



RIGHT TO EDUCATION OF CHILDREN WITH DISABILITIES IN INDIA -ISSUES AND CHALLENGES

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Abstract: Child with disability is posing a great problem to the world. Person with disabilities comprises 4 to 8% of the Indian population. Child with disabilities are subjected to multiple deprivation in several dimensions of their lives, for them pursuing education is a major challenge. The Children with disability are debarred from various developmental and welfare scheme of the society due to their physical or any other structure of their body. So it should be the duty of the State to provide some special measures for their upliftment of their lives so that they can survive in the society with dignity without hampering the growth of the nation. Education is the special manifestation of man and is the treasure which can be preserved without the fear of loss. As education is an important tool and is the most important mechanism for the advancement of human being, so if a particular section of people is deprived from it their life will largely marked by poverty and marginalization from mainstream social processes. The Universal Declaration of Human Right (UDHR) is the first instrument providing the Right to Education to all people. As India is also one of the signatories to this instrument, the Constitution of India entrusted power to State as well as Parliament to provide education to all the people of India. The Constitution of India also recognises Right to Education as the basic Fundamental Right enumerated in Part III. Education is now being vision as a human right, so the Constitution of India also imposes duty on the citizens to provide compulsory education to the children. In this research paper the researchers have tried to focus on the various Constitutional Provisions relating to Educational Right, International Instruments and various schemes and programmes issued by the Govt. of India along with these also tries to points out the various challenges faced by them in respect of Right to Education and provides some measures to abolish these challenges.

Index Terms - International, instrument, development, welfare, marginalization.

I. INTRODUCTION

"Disabled Children are equally entitled to an exciting and brilliant future"

..... **Nelson Mandela**

Education is definitely a fundamental right, necessary for a person's empowerment and the advancement of society as a whole. The right to education is the fundamental human right of every Indian citizen, whether born in a high-profile civilization or in a remote, underdeveloped town.. However, Children with Disabilities (CWDs) need special type of facilities and resources which may not be provided by the present scheme of our education system. There are many CWDs of school who are not enrolled in primary schools, even the number of those who are enrolled in primary schools progressively reduces as they proceed to the upper

classes of primary education. Therefore, many CWDs do not enjoy their right to primary education despite the government's efforts to provide education to all children in Uganda. The rationale for this study is to identify the challenges faced by parents of CWDs, teachers and local government in providing primary education to CWDs especially in main streams schools.

Right To Education Under The Constitution Of India

The Indian constitution has provisions to ensure that the state provides education to all its citizens. Article 21 is required to be construed in the light of Article 41, 45 and 46 of the Constitution of India.¹The Indian constitution in its original enactment defined education as state subject. Under Article 42 of the constitution, an amendment was added in 1976 and education became a concurrent list subject which enables the central government to legislate it in the manner suited to it. The Constitution (Eighty-sixth) Amendment Act has now inserted Article 21A in the Constitution which makes education a Fundamental Right for Children in the age group of 6- 14 years by providing that; "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine". Article 21 is required to be construed in the light of Article 41, 45 and 46 of the Constitution of India.²In *Unni Krishnan .J.P. vs State of A.P.*³ the Supreme Court had recognized the fundamental right of every child for free and compulsory elementary education upto the age of 14 years as provided in Article 45 prior to its amendment in 2002.⁴ To ensure sufficient and effective realization of this right as well as to reassert national will and commitment in this regard, Article 21-A was inserted by 86th Constitutional Amendment in 2002.⁵The judiciary has played a crucial role in upholding the right to education in India. Landmark judgments, such as the *Unnikrishnan Judgment* and the *Mohini Jain case* (1992), have reiterated the importance of education as a fundamental right and have set precedents for future cases. Article 51A (k) has put the fundamental duty on the parent to educate their children between the age group of 6 to 14 years⁶.

