

THE NATIONAL EDUCATION POLICY 2020: A POTENTIAL FUTURE FOR DISABILITY INCLUSIVE EDUCATION

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I. INTRODUCTION

"Inclusive education happens when children with and without disabilities participate and learn together in the same classes. ... We also know that simply placing children with and without disabilities together does not produce positive outcomes. Inclusive education occurs when there is ongoing advocacy, planning, support and commitment."

– L Sodak & E Erwin

Education has long been recognized as a foundational public good that enhances human capabilities and sustains democratic governance. In the Indian constitutional framework, this principle finds concrete expression in article 21A,¹ which guarantees the right of children between six and fourteen years of age to free and compulsory education as a justiciable entitlement. The significance of this provision does not lie only in recognizing the social value of schooling; it also in transforming schooling to become a legal obligation the State has to provide. The Directive Principles of State Policy sustain this type of orientation. Article 41,² places an obligation on the State to make effective provision for securing the right to education within its economic capacity, whereas article 46,³ places an obligation on the State to promote the educational interests of weaker and disadvantaged sections of society. Taken as a whole, it can be seen these provisions signified a change from a spirit of charity to one of obligation. The State is no longer perceived to be a benevolent provider but the guarantor of minimum educational entitlements.

This constitutional architecture of education is tailored towards education as a tool of substantive equality and social mobility. The Constitution attempts to obtain access at the primary stage and prioritize historically disadvantaged communities in a bid to end the cycles of poverty and exclusion that feed themselves from one generation to the next. The commitment is therefore one that is both individual and common; it seeks to both provide each child with basic

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¹ The Constitution of India, art. 21A, Right to education

The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

² *Id.*, art. 41, Right to work, to education and to public assistance in certain cases

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, and disablement, and in other cases of undeserved want.

³ *Id.*, art. 46, Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

competencies, as well as pursuing wider public purposes: economic development, social cohesion, and the development of informed citizenship. In this sense, education is not merely instrumental to employment or income, it is constitutive of a dignified life, meaningful participation in the polity.

Within this constitutional and policy framework, inclusive education is singled out as the preferred method of organizing schooling by a particular kind of plural society. It is based on the principle that all learners including students with disabilities should have the opportunity to share common educational spaces. This requires not just showing up in classrooms physically, but offering reasonable aids where they provide suitable material and pedagogical practices that are sensitive to different needs. Inclusion is not merely about physical placing, it involves equal opportunities to learn, to be assessed fairly and to participate in the social life in the school. As a principle, it is in tune with the Constitution's goals of attaining social justice by locating responsibility for change within mainstream institutions. The implication is obvious - that to move forward with the goal of a higher degree of equality in education involves the re-designing of normal schools to accommodate difference, rather than the establishment of parallel schools that deal with difference at the margins.

II. INCLUSIVE LEARNING AS A RIGHTS-BASED IMPERATIVE

Inclusive learning refers to both a philosophy and a pedagogical practice which emphasizes that learners, irrespective of their physical, cognitive, social, emotional, linguistic, or other differences, ought to be educated within a common framework.⁴ It seeks to ensure that diversity is not treated as a barrier but as a resource for enriching the educational experience. In simple terms, inclusive education rejects the segregation of children with disabilities into special schools and instead promotes their participation in mainstream classrooms with appropriate accommodations. This approach aligns closely with India's commitments under international law, most notably the United Nations Convention on the Rights of Persons with Disabilities, 2006 (hereinafter UNCRPD), which India ratified in 2007. Article 24 of the UNCRPD explicitly mandates State Parties to guarantee that persons with disabilities are not excluded from the general education system on the grounds of disability. It further requires that appropriate reasonable accommodation and support measures be provided to enable effective learning on an equal basis with others.

The rights-based approach represents a significant departure from the earlier charity or welfare-oriented perspective towards disability. Instead of treating disabled persons as passive recipients of aid, the inclusive learning model asserts their entitlement to equal participation in the educational process. It frames education not as a favour extended to them, but as an enforceable right, violation of which attracts constitutional and statutory consequences.⁵

The Indian judiciary has consistently interpreted the educational rights in a progressive manner. In the *Mohini Jain case*, the Apex Court held that the right to education flows directly from the right to life under article 21.⁶ This principle was affirmed and expanded in another case, wherein the Court specifically linked the right to free and compulsory education for children up to

⁴ UNESCO, *Policy Guidelines on Inclusion in Education* 8 (2009).

⁵ Amita Dhanda, *Legal Order and Mental Disorder* 203 (Sage, 2000).

⁶ *Mohini Jain v. State of Karnataka* (1992) 3 SCC 666.

the age of fourteen to article 21.⁷ Although these judicial pronouncements did not directly address disability, they established a normative foundation for interpreting the right to education as universal in scope, thereby encompassing children with disabilities within its ambit.

Later, in *Justice Sunanda Bhandare Foundation case*, the Supreme Court directly addressed the issue of disabled children and directed the government to adopt effective measures to ensure that schools are rendered accessible and responsive to the needs of disabled learners.⁸ This decision affirmed that inclusive education is not merely a policy choice but an essential component of fulfilling the constitutional guarantees of equality under article 14 and non-discrimination under article 15.

