

DISCRIMINATION BASED ON SEX, CASTE, RELIGION AND DISABILITY

ADDRESSING THROUGH EDUCATIONAL INTERVENTIONS

A HANDBOOK FOR SENSITIZING TEACHERS AND TEACHER EDUCATORS



Developed by
NATIONAL COUNCIL FOR TEACHER EDUCATION



Under the auspices of
NATIONAL HUMAN RIGHTS COMMISSION

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गुरुर्मुक्तयो धाम
NCTE

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Foreword

The United Nations had approached the National Human Rights Commission (NHRC) for undertaking certain activities in connection with the World Conference on Racism, Xenophobia and related intolerance, held at Durban, South Africa from 31st August to 7th September, 2001. In this connection, apart from organizing some seminars and consultations, the Commission also undertook to prepare a Teachers' Handbook to help the teachers to inculcate in their wards the ideas and the need for non-discrimination on the basis of sex, caste, religion, disability and other grounds in the Indian context, and also briefly explain racism.

The NHRC decided to assign the task of development of this Handbook to the National Council for Teacher Education (NCTE). I am happy that the NCTE accepted this responsibility and carried it out successfully. The need for a Handbook, as the one developed by the NCTE, aims at sensitizing teachers on a very important concern that should best be tackled in the early years of children at school. Teachers should foster in children equality, promote and strengthen the constitutional culture and stability. As for importance of education in imbuing amongst citizens the spirit of the Constitution, it has aptly been said in Aristotle's Politics: "The greatest of all the means for ensuring the stability of the Constitutions – but which is now a days generally neglected – is the education of citizens in the spirit of the Constitution."

To promote equality, it will be necessary to provide for equal opportunity to all not only in access, to education, but also in the conditions for success. Besides, awareness of the inherent equality of all will be created through the various curricular areas. The purpose is to remove prejudices and complexes transmitted through the social environment and the accident of birth. It is important in the context of the Indian reality that all educational programmes are carried out in strict conformity with secular values.

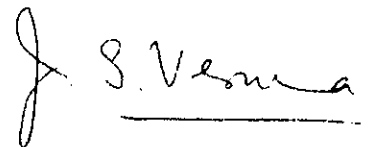
India has always worked for peace and understanding between nations, treating the whole world as one family. True to this tradition, education has to strengthen this world view and motivate the younger generations for international cooperation and peaceful co-existence. This aspect cannot be neglected. The education system must play a positive interventionist role in the empowerment of people and removal of all kinds of biases which are basically man-made. Education leads to foster the development of new values through new design of curricula and text books, the training and orientation of teachers, decision makers and

administrators and active involvement of educational institutions. This has to be an act of faith and social engineering.

Creation of a citizenry conscious of their rights and duties and committed to the principles embodied in our Constitution is a pre-requisite of social advancement, economic development and political progress of our country. Therefore, there is a need to make conscious effort to promote awareness of the Constitutional obligations amongst children. The Constitution of India visualizes development of a pluralistic, open society, based on the principles of equality and social justice. The school curriculum through its content and process will have to consciously reflect the Constitutional obligations and thereby play an important role in preparing the younger generation for assuming their roles as constructive and responsible citizens.

It is against this background that the Commission accepted making its humble contribution to the cause of education in developing a Handbook for sensitizing the teachers and teacher educators on the need for non-discrimination on grounds of sex, caste, disability, religion and related concerns at the school level. I am happy to find that the NCTE associated eminent persons to develop an appropriate structure for this Handbook highlighting the concerns and strategies in the dimensions of discrimination mentioned. I would like to mention, in particular, the commitment of Prof. Mool Chand Sharma and Prof. A.K. Sharma in undertaking the onerous responsibility of editing the material of the Handbook and also of Prof. A.N. Maheshwari, Chairperson, NCTE, for coordinating the exercise on behalf of the NCTE and bringing out the Handbook for wider dissemination. I hope this effort will go a long way in developing sensitivities in the teachers to the concepts described in the Handbook, through curricular and co-curricular inputs.

January 1, 2003
New Delhi



Justice J.S. Verma
Chairperson, NHRC

About the Handbook

The National Human Rights Commission (NHRC) entrusted the task of developing a Teachers' Handbook on inculcating the need for non-discrimination based on sex, caste, religion, disability and related concerns at school level. I am grateful to Justice J.S. Verma, Chairperson, NHRC, for reposing confidence in the NCTE in carrying out this task. Towards the execution of this assignment, the NCTE identified Prof. A.K. Sharma as the academic nodal point on behalf of the NCTE with Prof. Mool Chand Sharma as the academic nodal point on behalf of the NHRC.

In pursuance thereof, the NCTE drafted a detailed proposal on how it proposed to carry out the task outlining the various activities, etc. This proposal was discussed with the NHRC, which approved the same. The NCTE associated a team of experts consisting of Prof. Usha Nayar, Prof. Karuna Chanana, Prof. M.N.G. Mani and Prof. D.P. Maini with this task. On account of some unforeseen academic commitments, Prof. Karuna Chanana expressed her inability to be available for this work. Accordingly, Prof. G.G. Wankhede was associated for developing this Handbook, in her place. Dr. Meena Gautam, Deputy Secretary (Academic), NCTE, handled efficiently the coordination and implementation of this project.

The first meeting of the core writing team was held on 22nd October, 2001 at the NCTE and on the following day at the NHRC. After deliberating upon various issues, the methodology for operationalizing the project and the strategy for developing various aspects of the Teachers' Handbook was discussed at length. It was decided that initially the areas of discrimination as given in the proposal should be handled independently by the concerned expert members of the writing team and later on a synthesis could be developed for presenting a holistic picture of the overall theme. It was also decided that the Constitution of India should be the main basis for reference and addressing the dimensions of discrimination. So far as discrimination based on disability is concerned, the reference should be to the Persons with Disability Act 1995 and the provisions contained therein. The Teachers' Handbook should cover the school stages upto class 10th, i.e., secondary level.

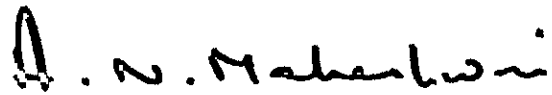
All the members of the core writing team were requested to prepare an outline of their frame of conceptualization in regard to the area assigned to them. The second meeting was held on 16th November, 2001 to discuss the drafts related to conceptualization of the parameters related to the Handbook. The experts of the Core Writing Team were requested to develop their draft chapters in respective areas of discrimination and hold workshops by inviting experts, school teachers and others concerned. Workshops were organized by the members

of the writing team as has been detailed in the Annexures. In the execution of this task, Prof. A.K. Sharma has been maintaining close interaction with the experts, discussing the required inputs for the Handbook and sharing the same with Prof. Mool Chand Sharma from time to time.

The NCTE is conscious of the importance of the concepts related to discrimination and since the school curriculum has to be effectively linked with the curriculum of teacher preparation, the importance of this Handbook becomes quite significant. It will help teachers to develop the required mind set towards the issues related to sex, caste, religion and disability. The NCTE will ensure that the ideas and strategies described in the Handbook are made an integral part of teacher education curriculum and the co-curricular activities organized in institutions connected with teacher preparation. The design of the curriculum and its transaction will have to focus on educational effects or learning outcomes and their internalization among children belonging to different social, economic and cultural background.

The NCTE would make available this Handbook to its recognized institutions so that the teacher educators become aware of their expected commitment to foster the need for inherent equality by consciously keeping away prejudices based on sex, caste, religion and disability while handling teaching-learning situations.

January 1, 2003
New Delhi



A.N. Maheshwari
Chairperson, NCTE

Editors' Note

It has been a good experience for us to be associated with the development of this Handbook for sensitizing teachers on discrimination based on sex, caste, religion, disability and related concerns at the school level. In carrying out our editorial task, we were greatly facilitated by the inputs provided by the writing team in the drafts submitted by them in the respective areas assigned to them. We at the outset express our thanks to the NHRC and the NCTE and, in particular, to Justice J.S. Verma, Chairperson, NHRC, and Prof. A.N. Maheshwari, Chairperson, NCTE, for associating us with the task of developing this Handbook.

Discrimination can be latent, manifest, open or subtle. It is in the mind and conscience. It is a mind-set that operates within a given situation. It is felt and experienced and has manifold implications. It is an attempt to influence this mind-set that the approach adopted in the development of this Handbook is kept broad-based. It does not intend even remotely to expect of the teacher a very high order of expertise in the areas of discrimination mentioned in the Handbook. It consciously hopes that after going through the Handbook, the teacher gets broadly familiar with the content associated with the areas of discrimination as well as possible strategies which can be kept at the back of the mind while transacting curricular and co-curricular activities. The Handbook is not addressed to a particular category of teachers but to all teachers and teacher educators, irrespective of what subjects they teach. Incidentally, the Handbook is a valuable companion even for a general reader who may like to know about the various facets of discrimination based on sex, caste, religion and disability.

What we have attempted in editing this Handbook comprises the following –

- An appropriate format for the Handbook has been designed.
- The basic material provided by the writing team which was very invaluable has not been altered except for improving its communicability and presentation to the reader, wherever required.
- A set of learning objectives has been outlined before each module with the hope to focus on the desired expectation from the teacher after he/she has gone through each chapter of the Handbook.
- To enable the teacher to understand the extent to which he/she has developed understanding of the ideas outlined, appropriate exercises have been provided in each module.

- Important statements which summarize a large number of concepts have been italicized and put in a box for ease of focussed attention.
- A large volume of information, which was available in the write-ups of the contributors, was found more relevant to be placed as Annexures at the end of the Handbook, to be available as additional material for those who may like to have more detailed insights into the area.

Mool Chand Sharma

A.K. Sharma

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January 1, 2003
New Delhi

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Discrimination Based on Sex, Caste, Religion and Disability A Conceptual Framework

After going through this Module, the teacher should be able to –

- *understand* the meaning and scope of terms like discrimination, non-discrimination positive/protective discrimination
- *familiarize* with the provisions contained in the Constitution of India regarding discrimination based on sex, race, caste, religion
- *discuss* the implications of the provisions studied above
- *develop* a broad familiarity with important laws affecting women in particular, significant laws for children in India and recommendations of important committees and commissions for women
- *acquire* an overview of international conventions such as Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Convention on the Elimination of All Forms of Discrimination Against Women
- *understand* the implications of caste as a system and as an institution as well as the dilemma of caste and casteism
- *acquaint* with legislative measures towards ending discrimination amongst SCs and STs
- *familiarize* with various national and international recommendations on disabilities
- *acquire* an overview of Persons with Disability Act 1995
- *understand* factors leading to discrimination for disabled persons

1.1 Discrimination : Meaning and Scope

Let us first familiarize ourselves with the lexical meaning and usage of the terms Discrimination, Non-Discrimination, Positive/Protective Discrimination in the first instance and arrive at a common understanding of these terms.

(i) Lexical meaning/usage

Discriminate : (often followed by between) make or see a distinction; differentiate (e.g. cannot see right from wrong); **make a distinction especially unjustly and on the basis of**

race, age, sex etc.; **select for unfavourable treatment**; make or see or constitute a difference in or between many things, discriminate one person from another; observe distinctions carefully; have good judgement; discern

Discriminating : able to discern, especially distinctions; having good taste

Discrimination : **unfavourable treatment based on prejudice, especially regarding race, age or sex**; good taste or judgement in artistic matters; the power to discriminating or observing differences; a distinction made in mind or in action

(ii) Terms used in the Handbook imply the following :

Discrimination

- unfavourable treatment based on prejudice, especially race, caste, age or sex
- negative discrimination – discriminated against on the basis of religion, caste or sex, among others
- making a distinction, especially unjustly, and on the basis of race, caste, age, sex, etc.
- selecting any of the groups, persons for unfavourable treatment

Non-Discrimination

- Not to discriminate (against) only on grounds of religion, race, caste or sex.

Positive/Protective Discrimination

- Carrying out corrective, ameliorative measures and strategies (policies, programmes, laws, rules) for removing the cumulative disadvantage of socially, educationally, economically disadvantaged groups of population and bringing them at par with the rest of the population.

In order to understand the conceptual framework related to non-discrimination, we first deal with the issues related to discrimination on the basis of the sex of the individual. However, as the variable of sex cuts across caste/tribe, class, religion and disability, the focus will be to look at gender dimension in all these areas to develop a holistic perspective of the theme. It will be important to become familiar with all such instruments which mandate non-discrimination and to study the provisions contained therein.

1.2 Discrimination Based on Grounds of Sex, Race, Caste and Religion : The Constitution of India Mandates Non-Discrimination

In India, as everywhere else in the world – history and society have been scarred by discrimination and inequality. It was in recognition of this – and to end such injustice – that Part III of the Constitution of our Republic dealing with Fundamental Rights, contained powerful provisions to combat all forms of discrimination, including notably those which

were based on race, caste or descent. These provisions of the Constitution include broadly the following: (detailed statements of the constitutional provisions are also given, for a deeper understanding, in Table 1.1).

- The Constitution of India, the fountainhead for all laws, rules and regulations of the land, confers equal rights on both women and men and forbids any (negative) discrimination on grounds only of religion, race, caste, sex or place of birth and, further,
- Empowers the State to practise positive/protective discrimination in favour of historically disadvantaged groups of population.
- Categories for protective discrimination in the Indian Constitution are: women, children, the scheduled castes (SCs), scheduled tribes (STs), other backward classes, minorities and the physically challenged.
- The Constitution of India (Part III : Fundamental Rights) grants every Indian citizen Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights and the Right to Constitutional Remedies for the enforcement of the aforesaid rights.

TABLE 1.1

**Constitutional Provisions Related to Equality and Discrimination
on Grounds of Sex, Caste, Religion**

Article	Constitution of India (1950) Part III : Fundamental Rights
	Right to Equality
14	Equality before law – The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
15	<p>Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth –</p> <p>(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.</p> <p>(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to –</p> <p style="padding-left: 20px;">(a) access to shops, public restaurants, hotels and places of public entertainment; or</p> <p style="padding-left: 20px;">(b) the use of wells, tanks, bathing <i>ghats</i>, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.</p> <p>(3) Nothing in this article shall prevent the State from making any special provision for women and children.</p>

Article	Right to Equality
	(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
16	<p>Equality of opportunity in matters of public employment –</p> <p>(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.</p> <p>(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.</p> <p>(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office [under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory] prior to such employment or appointment.</p> <p>(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class or citizens which, in the opinion of the State, is not adequately represented in the services under the State.</p> <p>[(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the States, are not adequately represented in the services under the State].</p> <p>(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.</p>
17	Abolition of Untouchability – “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.
21	Protection of life and personal liberty – No person shall be deprived of his life or personal liberty except according to procedure established by law.
	Right against Exploitation
23	<p>Prohibition of traffic in human beings and forced labour –</p> <p>(1) Traffic in human beings and <i>begar</i> and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.</p>

Article	Right against Exploitation
	(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.
	Cultural and Educational Rights
29(2)	Protection of interests of minorities - (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.
	Part IV : Directive Principles of State Policy
38(2)	State to secure a social order for the promotion of welfare of the people - (2) The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.
44	Uniform civil code for the citizens - The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.
45	Provision for free and compulsory education for children - The State shall endeavour to provide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years.
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.
47	Duty of the State to raise the level of nutrition and the standard of living and to improve public health - The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
51(c)	Promotion of international peace and security - The State shall endeavour to foster respect for international law and treaty obligations in the dealings of organized people with one another.

Article	Part IV A : Fundamental Duties
51(a)	<p>Fundamental Duties – It shall be the duty of every citizen of India –</p> <ul style="list-style-type: none"> (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; (b) to cherish and follow the noble ideals which inspired our national struggle for freedom; (c) to uphold and protect the sovereignty, unity and integrity of India; (d) to defend the country and render national service when called upon to do so; (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women; (f) to value and preserve the rich heritage of our composite culture; (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; (h) to develop the scientific temper, humanism and the spirit of inquiry and reform; (i) to safeguard public property and to abjure violence; (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.
	Part XV : Elections
325	<p>No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex – There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.</p>
	Part XVI : Special Provisions Relating to Certain Classes
330	<p>Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People –</p> <ul style="list-style-type: none"> (1) Seats shall be reserved in the House of the People for – <ul style="list-style-type: none"> (a) the Scheduled Castes; (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and (c) the Scheduled Tribes in the autonomous districts of Assam.

Article	Part XVI : Special Provisions Relating to Certain Classes
	<p>(2) The number of seats reserved in any State [or Union Territory] for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State [or Union Territory] in the House of the People as the population of the Scheduled Castes in the State [or Union Territory] or of the Scheduled Tribes in the State [or Union Territory] or part of the State [or Union Territory] as the case may be, in respect of which seats are so reserved, bears to the total population of the State [or Union Territory].</p> <p>(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bear to the total population of the State.</p>
333	<p>Representation of the Anglo-Indian community in the Legislative Assemblies of the States – Notwithstanding anything in article 170, the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, [nominate one member of that community to the Assembly].</p>
335	<p>Claims of Scheduled Castes and Scheduled Tribes to services and posts – The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.</p>
341	<p>Scheduled Castes –</p> <p>(1) The President [may with respect to any State [or Union Territory], and where it is a State after consultation with the Governor thereof] by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Castes in relation to that State [or Union Territory, as the case may be].</p> <p>(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.</p>
	<p>Part XIX : Miscellaneous</p>
366(24)	<p>Definitions – In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say “Scheduled Castes” means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution.</p>

1.3 Important Laws in India Affecting Women

- *The Equal Remuneration Act of 1976* provides for equal pay to men and women for equal work.
- *The Hindu Marriage Act of 1955 amended in 1976* provides the right for a girl to repudiate a child marriage before attaining maturity whether the marriage has been consummated or not; and not right to property and absolute ownership over her property entitling her to make a "will" leaving her share of property to her heirs.
- *Hindu Succession (Andhra Pradesh) Amendment Act 1955* ensures that rights of the daughter are absolutely equal to that of the son even in cases governed by Mitakshara system.
- *Indian Succession Act 1955* provides for uniform succession to all other than Hindus, Sikhs, Jains, Budhists and Muslims.
- *Hindu Adoption and Maintenance Act 1956* Male or female Hindu having legal capacity, can take a son or daughter in adoption.
- *The Immoral Traffic (Prevention) Act of 1956* as amended and renamed in 1986 makes the sexual exploitation of male or female, a cognizable offence.
- An amendment brought in 1984 to *The Dowry Prohibition Act of 1961* made women's subjection to cruelty a cognizable offence. The second amendment brought in 1986 makes the husband or in-laws punishable, if a women commits suicide within seven years of her marriage and it has been proved that she has been subjected to cruelty. Also, a **new criminal offence of "Dowry Death"** has been incorporated in the Indian Penal Code.
- *The Factories Act of 1948 (amended upto 1976)* provides for establishment of a crèche where 30 women are employed (including casual and contract labourers.)
- *The Medical Termination of Pregnancy Act of 1971* legalises abortion by qualified professional on humanitarian or medical grounds.
- *Amendments to Criminal Law 1983* provide for a punishment of seven years in ordinary cases or rape and 10 years for custodial rape cases. The maximum punishment may go upto life imprisonment.
- A new enactment of *Indecent Representation of Women (Prohibition) Act of 1986* and the *Commission of Sati (Prevention) Act, 1987* have also been passed to protect the dignity of women and prevent violence against them as well as their exploitation.
- *The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) 1994.*
- *The 73rd and 74th Constitutional Amendments (1992)* give 33% representation to women in *Panchayats* and *Nagar Palikas* and 30% headships to women in these bodies at the village, block and district levels in rural areas and in towns and cities.

1.4 Important Laws Related to Children in India

- Children below the age of fourteen cannot be employed in hazardous work: *The Employment of Children Act, 1938; The Factories Act, 1948 amendment in 1949, 1950, 1954; The Beedi and Cigar Workers Act, 1966.*
- *The Children (Pledging of Labour) Act, 1933*, aims at eradicating the evil of pledging the labour of young children by their parents to employees in lieu of loans and advances.
- *The Child Marriage Act of 1929, amendment in 1976* to raise the minimum age of marriage for girls from 15 to 18 years and for boys from 18 to 21 years.
- *Compulsory Primary Education Acts* have been passed by several states.

1.5 Important Committees and Commission on Women

- Report of the *Durgabai Deshmukh Committee on Education of Women (1959)* made comprehensive suggestions and became a policy document guiding the subsequent five-year plan formulation. The need for undifferentiated curricula for both boys and girls was highlighted as also to treat education of girls as a special problem.
- Undifferentiated curricula upheld by *Hansa Mehta Committee on Differentiation of Curricula (1964) Education Commission (1964-66); National Policy on Education (1968) and reiterated strongly in the National Policy on Education 1986 (revised in 1992) and its Programme of Action.*
- The Report of the *Committee on Status of Women Towards Equality, 1974*, revealed a declining proportion of women in the population, low female literacy and education, higher female mortality, waning economic participation and poor representation of women in political processes.
- *The UN Development Decade (1975-85)* saw growth of institutional mechanisms such as the Department of Women and Child Development, Women's Development Corporations, integrating women in the mainstream, Development of Women and Children in Rural Areas ; women as special groups for poverty removal, skill development TRYSEM, ICDS. Movement from "welfare" to "development" and finally to "empowerment" in the Eighth Plan.
- *The National Perspective Plan for Women (1988-2000)* chalked out the national gender agenda till the turn of the century with a strong focus on rural and disadvantaged women.
- *Shramshakti, Report of Committee on Women in Informal Sector*: documents trials and travails of 94 per cent of all women workers who are employed in the informal sector.

- Ramamurthy Review Committee: *Towards an Enlightened and Humane Society* underscored the need for redistribution of educational opportunities in favour of girls belonging to rural and disadvantaged sections with adequate support services (water, fodder, fuel, child care) and also asked for 50% share for girls in educational resources.
- The *National Policy on Women's Empowerment (2001)* : The goal of this policy is to bring about the advancement of women. Specifically, the objectives of this Policy include:
 - ◇ Creating an environment through positive economic and special policies for full development of women to enable them to realise their full potential;
 - ◇ The *de-jure* and *de facto* enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres-political, economic, social, cultural and civil;
 - ◇ Equal access to participation and decision making of women in social, political and economic life of nation;
 - ◇ Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office, etc.;
 - ◇ Strengthening legal systems aimed at elimination of all forms of discrimination against women;
 - ◇ Changing societal attitudes and community practices by active participation and involvement of both men and women;
 - ◇ Mainstreaming of discrimination and all forms of violence against women and the girl child; and
 - ◇ Building and strengthening partnerships with civil society, particularly women's organisations.

A hallmark of the 1980s and 1990s is the growth of more and better information on women coming in through research-cum-activist efforts and the rise of women's studies to analyse, generate and support action.

1.6 International Conventions

(a) *Universal Declaration of Human Rights (UDHR)*

On 10th December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. The list of Human Rights elaborated in the Declaration provides a common standard of 'achievement for all peoples and all nations'.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

Whereas it is essential to promote the development of friendly relations between nations.

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

Whereas a common understanding of these rights and freedom is of the greatest importance for the full realization of this pledge.

Note : Emphasis added for male-centered language where the noun man was seen to include woman.

(b) *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*

On 18th December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3rd September 1981 after 20 countries had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations had agreed to be bound by its provisions.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and

women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the convention established not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that 'extensive discrimination against women continues to exist', and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex — in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measure, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men" (article 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

1.7 Cultural Plurality – Diversities and Disparities

India is known for its cultural diversity and plurality of language, ethnicity and religion, which are in fact rooted in the interplay of its geography and the historical forces. India is a cultural cauldron where the different racial groups have mingled to produce a **composite culture** and a variety of complex social formations.

It is interesting to note that apart from the rural urban disparities being very sharp, there are *intra-rural disparities as between larger village settlements and smaller isolated habitations in remote areas*. Besides, socio-economic and political considerations, the geography–ecology–culture formations have historically determined the gender based division of labour and resources in each of the settings and thus impinge on the educational and social participation of girls and women. On the one hand is the urban elite middle class section of population where girls are doing better than boys, in secondary/higher secondary examinations and gender discrimination is low, on the other hand, are poverty groups where being girls is an additional handicap, although even boys belonging to these groups of population also have very low participation and survival rates in education.

The inter-play of the ecology and technology over several millenia have given rise to cultures which display a strong tendency to resist acculturation as regards social institutions of family, kinship, belief systems and gender roles while accepting several modern technologies and institutions in the economic and the political areas. Needless to say, in India, as elsewhere,

the social stratification is not only on the lines of gender and class but is laced very strongly with *the very indigenous social institution of caste within every religious group* (the nearest equivalent being the factor of race in the West).

The **multi-ethnic cultural fabric** is equally interesting as within the same country, girls and women have different possibilities, depending on the status accorded to its women. For instance –

- *Ladakhis* are a gender egalitarian group who profess Buddhism but may not be free from gender stereotyping.
- *Garhwalis*, with a strong *Shaivite* presence and worshippers of *Durga*, have a women centered subsistence economy – with all able bodied males out in the plains for better economic prospects and where the joint family system and community cohesion is now threatened. Not all girls are sent to school and scattered habitations at times comprising four to twenty households defy all governmental effort to provide subsidized electricity, piped water, schools and health services.
- *Nagaland*, home to earlier inter warring tribes, continues to be plagued by the lethal underground movement that saps earnings of families raised through the sweat and labour of their women. Post primary schooling is a major bottleneck for girls and even primary schools give children very little. All development funds are heavy on paper, with very little to see on the ground.
- *Meghalaya*, another mountain state interests us. Besides Lakshadweep, this is the only state where matriliney still prevails, having disappeared from the Malabars from where it entered the Lakshadweep Islands.
- *Rajasthan* desert region is part of the highly sexist north-western plains which could be termed as the medieval tract culturally and where bulk of our poor, and the illiterate reside and where female infanticide and child marriage still prevail in defiance of the laws of the land. In the Central tribal tracts, where women are the fulcrum of the economy, girls are not decimated for they bring in bride price and are considered more useful than the boys who largely grow up to be idlers and addicts contributing only to the misery of the women and the children. But, even here, as the development bag is normally brought in by the urban males, females are increasingly being devalued and are open to exploitation, and, formal education, howsoever worthless, is seen more of a male prerogative, unless conscious intervention is done by the State and the NGO sector. Given the difficult geographic and climatic conditions that may restrain access to schools far away and the absence of schools in small scattered settlements – valid for both boys and girls, the pattern of male and female participation in education differs. Sometimes, in spite of the presence of a school in the settlement, girls may not be attending school at the expected level.

1.8 Caste as a System and as an Institution

Liberty, equality, justice and human dignity are the basic principles of contemporary society. Although injustice, discrimination and inequality are social phenomena, their nature and extent differ from society to society. At the same time, there have been constant efforts to fight these problems in human history. Indian society is no exception to this. However, injustice, inequality and discrimination in India exist in the worst form by way of social stratification and hierarchy that are directly linked to religion and caste. Caste plays its role in both ways, i.e., as a system and as an institution.

There are many theories of origin of caste system. A prominent one is the "Occupation Theory" which explains the origin of caste as the groups or the communities that follow a particular occupation that has religious sanction and can never be changed. Scholars have two views over functions of caste system; one view propounds positive functions and the other negative. But, the fact remains that the system is man-made and is based on religion. It is based on hierarchy and graded inequality and includes concepts of purity and pollution. The uniqueness of the occupational patterns is that they have been clearly categorised as 'clean' and 'unclean' and thereby 'pure' and 'impure'. Clean occupations like performing Pooja, rites and rituals, cultivation of land and teaching, etc. enjoy high status and prestige and are treated as superior, whereas menial occupations like sweeping, tanning leather, making shoes, washing clothes, cutting hair, etc. are considered as unclean and polluting and hence enjoy very low, indignified status. This resulted into the practice of keeping physical and social distance and practice of untouchability. Thus, the communities following these so called unclean occupations always depended on the communities (upper castes) that follow so called clean occupations. Moreover, these low and unclean castes had no right to property and education. Consequently, these communities suffered from various socio-economic and cultural disabilities till date. These communities form a sizable (nearly 25 per cent) portion of India's total population (SC 17 per cent and ST 8 per cent). It may be remembered that as the upper castes have hierarchy within themselves, so have the lower castes. In all, these castes are a complex phenomenon, have diversities in their structures and differ from each other, from culture to culture and region to region.

