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BRIDGING THE GAP: INCLUSIVE EDUCATION AND THE RIGHTS OF CHILDREN WITH DISABILITIES IN INDIA

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ABSTRACT:

Education is an essential tool for promoting social transformation, equity, and inclusive development. In a knowledge-driven society, the idea of "education for all" requires disabled children if we are to achieve real, sustainable growth. Inclusive education, based on social justice and equal opportunity, aspires to minimize gaps by integrating everyone into mainstream education, regardless of aptitude, caste, class, gender, or socioeconomic status. While industrialized nations tend to concentrate on incorporating disabled children, in developing countries such as India, inclusive education goes to all marginalized and disadvantaged populations. In India, some significant laws and policies, such as the National Education Policy (2020), the Rights of Persons with Disabilities Act (2016), and the Right to Education Act (2009), have influenced India's path toward inclusive education.¹ In order to help students with a range of needs, these tools require curricular change, educated teachers, and accessible infrastructure. Unfortunately, cultural stigma, administrative inefficiencies, a shortage of special educators, and inadequate infrastructure make implementation difficult. Raising awareness among educators and communities is just as important to the advancement of inclusive education as systematic changes to physical infrastructure and instructional approaches. The goal of inclusive education is to respect each child's rights and dignity, and it goes beyond simple educational change. A multifaceted strategy, including community awareness, institutional responsibility, legal enforcement, and sufficient financial allocation, is needed to ensure its success in India.

Keywords: Inclusive education, Accessibility in education, Disability rights, Education policies, Inclusion strategies, and Legal framework in India.

¹ Jasgyan, [Section 12\(1\)\(C\) of The Right To Education Act, 2009 | IAS](#) (last visited on December 01, 2025).

1. INTRODUCTION:

Everyone agrees that education is a basic human right. According to Article 26 of the 1948 Universal Declaration of Human Rights, "everyone has the right to education."² The 2006 United Nations Convention on the Rights of Persons with Disabilities (CRPD), which requires States Parties to guarantee an inclusive education system at all levels under Article 24, has strengthened this idea. Children with disabilities continue to be among the most disadvantaged populations, even though there has been major progress in increasing educational possibilities worldwide. Children with impairments are much less likely than their counterparts without disabilities to begin or finish school, according to the World Health Organization and World Bank's World Report on Disability. The problem is especially severe in the South Asian area. About 29 million children—12.5 million in primary school and 16.5 million in lower secondary school—were not attending school in 2018 alone. A significant number of these children had impairments. UNESCO has underlined that it is very challenging to generate accurate global or regional statistics on the educational level of children with disabilities due to the absence of trustworthy and disaggregated data. The creation and application of evidence-based policies are still hampered by this data shortage. UNICEF ROSA carried out a thorough mapping of inclusive education frameworks in eight South Asian countries, including India, in order to address the obstacles that children with disabilities encounter while trying to enter education. Finding effective treatments was the study's main goal in order to guide future regional lobbying. In particular, this article looks at India's efforts from 2010 to 2020, examining national measures to provide inclusive learning environments and determining how well they correspond with international human rights obligations while also pointing out any inadequacies.

1.1 Importance of Inclusive Education for Children with Disabilities in India:

To protect the rights, dignity, and growth of children with disabilities, inclusive education is crucial. Access to inclusive education is a constitutional imperative (Articles 14, 15, and 21-A) and a legal responsibility under the Rights of Persons with Disabilities Act, 2016³, in India, where more than 2.2% of the population has a disability. Additionally, India has ratified the United Nations Convention on the Rights of Persons with Disabilities, which requires inclusive

² United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. (last visited on December 01, 2025).

