

EMPLOYMENT RIGHTS OF DISABLED WOMEN IN INDIA

*A Study of Compliance and Impact of
the Persons with Disabilities Act with
Special Reference to UP, Rajasthan,
Bihar, Maharashtra and Tamilnadu*

Sponsored by

National Commission for Women, Govt. of India

Submitted by



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Introduction

Background

Both disability and gender are physical constructs that totally ignore the personhood. To be a disabled person is to fail to measure up to the general cultural definition of masculinity as strength, physical ability and autonomy. To be a disabled woman is to be considered unable to fulfill the role of homemaker, wife as also mother, and unable to conform to the stereotype of beauty and femininity in terms of physical appearance. But yes, being a disabled woman also fits well into the stereotype of passivity and dependency.

India is a vast country with a population of more than one billion and nearly 70 million persons (based on the projections made by various international agencies such as the United Nations, WHO and World Bank). with disabilities. About 48 percent of them are women. Women in India have been struggling to get their rights. The women's rights movement itself is in its initial stages. They are fighting all the stereotypes that have been ingrained in the national psyche.

Women with disabilities are disadvantaged because women's work is seen as secondary to that of men's. A woman's main role, in most communities, is still to be a wife, mother, and homemaker; while the man is the main decision-maker and income-earner. Since education and vocational training are seen as investments for higher-value employment, a woman is less likely to have the opportunity to receive them. While public attitudes are changing, illiteracy rates among women worldwide are falling, and more and more women are entering the labour market, the situation, however, has changed little for women with disabilities. The general attitude is still that a disabled woman has little hope of becoming a wife or a mother, or of getting a productive and rewarding job. Thus, the normal tendency among the laymen is to visualize the women with disabilities as a burden on her family, society or the state - a dependant for the rest of her life.

The Disability Rights Movement in India

The disability rights movement in India started only in the early 1990s. The launch of the Asian and Pacific Decade of Disabled Persons in 1993 gave a definite boost to the movement. In the same year, the Government of India organised a National Seminar in New Delhi to discuss the various issues concerning the disabled citizens. The main need that emerged from the seminar was for a comprehensive legislation to protect the rights of persons with disabilities.

However, it was only after intense lobbying by the Disabled Rights Group (DRG) that the crucial legislation was passed in 1995. In a single day, both Houses of Parliament passed the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act without any procedural wrangling. This was a landmark in the history of disability rights movement in India.

Though the roots of statutory provisions for ensuring equality and equalization of opportunities to the disabled citizens in our country could be traced to Part III (Fundamental Rights and Duties) & Part IV (Directive Principles of State Policy). The Constitution of India ensures equality, freedom, justice and dignity to all individuals and thus, implicitly mandates an inclusive society for all, including persons with disabilities. In the recent years, there have been vast and positive changes in the perception of the society towards persons with disabilities. It has been realized that the majority of persons with disabilities can lead a better quality of life if they are provided equal opportunities and effective access to rehabilitation measures.

National Policy Statement

The National Policy recognizes that 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. The focus of the policy is - ***Economic Rehabilitation of Persons with Disabilities.***

Economic rehabilitation of persons with disabilities comprises of both wage employment in organized sector and self-employment. According to national policy statement, supporting structure of services by way of vocational rehabilitation centres and vocational training centres has to be developed in order to ensure that disabled persons in both urban and rural areas have increased opportunities for productive and gainful employment.

According to the Census 2001, there are 2.19 crore persons with disabilities in India who constitute 2.13 percent of the total population. This includes persons with visual, hearing, speech, locomotor and mental disabilities. 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 in some or the other ways. The earlier emphasis on medical rehabilitation has now been replaced by an emphasis on social rehabilitation. There has been an increasing recognition of abilities of persons with disabilities and emphasis on mainstreaming them in the society based on their capabilities. The Government of India has enacted basically three 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 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.

The priority for the welfare of the disabled women has been very encouraging amongst the various policies being implemented by the Government. It is now recognized that cause and care of the disabled women is a pressing issue, one that cannot be ignored any longer.

Women with Disabilities

According to 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.

Under strategies for economic empowerment of women with disabilities, special programmes are developed for providing education, employment and other rehabilitation services to the women with disabilities, keeping in view their special needs; special educational and vocation training facilities set - up and programmes undertaken to rehabilitate abandoned disabled women/ girls by encouraging their a adoption in families, support to house them and impart them training for gainful employment skills.

The Government of India is expected to evince genuine interest in and encourage the projects where representation of women with disabilities is ensured.

Among such strategies for economic empowerment of persons with disabilities include,

1. Employment in Government Establishments



The PWD Act, 1995 provides for 3% reservation in employment in the establishments of Government of India, State Governments 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. Government will ensure reservation in identified posts in the Government sector, including public sector undertakings in accordance with the provisions of the PWD Act, 1995. The list of identified posts, which was notified in 2001, will be reviewed and updated.

2. Wage Employment in Private Sector

Development of appropriate skills in persons with disabilities will be encouraged for their employability in private sector. Vocational rehabilitation and training Centres engaged in developing appropriate skills amongst persons with disabilities, keeping in view their potential and abilities will be encouraged to expand their services.

Considering rapid growth of employment opportunities in service sector, persons with disabilities will be encouraged to undertake skill training suitable to the market requirement. Pro-active measures like incentives, awards, tax exemptions etc. will be taken to encourage the employment of persons with disabilities in the private sector.

3. Self-employment

Considering the slow pace of growth in employment opportunities in the organized sector, self-employment of persons with disabilities will be promoted. This will be done through vocational education and management training. Further, the existing system of providing loans at softer terms from the NHFDC will be improved to make it easily accessible with transparent and efficient procedures of processing. The Government will also encourage self-employment by providing more incentives, tax concessions, exemptions from duties, preferential treatment for procurement of goods and services by the Government of India and State Governments for the enterprises of persons with disabilities, etc. Moreover, priority in financial support will be given to Self Help Groups formed by the persons with disabilities.

It is important to assess whether the specific Act was able to achieve its purpose by fulfilling needs, but it is equally important to gauge whether this need fulfillment process has contributed to the social and economic development of the disabled women and her family.

Unless, the adoption and implementation of the act goes beyond need fulfillment, these legislations may have limitations and the fundamental problems and barriers faced by the women with disabilities in their development could not be addressed properly.

To be able to develop appropriate/practical policies, which are also beneficial to the concerned population, it is essential that the issue be looked at and understood from the point of view of the disabled women. It is, therefore, felt that research in this area would reveal the problems and barriers being faced by them and highlight the necessity to develop special benefit policies for them. It is hoped that findings from this study would help considerably in the development of suitable policies, which are favorable for the target population, in this case, the disabled women.

