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RPWD Act, 2016: Implication for Inclusive Education

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Abstract

Education, being an influential tool for the individual welfare & national development, is recognised as the human right. But still human beings worthy of equal rights are discriminated on different grounds like caste, sex, capabilities, etc. Rights of disabled persons become an important issue throughout the world and various steps have been taken for the upliftment of the person with disabilities. The purpose of presenting this paper is to highlight the role of the RPwD Act, 2016 in special reference with implication for inclusive education. To meet the desired objective of the study, literary review of the RPwD Act 2016 and the related studies has been done. The RPWD (2016) is definitely a mile stone in the development of person with disabilities as it ensures the rights of person with disabilities without any kind of discrimination enhance respect as well as dignity and moreover also lay emphasis on the full participation with inclusion in society. In short, it can be said that the act on the whole has left no stone unturned to address the needs of PWDs but a lot more is needed to be done for its proper implementation.

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1. Introduction

India is a multi-diverse nation having diversity in terms of race, ethnicity, gender, class, sexual orientation, economic status, disability, language and some political and religious beliefs. In simple words, we can say that diversity is everything that makes people different from each other. In the past, it mainly focused on strengthening inter-cultural tolerance but now in the present scenario, the term diversity emerged with the new ideas and as a result sense of inclusion has been developed. Inclusion not only means to include the people from marginalized sections but it is multidimensional philosophy grounded on the principles of social justice, equity and such a democracy where each and every citizen of the nation has the right to live with dignity. Hence, diversity is shifting the focus towards enriching human learning and experiences. In an increasingly complex and diverse society, the ability to connect the diverse peers with diverse backgrounds is invaluable. Certainly Inclusion ensures the value for enriching knowledge with the culmination of different thoughts. So, it is necessary to understand different perspectives and ideas of individual and it is only possible through education because it assists to magnify the position of inclusion in each and every domain of society. Through education we can identify the problems being faced by the individuals and will be able to facilitate them well. Education helps to create a link between individual and their needs/problems. Especially when we are talking about different disabilities in inclusive setup, the significance of education will be expand and with education, we are able to shape a better inclusive educational setup by knowing and respecting rights, laws and regulations for the student with different abilities.

1.1. Objective of the study

This study aims to shed light on the significance of the RPwD Act, 2016, with a focus on its implications for inclusive education.

1.2. Methodology

- Extensive literature review has been done to gather existing knowledge, research, and related work to the RPWD Act, 2016 and its implications for inclusive education.

Identify relevant academic journals, books, reports, and online resources to gather information regarding RPWD, act 2016.

1.3 Inclusive Education

It's a new way to educate children with disabilities and learning disabilities under the same roof as their peers. But inclusive education faces a hard journey to get justice in India. There have been many new and non-new policies, commissions, and committees for the development of inclusive education in India during the journey of inclusion from special to integrated and integrated to inclusion. Inclusion in education is based on guaranteeing equal opportunities to all students so that they can realize their full potential, sharing a common framework, and providing equal rights without discrimination. Despite India's efforts to create policies that are inclusive of people with disabilities, the implementation of these policies has not led to an inclusive education system. More and more students are dropping out of school; especially in poverty-stricken areas. The majority of people with disabilities still face discrimination and exclusion despite the efforts made over the years to overcome prejudices associated with disability and to highlight the necessity for a place in society with inherent dignity, potential, and capabilities. They receive education in a segregated environment or poorly and ineffectively integrated, leaving their potential untapped. Inclusive education in India is still a struggling and controversial issue to some educators, parents and researchers.

National Education Policy 2020 also urges to ensure equity and inclusion, thereby rendering similar educational opportunities to all. In that way, if we want to ensure equity and inclusion in education, we have to focus on the main part of exercise that is practical implications of the policies and programs. Undoubtedly, Right to free and compulsory education (RTE 2009) Act was authorized to enforce the fundamental right to education for each and every child who are covering the age group of six to fourteen years. But it has been found through various studies that still there are numbers of children in India who are not even enrolled in schools, in which most of the population covers the disabled children. The enormous reason behind the less enrolment of the students in education system raised the question about the quality of education. Many disabled students are unable to access the facilities given by the government; even they do not get admission in schools because of many reasons.

1.4 Revising the PWD Act (1995) with the passage of time for ensuring the inclusion of Person with Disabilities

To ensure the equality, protection and their full participation of Persons with Disabilities in the nation building, Persons with disabilities (PWD) Act, 1995 was enacted. This act was introduced as a landmark and is the significant step taken in ensuring the rights of PWDs which amp up their dignity and self-respect. But unfortunately this act could not be able to cover appropriately its three main aspects of PWD Act that is: equality, protection and full participation as well because of having a several flaws in the act that comprise to be set

right to ensure equal distribution of resources and benefits to all. Now, after PWD Act, United Nations Conventions on the Rights of persons with disabilities UNCRPD, 2007 was intended: to promote, protect and ensure the full and equal participation, gratification of all human rights and fundamental freedoms by the persons with disabilities. On worldwide, this convention on disability is considered as a human right issue based on the 'Rights Based Model' in which it argued that there is need to move from policy to practical implementations, and it must be on higher priority for monitoring and evaluation of the policies adequately. Effective interventions which are introduced for the persons with disabilities will benefit by being monitored, informed and evaluated based on the human rights. Although we have a large number of policies and programmes which shows the concern with disability sector but it also highlight the inconsistencies existing in its legal framework and it also shows the gaps in its on-ground implementation. Now, after India signed and ratified the UNCRPD 2007, there is need to replace previous PWD Act 1995, and consequently, the Rights of Person with Disabilities RPWD Act 2016, was introduced with the inclusive perspective and it has given a new paradigm to work on disabilities issues on manifold level.

