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Inclusion and education

INCLUSIVE EDUCATION IN INDIA

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TABLE OF CONTENTS

| | |
|--|----|
| 1. Definitions..... | 3 |
| 2. School Organization | 3 |
| 3. Laws, Plans, Policies and Programmes on Inclusive Education | 6 |
| Inclusive Education for Children with disability..... | 6 |
| Gender and Sexual Minorities | 8 |
| Ethnic and linguistic groups and indigenous people: | 10 |
| Linguistic minorities | 11 |
| People living in rural and remote areas:..... | 12 |
| People living below the poverty line:..... | 13 |
| Other vulnerable groups: | 14 |
| 4. Governance and Inclusive Education..... | 16 |
| 5. Learning Environments..... | 19 |
| 6. Teachers and Support Personnel..... | 21 |
| 7. Monitoring and Reporting..... | 24 |
| 8. Key challenges for effective inclusive education policy implementation..... | 27 |
| 9. A hope for the future..... | 29 |

1. Definitions¹

The national [Rights of Persons with Disabilities Act, 2016](#) (RPWD Act) defines inclusive education as “a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities” Most states have, however, not notified state rules under RPWD Act, despite mandatory requirement to do so within six months and this definition of IE is not mainstreamed in state policies. Furthermore, much of the documentation on IE at state level, define IE as being solely about the educational needs of children with disabilities.

There is no definition of special education needs that is applicable nationally or at state level. The nearest term is “person with benchmark disability” which means “person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.” However, learning needs of the different marginalized groups have also been defined separately for each group and has been described in the subsequent sections.

2. School Organization

The RPWD Act (2016) in Chapter VI on Special Provisions for Persons with Benchmark Disabilities, the Section 31 stresses that every child with benchmark disability between the age of six and 18 years shall have the right to free education in a **neighborhood school**, or in a **special school** of his/her choice. The RTE Act (2009) gives children with severe and multiple disabilities the choice of school or **home-based education (HBE)**.

The country largely promotes inclusion of all children in education, but provides for multiple pathways for doing so. Thus for children with disabilities, special schools, special classes in integrated schools, inclusive schools and home based education are all part of accepted policy. [According to the 2011 Census of India](#), only 61% of CWDs aged between 5 and 19 were attending an educational institution; 27% CWDs never attended any educational institution, as opposed to the overall figure of 17%. The number of children with disabilities identified under Sarva Shiksha Abhiyan (India’s former flagship program on elementary education)

¹ This paper was written by Anjela Taneja of behalf of Oxfam India.

The paper is based on the inclusive education profile (long and short versions) commissioned by the Global Education Monitoring report that covered Indian inclusive education policies at the national level and 10 of India’s largest and most populous states. The latter included the states of TN, Karnataka, AP, MP, Gujarat, UP, Bihar, West Bengal, Rajasthan and Maharashtra. These states have been referred to as the “10 states” in the document.

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stood at 3,04,2000; out of which 2596000 are enrolled in school; 52,000 are enrolled in alternative education centers and another 138000 lakh are provided support through home-based education (Progress of Inclusive Education in SSA in 2009-10, MHRD). The [data from MHRD \(2009-10\)](#) indicates that 138,133 children were enrolled in Home Based Education in India (HBE); West Bengal had the highest number of enrolment at 27,450 children in HBE while Andhra Pradesh and Uttar Pradesh had zero enrolment. Concerns have been voiced that in the absence of truly inclusive environment in public schools, the option of HBE becomes ground for exclusion of children with disabilities; furthermore it in practice amounts to basic numeracy and lifeskills and does not strive to ensure equivalence with education offered in schools.

Children with disabilities also access the **Open school system** and many of them take their examinations through the [National Institute of Open Schooling \(NIOS\)](#). Data available on students enrolled in open school indicate that of the 4,73,000 students enrolled, 2065 are enrolled at the secondary and senior secondary level. Of these girls comprise 40% of those enrolled. A further 570 students with disabilities are enrolled in the vocational stream offered by NIOS (NIOS, 2011-12).

States of Andhra Pradesh, Bihar, Uttar Pradesh and Rajasthan have developed a roadmap to implement [residential Bridge Courses](#) for children with special needs to develop their skills of readiness, academic competencies and sense of motivation for successful integration in regular schools. The latter is critical since children with disability account for only 1.1% of the total enrollment in elementary education in India in 2016-17. [Of the selected 10 states](#), only 3 (Maharashtra- 1.7%, TN- 1.5%, AP- 1.4%) performed higher than the national average. The average goes down further to 0.5% for secondary and 0.2% for higher secondary education.

These multiple forms of provision often lack parity in terms of quality, are funded unequally and the guidelines for eligibility leave much scope for ambiguity. The [MHRD, Programme of Action \(1992\)](#) while promoting integrated education, had suggested a [pragmatic placement principle](#) for children with special educational needs. It postulated that learners with disabilities who can be educated in general schools should be educated in general schools, and those studying in special schools should be transferred to general schools once they are ready to make the shift.

There is no legal framework to lay down norms and standards for any of these forms of provision with respect to children with disability. The obligation under the RTE Act with respect to school facilities for children with disabilities is restricted to provision of a ramp.

While the RTE Act lays down a common floor in terms of quality of education, there are different strands of government schools having different levels of resourcing, often geared towards niche audiences. Some of those aiming at marginalized groups in particular include residential schools and hostels including Kasturba Gandhi Vidyalaya schools for girls, Tribal Ashramas and Eklavya Model Residential Schools for Tribals and SC Hostels for Dalits, among others.

Minorities have the right (Article 30 of the Constitution) to establish and administer their own educational institutions. The term “minority” is, however, not centrally defined but is in practice derived based on notification of both central and state populations. [National Commission for Minority Educational Institution Act, 2004](#) has defined ‘minority’ as a community which is defined as according to the central government and ‘Minority institution’ as an educational institution which is administered and set up by the minority. Minority educational institutions are exempt from RTE provisions through a Supreme Court order. A National Commission for Minorities (NCM) under the National Commission for Minorities Act, 1992 has been established to protect the rights of religious minorities (viz. Muslims, Christians, Sikhs, Buddhists, Zoroastrians and Jains); [linguistic minorities](#) are not subject to this provision. Provisions pertaining to education of minorities is also part of the [PM’s 15 Point Programme for Minorities](#). A [National Commission for Minority Educational Institutions](#) established under the [National Commission for Minority Educational Institutions Act, 2004](#) have been established to [provide oversight over minority educational institutions](#). While the standards of minority institutions are expected to not fall below the standards of all educational institutions, the admission of students, recruitment staff and quantum of fees cannot be regulated and the regulations cannot otherwise impinge on the minority status of the institution.

These have taken a number of forms varying from being fairly indistinguishable from private schools to intensive faith based institutions. The latter include, among others, madrassas (Muslims), monasteries (Buddhist) and gurukuls (Hindu). MHRD runs a [national Scheme for Providing Quality Education in Madrassas](#) and some madrassas receive grant in aid from the government; such institutions, in turn, come under a relatively greater degree of educational control. Similar schemes are run by state governments eg. [Maharashtra](#) and [UP](#). Recent reports suggest that a separate [Vedic Board](#) is being proposed for Vedic education. Other religious schools, however, largely provide largely faith based instruction and come under the regulation of the respective faith-based authority (eg. the Muslim Waqf Board).

3. Laws, Plans, Policies and Programmes on Inclusive Education

The Constitution of India (1949) gives every citizen the right to equality of status and of opportunity, but does not explicitly mention disability as a prohibited group for discrimination, although it is cited as a basis for affirmative action. The RTE Act provides for the right of all children, including those with disability, to attend school until completion of elementary education at age 14 and includes specific protections for “disadvantaged groups” and “weaker sections”². It mandates inclusion of children from diverse backgrounds and abilities, considers disability a prohibited ground for discrimination, but does not specifically delineate the practices needed for ensuring retention of children with disability. Furthermore, it does not fully conform to higher UNCPRP standards and fails to mention specific educational needs and entitlements of children with disabilities, like reasonable accommodation and access to assistive technologies. The draft NEP lists Children with Disabilities as Socially and Economically Disadvantaged Groups (SEDGs) – communities that require specific attention.

There is no separate standalone national policy on Inclusive Education, but the [2005 Action Plan for Children and Youth with Disabilities](#), [2006 National Policy for People with Disabilities](#), [National Policy on Education \(1986, henceforth NEP, modified in 1992 and currently in process of replacement\)](#), [National ECCE policy, 2013](#), and the [National Policy for Children, 2013](#), among others, include provision for either integration or inclusion of children with disabilities. Harmonization of national policies and legal provisions with the UNCPRD; therefore, many of the provisions have not percolated into thematic policies and programmes.

With respect to international human rights law, India ratified CEDAW in 1993, the CRC in 1992, the CRPD in 2007 and endorsed the UN Declaration on the rights of indigenous people. It has, however, not ratified the Convention and protocol related to the status of refugees (1951 and 1967) or the Convention against discrimination in education.