A. Importance in the Indian Context

Significance of inclusive learning in the Indian context is particularly compelling. According to the 2011 Census, India has over 26.8 million persons with disabilities, constituting 2.21% of the population.⁹ While the percentage may appear modest, the actual numbers are significant and represent millions of potential learners who must be integrated into the educational system. Data from the Unified District Information System for Education (UDISE+) indicates that enrolment of children with special needs (CWSN) remains disproportionately low compared to their non-disabled peers.¹⁰ Dropout rates among CWSN are also higher, often due to inaccessible infrastructure, lack of special educators, or absence of learning materials in accessible formats.¹¹

Inclusive learning is also critical for achieving India's commitments under the Sustainable Development Goals (SDGs), particularly Goal 4, which calls for "inclusive and equitable quality education and lifelong learning opportunities for all."¹² By ensuring that children with disabilities are not left behind, inclusive learning becomes central to India's broader developmental agenda.

Beyond the legal and policy framework, inclusive learning carries profound social and psychological benefits. Empirical studies indicate that educating children with disabilities in common classrooms alongside their non-disabled peers contributes to the reduction of stigma, nurtures empathy, and cultivates relationships of mutual respect.¹³ Children without disabilities learn to value diversity, while children with disabilities benefit from a sense of belonging and enhanced self-esteem. These social outcomes add to the creation of an inclusive society which is an indispensable element in a country as diverse as India.

There has been recent discourse in education which emphasises the principle of Universal Design for Learning (UDL)-the idea of designing curricula, teaching methods, and assessment

⁷ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

⁸ *Justice Sunanda Bhandare Foundation v. Union of India*, (2014) 14 SCC 383.

⁹ Office of the Registrar General & Census Commissioner, *Census of India 2011: Data on Disability*.

¹⁰ Ministry of Education, "UDISE+ 2021–22 Report", available at: https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/udise_21_22.pdf (last visited on Aug. 03, 2025).

¹¹ National Sample Survey Office, *Report on Disabled Persons in India* (76th Round, 2019).

¹² United Nations, *Sustainable Development Goal 4: Ensure inclusive and equitable quality education*.

¹³ Tony Booth and Mel Ainscow, *Index for Inclusion: Developing Learning and Participation in Schools* 12 (Centre for Studies on Inclusive Education, 2002).

systems which are accessible to the widest possible array of learners from the outset. This translates into a shift away from ad hoc accommodations towards systemic inclusivity, which is consistent with the objectives of the Right of Persons with Disabilities Act, 2016 (RPwD Act), and National Education Policy (NEP), 2020, which are discussed later in this paper.

Inclusive learning, therefore, is not simply a choice for learning, but is a constitutional, statutory, and moral necessity. It is fundamental to realizing equality of opportunity, meeting international obligations and creating a society that is respectful of diversity. The role of inclusive education is to therefore be understood not only from the perspective of abiding the laws and policies but also as an ethical imperative in order to foster the development of human potential in the absence of discrimination.¹⁴

B. Opportunities for Inclusive Education

Rapid technological advances in digital environment offer new opportunities for inclusive learning. Screen readers, text-to-speech software and Braille displays, as well as artificial intelligence-based captioning tools, are becoming increasingly available. Government initiatives such as DIKSHA (Digital Infrastructure for Knowledge Sharing) and PM e-VIDYA-if made GIGW 3.0 compliant-will be able to bridge the gap for accessibility for learners with visual and auditory impairments.¹⁵ The National Education Policy 2020 represents a fundamental shift in paradigm by specifically bringing in aspects of inclusivity at all levels of education. It visualises resource centres, cross-disability teacher training, among other things accessible content in Indian Sign Language (ISL) or targeted funds such as the Gender-Inclusion Fund. NEP also promotes Universal Design for Learning (UDL), where we encourage curriculum, as well as the assessment systems that are accessible to the widest range of learners at the outset. By bringing together students of varied abilities, inclusive classrooms promote social integration. Studies suggest that such environments enhance peer acceptance, challenge and weaken entrenched stereotypes, and cultivate shared values of cooperation and solidarity.¹⁶ Such outcomes are particularly valuable in India, where caste, gender, and economic hierarchies often compound disability-based exclusion. When inclusive practices are meaningfully implemented, they not only reduce the isolation of children with disabilities but also encourage their peers to question inherited prejudices. In this sense, inclusive classrooms hold the potential to disrupt entrenched social barriers, fostering a generation that views equality and empathy not as abstract ideals but as lived everyday experiences.

C. Challenges in Realizing Inclusive Education

i) Infrastructure Deficiencies

¹⁴ CAST, Universal Design for Learning Guidelines Version 2.2 (2018).

¹⁵ Ministry of Education, Digital Infrastructure for Knowledge Sharing (DIKSHA) Portal, available at: <https://diksha.gov.in> (last visited on Sept. 10, 2025).

¹⁶ Tony Booth and Mel Ainscow, *Index for Inclusion: Developing Learning and Participation in Schools* 14 (CSIE, 2002).