It has been observed that due to planned efforts by the Government and voluntary involvement of the organizations, the employment status of the disabled women has not only been highlighted but also has registered significant improvement. However, this observation raises many questions, such as what has been the extent of improvement and whether in right direction? If the benefits of the policy are reaching the right segment and whether these are up to the mark? This study will attempt to provide answer to all these questions and also identify the aspect(s) that needs to be strengthened.

Employment for the disabled is a matter of right, which is endowed to the disabled women by the constitution. If the State limits itself to only adopting a quick - fix or short-term solutions, then it is failing in its duty of protecting the constitutional provisions for the disabled.

In the light of above issues, the study was taken up to assess the implementation and implied impact in a manner that the Ministries and Departments of the Government of India would have a knowledge base, which will mark policy development in a coherent manner.

The study also attempted to find out the integrity of the Act, if taken together. Underlined philosophy of this study was that the social development through economic security i.e. employment of the disabled women could be ensured in a true sense.

This study is quite relevant, as it will help pioneering the concept of social inclusion and protection in an integrated manner and thereby support to optimize the effort of the Government.

The study will also support the policy formulation for employment for the disabled women, but at another level it will help to streamline policy management.

Although the study proposes to cover Five States—namely, Uttar Pradesh, Rajasthan, Bihar, Maharashtra and Tamilnadu; it would have nation-wise relevance. In this study an attempt is made to study the employment standing of disabled women in government sector and the non-government sector as also their social, economic milieu, the findings can be extended to all over country with minimal modifications.

Chapter II

Objectives, Study Area and Methodology

Objectives of the Study

Primary Objectives

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

- To assess the impact of the Persons with Disabilities Act on employment situation of disabled women and, in particular, whether the Act has contributed in increasing/improving employment and living conditions of the disabled women, especially the poorest and most marginalized among them.
- To assess the number of disabled women 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 selection criteria and implementation norms of the various government and non government organizations for providing employment under the quota for disabled persons.

Secondary Objectives

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

- To identify different categories of disabled women and to classify them according to their physical disability
- To identify the socio-economic background of the employed disabled women
 - economic class
 - government support
 - staying alone/with family
 - responsibilities
 - demographic
- 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
 - socio-psychological
- The study findings will provide inputs for future programming.

Study Area

The study was taken up in the following five major states of India--

- Uttar Pradesh
- Rajasthan
- Bihar
- Maharashtra and
- Tamilnadu

These five states constitute major population of the country, and hence have nation-wise relevance.

Methodology

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

Secondary Sources

An exhaustive literature review of the norms set by each of the selected Government and non - government organization for employment to the disabled was done to observe the mechanisms adopted to bring relief to the families of the disabled women and provide employment opportunity to deserving people.

Primary Sources

Primary information and data was collected at various levels-

At the first level, respective Heads of the concerned ministries / departments which have been working for the women with disabilities, were interviewed. All the information and records regarding the grants / funds towards this sector received and utilized was examined to assess the implementation of the PWD Act.

At the second level, information and views were collected from the employed disabled women regarding selection, services/facilities provided, orientation and training if provided to them, their placement and disbursement of the financial assistance to them. The collected facts were analyzed and compared with the laid out mechanisms and norms.

At the third level, other staff members were interviewed. The responses facilitated to get the short hand inputs about the shortcomings and limitations and thus, offered suggestions for improvement.

Sampling Technique

- The Study was conducted in the five states of the Indian Union -- Uttar Pradesh, Rajasthan, Bihar, Maharashtra and Tamilnadu.
- From each of the five states, four districts were selected through stratified random sampling, which have various offices from the Government Sector, Public Sector Undertaking and Non Government/Private organization.

Uttar Pradesh

- Lucknow
- Allahabad

- Gorakhpur
- Gautam Budh Nagar

Rajasthan

- Jaipur
- Udaipur
- Jodhpur
- Churu

Bihar

- Muzaffarpur
- Patna
- Madhubani
- Purnea

Maharashtra

- Mumbai City
- Sholapur
- Jalgaon
- Nagpur

Tamilnadu

- Chennai
- Salem
- Coimbatore
- Madurai

Survey Tools

- Questionnaires for Heads of the concerned ministries / departments which have been working for the women with disabilities
- Questionnaires for the employed disabled women
- Questionnaires for other staff members of the concerned ministries / departments which have been working for the women with disabilities

The list of the employed disabled women was collected from the ministries/ departments/ offices and organizations.

From each district 25 disabled women respondents employed in various ministries/ departments/ offices of the Government Sector, Public Sector Undertaking and Non government/Private organization were selected in the ratio of 10:10:5.

Sample Size

sn.	State	Districts	Target Women Respondents	Head/Person in command of the Ministry/ Department	Other Staff members
1	Uttar Pradesh	4	25 x 4 =100	15	20
2	Rajasthan	4	25 x 4 =100	15	20
3	Bihar	4	25 x 4 =100	15	20
4	Maharashtra	4	25 x 4 =100	15	20
5	Tamilnadu	4	25 x 4 = 100	15	20
	Total	20	500	75	100
Total respondents			675		

Thus, the total sample constituted was 675 respondents.

In addition to the information and data collected at various levels as mentioned above, **Focus Group Discussions** with the family members of the disabled women employed in various sectors was conducted to extract views about the impact on their lives as a result of the employment gained by the disabled women. These facilitated to know more about their constraints and identify issues concerning the development of the disabled women and improvement in policy - formulation.

Chapter III

Profile of the Respondents

With mushrooming growth of industries in India, the role of the corporate sector in generating job opportunities is increasing day by day. Employment prospects in the government and the public sector seem to be shrinking constantly. For many years now and especially after enactment of the Persons with Disabilities Act (1995), there has been a continuous campaign for sensitizing the corporate sector to take on active responsibility in recognizing the abilities of the disabled persons and giving them equal opportunities in the job market.

Five states namely Uttar Pradesh, Rajasthan, Bihar, Maharashtra and Tamilnadu were taken up for the study. From each state, four districts were selected through stratified random sampling, which have various offices from the Government Sector, Public Sector Undertaking and Non Government/Private organization. Thus 20 districts from five states were covered for the study. Responses were obtained at various levels like Heads of the concerned ministries / departments, other staff members and disabled women employed in various offices, corporate, etc.