INCLUSIVE EDUCATION FOR CHILDREN WITH DISABILITY

Legal framing for the education of children with disability is provided by the aforementioned Rights of Persons with Disabilities Act, 2016. It stipulates (Chapter 3, Section 16) that all educational institutions funded or recognized by the government must provide inclusive education to children with disabilities and admit

² Disadvantaged Group are defined as those that belonged to the “**children with disability**, SC, ST, socially and educationally backward class or such other groups having disadvantage owing to social, cultural, economical, geographical, linguistic, gender, or such other factors as may be specified by the appropriate Government by notification”. Weaker Sections are defined as those “belonging to such parent or guardian whose annual income is lower than the minimum specified by the appropriate Government by notification”.

them without discrimination, ensure accessible; provide reasonable accommodation; provide necessary individualized support; and provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs. Its implementation has been supported through development of a number of guidelines including on [barrier-free access](#).

Specific programmatic provisions for inclusive education are made in the [Samagra Shiksha Abhiyan](#) (India's national flagship scheme for school education, henceforth SMSA) which are supplemented by state specific schemes. SMSA in particular recognizes equity as a key approach and defines equity as not "only equal opportunity, but also creation of conditions in which the disadvantaged sections of the society – children of SC, ST, Muslim minority, landless agricultural workers and children with special needs, transgender children etc. can avail of the opportunity in an inclusive environment free from discrimination." [Specific policy recommendations](#) on education of CWDs and IE have been made in the same.

The RTE Act includes all categories of children with disabilities covered by prevailing disability-related legislation within its purview. Additional provisions have been made as part of state RTE Rules including free-transportation (all states except Gujarat and Uttarakhand). However, only Karnataka and Kerala include provisions for reasonable accommodation. Among the 10 states, only Bihar and AP provide for inclusion of parents of children with disability in the School Management Committee. Different states, furthermore, either have their own State Policies on education (eg. [Karnataka](#)) or include dimensions of education in their state policies for persons with disabilities (eg. [Bihar](#)). Allocations for education of children with disabilities remain low, being under 1% of the allocation under SSA in UP and Bihar in 2016-2018). However, there are inter-state variations with almost a quarter of Maharashtra's allocations under RMSA going towards Inclusive Education.

In terms of provisions under the PWD Act, only four States have appointed a nodal officer in the District Education Office to deal with matters relating to admission of children with disabilities (only MP from sample) and only half states have started issuing disability certificates pertaining to the new disabilities added in the Act (including MP, TN, UP and WB). Inclusive practices in the 10 sample states have included a conscious effort towards early intervention for children with disabilities, setting up of a State Resource Centre for Inclusive Education (TN), efforts to ensure transportation for children and parents/escorts of CWDs (AP, Maharashtra) and representation of parents of CWDs in the SMC (Bihar, AP).

GENDER AND SEXUAL MINORITIES

The Constitution of India grants equality to women and provides for positive discrimination measures in favour of women to neutralize historic disadvantages faced by them. Both the RTE Act and the draft New Education Policy (dNEP) recommend seeking to address gender based discrimination and the latter considers gender concerns as being cross cutting. The dNEP, furthermore, recommends the setting up of a “Gender Inclusion Fund” with particular focus on the education of girls and transgender children.

[India’s policy for Empowerment of Women](#) (2001, currently in process of being replaced) commits India to equal access to education for women and girls; special measures will be taken to eliminate discrimination, universalize education, eradicate illiteracy, create a gender-sensitive educational system, increase enrolment and retention rates of girls and improve the quality of education to facilitate life-long learning as well as development of occupation/vocation/technical skills by women. The dNEP considers women’s education to be a critical concern requiring particular emphasis. It is also embedded in State Policies including the [Karnataka State Education Policy](#) and the [Gujarat State Policy for Gender Equity that reiterate the need for stronger focus on girls’ education](#). The specific provisions have included direct a range of policy options listed below.

Increasing immediate benefits of schooling to families and reducing costs of attending school: These include financial benefits (conditional cash transfers to households for keeping girls enrolled in school and scholarships), free provision of incentives to school going students such as free textbooks, uniforms, bicycles, hot meals under the MDM scheme. Specific examples include the Balika Samridhi Yojana (nationally), “Cycle programmes” taken at state level (initiated in Bihar, adopted by states including WB, MP, UP, Gujarat, Karnataka and hence mainstreamed as part of SMSA). Karnataka [makes education free](#) for all girls from Class 1 to graduation in all government and government aided educational institutions.

Provision of residential schooling facilities to enable girls to complete school. These include the national [Kasturba Gandhi Balika Vidyalayas](#) (setup to provide upper primary educational facilities for girls belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, minority communities and families below the poverty line in Educationally Backward Blocks, or where the female literacy rate is below the national average; recently extended to Grade 12) and provision of [hostel facilities in schools](#) (eg. Scheme for Construction and Running of Girls’ Hostels for students of Secondary and Higher Secondary Schools, 2008). It has been [pointed out that](#) doing so overemphasizes social and familial barriers to girls’ education (eg. early marriage and household duties) instead of addressing systemic reasons (eg. poor quality of schools, absence of female teachers, concerns about safety).

Addressing specific barriers to girls' participation within mainstream schools through prioritizing availability of female teachers, establishment of gender sensitive WASH infrastructure in schools, steps for ensuring girls' safety in and on the way to school (eg. escort and/or transportation facilities), review of textbooks and curricula to make them more gender sensitive and teachers' sensitization on gender issues. The [National Policy for Women](#) also talks about promotion of skill development, vocational training and lifeskills as part of the secondary school curriculum for adolescent women and girls and the need to address barriers to girls' entry into STEM education. The [Gujarat Policy](#) introduces a special curriculum on gender in all professional teachers' training courses and addressing gender dimensions in in-service training. The RTE Act, furthermore, provides for the participation of women in School Management Committees. [Media reports](#) suggest that the Maharashtra State Bureau of Textbook Production and Curriculum Research revised textbooks for first and second grades to address portrayal of gender roles in textbooks; however, [textbooks](#) often continue to contain gender insensitive content. Gender studies has been [introduced in the curriculum](#) for Bachelors of Education (BEd) and Diploma in Education (DEd) by the National Council for Teacher Education (NCTE). However, many of India's teachers remain untrained. Policy (eg. [MHRD Guidelines on Safety and Security of Children, 2014](#)) and programmatic steps (e.g. [self-defense classes under SMSA](#)) have also been taken to make schools safer for girls.

Policy making for **sexual minorities** is at a nascent stage. In 2014, the Supreme Court ruled in NALSA v. India, which held that transgender people should be legally recognised according to their gender identity, enjoy all fundamental rights, and receive special benefits in education and employment. In 2018, the Supreme Court struck down section 377 of India's penal code, which criminalised same-sex relations, a major step for the LGBTQ community. In 2019, India signed into law the [Transgender Persons \(Protection of Rights\) Act, 2019](#) that makes it mandatory for educational institutions funded or recognised by the government to provide inclusive education, sports and recreational facilities for transgender persons, without discrimination; no umbrella legislative or policy provision exists for the LGBTQ community as a whole. Even this legislation has been [criticized](#) as falling short for not doing enough to address discrimination and not recognizing the right to self-identification by transgender people. It is also too early to see substantial changes in peoples' attitudes. The RTE Act defines a child as being male or female child of the age of 6-14 years, leaving intersex children outside the purview. TN State Rules include transgender children as disadvantaged groups, but [recent research](#) suggests that two-third (65%) of sexual and gender minority students felt unsafe at school in the state. The dNEP explicitly mentions transgender children in education policy for the first time. Maharashtra, TN and Gujarat have constituted Welfare Boards for transgenders that seek to provide avenues for their formal education.

ETHNIC AND LINGUISTIC GROUPS AND INDIGENOUS PEOPLE:

Article 29. (2) of India's Constitution stipulates that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them. Article 30 ensures right to the minorities to establish and administer educational institutions. [Special Directive, Article 350\(A\)](#), focuses on the medium of instruction aimed at assisting those at the primary level. It states that "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups." [The RTE Act 2009](#) includes specific protections for "disadvantaged groups" These are defined as those that belonged to the "**children with disability**, SC, ST, socially and educationally backward class or such other groups having disadvantage owing to social, cultural, economical, geographical, linguistic, gender, or such other factors as may be specified by the appropriate Government by notification". SCs, STs and Muslims are included as Socially and Economically Disadvantaged Groups (SEDGs) in the dNEP.

One of the mainstays of provision for SCs and STs is establishment of residential facilities including residential schools and construction of hostels in tribal dominated areas or for SC populations with a view to ease access to children in remote and isolated areas. For ST students these include the relative elite [Eklavya Model Residential Schools \(EMRS\)](#), providing good quality education to "meritorious" ST children) and tribal ashram schools. Social Welfare hostels have been set up for SCs. Research into the functioning of tribal ashram schools suggests that most have gross infrastructural gaps and suffer from [pedagogical and structural stagnation](#).

Scholarship schemes are put in place including pre and post matric scholarships for SCs, STs and Muslims run by the Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs and the Ministry of Minority Affairs, respectively to address financial constraints faced marginalized groups and allow students to make a smooth transition. Scholarships are also paid at state level either through general policies (eg. Bihar) or targeting ST children (eg. MP and AP).

