DISABILITY AND RIGHT TO EDUCATION ACT IN INDIA: A SOCIOLOGICAL PERSPECTIVE

Anayika Chopra

Abstract: Persons with disabilities especially children continue to be one of the most disadvantaged groups in all societies. They are not only subjected to social discrimination but at the same time have very limited work opportunities. With the changing trends and with the passing of the Right to Education Act 2009 which entitles a non-discriminatory compulsory education for all, some changes in the educational trends have surfaced.

Keywords: Disability, Inclusion, Home-Based Education, Right to Education Act

The present paper examines the changes in educational policy, that have occurred in India in recent years, particularly after the Amendment allowed for home-based schooling for children with disabilities. This study argues that this change cannot be seen in isolation but as rather a continuation of the absent will of the Indian State to provide quality education to each child irrespective of class, gender and disability. Starting with the state's refusal to commit to educating all children as required by Article 45 of the Directive Principles of State Policy, the Indian government has repeatedly bungled efforts to ensure that all children have access to formal and informal education. In this study, we sociologically analyze the Rights to Education (RTE) Act's treatment of people with disabilities via the lens of a number of its provisions.

In accordance with the Right of Children to Free and Compulsory Education Act of 2009, which became effective on April 1, 2010, all children in India aged 6 to 14 are entitled to the basic right of receiving education that is both free and mandatory. A significant number of handicapped children were subject to neglect by legal systems. Presently, the fundamental right of children is being diluted due to the proposed amendments to the Act of 2009. Instead of attending school, the option of receiving education at home is being presented as a feasible alternative for children with significant support needs. Despite the Indian government's inability to effectively implement the Right to Education in accordance with its underlying principles, it has still brought about significant transformations in the realm of education. The recent implementation of the Sarva Shiksha Abhiyan (SSA), Education Guarantee Scheme (EGS), and Alternative and Innovative Education (AIE) initiatives has resulted in the provision of primary education to marginalised groups like economically disadvantaged children, Dalits, individuals with disabilities, and, in several instances, females. The initiatives classified as 'alternative' specifically identify those with the greatest need, since they possess

Anayika Chopra; PhD Scholar, Sociology, Indira Gandhi National Open University; E-mail: anayikachopra@gmail.com

limited resources. Kumar (2006) highlights the paradoxical situation when individuals see some programmes as providers of quality education, while these programmes ultimately give instruction of inferior quality. The incorporation of the Right to Education inside the Fundamental Rights Act aims to provide equal educational opportunities for those with disabilities. However, it is important to examine why this objective is not being fully realized. The main aim of this work is to address the aforementioned issue. To accomplish this objective, it is essential to contextualize the ongoing discourse around the accessibility of higher education for disabled Indian scholars within the broader historical framework of societal views towards disability.

Understanding the Discourse on Disability in India

While the discourse on disability in India has been filtered by the cultural and religious beliefs of the general public and government officials, it was mostly influenced by Western conceptions of disability (Ghosh, 2012). Because impairment is formed, defined, and understood within social circumstances, disability activists and scholars in the West have increasingly campaigned for a nuanced view of disability and impairment (Shakespeare, 2004). Due to the frequent occurrence of many impairments in individuals with disabilities, it is important to acknowledge that the severity of these impairments may be influenced by several variables that are not directly connected to the underlying biological disease (Silvers, Wasserman, & Mahowald, 1998). The degrees of disability are influenced by the interactions between individuals' bodies and socially constructed environments, including the natural and built environments, cultural norms, the economic and political systems, and psychological factors. These factors, along with the pressure to meet societal expectations, contribute to the varying levels of disability (Garland-Thomson, 1997).

According to Marks (1999), the term "disability" refers to the intricate interplay between the environment, body, and psyche, which results in the exclusion of some individuals from fully engaging in interpersonal, social, economic, cultural, and political aspects of life. This view of disability rejects the traditional dichotomy between the individual and society by positing instead that impairment is a feature of the connection between the disabled person and their physical and social environments. Disabled people's bodies and identities are negotiated in unique ways due to the embodied nature of resistance and the fight for bodily autonomy, independence, and liberation. As a result, the meaning of "disability" changes depending on factors such as the individual's impairment, socioeconomic level, gender, culture, geography, etc.