Nature of Disability

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

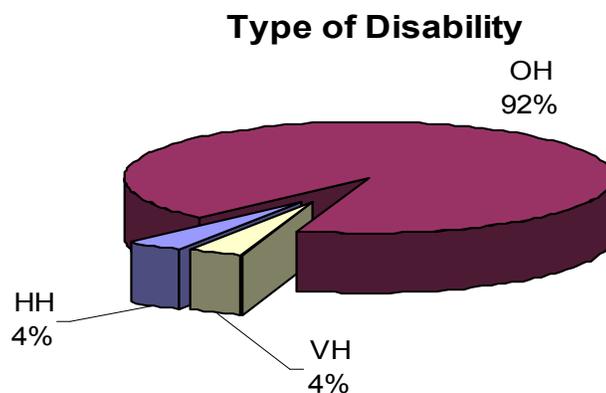
- Impairment is any loss or abnormality of psychological, physiological or anatomical structure or function. This could include blindness or deafness, loss of limb and so forth.
- Disability is any functional restriction or lack (resulting from an impairment) of ability to perform an activity within the range considered normal for a human being. This could include walking, stretching, lifting, feeding and so on.
- Handicap 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.

However, during the study survey mainly three categories of disability/handicap was found among the employed disabled women-

HH - Hearing Handicapped

OH - Orthopaedic Handicapped

VH - Visual Handicapped



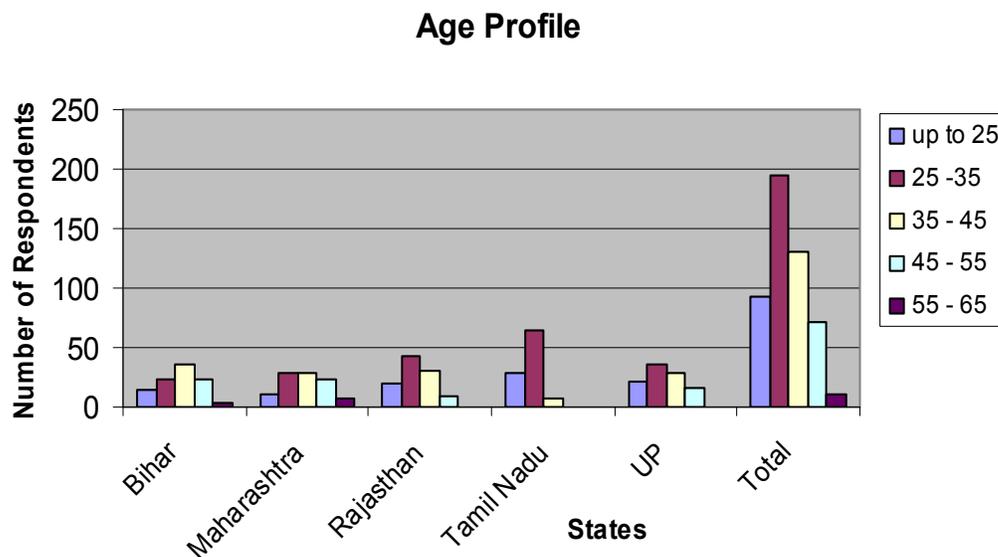
The study revealed that majority of the women respondents employed are orthopaedically disabled (92.4%).

Table 3.1: Nature of Disability

State/Disability Type	HH	OH	VH	Total
Bihar	11	87	2	100
Maharashtra	5	89	6	100
Rajasthan	0	98	2	100
Tamilnadu	0	94	6	100
Uttar Pradesh	4	94	2	100
Total	20	462	18	500
%	4	92.4	3.6	100

Age Profile

The study revealed that the respondents are typically young women with disabilities (about 38.8% of them in the age group of 25 to 35 years).



Another 18.6% of the respondents were below 25 years of age.

Thus, as many as 57.4% of the respondents were found to be below 35 years of age.

Table 3.2: Age Profile

States/Age group	up to 25	25 -35	35 - 45	45 - 55	55 - 65	Total
Bihar	14	24	35	23	4	100
Maharashtra	11	29	29	24	7	100
Rajasthan	19	42	30	9	0	100
Tamil Nadu	28	64	8	0	0	100
Uttar Pradesh	21	35	28	16	0	100
Total	93	194	130	72	11	500
%	18.6	38.8	26	14.4	2.2	100

Of the five States, Tamilnadu has 92% of the respondents belonging to the age group below 35 years.

Only 2.2% of the women were above 55 years of age, from Maharashtra and Bihar.

The mean age of the respondents was 35 years.

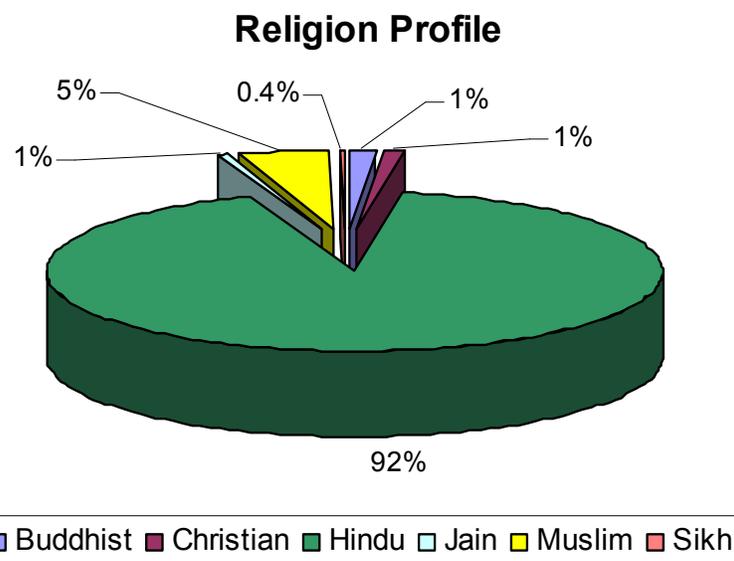
Ethnic Profile

Of the 500 respondents across the five states, 459 were from Hindu families.

Others belong to various ethnic social groups like Jains, Buddhists, Muslims, Christians and Sikhs.

