Statutory Promise and Classroom Reality: A PRISMA Guided Systematic Review of the Legal Framework for Inclusive Education of Children with Disabilities in India

Dr Gagandeep Kaur[1], Dr Vinod Kumar Shukla, [2] Dr. Priyanka Verma,[3] Dr. Amit Verma[4], Dr C. T. Sunil Kumar[5]

[1] Affiliation: Dr Gagandeep Kaur, Post-Doc Fellow, Amity University Dubai, Senior Associate Professor, School of Law, UPES, gkaur@ddn.upes.ac.in orcid- 0000-0003-3657-2134

[2] Affiliation: Dr Vinod Kumar Shukla, Associate Dean & Associate Professor, Department of Engineering and Architecture, Amity University, Dubai, UAE, vshukla@amityuniversity.ae, orcid-0000-0002-1143-0992

[3] Affiliation: Dr. Priyanka Verma, Assistant Professor- College of Business Administration, Fujairah University, Email: pv12kumar@gmail.com , Orcid: 0000-0002-7653-7627

[4] Affiliation: Dr. Amit Verma, Assistant Professor, Department of Management, Symbiosis International University, Dubai, UAE, Symbiosis International (Deemed University), Pune, India, averma@siu-dubai.ac.ae

[5] Affiliation: Dr C. T. Sunil Kumar, Stirling Business School, University of Stirling, Ras Al Khaima Campus, UAE, sunil.kumar@stir.ac.uk

Corresponding Author: Dr Gagandeep Kaur, Post-Doc Fellow, Amity University Dubai, Senior Associate Professor, School of Law, UPES, gkaur@ddn.upes.ac.in orcid- 0000-0003-3657-2134

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ABSTRACT:

India guarantees every child with a disability free and inclusive education through a statutory framework that is, on paper, among the most detailed anywhere. Classroom reality tells a different story, and this review asks why. Following the PRISMA 2020 statement, authors systematically reviewed peer reviewed scholarship published between 2006 and 2025 on the legal and policy dimensions of inclusive education for children with disabilities in India, read against Article 24 of the United Nations Convention on the Rights of Persons with Disabilities and against comparative statutory models from five other jurisdictions. Four themes emerged from the synthesis. First, inclusion entered Indian policy as an imported concept and was reinterpreted in ways that frequently reduced it to physical placement in a mainstream classroom. Second, the Rights of Persons with Disabilities Act 2016 preserves a dual track of special and mainstream schooling without resolving the tension between the two, an ambivalence the international literature suggests is not unique to India but is unusually consequential there. Third, teacher preparation remains the fulcrum on which every statutory promise turns, and the evidence on preparation, attitudes and support is sobering. Fourth, and most significant for lawyers, the Indian framework creates rights without matching remedies. There is no enforceable individual education plan, no time bound grievance procedure, and only thin monitoring by Commissioners whose powers are recommendatory. A comparative analysis of six legal frameworks indicates that jurisdictions with stronger classroom delivery pair substantive entitlements with procedural

enforcement. Authors conclude that the next stage of Indian reform needs to be procedural rather than declaratory.

Keywords: inclusive education; children with disabilities; Rights of Persons with Disabilities Act 2016; special education law; UNCRPD; systematic review

1. Introduction

Few countries have written the right to inclusive education into law as elaborately as India has. The Constitution promises free and compulsory education to every child between six and fourteen under Article 21A. The Right of Children to Free and Compulsory Education Act 2009, as amended in 2012, expressly extends that promise to children with disabilities. The Rights of Persons with Disabilities Act 2016, which replaced the 1995 legislation after India ratified the United Nations Convention on the Rights of Persons with Disabilities in 2007, goes considerably further. Section 2(m) defines inclusive education as a system in which students with and without disability learn together and in which teaching and learning are suitably adapted to meet the learning needs of different types of students with disabilities. Section 16 places duties on all recognised educational institutions to admit children with disabilities without discrimination, to make buildings and transport accessible, and to provide individualised support. Section 17 requires governments to train teachers, establish resource centres and supply learning materials. Section 31 confers on every child with a benchmark disability between six and eighteen the right to free education in a neighbourhood school or, at the choice of the child and family, a special school.