1.9 'Annihilating' the Caste

The first effort to condemn and oppose caste system was made by Gautam Buddha. He gave an alternative by propagating the principle of equality and self-realization based on a secular ideology of humanism. In modern India, social reformers took up the cause, notable mention may be made of Jyotiba Phuley and Dr. B.R. Ambedkar. Dr. B.R. Ambedkar's book 'Annihilation of Caste' still provides the best solution to the caste problem.

Indian society is known to be closed and heterogeneous with multiple complexities and divisions. However, the British proved to be an exception as they brought in the principle of

equality and modern humanity (although with vested interests) along with introduction of modern scientific knowledge, industrialization, urbanization and technological growth. During this period, besides military services, education was open to all castes. All this led to the emergence of a modern western educated intellectual class of guardians who strived for India's social solidarity. The changes that took place in the social structure have been unavoidable and are at the periphery. The basic structure and its impact, however, remains unchanged.

1.10 The Dilemma of Caste and Casteism

A section of people does argue that caste is not bad but casteism is bad. However, empirical evidence shows that caste and casteism cannot be separated and only the beneficiaries of the system propound these ideas. The upper castes take pride in claiming their high and superior social status and, therefore, do not oppose the caste system. On cultural front, they continue to adopt the symbols of purity and superiority like vegetarianism, sacred thread, tilak on forehead and use of surnames like Joshi, Trivedi, Sharma, Thakur, Chaudhari, etc. Politically, as M.N. Srinivas has rightly said, Indian politics is caste politics and not party politics and "castes" play as "vote banks". No political party is an exception to this reality. Inter-caste marriages are considered to be the best indicators of breaking down the caste system. But, even after 50 years of social and political democracy, they remain the exception. The castes continue to exist even in the religions that fought against caste discrimination, for example, Sikhism, Islam and Christianity.

Today, it is generally assumed that educated people in India do not believe in caste and casteism. Unfortunately, it is not true. The Indian educated class is mistaken for being secular due to westernised education, and process and practices of western lifestyles. At the micro levels, they continue with their caste customs. True secularism is yet to reach the public and private houses, kitchens and wells. The pattern of social intercourse that is overly seen continues at urban and metropolitan centres which is again enforced by lifestyles. Educational centres have become now centers of caste, language and religion; associations that receive special minority status and own community people get benefited. *It may be noted that caste system and casteism are not legally barred unlike untouchability.*

The traditional monopoly of land owning, cultural and economic exploitation, politics, trade and business, education and intellectual power continues to be carried forward by the same upper castes. Discrimination and deprivation on the basis of caste in any form cannot be taken as religious or as a national value in any democratic society. That is why, as a social compensation, independent India made special provisions for the downtrodden who have been victims of the caste system. It may be noted that such compensatory provisions are made available in most of the developed and developing countries. Unfortunately, our socializing agencies (including education) are influenced by the western culture of materialism and individualism and tend to ignore the gross socio-cultural realities. These issues of caste,

exploitation, suppression and discrimination are getting sidelined day by day. We hardly see any NGO or any social or political organization that takes up these issues. The problem lies with the educated ones and, therefore, it is necessary to educate the educated. It is a must for all of us to de-caste ourselves consciously.

1.11 Legislative Measures to End Discrimination against SCs/STs

To give clear expression to Constitutional provisions, an impressive range of legislative measures have been enacted to end discrimination against SCs and STs. These inter-alia include :

- The Protection of Civil Rights (Anti-Untouchability) Act, 1955
- The Bonded Labour (Abolition) Act, 1976
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
- Various Land Reform Acts

1.12 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The conference held in Durban, South Africa, from 31st August to 8th September, 2001 came out with a Declaration. An extract from this Declaration refers to a Programme of Action which, for reference, is given in Annexure.

1.13 Disabilities : Imbalances and Discriminatory Practices

India is a multi-cultural, multi-ethnic, multi-religious and multi-linguistic society and persons of all faiths and beliefs live together. However, there are some disparities in services to persons belonging to specific groups. Disability is one such area which has experienced low priority in the service sector. The reasons for the low priority can be attributed to many factors. As inclusion of persons with disabilities in the society becomes vital to empower them with human rights, certain positive measures should be initiated at all levels to overcome the present imbalances and discriminatory practices. The concept of inclusive society centres around three issues, namely - cultures, policies and practices.

In terms of culture, India remains a united country, despite its diversities, and a person with disability is not isolated just for the reason that he/she is disabled. We learn from history that disabled persons during the Spartan days were even destroyed. The attitude of destruction slowly changed as a symbol of punishment in the society. These extreme attitudes were not present in India even in the past. Though there is a 'Karma' Theory in India which conceptualizes that what we are today is because of the result of the past lives, there was no

attitude of destruction of persons with disabilities. In ancient India, social orders were initiated in pre- and Vedic times and those were in tune with the natural order. Persons with disabilities were accepted as part of that natural order and were accommodated and adjusted to daily life activities of those times.

The first school for the deaf and the blind were started in India in 1884 and 1887 respectively, though disabled persons lived even before that time. There was social inclusion of these persons in the society even then. The discrimination started in provisions of the tangible practices, as in India, more than 90% of persons with disabilities, most of whom live in rural areas, do not have access to any services but they are not isolated from the communities. They live in the society but their needs are not addressed. This condition may be called as social inclusion.

In terms of practices, the main problem in the country is with respect to their actualization. Discrimination is experienced only in terms of actual services extended to persons with disabilities.

At the national level, there is no authentic survey to provide information on the number of disabled children who are in need of services. Many surveys made in the past were based on sample surveys and they differed in using the definitions to a large extent. Mander and Rao (1996) mention that there is limited information regarding the actual extent and range of

TABLE 1.2

Prevalence of Children with Disabilities

<i>S. No.</i>	<i>Block</i>	<i>Blind</i>	<i>Deaf</i>	<i>Mentally Retarded</i>	<i>Locomotor Handicapped</i>
1	Chhabra	113	278	76	436
2	Masturi	124	126	29	679
3	Palghar	48	100	39	118
4	Baliantha	51	110	72	95
5	Kattankulathur	52	95	84	224
6	Kikruma	53	77	19	63
7	Khazal	67	108	83	68
8	Bhiwani	99	123	64	543
9	Trans-Yamuna	63	88	90	257
10	Baroda MC	108	131	99	157

Note : The statistics obtained out of this project can be projected safely as this is the only survey conducted on the basis of 'Whole block approach'. As per the PIED, nearly 2.5% of the children of school going population have disability of some kind.

prevalence of the disability and, therefore, to find out the actual number, one may wish to comprehensively cover, possibly a district or some administrative segment of a district.

The only national level project which made a door-to-door survey of disabled children in the entire block was the Project Integrated Education for the Disabled (PIED) supported by UNICEF through NCERT from 1987 to 1993. The project was implemented in one representative block in each of the States namely, Rajasthan (Chhabra block), Madhya Pradesh (Masturi), Maharashtra (Palghar), Orissa (Baliantha), Tamil Nadu (Kattankulathur), Nagaland (Kikruma), Mizoram (Khazal), Haryana (Bhiwani), and the Municipal Corporations Delhi (Trans-Yamuna) and Baroda. The disabled children identified in these blocks are indicated in Table 1.2

1.14 Landmark Recommendations on Disabilities

References about the services for persons with disabilities have been made since independence.

- *Article 45 of the Constitution of India* states that education is the fundamental right of every child. The thrust of Article 45 has been reiterated in other policy documents too. Since the word 'disability' did not find a place in the article, service providers argued that disability was not addressed in the Constitution. It is essential to remember that the 'child' in the context of the constitution includes **ALL** children irrespective of their caste, creed, religion, ability, etc. Therefore, the spirit of the Constitution should be fully understood.
- When special school practice was in vogue in India for decades, the *Report of the Education Commission (1964-66)* recommended placement of the disabled child, 'as far as possible' in ordinary schools.
- *The National Policy on Education (1986)* included a full chapter on 'Education of the Handicapped' and formulated guidelines for action. As a result, several programmes for the disabled have emerged in the recent times.
- The period 1983-1992 was declared as the *UN Decade of the Disabled*.
- *The World Conference on Education For All (EFA)* held in Jomtien, Thailand, in 1990 included clause 5 to Article 3 which states that the learning needs of the disabled demand special attention and steps need to be taken to provide equal access to education to every category of disabled persons as an integral part of the educational system. As a result of the Jomtien Conference, different countries initiated various measures towards equity and quality of opportunity to all persons including disabled ones. *India is also a signatory to the recommendations of this world conference and the commitment to services for disabled children was reflected in the policy perspectives of the Government of India.*

- The observance of the *Decade of the Disabled Persons (1993-2002)* is reminding the countries in the Asian and Pacific region to make education for all disabled children a reality. Many other declarations at the international level also drew the attention of policy makers about the needs of disabled persons.
- *The Salamanca declaration (1994)* and the *World Summit for Social Development (1995)* also provided practical strategies to achieve the goals of universalisation of primary education in the case of disabled individuals. The Salamanca Statement and Framework for Action strongly promotes inclusive education or 'schools for all'. It proclaims that every child has a fundamental right to receive education and, therefore, he/she must be given opportunity to achieve and maintain an acceptable level of learning. The above declarations made at the international levels have tremendous impact at the Indian scenario too.
- In recognition of its concern for the education of children with disabilities and also to acknowledge commitment towards the fulfilment of declarations made at the international level, many landmark Acts have been introduced in India. The notable developments in the last one decade include the enactment of the *Rehabilitation Council of India (RCI) Act in 1992* and the *Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act in 1995*. These Acts have made education of children with special needs in India meaningful. Education being a subject in the concurrent list, both the Government of India and the concerned State Governments have to design strategies to help disabled persons in the areas of education and rehabilitation. The main purpose of the PWD Act 1995 is to define the responsibilities of the Union government and the State governments with regard to the services for disabled persons. The Act also ensures full life to disabled individuals so as to make full contribution in accordance with their disability conditions. The Act lays emphasis on education, employment, provision of assistive devices, etc. The future of the services for persons with disabilities would be sound if this well conceived Act is transformed into action oriented work. Therefore, policy perspectives towards services for persons with disabilities are good.

1.15 The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 : An Overview

Chapter IV : Prevention and early detection of disabilities

- Within the limits of their economic capacity and development, the appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall -
 - (a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

- (b) promote various methods of preventing disabilities;
- (c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;
- (d) provide facilities for training to the staff at the primary health centres;
- (e) sponsor or cause to be sponsored awareness campaigns and is disseminated or cause to be disseminated information for general hygiene, health and sanitation,
- (f) take measures for pre-natal, perinatal and post-natal care of mother and child;
- (g) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers;
- (h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

Chapter V : Education

- The appropriate Governments and the local authorities shall –
 - (a) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
 - (b) endeavour to promote the integration of students with disabilities in the normal schools;
 - (c) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
 - (d) endeavour to equip the special schools for children with disabilities with vocational training facilities.
- The appropriate Governments and the local authorities shall by notification make schemes for–
 - (a) conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole-time basis;
 - (b) conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;
 - (c) imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;
 - (d) imparting education through open schools or open universities;
 - (e) conducting class and discussions through interactive electronic or other media;

- (f) providing every child with disability free of cost special books and equipments needed for his/her education.
- The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.
- The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.
- Without prejudice to the foregoing provisions, (The appropriate Governments shall by notification prepare a comprehensive education scheme which shall make Provision for –
 - (a) transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools.
 - (b) the removal of architectural barriers from schools, colleges or other institution, imparting vocational and professional training;
 - (c) the supply of books, uniforms and other materials to children with disabilities attending school.
 - (d) the grant of scholarship to students with disabilities.
 - (e) setting up of appropriate forum for the redressal of grievances of parents, regarding the placement of their children with disabilities;
 - (f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;
 - (g) restructuring of curriculum for the benefit of children with disabilities;
 - (h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.
- All educational institutions shall provide or cause to be provided amanuensis to blind students and students with or low vision.

Chapter VIII : Non-Discrimination

- Establishments in the transport sector shall, within the limits of their economic capacity and development for the benefit of persons with disabilities, take special measures to –
 - (a) adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons;

- (b) adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheel chair users to use them conveniently.
- The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development provide for –
 - (a) installation of auditory signals at red lights in the public roads for the benefit of persons with visually handicap;
 - (b) causing curb cuts and slopes to be made in pavements for the easy access of wheel chair users;
 - (c) engraving on the surface of the zebra crossing for the blind or for persons with low vision;
 - (d) engraving on the edges of railway platforms for the blind or for persons with low vision;
 - (e) devising appropriate symbols of disability;
 - (f) warning signals at appropriate places.
 - The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for –
 - (a) ramps in public buildings;
 - (b) braille symbols and auditory signals in elevators or lifts;
 - (c) braille symbols and auditory signals in elevators or lifts;
 - (d) ramps in hospitals, primary health centres and other medical care and rehabilitation institutions.
 - (1) No establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service.
 Provide that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits.
 Provide further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.
 - (2) No promotion shall be denied to a person merely on the ground of his disability :
 Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

1.16 International Conventions on Disability

(a) *Draft Biwako Millennium Framework for Action Towards an Inclusive, Barrier-Free and Rights-based Society for Persons with Disabilities in Asia and the Pacific*

The Commission, at its fifty-eighth session, adopted resolution 58/4 of 22 May 2002 on promoting an inclusive barrier-free and rights-based society for people with disabilities in the Asian and Pacific region in the twenty-first century, by which it proclaimed the extension of the Asian and Pacific Decade of Disabled Persons, 1993-2002, for another decade, 2003-2012.

The present document sets out a draft regional framework for action that provides regional policy recommendations for action by Governments in the region and concerned stakeholders to achieve an inclusive barrier-free and rights-based society for persons with disabilities in the new decade, 2003-2012. The regional framework for action identifies seven areas for priority action in the new decade. Each priority area contains critical issues, targets and the action required.

The regional framework for action explicitly incorporates the millennium development goals and their relevant targets to ensure that concerns relating to persons with disabilities become an integral part of efforts to achieve the goals.

1.17 Low Literacy Level as a Result of Discrimination

The UN-ESCAP, in its Asia and Pacific Region Conference, held in Bangkok in November 1999, revised its target for decade of persons with disabilities by stating that the countries in the Asia and Pacific region should try to raise the literacy levels of persons with disabilities *at least on par with that of non-disabled children*. Discrimination on the basis of disability is evident in the present literacy level in the case of disabled children. There is a long way to go to raise this level to nearly 70% which is the national literacy level. Most of the states in India have not raised the level of literacy of persons with disabilities on par with non-disabled persons. This indicates that education for them is not treated as their right. The Governments at State and Central level, need to look into this discrepancy in services and rectify the defects in conformity with the policy directives.

1.18 Exclusive Educational Approaches Leading to Discrimination

The discrimination in educational approaches too is evident in modern India. The creation of special schools since 1884 indicates that children with disabilities were treated differently. While non-disabled children studied in the local school, children with disabilities had to go to special institutes since the local schools did not admit them for education. For nearly 90 years, children with disabilities were given education only through exclusive approaches. The centrally sponsored scheme for Integrated Education for Disabled Children (IEDC) was introduced only in 1974. This discrimination in educational approach pushed services for

disabled children into the back seat. Even after the introduction of the IEDC scheme, the responses were not encouraging. After 27 years since the introduction of the scheme, the coverage of disabled children under the scheme is a paltry 100000 children in about 20000 general schools. The lack of enthusiasm shown by the States indicates that disability sector is a low priority area. This discrimination should be overcome.

1.19 Lack of Reality in EFA Campaign

Many districts in the country have declared 100% literacy rate. A thorough review of these claims should be made by analysing whether disabled persons, including the blind, deaf, etc., received any kind of formal literacy in these districts. If it had happened in these districts, their experiences should be emulated by others. If it had not happened, it should be deemed as a serious discrimination against disability. Education for all, without the inclusion of children with disabilities, is not a reality and, therefore, literacy campaigns should include disabled persons, too, in their drive for education. *Investment on persons with disabilities should be treated as investment on human capital and services to them must be considered as their human right.*

The facts enumerated so far reveal that discrimination exists in the provision of services to persons with disabilities. Even within the population presently being served, there are a lot of imbalances. Such imbalances include locality such as rural and urban areas, gender, etc. They are described as follows:

1.19.1 Imbalances on the basis of locality

The Sixth All India Survey on Education (1999) provides substantial information about integrated education for children with disabilities. As per this survey, children with disabilities benefited through integrated schools at the primary level on the basis of locality as shown in Table 1.3

TABLE 1.3
Distribution of Children with Disabilities
According to Locality

(a) Primary Level

Areas	VI	HI	OH	MR	Others	Total
Rural	1930	1661	17357	1254	2150	24352
Urban	1878	3297	9031	2494	2920	19620
Total	3808	4958	26388	3748	5070	43972

(b) Secondary Level

<i>Areas</i>	<i>VI</i>	<i>HI</i>	<i>OH</i>	<i>MR</i>	<i>Others</i>	<i>Total</i>
Rural	1258	1979	8316	436	1067	1356
Urban	1340	1483	6074	843	1718	11458
Total	2598	9462	14390	1279	2485	30514

(c) Higher Secondary Level

<i>Areas</i>	<i>VI</i>	<i>HI</i>	<i>OH</i>	<i>MR</i>	<i>Others</i>	<i>Total</i>
Rural	718	413	8056	202	1868	11257
Urban	1509	792	6560	471	1113	10445
Total	2227	1205	14616	673	2981	21702

Statistics reveal that 90% of children with disabilities live in rural areas and only 10% live in urban areas. This ratio should commensurate with the coverage too. In fact, the data available reveal disparity. The coverage reveals approximately 60% : 40% for rural:urban areas whereas the prevalence rate shows 90% : 10%. This indicates urban bias. As per the distribution of persons with disabilities, at least 1.8 lacs of them should have been served in rural areas when the coverage is nearly 20000 in urban areas. The children in the rural areas continue to suffer. The pattern of coverage reveals that more children are benefited in the urban areas than in rural areas.

The condition is still worse at the secondary level. The enrolment of children with disabilities in integrated education programmes at the secondary level shows that in the case of persons with mental retardation, very few can enter into this level of education. Therefore, the figures quoted as mentally retarded might have included slow learners too. The percentage is almost 55% : 45% which again indicates that urban children continue to enjoy the benefits whereas rural children suffer. The condition is same in the higher secondary level too.

The increased coverage in urban areas at all levels and reducing pattern in the rural areas provide pointers for future planning. Reaching children with disabilities in the rural areas is the most challenging problem today.

1.20 Doubly Disadvantaged Blind Girls - Serious Discrimination

As per the National Sample Survey Organisation (NSSO) (1991), distribution of children with disabilities as per gender is given in Table 1.4.

TABLE 1.4

Incidence of Disabilities According to Gender

Gender	Rural No.	%	Urban No.	%	Total No.	%
Men	15390000	38.42	3080000	7.69	18470000	46.11
Women	17960000	44.85	3620000	9.04	21580000	53.89
Total	33350000	83.27	6700000	16.73	40050000	100.00

Though disabled girls constitute 54% of the population, they are not given adequate access to education and rehabilitation services. Moreover, girls with disability in rural areas are further deprived due to their social conditions. The Sixth All India Education Survey has not classified the enrolment of children with disabilities according to gender. However, the PIED provides data on gender classification. As per the PIED data, the coverage of children with disabilities in schools according to gender is given in Table 1.5

TABLE 1.5

Distribution of Children with Disabilities in Integrated Schools as per Gender

Male	23	52	29	38	37	28	60	89	33	83	472
Female	40	47	19	26	14	24	48	35	20	30	303
Total	63	99	48	64	51	52	108	124	53	113	775

Even in the PIED survey which aimed at providing education for all children with disabilities, the enrolment of girls with disabilities is lower than that of boys. Programmes in the future should address the gender disparity in order to increase equal opportunities for girls with disabilities. However, in the case of mentally retarded children, the natural prevalence among boys and girls is approximately in the ratio 3:1. Therefore, less number of MR girls in educational programmes should not be treated as discrimination. This scenario does not apply to children with other disabilities.

The value of non-discrimination should address the gender and locality issues in the future. In addition to the above, some discrimination is evident in State policies too.

1.21 Education of Disabled Children - Low Priority in State Agenda

Most of the State Governments in the country are depending on the grants from centrally sponsored schemes to provide education to children with disabilities, especially in the integrated setting. While funding is provided by the State Government for the education of non-disabled children, it is not so in the case of disabled children. Most State Governments are creating

positions of teachers for non-disabled children whereas special education teacher positions are not created for inclusive and integrated education programmes. This indicates that more State Governments are not giving priority to services for persons with disabilities. This is a serious discrimination on the part of the State Governments even in their policy front.

If the value of non-discrimination is to be exercised in the field of disability, the following vital aspects have to be taken into consideration.

1. *The educational level of disabled children should be raised on par with that of non-disabled children, except the mentally retarded children who should be prepared to reach a desired academic level according to their potential.*
2. *Disabled girls should be given equal opportunities that are being provided to disabled boys.*
3. *The gap between the coverage of disabled children in urban areas and rural areas should be narrowed down.*
4. *The State Governments should make substantial financial allocation for all types of education - special school, integrated and inclusive education, in addition to the grants available from the Central Government.*
5. *The education of disabled children should be treated as a right and not as charity.*

Discrimination Based on Sex/Gender

After going through this Module, the teacher should be able to –

- *understand* the processes that lead to formation of the sex role identity and self-concept in children and adults
- *appreciate* how discrimination based on sex results in the formation of a negative self-concept in girls (poor self-esteem and poor self-image) and a positive self-concept in boys
- *understand* his/her own perceptions regarding the social roles of women and men (gender) as distinct from their biological sex
- *examine* critically the existing gender bias in curriculum, school programmes, textbooks and learning materials
- *identify* required changes in social roles of girls and boys that make them compatible partners for harmonious living and acquiring a unified world view
- *understand* his/her role in gender sensitive transaction of the content and process of education – textbooks and curricular areas
- *think* of the basic elements of a girl friendly school; its activities and content that can promote a sense of equality between girls and boys and can help them develop a positive self-concept
- *understand* life skills approach to curriculum
- *draw* up an agenda for community mobilisation
- *become* familiar with the status of education of the girl child in early childhood, primary, upper primary and elementary levels of education
- *appreciate* the impact of protective discrimination
- *understand* the trends in the enrolment of girls in various stages and programmes of school and higher education.

(A) GENDER ROLES AND SELF-CONCEPT

It is important for the teacher to appreciate how infants and toddlers learn to see themselves as girls and boys in the adult images of women and men in their cultures. Equally important is to understand how this process of sex role identity formation based on differential, often

unequal and discriminatory treatment, leads to the formation of low/negative self-concept in girls. Considering how a low/negative self-concept among girls not only inhibits their self-expression and achievements but is transmitted intergenerationally (from mothers to daughters), this module deals with gender roles and self-concept.

The following pages contain issues that require discussion. They also contain information that will help you to initiate discussion and action.

Sex and Gender

Sex is biologically determined, the latter imputes values on biological differences. One is born male or female but it is one's culture which makes one masculine or feminine. Gender is thus the cultural definition of sex role appropriate behaviour. Gender differentiation is more ancient, more widespread than any other type of social differentiation.

2.1 Some General Perceptions

We observe many differences among girls and boys in the home, in the street, inside the classroom, in the play-field, during the school recess. For instance, in general, boys are active, playful, confident, bold, demanding, loud, at times rough, rowdy, aggressive, kicking and fighting, intimidating and difficult to control. Girls are passive, gentle, quiet, accepting, often shy, different, timid, less communicative, easily intimidated, accepting commands unquestioningly, more complacent and relatively easy to control.

The following propositions are listed as examples of how some of us may totally or partially concur or even disagree with the perceptions :

Proposition one

We not only observe these differences but also believe that these are natural and inherent in the two sexes – are biological and hence, unchangeable.

We also believe that they are “born that way”.

Proposition two

The social roles of men and women, being cultural artifacts, vary across space and time.

Proposition three

These differences are a result of ages of social experiences of the two sexes – are socially created and determined, and, therefore, changeable.

Proposition four

The present day human civilization both demands and creates new possibilities for the social roles of the two sexes as complementary and equal, globally.

Exercise 1

The propositions listed above are meant to be a guide. You may like to add some more to these perceptions to promote better understanding. Use the space provided.

- 1.
- 2.
- 3.

2.2 Self-Concept and Self-Esteem

2.2.1 Self-concept

Self-concept is how an individual views oneself. It is an individual's feelings, attitudes, perceptions and knowledge about one's own attributes. Self-concept could be negative or inadequate or it could be positive and adequate. Self may be thought of in an "image". Self-image refers to the impression we think we make on others, is used synonymously with self-concept. Strictly speaking, self-image refers more to impressionistic aspects of self whereas the idea of self-concept includes the idea of impression as also other aspects such as attitudes, values, motives, goals, expectations and the like.

2.2.2 Self-esteem

Self-esteem is the dynamic aspect of self-concept through which an individual constantly evaluates one's self in relation to society, the amount of value we ascribe to ourselves. Like other aspects of self, this is learnt from others and becomes a reflection of how others regard us or the value we think others attach to us as persons. One's behaviour reflects one's self-esteem and thus has a re-assuring effect on others. Thus, there is a reciprocal action between one's self-esteem and the esteem held for one by others. High self-esteem and high achievement motivation go hand in hand. Low self-esteem leads individuals to behave in ways that are self derogatory and both cause under achievement which in turn reinforces poor self-esteem. Persons with low need for achievement lack confidence in themselves, are more anxious about failure than they are about success, have low opinion of themselves and of their abilities and are attracted towards low risk tasks.

2.2.3 Independence, self-esteem and creativity

The person who has a firm sense of who *hir* is and who takes responsibility for *hir* own behaviour is one who resists turning over *hir* destiny to group control – also called an 'inner directed person'. Successful and creative persons are rated high on independence and characteristics consistent with high self esteem. The creative persons tended to describe

themselves as individualistic, independent, determined, industrious and enthusiastic. Lower ranking creative persons used terms such as responsible, sincere, tolerant, reliable, dependable and understanding, in describing themselves -- displaying a more passive, less involved image. More creative showed a high degree of involvement in their work as a greater self-expression.

2.2.4 *Self-actualization*

Human organism has a need to be loved or to receive attention -- if unmet, can lead to pathological symptoms, even death. Five groups of needs have been identified (Maslow, 1954)--physiological, safety, love, esteem and self-actualization. All these needs require interaction with other groups, whose membership gives us a sense of identity. An interaction between our 'self' and others' 'self' clarifies who we are--how similar to and how different from others. One's social group/culture becomes a source of meaning and serves as a frame of reference through which environment is viewed. Groups, as reference points, tell us who we are, who we are not, what we are, what we are not, how we are to conduct ourselves and what not to do. One of the first and most important aspects of the self experience of the ordinary child is how *hir* is loved by the parents. A child perceives *hir* as lovable, worthy of love and *hir* relationship with parents is one of affection. *Hir* experiences all his with satisfaction.

This is a significant and core element of the structure of self as it begins to form. In the perceptual field of the child, the family serves as the primary social unit, the parents, within the family structure, act as socializing agents to provide goals and values from which the child develops patterns of behaviour. These behaviour patterns form the basis for interaction with others and elicit verbal and non-verbal responses from these significant others. This tells the child who *hir* is and how others feel about *hir*. The more positive responses provide input for a favourable concept of self and results in self-actualization. The more negative the attitudes and feelings expressed through the responses of others, the more incongruent is the state of individual and less likely are the chances of attaining self-actualization, i.e., realizing one's full potential.

We all have within ourselves the potentiality for growth in positive directions. When we are placed in a positive, accepting environment, the process of self-actualization occurs.

2.2.5 *Distortions in self-perception*

When individuals grow up in an environment in which they learn negative self-regarding attitudes, they are likely to retain these concepts in spite of all evidence to the contrary. Sometimes we learn certain attitudes about ourselves which may not be valid and also get to know how others are trying to get us to unlearn these attitudes.

2.3 Formation of Gender Role Identity and Self-Concept in most Cultures

Roles are the learnt expectations prescribed for standardized forms of behaviour. Gender roles are learnt in the family, from parents, older siblings, other members who provide role models appropriate to the sex of a person. Learning is reinforced at appropriate points. Girls are given dolls, boys are given guns.

Biological sex and social gender are separable concepts from a development point of view, as seen earlier. Physically, a child perceives *hir* as a boy or a girl by two to three years of age and by age five, children have developed clearly defined sex role stereotypes regarding appropriate behaviours, traits and even experiences.

