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SECTION 3.1:

CONSTITUTIONAL PROVISIONS

Reflecting on Ideas of Equality, Liberty, Secularism & Social Justice

The **Preamble** of the Indian Constitution resolves to secure:

- **JUSTICE** - Social, Economic & Political
- **LIBERTY** - Of thought, expression, belief, faith & worship
- **EQUALITY** - Of status & opportunity
- **FRATERNITY** - Assuring dignity of individual & unity of nation

I. EQUALITY

Article	Provision
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Article 14	Equality before law; Equal protection of laws to all persons
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Article 15	Prohibits discrimination on grounds of religion, race, caste, sex, place of birth; allows
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special provisions for women, children, SCs & STs |

| **Article 16** | Equality of opportunity in public employment; allows reservations |

| **Article 17** | Abolishes "Untouchability" - punishable offense |

II. LIBERTY

| **Article** | **Provision** |

|-----|-----|

| **Article 19** | Six fundamental freedoms: speech & expression, assembly, association, movement, residence, profession |

| **Article 21** | Protection of life & personal liberty; includes right to live with dignity, privacy, clean environment |

III. SECULARISM

- "Secular" added to Preamble by **42nd Amendment (1976)**
- **Article 25** - Freedom of conscience & religion
- **Article 26** - Freedom to manage religious affairs
- **Article 27** - No taxation for promotion of any religion

- **Article 21A** - Inserted by **86th Constitutional Amendment Act, 2002**
- **RTE Act, 2009** - Enacted consequent to Article 21A

2. Women Education

- **Article 15(3)** - Allows special provisions for women & children (affirmative action, schemes for female education)
- **Article 14 & 15(1)** - Equality & non-discrimination based on sex

3. Education for Weaker Sections & Minorities

| **Article** | **Provision** |

|-----|-----|

| **Article 46** | Special care for educational & economic interests of SCs, STs & weaker sections |

| **Article 29(2)** | No denial of admission on grounds of religion, race, caste, language |

| **Article 30** | Minorities (religion/language) can establish & administer educational institutions of their choice |

| **Article 340** | Commission to investigate conditions of backward classes |

4. Education for Diverse Need Sections (Persons with Disabilities)

| Article | Provision |

|-----|-----|

| **Article 41** | State to make effective provision for right to education & public assistance in cases of unemployment, old age, sickness & **disablement** |

| **Article 15(4) & 15(5)** | Special provisions for backward classes in admissions; can be interpreted for disability |

| **RTE Act, 2009** | Inclusive education for children with disabilities |

| **RPWD Act, 2016** | Explicit inclusive education, reasonable accommodations, non-discrimination |

SECTION 3.2: NATIONAL COMMISSIONS & POLICIES

1. University Education Commission (1948-49) – Radhakrishnan Commission

| Aspect | Details |

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| **Context** | First education commission after independence; focused on university education |

| **Chairman** | **Dr. Sarvepalli Radhakrishnan** |

| **Key Recommendations** | • Goals: intellectual & cultural maturity, professional efficiency, democratic values • Higher standards in teaching, examinations, research • Three-year degree course • Introduction of general education • Student welfare: residential facilities, health services, guidance • **Establishment of UGC (1956)** • Moral & religious instruction |

| **Impact** | Foundation for reorganization of higher education in India |

2. Secondary Education Commission (1952-53) – Mudaliar Commission

| **Aspect** | **Details** |

|-----|-----|

| **Context** | Focus on reforming secondary education - crucial link between primary & higher education |

| **Chairman** | **Dr. A. Lakshmanaswami Mudaliar** |

| **Key Recommendations** | • Diversification of secondary education - multi-purpose schools • Uniform **11-year** secondary education course • **Vocationalization** of education • Activity-based

learning, social studies • Reforms in examination system (away from rote learning) • **Boards of Secondary Education** in each state |

| **Impact** | Significant structural & curricular changes at secondary level |

3. Education Commission (1964-66) - Kothari Commission

| **Aspect** | **Details** |

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| **Context** | Most comprehensive & influential commission; covered all levels (primary to university); "Education for National Development" |

| **Chairman** | **Dr. D.S. Kothari** |

| **Key Recommendations** | • **Common School System**

- neighborhood schools for social cohesion • **10+2+3**

Structure - uniform educational structure (widely adopted) • **Vocationalization** of secondary education

