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## An Overview of Special Education in the Context of Constitutional Provisions in Different SAARC Countries

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### Abstract:

Education is a fundamental right of every human being. No nation can impede any citizen to get Education for his or her creed, colour and caste. Not only that now a days the slogan “Education for All “is being respected in every country throughout the Globe. The section of people who were being treated out of the main stream due to their incompleteness or problems in physical, mental or social setup from long ago, they are also getting chances of Education in the name of Inclusive Education. To ensure it all of the countries have made some changes in their constitutions or it may be say that all the countries made some constitutional provisions to ensure the right to Education of the people with special needs. In this study the present researchers have tried to make a comparative analysis of the articles of the constitution of different SAARC countries regarding Education of Children with Special Needs.

**Key Words:** *Special Education, Constitutional Provisions, SAARC Countries.*

### Introduction:

Every human being has the right to have an education. Article 26 of the Universal Declaration of Human Rights (UDHR), adopted in 1948, establishes the right to education as a fundamental human right. It states that everyone has the right to education, emphasising that education should be free, particularly in the elementary and fundamental stages. Compulsory elementary education is emphasised, highlighting the importance of providing foundational knowledge and skills to all individuals. International organisations such as UNESCO, UNICEF, the World Bank, the ILO, etc., are responsible for overseeing the implementation of the right to education, working towards inclusive and equitable educational systems, removing barriers to education, and promoting quality education for all (Rehman & Akhtar, 2023). Literacy rate, adult total (% of people ages 15 and above) in South Asia was at 75.01 % in 2023 (Trading Economics, n.d.). The provision of education is considered a fundamental right in various SAARC countries, including India (Rai & Rani, 2018). This commitment is reflected in their constitutions and educational policies.

### Place of Special Education in the Constitutions of Different SAARC Countries:

#### Afghanistan:

In the Constitutional Provision of Afghanistan, Article 17 states that “The state shall adopt necessary measures for promotion of education at all levels, development of religious education, organising and improving the



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conditions of mosques, madrasas, and religious centres.” Article 43 states that education is a fundamental right and a duty of the citizens. “1. Education is the right of all citizens of Afghanistan. 2. The state is obliged to provide compulsory intermediate-level education. 3. Teaching in the native language” (Rai & Rani, 2018). Article 44 is dedicated to Education for women and nomads.

### Bhutan:

Guarantees free education up to the tenth standard and seeks to provide technical and professional education, ensuring equal access to higher education based on merit. Article 9.16, Principles of State policy, states “The State shall provide free education to all children of school going age to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit”. Bhutan’s Strategy paper entitled Bhutan 2020, a vision for peace, Prosperity and Happiness states “Basic education is an inalienable right of every Bhutanese” (Rai & Rani, 2018).

### Bangladesh:

Article 17 of the constitution of Bangladesh is mentioned as a directive principle of state policy. It states that: “State shall adopt effective measures for the purpose of (a) establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; (b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs; (c) removing illiteracy within such time as may be determined by law” (Hossain, 2025). The constitution aims to establish a universal education system, providing free and compulsory education to all children and eliminating illiteracy (Rehman & Akhtar, 2023).

### India:

The Constitution of India guarantees education for all children aged 6 to 14 years under Article 21A. The Right of Children to Free and Compulsory Education Act of 2009 (RTE Act) promotes free and compulsory education for all children, emphasising universal access, equity, and quality (Grimes et al., 2021e). A “zero-rejection” policy ensures that all children, including those with special needs, receive a quality education, regardless of the nature and severity of their condition (Kaur, 2022).

### Maldives:

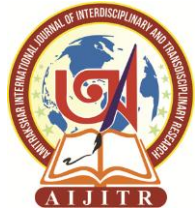
According to Article 36 of the constitution of Maldives, right to education is a fundamental right of the citizens of Maldives and the state shall provide freely primary and secondary education for all children (Hossain, 2025).

### Nepal:

In 2007, Article 17 of the interim constitution of Nepal incorporated the right to education as a fundamental right for all up to the secondary level (Hossain, 2025). Citizens have the right to basic education, with compulsory and free education up to the secondary level. Additionally, citizens with disabilities and indigent citizens are entitled to free higher education, and communities have the right to education in their native language.