Affirmative action in the form of reservation of seats for SC and STs in "elite" government schools such as the Navodaya Vidyalaya (NVs) and the Kendriya Vidyalayas and reservation for marginalized groups in private schools as part of section 12-1c of the RTE Act are other provisions. At the same time, steps are taken to address issues of dignity and identity that are at the heart of exclusion of these groups. It is [mandated through a supreme court order](#) that preference should be given to Dalits, tribals and women for the preparation and distribution of mid-day meals [MDM] in schools with a view of breaking caste-based stereotypes, but this has

had limited impact on reducing caste based inequalities in schools. Some states with large tribal populations (eg. Odisha, AP) have experimented with Multilingual education for tribal learners. Development of instruction has been a policy priority, but most content, curricula and textbooks remain part of the dominant culture.

A critical nuance of India's policies with respect to marginalized groups are the SC and ST Sub-plan. The [‘Scheduled Caste Sub-Plan’ for the Scheduled Castes \(SCs\) and ‘Tribal Sub-Plan’ for the Scheduled Tribes \(STs\)](#) are a mechanism to ensure state funds get “their due share of plan benefits and outlays from all the sectors of development in the Annual Plans of States/UTs and Central Ministries at least in proportion to their population, both in physical and financial terms”. The scheme was supposed to empower all SCs/STs educationally and economically by 1985, but implementation has been slow

Despite the existence of the above provisions, literacy among these communities remains low being 66.1% and 59% for SCs and STs respectively (Census, 2011). Thus, the Standing Committee on Social Justice and Empowerment in its report on [‘Educational Schemes for Tribals’](#) (2018) noted that the schemes need better supervision and monitoring. Furthermore, SC/ST habitations are generally smaller and schools located in the SC/ST habitations frequently end up being less resourced and, therefore, of lower quality. More obvious discrimination based on caste and tribal status continues to persist with teachers’ views often reflecting stereotyped views prevalent within society.

LINGUISTIC MINORITIES

India's Census recognizes 1635 rationalised Mother tongues, but only 22 are constitutionally recognized as schedule languages. It is long stated policy intent that the “medium of instructions shall, as far as practicable, be in child's mother tongue.” (RTE Act). However, these provisions are contradicted by the [three language formula \(1968\)](#) which focusses on the two national languages (Hindi and English) and state languages. This was further reflected in the Dhebar Committee (1961) that recommended using tribal languages for the first 2 years of schooling and recommending that states should concentrate on the large tribal languages spoken by sufficient number of people. The National Plan of Action 1992 restricted it to languages that have over 100,000 speakers. From among the 10 states, AP has had a long term [MLE intervention](#) for 8 tribal languages and Rajasthan had [piloted MLE interventions](#).

India heads the list of countries in the Atlas of the world's languages in danger. Overall, there has been a decline in number of languages used as medium of instruction (from 80 in 1981, to 47 in 2001 to 34 in 2009). 69 different languages are used as subjects. Less dominant languages end up being neglected in education-

only 6 non-scheduled languages are being used as Medium of Instruction, and that too in NE India (2001). Some estimates suggest that less than 1% of tribal children have any real opportunity for education in their mother tongues. This is complemented by a rising demand for English as a medium of instruction. In 2014, the Supreme Court ruled against the imposition of MT in Karnataka primary schools (particularly private schools), arguing that it is the parents and not the government that should decide the medium of instruction for children.

Religious Minorities: Muslims

Along with SCs and STs, Muslim religious minorities form an educationally lagging group. MHRD has Scheme for Providing Quality Education in Madrasas (SPQEM), Scheme for Infrastructure Development of Private Aided/Unaided Minority Institutions (IDMI). In addition, Scholarship/Fellowship Schemes and Multi-Sectoral Development Programmes (MSDP) are being implemented by the [Ministry of Minority Affairs](#). [Research suggests](#) that while there is a decline among dalits, adivasis, and others in the odds of completing primary school, such improvement is not seen for Muslims, a minority group that does not benefit from affirmative action.

PEOPLE LIVING IN RURAL AND REMOTE AREAS:

There is no consistent statutory definition of what constitutes a remote area. Some geographies treated as developmentally lagging include [Aspirational Districts](#) and [Educational Backward Blocks](#), among others. The dNEP provides for the creation of Special Education Zones- areas with high populations of Socially and Economically Disadvantaged Groups where the intention is to implement existing policies to the maximum through additional funding and efforts.

Much of the push for enhancing quality of education has been focused on improving quality in rural areas. This has included an emphasis on rural education in national policies and programmes ([principally, SMSA](#)); indeed, it has been recognized that there is a need for focus on educational institutions catering to urban informal settlements (ie. Slums). Considerable efforts have been made to expand the school network in rural areas with the RTE Act specifying that primary schools need to be located within 1 km from children's residence. As a result, about 96% habitations have elementary schools within a 3km radius. However, this maximization of the schooling footprint has been achieved through creation of schools that are small, with small enrolments and limited school infrastructure. Accordingly, the central government is in process of [actively encouraging mergers and closures of 260,000 small government schools](#) as part of a rationalization process to ensure maximum use of resources. Criteria for closure are often determined by the respective state government, however, reports of closures have emerged from most of the 10 states. [Equity impact](#) of

school rationalization in rural remote areas has included significant increase in distance of the commute to school and enhanced dropout, [especially among girls](#); it has also contributed to privatization of education. Recent research ([Dongre & Tewary, 2020](#)) suggest that this is likely to have adverse consequences on children's access to schooling without any gains in learning outcomes.

While primary education is ensured in most rural villages, children frequently have to travel long distances to attend secondary and higher schools. This is particularly difficult for girls and students with disability. At the same time, provision of early childhood education is far from having achieved universalization. The SMSA dictates that transportation would either be made available or a transportation allowance be paid to parents (to enable parents to use existing public or private transportation). TN provides [comprehensive guidelines](#) to address issues of transportation (as does [Kolkatta in West Bengal](#)); a compilation of rules pertaining to school bus safety can be accessed [here](#). In contrast, many states are progressively beginning to close some of the small schools and introducing the mode of payment of transportation allowance. This includes states like [Maharashtra](#) and [AP](#) among others. Some of the evidence [from urban areas](#) suggests that children in urban areas used nonmotorized modes for their school trips if the school was not far and tended to travel by school bus or family vehicle if school was at a greater distance. There is no large scale research into the implementation of transportation allowance to understand that this is having on children's school attendance and participation, extent to which transportation facilities are indeed available and the extent to which child safety is being ensured while using various modes of transport (including risks to pedestrian children).

While the number of schools has increased, special and inclusive education in rural and remote areas is constrained by poor school infrastructure, limited teacher training and limited technological support. The prevalence of multi-grade education resulting in more heterogeneous classes can be said to aid inclusion, especially in tribal dominated areas with a more homogeneous community.

PEOPLE LIVING BELOW THE POVERTY LINE:

The RTE Act includes a section "children belonging to weaker section" which refers to children belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate government by notification. It provides for the right based 'free' education at the elementary stage which means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. This is intended to mean that education is not only tuition free, but also supplemented by provision of scholarships, free uniforms,

textbooks and other measures that address economic constraints. However, in practice, this has been defined differently by different states.

Monthly per capita consumption expenditure on elementary education has risen for children studying in both private and government schools since the RTE Act came into force. The average private expenditure per student pursuing general education has increased from 2461 (NSS 64th Round 2007-8) to 6788 ([NSS 71st 2014](#)). At primary level average expenditure incurred by the students in the lowest quintile class was INR 1027 whereas the same for the highest quintile class, it was 7595 in rural areas. Average expenditure incurred by students attending government schools was INR 1111, nearly a tenth of the expenditure in private unaided schools (INR 10623). Furthermore, there is no entitlement to free education in either early childhood or secondary education.

AP has [recently introduced](#) a scheme where all mothers from poor families will receive INR 15,000 into their bank accounts for educational expenses, under a scheme called “Amma Vodi” (Mother’s Lap). Other measures to support education of the poor include provision of residential instruction (either in the form of specific schools or provision of hostel facilities), scholarships and distribution of uniforms, stationary, textbooks and other materials. The Midday meal program (universal in all mainstream government schools) has also been envisaged as addressing classroom hunger among India’s rural population.

[A significant gap in educational opportunities](#) and quality of education available to the rich and the poor exists, reflecting growing income inequality in the country. Thus, the [combined total wealth of 63 Indian billionaires is now higher than the total Union Budget of India](#) for the fiscal year 2018-19. This level of disparity creates an education system that is segregated along income lines and one that perpetuates unequal life chances of people.

OTHER VULNERABLE GROUPS:

The [National Policy for Children \(2013\)](#) also identified trafficked children, street children, child victims of alcohol and substance abuse, children in areas of civil unrest, orphans, children with chronic ailments, married children, children of manual scavengers, children of sex workers, children of prisoners and others are needing to be identified, rescued, rehabilitated and provided with the right to education. The same policy prohibits discrimination based on birth, sex, religion, disability, language, region, caste, health, social, economic or any other status and speaks about the need to foster equal opportunity, treatment and participation. Dropouts, illiterates, refugees and migrants are not defined in law, but their education is addressed through policy. Different states have also notified a diverse set of groups as Disadvantaged

groups. In Gujarat these include orphans, Children needing care and protection, children belonging to child care institutes, child laborers (including migrant laborer), children with disabilities, children affected with HIV. Bihar also includes minorities. Maharashtra includes children belonging to weaker sections includes Nomadic Tribes and religious minorities. UP includes children of parents affected by cancer and HIV. TN includes orphans, children affected by HIV, children of scavengers. AP includes orphans, Migrant and Street children, Children and HIV affected/infected children,

Migrants.