³ The Rights of Persons with Disabilities Act, 2016, sec.9, Act of Parliament 2016 (India).

education at all levels under Article 24⁴. Children with impairments continue to be among the most excluded from school in spite of this. They have a far lower likelihood of attending or finishing school, according to the World Report on Disability. By encouraging diversity, empathy, and equity, inclusive education helps all students and directly advances Sustainable Development Goal. However, one of the biggest obstacles to planning and execution in India is still the absence of disaggregated data. India's efforts under programs like Sarva Shiksha Abhiyan and Samagra Shiksha Abhiyan were examined in a UNICEF ROSA study conducted between 2010 and 2020. Even if there has been improvement, issues including stigma, inadequate teacher preparation, and inaccessible infrastructure still exist.⁵

1.2 Overview of the current situation in India:

Across the face of strong policy initiatives such as the Samagra Shiksha Abhiyan and the Rights of Persons with Disabilities Act, 2016, institutional obstacles to inclusive education still affect children with disabilities in India. According to the 2011 Census [8], just 61% of children aged 5 to 19 who had impairments were enrolled in school. Inadequate assistive technology, societal stigma, a shortage of qualified teachers, and accessibility infrastructure are major challenges.⁶ Most schools are underequipped and lack specific educators, according to a 2019 UNESCO assessment. Although the NEP 2020 places a strong emphasis on inclusive education through initiatives like adaptable curriculum and teacher training, actual implementation is still lacking, and evaluating progress is made more difficult by data shortages.

Indicator	Current Status
Legal Framework	Inclusive education is mandated under the Rights of Persons with Disabilities Act, 2016
Attendance of Children with Disabilities	61% of children (5–19 years) attend school; 39% remain out of school
Teacher Preparedness	Limited availability of trained special educators

⁴ Constitution of India 1950, art 24, Act of Parliament 1950 (India).

⁵ Neha Aggarwal, Inclusive Education for Children with Disabilities in India: A comprehensive overview, JKPI (December 01, 2025, 8:00 P.M.) [Inclusive Education for Children with Disabilities in India: A comprehensive overview – JK Policy Institute](#)

⁶ United Nations, <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>, (last visited on December 01, 2025).

Infrastructure	Many schools lack ramps, accessible toilets, and learning aids.
Data Availability	Disaggregated data on disability and education is sparse
Policy Commitment	NEP 2020 emphasizes inclusive education, curriculum flexibility, and universal access

Source: Data retrieved from Census of India 2011, Table C-20, Office of the Registrar General & Census Commissioner, Government of India; supported by policy references including The Rights of Persons with Disabilities Act, 2016 (Section 16); UNESCO (2019), N for Nose: State of the Education Report for India – Children with Disabilities; UNESCO Institute for Statistics ⁷(2018), Education and Disability: Analysis of Data from 49 Countries; and Ministry of Education, Government of India (2020), National Education Policy 2020.

2. Legal Framework and Policies Promoting Inclusive Education:

A. Rights of Children with Disabilities under Indian Laws:

India has a strong legal system in place to uphold and advance the rights of children with disabilities, especially when it comes to schooling. Important clauses consist of:

1. Rights of Persons with Disabilities Act, 2016 (RPwD Act):

The Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995, was superseded by the historic RPwD Act, 2016. [9] It is consistent with the 2007 ratification by India of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)⁸. The Act protects children with disabilities' right to an inclusive education and acknowledges 21 different types of disability.

- According to Section 16 of the RPwD Act, the relevant government must: Provide free education for children with starting point disabilities in a suitable setting until they are 18 years old.⁹

⁷ World Health Organization, https://www.who.int/disabilities/world_report/2011/report.pdf, (last visited on December 01, 2025).

⁸ UNESCO <http://uis.unesco.org/sites/default/files/documents/ip49-education-disability-2018-en.pdf> (last visited on December 01, 2025).

⁹ Bhavya Johari, From Ratification to Realisation: An International Perspective on UNCRPD Enforcement Mechanisms and the Path Forward for India, Ejiltalk (December 01, 2025, 8:00 P.M.) **From Ratification to Realisation: An International Perspective on UNCRPD Enforcement Mechanisms and the Path Forward for India – EJIL: Talk!**

- Make the necessary adjustments to the curriculum and testing methodology. Give away free literature, educational resources, and assistive technology. Encourage schools to use Braille, sign language, and other alternate forms of communication.
- Assure accessible learning environments and qualified special educators in schools.
- Every child with a baseline impairment is guaranteed free education in a neighbourhood school or special school from the age of six to eighteen, as stipulated by Section 31.

