
SPECIAL EDUCATION IN INDIA

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ABSTRACT

This article provides a detailed overview of the provisions of special education in India, highlighting its evolution, recent developments, and the policies and statutes enacted by the government. It also emphasizes the importance of special education in promoting equity and inclusion for children with special needs (CwSN). India is committed to achieving the goal of inclusive education for all by 2030 and for this, the National Education Policy of 2020 and the National Guidelines and Implementation Framework on Equitable and Inclusive Education are being implemented for the effective achievement of this goal. The article also suggests future directions to enhance the quality of education for children with special needs.

Keywords: Special Education; Inclusive Education; Children with special needs; National Education Policy (NEP) 2020; Right to Education Act, 2009

1. INTRODUCTION

Children who are born with a disability and need extra support and care to live their everyday lives are known as Children with Special Needs (CwSN). A "person with a disability" has been defined by the Rights of Persons with Disabilities Act, 2016 as an individual who has a long-term physical, mental, intellectual, or sensory impairment that, when coupled with other difficulties, prevents them from fully and equally participating in society. The disabilities covered under this Act are blindness, hearing impairment, intellectual disability, cerebral palsy, locomotor disability, dwarfism, autism spectrum disorder, etc.

According to the 2011 census, the number of persons with disabilities in India is up to approximately 2.68 crores, and 76.84 lakh of them are children. However, many of these children lack access to high-quality education.

Special education involves specialized educational programs created to address the special requirements of Children with Special Needs (CwSN). To ensure comprehensive and equitable education for everyone, special education classrooms in India are an essential need that must be addressed. Here, students can receive specialized instruction and guidance from qualified special educators in a safe and welcoming atmosphere. Specialized instructions, materials, and tools are available in these classrooms to support the learning and development of critical skills in CwSN.

A special educator is the type of educator who applies specialized teaching methods in the classroom to help students who have special needs. Special educators receive specialized training to address the diverse needs of students with disabilities. This training includes developing an understanding of different types of disabilities, putting effective teaching strategies into practice, and creating inclusive classroom environments. The integration of assistive technologies is essential in special education. These comprise tools and devices intended to help students with disabilities access educational materials, communicate, and participate in classroom activities.

India is a signatory to the Convention on the Rights of Persons with Disabilities (CRPD), 2007 and is committed to upholding the fundamental right of every child with disability to an inclusive and equitable education.

The Ministry of Education (MoE), looks over the provisions for special education in India. They develop and carry out different plans, strategies, and initiatives for advancing the education sector in India. Besides the Ministry of Education, the Ministry of Social Justice and Empowerment (MoSJE) oversees the overall welfare, including educational support, of people with disabilities. India's Rehabilitation Council (RCI) is an independent organization within the MoSJE, which oversees regulating and standardizing training curricula for rehabilitation specialists, including special educators.

2. DEVELOPMENT OF SPECIAL EDUCATION IN INDIA

- Special education in India for the first time was initiated by Christian missionaries and NGOs before India became independent.
- After independence, the Central Institute of Education was established in 1947, and the Kothari Commission Report of 1966 laid the base for inclusive education policies in India. Still, special education services were very limited and confined to the urban cities only.
- The first significant step for formalizing special education in India was taken with the establishment of the Rehabilitation Council of India (RCI) in 1986 which focused on the training and certification of special education professionals.
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act in 1995 mandated inclusive education and non-discrimination in the educational field. The Act ensured that people with disabilities are not subjected to discrimination in matters of education, employment, vocational training, and rehabilitation.
- The Sarva Shiksha Abhiyan, 2001 made it a fundamental right of all children aged 6 to 14 to get an education.
- The Right of Children to Free and Compulsory Education Act, 2009 ensured all the children aged 6 to 14, the right to free and compulsory education. The 2012 amendment to the Act, made explicit provisions for special education for children with special needs.
- The National Education Policy of 2020 strongly advocates for the provisions of inclusive education including special education and lays special emphasis on training

teachers to cater to the different learning needs of the children. The policy also emphasizes the use of digitalized materials for imparting education.

3. STATUTES & POLICIES PROMOTING SPECIAL EDUCATION IN INDIA

3.1. The Constitution of India:

The Constitution of India, which was adopted on January 26, 1950, is the supreme law of the country. It provides the framework for the working of the legislature, judiciary, and executives and guarantees fundamental rights and duties to the citizens. The key constitutional provisions for special education are-

- Article 15 (3) prohibits any kind of discrimination based on religion, race, caste, sex, or place of birth. It also includes provision for taking up special measures for the benefit of children with special needs.
- Article 21 guarantees the right to life and personal liberty to all individuals.
- Article 21A was added by the 86th Constitutional Amendment Act, 2002 and it mandates that the state shall provide free and compulsory education to all children aged 6 to 14, including children with special needs.
- Article 46 states that the state must promote the educational and economic interests of the Scheduled Castes, Scheduled Tribes, and other weaker sections of society, including children with disabilities.

