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Towards an Early Start | Mapping Inclusion in Early Childhood Education in India

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List of Abbreviations

AWCs	Anganwadi Centres
AWWs	Anganwadi Workers
CwDs	Children with Disabilities
DEPwD	Department of Empowerment of Persons with Disabilities
Draft National Policy for PwDs 2021	Draft National Policy for Persons with Disabilities, 2021 ¹
ECCE	Early Childhood Care and Education
ECE	Early Childhood Education
ICDS Scheme	Integrated Child Development Services Scheme, 1975
MoE	Ministry of Education ²
MSJE	Ministry of Social Justice and Empowerment
MWCD	Ministry of Women and Child Development
National Policy 2013	National Early Childhood Care and Education Policy, 2013
National Policy for PwDs 2006	National Policy for Persons with Disabilities, 2006
National Trusts Act	National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
NCERT	National Council of Educational Research and Training
NCPFECCE	National Curricular and Pedagogical Framework for Early Childhood Care and Education
NEP 2020	National Education Policy, 2020
NIPCCD	National Institute of Public Cooperation and Child Development
PTR	Pupil Teacher Ratio
PwD Act	Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
PwDs	Persons with Disabilities
RCI	Rehabilitation Council of India
RCI Act	Rehabilitation Council of India Act, 1992
RPwD Act	Rights of Persons with Disabilities Act, 2016

¹ As of January 2024, the authors have found no evidence of the policy having been notified.

² Note: This was formerly the Ministry of Human Resource Development.

RTE Act	Right of Children to Free and Compulsory Education Act, 2009
Salamanca Statement	Salamanca Statement and Framework for Action on Special Needs Education, 1994
SCERT	State Council of Educational Research and Training
SMC	School Management Committee
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities, 2007

Executive Summary

Early childhood care and education (ECCE) programs have the potential to support physical, cognitive, and socio-emotional development, and may determine the educational progress of children throughout their lifetimes. Further, for children with disabilities (CwDs), ECCE has additional benefits. For example, it is found to improve integration with peers, cognitive and communication development (especially for those with severe disabilities), and increase retention in and completion of grades. The absence of such interventions may thus risk depriving children of learning opportunities and affect their overall development.

Despite its importance, the approach to ECCE in India has remained informal and staggered, in the absence of any legislative backing, and with fragmented policies and schemes guiding its provisioning. Moreover, the existing policy framework for ECCE implementation does not explicitly provide for inclusive education of CwDs at this stage. There is thus a need to examine the legal and policy framework governing ECCE delivery in India to identify and address legislative gaps with the aim of moving towards formalised and inclusive ECCE.

With this background in mind, this report aims to map the legal framework for the inclusion of CwDs in early childhood programmes, using a desk-based secondary research methodology. The broader objective of this report is to present a holistic understanding of the provisioning of inclusion at the preschool level for CwDs under the currently operational laws, policies, and schemes.

It should be noted that the scope of the report is limited discussing provisions related only to early childhood education (ECE) or pre-primary education and provisions on development monitoring (with the limited objective of assessing the provisioning of early diagnosis, intervention, and prevention of disability), and does not include aspects of care such as nutrition supplementation and health. Further, given that the aim of this report is to analyse the state's policy in ensuring the inclusion of CwDs at the early childhood stage, its scope is limited to analysis of the legal framework and does not delve into the efficacy of the implementation of the laws, policies and schemes studied in this report.

The identified laws, policies, and schemes are analysed on the basis of a framework for analysis developed by the authors, which was adapted from the 4A framework developed by the first UN Special Rapporteur on the Right to Education. In addition to the analysis of the laws, policies, and schemes from the perspective of inclusion, a brief description of the policies and schemes relevant to ECE is also provided. Based on this analysis, the report provides recommendations for developing a more robust policy and legislative framework for the provisioning of inclusive ECE from the perspective of the forward-looking agenda of the National Education Policy 2020 (NEP 2020).

Chapter 1. Introduction

Context and Background

Over the last three decades, there has been a rise in the importance accorded to ECCE globally,³ based on the understanding that it is crucial for child development.⁴ Research indicates that over 85% of brain development occurs in the first six years of life, highlighting the significance of appropriate care and stimulation during this time.⁵ Provision of ECCE during this stage has been found to build foundational physical, cognitive,⁶ and socio-emotional skills.⁷ As regards education and learning capacity, ECCE is considered amongst the most crucial determinants of educational achievement, with the potential of determining the educational progress of children throughout their lifetimes.⁸ For instance, it has been found that children with access to quality ECCE programmes have improved school-readiness,⁹ are less likely to repeat grades and more likely to complete primary and secondary school.¹⁰

Given the importance of ECCE, the absence of such interventions risks depriving children of learning opportunities.¹¹ Children from socially and economically disadvantaged backgrounds—who at any rate have limited access to educational opportunities—are disproportionately less likely to be able to access ECCE interventions. This is especially true for CwDs, who are one of the most deprived groups in achieving equal status in access to education. For instance, only 25% of CwDs (aged 5 years) had attended some form of formal schooling,¹² and CwDs were found to be 5 times less likely to be enrolled in a school than even children belonging to Scheduled Castes and Scheduled Tribes.¹³

As regards ECCE, it has been found that as of 2018, only 10.1% of persons with disabilities (PwDs), aged 3-35 years, had ever accessed preschool-level intervention programmes.¹⁴ Lack of access to ECCE is especially detrimental for CwDs, as the provision of interventions during early years can aid in ensuring CwDs reach their full potential. For instance, ECCE has been found to support learning and improve integration with peers for

³ Reetu Chandra, 'India! On the Way to Global Movement on Quality Early Childhood Care and Education' (2016) 3(1) *Integrated Journal of Social Sciences* <<http://www.pubs.iscience.in/journal/index.php/ijss/article/view/580>> accessed 4 April 2023

⁴ Lynn A. Karoly and others, *Investing in Our Children: What We Know and Don't Know About the Costs and Benefits of Early Childhood Interventions* (RAND Corporation 1998)

⁵ 1.1, National Education Policy 2020 (Ministry of Human Resource Development 2020)

<https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf> accessed 5 April 2023

⁶ Joshua T. Dean and Seema Jayachandran, 'Attending kindergarten improves cognitive but not socioemotional development in India' (2019) *J-PAL*

<https://www.povertyactionlab.org/sites/default/files/research-paper/Attending_Kindergarten_Improves-Cognitive-But-not-Socioemotional-Development-in-India_Dean-Jayachandran_November2019.pdf> accessed 4 April 2023

⁷ Linda Bakken, Nola Brown and Barry Downing, 'Early Childhood Education: The Long-Term Benefits' (2017) 31(2) *Journal of Research in Childhood Education* <<https://www.tandfonline.com/doi/full/10.1080/02568543.2016.1273285>> accessed 4 April 2023

⁸ Venita Kaul and others, 'The India Early Childhood Education Impact Study' (2017) UNICEF

<<http://img.aseercentre.org/docs/Research%20and%20Assessments/Current/Education/Research%20Projects/IECEIStudyReport2017.pdf>> accessed 4 April 2023

⁹ *Ibid*

¹⁰ Dana Charles McCoy and others, 'Early Childhood Care and Education and School Readiness in Zambia' (2017) 10 *Journal of Research on Educational Effectiveness*

<<https://www.tandfonline.com/doi/abs/10.1080/19345747.2016.1250850?journalCode=uree20>> accessed 4 April 2023; UNICEF, 'A World Ready to Learn: Prioritizing quality early childhood education – Advocacy brief' (2019)

<<https://www.unicef.org/media/57931/file/A-world-ready-to-learn-advocacy-brief-2019.pdf>> accessed 4 April 2023

¹¹ Anthony Lake and Margaret Chan, 'Putting Science into Practice for Early Child Development' (2015) 385(9980) *The Lancet* <[https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(14\)61680-9.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(14)61680-9.pdf)> accessed 4 April 2023

¹² UNESCO, 'N for nose: State of the Education Report for India 2019: Children with Disabilities' (2019)

<<https://unesdoc.unesco.org/ark:/48223/pf0000368780>> accessed 4 April 2023

¹³ Philip O'Keefe, 'People with Disabilities in India: From Commitments to Outcomes' (2007) World Bank

<<http://documents.worldbank.org/curated/en/358151468268839622/People-with-disabilities-in-India-from-commitments-to-outcomes>> accessed 4 April 2023

¹⁴ National Statistical Office, Ministry of Statistics and Programme Implementation, 'Persons with Disabilities in India: NSS 76th Round (July-December 2018)' (2018) <https://www.mospi.gov.in/sites/default/files/publication_reports/Report_583_Final_0.pdf> accessed 4 April 2023

CwDs—it improves communication development (especially for those with severe disabilities),¹⁵ increases confidence,¹⁶ and increases retention in and completion of grades.¹⁷

Further, early identification and intervention—a significant component of ECCE—is found to have developmentally positive outcomes for CwDs, serving as both a curative and preventative measure. Early identification and intervention can lead to better developmental, cognitive, and social-emotional outcomes for CwDs. For instance, it has been found that it may aid in reversing or preventing further decline in intellectual disabilities.¹⁸ Further, it also has the potential to help parents and caregivers better understand their child's strengths and needs and learn strategies for supporting their child's development.

Aim of the Report

Despite the importance of ECCE, and the apparent exclusion of the most vulnerable children from its provisioning, the approach to ECCE in India has remained informal and staggered, in the absence of any legislative backing, with fragmented policies and schemes guiding its provisioning. Moreover, the existing legal framework for ECCE implementation does not explicitly provide for inclusive education of CwDs at the stage of ECCE. While both the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) and the Rights of Persons with Disabilities Act, 2016 (RPwD Act) recognise the right of CwDs to education, neither law explicitly recognises the right of CwDs to pre-primary education (or ECE). This is a major gap in the legal framework for the empowerment and fulfilment of the rights of CwDs, especially given the evidence on the importance of ECCE for CwDs.

In this respect, this report is the first of its kind that attempts to analyse the policy framework for inclusion of CwDs in early childhood programmes, given that these are both independently under-researched and under-legislated areas within the education sector in India. It should be noted here that ECCE programmes include both aspects of education and care—nutrition supplementation and health—in early childhood. However, this report is limited to discussing provisions related only to pre-primary education (or ECE) and provisions on development monitoring (with the limited objective of assessing the provisioning of early diagnosis, intervention, and prevention of disability). While the authors recognise the importance of early childhood care being delivered in conjunction with ECE, the focus of this study is on how ECE can be made more inclusive for CwDs, across the various providers of pre-primary education in India.

With the NEP 2020, India aims to formalise the foundational stage of education, including ECCE, by 2030, with a focus on the inclusion of the most vulnerable. In a bid to address the disaggregated manner in which the existing policy framework addresses the right of CwDs to education, this report aims to map the measures for the inclusion of CwDs in the existing legislative and policy framework for provisioning of ECE; inclusive education in elementary schooling; and the rights of PwDs. In this respect, we highlight the gaps in the legislative and policy framework on inclusive ECE using a framework for analysis designed by the authors. On the basis of the analysis, we provide recommendations for developing a more robust policy and legislative framework for the provisioning of inclusive ECE in the years to come. Through this, we hope to provide an informed assessment of the existing legal framework on ECE to both policymakers (who will design the provisioning of ECE in India in the coming years) and practitioners (concerned with the implementation of inclusion measures for CwDs at the stage of ECE) on building an ECE system which is inclusive by design, from legislation to implementation.

Chapter 2 details the research design including the method of analysis used by the authors. Chapter 3 provides an overview of ECE provisioning through a review of the relevant education laws, policies, and schemes. Chapter 4 provides an analysis of the provisions on inclusive education in education and disability laws and policies, which

¹⁵ Yvonne Rafferty, Vincenza Piscitelli and Caroline Boettcher, 'The Impact of Inclusion on Language Development and Social Competence among Preschoolers with Disabilities' (2003) 69 *Exceptional Children* <<https://scirp.org/reference/referencespapers.aspx?referenceid=3192003>> accessed 4 April 2023

¹⁶ Siyu Chen and others, 'Inclusion of Young Children with Special Needs in Early Childhood Education in the United States: Advantages and Disadvantages' (2022) *Proceedings of the 2021 International Conference on Social Development and Media Communication* <<https://www.atlantis-press.com/proceedings/sdmc-21/125968475>> accessed 4 April 2023

¹⁷ Dana Charles McCoy and others, 'Impacts of Early Childhood Education on Medium- and Long-Term Educational Outcomes' (2017) 46(8) *Education Research and Reviews* <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6107077/>> accessed 4 April 2023

¹⁸ Michael J. Guralnick, 'Early Intervention for Children with Intellectual Disabilities: Current Knowledge and Future Prospects' (2005) 18(4) *Journal of Applied Research in Intellectual Disabilities* <<https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1468-3148.2005.00270.x>> accessed 4 April 2023

are then used to examine the extent to which such provisions are applicable to the stage of ECE. Chapter 5 provides recommendations for building an inclusive and effective system for ECE delivery.

Chapter 2. Research Methodology

This report uses desk-based secondary research to methodically map all central-level legislative and policy measures providing for inclusion in education at the level of ECE. This includes all laws, policies, and schemes at the central level that are directly or indirectly related to the provisioning of: (a) ECE; and/or (b) Education for CwDs.

Identification of the relevant laws and policies was done through the websites of the Ministry of Education (MoE), the Ministry of Women and Child Development (MWCD), and the Ministry of Social Justice and Welfare (MSJE). We further highlight key schemes deemed to be crucial for understanding the identified policy or law. It should be noted that laws, policies, and schemes that are designed and implemented at the state level are not included in this analysis. Further, guidelines issued from time to time by various government agencies are also not included in this analysis.

Laws, policies, and schemes identified and analysed are listed in Table 1 below, categorised on the basis of the nodal Ministry at the central level.

Subject Matter	Policies	Laws	Schemes
ECE – under MWCD	National Early Childhood Care and Education Policy, 2013 (National Policy 2013) Aim: Provides for a policy framework for ECCE, with the aim of quality improvement and universalisation.		Integrated Child Development Services Scheme, 1975 (ICDS Scheme) Aim: Provides for a comprehensive package of services for child development, including ECE.
Education – under MoE	NEP 2020 Aim: Replaces the previous policy on education (National Policy on Education, 1986), and outlines a comprehensive framework on education from preschool to professional levels.	RTE Act Aim: Provides every child in the age-group of 6-14 years with the right to elementary education in their neighbourhood schools.	Samagra Shiksha Scheme, 2018 (Samagra Shiksha Scheme) Aim: Provides equitable and universal education for all children from preschool to senior secondary level and aims to increase the quality of education and improve learning outcomes.
Disability – under DEPWD (MSJE)	National Policy for Persons with Disabilities, 2006 (National Policy for PwDs 2006) Aim: Serves as the current policy on the rights of PwDs and aims at the empowerment of PwDs by focusing on both preventative measures and rehabilitative measures. Draft National Policy for Persons with Disabilities 2021 (Draft National Policy	RPwD Act Aim: Serves as the primary disability rights legislation in India, providing for the rights of PwDs in areas such as education, employment, community participation, among others. Rehabilitation Council of India Act, 1992 (RCI Act) Aim: Establishes a statutory body of the same name, which is responsible for regulating training	Scheme for Implementation of the Rights of Persons with Disabilities Act, 2016 (SPIDA Scheme) Aim: Primarily focuses on ensuring a barrier free environment for PwDs, which includes access to built environment in schools, colleges, academic and training institutions, offices and public buildings, recreational areas, health centres/hospitals etc. It also extends to accessible transport systems, information

	<p>for PwDs 2021) Aim: Revises the National Policy for PwDs 2006 based on India's commitment to the United Nations Convention on the Rights of Persons with Disabilities, 2007 (UNCRPD) and Incheon Strategy Asia Pacific, the enactment of RPwD Act, and the adoption of the NEP 2020.</p>	<p>programmes and courses for rehabilitation professionals.</p> <p>National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (National Trust Act) Aim: Establishes a statutory body of the same name, which is responsible for providing support to persons that have autism, cerebral palsy, intellectual disabilities, and multiple disabilities.</p>	<p>and communication systems and skill development programmes. The Accessible India Campaign (Sugamya Bharat Abhiyan) for achieving universal accessibility was launched under the SPIDA Scheme.</p> <p>Deendayal Disabled Rehabilitation Scheme, 2003 Aim: Provides rehabilitation services to PwDs by providing funding assistance to non-government service providers.</p> <p>Relevant schemes under the National Trust Act:¹⁹</p> <ul style="list-style-type: none"> a. Disha (Early Intervention and School Readiness) Scheme: Provides for early intervention and school readiness for CwDs covered under the National Trust Act in the age-group of 0-10 years. b. Sambhav (Aids and Assistive Devices) Scheme: Improve access to aids and assistive devices, including learning kits to PwDs covered under the National Trust Act. c. Sahyogi (Caregiver Training) Scheme: Provides caregiver training, with the objective of creating a skilled workforce of caregivers who are competent to work with PwDs and their families. d. Badhte Kadam (Awareness and Community Interaction) Scheme: Provides for community awareness and sensitisation on disability to enable social integration and mainstreaming of PwDs.
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Table 1: Laws, Policies and Schemes, by Nodal Ministry

To conduct an analysis of the laws, policies and schemes listed above, the authors developed a framework of analysis. This was developed on the basis of a review of international conventions, frameworks, and guidelines relevant to inclusion in education for CwDs. This framework for analysis utilises the 4A Framework developed by

¹⁹ These schemes are applicable only to persons who have disabilities covered under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

the first United Nations Special Rapporteur on Right to Education, Katarina Tomasevski,²⁰ and is in concurrence with the Salamanca Statement and Framework for Action on Special Needs Education 1994 (Salamanca Statement),²¹ and the UNCPRD,²² which was ratified by India in 2007.

The 4A Framework accounts for three different roles of the state in providing education i.e., regulation, funding, and provisioning, and anchors itself to the human rights obligations of the state. Through this understanding, it specifies the following as key governmental obligations with respect to education rights:²³

- **Availability:** This refers to the availability of an adequate number of educational institutions, established either by state or non-state actors, and the availability of teachers. This also requires that the schools are equally available to “all” groups of children, reflecting that schools should be really available and not just nominally.²⁴
- **Accessibility:** This refers to the need to ensure that the available schools are accessible, accounting for the principle of non-discrimination. This requires the education system to be easily accessible by all groups of children, which means that it is financially affordable and that, in practice, any barriers to access, such as discrimination, distance, etc., are addressed or removed.²⁵
- **Acceptability:** This refers to the state’s obligation to ensure all schools conform to minimum standards of education, while also ascertaining that “education is acceptable both to parents and to children.”²⁶ This relates to parental freedom of choice of schools in line with their religious, moral, and philosophical convictions, and the language of instruction. It also requires the schools to be child-friendly, with a major focus on facilitating the participation of children in their classrooms.²⁷
- **Adaptability:** This requires the best interests of the child to be considered for an education system to “become and remain adaptable” to the local circumstances. This requires the education system to be flexible and adaptable to meet the needs of different children, including CwDs, as opposed to the child having to adapt or change to suit the education system or a particular school.²⁸

Considering that the 4A Framework is not specifically designed to assess the fulfilment of education rights of any particular group of children, the 4A framework has been adapted for the purposes of this report to guide the analysis of the law and policy framework specifically for CwDs. This was done on the basis of the guidance on inclusive education provided under the UNCPRD and the Salamanca Statement. The framework for analysis was further revised and detailed after a thorough review of the relevant laws, policies, and schemes on education and disability to ensure that the framework was responsive to the provisions already included in such laws, policies, and schemes.