Table 3.3: Ethnic Profile

state/Religion	Buddhist	Christian	Hindu	Jain	Muslim	Sikh	Total
Bihar	0	2	91	0	7	0	100
Maharashtra	7	2	88	0	3	0	100
Rajasthan	0	1	93	3	2	1	100
Tamilnadu	0	0	96	0	4	0	100
UP	0	1	91	0	7	1	100
Total	7	6	459	3	23	2	500
%	1.4	1.2	91.8	0.6	4.6	0.4	100



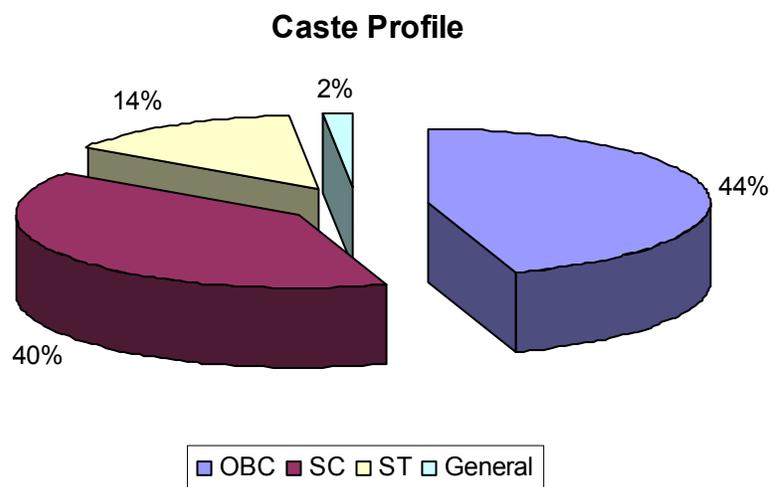
Caste Profile

In Tamilnadu and Uttar Pradesh all the women respondents belong to SC, ST or OBC. Only 1.6% of the women were from general category, from Maharashtra and Bihar.

Table 3.4: Caste Profile

States/caste	OBC	SC	ST	General	Total
Bihar	38	51	9	2	100
Maharashtra	49	32	16	3	100
Rajasthan	44	42	11	3	100
Tamilnadu	31	49	20	0	100
Uttar Pradesh	63	24	13	0	100
Total	225	198	69	8	500
%	45	39.6	13.8	1.6	100

As many as 45% and 39.6% of the disabled women respondents were OBC and SC respectively.



Marital Status

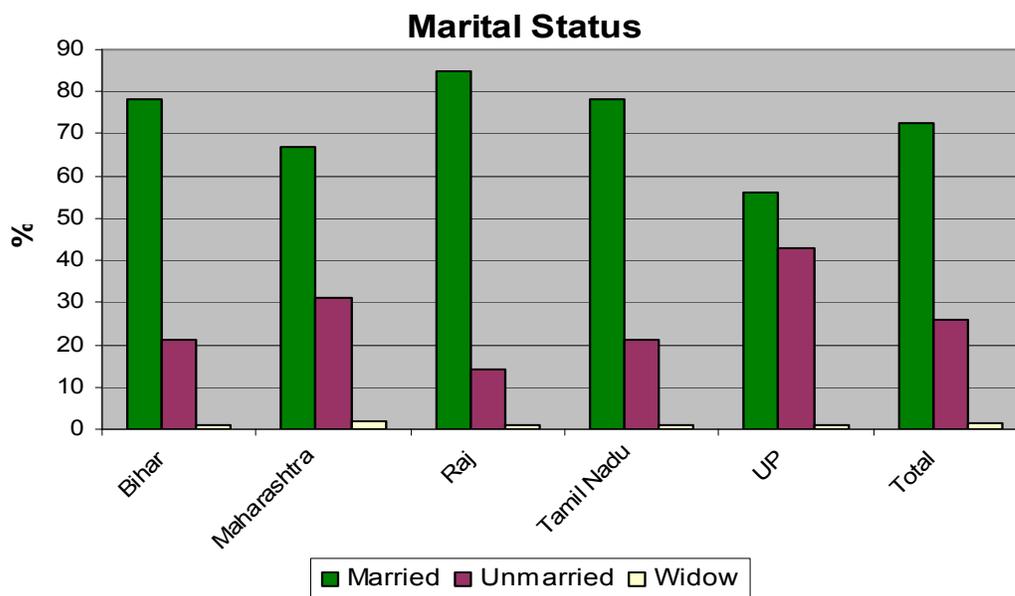
As many as 72.8% disabled women are married and have family responsibilities. The rest about 26% are unmarried.

Table 3.5: Marital Status

State/Marital status	Married	Unmarried	Widow	
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Bihar	78	21	1	100
Maharashtra	67	31	2	100
Rajasthan	85	14	1	100
Tamilnadu	78	21	1	100
Uttar Pradesh	56	43	1	100
Total	364	130	6	500
%	72.8	26	1.2	100

The percentage of widows was negligible (1.2%)



In Bihar and Tamil Nadu both, the number of married and unmarried respondents was the same at 78 and 21 respectively.

Academic Profile

The study revealed a large range and assortment of academic qualifications of the disabled women. Of the 500 employed disabled women,

14 were illiterate

60 were educated from 4th to 9th class

67 women were 10th pass

Another 113 had completed intermediate.

Table 3.6: Academic Profile

Academic Profile	Bihar	Maharashtra	Raj	Tamil Nadu	UP	Total
4th	0	2	0	0	0	2
5th	1	0	5	4	0	10
6th	2	1	0	0	0	3
7th	1	5	2	1	0	9
8th	6	5	11	7	1	30
9th	4	2	0	0	0	6
10	15	15	15	15	7	67
10+2	25	20	4	19	16	84
11th	3	5	0	1	0	9
12th	3	0	14	0	3	20
B Ed	1	0	6	1	6	14
B Lib	0	1	0	0	0	1
B Lit, CGT	1	0	0	0	0	1
BBE	1	0	0	0	0	1
BPT	1	0	0	0	0	1
CA Inter	0	1	0	0	0	1
DCE	1	0	0	0	0	1
Graduate	24	29	40	38	38	169
Illiterate	1	1	0	12	0	14
LLB	0	0	0	0	2	2
M Phil	0	1	0	0	0	1
M.Ed.	0	0	0	0	1	1
M.L	1	0	0	0	0	1
MBBS	0	0	0	0	3	3
MBM	1	0	0	0	0	1
MCM	0	1	0	0	0	1

MEd	0	0	0	0	2	2
MLiGraduate	0	2	0	0	0	2
MSW	0	1	0	0	0	1
PG	7	7	2	1	20	37
PG, B Ed	1	1	0	1	0	3
PGLT	0	0	0	0	1	1
PhD	0	0	1	0	0	1
	100	100	100	100	100	500

169 women with some disability were graduates with no professional qualification, i.e., B.A., B.Sc or B.Com. Similarly 37 women were post graduates with no professional qualification.

