
LEGAL REGIME ON INCLUSIVE EDUCATION: NATIONAL AND TRANSNATIONAL LEGAL MECHANISM FOR THE DEVELOPMENT OF COMPREHENSIVE EDUCATION

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“A dominant problem in the disability field is the lack of access to education for both children and adults with disabilities. As education is a fundamental right for all, enshrined in the Universal Declaration of Human Rights, and protected through various international conventions, this is a very serious problem.

In a majority of countries, there is a dramatic difference in the educational opportunities provided for disabled children and those provided for non-disabled children. It will simply not be possible to realize the goal of Education for All if we do not achieve a complete change in the situation.”-----Dr. Bengt Lindqvist, the United Nations Special Rapporteur on Human Rights and Disability. UNICEF

Abstract: In tracing the origin of education in India one has to begin with the system of general education and its beginnings of what today we term “education” as it was understood and practiced in ancient India. The earliest recorded system of education is found in the Rig Veda, which broadly deals with the philosophy of life and the practices in learning. It is called the Vedic Era in the history of education in India. There were no special schools catering exclusively to specific disabilities. Students found incapable of academic learning were given options to learn other occupations, which they could do easily, such as tending cattle, gardening or housework.

Introduction:

Conceptualization: Inclusive education is not a completely new issue. Schools have since their very creation questioned and debated how to best deliver the education for the individual child. Special schools have therefore been set up to be able to give differently-abled children extra attention and care. During the nineteen eighties and nineties however, the concept of special schools for special children increasingly became questioned. Problems existed in terms of social integration, unemployment, maintaining stereotypes between groups and regarding fundamental human rights: indeed, if all children have the universal right to education, why should some experience this right separately from others? A complex debate about integration versus segregation followed, to which the concept of inclusive education is raised as an answer.

Inclusive education is brought about by having all children of society to become students of the same school. Here the school has to undergo changes to include all of its students to be a part of it. So, inclusive education means, “the act of ensuring that all children despite their differences, receive the opportunity of being part of the same classroom as other children of their age, and in the process get the opportunity of being exposed to the curriculum to their optimal potential”.

Every child is special for a parent. And, every child has a special need for love, acceptance and a feeling of belongingness. Here, we call children with special needs to those who are “different” from their cohorts. They are born equal with some limitations and with the help of inclusion be able to actively participate as equal citizens in all aspects of society and community life. Thus, children with special needs refer to “all those children those who require adaptations to the normal process of education due to problems of vision, hearing, movement, learning and intellect”. In other words, these children have some kind of disability. Disability is a

common term, which is derived from the Latin prefix ‘dis’ meaning negation, separation, each of or opposite of and the Latin words ‘habilitas’ meaning fitness; and ‘habere’ indicating to have or to be easily handled. Therefore, disability indicates the lack of power or ability to do something. Disability refers to any limitations experienced by the disabled in comparisons of two able persons of similar age, sex and culture. Disability is “a significantly restricted (or absent) ability, relative to an individual or group norm. The term is often used to refer to individual functioning, including physical or sensory impairment, cognitive impairment or mental disorder; this is associated with medical model of disability. By contrast, a human rights or social model focuses on ability as an interaction between a person and their environment, highlighting the role of a society in labelling, causing or maintaining disability within that society, including through attitudes or accessibility favouring the majority.

It is argued that persons with disability was based on the theory of Karma and a way towards a better life in the next birth. Whatever the motivation the fact remains that even as far back as 187 BC mentioned mental retardation. Patanjali included disabled persons for yoga therapy, and in the 4th and 5th C BC the Maurya Dynasty, Kautilya passed an edict banning both verbal and behavioural abuse of persons with disabilities recognizing their right to property and employment. Later King Ashoka established hospitals and asylums.