Please see Annexure I for the framework for analysis used in this report. A brief description is provided below:

- a. Pathways to inclusion:** This section relates to the systems-level approach adopted for the education of CwDs—whether they are segregated into special schools or integrated into mainstream schools along with children without disabilities, and how they may be meaningfully included in mainstream schools beyond mere integration. We thus examine whether the objective of relevant law and policy is to achieve inclusive education for all children, including CwDs—for example, by providing a definition of the same or requiring non-discrimination in access. We further examine laws, policies, and schemes on aspects of early diagnosis, intervention, and prevention of disability, acknowledging its direct implications on the access of CwDs to an inclusive education setting.

²⁰ Katarina Tomaševski, ‘Primer No. 3: Human rights obligations: making education available, accessible, acceptable and adaptable’ (2001)

<https://www.right-to-education.org/resource/primer-no-3-human-rights-obligations-making-education-available-accessible-acceptable-and> accessed 20 September 2022

²¹ The Salamanca Statement and Framework for Action on Special Needs Education (adopted by the World Conference on Special Needs Education: Access and Quality, Salamanca, Spain, 1994) ED.94/WS/18

²² Convention on the Rights of Persons with Disabilities (adopted 24 January 2007) A/RES/61/106

²³ United Nations Economic and Social Council, ‘Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33’ (1999) UN Doc E/CN.4/1999/49

²⁴ *ibid* paras 51-56

²⁵ *ibid* paras 57-61

²⁶ *ibid* para 62

²⁷ *ibid* para 67

²⁸ *ibid* para 70

Inclusion as an approach to the education of CwDs necessarily relates to all the 4As. As such, this section focuses on whether the system designed in law and policy is aimed at creating meaningful inclusion of CwDs, regardless of whether or not provisions to do the same are adequate.

- b. Equality of access:** This section examines accessibility to schools through the provisioning of measures relating to household-school distance criteria, availability of transportation, and accessibility of admission mechanisms for CwDs. We also consider accessibility within schools through measures relating to physical accessibility of school premises, accessibility of learning materials, and appropriate adaptations to curriculum, pedagogy, and assessments.

This section primarily gauges Accessibility and Adaptability of the system in reference to inclusion of CwDs.

- c. Support systems to facilitate inclusive education:** This section recognizes the important role that various stakeholders—teachers, parents, and the community—play in enabling meaningful inclusion of CwDs in schools. It thus examines whether laws, policies, and schemes recognise the role of the state in this relation and analyses the provisions on recruitment and training of ECE educators as well as capacity building and sensitisation of stakeholders.

This section relates to the obligations of the state to provide an Acceptable and Adaptable education system, whether key stakeholders accept both the importance of inclusion for CwDs and their role in enabling the same, and where teachers, in particular, are enabled, through training and other support, to adapt the needs of children.

- d. Accountability mechanisms:** This section examines the extent to which the active participation of parents and caregivers of CwDs as decision-makers in education delivery has been envisaged in the legal framework on disability and education. It examines laws, policies, and schemes for their relevance to the voice of parents in the education of their children, the availability of grievance redressal mechanisms, and monitoring and evaluation of implementation.

This section primarily relates to the obligations of the state to provide an Acceptable education system, in so far as it enables parents to exercise choice in deciding which schools their children study in. However, in the context of appropriate grievance redressal mechanisms, it also relates to the ability of key stakeholders to hold the state accountable for their obligations under any of the 4As.

The analysis of the laws, policies, and schemes conducted on the basis of this framework to assess inclusion of CwDs at the level of ECE is provided in Chapter 4. Further, Chapter 3, together with Annexure III, briefly lays out the policies and schemes which provide directly for ECE. Given that Chapter 3 is concerned only with ECE provisioning, the metrics relating to inclusion of CwDs have been excluded from the analysis provided in Chapter 3.

It should be noted that the aim of this report is to analyse the state's policy in ensuring inclusion of CwDs at the level of the ECE. As such, it is based on a methodical mapping and identification of provisions on ECE for CwDs in existing laws, policies, and schemes. Given this objective, the scope of the study is limited to an analysis of the legal framework and does not delve into the efficacy of the implementation of the laws, policies and schemes studied in this report.

Chapter 3. The Legal Framework on Provisioning of Early Childhood Education

As described in Chapter 1, research has demonstrated the importance of ECE, with several studies having affirmed its impact on well-rounded development. However, in the Indian context, the provisioning of ECE (for CwDs or otherwise) is not a mandate under any law, but is provided through multiple schemes and policies, operating in conjunction. These also provide for inclusion of CwDs in ECE to varying extents.

This chapter provides an overview of the existing mechanisms governing ECE delivery in India. As Table 1 shows, in the present context, the laws, policies, and schemes providing for ECE are the ICDS Scheme, the National Policy 2013, the Samagra Shiksha Scheme, the NEP 2020, and the RTE Act (only in a limited capacity).

ECE is mainly provided under the ICDS Scheme and the National Policy 2013, administered by the MWCD, through its network of Anganwadi Centres (AWCs). The Samagra Shiksha Scheme, under the MoE, also provides for ECE, albeit largely through convergence with the ICDS Scheme. Further, public and private preschools also play a role in provisioning of ECE.²⁹ As regards inclusion of CwDs in ECE, the Department of Empowerment of Persons with Disabilities (DEPwD) plays a key role as it is the nodal agency for securing the rights of PwDs. Accordingly, the ICDS Scheme places significant emphasis on converging with the initiatives taken by the DEPwD to provide for ECE to CwDs.

Given that ECE delivery, for CwDs and otherwise, is governed by multiple actors and in the absence of a unified framework for ECE provisioning and regulation of non-state actors, the implementation of inclusive ECE remains fragmented and dependent on effective coordination of multiple bodies.

This chapter briefly lays out specific laws, policies, and schemes on the current provisioning for ECE to provide a holistic understanding of the functioning of this sector. The detailed provisions under each of the identified policies and schemes have been provided in Annexure III.

3.1 Laws, Policies, and Schemes on ECE: A Brief Overview

ICDS Scheme and National Policy 2013

The ICDS Scheme is a centrally sponsored flagship scheme of the Government of India, launched in 1975 to provide a comprehensive package of services for early childhood care and development. The MWCD is the nodal Ministry for the overall implementation of the scheme at the central level. The ICDS Scheme is designed to be implemented in a decentralised manner, with roles and responsibilities accorded to various bodies at the central, state, district, block, and village levels.³⁰

The scheme covers children in the age-group of 0-6 years, pregnant women and lactating mothers, and provides a set of six primary services geared towards early childhood development, which are: (a) Supplementary nutrition; (b) Nutrition and health education; (c) Immunisation; (d) Health check-ups; (e) Referral services; and (f) Non-formal preschool education or ECE.³¹ ECE is provided to children in the age-range of 3-6 years. Under the ICDS Scheme, AWCs, established at the village level, offer childcare and development support through programmes on nutrition, provision of food, education on child development, and ECE, among other services.

As an evolving scheme, the ICDS has been revised multiple times since its inception. In 2012, it was restructured to enable its implementation in “mission mode” through the introduction of ICDS “missions” at the central, state and district levels.³² The restructured ICDS Scheme reiterated its focus on ECE as a cornerstone of early

²⁹ As of 2022, one-third of five-year-olds receiving pre-primary schooling were enrolled in AWCs, one-fourth were enrolled in private preschools, and one-third were enrolled in public preschools. ASER Centre, ‘Annual Status of Education Report (Rural) 2022: National Findings’ (2023) 9 <http://img.asercentre.org/docs/ASER%202022%20report%20pdfs/allindiaaser202217_01_2023final.pdf> accessed 5 April 2023

³⁰ 5, ICDS Mission: Broad Framework for Implementation (Ministry of Women and Child Development 2012) <http://icds-wcd.nic.in/icdsimg/icds_english_03-12-2013.pdf> accessed 5 April 2023

³¹ *ibid* 2.2.1 (iii)

³² *ibid* 2.2

childhood development. As part of this, it re-centred ECE as a core service offered under the scheme and repositioned AWCs as ECE Centres. The aim of this was to address reportedly poor implementation of ECE, with the vision of ensuring “holistic physical, psychosocial, cognitive and emotional development of children”.³³ On this basis, the National Policy 2013 was formulated under the ICDS Scheme in 2013, which also led to the drafting of the National ECCE Curriculum Framework and the draft Quality Standards for ECCE.³⁴

RTE Act

The RTE Act pertains to elementary education, providing an actionable framework for securing the right to free and compulsory education in neighbourhood schools for each child in the age-group of 6-14 years. Thus, the RTE Act, being concerned with primary education, does not make any particular provisions for preschool education, beyond imposing a non-enforceable duty of state governments to “make necessary arrangement for providing free pre-school education” for children under the age of 6.³⁵ While this duty is not enforceable, this provision enables the government to provide for ECE.

Samagra Shiksha Scheme

The Samagra Shiksha Scheme is an integrated scheme which aims to provide equitable and universal education for children from preschool to senior secondary education. It was introduced in 2018, subsuming three schemes (including the Sarva Shiksha Abhiyan, 2001), and focused on universalising elementary education with the objective of repositioning all levels of education as a continuum, as opposed to adopting a disintegrated approach to school education.³⁶

The Samagra Shiksha Scheme was revised in 2022 with the aim of aligning it to the vision of the NEP 2020.³⁷ Under the currently applicable Framework for Implementation of the scheme, valid till 2026, ECE has been recognised as crucial to school readiness. In this respect, it endorses the recommendations of NEP 2020, and as such, aims to provide ECE for children in the age-group of 3-6 years through four models (i.e., AWCs, pre-primary sections in schools, co-locating AWCs in schools, and standalone preschools).³⁸ It also lays down the measures which must be taken to implement the recommendations of the NEP 2020 effectively, and identifies convergence with the ICDS Scheme as a key mechanism for this.³⁹

NEP 2020

The recently adopted NEP 2020 (which replaced the National Policy on Education, 1986) outlines a comprehensive framework for revising education from the preschool level to higher levels in India. Its aim is to revamp and strengthen India’s educational system by 2030.⁴⁰

It is the first national-level education policy in India that aims at the formalisation of ECCE and foundational learning. The NEP 2020 has conceptualised this stage of education as a “flexible, multi-faceted, multi-level, play-based, activity-based, and inquiry-based learning” for children in the age-range of 3-6 years. The stated aim of ECCE should be to help children, with particular emphasis on vulnerable children, attain optimal outcomes in domains of physical and motor development, cognitive development, socio-emotional-ethical development, cultural/artistic development, and the development of communication and early language, literacy, and numeracy.⁴¹ It also suggests that while provisioning of ECCE through the ICDS Scheme should be strengthened, the MoE should act as the nodal Ministry for ECCE curriculum and pedagogy.

³³ *ibid* 3.2

³⁴ As of January 2024, the authors have found no evidence that the draft Quality Standards for ECCE have been notified.

³⁵ Section 11, Right of Children to Free and Compulsory Education Act, 2009

³⁶ 1.2.3, Samagra Shiksha: An Integrated Scheme for School Education - Framework for Implementation (Ministry of Education 2022) <https://samagra.education.gov.in/docs/ss_implementation.pdf> accessed 8 April 2023

³⁷ *ibid*

³⁸ *ibid* 2.2

³⁹ *ibid* 2.10

⁴⁰ *supra* (n 5) 1.1

⁴¹ *ibid* 1.2

3.2 Existing Framework for ECE Provisioning: A Preliminary Analysis

The approach to ECE in India has remained informal and staggered, due to the evolving and fragmented nature of policies and schemes on its provisioning. The primary legislation securing the right to elementary education for all children does not extend its mandate to ECE. However, the NEP 2020 aims to move towards universal and formalised provisioning of ECCE by 2030, with a focus on inclusion of the most vulnerable children. This entails the strengthening of existing ECCE provisioning through AWCs and other providers, increased focus on inclusion of vulnerable children (including CwDs), and a potential shift of the primary responsibility of ECCE from the MWCD to the MoE. In this relation, the various policies and schemes currently guiding its implementation must be brought into higher convergence with more robust coordination mechanisms. Please see Annexure II for the coordination mechanisms under the various laws, policies, and schemes which are relevant to ECE in India.

A preliminary analysis of relevant laws, policies and schemes, through the lens of the framework for analysis adopted in this study, highlights various aspects of ECE provisioning that currently lack any structure under the legal or policy framework. Table 2 below provides a summary of the existing provisions across the four domains of “broad approach to ECE”, “measures for accessible and inclusive ECE”, “support systems for ECE provisioning” and “accountability mechanisms” in the ICDS Scheme, the National Policy 2013, the Samagra Shiksha Scheme, and the NEP 2020.

Parameter	ICDS Scheme & National Policy 2013	Samagra Shiksha Scheme	NEP 2020
BROAD APPROACH TO ECE			
Approach to ECE	Play-based ECE through AWCs	Play-based ECE through AWCs and private and government preschools	Play-based ECE through AWCs and private and government preschools
Monitoring of child development	✓	✗	✗
MEASURES FOR ACCESSIBLE AND QUALITY ECE			
Distance criterion	✓	✓	✗
Availability of appropriate infrastructure	✓	✓	✓
Curriculum, pedagogy, and assessments	✓	✓	✓
SUPPORT SYSTEMS FOR ECE PROVISIONING			
Recruitment and training of ECE educators	✓	✓	✓
Capacity building and sensitization of stakeholders	✓	✓	✓
ACCOUNTABILITY MECHANISMS			
Monitoring and evaluation	✓	✓	✓
Grievance redressal	✓	✓	✗

Table 2: Summary of ECE Provisioning

Please see Annexure III for the detailed provisions under each of these. It should be noted that while the schemes and policies below have been analysed from the lens of the framework for analysis used in this report, the metrics relating to inclusion of CwDs have been excluded, as this chapter is concerned only with ECE provisioning.

Chapter 4. The Legal Framework on Provisioning of Early Childhood Education for Children with Disabilities

This chapter provides a detailed overview of the existing legal framework for the provisioning of inclusion of CwDs in education and highlights where this framework is already applicable at the level of ECE. Through the analysis of the relevant laws, policies, and schemes, we find that, in some cases, inclusion of CwDs in ECE is not directly provided for but can be inferred from: (a) Broader provisions for inclusion of CwDs in education that are applicable at the stage of ECE; or (b) Broader provisions for ECE that are applicable to CwDs in ECE. Over and above this, there still exist several gaps in the legal framework where inclusion of CwDs is not provided for at all. We thus elucidate where inclusion of CwDs in ECE is: (a) Explicitly provided for; (b) Provided for by inference; and (c) Not provided for at all.

Flowing from this, the following indicators are used in the tables providing a summary of the relevant provisions in this chapter:

- Boxes marked in green indicate where a provision accounting for inclusion of CwDs at the stage of ECE is provided explicitly.
- Boxes marked in yellow indicate where a provision accounting for inclusion of CwDs at the stage of ECE is provided by inference.
- Boxes marked in red indicate where no such provisions exist.

Please note that the draft National Policy for PwDs 2021 is not included in these tables, although it is included in the analysis, as it is currently not finalised. Further, the RTE Act has also not been added in the tables as it does not pertain to preschool education.

4.1. Pathways to Inclusion: Approach to ECE

This section provides an overview of the approach to inclusion taken by the state at the level of ECE. We examine the discourse on inclusion at the policy level, with emphasis on the attention paid to inclusion in the legal frameworks on disability and education, respectively. We also highlight the provisioning of early identification, intervention, and prevention of disability in this section, given that this service is ideally provided at the level of ECE.

4.1.1. Approach to Education–Integration or Inclusion?

In this section, we present a summary of how the state approaches inclusion in education, including at the level of ECE. We analyse the discourse surrounding inclusion in policies, particularly focusing on the extent to which inclusion is addressed in legal frameworks pertaining to disability and education.

Inclusive education in the legal framework on disability

The legal framework on disability and education in India has significantly evolved over the last few decades. It has moved away from “segregation” and “integration”, as under the National Policy on Education, 1986⁴² and the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PwD Act),⁴³ which governed the landscape of education for CwDs at the central level pre-2000s, towards “inclusion” in education under the current legal framework.

The National Policy for PwDs 2006, the primary national-level policy for PwDs, is among the first policies and laws to speak of ensuring “inclusion” and “effective access” to education.⁴⁴ It requires the government to provide an “enabling environment where children can exercise their rights, enjoy equal opportunities and full participation in accordance with various statutes”.⁴⁵ It acknowledges the “need for mainstreaming of the persons

⁴² *ibid* 4.9

⁴³ Section 26(b), Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

⁴⁴ 32(c), National Policy for Persons with Disabilities 2006 (Ministry of Social Justice and Empowerment 2006)

<<https://disabilityaffairs.gov.in/upload/uploadfiles/files/National%20Policy.pdf>> accessed 5 April 2023

⁴⁵ *ibid* 32(b)

with disabilities in the general education system through Inclusive education”⁴⁶ and provides for setting up of “model schools of inclusive education” in all states. As such, it advocates for providing barrier-free and accessible schools, along with adaptations to curriculum, pedagogy, and evaluation systems, with a goal of attaining the same by 2020.⁴⁷ It also requires the facilitation of specialised/supplementary teaching, either within schools or at a common centre for a cluster of schools to prepare CwDs for mainstream schools.⁴⁸

However, it is only with the RPwD Act that the term “inclusive education” was formally defined as “a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities”.⁴⁹ Such a definition of “inclusive education” is significant in the landscape of education for CwDs as it moves away from the integration-based approach of earlier laws and policies which attempted to retrofit CwDs into the existing education system with little or no adaptations to the system itself.

Further, the draft National Policy for PwDs 2021 pegs itself to policy developments since the adoption of National Policy for PwDs 2006, i.e. signing of UNCRPD in 2007, enactment of the RPwD Act and the adoption of the NEP 2020, all of which promote inclusive education.⁵⁰ Accordingly, it requires recognition of any educational institution to be contingent on compliance with the RPwD Act and acknowledges the “need to take affirmative actions to foster inclusive education”.⁵¹

Inclusive education in the legal framework on education

The RTE Act strives to universalise elementary education for all children between the ages of 6-14 years. However, CwDs only find mention in the RTE Act after it was amended in 2012, where CwDs were separately defined as well as included within the definition of “child belonging to disadvantaged group”.⁵² Through this amendment of the RTE Act, the right to pursue free and compulsory elementary education was expressly extended to CwDs.⁵³ Although the RTE Act was enacted after the adoption of National Policy for PwDs 2006 and the ratification of the UNCRPD, it does not provide for comprehensive measures to build an inclusive education system for the benefit of CwDs.

On the other hand, the NEP 2020 with the aim to universalise ECCE by 2030,⁵⁴ focuses deeply on inclusion, and endorses recommendations of the RPwD Act with respect to school education, emphasising on “inclusion” and “participation” of CwDs.⁵⁵ It advocates for making necessary arrangements and adaptations within the school system for inclusion of children in neighbourhood schools and in extracurricular activities such as arts, sports, and vocational education.⁵⁶ The Samagra Shiksha Scheme, pegged to the developments under the NEP 2020, aims to provide for equitable and universal education for children at all levels of schooling, including for CwDs, making provisions in this regard both independently and through scheme convergence.⁵⁷

The Role of Special Schools within Inclusive Education Systems

While the on-ground inclusion of CwDs in mainstream education remains an aspiration that has not yet been fulfilled, there is sufficient recognition of the fact that well-equipped special schools, in addition to mainstream schools, must be made available and accessible to households which may use them at their discretion, in line

⁴⁶ *ibid* 20

⁴⁷ *ibid* 48

⁴⁸ *ibid* 48(xiii)

⁴⁹ Section 2(m), Rights of Persons with Disabilities Act, 2016

⁵⁰ 1, Draft National Policy for Persons with Disabilities 2021 (Ministry of Social Justice and Empowerment 2022)

<<https://disabilityaffairs.gov.in/upload/uploadfiles/files/Draft%20Copy%20New%20National%20Policy%20May%202022%20.pdf>> accessed 5 April 2023

⁵¹ *ibid* 5.9

⁵² *supra* (n 35) Section 2(d)

⁵³ *supra* (n 35) Section 3(3)

⁵⁴ *supra* (n 5) 1.1

⁵⁵ *ibid* 6. 10, 6.11

⁵⁶ *ibid*

⁵⁷ *supra* (n 36) 1.2

with the individual needs of the child, and especially for students with severe disabilities.⁵⁸ However, the evolving discourse on inclusion of CwDs in education in India has led to discrepancies in the understanding and provisioning of special schools.