Judicial Intervention

Judiciary has played an important role in recognising the right to education. In *Mohini Jain v. Union of India*⁷ Hon'ble Apex court held that the right to education is a fundamental right enshrined under the Constitution. It was further held that there cannot be a right to life without the right to education. Next year in the celebrated judgement of *Unni Krishnan v. State of Andhra Pradesh*⁸, Supreme Court further reiterated the fundamental right of education under Article 21. After this judgement the 86th Constitutional Amendment Act, 2002 was made which inserted Article 21A and 51A(1)(k).

In *Bandhua Mukti Morcha v. Union of India*⁹, the Supreme Court noted the significance of ensuring education for children from educationally deprived sections i.e., the poor, weaker sections, Dalits, tribals and minorities. Furthermore, it noted that providing compulsory education to such children was essential to the

¹VN Shukla Constitution of India, p. 220 Eastern Book Company, Lucknow 13th edition (2017)

²ibid

³ (1993) 1 SCC 645: AIR 1993 SC 2178

⁴ Supra note 1

⁵ ibid

⁶ M P Jain, Indian Constitutional Law p.no 1284 (Lexis Nexis, 8th Edition, 2018)

⁷AIR 1992 SC 1858

⁸AIR 1993 SC 2178

⁹ 1997(10) SCC 549

“stability of the democracy, social integration and to eliminate social tensions.” Therefore, the recognition of education as a site of social justice was recognized even prior to the enactment of Article 21A.

The Delhi High Court in *Social Jurist v. Government of NCT of Delhi*¹⁰ considered that, on the basis of the RTE Act, children with disabilities had the right to access all schools, whether aided or unaided by the Government. The Court acknowledged that the absence of such facilities creates a “vicious cycle”, where children with disabilities don’t seek admission due to the absence of such facilities, thereby rendering their right to education meaningless.¹¹ In *Pramod Arora v. Governor of Delhi*¹², the Court considered that the fact that “children with disabilities” faced even greater marginalization than other groups of children from disadvantaged groups and therefore, their inclusion within the education set up only created a higher burden of affirmative action by the Government, in view of the right to equality under Article 14 and the statutory scheme, to ensure meaningful inclusion within the education set up.

In *Kamal Gupta v. State of Uttarakhand*¹³ High Court proposed a reporting mechanism which allowed for admission for children with disabilities in line with information on aided and unaided schools which had the facilities to cater to them. However, it is clear that after the RPWD Act came into force, all schools are required to meet the conditions of reasonable accommodation. At the same time, Courts continue to refer to the provisions of the old Act in interpreting the scope of education for children with disabilities even after the Act came into force.

The scope of the obligations under the RPWD was thereafter considered by the Delhi High Court in *Syed Mehedi v. Government of Delhi*,¹⁴ wherein the Court conducted, to an extent, the exercise referred to it Part III of this paper i.e. the recognition that the duty cast by Sections 16 and 17 of the RPWD is binding.

Right To Free And Compulsory Education Act,2009

Nearly eight years after the Constitution was amended to make education a fundamental right, the government of India from 1st April 2010 implemented the law to provide free and compulsory education to all children in age group of 6-14 years. The 86th Constitutional amendment making education a fundamental right was passed by Parliament in 2002. The Right of Children to Free and Compulsory Education Act, a law to enable the implementation of the fundamental right, was passed by Parliament last year. Both the Constitutional amendment and the new law came into force from 1st April 2010. The new law makes it obligatory on part of the state governments and local bodies to ensure that every child gets education in a school in the neighborhood. This act is being enforced from 1st April 2010 to provide free and compulsory education to all children between the ages of six to fourteen years is in place.

This Act in India is a significantly focuses on the education of all children in the age group of 6 to 14 years. Each child is an individual with their unique identity, strengths, and differences. However, in any society, there are several groups of children who are disadvantaged owing to their gender, disability (physical, sensory, cognitive and others), socio-economic status of the family, religious, ethnic, cultural, and geographical location and several other factors.

