



## BREAKING BARRIERS: AN ANALYSIS OF IMPLEMENTATION OF RIGHT TO EDUCATION FOR DIFFERENTLY ABLED PERSONS IN INDIA

**SUNITA CHOUDHARY**

RESEARCH SCHOLAR, MDS UNIVERSITY AJMER.

### ABSTRACT:

Education is a fundamental right that should be accessible to every individual irrespective of their gender, caste, creed, religion, or physical disability. In India, the Constitution of India under Article 21A provides for the right to education for all children between the ages of six to fourteen years. Additionally, the Constitution of India under Articles 41, 45, and 46 also emphasizes the need to provide education to weaker sections of society. The Right of Persons with Disabilities Act (RPWD) of 2016 further strengthens this right by ensuring that persons with disabilities are not discriminated against in any field of life, including education. Despite these legal provisions, a large number of persons with disabilities in India still face obstacles in accessing education. This research paper aims to examine the implementation of the Right to Education for persons with disabilities in India and the challenges that need to be addressed to ensure that all children have equal opportunity and access to quality education.

### KEYWORDS:

**PERSONS WITH DISABILITIES, RIGHT TO EDUCATION, INCLUSIVE EDUCATION.**

### 1. INTRODUCTION

*“Education is the manifestation of perfection already in man” – Swami Vivekananda*

The quote by Swami Vivekananda perfectly summarizes the importance of education. The objective of education is to bring about change in society by invoking the curiosity of the human brain. The manner of education has changed over time, during Vedic times, India had a Gurukul system of education which changed in ancient times to proper places of education like universities including Takshashila, Nalanda, Vikramshila, etc. The education system further changed due to many invaders amending it according to their wills and whips. The modern education system is a consequence of British rule in India. After independence, the government of India introduced many measures in form of acts and laws to promote education in India.

Right to Education Act (RTE) was enacted in India in 2009 with the aim of providing free and compulsory education to all children of India including those with disabilities. The act provides for establishing special schools, the appointment of special educators, the development of appropriate infrastructure, and the provision of free aids and assistive devices to students with disabilities. Additionally, in 2016, the Indian government launched the Accessible India Campaign (Sugamya Bharat Abhiyan) to create a barrier-free environment for persons with disabilities, including in educational institutions.

The government has taken several measures to implement RTE for people with disabilities (PWDs). However, despite all these initiatives, many challenges still exist, including a lack of accessible infrastructure like ramps, toilets, accessible transport, etc. which makes it difficult for the schools to provide quality education to PWDs. Another

challenge is the lack of awareness and sensitivity among teachers and other school staff toward PWDs. Many teachers are not trained to work with children with disabilities and special needs. This can lead to neglect and lack of support for these children, affecting their academic performance and overall well-being.

The lack of sensitivity is also reflected in the attitudes of parents and the community toward these children. Many parents are unaware of their rights under the RTE Act and do not know how to advocate for their children.

### 2. BACKGROUND

The World Health Organization (WHO) estimates that there are around one billion people or 15% of the world's population have experienced some form of disability. It estimates that around 93 to 150 million are children. 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 India, as per the Census 2011, there are approximately 26.8 million persons with disabilities, which amounts to 2.21% of the total population. Among them, the percentage of persons with disabilities who are illiterate is significantly higher than the national average. According to Global Campaign for Education (GCE) report 2014, children with disabilities have very low rates of initial enrolment. Children with disabilities have a higher likelihood of drop-out and leaving school early without transitioning to secondary school and beyond. According to another study by the World Bank analyzing India's 2002 National Sample Survey, children with disabilities were 5 and a half times more likely to be out of school.

Depriving disabled people of equal opportunities pushes

them into a vicious cycle of illiteracy-driven unemployment and thus inhibits them from coming out of poverty. Disability leads to the social stigma which leads to invisibility and exclusion from mainstream opportunities. This leads to a lack of access to services which often means a lack of access to quality education for children. A lack of access to quality education limits opportunities to escape poverty such as – through employment, improved health, etc. This leads to further vulnerability and exclusion, poverty deepens which is further passed on to the next generation, and this cycle continues until the barriers to good education are broken.

### 3. BARRIERS FACED BY PEOPLE WITH DISABILITIES

In India, persons with disabilities face multiple barriers while accessing education. These barriers could be physical, psychological, or structural.

According to a study by the UN Human Rights Office of the High Commissioner, schools follow a discriminatory approach and due to that children with disabilities are deprived of education. Then some schools prevent the children from joining the schools based on the impairment of the child. According to the UNESCO report on school violence and bullying, 2016, children with disabilities are at an increased risk of school violence and bullying, thus preventing them from enjoying the right to education.