As per reports, only 49.7 of schools had ramps with handrails and 27% had CWSN-friendly toilets in 2021–22.¹⁷ In practical, human terms, this means that a large number of students with mobility challenges or other disabilities may face daily barriers in merely entering their classrooms, navigating the school premises, or accessing the bathroom safely and with dignity. That lack of accessibility can undermine their sense of belonging and autonomy.

ii) Shortage of Special Educators

The availability of trained teachers continues to be one of the most pressing challenges in advancing inclusive education in India. While the constitutional and policy framework lays down clear commitments, their realisation is deeply dependent on the capacity and preparedness of teachers to translate inclusion into classroom practice. Reports from government bodies as well as independent civil society organizations consistently highlight the inadequacy of trained special educators across states. The Standing Committee on Social Justice and Empowerment (2020) underscored this concern by explicitly identifying the ‘lack of trained teaching staff’ as a major obstacle to inclusive education.¹⁸ The Committee noted that without a sufficient cadre of teachers trained in disability-inclusive pedagogy, the promise of equal access risks remaining only a policy aspiration.

iii) Funding Constraints

Under *Samagra Shiksha*, funding for Children with Special Needs (CwSN) exists, but it forms a very small fraction of the overall allocation.¹⁹ Experts note the underutilization of these funds due to bureaucratic hurdles and weak monitoring. In 2020–21, under the *Samagra Shiksha* scheme, about ₹1,159 crore was allocated for CwSN, which amounted to only around 3–4 percent of the scheme’s total budget of nearly ₹28,000 crore, highlighting that funding for CwSN remains a very small fraction of the overall allocation.²⁰

iv) Examination and Assessment Barriers

Assessment systems frequently fail to accommodate diverse needs. Despite the Supreme Court’s clarification in *Vikash Kumar* (2021), many examination bodies continue to apply inconsistent or restrictive criteria.²¹ Students with non-benchmark disabilities often face arbitrary denial of accommodations, violating their right to equality and dignity.

v) Digital Divide and Accessibility

While digital platforms are heralded as inclusive tools, many remain non-compliant with accessibility norms. The MeitY Guidelines for Indian Government Websites (GIGW 3.0) mandate

¹⁷ UDISE+ 2021–22 Data, Ministry of Education, National Highlights (2023).

¹⁸ Rajya Sabha, *Three Hundred and Eleventh Report on the Functioning of the Rehabilitation Council of India* (Standing Committee on Social Justice and Empowerment, 2020) p. 49.

¹⁹ Ministry of Education, *Samagra Shiksha Annual Report 2021–22* (2022).

²⁰ Ministry of Education, “Annual Report 2021–22”, available at: <https://cprindia.org/wp-content/uploads/2021/12/Samagra-Shiksha-2021-22.pdf> (last visited on July 11, 2025).

²¹ *Vikash Kumar v. Union Public Service Commission* (2021) 5 SCC 370.

screen-reader compatibility and captioning, but audits reveal widespread non-compliance.²² This creates a double disadvantage for disabled learners who already face socio-economic barriers to accessing technology.

vi) Attitudinal Barriers and Stigma

Deep-seated social prejudices against persons with disabilities persist. Teachers and peers may hold assumptions that disabled children are incapable of mainstream education, leading to exclusionary practices.²³ Parental attitudes also vary—some advocate strongly for inclusion, while others withdraw children from schools due to fear of discrimination or bullying.

vii) Fragmented Implementation across States

Education being a concurrent subject, the realisation of inclusive policies depends heavily on State governments. While some States have pioneered inclusive practices, others lag significantly in infrastructure, teacher training, and budgetary prioritisation.²⁴ This unevenness undermines the constitutional promise of equality.

III. LEGAL FRAMEWORK – EXISTING LAWS IN INDIA

India's commitment to inclusive education for persons with disabilities (PWD) rests on a layered legal architecture: the Constitution, international obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD), and key domestic statutes, principally the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) and the RPwD Act. Judicial interpretation by the Supreme Court has further operationalized these norms, especially around *reasonable accommodation*, *accessible infrastructure*, and *non-discrimination in assessment*. This section maps the core legal duties that bind education authorities and institutions.

A. Constitutional Foundations

The Constitution embeds education and equality in a rights-based frame. Article 14 guarantees equality before the law and equal protection of the laws, while article 15 prohibits discrimination, including on grounds that intersect with disability. Article 21A affirms the State's duty to provide *free and compulsory education* to all children aged six to fourteen. The Directive Principles fortify this mandate: articles 41 and 46 exhort the State to promote education and the economic interests of vulnerable groups. Though the Directive Principles are non-justiciable, the Supreme Court's jurisprudence has consistently read them as interpretive guides in expanding the content of fundamental rights, particularly the right to education under article 21.

B. International Obligations: UNCRPD and General Comment No. 4

²² Ministry of Electronics & Information Technology, “Guidelines for Indian Government Websites (GIGW 3.0)” (2022).

²³ UNESCO, “Education and Disability: Analysis of Data from 49 Countries” 42 (2018).

²⁴ Centre for Policy Research, *State of Inclusive Education in India* 17 (2022).

India ratified the UNCRPD in 2007. Article 24 recognizes the right of persons with disabilities to education “*without discrimination and on the basis of equal opportunity*” and obliges States to ensure an *inclusive education system at all levels*.²⁵ The CRPD Committee’s General Comment No. 4 (2016) clarifies that inclusive education demands a *systemic transformation* in culture, policy, and practice, moving away from segregation/special schools towards support in mainstream settings, with *reasonable accommodation* and *individualized support*. Under settled Indian doctrine, ratified treaties may inform constitutional interpretation and statutory construction when they do not contradict municipal law, an interpretive approach the Supreme Court has used in disability and education cases.

C. The RTE Act, 2009 along with 2012 Amendment

The RTE Act, 2009, operationalizes article 21A by imposing obligation on “appropriate government” and “local authorities” to ensure universal elementary education. Among other obligations, authorities must make certain that children from the “weaker sections” and “disadvantaged groups” are not discriminated against in pursuing and completing elementary education.²⁵ Section 12(1) (c) requires recognized unaided schools to admit, to the extent of 25%, children from these categories at the entry level, with reimbursement by the State.

