

FROM BARRIERS TO BRIDGES

A ROADMAP FOR INCLUSIVE SCHOOL EDUCATION IN INDIA



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VIDHI Centre for Legal Policy

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** Errors in the paper, if any, are the sole responsibility of the authors.*

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Cover Image Description: The cover page contains an image of a jigsaw puzzle depicting the essential aspects of inclusive school education. This is accompanied by the title of the report “From Barriers to Bridges: A Roadmap for Inclusive School Education in India” and “December 2024”, along with the logo of Vidhi Centre for Legal Policy.

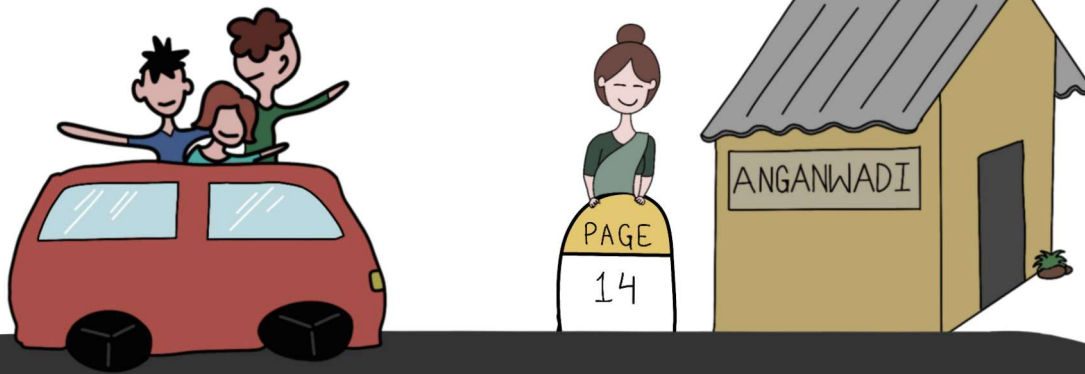
Credits: The cover page and overview of chapters has been designed by Dela Designs by Palak Dubey.

OVERVIEW OF CHAPTERS

Chapter 1 Early Identification and Intervention

Ensuring that disabilities and developmental delays are detected at the earliest, providing children with the necessary intervention and support before entering formal schooling.

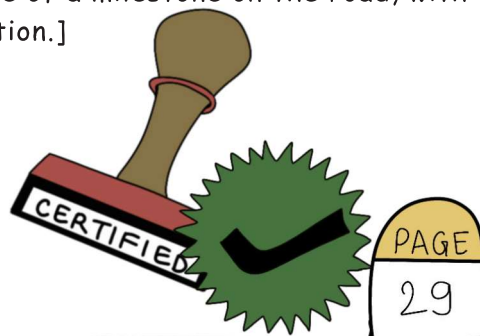
[This is accompanied by an image of a winding road, and a family of three travelling down the road to their first stop- an Anganwadi Centre.]



Chapter 2 Disability Certification

Ensuring that all children with disabilities obtain disability certification, granting them access to the benefits and entitlements provided under the law.

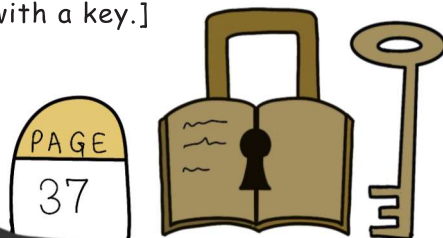
[This is accompanied by an image of a milestone on the road, with a stamp for disability certification.]



Chapter 3 Accessibility of Educational Institutions

The need to remove accessibility barriers from education institutions, ensuring physical as well as functional accessibility for children with disabilities.

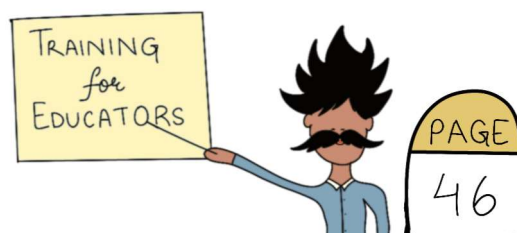
[This is accompanied by an image of a book fashioned as a padlock, with a key.]



Chapter 4 Empowering Educators for Inclusive Education

Ensuring adequate recruitment and comprehensive capacity building of educators for improving the delivery of inclusive education.

[This is accompanied by the image of a man, preparing to train educators.]



Chapter 5 Reasonable Accommodation for Students with Disability

Accommodations needed to bridge the gap between structural support and individual needs of students with disabilities in schools.

[This is accompanied by the image of a tree bearing fruit and the final milestone on the winding road.]



Index of Abbreviations

ADIP	Assistance to Disabled persons for purchasing / fitting of aids / appliances
APDC	Anganwadi Protocol for Divyang Children
AWC	Anganwadi Centre
AWTC	Anganwadi Training Centre
AWW	Anganwadi worker
B. Ed.	Bachelor of Education
BRCs	Block Resource Centres
CAG	Comptroller and Auditor General
CBSE	Central Board of Secondary Education
CCPD	Office of Chief Commissioner for Persons with Disabilities
CDEIC	Cross Disability Early Intervention Centres
CDPO	Child Development Project Officer
CRCs	Cluster Resource Centres
Census, 2011	Population Census, 2011, Office of the Registrar General and Census Commissioner, India
CSOs	Civil Society Organisations
CwD	Children with disabilities All references to 'children with disabilities' include 'children with special needs / CWSN'
DCPCR	Delhi Commission for Protection of Child Rights
DDRC	District Disability Rehabilitation Centre
DEIC	District Early Intervention Centre
DEPwD	Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India
DIET	District Institute of Educational Training
DM	District Magistrate
DMA	District Medical Authority
DNDP	Draft National Disability Policy

DoE	Directorate of Education
DPO	District Programme Officer
DSEL	Department of School Education and Literacy, Ministry of Education, Government of India
DSWO	District Social Welfare Officer
DWO	District Welfare Officer
EICs	Early Intervention Centres
GNCTD	Government of the National Capital Territory of Delhi
Harmonised Guidelines	Harmonised Guidelines and Space Standards for Universal Accessibility in India by 2021
ICDS	Integrated Child Development Services
ICT	Information and Communications Technology
IEP	Individualised Education Plans
MoE	Ministry of Education
MHFW	Ministry of Health and Family Welfare, Government of India
MLTC	Middle Level Training Centre
MSJE	Ministry of Social Justice and Empowerment, Government of India
MoSPI	Ministry of Statistics and Program Implementation, Government of India
MWCD	Ministry of Women Child Development, Government of India
MSAPS	Mission Saksham Anganwadi and Poshan 2.0 Scheme
NCERT	National Council of Educational Research and Training
NCFSE	National Curriculum Framework for School Education
NCPCR	National Commission for the Protection of Child Rights
NCTD	National Capital Territory of Delhi
NCTE	National Council for Teacher Education
NEP 2020	National Education Policy, 2020
NFECS 2024	National Framework for Early Childhood Stimulation, 2024
NGO	Non-Governmental Organisation
NIPCCD	National Institute of Public Cooperation and Child Development

NIEPA	National Institute of Educational Planning and Administration
NITI Aayog	National Institution for Transforming India Aayog
NSS	National Sample Survey
NTA, 1999	National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
OM	Office Memorandum
PAB	Project Approval Board
PHC	Primary Healthcare Centre
PRASHAST	Pre-Assessment Holistic Screening Tool
PTR	Pupil Teacher Ratio
PwD	Person with Disability
PwBD	Person with Benchmark Disabilities
RBSK	Rashtriya Bal Swasthya Karyakram
RCI	Rehabilitation Council of India
RPwD Act, 2016	Rights of Persons with Disabilities Act, 2016
RTE	Right to Education
RTE Act, 2009	Right of Children to Free and Compulsory Education Act, 2009
SAWC	Saksham Anganwadi Centres
SIPDA	Scheme for Implementation of the Rights of Persons with Disabilities Act, 2016
SCERT	State Council of Educational Research and Training
SCPCR	State Commission for the Protection of Child Rights
SCPD	State Commission for Persons with Disabilities
SLD	Specific Learning Disability
SMC	School Managing Committee
SSA	Samagra Shiksha Abhiyan
UDID	Unique Disability ID

UDISE+	Unified District Information System for Education Plus, Department of School Education and Literacy, Ministry of Education, Government of India
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UT	Union Territory
WCD	Women and Child Development

Introduction

India is home to more than 65 lakh CwDs between the age of 5 to 19 years.¹ At the time this data was collected, CwDs were being taught in special schools where they were segregated and excluded from mainstream schooling. However, in 2012 the RTE Act, 2009 was amended to extend the constitutional right to education to CwDs.² Further, the enactment of the RPwD Act, 2016 brought about a significant change in the disability rights landscape in India. With the adoption of a human rights-based model of disability, it was recognised that persons with disabilities have rights which are inalienable, irrespective of their disabilities. This culminated in the right to inclusive education for CwDs in mainstream schools.

The progressive RPwD Act, 2016, placed CwDs at par with all other children in India with respect to the right to education. It espoused the provision of inclusive education for CwDs: 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.³ In order to achieve this, schools in India are required to admit all CwDs without discrimination and to create an accessible and inclusive educational ecosystem for them to thrive in.⁴

Over the next few years, as the school ecosystem adapted to these legislative changes, the Government of India introduced various vision and policy

documents, with inclusion and equity as the core pillars of universal education, and “no child left behind” as the battle cry. India saw significant legal and political commitments towards delivering inclusive education to CwDs, through the NEP 2020 and the SSA. CwDs were no longer footnotes in national policies, and it was time for mainstream schooling to rapidly adapt to the needs of CwDs.

However, as with most service delivery in India, the State has made a promise it does not have the capacity to deliver on. Inclusion has become a buzz word in policy documents, however most government schools - which barely have functioning washrooms - are not equipped to provide accessible infrastructure to CwDs.⁵ Issues have cropped up at all stages for CwDs who hope to receive a holistic and comprehensive education. Awareness amongst stakeholders in the school ecosystem is so low that most CwDs go undetected and undiagnosed, with no screening tools available to teachers. Even if a CwD is able to get a disability certificate and enrol in an ‘inclusive’ government school - the teachers are not equipped to cater to their specific needs.⁶ Rigid curriculums restrict the ability of CwDs to improve learning outcomes in earnest, and result in most CwDs dropping out of schools or continuing their education in special

¹ Office of the Registrar General & Census Commissioner, *Census of India 2011* (2011).

² Right of Children to Free and Compulsory Education (Amendment) Act 2012 (w.e.f. 1 August 2012).

³ RPwD Act, 2016, s 2(m).

⁴ RPwD Act, 2016, s 16.

⁵ A Agarwal, *School Accessibility and Universal Design in School Infrastructure* (2020, UNESCO) <<https://unesdoc.unesco.org/ark:/48223/pf0000373656/PDF/373656eng.pdf.multi>> accessed 29 November 2024.

⁶ 'Head teachers will be trained to handle kids with disabilities' (*Times of India*, 15 February 2024) <<https://timesofindia.indiatimes.com/city/lucknow/head-teachers-to-receive-special-training-in-handling-kids-with-disabilities/articleshow/107708177.cms>> accessed 29 November 2024.

schools.⁷ The goal of universal inclusive education for every CwD in India is ambitious, however the State has not adequately invested in building the capacity of stakeholders to effectively deliver this on scale.

In the past decade, it has become clear that the focus should shift towards operationalizing and implementing inclusive education for CwDs at a systemic level. This will need to be done by increasing awareness among stakeholders and the society at large, investing in the capacity of stakeholders to deliver inclusive education and addressing systemic issues in the legal and policy framework. In this context, this report seeks to identify gaps in the implementation of inclusive education in India and formulate a forward-looking roadmap.

Research Methodology

The report attempts to address the following research questions:

1. What is the legal framework for the implementation of inclusive education in India?
2. What is the current status of the implementation of inclusive education for CwDs in government schools in India?
3. What are the areas in which such implementation is lacking and what are the reasons for the same?
4. What are the incremental steps which need to be taken by various stakeholders (including government functionaries, educators, school administrators, CSOs, parents of CwDs etc.) to improve the implementation of inclusive education?

⁷ UNESCO, *State of the Education Report for India, 2019: CwDs ('N for Nose')* 64–65 <<https://unesdoc.unesco.org/ark:/48223/pf0000368780>> accessed 29 November 2024.

Research Design

This report employs desk-based secondary research to systematically map legislative and policy measures for inclusive education at the central level, supported by examples of progressive state-level initiatives. An extensive literature review is supplemented with stakeholder consultations conducted through semi-structured interviews with disability rights activists, government officials, school administrators, AWWs, educators, PwDs and parents of CwDs. These consultations provided valuable insights into the practical barriers, including the lack of clarity and consensus on disability variations, biases in inclusion, and the systemic neglect of students with severe or complex disabilities.

Chapter Structure

The report is divided into five chapters, each addressing a key aspect of inclusive education:

1. **Chapter 1:** Lapses in early identification of CwDs, hindering timely intervention.
2. **Chapter 2:** Issues with obtaining disability certification and its effects on the support available to CwDs..
3. **Chapter 3:** Barriers to physical and functional accessibility in schools.
4. **Chapter 4:** Challenges in training and capacity-building of educators, including biases about the inclusion of specific disabilities.
5. **Chapter 5:** Gaps in the provision of reasonable accommodations across all stages of education, not limited to examinations.

Each chapter acknowledges the diverse needs of CwDs based on their disabilities, emphasising that inclusive education cannot be achieved through a single intervention or one-size-fits-all approach. The recommendations aim to address these variations to ensure a holistic and equitable

implementation of inclusive education practices.

Scope

This report focuses on inclusive education for CwDs aged 0-16 years, covering early education to secondary schooling, corresponding to class levels from pre-primary to Class 10. The scope is limited to government schools, specifically those run by the appropriate government or local authorities as well as government-funded schools. These schools were selected based on their widespread reach and because they constitute the primary avenue through which the State fulfils its obligations under the RTE Act, 2009 with respect to the education of CwDs. Further, a significant proportion of CwDs belong to economically weaker sections, making government schools their main or only option for education.

Further, this report adopts a broad focus on inclusive education for CwDs, encompassing all categories of disabilities identified under the RPwD Act, 2016, including physical, intellectual, mental, developmental, and sensory disabilities. The scope deliberately moves beyond specific categories, such as visible or physical disabilities, to address the unique educational challenges faced by students with intellectual disabilities as well. By covering the full spectrum of disabilities, the report ensures that its analysis and recommendations cater to the largest number of students receiving or eligible for inclusive education. This expanded scope reinforces the report's commitment to an inclusive approach that leaves no child behind, regardless of the type or severity of their disability.

The geographical scope of the report is pan-India. While the report takes a national approach, it also references relevant

state-level initiatives and progressive policy frameworks, providing a nuanced understanding of regional variations.

Limitations

Private and unrecognised schools are outside the purview of this report. While they play a role in the education of CwDs, this report retains a focus on state accountability towards the implementation of inclusive education norms and standards. Additionally, the report does not delve into higher education or vocational training, which, though important, fall outside the 0-16 year bracket.

Further, the implementation gaps in policy and service delivery may vary widely across states, and while state-specific examples are included, the report primarily examines systemic issues at the national level. This approach helps ensure that the recommendations outlined are both practicable and scalable, reflecting the realities of governance and capacity-building across India's diverse education system.

Implementation Roadmap

The implementation roadmap is designed as a holistic framework for implementing the progressive norms and standards of inclusive education, while keeping the focus on practicable interventions directed towards stakeholders in the education ecosystem. The recommendations have 'modes of implementation' which specify the following modalities for operationalising the intervention by relevant stakeholders:

- **Commencement timeline:** Each recommendation may be an 'immediate measure' or a 'subsequent measure', to help stakeholders prioritise actions based on urgency and feasibility within their operational capacities:

a) *Immediate measures* are recommendations which can be implemented immediately or in the near future, typically within a timeframe of up to one year. They are intended to produce relatively quick results or address urgent issues.

b) *Subsequent measures* are recommendations that require considerable time, planning and preparation to operationalise and execute. They are intended to be implemented at a later stage, and may typically involve extensive resources or structural changes.

➤ **Frequency of implementation:** To operationalise each recommendation, it may be required to be done as a 'one-time measure' or a 'recurrent measure', to ensure efficient resource allocation, effective planning and targeted evaluation for the measure. This also enhances accountability by clarifying the ongoing or one-time nature of implementation.

a) *One-time measures* are recommendations which need to be implemented only once, without recurring or periodic implementation.

b) *Recurrent measures* are recommendations that need to be implemented periodically or at regular intervals after commencement.

➤ **Implementing Body:** Implementing bodies for each recommendation have been identified while ensuring alignment with existing legal mandates of such bodies and established national practices. This analysis examines the relevant laws and regulations to assign duties based on legally defined roles and responsibilities of stakeholders. This is done in order to clearly attribute responsibility, foster transparency and strengthen accountability in complex governance mechanisms for implementation of inclusive education norms and standards.

➤ **Monitoring Mechanism:** Monitoring mechanisms have been designed by

identifying and determining bodies with legal oversight and authority over the implementing bodies, as per the legal governance framework. Appropriate regulatory bodies or agencies are designated to oversee the progress in implementation, ensuring compliance with legal standards and undertaking regular evaluation of the progress.