• Strengthen science education & research •

Improve quality of teacher training • Education for social & national integration (secularism, unity, democratic values) • **6% of national income** on public expenditure for education |

| **Impact** | Heavily influenced **NPE 1968** & subsequent reforms; long-term vision for educational development |

National Policy on Education (NPE)

1. NPE 1968

- First official policy document on education; based on Kothari Commission
- **Key Features:**
- Formal adoption of **10+2+3 structure**
- Commitment to **free & compulsory education** up to age 14
- Improve **status, emoluments & education of teachers**
- Development of **Hindi & regional languages**, study of English
- Emphasis on **science education & research**
- **Equality of opportunity** - reduce disparities
- **Impact:** Guiding document for state governments; implementation faced resource constraints

2. NPE 1986 & Programme of Action (POA) 1992

Key Features of NPE 1986:

- **"Education for All"** - universal enrollment & retention, especially marginalized groups
- **Equity & Social Justice** - address disparities based on gender, caste, tribe, disability
- **Operation Blackboard** - improve infrastructure & materials in primary schools
- **Navodaya Vidyalayas** - residential schools in rural areas for talented students from disadvantaged sections
- **Early Childhood Care & Education (ECCE)** recognized as foundation
- **Vocationalization** of education
- **Teacher Education** - continuous professional development
- **Delinking Degrees from Jobs** - reduce pressure on higher education
- **Open & Distance Learning** - growth of open universities

POA 1992:

- Concrete strategies & timelines for implementation
- Revised version addressed: elementary, adult, secondary, higher, technical & management

education; SCs, STs, OBCs & people with disabilities

- Intensified efforts for **universalization of elementary education**

SECTION 3.3: NEP 2020, NCF 2005, NCFTE 2009, NCFSE 2023

National Education Policy (NEP, 2020)

| Aspect | Details |

|-----|-----|

| **Purpose** | Replaces NPE 1986; comprehensive framework from early childhood to higher education
|

| **Foundational Pillars** | Access, Equity, Quality, Affordability, Accountability |

Key Principles:

1. 1. **Holistic Development** - all capacities: intellectual, aesthetic, social, physical, emotional, moral
1. 2. **Conceptual Understanding** - not rote learning

1. 3. Critical Thinking & Creativity

1. 4. **Multilingualism** - mother tongue/local language medium till at least Grade 5

1. 5. **Life Skills** - communication, cooperation, teamwork, resilience

1. 6. **Reduced Curriculum Load** - space for holistic, discussion-based, analytical learning

1. 7. **Flexibility** - choose subjects & learning pathways

1. 8. **Respect for Diversity** - inclusive education for all, including SEDGs & children with disabilities

Major Reforms in School Education:

New Curricular Structure (5+3+3+4): Replaces 10+2 system

Stage	Years	Grades/Ages	Focus
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Foundational	5 years	3 years Anganwadi + 2 years primary (Grades 1-2); Ages 3-8	Play-based, activity-based, experiential learning
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Preparatory	3 years	Grades 3-5; Ages 8-11	Formal classroom learning, interactive teaching
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| Middle | 3 years | Grades 6-8; Ages 11-14 |

Subject-specific learning with interdisciplinary approach |

| Secondary | 4 years | Grades 9-12; Ages 14-18 |

Flexibility in subjects, multidisciplinary study, critical thinking |

Other Major Reforms:

- **Foundational Literacy & Numeracy (FLN)** - priority for all by Grade 3
- **No Hard Separation of Streams** - arts, science, commerce, vocational, extracurricular integrated
- **Vocational Education** - integrated from Grade 6 onwards
- **Assessment Reforms** - formative, competency-based; board exams reformed (possibly twice a year)
- **Teacher Development** - continuous professional development; National Professional Standards for Teachers (NPST)
- **Equitable & Inclusive Education** - Special Education Zones (SEZs), targeted support for SEDGs & children with disabilities, assistive devices

National Curriculum Framework (NCF, 2005)

Developed by NCERT - based on 'Learning Without Burden' (1993)

Guiding Principles:

