
Unit - 2 □ Policies & Frameworks Facilitating Inclusive Education

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2.1 Introduction

The emphasis on Human Rights Education began in 1995 with the beginning of the UN Decade for Human Rights Education. In 1953 with the UNESCO Associated Schools Program served as an "initial attempt to teach human rights in formal school settings". The first formal request for the need to educate students about human rights came about in UNESCO's 1974 article Recommendation. It was concerning about Education for International Understanding, Cooperation and Peace, and Education Relating to Human Rights and Fundamental Freedoms. The participants of the International Congress on the Teaching of Human Rights eventually met in 1978 to form a specific definition of what would be required application of the education in formal curricula. The aims at which the Congress agreed upon including the encouragement of tolerant attitudes with focus on respect, providing knowledge of human rights in the context of national and international dimensions as well as their implementations finally the develop the awareness of human the congress wanted to rights translating into reality whether social or political on national and international levels.

Human Rights Education became an official central concern internationally after the World Conference on Human Rights in 1993. This conference brought the issue of formal education to the top of many countries priority lists which was brought to the attention of the United Nations. It was two years later that the United Nations approved the Decade for Human Rights Education, which reformed the aims of application once again. Since the development of the UN Decade, the incorporation of human rights education into formal school curricula has been developed and diversified with the assistance of nongovernmental organizations, intergovernmental organizations, and individuals dedicated to spreading the topic through formal education.

Today the most influential document has been used to determine what qualifies as human rights and how to implement these ideas and rights into everyday's life in the Universal Declaration. This declaration was adopted by the General Assembly in 1948, making December 10th annual Human Rights Day ever since. To this day the 30 article compilation is seen as "a common standard of achievement for all peoples and all nations"

2.2 Objectives

- ✓ To gain an understanding regarding International declaration of inclusive Education
- ✓ To know about various International Conventions on Inclusive Education
- ✓ To understand different International Frameworks pertaining to Inclusive education
- ✓ To delineate national Commission & policies.
- ✓ To comprehend the various act and programmes reflecting inclusive

2.3 International Declarations:

2.3.1 Universal Declaration of Human Rights

The Universal Declaration of Human Rights (1948) was drafted by the UN Commission on Human Rights in 1947 and 1948. The Declaration was adopted by the United Nations General Assembly on 10th December 1948.

Amongst other human rights, this declaration enunciates certain fundamental human rights of every human being which are of special interest in the study of the ethics of circumcision. They are the rights to security of person, to freedom from torture and other cruel and unusual treatment, and to privacy. Motherhood and childhood have a right to special protection.

Preamble

Whereas recognition of the inherent dignity and of the equal and unalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human being and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly proclaims this *Universal Declaration of Human Rights* as a common standard of achievement for all peoples and all nations. The every individual and every organ of society should keep this Declaration constantly in mind. The teaching and education promote the respect for these rights and freedoms by progressive measures in national and international to secure their universal and

effective recognition and observance. Both among the peoples of Member States themselves and among the peoples of territories under the jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family,

home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 25

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

2.3.2 Word Declaration for Education for All (1990)

Over sixty years ago education was declared as a basic human right for every person, and enshrined in the Universal Declaration on Human Rights in 1948. Since then, it has been reaffirmed in the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of Discrimination Against Women (1979) and the Convention on the Rights of the Child (1989) among many other international human rights instruments.

In 1990, over 150 governments adopted the World Declaration on Education for All at Jomtien, Thailand to boost the efforts towards delivering the right to education. Ten years later, the World Education Forum in Dakar, Senegal reaffirmed this commitment and adopted the six goals of Education For All (EFA) that run to 2015:

Goal 1: Expanding and improving comprehensive early childhood care and education, especially for the most disadvantaged and vulnerable children.

Goal 2: All children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities have access to free, quality and compulsory primary education by 2015.

Goal 3: Ensuring the learning needs of all young people and adults who are met through equitable access to appropriate learning and life skills programmes

Goal 4: Achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults.

Goal 5: Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality

Goal 6: Improving every aspect of the quality of education, and ensuring their excellence so that recognised and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills

180 countries signed up to make these goals happen, committing to putting legal frameworks, policies and finance. Everyone has a right to get education in four corner that are available, accessible, acceptable and adaptable. The richest countries pledged to help make Education for All a reality by committing to principles of international cooperation towards those countries with fewer financial resources.

Commitment towards the right to education was also reflected in the UN Millennium Development Goals, set in 2000 with a deadline for achievement by 2015. There are eight Millennium Development Goals (MDGs) of which two are focussed on education:

Ensure that all boys and girls complete primary schooling by 2015

Eliminate gender disparities in primary education by 2005 and at all levels by 2015

But the progress has been painfully slow. In the period immediately after the

setting of both the MDGs and the six EFA goals, investments were made by governments committed to achieving these goals. Education budgets, both foreign and domestic increased, enabling the abolition of tuition fees for primary school in several countries and the development of improved national educational plans.

Averagely 8.9% of domestic budget is going to education in low income countries - rising to an average of over 10% in sub-Saharan Africa - States are still falling behind.

- Enrolment in primary school may have increased since 2000, but this has slowed towards the end of the 2000-2010 periods; worse, completion rates remain low, with 10 million children dropping out of primary school every year in sub-Saharan Africa alone.
- Millions of children who complete the education of primary schools do so with poor performance than expected levels of reading, writing and numeracy they receive poor quality of education when they are in schools and - where pupil-teacher ratio is quite unnatural in the very poorest areas.
- Women and girls remain at a huge disadvantage: although gender parity in primary enrolment is within reach, girls are still less likely to progress to secondary education - in the vast majority of African countries, this chance is less than 50% - and women make up almost two-thirds of the 796 million adults without basic skills.
- Another 1.8 million teachers are needed to achieve universal primary education by 2015.

2.4 International Conventions:

2.4.1 Convention against Discrimination (1990)

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 14th November to 15th December 1960, at its eleventh session, **Recalling** that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that every person has the right to education, Considering that discrimination in education is a violation of rights enunciated in that Declaration, Considering that, under the terms of its Constitution, the United Nations Educational, Scientific and Cultural Organization has the purpose

of instituting collaboration among the nations with a view to furthering for all universal respect for human rights and equality of educational opportunity.

Recognizing that, consequently, the United Nations Educational, Scientific and Cultural Organization, while respecting the diversity of national educational systems, has the duty not only to prescribe any form of discrimination in education but also to promote equality of opportunity and treatment for all in education,

Having before It proposals concerning the different aspects of discrimination in education, constituting item 17.1.4 of the agenda of the session,

Having decided at its tenth session that this question should be made the subject of an international convention as well as of recommendations to Member States,

Adopts this Convention on the fourteenth day of December 1960.

Article 1

1. For the purposes of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

2. For the purposes of this Convention, the term 'education' refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention:

- (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes offering equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- (b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provide to make like such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;
- (c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

Article 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

- (a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;
- (b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;
- (c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries ;
- (d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;

- (e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

Article 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

- (a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;
- (b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;
- (c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;
- (d) To provide training for the teaching profession without discrimination.

Article 5

1. The States Parties to this Convention agree that:
 - (a) 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;
 - (b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and

no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

- (c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:
 - (i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;
 - (ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and
 - (iii) That attendance at such schools is optional.
- 2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this Article.

Article 6

In the application of this Convention, the States Parties to it undertake to pay the greatest attention to any recommendations hereafter adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization defining the measures to be taken against the different forms of discrimination in education and for the purpose of ensuring equality of opportunity and treatment in education.

Article 7

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, including that taken for the formulation and the development of the national policy defined in Article 4 as well as the results achieved and the obstacles encountered in the application of that policy.

Article 8

Any dispute which may arise between any two or more States Parties to this Convention concerning the interpretation or application of this Convention, which is not settled by negotiation shall at the request of the parties to the dispute be referred, failing other means of settling the dispute, to the International Court of Justice for decision.

Article 9

Reservations to this Convention shall not be permitted.

Article 10

This Convention shall not have the effect of diminishing the rights which individuals or groups may enjoy by virtue of agreements concluded between two or more States, where such rights are not contrary to the letter or spirit of this Convention.

Article 11

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

Article 12

1. This Convention shall be subject to ratification or acceptance by States Members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.
2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 13

1. This Convention shall be open to accession by all States not Members of the United Nations Educational, Scientific and Cultural Organization which are invited to do so by the Executive Board of the Organization.
2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 14

This Convention shall enter into force, three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to

those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 15

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territory but also to all non-self-governing, trust, colonial and other territories for the international relations of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and Cultural Organization of the territories to which it is accordingly applied, the notification to take effect three months after the date of its receipt.

Article 16

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

Article 17

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States Members of the Organization, the States not members of the Organization which are referred to in Article 13, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 12 and 13, and of the notifications and denunciations provided for in Articles 15 and 16 respectively.

Article 18

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision

shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession as from the date on which the new revising convention enters into force.

Article 19

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this fifteenth day of December 1960, in two authentic copies bearing the signatures of the President of the eleventh session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 12 and 13 as well as to the United Nations.

2.4.2 Convention on Rights of Child (1989)

The General Assembly, Recalling its previous resolutions, especially resolutions 33/166 of 20th December 1978 and 43/112 of 8th December 1988, and those of the Commission on Human Rights and the Economic and Social Council related to the question of a convention on the rights of the child,

Taking note, in particular, of Commission on Human Rights resolution 1989/57 of 8th March 1989, by which the Commission decided to transmit the draft convention on the rights of the child, through the Economic and Social Council, to the General Assembly, and Economic and Social Council resolution 1989/79 of 24th May 1989,

Reaffirming that children's rights require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed

conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of that of the United Nations in promoting the well-being of children and their development,

Convinced that an international convention on the rights of the child, as a standard-setting accomplishment of the United Nations in the field of human rights, would make a positive contribution to protecting children's rights and ensuring their well-being,

Bearing in mind that 1989 marks the thirtieth anniversary of the Declaration of the Rights of the Child and the tenth anniversary of the International Year of the Child,

1. Expresses its appreciation to the Commission on Human Rights for having concluded the elaboration of the draft convention on the rights of the child;
2. Adopts and opens for signature, ratification and accession the Convention on the Rights of the Child contained in the annex to the present resolution;
3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expresses the hope that it will come into force at an early date;
4. Requests the Secretary-General to provide all the facilities and assistance necessary for dissemination of information on the Convention;
5. Invites United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting its understanding;
6. Requests the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the status of the Convention on the Rights of the Child;
7. Decides to consider the report of the Secretary-General at its forty-fifth session under an item entitled "Implementation of the Convention on the Rights of the Child".

2.4.3 United Nations Convention of Rights of Persons with Disabilities (UNCRPD) 2006

The Convention on the Rights of Persons with Disabilities is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that they enjoy full equality under the law. The Convention has served as the major catalyst in the global movement from viewing persons with disabilities as objects of charity, medical treatment and social protection towards viewing them as full and equal members of society, with human rights. It is also the only UN human rights instrument with an explicit sustainable development dimension. The Convention was the first human rights treaty of the third millennium.

The text was adopted by the United Nations General Assembly on 13 December 2006, and opened for signature on 30 March 2007. Following ratification by the 20th party, it came into force on 3 May 2008. As of February 2016, it has 160 signatories and 162 parties, including 161 states and the European Union (which ratified it on 23 December 2010 to the extent responsibilities of the member states were transferred to the European Union). In December 2012, a vote in the United States Senate fell six votes short of the two-thirds majority required for ratification.[4] The Convention is monitored by the Committee on the Rights of Persons with Disabilities.

History

1981 to 1992 was the UN "Decade of Disabled Persons". In 1987, a global meeting of experts to review progress recommended that the UN General Assembly should draft an international convention on the elimination of discrimination against persons with disabilities. Draft convention outlines were proposed by Italy and subsequently Sweden, but no consensus was reached. Many government representatives argued that existing human rights documents were sufficient. Instead, non-compulsory "Standard Rules on the Equalization of Opportunities for Persons with Disabilities" were adopted by the General Assembly in 1993. In 2000, leaders of five international disability NGOs issued a declaration, calling on all governments to support a Convention. In 2001, the General Assembly, following a proposal by Mexico, established an Ad Hoc Committee to consider proposals for a comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach.[5] Disability rights organizations, including the International Disability Alliance as coordinator of an ad hoc International Disability

Caucus, participated actively in the drafting process, in particular seeking a role for disabled people and their organizations in the implementation and monitoring of what became the Convention.

Mexico initiated negotiations, with active support from GRULAC (the Latin American regional group). When support for a Convention was foundering in 2002 due to WEOG opposition, New Zealand played a pivotal role in achieving cross-regional momentum. Acting as facilitator from 2002-03, New Zealand eventually assumed the formal role of Chair of Ad Hoc Committee and led negotiations to a consensus agreement in August 2006, working closely with other Bureau members Jordan, Costa Rica, the Czech Republic, and South Africa, as well as Korea and Mexico. The Convention became one of the most quickly supported human rights instruments in history, with strong support from all regional groups. 160 States have signed the Convention upon its opening in 2007 and 126 States ratified the Convention within its first five years. In recognition of its role in creating the Convention, as well as the quality of New Zealand's landmark national Disability Strategy, Governor-General of New Zealand Anand Satyanand received the 2008 World Disability Award on behalf of the nation.

