

A LIGHT OF HOPE OR DARKNESS REINFORCED? DIMENSIONS OF INCLUSIVE EDUCATION IN THE CONTEXT OF THE RPD ACT, 2016

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The educational strategies concerning persons with disabilities and the challenges confronting this critical area of intervention have been the subject of interrogation for nearly two centuries. Noteworthy distance has been covered from a position when such persons were hardly considered capable of receiving education to a scenario when many persons with disabilities are performing equal to and at times better than their non-disabled counterparts. Evolutions in socio-cultural values together with globalization have, along with other aspects, impacted the manner and mode of educating persons with disabilities. The Rights-based approach governing the empowerment of such persons has helped to bring about significant shifts in this sphere.

This change has been particularly visible with respect to the education of children with disabilities where the prevalent trends have shown significant shifts from special education to integrated education and further, culminating into the current trends, of inclusive education. Despite there being continuous debates about the effectiveness of such different paradigms related to the education of students with disabilities, international as well as national discourses on education have recently been more in favour of inclusive systems. These shifts can be clearly witnessed in various Indian educational policies and in disability related documents as well. Most recent in this regard has been the Rights of Persons with Disabilities Act (RPwDA), 2016 which advocates inclusive education. Along with the justified call for required changes in the education system, it is essential to study this latest Act concerning disability from the perspective of inclusive education with a view to examine whether this legislation has opened up fresh opportunities for this significant segment of society or is yet one more attempt to reinforce stereotypes concerning the education of disabled persons?

The following analysis hopes to address the salient provisions under the RPwDA (2016) which can directly or indirectly impact development and practices of inclusive education in India. Towards this end, this study contains three specific sections outlining the philosophical basis, the historical perspectives to policy formation and the provisions of the Rights of Persons with Disabilities Act, 2016 particularly with reference to inclusive education.

I. Inclusive Education: Underlying Philosophy and Conceptualization

The inclusive education system provides a need-based education to students with disabilities, whereby they can learn together with other students in regular schools instead of getting segregated into special schools (Sanjeev and Kumar). In comparison to the integrated education system, which demands students with disabilities to adapt and accommodate according to the school structure, inclusive education calls for the restructuring of the school system to best suit the requirements of students with various disabilities. Successful practice of inclusive education entails a radical restructuring of educational institutions and their functioning at the micro and macro levels (Chimhenga). To be more specific, it demands changes in several aspects of the education system such as the removal of infrastructural obstacles, shifts in the perspectives of learning, the curriculum modifications, and instructional and assessment approaches. The fundamental principles of inclusive education are primarily based on human rights and the rights of equality from a sociological perspective. Although these are quite well-accepted, yet there are other paradigms —such as psychological and socio-psychological which attempt to analyse the concept of inclusion from different angles and sometimes raise rather critical questions regarding the practice and effectiveness of the current trends of inclusive education.

II. Historical Roots of Inclusive Education

It was the Salamanca Conference on Special Needs Education, which was held in Spain from 7-10 June in 1994, by the United Nations and the Government of Spain that marked a milestone in the history of inclusive education internationally. The conference highlighted that regular schools with an inclusive orientation were the most effective means of combating discriminatory attitudes, creating welcoming

communities, building an inclusive society and achieving education for all. Moreover, such a system has the potential of providing effective education to majority of children and to improve the efficiency and ultimately the cost-effectiveness of the entire education system. It further states that:

...schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups (para 3).

India is a signatory to this Declaration. Further, the World Education Forum (2000) at Dakar in Senegal also reiterated the concept of inclusive education.

At the national level, the Directive Principles of the Indian Constitution direct the state to provide education for all children up to the age of 14 years but there was no explicit mention of individuals with disabilities; however, it can be assumed that the term includes all those with disabilities. Similarly, the first Education Commission (1964–66) known as Kothari Commission, even though, stressed the need for common school system; the category ‘individuals with disabilities’ was not mentioned explicitly, but one can argue that the concept of common school system embraces all children including those with disabilities. Incorporating the recommendations of Kothari commission, the National Education Policy (1968) specified educational provisions for students who are physically and mentally handicapped (the term handicapped indicates the prominent nomenclature of that time), following which a scheme for Integrated Education for Disabled Children (IEDC) was launched in 1974.