In a bid away from the approach of the PwD Act, wherein special schools were considered an alternative to mainstream schools, the National Policy for PwDs 2006 envisioned special schools only for children who “cannot” join an inclusive education system.⁵⁹ It went further to suggest that even in such cases, the purpose of special schools should be to prepare children to join an inclusive education system.⁶⁰ Similarly, the RTE Act, provides for the delivery of education for CwDs (especially CwDs with “multiple disabilities” or “severe disability”), through neighbourhood schools, or home-based education.⁶¹

In the last decade, a choice-based approach to inclusive education has been imbibed by laws and policies on disability. The RPwD Act is the first legislation that explicitly provides “children with benchmark disabilities” between the ages of 6-14 years the “choice” of studying either in a neighbourhood school or in a special school.⁶² The NEP 2020 similarly acknowledges that children with severe or multiple disabilities may need access to special schools or home-based education.⁶³

SCHEME IN FOCUS: Deendayal Disabled Rehabilitation Scheme

The key objective of the Deendayal Disabled Rehabilitation Scheme is “to create an enabling environment to ensure equal opportunities, equity, social justice and empowerment” for PwDs.⁶⁴ The implementation mechanism of the scheme is to provide funding support to organisations, called “Programme Implementing Agencies”, who are periodically monitored and assessed.

In line with its objectives, it has set up a project on special schools, which covers children in the age-group of 5-18 years, with intellectual disability, hearing and speech impairment, and visual impairment.⁶⁵ The aim of special schools is “to move towards inclusion of students with disabilities in regular schools”.⁶⁶

Applicability to ECE and provisioning for CwDs

The ICDS Scheme, the Samagra Shiksha Scheme, and the NEP 2020 have the stated objective of providing ECE to children in the age-range of 3-6 years, with other provisions directed at early childhood development present for children in the age-range of 0-6 years. In this report, as mentioned above, only the provisions related to ECE and provisions on development monitoring (with the limited objective of assessing the provisioning of early diagnosis, intervention and prevention of disability) are analysed.

The ICDS Scheme aims to function as an “instrument of social change” by providing equitable opportunities to children from marginalised backgrounds, including CwDs. The National Policy 2013, formulated under the ICDS Scheme, specifically advocates for the inclusion of CwDs in neighbourhood ECE settings through “access with equity and inclusion”.⁶⁷ It emphasises on the use of adaptive strategies for inclusion and expands on the ICDS Scheme by laying down certain mandates on the state. This includes putting in place “developmentally

⁵⁸ Douglas Fuchs and Lynn S. Fuchs, ‘Inclusive schools movement and the radicalization of special education reform’ (1994) 294 *Exceptional Children* <<https://eric.ed.gov/?id=ED364046>> accessed 20 April 2023

⁵⁹ *supra* (n 44) 48(x)

⁶⁰ *ibid* 48(x)(xviii)

⁶¹ *supra* (n 35) Section 3(1)(3)

⁶² *supra* (n 49) Section 31

⁶³ *supra* (n 5) 6.12

⁶⁴ 3.1.1, Deendayal Disabled Rehabilitation Scheme: Revised Guidelines w.e.f. 1st April 2018 (Ministry of Social Justice and Empowerment) <<https://disabilityaffairs.gov.in/upload/uploadfiles/files/Revised%20DDRS%20Scheme.pdf>> accessed 20 April 2023

⁶⁵ *ibid* part B, II

⁶⁶ *ibid* part B, II

⁶⁷ 5, National Early Childhood Care and Education Policy 2013 (Ministry of Women and Child Development 2013) <<https://wcd.nic.in/sites/default/files/National%20Early%20Childhood%20Care%20and%20Education-Resolution.pdf>> accessed 5 April 2023

appropriate” curriculum,⁶⁸ learning materials and play spaces,⁶⁹ to create an “enabling environment” for learning.⁷⁰ Further, both the National Policy 2013 and ICDS Scheme highlight the importance of establishing appropriate linkages with concerned programmes for scheme convergence in provisioning of ECE for CwDs.

The Samagra Shiksha Scheme and the NEP 2020 explicitly provide for inclusion of CwDs in ECE. The Samagra Shiksha Scheme views education in the early years as a continuum from the ECE to the foundational stage. In this respect, the Samagra Shiksha Scheme focuses on early diagnosis and intervention in disability at the ECE level,⁷¹ and covers inclusive education of children at the foundational level who have one or more of the disabilities listed in the Schedule to the RPwD Act, who are studying in government/government-aided and local body schools.⁷² The NEP 2020 explicitly recognises “ensuring the inclusion and equal participation of children with disabilities” in ECE as a policy priority. It stipulates that the general measures identified for strengthening ECE should be implemented in a concerted manner for CwDs and endorses the understanding of inclusive education under the RPwD Act.⁷³

In light of such provisions and given that the RPwD Act does not exclude ECE from its scope, the approach to education taken under the RPwD Act may be adopted at the ECE level as well. For instance, provisions on ensuring inclusive education at the ECE level would be applicable to educational institutions. Similarly, as directed by the draft National Policy for PwDs 2021, compliance with the RPwD Act would be necessary for the grant of registration of educational institutions providing ECE.

Key takeaways

It is evident that the current legal framework on education and disability has evolved to acknowledge the importance of participation and inclusion of CwDs in education. Most notably, some comprehensive measures for inclusion are provided for in laws and policies, especially since the enactment of the RPwD Act and the adoption of NEP 2020. Further, while the existing framework also provides for the option of special schools and home-based education, this is specifically for those who may not be able to benefit from inclusive education, and with the purpose of enabling mainstreaming of CwDs. Thus, the state’s commitment to universalise ECE coupled with provisions on inclusion of CwDs in education demonstrates that India is moving towards making ECE inclusive for CwDs.

4.1.2. Early Identification, Intervention and Prevention of Disability

Early identification and intervention in disability might have the highest potential to enable inclusive education as the difference in development between children with and without disabilities is lowest at this stage. Thus, strengthening the system to provide early identification and intervention at this stage is crucial, and its importance as a measure of empowerment of CwDs has been recognised across various statutory and policy documents.

In the legal framework on disability

The RPwD Act places the responsibility to “detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them” on government-funded and government-recognised education institutions.⁷⁴ The RPwD Act also lays down specific measures for inclusive education, including directing the appropriate Government and the local authorities to “conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met”.⁷⁵ Separately, the RPwD Act also directs the appropriate government and local authorities to take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities, including “screen(ing) all the children at least once in a year for the purpose of identifying ‘at-risk’ cases”.⁷⁶

⁶⁸ *ibid* 5.2.3

⁶⁹ *ibid* 5.2.5

⁷⁰ *ibid* 5.1.3

⁷¹ *supra* (n 36) 2.4

⁷² *ibid* 9.2, 9.3

⁷³ *supra* (n 5) 6.10

⁷⁴ *supra* (n 49) Section 16(vi)

⁷⁵ *supra* (n 49) Section 17(a)

⁷⁶ *supra* (n 49) Section 25(2)(c)

The National Policy for PwDs 2006 recognises that early detection of disability and provision of interventions “helps in minimization of impact of disability”.⁷⁷ It provides measures for early intervention and prevention as part of physical rehabilitation measures, for which “necessary facilities” must be created by the state.⁷⁸ To operationalise this, it provides for identification of disability among children under 6 years of age through regular surveys, and for “necessary interventions” to enable them to join inclusive education.⁷⁹

This is further emphasised in the draft National Policy for PwDs 2021, which identifies early intervention as part of its core mission.⁸⁰ While retaining provisions on identification surveys,⁸¹ it also provides for the development of a “comprehensive national programme on prevention of disability”, which will cover all disabilities recognised under the RPwD Act as well as other “risk cases” that may develop into a disability.⁸² It further proposes expansion of efforts on early identification and intervention through a district-level network of “Cross Disability Early Intervention Centres” which provide a range of services such as screening and identification of risk cases, therapeutic services like physiotherapy and speech therapy, counselling for parents and peers, as well as school readiness programmes.

In the legal framework on education

While the RTE Act does not provide for early identification and intervention, its importance has been recognised in other education policies and schemes. The NEP 2020 recognises that children with specific learning disabilities may need continuous support, and that such support must begin early for improving the chances of progress of the child.⁸³ It places the responsibility of identifying such learning disabilities and planning interventions for their mitigation on teachers, for whom support is to be provided by the state.⁸⁴ However, unlike the RPwD Act, the NEP limits its scope to only learning disabilities.

The Samagra Shiksha Scheme also acknowledges the importance of development and growth monitoring, and highlights ICDS Scheme as the key mechanism under which such services are to be provided. It requires prioritisation of in-service training of Block Resource Persons and special educators for early identification.

Applicability to ECE and provisioning for CwDs

The ICDS Scheme provides for a mechanism to regularly monitor the physical development and growth of all children in the age group of 0-6 years, providing for early identification and intervention for CwDs through this mechanism. To elaborate, when a child is identified to have a disability through such monitoring, the Anganwadi Workers (AWWs) are required to carry out an assessment of the child, in convergence with existing services at the block or district level (i.e., District Disability Rehabilitation Centres, Primary Health Centre, Community Health Centre, or through a private facility where assessment facilities are not available at the block or district level).⁸⁵ This has been reiterated by the National Policy 2013, which also emphasises the importance of scheme convergence for provision of early intervention and prevention services for CwDs, stating that it will be provided by establishing “appropriate linkages with the concerned programmes/sectors”.⁸⁶

Across most laws, policies, and schemes discussed above, the responsibility of carrying out the function of early detection and intervention, is placed on the educators and schools. Given that early identification and intervention must ideally happen in the earlier years of a child’s life, any provisioning for the same would be applicable at the ECE level. AWWs are specifically identified as key functionaries in this regard by the ICDS Scheme and the Samagra Shiksha Scheme.⁸⁷ Other functionaries identified include on-ground workers (such as teachers, ASHA workers, primary healthcare workers, etc.) for which support in the form of sensitisation and training has been conceptualised. Further, the MWCD has launched the Anganwadi Protocol for Divyang Children, which focuses on identifying early signs and symptoms based on age and type of disability and sets

⁷⁷ *supra* (n 44) IIA(a)

⁷⁸ *ibid* IIA(a)

⁷⁹ *ibid* IIB(24)

⁸⁰ *supra* (n 50) 2.4(iii)

⁸¹ *ibid* 3.1.4

⁸² *ibid*

⁸³ *supra* (n 5) 6.13,

⁸⁴ *ibid*

⁸⁵ *supra* (n 30) 2.2.1(ix)

⁸⁶ *supra* (n 66) 5.1.9

⁸⁷ *supra* (n 5) 1.7, 1.8

developmental milestones for children to enable AWWs to track and help CwDs and developmental delays in the 0-6 years age group.⁸⁸

Key takeaways

The legal framework acknowledges the importance of early identification and intervention in disability for CwDs, with various measures having been proposed to implement this effectively.

SCHEMES IN FOCUS

Deendayal Disabled Rehabilitation Scheme: It has set up a project dedicated to preschool-level education and early intervention level with the aim of preparing them for “schooling in special schools and/or integration at the appropriate stage in regular schools”.⁸⁹ It covers children in the age-group of 0-6 years who have a hearing impairment, an intellectual disability, and cerebral palsy. To do this, Programme Implementing Agencies are required to deliver services related to early intervention, therapeutic services, and parent support.⁹⁰

The Disha (Early Intervention and School Readiness) Scheme under the National Trusts Act: It provides for school readiness and early intervention for children under 10 years of age.⁹¹ To operationalise this, it aims to set up and fund Disha Centres, which must provide predetermined facilities. Disha Centres must be adequately staffed with experts such as early intervention therapists, physiotherapists, etc. In respect of early intervention for CwDs, such Centres must conduct individual assessments on a regular basis to identify individual needs,⁹² and monitor the progress of children through growth and development charts.⁹³ Further, the Centres must provide counselling and guidance to parents or guardians of CwDs and day-care facilities for children.⁹⁴

Parameter	ICDS Scheme & National Policy 2013	Samagra Shiksha Scheme	NEP 2020	RPwD Act	National Policy for PwDs 2006
Approach to inclusion in ECE					
Early diagnosis, intervention, and prevention of disability					

Table 3: Summary of the Approach towards Inclusion in ECE in Laws, Policies, and Schemes

4.2. Equality of Access

This section discusses the provisions necessary for ensuring accessibility of schools and education for CwDs across the domains of physical accessibility, including distance between schools and households and transportation availability; non-discriminatory admission mechanisms; learning materials and assistive aids; and aspects on curriculum, pedagogy and assessment.

4.2.1 Distance Criterion and Transportation Facilities for CwDs

⁸⁸ Anganwadi Protocol for Divyang Children, 2023 (Ministry of Women and Child Development 2013) <<https://wcd.nic.in/sites/default/files/Anganwadi-Protocol-for-Divyang-Children-ENGLISH.pdf>> accessed 8 January 2024.

⁸⁹ supra (n 63) Part B, 1

⁹⁰ ibid

⁹¹ 1.2, Disha Early Intervention and Readiness Scheme: The National Trust Scheme Guidelines (The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities) <https://thenationaltrust.gov.in/upload/uploadfiles/files/disha_eng.pdf> accessed 5 April 2023

⁹² ibid

⁹³ ibid

⁹⁴ ibid 1.1, 1.2(IV)

We assess provisions on availability of safe transportation as well as prescription of maximum distance between households and neighbourhood schools for whether they include specific measures for inclusion of CwDs in ECE. The table below summarises all relevant provisions.

Law/Policy	Distance	Transportation
ICDS Scheme and National Policy 2013	All children must have access to preschools/AWCs nearby, preferably within 500 metres. ⁹⁵	No provisions have been made for this.
Samagra Shiksha Scheme	Preschools must be co-located on the campus of the elementary school or should otherwise be easily accessible to children. ⁹⁶	Transportation facilities which are already available may be used if the distance between the household and the school is more than 1 km. ⁹⁷ This applies for all children, and a provision for CwDs has not been separately carved out.
RPwD Act	No provisions have been made for this.	Government-funded and government-recognised schools must provide transportation facilities to CwDs. ⁹⁸
National Policy for PwDs 2006	No provisions have been made for this.	No provisions have been made for this.
Draft National Policy for PwDs 2021	No provisions have been made for this.	No provisions have been made for this.
RTE Act	The distance is prescribed at the level of elementary education. ⁹⁹	The government must provide transportation facilities to CwDs at the level of elementary education. ¹⁰⁰
NEP 2020	No maximum distance has been prescribed, but it aims to build “communities of schools” by establishing school clusters, including AWCs, within a radius of 5-10 km. ¹⁰¹	No provisions have been made for this.

Table 4: Summary of Provisions on Distance Criterion and Availability of Transportation Facilities

Key takeaways

The laws, policies, and schemes pertaining to education set a maximum distance criterion with the aim of ensuring availability of schools to all children. Only the Samagra Shiksha Scheme, the RPwD Act and the RTE Act however recognize the need for the state or the school to also provide transportation facilities. However, only the provisions under the RPwD Act will be applicable to the ECE level.

⁹⁵ supra (n 66) 5.1.3

⁹⁶ supra (n 36) 2.4

⁹⁷ ibid

⁹⁸ supra (n 49) Section 16(viii)

⁹⁹ Rule 6(1), Right of Children to Free and Compulsory Education Rules, 2010

¹⁰⁰ ibid Rule 6(7)

¹⁰¹ supra (n 5) 7

4.2.2. Accessibility of the Admission Mechanism

An important determinant of equality of access in education is inclusivity of admission policies, which would include both prohibiting discriminatory practices and positive measures to enable the admission of CwDs.

In the legal framework on disability

While provisions on admission are absent from the National Policy for PwDs 2006, such measures have been introduced in the RPwD Act and reiterated in the draft National Policy for PwDs 2021. The RPwD Act mandates educational institutions to provide admissions to CwDs without discrimination and to provide equal opportunities in sports and recreational activities.¹⁰² It provides for the appointment of a nodal officer in the District Education Office who will address any matters relating to admission of CwDs,¹⁰³ and the draft National Policy for PwDs 2021 reiterates the provisions of the RPwD Act.¹⁰⁴

In the legal framework on education

The RTE Act prohibits discrimination against children from disadvantaged groups and weaker sections, which includes CwDs, in the process of admission to schools and in completion of elementary education.¹⁰⁵ Provisions to ensure non-discrimination include prohibition of assessments and interviews of parents or children prior to admission.¹⁰⁶ Further, it requires private schools, including preschools, to admit children from the disadvantaged groups and weaker sections in the entry-level class and provide them with complete elementary education, amounting to at least 25% of that class's strength.¹⁰⁷ This specific provision of the RTE Act is one of the only cases of affirmative action directed at CwDs under the RTE Act.

Further, there is a general focus on universal access and enrollment in education policies and schemes, as embodied in the Samagra Shiksha Scheme and NEP 2020. The former emphasises providing education to CwDs within the regular education system, with one of its main objectives being to ensure "equity and inclusion at all levels of school education."¹⁰⁸ Similarly, the NEP 2020 focuses on universal access at all levels of school education for all children, including CwDs. However, no particular provisions have been introduced to operationalise this at the stage of admissions.

Applicability to ECE and provisioning for CwDs

Given the need for inclusive education at the stage of ECE, and the possible under-utilisation of special schools in this context, it is all the more important that ECE provisioning is universal, inclusive and non-discriminatory. In this vein, the National Policy 2013 emphasises universal access to early learning in an enabling environment and prohibits any child from being subjected to admission tests of any kind.¹⁰⁹

The affirmative action provision under the RTE Act is also applicable at the ECE level, albeit only in the case of private schools imparting pre-primary education along with elementary education. Further, the applicability of this provision, at the ECE level or otherwise, differs by state (as eligibility criteria, and definitions of "entry level" and "age at entry" differ under state rules). At the same time, provisions in the NEP 2020 and Samagra Shiksha Scheme on universal access to education for all children, as well as provisions of the RPwD Act and the draft National Policy for PwDs 2021 on ensuring a non-discriminatory admission procedure for CwDs, are applicable at the ECE level.

Key takeaways

Laws, policies, and schemes unanimously emphasise non-discrimination in education and universalising access to education. Some also provide for certain mechanisms to ensure this such as prohibition of admission tests or interviews. However, further support measures may be introduced to facilitate admission of CwDs at the stage

¹⁰² *supra* (n 49) Section 16(1)

¹⁰³ Rule 7, Rights of Persons with Disabilities Rules, 2017

¹⁰⁴ *supra* (n 50) 13.1

¹⁰⁵ *supra* (n 35) Section 8(c)

¹⁰⁶ *ibid* Section 13

¹⁰⁷ *ibid* Section 12(1)(c)

¹⁰⁸ *supra* (n 36) 1.2.5, 9.1

¹⁰⁹ *supra* (n 66) 5.1.5

of ECE, such as provisions to incentivise admission of CwDs in mainstream schools or to support parents of CwDs in navigating schooling and admission systems.

4.2.3 Physical Accessibility

We examine the provisions on ensuring accessibility of infrastructure and physical spaces present in the existing frameworks on disability and education and highlight where such provisions are applicable at the stage of ECE.