Summary

The Convention follows the civil law tradition, with a preamble, in which the principle that "all human rights are universal, indivisible, interdependent and interrelated" of Vienna Declaration and Programme of Action is cited, followed by 50 articles. Unlike many UN covenants and conventions, it is not formally divided into parts.

Article 1 defines the purpose of the Convention:

to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity

Articles 2 and 3 provide definitions and general principles including communication, reasonable accommodation and universal design.

Articles 4-32 define the rights of persons with disabilities and the obligations of states parties towards them. Many of these mirror rights affirmed in other UN conventions such as the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights or the Convention Against Torture, but with specific obligations ensuring that they can be fully realised

by persons with disabilities.

Rights specific to this convention include the rights to accessibility including the information technology, the rights to live independently and be included in the community (Article 19), to personal mobility (article 20), habilitation and rehabilitation (Article 26), and to participation in political and public life, and cultural life, recreation and sport (Articles 29 and 30).

In addition, parties to the Convention must raise awareness of the human rights of persons with disabilities (Article 8), and ensure access to roads, buildings, and information (Article 9).

Articles 33-39 govern reporting and monitoring of the convention by national human rights institutions (Article 33) and Committee on the Rights of Persons with Disabilities (Article 34).

Articles 40-50 govern ratification, entry into force, and amendment of the Convention. **Article 49** also requires that the Convention be available in accessible formats.

Core provisions

Guiding principles of the Convention

There are eight guiding principles that underlie the Convention:

1. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
2. Non-discrimination
3. Full and effective participation and inclusion in society
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

Definition of disability

The Convention adopts a social model of disability, and defines disability as

including those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Principle of "reasonable accommodation"

The Convention defines "reasonable accommodation" to be "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms" at the Article 2 and demands this all aspects of life including inclusive education.

Prevention of discrimination

The Article 8 of Convention stresses the awareness raising to foster respect for the rights and dignity against discrimination:

1. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities.
2. To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.
3. To promote awareness of the capacities and contributions of persons with disabilities.
4. Initiating and maintaining effective public awareness campaigns designed: (i) to nurture receptiveness to the rights of persons with disabilities. (ii) to promote positive perceptions and greater social awareness towards persons with disabilities. (iii) to promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to workplace and the labour market.
5. Encouraging all organs of the mass media to portray persons with disabilities in a manner consistent with the purpose of the present Convention.
6. Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Accessibility

The Convention stresses that persons with disabilities should be able to live

independently and participate fully in all aspects of life. To this end, States Parties should take appropriate measures to ensure that persons with disabilities have access, to the physical environment, to transportation, to information and communications technology, and to other facilities and services open or provided to the public. accessibility can be grouped into three main groups. 1. physical accessibility 2. service accessibility 3. accessibility to communication and information.

Situations of risk and humanitarian emergency

Article 11 of the Convention affirms that States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of armed conflict, humanitarian emergencies and the occurrence of natural disaster.

Recognition before the law and legal capacity

Article 12 of the Convention affirms the equal recognition before law and legal capacity of the persons with disabilities.

States Parties should:

1. reaffirm that persons with disabilities have the right to recognition everywhere as a person before the law.
2. recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstance, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

Access to justice

Article 13 of the Convention affirms the effective access to justice for persons with disabilities, stating that:

1. States parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as a direct and indirect participants, including as witnesses, in all legal proceeding, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, states Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff. This Article together with the Article 12 are cited by the "Handbook on prisoners with special needs"[7] by United Nations Office on Drugs and Crime.

Right to education

The Convention states that persons with disabilities should be guaranteed the right to inclusive education at all levels, regardless of age, without discrimination and on the basis of equal opportunity.

States Parties should ensure that:

1. children with disabilities are not excluded from free and compulsory primary education, or from secondary education;
2. adults with disabilities have access to general tertiary education, vocational training, adult education and lifelong learning;
3. persons with disabilities receive the necessary support, within the general education system, to facilitate their effective education; and
4. effective individualized support measures are put in place to maximize academic and social development.

States Parties should take appropriate measures, such as:

1. endorsing the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
2. supporting the learning of sign language and promoting the linguistic identity

of the deaf community;

3. advocating that education of persons, particularly children, who are blind and/or deaf, is delivered in the most appropriate languages and means of communication for the individual; and
4. employing teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train education professionals and staff about disability awareness, use of augmentative and alternative modes and formats of communication, and educational techniques and materials to support persons with disabilities.

Right to health

Article 25 specifies that "persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability." [8]

Protecting the integrity of the person

Article 17 of the Convention states that every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Respect for the family

Article 23 of the Convention prohibits compulsory sterilization of disabled persons [9] and guarantees their right to adopt children.

Habilitation and rehabilitation

Article 26 of the Convention affirms that "States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

1. Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
2. Support participation and inclusion in the community and all aspects of society,

are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

3. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation service.
4. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Participation rights

The Convention on the Right of Persons with Disabilities recognised that "that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others" and that "persons with disabilities continue to face barriers in their participation as equal members of society."

The Convention makes participation of the disabled one of its principles, stating "The principles of the present Convention shall be:...Full and effective participation and inclusion in society", subsequently enshrining the right of disabled to participate fully and equally in the community, education, all aspect of life (in the context of habilitation and rehabilitation), political and public life, cultural life, leisure and sports.[10]

States Parties should take appropriate measure such as:

1. To enables persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
2. In accordance with international law, to ensure that law protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.
3. So that persons with disabilities should be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

Work and employment

Article 27 requires that States Parties recognize the right of persons with disabilities to work, on an equal basis of others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work

environment that is open, inclusive and accessible to persons with disabilities. And that States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to inter alia:

1. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, continuance of employment, career advancement and safe and healthy working conditions;
2. Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
3. Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
4. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
5. Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
6. Promote opportunities for self-employment, entrepreneurship, the development of cooperative and starting one's own business.
7. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace.
8. Promote the acquisition by persons with disabilities of work experience in the open labour market.
9. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forces or compulsory labour.

Adequate standard of living and social protection

Article 28 requires that States Parties recognize the right of persons with

disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this rights without discrimination on the basis of disability.

States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that rights without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of the rights, including measures;

1. To ensure equal access by persons with disabilities to clean water service, and to ensure access to appropriate and affordable service, device and other assistance for disability-related needs.
2. To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes.
3. To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care.
4. To ensure access by persons with disabilities to public housingprogrammes.
5. To ensure equal access by persons with disabilities to retirement benefits and programmes.

Right to vote

Article 29 requires that all Contracting States protect "the right of persons with disabilities to vote by secret ballot in elections and public referendums". According to this provision, each Contracting State should provide for voting equipment which would enable disabled voters to vote independently and secretly. Some democracies, e.g., the US, Japan, Netherlands, Slovenia, Albania or India allow disabled voters to use electronic voting machines or electronic aides which help disabled voters to fill the paper ballot. In others, among them Azerbaijan, Kosovo, Canada, Ghana, United Kingdom, and most of African and Asian countries, visually impaired voters can use ballots in Braille or paper ballot templates. Many of these and also some other democracies, Chile for example, use adjustable desks so that voters on wheelchairs can approach them. Some democracies only allow another person to cast a ballot for

the blind or disabled voter. Such arrangement, however, does not assure secrecy of the ballot.

Article 29 also requires that Contracting States ensure "that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use." In some democracies, i.e. Sweden and the US, all the polling places already are fully accessible for disabled voters.

Reservations

A number of parties have made reservations and interpretative declarations to their application of the Convention.

Australia does not consider itself bound to stop forcibly medicating those labeled mentally ill when it is considered a last resort.

El Salvador accepts the Convention to the extent that it is compatible with its constitution.

Malta interprets the right to health in Article 25 of the Convention as not implying any right to abortion. It also reserves the right to continue to apply its own election laws around accessibility and assistance.

Mauritius does not consider itself bound by the Article 11 obligation to take all necessary measures to protect people with disabilities during natural disasters, armed conflict or humanitarian emergencies, unless permitted by domestic legislation.

The Netherlands interprets the right to life in Article 10 within the framework of its domestic laws. It also interprets Article 25(f), which bars the discriminatory denial of health care, as permitting a person to refuse medical treatment, including food or fluids.

Poland interprets Articles 23 and 25 as not conferring any right to abortion.

The United Kingdom has reservations relating to the right to education, immigration, service in the armed forces and an aspect of social security law.

2.5 International Framework:

2.5.1 Salamanca framework

More than 300 participants representing 92 governments and 25 international organizations met in Salamanca in 1994 to further the objective of Education for All

by considering the fundamental policy shifts required to promote the approach of inclusive education, namely enabling schools to serve all children, particularly those with special educational needs. Organized by the Government of Spain in co-operation with UNESCO, the Conference brought together senior education officials, administrators, policy-makers and specialists, as well as representatives of the United Nations and the Specialized Agencies, other international governmental organizations, non-governmental organizations and donor agencies. The Conference adopted the Salamanca Statement on Principles, Policy and Practice in Special Needs Education and a Framework for Action. These documents are informed by the principle of inclusion, by recognition of the need to work towards "schools for all" - institutions which include everybody, celebrate differences, support learning, and respond to individual needs. As such, they constitute an important contribution to the agenda for achieving Education for All and for making schools educationally more effective.

This Framework for Action on Special Needs Education was adopted by the World Conference on Special Needs Education organized by the Government of Spain in co-operation with UNESCO and held in Salamanca from 7 to 10 June 1994. Its purpose is to inform policy and guide action by governments, international organizations, national aid agencies, nongovernmental organizations and other bodies in implementing the Salamanca Statement on Principles, Policy and Practice in Special Needs Education. The Framework draws extensively upon the national experience of the participating countries as well as upon resolutions, recommendations and publications of the United Nations system and other intergovernmental organizations, especially the Standard Rules on the Equalization of Opportunities for Persons with Disabilities'. It also takes account of the proposals, guidelines and recommendations arising from the five regional seminars held to prepare the World Conference.

The right of every child to an education is proclaimed in the Universal Declaration of Human Rights and was forcefully reaffirmed by the World Declaration on Education for All. Every person with a disability has a right to express their wishes with regard to their education, as far as this can be ascertained. Parents have an inherent right to be consulted on the form of education best suited to the needs, circumstances and aspiration so far their children.

The guiding principle that informs this Framework is that Schools should accommodate all children regardless so f their physical, intellectual, social, emotional, linguistic or other conditions. This should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from

linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups. These conditions create a range of different challenges to school systems. In the context of this Framework, the term 'special educational needs' refers to all those children and youth whose needs arise from disabilities or learning difficulties. Many children experience learning difficulties and thus have special educational needs at sometime during their schooling. Schools have to find ways of successfully educating all children, including those who have serious disadvantages and disabilities. There is an emerging consensus that children and youth with special educational needs should be included in the educational arrangements for the majority of children. This has led to the concept of the inclusive school. The challenge confronting the inclusive school is that of developing a child-centred pedagogy capable of successfully educating all children, including those who have serious disadvantages and disabilities. The merit of such schools is not only that they are capable of providing quality education to all children; their establishments a crucial step in helping to change discriminatory attitudes, in creating welcoming communities and in developing an inclusive society. A change in social perspective is imperative. For far too long, the problems of people with disabilities have been compounded by a disabling society that has focused upon their impairments rather than their potential. Special needs education incorporates the proven principles of sound pedagogy from which all children may benefit. It must accordingly be adapted to the needs of the child rather than the child fitted to preordained assumptions regarding the pace and nature of the learning process. A child-centred pedagogy is beneficial to all students and, as a consequence, society as a whole. Experience has demonstrated that it can substantially reduce the drop-out and repetition that are so much a part of many education systems while ensuring higher average levels of achievement. A child-centred pedagogy can help to avoid the waste of resources and the shattering of hope that is all too frequently a consequence of poor quality instruction and a 'one size fits all' mentality towards education. Child-centred schools are, moreover, the training ground for a people-oriented society that respects both the differences and the dignity of all human beings. This Framework for Action comprises the following sections:

- I. New thinking in special needs education
- II. Guidelines for action at the national level
 - A. Policy and organization
 - B. School factors

- C. Recruitment and training of educational personnel
 - D. External support services
 - E. Priority areas
 - F. Community perspectives
 - G. Resource requirements
- III. Guidelines for action at the regional and international level.

2.5.2 Biwako Millennium Framework of Action 2002

In May 2002, ESCAP adopted the resolution "Promoting an inclusive, barrier-free and rights based society for people with disabilities in the Asian and Pacific regions in the 21st century". The resolution also proclaimed the extension of the Asian and Pacific Decade of Disabled Persons 1993-2002, for another decade, 2003-2012.

