

Employment of Disabled People in India

Base Line Report
February 2009

Prepared for
National Centre for Promotion of Employment for Disabled People (NCPEDP)

By
Diversity and Equal Opportunity Centre (DEOC)

Supported by
British High Commission



Contents

ABOUT THE BASE LINE STUDY	2
INTRODUCTION	4
1. MACHINERY, ROLE AND STRUCTURE	5
2. EMPLOYMENT IN THE GOVERNMENT AND PUBLIC SECTOR	10
3. EMPLOYMENT IN THE PRIVATE SECTOR	16
4. SELF EMPLOYMENT AND POVERTY ALLEVIATION SCHEMES	26
5. SHELTERED AND SUPPORTED EMPLOYMENT	34
6. BUDGET ANALYSIS	35
7. RECOMMENDATIONS	36
REFERENCES	40
ANNEXURE	42

About the Base Line Study

The aim of the Study was to understand the current scenario vis-à-vis 'Employment of Disabled People in India'.

Specific Objectives of the Study

- To study the existing Policies/Programmes/Schemes related to Employment which could and should affect the lives of people with disabilities.
- To study the reach of these Schemes and to analyse their impact with respect to the actual needs of people with disabilities in rural areas.
- To study the relevant budget allocations and their utilisation especially in relation to people with disabilities.
- To list out emerging concerns and basic recommendations for further discussion/analysis by the subject experts and policy makers.

Methodology

In order to understand the current status and prepare a base line report, the following methodology was followed:

- Listing of all concerned Ministries and then narrowing it down to a few most relevant Ministries.
- Studying the Programmes and Schemes of the short-listed Ministries from their Annual Reports (2007-2008) and websites.
- Studying any other relevant document/report/paper prepared by Government/NGO/Individual.
- Extracting the relevant portions from the Eleventh Five Year Plan, Persons with Disabilities Act, 1995 and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).
- Taking relevant information from newspaper articles/websites that highlight the needs and concerns of disabled people.
- Taking into account the views of some people working in the field through telephonic discussion or e-mail to get a better understanding of the ground realities.

Scope and Limitations of the Study

The Report attempts to provide basic information on the current scenario with respect to employment of disabled people in the Government, private sector and in self employment initiatives, including the poverty alleviation schemes of the Government. It is based mainly on the information available in the Annual Reports (2007-08) of concerned Central Ministries, including, Ministry of Labour & Employment, Ministry of Personnel, Public Grievances and Pensions, Ministry of Housing & Urban Poverty Alleviation, Ministry of Commerce & Industry, Ministry of Micro, Small & Medium Enterprises and Ministry of Rural Development. We also went through the Annual Report of the Ministry of Human Resource Development, as vocational, higher and technical education falls under them and the Ministry of Social Justice & Empowerment, which is the nodal Ministry for disability, including the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability. The Annual Report of the Office of Chief Commissioner for Persons with Disability (CCPD) was not available at the time of writing the Report (January 2009).

There is hardly any information or research on employment of disabled people available in the country. None of the strategy papers/working committees reports on employment address disability

employment. Employment is also correlated with many other factors – education, awareness, access, etc. which have not been dealt with in detail in this Report.

The Research Team

The Research Team for the project comprised of Rama Chari, Sakshi Broota and Priya Varadan.

Acknowledgements

We would like to thank Javed Abidi for providing the direction for this Study. Inputs and support from the following people have been extremely useful for the compilation of this report:

- Mukesh Gupta, Northern Railway Physically Handicapped Employees Welfare Association
- Philip O'Keefe, World Bank
- Shonali Sen, World Bank
- Kshama Metre, Chinmaya Organisation of Rural Development
- Vidhya Ramasubban, Development Consultant
- Renu Anuj, Action for Ability Development & Inclusion
- Michele Friedner, Researcher
- Louis Lobithas, Tamil Nadu Vazhndhu Kaattuvom Society, an initiative of Tamil Nadu Government
- Mahesh C, CBR Forum
- Chandra Shekhar Azad, Vikalp Foundation

We would like to extend our thanks to Srinivasan Krishnan for Editorial Support and to Vijay Krishnamani for designing and formatting the Report.

Introduction

Enhancing employment opportunities for people with disabilities is one of the main concerns of the disability sector in India.

When one looks at the micro level, it may seem like there has been progress. There is increased awareness amongst Corporates and people with disabilities. There has been pressure on the Government to implement The Disability Act, 1995. Even though there was no law mandating the private sector to employ disabled people, some companies have taken proactive measures to employ disabled people. The picture seems positive!

However, the following finding of the World Bank Report 'People with Disabilities in India: From Commitments to Outcomes' released in 2007, tells a different story!

- The employment rate of disabled people has actually fallen from 42.7% in 1991 down to 37.6 % in 2002.

According to the employment projection given in the Eleventh Plan, in the Chapter 'Employment Perspective and Labour Policy', "58 million job opportunities will be created in the Eleventh Plan period leading to a reduction in the unemployment rate to below 5%. Over the longer period up to 2016–17, spanning the Eleventh and Twelfth Plan periods, the additional employment opportunities created are estimated at 116 million. The unemployment rate at the end of the Twelfth Plan period is projected to fall to a little over 1%."

There is a wide gap between the employment rate of people with and without disabilities in the country. **Therefore, the above target for bringing down the unemployment rate cannot be achieved without addressing the employment issues of people with disabilities, who constitute about 5-6% of the population.** It would require proactive initiative on the part of all concerned to ensure that disability is included in the employment programmes of the Government and the private sector.

1. Machinery, Role and Structure

The Ministries responsible for Employment at the Central level are (1) Ministry of Labour & Employment, (2) Ministry of Personnel, Public Grievances and Pensions, (3) Ministry of Housing & Urban Poverty Alleviation, (4) Ministry of Commerce & Industry, (5) Ministry of Micro, Small and Medium Enterprises; (6) Ministry of Rural Development. We also went through Ministry of Human Resource Development, as vocational, higher and technical education falls under them and the Ministry of Social Justice & Empowerment, which is the nodal Ministry for disability.

1. Ministry of Labour & Employment (ML&E)

The responsibility of the Ministry of Labour & Employment is to protect and safeguard the interests of workers in general and those who constitute the poor, deprived and disadvantaged sections of the society in particular, with due regard to creating a healthy work environment for higher production and productivity and to develop and coordinate vocational skill training and employment services.

The four attached offices are:

1. Directorate General of Employment & Training (DGET);
2. Office of Chief Labour Commissioner;
3. Directorate General of factory advice service and labour institutes; and
4. Labour Bureau

One of the responsibilities of DGET is to “evaluate residual capabilities of disabled people and provide them adjustment training in order to facilitate their economic rehabilitation”.

Infrastructure under the Ministry of Labour & Employment

- There are 947 Employment Exchanges including 43 Special Employment Exchanges for disabled people.
- 38 Special Cells for disabled persons are functioning in regular Employment Exchanges in various States.
- There are 20 ‘Vocational Rehabilitation Centres for Handicapped’, out of which one centre at Vadodara has been set up exclusively for women with disability.
- 22 coaching-cum-guidance centres for Scheduled Castes and Scheduled Tribes.
- Central Institute for Research and Training in Employment Service (CIRTES), New Delhi.
- 5465 Industrial Training Institutes (ITIs) - 1913 in Government sector and remaining 3552 in private sector, imparting training in 110 trades.
- Six Advanced Training institutes at Kolkata, Chennai, Kanpur, Hyderabad, Ludhiana and Mumbai; Central Training Institute for Instructors in Chennai; two advanced training institutes for electronics and process instrumentation at Hyderabad and Dehradun; Central Staff Training and Research Institute, Kolkata; six Regional Directorates of Apprenticeship training at Mumbai, Kanpur, Kolkata, Chennai, Hyderabad and Faridabad; National Vocational Training Institute for Women, Noida; ten Regional Vocational Training Institute for Women at Mumbai, Bangalore, Thiruvananthapuram, Hissar, Kolkata, Tura, Indore, Allahabad, Vadodara and Jaipur; two Foreman Training Institutes at Bangalore and Jamshedpur; Four model Industrial Training Institutes at Haldane, Calicut, Chowder, Jodhpur; National Instructional Media Institute, Chennai and Apex Hi-tech Institute, Bangalore.

2. Ministry of Personnel, Public Grievances and Pensions (MPPP)

The Ministry of Personnel, Public Grievances and Pensions is a coordinating agency of the Central Government in personnel matters, especially in respect of issues concerning recruitment, training, career development, staff welfare and post retirement dispensation. The Ministry also works towards promotion of responsive, people-oriented and modern administration.

The Departments of the Ministry of Personnel, Public Grievances and Pensions are:-

1. Department of Personnel and Training
2. Department of Administrative Reforms and Public Grievances
3. Department of Pensions and Pensioner's Welfare

Following are some of the initiatives that have relevance to people with disability:

- Two organisations through which the Department ensures recruitment of personnel for the Union/ Central Government are the Union Public Service Commission (UPSC) and the Staff Selection Commission (SSC). The UPSC is responsible for conducting examinations for appointments to the higher civil services and civil posts under the Union Government, including recruitment to the All India Services. The SSC is responsible for making recruitment of non-Gazetted staff in Group 'B' and 'C' categories.
- In order to provide speedy and inexpensive justice to the employees aggrieved by Government decisions, the Government set up the Central Administrative Tribunal (CAT) in 1985, which now deals with all cases relating to service matters.
- Two major training institutions directly under the administrative control of the Department are the Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussouri, and the Institute of Secretariat Training and Management (ISTM), New Delhi. The former is mainly responsible for providing induction training to the officers of the Indian Administrative Service and the latter for All India Services and Central Services. The Institute of Secretariat Training and Management provides induction as well as in-service training to members of the Central Secretariat Service.
- To make the 'placement system' more transparent and efficient, a software has been developed which generates panels of names, for vacancies under the Central Staffing Scheme, by matching the experience profile, educational qualifications and training profile of the officer with the job requirement of the post. For the purpose, an Online Application Form has been introduced for the Central Staffing Scheme from the year 2008. The officers can apply online, giving details of their experience, educational qualification, trainings, etc. which are later matched when placement to a particular Ministry is considered. Each officer can also give 3 preferences for his posting to the Ministries depending on his area of interest and experience. The software also takes into account the preferred Ministry/Department that the officer may like to work in.

3. The Ministry of Urban Employment & Poverty Alleviation

The Ministry is the apex authority at the national level to formulate policies, sponsor and support programmes, coordinate the activities of various Central Ministries, State Governments and other nodal authorities and monitor the programmes concerning all the issues of urban employment, poverty and housing in the country.

