

Right to education and inclusive education: Some theoretical perspectives

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Abstract

Inclusive Education is that type of education which supports equal education to each and every child without any sort of discrimination with respect to their gender, caste, creed, race, color, ability or disability. The Right to Education Act, 2009 also stands for such type of education. It clearly indicates free and compulsory elementary education to all children of the age group 6-14 years. The present paper highlights the provision of inclusive education in context of the Right to Education Act. It also throws light on the present scenario of inclusive education in India and suggests some useful recommendations for making it more beneficial and effective for both the abled and disabled children equally. It calls for the joint support of the teachers, parents, authorities and children themselves to accomplish the goal of total literacy and education in India.

Keywords: Inclusive Education, Right to education

Introduction

Helen Keller remarked that-

"Alone we do so little, together we do so much"

Right to Education (RTE) Act, 2009 i.e. Right of Children to Free and Compulsory Education Act provides for free and compulsory education to all children of the age of six to fourteen years. The Right of Children to Free and Compulsory Education Act came into force from April 1, 2010. This was a historic day for the people of India as from this day the Right to Education is accorded the same legal status as the Right to Life as provided by Article 21A of the Indian Constitution. The Act is having seven chapters, one schedule and thirty seven sections.

Every child in the age group of 6-14 years will be provided 8 years of elementary education in the vicinity of his/her neighborhood. He/she should be given admission to the class appropriate to his/her age. The State shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling and shall bear the whole expenditure. No child shall be denied admission for want of documents, no child shall be turned away even if the admission cycle in the school is complete and no child shall be asked to undertake an admission test. Children with disabilities will also be educated in the mainstream schools which serves the criteria of Inclusive Education. In fact, Right to Education provides a base for making Inclusive Education a reality.

Inclusive education is a combination of philosophy and pedagogical practices that allow each student to feel respected, confident and safe so he/she can learn and develop to his/her full caliber. It is based on a system of values and beliefs centered on the best interests of the student, which promotes social cohesion, belongingness, active participation in learning, a complete school experience, and positive interactions with peers and others in the community. These values and beliefs should be shared by schools and communities alike. Inclusive education is put into practice within school communities that value diversity and nurture the well-being and quality of learning of each of their members. Inclusive education is carried out through a range of public and community programs and services available to

all students.

Objectives

The objectives are as follows:

1. To explore about the theoretical concepts of the Right to Education and Inclusive Education.
2. To suggest some possible suggestions for effective working of Inclusive Education in the light of the Right to Education Act, 2009.

Meaning of Inclusive Education

Inclusive education is defined by UNESCO as a process of addressing and responding to the diverse needs of all learners by increasing participation in learning and reducing exclusion within and from education. The objective of inclusive education is to support education for all, with special emphasis on removing barriers to participation and learning for disadvantaged groups, girls and women, children with disabilities and out-of-school children. The overall goal is a school where all children are participating and treated equally.

Inclusive education differs from previously held notions of integration and mainstreaming, which tended to be concerned principally with disability and 'special educational needs' and implied learners changing or becoming 'ready for' or deserving of accommodation by the mainstream. By contrast, inclusion is about the child's right to participate and the school's duty to accept the child. Inclusion rejects the use of special schools or classrooms to separate students with disabilities from students without disabilities. A premium is placed upon full participation by students with disabilities and upon respect for their social, civil, and educational rights. Inclusion gives students with disabilities skills they can use in and out of the classroom.

Inclusion in education is an approach to educating students with special educational needs. Under the inclusion model, students with special needs spend most or all of their time with non-disabled students. Implementation of these practices varies. Schools most frequently use them for selected students with mild to severe special needs.

Classification of Inclusive Education

Inclusive Education has two sub-types: the first is sometimes called regular inclusion or partial inclusion, and the other is full inclusion.

Inclusive education is not always inclusive but is a form of integration of education among the students. For example, the students with special needs are educated in regular classes for nearly the whole day, or for at least more than half of the day. Whenever possible, the students can receive any additional help or special instruction in the general classroom, and the student is treated like a full member of the class. However, most specialized services are provided outside a regular classroom, especially if these services require special equipment or might be disruptive to the rest of the class (such as speech therapy), and students are given such practices outside the regular classroom. In this case, the student can occasionally leave the regular classroom to attend a smaller and a more intensive instructive session in a special classroom designed for such purpose, or to receive other related services, such as speech and language therapy, occupational and/or physical therapy, and social work. This approach can be very similar to many mainstreaming practices, and may differ in some educational ideals behind it. In the full inclusion setting, the students with special needs are always educated alongside students without special needs, as the foremost option while maintaining appropriate supports and services. According to the viewpoint of some educators it might be more effective for the students with special needs. At the extreme, in full inclusive education there is the integration of all students, even those that require the most substantial educational and behavioral supports and services to be successful in regular classes and the elimination of segregated and special education classes.

