

CRITICAL REVIEW ON THE POLICIES AND LEGISLATIVE MEASURES FOR THE CHILDREN WITH SPECIAL NEEDS IN INDIA

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ABSTRACT

A major thrust area of the government is on universalization of education in the country. This can be achieved only if each and every child of the country with diverse needs, capabilities individual differences has access to education without any discrimination. For a long time children with special needs were educated in separate schools and separate classrooms. People got used to the idea that special education meant separate education but we know that when the children are educated together it results in positive, academic and social outcome. From time to time many legislative provisions and measures related to mainstreaming, integration and inclusive educational practices for these children have been initiated by the government but their implementation leaves much to be desired. This paper attempts to critically examine these policies and legislative Measures for the Children with Special Needs in India.

Keywords: Special Needs, Policy, Legislative, Inclusion, Inclusive Education: Mainstreaming

Introduction

Education is a powerful instrument and has ushered insocial change, and helps in initiating upward movement in the social structure there by helping to bridge the gap between different sections of society. The educational scene in the country has undergone major changes over the years, which has resulted in better educational practices. In 1944, the Central Advisory Board Of Education (CABE) published a detailed report known as the Sergeant Report which dealt with post war educational development of the country. It recommended education for the handicapped, which was to form an essential part of the national system of education, and these children had to be sent to special schools only when the nature and extent of their defects made it necessary.

The Kothari commission (1964-66), the first education commission of India, is of the view that education of the handicapped children should be an inseparable and an integral part of the education system. A child with SEN in a District Primary Education Programme (DPEP) document is defined as "a child with disability namely, visual, hearing, locomotor and intellectual(DPEP, 2001).

The government's objective for universalization of education, and its commitment to the Directive Principles as laid down in the the Constitution, are guided by the fact that a new universal system of education should be based on equity, the redressal of past imbalances and the provisions of access to quality education, especially for marginalized groups..

Legislative measures and policies:

Many legislative measures and policies have been introduced for the education of CWSN such as:

1. Integrated Education of Disabled Children (IEDC): Initially launched in 1974 and revised in 1992 this scheme lays thrust for providing educational opportunities to the moderately, disabled children in the general school system. IEDS scheme provides 100% financial assistance for various facilities to the disabled children.

2. The National Policy on Education of 1986 and its Plan of Action: It was brought about in 1986 in furtherance with the spirit of 1974 IEDC, the NPE states that children with 'mild' disabilities should be included in mainstream schools whereas children with moderate to severe disabilities should be placed in segregated schools. The policy also envisaged a provision regarding teacher training for all mainstream education teachers, by including a compulsory special education component in pre-service training of general teachers. Although this policy was created in 1986, it was not implemented until the Plan of Action came about in 1992.

3. Rehabilitation Council of India: It is a statutory body working under the aegis of the Ministry of Social Justice and Empowerment, Government of India. The RCI Act was amended by Parliament in 2000 to make it broad based and giving more powers and responsibilities to the council for children with special needs.

4. SarvaShikshaAbhiyaan: It is a project launched by the Department of Elementary Education and Literacy of the Ministry of Human Resource Development; Government of India and has exclusive provisions for inclusive education

5. The Action Plan for Inclusion in Education for Children and Youth with Disabilities: It was extremely important that India Creates a bill around section 45 and 21 (A) of the constitution, which became the Right to Education Act which was originally floated in 2005. However, the same year, the Ministry of Human Resource Development also drafted the Action Plan for Inclusion in Education of Children and Youth with Disabilities (IECYD). This action plan envisions that all children with disability will have access to mainstream education

6. Kothari Commission: Addressed issues of access and participation by all. It stressed a common school system open to all children irrespective of caste, creed, community, religion, economic condition and social status and the development of an integrated programme enabling handicapped children to study in regular schools.

7. The Right to Education Act, 2009: passed on the 26th August 2009. This Act gives the responsibility of ensuring enrolment, attendance and completion on the government. As per the amendment in the RTE Act (2010), children with disabilities have been included in the definition of child belonging to disadvantaged group in the section 2(d) of the RTE Act.

Integration to Inclusion:

The concept of integrated to inclusive education represents the latest trend in the provisions of placement or alternative programmes suggested in the field of education to the exceptional or disabled children. It runs quite contrarily to the ideas and philosophy related to institutionalization, separation or segregation which catered to the needs of establishing institutions and special schools for the care and education of the exceptional or disabled children.