As per 2001 estimates, the slum population is estimated to be 61.8 million. With a view to provide gainful employment to the urban unemployed or underemployed through encouraging the setting up of self-employment ventures or provision of wage employment, urban poverty alleviation programme, namely, Swarna Jayanti Shahari Rojgar Yojana (SJSRY) was launched on 1st Decemeber, 1997. SJSRY consists of two major components, namely -

1. The Urban Self Employment Programme (USEP) and
2. The Urban Wage Employment Programme (UWEP).

USEP has three parts: (i) Assistance to individual urban poor beneficiaries for setting up gainful self-employment ventures. (ii) Assistance to groups of urban poor women for setting up gainful self-employment ventures. This sub-scheme has been titled as “The Scheme for Development of Women and Children in the Urban Areas (DWCUA)” and (iii) Training of beneficiaries, potential beneficiaries and other persons associated with the urban employment programmes for up-gradation and acquisition of vocational and entrepreneurial skills.

UWEP seeks to provide wage employment to prospective beneficiaries living below the poverty line within the jurisdiction of urban local bodies by utilising their labour for construction of socially and economically useful public assets.

4. Ministry of Commerce & Industry (MC&I)

The Ministry formulates and implements the Foreign Trade Policy, responsible for matters relating to multilateral and bilateral commercial relations, state trading, export promotion measures and development and regulation of certain export oriented industries and commodities.

Functional Divisions of the Department are Administrative and General Division; Finance Division; Economic Division; Trade Policy Division ; Foreign Trade Territorial Division ; State Trading & Infrastructure Division; Supply Division and Plantation Division.

Work Allocated to the Ministry

- (i) **International Trade** (International Trade and Commercial Policy)
- (ii) **Foreign Trade-Goods & Services** (All matters relating to foreign trade; Import and Export Trade Policy and Control)
- (iii) **State Trading** (Policies of State Trading; Production, distribution (for domestic consumption and exports) and development of plantation crops, tea, coffee, rubber, spices, tobacco and cashew; Processing and distribution for domestic consumption and exports of Instant Tea and Instant Coffee.
- (iv) **Management of Certain Services:** Cadre Management of Indian Trade Service and all matters pertaining to training, career planning and manpower planning for the service.
- (v) **Special Economic Zones:** All matters relating to development, operation and maintenance of special economic zones and units in special economic zones, including export and import policy, fiscal regime, investment policy, other economic policy and regulatory framework.
- (vi) **Export Products and Industries and Trade Facilitation:** Setting up of Export Processing Zones (EPZ)/Agricultural Export Zones (AEZ) and 100% Export Oriented Units (EOUs)
- (vii) **Attached and Subordinate Offices**
 - Directorate General of Foreign Trade
 - Directorate General of Supplies and Disposals
 - Directorate General of Anti-Dumping and Allied Duties and related matters
 - Directorate General of Commercial Intelligence and Statistics.
- (viii) **Statutory Bodies**
 - Marine Products Export Development Authority
 - Agricultural and Processed Food Products Export Development Authority
- (ix) **Miscellaneous** (Purchase and inspection of stores for Central Government Ministries/ Departments)

5. Ministry of Micro, Small and Medium Enterprises (MSME)

The Micro, Small and Medium Enterprises constitute over 90% of total enterprises and are credited with generating the highest rates of employment growth and account for a major share of industrial production and exports. This sector employs an estimated 31 million persons spread over 12.8 million enterprises and the labour intensity in the MSE sector is estimated to be almost 4 times higher than the large enterprises.

The formulation and implementation of policies and programmes/projects/schemes is undertaken by the Ministry with the assistance of its attached office, public sector enterprise, statutory bodies and autonomous organisations, namely, Micro, Small and Medium Enterprises-Development Organisation (MSME-DO), the National Small Industries Corporation Ltd. (NSIC), the Khadi and Village Industries Commission (KVIC), the Coir Board and three national level entrepreneurship development institutes, viz. National Institute for Micro, Small and Medium Enterprises (NI-MSME), Hyderabad; National Institute for Entrepreneurship and Small Business Development (NIESBUD), NOIDA; and Indian Institute of Entrepreneurship (IIE), Guwahati.

6. Ministry of Rural Development

The Ministry of Rural Development implements schemes for generation of self employment and wage employment, provision of housing and minor irrigation assets to rural poor, social assistance to the destitute and Rural Roads. The Ministry consists of the following three Departments:

1. Department of Rural Development;
2. Department of Land Resources and
3. Department of Drinking Water Supply.

The major programmes of the Department of Rural Development are Pradhan Mantri Gram Sadak Yojana, (PMGSY), Rural Housing (RH), Sampoorna Gramin Rozgar Yojana (SGRY) and Swarnjayanti Gram Swarozgar Yojana (SGSY).

Swarnjayanti Gram Swarozgar Yojana (SGSY) is a major scheme for self-employment of rural poor. The basic objective of the scheme is to bring the assisted poor families (swarozgaris) above the poverty line by providing them income generating assets through a mix of bank credit and government subsidy. The scheme involves the organisation of the poor into Self Help Groups (SHGs) and to build their capacities through a process of social mobilisation, training, selection of key activities, planning of activity clusters, creation of infrastructure, provision of technology and marketing support, etc. The SGSY is being implemented by the District Rural Development Agencies (DRDAs) with the active involvement of Panchayati Raj Institutions (PRIs), banks, line Departments and the Non-Government Organisations (NGOs).

The wage-employment scheme has been transformed into a rights-based programme through the path-breaking historic legislation, the National Rural Employment Guarantee Act, (NREGA) 2005, which guarantees 100 days of wage employment to every rural household whose adult members are willing to do manual work. National Rural Employment Guarantee Act (NREGA) was launched on February 2, 2006. The programme was expanded to 330 Districts in 2007-08 and covers the whole country from 1st April 2008. The primary objective of the scheme is to provide guaranteed work for 100 days for any household wishing to have such employment.

7. Department of Higher Education, Ministry of Human Resource Development (HRD)

Main objectives of the Department of Higher Education of the Government of India can be stated to be the following: (1) Laying down of National Policy on Education, and overseeing its implementation; (2) Planned development (including expansion of access and qualitative improvement) of University & Higher Education, and Technical Education with special attention to disadvantaged groups, e.g. Scheduled Castes, Scheduled Tribes, Girls, Minorities and Disabled; (3) Development of Indian Languages; (4) Scholarships to deserving students; (5) Promotion of Books and (6) International Cooperation with UNESECO.

8. The Ministry of Social Justice & Empowerment

It is entrusted with the welfare, social justice and empowerment of disadvantaged and marginalised section of the society viz, Scheduled Caste, Backward Classes, Persons with Disabilities, Aged Persons, and Victims of Drug Abuse etc. Basic objective of the policies, programmes, law and institution of the Indian welfare system is to bring the target groups into the mainstream of development by making them self-reliant.

The activities of the Ministry are undertaken through Bureaus namely, (1) Scheduled Castes Development and Vigilance Bureau; (2) Backward Classes, Official Language, Parliament, Coordination, Media & Administration (3) Disability Bureau; and (4) Social Defence Bureau; and (5) Planning, Research, Evaluation & Monitoring Bureau. The Statutory bodies under the Ministry are (1) Rehabilitation Council of India (RCI), (2) Officer of the Chief Commissioner of Persons with Disabilities and (3) National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities.

2. Employment in the Government and Public Sector

Government Departments and Public Sector Undertakings (PSUs) have been an important employer of disabled people. In fact, the first Special Employment Exchange was set up way back in 1959 in Mumbai. Government of India initiated the policy of 3% reservation in jobs for disabled people more than three decades ago in 1977. However, the reservation was only in the lower ranking jobs (C & D categories). In 1995, when The Disability Act was passed, the reservation was extended to higher ranking jobs (A & B categories) as well.

The Ministries responsible for Employment at the Central level are Ministry of Labour & Employment (ML&E) and Ministry of Personnel, Public Grievances and Pensions (MPPP).

According to the Annual Report of ML&E (2007-08):

- There are 43 Special Employment Exchanges (as on December 2005). The number of disabled job seekers placed in employment during 2005 was 3.2 thousand. The live Register has 109632 people with disabilities.
- During 2007-08, Vocational Rehabilitation Centers registered 30967, evaluated 30452 and rehabilitated 10518 persons with disabilities.
- Placement Service to disabled ex-servicemen/Border Security Force personnel and their dependents are provided by Ex-servicemen Cell set up by DGET. At the end of September 2007, there were 242 disabled soldiers and 2365 dependents awaiting employment assistance through the Cell.
- Under the Apprenticeship Training Scheme:
 - ❖ Training Statistics of Trade Apprentices - the total number of seats were 258163, 185224 were utilised and 1067 were allotted to physically handicapped. **(0.57%)**
 - ❖ Training Statistics of Graduate, Technician (Vocational) Apprentices - out of 95360 seats, 48743 were utilised and 107 were utilised by physically handicapped. **(0.22%)**.

According to the Annual Report of MPPP (2007-08):

- The Government has streamlined the scheme of reservation for persons with disabilities during last two years as a result of which visually handicapped and hearing handicapped persons have been able to get entry into the most prestigious services like the Indian Administrative Service.
- Various concessions are given to persons with disabilities like upper age limit for persons with disabilities shall be relaxable (a) by ten years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'C' and Group 'D' posts; (b) by 5 years (10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts through open competitive examination. The relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities. Apart from age relaxation, they also get exemption from payment of application fee and examination fee and relaxation in standards of suitability.
- Liaison Officers for SCs/STs have also been made responsible for reservation matters relating to Physically Handicapped and Ex-servicemen.
- Guidelines were issued to allot posts to the physically handicapped employees as per their option only.

- Employees with the following medical problems are allocated locations based on their option, as far as possible:-
 - Cancer Patient - Self or family
 - Blindness - Self only
 - Heart Bye-pass surgery - Self only if done within two years from the date of representation is considered by the Committee.
 - Kidney Transplantation/Kidney failure and continuing on dialysis - Self or family
 - Mental illness - Self or family, restricted to indoor treatment for at least three months.
 - In the above medical hardship cases the definition of family has been expanded to include the dependent parents.
- Lal Bahadur Shastri National Academy, as part of their 15 week Foundation training for members of the All India Services, the Indian Administrative Service, the Indian Police Service, the Indian Forest Service and the various Central Services, have included a module on Disabilities, including a field visit to the National Institute for Visually Handicapped.
- As a welfare measure for disabled persons, orders were issued for granting special casual leave for not more than 10 days in a calendar year to disabled Central Government employees with disabilities as defined in The Disability Act, 1995, for participating in the conferences/seminars/training/workshop related to disability and development related programmes organised at National and State level agencies.

