

# *Handbook on Right to Education for Children with Disabilities*



# **Handbook on Right to Education for Children with Disabilities**



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ISBN - 81-89218-18-2

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**Design, Typesetting & Graphics :** International Print-o-Pac Ltd.

**Published by:**

The United Nations Educational Scientific & Cultural Organization (UNESCO)

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## Foreword

According to the United Nations, 1 person in 20 has a disability, and more than 75% of these live in developing countries. In all societies, people with disabilities tend to be more vulnerable to poverty and more excluded from mainstream society than those who do not have disabilities. Certainly, disabled people are the most marginalised group in the Asia-Pacific region. More often than not, they are among the poorest of the poor. Disability limits access to education and employment, and leads to economic and social exclusion. Poor people with disabilities are caught in a vicious cycle of poverty and disability, each being both a cause and a consequence of the other.

Although overtly designed to facilitate learning, education systems (both formal and non-formal) present disabled people with a range of barriers to participation – structural, pedagogical, professional, financial and attitudinal. One of UNESCO's major driving forces over the past few years has been to disseminate the messages emanating from the Salamanca World Conference on how to address within regular education systems the diverse needs of those who are marginalised because of physical disabilities.

Many countries have passed comprehensive legislation to protect the rights of the disabled. Regulations include mandatory implementation of measures covering areas such as employment, access to public transport, rehabilitation and access to disability services, and anti-discrimination measures. Yet too many people with disabilities are not aware of their rights. There is inadequate information about government schemes, a lack of accurate data on the prevalence of disability, and not enough information on how to mainstream physical structures and systems – such as buildings and transport systems – and on access to information and financial resources. The obstacles that people with disabilities experience in accessing education are closely linked with wider difficulties related to cultural attitudes towards the disabled, and this has far-reaching consequences for employment opportunities also.

This document aims to familiarise stakeholders with the overarching policies that address the vulnerability and poverty of disabled people, as well as to identify and analyse existing national policies, programmes, projects, and initiatives concerning disabilities and poverty. It is our hope that it will provide the detailed information needed to redress inequalities and help all concerned to move towards a society in which the dignity of all children, and especially the disabled, is respected.

### **Minja Yang**

Director, UNESCO New Delhi Office

UNESCO Representative to Bhutan, India, Maldives and Sri Lanka

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## Acknowledgements

I would like to thank the following people without whose help this Handbook would never have been possible:

Radhika Alkazi, for her extensive support in arranging the vast body of information systematically for each chapter of the Handbook. In certain instances this served as a preliminary draft.

Ritu Kumar and Pratiti Rungta, both budding lawyers, for their valued assistance in undertaking the research, both the desk search and the field study.

Ishika Ahluwalia for visualization, designing the cover, and the layout.

A word of special thanks for Ritu Kumar for undertaking the analysis of court cases and empirical studies based on which a catalogue of about one hundred frequently asked questions could be compiled.

Without the indispensable secretarial assistance of Anshul, completion of this project within the available time frame would not have been possible.

Last but not the least, let me admit that the project was extremely rewarding and it was a great honour and pleasure to have been chosen by UNESCO New Delhi for this wonderful assignment.

**Anuradha Mohit**

## Introduction

*As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty, and obtain the means to participate fully in their communities.*

– UNESCO

Education also plays a crucial role in maintaining social justice and equality of status and opportunity.

An explicit recognition of this role can be found in *Article 46 of the Constitution of India*, which enjoins upon the State:

*To promote with special care the educational and economic interests of the weaker sections of the people ... and ... protect them from social injustice and all forms of exploitation.*

As a result of consistent effort, though slow, a steady improvement in the educational status of children with disabilities has been possible. For instance, in 1991 the *National Sample Survey Organization (NSSO)* recorded the level of literacy among children with disabilities as 35 per cent while in 2002 it reached 45 per cent.

This positive trend is not only reassuring but has inspired many educators, thinkers and activists to explore approaches that can leverage the coverage and further improve the quality of education for children with disabilities.

Within this optimistic scenario it was felt that the gap between policy development and its dissemination at the grass-roots level is vast. As a consequence, violations to the right to education of persons with disabilities are only too common.

This *Handbook on Right to Education for Children with Disabilities* makes a modest attempt in bridging that gap. For its target readers, namely school administrators, parents and students with disabilities the Handbook endeavours to clarify:

What constitutes right to education?

How is it to be implemented?

What are the mandatory duties of the schools, teachers and parents?

What is the nature and type of support available for schools, teachers, parents and students in the realization of right to education?

How is right to education being monitored and grievances redressed by various for a?

The Handbook is arranged in eleven chapters. About one hundred frequently asked questions on right to education have been catalogued and responded to. The answers will familiarize readers with relevant laws, schemes and instructions issued by educational authorities. For the proper understanding of constitutional and legal rights, clarifications given by courts and quasi-judicial bodies have also been cited under relevant questions.

The common concerns of school administrators and teachers regarding admission procedures, reservation and examinations feature in Chapters 2, 3 and 6. A detailed overview of schemes under which technical and financial support can be received by inclusive schools for creating an appropriate learning environment for students with disabilities is arranged in Chapter 9, “Entitlements of Inclusive Schools”. Access to school and curriculum forms an important part of the education of a student with disability. General guidelines in this context, feature in Chapters 5 and 7. The concerns of students with disabilities regarding technical and monetary support services like assistive devices, scholarships, books, etc. are addressed in Chapter 8. Similarly, the rights and duties of parents have been outlined in Chapter 10. Often rights and entitlements become meaningless if their implementation is uneven and improper. Students with disabilities and their parents can bring their problems or grievances to a number of judicial and quasi-judicial bodies for redressal. Chapter 11, the last chapter of this Handbook provides detailed information about these bodies and the procedure for filing a complaint, including the availability of free legal aid for taking an instance of violation before a court of law or a tribunal.

We hope this Handbook will assist the school administrators and parents of children with disabilities in dealing with day-to-day challenges of making the right to education for children with disabilities a reality.



## Right to Education

This chapter provides a general overview of right to education and the legal safeguards available for its equal enjoyment by persons with disabilities. It will also clarify the nature of their rights and how they are being implemented.

The information is arranged under nine questions and they address common concerns of school administrators, parents and students with disabilities.

### 1. What do we mean by Right to Education?

Since the need for knowledge, skills and information is universal, every individual has an inherent right to receive education.

The Universal Declaration of Human Rights (UDHR) establishes that everyone is entitled to the right to education by virtue of being human, irrespective of race, ethnicity, gender, age, nationality, socio-economic condition, or any other status.

The right to education extends beyond the notion of “basic learning needs”. Its intrinsic nature is described in the *World Declaration on Education for All, 1990, Article 1(1)*, which says:

*Basic learning needs ... comprise both essential learning tools (such as literacy, oral expression, numeracy and problem solving) and basic learning content (such as knowledge, skills and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions and to continue learning. The scope of basic learning needs and how they should be met varies with individual countries and cultures and inevitably, changes with the passage of time.*

In sum, it can be said that the right to education is closely connected with all other human rights and is crucial to the all-round development and well-being of an individual and society. This aspect is emphasized in a number of human rights treaties. For example, *Convention on the Rights of the Child (CRC) Article 29(1)(a)* refers to education as a process aimed at:

*[The] development of the [individual's] personality, talents and mental and physical abilities, to their fullest potential.*

This encompassing role of education is also captured in the *Convention on the Rights of Persons with Disabilities, Article 24*, which states:

*States Parties shall ensure an inclusive, education system at all levels, and lifelong learning, directed to:*

*The full development of the human potential and sense of dignity and self-worth ...*

*The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential*

*Enabling persons with disabilities to participate effectively in a free society.*



## 2. Is Right to Education a Fundamental Right?

Yes, right to education is a fundamental right in our country for children between the ages of six to fourteen. This right is enshrined in *Article 21(A) of the Constitution of India*, which says:

*The States shall provide free and compulsory education to all children of the age of six to fourteen (6-14) years in the manner as the State may by Law, determine.*

## 3. What is a Fundamental Right?

- Fundamental rights include those needs that are seen as crucial for the very existence of human life and the development of society.
- A fundamental right means a clear guarantee for the enjoyment of a right without any condition or restriction.
- Once a right is declared fundamental it means that the government has a duty to ensure its immediate implementation without any delay.
- Another important feature of a fundamental right is that its denial can be challenged before a court or an appropriate judicial forum.

## 4. What are the distinct features of the Fundamental Right to Education?

There are 3 main features of the fundamental right to education in India.

All children between the age of six and fourteen years shall receive **free and compulsory education**.

The Government of India and the State Governments will ensure **availability of schools with appropriate facilities** necessary to impart education in all parts of the country.

**All parents must send their children** between the ages of six and fourteen years **to school**.

Right to Education has been declared a fundamental right only in respect of elementary education. This guarantee can however be further extended to secondary or higher education depending upon the economic capacity of the country.

The Supreme Court, in *Unnikrishnan J. P. and Others vs State of Andhra Pradesh and Others*,<sup>1</sup> had the occasion to examine the extent to which claim to free education can be ascertained. The Court clarified that:

*Every child/ citizen of this country has a right to free education until he/ she completes the age of fourteen years, and After a child/ citizen completes fourteen years, his/ her right to education is circumscribed by the limits of the economic capacity of the State and its development.*

## 5. What does the phrase “free and compulsory education” mean?

“**Free education**” means that children have a right to receive education in government and government-aided schools without the payment of any fee.

The term “**compulsory education**” has an implication both for the government as well as for parents. For the government, it means that it is the duty of the government to make schools available in every part of the country so that all children can have access to education.

For parents it means that they have a duty to send their children to school. This duty of parents has been outlined in *Article 51(A) of the Constitution of India*:

<sup>1</sup> Unnikrishnan J. P. and Others vs State of Andhra Pradesh and Others, Union of India [(1993 1 SCC 645)]

*It will be the duty of every citizen of India (k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the ages of six to fourteen years.*

## 6. What is the status of the Fundamental Right to Education for children with disabilities?

The Fundamental right to education has been extended **up to the age of eighteen** for children with disabilities.

According to *Section 26(a) of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995*,<sup>2</sup> hereinafter referred to as the Persons with Disabilities Act, 1995:

*The appropriate governments and the local authorities shall: ensure that every child with a disability has access to free education in an appropriate environment till he/ she attains the age of eighteen years.*

For ease of reference, the relevant portions of the Persons with Disabilities Act, 1995 are attached as **Annexure A**.

In the case of the *National Federation of the Blind vs NCT of Delhi*, the High Court of Delhi struck down the rule prevailing in the schools of the NCT of Delhi providing free education to students with disabilities only up to Class X. The High Court held that:

*The purposes of the act would be defeated if free education is provided only up to Class X and not up to the age of eighteen years ... It is the age of eighteen years that is important, not the class in which the child studies.*

Another distinct feature of the fundamental right to education for children with disabilities is to receive education in an **appropriate environment**.

An **appropriate educational environment** is one that caters to the diverse learning needs of all children. Such an environment allows full participation by children with disabilities in all curricular and co-curricular activities. In the following chapters of this Handbook, we will give a detailed account of measures crucial for creating an appropriate learning environment.

## 7. Does a child with multiple and complex disabilities have a Right to Education?

While making education a fundamental right, the Constitution of India does not exclude any child. Therefore, children with multiple and complex disabilities have an equal right to education as other children.

Over the years, there has been a change in the manner in which the right to education has been perceived for children with multiple and complex disabilities. Earlier it was thought that these students may not have the capacity to receive education. Today, we believe that every child has the right to receive education. The government and educational authorities have a duty towards this end, to provide support services needed by these children.

In Chapter 8, “Technical and Monetary Support for Students with Disabilities” and Chapter 9, “Entitlements of Inclusive Schools” of this Handbook, we will familiarize our readers with the range and type of support services that are available under various schemes.

<sup>2</sup> Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995: <http://www.ccdisabilities.nic.in/Act%201.htm>

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

The Government of India and the State Governments are implementing the right to education for children with disabilities through special schools, regular schools and the open school system.

*Section 26 of the Persons with Disabilities Act, 1995* requires that:

*The appropriate governments and the local authorities shall:*

*Endeavour to promote the integration of students with disabilities in the normal schools*

*Promote setting up of special schools in the government and private sectors for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools.*

There are a number of schemes and action plans to assist education of children with disabilities in the **regular schools**. For example:

### Integrated Education for Disabled Children (IEDC)

The Integrated Education for Disabled Children (IEDC) scheme<sup>3</sup> was introduced in 1974 to provide educational opportunities for children with disabilities in common schools, facilitate their retention in the school system, and integrate the children with disabilities studying in special schools after they have acquired communication and daily living skills at a functional level. The scheme is implemented through State Governments/ Union Territories (UT) Administrations/ autonomous organizations/ voluntary agencies with experience in the field of education and through convergence with government supported programmes.

The relevant portions of the IEDC scheme are attached as **Annexure B**.

### Sarva Shiksha Abhiyan (SSA)

The Sarva Shiksha Abhiyan (SSA)<sup>4</sup> scheme aims to provide useful and relevant elementary education for all children in the six to fourteen age group by 2010. Among its broad strategies, the SSA focuses on the inclusion and participation of special groups including children with special needs in the educational process.

The relevant portions of the SSA scheme are attached as **Annexure C**.

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

In 2005 the government also adopted the National Plan of Action for Inclusion in Education of Children and Youth with Disabilities, 2005. The focus of this Action Plan is towards an inclusive education system to provide a conducive and relevant learning environment by accepting the diversity of the children and adapting to their individual needs. The Plan attempts to complement and supplement the IEDC and SSA programmes in the movement from integration to inclusion.

For details please see: <http://www.education.nic.in/INCLUSIVE.asp>

Though the concept of integrated education is a fairly recent phenomenon, **special schools** have existed in the country for over a century. These schools are designed to meet the special educational needs of students with disabilities. At present, there are more than 3,200 special schools throughout India, both in the private and government sectors.

<sup>3</sup> For details of Integrated Education for Disabled Children (IEDC) scheme please see: [http://www.education.nic.in/htmlweb/iedc\\_sch\\_draft.htm](http://www.education.nic.in/htmlweb/iedc_sch_draft.htm)

<sup>4</sup> For details of Sarva Shiksha Abhiyan (SSA) scheme please see: <http://ssa.nic.in/ssaframework/ssaframe.asp>, <http://ssa.nic.in/ssasplneeds.asp>

A list of special schools existing in Delhi is available at:

<http://www.udaan.org/parivaar/orgdelhi.html>

For the fulfilment of right to education the *Persons with Disabilities Act, 1995* also promotes a dynamic policy ensuring availability of non-formal education for persons with disabilities. *Section 27* of this Act commands:

*The appropriate governments and the local authorities shall by notification make schemes for:*

*Conducting part-time classes in respect of children with disabilities who, having completed education up to Class V, could not continue their studies on a whole-time basis*

*Conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above*

*Imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation*

*Imparting education through open schools or open universities*

*Conducting classes and discussions through interactive electronic or other media.*

In keeping with the provisions outlined in the Act, non-formal education is available to students with disabilities through open schools and universities.

### **National Institute of Open Schooling (NIOS)**

The National Institute of Open Schooling (NIOS),<sup>5</sup> earlier known as the National Open School, offers a Foundation Course, Secondary and Senior Secondary Education Courses and Vocational Training in Hindi and English for children who cannot study in the regular school system. For the education of students with disabilities, the NIOS is affiliated with special schools, which offer course material in accessible formats and conduct classes keeping in mind the needs of these students.

### **Indira Gandhi National Open University (IGNOU)**

The Indira Gandhi National Open University (IGNOU)<sup>6</sup> imparts higher education through various flexible means suited to the open and distance education mode, including information and communication technologies. For students with disabilities, it offers course material in accessible formats and electronic media.

**IGNOU Helpline For General Enquiry and General Information On Academic Programmes:** (011) 2953 5924-32 / 2953 5062-65 / 2953 4976 / 2953 3647 / 2953 5927 / 2953 4397 / 2953 6609 / 2953 6667 / 2953 6975 / 2953 2964 / 2953 4326 / 2953 3767 / 2953 3790 / 2953 6980

**(EPABX) Tel:** (011) 2953 2321

**Fax:** (011) 2953 6588

<sup>5</sup> For details of National Institute of Open Schooling (NIOS) please visit: [www.nos.org/](http://www.nos.org/)

<sup>6</sup> For further information on Indira Gandhi National Open University (IGNOU) please visit: <http://www.ignou.ac.in/>

## 9. What are the international commitments that strengthen the Right to Education of students with disabilities?

Apart from the Constitution of India and the *Persons with Disabilities Act, 1995*, right to education features in a number of international instruments.

From the perspective of persons with disabilities the following instruments are of particular relevance:

- International Convention on the Rights of the Child (CRC),<sup>7</sup> Article 23
- UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities,<sup>8</sup> Rule 6
- The UNESCO Salamanca Statement and Framework for Action on Special Needs Education<sup>9</sup>
- International Convention on the Rights of Persons with Disabilities,<sup>10</sup> Article 24.

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<sup>7</sup> Convention on the Rights of the Child (CRC): <http://www.unhcr.ch/html/menu3/b/k2crc.htm>

<sup>8</sup> UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities: <http://www.un.org/esa/socdev/enable/dissre00.htm>

<sup>9</sup> The Salamanca Statement of the UNESCO World Conference On Special Needs Education: <http://unesdoc.unesco.org/images/0009/000984/098427ev.pdf> <http://www.diseed.org.uk/Salamanca%20Statement.htm>

<sup>10</sup> The UN Convention on the Rights of Persons with Disabilities: <http://www.un.org/esa/socdev/enable/rights/ahc8adart.htm>





## Reservation in Education

*Equality is not degraded or neglected where special provisions are geared to the larger goal of the disabled getting over their disablement consistent with the general good and individual merit.*

– Justice Krishna Iyer<sup>11</sup>

Policy research demonstrates that the mechanism of affirmative schemes and special measures such as reservation are a useful means in creating preconditions for equal participation. Although the issue of reservation has not claimed universal acceptance, it has nonetheless promoted the level of literacy, education and employment among many disadvantaged groups including persons with disabilities.

In this chapter we have arranged critical information regarding the reservation policy of the Government of India on education. For the purpose of clarity and ease of understanding, the information about legal and policy provisions is presented under eight questions.

### 1. Is there reservation in education for students with disabilities?

Yes, there is 3 per cent reservation in education for students with disabilities. This reservation is available in all the government and government-aided educational institutions in the country.

Section 39 of the Persons with Disabilities Act states:

*All educational institutions and other educational institutions receiving aid from the government shall reserve not less than 3 per cent seats for persons with disabilities.*

Earlier there was confusion about the meaning of this section because it is located in the chapter on “Employment” and not on “Education” in the *Persons with Disabilities Act*.

However, the *Supreme Court of India in the All Kerala Parents Association vs State of Kerala*,<sup>12</sup> clarified that:

*Section 39 deals with the reservation of seats for persons with disabilities in government educational institutions as well as educational institutions receiving aid from the government.*

### 2. What do we mean when we say “educational institution receiving aid”?

An educational institution that receives financial assistance from the local, State or Central Government is called a government-aided institution. Recently the High Court of Delhi has clarified that land obtained at concessional rates by a private institution for the establishment of a school also constitutes aid.

<sup>11</sup> Dr Jagdish Saran and Others vs Union of India, (1980) 2 SCC 768

<sup>12</sup> All Kerala Parents Association vs State of Kerala (2002) 7 SCALE 198, (2005) 1 PDD (CC) 106, CA No. 6120 of 2000

In *Social Jurist vs The Government of NCT of Delhi & Others*, the High Court of Delhi<sup>13</sup> clarified that land received on concessional rates to establish a social institution would constitute aid by the government. The court directed the Delhi Development Authority (DDA) to take “appropriate action” against 265 recognized private unaided schools in the Delhi region, which were allotted land by the DDA at concessional rates on the condition that they would reserve 25 per cent freeship quota for disadvantaged children.

### **3. Are all students with disabilities entitled to reservation in education?**

Yes, all students with disabilities are entitled to the 3 per cent reservation in education. Seven categories of disabilities are recognized under *Section 2(i)* of the Act. They are:

- Blindness
- Low vision
- Leprosy-cured
- Hearing impairment
- Loco motor disability
- Mental retardation
- Mental illness.

### **4. Is the 3 per cent reservation available at all levels of education?**

Yes, students with disabilities can benefit from the provision of 3 per cent reservation in all forms and at all levels of education.

Today most of the schools, colleges, universities and vocational training institutions provide 3 per cent reservation to disabled students.

With the interventions of the Chief Commissioner for Persons with Disabilities, National Human Rights Commission and various courts, 3 per cent reservation has been implemented in Medical Colleges, the IITs, the IIMs, Colleges of Engineering, Pharmacy, Tourism, Hotel Management, Architecture, Teacher Education and so on. Kendriya Vidyalaya schools, Navodaya and Central Tibetan schools have also implemented this reservation.

### **5. Is it the duty of the educational institution to inform the student with disability about the 3 per cent reservation when the student seeks admission?**

Yes, it is the duty of educational institutions to inform the students of their entitlement of reservation, when they seek admission. Educational institutions should make a specific reference to the provision of 3 per cent reservation in their admission guidelines, brochures, prospectuses or media notifications.

### **6. Is it mandatory for educational institutions to reserve the full component of 3 per cent reservation for students with disabilities?**

Yes, it is mandatory for all educational institutions to reserve the entire 3 per cent of seats for students with disabilities. No educational authority can reduce or change this 3 per cent reservation in education.

<sup>13</sup> Social Jurist vs the Government of NCT of Delhi & Others, CW No. 3156 of 2002

On one occasion, Delhi University reduced the reservation of 3 per cent to 1 per cent in medical courses on the pretext that only students with loco motor disability were found eligible by the Medical Council of India. In this context, the *High Court of Delhi*<sup>14</sup> clarified that:

*The language of Section 39 is explicit. It brooks no interpretation other than mandating that at least 3 per cent reservation should be made for the physically handicapped.*

## 7. How is the 3 per cent reservation in educational institutions calculated?

The 3 per cent reservation is calculated on the basis of the total strength of students in a school or department within an educational institution. For instance if there are 1,000 students in a general school, 3 per cent would be calculated as:

$$3 / 100 \times 1000 = 30.$$

But in the case of an educational institution that offers courses in various streams, the 3 per cent is to be worked out based on the total strength of students under each stream. Take a case of a medical college that has 200 seats in the MBBS course and 100 seats in the BDS (Bachelor of Dental Surgery) course. The 3 per cent reservation will be calculated separately for the MBBS course and the BDS course as:

$$3 / 100 \times 200 = 6 \text{ seats for disabled students in the MBBS course and}$$

$$3 / 100 \times 100 = 3 \text{ seats for disabled students in the BDS course.}$$

However, in the event of a small or limited number of seats under a discipline the 3 per cent reservation is calculated by adding the seats available in all the disciplines. An excellent clarification has been offered in this regard by the High Court of Delhi.

In the case of *Nitin Sharma vs The Principal, College of Art & Another*,<sup>15</sup> before the *High Court of Delhi*, 7 seats were available in each of the 3 streams in the Master of Fine Arts. However the college did not set apart even a single seat on the grounds that in each of the 3 streams taken separately the entitlement would fall to as low as 0.2 per cent. The Court held that the Act prescribed a minimum of 3 per cent reservation and there was no stipulation that it cannot exceed the 3 per cent reservation quota. It held that:

*If the total number of seats available in all 3 streams are taken into perspective, the quota would come to 0.6 per cent and if rounded off it would be one seat.*

The Court further held that:

*It is certainly possible for the College to even adopt the position that it would set one seat apart in each of the 3 streams.*

## 8. What steps can parents and students with disabilities take if the 3 per cent reservation is not being implemented?

As a first step, parents and students can inform the educational authorities about the Persons with Disabilities Act, 1995, especially Section 39.

<sup>14</sup> Dr Raman Khanna vs University of Delhi and others with Miss Rekha Tyagi vs The Vice-Chancellor and Others with Parul Jhunjhunwala vs University of Delhi, CW Nos 2670/2003.....decided on August 11, 2003

<sup>15</sup> WP (C) 17720/2005, decided on September 16, 2005

In case this does not help, as the second step, file a complaint with the Chief Commissioner for Persons with Disabilities or the State Commissioner for Persons with Disabilities.

If the authority concerned does not implement the order passed by the Chief Commissioner for Persons with Disabilities there are two options:

- You can file a complaint in the High Court
- You can also file an application under the Right to Information Act asking the Secretary, Education, to inform you about the steps taken for the implementation of Section 39 of the Persons with Disabilities Act, particularly in the educational institution that has denied reservation.

The details of how to file complaints are provided in Chapter 11 of this Handbook.



## Admission Procedure

Admission to a school and for that matter to any educational institution can be a cumbersome process, as a student has to fulfil a number of conditions before being granted admission.

In this chapter we will familiarize our readers with common procedural formalities that they must follow. We will also orient them to their rights and special entitlements in order to save them from any inconvenience or hardship while seeking admission.

### 1. Can students with disabilities seek admission to any school?

In the SSA the government has adopted a “**zero rejection**” policy for children with special needs so that no child is left out of the education system.

One of the aims of SSA is to ensure that every child with special needs, irrespective of the kind, category and degree of disability, is provided education in an appropriate environment.

**Zero rejection** means that no child, including a child with disability, can be denied admission by a government or a government-aided school.

### 2. Are students with disabilities granted age relaxation in admission?

Ordinarily, children are admitted to Class I at the age of five to six years. In the case of children with disabilities, this criterion is relaxed.

For example, in Delhi a nine-year-old child with disability can seek admission to Class I.