1.5 Silent features of RPWD Act 2016

It ensures equality and non-discrimination in their community, the government has taken the responsibility for creating an accessible; safe environment through which a disabled person can be fully utilized and it also ensure the protection from abuse, violence and exploitation. It covers all the aspects such as: Life protection, Safety, Home, Family, Reproductive rights, Justice, legal facilities, Guardianship and support. The act focuses on the education must be free up to 18 years for all disabled children, women and adults with inclusive provision, all required teaching learning materials, aids, methods and experts will be provided. In which every child can learn together, every child can access the resources with full participation and least restricted environment must be provided to all the children in the reference to both physical and social restrictions. The act gives stress on the skill development and employment of the persons with disabilities, the government are required to ensure about workplace of disabled person should be accessible and the appointment of a Grievance Redressal officer is must to respond and resolve the problems by the persons with disabilities.

1.6 Implications of RPWD Act, 2016 for Inclusive Education

As we know that there are different laws in education for person with disabilities are not matched in terms of their approach to education, whereas the RPWD Act, stresses on an inclusive education approach. Before that there was absence of Inclusive Education in disability sector because most of the people, society and nation were not much aware about the education of disabled persons and their rights. This act includes seventeen chapters which discusses about the rights and provisions of persons with disabilities in which there are some chapters directly and indirectly related to the inclusive education. For instance chapter No. II to VIII and chapter X.

In chapter No.1 of the act explain the most relevant terms used in the legislation, to give clarity about the meaning of

inclusion in the real sense and try to eliminate the ambiguities which help to understand the intentions of the statute.

In this chapter it also gives the exact definition about the inclusive education, it refers to a meticulous system of education in which children with disability and without disability learn together with full participation.

In chapter No.3 It ensures the education of the person with disabilities with some specific provisions along with some measures related the maintenance of the inclusive education by the government and local authorities for ensuring its :

- Success
- Access
- Participation

It ensure the skill development and employment of the person with disabilities in chapter No. IV. It gives details about the steps and initiatives which government needs to take for promoting and enhancing the skills and employment among the persons with disabilities. It includes:

- Vocational and self-employment training
- Non-discrimination in employment (it ensures the dignity and respect for person with disabilities at workplace: environment must be barrier free whether it is physical, economical cultural, environmental, institutional, attitudinal or social)
- Equal opportunity policy (ensure person with disabilities are able to access and move around within the work places with the help of assistive devices provided by the govt).

In chapter IV of the act illustrate the provisions related to the health, rehabilitation and social security of the person with disabilities. Including features like:

- Caregiver allowance and rehabilitation of person with disabilities.
- Pension (to ensure the provisions of financial and legal support helps the person with disabilities improve their literacy rate through inclusive education).
- Assistive devices\ aids and appliances.
- Prevention of disability and promotion of health.

In the chapter No.VI also ensures some special provisions for the persons having benchmark disabilities. In this chapter it is clearly mentioned about the education of person with disabilities, having the right to avail free education till the age group of 18 years. This chapter also includes some special kind of initiatives like reservation that 5% of the seats to be reserved for the persons with benchmark disabilities in all government institutions of higher education. The act also helps in inclusive education to motivate person with disabilities to work proficiently and acquire better job and other facilities.

The Act ensures; the special provisions for the Person with Disabilities with their high support needs in the chapter no. VII. It highlights the process where the person with benchmark disabilities need high support can apply to an authority to requesting them higher support they needed and the authority take an action to provide the support as mention in the report by the person with disabilities. In the VIII, chapter of the Act highlights some duties and responsibilities taken by government. It ensures to make people aware and sensitize towards the problems and issues faced by the disabled persons and their rights. Similar to the objective of the inclusive education this chapter also talks about the

accessibility of physical environment, transportation, information and communications. It also addresses the diverse needs of the person with disabilities; production of goods in accordance with the principal of universal design.

It ensures the certification of specified disabilities in the chapter No. X of the Act. In this chapter it explain the process of obtaining a disability certificate and what are its essential requirements while applying. It is also mentioned that the central government has taken the responsibilities to set down certain kind of rules and principles for assessing the extent of specified disabilities.

Conclusion

Undoubtedly the RPwD Act, 2016 has made the provisions only for safety and prosperity of the Person with Disabilities and it shows that RPwD Act and Inclusive Education both are working for the upliftment and welfare of the Person with Disabilities. In the real sense Inclusive Education need some legal provisions to work more sincerely for the person with disabilities in that way RPwD Act played an important role in refining the status of Person with Disabilities with some legal provisions. This act helps the inclusive education to achieve its specific goals easily. Despite it has some neglected areas the RPwD Act, 2016 is the most effective and competent act for the promotion of Person with Disabilities.

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