

# CHALLENGES OF REHABILITATION OF SPECIAL CHILDREN IN INDIA: THE LAW, POLICY AND PRACTICE

Anit Kumar\*

## ABSTRACT

*A Special Child is the one who differs so much from his peer group in respect of physical, mental or social characteristics that he is unable to develop his full potential under normal conditions in the ordinary class, and for whom some special attention is required for his rehabilitation in the form of inclusive education in the school by the specially trained teachers. It is found that the progress in rehabilitation of Special Children is limited by a lack of specially trained educators and financial resources. So far, the amenities designed to trained teachers for inclusive education are extremely less and insufficient. Therefore, it is essential to expand inclusive education for special children such as physically, mentally, intellectually and specially abled children. An attempt should also be made by the government to set up inclusive educational centres with well-equipped special educators in order to support these special children. In light of this, the present research paper tries to evaluate the role of Rehabilitation Council of India for imparting special education to special children. In addition to this, an attempt has also been made to examine the policies and legislation along with the newly enacted law passed in 2016, in order to appraise rehabilitation of Special Children in India. Lastly, through the concluding remarks, the article throws light into the unvarying delight of all unalienable rights and rudimentary privileges to all Special Children and to uphold admiration for their intrinsic nobility so that they are brought at par with other children of the nation.*

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\* L.L.M, Department of Law, University of North Bengal, Darjeeling, West Bengal. Email-[anit.kumar4u@gmail.com](mailto:anit.kumar4u@gmail.com)

## 1. Introduction

The challenges of rehabilitation<sup>1</sup> of special children presented by disability in India are colossal and require a resolute act to trounce it. Undoubtedly education is an important instrument for acquiring and transmitting knowledge which will improve the sensory, intellectual, social, personal and psychological growth and development. But it is imperative to underline that in the past, such children have constantly been excluded to be a part of the so-called educational system, which not only undermines their legal rights but also outlaws them. In spite of many initiatives, inclusive education for special children is still in a state of infancy and the segregation of special children in education continues to be a cause of concern.<sup>2</sup> The present study primarily focuses on the mentally challenged children of India (hereinafter referred to as special children) who differs so much from their peer group average in respect of physical, mental, or social characteristics that they are unable to develop their fullest potential under normal conditions in the ordinary class, and for whom some special organisations have to be created.<sup>3</sup> Here, the term special children would generally mean children with a very wide range of differing life experiences in respect to their physical and mental states and having different physical, intellectual and mental abilities compared to other normal children. Their daily bustle is limited by intellectual and physical disabilities, mental health, communication disorders, genetic disorders and disfigurement.<sup>4</sup> They are one of the most vulnerable groups of humanity. They face dual bigotry, one on their so-called gender and the other on their disability, which ultimately places them at a higher risk of physical abuse and, moreover, they are also barred from realising their right to healthcare, right to special education and right to physical integrity.<sup>5</sup> In India, according to the Census Report of 2011,<sup>6</sup> the total percentage of specially abled persons is 2.21%. Out of that, the percentage of age-wise distribution of special children population from 0-4 years is 1.14%, from 5-9 years is 1.54% and from 10-19 years is 1.82%.

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<sup>1</sup> The term 'rehabilitation' means to bring special children into the mainstream of the society by providing them equal opportunities in respect to inclusive education through which they can accomplish their physical, intellectual, sensory and social level of functional skills so as to have a normal growth and development which brought them at parity with non special children of the nation. Recently it has been defined under section 2(z) of RPD Act, 2016.

<sup>2</sup> Payel Rai Chowdhury, *Human Rights of Persons with Disabilities: A Conceptual Discourse*, in HUMAN RIGHTS IN 21ST CENTURY – AN ANTHOLOGY 179-180 (Manik Chakraborty ed., 2014).

<sup>3</sup> Sonam Yangchen Bhutia, *Protection of the Rights of Female Children with Disability – A Legal Framework in India*, in HUMAN RIGHTS AND DUTIES 321 (Dr. Rathin Bandyopadhyay, Prof. Gangotri Chakraborty et.al. eds., 2015).

<sup>4</sup> JAYNA KOTHARI, THE FUTURE OF DISABILITY LAW IN INDIA 29 (2012).

<sup>5</sup> Bhutia, *supra* note 3 at 320.