Instructions to this effect have been issued vide *Circular No. DE40(20) EVG/IEDC/Circular/98/7109-8699 dated January 6, 2003 of the Directorate of Education, National Capital Territory of Delhi*.<sup>16</sup> It states:

*... The age relaxation for admission for disabled children at entry stage will be nine years instead of five to six years. The upper age limit will remain at eighteen years ... further directed to ensure that such children are not denied admission in schools only because of their age.*

Children with disabilities are not only entitled to an age relaxation while seeking admission to Class I. They enjoy this relaxation at all stages of education.

Sholey, a fourteen-year-old disabled girl child was denied admission in an MCD school in Class V on the grounds that she was overage and hence not eligible for admission. *The High Court of Delhi in Social Jurist vs Union of India and Others*<sup>17</sup> held:

*Sholey, being a disabled child, has the fundamental right to have access to free education in an appropriate environment till she attains the age of eighteen, as guaranteed to her*

<sup>16</sup> [http://www.edudel.nic.in/circulars\\_file/IEDC\(FINAL\\_COPY\).htm](http://www.edudel.nic.in/circulars_file/IEDC(FINAL_COPY).htm)

<sup>17</sup> *Social Jurist vs Union of India and Others* (Delhi High Court), CM 6736/2000 in CW 3956 of 2000



*under Articles 21 and 45 of the Constitution of India ... read with the provisions of Section 26 of the Persons with Disabilities Act, 1995. As a result, Sholey was given admission to the school.*

Age relaxation up to five years has also been granted to students with disabilities in higher education. *The University Grants Commission (UGC) in its letter No.F.6-1/2002(CPP-II) Vol.-III dated July 2006* advised the registrars of all universities and deemed universities:

*to provide relaxation up to a maximum of five years to persons with disabilities in admission to various courses.*

### **3. Are there any particular documents/ certificates that parents need to submit at the stage of admission?**

At the stage of admission to a school, the parents are generally required to submit the following documents:

- Birth Certificate or an Affidavit of Birth
- Caste Certificate in case of SC/ ST/ OBC children
- Income Certificate
- Disability Certificate.

(In the next chapter of this Handbook we will respond to queries regarding the Disability Certificate.)

It is clarified that the schools cannot deny admission due to non-availability of necessary documents, since education is a fundamental right. Parents can furnish the necessary documents after the child starts attending the school.

In *Social Jurist vs Union of India and Others*,<sup>18</sup> the High Court of Delhi pointed out that admission cannot be denied on irrelevant grounds like non-availability of birth certificate, non-availability of ration card, non-availability of affidavit of date of birth duly attested by the executive magistrate, non-availability of Disability Certificate in the case of a disabled child, etc.

In view of the High Court ruling, the Government of the National Capital Territory of Delhi amended the Delhi School Education Rules, 1973, informing all principals that schools cannot deny admission merely because of non-availability of birth certificate. Admission can be given to a child based on an affidavit of the date of birth of the child by the parents, and in case of a destitute child, even that is not required.

### **4. Are students with disabilities entitled to any relaxation in the minimum marks required while seeking admission to colleges, universities and professional and vocational courses?**

To give effect to the provision of 3 per cent reservation, educational institutions have adopted various strategies. For instance, professional and technical institutions draw a separate merit list of reserved students. Delhi University and several other universities give an extra weightage of 5-10 per cent over and above the marks obtained by students with disabilities. By this criterion 60 per cent marks obtained by a disabled student are deemed equal to 70 per cent, for the purpose of admission.

A number of other educational institutions also lower the minimum percentage of marks required for granting admission.

<sup>18</sup> *Social Jurist vs Union of India and Others* (Delhi High Court), CM 6736/2000 in CW 3956 of 2000, decided on August 29, 2000

For example, *the UGC, in its circular No. F.3-1/2000(PS)P/H dated October 17, 2002* advised the Registrar, All universities/ State Education Secretaries/ Secretary, MHRD, Delhi/ Regional Offices to:

*Grant a relaxation of 5 per cent (from 55 per cent to 50 per cent) of marks at the Master's level to the physically and visually handicapped persons in appointments as lecturer in the universities and colleges.*

## **5. Can an educational institution insist on a fresh medical examination of students with disabilities at the stage of admission?**

No educational institution has the competence to conduct a medical examination of a disabled student in order to determine the extent of his/ her disability.

The judiciary had occasion to examine whether educational institutions have the authority to insist upon a medical examination of a student in order to determine his/ her disability.

The High Court of Delhi in *Dr Raman Khanna vs University of Delhi*<sup>19</sup> clarified that:

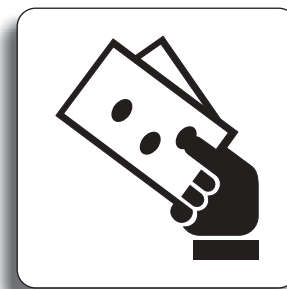
*On a conjoint reading of Section 2 of the Persons with Disabilities Act and Rule 4 of the Disability Rules, it will be crystal clear that individual universities, institutions or establishments have no alternative but to accept a certificate issued by the Medical Boards constituted by the Central or State Governments as the case may be.*

## **6. From where can parents and students with disabilities obtain admission related information?**

Parents and students with disabilities can secure a copy of admission guidelines, brochures, etc. from the concerned school or other educational authorities. These documents generally provide information relevant for the admission of students with disabilities.

In case such information is not provided, approach the principal, vice-chancellor or the head of administration of the institution with your queries. In the event you do not succeed in obtaining the relevant information from the sources mentioned earlier, please approach the District Education Officer, Secretary Education or State Commissioner for Persons with Disabilities for information.

<sup>19</sup> High Court of Delhi in the case of *Dr Raman Khanna vs University Of Delhi*, (CW 2670/2003 with CW Nos. 2912 & 4345/2003 with CM Nos. 7440 & 8658-59/2003)



## Disability Certificate

This chapter will address common queries of parents and students with disabilities in relation to the Disability Certificate. This document is often required while seeking special benefits and entitlements. At times its production at the stage of admission to an educational institution and during the examinations becomes necessary.

However, it is clarified that a student cannot be denied his/ her fundamental right to education for not being able to furnish a Disability Certificate.

### 1. What is a Disability Certificate?

The Disability Certificate is a document in which the nature, type and extent of disability is mentioned after an individual is examined by a panel of doctors.

### 2. Who is authorized to issue a Disability Certificate?

According to *Rule 4.1 of Implementing Rules of the Persons with Disabilities Act, 1995*:<sup>20</sup>

*A Disability Certificate shall be issued by a Medical Board duly constituted by the Central and State Governments.*

*Rule 4.2 of the Implementing Rules* outlines the composition of the Medical Board. It says:

*The State Government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing loco motor, visual, including low vision, hearing and speech disability, mental retardation and leprosy-cured, as the case may be.*

### 3. Can every hospital constitute a Medical Board?

Only a hospital or medical institution notified by the appropriate government has the authority to constitute a Medical Board.

According to *Section 2(p) of the Persons with Disabilities Act, 1995*:

*“Medical Authority” means any hospital or institution specified for the purposes of this Act by notification by the appropriate government.*

Such a notification was not issued in Delhi for a long time, due to which persons with disabilities encountered numerous problems in getting the Disability Certificate. The matter was brought to the notice of the *High Court of Delhi by the Social Jurist*.<sup>21</sup> The Court directed the government:

*to issue a formal notification in conformity with the provisions of Section 2 (p) of the Act.*

The High Court further directed that:

<sup>20</sup> Persons with Disabilities Rules, 1995

<sup>21</sup> Social Jurist vs Union of India and Another, CWP No. 1283 of 2002, dated August 13, 2002 in the High Court of Delhi

*The constitution of the board should be publicized widely through the use of the print and electronic media so that people with disabilities are aware of where to get the certificate. The facts about the Medical Boards should also be displayed in prominent places within the hospital premises and notice boards of the hospitals.*

#### 4. How does one obtain a Disability Certificate?

As we have already explained, only a hospital authorized by the Government can issue a Disability Certificate.

As a first step therefore, identify an authorized hospital in your district.

Second, write an application to the Medical Superintendent of the authorized hospital requesting for an appointment with the Medical Board for the purpose of obtaining a Disability Certificate.

Such an application should include information about the name, age, and type of disability of the concerned person. For efficient communication, give complete contact details such as mailing address, phone number and email id, in case there is one.

**Securing a Disability Certificate** is a time-consuming and cumbersome process. Therefore, read the information given in the box carefully.

Identify an authorized hospital that can issue a Disability Certificate.

Write an application to the Medical Superintendent seeking an appointment with the Medical Board

On the designated date reach the hospital with passport-sized photographs (three to four), proof of residence, and birth.

After the Medical Board has examined the candidate, find out the name of the officer and the date on which the Disability Certificate will be issued.

Contact the designated officer on the assigned date and time for receiving the Disability Certificate.

#### 5. Can a person with disability have a Permanent Disability Certificate or is it for a specific period?

There are two types of Disability Certificates – permanent and temporary.

A Permanent Disability Certificate is given if the Medical Board finds no possibility of improvement or change in the disability of the person.

A Temporary Disability Certificate is given to a person with disability whose extent of disability can either improve or deteriorate further.

According to *Rule 5 of the Implementing Rules of the Persons with Disabilities Act, 1995*:

*The Medical Board shall, after due examination give a permanent Disability Certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability.*

*The Medical Board shall indicate the period of validity in the certificate, in cases where there is any chance of variation in the degree of disability.*

The Government of India has determined the validity of temporary Disability Certificates for a period of five years. In paragraph 6 of *Guidelines for Evaluation of Various Disabilities and Procedure for Certification, issued vide Notification No. 16-18/97-NI dated June 1, 2001, of the Ministry of Social Justice and Empowerment*, it is stated:

*The certificate would be valid for a period of 5 years for those whose disability is temporary. For those who acquire permanent disability the validity can be shown as “Permanent”.*

## **6. On what grounds can a Medical Board deny a Disability Certificate?**

The Medical Board may refuse a Disability Certificate in two conditions:

- **If the extent of disability of the persons applying for the certificate is less than 40 per cent.**

As per *Section 2(t) of the Persons with Disabilities Act, 1995*, a person with disability means a person suffering from not less than 40 per cent of any disability as certified by any authority.

- The Medical Board can refuse a Disability Certificate also in the event **the disability of the individual is not covered under disability-related laws**. These include:
  - Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
  - National Trust (for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities) Act, 1999
  - Mental Health Act, 1987

In total there are 10 types of disabilities covered under the various disability legislations referred above. These are:

- Blindness
- Low Vision
- Leprosy-cured
- Hearing impairment
- Mental retardation
- Loco motor disability
- Mental illness
- Cerebral Palsy
- Autism
- Multiple Disability.

It is clarified that the Medical Authorities cannot reject a request for a Disability Certificate without giving the opportunity to be heard or filing an appeal against the decision.

According to *Rule 5 of the Implementing Rules of the Persons with Disabilities Act*:

*No refusal of Disability Certificate shall be made unless an opportunity is given to the applicant of being heard.*

*On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such an order in the matter as it thinks fit.*

## 7. Can an institution reject the Disability Certificate of a student seeking admission and ask for an independent evaluation?

No educational institution has the competence to conduct a medical examination of a disabled student in order to determine the extent of his/ her disability.

The judiciary had the occasion to examine whether educational institutions have the authority to insist upon a Medical Examination of a student in order to determine his/ her disability.

*The High Court of Delhi in Dr Raman Khanna vs University Of Delhi*<sup>22</sup> clarified that:

*On a conjoint reading of Section 2 of the Disabilities Act and Rule 4 of the Disability Rules, it will be crystal clear that individual universities, institutions or establishments have no alternative but to accept a certificate issued by the Medical Boards constituted by the Central or State Governments as the case may be.*

## 8. What are the advantages of having a Disability Certificate?

The Disability Certificate entitles a person with disability to a number of benefits.

Once a student gets a Disability Certificate he/ she can fully enjoy all the rights and benefits granted under various disability laws, government schemes, and services of voluntary organizations.

The student's Disability Certificate can enable effective implementation of schemes such as IEDC, SSA, and Scheme of Assistance to Disabled Persons for Purchase/ Fitting Aids Appliances (ADIP) by the schools. Through these schemes, the schools can engage expert teachers in the field of the child's disability. They can also commission services of sign language interpreters, therapists, mobility instructors and counsellors. Children can also receive free books, stationery, teaching and learning materials, special devices, transport support and allowances.

## 9. What are the consequences of giving and obtaining a fake Disability Certificate?

Any individual who tries to obtain or issues a Disability Certificate to a person who does not qualify under the disability criteria laid down in Section 2 of the Disabilities Act is liable to punishment.

*Section 69 of the Persons with Disabilities Act, 1995 stipulates:*

*Whoever fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term, which may extend to two years or with fine, which may extend to twenty thousand rupees or with both.*

<sup>22</sup> High Court of Delhi in the case of Dr Raman Khanna vs University of Delhi, (CW 2670/2003 with CW Nos.2912 & 4345/2003 with CM Nos. 7440 & 8658-59/2003)



## Access to Curriculum/ Curriculum Adaptations

While a majority of students with disabilities can follow the standard curriculum, some may require adaptations either at the level of the course content or in the instructions and materials used for teaching.

Recognizing these needs, the *National Focus Group on Education of Children with Special Needs* recommends:

*The curriculum needs to be balanced in such a way that it is common for all and yet takes account of the individual needs of learners.*

Curriculum adaptation in respect of students with disabilities is a legal requirement. *Section 30 of the Persons with Disabilities Act, 1995* enjoins appropriate governments to prepare a comprehensive education scheme for:

*Restructuring of curriculum for the benefit of children with disabilities.*

Similarly, the recently adopted *International Convention on the Rights of Persons with Disabilities* in *Article 24* also calls for:

*2(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.*

This chapter briefly explains the needs of students with disabilities and the various steps involved in making the curriculum accessible. It also provides a brief account of legislative and policy measures including the guidelines issued by educational authorities and various courts.

### 1. What are some of the different/ specific requirements of students with disabilities to access the curriculum?

While many/ some students can negotiate all or most aspects of the curriculum, others do require minor to major adjustments. For example, students who are hearing-impaired may have difficulty in learning two or more languages as required by our school curriculum.

Students with vision impairment would find purely visual content difficult to understand and may require a more descriptive content.

Similarly, students with learning/ mental disabilities will require simplification of the course content or the language in which it is arranged. With the curriculum adaptations they are certainly able to follow the school curriculum to a certain level and can later opt for a vocational course. The focus of their education has to be on life skills to achieve self-reliance.

### 2. What are the nature and types of instructional adaptations required by students with disabilities?

Students with disabilities may use different modes of communication to understand/ negotiate the curriculum.



Blind students will require Braille books or talking books (where the content of the course is put in Braille or on tape). For reading, students with low vision need books in Braille or the computer to be able to access the curriculum content.

There are students with disabilities who may communicate with the world through augmentative communication techniques. These students will need to negotiate the curriculum through these channels of communication.

This also means that students with disabilities will need to learn some different skills to negotiate the curriculum. For example, while other children learn to write with a pencil and pen, children with vision impairment will need to learn Braille as part of their curriculum. Braille will be the mode of communication through which they would learn to read and write.

They would have to receive training to use special mathematical equipment and to be able to feel and understand embossed maps and models.

Students with hearing impairment communicate in sign language and may require teachers to communicate the curriculum to them in sign language.

Schools therefore need to have training, knowledge and a supply of special books and equipment to enable students with disabilities to access the curriculum.

### 3. What are the nature and types of curriculum adaptations required for students with hearing disability?

Language plays an important part in intellectual development, especially in problem solving. Deafness can cause a serious disadvantage if the linguistic needs of deaf students are not met. Many hearing-impaired children therefore, tend to lag behind in abstract thinking and analytical abilities. This can greatly hinder their learning processes.

For **input in language development**, the Ali Yavar Jung National Institute for the Hearing Handicapped (AYJNIHH) has developed a **model pre-school curriculum** for young hearing-impaired children. Correspondence courses/ home study plans are also available for parents at the following organizations:

#### For Hindi:

**Shravan Vani Sudhar Kendra**  
All India Institute of Medical Sciences  
Ansari Nagar  
New Delhi 110 029

#### For English:

**John Tracy Clinic**  
806, West Adams Boulevard  
Los Angeles  
California 90007

#### For Marathi:

**Kanmantra, M. D. D.**  
AYJNIHH, K. C. Marg  
Bandra Reclamation  
Bandra (W)  
Mumbai 400 050

### **Central Institute for the Teachers of Deaf**

Municipal School Bldg., Third Floor

Opp. YMCA Swimming Pool,

Farook Umarbhoy Path

Agripada

Mumbai 400 011

**Sign language** is the natural language of people who cannot perceive sound. There are many sign languages in use. They vary from state to state and within the state there may be several dialects in use. The need for a common standardized language and its use in the education of the hearing impaired has been widely recognized.

*The UNESCO Salamanca Statement and Framework for Action on Special Needs Education*, underlining the importance of sign language as the medium of education for the deaf, encourages the states to ensure that all deaf persons have access to education in their national sign language (*paragraph 21*).

Its importance has also been emphasized in the *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*. For example, *Rule 5* calls for:

*Use of sign language in the education of deaf children, in their families and communities.*

It also encourages:

*Sign language interpretation services ... to facilitate communication between deaf persons and others.*

In the near future the teaching of sign language will become mandatory under the International Human Rights Law as the UN General Assembly has adopted the *International Convention on the Rights of Persons with Disabilities*. *Article 24(3)* of this Convention requires States Parties to take appropriate measures for:

*Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community.*

The *Committee on Economic, Social and Cultural Rights*, which monitors the implementation of the International Convention on Economic, Social and Cultural Rights (ICESCR) issued a General Comment No. 5 on persons with disabilities recommending, in *paragraph 35*:

*In the case of deaf children, for example, sign language should be recognized as a separate language to which the children should have access and whose importance should be acknowledged in their overall social environment.*

The *National Curriculum Framework*, recently introduced by NCERT, also recognizes the importance of sign language as the medium of instruction for children with hearing impairment. It recommends:

*The medium of instruction should include sign language for children with hearing impairment and Braille for children with vision impairment.*

In order to fulfil the obligation of teaching students with hearing impairment in the medium of sign language, there is a need to develop a child-oriented standard sign language in India. In this context, the Delhi Deaf Association has filed a complaint before the National Human Rights Commission to develop a standard sign language that will meet the educational training and employment needs

of the deaf community. Consequently, a project for developing an Indian sign language is underway at the AYJNIHH.

Since the work on a child-appropriate uniform sign language by the National Institute for the Hearing Handicapped is still underway many deaf children use adapted books. The content of the course remains the same, only the presentation is simplified and accompanied with visual graphic clues. These **adapted books** for the deaf are developed by the AYJNIHH.

Besides, adapted books, students with hearing impairment also have the **option of studying one language** as against two or three languages. This right is also recognized in the *Persons with Disabilities Act, 1995*, which mandates adaptations in curriculum for students with hearing impairments, especially with regard to taking one language as part of the curriculum.

*Section 30* of the Act requires:

*Restructuring the curriculum for the benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.*

In order to implement this legal right, the *Central Board of Secondary Education (CBSE)* modified both the curriculum and examination policy. Instructions have been issued vide *Circular No. DE.40(20) Admn. Cell/IEDC/Circular/99/369-1469 dated January 10, 2000*, in which it is stated:

*Students with hearing impairment have the option of studying one compulsory language as against two ... Besides one language any four of the following subjects may be offered: Mathematics, Science and Technology, Social Sciences, Another Language, Music, Painting, Home Science, Introductory Information Technology.*

Many deaf students communicate with hearing persons using **lip-reading skills**. Therefore, considering the needs of these children, teachers should maintain a smooth interactive conversational flow. They should speak clearly, naturally, and at a normal pace, without pausing unnecessarily between words, which would break the coherence in their message. Teachers should also maintain constant eye contact but should avoid exaggerated lip movements.

However, for maintaining a smooth communication flow with students with partial hearing, **a good management of hearing aids, cochlear implants, FM systems or sound field systems is required.**

Schools and parents are therefore recommended to get the following assessments done periodically:

- Assessment of hearing aid
- Psychological assessment
- Assessment of development of speech
- Assessment of development of language
- Assessment of educational achievements, etc.

Information regarding such assessments can be obtained from:

**National Institute of Speech & Hearing**  
Palace Road, Poojappura  
Thiruvananthapuram 695 012  
Kerala, India

**Ali Yavar Jung National Institute for the Hearing Handicapped (AYJNIHH)**

K.C. Marg,  
Bandra Reclamation  
Bandra (W)  
Mumbai 400 050

These institutes distribute hearing aids free or at a nominal cost for those below the poverty line under the Deen Dayal Scheme of Assistance to Disabled Persons implemented by the Ministry of Social Justice and Empowerment, Government of India.

#### **4. What are the nature and types of curriculum adaptations needed by students with visual disability?**

Most of the blind and low-vision students can follow a standard curriculum with minor adaptations in the content and teaching methodology.

Content adaptations are generally recommended in the fields of mathematics and science. To this effect various educational authorities and State Education Boards have issued guidelines. These are discussed at some length in the next chapter of this Handbook, which deals with the adaptations required in relation to examinations and tests.

As far as teaching methodology is concerned, emphasis must be on tactile and auditory learning. In the context of blind and low-vision students the *International Convention on the Rights of Persons with Disabilities in Article 24* encourages the States Parties to take appropriate measures for:

*Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means, and formats of communication, orientation and mobility skills ...*

Similarly, *Rule 5 of the UN Standard Rules* says:

*Braille, tape services, large print and other appropriate technologies should be used to provide access to written information and documentation for persons with visual impairments.*

In this respect the *Persons with Disabilities Act, 1995* in *Section 27(f)* requires the appropriate government to frame schemes for:

*Providing every child with a disability, free of cost, special books and equipment, needed for his education.*

To make these rights a reality, the All India Confederation of the Blind<sup>23</sup> filed a writ petition in the Supreme Court in 1998, seeking to ensure availability of all textbooks in Braille according to the revised syllabus of the NCERT to students with visual disabilities. In its interim order dated October 25, 2003, the Court directed that:

*Textbooks be made available latest by March 31, 2004 and not later.*

In another case filed before the National Human Rights Commission of India in 2005 for non-availability of books in Braille, Justice A. S. Anand (Retd), Chairman NHRC, recommended all State Education Boards to take steps to print books in Braille. He further directed that they work on proper distribution systems so that books prescribed by the Boards are available to visually impaired children at the beginning of each academic session, at the same time as their sighted counterparts. As a result, the State Governments of Haryana, Madhya Pradesh, Uttar Pradesh, Rajasthan, Jammu and Kashmir,

<sup>23</sup> All India Confederation of the Blind and Another vs Union of India and Another, CWP No. 115/1998 with I.A. No. 3 in CWP No. 116/1998, C.A. No. 6442/1998, C.A. No. 6443/1998

Manipur, West Bengal, Gujarat and Karnataka have initiated positive steps and developed the necessary capacity.

However, the availability of books in Braille and the training of students with visual disabilities in the use of information technology to access the curriculum are still not universalized in our country.

In a study conducted by CAT, it was found that 50 per cent of the visually impaired students studied, were not familiar with the adaptive technologies such as Braille, Jaws, Synthavoice, etc. that are useful to access the curriculum and write examinations. Reference to this study features in a complaint filed before the Court of the Chief Commissioner for Persons with Disabilities in the case of *Shri Mohammed Asif Iqbal vs Indian Institute of Management, Kolkata and Others*.<sup>24</sup>

This finding clearly brings out the fact that students need to be trained to use adaptive technologies and alternative mediums of communication that will enable them to access the curriculum fully.

For **blind and low vision students** access to books and reading material can be ensured by:

- Providing the books and reading material in Braille
- Making an audio copy of the books and/ or reading material on a cassette, provided a cassette player is available
- Making available an electronic copy of the books and reading material for students who use computers
- Providing a large-print copy of the books/ reading material for students with low vision – the print size must be determined as per the individual needs of the child
- Allowing use of magnifiers and blackboards for students with low vision
- Maintaining a small resource room with all the necessary equipment such as Braille slates and stylus, Braille, typewriter, felt pens/ black sketch pens, tape recorders, CD players, computer with “Jaws” software for English and “Safa” for Hindi, and coloured monitors for low-vision students
- Allowing use of blackboards for classroom work to students with low vision.

## 5. From where and how can one access books or reading material in alternative formats?

Braille books are generally not available in the bookshops. They can be purchased directly from Braille presses. The National Institute for the Visually Handicapped (NIVH) provides Braille books free of cost for students studying in Classes I-V. For students studying in Class VI and onwards the Braille books are available at a highly subsidized price. The Braille press of NIVH publishes Braille books in Hindi, English, Sanskrit and Punjabi.

There are seventeen Braille presses and fourteen audio or talking book libraries in the country. Students can approach these libraries for obtaining personal copies of the books or can acquire books on loan. A list of **Braille books** and **talking book libraries** is attached in **Annexure D and E** along with their addresses.

Besides Braille and talking books, **electronic books** are also available for students with disabilities who can use computers. These are available at:

### **National Association for the Blind**

Computer Unit

Sector V, R. K. Puram

New Delhi 110 022

<sup>24</sup> Case no. 2559/2003, Shri Mohammed Asif Iqbal vs Indian Institute of Management, Kolkata, Ministry of Human Resource Development and All India Council of Technical Education, in the Court of the Chief Commissioner for Persons with Disabilities

There are various **low-vision aids** available, for example, handheld magnifiers, stand magnifiers, spectacle-mounted magnifiers, illuminated magnifiers, telescopic glasses, etc. For their assessment and procurement, the **list of centres** is attached in **Annexure F**.

