

IMPLEMENTING INCLUSIVE PHYSICAL EDUCATION IN INDIA: SOCIO – LEGAL ISSUES AND CONCERNS

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Abstract

The principle of inclusive education is now considered as fundamental for the holistic development of Children with Special Needs. It is an approach which seeks to adapt the environment in regular schools to suit the needs of CWSN. This helps in sustainable development of not just children with disabilities but is also beneficial for children without disabilities. Segregation of schools tend to inhibit the progress of children. On the other hand integration involves just mixing of two categories of children without giving any opportunity to grow together as the environment is not comfortable and equitable for beneficial growth of CWSN. As such, inclusive education promotes healthy development. Inclusive physical education is also a major requirement to meet the needs of CWSN. sports and physical activity are equally important for CWSN as they are for children without disability. Much is needed to improvise upon the curriculum, learning and teaching pedagogies and methodologies and adapt upon the infrastructural environment which will assist CWSN to boost their physical activity skills.

In the present article, attempt is made to understand and analyze the theoretical basis of the concept of Inclusive Physical education. The article also analyzes the legal provisions pertaining to inclusive education in India. Finally suggestions are made for successful implementation of inclusive physical education in schools which will go a long way in benefitting CWSN if enforced properly.

Keywords: Children with special needs, Inclusion, physical education

INTRODUCTION

Sports are regarded as an integral part of good health and development. Social and physical wellness can be promoted by overall educational experience which includes healthy lifestyle, physical activity and sports. Sports is not just a means of providing some vigorous physical activity, rather it is an experience which molds children with a better lifestyle and healthy growth throughout their lifetime.

Sustainable development can be achieved only if children remain active and physically fit, which is the ultimate result of dedicated sports activity. Alongwith physical fitness, it also boosts mental health of children which acts as a support system for healthy advancement of a child. It further helps in strengthening intellectual, personal facets of a child's personality. Participation in active, sports driven activities augments the development of socio-emotional and psychological factors thereby building the strength necessary to face life crisis and accordingly intensifies self confidence amongst children.

On account of varied physical and mental impairments, Children with Special Needs (CWSN) remain less exposed to the sports activities. Additional issues like hyperactivity, obesity, hypertension, diabetes, postural and movement abnormalities and on account of exclusion from physical exercise, makes it difficult for CWSN to lead a healthy lifestyle. Thus, it is pertinent to adapt physical education to suit the needs of CWSN which will enable them to enjoy the benefits of sports and physical activity.

Adapted Physical education helps CWSN to adorn with necessary knowledge and skills required to enjoy life fruitfully without the disadvantage of impairment (Sherrill, Heikinaro-Johansson, & Slininger, 1994; Stainback, Stainback, & Jackson, 1992). It is a programme mainly directed towards children from the age of 3 years which are essentially formative years of children upto 21 years. The programme is based on the notion to adapt the resources, environment and other requirements as per the needs of CWSN thereby making it accessible to every child irrespective of the differences.

Adapted physical education, as defined by the Adapted Physical Education National Standards (APENS), is physical education that has been adjusted or adapted to make it equally acceptable for people with disabilities and people without disabilities. It is essentially a physical education programme created especially for children with disabilities to make physical education activities safe, attainable, entertaining, and ultimately effective.

According to the Census of 2011, 2.68 billion people, or 2.21% of India's 121 billion people, identify as "disabled". Males constitute 56% (1.5 Cr) of the disabled population, while females make up to 44% (1.18 Cr). The majority (69%) of people with disabilities lived in rural areas (1.86 Cr disabled persons in rural areas and 0.81 Cr in urban areas). Moreover, 31% of the population live in urban regions.

OBJECTIVES OF THE STUDY

- To do theoretical analysis of the concept of Inclusive Physical Education.
- To analyze the legal provisions pertaining to the Inclusive education in India.

IMPORTANCE OF ADAPTED PHYSICAL EDUCATION

Differently abled children cannot effectively participate with other children in regular physical education. CWSN comprise of minimal population either in the classroom or in the school itself and as such tend to be neglected from the mainstream (Block, 1999). It thus becomes imperative to modify it to suit the needs of CWSN. Adapted physical education can assist children with disabilities as it leads to complete physical development of the child. Children tend to acquire basic skills which include physical and motor skills. This helps the child in the day to day basic activity of sitting, crawling, stretching and holding, pulling, pushing

and pinching. Adapted physical activity teaches the child to do varied motor skills and patterns like throwing, catching, walking and running. Similarly, they tend to learn skills required for dance, aquatics and games.