In the legal framework on disability

Physical accessibility has not been defined in either the RPwD Act or its predecessor, the PwD Act. However, both the Acts have provisions on physical accessibility in place, and a study of the Acts reveals that the legal conception of physical accessibility has evolved over the last few decades. The PwD Act recognised the need for physical accessibility, but limited this to measures to be undertaken by government authorities and private establishments within their “economic capacity and development”, rather than setting mandatory minimum standards for the same.¹¹⁰

The RPwD Act, on the other hand, enhanced this by adopting a rights-based approach to accessibility and placing the responsibility of initiating necessary measures for the development of a physically accessible environment on the state at a structural level, and at an individual level by providing “reasonable accommodations”.¹¹¹ Accordingly, RPwD Act mandates adherence with standards of accessibility for all public buildings, including both government and private establishments,¹¹² as laid down by guidelines notified under the RPwD Act.¹¹³ This applies to both new and existing buildings, where any proposal for new buildings must incorporate such accessibility standards,¹¹⁴ and all existing buildings must be brought in line with the standards within a period of 5 years from the date of notification of the standards.¹¹⁵ Further, the Harmonised Guidelines and Standards for Universal Accessibility in India, 2021 are applicable to all education and research buildings (including schools).¹¹⁶ These guidelines make recommendations towards realising a universally accessible education environment and infrastructure through application of universal design principles in site planning, mobility and circulation, formal and informal learning spaces, laboratory spaces, library and reading spaces, multi-activity and recreational spaces, playground and related areas, residential spaces and emergency support systems.

Similarly, the National Policy for PwDs 2006 requires that all spaces for public use, including all public buildings, playgrounds, and open spaces, are made accessible, and that all building by-laws/space standards for developing a barrier-free environment are adopted.¹¹⁷ It places the responsibility of ensuring this on state governments and municipal/panchayati raj institutions.¹¹⁸ The draft National Policy for PwDs 2021 strengthens these provisions, requiring all Central Ministries/Departments and State Governments to ensure that new public buildings comply with accessibility standards at the planning stage, and account for such features within the estimated cost for construction of the building.¹¹⁹ It also requires that the concerned Ministries/Departments issue domain-specific guidelines on accessibility standards and all state governments chart out an action plan for making existing buildings accessible in a time-bound manner.¹²⁰ Further, the National Policy for PwDs 2006 recognizes that implementing prescribed accessibility standards would require accessibility audits to be conducted for all public buildings, and recognises the need to develop “professionally recognised access auditors” for this purpose.¹²¹

¹¹⁰ *supra* (n 49) Section 46

¹¹¹ Defined as “necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others”. *supra* (n 49) Section 2(y), 3(5)

¹¹² *ibid* Section 44

¹¹³ Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons with Disabilities and Elderly Persons (Ministry of Urban Development 2016) <<https://cpwd.gov.in/publication/harmonisedguidelinesreleasedon23rdmarch2016.pdf>> accessed 5 April 2023. These guidelines were drafted under Rule 15(1), Rights of Persons with Disabilities Rules, 2017.

¹¹⁴ *supra* (n 49) Section 44

¹¹⁵ *ibid* Section 45

¹¹⁶ Harmonised Guidelines and Standards For Universal Accessibility In India (Ministry of Housing and Urban Affairs 2021) <<https://niu.in/intranet/sites/default/files/2262.pdf>>

¹¹⁷ *supra* (n 44) 51(i)

¹¹⁸ *ibid* 51(v)

¹¹⁹ *supra* (n 50) 9.12

¹²⁰ *ibid* 9.12

¹²¹ *supra* (n 44) 51(ix)

In the legal framework on education

The importance of accessibility has also been recognised in the RTE Act—it requires schools to provide barrier-free access.¹²² However, beyond this, it does not delve into further detail on what such barrier-free access entails. Such an approach has been rectified to some extent in the NEP 2020. The NEP 2020 states that it “endorses all its [RPwD Act] recommendations with regard to school education.”¹²³ To enable barrier-free access, it provides for support measures for schools and school complexes in extending accommodations to CwDs. Further, it also aims to institute a “quality self-regulation or accreditation system” by way of establishing an independent state-level body, the State School Standards Authority, which will establish minimum and essential standards to be followed by both public and private, including preschools. While physical accessibility is not explicitly mentioned as one of the “basic parameters”, such standards must account for physical accessibility for CwDs given its alignment with the RPwD Act. Such an approach has been replicated in the Samagra Shiksha Scheme, as it is pegged to the NEP 2020.

In terms of ECE for CwDs, the Samagra Shiksha Scheme specifies certain requirements for ensuring physical accessibility for CwDs, including construction of ramps with rails and stationary bridges, provision of play learning material, equipment and other facilities suitable to CwDs, and accessible toilets.¹²⁴

Applicability to ECE and provisioning for CwDs

The ICDS Scheme lays down that accessibility features must be integrated in all new AWCs, and existing AWCs should be upgraded to make them physically accessible (for example, by building ramps). Further, the draft Quality Standards for ECCE, formulated under the National Policy 2013, state that the physical environment, as it relates to “space, building, outdoors” should be made accessible.¹²⁵ However, parameters or minimum standards that schools must comply with to be considered inclusive or physically accessible have not been specified. Moreover, adherence to this standard has not been made mandatory for registration or recognition of preschools and is only relevant for accreditation under National Policy 2013.

The National Policy for PwDs 2006 provides for “barrier free and accessible” schools for CwDs at the preschool level, specifying that the different components of a school, including the building, washrooms, and playgrounds, must be accessible.¹²⁶ Under the RPwD Act and the draft National Policy for PwDs 2021, while all public buildings are required to be made accessible, preschools are not specifically mentioned. However, given that *all* public buildings must comply with accessibility standards, this would necessarily imply that preschools are brought within this. Further, while the NEP 2020 or the Samagra Shiksha Scheme (which is pegged to the NEP 2020) does not provide clarity on the scope of barrier-free access, its emphasis on ECE and its consonance with the RPwD Act can lend clarity on the same.

Key takeaways

The legal framework, on the whole, mandates barrier-free access in physical infrastructure, and while this includes both schools and other public buildings, it does not always explicitly extend to preschools. Further, while all laws, policies, and schemes do not clarify the meaning of “barrier-free access”, guidelines formulated under the RPwD Act provide for such minimum norms or standards that must be complied with, which can lend clarity for future mandates for the same in preschools.

Understanding Reasonable Accommodation

The principle of reasonable accommodation has gained prominence, especially with the enactment of the RPwD Act which defines it as “necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others.”¹²⁷ In relation to education, it requires the government to endeavour that

¹²² *supra* (n 35) Clause 2(ii), Schedule

¹²³ *supra* (n 5) 6.10

¹²⁴ *supra* (n 36) 9.9

¹²⁵ 2, Quality Standards for ECCE (Draft) (Ministry of Women and Child Development 2012)

¹²⁶ http://14.139.60.153/bitstream/123456789/1390/1/Quality_Standards_for_ECCE_%28Draft%29.pdf accessed 6 April 2023

¹²⁷ *supra* (n 44) 48(i)

¹²⁷ *supra* (n 49) Section 2(y)

all educational institutions provide reasonable accommodation based on the individual's requirements.¹²⁸ Further, according to the RPwD Act, denial of reasonable accommodation amounts to discrimination.¹²⁹

In the case of *Vikash Kumar vs. UPSC*, the Supreme Court specifically analysed and discussed the principle of reasonable accommodation and its significance in ensuring substantive equality. It emphasised on the positive obligations imposed by reasonable accommodation, "to create conditions conducive to the growth and fulfilment of the disabled in every aspect of their existence—whether as students, members of the workplace, participants in governance or, on a personal plane, in realising the fulfilling privacies of family life". The Court stated that accommodation is mandated to be "reasonable" as it needs to be tailored to the requirements of each condition of disability. Further, the Court clearly stated that failure to meet the individual needs of every disabled person amounts to a breach of the norm of reasonable accommodation, and that policymakers need to comprehend disability "in all its dimensions and to design measures which are proportionate to needs, inclusive in their reach and respecting of differences and aspirations".

4.2.4 Learning Materials and Aids

Equality of access includes using appropriate and responsive pedagogies and curricula, an important component of which are accessible learning materials and assistive aids. Research also demonstrates that the use of assistive aids leads to improvements in communication, mobility, and independence of CwDs.¹³⁰ Therefore, to meaningfully meet the needs of CwDs, accessible learning materials and assistive aids must be made available to them.

In the legal framework on disability

The National Policy for PwDs 2006 emphasises the need for accessible learning materials and assistive aids. The RPwD Act recognises the importance of making learning materials accessible to CwDs, emphasising on providing "reasonable accommodations" in education,¹³¹ placing the responsibility of ensuring this on schools.¹³² For example, it requires the government to promote the use of "appropriate augmentative and alternative modes including means and formats of communication", which can be employed as an enabling provision for providing assistive technologies/devices as well as for adapting the pedagogies where required.¹³³ In relation to learning materials and aids, it requires the government to "provide books, other learning materials and appropriate assistive devices to children with Benchmark disabilities free of cost up to the age of eighteen years."¹³⁴

The draft National Policy for PwDs 2021 further strengthened provisions of the RPwD Act by proposing Central and State Governments make adequate allocations in their education budgets to provide for assistive aids, tools, and access to digital education.¹³⁵ In recognition of the growing use of technology in education, it requires the MoE to make educational videos accessible by incorporating sign language interpretation and close caption facilities.¹³⁶

In the legal framework on education

As discussed earlier, the RTE Act does not make particular provisions for CwDs and does not include any provision for assistive technology or aids for CwDs. This might be explained by the fact that definitions of inclusive education and reasonable accommodation were formalised only under the RPwD Act.

¹²⁸ *ibid* Section 16(iii)

¹²⁹ *ibid* Section 2(h)

¹³⁰ Fernando H. F. Botelho, 'Childhood and Assistive Technology: Growing with opportunity, developing with technology' (2021) 87 *Assistive Technology* <<https://www.tandfonline.com/doi/full/10.1080/10400435.2021.1971330>> accessed 21 April 2023

¹³¹ *supra* (n 49) Section 16(iii)

¹³² *ibid* Section 16(ii)(iv)

¹³³ *ibid* Section 17(f)

¹³⁴ *ibid* Section 17(g)

¹³⁵ *supra* (n 50) 5.9

¹³⁶ *ibid*

The NEP 2020, on the other hand, views assistive technology and aids for CwDs as a means of facilitating effective integration within classrooms and as a strategy for improving engagement with teachers and peers.¹³⁷ Increased use of technology in education has been identified as one of its guiding principles, where it states that “extensive use of technology” will be used for, among other things, improving the educational access of CwDs.¹³⁸

Similarly, the Samagra Shiksha Scheme requires the states to provide accessible learning materials such as “language-appropriate TLMs (textbooks in accessible formats such as Braille/ large print and ISL based videos etc), age appropriate reading material” and assistive devices such as “walking cane, walker, wheelchair, prosthetics, Braille kits, hearing aids” to CwDs from foundational stage to secondary stage of schooling.¹³⁹

Applicability to ECE and provisioning for CwDs

The ICDS Scheme aims to provide CwDs with appropriately modified activity kits, materials such as books in an accessible format as well as assistive devices through the provisions in relevant schemes of the MSJE, State Social Welfare Departments, National Institutions, voluntary organisations, etc. It places the responsibility of ensuring that CwDs receive such materials on the AWWs and the Anganwadi Supervisors.¹⁴⁰

The National Policy 2013, and the National ECCE Curriculum Framework formulated thereunder, state that activities and play materials, “may be modified to meet individual needs”,¹⁴¹ and “materials which can be adapted for meeting different needs should be given preference”.¹⁴² Therefore, it places the responsibility of undertaking adaptations to meet the needs of CwDs, albeit without explicitly mentioning CwDs, on ECE teachers and caregivers. It does not however provide any specifications on how such adaptation should be carried out.

Further, the provisions on assistive technology and learning materials under the disability and education legal framework would be applicable at the ECE level. Similarly, the provisions of the NEP 2020 on the use of assistive technology as a means of inclusion of CwDs would also be relevant at the ECCE level, as the policy does not restrict these provisions to any level of schooling.

Key takeaways

The legal framework on disability recognises the importance of assistive aids and appliances for inclusion of CwDs even at the ECE level. Newer policy documents emphasise the need for technological interventions to provide access to education for CwDs. However, the framework is currently lacking as no guidelines have been provided on how reasonable accommodation may be ensured. This is especially important in the stage of ECE as the needs of children in the age group of 0-6 years may significantly differ from their older counterparts.

Scheme in Focus: The Sambhav (Aids and Assistive Devices) Scheme under the National Trusts Act

The Sambhav Scheme was formulated specifically to provide information on assistive aids to enable easy access to them. Accordingly, all Sambhav centres, which are set up in cities with a minimum population of 5 million, are mandated to collate such information and disseminate it.¹⁴³

4.2.5. Curriculum, Pedagogy, and Assessments

In the legal framework on disability

¹³⁷ supra (n 5) 6.11

¹³⁸ ibid ‘Principles of this Policy’

¹³⁹ supra (n 36) 9.4.1

¹⁴⁰ supra (n 30) 2.2.1(ix)(d)

¹⁴¹ supra (n 66) 7.3

¹⁴² supra (n 36) 9.4.1

¹⁴³ Sambhav Aids and Assistive Scheme: The National Trust Scheme Guidelines (The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities)

<https://thenationaltrust.gov.in/upload/uploadfiles/files/sambhav_eng.pdf> accessed 5 April 2023

The National Policy for PwDs 2006 acknowledges that learning materials, the medium of instruction and method of teaching should be adapted to be accessible and meet the needs of CwDs. It thus requires the medium and method of teaching to be adapted to the requirements of “most” disability conditions.¹⁴⁴

The RPwD Act provides detailed guidance on adapting curriculum, pedagogy and medium of instruction for inclusion of CwDs. Firstly, on the medium of instruction, it specifically states that education to deaf and/or blind children is to be imparted in the most “appropriate languages and modes and means of communication”.¹⁴⁵ Secondly, it requires educational institutions to provide for a “flexible curriculum” and pedagogy that takes into account the requirements of CwDs,¹⁴⁶ citing the concepts of “universal design” and “reasonable accommodation”. It requires educational institutions to provide “reasonable accommodation” to CwDs based on their individual requirements.¹⁴⁷

While the RPwD Act clearly acknowledges the importance of “suitable modifications”, its narrow understanding of such modifications may create exclusionary practices that require CwDs to adapt to the education system rather than enabling the system to adapt to the needs of CwDs. For instance, it provides for “extra time for completion of examination papers, facility of scribe or amanuensis, exemption from second and third language courses.”¹⁴⁸ Similarly, the National Policy for PwDs 2006 provides for modification of the examination system by making exemptions for CwDs, by providing “extra time, use of calculators, use of Clarke's tables, scribes etc.”¹⁴⁹ More worryingly, it also allows for exemptions from “learning mathematics, learning only one language etc.”¹⁵⁰ rather than mandating that CwDs are assessed on their progress in such subjects through the appropriate adaptations to the assessment process.

The draft National Policy for PwDs 2021 improves upon such provisions, and states that a disability-specific course curriculum and evaluation system will be developed, and in keeping with technological advancements, it also speaks of developing “accessible e-content of all course curriculum and reference book material”.¹⁵¹

In the legal framework on education

The RTE Act does not explicitly mention adaptations to curriculum, pedagogy, or assessment practices to meet the needs of CwDs. It only requires that the curriculum and evaluation procedure be laid down by taking into consideration “all round development of the child”, “development of physical and mental abilities to the fullest extent”, experiential learning in a “child friendly and child-centred manner”, among others.¹⁵²

The Samagra Shiksha Scheme acknowledges the need to address the diverse learning needs of all children, including CwDs. It states that the curriculum must be uniform for children with and without disabilities and that necessary “curriculum adaptation and innovative pedagogical practices” must be introduced to support their learning, alongside Individualised Education Plans.¹⁵³ It also requires the development of a module on DIKSHA, which is a repository of e-learning content. The purpose of such a module is “to provide the learners, parents, teachers and other stakeholders in the area of CwD education the necessary e-content and educational e-resources at one place”.¹⁵⁴

The NEP 2020 moves the needle forward, by suggesting actions that can be taken for ensuring inclusivity of children with specific learning disabilities, including the “use of appropriate technology, allowing and enabling children to work at their own pace, with flexible curricula to leverage each child's strengths, and creating an ecosystem for appropriate assessment and certification”.¹⁵⁵ Specifically in reference to assessments, NEP 2020 requires the concerned agencies to “formulate guidelines and recommend appropriate tools” for conducting assessments at all stages of education “to ensure equitable access and opportunities for students with learning

¹⁴⁴ *supra* (n 44) 48(ii)

¹⁴⁵ *supra* (n 50) Section 16(v)

¹⁴⁶ *ibid* Section 17(i)

¹⁴⁷ *ibid* Section 16(iii)

¹⁴⁸ *ibid* Section 17(i)

¹⁴⁹ *supra* (n 44) 48(xii)

¹⁵⁰ *ibid*

¹⁵¹ *supra* (n 50) 5.9

¹⁵² *supra* (n 35) Section 29(2)

¹⁵³ *supra* (n 36) 9.4.1

¹⁵⁴ *ibid* 9.4.7

¹⁵⁵ *supra* (n 5) 6.13

disabilities”. Accordingly, the NCERT released the National Curriculum Framework for Foundational Stages, which covers children between ages 3-8 in India.¹⁵⁶ It is a direct outcome of the 5+3+3+4 ‘curricular and pedagogical’ structure that NEP 2020 has come out with for school education. This framework specifies steps to be taken by a foundational level educational institution to support a CwD through curricular and pedagogical accommodations.¹⁵⁷

Applicability to ECE and provisioning for CwDs

The National Policy 2013 explicitly requires the formulation of “developmentally appropriate ECCE curriculum framework”¹⁵⁸ and “developmentally appropriate play and learning material and play spaces”,¹⁵⁹ and lays down guidelines for attaining the same through the National ECCE Curriculum Framework.¹⁶⁰ The guidelines for development of the National ECCE Curriculum Framework require it to include a wide array of domains of learning, which act as standards that the curriculum framework needs to meet. Further, the ICDS Scheme also proposes to integrate age-appropriate child assessments to address the specific assessment needs of CwDs—a stated outcome of assessments carried through this tool is to identify children who might have disabilities for which they may require additional support.¹⁶¹

The Samagra Shiksha Scheme and the NEP 2020 endorse the recommendations of the RPwD Act with respect to school education,¹⁶² which would necessarily apply to the stage of ECE. By highlighting the importance of Individualised Education Plans and linkages across stages of schooling, the Samagra Shiksha Scheme makes a commitment to ensuring inclusion of CwDs starting from ECE. The NEP 2020 further suggests that inter-departmental coordination and consultations while developing the “National Curricular Framework” may aid the development of an inclusive curriculum and pedagogy for CwDs. It thus requires the National Council of Educational Research and Training (NCERT) to hold consultations with expert bodies such as the National Institutes under the DEPwD for this purpose.¹⁶³ However, the NEP 2020 fails to include the DEPwD among the Ministries that will jointly implement ECE.

Key takeaways

With the exception of the RTE Act, all laws, policies, and schemes studied here recognize the importance of ensuring accessibility of curriculum, pedagogy and assessments for CwDs, directly or by inference. Detailed guidelines provided in the RPwD Act on adapting curriculum, pedagogy and medium of instruction for inclusion of CwDs may inform inclusion at the ECE level.