In October 2002, Governments at the High-level Intergovernmental Meeting to Conclude the Asian and Pacific Decade of Disabled Persons 1993-2002, adopted the "Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific" as the regional policy guideline for the new decade. The "Biwako Millennium Framework" outlines issues, action plans and strategies towards an inclusive, barrierfree and rights-based society for persons with disabilities. To achieve the goal, the framework identifies seven priority areas for action, in which critical issues, targets with specific timeframe and actions are specified. In all, 21 targets and 17 strategies supporting the achievement of all the targets are identified. The new decade (2003-2012) will ensure the paradigm shift from a charity-based approach to a rights-based approach to protect the civil, cultural, economic, political and social rights of persons with disabilities. To pursue the targets and strategies, consultations with and involvement of civil societies, inter alia, self-help organizations and concerned NGOs are essential.

The following summarizes the seven priority areas for action, the targets, strategies, timeframe and supporting/monitoring mechanisms.

- (1) Self-help organizations of persons with disabilities and related family and parent associations.
- (2) Women with disabilities.
- (3) Early detection, early intervention and education.

- (4) Training and employment, including self-employment.
- (5) Access to built environment and public transport.
- (6) Access to information and communications, including information, communication and assertive technologies.
- (7) Poverty alleviation through social security and livelihood programmes.
- (8) Highlights of item (5): Access to built environment and public transport.

Inaccessibility to the built environment, including public transport systems, is still the major barrier for persons with disabilities. This problem will only be exacerbated, as the number of older people with disabilities increases in the region. Universal design approaches benefit all people in society, including older persons, pregnant women and parents with young children. Its economic benefits have been legitimized, yet substantive initiatives at policy level have not been taken. Three targets are set to improve the situation: The Government should adopt and enforce accessibility standards for planning of public facilities, infrastructure and transport, including those in rural/ agricultural contexts. Existing public transport systems and all new and renovated public transport systems should be made accessible as soon as practicable.

All international and regional funding agencies for infrastructure development should include universal and inclusive design concepts in their loan/grant award criteria.

2.6 National Commissions & Policies

2.6.1. Kothari Commission (1964)

Indian Education Commission (1964-1966), popularly known as Kothari Commission, was an adhoc commission set up by the Government of India to examine all aspects of the educational sector in India, to evolve a general pattern of education and to advise guidelines and policies for the development of education in India. It was formed on 14 July 1964 under the chairmanship of Daulat Singh Kothari, then chairman of the University Grants Commission. The terms of reference of the commission was to formulate the general principles and guidelines for the development of education from primary level to the highest and advise the government on a standardized national pattern of education in India. However, the medical and legal studies were excluded from the purview of the commission. The tenancy of the

commission was from 1964 to 1966 and the report was submitted by the commission on 29 June 1966.

The four main themes of the commission were:

1. Increase in Productivity
2. Promoting social and National Integration
3. Education and Modernization
4. Developing social, moral and spiritual values

Main recommendations

One of the main recommendations of the commission was the standardization of educational system on 10+2+3 pattern, across the country. It advised that the pre-primary education which had different names such as kindergarten, Montessori and pre-basic should be renamed as pre-primary and the primary education (renamed as lower primary) to be up to the 4th standard. It further classified the schooling as upper primary or higher primary and high school (up to standard X). The undergraduate education was identified as XI and XII standards under the name, higher secondary or pre university. The graduate studies were recommended to be standardized as a three-year course. The educational system up to master's degree was categorized as first (primary education), second (secondary education up to XII) and third levels of education (higher studies).

The commission recommended that a common public education system should be introduced and the it should be vocationalized in general and special streams by introducing work experience as a part of education. It further stressed on the need to make work experience and social/national service as an integral part of education. Specializations of subjects were advised to be started from higher secondary levels.

The days of instruction were recommended to be increased to 234 for schools and 216 for colleges and the working hours to be fixed at not less than 1000 hours per academic year, preferably higher at 1100 or 1200 hours. It also advised for reduction of national holidays. Linking of colleges to a number of schools in the neighbourhood, utilization of school facilities 8 hours a day all through the year, establishment of book banks, identification of talents and provision of scholarships, setting up of day study and residential facilities and opportunities for students to earn while studying were some of the other recommendations of the commission. It also emphasized on free education up to and including lower secondary level of education.

Commission laid stress on women education and advised setting up of state and central level committees for overseeing women education. It suggested establishing schools and hostels for women and urged to identify ways to find job opportunities for women in the educational sector.[9] Focusing on equalization of opportunities to all irrespective of caste, religion and gender and to achieve social and national integration, the schools were advised to provide education to backward classes on a priority basis and the minimum level of enrolment at a secondary school were advised to be not less than 360 every year. Two sets of curricula were prescribed, one at state level and one at the national level and the schools were recommended to experiment with the curriculum. It also proposed that three or four text books to be prescribed for each subject and moral and religious education be made a part of the curriculum. The curriculum prescribed by the commission was:

Lower primary level (1 to 4)

- One language (regional)
- Mathematical studies
- Environmental studies
- Creative studies
- Health studies
- Work experience

Higher primary level (5 to 8)

- Two languages (one regional and one national) and preferably a third language
- Mathematical studies
- Science studies
- Social studies
- Art
- Physical education
- Work experience
- Moral studies

Lower secondary level (IX and X)

- Three languages
- Mathematical studies

- Science studies
- Social studies
- Art
- Physical education
- Work experience
- Moral studies

Higher secondary level (XI and XII)

- Two languages (one modern Indian language and one classical or foreign language)
- Any three subjects from (a) one additional language, (b) History (c) Economics (d) Logic (e) geography (f) psychology (g) sociology (h) art (i) physics (j) chemistry (k) mathematics (l) biology (m) geology (n) home science
- Art
- Physical education
- Work experience
- Moral studies

It also recommended the establishment of guidance and counselling centres and a new approach in the evaluation of student performances. The commission suggested the neighbourhood school system without social or religious segregation and a school complex system integrating primary and secondary levels of education. It put forward the suggestion that state and national boards of examination be set up and state level evaluation machinery be put in place.

The commission recommended the establishment of Indian Education Service, along the lines of Indian Administrative Service, to bring in professional management to education sector. It proposed standardization and revision of the pay scales of the teaching, non-teaching and administrative staff and prescribed minimum pay levels based on their locations. It also advised standardization of pay scales working under different managements such as government, private and local bodies. The minimum scale was suggested to be in the ratio of 1:2:3 for teachers in the primary, secondary and higher levels of educational sector. Another proposal was for the establishment of amachinery for continuous on job training of the teaching staff and for efforts to raise the status of the teachers to attract talents into the profession. It urged laws to

be passed to legalize the educational standards and the educational expenditure to be raised from the then level of 2.9 percent of the GDP to 6 percent, to be achieved by the fiscal year, 1985-86. A significant suggestion was the issuance of a National Policy on Education by the Government of India which should serve as a guideline for the state and local bodies in the design and implementation of their educational plans.

2.6.2 National Education Policy 1968

The National Policy on Education (NPE) is a policy formulated by the Government of India to promote education amongst India's people. The policy covers elementary education to colleges in both rural and urban India. The first NPE was promulgated in 1968 by the government of Prime Minister Indira Gandhi, and the second by Prime Minister Rajiv Gandhi in 1986.

Since the nation's independence in 1947, the Indian government sponsored a variety of programmes to address the problems of illiteracy in both rural and urban India. Maulana Abul Kalam Azad, India's first Minister of Education, envisaged strong central government control over education throughout the country, with a uniform educational system. The Union government established the University Education Commission (1948-1949) and the Secondary Education Commission (1952-1953) to develop proposals to modernize India's education system. The Resolution on Scientific Policy was adopted by the government of Jawaharlal Nehru, India's first Prime Minister. The Nehru government sponsored the development of high-quality scientific education institutions such as the Indian Institutes of Technology. In 1961, the Union government formed the National Council of Educational Research and Training (NCERT) as an autonomous organisation that would advise both the Union and state governments on formulating and implementing education policies.

Based on the report and recommendations of the Education Commission (1964-1966), the government of Prime Minister Indira Gandhi announced the first National Policy on Education in 1968, which called for a "radical restructuring" and equalize educational opportunities in order to achieve national integration and greater cultural and economic development. The policy called for fulfilling compulsory education for all children up to the age of 14, as stipulated by the Constitution of India, and the better training and qualification of teachers. The policy called for focus on learning of regional languages, outlining the "three language formula" to be implemented in secondary education - the instruction of the English language, the official language of the state where the school was based, and Hindi, the national

language. Language education was seen as essential to reduce the gulf between the intelligentsia and the masses. Although the decision to adopt Hindi as the national language had proven controversial, the policy called for use and learning of Hindi to be encouraged uniformly to promote a common language for all Indians. The policy also encouraged the teaching of the ancient Sanskrit language, which was considered an essential part of India's culture and heritage. The NPE of 1968 called for education spending to increase to six percent of the national income. As of 2013, the NPE 1968 has moved location on the national website.

2.6.3 National Policy on Education 1986

Having announced that a new policy was in development in January, 1985, the government of Prime Minister Rajiv Gandhi introduced a new National Policy on Education in May, 1986. The new policy called for "special emphasis on the removal of disparities and to equalise educational opportunity," especially for Indian women, Scheduled Tribes (ST) and the Scheduled Caste (SC) communities. To achieve these, the policy called for expanding scholarships, adult education, recruiting more teachers from the SCs, incentives for poor families to send their children to school regularly, development of new institutions and providing housing and services. The NPE called for a "child-centred approach" in primary education, and launched "Operation Blackboard" to improve primary schools nationwide. The policy expanded the Open University system with the Indira Gandhi National Open University, which had been created in 1985. The policy also called for the creation of the "rural university" model, based on the philosophy of Indian leader Mahatma Gandhi, to promote economic and social development at the grassroots level in rural India.

2.6.4 Revised National Policy on Education 1992

The 1986 National Policy on Education was modified in 1992 by the P.V. NarasimhaRao government. In 2005, Prime Minister Manmohan Singh adopted a new policy based on the "Common Minimum Programme" of his United Progressive Alliance (UPA) government. Programme of Action (PoA), 1992 under the National Policy on Education (NPE), 1986 envisaged conduct of a common entrance examination on all India basis for admission to professional and technical programmes in the country. For admission to Engineering and Architecture/Planning programmes, Government of India vide Resolution dated 18 October 2001 has laid down a Three - Exam Scheme (JEE and AIEEE at the National Level and the State Level Engineering Entrance Examinations (SLEEE) for State Level Institutions - with an option to join AIEEE). This takes care of varying admission standards in these programmes and

helps in maintenance of professional standards. This also solves problems of overlaps and reduces physical, mental and financial burden on students and their parents due to multiplicity of entrance examinations. The National Policy on Education-1986 was modified in 1992. It is a comprehensive frame work to guide the development of education in the country. The principles included in the NPE-1968 are also included in the new policy with some modifications.

Modifications and Additions

- The new education policy will give emphasis on retention of children in the schools at primary level. The cause of the drop out of the children from the school should be strategically handled by making plans. The network of Non-Formal education in the country to be introduced and also the education should be made compulsory up to the age of 14.
- Greater attention should be given to the backward classes, physically challenged and minority child for their development in education.
- Major emphasis will be laid on women's education to overcome the poor rate of illiteracy among female. They will be given priority in various educational institutes and special provisions will be made available for them in vocational, technical and professional education.
- Institutions will be provided with resources like infrastructure, computers, libraries. Accommodation for students will be made available especially for girls students. Teachers will have the rights to teach, learn and research.
- The Central Advisory Board of Education will play an important role in reviewing educational development and also to determine the changes required to improve the education in the country.
- State government may establish State Advisory Board of Education to look after the state's progress in education.
- Non-government organizations will be encouraged to facilitate the education in the country. At the same time steps will be taken to prevent establishment of institutions for commercialization of education.

2.6.5 National Curriculum Framework 2005

The National Curriculum Framework (NCF 2005) is one of four National Curriculum Frameworks published in 1975, 1988, 2000 and 2005 by the National Council of Educational Research and Training NCERT in India.

The Framework provides the framework for making syllabi, textbooks and teaching practices within the school education programmes in India. The NCF 2005 document draws its policy basis from earlier government reports on education as Learning Without Burden and National Policy of Education 1986-1992 and focus group discussion. After wide ranging deliberations 21 National Focus Group Position Papers have been developed under the aegis of NCF-2005. The state of art position papers provided inputs for formulation of NCF-2005. The document and its offshoot textbooks have come under different forms of reviews in the press.

Its draft document came under the criticism from the Central Advisory Board of Education (CABE). In February 2008 the director Krishna Kumar in an interview also discussed the challenges that are faced by the document. The approach and recommendations of NCF-2005 are for the entire educational system. A number of its recommendations, for example, focus on rural schools. The syllabus and textbooks based on it are being used by all the CBSE schools, but NCF-based material is also being used in many State schools.