World Bank Report (People with Disabilities in India: From Commitments to Outcomes)

A report was prepared by the World Bank, 'People with Disabilities in India: From Commitments to Outcomes' on the request of Government of India in the year 2006-2007. Their observations are quite insightful. Some of the major points related to Government employment given in the Report are:

- Only 27% of people with disabilities registered with special exchanges, or the special cells of regular exchanges. Among the total 661,000 people with disabilities on the live register of all exchanges, 109,929 were registered as part of special exchanges for physically handicapped and 66,612 were registered as part of special cells for physically handicapped of regular exchanges.
- Total funding for special exchanges and cells between 1998 and 2003 was just over Rs. 5 crores. Employment exchanges – both special and regular – play a negligible role in promoting employment among disabled people. The cost effectiveness of many special exchanges is open to question. Even at an average level, the approximate per unit cost of a placement by the special exchanges in 1998-2003 appears to be over Rs. 7,500/-.
- It is clear that the placement ratio is very low for special exchanges and other exchanges, 0.9 % and 0.7% respectively in 2003. The placement ratio has roughly halved over the past decade in both cases, from close to 2% and 1.2% in 1994 for special and other exchanges respectively.
- **Only 10.2 % of all posts in Ministries/Departments and Public Sector had been identified as suitable for disabled people.**

Ministries & Departments:

- Total number of Posts: 2698762
- Identified posts for disabled people: 281398
- Employed people with disabilities: 9975
- % of identified posts filled by disabled people: 3.54%
- **% of all posts filled by disabled people: 0.37%**

Public Sector:

- Total number of Posts: 4,527,293.
- Identified posts for disabled people: 460,396
- Employed people with disabilities: 20,053
- % of identified posts filled by disabled people: 4.46%;
- **% of all posts filled by disabled people: 0.44%**

Provisions in Eleventh Five Year Plan

In Chapter 6, Social Justice, under the Section, 'Empowering Persons with Disabilities' it has been mentioned, "At present, the identification of jobs appropriate for them is done in an ad hoc and arbitrary manner. There is a need to have this task performed by a professional group with the involvement of Disabled Peoples' Organisations. The backlog of vacancies for persons with disability continues to be large, both at the Centre and in the States. This backlog should be cleared in a time-bound manner and in a campaign mode. Similarly, a suitable scheme to provide incentives to promote employment for disabled people in the private sector should be put in place as enjoined in Section 41 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995."

Emerging Issues

Identification of Jobs & Reservation Clause of The Disability Act:

The Disability Act 1995 provides for a 3% reservation in "identified posts" for people with disabilities in all categories of jobs. The posts were meant to have been identified soon after the Act coming into force and updated every 3 years. The initial identification of posts at the Central Government level was not completed until 2001 and no formal expansion of identified posts has been completed subsequently. As per data available in 2003, only 10.2% of all posts in Ministries/Departments and public establishments had been identified as suitable for people with disabilities. Among that 10% of posts, 3.5% for Ministries and Departments and 4.5% for public establishments had been filled by employees with disability. While the 3% quota has been met in the strict terms of the Act, the share of disabled people in all posts remains negligible, at 0.44%. (Source: World Bank Report).

The Government has been viewing 3% reservation in a very restricted manner. A Public Interest Litigation (PIL) was filed in Delhi High Court by a visually impaired lawyer, S K Rungta in 2006, against the Government's poor record in implementing The Disability Act, 1995. Delhi High Court ruled that 3% of the "total strength" of employees in any Government establishment should be disabled persons. (Source: December 22, 2008 indianexpress.com) This is a landmark judgment, as it provides clear clarification to Section 33 of The Disability Act that reservation is against total jobs and not just identified jobs.

According to Mukesh Gupta of Northern Railway Physically Handicapped Employees Welfare Association, "Roster Method is being followed to employ disabled people. Every 1st, 34th & 67th vacancy is earmarked for disabled person in the cycle of 100 vacancies. The Roster is not being maintained in any Department and therefore disabled people are not getting employment. In the last 15 years, not a single person with disability has been employed in the Northern Railways because of this reason. He also added that there was recent RTI filed on Doordarshan on the issue of employment of disabled people, they said not a single post had been identified for disabled people. When the Ministry of Social Justice was asked to respond, they said, they only do an overall classification of identified posts and not department wise! Mukesh Gupta further added that the job identification is done by a Committee at the Central level who have no idea of the specific jobs in each department. Instead, there should be committees in every Department to do the job identification."

The general feeling in the disability sector has been that the system of 'identification of jobs' is very restrictive. Due to this, many disabled people have been denied job opportunities in spite of having necessary qualification and skills. An example has been given in the World Bank Report to highlight the flaws of the Government's job list, "In Group A, the job of an agricultural scientist specialised in econometric analysis is identified as being suitable for an individual who is blind or has an orthopaedic disability, but not for someone with a hearing disability".

Advocacy Campaign to open up High Ranking Civil Services for Disabled People

The issue of discrimination in Civil Services was taken up by the National Centre for Promotion of Employment for Disabled People (NCPEDP) in a major way in 2003, when two qualified disabled persons were relegated to lower ranking jobs because of their disability and one was not offered any job, as no civil services job was identified for people with visual disabilities.

NCPEDP's research revealed, out of the 26 Civil Services, only five Services were identified as suitable to people with locomotor disability, two for people with hearing disability and none at all for people with visual disability. There was discrepancy between the Union Public Service Commission (UPSC), the body that conducts the Civil Services exam, and the Department of Personnel & Training (DoPT) that allots services. UPSC had been providing Braille question papers, scribes and extra time for visually impaired candidates for over a decade. Then when they qualify, DoPT tells them, "No service has been earmarked for visually impaired candidates." NCPEDP launched a campaign demanding justice and a clear policy for non-discrimination of disabled people in the Civil Services. Finally, upon the intervention of the Prime Minister, justice to officers who were discriminated against, was provided. The identified job list was subsequently reviewed. Now, the Indian Administrative Service and a few more services have been identified for disabled people including those with visual disability.

There have many similar cases. It took court's intervention to get Bank Officer's position opened up for people with visual and hearing impairment. There are still many cases of discrimination which are pending in the Indian Courts. The outcome of the cases is highly dependent on the lawyer's capacity, as the policy itself is not in favour of people with disabilities. There are also many instances of employees with disability not getting promoted because the next level of job has not been 'identified'.

The World Bank Report clearly recommends "dropping of the whole idea and doing away with such a practice". It says, "The list of identified jobs is based on the assumption that the characteristics of an impairment are the exclusive determinants of an individual's ability to hold a position at a particular skill level and thus ignores the potential influences of individual characteristics (motivation, age at disability onset), access to employment services, and the characteristics of the workplace and labour market."

Another issue with the Job List is that the jobs have been identified for only three disability categories, because the 3% reservation applies only to three disability types – locomotor, visual and hearing, with a 1 percent reservation for each. Thus even the disability categories of the Act are not all included in the reservation policy, let alone a range of other disabilities.

For many years now, Disabled Rights Group (DRG) and many other organisations working for people with mental disabilities like PARIVAAR have been demanding extending reservation of jobs to people with mental disabilities. Several petitions and Memorandums have been given. However, these have not yielded any result.

UN Convention on the Rights of Persons with Disabilities (UNCRPD), which has been ratified by India clearly mandates 'prohibit discrimination in workplace' and 'ensure reasonable accommodation'.

Therefore, it is important to not only review the arbitrary system of “identification of jobs” but also develop a system that is non-discriminatory.

We found quite a few reports/articles criticising the “identification of jobs” but none have provided any alternate solutions. There has been little discussion/debate in the sector on the subject.

Therefore, it is important to look at the practice that is being followed in other countries. Globally, the method that is being followed to ensure non-discrimination in employment is through ‘**Job Analysis**’.

Job Analysis is a logical process to determine:

1. Purpose - the reason for the job,
2. Essential functions - the job duties which are critical or fundamental to the performance of the job,
3. Job setting - the work station and conditions where the essential functions are performed, and
4. Job qualifications - the minimal skills an individual must possess to perform the essential functions.

Job Analysis is a process of breaking down a job into essential functions or parts. Job Analysis provides an unbiased basis for hiring, evaluating, training, accommodating and supervising all employees, particularly for people with disabilities and for bringing experienced workers back to a job who are recovering from injury or illness. Job Analysis also improves the efficiency of the organisation.

Job Analysis describes the job and not the person who fills it. (Source: “Robert Heron”¹)

India could look at Job Analysis as a possible method for placing people in right jobs. Job Analysis would require each job to be looked at and the job descriptions will have to be written in detail. For instance, if a job requires travelling, it should be mentioned clearly as to how much travelling is required to be done, so the person can choose if she/he can do that travel or not. It cannot simply assume that people with both leg disabilities cannot travel. There should also be scope for reasonable accommodation/workplace solutions. If the person can demonstrate her/his ability to perform the essential skills with or without accommodation, she/he should be given the opportunity.

Backlog Vacancies:

Disability sector has been demanding fulfilment of 3% quota for disabled people for a long time. The Eleventh Five Year Plan states quite clearly, “The backlog of vacancies for persons with disability continues to be large, both at the Centre and in the States. This backlog should be cleared in a time-bound manner and in a campaign mode.”

The Delhi High Court has also ruled, “the Centre to conduct a “special recruitment drive” to fill the backlog in posts reserved for this category by December 2010”. (Source: December 22, 2008 indianexpress.com).

The Annual Report (2007-08) of MPPP has mentioned about a campaign to fill the backlog vacancies of SCs/ STs/OBCs, “As a result of concerted efforts, about 53,444 backlog vacancies for SCs, STs and OBCs had been filled up by way of the Drive upto November, 2007.’ There is no mention about any action to fill the disability quota.

¹ “Robert Heron” *Job & Work Analysis Guidelines for Identifying Jobs for Persons with Disabilities; ILO Publication*

Repeated Medical Examination of Disabled Employees:

Disabled employees get certain benefits like higher transport allowance; preference in the allotment of government accommodation etc. Every time a person applies for availing these benefits, she/he is asked to get a Medical Test done. The authorities do not accept the Disability Certificate, as an authentic proof of disability!

Accessibility:

It is a major issue in Government offices. When we spoke to some Government employees, they said there are now some facilities in the Head Offices but in smaller offices there are no facilities at all. There are no ramps, washrooms, etc. for persons with disabilities. A wheelchair user who works in an office which does not have a disabled friendly washroom shared with us that he avoids intake of fluid in the day so that he does not feel the need to use the washroom. Another employee mentioned to us that floors of Government offices are being remade, and they are making it very slippery and unsafe for disabled people.

Disability Discrimination:

Disabled employees face various kinds of discrimination by their colleagues and superiors. Women with disabilities are particularly harassed in offices and there is no mechanism to address their grievances. We were told that, in the appraisal forms of employees (Confidential Reports), which is filled by the supervisor, there is a column to write about the employee's behaviour towards SC/ST employees. However, no such provisions have been made to ensure that people behave well with disabled employees.

Representation in the Trade Unions:

Disabled people are not represented in the Trade Unions. Article 27 (c) of UNCRPD states, "Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others". Till date, the Trade Unions have not taken up issues of disabled employees. The Northern Railways Employee Welfare Association, which is an Union of disabled employees has not been recognised by the Government.