The Indian judiciary has started to enforce such an architecture. The Supreme Court in the case of Rajneesh Kumar Pandey v Union of India (2021) mandated the recruitment of special educators in government schools and framed norms for pupil-teacher ratios for children with special needs. In the case of Vikash Kumar v Union Public Service Commission (2021), it has ruled that reasonable accommodation is key to the 2016 Act and cannot be restricted to persons with benchmark disabilities. The Supreme Court in the case of Avni Prakash v National Testing Agency (2021) has also reiterated that there are positive obligations of examinations agencies to accommodate. Such jurisprudence treats inclusion as a legal right and not as welfare legislation as per the demand of the Convention (Degener, 2016; Harpur, 2012).

And yet the distance between statute and classroom remains wide. Household survey work in Delhi found that children with disabilities were several times more likely to be out of school than their peers, with exclusion beginning at the point of enrolment and compounding thereafter (Bakhshi, Babulal and Trani, 2017). Studies of teachers across Indian states report goodwill mixed with limited training, large classes and scarce specialist support (Shah, Das, Desai and Tiwari, 2016; Sharma and Das, 2015). This is a familiar pattern in comparative work on the Global South (Srivastava, de Boer and Pijl, 2015), however, the Indian case is distinctive because the legal framework is now so strong on its face. That contrast is the subject of this review.

Existing reviews of Indian inclusive education are largely narrative and pedagogical in orientation (Singal, 2005; Sharma and Das, 2015). What has been missing is a systematic review that reads the empirical education literature specifically through a legal lens, asking not only what happens in classrooms but what the law does and fails to do about it. Authors address that gap. Three questions guided the review. First, how has peer reviewed scholarship characterised the statutory and policy framework for inclusive education in India since the Convention was adopted? Second, what barriers does the evidence identify between legal entitlement and classroom practice? Third, what does the comparative design of other legal frameworks suggest about why the Indian framework underperforms, and about what reform should look like?

2. Method

2.1 Design

We conducted a systematic review reported in accordance with the PRISMA 2020 statement (Page et al., 2021), combined with doctrinal analysis of primary legal materials. The doctrinal component examined the text of the 2016 Act, the 2009 Act, Article 24 of the Convention and General Comment No 4 of the Committee on the Rights of Persons with Disabilities, together with the principal Supreme Court decisions. The systematic component synthesised peer reviewed empirical and conceptual scholarship. Authors treated the two components as mutually informing: the doctrinal reading supplied the categories against which the empirical literature was coded, and the empirical literature disciplined the doctrinal claims.

2.2 Eligibility criteria

Studies were eligible if they were peer reviewed journal articles published between January 2006 and December 2025, written in English, and addressed the legal, policy or implementation dimensions of inclusive education for children with disabilities in India, or offered conceptual or comparative analysis of inclusive education frameworks directly relevant to the Indian debate.

The start date reflects the adoption of the Convention in December 2006, which reset the international legal baseline. Authors excluded conference abstracts, editorials, book reviews, studies confined to higher education without a schooling dimension, and clinical studies without an education or law component. Grey literature was excluded from the synthesis but consulted for context.

2.3 Information sources and search strategy

Searches were run in Scopus, Web of Science, ERIC and PubMed. The core search string combined three concept blocks: ("inclusive education" OR "special education" OR "special educational needs") AND (disab* OR "children with disabilities") AND (India OR "RPWD" OR "Rights of Persons with Disabilities" OR law OR legislation OR policy OR rights). The string was adapted to the syntax of each database. Reference lists of included studies were hand searched, and the tables of contents of the principal journals in the field were screened for the review period.

2.4 Selection process

Records were exported to a reference manager and duplicates removed. Two reviewers screened titles and abstracts independently against the eligibility criteria, retrieved full texts of potentially eligible records, and resolved disagreements by discussion.

The searches identified [N1] records, of which [N2] remained after deduplication. Title and abstract screening excluded [N3] records. Of the [N4] full texts assessed, [N5] were excluded with reasons recorded, leaving [N6] studies in the final synthesis, of which thirty are cited in this article.

2.5 Data extraction and synthesis

For each included study we extracted the jurisdictional focus, the legal instruments engaged, the study design, the population, and the principal findings bearing on the three review questions.

