

AS INTRODUCED IN THE RAJYA SABHA
ON THE 12TH JULY, 2019

Bill No. XLV of 2018

THE CHILDREN WITH SPECIFIC LEARNING DISABILITIES
(IDENTIFICATION AND SUPPORT IN EDUCATION) BILL, 2018

A

BILL

*to identify and support the children with learning disabilities in education and for
matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Children with Specific Learning Disabilities (Identification and Support in Education) Bill, 2018.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;

5 41 of 2006.

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government or any local authority other than a Cantonment Board, the State Government;

(b) "dyscalculia" means a learning disability characterized by difficulty in mathematics;

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(c) "dysgraphia" means a learning disability characterized by difficulty with the act of writing both in the technical as well as the expressive sense including difficulty with spelling;

(d) "dyslexia" means a learning disability that affects a person's ability to acquire, process and use either spoken, written or nonverbal information including organization and planning, functional literacy skills, memory, reasoning, problem solving and perceptual skills or in other words, difficulty with language in its various uses including reading;

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(e) "dyspraxia" means a learning disability that affects the person's ability to plan motor tasks and to make an appropriate body response;

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(f) "educational institution" includes a private educational institution;

(g) "in service" means in service of any institution run or managed by the Central or State Government or run or managed with the aid of Central or State Government;

(h) "prescribed" means as prescribed by the rules made under this Act;

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(i) "specific learning disability" means a disorder in one or more of the basic psychological process involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations and includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dyspraxia, dyscalculia, dysgraphia and development aphasia, but does not include a learning problem that is primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantages.

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Annual Survey on Persons with Specific Learning Disabilities.

3. (1) The appropriate Governments including local self Governments shall conduct an annual survey to identify the number of persons with specific learning disabilities, the nature of facilities and assistance provided to them and the extent to which they are benefitted.

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(2) The manner of conduct of survey, qualification of personnel involved in survey, maintenance of records and publication of reports shall be such as may be prescribed.

Mass Awareness Campaign.

4. The appropriate Governments including local self Governments shall,—

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(i) conduct mass awareness campaigns to create awareness in the community regarding specific learning disabilities, their causes and prevention, treatment and remedial measures;

(ii) sponsor or cause to sponsor awareness campaigns and disseminate or cause to disseminat information on learning disabilities;

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(iii) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers about specific learning disabilities, their causes and remedial measures; and

(iv) create awareness amongst the masses through television, radio and other mass media; and promote research in specific learning disabilities.

5. The appropriate Governments shall,—

(i) set up adequate number of teacher training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in specific learning disabilities;

(ii) improve the teacher education programmes to incorporate specific learning disabilities, its theory and practices within the curriculum of teacher education;

(iii) ensure that newly inducted teachers attend at least one month mandatory training in inclusive education, with special focus on specific learning disabilities;

(iv) provide adequate training to the regular teachers in service, in inclusive education with special focus on specific learning disabilities; and

(v) train the teachers and staff in anganwadis to facilitate early detection of specific learning disabilities.

6. (1) Every educational institution shall be equipped with a resource room and a special educator trained in specific learning disabilities and where special educator trained in such disabilities is not available, a person trained in special education shall be appointed.

(2) The facilities of the resource room and qualification of the special educator shall be such as may be prescribed.

(3) Every educational institution shall endeavour to detect specific learning disabilities in children at the earliest.

(4) Where a child is suspected with specific learning disability, a detailed evaluation of the child including his socio-economic background and family background shall be conducted and the child may be referred to a clinical psychologist or a Learning Disability Detection and Remediation Centre as set up under section 7, to detect if, he is suffering from a specific learning disability.

(5) Where a child is detected with a specific learning disability, and Individualised Education Plan shall be formulated for the child depending on the specific needs of the child by a team consisting of the Principal of the school, the class teacher of the child, another teacher, special educator, the parents of the child and the child himself.

(6) The child detected with specific learning disability may be referred to a Learning Disability Detection and Remediation Centre as set up under section 7, for specialized support, if found necessary.

(7) The individualized Education Plan shall be periodically revised, and the progress of the child shall be closely monitored in terms of attainment levels and completion of education.

7. (1) The State Government shall set up adequate number of Learning Disability Detection and Remediation Centres in every district to train and equip children with specific learning disabilities who require specialized training:

Provided that there shall be at least one Learning Disability Detection and Remediation Centre in every district.

(2) The Learning Disability Detection and Remediation Centres shall provide specialized training to children with specific learning disabilities, assist the schools in the concerned district to set up resource rooms, provide training and support to the regular teachers in dealing with children with specific learning disability.

Setting up of
Teacher
Training
Institutions.

Special
facilities in
educational
institutions.

Setting up of
Learning
Disability
Detection
and
Remediation
Centre.

(3) The Learning Disability Detection and Remediation Centres may also offer practical courses in dealing with children with specific learning disabilities for parents and teachers subject to regulations as may be prescribed by appropriate government.

(4) The appropriate Government may distribute to every education institution the learning materials including special text books and teaching aid for the children with specific learning disability through the Learning Disability Detection and Remediation Centres. 5

(5) The manner in which Learning Disability Detection and Remediation Centres shall be set up or recognized, its constitution, structure and function shall be such as may be prescribed.

Establishment of National and Regional Centres for specific learning disabilities. **8. (1)** The Central Government shall establish a National Centre for Specific Learning Disabilities to provide leadership public awareness and grants to support research and innovative practices in specific learning disabilities. 10

(2) The appropriate Government may establish Regional Centres for Specific Learning Disabilities at the State and District Level.

(3) The manner in which the National and Regional Centres for specific learning disability shall be set-up, constituted structured and shall function, shall be such as may be prescribed. 15

Guidelines for certification of children with specific learning disabilities. **9. (1)** The Central Government shall frame guidelines for certification of children with specific learning disabilities.