As per the 2011 Census, there are [453 million internal migrants in India](#), accounting for almost a third of the country's population. Seasonal migrants alone form 100 million. '[Social inclusion of internal migrants in India](#)', places the number of migrant children at 15 million. Furthermore, [1 in a 100 Indians moved out for education](#). All States and UTs are required to conduct household surveys/ update household surveys annually to identify out of school children, including those affected by migration. NCPCR has issued guidelines to make education accessible to migrant areas at the destination. SMSA provides for seasonal hostels/residential camps in villages during the period of migrations of families, residential and non-residential special training centres for out of school, dropout and migrant children, besides provision of mid-day meal, free textbooks and free uniforms as per norms of the scheme. Karnataka has finalized an [education policy for migrant children](#). States like Gujarat, Maharashtra, Odisha, Andhra Pradesh, Tamil Nadu, and Karnataka have developed [mechanisms to track migrant children](#) for interstate coordination to ensure continuity of education. Efforts are made in some of these states to facilitate smooth admission in destination areas (especially if the medium of instruction in both states is similar) or to provide bridging mechanisms to support transition (eg. TN gives textbooks in other languages to migrant children). Other states (eg. Maharashtra and Gujarat) focus on preventing child migration through establishing seasonal hostels in areas with endemic seasonal out migration. However, in practice few states have proactively facilitated inter-state migrants' education. Despite these measures, much more needs to be done, the GEM report pointed out that 80% of children of seasonal workers never accessed education in India.

A related phenomenon is that of child labour. According to the 2011 Census, India has five million working children which amounts to 2% of the total child population in the age group of 5-14 years. Despite legal prohibition, child work has continued, especially as part of family based work and in the agriculture sectors. Provisions for out of school children include special training (accelerated learning programmes) and seasonal hostels (during peak migration season to prevent dropout).

4. Governance and Inclusive Education

Education is in the concurrent list where both the centre and states have a responsibility in policymaking in education. It has been suggested that nearly 80% of social sector spending including elementary education has come from the States' own budgets and not Central government allocations. However, the central government plays a key role in terms of laying down overarching national policy direction. The principal national stakeholders include **the Ministry of Human Resource Development (MHRD)** - the nodal national ministry for education; its mandate is mirrored by State Education Department in the states. The flagship central programme on education is Samagra Shiksha Abhiyan ('Composite Education Campaign'). Other initiatives include those with a focus on girls' education (eg. Beti Bachao Beti Padhao, 'Save girls, educate girls' scheme launched in 2014) Scheme to Provide Quality Education in Madrasas (for the modernisation of madrasas, traditional Muslim schools) and Pandit Madan Mohan Malviya's Teacher Training (for strengthening teacher training). Different states also have their own schemes. MHRD/Department of Education are not the sole providers of education with other Ministries holding specific mandates (partial list below). In 2013-14, 43 Departments reported education related expenditures. These include, Early Childhood Education (Ministry of Woman and Child Development), disability (Ministry of Social Justice and Empowerment, Tribal Affairs- schools for indigenous learners etc) and Vocational Education: Ministry of Labour and Employment and Ministry of Skill Development and Entrepreneurship.

The National Commission for Protection of Child Rights has the overarching role of monitoring RTE Implementation and protecting the rights of children more broadly. At the same time, other dedicated commissions (eg. Commissioners appointed under the RPWD Act) and the National Human Rights Commission also addressing specific violations of educational rights. Many of these structures have mirror institutions at the state level.

National Council for Teacher Education (NCTE) has the overarching responsibility for design, delivery and regulation of teacher education. However, specific responsibilities are also vested with the Rehabilitation Council of India (for special education, largely with a focus on single disabilities). One of the stated aims of the National Curriculum Framework for Teacher Education is to prepare teachers for inclusive education (NCTE, 2009). On-site support to teachers is provided through a network of bodies and resource persons located in Block Resource Centres and Cluster Resource Centres. All general teacher education programmes are now mandated to have a course on inclusive education (NCTE, 2014). With both inclusive education and teacher training now part of SMSA, A Memorandum of understanding MOU for cooperation between the two statutory bodies was signed in 2015 with the aims like revision of minimum standards for offering

disability-specific specialization in teacher education, ensuring inclusion in general teacher education, and training special educators to support inclusive practices (RCI, 2015).

National Council for Education Research and Training is tasked as the academic authority to develop curricula, textbooks and learning assessment processes at the national level and has been active as think-tanks to the government on pedagogic issues. State Councils for Education Research and Training are mandated to play a similar function at the state level while being guided by national frameworks like the National Curriculum Framework. NCERT has also developed [curricular adaptations](#) of materials for children with visual impairment, hearing impairment, cognitive impairment and intellectual impairment for general teachers at primary and upper primary levels.

Under decentralized administration, panchayati raj institutions and urban local bodies are primarily responsible for education at the community level and play an important role in improving access to school, and enrolment of all children including those with disability. Structures for parent and community participation have also been instituted at the school level in the form of School Management and School Development and Monitoring Committees (SMCs and SDMCs)/

The **NITI Aayog** (Hindi for *Policy Commission*, abbreviation for **National Institution for Transforming India**) is a government policy think tank with an aim of achieving the SDGs and coordinate policymaking. It has emerged as a critical player in terms of tracking and supporting state performance and has also led direct interventions on improvement of quality of education.

Parliament Standing Committee on HRD and **Parliamentary Standing Committee WCD** provides parliamentary oversight over policymaking on school and early childhood education respectively.

Alongside Government institutions, the **role of civil society and NGOs** in furthering inclusive education cannot be underestimated. The NCF 2005 also calls for partnerships with NGOs for pooling of resources to facilitate development and implementation of inclusive practices. In the past, the role of NGOs was towards running special schools responsible for the education of children with disabilities. However, with the thrust on inclusion, these organizations have begun to take on alternative responsibilities. The government also [collaborated with NGOs](#) for delivery of inclusive education. The dNEP recommends strengthening the philanthropic sector in education, while simultaneously addressing commercialization of education.

Policy Coordination

The Central Advisory Board of Education (CABE) is the highest advisory body for Central and State Governments in the field of education. The National Policy on Education, 1986 (as modified in 1992) also vests in it the role of reviewing educational development, determining the changes required to improve the system and monitoring implementation, and coordinate the various areas of human resource development. The DNEP recommends replacing it with a new apex body, the National Education Commission.

Horizontal coordination between departments is ensured through issue based committees formed to address specific issues. Vertical coordination is ensured through the formal structure of the CABE, but also exercised indirectly through the process of formulation of annual work plans for centrally sponsored schemes (eg. SMSA). Support is also extended to MHRD and the states for the same by EdCIL's Technical Support Group. Informal coordination is also maintained through structures like the Parliamentary Standing Committee on HRD which provides an element of political oversight over the process. Lastly, coordination is maintained between national bodies and their state counterparts eg. NCERT and SCERTs, MHRD and State Education departments etc. With the Right to Education a justiciable right, the court system also exercises an element of coordination through the creation of a body of case law on relevant issues.

Persistent disparities and positives examples of Inclusive Education Policies

Considerable inequalities in education [persist between India's states](#). States with more accountable governments, greater access to finance, greater reduction in poverty and greater inclusion of women in economic growth have performed better in reducing inequality of education opportunities; central states- (largely, Bihar, UP and Haryana) has seen a decline in the equality of opportunity, while inequality has on average been reducing in southern, north-eastern and eastern India.

However, despite a trajectory that has seen continued rise in enrolment, the overarching status of implementation of specific inclusive education provisions in India has remained relatively poor making it difficult to pinpoint specific states that perform well on delivering inclusive education. Furthermore, the policy shift to a relatively wider definition of IE dates back to 2016 (i.e. the PWD Act) and this has not truly been rolled out. Furthermore, with the education sector in a state of flux after the creation of SMSA and pending the introduction of the New Education Policy, many of the positive practices identified in literature are no longer in active practice. However, within many of these states there have been innovative or good practices that have or had been taken to scale by the government at various points of time. Box 1 provides a partial list of such practices. Even if some of these have not have been sustained for a range of reasons, their existence offers hope.