¹⁰2012 SCC Online Del 4651

¹¹Ibid. pg 14-15

¹²(2014) 5 HCC (Del) 215

¹³2018 SCC OnLine UTT 677

¹⁴2019 SCC OnLine Del 9015

The RTE Act is not meant only for children belonging to poor families. Any child who is living in India, rich, poor, or born to parents of any caste, religion, or ethnicity shall have a right to free and compulsory elementary education. To ensure that a child with disability is able to enjoy and avail the rights provided under the RTE Act, an amendment was passed by Parliament in 2012 and the words “child with disability” were inserted in the definition of “child belonging to disadvantaged group”. Therefore, wherever the term “child belonging to disadvantaged group” is used in the Act, it also includes “child with disability”.¹⁵

Additional provisions regarding education of children with disabilities in RTE Act, 2012

Additional provisions for children with disabilities as per the RTE (Amendment) Act passed in 2012 [Section 4 of RTE Amendment Act, 2012]. Like all children, children with disabilities also have the right to pursue free and compulsory elementary education, either in formal government schools or private and specified category schools or avail the home-based education facility. Their education is to be provided as per the Rights of Persons with Disabilities Act, 2016, commonly referred to as RPwD Act. Further, as per the RPwD Act, 2016, every child with benchmark disability between the age of six to eighteen years has the right to free education in a neighbourhood school, or in a special school, of their choice. Whereas, a child with high support needs, is entitled to services and facilities, to be provided by the Government as per their needs and requirements.

Role Of Parents

Parents play an important role in ensuring the right of their child to free and compulsory elementary education in a neighbourhood school. According to the RTE Act, 2009, it shall be the duty of every parent or guardian to admit or cause her or his child or ward, to be admitted as the case may be, for elementary education in a neighbourhood school (Section 10).

In compliance to article 51A(k) , it is the duty of every parent or guardian to admit their child in a neighbourhood school. However, the Act does not impose punishment on the parents, if they do not send their child to school. Reluctant parents should be persuaded and encouraged by the SMC members, teachers, local NGOs, and the local authorities to fulfil their duties and send their child or children to school, including those belonging to disadvantaged groups and weaker sections (girls, children with disabilities, children belonging to the SC and ST communities, and so on).

The RTE Act provides basic rights to parents to participate in school management, and work together with the schools and community for the overall growth and development of children at the elementary level. According to the RTE Act, a school [other than a school specified in Sub-clause (iv) of Clause (n) of Section 2] shall constitute a School Management Committee (SMC) consisting of the elected representatives of the local authority, parents, or guardians of children admitted in such schools, and teachers. The composition of the elected representatives, especially parents, is as follows [Section 21(1)]:

- at least three-fourth of members of such committee shall be parents or guardians;
- proportionate representation shall be given to the parents or guardians of children belonging to the disadvantaged groups and weaker sections;

¹⁵ [Clause (a) of Section 3 of Right to Free and Compulsory Education Act, 2009]

fifty per cent of members of such committee shall be women; and

- parents can participate in planning and managing of the school programmes, and have their views represented as members of the SMC.

Qualified teacher for teaching children with disabilities.

According to the RTE Act, the minimum qualifications for an elementary school teacher are laid down by an academic authority [in this case, the National Council for Teacher Education (NCTE)]. Any person who possesses a minimum of these qualifications can be appointed for teaching children, including those with disabilities, at the elementary level.

As per the qualifications laid down by the NCTE, the teachers trained in general or in special education have an equal opportunity for appointment. Thus, every teacher is qualified to teach a child with disability. However, necessary support can be provided by special educators and/or specialists to meet the educational needs of children with disability. Such teachers and/or specialists are expected to be trained [degree or diploma holders in special education courses recognised by the Rehabilitation Council of India (RCI)]. Under SarvaShikshaAbhiyan, an MHRD flagship programme, there is a provision for appointing two resource persons at the Block Resource Centre (BRC) to provide such report.