**A catalogue of equipment and educational devices for the blind and low-vision persons<sup>25</sup>** is provided below:

- Braille slates and stylus
- Braille
- Braille embossers or Braille printers
- Braille translation software
- Calculators
- Canes
- Optical character recognition or reading systems
- Personal digital assistant (PDA)
- Tape recorders or other recording devices
- Screen magnifiers
- Screen readers
- Software
- Thermometers
- Toys and games
- Video magnifiers (CCTV)
- Watches and clocks
- Phones
- Kitchen accessories
- Measuring devices.

## **6. What are the nature and types of curriculum adaptations required by students with mental disabilities?**

Students with mental disabilities face many disadvantages in our current system of education regarding adaptations in the curriculum to suit their learning needs in the general school system. It seems that no specific adaptations have been made for them even in the primary classes. Special schools for children with mental disabilities are as yet not mandated to follow a particular national curriculum and therefore most schools follow an ad hoc approach in designing and adapting the curriculum.

Parents of students with mental disabilities need to be aware that students with mental disabilities have an equal right under *Section 30(g) of the Persons with Disabilities Act* to have the curriculum restructured according to their special needs.

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<sup>25</sup> <http://www.eyeway.org/inform/products/pr-searchlist.php?browse=cate>

Accordingly, the National Institute for Mentally Handicapped (NIMH) has devised a curriculum for students with mental disabilities. This curriculum includes assessment checklists for different groups of students as well as a guide for programming. Students with mental disabilities have been divided into pre-primary, primary, secondary, pre-vocational and vocational groups. A separate group of children with profound mental retardation come under the “care” group. Details of this curriculum can be accessed from the NIMH:

**National Institute for Mentally Handicapped (NIMH)**

Manovikasnagar

Secunderabad 500 009

Andhra Pradesh, India

Phone: (040) 2775 1741

Fax: (040) 2775 0198

Email: [hd1\\_nimhldhk@sancharnet.in](mailto:hd1_nimhldhk@sancharnet.in), [hd2\\_dirnimh@sancharnet.in](mailto:hd2_dirnimh@sancharnet.in)

Website: [www.nimhindia.org](http://www.nimhindia.org)

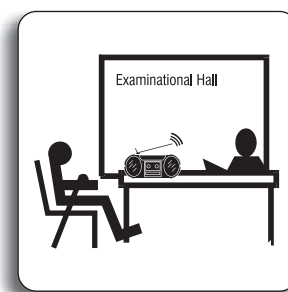
*Section 26 (d) of the Persons with Disabilities Act, 1995* also talks about endeavouring:

*To equip special schools for children with disabilities with vocational training facilities.*

This provision would be useful for students who may not go to university after school but could get vocational training after a certain level of education.

Parents can check with the Commissioner for Persons with Disabilities in their state whether such a provision has been made in special schools in their state.





## Reasonable Accommodations and Modifications in Examinations

Traditionally examinations are designed and conducted with the assumption that all students can read with the help of their vision, write with their hands, and use spoken languages. In reality, some students use their fingers for reading and their hands for speaking; they read lip movements and facial expressions for listening.

In order to enable these students to appear in the examinations using their preferred medium of communication, reasonable adjustments have been recommended under the Persons with Disabilities Act, 1995 and the rules framed by various educational authorities.

This chapter highlights the range and nature of adjustments and modifications recommended in the written examinations and interviews.

### 1. Why are modifications required in written and other tests for students with disabilities?

Like other aspects of education, the examination system was also designed to meet the requirements of the non-disabled students. As a consequence, students with disabilities were unable to attempt certain parts of the papers. Group discussions, interviews, science practical examinations, etc. also posed numerous challenges for deaf, blind and spastic children.

In order to equalize conditions in which examinations are administered, school boards, universities and other examining authorities have introduced a number of modifications. These are discussed in detail in this chapter.

### 2. Is there a legal obligation towards modifying the examination system for students with disabilities?

Yes, modifications in the examination system are a legal obligation. The principle policy regarding modification of examination is laid down in *Sections 30 and 31 of the Persons with Disabilities Act, 1995*.

### 3. Are candidates with disabilities entitled to question papers in accessible formats?

Yes, candidates with disabilities are entitled to question papers in accessible formats.

For **blind students and low-vision students** access to question papers can be ensured by:

- Providing the question paper in Braille script
- Reading out the question paper without giving any clarification or explanation

- Making an audio copy of the question paper on a cassette, provided a cassette player is available
- Making available an electronic copy of the question paper for students who use computers
- By providing a large-print copy of the question paper for students with low vision – the print size must be determined as per the individual needs of the child
- By allowing use of magnifiers and other assistive devices.

The right to receive question papers in accessible formats by students with disabilities has been upheld by the Honourable Supreme Court as well as various High Courts.

In the case of *National Federation of the Blind vs UPSC*,<sup>26</sup> the Supreme Court directed the UPSC to provide question papers in Braille or make provisions for a scribe to blind candidates appearing in the Group A and B Civil Services competitive examinations.

In *Sudip Goyal vs CBSE*, the High Court of Delhi directed that question papers for low-vision students be made available in large print or alternatively the staff on duty should read out the questions.

Various authorities have issued specific guidelines for making necessary modifications in the question papers keeping in view the needs of **students with learning disabilities and hearing impairment**.

*The Maharashtra State Board of Secondary and Higher Secondary Education, Pune, vide its notification No. SB/Br. M/Regulation 5907 dated July 8, 1999, amended the Maharashtra Secondary and Higher Secondary Education Board Regulations (1977) for students appearing for the SSC Examinations. As per the amended guidelines:*

*In the case of deaf and dumb, and learning-disabled candidates, teachers from the junior college concerned may be permitted a maximum period of fifteen minutes to explain the question paper to the concerned candidates in the examination hall.*

For these students access to question papers can also be ensured by using simple and easy-to-read language.

#### 4. Can alternative questions be offered to students who cannot attempt questions based on pictures, graphs, etc.?

The blind and low-vision students are at a loss when questions are based on pictures, graphs, etc. In order to provide them an equal opportunity, *Section 30 (f) of the Persons with Disabilities Act, 1995* makes a provision for alternative questions in lieu of purely mathematical questions for the blind. This statutory principle underlines the fact that when there is a question based on pictures, graphs, maps, geometrical illustrations, etc., blind persons should be offered an alternative question, as visual exploration is not possible for those with visual impairment.

The *Central Board of Secondary Education (CBSE)* from the 2002 examination provides:

*Alternate questions in lieu of questions requiring special skills based on visual inputs ... in mathematics and science for the Secondary School Examination (Class X).*

Some State Education Boards and schools do not offer alternative questions, instead they award proportionate marks based on the overall performance of the student. However, this is not an ideal solution. Paper setters must offer alternative questions to assess the knowledge of disabled students in all areas.

<sup>26</sup>1993 (2) SCC 41

Agencies like the Universities Grants Commission also follow this principle while setting the question paper for the National Eligibility Test (NET).

## 5. Who among the disabled are entitled to the assistance of scribes/ writers while taking written tests?

Amongst the disabled, the blind and low-vision students, and students with cerebral palsy and learning disabilities are entitled to write their examinations with the help of a writer/ scribe.

*Section 31 of the Persons with Disabilities Act, 1995, provides that:*

*All educational institutions shall provide or cause to be provided amanuensis to blind students and students with low vision.*

Apart from blind and low-vision persons, some other categories of the disabled, such as those with learning disabilities and cerebral palsy, have also been granted the assistance of a scribe.

The Central Board of Secondary Education (CBSE) issued guidelines in 2004 extending the facility of using a writer/ scribe/ amanuensis to **spastic, physically handicapped, blind and dyslexic** students appearing for their board examinations. The CBSE has further prescribed the following rules for appointing a writer/ scribe/ amanuensis:

### Rules for appointing an amanuensis:

- An amanuensis must be a student of a class lower than the one for which the candidate is taking the examination.
- The Superintendent of the examination centre concerned shall choose a suitable amanuensis and forward immediately to the Regional Officer concerned of the Board, a report giving full particulars of the candidate and of the amanuensis for his consideration and approval.
- The Superintendent shall arrange a suitable room for the candidate for whom an amanuensis is allowed and appoint one special Assistant Superintendent to supervise the examination.
- Such a candidate shall pay a fee as may be prescribed for the use of an amanuensis. However, a blind or physically handicapped or spastic candidate will be provided with the services of an amanuensis free of cost.
- The amanuensis shall be paid by the Board a remuneration as prescribed from time to time.

## 6. Can students with disabilities write their examinations with the help of special devices and equipment?

Yes, disabled students can write their examinations with a braille, typewriter or computer, and they are also allowed to record their answers on a cassette.

Since 2003, CBSE has allowed blind and low-vision candidates to use typewriters/ computers for writing their examinations.

Recently, *Annamalai University vide letter No. 13-1 (Education Policy)/ CCD/ 2005/ 2265 dated July 25, 2005*, on the recommendation of the Office of the Chief Commissioner for Persons with Disabilities, allowed Anjali Arora, a blind student,

Blind and low-vision candidates can use a computer with the help of screen-reading speech software. JAWS is the most popular software for English language users. Information regarding software to read Indian languages can be obtained from:

**The National Association for the Blind,**  
Sector 5, R. K. Puram  
New Delhi 110 022.  
Tel: (011) 2617 5886

use of her laptop (computer) in the examination. However, the authorities conducting examinations are required to check the contents of the laptop.

Students with low vision can write their examinations like other students but they may use low-vision devices for the purpose of reading the question papers and writing the answers. Some candidates with low vision prefer writing the examination on a computer. The CBSE, the UGC and others have already granted such permission.

In *Shri Mohammad Asif Iqbal vs The Indian Institute of Management, Calcutta and Others*,<sup>27</sup> the Chief Commissioner for Persons with Disabilities recommended that IIMs, IITs, universities, NITs, etc.:

*In addition to the large print, low-vision candidates may be allowed to use optical or electronic low-vision aids such as a magnifying glass.*

Children with cerebral palsy use a computer either with a regular keyboard or with the help of a specially designed switch. There are a wide variety of switches available. Information regarding these can be obtained from Action for Ability Development and Inclusion (AADI), Delhi and Vidyasagar, Chennai.

**Action For Ability Development and Inclusion** (formerly known as Spastics Society of Northern India)

2, Balbir Saxena Marg

Hauz Khas

New Delhi 110 016

Tel: (011) 2696 6331 / 2656 9107 / 2686 4714

Fax: (011) 2685 3002

Email: ssni@del3.vsnl.net.in

**Vidyasagar** (formerly known as Spastics Society of India)

No.1 Ranjit Rd

Kotturpuram,

Chennai 400 085

Tel: (044) 235 4784 / 235 4785 / 235 4980

Fax: (044) 235 3757

Email: enable@md2.vsnl.net.in

## 7. Is there provision for extra time in examinations for students with disabilities?

Dyslexic, spastic, blind and low-vision students, and students with cerebral palsy are entitled to one hour extra time in the examinations conducted by the Central Board of Secondary Education (CBSE).

By this standard, educational institutions across the country grant extra time at the rate of 20 minutes per hour for internal and other tests.

The Chief Commissioner for Persons with Disabilities also recommended this criterion in the case of *Shri Mohammad Asif Iqbal vs The Indian Institute of Management, Calcutta and Others*.<sup>28</sup>

<sup>27</sup> Shri Mohammad Asif Iqbal vs Indian Institute of Management, Calcutta and Others, Case No. 2559/2003 decided on October 15, 2004 before the Chief Commissioner for Persons with Disabilities

<sup>28</sup> Shri Mohammad Asif Iqbal vs Indian Institute of Management, Calcutta and Others, Case No. 2559/2003 decided on October 15, 2004 before the Chief Commissioner for Persons with Disabilities

An exception was made in the allotment of extra time for spastic children. For example, the *Maharashtra State Board of Secondary and Higher Secondary Education, Pune* vide its notification No. SB/Br. M/Regulation 5907 dated July 8, 1999,<sup>29</sup> has communicated:

*Spastic candidates shall be given two hours extra to solve question papers.*

In the higher education and professional courses the cerebral palsy students have been entitled to extra time up to three hours.

In the case of *Dhawal S. Chotai vs Union of India & Others*,<sup>30</sup> the *High Court of Bombay* directed that the petitioner be permitted to:

*Write this examination and the future examinations for the Chartered Accountants Course for three hours extra to any time a written examination is held. These three hours will be subsequent to the scheduled time in continuity on the same day.*

## 8. How should practical examinations, interviews and group discussion be conducted for deaf/ hearing-impaired candidates?

To facilitate barrier-free participation by deaf students in practical examinations, interviews and group discussions, it must be remembered that the deaf communicate in two distinct ways. Some of them prefer using sign language while others prefer lip reading. Under all circumstances, whether sign language users or lip readers, they are entitled to follow one-language criterion.

For sign language users:

1. Schools and examining authorities are obliged to arrange for the services of a sign language interpreter during practical examinations, to facilitate communication between the deaf students and the examiners.
2. It should be ensured that the sign language interpreter is familiar with the sign language used by the hearing-impaired student.
3. Hearing-impaired students, during the practical examinations and interviews, should be asked questions in their preferred language, as they have been exempted from learning more than one language.

### **Section 30(h) of the Persons with Disabilities Act stipulates:**

Without prejudice to the foregoing provisions, the appropriate governments shall by notification prepare a comprehensive education scheme, which shall make provision for restructuring the curriculum for the benefit of students with hearing impairment, to facilitate them to take only one language as part of their curriculum.

**Hearing-impaired persons using lip-reading** skills generally possess speech ability, though their speech is often monotonous. They may not require the assistance of a sign language interpreter. However, in order for them to efficiently communicate with the examiners, the following points must be taken into account:

- The examiner who wishes to pose a question to the hearing-impaired candidate must speak in the language chosen by the candidate.

<sup>29</sup> Maharashtra State Board of Secondary and Higher Secondary Education, Pune, vide notification No. SB/Br. M/Regulation 5907 dated July 8, 1999 amended the Maharashtra Secondary & Higher Secondary Education Board Regulation (1977) for students with LD (Learning Disability) or other disabilities appearing for SSC Examinations

<sup>30</sup> Dhawal S. Chotai vs Union of India & Others WP (L) No. 1256 of 2003 decided on April 30, 2003, before the High Court of Bombay

- The examiner should speak at a medium pace, neither too fast nor too slow.
- The examiner should avoid the use of two languages while posing a question.
- The examiner's face should be in the direct line of vision of the hearing-impaired student, to enable proper reading of the lip movements.
- Before a question is posed orally, the examiner should frame the precise wording of the question and whenever requested by the candidate to repeat the question, should use the same wording. This would help the hearing-impaired student to fully understand the question.
- In case there is more than one examiner sitting to the right and left of the candidate, each one needs to draw the candidate's attention before posing a question. For this purpose, the member sitting face to face with the candidate could point towards other members wishing to communicate with the candidate.
- Use of blackboard/ overhead projectors/ LCD is a good idea as members of the interview panel can write their questions. Otherwise, for the purpose of clarity, a spoken question can be supplemented with a handwritten one.

**The Chief Commissioner for Persons with Disabilities in *C. K. Joshi vs Union Public Service Commission and Others*<sup>31</sup> observed that:**

Hearing-impaired persons should be provided the services of an interpreter of their own choice along with the provision of technical devices such as an overhead projector or PowerPoint presentation of questions.

Hearing-impaired persons will be interviewed in a language of their own choice.

**For a group discussion in which a hearing-impaired candidate has to participate:**

1. The size of the group must be kept small, up to four or five members.
2. All the other participants in the group must be encouraged to speak in the language of the hearing-impaired person, and talk at a medium pace.
3. Group members should sit in a horseshoe or arched arrangement and the deaf candidate should sit facing this group formation.
4. When a deaf person uses a sign language interpreter, the interpreter should be made to sit in front of the deaf person. This would facilitate better communication between the hearing-impaired candidate and other group members.

The deaf across the globe use sign language as an alternative to a spoken language. Sign language enjoys the status of an official language in more than 60 countries of the world. Many others, like India, regard sign language as the natural language of the deaf.

## **9. What measures are needed to make examination centres fully accessible for students with disabilities?**

A minimum level of accessibility to the examination centre can be ensured by providing ramps as an alternative to steps and/ or lifts, wide doors, large toilets with wide doors for wheelchair movement,

<sup>31</sup> Case No. 630/2000, before the Court of the Chief Commissioner for Persons with Disabilities decided on May 3, 2001



drinking water facilities within reach and expanded space in the examination area for keeping crutches, walkers, etc.

People with hearing impairment generally do not require any modification in the examination centre. However, all those handling written examinations must be made aware of the fact that **any oral instructions given during the examinations must be communicated to hearing-impaired persons in written format or in sign language.**

This would enable hearing-impaired candidates to follow oral instructions given by the supervisor and invigilators.

The blind and those with cerebral palsy who write the examination by giving dictation to the scribe must be seated in separate rooms away from other candidates.

In this respect, *CBSE guidelines* are as follows:

*The Superintendent shall arrange a suitable room for the candidate for whom an amanuensis is allowed and appoint one special Assistant Superintendent to supervise his examination.*

Allotting the examination centre near the candidate's place of residence can also ensure accessibility to the examination centre. When entrance tests to professional courses are conducted, the disabled students should not be put to any inconvenience by allotting a centre away from their district/ state.

A student using callipers on both legs, Nitesh Kumar Tripathi, was a resident of Lucknow, but was allotted a centre in Delhi for the CBSE (PMT) Examination, 2005. Taking note of his problem, the *Deputy Chief Commissioner* made a representation to the *Controller of Examinations, CBSE*, vide letter no. *UP/A/CCD/2005 dated March 21, 2005* directing that:

*Necessary arrangements for allotting a centre to Nitesh Kumar Tripathi (Roll No. 2339700) in Lucknow may be made.*





## Access to School

In this chapter we will provide a brief account of measures that have been recommended to ensure that students with disabilities can reach school and use all the facilities present on the campus without any restrictions.

A small attempt has been made towards compiling critical sources of funding and technical assistance, which the school administrators may find useful in creating a barrier-free school environment.

### 1. What do we mean by an accessible school in the context of students with disabilities?

UNESCAP has defined “accessibility” as:

*The measure or condition of things and services that can readily be reached or used (at the physical, visual, auditory, and/ or cognitive levels) by people including those with disabilities ...*

By this definition, an accessible school is designed to meet the diverse needs of students, including those with disabilities.

### 2. Is it mandatory on the part of educational institutions to provide a barrier-free environment for students with disabilities?

Historically, schools and other educational institutions have been designed to meet the needs of non-disabled persons. Consequently, students with disabilities face numerous obstacles in reaching schools and making use of the various facilities.

The *Persons with Disabilities Act, 1995* in Section 30 (b) states that the appropriate government should prepare a comprehensive scheme for:

*The removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training.*

The duty to provide equal access to all forms of education has also been spelt out in the *International Convention on the Rights of Persons with Disabilities*. Article 24 (5) establishes:

*States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to those with disabilities.*

### 3. Has the government laid down any specific guidelines for making schools accessible?

The Ministry of Urban Affairs and Employment is responsible for all matters concerning public buildings, such as schools. In 1998, the Ministry issued *Guidelines and Space Standards for Barrier-*

*Free, Built Environment for Disabled and Elderly Persons.* The guidelines contain the minimum access provisions required in various types of buildings.

These guidelines are available at: [www.ncpedp.org/access/guide-cpwd.htm](http://www.ncpedp.org/access/guide-cpwd.htm)

For the proper implementation of these guidelines by the schools, *CBSE* has recommended a number of measures that schools must undertake in order to make their premises accessible. According to *Circular No. Admn.1/6(1)/2001/135753-138822, dated January 3, 2001*, schools must provide:

*Ramps, modifications in toilet facilities like dispensing counters, water fountains, mailboxes, vending machines and telephones.*

The complete copy of the *CBSE* circular for making the school premises accessible is attached at **Annexure G**.

The *Directorate of Education, NCT of Delhi* has issued a very clear set of guidelines providing structural details and design specifications. The guidelines issued vide *Circular No. DE.40(20)/EVG/IEDC/Circular/98-03/10588-10618 dated December 11, 2003* are as follows:

*Building of ramps for the free movement of wheelchairs.*

*Installation of modified, western-style toilets with a wider entrance – a minimum width of 1000 mm.*

*Ramps allowing those in wheelchairs to move from one level to another. The minimum clear width of the ramp should be 1200 mm.*

*Gradient of a ramp should not be steeper than 1:12 and be constant between landings.*

*Ramps and landing surfaces should be slip-resistant and should be designed to prevent water from accumulating on the walking surfaces.*

*A ramp run with a vertical rise greater than 150 mm should have handrails that are on both the sides and should be slip-resistant, with round ends. Handrails are placed at a height of between 800 mm and 900 mm above the floor level.*

*Installation of modified toilets entails structural changes, which ensure wider doors through which a wheelchair can pass easily; fixing the water closet (WC) seat at a height of 500 mm from the floor. There should be enough room to manoeuvre the wheelchair in there.*

*The accessible washbasin should be mounted at a height between 800 mm and 850 mm.*

*Hand-operated faucets (taps) should be operable by one hand. They should require no tight grasping, pinching, twisting of the wrist. Preferably they should have handles of a level type, which can be operated even with a closed fist.*

In this section examples from *CBSE* and the *Directorate of Education, NCT of Delhi*, have been included. Parents and school administrators would need to find out about similar orders and directions issued in the states they live in. The office of the *State Commissioner, Disabilities* should have such information to share with persons with disabilities and their families.

#### 4. Can a school/ educational institution receive financial assistance for making the school premises accessible?

Yes, there are a number of schemes in operation, under which financial assistance is provided for making educational institutions accessible for those with disabilities.

Under the **IEDC scheme** schools are entitled to receive grants as per their requirement for:

*Improving access by removing architectural barriers and for curriculum support.*

(This provision features at *Sl. No. 17* of the financial parameters and unit costs under *Subhead 7 of the Inclusive Education Scheme*. For further information please see **Annexure B**.)

All new school buildings being constructed under **SSA** are supposed to provide ramps, handrails and other such features that enable easy access. For making existing school buildings accessible, a budget of Rs. 5,000 per annum, provided under SSA for renovations, can be used.

It is unfortunate that despite provisions of financial support many State Governments and the schools under their administrative control have still to carry out modifications to school buildings. In *Social Jurist vs Government of NCT of Delhi & Others in CWP No. 1611/2001*, the High Court of Delhi, taking note of this situation called for the provision of ramps and accessible toilets in all the schools run by the Municipal Corporation of Delhi (MCD).

Recognizing that many institutions have architectural barriers that the disabled find difficult for their day-to-day functioning, the *University Grants Commission (UGC)* launched a scheme to provide financial assistance to universities/ colleges. Under this scheme a one-time grant of Rs. 5 lakh is provided to universities/ colleges for making their premises fully accessible.

For more information on the UGC scheme please see **Annexure H**.

#### 5. Are there any guidelines for making the classrooms, laboratories, etc. accessible for students with disabilities?

NCERT, national institutions and the Rehabilitation Council of India (RCI) have developed guidelines for classroom planning. A list of institutions appears at the end of this Handbook at **Annexure I**. Parents, teachers and school administrators are encouraged to contact these institutions.

Some broad parameters are as follows:

1. **For wheelchair users** as far as possible, classrooms of students in wheelchairs should preferably be allocated on the ground floor.

The Delhi Government vide circular No. DE40(20)/ Admn. Cell/ IEDC/Pro-D.-C./2001/4547-6746 dated September 5, 2001<sup>32</sup> has recommended that “... *classes of disabled children having a mobility problem should be held on the ground floor*”.

Teachers should allocate aisle seats either on the left or right of the door for children who use wheelchairs, crutches and rollators. While selecting such seats it should also be ensured that there is sufficient space available for keeping the mobility devices.

2. **Deaf students** can communicate better when seated directly in the line of the teacher. Teachers should maintain a smooth interactive conversational flow to develop the children’s language and communication skills. The children’s seating arrangement should also be considered. Seats in the middle row should be preferred, as it would allow for easy reading of the teacher’s lip

<sup>32</sup> \*No.DE40(20)/ Admn. Cell/ IEDC/Pro-D.-C./2001/4547-6746 Dt: September 5, 2001

movements and facial expressions. Deaf students using hearing aids benefit more by sitting in the front row near the teacher. It is also recommended to assess the acoustic environment in the classroom setting. For listening efficiency, surrounding sounds should be minimized either by keeping the doors closed or by assigning a classroom away from the noisy areas of the school.

3. **Students with low vision** have very diverse needs, and therefore teachers should consult the parents and students in understanding their visual strengths and limitations. Most students with low vision have difficulties in facing a direct source of light coming from a window, a door, a ventilator or a bulb or tube light. To ensure visual efficiency, a source of light should be either right behind them or above. For example, a hanging bulb or a tube light fixed into the ceiling is relatively convenient. In case the classroom does not have a good flow of natural light, a low-vision child should be assigned a table lamp on the desk. A seat for a low-vision child should preferably be assigned in the front row. This would minimize the distance between the child and the blackboard. Consultation with the students can produce the best solution. The teachers should also carefully observe low-vision students at work to understand their needs.

For details see: Including Children and Youth with Disabilities in Education – A Guide for Practitioners prepared by Anita Julka, NCERT: [http://ncert.nic.in/sites/inclusiveeducation/Draft%20manual\\_DEGSN.pdf](http://ncert.nic.in/sites/inclusiveeducation/Draft%20manual_DEGSN.pdf).

**Blind students** do not have any preferable seating requirement.

For planning **science laboratories** and **libraries** for blind and low-vision children and those with cerebral palsy, consultations with national institutions, NCERT and voluntary organizations working in the field of education of children with disabilities would be extremely useful. These institutions can provide not only technical details regarding the layout of a laboratory and a library, they can also share information regarding appropriate equipment and devices.

