



## The rights of persons with disabilities act, 2016 promoting inclusive education

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### Abstract

In modern era of globalization whole world is interrelated as a single unit, primarily for economic aspects then for social & cultural aspects. Now a days, in whole world human rights are being considered as moral principles of life. It is believed that all human beings are worthy of equal rights without discrimination on the bases of race, sex, nationality and capabilities. Therefore, rights of disable persons have become an important issue throughout the world and considerable steps are being taken for the welfare and upliftment of disable persons. In this way, 'The Convention of Rights of Persons with Disabilities' of United Nations came into origin in December 2006 and India signed it in 2007. Till then India was working for the act of rights of disable persons. Finally, on 28 December 2016 the rights of persons with disabilities act 2016 come into origin. This Act enforces the appropriate government and local authorities to ensure the rights of persons with disabilities without discrimination, respect for inherent dignity, individual autonomy, effective participation with inclusion in society, respect for individual diversity and differences, equality of sex, job and opportunities, maximum use of capabilities of disable persons and making education system free, accessible and inclusive for these persons. This act gives strength to the inclusive education with legal enforcement to achieve its desirable goals. The RPwD Act, 2016 is definitely a mile stone in the process of optimum development of personality of persons with disabilities. The intention of presenting this paper is to highlight the role of the RPwD Act, 2016 in grass-root advantages in special reference with implication for Inclusive Education. Inclusive Education is the most suitable mode to educate the persons with disabilities. The paper will work as a helping tool for teachers who are working for the inclusion of persons with disabilities.

**Keywords:** RPwD act, the convention of rights of persons with disabilities, bench-mark disability, inclusive education

### 1. Introduction

A nation means not only the soil and geographical area, but it's people. It's citizens are the real wealth of a nation. It includes all talented, average and disable citizens and they all make their own contribution in progress of their nation. Previously, the disabled persons were not given much respect and rights, but now the whole world is talking about the equal rights of all human beings regardless of race, sex, religion, and nationality.

Since 1981, after declaring the year as "The International Year of Disabled Person", the persons with disabilities have made their organizations all over the world. These Organizations provide a voice of their own needs and priorities of rights. Through their organizations disable people redefined themselves 'as citizens with all equal human rights' instead of old conservative definition of "Sick Person" or "Punished by God". The philosophy of their organizations is based on the principles of "Self-Representation", "Right-Orientation" and "Democratic Participation". Time and again many efforts and provisions are being formulated for the welfare of disable persons.

More recently, "The Convention on the Rights of Persons with Disabilities" of United Nations came into effect from May 2008 and signed by 160 Countries of World. The Conventions followed the principle of Law tradition that all human rights are universal, individual, interdependent and interrelated. India signed and ratified the convention of U.N in 2007 and by then there was a great demand of more comprehensive

legal provision for the rights of persons with disabilities. In 2016, the Union Cabinet of India ratified the proposal of the Department of Empowerment of Persons with Disabilities. And the act was made on 27 December 2016 under the title "the Rights of Persons with Disabilities Act, 2016. The RPwD Act, 2016 pronounces that "the appropriate govt. and local authorities shall ensure that PWDs should enjoy the right to equality, life with dignity and respect him/her own integrity equally with other".

### Salient Features of RPwD Act, 2016

As whole act is addressed to the appropriate government and the local authorities to enforce them to take suitable measures to ensure the all given rights to persons with disabilities. The act has total 17 Chapters and One Schedule.

It focuses on equality for all disable and non-discrimination in their community, life protection, safety, home, family, Reproductive rights, access to voting, Justice, Legal facilities, guardianship and supports.

It focuses on the education of all disable children, women and adult. Education must be free up to 18 years and inclusive provision is ordered and all required learning materials, aids, methods, experts etc. will be provided.

The alct gives emphasis on the skill development and employment of disable persons according to their individual capabilities and there will be no discrimination in employment.

The act makes provisions of social security, health care,

rehabilitation, recreation, insurance schemes, sporting activities, researches and developmental programmes for PWDs.

There are special provisions for the Bench-mark disabilities. For example free education up to 18 years, age relaxation of 5 years, minimum 4% reservation in employment and promotion, 5% reservation in higher education, 5% reservation in allotment of housing land, agricultural land and poverty schemes etc.

There are also special provisions for persons with disabilities with high support needs with an application of special support to appropriate authorities and they have to fulfill all the needs of PWD.

