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From Legal Compliance to Transformative Culture: The Implementation Gap in India's Inclusive Education Policy Framework

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Abstract

India has established a comprehensive legislative framework for inclusive education through rights-based legislation like the Rights of Persons with Disabilities Act (RPWD) 2016 and supportive provisions within the National Education Policy (NEP) 2020. However, significant disparities persist between policy mandates and classroom realities. This paper argues that inclusive education in India remains constrained by an "implementation gap" characterized by a compliance-oriented approach that focuses on legal and physical access, while failing to foster the pedagogical, attitudinal, and systemic transformations necessary for genuine inclusion. Through a qualitative analysis of policy documents, empirical research literature, and theoretical frameworks of inclusive pedagogy, this study identifies three critical barriers beyond legislation:

- i). The prevailing medical-deficit model of disability that pathologizes difference within schools;
- ii). Inadequate teacher preparedness and systemic support for differentiated instruction and collaborative practice; and
- iii). The socio-cultural and infrastructural constraints that render inclusion an administrative challenge rather than a pedagogical value.

The paper concludes that moving beyond legislation requires a paradigm shift from integration to transformation—reconceptualizing inclusion not as a special educational need to be managed, but as a core principle of curriculum design, teacher professional identity, and school culture that benefits all learners.

Keywords: Inclusive Education, Implementation Gap, RPWD Act 2016, NEP 2020, Teacher Preparedness, Medical Model, Social Model, India.

1. Introduction

Inclusive Education (IE) is globally recognized as a fundamental human right, enshrined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006), which India ratified in 2007. Nationally, this commitment is reflected in progressive legislation, most notably the Rights of Persons with Disabilities (RPWD) Act, 2016, and the National Education Policy (NEP) 2020. The RPWD Act mandates non-discrimination and reasonable accommodation in mainstream education, while the NEP 2020 emphasizes equitable education for all, specifically stating that "education is the single greatest tool for achieving social justice and equality" and that the schooling system must provide "equitable and quality education to all children" (Government of India, 2020, p. 8). The legal scaffolding for inclusion is, therefore, ostensibly robust.

Despite this, ground-level reports and scholarly research consistently reveal a chasm between policy rhetoric and educational practice. Enrollment figures for Children with Special Needs (CWSN) in mainstream schools, while improving, do not equate to meaningful participation or learning (Singal, 2019). This paper posits that the primary

obstacle is no longer a lack of legislation but a pervasive implementation gap sustained by deep-seated structural, pedagogical, and attitudinal barriers. The research question guiding this inquiry is: What are the critical non-legislative factors that constrain the effective implementation of inclusive education in India, and how can they be addressed to move from legal compliance to transformative practice? This paper employs a critical policy analysis framework, examining the interplay between policy texts (RPWD Act, NEP 2020) and the realities of their enactment in complex school ecologies. It draws on empirical studies from the Indian context and theoretical literature on inclusive pedagogy to construct a multi-layered analysis of the implementation gap.

2. Legislative Foundations: A Promise Unfulfilled

India's legislative journey toward inclusion has been significant. The RPWD Act 2016, replacing the 1995 Act, aligns with the social model of disability, defining it as "an evolving concept" resulting from "the interaction between persons with impairments and attitudinal and environmental barriers" (RPWD Act, 2016, Chapter I, Sec. 2(s)). This marks

a crucial shift from a medical to a rights-based perspective. The Act mandates governments to ensure that all educational institutions funded or recognized by them provide inclusive education, reasonable accommodation, and necessary support (Chapter IV, Sec. 16). Similarly, the NEP 2020 dedicates a section to “Equitable and Inclusive Education,” advocating for the full inclusion of CWSN into mainstream schools “as early as possible” and promoting the use of assistive technologies and resource centers (Government of India, 2020, p. 10).

However, legislation functions as a floor, not a ceiling. Its success depends on enabling conditions. As Ball (1993) argues, policy is not simply implemented but “enacted” within specific contexts where actors interpret, adapt, and sometimes subvert original intentions (p. 12). In India, the enactment of inclusive education policy is filtered through a system grappling with resource scarcity, rigid curricula, high pupil-teacher ratios, and deeply ingrained social hierarchies. Consequently, inclusion often devolves into a minimalist exercise in physical integration—placing a child with a disability in a regular classroom—without altering the teaching-learning environment to support their success. This gap between legislative intent and enacted reality forms the core of India’s inclusive education challenge.