Examples of effective inclusive education policy implementation

Some of the recent/current interventions with respect to IE at state level have been listed below. The net has been somewhat widened to include some states beyond the 10 identified as part of the exercise to ensure that more good practices of IE were included

- **Disability:** Early interventions for CWDs (TN, Karnataka), setting up of a State Resource Centre for Inclusive Education (TN), community based early intervention- Samarpan (MP), concrete efforts to ensure transportation for children and parents/escorts of CWDs (AP, Maharashtra), representation of parents of CWDs in the SMC (Bihar, AP, Assam), Placement of IE volunteers at community as support to resource teachers and establishment of district resource centres (Odisha)
- **Transgender:** Establishment of welfare boards for transgender people with an education mandate (Maharashtra, TN, Gujarat),
- **Girls' Education:** Provision of bicycles and escort facilities to enable participation of students (first pioneered in Bihar), free education for girls until graduation (Karnataka), Sanitation Pads scheme (TN, Maharashtra, Bihar and others), and conscious efforts have been nationally to ensure availability of WASH facilities, especially for girls, at the national level.
- **Adivasi Groups:** Multi-Lingual Education in Odisha and AP³ (and piloted in other states e.g. Rajasthan); however, northeast India offers some of the best examples of mainstreaming of tribal languages (e.g. Manipur, Tripura)
- **Migrants:** Gujarat, AP, Karnataka and TN have developed fair mechanisms for tracking migrant populations and ensuring supply of materials and other bridging arrangements to ensure the continuity of their education. Maharashtra and Odisha have adopted mechanisms of seasonal hostels to provide residential facilities for the times when families migrate in search of work. This offers an alternative to provision of year- long residential accommodation to such students which would create distance between them and their families and communities.
- **Out of School children:** Comprehensive planning for out of school children (Bihar) and Child Tracking System (TN)
- **Private schools-** Implementation of Section 12-1c under the RTE Act reserving seats for poor and marginalized groups. Fees regulatory legislations in several states.

Furthermore, many of the innovation on IE has also taken place outside the mainstream education system. These, usually small scale, CSO experiments have offered models of good practice. However, examples of ongoing collaborative and large scale programmatic interventions, especially in the educationally lagging states and with a focus on ensuring social inclusion have been few.

5. Learning Environments

The national policy framework for constitutes the learning environment necessary for ensuring inclusive education is provided by the PWD Act 2016. It stipulates that all educational institutions funded or recognized by the government must provide inclusive education to children with disabilities and admit them without discrimination, make buildings, campus and various facilities accessible; provide reasonable accommodation

³ In November 20019 AP has since stated its intention to convert all government schools into English Medium Schools. The impact that this decision would have on MLE provisions is currently unknown.

according to the individual's requirements; provide necessary individualized support; undertake early detection of learning disabilities and take suitable pedagogical and other measures to overcome them; monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; and provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs. The government is expected to conduct surveys of school going children every five years to identify children with disabilities, establish adequate number of teacher training institutions, train and employ teachers in sign language and Braille and train staff to ensure inclusive education, promote the use of appropriate augmentative and alternative modes, provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years, make suitable modifications in the curriculum and examination system, provide scholarships to students and make other measures required.

Infrastructure

A nation-wide campaign for achieving universal accessibility for Persons with Disabilities, the Department of Empowerment of Persons with Disabilities (DEPwD) launched the Accessible India Campaign (Sugamya Bharat Abhiyan) on the International Day of Persons with Disabilities in 2015. It envisaged building accessible infrastructure in all three verticals i.e. buildings, transport and virtual.

Schools need to ensure that facilities and infrastructure in their premises are accessible to all children and staff. The **accessibility in schools** is stipulated to be ascertained by an authorised/ empaneled access auditor so that appropriate measures could be suggested in compliance with the mandatory guidelines issued by the Ministry of Urban Development, Government of India (GOI) as "[Harmonized Guidelines and Space Standards for Barrier Free Built Environment for persons with Disabilities and Elderly Persons](#)" (February 2016). It is notable that School buildings are categorised under Category 4 i.e building open to public (public and private). Likewise, the [Three Year Action Agenda \(2017-18 to 2019-20\) of Niti Aayog](#), Government of India, specified that the Right to Education Act must ensure that schools have ramps and disabled-friendly toilets, thereby ensuring accessibility under the universal design guidelines. It also states that schools should have **special teaching material and sensitised teachers** in at least one section of each class. Additionally, a module on sensitisation should be made mandatory in teacher training courses.

In reality, only 22.2% of elementary schools have disabled friendly toilet facilities and 62% schools have a ramp at the entrance (UDISE, 2016-17). Facilities for girls and minority groups include residential schools/hostels, transportation/transportation allowance/escort facility, scholarships and distribution of

materials. Midday meal is intended to address classroom hunger and serve as an incentive for school attendance.

Curriculum:

The [National Curriculum Framework 2005 \(NCF\)](#) highlights the need for child centred education and recommends steps for improving classroom processes and school management to implement the curricular and pedagogic shift for enhancing participation in learning process and providing success experience to all learners. Education of children with disabilities is mentioned, but is not mainstreamed across the document. The NCF also reiterates the need for the curriculum to ensure empowerment of girls and marginalized communities and to provide space for tribal traditions, knowledge and languages.

Learning Materials:

The PWD Act makes the government responsible to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years. Accordingly, materials in Braille and other learning materials are developed. In practice, there are frequent delays in making the same available. A [number of attempts](#) have been made to develop content and material in local dialects and tribal languages including development of primers, dictionaries and reading materials. Regional institutes of education have focused on this as well as the National Book Trust of India that develops storybooks in selected languages for linguistic minorities. [Gender audits of textbooks](#) reveal that while gender and social inclusion concerns are addressed, there are still stereotyped views and existing power imbalances resulting in discrimination are not challenged.

ICT:

Use of technology has been [recognized](#) as an integral part of the package of components for inclusive education. This includes facilitating access to various means of accessing information including reading, including print, digital, text to speech and audio-books and the use of assistive devices like speech synthesizers, braille to print converters and speech devices. However, in practice, availability of these devices tends to be limited if compared to the size of the population requiring support. Only 15% of schools in India have a functional computer (UDISE, 2016-17).

6. Teachers and Support Personnel

New teachers are expected to undergo both pre-service and in-service trainings. This requirement has been tightened after the introduction of the RTE Act which means many of the teachers currently in-service may

not have undergone training as per the currently prevailing standards. For these teachers, in-service training becomes the policy tool of choice.

The current pre-service teachers' training course, Bachelors of Education B.Ed, (recognized by the [National Council for Teacher Education](#)) includes a paper on 'Education of children with special needs' that prepares teachers to identify and diagnose disability and gives them a holistic perspective with respect to dealing with diversity of students. There are also specialized courses for special education including B.Ed (Special Education), Diploma and certificate courses in special education and one advanced course in Inclusive Education(Cross Disability), M.Ed. Special Education (Learning Disability), Integrated Bachelor of Education-Master of Education - Special Education (Specific Learning Disability) which are being offered by the Rehabilitation Council of India. The [RCI and NCTE](#) recognize 60 and 15 different pre-service programmes respectively of different duration with a focus on the education of children with disabilities.

In practice, [training is much shorter](#); nearly 3 million teachers have received 2-3 days training on inclusive education and 42% have received a 3-5 day orientation. Teachers have been trained through interventions in four areas- Infrastructure, pedagogy, assistive devices and teaching-learning materials. SMSA also plans to undertake teacher education programs for both in-service teachers and special educators. For instance, [in Bihar](#), two training modules Ujala-III (2006) and Samarth (2006) were developed to sensitize in-service teachers of upper primary classes towards integrated education. From among the 10 states, only AP stipulates that all regular teachers be trained to teach children with disability.

Much of the support to schools is provided by itinerant special educators who cover a large geography, usually a block. Itinerant special educators are frequently trained to address the needs of only one disability making support to multiple disabilities difficult. Track record of private schools with respect to making special educators is patchy. The Central Board of Secondary Education's (CBSE) [affiliation bylaws](#) make it mandatory for every school to appoint special educators and school counsellors. However, in practice schools frequently fail to appoint special educators since they find the role of special educators negligible. This is at least partly because many schools (eg. those in [Delhi](#), [Karnataka](#) and [Maharashtra](#)) fail to admit children with disabilities.

Special Educators and other personnel in special schools

Role of special educators is expected to be to support diagnosis, undertake functional assessment and undertake instruction of children with disability in special schools, HBE settings and special schools. [There are](#) 18174 special educators appointed in elementary education settings and 3245 for secondary schools. No assessment of the requirement of trained teachers to reach children with disabilities in line with the

guidelines of the RCI have been done in the preceding three years. There are no national standards for special schools for children with disabilities which means there is no standard list of education personnel in special schools. However, many special schools have special educators, therapists and counsellors.

Teachers and Gender sensitivity and social inclusion

Inputs on social inclusion and gender are also incorporated in teacher training, both in-service and pre-service. However, teacher shortages, large untrained teacher backlog and lack of consistently of in-service training makes it difficult to specify the overall levels of training and capacity of teachers to extend support to marginalized communities.

India has 9 million teachers employed for grades 1-12 in government and private schools. However, 34.4% elementary schools lack the requisite number of teachers as per the RTE Act and. India has an estimated vacancy of about 1 million general teachers across the country (NIEPA, 2014). This makes individualized instruction difficult. While inclusive education is expected to be part of the teacher training package, there is a considerable trained teacher backlog; 18.5% teachers lack professional qualifications.