Nature of Job

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 following table provides the nature of job of the respondents:

Table 3.7: Nature of Job

	Bihar	Maharashtra	Raj	Tamil Nadu	UP	
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Employment Rights of Disabled Women in India : A Study of Compliance & Impact of the PDA with Special Reference to UP, Rajasthan, Bihar, Maharashtra and Tamilnadu

A. M.	0	0	0	0	2	2
A. O.	0	0	0	0	2	2
Accountg.	0	0	0	0	2	2
Accounting	0	0	0	0	1	1
Acctg.	0	1	0	0	0	1
AM	1	0	0	0	0	1
AO	0	0	0	0	2	2
AWW	0	0	10	12	0	22
B.O.	0	0	0	0	1	1
Banking	1	0	2	1	0	4
Book Binding	0	4	0	0	0	4
Business	2	0	24	0	4	30
Bussiness	0	0	2	0	0	2
Caretaker	1	1	0	0	0	2
Carpenter	0	1	0	0	1	2
Carpentry	0	0	0	3	0	3
clerical	0	0	1	0	0	1
Clerical	41	56	16	3	39	155
Clothwashing	0	0	1	0	0	1
CM	1	0	0	0	0	1
Com.Opr.	1	1	0	0	0	2
Doctor	0	0	0	0	3	3
Gangman	1	0	0	0	0	1
H.E	1	0	0	0	0	1
Helper	0	1	0	0	0	1
J.A	1	0	0	0	0	1
JE/DRG	1	0	0	0	0	1
Kitchen	0	2	0	0	0	2
Labour	0	0	0	7	0	7
Librarian	0	1	0	0	0	1
Nursing	2	1	5	2	5	15
O. A	0	0	2	0	0	2
O. S.	0	0	0	0	1	1
Office Superintendent	0	0	0	0	1	1
OS	0	2	0	0	0	2
Packer	1	0	0	0	0	1

Employment Rights of Disabled Women in India : A Study of Compliance & Impact of the PDA with Special Reference to UP, Rajasthan, Bihar, Maharashtra and Tamilnadu

Peon	7	9	7	4	5	32
Per.Insptr.	0	0	0	0	1	1
Physiotherapist	1	0	0	0	0	1
Private	0	0	0	1	0	1
Receptionist	0	0	0	0	1	1
Salesgirl	0	2	0	0	1	3
Salesman	0	0	0	0	1	1
SE	1	0	0	0	0	1
Sebika	0	0	3	0	0	3
Section officer	0	0	0	0	1	1
Self- emp.	0	8	0	28	0	36
SM	1	0	0	0	0	1
SO	0	0	0	0	1	1
Soc. Service	0	1	0	0	0	1
Sr TOA	0	1	0	0	1	2
Storekeeper	0	0	0	0	1	1
Supervisor	0	0	0	0	1	1
Sweeper	4	0	0	0	0	4
Tailoring	15	1	5	8	9	38
Teaching	8	2	17	31	11	69
Technical	0	2	0	0	0	2
Tel. Oper.	1	3	0	0	0	4
Telegraphist	1	0	0	0	0	1
Telephine Operater	0	0	0	0	1	1
TO	2	0	0	0	0	2
Typist	1	0	0	0	0	1
VDO	0	0	0	0	1	1
Vendor	2	0	5	0	0	7
WebMain.	1	0	0	0	0	1
	100	100	100	100	100	500

Employment is a key factor in the empowerment and inclusion of people with disabilities. They remain disproportionately undereducated, untrained, unemployed, underemployed and poor -- especially women.

Monthly Income

Working capacity is normally defined in relation to the income an individual could earn if he or she as in good health. There is a clear link between degrees attained, being employed, and employment income. Individuals with higher educational qualifications and degrees are more likely to be employed and have higher wages than are individuals without a high school degree.

Therefore, education is important for career development throughout an individual's professional career. The higher the qualifications, the higher the income of the beneficiaries.

Table 3.8: Monthly Income

	Bihar	Mah	Raj	TN	UP	Total	%
up to 2000	23	20	13	45	16	117	23.4
2000-5000	21	7	29	44	15	116	23.2
5000-10000	26	49	42	10	52	179	35.8
10000-20000	28	23	15	1	16	83	16.6
20000-30000	2	0	1	0	1	4	0.8
above 30000	0	1	0	0	0	1	0.2
Total	100	100	100	100	100	500	100

Chapter IV

Compliance and Impact of the PDA(1995): Major Findings

With the Persons with Disabilities Act of 1995, India's Parliament focused on the elimination of discrimination against full participation of the persons with disabilities.

The Persons with Disabilities Act, 1995 also mandates 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."

For individuals with disabilities, the changing world of work offers both new opportunities and new challenges. The PDA has made it possible for many individual women with disabilities to access careers that may have previously been closed to them.

Level of Awareness

The first critical factor that has an impact on the effectiveness of any 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.

- A little less than half the respondents (47%) are aware about the Persons with Disabilities Act,(1995) while
- 53% are unaware about the Persons with Disabilities Act, (1995).

There were wide variations in the level of awareness across States.

In Bihar 80% of the respondents were aware of Persons with Disabilities Act, while in Uttar Pradesh 32% were aware of the Persons with Disabilities Act.

Table 4.1: Level of Awareness

States	Responses in %	
	Aware	Not aware
Bihar	80	20
Maharashtra	35	65
Rajasthan	53	47
Tamil Nadu	35	65
Uttar Pradesh	32	68
Total	47	53

The respondents were asked to identify the most important legislation for empowering the persons with disabilities, especially the women with disabilities. Various responses/legislation Acts were given like Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995, Rehabilitation Council of India Act of 1992, National Trust for Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act of 1999, Mental Health Act of 1987, etc.