Chapter 1: Early Identification and Intervention

“One-third of disabilities in India can be prevented through early identification and intervention”

The period from birth to 6 years, before a child starts formal schooling, is a critical phase for growth and development⁸ and can profoundly impact lifelong learning outcomes.⁹ A delay in development can occur when a child takes longer to reach developmental milestones such as walking, talking or moving limbs.¹⁰ If such developmental delays are identified at an early stage, timely intervention can be implemented to address them effectively¹¹, potentially preventing the aggravation of disabilities and minimising their impact.¹² Therefore, early identification of disabilities and intervention are crucial processes that should begin before a child enters school and may continue into the initial years of schooling.

Early Identification refers to the process of recognizing the signs and indications of any disability or developmental delays as early as possible.¹³ This process may involve screening, examination, observations, and

evaluation during the early childhood years.¹⁴ Once disabilities or developmental delays are identified, timely intervention is the next step towards ensuring the optimal development of the child. **Early intervention** includes implementation of targeted strategies that typically involve identification of risk cases, therapeutic services, behavioural management, cognitive development, parental and peer counselling, and school-readiness programmes.¹⁵

Early identification is typically carried out by either parents and caregivers at home or by key stakeholders such as regular teachers, special educators and AWWs who directly interact with children. These stakeholders conduct preliminary screenings and refer children to healthcare facilities/professionals such as PHCs for formal diagnosis. Once diagnosed, the next step for a CwD includes receiving appropriate interventions to address the effects of the developmental delay or disability. This chapter discusses the role of these stakeholders in early identification and intervention for children, especially those who have not yet entered school.

⁸ National Institute for Empowerment of Persons with Intellectual Disabilities, *Handbook on EICs for CwDS* vii <<https://www.niepid.nic.in/Handbook%20on%20EIC.pdf>> accessed 29 November 2024.

⁹ World Health Organization and UNICEF, *Early Childhood Development and Disability 5* <<https://tinyurl.com/yptbassp>> accessed 29 November 2024.

¹⁰ MWCD, *Navchetna NFECs 2024* s 5.1, 61.

¹¹ UNESCO Bangkok, *Early Intervention and Quality Education of CwDs in Asia and the Pacific (2021)* s 1.1, 1 <<https://tinyurl.com/y92e7yy4>> accessed 29 November 2024.

¹² CBSE, *Handbook of Inclusive Education* s 3.6, 42 <https://cbseacademic.nic.in/web_material/Manuals/handbook-inclusive-education.pdf> accessed 29 November 2024.

¹³ National Institute of Open Schooling, *Early Identification and Intervention* s 22.1, 221 <<https://digital.nios.ac.in/content/376en/22.pdf>> accessed 29 November 2024.

¹⁴ UNESCO Bangkok, *Early Intervention and Quality Education of Children with Disabilities in Asia and the Pacific (2021)* s 1.1, 1 <<https://tinyurl.com/y92e7yy4>> accessed 29 November 2024.

¹⁵ Sarthak Educational Trust, *Early Intervention Services for CwDs in India* 14 <https://sarthakindia.org/reports_web/Sarthak_EarlyIntervention_Final_edit001.pdf> accessed 29 November 2024.

Legal framework

International and National Laws

- UNCRPD, 2006** The UNCRPD, 2006 requires State parties, including India, to provide health services to PwDs, including early identification and intervention, and services designed to minimise and prevent further disabilities among children.¹⁶
- RPwD Act, 2016** The RPwD Act, 2016 requires government and local authorities to conduct surveys of school-going children every five years to identify CwDs.¹⁷ Educational institutions are also obligated to detect SLD in children at the earliest.¹⁸ Further, the RPwD Act, 2016 mandates the government and local authorities to take appropriate steps to prevent the occurrence of disabilities. It also prescribes strategies, such as research into the causes of occurrence of disabilities, promoting methods for preventing disabilities, screening all the children at least once in a year for the purpose of identifying at-risk cases, educating the public through the pre-schools, schools, PHCs, village level workers and AWWs about disability prevention and creating awareness through mass media on the causes of disabilities and the preventive measures to be adopted.¹⁹
- NTA, 1999** Under the NTA, 1999 the DEPwD has set up Disha Centres for early intervention and school readiness of children in the age group of 0 to 10 years through therapies, training, and providing support to family members.²⁰

National Policies and Schemes

- RBSK** The MHFW, under the National Health Mission, has implemented the RBSK.²¹ This program focuses on early identification and intervention of developmental delays for children from birth to 18 years of age, at no cost. It involves collaboration with multiple ministries to ensure comprehensive coverage. In partnership with the MWCD, the program screens children aged 0-6 years in rural areas and urban slums through AWWs. In cooperation with the MoE, it screens students in classes 1 to 12 attending government and government-aided schools. To support follow-up services after initial detection, RBSK provides for the establishment of DEICs. The MSJE also contributes by providing necessary equipment, such as hearing aids and implants, for CwDs.

¹⁶ UNCRPD (adopted 13 December 2006, entered into force 3 May 2008) art 25(b).

¹⁷ RPwD Act, 2016, s 17(a).

¹⁸ RPwD Act, 2016, s 16(vi).

¹⁹ RPwD Act, 2016, s 25(2).

²⁰ The National Trust, *Disha Centres for Early Intervention and School Readiness Scheme 4* <https://thenationaltrust.gov.in/upload/uploadfiles/files/disha_eng.pdf> accessed 29 November 2024.

²¹ MHFW, RBSK, National Health Mission <<https://nhm.gov.in/index4.php?lang=1&level=0&linkid=499&lid=773>> accessed 29 November 2024.

MSAPS

Under the MWCD's flagship MSAPS, the AWWs are entrusted with the responsibility of identification of disabilities among children.²² Under MSAPS, Anganwadi services are administered by the State Departments of WCD at the state level, DM/Collector and DPOs at the district level, CDPOs at the block level, and supervisors and AWWs at each AWC. Specifically, for the day-to-day administration and functioning of AWCs, the training of key functionaries is structured into a three-tier system²³:

- **AWTCs**: These centres provide training for AWWs at the district or block level. These are run by NGOs identified by the State Departments of WCD.
- **MLTCs**: These centres train supervisors and instructors of AWTCs. These are run by NGOs identified by the State Departments of WCD.
- **NIPCCD**: Located in New Delhi with four regional centres in Guwahati, Lucknow, Bangalore, and Indore, NIPCCD trains CDPOs and instructors of MLTCs.

APDC

To build the capacity of AWWs to identify disabilities and provide subsequent support, the MWCD launched the APDC. This protocol includes early screening for signs and symptoms based on age and type of disability and establishes developmental milestones in the 0-6 years age group.²⁴

NFECS 2024

The MWCD has issued the NFECS 2024 which includes actionable steps to be taken by AWWs, parents and caregivers for early identification and intervention.²⁵

CDEICs

The DEPwD has also established CDEICs that focus on providing therapy to children within the age group of 0-6 years, counsel their parents and prepare them for school²⁶

NEP 2020

The NEP 2020 includes provisions to support teachers in the early identification of learning disabilities and the development of specific plans for their mitigation.²⁷

²² MWCD, MSAPS Guidelines para 2.4(u), 11 <https://wcd.delhi.gov.in/sites/default/files/WCD/generic_multiple_files/final_saksham_anganwadi_and_mission.pdf> accessed 29 November 2024.

²³ ICDS, ICDS Training Guidelines para 3.4, 4 <https://wecd.uk.gov.in/files/ICDS_Training.pdf> accessed 29 November 2024.

²⁴ MWCD, APDC 1.

²⁵ MWCD, Navchetna NFECS 2024 1.

²⁶ DEPwD, Cross Disability Early Intervention 2 <<https://divyangjan.depwd.gov.in/upload/uploadfiles/files/EICLaunchPPT.pdf>> accessed 29 November 2024.

²⁷ MoE, NEP 2020 para 6.13, 27 <<https://tinyurl.com/3257dccx>> accessed 29 November 2024.

SSA The SSA allocates funds for the early identification of disabilities, identification camps at the block level, and training of special educators in early detection.²⁸

Vidya Parvesh For preparing children for formal schooling, a module on Vidya Parvesh has been developed by the NCERT that helps preschool teachers in familiarising all children including those with disabilities with the school environment.²⁹

Teacher Education Programmes With regard to educators, the NCTE develops the curricula for teacher education programmes such as B. Ed., which include aspects of identification of disabilities. Further, at the national level, the NCERT prepares training modules and undertakes specific programmes for training of teachers for early identification of disabilities. At the state level, the SCERTs prepare modules for teacher training. At the district level, the in-service and pre-service training of teachers are supervised by DIETs, with BRCs and CRCs conducting these training sessions.³⁰

PRASHAST To assist regular teachers and special educators in screening CwDs, the NCERT has introduced the PRASHAST checklist. PRASHAST presents the behavioural manifestations of the 21 disabilities, specified in the RPwD Act, 2016.³¹ PRASHAST is structured into two parts: PRASHAST-I, utilised by regular teachers for initial screening of students, and PRASHAST-II, employed by special educators, counsellors, and school heads for secondary screening and validation of PRASHAST-I results. Following the second level screening, identified students are referred for formal diagnosis and disability certification. The responsibility for training regular teachers in the use of PRASHAST-I rests with special educators, SCERTs and DIETs. It is further the responsibility of the heads of schools to ensure thorough and effective orientation of regular teachers in using PRASHAST-I to facilitate accurate screening processes.³²

Deendayal Divyangjan Rehabilitation Scheme The DEPwD has established DDRCs under Deendayal Divyangjan Rehabilitation Scheme which provides services like early identification and intervention, awareness generation, assessment of need of assistive devices, therapeutic services to PwDs.³³ The DEPwD also provides grants to NGOs working in the area of early intervention for CwDs.

²⁸ MoE, SSA *Implementation Framework* para 9.4.2, 146 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

²⁹ NCERT, Vidya Pravesh 3 <<https://ncert.nic.in/pdf/vidyapraves.pdf>> accessed 29 November 2024.

³⁰ MoE, SSA *Implementation Framework* para 10.8.1, 167 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

³¹ NCERT, *PRASHAST Booklet* <https://ncert.nic.in/pdf/DSCS_booklet.pdf> accessed 29 November 2024.

³² NCERT, *PRASHAST Booklet* <https://ncert.nic.in/pdf/DSCS_booklet.pdf> accessed 29 November 2024.

³³ DEPwD, *Deendayal Divyangjan Rehabilitation Scheme* <https://divyangjan.depwd.gov.in/content/upload/uploadfiles/DDRS_guidelines.pdf> accessed 29 November 2024.

Key issues

Despite a number of laws and policies dedicated to early identification and intervention for CwDs, the efforts continue to be insufficient. While the research suggests that up to one-third of disabilities in India could potentially be prevented through early detection and appropriate intervention measures³⁴, the pace of implementation remains slow.³⁵ The primary factors contributing to the inadequate implementation of the programmes for early identification and intervention for CwDs are: (a) capacity limitations of stakeholders for early detection of disabilities (AWWs and educators); (b) inadequate infrastructure and lack of coordination for early intervention; and (c) lack of awareness and stigma around disability.

a) Capacity limitations of stakeholders for early detection of disabilities

(i) AWWs

In India, AWWs are at the forefront of early education and care of children below the age of six.³⁶ Trained in early assessment,³⁷ evidence suggests that AWWs can help in the early detection and management of disabilities.³⁸ Under various government programmes (as outlined above), AWWs are responsible for the preliminary screening of

children and referring them to Accredited Social Health Activists (ASHA workers) or a PHC for further diagnosis and intervention. However, multiple studies suggest that AWWs are underskilled and lack proper training in disability identification and effectively dealing with CwDs, with limited understanding of disabilities consistent with the social model of disability.³⁹ An inspection of AWWs in the NCTD revealed that 50% of AWWs have never received job training. Additionally, those who have received training have not undergone refresher training in a decade, despite the requirement for it to occur every two years.⁴⁰ Further, consultations with AWWs revealed that they had never received specialised training in early identification of disabilities, nor were they aware of government programmes for early identification such as RBSK or APDC.

Further, a lack of consistency among the programmes implemented by different ministries for early identification could further add to capacity challenges for AWWs. For instance, there are two major

³⁴ MWCD, APDC 1.

³⁵ Sarthak Educational Trust, *Early Intervention Services for CwDs in India* 11 <https://sarthakindia.org/reports_web/Sarthak_EarlyIntervention_Final_edit001.pdf> accessed 29 November 2024.

³⁶ MWCD, APDC 1.

³⁷ NIPCCD, *ECCE Training AWWs* <https://www.nipccd.nic.in/uploads/pdf/ECCET_MAWpdf-41052f2d864e4ec2ad7d2e242deab280.pdf> accessed 29 November 2024.

³⁸ NIPCCD, *The Awareness among AWWs about Children with Developmental Delays* 76 <<https://tinyurl.com/bdemvz8a>> accessed 29 November 2024.

³⁹ NIPCCD, *Evaluation of ICDS Scheme of India* <<https://tinyurl.com/3eudu97u>> accessed 29 November 2024; NIPCCD, *The Awareness among AWWs about Children with Developmental Delays* 76 <<https://ijcrt.org/papers/IJCRT2205104.pdf>> accessed 29 November 2024; Consortium for Technical Development and Training, *A Study of Knowledge of AWWs about Common Mental Health Problems in Beneficiaries of the ICDS Scheme in Amritsar, Punjab, India* <<https://www.ctdt.co.in/doi/pdf/10.5005/jp-journals-10055-0029>> accessed 29 November 2024; BKB College, *Rehabilitation Mechanisms for Special Group Children: A Study of Anganwadi Centres under ICDS Projects* <https://bkbcollege.in/upload/publication_scopus/1647314453.pdf> accessed 29 November 2024.

⁴⁰ NIPCCD, *Best Practices in Anganwadi Services Scheme under Umbrella ICDS* 32 <<https://www.nipccd.nic.in/file/reports/bestprac.pdf>> accessed 29 November 2024.

government initiatives for AWWs for the identification of disabilities among children: RBSK and APDC. While the APDC includes the strategies for identifying the 21 disabilities specified in the RPwD Act, 2016⁴¹, the RBSK excludes certain disabilities, leading to inconsistencies with the RPwD Act, 2016. Further, the screening process under RBSK is grounded in the medical model of disability⁴², which views disability as a consequence of a medical condition, as opposed to the APDC, which is based on the social model, which emphasises the role of societal barriers in creating and perpetuating disability.

In addition, the capacities of other functionaries such as supervisors and CDPOs in early identification and intervention are equally important. However, due to a lack of data on the subject, it remains unclear whether they possess the required knowledge to support AWWs. Even under APDC, the training aspect of these functionaries is absent.⁴³ This ambiguity presents a significant issue, as the lack of training for these key personnel undermines the project's effective execution and overall success.

(ii) Educators

Apart from AWWs, both regular teachers and special educators in schools share the responsibility for identifying disabilities in children. However, our stakeholder consultations have revealed that regular teachers often lack adequate knowledge and training in identifying disabilities. A 2019 survey found out that 52.9% teachers encountered challenges in understanding

the characteristics of certain disabilities, primarily those with symptoms that lack visual manifestations such as SLDs and autism.⁴⁴ Such disabilities pose greater difficulty in detection without appropriate training.⁴⁵ Consequently, teachers fail to identify early signs of developmental delay in children and characterise them as lazy, irresponsible, inattentive.⁴⁶

Efforts have been made to train teachers in early identification, but there are gaps in the training process. Although the modules on inclusive education in the B.Ed. course curriculum include topics on disability identification, they are insufficient and do not cover all 21 disabilities specified in the RPwD Act, 2016.⁴⁷ The NCERT has introduced the PRASHAST initiative to address this gap in teacher capacity, offering comprehensive training to teachers for identifying disabilities. However, PRASHAST currently lacks a monitoring mechanism to ensure that teachers are conducting identification in accordance with its guidelines.

Further, our consultations with stakeholders have highlighted that the

⁴¹ RPwD Act, 2016., Sch.

⁴² MoE, *RBSK Operational Guidelines* 8 <<https://nhm.gov.in/New-Update-2022-24/CH-Programmes/RBSK-Guidelines/RBSK-Operational-Guidelines.pdf>> accessed 29 November 2024.

⁴³ MWCD, APDC 1.

⁴⁴ NCERT, *PRASHAST Booklet* 2 <https://ncert.nic.in/pdf/DSCS_booklet.pdf> accessed 29 November 2024.

⁴⁵ The Pharma Journal, *A Study on Awareness Levels of Primary School Teachers on Learning Disabilities in Government Schools of Telangana* 172 <<https://www.thepharmajournal.com/archives/2021/vol10issue3/PartC/10-1-101-183.pdf>> accessed 29 November 2024; NCERT, *PRASHAST Booklet* 2 <https://ncert.nic.in/pdf/DSCS_booklet.pdf> accessed 29 November 2024.

⁴⁶ Jindal Global Law School, *Current Legislations for Learning Disabilities in India and Future Prospects* 84 <<https://pure.jgu.edu.in/id/eprint/2141/>> accessed 29 November 2024.