Parameter	ICDS Scheme & National Policy 2013	Samagra Shiksha Scheme	NEP 2020	RPwD Act	National Policy for PwDs 2006
Distance criterion	Yellow	Yellow	Red	Red	Red
Transportation facilities for CwDs	Red	Yellow	Red	Yellow	Red
Accessibility of the admission mechanism	Green	Yellow	Yellow	Yellow	Red

¹⁵⁶ National Curriculum Framework for Foundational Stages (National Council of Educational Research and Training 2022) <https://ncert.nic.in/pdf/NCF_for_Foundational_Stage_20_October_2022.pdf>

¹⁵⁷ ibid 8.1.2

¹⁵⁸ supra (n 66) 5.2.3

¹⁵⁹ ibid 5.2.5

¹⁶⁰ ibid 5.2.3

¹⁶¹ Child Assessment Card: 3-6 Year Olds, developed by the Ministry of Women and Child Development (2017)

<https://wcd.nic.in/sites/default/files/CHILD%20ASSESSMENT%20CARD%203-6%20YEAR%20OLDS_0.pdf> accessed 6 April 2023

¹⁶² supra (n 5) 6.10

¹⁶³ ibid

Physical accessibility					
Learning materials and aids					
Curriculum, pedagogy, and assessments					

Table 5: Summary of Provisions on Ensuring Equality of Access for CwDs

4.3. Support Systems to Facilitate Inclusive Education

This section discusses the need for the state to recognize the important role that parents and other stakeholders—teachers, school administrators and the state machinery, non-state actors, parents, and the community at large—play in supporting the inclusion and learning of CwDs in schools. We examine how the state envisages the role of such stakeholders, within and outside schools, and how the state intends to support such stakeholders.

4.3.1. Recruitment and Training of ECE Educators

Educators play a principal role in facilitating inclusive education for CwDs, making it essential to assess whether the current landscape of recruitment and training of educators includes the provisions necessary to ensure availability of educators who are equipped with the necessary skills and qualifications to teach CwDs in inclusive settings.

In the legal framework on disability

The Rehabilitation Council of India (RCI), constituted under the RCI Act, is responsible for “regulating and monitoring the training of rehabilitation professionals and personnel”.¹⁶⁴ Here, rehabilitation has been defined broadly as “a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels”.¹⁶⁵ Accordingly, rehabilitation professionals are defined to include special educators as well.¹⁶⁶ Under the RCI Act, only persons who possess a recognised rehabilitation qualification and are enrolled with the RCI are permitted to provide such services, which includes any services related to education.¹⁶⁷ This has also been reiterated through statutory warnings by the RCI in 2015 and in 2019,^{168, 169} and has been acknowledged by the Supreme Court in the case of *Rajneesh Kumar Pandey vs. Union of India* in 2021.

In addition to the minimum requirements to function as a special educator regulated by the RCI, other laws and policies provide for recruitment of such educators and capacity building measures for this field. The RPwD Act requires the appropriate government to train and employ teachers “who are qualified in sign language and braille and also teachers who are trained in teaching children with intellectual disability.”¹⁷⁰ It also requires the government to establish teacher training institutions, and further requires the government to “train professionals and staff” for the purpose of supporting inclusive education.¹⁷¹ Such professionals must necessarily be understood to include special educators, counsellors, and other relevant experts.

¹⁶⁴ Long Title, Rehabilitation Council of India Act, 1992

¹⁶⁵ *ibid* Section 2(1)(ma)

¹⁶⁶ *ibid* Section 2(1)(n)

¹⁶⁷ *ibid* Section 13(2)

¹⁶⁸ Rehabilitation Council of India, ‘Statutory Warning: Practising without RCI Registration in Govt./Non Govt. Organization/Private Practitioners is an Offence under RCI Act No.34 of 1992 U/S 13(3)’ (2015)

<http://www.rehabcouncil.nic.in/writereaddata/Statutory%20Warning_3_.pdf> accessed 6 April 2023

¹⁶⁹ Rehabilitation Council of India, ‘Statutory Warning: Practising without RCI Registration in Govt./Non Govt. Organization and by Any Private Practitioners is an Offence under section 13(3) of RCI Act No.34 of 1992’ (2019)

<<http://www.rehabcouncil.nic.in/writereaddata/statutory-warn14-05-2019.pdf>> accessed 6 April 2023

¹⁷⁰ *supra* (n 49) Section 17(c)

¹⁷¹ *ibid* Section 17(b)(d)

Further, the National Policy for PwDs 2006 requires the government to provide suitably trained and sensitised teachers for CwDs.¹⁷² It specifically provides for training of human resources in order to meet the requirements of education of CwDs in various settings such as in inclusive education, special education and home-based education, including at the ECE level. Training modules for inclusive education are required to be developed for teachers, and various diploma and degree programmes in special education are to be made available.¹⁷³ It also requires training modules to be included in induction and in-service training programmes of teachers who teach CwDs.¹⁷⁴ Similarly, the draft National Policy for PwDs 2021 also prioritises the training of teachers on learning needs and inclusion of diverse learners,¹⁷⁵ and requires adapting teaching practices in line with the RPwD Act and the NEP 2020.¹⁷⁶

In the legal framework on education

Under the RTE Act, at least one special educator must be made available in every elementary school where CwDs are enrolled.¹⁷⁷ While the RTE Act initially did not make any provision for special teachers, this was brought in by way of the 2022 amendment to the RTE Act. Further, it also stipulates that in case of non-availability of an adequate number of special teachers, itinerant teachers are to be posted for a cluster of schools. This model was initially conceptualised under the Samagra Shiksha Scheme, which requires that all CwDs have access to special educators. To ensure that such educators are adequately available, they may be posted at the block or the cluster level or may operate in an itinerant mode.¹⁷⁸ Further, the Samagra Shiksha Scheme requires that in-service training programmes are undertaken for teachers with the purpose of sensitisation and capacity building. Such programmes are conceptualised as recurrent in nature at the block or the cluster level, with emphasis on cross-disability teaching. In addition, the Samagra Shiksha Scheme requires that all teacher education modules provided by State Council of Educational Research and Training (SCERT), District Institute of Education and Training, and Block Resource Centre to include a component on disability-specific teaching methods.¹⁷⁹

The NEP 2020 states that all teacher education programmes will necessarily include a component on teaching children with specific disabilities, including learning disabilities.¹⁸⁰ The NEP 2020 acknowledges the need for additional special educators for certain areas of school education.¹⁸¹ It further states that schools/school complexes will be provided resources for the recruitment of special educators with cross-disability training.¹⁸² It requires all B.Ed. Programmes to necessarily include pedagogical training in teaching CwDs,¹⁸³ along with training in the use of learner-centred and collaborative learning approaches. Teachers who wish to undertake shorter post-B.Ed. certification courses can also undertake courses on teaching CwDs as a more specialised area of teaching.¹⁸⁴ Finally, the NEP 2020 provides for the recruitment of special educators with cross-disability training to assist the schools in integrating CwDs. It also provides for setting up of resource centres, where needed, to cater to children with severe or multiple disabilities.¹⁸⁵ In order to ensure this, the NEP 2020 goes on to recommend better coordination between National Council for Teacher Education and RCI to ensure adequate availability of qualified special education teachers who can handle subject teaching as well.¹⁸⁶

Applicability to ECE and provisioning for CwDs

Under the ICDS Scheme, AWWs are appointed by a committee constituted at the state level. AWWs must comply with the following eligibility requirements: (a) AWWs must be female; (b) AWWs must be from the local

¹⁷² supra (n 44) 24

¹⁷³ ibid 46

¹⁷⁴ ibid 48(xxi)

¹⁷⁵ supra (n 50) 5.9

¹⁷⁶ ibid

¹⁷⁷ Ministry of Education, Notification S.O. 4586(E) (2022) <https://dse.education.gov.in/sites/default/files/rte/Gazette_rte.pdf> accessed 6 April 2023

¹⁷⁸ supra (n 36) 9.4.4

¹⁷⁹ ibid 9.4.5

¹⁸⁰ supra (n 66) 6.14

¹⁸¹ supra (n 5) 5.21

¹⁸² ibid 6.11

¹⁸³ supra (n 66) 5.24

¹⁸⁴ ibid 5.26

¹⁸⁵ supra (n 5) 6.11

¹⁸⁶ supra (n 5) 5.2.1

village/community; (c) AWWs must have achieved education up to the matriculation level; (d) AWWs must be within the age of 18-35 years.¹⁸⁷ Based on this, it is evident that the need to have AWWs or educators trained in teaching CwDs is not in-built into the ICDS recruitment process. However, at the same time, the needs of CwDs are accounted for at the training stage, as the ICDS Scheme has set up comprehensive guidelines on the training to be provided to AWWs, of which inclusion of CwDs is a component.¹⁸⁸

The training, which is under the purview of the National Institute of Public Cooperation and Child Development (NIPCCD) is geared towards preparing AWWs in understanding inclusion in the context of AWCs, to help them learn strategies to ensure the same, and to learn the importance of conducting early detection and prevention of disability.¹⁸⁹ Specifically, the job training in relation to ECE for CwDs aims to help the participants: (a) Understand signs of major disabilities i.e., physical-motor, visual, hearing and intellectual; (b) Learn about the importance of referral and intervention; (c) Understand the concept of inclusion of CwDs and its importance in AWCs; (e) Learn the basic strategies of managing CwDs in AWCs; and (f) Learn to adapt activities and aids for inclusion of CwDs.¹⁹⁰ Further, job training in relation to nutrition also has the component of identification and preventing disabilities, which covers: (a) Definition, causes and type of disability among children; (b) Early detection and prevention of disability among children; (c) Needs, rights and legal safeguards for CwDs; (d) Guidelines issued by MWCD for early identification and prevention of disability among children; (e) Role of ICDS functionaries in early detection and prevention of disability among children.¹⁹¹

Similarly, the National Policy 2013 emphasises on training and on providing continuous support to ECE personnel through means such as helplines, counselling centres, capacity development centres, assessment centres and advocacy hubs.¹⁹² States are encouraged to establish resource and support centres at the state and district levels, along with existing regional centres of NIPCCD. Thus, the National Policy 2013 acknowledges the need to bring in reforms to the sector, especially in relation to ECE educators, requiring the government to ensure that the ECE sector is professionalised by providing development pathways, clearly defined roles, and capacity building for such educators.¹⁹³

The existing legal framework on disability and education would be applicable to recruitment and training of ECE educators. Under the RPwD Act and the National Policy for PwDs 2006 and 2021, the provisions relating to ensuring availability of teachers trained in providing inclusive education to CwDs will be extended at the ECE level, and hence, the government would be required to make arrangements for the same. Similarly, under the RCI Act, any person teaching CwDs would need to be certified by the RCI, and the provisions for teacher-training made by the Samagra Shiksha Scheme would be applicable at the ECE level.

The NEP 2020 specifically requires that all providers of ECE recruit teachers specially trained in curriculum and pedagogy of ECE.¹⁹⁴ The NEP 2020, in acknowledging that AWWs continue to be the largest body of ECE educators in the country, provides for mentoring of AWWs by the Cluster Resource Centres of the State School Education Departments through a monthly contact class, and requires the State governments to prepare cadres of professionally qualified educators for ECE.

Case Study: Pupil Teacher Ratio (PTR)

The Present Scenario:

Ensuring the availability of an adequate number of teachers trained in teaching CwDs is vital to an inclusive education system. In this relation, the PTR must necessarily account for the requirements of CwDs in order to

¹⁸⁷ Ministry of Women and Child Development, 'Guidelines for Appointment of Anganwadi Workers' (Press Information Bureau 2013) <<https://pib.gov.in/newsite/PrintRelease.aspx?relid=101147>> accessed 5 April 2023

¹⁸⁸ Ministry of Women and Child Development, 'Training Module for Anganwadi Workers' (2017) <<https://wcd.nic.in/sites/default/files/EEC%20Training%20Module%20for%20Anganwadi%20Workers.pdf>> accessed 6 April 2023

¹⁸⁹ Ministry of Women and Child Development, 'Programme Content of Job Training of Anganwadi Workers' 24 <http://icds-wcd.nic.in/icdstaining/aww_itc_progcont.pdf> accessed 6 April 2023

¹⁹⁰ supra (n 179) p. 26-30, 80-9

¹⁹¹ Ministry of Women and Child Development, 'Programme Content of Job Training of Anganwadi Workers' 24 <http://icds-wcd.nic.in/icdstaining/aww_itc_progcont.pdf> accessed 6 April 2023

¹⁹² supra (n 66) 5.3.1, 5.3.3

¹⁹³ ibid 5.3.2

¹⁹⁴ supra (n 5) 1.4

facilitate provisioning of trained teachers. The PTR prescribed by key policies and laws in this regard are provided below.

- RTE Act provides a detailed PTR depending on the number of admitted children and grade level.¹⁹⁵ For CwDs, it has prescribed the PTR of 10:1 for classes 1 to 5, and 15:1 for classes 6 to 8.¹⁹⁶
- National Policy 2013 prescribes the PTR 20:1 for children in the age-group of 3-6 years.¹⁹⁷
- The NEP 2020 prescribes the PTR of 30:1 at each school level.¹⁹⁸ For CwDs, it has suggested that schools should aim to reach the PTR of 25:1 for areas with large numbers of socio-economically disadvantaged children.¹⁹⁹

Way Forward:

While the RTE Act now considers the needs of CwDs in the prescribed PTR, as does the NEP 2020, additional and varying levels of support may be required based on the nature of disability, and this must be considered while prescribing the PTR. For instance, in the case of *Ms. Reshma Parveen vs. The Director, Directorate of Education, Delhi's State Commissioner for PwDs* had prescribed varying PTRs on the basis of the nature of disability. This PTR was also adopted by the Supreme Court in *Rajneesh Kumar Pandey v. Union of India* as a stop-gap arrangement until the Central Government amended the RTE Act to prescribe PTR accounting for the needs of CwDs. A similar approach while prescribing PTR in the RTE Act, and other laws and policies, would be more suited in meaningfully meeting the requirements of CwDs.²⁰⁰

Key takeaways

At the stage of ECE, the ICDS Scheme and the National Policy 2013 provides a robust framework for training of existing AWWs to enable inclusion of CwDs. Even though minimum qualifications are not prescribed in this regard, the training for AWWs is comprehensive and targeted to meet the needs of different kinds of learners. However, it must be noted that the current legal framework does not provide for minimum qualifications or training requirements for ECE personnel beyond AWWs.

As regards CwDs, provisions under the National Policy for PwDs 2006 and 2021, the RPwD Act, and the NEP 2020 focus on providing disability-specific training and sensitisation to teachers. However, there are inconsistencies in how different laws, policies, and schemes define who may teach CwDs, with the RCI Act mandating that only special educators registered with the RCI may teach CwDs. In addition to a lack of clarity on regulation of special teachers, such a requirement may also negatively impact the availability of mainstream schools for CwDs.

4.3.2. Capacity Building and Sensitisation of Stakeholders

This section explains the existing provisions on capacity building of key stakeholders in delivery of ECE as well as measures for sensitization of such stakeholders and the community at large in relation to the rights of CwDs.

In the legal framework on disability

The RPwD Act highlights the importance of community-based awareness and sensitisation activities broadly, suggesting that this would address attitudinal biases against disability as well as aid in prevention of the

¹⁹⁵ supra (n 35) Schedule

¹⁹⁶ *ibid.* The Act did not initially account for CwDs in the PTR. In the case of *Rajneesh Kumar Pandey v. Union of India*, the Supreme Court of India directed the Union government to prescribe a PTR for inclusive education, following which the Schedule to the Act was amended.

¹⁹⁷ supra (n 66) 5.2.1

¹⁹⁸ supra (n 5) 2.3

¹⁹⁹ *ibid.*

²⁰⁰ Avinash Reddy and Pooja Pandey, 'Examining Amendment to RTE Act: Special Educators and Pupil Teacher Ratio for Inclusive Education' (*Bar and Bench*, 19 December 2022)

<https://www.barandbench.com/columns/examining-amendment-rte-act-special-educators-and-pupil-teacher-ratio-inclusive-education> accessed 20 April 2023

occurrence of disability. It promotes rights-based awareness for PwDs, stating that such campaigns will aim to “ensure that the rights of the persons with disabilities provided under [the RPwD] Act are protected.”²⁰¹ This acts as a crucial addition to the legal framework in protecting rights of the child. It places the responsibility to conduct such campaigns and “educate the public” on Central and State Governments in key areas such as education, health, and work. Specifically on education, it requires that orientation and sensitisation are provided through various mediums such as preschools, schools, primary health centres, AWWs,²⁰² as well as colleges and professional training.²⁰³ While it does not specify the kind of stakeholders that must be sensitised, such a provision implies that key stakeholders must be sensitised through such activities, including parents, teachers and administrators at the school level.

The National Policy for PwDs 2006 and the draft National Policy for PwDs 2021 both include provisions for sensitisation and capacity building of parents to enable them to support their children’s learning needs. The National Policy for PwDs 2006 requires all schools to provide parent-teaching counselling,²⁰⁴ and requires the state to develop and disseminate disability-specific manuals for families of PwDs and functionaries executing early interventions (i.e., medical and para-medical personnel and AWWs).²⁰⁵ It also acknowledges that “many schools discourage enrollment of students on account of their disability due to lack of awareness about the capabilities of disabled persons.” Based on this understanding, it requires programmes to be undertaken for sensitisation of staff at schools, including the teachers and school principals.²⁰⁶

The draft National Policy for PwDs 2021 builds on the provisions of the 2006 policy, underlining the importance of creating a positive attitude towards CwDs, both within and outside schools, and identifies partnerships between the government, the private sector, and the civil society as an important measure to carry this out.²⁰⁷ It provides for support facilities and sensitisation to key functionaries such as primary health workers, village-level workers, community-level workers, primary school teachers, AWWs and ASHA workers.²⁰⁸ It further has provisions on parent counselling and requires ASHA workers and AWWs to sensitise parents about the available facilities for early reporting. Finally, it purports that technology-based solutions may be used to disseminate learning materials for parents.²⁰⁹ Thus, with the draft National Policy for PwDs 2021, the onus of sensitization and capacity building of parents as support systems to the education of their children is put on various state machinery, and not just the individual school as envisaged under the 2006 policy.

In the legal framework on education

The RTE Act does not specifically provide for sensitization or awareness activities for stakeholders in relation to inclusion of CwDs in mainstream education.

However, the Samagra Shiksha Scheme recognises the need to ensure social access to CwDs in order to combat discrimination faced by them and acknowledges that teachers and peers have to play a vital role in this context. Accordingly, it has recommended that State Governments prepare an annual calendar of activities to improve engagement of all relevant stakeholders, such as parents, teachers, and schools, through advocacy and dissemination of information on inclusive education.²¹⁰

The NEP 2020 provides more detail on this aspect, acknowledging the importance of addressing discrimination and recognising the need to effect a “change in school culture” to ensure inclusion of PwDs. It requires all stakeholders within the school education system—teachers, principals, administrators, counsellors, and students—to be sensitised to the needs of all students, including those with disabilities.²¹¹ This is especially important as it envisages devolving finer decision-making to on-ground stakeholders, such as principals and teachers, as a means of improving school governance,²¹² which would necessitate that decision-makers at the

²⁰¹ *supra* (n 49) Section 39(1)

²⁰² *ibid* Section 25(2)

²⁰³ *ibid* Section 39(2)(d)

²⁰⁴ *supra* (n 44) 48(viii)

²⁰⁵ *ibid* 43

²⁰⁶ *ibid* 48(xvii)

²⁰⁷ *supra* (n 50) 5.9

²⁰⁸ *ibid* 3.2.5

²⁰⁹ *ibid*

²¹⁰ *supra* (n 36) 9.4.6

²¹¹ *supra* (n 5) 6.19

²¹² *ibid* 7.5, 7.6

level of the school and community are adequately aware of the needs of CwDs. It also accounts for the need for capacity building for parents of CwDs to enable them to actively support their children's learning needs. In this vein, it requires resource centres and special educators to be made available to assist and build capacity of parents of children with severe or multiple disabilities. This is especially important for parents who may opt for home-schooling. It further proposes (as has been also cited in the draft National Policy for PwDs 2021) that technology-based solutions may be used for orientation and wide-scale dissemination of learning materials for parents.²¹³

Applicability to ECE and provisioning for CwDs

One of the key objectives of the ICDS Scheme is to raise public awareness and participation, especially by promoting social mobilisation and voluntary action.²¹⁴ At the village level, a monthly day has been conceptualised, with the aim of generating awareness on developmentally appropriate ECE interventions, encouraging community mobilisation and increasing participation in ECE through community involvement.²¹⁵ Officers at the state, district, and block levels are made responsible for community awareness and mobilisation.²¹⁶

The ICDS Scheme also conceptualises capacity building for parents, requiring they be provided with: (a) Training on the recognition of early symptoms of disability, need for early action and how to receive further assistance/services,²¹⁷ and (b) Counselling and training on how to raise CwDs and teach them basic survival and coping skills.²¹⁸

The National Policy 2013 similarly emphasises the role that different stakeholders play in ECE delivery, which includes parents, families, communities, and institutions, and recognises awareness raising as key in developing a common understanding about the significance of ECE within such stakeholders.²¹⁹ For this purpose, it requires that awareness raising activities be conducted,²²⁰ including through resource groups/voluntary action groups of experts, professionals and higher learning institutions who may support the efforts of the government in "monitoring, supervision, and capacity building for ECCE".²²¹ It further requires that the government encourage involvement of parents, family, and community members in ECE programmes,²²² suggesting various modes through which parents may be reached out to (for example, print and media, through panchayati raj institutions and urban local bodies). It aims to get parents involved, advocate for, plan and monitor ECE programs through community outreach efforts.²²³ While these provisions are not specific to CwDs, their execution should necessarily include parents of CwDs as well.