Synthesis was thematic. Initial codes were generated from the doctrinal reading (definition, institutional duty, delivery mechanism, remedy) and refined inductively as the empirical literature was read. Coding was performed by one reviewer and audited by a second.

We make no claim to meta-analysis; the included literature is methodologically heterogeneous and much of it is qualitative, so a narrative thematic synthesis was the defensible approach.

2.6 Quality appraisal

Empirical studies were appraised with the relevant Critical Appraisal Skills Programme checklist for their design. Conceptual and doctrinal articles were appraised for transparency of argument and engagement with primary sources. No study was excluded on quality grounds alone, but appraisal results informed the weight given to individual findings in the synthesis.

3. Results

3.1 Characteristics of the included literature

The included studies fall into three broad groups. The first is empirical work conducted in India, dominated by survey and interview studies of teachers and school leaders, with a smaller number of household level studies of access and exclusion.

The second is doctrinal and policy scholarship on the Indian legislation, much of it written from a mental health and disability rights perspective in the years immediately after the 2016 Act (Math et al., 2019; Narayan and John, 2017; Balakrishnan et al., 2019). The third is international conceptual scholarship on the meaning and limits of inclusion, which the Indian debate has drawn on continuously since the Salamanca period (Ainscow, 2020; Florian, 2019; Slee, 2013). Four themes ran across these groups.

3.2 Theme one: a concept translated, not transplanted

The earliest and most influential finding in the Indian literature is that inclusion did not arrive as a settled concept. Singal (2005, 2006) traced how successive Government documents used integration and inclusion interchangeably, and how inclusive education came to be understood in administrative practice as the physical presence of a child with a disability in an ordinary classroom rather than as a transformation of the school. Kalyanpur (2008) pushed the point further, arguing that policy borrowed international vocabulary while service provision retained a charity-oriented logic, so that equality in the text coexisted with segregation in practice.

This definitional looseness matters legally. Section 2(m) of the 2016 Act now supplies a statutory definition that requires adaptation of teaching and learning, not mere co location. Yet the empirical studies conducted after 2016 continue to describe placement without adaptation (Shah et al., 2016; Sharma and Das, 2015). The statute changed the definition; the reviewed evidence indicates that administrative understanding has been slower to follow.

3.3 Theme two: the dual track dilemma

The 2016 Act ensures both mainstream and special schools. Under section 31, a family with a child who has benchmark disabilities will have a choice of either sending him to a neighbourhood school or sending him to a special school. Moreover, through the 2012 amendment to the 2009 Act, it allows home-based education to be offered to children with severe and multiple disabilities. The question whether a dual-track approach is a pragmatic response or a violation of Article 24 constitutes the most significant normative issue within this area.

In its General Comment No 4, UN Committee on the Rights of Persons with Disabilities interprets the Convention as demanding a transformation of the general system and sees segregated institutions as incompatible with the right, which is justified by the human rights literature (de Beco, 2014, 2018). However, the large number of scholars working in the area of special education takes a different position, claiming that full inclusion is not always possible or even beneficial for all children (Anastasiou & Kauffman, 2011; Hornby, 2015; Kauffman & Hornby, 2020).

The Indian legal literature has largely mapped onto this dispute rather than resolved it. Commentators writing from the mental health field welcomed the 2016 Act as a clearer rights instrument than its predecessor but criticised its underemphasis on psychosocial disability, its centralised certification of disability, and its silence on how the guidelines for inclusive education would be enforced (Balakrishnan et al., 2019; Math et al., 2019; Narayan and John, 2017). What is distinctive about the Indian version of the dual track problem is not the existence of choice but its asymmetry. In practice the choice defaults toward whichever setting exists and functions locally, and in much of the country that is neither an adapted mainstream school nor a resourced special school (Bakhshi et al., 2017; Singal, 2019).

3.4 Theme three: teachers as the fulcrum

Across jurisdictions, the single most consistent empirical finding in this field is that inclusion succeeds or fails with teachers. The classic review by Avramidis and Norwich (2002) established that teacher attitudes are broadly positive toward the principle of inclusion and considerably more guarded about its practice, with attitudes varying by the nature of the disability and the support available. Later work confirmed that training shifts attitudes and reported self-efficacy (Forlin and Chambers, 2011; Sharma, Forlin and Loreman, 2008), and that collaborative, school based professional development can change practice where one-off courses do not (Argyropoulos and Nikolaraizi, 2009).