⁴⁷ NCTE, *Inclusive Education* 1.4 <https://ncte.gov.in/oer/Forms/OERDocs/OERDoc/OERDoc_768_32904_11_08_2021.pdf> accessed 29 November 2024.

absence of special educators or their lack of capacity to provide training, particularly in the use of assistive technology, has created a gap in early intervention and school readiness for CwDs. Despite the B. Ed. curriculum for special educators including training on assistive technology⁴⁸, CwDs often do not receive this crucial training at school. As a result, many CwDs drop out of mainstream schools or join special schools because they may not feel prepared to keep up with regular instruction while learning to use assistive technology.⁴⁹

b) Inadequate infrastructure and lack of coordination for early intervention

According to an evaluation of the ICDS Scheme (now MSAPS) published by NITI Aayog in 2020, the state of AWCs in India is very poor.⁵⁰ Most AWCs lack basic infrastructure and facilities like toilets, electricity, medicines, drinking water, playing space etc., often due to a lack of funding.⁵¹ While the Central Government is planning to upgrade 2 lakh AWCs to SAWCs between 2021-22 to 2025-26⁵², the current guidelines for SAWCs do not

include specific requirements for CwDs.⁵³ Similarly, DEICs, that are responsible for providing early intervention services to CwDs, also face significant infrastructural challenges, including shortages of staff such as paediatricians, therapists, and medical officers. Studies across various states have found that 42% of positions in DEICs are vacant.⁵⁴ DEICs are often situated in inaccessible locations and lack equipment.⁵⁵ While there are 367 DEICs⁵⁶, their distribution is uneven. For example, Uttar Pradesh, despite having the highest population⁵⁷, has only 6 DEICs.⁵⁸ This disparity necessitates long-distance travel for residents of the state to access intervention services.

Further, the involvement of multiple ministries in the process of early intervention leads to several challenges. Due to a lack of coordination among the departments, the protocols and guidelines followed by each department vary widely. For example, multiple government centres offer early intervention services, including

⁴⁸ RCI, *Curriculum Framework Bachelor of Education - Special Education (B.Ed. Spl. Ed.)* <https://rehabcouncil.nic.in/sites/default/files/revise-prog/BEdSplEd_rev_040324.pdf> accessed 29 November 2024.

⁴⁹ The Census, 2011 highlighted that approximately 12% of CwDs dropped out of school after enrolling. Office of the Registrar General & Census Commissioner, *Census of India 2011* (2011).

⁵⁰ NITI Aayog, *Evaluation of ICDS Scheme of India 7* <<https://tinyurl.com/3eudu97u>> accessed 29 November 2024.

⁵¹ NITI Aayog, *Evaluation of ICDS Scheme of India 7* <<https://tinyurl.com/3eudu97u>> accessed 29 November 2024.

⁵² Lok Sabha, Starred Question No. 15, answered on 2 February 2024 <<https://sansad.in/getFile/loksabhaquestions/annex/1715/AS15.pdf?source=pqals>> accessed 29 November 2024.

⁵³ MWCD, MSAPS Guidelines <https://wcd.delhi.gov.in/sites/default/files/WCD/generic_multiple_files/final_saksham_anganwadi_and_mission.pdf> accessed 29 November 2024.

⁵⁴ International Journal of Community Medicine and Public Health, *Assessment of DEICs in India 3939* <<https://www.ijcmph.com/index.php/ijcmph/article/view/11415/7013>> accessed 29 November 2024.

⁵⁵ International Journal of Community Medicine and Public Health, *An Assessment of DEICs in Selected Districts of Karnataka* <<https://shorturl.at/lquvg>> accessed 29 November 2024.

⁵⁶ MHFW, *Update on RBSK* (15 December 2023) <<https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1986705>> accessed 29 November 2024.

⁵⁷ Office of the Registrar General & Census Commissioner, *Census of India 2011* (2011).

⁵⁸ MHFW, *Update on RBSK* (15 December 2023) <<https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1986705>> accessed 29 November 2024.

DDRCs, DEICs, CDEICs, Disha Centers, and other resource centres established by the state governments, such as, District Resource Centers set up by GNCTD (collectively referred as EICs).⁵⁹ However, there is no centralised information available about who can avail of services at each centre. This inconsistency creates confusion for stakeholders especially parents and caregivers who might be unaware about who to reach to avail a certain service. While the DEPwD took the initiative to develop Model EICs to provide standardised services, the focus remains primarily on establishing new CDEICs rather than streamlining the existing ones.⁶⁰

c) Lack of awareness and stigma around disabilities

Another factor contributing to inadequate early identification and intervention is the prevalent stigma surrounding disabilities. According to the NITI Aayog's Strategy for New India@75, accurate identification of the disabled population in India has been a major problem as people feel compelled to hide their disabilities to avoid social stigma.⁶¹ This issue was starkly evident through our stakeholder consultations with special educators, who highlighted that often parents refused to believe that their child had a disability. Further, these consultations also revealed that most

disabilities, particularly intellectual disabilities, tend to go unnoticed in girls and children from economically weaker families. While the RPwD Act, 2016 specifically requires educational institutions to detect SLDs as early as possible, our consultations have revealed that regular teachers are generally unaware of them.

⁵⁹ Department of Planning, GNCTD, *Economic Survey of Delhi 2023-24* para 10.12, 327 <https://delhiplanning.delhi.gov.in/sites/default/files/Planning/chapter_15.pdf> accessed 29 November 2024.

⁶⁰ National Institute for Empowerment of Persons with Intellectual Disabilities, *Handbook on EICs for CwDs* 8 <<https://www.niepid.nic.in/Handbook%20on%20EIC.pdf>> accessed 29 November 2024.

⁶¹ NITI Aayog, *Strategy for New India @75* 158 <https://www.niti.gov.in/sites/default/files/2019-01/Strategy_for_New_India_2.pdf> accessed 29 November 2024.

Sanskar Abhiyan - An Initiative of the Government of Chhattisgarh

In 2020, the Department of WCD, Chhattisgarh launched 'Sanskar Abhiyaan' to cater to the developmental needs of children aged 3 to 6 years, focusing particularly on preventing developmental delays. This initiative included various components aimed at nurturing children's holistic development, including physical, cognitive, language, creative, and social skills, as well as early literacy and numeracy. The program garnered significant public participation and successfully achieved its goals across the state. Subsequently, several 'Vibrant Early Child Development Centres' were established, accompanied by advocacy sessions that significantly enhanced awareness in the community.⁶²

Recommendations

I. Capacity building of AWWs

- a. **Recommendation:** Implement a comprehensive training program specific to early identification and intervention for all personnel involved in the Anganwadi system, including supervisors and CDPOs. This can be achieved by utilising a 'cascade model'⁶³ where supervisors and CDPOs undergo rigorous training first and subsequently train the AWWs. This approach ensures that newly introduced initiatives such as the APDC and NFECS 2024 are effectively and consistently imparted.

Example: A similar 'cascade model' for training was previously implemented by the GNCTD, which significantly increased the number of trained AWWs.⁶⁴

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: NIPCCD should impart training to CDPOs and instructors of MLTCs (NGOs identified by State Departments of WCD).

The instructors of MLTC should subsequently impart training to supervisors of the AWCs.

Monitoring mechanism: The training program should be centrally monitored by the NIPCCD and at the state level by the State Departments of WCD.

- b. **Recommendation:** Strengthen the mechanism for conducting the training (induction/

⁶² MWCD, *Sanskar Abhiyan* <<https://tinyurl.com/peb49b5t>> accessed 29 November 2024; NITI Aayog, *Evaluation of ICDS Scheme of India* <<https://www.niti.gov.in/sites/default/files/2023-03/Evaluation%20of%20ICDS%20Scheme%20of%20India.pdf>> accessed 29 November 2024.

⁶³ In a cascade model of training, an initial group of trainers is trained in a specific subject and once they are qualified in that specific subject, they become the trainers of the next group. J Tawo, *Cascade Approach to Training: Theoretical Issues and Practical Applications in Non-Formal Education* 104 <https://jespnet.com/journals/Vol_3_No_2_June_2016/12.pdf> accessed 29 November 2024.

⁶⁴ NIPCCD, *Best Practices in Anganwadi Services Scheme under Umbrella ICDS* 38 <<https://www.nipccd.nic.in/file/reports/bestprac.pdf>> accessed 29 November 2024.

in-service/ refresher/ theme-based) of AWWs for early identification and intervention under the APDC or any such similar framework in such a way that ensures:

- The training includes the fundamental principles of the RPwD Act, 2016. For example, AWWs should be aware of the right to inclusive education and non-discrimination of CwDs. This will ensure that AWWs can safeguard these rights throughout various processes.
- The training places emphasis on the social model of disability, rather than the medical model, which is now also reflected in the RPwD Act, 2016.
- All resources and information, education, and communication content are available in simple language and clearly specify the steps to be followed. For example, the training can include a step by step process to use the Disability Screening Schedule, issued under APDC by the MWCD. Moreover, handouts must be provided to AWWs after a training session for ready reference.
- Training sessions are interactive and include real-life examples and actual demonstrations to ensure that AWWs understand the material thoroughly. For example, AWWs should be trained on interventions such as lip reading for children with hearing impairment or tongue exercises for children with speech impairment (as specified under NCFSE 2024).
- Evaluation is conducted to assess the efficacy of training imparted. For instance, through written or verbal tests to assess the capacity of AWWs in identifying signs of disability and developmental delays subsequent to a training session.
- A report is prepared within 15 days of completion of every training session by the respective AWTCs to record the profile of trainees, coverage of the syllabus, methods of training, and feedback received. This approach will facilitate proper monitoring of the training sessions.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: The training should be conducted by AWTCs (NGOs shortlisted by the State Departments of WCD)

Monitoring mechanism: The training programmes should be centrally monitored by the NIPCCD and at the state level by the State Departments of WCD.

c. Recommendation: The following actions could be taken to improve the monitoring mechanisms and ensure sustained capacity of AWWs:

- Conduct studies every two years to gather data and evaluate the effectiveness of early identification and intervention programs including the APDC. Use the gathered data to continuously improve practices and policies.
- Present yearly awards and incentives to AWWs who successfully identify, refer and facilitate disability certification. This initiative will keep AWWs motivated and encourage them to excel in their roles.

Example: Gujarat WCD Department introduced Mata Yashoda Award for Best Anganwadi Worker in 2007, under which AWWs are awarded for their exemplary

	<p>performance which motivates them to perform better.⁶⁵</p> <p>Commencement timeline: Subsequent measure</p> <p>Frequency of implementation: Recurrent measure</p> <p>Implementing body: CDPO/DPO to carry out these recommendations at the block/district level under the supervision of DM/Collector.</p> <p>Monitoring mechanism: State Departments of WCD should monitor the activities undertaken by CDPO/DPO.</p>
d.	<p>Recommendation: Update state-level guidelines for Anganwadi Level Support and Monitoring Committees⁶⁶ to:</p> <ul style="list-style-type: none"> ➤ include the role of the Committee in reviewing the early identification processes conducted by AWWs, and ➤ engage with AWWs to provide necessary support and identify any challenges they may be encountering in the early identification process. <p>Example: In Kerala, Anganwadi Level Support and Monitoring Committees have played a key role in the functioning and governance of AWCs, ensuring they have the necessary infrastructure and resources and that government programs reach beneficiaries.⁶⁷ Similarly, in the NCTD, these committees have helped build a support system for AWWs.⁶⁸ By specifically focusing on early identification, they can ensure that children receive timely interventions and necessary support through AWWs.</p> <p>Commencement timeline: Subsequent measure</p> <p>Frequency of implementation: One-time measure</p> <p>Implementing body: State Departments of WCD should notify establishment of such a committee.</p>
e.	<p>Recommendation: Amend the RBSK policy guidelines to align it with RPwD Act, 2016 and cover developmental delays associated with the disabilities specified under RPwD Act, 2016. This will ensure that training for AWWs will remain consistent across all early identification programs, including RBSK and APDC, and will prevent the exclusion of CwDs from the identification process.</p>

⁶⁵ Government of Gujarat, *Mata Yashoda Incentive Award* <<https://wcd.gujarat.gov.in/initiatedetails?id=116>> accessed 29 November 2024.

⁶⁶ Anganwadi Level Support and Monitoring Committees, composed of panchayat and community members, are established at the level of Anganwadis to act as a mechanism to monitor and support the affairs of the AWCs. Lok Sabha, Starred Question No. 2203, answered on 11 December 2015 <<https://sansad.in/getFile/loksabhaquestions/annex/6/AU2203.pdf?source=pqals>> accessed 29 November 2024.

⁶⁷ *Community Involvement in Managing Anganwadis* 31 <<https://www.kudumbashreenro.org/resources/pri-cbo-convergence/item/290-community-involvement-in-managing-anganwadis>> accessed 29 November 2024.

⁶⁸ NIPCCD, *Best Practices in Anganwadi Services Scheme under Umbrella ICDS* 36 <<https://www.nipccd.nic.in/file/reports/bestprac.pdf>> accessed 29 November 2024.

Commencement timeline: Subsequent measure

Frequency of implementation: One-time measure

Implementing body: MHFW to amend the RBSK Guidelines.

II. Capacity building of educators

a. Recommendation: Improve the pre-service/in-service training of regular teachers for better early identification of CwDs in schools by:

- Prescribing the use of PRASHAST-I or any other checklist prepared by the state governments to conduct preliminary screening, identify signs of disabilities among students, and guide parents and caregivers on the next steps post identification.
- Since a formal monitoring mechanism is absent in PRASHAST, special educators should assist regular teachers to ensure screening is done properly.
- Ensuring that the training of educators has a component on sensitisation and providing accurate information to dispel any misconceptions about disabilities and discouraging the assignment of any labels to identified children based on their disabilities or signs of disabilities.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: BRCs/CRCs should incorporate these recommendations in the training programmes.

SCERTs which prepare the modules for such training should include these recommendations for strengthening the capacity of educators in schools;

Special Educator/Resource Teachers/IE Coordinators/SCERT/DIET/ Counsellors with assistance from NGOs should conduct comprehensive training sessions for teachers under PRASHAST; and the Head of Schools should ensure that such training sessions are being organised periodically and continuously.

Monitoring mechanism: SCERTs should monitor and evaluate the efficacy of the training conducted for educators by BRCs/CRCs/DIETs; and State Departments of Education/Municipal Corporations should collect data based on PRASHAST screenings and monitor its implementation.

b. Recommendation: Ensure all modules and training materials for training of regular teachers include early identification and intervention of disabilities in consonance with the RPwD Act, 2016.

Example: Modules and training materials under NISHTHA (National Mission to improve learning outcomes at the elementary level) for capacity building of educators include

information on early identification of disabilities and additional support.⁶⁹

Further ensure that the training of educators specifically focuses on identification of SLDs among children as provided under Section 16(vi) of RPwD Act, 2016.

Commencement timeline: Subsequent measure

Frequency of implementation: One-time measure

Implementing body: NCERT/SCERT/NCTE to update their teacher training modules and training materials.

Monitoring mechanism: DSEL should evaluate and monitor the updates to the modules and training materials

III. Adequate infrastructure and better coordination for early intervention services

a. **Recommendation:** Ensure accessible physical infrastructure, facilities and equipments are available at all AWCs and EICs:

- All AWCs should ensure availability of basic amenities such as toilets, clean drinking water, electricity, and kitchen facilities and all EICs should ensure availability of necessary facilities such as medical and laboratory equipment, toys, sensory tools, aids, appliances, learning materials etc.
- All AWCs and EICs, including their premises, facilities and equipment should be accessible and appropriate for CwDs, including transportation and facilities.
- Conduct physical inspections of AWCs and EICs once every 3 months to maintain these standards.
- In areas with high population density, Anganwadi Hubs can be created by combining three to four AWCs. By pooling resources, it will become feasible for AWCs to afford necessary infrastructure and equipment.

Example: This approach was successfully implemented in the GNCTD, where 390 AWCs were consolidated into 110 hubs.⁷⁰

- Ensure that EICs are available in every district. EICs, especially those established by the State Departments of Health, should be located at the district hospitals⁷¹; when

⁶⁹ North East Regional Institute of Education, *Capacity Building Programme on Equitable and Inclusive Education for Teachers* 5
<https://nerie.nic.in/pdf/NISHTHA%20IE%20%20Approach%20paper_12_1_2024.pdf> accessed 29 November 2024; NIEPA, *National Initiative for School Heads' and Teachers' Holistic Advancement Training Package on School Leadership Development* 50
<http://ncsl.niepa.ac.in/nishtha/face-to-face/nishtha_leadership_package_english.pdf> accessed 29 November 2024.

⁷⁰ NIPCCD, *Best Practices in Anganwadi Services Scheme under Umbrella ICDS* 32
<<https://www.nipccd.nic.in/file/reports/bestprac.pdf>> accessed 29 November 2024.

⁷¹ MoE, *Resource Manual for Equipment and Infrastructure for DEIC under RBSK* 24
<<https://nhm.gov.in/New-Update-2022-24/CH-Programmes/RBSK-Resource-Materials/RBSK-Resource-Manual-for-equipment-and-infrastructure-for-DEIC-including-Model-DEIC.pdf>> accessed 29 November 2024.

this is not feasible, they should be situated in nearby accessible locations.

➤ Vacant positions including those of paediatricians, medical officers, therapists, and other essential staff at EICs should be filled promptly.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body:

For AWCs: CDPOs/DPOs should conduct inspections and audits of AWCs at block/district level under the supervision of DM/Collector.⁷²

For EICs: Manger/head/supervisor of the EICs should ensure the availability of adequate infrastructure and human resources in EICs.