3. Employment in the Private Sector

Private sector is growing in our country. In the Eleventh Plan it has been stated that, “Total employment in public sector establishments has increased by 12.2% in the period 1999–2000 to 2004–05. Total employment in private sector establishments hiring less than 10 workers has increased by 18.6% in the same period. Total employment in private sector establishments hiring more than 10 workers has increased by as much as 45.8%! If we limit our focus on regular employees in the larger private sector units, this category shows growth of 39.42%. However, the growth of casual employees in the larger private sector units was even faster at 58.9%.” (Source: XI Five Year Plan, Chapter 4, Employment Perspective and Labour Policy).

There isn't any data available on people with disabilities in the organised and unorganised sectors. In a Survey conducted by NCPEDP on 'top 100 companies' in 1999, the rate of employment of disabled people in private sector was found to be 0.28% and in Multi National Companies it was 0.05%. In 2001, NCPEDP conducted a survey on 'top 100 IT companies', the rate of employment of disabled people was 0.58%. In 2007, TCS-CII conducted a Study regarding employment of disabled people in IT (Information Technology) and ITeS (IT Enabled Services) companies. About 73% of the companies from whom the responses were gathered did not have a policy on Corporate Social Responsibility (CSR) or any other guidelines in place for employing disabled people. (<http://infotech.indiatimes.com/articleshow/2060452.cms>).

To understand the issue, we studied the latest Annual Reports of the Ministries that are responsible for promoting employment in the private sector - Ministry of Labour & Employment, Ministry of Housing & Urban Poverty Alleviation, Ministry of Medium & Small Scale Industry and Ministry of Industry; Websites of Apex Industrial Bodies, like CII, FICCI and NASSCOM and the initiatives of the NGO sector. We also looked at the relevant chapters of the Eleventh Plan.

Government Initiatives

Various concerned Ministries (Ministry of Labour & Employment, Ministry of Housing & Urban Poverty Alleviation, Ministry of Medium & Small Scale Industry and Ministry of Industry) have given the work that they have done or plan to do in the area of promoting employment in the organised and unorganised sectors. However, there is no information available regarding the work they have done to promote employment of disabled people in the private sector. Similarly, the Chapters dealing with Employment in the Eleventh Plan, Chapter 4 'Employment Perspective and Labour Policy' and Chapter 5 'Skill Development & Training' have no mention of disability. However, we have included the Initiatives that are being undertaken/planned to promote employment for general population in this Report, so that the disability sector could advocate for inclusion of disability in these initiatives.

Some of the initiatives that are being taken by the Government in general to enhance employment are:

- According to its Annual Report (2007-08), ML&E has launched 'Skill Development Initiatives' (SDI) this year. It is a five-year project during which one million persons would be trained or their existing skills tested and certified. The Ministry has developed demand driven short-term training courses based on Modular Employable Skills (MES) for skill development of the school leavers/dropouts and existing workers especially in the informal sector in close coordination with industry, State Government and academia. Course curricula for 224 short-term MES courses have been approved. Apex Committee at the national level has been set up for guiding the implementation of

the Scheme. Implementation Manual has been prepared. International Labour Organisation (ILO) is partnering with the Ministry for operationalising the SDI by designing and undertaking a pilot programme with the focus on four selected clusters – Brassware (Moradabad, UP); Glassware (Firozabad, UP); Textile (Namakkal, TN) and Domestic Workers (Delhi).

- To ensure the welfare of workers in unorganised sectors, the 'Unorganised Sector Workers' Social Security Bill 2007' was introduced in the Parliament.
- The Rashtriya Swasthya Bima Yojna (RSBY) was launched on 1st October 2007. It is an Insurance Scheme that covers BPL workers and their families. Total sum insured is Rs. 30,000/- per family per annum on a family floater basis.
- The Annual Report of the Ministry of Housing & Urban Poverty Alleviation has stated that under the Urban Wage Employment Programme (UWEP), where waged employment is paid to people from below poverty line, it says 645.45 lakhs manday work was generated. *There seems to be no reservation for disabled people here.*

Following are some of the Initiatives that have been planned during the Eleventh Five Year Plan period:

- Upgradation of 500 existing ITIs into 'Centres of Excellence'. Action has been initiated for upgradation of 100 ITIs from domestic resources and 400 ITIs with World Bank Assistance.
- Upgradation of 400 Government Polytechnics.
- Setting up 125 new Polytechnics in PPP mode in hitherto unserved Districts.
- Expansion of Vocational Education from 9500 senior secondary schools to 20000 schools. Intake capacity to go up from 1.0 million to 2.5 million.
- Setting up 600 Rural Development and Self-Employment Training Institutes (RUDSETI) - one in each District for running Entrepreneurship Development Programmes.
- It is proposed to set up 50000 SDCs to train approximately 200 persons per centre, i.e., 10 million people per year to take skill development to the doorstep of rural populations.
- Employment Melas at the end of programmes to help unplaced trainees to get placed.

In the Eleventh Plan, 'Skill Development & Training', the Government plans to launch a major 'Skill Development Mission' (SDM) with an outlay of Rs. 22800/- crores.

SDM aims to create a pool of skilled personnel in appropriate numbers with adequate skills in line with the employment requirements with particular emphasis on the twenty high growth high employment sectors. The target is to enhance training opportunities for new entrants to the labour force from the existing 2.5 million in the non-agricultural sector to 10 million per year. Twenty high growth sectors of industries and services have been identified which have the ability to provide expanded employment. The Apex Industry Association in each of these sectors will evolve the Skill Development Vision & Plan for their respective sector.

TWENTY HIGH GROWTH INDUSTRIES

Ten high growths sectors on Manufacturing side — (i) automobile and auto components (ii) electronics hardware (iii) textiles and garments (iv) leather and leather goods (v) chemicals and pharmaceuticals (vi) gem and jewellery (vii) building and construction (viii) food processing (ix) handlooms and handicrafts (x) building hardware and home furnishings.

On the Services side, ten high growth sectors - (i) ITs or software services sector (ii) ITeS— BPO services, (iii) tourism, hospitality and travel trade (iv) transportation/logistics/warehousing and packaging (v) organised retail (vi) real estate services (vii) media, entertainment, broadcasting, content creation, animation (viii) healthcare services (ix) banking/insurance & finance (x) education/skill development services.

The **National Skill Development Corporation or the National Skill Development Trust**, as the case may be, will identify areas where support and supplementation will be required from the Government. In respect of each of these, the respective industry association or group of industry leaders will articulate the sectoral vision for the sectoral Skill Development Initiative.

In the Chapter '**Employment Perspective & Labour Policy**' in the Eleventh Plan, there is a separate section on Employment Situation of Vulnerable Groups, which includes Agricultural Labour Households & Casual Labour; Weaker Social Groups (SCs & STs), children at work; women workers, etc. There is no mention about people with disability in the entire chapter.

The Eleventh Plan states that it is necessary to review existing labour laws and regulations. It talks of encouraging corporate sector to move to more labour intensive sectors; expansion of employment and output of the unorganised enterprises; linking incentives with outcomes measured in terms of employment; encouraging employment of women, ensuring inter alia the special needs that they may have by virtue of change in working hours or requirement of family etc.

In the Chapter '**Industry, including Small & Medium Enterprises (SMEs)**' under the section 'Area Development for Industry', it talks of development of Special Economic Zones (SEZs). The objective is to establish industrial townships. The establishment of new SEZs has been left to the initiative of private developers. The SEZs benefit from various tax incentives. The Scheme has evoked a good response and up to the end of August 2007, 366 SEZs had been approved formally and 141 had been notified.

The Eleventh Five Year Plan considers the Medium & Small Scale Enterprises (MSE) as an important segment of industry which is unorganised and hence needs support and access to all schemes of industry with special enabling provisions.

There are quite a few measures that are being taken by the Government to promote MSEs - Exemption in Excise Duty; Priority sector lending to facilitate lending MSEs; Subsidy for Technology Upgradation; reimbursement of expenses incurred in acquiring Quality Certification; etc. There is Tribal Sub-Plan (TSP) and Special Component Plan (SCP) as they are constitutional requirements. Support for women's empowerment and minority development has also been stressed upon as it is part of Prime Minister's 15-point programme.

In the Chapter '**Urban Infrastructure Housing, Basic Services and Poverty Alleviation**' in the Eleventh Plan, under the wage-employment component, it has been proposed that high-quality training for proficiency in technical services will be organised with leading institutions preparing detailed training modules for specific trades.

In the Section, '**Empowering Persons with Disability**' in the Eleventh Plan, it has been stated, "A suitable scheme to provide incentives to promote employment for disabled people in the private sector should be put in place as enjoined in Section 41 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act."

Initiatives by the Private Sector

Private sector has largely been indifferent to the cause of disability employment. Apart from a few examples, there had not been any proactive effort on the part of the private sector to employ people with disabilities for a very long time.

Policy Advocacy with the Corporates

Recognising the importance and the role of Private Sector in promoting employment, National Centre for Promotion of Employment for Disabled People (NCPEDP) contacted the apex industrial bodies, CII, FICCI, ASSOCHAM in 1998, for including disability on their agenda. CII readily agreed and included disability as part of their social agenda. This was a significant development because for the first time, the corporate sector, formally recognised disability as a social and a human resource issue. FICCI & ASSOCHAM were also made aware and they initiated programmes for disability employment. NCPEDP organised a series of Zonal and State Seminars across the country to discuss the issue of employment, which were attended by CEOs / Heads of corporate sector, senior level government officials and people from disability sector. In 2001, NCPEDP partnered with Cyber Media Ltd., a leading IT publication company, and organised Roundtables for IT CEOs to create awareness on the issue. Some companies, like Infosys BPO, 24/7, ITC, etc. began to look at disabled people as part of untapped talent pool. However, increased awareness did not result in much change in terms of increased employment at the ground level. Disabled Rights Group (DRG) also organised a *dharna* outside CII in 2001 to protest against their inaction to promote employment of people with disability.

Initiatives of Industrial Associations

- **Confederation of Indian Industry (CII)**

CII included disability as part of their social agenda in 1998. CII developed a 'Corporate Code on Disability' in 2006, for voluntary adoption by companies in order to develop a disability policy. CII has set up Core Groups in Delhi and Bangalore to work in the area of employment of people with disabilities.

Based on the information available on the CII Website, they have organised job fairs for disabled people where about 100 people got employment; produced an awareness film, which has been shown in a few seminars, organised a few seminars on disability, etc. They are now bringing out a comprehensive Manual for educating employers on Disability Employment.

There is no information regarding the number of employers who have adopted the 'Corporate Code on Disability' or about the effort they have made to publicise the Code. CII has not been effective in promoting the Corporate Code. Their influence on their members in this matter seems to be very limited. CII has also failed to integrate disability agenda within CII, whether in their business or CSR/Affirmative Action/Skill Development Programmes. CII has also not earmarked any budget for disability.

