

POLICES & FRAMEWORKS FACILITATING INCLUSIVE EDUCATION NOTES

Comprehensive Reference Study Notes • Legal, Policy & Framework Analysis

Syllabus & Document Orientation:

These master reference notes provide a thorough analysis of statutory policies, international declarations, human rights conventions, global action frameworks, national educational commissions, and national statutory acts that facilitate and mandate inclusive education in India and globally.

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Quick Revision Matrix: Policy & Legislative Chronology:

- **Global Path:** UDHR (1948) → CADE (1960) → CRC (1989) → EFA Jomtien (1990) → Salamanca (1994) → Dakar (2000) → BMF (2002) → UNCRPD (2006).
- **India Path:** Kothari (1964) → NEP (1968) → IEDC (1974) → NPE (1986) → RCI Act (1992) → PWD Act (1995) → National Trust (1999) → SSA (2000) → NCF (2005) → NPPD (2006) → RTE (2009) → RMSA / IEDSS (2009).

Unit 1: International Declarations Facilitating Inclusive Education

1.1 Universal Declaration of Human Rights (UDHR), 1948

The **Universal Declaration of Human Rights (UDHR)** was adopted by the United Nations General Assembly on **10 December 1948** at the Palais de Chaillot, Paris (Resolution 217A). Considered the cornerstone of international human rights law, it established that fundamental rights and freedoms apply universally to every human being without exception.

♦ Historical Background & Drafting Structure:

Following the devastating human rights atrocities of World War II (1939–1945), the international community established a universal rights charter. Chaired by Eleanor Roosevelt (USA), the drafting commission included delegates from India, France, China, the UK, and Lebanon. The UDHR consists of a **Preamble + 30 Articles**.

Core Articles of UDHR Relevant to Inclusive Education:

- **Article 1:** All human beings are born free and equal in dignity and rights.
- **Article 2:** Everyone is entitled to all rights without distinction of any kind (race, color, sex, language, religion, or other status, implicitly including disability).
- **Article 26 (Right to Education):** Everyone has the right to education. Education shall be free and compulsory at the elementary stages, directed to the full development of the human personality.

♦ Significance & Limitations for Persons with Disabilities:

- **Universal Inclusion:** The universal terminology ('everyone', 'all human beings') established that persons with disabilities possess equal educational entitlements.
- **Non-Discrimination Foundation:** Formed the legal basis for subsequent domestic laws in India, including the Constitution of India and disability legislations.
- **Key Limitation:** The UDHR is a *declaration*, not a legally binding treaty, and did not explicitly mention the word 'disability', necessitating subsequent binding conventions.

1.2 World Declaration on Education for All (EFA), Jomtien 1990

The **World Declaration on Education for All (EFA)** was adopted at the World Conference held in Jomtien, Thailand, from **5–9 March 1990**, organized jointly by UNESCO, UNICEF, UNDP, and the World Bank. Representatives from 155 countries and 150+ NGOs attended.

♦ Key Articles of the Jomtien Declaration:

Article / Provision	Substantive Mandate & Core Focus
Article 1: Meeting Basic Needs	Every child, youth, and adult shall be able to benefit from educational opportunities designed to meet their basic learning needs (literacy, oral expression, problem-solving).
Article 2: Shaping the Vision	Universalizing access and promoting equity across all educational strata.
Article 3: Universalizing Access	Explicitly mentions children with disabilities alongside girls, the poor, street children, and ethnic minorities as marginalized groups requiring special affirmative action.
Article 4: Focus on Learning	Shifted educational focus from mere numerical enrollment to actual quality learning outcomes.