<sup>6</sup> Please See, Census Report of 2011, at <http://www.languageinindia.com/jan2014/disabilityinindia2011data.pdf> (last visited January 22, 2017).

It is also interesting to note that right to education, which is guaranteed under Article 21A of the Indian Constitution, extends in its ambit to all persons, including special children.<sup>7</sup> But despite the above-stated provisions, the exclusionary policies and practices regarding inclusive education to special children are extensively rampant throughout the country. It is also evident that several foremost normal schools of our country refuse entry to special children in contravention of their basic educational rights. Therefore, the question that emerges for consideration is that does education merely aim at preparing only one group of children and ignore others, especially the special children who need special attention and appropriate training. If such is the case, then what meaning should be given to the terms ‘equality’ and ‘social justice’ used in the Constitution of India? Therefore, there is a need to evaluate the existing education system and to develop a systematic plan to assist the special children in India.<sup>8</sup>

## **2. Disability under the International and the National Laws**

In the international scenario, international organisations such as the World Health Organization (hereinafter referred to as WHO) has clearly spelt out the meaning of ‘disability’ as, “an umbrella term, covering impairments, activity limitation and participation restrictions. Further clarified, impairment refers to a problem in the body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; and a participation restriction is a problem experienced by an individual in involvement in life situations”. In India, there are generally three legislative enactments which specifically define disability. Firstly, the newly enacted law called as The Rights of Persons with Disabilities Act, 2016,<sup>9</sup> (hereinafter referred to as RPD Act, 2016) which came into existence by repealing the old Person with disabilities Act, 1995 (hereinafter referred to as PWD Act, 1995). The newly enacted disability law clearly describes ‘person with disability’ under section 2(s) which states that a person with long-term physical, mental, intellectual or sensory impairment which in interaction with barriers, preclude his full and

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<sup>7</sup> Justice Depak Misra, *Right to Education*, 8(1) NYAYA DEEP 24-28 (2007).

<sup>8</sup> M. Afzal Wani, *Disabled Children’s Right to Education*, in RIGHTS OF PERSON WITH DISABILITIES 106-109.(S. K. Verma & S. C. Srivastava eds., 2002).

<sup>9</sup> See, the newly enacted law for the special children called as The Rights of Persons with Disabilities Act, 2016 (Act No. 49 of 2016) which was passed by the parliament on 16 Dec. 2016 and hence received the assent of the President on December 27, 2016.

effective participation in society equally with others, which shows or covers a wider connotation in it. Moreover, under section 2(j) of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (hereinafter referred to as National Trust Act, 1999)<sup>10</sup> the term ‘person with disability,’ literally connotes a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability. But on the other hand, The Rehabilitation Council of India Act, 1992,<sup>11</sup> (hereinafter referred to as RCI, Act 1992) has not used and defined the term person with disability; rather it uses the term ‘handicapped’ under section 2 (c) to explain disability which means a person suffering from any disability referred to in clause (i) of section 2 of the PWD Act, 1995 which is now repealed by the newly enacted law for special children called as the RPD Act, 2016. Therefore the RCI, Act 1992 should also have to be amended so as to have a clear concept of disability at par with the newly enacted law of RPD Act, 2016.<sup>12</sup>

### **3. Special Children in India: Characteristics, Problems and Magnitude**

Special children are mainly characterised by the condition of mental retardation in which there exists a delay and deficiency in all aspect of their development such as motor, cognitive, social and language function. Mental retardation is now increasingly referred to as intellectual disability which we can see the reference to this term in the RPD Act, 2016 under the schedule of specified disability defined under section 2(zc). Moreover, the term mental retardation has also been described under section 2(g) of the National Trust Act, 1999 which expressly defines it as ‘a condition of arrested or unfinished development of the mind of a person, which is specially characterised by sub-normality of intelligence.’ From this, it can be understood that the notion of mental retardation among special children is not at all a concept of mental illness. Mental illness can transpire at any time period while mental retardation can be witnessed from childhood age or even since birth. Moreover, mental retardation is basically the result of congenital defects and birth injuries.<sup>13</sup> The main problem that such children face is that they are unable to protect themselves against the common physical danger that one faces in life. Secondly, they cannot manage their affairs well unless proper

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<sup>10</sup> National Trust Act, 1999 (Act No. 44 of 1999) was passed and received the assent on December 30, 1999.