It is often observed that girls and women have a low self-image and a negative self-concept. They do not feel themselves as needed, important or valued. Child rearing practices have a marked effect on the development of self-concept among children. In our culture, experiences given to children are on the basis of their sex. Girls are valued little, often seen as a liability to be got rid off – the lesser child. Special value accorded to male children comes home to girls very early. Even among the affectionate, caring parents, a little girl may hear a visitor exclaim, “Oh, what a sweet child! How wonderful it would have been if she was a boy”! Little girls watch how the birth of male baby is awaited (Sure to be a boy, this time!) and celebrated. Parents who have only daughters are pitied. “Think of me, a mother of three daughters, my second grand child was a boy, the first being a girl. There was gloom in the house as this baby had a cleft lip and cleft palate. My neighbour walked in and this is what she said – (at least there is the sound of a boy in your household!)”

(i) At birth

Jubilation and celebrations when a son is born, gloom and resignation at the birth of a girl – even *Dais* (midwives) pull a long face as they would get no *bakshish/badhai* (tip). In a Delhi government dispensary, *Dais* bang a brass plate with a spoon for the boy and break an earthen pot if it is a girl. Boy is precious as a metal is, a girl – only dust. Little girls watch all this and know that a brother is more important, that boys are gems and girls are mere stones.

(ii) Infancy

Mothers breast-feed boys longer than girls – mothers themselves are discriminated against in food and rest after the birth of a girl. They transmit their disappointment through body language. Boys are cuddled and fondled more. In a study, out of 400 lullabies, only three were for girls. A boy is a precious one, *Raja Beta* (Prince), a girl is a curse –

(iii) Toddlers and pre-schoolers

Two to three years old learn that they are boys and girls. They are given gender specific names, different clothes, different toys, different foods, girls are given dolls and utensils to play, boys get guns, cars and aeroplanes.

(iv) 6-10 years old

There is not any significant difference in height and weight in middle class homes but the majority of girls in (general) schools look poorly nourished and under-weight. The pecking order is evident in family meals, the father and the sons and then the mother and daughter. Even in relatively well off households, best foods are served to males, better pieces of meat and fish go to men and boys. The girls watch this and internalize their lack of importance. At times, the stand taken by older women is that girls are better under-fed – high proteins and a good diet would lead to early maturity and puberty. This is borne out by relatively early onset of menstruation among urban middle/upper middle class girls and a relatively later menarche among under-fed girls in rural areas and urban settings in large parts of India.

(v) Puberty

The onset of puberty is seen as a disaster as now starts the period when the girl has to be guarded till her marriage. Puberty rituals in the South are at times very elaborate and even a source of embarrassment for girls who now wear a half sari on their long skirt and the boys tease. And often girls are kept away from school during menstrual period each month (schools have no toilets). Majority of girls are withdrawn or drop out at this stage. Invariably they join late, at 8 or 9 years even, the break in their education comes too early, even without completing the primary stage.

(vi) Rituals, festivals, songs

Girls grow up observing the centrality of males in the household rituals and festivals. Little girls fast to get a good husband, women keep fasts to ensure long life of husband. There are fasts for getting sons. There are festivals centred around brothers, the *Raksha Bandhan* and *Bahiya Dooj*, when girls tie a colourful thread and apply vermilion to brothers, praying for their long life and, in turn, being assured of care and protection. And the boys, even when younger, see it as their prerogative to pass strictures on their elder sisters. Girls in any case wait upon all males, senior and junior. That is their place.

Twice a year in Hindu homes, little girls (pre-puberty) are worshipped as incarnates of Mother Goddess *Durga*. The temporary association of their membership of natal home is reinforced through songs and rituals when they are told their real home is that of their husbands. There is constant emphasis on preparing them for adjustment and compliance in their husband's home. They are schooled not to raise their voice or answer back. They have to keep their gaze lowered. They are barred from playing outside the house at night, comparatively boys have a very free existence and access to outer spaces, street corners.

Wedding songs prepare girls for possible maltreatment and physical violence in the husband's house. Wife beating, for instance, is depicted as a natural part of nocturnal meetings. A Punjabi song goes like this, "At midnight, he beat me up and broke my tender bones. In the

morning, he wipes my tears and wants to know all where I was hurt.” Another one goes like, “As you go to water the fields of sweet potatoes, go your way, but don’t beat me up too hard as I am a tender girl”.

Then there is the constant refrain – a search for suitors and the anxiety of huge dowries. The parents of a girl are a harried lot. This fills girls up with a sense of shame and guilt and they watch helplessly. Some end up their lives to save their parents from this trauma. This scourge of dowry and maltreatment and burning of brides appear to have revived the practice of female infanticide in several parts of the country. In Punjab and Haryana, female foeticide is rampant and female infant deaths are more than those for male infants.

By contrast, boys are not only given special foods, better medical care but are also encouraged to be rowdy and aggressive. They receive positive reinforcement after they return ‘victorious’ from a street fight or after pelting stones. In fact, the boys are chided if they come back after receiving a beating or are found crying. Derogatory remarks follow “Are you a girl that you are crying”, “Fie on you, why don’t you wear bangles and sit at home”! This perhaps creates an anxiety syndrome in boys to be brave and aggressive, to be fighting, to be victors.

Boys are trained for market roles and extra-domestic errands. Girls are assigned the domestic chores, sibling care, care of sick, care of live-stock, collection of water, fodder, fuel. This is apparently an apprenticeship for their future domestic role, for that is the only future visualized for girls. Boys become outward-bound, extroverts, daring, girls house-bound, limited and circumscribed. Boys are equally pressurised to achieve, attain, become earners, support parents, own families later and are pushed out into alien world very early, often landing into trouble, delinquency and drugs.

It is amply clear that sex role socialization not only tells girls they are different but also that they are unwanted and inferior and have to be grateful for being ‘allowed’ to go to school or to a friend’s place or to work. All decisions are made for the girls by others. They are given no choices/options. (“Father, I am a mere calf, tied to your peg, wherever you tie me, I would accept”). A girl in her natal home is considered a temporary member, and in her husband’s house, an ‘outsider’.

A boy gaining height is a admirer and looked at with pride – a girl growing tall receives negative feedback - (She is growing like a wild tree!)

2.4 Some Episodic Narrations

The woman who gives birth to sons is valued and treated with a lot of good food and rest and clothes and fineries. Those who beget daughters are neglected, under-fed and even insulted. Who wants this fate! Girls should not be born appears to be the latest method of getting rid of them. At the foetal stage or else, female infants, neo-nates are killed or poisoned or suffocated. Women hate themselves for being women who are often beaten up

and insulted. What should they do with a girl who will meet the same fate when she grows up and will be a drain on family resources. "Spending on a girl is like watering the neighbour's garden" – such sayings abound in Indian and Chinese languages.

Elders bless young girls and women that they have a large number of sons. *Sat Putri Ho* (Punjabi) (May you be blessed with seven sons!) As the bride enters her husband's household, in a ceremony, a male child is placed in her lap and at a ritual with *Til* seeds, the accompanying songs by women of the household wish her as many sons as the number of *Til* seeds in her fist. Each morning, when the bride touches the feet of the mother-in-law, she says, "*Sayin Jeeye, Budh Suhagan Ho*," (May your husband live long and you be his bride till old age). Little girls have observed that women keep fasts for the birth of a son, for getting a husband like Shiva, for long life of the husband, for long life of the sons, but none for the girl child or her well-being. If a boy is born after this little girl, she is considered auspicious and a lump of jaggery is broken on her back to signify her auspiciousness.

Girls perceive open discrimination in food, play or even medical care. Better foods are given to men and boys. Girls are given less so that they do not grow up like a pole too soon. Play is associated with boys and seen as their natural need. Girls after puberty are either totally confined to the four walls or allowed to go out only if chaperoned, never unaccompanied. Their vulnerability is constantly thrown in their face, mothers uttering, "when will I get rid of this 'misery', this responsibility of guarding her. She is sure to blacken our faces". Girls are chided for standing at the door (Are you a harlot?), even by younger brothers. They cannot sit or stand with their legs apart, not jump, not climb – physical movements and mobility are restricted. There are more prescriptions or proscriptions for girls. Do this. Don't do this. All decisions about them – what they will eat, what they will wear, whether they will go to school or play outside, go to a festival, who to marry and when – are taken by others for them. Many die as infants or before they are two or three or four – reason sheer neglect.

The girls learn too often, 'She is a stone around our neck'. She is blamed for being a girl, for a dowry would have to be collected and given to get rid of her. The incidents of three sisters committing suicide in Kanpur (UP) and Kerala are not very old. Three sisters committed suicide in Chandigarh, for the parents started ignoring them completely after the birth of a son.

Brought up thus, a girl child develops an inadequate, negative self-concept. She is at best inadequate, lacks initiative, is timid, often afraid (of unknown fears), diffident, dependent, unable to express herself or take decisions, or to do much on her own. This would be the picture of a majority of the Indian girls belonging to rural areas (excluding tribals). In urban areas, the picture is varied but the above analysis would apply to several groups. The middle, upper middle class girls do not face crass discrimination in food, and medical care, but in schooling, lower middle, middle and even upper middle classes are prepared to invest more

on the education of sons —though without results. Middle class urban girls face more restrictions on physical movements after school as compared to boys. And that helps them in some way. They help their mothers and are still able to perform better in board examinations compared to boys. For a decade now, girls are doing better than boys even in science and mathematics, having higher pass percentages than boys at secondary and higher secondary examinations. They are becoming more confident and sure of themselves and are entering a large number of non-traditional occupations. The self-concept of a girl like a Bachendri Pal the famous mountaineer, a Kiran Bedi an outstanding Police Officer, a Nivedita Bhasin an airline pilot, the new Air Force Girl Pilots and Army / Navy Girl Officers, the NCC girls, the para jumpers, the horse riders, the Indian women being sent up in Space by NASA, is bound to be high. Competence and high achievement then are the passwords for a positive self-concept.

Gender Roles

Gender roles are a learned behaviour. These roles in their social, economic and political dimensions vary across cultures. Values and norms differ widely from culture to culture. Gender roles have a certain universality but are largely culturally determined.

Gender roles are hard to change, but as these are socially created, they are not immutable and hence, are changeable.

How should schools act to release girls and boys from being prisoners of their gender?

SELF-ANALYSIS : GROUP EXERCISES

Instructions : Give small slips/half page sheets to the group members for Exercises 1, 2, 3, 4.

Look for Cues for Analysis at the end of each exercise but only after finishing the exercise.

Exercise 1

Give the following information :

- (i) Name _____
- (ii) Son / Daughter of : _____
- (iii) Address : _____

Cue to Exercise 1

Collect all the slips. We are only interested in Item ii, to find out whether both parents have been named or not. You will be surprised to find that nearly every group member would have father's name only, and you will all agree that we all have mothers who have names. This is on account of the fact that we are accustomed to filling up forms, since our childhood which only ask for father's/husband's name, e.g. school, hospital admission forms, passport form, ration card, driving licence, etc.

Don't you think it is time to ask for a change to include mother's name as well? Some schools have started this practice already. We are all used to a school asking for father's signature on leave application or school tests/progress reports.

Exercise 2

Recall and write about special functions like Annual Day, Sports Meet, Drama, Debate etc.

Occasion	Name of the Chief Guest
(i) _____	_____
(ii) _____	_____
(iii) _____	_____
(iv) _____	_____

Cue to Exercise 2

Collect the slips from the group members and look at the frequency of male/female chief guests invited. Chief guests are mostly males holding important positions. This reinforces in children a sense of inequality where formal position and influence are associated with males. How about trying consciously to look for female chief guests for school functions? We could invite a Mahila Sarpanch and other eminent women who could be administrators, head teachers, educationists, sports women or artists.

Exercise 3

List out qualities essential in a teacher.

Cue to Exercise 3

Collect the slips from the group members and list them out on the black-board. You would notice that all the good qualities listed can be found in both women and men. This gives us a cue that it is the demand of a role which a person pursues that determines the behaviour and not the sex of the person.

Exercise 4

List of qualities of a Head Teacher.

Cue to Exercise 4

Same as for exercise 3

Exercise 5

Please tick mark () against each statement:

Utility of Girls' Education

	Agree	Disagree
(i) Develops a positive self-image and confidence among girls		
(ii) Prepares girls for economic contribution		
(iii) Can improve health and nutritional status of children and other family members		
(iv) Will ensure education of future generations		
(v) Will make girls and women aware of their rights		
(vi) Helps raise age at marriage and reduce maternal, infant and child mortality		
(vii) Helps in reducing the family size		
(viii) Will prepare girls for leadership roles in society		
(ix) Will prepare girls for participation and decision making process in all walks of life e.g. family, panchayats, municipalities and legislature.		

Cue to Exercise 5

Let each member of the group present her own views on each item. Discuss ways and means of convincing parents and the community at large about the need for and advantages of educating girls.

Exercise 6

Place a tick mark (✓) against each statement:

	Agree	Disagree
(i) Girls and boys need equal education		
(ii) Both need to be given equal amount of food		
(iii) Both need to be given equal health care and medical attention when needed		
(iv) Both can be assigned same duties/responsibilities		
(v) Both should be given the same freedom		
(vi) Both should be given equal time to play		
(vii) Both can perform all tasks equally well		
(viii) Both can have similar occupations		
(ix) Both have same intelligence and abilities		
(x) Men and women should be paid equal wages for equal work		
(xi) Husband and wife should take all decisions jointly		
(xii) Household work must be shared by all members		
(xiii) Assets of the family should be registered in joint names of husband and wife		
(xiv) Equal share for daughters and sons in family property/assets		

Cue to Exercise 6

Write your immediate reactions; don't stop to deliberate and construct a proper reply. Get back to the group and discuss each response. This would generate some heat but also some light, especially when the group has both male and female members, which we expect it will.

Exercise 7

If you have a son and a daughter, both about the same age and ability, who would you ask to do the following? Place a tick (✓)

	Girls	Boys	Either
(i) Fetch bread/vegetables from the market			
(ii) Sweep the floor			
(iii) Help in cooking			
(iv) Graze the cattle			
(v) Get you a glass of water			
(vi) Give your coat/jacket to hang			
(vii) Make tea for the guests			
(viii) Wash clothes / help spread them out for drying			
(ix) Fetching water from the well			
(x) Mend an electrical fuse or a cycle tyre puncture			

Cue to Exercise 7

After counting the tallies you would notice that boys are assigned work/errands largely outside home and all domestic work is assigned to girls. As we noticed in Unit I, there is nothing male or female about these tasks. In order to build a spirit of mutual cooperation and dignity, both household and extra-domestic tasks could be distributed evenly among girls and boys.

Encourage boys to share inside house work to make them sensitive to the importance of all the chores which are traditionally done by women and hence, considered trivial. On the other hand, there is a need to prepare girls equally well for extra-domestic roles which are now increasingly being shared by both sexes.

Exercise 8

Let all group members, taking turns, try to draw a picture of the following on the blackboard or on paper sheets.

A Lawyer

A Pilot

A Cricketer

A Cook

A Scientist

A Teacher

A Doctor

A Surgeon

A Farmer

An Architect

A Judge

A Mountaineer

A Tailor

A Hockey Player

Time allowed: Ten minutes. We want rough sketches, just simple lines. Never mind if you have never drawn in your life. There is always a first time.

Checklist

Exercise 9

For performing myriads of new tasks and roles, economic and now increasingly political, what is the kind of person we need to develop? Encircle the qualities and attributes needed to succeed in a democratic country to improve the quality of life of all – where human dignity is respected and ensured for all – girls and boys, men and women.

Exercise : Adjectives/traits. Use C for Common,

M for Male and F for Female in brackets

Self-reliant	()	Money minded	()
Shy	()	Unrealistic	()
Noisy	()	Blunt	()
Quiet	()	Playful	()
Outgoing	()	Artistic	()
Passive	()	Serious	()
Realistic	()	Helpful	()
Practical	()	Capable	()
Rough	()	Persistent	()
Sturdy	()	Assertive	()
Sensitive	()	Submissive	()
Imaginative	()	Competitive	()
Religious	()	Individualistic	()
Aggressive	()	Indirect	()
Flexible	()	Gets hurt easily	()
Patient	()	Leader	()
Tactful	()	Self-confident	()
Kind	()	Neat	()
Dependent	()	Sloppy	()
Indecisive	()	Loud	()
Independent	()	Tender	()
Emotional	()	Dominant	()
Gentle	()	Active	()
Frivolous	()	Objective	()

Easily discouraged	()	Cautious	()
Talkative	()	Cooperative	()
Stubborn	()	Unsure	()
Logical	()	Unorganized	()
Ambitious	()	Soft spoken	()
Career Oriented	()		

Cue to Exercise 9

In this exercise, we have labelled some qualities, traits, adjectives to men and women, according to stereotypes that are fixed in our minds. Let us now discuss and see whether we have overdone some of it. Let us think of our own experiences and of those around us and we will find that the items in the check-list qualify human behaviour and could apply to persons regardless of their sex.

Exercise 10

At the end of this module, here is a fun game. Put a tick (✓) mark against whatever is applicable to you.

Lovable	able	Important	worthwhile
free	productive	capable	sincere
proud	valued	interesting	healthy
clever	confident	competent	resourceful
strong	successful	outstanding	respected
assertive	healthy	performing	loved
responsible	independent	talented	valuable
powerful	considerate	useful	helpful
liked	thoughtful	brave	initiating

Cue to Exercise 10

Share with other group members and discover why you think some of these are not applicable to you as a person. It would give you a measure of how you rate yourself. Don't forget, others rate you as you rate yourself. So get set for positive thinking and positive action.

(B) GENDER EQUALITY THROUGH CURRICULUM

This section deals with the concern that even though India has a clear policy on undifferentiated curricula for both sexes, biases and stereotypes creep through the learning materials as well as through those who handle them. This section spells out the concerns that are to be

addressed by the teachers and administrators for eliminating sex biases in an endeavour to promote gender equality and a positive self-concept through curriculum and life skills approach.

2.5 Imperatives of the National Policy on Education (NPE, 1986 / 1992)

The NPE emphasizes core values such as equality between sexes, ending social evils and practices derogatory to women, small family norm, democracy, secularism, national integration, conservation and protection of environment, etc. The NPE and the Programme of Action (PoA) highlight the need to improve the social, nutritional and health status of the girls and also to strengthen support services such as drinking water, fodder, fuel and Early Childhood Care and Education (ECCE) as an integral component of the UEE. The PoA, further, emphasizes the need to revise textbooks to remove gender bias and gender sensitize all educational personnel so that equality between sexes could be internalized through gender sensitive, gender inclusive curriculum and its transaction.

In order to ensure that you have internalized the tenets of the NPE, before you go further, do the following exercise:

Exercise 11

Ask yourself the following questions, record your responses and analyze the same for identifying any gender biases –

- | | |
|--------|--|
| (i) | Do I plan different activities for boys and girls? |
| (ii) | Within the same activity, do I plan different roles for boys and girls? |
| (iii) | Are examples used by me in teaching and discussions mostly male-oriented? |
| (iv) | Do I write sentences using more boys' names than girls'? |
| (v) | Do I have different behaviour expectations from girls? |
| (vi) | Do I display affection and displeasure in different ways towards boys and girls? |
| (vii) | Do I discipline or punish boys and girls differently? |
| (viii) | Do I reward boys and girls for different things in different ways? |
| (ix) | Do I dispense my questions to boys and girls evenly? |
| (x) | Do I tend to give sex role behaviour cues to girls and boys such as |
| | Boys should not _____ |
| | Big boys do not _____ |
| | Good girls do not _____ |
| (xi) | Do I assign duties/tasks equally among girls and boys? |
| (xii) | Do I encourage both girls and boys to ask questions? |

2.6 General Suggestions for Gender-Sensitive Curriculum Transaction

1. Pictures and illustrations showing women in different responsibilities

Effective pictures and illustrations should be shown to the children that a woman is not merely a mother but she can be a teacher, a doctor, a professor, an engineer, an administrator, a politician, a diplomat, a captain of a ship, a pilot of a plane, a social reformer or a social worker like Mother Teresa, a freedom fighter, a lover of wild animals, etc. The pictures and illustrations showing women in the above capacities should abound on the wall of classrooms and in the textbooks as well as in the supplementary readers.

2. Depicting men and women in shared roles

The teacher should guide and teach the students through visual aids like pictures, puppets depicting women working in the field as hard as men, working in the hospitals side by side with the members of the other sex, working in factories side by side with men, facing and handling heavy and dangerous machines for long hours, and attending to the household duties such as lifting water from the well, cutting firewood and washing clothes in cooperation with men.

3. Displaying of talent of women

The teacher should on occasions invite women writers, artists, musicians and such other talented personalities to talk to them or give performances before them, displaying their talent.

4. Countering prejudicial references in textbooks, if noticed

The teachers should counter the prejudices that may raise their ugly heads in the textbooks.

2.7 Teacher and Gender Equality in the Classroom

- (i) Do not segregate boys and girls in the classroom in primary classes.
- (ii) Have two monitors in each classroom, a boy and a girl.
- (iii) Make mixed groups for group activities and games.
- (iv) Encourage both boys and girls to read aloud, recite and speak on topics related to their immediate lives.
- (v) Make special effort to direct questions at girls and other shy children.
- (vi) Try 'role switch' for breaking down gender barriers and stereotyping of gender roles (which children internalize before reaching the school). Try to relieve girls of activities that are related to domestic chores, orderliness and cleanliness and make both boys and girls share all such activities.
- (vii) Avoid being overprotective or partial towards girls openly as this generates resentment in the boys and reinforces dependent behaviour on girls.

- (viii) Avoid derogatory remarks like – *Abe tu ladki hai jo rota hai* (Are you a girl that you are crying?) or running down a girl who is playing and is active – *mai munda* (Tomboy), a term used for such girls in Punjab.
- (ix) Prepare girls for leadership and decision making along with boys, both sets of children accepting one another as equals.

2.8 Textbooks to be made Free of Gender Bias and Sex Stereotypes

Textbooks and other learning materials are developed centrally in each state and by national agencies. Efforts are being made to rewrite textbooks to incorporate identified core values including equality between the sexes. However, majority of teachers would still have to use the existing textbooks/materials which continue to present women and girls very feebly and that too in stereotyped roles and with negative attributes. Such depictions should be handled by the teachers very carefully. Presently, textbooks are likely to have the following flaws:

- (i) Predominance of male characters and male authors.
- (ii) Men in lead roles and few women shown in service roles that consist of either menial work or assisting roles.
- (iii) While women are seen as passive, timid, disorganised, weak, silly, etc., qualities attributed to men are fearlessness, courage, bravery, initiative and resourcefulness.
- (iv) Visuals show a preponderance of males in action as teachers, as leaders, as doctors, as farmers; women appear as housewives, mothers, maids, seldom as farmers, factory workers, doctors, pilots or officers.

In many textbooks, girls and women are being depicted as fairies, as silly, as timid and cowardly and as witches. Teachers while dealing with such lessons should handle this negative attributes carefully, so that no wrong message goes.

2.9 Gender Equality through Curriculum Transaction

While transacting the instruction in various subjects like languages, mathematics, environmental studies, health and physical education, art education and work experience, the teacher should ensure that her teaching is gender-bias free and she portrays boys and girls in shared roles and also women excelling in different walks of life.

(i) Language

Language is both means of communication between and among human beings and a major tool for acquiring knowledge about all physical and social phenomena. While other disciplines are limited by their own boundaries, language has the largest potential to encompass all human interactions, ideas, values and philosophies. Teachers may keep the following

things in mind :

- (i) Avoid use of sexist language denigrating either sex.
- (ii) Use language as a means to develop a sense of mutual respect and dignity, cooperation and sharing.
- (iii) Encourage activities and create situations for girls and boys to express themselves freely, develop self-confidence and mutual trust.

In other areas of language teaching such as listening with comprehension, use of language in formal and informal situations, reading, writing neatly and clearly, conversation, story telling, reading aloud and role play, etc., the teacher should ensure that boys and girls participate equally and questions are asked from both boys and girls.

Stories and press reports about women's contribution to various aspects of life should be highlighted through debates, declamations and cultural activities.

(ii) Mathematics

One of the major aims of teaching mathematics is to develop computation skills, to emphasize logical thinking and to enable the child to participate in day to day activities of the family and the community. Teachers could incorporate the following ideas while teaching mathematics:

- (i) Work at the domestic level is equally productive and should be projected as a responsibility to be shared by all members of the family.
- (ii) Dignity of work in all walks of life should be reflected through exercises projecting computation of time, labour and energy consumed at each job.
- (iii) Growing participatory role of women in all walks of life must be reinforced and failure in participation must reflect on loss of labour.
- (iv) Mathematics teaching must emphasize logical thinking so as to discover evils of dowry system and bride price, and bring out the importance of small family norm from the point of view family welfare.
- (v) Indication of social, economic and cultural changes to be knit in mathematical exercises so as to imprint change indicators for raising the aspiration level.
- (vi) Decision making competence in both boys and girls should be equally developed through teaching of mathematics.
- (vii) In the context of equality of opportunities, highlight, through mathematical data, that women can shoulder responsibilities equally.
- (viii) To help in the eradication of social evils such as dowry, death ceremonies, etc., by highlighting their arithmetical aspects.
- (ix) To minimise the allurements for gold, silver and valuables and to cultivate an attitude of increasing the National resources by depositing the savings in banks.

- (x) The biographies of women mathematicians and their contributions should be highlighted.
- (xi) Understanding of the fact that female population has been less than the male population in the country and in each Census it has been declining.

Illustrative examples

- Parents of Anshula spend one hour and fortyfive minutes on shared work in the household. Anshula learns her sums from them for fortyfive minutes. For how many hours do her parents have to work at home?
- Pushpita retired from the school and gave an equal amount of Rs. 9325/- to each of her two sons and her daughter Sunita. She puts the rent of Rs. 5000/- as fixed deposit in her name. What was the total packet of Pushpita at her retirement?
- Draw a table showing the type of work and number of hours each member of your family works in a day. Find out who does more work and how many hours.

(iii) Environmental Studies / Social Studies

Environmental studies/social studies consists of two major elements – nature and humans, and the aim is to let children see nature and humans as an integrated whole. The objective of these subjects is to develop competencies in a child necessary for interacting with *her* physical and social environment, to understand the economic and social conditions all over the world and interdependence of various regions.

Illustrative examples

- Home management is the joint responsibility of all its members.
- Dignity of labour is involved in every task undertaken.
- Equality of opportunity in all productive work.
- Decision making is equally shared by males and females.
- Equality and equal abilities for performing various functions by men and women.
- Keeping the house is the joint responsibility of all the members of the family.
- Rights of women and their participation, as essential for development of the economy.
- Systematic understanding of the trend of sex ratio in demography and its effect on the participation of women in the labour force, education and wages, etc.
- The part played by women in the development of civilization, freedom movement and at present.
- To emphasize that men and women of India are equally responsible in achieving the goals of the Constitution, enjoying fundamental rights and performing of fundamental duties.

(iv) Health and Physical Education

Every child has a right to sound health and physical fitness. In the school situation, it is normally found that little encouragement is given to girls to participate in games and sports. Also the kind of domestic chores done by girls are, at times, contributory to their developing bad posture and unhealthy physique. While imparting health education, the teacher has to ensure that children know the importance of personal hygiene, and significance of cleanliness of self and surroundings for warding off debility and disease. As the health of the girl child is often neglected in the family, the teacher has to take special care to discuss health issues of children with parents.

Physical education, sports and games have a major role to develop not only sound health but also create a healthy spirit of competition and cooperation and qualities of endurance, hard work, sporting spirit to win and lose with grace. Participation in games and play as equals would go a long way in developing a positive self-image in girls. It may be pointed out that there are no remarkable differences in physical abilities or competencies in children of both sexes. As far as possible, boys and girls should be made to participate in all games and physical exercises together. It is necessary to make the children aware of the fact that males and females are complementary to each other and there is no superiority or inferiority in this regard.

(v) Art Education

The main objective of art education is to make the child aware of the good and beautiful in *her* environment and express *her* feelings through simple performing arts like music, dance, drama, etc. The teacher will understand the significance of art education as a means of providing children an opportunity for self-expression and decision making, appreciating beauty in all forms. Hence, art education should be imparted to all students without any gender discrimination. Art education is an effective tool to develop creative instinct in both boys and girls.