Other school personnel

The RTE Act provides for existence of teachers, part-time instructors (for art, health & physical education and work education for upper primary sections in schools with over 100 students) and a head teacher (in primary and upper schools with over 150 and 100 students respectively) as school personnel in elementary schools. However, only 48.5% of primary schools have a head teacher (UDISE, 2016-17). Only 188,219 head teachers have received training on inclusive education (Banerjee, 2018). Elite schools (both government and private) have other personnel including librarians, computer educators and secretarial staff. Personnel in residential schools (eg. KGBVs for girls) also include account staff, guards/other support staff.

On-site support and training for teachers

The 1986 National Education Policy recommended the setting up of teacher support mechanisms in the form of Cluster and Block Resource Centres with personnel located centrally and extending support to individual schools. Further, the Department of Empowerment of Persons with Disabilities of the Ministry of Social Justice and Empowerment [notified on 15 June 2017](#) that there shall be a Nodal Officer in each District Education Office (DEO) to deal with matters relating to the admission of children with disabilities in schools, and the facilities to be provided to them in schools in accordance with the provisions of Sections 16 and 31 of the RPD Act, 2016.

Teacher Diversity

Statutory reservations in government jobs for marginalized groups also apply to government teachers. Diversity is considered during teacher recruitment with the share of [SC, ST, Muslim and woman teachers](#) being tracked. The recruitment process of teachers also takes into consideration an inclusive approach with [3% reservation for Persons with Disability \(PwDs\) in Government](#) schools as well as implementation of quota for women, SCs, STs and OBCs. It is expected that teachers with disabilities will bring a unique understanding the adjustments that are necessary to include learners with disabilities.

7. Monitoring and Reporting

The appropriate government is responsible for maintaining qualitative data. Local self-governance bodies and School Management Committees (with 50% representation of women and with representation of marginalized groups) are expected to maintain an element of local oversight. This qualitative follow up and review is supplemented by quantitative data. Several sources of evidence exist for school education in India including the Census of India (including the decennial census and National Sample Surveys) and administrative data ([U-DISE database](#), [All-India School Education Surveys](#), [National Achievement Survey](#)). The Management Information Systems of the MWCD provide information on ECCE. This is supplemented by need-based supplementary studies e.g. for out of school children. These large national datasets are supplemented by ongoing mechanisms of collection of administrative data. Much of the actual monitoring is undertaken through school visits complemented by paper-based reporting, largely through pre-designed formats. However, in 2016-17 (UDISE) only 68.7% of schools received at least one visit of a Cluster Resource Centre coordinator and the figure goes down to 54.7% when one considers BRC officials. This is a result of inadequate financial and human resources, compounded by the fact that a large share of the officials was not trained.

An [Index for Developing Inclusive Schools](#) has been developed by NCERT provides a useful reference for indicators on inclusion, but it is rarely used. Indicators to measure inclusive education are limited and much of the evidence ends up being derived from specific indicators for access and retention (disaggregated by demographic indicators including disability status), infrastructure (ramps, girl and disability friendly toilets), learning (available for social groups, not disability) and composition of the teacher force (disaggregated). [Shaala Sidhi](#), the MHRD's Performance Grading Index, and the [School Education Quality Index](#) are some of the metrics of effectiveness of the education system. While they have some indicators covering some dimensions of inclusive education, they are limited in terms of their focus on inclusive education. NCERT's [PINDICS](#)- Performance Indicators for Elementary Education are relied upon for teacher competence. Other

indicators like language use in classroom, out of pocket expenditure incurred for education etc are based on the Census and are collected much less frequently, but at least once in a decade.

8. Overview of main studies of inclusive education policy at federal or selected state levels

Dedicated comprehensive studies on inclusive education are relatively few. Furthermore, much of the literature on IE has been written from the sole perspective of disability, instead of taking a comprehensive overview. The education policy landscape is in a state of flux with the education policy and flagship programmes under revision (and discussions about the review and amendment of the legislation also commencing). Consequently, much of the literature that does exist refers to interventions that are no longer in formal existence. These create additional challenges for data from India, over and the above the limited availability of literature on inclusive education (IE) in developing countries as a whole⁴.

However, some of the major sources of evidence on IE used for this analysis (or with data that might have been relevant) have included:

- a. **Official statistics:** UDISE database (overall enrolment and school facility data), India Census (2011 Decennial Census and subsequent sample surveys) and occasional reports of the national education department that include disaggregated data.
- b. **Policy datasets and programmatic summaries:** Partial datasets on existing government policies with implications on IE are maintained by MHRD, NIEPA⁵ and assorted CSOs and think tanks. National database on legal provisions⁶ likewise exist. Furthermore, compilations of policies exist including general schemes for PWDs⁷, provisions for autistic children,⁸ and specific intervention areas under the (now defunct SSA)⁹ are available. An analysis of the various state rules issued under the RTE Act has also been done¹⁰

⁴ Meenakshi Srivastava, Anke de Boer & Sip Jan Pijl (2015) Inclusive education in developing countries: a closer look at its implementation in the last 10 years, *Educational Review*, 67:2, 179-195, DOI: 10.1080/00131911.2013.847061

⁵ NIEPA digital Archives of Education Documents published by Indian Government. Accessed on <http://14.139.60.153/community-list>

⁶ Bare Acts live. Central and State Acts and Rules <http://www.bareactslive.com/index.html>

⁷ Sightsavers (2011) Policies and Schemes of Central and state governments for people with disabilities. Accessed from https://www.sightsaversindia.in/wp-content/uploads/2019/03/17581_Policies-and-Schemes-of-Central-and-State-Governments-for-People-with-Disabilities.pdf

⁸ Bhargava, A. School Education with a perspective on the initiatives of Children with Autism. Accessed from <http://www.iccwtnispcanarc.org/upload/pdf/1494590016school%20education%20special%20needs%20india.pdf>

⁹ SSA Inclusive Education for CWSN. Presentation on the provisions http://siteresources.worldbank.org/INDIAEXTN/Resources/295583-1220435937125/Richa_Sharma_1_4a.pdf

¹⁰ Kaur, R & Taneja, A (2014) Federalism and Fidelity. A review of the provisions under the National Model and State Rules under the Right of Children to Free and Compulsory Education Act 2009. Oxfam india Working Paper. <https://donate.oxfamindia.org/sites/default/files/WP11%20RTE%20and%20State%20Rules%20Analysis.pdf>

- c. **Overall education reports, including a focus on IE:** These include budget analysis, regular reports on RTE Implementation (RTE Forum nationally¹¹ and selected states), dedicated reports on RTE Implementation for persons with Disabilities¹², Implementation of Section 12-1c of the RTE Act¹³ and studies on specific education sub-sectors (eg. Secondary education¹⁴)
- d. **Studies with focus on particular states:** These include AP¹⁵, Delhi (with a focus on the barriers encountered in learning)¹⁶ and Karnataka¹⁷
- e. **Government program baselines and other official documents.** These are limited but include MP¹⁸
- f. **Focussed research on specific dimensions:** IE in (relatively elite) private schools,¹⁹ IE for dalit children²⁰ and teacher perspectives on IE for CWDs^{21 22 23 24 25} and overarching analysis of literature on the issue²⁶.
- g. **Literature on IE across India** is limited, with the possible exception of the recent UNESCO report on the issue²⁷.

Another, more abundant, strand of literature that contributed to the analysis is that on social exclusion. Considerable policy attention and research has been undertaken to document the exclusions faced by hitherto educationally marginalized groups such as Dalits (scheduled castes), Adivasis (scheduled tribes),

¹¹ Eg. the RTE Forum regular reports accessed from <http://rteforumindia.org/activities/national-stocktaking-of-implementation-of-rte/>

¹² Some of the studies on the inclusive education for children with disabilities can be accessed here <https://asthaindia.in/research-studies/>

¹³ https://www.indusaction.org/wp-content/uploads/2019/10/BSR-2019_final-version_compressed_compressed.pdf

¹⁴ Chanana, K (2014) Inclusive Secondary Education in India: Challenges and Future Directions. Journal of International Cooperation in Education. 16 (2). 121-138. Accessed from <https://home.hiroshima-u.ac.jp/cice/wp-content/uploads/2014/10/16-2-8.pdf>

¹⁵ Digumarthi, SG (2012), Inclusive Education: A study of children with special needs in Andhra Pradesh. Accessed from <https://shodhganga.inflibnet.ac.in/handle/10603/105652>

¹⁶ Bakhshi, P, Babulal, G & Trani, JF (2017). Education of children with disabilities in New Delhi: When does exclusion occur?. Accessed from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5587327/>

¹⁷ Bhan, S. Inclusion of Children with visual impairment in India. The European Journal of Social & Behavioural Sciences. DOI: [http://dx.doi.org/10.15405/FutureAcademy/ejsbs\(2301-2218\).2012.3.3](http://dx.doi.org/10.15405/FutureAcademy/ejsbs(2301-2218).2012.3.3)

¹⁸ Roy, S (undated) Situational Analysis on Inclusive Education Program in the State of Madhya Pradesh. Accessed on https://www.sightsaversindia.in/wp-content/uploads/2019/03/16483_EFA-Situation-Analysis-of-IE-in-State-of-Madhya-Pradesh.pdf