Indian research conforms to this trend but also includes an element of intensity. Shah et al. (2016) observed that general school-teachers in Ahmedabad revealed serious concerns related to resources, training and class size, and the majority of teachers lacked training for teaching children with disabilities. Similarly, Srivastava et al. (2015), summarising the practice in developing nations, have noted the same three elements: lack of trained teachers, lack of specialist assistance and lack of supervision.

Assistive technologies, which are seen in the international literature as a true leveller when present and used (McNicholl et al., 2021), are hardly mentioned as a part of Indian classroom settings apart from their lack there. The relevance of the topic to the legislation is clear, because under Section 17 of the Act of 2016, teacher training becomes a statutory responsibility, and Rajneesh Kumar Pandey transformed the issue of special educators into a matter for the court to enforce.

3.5 Theme four: rights without remedies

The final theme is the one this review adds most distinctly to the literature. When the Indian framework is set beside comparable frameworks, the substantive entitlements look strong and the procedural machinery looks thin. Table 1 summarises the comparison across six frameworks on four dimensions: the core entitlement, the delivery mechanism, the enforcement route, and the persistent gap identified in the scholarship of each jurisdiction.

Three contrasts stand out. First, the American statute ties the entitlement to a mandatory individualised education program with parental participation and a due process route to hearings and federal courts; the entitlement is justiciable at the level of the individual child, though the litigation burden on families is heavy.

Second, the English framework routes individual entitlements through statutory assessment and education, health and care plans, appealable to a specialist tribunal, and pairs them with an anticipatory adjustments' duty under equality legislation (a structure whose delays are much criticised but whose remedial logic is coherent). Third, the Australian standards bind providers directly and are enforceable through discrimination complaints, though they lack a proactive planning duty (Anderson and Boyle, 2019). India, by contrast, gives the child a right to free inclusive education but no statutory individual plan, no independent assessment, no specialist tribunal, and Commissioners whose powers are essentially recommendatory.

Enforcement therefore depends on constitutional writ litigation, which is exactly what Rajneesh Kumar Pandey was, and writ litigation is a blunt, slow and unevenly accessible remedy for what are ultimately individualised educational failures. Engelbrecht (2006) documents the parallel South African lesson from the opposite direction: a policy framework without binding legislative force produces uneven provision however progressive its language. Slee (2013) would add, fairly, that exclusion is a political disposition before it is a legal defect, and no procedural design can substitute for political commitment. Both things can be true.

Table 1 : Comparative legal frameworks for the education of children with disabilities

Jurisdiction and principal instruments	Core entitlement	Delivery mechanism	Enforcement route	Persistent gap identified in the literature
India: RPWD Act 2016 (ss 2(m), 16, 17, 31); RTE Act 2009 (s 3)	Free education for children with benchmark disabilities aged six to eighteen in neighbourhood or special schools; inclusive admission without discrimination	Centrally sponsored schemes (Samagra Shiksha); duties placed on recognised institutions; no statutory individual education plan	Chief Commissioner and State Commissioners with largely recommendatory powers; writ jurisdiction under Articles 32 and 226	Substantive entitlement without an enforceable individual plan or time bound grievance procedure
UNCRPD, Article 24, read with General Comment No 4 (2016)	Inclusive education at all levels with reasonable accommodation and individualised support	Progressive realisation by States parties within a general inclusion obligation	Periodic reporting to the CRPD Committee; individual communications under the Optional Protocol	Supervision is soft and depends almost entirely on domestic incorporation
United States: Individuals with Disabilities Education Act 2004	Free appropriate public education in the least restrictive environment	Mandatory individualised education program negotiated with parents and reviewed annually	Due process hearings, mediation and federal court review	The burden of enforcement falls heavily on families with resources to litigate
England and Wales: Children and Families Act 2014, Part 3; Equality Act 2010	Education, health and care plans; anticipatory reasonable adjustments duty on schools	Statutory needs assessment conducted by local authorities	Appeals to the First tier Tribunal (Special Educational Needs and Disability)	Assessment delays and local authority resource rationing dilute the entitlement
Australia: Disability Discrimination Act 1992; Disability Standards for Education 2005	Participation on the same basis as students without disability, with reasonable adjustments	Binding standards imposed on all education providers	Complaints to the Australian Human Rights Commission; proceedings in federal courts	The standards are reactive and lack a proactive planning duty for individual learners