<sup>11</sup> See, The Rehabilitation Council of India Act, 1992 (Act No. 34 of 1992) which came into force on 22<sup>nd</sup> June 1993.

<sup>12</sup> Anand Gupta, *Definition of Disability-A Critical Study*, 39(2) INDIAN BAR REVIEW 145-151 (2012).

<sup>13</sup> DR. RATHIN BANDHYOPADHYA & SANGEETA ROY (MAITRA), LAW AND THE DISABLED 54-64 (2011).

training of their body care is extended. Thirdly, they need parental care, supervision and control as they cannot avail benefits available for others.<sup>14</sup> There are different degrees of mental retardation, ranging from mild to profound which are discussed as below. .

- a. **Mild Retardation:** The development of special children in this category is slow; however, they can be educated to some extent and with training so that they are capable of earning, at least partially, their livelihood without living an undue parasitic life.<sup>15</sup>
- b. **Moderate Retardation:** The special children under this category are slow in their development, but they are capable of learning to look after their personal needs. They can be trained to some extent to work in a sheltered workshop and to live in a protected environment.<sup>16</sup>
- c. **Severe Retardation:** Under this category, special children are often unable to manage their own affairs, like they cannot dress or wash themselves properly, and their motor development, including speech and language, may also be affected in many cases.<sup>17</sup>
- d. **Profound Retardation:** The degree of defectiveness of the special children in this category is of a very serious nature rendering them unable to guard themselves even against common physical danger and they need constant custodial care for survival.<sup>18</sup>

#### **4. United Nations and its Instruments uphold an Inclusive Model of Education for Special Children**

The United Nations through its various instruments and agencies has reiterated the importance of education for special children. At the outset, it can be said that the concept of right to education for all children was first enshrined under Article 26 of the Universal Declaration of Human Rights, 1948<sup>19</sup> (hereinafter referred to as the UDHR, 1948) which was also acknowledged by the World Declaration on Education for All in 1990. In 1983, the United Nations World Programme of Action Concerning Disabled Persons clearly espoused the guiding principles that perceive the human rights of the specially abled children for inclusive education through general school system for both normal and specially abled

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<sup>14</sup> Subhas Chandra Singh, *Neglect of the Rights of Mentally Sick in the Age of Human Rights*, 90 ALL INDIA REPORTER 189-191 (2003).

<sup>15</sup> ANIMA SEN, *PSYCHO-SOCIAL INTEGRATION OF THE HANDICAPPED: A CHALLENGED TO THE SOCIETY* 185 (1988).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Adopted by General Assembly Resolution No. 217 (iii) of December 10, 1948.

persons under one roof. There is some international covenant having specific provision for the inclusion of education for special children like Convention on the Right of the Child, 1989<sup>20</sup> (hereinafter referred to as CRC, 1989), which, under Articles 23 and 28, specifically emphasises the rights of the special children to effective access of compulsory primary education on the basis of equal opportunities. However, in the international arena, the role of United Nations Standard Rules for Equalization of Opportunities for Person with Disabilities, 1993<sup>21</sup> and UNESCO Report on the education of special children, commonly known as the Salamanca Statement has witnessed a shift in attitude towards inclusive education which proclaimed and asserted the rights of all children, including special children to access equal education regardless of their physical, intellectual, social, emotional conditions through common school system.<sup>22</sup> In spite of the above, there are some international instruments, which are specially drafted for the specially abled persons, such as the Declaration on the Rights of Mentally Retarded Persons, 1971<sup>23</sup> and the Declaration on the Rights of Disabled Persons, 1975,<sup>24</sup> which proclaimed that human dignity will be ensured only when the specially abled persons also enjoy the inclusive education along with others.<sup>25</sup> On the other side, the African Charter on the Rights and Welfare of the Child, 1990<sup>26</sup> under Article 13 clearly recognises the rights of the special children in respect of special measures of protection in keeping with their physical and moral needs and under conditions which ensure their dignity and promote their self-reliance and active participation in the community.<sup>27</sup> Lastly, the landmark international convention for specially abled children named the United Nations Convention on the Rights of Persons with Disabilities, 2006 (hereinafter referred to as UNCRPD, 2006) has strongly explicated the educational rights of the special children under Article 24, which, realising the right to education to all including special children without discrimination on the basis of equal opportunity, clearly suggest for an inclusive

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<sup>20</sup> Adopted by General Assembly Resolution No. 44/25 of November 1989.