3.2. The Rehabilitation Council of India Act, 1992 [RCI Act]:

This Act established the Rehabilitation Council of India (RCI) as a statutory authority, with the primary goal to regulate and standardize the training of rehabilitation professionals, including special education personnel. The Act is essential to ensure the standard of rehabilitation and education services provided to individuals with disabilities in India. The main features of the RCI Act, of 1992 with an emphasis on special education, are-

- It is the responsibility of the Rehabilitation Council of India (RCI) to standardize and regulate the training curriculum for different professional categories working in the fields of rehabilitation and special education.
- A curriculum that is recent and compatible with best practices in special education and rehabilitation must be designed by the RCI.

- Institutions offering special education and rehabilitation training programs are recognized by the RCI. Only organizations approved by the RCI can provide training in these fields.
- To legally practice in India, all professionals in the field must be registered with the RCI.
- To better assist people with disabilities, the Act promotes research and development in the fields of special education and rehabilitation. This leads to the development of new approaches, equipment, and strategies.
- To ensure that the established standards are being followed, the RCI can conduct inspections of educational institutions and service providers.
- To guarantee that rehabilitation specialists and special educators follow moral standards while working with individuals with disabilities, the Act provides a code of conduct for them.
- Regarding issues on the creation of initiatives and laws in the areas of special education and rehabilitation, the RCI advises the government.

3.3. The Rights of Persons with Disabilities Act, 2016 [RPwD Act]:

The Rights of Persons with Disabilities (RPWD) Act, 2016 is a comprehensive law that expands the previous legislation of 1995 and significantly improves the rights and protections for persons with disabilities in India. It is in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The following are the salient features of the RPwD Act, 2016, concerning special education-

- The Act ensures that children with disabilities aged 6 to 18 get free and compulsory education in the neighborhood school or special school, depending on their needs.
- It guarantees equal opportunity to education by prohibiting discrimination against children with disabilities during admissions.
- It requires inclusive education at all levels, which means that wherever feasible, mainstream schools should incorporate students with disabilities.

- Educational institutions must furnish reasonable accommodations that satisfy the specific requirements of students with disabilities, guaranteeing them equal opportunities for learning and participation.
- Accessible learning resources, including audiobooks, Braille, and other assistive technologies, must be provided by schools.
- For students with disabilities, schools must provide barrier-free access, including ramps, accessible bathroom facilities, and other necessary facilities.
- To support students with disabilities, the Act mandates training in inclusive education strategies for both ordinary and special educators. Special educators, who have received specialized training in meeting the educational requirements of children with specific disabilities, must be appointed by schools.
- The Act ensures that individuals with benchmark disabilities have access to opportunities for higher education by establishing a 5% reserve for them in all government-funded higher education institutions.
- To improve accessibility in school, the Act requires the government to provide a curriculum that encourages studying sign language, Braille, and other communication methods.
- The government must carry out awareness campaigns that inform parents, the community, and educational institutions about the rights and potential of children with disabilities.
- Under the Act, grievances or issues about the denial of rights or facilities to individuals with disabilities at educational institutions can be remedied through a grievance redressal procedure.

3.4. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act):

The RTE Act mandates free and compulsory education to all children aged 6 to 14. It also ensures that children with special needs are not excluded from the mainstream education system. The main highlights of the Act regarding special education are as follows-

- The RTE Act mandates that every child, including the ones with special needs, has the right to free and compulsory elementary education.

- The regular schools will not deny admission or discriminate against a child with special needs.
- For children with severe disabilities, who are unable to attend school, home-based education may be provided for them.
- To assist children with impairments integrating into mainstream education, specialized instruction can be provided to them in school or through home-based programs.
- Schools must be equipped with ramps, disabled-friendly toilets, and other necessary modifications so that children with special needs can easily access them.
- To ensure that children with special needs participate effectively in the educational process, accessible learning materials like Braille, large print, or audio must be provided to them.
- Special educators can be hired by schools to give disabled students additional assistance so they can easily be integrated into mainstream education.
- A flexible and inclusive curriculum must be created so that children with special needs may learn at their speed and capacity.
- The Act has procedures for periodic school monitoring to guarantee compliance with inclusive education standards.
- To support children with disabilities in their education, governments need to provide aid and appliances, transportation, and scholarships, amongst numerous additional services.