Having a physical or psychosocial impairment unifies a diverse group of individuals who have a similar characteristic—a cultural category that emphasises human diversity (Garland-Thomson, 1997). Physical characteristics of the ideal human body often come up in discussions about disability. We tend to classify

people as handicapped when we encounter those who lack normal physiological functions, such as those who are missing limbs, who are deaf, or who have other sensory impairments. Society's responses to the physically impaired range from empathy and compassion to contempt and abhorrence, with the latter sometimes accompanied by assertions of "normalcy." There have been many discussions on the body, with topics including how to see the body, the meaning of a flawless body, and who has the authority to speak for the body. Understandings of the body as given and fixed by biology have been contested by feminism in the writings of Judith Butler and Susan Bordo. The human body, they say (Evans, 2002:1), is culturally and historically bound. The variety of body-related cultural practices throughout the globe also calls into question the concept of a fixed body. However, in their own unique ways, all cultures perceive bodies as static and characterise them in a linear fashion. Thus, the body ultimately remains a contentious issue. Evans contends in her book *Real Bodies* (2002) that traditional conceptions of the human body have given way to more fluid ideas. This fixed definition would pose a threat to the concept of a "normal" body, and as such, it is crucial to the understanding of disability. Therefore, it seems difficult to discuss the nature of the body or treat the body as a fixed category. Factoring in the capacity to modify and negotiate with our bodies thanks to advances in medical technology strengthens this case. While this is true, the current fashion is to conform to what "society" considers to be beautiful, whether that means getting a "nose job" or "slimming capsules" since being overweight is seen as a sign of weakness. One can reasonably wonder why they feel the need to change their physical appearance. As a result of the body's incorporation into the shifting socioeconomic dynamics that characterises different epochs, the subject of bodily modification becomes more nuanced. Both male and female bodies carry socially significant messages. Understanding the influence of societal expectations on the body requires an analysis of the sexism and sexism in male and female body construction (Evan, 2002:5).

A suggestion that the 'body' may be discussed independently of impairment when discussing people with disabilities has lately sparked a lot of discussion. The lack of consensus amongst academics over the definition of "disability" lies at the root of the current discussion. 'Disability' is often believed to refer to some kind of impairment. Disadvantage or limitation of action brought on by modern social organisation that gives persons with physical impairments little or no consideration, leaving them out of the mainstream of social activities, is what is meant by the word "disability." On the other hand, being "impaired" means that you are either missing a limb entirely or that you have a limb or organ that is not functioning properly.

People with severe disabilities are socially oppressed, according to the social model of disability (Thomas, 2002:68). "Disability" refers to the oppressive actions of the non-impaired against the impaired. When exposed to the social model of disability, the 'disabled' are more likely to attribute their difficulties to

factors external to their body. This raises the issue of whether or not we should conceptualise impairment as a result of 'real' biological differences between bodies or as a result of culturally manufactured disparities. Examining Paul Abberley's ideas is essential to comprehending the dispute over the social model of disability. In his book Abberley (1987:9) makes the case that "social procedures and practises either directly cause impairments by hurting the body or develop higher numbers of impairment in society by enabling persons with previously unsustainable issues to survive for longer."

Expanding upon the aforementioned scholarly works pertaining to the social model of disability, one additional facet that might be used to enhance the discourse around the intersection of body and disability is the consideration of gender. As previously said, it is essential to analyse the various methods through which male and female bodies have been produced in order to acknowledge the influence of societal expectations on the physical form. The self-image of a woman is strongly influenced by her physical image. Throughout history, women have often been seen as subordinate to males, and this perception is reinforced when seeing women who have physical disabilities. Disabled women not only exhibit a higher tendency to internalise societal rejection, but they also have a greater likelihood than disabled males to self-identify as 'disabled'. Individuals with disabilities who are masculine tend to have a generally favourable perception of themselves and are more inclined to identify primarily with their gender rather than their disability. Women with disabilities inhabit bodies that may not consistently function and often challenge the prevailing concept of "typical experiences" (Begum, 1992:67). Throughout history, women have often been seen as having a stronger sense of connection to their physical bodies in comparison to males. If a woman with a disability begins to experience a decline in self-esteem about her own body and internalises the negative societal messages that categorise her body as "flawed" and "unappealing," she may also see her body as a cause of distress and shame.