The 19th century has witnessed the knowledge and processes of educating the disabled children through Christian Missionaries. The first school for the deaf was established in Mumbai in 1883 and the first school for the blind in Amritsar in 1887. At that time, it was believed that children with disabilities could not be educated along with normal children. Therefore, the education to disabled children was offered through special school. This trend continued early sixties of the last century with the help of some international agencies

who developed programme of integrated education. Here disabilities children were placed in regular school so that they could study along with their nondisabled 'peers'. The integrated education adopts various models for service deliver. Presently the emphasis is on the need to provide education for all in appropriate environment with inclusive philosophy through inclusive education.

It was recognized by the government that people with disabilities have the same right to education as other citizens but the needs of a nation grappling with a myriad problems, poverty and sheer survival needs of its people made it difficult to sustain focus on the development of services for disabilities. In 1974, a major shift in education for the child with disability was achieved with the launch of the comprehensive Integrated Education for the Disabled Child (IEDC). The aim was to provide children with moderate disabilities with both facilities and financial support. This was implemented in 15,000 schools in 26 states and union territories and reportedly covered 65,000 children with disabilities in mainstream schools. In a bid towards the implementation of this project, the Government launched Project Integrated Education Development (PIED), which provided teacher training, methodology for identification of children and school facilities as support services.

However a major criticism against this was that it covered only the mild and moderately disabled who were admitted in schools undetected as disabled and that it did not cover preschool children. It was also not specifically geared to children with intellectual disabilities. It was therefore withdrawn but it did provide learning experience in that it nudged policy makers closer to the concept of integration as a first step which led later to rethinking education services and to the formulation of inclusive practices. It was only in 1986 when the Parliament of India adopted the National Policy on Education (NPE) that for the first time equality of opportunity was formally stated as a goal of education and the phrase "education for the handicapped" was used. The first National Policy on Education (NPE) of independent India was passed in 1968 but had to be reformulated in 1985 since it lacked financial and organizational support. But at this time the policy advocated only the integration of children with mild disabilities in mainstream schools. It also enabled the setting up of a team of experts under the Chairmanship of Behrul Islam in 1987 to study the problems of disabled children and became the core of the comprehensive legislation. Later the Disabilities Act of 1995 was implemented. The Ministry of Social Justice and Empowerment provided assistance through grant in aid schemes to voluntary organizations and these could cover education if applied for assistance up to 90% in urban areas and up to 95% in rural areas is provided for setting up special schools and other service delivery programs for education.

Legal Regime: After independence, the Indian Constitution directed the state to ensure provision of

basic education to all children up to the age of 14 years. The education of people with disabilities was, however, not explicit in the early constitutional provisions except for guaranteeing similar rights for people with disabilities as other members of society. The Education Commission of 1966 (Kothari Commission) drew attention to the education of children with disabilities. In 1974, for the first time, the necessity of integrated education was explicitly emphasized under the scheme for Integrated Education for Disabled Children (IEDC). In pursuit of the goal of providing basic education for all, the National Policy on Education (1986) and its follow-up actions have been major landmarks. The World Declaration on Education for All adopted in 1990 gave further boost to the various processes already set in motion in the country.

The Rehabilitation Council of India Act 1992 initiated a training programme for the development of professionals to respond to the needs of students with disabilities. The enactment of the People with Disability Act in 1996 provided legislative support. This act makes it mandatory to provide free education to children with disabilities in an appropriate environment until the age of 18 years. In 1999, the government passed the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act for the economic rehabilitation of people with disabilities. These acts have been instrumental in bringing about a perceptible change/ improvement in the attitude of government, NGOs and people with disabilities. A decade ago two major initiatives have been launched by the government for achieving the goals of universalization of elementary education (UEE): the District Primary Education Programme (DPEP) in 1994 and the Sarva Shiksha Abhiyan (SSA) in 2002.

Programmes launched in the recent past have been able to make only a limited impact in terms of increasing the participation of children with disabilities in formal education. This situation needs to change; a focused effort is required. Keeping in view recent initiatives on inclusive education, a comprehensive review is necessary to help in better understanding the present status of education of children with disabilities, and how inclusive education can be promoted.