3.5. Mental Healthcare Act, 2017:

The goal of this progressive statute in India is to uphold, develop, and safeguard the rights of people who are suffering from mental illness. It emphasizes the significance of mental health in the educational setting and offers a framework to ensure that children and adolescents with mental health issues receive the support they need to access and benefit from education. The following are the main points of the Act that relate to special education-

- The Act recognizes that people with mental illness have a right to education and training for vocations. The Act ensures equal opportunities for learning and development by prohibiting discrimination against children with mental health illnesses in terms of their access to education.
- The Act advocates for children with mental health illnesses to be included in ordinary schools instead of being segregated in special facilities and highlights the significance of inclusive education for these children.
- The Act offers protection against unfair treatment, abuse, and neglect of children with mental health illnesses in school settings.
- The Act requires training and raising awareness about the needs and rights of children with mental health issues for educators and teachers in schools.
- It is suggested that schools should carry out awareness campaigns aimed at the public, parents, and students to reduce stigma and foster a safe atmosphere for children dealing with mental health issues.
- The Act guarantees the privacy of a student's mental health information. Educational institutions are required to protect the confidentiality of students' mental health records, disclosing information only to those who are legitimately in need of it.
- The Act establishes procedures for addressing complaints about students with mental illnesses being denied the right to education.

3.6. Samagra Shiksha Abhiyan (SSA):

Launched in 2018, this program is a comprehensive initiative that incorporates three prior schemes: Teacher Education (TE), Rastriya Madhyamik Shiksha Abhiyan (RMSA), and Sarva Shiksha Abhiyan. It seeks to offer comprehensive education to all Indian students, from preschool to class XII. The program places a strong emphasis on quality, equity, and inclusivity, with special education receiving particular attention. The following are the main points of the Samagra Shiksha Abhiyan that relate to special education-

- The program ensures that children with special needs have a seamless and inclusive transition from preschool education to higher secondary education by integrating all educational levels.

- Emphasis is placed on establishing an inclusive learning environment in the classroom so that children with disabilities can learn with other students and not be separated.
- It ensures that all schools have handicapped-accessible toilets, handrails, ramps, and accessible educational resources.
- Children with disabilities may get additional financial aid for their schooling through the Samagra Shiksha Abhiyan. This covers financial aid for appliances and assistive technology, home-based learning, and travel expenses.
- To assist schools in meeting the educational needs of children with special needs, the program requires special educators to be appointed at the block and cluster levels.
- The program continues to support home-based education for children with severe disabilities who are unable to attend school, making sure that these children also obtain formal education.
- To conduct seminars with an emphasis on teaching mainstream teachers how to manage diverse classes and develop their ability for inclusive education.
- Creation of educational resources, digital content, and textbooks in formats that are accessible (such as large print, audiovisual, and Braille).

3.7. The National Education Policy, 2020 [NEP, 2020]:

Launched on July 29, 2020, the National Education Policy of India 2020 sets forth the goals for India's prospective educational system. The National Policy on Education, 1986, is being replaced by the current policy. The scheme provides a thorough framework for vocational training and education from elementary school to higher education in rural as well as urban regions of India. By 2030, the initiative aims to change India's educational system. It is a revolutionary policy document that places a strong emphasis on equity and inclusivity, particularly concerning special education. The features of special education in this policy are as follows-

- NEP 2020 places a strong emphasis on integrating children with special needs (CwSN) into regular classrooms where feasible instead of sending them to special education institutions. In regular educational institutions, this involves providing assistance and accommodation.

- To support CwSN, special educators will be assigned to every school. Adequate resources will be provided to schools to guarantee that these children get the education and support they require.
- The curriculum will be adaptive to meet the various needs of all students, especially CwSN. Developed to meet the needs of every student, it will be designed to offer multi-level, play-based, activity-based, and inquiry-based learning.
- The NEP encourages the use of UDL (Universal Design of Learning), which ensures that all students, including those with disabilities, may access and use educational methods, resources, and assessment tools.
- There will be inclusive educational training for teachers. The education of children with disabilities will be covered in modules in both pre-service and in-service training programs.
- The policy supports enabling students with disabilities to study using assistive technologies. There will be multi-format content available in audio, Braille, and sign language, along with accessible digital resources.
- ICT resources and digital infrastructure that meet CwSN requirements will be provided to schools. Everyone will be able to access the content created for digital learning platforms namely DIKSHA (Digital Infrastructure for Knowledge Sharing).
- The NEP 2020 offers holistic progress cards instead of simply highlighting academic achievement. These cards offer an overall report on the student's development, including the skills and competencies attained.
- All children will have physical access to schools including handrails, ramps, accessible toilets, and other essential amenities.
- Using technology to support CwSN education is the main goal of the NETF (National Education Technology Forum).

