

# **Employment of Persons with Disabilities in Public Sectors in India**

**Emerging Issues and Trends--  
*An Evaluation Study with Special Reference  
to Persons with Disabilities Act (1995)***

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**Society for Disability and Rehabilitation Studies**

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## **EXECUTIVE SUMMARY**

### **BACKGROUND**

Work or employment is one of the most important aspects of the lives of individuals, especially for the persons with disabilities. Not only does it provide fulfillment, but it also serves usually as the economic foundation for our existence. It is the main income stream for most of us, and the source of other important financial benefits as well. Especially, in the contemporary age, the work is not only a basic source of income for most families; it also is a form of social connection and status in the community. Yet the employment rate of the persons with disabilities is extremely low. Low employment rates are the result of many factors -- including disability-related work limitations, lower levels of education and experience (possibly resulting from disability-related limitations), discrimination by employers in hiring or provision of accommodations, difficulty sustaining employment after the onset of a disability, and lack of access to necessary support services.

In other words, work in the marketplace is the major source of income in all modern societies, and, for people of working age; it is the key to financial independence. For this reason, a critical objective of those interested in the economic independence of persons with disabilities is their full access to and participation in market work. The Constitution of India also ensures equality, freedom, justice and dignity to all its citizens with a view to promoting the establishment of an egalitarian and inclusive society; as is reflected clearly in its Articles 39 and 41.



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While Article 39 deals with principles of policy to be followed by the State, especially with regard to securing (a) that the citizens, men and women equally, have the right to an adequate means of livelihood, right to shelter, food, education, work and so on; (b) that the health and strength of workers, men and women and tender age of children are not abused and that children are not forced by economic necessity to avocations unsuited to their age or strength; and (c) that children are given opportunities and facilities to develop in a healthy manner and kin conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

The Article 41 prescribes that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in another cases of undeserved want. Article 42 further requires to make provision for securing just and humane conditions of work.

In keeping with the aforesaid provisions enshrined in Directive Principles of State Policy of the Indian Constitution and the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, three Sections of the PwD Act are intended to address exclusively the issue of employment of the persons with disabilities; which requires that :

- The appropriate Governments to identify posts in the establishments which can be reserved for persons with disabilities;
- It also prescribes the quota reservation, not less than 3% for persons or class of persons with disabilities of which 1% each shall be reserved for

persons suffering from certain vision impairment of 40% certified by Medical authority,

- The reservation of not less than 3% for poverty alleviation for the benefits of persons with disabilities has also been provided in the schemes.
- The source of employment is through special employment exchange.

It may be noted that during recent decades, a number of momentous developments have taken place in the global disability rights movement; culminating in the adoption of the United Nations (UN) Convention on the Rights and Dignity of Persons with Disabilities on 13<sup>th</sup> December, 2006. This convention has been viewed as the first international human rights treaty of the 21<sup>st</sup> century (CBC News, 2006). It touches on almost the whole gamut of issues related to empowering people with disabilities, such as:

- Access to justice, voting rights, equal participation in political and public life;
- The right to be free from abuse, exploitation, medical or scientific experimentation, or institutionalization without due process;
- Accessible buildings, communication and information technology;
- Equal access to education, employment, health care and rehabilitation;
- Independent living;
- Protection during wars and humanitarian or natural disasters;
- Participation in cultural, recreational and leisure activities;
- Availability of mobility aids;
- Right to privacy;
- Respect for choices relating to marriage and reproduction;

---Right to an adequate standard of living and social protection (UN, 2007).

Likewise, the Article 27 of the UN Convention on the Rights of Persons with Disabilities is also specifically concerned with the work and employment issue of the disabled persons. According to this Article, States parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, *inter alia*:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- (g) Employ persons with disabilities in the public sector;

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- (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

The major principles underlying the treaty are respect for individual autonomy, nondiscrimination, accessibility, equality of opportunity, full and effective participation and inclusion in society, respect for difference, and acceptance of disability as a part of human diversity and humanity. On 11<sup>th</sup> September 2008, both the Convention and the optional Protocol had been signed by 130 and 71 countries respectively. Moreover, 37 countries (including India) have ratified the Convention, and the Protocol has been ratified by 22 countries. Its entry into force was celebrated on 12<sup>th</sup> May, 2008 with much fanfare at the UN Headquarters in New York (UN, 2008).

Ironically, there is widespread ignorance regarding the causes of disability as also the potentials of the persons with disabilities to become productive and self-reliant members in inclusive society for all, including the persons with disabilities. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, provides for 3% reservation in employment in the Ministries/ Departments of Government of India and Public Sector Undertakings (PSUs)/ Corporations/ Banks/ Insurance Companies as also autonomous bodies/ organisations (including Central and State Universities, IITs and National Institutes). The study seeks to explore

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the issues and trends in employment status of the persons with disabilities in India as well as public and non-governmental interventions to augment employment opportunities for the persons with disabilities.

Significantly, an understanding of the moral and political demands of disability is important not only because it is such a widespread and impairing feature of humanity, but also because the tragic consequences of disability can be substantially overcome with determined societal help and imaginative intervention. Policies to deal with disability can have a large domain, including the amelioration of the effects of handicap, on the one hand, and programmes to prevent the development of disabilities, on the other. It is extremely important to understand that most disabilities are preventable, and much can be done not only to diminish the penalty of disability but also to reduce the incidence of disability.

While considering the employment situation of the persons with disabilities in the Indian perspective, certain major points are noticeable. Firstly, one may find plethora of public programmes to promote the employment of the persons with disabilities, though their impact has been quite negligible and mostly confined to urban areas. This is perhaps due to weaknesses in design and implementation.

Secondly, private sector employment incentives for hiring the persons with disabilities are quite limited. Despite the fact that the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has provided for private sector incentives policy with a target of 5 per cent of the private sector workforce being persons with disabilities, neither the Government of India nor State Governments have introduced a general incentives policy (though there is a specific new incentive provided for formal sector workers in the 2007- 2008



budget). During the fag end of 1990s, employment of persons with disabilities among larger private firms was only 0.3 per cent of their workforce. Among the multinational companies, the situation was far worse with only 0.05 per cent of their workforce being the persons with disabilities. One could, however, find a number of private and public sector firms with far better performance with regard to hiring the persons with disabilities.

Thirdly, public sector employment reservations have also yielded poor outcomes due to design and implementation problems.

Fourthly, notwithstanding the fact that a financial assistance programme for entrepreneurs with disabilities is in place, the beneficiaries have been negligible so far. This could be corroborated by the fact that more than 11 years have passed since the establishment of the National Handicapped Finance Development Corporation (NHFDC) with the mandate of providing financial assistance to the disabled beneficiaries, the beneficiaries of the NHFDC scheme had percolated down to only 19,643 till 2005. If the NHFDC is to reach more stakeholders, the scheme requires to be restructured so as to give channeling agencies (including public sector banks) better incentives.

Fifthly, there cannot be denying the fact that a greater number of NGOs have become active in vocational training of the persons with disabilities and direct employment generation, but the majority of them without accreditation process.

Sixthly, the Government of India provides vocational services to the persons with disabilities, but coverage is low and its impact not known.

Seventhly, one may also find a national network of special employment exchanges for the persons with disabilities, but they have failed to play the desired role in promoting their employment. Though there are employment

exchanges in State capitals, the link between employment exchanges and establishments in the private sector is weak. Consequently, the job placement ratio is quite abysmal for both special and other exchanges, 0.9 per cent and 0.7 per cent of registered persons with disabilities respectively in 2003, has roughly halved over the past decade. The downward trend is indicative of shrinking job avenues in the public sector as also general failure of employment exchanges to reach out to the private employers.

Lastly, low educational attainment, poor employment prospects and stigma also suggest that the persons with disabilities and their households are notably worse off than average.

## **AREA OF STUDY**

The study was taken up in seven major States of India-- namely, Bihar, Gujarat, Madhya Pradesh, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal-- covering four districts from each state, thus covering total 28 districts.

## **OBJECTIVES**

The prime objectives of the study were to examine the extent of employment rights of disabled persons being adhered to in compliance with the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

## **APPROACH and METHODOLOGY**

The methodology followed was a mix of both primary and secondary research. Primary data was collected through structured and semi-structured schedules with open and closed ended questions and a review of literature was studied for secondary data.

The target group was the persons with disabilities employed in various government and public sector units as also autonomous bodies/ organisations. The sample size of these respondents was 1120. However for

the triangulation purpose, officers and staff members of the concerned departments/ organizations/ public sector undertakings were also interrogated. The analyzed responses facilitated overviews on trends and issues, and recommendations for improvement.

## **PROFILE OF THE TARGET GROUP**

The employed disabled persons from various government and public sector units constituted our prime target group. These offices included government and public sector departments like banks, universities, Zila Panchayats/Parishads, hospitals, BSNL, railways, judiciary, etc.,

- 71% of the respondents were men and 29% were women.
- The disabled respondent group was in the range of 22 years to 65 years of age with maximum respondents falling in the age group of 36-45 years and 22-35 years, 45%. and 27% respectively.
- Since the quota policy covers just three types of disability – locomotor, hearing and visual, mainly three categories of impairment/disability/handicap was found among the employed disabled 3.3% were hearing handicapped and 5% were visually handicapped. A large majority of sample respondents, 91.3% were orthopaedically handicapped.
- Majority of the respondents were married (91.6%)

The Ministry of Social Justice & Empowerment, the nodal agency of the Central Government that promotes services for the persons with disabilities through its various schemes and has identified jobs for three typologies of persons with disabilities.

- 48% were from Group C and 29% from Group D.
- More than 69% of the sample respondents were getting salaries in the range of Rs.5000/- to Rs.15,000/- per month.

## **MAJOR FINDINGS**

The first critical factor that has an impact on the effectiveness of any Law or Act is the level of awareness about its existence amongst the target group.

- Only 58.7% of the target groups with disabilities are aware of their employment rights
- 37.8% opined that the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is most effective for empowering the persons with disabilities.

The respondents were not aware of others like Rehabilitation Council of India Act, 1992 or National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 or Mental Health Act, 1987, etc.

- 96.5% said it is not being observed as per stated guidelines of the Act. Only 14 respondents across States were of the view that the quota was being observed

The extent of implementation opinion level of the respondents varied across States and respondents. Close discussions with the disabled beneficiaries revealed that their organizations have nominal number of the disabled employees.

- More than 31% of the respondents stated that the percentage of disabled employees in their respective organization was below 2%.
- The major source of information about the job reservation quota for the disabled is the employment exchange (38%) followed by Television (21.5%)

The persons with disabilities find difficult to find a job because their disability comes in the way of their functioning. But here in this study it was revealed

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that majority of the respondents had got the job under reservation quota for the disabled within a year's time.

- 80% of the respondents stated that they got the employment within 1 year of applying for the job. 90% of the disabled employees were in their respective profession for more than 5 years.

The study revealed that there are some hindrances in implementation of 3% reservation quota. The most common of these are-

Discriminatory attitude of society

Paternalistic attitude of society

Lack of literacy

Lack of social awareness

Lack of political and administrative will power

The target of 3 per cent reservation does not have a gender dimension.

- 97.8% disabled respondents affirmed that the reservation provision for women was the same
- The respondents were by and large convinced by the selection process adopted for selecting the employees. More than 95% stated it to be fair.
- 43% of the sample disabled respondents were satisfied with the adequacy of the reservation quota, whereas 57% stated it to be insufficient.
- Majority of the respondents, 56.5%, felt that the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 had some impact in empowering people with disabilities.

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More than 93% maintained that there is no provision of training courses offered by the organizations for the capacity building, especially for the persons with disabilities.

- 83.2% disabled target respondents have not acquired any vocational training-whether from department or otherwise.

### **OVERVIEW**

A beginning is made to bring the persons with disabilities into the mainstream of development, but there is still a long way to go to accomplish the task ahead. To clear the backlog of vacancies of the persons with disabilities, Special Recruitment Drives have been undertaken by Staff Selection Commission from time to time - 1987, 1988 and 1990. As a result of these drives undertaken by the Government, over 2000 disabled persons have been provided employment. The disabled women comprise one of the most neglected, if not almost totally ignored, segment of the population. A critical factor that has an impact on the effectiveness of any Law or Act is the level of awareness about its existence amongst the target group. The level of awareness about these initiatives was not found to be high.

### **RECOMMENDATIONS**

The major systemic and constructive knots that require to be untied before the persons with disabilities could achieve equal opportunity for employment are those found in education, transportation and the social service system. Until substantial progress is made on these counts, employment equity programmes, however well motivated and nicely planned, stand a good chance of falling short of their goal of achieving appropriate representation of the persons with disabilities in the workplace. Of course, the problem is not confined to our schools. The universities, colleges and academic institutions remain largely inaccessible and insensitive to the needs of the students with



disabilities. Plethora of programmes and schemes remain beyond the reach of those students with disabilities students who are able to attend, and accommodation of their needs lags well behind what is required.

Moreover, there are no magic solutions to the poor employment outcomes for the persons with disabilities, the following suggestions could be offered to ameliorate the situation, and thereby enhancing the employment avenues for the stakeholders:

- The governmental policies should consciously and broadly take into account the needs of the persons with disabilities.
- The reservation for the persons with disabilities need to be reviewed and reformed. If a quota approach is to be maintained, what is required is that it should be based on a share of all posts in public agencies and the practice of “identified posts” be scrapped.
- Wherever special national employment drives are to be launched for the unemployed youth, the disabled should be included. Likewise, the disabled candidates should also be exempted from payment of prescribed fees for applying for positions at various levels in government services (including jobs in public sectors / corporations and autonomous bodies—such as, Central and State Universities, IITs as also National Institutes).
- The functioning and performance of the Vocational Rehabilitation Centres (VRCs) as also Special Employment Exchanges need to be reviewed and streamlined to deliver better outcomes.
- Policies for promotion of training and employment of the persons with disabilities and their non - disabled counterparts should be adopted on an equal basis.

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- Proper use of existing vocational services, guidance and training as well as placement in employment and related services for workers, in general, on the job training could be more efficient than other conventional methods.
- Strategy for affirmative action needs to be prepared and implemented so as to increase the employment potentials of the persons with disabilities. Concerted efforts are also required to be made to actualise the goal of empowering the disabled women with disabilities by ensuring their due representation in public and private sector jobs.
- There is also the imperativeness of enhancing the budgetary allocation for the persons with disabilities. At least 3 per cent of the budget of every Ministry/ Department of the Government of India as also State Governments may be allocated for persons with disabilities and monitoring mechanisms should be set up at various levels to check the progress in this regard.
- Most importantly, mass awareness campaigns should be launched at the grassroots level for disseminating information regarding education, vocational training, self help groups and employment related and other statutory provisions designed for empowering the persons with disabilities.

## **Chapter 1**

### **Introduction**

Disability has always been inevitable and indistinguishable part of the human life. Many individuals are born with a disability, while others acquire a disability later in life due to a variety of factors, including infectious disease, inherited conditions or accidents, as a consequence of malnutrition, lack of adequate preventive health care, exposure to environmental pollutants or as a result of warfare or landmines or other natural calamities—such as, floods, earthquake and tsunami etc..

According to projections made by international agencies--including WHO, World Bank etc.), about ten per cent of the world's population, around six hundred million people, has some or other disabilities. So much so that certain projections estimate the population of the persons with disabilities to be around twenty per cent of the world's poorest individuals, a phenomenon that exists across developing and developed countries. Approximately, eighty per cent of the population of the persons with disabilities lives in developing countries like India, but their actual distribution is the subject of debate. While, in some countries, only the most severely disabled individuals are identified; in others, even those with mild disabilities are included in surveys and census reports.

Significantly, affluent countries normally report higher rates of disability both because of increased survival rates after the occurrence of disability and because census reports include individuals with mild or moderate disabling conditions who may not be listed as disabled in another context. For example, a person suffering from dyslexia may be considered disabled in Canada, where the majority of young people complete high school. On the contrary, in a country such as Mali, dyslexia may not even be identified due to lower

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literacy rates and the much smaller proportion of adolescents and youth who are in school.