INCLUSIVE PHYSICAL EDUCATION

The broad concept of inclusion means integrating everyone in education without making assumptions about their ability, looks, economic situation, etc. The term “inclusion in education” is a process whereby the CWSN gets time to interact with children without disabilities. This is based on the notion that inclusive education tends to give varied lifetime experience along with a feeling that they are not different from other children (Najmah 2019). This helps CWSN to imbibe and adopt necessary skills and attitude towards life which will foster a safe and emotionally secure environment for the proper growth of differently abled children. Inclusion involves designing of curriculum and providing necessary support for CWSN in regular physical education settings (Moore & Gilbreath, 1998). In order to promote inclusive physical education, there is need to create a positive learning environment, collaborative team effort and learning structure and provision for necessary equipments and modifications to suit the need of CWSN (Obrusníková, I et al (2003).

NEED FOR INCLUSION

Inclusive education empowers students for real-life circumstances by teaching them to interact and work together, whether they have impairments or not.

- **Enhances Self-Esteem** - In inclusive education, CWSN tend to learn with diverse learners and familiarize themselves with the personality and behaviour of other children. This helps them to introspect about their own behaviour thereby boosting their self esteem. Learning in special schools tends to isolate them from the mainstream. Inclusive environment helps in eradicating the societal stigma and discrimination associated with learning in an isolated manner. CWSN requires a support system, sense of belongingness and acceptance which tends to be fulfilled in an inclusive environment (Stainback & Stainback, 1990). A study was conducted to ascertain the experiences of CWSN in physical education and it was revealed that most of the factors experienced during physical activity were found to empower CWSN in an inclusive environment (Hutzler Y, 2002).
- **Enhances Social and Communication Skills:** CWSN are better socially equipped in an inclusive environment than in a segregated environment. Inclusive environment promotes sharing of experiences amongst the peers without any kind of inhibition. (Smith, 2003). Orfield and Gordon (2001) concluded that inclusive practices help children to become effective leaders in intercultural society. Friendship amongst the children is often considered as essential part of inclusion (Hutzler, Fliess, Chacham, and Van den Auweele (2002)
- **Enhances Sensitivity** - It is very important to change the perception of society as a whole and of children without disabilities in particular towards CWSN. Continual interaction among peers makes them more sensitive to the needs of CWSN. They are in a better position to appreciate, understand and be considerate towards CWSN. This further aggravates positive bonds among children.
- **Improves Understanding and Respect of Others** - In an inclusive classroom, children with and without

special needs are able to recognise and value the positive and negative traits of their peers. Lipsky and Gartner (1996) A review of 20 studies indicated academic and social benefits on account of inclusion. Research has shown that if the process of inclusion is carried out in systematic manner, it does not affect the students without disabilities in adverse manner pertaining to motor skill learning (Block & Zeman, 1996; Rarick & Beuter, 1985; Vogler et al., 2000).

- **Enhances Academic Achievement** - When compared to exclusive education, inclusive education improves academic performance. It improves learning prospects since children of varied levels are frequently more motivated when they learn in courses with other children. Hornby, Garry. (2015) opined that Inclusive education facilitates optimum learning for CWSN thereby increasing their learning achievements. Hehir (2016) - A research was conducted from more than 280 studies from around 25 countries in the world and it was found that Inclusive environment has substantial cognitive and social development on Children without disabilities. (Rea et al., 2002) In the U.S, a study was conducted which reported positive effects of inclusion on academics. However, Farrell (2000) reported that some negative outcomes of inclusion are more specifically associated with the teaching methods rather than the inclusive environment.
- **Enhances Performance** - As all students' expectations are raised in a mixed-ability classroom, inclusion aims to cultivate each student's talents and capabilities by pushing each one of them to reach their full potential.

LEGAL PERSPECTIVE OF INCLUSIVE EDUCATION IN INDIA

In India, the educational system of special school dates back to the 1880s where the first school for deaf was established in Bombay in 1883 whereas the first school for blind was set up in Amritsar in 1887 (Sanjeev K, 2007). Since then, there was a rapid increase in the number of special schools as it reached 3000 by the year 2000. (Department of Education, 2000).

The Constitution of India endorses the principle of equality for all without any kind of discrimination. Article 41 of the Indian Constitution provides for right to work, education in certain cases including disablement. Similarly, Article 45 makes provision for free and compulsory education for all children upto 14 years of age.