D. Right of Children to Free and Compulsory Education (Amendment) Act, 2012

This act expressly brought children with disabilities within the definition of “disadvantaged group,” ensuring that they benefit from section 12(1) (c) reservations in private unaided schools and the anti-discrimination duties in sections 3 and 8.²⁶ The amendment also clarified modalities for children with severe or multiple disabilities, thereby aligning the RTE framework more closely with inclusive-education obligations.

E. The Rights of Persons with Disabilities Act, 2016

The RPwD Act, 2016, enacted to implement India’s UNCRPD commitments, creates a detailed chapter on education. Section 16 places a “*duty on all educational institutions funded or recognised by the government*” to admit students with disabilities without discrimination, and to provide education and opportunities for sports and recreation on an equal basis, along with adequate infrastructure, transport, and accessible content. Section 17 then sets out specific measures to promote and facilitate inclusive education, including *reasonable accommodation*, *individualized support*, *trained special educators*, *accessible textbooks and teaching-learning materials (including Braille/large-print/ISL)*, and the monitoring of participation and completion. Section 18 addresses adult education, recognizing a continuum of learning needs beyond school. The Act defines “*reasonable accommodation*” in Section 2(y) as “*necessary and appropriate modifications and adjustments, without imposing a disproportionate or undue burden, to ensure equal enjoyment of rights*.” This definition is central to assessment/examination duties, classroom supports, and digital access. The educational duties under Sections 16–18 are enforceable

²⁵ The Right of Children to Free and Compulsory Education Act, 2009 (Act 35 of 2009), s. 8(c).

²⁶ The Right of Children to Free and Compulsory Education (Amendment) Act, 2012; see also Ministry of Education, “RTE—Section-wise Rationale” (noting inclusion of children with disabilities under “disadvantaged group”), available at: <https://www.education.gov.in/> (last visited on July 14, 2025).

obligations; non-compliance may attract action by Commissioners for Persons with Disabilities and remedies under writ jurisdiction. Read together, the RTE Act (universal elementary education and anti-discrimination, including private-school obligations) and the RPwD Act (concrete institutional duties and accommodations) create the spine of inclusive education. While the RTE Act ensures *entry and retention*, the RPwD Act ensures *accessibility, support, and equal participation*. This interlocking design is further reinforced by sectoral regulations (e.g., UGC guidelines for higher education) and policy frameworks (*Samagra Shiksha*), but the statutory core lies in cumulative reading of the RTE and RPwD.

F. The National Trust Act, 1999

The Act creates a statutory body (“National Trust”) and a governance architecture that directly affects educational access and continuity for persons with intellectual and developmental disabilities (hereinafter IDDs) particularly where decision-making, guardianship, and community supports intersect with schooling or higher education. The Act establishes the Trust and its Board (section 3) and sets out broad objects (section 10), including to *enable and empower* persons with the specified disabilities to live as independently as possible within their communities; to strengthen family-based supports; to arrange care where family support is unavailable; and crucially, to evolve procedures for appointment of guardians and trustees for persons requiring such protection. A key operational feature is the creation of Local Level Committees (LLCs) (section 13), which process applications for guardianship (section 14), specify guardian duties (section 15), and require inventory/annual accounts (section 16), with removal for breach (section 17). In practice, LLC-appointed guardians (or registered institutions acting as guardians) make lawful decisions on admissions, choice of programme, hostel placement, assistive services, and consent for supports that enable inclusive learning for adult students with IDDs. The Trust also funds “approved programmes” that include adult training units, individual/group homes, day care, respite care, residential homes, self-help groups, and LLC operations, which are often the scaffolding that keeps learners in education when families are unable to provide continuous support.²⁷

While the RPwD Act, 2016 lays down universal duties of *non-discrimination and reasonable accommodation in education*, the National Trust Act supplies the guardianship and community-living backbone for persons with IDDs, ensuring that *legal capacity and continuity of care* do not become barriers to admissions, assessments, or progression. In higher education, disability cells and exam controllers frequently rely on LLC guardianship orders to recognize nominated decision-makers for accommodations, thereby operationalizing inclusive education commitments under RPwD and NEP-2020.

G. The Mental Healthcare Act, 2017

It is a rights-based statute aligned to the UNCRPD, conferring enforceable rights and State duties that matter for students with mental health conditions navigating school or higher education. Section 18 guarantees the right to access mental healthcare from government-run/funded services, care that is *affordable, of good quality, geographically accessible and non-discriminatory*, with

²⁷ The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (Act 44 of 1999).

child and adolescent services included within the mandated range. Section 19 ensures the right to community living (least-restrictive care; half-way/group homes), countering segregation that often derails education. Section 21 guarantees equality and non-discrimination in healthcare, requires parity in insurance coverage for mental illness [section 21(4)], and—importantly for young mothers in education, protects the non-separation of children under three from mothers receiving inpatient care except where risk is shown [section 21(2)]. The Act also enshrines due-process rights, information (section 22), confidentiality (section 23), access to medical records (section 25), and legal aid (section 27)—which interact with campus policies (medical leaves, counselling, privacy).

Systemically, the MHCA imposes duties on governments to integrate mental health into general healthcare, ensure district-level availability, specify essential drug lists, and make budgetary provisions [section 18(5)–(11)], with oversight via Central/State Mental Health Authorities and Mental Health Review Boards (chapters VII–XI). Section 115 (presumption of severe stress in suicide attempts) embodies a de-criminalising, care-first approach, shaping institutional policies on suicide prevention, emergency response, and compassionate support—all vital for inclusive campuses.