NCF 2005 has been translated into 22 languages and has influenced the syllabi in 17 States. The NCERT gave a grant of Rs.10 lakh to each State to promote NCF in the language of the State and to compare its current syllabus with the syllabus proposed, so that a plan for future reforms could be made. Several States have taken up this challenge. This exercise is being carried out with the involvement of State Councils for Educational Research and Training [SCERT] and District Institutes of Education and Training [DIET].

Main Features of the NCF 2005

The document is divided into 5 areas:

Perspective of NCF

The NCF was framed considering the articulated ideas in the past such as

- To shift learning from rote method.
- To ensure overall development of children.
- To integrate examination into classroom learning and make it more flexible.
- to nurture identify of caring concerns within the democratic policy of India.
- nurturing an over-riding identity informed by caring concerns within the democratic polity of the country.

NCF focused on

- Learning without burden to make learning a joyful experience and move away from textbooks to be a basis for examination and to remove stress from children. It recommended major changes in the design of syllabus.
- To develop a sense of self-reliance and dignity of the individual this would form the basis of social relationship and would develop a sense of nonviolence and oneness across the society.
- To develop a child centered approach and to promote universal enrolment and retention up to the age of 14.
- To inculcate the feeling of oneness, democracy and unity in the students the curriculum is enabled to strengthen our national identity and to enable the new generation reevaluate.
- J. P. Naik has described equality, quality and quantity as the exclusive triangle for Indian education.
- With respect to social context NCF 2005 has ensured that irrespective of caste, creed, religion and sex all are provided with a standard curriculum.

Learning and knowledge

Learning should be an enjoyable act where children should feel that they are valued and their voices are heard. The curriculum structure and school should be designed to make school a satisfactory place for students to feel secure and valued. The curriculum should focus on holistic development of the students to enhance physical and mental development in individuals and as well as with the peer interactions.

In order to bring about the overall development of the students, adequate nutrition, physical exercise and other psychosocial needs are addressed hence participation in yoga and sports is required. Learning should be made enjoyable and should relate to real life experiences learning should involve concepts and deeper understanding. Adolescence is a vulnerable age for students and the curriculum should prepare the students and provide support for social and emotional support that will inculcate positive behavior and provide skills essential to cope with situations that they encounter in their lives, peers pressure and gender stereotype.

Inclusive education to be given priority and flexibility to follow a curriculum to suit the needs of every student irrespective of students having disabilities.

Constructive learning has to be part of the curriculum. Situations and opportunities

have to be created for students to provide students with challenges, encourage creativity and active participation for students. Students have to be encouraged to interact with peers, teachers and older people which would open up many more rich learning opportunities.

The foundation should be laid strong and firm. primary, upper primary and middle school should provide the space for children to explore and develop rational thinking that they would imbibe in them and have sufficient knowledge on concepts, language, knowledge, investigation and validation procedures.

Curricular area, School stages and assessment

Language - Three language formula system to be followed. medium of communication should be the home language.[10] The First language to be studied must be the mother tongue or the regional language. The Second language - In Hindi speaking States, the second language will be some other modern Indian language or English, and - In non-Hindi speaking States, the second language will be Hindi or English. The Third language - In Hindi speaking States, the third language will be English or a modern Indian language not studied as the second language, and - In non-Hindi speaking States, the third language will be English or a modern Indian language not studied as the second language.

Mathematics -The emphasis for learning mathematics is that all students can learn and need to lean mathematics. Pedagogy and learning environment have to be made favourable for students to develop interest in basic skills and include variety of mathematics models by pedagogy which devotes a greater percentage of instructional time to problem solving and active learning.

Computers - Introduction of computers in schools is to move from a predetermined set of outcomes and skill sets to one that enables students to develop explanatory reasoning and other higher-order skills. o Enable students to access sources of knowledge, interpret them, and create knowledge rather than be passive users. o Promote flexible models of curriculum transaction. o Promote individual learning styles. o Encourage use of flexible curriculum content, at least in primary education, and flexible models of evaluation.

Science - Pedagogy of learning sciences should be designed to address the aims of learning science is to learn the facts and principles of science and it's applications, consistent with the stage of cognitive development. To acquire skills and understand the methods and processes that lead to generation and validation of scientific knowledge. To develop a historical and developmental perspective of science and to

enable her to view science as a social enterprise. To relate to the, local as well as global, and appreciate the issues at the interface of science, technology and society. To acquire the requisite theoretical knowledge and practical technological skills to enter the world of work. To nurture the natural curiosity, aesthetic sense and creativity in science and technology. To imbibe the values of honesty, integrity, cooperation, concern for life and preservation of environment and to cultivate 'scientific temper'-objectivity, critical thinking and freedom from fear and prejudice.

Social Sciences - Social science a subject is included in schools to assist students to explore their interests and aptitudes in order to choose appropriate university courses and/or careers. To encourage them to explore higher levels of knowledge in different disciplines. To promote problem-solving abilities and creative thinking in the citizens of tomorrow, to introduce students to different ways of collecting and processing data and information in specific disciplines, and help them arrive at conclusions, and to generate new insights and knowledge in the process.

Art education - The objectives of including art education in schools is to bring about the complete development of the students personality and mental health, to appreciate cultural heritage and develop respect for each other's work and connect to environment.

Health and Physical education - To provide theoretical and practical inputs to provide an integrated and holistic understanding of health, disease, accidents and physical fitness among children. To provide skills for dealing with psycho-social issues in the school, home and the community. To help children grow as responsible citizens by inculcating in them certain social and moral values through games, sports, N.C.C., Red Cross, Scouts & Guides, etc.

Study of Peace - Skills that are developed as part of curriculum activity such as to listening with patience and endurance, purity of mind to develop concentration, aptitude for cooperation and teamwork, to reach out to get answers (curiosity and rational inquiry), acceptance of discipline, and a positive attitude to study/work are the trademarks of a good student which in turn are also the skills of a peace-oriented person. Thus the curriculum also inculcates peace and democracy into students.

Work and Education - Work related education is made as an integral component of the school curriculum, in the form of - work experience, work education, SUPW, craft education, life oriented education, pre vocational education and generic education. Work based education aims at involving children in a variety of production or service oriented activities, to develop skills, positive attitudes and values through work and also to develop work related competencies.

School and Classroom Environment

Physical environment has to be maintained favorable to students in terms of infrastructure, adequate light and ventilation, student teacher ratio, hygiene and safe environment. Schools should also treat students with equality, justice, respect, dignity and right of the students. Give equal opportunities for all students to participate in all activities without any bias. Policy of inclusion has to be part of the school where differently abled and children from marginalized section get equal opportunities. The schools should also be well equipped with libraries, laboratories and educational technology laboratories.

Systemic Reforms

The NCF has aimed at bringing about reforms in the education system to bring about a curriculum that is learner centric, has a flexible process, provide learner autonomy, teacher plays a role of a facilitator, supports and encourages learning, involves active participation of learners, develops multidisciplinary curriculum, focuses on education, brings about multiple and divergent exposure, multifarious, continuous appraisal in educational system.

2.6.6 National Policy for Persons with Disabilities (2006)

The Government of India formulated the National Policy for Persons with Disabilities in February 2006 which deals with Physical, Educational & Economic Rehabilitation of persons with disabilities. In addition the policy also focuses upon rehabilitation of women and children with disabilities, barrier free environment, social security, research etc.

The National Policy recognizes that Persons with Disabilities are valuable human resource for the country and seeks to create an environment that provides those equal opportunities, protection of their rights and full participation in society.

Focus of the policy

The focus of the policy is on the following

1. **Prevention of Disabilities** - Since disability, in a large number of cases, is preventable; the policy lays a strong emphasis on prevention of disabilities. It calls for programme for prevention of diseases, which result in disability and the creation of awareness regarding measures to be taken for prevention of disabilities during the period of pregnancy and thereafter to be intensified and their coverage expanded.
2. **Rehabilitation Measures** - Rehabilitation measures can be classified into

three distinct groups:

- i. Physical rehabilitation, which includes early detection and intervention, counseling & medical interventions and provision of aids & appliances. It will also include the development of rehabilitation professionals.
- ii. Educational rehabilitation including vocational education and
- iii. Economic rehabilitation for a dignified life in society.

2.7 National Acts & Programmes:

2.7.1. IEDC 1974

Integrated Education for Disabled Children (IEDC), In the 1970s, the government launched the Centrally Sponsored Scheme of IEDC. The scheme aimed to provide educational opportunities to learners with disability in regular schools and to facilitate their achievement and retention. Under the scheme, hundred percent financial assistance is provided for setting up resource centres, surveys and assessment of children with disability, purchase and production of instruction materials and training and orientation of teachers. The scheme is currently being revised to reflect the paradigm shift towards inclusive education.

The right of every child to an education is proclaimed in the Universal Declaration of Human Rights and was strongly reaffirmed by the World Declaration on Education for All.

2.7.2. RCI Act (1992)

The Rehabilitation Council of India (RCI) is the apex government body, set up under an Act of Parliament, to regulate training programmes and courses targeted at disabled, disadvantaged, and special education requirement communities. It is the only statutory council in India that is required to maintain the Central Rehabilitation Register which mainly documents details of all qualified professionals who operate and deliver training and educational programmes for the targeted communities. In the year 2000, the Rehabilitation Council of India (Amendment) Act, 2000, was introduced and notified consequently by the government of India. The amendment brought definitions and discussions provided within the earlier Rehabilitation Council of India Act, 1992, under the ambit of a larger act, namely,

An Act to provide for the constitution of Rehabilitation Council of India for

regulating the training of rehabilitation professionals and the maintenance of a Central Rehabilitation Register and for Matters connected therewith or incidental thereto.

2.7.3 The Persons with Disabilities Act, 1995 (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

This is an act to give effect to the proclamation and equality of the people with disability in the Asian & Pacific region.

Disability: - means

- a) Blindness
- b) Low vision
- c) Leprosy cured
- d) Hearing impairment
- e) Locomotor disability
- f) Mental Retardation
- g) Mental illness
- (j) "employer" means, -
 - (i) In relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and
 - (ii) in relation to an establishment, the Chief Executive Officer of that establishment;
- (k) "establishment" means a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) and includes Departments of a Government;
- (l) "hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies;
- (m) "institution for persons with disabilities" means an institution for the reception,

care, protection, education, training, rehabilitation or any other service of persons with disabilities;

- (n) "leprosy cured person" means any person who has been cured of leprosy but is suffering from-
 - (i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;
 - (ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
 - (iii) Extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "leprosy cured" shall be construed accordingly;
- (o) "loco motor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;
- (p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;
- (q) "mental illness" means any mental disorder other than mental retardation;
- (r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence;
- (s) "notification" means a notification published in the Official Gazette;
- (t) "person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority;
- (u) "person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
- (v) "prescribed" means prescribed by rules made under this Act;
- (w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;

- (x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting-
 - (i) persons who seek to engage employees from amongst the persons suffering from disabilities;
 - (ii) persons with disability who seek employment;
 - (iii) vacancies to which person with disability seeking employment may be appointed;
- (y) "State Co-ordination Committee" means the State Co-ordination Committee constituted under sub-section (1) of section 13;
- (z) "State Executive Committee" means the State Executive Committee constituted under sub-section (1) of section 19.

CHAPTER II

The Central Coordination Committee

- 3. **Central Co-ordination Committee.** - (1) The Central Government shall by notification constitute a body to be known as the Central Co-ordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

CHAPTER III

The State Co-ordination Committee

- 13. **State Co-ordination Committee.** - (1) Every State Government shall, by notification, constitute a body to be known as the State Co-ordination Committee to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

CHAPTER IV

Prevention And Early Detection Of Disabilities

- 25. **Appropriate Governments and local authorities to take certain steps for the prevention of occurrence of disabilities.** - Within the limits of their economic capacity and development, the appropriate Governments and the

local authorities, with a view to preventing the occurrence of disabilities, shall-

- (a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;
- (b) promote various methods of preventing disabilities;
- (c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;
- (d) provide facilities for training to the staff at the primary health centres;
- (e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;
- (f) take measures for pre-natal, parental and post-natal care of mother and child;
- (g) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers;
- (h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted.

CHAPTER V

Education

26. **Appropriate Governments and local authorities to provide children with disabilities free education, etc.** - The appropriate Governments and the local authorities shall-
- (a) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
 - (b) endeavor to promote the integration of students with disabilities in the normal schools;
 - (c) 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;

- (d) endeavor to equip the special schools for children with disabilities with vocational training facilities.
27. **Appropriate Governments and local authorities to make schemes and programmes for non-formal education, etc.**
- (a) 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;
 - (b) Conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;
 - (c) Imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;
 - (d) Imparting education through open schools or open universities;
 - (e) Conducting class and discussions through interactive electronic or other media;
 - (f) Providing every child with disability free of cost special books and equipment needed for his education.
28. The appropriate Governments shall initiate or cause to be initiated research by official and nongovernmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.
29. The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.
30. Without prejudice to the foregoing provisions, (be appropriate Governments shall by notification prepare a comprehensive education scheme which shall make Provision for-
- (a) Transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools.