The Constitution of India does not explicitly include children with disabilities in the provisions made for education, but Article 41 does mention people with disabilities and says in part "the State shall within the limits of its economic development make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, disablement and in other cases of undesired want". It does not mandate the free and compulsory education as a fundamental right and is merely a directive principle to guide state policy but Article 45 does rectify this by stating that free and compulsory education should be provided for ALL children until they complete the age of 14" The *ALL* is never specifically explained.

But the 93rd amendment to the Indian Constitution passed in December 2001, affirms the Government's commitment to (EFA) Education for All. In Sanskrit it is SarvaShikshaAbhiyan (SSA). It explicitly states that this includes children with disabilities. This policy aims at all children in the 6 to 14 age group being able to complete eight years of schooling by the year 2010. The SSA gives importance to early childhood care and education and appropriate intervention for children with special needs and also makes special reference to the education of the girl child. The positive factor is the change incorporated in the Education Act by adding a pertinent clause which clarifies that "ALL" includes children with disabilities. More over India is a signatory to the United Nations World Declaration on Education for All, (EFA-1990) which reaffirmed the rights of all children including children with disabilities to access education in regular schools.

Therefore the recognition and conceptualization of a major shift from integrated schools to one which was more inclusive and in December 1995 the government of India passed a bill in the Parliament called "The Equal Opportunities, Protection of Rights and Full Participation Bill for Persons with Disability" or The Disability Act in short. This Bill very specifically mandates that every child with disability should have access to free and adequate education, government has recognized the need for certain amendments in this Act and has begun the process. The principle areas for rectification have been identified and the major focus is on lack of a specific mention of services to those doubly handicapped by poverty and disability. A Draft National Policy for Persons with Disability has been circulated on 15th of June in 2005.

Transnational Convention: The international promotion and protection of human rights was originated in the foundation of United Nation by the end of World War II. In the year 1970, the disability was viewed with a different angle, which was established as human rights approach. This approach given a way to major international declarations related to the rights of the disabled. All the member countries enforced the declaration as per the law of the land. These various declarations are as follows: 1. The Universal Declaration of Human rights in United Nations (1948). The general assembly of the United Nations adopted above declaration vide resolution no.217 A on December 10, 1948. Some of the article such as Article 1,2,22 and 25 are relevant to the need of persons with disabilities. 2. The universal declaration on the rights of Mentally retarded Persons (1971). The general Assembly of United Nations declared the rights of the mentally Retarded persons vide its resolution no.2865 (XXVI) on 10th December 1971. This was the first step towards integration of persons with disabilities. 3. The Universal Declaration & on the Rights of the disabled Persons (1975). This declaration was adopted on 9th December 1975 vide resolution No.3447 (XXX). 4. The World Programme of

Action Concerning Disabled Persons (1982). This was formulated as a result of the International year of Disabled 1981. It is an international strategy to enhance disability prevention, rehabilitation and equalization of opportunities, related to full participation of persons with disabilities in social life and national development. 5. The Salamanca Statement and Framework for Action on Special Needs Education (1994).

It is heartening that the UN Convention on rights of persons with disability in January 2005 has allowed non state parties unprecedented participation rights in the discussion of the Convention at the level of the UN. However it is important to understand that the Convention on Disability Rights was required despite other Human Rights instruments already existing because these earlier conventions had not addressed the concerns of persons with disabilities themselves. It is also recognized now that the earlier Disability Rights conventions such as the Standard Rules on Equalization of Opportunities for Persons with Disabilities, had confined themselves to what is called "soft laws", which have only a persuasive value. The fact is that the Disability movement internationally has far outgrown the paternalistic and protective ideology which finds expression in the conventions such as the Declaration of Rights of people with Disabilities and the Declaration of the Rights of Persons with Mental Retardation. The Convention also presents a unique opportunity to examine the dichotomy brought into existence by earlier conventions on civil-political and socio-economic rights and to move on to foster indivisibility of human Mohan 6 years who lives in Chennai in India went with his parents for admission into a school. The general school refused to give him because he could not see fully. He went to a special school for admission. They also refused admission because he could see partly. 'When good inclusion is in place, the child who needs the inclusion does not stand out. The inclusive curriculum includes strong parental involvement, students making choices, and a lot of hands-on and heads-on involvement. India is a signatory to or participated in the United Nations Rights of the Child, United Nations Standard Rules on the Equalisation of Opportunities, the Jomtien Declaration on Education for All and the Salamanca Statement and Framework for Action.