(2) The Central Governmetn shall lay down qualifications for certifying authorities of children with specific learning disability. 20

(3) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of specific learning disability.

Curriculum and examination system for children with specific learning disabilities. **10. (1)** The appropriate Government shall make suitable modifications in the curriculum and examination system to meet the needs of the children with specific learning disabilities. 25

(2) Notwithstanding and without prejudice to any other concessions provided to the children with specific learning disabilities in examinations, the appropriate Government shall ensure that the children with specific learning disabilities are provided the following concessions— 30

(a) twenty five per cent extra time for completion of the examination paper;

(b) facility of scribe or amanuensis when necessary;

(c) oral test along with written tests up to Class IX and promotion based on the average of both;

(d) relaxation in standards of Arithmetic per the level of the child; 35

(e) use of calculators;

(f) disregard the errors of interchanging of computation signs and number reversal;

(g) exemption from second and third language;

(h) availability of alternate subjects like home science, electronics etc.; 40

(i) disregard of spelling or grammar errors and incorrect sentence construction;

(j) disregard of direction errors in geography and other subjects;

(k) exemption from diagrams, charts and graphs; and

(l) such other concessions as may be prescribed.

	<p>11. The appropriate Governments and local authorities shall by notification in the official gazette formulate schemes for ensuring employment of persons with specific learning disabilities and such schemes shall include training and welfare of persons with specific learning disability, relaxation of upper age limit, and schemes for promoting self-employment.</p>	<p>Employment of persons with specific learning disabilities.</p>
5	<p>12. The Central Government shall, after due appropriation made by Parliament, by law, in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.</p>	<p>Central Government to provide funds.</p>
10	<p>13. (1) Whoever fraudulently avails or attempts to avail any benefit meant for persons with specific learning disabilities, shall be punishable with imprisonment for a term which may extend up to two years or with fine which may extend to one lakh rupees or with both.</p>	<p>Punishment for availing benefits meant for persons with disabilities.</p>
	<p>(2) Whoever assists or facilitates the commission of the offence under sub-section (1) shall be punishable with imprisonment of two years or with a fine which may extend to one lakh rupees or with both.</p>	
15	<p>(3) The appropriate Government shall report the names of the registered medical practitioners who have been convicted of the offence under sub-section (2) to the respective State Medical Council for taking necessary action including removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.</p>	
20	<p>(4) Any principal or teacher of a school convicted under sub-section (2) shall be liable for appropriate disciplinary action including suspension or removal from service.</p>	
	<p>(5) No person shall be punished under sub-section (1) or (2) for an act done by them in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.</p>	
25	<p>14. Without prejudice to the provisions of section 13, the appropriate Government on the application of any aggrieved person or otherwise shall look into complaints with respect to matters relating to,—</p>	<p>Complaint mechanism.</p>
30	<p>(a) deprivation of right of persons with specific learning disabilities; and</p> <p>(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued for the welfare and protection of rights of persons with specific learning disabilities.</p>	
35	<p>15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:</p>	<p>Power to remove difficulties.</p>
	<p>Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.</p>	
	<p>16. The provisions of this Act shall be in addition to and not in derogation of the provisions in any other law, for the time being in force.</p>	<p>Act not in derogation of any other law.</p>
40	<p>17. The appropriate Governments, may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.</p>	<p>Power to make rules.</p>

STATEMENT OF OBJECTS AND REASONS

Children with learning disabilities are a disadvantaged section of the society. There is no law or policy in this context at present. There has not been a systematic study to gauge the prevalence of learning disabilities in India, though, isolated studies by independent researchers and organizations estimate that fourteen percent of all the school children suffer from learning disabilities. It is a matter of concern that adequate research and funds have not been channelized to address this particular issue. Further, there is gross lack of awareness of learning disability among the parents, teachers and the community which results in branding of children as lazy or uninterested.

A specific learning disability affects the ability to learn and use certain skills, *e.g.*, reading, writing, listening, speaking, reasoning, directing attention, doing mathematical calculations and coordinating movements. The common forms of specific learning disabilities are: dyslexia (difficulty in reading), dysgraphia (difficulty in writing) and dyscalculia (difficulty in mathematics). It may affect a single skill or combination of skills. Learning disability is distinct from mental retardation, and many a time, those suffering from such disabilities may have near normal, normal or superior intellectual ability, but the cognition, memory, motor activity and brain function of such children might be different from other individuals. Many great personalities like Thomas Alwa Edison and Albert Einstein were once discarded by the school system as failures.

The major challenge in identification of children with specific learning disabilities is the invisibility of their condition. The teachers, parents and peers often regard them as a slow learners or a failure, or attribute to them laziness or bad attitude. The diverse socio-cultural and economic conditions of the country make it a further complicated exercise. If the children with specific learning disabilities are identified at an early age, they can be accommodated into the mainstream by providing appropriate and specialized training. Further, new centres should be opened to train and equip such children and the teachers and parents should also be trained to deal with them. The curriculum and assessment methods must be restructured to accommodate the children with specific learning disabilities or appropriate concessions should be given to them.

Hence, this Bill

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting annual survey to detect the number of persons affected with specific learning disability, clause 4 provides for conducting mass awareness campaigns, clause 5 provides for setting up of teacher training institutions, clause 7 provides for setting up of Learning Disability Detection and Remediation Centres, clause 8 provides for setting up a National Centre for specific Learning Disabilities and clause 12 provides for the Central Government to provide funds to the State Governments. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees five hundred crore per annum. A non-recurring expenditure of one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 fo the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

RAJYA SABHA

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to identify and support the children with learning disabilities in education and for matters connected therewith or incidental thereto.

(Shrimati Vandana Chavan, M.P.)