Likewise, countries often report higher rates of disability for males than for females, with ratios ranging from almost equal, 1.1 boys for every girl in Cape Verde, China, Mexico and Pakistan, to slightly more than two boys for every girl in Egypt, to almost three boys for every girl in Venezuela. Reasons for this gender disparity may include higher rates of work-related injuries and greater risk-taking behaviour among males. In many regions, however, the cultural preference for boys appears to result in disabled males receiving better care. In Nepal, for example, the long-term survival rate for boys who have had polio is twice that for girls, despite the fact that males and females have an equal chance of being disabled by the diseases.

India is a vast country with a population of more than one billion and nearly 70 million persons with disabilities. According to the Census 2001, there are 2.19 crore persons with disabilities in India which constitute 2.13 per cent of the total population. This includes persons with visual, hearing, speech, locomotor

**India has about 40 to 80 million disabled people. At least one in twelve households has a member with disability.**

Disability data as per Census India 2001

Disability specific Data

Movement 28%

Seeing 49%

and mental disabilities. However, several other categories of disability—such as, leprosy affected and mentally retarded are left out of this enumeration. Significantly,

seventy five per cent of persons with disabilities live in rural areas, 49 per cent of disabled population is literate and only 34 per cent are employed.

Normally, the plight of the persons with disabilities is quite abysmal and it is very often overlooked. Despite global efforts by disability rights activists to



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ensure the equality of persons with disabilities (as evidenced by the growing number of countries that have enacted disability-related legislation), the impoverished conditions still persist. Unfortunately, the continuing economic inequities and social exclusion of the persons with disabilities worldwide severely calls into doubt the efficacy of these efforts.

An important legal right for persons with disabilities is the right to live free from discrimination in employment. Discrimination may normally take different forms. Some employers use pre-employment physicals to identify individuals with disabilities and to refuse their job applications. Some employers deny training, promotions and fringe benefits to employees with disabilities. Employees have been downgraded, discharged or harassed when an employer learns of the existence of a disability, or thinks that an employee is disabled.

The earlier emphasis on medical rehabilitation has now been replaced by an emphasis on social empowerment. It is now widely acknowledged that disability is not merely a matter of biological impairment but also, and perhaps primarily, a social phenomenon.

Disability data as per National Sample

Survey Organisation (NSSO) 2002

Disability specific Data

Movement 51%

Seeing 14%

Hence, disability cannot be explained and understood simply in terms of individuals's impairment but, rather, in terms of social arrangements. Stated in simple terms, it is not individuals and their alleged incapacities that explain the limited opportunities of the persons with impairments; society is partly to blame as well. This sociological perspective typically represented and promoted in the increasingly popular field of Disability Studies rejects essentialistic views of human beings. What is considered as characteristically 'human' or 'normal' with regard to the make-up of beings does not depend



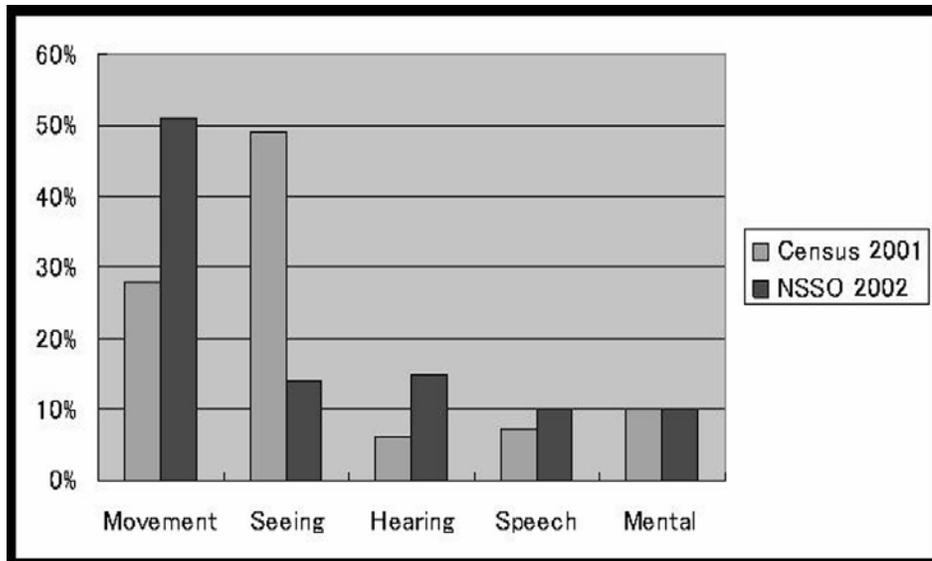
solely on human essence (whatever that might be), but on culturally produced norms.

Humanity and normality are socially constructed. Social constructionism can, thus, be seen as the ontological and epistemological basis of Disability Studies, and consequently it has become the framework for understanding what disability is all about, as well as how one construes information about it (Albrecht 2002; Barnes *et al.* 1999: 93–5; Linton 1998: 37–45; Taylor 1996).

There are various differing accounts of what disability as a social construct means in practice. One constant complication in these discussions is the role, meaning and significance of body and impairment. This leads to plethora of questions—such as, what is it to be a person? What is it to be a disabled person? Can impairments compromise someone's personhood, or are we persons completely independently of our abilities? If an impaired individual is not taken seriously as a person by others, does this make one less of a person? Or, is being a person independent of the perceptions and attitudes of others? What role does the oft-stated mission of social inclusion play in considering the question of personhood? This is the cluster of philosophical questions which have stimulated us to take up this study related to the employment situation of the persons with disabilities.

The legal provisions impact significantly on the disabled persons. Moreover, there is an intrinsic connection between law and societal values so when a particular set of values or conceptual model is enshrined in law, its coercive effect may stigmatise the disabled persons. It is important, therefore, to explore the ways in which lawmakers frame disability issues.

Disability data comparison between Census 2001 and NSSO 2002



#### **Census 2001 v/s NSSO 2002**

Economic empowerment of the persons with disabilities comprises of both wage employment in organized sector and self-employment. Supporting structure of services by way of vocational rehabilitation centres and vocational training centres will be developed to ensure that the disabled in both urban and rural areas have increased opportunities for productive and gainful employment. The earlier emphasis on

**Seventy five per cent of persons with disabilities live in rural areas, 49 per cent of disabled population is literate and only 34 per cent are employed.**

medical rehabilitation has now been replaced by an emphasis on social rehabilitation. There has been an increasing recognition of abilities of the persons with disabilities and emphasis on mainstreaming them in the society based on their capabilities.

It must be noted here that both employment and disability appear to be antithetical to each other in the modern age of bodily perfection. While

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employment suggests gainful productive activity, disability portrays inability to work or be employed due to functional limitations imposed by physical, visual or sensory impairments. Whether with or without disability, work is presumably the most important aspect of human life. That is why, Sigmund Freud perceives work as one of the basic requirements of human existence. Especially for the persons with disabilities, it has added significance, as it brings a sense of identity and selfhood to them. Inability to work has devastating effect on the lives of such disadvantaged individuals. On the one hand, it hampers one's development in the life cycle, on the other hand it also brings damage to an individual's self-identity and worthiness.

In fact, it is because of the advent and consolidation of disability rights movement that remarkable change in policy goals started ushering in. The underlying philosophy is that physical or mental impairments need not affect functional capacities of the persons with disabilities. Rather, it is the interaction of a person's impairment with the social environment he or she faces which leads to an inability to work. Changes in the social environment could be more effective in enhancing the employment prospects of the working-age persons with disabilities.

**Government of India have reserved 3% of vacancies against identified posts in Group 'C' and Group 'D' for people with disabilities in Central Government Ministries, Public Sector Undertaking and Banks. The categories of handicapped persons benefited by this scheme are the Blind, the Deaf and the Orthopaedically handicapped with 1% reservation for each category.**

Following international human rights norms and standards, the Government of India has also enacted four major legislations for persons with disabilities, viz. (i) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; which provides for education, employment, creation of barrier-free environment, social security, etc. (ii) National

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Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999 has provisions for legal guardianship of the four categories and creation of enabling environment for as much independent living as possible. (iii) Rehabilitation Council of India Act, 1992 deals with the development of manpower for providing rehabilitation services. (iv) Mental Health Act, 1987 deals exclusively with the issue of mental illness. Out of these legislations, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 could be regarded to have heralded a major shift in social policy that focusses on the integration of working- aged persons with disabilities into the work force and away from dependence or disability benefits.

Seventy - five per cent of the population of persons with disabilities lives in rural areas, 49 per cent of the disabled population is literate and only 34 per cent are employed. Consequently, finding them employment becomes an uphill task and, adding insult to injury, there is also the stigma attached to the persons with disabilities.

There is widespread ignorance regarding the causes of disability and the potential of persons with disabilities to become productive and self-reliant members of society. Acceptability of disabled children, especially visually, speech and hearing impaired, motor disabled and mentally retarded in general schools is extremely limited.

Employment is one of the most critical aspects of independent living, as also a primary aspiration of the persons with disabilities in India. The Constitution of India seeks to ensure equality, freedom, justice and dignity to all citizens of the Indian Union. Briefly stated, this implicitly mandates an inclusive society for all, including the persons with disabilities. It has been realized that a majority of persons with disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures. Efforts have been taken to ensure and promote the equal opportunities, protection of rights and full participation of the persons with disabilities all over the country during the past decade. But, the result has not been not very encouraging.



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However, by all accounts, and in spite of the best efforts by the Government of India and State Governments, the desired outcome is not visible. Some reports also indicate that strong patriarchal traditions towards the women still dominate relationships and social policies. Although the Act was enforced in 1996 and a Chief Commissioner for Persons with Disabilities at the central level to address the grievances of the persons with disabilities was appointed, only five States out of 23 States have a full - time Disability Commissioner.

Many States have not even formed a committee to meet one of the major compulsory and preliminary requirements to implement the Act. Various studies have shown that the large majority of persons with disabilities in India are capable of productive work, in the bulk of cases without the need for aids or appliances. Even though many disabled adults are capable of productive work, disabled adults have far lower employment rates than the general population. In fact, employment of persons with disabilities actually fell from 43% in 1991 to 38% in 2002, despite the country's economic growth<sup>1</sup>.

The National Policy on Disability addresses the Economic Rehabilitation of Persons with Disabilities. Economic rehabilitation of Persons with disabilities also comprises of both wage employment in organized sector and self-employment. The development of supporting structure of services by way of

Low literacy and employment rates and widespread social stigma are making disabled people among the most excluded in Indian Society. 'The problem is not how to wipe out the differences but how to unite with the differences intact'

-Rabindranath Tagore

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<sup>1</sup> World Bank Report on Disability, 2003

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providing vocational rehabilitation and vocational training centres has been made to ensure that disabled persons in both urban and rural areas get increased opportunities for productive and gainful employment.

One of the main strategies for economic empowerment of persons with disabilities was Employment in Public Sectors/Government Establishments. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides for 3% reservation in employment in the establishments of Government of India and Public Sector Undertakings (PSUs) against identified posts. The status of reservation for Government in various Ministries/ Departments against identified posts in Group A, B, C & D is 3.07%, 4.41%, 3.76% and 3.18% respectively. In PSUs, the reservation status in Group A, B, C & D is 2.78%, 8.54%, 5.04% and 6.75%, respectively. The Government is mandated to ensure implementation of reservation in identified posts in the Government sector including public sector undertakings in accordance with the provisions of the PWD Act, 1995.

A Committee set up by the Ministry of Social Justice and Empowerment/ Government of India made an indepth study of the various jobs done in Government Departments/ Ministries as well as Public Sector Undertakings and identified 1100 posts out of 3000 posts listed in the National Classification of Occupations as suitable for the persons with disabilities. For the first time the Committee had also identified the physical requirements for all these jobs.

In giving jobs to persons with disabilities, the Government of India has announced certain other concessions which are as follows:

1. Disabled persons who are otherwise qualified to hold clerical posts and who are certified as being unable to type by the Medical Board or a Civil Surgeon where there is no such board, have been exempted from typing qualification.
2. Disabled persons have been granted relaxation in upper age limit up to 10 years for appointment to the clerical and subordinate cadre

posts.

3. All persons with disabilities can be given posting near their places of residence, subject to administrative constraints,. The ban on recruitment has been relaxed in favour of identified posts to be filled by the disabled people.
4. Disabled persons are exempted from payment of application and examination fee prescribed for the recruitment of clerical posts and other cadres in Public Sector Banks and Financial Institutions, though this is not followed by plethora of organizations.
5. Disabled persons are not to be subjected to the usual medical examination by the appointing authorities but their physical fitness should be decided on the basis of the report of the Medical Boards attached to the Special Employment Exchanges for the Physically Handicapped for their recruitment to group 'C' and 'D' posts. The appointing authorities and the Medical Boards have to view the cases of persons with disabilities with utmost sympathy while considering them for appointment.

Further Group 'C' and 'D' employees found medically unfit for the post he is holding and from which he is proposed to be discharged or has been discharged may, wherever practicable, be considered for another identical equivalent post for which he may be found suitable against direct recruitment quota without insisting on the condition of appointment through the employment exchange.

6. Persons with disabilities are not to be denied promotions on medical grounds, if they are otherwise fit for promotion and can discharge the duties satisfactorily.

As per a Supreme Court Judgment delivered in 1993, the blind eligible candidates can compete and write the Civil Services Examination, which is

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ordinarily held yearly by the Union Public Service Commission. The Supreme Court further directed that they shall be permitted to write the examination in Braille script.

To clear the backlog of vacancies of persons with disabilities, Special Recruitment Drives are undertaken by Staff Selection Commission from time to time. Three last such drives were undertaken in 1987, 1988 and 1990. As a result of these drives undertaken by the Government, over 2000 disabled persons have been provided employment.

For assisting the disabled persons in undertaking self-employment ventures and other productive activities, loans are given by the nationalized banks by charging an interest of 4% per annum under Differential Rate of Interest (DRI) scheme. Ministry of Petroleum and Natural Gas has reserved seven and half percent of all types of dealership/agencies of the Public Sector Oil Companies, for disabled persons.

Similarly, the Ministry has also reserved seven and half percent dealership/agencies for Defence Personnel who are permanently and severely disabled either in war or in military action during peacetime. Also kiosks and telephone booths are also given to the disabled to enable them to earn their livelihood. Various State and U.T. Governments also provide reservation in jobs for the disabled persons. There is no obligation on private sector to provide employment to the disabled. However, many private sector employers now offer jobs to the persons with disabilities realising that their employment is an economically viable proposition. A number of disabled job seekers are also getting employment through the normal employment exchanges and the special employment exchanges set up for them.

Considering the fact that the most important aspect of rehabilitation of persons with disabilities is their economic rehabilitation, which can be achieved by providing employment. The Ministry of Social Justice & Empowerment/ Government of India now gives incentives to employers in the private sector for providing employment to the persons with disabilities. This

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would be applicable to all the employees with disabilities, who are appointed on or after 1<sup>st</sup> April, 2008.

More than twelve years have passed since the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 came into operation. The list of identified posts, which was notified in 2001 also needs a review. With the experience gained in the implementation of the Act and in the aftermath of a series of developments in the disability sector, this study is an attempt to evaluate the extent of employment gained by the persons with disabilities in public sectors in the country. The study explores issues and trends in employment status of the persons with disabilities in India up, as well as public and non-governmental interventions to improve employment opportunities for the persons with disabilities.



## **Chapter 2**

### **Literature Review**

While reviewing published literature on employment of persons with disabilities, one could find a substantial body of literature on vocational rehabilitation, sheltered employment and, more recently, on issues related to accessing employment in the open labour force. Though virtually no research work has as yet been carried out on employment of the persons with disabilities in public sectors, particularly in the Indian context (Karna, 2008b; Rungta, 2004; ILO, 2003; Mishra and Gupta, 2006; Mitra, and Sambamoorthi, 2008; World Bank, 2007; Abidi, 1999; Devi and Reddy, 2006); whereas the situation is completely reverse in the Western countries. There have been a large number of research and evaluation studies published on disability and employment, reflecting the importance of this area of policy in recent years. These studies have mostly focused either on the general direction of policy, or on evaluation of several new employment activation policies and pilot schemes that have been introduced.