The world conference on special Needs Education was jointly organized by Government of Spain and UNESCO in Salamanca in 1994. The major thrust of the conference was inclusive education. The Statement refers to "Regular schools with inclusive orientation are the most effective means of combating discriminatory attitudes, building on inclusive society and achieving education for all, moreover they provide effective education to the majority of children and improve the efficiency and ultimately the cost effectiveness of the entire education system". The statement also calls on

the international community to endorse the approach of inclusive schooling.

"Article 3, of Salamanca Framework for Action declared that Schools should accommodate all children regardless of their physical, intellectual, emotional, social, linguistic or other conditions." "Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system." (Article 2, Salamanca Statement)

This framework stems from the messages of the Jomtien World Declaration on Education for All (1990) and was reaffirmed in the Dakar Framework for Action (2000). In order to attract and retain children from marginalized and excluded groups, education systems should respond flexibly... Education systems must be inclusive, actively seeking out children who are not enrolled, and responding flexibly to the circumstances and needs of all learners (Education for All: Meeting our Collective Commitments. Expanded Commentary on the Dakar Framework for Action, Para 33)

Rule 6 of the UN Standard Rules for Persons with Disabilities states: 'States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system. General education authorities are responsible for the education of persons with disabilities in integrated settings. Education for persons with disabilities should form an integral part of national educational planning, curriculum development and school organization.'

Salamanca Statement and its recommendation:

Every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning, every child has unique characteristics, interests, abilities and learning needs, education systems should be designed and educational programmes implemented to take into account the wide diversity of these characteristics and needs, those with special educational needs must have access to regular schools which should accommodate them within a child centred pedagogy capable of meeting these needs,

Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

It called upon all governments and urge them to: give the highest policy and budgetary priority to improve their education systems to enable them to include all

children regard lessor f individual differences or difficulties, adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise, to develop demonstration projects and encourage exchanges with countries having experience with inclusive schools, it should establish decentralized and participatory mechanisms for planning, monitoring and evaluating educational provision for children and adults with special education needs, encourage and facilitate the participation of parents, communities and organization of persons with disabilities in the planning and decision making processes concerning provision for special educational needs, invest greater effort in early identification and intervention strategies, as well as in vocational aspects of inclusive education, ensure that, in the context of a systemic change, teacher education programmes, both preserve and in service, address the provision of special needs education in inclusive schools. It also called upon the international community; in particular we call upon: governments with international cooperation programmes and international funding agencies, especially the sponsors of the World Conference on Education for All, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), and the World Bank:- to endorse the approach of inclusive schooling and to support the development of special needs education as an integral part of all education programmes; - the United Nations and its specialized agencies, in particular the International Labour Office (ILO), the World Health Organization (WHO), UNESCO and UNICEF: - to strengthen their inputs for technical cooperation, as well as to reinforce their cooperation and networking for more efficient support to the expanded and integrated provision of special needs education; non-governmental organizations involved in country programming and service delivery:

To strengthen their collaboration with the official national bodies and to intensify their growing involvement in planning, implementation and evaluation of inclusive provision for special educational needs; UNESCO, as the United Nations agency for education: - to ensure that special needs education forms part of every discussion dealing with education for all in various forums, - to mobilize the support of organizations of the teaching profession in matters related to enhancing teacher education as regards provision for special educational needs, - to stimulate the academic community to strengthen research and networking and to establish regional centres of information and documentation; also, to serve as a clearinghouse for such activities and for disseminating the specific results and progress achieved at country level in pursuance of this Statement, - to mobilize funds through the creation within its next Medium-Term Plan (1996-2002) of an expanded programme for inclusive

schools and community support programmes, which would enable the launching of pilot projects that showcase new approaches for dissemination, and to develop indicators concerning the need for and provision of special needs education.

