

# **The Right of Children to Free and Compulsory Education Act, 2009: Prospects and Challenges**

Edited by  
**Dr. Parimal Sarkar**  
**Prof. (Dr.) Sanat K. Ghosh**

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## Including the Excluded? : A Critical Reflection on the RTE Act in Making Elementary Education Inclusive For Children with Special Needs (CWSN)

Ms. Anshika Srivastava

### Introduction

The Right to Education Act makes elementary education a non negotiable right of each and every child in the age group of 6 to 14 years. Passing of the act raised nationwide hopes of making education all and more inclusive. The legal commitment to bring all children to school seems to promise the widening of possibility of including those children who had been excluded from the education system due to the disadvantages pertaining to their socio - economic background, gender, ethnicity etc. One of these groups is that of the Children with Special Needs (CWSN). While the act, 2009 originally mentions in Chapter II, that the children suffering from disability as defined in the PWD Act, 1996 shall have the right to free and compulsory education (RTE,2009), the amendment to it done in 2012 specifically named children with disabilities under the disadvantaged groups of children. It also gave the right to opt for home based education for children with severe and multiple disabilities. In this way, the act attempts to bring these children into the 'mainstream' and enable their learning in 'general' schools than leaving those to special schools. The Act envisages the elementary schooling to be 'inclusive' for these children.

Given that now elementary education is seen within the rights based framework by the State, the Act raises the nation's expectations and the hopes that now CWSN will be delivered equitable education along with their other peers (non-CWSN). However almost 8 years down the lane, it becomes important to reflect back on whether and to what extent the intent of the Act (with respect to the CWSN) has been translated into practice. To put it straightforwardly, it is the time that we look back and around to see the extent and nature of 'Inclusion', the Act has been able to bring about. It is this reflection which the paper undertakes through a review of related literature.

The paper is divided into three sections. The first discusses the concept of inclusive education and looks broadly at its development in the Indian context. The second discusses how the RTE Act, 2009/2012 envisages inclusive education. The last section dwells upon the provisions as well as the performance of the RTE Act to see how far it has really worked to include these 'excluded' children over these years of its implementation.

### Inclusive Education In India

In the context of education, inclusion is a practice where all children are equal participants in the process of learning. Inclusive education system is the one which provides learning



*Self assessed  
Anshika*