However, even in those affluent societies where extensive research work has been carried out on the issue of employment rights of the persons with disabilities, the common thread underlying such research is the trend of declining employment rates in the 1990s among persons with disabilities and some of the potential reasons for these changes (Bound & Waidmann, 2000; Burkhauser and Daly, 2001). Since earnings from work are an important factor in income, declining employment rates have *Issues in Job Search and Work Accommodations for Adults with Disabilities* 89 implications for

household income and well-being. (Burkhauser and Daly, 2001) show that the share of household income coming from the earnings of men and women with disabilities declined during the 1990s. During the same time period, total household income for those with disabilities has increased slightly because of the increased reliance of these households on non-labour sources of income, in particular disability benefits.

It is important to note before continuing that the study of disability policies has been an unraveled topic in the Indian context. This is due to many factors that may hinder collecting clear and concrete data. Many countries (including India) do not take regular or ad - hoc national surveys in order to generate even a rough estimate of how many citizens are disabled. National surveys on employment numbers for the disabled are even more rare. However, in cases where surveys have been taken, the methods of collection may vary from country to country and may either be unreliable, incomplete, or contradictory. The collection of data on disability through census and sample surveys in India could be cited as a glaring instance in this regard. Despite the statistical barriers inherent in studying disability policy, it is still a worthwhile topic because persons with disabilities account for such a large portion of the Indian population. This is presumably the first attempt of its kind for making sense of the roots of disability policy and its effects on employment levels for the persons with disabilities.

Disability legislation itself is a complex topic. This study does not purport to address the whole gamut of issues involved in the legislation process. But there are a few key conflicting issues surrounding disability policy that should be recognized. Disability policy has two major goals, which are at times in conflict—income security and integration into social and economic life. Policies aimed at generating full participation

of persons with disabilities often downgrade the safety net, and thereby creating more risks. People who are not successful at achieving a certain level of integration can suffer. Yet, programmes that guarantee benefits can serve as a disincentive to participate in the labor market. The challenge is to provide supports and incentives that facilitate full participation, while ensuring the means to live a decent life regardless of any disability. Further complicating disability policy is creating programmes for such a diverse population. Disabling conditions are quite varied, ranging from mild to significant and consisting of physical disabilities, sensory disabilities, mental disabilities that are cognitive or developmental in nature, and mental health conditions. Moreover, some are congenital while others are the results of injuries or illnesses. They can affect the old or the very young, meaning that policies must address people entering the workforce, those wishing to remain or re-enter it, and those nearing the end of their working lives.

Although having impairment itself can make work more difficult, other factors also lead to lower employment rates for adults with disabilities. These include lack of access to needed work accommodations, disincentives imposed by public disability benefit programmes (Bound & Burkhauser, 2000) and discrimination (Baldwin & Johnson, 1994). Those who also have low levels of education are doubly disadvantaged and have been shown to have poor job prospects (Burkhauser et al., 1993).

There is a long history of policy initiatives to remove barriers and enhance employment rates of persons with disabilities. In the past decade there has been an intensification of these efforts and additional focus on addressing barriers in the environment--such as, lack of access to accommodations and discrimination.

Among these efforts is the passage of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which makes statutory provision for three per cent reservation for the persons with disabilities in public sector jobs.

One may also find studies in a considerable number of countries that have shown that persons with disabilities are less likely to be employed than non-disabled peers (Bames, 1991; Furrie and Coombs, 1990; Haveman et al, 1984; United Nations, 1990). One report (Neufeldt, Stoelting and Fraser, 1991) indicates a similar pattern occurs for self-employment. In Canada only 3 per cent of persons with disabilities in the labour force defined themselves as self-employed, compared to 14 per cent of persons without disabilities. No similar data seems to have been reported from other countries, including India. It is well known that the barriers to employment for persons with disabilities are considerable. On average, persons with disabilities have less education than comparable non-disabled populations, they have less opportunity to gain work related skills, and face a variety of other barriers which often include lack of work site accessibility and poor transportation. To become self-employed there are additional barriers. These include lack of opportunity to gain skills in entrepreneurial approaches to develop and implement business plans, and lack of access to financial resources in order to capitalize one's business.

In order to understand what factors most affect employment levels for persons with disabilities, it is necessary to consider the three main schools of thought on the issue. First, the Organization for Economic Co-operation and Development (OECD) published a report arguing the significance of active versus passive labor market policies on disability employment levels (2001). According to the study, active labor policies (such as vocational training) encourage the integration of disabled

people into the labor market and therefore increase employment levels. On the other hand, passive labor policies (like pension benefits) only increase economic incentives to remain out of the workforce. The report is helpful in that it gives an effective and detailed explanation of how certain kinds of legislation effect employment levels. Additionally, it lays out the various policies and categorizes them as active or passive. However, it neglects to consider *why* governments choose one type of policy over another. The OECD study also does not consider the effect institutions have on employment levels. Without these considerations, the OECD fails to produce a comprehensive analysis.

The second key study on employment levels by Mariana Preda hypothesized on the roots of attitudes towards persons with disabilities. The study described how the development of attitudes towards persons with disabilities affects their ability to access the labor market (2000). In her theory, Preda highlights a situation where cultural attitudes suppress people with disabilities so that they do not have the resources to become politically active. Because there is little to no representation of people with disabilities in society, persons with disabilities are not considered in the development of legislation. Therefore, nothing encourages the changes to cultural perceptions necessary to increase the integration of people with disabilities into society. While Preda's study addresses the very real issue of attitude, she fails to make the necessary connection between cultural barriers and institutional barriers. Furthermore, basing the argument entirely on cultural attitudes neglects the influence of legislation and policy choice on employment levels.

The third approach to disability employment levels is much more pertinent to the question of why employment levels vary for persons with disabilities. According to Lisa Waddington and Matthew Diller,

disability policies are “rooted in core assumptions [within the nation state] about the nature of disabilities and the obligations of both individuals and society” (2002, p. 1). These core assumptions can be grouped into two specific models: the social welfare model and the civil rights model. Each country in the world can be classified as following either the social welfare model or the civil rights model, following a mixture of both, or transitioning from one to the other. Looking at the kinds of legislation a government pursues indicates which model they follow, Waddington and Diller argue (22).

Each policy has a well-known effect (either exclusion or integration). If a country relies on socially excluding policies, they are categorized as following the social welfare model. On the other hand, if a country relies on integration policies, they are following the civil rights model. The social welfare and civil rights models help us to understand the reasons why governments choose certain disability policies. The policies pursued in India could be regarded as a combination of both of them.

However, the models are not complete enough to be the only indicator of employment levels. Waddington and Diller’s theory does not consider the impact of political active, national disability organizations on employment levels. In order to understand why national disability organizations are such an important variable, I will submit four ways (if politically active) they can effect employment levels. Firstly, national disability organizations are extremely influential in determining which social model (and thus policy choices) the government follows. Through political lobbying, disability organizations have historically played a major role in civil rights movements.

Secondly, national disability organizations can gain a comparative advantage in knowledge about the needs of disabled people within their country (Symes

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1995, 262). As a result, national disability organizations have the ability to provide useful information and make recommendations regarding potential legislation. Regional and international disability organizations, on the other hand, often make recommendations without considering unique national circumstances. Governments can consult the organizations in potential changes or creation of legislation (Mont: 2004, p. 16).

Thirdly, generally speaking, disability organizations focus on one particular kind of disability (organizations for the blind, deaf, physically disabled, etc.). If used in policy consultation, they have the ability to work together, ensuring that all types of disabilities are represented and taken into account in legislation. In regard to employment policy, this would mean that governments ensure access to the labor market for all types of disabilities.

Fourthly, many national disability organizations are involved in vocational rehabilitation and employment services in addition to or in place of the services the government provides. This includes all those organizations which provide job training, assistance in placement, or that organize international exchanges to help develop skills and experience. Due to their roles as lobbyists, legislative consulters, service providers and campaigners, the existence or non-existence of national disability organizations influence the employment levels.

After a brief overview of the existing theories, their gaps and a discussion of the importance of national disability organizations, the complexity of employment variation is obvious. The tendency would be to begin the analysis by making some connections. For example, countries with low employment levels have many common attributes. Generally, they do not have specific legislation for persons with disabilities; anti-discrimination rights are granted generally through the nation's constitution; there is little to no oversight or assessment of how effective employment initiatives are. The exact opposite is generally true in countries with higher employment levels for persons with disabilities.



However, this is over-simplifying the problem. In this study, an effort will be made to show that the factors mentioned above are themselves, effects of a previously unnoticed combination of factors. It will be shown that the mixture of the social welfare and civil rights models and the existence of politically active, national disability organizations have the greatest effect on the employment levels of persons with disabilities. At this stage it is important to understand the nature of the social models and how disability employment policies fit under each model. The social welfare model sees disability as a medical deficiency in an individual that makes them unable to work or function in society in conventional ways. Disability is both an excuse from the obligation to work and a ground for denying employment. The exclusion of persons with disabilities is an inevitable natural consequence of medical realities (Franchet 2001, 56-58).

As a result, the government designs social institutions--such as, employment and public services to meet the needs of the majority of the population—the non-disabled. Rather than adapting these institutions to accommodate disabilities, people with disabilities are removed from the mainstream. They are moved to a separate, but parallel track that provides income and services completely apart from the institutions that serve the non-disabled majority (Waddington and Diller: 2001, p. 3). The State, under the social welfare model, passes employment legislation for people with disabilities that either provides generous pension benefits or creates segregated jobs specifically for the persons with disabilities. At the same time, persons with disabilities are not completely neglected under the social welfare model. Instead, policies and programmes are developed in order to address their basic needs.

Normally, there are two main kinds of legislations or programmes typically created under the social welfare model—cash/pension benefits

and sheltered employment. The rights- based model, on the other hand, views disability as a reason to reform mainstream institutions. It rejects the premise that social exclusion is an inevitable consequence of disability. Under this view, persons with disabilities have historically been excluded from social institutions because those institutions have failed to adapt to the needs of the disabled, even as they routinely adapt to the needs of others (Shapiro: 1993, 5-16). Viewed from this perspective, the problem is one of discrimination, rather than the need to address the inherent medical limitations imposed by disability. Under the civil rights model, the goal of disability policy is to reform mainstream social institutions so as to include the persons with disabilities, rather than exclude them. Moreover, as the non-disabled majority gain increasing contact with people with disabilities, prejudice decreases (Waddington and Diller: 2001, cited in Kim England: 2003).

In regard to employment policy, the rights- based model creates an expectation that persons with disabilities continue in the workforce. The governments, hence, adopt the major policies—such as, quotas, anti-discrimination laws, vocational and rehabilitation services for the stakeholders. In order to discover which aspects have the greatest effect on employment levels, the intended goals of major policies were sought to be analysed. A central question to be addressed, then, is: which type of strategies and models could be adopted so as to overcome barriers for employing the persons with disabilities in public sectors in India? Finding answers to these and other such related questions was the stimulus for undertaking this study.



The study was taken up in seven major States of India. From each of the seven States, four districts were selected. The selected districts were-

- **Bihar**                      Bhagalpur, Gaya, Patna and Saharsa
- **Gujarat**                    Ahmedabad, Surat, Vadodra and Valsad
- **Madhya Pradesh**      Jabalpur, Indore, Gwalior and Bhopal
- **Rajasthan**                Bikaner, Jaipur, Jodhpur and Udaipur
- **Tamil Nadu**              Chennai, Coimbatore, Madurai ad Salem
- **Uttar Pradesh**          Lucknow, Mathura, Moradabad and Varanasi
- **West Bengal**            Birbhum, Darjeeling, Kolkata and Uttar Dinapur

The justification for selecting these States lies in the fact that these seven States constitute major population of the country and hence would have nation-wise relevance.

## **Objectives of the Study**

The primary objectives of the study were to examine the extent of employment rights of disabled persons being adhered to in compliance with the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

### **PRIMARY OBJECTIVES**

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- To assess the impact of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 on employment situation of the persons with disabilities and, in particular, whether the Act has contributed in increasing/ improving employment and living conditions of such disadvantaged individuals, especially the poorest and most marginalized among them.

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- To assess the number of disabled persons who have availed of the employment benefit under the Act/ policy and have benefited not only by resolving a need based solution but also in a broader perspective.
- To examine the percentage of people employed in the Government and public undertaking sectors vis-à-vis the selection criteria /norms of the various government and non government organizations for providing employment under the quota for disabled persons.

### **SECONDARY OBJECTIVES**

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To assess the kind of support required, by the employed disabled persons, in the current socio-economic conditions.

- To identify different categories of disabled persons and to classify them according to their physical disability
- To identify the socio-economic background of the employed disabled persons
- To determine the problems being faced by them, financial, medical, physical, socio-psychological or emotional
- To assess the kind of support required –viz, financial, medical, physical or socio-psychological

## **Methodology**

The methodology adopted for this intensive study was such that it could effectively collect the facts to evaluate and assess the employment rights as per the Persons with Disabilities Act (1995) and its impact and to successfully achieve the objectives of the study. For this purpose both secondary and primary sources were used.

### **SECONDARY SOURCES**

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An exhaustive literature review of the norms set by each of the selected



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Government and public sector organization for employment to the disabled was done to observe the mechanisms adopted to bring relief to the families of the disabled persons and provide employment opportunity to the deserving people.

### **PRIMARY SOURCES**

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Primary information and data was collected at various levels-

**At the first level**, respective officers of the concerned departments which have working persons with disabilities were interviewed so as to gain all the information and records regarding the grants funds towards this sector received, if any. Also the grant utilized was also gathered to assess the implementation of the Act.

**At the second level**, information and views were collected from the employed disabled persons regarding selection, services/facilities provided, orientation and training, if provided to eligible persons, their placement and disbursement of the financial assistance to the eligible beneficiaries.

**At the third level**, views were collected from the other staff members and colleagues regarding selection of disabled persons, their efficiency, transparency in their selection, etc.

## **SAMPLING TECHNIQUE**

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The Study was conducted in the seven States namely,

Bihar

Gujarat

Uttar Pradesh

Madhya Pradesh

Rajasthan

Tamil Nadu and

West Bengal

- From each of the seven States, four districts were selected which have various offices from the Government Sector and Public Sector Undertaking organization.
- From each state 160 disabled respondents employed in various offices/departments of the Government and Public Sectors were selected in the ratio of 50:50.
- The list of the employed disabled persons was collected from various offices/departments and organizations.

## **SAMPLE SIZE**

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**Table 2.1: Sample Size**

<b>S. N.</b>	<b>State</b>	<b>Districts</b>	<b>Target Respondents</b>	<b>Officers from the Department</b>	<b>Other Staff members</b>
1	Uttar Pradesh	4	40 x 4 = 160	20	40
2	Rajasthan	4	40 x 4 = 160	20	40
3	West Bengal	4	40 x 4 = 160	20	40
4	Tamil Nadu	4	40 x 4 = 160	20	40
5	Gujarat	4	40 x 4 = 160	20	40
6	Madhya Pradesh	4	40 x 4 = 160	20	40
7	Bihar	4	40 x 4 = 160	20	40
<b>Total</b>		<b>28</b>	<b>1120</b>	<b>140</b>	<b>280</b>

Thus, the total sample constituted of 1640 respondents divided into the following three categories:

- 1120 Target Respondents (the stakeholders—i. e. the Persons with Disabilities)
- 140 Officers from the concerned Department
- 280 Other staff members

The collected facts were analyzed and compared with the laid out mechanisms and norms of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. In addition to the information and data collected at various levels mentioned above, Focus Group Discussions with the family members of the disabled persons employed in various sectors were conducted to extract views about the impact on their lives as a result of the employment gained by them. These facilitated us to know more about their constraints and identify issues concerning with

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their development and also improvement of the policy.

The analyzed responses facilitated flaws, limitations and suggestions for improvement with regard to implementation by Union and State Governments of reservation provisions made by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.



## Chapter 4

### Respondents' Profile

For the purpose of the study and with a view to get a complete picture, respondents at various levels and categories were interviewed.

**At the first level**, respective officers of the concerned departments which have working persons with disabilities were interviewed so as to gain information and records regarding the grants funds towards this sector received, if any.