Further, the provisions of RPwD Act, the National Policy for PwDs 2006, and the draft National Policy for PwDs 2021, which require awareness and sensitisation activities to be conducted, would also be applicable at the ECE level. Under the RPwD Act, the requirement that orientation sessions and sensitisation activities should be conducted at preschools and AWCs means that the stakeholders relevant at the ECE level would also be included in such activities. The provisions of the National Policy for PwDs 2006 and 2021 on providing counselling to parents, state-level sensitisation activities such as distribution of disability manuals for families which have a PwD as a member and providing capacity building to parents through AWWs and ASHA workers, would also be applicable at the ECE level.

The Samagra Shiksha Scheme also places emphasis on community and parental involvement. In relation to ECE, it identifies improved awareness of developmentally appropriate ECE practices for parents and the community as an expected outcome.²²⁴ In this respect, it has directed State Governments to undertake programmes for

²¹³ *ibid* 6.12

²¹⁴ *supra* (n 30) 2.2.1(v), 3.4

²¹⁵ *ibid*

²¹⁶ *ibid* 4.3

²¹⁷ *ibid* 2.2.1 (xi)

²¹⁸ *ibid*

²¹⁹ *supra* (n 66) 4.1(v)

²²⁰ *ibid* 8.1, 8.2

²²¹ *ibid* 11.1

²²² *ibid* 5.3.4

²²³ *ibid* 8.2

²²⁴ *supra* (n 36) 2.8

“community sensitisation” and “parental advocacy”.²²⁵ The NEP 2020 also acknowledges that parents play an important role in ECE provisioning and requires AWWs to facilitate participation of parents in school programmes.²²⁶

Key takeaways

Laws, policies, and schemes studied here largely acknowledge the importance of community engagement and consequently, stakeholder sensitization and capacity-building for the purpose of improving inclusion of CwDs in education. At the ECE level, such engagement is already built into the ICDS system since community and parental engagement are seen to be crucial for all children at this stage, not just CwDs.

Broadly, the responsibility for sensitization and capacity-building of stakeholders is placed on both schools and the state, with AWWs being recognized as a key functionary in carrying out the sensitization of parents, guardians and communities across the legal framework on disability and education.

Schemes in Focus

The Badhte Kadam (Awareness and Community Interaction) Scheme under the National Trusts Act: Badhte Kadam Scheme has been formulated with the purpose of awareness generation. It provides support to Registered Organisations that undertake such activities in relation to the disabilities covered under the National Trusts Act. The target audience includes educational institutes, students, teachers, families and guardians of PwDs, etc. Further, the Badhte Kadam Scheme also envisions disseminating information through collaborations with Ministries/Departments, and organisations, across national, state, district, block and panchayat levels.²²⁷

The Sahyogi (Caregiver Training) Scheme under the National Trusts Act: The Sahyogi Scheme aims to provide caregiver training to create a skilled workforce of caregivers who are competent to work with PwDs and their families. To operationalise this, it aims to set up and fund Caregiver Cells which will provide training to caregivers and families of PwDs as well as NGOs working with PwDs. It provides for two levels of training, both with in-classroom and on-the-job training components: (a) Basic Training, which is a 3 month long course, covering basic caregiver skills such as health, nutrition, managing activities of daily living, administering first aid, etc.; and (b) Advanced Training, which is a 6 month long course, which will cover modules such as language and communication, learning, administering advanced medical care, etc.²²⁸

Parameter	ICDS Scheme & National Policy 2013	Samagra Shiksha Scheme	NEP 2020	RPwD Act	National Policy for PwDs 2006
Recruitment and training of ECE educators					
Capacity building and sensitisation of stakeholders					

Table 6: Summary of the Existing Support Systems to Facilitate Inclusive Education

²²⁵ ibid 2.9

²²⁶ supra (n 5) 1.5

²²⁷ Badhte Kadam (Awareness and Community Interaction) Scheme: The National Trust Scheme Guidelines (The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities) <https://thenationaltrust.gov.in/upload/uploadfiles/files/bk_eng.pdf> accessed 5 April 2023

²²⁸ Sahyogi (Caregiver Training) Scheme: The National Trust Scheme Guidelines (The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities) <https://thenationaltrust.gov.in/upload/uploadfiles/files/sahyogi_eng.pdf> accessed 5 April 2023

4.4. Accountability Mechanisms

This section explains the accountability mechanisms embedded in the legal framework on education and disability, and details how such mechanisms are applicable at the stage of ECE.

4.4.1. Voice of Parents: Involvement of Parents in Decision-Making

This section examines the extent to which the active participation of parents and caregivers of CwDs as decision-makers in education delivery has been envisaged in the legal framework on disability and education.

In the legal framework on disability

While the importance of active parent and caregiver engagement and participation in education has been widely acknowledged, the current framework is largely limited to enabling sensitisation and capacity building of parents (as explained in the previous section). Specifically, the only significant decision-making power that has been given to parents is the choice of school between special schools, mainstream schools, or alternative options such as home-schooling. While this is a crucial decision that would significantly influence a child's wellbeing, the role of parents is limited to this, with no further role being envisaged for parents as decision-makers in the child's education.

In the legal framework on education

The RTE Act acknowledges the importance of parents' participation in education and provides for decision-making powers through multiple mechanisms. Firstly, it requires teachers to hold regular meetings with parents/guardians of all children in order to apprise them about their child's learning abilities, their progress, and any other relevant information; and secondly, it mandates that all government and government-aided schools must constitute School Management Committees (SMCs).²²⁹ SMCs must comprise a proportionate number of parents of children from economically weaker sections and disadvantaged groups, which would include parents of CwDs. Notably, the Model Rules provided by the Central Government under the RTE Act expands on the role that SMCs can play in the inclusion of CwDs, including the monitoring of the identification and enrolment of CwDs, examining the facilities available to CwDs in schools, and ensuring their participation in and completion of elementary education.²³⁰ However, it is important to note that the composition of SMCs differs across states and many do not specifically provide for the representation of parents of CwDs within SMCs. Moreover, SMCs are not made mandatory for private unaided schools. While this provision can be considered as a necessary safeguard for private schools' autonomy, the design of SMCs can have significant drawbacks, given that they are the primary mechanism for parents to oversee the inclusion of CwDs in schools.

The NEP 2020, on the other hand, does not envisage a clear decision-making role for parents in the education of their children. Similarly, the Samagra Shiksha Scheme is silent on this aspect.

Applicability to ECE and provisioning for CwDs

The ICDS Scheme acknowledges the crucial role of parents in effective ECE delivery and has conceptualised two key pilot projects—"Parent-led AWC-based intervention" and "Parent-led home-based intervention". The former is to be managed by Mothers' or Parents' Groups for providing ECE at AWCs, while the latter refers to encouraging parents to hold ECE interventions in home settings.²³¹ Further, under the ICDS, an Anganwadi Level Monitoring and Support Committee on ICDS is to be constituted, wherein the larger community, including parents, will be represented. The responsibilities of this committee include, among other things, monitoring the functioning of AWWs, reviewing the ECE activities conducted per day, development/use of local learning and play materials, organisation of parents' meetings, etc.

The ICDS Scheme also advocates for conducting parent-teacher meetings to provide parents with the relevant information to understand their child's needs and the support measures required. While this is not specific to

²²⁹ *supra* (n 35) Section 21(1)

²³⁰ Rule 3(6)(h), Model Rules under the Right of Children to Free and Compulsory Education Act, 2009

²³¹ *supra* (n 30) Annexure VIII

CwDs, this reflects the role accorded to parents as active participants in the implementation of ICDS and would provide a platform for parents of CwDs as well.

Key takeaways

The ICDS Scheme acknowledges the importance of enabling parents to be active decision-makers in the education of their children at the stage of ECE.

4.4.2. Grievance Redressal

In the legal framework on disability

The RPwD Act provides for a comprehensive grievance redressal mechanism for PwDs. It requires the appointment of specific authorities i.e., the Chief Commissioner for Persons with Disabilities, two Commissioners at the central level and the State Commissioner for Persons with Disabilities at the state level.²³² These authorities are responsible for, among other things, inquiring into “deprivation of rights of persons with disabilities and safeguards available to them” both *suo motu* and on the basis of a complaint.²³³ However, it is important to note that all orders of the Chief Commissioner for Persons with Disabilities and State Commissioner for Persons with Disabilities are recommendatory in nature, and can be difficult to enforce.

In addition, the RPwD Act also requires State Governments to establish special courts for hearing contraventions of the RPwD Act (including those in relation to education), in consultation with the Chief Justice of the respective High Court.²³⁴ Given that the RPwD Act requires the Central and State Governments to provide for inclusive education to CwDs, complaints in relation to education would fall within the purview of such authorities and the special courts. Further, the RPwD Act provides for the appointment of a nodal officer in the District Education Office who is responsible for addressing any issues relating to admission of CwDs.²³⁵

While the National Policy of PwDs 2006 mentions only that a grievance redressal mechanism should be set up in schools,²³⁶ the draft National Policy of PwDs 2021 reiterates the mandate of the RPwD Act, with the explicit aim of “streamlining” grievance redressal for PwDs.²³⁷ It accordingly provides a host of recommendations such as: (a) Commencement of online hearings; (b) Resolution of grievances within stipulated timelines; and (c) Establishment of an online platform for registration of complaints and monitoring the resolution process.²³⁸

In the legal framework on education

The RTE Act sets up a process for grievance redressal for all children, where the National Commission for Protection of Child Rights at the central level and the State Commission for Protection of Child Rights at the state level are empowered to inquire into any “complaints relating to child's right to free and compulsory education”.²³⁹ In addition to this, complaints may also be filed with the local authority having jurisdiction, which must resolve the complaint within 3 months of receiving it.²⁴⁰ However, local authorities for grievance redressal, in appointment and operation, vary vastly from state to state. Beyond the RTE Act, neither the Samagra Shiksha Scheme nor the NEP 2020 lay out any details on building or strengthening a grievance redressal mechanism for CwDs in schools.

Applicability to ECE and provisioning for CwDs

The ICDS Scheme provides for a general grievance redressal system, consisting of various bodies and committees, which operates at the village, block, district, state, and national levels. Further, a web-enabled platform is to be set up under the ICDS Scheme wherein citizens would be able to register their grievances either

²³² *supra* (n 49) Section 74, 79

²³³ *ibid* Section 75(b), 80(b)

²³⁴ *supra* (n 49) Section 84

²³⁵ *supra* (n 99) Rule 7

²³⁶ *supra* (n 44) 48(viii)

²³⁷ *supra* (n 50) 13.4

²³⁸ *ibid* 13.5

²³⁹ *supra* (n 35) Section 31(1)(b)

²⁴⁰ *ibid* Section 32(1)(2)

by calling a toll-free number or by submitting a written complaint through fax, email, or by visiting the ICDS web portal.²⁴¹

Beyond the ICDS, the legal framework for PwDs has a robust mechanism for grievance redressal, which includes within its ambit any violations of the rights of CwDs. While not all laws, policies, or schemes provide for this, the RPwD Act has a well-formulated grievance redressal system, further strengthened by the provisions of the draft National Policy for PwDs 2021, which would cover complaints related to discrimination or deficit in education for CwDs, including at the level of ECE.

Key takeaways

The RPwD Act has a well-formulated grievance redressal system, including appointment of authorities for this purpose, which would cover complaints related to discrimination or deficit in education for CwDs, in addition to other fields, at the level of ECE or otherwise. In addition, the RTE Act recognizes the jurisdiction of local authorities appointed at the state level and that of the National/State Commission for Protection of Child for all matters of grievance redressal related to the rights of the child to education.

4.4.3. Monitoring and Evaluation

The provision of a monitoring and evaluation mechanism is crucial in assessing the effectiveness of any policy measure and in supporting the development of evidence-based policies. However, most laws, policies, and schemes studied in this report have largely designed mechanisms intended to monitor implementation and compliance, as opposed to assessing whether the stated goals of such a law or policy are met.

In the legal framework on disability

The RPwD Act provides for a monitoring and evaluation mechanism, where the policy measures undertaken for the empowerment of PwDs would be required to be reviewed. This is operationalized through the constitution of bodies on the central and state level i.e., the Central Advisory Board on Disability and the State Advisory Board on Disability.²⁴² These bodies are envisaged to be “consultative and advisory” in nature, which will be responsible for facilitating “the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights”. In line with this, their functions include monitoring and evaluating “the impact of laws, policies and programmes to achieve full participation of persons with disabilities”.

The National Policy for PwDs 2006 requires a five-yearly review on the implementation of the policy, which will examine the status of implementation of the policy on the basis of which a roadmap for the next five years will be prepared.²⁴³ However, such a review mechanism does not account for whether the policy has met its key goal which is to “create an environment that provides them [PwDs] equal opportunities, protection of their rights and full participation in society”.²⁴⁴ Along similar lines, it does not create a mechanism to evaluate the quality of education provided, the extent to which it is inclusive, and the impact of education on CwDs. This has been addressed in the draft National Policy for PwDs 2021 to some extent, as it requires development of a system to monitor the progress of CwDs based on learning outcomes.²⁴⁵

In the legal framework on education

The RTE Act does not include any provision for the monitoring or evaluation of its implementation or attainment of its aims.

The NEP 2020 requires annual reviews to assess the status of implementation of the policy, which must be jointly conducted by the MoE and State Governments. The results of such reviews must be shared with the Central Advisory Board for Education, which is deemed responsible for developing, revising, and evaluating the policy vision of education. It further envisages that the policy will have been operationalised by 2030-2040, at which point it must be comprehensively reviewed. The Department of School Education and Literacy has also

²⁴¹ supra (n 30) 9

²⁴² supra (n 49) Section 60, 66

²⁴³ supra (n 44) 62

²⁴⁴ ibid 8

²⁴⁵ supra (n 50) 5.9

released the SARTHAQ guidelines for monitoring the implementation of the NEP 2020.²⁴⁶ These guidelines delineate all recommendations of the NEP 2020 into tasks with specific timelines, assigned to relevant agencies. Such tasks include updating B.Ed. programmes to include techniques for teaching CwDs, focus on early identification of disabilities, building capacity of special educators etc.²⁴⁷

NCTE regulations for all B.Ed. programmes to include training in time-tested as well as the most recent techniques in pedagogy, teaching children with disabilities, teaching children with special interests or talents/gifted children, use of educational technology, etc.

The Samagra Shiksha Scheme also envisions monitoring as a major part of the implementation of quality education from the preschool to the higher secondary level. For this, it has laid down a tiered structure from the school level to the central level, with designated authorities, who are responsible for assessing the implementation of the scheme on the basis of key performance indicators²⁴⁸ and predetermined outputs and outcomes.²⁴⁹

Applicability to ECE and provisioning for CwDs

The ICDS Scheme establishes a five-tier monitoring and evaluation mechanism, which is to be executed at the village, block, district, state, and central levels.²⁵⁰ This mechanism is largely based on the submission of monthly, quarterly, and annual progress reports as well as third-party monitoring.²⁵¹ The monitoring of schools or AWCs takes place through progress reports filled in by the AWWs. In this case, parameters such as physical infrastructure, quality of ECE, status of use of referral services, status of nutrition and health education, issuance of mother & child protection card, community involvement, etc. are taken into account.²⁵²

The National Policy 2013 requires a five-yearly review of the policy to assess “progress of implementation and make mid-course corrections”.²⁵³ It highlights the need for a “more evidence based approach towards planning, implementation and monitoring of ECCE programmes and interventions.”²⁵⁴ In this respect, it encourages the allocation of funds to conduct concurrent and operational research as well as impact evaluations in this respect.²⁵⁵ It further requires creation of a monitoring framework that would focus on “disaggregated, tangible and easy-to-measure input, output and outcome indicators”.²⁵⁶ This too takes a limited approach, wherein assessment of aims of the policy is not monitored.

Key takeaways

Laws, policies, and schemes acknowledge the importance of monitoring and evaluation, and tend to establish mechanisms to enable this. However, the broad focus on monitoring and evaluation is on the implementation, as opposed to assessing their effectiveness.

Parameter	ICDS Scheme & National Policy 2013	Samagra Shiksha Scheme	NEP 2020	RPwD Act	National Policy for PwDs 2006
Voice of parents: Involvement of parents in decision-making					

²⁴⁶ Students’ and Teachers’ Holistic Advancement Through Quality Education (SARTHAQ) (Department of School Education and Literacy 2021) <https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/SARTHAQ_Part-1_updated.pdf>

²⁴⁷ *ibid* 6.5

²⁴⁸ As of January 2024, the key performance indicators were in the drafting stage.

²⁴⁹ *supra* (n 36) 14.2

²⁵⁰ *supra* (n 30) Annexure XX

²⁵¹ *ibid* 8

²⁵² *ibid* Annexure 4

²⁵³ *supra* (n 66) 13

²⁵⁴ *ibid* 7.2

²⁵⁵ *ibid*

²⁵⁶ *ibid* 6.1

Grievance redressal	Yellow	Red	Red	Yellow	Yellow
Monitoring and evaluation	Yellow	Red	Red	Yellow	Red

Table 7: Summary of Accountability Mechanisms

Chapter 5. Recommendations

As is seen in Chapter 3, ECE has been provided for by government schemes—most notably, by the ICDS Scheme. Further, while the ICDS Scheme has a well-developed mechanism in place for ECE, it is lacking in several areas when it comes to the provisioning of ECE for CwDs, as highlighted in Chapter 4. Chapter 4 also demonstrates that the existing legal framework on education and disability is relevant at the level of ECE as well, because in several instances, inclusion of CwDs in ECE is not directly provided for, but rather can be inferred from: (a) Broader provisions for inclusion of CwDs in education that are applicable at the stage of ECE; or (b) Broader provisions for ECE that are applicable to CwDs in ECE.

For example, while the ICDS Scheme defines a distance criterion for setting up of AWCs and the Samagra Shiksha Scheme suggests provisioning of transportation facilities where this criterion is not met, none explicitly acknowledge that children having disabilities which affect their mobility might require transportation facilities even to attend schools that meet the distance criteria. This lack of acknowledgement means that while we may infer transportation can be requested under the Samagra Shiksha Scheme for CwDs, this is not explicitly provided for as an inclusion measure for CwDs in ECE.

Over and above this, there still exist several gaps in the framework where inclusion of CwDs in ECE is not provided for at all. Based on this finding, we provide detailed recommendations for stakeholders and policymakers to move towards an ECE system that is inclusive of CwDs by design by both introducing new measures and strengthening the existing systems on ECE provisioning.

It must be reiterated at this stage that as the scope of this report does not extend to address implementation gaps in inclusion of CwDs at the stage of ECE, recommendations are limited to the extent of suggesting how legal and policy reform may improve governance of inclusive ECE for CwDs. As such, our overarching recommendation is to reform existing laws and policies such that they converge with the RPwD Act and National Policy for PwDs 2021.