- **Federation of Indian Chambers of Commerce & Industry (FICCI)**

FICCI's main website has no mention about disability. However, FICCI-Socio Economic Development Foundation (FICCI-SEDF) has mentioned 'enhancing the employability of persons with disabilities' as one of their focus areas. FICCI-SEDF has launched a project called JEEVIKA. Under the project, the first 3 batches of 90 trainees with disabilities received training at the ATDC (Apparel Training & Design Centre). About 35 trainees (as on August 2006) got placed and the rest are in the process. They have also mentioned about another initiative called 'MAR Project' with Microsoft that aims to increase number of donated or low-cost computers available to eligible charitable organisations, eligible academic users, and others. In that project they have facilitated and assisted Samuel Mani to become India's first Microsoft Authorized Refurbisher (MAR).

There is no information about the progress of these projects on FICCI's website. They also seem to have done very little or nothing in terms of advocating with their members to adopt equal opportunity policy.

- **National Association of Software and Services Companies (NASSCOM)**

There is no initiative listed on the website of NASSCOM on disability. It is obvious that disability is not part of their agenda. The website has a section on 'Gender Inclusivity Initiative'. It has a lot of information about gender inclusivity - resources, case studies, guest column, etc. Their gender initiative is aimed to benchmark the participation of women in IT; sensitisation of senior management and policy makers; highlight success stories and equip women with insights, training and mentoring to achieve their leadership aspirations.

NASSCOM Foundation has disability as a focus area. They have developed a Road Map. They have identified three areas in which they will work on: (1) Web Accessibility (2) Employment of Differently abled (3) Affordability of ICT applications and tools. In the employment, they have mentioned about Executive Development Program for People with Disabilities. They have not written as to how many they have trained. They have mentioned about Web Accessibility as an area of work but have not said what they have done in this area. Neither their website nor NASSCOM's website is totally accessible!

There is not much that NASSCOM has done/is doing to promote disability issue amongst its Members.

- **Individual Company Initiatives**

It is important to mention here about some of the initiatives of private companies that have promoted employment in their respective sector. ITC has been promoting employment of disabled people in the hospitality and other related sectors. They are sharing their experiences and motivating others to employ people with disabilities. Mphasis, an EDS Company, has initiated a Soft Skills Training Programme for people with disabilities, under which they have trained 160 trainees with disability to prepare them for BPO jobs. They have conducted Train the Trainer Programme to reach larger number of people. Tata Consultancy Service (TCS) has initiated a programme to train visually impaired students to prepare them to work in IT sector. Intel's Center for Economic Empowerment of Intellectually Challenged (CEEIC) has developed a specialised curriculum based on the needs and intellectual capabilities of people with below average IQ. A total of 105 individuals have been trained so far, of whom 62 have already been placed and for the rest, placement options are being explored. Another 41 individuals are currently undergoing training. (http://www.nasscomfoundation.org/index.php?option=com_content&task=view&id=559&Itemid=88889139)

- **NGO Initiatives**

Most NGOs have vocational/placement units, which train and employ people in various jobs. Studies have shown that trainings provided in most NGOs do not match the needs of the industry and they do not have good training faculty, due to lack of resources. There are a few organisations that have come up more recently, which are working exclusively in promoting employment of disabled people. They are linking up with companies and placing disabled people. They work based on company's need. They are training disabled people and placing them in jobs. However, their reach is quite limited.

Emerging Issues

Incentives to Employers:

A Central Sector Scheme of providing one lakh jobs per annum to the persons with disabilities, with a proposed outlay of Rs.1800 crore, during the Eleventh Plan was announced in the Union Budget 2006-07. Under the Scheme, the Government will make payment of the employer's contribution to the Employees Provident Fund and Employees State Insurance for the first three years, as an incentive, in return of employment of persons with disabilities with monthly wage up to Rs. 25,000/- per month. A provision of Rs.16 crore for four years for making adequate publicity of the scheme has also been approved.

On 18th October 2008, P. Chidambaram while speaking at a FICCI gathering said "not a single recruitment had been made six months after the scheme was announced. It is six months and 17 days and not one employer has made a single claim under EPFO and ESIC. I apologise for the failure of the scheme," he said, resolving to achieve the target in the next six months. "I have set a review meeting for December 31 and again on January 31 by which time we will reach our target,"

He added, "When I say 8.6 per cent, I think I was wrong if you count the pension also to that part it works out to roughly 12 per cent of the salaries being picked up under the scheme. If the employees come to know of the scheme and if they are employing disabled people they will surely claim under the scheme. The fact that not a single claim has come is a measure of our failure, so we will do our very best to make this a success in the remaining five-and-a-half months." (Source: Chidambaram asks Industry to be disabled friendly in Job Recruitment; 18th October 2008; AndhraNews.net; <http://www.andhranews.net/India/2008/October/18-Chidambaram-asks-industry-69749.asp>)

The incentive scheme requires to be reviewed to see why employers are not being encouraged by this scheme or they are unaware of it.

Disability Discrimination:

Based on our discussions with NGOs and disabled people, we found that many companies are openly rejecting disabled people on grounds of disability/medical reason. Many of them openly say that they do not want to hire people with severe and mental disabilities. Majority of the companies are not willing to make any investment in modifying their infrastructure/policies to suit disabled people. Even the new constructions are not disabled friendly. HR Executives are not aware of disability laws.

We also found out that there are some ad hoc practices that are being followed by companies that are quite discriminatory, like identifying stereotypical jobs for only three disability categories, namely, visual, hearing and orthopaedic. The word 'reasonable accommodation' is unknown to them.

Employment in the private sector

People with disabilities find it difficult to get jobs, both in the private and public sector undertakings; even a decade after The Persons With Disabilities Act 1995 came into effect. Partha Pratim Dey, 33, who suffers from partial visual impairment, has been looking for a job in the IT sector. With seven years of work experience in software, a degree in zoology plus a three-year diploma from NIIT and training in Oracle, he has not met with any luck. Says Mr. Dey: "When I apply for jobs, recruiters tell me that I am qualified but employing me is a risk. They have told me that if I write a wrong programme, it will affect the organisation. All the top companies, where I have applied, seem understanding but will not employ me." He can read using the magnifier version of Windows XP yet was forced to put in his papers twice when his employers discovered his handicap.

(Source: Deepa Kurup. Private sector reluctant to hire disabled. *The Hindu*, Chennai, 24 December 2007.)

Implementation of Provisions under UNCRPD:

Article 27 of UNCRPD is on 'Work & Employment'. It has very firm mandates for promoting employment. It would therefore be unlawful to refuse employment on grounds of disability.

The clauses relevant to the private sector in UNCRPD are:

- 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 reasonable accommodation is provided to persons with disabilities in the workplace;

With UNCRPD in place, private sector would be required to become accountable. Terms like 'non discrimination', 'reasonable accommodation', etc., which are new need to be understood by the companies in order to implement them. CII, FICCI, ASSOCHAM, NASSCOM and other apex bodies should take proactive steps to educate their members about UNCRPD.

Barriers to Employment:

There are several barriers to employment ranging from inaccessible physical environment to lack of skilled manpower to attitudes and mindsets of employers.

- **Lack of Educational Facilities**

The 3% reservation in educational institutions is not enough. Disabled students face a lot of issues right from the application stage to admission to attending classes to examination and placement.

No Sign language Interpreters in Colleges

"Adarsh College in Chamarajpet, Bangalore has over 10 deaf students and initially provided one interpreter for all of these - who ran from class to class - and then they added another but it did not increase the quality or quantity substantially. Now both have left, as a result of feeling frustrated about not being able to provide good services and the low pay, and so the students have no interpreters. What was especially egregious is that the parents were required to chip in Rs. 2000/- towards the interpreters' pay.

I have also met one wonderful deaf Delhi University (DU) Student who is in her second year of B. Com. DU has agreed to provide an interpreter but has told her that she needs to find the person herself. She has spent the last two years searching and banging on doors, pleading with people who know sign language to leave their jobs or to help her out. It's pretty insane to watch. She had someone for a bit but she got pregnant and left. Now she is looking again..."
(Source: E Mail dated 28th January 2009 from Michele Friedner, Ph.D. Candidate, Medical Anthropology, to Rama Chari)

Disabled girl refused hostel room in Pune law college

A 17 year-old disabled girl has bagged a seat in a prestigious law college, one among the very few disabled who go in for higher studies in India, but her hopes of becoming a lawyer may be dashed as the college has denied her 'suitable hostel accommodation'.

Pooja Sharma, who is crippled below the waist, gained admission in Symbiosis Law College, Pune, one of the top colleges in India. She had scored 71 percent in the Class 12 board examinations. 'As a physically challenged girl, don't I have the right to study like a normal student? Can't I dream big? Can't I ever go out of my city to pursue higher education?' 'I want to become a reputed lawyer and serve my country,' Sharma told IANS.

'The college has backtracked from its promise of giving me a suitable accommodation - a single room in the hostel,' said Sharma, who is a resident of Meerut. She is now in Delhi to take the help of a disabled rights organisation.

'I am here to take the help of NCPEDP to approach the college. Both my family and the organisation are planning to file a public interest litigation in the Supreme Court,' said Sharma, whose father is an engineer. (One World, South Asia; Indianews.com, 27th June 2006)

It's time something was done about the lack of Braille texts in India

While India is 'shining', its 12 million blind continue to live in a state of unabated darkness. Like their "sighted" counterparts, the blind too are entitled to a sound education. However, thanks to an insensitive government and a callous bureaucracy, facilities for the same are inadequate.

A serious concern is the lack of sufficient reading material in Braille (a language system for the blind). Hardest hit by such government indifference are blind children. Of the estimated two million blind children in the country only five per cent get to attend schools. This handful too, cannot benefit much due to unavailability of texts. Braille texts are either not printed, and if so, only after the academic session is over!

The situation is worse when it comes to other Indian languages. In Haryana and Punjab, government-run Braille presses are either non-functional or underutilised, according to J L Kaul, secretary general of All India Confederation of the Blind (AICB). In the northeast there is not a single Braille press. However, some voluntary organisations have set up printing facilities in many states, informs Vinod Sena, a retired professor of English, University of Delhi.

A possible solution, according to Sena who is blind himself, is to prepare soft copies of Braille books published by reputed organisations. One hopes that such electronic manuscripts will simplify Braille printing processes. Sena has made several representations to the University Grants Commission and the school education boards to make this mandatory, but to no avail.

Another stumbling block is the Copyright Act. Unlike many countries, the Indian government has never made an effort to exempt Braille versions of texts from the ambit of law. "This means that each time I publish a book in Braille, I am breaking the law," says Kaul. But goes on to add — "I am prepared to go to jail, if the government is so insensitive to such a noble cause".