¹⁹ Das, A & Kattumuri (I) Children with disabilities in private inclusive schools in Mumbai: Experiences and challenges. LSE Asia Research Centre Working Paper 34. Accessed on <http://www.lse.ac.uk/asiaResearchCentre/files/ARCWP34-DasKattumuri.pdf>

²⁰ Kumar, S (2014). Inclusive Classroom and Social Diversity in India: Myths and Challenges. Accessed from <http://mujournal.mewaruniversity.in/JIR%202-1/16.pdf>

²¹ Bansal, S (2018). Understanding teachers' perspective of inclusive education for children with special needs (CWSN). Educational Quest: An Int. J. of Education and Applied Social Science: Vol. 9, No. 1, pp. 115-123, April 2018 DOI: 10.30954/2230-7311.2018.04.16. Accessed on <https://ndpublisher.in/admin/issues/EQv9n1p.pdf>

²² Bhatnagar, N & Das, A (2014). Attitudes of secondary regular school teachers toward inclusive education in New Delhi, India: A qualitative study. Exceptionality Education International. Vol 24 (2). 17-30. Accessed from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.838.6170&rep=rep1&type=pdf>

²³ Michael, NJ (2017) Educators' Attitude towards inclusive Education in Bangalore, India. Accessed from <http://hdl.handle.net/10072/367160>

²⁴ Shan, R, Das, A, Desai, I & Tiwari, A (2013). Teachers' concerns about inclusive education in Ahmedabad, India. Journal of Research in Special Education Needs. Accessed from <https://www.slideshare.net/AshwiniTiwari2/writing-sample-jorsen-paper>

²⁵ Sharma, A, Chari, D & Chunawala, S (2017). Exploring Teachers' Attitudes towards inclusive education in Indian Context using "type of disability" lens. International Journal of Technology and Inclusive Education, 5 (2), 1123-1142. Accessed from <https://infonomics-society.org/wp-content/uploads/jitie/published-papers/volume-6-2017/Exploring-Teachers-Attitudes-Towards-Inclusive-Education-in-Indian-Context-.pdf>

²⁶ Rose, R (2017) Seeking Practice Informed Policy for Inclusive Education in India. Accessed from https://www.researchgate.net/publication/319205395_Seeking_Practice_Informed_Policy_for_Inclusive_Education_in_India

²⁷ UNESCO Office New Delhi (2019) N for Nose: State of the Education report for India 2019: Children with disabilities. <https://unesdoc.unesco.org/ark:/48223/pf0000368780>

religious minorities and girls who comprise the majority of children who are out of school and who are disproportionately likely to experience low quality of education and be discriminated against in school. Literature on this has been led by a number of researchers including Nambissan²⁸ who have approached it from the lens of sociology and politics of education. Some of the recent reports on the issue have been undertaken with the lens of exclusion overall²⁹, pedagogy³⁰, interplay of identity and the schooling experience³¹ and viewing discrimination in schools as a human rights violation³². Many of these specifically investigate the discrimination encountered by students based on caste and religious minority status, address exclusion of tribal students³³ or focus on educational inequalities overall³⁴. Some researchers focus on the challenges faced in ensuring inclusion of girls in educational settings, while others take a more intersectional focus addressing the specific concerns of SC and ST girls³⁵. Another emerging strand is on the implementation of Section 12-1c under the RTE Act which provides reservations in private schools for children from poor and marginalized communities. This literature tends to focus on regulatory bottlenecks in implementation and the discrimination encountered by these children^{36,37}. Some work has also been done from the perspective of diversity in Indian education³⁸.

8. Key challenges for effective inclusive education policy implementation

A range of challenges to implementation of inclusive education policies emerge from the literature. These can be broadly be classified as challenges with respect to legal and policy provisions, implementation

²⁸ Nambissan, GN (2009) Exclusion and Discrimination in Schools: Experiences of Dalit children. Children, Social Exclusion and Development. Working Paper Series, Vol 1(1) Accessed on <http://dalitstudies.org.in/wp/wps0101.pdf>

²⁹ India Exclusion Report. Past issues can be accessed here: <http://indiaexclusionreport.in/>

³⁰ NCE India (2018) Ideas, Peoples and Inclusive Education in India. Accessed from <http://nceindia.org.in/wp-content/uploads/2017/03/2018-Ideas-Peoples-and-Inclusive-Education-in-India.pdf>

³¹ Some of the research and other reports can be obtained on their website. Accessed from <https://csei.org.in/resources/research-reports-working-papers/>

³² Human Rights Watch (2014) "They say We're Dirty": Denying an education to India's Marginalized, Accessed from <https://www.hrw.org/report/2014/04/22/they-say-were-dirty/denying-education-indias-marginalized>

³³ Gupta, M & Padel, F () Confronting a pedagogy of assimilation: The evolution of large-scale schools for tribal children in India. Accessed from <https://www.anthro.ox.ac.uk/files/jaso10120182247pdf>

³⁴ Govinda, R & Bandhyopadhyay, M (2019) Exclusion and Inequality in Indian Education. Accessed from https://www.researchgate.net/publication/333949950_Exclusion_and_Inequality_in_Indian_Education/link/5d0e5de4a6fdcc24629dc1e3/download

³⁵ Bhagavatheeswaran, L, Nair, S, Stone, H, Isac, S, Hiremath, T, Raghavendra, T, Vadde, K, Diddamane, M, Srikanthamurthy, HS, Heise, L, Watts, C, Schweisfurth, M, Bhattacharjee, P & Beattie, TS (2016) The barriers and enablers of education among scheduled caste and scheduled tribe adolescent girls in northern Karnataka, South India : A qualitative Study. International Journal of Educational Development. 49, 262-270. Doi: <https://doi.org/10.1016/j.ijedudev.2016.04.004> Accessed from <https://www.sciencedirect.com/science/article/pii/S0738059316300414>

³⁶ Sarangapani, P, Mehendale, A, Mukhopadhyay, & Namala, A (2014). Oxfam India Working Paper. Inclusion of Marginalized children in Private Unaided schools under the Right of Children to Free and Compulsory Education Act, 2009: An exploratory Study. Accessed from https://www.oxfamindia.org/sites/default/files/wp-inclusion-of-marginalised-children-in-private-unaided-schools-190314-en_0.pdf

³⁷ V. Sucharita & K. Sujatha (2019) Engaging with social inclusion through RTE: a case study of two private schools in Delhi, India, International Journal of Inclusive Education, 23:3, 313-327, DOI: [10.1080/13603116.2018.1430179](https://doi.org/10.1080/13603116.2018.1430179) Accessed from <https://www.tandfonline.com/doi/abs/10.1080/13603116.2018.1430179?journalCode=tied20>

³⁸ Joshee, R (2003) A framework for Understanding Diversity in Indian Education. *Race Ethnicity and Education* 6(3):283-297 Accessed from https://www.researchgate.net/publication/248970603_A_Framework_for_Understanding_Diversity_in_Indian_Education_1

machinery capacity, infrastructure of educational institutions, teachers' capacity, attitude and practice in general and resourcing of inclusive education.

Legal and Policy Provisions: Much of the education policy framework predates the CRPD and is consequently not in line with the current understanding. Furthermore, the sector itself is in policy flux (with the creation of SMSA, the framing of a new policy and possible amendments to RTE) at this point of time as a result of which policies, programmes and practice on the ground are temporarily not in alignment. While the new PWD Act is fairly progressive in its provisions with respect to IE, the rules of the same have not been notified and as a result the legislation is effectively not in force in several states. Furthermore, legal frameworks for the IE of several excluded groups and for dimensions like discrimination lack a legal framework. Furthermore, models of delivery promoted at the level of programmes are often non-inclusive in character, supporting the creation of separate homogenous residential schools for marginalized communities (tribal ashrams, SC hostels, KGBVs, Eklavya Vidyalayas), instead of strengthening the more inclusive and heterogeneous local government schools. Continuation of non-inclusive practices like home-based education for children with disability furthermore fails to promote their inclusion. Absence of consistent quality standards for residential schools and special schools for children with disability have also created educational systems that are separate and unequal. Complex certification procedures necessary for obtaining facilities for CWDs from the government further create bottlenecks and delays. Lastly, curricula are often too examination-centred to allow student-centred education to be developed, placing students with disabilities at a disadvantage.

Implementation Capacity: Where provisions exist, there is limited knowledge of these provisions, especially among frontline and middle level officials tasked with their implementation. Enforcement and grievance redress systems are also weak with the RTE Act tasking quasi-judiciary (NCPCR/SCPCRs) to act as ombudsmen bodies for ensuring the right to education. While the intention to task a body outside the implementing line department with the enforcement of the legislation is understood and appreciated, enforcement capacities of the same is weak. Monitoring, technical support and supervision mechanisms at the sub-state level have been weak for all issues, not just IE. Thus, 32% elementary schools have not received even one visit from a block or cluster resource centre in India at the preceding year (UDISE, 2016-17). With the system as a whole under-resourced and understaffed, incentives and capacities to devote time and effort to provide individualized support is lacking. School level staff, furthermore, frequently lack capacity to implement provisions both as the result of the limited agency and absence of funds to deliver. Lastly, both teachers and officials often share popular stereotyped views of marginalized groups held by the rest of Indian society. Low representation of marginalized communities and PWDs at the higher tiers in the education and other line departments also preclude opportunities for self- advocacy of these groups.