♦ Follow-Up: Dakar Framework for Action (2000) & 6 EFA Goals:

Convened in Dakar, Senegal (April 2000), the World Education Forum assessed progress and established **6 EFA Goals** to be met by 2015: (1) Expand Early Childhood Care and Education (ECCE), (2) Universal Free Primary Education by 2015, (3) Equitable life skills for youth and adults, (4) 50% improvement in adult literacy, (5) Gender

parity by 2005 & equality by 2015, (6) Comprehensive quality improvement. In India, EFA directly spurred the District Primary Education Programme (DPEP, 1994) and Sarva Shiksha Abhiyan (SSA, 2000).

Unit 2: International Conventions on Non-Discrimination & Child/Disability Rights

2.1 UNESCO Convention Against Discrimination in Education (CADE), 1960

Adopted by the General Conference of UNESCO on **14 December 1960** (entered into force on 22 May 1962), CADE was the first international legally binding instrument dedicated to enforcing non-discrimination and equality of opportunity in education. India ratified CADE in 1960.

- **Definition of Discrimination (Article 1):** Any distinction, exclusion, limitation, or preference based on race, color, sex, language, religion, political opinion, national or social origin, or economic condition that impairs equality of treatment.
- **Relevance to Inclusion:** Though disability was not explicitly listed, the 'other status/condition' clause has been universally interpreted to outlaw the segregation and exclusion of students with disabilities from regular schools.

2.2 UN Convention on the Rights of the Child (CRC), 1989

Adopted by the UN General Assembly on **20 November 1989** (entered into force 2 September 1990), the CRC is the most widely ratified human rights treaty in history (196 states). India ratified the CRC on **11 December 1992**.



Figure 2.1: Four Core Pillars of the UN Convention on the Rights of the Child (CRC 1989)

★ Article 23: Rights of Children with Disabilities (Crucial for Educators):

- **Art. 23(1):** Recognizes that a mentally or physically disabled child should enjoy a full and decent life in conditions ensuring dignity, promoting self-reliance, and facilitating active community participation.
- **Art. 23(2) & (3):** Mandates that states ensure disabled children have effective access to education, training, health care, and rehabilitation in a manner conducive to the fullest possible social integration.

2.3 UN Convention on the Rights of Persons with Disabilities (UNCRPD), 2006

Adopted on **13 December 2006** and enforced on 3 May 2008, the UNCRPD is the first legally binding human rights treaty of the 21st century. It marked a global paradigm shift from viewing disability as a medical/welfare issue to a **fundamental human rights and social justice issue**. India signed it on 30 March 2007 and ratified it on **1 October 2007**.

♦ The 8 General Principles of UNCRPD (Article 3):

- 1. Respect for inherent dignity, individual autonomy, and independence.
- 2. Non-discrimination on the grounds of disability.
- 3. Full and effective participation and inclusion in society.
- 4. Respect for difference and acceptance of disability as part of human diversity.
- 5. Equality of opportunity.
- 6. Accessibility (physical environment, transport, ICT, and public systems).
- 7. Equality between men and women.
- 8. Respect for the evolving capacities of children with disabilities.

 UNCRPD Article 24: The Global Inclusive Education Mandate:

- **Art. 24(1):** States Parties shall ensure an inclusive education system at all levels and lifelong learning.
- **Art. 24(2)(a)-(c):** Persons with disabilities shall not be excluded from the general education system on the basis of disability; they must receive **Reasonable Accommodation** and individualized support within regular schools.
- **Art. 24(3) & (4):** Facilitating learning of Braille, sign language (ISL), AAC, orientation/mobility skills, and employing teachers qualified in sign language and Braille.

✦ Key Definitions under UNCRPD Article 2:

- **Reasonable Accommodation:** Necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, ensuring PwDs enjoy rights on an equal basis.
- **Universal Design:** The design of products, environments, programs, and services to be usable by all people, to the greatest extent possible, without the need for adaptation.