While exam accommodations are primarily grounded in the RPwD Act and Supreme Court jurisprudence, MHCA’s non-discrimination, community-living, and access-to-care rights create positive obligations for education systems to avoid punitive responses to mental illness, ensure reasonable medical leaves, provide referrals to district mental-health services, and guard privacy in counselling—so that students can remain enrolled, be fairly assessed, and re-enter education after care.

IV. JUDICIAL ELABORATION BY THE SUPREME COURT OF INDIA

Indian Apex court has progressively transformed these textual guarantees into operational standards:

i Right to Education as Fundamental Right

In *Mohini Jain v. State of Karnataka* (1992), the Supreme Court held that the right to education is an integral part of the right to life under article 21.²⁸ This was refined in *Unni Krishnan v. State of Andhra Pradesh* (1993),²⁹ which recognized free education up to age 14 as a fundamental right flowing from article 21A and read with article 41. Though not disability-specific, these rulings provide the constitutional bedrock for inclusive schooling.

ii Inclusive Schooling and Accessible Infrastructure

In *Justice Sunanda Bhandare Foundation v. Union of India* (2014), the Court, on a long-running PIL, directed authorities to make schools disabled-friendly and took note of

²⁸ *Supra* note 6.

²⁹ *Supra* note 7.

subsequent legislative developments, emphasizing concrete steps for access and inclusion.³⁰

iii Reasonable Accommodation in Examinations

The jurisprudence culminates in a significant direction on assessment. *Vikash Kumar v. UPSC* (2021), where a candidate with writer's cramp (a non-benchmark disability) was held entitled to a scribe; the Court anchored its ruling in section 2(y) of RPwD and article 24 of UNCRPD, stressing that *reasonable accommodation is a facet of equality and dignity*.³¹

These decisions move the law beyond mere *non-discrimination* to substantive equality, requiring exam bodies and institutions to proactively remove barriers. The Indian experience with inclusive education reflects a paradox. On the one hand, there is unprecedented legal, policy, and technological support; on the other hand, systemic deficits prevent full realisation of inclusive learning. Through its decisions, the Supreme Court has articulated a rights-oriented framework that situates education at the core of constitutional guarantee. Yet, absent effective governance, monitoring and societal change, inclusive education risks being a constitutional ideal, rather than lived reality.

The legal structure for inclusive education in India is not aspirational but it is binding. The RTE Act entitles the right to be transported to elementary schooling without discrimination, while the RPwD Act provides the means to support (and accommodate) this schooling in a meaningful and equal way. Interpretation of UNCRPD, and the Supreme Court has eagerly insisted on the inseparable nature of reasonable accommodation and accessibility in the emancipation of equality. The challenge, as becomes apparent in subsequent sections, is not so much what the law says but rather how consistently it is implemented across meanings and examination boards.

V. POLICY LANDSCAPE – EXISTING GOVERNMENT PROGRAMMES & SCHEMES

India's inclusive-education obligations are put in place through a cluster of national programmes and standards to turn constitutional and statutory obligations (RTE Act, RPwD Act) into administrative action. Most important pillars are Samagra Shiksha of School education, UGC's Accessibility Guidelines (2022) of Higher education, Accessible India Campaign (AIC) of Barrier Free Infrastructure and ICT, and digital learn initiatives like PM e-VIDYA / DIKSHA coupled with GIGW 3.0 for web/app accessibility.

A. Samagra Shiksha (School Education)

Samagra Shiksha serves as the Government of India's overarching programme for school education, encompassing the continuum from pre-school to senior secondary level. Designed as an integrated scheme, it seeks to unify and strengthen interventions across different stages of schooling under a single framework. It contains a dedicated component for Inclusive Education for Children with Special Needs. The programme funds identification and enrolment of CwSN,

³⁰ *Supra* note 8; also see order dated Mar. 26, 2014.

³¹ *Supra* note 21 (scribe/extra time; reasonable accommodation).

assistive devices, transport/escort allowance, home-based education (in exceptional cases), and special educators/resource teachers, aiming for a “continuum of support” within neighborhood schools.³² Following NEP-2020, the scheme has been aligned and extended through 2025–26, explicitly incorporating NEP’s core principles (access, equity, quality, affordability, accountability) along with a large set of NEP recommendations.³³ Its Framework for Implementation details planning, budgeting, training and monitoring architectures for inclusion (e.g., block/district planning for CwSN, civil-works accessibility, community mobilization, teacher training).³⁴

B. UGC Accessibility Guidelines for Higher Education (2022)

Designed for higher education, these guidelines operationalize RPwD duties in HEIs across the built environment (ramps, lifts, signage, accessible toilets, tactile paths), ICT & library access (screen-reader-compatible portals, accessible e-content, DAISY/Braille), curriculum & pedagogy (UDL, course material accessibility), and assessment (scribe/extra time, flexible modes).³⁵ Multiple public hosts mirror the document; the existence and governmental status of the guidelines are also reflected on DEPwD’s statutory “Acts/Rules/Regulations” page.³⁶

C. Accessible India Campaign (Sugamya Bharat Abhiyan)

Launched on 3 December 2015, the Accessible India Campaign (AIC) is a nationwide initiative led by DEPwD to achieve universal accessibility in the built environment, transport, and ICT ecosystems.³⁷ The campaign’s public-facing portal and the *Sugamya Bharat* App crowd source accessibility status/complaints for buildings and services.³⁸ For education, AIC is the infrastructure backbone: conversions of campus buildings, classrooms, labs, libraries and hostels to accessible standards are essential for any meaningful inclusion. AIC’s alignment with RPwD (standards under section 40 and Harmonised Guidelines for the built environment) is a lever to upgrade schools and HEIs and integrate accessibility into public-works planning.

