



BABASAHEB BHIMRAO AMBEDKAR'S VISION TO ACHIEVE THE INCLUSION OF THE MARGINALISED WITH SPECIFIC REFERENCE TO RIGHT OF EDUCATION FOR DIFFERENTLY ABLED CHILDREN

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ABSTRACT :

Everybody has the right to be educated and by its means become empowered to evolve. Education should be free in the primary and upper primary and fundamental stages. Basic training for each citizen should be imperative, be it in the global or the national context. The marginalised sections of the society include various stakeholders who despite being integral to the fabric of our nation remain disadvantaged. This ambit also includes the differently abled children whose rights to education are not only undeniable but essential as well. The 86th Amendment of the Constitution of India ensures the right to education to every child. Uttar Pradesh is among the few states in India which has implemented and notifies the Right to Education Act for all the children of 6-14 years of age for getting free and compulsory education. Noticeably, the Right to Education Act's provision for the differently abled children is mandatory and free education to the age group from 6 to 18 years. In the past decade, education of children with disabilities has seen a paradigm shift from segregated education in separate schools to inclusive education in regular schools along with the normal children. Successful implementation of inclusive education requires consideration of policy matters, legislation reforms, financial resources, human resources, infrastructural resources and intellectual resources. There is an urgent need for providing competencies at various levels for inclusion to be successful. As the Chairman of Drafting Committee, the First Law Minister of Independent India and Bharat Ratna Dr. Bhimrao Ambedkar fought for the inclusion of disabled in framing his vision of the inclusive society. His aim was to make a society based on social justice. Babasaheb has given equal status to the disabled through various provisions in the Indian constitution for strengthening and upliftment of the position of disabled. This study seeks to posit three specific objectives:



1. To present an extension to the ideologue and commitment of Babasaheb towards making India an inclusive nation with specific reference to Laws in the Indian Constitution that provides and protect the right of education for the differently abled children.
2. To discuss the thoughts and perception of Babasaheb about the rights and development of the disabled which align with the present scenario of the differently abled.
3. To cite Acts enunciated in the Indian Constitution as envisioned by Babasaheb to foster an all inclusive environment for the marginalised cadre of our nation.

KEYWORDS : Rights, marginalised, differently abled inclusive society, disabled, education.

INTRODUCTION

Babasaheb Bhimrao Ambedkar was an unparalleled leader of our freedom struggle and a staunch crusader for the rights of the oppressed and backward sections of the Indian society. A recipient of the