Right to Education in International Perspective

The *right to education* has been recognized as a human right in a number of international conventions. The rights of all children from early childhood stem from the 1948 Universal Declaration of Human Rights. The declaration proclaimed in article 1: 'All human beings are born free and equal in dignity and rights'. The declaration states that human rights begin at birth and that childhood is a period demanding special care and assistance [Art. 25 (2)]. The right to education is reflected in article 26 of the Universal Declaration of Human Rights, which states: "Everyone has the right to education and it shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children." Article 26 of the declaration provides that every person has the right to education further it provides that education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.¹⁶

The 1959 Declaration of Rights of the Child affirmed that: 'mankind owes to the child the best it has to give', including education. This was amplified by the International Covenant on Economic, Social and Cultural Rights of 1966 which states that: 'education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. [Art. 13 (1)]

¹⁶Durga Das Basu, *Comparative Constitutional Law*, no 149, (Lexis Nexis, Gurgaon, 3rd Edition, 2014)

II. MEANING OF DISABILITY

Disability can be defined as the absence of individual functional capacity which can be performed by other individuals in absence of impairment. Around the world there is no consensus regarding the definition of disability. Disability is the experience of any condition that makes it difficult for a person to do certain activities or have equitable access within the society. This impacts overall well being and development including factors like cognitive, intellectual, mental, physical or sensory development. The impact of disability is not only on the organs of the body but it also affects the functioning of the individual in the society. People with disabilities experience poorer health outcomes, have less access to education and work opportunities, and are more likely to live in poverty than those without a disability.

A person has a disability if they have a physical or mental impairment and impairment as a substantial and long term adverse effect on the person's ability to carry out normal day to day activities.

- Fluctuating or recurring conditions such as rheumatoid arthritis, myalgic encephalitis (ME), chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy, even if the person is not currently experiencing any adverse effects.
- People with HIV, cancer and multiple sclerosis are deemed as disabled as soon as they are diagnosed.
- Other progressive conditions, such as motor neurone disease, muscular dystrophy, and forms of dementia.
- A person who is certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist is deemed to have a disability.
- Severe disfigurement is treated as a disability.
- A range of conditions are treated as a disability, as long as the other factors from the definition are met, in terms of having substantial and long-term impact on the ability to do normal day to day activities.¹⁷

In the RPWD Act, 2016, the list has been expanded from 7 to 21 conditions and it now also includes cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, hard of hearing, speech and language disability, specific learning disabilities, autism spectrum disorders, chronic neurological disorders such as multiple sclerosis and Parkinson's disease, blood disorders such as haemophilia, thalassemia, and sickle cell anaemia, and multiple disabilities.

EDUCATION FOR CHILDREN WITH DISABILITIES (CWDs)

Children with disabilities(CWDs) have special needs. When we talk of imparting education to CWDs we need to take a different approach considering their special needs. Different approaches have been adopted for educating the CWDs. Two major approaches are Special Education and Integrated Education. However a third approach that is the Inclusive Education Approach have also emerged and is gaining acceptance all over the world.

SPECIAL EDUCATION APPROACH

The Special Education Approach emerged during the later 19 century period. This approach is based on the principle of segregation of the CWDs from other children on the basis of their special needs. This approach believes that CWDs with similar conditions or disabilities need to be taught separately outside the

¹⁷<https://www.gmc-uk.org/education/standards-guidance-and-curricula/guidance/welcome-and-valued/health-and-disability-in-medicine/who-is-a-disabled-person>.

mainstream and within a similar environment. Because of this segregation this approach has received criticism because of the impact of isolation.

INTERNATIONAL EFFORTS FOR INCLUSIVE EDUCATION

The United Nations Convention on Rights of Persons with Disabilities(UNCRPD) was adopted in 2006 which has played a pivotal role in recognising the rights of the PWDs worldwide. The UNCRPD provides that CWDs shall not be discriminated against with regard to access to education.

The United Nation adopted 17 Sustainable Development Goals(SDGs) in 2015. Goal 4 aims for inclusive and equitable quality education and promotes lifelong learning opportunities for all.