### Pakistan:

Chapter 2 Principles of Policy Article 37 (b) states that “the state shall remove illiteracy and provide free and compulsory secondary education within the minimum possible period” (Rai & Rani, 2018). The constitution ensures free and compulsory education for children aged five to sixteen. Article 25A of Pakistan’s constitution



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states that “the state shall provide free and compulsory education to all children from the age of five to 16 years in such manner as may be determined by law” (Hossain, 2025).

### Sri Lanka:

Emphasizes the eradication of illiteracy and universal and equal access to education at all levels. Chapter VI, Directive Principle of State Policy and Fundamental Duties, Article 27.2 h, states, “complete eradication of illiteracy and assurance to all persons of the right to universal and equal access to education at all levels” (Rai & Rani, 2018). Compulsory Education Act of

1997 required the state to ensure compulsory attendance of children in the age range from 5-14 years and a two-tier school structure with a 9-year elementary school and a 4-year senior school.

### Comparative Analysis of Policy Implementation on Inclusive Education:

Constitutional provisions across South Asian countries support the right to education for children with disabilities through various mandates aimed at ensuring access, inclusivity, and equality in education. Table below provides an overview of how different countries within the SAARC framework address this fundamental right:

Country	Constitutional provisions
Afghanistan	Article 17 states that “The state shall adopt necessary measures for promotion of education at all levels, development of religious education, organizing and improving the conditions of mosques, madrasas, and Religious centres.”
Bangladesh	The Constitution emphasises the establishment of a universal education system, providing free and compulsory Education to all children, including those with disabilities. The government is obligated to eliminate illiteracy and Ensure equal access to educational opportunities. Specific laws support inclusive education practices, ensuring that children with disabilities have access to appropriate Educational resources and facilities.
Bhutan	The Bhutanese Constitution guarantees free education up to the tenth standard, aiming for equal access to higher education based on merit. Provisions are made to accommodate children with disabilities within this framework.
India	Article 21A of the Indian Constitution guarantees free and compulsory education to all children aged 6 to 14 years. This was further reinforced by the RTE Act of 2009, which emphasises inclusive education for children with disabilities. The Rights of Persons with Disabilities Act (RPWD Act) mandates inclusive education for children aged 6 to 18 years, requiring educational institutions to admit children with disabilities without discrimination and provide necessary accommodations.





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Maldives	Article 36 of the constitution of Maldives, right to education is a fundamental right of the citizens of Maldives and the state shall provide freely primary and secondary education for all children
Nepal	The Constitution grants citizens the right to basic education, with compulsory and free education up to the secondary level. Special provisions exist for citizens with disabilities, ensuring their access to higher education and vocational training.
Pakistan	Pakistan's Constitution ensures free and compulsory education for children aged five to sixteen. Efforts are being made to enhance educational access for children with disabilities through various legislative measures.
Sri Lanka	The Sri Lankan Constitution emphasises eradication of illiteracy and universal access to education at all levels. This includes provisions aimed at supporting children with disabilities in accessing quality education.

Inclusive Education (IE) is based on the principle that every learner, regardless of their particular characteristics or quirks, has a right to education. The push for inclusion in education can be seen as an effort to address and meet the diverse needs of every child through increased participation in learning, cultures, and communities while reducing exclusion from the educational system. Every SAARC country has a legal provision for inclusive education. Through this, they include students with special needs within the realm of school education. Few countries have special or separate provisions for special education. For example, India has adopted a "zero-rejection" policy under Samagra Shiksha to ensure that no child is left behind. The Rights of Persons with Disabilities Act (RPWD Act) also mandates inclusive education for children aged 6 to 18 years, requiring educational institutions to admit children with disabilities without discrimination and provide necessary accommodations. The Act also promotes the establishment of resource centres and training for teachers in special education methods. In Bangladesh, Specific laws support inclusive education practices, ensuring that children with disabilities have access to appropriate educational resources and facilities.

### Conclusion:

Despite these constitutional guarantees, many challenges remain in effectively implementing inclusive education policies. Barriers such as lack of trained teachers, insufficient resources, and societal attitudes towards disability often hinder access to quality education for children with disabilities across these nations (UNICEF, n.d.a). For example, despite legal mandates, millions of children with disabilities in India still remain out of school or receive little to no education (Antony, 2013). The commitment from these countries reflects a growing recognition of the importance of inclusive education as a fundamental right, aiming not only for access but also for quality educational experiences that cater to diverse learning needs (Grimes et al., 2021f). Emphasis is placed on ensuring that education leads to employable skills and that all children, including girls and children with special needs, complete at least primary schooling.

