



Towards inclusive education

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(Mains GS 2 : Issues Relating to Development and Management of Social Sector/Services relating to Health, Education, Human Resources.)

Context:

The Rights of Persons with Disabilities Act, 2016 guarantees to every disabled person a large bouquet of rights and entitlements but the reality that disabled persons confront in their everyday lives is far removed from the law's progressive vision.

Inclusive education:

- The Supreme Court judgment in Avni Prakash v. National Testing Agency(2021) situated the appellant's case within the framework of reasonable accommodation and inclusive education.
- As the appellant's answer book during an exam was snatched away, due to the testing authority's confusion and the centre's callousness, she did not get an hour of extra time to which she was legally entitled.
- It reaffirmed that reasonable accommodation is essential to ensure the full and effective participation of persons with disabilities in a society.
- In this case, Court held that the appellant's entitlement to reasonable accommodation had been violated and that the state (acting through the NTA) had failed to discharge its positive duty to protect the appellant's right to inclusive education.
- This is because compensatory time is a legal entitlement of the disabled as per the guidelines issued by the Union Ministry of Social Justice and Empowerment.

Welcome intervention:

- On inclusive education, the Court held that the Rights of Persons with Disabilities Act, 2016 (RPwD Act) recognises the principle of inclusive education for children and adults with disabilities.
- Amongst the measures that the Act outlines is the duty to make suitable modifications in examination systems, inter alia, through the grant of extra time.
- Against this backdrop, the draft accessibility guidelines and standards for Higher Education Institutions (HEIs) and Universities released by the University Grants Commission (UGC) are a welcome intervention.

A procedural flaw:

- The way in which the guidelines were released left much to be desired as the public notice preceding the guidelines was inaccessible to persons with visual disabilities.
- If the document had been a digital document, authenticated by the digital signature of the competent authority, it would have been fully accessible.
- The guidelines have to be realistic and each chapter of the guidelines should be followed by a checklist that distils the key action items contained in that chapter.
- Further, the checklist should divide these action items into those that must be immediately implemented and those that must be implemented progressively.
- Also, the compliance of HEIs with this checklist must be monitored by the UGC, by requiring HEIs to submit a compliance report on an annual basis (instead of a self-certification mechanism).

Disability-based needs:

- An assessment of the needs of persons with diverse disabilities should be conducted on an annual or biannual basis by the Equal Opportunity Cell/Enabling Unit to devise and thereafter revise the institutional plan for inclusion of students with disabilities.
- Such an assessment will equip the administration to undertake specific need-based interventions.
- The assessment must be in the form of hearings in which the plan's content or implementation can be discussed.
- Further, when a student with a disability joins an HEI, the HEI should conduct an assessment of their disability-based needs and on this basis, a plan should be drawn up to fulfil those needs.

Essential for human development:

- Based on recent estimates, over a billion people worldwide are impacted by disability and the stigma surrounding it.

- According to the World Health Organization, nearly 15% of the world's population has some or the other form of disability, making disabled people the largest global minority.
- Continuous discrimination denies them equal access to education, employment, healthcare and other opportunities.
- The stigma attached to persons with disabilities, compounded by a lack of understanding of their rights, makes it difficult for them to attain their valued “functionings”, which Amartya Sen defined as capabilities deemed essential for human development.

Conclusion:

For the disabled, high-quality education represents a unique pathway for empowerment and meaningful participation in society.