**At the second level**, information and views were collected from the employed persons with disabilities regarding selection, services/facilities provided, orientation and training if provided to eligible persons, their placement and disbursement of the financial assistance to the eligible beneficiaries.

**At the third level**, views were collected from the other staff members and colleagues regarding selection of the persons with disabilities, their efficiency, transparency in their selection, etc.

However, the employed disabled persons constituted our prime target group.

### Officers & Other Staff Members

Officers and support staff members from various offices and departments from A, B C and D groups across all the seven States were interviewed. These offices included government and public sector departments like public sector banks, insurance companies, universities, zila panchayat/parishad, hospitals, BSNL, railways, judiciary, etc.,

## **Employed Disabled Person's Profile**

This group of employed disabled persons interviewed generated our key primary data. A total of 1120 disabled persons who were employed in various government and public sector offices and departments were interviewed. A detailed profile of these respondents is given below-

### **GENDER PROFILE**

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For both men and women, disability becomes more of a disadvantage when compounded by low socio-economic and educational status. In the context of majority of Asian countries including India, women are assigned a low status. Consequently, the disabled women are at a greater disadvantage compared to disabled men. Disabled women, therefore, are generally in a worse situation compared to men by the counts.

- 71% of the respondents were men.
- 29% were women.

**Table 3.1: Gender Profile**

States	Respondents		Total
	Men	Women	
<b>Bihar</b>	145	15	160
<b>Gujarat</b>	122	38	160
<b>M.P.</b>	136	24	160
<b>Rajasthan</b>	86	74	160
<b>T.N.</b>	72	88	160
<b>U.P.</b>	105	55	160
<b>W.B.</b>	131	29	160
<b>TOTAL</b>	797	323	1,120
	71%	29%	100%

It is revealing that in this randomly selected sample of the disadvantaged population, disabled women comprise one of the most neglected, if not almost totally ignored, segment of the population.

In the case of women, the one factor where men are distinctively better-off is in the area of socio-cultural set-up. Cultural biases against women manifest themselves in preference for male children, incidents of female infanticides and/ or foetal murders, higher malnutrition among female children due to differential allocation of food among male and female children, preferential treatment of male children in terms of greater health care and access to education, dowry deaths and so on.

Given this biased cultural set-up, and given limited resources at the national, community and household level in a developing country, it is considered a bad investment to spend on educating a disabled girl child, adolescent or woman and to rehabilitate them so that they can be integrated into the community as productive and equal members.

Thus, a disabled woman is left aside, isolated, marginalised, socially unaccepted and neglected- an object of pity, and considered to be a burden

barely borne out of sheer humanistic obligations. The survey made an attempt to take a count of gender profile of the beneficiaries randomly selected.

## **AGE PROFILE**

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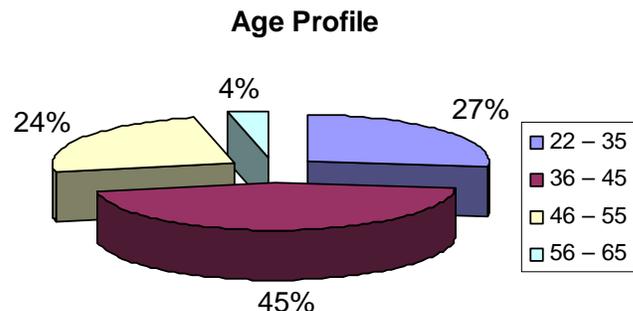
Studies and experiences of developing and developed nations clearly point out that the most acceptable, efficient and effective employable age group across world is 25 to 55 years, in general, for rapid economic growth and improved quality of life of the citizens.

**Table 3.2: Age profile**

<b>Age-Group (in years)</b>	<b>Total</b>	<b>%</b>
<b>22 – 35</b>	303	27.1
<b>36 – 45</b>	503	44.9
<b>46 – 55</b>	273	24.4
<b>56 – 65</b>	41	3.7
<b>TOTAL</b>	1120	100

The disabled respondent group was in the range of 22 years to 65 years of age. This covers the total employment age in the government and private sector.

- Majority of the employed disabled are in the age group of 36 to 45 years of age. (45%)



## **ETHNIC PROFILE**

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- The Indians are a vibrant and earthy lot, belonging to diverse ethnic and social and religious backgrounds. India has the distinction of being the land from where Hinduism and Sikhism have originated. Modern India is a cultural mix of various regions of India. Migration has resulted in a mix of all religions across the States.
- The respondents were found to be from various ethnic/religious groups. However, the sample data revealed that the predominant group is that of the Hindus.

**Table 3.3: Ethnic Profile**

States	Religion				Total
	Hindu	Muslim	Sikh	Christian	
Bihar	151	8	0	1	160
Gujarat	152	8	0	0	160
M.P.	148	6	0	6	160
Rajasthan	154	5	1	0	160
T.N.	146	7	0	7	160
U.P.	148	9	2	1	160
WB	156	3	0	1	160
<b>TOTAL</b>	1055	46	3	16	1,120
%	94.2	4.1	0.3	1.4	100

- There were the Muslim disabled beneficiaries from all the seven states

surveyed.

- The sample data suggests that the order of various ethnic group respondents were same as the order of their population size in all the seven states.
- Majority of the sample respondents were Hindus (94.2%).
- 4.1% were Muslims.
- Sikh and Christians were .3 and 1.4% respectively.
- 
- One of the prime reasons for low sample size of Sikhism and Christianity could be attributed to the fact that the states under survey do not have a high population of the two religions. Punjab is the stronghold of Sikhism and North-east and Kerala for Christianity. The Sikh population of Punjab accounts for more than 75 % of the total Sikh population in the country. Christianity has emerged as the major religion in three North-eastern states, namely, Nagaland, Mizoram, and Meghalaya.

## **NATURE OF DISABILITY**

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The focus group of the study were the persons with disability, employed in government and public sector. Therefore to assess the nature of disability is most significant.

Disability may be defined in terms of three aspects as follows:

- Impairment: any loss or abnormality of psychological, physiological or anatomical structure or function. This could include blindness or deafness, loss of limb and so forth.
- Disability: any functional restriction or lack (resulting from an impairment) of ability to perform an activity within the range considered

normal for a human being. This could include walking, stretching, lifting, feeding and so on.

- Handicap: this is the relationship between impaired and/or disabled people and their surroundings affecting their ability to participate normally in a given activity and which puts them at a disadvantage.

**Table 3.4: Nature of Disability**

Nature of Disability	Total	%
HH	37	3.3%
OH	1023	91.3%
VH	53	4.7%
Others	7	0.6%
<b>Total</b>	<b>1120</b>	<b>100.0%</b>

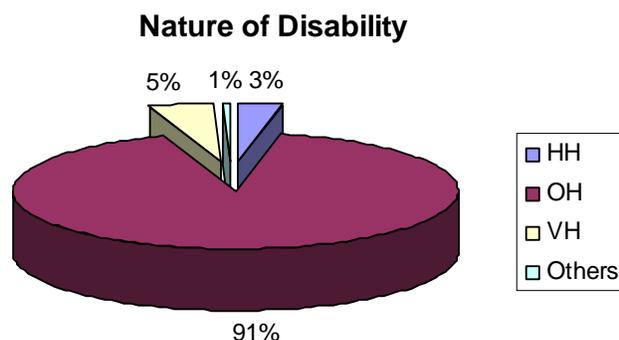
The quota policy also covers just three types of disability – locomotor, hearing and visual. Hence, during the study survey mainly three categories of impairment/disability/handicap was found among the employed disabled individuals-

HH - Hearing/Speech Handicap

OH - Orthopaedic Handicap

VH - Visual Handicap

There is no legislation that discriminates against disabled persons in the area of employment. However, the recruitment rules contain medical standards to be met by a successful candidate in selection for a given post that impedes the employment of the persons with disabilities on various occasions.



## **MARITAL PROFILE**

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Disabled people are not only the most deprived human beings in the developing world, they are also the most neglected (Amartya Sen). Disability only becomes a tragedy when society fails to understand and provide the things disabled people need to lead their lives -- job opportunities or spouse. Mental unsoundness in our marriage laws bars the person from getting married. The persons with disabilities, other than mental disability are equally eligible for getting married as an ordinary normal person.

**Table 3.5: Marital status**

States	Marital Status				Total
	Married	Unmarried	Divorced	Widow/er	
<b>Bihar</b>	154	5	1	0	160
<b>Gujarat</b>	145	12	1	2	160
<b>M.P.</b>	147	11	0	2	160
<b>Rajasthan</b>	152	7	0	1	160
<b>T.N.</b>	137	21	1	1	160
<b>U.P.</b>	137	23	0	0	160
<b>WB</b>	154	6	0	0	160
<b>TOTAL</b>	1,026	85	3	6	1,120
<b>%</b>	91.6	7.6	0.3	0.5	100

Our sample survey showed that,

- Majority of the respondents were married (91.6%)
- Only 7.6% beneficiaries were unmarried

## **NATURE OF JOB**

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For disabled people to be fully integrated into national life, they must be able to earn a livelihood and live an independent life like any other citizen. This is a bit like stating the obvious. There are, in fact, thousands of disabled people earning a livelihood in all sorts of ways -- in low-skill as well as technical jobs, in decision-making positions, in the formal as well as the informal sector.

The Ministry of Social Justice & Empowerment is the nodal agency of the Central Government that promotes services for the people with disabilities through its various schemes. Some of the identified jobs notified by Ministry of Social Justice and Empowerment disability wise are given below. The identified jobs are used for filling up the reservation quota for the respective disability group. Each category of disability is placed against the jobs identified for them to fill up their respective quota in accordance with the scheme of reservation under Section 33 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

### **Identified jobs for Persons with Locomotor Disability and Cerebral Palsy**

**(a) Group A jobs** - finance manager, chief accountant, finance advisor, agriculture scientists, director, asst. director, economic analyst, editors of publications etc.;

**(b) Group B jobs** - section officer, audit officer, foreman, asst. engineer, hostel manager etc;

**(c) Group C jobs-** Laboratory assistant physical, agriculture engineer, draughtsman, train examiner, textile designer, cloth examiner, filter man, leather cutter and;

**(d) Group D jobs** - wood turner, carpenter, etc.

#### **Identified jobs for the Hearing Impaired**

**(a) Group A jobs** - director, sr. research officer, scientist (information technology), operation officer, senior designer, mechanical engineer etc.;

**(b) Group B jobs** - sub editor, artist, dy. manager, joint director, admin. officer etc.;

**(c) Group C jobs** - laboratory assistant, physical, lithographic artist, decorators, school inspector etc. and;

**(d) Group D jobs** - mono operator, photostat camera operator, painter glass, white washer etc.

#### **Identification of jobs for the Visually Impaired**

**(a) Group A jobs** - bank officer grade a, dy. general manager, research officers, officer bank policy and planning, officer public grievances marketing officers, instructors, management faculty;

**(b) Group B jobs** - vice principal, head masters, teacher secondary school, junior analyst, asst. editor Hindi, asst. law officer etc.;

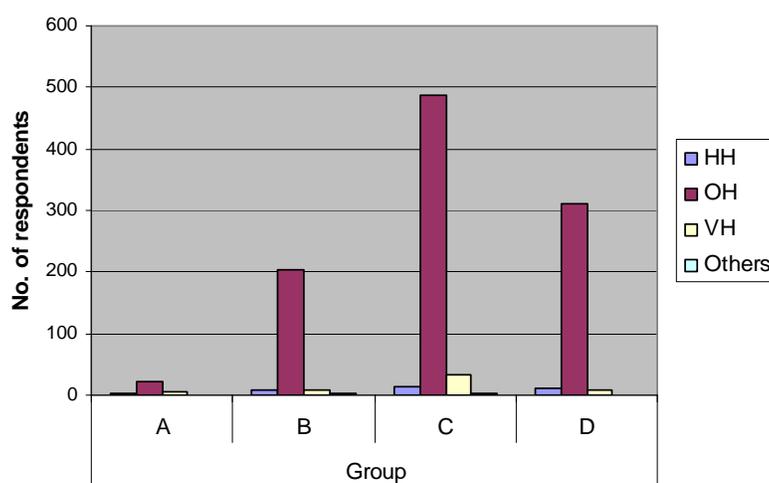
**(c) Group C jobs** - translator, medical social worker, singer, computer operator, enquiry clerk or information clerk, telephone operator, field officers, stenographer etc.;

**(d) Group D jobs** - washing machine operator, carpet repair, letter box peon, carpenter, postman, duplicating/cyclostyling, peon, office boy etc.

**Table 3.6: Nature of Job**

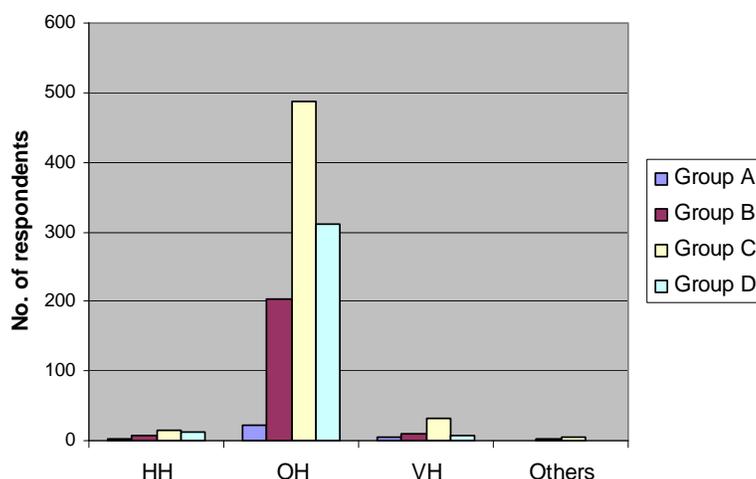
States	Group				Total	%
	A	B	C	D		
HH	3	7	15	12	37	<b>3.3</b>
OH	23	203	487	310	1023	<b>91.3</b>
VH	5	9	32	7	53	<b>4.7</b>
Others	0	3	4	0	7	<b>0.6</b>
<b>TOTAL</b>	31	222	538	329	1,120	<b>100.0</b>
<b>%</b>	<b>2.8</b>	<b>19.8</b>	<b>48.0</b>	<b>29.4</b>	<b>100</b>	

**Nature of Job (Disability-wise)**



- Majority of the respondents were persons with locomotor/orthopedic disabilities (91.3%)
- Majority of the respondents were from group C category, followed by category D, 48% and 29.4 % respectively.

**Nature of Job (Group-wise)**



## **SALARY**

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Most of the interviewed persons with some disability were getting a salary in the range of Rs. 10,000 to 15,000 per month.

**Table 3.7: Salary Profile**

Salary/month (in Rs)	Total	%
<b>Up to 5000</b>	104	<b>9.3</b>
<b>5001 – 7500</b>	212	<b>18.9</b>
<b>7501 – 10000</b>	232	<b>20.7</b>
<b>10001 - 15000</b>	332	<b>29.6</b>
<b>Above 15,000</b>	240	<b>21.4</b>
<b>Total</b>	<b>1,120</b>	<b>100</b>

The table on nature of jobs above had indicated that majority of the sample respondents were in the group C and D category. The salary structure indicates that groups A and B together are in the salary profile of above Rs.15,000/- per month.

## **Major Findings**

For individuals with disabilities, the changing world of work offers both new opportunities and new challenges. The human rights movement in India has boldly and categorically shifted the attention of policy makers from the mere provision of charitable services to vigorously protecting their basic right to dignity and self-respect. In the new scenario, the persons with disabilities are viewed as individuals with a wide range of abilities and each one of them willing and capable to utilize his/her potential and talents. In a country like India the numbers of the disabled are so large, their problems so complex, available resources so scarce and social attitudes so damaging, it is only legislation which can eventually bring about a substantial change in a uniform manner.

The Government of India has taken up a number of measures to ensure relevant benefits to the persons with disabilities for seeking employment through reservation quota and also to provide services and facilities to the employed disabled persons. Government of India have reserved 3% of vacancies against identified posts in Group 'C' and Group 'D' for people with disabilities in Central Government Ministries, Public Sector Undertaking and Banks.