In this way, societal norms about what bodies should be or do become the source of disability, rather than the body itself (Shakespeare, 1996). The concept of impairment is comprehended via the lens of personal and cultural narratives, which collectively shape its significance. This understanding is manifested within the individual's body, as it becomes the medium through which impairment is encountered and expressed. Consequently, individuals hailing from diverse social and historical contexts encounter varying manifestations of disability. Various social, economic, and political issues all influence the manner in which individuals with impairments navigate their daily existence. Recent scholarly discourse on disability theory has underscored the need of including the interplay between disability and other dimensions of identity, such as gender, racism, and class, in order to comprehensively understand the concurrent forms of oppression experienced by those with disabilities. The concept of "disability" is subject to

contextual variations in meaning due to its socially constructed nature and its interplay with other manifestations of inequality and power dynamics. Feminist disability scholars, such as Ghai (2006) and Addlakha (2009) contend that the practice of extrapolating from the experiences of disabled men fails to acknowledge the impact of gendered societal norms on the formation of cultural perceptions of masculinity and femininity. Furthermore, these scholars argue that these norms also play a significant role in shaping the identities of individuals with disabilities, both male and female. Women with disabilities face double discrimination in this regard. This group of people suffers unimaginable anguish and distress as a result of their socioeconomic, cultural, and political marginalisation, as well as the repressive standards of the 'normal' body ideal (Ghosh, 2012).

Attitudes towards the handicapped and their status in society are heavily influenced by cultural norms and expectations. Therefore, it is important to consider how one may define or conceptualise the term "norm." The rational man, the law-abiding citizen, and the obedient kid are all "normal people," according to Foucault's *Discipline and Punish* (1977). Norm refers to an average standard set by the human sciences against which individuals are assessed. The concept of "normal" entails the presence of the abnormal, which includes the crazy person, the criminal, and the deviant. Norms are necessary for the concept of deviation to exist. According to Foucault, norms are ideas that are always being utilised to assess and govern us; they do reject individuals who do not fit into the "normal" categories. In this sense, they are a necessary evil of the contemporary world. According to (Foucault, 1977), society recognises the existence of handicapped individuals but does not accept them. In today's culture, diversity is hardly acknowledged. People are expected to conform to societal norms and standards since doing differently is costly. Society establishes a standard and expects all members to conform to it, regardless of their individual appearance. It is fair to argue that handicapped persons are often left out of society's norm-setting processes.

Disability, State and Education

There has been little improvement in the actual treatment of handicapped persons by the Indian State, despite the National Policy for Persons with Disabilities published in 2006, which claims disabled 'are a valued resource of the nation. Policy measures in India have not only defined disability in medical terms and given certification of disability to medical experts acting within established infrastructural claims frameworks but have also stayed firmly within the prevailing medical paradigm. (Ghosh, 2012)

When it comes to mainstream schooling, the biggest barrier for handicapped children is still people's negative perceptions of them. In India, 'special schools' have long been the answer to the challenge of how to provide education for people with disabilities. These schools often operate in isolation from regular classrooms.

It was crucial to provide proper accommodations for inclusive education since the special schools promote isolation, alienation, and social exclusion (Ghosh, 2012).

The use of a dual technique was proposed in order to address the educational needs of children with disabilities, as suggested in both the pre-Independence Sargent Commission Report of 1944 and the Kothari Commission Report (1966). This research claimed that rather than implementing the segregation of children with impairments from their usually developing classmates, schools should adopt integrative education practices. Prior to the 1970s, a prevalent belief among educators was that kids with physical, sensory, or cerebral disabilities were sufficiently distinct from their peers, rendering them incapable of deriving any educational advantages from a conventional schooling environment. According to Kumar (2006: 22), the Kothari Commission's suggestion for a unified school system, as well as its subsequent endorsement in the National Policy on Education (NPE) in 1986, served as a definitive indicator that the State was committed to ensuring equitable access to educational opportunities. According to the Commission, in the context of India, it is incumbent upon the educational system to foster social cohesion among different socioeconomic classes and groups, therefore facilitating the development of a society that is both equal and integrated. In order to address the existing challenges and enhance the role of the educational system in national development and social integration, it is imperative that we strive towards the establishment of a unified public school system (Aggarwal, 2010). The Committee pioneered the practice of recommending a universal system of secondary education. The panel said that it believes that the establishment of neighbourhood schools in all communities is necessary to achieve this goal. However, the Commission did not provide details regarding how these schools would be run and organised.