The act makes provision of duties and responsibilities of appropriate authorities like awareness campaigns, accessibility of disables to every required means and facility. These authorities have to make arrangements of information, consumer goods, transports, safety measures, accessible infrastructure, research works, human resource development plans and social audit of all persons with disabilities.

There is also a detail note on the registration of institutes of disable personas, their maintenance, facilities and grants.

The act gives detail description about the certificates of disabilities to people to provide them suitable facilities.

The act mentions the Central and State advisory boards, district level committees, chief commissioner & State commissioner for persons with disabilities. It also mentions special courts and their functions, duties and provisions.

This act makes arrangements for the national and state funds for disable persons.

There is detail of offences and punishments against persons with disabilities.

The act also mentions the legal powers of rulemaking of central, state or local govt. for the welfare of persons with disabilities under the 17<sup>th</sup> chapter "miscellaneous".

The Schedule of the act describes the 21 types of disabilities as Blindness, low-vision, leprosy cured persons, hearing, Impairment (deaf and hard of hearing), Locomotors disability, Dwarfism, Intellectual disability, Mental illness, Autism spectrum disorders, Cerebral palsy, Muscular dystrophy, Chronic Neurological conditions, Specific Learning Disabilities, Multiple sclerosis, Sken and Language disability, Thalassemia, Hemophilia, Sickle cell disease, multiple disabilities including deaf-blindness, Acid Attack victim, Parkinson's disease.

### **Inclusive Education**

Education is the most essential and crucial source of the development of an individual, society and nation. The development can be useful and sustainable only when it is comprehensive and inclusive. Inclusive word is adopted from inclusion literally it means "to include" or 'bring together'. It means bring all children together and collectively to educate them. According to census 2011, there are 21.8 million PWDs are in India and that makes the demand that our education system must be inclusive otherwise these 21.8 million PWDs will remain uneducated. That is why, the great need of inclusive education is recognised. Inclusive education includes the every person of society. It starts primarily with accepting, understanding and attending the students with individual

differences and diversity that may be physical, mental, social or emotional. Inclusive education focuses on the principles of maximum participation and use of maximum capabilities of disable persons and provides them the "least restricted environment". Inclusive education is defined as, "It allows all students equal access to the curriculum through differentiated, adopted and modified lessons to make them competent".

There are some beliefs, principles and features of inclusive education. Inclusive education believes that,

- Every child can learn.
- Every child can attend appropriate general class in their neighboring schools.
- All children must receive appropriate and individualized educational program.
- All children must be provided a relevant curriculum to fulfill their needs.
- Every child should participate in co-curricular and extra-curricular activities.
- All children must be given benefits from co-operation & collaboration among friends, family, home, class-room, school and community.
- Least restricted environment must be provided to every child.
- Optimum capabilities of every child must be used.
- Every child has individual diversity in his personality and that's why individualized facilities and help can develop his/her personality more better.

### **Relationship between RPwD Act, 2016 and Inclusive Education**

It is noticed that inclusive education has come into origin with the origin of the organizations of persons with disabilities. Before that there was no need of inclusive education because people, society and nation were not much aware of education and rights of disable persons. The RPwD Act and Inclusive Education both are working for welfare & upliftment of disable persons, that's why they are inter related to each other. It means RPwD Act and Inclusive Education are helping hand of each other and depends on each other to achieve their desirable and decided aims and Objectives. Inclusive education was in need of some legal provision to work more freely and sincerely for persons with disabilities and the RPwD Act played that role well. And the act was in need a agency to implement it's provisions on grass-root level. Thus the both are complementary to each other.

### **Implications of the RPwD Act, 2016 for Inclusive Education**

The RPwD Act 2016 has made its all provisions only for the prosperity and safety of disable persons. There are some chapters in the act which are directly or indirectly related to inclusive education. For example chapter no. II, III, IV, V, VI, VII, VIII, & IX. The Schedule of the act gives the description of 21 types of disabilities to whom all provisions are concerned. It is clear that the intention of RPwD Act, 2016 is to enforce the inclusive education to take essential measures for comprehensive personality development of the persons with disabilities as;