<sup>21</sup> Adopted by General Assembly Resolution No. 48/96 on December 20, 1993.

<sup>22</sup> Dr. J. K. Das and Prof. (Dr.) D. C. Nath, *Emerging Trends of Rights of Person with Disabilities: An Appraisal*, 3 CALCUTTA LAW TIMES 4 (2011).

<sup>23</sup> Proclaimed by General Assembly Resolution No. 2856 (XXVI) of December 20, 1971.

<sup>24</sup> Adopted by General Assembly Resolution No. 3447 (XXX), December 9, 1975.

<sup>25</sup> Soma Das, *Right of Person with Disability: A Human Rights Perspective*, 4(2) INDIAN HUMAN RIGHTS LAW REVIEW 235-236 (2013).

<sup>26</sup> It was the first regional charter treaty on the rights of child and hence adopted on July 1990 w.e.f. November 29, 1999.

<sup>27</sup> Bhutia, *supra* note 3 at 322-323.

model of education.<sup>28</sup> Therefore, to give effect to the international agreement, the RPD Act, 2016 was enacted so as to fulfill the obligation of inclusive education under the provisions of UNCRPD, 2006, which was duly ratified by India in 2007.

## **5. National Legal Framework in Respect of Inclusive Education for Special Children**

- a. **Constitution of India, 1949:** Unfortunately, the Indian Constitution carries no specific provision for the education of the special children. The only Article to make a passing reference in relation to disablement is Article 41, which makes bestows an obligation on the States to formulate effective laws, which can secure the educational rights of the special children. Further, Article 21A read with Article 45 assures free education for all children till 14 years of age but regrettably these provisions are conspicuously silent on the inclusive educational needs.<sup>29</sup>
- b. **RPD Act, 2016:** The new RPD Act was passed by the parliament on 16 December, 2016, replacing the PWD Act, 1995. Section 2(m) of RPD, Act 2016 defines inclusive education as “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.” Section 31 requires that special children are provided free education until the age of 18, thereby surpassing the benchmarks in The Right of Children to Free and Compulsory Education Act, 2009 popularly known as Right to Education (RTE) Act, 2009 (hereinafter referred to as RTE Act, 2009). Sections 16 of the RPD Act directs all educational institutions supported by the Government or any local authorities to provide inclusive education by admitting special children in regular schools without any discrimination and by granting them educational and other recreational opportunities equally with other normal children. It also directs them to monitor their participation and progress report with respect to their completion of education. Section 17 of the Act also obliges the appropriate Government and the local authorities to conduct surveys in educational institutions every five years provided that the first survey is completed within two years from the date of commencement of RPD Act, 2016. The surveys are meant for

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<sup>28</sup> For details please see, Article 24 of UNCRPD, 2006 which was adopted on December 13, 2006 in the 61<sup>st</sup> session of General Assembly through Resolution No. A/RES/61/106 w.e.f. May 3, 2008. However, India is the signatory party of it and ratified it on October 1, 2007.

<sup>29</sup> V. N. SHUKLA, CONSTITUTION OF INDIA, 211(Mahendra P. Singh ed., 11<sup>th</sup> edn. 2010).

identifying special children and for ascertaining their special needs and correspondingly check whether those particular needs are being met or not. In *Vijay kr. Agarwal v. State of Rajasthan*<sup>30</sup> and *Deputy Sec. (Mart), Deptt. of Health and Family Welfare v. Sanchita Biswas & others*,<sup>31</sup> it was observed by the respective courts that the State is bound to bestow 3% reservation of the total seats in educational institutions for the special children.

- c. **RCI, Act 1992:** Unfortunately, the uniformity in the teaching standards for special children has not been found in the country. It was only in 1992, that the government enacted the RCI Act, for regulating the training of rehabilitation professionals. Training of special educators and resource teachers that can offer support services to special children in regular schools is the responsibility of RCI. It also states that children with special needs will be taught by trained teachers.<sup>32</sup>
- d. **National Trust Act–1999:** It provides for the establishment of institutions for the protection of interest of special children suffering from autism, cerebral palsy, mental retardation and multiple disabilities after the death of their parents so as to enable them to live independently within the community to which they belong. Although it does not deal explicitly with inclusive education for special children but it endorses the programme for respite care, foster family care and day care services, which may develop their functional ability to handle their day-to-day activities.<sup>33</sup>
- e. **The Mental Health Act, 1987**<sup>34</sup>: It is presumed that mentally ill children respond differently in the educational institutions because of the dearth of basic human rights that other children enjoy. Thus, they ought to have parallel human rights as enjoyed by normal children. It signifies that they must have a right to accessible care in every aspect of their life and to reintegrate them in the social life without any exploitation.<sup>35</sup>

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<sup>30</sup> Vijay Kumar. Agarwal v. State of Rajasthan, AIR 2001 RAJ. 261.