- (b) The removal of architectural barriers from schools, colleges or other institution, imparting vocational and professional training;
 - (c) The supply of books, uniforms and other materials to children with disabilities attending school.
 - (d) The grant of scholarship to students with disabilities.
 - (e) Setting up of appropriate fora for the redressal of grievances of parent, regarding the placement of their children with disabilities;
 - (f) Suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;
 - (g) Restructuring of curriculum for the benefit of children with disabilities;
 - (h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.
31. All educational institutions shall provide or cause to be provided amenities to blind students and students with or low vision.

CHAPTER VI:

Employment

32. Appropriate Governments shall--
- (a) Identify posts, in the establishments, which can be reserved for the persons with disability;
 - (b) At periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.
33. Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent. for persons or class of persons with disability of which one per cent. Each shall be reserved for persons suffering from--
- (i) Blindness or low vision;
 - (ii) Hearing impairment;

(iii) Loco motor disability or cerebral palsy, in the posts identified for each disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

34. (1) The appropriate Government may, by notification. Require that from such date as May he specified. By notification. The employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for person, with disability that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.
- (2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.
35. Any person authorized by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment, and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.
36. Where in any recruitment year any vacancy under section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if ;r the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no parson with disability available for the post in that Year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

37. (1) Every employer shall maintain such record in relation to the person. With disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate Government.
- (2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorized in this behalf by general or special order by the appropriate Government.
38. (1) The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may provide for-
 - (a) The training and welfare of persons with disabilities;
 - (b) The relaxation of upper age limit;
 - (c) Regulating the employment;
 - (d) Health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed;
 - (e) The manner in which and the person by whom the cost of operating the schemes is to be defrayed; and
 - (f) Constituting the authority responsible for the administration of the scheme.
39. All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent seat for persons with disabilities.
40. The appropriate Governments and local authorities shall reserve not less than three per cent. in all poverty alleviation schemes for the benefit of persons with disabilities.
41. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent. of their work force is composed of persons with disabilities.

CHAPTER VII:
Affirmative Action

42. The appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities.
43. The appropriate Governments and local authorities shall by notification frame

schemes in favor of persons with disabilities, for the preferential allotment of land at concession] rates for-

- (a) House;
- (b) Setting up business;
- (c) Setting up of special recreation centers;
- (d) Establishment of special schools;
- (e) Establishment of research centers;
- (f) Establishment of factories by entrepreneurs with disabilities

**CHAPTER VIII:
Non-discrimination**

- 44. Establishments in the transport sector shall, within the limits of their economic capacity and development for the benefit of persons with disabilities.
- 45. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development.
- 46. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development.
- 47. (1) No establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service.
(2) No promotion shall be denied to a person merely on the ground of his disability:

**CHAPTER IX:
Research And Manpower Development**

- 48. The appropriate Governments and local authorities shall promote and sponsor research, inter alia, in the following areas-
 - (a) Prevention of disability;
 - (b) Rehabilitation including community based rehabilitation;
 - (c) Development of assistive devices including their psychosocial aspects;
 - (d) Job identification;
 - (e) On site modifications in offices and factories.

49. The appropriate Governments shall provide financial assistance to universities, other institutions of higher learning, professional bodies and non-governmental research units or institutions, for undertaking research for special education, rehabilitation and manpower development.

CHAPTER X:

Recognition of Institutions For Persons with Disabilities

50. The State Government shall appoint any authority, as it deems fit to be a competent authority for the purposes of this Act.
51. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority:
52. (1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.
- (2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate the competent authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in such manner as may be prescribed by the State Government.

- (3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and maintain such standards as may be prescribed by the State Government.
- (4) A certificate of registration granted under this section, -

- (a) Shall, unless revoked under section 53, remain in force for such period as may, be prescribed by, the State Government.
 - (b) May be renewed from time to time for a like period; and
 - (c) Shall be in such form and shall be subject to such conditions as may be Prescribed by the State Government
 - (5) An application for renewal of a certificate of registration shall be made not less than sixty days before the period of validity.
 - (6) The certificate of registration shall he displayed by the institution in a conspicuous place.
53. (1) the competent authority may, if it has reasonable cause to believe that the Holder of the certificate of registration granted under sub-section (2) of section 52 has -
- (a) Made a statement in relation to any application for the issue of renewal of the certificate which is incorrect or false in material particulars; or
 - (b) Committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall he made until an opportunity is given to the holder of the certificateto show cause as to why the certificate should not be revoked.

- (2) Where a certificate in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation.

Provided that where an appeal lies under section 54 against the order of revocation, such institution shall cease to function-

- (a) Where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal, or
- (b) Where such appeal has been preferred, but the order of revocation has been upheld, from the dateof the order of appeal.
- (3) On the revocation of a certificate in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be-

- (a) Restored to the custody of her or his parent, spouse or lawful guardian, as the case may be, or
 - (b) Transferred to any other institution specified by the competent authority.
 - (4) Every institution, which holds a certificate of registration, which is revoked, under this section shall, immediately after such revocation. Surrender such certificate to the Competent authority.
54. (1) Any person aggrieved by the order of the competent authority, refusing to grant a certificate or revoking a certificate may, within such period as may be prescribed by the State Government, prefer an appeal to that Government against such refusal or revocation.
- (2) The order of the State Government on such appeal shall be final.
55. Nothing contained in this Chapter shall apply, to an institution for persons with disabilities established or maintained by the Central Government or State Government.

CHAPTER XI:

Institution For Persons With Severe Disabilities

56. The appropriate Government may establish and maintain institutions for persons with severe disabilities at such places as it thinks fit.
- (2) Where, the appropriate Government is of opinion that any institution other than an institution.
- Established under sub-section (1), is fit for the rehabilitation of the persons with severe disabilities, the Government may recognize such institution as an institution for persons with severe disabilities for the purposes of this Act:
- Provided that no institution shall be recognized under this section unless such institution has complied with the requirements of this Act and the rules made there under.
- (3) Every institution established under sub-section (1) shall be maintained in such manner and satisfy such conditions as may be prescribed by, the appropriate Government.
- (4) For the purposes of this section "person with severe disability" means a person with eighty percent. or more of one or more disabilities.

CHAPTER XII:

The Chief Commissioner And Commissioners For Persons

WITH DISABILITIES

57. (1) The Central Government may, by notification appoint a Chief Commissioner for persons with disabilities for the purposes of this Act.
- (2) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.
- (3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits of the Chief Commissioner shall be such as may be prescribed by the Central Government.
- (4) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.
- (5) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence of the Chief Commissioner.
- (6) The salaries and allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be such as may be prescribed by the Central Government.
58. The Chief commissioner shall ---
- (a) Coordinate the work of the Commissioners;
- (b) Monitor the utilization of funds disbursed by the Central Government;
- (c) Take steps to safeguard the rights and facilities made available to Persons with disabilities;
- (d) Submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.
59. Without prejudice to the provisions of section 58 the Chief Commissioner

may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to -

- (a) Deprivation of rights of persons with Disabilities.
 - (b) Non-implementation of laws, rules, byelaws, regulations. Executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights or persons with disabilities. And take up the matter with the appropriate authorities.
60. (1) Every State Government may, by notification appoint a Commissioner for persons with disabilities for the purpose of this Act.
- (2) A person shall not be qualified for appointment as a Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.
- (3) The salary and allowances payable to and other terms and conditions of service (including pension gratuity and other retirement benefits) of the Commissioner shall be such as may be prescribed by the State Government.
- (4) The State Government shall determine the nature and categories of officers and other employees required to assist the Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.
- (5) The officers and employees provided to the Commissioner shall discharge their functions under the general superintendence of the Commissioner.
- (6) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner shall be such as may be prescribed by the State Government.
61. The Commissioner within the State shall-
- (a) Coordinate with the departments of the State Government for the programmes and schemes, for the benefit of persons with disabilities;
 - (b) Monitor the utilization of funds disbursed by the State Government;
 - (c) Take steps to safeguard the rights and facilities made available to persons with disabilities.
 - (d) Submit reports to the State Government on the implementation of the Act

at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner.

62. Without prejudice to the provisions of section 61 the Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to—
 - (a) Deprivation of rights of persons with disabilities;
 - (b) Non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.
63. The Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely: -
 - (a) Summoning and enforcing the attendance of witnesses;
 - (b) Requiring the discovery and production of any documents;
 - (c) Requisitioning any public record or copy thereof from any court or office;
 - (d) Receiving evidence on affidavits; and
 - (e) Issuing commissions for the examination of witnesses or documents.
62. Without prejudice to the provisions of section 61 the Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to—
 - (a) Deprivation of rights of persons with disabilities;
 - (b) Non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.
63. The Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely: -

- (a) Summoning and enforcing the attendance of witnesses;
 - (b) Requiring the discovery and production of any documents;
 - (c) Requisitioning any public record or copy thereof from any court or office;
 - (d) Receiving evidence on affidavits; and
 - (e) Issuing commissions for the examination of witnesses or documents.
- (2) Every proceeding before the Chief Commissioner and Commissioners shall be a judicial proceeding within the meaning directions 193 and 228 of the Indian Penal Code and the Chief Commissioner, the Commissioner, the competent authority, shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.
64. (1) The Chief Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the Central Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the Central Government.
- (2) The Central Government shall cause the annual report to be laid before each House of Parliament along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation or part.
65. (1) The Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the State Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the State Government.

The State Government shall cause the annual report to be laid before each State Legislature along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the State Government and the reasons for non-acceptance, if any, of any such recommendation or part.

**CHAPTER XIII:
Social Security**

66. The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.
67. The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.
68. The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

**CHAPTER XIV:
Miscellaneous**

69. Whoever fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.
70. The Chief Commissioner, the Commissioners and other officers and staff provided to them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
71. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.
72. The provisions of this Act, or the rules made there under shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued there under, enacted or issued for the benefit of persons with disabilities.
73. The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

Conclusion - The main purpose of this act is to define responsibilities of

Central Governments and State Governments with regard to services for disabled persons. It recommends making changes in assessment and curriculum and removing architecture barriers to support inclusion. It also recommends providing free books, uniform, etc.

(Source from K. L. MOHANPURIA., Secy. to the Govt. of India)

2.7.4. The National Trust Act, (1999)

An Act to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto. Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:

CHAPTER 1

Preliminary

1. This Act may be called the *National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999*
2. It extends to the whole of India except the State of Jammu and Kashmir.

In this Act, unless the context otherwise requires,-

- a. "autism" means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behavior;
- b. "Board" means Board of trustees constituted under section 3;
- c. "cerebral palsy" means a group of non-progressive condition of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development. "Chairperson" means the Chairperson of the Board appointed under clause (a) sub-section (4) of section 3;
- e. "Chief Executive" Officer" means the Chief Executive Officer appointed under sub-section (1) of section 8;
- f. "Member" means a Member of the Board and includes the Chairperson;

- g. "Mental retardation" means a condition of arrested or incomplete development of mind of person, which is specially characterized by sub-normality of intelligence;
- h. "Multiple disabilities" means a combination of two or more disabilities as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- i. "Notification" means notification published in the Official Gazette;
- j. "Persons" with disability" means a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and include a person suffering from severe multiple disability;
- k. "Prescribed" means prescribed by rules made under this Act;
- l. "Professional" means a person who is having special expertise in a field, which would promote the welfare of persons with disability;
- m. "Registered organization" means an association of persons with disability or an association of parents of persons with disability or a voluntary, as the case may be, registered under section 12;
- n. "Regulation" means the regulations made by the Board under this Act;
- o. "Severe disability" means disability with eighty percent or more of one or more of multiple disabilities;
- p. "Trust" means the National Trust for Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disability constituted under sub section (1) of section 3.

CHAPTER 2

The National Trust For Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability

With effect from such date as the Central Government may, by notification, appointment, there shall be constituted, for the purpose of this Act, a body by the name of the National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities which shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject

to the provision of this Act, to acquire, hold and dispose of property, both movable and immovable, and both movable and immovable, and contract, and shall, by the said name, sue or be sued.

CHAPTER 3

Objects of the Trusts The objects of the trust shall be:

- to enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to which they belong;
- a. to strengthen facilities to provide support to persons with disability to live within their own families;
- b. to extend support to registered organization to provide need based services during the period of crises in the family of persons with disability ;
- c. to deal with problems of persons with disability who do not have family support;
- d. to promote measures for the care and protection of persons with disability in the event of death of their parent or guardian;
- e. to evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection;
- f. to facilitate the realization of equal opportunities, protection of right and full participation of persons with disability; and
- g. to do any other act which is incidental to the aforesaid object.