(vi) Work Experience

Work experience should be viewed as purposive and meaningful manual work, organised as an integral part of the learning process and resulting in either goods or services useful to the community, should be provided through well-structured and graded programmes. It should inculcate in the learners a respect for manual work, values of self-reliance, co-operation, helpfulness, work ethics, attitudes and values.

While doing activities under work experience, the teacher should see that :

- Activities under work experience are planned in a way that boys and girls get equal opportunities to participate in them.
- Boys and girls are encouraged to jointly plan the school functions and also equally participate in the same.

- Boys and girls are encouraged for mutual cooperation in preparation of useful objects.
- Boys and girls should both understand that it is their joint responsibility to keep the school and surroundings clean.

2.10 A Gender Sensitive Life Skills Approach to Curriculum Transaction : Saksham

“*Saksham*”, the name given to the approach stands for a gender sensitive life skills approach to curriculum transaction. It includes all the skills necessary for day to day functioning and covers many areas such as Family Life Education/Population Education, Legal Literacy and Life Saving Skills. This approach is a bid to alter the unequal gender relations and empower both boys and girls for a shared future by breaking down gender stereotyping and gender barriers in skill development.

2.10.1 Generic life skills/areas

A. Household Related Skills

- Cooking
- Nutrition (balanced diet, natural foods, properties of vegetables and herbs)
- Washing clothes
- Sweeping and cleaning
- Kitchen gardening
- Health and hygiene
- Mending
- Stitching
- Thrift
- Household remedies

Domestic maintenance/technology orientation

- Minor electrical repairs (putting a fuse, etc.)
- Repair of water taps/hand pumps
- Bicycle maintenance, greasing, mending a puncture, etc.
- Whitewashing, painting
- Maintenance of domestic appliances -- stoves, cookers

B. Accessing public services

Post and telegraph operations

- money order, registered mail, parcel, telegram, savings etc.
-

Rail / Bus services

- bookings, reading a railway time table, fares, etc.

Banking operations

- opening and operating an account, bank draft, drawing a loan, etc.

Accessing health and sanitation service

- Advocacy for immunization
- Preventing disease and epidemics
- Preventing contamination of water sources
- Purifying water
- Proper sanitation, drainage
- Refuse management, etc.

C. Family life skills

- Sex education
- Planned parenthood
- Responsible parenthood
- AIDS/HIV/STI awareness
- Drug abuse dangers
- Menstrual management
- Handling/stopping family violence – verbal, physical
- Awareness about child abuse, sexual harassment, life saving skills
- Road safety
- Fire fighting
- First aid (burns, injuries, snake bite, drowning, poisoning etc.)
- Home nursing
- Fighting natural hazards/calamities
- Averting hazards of pesticides

D. Legal literacy

- Constitutional Rights and Duties
- Human Rights
- Rights of Child

- Rights of Women (CEDAW)
- Consumer education
- Personal and social laws
- Labour laws
- Laws related to crimes against women
- Public interest litigation

E. Personal and social skills

Sound health and physical fitness

- Personal hygiene, fitness, sports, games, exercise, yoga, meditation, etc.

Leisure time use

- Aesthetics, reading, listening to music, hobbies, excursions, nature walks, planning holidays

Effective communication

- Oral and written skills, e.g., recitation, debate, elocution, well-formed handwriting, composition, school magazine, reading habits.

Problem solving

- Collect relevant facts and analyze the same for finding alternative solutions to day to day problems.

Decision making

- Weighing alternatives, taking timely decisions.

Critical thinking

- Ability to analyze and evaluate objectively and dispassionately.

Inter-personal relationships

- Relating pleasantly to friends, family, visitors, guests, public functionaries and community at large.
- Working and playing in groups.

Positive self-concept

- Ability to identify one's own strengths and weaknesses; capitalizing on one's strengths and overcoming weaknesses.

Creative self-expression

- Writing, music, dance, art, craft especially through folk medium.

F. Social sensitivity

- Empathy and care of poor, sick, aged and handicapped
- Fighting social evils like untouchability, dowry, early marriage, etc.
- Valuing women's work and contribution.
- Respecting the dignity of all women, men and children.

G. Environmental sensitivity

- Protection of environment – all species
- Identification of pollution hazards/agents
- Conservation of resources
- Eco-friendly and bio-degradable materials for daily use
- Love and care of plants and animals

H. Skills for democracy

- Skills for classroom as a democracy
- Skills to make school as a functioning democracy
- Mock parliament, voting, elections
- Participation, leadership, group cohesion, ability to appreciate other people's point of view, respecting and accommodating diversities, valuing freedom of expression, valuing other cultures and religions.
- Knowing constitutional rights and duties.
- Understanding functions of local self government, municipalities, legislatures and parliament.

I. Occupational skills

- Valuing women's skills
- Dignity of labour
- Work ethics – punctuality, honesty, hard work, diligence time and space management, working in groups, institutional loyalty, etc.
- Pre-vocational skills
- Entrepreneurship
- Small business management

Teacher as a community leader

1. Girls and boys
 - need equal education
 - need to be given equal amount of food
 - need to be given equal health care and medical attention, when needed
 - can be assigned the same duties/responsibilities
 - should be given the same freedom
 - should be given equal time to play
 - can perform all tasks equally well
 - can have similar occupations
 - have the same intelligence and abilities.
2. Men and women should be paid equal wages for equal work.
3. Husband and wife should take all decisions jointly.
4. Household work must be shared by all members of the household.
5. Assets of the family should be registered in joint names of husband and wife.
6. Legal provision of equal property should be implemented.

While working with parents and community, emphasize :

- (i) the need for equal food and nutrition for girls, more during menstruation.
- (ii) equal encouragement in developing communication skills.
- (iii) Changing myths such as girls cannot do as well as boys, have lesser abilities, women and girls are chatterers, silly, cannot take decisions, are timid and easily scared, are eternally waiting to be told as to what to do and to receive commands.

Exercise 12

Organize discussions on issues such as value of female life, health and nutrition of women and girls, social evils such as prostitution, alcoholism, drug abuse, dowry, bride burning, female infanticide, etc.

Exercise 13

Collect folk tales and true stories of competent brave and talented women (Hint : Elders of the community can be a rich source of culture's history).

Exercise 14

Organize debates on topics like combating violence against women – its relationship with street/communal violence, social evils like dowry, prostitution, *Devdasi* system, alcoholism and drug abuse.

(C) GENDER SCENARIO IN SCHOOL EDUCATION

2.11 Female Educational Participation

India has the second largest educational system in the world after China with a total enrolment of 191.63 million out of whom 80.54 million (42%) are girls. Further, girls form 44% of the 113.61 million children enrolled in the primary grades Classes I-V ; 40% of the 42.01 million at the middle stage (Classes VI-VIII); 39% of the 28.21 million, at the high/higher secondary stage (Classes IX-XII) and 40% of the 7.73 million students enrolled in institutions of higher learning (MHRD, 2000-2001). Due to the strong gender focus of the EFA initiatives during the 1990s as also the pro-Girl Child, pro-women policies and programmes during this decade, girls' education has progressed and the gender gaps are narrowing. However, the regional, rural, urban and inter-group disparities remain.

2.11.1 Early Childhood Care and Education (ECCE)

Although the Indian constitution does not specifically mention pre-school education, Article 45 directs the state to provide free and compulsory education to all children upto the age of fourteen. By implication provision of formal schooling to 6-14 years age group through the programme of universalisation of elementary education (UEE), has been a major goal we have chased since 1950. The importance of pre-school education and early childhood stimulation has been felt for a long time but has acquired a critical dimension as a necessary pre-condition for improving children's school performance and progress by NPE. Starting with 33 experimental projects, ICDS has expanded to cover all community development blocks currently, covering over 14 million children in the age group 0-6 years, with pre-school education as a component in 1996-97. The National Policy on Education, 1986, places high priority on ECCE and recognising the holistic nature of child development – health, nutrition, mental, physical, social, moral and emotional development—suggests its integration into ICDS programme. ECCE is to lay special emphasis on children belonging to underprivileged groups and first generation learners.

In addition, it is seen as serving as a school readiness programme and as a support service for girls in UEE as also for working women in low income groups. ICDS is a support programme to relieve girls from the care of their siblings, thereby improving their retention in schools. Despite some drawbacks in the programme, studies have shown that children who have been in ICDS centres stay for longer time in schools. ICDS suffers from lack of community support and participation. In some cases and in certain areas, teachers were not even aware of the existing ICDS centres. It is felt that for increasing the girls' participation in ICDS, strengthening of ICDS centres is important. The ICDS covers 75% of the community development blocks, at present covering over 18 million children. By the end of the Ninth Five Year Plan (1997-2002), this programme was be extended to 90% of the blocks.

2.11.2 Universal Elementary Education

Article 45 of the Directive Principles of the State Policy enjoins on the State to endeavour to provide free and compulsory education to all children up to the age of 14 years within a period of 10 years from the commencement of the Constitution. Considerable progress has been made in terms of provision of facilities and enrolment of children in the relevant age group. However, the goal of UEE continues to elude us. This is largely on account of the inability of the system to enrol and retain girls and children from the disadvantaged groups.

Improved access

During 1950-51 and 1999-2000

- The number of primary schools has gone up from 209671 to 641695.
- The number of middle schools has increased from 13596 to 198004.
- The number of high/higher secondary schools has gone up from 7416 to 116860.
- However, for every 100 primary schools, there are only 30 middle schools, 13 high schools and less than 5 higher secondary schools.
- Universalization of elementary education would require complete elementary schooling (Classes I-VIII) available to all children, especially the girls within or close to their village.
- The Rural Urban Divide : In 1993, according to the Sixth All India Education Survey (NCERT), for 587247 inhabited villages, there were a total of 511,849 primary schools; 127,863 middle schools ; 48,262 secondary schools; 11,642 higher secondary schools; thus, going by pure averages, leaving 13% villages unserved by a primary school; 78% villages without a middle school; 92% villages without a high school and 98% villages without a higher secondary school.
- There were 11642 rural higher secondary schools compared to 11,882 such schools for urban areas.

2.11.3 Enrolment at the Elementary Stage

A fairly strong gender focus has resulted in greater participation of girls in elementary schooling but the male female gap in enrolment ratios and share of girls in total enrolments is still below par for the country as a whole and is very marked at the post-primary stages of education. Intra-female disparities as between rural urban areas and among general populations, Scheduled Castes (SCs), Scheduled Tribes (STs), and some Minorities are sharp.

Faster growth of girls' participation

- The enrolments of girls at the elementary stage have grown steadily over the last five decades. The number of girls at the primary stage has gone up from 5.38 million in

1950-51 to 49.51 million in 1999-2000. The number of girls at the middle stage has increased from 0.53 million in 1950-51 to 16.98 million in 1999-2000. At the high/higher secondary stage, the number of girls has increased from 0.2 million to 11 million, the number of boys enrolled has increased from 1.3 million to 17.2 million from 1950-51 to 1999-2000.

- In fact, the growth rates for girls have always been higher than that for boys for both, starting from a much lower base but also on account of sustained state effort to promote education of girls as an important part of planned development. It may be noted that even during the period 1990-91 to 1999-2000, the growth rate for girls at the primary stage (Classes I-V) is twice as high as that for boys and more than double at the middle stage (Classes VI-VIII).
- From 1990-91 to 1999-2000, enrolments at the primary stage increased by more than seventeen million, girls accounting for close to ten million of the increase, compared to boys whose share was a little over seven million. At the middle stage, enrolments increased by 8 million, girls accounting for 4.4 million on the enhanced enrolments and boys' share being 3.6 million.

Percentage share of girls to total

The percentage of girls to the total has shown a steady increase since independence at all levels of education. During 1950-51 and 1999-2000, the percentage share of girls among the children enrolled at the primary stage went up from 28% to 44% and from 16% to 40% at the middle stage; from 13.3% to 39% at the secondary/higher secondary level and from 10% at 40% in higher education:

The regional variations in the share of girls to total number of students ranges from :

- 37.78% in Bihar to 49.9% in Meghalaya at the primary stage;
- 31.34% in Uttar Pradesh to 50.48% in Sikkim at the upper primary/middle stage;
- 25.68% in Bihar to 52.23% in Kerala; and
- 18.32% in Bihar to 52.24% in Kerala.

2.12 Percentage Share of SC/ST Children : Impact of Protective Discrimination

Since independence, India has followed a policy of protective discrimination in favour of the historically disadvantaged groups of population – the Scheduled Caste (SC) and Scheduled Tribe (ST) and is evident in the enhanced educational participation of these groups of population.

It is evident from the data below that the percentage share of Scheduled Caste (SC) and Scheduled Tribe (ST) girls to the total SC, ST children is not very remarkably different from the overall percentage share of girls in general population at the primary stage. At the middle

stage SC and ST girls are way behind. It is perhaps pertinent to state that the percentage share of SC/ST children to the total is similar to the ratio proportion of these groups in the total population at the primary stage but the situation is not satisfactory for both ST boys and girls at the middle stage. The SC and ST population constituted 16.33% and 8.01% ST respectively at 1991 Census.

TABLE 2.1

Percentage Girls in Total Enrolment by Groups at the Elementary Stage in 1999-2000*

<i>Category</i>	<i>Primary stage Classes I-V</i>	<i>Middle stage Classes VI-VIII</i>
All Communities	43.6	40.4
SC	42.2	38.4
ST	42.4	37.9

Source : Department of Education, MHRD, GOI. Annual Report, 2000-2001.

* Provisional

The tremendous progress made by girls in general and also by the SC and ST girls is borne out by the four Tables 2.2 to 2.5 giving participation of girls in all courses and at all levels of education. The gender divide is nearly similar to all groups in educational participation with girls forming 41-42% of the total number of students in all groups of population.

TABLE 2.2

Enrolments by Level and Sex : India 1999-2000

Level / Stage	Boys	Girls	% of Girls to total	Girls per 100 boys
1	2	3	4	5
Ph.D/D.Sc./D.Phil	30429	17109	36.0	56
M.A.	178153	138955	43.8	78
M.Sc.	91611	55464	37.7	61
M.Com.	60733	23299	27.7	38
B.A./B.A. (Hons.)	2019376	1647554	44.9	82
B.Sc./B.Sc. (Hons.)	881379	527294	37.4	60
B.Com./B.Com. (Hons.)	945302	486563	34.0	51
B.E./B.Sc. (Engg.)/B.Arch.	283490	80199	22.1	28
B.Ed./B.T.	69204	51322	42.6	74
M.B.B.S.	89132	54232	37.8	61
Intermediate/Jr./Pre-Univ.	1566580	821458	34.4	52
Hr. Secondary (10+2)	4387053	2857866	39.5	65
High/Post Basic (IX-X Classes)	11292663	7288837	39.2	65
Middle/Jr. Basic (Classes VI-VIII)	25082351	16982847	40.4	68
Primary/Jr. Basic (Classes I-V)	64103289	49509252	43.6	77
Pre-Primary / Pre-Basic Stage	1440777	1263614	46.7	88
Teacher Training School	70582	65516	48.1	93
Polytechnic	313754	68825	18.0	22
TTIs	421345	60673	12.6	14
Total	113327203	82000879	42.0	72

Source: Selected Educational Statistics 1999-2000

TABLE 2.3

Scheduled Caste Enrolments by Level and Sex : India 1999-2000

<i>Level / Stage</i>	<i>Boys</i>	<i>Girls</i>	<i>% of Girls to total</i>	<i>Girls per 100 boys</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
Ph.D/D.Sc./D.Phil	1740	594	25.5	34
M.A.	34199	11997	26.0	35
M.Sc.	7633	4334	36.2	57
M.Com.	5345	1625	23.3	30
B.A./B.A. (Hons.)	284336	124416	30.4	44
B.Sc./B.Sc. (Hons.)	75574	39295	34.2	52
B.Com./B.Com. (Hons.)	58322	27470	32.0	47
B.E./B.Sc. (Engg.)/B.Arch.	26100	7613	22.6	29
B.Ed./B.T.	10207	4703	31.5	46
M.B.B.S.	7858	4111	34.4	52
Intermediate/Jr./Pre-Univ.	175175	79414	31.2	45
Hr. Secondary (10+2)	526317	305030	36.7	58
High/Post Basic (IX-X Classes)	1858553	1094305	37.1	59
Middle/Jr. Basic (Classes VI-VIII)	3881040	2419669	38.4	62
Primary/Jr. Basic (Classes I-V)	11809888	8625125	42.2	73
Pre-Primary / Pre-Basic Stage	142253	122601	46.3	86
Teacher Training School	10407	6986	40.2	67
Polytechnic	28963	7997	21.6	28
TTIs	45242	7224	13.8	16
Total	18989152	13609236	41.8	72

Source: Selected Educational Statistics 1999-2000

TABLE 2.4

Scheduled Tribe Enrolments by Level and Sex : India 1999-2000

Level / Stage	Boys	Girls	% of Girls to total	Girls per 100 boys
1	2	3	4	5
Ph.D./D.Sc./D.Phil	511	283	35.6	55
M.A.	7950	4017	33.6	51
M.Sc.	1470	715	32.7	49
M.Com.	1488	451	23.3	30
B.A./B.A. (Hons.)	103036	50501	32.9	49
B.Sc./B.Sc. (Hons.)	16904	8139	32.5	48
B.Com./B.Com. (Hons.)	18039	6759	27.3	37
B.E./B.Sc. (Engg.)/B.Arch.	6687	1149	14.7	17
B.Ed./B.T.	3600	1566	30.3	44
M.B.B.S.	2972	1575	34.6	53
Intermediate/Jr./Pre-Univ.	79177	36835	31.8	47
Hr. Secondary (10+2)	215789	103766	32.5	48
High/Post Basic (IX-X Classes)	703147	399106	36.2	57
Middle/Jr. Basic (Classes VI-VIII)	1803948	1101346	37.9	61
Primary/Jr. Basic (Classes I-V)	6138577	4511459	42.4	73
Pre-Primary / Pre-Basic Stage	172406	153004	47.0	89
Teacher Training School	5715	3370	37.1	59
Polytechnic	10711	2254	17.4	21
TTIs	23374	4628	16.5	20
Total	9315501	6390923	40.7	69

Source: Selected Educational Statistics 1999-2000

TABLE 2.5

Percentage Share of Girls to Total by Caste / Tribe and by Level / Type : India 1999-2000

Level / Stage	All Groups		SC		ST	
	% Girls to total	Girls per 100 boys	% Girls to total	Girls per 100 boys	% Girls to total	Girls per 100 boys
1	2	3	4	5	6	7
Ph.D/D.Sc./D.Phil	36.0	56	25.5	34	35.6	55
M.A.	43.8	78	26.0	35	33.6	51
M.Sc.	37.7	61	36.2	57	32.7	49
M.Com.	27.7	38	23.3	30	23.3	30
B.A./B.A. (Hons.)	44.9	82	30.4	44	32.9	49
B.Sc./B.Sc. (Hons.)	37.4	60	34.2	52	32.5	48
B.Com./B.Com. (Hons.)	34.0	51	32.0	47	27.3	37
B.E./B.Sc. (Engg.)/B.Arch.	22.1	28	22.6	29	14.7	17
B.Ed./B.T.	42.6	74	31.5	46	30.3	44
M.B.B.S.	37.8	61	34.4	52	34.6	53
Intermediate/Jr./Pre-Univ.	34.4	52	31.2	38	31.8	47
Hr. Secondary (10+2)	39.5	65	36.7	58	32.5	48
High/Post Basic (IX-X Classes)	39.2	65	37.1	59	36.2	57
Middle/Jr. Basic (Classes VI-VIII)	40.4	68	38.4	62	37.9	61
Primary/Jr. Basic (Classes I-V)	43.6	77	42.2	73	42.4	73
Pre-Primary / Pre-Basic Stage	46.7	88	46.3	86	47.0	89
Teacher Training School	48.1	93	40.2	67	37.1	59
Polytechnic	18.0	22	21.6	28	17.4	21
TTIs	12.6	14	13.8	16	16.5	20
Total	42.0	72	40.4	68	40.7	69

Source: Selected Educational Statistics 1999-2000

The Flip Side

- Rural urban divide is much larger than the gender divide.
- There were only 0.72 million rural girls at the higher secondary stage compared to 1.77 million girls in urban areas in 1993. At the secondary level (Classes X-XII) also, the urban girls enrolled numbered 2.80 million, compared to 2.71 million in rural areas.
- In 1993, for every 100 rural boys, there were only 6 rural boys and 3 rural girls in Class XII, compared to 31 urban boys and 23 urban girls.
- While girls trail behind boys in most cases, a phenomenon that is not receiving enough attention is the comparatively lower participation of boys in some States and union territories. Boys are falling behind girls at the primary stage in Haryana, Punjab and the Andaman and Nicobar Islands; and in Meghalaya, Nagaland, Sikkim, Chandigarh, Delhi and the Andaman and Nicobar Islands at the middle stage. Similar trends were noted by earlier studies for Bombay, Calcutta and Delhi (Nayar, 1993, 1997, 2000).

Discrimination Based on Caste/Tribe

After going through this Module, the teacher should be able to -

- *develop* insights based on narrations of caste discrimination that tell how teachers and pupils discriminate
- *add* perceptions based on your experiences in your school and in the community
- *identify* possible manifestations of discrimination in school situation
- *design* practical exercises to sensitize children about respect for equality, irrespective of caste, gender etc.

(A) CASTE DISCRIMINATION : MEANING AND FORMS

Discrimination implies holding prejudiced behaviour against any particular individual(s) because of her/his caste location through upholding the regressive, unequal and undemocratic characteristics of caste. This behaviour of the upper caste against lower caste is upheld in order to maintain the status-quo in their favour.

Discrimination can be latent, manifest, open or subtle. It is in mind and conscience. It is a mind-set that operates within a given situation. It is felt and experienced and have manifold implications.

Discrimination goes against universally accepted values of Human Rights, democracy and citizenship enshrined in our Constitution. The Constitution of India provides for positive discrimination as a compensatory measure in order to do away with the historical wrongs committed against the Scheduled Castes and Scheduled Tribes. However, the institution and practices built upon the caste system have repeatedly proved to be a stumbling block for lower castes/tribes to achieve the constitutional principles as well as other democratic and citizenship rights.

3.1 Forms of Discrimination

The injustice and inequality in India exist in the worst form by way of social stratification and hierarchy that are directly linked to religion and caste. An analysis of intersecting ways in which institutions and practices built upon caste system reproduced norms and beliefs about the social inferiority (and consequent economic and political inferiority of certain castes) and thus also explain how social and economic privileges are distributed, who gains and who is excluded. We identify the following forms of discrimination :

1. Caste Intensified Discrimination

Caste-intensified discrimination refers to the fact that women and men of lower caste location suffer all forms of discrimination of men and women of the same class but in intensified form. Thus, for a given class, lower caste women and men are more likely to command less control over assets and resources, will also be more dependent on upper castes/class for labour rewards, social respect and other developmental benefits.

2. Caste-Specific Discrimination

Caste-specific discrimination refers to specific form of discrimination based on cultural norms, beliefs, practices and customs deriving its legitimacy from the principles of caste system and religion. Thus, graded inequality embedded in the caste system dictates that certain occupations like performing pooja, teaching-learning and agriculture are considered pure and superior and upper castes only have the 'rightful' right to perform, while occupations like scavenging, sweeping, shoemaking, haircutting are impure and polluting and are performed by lower castes. Further, this understanding of purity and pollution also throws up the practice of untouchability, physical/social distance/segregation, private/public life, language demeaning to intrinsic human value.

3. Caste-Imposed Discrimination

Caste-imposed discrimination refers to the fact that caste inequality has been socially constructed through age-old norms, customs and practices to protect social, political and economic interest. This has given more power to some social groups. These groups try to dictate and are successful to an extent in imposing their own world-view, their own norms, beliefs and cultural practices on other depressed social groups. This leaves little chance of multi-cultural community to co-exist peacefully and democratically.

4. Self-Imposed Caste Discrimination

The last category refers to the fact that caste inequality, practice of untouchability etc. may have been socially constructed but the members of the lower castes have internalized it and consider this position divinely given in the human order. This makes them willingly submit to the dictates of upper caste whims and fancies.

Thus, the combinations of forms of discrimination discussed above help to socially construct and get accepted a particular nature of formal and informal social, political and economic institutions which favour certain social group over others. This results in some social groups to command and control public goods, get hierarchies of power and decision making and consequent less of social status and less access to related tangible (educational qualification, white collar jobs, productive resources etc.) and intangible (pride in one's own cultural practices and customs, identity etc.) assets to depressed social groups.

3.2 Social System and Education

The model of development followed in India explicitly wanted a shift from agriculture to industry. This meant a demand for the creation of a highly skilled human resource, which has its basis in modern scientific education. The SC-ST who, due to combination of reasons discussed above, lacked historically in attaining modern educational standards. The lack of education among them reinforces the anti-labour world-view upheld by upper castes. In other words, the operation in caste system in practice devalues the 'dignity of labour' by referring to labour work done by lower castes as impure and polluting. The implications emerging out of this distinction of 'pure' and 'impure' labour are :

- (a) the labour work done by lower caste commands low economic returns which does not leave them with enough surplus to give their children modern education.
- (b) Even in the case where children of lower castes go to school, the discriminatory attitude of teachers and peers emanating from 'principles of caste system', discussed before, proves to be a stumbling block in educational achievements. This again results in restriction of their economic activity to traditional labour works.

This leads SC-ST to suffer from cumulative handicaps as discussed below :

1. Poverty and ignorance
2. Social and cultural sufferings
3. Religious exploitation and superstition
4. Identity, isolation and complex
5. Poor pathetic living conditions
6. No human dignity
7. No labour dignity
8. Subjugated low status
9. 'We' and 'they' feeling
10. Dependency syndrome

At the Levels of Interaction – Between the School System, Teachers and Pupils

The schooling system is divided into two categories (a) Government Schools and Private Schools. The latter is qualitatively better equipped in terms of physical conditions, infrastructural facilities and conducive atmosphere. This difference is further increased when the relative quality and urban and rural schools are compared. Since majority of SCs/STs are economically poor, belong to officially delineated category of "Below Poverty Line" and stay in rural areas, caste and consequent class locations restrict their access to quality education.

(B) MENTAL AND COMMUNICATION GAPS THAT AFFECT TEACHING-LEARNING PROCESS

As already explained, the aspects related to discrimination on the basis of Caste/Tribe also cut across all other areas. Therefore, in this module, very specific aspects which lead to discrimination on the basis of Caste/Tribe are described. These essentially include in relation of caste discrimination that told us how teacher and pupil discrimination is possible manifestation of discrimination in school situations, discrimination through bodily expressions, discrimination arising out of dependence, school curriculum and inductors of insulted discrimination and methodologies of tackling these situations at the level of the ideas, constitution and legal provisions.

3.3 The Teachers

The teachers in the schools across the country in general belong to upper castes. Having come from different social backgrounds their socialisation is contrary to the modern secular values and norms. Despite formal education and training, they continue to carry forward their traditions, values and behaviour patterns to schools and the SC-ST students fall victims of their biases, prejudices and negative attitudes. This is more so in the majority rural set up. The pupils belonging to these communities find difficult to identify themselves with the fellow learners and with the teachers and vice-versa. This results into many mental and communication gaps between and among them that affect the teaching-learning processes adversely.

Here are a few narrations of caste discrimination that tell us how teachers and pupils discriminate :

1. *During primary education, I was very good in my studies. The Brahmin headmaster used to purposely ignore and discourage me by referring to my caste openly in the class. In the school, they used to practice untouchability. We, SC students were not allowed to drink water from the same place where others used to drink.*
2. *I belong to the sweeper community. All my caste fellows should give up these occupations. The government also should not employ people as sweepers. I faced acute financial problems at each stage of my educational career. I also had very bad experiences of untouchability throughout. Each time I borrowed money for admission and used to manage with much difficulty.*
3. *I always used to hide my caste during my education because people change their attitudes. Sometimes I used to be caught. Even today in day-to-day life we do not open our caste identity and feel very much burdened about it.*
4. *My parents were bonded labourers when I was a child. I could not afford school expenses including clothes and food due to utter poverty. MY parents enrolled*

me in the school at the age of nine. Those days nobody knew of the facilities. The high caste teachers used to openly discriminate and humiliate me. As and when I used to go to them with some difficulty they used to tell me, "You, scheduled castes are not capable of studying and you should do only your occupations".