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 prescribes that "the appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent of their work force is composed of persons with disabilities."

## Level of Awareness

The first critical factor that has an impact on the effectiveness of any Law or Act is the level of awareness about its existence amongst the target group as well as the department officers. Both, the target group i.e. the persons with disabilities and the people from different department and organizations where these people with disabilities are employed were interviewed regarding the awareness about the employment rights of the persons with disabilities.

**Table 4.1: Awareness among Officials**

States	Awareness		Total
	Yes	No	
<b>Bihar</b>	20	0	20
<b>Gujarat</b>	20	0	20
<b>M.P.</b>	20	0	20
<b>Rajasthan</b>	20	0	20
<b>T.N.</b>	20	0	20
<b>U.P.</b>	20	0	20
<b>WB</b>	20	0	20
<b>TOTAL</b>	140	0	140
	100	0	100

All the people in the officers' set of respondents from different ministries/ departments and organizations where were aware of the employment rights of the persons with disabilities. These respondents however were not sure of the details regarding the quota fixed by the government for the employment opportunities and eligibility of persons suffering from various kinds of disabilities. More than 83 % of the the other staff members knew about the government policy of provision of employment opportunities government and public sector undertakings.

**Table 4.2: Awareness among Staff**

States	Awareness		Total
	Yes	No	
<b>Bihar</b>	32	8	40
<b>Gujarat</b>	34	6	40
<b>M.P.</b>	34	6	40
<b>Rajasthan</b>	30	10	40
<b>T.N.</b>	36	4	40
<b>U.P.</b>	35	5	40
<b>WB</b>	33	7	40
<b>TOTAL</b>	234	46	280
	83.6	16.4	100

For some (16.4%) this query came as a surprize. These people had absolutely no clue of this Persons with Disabilities Act and the reservation quota for the persons with disabilities. The target group of disabled respondents were inquired if they were aware of the existence of employment rights of the disabled or any Act or Legislation passed for the persons with disabilities. The level of awareness about these initiatives was not found to be high.

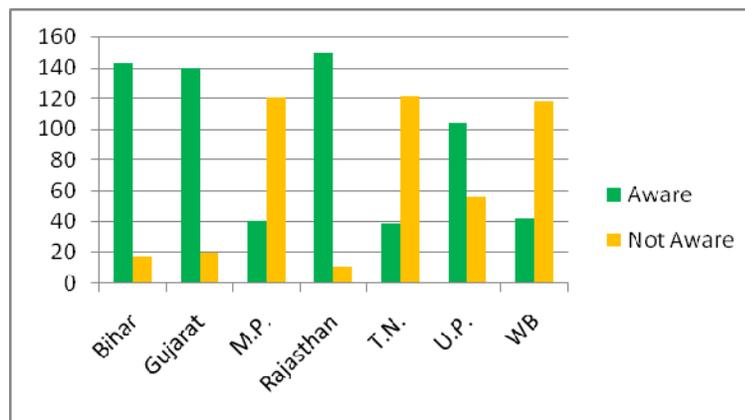
**Table 4.3: Awareness among Target group (Disabled)**

States	Awareness		Total
	Yes	No	
<b>Bihar</b>	143	17	160
<b>Gujarat</b>	140	20	160
<b>M.P.</b>	40	120	160
<b>Rajasthan</b>	149	11	160
<b>T.N.</b>	39	121	160
<b>U.P.</b>	104	56	160
<b>WB</b>	42	118	160
<b>TOTAL</b>	657	463	1120
	58.7	41.3	100

## ***Employment of Persons with Disabilities in Public Sectors in India- Emerging Issues and Trends***

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- Only 58.7% of the target groups with disabilities are aware of employment rights of the persons with disabilities.
- All these respondents, however, were fully aware of the quota fixed for them.
- Awareness about Disability Acts



### **Most Effective Legislation/Act**

The respondents were further asked for their opinion about the legislation or Act which according to them is most effective.

**Table 4.4: Most effective legislation/Act according to disabled**

<b>Most effective legislation/Act for empowering the disabled individuals</b>	<b>Total</b>	<b>%</b>
Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995	423	37.8
Rehabilitation Council of India Act, 1992	5	0.45
National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999	2	0.18
Mental Health Act, 1987	1	0.09
Don't know/cant say	689	61.5
<b>Total</b>	<b>1120</b>	<b>100</b>

- Only 431 disabled respondents shared their opinion.
- 37.8% opined that the PWD Act i.e. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is most effective for empowering the disabled persons.
- More than 95% of the officials perceived Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 as the most effective and efficient act which is active in areas the of education, as well as employment.
- Just about 4% of the officials, however, felt that other acts like Rehabilitation Council of India Act, 1992 or National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 are as effective as the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
-

**Table 4.5: Most effective legislation/Act according to officials**

Most effective legislation/Act for empowering the disabled individuals	Total	%
Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995	134	95.7
Rehabilitation Council of India Act, 1992	-	-
National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999	-	-
Mental Health Act, 1987	-	-
Don't know/cant say	6	4.3
<b>Total</b>	<b>140</b>	<b>100</b>

## Reservation Quota for Disabled

Of the total 1120 target respondents 431 opined on the effectiveness of the various Acts and Legislations for empowering the persons with disabilities.

**Table 4.6: Awareness on Reservation quota among Disabled**

	Do these legislations provide any reservation quota?	Yes	If yes, % quota
<b>a</b>	Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995	431	2% - 3%
<b>b</b>	Rehabilitation Council of India Act, 1992	-	-
<b>c</b>	National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999	-	-
<b>d</b>	Mental Health Act, 1987	-	-
<b>e</b>	Any other Acts (specify)	-	-



## ***Employment of Persons with Disabilities in Public Sectors in India- Emerging Issues and Trends***

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- All the 431 stated that Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act provides 2-3% of reservation quota for the persons with disabilities.
- The respondents were not aware of other disability related legislations/ acts like Rehabilitation Council of India Act (1992), or National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act (1999), or Mental Health Act (1987) etc.

**Table 4.7: Awareness on Reservation quota among officials**

	<b>Do these legislations provide any reservation quota?</b>	<b>Yes</b>	<b>If yes, % of quota</b>
<b>a</b>	Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995	140	100
<b>b</b>	Rehabilitation Council of India Act, 1992	-	-
<b>c</b>	National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999	-	-
<b>d</b>	Mental Health Act, 1987	-	-
<b>e</b>	Any other Acts (specify)	-	-

The officials of all the ministries/ departments/organizations across all seven States under survey were aware of the 3% employment quota for the persons with disabilities.

### **Adequacy of Reservation Quota for Disabled**

The aim of the Persons with Disabilities Act (1995) is to ensure job securities and empower the persons with disabilities.

The respondents were asked to mention whether 3 per cent job reservation quota for persons with disabilities provided inter alia the Persons with Disabilities Act (1995) is sufficient for empowering them.

## ***Employment of Persons with Disabilities in Public Sectors in India- Emerging Issues and Trends***

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- 43% of the sample disabled respondents were satisfied with the adequacy of the reservation quota, whereas,
- 57% stated it to be insufficient.

**Table 4.8: Adequacy of Reservation quota:**

### **Disabled Persons' View**

<b>States</b>			<b>Total</b>
	<b>Yes</b>	<b>No</b>	
<b>Bihar</b>	159	1	160
<b>Gujarat</b>	83	77	160
<b>M.P.</b>	32	128	160
<b>Rajasthan</b>	65	95	160
<b>T.N.</b>	45	115	160
<b>U.P.</b>	52	108	160
<b>WB</b>	114	0	160
<b>TOTAL</b>	482	638	1120
	43%	57%	100

The satisfaction status of the respondents also varied across States and respondents.

**Table 4.9: Adequacy of Reservation quota – Officers’ View**

States			Total
	Yes	No	
<b>Bihar</b>	11	9	20
<b>Gujarat</b>	14	6	20
<b>M.P.</b>	14	6	20
<b>Rajasthan</b>	10	10	20
<b>T.N.</b>	9	11	20
<b>U.P.</b>	9	11	20
<b>WB</b>	8	12	20
<b>TOTAL</b>	75	65	140
	53.6%	46.4%	100

When asked about the view on the adequacy of employment quota of 3%, a mixed response was observed from the officers. More than 50% of the respondents from Bihar, Gujarat, MP and Rajasthan felt that the 3% quota is sufficient to provide support. On the contrary,

majority of the respondents from Tamil Nadu, UP and West Bengal asserted that it was not sufficient. Disabled have struggled for social justice from time immemorial and the fight continues. Though, the perception in the 21st Century has changed from 'charity to rights', the assertion of these rights has not been easy.

With 3% reservation in government ministries/ departments and PSUs, there is tremendous scope of employment for the disabled provided, they are adhered to sincerely.

## Implementation of Reservation Quota

Though centrally sponsored anti- poverty programmes have reservations for people with disabilities, various studies have shown the numbers who have benefited are well below the minimum laid down. The new National Rural Employment Guarantee Act has dropped reservations for the persons with disabilities entirely.

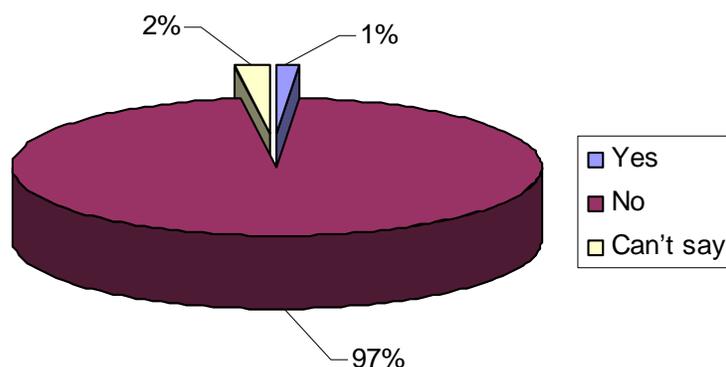
## ***Employment of Persons with Disabilities in Public Sectors in India- Emerging Issues and Trends***

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The respondents were asked about the implementation of the reservation quota i.e. whether it was being executed and implemented or not.

- Only 14 respondents across States were of the view that the quota was being observed
- 96.5% said it is not being observed as per stated guidelines of the act.
- 2.2% did not comment on this.

### **Observance of Reservation Quota**



➤

**Table 4.10: Implementation of Reservation quota**

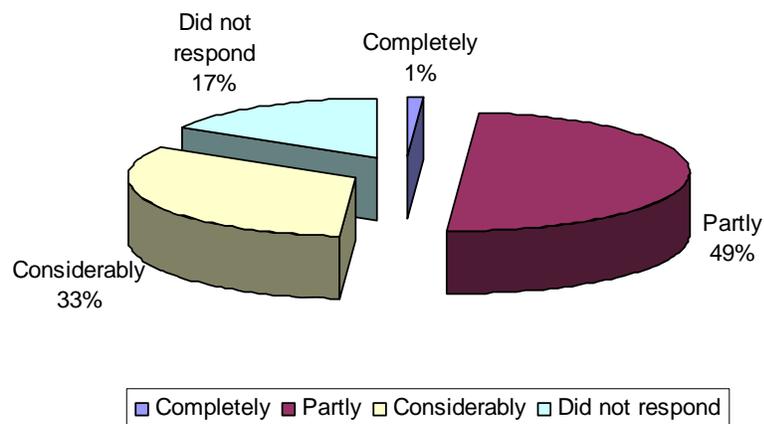
States	Reservation quota implemented			Total
	Yes	No	Can't say	
<b>Bihar</b>	0	159	1	160
<b>Gujarat</b>	1	157	2	160
<b>M.P.</b>	2	158	0	160
<b>Rajasthan</b>	0	159	1	160
<b>T.N.</b>	0	160	0	160
<b>U.P.</b>	10	129	21	160
<b>WB</b>	1	159	0	160
<b>TOTAL</b>	14	1081	25	1120
	1.3%	96.5%	2.2%	100

## ***Employment of Persons with Disabilities in Public Sectors in India- Emerging Issues and Trends***

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- Only 1.3 percent respondents affirmed that that the quota is being implemented.
- The respondents were further probed regarding the extent of this reservation quota being implemented.
- More than 31% of the respondents stated that the percentage of disabled employees in their respective organizations/ departments was below 2%.

### **Extent of Reservation quota being implemented**



➤ With 3% reservation in Government Ministries/ Departments and Public Sector Undertakings (PSUs), there is tremendous scope of employment for the persons with disabilities provided they are adhered to sincerely.

**Table 4.11: Extent of Implementation of Reservation Quota**

States	Extent of Reservation quota being implemented				Total
	Completely	Partly	Considerably	Did not respond	
<b>Bihar</b>	0	118	37	5	160
<b>Gujarat</b>	0	85	50	25	160
<b>M.P.</b>	2	40	79	39	160
<b>Rajasthan</b>	0	135	21	4	160
<b>T.N.</b>	0	60	65	35	160
<b>U.P.</b>	10	77	41	32	160
<b>WB</b>	1	43	71	45	160
<b>TOTAL</b>	13	558	364	185	1120
	1.16%	49.82%	32.50%	16.52%	100%

The extent of implementation opinion level of the respondents also varied across states and respondents. Some of the respondents were completely in favour with the implementation of the provision whereas the others were either partially or considerably satisfied.

### **Percentage Employment through Reservation Quota**

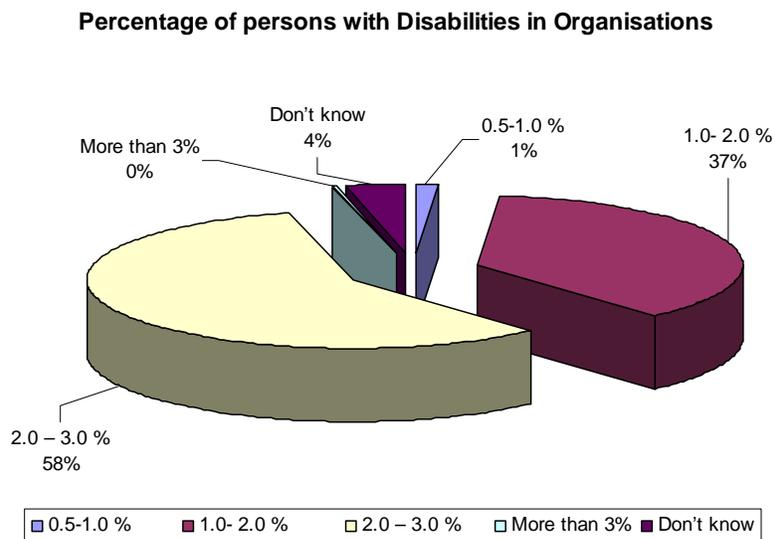
The aim of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is to ensure job security of the disabled, and thereby empowering them. Every organization / office follows certain norms for selection of the employees. The respondents were inquired if they were currently being adopted by the employer- Union, State Govts., PSUs/ Corporations, Autonomous Bodies—including Central and State Universities, IITs as also National institutes etc) to fill up vacancies against the reserved quota posts for the persons with disabilities.

The Government of India inter alia the aforesaid legislation has reserved 3% of vacancies against identified posts in Group 'A, Group 'B', Group 'C' and Group 'D' for the persons with disabilities in Central Government Ministries/

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Departments, Public Sector Undertakings and Public Sector Banks/ Insurance Companies. The categories of the persons with disabilities benefited by this scheme are the blind, the deaf –dumb and the orthopeadically disabled with 1% reservation for each category.



There is no legislation that discriminates against the persons with disabilities in the area of employment. However, the recruitment rules contain medical standards to be met by a successful candidate in selection for a given post that impedes the employment of such disabled persons on various occasions.

The respondents were asked to mention percentage of reservation quota for persons with disabilities is being provided for empowering them in their organization.

- Close discussions with the disabled beneficiaries revealed that their organizations have nominal number of the disabled employees.

