



## Current provisions of educational rights with special emphasis on differently abled children

Sarath Chandran R<sup>1</sup>, Anjali Rajeevan<sup>2</sup>

<sup>1</sup> Research scholar, Department of education, University of Kerala, India

<sup>2</sup> Research scholar, Department of education, Central University of Kerala, Kasargod, India

### Abstract

According to UNESCO As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty, and obtain the means to participate fully in their communities. Human beings show individual difference from one another. Some may gift, some may differently abled. Society doesn't distinguish those challenged individual and try to uplift them also. The Indian constitution assures the same rights to differently abled children like normal one. The present paper discusses the given provisions of differently abled children through the implementation of various policies, schemes and programs especially in the field of their education.

**Keywords:** human rights, differently abled children

### Introduction

Human rights education can be defined as education, training and information aimed at building a universal culture of human rights. Effective human rights education not only provides knowledge about human rights and the mechanisms that protect them, but also develops the skills needed to promote, defend and apply human rights in daily life. Human rights education also fosters the attitudes and behaviors needed to uphold human rights for all members of society (World programme for human rights education, plan of action, United Nations, 2012) [2].

According to the United Nations, 1 person in 20 has a disability and more than 75% of these live-in developing countries. In all societies, people with disabilities tend to be more vulnerable to poverty and more excluded from mainstream society than those who do not have disabilities. Certainly, disabled people are the most marginalized group in the Asia-Pacific region. Disability limits access to education and employment, and leads to economic and social exclusion.

Differently-abled is often described in terms of lack of normal functioning of physical, mental or psychological processes. It is also defined as learning difficulties or difficulties in adjusting socially, which interfaces with a person's normal growth and development. A disabled child has been defined as one who is unable to ensure by himself, wholly or partially the necessities of a normal individual or social life including work as a result of deficiency whether congenital or not in his physical or mental capabilities.

Education plays a crucial role in maintaining social justice and equality of status and opportunity. An explicit recognition of this role can be found in Article 46 of the Constitution of India, which enjoins upon the State: To promote with special care the educational and economic interests of the weaker sections of the people and protect them from social injustice and all forms of exploitation. As a result of consistent effort, though slow, a steady improvement in the educational status of children with disabilities has been possible. This positive effort has inspired many educators, thinkers and activists to explore

approaches that can leverage the coverage and further improve the quality of education for children with disabilities. (Handbook on Right to Education for Children with Disabilities, Ms Anuradha Mohit)

Unfortunately, this positive efforts and new approaches and schemes for the equal opportunities and upliftment of differently abled children is not always possible and not in the proper way especially in rural and remote places all over India. This may be due to lack of awareness about schemes and policies of government or may be due to inaccessible of these reservations. In this scenario, it is very essential to discuss educational rights and various schemes that provide special reservations for equality and betterment of differently- abled children (Citizenship to Human Rights to Human Rights Education, 2013) [3].

Persons having any of the disabilities, namely, visual, communication (hearing and/or speech) and locomotor, will be considered physically disabled. More and more people are now convinced that "disabled" is not the right term to describe people who are challenged. Many now prefer using the term "differently abled".

### Who are differently-abled persons

As per the provisions of the Persons with Disability (PWD) Act it means:-

1. Blindness
2. Low vision
3. Leprosy cured persons
4. Hearing impairment (deaf and hard of hearing)
5. Loco motor Disability
6. Dwarfism
7. Intellectual Disability
8. Mental illness
9. Autism Spectrum Disorder
10. Cerebral Palsy
11. Muscular Dystrophy
12. Chronic Neurological Conditions
13. Specific Learning Disabilities
14. Multiple Sclerosis
15. Speech and Language disability

16. Thalassemia
17. Hemophilia
18. Sickle Cell disease
19. Multiple Disabilities including deaf blindness
20. Acid Attack victim
21. Parkinson's disease

### **State Policy for Persons with Disabilities**

To enhance the standard of living of PwDs with the help of time-bound programmes and action plans of the State, the Government of Kerala enacted the State Policy for Persons with Disabilities. Government of Kerala enacted a policy for PwDs in the year 2015 recognizing the necessity and inevitability of including disability dimensions in the development agenda, programmes and action plans of the State. Participation of PwDs in the developmental process, viewing disability as a human rights issue, protection from abuse and creating a positive environment and attitude for inclusive development and empowerment of PwDs are the key strategic focal dimensions of the policy. From being passive beneficiaries, the disabled have to be considered as equal partners and contributors to development.

Most of the schemes and programmes to enhance the standard of living of PwDs are implemented through the State government departments and agencies like Directorate of Social Justice, Social Security Mission, Kerala State Handicapped Persons Welfare Corporation etc.

### **Programmes and Schemes for Differently-abled under Social Security Mission**

A person with disability may need assistance - formal or informal - to fully participate in the society. While acknowledging that the initiative of the State in the past has not had a significant impact either in prevention of disabilities or in early intervention and rehabilitation. Thus the Kerala State Government has decided to start a new initiative "State Initiative on Disability - Prevention, Detection, Early Intervention, Education, Employment and Rehabilitation" (From Citizenship to Human Rights to Human Rights Education, 2013) <sup>[3]</sup>.