However, the National Policy on Education (1986) also includes non-formal education as part of a policy statement, reiterating the topic of equality of educational opportunities and free and obligatory education for all children up to the age of 14. Nonetheless, the article stated that informal learning may be just as effective as traditional schooling. So, the big issue is, can it really bring about social equality? By advocating for alternative forms of education, the state sidesteps the issue that certain groups of people just cannot be accommodated in traditional classroom settings without also addressing the underlying causes of this phenomenon. Where exactly do we have a problem? Why does the state feel compelled to promote informal learning? It is clear that the State is now using this non-formal education technique to escape its duty to provide a "equal" and "quality" education. This seems to be particularly true for those who have physical or mental impairments. The case is strengthened by the new modification to the Right to Education Act that makes homeschooling permissible.

"While elementary education has expanded dramatically in India since Independence, universal elementary education remains the most glaring failure of

the Indian education system." (Tilak, 1995:278).

'The Indian State's stance on education did undergo a significant change after NPE (1986). For more than fifty years, the state avoided its obligation to provide for a free, high-quality public education in accordance with the Directive Principles of State Policy. Non-formal education programmes were introduced under the guise of boosting literacy rates in order to keep up with the rising demand for traditional schooling. These alterations were reflected in the work of many educational committees. The National Policy on Education Review Committee (1990) and the Ramamurti Committee Report were the only two documents that take a different track. These suggestions were likewise either disregarded or put on hold. (Kumar, 2010: 24). After 1990, there was a clear change in educational policy, as the number of "alternative" and "innovative education" programmes (which include home-based education, special education, integration, and inclusive education) grew. This discussion has to be set within the context of broader global debates on education.

The phrase "inclusive education" was first used to describe an alternative to the traditional special education model used in the West, in which children with disabilities and special needs are taught apart from typically developing peers. According to Jha (2006:267), the term under discussion has gained significant global attention in the field of school education. This stands in contrast to the previous term 'integration', which was often used in Europe, Asia, and Australia, as well as the term 'mainstreaming' used in the United States and Canada. The Salamanca Declaration, as stated by UNESCO in 1994, emphasised the significance of "special needs education" and asserted that educational institutions with an inclusive approach are the most efficacious means of addressing discriminatory attitudes, fostering inclusive communities, promoting an inclusive society, and attaining universal education. This proclamation has had a role in the increase in the use of this terminology. Furthermore, they contribute to the enhanced learning outcomes and improved efficiency and cost-effectiveness of the broader educational framework, benefiting a significant proportion of students. The term "inclusive education" gained widespread use in government documents, research publications by bodies such as the NCERT, and media coverage throughout the 1990s after India's endorsement of the Salamanca Statement (UNESCO, 1994). While special education in India started with the founding of special schools, it was not until the 1960s and 1970s that integrated education was pushed, and it has only been since 1994 that inclusive education has been firmly urged (RCI, 2001: 2).

According to Vislie (2003), "inclusion" has been used as a worldwide descriptor ever since the signing of the Declaration of Salamanca by the international community; yet, there is no technically set and permanent use of word. While it is crucial to acknowledge that inclusive education should not be assumed as a given, it is imperative to understand that the notion has gained significant global recognition.

However, this widespread acceptance carries the risk of diverting attention away from the practical realities of its implementation, potentially leading to idealistic assumptions about its usage and application (Booth and Ainscow, 1998: 3). Kalyanpur (2007: 5) addresses similar concerns in her study on inclusive policies and activities in India. According to her assertion, inclusive education may be seen as an instance of conforming to prevailing Western trends without a genuine or shared comprehension of their significance, hence leading to a decline in the quality of services provided. Although the terminology may have undergone changes, the fundamental principles and practices have remained unchanged.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) of 2006 reaffirms the rights of children as originally envisioned under the CRC. When it comes to protecting children's civil and political, social, economic, and cultural rights, the CRC is still the gold standard. Children's requirements for health, education, safety, and social inclusion are all taken into account. In December 1992, India adopted the agreement, pledging to uphold and advance the rights of all children in the country. Both treaties emphasise the need for inclusive education and make it clear that children with disabilities should not be singled out for special treatment. Good practices and infractions have been reported from all around the globe, despite the fact that all member states have signed the convention. Children with a "disability" are more likely to have their rights violated. International Save the Children Alliance (2001:2) reports that children with disabilities are consistently subjected to negative social environments, including bullying, physical assault, social isolation, and institutionalisation. The 'country reports' to the UN Committee on the Rights of the Child have been criticised for concentrating excessively on rehabilitation and special care for children with impairments, as required by Article 23. The lack of reference to children in Article 28 (the right to education) and other Articles suggests that countries are more concerned with providing for the welfare of disabled children than protecting their rights.