D. Digital Learning and Accessibility: PM e-VIDYA, DIKSHA & GIGW 3.0

The PM e-VIDYA initiative brings together multiple ways of learning into one unified platform. It combines digital resources, dedicated DTH television channels under the “One Class, One Channel” programme, as well as radio, community radio and podcasts. The purpose is to make

³² Ministry of Education, “Samagra Shiksha – Inclusive Education for CWSN”, available at: <https://samagra.education.gov.in/inclusive.html> (last visited on June 11, 2025).

³³ Ministry of Education, “Samagra Shiksha Framework aligned to NEP 2020 (extended 2021–22 to 2025–26)”, available at: <https://educationforallinindia.com/wp-content/uploads/2023/01/samagra-shiksha-framework-dec-2022.pdf> (last visited on June 11, 2025).

³⁴ Ministry of Education, “Framework for Implementation – Inclusive Education components”, available at: Microsoft Word - Framework _ IISE _ F_.docx (last visited on June 11, 2025).

³⁵ University Grants Commission, “Accessibility Guidelines and Standards for HEIs and Universities” (June 2022), available at: <https://iitk.ac.in/doaa/data/Final-Accessibility-Guidelines.pdf> (last visited on June 11, 2025).

³⁶ Department of Empowerment of Persons with Disabilities, available at: <https://depwd.gov.in/en/acts/> (last visited on June 09, 2025).

³⁷ DEPwD, “Accessible India Campaign (Sugamya Bharat Abhiyan)”, available at: <https://depwd.gov.in/en/accessible-india-campaign/> (last visited on May 11, 2025).

³⁸ *Sugamya Bharat* portal/app, available at: <https://sugamyabharat.gov.in/> (last visited on May 11, 2025).

quality education available to every child, including those who may not have a reliable internet connection at home. Importantly, the initiative also caters to the requirements of children with special needs by offering content in accessible formats, so that learning can truly reach all learners on equal terms.³⁹ DIKSHA, or the Digital Infrastructure for Knowledge Sharing, has emerged as the national platform for school education content, serving both teachers and students across the country. More than just a site of repository, it is designed as a delivery system making textbooks, interactive resources, and training modules available in digital form. A PIB release (Aug. 2022) points out DIKSHA's accessibility posture [*e.g.*, conforming to WCAG 2.0 Level AA (features taken advantage of in teacher training and learning modules)], which is vital for screen reader access and captioning.⁴⁰ This is a technical detail but one with a very human impact: it means that learners and teachers relying on screen readers can actually navigate through the material and captioning means that kids with hearing impairments are not left behind. In practice, such design choices help to make DIKSHA a truly inclusive platform where technology is not a barrier, but a bridge, for participation and learning:

To hard-wire accessibility into government digital properties, the Guidelines for Indian Government Websites and Apps, GIGW 3.0 set out UI/UX, content and accessibility requirements across the entire lifecycle of websites/apps, aligning Indian e-governance with WCAG and related standards.⁴¹ By aligning with global benchmarks such as the Web Content Accessibility Guidelines, GIGW 3.0 helps bring Indian e-governance up to international standards. For education portals (school and HE), GIGW 3.0 compliance should be treated as the baseline for NEP-aligned digital inclusion. Making compliance with GIGW 3.0 the starting point ensures that these portals are inclusive by design and supports the National Education Policy's goal of digital inclusion, where every learner has equal access to opportunities.

E. Sugamya Pustakalaya (Accessible Online Library)

Launched in 2016 under the Accessible India (*Sugamya Bharat*) Campaign, *Sugamya Pustakalaya* is the national accessible online library for persons with visual and other print disabilities. Built through a DEPwD–NIEPVD⁴²–DAISY Forum of India collaboration (with tech support from TCS and content partners such as Bookshare/ABC), it aggregates books and learning materials in DAISY, EPUB, BRF, audio, and large-print across multiple Indian languages.⁴³ The platform lets eligible users register, search, and download accessible texts; it also provides a production-sharing workflow for creators and publishers. By systematizing access to accessible textbooks and references, *Sugamya Pustakalaya* helps institutions meet the RPwD Act, 2016 duties on accessible teaching-learning materials and advances NEP-2020 goals on inclusive content by complementing PM e-VIDYA/DIKSHA and GIGW 3.0 compliance on the digital side.

³⁹ Ministry of Education, “PM e-VIDYA portal (multi-mode access; reach)”, available at: <https://pmevidya.education.gov.in/> (last visited on May 05, 2025).

⁴⁰ Press Information Bureau, DIKSHA Platform (note on accessibility features/WCAG-aligned capabilities), PRID 1849885 (Aug. 08, 2022), available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1849885> (last visited on May 10, 2025).

⁴¹ MeitY/NIC, “Guidelines for Indian Government Websites & Apps (GIGW 3.0) – Introduction”, available at: <https://guidelines.india.gov.in/introduction/> (last visited on May 03, 2023).

⁴² National Institute for the Empowerment of Persons with Visual Disabilities.

⁴³ Press Information Bureau, “Sugamya Pustakalaya—an online library for persons with visual disabilities launched”, Aug. 24, 2016.