## 6. Are schools obliged to ensure transport facilities for students with disabilities?

An accessible school will have little relevance if students with disabilities cannot get there.

Therefore, the *Persons with Disabilities Act, 1995 under Section 30* requires that:

*The appropriate government shall, by notification, prepare a comprehensive education scheme, which shall make provision for:*

- a. *Transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools.*

Under the **IEDC scheme**, a student with disability is entitled to a transport allowance at the rate of Rs. 300 per month.

For children with severe disabilities in the lower extremities, girls with disabilities and children with mental retardation, the scheme has made a provision of an escort allowance at the rate of Rs. 600 per month.

In the case of *Makarand Bhikaji Bagade and Others vs State of Maharashtra and Others, Writ Petition No. 7879 of 2004, decided on April 29, 2005*, the *High Court of Maharashtra*, taking in view the hardships faced by the students with mental disability held:

*In our opinion as far as non-resident schools for handicapped children are concerned, the school's bus is a matter of necessity and, therefore it is necessary to provide for a driver and attendant for the bus meant for the handicapped children.*

**It is the duty of the school principal to obtain all the benefits including transport allowance and escort allowance under the IEDC scheme of the Ministry of HRD, Government of India. The school also has to ensure proper disbursement of these allowances for the benefit of students, for their parents/ guardians or escorts.**



## Technical and Monetary Support for Students with Disabilities

In order to minimize disadvantages caused by past and current discriminatory practices, and to accelerate equal opportunities of education for students with disabilities, a wide range of support services have been put in place.

This chapter will acquaint the readers with the major schemes of the Government of India, the State Governments and voluntary organizations offering technical and monetary support to students with disabilities.

### 1. Can students with disabilities obtain assistive devices and equipment either free of cost or on a subsidized basis?

Yes, there are two distinct schemes under which students with disabilities can acquire special equipment or assistive devices, free of cost or at a subsidized rate.

Under the **IEDC scheme**, a disabled student is entitled to a grant of up to Rs. 3,000 for the purchase of assistive devices including equipment and educational aids. The exact amount of grant is determined based on the particular student's educational needs and by taking into account the corresponding cost of the equipment.

Students with disabilities in special schools, inclusive schools, and those pursuing higher and professional studies can also receive assistive devices under the **ADIP scheme**. At the level of elementary education, from Class I to VIII, students can obtain equipment and assistive devices within the cost limit of Rs. 6,000. For students with visual, mental, speech and hearing, and multiple disabilities in Class IX and above, this limit is extended to Rs. 8,000.

It is clarified that students whose parents' income is less than Rs. 6,500 per month can receive equipment free of cost and for students whose parents' income is between Rs. 6,501 to Rs. 10,000 per month the equipment is received at a subsidized cost of 50 per cent of the cost of the aid/ appliance.

For further details please see:

<http://www.socialjustice.nic.in/disabled/adips.htm#adip8>

#### Persons with Disabilities Act, 1995:

##### Section 27:

The appropriate governments and the local authorities shall by notification make schemes for:

f. Providing every child with disability free of cost special books and equipment needed for his education.

##### Section 28:

The appropriate governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

## 2. Can students with disabilities receive any technical support within the college or university premises?

Students with disabilities can access technical devices from the university or college premises. The universities can obtain an ad hoc one-time grant of up to Rs. 3 lakhs from the UGC for providing special equipment to augment educational services under the **Guidelines/ Facilities for Differently-abled Persons**.

The UGC also offers a one-time grant of Rs. 1 lakh for the establishment of a Resource Centre to the university/ college for the benefit of students with disabilities.

For details please refer to **Annexure H**.

## 3. Can students with disabilities receive support in acquiring books and uniforms?

Providing textbooks, uniforms and other materials for students with disabilities is integral to the right to education.

*Section 30(c) of the Persons with Disabilities Act, 1995 stipulates,*

*... The appropriate governments shall by notification prepare a comprehensive education scheme, which shall make provision for:*

*The supply of books, uniforms and other materials to children with disabilities attending schools.*

Students with disabilities can access financial assistance from two distinct sources, namely those from the IEDC and SSA.

Under the **IEDC scheme**, students are entitled to an allowance against actual expenses of the books and stationery of up to Rs. 600 per annum. For purchasing uniforms the scheme has made a provision of up to Rs. 800 per annum at the primary level, and up to Rs. 1,000 after that. Besides, students with disabilities are entitled up to Rs. 500 per annum to purchase instructional materials or for their development.

Under **SSA**, there is no separate allowance for purchase of books and stationery. Schools can however purchase books and stationery for students with disabilities out of the budget of Rs. 1,200 per annum per disabled child.

## 4. Is there a provision for reader allowance for students with disabilities?

Students with visual disability require help in reading the inkprint materials. The government therefore, has made a provision for granting a reader allowance.

Up to Rs. 150 per month can be paid to students as reader allowance under the **IEDC scheme**.

## 5. Are students with disabilities entitled to any scholarships for pursuing higher education?

Yes students with disabilities are entitled to receive scholarships under *Section 30 (d) of the Persons with Disabilities Act, 1995*. According to the Act:

*The appropriate governments shall by notification prepare a comprehensive education scheme, which shall make provision for:*

*The grant of scholarships to students with disabilities.*



They can also avail themselves of scholarships under various schemes of the government as well as private, voluntary organizations:

- The **IEDC scheme** has a provision for the grant of scholarship as per the child's requirement only when it is not being taken for the same purpose from any other source.
- Most **State Governments through the Department of Welfare** have the provision for grant of post-matriculation scholarship at approximately Rs. 3,900 per annum.
- The **Delhi Department of Welfare** offers a scholarship grant of Rs. 650 per month for college-going students.
- The **State Government of Orissa through its Department of Welfare** offers a scholarship of Rs. 140 per month for middle and high school (Classes VI to X); Rs. 160 per month for students pursuing graduation; and Rs. 190 per month for students pursuing postgraduate courses and technical and vocational training.
- The **National Centre For Promotion Of Employment For Disabled People (NCPEDP)** has a scheme – “**NCPEDP Rajiv Gandhi Postgraduate Scholarship Scheme 2005**”. It has a provision for a grant of Rs. 1,200 per month for pursuing higher studies for students with disabilities.

For details please see:

<http://www.ncpedp.org/docs/App-schol-2005.doc>

- The **National Federation of the Blind, India (NFB)** has launched a **National Scholarship for the Blind**. Under the scheme a scholarship is paid at Rs. 1,000 per month. Preference is given to students pursuing B.A., B.Ed., M.Ed. and M.A. having a minimum of 55 per cent marks.

For details contact:

National Federation of the Blind  
2721 Sangtrashan, Second floor  
Hotel Little Star,  
Paharganj  
New Delhi 110 055

- **Swabhiman**, an Orissa-based NGO offers **ANJALI scholarships** under which Rs. 1,000 per month is offered to students with disabilities pursuing higher education or professional training in creative and performing arts, like dance, music, fine arts, theatre, cine acting, etc.
- The **All India Confederation of the Blind (AICB)** offers the **Dr H. G. Schulz and Marga Schulz Merit Scholarship** for girls with visual disability, for postgraduate studies in professional and technical areas such as B.Ed., M.Ed., LLB, LLM, MBA, etc. at Rs. 1,000 per month. The minimum qualification required is 55 per cent marks. For details contact:

All India Confederation of the Blind (AICB)  
Braille Bhawan  
Institutional Area  
Sector-V, Rohini,  
Delhi 110 085  
Tel: (011) 2705 4082

## 6. Are students residing in hostels entitled to any financial support towards meeting the cost of boarding and lodging?

Yes, students with disabilities residing in hostels can avail themselves of financial assistance under certain schemes.

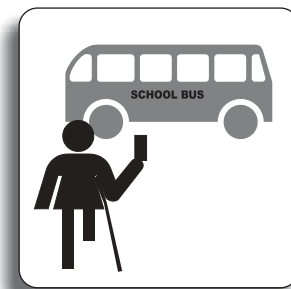
For instance, the **IEDC scheme** has a provision of Rs. 800 per month for students with disabilities residing in hostels of the school where they are studying.

Some State Governments and voluntary organizations have established hostels for disabled students. The services are available either free of cost or at a highly subsidized rate. The Government of Andhra Pradesh has established a number of hostels for blind and other students with disabilities.

## 7. Can students with disabilities attending day schools avail themselves of any transport allowance?

Yes, the government offers transport allowance or facilities for children who do not reside in school premises.

Under the **IEDC scheme**, children with disabilities are entitled to a monthly transport allowance of Rs. 300. This allowance is in addition to the escort allowance offered to students with severe disabilities of the lower extremities, girls with disabilities and children with mental disabilities in case they have no family or community member to escort them.



## Entitlements of Inclusive Schools

For the education of children with disabilities there are mainly two approaches – Special Education and Integrated/ Inclusive Education. Special education refers to that form of education that takes place in special schools or institutions.

The other popular option known as inclusive education refers to the process of educating children with special educational needs alongside their peers in mainstream schools.

The Ministry of Human Resource Development, Government of India in its draft *Inclusive Education Scheme, 2003* says:

*Inclusive education means all learners, young people – with or without disabilities – being able to learn together in ordinary preschool provisions, schools, and community educational settings with appropriate network of support services.*

The support services are designed to meet both the specific needs of the disabled student and of the school. In this chapter we will give a brief account of the type of support a school may need, to optimize learning opportunities for disabled students. We will also orient the school administrators with the schemes available and the procedures for obtaining the support.

### 1. Can schools/ educational institutions receive financial assistance for making the school premises accessible?

Yes, there are a number of schemes in operation under which financial assistance is provided for making educational institutions accessible for those with disabilities.

Under the **IEDC scheme**, schools are entitled to receive grants as per their requirement for:

*Improving access by removing architectural barriers and for curriculum support.*

(This provision features at *Sl. No. 17* of the financial parameters and unit costs under *Subhead 7 of the Inclusive Education Scheme*. For further information, please see **Annexure B**.)

All new school buildings constructed under the **SSA** are supposed to provide ramps, handrails and other such features that enable easy access. For making existing school buildings accessible, a budget of Rs. 5,000 per annum provided under SSA for renovations can be used.

It is unfortunate that despite the provision of financial support many State Governments and the schools under their administrative control have still to carry out modifications in the school buildings. In *Social Jurist vs Government of NCT of Delhi & Others in CWP No. 1611/2001*, the High Court of Delhi taking note of this situation called for the provision of ramps and accessible toilets in all the schools run by the Municipal Corporation of Delhi (MCD).

Recognizing that many institutions have architectural barriers that disabled persons find difficult for their day-to-day functioning, the **UGC** launched a scheme to provide financial assistance to universities/ colleges. Under this scheme a one-time grant of Rs. 5 lakhs is provided to universities/ colleges for making their premises fully accessible.

For more information please see **Annexure H**.

## 2. Can schools receive any assistance towards the training and orientation of its teachers in special education?

There are a number of ways in which schools can arrange for the orientation and training of their teachers, principals and other staff members. For example:

- There are six national institutes in different areas of disability. They can be approached for conducting an orientation or a short-term course for teachers and other staff members.

The contact details of the six National Institutions are as follows:

**National Institute for the Mentally Handicapped**

Manovikas Nagar  
Bhovanpalli  
Secunderabad 500 011

**National Institute for the Visually Handicapped**

116, Rajpur Road  
Dehradun 248 001

**Ali Yavar Jung National Institute for the Hearing-Impaired**

Kishan Chand Marg  
Bandra (W)  
Mumbai 400 050

**National Institute for the Orthopaedically Handicapped**

B. T. Road  
Bonhooghly  
Calcutta 700 090

**National Institute for the Physically Handicapped**

4, Vishnu Digambar Marg  
New Delhi 110 002

**National Institute of Rehabilitation, Training & Research**

P.O. Bairoi  
Cuttack 754 010

- Under SSA, a 20-day teachers' training course is envisaged for all in-service teachers. All states are required to have an essential component/ module on classroom management of Children with Special Needs (CWSN) in this teacher-training programme. States could also conduct a 5-7 day orientation course for a few select teachers from the district/ block for disability management, effective pedagogical strategies, use of special equipment and preparation of teaching-learning material.
- These training programmes are conducted by the State Councils of Educational Research and Training (SCERTs), District Institutes of Education and Training (DIETs), SSA programmes, Regional Institutes of Education (RIEs) and voluntary organizations.
- The schools can enrol their teachers for a "Foundation Course on Education of Children with Disabilities". This is a distance education course offered jointly by the Rehabilitation Council of India (RCI) and the Madhya Pradesh Bhoj Open University (MPBOU).

Details are available at:

<http://rehabcouncil.nic.in/programmes/foundation.htm>

**For detailed information regarding short-term and long-term training courses for teachers and administrators, please see:** <http://www.rehabcouncil.nic.in/programmes/institutions.htm>

**Or contact RCI at:**

Rehabilitation Council of India  
B-22, Qutab Institutional Area  
New Delhi 110 016  
Tel: (011) 2653 2816 / 2653 4287 / 2653 2384 / 2653 2408  
Fax: (011) 2653 4291  
Email: [rehabstd@nde.vsnl.net.in](mailto:rehabstd@nde.vsnl.net.in) [rehabstd@ndc.vsnl.net.in](mailto:rehabstd@ndc.vsnl.net.in)

### **3. Can schools receive assistance in appointing special education teachers?**

Yes, schools can appoint special education teachers in the ratio of 1:5 students. Under the IEDC they are entitled to the same scales of pay as available to the teachers of the corresponding category in that State/ UT. Apart from looking after special education needs, these teachers are required to provide counselling to the parents, help in identifying the needs of learners with disabilities, participate in the assessment team, assist the general teachers in developing Individual Education Plans (IEPs), help in training programmes and in other ways whenever necessary.

Schools can also engage resource teachers under SSA. An honorarium can be paid out of the budget provision of Rs. 1,200 per disabled child per annum. It is clarified that under SSA there is no separate budget earmarked for meeting different needs of children with disabilities apart from the lump sum provision of Rs. 1,200.

### **4. Can schools appoint support staff other than special education teachers?**

Regular schools with an inclusive orientation must have a provision of support services to meet the needs of disabled children in the school. Under the IEDC scheme, external support of educational psychologists, speech and occupational therapists, physiotherapists, mobility instructors, etc. can be arranged locally. Under the scheme, TA/ DA and consultancy fees are available.

The consultative/ additional support services must be planned in accordance with the child's needs and age.

The schools can also appoint additional helpers, attendants and ayahs. Under the IEDC scheme for five children with severe orthopaedic disabilities one attendant can be appointed in the Class IV employees' pay scale.

For students residing in hostels a sum of Rs. 250 can be paid to the helpers/ ayahs attending to the needs of disabled children.

An escort allowance of Rs. 600 per month per child can be paid for bringing children to school and home. This allowance is permissible in the case of children with severe disabilities in the lower extremities, girls with disabilities and children with mental disabilities.

There is a lump sum provision of Rs. 1,200 per annum in the SSA scheme to meet all the needs of children with disabilities. Unlike the present IEDC scheme, SSA does not lay down any specific norms for the payment of honorarium, consultancy, or salary for the services of specialists in the field of education or rehabilitation. Each school is supposed to work out its own priorities in accordance with the children's needs.

## 5. Are schools with hostels entitled to receive financial assistance for the boarding and lodging of students with disabilities?

Yes, there are two different schemes under which schools can receive financial assistance to cover boarding and lodging costs for children with disabilities:

- Under the **IEDC scheme**, schools can receive a sum of Rs. 800 per month per disabled child.
- The Ministry of Social Justice and Empowerment has an umbrella scheme – **Scheme To Promote Voluntary Action For Persons With Disabilities (Revised Guidelines effective from April 1, 2003)**<sup>33</sup> under which schools run by NGOs can receive financial assistance at the rate of Rs. 600 per month per child. In addition, the scheme has a provision for the payment of an honorarium for hostel staff. Purchase of utensils, beds and other essential items can also be covered.

For details see Annexure 4 of the scheme at:

<http://socialjustice.nic.in/disabled/umbre/introduction.htm>

## 6. Can schools and other educational institutions maintain a resource centre?

Yes, schools and other educational institutions can establish a special resource centre and can purchase special equipment and teaching-learning devices.

Under the **IEDC scheme** a one-time grant of Rs. 1,00,000 is available for the construction of a resource room.

In order to raise awareness in the higher education system and to provide necessary guidance and counselling, the **UGC** has launched a scheme of assistance for universities/ colleges under which the special unit has to be coordinated by a faculty member to be nominated by the head of the institution. The coordinator will be paid an honorarium of Rs. 3,000 per month. The special unit can also engage an honorary placement officer for which he/ she will be paid Rs. 2,000 per month. The coordinator and the placement officer will be assisted by a team of three student volunteers who will be paid a stipend of Rs. 1,000 each per month

The unit will also have a budgetary provision of Rs. 30,000 per annum towards programmes, stationery, contingencies, etc. Under the scheme Rs. 20,000 is available for organizing awareness programmes.

## 7. Can schools and other educational institutions receive assistance for purchasing special devices and equipment?

Yes, schools and other educational institutions are entitled to receive funds towards the purchase of equipment and special devices for the common use of students and teachers.

Under the **IEDC scheme**, schools can receive a one-time grant of Rs. 50,000.

During the Tenth Plan period the **UGC** encouraged the universities/ colleges to acquire special aids and appliances such as low-vision aids, scanners, mobility devices and so on. Under the scheme of assistance to universities/ colleges, the UGC extends a one-time grant of Rs. 3 lakhs.

<sup>33</sup> <http://socialjustice.nic.in/disabled/umbre/index.htm>

## **8. Can private schools imparting education to disabled children access these benefits?**

Yes, private schools imparting education to children with disabilities are entitled to all benefits under the IEDC and SSA schemes. The school will be given grants in accordance with the norms laid down in the scheme and mentioned in this chapter.

Schools desiring to benefit from these schemes should submit their applications in the prescribed format. Such applications should be forwarded to the Ministry of Human Resource Development, Government of India through the State Department of Welfare/ Education. The State Department is supposed to inspect the facilities in the applicant school, based on which they will recommend the grant of funds by the MHRD under the IEDC or SSA schemes.

Likewise universities/ colleges wishing to benefit from the schemes being implemented by the UGC can submit applications for grants with the Chairman, UGC, through the Vice-Chancellor or Registrar of the concerned university.





## Rights and Duties of Parents of Children with Disabilities

### 1. Do parents have the freedom to choose a particular school system for their children with disabilities?

Yes, it is a human right for parents to choose a school system for their disabled as well as non-disabled children.

The *Universal Declaration of Human Rights* in Article 26(3) establishes that:

*Parents have a prior right to choose the kind of education that shall be given to their children.*

This right is further elaborated in Article 13.3 of the *International Convention on Educational, Social and Cultural Rights (ICESCR)*:

*The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State.*

Article 5.2 of the *UNESCO Convention Against Discrimination in Education* guarantees similar rights as Article 13.3 of the *ICESCR*, and says:

*... [It] is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities.*

Recognizing the importance of this right, the *Persons with Disabilities Act, 1995*, in Section 30(e) requires:

*Setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities.*

### 2. Do parents have a specific duty towards the education of children with disabilities?

All parents have a duty to send their children to a school. This duty assumes great relevance since education has become a fundamental right for children.

Article 51(A) of the *Constitution* states:

*It will be the duty of every citizen of India (k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the ages of six to fourteen years.*

### 3. Are parents entitled to any assistance for sending their children with disabilities to school?

The *Persons with Disabilities Act, 1995* in Section 30(e) provides that the appropriate governments by notification prepare a comprehensive education scheme for:

*a. Transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools.*

In accordance with this statutory obligation, under the IEDC scheme transport allowance of Rs. 300 per month is available for children who do not reside in the school premises.

### 4. Can parents form their own associations to protect the welfare of their children with disabilities?

Yes, parents who have children with autism, cerebral palsy, mental disability and multiple disabilities can form their own associations.

The *National Trust Act, 1999* has a provision for the establishment of an association of parents of persons with disabilities for the welfare of persons with disabilities. Such an association can become part of the National Trust and receive both technical and financial assistance.

**The National Trust is a statutory body established by the Government of India in 2000. Its headquarters are at:**

4, Vishnu Digambar Marg  
New Delhi  
Tel: (011) 2321 7411

### 5. Is a parent of a disabled child or dependent family member entitled to relaxation in the payment of income tax?

Yes, any parent who has a disabled child or dependent family member is entitled to a deduction of Rs. 50,000 (Rupees fifty thousand) from the total gross income. Where such a dependent is a person with severe disabilities, a deduction of Rs. 75,000 (Rupees seventy-five thousand) is admissible.

In *sub-section (1) of Section 80 DD of the Income Tax Act*, the permissible expenditure to be covered has been outlined as follows:

*Where an assessee, being an individual or a Hindu undivided family, who is a resident in India, has during the previous year:*

*Incurred any expenditure for the medical treatment (including nursing), training and rehabilitation of a dependent, being a person with disability or*

*Paid or deposited any amount under a scheme framed in this behalf by the Life Insurance Corporation or any other insurer or the Administrator or the specified company subject to the conditions specified in sub-section (2) and approved by the Board in this behalf for the maintenance of a dependent, being a person with disability.*

The assessee shall, in accordance with and subject to the provisions of this section, be allowed a deduction of a sum of fifty thousand rupees from his gross total income in respect of the previous year:

*Provided that where such dependant is a person with severe disability, the provisions of this sub-section shall have effect as if for the words "fifty thousand rupees", the words "seventy-five thousand rupees" had been substituted.*

## 6. Who is considered a dependent or a disabled person under Section 80 DD of the Income Tax Act?

In the *explanatory notes to Section 80 DD*, the terms “dependent” and “disabled” have been defined in *paragraphs (b), (c), (f) and (g)*. While defining “dependent” members *paragraph (b) of the explanatory note to Section 80 DD of the Income Tax Act* says:

b. “*Dependent*” means:

- i. *In the case of an individual, the spouse, children, parents, brothers and sisters of the individual or any of them;*
- ii. *In the case of a Hindu undivided family, a member of the Hindu undivided family.*

*Dependent wholly or mainly on such individual or Hindu undivided family for his support and maintenance, and who has not claimed by deduction under Section 80 U in computing his total income for the assessment year relating to the previous year.*

*Paragraph (c) of the explanatory note* defines “disability” in accordance with the prevailing legal definition of disability as follows:

c. “*Disability*” shall have the meaning assigned to it in clause (i) of Section 2 of the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996)* and includes “autism”, “cerebral palsy” and “multiple disability” referred to in clauses (a), (c) and (h) of Section 2 of the *National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999)*;

The meaning of “disability” has been further elaborated in *paragraph (f) of the explanatory note to Section 80 DD* in the following terms:

“*Persons with disabilities*” means a person as referred to in Clause (t) of Section 2 of the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996)* or Clause (j) of Section 2 of the *National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999)*];

Since the deduction permissible in the case of a severely disabled person is Rs. 75,000, the meaning of the term “severely disabled” is explained in *paragraph (g) of the explanatory note* as follows:

“*Person with severe disability*” means:

*A person with 80 per cent or more of one or more disabilities, as referred to in sub-section (4) of Section 56 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996); or*

*A person with severe disability referred to in clause (o) of Section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);*

**Parents who are government employees are entitled to certain benefits, which are elaborated in the following part of this chapter.**

## 7. Can an educational allowance be granted to parents who are government employees in case their child cannot study in the local school?

There is a general provision to pay an educational allowance to government employees in the absence of a local school with requisite standards of education or if there is no convenient bus or train service to the school. This educational allowance is permissible under *CCS (Educational Assistance) Orders, 1988*.

## 8. Are government employees who have children with disabilities entitled to reimbursement of tuition fees?

Yes, the Government of India has made provision for the reimbursement of tuition fees of children in general and specifically for children with disabilities. This was brought into force by *Office Memorandum No. 18011/1/87-Estt. (Allowances) dated December 31, 1987 of the Department of Personnel & Training*. The amount specified for reimbursement of tuition fees for physically handicapped and mentally retarded children from Classes I to XII was Rs. 50 per month per child. This amount has now been revised to Rs. 100 per month per child.<sup>34</sup> The maximum amount reimbursed per child is shown in the table below:

Class	Maximum tuition fees reimbursed per child
I to X:	Rs. 40 p.m.
XI and XII:	Rs. 50 p.m.
I to XII in respect of physically handicapped/ mentally retarded children:	Rs. 100 p.m.

## 9. Can government employees who have children with disabilities be accorded any preference in the matter of transfers?

