of persons with mental illness.

After analyzing RPWD, it was found that the person who is with mental illness have special needs and they are under special care due to having special problems. After research, it has been found that the problems of the person with mental illness are best recognizable by the psychiatric and their opinion and ways of providing services are most useful in their living and to deal with their problems and they have the experience to deal with their problems and to provide care them. Therefore drafting any legislation related to a mentally ill person their opinion must be considered necessary that has not been considered while drafting RPWD so their problem could not be tackled properly.[20]

Conclusion

This paper discussed the various schemes that are related to the person with disabilities. This analysis is particularly helpful for teachers, disabled students, and policymakers. Through the analysis of the policy, teachers can get a better understanding of the facilities and provisions for disabled persons. Awareness of these schemes and acts is necessary for the teachers, as a teacher can guide a student towards his right future and best inclusion practices and fill the gap between the disabled and non-disabled. Because of the awareness, the teachers can tell about the rights of the disabled person and adequately implement the concept in the society and with the help of it, they can get employment and stand on their own feet and mainstream in the society. By the knowledge of such provision, disabled children can fully participate in their socio-economic life. And the policymakers also avail advantage of the policy analysis by having a better idea for the formulation for the further policies. They can have an understanding of the past and present conditions of the education of disabled children and what are the major problems they are facing in their educational, social, economic aspects of life. The policymaker can formulate such scheme and act that can forecast their present and future needs in educational and social life to live independently.

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