Need for inclusion in education

According to UNESCO (2003) ^[2] regular schools with an inclusive orientation are most effective in combating discriminatory attitudes, building an inclusive society and achieving education for all. The effectiveness of inclusion in educational practices, the positive effects on the educational outcomes of children with disabilities in inclusive settings and the lack of any significant difference in the development of children with special needs in inclusive and special settings have been demonstrated in various studies by the researchers. The foreword of UNICEF (2005) ^[12], focused on inclusive education in India, estimates that 70% of children with disabilities, including those with mild mental retardation, can attend regular schools provided the environment is designed to be accessible and the institution is willing to accommodate them.

RTE ACT 2009- a tool for Inclusive Education

The Right of Children to Free & Compulsory Education Act (2009) passed by the Parliament requires the state to provide free and compulsory education to all the children from the age of 6 to 14 years and has the potential to herald an era of inclusive growth in India.

Historically, right to education has derived its legal basis from Article 26 (1) of the Universal Declaration of Human Rights (UDHR), which states that “Everyone has the right to education. Education shall be free, at least in the elementary

and fundamental stages. Elementary education shall be compulsory.” The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations in 1966, has also recognized everyone’s right to education. Article 13 (2) of ICESCR requires the covenant to recognize that primary education will be compulsory and available free to all to achieve its realization. Various constitutions around the world recognize the universal nature of the right to education (the Czech Republic, Niger, Spain, Uganda, etc.). However, constitutional provisions of providing free and compulsory education vary across countries in terms of specific segments (primary level — Croatia, Turkey and Kuwait; basic education — Spain and Sweden; secondary level - the Czech Republic and Latvia).

Ever since Independence, India has undertaken several initiatives to achieve universalization of elementary education, which has yielded mixed results. The Right to Education legislation in India has seen many ups and downs historically in evolving from a directive principle to a fundamental right. In 1950, the Constitution articulated its commitment to education through its Directive Principles of State Policy. The 86th Constitutional Amendment was followed by multiple rounds of discussions which made education a fundamental right for children in the age group of 6–14 years. The Act was introduced in Rajya Sabha in December 2008. It was passed in the Lok Sabha on 4 August 2009 and the President gave his assent to it on 26 August 2009. The Act came into force on 1 April 2010 as a fundamental right in India.

Provisions for Inclusive Education in Right to Education Act, 2009

Section 3 of Chapter II of the Right to Education Act, 2009 states that Provided that a child suffering from disability, as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provisions of Chapter V of the said Act.

Section 26 of the Persons with Disabilities (Equal Opportunities, Protection and Full Participation) Act, 1996, states that the appropriate Governments and the local authorities shall

26. ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
27. endeavour to promote the integration of students with disabilities in the normal schools;
28. promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
29. Endeavour to equip the special schools for children with disabilities with vocational training facilities.

The amended Right to Education Act, 2012 constitutes under Section 3, a new sub-section which explicitly refers to the right of children with disabilities to free and compulsory elementary education in a neighborhood school till the completion of his or her elementary education. It also notes that children with multiple disabilities may also opt for home based education.

Conclusion and Suggestions

It is not only the duty of National and State Governments but also of the teachers, parents, community and society as a whole to protect and fulfill the Right to Education as it is a source to make Inclusive Education a reality. The statistics showed that approximately 150 million children in the world are disabled. Also in India, 74% of people with physical impairment and 94% of people with learning disabilities are unemployed.

Das AK, Sharma S, Singh VK. (2012) ^[14] elucidates that for the success of inclusive education programmes, a number of variables work together among which the most important one is the regular classroom teacher. There has been a considerable change in the nature of teacher's work since the implementation of inclusive education programmes in India. In present times, teachers are required to perform a number of additional tasks in order to meet the needs of diverse learners. So, the roles and responsibilities of teachers in the context of inclusive education have always been significant.

Shinde A A. (2015) ^[15] finds out the challenges for the implementation of RTE for children with hearing disability. The objectives were: 1) to study challenges faced by the principals for implementation of RTE in Zila Parishad schools regarding access to education. 2) To study challenges faced by the principals for implementation of RTE in Zila Parishad schools regarding infrastructure. The findings show that there has been some considerable progress only in terms of enrollment but need to improve in placing Children with Hearing Impairment (CWHI) in an age appropriate classroom and providing basic facilities for CWHI. The Government of India has enacted and implemented the RTE Act with an aim to provide quality elementary education to all including Children with Special Needs (CWSN).

However, a few suggestions are listed below to make Inclusive Education more effective:

1. To include disabled people in mainstream education system, legislative or constitutional barriers should be eliminated.
2. To promote inclusive learning environment, education policies and strategies should be ensured.
3. For ensuring the education of all the children and adults, one ministry and school system should be made responsible.
4. Also, a comprehensive and unified approach to education should be ensured to serve and count everybody as equal.
5. In developing and monitoring education plans, disabled children and adults, parents, other marginalized groups and district officials should also be included.
6. Developing strategies which increase family and community involvement in School Management Committees and District Education Offices.
7. Developing awareness programmes to facilitate participation by the disabled children and their parents.

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