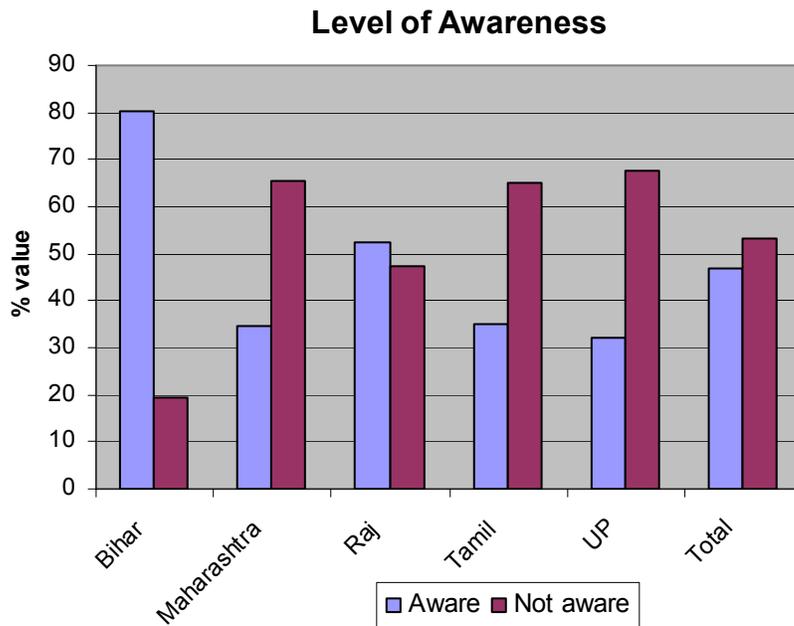


Table 4.2: Most Important Legislation for Disabled

States	Responses in %						
	Persons with Disabilities Act 1995	Rehabilitation Council of India Act of 1992	National Trust for Persons with Multiple Disabilities-Act of 1999	Mental Health Act of 1987	Others	Don't Know	Total
Bihar	20	0	0	0	0	80	100
Maharashtra	25	2	0	0	0	73	100
Rajasthan	13	1	0	0	0	86	100
Tamilnadu	19	4	1	1	1	74	100
Uttar Pradesh	27	0	0	0	0	73	100
Total	20.8	1.4	0.2	0.2	0.2	77.2	100

77.2 % of the women respondents could not specifically name any legislation/act for empowering the persons with disabilities, especially the women with disabilities.

Of those who could refer to some act, identified Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995 (20.76%).

The government has ensured the 3% reservation in poverty alleviation schemes to people with disabilities, as stipulated under the Act.

The women respondents who were in some way or the other were disabled/handicapped were given the list of legislations and were asked to indicate that which of the legislations provides for 3 percent reservation quota for the persons with disabilities in government jobs.

Table 4.3: Legislation which provides 3% Reservations for Disabled

States	Persons with Disabilities Act 1995	Rehabilitation Council of India Act of 1992	Others	Don't Know	Responses in %
					Total
Bihar	20	0	80	0	100
Maharashtra	27	0	73	0	100
Rajasthan	16	1	80	3	100
Tamilnadu	20	4	76	0	100
Uttar Pradesh	27	0	73	0	100
Total	22	1	76.4	0.6	100

22% of the women referred to Persons with Disabilities Act 1995 as legislation, which provides for 3 percent reservation quota for the persons with disabilities in government jobs.

Majority, 76.4% of the respondents named various centrally sponsored poverty alleviation schemes, which have 3% reservations. These respondents did not name any legislation/Act, but various schemes and programmes whose guidelines states 3 percent reservations for the disabled.

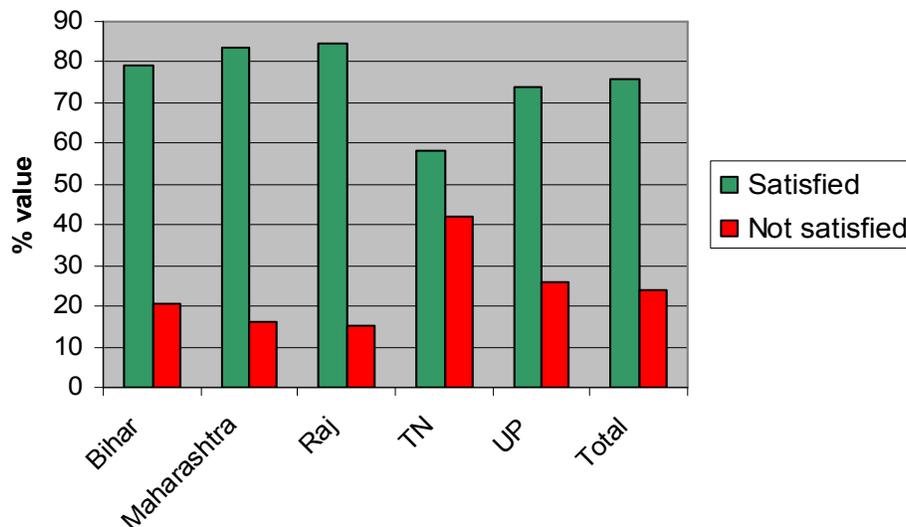
Level of Satisfaction with 3% Reservations

The women respondents, all of whom were disabled were asked if they were satisfied with the implementation of 3 per cent reservation quota in government jobs for the disabled individuals, including the women with disabilities, by the district administration / or corporation / organization.

Table 4.4: Satisfaction with 3% Reservations for Disabled (%)

States	Responses in %		
	Satisfied	Not satisfied	Total
Bihar	79	21	100
Maharashtra	84	16	100
Rajasthan	85	15	100
Tamilnadu	58	42	100
UttarPradesh	74	26	100
Total	76	24	100

Satisfaction with 3% Reservations of Disabled



Overall more than 76% of the women respondents were satisfied with the implementation of the specification of providing 3 per cent reservation quota in government jobs for the disabled individuals, including the women with disabilities, by the district administration / or corporation / organization the act. However the level of satisfaction varied across states.

- Maximum satisfaction (approximately 85%) was revealed in Rajasthan whereas;
- In Tamilnadu the percentage of satisfied respondents was lowest at 58% only.

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

Table 4.5: Extent of Satisfaction

States	Responses in %				
	Completely satisfied	Partially satisfied	Considerably satisfied	No Response	Total
Bihar	0	77	2	21	100
Maharashtra	71	15	1	13	100
Rajasthan	40	39	5	15	100
Tamilnadu	40	22	10	28	100
Uttar Pradesh	30	25	31	14	100
Total	36.2	35.6	9.8	18.2	100.00

Of the respondents who were satisfied,

- About 36% each were completely satisfied and partially satisfied.
- About 18% gave no response.

Implementation of Job Reservation Quota (3%)

These respondents were asked to quantify the implementation of job reservation quota for the persons with disabilities in percentage specifically. The respondents were given three classifications-

0.5% to 1 %;

1 % to 2 %; and

2 % to 3 %.

Table 4.6: Quantified implementation of Job Reservation Quota

States	Responses in %				
	0.5% to 1 %	1 % to 2 %	2 % to 3 %	no answer	Total
Bihar	44	25	0	31	100
Maharashtra	13	14	72	0	100
Rajasthan	11	33	44	11	100
Tamilnadu	10	23	67	0	100
Uttar Pradesh	9	29	59	2	100
Total	17.4	24.8	48.4	8.8	100

More than 48% of the respondents affirmed 2% to 3% of the job reservation quota being adhered in government jobs in various organizations.

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

About 12% of the respondents did not answer the query. However,

- 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.