State Departments of Health/Disability should be responsible for ensuring availability of EICs in adequate accessible locations

Monitoring mechanism:

For AWCs: State Departments of WCD should monitor the activities undertaken by CDPOs/DPOs for the improvement of AWCs;

For EICs: Inspections should be conducted by the State Departments of Health/Disability through District Nodal Officers, to ensure the availability of these facilities in EICs.

b. Recommendation: Review and update guidelines for setting up SAWC, to include specific requirements and accessibility protocols for CwDs. This will ensure that accessibility requirements for all built infrastructure, facilities, and equipment are met from the outset.

Commencement timeline: Subsequent measure

Frequency of implementation: One-time measure

Implementing body: Departments of WCD

c. Recommendation: Ensure uniformity and coordination among various EICs across different departments, including DDRCs, DEICs, CDEICs, and Disha Centers. All protocols followed by the EICs should be standardised and streamlined to specify the services offered, the target groups, and the designated points of contact for each EIC.

Commencement timeline: Subsequent measure

Frequency of implementation: Recurrent measure

Implementing body: DEPwD and MHFW

⁷² Ensuring the availability of ramps, handrails, and accessibility at AWCs is a responsibility of the district administration under APDC. MWCD, APDC 17.

IV. Raise awareness and promote sensitisation

- a. **Recommendation:** Sensitisation and awareness generation programmes should be conducted for parents and caregivers, school teachers and staff and the community about the causes and development of disability as well as need for early intervention, in consonance with the mandate of the RPwD Act, 2016 to raise awareness about early identification.⁷³

Example: This programme could adopt a similar approach to that of the erstwhile "School Chale Hum" campaign started under Sarva Shiksha Abhiyan involving community participation to encourage parents to enrol their CwDs in school. This approach will ensure effective partnerships among government, private sector, NGOs, local community and CSOs to overcome stereotypes and create positive attitudes towards the abilities of CwDs.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: State Departments of Disability and/or Education, in collaboration with the CCPD/SCPD⁷⁴ should schedule such programmes, which can be delivered by AWWs and Special Educators, in collaboration with CSOs.

⁷³ RPwD Act, 2016, s 25(2).

⁷⁴ The "appropriate government," in consultation with the CCPD or the SCPD, is responsible for conducting awareness generation programmes. RPwD Act 2016, s 39(1).

Chapter 2: Disability Certification

“Less than 1/3rd of the persons with disabilities in India have reported having a disability certificate”⁷⁵

Once formally identified, CwDs can access a range of support services at schools, including accommodations and benefits under government programmes. However, access to essential services often hinges on obtaining disability certificates, making it a critical step for a barrier-free, inclusive education.

In India, disability certification can be obtained through two methods: the traditional ‘**disability certificate**’ and the recently introduced ‘**UDID card**’.⁷⁶ Both provide the type, extent, and nature of the

disability, and indicate whether the certificate is permanent or temporary. Obtaining either type of certification requires undergoing a disability assessment, which typically involves multiple tests conducted by medical experts, depending on the type of disability.⁷⁷

This chapter examines the challenges faced by CwDs in navigating the disability certification process, which remains a key determinant in accessing inclusive education.

Legal Framework

National Laws and Rules

RPwD Act, 2016 The RPwD Act, 2016 recognises 21 types of disabilities, referred to as ‘specified disabilities’.⁷⁸ A person having not less than forty percent of a specified disability is considered a PwBD.⁷⁹ The RPwD Act, 2016 provides for notifying certifying authorities⁸⁰ (often DMAs notified by states/UTs) responsible for issuing disability certificates.⁸¹ A certificate issued in one state is valid nationwide.⁸²

RPwD Rules, 2017 The RPwD Rules, 2017, require DMAs to issue disability certificates and UDID cards within three months if a disability is diagnosed⁸³ or communicate the reasons for ineligibility within one month.⁸⁴ Upon receiving the certificate, a PwD can apply for various facilities, concessions and benefits under government schemes.⁸⁵

⁷⁵ MoSPI, ‘NSS report no. 583: Persons with Disabilities in India NSS 76th round (July – December 2018)’ <<https://pib.gov.in/PressReleasePage.aspx?PRID=1593253>> accessed 29 November 2024.

⁷⁶ For children with intellectual disabilities under 5, a temporary certificate for Global Developmental Delay is issued, which remains valid until the child turns 5, after which a formal disability certificate can be obtained. DEPwD, *Guidelines for the Purpose of Assessing the Extent of Specified Disability in a Person Included under the RPwD Act, 2016* <<https://tinyurl.com/4e7dnxnv>> accessed 29 November 2024.

⁷⁷ DEPwD, *Guidelines for the Purpose of Assessing the Extent of Specified Disability in a Person Included under the RPwD Act, 2016* <<https://tinyurl.com/4e7dnxnv>> accessed 29 November 2024.

⁷⁸ RPwD Act, 2016, s 2(zc).

⁷⁹ RPwD Act, 2016, s 2(r).

⁸⁰ RPwD Act, 2016, s57.

⁸¹ Standing Committee on Social Justice and Empowerment, *Forty-Fifth Report on Demands for Grants (2023-24) of the MSJE (DEPwD)* (24 March 2023) 46 <<https://tinyurl.com/bdrfxrf3>> accessed 29 November 2024.

⁸² RPwD Act, 2016, s 58(3).

⁸³ RPwD (Amendment) Rules, 2024, r 18(2).

⁸⁴ RPwD (Amendment) Rules, 2024, r 18(5).

⁸⁵ RPwD Rules, 2017, r 19.

National Policies, Schemes and Guidelines

- UDID** UDID card is another form of disability certification, issued by the DEPwD.⁸⁶ It can be used to access government schemes⁸⁷ and is intended to eventually replace the disability certificate.⁸⁸ Additionally, the DEPwD has mandated the 18-digit UDID from the UDID card, for availing most schemes of the DEPwD and associated organisations.⁸⁹ Disability certificates and UDID cards are issued through the UDID portal in a streamlined process.⁹⁰ An applicant submits an online application through the UDID portal, which is reviewed by the DMA, and assigned a specialist doctor for assessment. The doctor's report is submitted to the Medical Board at the district hospital, which determines the disability percentage, type, and validity period of the certification. The Medical Board's decision is sent to the DMA, which issues the disability certificate. Finally, the data is forwarded to the DEPwD, which issues the UDID card.
- SIPDA** Under SIPDA, the DEPwD allocates funds to 'Implementing Agencies', which are state/UT government agencies set up by the DEPwD, or NGOs.⁹¹ These agencies assist state/UT governments in organising certification camps. Further, as per Central Government guidelines, heads of schools are responsible for writing to the DMAs to visit the school for assessment and disability certification. If specific tests are to be conducted at a hospital, the school is required to arrange for the student's visit, with the State Departments of Education covering associated expenses.⁹²
- CBSE Handbook of Inclusive Education and PRASHAST** As per the CBSE Handbook of Inclusive Education, it is the school's duty to ensure disability certificates are made available to all CwDs and to assist them in completing the process for obtaining these documents.⁹³ Further, the PRASHAST also requires regular teachers and special educators to conduct preliminary identification of disabilities in children and refer them for assessment through certification camps, along with necessary information about the students compiled through PRASHAST-I and PRASHAST-II.⁹⁴

⁸⁶ DEPwD, UDID <<https://depwd.gov.in/unique-disability-id-udid/>> accessed 29 November 2024.

⁸⁷ DEPwD, UDID FAQs <<https://www.swavlambancard.gov.in/faqs>> accessed 29 November 2024.

⁸⁸ Standing Committee on Social Justice and Empowerment, *45th Report on Social Justice and Empowerment* para 5.24, 49.

⁸⁹ DEPwD, O.M. No. P-13013/23/2023-UDID/IT/STATISTICS (18 September 2024) <<https://tinyurl.com/4d63bpha>> accessed 29 November 2024.

⁹⁰ DEPwD, UDID FAQs <<https://www.swavlambancard.gov.in/faqs>> accessed 29 November 2024.

⁹¹ DEPwD, SIPDA para 5(vi), 2 <<https://depwd.gov.in/sipda/>> accessed 29 November 2024.

⁹² Department of Social Justice and Disabled Welfare, Madhya Pradesh, *Sparsh Portal* <<https://sparsh.mp.gov.in/Public/SparshPublicPages/PoliciesAndGuidelines.aspx>> accessed 29 November 2024; DEPwD, O.M. No. 4-2 (47)/2014/DD1 (23 January 2015) <https://adip.depwd.gov.in/files/Guidelines_for_issuing_Disability_Certificate.pdf> accessed 29 November 2024.

⁹³ CBSE, *Handbook of Inclusive Education* para 11.5, 151 <https://cbseacademic.nic.in/web_material/Manuals/handbook-inclusive-education.pdf> accessed 29 November 2024.

⁹⁴ NCERT, *PRASHAST Booklet iii* <https://ncert.nic.in/pdf/DSCS_booklet.pdf> accessed 29 November 2024.

Key issues

Despite the detailed process for obtaining a disability certificate/UDID card, the journey can be cumbersome and exhausting for CwDs. According to NSS 2018, only 28.8% of PwDs reported having a disability certificate in India.⁹⁵ Further, around one crore PwDs possess a UDID card, which constitutes only 50% of the population of PwDs.⁹⁶ Consequently, most CwDs in India do not have valid certification, which makes it difficult for them to access various rights and entitlements.⁹⁷ Challenges in obtaining disability certification for CwDs stem from (a) long and complex certification procedures; (b) lack of adequate infrastructure and manpower; (c) undefined responsibilities of stakeholders in the schools ecosystem; and (d) lack of awareness among parents and caregivers about the certification process.

a) Long and complex procedures

One contributing factor to the low rate of disability certification among CwDs is the excessively lengthy and complex nature of the disability certification process.⁹⁸ Despite the RPwD Rules, 2017 mandating that the process of issuing a disability certificate/UDID card should be completed

within three months⁹⁹, this is often not the case in practice.¹⁰⁰ Stakeholder consultations revealed that parents and caregivers of CwDs encounter issues such as long queues, multiple visits and assessments and excessive waiting times at DMAs, largely due to a substantial backlog of applications. Numerous instances highlight the hardships faced by parents and caregivers due to the complex nature of disability certification.¹⁰¹ Further, there is no fixed timeline for getting an appointment for a medical assessment from the hospital,¹⁰² causing CwDs to wait for extended periods to be assessed by a doctor. These issues were also noted by the CAG in its Performance Audit of Implementation of RPwD Act, 2016 in Rajasthan (2023)¹⁰³, where a high backlog

⁹⁵ Ministry of Statistics and Programme Implementation, 'NSS report no. 583: Persons with Disabilities in India NSS 76th round (July - December 2018)' <<https://pib.gov.in/PressReleasePage.aspx?PRID=1593253>> accessed 29 November 2024.

⁹⁶ DEPwD, News & Updates <<https://www.swavlambancard.gov.in/news-update>> accessed 29 November 2024.

⁹⁷ DEPwD, OM No. 4-2 (47)/2014/DD1 (23 January 2015) <https://adip.depwd.gov.in/files/Guidelines_for_issuing_Disability_Certificate.pdf> accessed 29 November 2024.

⁹⁸ NCERT, *Report on Inclusive Education* 108 <<https://ncert.nic.in/degsn/pdf/final%20report.pdf>> accessed 29 November 2024.

⁹⁹ The time period for the issuance of disability certificates has been increased from one month to three months by the RPwD (Amendment) Rules, 2024. The amendment has also introduced a mandatory requirement for an Aadhaar number/enrollment number, which presents a challenge for CwDs who may not yet have an Aadhaar.

¹⁰⁰ NCERT, *Report on Inclusive Education* 108 <<https://ncert.nic.in/degsn/pdf/final%20report.pdf>> accessed 29 November 2024.

¹⁰¹ Sashikala VP, 'How Delhi Parents Are Struggling to Obtain Disability Certificates for Their Children' (*Newslandry*, 7 December 2019) <<https://tinyurl.com/2wsdb72n>> accessed 29 November 2024; Kangkan Acharyya, 'As Delhi Govt's Doorstep Services Scheme Turns 1, a Look at a Father's 8-Year Battle for Son's Disability Certificate' (*Firstpost*, 5 October 2019) <<https://tinyurl.com/23jt3cma>> accessed 29 November 2024; Obtaining Disability Certificate Still an Uphill Task for Parents of Challenged Kids' (*Times of India*, 21 June 2017) <<https://tinyurl.com/352kn56v>> accessed 29 November 2024.

¹⁰² DEPwD, UDID FAQs <<https://www.swavlambancard.gov.in/faqs>> accessed 29 November 2024.

¹⁰³ Government of Rajasthan, *Report of the CAG of India on Performance Audit of Implementation*

of disability certificate/UDID card applications was observed, as most applications were pending with medical officers.

b) Lack of adequate infrastructure and manpower

The delays in the disability certification process can be attributed to the lack of notified DMAs, resulting in the concentration of a large number of applicants at limited centres.¹⁰⁴ Further, the unavailability of doctors and specialists at the DMAs prolongs the time required for assessments. This was highlighted during our consultations, where stakeholders reported experiencing delays due to these factors. To expedite the certification process and improve accessibility, state governments organise disability camps at the block level. However, these initiatives are currently limited to specific states.¹⁰⁵

c) Undefined responsibilities of stakeholders in the schools ecosystem

Typically, parents and caregivers undertake the process of obtaining disability certificates for their children. However, the lengthy and complex process often leaves them unsure, making the role of schools crucial in facilitating certification. Although school administrations are required to ensure disability certificates are issued to students with disabilities,¹⁰⁶ the roles of

of RPwD Act, 2016 (2023) <<https://tinyurl.com/3sz49yce>> accessed 29 November 2024.

¹⁰⁴ Department of Disability Affairs, Mizoram *Detailed Project Report on the National Disability Database & UDID Creation* para 6.4(b), 29 <<https://tinyurl.com/28xtufc3>> accessed 29 November 2024.

¹⁰⁵ Standing Committee on Social Justice and Empowerment, *45th Report on Social Justice and Empowerment* para 5.24, 49.

¹⁰⁶ Department of Social Justice and Disabled Welfare, Madhya Pradesh, *Sparsh Portal* <<https://sparsh.mp.gov.in/Public/SparshPublicP>

stakeholders such as teachers and special educators are not clearly defined. There is a lack of guidance on how these stakeholders participate or contribute to the process. While training materials for teachers include general references to disability certification,¹⁰⁷ there is no clarity on their effectiveness. This results in inadequate support for CwDs in obtaining certificates.

d) Lack of awareness among parents and caregivers

Lack of awareness among parents and caregivers about the disability certification process contributes to the low rate of certification among CwDs. Many parents and caregivers are unaware of its benefits and the associated processes.¹⁰⁸ This lack of awareness discourages parents from enrolling their children in mainstream 'inclusive' schools¹⁰⁹, as they may perceive that, without the certificate, their children will not receive adequate support and benefits of government schemes and programmes, necessary for studying at an inclusive school.

ages/PoliciesAndGuidelines.asp> accessed 29 November 2024.

¹⁰⁷ CBSE, *Handbook for Teachers* para 11.3.4, 178 <https://cbseacademic.nic.in/web_material/Manuals/Handbook_for_Teachers.pdf> accessed 29 November 2024; RCI, *Curriculum Framework Bachelor of Education - Special Education (B.Ed. Spl. Ed.)* <https://rehabcouncil.nic.in/sites/default/files/revise-prog/BEdSplEd_rev_040324.pdf> accessed 29 November 2024.

¹⁰⁸ Department of Disability Affairs, Mizoram *Detailed Project Report on the National Disability Database & UDID Creation* para 6.4(b), 29 <<https://tinyurl.com/28xtufc3>> accessed 29 November 2024.

¹⁰⁹ Sandhya Limaye, 'Factors Influencing the Accessibility of Education for Children with Disabilities in India' (2016) 3(3) *Global Education Review* 43-56 <<https://files.eric.ed.gov/fulltext/EJ1115090.pdf>> accessed 29 November 2024.

Recommendations

I. Make the process for disability certification for simpler for CwDs

- a. **Recommendation:** Organise assessment and disability certification camps for CwDs in each district twice a year. These camps should be organised to ensure that students from various schools across the district can gather at a central location for their assessment and certification processes. Further, publicise the disability camps through both newspaper advertisements and letters to heads of schools.

Example: Each year, the Department of Social Welfare, GNCTD organises camps for disability certification, in partnership with government hospitals, the Department of Education, GNCTD, and NGOs.¹¹⁰ In 2021-22, the GNCTD assisted 7000 CwDs in obtaining disability certificates.¹¹¹

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: State Departments of Disability, in coordination with State Departments of Education and Health, with assistance from DWO/DSWO¹¹² and the Implementing Agencies designated under SIPDA.

Monitoring mechanism: The District Collector¹¹³ should monitor the organisation of such camps in every district.

At the state level, the State Departments of Disability should send a report to the SCPD about the overall progress of the camps.¹¹⁴

- b. **Recommendation:** Assist CwDs/parents and caregivers in obtaining disability certificates:

- Refer children to certification camps¹¹⁵ as soon as they are screened for disabilities. Specifically, when children are identified based on PRASHAST-II, they should be promptly referred to certification camps, as per the PRASHAST Checklist.

Example: In Chandigarh, the PRASHAST Checklist was administered in 100 schools

¹¹⁰ Department of Social Welfare, GNCTD, Disability Camps <<https://socialwelfare.delhi.gov.in/social/disability-camps>> accessed 29 November 2024.

¹¹¹ DSEL, F.No. 15-9/2022-IS.I (9 June 2022) 7 <https://dsel.education.gov.in/sites/default/files/2022-07/pab_delhi_2223.pdf> accessed 29 November 2024.