INITIATIVES AND LEGISLATION IN INDIA

Since the first National government formed at the centre after Independence, education has remained a point of focus for every government. Kothari Commission also known as National Education Commission was formulated under the chairmanship of Daulat Singh Kothari in 1964. In this report the commission suggested CWDs should receive education which is useful and beneficial not merely for namesake. Report also emphasised on the need for integration rather than segregation of CWDs. The commission report also set targets for advancement in education of CWDs.

After India signed and ratified the UNCRPD in 2007, the process of enacting a new legislation in place of the Persons with Disabilities Act, 1995 (PWD Act, 1995) began in 2010 to make it compliant with the UNCRPD. After series of consultation meetings and drafting process, the Rights of PWD Act, 2016 (RPWD Act, 2016) was passed by both the houses of the Parliament. It was notified on December 28, 2016 after receiving the presidential assent, which replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 and honour India's commitment to United Nations Convention on the Right of Persons with Disabilities.¹⁸

The Act lays stress on nondiscrimination, full and effective participation and inclusion in society, respect for difference and acceptance of disabilities as part of human diversity and humanity, equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children with disabilities, and respect for the right of children with disabilities to preserve their identities. The principle reflects a paradigm shift in thinking about disability from a social welfare concern to a human rights issue.

The RPWD Act, 2016 provides that “the appropriate Government shall ensure that the PWD enjoy the right to equality, life with dignity, and respect for his or her own integrity equally with others.” The Government is to take steps to utilize the capacity of the PWD by providing appropriate environment. It is also stipulated in the section 3 that no PWD shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim and no person shall be deprived of his personal liberty only on the ground of disability. Special measures are to be taken to ensure the right to education of children with disabilities enjoy rights equally with others. The Act provides for the access to inclusive education, vocational training, and self-employment of disabled persons without discrimination and buildings, campuses, and various facilities are to be made accessible to the PWD and their special needs are to be addressed.

¹⁸The Rights of Persons with Disabilities Act, 2016, Gazette of India (Extra-Ordinary); 28 December. 2016.

National Education Policy, 2020 (NEP 2020) also endorses the notion of inclusive education. NEP 2020 also recommended an increase in investment in the education sector to 6% of total GDP which will further help in strengthening the Educational infrastructure.

The SarvaShikshaAbhiyan was an important initiative launched by the Indian Government with partnership of the state and local government in 2001-2002. It was launched with an objective of Universal elementary education for the age group of 6 – 14. The SarvaShikshaAbhiyan also focused on the inclusive education to CWDs wherein the CWDs can co learn with the other students. No Rejection Policy was adopted so that no child can be deprived of education.

Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) was enacted to enable the fundamental right under Article 21A. This act was amended in the year 2012 which amended section 2(d) i.e. child belonging to disadvantaged groups also include a child with disability. Further section 12(1)(c) of the act provides that 25 % seats in the private schools be reserved for the disadvantaged groups.^[21]

In the year 2019, the Scheme for Inclusive Education for Disabled at Secondary Stage (IEDSS) was launched for CWDs who are studying in Class IX to XII. This scheme covers all types of educational institutions whether government aided or not. Scheme covers disabilities such as “blindness, low vision, leprosy, hearing impairment, locomotor disabilities, mental illness, learning or speaking disabilities. Special focus under the scheme is given to girls with disabilities.

In 2016 the government enacted the Rights of Persons with Disabilities Act, 2016 to give effect to the Convention on the Rights of Persons with Disabilities, 2006. The act creates legal status for inclusive education in India. Section 16 states that it shall be the duty of the appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end. Further, section 17 provides for the measures to promote and facilitate inclusive education. These include namely –

- To conduct survey of school going children every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met.
- To train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability.
- To train professionals and staff to support inclusive education at all levels of school education.
- To promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society.

To provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years.

- To provide scholarships in appropriate cases to students with benchmark disability.
- To make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses.