3.8. The National Guidelines and Implementation Framework on Equitable and Inclusive Education:

The Indian government published these guidelines in 2023 for the development of an inclusive and equitable educational system for all children, especially those from

underprivileged and marginalized groups. The framework conforms with existing national and international policies and agreements, such as the United Nations Sustainable Development Goals (SDGs), the Right to Education (RTE) Act, 2009, and the National Education Policy (NEP) 2020. The principal areas of interest of this document are-

- The guidelines lay a strong emphasis on the requirement of an educational system that ensures all students, regardless of their socioeconomic background, gender, caste, disability, or any other marginalized status, equal opportunity, participation, and learning outcomes.
- The curriculum must be modified to reflect the varied requirements of all students while remaining inclusive, gender-sensitive, and culturally suitable.
- To deal with a range of learning requirements, inclusive pedagogical approaches are promoted, with an emphasis on distinct instruction and assessment techniques.
- Opportunities for continuous professional growth centered on inclusive teaching methods must be provided to teachers.
- The guidelines emphasize the significance of having an accessible educational infrastructure, such as offering students with disabilities access to assistive technologies and classroom surroundings free of barriers.
- The significance of local communities and School Management Committees (SMCs) in advancing inclusive education is emphasized.
- To monitor the adoption of inclusive education practices and policies at the local, state, and national levels, an exhaustive framework for monitoring and evaluation has been established.

4. CASE LAWS

→ *Rajneesh Kumar Pandey v. Union of India*¹

Concerning children with special needs education, the Supreme Court ordered modifications to the 2009 Right of Children to Free and Compulsory Education Act schedule. All schools that accept CwSN must have a specific number of special educators or rehabilitation specialists per student, to be determined by the Central Government. An

¹ 2021 SCC OnLine SC 1005

interim solution was provided by the Court, which established the following ratios: 8:1 for cerebral palsy, 5:1 for intellectual disability, autism spectrum disorder, and specific learning difficulties, and 2:1 for deaf-blindness or a combination of these conditions. A plan for incorporating special educators into schools that accept CwSN was also provided by the Court.

→ ***Disabled Rights Group v. Union of India***²

The Supreme Court ruled that institutions with a 3% reservation policy under the Persons with Disabilities Act, 1995 for people with disabilities had to adhere to the provisions and notify the proper authorities of the list of members. Under the RPwD Act, 2016, noncompliant institutions may be subject to legal consequences. The court further ruled that it is discriminatory to deny people with disabilities access to adequate educational facilities. It endorsed an inclusive, right-wing strategy that encouraged all groups to participate in inclusive development. The UGC was given instructions to examine the guidelines that the petitioners offered as recommendations for improving infrastructure and pedagogy and to submit a report explaining the actions that they had taken.

→ ***Dr. Harish Shetty v. Regional Director***³

The Bombay High Court ordered educational institutions to start the process of identifying children with particular academic challenges as soon as possible, preferably during their primary school years or when they turn nine years old. In addition to testing these students medically to determine whether they have learning disabilities, school administrators can additionally apply this approach to examine students who performed fairly in previous studies but have not performed well in the latest ones.

5. RECOMMENDATIONS

Although various statutes and policies are being implemented by the government for the promotion of special education in India, still there is a very small percentage of children with special needs who can get quality education without any difficulty. Hence, for the successful implementation of the provisions provided in the statutes and policies, the following measures may be adopted:

² (2018) 2 SCC 397

³ 2017 SCC OnLine Bom 742

- The schools and colleges must be well equipped with the infrastructure that caters to the needs of the children with special needs. This includes ramps, disabled -friendly toilets, and freely accessible transportation facilities. These infrastructural requirements must be made mandatory for all schools and colleges at all levels.
- Educational resources such as audio learning materials, textbooks, and visual materials using sign language, other digital materials, or Braille must be made available to the students requiring them, free of cost.
- The curriculum must be designed by expert personnel keeping in mind the goal of inclusive education and it must be adopted at the national level. The central authority must monitor the effective implementation of the curriculum through local-level government agencies.
- There must be effective compulsory training programs conducted for regular teachers as well as special educators to support students with disabilities.
- There must be a significant modification in the examination pattern, and it should be in line with the provisions of the inclusive education pattern.
- There must be promotion of the grievance redressal authorities that are working for the service of persons with disabilities so that people are aware of whom to approach when in distress.
- The government must strictly keep a check on all the related institutions to ensure that they are effectively implementing the existing policies and statutes. If found guilty, they must be punished with heavy fines.

6. CONCLUSION

Special education in India has come a long way due to the different policies, progressive statutes, and various technological advancements. While there is significant progress in this field in comparison to the position in the 1940s, still there is a long way to go wherein the continued efforts of people at large are required to promote special education in society. By effective implementation of the various legal measures, India can make significant progress towards ensuring that children with disabilities receive quality education and hence India can move forward towards its goal of inclusive education for all.

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