### References:

- Ahmadi, B. (2024, February 29). The challenges facing Afghans with disabilities: Disabled Afghans — particularly women — have been among the hardest hit by the Taliban's rollback of human rights. United States Institute of Peace.



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- Ambia, S. J. M. U., & Rahman, M. S. (2021). Challenges in primary level inclusive education in Bangladesh. *International Journal for Innovation Education and Research*, 9(11), 14–20.
- Anagha, B. P. (2024, December 12). Gender disparities in education: How girls are left behind. *Changeincontent.com*.
- Antony, P. J. (2013). Special education history, current status and future: India. *Journal of International Special Needs Education*, 16(1), 5–16.
- Barón, J. D., Bend, M., Ejaz, N., Jessica, D. L., & Iva, T. (2024). Breaking barriers, improving futures: Challenges and solutions for girls' education in Pakistan. *World Bank*.
- Bhutan Foundation. (2025). Special education. *Bhutan Broadcasting Service*.
- Boampong, M., Hewage, U., Sevume, C., Sithravelautham, S., & Perera, S. (2025). Ensuring Sri Lankan youth with disabilities can access education and opportunity. *ChildFund Alliance*.
- Central Statistics Office. (2016–17). *Afghanistan living conditions survey*. Kabul, Afghanistan.
- Desai, S. (2007). Gender disparity in primary education: The experience in India.
- Directorate of Primary Education. (2022). Special education needs and disability (SEND) framework: A guide for making primary education inclusive of special education needs and disabilities. Ministry of Primary and Mass Education, Government of the People's Republic of Bangladesh.
- Dolkar, D. (2024, June 25). Sonamgang primary school faces SEN teacher shortage.
- Dema, C. (2024, June 29). Review report by NC on the state of persons with disabilities makes important recommendations in inclusive education, economy, health and awareness. *The Bhutanese*.
- Grimes, P., et al. (2021a). Disability-inclusive education practices in Afghanistan. United Nations Children's Fund Regional Office for South Asia, Kathmandu. Retrieved from <https://www.unicef.org/rosa/media/16981/file/Country%20Profile%20-%20Afghanistan.pdf>
- Grimes, P., et al. (2021b). Disability-inclusive education practices in Pakistan. United Nations Children's Fund Regional Office for South Asia, Kathmandu. Retrieved from <https://www.unicef.org/rosa/media/17011/file/Country%20Profile%20-%20Pakistan.pdf>
- Grimes, P., et al. (2021c). Disability-inclusive education practices in Sri Lanka. United Nations Children's Fund Regional Office for South Asia, Kathmandu. Retrieved from <https://www.unicef.org/rosa/media/17016/file/Country%20Profile%20-%20Sri%20Lanka.pdf>
- Grimes, P., et al. (2021d). Disability-inclusive education practices in Maldives. United Nations Children's Fund Regional Office for South Asia, Kathmandu. Retrieved from <https://www.unicef.org/maldives/media/2936/file/Disability-Inclusive%20Education%20Practices%20in%20Maldives.pdf>
- Grimes, P., et al. (2021e). Disability-inclusive education practices in India. United Nations Children's Fund Regional Office for South Asia, Kathmandu. Retrieved from <https://www.unicef.org/rosa/media/16996/file/Country%20Profile%20-%20India.pdf>
- Grimes, P., et al. (2021f). Mapping of disability-inclusive education practices in South Asia. United Nations Children's Fund Regional Office for South Asia, Kathmandu. Retrieved from <https://www.unicef.org/rosa/media/16976/file/Regional%20Report.pdf>
- Hafeez, A. (2019). Special education in Pakistan: Problem tree analysis—Challenges and policy intervention. *University of Cambridge*.



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- Malla, C., Hazel, Y. P., Dahal, A., & Gurung, R. (2024). Examining the association between perceived stigma, its correlates, and restrictions in participation among persons with disabilities in Nepal: A cross-sectional study. *BMC Public Health*, 24(1), 1176.
- Ministry of Education. (n.d.). Department of inclusive education. Republic of Maldives. Retrieved from <https://ied.gov.mv/en>
- United Nations Children's Fund (UNICEF). (2021). Country profile: Bangladesh. Regional Office for South Asia, Kathmandu. Retrieved from <https://www.unicef.org/rosa/media/16986/file/Country%20Profile%20-%20Bangladesh.pdf>
- Gender guidelines for the Sri Lanka open school system. (n.d.). Commonwealth of Learning & National Institute of Education, Sri Lanka.