Unit 3: International Frameworks for Action in Special Needs Education

3.1 The Salamanca Statement & Framework for Action, UNESCO 1994

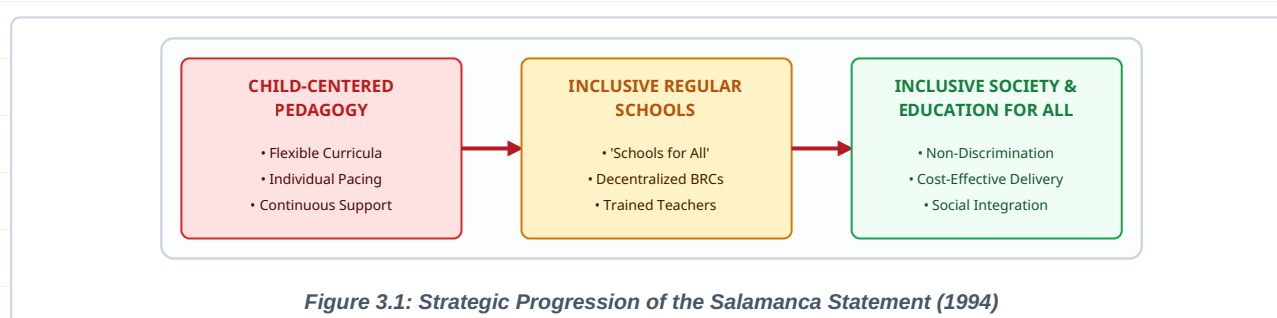
The **Salamanca Statement on Principles, Policy and Practice in Special Needs Education** was adopted by 92 governments and 25 international organizations in Salamanca, Spain, from **7–10 June 1994**. It is widely recognized as the most influential foundational document in the global history of inclusive education.

Core Guiding Principle of Salamanca (1994):

"Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system."

♦ Core Tenets of the Salamanca Framework:

- Every child has a fundamental right to education and unique learning characteristics, interests, and abilities.
- Education systems must be designed to take into account the wide diversity of these characteristics.
- Those with **Special Educational Needs (SEN)** must have access to regular schools with a child-centered pedagogy.
- Introduced the global concept of '**Schools for All**' and expanded SEN beyond medical disability to include all learning challenges.



3.2 Biwako Millennium Framework for Action (BMF), 2002

Adopted at the UNESCAP meeting in Otsu, Shiga Prefecture, Japan (**25–28 October 2002**), the BMF established regional development priorities for the Second Asian and Pacific Decade of Disabled Persons (2003–2012). India is bound by its provisions.

- **BMF Vision:** An inclusive, barrier-free, and rights-based society for persons with disabilities in Asia and the Pacific.
- **7 Priority Areas of BMF:** (1) Self-help organizations of PwDs, (2) Women with disabilities, **(3) Early detection, early intervention & inclusive education**, (4) Training & employment, (5) Access to built environment & public transport, (6) Access to information & ICT, (7) Poverty reduction through capacity building.
- **Priority Area 3 Directives:** Full integration of CwD into regular education; mandatory preparation of **Individualized Education Programmes (IEPs)**; supply of assistive devices; and converting special schools into decentralized resource centers.
- **Successor:** Succeeded by the **Incheon Strategy: 'Make the Right Real' (2013–2022)** with 10 goals and 27 targets.

Unit 4: National Commissions & Educational Policies in India

4.1 Kothari Commission (Education Commission), 1964–66

Chaired by **Dr. D.S. Kothari** (Chairman, UGC), the commission submitted its historic report titled '*Education and National Development*' in 1966. It laid the foundation for modern Indian education.

- **Core Recommendations:** Recommended the uniform **10+2+3 structure**, allocation of **6% of GDP to education**, implementation of the Three-Language Formula, and establishment of DIETs.
- **On Children with Disabilities:** Explicitly recommended that "*handicapped children should, as far as possible, be educated in ordinary schools alongside normal peers*", establishing the philosophical precursor to integration in India.

4.2 National Education Policy (NEP), 1968

Formulated under Prime Minister Indira Gandhi based on the Kothari Commission report, NEP 1968 was independent India's first comprehensive education policy.