<sup>31</sup> Deputy Sec. (Mart), Deptt. of Health and Family Welfare v. Sanchita Biswas & Others AIR 2000 Cal. 202.

<sup>32</sup> Bhutia, *supra* note 3 at 323.

<sup>33</sup> *Id.*

<sup>34</sup> The Mental Health Act, 1987 (Act No. 14 of 1987).

<sup>35</sup> Dr. Malabika Talukdar, *Human Rights of Disabled Person in India: A Critical Study*, in HUMAN RIGHTS AND DUTIES 247 (Dr. Rathin Bandyopadhyay, Prof. Gangotri Chakraborty et.al. eds., 2015).

## 6. Policy and Practices for Special Education

In order to defend inclusive education for special children, various initiatives have been taken up by the Government of India. Firstly, it began with the recommendation of Kothari Commission in 1964. In this, it was suggested that inclusive education for special children should be organised not merely on humanitarian grounds, but on the ground of utility, which can be achieved through the adoption of an integrated approach so as to avoid isolation of special children. After that, in 1986 the national policy for education was formulated. The policy vouched for equality in education among all children, including special children. It advocated for common education and school system for the normal and special children of India under one roof.<sup>36</sup> But later, it was revised by a Plan of Action in 1992. It was suggested that children of special schools should be transferred to regular schools once they attain the necessary academic abilities but no significant action was taken on it.<sup>37</sup> However, the same was achieved through a centrally sponsored scheme of integrated education for special children in 1972 known as Integrated Education of Disabled Children (hereinafter referred to as IEDC), which purported to provide inclusive education for special children in regular schools. Therefore, after they attained their communication and daily living skills at the functional level, it was preferred to place them in the regular schools from special schools but unfortunately it had also been a failure.

On the other hand, in 1987, the government has shifted its strategy from school-based approach to a merged-area approach, which is known as Project for Integrated Education for the Disabled (hereinafter referred to as PIED), where all regular schools were expected to enroll special children along with the teachers training programme designed especially for training special children to acquire their normal growth. District Primary Education Programme (hereinafter referred to as DPEP), which was launched in 1994, also had a substantial role to play in amalgamating special children in mainstream schools. The main advantages of DPEP are identification, assessment and enrollment of special children in regular schools with resource support teacher training and parental counseling. Later, Sarva Shiksha Abhiyan was implemented by the Government of India in 2000-2001 with the goal of universalising elementary schooling for special children of the age group of 6-14 by 2010

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<sup>36</sup> V. P. Niranjana, *The Right to Education, Constitution and the Common School System in India*, 14 (3&4) NYAYA DEEP 57 (2013).

<sup>37</sup> D. V. Divya, *Right to Education of Differently Abled: Expectation and Realities*, 37(1&2) COCHIN UNIVERSITY LAW REVIEW 105-108 (2013).

at the district levels. It provides learning aids and tools, mobility assistance and support services to special children.<sup>38</sup> In the mean time, the RTE Act, 2009 was enacted to provide free and compulsory education to all children including special children between 6-14 years. The Act, although, is silent on pre-primary education of special children aged below 6 years. However, Section 12(1)(c) of RTE Act, 2009 binds public and private schools to reserve 25% of seats for children, including special children, from socially and economically disadvantaged sections. Although RTE Act, 2009 is considered as landmark legislation but practically it does a very little work to oversee the implementation of inclusive education in India. In fact, the RTE (Amendment) Bill 2017, which was introduced in the Lok Sabha on April 10, 2017 and which is currently pending, does not contain any explicit provisions for inclusive education for special children.<sup>39</sup> Undoubtedly, the National Policy for Persons with Disability of 2006 had also acknowledged the self-esteem of special children and, furthermore, it created a milieu that provided protection of their basic rights and freedoms which help them to partake in society. Sections 20 to 27 of the said policy highlight the requirements for mainstreaming regular schools through inclusive education policy for all.<sup>40</sup> Lastly, the twelfth five year plan of 2012 to 2017 clearly emphasises that States and NGOs must work closely with Rehabilitation Council of India for an individualised educational plan and inclusive educational placement of special children in general schools. Moreover, it also highlights the engagement of resource teachers, volunteers and caregivers to cater to the special needs of these children.<sup>41</sup> Therefore, these are some of the policies and practice taken up by the government for implementing inclusive education for the special children. But unfortunately, even after the implementation of the above-mentioned policies, the ground reality has not changed much.