Table 4.7: Hindrances in Implementation of 3% Reservation Quota

States	Responses in %						Total
	Discriminatory attitude of society	Paternalistic attitude of society	Lack of literacy	Lack of social awareness	Lack of political and administrative will power	No response	
Bihar	0	1	72	4	24	0	100
Maharashtra	1	1	7	21	29	41	100
Rajasthan	2	14	62	0	22	0	100
Tamilnadu	5	1	23	30	35	6	100
Uttar Pradesh	1	2	17	24	44	13	100
Total	1.80	3.79	35.93	15.77	30.54	11.98	100

- In Bihar, 72% of the respondents affirmed lack of literacy as the main barrier in ensuring the stipulated 3% reservation quota for the disabled as per the PDA.
- According to 15.8% respondent lack of social awareness is a major obstacle.

- A very nominal percentage of respondents said that discriminatory attitude of society is an impediment.

Provision of Reservation by Private Sector

The respondents were also asked questions to understand the compliance of reservation provision for the persons with disabilities, in general, and the women with disabilities, in particular by private sectors.

Table 4.8: Reservation provision compiled by private sector

States	Responses in %		
	Yes	No	Total
Bihar	2	98	100
Maharashtra	25	75	100
Rajasthan	12	88	100
Tamilnadu	52	48	100
Uttar Pradesh	37	63	100
Total	25.7	74.3	100

More than 74% of the respondents were of the opinion that private sector does not comply with reservation provision for the persons with disabilities.

Variations across States were apparent. The disabled people are not out of a job because their disability comes in the way of their functioning. It is social and practical barriers that prevent them from joining the workforce.

Diverse reasons were given by the respondents for non - compliance of the act by the private sector like-

- (a) Prejudiced attitude of corporate sectors
- (b) Underestimation of the capabilities of the PwD
- (c) Liability of disabling situations
- (d) Misconceived notions about disabling situations

Table 4.9: Reasons for Non-Compliance by private sector

States	Responses in %					Total
	Prejudiced attitude of corporate sectors	Underestimation of the capabilities of the PwD	Liability of disabling situations	Misconceived notions about disabling situations	Did not answer	
Bihar	75	17	7	1	1	100
Maharashtra	21	14	34	5	26	100
Rajasthan	72	8	3	9	8	100
Tamilnadu	16	13	10	5	56	100
Uttar Pradesh	19	19	18	4	41	100
Total	202	71	71	24	132	500
%	40.43	14.18	14.25	4.81	26.40	100

Majority of the respondents opined prejudiced attitude of corporate sectors as the main reason for not employing the disabled. This reason was common to all states.

National Centre for Promotion of Employment for Disabled People (N.C.P.E.D.P.) had conducted a survey in 1999 of the top 100 companies in India to study the employment practices vis-à-vis disabled people. It revealed that most companies do not employ any disabled person. The average employment rate of disabled people in the private sector was only 0.28 percent. The public sector showed an employment rate of 0.54 percent. Worse still, the percentage of persons with disabilities in multinational companies in the country was a mere 0.05 percent. The present study confirms to more or less a similar situation.

Adequacy of Reservation for Empowerment

The aim of the PwD Act is to ensure job securities of the disabled and empower the disabled. The respondents were asked to mention whether 3 per cent job reservation quota for persons with disabilities provided inter alia the PwD Act is sufficient for empowering them.

Table 4.10: Adequacy of Reservation for Empowerment

States	Responses in %			
	Yes	No	Can't say	Total
Bihar	7	93	0	100
Maharashtra	22	78	0	100
Rajasthan	16	80	4	100
Tamilnadu	39	59	2	100
Uttar Pradesh	22	76	2	100
Total	106	386	8	500
%	21.20	77.17	1.60	100.00

Only 21% of the respondents affirmed that 3% reservation quota is sufficient to empower the disabled.

More than 77 % of the respondents were of the view that 3% of job reservation quota for persons with disabilities provided inter alia the PwD Act is sufficient for empowering them.

The respondents were asked to give their opinion on quantum of envisaged percentage for reservation quota for the disabled.

Reservation Quota Envisaged

The responses given by disabled women beneficiaries were put into three class intervals-

3% - 4% ; 4% - 5% and 5 - 6%

Table 4.11: Envisaged Reservation Quota for Empowerment

States	Responses in %				Total
	3% - 4%	4% - 5%	5% - 6%	No response	
Bihar	0	45	48	7	100
Maharashtra	11	52	29	8	100
Rajasthan	4	38	41	17	100
Tamilnadu	11	29	30	30	100
Uttar Pradesh	0	41	35	24	100
Total	26	205	183	86	500
%	5.20	41.00	36.60	17.20	100.00

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

Every organization / office follows certain norms for selection of the employees. The respondents were inquired if they were convinced with the selection process currently being adopted by the employer- (Union, State Govts., PSUs/ Corporations, Autonomous Bodies, etc) to fill up vacancies against the reserved quota posts for the persons with disabilities.

Table 4.12: Convinced with selection process adopted by departments

States	Responses in %			
	Yes	No	partly	Total
Bihar	94	6	0	100
Maharashtra	85	14	1	100
Rajasthan	87	13	0	100
Tamilnadu	65	19	16	100
Uttar Pradesh	86	8	5	100
Total	417	61	22	500
%	83	12	4	100

The respondents were by and large convinced by the selection process adopted for selecting the employees.

Focus Group Discussions revealed that the respondent beneficiaries felt that the selection process needed to be streamlined further. Suggestions given were like-

- (a) By demanding strict enforcement of job reservation quota

- (b) By constituting a more representative selection panel
- (c) By involving the PwD in selection process
- (d) By providing for punitive measures for non- compliance

Facilitating Employment for Disabled Women

Only 20% of the respondents opined that suitable and gainful employment, in your opinion, facilitate the mainstreaming of the women with disabilities.

Table 4.13: Opinion on Mainstreaming of Women through Employment

States	Responses in %			
	Substantially	Partly	Not at all	Total
Bihar	0	42	58	100
Maharashtra	52	20	28	100
Rajasthan	6	55	39	100
Tamilnadu	20	66	14	100
Uttar Pradesh	22	66	13	100
Total	100	249	151	500
%	20.00	49.80	30.20	100

More than 30% did not agree that suitable and gainful employment, facilitates the mainstreaming of the women with disabilities.

Impact of PwD Act (1995)

The Government of India has enacted three 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 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.

The study is specifically focused on determining the impact of PwD Act of 1995. Hence, the respondents were asked to ascertain the extent of the impact of the Act.

Table 4.14: Impact of PwD Act to Empower Disabled Women

States	Responses in %			
	Partly	Considerably	Not at all	Total
Bihar	42	0	58	100
Maharashtra	49	46	5	100
Rajasthan	65	11	24	100
Tamilnadu	67	29	4	100
Uttar Pradesh	63	22	15	100
Total	286	108	106	500
%	57.20	21.60	21.20	100.00

Majority of the respondents felt that the Pwd Act has had some impact in empowering the women with disabilities.