“Every child with a benchmark disability between the age group of six to eighteen years shall have the right to free education in a neighborhood school, or in a special school, of his choice.”
— Rights of Persons with Disabilities Act, 2016, Section 31 (Ministry of Law and Justice, Government of India, The Gazette of India, 2016)¹⁰

2. The Constitution of India:

- All children between the ages of 6 and 14 are entitled to free and compulsory education under Article 21-A as a basic right.
- All children under the age of six must receive early childhood care and education from the state, under Article 45.
- The State is required under Article 41¹¹ To provide practical measures for guaranteeing the right to public assistance and education in circumstances of disability.

“The State shall make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement...”

— The Constitution of India, Article 41

3. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act):

All children between the ages of 6 and 14 receive free and obligatory basic education under the RTE Act. Children with disabilities are now included in the Act's scope thanks to an amendment.¹²

- Section 3 provides that no kid will be turned away due to a handicap.

¹⁰ WHO and World Bank, https://www.who.int/disabilities/world_report/2011/report.pdf (last visited on December 01, 2025).

¹¹ GKToday, [Article 41 of the Indian Constitution “Right to work, to education and to public assistance in certa](#) (last visited on December 01, 2025).

¹² Pauline Grimes et al., [Mapping of Disability-Inclusive Education Practices in South Asia](#), UNICEF ROSA (2021) (December 01, 2025, 8:00 P.M.) <https://www.unicef.org/rosa/reports/mapping-disability-inclusive-education-practices-south-asia>.

- At least 25% of pupils from disadvantaged sections, including children with impairments, must be admitted to private schools, according to Section 12(1) (c).¹³

“A child belonging to a disadvantaged group or weaker section shall be admitted to the extent of at least twenty-five per cent of the strength of that class.”

— Right of Children to Free and Compulsory Education Act, 2009, Section 12(1)(c)

B. Government Initiatives and Policies Promoting Inclusive Education:

To promote inclusive education, the Indian government has implemented a number of policy measures, including:

1. National Education Policy (NEP), 2020:

All children, including those with impairments, should get an equal education, according to the NEP 2020, which emphasizes inclusion as a guiding concept.¹⁴

- Demands for assistive technology, customized pedagogy, and barrier-free access.
- Prioritizes hiring and assigning exceptional instructors.
- Makes recommendations for the creation of inclusive curricula and educational materials.¹⁵

“Children with disabilities will be enabled to fully participate in the regular schooling process from the foundational stage to higher education.”

— National Education Policy, 2020¹⁶, Ministry of Education, Government of India

2. Sarva Shiksha Abhiyan (SSA)/Samagra Shiksha Abhiyan:

SSA is a major initiative for the universalization of primary education and is currently a part of Samagra Shiksha. It has clauses that address:

- Education at home for kids with serious impairments.
- Free escorts, readers, equipment, and assistance.
- Educating educators on inclusive teaching methods.

¹³ Wikipedia, **National Education Policy 2020 - Wikipedia**

¹⁴ Open Library, **Census of India 2011 by India. Office of the Registrar General & Census Commissioner | Open Library** (last visited on December 01, 2025).

¹⁵ The Right of Children to Free and Compulsory Education Act, 2009, section 12, Act of Parliament 2009 (India).

¹⁶ National Education Policy (NEP) 2020. <https://www.education.gov.in> (last visited on December 01, 2025).

(Annual Report, 2021-22, Department of School Education and Literacy, Ministry of Education, Government of India)

3. Accessible India Campaign (Sugamya Bharat Abhiyan):

This movement, which was started in 2015, attempts to make public facilities, particularly educational institutions, accessible to people with impairments.¹⁷

“The initiative focuses on three verticals – built environment, transportation system, and information and communication ecosystem.”

— Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment, Government of India

4. Integrated Education for Disabled Children (IEDC) Scheme:

This previous program, which has now been included in SSA, was important in facilitating the integration of students with impairments into regular classrooms.¹⁸

National Institute of Educational Planning and Administration (NIEPA), Inclusive Education in India: Policy and Practice (2021)¹⁹

3. Challenges Faced in Accessing Quality Education:

Challenges	Description
Physical Infrastructure and Accessibility Issues	The majority of schools do not have tactile pathways, accessible restrooms, ramps, or assistive technology. Less than 10% of schools have accessible restrooms, and just 22% have ramps. ²⁰ Accessible infrastructure is required by the RPwD Act of 2016; however, implementation is poor because of a lack of funds and awareness.
Lack of Trained Teachers and Specialized Resources	Severe lack of inclusive instructional resources and special educators. The majority of educators lack inclusive pedagogy training. For children with sensory impairments, learning is impacted when Braille books, screen readers, communication aids, etc., are unavailable.

¹⁷ Samagra, [Samagra Shiksha](#) (last visited on December 01, 2025).

¹⁸ Education, [NEP Final English.pdf](#), (last visited on December 01, 2025).

¹⁹ KHS, **Disability and Child Protection Laws in India: A Study of the Juvenile Justice (Care and Protection of Children) Act 2015 and Disability Laws** | Keystone Human Services (last visited on December 01, 2025).

²⁰ UNICEF India. (2019). <https://www.unicef.org/india/reports> (last visited on December 01, 2025).

Social Attitudes and Exclusion	In schools, a long-standing stigma against impairments deters students from enrolling and causes mental suffering, bullying, and exclusion. Discrimination against girls with disabilities is exacerbated by their gender and handicap. Peers and teachers frequently lack empathy and awareness.
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4. Impact of Inclusive Education on Children with Disabilities and Society:

The approach of teaching children with disabilities alongside their classmates without impairments in conventional classroom settings with sufficient support is known as inclusive education. In addition to helping children with impairments, it also makes a substantial contribution to educational fairness and social harmony.²¹ According to research, inclusive education improves academic performance for kids with disabilities because it exposes them to the regular curriculum, raises expectations, and provides peer modelling. Children with and without disabilities may connect and communicate with one another via inclusive education, which builds respect, friendships, and teamwork. It promotes involvement in group activities and lessens social isolation.²²

3. CONCLUSION:

In India, protecting the rights and dignity of children with disabilities requires inclusive education. Even while laws like the RTE Act of 2009 and the RPWD Act of 2016 have set the foundation, real-world obstacles, including poor infrastructure, a shortage of qualified instructors, and social stigma, still impede advancement. Children with disabilities benefit academically from inclusive education, which also helps all students develop empathy and social harmony. A greater emphasis on teacher preparation, curriculum modification, accessibility, and community awareness is necessary to close the current disparities. In the end, achieving real equity and social justice via inclusive education is a shared duty that calls for dedication from all facets of society. When children with disabilities are provided with inclusive learning environments, their academic success, social interaction, confidence, and general development increase dramatically. Inclusive classrooms promote a culture of

²¹ Depwd, [Accessible India Campaign | Department of Empowerment of Persons with Disabilities \(DEPwD\) | Home | India](#) (last visited on December 01, 2025).

²² National Institute of Educational Planning and Administration (NIEPA) [National Institute of Educational Planning and Administration | NIEPA](#) (last visited on December 01, 2025).

empathy, cooperation, and respect that benefits all children equally. However, attaining the full potential of inclusive education involves more than just legislative measures; it also requires efficient implementation, regular monitoring, and coordinated efforts from educators, politicians, parents, and society as a whole. Systemic reforms are urgently required, including curriculum modification, investment in accessible technology, disability-sensitive teacher training, and community participation initiatives. Schools must be redesigned as inviting environments in which diversity is celebrated and every kid, regardless of ability, has equal opportunity to learn and develop.