## **7. Challenges towards Rehabilitation and Imparting Special Education**

Despite all the strategies and policies adopted at various levels, the most important challenge that creates hurdle in the physical and mental development through inclusive education is disability-based discrimination such as segregation, institutionalisation and

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<sup>38</sup> *Id.*

<sup>39</sup> Prof. Suman Gupta, *The Right of Children to Free and Compulsory Education Act, 2009: Fulfillment of a Dream of Millions of Children*, 14(3&4) NYAYA DEEP 35-36 (2013).

<sup>40</sup> Divya, *supra* note 37.

<sup>41</sup> *See*, THE TWELFTH FIVE YEAR PLAN (2012-2017), PLANNING COMMISSION, which is now been replaced by the NITI AAYOG, *available at* [http://planningcommission.gov.in/plans/planrel/12thplan/pdf/12fyp\\_vol3.pdf](http://planningcommission.gov.in/plans/planrel/12thplan/pdf/12fyp_vol3.pdf) (Nov 12, 2016).

exclusion which bear out to be the main obstacles in the process of rehabilitation. Many a time, special children have to make greater efforts even to realise their basic rights. Moreover, it is noteworthy to state that parents of such special children are generally not aware of the policies relating to inclusive education and the benefits available to the special children to include them in regular schools for rehabilitation. Finally, the bulk of school employees including teachers, staff and other support members are not properly skilled to plan and put into practice the inclusive educational programme for special children in regular schools and in ground reality the Government failed to train teachers adequately to work in an integrated situation. Thus, governments will have to provide augmented resources for the purposes of inclusive education to guarantee thriving implementation of integrated practice for inclusive education in regular schools.<sup>42</sup>

## **8. Concluding Remarks**

The need of this hour is a complete overhaul of the educational system and the educational institutions should incorporate inclusive educational curriculum and its practices in the regular schools so that both normal children and special children are equally served. But even before that, we have to change our narrow thinking and apathetic attitude towards special children. We must understand that they do not want our sheer sympathy but our assurance that they enjoy an equal place in the society. Also required is the political will to fuse the responsibility of inclusive education under the Ministry of Education.<sup>43</sup> Undoubtedly, the RPD Act of 2016 witnesses a welcome stride in the light of its wider definition of disabilities and conforms to the spirit of UNCRPD, 2006 in respect of inclusive education among the special children. But it can be concluded that India is way behind to actually secure the special educational rights of the special children in the form of inclusive education, which in ground reality continues to be neglected. The Constitutional machinery has also failed to provide the necessary impetus for it. The legislation is a paper tiger failing to implement the precious guarantees as envisaged in the Act. In this scenario, the most appropriate remedy to rehabilitate special children would be to end the prejudice approach towards providing special education to special children and any rule that may encourage segregation of special children from other children and exclude them from access to mainstream schooling should be disavowed. Secondly, special teachers should be recruited

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<sup>42</sup> Kothari, *supra* note 4 at 202.

<sup>43</sup> Das, *supra* note 25 at 241.

and they should be specially trained to provide inclusive education to special children. Thirdly, all teacher training courses must include a component on special education and for children with special needs. Fourthly, all efforts should be made to make inclusive education a reality by not subjecting it to the limitation of fiscal ability of the government.<sup>44</sup> It is not just sufficient on the part of the State to merely declare rights rather it should specify the redressal mechanism to facilitate its effective implementation by which the special children in respect of their inclusive education are brought at parity with non-special children of the nation.<sup>45</sup>

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<sup>44</sup> Bandyopadhyay & Roy (Maitra), *supra* note 13, at 30.

<sup>45</sup> Bhutia, *supra* note 3, at 329.