The District Primary Education Programme was 1994. Although the state was dedicated to the aim of "Education for All," this initiative was instead geared to exacerbate preexisting disparities. While the World Bank provides the bulk of the funding for DPEP, other organisations including the European Union, Official Development Assistance, the Government of the Netherlands, and UNICEF have also contributed via grants. The DPEP's primary goals were to broaden the system and enhance the quality of education. State governments were responsible for filling both current and future openings in accordance with established recruiting practises, since the DPEP funds obtained from outside sources were just an additionality to state contributions. In spite of this, State administrations often tried to fill open positions without consulting the DPEP's formal directives. Contractual appointments were made at one-fourth or one-fifth the standard compensation, with most of the money coming from the DPEP rather than traditional full-time

appointments. 'Evidently to conceal the inadequate remuneration and instability of employment, these contract-teachers were given a variety of colourful titles, such as "Vidya Sahayak" in Gujarat, "Vidya Volunteers" in Andhra Pradesh, "Guruji" and "Shiksha Karmi" in Madhya Pradesh, and "Shiksha Mitra" in Uttar Pradesh. Some of them were sent to "alternative schools," which were created for the most disadvantaged children in rural areas. (Kumar, 2001). Madhya Pradesh's 'education guarantee plan' was and remains the country's most extensive programme of its type. It has been lauded for reaching the unreachable, rather than chastised by little rudimentary facilities it gives. The lack of recruiting standards, the subpar quality of teacher training, and the exploitative cycle into which it throws teachers at the elementary level have been largely neglected due to the attention.

Despite the fact that the bulk of the impoverished would be Dalits, tribal people, and religious or cultural minorities, and that about two-thirds of each section would be female, the administration remained unconcerned. Most kids with disabilities will also be included into this group of people who will be treated unfairly.

Despite widespread public outcry and the Constitution's guarantee of equal protection under the law, the strategy was pushed through with harsh efficiency. To paraphrase one critic, "the government's refrain of something is better than nothing' seemed to justify, rather than question, the collapse of education policies during the past 56 years." In the form of non-formal education for the poor, notably child labourers, the parallel stream idea was initially codified by the 1986 policy.

The policymakers of the 1980s exploited this as an excuse to ignore the reform of the mainstream education system in favour of the poor, notably females and children with disabilities, and this has been seen as a key policy fault line. The Kothari Commission (1964–1966) called for a unified school system to be established via the development of local schools, however the strategy ultimately prioritised the non-formal education stream running in parallel. This undermines the constitutional guarantee of equal education opportunities and the common school system as a whole. Education quickly became a commodity, with only the wealthy able to afford a high-quality education.

As a result, in 1995, another law was passed to address these issues. The shortcomings of the Act demonstrate the State's unwillingness to achieve equality. This PWD Act of 1995 was an effort at protecting the rights of people with disabilities via the legislative process. The need of providing the impaired kid with an inclusive education is emphasised. Alur (2002) states that the "proposed Act was presented in consequence of becoming a signatory to ESCAP" in view of the ESCAP's acceptance of a proclamation on the full engagement and equality of individuals with disabilities in the Asian and Pacific region. Since the Act promotes "inclusive schooling," or the idea that disabled children should be incorporated into the mainstream educational system, on either hand, and specialised schools and other alternative forms of education, like homeschooling, on the other, it is frequently

challenged on the grounds of "equality." Additionally, despite the fact that children with learning disabilities make up a substantial portion of the population, the Act does not address their needs. Disabled people's own notions of disability are not reflected in the PWD Act's definitions.

Despite the fact that "people with disabilities" may refer to persons in a broad variety of situations and states of mind, the PWD Act fails to account for this. It is crucial to establish a wide definition of disability so that legal proceedings do not fail on the threshold over a technical determination about who is 'disabled'. Therefore, the PWD Act's established definition of disability is a rather restrictive one. "the intent of the proposed legislation is extremely laudatory as it is the first time that India recognises persons with disabilities as 'equal' human beings," Alur (2002:26) writes. However, no protections have been established against the State's failure to comply, and neither an enforcement body nor financial backing have been made available". There is a lack of preparation for the promised specialised services. Thus, equality is not explicitly stated in the PWD Act. According to Kothari (2010), although the PWD Act establishes affirmative action schemes for public employment and education, it fails to declare the fundamental rights of all people with disabilities, including the guarantee of nondiscrimination and the safeguarding of the right to life and dignity. Most importantly, the PWD Act does not provide a concrete guarantee of equality for people with disabilities.