CHAPTER 4

Powers and Duties of The Board shall:-

- receive from the Central Government a one-time contribution of rupees one hundred crores for a corpus, the income where of shall be utilized to provide for adequate standard of living for persons with disability;
- a. receive bequest of movable property any person for the benefit of the person with disability in general and for furtherance of the objectives of the Trust in particular:

Provide that it shall be obligatory on the part of the Board to make arrangements for adequate standard of living for the beneficiary named in the bequest, if any and to utilize the property bequeathed for any other purpose for which the bequest has been made: Provide further that the Board shall not be under any obligation to utilize the entire amount mentioned in the bequest for the exclusive benefit of the persons with disability named as beneficiary in the bequest;

- b. receive from the Central Government such sums as may be considered necessary in each financial year for providing financial assistance to registered organization for carrying out any approved Programme.

For the purpose of sub-section (1), the expression "approved Programme" means

- c. any Programme which promote independent living in the community for persons with disability by creating a conducive environment in the community;
- ii. counseling and training of family members of persons with disability;
- iii. setting up of adult training units, individual and group homes;
- d. any programme which promotes respite care, foster family care or day care service for persons with disability;
- e. Setting up residential hostels and residential homes for persons with disability;
- f. Development of self-help group persons with disability to pursue the realization of their rights;
- g. setting up of local committee to grant approval for guardianship and
- h. such other programmes which promote the objective of the Trust. While earmarking funds for the purpose of clause (c) of sub-section (2), preference shall be given to woman with disability or to persons with severe disability and to senior citizen with disability. Explanation:- For the purpose of this sub-section, the expression;- "Persons with severe disability" shall have the same meaning as is assigned to it under sub-section (4) of section 56 of the persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995; "Senior citizen" means a person who is above the age of sixty-five years or more.

CHAPTER 5

Procedure for Registration

0. Any association of person with disability, or any association of parents of persons with disability or a voluntary organization whose main object is promotion of welfare of persons with disability may make an application for registration to the Board.
1. An application for registration shall be made in such form and manner and at such place as the Board may by regulation provide and shall contain such particulars and accompanied with such documents and such fees may be provided in the regulation.
2. On receipt of application for registration, the Board may make such inquiries as it thinks fit in respect of genuineness of the application and correctness of any particulars thereon.
3. Upon receipt of such application the Board shall either grant registration to the applicant or reject such application for reasons to be recorded in writing. Provided that where registration has been refused to the application, the said applicant may again make an application for registration after removing defects, if any in its previous application.

CHAPTER 6

Local level Committees

0. The Board shall constitute a local level committee for such area as may be specified by it from time to time.
1. A local committee shall consist of an officer of the civil service of the Union or of the State, not below the rank of a District Magistrate or a District Commissioner of a district;
 - a. a representative of a registered organization; and
 - b. a person with disability as defined in clause (t) of section 2 of the persons with disabilities (Equal Opportunities, Protection of rights and Full Participation) Act, 1995

2. A local level committee shall continue to work for a period of three years from the date of its constitution or till such time it is reconstituted by the Board
3. A local level committee shall meet at least once in every three months or at such interval as may be necessary.
0. A parent of a person with disability or his relative may make as application to the local level committee for appointment of any person of his choice to act as a guardian of the persons with disability.
1. Any registered organization may make an application in the prescribed form to the local level committee for appointment of a guardian for a person with disability:

Provide that no such application shall be entertained by the local level committee, unless the consent of the guardian of the disabled person is also obtained. 2. While considering the application for appointment of a guardian, the local level committee shall consider:- whether the person with disability needs a guardian; the purpose for which the guardianship is required for person with disability.

3. The local level committee shall receive, process and decide applications received under sub-section (1) and (2), in such manner as may be determined by regulation: Provide that while making recommendation for the appointment of a guardian, the local level committee shall provide for the obligation which are to be fulfilled by the guardian.
4. The local committee shall send to the Board the particulars received by it and orders passed there on at such interval as may be determined by regulations. Every person appointed as a guardian of a person with disability under this chapter shall, wherever required, either have the care of such person of disability and his property or be responsible for the maintenance of the person with disability.
0. Every person appointed as a guardian under section 14 shall, within a period of six months from the date of his appointment, deliver to the authority which appointed him, an inventory of immovable property belonging to the person with disability and all assets and other movable property received on behalf of the person with disability, together with a statement of all claims due to and all debts and liabilities due by such person with disability.

1. Every guardian shall also furnish to the said appointing authority within a period of three months at the close of every financial year, an account of the property and assets in his charge, the sums received and disbursed on account of the person with disability and the balance remaining with him
0. Whenever a parent or a relative of a person with disability or a registered organization find that the guardian is :- abusing or neglecting a person with disability; or a misappropriating or neglecting the property, it may in accordance with the prescribed procedure apply to the committee for the removal of such guardian.
1. Upon receiving such application the committee may, if it is satisfied that there is a ground for removal and for reasons to be recorded in writing, remove such guardian and appoint a new guardian in his place or if such a guardian is not available make such other arrangement as may be necessary for the care and protection of person with disability.
2. Any person removed under sub-section (2) shall be bound to deliver the charge of all property of the person with disability to the new guardian, and to account for all moneys received or disbursed by him.

Explanation,- For the Purpose of this chapter, the expression "relative" includes any person related to the person with disability by blood, marriage or adoption.

CHAPTER 7

Accountability and Monitoring

0. The books and documents in the possession of the Board shall be open to inspection by any registered organization
1. Any registered organization can submit a written requisition to the Board for the access of any book or document maintained by the Board.
2. The Board shall frame such regulations as it thinks necessary for allowing the access of any books or documents to a registered organization. The Board shall determine by regulations the procedure for evaluating the pre-funding status of registered organizations seeking financial assistance from it and such regulations may also provide for the guidelines for monitoring and evaluating the activities of the registered organizations who are receiving financial assistance from the Trust.

0. The Board shall in each year hold an annual general meeting of registered organizations, and not , more than six months shall elapse between the date of one annual general meeting and that of the next.
1. A notice of the annual general meeting along with a statement of accounts and records of its activities during the preceding year be sent by the Board to every registered organization at such time as may be determined by regulations.
2. The quorum for such meeting shall be such number of persons of the registered organization as may be determined by regulation.

CHAPTER 8

Finance, Accounts and Audit

The Central Government may, after due appropriation made by parliament by law in his behalf, make to the Trust a one-time contribution of rupees one hundred crores or a corpus, the income where of may be utilized the objects of the Trust under this Act. There shall be constitute a fund to be called the National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple disabilities Fund and there shall be credited thereto- all money received from the Central government;

- a. all moneys received by the trust by way of grants, gifts, donation, benefaction, bequests or transfers;
 - b. all moneys received by the Trust in any other manner or from any other source.
1. All moneys belonging to the fund shall be deposited in such banks or invested in such manner as the Board may, subjects to approval of the Central Government, decide.
 2. The funds shall be applied towards meeting the administrative and other expenses of the Trust including expenses incurred in the exercise of its powers and performance of duties by the Board in relation to any of its activities under section 10 or for any thing relatable there to. The Board shall prepare, in such form and at such time in each financial year as may be prescribed, the budget for the next financial year showing the estimated receipt and expenditure of the Trust and shall forward the same to the Central Government,

0. The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Trust including the income and expenditure accounts in such form as the Central Government may prescribe and in accordance with such general direction as may be issued by that Government in constitution with the Comptroller and Auditor-General of India.
1. The accounts of the Trust shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable by the Board of the Comptroller and Auditor-General of India.
2. The Comptroller and Auditor-General of India and by other person appointed by him in connection with the audit of the accounts of the Trust shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand and production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Trust.3. The accounts of the Trust as certified by the Comptroller, and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government, and that Government shall cause the same to be laid before each House of Parliament. The Board shall prepare every year, in such form within such time as may be prescribed an annual report giving a true and full accounts of its activities during the previous year and copies thereof shall be forward to the Central Government and that Government shall cause the same to be laid before each House of Parliament. All orders and decisions of the Board and instrument issued in the name of the Trust shall be authenticated by the signature of the Chairperson, the Chief Executive Officer or any other officer authorized by the Chairperson, in this behalf. The Board shall furnish to the Central Government such reports, returns and other information as that Government may require time to time.

CHAPTER 9

Miscellaneous

0. Without prejudice to the foregoing provisions of this Act, the Board shall, in exercise of its power or the performance of its duties under this Act, be bound

by such direction on questions of policy as the Central Government may give in writing it from time to time: Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

1. The decision of the Central Government whether a question is one of policy or not shall be final. If the Central Government on the complaint of a registered organization or otherwise has reason to believe that the Board is unable to perform or has persistently made default in the performance of the duties imposed on it, the Central Government may issue notice to the Board asking why it should not be superseded: Provide that no order superseding the Board shall be made by the Central Government, unless a notice affording reasonable opportunity to the Board has been given in writing that why it should not be superseded.
1. The Central Government after recording reasons in writing and by issuing a notification in the Official Gazette supersede the Board for a period of not more than six months: provided that on the expiration of the period of supersession Central Government may reconstitute the Board, in accordance with section 3.
2. Upon the publication of the notification under sub-section (2), all the members of the Board shall, notwithstanding that their term of office had not expired as on the date of supersession, vacate their office as such members; a. all the powers and duties which may, by or under the provision of this Act, be exercised or performed by or on behalf of the trust shall, during the period of supersession, be exercised and performed by such person as the Central Government may direct.
3. On the expiration of the period of supersession specified in the notification issued under sub-section (2), the Central Government may extend the period of supersession for such further period as it may consider necessary so that the total period of supersession does not exceed more than six months; or a. reconstitute the Board in the manner provided in section 3. Notwithstanding anything contained in the Income-tax Act, 1961, or any other law for the time being in force relating to tax on income. profit or gains, the Trust shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Trust or any member of the Board or Chief

Executive officer or any officer or other employee of the Trust or any other person authorized by the Board to perform duties under this Act for any loss or damage caused or likely to be caused by anything which is done in good faith. Explanation:- For the purpose of this section, the expression "good faith" shall have the same meaning as is assigned to it in the Indian Penal Code. All Members, Chief Executive Officer, other officers and employees of the Trust shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code. The Board may, by general or special order in writing, delegate to the Chairperson or any members or any officer of the Trust or any other person subject to such conditions and limitations, if any, as may be specified in the order such of its powers under this Act, (except the power to make regulations under section 35) as it may deem necessary. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

1. In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:- the procedure in accordance with which the person representing registered organization shall be elected under clause (b) of sub-section (4) of section 3;a. the condition of service of the Chairperson and Members under sub-section (2) of section 4; b. the rules procedure in the transaction of business at meeting of the Board under sub-section (2) of section 14;
- c. the powers and duties of Chief Executive Officer under subsection (1) of section 8;
- d. the form in which an application for guardianship may be made by a registered organization under sub-section (2) of section 23;
- e. the procedure in accordance with which a guardian may be removed under section 17;
- f. the form in which, and the time within which, the budget of the trust shall be forwarded to the Central Government under section 23;
- g. the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 24;
- h. the form in which, and the time within which, the annual reports shall be prepared and forwarded under section 25;i. any other matter which is required to be, or may be, prescribed. The Board may, with the previous approval of the

Central Government, by notification in the Official Gazette, make regulations consistent with this Act and rules generally to carry out the purpose of this Act. In particular, and without prejudice to the generality of the foregoing power, such regulation may provide for all or any of the following matters, namely:-

- the manner and purpose for which a person may be associated under sub-section (5) of section 3;
- a. the time and place at which the Board shall meet under subsection (6) of section 4;
- b. the terms and conditions of service of, Chief Executive Officer, other officer and employees of the Trust under sub-section (3) of section 8;
- c. the form manner in which the application shall be made for registration under sub-section (2) of section 12 and the particulars which such application shall contain under that sub-section;
- d. the manner in which application for guardianship shall be received, proceed and decided by the local level committee under sub-section (4) of section 114;
- e. the particulars of application and orders passed thereon by the local level committee under sub-section (5) of section 14;
- f. the procedure for evaluating the pre-funding status of the registered organization and framing of guidelines for monitoring and evaluating the activities of such registered organization under section 19;
- g. the time within which notice for annual general meeting shall be sent and quorum for such meeting under sub-section (2) and (3) of section 20; and
- h. any other matter which is required to be, or may be provided by regulation.

2.7.5. The Sarva Shiksha Mission 2000

It pledges that the "SSM will ensure that every child with special needs irrespective of the kind, categories and degree of disability is provided education in appropriate environment."

Sarva Shiksha Abhiyan or SSA, is an Indian Government programme aimed at the universalisation of elementary education "in a time bound manner", as mandated by the 86th Amendment to the Constitution of India making free and compulsory education to children between the ages of 6 to 14 (estimated to be 205 million

children in 2001) a fundamental right. The programme was pioneered by former Indian Prime Minister Atal Bihari Vajpayee.