3. Critical Barriers Beyond Legislation

3.1. The Persistence of the Medical-Deficit Model in School Culture

Despite the social model’s ascendancy in policy, the medical or deficit model remains deeply embedded in the operational psyche of the school system. This model locates the “problem” of educational failure within the child’s impairment, framing disability as an individual pathology requiring diagnosis, treatment, and correction (Shakespeare, 2006). In schools, this manifests in several ways.

- i). First, the identification and certification process for CWSN often emphasizes labeling and categorization based on medical assessments, which can lead to lowered expectations and segregation within the mainstream setting (e.g., being seated separately, given menial tasks). Teachers, lacking training in inclusive pedagogy, may view the child’s needs as specialized and external to their professional competence, expecting a special educator or resource teacher to “handle” the child. As a principal in a Delhi school remarked in a study by Julka (2019), “We admit them [CWSN] because of the Act, but for actual teaching, we wait for the visiting special educator” (p. 145). This attitude absolves the mainstream teacher of primary pedagogical responsibility.
- ii). Second, the curriculum and assessment apparatus remains largely standardized, premised on a homogeneous “ideal learner.” A child who cannot access this standardized format due to sensory, intellectual, or physical differences is perceived as deviant. The NEP’s advocacy for “flexibility in curriculum and assessment” (Government of India, 2020, p. 11) is a step forward, but its operationalization requires dismantling the deficit mindset that views curricular adaptation as “dumbing down” rather than intelligent design for diverse learners.

3.2. The Crisis of Teacher Preparedness and Systemic Support

The teacher is the most critical agent in translating inclusion from policy to practice. However, systemic preparation and support are grossly inadequate. Pre-service teacher education

programs, such as the Bachelor of Education (B.Ed.), often contain only a perfunctory unit on “inclusive education,” treating it as an add-on rather than a foundational pedagogical philosophy (Das *et al.*, 2013). The newly proposed 4-year integrated B.Ed. under NEP offers hope, but its success hinges on a complete overhaul of curriculum to embed Universal Design for Learning (UDL) principles at its core. In-service professional development is sporadic, top-down, and frequently focuses on awareness rather than skill-building. Teachers report feeling anxious, incompetent, and unsupported when faced with diverse learning needs (Shah *et al.*, 2021). They lack practical strategies for differentiated instruction, modifying assessments, creating accessible materials, or managing a classroom with diverse behavioral needs. The NEP’s mention of “high-quality training” for special educators and general teachers (Government of India, 2020, p. 10) remains a vague promise without dedicated budget lines, time allocations, and ongoing mentorship. Furthermore, the support system is fragmented. The role of Resource Teachers or Special Educators, where they exist, is poorly defined, leading to role conflict with class teachers. The recommended model of collaborative teaching—where general and special educators plan and teach together—is rare due to timetabling constraints, hierarchical staff relationships, and lack of training in collaboration.

3.3. Socio-Cultural and Infrastructural Realities

The school does not operate in a vacuum. Deep-rooted socio-cultural attitudes towards disability—often associated with stigma, charity, or karma—fluence parental aspirations, community expectations, and peer interactions. Parents of non-disabled children may express concerns that inclusion will “slow down” the class, reflecting a competitive, zero-sum understanding of education (Singal, 2019). Parents of CWSN, particularly from marginalized economic backgrounds, may prioritize survival over education or lack the social capital to advocate for their child’s rights effectively.

Infrastructural barriers remain formidable. While the Sarva Shiksha Abhiyan (SSA) and its successor, Samagra Shiksha, have improved physical access (e.g., ramps, toilets), many schools, especially in rural areas, remain inaccessible. Beyond ramps, inclusive infrastructure includes accessible learning materials, assistive technologies, sensory-friendly spaces, and adaptive equipment—all of which are chronically underfunded and unevenly distributed.