Taken together, these initiatives form a connected policy framework that carries the idea of inclusion from the school level to higher education, and from physical spaces to digital platforms. At the school stage, the *Samagra Shiksha* programme drives inclusion by ensuring that planning, budgets, teacher training and infrastructure development respond to the needs of children with disabilities. In the case of higher education, the Accessibility Guidelines of the UGC translate statutory rights into practical standards that will be a campus standard for all institutions of higher education, making them more welcoming and supportive. This is strengthened by the Accessible India Campaign and the GIGW 3.0 guidelines to include accessibility requirements within buildings used by public and digital platforms, so that access is not added on, it is designed in. Finally, initiatives such as PM e-VIDYA and DIKSHA add value with a touch of scale to any such efforts by providing the educational content in formats accessible to different forms of learners, such that these can reach children not only in classrooms but those learning remotely as well. Together, these measures represent a shift towards a view of accessibility not as being an exception, but a norm of education in India.

VI. NATIONAL EDUCATION POLICY (NEP) 2020- A CRITICAL ANALYSIS

The NEP 2020 is the first comprehensive education policy of this century in India to replace the NEP of 1986 and the decisions to build India's human-capital base by launching its 1992 Programme of Action. It is an attempt to make education to align with the constitutional guarantees and global commitments by transforming the governance, curriculum, assessment, and institutional architecture along the Therapy continuum from early childhood care and education (ECCE) to higher education. Among its headline reforms are the shift to a 5+3+3+4 curricular-pedagogical structure in school education; a foundational learning mission; multilingualism; competency-based assessments; and, in higher education, a move toward multidisciplinary universities, flexible entry-exit with an Academic Bank of Credits, and a lighter but more accountable regulatory ecosystem. Throughout, NEP 2020 presents equity and inclusion as core principles.⁴⁴

NEP 2020 treats disability explicitly within the umbrella of Socio-Economically Disadvantaged Groups (SEDGs) and accords the “highest priority” to the inclusion and equal participation of children with disabilities from ECCE through higher education.⁴⁵ It aligns, in terms and in spirit, with the RPwD Act definition of inclusive education—that is, education in regular schools and institutions with reasonable accommodation and necessary support rather than in segregated settings. In the school sector, the policy commits to (i) standardizing Indian Sign Language (ISL) and developing high-quality ISL-based curricular materials for subject teaching; (ii) producing accessible teaching-learning materials (TLM)—including Braille, large-print and captioned/ISL digital content—through national and state bodies (with the National Institute of Open Schooling envisaged as a key producer of ISL modules); and (iii) establishing resource centres with cross-disability special educators to support learners, teachers and parents. NEP recognizes that some students with severe or multiple disabilities may, in exceptional

⁴⁴ Ministry of Education, *National Education Policy 2020* (2020), 6 (equity and inclusion; “no child loses any opportunity to learn”), available at: <https://www.education.gov.in> (last visited on May 11, 2023).

⁴⁵ *Id.*, ch. 6, para 6.10.

circumstances, require home-based education, but it links this to standards and periodic review to prevent drift from inclusion.⁴⁶

Place-based equity instruments are designed to complement these supports. The policy proposes Special Education Zones (SEZs) for regions with high concentrations of SEDGs, expansion of centrally run school networks and residential facilities in underserved districts, and a Gender-Inclusion Fund with parallel Inclusion Funds for other SEDGs, mechanisms that, properly designed, can lower the geographic and socio-economic barriers that often compound disability-based exclusion.⁴⁷ In higher education, NEP extends the equity lens by urging governments and institutions to earmark funds, set participation targets for SEDGs, and expand HEI capacity in aspirational districts and SEZs, thereby bringing access points closer to marginalized learners, including persons with disabilities.⁴⁸

A. Shortcomings and Areas of Ambiguity

Despite its rights-forward language, NEP 2020 leaves critical questions of implementation under-specified. First, the policy is largely silent on timelines, audit cycles, and public reporting for disability-specific commitments. It articulates what should happen. ISL standardization, accessible TLM at scale, resource-centre staffing, exceptional home-based education with oversight—without equally clear answers to by when, by whom, and how measured. In a federal system where education is a Concurrent List subject, this invites state-level variability and uneven realisation of rights. The alignment of *Samagra Shiksha* with NEP creates a vehicle for planning and budgeting, but NEP does not require ring-fenced disability lines; assistive technology, transport/escort allowances, accessible civil works, and specialist personnel must therefore compete with multiple priorities at plan and budget stages.

Second, teacher capacity, the practical fulcrum of inclusion, remains the weakest link. NEP calls for cross-disability training and more special educators, but it does not set quantitative targets, phase-wise recruitment plans, or minimum service standards. In mainstream classrooms, inclusive pedagogy depends on teachers who can apply Universal Design for Learning principles, adapt assessments, collaborate with special educators, and leverage assistive technologies; without a time-bound strategy for pre-service and in-service preparation, inclusion risks remaining aspirational.

Third, the policy's treatment of home-based education (HBE), though cautious, contains an inherent tension. The UN Committee on the Rights of Persons with Disabilities has interpreted article 24 UNCRPD to require a systemic shift away from parallel or segregated tracks toward mainstream inclusion with supports.⁴⁹ NEP attempts to make HBE an exception with standards and review; however, absent robust oversight, systems with weak school-level accessibility or staffing may slide into de facto segregation, with HBE becoming a default rather than a true last resort.

⁴⁶ *Id.*, ch. 4, para 4.22; ch. 6, paras 6.11–6.12.

⁴⁷ *Id.*, ch. 6, paras 6.6–6.9.