Government of India in 2021 relaunched the *SamagraShikshaAbhiyan 2.0 (SSA-2.0)*. Inclusive education is one of the important objectives of SSA-2.0. Under the scheme allocation for Children with Special Needs (CwSN) is increased from Rs. 3000 to Rs. 3500 per child per annum. And also provided stipend of Rs. 200 per month for Girls with Special Needs from classes 1 to 12.²³

The World Health Organisation and the World Bank estimate that one billion people experience some form of disability. Of those, it is estimated that 93 to 150 million are children. According to Plan International these children are 10 times less likely to go to school than other children and when they do attend school, it is likely to be in a segregated setting. The Global Partnership for Education estimates that 90% of children with disabilities in low and lower-middle income countries do not go to school. In 2016 the UN reported that less than half of the world's six million refugee children were in school whilst in a report on the education of Syrian refugee children, Human Rights Watch identified that refugee children with disabilities faced particular and ongoing barriers to school enrolment.

Historically, children with disabilities have been excluded from the general education system and placed in 'special schools'. In some cases, they are separated from their families and placed in long-term residential institutions where they are educated in isolation from the community, if they are educated at all. Both practices persist in many regions, for example, Eastern Europe has the highest number of institutionalised children in the world and a child with a disability is almost 17 times more likely to be institutionalised than other children (UNICEF, 2012).

Children with disabilities have very low rates of initial enrolment. Even if they do attend school, children with disabilities are more likely to drop out and leave school early without transitioning to secondary school and beyond¹⁹. Children with disabilities are also at increased risk of school violence and bullying, preventing the safe enjoyment of their right to education²⁰. These facts and figures reflect the impact of the significant ongoing barriers to education faced by many people with disabilities, which include:

- lack of accessibility, both in terms of physically inaccessible school buildings and unsuitable learning materials
- discrimination and prejudice which prevents people with disabilities from accessing education on equal terms to others
- exclusion or segregation from mainstream school settings (also referred to as 'regular schools')
- inferior quality of education, including in mainstream settings where children with disabilities have been 'integrated' into the existing non-inclusive system

Human rights law seeks to directly tackle these issues by placing obligations on states to respect, protect, and fulfil the right to education of people with disabilities, through the implementation of 'inclusive education'.

ISSUES AND CHALLENGES TO INCLUSIVE EDUCATION

Children with disabilities are drawn into mainstream education through the inclusive education system. The road to achieving this inclusive education, however, is complex. The inclusion of children with disabilities in educational institutions does not guarantee a comprehensive learning experience. In India, students with

¹⁹GCE, *Equal right, equal opportunity report*, 2014

²⁰UNESCO, *School violence and bullying: Global status report*, 2016

special needs are permitted to enroll in regular schools under the constitutional provisions of the RCI Act of 1995 and the RTE Act of 2009. Although this has had some success, it does not guarantee that students with special needs will have a fitted school atmosphere appropriate for their educational needs. These children face a range of difficulties and challenges in multiple dimensions, such as social, academic, mental, and psychological, which hinder their full participation in school-based comprehensive learning experiences. The thematic analysis brought out findings related to issues, problems, and challenges faced by children with special needs, which were grouped into different themes as follows:

Enrolment in Schools

The greater difficulty in trying to gain admission is faced by disabled children who want to attend inclusive schools. The majority of inclusive schools reportedly accept students with only modest disabilities. Also, they appreciate it when parents are prepared to shoulder more obligations for their wards. Another obstacle to admittance is parents' inability to pay costly tuition, especially in the case of private schools. The UDISE and UDISE+ data on enrolment showed persistently low and almost static enrolment of children with disabilities over the years. In 2013-14, the enrolment for children with disabilities in school education was 1.1 percent out of the total number of students enrolled. This declined to 0.9 percent in 2018-19, despite adding new impairment (Pandit, 2021).