Bharat Ratna, he was a scholar, educationist, legal luminary, journalist, social reformer and a political leader. He was the principal architect of the Indian Constitution. His philosophy and life are a profile of courage and conviction. He graduated from Elphinstone College in Mumbai. Thereafter, he was awarded a scholarship to attend Columbia University in New York from where he obtained his Doctorate. Naik, C. D. (2003). Then, he moved to the United Kingdom in 1916 where he studied at the London School of Economics and was subsequently awarded the degree of Barrister-at-Law by Gray's Inn. After his return to India, he became the voice of the depressed classes and started many organisations to promote their cause. Babasaheb's legacy and contribution to India can be seen in many fields. His PhD thesis titled "The Evolution of Provincial Finance in British India" provided academic basis for the Finance Commission of India which was subsequently established through Article 280 of the Constitution to address the problems of vertical and horizontal imbalances in finances. Similarly, the Reserve Bank of India was conceptualized on the guidelines presented by Babasaheb to the "Royal Commission on Indian Currency & Finance" in 1925. Mishra, S. N. (Ed.). (2010). Commission members found Babasaheb's book "The Problem of the Rupee- Its Problems and Its Solution" an invaluable reference tool and the Central Legislative Assembly eventually passed these guidelines as the RBI Act 1934. As the Labour Minister in the Viceroy's Council, Babasaheb successfully led the struggle for reduction of work from 12 hours a day to 8 hours in 1942. He contributed the idea of setting up of Employment Exchanges in India. He was almost single handedly responsible for establishing the Central Technical Power Board, the National Power Grid System and the Central Water Irrigation and Navigation Commission. A voracious reader, Babasaheb saw education as a tool for the liberation of the socially backward from illiteracy, ignorance and superstition. Disabled persons are also included in the socially backward class. He founded the People's Education Society in 1945 with the aim of advancing the educational interests of weaker sections of the society. Gore, M. S. (1993). He was also a crusader for gender equality and fought for equal rights for women in inheritance and marriage. He resigned from the Cabinet in 1951 when his draft Hindu Code Bill failed to receive the support of the Parliament. His principal and chief contribution was his role as the Chairman of the Drafting Committee of the Constitution of India. With tremendous foresight and erudite scholarship, Babasaheb not only piloted an outstanding draft through the Constituent Assembly but also outlined the philosophy and wisdom behind the various provisions. Nithiya, P. (2012). He dedicated himself to the pursuit of knowledge overcoming many adversities on account of his caste and poor economic background. Babasaheb Bhimrao Ambedkar took to social reform approaches when he realised the plight of the disabled in the society. Babasaheb wanted that the Indian disabled should be an integral part of the Indian society. He envisioned a national canvas of inclusivity for the disabled which would give them equal opportunities through which they would be active contributors in the social, political and economic areas. There are no specific constitutional provisions for the disabled. Article 39A, entitled Equal justice and free legal aid, inter alia, covers citizens by reason of economic or other disabilities. During 1923, Babasaheb started his Law practice and also dedicated his efforts towards the betterment of the depressed class. In 1930, he became the president of the All India Depressed Class Association and this fact strengthens the conviction of his commitment for ushering in social reforms in our country, more so in the context of the differently abled. Today, the place of Indian disabled in our society is much better than it was in the past. Pre-independence era witnessed immeasurable difficulties for the disabled in our society. In 1927, in a conference, Babasaheb addressed a massive congregation of the depressed classes as well as the disabled and conveyed a strong call for freedom of the disabled. Babasaheb advised the disabled to develop their strength of mind, willpower and courage for self-help. He said to disabled that he measured the progress of a community by the degree of progress made by the disabled of that community. Rao, D. V. (2017) The biggest and the most complex issue that the independent India had to address was the issue of the political, social and economic exclusion of a significant segment of our population. A unique and comprehensive policy of affirmative action was adopted through the Constitution to empower members of communities which were socially excluded and to bring them into the national mainstream. Today, India is recognised across the world for the democratic and secular values as well as for establishing an inclusive and modern social order. On the economic front, we have made many significant

gains. Present day India has taken a substantial segment of her people from below the poverty line to a level of dignified existence. Each one of us has a responsibility to do our utmost to make Babasaheb's dreams come true. We must do everything possible to preserve and strengthen our democracy. We must engage in combined and committed efforts to overcome poverty and prejudice. We need to be constantly on the guard against divisive forces raising their heads in the country. We should address, with utmost speed, the challenges of malnutrition, ignorance, unemployment and infrastructure. We must also ensure that untouchability or any form of disability based on caste, creed, religion or sex is not practised in any part of the country. It is only through these endeavours that we can occupy our rightful place in the leading ranks of the comity of nations. Babasaheb's message, work and life are a constant reminder of the outstanding Constitution, strong democracy and effective, independent institutions we have inherited from the founding fathers of our nation. At the same time, it also reminds us of the distance we still need to travel in building an egalitarian society where there will be no bias as based on gender, caste or disabilities.