The National Policy on Education (NPE), 1986 can also be considered as significant for its focus on the removal of inequalities in education and also for focusing on the needs of students with disabilities (Singh). In comparison to previous provisions, the NPE (1986) was loud in advocating the feasible integration of students with disabilities into regular schools, making provisions for accommodation facilities for severely challenged students; vocational training for students with disabilities and reorientation of teacher’s training programmes. Following the NPE (1986), the Programme of Action (POA) in 1992 accounted the various challenges for integrating students with disabilities in regular schools and on that basis offered a significant range of provisions which covered in-

service teacher training programmes and orientation programmes for different stakeholders, empowerment of resource institutions at different levels and several incentive provisions. The POA (1992) also suggested the placement principles for students with disabilities with a preference of integration in regular schools and transfer to regular schools after acquiring the requisite basic skills if initially placed in special schools. The provisions under POA were strengthened through Rehabilitation Council of India (RCI) Act, 1992. Taking a serious note of the issue of lack of mechanism related to training of professionals in the field of special education, several training programs were developed under RCI Act, 1992 for strengthening the professionals working with students with disabilities.

In 1994, the District Primary Education Programme (DPEP) was launched which added to the ongoing efforts for inclusion of students with disabilities. In 1995, the Indian disability Act popularly known as the Persons with Disabilities (PwD) Act (1995) provided legislative support to the framework of inclusive education and provision of free education until the age of 18 years to children with disabilities came into force. Seven disabilities namely blindness, low vision, hearing impaired, loco motor impairment, mental retardation, leprosy cured and mental illness were covered under this Act. This Act prominently focused on promoting integration of students with disabilities in regular schools. Section 26 of Chapter V of this Act deals with education and mandates the appropriate government and local authorities to plan schemes for improving educational support facilities for students with disabilities, overcoming infrastructural barriers, provisions for free educational materials and transport facilities, curriculum restructuring and evaluation modifications to cater to the needs of students with disabilities. In 1999, the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, a landmark legislation, was passed by the government (it is popularly known as National Trust Act). Although this Act does not deal directly with the educational aspect of students with disabilities but it specifically focuses on the economic rehabilitation of individuals with disabilities through various means.

Operational since 2000-01, the Sarva Shiksha Abhiyan (SSA) has attempted to achieve universalization of elementary education (UEE) by year 2010 and it was another milestone which supported the efforts towards inclusive education. Focused on all children from 6 to 14 years of age, the SSA aspires to achieve three objectives: access, enrollment and retention. Following a zero rejection policy in

schools, the SSA offers a significant range of provisions for education of children with disabilities which also covers early detection and identification, the educational placement, the provisions of aids and appliances, the support services at different levels, teacher training and resource supports, guidelines for individual educational plans, parental training and community mobilization, removal of architectural barriers, research, monitoring and evaluations (Mohanty).

Under Article 21A of the Indian Constitution, The Right of Children to Free and Compulsory Education Act known as Right to Education Act (RTE), 2009 provides the provision of free and compulsory education for all children in the age range of 6-14 years. Enactment of this legislation made education a fundamental right for every child in the specified age range. It further specifies several norms and standards for schools. In reference to inclusive education, it mandates the reservation of 25 per cent seats in all private schools for children belonging to different disadvantaged groups—a provision which has significantly benefited, among others, children with disabilities.

II. i. Shift in Perceptions

Over the years, there has been a significant paradigm shift in the way disability has been perceived and it is also reflected in policies and Acts. Narayan and John regard this shift from a social welfare view towards a human rights perspective. Also, how disability has been defined and what constitutes the conditions of disability has undergone significant changes over the period. For example, the number of categories of disability has increased from seven in PwD, 1995 to 21 categories in RPwDA (2016). Narayan and John consider the shift of principles in RPwDA (2016) from the PwD Act (1995) as “a paradigm shift in thinking about disability from a social welfare concern to a human rights issue” (17).

II. ii. Status of Inclusive Education in India

No doubt, inclusive education has been perhaps one of the most conferred contemporary themes in the Indian Education system. Unfortunately, despite so much discussion revolving around it, its implementation still has not taken place completely. Bakhshi, Babulal and Trani (2017) point out that the entailment of inclusive education in an Indian context is exigent due to several factors,

which range from unjust social structures, census irregularities, the lack of material and human resources and faulty conceptualizations around learning in inclusive set-ups. They further posit that unusual social structures and other contextual factors lead to a very different context of inclusive education in India than in the western world and thus call for an urgent need for comprehensive policies to overcome the barriers in this sphere.

III. Inclusive Education in Rights of Persons with Disabilities Act (RPwDA), 2016

The Preamble of the RPwDA (2016) defines inclusive education as a “system of education wherein students with and without disabilities learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities” (3).