**Table 4.12: Disabled Persons employed through Reservation quota**

States	Percentage of persons with disabilities in the organization through reserved quota					Total
	0.5-1.0 %	1.0-2.0 %	2.0 – 3.0 %	More than 3%	Don't know	
<b>Bihar</b>	5	81	72	0	2	160
<b>Gujarat</b>	0	57	72	0	31	160
<b>M.P.</b>	0	40	118	1	1	160
<b>Rajasthan</b>	0	80	77	0	3	160
<b>T.N.</b>	5	53	100	2	0	160
<b>U.P.</b>	3	64	90	0	3	160
<b>WB</b>	2	39	117	0	2	160
<b>TOTAL</b>	15	414	646	3	42	1120
	1.3 %	37.0%	57.7%	0.3%	3.8%	100%

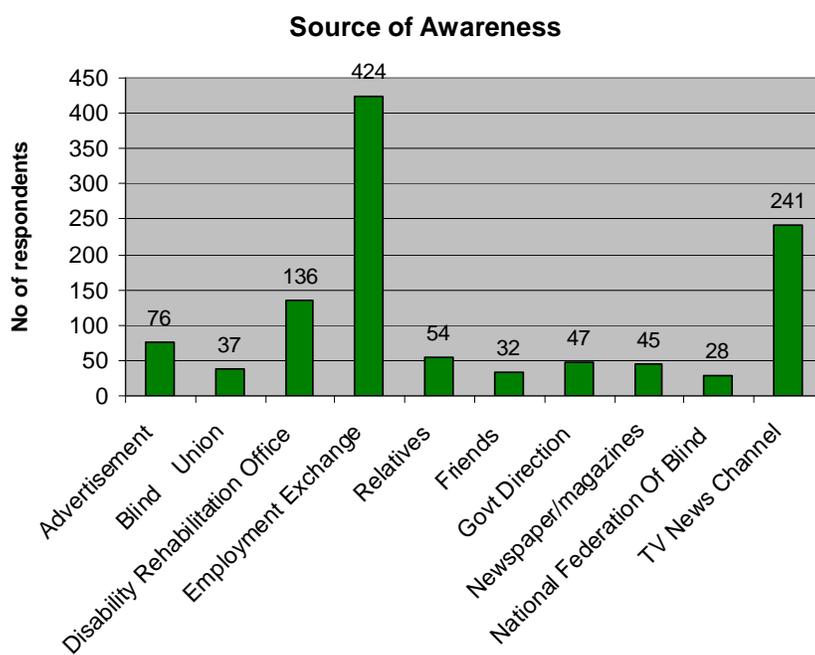
The disability rights movement is still struggling to eradicate the discrimination faced by the persons with disabilities in finding and retaining jobs at various levels.

**Source of Awareness about Reservation Quota**

**Table 4.13: Source of Awareness about Reservation quota**

Source of information	Total	%
Advertisement	76	6.8
Blind Union	37	3.3
Disability Rehabilitation Office	136	12.1
Employment Exchange	424	37.9
Relatives	54	4.8
Friends	32	2.9
Govt Direction	47	4.2
Newspaper/magazines	45	4.0
National Federation Of Blind	28	2.5
TV	241	21.5
<b>TOTAL</b>	<b>1120</b>	<b>100.0</b>

The target group was inquired about the source of awareness about job reservation quota in government/public sectors.



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- Majority of the respondents affirmed that the major source of information about the job reservation quota for the persons with disabilities is the employment exchange (38%)
- Television is another main source for information dissemination (21.5%). Media is about being able to communicate efficiently and effectively with the targeted audience. Television has a time edge. Print and magazines have credibility on their side. People are more attracted to the electronic media like TV and Radio

### **Time taken to get the Job**

The respondents were also asked questions to understand the compliance of reservation provision for the persons with disabilities, in general, and the time taken to get the job, in particular after the submission of the application.

**Table 4.14: Time taken to get the Job**

Time taken to get job	No of respondents	%
<b>1-2 months</b>	86	7.7
<b>3-4 months</b>	121	10.8
<b>5-6 months</b>	376	33.6
<b>7 – 1 year</b>	387	34.6
<b>More than 1 year</b>	130	11.6
<b>Do not remember</b>	20	1.8
<b>Total</b>	1120	100.0

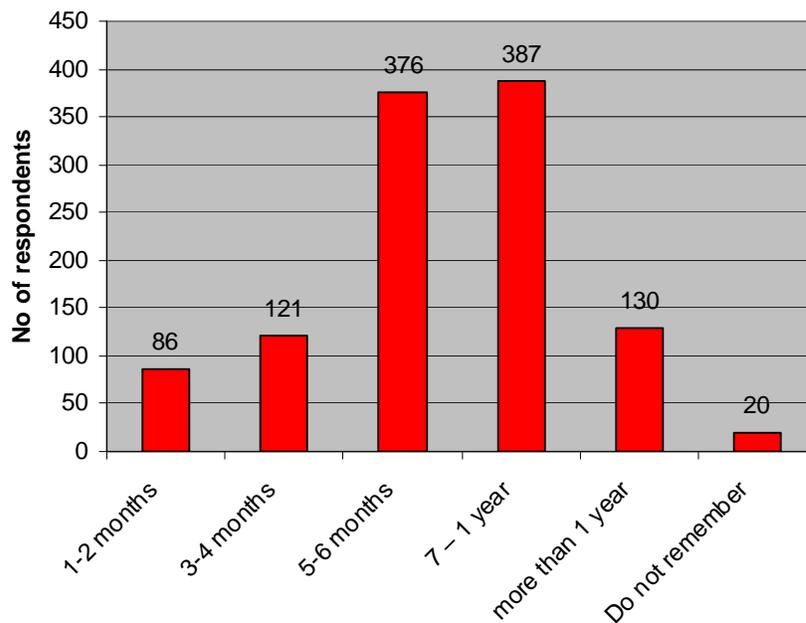
- Only 15 % respondents got the job within 1 to 4 months of applying for the job.
- More than 80% of the respondents stated that they got the employment within 1 year of applying for the job.

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The persons with disabilities find difficult to find a job, because their disability comes in the way of their functioning. But here in this study it was revealed that majority of the respondents had got the job under reservation quota for the persons with disabilities within a year's time.

**Time taken to get the job**



## **Duration in the Job**

Since disability comes in the way of their functioning, it sometimes may become a functional barrier. The study revealed that majority of the respondents were in their jobs for more than five years. This was also confirmed when discussed with the other staff members of their respective organizations.

- More than 90% of the disabled employees were in their respective profession for more than 5 years.
- As many as 29% were comfortable with their job for more than 20 years.

**Table 4.15: Duration in the Job**

No of years in job	No of respondents	%
<b>1-2 year</b>	29	2.6
<b>3-5 years</b>	74	6.6
<b>5-10 years</b>	187	16.7
<b>10-15 years</b>	248	22.1
<b>16-20 years</b>	257	22.9
<b>More than 20 years</b>	324	28.9
<b>Do not remember</b>	1	.1
<b>Total</b>	1120	100.0

All the respondents were satisfied with their job profile and also their organization.

## **Impediment in Execution of 3% Reservation quota**

The National Policy on Disability recognizes that the persons with disabilities are valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society. However, the Report of Working Group on Empowering the Disabled for the 11<sup>th</sup> Five Year Plan, 2007-2012 (constituted by Planning Commission, Government of India) clearly reveals that “despite plethora of measures taken for vocational rehabilitation of the persons with disabilities and enactment of the Persons with Disabilities Act, 1995 (which statutorily provides for three per cent reservation for the persons with disabilities in all categories of government jobs ranging from Grade A, B to C and D), hardly a miniscule part of the population has so far been benefited, thus leaving a vast gap from demand and supply points of view. Necessary efforts are required to be made during the 11<sup>th</sup> five Year plan period for bridging this gap” (Government of India: 2006, p. 24).

It was revealed that there are some hindrances in implementation of 3% reservation quota. The most common of these are-

- (a) Discriminatory attitude of society
- (b) Paternalistic attitude of society
- (c) Lack of literacy
- (d) Lack of social awareness
- (e) Lack of political and administrative will power
- 
-

**Table 4.16: Hindrances in implementation of 3% reservation quota**

Obstruction in getting Jobs		
<b>Discriminatory attitude of society</b>	20	1.8
<b>Paternalistic attitude of society</b>	42	3.79
<b>Lack of literacy</b>	402	35.93
<b>Lack of social awareness</b>	177	15.77
<b>Lack of political and administrative will power</b>	342	30.54
<b>No response</b>	134	11.98
<b>Total</b>	<b>1120</b>	<b>100</b>

- About 12% of the respondents did not answer the query. However, there was lack of social awareness among 15.77% respondents.
- About 36% of the respondents stated that the major cause of being short in implementation of 3% reservation quota for the disabled is lack of literacy.
- Another 30.54% of the respondents attributed it to lack of political and administrative will power.
- 

## **Existence of Affable Atmosphere**

A friendly and affable environment enables persons with disabilities to socialize without restraint and use the facilities within the built environment. The goal of barrier - free design as envisaged by the Persons with Disabilities (Equal opportunities, Protection of rights and Full Participation) Act, 1995 is to provide an environment that supports the independent functioning of individuals so that they can participate freely, in every day activities. The study target group was asked if they had a friendly atmosphere in their work place.

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- Almost 99% of the respondents affirmed of a friendly and affable atmosphere in their workplaces.



**Table 4.17: Affable Atmosphere**

States	Friendly atmosphere		Total
	Yes	No	
Bihar	159	1	160
Gujarat	158	2	160
M.P.	153	7	160
Rajasthan	159	1	160
T.N.	157	3	160
U.P.	159	1	160
WB	160	0	160
TOTAL	1105	15	1120
	98.7%	1.3%	100%

## **Reservation Provision for Women**

Both in the area of government/public training and employment as well as in poverty alleviation programmes, there is a 3 per cent quota for persons with disabilities. As such, the measurable targets in the aforesaid areas with regard to training and employment of people with disabilities is to measure the extent to which this quota is fulfilled in the implementation of the respective programmes. There is no separate quota out of the aforesaid 3 per cent for the women with disabilities. As such, the target of 3 per cent reservation does not have a gender dimension.

The Supreme Court has also held that persons with disabilities constitute a special class and the question of making any further reservation on the basis of caste, creed or religion ordinarily for them does not arise.

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The respondents were asked if they observed any discrimination in the reservation provision for the women and men.

- 97.8% disabled respondents affirmed that the reservation provision for the women was the same.



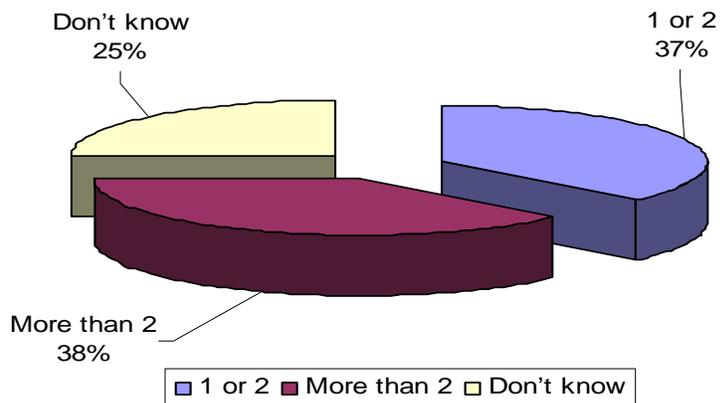
**Table 4.18: Reservation provision for Women**

States	Reservation provision for women		Total
	Same	Different	
Bihar	158	2	160
Gujarat	156	4	160
M.P.	155	5	160
Rajasthan	157	3	160
T.N.	156	4	160
U.P.	160	0	160
WB	154	6	160
TOTAL	1096	24	1120
	97.8%	2.2%	100%

## **Employment for Women**

Respondents were asked of women with disabilities provided employment in their organization/ department.

**No. of Women Employed in Organizations**



**Table 4.19: Employment for Women**

States	Women with disability in the organization			Total
	1 or 2	More than 2	Don't know	
Bihar	41	38	81	160
Gujarat	19	110	31	160
M.P.	107	24	29	160
Rajasthan	60	70	30	160
T.N.	77	60	23	160
U.P.	49	56	55	160
WB	60	69	31	160
<b>TOTAL</b>	413	427	280	1120
	36.9%	38.1%	25%	100

More than 75% of the organizations have women employees.

## Selection Process Adopted

The target group was asked to assess the selection process currently being adopted to fill up vacancies against the reserved quota posts for the persons with disabilities, i.e. whether fair and transparent or not.

**Table 4.20: Selection Process**

States	Fair and transparent selection process				Total
	Yes	No	Partly	Don't know	
<b>Bihar</b>	159	0	0	1	160
<b>Gujarat</b>	156	4	0	0	160
<b>M.P.</b>	145	4	6	5	160
<b>Rajasthan</b>	159	1	0	0	160
<b>T.N.</b>	147	3	9	1	160
<b>U.P.</b>	149	2	9	0	160
<b>WB</b>	151	1	8	0	160
<b>TOTAL</b>	1066	15	32	7	1120
	95.2%	1.3%	2.9%	0.6%	100%

The respondents were by and large convinced by the selection process adopted for selecting the employees. More than 95% stated it to be fair.

## Impact of PwD Act

The disability movement in India has been gathering massive support for the last two decades, and its campaign has been, more than anything, about self-respect and the demand for disabled people to be treated as equal citizens, without charitable tokenisms.

The Government of India has enacted three major legislations for persons with disabilities-- viz. (i) Persons with Disabilities (Equal Opportunities,

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Protection of Rights and Full Participation) Act, 1995, which provides for education, employment, creation of barrier free environment, social security, etc. ; (ii) National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 has provisions for legal guardianship of the four categories of disabilities and creation of enabling environment for as much independent living as possible. (iii) Rehabilitation Council of India Act, 1992 deals with the development of manpower for providing rehabilitation services.

**Table 4.21: Impact of PwD Act, 1995**

States	PwD Act has helped to empower the persons with disabilities				Total
	Yes	No	Partly	Don't know	
<b>Bihar</b>	116	20	23	1	160
<b>Gujarat</b>	58	61	40	1	160
<b>M.P.</b>	85	74	0	1	160
<b>Rajasthan</b>	132	20	7	1	160
<b>T.N.</b>	81	77	1	1	160
<b>U.P.</b>	94	44	22	0	160
<b>WB</b>	67	93	0	0	160
<b>TOTAL</b>	633	389	93	5	1120
	56.5%	34.7%	8.3%	0.4%	100%

The study also focused on determining the extent of impact of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Hence, the respondents were asked to ascertain the extent of the impact of the Act.

- Majority of the respondents, 56.5%, felt that the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has had some impact in empowering people with disabilities.
- However about 34.7% of the respondents felt that the Persons with

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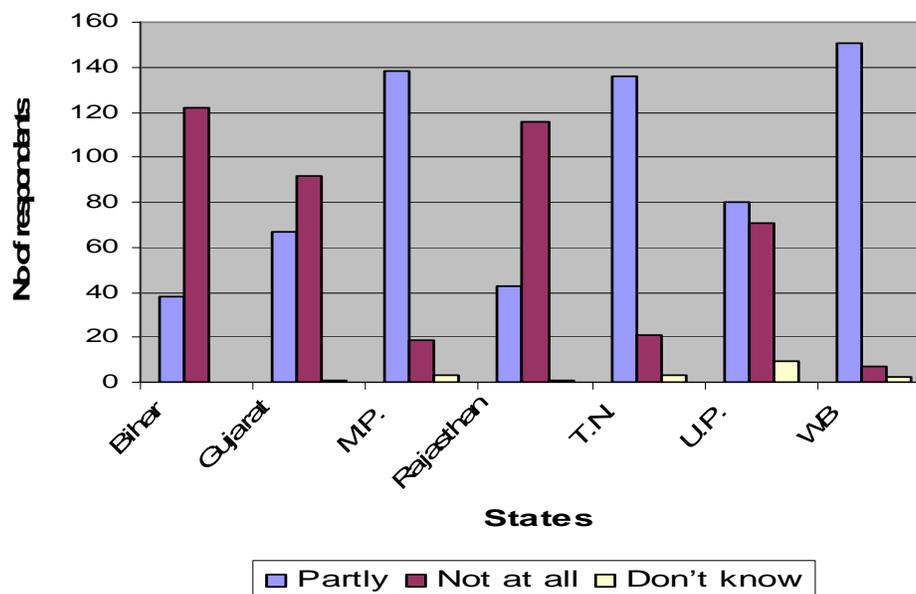
Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has had no impact on empowering persons with disabilities.