- Adopted the 10+2+3 pattern and free/compulsory education for children up to 14 years.
- **Disability Provision:** For the first time in an official national policy, it specifically mandated the expansion of educational facilities for 'physically and mentally handicapped' children and encouraged their integration in regular schools wherever feasible.

4.3 National Policy on Education (NPE), 1986 & Revised POA, 1992

Formulated under Prime Minister Rajiv Gandhi, NPE 1986 was guided by the overarching philosophy of '**Education for Equality**'. It introduced Minimum Levels of Learning (MLL), Operation Blackboard, and Navodaya Vidyalayas.

★ **Specific Provisions for Children with Disabilities in NPE 1986 & POA 1992:**

- **Integration as Primary Objective:** The education of children with motor and mild disabilities in common regular schools was accepted as primary policy.
- **Revamping IEDC:** Robustly strengthened the Integrated Education of Disabled Children (IEDC) scheme with resource rooms, itinerant teachers, and architectural barrier removal.
- **1992 Modifications (Ramamurti Committee Review):** Emphasized universal early detection, Community-Based Rehabilitation (CBR), establishment of district assessment cells, and pre-service special education modules for regular teachers.

4.4 National Curriculum Framework (NCF), 2005

Drafted by NCERT under the chairmanship of **Prof. Yash Pal**, NCF 2005 revolutionized Indian school education through a **constructivist, child-centered approach**.

- **5 Guiding Principles:** (1) Connecting knowledge to life outside school, (2) Shifting learning away from rote methods, (3) Enriching curriculum beyond textbooks, (4) Making examinations flexible, (5) Nurturing democratic identity.
- **NCF 2005 on Inclusion & Special Paper (2006):** Affirmed that inclusive education is not a separate discipline but a fundamental tenet of all schooling. Advocated for flexible multi-level teaching, accessible formats (Braille, audiobooks), Continuous & Comprehensive Evaluation (CCE), and peer-tutoring networks.

4.5 National Policy for Persons with Disabilities (NPPD), 2006

Adopted by the Ministry of Social Justice and Empowerment (MSJE) in **February 2006**, NPPD created a multi-sectoral national framework recognizing PwDs as valuable human resources.

- **Educational Rehabilitation:** Mandated universalization of inclusive education, supply of free low-cost assistive devices, and examination concessions.
- **Physical & Economic Rights:** 3% job reservations in government establishments, barrier-free public infrastructure, early childhood screening, and dedicated protection for women and children with disabilities.

Unit 5: National Acts, Flagship Programs & Schemes in India

5.1 Integrated Education of Disabled Children (IEDC), 1974

Launched in 1974 by the Ministry of Education as a Centrally Sponsored Scheme, IEDC was India's **first systematic government effort to integrate children with disabilities into regular schools**.

- **Target Group:** Mild to moderate visual impairment, hearing impairment, and orthopedic disabilities.
- **Key Provisions:** Financial aid for books, uniforms, assistive devices, resource rooms, removal of architectural hurdles, and introduced the **Itinerant Teacher Model** (visiting resource teachers across school clusters).
- **Limitation:** Urban-centric coverage, non-statutory nature, later merged into SSA (2001) and IEDSS (2009).

5.2 Rehabilitation Council of India (RCI) Act, 1992

Enacted by the Parliament of India in 1992 (RCI established as a statutory body on **22 June 1993**) under the Ministry of Social Justice and Empowerment (MSJE).

- **Core Mandate:** Regulates, standardizes, and recognizes training curricula for special educators and rehabilitation professionals across India (B.Ed./D.Ed. Special Education).
- **Central Rehabilitation Register (CRR):** Maintains the CRR. **Practicing as a special educator in India without valid RCI registration is legally prohibited**.

5.3 Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995

Enacted under Article 253 of the Constitution to implement the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region. Came into force on **7 February 1996**.