Along with this clearly stated definition of inclusive education, the RPwDA (2016) also states unambiguously the responsibility of the appropriate and respective government authorities to take actions and implement inclusive education. Section 16 of chapter 3 of the RPwDA (2016) states that the “Appropriate Government and Local authorities shall endeavor that all educational institutions funded or recognized by them provide inclusive education to the children with disabilities...” (8).

It also mandates the provision of imparting inclusive education by all the educational institutions which are recognized or funded by the government. Section 16 under Chapter III of the Act sets out the provisions on inclusive education ranging from admission without discrimination, equality of opportunities at educational sites, accessible infrastructure and facilities, necessary individualized support, appropriate modes of communication, early detection and requisite measures, monitoring the educational progress and provision for transport facilities. Further, in order to realize the provisions specified above, various sub-sections of section 17 denote several measures which includes required surveys, training of different professionals involved in education domain, establishment of resource centers and availability of necessary resources, provisions of scholarships, modifications in the education system to cater to the needs of students with disabilities and research to enhance learning.

In comparison to earlier documents, the RPwDA (2016) positions the provisions and measures to achieve those provisions more comprehensively, yet the lessons from past caution us to be mindful

of the fact that the provisions of the Act might well remain more of a rhetoric than reality because the Act lacks any kind of transition plans to attain the requisite needs for achieving the goal of an inclusive education system such as having adequate trained professionals and appropriate infrastructure. Section 17 (g) mentions the provision of free books, learning materials and assistive aids only till the age of 18 years and section 31 provides the right to free education to every child with a benchmark disability in a neighborhood school or a special school of his/her preference. However, in contrast to the earlier policies and Acts, this Act gains added significance for laying down the redressal mechanisms for ensuring the mentioned provisions related to education.

When it comes to higher education however, the RPWD Act does precious little. It mandates the reservation of 5 per cent seats in higher education institutions under Section 32, but does not lay down any procedures for distributing this reservation among 21 categories of persons with benchmark disabilities. Further, there is no mention of support systems for such persons directly under the Section concerning higher education. The strong emphasis on school-education in this Act will be unable to yield the desired outcomes unless our colleges and universities receive the much-needed focus for providing support systems for students with disabilities.

A positive aspect of this Act is the mandatory provision for the universities to open Centres for Disability Studies—a relatively recent academic and research area. A number of universities have already commenced initiatives towards this end.

The RPwDA (2016) has received mixed responses. It received applauses from different sections for including a vast number of disability categories and being vocal on specifying the responsibilities of different stakeholders and agencies. While the Act clearly advocates inclusion and outlines the responsibilities, it neither reaches beyond the provisions of structural changes nor pays any attention to several other important aspects related to the prevalent socio-cultural contexts, unfavorable structures of education, insufficient associations among different stakeholders and others. Inadequate attention to these crucial aspects points towards a lack of a comprehensive understanding of the philosophy of inclusive education (Bhattacharya).

The present Act has also been criticized on several other more explicit domains. Choudhary and Thomas (2017) criticized the Act from the perspective of mentally ill persons and posit that it does not address the needs of persons with mental illnesses. Ignorance of family support, threat of mistreatment by authorities and assumptions

of capability to seek much needed support by individuals with mental illness are some of the cited loopholes. Bhattacharya (2017) posits that inclusion has never been an important agenda in any of the Indian Acts or policies including various educational policies as well as the most recent Rights of Persons with Disabilities Act, 2016. This holds true at all levels of education and truer in the case of higher education as most of the clauses pertain only to school education and domains of higher education, adult education and continuing education have received meager mentions and lack appropriate attention in the Act.

Bhattacharya (2017) asserts that even the so-called significant educational policies and documents such as the Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act of 1995, the National Policy for Persons with Disabilities (NP), 2006 and the Rights of Persons with Disabilities Act (RPwDA), 2016, fall short on the parameters related to inclusive education and sadly, none of them can be considered significant in relation to the provisions of inclusive education in the Indian education system.

In reference to inclusive education, the RPwDA (2016) can be further accused of heavy drawbacks because of its insufficiency in mapping the mechanisms to attain the desirable targets which require significant improvement of resources, changes in mindsets and modifications in many aspects of the education system.

III. i. Creating Favourable Environment for Change

Lessons learnt from the outcomes of various previous policies and Acts loudly speak about the need for creating an environment for change along with related provisions. In the context of inclusive education, it seems pertinent to set the grounds in terms of the accessibility to educational institutions, consideration of prevalent socio-cultural contexts, favourable understanding of learning and compatible structures of education, need for collaboration among different stakeholders, et cetera. Building upon these points, this section reflects upon some of the components which are crucial to the implementation of inclusive education.