Integration as a concept emerged as a philosophy in antithesis of segregation. It halts the system of providing education to the children in segregating settings of special schools and advocated to make provision for their education in the regular schools.

In this way, instead of subjecting the disabled students to a sort of segregation by putting them in separate special schools for their education, their integration with the non-disabled population of their peers was targeted to achieve through this new philosophy of integration.

In its historical deviation, in situations where the disabled students attend the regular school but primarily instructed in separate special classes, the term mainstreaming was to describe their placement in general education classes. In this way it was meant to refer to the selective placement of exceptional disabled students in one or more regular education classes. This was propagated as a reaction to the philosophy of institutionalization, segregation and separation.

Since both of them aimed to provide opportunities for the exceptional children to get their education along with their non-exceptional peers in the same schools or even classes, they were begun to be used interchangeably. Nowadays, when we talk about integration or mainstreaming, we usually take them one and the same thing, i.e. seeking education of the disabled exceptional children along with their non-disabled peers in the same school setting and general education classes by allowing the disabled children to drift along with the non-disabled students in the same stream of educational set up, adjustment and learning opportunities.

There is no formal or official definition of inclusion, it does not only mean the placement of students with Special educational needs in regular classrooms. The Draft Scheme on Inclusive Education prepared by the MHRD (2003) uses the following definition for it: "Inclusive education means all learners, young people— with or without disabilities being able to learn together in ordinary preschool provisions, schools, and community educational settings with appropriate network of support services" (Draft of Inclusive Education Scheme, MHRD, 2003). Inclusion means the process of educating children with SEN alongside their peers in mainstream school.

Inclusion describes much more than the acceptance of children with disabilities, exceptionalities in the mainstream. Inclusive education programmes do not focus on the accommodation of these children into a general education settings, but are focused on the restructuring of schools to accept and provide for the needs of all students. In inclusive program specialized instruction and support are provided to any student who is in need of support without labelling him as disabled or exceptional. If planned and executed properly, it can prove a most potential instrument for serving the interests of all types of students, whether exceptional or non-exceptional providing least restricted environment and maximum cost effective

education within their reach and at their door step. To facilitate this, top priority should be given for the pre- service and in service education of the classroom and subject teachers, and other school personnel associated with the students for equipping them with the necessary knowledge, skills, attitude for working in an inclusive set up. Essential support services like services of the special education teachers, experts, resource room facilities, aids and equipment, the environmental modifications as per needs of the disabled children, guidance and counselling facilities, should be well available to the teachers and students working in inclusive set up. A district or block wise pool of the needed resources may be maintained for providing such assistance to the schools.

Recommendation of National Curriculum Framework for School Education (NCFSE) (2000):

The National Curriculum Framework for School Education (NCFSE) (2000), has proposed inclusive schools for all without specific reference to pupils with Special Educational Needs in a bid to provide quality education to all learners. Segregation or isolation is beneficial neither for learners with disabilities nor for general learners without disabilities. The NCFSE also recommended definitive action at the level of curriculum makers, teachers, creators of teaching-learning materials, and evaluation experts for the success of this strategy... In India, integration was a major reform of the 1970s, there was a need for inclusive education which was identified from the fact that despite complete financial support under the IEDC scheme, for integrating learners with special needs into the educational system, only 2-3% of the total population of these learners were in practice integrated into the regular schools. Dissatisfaction with the progress towards integration, costs involved, and the benefits of an inclusive environment in bringing about increased acceptance of learners with SEN, led to demands for a more radical change and the adoption of the Salamanca Statement and Framework for Action on Special Needs Education in the Salamanca Conference 1994 gave a great impetus to inclusive education..

To make inclusive education a viable proposition, and to accommodate students with different learning abilities in a better way, the present education system, educational structure, and educational practices were required to be made more flexible, more inclusive, and more collaborative with the primary aim of meeting the individualized goals, students with special needs within the context of general educational settings and activities. The identification of SEN of children at an early age is crucial to helping them cope with challenges in later life. Thus, the sensitization, orientation, and training of parents, caretakers, and other stakeholders become imperative.