★ Key Statutory Mandates of PWD Act 1995:

- **7 Recognized Disabilities:** Blindness, Low Vision, Leprosy Cured, Hearing Impairment, Locomotor Disability, Mental Retardation, Mental Illness.
- **Section 26 (Education):** Every child with disability has the right to free education in an appropriate environment up to the age of 18 years.
- **Affirmative Action:** 3% reservation in government employment (1% each for blindness/low vision, hearing impairment, and locomotor/CP), barrier-free public buildings, and establishment of Chief Commissioner / State Commissioners for PwDs.

5.4 National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

Enacted in 1999 under MSJE, this Act established a statutory body specifically dedicated to **4 developmental disabilities**: (1) Autism Spectrum Disorder, (2) Cerebral Palsy, (3) Mental Retardation (Intellectual Disability), and (4) Multiple Disabilities.

- **Unique Feature: Legal Guardianship:** Provides statutory Local Level Committees (LLC) to appoint legal guardians for adults with these 4 severe disabilities.
- **Flagship Schemes:** **NIRAMAYA** (comprehensive health insurance), **DISHA** (early intervention and school readiness), **SAMARTH** (respite care), and **GHARAUNDA** (group homes for adults).



Figure 5.1: Comparative Legislative Frameworks for Disability Rights in India

5.5 Sarva Shiksha Abhiyan (SSA), 2000–01

Flagship program for Universal Elementary Education (Classes I–VIII) launched to fulfill Article 21A and EFA goals.

- **Education for CWSN Component:** Zero-rejection policy ensuring every child with special needs gets meaningful education through regular schools, resource rooms, or home-based education.
- **Provisions:** Identification household surveys, block assessment cells, aids/appliances distribution, 1:12 ramp retrofits, mandatory IEP design, and 20 days/year teacher training. Merged into **Samagra Shiksha (2018)**.

5.6 Right to Free and Compulsory Education (RTE) Act, 2009

Enacted to give effect to **Article 21A** of the Constitution (inserted by 86th Constitutional Amendment Act, 2002). Came into force on **1 April 2010**.

- **Section 3:** Fundamental right to free and compulsory elementary education (ages 6–14; extended to 18 for CwD under RPWD).
- **Section 12(1)(c): 25% mandatory reservation** in private unaided schools for economically weaker and disadvantaged groups (explicitly including children with disabilities).
- **Other Key Sections:** Section 16 (No-detention policy), Section 17 (Prohibition of physical punishment/harassment), Section 26 (PTR 30:1 for primary, 35:1 for upper primary), and barrier-free infrastructure mandate.

5.7 Rashtriya Madhyamik Shiksha Abhiyan (RMSA), 2009

Launched in March 2009 to universalize secondary education (Classes IX–X, age group 14–18 years). Ensured secondary schools within 5 km, enhanced PTR (30:1), and built barrier-free infrastructure and science/computer labs.

5.8 Inclusive Education for Disabled at Secondary Stage (IEDSS), 2009 / 2013

Launched under RMSA in 2009 (and revamped under revised guidelines), IEDSS replaced the earlier IEDC scheme for secondary and senior secondary stages (Classes IX–XII).

- **Key Mandates:** Enable all students with disabilities completing elementary schooling to access secondary education in inclusive environments.
- **Provisions:** Financial support of Rs. 3,000/student/year, appointment of specialized resource teachers (1 teacher for every 8–10 CWSN), assistive technology distribution, modified exam formats (scribes/extra time), and universal accessibility in secondary schools.



Summary & Master Revision Takeaway:

"From the universal human rights baseline of UDHR (1948) to the rights-based binding mandates of UNCRPD (2006), and from the pioneering integration of IEDC (1974) to the fundamental rights under RTE (2009) and Samagra Shiksha, the legislative and policy trajectory has permanently shifted education from an act of charitable welfare to an inalienable constitutional right."