### **Grievances Redressal**

According to the Census-2001, there are 93.01 lakh women with disabilities, which constitute 42.46 percent of total disabled population. The women with disabilities require protection against exploitation and abuse.

Even where the laws are not discriminatory, the women and girls with disabilities face a host of abuses at the hands of their families, communities, and the State. Though definitive data is rare, there is some evidence that disabled women and girls face higher rates of violence and discrimination than their non- disabled counterparts.

#### **Grievance Redressal**



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The respondents were inquired if there are mechanisms set in place to redress grievances.

**Table 4.22: Grievances Redressal**

States	mechanism to redress grievances			Total
	Partly	Not at all	Don't know	
Bihar	38	122	0	160
Gujarat	67	92	1	160
M.P.	138	19	3	160
Rajasthan	43	116	1	160
T.N.	136	21	3	160
U.P.	80	71	9	160
WB	151	7	2	160
TOTAL	653	448	19	1120
	58.3%	40.0%	1.7%	100%

40 percent of the respondents said there is no cell for Grievance Redressal.

### **Provision of Training/Capacity Building Courses**

In developing countries like ours, where the rate of unemployment and under-employment is high, and resources are scarce, the scope of preventing or curing, either partially or fully, and educating, training and rehabilitating the disabled is quite limited.

- More than 93% said there is no provision of training courses offered by the organization for the capacity building of the disabled persons in specific areas.

**Table 4.23: Training Provisions**

States	Provisions for job – oriented courses			Total
	Yes	No	Don't know	
Bihar	21	139	0	160
Gujarat	15	140	5	160
M.P.	1	158	1	160
Rajasthan	14	145	1	160
T.N.	3	154	3	160
U.P.	6	154	0	160
WB	6	153	1	160
TOTAL	66	1043	11	1120
	5.9%	93.1%	1.0%	100%

## Vocational Training Acquired

The persons with disabilities have a lot of potentials, provided they are imparted with some specialized training.

**Table 4.24: Vocational Training**

States	Vocational Training acquired			Total
	Yes	No	Did not respond	
Bihar	9	151	0	160
Gujarat	66	91	3	160
M.P.	0	160	0	160
Rajasthan	81	79	0	160
T.N.	1	155	4	160
U.P.	18	141	1	160
WB	4	155	1	160
TOTAL	179	932	9	1120
	16.0%	83.2%	0.8%	100%

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According to this table, the disabled can perform better, if they are given some vocational or skill upgradation upgradation trainings. It also suggests that 83.2% disabled target respondents have not acquired any vocational training-whether from department or otherwise. One may also find wide gap among those who have acquired vocational training and those who have not done so, especially in States like Bihar, TN, UP and WB. However, Rajasthan and Gujarat could be singled out as States where there is reasonable gap among those who have acquired vocational training and those who have not done so.

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## Chapter 6

### Overview- Emerging Issues and Trends

Though the enactment of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 could be regarded as a turning point in disability rights movement in India; as it has set the ball rolling for bringing the persons with disabilities into the mainstream of development activities. Despite there is still a long way to go to accomplish the tasks ahead. To clear the backlog of vacancies of the persons with disabilities, Special Recruitment Drives have been undertaken by Staff Selection Commission and other such agencies from time- to- time. As a result of these drives undertaken by the Government of India and State Governments, large number of persons with disabilities have so far been provided employment. However, considering the mammoth size of the population, whatever has been done seems to be like a drop in the ocean. The three per cent reservation provision is not implemented seriously. Hence, the quotas earmarked for employing the persons with disabilities require to be enforced strictly at all levels with the involvement of stakeholders.

The posts reserved for the disabled candidates (at various levels ranging from Group A and B to Group C and D) are filled up by employers, including public sector undertakings, ministries/ departments of Union and State Governments as also autonomous bodies (such as, Central / State Universities, IITs etc.) usually by inviting applications through advertisement(s) in Employment News and National as also State level newspapers. The received applications are then shortlisted by a Core Committee/ Screening Committee constituted by concerned organizations. This is followed by holding interview where shortlisted candidates are expected to appear and the selection of suitable

candidate(s) is made, based on the performance of candidate(s) at the interview. However, in certain situations, where the number of applicants is high, written test is also held to assess the competency of candidates to be called for interview. The recruitment of the disabled candidates (especially in Group A, B and C) in various Ministries and Departments of the Union Government is made by Union Public Service Commission, Staff Selection Commission, Railway Recruitment Board(s) and other such Recruitment Boards etc. The selection is generally made on the basis of performance of candidates in Written Test as also Interview. The public sector banks have their own mechanisms--Banking Service Selection Boards and the disabled candidates are recruited on the basis of their performance and ranking in Written Test and Interview/ Viva- Voce/ Group Discussion, as the case may be.

Similarly, the posts earmarked/ reserved for the disabled candidates (at Group A, B and C levels) in departments/ organizations falling under the jurisdiction of State Governments are filled up by State Public Service Commission, Subordinate Service Selection Commission and other such Commissions/ Boards constituted for recruitment of candidates and the same procedure (Written test, Interview etc.) is applied, as in the case of Central Government employees. Moreover, the posts reserved for the disabled category of candidates at the level of Group C and D in various government establishments (including public sector undertakings, corporations, autonomous bodies etc.) are advertised and filled up by employers from amongst the candidate(s) having qualified the interview. Though, in certain cases, the panel of suitable candidates is entertained from Special Employment Exchanges/ Employment Exchanges/ Employment Cells and then such candidates are invited to face the interview/ personality/ proficiency test etc. Based on the

performance of candidates, final selection is made.

The public sector undertakings and other organizations (including autonomous bodies) normally designate an Official as Nodal/Liaison Officer, who is entrusted with the responsibility of looking into the grievances of employees belonging to the disabled category. Likewise, as per the judgement of Supreme Court of India, a mechanism has been put in place like Gender Sensitization Committee against Sexual Harassment (GSCASH) in almost all organizations to examine the sexual harassment and violence related cases at the worksite for the employees who are disabled women.

So far as fixing roster point is concerned, 3% Horizontal Reservation criteria is adopted in the case of persons with disabilities. All government establishments maintain separate 100 point reservation roster registers in the prescribed format (by Ministry of Personnel, Training and Public Grievances/ Government of India as also State Governments, as the case may be) for determining effective reservation for the disabled—one each for Group A posts filled by direct recruitment, Group B posts filled direct recruitment, Group C posts filled by direct recruitment, Group C posts filled by promotion, Group D posts filled by direct recruitment and Group D posts filled by promotion. Each register has cycles of 100 points and each cycle of 100 points is divided into three blocks, comprising the following points---

1<sup>st</sup> Block—Point No. 1 to Point No. 33

2<sup>nd</sup> Block—Point No. 34 to Point No. 66

3<sup>rd</sup> Block—Point No. 67 to Point No.100

This is to say that points 1, 34 and 67 of the roster is reserved for persons with disabilities—one point for each of the three categories of

disabilities. Generally, the head of the establishment decide the categories of disabilities for which the points 1, 34 and 67 are reserved, taking into account all relevant facts. Significantly, it may be noted that the Orthopaedically Handicapped, Visually Handicapped, Hearing Handicapped (Deaf – dumb) each are given one per cent out of 3 per cent posts reserved for the disabled category of candidates.

However, if the appointing authority (especially in the case of autonomous bodies, public sector undertakings, other organizations) deems it appropriate that suitable candidates are not available from any sub- group from the 'disabled category, in that case that post could be interchanged and filled up by candidate from other sub- groups, taking into account the performance of the candidates. Reservation for persons with disabilities in case of all Group(s) is computed on the basis of total number of vacancies occurring in all Groups, as the case may be, in the establishment, although the recruitment of the persons with disabilities is made against the posts identified suitable for them.

## **Overview**

As noted earlier, more than 400 million population of the disabled live in developing countries like India; where they feel hamstrung by the pathetic attitude of society. Moreover, in the developing world, the persons with disabilities are quite often the poorest of the poor in terms of income, but in addition their need for income is greater than that of their able-bodied counterparts, as they need money and assistance to try to live normal lives and to attempt to alleviate their handicaps. The impairment of income-earning ability - the earning handicap - is reinforced and much magnified by the conversion handicap: the difficulty in converting incomes and resources into good living.

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The disabled women comprise one of the most neglected, if not almost totally ignored, segment of the population. Cultural biases against the women manifest themselves in preference for male children, incidents of female infanticides and/ or foetal murders, higher malnutrition among female children due to differential allocation of food among male and female children, preferential treatment of male children in terms of greater health care and access to education, dowry deaths and so on. Given this biased cultural set-up, and given limited resources at the national, community and household level in a developing country, it is considered a bad investment to spend on educating a disabled girl child, adolescent or woman and to rehabilitate them so that they can be integrated into the community as productive and equal members. Thus, a disabled woman is left aside, isolated, marginalised, socially unaccepted and neglected- an object of pity, and considered to be a burden barely borne out of sheer humanistic obligations.

Another critical factor that has an impact on the effectiveness of any Law or Act is the level of awareness about its existence amongst the target group. The level of awareness about these initiatives was not found to be high. Though centrally sponsored anti-poverty programmes have reservations for people with disabilities, various studies have shown the numbers who have benefited are well below the minimum laid down. The new National Rural Employment Guarantee Act has dropped reservations for the disabled entirely. Moreover, implementation of the reservation quota is not being observed to the fullest as envisaged.

There are some hindrances in implementation of 3% reservation quota. The most common of these hindrances are-

- (a) Discriminatory attitude of society
- (b) Paternalistic attitude of society
- (c) Lack of literacy
- (d) Lack of social awareness

(e) Lack of political and administrative will power

According to Census-2001, there are 93.01 lakh women with disabilities, which constitute 42.46 percent of total disabled population. Women with disabilities require protection against exploitation and abuse. Even where the laws are not discriminatory, disabled women and girls face a host of abuses at the hands of their families, communities, and the state. Though definitive data is rare, there is some evidence that disabled women and girls face higher rates of violence and discrimination than non-disabled women. However, the departments and organizations have set mechanisms for grievance redressal.

The performance to public sector organisations is quite abysmal with regard to implementation of three percent reservation provision for the persons with disabilities in jobs of government establishments. Several factors are identified for bedevilling the process of implementation of reservation provisions and certain major recommendations/ suggestions are also offered in the next chapter, what is required more than anything else is to promote an enabling and disabled- friendly environment. Secondly, there is also need for changing the mindsets of society and also all those involved in recruitment/ appointment process. Only then the employment avenues could be enhanced for the persons with disabilities.

Thus, the policies should consciously take into account the needs of the persons with disabilities. There are examples of legislations enacted at the international and national levels for ensuring equal rights for the persons with disabilities to participate in formal employment. Employment opportunities for the persons with disabilities must be contextual to their socio-cultural set-up in order not to further jeopardise their integration within the community. At the same time there is also necessity of community education to counter discrimination and isolation faced by the persons with disabilities.

Ironically, even the three per cent reservation provided for the persons with disabilities against the identified posts in Government Ministries/ Departments, PSUs/ Corporations and Autonomous Bodies is not

implemented sincerely. Hence, there is need for amending the provisions of the PwD Act so as to extend the reservation facility to all category posts. Some strict and punitive provisions for overhauling misuse in selection/ recruitment process should be put in place to deal with cases of victimization of the persons with disabilities in selection/ appointment process. Given the scope for such discriminations, it is necessary that at every selection committee, there should be one member/ expert mandatorily from among the disability sector (preference be given to the expert who himself or herself is afflicted with disability) with vast knowledge and experience as representative of the Chief Commissioner for Persons with Disabilities. Especially with regard to selection of the candidate(s) against the reserved posts/ vacancies, the representative of the Chief Commissioner for Persons with Disabilities should have the authority to submit a dissenting note to the Chairman of the Selection/ Appointment Committee as also his/ her immediate boss.

The persons with disabilities should, thus, be given a say in the selection process to make it more transparent and remove the possibility of misuse by appointing authorities. Hence, careful needs assessment should be made on priority basis, taking into account gender differentials, custom, age, marital status etc.

## Recommendations

Following major recommendations have emerged from the present study of the employment situation of the persons with disabilities in public sectors in India:

Firstly, the persons with disabilities have the right to be trained and to work on equal terms in the regular labour force like their able-bodied counterparts. Community participation and rehabilitation programmes can help provide better job opportunities. **Proper use of existing vocational services, guidance and training as well as placement in employment and related services for workers, in general on the job training could be more efficient than other conventional methods.**

Secondly, for promoting employment opportunities, procedures conforming to the employment, salary standards applicable to the workers in general, as well as supporting and incentive measures, are needed. **In addition to formal employment, self-employment cooperatives and other group income generating schemes are required to be extended.**

Thirdly, wherever special national employment drives are to be launched for youth and unemployed persons, disabled persons should also be included. The disabled persons should be actively recruited and when the candidates are equal, the disabled persons need to be employed. Likewise, the disabled candidates should also be exempted from payment of prescribed fees for applying for positions at various levels in government services (including jobs in public sectors / corporations and autonomous bodies—including Central and State Universities, IITs as also National Institutes).

Fourthly, Policies for promotion of training and employment of the disabled and non-disabled persons should be adopted on an equal basis. This should include the disabled women also.

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Fifthly, the vocational training and skill development in emerging fields and technologies (such as, IT, foreign languages or maintenance of assistive devices), should be promoted.

Sixthly, strategy for affirmative action needs to be prepared and implemented so as to increase the employment of the persons with disabilities, especially the disabled women.

Seventhly, for enhancing the employment opportunities for the persons with disabilities, what is required is an enabling and disabled- friendly environment.

Eighthly, since there is paucity of funds as reported by the officers of various government organizations, there is a need to increase the allocation of funds for a genuine break-through in bringing the persons with disabilities into the mainstream of development. 3 per cent of the budget of every Ministry may be allocated for people with disabilities and that monitoring mechanisms should be set up at various levels to check the progress in this regard.

Ninthly, given that the public sector employs two-thirds of the formal sector workforce, respondent stressed that employment of the persons with disabilities is as significant to the public sector as it is to the private sector. There should be training programmes geared towards the orientation and sensitisation of human resource practitioners to inform them of existing policies and procedures concerning the persons with disabilities.

Tenthly, change in the mindsets of society and also all those involved in recruitment/ appointment process. This is presumably the greatest barrier in facilitating the employment avenues for the persons with disabilities. At the macro - level, several strategies could be adopted to promote employment of the persons with disabilities, including:

- (a) Adapting employment policies to mainstream persons with disabilities and implementation of employment legislation,
- (b) Developing skills programmes that are appropriate to the market, including entrepreneurial training and development,



- (c) Creating guidelines for employers on creating accessible and safe workplaces, and information on how to adapt workplaces for the persons with disabilities,
- (d) Providing accessible transport to and from work place,
- (e) Making finances easily accessible to enable self-employment,
- (f) Giving tax incentives for companies who employ the persons with disabilities,
- (g) Collecting data and statistics on employment of persons with disabilities, which can be effectively monitored,
- (h) Sensitising employers and unions in developing workplace policies on persons with disabilities,
- (i) Providing subsidies for travel,
- (j) Building capacity of teachers, parents, NGOs/ community based organizations, through the IEC (Information Education Communication), and
- (k) Providing reservation of jobs in certain types of organisations like NGOs and donor agencies working for the cause of the persons with disabilities.

Eleventhly, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 can be an effective statute if the provisions enshrined therein are implemented sincerely. The Guidelines should be formulated and implemented. All possible efforts must be made to disseminate information on the rights of the persons with disabilities. Pressure groups and advocacy groups should actively work towards the implementation.

Lastly, the voice of the persons with disabilities is, still, fragile and the society has to come forward to mainstream all those who are physically, mentally and

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sensorially disabled. The participation of the persons with disabilities is highly imperative for consolidation of disability rights movement. There are factors and forces in society, and at the individual level, which contribute to the integration of persons with disabilities into society. These factors, in combination and alone, determine the integration of individuals with disabilities into society; for instance, organizational culture (internal to an organization) and an individual's type and severity of impairment would contribute to integration and success in information technology (IT) related work.

