



Special Education Laws in India

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Abstract

There were around 30 million children in India who were diagnosed with some kind of impairment, as stated in a report compiled by UNICEF on the state of disability in the country. According to a different survey, the sixth All-India Educational Survey, out of the 2,000 million school-aged children in India (ages 6–14), 20 million need special needs schooling (Rehabilitation Council of India (RCI), 2000). Despite the fact that there is a significant gap between these two sets of figures, it is abundantly obvious that a significant proportion of pupils have special needs and are in need of proper educational programmes. The Government of India (GOI) launched policy changes and plans for special needs and inclusive education after becoming aware of the huge number of people in the population who have special needs and the regional inequities that exist.

Key words: Disability in India, inclusive education, Government etc.

Introduction

Differently-abled children have special needs and they require special attention. Hence their education must be individually planned, and systematically delivered teaching techniques should be adopted. A landmark special education law was enacted in India named the Persons with Disabilities Act, 1995. It aims to provide equal opportunities to disabled persons. There are special schools in India for children with special needs. These schools provide valuable educational services to the children. Children here feel safe and get a healthy learning environment where they can learn and grow individually.

Children Who Need Special Education

As we have mentioned above, a child with special needs is not only the one who is differently-abled but also an autistic child who needs special attention and education. Although the causes of autism were recognized in India in 1959, we still have very limited awareness about it. The number of autistic children has increased drastically around the globe. They need not only special care and love but also need special education. Hence, people who are developmentally disabled or autistic need special education.

Existing Laws and Related Issues

- **The Persons with Disabilities (PWD) Act, 1995**

The mentioned Act came into enforcement on 7th February 1996. This was a significant step that ensured equal opportunities for disabled persons. It deals with both the preventive and promotional aspects of rehabilitation about education, employment, training, awareness programs, etc.

- **Rights of Persons with Disability Act, 2016**

This Act came into force on 19th April 2017 and has replaced the PWD Act of 1995. It fulfils the mandate of the Convention to which India is a signatory, i.e. the UN Convention on the Rights of Persons with Disabilities. The Act defines the term 'disability' based on an evolving concept.

The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999



According to the Act, the central government is duty-bound and obliged to set up (and it has set up) the National Trust at New Delhi to benefit the disabled and special needs citizens.

- **The Constitution of India**

We have many provisions under the Indian Constitution that deal with the rights of disabled persons. Here are some of the provisions:

It protects the rights of citizens, including disabled persons, and states that they have a right to justice, liberty, faith, opportunity to work and get an education.

- Article 15(1) and (2) specify that there shall be no discrimination against any Indian citizen based on caste, religion, place of birth, etc. It includes persons with special needs.
- Article 21 provides the right to life and personal liberty, including disabled persons.
- Article 23 prohibits forced labour.
- Article 29(2) provides that no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on the ground of race, religion, caste, etc.
- Article 45 directs the state to provide free and compulsory education to all children until 14 years of age.

- **The Right of Children to Free and Compulsory Education Act, 2009**

The Act ensures that all children between 6 to 14 years of age get free and compulsory education. It also entitles students with disabilities to have access to free textbooks, study materials, and specific learning, etc.

- **The Mental Health Act, 1987**

The mentioned Act contains many provisions for differently-abled persons ensuring that they get equal respect in society.

- **The Succession Acts**

The Hindu Succession Act, 1956, applicable to Hindus, provides that no person shall be debarred to inherit ancestral property due to a physical disability. The Indian Succession Act, 1925, applicable in cases of intestate and testamentary succession, does not deprive a person with a disability from inheriting ancestral property.

Overview

Around 15% of the world's population lives with disabilities. They are the world's largest minority. In countries having life expectancy over 70 years, individuals spend about 8 years or 11.5% of their life with disabilities

80% of persons with disabilities live in developing countries, according to the UN Development Programme.

Data on Education

According to UNESCO, 90% of children with disabilities in developing countries do not attend school, says UNESCO.

According to UNDP 1998 study, the global literacy rate for adults with disabilities is 3%, and it is lower in the case of women with disabilities, i.e. 1%.

Initiatives at the International Level

Several initiatives have been taken at the international level to ensure that the requirements of people with special needs are met. Some of them are:

Article 26 of the Universal Declaration of Human Rights, 1948, provides the right to education;



Protocol 1 of the European Convention on Human Rights, 1952, proclaims that no person shall be denied the right to education;

According to UNESCO Convention against Discrimination in Education, the member parties undertake to formulate and apply a national policy for promoting equality of opportunity and of treatment about making primary education free and compulsory.

Legislative Provisions Around the Globe

The United Nations (UN) Convention on the Rights of Child provides that children with disabilities have the “right to achieve participation in the community and their education should lead to the fullest possible social integration and emotional development.”

The World Conference on Education for All, 1990, states that the learning needs of the disabled demand special attention. 1981 was significant, being the International Year for Disabled Persons (IYDP).

Suggestions to Make World a Better Place for People with Special Needs

Although there are many legislative provisions for disabled persons, implementation of those provisions is missing. Importantly, the children between the ages group 3 to 6 years have been ignored. Also, proper measures should be taken to ensure that the laws are being implemented without fail. Education concession should be given to kids with disabled parents. Parents of differently-abled children should be permitted to work from home so that they can take care of their children. It is the time to think differently for the children with special needs.

Conclusion

In India, we cannot deny the fact that there is a lack of infrastructure for proper schooling. Hence, the country faces a challenge to provide education for children with special abilities. However, with time, India is getting globalised and entering into many business ventures that ensure better infrastructure for the country.

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