¹¹² Under the UDID Project, DWO/DSWO are responsible for facilitating PwDs in obtaining disability certificates/UDID cards at the district level. DEPwD, *Know More About UDID* <<https://www.swavlambancard.gov.in/know-more-about-udid>> accessed 29 November 2024.

¹¹³ Under the UDID Project, District Collectors are responsible for monitoring the overall implementation of the UDID project at the district level. DEPwD, *Know More About UDID* <<https://www.swavlambancard.gov.in/know-more-about-udid>> accessed 29 November 2024.

¹¹⁴ The SCPD is required to monitor the implementation of the provisions of the RPwD Act, 2016 and schemes, programmes meant for PwDs. RPwD Act 2016, s 80(g).

¹¹⁵ Children can be referred to DMAs/DWO/DSWO to facilitate the certification process.

and 637 students were referred to assessment and certification camps.¹¹⁶

- Write to DMAs to organise and conduct camps in the school to assess CwDs and issue disability certificates. Alternatively, heads of schools should coordinate with DWOs/DSWOs for initiation of the disability certification process for CwDs.
- School teachers should assist parents and caregivers through the disability certification process, ensuring they understand each stage and know how to navigate the system effectively. In order to ensure that school teachers have the awareness and knowledge to assist parents and caregivers, school administrations should conduct workshops to inform teachers about these processes.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: Head of school with assistance from special educators/NGOs.

Monitoring mechanism: District Education Officer/District Inclusive Education Branch (if any)¹¹⁷ should monitor the progress in schools.

- c. **Recommendation:** Specify the roles of stakeholders in the school ecosystem, including heads of schools, special educators and regular teachers in assisting CwDs in obtaining disability certificates. This can be achieved by updating the duties and responsibilities of such stakeholders as specified by the State Departments of Education and conducting workshops to inform them about the processes and how to navigate them.

Example: While the GNCTD has outlined the roles and responsibilities of special educators, these do not include disability certification. Therefore, these responsibilities should be amended to include assisting CwDs with the certification process.¹¹⁸

Commencement timeline: Subsequent measure

Frequency of implementation: One-time measure

Implementing body: State Departments of Education should update the administrative guidelines which specify the duties and responsibilities of stakeholders in the school ecosystem with respect to disability certification processes.

¹¹⁶ NCERT, *PRASHAST Booklet 4* <https://ncert.nic.in/pdf/DSCS_booklet.pdf> accessed 29 November 2024.

¹¹⁷ For example, GNCTD has an Inclusive Education Branch which notifies the duties of coordinators responsible for ensuring that CwDs receive disability certificates. Directorate of Education, GNCTD OM No. F.11/DDE(IEDSS)/Admn.Cell/2015/1225-1231 (12 March 2020) <https://www.edudel.nic.in/welcome_folder/inclusive_education/10zonedistrictstateCoordinator.PDF> accessed 29 November 2024.

¹¹⁸ Directorate of Education, Inclusive Education Branch, GNCTD OM No.F.11/DDE(IEDSS)/Admn.Cell/2015/1225-1231 (12 March 2020) <https://www.edudel.nic.in/welcome_folder/inclusive_education/10zonedistrictstateCoordinator.PDF> accessed 29 November 2024.

II. Expedite the process for obtaining disability certificates for CwDs

- a. **Recommendation:** Streamline and simplify the certification process for CwDs:
- Conduct audits of DMAs to identify the bottlenecks in the disability certification process. Determine the DMAs with the lowest rates of certification and highest application pendency among CwDs, identify the reasons for their poor performance, implement targeted solutions for these and monitor their progress.
 - Notify more medical authorities to conduct assessments for disability certificates, to prevent overcrowding, and ensure vacant posts at DMAs are promptly filled.
 - Issue specific directions to State Departments of Disability to expedite the disability certification, especially for CwDs. Such directions may include: availability of staff at DMAs, availability of equipment and facilities at DMAs, frequency of assessments, and coordination with schools for disability certification of CwDs.

Example: In 2023, the DEPwD requested the Chief Medical Officers and DSWOs to speed up the certification process and create awareness about UDID cards, specifically in rural areas.¹¹⁹ Similar targeted directions should be issued from time to time to expedite the disability certification process.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing Body: State Coordinators¹²⁰ should conduct such audits and send a report to State Departments of Disability/DEPwD. The DEPwD should issue directions to State Departments of Disability for expediting the certification process.

State Departments of Disability should notify additional DMAs and improve their functioning.

Monitoring Authority: DEPwD should monitor the progress reports submitted by the State Coordinators.

DEPwD/State Departments of Disability should in turn send a report to CCPD/SCPD about the status of disability certification in the states.

III. Raise awareness about disability certification

- a. **Recommendation:**
- Counsel parents and caregivers of CwDs at schools and community events.

¹¹⁹ DEPwD, Standing Committee on Social Justice and Empowerment, *50th Report on Social Justice and Empowerment* 19 <https://eparlib.nic.in/bitstream/123456789/2496251/1/17_Social_Justice_And_Empowerment_50.pdf> accessed 29 November 2024.

¹²⁰ State Coordinators are responsible for liaising with the State Departments of Disability, monitoring the implementation of the UDID Project and submitting reports to the DEPwD.

- Conduct special campaigns to raise awareness about disability certification.¹²¹ Publicise the importance of disability certification through the media.

Example: The DEPwD in collaboration with the National Institute for Empowerment of Persons with Visual Disabilities, Dehradun introduced an awareness generation programme on UDID Project through its community based radio channel, reaching a broad audience.¹²² Research has shown that visual media, especially television, is the most common source of information on the UDID Project for PwDs.¹²³

- Specify the grievance redressal mechanism, such as the CCPD and SCPD as outlined under the RPwD Act, 2016, wherever information about the disability certification process is provided, such as on the UDID portal. This will ensure that applicants are informed and seek resolution if issues arise during the process.

Example: A number of complaints¹²⁴ regarding delays or difficulties in the disability certification process have been filed with the CCPD. In response, the CCPD issued recommendations to the concerned DMAs to address these issues.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing Body: Educators and NGOs should counsel parents and caregivers about disability certification through one-one-one discussions and workshops.

DEPwD/State Departments of Disability with assistance from DWOs/DSWOs should conduct campaigns to raise awareness about disability certification.

¹²¹ Government of Rajasthan, *Report of the CAG of India on Performance Audit of Implementation of RPwD Act, 2016* (2023)

<[https://cag.gov.in/uploads/download_audit_report/2023/PAG-\(Au-I\)-Raj-Rights-of-Persons_Report_En g-1_OCR-064b7cfee846c19.93032773.pdf](https://cag.gov.in/uploads/download_audit_report/2023/PAG-(Au-I)-Raj-Rights-of-Persons_Report_En g-1_OCR-064b7cfee846c19.93032773.pdf)> accessed 29 November 2024.

¹²² DEPwD, Standing Committee on Social Justice and Empowerment, *50th Report on Social Justice and Empowerment*

<https://eparlib.nic.in/bitstream/123456789/2496251/1/17_Social_Justice_And_Empowerment_50.pdf> accessed 29 November 2024.

¹²³ Pitam Singh and Richa Sharma, *Coverage of UDID Card in India: A Descriptive Study* (2021) 71 *Manpower Journal*, Vol. LV, Nos. 3 & 4, July - December

<<https://www.nilerd.ac.in/writereaddata/UploadFile/Pitam%20Singh%20and%20Richa%20Sharma.pdf>> accessed 29 November 2024.

¹²⁴ CCPD, Case No. 9670/1121/2018 (9 January 2020)

<<http://www.ccd disabilities.nic.in/sites/default/files/2021-09/jan-2020-orders.pdf>> accessed 29 November 2024; SCPD, Case No. 411/1121/2018/08 (6 December 2018)

<https://discomm.delhi.gov.in/sites/default/files/discomm/pdf_files/1121/6.pdf> accessed 29 November 2024; SCPD, Case No. 722/1121/2019/02/1306-1308 (14 March 2019)

<https://discomm.delhi.gov.in/sites/default/files/discomm/pdf_files/1121/10.pdf> accessed 29 November 2024.

Chapter 3: Accessibility of Educational Institutions

“To ensure the level playing field, it is not only essential to give necessary education to the persons [with] disability, it is also imperative to see that such education is imparted to them in a fruitful manner.”¹²⁵

CwDs entering the formal schooling system in an educational institute funded or recognised by the appropriate government¹²⁶ have the unequivocal right to an inclusive education.¹²⁷ As per the RPwD Act, 2016, inclusive education is a system of education where 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.¹²⁸ Ensuring accessibility of educational institutions is necessary for inclusive education for CwDs.¹²⁹

Accessibility is often misconceived as merely physical accessibility like ramps and lifts for CwDs. However, beyond physical access, it also includes functional accessibility, such as accessible teaching and learning materials, aids and adaptive materials, assistive technologies and ICT, universal design for learning, curricular adaptations, accessible extra-curricular activities etc.¹³⁰ Achieving true inclusion requires a holistic approach to accessibility that addresses both physical as well as functional barriers.

Legal framework

International and National Laws and Rules

- UNCRPD** India has an obligation to ensure that CwDs can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live.¹³¹
- RPwD Act, 2016** The appropriate governments and local authorities should endeavour that educational institutions funded or recognised by them provide inclusive education to CwDs.¹³² In order to achieve this, school buildings, campuses and other facilities should be made accessible, including providing appropriate transport facilities¹³³, augmentative and alternative modes of communication and teaching¹³⁴, and appropriate books and other learning materials.¹³⁵ Further, the Central Government, in consultation with the CCPD, is required to formulate accessibility standards for PwDs.¹³⁶

¹²⁵ *Disabled Rights Group v Union of India* (2018) 2 SCC 397 (SC).

¹²⁶ This includes the State Government and the Central Government. RPwD Act 2016, s 2(b).

¹²⁷ RPwD Act, 2016, s16.

¹²⁸ RPwD Act, 2016, 2(m).

¹²⁹ *Disabled Rights Group v Union of India* (2018) 2 SCC 397 (SC).

¹³⁰ NCERT, *Index for Developing Inclusive Schools* 29 <<https://tinyurl.com/yc4dxcvm>> accessed 29 November 2024.

¹³¹ UNCRPD (adopted 13 December 2006, entered into force 3 May 2008) art 24(2)(b).

¹³² RPwD Act, 2016, s16.

¹³³ RPwD Act, 2016, s16(viii).

¹³⁴ RPwD Act, 2016, s17(f).

¹³⁵ RPwD Act, 2016, s17(g).

¹³⁶ RPwD Act, 2016, s40.

RPwD Rules, 2017	The RPwD Rules, 2017 detail accessibility standards as mandated under the RPwD Act, 2016 for physical environments, transport, and ICT, requiring ministries and departments to ensure compliance through domain regulators. ¹³⁷ The DEPwD periodically amends Rule 15 to adopt and notify sector-specific accessibility guidelines. ¹³⁸
RTE Act, 2009	The RTE Act, 2009 also recognises the right of CwDs to a free and compulsory education. ¹³⁹ It requires schools to provide 'barrier-free access' at a minimum, to be recognized and certified to operate. ¹⁴⁰ NCPCR and SCPCRs are the monitoring and grievance redressal bodies under the RTE Act, 2009. ¹⁴¹

National Policies, Schemes and Guidelines

Harmonised Guidelines	Accessibility standards notified under Rule 15(1) of the RPwD Rules, 2017 include the Harmonised Guidelines, which are applicable to all public buildings (including education and research buildings such as schools). ¹⁴²
Accessibility Code for Educational Institutions	The Accessibility Code for Educational Institutions, notified by the MoE in 2024 and adopted by the DEPwD under Rule 15(2) of the RPwD Rules, 2017, ¹⁴³ addresses physical, functional, and ICT barriers for CwDs. It provides cost-effective solutions for existing buildings and standards for new ones. ¹⁴⁴
NEP 2020	The NEP 2020 emphasises that accessibility of schools is necessary for inclusive education. It requires schools to have support mechanisms such as flexible curricula, technology-based tools, adequate language-appropriate teaching learning materials, accessible arts, sports, and vocational education etc. ¹⁴⁵
NCFSE	The NCFSE recommends identifying the learning needs of each CwD and providing appropriate curricular adaptations, such as bridge courses, differentiated assessments, curriculum modifications, and integrating ICT into teaching practices to ensure accessible and inclusive education. ¹⁴⁶

¹³⁷ RPwD Rules, 2017, r 15(1).

¹³⁸ The Supreme Court recently ruled that Rule 15 of the RPwD Rules, 2017, as it stands, provides only persuasive guidelines rather than mandatory standards, conflicting with the intent of the RPwD Act, 2016. Declaring Rule 15(1) ultra vires, the Supreme Court directed the Central Government to issue mandatory rules under Section 40 of the RPwD Act 2016, within three months from 8 November 2024. *Rajive Raturi v. Union of India* (2024) WP (C) No. 243 of 2005 (SC).

¹³⁹ RTE Act, 2009, s 3(3).

¹⁴⁰ RTE Act, 2009, , Sch, cl 2(ii).

¹⁴¹ RTE Act, 2009, s31.

¹⁴² Ministry of Housing and Urban Affairs, *Harmonised Guidelines* (2021) para 6.2, 309 <<https://tinyurl.com/4tff2wyt>> accessed 29 November 2024.

¹⁴³ MSJE, 'Rights of Persons with Disabilities (Amendment) Rules, 2024' (20 June 2024) GSR 343(E) <<https://tinyurl.com/yr39sdea>> accessed 29 November 2024.

¹⁴⁴ DSEL, *F. No. 9-4/2022-IS.18* (10 January 2024) <<https://tinyurl.com/ye5svddn>> accessed 29 November 2024.

¹⁴⁵ MoE, *NEP 2020* para 6.11, 26.

¹⁴⁶ NCERT, *NCFSE (2023)* para 3.3.6, 109 <https://ncert.nic.in/pdf/NCFSE-2023-August_2023.pdf> accessed 29 November 2024.

SSA The SSA mandates barrier-free schools to ensure CwDs can access facilities such as playgrounds, toilets, libraries and directs schools to incorporate accessibility features in new buildings, regularly review school facilities, and promote inclusive learning spaces with special furniture.¹⁴⁷

The SSA is implemented through a Governing Council and a Project Approval.¹⁴⁸ Advisory bodies such as NCERT, SCERTs¹⁴⁹, NCTE¹⁵⁰, and NIEPA¹⁵¹ support its execution. At the state level, District and Block Education Officers oversee school planning and administration, including BRCs, CRCs¹⁵², and DIETs. The Public Works Department is tasked with redesigning school spaces to ensure inclusion and barrier-free access.¹⁵³ SMCs, reporting to Block Education Officers, prepare school development plans, addressing accessibility.¹⁵⁴

Pragyata Guidelines for Digital Education These guidelines emphasise supporting CwDs through accessible resources like audiobooks, sign language videos, and tactile materials, along with chapter briefs in multiple formats and flexible assignment submissions.¹⁵⁵

Guidelines for the Development of e-Content for CwDs These guidelines emphasise functional accessibility through assistive technology-compatible formats, and universal design principles. Key measures include multimodal content (Braille, sign language, audio descriptions), accessible platforms, teacher training, and regular audits to ensure compliance.¹⁵⁶

¹⁴⁷ MoE, *SSA Implementation Framework* para 5.5.6, 76 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁴⁸ The Governing Council is responsible for the overall implementation of the SSA and the PAB has full financial powers to approve plans, sanction budgets and implement the interventions under the SSA. MoE, *SSA Implementation Framework* para 14.2.2, 232 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁴⁹ NCERTs and SCERTs are responsible for creating teacher training modules, revisions and developments in curriculums, and overall academic monitoring, supervision and research. MoE, *SSA Implementation Framework* para 14.13.2, 246 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁵⁰ The NCTE is responsible for the development and administration of teacher education programmes, and regulation and maintenance of standards. MoE, *SSA Implementation Framework* para 14.23, 251 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁵¹ NIEPA is responsible for administering pre-service and in-service training programmes in the area of educational planning and administration. MoE, *SSA Implementation Framework* para 14.23, 251 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁵² *BRCs and CRCs are resource centres for teachers and school administrators, providing academic and administrative support and monitoring the implementation of the SSA at the block and cluster level.*

¹⁵³ MoE, *SSA Implementation Framework* para 14.2.6.6, 237 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁵⁴ MoE, *SSA Implementation Framework* para 14.2.7, 237 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁵⁵ MoE, *PRAGYATA Guidelines for Digital Education* <<https://tinyurl.com/3ak24fp6>> accessed 29 November 2024.

¹⁵⁶ MoE, *Guidelines for the Development of e-Content for Children with Disabilities* (March 2021) <https://www.education.gov.in/sites/upload_files/mhrd/files/CWSN_E-Content_guidelines.pdf> accessed 29 November 2024.