Summing up, it could, thus, be stated that it is not individual limitations (of whatever kind), which are the cause of the problem but the failure on the part of social system to provide appropriate services and adequately ensure the necessities of the persons with disabilities; which has greatly bedevilled the process of their empowerment.

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# Employment of Persons with Disabilities in Public Sectors in India: Emerging Issues and Trends– An Evaluation Study with Special Reference to Persons with Disabilities Act (1995)

(Commissioned by Planning Commission, Government of India)

## Officials' Schedule

### 1. Identification

#### 1.1 State

- (1) Uttar Pradesh    (2) Rajasthan    (3) West Bengal    (4) Tamil Nadu  
 (5) Gujarat    (6) Bihar    (7) Madhya Pradesh

#### 1.2 District Name \_\_\_\_\_

(a) Name : Dr/ Mr/Ms/Mrs.....

(b) Department / Organization .....

(c) Designation \_\_\_\_\_

(d) Nature of job (please describe)\_\_\_\_\_

(d) Address (with Tel./ Fax /  
Mobile/ Email ID) .....

.....  
 .....  
 .....  
 .....

### 2. General

1. Do you know about disability legislations in India?

(a) Yes

(b) No

2. If yes, which one of the following is the most effective legislation/Act for empowering the disabled individuals?

- (a) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- (b) Rehabilitation Council of India Act, 1992
- (c) National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
- (d) Mental Health Act, 1987
- (e) Any other Acts (specify) \_\_\_\_\_
- (f) Don't know /Can't say

3. Do these legislations provide any reservation quota for the persons with disabilities in government /Public Sector jobs? (1=yes; 2-No) . If yes how much?

	Legislations/Acts	Yes/No	% quota
a	Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995		
b	Rehabilitation Council of India Act, 1992		
c	National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999		
d	Mental Health Act, 1987		
e	Any other Acts (specify)		

4. Do you feel the percentage of reservation quota in government jobs/public sector jobs for the disabled individuals is sufficient for empowering them?

(a) Yes (b) No

5. Is the percentage of reservation quota in government jobs/public sector jobs for the disabled individuals being implemented? (1-Yes; 2-No)

6. If yes, indicate the extent to which it is being implemented---

(a) Completely (b) Partly (c) Considerably

7. Please quantify, in percentage, the implemented job reservation quota for the persons with disabilities in your organisation?

(a) 0.5-1.0 % (b) 1.0- 2.0 % (c) 2.0 – 3.0 % (d) More than 3%

8. What is the procedure for implementation of 3 per cent reservation quota in government jobs for the persons with disabilities? Please describe

- 
9. Is it satisfactory?   
(a) Yes (b) No
10. Please quantify in percentage the implementation of reservation quota for the persons with disabilities, in your opinion?
11. Do you think that the women with disabilities have been given adequate representation in government jobs?   
(a) Yes (b) No
12. If yes, then how many women with disabilities have been provided employment in your department/organization? Please quantify ---
13. Has 3 per cent reservation quota been enforced by Government/ public sector jobs of all grades ranging from A and B to C and D?   
(a) Yes (b) No
14. If no, what grades are not covered by 3 per cent reservation quota by your Organisation ?  
\_\_\_\_\_
15. Please share the factual data on filling up the posts reserved for the persons with disabilities in government jobs of all grades ranging from A and B to C and D in your organization? Please answer briefly—  
\_\_\_\_\_
16. Are the women with disabilities also benefited by the Act ?   
(a) Yes (b) No
17. What is your opinion on employability of the persons with disabilities, in general?   
(a) They are capable of handling all types of jobs  
(b) They cannot perform all types of jobs  
(c) They can discharge certain specific jobs only  
(d) The range of identification of jobs requires to be expanded
18. Do you think providing employment through reservation quota is effective enough

to improve social and economic conditions of the persons with disabilities ?

(a) Yes

(b) No

19. If yes, indicate the extent to which it has helped them in their empowerment?

(a) Completely

(b) Partly

(c) Considerably

(d) Nothing at all

20. How do you feel about the adjustment and overall behaviour pattern of the disabled employees, especially with regard to their superior officials and colleagues?

(a) They are quarrelsome and irritative

(b) They suffer from inferiority complex

(c) They lack self confidence

(d) They are not sociable

(e) They are like others and quite accommodative

(f) Others, specify

21. What are the major hindrances, in your opinion, in ensuring the implementation of job reservation quota for the disabled?

(a) Discriminatory attitude of society

(b) Paternalistic attitude of society

(c) Lack of literacy

(d) Lack of social awareness

(e) Lack of political and administrative will power

(21) What suggestions would you like to make for empowering them? Please specify-

Schedule No.						
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**Employment of Persons with Disabilities in  
Public Sectors in India: Emerging Issues and Trends–  
An Evaluation Study with Special Reference to  
Persons with Disabilities Act (1995)**

(Commissioned by Planning Commission, Government of India)

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**Individuals' Schedule  
(Beneficiary Schedule)**

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**1. Identification**

**1.1 State**

(1) Uttar Pradesh      (2) Rajasthan      (3) West Bengal      (4) Tamil Nadu  
(5) Gujarat              (6) Bihar              (7) Madhya Pradesh     

**1.2 Location**

**1.2.1 District** \_\_\_\_\_; **1.2.2 Block** \_\_\_\_\_; **1.2.3 Village/Panchayat** \_\_\_\_\_

**1.3 Individual Details**

**a) Name** \_\_\_\_\_

**b) Age (in years)** \_\_\_\_\_

**c) Gender** (1-Male; 2-Female)

**d) Religion** (1-Hindu; 2-Muslim; 3-Sikh; 4-Christian; 5-Any other specify \_\_\_\_\_)

**e) Caste** \_\_\_\_\_

**f) Social Status** (1-Schedule Caste; 2-Schedule Tribe; 3-Other Backward Class; 4-General)

**g) Academic Status** (1-Illiterate; 2- 5<sup>th</sup> Pass; 3- 8<sup>th</sup> Pass; 4- 10<sup>th</sup> pass; 5- 12<sup>th</sup> pass; 6- Graduate; 7- Above Graduate

**h) Any Professional Qualification** (1 – Yes; 2 – No)

If yes, what? \_\_\_\_\_

**i) Marital Status** (1-Married; 2-Unmarried; 3-Divorced; 4-Widow/widower)

**j) Nature of Disability** \_\_\_\_\_

**k) Employment** (1-Government; 2-Public Sector; 3-Other)

If other, please specify \_\_\_\_\_

**l) Organization's name** \_\_\_\_\_

**m) Your designation** \_\_\_\_\_

**n) Nature of job** (please describe) \_\_\_\_\_

**m) Monthly salary** (in Rs) \_\_\_\_\_

## 2. General

1. Do you know about disability legislations in India?

(a) Yes

(b) No

2. If yes, which one of the following is the most effective legislation/Act for empowering the disabled individuals?

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(d) Mental Health Act, 1987

(e) Any other Acts (specify) \_\_\_\_\_

(f) Don't know /Can't say

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7. Please quantify, in percentage, the implemented job reservation quota for the persons with disabilities in your organisation?

(a) 0.5-1.0 % (b) 1.0- 2.0 % (c) 2.0 – 3.0 % (d) More than 3%

8. How did you get to know about the job reservation quota in government/ public sector organizations?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. How long did it take for you to get this job after you submitted the application?

(Answer in number of months)

10. How long have you been in job with this organization?

(answer in number of years)

11. What hindrances, in your case, you faced in getting the job?

\_\_\_\_\_

12. In your opinion, does a friendly atmosphere exist in the organization?

(a) Yes

(b) No

13. If no, why? \_\_\_\_\_

14. What is the major hindrance, in your opinion, in ensuring the implementation of job reservation quota for the persons with disabilities?

(a) Discriminatory attitude of society

(b) Paternalistic attitude of society

(c) Lack of literacy

(d) Lack of social awareness

(e) Lack of political and administrative will power

(f) If any other, please specify \_\_\_\_\_

15. Is the reservation provision same for women and men?

(a) Yes

(b) No

16. How many women with disabilities have been provided employment in your department? Please quantify—

17. In your opinion is the selection process currently being adopted to fill up vacancies against the reserved quota posts for the persons with disabilities, fair and transparent?

(a) Yes

(b) No

(c) Partly

18. Do you think the PwD Act has helped to empower the persons with disabilities?

(a) Partly

(b) Considerably

(c) Not at all

19. Is the work site / place barrier - free and disabled - friendly ?

(a) Yes

(b) No

20. Did you have to face sexual harassment at the work site?

(a) Yes

(b) No

21. If yes, is there any mechanism put in place in your department to redress such grievances and how far is it effective?
- (a) Partly (b) Not at all
22. Do you think that the provisions of the PwD Act are effective enough to improve the social and economic conditions of the disabled for mainstreaming them ?
- (a) Yes (b) No
23. If no, what are the major drawbacks in social and economic empowerment of the persons with disabilities?
- (a) Lack of literacy and awareness  
 (b) Male chauvinism  
 (c) Arrogant behaviour of the general people  
 (d) Inferiority complex among the disabled  
 (e) Any other \_please specify\_\_\_\_\_
24. Is there any provision of some job – oriented courses for persons with disabilities? (a) Yes (b) No
25. If yes, to what extent ?
- (a) Partly (b) Considerably (c) Not at all
26. If no, do you think there is a necessity of introducing job – oriented courses?
- (a) Yes (b) No
27. Did you acquire any vocational training to get the job?
- (a) Yes (b) No
28. If yes, was it given by the department/organization or acquired by you it before getting the job?
- (a) By the deptt/ organization (b) On your own
29. If no, is there any necessity of restructuring/providing the specific vocational training programmes by the organisation?
- (a) Yes (b) No
30. Please enumerate the issues faced by you in

- (a) Getting the job\_\_\_\_\_
- (b) During office hours\_\_\_\_\_
- (c) At home\_\_\_\_\_
- (d) Among Friends\_\_\_\_\_

Schedule No.						
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**Employment of Persons with Disabilities in  
Public Sectors in India: Emerging Issues and Trends–  
An Evaluation Study with Special Reference to  
Persons with Disabilities Act (1995)**

(Commissioned by Planning Commission, Government of India)

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**Staff Schedule**

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**1. Identification**

**1.1 State**

- (1) Uttar Pradesh      (2) Rajasthan    (3) West Bengal      (4) Tamil Nadu
- (5) Gujarat            (6) Bihar        (7) Madhya Pradesh

**1.2 District Name \_\_\_\_\_**

- (a) Name : Dr/ Mr/Ms/Mrs.....
- (b) Department / Organization .....
- (c) Designation \_\_\_\_\_

(d) Nature of job (please describe) \_\_\_\_\_

(e) Address (with Tel./ Fax /

Mobile/ Email ID) .....

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## 2. General

1. Do you know about disability legislations in India?

(a) Yes

(b) No

2. If yes, which one of the following is the most effective legislation/Act for empowering the disabled individuals?

(a) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

(b) Rehabilitation Council of India Act, 1992

(c) National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

(d) Mental Health Act, 1987

(e) Any other Acts (specify) \_\_\_\_\_

(f) Don't know /Can't say

3. Do these legislations provide any reservation quota for the persons with disabilities in government / Public Sector jobs? (1=yes; 2-No) . If yes how much?

	Legislations/Acts	Yes/No	% quota
a	Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995		
b	Rehabilitation Council of India Act, 1992		
c	National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999		
d	Mental Health Act, 1987		
e	Any other Acts (specify)		

4. Do you feel the percentage of reservation quota in government jobs/public sector jobs

for the disabled individuals is sufficient for empowering them?   
(a) Yes (b) No

5. Is the percentage of reservation quota in government jobs/public sector jobs for the disabled individuals being implemented? (1-Yes; 2-No)

6. If yes, indicate the extent to which it is being implemented---   
(a) Completely (b) Partly (c) Considerably

7. Please quantify in percentage, the implemented job reservation quota for the persons with disabilities in your organisation?   
(a) 0.5-1.0 % (b) 1.0- 2.0 % (c) 2.0 – 3.0 % (d) More than 3%

8. What is the procedure for implementation of 3 per cent reservation quota in government jobs for the persons with disabilities? Please describe

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9. Is it satisfactory?   
(a) Yes (b) No

10. Please quantify in percentage the implementation of reservation quota for the persons with disabilities, in your opinion?

11. Do you think that the women with disabilities have been given adequate representation in government jobs?   
(a) Yes (b) No

12. If yes, then how many women with disabilities have been provided employment in your department/organization? Please quantify ---

13. Has 3 per cent reservation quota been enforced by Government/ public sector jobs of all grades ranging from A and B to C and D?   
(a) Yes (b) No

14. If no, what grades are not covered by 3 per cent reservation quota by your Organisation ?

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15. Please share the factual data on filling up the posts reserved for the persons

with disabilities in government jobs of all grades ranging from A and B to C and D in your organization? Please answer briefly—

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16. Are the women with disabilities also benefited by the Act ?
- (a) Yes (b) No
17. What is your opinion on employability of the persons with disabilities, in general?
- (a) They are capable of handling all types of jobs  
(b) They cannot perform all types of jobs  
(c) They can discharge certain specific jobs only  
(d) The range of identification of jobs requires to be expanded
18. Do you think providing employment through reservation quota is effective enough to improve social and economic conditions of the persons with disabilities ?
- (a) Yes (b) No
19. If yes, indicate the extent to which it has helped them in their empowerment?
- (a) Completely (b) Partly (c) Considerably (d) Nothing at all
20. How do you feel about the adjustment and overall behaviour pattern of the disabled employees, especially with regard to their superior officials and colleagues?
- (a) They are quarrelsome and irritative  
(b) They suffer from inferiority complex  
(c) They lack self confidence  
(d) They are not sociable  
(e) They are like others and quite accommodative  
(f) Others, specify
21. What are the major hindrances, in your opinion, in ensuring the implementation of job reservation quota for the disabled?
- (a) Discriminatory attitude of society  
(b) Paternalistic attitude of society  
(c) Lack of literacy  
(d) Lack of social awareness  
(e) Lack of political and administrative will power
22. What suggestions would you like to make for empowering them? Please specify--

23. To what extent are these jobs helpful in empowering them?
- (a) Partly (b) Considerably (c) Not at all
24. Is special drive necessary, in your opinion, to fill up the backlog vacancies of reserved quota?
- (a) Yes (b) No
25. Should the Persons With Disabilities representative be also involved in the selection process for maintaining transparency and ensuring fairness in recruitment ?
- (a) Yes (b) No
26. Indicate the major barrier in securing employment in government /public sector for the persons with disabilities?
- (a) Lack of identified posts  
(b) Lack of effective administrative mechanism for enforcement  
(c) Lack of properly educated and professionally competent candidates  
(d) Indifference of the implementing authorities
27. How do you feel about the adjustment and overall behaviour pattern of the disabled employees, especially with regard to their superior officials and colleagues?
- (a) They are quarrelsome and irritative  
(b) They suffer from inferiority complex  
(c) They lack self confidence  
(d) They are not sociable  
(e) They are like others and quite accommodative  
(f) Others, specify
28. How can parents and professionals foster self-confidence and aspirations to employment and independence in persons with disabilities?
- (a) By instilling the feeling of independence  
(b) By inspiring to overcome the challenges of disabling situations  
(c) By providing proper education  
(d) By nurturing with care and affection
29. What, in your opinion are the contributing factors for marginalized, dependent and comparatively impoverished status of the persons with disabilities in society?
- (a) Illiteracy and Ignorance  
(b) Prejudiced perception of society

- (c) Close linkage between disability and poverty
- (d) Discriminatory treatment by parents
- (e) Uncaring attitude of family members

30. How could the pace of empowering the persons with disabilities be accelerated?

- (a) By strictly enforcing the compliance of the PwD Act
- (b) By ensuring the equitable participation of the PwD in PRIs
- (d) By introducing job oriented courses
- (e) By strengthening educational and vocational rehabilitation facilities
- (f) By generating awareness among the disabled women