History

As an intervention programme, SSA has been operational since 2000-2001. However, its roots go back to 1993-1994, when the District Primary Education Programme (DPEP) was launched, with an aim of achieving the objective of universal primary education. DPEP, over several phases, covered 272 districts in 18 states of the country. The expenditure on the programme was shared by the Central Government (85%) and the State Governments. The Central share was funded by a number of external agencies, including the World Bank, DFID and UNICEF. By 2001, more than US\$1500 million had been committed to the programme, and 50 million children covered in its ambit. In an impact assessment of Phase I of DPEP, the authors concluded that its net impact on minority children was impressive, while there was little evidence of any impact on the enrolment of girls. Nevertheless, they concluded that the investment in DPEP was not a waste, because it introduced a new approach to primary school interventions in India.

The Right to Education Act (RTE) came into force on 1 April 2010. Some educationists and policy makers believe that, with the passing of this act, SSA has acquired the necessary legal force for its implementation.

Features

Sarva Shiksha Abhiyan (SSA) is a programme for Universal Elementary Education. This programme is also an attempt to provide an opportunity for improving human capabilities to all children through provision of community -owned quality education in a mission mode. It is a response to the demand for quality basic education all over the country.

Main features

1. Programme with a clear time frame for universal elementary education.
2. A response to the demand for quality basic education all over the country.
3. An opportunity for promoting social justice through basic education.
4. A expression of political will for universal elementary education across the country.
5. A partnership between the central, state and the local government.

6. An opportunity for states to develop their own vision of elementary education.
7. An effort at effective involving the Panchyati Raj Institutions, school management Committees, village and urban slum level Education Committees, parent's Teachers' Associations, Mother-Teacher Associations, Tribal Autonomous councils and other grassroots level structures in the management of elementary schools.

Aims

1. To provide useful and elementary education for all children in the 6-14 age group.
2. To bridge social, regional and gender gaps with the active participation of community in the management of schools.
3. To allow children to learn about and master their natural environment in order to develop their potential both spiritually and materially.
4. To inculcate value-based learning this allows children an opportunity to work for each other's well being rather than to permit mere selfish pursuits.
5. To realize the importance of Early Childhood Care and education and looks at the 0-14 age as a continuum.

Objectives

1. All children in school. Education Guarantee Centre, Alternate School, 'Back-to-School' camp by 2003.
2. All children complete five years of primary schooling by 2007.
3. All children complete of elementary schooling by 2010.
4. Focus on elementary education of satisfactory quality with emphasis on education for life.
5. Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010.
6. Universal retention by 2010.

Aspects

1. It provides a wide convergent frame work for implementation of Elementary Education schemes.

2. It is also a programme with budget provision for strengthening vital areas to achieve universalisation of elementary education.

2.7.6 Right to Education Act (2006)

Right to Education Act

Every child between the ages of 6 to 14 years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act via Article 21A. The Right to Education Act seeks to give effect to this amendment. The government schools shall provide free education to all the children and the schools will be managed by School Management Committees (SMC). Private schools shall admit at least 25% of the children in their schools without any fee. The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality.

Main Features of Right to Education (RTE) Act, 2009

- Free and compulsory education to all children of India in the 6 to 14 age group.
- No child shall be held back, expelled or required to pass a board examination until the completion of elementary education.
- If a child above 6 years of age has not been admitted in any school or could not complete his or her elementary education, then he or she shall be admitted in a class appropriate to his or her age. However, if a case may be where a child is directly admitted in the class appropriate to his or her age, then, in order to be at par with others, he or she shall have a right to receive special training within such time limits as may be prescribed. Provided further that a child so admitted to elementary education shall be entitled to free education till the completion of elementary education even after 14 years.
- Proof of age for admission: For the purpose of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the Provisions of Birth, Deaths and Marriages Registration Act 1856, or on the basis of such other document as may be prescribed. No child shall be denied admission in a school for lack of age proof

- A child who completes elementary education shall be awarded a certificate.
- Call need to be taken for a fixed student-teacher ratio.
- Twenty-five per cent reservation for economically disadvantaged communities in admission to Class I in all private schools is to be done.
- Improvement in the quality of education is important.
- School teachers will need adequate professional degree within five years or else will lose job.
- School infrastructure (where there is a problem) need to be improved in every 3 years, else recognition will be cancelled.
- Financial burden will be shared between the state and the central government.

'Free and Compulsory Elementary Education'

All children between the ages of 6 and 14 shall have the right to free and compulsory elementary education at a neighbourhood school.

There is no direct (school fees) or indirect cost (uniforms, textbooks, mid-day meals, transportation) to be borne by the child or the parents to obtain elementary education. The government will provide schooling free-of-cost until a child's elementary education is completed.

The role envisaged for the community and parents to ensure RTE

The Right of Children to Free and Compulsory Education (RTE) Act 2009 insists upon schools to constitute School Management Committees (SMCs) comprising local authority officials, parents, guardians and teachers. The SMCs shall form School Development Plans and monitor the utilization of government grants and the whole school environment.

RTE also mandates the inclusion of 50 per cent women and parents of children from disadvantaged groups in SMCs. Such community participation will be crucial to ensuring a child friendly "whole school" environment through separate toilet facilities for girls and boys and adequate attention to health, water, sanitation and hygiene issues.

RTE promote Child-Friendly Schools

All schools must comply with infrastructure and teacher norms for an effective

learning environment. Two trained teachers will be provided for every sixty students at the primary level.

Teachers are required to attend school regularly and punctually, complete curriculum instruction, assess learning abilities and hold regular parent-teacher meetings. The number of teachers shall be based on the number of students rather than by grade.

The state shall ensure adequate support to teachers leading to improved learning outcomes of children. The community and civil society will have an important role to play in collaboration with the SMCs to ensure school quality with equity. The state will provide the policy framework and create an enabling environment to ensure RTE becomes a reality for every child.

RTE be financed and implemented in India

Central and state governments shall share financial responsibility for RTE. The central government shall prepare estimates of expenditures. State governments will be provided a percentage of these costs.

RTE provides a ripe platform to reach the unreached, with specific provisions for disadvantaged groups, such as child labourers, migrant children, children with special needs, or those who have a "disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor." RTE focuses on the quality of teaching and learning, which requires accelerated efforts and substantial reforms:

1. Creative and sustained initiatives are crucial to train more than one million new and untrained teachers within the next five years and to reinforce the skills of in-service teachers to ensure child-friendly education.
2. Families and communities also have a large role to play to ensure child-friendly education for each and every one of the estimated 190 million girls and boys in India who should be in elementary school today.
3. Disparities must be eliminated to assure quality with equity. Investing in preschool is a key strategy in meeting goals.
4. Bringing eight million out-of-school children into classes at the age appropriate level with the support to stay in school and succeed poses a major challenge necessitating flexible, innovative approaches.

Right to Education Bill

In 2002, education was made a fundamental right in the 86th amendment to the Constitution. Six years after an amendment was made in the Indian Constitution, the union cabinet cleared the Right to Education Bill. Key provisions of the Bill include: 25% reservation in private schools for disadvantaged children from the neighbourhood, at the entry level. The government will reimburse expenditure incurred by schools; no donation or capitation fee on admission; and no interviewing the child or parents as part of the screening process. The Bill also prohibits physical punishment, expulsion or detention of a child and deployment of teachers for non-educational purposes other than census or election duty and disaster relief. Running a school without recognition will attract penal action.

The Right to Education Bill is the enabling legislation to notify the 86th constitutional amendment that gives every child between the age of six and 14 the right to free and compulsory education.

25% quota for poor

The Supreme Court upheld the constitutional validity of Right of Children to Free and Compulsory Education Act, 2009, on April 12, 2012 and directed every school, including privately-run ones, to give immediately free education to students from socially and economically backward classes from class-I till they reach the age of 14 years.

The court threw out the challenge by private unaided schools to Section 12(1)(c) of the Act that says every recognized school imparting elementary education, even if it is an unaided school not receiving any kind of aid or grant to meet its expenses, is obliged to admit disadvantaged boys and girls from their neighbourhood.

School Admissions According to RTE Norms

A series of measures have been taken by the NCPCR to ensure that school admission procedures all over the country are in accordance with the Right of Children to Free and Compulsory Education (RTE) Act, 2009. This was necessitated by the fact that schools in some states were carrying out a screening procedure for admission of children in the elementary stage of education prohibited by the Act. In April, the NCPCR wrote to the chief secretaries of all the states asking them to issue Government Orders to ensure that school admission procedures were in accordance with the RTE

Act. This was prompted by the Directorate of Education, Government of National Capital Territory of Delhi (GNCTD), issuing a notice in March inviting applications for admission to Class VI in the RajkiyaPratibhaVikasVidyalayas run by the Directorate.

The NCPCR's intervention in April came in response to an admission notice that had been issued by the GNCTD's Directorate of Education in all leading newspapers as well as in the Directorate's website, inviting students to purchase application forms costing Rs 25 each and thereafter sit for an entrance exam. Since the RTE Act prohibits any kind of screening procedure and permits admissions into any school through random selection only, the notice was clearly in contravention of the Act.

As the nodal body monitoring the implementation of the RTE Act, the Commission wrote to the Principal Secretary, Education, GNCTD, asking the admission notice be withdrawn and a notice in Conformity with the provisions of the RTE be issued instead. It also requested that Government Orders (GO) be issued to all schools in the GNCTD within a week regarding the provisions of the Act so that the schools made the required changes in their procedures and modes of functioning.

As the Directorate did not comply with this request, it was summoned by the Commission in June and given time till July to re-conduct the admission in accordance with RTE procedures. To ensure that the RTE Act was not similarly contravened in other states, the NCPCR has in its letter to the chief secretaries said that the GO they issue to schools on the matter must specify that:

1. Admission procedures be made in accordance with the RTE Act
2. 25 per cent reservation is ensured for weaker sections in all 'specified category' schools and private unaided schools, and reservation norms for government aided schools are to be followed

Further, private schools recognized by the government must also be mapped out and issued notice regarding provisions in the Act as well as the procedures by which children in the neighbourhood could claim admission to the schools. Also, the task of finalizing State Rules on the RTE Act must be completed at the earliest.

In response to queries regarding Navodaya Schools which have been designated as 'specified category' schools in the RTE Act, the NCPCR clarified that the provisions of Section 13 of RTE Act applied to all schools without exception.

The relevant provision of Section 13 of the Act is:

No school or person shall, while admitting a child, collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure. Any school or person, if in contravention of the provisions of sub-section (1):

1. Receives capitation fee, shall be punishable with fine which may extend to ten times the capitation fee charged
2. Subjects a child to screening procedure shall be punishable with fine which may extend to Rs 25,000 for the first contravention and Rs 50,000 for each subsequent contravention.

No Screening for Admission to Navodaya Schools

The National Commission for Protection of Child Rights (NCPCR) has written to the commissioner, Navodaya Schools, as well as the state education secretaries against any kind of screening for admission of children to elementary education (Classes 1 to eight). The NCPCR intervened to check violation of RTE provisions after it got reports of Navodaya schools screening students in Delhi and other states.

Quoting Section 13 of the RTE Act 2009, the NCPCR has pointed out that while admitting a child to school, the Act prohibits schools or persons from collecting capitation fees or subjecting the child or the parents and guardians to any screening procedure. Any school or person receiving capitation fees, it has pointed out, could be punished with a fine which could be ten times the capitation fee charged.

Subjecting a child to screening could lead to a fine of Rs 25,000 for the first contravention and Rs 50,000 for each subsequent contravention. Section 13 applies to all schools even the Navodaya schools which have been designated special category schools in the RTE Act. Screening procedures being conducted by Navodaya Schools are a violation of the RTE Act, it clarified. NCPCR has also requested state governments to issue orders to all schools regarding the provisions of the Act so that the required changes in their procedures and modes of functioning are made within a week.

Eligibility for Teachers

The following persons shall be eligible for appearing in the TET:

1. A person who has acquired the academic and professional qualifications specified in the NCTE Notification dated 23rd August 2010.
2. A person who is pursuing any of the teacher education courses (recognized

by the NCTE or the RCI, as the case may be) specified in the NCTE Notification dated 23rd August 2010.

3. The eligibility condition for appearing in TET may be relaxed in respect of a State/UT which has been granted relaxation under sub-section (2) of section 23 of the RTE Act. The relaxation will be specified in the Notification issued by the Central Government under that sub-section.

Each child to get free uniform, books under RTE

Each child from class I to class VIII in the country will be provided free textbooks and uniforms, if a roadmap prepared by the Centre to implement the Right To Education Act (RTE) is accepted by the states.

2.7.7. Rashtriya Madhyamik Shiksha Abhiyan (RMSA)2009

Rashtriya Madhyamik Shiksha Abhiyan (RMSA) (English: "National Mission for Secondary Education") is a centrally sponsored scheme of the Ministry of Human Resource Development, Government of India, for the development of secondary education in public schools throughout India. It was launched in March 2009. The implementation of the scheme has started from 2009-2010 to provide conditions for an efficient growth, development and equity for all. The scheme includes a multidimensional research, technical consulting, various implementations and funding support. The principal objectives are to enhance quality of secondary education and increase the total enrollment rate from 52% (as of 2005-2006) to 75% in five years, i.e. from 2009-2014. It aims to provide universal education for all children between 15-16 years of age. The funding from the central ministry is provided through state governments, which establish separate implementing agencies.