The Government of India has implemented the 'Sarva Shiksha Abhiyan' as a prominent initiative to ensure the Universalization of Elementary Education (UEE) within a specified timeframe, as required by the 86th amendment to the Constitution of India. This programme aims to provide free and compulsory education to children between the ages of 6 and 14, thereby establishing it as a fundamental right. In order to provide coverage to the whole population of 192 million children residing in 1,10,0000 families, the Social Security Administration (SSA) is implementing its initiatives in collaboration with state governments.

The strategy endeavours to address the shortage of essential services, such as classrooms, bathrooms, drinking water, maintenance grants, and school improvement grants, by constructing new schools in areas that currently do not have access to these facilities. In order to address the issue of inadequate teacher capacity in current schools, a strategy is implemented to allocate more teachers to these schools. Furthermore, existing teachers are provided with comprehensive training programmes, grants to produce teaching-learning materials, and the academic support system at the cluster, block, and district levels is strengthened.

"A key element of the primary education framework that the SSA seeks to offer is the integration of life skills education. The education of women and children with disabilities is highly valued by the SSA (SSA, 2006). The District Primary Education Programme (DPEP), a component of the Sarva Siksha Abhiyan (SSA), promotes a "multi-optional delivery system" that goes beyond the traditional dual approach to

educate children with disabilities. More specifically, it places the issues surrounding children with special needs (CWSN) into the inclusive education (IE) paradigm."

No matter the nature, severity, or grouping of a child's handicap, SSA will see to it that they get an adequate education. SSA will implement a "zero rejection" policy in which no student will be turned away from the school system (SSA, 2007:1).

In addition to traditional special and normal schools, SSA also covers EGS/ AIE/HBE (Education Guarantee Scheme/Alternative and Innovative Education) and HBE (Home-Based Education). As a result, the SSA model does not necessarily support the underlying idea that inclusion should improve or permit children with disabilities' access to regular education. Instead, it seems to support the view that teaching should take place wherever and whenever it is most conducive to the individual kid, with some leeway for planners. While the goals of the SSA are stated at the national level, it is anticipated that different states and districts would work towards universalization in their own ways and by 2010. As a result, it gives each district the freedom to develop a strategy for teaching CWSN students based on the number of students in need of assistance and the resources at their disposal. Despite the potential benefits of such adaptability, the proliferation of multiple inclusive education models throughout the nation has naturally prompted worries about the quality and efficacy of service delivery. In a study (Singal, 2009).

Presented as "Inclusive Innovation" The Social Security Administration (SSA) gives homeschooling a key role by defining it as:

Independent living skills training for students with significant intellectual/ physical impairments who may be taught in a hybrid of home and other settings (SSA, 2006:5).

Despite the government's enthusiastic backing, HBE's justification rests on shaky ground. The publication mentions benefits such as "parents become excellent instructors," "improvement in general development," etc., and states that "while, no evaluation/impact assessment studies are available to quantify the performance of HBE courses, research underlines the following advantages..." However, the sources of the "research" used in this paper are not mentioned (much less cited).

The rationale behind HBE is that the children who participate in these programmes need alternatives to the academic curriculum and benefit from having friends who are similar to themselves. However, the same source states that HBE's goal is "school readiness and preparation for life." The home-based program's logic and goals continue to ignore these inconsistencies. Further, it is not obvious how parents, particularly those from low-income households, who have little or no education and who also have other urgent problems of money creation would be prepared to take on the job of parent-teachers. Further, this change to the Right to Education Act, 2009, which legalises home-based education, has sparked a number of disputes and discussions among academics and activists. While there have always

been parents who choose to educate their children at home, this is the first time in India's Constitutional history that such a practice has been made permissible.

The Right to Education Act of 2009 is another landmark piece of legislation that, among other things, mandates that all children between the ages of 6 and 14 must attend school. Although there are no overtly segregatory terms in the Act, "inclusive education" is not actively promoted. Will the legislation ensure that all children have access to free public schooling? In my opinion, the correct response is "No." Where in the Act does it state that every kid should be entitled to a free public education?