The Salamanca Declaration was published in 1994 (UNESCO) and this prompted many developing nations to revise their policies to support the inclusion of students with disabilities in regular schools. While many industrialized nations, including the USA, Canada, and Australia, now have laws or policies that support "inclusive education," a number of poor nations still offer special education services to pupils in "segregated" schools. In general, inclusive education refers to "ordinary classroom teachers who are responsible for serving children with disabilities largely in general education settings. Students with disabilities may also receive some of their teaching in a different location, such as resource room, wherever necessary and appropriate."

On July 14, 1964, the Government of India established the Commission, which was presided over by Daulat Singh Kothari, the University Grants Commission chairman at the time. The Commission's goal

was to investigate every facet of the nation's educational system and to develop a generic educational model. The commission, led by D. S. Kothari, was the sixth in India following independence and the first to have thorough terms of reference including education.

The following were the important recommendations in the area of educational administration:

There was need for implementation of Article 45 of the Indian Constitution which would realize the objective as enshrined in the Constitution, As Directive Principles of state policy are unenforceable by nature, the Commission recommended for positive efforts on the part of the government to implement the same.

It recommended for strict enforcement of Article 45 of the Indian Constitution which provided for free and compulsory education. It stressed upon the need of varied programmes which would help to eliminate wastage and stagnation in schools thereby affecting universalization of elementary education(Sanjeev, K et al, 2007). Kothari Commission recommended inclusive education which would help CWSN to overcome the impairment. As such it was proposed to restructure the educational system to adopt an inclusive set up of education.

Since 1970, inclusive education has grown in popularity in India as a means of integrating students with special needs into mainstream classrooms. Centrally Sponsored Integrated Education for Handicapped Children (IEDC) programme was initially launched in the year 1974 by the Department of Social Welfare. However, subsequently it was transferred to the Department of Education in the year 1982 - 1983. 1992 saw the latest revision to the Scheme. The main aim of the programme was to promote integration of CWSN with the mainstream and retention in the regular schools to prevent wastage which would aid in successful completion of elementary education.(Poonam Rani, 2021). The benefits and services were offered to children with disabilities, including books and stationery allowance, uniform allowance, and transportation allowance.

The National Policy on Education 1986 specifically addressed the requirements of children with disabilities. The NPE 1986 also endorsed an integrated model of education for CWSN with mild disability as they could adjust with the mainstream children. The NPE 1986 aimed for growth of CWSN in a pleasant, comfortable and equitable environment. The policy made provision for Special schools with hostels and provided for adequate arrangements to provide vocational training to the disabled. It also stressed upon the need to revise the training programmes for teachers with a focus on primary school instructors, to address the unique challenges faced by children with disabilities (Dr Javeed, 2021). Focus was placed on eradicating disparities and ensuring that all students have equal access to quality education by attending to their individual requirements. Children with mild disabilities and those with motor impairments shall get an equal education wherever possible. The goal was primarily "integrate the physically and mentally challenged with the general community as equal partners, to prepare them for normal growth, and to enable them to approach life with courage and confidence," as outlined in NPE-1986. The NPE of 1986 segmented the subject of inclusive education into many subgroups of marginalised communities and included separate sections on those communities' difficulties.

The People with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act of 1995 is the most significant piece of legislation in the history of special education in India. This extensive legislation addresses seven disabilities, including mental illness, low vision, hearing loss, locomotor impairment, mental retardation, and blindness. The PWD Act, 1995 ensured an environment which would suit the needs of CWSN by providing equal access to education upto the age of eighteen. The Act promoted both integration model of school and special schools depending upon the level of disability. (Dr. Naraginti, 2018).

The United Nations' Convention on the Rights of People with Disabilities came into effect in May 2008 and was ratified by 160 nations. The Conventions adhered to the legal tradition that holds that all human rights are fundamentally distinct, unique, interdependent, and interconnected. When India adopted the United Nations convention in 2007, there was a strong desire for more comprehensive legislation that would give effect to principles of the Convention.

On December 28, 2016, The Rights of People with Disabilities Act of 2016 (RPWD Act, 2016) came into effect and accordingly repealed The People with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act of 1995. The 2006 United Nations Convention on the Rights of People with Disabilities is what inspired India to pass the current law.

RPWD Act, 2016 defines Inclusive Education as a medium where children with disabilities have an opportunity to interact and learn with children without disabilities by adapting the school environment to meet the needs of both the categories of children. The Act mandates provision for necessary teaching and learning materials to assist in the process of inclusive education. (Narayan CL et al, 2017) RPWD Act envisages identification of children with specific learning disabilities and adoption of appropriate pedagogical and other required measures. (Banti Rani, 2018). RPWD Act, 2016 seeks to monitor effective participation and successful completion of education of CWSN.