Yes, employees having mentally challenged, hearing-impaired and multiple-disabled children are entitled to preferential treatment in the matter of transfers and postings. For example, in *Office Memorandum No. AB-14017/41/90-Estt. (RR) dated February 15, 1991 of Government of India, Department of Personnel and Training*, it is stated:

*... There has been a demand that an employed parent of a mentally retarded child should be given a posting at a place of his/ her choice. This demand has been made on the plea that facilities of medical aid and education of such children are not available everywhere. Also, looking after such children does require special care and patience and is expensive. Hence, some concessions from the government, at least in matters of posting at a place of choice is called for. The matter has been examined. Considering that the facilities for medical help and education of mentally retarded children may not be available at all stations, a choice in the place of posting is likely to be of some help to the parent in taking care of such a child. While administratively it may not be possible in all cases to ensure posting of such an employee at a place of his/ her choice, Ministries/ Departments are requested to take a sympathetic view on the merits of each case and accommodate such requests for posting to the extent possible.*

Preference in the matter of transfer has also been recommended for **employees having children with hearing impairment and multiple disabilities**. Instructions to this effect are reflected in

<sup>34</sup> For details please refer to page 103 of Swamy's Handbook (2005)

*Office Memorandum No. 36035/1/2000-Estt. (Res.) dated February 18, 2000 of the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, which states:*

*... There has been a demand that an employed parent of a child suffering from hearing impairment or multiple disability may be given posting to their own preferred linguistic zone or state where educational facility for their hearing-impaired or multiple-disabled child, exists, and that too in the same language exists. This demand has been made on the ground that disabled children may have opportunities of learning in a single language, as these children cannot cope with learning their subjects in more than one language, as a result of the transfer of their parents from one state to another.*

*The matter has been examined. Considering that the facilities for medical care and education of children with hearing impairment or multiple disability may not be available at all stations, such requests from the parents of a child suffering from hearing impairment or multiple disability, may as far as possible, be considered sympathetically. Where, however, this may not be possible, efforts may be made to accommodate such a government servant in the same state to the extent possible.*

## **10. Are employees who have a dependent disabled son/ daughter entitled to government accommodation on priority?**

Yes, government employees who have children with disabilities and other dependent family members are entitled to government accommodation on priority. Instructions in this regard are contained in the *Directorate of Estates, Government of India, Office Memorandum No. 12035/2/97-Pol.II (Pt. II) dated November 17, 1997*. Detailed guidelines for priority allotment of government accommodation on medical grounds, within the overall ceiling of 5 per cent of all types of discretionary allotments in each type in a year, are mentioned in *Annexure I* of this O.M., which are as follows:

*The allotment on medical grounds including ground floor/ central area shall be made in the case of the government servants and their spouses, **dependent children** and dependent parents, suffering from any of the following diseases:*

*d. Disabled Persons:*

*Blind: Those who suffer from either of the following conditions:*

*Total absence of sight*

*Visual acuity not exceeding 6/90 or 20/200 (snellen) in the better eye with correcting lenses*

*Impression of the field of vision subtending an angle of 20 degrees or worse.*

*Deaf: Those having hearing loss of more than 90 decibels in the better ear (profound impairment) or total loss of hearing in both ears*

*Orthopaedically handicapped: to the extent of 40 per cent and above disability*

*Mentally handicapped/ spastic dependents.*

**Note:** The Government of India has introduced a number of schemes that are beneficial to children with disabilities. Chapter 5 of the *Persons with Disabilities Act, 1995* contains detailed provisions protecting the right to education of children with disabilities. Interested employees can access relevant information in the Disability Manual of the National Human Rights Commission of India posted on their website: [www.nhrc.nic.in](http://www.nhrc.nic.in). Additional information for other concessions and benefits can be obtained from the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi 110 001; website: [www.ccdisabilities.nic.in](http://www.ccdisabilities.nic.in). Questions regarding legal guardianship should be addressed to the Chairperson for the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, C/o I. P. H., 4 Vishnu Digamber Marg, New Delhi 110 002; website: [www.nationaltrust.org.in](http://www.nationaltrust.org.in)



## 11. After the death of a government employee, can his/ her disabled child/ ward be granted a family pension?

Yes, a dependent disabled son/ daughter of an employee in the Government of India would be entitled to a lifelong family pension.

Under *Clause (6) of CCS Pension Rule 54*, the conditions for granting pension to the disabled son/ daughter who is twenty-five years of age or more have been outlined in the following terms:

*Provided that if the son or daughter of a government servant is suffering from any disorder or disability of mind [including mentally retarded] or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such a son or daughter for life subject to the following conditions, namely:*

- i. If such son or daughter is one among two or more children of the government servant, the family pension shall be initially payable to the minor children in the order set out in Clause (iii) of sub-rule (8) of this rule until the last minor child attains the age of twenty-five and thereafter the family pension shall be resumed in favour of the son or daughter suffering from a disorder or disability of mind, including mentally retarded, or who is physically crippled or disabled and shall be payable to him/ her for life;*
- ii. If there are more than one such children suffering from disorder or disability of mind [including mentally retarded] or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him/ her ceases to be eligible:*

*Provided that where the family pension is payable to such twin children, it shall be paid in the manner set out in Clause (d) of sub-rule (7) of this rule;*

- iii. The family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of the physically crippled son/ daughter who has attained the age of majority;*
- iv. Before allowing the family pension for life to any such son or daughter, the Appointing Authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of Civil Surgeon setting out, as far as possible, the exact mental or physical condition of the child;*
- v. The person receiving the family pension as guardian of such son or daughter [or such son or daughter not receiving the family pension through a guardian] shall produce every three years a certificate from a medical officer not below the rank of a Civil Surgeon to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled;*
- vi. In the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the government servant or the pensioner, as the case may be and in case no such nomination has been furnished to the Head of Office by such government servant or pensioner during his lifetime, to the person nominated by the spouse of such government servant or family pensioner, as the case may be, later on.*

Although Rule 54 discussed above contains comprehensive information regarding pension for disabled wards, a number of notifications issued by the Government of India referred in Swamy's Pension Compilation of 2002 are also of relevance. For this, see pages 117 and 118 of Swamy's Compilation.

## 12. Has the Ministry of Railways made provisions for lifelong pension for disabled children/ wards of its employees?

Yes, the Ministry of Railways has a provision to extend lifelong pension for disabled sons/ daughters of its employees. Instructions to this effect feature in proviso to *Rule 75 (6) (iii) of Railway Services (Pension) Rules, 1993* which states:

*... if the son or daughter of a railway servant is suffering from any disorder or disability of mind or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such a son or daughter for life...*

Further, *Rule 75 (6) (b)* provides:

*Before allowing the family pension to any such son or daughter, the sanctioning authority shall satisfy that the handicap is such as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a medical officer not below the rank of Divisional Medical Officer setting out, as far as possible, the exact mental or physical condition of the child.*

This rule was brought into practice in the case of *Mr Ram Narayan Nunia vs N.F. Railway, Alipur Duar Junction, West Bengal*.<sup>35</sup> On the advice of the Chief Commissioner for Persons with Disabilities, the respondent in this case accorded his approval to the payment of lifetime family pension in favour of the complainant under *Rule 75 (6) (iii) of Railway Services (Pension) Rules, 1993*.

## 13. Can an employee who has a mentally retarded son/ daughter access loans on his/ her behalf?

Yes, an employee who is the parent of a mentally retarded person can access loans of up to Rs. 3 lakhs from the National Handicapped Finance and Development Corporation (NHFDC)<sup>36</sup> or its channellizing agencies. NHFDC provides financial assistance to disabled persons for a wide range of income generating activities. There are special schemes to promote self-employment amongst those with mental retardation, cerebral palsy and autism.

It is clarified that generally government employees are not allowed to undertake any private work or indulge in a business in addition to their main employment. Exception has been made in the case of employees who have mentally retarded adult sons and daughters since their adult mentally retarded children cannot enter into a contract under the Indian Contract Act. Such government employees are therefore allowed to access loans for setting up a small business on behalf of their mentally retarded, cerebral palsy or autistic sons/ daughters for setting up a small business.

The employees wishing to access a loan on behalf of their disabled children must inform their employers before applying for it with NHFDC or similar agencies.

<sup>35</sup> CCPD Case No. 2314/2002

<sup>36</sup> Refer [www.nhfdc.org](http://www.nhfdc.org) Address: National Handicapped Finance and Development Corporation, Red Cross Bhawan, Sector 12, Faridabad 121 007





## Mechanisms for the Redressal of Grievances of Parents and Students with Disabilities

A reading of the earlier chapters of this booklet shows that often, educational institutions are unaware of the rights of students with disabilities. They may have rules and regulations that go against the entitlements of the students. Normally, schools and other educational institutions have their own mechanisms for the redressal of grievances of students.

In addition, parents and students can approach a number of authorities if they feel that their right to education is being denied. These would include the State Commissioner for Persons with Disabilities, the Chief Commissioner for Persons with Disabilities, the National Human Rights Commission, State Human Rights Commission, State Information Commissioners and resorting to other legal remedies.

### 1. What can parents of students with disabilities do if they feel that their Right to Education is being denied?

As a first step, parents and students could approach the relevant authority within the educational institution, presenting the relevant sections of the Persons with Disabilities Act, 1995 and other rules and schemes outlined in various chapters of this Handbook, under which their right to education and their related entitlement is protected.

Under *Section 30(e) of the Persons with Disabilities Act 1995*, appropriate governments shall by notification prepare a comprehensive education scheme which shall make provision for:

d. Setting up of appropriate fora for the redressal of grievances of parents, regarding the placement of their children with disabilities.

The main consideration here is that children with disabilities must receive a proper education and the support of specialized professionals, rehabilitation workers, equipment and teaching-learning materials. If parents feel that the education of their child is suffering, they have a right to complain to this forum.

### 2. Who should set up fora for redressal of grievances and have they been set up in our country?

It is the duty of the Central Government, State Governments, UT Administrations and village panchayats to establish a forum for the redressal of grievances of parents. This duty has been outlined in Section 30(e) of the Act. The relevant text is given in the box above.

It is a sad reality that neither have parents demanded the existence of such a forum and nor has the government cared to establish these fora.

### 3. In the absence of such a forum for the redressal of grievances, which are the other authorities that parents and students can approach?

Students with disabilities, their parents or representatives can file a complaint before the Chief Commissioner or the State Commissioner for Persons with Disabilities. In the preceding chapters you will have read many cases that have been decided by the Chief Commissioner or Commissioners for Persons with Disabilities.

These authorities have been created under *the Persons with Disabilities Act, 1995*. Chapter 11 of the Act outlines the duties and powers of the Chief Commissioner and the State Commissioners for Persons with Disabilities.

*Under Section 59 of the Act*, the Chief Commissioner for Persons with Disabilities may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to:

*Deprivation of rights of persons with disabilities.*

*Non-implementation of laws, rules, by-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.*

While there is only one Chief Commissioner for Persons with Disabilities, under *Section 60 of the Persons with Disabilities Act*, every State Government has to appoint a State Commissioner for Persons with Disabilities. The State Commissioner has the same duties as the Chief Commissioner outlined under *Section 62 of the Persons with Disabilities Act*, but they are limited to the State.

### 4. How should parents and students file a complaint?

A complaint can be written on a plain sheet of paper, on an inland letter or a post card. The complainants can deliver the complaint by post or in person or through a representative.

The complaint should have:

- The name, description and address of the complainant (person who is complaining).
- The name, description and the address of the opposite party or the person against whom the complaint is being filed.
- Systematic description of the facts relating to the complaint and when and where it happened (as far as possible this should be given in a chronological order).
- The relief that the complainant is seeking should be spelt out clearly.
- Documents in support of the allegations should be attached with the complaint serial-wise.
- If possible also attach a copy of the Disability Certificate of the complainant.

Once the Chief Commissioner receives a complaint he/ she shall refer a copy of the complaint to the opposite party/ parties mentioned in the complaint.

He/ she will direct him to give his version of the case within a period of thirty days. *Under Rule 41 of the Implementing Rules of the Persons with Disabilities Act, 1995*, the Chief Commissioner or Commissioners of Persons with Disabilities are obliged to dispose of the complaint within the limit of 90 days.

## **5. The Right to Education is an important human right. Does this mean that a parent or a disabled student can file a complaint with the National Human Rights Commission or State Human Rights Commission?**

The *National Human Rights Commission (NHRC) of India* has a broad mandate to afford “better protection of Human Rights” which includes right to education. Parents and students with disabilities can therefore file a complaint when denied any entitlement on right to education.

For filing a complaint before the NHRC students with disabilities and their parents or representatives should take into account the following procedure:

- Complaints can be drafted in one of the officially recognized languages of the country.
- Complaints may be made to the Commission by the victim or any other person on his behalf.
- Only one set of complaints needs to be submitted to the Commission.
- Complaints may be sent either by post or faxed to Nos. (011) 2338 2911 / 2338 2734 or through email: [covdnhrc@nic.in](mailto:covdnhrc@nic.in)
- The complaints are expected to be self-contained.
- No fee is charged for the complaint.
- The commission may, at its discretion, accept telegraphic complaints and complaints conveyed through fax and email.
- Complaints can also be made on the NHRC mobile phone (taken from the NHRC website).
- The complaint shall give a detailed account of (i) violation of human rights or abetment thereof or; (ii) negligence in the prevention of such violations, by a public servant.
- The jurisdiction of the Commission is restricted to the violation of human rights alleged to have been committed within one year of the receipt of complaint by the Commission.
- Documents, if any enclosed in support of the allegations in the complaint, must be legible.
- The name of the victim, his/ her age, sex, religion/ caste, state and district to which the incident relates, the incident date, etc. should be mentioned in the complaint.
- The Commission may ask for further information and affidavits to be filed in support of the allegations/ complaint.

These steps have been adapted from the NHRC site: [www.nhrc.nic.in](http://www.nhrc.nic.in) on how to file a complaint.

**Format for filing a complaint with the NHRC****A. Complainant's details**

- |              |                      |
|--------------|----------------------|
| 1. Name:     | 2. Sex: Male/ Female |
| 3. State:    | 4. Full Address:     |
| 5. District: | 6. Pin Code:         |

**B. Incident details:**

- |  |                      |
|--|----------------------|
| 1. Incident Place (Village/ Town/ City): | 2. State:            |
| 3. District:                             | 4. Date of Incident: |

**C. Victim's details:**

- |                        |                    |
|------------------------|--------------------|
| 1. Name of the victim: | 2. No. of victims: |
| 3. State:              | 4. Full Address:   |
| 5. District:           | 6. Pin Code:       |
| 7. Religion:           | 8. Caste:          |
| 9. Sex:                | 10. Age:           |

11. Whether Disabled (SC/ ST/ OBC/ General) person:

**D.** Brief summary of facts/ allegations of human rights involved:

**E.** Whether a similar complaint has been filed before any court/ State Human Rights Commission:

**F.** Name, designation and address of the public servant against whom the complaint is being made:

**G.** Name, designation and address of the authority/ officials to whom the public servant is answerable:

**H.** Prayer/ Relief if any, sought:

## 6. What kind of complaints are not entertained by the National Human Rights Commission?

Ordinarily, the National Human Rights Commission (NHRC) does not entertain complaints of the following nature:

1. In regard to events which happened more than one year before the making of the complaint
2. With regard to matters which are *sub judice* (or are being considered by a court)
3. Which are vague, anonymous or pseudonymous
4. Which are of a frivolous nature
5. Which pertain to service matters.

## 7. Can the Right to Information Act, 2005 enable parents and students with disabilities to access the Right to Education?

Students with disabilities and their parents often face numerous obstacles in the enjoyment of their right to education owing to lack of information on the part of educational authorities.

When confronted with obstacles in the exercise of right to education and support services a carefully worded question under the Right to Information Act, 2005 can draw the attention of the educational authorities towards those legal and policy measures whose implementation is crucial in the realization of right to education and the associated entitlements.

## **8. What is the application procedure for requesting information under the Right to Information Act?**

Information related to educational institutions under the Central Government can be sought on a plain sheet of paper like an ordinary application. However, many states have prescribed formats and applications relating to educational institutions under the State Governments should be made in these formats.

Application under the Right to Information Act can be submitted by post or in person to the Public Information Officer (PIO). [Remember to keep a copy of the application for your personal reference.] PIOs are officers designated by the government in all its establishments to provide information to citizens requesting information under the Act. PIOs are also required to assist those seeking information who are unable to write.

For all Central Government departments the Department of Posts has designated 629 postal offices at the national level. The designated officers in these post offices work as Assistant PIOs and collect the applications to forward them to the concerned PIO. A list is available on:

<http://www.indiapost.gov.in/rticontents.html>

Each State Government has prescribed a nominal fee for filing an application under the Right to Information Act, which could be deposited by attaching a demand draft, money order, postal order or affixing a court fee stamp. People below the poverty line are not required to pay the fees.

## **9. Is there a time limit for receiving information?**

Yes. If the application is filed with the PIO, you must receive information within 30 days. In case the application has been filed with an Assistant PIO then information has to be made available within 35 days.

If the concerned officer does not provide information in time, the Information Commissioner can impose a penalty of Rs. 250 per day of delay. If the information provided is false, a penalty up to a maximum of Rs. 25,000 can be imposed. A penalty can also be imposed for providing incomplete information or for rejecting your application for mala fide reasons. This fine is deducted from the officer's personal salary.

## **10. How can parents and students with disabilities get justice through other judicial fora?**

Parents and students with disabilities can always approach the courts if they feel that their rights have been ignored. As you have seen in the earlier chapters many students and parents have approached the High Court and Supreme Court of the country seeking protection of their rights.

With the enactment of the Persons with Disabilities Act, free legal aid is now available for people with disabilities. Section 74 of the Act adds persons with disabilities to the list of people who can avail themselves of free legal services.

Students with disabilities can approach the district legal aid authorities for the appointment of a lawyer to look after the case in the court.

## Glossary of Terms

<b>ADIP:</b>	Scheme of Assistance to Disabled Persons for Purchase/ Fitting Aids Appliances
<b>AYJNIHH:</b>	Ali Yavar Jung National Institute for the Hearing Handicapped
<b>CBSE:</b>	Central Board of Secondary Education
<b>CRC:</b>	Convention on the Rights of the Child
<b>FM:</b>	Frequency Modulation
<b>ICESCR:</b>	International Convention on Economic, Social and Cultural Rights
<b>IEDC:</b>	Integrated Education for Disabled Children Scheme
<b>IGNOU:</b>	Indira Gandhi National Open University
<b>IIM:</b>	Indian Institute of Management
<b>IIT:</b>	Indian Institute of Technology
<b>IPH:</b>	Pt. Deen Dayal Upadhyay Institute for the Physically Handicapped
<b>JAWS:</b>	Job Access with Speech
<b>LCD:</b>	Liquid Crystal Display
<b>MBBS:</b>	Bachelor of Medicine / Bachelor of Surgery
<b>MHRD:</b>	Ministry of Human Resource Development
<b>NCTD:</b>	National Capital Territory of Delhi
<b>NHFDC:</b>	National Handicapped Finance Development Corporation
<b>NHRC:</b>	National Human Rights Commission
<b>NIMH:</b>	National Institute for the Mentally Handicapped
<b>NIOH:</b>	National Institute for the Orthopaedically Handicapped
<b>NIOS:</b>	National Institute of Open Schooling
<b>NIVH:</b>	National Institute for the Visually Handicapped
<b>RCI:</b>	Rehabilitation Council of India
<b>SC/ ST/ OBC:</b>	Scheduled Caste/ Scheduled Tribe/ Other Backward Classes
<b>SSA:</b>	Sarva Shiksha Abhiyan
<b>UGC:</b>	University Grants Commission
<b>UN:</b>	United Nations
<b>UNESCO:</b>	United Nations Educational, Scientific and Cultural Organization
<b>vs:</b>	Versus

# Annexure A: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

## Chapter I: Preliminary

1. (1) This Act may be called the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may by notification, appoint.
2. In this Act, unless the context otherwise requires:
  - (a) “Appropriate Government” means:
    - (i) In relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government;
    - (ii) In relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government;
    - (iii) In respect of the Central Coordination Committee and the Central Executive Committee, the Central Government;
    - (iv) In respect of the State Coordination Committee and the State Executive Committee, the State Government;
  - (b) “Blindness” refers to a condition where a person suffers from any of the following conditions, namely:
    - (i) Total absence of sight; or
    - (ii) Visual acuity not exceeding 6/160 or 20/1200 (snellen) in the better eye with correcting lenses; or
    - (iii) Limitation of the field of vision subtending an angle of 20 degrees or worse;
  - (c) “Central Coordination Committee” means the Central Coordination Committee constituted under sub-section (1) of Section 3;
  - (d) “Central Executive Committee” means the Central Executive Committee constituted under sub-section (1) of Section 9;



- (e) “Cerebral palsy” means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the prenatal, peri-natal or infant period of development;
- (f) “Chief Commissioner” means the Chief Commissioner appointed under sub-section (1) of Section 57;
- (g) “Commissioner” means the Commissioner appointed under sub-section (1) of Section 60;
- (h) “Competent authority” means the authority appointed under Section 50;
- (i) “Disability” means:
  - (i) Blindness;
  - (ii) Low vision;
  - (iii) Leprosy-cured;
  - (iv) Hearing impairment;
  - (v) Loco motor disability;
  - (vi) Mental retardation;
  - (vii) Mental illness;
- (j) “Employer” means:
  - (i) In relation to a government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and
  - (ii) In relation to an establishment, the chief executive officer of that establishment;
- (k) “Establishment” means a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the government or a local authority or a government company as defined in Section 617 of the Companies Act, 1956 and includes departments of a government;
- (l) “Hearing impairment” means loss of 60 decibels or more in the better ear in the conversational range of frequencies;
- (m) “Institution for persons with disabilities” means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;
- (n) “Leprosy-cured person” means any person who has been cured of leprosy but is suffering from:
  - (i) Loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eyelid but with no manifest deformity;
  - (ii) Manifest deformity and paresis; but with sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
  - (iii) Extreme physical deformity as well as advanced age which prevents them from undertaking any gainful occupation, and the expression “leprosy-cured” shall be construed accordingly;

- (o) “Loco motor disability” means disability of the bones, joints, muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;
- (p) “Medical authority” means any hospital or institution specified for the purposes of this Act by notification by the appropriate government;
- (q) “Mental illness” means any mental disorder other than mental retardation;
- (r) “Mental retardation” means a condition of arrested or incomplete development of mind of a person, which is specially characterized by sub-normality of intelligence;
- (s) “Notification” means a notification published in the Official Gazette;
- (t) “Person with disability” means a person suffering from not less than 40 per cent of any disability as certified by a medical authority;
- (u) “Person with low vision” means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;
- (v) “Prescribed” means prescribed by rules made under this Act;
- (w) “Rehabilitation” refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;
- (x) “Special Employment Exchange” means any office or place established and maintained by the government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting:
  - (i) Persons who seek to engage employees from amongst those suffering from disabilities;
  - (ii) Persons with disabilities who seek employment;
  - (iii) Vacancies to which persons with disabilities seeking employment may be appointed;
- (y) “State Coordination Committee” means the State Coordination Committee constituted under sub-section (1) of Section 19;
- (z) “State Executive Committee” means the State Executive Committee constituted under sub-section (1) of Section 19.

## Chapter V: Education

**26.** The appropriate governments and the local authorities shall:

- (a) Ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
- (b) Endeavour to promote the integration of students with disabilities in the normal schools;
- (c) Promote setting up of special schools in the government and private sectors for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
- (d) Endeavour to equip the special schools for children with disabilities with vocational training facilities.

**27.** The appropriate governments and the local authorities shall by notification make schemes for:

- (a) Conducting part-time classes in respect of children with disabilities who having completed education up to Class V could not continue their studies on a whole-time basis;
  - (b) Conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;
  - (c) Imparting non-formal education by using the available manpower in rural areas after giving them appropriate orientation;
  - (d) Imparting education through open schools or open universities;
  - (e) Conducting classes and discussions through interactive electronic or other media;
  - (f) Providing every child with disability special books and equipment needed for his education, free of cost.
- 28.** The appropriate governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.
- 29.** The appropriate governments shall set up an adequate number of teachers' training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.
- 30.** Without prejudice to the foregoing provisions, the appropriate governments shall by notification prepare a comprehensive education scheme, which shall make provision for:
- (a) Transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools;
  - (b) The removal of architectural barriers from schools, colleges or other institutions, imparting vocational and professional training;
  - (c) The supply of books, uniforms and other materials to children with disabilities attending school;
  - (d) The grant of scholarships to students with disabilities;
  - (e) Setting up of appropriate fora for the redressal of grievances of parents, regarding the placement of their children with disabilities;
  - (f) Suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;
  - (g) Restructuring of curriculum for the benefit of children with disabilities;
  - (h) Restructuring the curriculum for the benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.
- 31.** All educational institutions shall provide or cause to be provided amanuensis to blind students and students with low vision.

## Chapter VI: Employment

**32.** Appropriate governments shall:

- (a) Identify posts, in the establishments, which can be reserved for persons with disabilities;
- (b) At periodic intervals not exceeding three years, review the list of posts identified and update the list taking into consideration the developments in technology.

**33.** Every appropriate government shall appoint in every establishment such percentage of vacancies not less than 3 per cent, for persons or class of persons with disabilities of which one per cent, each shall be reserved for persons suffering from:

- (i) Blindness or low vision;
- (ii) Hearing impairment;
- (iii) Loco motor disability or cerebral palsy, in the posts identified for each disability:

Provided that the appropriate government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

**34. (1)** The appropriate government may, by notification require that from such date as may be specified by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disabilities that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such a requisition.

**(2)** The form in which and the intervals of time for which information or returns shall be furnished and the particulars they shall contain shall be such as may be prescribed.

**35.** Any person authorized by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment, and may enter at any reasonable time the premises where he believes such a record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

**36.** Where in any recruitment year any vacancy under Section 33, cannot be filled due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if the succeeding recruitment year also a suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate government.

**37. (1)** Every employer shall maintain such a record in relation to the person with disability employed in his establishment in such a form and in such a manner as may be prescribed by the appropriate government.

**(2)** The records maintained under sub-section (1) shall be open to inspection at all reasonable

hours by such persons as may be authorized in this behalf by general or special order by the appropriate government.

- 38. (1)** The appropriate governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may provide for:
- (a) The training and welfare of persons with disabilities;
  - (b) The relaxation of the upper age limit;
  - (c) Regulating the employment;
  - (d) Health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed;
  - (e) The manner in which and the person by whom the cost of operating the schemes is to be defrayed; and
  - (f) Constituting the authority responsible for the administration of the scheme.
- 39.** All government educational institutions and other educational institutions receiving aid from the government shall reserve not less than 3 per cent seats for persons with disabilities.
- 40.** The appropriate governments and local authorities shall reserve not less than 3 per cent in all poverty alleviation schemes for the benefit of persons with disabilities.
- 41.** The appropriate governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least 5 per cent of their workforce is composed of persons with disabilities.