Resource Capacity: Underfinancing of education and IE in particular results creates a system where overall infrastructure of schools is poor, necessary adaptations for CWDs is not undertaken and necessary materials including aides and appliances necessary for students are not available, or delayed. Staff that one could consider important for the education of persons with disability (e.g. therapists) or for all students (eg. counsellors) are not appointed. The absence of consistent standards of quality for all government schools creates inequalities within the education system. Governance bottlenecks like procurement and other delays also delay delivery of the committed entitlements.

Teachers' Capacity: In the end any education system is only as good as its teachers. With a shortfall of a million teachers and another million odd untrained, capacity to deliver IE is limited. There is a shortfall of special educators (usually placing a single person to train children with one disability in a block to address the needs of 50-100+ schools with learners with multiple disabilities) makes it difficult to deliver IE for CWDs. Teacher training capacity, furthermore, needs to be strengthened overall and for IE. In the face of less than optimal IE delivery, mainstream school teachers are not able to deliver quality IE and often share the belief that children with disability are best taught in special schools.

Attitudes: However, at the heart of the problem is the fact that India has a high tolerance of inequality and there is a fairly pervasive belief that the poor, marginalized communities and PWDs are somehow responsible for their own condition. As a result, teachers, government officials, communities and parents often hold low expectations of girls and children about marginalized communities, which are often then internalized by the students themselves creating an intergenerational cycle. At the same time, parents, teachers and society as a whole tends to prioritize academic results over inclusion and equity agendas. The focus on attainment of learning outcomes and the introduction of national and state level standardized tests in several states creates additional tension points. Faith in IE is low overall, with India's Supreme Court occasionally championing special schools over inclusive education^{39 40}.

9. A hope for the future

Despite the challenges described above, it is undeniable that the last two decades have seen a significant increase in school enrolment driven positive legislation, implementation of specific provision for ensuring inclusion and overall social change. While more can indeed been done to make education systems inclusive, it is undeniable that improvement has indeed happened which creates hope for further positive change.

³⁹ Mohan, P & Srikumar, S (2018) A separate but equal classroom? The Indian desegregation. Accessed from <https://www.right-to-education.org/blog/separate-equal-classroom-indian-desegregation>

⁴⁰ India Today WebDesk (2017). Supreme Court to UP govt: Why can't children with special needs have separate schools. Accessed from <https://www.indiatoday.in/education-today/news/story/supreme-court-to-up-govt-children-with-special-needs-school-1070312-2017-10-24>

Recent policy shifts including a relatively greater emphasis on early childhood and secondary education (hopefully without losing the focus on elementary education) will potentially mean the eventual extension of the right to education to all children and not just those aged 6-14 years of age. Some states have, as discussed earlier, introduced positive inclusive education policies that are worthy of emulation by others.

Looking back at the reasons why particular states have introduced some specific policies, one can find some combination of the following factors:

- **Ability and will to invest in education:** States with higher budgetary allocations to education in general and IE in particular will have more capacity to spend more and therefore be able to do more to strengthen the system and innovate to improve provision. Thus, efforts to strengthen domestic resource mobilization, enhance domestic spending on education (to ensure that, at the very least the domestic and global benchmarks of allocation of 6% GDP and 20% of the budget are adhered to) and invest in spending that is progressive and redistributive in character.
- **Political mobilization by the groups concerned.** Decision to improve education for some marginalized communities is to an extent a reflection of that group's own mobilization and willingness to undertake advocacy to ensure that their specific needs are addressed. This includes a range of actions by these groups including judicial activism, political mobilization and ongoing advocacy. Consequently, supporting struggles of marginalized communities to demand inclusive and equitable educational provision can be expected to yield improvements in inclusive education provision for these groups.
- **Efforts to enhance technical capacity of the system including, but not limited to presence of technical collaborations.** The last several decades have meant that structures tasked with ensuring inclusive education have been created within education departments. However, these are often not adequately resourced. Handholding is needed to provide external impetus to the process of strengthening IE provision in the mainstream system. Some models of technical support exist within the system. Historically, [technical collaborations with CSOs](#) have provided some knowhow on pedagogic and other dimensions. However, while NGO collaborations have had positive results, there have been historic bottlenecks in these relationships which have had to [evolve over time](#) in view of changing government policies. Alternative modalities of support could also be explored including exchange between states. Thus, [Delhi's government has recently promised to extend its support to Maharashtra](#) in education reform.
- **Political Will.** Fundamentally, the extent of openness of state governments to make extra efforts to ensure is important.

Fortunately, many of these are domains in which change is possible. If states gather political will to bring about inclusive education, significant improvement in the quality and equity of education is possible.

Annex 1: Challenges to IE Policy and Implementation

| | Legislative and Policy Design | Overarching Governance Framework | School Level Barriers | Community level barriers |
|------------------------------------|---|---|---|---|
| Legal and Policy Provisions | <ul style="list-style-type: none"> • Education legislation, policies and programmes not in line with PWD Act's provisions, updated understanding of IE • PWD Act rules not notified in several states resulting in the non-implementation of the legislation • Absence of comprehensive legal or policy frameworks for several dimensions including IE, education of sexual minorities, migrants, refugees etc. Despite growing urban population, inadequate focus on education of urban poor in informal settlements or homeless people | <ul style="list-style-type: none"> • Continued reliance on residential models of schooling for tribals, girls, which while effective in the short run, separates children from their families and communities • Absence of consistent quality norms for residential schools and special schools for children with disability and continued prevalence of segregated systems of education (e.g. home based education for children with disability) • Curricula that are, in practice, not conducive towards nurturing the full range competencies of children and values textbook-based, examination-centred learning over student oriented education • Certification- viz. proof of disability is difficult to obtain and serves as the bottleneck for accessing many of the other facilities | | |
| Implementation | <ul style="list-style-type: none"> • Weak enforcement of the provisions through relatively | <ul style="list-style-type: none"> • Limited awareness of the provisions among frontline and middle level | <ul style="list-style-type: none"> • Low awareness of the policy and | <ul style="list-style-type: none"> • Awareness of provisions |

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|--------------------------------|--|---|---|---|
| machiner y capacity | under-resourced quasi judiciary bodies | <p>officials tasked with their implementation</p> <ul style="list-style-type: none"> • Inadequate supervision and monitoring and supervision of education system as a whole, and the IE system in particular • Inconsistent decision making that is not always in alignment with stated long term policy objectives • Officials share popular stereotyped views of the excluded groups • Low representation of marginalized groups and PWDs in the education and other line departments | <p>programmatic provisions</p> <ul style="list-style-type: none"> • Misalignment of long term equity goals and immediate short term compulsions within the system • Limited capacity to implement provisions (agency and financial resources) | <p>that have been made is low</p> <ul style="list-style-type: none"> • Mechanisms to demand compliance and redress complaints when rights have been violated are weak • Prejudiced views of marginalized groups |
| Resource Capacity | <ul style="list-style-type: none"> • Underfinancing of education in general and IE in particular • Somewhat temporarily unstable financial system in view of the education system undergoing flux • Absence of official quality standards for special schools • Lack of parity between the multiple forms of provision for CWDs and between different strands of government schools (including different forms of residential schools) | <ul style="list-style-type: none"> • Procurement and other systemic bottlenecks that cause delays for all schools and children • Underfunding in the education system results in entitlements not being universalized and/or being distributed late | <ul style="list-style-type: none"> • High class sizes and infrastructure and facility of schools far below legal statutory standard • Inadequate availability of resource materials • Non adapted facilities in schools • Delayed and inadequate supply of teaching materials, aides and appliances for CWDs, linguistic minorities or other groups requiring extra support | <ul style="list-style-type: none"> • Limited voice and agency of historically excluded social groups • Faith in IE is low |
| Teachers Capacity | <ul style="list-style-type: none"> • Interdepartmental coordination with respect to teacher training could be strengthened | <ul style="list-style-type: none"> • Limited numbers of special educators who are also frequently trained to only address a single disability • Absent or inadequate orientation or training on IE • Teachers lack adequate knowledge and skill to deliver IE • Block and district level resource centres or on IE for CWD and academic support structures (CRCs, BRCs, DIETS) not fully equipped to deal with the full complexity of inclusion concerns • Inadequate teacher training capacity for both pre- and in-service | <ul style="list-style-type: none"> • Mainstream teachers inadequately trained to deliver IE, especially for CWDs • Continued prevalence of the belief that CWDs are best educated in special schools • Absence of psychologists and speech therapists at schools | |

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|------------------|--|---|--|--|
| | | training for both special educators and mainstream teachers | | |
| Attitudes | | <ul style="list-style-type: none"> • Low expectations and prejudiced views held by community and peers about students from marginalized communities • Limited role models from the communities and low parental expectations (who are often first generation learners themselves) to provide support to learners from marginalized communities, girls • High acceptance of inequality and a karma based model where the poor, marginalized groups, PWDs are somehow responsible for their own condition • Distrust in IE for CWD • Parents and teachers prioritize academic results over inclusive or equity agendas | | |