Key Issues

CwDs make up only 0.89% of total enrollment in government schools, with many still attending special schools.¹⁵⁷ Those in inclusive schools often drop out or attend irregularly; in 2011, 39% of CwDs aged 5-19 were not in school, and 12% had dropped out after enrolling.¹⁵⁸ A key factor for this is the lack of accessibility – by 2022, only 26% of schools had functional accessible washrooms and 50% had ramps with handrails.¹⁵⁹ During a school visit in NCTD, a special educator reported relocating an entire grade 6 class to the ground floor due to the absence of lifts. Further, states with the least accessible schools also showed the lowest enrollment rates for CwDs.¹⁶⁰

While at least some data exists on physical accessibility, functional accessibility-covering learning materials, assistive technologies, inclusive teaching, and adapted assessments- is largely absent in most government schools. Without these supports, schools fail to ensure meaningful inclusion, highlighting the need for a holistic approach to accessibility. In spite of various laws, policies and standards being introduced for accessibility in schools, the implementation of the same is largely lacking in government schools in India.

a) Lack of accountability towards maintaining accessibility standards

¹⁵⁷ MoE, *Press Release* (12 December 2022) <<https://pib.gov.in/PressReleaselframePage.aspx?PRID=1882766>> accessed 29 November 2024.

¹⁵⁸ *Census 2011*.

¹⁵⁹ During a school visit in NCTD, the special educator shared that when a CwD was admitted to a grade 6 classroom located on the first floor, the entire grade 6 class had to be relocated to a ground-floor classroom due to the absence of lift facilities.

¹⁶⁰ MoE, *UDISE+ Report, 2021-22* 141-144.

Despite requirements to comply with the Harmonised Guidelines and the Accessibility Code for Educational Institutions, implementation of accessibility standards in educational institutions remains inadequate. A key issue is the lack of accountability in the legal framework, as the RTE Act, 2009 does not mandate adherence to these standards for school recognition. Section 19 of the RTE Act, 2009 and its Schedule prescribe norms for certification of schools, but lack detailed disability-specific or accessibility requirements beyond a vague reference to "barrier-free access."¹⁶¹ The RTE Act, 2009 does not define "barrier-free access," leaving schools unaccountable for non-compliance with accessibility standards, as certification is unaffected.

The (Model) Rules under the RTE Act, 2009 require only a one-time self-declaration from SMCs on barrier-free access, without specifying its scope or evaluation criteria.¹⁶² As certification isn't tied to maintaining accessibility, schools lack accountability, resulting in poor implementation of accessibility standards.

b) Lack of stakeholder involvement in accessibility improvements in schools

Schools that do not meet accessibility standards require additional funding to incorporate necessary features. While the SSA provides financial support for such improvements, the process of obtaining funds and implementing accessibility features often excludes key stakeholders, such as the SMC and school

¹⁶¹ RTE Act, 2009, sch, cl 2(ii).

¹⁶² MoE, *Model Rules under the RTE Act, 2009* <<https://tinyurl.com/mr2z889c>> accessed 29 November 2024.

administration.¹⁶³ Currently, SMCs report the required accessibility features through a School Development Plan submitted to the PAB, SSA. The Public Works Department then assesses the school's needs, re-conceptualises spaces, and addresses accessibility gaps.¹⁶⁴ However, this process does not involve consultation with the SMC or school administration, resulting in solutions that may not align with the school's actual requirements.

This lack of consultation often leads to the implementation of accessibility features that address only certain aspects, while critical needs for full inclusion are neglected. Without proper input from those managing the school's day-to-day operations, new features may fail to integrate effectively with existing facilities and teaching methods.¹⁶⁵ These improvements frequently fall short of enhancing accessibility and inclusivity.¹⁶⁶

c) Lack of awareness and capacity amongst stakeholders

The RPwD Act, 2016 mandates training for teachers and school staff, and to sensitise school ecosystems to the accessibility needs of CwDs.¹⁶⁷ However, most school stakeholders have a limited understanding of accessibility, focusing on features like

ramps and washrooms, while neglecting functional aspects like curriculum adaptation, ICT, and assistive technology—which are especially necessary for children with intellectual and mental disabilities.¹⁶⁸

Further, educators often struggle to move beyond traditional methods and lack the training, resources, and knowledge to implement inclusive pedagogical practices. Our stakeholder consultations with parents of CwDs revealed that teachers are reluctant to adopt new inclusive approaches due to inadequate training and support.¹⁶⁹

Additionally, school ecosystems are not equipped with sufficient resources or guidance to implement accessibility incrementally. Government functionaries and implementation bodies often lack awareness of comprehensive accessibility standards. For example, Maharashtra's Draft State Curriculum, based on the NCFSE, has been criticised for failing to address the needs of CwDs and adhering to accessibility principles, highlighting the broader gaps in awareness and capacity.¹⁷⁰

¹⁶³ MoE, *SSA Implementation Framework 5.5.6* <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁶⁴ MoE, *SSA Implementation Framework para 14.2.6.6* 237 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁶⁵ *Making Schools Accessible to CwDs*, UNICEF, 2016, 3 <<https://www.unicef.org/india/media/1191/file/Making-Schools-Accessible.pdf>> accessed 29 November 2024.

¹⁶⁶ UNESCO, *Inclusive Education: CwDs, Global Education Monitoring Report Team (2020)* 38 <<https://unesdoc.unesco.org/ark:/48223/pf0000373662>> accessed 29 November 2024.

¹⁶⁷ RPwD Act, 2016, s17(d).

¹⁶⁸ UNICEF, *Making Schools Accessible to CwDs (2016)* 3 <<https://www.unicef.org/india/media/1191/file/Making-Schools-Accessible.pdf>> accessed 29 November 2024.

¹⁶⁹ The issue of lack of capacity of educators to deliver inclusive education has been explored in further detail in the subsequent chapters.

¹⁷⁰ P Smart, 'Maharashtra Curriculum Draft Proposes Using Gita, Manache Shlok for Improving Memorisation of Students' *The Indian Express* (28 May 2024) <<https://tinyurl.com/yr7zpcdc>> accessed 29 November 2024.

Recommendations

I. Link accessibility standards to the recognition and certification of schools	
a.	<p>Recommendation: The DSEL should clarify the meaning and scope of ‘barrier-free access’ for educational institutions, through a notification under the RTE Act, 2009.</p> <p>Such a clarification should define the scope of barrier-free access to include compliance with the applicable accessibility standards, such as the Accessibility Code for Educational Institutes and the Harmonised Guidelines.</p> <p>Commencement timeline: Immediate measure</p> <p>Frequency of implementation: One-time measure</p> <p>Implementing body: DSEL</p>
b.	<p>Recommendation: State Departments of Education should adopt the notification made by the DSEL at the central level. They should amend the respective State RTE Rules to align them with the revised scope of ‘barrier-free access’ and to ensure compliance with the applicable accessibility guidelines.</p> <p>The certification of new schools should be contingent on complying with the revised scope of barrier-free access and the accessibility standards. Similarly, existing schools which do not meet these standards should be provided with a deadline to address any gaps in accessibility features. Failure to comply within this timeframe should result in the suspension of their certification.</p> <p>Commencement timeline: Subsequent measure</p> <p>Frequency of implementation: One-time measure</p> <p>Implementing body: State Departments of Education</p> <p>Monitoring mechanism: SCPCRs</p>
II. Improve data collection on accessibility in schools	
a.	<p>Recommendation: The DSEL should amend the Data Capture Format for UDISE+ to comprehensively measure all aspects of accessibility in schools.</p> <p>The revised Data Capture Format should be aligned to the applicable accessibility guidelines and should measure the availability of physical, curricular, pedagogical and ICT accessibility.</p> <p>Commencement timeline: Immediate measure</p> <p>Frequency of implementation: One-time measure</p> <p>Implementing body: DSEL</p>

<p>b. Recommendation: Schools should use the data collected through the revised Data Capture Format for UDISE+ to identify gaps in accessibility measures and to create a School Development Plan with incremental and gradual interventions.¹⁷¹</p> <p>Include parents and caregivers of CwDs and SMCs to create the School Development Plan and to determine priority interventions for accessibility in schools.</p> <p>Commencement timeline: Subsequent measure</p> <p>Frequency of implementation: Recurrent measure</p> <p>Implementing body: Heads of Schools, SMCs</p> <p>Monitoring mechanism: Block and District Education Officers</p>
<p>c. Recommendation: Data collection and reporting on accessibility by educational institutions should be linked with financial allocation under the SSA.</p> <p>The centralised system (PRABANDH¹⁷²), which records and tracks the financial allocation under the SSA should be directly linked to UDISE+, to identify gaps in accessibility and directly acquire the funds under the SSA for making corresponding accessibility related changes.</p> <p>Commencement timeline: Subsequent measure</p> <p>Frequency of implementation: Recurrent measure</p> <p>Implementing body: The Governing Council, SSA along with the DSEL should ensure the linkage between PRABANDH and UDISE+</p> <p>Heads of Schools should be made responsible for the data collection and reporting on these portals.</p> <p>Monitoring Mechanism: PAB, SSA</p>

III. Include stakeholders in the school ecosystem to improve the implementation of accessibility measures	
<p>a. Recommendation: In order to ensure that the SMCs continue to play an active role in the implementation of accessibility standards (beyond the initial reporting of gaps to the Public Works Department):</p> <ul style="list-style-type: none"> ➤ The DSEL should amend the relevant procedures in the SSA for accessibility related adaptations in schools; or ➤ The MoE should issue a clarification to ensure that SMCs are involved in the process followed by the Public Works Department for making accessibility related changes 	

¹⁷¹ MoE, SSA *Implementation Framework* para 5.2 71
 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁷² MoE, Government of India, *PRABANDH Portal* <<https://samagrashiksha.in/#achievement>> accessed 29 November 2024.

to schools.

- Such an amendment to the SSA or clarification by the MoE, should ensure that procedures for redesigning the school space for accessibility involve SMCs and school administrators at every step.

Commencement timeline: Immediate measure

Frequency of implementation: One-time measure

Implementing body: DSEL and/or Ministry of Education

- b. Recommendation:** The PAB of the SSA should set-up and operationalise a fund for incorporating minor accessibility features (within a certain financial threshold) for providing reasonable accommodations to students with disabilities in schools on a case to case basis.

Such accommodations could include disability-specific teaching-learning materials, teaching aids and assistive devices, accessible sports equipment, etc.

The SMC should be allowed to directly use this fund, without the need for complex approval processes from the PAB of the SSA.¹⁷³ The SMC should be required to provide a post-facto report detailing the allocation and usage of these funds.

Commencement timeline: Immediate measure

Frequency of implementation: One-time measure

Implementing body: PAB, SSA, along with DSEL

Monitoring Mechanism: Governing Council, SSA

IV. Generate awareness and develop the capacity of stakeholders to implement accessibility standards

- a. Recommendation:** Conduct awareness generation and capacity building workshops for educators, Heads of Schools and Block/District Education Officers. Such workshops should cover the importance and need to address barriers to access for CwD and the applicable accessibility guidelines for educational institutions.

Conduct regular and periodic capacity building workshops for educators (special educators and regular school teachers) on inclusive pedagogical practices for students with different disabilities, and the use ICT tools for pedagogical and curricular accessibility.

BRCs and CRCs should ensure that they are able to support educators to develop and implement inclusive pedagogical and classroom practices. BRCs and CRCs should be

¹⁷³ The SSA already has a provision to allow SMCs to take *suo moto* actions for accessibility in schools, costing up to INR 30 lakh. MoE, *SSA Implementation Framework* para 5.7, 78 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

adequately staffed with physiotherapists, occupational therapists, speech therapists, clinical psychologists and other such experts to support educators to deliver inclusive education.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: DIETs and SCERTs, in collaboration with CSOs; BRCs and CRCs

Monitoring mechanism: Periodic reports submitted to SCPCR

V. Expand the understanding of accessibility in school environments to include curricular modifications

- a. **Recommendation:** SCERTs should develop accessible course curricula and e-content specific to students with different disabilities (including STEM courses, co-curricular and extracurricular activities), in line with the NCFSE.

SCERTs should also allow schools to further adapt and modify the curriculum as per needs of CwDs, integrating assistive digital technology into teaching practices.¹⁷⁴

In order to adapt the curriculum, schools should collaborate with qualified professionals and special educators to design differentiated curricula, accessible teaching-learning materials, multi-sensory approaches, and applications of accessible technology.¹⁷⁵

Commencement timeline: Immediate measure

Frequency of implementation: One-time measure (with periodic monitoring)

Implementing body: SCERTs, in collaboration with CSOs

Monitoring Mechanism: NCERT to review state-wise progress, in collaboration with SCERTs.

¹⁷⁴ NCERT, NCFSE (2023) <https://ncert.nic.in/pdf/NCFSE-2023-August_2023.pdf> accessed 29 November 2024.

¹⁷⁵ MoE, *National Guidelines and Implementation Framework on Equitable and Inclusive Education* para 2.6.10, 24 <https://dsel.education.gov.in/sites/default/files/guidelines/NGIFEIE_dosel.pdf> accessed 29 November 2024.

Chapter 4: Empowering Educators for Inclusive Education

“Teachers and staff in the general schools [should] be given compulsory training and [should be] sensitised to handle the [CwDs] in the general schools”¹⁷⁶

Creating accessible school environments is an essential step toward inclusive education, but it alone is insufficient to improve learning outcomes for CwDs. Beyond physical and functional accessibility, the role of educators is critical. They must adapt teaching methods, foster an inclusive classroom culture, and provide individualized support to meet the diverse needs of CwDs. As primary facilitators of learning, their ability to create supportive and adaptive environments directly impacts

the inclusion and progress of CwDs.¹⁷⁷

To ensure CwDs are not only retained in schools but also thrive academically and socially, schools must prioritize building the capacity of educators. This includes recruiting sufficient special educators and equipping regular teachers with comprehensive training on inclusive education. A focus on empowering educators is vital to creating an education system that truly supports all learners.

Legal framework

International and National Laws and Rules

UNCRPD

The UNCRPD¹⁷⁸ and the RPwD Act, 2016¹⁷⁹ affirm India’s commitment to employing qualified teachers and training education professionals to ensure the realisation of the right to education for CwDs. This training must include disability awareness and the use of augmentative communication methods, educational techniques, and materials.

RPwD Act, 2016

The RPwD Act, 2016 mandates appropriate government and local authorities to establish teacher training institutions¹⁸⁰ and train staff to support inclusive education.¹⁸¹ It not only covers the training of special educators, but also emphasises on the need to build the capacity of regular teachers to support the special educators in delivering inclusive education.

RTE Act, 2009

The Schedule of the RTE Act, 2009 specifies the minimum PTR for all government schools.¹⁸² However, it did not include the ratio of special educators to CwDs until the Supreme Court's judgement in *Rajneesh Kumar*

¹⁷⁶ *Rajneesh Kumar Pandey v Union of India and Ors.* 2021 SCC OnLine SC 1005 (28 October 2021).

¹⁷⁷ CBSE, *Handbook of Inclusive Education* (2020) 64 <<https://tinyurl.com/4uakva8>> accessed 29 November 2024.

¹⁷⁸ RPwD Act, 2016, ss 17(c), (d), (f).

¹⁷⁹ UNCRPD (adopted 13 December 2006, entered into force 3 May 2008) art 24(4).

¹⁸⁰ RPwD Act, 2016, s17(b).

¹⁸¹ RPwD Act, 2016, s17(d).

¹⁸² This ratio is currently 30:1 for primary levels and 35:1 for secondary levels of school education. RTE Act, 2009, Sch (Norms and Standards for a School).

*Pandey v. Union of India and Ors.*¹⁸³ Subsequently, the RTE Act, 2009 was amended to mandate a ratio of one special educator for every 10 CwDs studying in classes 1 to 5, and 15 CwDs studying in classes 6 to 8.¹⁸⁴

Rehabilitation Council of India Act, 1992 The Rehabilitation Council of India Act, 1992 set up the RCI to regulate and monitor the training programmes for disability rehabilitation and special education. The RCI prescribes standards for training and education for special educators and maintains a register of certified special educators.¹⁸⁵

National Policies

NEP 2020 The NEP 2020 highlights the need to recruit special educators skilled in subject teaching and supporting diverse disabilities. It recommends better coordination between the NCTE and RCI to ensure sufficient qualified educators and mandates inclusive education training in all B.Ed. programs for regular teachers.¹⁸⁶

SSA The SSA provides financial support for special educators' honorarium/salary to address CwDs' educational needs from elementary to higher secondary levels.¹⁸⁷ It mandates comprehensive pre-service and in-service training for all educators, covering cross-disability teaching, screening, and IEPs, in B. Ed. courses—delivered at block/cluster levels through BRCs, DIETs, SCERTs.¹⁸⁸

Key Issues

Despite the amendment to the RTE Act, 2009 mandating PTR for special educators, dropout rates for CwDs have remained high due to the low quality of education in government schools.¹⁸⁹

This stems from: (a) a chronic shortage of special educators, (b) rigid adherence to PTRs without considering CwDs' diverse needs, and (c) inadequate support from regular teachers lacking proper training.

¹⁸³ The Supreme Court observed that since the 2012 amendment of the RTE Act, 2009, the Central Government had not notified the corresponding PTR for CwDs and directed the Central Government to notify the PTR for special educators to CwDs in all government schools. *Rajneesh Kumar Pandey v Union of India and Ors.* 2021 SCC OnLine SC 1005 (28 October 2021).

¹⁸⁴ MoE, *Amendment to the Right of Children to Free and Compulsory Education Act* (Gazette Notification No. S.O. 4586(E), 21 September 2022) <https://dsel.education.gov.in/sites/default/files/rte/Gazette_rte.pdf> accessed 29 November 2024.

¹⁸⁵ Rehabilitation Council of India Act, 1992, s3.

¹⁸⁶ MoE, NEP 2020 para 5.24, 23.