As per the NSSO (2003), 8.4% and 6.1% of the total estimated households in rural and urban India, respectively, are reported to have at least one disabled person. Therefore, orienting Anganwadi and Balwadi workers, caregivers, and institutional authorities in early childhood education programmes is highly desirable and needs to be built further on the ICDS programme. The provision of resources and the involvement of the community in identification and intervention in the child's own milieu needs a greater thrust and focus. The benefits of existing knowledge and skills in conjunction with technology can be made to reach the needy through the involvement of local bodies. At the preschool level, a multisensory approach should replace oral and rote learning, facilitate language learning, develop pre-academic skills, and provide for remedial measures in all areas of development. Appropriate diagnostic and remedial assessment should be made available to identify, "at risk" children. This will help to provide special education to these students soon so that they achieve best of the services.

N.C F (2005) is of the view that the curriculum for these children has to be planned in a very cautious manner. An inclusive curriculum means one curriculum for all students rather than a separate curriculum for students without SEN and another for students with SEN., participation in education should not involve discrimination on the basis of gender, ethnicity, indigenous group, socio-economic status, and ability or disability. An inclusive curriculum focuses on the need that schools be organized, with individual differences of students in mind and allow for scope and flexibility to enable all students to achieve their goals

Literature Review:

It was only with the rise of the world-wide civil rights movement in the 1960s that the system of parallel provision began to be questioned. As people with disabilities challenged the stigmatizing and limiting nature of segregated education, and gave voice to their anger and dissatisfaction, issues of equality of access and educational opportunity gained impetus and integration became centre stage.. Educators were increasingly exploring ways of supporting previously segregated groups so that they could find a place in mainstream schools. At the same time, the efficacy and outcomes of segregated education came under scrutiny.

Reynolds and Ainscow, 1994 During the 19th century, pioneers of special education argued for and helped develop provision for children and young people who were excluded from education .

Disability Act, 1995. keeping with the spirit of the Article 21 A of the constitution guaranteeing education as a fundamental right and Section 26 of the Persons with Disabilities Act, 1995, free and compulsory education has to be provided to all children with disabilities up to the minimum age of 18 years.

In 2003 the Ministry of Social Justice and Empowerment (MSJ&E) published the 'National Policy for Persons with Disabilities' (the 'Disability Policy'). Further, India adopted a proactive approach in this area and is a signatory to many international declarations on disability

UNESCO, 2005- It has been argued that schools need to be reformed and pedagogy needs to be improved in ways that will lead them to respond positively to pupil diversity—seeing individual differences not as a problem to be fixed, but as opportunities for enriching learning'

October 2007, India has become one of the first few countries to ratify the 'UN Convention on Rights of Persons with Disabilities; a move that shows its willingness and commitment towards the issue.

Model of full inclusion- concept of inclusive or integrated mainstreaming education demands the education of the exceptional/ disabled children in the regular classes and schools in the same way and to the same degree as received by the non-disabled children. It is known by the term full inclusion. In practice, this full inclusion model calls for the inclusion of all students, regardless of their exceptional/disability or normality conditions in a regular classroom/ programmes of the school on full time as practiced by a school in its regular timetable. All types of services for helping the children according to their exceptionality and normality are being taken to the individual child in such type of setting.

Need and Significance of the Study:

Universal Primary Education is a global goal providing education as a right is an obligation of all governments and requires that they translate their national commitments into legislation. This goal will only be achieved when the universal right to education extends to individuals with special needs and disabilities in the country. Children with disabilities and special needs also have the right to education as much as normal children do. Inclusive education has been introduced that address the learning needs of children with special needs, with a particular focus on those who are subject to being isolated and excluded. The philosophy behind this is to promote opportunities for all children to participate, learn and have equal treatment irrespective of their mental or physical abilities. While the awareness on inclusive education in schools throughout the country is still in its infancy stage, educational institutions are somewhat sceptical about having both normal and special children studying in the same classroom. Lack of flexibility in curriculum, inability to fend for themselves and thus being bullied by others in the class and not getting adequate attention from the teacher are common issues. All these may result in the child not getting a fair inclusive education. As a result, the number of children with special needs receiving higher education is on the decline.

In India, a majority of children with special needs do not receive any formal education, in spite of the practice of inclusive education in some schools. This is because children with disabilities and learning deficiencies are segregated from mainstream schools and other regular routines and social activities of normal children.