1. 1. Connecting knowledge to life outside school
1. 2. Shifting learning away from rote methods
1. 3. Enriching curriculum beyond textbooks
1. 4. Making examinations flexible & integrated into classroom life
1. 5. Nurturing overriding identity with caring concerns in democratic polity

Key Focus Areas:

- **Learner-Centric Approach** - child-centered pedagogy, active participation
- **Constructivist Learning** - children actively construct knowledge
- **Multilingualism** - as resource in classroom
- **Integration of Subjects** - interdisciplinary approaches; art, health, physical education

- **Social Relevance** - gender, caste, class, peace, health, children with disabilities

Impact: Influenced curriculum & textbook design for over a decade; more holistic, child-friendly approach

National Curriculum Framework for Teacher Education (NCFTE, 2009)

Developed by NCTE - reform teacher education programs

Key Principles & Aims:

- **Reflective Practitioner** - teachers continuously evaluate & improve teaching
- **Integration of Theory & Practice** - extensive school internships
- **Critical Pedagogy** - fostering questioning & active participation
- **Inclusive Education** - prepare teachers for diverse learners, including children with special needs
- **Professional Development** - continuous for in-service teachers
- **ICT Integration** - into teacher education

- **Extended Duration of Programs** - e.g., B.Ed. to two years

Impact: Significant reforms in pre-service & in-service teacher training; more competent, reflective, inclusive teachers

National Curriculum Framework for School Education (NCFSE, 2023)

Purpose: Direct outcome & implementation guide for NEP 2020; operationalizes 5+3+3+4 structure

Key Highlights & Reforms:

1. **Alignment with NEP 2020** - vision & principles into curricular & pedagogical practices
1. **Four Stages of Schooling** - detailed guidelines for curriculum, pedagogy, assessment for each stage
1. **Competency-Based Learning** - essential competencies, critical thinking, problem-solving
1. **Interdisciplinary & Multidisciplinary Approach** - arts, science, humanities, vocational integrated
1. **Flexible Board Exams** - twice a year; best score considered

1. 6. **Focus on Indian Knowledge Systems (IKS)** - integrate heritage, knowledge, contributions
1. 7. **Multilingualism** - home language/mother tongue medium in foundational stage
1. 8. **Holistic Assessment** - 'Of Learning,' 'For Learning,' 'As Learning'
1. 9. **Emphasis on Arts, Physical Education & Well-being**
1. 10. **Environmental Education** - integrated across stages
1. 11. **Empowering Teachers** - updated pedagogical tools, continuous professional development
1. 12. **Inclusivity & Equity** - inclusive learning environments, reasonable accommodations, sensitive pedagogies

SECTION 3.4:

INTERNATIONAL CONVENTIONS & POLICIES

**Salamanca Declaration & Framework for
Action on Special Needs Education,
1994**

| **Aspect** | **Details** |

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| **Context** | Organized by UNESCO & Government of Spain; 92 governments & 25 international organizations |

| **Core Principle** | "Schools should accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other conditions" - foundational for inclusive education |

Key Recommendations:

1. 1. **Inclusive Schools** - most effective means of combating discriminatory attitudes, building inclusive society
1. 2. **Adapting Curriculum & Pedagogy** - adjust curriculum, teaching methods, pace, resources
1. 3. **Teacher Training** - reorient programs for inclusive settings
1. 4. **Resource Allocation** - highest policy & budgetary priority
1. 5. **Community Involvement** - parent & community participation

Impact: Shifted global discourse from "special education" in segregated settings to "inclusive education" in mainstream schools

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

| Aspect | Details |

|-----|-----|

| **Context** | Adopted by UN General Assembly in 2006; landmark international human rights treaty |

| **Nature** | **Paradigm shift** - from charity/medical model to **human rights model** |

Key Principles:

- Non-discrimination
- Full & effective participation & inclusion
- Respect for difference & acceptance as part of human diversity
- Equality of opportunity
- Accessibility
- Equality between men & women
- Respect for evolving capacities of children with disabilities

Relevant Articles:

| Article | Provision |

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| **Article 24 (Education)** | Right to education on equal basis without discrimination; inclusive education system at all levels; lifelong learning; reasonable accommodation & support |

| **Article 19 (Living Independently)** | Right to live in community with choices equal to others |

| **Article 9 (Accessibility)** | Access to physical environment, transportation, information & communications, facilities & services |