Constitutional amendment (86th amendment) Act, 2002 made provision for Article 21 A in the Indian Constitution which now guaranteed right to elementary education as a fundamental right for all children including CWSN. In 2009, legislation was passed to give effect to Article 21 A of the Constitution. Accordingly, The Right to Free and Compulsory Education Act, 2009 was enacted which came into force on 1st April, 2009.

Children with learning difficulties are also covered by the Right of Children to Free and Compulsory Education (RTE) Act, 2009 (the Act). Dyslexia (difficulty processing language), Dyscalculia (difficulty with maths), Dysgraphia (difficulty with written expression), and Dyspraxia (difficulty with fine motor skills) are the four disorders that roughly classify them. When Article 21-A was added to the Constitution (86th Amendment in 2002), guaranteeing elementary education a fundamental right, the goal of mainstreaming CwDs in the general school system through inclusive education was achieved. The RTE Act, its follow-up legislation, went into effect on April 1, 2010.

In accordance with the Right of Children to Free and Compulsory Education Act, all children between the ages of 6 and 14 have a constitutional right to free and compulsory education. Notwithstanding sev-

eral flaws, it is regarded as a landmark statute that foresees significant changes to the educational system and the way we have traditionally conducted education. Children with disabilities are one of the numerous marginalised groups of children that the law supports through a variety of legal provisions which include

- Free and compulsory elementary education to all children which includes children with disability.
- Mapping of children to ensure Universalization of elementary education.
- Provision for Availability, Accessibility and Adaptability of School as per the norms stated
- Prohibition of discrimination
- Child centric approach.

The National Education Policy 2020 (NEP 2020) envisions structural and inclusive changes to the educational system. Its main theme, “Equitable and Inclusive Education,” echoes the notion that no child should be left behind.

NEP 2020 conceptualizes establishing special education zones in the nation’s impoverished areas to include underrepresented populations. It seeks to determine the districts and institutions that need inclusion and access so that the appropriate funds and support may be provided.

Various strategies recommended by NEP 2020 to promote inclusive education are as follows(Dr Javeed, 2021):

- The creation of inclusive classrooms and curricula.
- NEP 2020 makes provision for early child care and education (ECCE) giving special attention to children with disabilities.
- Right of Children with disabilities is completely recognized under NEP 2020 by ensuring equality in participation right from the foundational stage to higher learning.
- The establishment of resource centres, especially for children with severe or multiple impairments,
- Hiring of special educators with training in various disabilities wherever they are required.

SUGGESTIONS

All states must implement the right to education in order to ensure that every child obtains an education and that, via inclusion, issues relating to children with special needs are addressed. Regular analysis of schools, curriculum, and amenities must be done to develop a support team to give access to the regular curriculum methods to children with learning difficulties.

Teachers, especially in rural areas, are to be well-trained so they are equipped with the necessary knowledge to teach children with special needs in an inclusive system of education. Teachers who work in schools that are dedicated to supporting students with special needs must attend workshops to learn how to best meet the requirements of the students.

The school is primarily in charge of assisting students in learning alongside their typically developing peers. Every child’s needs must be satisfied by educational structures, methods, and approaches in an inclusion school. The inclusive education system should be adaptable. The techniques and resources

employed to provide these children with the fullest access to the normal curriculum must reflect its flexibility. Students who exhibit different levels of ability should be treated equally with other children of their age rather than being pitied, and their skills should be valued for the good of society as well as for their own self-respect.

Families without disabled children should interact with families that have disabled children and be able to offer support. Finally, the right to participate in any decisions affecting a child belongs to the parent. They ought to be considered collaborators in the educational process.

CONCLUSION

Inclusive Education is thus a universal principle necessary for upliftment of Children with Special Needs along with the mainstream children. It is advantageous and beneficial not just for children with disabilities but for the growth and development of the society as a whole. Inclusion assists in bringing about holistic growth of the child and boosts confidence to face challenges without fear of impairment. Numerous laws and regulations make benevolent provisions to promote inclusive education especially in physical education. However, much depends upon the successful and stringent implementation of the same. There is urgent need to change the parental attitude along with the attitude of society towards the children with special needs. Parents need to realize the benefits of inclusive education and should act as collaborators in advocating inclusive education. Lastly, society should not children with disability as object of pity and sympathy, rather should be instrumental in reinforcing confidence among them to face the world without any impediment.

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