Barriers faced by PWDs in accessing education:

#### 3.1 ARCHITECTURAL AND DESIGN BARRIER

Persons with disabilities face significant physical barriers, which make it difficult for them to access good education. The infrastructure of most educational institutions is not designed to cater to the needs of the majority of PWDs. For instance, the lack of ramps, elevators, or wheelchair friendly restrooms makes it challenging for PWDs to access these facilities and thus makes it difficult to access educational institutions. In addition, the public transportation facilities are not adequately designed to accommodate the needs of PWDs. For instance, the railways do have a reserved coach for disabled people, but there are no accessible ways the PWDs can get on the coach. They still have to rely on either their caregivers or have to undergo extreme struggle to use these coaches. Similarly, many state public buses also have reserved seating for differently-abled persons but don't have facilities to store their wheelchairs, as well as no hydraulic lifts available for them to get on the bus without getting off the wheelchair.

#### 3.2 PSYCHOLOGICAL BARRIERS

PWDs often face psychological barriers that affect their mental health and prevent them from accessing education. Society's negative attitudes towards PWDs often result in stigmatization and discrimination which leads to low self-esteem and lack of confidence among PWDs. Such negative attitudes make PWDs feel excluded from society and prevent them from accessing education on an equal footing to others. Even after so many hardships, if people

with disabilities make it to regular schools, they are met with bullying and other discriminatory practices within the school, which makes a dent in their learning and potential forever.

#### 3.3 STRUCTURAL BARRIERS

PWDs also face structural barriers that limit their access to education. For instance, the lack of inclusive educational policies, insufficient funding, and inadequate training for teachers to meet the needs of PWDs are some of the significant structural barriers. Teachers are often not adequately trained to communicate with PWDs which often results in the disengagement of these children. According to a report by the World Bank, only 2% of the Indian teaching force has received any training in teaching children with disabilities. In addition, the lack of availability of braille books, sign language interpreters, and other assistive technologies are examples of additional barriers.

#### 4. LEGAL PROVISIONS TO ENSURE THE RIGHT TO EDUCATION FOR PERSONS WITH DISABILITIES

The government of India has enacted several

laws and policies to ensure the right to education for PWDs. Education for children has found its place in the Constitution of India predominantly:

**i. As a fundamental right:** Article 21A of the Constitution of India provides a fundamental right of free and compulsory education to children between the age of 6 to 14 years.

**ii. As a fundamental duty:** Article 51A (K) of the Indian Constitution states that all parents or guardians shall provide opportunities for education to their child or ward between the age of 6 to 14.

**iii. As a directive principle for the state policies:** The state shall endeavor to provide free and compulsory education for all children until they complete the age of 14 years.

Additionally, The Rights of Persons with Disabilities Act (RPWD), 2016, provides the following provisions related to the right to education of children with disabilities under sections 16 and 31 of the act:

**i. Inclusive education:** According to section 16, the state government and local authorities are to ensure that all educational institutions funded or recognized by them provide inclusive education to children with disabilities.

**ii. Non-discrimination:** The educational institutions are required to admit them without discrimination and provide education and opportunities for sports and recreational activities equally with others.

**iii. Proactive measures:** The section also states that the institutes should detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them.

**iv. Accessibility:** The provision of transportation facilities to children with disabilities and the attendance of children

with disabilities having high support needs are also included in this section.

**v. Reasonable accommodation:** The building, campus, and various facilities should be made accessible for children with disabilities by provisions of ramps, elevators, and accessible restrooms.

**vi. Choice of Education:** Section 31 of the RPWD Act, 2016, states that “Notwithstanding anything contained in the rights of children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighborhood school or a special school of his choice.”

## 5. CONCLUSION

To address the challenges of implementing the RTE Act for people with disabilities, several solutions need to be considered. One of the most important solutions is the development of appropriate infrastructure and facilities in schools. This includes the construction of ramps, accessible toilets, and other facilities that are necessary for students with disabilities. In addition, schools need to have the necessary equipment and technology to provide quality education to students with disabilities.

There is a need for the development of training programs for teachers and other school staff. These programs should focus on disability awareness and sensitivity, as well as the skills and knowledge needed to provide appropriate accommodations. This will help teachers to better understand the needs of students with disabilities and provide them with the necessary support and resources.

The government can also play an important role in promoting awareness and sensitivity toward people with disabilities. This can be done through public education campaigns, as well as the provision of resources and support for parents and communities. The government can also work with civil society organizations to promote disability rights and advocate for the inclusion of people with disabilities in all aspects of society.

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