

Social Inclusion of Disabled in Education by Inclusive Provisions of Indian Constitution

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Abstract: India is the biggest country among the South Asian's countries. It has approximately 1.38 billion populations. It has the second largest population after China. But population of India cannot become her capital until our education system will not produce well skilled and knowledgeable human beings. The origin of state was an output of the Darwinism. As per Darwinism- there is only one rule, rule of power. This concept believed in philosophy of the survival of the fittest. In Darwinism, there were no place for the cooperation and no place for equality, liberty and fraternity. But the foundation of welfare state was based on humanism. But for humanism, every and each individual must be secured with his/her disability. In this article, researcher described about the constitutional provision, which have become the source of inclusive policies towards disabled. Especially, how state is providing education to disabled?.

Keywords: Education, Disable, Provision, Constitution.

INTRODUCTION

I

During Covid-19, the most controversial issue has been regarding the quality of education, another side the conditions of the disabled children's education's matter most important. Because the inclusive education have important implications for special education policies and practices in the world. (Hornby 2014: 1)

A disability is often defined as the barrier in the way of development, disturbance or loss in the normal functioning of physical, mental or psychological processes of individuals. In education, disability means to face a difficulty in the ability to learn. In the context of socially disabled means to face a difficulty to adjust socially. (Mohit, Meera Pillai & Pratiti Rungta 2006:9) The disabilities approved by Rights of Persons with Disabilities Act of 2016, which has recognized Blindness; Low Vision; Leprosy Cured persons; Locomotor Disability; Dwarfism; Intellectual Disability; Mental Illness; Cerebral Palsy; Specific Learning Disabilities; Speech and language disability; Hearing Impairment (Deaf and Hard of Hearing); Muscular Dystrophy; Acid Attack Victim; Parkinson's disease; Multiple Sclerosis; Thalassaemia; Hemophilia; Sickle Cell disease; Autism Spectrum Disorder; Chronic Neurological conditions and so on. (Chandrakanth 2021)

II

Gender also a type of disability in India, during Covid-19 pandemic effected the whole education system, in the education sphere, it is the girl child who has been most severely hit due to the lockdown and the closing the down the schools. While the boys were given priority for online

studies due to their access to computers and smart phones at home, the economic crunch due to Covid-19 put the girls backward. According to a survey, only 26 percent of girls were able to get a smart phone for studies as compared 37 percent of boys who clearly got a priority from their family when it came to accessing mobile phones and internet facilities.

The survey's titled ' Gendered impact of Covid-19 on education of school aged children in India', conducted by the centre for Budget and Policy Studies, concluded that 71 percent girls admitted that they had been at home since the covid-19 outbreak and they were doing domestic work even during their online studies. It shows the face of Indian society, which is biased on the basis of gender. Another hand, as compared to the girls, only 38 percent of boys were doing domestic work during their online studies time. The survey also cites a number of cases during pandemic where girls were made to dropout of schools and marry early. (Chowdhry 2021: 7) Indian society was/is patriarchy, where female gender was not recognized equally and same thing is happening in the case of disabled

III

Indian constitution makers were very aware about the security of individuals with disability; Education is the most important factor for the development of an individual. So they mentioned a number of provisions in the constitution. Over the last 70 years, right to education has become the fundamental right in India. The 86th Amendment of the Indian Constitution, which provides the right to free and compulsory education has become a fundamental right. Before this, the right was a

part of the under article 45 of the directive principles. Other noteworthy aspect of this amendment is that the fundamental right to education has been arranged as an extension of the right to life, as Article 21A, which stipulates “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”. The 86th Amendment has brought another important facet of education, i.e. early or pre-school education under the constitutional framework. As per the article 45, which define that the government will provide early childhood care and education for all children until they have to complete the age of six years. This provision is of particular relevance for children with disabilities. These amendments are not only important from the perspective of an individual right but they have enlarged the scope of duties both for the State and citizens.

Besides the fundamental right, fundamental duties of citizens were also added in the constitution by the 42nd Amendment in 1976, upon the recommendations of the Swaran Singh Committee that was constituted by the Government. The Committee suggested that steps needed to be taken to ensure that the individual did not overlook his duties while in exercise of his fundamental rights. Which defined that a parents or any guardian to provide opportunities for education to his/her child between the age of six to fourteen years.

IV

Indian constitution has become the mentors of the people with disabilities, the appropriate governments and the local authorities shall work for the welfare of the disabled persons. Government must have ensured that every child with a disability has access to free education in an appropriate environment till s/he attains the age of eighteen years. Government must be endeavoring to promote the integration of students with disabilities in the normal schools with some privileges. Another work is that to promote setting up of special schools in government and private sectors for those who need of special education, in such a manner those children with disabilities living in any part of the country have access to such schools. Government must be endeavoring to equip the special schools for children with disabilities with vocational training facilities.

Recognizing that persons with disabilities must have equal access to all forms of education through a variety of models. The appropriate

governments and the local authorities will be notifications make schemes for them. Like that conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole-time basis. Because as a welfare state, this is need of the hour to provide equal opportunities for all. To improve the level of learning, government has been conducting special part-time classes and arranges experts for providing functional literacy for children. Another task of the government is that imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation. Government imparting education through open schools or open universities for the disabled students and conducting classes and discussions through interactive electronic or other media. Last but not least is providing every child with disability free of cost special books and equipments needed for his education. (Ibid.)

V

In this respect, the constitution of India is modeled on human rights approach and entitles persons with disabilities to all such measures that are necessary for the effective enjoyment of their right to education and personal choices. First of all, the constitution recognizes that trained manpower be made available for special schools and integrated schools for children with disabilities. (Ibid: 35-37) In the conclusion, we can say that Indian constitution is the constitution of the people of the India, which has been providing safeguards to the disable class for their development and security i.e., its preamble, fundamental rights, fundamental duties , directive principles and so on. Special education could be a milestone in the inclusion of disabled.

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