Finally, it express our warm appreciation to the Government of Spain and to UNESCO for the organization of the Conference, and we urge them to make every effort to bring this Statement and the accompanying Framework for Action to the attention of the world community, especially at such important forums as the World Summit for Social Development (Copenhagen, 1995) and the World Conference on Women (Beijing, 1995).

Legal Issues: Progress towards the right to Inclusive Education Barriers to inclusive education: The importance of legal issues cannot be underestimated. Most policy documents on Inclusive Education begin with the recommendation that a policy framework and legislative support must be in place to ensure access to and equal participation in Inclusive Education programs. The literature also makes clear that the impetus for Inclusive Education has been put on the agenda and propelled forward by Disabled Peoples Organizations. DPOs have achieved this agenda through organized political pressure and mobilizing allies. As a result, progress towards Inclusive Education has been slow but steady over the last twenty-five years. International Covenant on Civil and Political Rights (1966). International Covenant on Economic, Social and Cultural Rights (1976). Convention on the Rights of the Child (1990)

United Nations Standard Rules on Equalization of Opportunities for Persons with Disabilities With respect to enforcing these rights, several reports provide some basic information. Specifically, these reports document that legislation pertaining to Inclusive Education appears to be in place in majority of reported countries. At the national level, several of these could have a significant impact on Inclusive Education. With respect to projects funded by multi-lateral assistance and by international funding institutions such as the World Bank, the Expert Group recommends the following points.

- To encourage states to adopt special policies and legislation that promote the full inclusion of persons with disabilities in all aspects of social, cultural and economic life;
- To develop and promote minimum standards relating to accessibility and related disability rights issues in connection with the projects they sponsor and fund;
- To encourage and help facilitate the development of working relationships between disability community advocate groups in different countries, utilizing the networks and partnerships they have worldwide, thereby encouraging the development of trans-national strategies to respond to the problems

identified;

- Disability advocacy groups in countries/regions affected by the operation of trans-national groups should explore such strategies as the filing of litigation against trans-national corporations operating in their countries to enforce the extraterritoriality provisions of disability law in those corporations' home countries.

The education system in India has compromised on many levels. We no longer see the child as priority. We have become very conscious of the need to educate our children but it is hardly academic motivation, which generates this interest but rather an economic motivation. Education is largely seen as the route to white collar jobs and this is due to our present education system, which has moulded generations to the thinking that all worth is measured in terms of money. Very often the knowledge of the English language becomes the measure of this worth. So, Inclusive education in India, needs must contend with the present system of education, which is provided under the Integrated Education Program for children with mild disabilities in a regular school and the special school for the more severely disabled child under the Ministry of Social Justice and Empowerment implemented through state governments and NGO's.

Some questions will inevitably have to be confronted. Perhaps the most important is not whether inclusive education is relevant for us in India but the problems associated with its implementation. ? A major deterrent has been the lack of statistics on the prevalence of intellectual disability. Surveys conducted by the NSSO (National Sample Survey) in 2002 and the Census in 2001 show varying figures with the NSSO quoting 1.8% (1.85 crore of the country's population) and the census quoting 2.19% of the population. (2.19crore). The large number of children in most schools is another reason since most of our schools except the elitist ones have classes where student teacher ratio is anywhere between 40 to 60. What passes for education in most free educational institutions offering services to the poor and even in some middle class communities catering to a major chunk of educable children can hardly earn the title of quality. The disparity between elite educational institutions and their poorer counterparts are too glaring even to be mentioned. However, the journey towards Inclusive education has begun and is a reality since the mind set of government and the general public by and large has changed.