Attitude of Teachers

Regular teachers usually possess two mindsets that influence their acceptance and dedication to adopting the inclusion of children with special needs (Oluremi, 2015; Gallego-Ortega & Rodríguez-Fuentes, 2021). First of all, regular teachers believed that trained teachers should handle students with impairments. Second, they considered children with impairments a "disturbance" in the classroom and 'the source of diversions' that prolonged the course length. As a result, they often decide to ignore them and concentrate instead on carrying out their instructional preparations, which are not based on individual-specific needs.

Classroom Size

The high teacher-student ratios in inclusive schools provide another difficulty. Usually, there are between fifty and sixty children in an average classroom. A teacher cannot manage such a large number of diverse students. With so many children, it becomes challenging for children to acclimatize, and sometimes children with special needs feel strange in a normal classroom (Zarghami&Schnellert, 2004; Arico, 2011; Bondebjerg et al., 2021).

Curriculum as a Barrier

The curriculum is one of the main barriers to developing an inclusive system in any educational system (Bhatnagar& Das, 2014; Hanreddy&Östlund, 2020). The curriculum in our country is not able to accommodate the needs of a wide variety of learners. It offers limited room for teachers to experiment with different teaching methods. The knowledge-based curriculum has resulted in exams that are too content-focused. This is another obstacle to evaluating the academic success of children with special needs.

Physical Infrastructures

Physical infrastructure is the primary concern of India's inclusive education system. It is a serious issue in inclusive education. Enrolling children with disabilities in school does not guarantee that they will have access to the necessary facilities for school accommodation and successful inclusion in regular classroom settings. It denoted structural transformation and change in existing institutions to equip all kinds of children. In this context, many initiatives were taken, such as SarvaShikshaAbhiyan (SSA), Mid-Day Meal, Minimum Learning Level, minimum level of available school infrastructure through Operation Blackboard; classroom, blackboard, books, drinking water facilities, and toilets, etc., and other necessary physical infrastructure. However, the current research has uncovered some serious issues and difficulties related to physical infrastructures, such as physical movement, motor skills, and the availability of various types of learning materials as well as learning-assisted devices and equipment.

Physical Movement or Free Motor

Physical movement, also known as the free motor, is a physical infrastructure issue that students with disabilities face, especially those who are orthopedically handicapped (legs) and, to some extent, blind. According to the findings, the institution has been suffering from the lack of a ramp or lift system for free and friendly movement inside the institution's premises. Also, there is an issue with organized sitting habits in the classroom; for example, children with hearing disabilities or low vision may have benefited from special arrangements in formal classrooms and the availability of a whiteboard for greater feasibility and visibility. Also, due to a lack of effort and support from schools, students often observe challenges in getting from home to school and vice versa. Students lack the tools and knowledge required to engage in community events and cultural school activities.

Unavailability of Learning Materials

Learning materials of various styles, formats, and learning-assisted audio-visual devices that are essential for the successful learning of students with disabilities in today's educational institutions are in short supply. The study discovered an acute scarcity of learning materials and audio-visual learning-assisted devices, such as Braille and figure printed books for the blind, as well as audio and visual infrastructural issues for blind and hearing-impaired children in an inclusive education system. The availability of audio or audio-visual lectures for blind and deaf students is lacking in many institutions.

Untrained Teachers

According to the report, there is a severe shortage of qualified and well-trained educators who are capable of teaching in an inclusive classroom system. And as a result of a lack of expertise and experience, preparation is inadequate and ineffective in developing classroom instructional programs and strategic methodologies that enable students to experience classroom teaching. It was also revealed that there is often a lack of needed teachers, especially in special education, as well as a lack of handwriting for blind and orthopedically handicapped students (Sharma & Deppeler, 2005; Bhatnagar & Das, 2014; Mprah et al., 2015).

Social Acceptance and Emotional Adjustment

According to the findings of the research, students with disabilities have been reporting cases of bullying at school regularly (Wiener, 2002; Martínez & Semrud-Clikeman, 2004; Odom et al., 2006). They are often denied access to peer groups or inclusive social interaction. Owing to not-so-comfortable socio-economic

and sociolearning school settings, students with disabilities have developed mental health issues such as depression, stress, and anxiety. It has been identified that the existing educational framework does not encourage an atmosphere conducive to inclusive education for students with various types of disabilities.