The scheme has the following significant components as integral part of the initiative Department of Social Justice with the active involvement of the Department of Health and Department of Education".

1. Prevention
2. Screening & Early Detection
3. Early Intervention
4. Education
5. Employment & Rehabilitation

### **Institutions for Empowering Persons with Disabilities**

- a. National Institute of Speech and Hearing (NISH)
- b. Kerala State Handicapped Persons Welfare Corporation
- c. State Commissionerate for Persons with Disabilities
- d. National Institute of Physical Medicine and Rehabilitation (NIPMR)
- e. Grant in Aid to NGOs - State Scheme
- f. Grant-in-aid to voluntary organizations running homes for the differently-abled.

### **Right to Education**

Since the need for knowledge, skills and information is universal, every individual has an inherent right to receive education. The Universal Declaration of Human Rights

(UDHR) establishes that everyone is entitled to the right to education by virtue of being human, irrespective of race, ethnicity, gender, age, nationality, socio-economic condition, or any other status. The right to education extends beyond the notion of "basic learning needs". Right to education is a fundamental right in our country for children between the ages of six to fourteen. This right is enshrined in Article 21(A) of the Constitution of India, which says: The States shall provide free and compulsory education to all children of the age of six to fourteen (6-14) years

### **The status of the Fundamental Right to Education for children with disabilities**

The Fundamental right to education has been extended up to the age of eighteen for children with disabilities. According to Section 26(a) of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995, 2 hereinafter referred to as the Persons with Disabilities Act, 1995: The appropriate governments and the local authorities shall: ensure that every child with a disability has access to free education in an appropriate environment till he/ she attains the age of eighteen years.

### **How is the Right to Education being implemented in our country?**

The Government of India and the State Governments are implementing the right to education for children with disabilities through special schools, regular schools and the open school system. Section 26 of the Persons with Disabilities Act, 1995 requires that: The appropriate governments and the local authorities shall: Endeavour to promote the integration of students with disabilities in the normal schools Promote setting up of special schools in the government and private sectors for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools. There are a number of schemes and action plans to assist education of children with disabilities in the regular schools.

### **Integrated Education for Disabled Children (IEDC)**

The Integrated Education for Disabled Children (IEDC) scheme was introduced in 1974 to provide educational opportunities for children with disabilities in common schools, facilitate their retention in the school system, and integrate the children with disabilities studying in special schools after they have acquired communication and daily living skills at a functional level. The scheme is implemented through State Governments/ Union Territories (UT) Administrations/ autonomous organizations/ voluntary agencies with experience in the field of education and through convergence with government supported programmes.

### **Sarva Shiksha Abhiyan (SSA)**

The Sarva Shiksha Abhiyan (SSA) scheme aims to provide useful and relevant elementary education for all children in the six to fourteen age group by 2010. Among its broad strategies, the SSA focuses on the inclusion and participation of special groups including children with special needs in the educational process.

### **National Plan of Action for Inclusion in Education for Children and Youth with Disabilities, 2005**

In 2005 the government also adopted the National Plan of Action for Inclusion in Education of Children and Youth

with Disabilities, 2005. The focus of this Action Plan is towards an inclusive education system to provide a conducive and relevant learning environment by accepting the diversity of the children and adapting to their individual needs. The Plan attempts to complement and supplement the IEDC and SSA programmes in the movement from integration to inclusion. Though the concept of integrated education is a fairly recent phenomenon, special schools have existed in the country for over a century. These schools are designed to meet the special educational needs of students with disabilities. At present, there are more than 3,200 special schools throughout India, both in the private and government sectors.

### **Conclusion and Suggestions**

The prosperous of the country represents the upliftment of all categories in a society. So we need to ensure the development of differently abled children also.

- Though all these schemes and policies were provided by the govt. of India, the implementation aspect is sufficiently low especially in remote areas. The peoples in rural and remote places were very unaware of these schemes and policies. Differently abled children were still illiterate and they were excluded in the mainstream of education in such areas. So these may take into consideration while implementing such schemes and policies. My point is that we have to give awareness class regarding these schemes and policies and the institutions that provide education for differently abled children in rural and remote areas all over the country which may be striking and be a tremendous increase in the educational rates of differently abled children.
- In order to reduce the exclusion of differently abled children from the mainstream of education should implement a public awareness programme that creates a positive and accommodative environment in which diversity is respected, valued and celebrated.
- Create a barrier free society that accommodates the diversity of needs of differently abled children which enables them to access information in a usable form such as Braille, sign language and other forms of communication.
- Promotion of development and use of appropriate relevant and suitable assistive technologies, aids, appliances and devices for enabling full empowerment, participation and total inclusion of differently abled children with reference to each one's specific needs, requirements, capacities and potentials.

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