In the pre-independence era, disability related work got underway in India on a charity, or at the most on a welfare mode. Some institutions and homes were setup for persons with disabilities where some sort of training, education, and/or sheltered employment was sought to be provided to such persons. The post-independence period first witnessed the emergence of organizations for persons with disabilities. Incidentally, there is a huge ideological divide between organizations for and of persons with disabilities. These were, by and large, the uni-disability organizations. This implies that they were working primarily to promote the interests of persons belonging to a given category of disability. The first school for hearing impaired children was established in Mumbai in 1884 and for the blind at Amritsar in 1887. Between then and now, we have not been able to create an educational infrastructure that can cater to the needs of children with disabilities. As a result, more than 80% of such children remain uneducated, lacking even basic literacy skills. Of the children dropped out in 1991, 43% is known to have acquired disability. This highlights the inadequacies of the education system. The NSSO 1991 yielded 42% rate of education covering blind, hearing, speech and locomotor impaired persons. If 3% of the population of mentally retarded and mentally ill persons is added to 1.9% of the other four disabilities, the coverage of 42% comes down to approximately 20%, in fact, even less. The late '60s and the early '70s of the last century saw the establishment of the organizations of persons belonging to certain specific categories of disabilities. The organizations for persons with disabilities are managed, run, controlled and led either by the non-disabled or by both the disabled and the non-disabled; whereas, the organizations of persons with disabilities are managed, run, controlled, and led by persons with disabilities. The late '80s and early '90s saw the emergence of cross-disability organizations but they were by and large urban centric and led by the so called creamy layer amongst the disabled. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature. These disabled person are no longer discriminated due to their physical problems but are treated equally under the eyes of law. Dalal, A. K. (2002). **Article 14, 15, 16 and 21** of the Indian Constitution depict about providing equal liberty, integrity and dignity to all the citizens. **The Preamble of our Indian constitution:** The Preamble has a great bearing on educational policies and programmes.

It reads "We the people of India having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens. Maitra, K. (2012).

- Justice: Social, economic and political
- Liberty: of thought, expression, belief, faith and worship
- Equality: of status and of opportunity; and to promote among them all
- Fraternity: assuring the dignity of the individual and the unity of the nation
- In our Indian Constituent Assembly this 26th day of November, 1949, hereby adopt, enact and give to ourselves this constitution.
- There are no specific constitutional, provisions for the disabled.

Article 39 A entitled 'Equal Justice and Free Legal Aid', covers citizens by reason of economic or other disabilities.

The Indian Constitution is the fundamental document of the country. The equality is the basic principle of the document. Article 14 put emphasis on the "EQUALITY BEFORE LAW", which means that every citizen of this country is to be treated equally and no one will be discriminated or deprived by law. Article 14 of the Indian Constitution also provides the protection for every individual within the territory of India.

I have mentioned this article in the above paragraph because this provision of our Constitution provides equality to all the individuals of the country and this includes children, women, minorities and as well as the weaker sections of the society. Disabled person is also included in this section by implication. Detractors contend that there is no specific allusion to the cause of the disabled in the Constitution. However, by assertion and further interpretation of Constitutional tenets, it is implied that Babasaheb in referring to an inclusive nation, was intending to involve every Indian, normal or disabled, as the beneficiary of all fundamental rights.

Moreover, with the fundamental provision of equality for every citizen of India as the elemental right, many tenets have been introduced to enable an inclusive ambience for the differently abled. PWD Act-1995 was one such initiative. This phenomenal- Person with Disability- Act 1995 identified seven disabilities : Blindness, Low vision, Leprosy-cured, Hearing impairment, Locomotor Disabilities & Cerebral Palsy, Mental retardation including ASD, Down Syndrome, Mental illness. The Government of India, on 14th December 2016, replaced the existing PwD Act, 1995. **Jose, R., & Sachdeva, S. (2010)**. The Government revised the previously existing clause to include 21 disabilities. This ambit now identifies 21 debilities which are : Blindness, Low-vision, Leprosy Cured persons, Hearing, Impairment (deaf and hard of hearing), Locomotor Disability, Dwarfism, Intellectual Disability, Mental Illness, Autism Spectrum Disorder, Cerebral Palsy, Muscular Dystrophy, Chronic Neurological conditions, Specific Learning Disabilities, Multiple Sclerosis, Speech and Language, disability, Thalassemia, Hemophilia, Sickle Cell disease, Multiple Disabilities including deaf and blindness, Acid Attack victim, Parkinson's disease.

The Indian Constitution provides the protection to the right of children through **Article 21-A**. Article 21-A of the Indian Constitution protects the educational right of the children who are between the ages of six to fourteen years. This Article states that "the state shall provide free and compulsory education to all children" between the ages of six to fourteen years.