### Chapter VIII: Non-Discrimination

- 44.** Establishments in the transport sector shall, within the limits of their economic capacity and development for the benefit of persons with disabilities, take special measures to:
- (a) Adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons;
  - (b) Adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheelchair users to use them conveniently.
- 45.** The appropriate governments and the local authorities shall, within the limits of their economic capacity and development. Provide for:
- (a) Installation of auditory signals at red lights in the public roads for the benefit of persons with a visual handicap;
  - (b) Causing curb cuts and slopes to be made in pavements for the easy access of wheelchair users;
  - (c) Engraving on the surface of the zebra crossing for the blind or for persons with low vision;
  - (d) Engraving on the edges of railway platforms for the blind or for persons with low vision;
  - (e) Devising appropriate symbols of disabilities;
  - (f) Warning signals at appropriate places.

**46.** The appropriate governments and the local authorities shall, within the limits of their economic capacity and development, provide for:

- (a) Ramps in public buildings;
- (b) Braille symbols and auditory signals in elevators or lifts;
- (c) Ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.

**47. (1)** No establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service.

Provided that, if an employee, after acquiring a disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits.

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post till a suitable post is available or he attains the age of superannuation, whichever is earlier.

**(2)** No promotion shall be denied to a person merely on the ground of his disability:

Provided that the appropriate government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

# Annexure B: Integrated Education for Disabled Children (IEDC) Scheme

[http://www.education.nic.in/htmlweb/iedc\\_sch\\_draft.htm](http://www.education.nic.in/htmlweb/iedc_sch_draft.htm)

**DRAFT**

## Inclusive Education Scheme

### 1. Background: The Current IEDC Scheme

#### 1.1 Overview

The National Policy on Education (NPE), 1986 and the Programme of Action (1992) gives us the basic policy framework for education and emphasizes the correction of the existing inequalities. It stresses on reducing dropout rates, improving learning achievements and expanding access to students who have not had an easy opportunity to be a part of the mainstream system. The NPE, 1986 envisaged the following measures for integrating the physically and mentally handicapped with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence. The following measures will be taken in this regard:

- i. Wherever it is feasible, the education of children with motor handicaps and other mild handicaps will be common with that of others.
- ii. Special schools with hostels will be provided, as far as possible at district headquarters, for the severely handicapped children.
- iii. Arrangements will be made to give vocational training to the disabled.
- iv. Teachers' training programmes will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children; and
- v. Voluntary effort for the education of the disabled will be encouraged in every possible manner.

The Centrally Sponsored Scheme of Integrated Education for the Disabled Children, was introduced in 1974 by the then Department of Social Welfare with a view to provide educational opportunities for children with disabilities in common schools, to facilitate their retention in the school system and integrating children with disabilities studying in special schools after they have acquired communication and daily living skills at the functional level.

Subsequently, in 1982, the scheme was transferred to the then Department of Education and was revised in 1992 to include non-governmental organizations as one of the implementing agencies in addition to the governmental agencies.

#### 1.2 Current Status

The scheme is presently being implemented in 27 States and 4 UTs through over 41,875 schools



benefiting more than 1,33,000 children with disabilities (till the year 2003). Efforts are being made for convergence of different schemes such as the Sarva Shiksha Abhiyan.

## 2. Rationale of the Inclusive Education Scheme (IES)

The IES has evolved out of the following major concerns and experiences:

- Many learners with disabilities, however, are still denied any form of education. There are others who are enrolled in schools but are deprived of appropriate education along with their age mates in regular schools. The IEDC scheme has not made significant impact on the enrolment and retention of children with disabilities.
- The 93<sup>rd</sup> Amendment of the Constitution of India has made education a fundamental human right for children in the 6-14 year age group and all children need to be brought under the fold of education.
- The centrally sponsored Sarva Shiksha Abhiyan scheme has set time-bound targets for achievement of UEE by 2010. This is only possible if the needs of children with disabilities are fully addressed in the mainstream education and all children get the opportunity to go to their neighbourhood schools.
- Realizing the need to provide access to good education to all, the Salamanca Statement and Framework for Action on Special Needs Education (1994) was adopted by the World Conference on Special Needs Education: Access and Quality. The Statement endorses the need for fundamental policy shifts required to promote the approach to inclusive education, namely enabling schools to serve all children, particularly those with special educational needs by implementing practical and strategic changes.
- The Government of India has enacted the legislation, Persons with Disabilities (Equal Opportunities and Full Participation) Act, 1995 (PWD Act) to achieve amongst other things, the goal of providing access to free education in an appropriate environment to all learners with disabilities till s/he attains the age of eighteen years. The Act endeavours to promote the integration of learners with disabilities in normal schools. Thus, the right to education for learners with disabilities is enshrined in the PWD Act.
- The National Curriculum Framework for School Education (NCERT, 2000) has recommended inclusive schools for learners with special educational needs by making appropriate modifications in the content, presentation and transaction strategies, preparing teachers and developing learning-friendly evaluation procedures.
- Research has shown that inclusive education results in improved social development and academic outcomes for all learners. It leads to development of social skills and better social interactions because learners are exposed to a real environment in which they have to interact with other learners, each one having unique characteristics, interests and abilities. The non-disabled peers adopt positive attitudes and actions towards learners with disabilities as a result of studying together in an inclusive classroom. Thus, inclusive education leads to an inclusive society that takes account of the needs of learners with disabilities right from early school years.
- There has been a considerable shift in the understanding of disability. The conceptualization of disability today is radically different from interpretations that existed 30 years ago or when the earlier scheme was framed. Currently disability is conceptualized as a social issue and examines disability in the socio-ecological context. The old conceptualization was medical in nature and talked about pathology, and characterized disability as a deficit within the individual.

- The inclusive education scheme is therefore envisaged to provide access to out-of-school learners with disabilities and to improve enrolment, retention and achievement of these students in the mainstream education. The scheme will also address the needs of learners with disabilities making use of the social model of disability.

### 3. Definitions

Inclusive education means all learners, young people – with or without disabilities being able to learn together in ordinary pre-school provisions, schools and community educational settings with appropriate networks of support services. In inclusive education the needs of all learners are addressed so that good education can be provided to all. However, since the learners with disabilities form one of the largest groups that are still out of the fold of general education, the target group, therefore, on which this scheme will focus would be learners with disabilities.

The term “learners with disabilities” will cover visual impairments (blind and low vision), speech and hearing impairments, loco motor disabilities, neuromusculoskeletal, neurodevelopmental disorders including cerebral palsy, autism, mental retardation, multiple disability and learning disabilities.

#### 3.1 Difference between Integration and Inclusion

Inclusive education is different from integration. In integration learners with disabilities are placed in a regular school without making any changes in the school to accommodate and support their diverse needs. Inclusive education, by comparison seeks to adapt systems and structures to meet the needs of all learners. Moving from integration to inclusion requires changes/ adaptations at various levels including the curriculum, attitudes, values, language, etc. These adaptations are made by fully involving the learners in the process. Integration was based on a conceptual model that was medical in nature that viewed disability only as a pathology requiring medical care. On the other hand, inclusion is based on a social model of disability that views disability as a socially created problem and the management of the problem requires social action in the form of environmental modifications necessary for the full participation of persons with disabilities in every sphere of life.

### 4. Overall Features of the IES

#### 4.1 Target Group

IES is a centrally sponsored scheme. It would cover learners with significant deviation or loss in body functions or structures in the age group 0-18 years complying with the provisions of the PWD Act, 1995. It will cover the following groups of learners:

- Visual impairments (blind and low vision)/ impairments in the function of seeing
- Hearing impairments/ hearing and vestibular functions
- Loco motor disabilities (movement related functions), neuro musculoskeletal/ neurodevelopmental disorders like autism, cerebral palsy, mental retardation and multiple disabilities
- Speech impairments/ voice and speech functions
- Learning disability.

Under this scheme the Central Government will assist the State and Union Territories in its implementation on the basis of criteria laid down. The provisions would be provided to those suffering from not less than 40 per cent of any disability as certified by the committee specially appointed for this purpose at the state level/ district level/ block level/ cluster level/ village level.

Financial assistance for all the items covered in the scheme will be on 100 per cent basis. Assistance for programmes would depend on fulfilling the conditions laid down in the scheme.

## 4.2 Implementing Agencies

The scheme will be implemented through the State governments/ UT administrations/ autonomous organizations/ voluntary agencies having experience in the field of education and through convergence with government-supported programmes. The procedure for grants to the implementing agency is laid down in the later part of the scheme.

## 4.3 Aims and Objectives

The centrally sponsored IES aims to set out the commitment of education of learners with disabilities to the principles of inclusive education. By incorporating the “social model of disability” the scheme will aim to create an environment that respects and values diversities and attempt to increase access, enrolment, retention and achievement of learners with disabilities in general education/ regular schools.

## 4.4 Scope

IES is based on the assumption that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions.

Inclusive education under this scheme will focus on meeting the special educational needs of learners with disabilities in the mainstream of schooling till senior secondary level. The benefits derived from the scheme would be conditional to the recommendation of the assessment team.

The scope of the scheme will involve:

- Early childhood education, including early identification, assessment and stimulations of the very young child with disability. Interventions for children aged up to six years would in the form of pre-school training of learners with disabilities for promoting physical, intellectual and social development and school readiness.
- Raising awareness for promoting the understanding of the concept of inclusion and positive attitudes among children, teachers and administrators and community members towards persons with disabilities.
- Assistance in making school buildings, school activities and events fully accessible to learners with disabilities.
- Adapting curricula that provides differentiate learning experiences to match the needs of all learners including learners with disabilities. Additional assistance and support to learners requiring it within the context of the regular curriculum and not a different curriculum would be within the scope of this scheme.
- Appropriate preparation of educational personnel for developing capacity to meet the needs of all learners with disabilities in inclusive schools and to provide leadership in this area. This will include teachers (both special and general), local educational administrators, head teachers, etc.
- Building partnerships with key partners in the development of inclusive education and mobilizing community support for the same.
- Allocating or pooling in resources for provision of resource rooms, instructional materials, transport facilities, scholarships, uniforms, assistive devices, support staff, etc.
- Monitoring the progress towards inclusive education.
- Coordinating the efforts of educational authorities and those responsible for social work, employment and health.

- Girls with disabilities will remain a special focus and efforts would be made under the scheme to help girls with disabilities to gain access to school and information and guidance for developing their potentialities.

#### 4.5 Early Childhood Education

The success of inclusive education depends considerably on early identification, assessment and stimulation of the young child with disabilities. Recognizing the principle of inclusion, support for pre-school training for learners with disabilities would be available under this scheme for instructional materials and training of staff (anganwadi and balwadi workers, teachers, etc.). Whenever possible, convergence with the schemes of Integrated Child Development (ICD) and Early Childhood Centres of Education (ECCE) would be made for this purpose. Awareness programmes for family members can be organized in conjunction with community services like health, etc. Help from the voluntary sector already involved in carrying out early childhood care can be sought for this purpose. Identification of the needs of the child at this level will help in planning intervention programmes.

#### 4.6 Attitude Change

Realizing the importance of community acceptance of the rights of persons with disabilities, the scheme will support programmes to develop positive community attitudes towards learners with disabilities and to enhance respect for them. These programmes should include educating the media, teachers, peers and community leaders about the changing views regarding the disabled, the importance of inclusive education, the use of proper language for describing the learners with disabilities (not using derogatory labels) and the significance of promoting positive models or success stories. The role of the media in this is very powerful. The media can be used to inform the community regarding the new approaches in education particularly about the education of learners with disabilities.

#### 4.7 Access

It is important to make schools accessible to learners with disabilities specially the orthopaedically disabled by removing the architectural barriers and adapting the toilets wherever necessary. In addition, there are a host of other activities and events that have to be made accessible to the learners with disabilities. These include access to:

1. The full curriculum, in appropriate ways
2. Information in Braille, on tape, sign language, simple and straightforward language
3. Transport allowance to and from school
4. Escort allowance for children with severe orthopaedic impairments and neurodevelopmental disorders like cerebral palsy, autism, mental retardation and multiple disabilities, and girls with disabilities.

The funds under the scheme will make provisions for providing access only in case there are no other provisions for this under other schemes operative at that level. However, the purchase and development of instructional materials and construction of resource rooms would be covered under the scheme.

#### 4.8 Curriculum Support

All learners with disabilities included under the general education system may not require adaptations in the teaching-learning process and evaluation procedures. However there may be some who require some adaptations. The scheme will support curriculum adaptations required to address the needs of learners with disabilities. The State implementing agency can take the support of special teachers,

SCERTs, DIETs, special schools/ centres, non-governmental organizations, State boards or any other community institutions available at the local level for this purpose. The scheme will cover the expenses incurred on organizing the mobilization of such support as certified by the school principal/ educational administrators. The scheme will also support workshops for adaptations in the curricular content and development of supplementary material, self-learning material for teachers and students at various levels of school education. The provision for organizing a workshop/ meeting has also been made under the SSA. Learners with disabilities may require some adaptations in the evaluation procedures according to their special needs. The existing evaluation procedures can be reviewed at the State level and modified accordingly. Also, use of appropriate technology in gaining access to the school curriculum is an important part of this scheme. The assessment team can be given the responsibility to decide the type of specific assistive devices required to meet the needs of learners with disabilities studying in inclusive schools. The list of assistive devices as per different disability needs at individual child level and at resource room level is given in Annexure I.

## 4.9 Training

The scheme will provide for the programme of training with regard to inclusive education to special teachers, general teachers and educational administrators only under the condition that the same kind of training is not being provided under other schemes/ programmes. The knowledge and skills required by the general teachers are mainly those of good teaching and include assessing special needs, adapting curriculum content, using assistive technology, individualizing teaching procedures to suit a large range of abilities, etc. All teachers at pre-service and at service levels need to have skills of building partnerships with the parents, specialists, etc. This training will be imparted through the District Institute of Education and Training or non-governmental organizations having knowledge and experience in the area of inclusive education. In-service training should, wherever possible, be developed at the school level with the help of trainers and self-instructional materials.

In case of special teachers, training will enable them to work in different settings, develop partnerships and play a key role in inclusion of learners with disabilities.

## 4.10 Assessment

Recognizing the importance of early identification and assessment of special needs of learners with disabilities, the scheme will make arrangements for identifying, reviewing and recommending the support required for short and long-term objectives. In making such assessments, the State Government will tap available local resources like the non-governmental organizations, special schools, primary health centres, Village Education Committees, District Rehabilitation Centres, etc. The assessment team will be appointed by the coordinator who will also be responsible for monitoring the progress of the child as per the IEPs. The assessment team may comprise of some of the members given below:

- Specialists like speech therapists, audiologists, occupational therapists, physiotherapists
- Doctors (eye specialists, orthopaedic surgeons, ENT specialists)
- Psychologists
- Social workers.

However, the nature of the team and the members representing it would be decided by the coordinator keeping the special needs of the learners in mind.

While planning the provisions for a learner with disability, it would be ensured that the learner, his/ her parents, teachers are fully involved in the process.

The assessment should result in individualized education plans (IEPs) for learners with disabilities. These IEPs should be reviewed regularly (every six months) and must involve the child, parents, teachers and specialists. The IEPs will help to make the teacher aware of the individual needs of the learner and also give information regarding the appropriate environment for his/ her placement (special school, general school, special class, etc.). The format of the IEP is given in Annexure II.

#### 4.11 Partnerships

It is a well established fact that inclusive education revolves around building effective partnerships in which the partners work together to achieve some common goals. Cooperative and supportive partnerships among school administrators, teachers, parents and the community would be an important aspect of any decision-making under this scheme. The development of parents' associations, neighbourhood associations and partnerships with community members like the elderly and the disabled can also promote the following activities:

- Designing and implementation of the programmes
- Supplementing in-school activities.

Partnerships under this scheme, would not only be encouraged with the parents of learners with disabilities and parents of learners without disabilities, but also with governmental organizations handling other programmes for learners with disabilities like the national institutes, teacher education institutions, welfare departments, health departments, other departments under education, universities, etc. and the voluntary sector. Convergence with programmes like the Sarva Shiksha Abhiyan, ICDS, ADIP, ALIMCO and other programmes at the Central and State level would be sought whenever possible. Linkages with the different organizations will help in creating convergence of resources and funds for addressing the needs of learners with disabilities. Coordination committees at various levels, i.e. State, District, Block and Cluster level will help the implementation of inclusive education in a big way.

#### 4.12 Resource Room

Resource support to ordinary schools could be mobilized by the special schools and voluntary organizations. These can be used as resource centres for ordinary schools whenever possible. In case resource from such external resource agencies is not available, a resource room can be created at the school, cluster or block levels. The list of assistive devices/ equipment for the resource room is given in Annexure II.

#### 4.13 Other Support Staff

Regular schools with an inclusive orientation must have a provision of support services to meet the needs of all children in the school. Support could be provided by teacher education institutions, special schools and the voluntary sector working in the area. Support can also be mobilized through convergence with the other schemes or programmes being implemented in the States and having a component of education of learners with disabilities. External support from resource personnel from various agencies such as educational psychologists, speech and occupational therapists, physiotherapists, mobility instructors, etc. have to be coordinated at the local level. The expenses incurred on mobilizing such support in the form of TA/ DA and consultancy fees can be covered under the scheme. Support can also be made available at the cluster level and the needs of learners with disabilities in a cluster of schools can be addressed.



## 5. Procedure

### 5.1. Administrative Cell

An administrative cell will be required to be set up under the State Education Department for coordination and implementation purposes. The best place for setting up the cell would preferably be the SCERTs / SIERTs/ SIEs, etc. The Cell will comprise a Joint Director/ Deputy Director (in the scale of pay applicable in the State Government), a coordinator who may be a psychologist in the scale applicable to a university lecturer, a Special Educator in the pay scale applicable to a university lecturer in the State Government/ UT, a stenographer, a lower division clerk and a peon in the pay scales applicable in the State/ UT.

The administrative cell will be responsible for the implementation of the scheme. Some of the major functions undertaken by the cell would include:

- Finalization and onward transmission of proposals
- Selecting the assessment team
- Organizing and coordinating the various activities under the scheme including awareness programmes, training, workshops for curricular adaptations and modification in the examination procedures, selection of special teachers, organizing resource support, etc.
- Ensuring convergence whenever possible
- Developing linkages with relevant departments
- Monitoring the progress.

### 5.2 Procedures for Grants to State Governments/ UT Administrations

#### 5.2.1 Developing Proposals for Securing Grants

The State Governments/ UT Administrations should formulate their programmes/ plans, make an assessment of their financial requirements and submit detailed proposals for the next financial year to the Ministry of Human Resource Development (Department of Education, Government of India) by the end of December every year. The proposals should contain full information on various items given in the format in Annexure III. The proposals should be accompanied by utilization certificates for grants if released in the previous year indicating, inter alia, detailed information regarding areas covered, the number of learners with disabilities covered school-wise, teachers' training programmes conducted, etc.

The proposal should specify clearly whether for the purpose of various allowances to the learners with disabilities the State Government rates have been taken or in their absence the rates given in this scheme have been adopted. The proposals will be examined in the Ministry and 50 per cent of the approved grant for the year will be released as the first instalment. The remaining 50 per cent of the grant will be sanctioned as soon as the State/ UT administration reports utilization of at least 75 per cent of the grant sanctioned earlier. The request for the release of the second instalment should be accompanied by an implementation report and a detailed statement of expenditure.

### 5.3 Procedures for Grants to Voluntary Organizations

The voluntary organizations interested in implementing the scheme should send their applications in the format in Annexure IV through the concerned State Government/ UT Administration (with a copy endorsed directly to the Ministry). The State Government/ UT Administration should give its views as soon as possible but not exceeding three months regarding the organizations' eligibility,



suitability, the relevance of the proposal and the capacity of the agency to implement it. Comments should be sent by the State Government even if the proposal is not recommended giving reasons therefore. In case the State Government fails to forward the proposals within three months, the voluntary organization would be at liberty to approach the Ministry on its own.

In order to be eligible for financial assistance under this scheme the voluntary organizations, public trusts and non-profit making companies should:

- Have a proper constitution of articles of association.
- Have a properly constituted managing body with its powers and duties clearly defined in the constitution.
- Be in a position to secure the involvement, on a voluntary basis, of knowledgeable people for furtherance of their programmes.
- Not discriminate against any person or group of persons on grounds of sex, religion, caste or creed.
- Not be run for the profit of any individual or a body of individuals.
- Not directly function for the furtherance of the interests of any political party.
- Not act in any manner that incites communal disharmony.
- Should be in existence for a minimum of three years.
- If any agency is already receiving or expecting to receive grants from some other official source for a project for which application is made under this scheme, assistance under this scheme will be made after taking into consideration the grant received, or likely to be received from such other official sources. It should also be ensured that an agency already in receipt of a grant from any other official source, central or state, should not transfer any part of that liability to a grant to be sanctioned under this scheme.
- The proposals of the voluntary organizations with the recommendation of the State Government/ UT Administration should be sent to The Ministry of Human Resource Development (Department of Education), Government of India by the end of December every year for the following financial year. The proposals will be examined in the ministry and 50 per cent of the approved grant for a year will be released as the first instalment and the remaining 50 per cent after the agency reports utilization of at least 75 per cent of the grant sanctioned earlier. The request for release of the second instalment should be accompanied by a progress report (in Annexure IV) and statement of expenditure. The grant will be remitted to the agency directly by demand draft/ cheque drawn in its favour by the Ministry of Human Resource Development, Department of Education.

### **5.3.1 Conditions of Grant to Voluntary Organizations**

- 1) The Grant-receiving agency will be required to execute a bond on a prescribed form (Annexure V). The bond should be supplied by two sureties if the agency is not a legal entity.
- 2) An agency in receipt of financial assistance shall be open to inspection by an officer of the Union Ministry of Human Resource Development or the State Education Department.
- 3) The accounts of the project shall be maintained properly and separately and submitted as and when required. They should be open to check by an officer deputed for monitoring purposes by the Government of India or the State Government. They shall also be open to a thorough check by the Comptroller and Auditor General of India at his discretion.

- 4) The audited accounts together with the utilization certificate in the prescribed form duly countersigned by the Chartered Accountant are required to be furnished within six months in respect of a preceding year or after expiry of the duration for which the grant is approved.
- 5) The agency shall maintain a record of all assets acquired wholly or partially out of the government grant and maintain a register of such assets in the prescribed pro formas. Such assets shall not be disposed of, encumbered or used for the purposes other than those for which the grant was given, without prior sanction of the Government of India. Should the agency cease to exist at any time, such properties shall revert to the Government of India.
- 6) When the State Government/ Government of India has reasons to believe that the sanctioned money is not being utilized for the approved purpose the payment of grant may be stopped and the earlier grant recovered.
- 7) The institution must exercise reasonable economy in the working of the approved project.
- 8) The grantee agency shall furnish to the Ministry of Human Resource Development reports as may be prescribed.
- 9) The decision of the Secretary to the Government of India in the Ministry of Human Resource Development, Department of Education on the question whether there has been breach of violation of any of the terms and conditions mentioned in the sanctioned letter shall be final and binding on the grantee.

#### **5.4 Regulations for Relaxation of Rules**

State Governments/ UT Administrations/ other implementing agencies should also frame regulations for relaxation of rules relating to admissions, minimum or maximum age limit for admissions, promotions, examination procedures, etc. for improving access of the learners with disabilities to education. Provisions for admission of older learners with disabilities than the normal eligibility (up to 8-9 years instead of 6 years with upper limit till 18 years) is essential.

#### **5.5 Appointment of Special Teachers**

Special education teachers belonging to specific areas of disability can be appointed in the school or as itinerant special teachers depending on the teacher-pupil ratio. The teacher-pupil ratio for special education teachers envisaged under this scheme is 1:5. This ratio will be the same for all regular classes as well as for preparatory pre-school classes. In accordance with this ratio the requisite number of special teachers may be appointed in schools (or for a cluster of schools) for learners requiring special-teacher support on a permanent or contractual basis. The same teachers will provide counselling to the parents, help in identifying the needs of learners with disabilities, participate in the assessment team, assist the general teachers in developing IEPs, help in training programmes and in other ways whenever necessary.

##### **5.5.1 Qualifications**

Special teachers so appointed should possess the following qualifications:

- Academic qualifications as prevalent in the State and UTs
- Degree/ diploma in special education recognized by RCI.

Teachers with qualifications in a single disability area will be encouraged to specialize in other disability areas to take care of a wider range of diversities in a general school.

### 5.5.2 Scale of Pay

The same scales of pay as available to the teachers of the corresponding category in that State/ UT will be given to special teachers. The State Education Department may recruit such teachers for this purpose following the normal recruitment procedures.

## 6. Monitoring

The progress under the scheme will be carefully monitored by collecting statistics and evaluating practices annually. This data can be carried out by the State Governments/ UT Administrations that may identify their key partners for monitoring the progress in schools under this scheme. The report of such evaluations can be made available to the MHRD. A suggested monitoring format is provided in the Annexure. However the States can revise the monitoring format to suit their specific needs. The monitoring arrangements should include both qualitative and quantitative data. Collaborations with SCERTs, DIETs State and District resource groups and other district, block, cluster level resources can be developed for this purpose. In all these endeavours girls will remain a specific focus. In addition to this monitoring, review exercises can be taken periodically to take in a detailed review of the functioning under the scheme.

From the national level a comprehensive monitoring mechanism would be evolved by involving officers from the Department of Education and national apex level institutes like the NCERT, NIEPA, reputed voluntary organizations, and individual experts.