Impact: Legally binding for signatory states; instrumental in driving disability-inclusive legislation globally

MDG, 2015 (The Millennium Development Goals Report)

| **Aspect** | **Details** |

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| **Context** | 8 international development goals for 2015; established after Millennium Summit (2000) |

| **Focus** | Poverty reduction, education, gender equality, child mortality, combating diseases, environmental sustainability |

| **Disability Inclusion** | **Major Critique:** Relative silence on disability; persons with disabilities largely

invisible in MDG targets & indicators |

Impact: Exclusion spurred advocacy; pushed for disability inclusion in post-2015 agenda (SDGs)

INCHEON Strategies (United Nations Effort, Incheon Gan 2030)

| **Aspect** | **Details** |

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| **Context** | Adopted at High-level Intergovernmental Meeting (2012), Incheon, Republic of Korea; for Asia & Pacific Decade of Disabled Persons 2013-2022 |

| **Purpose** | World's first disability-inclusive development strategy explicitly referencing UNCRPD |

Key Goals (10 goals, 27 targets):

1. 1. Reduce poverty & enhance work/employment
1. 2. Promote universal access
1. 3. Strengthen social protection
1. 4. Disability-inclusive disaster risk reduction
1. 5. Strengthen disability-inclusive development agenda

1. 6. Promote right to education for persons with disabilities
1. 7. Gender equality & women's empowerment
1. 8. Protect rights of children with disabilities
1. 9. Strengthen data & statistics on disability
1. 10. Strengthen subregional, regional & interregional cooperation

Biwako Millennium Framework for Action (BMF), 2002

| **Aspect** | **Details** |

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| **Context** | Adopted in 2002, Biwako, Japan; regional framework for 2nd Asian & Pacific Decade (2003-2012) |

| **Purpose** | Regional strategy for inclusive, barrier-free, rights-based society; enhance World Programme of Action |

Key Priority Areas:

- Self-help organizations of persons with disabilities
- **Education**
- Employment & livelihood

- Access to built environments & public transport
- Access to information & communication
- Poverty alleviation & social safety nets
- Mainstreaming disability in development

Impact: Comprehensive action-oriented plan for Asia-Pacific; paved way for Incheon Strategy

SECTION 3.5: NATIONAL ACTS

1. Rehabilitation Council of India (RCI) Act, 1992

Aspect	Details
Purpose	Regulate training of rehabilitation professionals; standardize services for persons with disabilities
Key Provisions	• Statutory Body: Rehabilitation Council of India • Regulation of Training: Standardize syllabi, regulate programs, recognize institutions • Central Rehabilitation Register: All qualified professionals & personnel • Punitive Action: Against unqualified persons delivering

services • **Research Promotion** in rehabilitation & special education |

| **Impact** | Only qualified & registered professionals provide services; protects interests; ethical practices |

2. Persons with Disability (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 (PWD Act)

| **Aspect** | **Details** |

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| **Purpose** | Equal opportunities, protection of rights, full participation; give effect to "Proclamation on Full Participation & Equality" |

| **Key Provisions** | • **Definition of Disability:** 7

categories - blindness, low vision, leprosy-cured, hearing impairment, locomotor disability, mental retardation, mental illness • **Preventive &**

Promotional Aspects: Prevention & early detection •

Education: Free & compulsory education for children (6-18) in integrated or special schools; free books, scholarships, barrier-free environments •

Employment: 3% reservation (1% each for blindness/low vision, hearing impairment, locomotor

disability) • **Non-discrimination:** Barrier-free environment in public buildings, transportation •

Affirmative Action: Aids & appliances, land at concessional rates • **Social Security:** Unemployment allowance, financial assistance to NGOs • **Grievance Redressal:** Chief Commissioner & State Commissioners |

| **Impact** | Legal recognition of disability rights; shift from charity to rights-based approach; later recognized as limited in scope |

3. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation & Multiple Disabilities (NT) Act, 1999

| **Aspect** | **Details** |

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| **Purpose** | Constitution of National Trust for welfare of persons with 4 specific categories of severe disabilities |

| **Key Provisions** | • **National Trust:** Statutory body to manage affairs • **Guardianship & Management:** Legal guardianship; protection especially when family support absent • **Independent Living:** Enable as independent & full participation as possible • **Support to Families & Organizations:** Strengthen facilities within families; support registered

organizations • **Financial Assistance:** Schemes for residential care, respite care, day care |

| **Impact** | Filled crucial gap for severe & multiple disabilities; focus on protection, care, quality of life; legal framework for guardianship |