While there is no specific reference to the differently abled children, it is important to note that RTE was premised on this very Constitutional tenet. RTE clearly mandates the duty of the society and educators to ensure that every child with special needs in the age group of 6 -18 is given a holistically empowered education in a manner akin to the child's learning capacity. Moreover, with the advent of the latest RPWD 2016 revised Act , as stated above, 21 different kind of disabilities have been identified to cater to the sensitivities of the differently able children.

RIGHTS OF WOMEN:

As already discussed, Article 14 of the Indian Constitution talks about the equality before the law and equal protection by the law. Irrespective of this, there are several provisions under the Indian Constitution which protect the rights of women. This also extends to and includes protecting the rights of the disabled women.

Article 15 of the Indian constitution safeguards the women's rights through the policy of non-discrimination. This provision clearly enunciates that the state shall not discriminate against any citizens on grounds of religion, caste, sex and place of birth. It means that the disabled women have also been considered in this Article and are beneficiaries of the same rights. **Velaskar, P. (2012)**.

Apart from these provisions, our Constitution also provides protection to the women through **Article 16 of the Indian Constitution**. It provides equal opportunity in matters of public employment without any

discrimination on the grounds of caste, sex, religion, etc. These are part of the fundamental rights of the Constitution where a woman can enforce her rights if she is discriminated by the state.

RIGHT OF MINORITIES AND THE WEAKER SECTIONS:

Our Constitution not only talks about the rights of women or children but also emphasises on the protection of minorities and weaker sections of the society. Constitution provides many rights to the minorities through various provisions, to ensure equality among the people and to maintain the diversity of this country.

As part of the fundamental rights of the minority community, the Indian Constitution provides the safeguards on language, script and the culture of the different minority communities through **Article 29 (1)**. And at the same time, the **Article 29 (2)** provides the right to the minorities to take admission into any educational institution without any discrimination.

Apart from these rights, our Constitution also provides the right to the minority communities (**under Article 30**) to establish and administer educational institutions based on their religion and language.

There are special provisions for the protection of the interest of minorities and the rights of the minorities which are envisaged in the Articles 29 and 30 of the Indian Constitution.

Inclusive Education: Inclusive education means that all learners, young people with or without a disability, being able to learn together in ordinary preschool provisions, schools, and community educational settings with an appropriate network of support services (Draft of Inclusive Education Scheme, MHRD, 2003). Integrating students with special needs in general education system is also a composite part of this Draft. However, only 2-3 percent of the total population of the children with special needs was actually integrated into regular schools as learners. Rastogi, S. K., & Kumar, D. (2016).

CONCLUSIONS

Babasaheb strongly fought for the eradication of discrimination, in any form, in the society. The condition of the disabled was the lowest of low in the Indian society. Though the contemporary India has seen a noticeable transformation, the tribulations that our differently abled children have to face are far from over. Babasaheb's vision of the Indian society based on equality is yet to be realized. Therefore, his thoughts are important and we must let them reverberate at the loudest for the society's development and, specifically, for the upliftment of disabled. He strongly stated that the disabled cannot be discriminated against and must be accorded a dignified stature in the society. Babasaheb insisted that enabling forums of equal opportunities must be created for the differently abled to empower them. Towards achieving this intent, he started a revolution by involving the disabled in every field, be it in the social projects, politics or economics. He did a lot throughout his life towards the inclusion of disabled in the mainstream of the society. To conclude, the author would yet again like to highlight that to relegate Babasaheb's vision of inclusivity to the upliftment of minorities, downtrodden, the deprived only would be a limited understanding of the world's most enriched constitution i.e., the constitution of India. The author would reiterate that as a visionary, Babasaheb was aiming for society in which all the stakeholders, including the disabled, would partake of the benefits of nation's growth. Babasaheb was not intending to sieve off the cause of the disabled. Moreover, he did not wish to belittle any one with special needs by terming them as disabled in the Constitutional draft. He saw India as a macrocosm where each citizen, whatever be the physical limitations, would be a keen participant in the country's growth trajectory. His legacy continues to guide the commitment of the present day world and Indian society to encrypt a truly inclusive generation that strives for preserving the dignity and rights of the differently abled.

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