1. The chapter No. I of the act gives the definition of inclusive education which clearly shows that it focuses on

- education of disable persons/children through inclusive mode.
2. It ensures the education of person with disabilities in chapter No. III and makes provision of discrimination free education system, quite suitable to every individual with diversity.
  3. The intention of the RPwD act is to help the inclusive education to achieve it's the dream of inclusive community where every person can get equal space for ownself and the same for others.
  4. The RPwD act helps inclusive education to provide equal and non-discriminating environment to disable person in general schools.
  5. It discusses the admission, retention and full participation of children with disabilities in educational process which is one of necessary principles of inclusive education.
  6. Same as the objective of inclusive education the act lays focus on the prevention of those disease which causes disabilities. It focuses on awareness campaigns and rehabilitation measures of PWDs.
  7. The act focuses on the barrier free and least restricted environment which is also an objective of inclusive Education.
  8. It helps inclusive education by making provision of disability certificates.
  9. Inclusive education focuses on the involvement of parents, family and community at all stages of educational process and in same way the act demands the co-operation from concerned society.
  10. When the act focuses on the collection of data, information and research works on disabilities it provides aids to inclusive education to make essential changes and adaptations in its administration and field work.
  11. Same as inclusive education the RPwD act focuses on the social security and safety of the disable children.
  12. The act makes provision of age relaxation that helps enrollment and retention in education.
  13. Through the special measures and provisions for benchmark disabilities the act helps inclusive education to motivate disable children to work competently and get better jobs and other facilities.
  14. Through its schedule the act has included more categories to disabilities which helps inclusive education to become more accessible to every unit of society.
  15. With the provisions of financial, social and legal helps the act helps inclusive education to improve the literacy of disable persons from 55% to national literacy rate 74% at least.
  16. Act has mentioned the penalties and punishments. So no educational institute can refuse to give admission to disable person and it is helpful for inclusion of all children in education.
  17. With the facility of polling right the act connects the PWDs to society that is also one of main aims of inclusive education.
  18. Inclusive education has aim of developing a most healthy and support system that is enforced by the RPwD act by it's provisions of material, information, means and facility accessibility to every person with disability.
  19. With it's provisions the act promotes inclusive

educational institute to do their job more compatibly

### Short-comings of The RPwD Act, 2016

With its great significance in modern system of inclusive education the RPwD Act, 2016 has some short comings also as;

1. When the act gives clause like 'within the limit of their economic capacity and development', 'the extension of time depending on their state', 'without undue burden' etc. It leaves an ample room for denial of justice and fulfilling the duties by educational institutes as well as other authorities.
2. There is lack of experts, special teachers, competent teachers, strengthening officers to achieve all desired objectives.
3. There is lack of awareness campaign in India to promote society and organizations to adopt inclusive attitude towards PWDs.
4. There is no focus on provision of specified testing, marking and evaluation system for disable persons.
5. There is provision of reservation for 40% disabilities but other disable also face the same challenges in their general education.

### Conclusion

Despite it's some neglected areas the RPwD Act, 2016 is the most competent act for advancement and elevation of persons with disabilities. It magnanimously helps the inclusive education to achieve its determined goals more easily and swiftly. More studies should be done to learn the effectiveness of RPwD Act, 2016 in our social and national context.

### References

1. Narayan CL, John T. The Rights of Persons with Disabilities Act, 2016: Does it address the needs of the persons with mental illness and their families. *Indian J Psychiatry*, 2017.
2. Gupta RK. Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation) Act 1995- A critique. *Panjab University Law Review*, 2005.
3. Singh U. In Education and children with special needs- from Segregation to Inclusion. In Hegarty, S., & Alur, M. (Eds.) Sage Publications: New Delhi, 2005.
4. Gupta RK. Rights of Persons with Disabilities, A critique. *J, Disability Stud*, 2017.
5. Charman T, Pickles A, Simonoff E, Chandler S, Loucas T, Baird G. *IQ* in children with autism spectrum disorders: data from the special needs and autism project (SPAN). *Psychological Medicine*, 2011; 41(3):619-627.
6. Thambirajah MS, Ramanujan LL. *Essentials of Learning Disabilities and other developmental Disorders*. New Delhi: Sage Publications, 2016, P. 120.
7. Myklebust HR. Childhood aphasia: An evolving concept. In L.E. Travis (Ed.), *Handbook of Speech Pathology and Audiology* (pp 1181-1202). New York: Appleton-Century-Crofts, 1971, WWW.theinclusiveeducation.com
8. The Rights of Persons with Disabilities Act, 2016. The Gazette of India, the Ministry of Law Justice, New Delhi, 2016.