However, the Act does not prohibit fees so long as they do not "prevent him or her from continuing and completing the primary education" in the "wisdom" of the authorised authority. Furthermore, the definition of a "Neighbourhood School," as defined under the Act, differs significantly from the commonly understood concept of such a school. According to Sadgopal (2010), the term 'neighbourhood school' is not defined. The discussion in Parliament and media coverage suggest that it implies offering a school in the 'neighbourhood of the kid'. Because of this, the required authority may choose an appropriate school for the kid based on his or her needs, even if there are schools in the area of variable quality. This ensures the preservation and expansion of prejudice. But the worldwide notion of "neighbourhood of the school" mandates that all families in a given area must enrol their children in the same school, regardless of their socioeconomic status, religion, culture, language, or physical or mental capacity. With only one idea, we may take the first step towards a Common School System that provides an equal opportunity education to all students. The Act, however, disproves this.

The emergence of RTE law is a strategy for legitimising an already biassed system. In addition to enshrining the existing complex and uneven educational system, the RTE Act further expands disparities and discrimination along all dimensions. When it comes to children's education, it's important that schools prioritise the students' well-being and provide them with opportunities for growth in all areas of their lives. This means providing them with a safe and welcoming environment, adequate resources, a challenging and engaging curriculum, and qualified educators.

As was also indicated up above, the Act has been recently amended to make home-based education for the handicapped permissible. The issue that must be addressed is whether or not homeschooling serves the child's best interests. The Indian government considers home-based education to be a valid and beneficial choice for primary school for impaired children, but I disagree. A child's self-worth is likely to suffer as a result of this choice since it increases the likelihood of social isolation, exclusion from the community, and bullying. Many children who are now classified as having severe and profound impairments may, with the right amount of assistance and support, continue their education within the

current system. There is a disproportionate number of disabled children who are not in school. Communities and families in our nation have not shown any signs of increasing desire for their rightful and lawful education. We are well aware that there are many of households out there that still don't think their kid can be taught. The reality is that our systems of early childhood care, education, and safety, as well as our rehabilitation infrastructure, have not extended themselves to these kids and their families, despite the fact that they are in need of them. Getting the kid to school, not keeping him or her at home, should be the first priority.

It is unfair to condemn a kid for being too disabled to go to school or to take part in school activities. A system is considered to be inclusive if it is flexible enough to adapt to the individual demands of each kid. But it doesn't mean it should settle for giving every kid the bare minimum. Few children with various impairments attend "normal" schools in our nation, according to the Parliamentary Standing Committee on the proposed Amendments to R.T.E. Act. We need to know why this is happening. Is it true that schools are unable to accommodate children who have numerous disabilities? Or may be the system just has not tried hard enough. The latter is what I take to be the case. There has not been a genuine "abhiyan" to enrol and accommodate children with multiple and severe impairments in mainstream educational settings.

Conclusion

This article examined recent changes in Indian educational policy, particularly those that have occurred after an amendment allowed for impaired children to receive education at home. The paper went on to argue that this change in educational policy could not be seen in isolation and as a stand alone moment in the country's history, but rather as a continuation of the absent will of the Indian state to educate every child despite their abilities, class, caste, or gender.

The State is the locus and mechanism of power's organisation. Each culture has its own "regimes of truth," or the discourses that are sanctioned as legitimate in that culture. These systems are institutionalised and may coordinate via forms of social marginalisation and exclusion. These segregating procedures have been justified in order to justify other activities (Foucault, 1974: 49). Unfortunately, discrimination against people with disabilities has persisted and even strengthened in modern society. The government has attempted to free itself from the duty of educating the handicapped by legalising practises like home-based education. The continuation of these practises has also been consistent with the government's provision of resources to this population. Changing people's mentalities and creating educational equity would need a dramatic shift in the economy and society at large. This is especially true since most families dealing with a disabled loved one are helpless inside the grasp of poverty and misery, making it such that they blindly conform to conventional norms.

When all typical children in India are enrolled in school, should the government make the choice to include children with disabilities? This is an issue of moral and ethical policy. When explaining why they are not eligible for basic welfare assistance, what ethical and moral stance does India seek to take? With that in mind, what kind of society do we want to create? Is this a fair representation of different cultures and in line with the Constitution? A society has to provide due acknowledgment to the ideals of equality, social justice, and moral ethics.

References

Alur, M. and Timmons, V. (2009). *Inclusive education Across Cultures.* Delhi: Sage Publications India Pvt Ltd.