Such policy glitches have far-reaching consequences. According to Dipendra Manocha, head of the computer unit, New Delhi-based National Association of the Blind (NAB), several international organisations that have started websites for books prepared in 'blind-friendly' software formats are wary of enrolling members from India. "They are scared that foreign publishing houses might sue them as the law of the land does not permit it. A good example is www.bookshare.com. It has over 10,000 fiction and non-fiction books published by leading publishing houses in the world. "They flatly refused access," he says.

Source: Down to Earth http://www.downtoearth.org.in/full6.asp?foldername=20040315&filename=news&sec_id=51&sid=52

- **Lack of Skilled Manpower**

The companies that are actively hiring disabled people have found it quite difficult to find suitable skilled people. In a job fair / walk-ins, the conversion rate is only about 5-10%.

Jobs to grab, But Few takers : L Subramani

"In the last few years, the demand for employment from persons with disability was growing steadily," Sowmya, who was in Bangalore for the 'Train the trainers' workshop conducted by Diversity and Equal Opportunity Centre (DEOC) and MphasiS, revealed.

"With the interest amongst some call centres and BPO companies to recruit persons with disability also growing, we sent about 100 disabled candidates for job interviews and, to our disappointment, found just two of them were short-listed for further consultations. Despite possessing impressive qualifications and taking up communications training, many of them fell short of the required standards," said Sowmya.

Extract from Deccan Herald; December 3rd 2008

- **Lack of Assistive Devices**

Assistive devices are great enablers. They open up opportunities, improve efficiency and enable people with disabilities to work up to their potential. However, majority of disabled people in India have no access to assistive devices. The ADIP Scheme of Government of India provides wheelchairs, tri cycles, crutches, Braille Equipments, Tape recorders etc. which are often of lower quality. There are many sophisticated assistive devices that are available abroad which are either not available here or they are too expensive.

Three big challenges

Talking about the market for assistive technologies, the puzzle is not confined to low levels of awareness. This is because of the fact that increasing awareness alone would not solve the problems that afflict this particular sector. There exist three bigger challenges viz. policy side challenges, vendor side challenges and user side challenges. It is important to tackle these in order to take assistive technologies to the people who need them the most.

In India, it is The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, also known as the PWD Act, which ensures equal opportunities for people with disabilities. The Act calls for designing and developing new assistive devices, teaching aids, and special teaching materials taking their psycho-social aspects into consideration.

“The Indian PWD Act is not as comprehensive as Section 508. The former does not mandate the manufacturer to make products that are accessible to the visually impaired. In contrast, the latter requires every product to be tested so that it is accessible to blind people,” said Ram Agarwal, CEO, Karishma Enterprises.

When compared to the US Rehabilitation Act, the Indian PWD Act has only a mention of the word assistive technology. It does not mandate the use of these technologies. The US Act on the other hand has strong guidelines in support of assistive technologies. I think the Indian government should stress upon accessibility within the law and Web accessibility,” added Shilpi Kedia, Managing Director, BarrierBreak Technologies said.

The second and third sets of challenges (relating to vendors and users) are quite similar in nature. Amongst these, price is the biggest challenge. Assistive technologies that are available are highly priced, and given the fact that majority of the disabled in India are poor; they are unable to afford these products. Also, the failure of vendors to bring down prices hampers their sales.

“Developing and producing these products is an expensive proposition, and hence the prices are quite high. Besides, importing the product seems to be another big challenge. Since these products are mistaken to be computers or televisions, higher import duties are levied,” added Jim Pors, International Sales Manager, Optelec BV. “Given the fact that a lot of these products are imported, the prices increase by at least 40 to 45%. This puts them out of the reach for most disabled people here. I believe that there is an urgent need for the government to subsidise these products,” opined Ram Agarwal, CEO, Karishma Enterprises.

The absence of localised products is another barrier. The majority of software available happens to be in English, and since literacy levels amongst the disabled are low, usage becomes difficult. However, this problem is being looked at and companies are introducing software in Hindi. For instance, Media Lab Asia and National Association for the Blind have jointly developed the screen reading software named SAFA. It is open source and supports many Indian languages.

Training the disabled and product testing are other issues that need to be tackled. “It is important to test products before introducing them in the market. However, it’s very difficult to locate the required set of people for this. For instance, we face problems in locating the visually impaired to test our products,” opined R R Joshi, Joint MD, Modular Infotech.

Extract from Enabling the differently abled, Neeraj Gandhi, Express Computers, 14th July 2008

4. Self-Employment and Poverty Alleviation Schemes

Self-Employment was considered as the most “suitable” or as the “only option” available for disabled people in India for a very long time and the focus of most NGOs was to prepare people for self-employment. In the NGO Research Study conducted by NCPEDP in 1998, of the disabled people who have been placed in jobs, 51.85% were actually self-employed. 47.5% of disabled people placed in employment were earning less than Rs. 1000/- a month and 88% were getting an income of less than Rs. 2000/- a month.

Self-Employment is certainly an important option for people in general across socio-economic levels, including people with disabilities. The Ministries responsible for promoting self-employment are Social Justice & Empowerment, Ministry of Housing & Poverty Alleviation and Ministry of Rural Development. There are also Financial Institutions/Banks, like SIDBI, RRB, etc. which promote self-employment. The Disability Act, 1995 mandates 3% reservation for disabled people in all poverty alleviation schemes.

Government Initiatives

National Handicapped Finance and Development Corporation (NHFDC), MSJE

One of the major initiatives of Ministry of Social Justice and Empowerment is the National Handicapped Finance and Development Corporation (NHFDC), which promotes economic development activities, self-employment ventures, higher education and marketing for the benefit of persons with disabilities.

NHFDC SCHEMES

1. Income Generating Activities:

For setting up small business in Service/Trading sector: Loan up to Rs. 1.0 lakh for sales/trading activity and Rs.3.00 lakh for service sector activity. The small business, project or activity, for which financial assistance has been sought will have to be operated by the disabled person himself and employing at least 15% disabled persons in his venture.

For purchase of vehicle for commercial activity: Loan upto Rs. 5 lakhs for purchase of vehicle for commercial activities.

For setting up small industrial unit: Loan upto Rs. 5 lakhs. Loan assistance is provided to disabled persons for manufacturing, fabrication and production. The disabled person will be the owner/chief executive of the company and will employ at least 15% disabled persons.

For Agricultural activities: Loan upto Rs. 5.00 lakh. Loan assistance is provided to disabled persons for agricultural production, irrigation, horticulture, sericulture, purchase of agricultural machinery/equipment for agricultural service, marketing of agricultural products etc.

For self-employment amongst persons with mental retardation, cerebral palsy and autism: Loan upto Rs. 3.00 lakh. In such cases, the financial assistance is extended through parents or legal guardian or spouse of the dependant mentally disabled person.

2. Loan for Education/Training to Disabled Persons:

To meet tuition and other fees/maintenance cost/books and equipment etc. for pursuing professional courses in a recognised educational institution in India and abroad. i) Studies in India - Maximum Rs. 7.50 lakhs ii) Studies Abroad - Maximum Rs. 15 lakhs

3. Financial Assistance for Skill & Entrepreneurial Development:

Financial assistance is provided in the form of grant through the SCAs.

4. Micro Credit Scheme:

Loan is given to the SCAs for further disbursement to individual beneficiaries, self-help groups of disabled persons through Non Government Organisations. The maximum amount of loan to an NGO will be limited to Rs. 5.0 lakh. The maximum amount of loan to a beneficiary will be limited to Rs. 25,000 per beneficiary.

5. Schemes for Parents Association of Mentally Retarded Persons:

Purpose of the scheme is to provide loan to Parents Associations of Mentally Retarded Persons to set up an income generating activity for the benefit of the mentally retarded persons. Quantum of loan to each Parents Association is limited to Rs. 5.00 lakh. The share of the Parents Association will be 5% of the project cost.

The authorised share capital of NHFDC is Rs. 400 crores and paid up capital of the Corporation is Rs. 79.80 crores. It operates through State Channelising Agencies (SCAs) nominated by the respective State Governments and Union Territory Administrations. At present, 32 such agencies are operational.

Total Loan disbursed by NHFDC, including Micro Finance Scheme is Rs. 17918.29 lakhs and the number of beneficiaries are 35845 (from the Year 1997 till 2008 31st December 2008). The loan disbursed in the Year 2007-08 was Rs. 2830.37 lakhs and number of beneficiaries were 5508. Under the Micro Finance Scheme through 123 NGO, the amount disbursed was Rs. 409.5 lakhs; number of beneficiary was 3693 as on 31st December 2008. (Source: NHFDC website).

We could not find data on the NHFDC website or in the Annual Report of MSJE regarding the number of disabled people under the schemes for higher education, entrepreneurship development or for supporting parents association.

Initiatives of the National Trust

The National Trust has recently started a Marketing Federation, "Association of Rehabilitation under National Trust Initiative Marketing (ARUNIM)". It is established as a non-profit society to serve the interest of its members through marketing initiative for the products made by persons with disabilities particularly those disabilities that are covered under National Trust Act.

Uddyam Prabha (Incentive) Scheme has been initiated for promoting vocational and economic activities for persons with Autism, Cerebral Palsy, Mental Retardation & Multiple Disabilities through interest subsidy. Interest incentive upto 5% for BPL and 3% for other categories will be given per annum upto 5 year on a loan amount of upto Rs.1 lakh.

Ministry of Social Justice & Empowerment organised an exhibition at Dilli Haat where National Trust was allotted fifteen stalls, 55 NGOs from all over the country participated in the exhibition in the Dilli Haat where the products made by persons with Autism, Cerebral Palsy, Mental Retardation and

Multiple Disabilities were displayed and sold. Total sales from all the NGOs was approx. Rs.1,43,000/-.

Ministry of Housing & Urban Poverty Alleviation:

According to the Annual Report, under **Swarna Jayanthi Shahari Rozgar Yojana (SJSRY)**, “Special attention is given to women, persons belonging to Scheduled Castes/Tribes, disabled persons and other such categories as may be indicated by the Government from time to time”.

Further, under **Urban Self Employment Programme (USEP) (Individual loan & subsidy)**, out of the total 839622 beneficiaries, 22105 belong to disabled category, which is about 2.6% of the total beneficiaries assisted under the programme.

During the financial year 2007-08 an amount of Rs. 344.00 crore has been allocated for the Scheme of Swarna Jayanthi Shahari Rozgar Yojana (SJSRY) in the Ministry’s Budget. Out of this, Rs. 328.46 crore have been released to various States, as on 29.2.2008 for the implementation of the scheme. With regard to Budget allocation for disability, they have stated in the Annual Report that “it may be mentioned that there is no separate earmarking of budget for the disabled categories under Swarna Jayanthi Shahari Rozgar Yojana (SJSRY)”.

Other relevant Initiatives: The Annual Report states that this Ministry proposes to frame draft model legislation on Urban Street Vendors to serve as a guideline for State/UT Governments on the basis of which they may enact the state legislation to protect the interests of street vendors. This could be relevant as there are many street vendors with disability, who face discrimination & harassment and their protection is equally important.