Peer Pressure

Since they are closest to one another, peers at school significantly impact the lives of children with disabilities (Thompson et al., 1994; Luciano & Savage, 2007). Children who have impairments are frequently targeted for bullying and teasing by their peers. All kinds of disabilities share this susceptibility to bullying. As a result, a key obstacle to full social participation at school for students with impairments is a negative peer attitude.

Discrimination and Social Marginalization

Due to widely held beliefs that educating people with disabilities is pointless and fruitless, disabled individuals are socially shunned by non-disabled people in inclusive settings. Many people are marginalized due to other factors like caste, gender, and poverty. Negative perceptions and social exclusion lead to social prejudice, which breeds isolation and creates barriers to the inclusion of children with special needs (Bakhshi et al., 2017; Priyanka & Samia, 2018).

Economic and Moral Support

Due to financial constraints, students with disabilities suffer mentally and do not make an effort to stay in school, according to the study (Kalyanpur, 2008; Ahmad, 2012; Das & Shah, 2014). They struggle to obtain the necessities for their survival and to maintain a regular school schedule. It is also reported that they have moral support only by name. It has been repeatedly reported that schools are not responsible for providing financial support for these children, with the government only providing a small amount that is insufficient to cover their needs for motor movement and learning aids.

Constraint of Resources

Inclusion faces significant obstacles due to a lack of sufficient financial resources. Every school would need to make financial arrangements to provide amenities like elevators, ramps, barrierfree classrooms, restrooms, etc., to be included. Motion sensors for flushing toilets, automatic door buttons for opening doors, and other forms of technology may be used. For those with disabilities, learning resources would need to be developed. This could take the shape of a digital library, braille books, and other visual resources for pupils with hearing impairments, among other things. Additionally, financial resources would be needed to retrain and certify instructors to teach students with disabilities in inclusive classrooms. To do this, the government will need to raise its education budget to provide inclusive environments.

Organization and Governance

To equip institutions with an inclusive educational system, organization and governance of leadership and managerial skills and competencies of institutions and responsible personnel play a critical role in making infrastructures available, as well as class arrangement competencies and individualized instructional programs. According to the findings, engaged institutional personnel are not well-versed and competent in this area. Similarly, numerous comprehensive and serious issues and challenges relate to various aspects of physical infrastructures, the availability of resourceful, competent educators, social acceptance and emotional stability, moral support, and organizational and governance in an educational institution. On the other hand, a

diligent attempt was consciously made for the inclusive education system through constitutional provision, constituted committees and commissions, and their recommendations. They diligently intended to realize the dream of effectively including children with disabilities in India. However, there is still a need for a new perspective on putting initiatives into action on the ground to have an effective outcome to the related problems and challenges.

Suggestions

The Education Institution for PWD should be easily access with promoting inclusive education by providing support services, trained teachers and accessible learning materials in main streams schools which empower them to acquire education and skill for employment and independent living.

- The policy for special safeguard for disabled child in respect of education should be provided.
- Sensitization Programme should be organized for creating awareness of right to education of children under various legal instrument.
- The education in school should consist of skill development programme and vocational training for them to acquire marketable skill and enhances their employability.
- The school should use some modern devices and technologies for them to cope up with the prevalent students and it also require to train the teachers for using the devices.
- The Legal Aid Services should be established to address issues relating to discrimination in respect of education on the basis of their disabilities.

Conclusion:

The prevailed education system has been rolled but there are challenges that need to overcome before the education system can fully practice. The study showed that children with disabilities are enrolled in the mainstream schools but their numbers are far less than those out of school. It proves that irrespective of the barriers encountered in respect of the right to education. Most importantly the research showed that attitudes are highly critical to the success of inclusive education. Therefore the society has a role to play in promoting right to education of the children with disability. Thus all stakeholders, both government and non-government, must help to ensure that there is the provision of quality and equal access to inclusive education.

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