¹⁸⁷ MoE, SSA *Implementation Framework* para 9.4.4 76 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁸⁸ MoE, SSA *Implementation Framework* para 9.4.5 147 <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 29 November 2024.

¹⁸⁹ S. Roy, *60% specially-abled students drop out due to teachers' shortage*, 13 July 2023, available at: <https://timesofindia.indiatimes.com/city/jaipur/60-specially-abled-students-drop-out-due-to-teachers-shortage/articleshow/101713214.cms>.

a) Shortage of trained special educators in government schools

The Census 2011 recorded 22.66 lakh CwDs in India,¹⁹⁰ requiring approximately 4.36–6.57 lakh special educators to meet the mandated PTR of one special educator for every 15 CwDs.¹⁹¹ However, according to UDISE+ 2021-22 data, only 1.33 lakh special educators are currently employed,¹⁹² with 13 out of 36 states and UTs failing to meet the minimum ratio.¹⁹³ Despite SSA financial assistance for hiring special educators, many schools continue to face significant shortages due to several systemic issues.¹⁹⁴

One major challenge is the complex and inconsistent recruitment process for special educators. While registration with the RCI is a standard requirement, states often impose additional criteria that vary widely and are often onerous. For instance, in September 2023, the GNCTD announced a recruitment drive for 147 special educator positions,¹⁹⁵ but the

¹⁹⁰ Census 2011.

¹⁹¹ Pacta, *State of Special Educators in India – A Data Narrative Compelling Urgent Action* (June 2024) 17
<https://www.pacta.in/Special_Educators_in_India.pdf> accessed 29 November 2024.

¹⁹² However, there are 1.66 lakh special educators registered with the RCI. Lok Sabha, Unstarred Question No. 247, answered on 5 December 2023
<<https://sansad.in/getFile/loksabhaquestions/annex/1714/AU247.pdf?source=pqals>> accessed 29 November 2024.

¹⁹³ Pacta, *State of Special Educators in India – A Data Narrative Compelling Urgent Action* (June 2024) 22
<https://www.pacta.in/Special_Educators_in_India.pdf> accessed 29 November 2024.

¹⁹⁴ MoE, *SSA Implementation Framework* para 9.4.7, 149–150.

¹⁹⁵ GNCTD *Public Notice No. F.318/DDE(IEB)/Admn.Cell/2023/7591-7596* (27 September 2023)
<https://www.edudel.nic.in/upload/upload_2023_24/7591_96_dt_27092023.pdf> accessed 29 November 2024.

stringent qualification requirements led to most candidates failing to qualify. This creates a significant barrier to recruitment, leaving many posts vacant even when registered special educators are available.¹⁹⁶

Further, the lack of permanent positions for special educators exacerbates the issue. Many are hired on temporary contracts or as guest teachers on daily wages, offering no job security or long-term benefits.¹⁹⁷ This precarious employment arrangement discourages special educators from applying for positions in government schools, further contributing to the shortage.¹⁹⁸ As a result, schools are unable to meet the mandated ratio, leaving many CwDs without the necessary support for inclusive education.

b) Rigidity in following the mandated PTRs

Since the notification of PTRs in 2012, schools have prioritised meeting the mandated PTR of one special educator for every 10 to 15 CwDs on paper, without considering the specific needs of students or the expertise required of educators.¹⁹⁹ This rigid, numbers-focused approach fails

¹⁹⁶ Our consultation with a special educator in NCTD revealed that their application for the position of ‘special education teacher’ in a GNCTD school was rejected because they did not meet the ‘work experience’ criteria.

¹⁹⁷ GNCTD *Public Notice No. F.318/DDE(IEB)/Admn.Cell/2023/7591-7596* (27 September 2023)
<https://www.edudel.nic.in/upload/upload_2023_24/7591_96_dt_27092023.pdf> accessed 29 November 2024.

¹⁹⁸ ‘Child Right Panel Issues Notice to 151 Pvt Schools for Not Hiring Special Educators’ (Hindustan Times, 30 August 2019)
<<https://tinyurl.com/2s3ae9x9>> accessed 29 November 2024.

¹⁹⁹ Our stakeholder consultation with a special educator revealed that their training is often limited to one or two types of disabilities, and school placements are not aligned with their areas of specialisation.

to account for the diverse and significant variations in support needs based on disability type. For instance, children with intellectual disabilities, autism, or deaf-blindness require far more specialised and individualised assistance than the current PTR model accommodates.

The Delhi SCPD recognised this issue in *Ms. Reshma Parveen v. The Director, Directorate of Education*, emphasising that meeting numerical PTRs alone is insufficient.²⁰⁰ It recommended disability-specific PTRs, such as 1:8 for children with cerebral palsy, 1:5 for those with intellectual disabilities or autism, and 1:2 for children who are deaf-blind. Such PTRs better reflect the intensive support required by some disabilities. Despite this, hiring practices in government schools remain rigid and fail to account for the specific needs of students or the expertise required of special educators.²⁰¹

Special educators are often recruited as generalists and expected to support students with a broad range of disabilities. Many lack the specialised training needed to address unique challenges, such as teaching braille to children with visual impairments, using augmentative communication devices for children with speech and language disabilities, or managing sensory and behavioral needs in children with autism. As a result, schools adopt a one-size-fits-all approach, grouping all CwDs together in a single classroom or

resource room.²⁰² This practice perpetuates segregation and isolates CwDs rather than fostering an inclusive learning environment.

Treating disabilities as a homogeneous category undermines the quality of inclusive education. Each disability presents unique educational barriers, and the current system fails to address this diversity. This mismatch between student needs and teacher expertise results in inadequate support, poor learning outcomes, and an increased likelihood of dropout among CwDs, ultimately compromising the promise of inclusive education.

c) Inadequate training and capacity building for all educators

The RPwD Act, 2016 mandates training for teachers at all levels to support inclusive education,²⁰³ including embedding inclusive modules into pre-service B.Ed. programs and providing regular in-service training and upskilling opportunities.²⁰⁴ However, these programs are often inadequate and ineffective, leaving many regular teachers unprepared to identify, assess, and meet the diverse learning needs of CwDs.²⁰⁵ A 2016 study highlighted significant gaps in teacher training programs, particularly in curriculum content, teaching practice, and

²⁰⁰ Delhi SCPD, *Case No. 824/1014/2019/04/9072-84* (31 December 2019).

²⁰¹ DEPwD, *Model Recruitment Rules for the Rehabilitation Professionals and Personnel under RCI* (12 May 2021) <https://rehabcouncil.nic.in/sites/default/files/Circular_MRR_202105.pdf> accessed 29 November 2024.

²⁰² S Sachdeva, 'Why Special Education in India Needs 'Top-to-Bottom' Reform' (News 360, 23 February 2024)

<<https://news.careers360.com/special-education-disability-policy-funds-teacher-recruitment-school-autism>> accessed 29 November 2024.

²⁰³ RPwD Act, 2016, s17(d).

²⁰⁴ MoE, *SSA Implementation Framework* para 9.4.5, 147.

²⁰⁵ UNICEF, *Disability Inclusive Education Practices in India* (2021) 27 <<https://www.unicef.org/rosa/media/16996/file/Country%20Profile%20-%20India.pdf>> accessed 29 November 2024.

lesson planning.²⁰⁶ The absence of inclusive pedagogy in pre-service training has created a teaching workforce that lacks the necessary knowledge and skills to deliver effective support for CwDs in inclusive classrooms.

While some states have issued guidelines emphasising the shared responsibility of regular teachers and special educators,²⁰⁷ many regular teachers still view special educators as solely responsible for the education of CwDs.²⁰⁸ This misconception stems from insufficient exposure to disability identification and inclusive teaching strategies during teacher training. Furthermore, recruitment criteria for regular teachers often fail to mandate any specialisation in inclusive education, perpetuating these gaps.²⁰⁹ Although occasional in-service training programs exist, they are sporadic and fail to motivate regular teachers to collaborate effectively with special educators.

Biases within the education system compound these challenges. Teachers and

other stakeholders often hold differing views on which disabilities can be included in mainstream classrooms. Physical disabilities are more likely to be accommodated, while severe or complex disabilities, such as autism or multiple disabilities, are often excluded due to misconceptions about their ability to integrate into regular classrooms.²¹⁰

Even when training is provided, its implementation faces practical challenges. Many schools lack the essential teaching-learning aids and adaptive materials necessary for inclusive pedagogy, such as accessible books, assistive technologies, and sensory-friendly tools. Without these resources, teachers struggle to apply their training effectively.²¹¹ Additionally, teachers are often overburdened with multiple administrative responsibilities, and large class sizes, leaving them with little time to plan and implement inclusive lesson plans. These systemic barriers, coupled with stakeholder biases and inadequate support, hinder the empowerment of educators and the realisation of inclusive learning environments for CwDs.

²⁰⁶ B Kaushik, 'Are the Pre-Service Teacher Training Degree Courses Preparing Teachers for Addressing the Needs of Inclusive Classrooms?' (2016) 7(3) *Educational Quest: An International Journal of Education and Applied Social Sciences* 261-274 <<https://tinyurl.com/425eey5r>> accessed 29 November 2024.

²⁰⁷ Directorate of Education, GNCTD, Order No. F.11/DDE(IEDSS)/Admn.Cell/2015/1218-1224 <https://www.edudel.nic.in/welcome_folder/inclusive_education/10.pdf> accessed 29 November 2024.

²⁰⁸ Our stakeholder consultations revealed that most regular teachers are unaware of their role in supporting inclusion in classrooms.

²⁰⁹ GNCTD, Public Notice No. F.318/DDE(IEB)/Admn.Cell/2023/7591-7596 on Drawing a Panel of Special Education Teachers & Posts of Inclusive Education Cadre in DoE (27 September 2023) <https://www.edudel.nic.in/upload/upload_2023_24/7591_96_dt_27092023.pdf> accessed 29 November 2024.

²¹⁰ Our stakeholder consultations with special educators revealed that children with benchmark or multiple disabilities are often compelled by mainstream schools to seek admission in special schools, as they lack the necessary facilities to support these students.

²¹¹ A Das and AB Kuyini, 'Inclusive Education in India: Are the Teachers Prepared?' (2013) 28 *International Journal of Special Education* 38.

Recommendations

I. Ensure adequate recruitment of trained special educators in schools

- a. **Recommendation:** State governments should simplify and streamline the recruitment process for special educators by linking qualification criteria to registration with RCI.

As noted by the Delhi High Court in *Syed Mehedi v. GNCTD of Delhi & Ors.*,²¹² state governments should remove onerous criteria for recruitment of special educators (such as a blanket prescription of upper age limits and strict work experience requirements).

State governments should ensure that temporary appointments of special educators are converted into permanent positions after evaluating their performance over a fixed period of time.

Commencement timeline: Immediate measure

Frequency of implementation: State Departments of Education

Implementing body: DSEL (at the central level)

Monitoring mechanism: Periodic reporting to the DSEL on the status of recruitment of special educators

- b. **Recommendation:** State Departments of Education should adopt the notification made by the DSEL at the central level. They should amend the respective State RTE Rules to align them with the revised scope of 'barrier-free access' and to ensure compliance with the applicable accessibility guidelines.

The certification of new schools should be contingent on complying with the revised scope of barrier-free access and the accessibility standards. Similarly, existing schools which do not meet these standards should be provided with a deadline to address any gaps in accessibility features. Failure to comply within this timeframe should result in the suspension of their certification.

Commencement timeline: Subsequent measure

Frequency of implementation: One-time measure

Implementing body: State Departments of Education

Monitoring mechanism: SCPCRs

²¹² *Syed Mehedi v. GNCTD* W.P.(C) 1200/2016 (2 July 2019, Delhi High Court) <https://www.livelaw.in/pdf_upload/pdf_upload-361862.pdf> accessed 29 November 2024.

*Syed Mehedi v. GNCTD & Ors.*²¹³

The issue of recruitment criteria for special educators was addressed by the Delhi High Court in *Syed Mehedi v. GNCTD & Ors.*, where the petitioner requested for an age relaxation to qualify for the post of a special educator in the NCTD. The Delhi High Court found that while the government has the prerogative to set recruitment criteria for special educators, it must allow for exceptions, especially when addressing the educational needs of CwDs. The court directed the government to allow the age relaxation and mandated that some relaxation should be applied to future recruitments for special educators, in order to address the significant shortfall.

II. Ensure flexibility in the PTR to allow schools to hire special educators based on the needs of the CwDs

- a. **Recommendation:** Heads of Schools should collect data and report to the State Departments of Education on the varying needs of students with different disabilities enrolled in their school.²¹⁴

State Departments of Education should collate such data and determine vacancies for special educators based on their specialisations and expertise.

State Departments of Education should hire and deploy special educators as per the specific disabilities of the students in different schools.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: Heads of Schools and State Departments of Education

Monitoring mechanism: DSEL

III. Improve pre-service training of regular teachers

- a. **Recommendation:** Inclusive education should be made a mandatory component in all teacher training programs, to ensure that regular teachers are also adequately equipped to support CwDs.

Existing teacher training institutes should evaluate their training programmes for regular teachers (B. Ed. and diploma courses) to evaluate its compliance with inclusive education practices.

²¹³ *Syed Mehedi v GNCTD W.P.(C) 1200/2016 (2 July 2019, Delhi High Court)* <https://www.livelaw.in/pdf_upload/pdf_upload-361862.pdf> accessed 29 November 2024.

²¹⁴ Such reporting can be done through the existing data collection platform for schools, UDISE+.

Such programmes should focus on pedagogical methods and classroom processes tailored to CwDs, and should have an internship component for hands-on training in inclusive education.²¹⁵

Commencement timeline: Immediate measure

Frequency of implementation: One-time measure

Implementing body: NCTE, in coordination with NIEPA²¹⁶

Monitoring mechanism: Periodic reports sent to the DSEL

IV. Improve the in-service training of all regular teachers

- a. **Recommendation:** Make inclusive education a mandatory part of Continuous Rehabilitation Education²¹⁷ for all regular teachers in schools.

Offer incentives to teachers who complete comprehensive inclusive education training. Similarly, test teachers on their knowledge in inclusive education as part of their performance-based evaluation.²¹⁸

Special educators, rehabilitation professionals and CSOs should conduct workshops for regular teachers on inclusive education and provide ongoing assessments and feedback on inclusive classroom practices.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: State Departments of Education

Monitoring mechanism: DSEL

V. Equip BRCs and CRCs to support inclusive education

- a. **Recommendation:** Ensure that BRCs and CRCs have modified teaching materials, assistive devices, and rehabilitation professionals for conducting training programmes

²¹⁵ P Kumari and others, 'Focusing Inclusive Education in Teacher Training Programmes in India' (2018) 6(1) *International Journal of Creative Research Thoughts* <<https://www.ijcrt.org/papers/IJCRT1802724.pdf>> accessed 29 November 2024.

²¹⁶ MoE, *SSA Implementation Framework* para 14.23, 251.

²¹⁷ Continuous Rehabilitation Education is a series of training programmes for educators to update and upgrade their knowledge and skills on a continuing basis after completing their formal degree programmes and joining a school as an educator.

²¹⁸ Rubrics for performance-based evaluation for teachers (such as the PINDICS) should include testing them on components of inclusive education. NCERT, *Performance Indicators (PINDICS) for Elementary School Teachers Guidelines* (2013) <<https://www.ncert.nic.in/dte/pdf/PINDICS.pdf>> accessed 29 November 2024.

for regular teachers on inclusive education.²¹⁹

Train BRC and CRC personnel to visit schools and monitor inclusive education interventions, with regular reporting to Block Education Officers.

BRCs and CRCs should develop materials and short videos for regular teachers on the importance of inclusive education.

Commencement timeline: Immediate measure

Frequency of implementation: Recurrent measure

Implementing body: State Departments of Education

Monitoring mechanism: DSEL

²¹⁹ MoE, *SSA Implementation Framework* para 9.4.6, 147.

Chapter 5: Reasonable Accommodation for Students with Disabilities

“Under [the] rights-based and disabled-centric conceptualization of reasonable accommodation [under the RPwD Act, 2016], a failure to provide reasonable accommodation constitutes discrimination.”²²⁰

Addressing accessibility barriers and building the capacity of educators are essential steps toward creating inclusive schools for CwDs. However, these measures alone cannot cater to the individualised and diverse learning needs of every child with a disability. To ensure equitable and meaningful inclusion, schools must provide reasonable accommodations—customized adjustments that enable CwDs to access and participate in education on an equal basis with their peers. These accommodations include flexible curricula and assessments, assistive devices, accessible teaching-learning materials, and services such as scribes, transportation, rehabilitation therapy, and escort support.²²¹

Reasonable accommodations bridge the gap between systemic support and the specific needs of students with disabilities, fostering an inclusive educational environment. Despite their importance, the provision of such accommodations in schools is often inconsistent, fragmented, and heavily reliant on exam-centric policies. Many accommodations, such as curricular adaptations and daily classroom support, are either absent or limited to a narrow set of disabilities. This chapter explores the critical role of reasonable accommodations in inclusive education, highlighting the gaps in their implementation and the systemic barriers that hinder their availability to CwDs.