National level policy and legislation: The Indian Education Commission (1964-66) first suggested that the education of handicapped children has to be organized not merely on humanitarian grounds, but also aspects of utility. The commission viewed that in spite of constitutional obligation on universal compulsory education for all, including children with disabilities, very little had been done in this regard. The Commission emphasized that the education of children with disability should be "an inseparable part of the

general education system” commission is also specifically emphasized the importance of integrated education in meeting this target as it is cost effective and useful in developing mutual understanding between children with and without disabilities.

National Policy on Education 1986: The National Policy on Education was adopted by Indian Parliament in 1986. The policy emphasizes the removal of disparities, and ensuring equalization of educational opportunity under its para education of the disabled. The measures may be taken in this regards are :a. Wherever feasible, the education of children with loco motor handicaps and other mild handicaps will be common with that of others.b. Special schools with hostels facilities will be provided, as far as possible at district head headquarters for the severely handicapped children.c. Adequate arrangements will be made to give Vocational training to the disabled.d. Teacher’s training programmes will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children.e. Voluntary effort –for the education of the disabled will be encouraged in every possible manner.

Specific Legislation for Persons with Disabilities: In the lights of above international declaration and policies framework, Parliament of India has passed following legislation for equalization of opportunities and safeguarding the rights of the persons with disabilities in India.

The Mental Health Act 1987: This Act replaced the Lunacy Act of 1912.The purpose of this Act was to regulate admission to psychiatric hospitals or nursing homes of mentally ill persons who do not have sufficient understanding to seek treatment on a voluntary basis and to protect the rights of such persons while being detained.Some of the important provisions of the Act are: A mentally ill person has the right to be admitted, treated and taken care of in a psychiatric hospital or psychiatric nursing home established or maintained by the government or any other person for the treatment and care of mentally ill persons. Even mentally ill prisoners and minors have a right of treatment in psychiatric hospitals or psychiatric nursing homes of the government. Mentally ill persons undergoing treatment shall not be subjected to any indignity – physical or mental or cruelty. Mentally ill persons who are entitled to any pay, pension, gratuity or any allowance from the government (such as government servants who become mentally ill during their tenure) are not to be denied such payment. A mentally ill person shall be entitled to the services of a legal practitioner by order of a magistrate or district court if he/she has no means to engage a legal practitioner or his /her circumstances so warrant in respect of proceedings under the Act.

The Rehabilitation Council of India (RCI) Act, 1992: This Act was passed in 1992 for the purpose of constituting the Rehabilitation Council of India, for regulating the Training of Rehabilitation Professionals and for maintenance of a Central Rehabilitation

Register. It was amended by Rehabilitation Council of India (Amendment) Act, 2000 to provide for monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education as additional objectives of the Council.· Recognition of qualifications in the field of disability and rehabilitation granted by institutions, universities, etc., in India for rehabilitation professionals.· Recognition of qualifications granted by Institutions outside India under reciprocal system.· Granting/withdrawal of recognition to institutions on the basis of approved standards.· Set minimum standards of education /curriculum.· Maintenance of Central Rehabilitation Register (CRR) for rehabilitation professionals/ personnel.· Provision for inclusion/removal of names from CRR.The RCI through its linkages with training institutions and universities has been undertaking standardization of curriculum, monitoring and evaluation, assessment of teacher training and research and development in the field of disability and rehabilitation.

Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995: Landmark legislation in the history of special education in India is the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995. This comprehensive Act covers seven disabilities, namely blindness, low vision, hearing impaired, loco-motor impaired, mental retardation, leprosy cured and mental illness. Chapter V (Section 26) of the Act, which deals with education, mentions that the appropriate Governments and the 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; Endeavour to promote the integration of students with disabilities in normal schools; Promote setting up of special schools in government and private sectors for those in need of special education in such a manner that children with special needs living in any part of the country have access to such schools; and Endeavour to equip the special schools for children with special needs with vocational training facilities.