Strengthen inter-departmental coordination

The legal framework on education and disability in India operates across three main Ministries, with the MWCD responsible for ECE, the MoE responsible for education provisioning, and the MSJE (specifically, the DEPwD) responsible for all matters related to disability. However, across laws, policies, and schemes enacted and adopted by the different relevant Ministries, we find that many fail to refer to relevant provisions from laws, policies, and schemes that precede them, and especially of those enacted by other Ministries. For instance, the NEP 2020 and the draft National Policy for PwDs 2021 are the only policies of those analysed in this study that speak to developments in the RPwD Act.

Consequently, the education and disability laws operate in silos, with different Ministries/Departments being deemed responsible for their implementation of different inclusion measures. Not only does this reflect a fragmented approach to inclusion of CwDs and a lack of coordination among Ministries and implementation machinery of the state, but it also places an enormous burden on CwDs and their guardians to navigate such a complex system to access the required services—for example in identifying and coordinating with different centres and personnel tasked with providing different services relevant to the education of the child.

While some policies and schemes themselves cite “scheme convergence” as crucial for implementing various inclusion measures, there is a need to further outline how such convergence is to occur. There is a need to develop a mechanism for inter-departmental coordination for the purpose of scheme convergence, and to identify the Departments responsible for the same. This may in turn increase accountability in service delivery to the child, and work to ease administration of such measures. In this respect, the NEP 2020 has highlighted the reallocation of the responsibility for ECE curriculum and pedagogy from the MWCD to the MoE as a potential solution for this lack of coordination. Such a proposal must be carefully examined as the provisioning of early childhood care—nutrition, health, and various other aspects—that are currently provided for in conjunction with ECE, by way of the ICDS program under the aegis of the MWCD, are crucial to holistic development in early childhood.

Examine the need to provide statutory backing to ECE

Despite the growing recognition of the importance of ECE for child development, it is not provided for in any statutory law; instead, its delivery remains limited to government schemes. While the RTE Act has an enabling provision, under section 11, for the government to provide ECCE to children in the age-group of 3-6 years, this is not a mandatory duty of the government. Further, while attempts have been made to amend this section of the RTE Act with the view of imposing a mandatory duty on the government to provide for it, these have not been successful.²⁵⁷

In light of the NEP 2020, under which India has committed to the goal of universalising and formalising ECE by 2030, the utility of providing statutory backing to ECE must be examined. If such a law is to be enacted, it must address minimum standards and norms for ECE provisioning, including aspects of recognition of preschools, teacher governance, curricular standards, infrastructural norms, accountability mechanisms, and provisioning of allied services of health and nutrition with ECE, among others.

Further, regardless of whether a law is enacted to provide statutory backing to ECE, the current status of regulation of ECE providers must be examined. For example, the National Commission for Protection of Child Rights and the NCERT have both introduced guidelines which set out requirements for running preschools including those relating to infrastructure, child safety, location, procedure for recognition, among other things.²⁵⁸ Such guidelines must be reconsidered with the view of harmonisation and the introduction of minimum standards applicable to preschools operating in India. The formulation of such a unified framework for regulating ECE providers is essential for both setting out the compliance requirements of such providers as well as clarifying the minimum standards of service which will be relevant for the parents of children studying in such preschools. Further, crucial within this is that such guidelines are responsive to disability and education law and policy that precede it and include specific provisions for ensuring ECE is inclusive of all, and especially CwDs.

Ensure adequate capacity in early identification and intervention

The importance of identification of disability among children under 6 years of age, for both their appropriate learning and development, is acknowledged in the National Policy for PwDs 2006 and 2021, the ICDS Scheme, the RPwD Act, and the NEP 2020.

In line with provisions outlined in the above, the state must be made responsible to ensure appropriate capacity is made available for this purpose. In this respect, the following aspects must be addressed: (a) Capacity building of ECE educators to facilitate early identification and intervention of children; and (b) Sensitisation of stakeholders, especially parents and caregivers, regarding the importance of early identification and intervention for learning and development of their children.

Access to, and within schools

Analysis in the previous chapter found several inclusion measures already exist to ensure that the physical location of schools or exclusionary admissions practices do not create barriers to entry for any child in schools, including CwDs. For example, education law and policy, including those on ECE provisioning, set a maximum distance criterion with the aim of ensuring availability of schools to all children, with measures to make transportation available in case schools are located outside the prescribed distance limit.

However, in respect of CwDs, such provisions must be complemented with measures to mandatorily provide for transportation facilities for CwDs. This is significant as the proximity of schools to households can eliminate barriers to accessing schools and the lack of availability of transportation to schools, even those located nearby, can pose accessibility challenges to CwDs.

Similarly, although laws and policies unanimously emphasise non-discrimination in school admissions, further support measures may be introduced to facilitate admission of CwDs in ECE, such as provisions to incentivise

²⁵⁷ For instance, see the Right of Children to Free and Compulsory Education (Amendment) Bill, 2017 and the Right of Children to Free and Compulsory Education (Amendment) Bill, 2018

²⁵⁸ Guidelines for Preschool Education (National Council of Educational Research and Training, 2018)

<<https://ncert.nic.in/dee/pdf/guidelines-for-preschool.pdf>> accessed 20 April 2023; Regulatory Guidelines for Private Play Schools: Guidelines for regulating private play schools for the children of the age of three to six year (National Commission for Protection of Child Rights, 2021)

<[https://ncpcr.gov.in/uploads/165753774662cc04d28580b_Regulatory%20Guidelines%20for%20Private%20Play%20Schools%20by%20National%20Commission%20for%20Protection%20of%20Child%20Rights.%20\(.%2085%20KB\).pdf](https://ncpcr.gov.in/uploads/165753774662cc04d28580b_Regulatory%20Guidelines%20for%20Private%20Play%20Schools%20by%20National%20Commission%20for%20Protection%20of%20Child%20Rights.%20(.%2085%20KB).pdf)> accessed 20 April 2023

admission of CwDs in mainstream schools, or to support parents of CwDs in navigating schooling and admission systems.

Reasonable accommodations in access to materials and aids

The legal framework on disability recognises the importance of assistive aids and appliances for inclusion of CwDs even at the ECE level. Newer policies emphasise the need for technological interventions to provide access to education for CwDs. However, the framework is currently lacking in providing guidelines on how reasonable accommodation may be ensured, or in providing support for educators and schools responsible for doing the same, and especially at the level of ECE.

Clarity on what constitutes reasonable accommodation is especially important at the stage of ECE where the needs of children in the age-group of 0-6 years may significantly differ from their older counterparts. As such, the principle of reasonable accommodation must be brought to the forefront to ensure substantive equality for CwDs at the level of ECE. In this respect, guidance must be provided for how reasonable accommodation may be ensured for CwDs at the level of ECE, by making necessary arrangements and adaptations based on requirements of each individual child. Such accommodation must necessarily take into account the young age of the children, the challenges faced by their parents or caregivers, the specific support required by the children and their parents/guardians, the special training to be imparted to the ECE workforce, among other aspects.

Recruitment and training of ECE educators

Both disability law and policy acknowledge that educators at the level of ECE must be trained to meet the needs of CwDs in their classrooms. While the NEP 2020 and the RPwD Act move towards the notion of cross-disability training and building the capacity of existing ECE and other educators to teach CwDs, the RCI Act and the Supreme Court contradict this, suggesting that only special educators be allowed to teach CwDs.

This poses an incredible challenge to the sector that must be addressed, especially in context of the need to create and train a cadre of ECE educators as we move towards the universalisation of inclusive ECE. Considering that teachers without the required training to be considered a special educator are liable to face penal action for teaching CwDs, concerted efforts must be made to ensure that every teacher undergoes the minimum required training to be certified as a special educator by the RCI. Such a measure will ensure that CwDs are not segregated from their peers whenever a special educator teaches them and will transform the role of a special educator into a resource person who can be relied on for additional support.

Monitoring and evaluation

Clear mechanisms must be put in place to monitor and evaluate the impact of ECE programs on the child. The current focus of laws and policies is on monitoring the effectiveness of the implementation by the state, rather than on whether their objective—such as improving learning outcomes or inclusion of CwDs in education—are met. The ICDS Scheme is the only one where parameters such as quality of ECE, status of use of referral services, status of nutrition and health education, issuance of mother & child protection card, community involvement, etc. are taken into account in the monitoring of the scheme.²⁵⁹

Further, currently, no survey collects data related to ECE—in general or as regards CwDs. National-level surveys such as National Achievement Survey and All India Educational Survey do not measure outcomes for children below 6 years of age. While India has put in place the Unified District Information System for Education Plus to collect data on schools from pre-primary to higher secondary level, the data collected reflects resource capacities within schools (e.g., whether there is a pre-primary section in a given school), as opposed to learning outcomes. Beyond a few independent surveys, such as the ASER survey for Young Children last conducted in 2018, no information is available as to the status of ECE and its effectiveness.

Systematic monitoring and evaluation of ECCE programs will enable data collection for identification of policy-level and implementation gaps and designing appropriate interventions. This is essential to build effective

²⁵⁹ Annexure 4, Integrated Child Development Services (ICDS) Scheme: Guidelines for Monitoring & Supervision Of Scheme (National Institute of Public Cooperation & Child Development)
<<https://www.nipccd.nic.in/uploads/pdf/Guidelines-Revised-since-2013-14pdf-8cd00664133cd895a5e3b69cf53f329e.pdf>> accessed 6 April 2023

ECE programs for all children, including CwDs. Accordingly, data collection must be conducted at regular periods, and a clear mechanism must be conceptualised to enable this.

ANNEXURE I: Framework for Analysis

Provision of ECE services to CwDs: This metric will evaluate the approach of the policy in question to providing ECE for CwDs:

1. Approach to education of CwDs:

- a) Does the policy acknowledge and attempt to address the educational needs of CwDs?
- b) What is the approach taken towards the education of CwDs (e.g., integration in traditional classrooms, specific schools to be made inclusive, etc.), and is early identification and intervention a part of it?

Equality of access: This metric will assess whether the policy in question addresses accessibility requirements within schools for CwDs. For this, the policy will be analysed on the following grounds:

1. Physical accessibility and availability:

- a) Does the policy stipulate that educational spaces be physically accessible in terms of ramps, elevators, accessible washrooms, tactile signage, etc.?
- b) Which factors are taken into account in relation to ensuring physical accessibility? Does the policy clarify how to ensure physical accessibility by way of rules or guidelines?
- c) Are there any minimum requirements that schools must meet to be established or to be considered physically accessible? Are these requirements mandatory?
- d) Is there any minimum or maximum prescribed distance between households and the neighbourhood kindergarten under the policy?
- e) Are learning materials (story books, toys, blocks) available in an accessible form under the policy?

2. Accessibility to the required assistive technology and aids:

- a) Is there any provision for providing aids to CwDs? If yes, what is the distribution mechanism of such aids?
- b) How is the provision of such aids supposed to be funded?

3. Admission procedure for CwDs:

- a) Does the policy create any admission mechanism for CwDs?
- b) Are there any obligations imposed on service providers in this regard (e.g., to facilitate a non-discriminatory admission process, enrol a specific number of CwDs, etc.)?

Inclusive education methods: This metric will assess to what extent the policy in question makes a provision for providing quality and inclusive education to CwDs. For this, the policy will be analysed on the following grounds:

1. Curriculum and pedagogy:

- a) What is the broad curricular and pedagogical framework for providing ECE? Does it account for the educational needs of CwDs?
- b) Is the framework based on Universal Design Learning and child-centred learning?
- c) Are there any norms and quality standards that have been laid down in regard to quality and accessible curriculum and pedagogy?
- d) What is the proposed pupil-teacher ratio?
- e) What kind of assessments are proposed under the policy, and how are the results of such assessments used in providing effective ECE? Are the assessments: (i) developmentally appropriate as regards ECE; (ii) adapted to the needs of CwDs?

2. Role of parents:

- a) Does the policy acknowledge and clarify the role of parents in effective ECE?
- b) If yes, what kind of role for parents is envisaged? Does this involve: (i) any responsibility in early identification and/or intervention in relation to impairment or disability in children; (ii) the active participation of parents, and specifically parents of CwDs, as decision-makers?
- c) Does the policy clarify mechanisms and coordination processes to facilitate the role, if any, accorded to parents, and specifically, parents of CwDs?
- d) Are parents supposed to be provided with technical support and capacity building, in relation to CwDs?

Availability of trained ECE educators: This metric will assess to what extent the policy in question addresses the requirement of trained ECE educators in relation to CwDs. For this, the policy will be analysed on the following grounds:

1. Recruitment of ECE educators for teaching CwDs:

- a) What is the recruitment process for ECE educators? At which level does the recruitment of such educators occur (e.g., school, block, state levels)?
- b) What are the eligibility criteria for selection of ECE educators? Are there specific qualifications and/or the requirement for mandatory training prescribed in this regard?
- c) Are educators hired or trained specifically for CwDs?
- d) What are the components of training for educators for CwDs? Does it include pre-service and in-service components?
- e) How is such training proposed to be designed and delivered? Is the impact of such training on ECE educators evaluated?

2. Responsibilities of the ECE personnel:

- a) What duties and responsibilities have been assigned to the ECE educators?
- b) Have these educators been tasked with early identification and/or intervention in relation to impairment or disability in children with pre-existing disabilities or otherwise? If yes, does the policy clarify how such identification and/or intervention is to be done?

3. Additional support measures for ECE personnel:

- a) Are there any provisions for making specialist ECE educators for CwDs and experts available?
- b) If yes, how are the services of such educators to be availed?
- c) Are there any resource centres or repositories that will enable easy access to relevant materials and information on educating CwDs?

Creating an inclusive and accountable environment: This metric will assess to what extent the policy in question focuses on creating an inclusive environment, which is crucial for the successful education of CwDs, as well as the accountability mechanisms conceptualised within the policy. For this, the policy will be analysed on the following grounds:

1. Sensitization of stakeholders:

- a) Is the school administration sensitised to the needs of the CwDs? If so, what are the components of such sensitization programs?
- b) Are other students sensitised to the needs of the CwDs? If so, what are the components of such sensitization programs?
- c) Are any general awareness campaigns conceptualised in the policy? If so, at which level are they implemented?

2. Grievance redressal mechanisms:

- a) Is there a grievance redressal mechanism for CwDs and their parents? If so, how can complaints be lodged, what remedies have been conceptualised, and what is the redressal process?

3. Monitoring and Evaluation:

- a) Are there any monitoring mechanisms in place, in relation to the functioning of the schools?
- b) If so, what are the monitoring mechanisms, and what kind of parameters are assessed?
- c) What is the impact of such assessments?

ANNEXURE II: Coordination Mechanisms between Laws, Policies, and Schemes relating to Inclusive ECE for CwDs at the Central Level

Policy/Law/Scheme	Authority	Role
Laws and Policies		
RCI Act	Rehabilitation Council of India, MSJE	Responsible for all matters under the RCI Act, including regulating and monitoring the training of rehabilitation professionals and personnel.
National Trust Act	National Trust, MSJE	Responsible for administering the National Trust to provide financial support to programmes which support PwDs.
National Policy for PwDs, 2006	MSJE	Nodal body for implementation of the policy as a whole.
	MoE	Nodal body for the education of persons with disabilities.
RTE Act	MoE	Principally responsible for the implementation of the RTE Act.
National Policy 2013	MWCD with its State Departments	Nodal body for overseeing the ECE programmes and services under the policy. For this purpose, an ECCE Cell/Division and a National ECCE Council to be formed under the Ministry for Women and Child Development.
RPwD Act	MSJE	Principally responsible for the implementation of the Act.
NEP 2020	MoE	Jointly responsible for the planning and implementation of the ECCE curriculum, with the MoE being principally responsible.
	MWCD	
	Ministry of Health and Family Welfare	
	Ministry of Tribal Affairs	
Draft National Policy for PwDs 2021	MoE	Coordinating all education programmes for CwDs
Schemes		
ICDS Scheme	MWCD	Nodal body for the implementation of the scheme.
Schemes under the National Trust Act: a. Disha Scheme b. Sambhav Scheme c. Sahyogi Scheme d. Badhte Kadam Scheme	National Trust, MSJE	Overall implementation of the schemes, including registration of organisations, provision of funding, and monitoring.
Deendayal Disabled Rehabilitation Scheme	MSJE	Nodal body for the implementation of the scheme.

Samagra Scheme	Shiksha	MoE	Nodal body for the implementation of the scheme.
		MWCD	Nodal body for the implementation of the preschool component of the scheme.

ANNEXURE III: An Overview of the Legal Framework on ECE

Table 1: ICDS Scheme and National Policy 2013

Parameter	Provision													
BROAD APPROACH TO ECE														
Approach to ECE	<p>The restructured ICDS Scheme has reiterated its focus on ECE as a cornerstone of early childhood development. As part of this, it aims to re-centre ECE as a core service offered under it and reposition AWCs as ECE Centres. Accordingly, the services offered under ICDS as a whole are to be strengthened and “reformatted”. The package of services offered thereunder is enlisted in the table below.²⁶⁰</p> <table border="1"> <thead> <tr> <th>Components</th> <th>Services</th> <th>Core Interventions</th> <th>Target Group</th> <th>Service Provider</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Early Childhood Care Education & Development (ECCEd)</td> <td rowspan="2">Early Childhood Care and Education (ECCE) / Pre-school Non-formal Education</td> <td> <ul style="list-style-type: none"> • Home based guidance for parents • Early stimulation • Early screening and referral • Optimal IYCF Practices • Monthly Monitoring & Promotion of Child Growth & Developmental Milestones. • Fixed Monthly Village ECCE Days </td> <td>0-3years Parents/caregivers</td> <td>AWW /Second AWW cum Child Care & Nutrition Counsellor</td> </tr> <tr> <td> <ul style="list-style-type: none"> • Non formal preschool education: <ol style="list-style-type: none"> a) activity based b) semi-structured play and learning method • Quarterly Monitoring & Promotion of Child Growth & Developmental Milestones. • Fixed Monthly Village ECCE Days </td> <td>3-6 years Parents / caregivers</td> <td>AWW</td> </tr> </tbody> </table> <p>The ICDS Scheme intends for ECE to be in the form of non-formal preschool education, which should be developmentally appropriate, play and activity based, and home based, for children in the age-group of 3-6 years. Its aims are to prepare children for formal education and to promote holistic development of each child in all domains such as sensory, fine, and gross motor, cognitive, social and emotional.²⁶¹ ECE is to be provided to all children through AWCs. In addition, the ICDS Scheme encourages state governments to, among other things, assign the ECE delivery to NGOs, and provide them with grants-in-aid for this purpose.²⁶² This has also been emphasised upon in National Policy 2013.²⁶³</p>	Components	Services	Core Interventions	Target Group	Service Provider	Early Childhood Care Education & Development (ECCEd)	Early Childhood Care and Education (ECCE) / Pre-school Non-formal Education	<ul style="list-style-type: none"> • Home based guidance for parents • Early stimulation • Early screening and referral • Optimal IYCF Practices • Monthly Monitoring & Promotion of Child Growth & Developmental Milestones. • Fixed Monthly Village ECCE Days 	0-3years Parents/caregivers	AWW /Second AWW cum Child Care & Nutrition Counsellor	<ul style="list-style-type: none"> • Non formal preschool education: <ol style="list-style-type: none"> a) activity based b) semi-structured play and learning method • Quarterly Monitoring & Promotion of Child Growth & Developmental Milestones. • Fixed Monthly Village ECCE Days 	3-6 years Parents / caregivers	AWW
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Monitoring of child development	The ICDS Scheme includes the monitoring of development of all children. As part of this, early screening, referral and monitoring of developmental milestones for all children under the age of 3 years is to be done, and developmental milestones of children in the age group of 3-6 years are to be monitored. ²⁶⁴													
MEASURES FOR ACCESSIBLE AND QUALITY ECE														
Distance criterion	The National Policy 2013 provides that all children must have access to preschools nearby, preferably within 500 metres. ²⁶⁵													
Availability of appropriate infrastructure	The ICDS Scheme emphasises on building “supportive, child friendly, low cost and culture specific” infrastructure. It lays down that AWCs should be equipped with adequate infrastructure and facilities													