Legal framework

International and National Laws and Rules

UNCRPD The UNCRPD defines reasonable accommodations as necessary and appropriate modifications or adjustments required in specific cases, provided they do not impose a disproportionate or undue burden.²²² These accommodations are essential to enable persons with disabilities to enjoy or exercise their human rights and fundamental freedoms on an equal basis with others. The UNCRPD further emphasizes that inclusive education cannot be achieved without the provision of reasonable accommodations,²²³ and any denial of such accommodations constitutes discrimination against CwDs.²²⁴

RPwD Act, 2016 The RPwD Act, 2016 defines reasonable accommodation as necessary and appropriate modifications and adjustments made in specific cases to ensure that persons with disabilities can enjoy or exercise their rights equally with others,

²²⁰ *Vikash Kumar v. Union Public Service Commission* (2021) AIR 2021 SC 2447 (SC).

²²¹ MoE, *National Guidelines and Implementation Framework on Equitable and Inclusive Education* para 3.1.2, 31 <https://dsel.education.gov.in/sites/default/files/guidelines/NGIFEIE_dosel.pdf> accessed 29 November 2024.

²²² UNCRPD (adopted 13 December 2006, entered into force 3 May 2008) art 2.

²²³ UNCRPD (adopted 13 December 2006, entered into force 3 May 2008) art 24(2)(c).

²²⁴ UNCRPD (adopted 13 December 2006, entered into force 3 May 2008) art 2.

without imposing a disproportionate or undue burden. It further outlines measures to promote and facilitate inclusive education, specifying reasonable accommodations to ensure that the right to education for CwDs is realized without discrimination.²²⁵ These include curriculum and examination modifications, such as extra time for exams, the provision of scribes or amanuenses, and exemptions from second and third language requirements.²²⁶ Additionally, it mandates transportation facilities for CwDs with high support needs and their attendants.²²⁷

National Policies and Schemes

- NEP 2020** The NEP 2020 requires all participants in the education ecosystem, including teachers, heads of schools, counsellors, and students, to be sensitised to the requirements of CwDs and the accommodations to be provided to them.²²⁸
- SSA** The SSA directs state governments to map the requirements of CwDs through IEPs and provides financial support for specific interventions such as transportation, scribe allowances, language-appropriate teaching learning materials, rehabilitation and therapeutic services, aids, appliances and assistive devices.²²⁹
- CBSE Guidelines** The CBSE has notified various reasonable accommodations that should be made while conducting X and XII grade examinations for students with disabilities.²³⁰ The circular also specifies which accommodations are applicable to each disability under the RPwD Act, 2016 and the extent to which such reasonable accommodations will apply in each case. Various State Departments of Education have either adopted the CBSE notification for providing reasonable accommodations in government schools²³¹, or have included some reasonable accommodations in their State examination manuals or regulations.²³²

²²⁵ RPwD Act, 2016, s17.

²²⁶ RPwD Act, 2016, s17(i).

²²⁷ RPwD Act, 2016, s16(viii).

²²⁸ MoE, NEP 2020 para 6.19, 28.

²²⁹ MoE, *SSA Implementation Framework* para 9.4.1, 145.

²³⁰ CBSE, *Circular No. CBSE/COORD/112233/2018: Exemptions/Concessions Extended to PwBDs for Class X & XII Examinations Conducted by the CBSE and Standard Operating Procedure* (26 December 2018) <https://www.cbse.gov.in/cbsenew/Examination_Circular/2018/3_CIRCULAR.pdf> accessed 29 November 2024.

²³¹ GNCTD, *Circular No. DE.5/43/04/Exam/2018/249-53* (11 February 2020) <https://www.edudel.nic.in/welcome_folder/inclusive_education/7.pdf> accessed 29 November 2024.

²³² The following states have some provisions for reasonable accommodations in their exam manuals or regulations: Karnataka, *Karnataka Secondary Education Examination Board Regulations, 1966*; Kerala, *Manual of Higher Secondary Examinations, 2022*; Himachal Pradesh, *Himachal Pradesh Board of School Education Notification No. HB (39) Academic/File No. 26/Vol-II/CwSN/2022-7165-7264* (4 February 2022); Haryana, *Haryana Board of School Education (Examination Rules and Regulations)*.

Key Issues

Interactions with parents and caregivers of CwDs highlight significant challenges in accessing the reasonable accommodations guaranteed under the RPwD Act, 2016.²³³ Despite legal mandates, many students with disabilities struggle to obtain the necessary support due to the piecemeal and inconsistent provision of accommodations in schools. These accommodations, intended to address the diverse and individualised learning needs of CwDs, are often applied narrowly or inadequately, leaving critical gaps in support for many students.²³⁴

Moreover, a lack of awareness and understanding among key stakeholders, including school administrators, educators, and support staff, exacerbates these challenges. Stakeholders are unfamiliar with the full scope of reasonable accommodations or fail to recognise their importance in ensuring equal educational opportunities. As a result, legitimate requests for accommodations are frequently denied or only partially fulfilled. These systemic barriers undermine the intent of the RPwD Act and hinder the realization of a truly inclusive educational environment, as explored in this chapter:

a) Piecemeal provision of reasonable accommodations in schools

Reasonable accommodations are vital for achieving substantive equality for CwDs, as

they ensure that education systems adapt to meet the diverse and individualized needs of all students. These accommodations must extend to every aspect of education, including curriculum adaptations, teaching practices, assessments, and daily learning activities.

However, currently the provision of reasonable accommodations remains predominantly exam-focused, often neglecting the broader needs of CwDs. Policies and guidelines across states and school boards fail to address critical aspects of daily learning, such as inclusive teaching methods, assistive technologies, and individual learning plans.²³⁵ Even when states extend reasonable accommodations beyond high-stakes examinations,²³⁶ they remain limited to certain disabilities or grade levels, leaving many students without the assistance they need.²³⁷ As a result, CwDs in lower grades often struggle, lacking the foundational support to succeed. When accommodations are eventually offered for Grade X or XII examinations, they often come too late, as

²³⁵ For instance, Kerala, Himachal Pradesh, and Haryana only grant reasonable accommodations during examinations, through the *Manual of Higher Secondary Examinations, 2022* in Kerala, the *Himachal Pradesh Board of School Education Examination Regulations* in Himachal Pradesh, and the *Haryana Board of School Education (Examination Rules and Regulations)* in Haryana, respectively.

²³⁶ 'Karnataka Government Provides Exemptions in Exams for Differently-Abled Students of Classes I to IX' *The Hindu* (7 December 2023) <<https://tinyurl.com/39pv4vzr>> accessed 29 November 2024.

²³⁷ The Karnataka Secondary Education Examination Board Regulations, 1966, only recognise certain disabilities, such as visual impairments, intellectual disabilities, and dyslexia, while excluding many others acknowledged under the RPwD Act 2016.

²³³ Our stakeholder consultations with parents and caregivers of CwDs revealed that most schools are either unaware of the reasonable accommodations to be provided to CwDs or reluctant to offer additional support, fearing that such measures may facilitate cheating during assessments and examinations.

²³⁴ Jhanavi TR, 'Finding a Scribe More Stressful Than Exam Itself for Students with Disabilities' *The Hindu* (17 March 2023) <<https://tinyurl.com/2yrtnpc7>> accessed 29 November 2024.

students have not been acclimated to using these supports.

Courts have intervened in several instances to address these gaps. For example, the Supreme Court of India has ruled that denying accommodations such as scribes or compensatory time during examinations constitutes discrimination and violates principles of substantive equality.²³⁸ Additionally, courts have mandated measures like curriculum modifications, transportation allowances²³⁹, and other supports²⁴⁰ necessary to provide equal opportunities for CwDs.²⁴¹ Despite these legal precedents, such interventions remain the exception rather than the norm, highlighting systemic failures in implementing comprehensive and consistent accommodations.

b) Lack of awareness regarding provision of reasonable accommodations

Students with disabilities are often denied reasonable accommodations due to inconsistent policies and guidelines. However, this is worsened by a lack of awareness among school administrators and educators, leading to frequent denial of valid requests.²⁴² For instance, the CBSE has noted that many schools are unaware of exemptions and support available to CwDs during examinations.²⁴³ Schools rely

heavily on government circulars and guidelines, limiting accommodations to those explicitly mentioned, even when the RPwD Act, 2016 mandates tailored accommodations for CwDs.²⁴⁴

Beyond examinations, daily classroom accommodations - such as curriculum adaptations, teaching method adjustments, or assistive devices - are often ignored. For example, while GNCTD has adopted the CBSE guidelines on reasonable accommodations, NCTD schools frequently deny requests for accommodations outside of examinations like flexible curricula or alternative assessments.²⁴⁵

Without proper training on the RPwD Act, 2016 framework, educators and administrators fail to recognise necessary accommodations beyond high-stakes exams. This focus on exam-specific support, without comprehensive day-to-day accommodations, undermines inclusive education and violates legal obligations under the RPwD Act, 2016.

²³⁸ *Vikash Kumar v. Union Public Service Commission* (2021) AIR 2021 SC 2447 (SC).

²³⁹ *Manish Lenka v. Union of India* (2023) W.P.(C) 14032/2022 (Delhi High Court).

²⁴⁰ *Avni Prakash v. National Testing Agency and Ors.* (2021) 2021 SCC Online SC 1112 (SC).

²⁴¹ *Blessen Baby (Minor) v. State of Kerala* (2020) 2020 SCC Online Ker 714 (Kerala High Court).

²⁴² CCPD, Case No. 9391/1041/2018, Order dated 20 August 2018 <<http://www.ccdisabilities.nic.in/sites/default/files/2021-09/08order18.pdf>> accessed 29 November 2024.

²⁴³ CBSE, Circular No. CBSE/COORD/112233/2018 <<https://www.cbse.gov.in/cbsenew/Examatio>

n_Circular/2018/3_CIRCULAR.pdf> accessed 29 November 2024.

²⁴⁴ CCPD, Case no. 11616/1040/2019, Order dated 10 September 2020 <<https://cdnbbsr.s3waas.gov.in/s39fb7b048c96d44a0337f049e0a61ff06/uploads/2024/08/20240808695267062.pdf>> accessed 29 November 2024.

²⁴⁵ Anonna Dutt, 'Delhi Schools Deny Admission to Students with Disabilities: Education Department Issues Guidelines' *The Indian Express* (25 May 2022) <<https://indianexpress.com/article/cities/delhi/delhi-school-admission-disability-education-department-7922951/>> accessed 29 November 2024.

Recommendations

I. Convergence and uniformity in guidelines on reasonable accommodations	
a.	<p>Recommendation: DSEL, in collaboration with State Departments of Education, should:</p> <ul style="list-style-type: none">➤ Draft and issue comprehensive guidelines on reasonable accommodations for students with different disabilities.➤ The guidelines should specify that reasonable accommodations are to be provided on a case by case basis, tailored to the individual needs of CwDs. They should also clarify that the examples of reasonable accommodations provided in the guidelines are indicative, and not exhaustive.➤ Such guidelines should be extended to cover CwDs across all grades, and should not be limited to grade X and XII examinations. Similarly, they should apply to all disabilities recognised by the RPwD Act, 2016.➤ Students who do not have benchmark disabilities but can demonstrate a legitimate need for reasonable accommodations should be granted access to these supports as well. Schools should be encouraged to collaborate with medical professionals, parents, and CwDs themselves to accurately assess their needs and provide suitable accommodations in a timely manner.➤ The guidelines should also include provisions for reasonable accommodations beyond examinations, such as in classroom teaching and assessments, attendance requirements, curricular modifications etc.➤ The guidelines should be reviewed periodically in order to update them based on research, advancement in technology and better understanding of various disabilities. <p>Commencement timeline: Immediate measure</p> <p>Frequency of implementation: One-time measure</p> <p>Implementing body: DSEL, in collaboration with State Departments of Education and CBSE</p> <p>Monitoring mechanism: MoE</p>
b.	<p>Recommendation: In order to ensure uniformity in the provision of reasonable accommodations across states, all State Departments of Education should adopt these guidelines on the indicative types of reasonable accommodations for CwDs.</p> <p>Commencement timeline: Subsequent measure</p> <p>Frequency of implementation: One-time measure</p> <p>Implementing body: State Departments of Education</p> <p>Monitoring mechanism: DSEL</p>

American Psychological Association- Toolkit for Reasonable Accommodation (2012)²⁴⁶

This toolkit is developed as an aid to educators, in order to operationalise the rights provided to PwDs under the Americans with Disabilities Act of 1990. It provides specific examples of accommodation that can be made by educational institutions for evaluations and examinations, based on the type of disability of the student (low vision, blindness, hearing loss, learning disability, motor impairment, speech impairment etc.)

Some of the reasonable accommodations suggested during examinations for students with disabilities are:

- Modifying testing and assessment materials based on specific needs of students with disabilities
- Adjusting the environment (e.g., adding supplemental lighting) to facilitate ease of communication
- Providing an alternative, quiet testing location
- Providing test materials in alternative formats
- Allowing extra time to complete the examination
- Providing reading or scribe services
- For students who are blind, accommodations may include tests given in electronic formats, Braille or on audiotape
- For students with mobility disabilities, providing accessible seating, scribes, extended test-taking time and electronic versions of the test are effective accommodations

The toolkit also includes a testing handbook for examiners²⁴⁷, which is a guiding tool in determining what accommodations should be provided and examine reasonable accommodations as a diversity and inclusion issue.

II. Conduct awareness generation sessions on reasonable accommodations

- a. **Recommendation:** The State Departments of Education should organise awareness generation programs for school administrators and educators, emphasising the importance of providing reasonable accommodations to CwDs and detailing the various types of accommodations available to CwDs in schools.

Train special educators and regular school teachers on the procedures for availing reasonable accommodations, enabling them to inform CwDs about their rights and assist them in the application process and grievance redressal.

Provide training for special educators and regular school teachers on the framework of the RPwD Act, 2016 and on delivering reasonable accommodations in classrooms, including developing IEPs, adapting curricula, making special seating arrangements, and using assistive devices.

²⁴⁶ American Psychological Association, *Disability Resource Toolkit: Three* <<https://www.apa.org/pi/disability/dart/toolkit-three>> accessed 29 November 2024.

²⁴⁷ American Psychological Association, *Testing Accommodations Handbook* <<https://www.apa.org/pi/disability/resources/publications/testing-handbook>> accessed 29 November 2024.

Ensure that such training programs highlight the need to provide accommodations based on the individual needs of each CwD and discourage unjustified denial of such accommodations.

Commencement timeline: Immediate measure

Frequency of implementation: One-time measure

Implementing body: State Departments of Education, in collaboration with CSOs

Monitoring mechanism: Periodic reports sent to the SCPDs

Conclusion

Over the past two decades, India has made significant strides in promoting the education of CwDs, transitioning from exclusion and segregation to a framework aimed at inclusion within mainstream education. This shift reflects a strong legal and policy commitment to inclusive education, exemplified by frameworks like the RPwD Act, 2016, and the RTE Act, 2009. However, while the groundwork has been laid, the crucial challenge now lies in translating these policies into effective, impactful practices on the ground. This report critically examines the extent to which inclusive education policies have been operationalised and explores the roles and responsibilities of key stakeholders in this process.

The report particularly examined five key areas that are fundamental to achieving true inclusion in education: early identification and intervention, disability certification, accessibility of educational institutions, capacity building for educators, and reasonable accommodations for CwDs. Across these areas, the report identifies persistent gaps in implementation, including insufficient training and capacity among stakeholders, inadequate infrastructure and staffing, low awareness of disabilities and related rights, unclear roles of stakeholders, overly complex processes, weak accountability for enforcing mandates, insufficient data collection, poor consultative planning, and fragmented coordination among implementing agencies.

A recurring theme throughout the report is the disconnect between India's strong legal frameworks and the ground-level realities of implementation. Three core issues underpin these challenges:

- **Lack of awareness** among key stakeholders—including AWWs, educators, school administrators, and government officials—regarding their roles and responsibilities in supporting inclusive education.
- **Inadequate training and capacity-building efforts**, leaving stakeholders ill-equipped to effectively fulfill their roles or respond to the diverse needs of CwDs.
- **Poor inter-departmental coordination**, as different government departments and agencies responsible for inclusive education often operate in silos, leading to fragmented efforts and inefficiencies.

These systemic issues create bottlenecks that hinder CwDs from accessing the full benefits of inclusive education. The lack of clear accountability mechanisms, insufficient infrastructure, and gaps in awareness and sensitisation further exacerbate these challenges, leaving many CwDs underserved and marginalised within the education system.

To address these barriers, this report outlines a comprehensive implementation roadmap designed to empower stakeholders at all levels, from parents and caregivers to educators, school authorities, AWWs, and government officials. The roadmap includes:

- **Capacity building:** Training programs tailored for AWWs, educators, school administrators, and government officials to ensure they understand and can implement inclusive education practices effectively.
- **Awareness campaigns:** Community-driven efforts to inform parents and caregivers about their rights and the entitlements of CwDs, while sensitizing the school

ecosystem to the value and importance of inclusion.

- **Enhanced infrastructure and staffing:** Investments to make schools and support systems accessible and equipped to meet the needs of all students.
- **Accountability mechanisms:** Clear systems within government institutions to monitor compliance, enforce legal mandates, and track progress in implementing inclusive education.
- **Streamlined policies and processes:** Simplification of laws, guidelines, and administrative procedures to ensure consistency and remove unnecessary barriers.

The overarching vision is to go beyond mere compliance with legal mandates and foster a culture where inclusive education is not just a policy goal but a deeply ingrained and sustainable practice. By implementing the recommendations in this report, India can transform its inclusive education framework from theoretical commitments to a lived reality for all CwDs, enabling them to thrive in mainstream educational settings and reach their full potential.



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