## 7. Financial Parameters and Unit Costs

No.	Item	Provisions
1	Actual expenses on books and stationery	Up to Rs. 600/ annum/ learner
2	Actual expenses on uniforms at primary level. Actual expense on uniforms above the primary level	Up to Rs. 800/ annum/ learner Up to Rs. 1,000/ annum/ learner
3	Transport allowance (only in case the child does not reside in the school premises)	Up to Rs. 300/ month/ learner
4	Reader allowance for reading to learners with visual impairments	Up to Rs. 150/ month/ learner
5	Assessment	Up to Rs. 250/ learner
6	Escort allowance for severely disabled with lower extremity disability, girls with disabilities and children with mental retardation (in case they have no family or community member to escort them)	Up to Rs. 600/ month/ learner
7	Actual cost of assistive devices including equipment and educational aids	Maximum of up to Rs. 3,000/ learner for a period specified in the IEP or the assessment team
8	Attendant in school for learners with severe orthopaedic impairment at the ratio of 1:5 learners	Standard scale of pay as prescribed for Class IV employees in the State/ UT concerned.

No.	Item	Provisions
9	Boarding and lodging charges <sup>1</sup> for learners with disabilities residing in the hostel of the school where they are studying	Up to Rs. 800/ month/ learner
10	Assistance of helper/ ayah for learners with severe orthopaedic impairments residing in school hostel	A special pay of Rs. 250/ month to any employee of the hostel willing to extend such help in addition to his/ her duties
11	Purchase/ development of instructional materials	Up to Rs. 500/ annum/ learner
12	Appointment of special education teachers (both for school and pre-school level) covering all disabilities except orthopaedic impairments	Same scale of pay as available to the teachers of the corresponding category in the State/ UTs
13	Training of special teachers	Through refresher programmes run by the national institutes and Rehabilitation Council of India or under other programmes of the States
14	Training of general teachers	Through SCERTs, DIETs, SSA programme, RIEs and voluntary organizations
15	Orientation of educational administrators, heads of institutions for three days.	Up to Rs. 10,000/ annum
16	Resource room <sup>2</sup> Construction of resource room Equipment for resource room (depending on the need and the list enclosed in the Annexure)	Up to Rs. 1,00,000 Up to Rs. 50,000
17	Grant for improving access by removing architectural barriers, curriculum support	As per requirement/ school
18	Awareness programmes for developing positive attitudes involving print material, videotapes, audiocassettes, etc.)	Up to Rs. 30,000/ annum
19	Monitoring	As per requirement
20	Grant for scholarship (only when it is not being taken for the same purpose from any other source)	As per requirement

<sup>1</sup> Only if they are not paid under any other state government rules/ schemes and if their parents' income does not exceed Rs. 7,000 per month

<sup>2</sup> Only in case no spare room is available in the school and no NGO/ special school/ resource centres under other schemes can be mobilized for this purpose

## **PROPOSED ANNEXURES**

<b>ANNEXURE-I</b>	LIST OF ASSISTIVE DEVICES AT VARIOUS LEVELS
<b>ANNEXURE-II</b>	FORMAT FOR IEP
<b>ANNEXURE-III</b>	PROPOSAL FOR FINANCIAL ASSISTANCE FROM GOVERNMENTAL ORGANIZATION
<b>ANNEXURE-IV</b>	PROPOSAL FOR FINANCIAL ASSISTANCE FROM VOLUNTARY ORGANIZATIONS
<b>ANNEXURE-V</b>	BOND
<b>ANNEXURE-VI</b>	MONITORING INDICATORS
<b>ANNEXURE-VII</b>	EDUCATION CHAPTER FROM THE PWD ACT
<b>ANNEXURE-VIII</b>	LIST OF RCI-RECOGNIZED INSTITUTIONS
<b>ANNEXURE-IX</b>	PROVISIONS UNDER SSA

## Annexure C: Sarva Shiksha Abhiyan (Basic Features)

[http://education.nic.in/htmlweb/ssa/ssa\\_1.htm](http://education.nic.in/htmlweb/ssa/ssa_1.htm)

### 1.0 Basic Features of Sarva Shiksha Abhiyan

Sarva Shiksha Abhiyan is an effort to universalize elementary education by community-ownership of the school system. It is a response to the demand for quality basic education all over the country. The SSA programme is also an attempt to provide an opportunity for improving human capabilities to all children, through provision of community-owned quality education in a mission mode.

#### 1.1 What is Sarva Shiksha Abhiyan?

- A programme with a clear time frame for universal elementary education
- A response to the demand for quality basic education all over the country
- An opportunity for promoting social justice through basic education
- An effort at effectively involving the Panchayati Raj institutions, school management committees, village and urban slum level education committees, parent teacher associations, mother teacher associations, tribal autonomous councils and other grass roots level structures in the management of elementary schools
- An expression of political will for universal elementary education across the country
- A partnership between the Central, State, and local governments
- An opportunity for States to develop their own vision of elementary education.

#### 1.2 The Aims of Sarva Shiksha Abhiyan

The main aim of Sarva Shiksha Abhiyan is to provide useful and relevant elementary education for all children in the six to fourteen age group by 2010. There is also another goal to bridge social, regional and gender gaps, with the active participation of the community in the management of schools.

Useful and relevant education signifies a quest for an education system that is not alienating and that draws on community solidarity. Its aim is to make children learn about and master their natural environment in a manner that allows the fullest harnessing of their human potential both spiritually and materially. This quest must also be a process of value-based learning that gives children an opportunity to work for each other's well-being rather than to permit mere selfish pursuits.

Sarva Shiksha Abhiyan realizes the importance of Early Childhood Care and Education and looks at the 0-14 age as a continuum. All efforts to support pre-school learning in ICDS centres or special pre-school centres in non-ICDS areas will be made to supplement the efforts being made by the Department of Women and Child Development.

### 1.3 The Objectives of Sarva Shiksha Abhiyan

- All children will be in school, Education Guarantee Centres, Alternate Schools, 'Back-to-School' Camps by 2003
- All children will complete five years of primary schooling by 2007
- All children will complete eight years of elementary schooling by 2010
- Focus on elementary education of satisfactory quality with emphasis on education for life
- Bridge all gender and social category gaps at primary stage by 2007 and at the elementary education level by 2010
- Universal retention by 2010.

### 1.4 Why a Framework for Implementation (and not a Guideline)

- To allow states to formulate context-specific guidelines within the overall framework
- To encourage districts in States and UTs to reflect local specificity
- To promote local need-based planning based on broad national policy norms
- To make planning a realistic exercise by adopting broad national norms.

The objectives are expressed nationally though it is expected that various districts and states are likely to achieve universalization in their own respective contexts and in their own time frame. The year 2010 is the outer limit for such achievements. The emphasis is on mainstreaming out-of-school children through diverse strategies, as far as possible, and on providing eight years of schooling for all children in the 6-14 age group. The thrust is on bridging gender and social gaps and a total retention of all children in schools. Within this framework it is expected that the education system will be made relevant so that children and parents find the schooling system useful and absorbing, according to their natural and social environment.

### 1.5 Sarva Shiksha Abhiyan as a Framework and as a Programme

Sarva Shiksha Abhiyan (SSA) has two aspects: (i) It provides a wide convergent framework for implementation of Elementary Education schemes; (ii) It is also a programme with budget provision for strengthening vital areas to achieve universalization of elementary education. While all investments in the elementary education sector from the State and the Central Plans will reflect as part of the SSA framework, they will all merge into the SSA programme within the next few years. As a programme, it reflects the additional resource provision for UEE.

### 1.6 Broad Strategies Central to the SSA Programme

- *Institutional Reforms:* As part of the SSA, the Central and the State governments will undertake reforms in order to improve efficiency of the delivery system. The states will have to make an objective assessment of their prevalent education system including educational administration, achievement levels in schools, financial issues, decentralization and community ownership, review of the State Education Act, rationalization of teacher deployment and recruitment of teachers, monitoring and evaluation, status of education of girls, SC/ ST and disadvantaged groups, policy regarding private schools and ECCE. Many states have already carried out several changes to improve the delivery system for elementary education.
- *Sustainable Financing:* The Sarva Shiksha Abhiyan is based on the premise that financing of elementary education interventions has to be sustainable. This calls for a long-term perspective on financial partnership between the Central and the State governments.



- *Community Ownership*: The programme calls for community ownership of school-based interventions through effective decentralization. This will be augmented by the involvement of women's groups, VEC members and members of Panchayati Raj institutions.
- *Institutional Capacity Building*: The SSA conceives a major capacity-building role for national, state and district level institutions like NIEPA/ NCERT/ NCTE/ SCERT/ SIEMAT/ DIET.
- *Improvement in Quality*: This requires a sustainable support system of resource persons and institutions.
- *Improving Mainstream Educational Administration*: It calls for improvement of mainstream educational administration by institutional development, infusion of new approaches and by adoption of cost-effective and efficient methods.
- *Community-Based Monitoring with Full Transparency*: The programme will have a community-based monitoring system. The Educational Management Information System (EMIS) will correlate school-level data with community-based information from micro-planning and surveys. Besides this, every school will be encouraged to share all information with the community, including grants received. A notice board would be put up in every school for this purpose.
- *Habitation as a Unit of Planning*: The SSA works on a community-based approach to planning with habitation as a unit of planning. Habitation plans will be the basis for formulating district plans.
- *Accountability to Community*: SSA envisages cooperation between teachers, parents and PRIs, as well as accountability and transparency to the community.
- *Priority to Education of Girls*: Education of girls, especially those belonging to the Scheduled Castes and Scheduled Tribes and minorities, will be one of the principal concerns in Sarva Shiksha Abhiyan.
- *Focus on Special Groups*: There will be a focus on the inclusion and participation of children from SC/ ST, minority groups, urban deprived children, disadvantaged groups, and children with special needs, in the educational process.
- *Pre-Project Phase*: SSA will commence throughout the country with a well-planned pre-project phase that provides for a large number of interventions for capacity development to improve the delivery and monitoring systems. These include provisions for household surveys, community-based micro-planning and school mapping; training of community leaders, school-level activities; support for setting up information systems, office equipment, diagnostic studies; etc.
- *Thrust on Quality*: SSA lays a special thrust on making education at the elementary level useful and relevant for children by improving the curriculum, child-centred activities and effective teaching-learning strategies.
- *Role of Teachers*: SSA recognizes the critical and central role of teachers and advocates a focus on their development needs. Setting up of Block Resource Centres/ Cluster Resource Centres, recruitment of qualified teachers, opportunities for teacher development through participation in curriculum-related material development, focus on classroom processes and exposure visits for teachers are all designed to develop human resources among teachers.
- *District Elementary Education Plans*: According to the SSA framework, each district will prepare a District Elementary Education Plan reflecting all the investments being made and required in the elementary education sector, with a holistic and convergent approach. There will be a Perspective Plan that will give a framework of activities over a longer time frame to achieve

UEE. There will also be an Annual Work Plan and Budget that will list the prioritized activities to be carried out in that year. The Perspective Plan will also be a dynamic document subject to constant improvement in the course of programme implementation.

### 1.7 Public-Private Partnership in SSA

Sarva Shiksha Abhiyan takes note of the fact that provision of elementary education is largely made by the government and government-aided schools. There are also private unaided schools in many parts of the country that provide elementary education. Poorer households are not able to afford the fees charged in private schools in many parts of the country. There are also private schools that charge relatively modest fees and where poorer children are also attending. Some of these schools are marked by poor infrastructure and low paid teachers. While encouraging all efforts at equity and “access to all” in well-endowed private unaided schools, efforts to explore areas of public-private partnership will also be made. Government, local body, and government-aided schools would be covered under the Sarva Shiksha Abhiyan, as is the practice under the Midday Meal scheme and DPEP. In case the private sector wishes to improve the functioning of a government, local body or a private aided school, efforts to develop a partnership would be made within the broad parameters of State policy in this regard. Depending on the State policies, DIETs and other government teacher-training institutes could be used to provide resource support to private unaided institutions, if the additional costs are to be met by these private bodies.

### 1.8 Financial Norms under Sarva Shiksha Abhiyan

- The assistance under the Sarva Shiksha Abhiyan programme will be on a 85:15 sharing arrangement during the Ninth Plan, 75:25 sharing arrangement during the Tenth Plan, and 50:50 sharing thereafter between the Central and State governments. Commitments regarding sharing of costs would be taken from State Governments in writing.
- The State Governments will have to maintain their level of investment in elementary education as in 1999-2000. The contribution as State share for SSA will be over and above this investment.
- The Government of India would release funds to the State Governments/ Union Territories only and instalments (except first) would only be released after the previous instalments of Central Government and State share have been transferred to the State Implementation Society.
- The support for the salaries of teachers appointed under the SSA Programme could be shared between the Central Government and the State Government in a ratio of 85:15 during the Ninth Plan, 75:25 during the Tenth Plan and 50:50 thereafter.
- All legal agreements regarding externally assisted projects will continue to apply unless specific modifications have been agreed to, in consultation with foreign funding agencies.
- Existing schemes of elementary education of the Department (except National Bal Bhawan and NCTE) will converge after the Ninth Plan. The National Programme for Nutritional Support to Primary Education (midday meals) would remain a distinct intervention with food grains and specified transportation costs being met by the Centre and the cost of cooked meals being met by the State Government.
- District Education Plans would inter alia, clearly show the funds/ resource available for various components under schemes like PMGY, JGSY, PMRY, Sunishchit Rozgar Yojana, Area funds of MPs/ MLAs, State Plan, foreign funding (if any) and resources generated in the NGO sector.
- All funds to be used for upgradation, maintenance, repair of schools and teaching-learning equipment and local management to be transferred to VECs/ school management committees/

gram panchayats/ or any other village/ school level arrangement for decentralization adopted by that particular State/ UT. The village/ school-based body may make a resolution regarding the best way of procurement.

- Other incentive schemes like distribution of scholarships and uniforms will continue to be funded under the State Plan. They will not be funded under the SSA programme.

### Norms for Financial Interventions under SSA

	<b>Intervention</b>	<b>Norm</b>
1.	Teacher	One teacher for every 40 children in primary and upper primary At least two teachers in a primary school <ul style="list-style-type: none"> <li>• One teacher for every class in the upper primary</li> </ul>
2.	School/ alternative schooling facility	Within one kilometre of every habitation Provision for opening of new schools as per State norms or for setting up EGS, like schools in unserved habitations
3.	Upper primary schools/ sector	As per requirement based on the number of children completing primary education, up to a ceiling of one upper primary school/ section for every two primary schools
4.	Classrooms	A room for every teacher in primary and upper primary, with the provision that there would be two classrooms with veranda for every primary school with at least two teachers <ul style="list-style-type: none"> <li>• A room for headmaster in upper primary school/ section</li> </ul>
5.	Free textbooks	To all girls/ SC/ ST children at primary and upper primary level within an upper ceiling of Rs. 150 per child State to continue to fund free textbooks being currently provided from the State Plans
6.	Civil works	<ul style="list-style-type: none"> <li>• Ceiling of 33 per cent of SSA programme funds</li> <li>• For improvement of school facilities, BRC/ CRC construction</li> <li>• CRCs could also be used as an additional room</li> </ul> No expenditure to be incurred on construction of office buildings Districts to prepare infrastructure plans
7.	Maintenance and repair of school buildings	<ul style="list-style-type: none"> <li>• Only through school management committees/ VECs</li> <li>• Up to Rs. 5,000 per year as per specific proposal by the school committee</li> <li>• Must involve elements of community contribution</li> </ul>
8.	Upgradation of EGS to regular school or setting up of a new primary school as per state norm	Provision for TLE at Rs. 10,000 per school TLE as per local context and need <ul style="list-style-type: none"> <li>• Involvement of teachers and parents necessary in TLE selection and procurement</li> <li>• VEC/ school-village level appropriate body to decide on best mode of procurement</li> </ul>

	<b>Intervention</b>	<b>Norm</b>
		<ul style="list-style-type: none"> <li>Requirement of successful running of EGS centre for two years before it is considered for upgradation</li> <li>Provision for teacher and classrooms</li> </ul>
9.	TLE for upper-primary	<ul style="list-style-type: none"> <li>Rs. 50,000 per school for uncovered schools</li> <li>As per local specific requirement to be determined by the teachers/ school committee</li> <li>School committee to decide on best mode of procurement, in consultation with teachers</li> <li>School committee may recommend district level procurement if there are advantages of scale</li> </ul>
10.	Schools grant	Rs. 2,000 per year per primary/ upper-primary school for replacement of non-functional school equipment Transparency in utilization To be spent only by VEC/ SMC
11.	Teacher grant	<ul style="list-style-type: none"> <li>Rs. 500 per teacher per year in primary and upper-primary</li> <li>Transparency in utilization</li> </ul>
12.	Teacher training	Provision of 20 days in-service course for all teachers each year; 60 days refresher course for untrained teachers already employed as teachers; and 30 days orientation for freshly trained recruits at Rs. 70 per day Unit cost is indicative; would be lower in non-residential training programmes <ul style="list-style-type: none"> <li>Includes all training cost</li> <li>Assessment of capacities for effective training during appraisal will determine extent of coverage</li> </ul> Support for SCERT/ DIET under existing Teacher Education Scheme
13.	State Institute of Educational Management and Training (SIEMAT)	<ul style="list-style-type: none"> <li>One-time assistance up to Rs. 3 crores</li> <li>States have to agree to sustain</li> <li>Selection criteria for faculty to be rigorous</li> </ul>
14.	Training of community leaders	For a maximum of 8 persons in a village for 2 days a year – preferably women At Rs. 30 per day
15.	<b>Provision for disabled children</b>	<b>Up to Rs. 1,200 per child for integration of disabled children, as per specific proposal, per year</b> <b>District Plan for children with special needs will be formulated within the Rs. 1,200 per child norm</b> <b>Involvement of resource institutions to be encouraged</b>
16.	Research, evaluation, supervision and monitoring	<ul style="list-style-type: none"> <li>Up to Rs. 1,500 per school per year</li> <li>Partnership with research and resource institutions, pool of resource teams with state-specific focus</li> </ul>

	<b>Intervention</b>	<b>Norm</b>
		<ul style="list-style-type: none"> <li>• Priority to development of capacities for appraisal and supervision through resource/ research institutions and on an effective EMIS</li> <li>• Provision for regular school mapping/ micro-planning for updating household data</li> <li>• By creating pool of resource persons, providing travel grant and honorarium for monitoring, generation of community-based data, research studies, cost of assessment and appraisal terms and their field activities, classroom observation by resource persons</li> </ul> <p>Funds to be spent at national, state, district, sub-district, school level out of the overall per-school allocation. Rs. 100 per school per year to be spent at national level Expenditure at State/ district/ BRC/ CRC/ school level to be decided by State/ UT; this would include expenditure on appraisal, supervision, MIS, classroom observation, etc.; support to SCERT over and above the provision under the Teacher Education scheme may also be provided</p> <p>Involvement of resource institutions willing to undertake state-specific responsibilities</p>
17.	Management cost	<ul style="list-style-type: none"> <li>• Not to exceed 6 per cent of the budget of a district plan</li> <li>• To include expenditure on office expenses, hiring of experts at various levels after assessment of existing manpower, POL, etc.</li> </ul> <p>Priority to experts in MIS, community planning processes, civil works, gender, etc. depending on capacity available in a particular district</p> <p>Management costs should be used to develop effective teams at State/ district/ block/ cluster levels</p> <ul style="list-style-type: none"> <li>• Identification of personnel for BRC/ CRC should be a priority in the pre-project phase itself so that a team is available for the intensive process-based planning.</li> </ul>
18.	Innovative activity for girls' education, early childhood care and education, interventions for children belonging to SC/ ST community, computer education specially for upper primary level	<p>Up to Rs. 15 lakhs for each innovative project and Rs. 50 lakhs for a district per year will apply for SSA</p> <ul style="list-style-type: none"> <li>• ECCE and girls education interventions to have unit costs already approved under other existing schemes</li> </ul>
19.	Block resource centres/ cluster resource centres	<p>BRC/ CRC to be located in school campus as far as possible</p> <p>Rs. 6 lakh ceiling for BRC building construction wherever required</p> <p>Rs. 2 lakhs for CRC construction wherever required – should be used as an additional classroom in schools</p> <p>Total cost of non-school (BRC and CRC) construction in any district should not exceed 5 per cent of the overall</p>

	<b>Intervention</b>	<b>Norm</b>
		<p>projected expenditure under the programme in any year.</p> <ul style="list-style-type: none"> <li>• Deployment of up to 20 teachers in a block with more than 100 schools; 10 teachers in smaller blocks in BRCs/ CRCs</li> <li>• Provision of furniture, etc. at Rs. 1 lakh for a BRC and Rs. 10,000 for a CRC</li> </ul> <p>Contingency grant of Rs. 12,500 for a BRC and Rs. 2,500 for a CRC, per year</p> <p>Identification of BRC/ CRC personnel after intensive selection process in the preparatory phase itself</p>
20.	Interventions for out-of-school children	<ul style="list-style-type: none"> <li>• As per norms already approved under the Education Guarantee scheme and Alternative and Innovative Education, providing for the following kind of interventions: Setting up Education Guarantee Centres in unserved habitations Setting up other alternative schooling models Bridge courses, remedial courses, back-to-school camps with a focus on mainstreaming out-of-school children into regular schools</li> </ul>
21.	Preparatory activities for micro-planning, household surveys, studies, community mobilization, school-based activities, office equipment, training and orientation at all levels, etc.	<ul style="list-style-type: none"> <li>• As per specific proposal of a district, duly recommended by the State</li> </ul> <p>Urban areas, within a district or metropolitan cities may be treated as a separate unit for planning as required.</p>

## 5.2 Interventions for Children with Special Needs

SSA will ensure that every child with special needs, irrespective of the kind, category and degree of disability, is provided education in an appropriate environment. SSA will adopt the “zero rejection” policy so that no child is left out of the education system.

**Approaches and Options:** The thrust of SSA will be on providing integrated and inclusive education to all children with special needs in general schools. It will also support a wide range of approaches, options and strategies for education of children with special needs. This includes education through the open learning system and open schools, non-formal and alternative schooling, distance education and learning, special schools, wherever necessary, home-based education, itinerant teacher model, remedial teaching, part-time classes, community-based rehabilitations (CBR) and vocational education and cooperative programmes.

**Components:** The following activities could form components of the programme:

- *Early Detection and Identification:* A concerted drive to detect children with special needs at an early age should be undertaken through PHCs, ICDS, ECCE centres and other school-readiness programmes. Identification of children with special needs should become an integral part of the micro-planning and household surveys.



- *Functional and Formal Assessment of Each Identified Child:* A team should be constituted at every block to carry out this assessment and recommend the most appropriate placement for every child with special needs.
- *Educational Placement:* As far as possible, every child with special needs should be placed in regular schools, with needed support services.
- *Aids and Appliances:* All children requiring assistive devices should be provided with aids and appliances, obtained as far as possible through convergence with the Ministry of Social Justice and Empowerment, State Welfare Departments, national institutions or NGOs.
- *Support Services:* Support services like physical access, resource rooms at cluster level, special equipment, reading material, special educational techniques, remedial teaching, curricular adaptation or adapted teaching strategies could be provided.
- *Teacher Training:* Intensive teacher-training should be undertaken to sensitize regular teachers on effective classroom management of children with special needs. This training should be recurrent at block/ cluster levels and integrated with the ongoing in-service teacher training schedules in SSA. All training modules at SCERT, DIET and BRC levels should include a suitable component on education of children with special needs.
- *Resource Support:* Resource support could be given by teachers working in special schools. Where necessary, specially trained resource teachers should be appointed, particularly for teaching special skills to children with special needs. Wherever this option is not feasible, long-term training of regular teachers should be undertaken.
- *Individualized Educational Plan (IEP):* An IEP should be prepared by the teacher for every child with special needs in consultation with parents and experts. Its implementation should be monitored periodically. The programme should test the effectiveness of various strategies and models by measuring the learning achievement of children with special needs regularly, after developing indicators.
- *Parental Training and Community Mobilization:* Parents of children with disabilities should receive counselling and training on how to bring them up and teach them basic survival skills. Strong advocacy and awareness programmes should form a part of the strategy to educate every child with special needs. A component on disability should be included in all the modules for parents, VECs and the community.
- *Planning and Management:* Resource groups should be constituted at State and district levels to undertake effective planning and management of the programmes in collaboration with PRIs and NGOs. An apex-level resource group at the national level to provide guidance, technical and academic support to children with special needs under SSA may be constituted.
- *Strengthening of Special Schools:* Wherever necessary, special schools may be strengthened to obtain their resource support, in convergence with departments and agencies working in that area.
- *Removal of Architectural Barriers:* Architectural barriers in schools will be removed for easy access. Efforts will be made to provide disabled-friendly facilities in schools and educational institutions. Development of innovative designs for schools to provide an enabling environment for children with special needs should also be a part of the programme.
- *Research:* SSA will encourage research in all areas of education of children with special needs including research for designing and developing new assistive devices, teaching aids, special



teaching material and other items necessary to give a disabled child equal opportunities in education.

- *Monitoring and Evaluation:* Ongoing monitoring and evaluation should be carried out to refine the programme periodically. For this, appropriate monitoring mechanisms should be devised at every level and field-tested at regular intervals.
- *Girls with Disabilities:* Special emphasis must be given to education of girls with disabilities.

### **Convergence**

All activities, interventions and approaches in the area of education for children with special needs will be implemented in convergence with existing schemes like Assistance to Disabled Persons (ADIP) for purchase/ fittings of aids/ appliances, Integrated Education of the Disabled Children (IEDC). This will be in coordination with the Ministry of Social Justice and Empowerment, State Department of Welfare, national institutions and NGOs.

Expenditure up to Rs. 1,200 per disabled child could be incurred in a financial year to meet the special learning needs of such children. The ceiling on expenditure per disabled child will apply at the district level.