Abberley, P. (1987). The Concept of Oppression and Development of Social theory of Disability. *Disability, Handicap and Society* 2 (1):5-18

Addlakha, R. (2009). Gender, subjectivity and sexual identity: how young people with disabilities conceptualise the body, sex and marriage in urban India). www.cwds.ac.in/OCPaper/gender Subjectivity-Renu-ocpaper.pdf (Last accessed on 24 April 2016)

Ahmed, R. (2014). Legal and Policy Response to Right to Education for Children with Disabilities in India. *J. Nat'l LU Delhi 2*:85.

Aggarwal, J.C. (2009). *Landmarks In The History Of Modern Indian Education,* New Delhi. Vikas Publishing House Pvt Ltd.

Bhattacharya, T. (2010). Re-examining issue of inclusion in education. *Economic and Political Weekly* XLV (16): 18-25

Booth, T. and Ainscow, M. (Eds.). (1998). *From them to us: An international study of inclusion in education.* London: Routledge.

Evans, M. (2002). *Real Bodies: A Sociological Introduction*. New York: Palgrave.

Foucault, M. (1977). *Discipline and punish: The birth of the prison.* New York: Vintage.

Garland-Thomson, R. (1997). *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature*. New York: Columbia University Press.

Ghai, A. (2006). Education in a globalizing era: Implications for disabled girls. *Social Change* 36 (3):161-176

Ghosh, N. (2012). *Disabled Definitions, Impaired Policies: Reflections on Limits of Dominant Concepts of Disability.* Kolkata: IDSK.

Hegarty, S. and Alur, M. (2002). *Education and Children with Special Needs*. Mumbai: Sage Publications India Pvt Ltd.

Jha, M. M. (2006). Inclusive Education in the context of Common Schools: A question of Equity, Social Justice and School Reforms. In Kumar. Ravi Ed, *Crisis of Elementary Education in India ,* Pp 266-295. New Delhi: Sage Publications India Pvt Ltd.

Kalyanpur, M. (2007). Equality, quality and quantity: challenges in inclusive education policy and service provision in India. *International Journal of Inclusive Education* 12(3): 243-262.

Kothari, J. (2010). The UN Convention on Rights of Persons with Disabilities: An Engine for Law Reform in India. *Economic and Political Weekly* 45(18) : 65-72.

Kumar, K., Priyam, M. and Saxena, S. (2001). Looking beyond the smokescreen: DPEP and primary education in India. *Economic and Political Weekly* 36(7) : 560-568.

Kumar, R.(ed.) (2006). *The crisis of elementary education in India*. Delhi: Sage.

Rehabilitation Council of India (RCI). (2001). *Draft national policy on special education.* Workshop on appropriate models of education for children with special needs. New Delhi: Author.

Sarangapani, P.M. (2009). Quality, feasibility and desirability of low-cost private schooling. *Economic and Political Weekly* 44 (43): 67-69.

Sarva Shiksha Abhiyan. (2006). *Discovering new paths in inclusion. A documentation of Home-based education practices for CWSN in SSA.* Delhi: Department of EE & L (MHRD).

(2007). *Inclusive education in SSA*. Available at: 164.100.51.121/inclusive-education/Inclusive_ Edu_May07.pdf

Shakespeare, T. (2004). Social Models of Disability and other life strategies. *Scandinavian Journal of Disability Research* 6 (1): 8- 21.

Silvers, A., Wasserman, D. and Mahowald, M. (1998). *Disability, Difference, Discrimination: perspectives on Justice in Bioethics and Public Policy*. New York : Rowman & Littlefield Publishers.

Singal, N. (2010). Education of children with disabilities in India. *Background paper prepared for the Education for All Global Monitoring Report [online]* pp.5-39

Thomas, C. (2002). Disaleility Theory : Key Ideas, Issues and Thinkers. In C. Barnes, M. Oliver and L. Barton (eds.), *Disaleility Studies Today*, Pp. 38-57. Cambridge : Polity Press.

Tilak, J.B. (1996). How free is 'free' primary education in India? *Economic and Political Weekly* 31(5): 355-366.

UNESCO (1994). *The Salamanca Statement and Framework for Action on Special Needs Education.* Madrid: UNESCO/Ministry of Education and Science.

Vislie, L. (2003). From integration to inclusion: focusing global trends and changes in the western European societies. *European Journal of Special Needs Education* 18 (1): 17–35.