Objectives of the Study:

1. To critically analyze policies and legislative provisions for children with special needs in India.
2. To study different programmes running for the benefit of CWSN in India.
3. To study the progress of the policies towards the development of CWSN and their education.
4. To evaluate the policies and legislative measures for children with special needs in India.
5. To study the implementation proof of the policies and legislative measures for the CWSN in India.

Research Questions:

1. Effectiveness and legislative measures for the children with special needs in India
2. How far the disabilities of children with special needs feature in the policies and legislative measures for children with special needs in India

Delimitations of the Study:

The study will be delimited to:

1. 1-Indian Policies and legislative measures
2. 2-The central policies and state level policies and provisions

Design of the Study

Sampling- A fair sample was drawn from the population.. In the current study the findings are drawn from the sample and observations.

Study Population- The sample for this study was 10 teachers and one of them was a special educator and one was a psychologist.

Sampling Technique- The present research used the technique of observation and interview. .

Sample size: The sample selected for this study was 10 teachers in which one was a special educator and one was a psychologist.

Method of Data Analysis: The data analysis in this study is done by classifying and comparing the content of the document and communication. The technique used in content analysis is summarizing the content and the material is paraphrased.

Tools:The tool used for this study was a self designed questionnaire it was validated by face validity., a pilot test was also done to survey on a subset of the population.

Research Analysis & Interpretation of the Data

Policies and legislative measures for the children with special needs in India are not applicable to all schools. Research insights at the level of schools and classrooms Majority of the research studies in this field (from 2000 onwards) are small scale school based explorations, while the remaining few are teacher based surveys. The main themes emerging from an analysis of this literature are:

- 1- Continued lack of basic facilities in schools: Even though a considerable amount has been spent on infrastructural support in schools under the SSA and the latest DISE figures for 2012-13 (NUEPA, 2014) note that the percentage of schools with ramps increased significantly from 1.49 percent in 2004 to 55.09 percent in 2012-2013,
- 2- 2-UNCIEF ROSA (2012), WASH Report noted that despite well-articulated guidelines/ design specifications in SSA, and the provision of friendly water and sanitation facilities under the School Sanitation and Hygiene Education (SSHE), the biggest challenge remains the lack of disabled friendly toilets and other facilities in schools. This issue of access to school toilets and the inability of the child to use the toilet independently emerged as an important concern in a very recent study in rural Karnataka (India).
- 3- Lack of teacher expertise and confidence in meeting the needs of children with disabilities: Research in India has consistently highlighted the confusion and lack of confidence amongst mainstream teachers in relation to teaching children with disabilities. 470, Bhatnagar and Das (2013) indicated moderate levels of concerns for inclusion. A survey conducted by Shah et. al., (2013) in Ahmedabad, across 560 government schools teachers felt unable to support inclusion.
- 4- A similar study in Delhi by Das et al., (2013) across 223 primary and 130 secondary schools teachers noted that they rated themselves as having limited or low competence for working with students with disabilities. 70 percent of the teachers had neither received training in special education nor had any experience teaching students with disabilities. Further, 87 percent of the teachers did not have access to support services in their classrooms.
- 5- Studies which have examined classroom based processes in more detail provide similar insights. Based on data collected through teacher interviews, observations of classroom practices noted that teachers in private fee paying schools in New Delhi, with substantial resources, were not able to engage effectively with children with disability A more recent study in Karnataka, government school teachers, reported that they did not see themselves as sufficiently skilled to include these children in the classroom processes. In the perceived absence of pedagogical skills and additional support, teachers were willing to let children be in the class, underpinned by the rationale that it was good for their social inclusion.
- 6- Poor learning outcomes: Over a decade back, debates in the field were primarily focused on access to schooling and the need to increase enrolment numbers, however more recently, the poor quality of learning experiences and low outcomes in relation to the education of children with disabilities have also been noted. While current national assessment tests, such as ASER, do not specifically record whether children with disabilities are amongst those tested in the recent past, concerns about the quality of educational outcomes for CWDs has also come to the forefront. Not only are there practical difficulties such as making adaptations to assessment tools, but even where CWDs are included in tests, data are not sufficiently disaggregated by type of impairment for making meaningful policy inferences, partly due to problems of sample size (Evans and Ebersold, 2012). The only available data is an NCERT (2012) survey of Class V students, in which tests and

questionnaires were administered to a students, and teachers from inschools across 27 States and 4 Union Territories. The survey report states that “6% students belonged to physicallychallenged group. The findings of the survey noted that “physically challenged students do substantially worse than the rest of the tests used in ASER. Children who reported to have a physical impairment scored, on average, 12 scale points less than their peers in reading comprehension even after controlling for background characteristics.