## Annexure D: List of Braille Book Libraries in India

<http://www.socialjustice.nic.in/disabled/welcome.htm>

1. The Regional Braille Press  
Ramakrishna Mission Blind Boy's Academy  
Narendrapur 743 508  
24 Paraganas (West Bengal)
2. The Director  
Sri Ramakrishna Mission Vidhyalaya College of Education  
Coimbatore (Tamil Nadu)
3. The Secretary General  
All India Confederation of the Blind  
Braille Bhawan  
(Near Rajiv Gandhi Cancer Hospital)  
Sector V, Rohini  
Delhi 110 085
4. The Manager  
Government Braille Press  
Tifra Police Line Road  
Bilaspur 495 223 (Chhattisgarh)
5. The Manager  
Regional Braille Press  
Government High Secondary School for the Blind  
Poonamallee  
Chennai 600 056 (Tamil Nadu)
6. The Manager  
Government Braille Press  
Government Blind School  
Tilak Nagar Sayaji Rao Road  
Mysore (Karnataka)
7. The Manager  
Braille Press  
Government Institute for the Blind  
Jamalpur  
Ludhiana (Punjab)

8. The Manager  
Government Braille Press  
Near Government Blind School  
Vaishshta  
Guwahati (Assam)
9. The Manager  
Braille Press  
National Association for the Blind  
11 Khan Abdul Gaffar Khan Road  
Worli Seaface  
Mumbai (Maharashtra)
10. The Manager  
National Federation for the Blind  
Braille Press  
Near Atamshudi Ashram  
Delhi Raod  
Bahadurgarh (Hararyana)
11. The Executive Director  
Blind People's Association  
Dr Vikram Sarabhai Road  
Vastrapur  
Ahmedabad (Gujarat)
12. The Manager  
Kerala Federation for the Blind  
Kunuukuzhi  
Trivendrum (Kerala)
13. The Secretary  
LKC Sri Jagdamba Andh Vidyalaya  
Hanumangarh Road  
Sri Ganganagar (Rajasthan)
14. The Hony. Secretary  
Red Cross School for the Blind  
City Hospital Road  
Behrampur 760 001
15. The General Secretary  
Christian Foundation for the Blind India  
Braille Press  
2 Officers Lane GST Road  
Pallavaram  
Chennai (Tamil Nadu)

16. The Poona Blind Men's Association  
Technical Training Centre  
109 Dr Helen Keller Road  
Ramtekdi Hadapsar  
Pune 411 012
  
17. The Manager  
Central Braille Press  
National Institute for the Visually Handicapped  
116, Rajpur Road  
Dehradun 248 001

## Annexure E: List of Talking Book Libraries in India

<http://www.socialjustice.nic.in/disabled/welcome.htm>

The Executive Director

Blind People's Association  
Dr Vikram Sarabhai Road  
Vastrapur  
Ahmedabad (Gujarat)

National Association for the Blind

State Branches Department  
11 Khan Abdul Gaffar Khan Road  
Worli Seaface  
Mumbai 4000 25

National Institute for the Visually Handicapped

116, Rajpur Road  
Dehradun 248 001

The Poona Blind Men's Association

Technical Training Institute  
109, Dr Helen Keller Road  
Ramtekdi Hadapsar  
Pune 411 012

Blind Relief Association

Lal Bahadur Shastri Marg  
(Near Oberoi Intercontinental Hotel)  
New Delhi 110 003

Mitra Jyoti

M-137, 9<sup>th</sup> "A" Main LIC Colony  
Sector 11, Jeevan Beema Nagar  
Bangalore 560 075

Audio Cassette Recording Studio

Government of Institution for the Blind  
Braille Bhawan  
Jamalpur, Ludhiana

Sruti Information Centre

1398 Dr Mukherji Nargar  
Delhi 110 009

ARUSHI

E-7/Hx5, Arera Colony  
Bhopal 462016

Central Library

University of Delhi  
Delhi 110 007

The Manager

Computer Unit  
National Association for the Blind  
Sector V, R.K. Puram  
New Delhi 110 022

Electronic Media Production Centre,

Indira Gandhi National Open University (IGNOU)  
Maidan Garhi  
New Delhi 110 068

All India Confederation of the Blind

Braille Bhawan  
Sector V, Rohini  
Delhi 110 085

Helen Keller Service Society for the Disabled

Vizhiyagam  
Viswanathapuram  
Madurai 625 014 (Tamil Nadu)

## Annexure F: List of Centres for Low Vision Aids

### 1. National Institute for the Visually Handicapped (NIVH)

116, Rajpur Road  
Dehradun 248 001 (Uttarakhand)  
Tel: (0135) 274 4979/ 274 4387 (PBX) 274 4491  
Fax: (0135) 2748147  
Email: nivh@sancharnet.in, director@nivh.org  
Website: www.nivh.org

#### NIVH Regional Centres/ Chapters

Mr A. K. Mittal  
Poonamallee  
Chennai 400 056  
Tel: (044) 627 2505  
Fax: (044) 627 4478  
Email: nivhchen@tn.nic.in

Mr Milan Das  
NIMH Campus  
Manovikas Nagar P.O.  
Secunderabad 500 009  
Tel: (040) 775 1741  
Fax: (040) 775 0198

Mr V. S. Rawat  
NIMH Campus  
B. T. Road, Bonhooghly  
Kolkata 600 090

### 2. National Association for the Blind

Khan Abdul Gaffar Khan Road,  
Worli Seaface  
Mumbai 400 025

### 3. Blind People's Association

Dr Vikram Sarabhai Road  
Vastrapur  
Ahmedabad (Gujarat)  
Tel: (079) 2630 3346/ 2630 5082  
Email: blinabad1@sancharnet.in  
Website: <http://www.bpaindia.org/>



- 4. All India Confederation of the Blind**  
Institutional Area, Near Rajiv Gandhi Cancer Hospital,  
Sector V, Rohini  
Delhi 110 085  
Tel: (011) 2705 4082/ 2724 7469  
Fax: (011) 2705 0915  
Email: aicb@mailcity
- 5. Dr R. P. Centre for Ophthalmic Sciences**  
All India Institute of Medical Sciences (AIIMS)  
New Delhi 110 029
- 6. Venu Eye Institute and Research Centre**  
1/31, Sheikh Sarai Institutional Area, Phase-2  
New Delhi 110 017  
Tel: (011) 2925 1155/ 56/ 2925 2417/ 2925 1951/ 2925 4758  
Fax: (011) 2925 2370/ 2925 0952
- 7. Shroff Eye Hospitals**  
**Shroff Eye Hospital**  
Vision Research Centre  
222 S. V. Road, Bandra (West)  
Mumbai 400 050  
Tel: (022) 6692 1000  
Fax: (022) 6694 9880  
Email: safalashroff@yahoo.com  
  
**Shroff Eye Clinic**  
Gobind Mahal,  
86-B Netaji Subhas Road  
Mumbai 400 002  
Tel: (022) 2281 1863 / 2281 4077 / 2202 9242  
Fax: (022) 2281 2751  
  
**Dr Shroff Charitable Eye Hospital**  
5027, Kedarnath Road, Daryaganj,  
New Delhi 110 002  
Tel: (011) 4156 4300-11  
Fax: (011) 4156 4316  
Contact Person: Ms Preeti Monga  
  
**Dr Shroff Charitable Eye Hospital**  
Plot No 1, Scheme No 3  
Basant Vihar, Near Ambedkar Circle  
Alwar 301 001  
Rajasthan, India  
Tel: (0144) 5120 559/ 5120 560  
Contact Person: Captain Ramesh Chaudhary  
  
**Dr Shroff Charitable Eye Hospital**  
119, I Floor, (Near SBI)  
Qutab Plaza, Phase-I,  
Gurgaon, Haryana, India  
Tel: (0124) 4300 556/7  
Contact Person: Ms Meeta Gandhi

**8. L. V. Prasad Eye Institute**

L. V. Prasad Marg, Banjara Hills,  
Hyderabad 500 034  
Andhra Pradesh  
Tel: (040) 3061 2345 (30 Channels)  
Fax: (040) 2354 8271

**9. Aravind Eye Hospitals****Aravind Eye Hospital [Madurai]**

1, Anna Nagar  
Madurai 625 020  
Tamil Nadu  
Tel: (0452) 435 6100/ 243 2653-7  
Fax: (0452) 253 0984  
Email: [webinfo@aravind.org](mailto:webinfo@aravind.org)

**Aravind Eye Hospital [Theni]**

Periyakulam Road  
Theni 626 531  
Tamil Nadu  
Tel: (04546) 252 658, 253 258  
Email: [aehtheni@aravind.org](mailto:aehtheni@aravind.org)

**Aravind Eye Hospital [Tirunelveli]**

Swamy Nellaiappar High Road  
Tirunelveli Junction 627 001  
Tamil Nadu  
Tel: (0462) 233 7103  
Fax: (0462) 233 1633  
Email: [info@tv1.aravind.org](mailto:info@tv1.aravind.org)

**Aravind Eye Hospital [Coimbatore]**

Avinashi Road  
Coimbatore 641 014  
Tamil Nadu  
Tel: (0422) 436 0400  
Fax: (0422) 259 3030  
Email: [info@cbe.aravind.org](mailto:info@cbe.aravind.org)

**Aravind Eye Hospital [Pondicherry]**

Cuddalore Main Road  
Thavalakuppam,  
Puducherry 605 007  
Tel: (0413) 261 9100-04 (5 lines)  
Fax: (0413) 261 8848  
Email: [aravind@pondy.aravind.org](mailto:aravind@pondy.aravind.org)

**Lions Aravind Institute of Community Ophthalmology**

72, Kuruvikaran Salai  
Gandhi Nagar  
Madurai 625 020  
Tamil Nadu  
Tel: (0452) 435 6500/ 243 7580/ 82  
Fax: (0452) 253 0984  
Email: [webinfo@aravind.org](mailto:webinfo@aravind.org)

**Aurolab**

72, Kuruvikaran Salai, Gandhi Nagar

Madurai 625 020

Tamil Nadu

Tel: (0452) 5356 500/ 253 5573

Fax: (0452) 253 5274

Email: [aurolab@aurolab.com](mailto:aurolab@aurolab.com)

**Rotary-Aravind International Eye Bank**

1, Anna Nagar

Madurai 625 020

Tamil Nadu

Tel: (0452) 535 6100/ 253 2653

Fax: (0452) 253 0984

Email: [eyebank@aravind.org](mailto:eyebank@aravind.org)

## **Annexure G: CBSE Circular No. Admn.1/6(1)/2001/135753-138822, dated January 3, 2001 for Making the School Premises Accessible**

CENTRAL BOARD OF SECONDARY EDUCATION  
SHIKSHA KENDRA, 2, COMMUNITY CENTRE  
PREET VIHAR, DELHI 110 092

No: Admn.1/6(1)/2001/135753-138822

January 3, 2001

The Heads of all CBSE  
Affiliated Independent Schools

Sir/ Madam,

In the wake of the promulgation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, every educational institution is required to provide: (a) ramps in public buildings; (b) adaptation of toilets for wheelchair users; (c) Braille symbols and auditory signals in elevators or lifts; (d) ramps in schools and college buildings as well as buildings of educational institutions so as to make them completely accessible to all disabled children/ persons. The number of steps required to be taken include building of ramps, modifications in toilet facilities like dispensing counters, water fountains, mailboxes, vending machines and telephones. The Central Public Works Department has brought out booklets, which contains several Guidelines and Space Standards for a Barrier-Free Built Environment for the Disabled and Elderly duly incorporated in the Model Building Bye-laws for making all buildings completely accessible to disabled students/ persons.

You are requested to get your school buildings modified in accordance with the guidelines prepared by the CPWD, a copy of which may be had directly from the Director of Works (PM), Directorate General of Works, Central Public Works Department, Nirman Bhawan, New Delhi 110 001, as early as possible. It may please be noted that compliance with the above guidelines is mandatory. Application for renewal of affiliating of your school shall in future be considered only if an affidavit duly attested by the Development Authority of the area concerned is produced to the effect that the school building has been modified or is under modification in accordance with the guidelines laid down by the Central Public Works Department.

The necessary action may be taken within a period of three months and a progress report may be confirmed to the Dy. Secretary (Affiliation) of the Board.

Yours faithfully,

(Y. P. KATYAL)  
Joint Secretary

# Annexure H: University Grants Commission (UGC) Guidelines/ Facilities for Differently-abled Persons

## 1. Introduction

The Persons with Disabilities Act, 1995 indicates that disabled persons should have access to education at all levels. Though service to disabled children in India is more than 100 years old, the coverage of these children in the formal school system is not even 5 per cent. The report of manpower development published by the Rehabilitation Council of India reveals that more than 1,00,000 teachers will be needed in the next ten years to cater to the educational needs of disabled children in schools. Bachelor's and Master's level teacher programmes are needed for preparing teachers to help disabled children realize the objective of education for all. The University Grants Commission (UGC) will support selected university departments and colleges of education in the country to offer special education, with financial assistance available under the programme of IEDC by the Ministry of Human Resource Development, Government of India, or within the available resources of the UGC.

The UGC had started the scheme of assistance to universities/ colleges to facilitate Teacher Preparation in Special Education (TEPSE) and Higher Education for Persons with Special Needs (differently-abled persons) (HEPSN) during the Ninth Five Year Plan, keeping in view the need to provide special education programmes as well as infrastructure to differently-abled persons. The infrastructure needs to be designed in a manner that enables them to easily access classrooms, laboratories, toilets, etc.

## 2. Objectives

The objectives of the scheme are as follows:

- To encourage universities/ colleges of education in the country to promote teacher preparation programmes in the field of special education
- To provide equal educational opportunities to disabled persons in higher education institutions
- To create awareness among the functionaries of higher education about the specific educational needs of persons with disabilities
- To equip higher education institutions with the facilities to provide access to disabled persons
- To provide appropriate financial assistance to disabled individuals to increase their sustainability in higher education
- To explore suitable placement opportunities for educated disabled graduates in public as well as private sector enterprises
- To monitor the implementation of all existing and future legislation and policies pertaining to higher education of persons with disabilities.

This scheme is aimed particularly at:

- Providing assistance to universities/ colleges of education to start teacher preparation courses in special education at the B.Ed. / M.Ed. level; and
- Creating appropriate facilities for persons with special needs in higher education.

### 3. Eligibility

Colleges offering special education courses at B.Ed. and/ or M.Ed. level will be given assistance as per the following conditions:

- The university/ college department should have the approval of the Rehabilitation Council of India for starting the concerned teacher preparation programme in special education
- The college should have a model school where disabled children are admitted. In the absence of its own model school, the college should produce in writing the acceptance of a special/ integrated school in the vicinity to function as a model school
- The college should have a minimum of five years of experience in running B.Ed. level teacher preparation courses
- The university/ college applying for grant for any one of the activities of the scheme should have enrolled a minimum of ten disabled persons, including physically handicapped, mentally retarded and visually-impaired in the academic year
- The university/ college should have constituted an expert committee involving faculty members from the university, experts in the field and persons with disabilities themselves; the committee should meet at least once a year to review the activities related to the concerned scheme(s)
- Institutions applying for the scheme should have been approved by the UGC under Sections 2(f) and 12(B).

### 4. Financial Assistance

Financial assistance to the university departments and colleges of education will be given by the UGC as per the following norms:

1. The institution must have one professor or one reader and two lecturers to run a B.Ed. course; and one professor, one reader and 3 lecturers for an M.Ed. course in special education in any one of the specific disability areas with a minimum of 20 students and a maximum of 30
2. Assistance from the UGC will be for the Tenth Plan period and the implementing institute should give an undertaking that it will continue the course with the assistance of the State Government or generate its own resources to meet the expenditure of the course after the Plan
3. The implementing institute should also provide extension services to the special schools and integrated schools to strengthen the quality of special education in those settings
4. In addition to the salary grant, the UGC will provide a maximum of Rs. 1,00,000 per year per institute towards purchase of books, journals, special aids and appliances for its special education teacher preparation courses
5. A mid-term evaluation may be carried out by the UGC.

## 5. Provision of Facilities

This scheme has 3 components. They are enumerated as follows:

### 1. Establishment of Special Units for Differently-abled Persons in Universities/ Colleges

It is a fact that universities and colleges are not fully aware of the needs of differently-abled persons in higher education. In order to develop awareness in the higher education system and also to provide necessary guidance and counselling to differently-abled persons, it is proposed to establish special units in universities/ colleges in the country.

The functions of this unit will be to:

Facilitate admission of persons with disabilities

Provide guidance and counselling to differently-abled individuals

Create awareness about the needs of persons with disabilities and other general issues concerning disabilities, and

Assist disabled graduates to gain successful employment in the public as well as private sector.

A faculty member to be nominated by the head of the institution will coordinate the special unit. He/ she will work as honorary coordinator for which a token honorarium of Rs. 3,000 per month will be paid. There is also a provision for the appointment of one honorary placement officer for the special unit from amongst the faculty members of the university, and he/ she will be paid a token honorarium of Rs. 2,000 per month.

The coordinator and the placement officer will be assisted by a team of three student volunteers who will be paid a stipend of Rs. 1,000 each per month. An honorarium for all categories will be paid from the date of joining. The unit will also have a budgetary provision of Rs. 30,000 per annum towards programmes, stationery, contingencies, etc., for efficient and independent functioning in order to achieve its objectives. The disability unit will also be involved in arranging awareness programmes on disabilities within the institute and also in other higher education institutes in their respective states. A budgetary provision of Rs. 20,000 per unit per year will be made by the UGC. In addition, the unit will also be responsible for the following:

- To circulate the Government of India and the Commission's decisions and to collect regularly, on an annual basis, information regarding course-wise admissions of differently-abled candidates in universities and colleges for different courses, and to take follow-up action, where required.
- To circulate the Government of India and the Commission's decisions, and to collect information with respect to appointments, training of persons with disabilities in teaching and non-teaching posts in the universities and colleges, and take follow-up action where required.
- To collect reports and information regarding the Government of India orders on the various aspects of education, training and employment of differently-abled persons for evolving new policies or modifying existing ones.
- To analyse information so collected, under 1 to 3 above, and prepare reports and digests for onward transmission to the Ministry of Human Resource Development/ UGC and any other authorities as may be required.
- To deal with representations received from differently-abled persons regarding their admission, recruitment, promotion, and other similar matters in universities/ colleges.



- To function as a unit to redress grievances of differently-abled students and employees of the institution, and render them necessary help in solving their academic as well as administrative problems.
- To maintain a register of employment for differently-abled persons for various posts in the respective universities/ colleges.
- Any other work assigned from time to time to promote higher education among differently-abled persons. (i) To do all such things as may be deemed conducive for the welfare of differently-abled students, teachers and non-teaching employees.

## 2. Providing Access to Persons with Disabilities

It has been felt that persons with disabilities need special arrangements in the environment for their mobility and independent functioning. It is also a fact that many institutes have architectural barriers that disabled persons find difficult for their day-to-day functioning.

The universities and colleges under this scheme are expected to address this problem according to the Persons with Disabilities Act, 1995, and ensure that all existing structures as well as future construction projects in their campuses are made disabled-friendly.

The institutes should create special facilities such as ramps, rails and special toilets, and make other necessary changes to suit the special needs of differently-abled persons. For this purpose, the UGC will make a one-time grant of up to Rs. 5 lakhs per university/ college.

## 3. Providing Special Equipment to Augment Educational Services for Differently-abled Persons

Persons with disabilities require special aids and appliances for their daily functioning. These aids are available via various schemes of the Ministry of Social Justice and Empowerment. There may also be a need for special types of expensive equipment, which may need to be acquired by the institutes.

Availability of devices such as low-vision aids, scanners, mobility devices, etc. in the institutes would enrich the educational experiences of persons with disabilities. Therefore, universities/ colleges are encouraged to procure such devices. The UGC will provide an ad hoc one-time grant of up to Rs. 3 lakhs per university/ college during the Tenth Plan period.

## 4. How to Apply for the Schemes

- Application for specific projects should be sent in the prescribed pro forma in triplicate (Pro forma A for TEPSE and Pro forma B for HEPSN)
- Each proposal should have been scrutinized and recommended by the expert committee to be formed by the implementing institutions.

## 5. Procedures of Processing the Application and Monitoring

The proposals received from the university departments and colleges will be placed before an expert committee constituted by the UGC for this purpose. Once the proposal is approved, the UGC will release funds as per the following criteria:

1. For projects that are of a recurring nature, the UGC will release funds for one year. The grant for the second year will be released only after receiving a utilization certificate along with an audited statement of accounts and progress report of the project.

2. For projects that are of a non-recurring nature, 50 per cent of the total amount allocated will be released at the time of approval of the proposal. Subsequently, 40 per cent will be released on receipt of: (i) progress report; and (ii) statement of expenditure and un-audited utilization certificate. The balance of 10 per cent will be released on receipt of an audited utilization certificate.
3. A mid-term evaluation may be carried out by the UGC.

## **6. Pro forma**

Pro forma A: Pro forma for Financial Assistance under the scheme to assist universities/ colleges to facilitate Teacher Preparation in Special Education (TEPSE).

Pro forma B: Pro forma for Financial Assistance under the scheme to assist universities/ colleges to facilitate Higher Education for Persons with Special Needs (Differently-abled Persons) (HEPSN)

## **Annexure I: List of National Level Government Institutions Working in the Field of Disability**

### **National Institute for the Orthopaedically Handicapped (NIOH)**

B. T. Road, Bon-Hoogly,  
Calcutta 700 090  
Email: [nioh@cal.vsnl.net.in](mailto:nioh@cal.vsnl.net.in)  
Website: [www.india-future.com/nioh](http://www.india-future.com/nioh)

### **Ali Yavar Jung National Institute for the Hearing Handicapped (AYJNIHH)**

K. C. Marg Bandra Reclamation,  
Bandra (W)  
Mumbai 400 050  
Tel: (022) 2640 0215/0228  
Fax: (022) 2640 4170  
Gram: HEARSPEECH  
Email: [ayjnihh@vsnl.com](mailto:ayjnihh@vsnl.com)

### **National Institute for the Visually Handicapped (NIVH)**

116, Rajpur Road,  
Dehradun  
Uttarakhand 248 001  
Tel: (0135) 274 4979/ 274 4387 (PBX) 274 4491  
Fax: (0135) 274 8147  
Email: [nivh@sancharnet.in](mailto:nivh@sancharnet.in), [director@nivh.org](mailto:director@nivh.org)  
Website: [www.nivh.org](http://www.nivh.org)

### **National Institute for the Mentally Handicapped (NIMH)**

Manovikas Nagar,  
Secunderabad 500 009  
Andhra Pradesh  
Tel: (044) 2775 1741-45  
Fax: (044) 2775 0198  
Email: [hyd1\\_nimhldhk@sancharnet.in](mailto:hyd1_nimhldhk@sancharnet.in)  
Director: [hyd2\\_dirnimh@sancharnet.in](mailto:hyd2_dirnimh@sancharnet.in)

### **Pt. Deendayal Upadhyay Institute for the Physically Handicapped (IPH)**

4, Vishnu Digambar Marg  
New Delhi 110 002  
Website: <http://iphnewdelhi.in/institute.htm>

**The National Trust**

For the Welfare of Persons with Autism, Cerebral Palsy,  
Mental Retardation and Multiple Disabilities  
IPH Complex,  
4, Vishnu Digamber Marg  
New Delhi 110 002  
Tel: (011) 3217 411-13  
Fax: (011) 321 7414  
Email: nationaltrust@ren02.nic.in

**Office of the Chief Commissioner for Persons with Disabilities (CCPD)**

Sarojini House,  
6 Bhagwan Dass Road  
New Delhi 110 001  
Tel: (011) 2338 6154/ 2338 6054/ 2338 4762  
Email: ccpd@hub.nic.in  
Website: www.ccdisabilities.nic.in

**Indira Gandhi National Open University (IGNOU)**

Maidan Garhi,  
New Delhi 110 068  
Tel. (011) 6865 923-32/ 6855062-65/ 6855083-85  
SSC: (011) 6511 869-70,  
Email: ssc@ignou.ac.in  
SRE: (011) 685 7082/ 6743  
MPDD: (011) 696 2450/ 0045/ 652 3858  
SOCIS: (011) 651 1436

**Rehabilitation Council of India (RCI)**

B-22, Qutab Institutional Area,  
New Delhi 110 016  
Tel: (011) 2653 2816/ 2653 4287/ 2653 2384/ 2653 2408  
Fax: (011) 2653 4291  
Email: rehabstd@nde.vsnl.net.in; rehabstd@ndc.vsnl.net.in

**National Institute of Open Schooling (NIOS)**

B - 31B, Kailash Colony  
New Delhi 110 048  
PABX Board: (011) 2933 1181-85/ 2924 1458

**University Grants Commission (UGC)**

Bahadur Shah Zafar Marg  
New Delhi 110 002  
Email: webmaster@ugc.ac.in  
Website: <http://www.ugc.ac.in/>  
EPABX: (011) 2323 2701/ 2323 6735/ 2323 9437/ 2323 5733/ 2323 2485/ 2323 7721/ 2323 2317/  
2323 4116/ 2323 6351/ 2323 0813  
UGC reception: (011) 2323 9627  
Fax: (011) 2323 1797 / 2323 2783 / 2323 9659/ 2323 1814

**National Council for Educational Research and Training (NCERT)**

Sri Aurobindo Marg

New Delhi 110 016

EPABX: (011) 2656 0620 / 2686 4811

Fax: (011) 2686 8419

Email: [prncert@yahoo.co.in](mailto:prncert@yahoo.co.in)

Website: [www.ncert.nic.in](http://www.ncert.nic.in)



New Delhi

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B-5/29, Safdarjung Enclave, New Delhi- 110029, India

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Website: [www.unesco.org/newdelhi](http://www.unesco.org/newdelhi)

Contact address: [h.masood@unesco.org](mailto:h.masood@unesco.org)