III. ii. Perception and Understanding of the Learning Process

Most of the documents and policies consider that children with disabilities have incapacities and an empowering education system can help them overcome their drawbacks. Even the recent draft of

the National Policy of Education uses such language which talks about overcoming incapacities of learning (Draft NPE, 2016, 6.11.8). Such expressions seem to ignore the perspective of multiple modes for learning and appear to be guided only by the conventional and dominant modes of learning. None of the documents envisages that inclusive settings can add to better learning opportunities for all; rather learning at sites of inclusive settings in these documents has been envisaged very conservatively i.e. only children with disabilities can learn from others and others do not have any scope of learning from children with disabilities (Bhattacharya).

Further, the sources of educational difficulties are often located in individual, environmental and contextual situations which are often not taken into consideration. Such practices put individuals with disabilities in more complicated situations. None of these issues have been addressed in RPwDA (2016) which has direct implications for the success of inclusive education.

III. iii. Curriculum Restructuring

Bhattacharya (2017) posits that an inaccessible curriculum is one of the main barriers towards inclusion of children with disabilities, yet unfortunately none of the policy documents or Acts has paid much attention to this significant part of the education system without which inclusion will remain rhetoric and would not be able to become a reality. Bhattacharya (2010) draws attention to several curriculum issues which cause hindrance to the inclusion of individuals with disabilities and suggests the urgent need for curriculum restructuring which includes activities related to positive portrayal of individuals with disabilities in non-stereotypical and non-patronizing ways. Unfortunately the RPwDA (2016) does not make the grade to include significant provisions on this obvious aspect and the curriculum remains the most ignored domain in this Act.

III. iv. Accessibility

In comparison to other domains, accessibility has received enhanced focus in several policies and Acts. This is true in the case of RPwDA (2016) as well. However, accessibility is mostly focused in the context of the physical environment and accessibility of the learning environment is not taken cognizance of to the desired extent.

III. v. Prevailing Socio-Cultural Contexts

A. Kumari and K. Sharma (2017) posit that the school environment for inclusive education is significantly affected by the prevailing socio-cultural contexts, perceptions and attitudes of society and values for inclusion which are influenced by prevalent beliefs and taboos. Their study suggests that over a period of time there has been some positive changes in the attitude and the mindset of the society towards inclusion of students with disabilities, however there are other finer issues that need to be addressed to realize inclusion in its true sense. The RPwD Act (2016) maintains silence on any kind of social mobilization and falls short on envisaging plans for bringing positive changes in the mentioned aspects.

III. vi. Collaboration among Different Stakeholders

Inclusive education necessitates different stakeholders to come together and work towards a common cause. Academicians, teachers, researchers, practitioners from different fields, legal fraternity and authorities need to work together to structure a concord understanding of the philosophical and practical aspects of inclusive education. Several experiences of unsuccessful educational interventions communicate that the lack of shared understanding, gaps in mediating the underlying philosophy to all stakeholders and faulty practices are some of the primary causes of such failures. Ignoring the lessons from past experiences which are clear enough, the present Act like the previous ones does not provide the much needed guidance on measures regarding required collaborations.

IV. Conclusion

Based on the above discussion, it can be concluded that in order to realize desirable outcomes of the present provisions concerning inclusion, it becomes mandatory to negotiate through such concerns. Provisions under the Act should have considered the possible challenges and complications and subsequently the guidelines for a feasible mechanism would have added strength to the RPwDA, 2016. Provisions stipulated under the Act can also get impacted by the provisions under other concurrent educational policies. It would be interesting to reflect upon the synchronization of such provisions under the RPwDA, 2016 with concurrent and upcoming educational policies and provisions. For example, how the ongoing deliberations

for reversal of no detention policies and thrusts on national level achievement tests can impact inclusive education.

It appears then that there is still a long journey before the light at the end of the tunnel becomes visible. Though an arduous path has been traversed, the present scenario clearly indicates that the hope of real inclusion with respect to education is by no means close enough to be achieved soon.

The current status of the Indian education system is facing several challenges in catering to the needs of students and is very far behind in realizing the expectations of inclusion. Several studies have noted the challenges of inclusive education in India which range from social and attitudinal barriers, lack of trained professionals, lack of resources and restricted standardized educational practices. Ironically, the RPwDA (2016) doesn't address any of these challenges in a comprehensive manner. Successful inclusion calls for an elaborated long-term planning in this regard. Owing to paucity of well-planned mechanisms, the present provisions may cause superficial inclusion of students with disabilities in ill-equipped regular educational institutions where their experiences may not be as happy or as desirable as we would like these to be.

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