After this, I was enrolled in a school which was three miles away from my village. In this school they used to celebrate the annual festival of Chauth. All the students used to bring special food and keep and eat together. We, SC boys used to bring simple everyday food. Those people would tell us to keep our food away from their food. I used to feel very bad and humiliated by this. After going back home, I used to ask my mother about it. She used to answer simply that it was because we were Acchut. This never satisfied me.

5. My village had no school. It was two miles away in another village. We, scheduled castes were not allowed to sit inside the classroom. Moreover, facilities like drinking water, study room consulting teachers were not for us. I discontinued after four years because it was far away and it had no proper atmosphere. Our financial condition was not very bad but I discontinued it mainly because of utter discrimination in the school. Then after a gap of 5-6 years, I rejoined the school. In between, my father died and we lost the source of livelihood. I started doing all kinds of odd jobs to help the family and myself. Moreover, I did social work, tried to teach cleanliness to my people, tell them to give up unclean occupations, study and take up education, etc. The result was that the SC people refused to do traditional occupations. The high caste people got annoyed and threatened to kill me. I ran away to Delhi. I worked there as a peon for 14 years and did diploma in record keeping.
6. While studying I had no household responsibility. My father and his three brothers used to earn and live in the same household. I never had financial problems. I was enrolled in a good government school. The school was in the city. I never had any experience of social discrimination in school. But I used to feel inferior when I used to see other boys wearing good clothes, and enjoying a good standard of living. People normally could not make out my caste but in college while filling a scholarship form, my caste was revealed. One day, a teacher and a student passed comments that I belong to a SC and got scholarship because I was a son-in-law of the government. One day, I was sitting in a tea shop. A thakur boy came and said, "Oh, son of a Chamar vacate the place immediately". I felt insulted and protested. Finally, there was a big fight with that boy. I was very disturbed and I failed in examinations.

7. *The teachers only teach upper-caste children. They use our children to do odd jobs in the school. They do not teach them anything. Padhai sabke liye barabar honi chahiye (all pupils should be taught equally).*
8. *'Our boy goes to school, but does not learn anything. The teacher is upper-caste; if he was from our community, he would teach. Unko milna hi sambhav nahin (even meeting him is impossible).'*

3.4 The Pupils

The pupils in the schools come from diverse background but always the majority belong to upper castes. Their pattern of interaction and the language they use in and out of school, dress style, peer formation etc. is different from the SC-ST. Therefore, SC-ST find difficult to adjust and identify with these majority upper caste students and form a sort of inferiority complex and feel isolated. Many a time, rift between the two and, at times, quarrels and physical fights take place. There are evidences of bad performance, absenteeism or drop-out from the school due to these problems faced by the SC-ST students.

(C) MANIFESTATION OF DISCRIMINATION IN SCHOOL SITUATION

The following are some the possible manifestations of discrimination in school situation. You may like to add some more to this, based on your experiences and discuss how these can be minimized, if not totally avoided :

1. Form their own groups
2. Non-participation or minimum level participation in extra-curricular and academic activities
3. Drinking water and eating meals separately
4. Teachers and pupils make them sit separately, both directly and indirectly, outside the classroom, in a corner of the room or at backbenches. Any resistance to this leads to punishment or boycott.
5. Often teachers ignore and discourage them, use abusive language referring to family/caste background, give harder punishment and humiliate them in front of others, give less marks, ridicule their language, their accent etc.

3.5 Discrimination through Bodily Expressions

It is possible that the teachers and the fellow students use indirect methods of discrimination by way of looks, expressions, language; whenever it is not possible to show it openly and directly.

3.5.1 At the Level of Dependence

The SC-ST students come from the families that depend on upper castes both socially and economically. Due to lack of educational traditions in the families they lag behind in social skills, grasping and articulating. Hence, they depend on others in schools for academic help. For example, the subject like Mathematics, English and Science require more efforts and attention to master them; and, therefore, these students have to depend more on teachers or fellow students for guidance or tips. These teachers and fellow upper castes students often have a biased and discriminatory attitude while deciding on extended help or giving tips to these students.

3.5.2 At the Level of School Curriculum

Education has the responsibility to train the young mind to

- (a) Perceive critically the themes/subject of history and not mere objects.
- (b) To be democratic and not sectarian.
- (c) Differentiate between objective reality and half-truth and myths.

However, the present curriculum has failed to mould the young brain through clean, holistic, rational and multi-dimensional view of their socio-political and economic environment.

For instance, Social Studies Textbook of Gujrat State Board, Standard IX points out :

“Problems of Scheduled Castes and Scheduled Tribes : Of Course, their ignorance, illiteracy and blind faith are to be blamed for lack of progress because they still fail to realize importance of education in life. Therefore, there is large-scale illiteracy among them and female illiteracy is the most striking fact” (Communalism Combat, October 1999).

The point which we wish to draw being that this nature of text locates the problem of education, backwardness and poverty as the result of their own doing rather than systematic discrimination resulting out of combination of historically perpetuated social, economic and political factors.

3.5.3 Instant Indicators

1. Language and vocabulary
 2. Accent and expression
 3. Communication skills
 4. Social skill and mannerism
 5. Names and Surnames
 6. Locality and residence
 7. Dress and looks
 8. Body language
-

3.5.4 Impact

The impact of social discrimination is manifold which is difficult to define and measure. It has many dimensions. It is felt and experienced and, at times, impossible to express or exhibit. The discrimination certainly leads to :

1. Deprivation
2. Mental block
3. Humiliation
4. Inferiority complex
5. Communication gap
6. Escapism
7. We and they feeling
8. Suspicion
9. Poor performance
10. Crisis and conflict

(D) THE WAY AHEAD

The chief feature of any democratic society is to respect and value each and every human being for the intrinsic value of being human. This demands doing away with all the discriminatory practices emanating from the biases against caste, tribe and gender.

The problem can be tackled at two levels

(a) At the Level of Ideas

Rules and procedures are not inherently Caste and Tribe ascriptive but as we noted that they reproduce caste-tribe norms and practices and inequalities through their organisation. Thus, the primary task of any education system is to introduce learning modules that enable to inculcate critical thinking for understanding the nature of institutions embodying certain unequal discriminatory rules and practices that survive because they serve the interest of few powerful caste members at the expense of many.

(b) At the Level of Constitutional Democracy

Constitutional Democracy arms the citizen with Acts, Laws and Statutes that can protect an individual from any discriminatory practices followed by any public institution, citizenry as well the formal laws and Acts of the Constitution.

India has embarked on a programme of affirmative action, which is, perhaps, without parallel in scale and dimension in human history. It is all the more remarkable for being undertaken in a country that has demonstrated in the 54 years since Independence, an unshakeable faith in the capacity of its people to effect fundamental social, economic and political change through the processes of democracy.

3.6 Suggested Practical Exercises

The practical level exercises for sensitizing teachers on caste-tribe non-discrimination would be broadly divided into four areas :

1. At teacher level
2. At pupil level
3. At staff level
4. At parental level

Since all these categories of persons are directly or indirectly involved in the process of schooling, it will be pertinent to undertake or introduce the practical level exercise for sensitizing them both formally and informally. Caste-tribe issue being highly sensitive, extra care should be taken from hurting somebodys' feelings or making them feel offended.

1. *Teacher level*

Teachers, being very important component of the schooling, and having come from diverse family backgrounds, their interests, outlooks, views and attitudes towards caste-tribe issue, are differential and, therefore, their relations would be different.

- (a) Therefore, it is suggested that special orientation programmes be organized for 2-3 days at least twice a year. Special personalities/experts/activists in the field could be invited for such programmes. The orientation may be organized at block/panchayat level within districts throughout the country.

Relevant material pertaining to the issues could also be used such as audio-video cassettes, printed materials, posters, documentaries etc. in order to sensitize the teachers.

- (b) The education department may introduce some award for the best teachers and their contribution in the field.

2. *Pupil level*

Various extra-curricular activities like debates, elocution, essay, games, cultural programmes, street plays could be organized by involving students and teachers on their own, using secular themes like human dignity and values.

3. *Staff*

Administrative staff also needs to be sensitized since they are part and parcel of the system of education. Special orientation programmes could be organized for them on par with teachers, at least once a year.

4. *Parental level*

Parents are the direct link between pupils and schools and pupils get socialized through parents first. So it will be relevant to orient and sensitize them by organizing social meets at school level, at least twice a year.

Discrimination Based on Disability

After going through this Module, the teacher should be able to –

- *grasp* the operational meaning of the terms like impairment, disability and handicap
- *explain* the category of disabilities as mentioned in Persons with Disabilities (PWD) Act, 1995
- *list* the disabilities not included in the PWD Act, 1995
- *understand* the need and approaches to identify children with disabilities
- *understand* the human rights approach to disabilities
- *demonstrate* acquaintance with various service delivery models for handling disability
- *understand* the parameters of inclusive education
- *become* aware of the assistive devices necessary for success of education of children with disabilities
- *develop* insight into relevant methods of teaching disabled children
- *practice* classroom activities to facilitate inclusion
- *acquire* knowledge of enabling technologies relevant to education of disabled children
- *understand* psycho-social implications of disability

(A) DEFINITIONS RELATED TO DISABILITIES

It is important that the teacher first becomes aware of the definitional aspects of the area of disability.

4.1 Impairment, Disability, Handicap

In education, the terminologies like impairment, disability and handicap are interchangeably used by professionals; though there is a change in the philosophical and sociological interpretations of these terms. These interpretations are made on the basis of the extent of disability in the individual. However, these differences in terminologies also provide opportunities for their discrimination in the society.

Impairment means damage to the tissues. It can be measured and cured and it does not impose obstacles to a larger extent with any of the social and vocational pursuits of the

individual. By knowing the limitations the impairment may impose, a person can take all measures to compensate or even to ignore it for his/her normal functioning.

Disability indicates the permanent loss of the functions of the particular organ to the extent that the individual cannot fully participate in the social and vocational pursuits. But this condition *does not prevent* the individual from overcoming his/her disability condition and from using his/her skills to the optimum level possible. When the ability aspect of the individual is focused, the disability disappears to a large extent.

Handicap is made and not acquired. Discrimination on the basis of disability leads to the handicapping condition. The disability surrounded by a distressing environment makes the person a handicap. Disabled individuals who live in the most restrictive environment experience handicapping conditions.

The need for non-discrimination should be taught to young children so that the disability does not become a handicap. As experienced by Helen Keller and others, the attitude of the public towards disability condition is the hardest burden to bear. Sometimes it is stereotypic in nature.

4.2 Categories of Disabilities

According to the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (PWD) Act, 1995, seven categories of disabilities have been defined.

- (a) "Blindness" refers to a condition where a person suffers from any of the following conditions, namely:
- (i) total absence of sight; or
 - (ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or
 - (iii) limitation of the field of vision subtending an angle of 20 degrees or worse
- (b) "Person with Low Vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive devices.

WHO (1992) defines that a person with low vision is one who has impairment of visual functioning even after treatment and/or standard refractive correction, and has a visual acuity of less than 6/18 to light perception or a visual field of less than 10 degrees from the point of fixations, but who uses, or is potentially able to use vision for the planning or execution of a task.

- (c) "Hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies.
- (d) "Mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by subnormality of intelligence.

Mental retardation simply means that the person with mental retardation will have the Intelligence Quotient (IQ) of less than 70. In addition to the low IQ, there will also be problems for these children in performing daily living skills.

- (e) "Locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.
- (f) "Mental illness" means any mental disorder other than mental retardation.
- (g) "Leprosy cured person" means any person who has been cured of leprosy but is suffering from :
 - (i) *loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity*
 - (ii) *manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity*
 - (iii) *extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation.*

4.2.1 Other disabilities

Though the PWD Act defines only the above categories of disabilities, children with other disabilities are also in need of educational services. For example, *learning disability* is one category. Children with learning disabilities are those who have problems in processing information. "Cerebral palsy" is another category and means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development. *Children with multiple disabilities* have also not been included in the Act. However, these children have to be given educational services, when identified.

When the child exhibits a combination of the above disabilities, the problem would multiply further. Provision of education may be possible for those children with multiple disabilities whose cognitive functions are in order whereas only limited education and rehabilitation services can be planned for those whose cognitive functions are defective. For example, educational programmes can be planned for a blind child with hearing impairment or locomotor disability whereas a blind child with mental retardation may find education extremely difficult. Therefore, individual assessment is imperative for planning appropriate educational programmes for these children.

4.3 Approaches in Identifying Children with Disabilities

The manpower development document of the Rehabilitation Council of India (RCI) (1995) reports that not even five per cent of the disabled population is currently enjoying educational facilities. The reason is that the present educational system is not able to take education to the doorsteps of the children. To provide education to this uncovered population, appropriate strategies need to be adopted for locating them for early intervention services. Early intervention would solve many of the problems of the child later in life. While early identification is of paramount importance in the life of every child, it is more vital in the case of children with disabilities. Research studies indicate that the children identified and provided services early in life find integration in the community natural, real and effective.

As evident from the definitions of various disability conditions, some persons experience difficulties in cognitive functions, some in senses and some others in their physical and bodily conditions. The common approaches in identifying persons with disabilities are as follows :

(a) **Cognitive approach** : By adopting the cognitive approach, identification of children may be made as those who are mentally retarded, slow learners, normal learners, academically advanced learners and gifted learners. This identification is purely based on the cognitive functions of the child. For example :

- The child who has an IQ between 50 and 75 will come under the category of educable mentally retarded child.
- The trainable mentally retarded children have an IQ of 25 to 50 and they may find it difficult even to perform manual kind of work.
- Those who have an IQ of less than 25 are called totally dependent category.

In developed countries, not only children with mental retardation, but also children having slow learning skills are also given special attention. For example, slow learners but not mentally retarded children, and academically advanced learners but not gifted are given special opportunities to manifest their abilities. However, the Indian condition is different. Most of the children who have non-observable disability conditions are already absorbed in the system. They are not labelled as children with disabilities. For example, children having IQ range of 70-130 are found in the general classrooms. This is a blessing in disguise. Sometimes, the learning needs of these children go unnoticed and as a result, they become drop-outs from the system. On the other hand, their self-esteem is intact as they are not labelled as disabled children. Of the two, non-labelling has a positive impact on the individual and, therefore, it is better if these children are not labelled as children with disabilities. In order to help them, it is vital to improve the abilities of general classroom teachers to teach children of all categories. Innovative teachers

always take care of children with different intellectual abilities. Therefore, the onus lies on the quality of general teacher preparation centres.

- (b) **Sensory approach** : Through sensory approach, visually impaired, hearing impaired and deaf-blind children can be identified. Out of them, visually impaired children are neither cognitive impaired nor communication impaired. They lack abilities in the orientation of environment. The mobility skills are also affected due to the loss of vision. On the other hand, the deaf child's main problem is in the area of communication skills. Some of them use lip-reading skills whereas some use sign language. It is proper to use total communication system, which uses the combination of both. The deaf-blind children will have a serious disadvantage in both orientation and communication skills. As a result, these children have to be provided compensatory experiences mostly through tactile approach. As blind and deaf children are not impaired cognitively, they can follow the same curriculum meant for the sighted and hearing children. However, certain curricular adaptations have to be made to suit their learning styles.
- (c) **Ability-based approach** : There are many children who experience difficulty in processing information. Though their intelligence is normal and senses, too, are normal, sometimes they perform poorly due to lack of ability in processing information. Information processing theorists feel that these children lack adequate skills in attention, perception, memory, encoding etc. These children are called as *learning disabled children*. *Dysgraphia*, *Dyslexia* and *Dyscalculia* are some of the defects associated with the learning problems in general. Research indicates that these children can also be made to learn through specific modality approaches such as improving attention skills, perceptual abilities, etc.
- (d) **Society-based approach** : Among disabled children, some of them are facing emotional problems too. The behaviour disorders in these children may also be a result of social problems such as the state of experience of neglect, over-protection, etc. A disabled child who doesn't have a conducive family support or parental affection is likely to have psychological effects leading to isolation, maladjusted behaviour, etc. These children have to be provided the most appropriate environment for overcoming difficulties. Though educators at present confine to observable cognitive or sensory disabilities, there are many children who experience emotional problems. It is believed that the society and life systems can also lead to depressions resulting in mental illness.

4.4 Methods of Identifying Children with Disabilities

Early identification and intervention are imperative to address many problems of children with disabilities before they become complicated. Therefore, teachers and students must be

oriented to the methods of identifying children with disabilities. Some of the following methods may be adopted in this connection :

- (a) **Primary Health Centres (PHCs):** The PHC is normally the first contact point for the parents of children with disabilities in rural areas. The doctors of the PHCs need to provide guidance to them regarding facilities for education and rehabilitation of the child. The orientation programme on "Disability Management", being organised by the RCI for the PHC doctors in the country has revealed that doctors are able to refer thousands of persons with disabilities to various education and rehabilitation programmes. Therefore, PHCs are good sources for identifying children with disabilities. As a matter of orientation, teachers and children from schools can visit nearby primary schools to see how children with disabilities come into contact with these PHCs.
- (b) **Hospitals:** Established hospitals can provide reliable information regarding the number of disabled children, the incidence and the prevalence of various kinds of disabilities in the particular locality. The general health camps organised by hospitals and other voluntary organisations can also provide necessary information on disabilities.
- (c) **Population centres:** The statistics available from population centres may serve as the base for making door-to-door survey to find out the actual number of disabled children for placement in schools.
- (d) **Voluntary organisations:** Statistical data regarding the disabled population and expertise for implementation of special education programmes may also be available from voluntary organisations which are involved in the services for persons with disabilities.
- (e) **Through school teachers:** Teachers who work in rural areas have more access to the community and they can obtain reliable information from parents, Parents' Association and Parent-Teacher Association regarding the presence of children with disabilities in the community.
- (f) **Through school children:** The school teachers may ask non-disabled children of the school to bring information about the children who behave differently while seeing, who fumble over the objects, cannot hear, cannot follow specific directions, etc. On the basis of the information brought by school children, the teacher can pursue the matter for locating disabled children for medical care and placement in school.
- (g) **Through village functionaries:** The village head, village administrative officer, village workers, Integrated Child Development Services (ICDS) workers and village nurses can help in the identification of disabled children for placement in schools.

- (h) **Census data:** The statistics used at present are the projections from the *National Sample Survey Organisation (NSSO) 1991*. These are only projections and the actual data are yet to be available. The Census 2001 has made an earnest attempt to detect persons with disabilities. When the Census report is available, the information on disability, right from national to block levels, may be clear.

The identification techniques discussed in this section are not exhaustive. Local specific techniques may be designed and used for identification of children with disabilities.

It is evident from what has been studied by you so far that definitions have a large impact on the nature of services too. Clear definitions help in the effective identification process. Therefore, it is essential for teachers to know about various categories of disabilities. Though they cannot do clinical assessment, functional assessment procedures can be used by them to identify the children, who can be clearly assessed by doctors and specialists for clinical assessment and for proper educational placement.

Exercise 1

The number of categories of disabilities mentioned in the PWD Act, 1995 are :

- (a) 5
- (b) 6
- (c) 7
- (d) 8

Exercise 2

Name the disabilities not included in the PWD Act, 1995.

- 1.
- 2.
- 3.
- 4.

Exercise 3

State the importance of early identification of disability in children.

Exercise 4

A person categorized as mentally retarded has an IQ less than _____

Exercise 5

Fill in the blanks :

(a) A child with IQ between 50 and 75 comes under the category of _____

(b) A child with IQ of 25 to 50 is categorized as _____

(c) A child with IQ with less than 25 comes in the category of _____

Exercise 6

What do the following stand for -

(i) Dysgraphia

(ii) Dyslexia

(iii) Dyscalculia

(iv) Learning disabled

Exercise 7

Name the general methods used for identifying children with disabilities.

Exercise 8

How can school children be used for identification of children with disabilities?

(B) HUMAN RIGHTS APPROACH TO DISABILITY

Investment on education of children with disabilities must be treated as an investment on human capital. This outlook requires a solid human rights approach to disability issues. This approach calls for the treatment of disabled persons as individuals rather than those with extreme qualities.

Human rights approach always lays importance on the child and not on his/her disability. It does not give opportunity for stereotypes. Disability has impact in a variety of ways on education, physical independence, emotional stability, intellectual and social development of a person. Non-disabled persons tend to generalise the qualities of persons with disabilities due to their limited exposure to them. Their opinion regarding the life of disabled people is mostly stereotyped. Common stereo-type attitudes are :

- “loss of one sense sharpens the other senses”
- “disabled people have more concentration”
- “disabled people have God-given abilities”, etc.

This stereotype attitude is directly related to family acceptance or rejection of a disabled person, and, therefore, certainly contributes to discrimination. Moreover, stereotype attitudes force exclusion of persons with disabilities from the society by focusing on their disability conditions. Therefore, stereotypes have to be avoided at all times. Young non-disabled children must be taught that disabled children are children first and disabled next, so that they can appreciate the individuality.

4.5 Basic Principles of Human Rights Approach to Education

The goals of Education For All (EFA) in the case of disabled persons can be achieved only when the general education system is geared to meet the educational needs of these children with minimal or no assistance from special teachers. By treating education as the right of the disabled child, the society will be able to see the ‘ability of children’ rather than harping on their ‘disability’. The human rights approach does not label children on the basis of disabilities. The basic principles of human rights approach to education embrace the following:

- (a) *The human rights approach in education recognizes the fact that every child is special in one way or the other*

The teacher with such an approach realizes that each child has learning ability at different levels. Though classroom instruction, in general, is made uniform irrespective of the intellectual abilities of the children, a good teacher pays attention to the individual capabilities of the children. In such a classroom, the inclusion of all children takes place and they are not categorized on the basis of colour, creed, intellect, disability, etc.

(b) A teacher with human rights approach understands and capitalizes the collective strength of the classroom

He/she will never hesitate to take help from the students. Rather he/she would use the abilities of the students for constructive purposes. Such a teacher realizes that students - both disabled and non-disabled can also contribute to problem-solving situations in the classroom.

(c) A teacher who believes in human rights approach facilitates peer-to-peer learning

As this type of learning is non-threatening in nature, the teacher is expected to promote peer group learning as a vehicle to overcome the inhibitions of the students and would gradually make the entire classroom non-threatening. A properly guided peer-group learning activity would make learning faster too. In addition to the pace, the teacher-guided student activity can also make the students responsible for a healthy classroom climate. In such a setting, a child with disability will not experience discrimination.

(d) In an effective classroom, the teacher makes optimum utilisation of the available teaching aids and assistive devices

Instead of demanding more and more teaching aids, a creative teacher makes use of the environment itself to develop appropriate concepts. Instead of insisting too much on theoretical learning, the teacher will encourage learning by doing and interactive learning approaches to make optimum use of the teaching aids as well as the environment for effective learning. When the teacher encourages learning by doing, disabled children who require concrete experiences are benefited much.

(e) A good teacher is always conscious of the fact that the students are human beings and not learning machines

This approach makes the teacher to set realistic goals for the students. Often, the ordinary teacher thinks that his/her subject is the only important subject and loads the students with a lot of homework and assignments. Likewise, other teachers, too, do the same thing and as a result, the student becomes a frustrated human being, not able to complete the home work. This feeling of failure lowers the self-esteem of the child. Teachers should always realize the fact that the students have their limits and, therefore, set learning objectives and provide work which are realistic. As children with disabilities require appropriate curricular adaptations, treating them as individuals facilitates better learning.

(f) A good teacher will adopt multi-sensory approach in learning

Learning should be experiential to the students and hence, an effective teacher will make the classroom itself a conducive place for learning. He/she will motivate each and every student of the class to involve in active learning and will be flexible so that children feel free in the classroom. He/she will identify the learning preference - visual, auditory or tactile of the students and facilitate learning through small groups. Even the physical structure of the

classroom may be changed by the teacher to ensure effective learning. This multi-sensory approach is not only useful for children with disabilities but for other children too who experience learning problems.

(g) An effective teacher supervises the learning activities of the students regularly

He/she will try not to find fault with the work of the students but help in rectifying their mistakes through constructive criticism. This positive approach provides better learning environment to children with disabilities.

Human rights approach lays importance to the individual and respecting his/her potentiality in the learning process. 'Recognizing the potential of the individual' is what a child with disability requires in an effective learning environment. Therefore, adopting human rights approach in the classroom ensures effective teaching and hence better quality of education.

In text materials, too, persons with disabilities should not be projected as fallen souls. Their image should be correctly portrayed in textbooks and media so that the students and public develop positive image about persons with disabilities.

Exercise 9

“Human Rights approach to disability focuses on the ‘child’ and the ‘sameness’ of these persons rather than ‘differences’ compared to non-disabled children. When such an approach is exercised, disabled persons would be treated as productive citizens of the nation”.

- Explain the deeper implications of the statement.
- How does this approach strengthen our concern for equality of educational opportunity for all children?

(C) SERVICE DELIVERY MODELS

The objective of service sector in any country is to provide effective services for persons with disabilities and the process can be achieved through many strategies. Each strategy has its own advantages and limitations. The relative merits of each strategy should be seen in the context of the nature of disabled children and the types of services required by them. Some of the most commonly used strategies to serve disabled persons are enumerated in the sections that follow:

4.6 Special Schools

Special school concept is an accepted model of education for children with disabilities throughout the world. As on today, more than 3000 special schools and institutions for the

disabled children are functioning in India. Among them, approximately 900 are institutions for hearing impaired children, 400 for children with visual impairment, 1000 for mentally retarded, and the remaining 700 for children with other physical disabilities (*UNISED Report, 1999*).

In most of the special schools in India, the curriculum followed is similar to the one prescribed for non-disabled children of the same age group. However, some *exemptions* are made with regard to specific disability areas. For example :

- Schools for *visually impaired children* exempt visual oriented concepts in mathematics. The same exemptions are made in the area of science for children with visual impairment. Music, recreation activities, and pre-vocational skills are taught to the children in special schools in addition to the curricular skills.
- *Children with hearing impairment* are exempted from learning the second or third language since communication is the major problem for them.
- *Children with mental retardation* in special settings are prescribed learning skills which are appropriate for their cognitive abilities.
- *Children with locomotor disabilities* are provided better access to the learning environment. Though specific learning tasks are prescribed in special schools, children always show their true capabilities in learning.
- Children with disabilities in special schools are mostly provided hostel facilities too free of cost and most of these schools are located in urban areas.

4.7 Integrated Schools

The population of children with disabilities in the school-going age group, as per the RCI's manpower document, is as follows :

Visually Impaired	-	0.12 million
Hearing Impaired	-	0.65 million
Mentally Retarded	-	3.61 million
Locomotor Handicapped	-	3.39 million

Though the population is huge, the coverage of these children in special school setting is rather low. Therefore, alternative approaches are emerging. Integrated education is one such alternative strategy. *Integrated education emerged out of compulsion rather than option*. The implementation of integrated education programme is addressing the needs of the high-risk children who are suspected to be potential drop-outs and, therefore, retention of such children is becoming high. Integration of children with disabilities is reinforcing the need for better educational practices in the general school system. Most of the children currently integrated are those with locomotor disabilities. Still, there is a long way to go in realizing the objective of education for all children with disabilities.

Among various models of integrated education, resource and itinerant models are being implemented in large numbers by both governmental and non-governmental agencies in India.

(a) Resource model

This is an educational plan in which disabled children are enrolled in a regular class. Within the campus, a special teacher called resource teacher is available to the child as well as to the regular teacher to provide assistance in curricular areas. This model is more prominent in Non-Governmental Organizations (NGOs) in India which get funds from the centrally sponsored scheme of Integrated Education for Disabled Children (IEDC).

(b) Itinerant model

In this model, the disabled child is enrolled in a regular class in his home school where his needs are met through the combined efforts of the regular teacher and those of visiting itinerant teacher qualified to offer this special service. Though itinerant model is appropriate for greater coverage, this model is implemented only by a few organisations in India.

4.8 Inclusive Schools

In special school concept, special education component is APART from the general education system, whereas in integrated school, special education is A PART of general education. Inclusive school goes one step further. In this approach, special education is an INTEGRAL PART of general education system. Therefore, *inclusion is an ideology and not a programme*. Inclusive education approach indicates that the general classroom teachers should be fully equipped to take care of the educational needs of disabled children.

Though several service options are available for children with disabilities, the option of selecting a model should be left with the disabled child and the family. The PWD Act, 1995, ensures need-based services for children with disabilities.