4. Right of Children to Free & Compulsory Education (RTE) Act, 2009 & Amendment 2012

| **Aspect** | **Details** |

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| **Context** | Enacted after **Article 21A** (86th Amendment, 2002) made education a fundamental right for ages 6-14 |

| **Purpose** | Free & compulsory education for all children aged 6-14 |

| **Key Provisions** | • **Universal Right:** Every child aged 6-14 to free & compulsory elementary education in neighborhood school • **No Detention Policy (Initially):** No child held back, expelled, or required to pass board exam until completion of elementary education • **Norms & Standards:** Pupil-teacher ratio, infrastructure, working days • **25% Reservation in Private Schools:** For children from economically weaker sections & disadvantaged groups • **Teacher Qualifications & Duties** specified

• **Inclusive Education (Implicit):** Children with disabilities in "disadvantaged group"; special training for out-of-school children |

| **RTE Amendment 2012** | Extended applicability to children with disabilities in **6-18 age group**; aligned with PWD Act; crucial step for broader inclusive education |

5. The Rights of Persons with Disabilities (RPWD) Act, 2016

| **Aspect** | **Details** |

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| **Context** | Replaced PWD Act 1995; brought law in conformity with **UNCRPD** (ratified by India in 2007) |

| **Purpose** | Promote, protect & ensure full & equal enjoyment of all human rights & fundamental freedoms by all persons with disabilities; respect inherent dignity |

Key Changes & Provisions (vs. PWD Act 1995):

| **Feature** | **PWD Act 1995** | **RPWD Act 2016** |

|-----|-----|-----|

| Types of Disabilities | 7 | **21** (incl. Autism, Cerebral Palsy, Chronic Neurological Conditions, Specific Learning Disabilities, Acid Attack Victims, Thalassemia, Hemophilia, Sickle Cell Disease, Parkinson's, Dwarfism; power to notify more) |

| Definition | Medical model | **Social model**: "long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders full & effective participation in society equally with others" |

| Benchmark Disability | - | "Not less than 40%" for additional benefits |

| Reservations (Jobs) | 3% | **4%** for benchmark disabilities |

| Reservations (Higher Education) | 3% | **5%** |

| Inclusive Education | Limited | Stronger emphasis; appropriate accommodations, support systems, reasonable adjustments; **free education for benchmark disabilities (6-18)** |

| Accessibility | Some provisions | Strengthened; clear timelines for public & private infrastructure, transport, information, communication |

| Legal Capacity | - | **Limited Guardianship** - retain legal capacity to maximum extent |

| Anti-Discrimination | Limited | Stronger provisions; penalties for offenses |

| Advisory Boards | State/Central | Strengthened roles in policymaking & monitoring |

| Courts | - | **Special Courts** for violations |

Impact: Comprehensive rights-based legislation; significantly strengthens legal framework; aligns with international human rights standards; aims for truly inclusive, barrier-free society.

SUMMARY TABLE: KEY LEGISLATIONS & THEIR FOCUS

Act/Policy	Year	Primary Focus
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RCI Act	1992	Regulation of rehabilitation professionals
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PWD Act	1995	Equal opportunities, rights, participation
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NT Act	1999	Welfare of persons with autism, CP, MR, multiple disabilities
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RTE Act	2009/2012	Free & compulsory education for ages 6-14 (extended to 6-18 for disability)
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| RPWD Act | 2016 | Comprehensive rights-based
framework aligned with UNCRPD |

TIMELINE OF EDUCATION COMMISSIONS & POLICIES

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1948-49 ————— University Education
Commission (Radhakrishnan)

1952-53 ————— Secondary Education
Commission (Mudaliar)

1964-66 ————— Education Commission
(Kothari)

1968 ————— National Policy on
Education (NPE)

1986 ————— National Policy of
Education (NPE)

1992 ————— Programme of Action
(POA)

2005 ————— National Curriculum
Framework (NCF)

2009 ————— NCFTE + RTE Act

2020 ————— National Education
Policy (NEP)