⁴⁸ *Id.*, ch. 14.

⁴⁹ UN Committee on the Rights of Persons with Disabilities, *General Comment No. 4 (2016) on the Right to Inclusive Education*, CRPD/C/GC/4.

Fourth, assessment and examination accommodations, scribes, extra time, assistive devices, and alternate modes, are not specified within NEP itself. In practice, enforceable entitlements arise under the RPwD Act, 2016 and have been clarified by Supreme Court jurisprudence and by administrative guidelines subsequently issued to standardize accommodations. NEP's normative support for inclusion therefore requires parallel compliance with statutory and judicial instruments outside the policy text.

Fifth, in higher education, operational accessibility standards for the built environment, ICT and library access, curriculum, and assessment are elaborated in sectoral instruments (e.g., UGC Accessibility Guidelines, 2022), not in the policy itself. That layering is institutionally normal—policies set direction; regulators codify standards—but it also means that inclusion in universities ultimately depends on how rigorously regulators and accreditors enforce those standards in quality assurance, rankings, and funding.

Finally, the promise of digital inclusion hinges on platform conformance (e.g., GIGW/WCAG standards) and content availability (born-accessible textbooks and media), not solely on the existence of portals. NEP's digital focus is both necessary but not sufficient: without the systemic procurement and distribution of accessible content (for e.g., through repositories like *Sugamya Pustakalaya*) and audits of conformance on a regular basis, the digital turn can reproduce and not lessen exclusion.

NEP 2020 gets the essentials right: It mainstreams disability in the context of a broader equity agenda, is consistent with RPwD Act's rights-based idea of inclusive education, and identifies concrete leverages. Why ISL standardization - the accessible TLM, resource centres, and place-based supports within the platform shift systems beyond rhetoric. Its limitations have more to do with architecture than philosophy: weak time-boundedness, capacity planning and accountability. To turn promise into practice, the policy has to be read in conjunction with - and implemented through - statutes, regulations and guidelines that provide the hard edges of enforceability; schooling planners and institutions have to make 'significant commitments' including ring-fenced budgets, teacher preparation at scale, audited accessibility (built and digital), and uniform assessment SOP that are compliant with disability rights law.

VII. CONCLUSION AND WAY FORWARD

The National Education Policy 2020 articulates an inclusion agenda that is broadly consonant with India's statutory and international commitments. It echoes the RPwD Act and article 24 of the UN CRPD, places disability within the core grammar of equity, and identifies practical levers such as the standardization of Indian Sign Language, accessible teaching–learning materials, and school-linked resource centres. In doing so, the policy sets a coherent direction of travel rather than a self-executing programme. What ultimately determines outcomes is the extent to which these commitments are tied to time, finance, and accountability.

The principal deficits are managerial rather than conceptual. NEP 2020 does not require time-bound state or institutional targets, ring-fenced budget lines, or routine public reporting for disability-related actions. Teacher capacity remains uneven despite clear statements of intent.

Assessment accommodations continue to rely on instruments outside the policy text. Digital and physical accessibility, meanwhile, lag behind the standards that regulators already recognise—UGC's 2022 accessibility guidelines for higher education institutions, GIGW 3.0 for public-facing digital systems, and the Harmonised Guidelines for barrier-free buildings. These gaps explain why the experience of learners with disabilities still diverges sharply across states and institutions.

A credible implementation pathway is available and does not require new law. State education departments and higher education institutions should adopt concise, time-bound inclusion plans that specify annual targets for the built environment, digital and library access, curriculum and materials, and assessment. In school education, these plans should be embedded in *Samagra Shiksha* work plans and budgets; in higher education, they should be integrated into NAAC and NIRF processes and linked to grants. Budget earmarks must then follow: civil-works retrofits, transport and escort support, assistive technology, and resource-room staffing in schools, with parallel heads for campus retrofits, accessible ICT, and examination accommodations in universities. Assessment practice should converge on a single, lawful routine — case-by-case decision on standard forms, clear timelines, written reasons, and a modest appeal route. Teacher preparation needs a similar consolidation: expanding Rehabilitation Council of India-recognized special-educator programmes and embedding universal design, ISL fundamentals, assessment adaptations, and assistive technology into pre-service and in-service training as outlined in the national implementation guidelines for equitable and inclusive education.

Data systems should maintain such a turn to enforceability. UDISE+ should disaggregate enrolments, transitions, completion and accommodation by disability, gender, caste and location, and institutions should have simple and periodic dashboards that showcase progress against agreed indicators. Attention to intersectionality is indispensable: scholarships, transport, mentoring and residential access should prioritize the concerns of girls with disabilities and aspirational districts and Special Education Zones learners: multiple forms of disadvantage co-exist. Where decision making is at issue, or mental healthcare care, administration should resort to the architecture of guardianship as defined by the National Trust and the prevention of rights-based guarantees under the Mental Healthcare Act, 2017, to ensure that admission, hostels, medical leave and crisis response doesn't become a barrier to participation.

The legal and policy instruments are already on the table. The RPwD Act and the UNCRPD define the destination; NEP 2020 points the way; UGC's accessibility standards, GIGW 3.0, the Harmonised Guidelines, and resources such as *Sugamya Pustakalaya* provide the tools. What remains is disciplined administration: setting targets, funding them, publishing progress, and learning quickly from jurisdictions that move first. If that discipline is brought to bear, the NEP's promise that no learner loses an educational opportunity because of disability can become a routine institutional practice rather than an aspirational text.