4.9 Inclusive Education is Not a Programme but an Ideology

Inclusive education is vital for making education for all children with disabilities a reality. The meaning of inclusive education is that the school should improve in all dimensions to address the educational needs of all children irrespective of sex, caste, religion, disability, etc. If inclusion is to be successful, the following parameters are to be taken care of :

- (a) Readiness of the general education system to accept responsibility for education of children with disabilities.
- (b) Encouragement provided by the community for including children with disabilities in local schools.

- (c) Readiness of parents of children with disabilities to admit the children in local schools.
- (d) Basic knowledge of general classroom teachers about the education of children with disabilities.
- (e) Admission of all types of disabled children in local schools irrespective of the extent of disability.
- (f) Enrolment rate of children with disabilities at least on par with that of non-disabled children.
- (g) Retention of children with disabilities in schools.
- (h) Ability of general classroom teachers to modify teaching-learning strategies to teach children with disabilities.
- (i) Availability of support from peer-group to children with disabilities and vice-versa in teaching-learning processes.
- (j) Provision of support materials such as aids, appliances and books.
- (k) Comparable achievement of children with disabilities in curricular, plus curricular, and co-curricular activities on par with their capabilities.
- (l) Availability of specialist teacher support, if possible, to the regular classroom teachers.

When the above things take place in the general education setting, inclusive education becomes natural for children with disabilities. Though there are many stake-holders of inclusive education, parents and disabled children themselves play a vital role for effective inclusion.

(a) Parental attitudes

While trying to facilitate inclusion, the parents' attitudes should also be looked into for creating a conducive environment. Without the cooperation of the parents, inclusive education cannot function smoothly. Teachers should try to motivate parents for admitting children with disabilities in regular programmes. Parents of children with disabilities sometimes overprotect the child or the child experiences a state of neglect. Experiences have also shown in India that parents of disabled children either overprotect or neglect the children due to the confused stage and fear of having a child with disabilities at home. They also have apprehensions about coping with the educational and social needs of the child with disability. Parents have to be oriented in such a way that they develop positive attitude towards the overall development of the child. If needed, they can be brought to institutions for persons with disabilities for observation and also for interaction with other disabled clients. In many programmes in the country, groups of parents are providing the main support for education of children with disabilities. The parents themselves can work as agents for fostering value of non-discrimination in the case of disabled individual.

(b) Involving parents in educational programmes

Parents who get carried away by some misconceptions have to overcome those through involvement in right educational programmes.

- (a) Parents often think that the child is not going to be a productive member of the family. This generates in them a feeling that the investment on the disabled child would go waste. This misconception should be overcome.
- (b) There is a common trend among many parents of disabled children to expect everything free. It is true that disabled people should get all possible help from various agencies for their upliftment, but at the same time, the contribution of the parents is also expected for their education, etc.

Parent-teacher meetings should be conducted often for the implementation of services for disabled children. The parents should be encouraged to attend these meetings and teachers should discuss the potentialities of disabled children and the role of the parents and other siblings of the family in raising the child.

Parents can involve themselves in the following activities.

- (a) *Parents can serve as counsellors for disabled children.*
- (b) *They can help the teachers to identify disabled children in the village for school placement.*
- (c) *They can act as co-educators for educating disabled children.*
- (d) *They can act as social agents in working with Government agencies for claiming the rights of disabled children.*
- (e) *They can talk to the employers for employing disabled children in their organizations.*
- (f) *They can describe the success of disabled children as well as their problems through mass media for educating the public on matters dealing with disabilities.*
- (g) *They can explain the problems disabled children encounter at home so that the teacher preparation programmes can expose the student-teachers to those problems and make them better teachers of disabled children.*

Introduction of any new system of services for children with disabilities does not mean suppressing the other system. Since the coverage in the past was not substantial and satisfactory through the special school approach, the concept of integrated education emerged. Even in integrated education, the coverage is not satisfactory and, therefore, inclusive education emerges out as one of the viable options. However, all children with disabilities cannot be benefited by integrated or inclusive setting. Experiences have shown that disabled children with multiple disabilities cannot be included effectively in the inclusive education programmes.

Therefore, there is a need to provide them appropriate services that may include even home-bound and residential care. Hence, the educational needs of the children must be assessed thoroughly and placement made according to their abilities. *In exclusive approaches, the disability is focused very much whereas inclusive approaches highlight the abilities of these children.*

Exercise 10

What evidence will support that integrated education emerged out of compulsion rather than option?

Exercise 11

Give a few salient features of the resource model and itinerant model for the educational support of disabled children.

Exercise 12

How does inclusive education address the educational needs of all children irrespective of sex, caste, religion, disability, etc.?

(D) AWARENESS OF ASSISTIVE DEVICES

Training in the use of assistive devices is one of the important parameters of success in the education of children with disabilities. But only provision of these devices would not suffice. The children must be given adequate training to use them. Though these devices are usually taught by specialist teachers, general teachers are also encountering situations to teach these skills, where special teachers are not available. Short-term training in the use of these devices helps the regular teachers to help children with disabilities effectively. Though

some equipments are pertinent to specific disability groups, most of the teaching devices can be used in the general classrooms too. Therefore, *familiarity with these devices would help the classroom teachers to adopt multi-sensory approaches in teaching.* General teachers should realise that there are some areas of learning, particularly the devices, which are peculiar to disability categories. *The skills peculiar to disability categories are called 'plus curricular skills'.*

Curriculum is the totality of experience attained by the student in the classroom, playground, laboratory, etc. Curriculum meant for non-disabled children should be followed in the education of disabled children without major omissions. In case of MR children, age appropriate need-based functional activities (skills) should be the operational curriculum. Research studies indicate that 80-85 per cent of the general curriculum could be duplicated for disabled children. The rest can also be provided through modified and substituted experiences.

In order to perform well in curricular aspects, disabled children should learn 'plus curricular' activities, as the correlation between general and 'plus curricular' activities is positive and high. The efficiency in 'plus curricular' activities must be emphasized for disabled children and use of devices is one of the important 'plus curricular activities'.

4.10 Assistive Devices

It will be helpful to the teacher to know the type of aids and appliances to be used by persons with disabilities for their education and rehabilitation. Some of the aids and appliances for each category of disability are briefly described as follows:

(a) Aids for visual disability

(i) Braille : Braille is considered to be a typewriter mostly used by the teacher of visually impaired children to prepare day-to-day text materials for them to study. Due to its cost, it is considered to be difficult to provide brailers to all visually impaired children in developing countries. However, children of higher classes can be given training in using a brailer.

(ii) Braille slate : Braille slate is a frame used for visually impaired children for writing braille. In this system, the child has to punch the dots from right to left with the use of stylus and then the paper is reversed and read by the child

(iii) Thermoform machine : Thermoform machine is an equipment used for getting embossed upward impression of tactile material. A special sheet called thermoform sheet is used for embossing tactile diagrams. This machine is useful and cost-effective for taking less number of copies. However, it becomes expensive to use thermoform machine when more copies (beyond 30) of braille text materials are needed. The thermoform sheet is reusable

and, therefore, the used textbooks by visually impaired children can be collected for re-distribution.

(iv) Geometry kits : Mathematics, particularly Geometry, is considered to be difficult for visually impaired children because more abstract information is provided. The Geometry kit specially designed for visually impaired children enables them to understand the geometrical ideas clearly. Therefore, Geometry kits become vital in learning mathematics. In fact, the regular geometric kit can also be adapted by inserting tactile holes for marking the inches, centimetres, etc. However, too much of minute information should be avoided in the tactile material.

(v) Low vision kits : For every totally blind child, there are a number of low vision children. The main problem of low vision children is in making decisions on whether they need print or braille. Therefore, assessment procedures are vital to find out the visual efficiency of low vision children. The low vision assessment kit normally includes materials to assess concepts like visual closure, form constancy, visual background, colour preference, etc.

(vi) Abacus : Abacus is a device used by visually impaired children for learning mathematics. It is operated through beads. Learning through abacus becomes very effective when the visually impaired child knows how to use mathematics textbooks and also the mathematical braille codes.

(vii) Tape recorders : Any audio material that is presented to visually impaired children is found to supplement their learning. Therefore, tape recorders play a vital role in the education of children with disabilities. In fact, visually impaired children like tape recorders and audio-cassettes (talking books) at the time of examination to revise the text quickly. So, visually impaired children must be trained to use tape recorders for their learning.

(viii) Taylor frame : Taylor frame is another mathematical device. Visually impaired children use Taylor frame to solve mathematical problems. Though the Taylor frame enables the child to get a full view of what is being done by him, the use of pegs made out of lead seems to be hazardous to the health of the child. Both Abacus and Taylor frame can be used by visually impaired children for solving problems in mathematics. The devices listed above are commonly used by visually impaired children in their educational programmes.

(ix) Computers : Computers can help visually impaired children to a large extent. Computer can be used for low vision assessment too. They can also be helpful for providing secretarial type of training for visually impaired children with the help of software such as JAWS (Job Access With Speech).

(x) Voice synthesizers : Many things which were considered to be impossible in the past have become possible today with the advent of computers and technology. Voice Synthesizers provide auto feedback to visually impaired children and, therefore, they will be able to learn at their own pace. There are so many software programmes which help visually impaired individuals to perform well.

(b) Aids for hearing disability

(i) **Audiometer** : Audiometer is an equipment used for assessing the hearing ability of the child. The audiogram provides information on hearing made through air conduction and bone conduction tests. Audiogram report is vital for making appropriate placement of the child in educational programmes.

(ii) **Speech trainer** : Many hearing impaired children have ability to speak. Therefore, individual speech trainer is normally used to develop their abilities in speaking. Every programme dealing with hearing impairment is expected to have a speech trainer.

(iii) **Hearing aids** : Hearing aids are vital tools for enhancing the residual hearing of children with hearing impairment. There are different types of hearing impairments. As soon as the speech training is provided, the child must be given hearing aid to practise speech. But just providing a hearing aid is not helpful to the child. The child needs assistance in using the aid. Sometimes children do not use hearing aids because of the noise disturbances that prevail in the environment. Therefore, effective use of hearing aids depends on the nature of environment too.

(iv) **Hearing aid test box** : Hearing aids often go out of order or there may be some difficulties in the amplification process. Therefore, there is a need for testing the quality of the hearing aid and the amplification process so as to make appropriate use of the hearing aid. The hearing aid test box is necessary in programmes dealing with hearing impaired children and there must be a trained person to attend to the minor repairs in hearing aids.

(v) **Assessment tests** : Though hearing impaired children present the same type of mental disposition when compared to persons with hearing, it is essential to assess their language abilities, information processing abilities, etc. Therefore, appropriate tests relevant for the assessment need to be made available in educational programmes.

(vi) **Group hearing aids** : Hearing impaired children need training in speech. A teacher cannot provide speech training individually as it consumes a lot of time. Therefore, it is suggested to have group hearing aids through which the teacher produces sounds and words and the children hear the same through amplification devices and respond back to the teacher. In language preparation classes, group hearing aids find a prominent place.

(vii) **Toys for playing** : Toys are mostly used for the concept development of children with hearing impairment. As they are devoid of their hearing skills, picture cards, written words, etc., are normally used to develop such concepts in them. Therefore, adequate toys have to be kept in a learning centre for hearing impaired children.

(viii) **Model of ear** : It is essential for the hearing impaired child to know how the ear functions and what can go wrong in the ear. Therefore, a model of the ear can be kept in the resource room or in the school to help the child to understand the hearing process.

(ix) **Computers** : Computers serve as effective learning aids in the case of children with hearing impairment. Many hearing impaired children are successful computer operators, programmers, etc. Therefore, it is advisable to teach computer skills to these children.

As is evident, some devices listed above are teaching-learning devices whereas some are used in assessment. Though all devices need not be present in a school environment, it is imperative for teachers to know that such devices are used in the education of children with hearing impairment.

(c) Aids for mental retardation

The following aids and equipment are useful in the education of children with mental retardation. The child's abstract thinking is shallow and hence he/she should be taught with real objects. (For example, a real ladder may be used to teach that rather than using a diagram of a ladder).

(i) Psychological tests : As mentally retarded children are cognitively impaired, assessment of information processing, intelligence, concept development, etc., is vital for their educational intervention. Therefore, psychological tests have to be made available for assessing mentally retarded children. Though, specific assessment test are not available in India, many adapted versions of the tests used for non-disabled children are enabling teachers in the assessment of mentally retarded children. These tests should be standard intelligence tests as recommended by WHO norms.

(ii) Playtherapy set, Montessori teaching set, Kindergarten set : A number of concept development activities can be taught to children with mental retardation through toys, games, building blocks, etc. Therefore, basic Kindergarten teaching aids, Montessori teaching aids, etc. may be made available in programmes for mentally retarded children.

(iii) Television and VCR : Any kind of visual information, that is presented to children with mental retardation, is vital for their effective learning. Therefore, television and VCR are important for providing visual oriented information to such children. In addition to this, the child's image may also be shown to him/her through TV in order to change certain mannerisms.

(iv) Toys : Toys are important tools for learning of any child and it is more so in the case of children with mental retardation. In fact, written information should be less in the case of mentally retarded children and more toys should be used since they lack in basic cognitive skills.

(v) Thematic charts : Since children with mental retardation learn one at a time, elaborate and vivid descriptions are needed for each and every concept. Therefore, it is essential to provide a number of charts explaining different themes and learning tasks to children with mental retardation.

(vi) Computers : Computers can serve as interactive tools for mentally retarded children. Since the child can study at its own pace, computers have advantage as instructional devices.

Mentally retarded children need more concrete, preferably life experiences and, therefore, tactile aids are important to provide supportive educational experiences to them.

(d) Aids for locomotor disability

Unlike children with other disability areas, locomotor disabled children are neither cognitively impaired nor sensorily impaired. Some of the following adaptations are required for their effective mainstreaming:

(i) Specialized furniture : In the case of children with locomotor disability, accessibility is the main issue. Some times accessibility may be in terms of ramps, elevators, etc., whereas on some other occasions, the accessibility may be in terms of appropriate furniture. For example, for a child with cerebral palsy or a person with a wheel chair, the table may be mounted in such a way that the wheel chair can get inside so that the child may be in a position to sit comfortably. Such modified furniture is necessary for the effective functioning of the child.

(ii) Mobility aids : There are a number of mobility aids such as calipers, orthotic aids, prosthetic aids, wheel chairs, splints, etc., which contribute to the independence of persons with locomotor disabilities. Therefore, a programme dealing with these children should have adequate supply of these devices for their effective participation in education and rehabilitation programmes.

(iii) Orthotic and prosthetic aids : Orthosis is a mechanical device, which is fitted to any part of the body with the object keeping that part in the maximum possible anatomical and functional position. The different types of orthosis are : HKAFO, KAFO and AFO. These orthosis are fitted to the patients depending upon their conditions and according to the doctor's prescription. Prosthesis is to replace the lost part of the body. The different types of prosthesis are : above-knee, below-knee, Syme's above-elbow and below-elbow prosthesis.

(iv) Balancing bars : There are different environmental demands of persons with locomotor disability. In some cases, the locomotor-disabled person requires hand rails and balancing bars for walking. Therefore, such accessibility aids have to be made available in programmes dealing with these children.

(v) Full-length mirrors : Posture becomes a pertinent issue in the rehabilitation of children with locomotor disability. Therefore, full-length mirrors are essential in the classroom of children with locomotor disability to create an awareness on their own physical posture.

(vi) Parallel bars : Any person who is given orthotic or prosthetic aid needs practice for improving the physical posture and gait. Therefore, parallel bars at the knee or thigh level are important for the child to practise walking.

(vii) Computers : Many persons with locomotor disability, including those with spasticity, are good in handling computers. Therefore, it is essential to provide computer training to persons with locomotor impairment with a view to developing their job potential.

(viii) Television and VCR : Like any other disability, children with locomotor disabilities too need to learn through multi-sensory approaches. As TV and VCR facilitate interactive mode of learning, it is essential to have such items in their learning environment.

As is evident from the list, many devices cutting across disabilities are useful for effective teaching. Though not mandatory, learning the use of these devices by regular classroom teachers would certainly reduce discrimination and facilitate inclusion of children with disabilities in the mainstream.

Exercise 13

Name three devices which are relevant to providing education to children with the following disabilities :

- (i) Visual Disability
- (ii) Hearing Disability
- (iii) Mental Retardation
- (iv) Locomotor Disability

(E) TEACHING METHODS

A good method of teaching is based on multi-sensory approach, whether teaching disabled or non-disabled children. While teaching, the teacher should bear in mind that children with disabilities have reduction in the range and variety of some learning experiences due to their disabilities. However, they should also have the conviction that such reduced experiences can be compensated through effective methods of teaching. In order to facilitate effective teaching-learning process, curricular adaptations are imperative. These are important for developing proper conceptual learning too by children with disabilities.

4.11 Curricular Adaptations

As inclusive education is one of the most viable options to increase educational opportunities for persons with disabilities, a thorough curricular adaptation is needed for creating better learning environment. As far as possible, the curriculum need not be changed for disabled children since it would work as a criterion for segregation. Adaptations in terms of methods of presentation, display, content, etc., may be necessary to enhance the learning experiences of these children. This approach not only helps children with disabilities, but also helps the teacher to assist children who have learning problems.

The National Institute of Open Schooling has completed a major exercise of adapting secondary education curriculum for the benefit of blind children and such an exercise can be undertaken for other categories of disabilities, wherever necessary. This would improve secondary educational opportunities for all disabled children. Curricular adaptations are mostly suggested for visually impaired children who need non-visual experiences in adaptation of learning materials for the use of children with disabilities.

It is vital to see to what extent the information provided is creating a near normal experience to them. Therefore, adaptation work should be done carefully taking into account the learning style as well as the capacity of the disabled child. In a text material, it is vital to break them into different sub-units and analyse each and every sub-unit and classify the items into visual and non-visual oriented. Further to this analysis, it is essential to indicate at what cognitive level the learning tasks fall so that the teacher can design appropriate strategies for the learning of the child. The cognitive tasks may be categorised as knowledge, understanding, application, analysis, synthesis and evaluation tasks.

The curricular adaptations help children with mental retardation too who require individualised attention. As deaf children have limited communication abilities, the adaptations help them in understanding the content effectively. Therefore, curricular adaptations are most appropriate for effective learning by all types of disabled children.

4.12 Concept Development

Concept development is fundamental in the education of children with disabilities, particularly for those who are cognitively impaired such as mentally retarded children; and sensorily impaired such as visually impaired children and hearing impaired children. Loss of one sense of the child adversely affects the concept development of these children. Though specific concept development areas are applicable for specific types of children with disabilities, some concept development areas are general. They include body awareness, object and situation characteristics, time and distance awareness, spatial awareness, measurements, orientation of environment, etc. These have to be consciously developed in the child. The following are some sample items/concepts pertaining to Concept Development.

- *Body awareness* : Show your left hand, show your stomach, move the head up, spread the feet apart, etc.
- *Object/situation characteristics* : Discrimination of long and short (objects given), hard and soft, identifying colour of objects and characteristics (e.g. : leaf and green colour) identifying softness of sound, etc.
- *Time and distance awareness* : Which month comes after July, the sun rises approximately at 6.00 a.m. / 10.00 a.m. / 2.00 p.m. / 9.00 p.m.; how many meters form a kilometre, etc.
- *Spatial awareness* : Turn about, walk in zigzag position, sound localisation, direction, etc.
- *Skills oriented (action) concepts* : Crawling, kicking the ball, pulling the chair, rotating the head, etc.
- *Measurements* : More and less (objects given), how many twos in ten, place value of numbers, etc.
- *Orientation of environment* : What do you mean by river, post office, plant, cloud, etc.

As most of these concepts grow naturally in a non-disabled child, a disabled child living in the mainstreaming environment will be able to acquire these concepts in a natural way. Therefore, inclusive education setting is more conducive for the concept development of children with disabilities. Even in the special schools, the children can be provided ample opportunities to develop their concept development skills.

4.13 Teaching Subject Areas

In education of children with disabilities, it is often believed that children require different methodologies for learning purposes. In fact, this attitude, which prevailed for decades contributed to exclusive concepts like special schools. Though it is true in some cases, most of the subject areas do not require any substantial changes. Children with disabilities do not require a separate method of teaching. A good teacher is expected to use approaches which would enable all children to study effectively, irrespective of their disability. Therefore, the *inclusive education setting emphasises on curricular adaptations rather than prescribing a new curriculum.*

Some methods of teaching which can be useful for children with disabilities are listed as follows:

- **Play-way method**

In this method, the child is not kept in the classroom as a learner. The child is introduced the lesson through a number of play activities and in the process of such play, the teacher introduces specific concepts. Children who are learning through play-way method experience a sense of discovery.

- **Providing concrete experiences**

Children learn in three developmental stages. First, they need concrete experiences involving three dimensional objects, etc. Secondly, they can learn through pictorial ideas, and thirdly they develop abstraction. As far as children with disabilities are concerned, providing concrete learning experiences becomes pertinent. A strong foundation developed through concrete experiences will help them to understand the higher order experiences, including those of abstraction without much difficulty.

- **Facilitating learning by involving children with disabilities in groups**

Cooperative learning approach is considered to be an effective teaching-learning process in the classroom, especially when the class has children of different abilities. In a class consisting of children with disabilities, group learning can be planned by involving a child with disability in a group consisting of non-disabled children. This kind of activity not only develops the academic skills but also influences social integration of the child.

- **Teacher assisted peer-group learning**

Peer group learning is considered to contribute to effective learning in the case of non-disabled children and it is not less so in the case of disabled children. For adopting peer-group learning, a lot of preparation on the part of the teacher is needed. Activities for peer group learning, strategies for intervention, etc., are to be thoroughly planned by the teacher. A teacher in this process can become the facilitator of information sharing and see that the children (including disabled children) study in a harmonious way.

- **Teaching in a step by-step way**

Due to the loss of a specific faculty, children with disabilities are bound to lose the sequence of learning experiences. They often experience mediated learning and as a result, they need well-defined learning strategies. Teaching in a step-by-step sequence becomes vital for children with disabilities. Though this type of incremental approach is helping all children, children with disabilities are very much benefited by this. They are able to overcome the loss of learning experiences which are forced by the absence of the senses, when teaching is done in a step-by-step way.

- **Modifying method of teaching to suit the individual learning styles of disabled children**

The teacher should ascertain whether the child is a visual learner or an auditory learner or a tactile learner for designing proper instructional strategies. Though classification of this kind is imperative in the general classroom too, its application with children with disabilities is of paramount importance because these children exhibit different skills at different levels.

- **Criterion based teaching as well as evaluation techniques**

Usually, evaluation in a regular classroom is norm-based. The teacher makes an evaluation of the child on the basis of quantitative scores. However, this type of evaluation may not be proper for all activities in the case of children with disabilities. Since disabled children have to learn curricular as well as 'plus curricular' activities, mastery of the child over certain skills is more important than comparing the child with another child. Therefore, criterion-based evaluation is appropriate, which will help to see the position of the child at various points of time. In criterion-based evaluation, there is no pressure of comparative performance and, therefore, the child can learn in a natural way.

- **Learning through field-trips and hands-on experience**

Since children with disability experience reduction in the range and variety of experiences in many aspects, they have to be compensated by alternative modes of

information. Field trips are such alternative experiences which mostly contribute to proper concept development of these children.

- **Use of supplementary teaching aids and appliances for developing appropriate concepts**

As already indicated, concept development is vital for the disabled child to understand academic as well as non-academic areas. Sometimes, a concept taught by the teacher using the normal mode of information may not be appropriate for the child with disability to understand. Therefore, it is essential to use additional teaching aids which may provide the needed concept development in the child. The supplementary teaching aids should not be considered as additional burden. In fact, these are to be treated as essential for providing the substituted learning experiences to children with disabilities.

- **Individualised education programmes**

For specific categories, such as mentally retarded children, their needs and abilities must be assessed and appropriate instructional strategies must be designed and addressed based on their strengths and needs. It includes medical, social and psycho-educational interventions.

When the above aspects are addressed by the regular classroom teacher, teaching of any subject would become easier for the disabled child to understand. Therefore, practice-oriented teaching approach would enhance the learning efficiencies of disabled children.

Exercise 14

In your class out of the methods that you have studied in this module, how many of these you have had opportunity of using while teaching the children of your class?

Exercise 15

What role can simulation exercises play in sensitizing other children about disabilities?

(F) CLASSROOM ACTIVITIES TOWARDS REDUCING DISCRIMINATION

4.14 Learning Process

Learning is change of behaviour and a positive change in the behaviour occurs when the learning environment is non-threatening. In such a conducive learning environment, learning becomes effective and the teacher and the taught mutually facilitate learning experiences. An effective teacher never assumes the role of just a giver of information and he/she will not treat the taught as the mere recipient of knowledge. Therefore, an effective learning environment reinforces good practices of the classroom. *In an effective classroom, the teacher would address the needs of all children, irrespective of their abilities or disabilities.*

Normally, young children do not have the tendency to discriminate. They may be curious to know about disability conditions but do not have the tendency to isolate children on the basis of sex, caste, religion, disability, etc. As the child grows, prejudices also grow and as a result, discrimination takes place. In order to reduce the discriminatory approaches, positive orientation can be given to non-disabled children. As children have a tendency to extend over-help to children with disabilities, they have to be informed to be natural and should not over-do when they help children with disabilities. This type of orientation is necessary when the child with disability is integrated in the general classrooms.

4.15 Cooperative Learning Approach

Cooperative learning approach addresses these issues and when it is followed, it produces better results. Cooperative learning approach adopts three fundamental hypothesis :

- (i) *Every child is a special child*
- (ii) *A child with disability is MORE LIKE than UNLIKE.*
- (iii) *A teacher becomes a facilitator of learning.*

When these principles are practised in letter and spirit, the inclusion of children with disabilities would become natural.

In applying cooperative learning approach, a teacher may like to involve student participation in the learning process. Soon after teaching a lesson, the students may be asked to work in small groups on specific themes. The group formation may be based on the alphabetical order, height of the students, etc., and the teacher should ensure that there is a disabled child in each small group. On any account, the teacher should not leave group formation to the discretion of the students. The thematic discussion should be monitored by the teacher. Once the thematic discussion is over, the teacher should facilitate inter-group discussion by bringing one student from each group together to form a new group. In the inter-group discussion, each student, including the disabled student, will be assuming the role of a teacher; when his/her turn comes, he/she explains to other students what was discussed in the thematic groups, etc. This activity improves the communication skills of the learners

and every student in the class is expected to speak. As all students in the class should take part in the learning activity, all of them should receive equal attention of the teacher. After a thorough inter-group discussion, the teacher should bring the class back and put questions to examine the understanding of the students. Based on the understanding level, the teacher can recapitulate the learning points and provide further assignments for enrichment. As evident from the description, cooperative learning is not only a technique to facilitate effective inclusion of children with disabilities, but is an effective teaching methodology too to help all children.

Cooperative learning is a carefully organized peer-to-peer learning activity in which the characteristics of group dynamics are thoroughly dealt with. This carefully planned learning activity through peer-group interaction is likely to enhance the learning experiences of disabled and non-disabled students.

4.16 Simulation Exercises About Disabilities

Simulation exercises about disability may be fun but they have profound educational values. In order to simulate disability conditions, non-disabled children in the general classrooms may be blindfolded for some time, their ears plugged for some time, and they can also be asked to walk using one leg, write without the help of thumb, etc., to experience disability conditions of different nature. Often, non-disabled children find simulating exercises as fun and, therefore, like to have them. At the same time, they can also understand how children with disabilities live and learn. This type of simulating exercises would improve the concern of non-disabled children towards their disabled classmates. These activities also facilitate better inclusion of disabled children in the classroom. Teachers can also experience these simulating activities to understand various conditions of disabilities.

4.17 Learning 'Plus Curricular Activities' by Non-Disabled Children

'Plus curricular activities' are those which are peculiar to specific disability conditions and they are expected to be mastered by children with disabilities for their effective inclusion. However, orientation of these to non-disabled children would facilitate better inclusion for children with disabilities. For example, the braille dots can be taught to sighted children. Similarly, a few basic signs used by deaf children can be taught to hearing children so that they can communicate with deaf children. Disabled children appreciate non-disabled children studying these skills as they bring them closer to the mainstream.