About 21% of the respondents felt that the Act has had no impact in empowering the women with disabilities.

Barrier free Work-site

Barrier-free environment enables people with disabilities to move about safely and freely, and use the facilities within the built environment. The goal of barrier free design is to provide an environment that supports the independent functioning of individuals so that they can participate without assistance, in every day activities. Therefore, to the maximum extent possible, buildings/ places/transportation systems for public use should be made barrier free.

Table 4.15: Barrier- free and disabled- friendly Worksite

States	Responses in %		
	Yes	No	
Bihar	15	85	100
Maharashtra	31	69	100
Rajasthan	35	65	100
Tamilnadu	30	70	100
Uttar Pradesh	18	82	100
Total	129	371	500
	25.80	74.20	100.00

Over all, only about 26% of the respondents affirmed of a barrier friendly work site.

To be a disabled woman is generally considered unable to fulfill the role of homemaker, wife and mother, and unable to conform to the stereotype of beauty and femininity in terms of physical appearance. Also, being a disabled woman fits well into the stereotype of passivity, dependency and vulnerability.

The disabled women are more vulnerable to physical and mental abuse.

Table 4.16: Sexual Harassment at Worksite

States	Responses in %		
	Yes	No	Total
Bihar	0	100	100
Maharashtra	0	100	100
Rajasthan	13	87	100
Tamilnadu	1	99	100
Uttar Pradesh	1	99	100
Total	15	485	500
%	3	97	100

Only 3% of the women stated that they have to face sexual harassment some times. These women were mainly from Rajasthan. According to these women, there is no mechanism put in place to redress such grievances.

However, 97% of the women affirmed that they have never faced any sexual harassment.

Drawbacks in socio-economic empowerment of disabled women

Disabled people find difficult to find a job because their disability comes in the way of their functioning. It is social and practical barriers that prevent them from joining the workforce, such as lack of proper access to and around the workplace, lack of education, male chauvinism and the reluctance of employers to hire people with disabilities, etc.

Table 4.17: Drawbacks in Socio-Economic Empowerment of Disabled Women

States	Responses in %							Total
	Lack of literacy and awareness	Male chauvinism	Lack of vocationalisation of education	Inferiority status of the women with disabilities	Because of purdah pratha	All the above	No Reply	
Bihar	77	0	10	0	0	8	5	100
Maharashtra	2	0	3	2	0	2	91	100
Rajasthan	15	0	25	12	1	20	27	100
Tamilnadu	2	1	7	0	0	1	89	100
Uttar Pradesh	3	0	3	0	0	0	94	100
Total	99	1	48	14	1	31	306	500
%	19.8	0.2	9.6	2.8	0.2	6.2	61.2	100

Lack of literacy and awareness emerged out to be the major drawback for socio-economic development of the disabled women. About 20% of the respondents admitted this hard reality.

Suggestions to Ameliorate the Status of Disabled Women

Since few opportunities exist for the women with disabilities for productive work or gainful employment, they are perceived as posing a greater burden for the family. With their enforced financial dependency, they form the most vulnerable group in the world. The rights movement of disabled women requires a lot of nurturing, support, positive discrimination, equal opportunities and then empowerment and leadership

The respondents opined various measures to ameliorate the conditions of the women with disabilities. These were

- (a) By strictly enforcing the compliance of the PwD Act
- (b) By strengthening the VRCs
- (c) By ensuring the equitable participation of the PwD in PRIs
- (d) By introducing job - oriented courses

More than half of the respondents interviewed opined that strict enforcement of the PwD Act would definitely help to improve the status of the disabled women.

More than 26% respondents felt that introducing job - oriented courses would help disabled women to upgrade her status.

Table 18: Suggestions to Ameliorate Status of Women with Disabilities

States	Responses in %				Total
	By strictly enforcing the compliance of the PwD Act	By strengthening the VRCs	By ensuring the equitable participation of the PwD in PRIs	By introducing job - oriented courses	
Bihar	53	17	0	30	100
Maharashtra	50	9	7	34	100
Rajasthan	43	21	8	28	100
Tamilnadu	62	20	1	1	100
Uttar	54	24	0	22	100
Total	262	91	16	131	500
%	52.40	18.20	3.20	26.20	100

According to 18%, strengthening of VRCs could help disabled women gain a better standard / quality of living.

Overview

The persons with disabilities, however, are the last identity group to enter the workforce. Disabled people are not out of a job because their disability comes in the way of their functioning. It is social and practical barriers that prevent them from joining the workforce, such as lack of proper access to and around the workplace, lack of education, and the reluctance of employers to hire people with disabilities. As a result, many disabled people live in poverty and are often reduced to begging on the streets of cities. They are denied the right to make a useful contribution to their own lives and to the lives of their families and community.

Employment is a key factor in the empowerment and inclusion of people with disabilities. They remain disproportionately undereducated, untrained, unemployed, underemployed and poor -- especially women.

Women with disabilities are further disadvantaged by negative attitudes towards disability. Like all other disabled individuals, women with disabilities are often treated as if their particular disability has affected all their other abilities. In society's eyes they are not capable of earning an income, let alone of living independently.

Although efforts have been made in India to integrate the persons with disabilities into the workforce, there is a need to-

- create economic independence for persons with disabilities

- mainstream them into all walks of life
- design appropriate training programmes for them
- break physical and attitudinal barriers, and
- make the issue of employment for disabled people more visible.

Physical access to the workplace from home, easy access within the workplace, and access to education are critically linked to the ability to earn a livelihood. Education and training equips disabled people with the skills necessary for employment. Though both are provided for under the Persons with Disabilities Act, 1995, outside of the major cities few persons with disabilities have access to education or training.

The following steps need to be taken to enhance the employment opportunities for the women with disabilities:

- The government may initiate a dialogue with private sector organizations to help the women with disabilities in getting employment.
- Develop appropriate home-based income generation programmes for the women with disabilities. The system of coaching for employment may also be encouraged for persons with disabilities and their caregivers.
- Facilitate modifications in the design of machinery, workstation and work environment necessary for the disabled women to operate without barriers in training centres/ factories/ industries/ offices etc.

- Provide assistance through appropriate agencies—such as Marketing Boards, District Rural Development Agencies (DRDAs), Private Agencies and Non Governmental Organizations in marketing of goods and services produced by women with disabilities.
- Coverage of women with disabilities in poverty alleviation programmes may be thoroughly monitored so that they get their due share of 3 percent as provided under statutory provisions.

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