Moreover, the pressure to perform in standardized board examinations creates a system that values product (test scores) over process (learning). In such a high-stakes environment, accommodating diverse learning paces and styles is seen as a luxury or a liability, forcing schools to practice exclusionary inclusion—where a child is present but not meaningfully engaged in learning.

4. Moving Beyond Compliance: Towards a Transformative Culture of Inclusion

Closing the implementation gap requires a fundamental reimagining of inclusion as a transformative project that changes the culture, pedagogy, and structure of the entire school system. This involves moving from a focus on the integrated child to the inclusive school. Several interconnected strategies are crucial.

4.1. Embedding Universal Design for Learning (UDL) in Curriculum and Pedagogy:

UDL provides a robust framework for proactive, rather than reactive, inclusion. By designing curriculum goals, teaching methods,

materials, and assessments with inherent flexibility from the outset, schools can meet the needs of a wide spectrum of learners without retrofitting (Rose & Meyer, 2002). For instance, presenting information in multiple formats (text, audio, video, hands-on models) benefits not only a child with visual impairment but also aural learners and those with attention difficulties. The NEP's emphasis on "experiential and holistic learning" (Government of India, 2020, p. 11) aligns with UDL principles but must be explicitly linked to curriculum development and teacher training.

4.2. Reconstructing Teacher Professionalism through Collaborative, Inquiry-Based Learning: Teacher development must shift from one-off workshops to sustained, job-embedded, and collaborative professional learning communities (PLCs). Teachers need opportunities to collaboratively plan UDL lessons, analyze student work, problem-solve around specific challenges, and reflect on their beliefs and practices. Models like Lesson Study, where teachers jointly plan, observe, and refine a lesson, can be powerful tools for developing inclusive pedagogy in context (Dudley, 2013).

Furthermore, teacher education must foster a dual professional identity: teachers as both content specialists and learning diversity specialists. This requires a paradigm shift in how teaching competency is defined and assessed, valuing adaptive expertise and collaborative skill as highly as subject knowledge.

4.3. Fostering Leadership for Inclusion and Community Engagement: Principals and school leaders are pivotal in setting the cultural tone. They must be champions of inclusion, not just compliance officers. Leadership training should focus on building inclusive school visions, distributive leadership models that empower teacher teams, and strategies for engaging positively with parents and the community. Schools can become hubs for community dialogue, hosting events that celebrate neurodiversity and challenge stereotypes, thereby building social capital for inclusion.

4.4. Rethinking Assessment and Accountability: The assessment regime must be aligned with inclusive principles. This means moving beyond pen-and-paper, memory-based tests to a portfolio of assessments that capture different competencies—oral presentations, projects, portfolios, and practical demonstrations. The NEP's proposal for a "360-degree holistic progress card" (Government of India, 2020, p. 18) is promising if it genuinely captures growth across cognitive, affective, and psychomotor domains for all students. System-level accountability metrics must also evolve to reward schools for creating inclusive cultures and demonstrating value-added growth for all learners, not just for high average scores.

5. Conclusion

India's legislative framework for inclusive education provides a necessary but insufficient condition for achieving equitable learning for all. The persistent implementation gap stems from the complex interplay of entrenched deficit attitudes, underprepared and unsupported teachers, and a socio-educational system that prioritizes standardization over diversity. To move beyond legislation, inclusion must be reconceptualized not as a specialized program for a marginalized group but as a fundamental design principle for

the entire educational ecosystem.

This transformative journey requires concerted action on multiple fronts: embedding UDL in curricular DNA, revolutionizing teacher preparation and support, cultivating inclusive leadership, and aligning assessment with the values of diversity. As Ainscow (2020) argues, the development of inclusive practices is essentially a process of social learning within schools—a process of challenging taken-for-granted assumptions and experimenting with new ways of working together (p. 8).

The NEP 2020, with its holistic vision, offers a renewed opportunity to bridge the gap. However, its success will depend on a committed, well-resourced, and critically reflective process of enactment that places the transformation of school culture at its heart. The ultimate goal is an education system where every child, irrespective of ability, background, or identity, is not merely present but is an active, valued, and thriving participant in the learning community. This is the true meaning of inclusion beyond legislation.

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