South Africa: Constitution s 29; Education White Paper 6 of 2001	Basic education with support, delivered through full service schools	Policy led conversion of ordinary schools rather than legislation	Constitutional litigation; no dedicated inclusive education statute	A policy framework without binding legislative force has produced uneven provision

Note: Compiled by the authors from the primary instruments and the scholarship cited in the text

4. Discussion

The four themes are actually telling one story. India adopted the language of inclusion before settling on the idea itself; it legislated an idea before creating a workforce, and granted the right before creating the remedy. All of these were important advances, and it would not be fair to view the 2016 Act as anything but a serious act. However, it has created a structural imbalance that has been recorded in empirical studies as the difference between numbers of enrolments and the quality of learning, and which the legal profession has always known about as the oldest question in the field: ubi jus ibi remedium.

The key point authors would like to make here is that procedural reform will be necessary for Indian reforms to move forward. There are three common design aspects among the schemes that provide better than what India provides. First, there is an individually enforceable plan. Regardless of whether one likes or dislikes the American experience, the individualized education program manages to transform a generic statutory obligation into a detailed commitment to the specific child, and therefore makes failure possible to measure. India has its own administrative equivalent in scheme guidelines; making an individual education plan a statutory requirement with the parent's involvement will not cost much in terms of draftsman- ship but will cost a lot in terms of accountability. Second, there is a specialist, time-bound forum for grievances below the writ jurisdiction. The English tribunal system proves that it is possible to build expertise and deal with disputes in a way that writ jurisdiction will never be able to manage, even if its inefficiencies are a warning about under resourcing such a forum. Third, there is the monitoring mechanism backed by sanctions. The Commissioners appointed under the 2016 Act only inquire and recommend; they do not oblige. Making at least the education-related part of their recommendations binding like the decrees would change the calculation of the education department.

Two cautions temper these proposals. Comparative borrowing in this field has a poor record when it ignores context, a point Ainscow (2020) makes from international experience and Kalyanpur (2008) made specifically of India, where borrowed policy vocabulary outran local service logic. Procedural transplants would fail the same way if they arrived without the workforce investments that section 17 already commands, because a tribunal adjudicating the absence of special educators cannot conjure them. And the normative dispute over the dual track will not be settled by procedure. Our own reading of the evidence supports retaining a constrained continuum in the medium term, on the ground that the reviewed Indian studies show mainstream settings currently unable to meet substantial needs, but authors accept that this is a judgment on which reasonable scholars divide sharply (de Beco, 2018; Kauffman and Hornby, 2020), and that Article 24 as read in General Comment No 4 points the other way. What the law can do now, whichever view prevails, is make the child's present entitlement enforceable in whichever setting the child is in.

For readers outside India, the case matters because it isolates a variable. Much writing on inclusive education in the Global South attributes implementation failure to weak law. India now falsifies that explanation: the law is strong and implementation still lags, which redirects attention to procedure, workforce and political commitment. That is an uncomfortable finding

for a purely declaratory model of rights reform, and a useful one.

There are four limitations that must be considered. First, the review included only English language articles, thus ignoring a significant body of scholarship published in regional languages in India and also potentially under-representing practitioner views. Second, the data are skewed heavily towards teacher self-report and contain very few classroom observation studies, while the voices of children with disabilities and their parents occur even more rarely; a problem which is recognized by scholars in the field (Singal, 2019). Third, the comparison made in Table 1 is a doctrinal one and cannot evaluate the outcomes in different jurisdictions, thus supporting design inferences but not causational ones.

5. Conclusion

Inclusive education in India has gone through the stage of declaration. The declaration is right, the obligations are wide-ranging, and the judiciary has been ready to enforce them in cases that reach it. From the systematic research conducted over a period of two decades, what is evident is that there is a mismatch between declaration and delivery, and this gap can be identified. The mechanisms that are needed to bridge this gap include: a plan that can be enforced, a specialized and time-bound grievance forum, Commissioners with binding authority, and a teacher resource that has been provided for by section 17 since 2016. This does not require the creation of any new rights, only remedies for those rights that have been declared.

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