Ministry of Rural Development

Swarnjayanti Gram Swarozgar Yojana (SGSY)

It has ‘Focus on Vulnerable Groups i.e., SC, ST, Women and Disabled.’ Under the criteria for Self Help Groups (SHGs) formation under SGSY, the group may consist of 10-20 members (5-20 members in case of minor irrigation project, disabled persons and in difficult areas like desert hills and areas with scattered and sparse population). The quantum of subsidy under SGSY for individual Swarozgaris is 30% of Project cost subject to a maximum of Rs. 7500. In case of SC/ST and disabled persons’ it is 50% of Project cost or Rs. 10,000/- whichever is less. For SHGs, it is 50% of project cost subject to Rs. 1.25 lakhs or Rs. 10,000/- per SHG Member whichever is less.

‘The guidelines of SGSY stipulate that disabled persons will account for at least 3% of the total Swarozgaris. The groups formed should ideally be disability-specific wherever possible, however, in case sufficient number of people for formation of disability-specific groups are not available, a group may comprise persons with diverse disabilities or a group may comprise both disabled and non-disabled persons below poverty line.’ Efforts are being made to universalise SHGs Movement by covering at least one member of each rural poor family under it.

‘During the financial year 2007-08 (upto Dec., 2007) total Swarozgaris assisted in this scheme were 7,72,952, out of which disabled persons were 13,956 (1.81%).’ Out of the total 236 special projects sanctioned, only 7 projects were under the Disability Sector (0.03%). While the total cost of projects sanctioned was Rs. 207631.282 lakh, the cost of projects under the Disability Sector was 927.22 lakh (0.44%) only.

National Rural Employment Guarantee Scheme (NREGS):

It guarantees 100 days of employment in a financial year to any rural household whose members are willing to do unskilled manual work. The Act has come into force in 200 selected Districts of the country with effect from 2nd February, 2006 and additional 130 Districts from 2007-08. The NREGS is a demand driven Scheme requiring unskilled manual labour. Separate earmarking of employment/resources have not been provided for disabled persons.

The Annual Report of Ministry of Rural Development (2007-08) states 'A total number of households provided employment during 2007-08 (upto December, 2007) was 2,57,49,968 out of which benefits accrued to the disabled persons were in 2,30,179 households (0.90%).'

All States have been recommended to disburse wages through Post Offices and Banks Accounts. Till date 96 lakhs post office and Bank Accounts have been opened.

Sampoorna Grameen Rozgar Yojana (SGRY):

It provides additional wage employment in the rural areas, as also food security, alongside the creation of durable community, social and economic infrastructure in the rural areas. The programme is self-targeting in nature with special emphasis in providing wage employment to women, Scheduled Castes (SC), Scheduled Tribes (ST) and parents of children withdrawn from hazardous occupations. The Scheme is exclusively implemented by the Panchayati Raj Institutions (PRIs). It provides food grains as well as cash as wages.

In the Guidelines, it states, 'preference shall be given to the parents of handicapped children or adult children of handicapped parents who are desirous of working for wage employment'. 'If a rural disabled person is willing to do manual unskilled work, efforts should be made to provide him/her work under the programme according to his/her ability.'

'During 2007-08 (upto December 2007), out of a total of 261380 works completed, 442 (0.17%) works were reported to have benefited the disabled'. Financial performance in terms of expenditure and percentage of expenditure, though is provided for SC/ST beneficiaries, has not been given separately for disabled people.

State Governments Initiatives

Andhra Pradesh and Tamil Nadu Governments seem to have done quite well in this area, where they have initiated projects with the support of International agencies, particularly the World Bank, in promoting livelihood in rural areas. Disabled people are recognised as an important target group and NGOs and disability activists are actively involved in the project.

Vazhndhu Kaattuvom Project - An Initiative of Tamil Nadu Government

Tamil Nadu Vazhndhu Kaattuvom Society has been established by the Department of Rural Development and Local Administration with the assistance of World Bank to reduce the poverty of the very poor, disabled and vulnerable people and tribal communities. It was launched in November 2005. The overall objective of the project is to empower and mainstream the disabled poor and other most vulnerable by proactively including them during social mobilisation and institution building of the project thereby improving livelihood opportunities, quality of life and securing their dignity.

Progress made so far:

- Identification of disability has been completed in first three blocks and baseline data prepared for all villages. Community Based Rehabilitation Assessment has been carried out in 1016 Panchayats.

Based on it, comprehensive rehabilitation interventional plans have been prepared to facilitate special fund activities.

- Organised 50,749 disabled persons into 3458 self-help groups in first and second phase blocks. 1320 special groups have received seed fund to the tune of Rs.130 lakhs. Among the 1161 credit rated groups, 788 are financially linked for around Rs.255 lakhs.
- Support extended to organise 101 special camps to issue National ID cards for 45,788 eligible disabled persons.
- Applications to receive maintenance grant from District Rehabilitation Office for the severely disabled has been processed for about 3709 persons, of which 1164 are receiving monthly maintenance grant of Rs.500.
- 2865 disabled persons have received aids and appliances from ADIP scheme and other service providing organisations to the worth of Rs. 98.00 lakhs.
- The skill training has been given to 486 disabled persons. Among them 365 persons have been successfully linked for productive employment with private firms and through self-employment interventions.
- Guidance extended to the community stakeholders to plan and execute various special fund activities to the tune of Rs.956.74 lakhs in first two phase blocks. Among them 11315 disabled and 10145 vulnerable people have been benefited. Among them 18700 disabled and vulnerable are financially assisted to take up livelihood activities.
- Promoting Economic Activity Groups (EAG) of the disabled is another achievement of the Project. Skilled disabled persons are coming together as entrepreneurs and running productive business like poultry, cattle feed production etc. Four such EAGs in pilot panchayats with an average investment of Rs.400000/unit have been initiated.

(Source: L. Lobithas, Disability and Vulnerability Specialist, Vazhndhu Kaattuvom Society)

Indira Kranthi Pathakam – Disability Initiative of Andhra Pradesh Government

Recognising that people with disabilities are among the poorest and most vulnerable of the poor, and that they are discriminated against and excluded, even by other poor persons, the project has decided to give special attention to their rights, inclusion and opportunities by incorporating a special 'Disability' component. Though the disability interventions are spread across the project, presently it is being implemented intensively in 74 mandals.

Objectives:

- Enhancing livelihood opportunities and quality of life for persons with disabilities and their families
- Ensure optimum utilisation of residual abilities by people with disabilities
- Improve capacities of disabled people to access and avail various entitlements and services offered by the Government.
- Mainstreaming disability concerns in policy making and activities of line departments

Total No. of groups formed in Pilot Mandals - 21,580

Total No. of persons mobilised into Groups - 1,99,512

No. of Mandal Vikalangula Samakhya (MVSs), Federation of all SHGs & Disabled People: 136

Assessment, Treatment & Rehabilitation in Pilot Mandals:

- Total No. of Persons identified - 55,312
- Total No. of Persons provided with Certificates - 49,969
- No. of Persons provided with Assistive devices - 6186
- No. of Persons availed Surgical Corrections - 1565

Livelihood Support Details in Pilot Mandals

- Revolving Fund : Rs. 88.10 lakhs
- Bank Linkage: Rs. 60.89 lakhs
- Community Investment Fund (Sub Project): Rs. 434.85 lakhs
- Community Investment (MCP): Rs. 1639 lakhs

Impact of the Project:

Through sample Focus Group Discussions (FGDs) and open interviews with the Community and project functionaries the following trends are identified in Pilot Mandals:

- Improved access to government institutions and services like certificate and other entitlements
- Easy access to credit via SHGs
- Support for suitable livelihoods made them self reliant and their families
- Improved self respect and confidence among disabled people
- Reduced social discrimination
- Increased awareness among the neighbourhood on disability
- Identification of issues of persons with severe disability and women with disability and expression of demand to address them
- MVSs are able to articulate issues concerning people with disabilities collectively
(Source: IKP – Disability; Department of Rural Development, Government of Andhra Pradesh)

NGO Initiatives

There are some organisations that are focusing on promoting self-employment but their reach is limited. There are Community Based Rehabilitation (CBR) organisations in certain States/Districts which are mobilising people in the community and helping them with information & support to avail the Government Schemes.

We have mentioned two case Studies, which are indicative of the work being done by organisations to promote self-employment.

Chinamaya Organisation of Rural Development has been working in the area of Rural Development since 1985 in Sidhbari, Himachal Pradesh, where they have covered over 400 villages involving 40,000 people directly. They have integrated disability as part of the programme. Though they have not set up separate SHGs for disabled people but have included disabled people / parents as part of the existing SHGs. The reason for it is the difficulty in finding disabled people in one place not only because of lower density of population but also because of the difficult terrain of the place. Moreover they felt that inclusion would yield better results. According to Kshama Metre, SHG requires to be hand held and supported. They have built vibrant and sustaining SHGs for women after a lot of hard work, they are now empowered and have leadership skills. They should be sensitised to disability issues, whether it is issues and problems of single women or women with disability or mother of a disabled child. They have integrated 50 disabled people and about 50 mothers as part of SHGs. (“Kshama Mitre”)

About Jump Start

AccessAbility and ITC Welcomgroup along with other likeminded organisations have initiated a self employment programme called Jump Start for persons with disabilities, which encourages disabled entrepreneurs to manage and run small shops (kiosks) at a rent free space. All this is achieved through a joint effort between various stakeholders.

The disabled candidates selected for these programmes are usually the ones who cannot be placed in regular employment because of lack of education or other employment skills. They are identified and trained on entrepreneurial skills for running the shop/kiosk successfully by our team at AccessAbility or by an identified mentor who guides them through the initial setup and operational issues (if any). ITC Welcomgroup has been in the forefront of this initiative by providing the kiosks free of charge and providing their valuable experience to assist the entrepreneurs with disability in the initial incubation period.

Many organisations have either already started, or are coming forward to adopt this program. Some of the Jump Start Kiosks already initiated with support from ITC Welcomgroup and respective space providers are at; IBM Daksh, HCL Technologies, Tata Teleservices Ltd.

Source: AccessAbility Job Portal

Emerging Issues:

3% Reservation in poverty alleviation schemes:

The Disability Act stipulates 3 percent reservation for disabled people in all poverty alleviation schemes. Based on the data given in the Annual Reports, none of the schemes have been able to fulfil the mandated reservation. Following are the percentage of disabled beneficiaries out of the total number of beneficiaries of the Scheme.

- Swarna Jayanthi Shahari Rozgar Yojana (SJSRY): 2.6%
- Swarnjayanti Gram Swarozgar Yojana (SGSY): 1.81 %
- National Rural Employment Guarantee Scheme (NREGS): 0.90%
- Sampoorna Grameen Rozgar Yojana (SGRY): 0.17%

We spoke with some organisations across India to find out the reason for majority of disabled people not benefiting from the Schemes.