National Trust for the Welfare of Person with Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

National Trust Act of 1999: This Act seeks to protect and promote the rights of persons who, within the disability sector, have been even more marginalized than others. Though the National Trust Act of 1999 does not directly deal with the education of children with special needs, one of its thrust areas is to promote programmes, which foster inclusion and independence by creating barrier-free environment, developing functional skills of the disabled and promoting self-help groups.The object of the National Trust is to empower families to retain their disabled members within the family and the community. The Trust reaches out to disabled persons and their families and provides a range

of relief and care services. Such services may be provided through institutional care or in the homes in case the families and their disabled members are unable to access the services outside the house.

Conclusion: As a system, inclusive education should be flexible. Its principle should be education in the regular classroom whenever possible. This need for flexibility must be reflected in the methods and materials used to give these children the widest possible access to the regular curriculum. When discussing the kind of service needed, the starting point should always be what is best for the particular child. Emphasising inclusive education does not rule out special schools or centres. They would still be required to cater to children with profound and complex difficulties in need of more specialised and extensive help, including e.g. many deaf children. This alternative should, however, not be considered, unless classroom placement cannot meet their needs.

In line with the new policy of inclusive education, special schools begin to function more and more as resource centres. They involve in outreach programmes, where they draw on their vast experience and knowledge. They link their activities with those of the regular schools, the families, and the communities. Inclusive education services allow children with disabilities to stay with their family and to go to the nearest school, just like all other children. This circumstance is of vital importance to their personal development. Interrupting a disabled child's normal development may have far more severe consequences than the disability itself. In this context, it is important to stress the role parents have. They have a right to be involved in all decision-making concerning their child. They should be seen as partners in the education process. Where there is such co-operation, parents have been found to be very important resources for the teachers and the schools. As a rule, there are a number of practical problems that have to be solved before a child with special educational needs can go to school or take part in school activities. The arrangements it takes are fairly simple, provided co-ordinated local and unconventional initiatives are stimulated. One should also remember that the child's schoolmates represent a valuable potential partner who is ready and able to help in overcoming some of these problems. School reform needed which facilitating learning of every child.

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Legislation has the dual role of being a mirror of the societal policy and of spurring action to further a cause. Although legitimate interests of weaker and vulnerable sections of the society can be promoted even in the absence of legislation and mere enactment of some legislation without appropriate implementation and support –financial and otherwise- could just remain a declaration of sentimental desire. Although, the aforementioned enactments of the persons with disabilities, they have not been found in full motion due to many systemic lacunae including the lack of awareness and lack of organized strength among the persons with disabilities and the people as well as organizations working for them.

Inclusive education is an important challenge for all—policymakers, teachers, support staff, parents and learners alike. Strategies towards its broad aims are adapted on the international level as well as in the classrooms themselves. Teachers around the world support the ideas of inclusive education, but raise a number of practical problems that prevent reaching our common goals. It is clear that international commitments such as the Salamanca declaration and the Dakar Framework for Action do not fail because of their ambition (which indeed still needs to be higher!), but because of problems in their implementation. EI argues that inclusive education cannot be a success without strengthening the dialogue between the policy-makers and the professional in the classroom. The voices of teachers as well as parents and learners need to be heard and magnified, in order to address the problems they experience while implementing our common commitments. With their support, inclusive education can start to benefit all members of future generations.

Inclusive education must respond to all pupils as individuals, recognizing individuality as something to be appreciated and respected. Inclusive education responding to special needs will thus have positive returns for all pupils. All children and young people of the world, with their individual strengths and weaknesses, with their hopes and expectations, have the right to education. It is not our education systems that have a right to a certain type of children. Therefore, it is the school system of a country that must be adjusted to meet the needs of all its children. "Where there is a will there is a way!"

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