Interview was also conducted and the sample population was observed. The analysis of the questionnaire, interview and observation is that schools have included special children in inclusive set up. The disabilities in the findings were Autism, learning disability, Down syndrome, hearing impaired, speech difficulty, selective mutism, ADHD and so on. The teachers were aware that there were some issues with the child but due to lack of awareness, resources and specialised professional they are not able to categorize the difficulty/disability.

Findings

- The measures and policies by the government are amended in the school but the results are gloomy. Schools have adapted the so called “inclusive set-up” but the needs of the special children are not fully met which makes a bigger difference to the life of the special children.
- Children with special needs face difficulty in comprehending, understanding the concepts and expressing themselves. The school has managed to give a classroom structure to the children with special needs by a specialized person and counselor but due to lack of time thee resources are not used properly.
- The teacher is becoming a good resource for the children by providing them individual attention, modifying their study material and curriculum and sharing a good rapport with the children. But there is a lot to be desired because resources are available but the amendments of those resources have to be improved.The teachers are less aware about the multiple disabilities/difficulties due to which they are not able to provide a better environment to the special child. Due to lack of qualified resource person schools are hiring less qualified and less appropriate people to initiate the inclusive set-up
- The findings also show that the special child faces a lot of rejection from the peers group and teachers. It was observed that due to lack of awareness many teachers make fun of the special children. They ignore the need of the child and isolate them from their peers and due to that they worsen the situation for that child to adapt the classroom atmosphere to express their feelings with peers and teachers.

The child has major difficulties in the following areas like:

- Listening to instructions
- Making friends
- Working in groups
- Social skills
- Subjects like maths where conceptual and cognitive skills are at deficit
- Subjects like English and Hindi where they lack comprehension and expression.
- In sports where they face difficulties in left-right coordination and sequencing
- Allowances given by the school in classroom structure by the specialized person are making a difference in the child’s life but due to lack of time and modified resources the special child is not able to adapt them.
- Till class 2ndthe teachers are able to provide special measures like:
 - Individual attention
 - One step instruction
 - Modified curriculum
 - Rapport building

Class 3rd onwards the teachers can provide measures like:

- Extra time
- Modified papers
- Modified marking schemes

But these are not making any difference to the special child as they face difficulty in comprehension, language and expression.

The government has initiated policies and legislative measures have reached in the school system but have to be implemented in a well-planned manner so that it brings the best outcome in the lives of these children. In the study the sample was limited to the class teachers which showed different variations in the awareness regarding the special children. The implementation of policies and legislative measures are present in the education system but are not applied properly. And many disabilities are still not included in the policies and those children face difficulties in life.

There is no doubt that the dream for discrimination free and equal education for the children with disability may require a comprehensive change in the institutional arrangements and legal provisions but the most important change has to come in our minds, in our thinking and attitude towards the disabled.

The need of the hour is concerted efforts amongst various stakeholders to be made in a time – bound manner. The urgent need is that the government should ensure that disabilities are included across all policies and it should be ensured that the children with special needs are able to access all the resources allocated to them. It should be ensured that all children have access to quality education, education policies and practice must be inclusive of all learners, encouragement of full participation for everyone and diversity as a resource rather than an obstacle. Inclusive education will make a path of prosperity and betterment for the children with special needs. Education should empower people and provide for everyone so that a better life is led by all.

Conclusion

In India, the current state of policies and legislative measures for children with special needs is still deprived due to lack of awareness among parents and society. The benefits for the special needs are still not available for everyone and many disabilities are not included in the PDA Act. Lack of affordability for education is also a reason which affects the children with special needs, the policies and government laws the best of resources are still not met to improve the betterment of the special children. Government should review the policies and legislative measures so that it can reach all the children with special needs and build a better future for them.

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