Objectives

The objectives of Rashtriya Madhyamik Shiksha Abhiyan can be summarised as follows:[3]

1. To improve quality of education imparted at secondary level through making all secondary schools conform to prescribed norms.
2. To remove gender, socio-economic and disability barriers.
3. Universal access to secondary level education by 2017, i.e., by the end of the XII Five Year Plan.
4. Universal retention by 2020.

Action plans

RMSA is planned to promote secondary education by establishing in every target school the following infrastructure:

1. Additional class rooms
2. Laboratories
3. Libraries
4. Art and crafts room
5. Toilet blocks
6. Drinking water provisions
7. Residential hostels for teachers in remote areas

In addition it aims to provide additional teachers to reduce student-teacher to 30:1, focus on science, mathematics and English education, in-service training of teachers, science laboratories, ICT-enabled education, curriculum reforms, and teaching-learning reforms.

Planning for secondary education

Background

- Since the initiation of the National Policy on Education (NPE), 1986, there has been no major changes in the structure and organization of the secondary and higher secondary school systems under the Ninth Plan period.
- The focus in this plan was on minimising the various disparities, to renew the curricula giving importance to vocationalisation and employment-oriented courses. It also give importance to expanding and diversifying the open learning system, teacher training and ICT. Free education and hostel facilities for girls and integrated education for the disabled children was also brought into highlight, etc.

Participation of private sector

- There was an increased participation of the private sector including non-governmental organisations (NGOs). Currently, these private sectors manage around 51% of the secondary schools and 58% of the higher secondary schools.
- Opportunities were provided for those children who were not able to enroll themselves in formal education systems through national and state open schools by utilising contact-centres and multi-media packages.

- It highly emphasized on the content, process and the quality of education especially the environment education, science, mathematics and computer literacy with the financial help from the central government.
- After the revised NPE policy, 1992, new initiatives like revision of curriculum, resource centres for value education and National Centre for Computer-aided Education etc. have been taken up.
- The appeal lacks in the vocationalisation of education due to the lack of manpower demand and academic restraints etc. Hence, by 2000, only 10% of the students opt for the vocational streams against 25%.

Planning for children with special needs (CWSN)

- With the enactment of the Persons with Disabilities Act, 1995, the education for the CWSN received an impetus. This act entrusts certain governments and authorities for the provision of free access for these children towards education, allotted lands for certain purposes, non-discrimination in transports, financial incentive for them to undertake research etc.
- This scheme has also taken up programmes for the attitudinal changes and capacity building among teachers for the sake of these children.[7]

Four major heads

- **Quality improvement:**

In school, there was promotion of the science laboratories, environmental education, promotion of yoga, as well as centrally sponsored schemes of population education project, international mathematics and science olympiads. The state governments provide in-service training for the teachers and provide infrastructure and research inputs.

- **Information communication technologies (ICT):**

ICT comprises the centrally sponsored schemes like computer education and literacy in schools (CLASS) and educational technology (ET) which familiarizes the student with Information technology (IT). Due to the rise in IT demand in today's world, a major importance is given on it. Components of a merged scheme ICT in school include a) funding support towards computer education plans; b) strengthening and reorientation of the staffs of SIETS - state institutes of education and training; c) there is digitalisation of SIETs audio and video cassettes with the partnership of NGOs; and d) management of internet-based education by SIETs.

- **Access and equity:**

RMSA not only emphasizes on providing secondary education for the special focus groups that include scheduled tribe and scheduled caste groups, minority girls and CWSN children, but it also give importance on removing the existing disparities in socio-economic and gender background in the secondary level of education. They are termed as the vulnerable/ disadvantaged group. Certain strategies were implemented to provide free access towards secondary education and they are given as following steps:

1. Identification of the disadvantaged groups: For this purpose, educational indicators like gross enrollment ratio (GER), net enrollment ratio (NER), drop-out rate, retention rate, gender parity index (GPI), gender gap, etc. were analysed.
2. Need assessment: This is the critical step to prepare for the equity plan where the factors affecting the education of this group of children were evaluated with the involvement of the community members, teachers, civil society, etc.
3. Strategising for the addressing gaps: Since there are multiple interwoven factors that cause the un-equitable condition in this scenario, the strategy was called to have a set of multi-dimensional activities.
4. Project-based proposal: Development of a project-based strategy enables the RMSA to call for an evidence-based and outcome-oriented strategy.

- **Integrated education for disabled children (IEDC):**

Inclusive education have been highlighted to bring about expansion in terms of meeting/catering to the needs of the mentally and physically disadvantaged children. This schemes continues to be a separate centrally sponsored scheme. It includes several components for convergence with integrated child development services for early interventions, Sarva Shiksha Abhiyan (SSA) for the particular group at the elementary level, and special schools.

Funding method

The Ministry of Human Resource Development directly provides funds to the state governments. Each state government then release the funds to the approved implementing agencies or institutions. During the XI Five Year Plan the central government provided 75% of the total fund for each state, while 25% was borne by

the state as matching share. However, in the remote northeastern states and Sikkim the matching share was waived to 10%. [6][9]

Achievements

The major achievements of RMSA as of 2015-2016 report are:

1. New school: 11,577 new secondary schools were approved out of which, 10082 are functional.
2. Strengthening of schools: 337,731 have been approved in terms of infrastructure development under this scheme. The details is as follows:
 - Additional classroom: Out of 52750 approved, 20,839 were completed and 16,774 are under progress.
 - Science laboratory: Out of 25,948 approved, 10,107 were completed and 8532 are under progress.
 - Computer room: Out of 21,864 approved, 6920 were completed and 6297 are under progress.
 - Library room: Out of 27,428 approved, 10,133 were completed and 8929 are under progress.
 - Art/Craft room: Out of 31,453 approved, 12,062 were completed and 9686 are under progress.
 - Drinking water: Out of 12,327 approved, 7096 were completed and 2507 are under progress.
 - Teacher quarters: Out of 5408 approved, 623 were completed and 509 are under progress.
 - Major repair: Out of 2975 approved, 1313 were completed and 271 are under progress.

Rise of RMSA

Due to the impact of the programmes undertaken for the universalisation of elementary education, there is a rise in the demand of education at the secondary level. Despite the increase in the number of secondary schools, the spread of the secondary education throughout the country remains uneven. There are regional disparities, differences in the socio-economic background and in Union Territories. There was narrowing of this significant gender gaps in existing condition. In the

Tenth Plan, the key was focussed on a quality education at all levels and to pursuit excellence accordingly.

2.7.8. Inclusive Education for Disabled at Secondary stage (IEDSS) 2013

The Scheme of Inclusive Education for Disabled at Secondary Stage (IEDSS) has been launched from the year 2009-10. This Scheme replaces the earlier scheme of Integrated Education for Disabled Children (IEDC) and provides assistance for the inclusive education of the disabled children in classes IX-XII. This scheme now subsumed under RashtriyaMadhyamikShikshaAbhiyan (RMSA) from 2013. The States/ UTs are also in the process of subsuming under RMSA as RMSA subsumed Scheme.

Aims

To enabled all students with disabilities, to pursue further four years of secondary schooling after completing eight years of elementary schooling in an inclusive and enabling environment.

Objectives

The scheme covers all children studying at the secondary stage in Government, local body and Government-aided schools, with one or more disabilities as defined under the Persons with Disabilities Act (1995) and the National Trust Act (1999) in the class IX to XII, namely blindness, low vision, leprosy cured, hearing impairment, locomotory disabilities, mental retardation, mental illness, autism, and cerebral palsy and may eventually cover speech impairment, learning disabilities, etc. Girls with the disabilities receive special focus to help them gain access to secondary schools, as also to information and guidance for developing their potential. Setting up of Model inclusive schools in every State is envisaged under the scheme.

Components

- Student-oriented components, such as medical and educational assessment, books and stationery, uniforms, transport allowance, reader allowance, stipend for girls, support services, assistive devices, boarding the lodging facility, therapeutic services, teaching learning materials, etc.
- Other components include appointment of special education teachers, allowances for general teachers for teaching such children, teacher training, orientation of school administrators, establishment of resource room, providing barrier free environment, etc.

Implementing Agency

The School Education Department of the State Governments/Union Territory (UT) Administrations are the implementing agencies. They may involve NGOs having experience in the field of education of the disabled in the implementation of the scheme.

Financial Assistance

Central assistance for all items covered in the scheme is on 100 percent basis. The State governments are only required to make provisions for scholarship of Rs. 600/- per disabled child per annum.

2.8 Let us Sum Up

International Level

1. Universal Declaration of Human Rights (1948): It proclaimed the right of every child to and education.
2. UN Convention on the Rights of the Child (1989): It states that education is the right of every child.
3. UN Declaration on Education for all (Jometien Declaration) - 1990: It emphasizes education for all including children with disabilities. It states, "the learning needs of the disabled demand special attention, steps need to be taken to provide equal access to education to every category of disabled person as an integrated part of education systems.
4. UN Declaration Standard Rules on equalization of opportunities for person with disabilities - 1993: It is important resolution for improving the education condition for person with disabilities. It states, "State should recognize the principal of equal, primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated setting. They should ensure that education of person with disabilities is on integrated part of the education system.
5. The Salamanca Declaration (1994): It endorsed inclusive education and stated that inclusion and participation are essential to human rights.

National Level

The basic structure of the constitution of India, as reflected in the preamble ensures social, economic and political justice as well as equality of status and equal opportunity to all citizens of India. It is thus constitutional obligation of equality of

all citizens including persons with disabilities and other marginalized groups of people.

Article 45 requires the state to make provision within 10 years for free and compulsory education for all children until they complete the age of 14 years. The Constitution (86th Amendment Act ,2002)) has substituted a new article for article 45 which provides, "The state shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

In 1964, the Kothari Commission (1964-66) recommended placement of the disabled child, as far as possible in ordinary schools. The Integrated Education for Disabled Children (IEDC) - 1974

The centrally sponsored scheme IEDC launched in 1974 to admit children with disabilities in regular schools.

The District Primary Education Programme (DPEP) - 1985.

It acknowledges the fact that universalization of education is possible only if it includes children with disabilities.

The National Policy on Education (NPE) - 1985

It included a full chapter on "Education of the Handicapped and formulated guidelines for action. The NPE (1986) strongly emphasized the need for the expansion of integrated education programmes. The Project Integrated Education for Disabled (PIED) - 1987

It was launched in 1987, which encourages all schools in a neighbourhood to enroll children with disabilities.

The Rehabilitation Council of India (RCI) Act - 1992

In 1992, the RCI act was passed in the parliament to regulate the manpower development and funding research programme in the field of education of children with special needs.

The Person with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995

The main purpose of this act is to define responsibilities of Central Governments and State Governments with regard to services for disabled persons. It recommends making changes in assessment and curriculum and removing architecture barriers to support inclusion. It also recommends providing free books, uniform, etc.

The National Trust Act

It recommends promotion of children with autism, cerebral palsy, mental retardation and multiple disabilities. It runs many programmes, which promote independent living community for people with disabilities by creating conducive environment in the community.

The Sarva Sikhsha Mission

It pledges that the "SSM will ensure that every child with special needs irrespective of the kind, categories and degree of disability is provided education in appropriate environment."

The Amendment of the Constitution in 2001

It makes education a fundamental right for those in the age 6-14 age group which covers children with disabilities.

The National policy for Persons with Disabilities

It has a section on education, stating, "There is a need for mainstreaming of the person with disabilities in the general education system through inclusive education. It also mentions that children learn but in the company of their peers.

Right to Education

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

RMSA 2009

This scheme was launched in March, 2009 with the objective to enhance access to secondary education and to improve its quality. The implementation of the scheme started from 2009-10. The other objectives include improving quality of education

imparted at secondary level through making all secondary schools conform to prescribed norms, removing gender, socio-economic and disability barriers, providing universal access to secondary level education by 2017, i.e., by the end of 12th Five Year Plan and achieving universal retention by 2020.

A Comprehensive Plan of Action for Children and youth with Disabilities

It was also presented by the minister for Human Resource Development, Arjun Singh in March 2005. This Action Plan advocated inclusive education and envisages making all schools "disabled friendly" by 2020.

2.9 “Check your progress”

1. Discuss about Universal Declaration of Human Rights (1948)

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2. Discuss about UNCRPD 2006

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3. Discuss about Salamanca Framework 1994

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4. Write an essay about Kothari Commission 1964

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5. Write an essay National Curriculum Framework 2005

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6. Write a short note

IEDC(1974), RCI (1992), PWD (1995), RMSA (2009) IEDSS (2013)

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