²⁶⁰ supra (n 30) 2.2.1 (iii)

²⁶¹ ibid 2.2.1(v)

²⁶² ibid Annexures III and X

²⁶³ supra (n 66) 2.3, 11.1

²⁶⁴ supra (n 30) 2.2.1 (iii)

²⁶⁵ supra (n 66) 5.1.3

e	(i.e., clean environment, safe drinking water, child friendly toilet, play space and local play/learning activity support material). ²⁶⁶
Curriculum, pedagogy, and assessments	<p>As mentioned above, the ICDS Scheme intends for ECE to be developmentally appropriate, play and activity based, and home based. This includes planned play with a free play component for 3-4 year olds and guided large group activities focused more on specific school readiness for 5-6 year olds.²⁶⁷ The ICDS Scheme lays down specific standards in relation to ECE, which include: (a) “Developmentally appropriate” and “joyful” ECE activities; (b) At least 4 hours of ECE a day for at least 21 days in a month; (c) School readiness interventions for 5+ year olds with linkages with primary schools.²⁶⁸</p> <p>Similarly, the National Policy 2013 reiterates the focus on integrated, play-based, experiential, and child-friendly curriculum to promote all-round development.²⁶⁹ The curricula for ECE has been further concretised through the National ECCE Curriculum Framework, as drafted under the National Policy 2013, which has guidelines on setting up a classroom, indoor and outdoor play materials, and suggested activities on the basis of age-level. Further, a Pre-School Education Kit has been conceptualised, which is a national prototype, which would include play and learning materials, and may be adapted by states to fit the local context.²⁷⁰ Such kits should be provided to AWCs to aid them in ECE delivery.</p> <p>The ICDS Scheme proposes to integrate age-appropriate child assessments as part of ECE. For example, a “Child Assessment Card” was developed by the MWCD in 2017,²⁷¹ which aims to be developmentally appropriate. Assessments carried out through this tool are meant to be continuous, with the child being assessed every three months.</p>

SUPPORT SYSTEMS FOR ECE PROVISIONING

Recruitment and training of ECE educators	<p>As mentioned above, ECE is to be delivered by AWWs in AWCs under the ICDS. AWWs are honorary workers from the local community who work on a part-time basis, and AWWs must comply with the following eligibility requirements: (a) Must be female; (b) Must be from the local village/community; (c) Must have achieved matriculation; (d) Must be in the age group of 18-35 years.²⁷² AWWs are appointed by a committee constituted by state governments, which includes the District Social Welfare Officer, the BDO, the CDPO, the Medical Officer of the Primary Health Centre, the President of the Taluka Panchayat/Block Advisory Committee, the district representative of the State Social Welfare Advisory Board and any other non-officials considered appropriate by the state governments.²⁷³</p> <p>Further, AWWs and Anganwadi Helpers are provided with mandatory regular training–orientation training on their initial appointment, induction training, job training, and refresher training every two years.²⁷⁴ As part of their orientation training, which is conducted over the course of 26 days, 6 days are allocated to ECE. The NIPCCD is the apex body responsible for the ICDS training programme, and is in charge of the planning, coordination and monitoring of ICDS training programme, designing curricula, training content and materials. At the state level, training of AWWs and Anganwadi Helpers is delivered through Anganwadi Workers Training Centres, which are run by NGOs, trusts, professional/technical institutions, and State Governments.²⁷⁵ State Governments are completely responsible for monitoring these institutions, under the supervision of the NIPCCD and the MWCD.²⁷⁶</p>
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²⁶⁶ supra (n 30) 2.2.1

²⁶⁷ ibid Annexure IV

²⁶⁸ ibid Annexure VIII

²⁶⁹ supra (n 66) 5.2.3

²⁷⁰ Pre-School Education Kit (PSE Kit): Recommended list of play and learning materials, developed by the Ministry of Women and Child Development (2017) <https://wcd.nic.in/sites/default/files/Pre-School%20Education%20Kit_1.pdf> accessed 20 April 2023

²⁷¹ supra (n 153)

²⁷² supra (n 178)

²⁷³ supra (n 30) 2.2.1(x)

²⁷⁴ ibid Annexure XI; Comprehensive Training Guidelines for AWTCs and MLTCs (Ministry of Women and Child Development 2017) <<http://icds-wcd.nic.in/icdstesting/ComprehensiveGuidelinesforTraining.pdf>> accessed 6 April 2023

²⁷⁵ ibid

²⁷⁶ ibid

This has been further strengthened by the National Policy 2013, which requires the government to provide continuous support to AWWs through NIPCCD,²⁷⁷ and also encourages states to set up state- and district-level resource centres on similar lines.

The ICDS Scheme also provides for carrying out a comprehensive training need assessment across the country to ascertain the training requirement of each functionary.²⁷⁸ At the state level, a Training Cell is to be set up that is responsible for strengthening training and capacity building, carrying out training needs assessment, and providing support to such activities at the district level.²⁷⁹

Capacity building and sensitisation of stakeholders

The ICDS Scheme emphasises on the role of parents and the community in designing and implementing effective ECE interventions. As part of this, the following measures have been identified:

a. Community-based awareness: A “Monthly fixed Village ECCE Day” is to be held, which will serve as a platform to involve and mobilise the community and generate awareness on developmentally appropriate ECE interventions. Further, on the state, district, and block levels, officers are responsible for community awareness and mobilisation, where NGOs are supposed to play an important role.²⁸⁰

b. Representation on monitoring bodies: An Anganwadi Level Monitoring and Support Committee on ICDS is to be constituted, where the larger community, including parents, will be represented. The responsibilities of this Committee include, among other things, monitoring the functioning of AWCs, reviewing the ECE activities conducted per day, use of local learning and play materials, organisation of parents meets, etc.²⁸¹

c. Parental involvement in ECE delivery: Two kinds of pilot projects have been conceptualised under the ICDS: (a) Parent-led AWC-based intervention, where Mothers’ or Parents’ Groups will participate in providing ECE at AWCs; and (b) Parent-led home-based intervention, where parents are encouraged to hold ECE interventions in home settings.²⁸²

d. Capacity building for parents: Training of parents includes the following: (a) Urban local bodies, community/women’s groups, mother’s committees, etc. are to be involved in the planning, management and monitoring of AWCs, especially through strengthened partnerships;²⁸³ (c) Appropriate orientation and training for parents.²⁸⁴

The National Policy 2013 has reiterated the objective of promoting strong partnerships with communities and families,²⁸⁵ and emphasises the role that different stakeholders play in ECE delivery, which includes parents, families, and communities.²⁸⁶ For this purpose, it requires that awareness raising activities be conducted,²⁸⁷ and that the government encourage involvement of parents, family, and community members in ECE programmes,²⁸⁸ suggesting various modes and stakeholders through which parents may be reached out to (print, media, folklore in Panchayati Raj Institutions and Urban Local Bodies). It aims to get parents involved, advocate for, and plan and monitor ECE programs through community outreach efforts.²⁸⁹

ACCOUNTABILITY MECHANISMS

²⁷⁷ *supra* (n 66) 5.3.3

²⁷⁸ *supra* (n 30) Annexure XI

²⁷⁹ *ibid* Annexure XI

²⁸⁰ *ibid* 1.1

²⁸¹ *ibid* 8

²⁸² *ibid* Annexure VIII

²⁸³ *ibid* 3.6(vi)

²⁸⁴ *ibid* 4.6

²⁸⁵ *supra* (n 66) 4.1

²⁸⁶ *ibid* 4.1(v)

²⁸⁷ *ibid* 8.1, 8.2

²⁸⁸ *ibid* 5.3.4

²⁸⁹ *ibid* 8.2

Monitoring and evaluation	<p>The ICDS Scheme emphasises on supervision and monitoring to ensure quality improvement. As part of this, it establishes a five-tier monitoring and evaluation mechanism, which is to be executed at the village, block, district, state, and central levels.²⁹⁰ This mechanism is largely based on the submission of monthly, quarterly, and annual progress reports as well as third-party monitoring.²⁹¹ The monitoring of schools or AWCs takes place through progress reports filled in by the AWWs. In this case, parameters such as physical infrastructure, quality of ECE, status of use of referral services, status of nutrition and health education, issuance of mother & child protection card, community involvement, etc. are taken into account.²⁹²</p> <p>Further, under the National Policy 2013, the National ECCE Council has been charged with the duty of conducting assessments of all ECE-related service provisions, with respect to “building and infrastructure; pupil-teacher interaction; learning experiences planned for children; health, nutrition, and protection measures; qualification and professional development of staff; parent and community involvement and management of ECE provision including fee-related matters”.²⁹³ However, there are no provisions on measuring the learning outcomes arising out of ECE programmes.</p>
Grievance redressal	<p>A general grievance redressal system has been conceptualised, which is to be put in place in consultation with State Governments. The following bodies will act as the grievance redressal body/committee: (a) At the village level, the Village Health Sanitation and Nutrition Committee; (b) At the block level, the Panchayat Samiti/Standing Committee; (c) At the district level, the Zila Parishad lead by the CEO/District Magistrate/Collector as decided by state governments; (d) At the state level, the concerned Executive Committee under the State Nutrition Council; (e) At the National level, the Empowered Committee headed by the Secretary, MWCD. The higher-level authority at block, district, and state level would act as the Appellate Authority, and MWCD being the highest-level authority.²⁹⁴</p> <p>Further, a web-enabled platform is to be set up under the ICDS Scheme wherein people would be able to register their grievances either by calling a toll-free number or by submitting a written complaint through fax, email, or by visiting the ICDS web portal.²⁹⁵</p>

Table 2: Samagra Shiksha Scheme

Parameter	Provision
BROAD APPROACH TO ECE	
Approach to ECE	<p>The Samagra Shiksha Scheme is an integrated scheme for school education, viewing schooling from the preschool to the senior secondary levels on a “continuum”.²⁹⁶ It was revised in 2022 to bring it in line with the NEP 2020. As regards ECE, it endorses the recommendations of the NEP 2020, viewing preschool education and early grades of primary school (i.e., Class 1 and 2) as “a continuum of learning for the young child”.²⁹⁷</p> <p>As regards preschool education or ECE for children in the age-group of 3-6 years old, its stated objectives are: (a) Each child has access to, is enrolled and attends a preschool; (b) Each child acquires the cognitive, transversal, affective, and psychomotor skills necessary for being ready for Class 1; (c) All preschools have an inclusive environment; (d) Teachers are qualified to deliver quality ECE; (e) Each child is optimally healthy.²⁹⁸ To achieve this, the scheme envisages delivery of quality ECE for children</p>

²⁹⁰ supra (n 30) Annexure XX

²⁹¹ ibid 8

²⁹² ibid Annexure 4

²⁹³ supra (n 66) 5.2.6

²⁹⁴ supra (n 30) 9

²⁹⁵ ibid

²⁹⁶ supra (n 36) 2.2

²⁹⁷ ibid

²⁹⁸ ibid 2.1

	<p>in the given age-group, and conceptualises a preparatory class (termed “Balvatika”) which every child who is 5 years of age will attend.</p> <p>Please note that in this section, we focus on the first four objectives, which are related to preschool education.</p>
Monitoring of child development	The Samagra Shiksha Scheme has suggested monitoring of child development as a component that may be taken up by State Governments. However, this has not been made a mandatory component of ECE under the scheme. ²⁹⁹

MEASURES FOR ACCESSIBLE AND QUALITY ECE

Distance criterion	The Samagra Shiksha Scheme states that should be provided through four models i.e., AWCs, pre-primary sections in schools, co-locating AWCs in schools, and standalone preschools. It further states that preschools should be easily accessible, and where the distance from the preschool is more than 1 km, transportation facilities may be provided. ³⁰⁰
Availability of appropriate infrastructure	In addition to the four models to make ECE available, as discussed above, guidelines on building an appropriate preschool campus have been formulated under the scheme, which emphasise on adequate sanitary facilities (e.g., meals, water, cleanliness in toilets, separate toilets for girls and boys, etc.) and safety precautions (child-friendly furniture, non-toxic paint, child-protected electrical outlets, etc.), child-friendly infrastructure, and location of the campus. ³⁰¹
Curriculum, pedagogy, and assessments	The Samagra Shiksha Scheme reiterates the provisions of the NEP 2020 in respect of the curriculum, pedagogy and learning materials at the level of ECE. It states that the NCERT must formulate the NCPFECCE, which will be applicable for children up to the age of 8 years. ³⁰² It provides action points for State Governments in relation to the curriculum, including the formulation of a state-level curriculum framework by the SCERTs which must be based on the NCPFECCE and the NEP 2020. Such a framework must be linked with the curriculum used in primary-level classes. Such a curriculum framework must also account for the use of local resources and cultures through mediums such as art, storytelling, games, music, play, etc. ³⁰³ The Samagra Shiksha Scheme does not provide guidance on assessments at the ECE level. This will likely be accounted for under the NCPFECCE and state-level curriculum frameworks, as directed under the NEP 2020

SUPPORT SYSTEMS FOR ECE PROVISIONING

Recruitment and training of ECE educators	No provisions have been made for the recruitment of ECE educators in the Samagra Shiksha Scheme, but it acknowledges the need for qualified and trained ECE educators. It requires State Governments to develop facilities for such training and capacity building and requires in-service training of teachers on the basis of existing norms centred on an experiential, art-integrated, sports-integrated and play-based pedagogy. ³⁰⁴ As regards AWWs, it directs that a training programme must be implemented, lasting between 6 months to 1 year. ³⁰⁵
Capacity building and sensitisation of stakeholders	The Samagra Shiksha Scheme acknowledges the importance of community awareness and building partnerships with parents, families, and the larger community in effective ECE delivery. ³⁰⁶ It has directed State Governments to conduct activities to sensitise the community and improve parental participation for this purpose and identifies parents as a valuable resource in ECE delivery. ³⁰⁷

²⁹⁹ *ibid* 2.6.3

³⁰⁰ *ibid* 2.4

³⁰¹ *ibid* 2.4

³⁰² *ibid* 2.6.1

³⁰³ *ibid* 2.9

³⁰⁴ *ibid* 2.6.1, 2.9

³⁰⁵ *ibid* 2.2

³⁰⁶ *ibid* 2.8

³⁰⁷ *ibid* 2.9

ACCOUNTABILITY MECHANISMS	
Monitoring and evaluation	The Samagra Shiksha Scheme has established a tiered monitoring mechanism on the central, state, district, block, and school levels, with designated authorities on each level. ³⁰⁸ It has also put in place programmatic and financial norms for ECE, among other components of the scheme, with (draft) key performance indicators and pre-determined outcomes and outputs of the scheme on the basis of which the effectiveness of the implementation of the scheme will be assessed. ³⁰⁹
Grievance redressal	Under the Samagra Shiksha Scheme, the “Vidya Sameeksha Kendra” is to be established at the central and state levels, which is a mechanism for tracking schooling status. In addition to this, one key objective of this mechanism is to set up a “centralized helpdesk” for grievance redressal for all stakeholders across the school education. ³¹⁰

Table 3: NEP 2020

Parameter	Provision
BROAD APPROACH TO ECE	
Approach to ECE	The NEP 2020 aims to universalise ECCE by 2030. ³¹¹ It conceptualises ECCE as a “flexible, multi-faceted, multi-level, play-based, activity-based, and inquiry-based learning” for children in the age-range of 3-6 years. Its aim is to help children attain optimal outcomes in the domains of physical and motor development, cognitive development, socio-emotional-ethical development, cultural/artistic development, and the development of communication and early language, literacy, and numeracy. ³¹²
Monitoring of child development	No provisions have been made for this in the NEP 2020.
MEASURES FOR ACCESSIBLE AND QUALITY ECE	
Distance criterion	No provisions have been made for this in the NEP 2020.
Availability of appropriate infrastructure	<p>The NEP 2020 focuses on ensuring universalized quality ECE programs in a phased manner. To ensure effective ECE delivery, the NEP plans to expand and strengthen the relevant institutions, which are: (a) Standalone AWCs; (b) AWCs located with primary schools; (c) Pre-primary sections covering at least age 5 to 6 years located with existing primary schools; and (d) Stand-alone preschools.³¹³</p> <p>The NEP aims to strengthen the infrastructure of AWCs, with special attention being paid to areas, which are socioeconomically disadvantaged. It also plans to fully integrate AWCs into school complexes/clusters with the objective of enabling a smooth transition between preschool and elementary school.³¹⁴</p> <p>Further, “quality self-regulation or accreditation system” will be instituted under the NEP by way of establishing an independent state-level body, the State School Standards Authority. It will be responsible for establishing minimal and essential standards that must be followed by all schools, both public and private, including preschools. The standards must be developed on “basic parameters”,</p>

³⁰⁸ *ibid* 14.2

³⁰⁹ *ibid* 14.19-14.24

³¹⁰ *ibid* 14.19-14.24

³¹¹ *supra* (n 5) 1.1

³¹² *ibid* 1.2

³¹³ *ibid* 1.4

³¹⁴ *ibid* 1.5

	which are safety, security, basic infrastructure, number of teachers across subjects and grades, financial probity, and sound processes of governance. ³¹⁵
Curriculum, pedagogy, and assessments	The NEP has directed that the NCERT should develop the NCPFECCE that will apply to children up to the age of 8. ³¹⁶ The NCPFECCE will be bifurcated in two sub-frameworks, one for children in the age group of 0-3 years, and another one for children in the age group of 3-8 years. Further, it has placed the responsibility of the planning and the implementation of ECE curriculum on the MoE, the MWCD, the Ministry of Health and Family Welfare, and the Ministry of Tribal Affairs. ³¹⁷ The NEP has not specified any particular provisions for assessments in ECE settings. This will likely be accounted for in the NCPFECCE.
SUPPORT SYSTEMS FOR ECE PROVISIONING	
Recruitment and training of ECE educators	The NEP aims to prepare a “cadre of high-quality” for ECE delivery through AWCs. For this, the following measures have been identified: (a) Current AWWs will be systematically trained according to a curricular/pedagogical framework that the NCERT will develop; (b) AWWs who have the minimum qualifications of 10+2 will be provided with a 6-month certificate programme in preschool education; (c) AWWs who do not possess this educational qualification will be provided with a one-year diploma programme on preschool education. ³¹⁸ Further, it provides for mentoring of AWWs by the Cluster Resource Centres of the State School Education Departments through a monthly contact class, and also requires the state governments to prepare cadres of professionally qualified ECE educators for the long-term. ³¹⁹
Capacity building and sensitisation of stakeholders	The NEP acknowledges the role of parents in providing ECE to their children. It provides that the NCPFECCE will also serve as a guide for parents, and not just the ECE institutions. ³²⁰ Further, it requires the AWCs to facilitate participation of parents in school programmes. ³²¹
ACCOUNTABILITY MECHANISMS	
Monitoring and evaluation	The NEP requires annual reviews to assess the status of implementation of the policy, which must be jointly conducted by the MoE and State Governments. The results of such reviews must be shared with the Central Advisory Board for Education, which is deemed responsible for developing, revising, and evaluating the policy vision of education. ³²² It further envisages that the NEP will have been operationalised by the decade of 2030-2040, at which point it requires a comprehensive review of the policy to be done.
Grievance redressal	No provisions have been made for this in the NEP.

³¹⁵ *ibid* 8.5

³¹⁶ *ibid* 1.3

³¹⁷ *ibid* 1.9

³¹⁸ *ibid* 1.7

³¹⁹ *ibid*

³²⁰ *ibid* 1.3

³²¹ *ibid* 1.5

³²² *ibid* 25, 27.3

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