4.18 Reader and Scribe Services

Due to disability conditions, some of them need assistance during examination time. For example, a blind child may not be able to read volumes of braille books at the time of

examination. Moreover, many textbooks are also not available in braille and, therefore, a blind child needs a reader. A child with cerebral palsy and a child with mild mental retardation may also be benefited by reader services. At the examination time, a blind child and a child with cerebral palsy may require a scribe to write the answers. In inclusive setting, many such examinations, class tests, term-end examinations, etc., are conducted and, therefore, a number of non-disabled children from the same class, or from higher classes may be involved to assist children with disabilities. Similarly, non-disabled children who have picked up some signs may be used to interpret the language of deaf children to others.

The above activities provide ample opportunities for disabled children and non-disabled children to interact effectively in the learning process. The activities listed, however, are not exhaustive. Other activities such as drama, skit, role play, etc., involving disabled and non-disabled persons may also provide opportunities for effective inclusion of disabled children in the mainstream society, thereby reducing discrimination.

4.19 School Based Activities to Develop Non-Discrimination

The following activities may be practised by students and teachers in the general school environment to exercise the value of non-discrimination.

1. *Awareness programmes on disability management* may be organized for non-disabled children in general schools to expose them to the various conditions of disability.
2. Persons with disabilities may be invited to address non-disabled children on how disabled persons manage day-to-day activities. *The interaction between disabled and non-disabled persons might help teachers in breaking barriers in respect of attitude.*
3. *Lessons projecting the right image about persons with disabilities may be included in the curriculum of schools* right from the beginning. Similarly, pictures portraying the right image of persons with disabilities should also be included at the primary level itself.
4. *Simulating exercises* such as blind-folding of sighted children to experience the conditions of persons with blindness, plugging the ears for sometime to simulate the conditions of deaf persons, etc., *may be useful for non-disabled persons to understand the conditions of persons with disabilities.*
5. *Adapted physical education activities* may be encouraged in general schools wherein persons with disabilities may be encouraged to play with non-disabled children.
6. Non-disabled children can be taken to schools for persons with disabilities and other service centres to *see the activities of persons with disabilities.*
7. The concept of abilympics, which provide opportunities for persons with disabilities to demonstrate their vocational skills in various trades, is becoming popular now.

- These activities may be organized in various parts of the country to enable *non-disabled persons to see the activities of persons with disabilities*.
8. Summer camps may be organized by schools to take persons with disabilities along with non-disabled children to interact socially to *develop positive awareness about disability issues*.
 9. Parents of disabled children may be brought to address teachers in general schools and also in Parent-Teacher Associations to *highlight the abilities of persons with disabilities*.
 10. The regular teacher may *involve disabled children in a number of group activities with non-disabled children* both inside and outside the classroom. For example, the disabled child may be involved in a group performing scientific experiment to note down the descriptions given by other persons, etc.
 11. The teacher may be advised to *include disabled children in field trips and encourage the peers to care for them* to explain about the places visited.
 12. The teachers may be advised to *include children with disabilities in extra-curricular activities* such as drama, dance etc.
 13. The senior students may be motivated to *act as scribe for visually impaired children*.
 14. *Peer tutoring* involving disabled and non-disabled children may be encouraged.
 15. Opportunity may be given to disabled children to *develop their leadership qualities* by asking them to organize various activities.
 16. In the hostel settings, the disabled students should not be provided a separate room and a separate place for dining. They should be given *an opportunity to mingle with non-disabled children*.
 17. *Teaching aids* for any lesson should be prepared keeping in mind the difficulties of disabled children.
 18. *Refresher courses* should be conducted *for the teachers about the current trends and issues in the field of rehabilitation*.
 19. *Architectural barriers* should be removed while constructing school buildings.
 20. *Lives of successful disabled persons* should be taught to students.
 21. Students may be asked to *collect success stories of disabled persons* from magazines.
 22. Teachers should ask every student whether any of their close relatives are disabled. They should be asked to share their experiences with other children.
 23. Students should be encouraged to frequently visit, talk and write to their grand parents who may suffer from degenerative disorders due to old age.
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(G) APPLICATION OF ENABLING TECHNOLOGIES REDUCES HANDICAP

The relevance of technology in special education is more than that of general education. The capability of technology is that (1) it makes the complex simple; and (2) it addresses the individual needs of the learner. Technology has multifarious applications in education of children with disabilities. First, the use of appropriate technology reduces the handicapping conditions of the individual in the study and work environment and secondly, application of the enabling technology enhances the learning potential of children with disabilities. Technology can also be used to reach the large number of persons with disabilities who are currently deprived of any educational and vocational opportunities.

4.20 Dual-mode of Communication

Disability presents different challenges. Loss of a particular sense deprives the access of the individual to the available technology. For example, a blind person cannot use the existing technology as it is. Many adaptations are needed to make it more accessible to blind persons. Technological innovations in the future should aim at dual communication mode to enable all types of persons with disabilities to have access.

Research studies abound to substantiate the fact that the quality of learning improves when the dual communication mode is applied. This implies that audio materials presented should be supplemented by text and visual descriptions. Similarly, the video materials should be supported by print text version of the spoken materials.

Persons with cerebral palsy may have difficulty in working with the existing equipment and, therefore, modifications in the devices may be necessary. Persons with locomotor handicap require assistive devices, which improve their mobility. Learning disabled children may require bio-feedback technology to improve their pace and quality of learning. In short, the existing technology needs to be adapted to suit the needs of persons with disabilities. Technology should not be confined to gadgets alone. They should include effective teaching techniques too. Preparation of appropriate teaching-learning materials may also be treated as effective educational technology.

4.21 Methods of Technological Applications

Technological adaptations can follow a four-stage strategy. Duplication of the existing technology can be tried to provide the near normal experiences to persons with disability. When duplication is not possible, modification of technology in terms of display can be tried. When modification is not possible, the expected outcomes of the learning tasks can be

substituted by suitable experiences. Under rare conditions, some activities need to be omitted for persons with disabilities. For example, adaptations of devices for driving may help other disabilities but not persons with visual impairment. Similar disability-specific tasks need to be omitted but attempts are needed either to duplicate or modify or substitute most of the existing technology for the benefit of disabled persons.

Still technology can be used as a vehicle to make education for all disabled children a reality in India. At present, the distance education technology is used mostly by persons with locomotor handicap. Blind and deaf persons are finding this method difficult in the absence of proper print or video or audio materials in accessible formats. Therefore, the technology should aim at providing materials in multiple option modes so that many children can get formal education.

Information technology may not become popular among persons with disabilities unless they become IT literate. IT components should find place in the curriculum of special and inclusive schools. The open school system must develop courses on IT for persons with disabilities. At present, most of the courses preferred by persons with disabilities are pertaining to arts and humanities. This pattern of selection has created an impression that high level technology oriented courses are not suitable for persons with disabilities. It is not true. Disabled persons are not opting for these courses because they do not get course materials and instruction in accessible formats. If such a facility is made available, disabled persons will prefer technology courses too.

The potential for the application of information technology in disability welfare is unlimited. The judicious use of technology may bring the non-disabled and disabled children closer and also provide opportunities to more children with disabilities who are currently unreached.

In order to provide technology related information and also to extend assistance to disabled children, teachers should first orient themselves to these techniques.

(H) PSYCHO-SOCIAL IMPLICATIONS OF DISABILITIES

Disability conditions have many implications for the life of the affected individual. They have direct and indirect impact on their psychological development as well as in the sociological front. Three types of implications are normally caused because of disability.

- Firstly, the disability itself causes emotional upset in the individual.
- Secondly, it is important to know in what aspects it affects the personality traits of the individual. Psychological aspects such as self-concept, self-esteem, perception,

and the sub-needs such as intimacy, success, autonomy and self-expression, self-worthiness, etc. are affected as a result of disability conditions.

- Thirdly, it is necessary to know to what extent the psychological implications have impact on the sociological factors such as family acceptance, social integration, etc. The development in psycho-social adjustment of the person with disability, emotional maturity and dependability will make him eligible for acceptance by the society for meaningful living.

Really speaking, psycho-social development of persons with disabilities is not affected so much by the disability, but it is disrupted by the emotional overtones of the disability. It is now a well-known fact that children tend to achieve as much, and *only* as much, as their parents aspire them to achieve. Once parents stop treating the child as a developing individual, once they refuse to accept his capabilities and limitations, both, in a realistic manner, his/her self-concept is bound to be severely affected. Over-protection robs him/her of his/her independence, neglect turns him/her to undesirable behaviours. Either way, it is the suffering child whose handicap multiplies. The same is true with the society too. Society should not exercise stereotype attitudes towards disabilities, which cause either exclusion or too much care. For better psycho-social development, the society should treat the persons with disability as individuals.

4.22 Effects of Disability on Personality

Personality is treated as the total quality of the individual's behaviour as it is revealed in his/her thought, action, expression and attitude. Among these, the attitude forms the base for all other components and undoubtedly contributes to the development of the self-esteem of the individual. In the case of disabled persons, their attitudes toward the world and vice-versa play an important role in the making up of the self. Disability condition have many effects on the development of the individual. However, some are objective whereas some others are subjective in nature. For example, lack of orientation of environment and mobility skills are certainly the objective effects of blindness whereas better concentration, singing abilities, etc, are subjective effects. Similarly, lack of communication skill is an objective effect of persons with hearing impairment. Lack of reasoning is an objective effect of mental retardation whereas accessibility is an issue with regard to locomotor disabilities. As abilities such as understanding the environment, communication, reasoning, access, etc, have direct influence on the personality, a person with disability would certainly experience limitations in these areas, which may cause psychological effect on the personality.

Compensatory activities to combat these effects would contribute to better personality development in the individual. Early intervention and remedial activities alone contribute to a balanced personality development in persons with disabilities.

4.23 Role of Persons with Disabilities

In the personality development, the person with disability also has a vital role. The individual, though upset by the disability condition, should cultivate the mind to live with disability and overcome the difficulties. Though it is easier said than experienced, the determination of the disabled individual to live and face the challenges of the world has a tremendous impact on the positive development of the individual. As the society at large has a tendency to provide importance to the abilities of the individual, a person with disability should also develop his/her ability to easily get into the mainstream. Accepting the disability as it is and moving forward from there with constructive thinking would contribute to a balanced personality development of the individual.

The personality development of the disabled individual is not only influenced by the external forces but by the determination of the individual too.

4.24 Role of Peer Groups

Peer group influence is substantial in the making of individuals, whether it is in the childhood, adulthood or in old age. A disabled individual should have better interaction with other disabled persons and also non-disabled persons of the same age group. Experiences have revealed that disabled children, integrated with the mainstream programmes, tend to accept the disability condition and move forward for constructive life. Therefore, disabled persons should be mainstreamed as early as possible to experience the positive effects of personality development on the individual with disability.

4.25 Role of Parents

Parents are the most important people in the life of the non-disabled child as also that of the children with disability. The habilitation and/or rehabilitation of the disabled child should, in fact, start from the family. The parents are generally ignorant about implications of disability on the personality development of the child. In most of the places, parents also *like* to render maximum assistance to disabled children. But their unawareness of the right methodology in the treatment of such children keeps them away from providing possible assistance. This is the time for the schools and organizations working for persons with disabilities to offer guidance and counselling programmes to the families of these children. It is, therefore, very evident that the parents of these children should be involved in planning the educational programmes for them.

It is essential, however, to make sure that parents understand the following aspects:

1. Reasons for disability condition in the child and its implications for the present.
2. The effect of the disability condition of the child on his/her concept development.

3. Ways of helping the child at home to develop his/her skills.
4. Understanding the skill areas and limitations of the child.
5. The need for praise and encouragement for social and emotional development.
6. Need for cooperation with the Early Childhood Care and Education (ECCE) programmes and the teachers for improving skills of the child.

In short, parents need to play a pro-active role in the personality development of the child with disabilities.

4.26 Role of Teachers

The teachers should help the parents to observe disabled children in the classroom settings and notice the nature of training he/she needs in language, cognitive, motor, emotional and social developments. The teachers should encourage parents to ask questions and clarify doubts. Moreover, the parents should be oriented by the teachers to identify the areas where the child needs maximum assistance. In general, close collaboration of the teachers and parents of disabled children could make a tremendous impact on the overall development of the child. Teachers should also assume advocacy roles. Their knowledge on special assistance, sources and agencies which are locally or proximally available will equip them to play an effective role as referral teachers. They need not be resource persons, but must have information on supportive services. They should be aware of the legal right protection, schemes and benefits for disabled persons.

Often, teachers are looked upon by parents and disabled children as the major source for guidance. As teachers are trained to handle children with disabilities in the professional way, their influence on the personality development of the child is undisputable. They should act as mentors for children with disabilities and their parents. If possible, making visits to the families of children with disabilities and interacting with the child, their parents and siblings may have a positive influence on the personality development of the child. Therefore, teachers should continue to play a facilitative role in special education.

4.27 Overall Value Development

In the life of the child with disabilities, education, vocation, family acceptance and social integration become the four vital pillars. Parents, teachers, peer group and the society at large have their respective roles in the overall development of the child. Besides the psychological, sociological and personality development of the child, the value development is also vital. Value development activities not only contribute to effective personality development, but also provide courage to encounter the challenges imposed by disability conditions. As cultivation of the mind is the basic requirement for value development, meditation and yoga activities may also be practised with persons with disabilities.

Disabled children are human beings like others. They should not be discriminated because they are different. They are part of the contributing citizens of the society. Teachers should avoid discriminatory measures and include children with disabilities in the mainstream of education. In short, a general school should have the following pro-active objectives regarding education of children with disabilities to enforce the need for non-discrimination.

1. *The purpose of education is to provide equal educational opportunities as well as experiences to children with disabilities.*
2. *Schools should provide least restrictive environment to persons with disabilities in order to maximise their social experiences.*
3. *Schools should start activities to overcome stereotype attitudes towards disability by demonstrating that disabled children are children first and disabled next.*
4. *Schools should invest on the education of children with disabilities to make them contributing citizens of the nation.*

In summary, non-discriminatory practices start with the formation of the right attitude. In this process, teachers can play a crucial role in developing such attitudes among non-disabled children to practise non-discrimination based on caste, gender, religion and disability.

Discrimination Based on Religion

This Module deals with issues related to discrimination based on religion of an individual. However, as the variable of religion cuts across gender, caste/tribe, class, disability, the previous chapters take into account the concerns related to this dimension. It is important to remember the constitutional provisions guaranteed in our Constitution; a few relevant to this theme are given below. The teacher has to keep them in mind while dealing with issues related to religion in the context of cultural and religious plurality generally available in all our classroom situations. It may be remembered that discrimination is a process and disparity and inequality are its end product.

Article 15 – Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (2) No citizen shall on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to –
 - (a) access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing *ghats*, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.
- (3) Nothing in this Article shall prevent the State from making any special provisions for women and children.
- (4) Nothing in this Article or in clause (2) of the Article 29 shall prevent the State from making any special provision for the advancement of any socially or educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Right to Freedom of Religion

Article 25 – Freedom of conscience and free profession, practice and propagation of religion

- (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

- (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law –
- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
 - (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I : The wearing and carrying of kripans shall be deemed to be included in the profession of the Sikh religion.

Explanation II : In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

Article 26 – Freedom to manage religious affairs

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right –

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law.

Article 27 – Freedom as to payment of taxes for promotion of any particular religion

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Article 28 – Freedom as to attendance at religious instruction or religious worship in certain educational institutions –

- (1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.
- (2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

No person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

Article 29 – Protection of interests of minorities

- (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 30 – Right of minorities to establish and administer educational institutions

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
[1(A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]

Implications for Teacher Education

The foregoing chapters dealing with discrimination based on sex, caste, religion and disability are basically addressed to the school-teacher to enable him/her to develop the desired sensitization necessary for inculcating in their students the concept and value of non-discrimination in relation to the parameters indicated. It has been emphasized that these concerns are at the heart of the Constitution of India and, therefore, all efforts should be made to use the instrumentality of education to bring home to the young minds the importance of the country's Constitution in reshaping the destiny of the Nation. In fact, this is also the spirit of Article 51A of the Constitution relating to Fundamental Duties. Article 51A (a) states "to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem." An important ideal of the Constitution is the provision of equality before law (Article 14) and nurturing this idea is the corner-stone of building up the concept of non-discrimination.

6.1 Fundamental Duties – Article 51A

A conscious focus on the various provisions of Article 51A would enable curriculum developers and classroom practitioners to bring about a fundamental transformation in handling the content and process of education in the school and teacher education programmes. A discussion on clauses (a) to (j) of the Article, as given below, can initiate the needed dynamics of change.

Fundamental Duties – It shall be the duty of every citizen of India –

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;

- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

6.2 National Policy on Education (1986/1992)

A significant exhortation in the National Policy on Education (NPE) 1986 with modifications undertaken in 1992 incorporates the basic spirit of Article 51A and reads thus: "The National System of Education will be based on a national curricular framework which contains a common core along with other components that are flexible. The common core will include the history of India's freedom movement, the Constitutional obligations and other content essential to nurture national identity. These elements will cut across subject areas and will be designed to promote values such as India's common cultural heritage; egalitarianism, democracy and secularism; equality of the sexes; protection of the environment; removal of social barriers; observance of the small family norm, and inculcation of the scientific temper. All educational programmes will be carried on in strict conformity with secular values." This policy statement reinforces the concern for a total curriculum renovation.

6.3 Reorienting Teacher Education Programmes

It is not enough that the teachers are made aware of the Constitutional provisions about equality and the need for non-discrimination; it will also require educating them in communicating these ideas to the students and impressing on them the need to abide by the dictums of the same. For a serious business of education in Constitutional concerns at the school level, teachers of all subjects at all levels have to be oriented and trained. Accordingly, the curricular coverage of these concepts has to be deliberate and pre-designed. It will be necessary to develop a blueprint indicating reflection of various concerns in different units and topics of the course papers in teacher education curricula. Preparation of teachers, through well-designed teacher education programmes, would actually play a very significant role in ensuring understanding and internalizing of these concepts in our schools, teacher education institutions and communities.

Towards reorienting teacher education which is the most crucial input in operationalizing the ideas mentioned in the preceding chapters, a few suggestions are given below only as guidelines, hoping that the teacher educators will be able to apply their own minds to designing approaches to the implementation of the ideas in various innovative ways.

6.4 Guidelines/Suggestions

- (a) The present curriculum format of teacher education at different levels, pre-primary, elementary and secondary education is generally based, apart from others on Foundation Courses, which include philosophical, sociological and psychological perspectives of education. The intention is that the teacher must have a conceptual understanding of the field of education, its significant concerns which are relevant for political, social and cultural development of the nation so that the teacher is just not responsible only for performing "knick knacks" of the task of teaching but is also imbued with the perspectives of creating individuals who can apply their minds to the diverse situations that obtain in the field of education. It is the Foundation Courses which provide a lot of scope for being recast to lay focus on discussion on the issues listed in the preceding chapters. Apart from others, it can re-look at the existing curriculum and divide it into appropriate cluster of topics which include the core elements of the NPE and the Constitutional concerns related to non-discrimination. Other areas of equal relevance for development of the ideas are the internship in teaching and working with the community.
- (b) The type of exercises for developing the values related to non-discrimination as given in the chapters on sex/gender, caste/tribe, disability, etc. could become the central themes of co-curricular and extra-curricular activities of the teacher education institutions. It is not the intention to repeat the listing of those activities here in this chapter; a reference can be made to these activities in the appropriate chapters in which they have been listed.
- (c) Based on the ideas developed in the earlier chapters, a specific sensitizing module could be developed in relation to different components of teacher education curriculum, and made an integral part of all teacher education programme organized by National, State and District level Institutions.
- (d) It could also be helpful to plan orientation programme on teacher education on this theme. The seminars could familiarize the teacher educators with strategies for operationalizing the teaching-learning dimensions relevant to the theme. An effective way to institutionalize the concept is to incorporate it in the elementary and secondary pre-service teacher education curriculum. This could be supplemented by a suitable co-curricular programme which should aim at offsetting some of the shortcomings in the curricular approach especially in terms of attitude and value development.
- (e) What is needed is a vigorous advocacy with state educational agencies, teacher education institutions and university departments of education for conscious inclusion of such components in the curricula.
- (f) In order to overcome the disadvantage of fragmented treatment of the theme, it is suggested that an independent comprehensive unit comprising familiarization with

the Constitution of India and its such concerns as impinge on education should be incorporated in the elementary and secondary teacher education courses.

- (g) In India, evaluation system influences the educational process especially the quality of classroom teaching significantly, and as such a separate unit of educational imperatives of Constitution will ensure due importance and weightage to the theme in the classroom teaching.
 - (h) A great deal depends on the ingenuity and dedication of teachers and teacher educators in achieving anything substantial through education. If the concerns are handled with sincerity and purpose, they could definitely bring about the desired transformation in the educational system through teacher education.
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Instruments of Non-Discrimination

Constitution of India (1950)	Universal Declaration of Human Rights (1948)	CEDAW (1979)
<p style="text-align: center;">Fundamental Rights (Part III)</p> <p style="text-align: center;">Right to Equality</p> <p>Article 14. Equality before law – The State shall not deny any person equality before the law or the equal protection of the laws within the Indian territory.</p> <p>Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth</p> <p>(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.</p> <p>(2) No citizen shall on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to –</p> <p>(a) access to shops, public restaurants, hotels and places of public entertainment; or</p> <p>(b) the use of wells, tanks, bathing <i>ghats</i>, roads and places of public resort maintained wholly or partly out of State funds</p>	<p>Article 1</p> <p>All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</p> <p>Article 2</p> <p>Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-government or under any other limitation of sovereignty.</p> <p>Article 3</p> <p>Everyone has the right to life, liberty and security of person.</p>	<p style="text-align: center;">Part I</p> <p>Article 1</p> <p>For the purposes of the present Convention, the term ‘discrimination against women’ shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment of exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.</p> <p>Article 2</p> <p>States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p>(a) to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p>(b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p>

<p>or dedicated to the use of general public.</p>	<p>Article 4 No one shall be held in slavery or servitude; Slavery and the slave trade shall be prohibited in all their forms.</p>	<p>(c) to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p>
<p>(3) Nothing in this article shall prevent the State from making any special provisions for women and children.</p>	<p>Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.</p>	<p>(d) to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p>
<p>(4) Nothing in this article or in clause (2) of the article 29 shall prevent the State from making any special provision for the advancement of any socially or educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.</p>	<p>Article 6 Everyone has the right to recognition everywhere as a person before the law.</p>	<p>(e) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p>
<p>Article 16. Equality of opportunity in matters of public employment –</p>	<p>Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</p>	<p>(f) to repeal all national penal provisions which constitute discrimination against women.</p>
<p>(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State</p>	<p>Article 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</p>	<p>Article 3 States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.</p>
<p>(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.</p>	<p>Article 9 No one shall be subjected to arbitrary arrest, detention or exile.</p>	<p>Article 4 (1) Adoption by States Parties of temporary special measure aimed at accelerating de facto equality between men and women shall not</p>
<p>(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government or any local or other authority within a State or Union Territory, any requirement as to</p>		

<p>residence within the State or Union Territory prior to such employment or appointment.</p> <p>(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State, is not adequately represented in the services under the State.</p> <p style="text-align: center;">Right to Freedom</p> <p>Article 19. Protection of certain rights regarding freedom of speech, etc. –</p> <p>(1) All citizens shall have the right</p> <p>(a) to freedom of speech and expression;</p> <p>(b) to assemble peaceably without arms;</p> <p>(c) to form associations or unions;</p> <p>(d) to move freely throughout the territory of India;</p> <p>(e) to reside and settle in any part of the territory of India; (and)</p> <p>(f) to practise any profession, or to carry on any occupation, trade or business.</p> <p style="text-align: center;">Right to Exploitation</p> <p>Article 23. Prohibition of traffic in human beings and forced labour –</p>	<p>Article 10</p> <p>Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.</p> <p>Article 11</p> <p>(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.</p> <p>(2) No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or inter-national law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.</p> <p>Article 12</p> <p>No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence,</p>	<p>be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards, these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.</p> <p>(2) Adoption by States Parties of special measure, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.</p> <p>Article 5</p> <p>States Parties shall take all appropriate measures:</p> <p>(a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority of the superiority of either of the sexes or on stereotyped roles for men and women;</p> <p>(b) to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.</p> <p>Article 6</p> <p>States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women</p>
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<p>(1) Traffic in human beings and <i>begar</i> and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.</p> <p>(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.</p>	<p>not to attach upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p>	<p>and exploitation of prostitution of women.</p>
<p>Article 24. Prohibition of employment for children in factories, etc.</p> <p>No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.</p>	<p>Article 13</p> <p>(1) Everyone has the right to freedom of movement and residence within the borders of each State.</p> <p>(2) Everyone has the right to leave any country, including his own and to return to his country.</p>	<p style="text-align: center;">Part II</p> <p>Article 7</p> <p>States Parties shall take all discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</p> <p>(a) to vote in all elections and public referenda and to be eligible for elections to all publicly elected bodies;</p> <p>(b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</p> <p>(c) to participate in non-governmental organizations and associations concerned with the public and political life of the country.</p>
<p style="text-align: center;">Cultural and Educational Rights</p> <p>Article 29. Protection of interests of minorities –</p> <p>(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.</p> <p>(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State</p>	<p>Article 14</p> <p>(1) Everyone has the right to seek and to enjoy in other countries asylum from prosecution.</p> <p>(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.</p>	<p>Article 8</p> <p>States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to respect their Governments at the international level and to participate in the work of international organisations.</p>
<p>(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.</p> <p>(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State</p>	<p>Article 15</p> <p>(1) Everyone has the right to a nationality.</p> <p>(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.</p> <p>Article 16</p> <p>(1) Men and women of full age, without any</p>	<p>Article 9</p> <p>States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during</p>

<p>funds on grounds only of religion, race, caste, language or any of them.</p> <p>Article 30. Right of minorities to establish and administer educational institutions –</p> <p>(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.</p> <p>[1(A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.]</p> <p>(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.</p>	<p>limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.</p> <p>(2) Marriage shall be entered into only with the free and full consent of the intending spouses.</p> <p>(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.</p> <p>Article 17</p> <p>(1) Everyone has the right to own property alone as well as in association with others.</p> <p>(2) No one shall be arbitrarily deprived of his property.</p> <p>Article 18</p> <p>Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching,</p>	<p>marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.</p> <p style="text-align: center;">Part III</p> <p>Article 10</p> <p>States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women;</p> <p>(a) the same conditions for career and vocational guidance for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;</p> <p>(b) access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;</p> <p>(c) the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve his aim and, in particular, by the revision of text books and school programmes and the adaptation of teaching methods.</p> <p>(d) The same opportunities to benefit from scholarships and other study grants;</p>
<p style="text-align: center;">Right to Constitutional Remedies</p> <p>Article 32. Remedies for enforcement of rights conferred by this Part –</p> <p>(1) The right to move the Supreme Court by</p>		

appropriate proceedings for the enforcement of the right conferred by this Part is guaranteed.

- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate for the enforcement of any of the rights conferred by this Part.
- (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).
- (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Directive Principles of State Policy (Part IV)

Article 37. Application of the principles contained in this Part -

The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Article 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right to equal access to public services in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be

(e) The same opportunities for access to programmes of continuing education, including audit functional literacy programmes, particularly those aimed at reducing at the earliest possible time, any gap in education existing between men and women;

(f) The education of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular :

(a) the right to work as an inalienable right of all human beings;

(b) the right to the same employment opportunities; including the application of the same criteria for selection in matters of employment;

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to

<p>Article 38. State to secure a social order for the promotion of welfare of the people –</p> <p>(1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.</p> <p>(2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas of engaged in different vocations.</p>	<p>held by secret vote or by equivalent free voting procedures.</p> <p>Article 22</p> <p>Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.</p> <p>Article 23</p> <p>(1) Everyone has the right to work, to free choice to employment, to just and favourable conditions of work and to protection against unemployment.</p> <p>(2) Everyone, without any discrimination, has the right to equal pay for equal work.</p> <p>(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other</p>	<p>receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>(d) the right to equal remuneration, including benefits, and to equal treatment in respect of women of equal value, as well as equality of treatment in the evaluation of the equality of work;</p> <p>(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity of work, as well as the right to paid leave;</p> <p>(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction;</p> <p>(2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures;</p> <p>(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;</p> <p>(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;</p> <p>(c) To encourage the provision of the necessary supporting social</p>
<p>Article 39. Certain principles of policy to be followed by the State – The State shall, in particular, direct its policy towards securing –</p> <p>(a) that the citizen, men and women equally, have the right to an adequate means of livelihood;</p> <p>(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;</p> <p>(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;</p>		

<p>(d) that there is equal pay for equal work for both men and women;</p> <p>(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;</p> <p>(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.</p>	<p>means of a social protection.</p> <p>(4) Everyone has the right to form and to join trade unions for the protection of his interests.</p> <p>Article 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</p> <p>Article 25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.</p> <p>(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.</p>	<p>services to enable parents to combine family obligations, with work responsibilities and participation in public life, in particular though promoting the establishment and development of a network of child care facilities.</p> <p>(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.</p> <p>(3) Protective legislation relation to matters covered in this Article the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.</p>
<p>Article 39 (a). Equal Justice and free legal aid – The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.</p>		<p>Article 12 (1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</p> <p>(2) Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.</p>
<p>Article 40. Organisation of village panchayats – The States shall take steps to organize village <i>panchayats</i> and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.</p>		<p>Article 14 (1) States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work</p>

<p>Article 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 underserved want.</p> <p>Article 42. Provisions for just and humane conditions of work and maternity relief – The State shall make provision for securing just and humane conditions of work and for maternity relief.</p> <p>Article 44. Uniform civil code for the citizens – The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.</p> <p>Article 45. Provision for free and compulsory education for children – The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.</p> <p>Article 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</p>	<p>Article 26</p> <p>(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.</p> <p>(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among the nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.</p> <p>(3) Parents have a prior rights to choose the kind of education that shall be given to their children.</p> <p>Article 27</p> <p>(1) Everyone has the right freely to participate in</p>	<p>in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.</p> <p>(2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>(a) to participate in the elaboration and implementation of development planning at all levels;</p> <p>(b) to have access to adequate health care facilities, including information, counselling and services in family planning;</p> <p>(c) to benefit directly from social security programmes;</p> <p>(d) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;</p> <p>(e) to organize self help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self employment;</p> <p>(f) to participate in all community activities ;</p>
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Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health – The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Article 48A. Protection and improvement of environment and safeguarding of forests and wild life – The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

Fundamental Duties

Article 51(a) Fundamental Duties – It shall be the duty of every citizen of India –

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;

the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Articles 29

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of morality, public order and the general welfare in a democratic society.

- (g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land & agrarian reform as well as in land resettlement schemes;

- (h) to enjoy adequate living conditions, particularly in relation to housing sanitation, electricity and water supply, transport and communications.

Part IV

Article 15

- (1) States Parties shall accord to women equality with men before the law.

Article 16

- (1) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women :
 - (a) the same right to enter into marriage;
 - (b) the same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) the same right and responsibilities during marriage and at its dissolution;
 - (d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children, in all cases the interests of the children shall be paramount;

<p>(d) to defend the country and render national service when called upon to do so;</p> <p>(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women;</p> <p>(f) to value and preserve the rich heritage of our composite culture;</p> <p>(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;</p> <p>(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;</p> <p>(i) to safeguard public property and to abjure violence;</p> <p>(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.</p>	<p>(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.</p> <p>Article 30</p> <p>Nothing in this Declaration be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.</p>	<p>(e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;</p> <p>(f) the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;</p> <p>(g) the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;</p> <p>(h) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition for property, whether free of charge or for a valuable consideration.</p> <p>2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.</p>
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International Covenant on Economic, Social and Cultural Rights

PART 1

Article 1

- (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Part 2

Article 2

- (1) Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
- (2) The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex language, religion, political or other opinion, national or social origin, property, birth or other status.
- (3) Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject

such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Part 3

Article 6

- (1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
- (2) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular :

- (a) Remuneration which provides all workers, as a minimum, with :
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

- (1) The States Parties to the present Covenant undertake to ensure :
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests ...
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- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that :

- (1) The widest possible protection and assistance should be accorded to the family, which is the natural fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
- (2) Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mother should be accorded paid leave or leave with adequate social security benefits.
- (3) Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

- (1) The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.
- (2) The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international

cooperation, the measures, including specific programmes, which are needed :

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems for both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

- (1) The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
- (2) The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for :
 - (a) The provision for the reduction of the still-birth rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

- (1) The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
- (2) The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right :
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and assessable to all by

- every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - (d) Fundamental education shall be encouraged or intensified as far as possible for those personal who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
- (3) The States Parties to the present Covenant undertake to have respect for the livery of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
- (4) No part of this Article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this Article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 15

- (1) The States Parties to the present Covenant recognize the right of everyone :
- (a) To take part in cultural life;
 - (b) To enjoy the benefits of scientific progress and its applications;
 - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
- (2) The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
- (3) The State Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
- (4) The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and cooperation of the scientific and culture fields.

International Covenant on Civil and Political Rights

Part 1

Article 1

- (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
- (3) The States parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect the right, in conformity with the provisions of the Charter of the United Nations.

Part 2

Article 2

- (1) Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
 - (2) Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
 - (3) Each State party to the present Covenant undertakes :
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by
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any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

- (1) In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

Part 3

Article 6

- (1) Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
- (2) In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide.
- (3) Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
- (4) Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

Article 7

- (1) No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

- (1) No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
- (2) No one shall be held in servitude.
- (3a) No one shall be required to perform forced or compulsory labour.

Article 9

- (1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
- (2) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
- (3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.
- (4) Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
- (5) Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

- (1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- (2) (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
- (3) The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 12

- (1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

- (2) Everyone shall be free to leave any country, including his own.
- (3) The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (order public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
- (4) No one shall be arbitrarily deprived of the right to enter his own country.

Article 14

- (1) All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
- (2) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
- (3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - (c) To be tried without undue delay;
 - (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing;
 - (g) Not to be compelled to testify against himself or to confess guilt.
- (4) In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

- (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- (2) Everyone has the right to be protection of the law against such interference or attacks.

Article 18

- (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
- (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- (3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals of the fundamental rights and freedoms of others.
- (4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

- (1) Everyone shall have the right to hold opinions without interference.
- (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- (3) The exercise of the rights provided for in paragraph 2 of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall also be such as are provided by law and are necessary :
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20

- (1) Any propaganda for war shall be prohibited by law.
- (2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public

order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

- (1) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Article 23

- (1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- (2) The right of men and women of marriageable age to marry and to found a family shall be recognized.
- (3) No marriage shall be entered into without the free and full consent of the intending spouses.
- (4) States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

- (1) Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
- (2) Every child shall be registered immediately after birth and shall have a name.
- (3) Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions :

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expressions of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Part 4**Article 40**

- (1) The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights.

*International Convention on the Elimination
of All Forms of Racial Discrimination (1966)*

Part I

Article 1

- (1) In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
- (2) This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
- (3) Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States/Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.
- (4) Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

- (1) States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
 - (a) each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
 - (b) each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

- (c) each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
 - (d) each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
 - (e) each State Party undertake to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
- (2) States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention, *inter alia*:

- (a) shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) shall declare illegal and prohibit organizations, and also organized all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

- (c) shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) the right to equal treatment before the tribunals and all other organs administering justice;
- (b) the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;
- (c) political rights, in particular the rights to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) other civil rights, in particular :
 - (i) the right to freedom of movement and residence within the border of the State;
 - (ii) the right to leave any country, including one's own, and to return to one's country;
 - (iii) the right to nationality;
 - (iv) the right of marriage and choice of spouse;
 - (v) the right to own property alone as well as in association with others;
 - (vi) the right to inherit;
 - (vii) the right to freedom of thought, conscience and religion;
 - (viii) the right to freedom of opinion and expression;
 - (ix) the right to freedom of peaceful assembly and association;
- (e) economic, social and cultural rights in particular :
 - (i) the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) the right to form and join trade unions;
 - (iii) the right to housing;
 - (iv) the right to public health, medical care, social security and social services;

- (v) the right to education and training;
- (vi) the right to equal participation in cultural activities;
- (f) the right to access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Conventions.

*World Conference against Racism, Racial Discrimination,
Xenophobia and Related Intolerance
Programme of Action*

Recognizing the urgent need to translate the objectives of the Declaration into a practical and workable Programme of Action, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance:

- I Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance
 - (1) Urges States in their national efforts, and in cooperation with other States, regional and international organizations and financial institutions, to promote the use of public and private investment in consultation with the affected communities in order to eradicate poverty, particularly in those areas in which victims of racism, racial discrimination, xenophobia and related intolerance predominately live;
 - (2) Urges States to take all necessary and appropriate measures to end enslavement and contemporary forms of slavery-like practices, to initiate constructive dialogue among States and implement measures with a view to correcting the problems and the damage resulting therefrom.
- II. Victims of racism, racial discrimination, xenophobia and related intolerance
Victims : General
 - (3) Urges States to work nationally and in cooperation with other States and relevant regional and international organizations and programmes to strengthen national mechanisms to promote and protect the human rights of victims of racism, racial discrimination, xenophobia and related intolerance who are infected, or presumably infected, with pandemic diseases such as HIV/AIDS and to take concrete measures, including preventive action, appropriate access to medication and treatment, programmes of education, training and mass media dissemination, to eliminate violence, stigmatization, discrimination, unemployment and other negative consequences arising from these pandemics;

*Draft Biwako Millennium Framework for Action Towards an
Inclusive, Barrier-Free and Rights-Based Society for
Persons with Disabilities in Asia and the Pacific*

C. Early intervention and education

(1) Critical issues

24. Available evidence suggests that less than 10 per cent of children and youth with disabilities have access to any form of education. This compares with an enrolment rate of over 70 per cent for non-disabled children and youth in primary education in the Asian and Pacific region. This situation exists despite international mandates declaring that education is a basic right for all children and calling for the inclusion of all children in primary education by 201(5) Governments should ensure the provision of appropriate education which responds to the needs of children with all types of disabilities in the next decade. It is recognized that there is wide variation in the response which Governments in the Asian and Pacific region have made in providing education for children with disabilities, and that children are currently educated in a variety of formal and informal educational settings, and in separate and inclusive schools.
 25. The exclusion of children and youth with disabilities from education results in their exclusion from opportunities for further development, particularly diminishing their access to vocational training, employment, income generation and business development. Failure to access education and training prevents the achievement of economic and social independence and increases vulnerability to poverty in what can become a self-perpetuating, inter-generational cycle.
 26. Infants and young children with disabilities require access to early intervention services, including early detection and identification (birth to four years old), with support and training to parents and families to facilitate the maximum development of the full potential of their disabled children. Failure to provide early detection, identification and intervention to infants and young children with disabilities and support to their parents and caretakers results in secondary disabling conditions which further limit their capacity to benefit from educational opportunities.
 27. Currently education for children and youth with disabilities is predominantly provided in special schools in urban centres and is available to limited numbers of children in many countries of the Asian and Pacific region. The Salamanca Statement and Framework for Action on Special Needs Education recommended that inclusive education, with
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access to education in the regular local neighborhood or community school, provides the best opportunity for the majority of children and youth with disabilities to receive an education, including those in rural areas. Exceptions to this rule should be considered on a case-by-case basis where only education in a special school or establishment can be shown to meet the needs of the individual child. It is acknowledged that in some instances special education may be considered to be the most appropriate form of education for some children with disabilities. The education of all children, including children with disabilities, in local or community schools assists in breaking down barriers and negative attitudes and facilitates social integration and cohesion within communities. The involvement of parents and the local community in community schools further strengthens this process.

28. Major barriers to the provision of quality education for children with disabilities in all educational contexts include the lack of early identification and intervention services, negative attitudes, exclusionary policies and practices, inadequate teacher training, particularly training of all regular teachers to teach children with diverse abilities, inflexible curriculum and assessment procedures, inadequate specialist support staff to assist teachers of special and regular classes, lack of appropriate teaching equipment and devices, and failure to make modifications to the school environment to make it fully accessible. These barriers can be overcome through policy, planning, implementation of strategies and allocation of resources to include children and youth with disabilities in all national health and education development initiatives available to non-disabled children and youth.

(2) Millennium development goal

In this priority area, the millennium development goal is to ensure that by the year 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education.

(3) Targets

Target 6 – Children and youth with disabilities will be an integral part of the population targeted by the millennium development goal of ensuring that, by 2015, all boys and girls will complete a full course of primary schooling.

Target 7 – At least 75 per cent of children and youth with disabilities will, by 2010, be able to complete a full course of primary schooling.

Target 8 – By 2012, all infants and young children (birth to four years old) will have access to and receive community-based early intervention services, with support and training for their families.

- (4) **Action required to achieve targets**
- (1) Governments need to enact legislation, with enforcement mechanisms, to mandate education for all children, including children with disabilities, to meet the goals of the Dakar Framework for Action and the millennium development goal of primary education for all children by 2015 (5) Children with disabilities need to be explicitly included in all national plans for education, including national plans on education for all of the Dakar Framework for Action.
 - (2) Ministries of Education need to formulate educational policy and planning in consultation with families and organizations of persons with disabilities and develop programmes of education which enable children with disabilities to attend their local primary schools. Policy implementation needs to prepare the school system for inclusive education, where appropriate, with the clear understanding that all children have the right to attend school and that it is the responsibility of the school to accommodate differences in learners.
 - (3) A range of educational options must be available to allow the selection of a school that will best cater for individual learning needs.
 - (4) Adequate public budgetary allocation specifically for the education of children with disabilities should be provided within the education budget.
 - (5) Governments, in collaboration with others, need to collect comprehensive data on children with disabilities, from birth to 16 years old, which should be used for planning appropriate early intervention and educational provision, resources and support services, from birth through school age.
 - (6) Five year targets need to be set for the enrolment of children with disabilities in early intervention, pre-school, primary, secondary and tertiary (post-school) education. Progress towards meeting these targets should be closely monitored with a view to achieving the goal of 75 per cent of children with disabilities in school by 2012(2)
 - (7) Ministries of Health and other concerned ministries need to establish adequate early detection and identification services in hospitals, primary health care centre and community-based health care services, with referral systems to early intervention services for all disabled infants and children (birth to four years old).
 - (8) Ministries of Health and Education need to establish early intervention services, in collaboration with other concerned ministries, self-help organizations, NGO and community-based agencies, to provide early intervention, support and training to all disabled infants and children with disabilities (birth to four years old) and their families.
 - (9) Governments, including Ministries of Education, need to work in partnership with NGOs at the national and local level to conduct public awareness campaigns to

inform families of children with disabilities, schools and local communities, of the right of children and youth with disabilities to participate in education at all levels, in urban and rural areas, and with particular emphasis on the inclusion of girls and disabilities where there is a gender imbalance in school attendance.

- (10) The following measures need to be taken, where appropriate, by Governments in the region to improve the quality of education in all schools, for all children, including children with disabilities, in special and inclusive educational contexts:
 - (a) conduct education and training for raising the awareness of public officials, including educational and school administrators and teachers, to promote positive attitudes to the education of children with disabilities, increase sensitivity to the rights of children with disabilities to be educated in local schools and on practical strategies for including children and youth with disabilities in regular schools;
 - (b) provide comprehensive pre- and in-service teacher training for all teachers, with methodology and techniques for teaching children with diverse abilities, the development of flexible curriculum, teaching and assessment strategies;
 - (c) encourage suitable candidates with disabilities to enter the teaching profession;
 - (d) establish procedures for child screening, identification and placement, child-centred and individualized teaching strategies and full systems of learning and teaching support, including resource centres and specialist teachers, in rural and urban areas;
 - (e) ensure the availability of appropriate and accessible teaching materials, equipment and devices, unencumbered by copyright restriction;
 - (f) ensure flexible and adaptable curriculum, appropriate to the abilities of individual children and relevant in the local context;
 - (g) ensure assessment and monitoring procedures are appropriate for the diverse needs of learners.
- (11) Governments need to implement a progressive programme towards achieving barrier-free and accessible schools and accessible school transport by 2012
- (12) Governments need to encourage programmes of research at tertiary institutions to develop further effective methodologies for teaching children and youth with diverse abilities.
- (13) Organizations of and for disabled persons need to place advocacy for the education of children with disabilities as a high priority item on their agenda.
- (14) Regional cooperation needs to be strengthened to facilitate the sharing of experiences and good practices and to support the development of inclusive education initiatives.

*Statement of the National Human Rights Commission, India to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (31 August - 7th September, 2001) **

This World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance holds, in reality, a mirror to the soul to each of us.

Our comments, therefore, require a degree of introspection and honesty not always associated with the expression of views in such gatherings.

Mrs. Robinsom has been right in observing:

“There has never been a UN Conference where there has been such a strong quest for the recognition of historical injustices”;

and in asserting:

“In different parts of the world, people are hurting because of problems of inequality or injustice and are pressing their case at this Conference.”

Indeed, no part of the world is exempt from such pain. India is no exception.

The National Human Rights Commission of India, for which I have the honour of speaking at this Conference, has, therefore, considered it its duty to listen attentively to those in our country who have been the victims of historical injustices, and who are hurting because of discrimination and inequality. I refer in particular to those who, under our Constitution, comprise the Scheduled Castes and Scheduled Tribes - the Dalits and Adivasis of India - with the protection of whose human rights our Commission is itself deeply involved. It was to hear their voices, and to benefit from an exchange of views with them, and with eminent jurists, academics and human rights activists, that our Commission organized two major consultations in August 2001, in Bangalore and Delhi respectively, as steps preparatory to the formulation of the views of our Commission for this Conference. The Commission has naturally also taken note of the discussions leading to the drafting of the document that has been submitted by the Preparatory Committee to this Conference, and in particular of the contents of the proposed paragraph on discrimination based on race and descent which had yet to be discussed by Member States prior to this Conference, and on which decisions will need to be taken by them. It has also carefully considered the Working Paper prepared in June 2001 by Mr. Rajendra Goonesekere for the Sub-Commission on the Promotion and Protection of Human Rights on the topic of discrimination based on work and descent.

* Read out by Justice K. Ramaswamy, Member, National Human Rights Commission, on behalf of the Commission.

With these introductory words, may I now outline the views of my Commission, as succinctly as possible, on certain of the issues before the Conference that are particularly germane to my country.

1. There can be no doubt that in India - as everywhere else in the world - history and society have been scarred by discrimination and inequality.
2. It was in recognition of this - and to end such injustice - that Part III of the Constitution of our Republic dealing with Fundamental Rights, contained powerful provisions to combat all forms of discrimination, including notably those forms which were based on race, caste or descent. These provisions of the Constitution, which are justiciable, include *inter-alia*
 - Article 14, which stipulates that the State shall not deny to any person equality before the law or the equal protection of laws within the territory of India. This also applies to non-citizens.
 - Article 15, which expressly declares that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. It specifically adds that no citizen shall be subjected to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, and places of public entertainment; or to the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State Funds or dedicated to the use of the general public. In addition, Article 15(4) permits the State to make special provision for the advancement of any socially and educationally backward class of citizens as well as Scheduled Castes and Scheduled Tribes. It is under this provision that the States of the Union and permitted to make reservations in educational institutions for these groups of citizens.
 - Article 16, which provides for equality of opportunity in matters of public employment. It also stipulates that no citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of employment or office under the State. This Article further provides for affirmative action, through the reservation of appointments of posts, in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services of the State. It also covers promotions and provides further for the carry-forward of unfilled vacancies of the quota for succeeding years.
 - Article 17, which abolishes "Untouchability", and forbids its practice in any form.
 - Article 21, which protects life and personal liberty.
 - Article 23, which prohibits trafficking in human beings and forced labour.

- **Article 29(2)**, which prohibits denial of admission to any educational institution on grounds of **religion, race, caste, language or any of them**.
 - Further, **Article 38(2)**, of the Constitution, in Part IV, setting out the Directive Principles of State Policy, requires the State, in particular, to strive to minimize the inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.
 - **Article 45**, calls upon the State to provide for **free and compulsory education for all children** until they complete the age of fourteen years.
 - **Article 46** enjoins the State to 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 to protect them from social injustice and all forms of exploitation.
 - **Article 51(c)** enjoins the State to foster respect for international law and treaty obligations.
 - **Article 325** prohibits disenfranchisement on grounds of caste.
 - **Articles 330 & 333** provide for the reservation of seats for members of the Scheduled Castes and Scheduled Tribes in Union and State Legislatures.
 - **Article 335**, states that the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in the affairs of the Union or of a State. In order to strengthen this provision, the Eighty Second Amendment Act of 2000 provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts.
 - **Article 341** makes possible the **specification of the castes, races or tribes** which shall be deemed to be Scheduled Castes.
 - **Article 366(24)** defines Scheduled Castes to mean such **castes, races or tribes or parts of or groups within such castes, races or tribes** as are deemed under Article 341 to be Scheduled Castes for the purposes of the Constitution.
3. To give clear expression to Constitutional provisions, an impressive range of **legislative measures** have been enacted to end discrimination against Scheduled Castes and Scheduled Tribes. These inter-alia include:
- **The protection of Civil Rights (Anti-Untouchability) Act, 1955.**
 - **The Bonded Labour (Abolition) act, 1976.**

- **The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.**
 - **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.**
 - **And various land reform acts.**
4. In pursuance of the Constitutional provisions and legislative measures just enumerated, it can with good reason be said that India has embarked on a **programme of affirmative action** which is, perhaps, without parallel in scale and dimension in human history. It is all the more remarkable for being undertaken in a country that has demonstrated, in the 54 years since its independence, an unshakeable faith in the capacity of its people to effect fundamental social, economic and political change through the processes of democracy.
 5. Despite this, however, and the powerful role of the judiciary in ensuring respect for the Constitution, the laws and affirmative action programmes of the country, it is widely recognized that much remains to be done to bring to an end the discrimination and inequality that have been practiced for centuries and that this requires both sustained effort and time. There are manifest inadequacies in implementation which are deeply frustrating and painful to the Scheduled Castes and Scheduled Tribes and, indeed, to all Indians who strive to end the injustice that persists in several forms and the atrocities that occur.
 6. Because of its history and convictions, it was **India** that proposed that the word "descent" be introduced in Article 1(1) of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) when it was being drafted and adopted in 1965. And it was also India that proposed that the concept of affirmative action be included in Article 1(4) of that Convention so as to make the latter consistent with the Constitution of India and the aspirations of its people.
 7. The National Human Rights Commission of India believes it is essential that all Member States, including India, respect international human rights regime established under the auspices of the United Nations and observe the discipline of the treaties to which they are States Party. It therefore attaches the highest importance to the views of the Treaty Bodies established, inter alia, under the Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, as also under the Conventions dealing with the Elimination of All Forms of Racial Discrimination (CERD) the Elimination of All Forms of Discrimination against Women (CEDAW) and the Rights of the Child (ROC), all of which have commented on the country reports of India and on the efforts being made, and the difficulties being faced, in promoting and protecting the human rights of Scheduled Castes and Scheduled Tribes. It is worth mentioning, in this connection, that Section 2(d) of the Protection of Human Rights Act 1993, which establishes the

- National Human Rights Commission, defines "human rights" to mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international Covenants.
8. Respect for the UN Treaty system, the Commission believes, is also consistent with the landmark judgement of the Supreme Court of India which has dealt with the applicability of international conventions to the country; the Apex Court held :
"..... Any international convention not inconsistent with the fundamental rights and in harmony with their spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee ... regard must be had to international conventions and norms for construing domestic law when there is no inconsistency between them and there is a void in the domestic laws" (Visakha vs State of Rajasthan (1997(6) SSC241).
 9. In the light of this, the Commission is of the opinion that the exchange of views on human rights matters, whether at the national, regional or international level, can all contribute constructively to the promotion and protection of such rights and that this Conference provides a singular opportunity to the international community to deal openly and courageously with the vexed issues of discrimination and inequality as they exist all over the world, in all of their variety, including the forms of discrimination that persist in India and all other countries. In such a context, it is not so much the nomenclature of the form of discrimination that must engage our attention, but the fact of its persistence that must cause concern. Given this perception, the Commission is of the view that the debate on whether race and caste are co-terminous, or similar forms of discrimination, is not the essence of the matter. The Constitution of India in Article 15 expressly prohibits discrimination on either ground, and that Constitutional guarantee must be rigorously implemented. In this connection, the Commission believes deeply in the value of engaging Governments, Non-Governmental Organizations, national institutions, and all concerned elements of civil society in the process of fighting discrimination, and urges that this process be conducted at all levels in a spirit that is genuinely interested in the furtherance of human rights, and not vitiated by self-righteousness or by political and other extraneous considerations.
 10. As far as its own role is concerned, the Commission has been deeply engaged, ever since its establishment in October 1993, in the promotion and protection of the human rights of all of the people of India, acting in a manner that is complementary to that of the higher Courts of the country. The Commission has been especially concerned with the rights of the weakest sections of society, notably the Scheduled Castes and Scheduled Tribes. Under the provisions of its Statute, contained in the Protection of Human Rights Act 1993, the Commission is expressly required to review the safeguards provided by or under the Constitution

or any law in force for the protection of human rights and recommend measures for their effective implementation; it is expected to review the factors including acts of terrorism that inhibit the enjoyment of human rights; and to study treaties and international instruments and make recommendations for their effective implementation. In the light of its Statute, therefore, the Commission has a clear responsibility to ensure the proper observance of international conventions, including CERD.

11. In furtherance of its statutory responsibilities, the Commission has thus accorded the highest priority to ending discrimination against Scheduled Castes and Scheduled Tribes and in seeking to eradicate, in particular, two pernicious practices which largely affect members of these communities: these relate to manual scavenging and bonded labour. In respect of both of these matters, the Commission is coordinating its activities closely with all concerned Governmental and Non-Governmental Organizations in an effort to end these practices and to rehabilitate those who have been affected by them. In both cases, too, the Commission has sought to involve the political leadership of the country, at the highest level, in the tasks that remain to be accomplished. Thus, as recently as 14 August 2001, on the eve of the 55th anniversary of India's Independence, the Chairperson of the Commission wrote to the Prime Minister of India and the Chief Ministers of all States, urging measures that should be taken to end the scourge of manual scavenging by 2 October 2002, the birth anniversary of Mahatma Gandhi. He described this practice as a "national shame."
12. The Commission has also taken up the issues of the rights of persons displaced by mega projects, specifically those affected by the construction of large dams, many of whom are tribals. The efforts of the Commission in this respect are greatly facilitated by the presence of the Chairperson of the National Commission for Scheduled Castes and Scheduled Tribes, who is also an ex-officio Member of the National Human Rights Commission.
13. In the final analysis, the Commission believes that the promotion and protection of the human rights of the weakest sections of society are clearly related to their full and proper empowerment. That is why the Commission has urged the adoption and implementation of policies at the Central and State levels that will open the doors of opportunity to them : free and compulsory elementary education upto the age of 14 years, as the Constitution requires; access to proper primary health care; freedom from malnutrition and maternal anaemia, and the re-allocation of resources to back such programmes in a manner that has true meaning. In addition, the Commission has continued to receive and redress numerous individual complaints that it has received daily from persons who are included among the Scheduled Castes and Scheduled Tribes; these have alleged acts of discrimination,

“untouchability”, violence against the human person, atrocities of various kinds, and high-handedness by public servants and others.

14. Economic upliftment and empowerment of Dalits is the most effective tool to combat casteism. More avenues must be opened for the economic betterment of the disadvantaged. Experience shows that economic upliftment and improvement in the status of Dalits eliminates inequalities. It is the poor who remain vulnerable. The fight to eradicate poverty must be intensified. National policies must be so formulated, and that is the mandate in the Directive Principles in Part IV of the Constitution of India. The National Human Rights Commission takes these factors into account in the discharge of its functions and in making recommendations to Government for improving the quality of governance. The Commission's involvement in the areas of illiteracy, malnutrition and lack of adequate health care, which afflicts the majority of dalits, is to achieve this end.
15. **To conclude:** The Commission is acutely aware that the journey to end discrimination, injustice and inequality will be long and often frustrating. But it is convinced that, in this mission, the Constitution of the Republic has shown the way. Legislative and affirmative action programmes are firmly in place, but unquestionably need to be far better implemented. The Commission is convinced that discrimination on any of the grounds contained in the Constitution of India, and these include race, caste and descent, constitute an unacceptable assault on the dignity and worth of the human person and an egregious violation of human rights. Such discrimination must, therefore, be eradicated, as must other forms of discrimination covered by United Nations treaties. The Commission holds the view that the instruments of governance in our country, and the energetic and committed non-governmental sector that exists, can unitedly triumph over the historical injustices that have hurt the weakest sections of our country, particularly Dalits and Scheduled Tribes. This is above all a national responsibility and a moral imperative that can and must be honoured.

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