Following are some responses received:

- “The policy of Ministry of Rural Development is only good on paper. NREGS scheme should provide 100 working days to the poor people and disabled people. In reality, even one day is not provided to them” Chandra Shekhar Azad, Secretary, Vikalp Foundation, Bihar.
- “Regarding NREGA, there is no allocation of manpower given for disabled persons. The BPL households are treated as target beneficiaries. If the disabled person being the family head, any one member of the family shall represent the family for 100 days work. If there is no other adult member present in the family or disabled themselves prefer to be a workforce, they may get job as others. In such case, suitable work needs to be identified for the disabled in accordance with their individual capacity. But in reality, the disabled are treated as non-disabled in performing tasks.” Louis Lobithas
- Vidhya Ramasubban, disability consultant with experience in Haryana, Leh and Himachal Pradesh said, “The procedures are cumbersome when an individual tries to access these schemes. Majority of disabled people are not organised in SHGs or a part of other SHGs. Understanding of other SHGs towards disability issues is limited. Hence, there is discrimination of disabled people by SHGs.”

Self Employment is not easy:

Self-Employment is not just about providing loans/grants. There are many related issues which contribute to the success of the venture. The sector and the donors have invested quite a bit of resources in giving sewing machines to disabled people. NGOs have been providing vocational

trainings in chalk making, candle making, etc. However, many of these initiatives have either failed or have not yielded the desired result. These will not become income generating activities, unless there is market for the products / services. It is particularly difficult to get access to market in rural areas. Disabled people also find it difficult to take the materials to the urban market due to lack of accessible transportation and other issues.

For running a profitable venture, there are also issues related to training, not just in the chosen trade but also in business and marketing skills, which are crucial. Self esteem also plays a role in terms of 'having belief in oneself' and being able to convince others of the idea / product would be essential for the success of the venture.

Also, Self Employment is not an option for people (disabled or not) who have no idea for the business they want to undertake or have no skills / resources.

Lack of Awareness/Information:

Awareness is a crucial aspect. Many people said there are excellent policies and schemes for people in rural areas. However, there is lack of awareness amongst disabled people regarding the schemes available. Government has done very little to spread awareness on the facilities available for disabled people. Hence, most facilities remain unutilised. There is also lack of awareness among the Government officials regarding disability. The Panchayat and other policy makers, including the SHGS, Mahila Mandals, have little or no information about disability rights.

Access to NHFDC Loans:

The size of NHFDC's micro-finance scheme or other schemes is insignificant. Total Loan disbursed by NHFDC, including Micro Finance Scheme is Rs. 17918.29 lakhs and the number of beneficiaries are 35845 (from the Year 1997 till 2008 31st December 2008). The loan disbursed in the Year 2007-08 was Rs. 2830.37 lakhs and number of beneficiaries were 5508.

Shri. K.M. Acharya, Secretary of Ministry of Social Justice and Empowerment said, "Even after 11 years of its incorporation, a few large and small States such as Bihar, Orissa, Mizoram, Sikkim, Meghalaya etc. are yet to operationalise their State Channelising Agencies."

Source: PIB Press Release 18th September 2008 [http://pib.nic.in/rele Shri K.M. Acharya ase/ release.asp?relid=42890](http://pib.nic.in/rele/Shri%20K.M.%20Acharya%20ase/release.asp?relid=42890)

"I think schemes like the NHFDC are hardly known to the disabled community. The State Channelizing Agencies play little or no role in spreading awareness about the scheme. Secondly, the procedures are long and cumbersome - like most such facilities provided by the Government. In HP I have seen that it takes such a long time for the loan to come by that people lose faith in it. Besides procedures it is also the distance- there is one channelising agency in HP in Shimla for the entire state (at least it was like that 4 years ago and am pretty sure not much has changed). Other schemes - In Leh , we find it easier to access loan schemes for the general public, as they are more localised - ST and rural development and women development. So, we have been facilitating loans from these agencies - not that their procedures are much simpler, but they are more localised and because they cater to a larger population, function somewhat more efficiently."

Vidhya Ramasubban, Disability Consultant

5. Sheltered and Supported Employment

Some disability NGOs have Production Centres, where people with disabilities produce items for sale. They make craft items, candles, stationary items, greeting cards, etc. These are generally seasonal. Studies have shown that most of these initiatives are not successful in terms of generating income for people with disabilities who are working there. They are more like vocational training centres and people with disability get a meagre stipend.

These organisations have the potential to work like enterprises. However, they lack the necessary skills to develop them as profit making ventures.

One of the major developments in this area has been the setting up of ARUNIM by National Trust.

ARUNIM (Association for Rehabilitation Under National Trust Initiative of Marketing) is an independent Marketing Federation with a Mission to facilitate enterprises that can offer products and services to cater to the domestic and overseas markets, while ensuring self sustenance and equality especially for people with developmental disabilities. It will work with its members in enhancing skills, product design and mechanisation where required. ARUNIM branded products is expected to be a one stop shop to source all products which are eco friendly and of assured quality.

The concept of Supported Employment is fairly new or not present in India. This is mainly for people with severe learning disabilities who need extended training and support to work in mainstream employment. Many companies find it 'unreasonable' to dedicate a full time person for training the person with severe learning disability for a long period of time. This is where non-profit organisations working in Supported Employment play a significant role. They provide 'Job Coach' to persons with disabilities who help the person learn the job. The salary of the Job Coach is not borne by the company. The company provides opportunity to a person with severe learning disability and the salary for the employee. Over a period of time, the employee becomes independent.

We could not find any case studies of supported employment in India. However, NGOs are providing support to the employees that they place but there is no structured way like it is done in case of 'Supported Employment' abroad.

Emerging Issues:

Issues of Sheltered Workshops:

The Production Centres run by NGOs are not very cost effective, as they produce in small scale. The quality of the products are not consistent. There are issues related to marketing of the products. NGOs have little understanding of the market needs. Disabled people who are working in Production centres are poorly paid.

Lack of Support:

There are no incentives / subsidies from the Government to encourage these Production Centres of NGOs.

6. Budget Analysis

Eleventh Five Year Plan (Projected GBS in current Price):

The projected Gross Budgetary Support (GBS) for Ministry of Labour & Employment (ML&E) in the Eleventh Plan is Rs. **2499.60**.

Some of the relevant budget heads are given below:

- DGE&T (Employment): **Rs. 33.40 crore**;
- Continuation and setting up of new 'VRCs for Handicapped Persons', skill training workshops and Rural Rehab. Extension Centres: **Rs. 6.40 crore**;
- DGE&T (Training): **Rs. 115.95 crore**;
- Up-gradation of 100 ITIs: **Rs. 100 crore**;
- Externally aided project for reforming Vocational Training Services rendered by Centre & State: **Rs. 100 crore**;
- Skill Development Initiative through PPP: **Rs. 550 crore**;
- Skill Development Mission Mode : **Rs. 5.01 crore**.

Under the Ministry of Planning, **Rs. 22800 crore** has been allocated for **Skill Development**.

Under the Ministry of Social Justice & Empowerment, **Rs. 30.80 crore** has been allocated for **NHFDC**.

Under the Rural Development Ministry following are the allocations:

- **NRGES Rs. 100,000 crore**
- **SGRY Rs. 5600 crore**
- **SGSY Rs.17803 crore**
- **PMGSY Rs. 43251.07 crore**

Under the Ministry of Housing & Urban Poverty Alleviation, **SJSRY** Scheme has been allocated **Rs. 1750 crore**.

The only budget related to Employment for disabled people is the 'Continuation & the setting up of new VRCs' under ML&E and 'NHFDC' under MSJE. Though all poverty alleviation schemes have 3% reservation for disabled people, however, there is no earmarked budget for the same.

7. Recommendations

1. Employment in Government & Public Sector:

Identification of Jobs

At present, the identification of appropriate jobs for disabled people is done in an ad hoc and arbitrary manner. Only 10% of the jobs are identified for disabled people. Eleventh Five Year Plan states that "There is a need to have this task performed by a professional group with the involvement of Disabled Peoples' Organisations". Government should constitute a task force immediately for revising the job list. The task force should analyse jobs in each department and not occupations or positions. There could be committees department wise, with representation of disabled people, particularly disabled employees of that Department to carry out the task.

The concept of 'Identification of jobs' itself has been questioned by many people including the World Bank, which has recommended that it should be dropped. There is a need for developing a system / process which is non-discriminatory and inclusive.

Campaign to fill Backlog Vacancies

Only 0.44% of all the posts in the Government & public sector companies have been filled by disabled people. Eleventh Plan States, "The backlog of vacancies for persons with disability continues to be large. This backlog should be cleared in a time-bound manner and in a campaign mode." Government should immediately launch a campaign and set clear targets to fill the backlog vacancies for people with disability.

Monitoring Mechanism

There should be a Monitoring/Welfare Committee in every Department to look after the interests and issues of disabled employees. The Committee should comprise of 2 Heads of Departments and 3 elected representatives of disabled employees. There should be a similar Committee at the Central Level, which should hold consultations to address and sort out issues of employees with disabilities. The Confidentiality Report of all employees, as part of the appraisal process, should have a question regarding the behaviour of the employee towards disabled people.

Creation of Disabled-Friendly Environment

Every Government office should be made disabled-friendly in a time bound manner. Employees with disability should be provided reasonable accommodation, as mandated by UNCRPD. There should be mandatory disability sensitisation training for employees in the Government and Public Sector.

Union of Disabled Employees

To protect the interests of employees with disability, there should be a recognised Union of disabled employees in the Government.

Medical Examination

Disability Certificate should be considered as a valid document for availing facilities meant for disabled employees. Repeated medical examination should not be required.

Disability Cell in UPSC & SSC

Disability Cells to be set up in Union Public Service Commission (UPSC) and the Staff Selection Commission (SSC) to support job seekers with disability to ensure that they get necessary information and support while applying for a job.

2. Employment in the Private Sector:

Incentives to the Private Sector

The Incentives that were announced in the Union Budget 2006-07, have not yielded the desired result of increasing employment. There is an urgent need to not only review the incentives policy but also to revise it to make it more attractive for the employers.

Implementation of Provisions under UNCRPD

UNCRPD clearly mandates “non discrimination in workplace” and “reasonable accommodation”. This applies to private companies as well. Government should come up with a Policy and a Code / Guidelines for the private sector to implement UNCRPD. Awareness campaigns/trainings should be organised to educate employers and HR professionals to help them understand the provisions of the law.

Role of Apex Industrial Bodies

Industrial Bodies, like CII, FICCI, ASSOCHAM and NASSCOM have not done enough to promote employment of disabled people amongst their member companies. They have also not integrated disability in work that they are doing in the area of Affirmative Action / CSR / Skill Training. FICCI, ASSOCHAM, NASSCOM, etc. should also develop a Corporate Code for their members. All Industrial associations should actively advocate with their members to adopt the Code. They should also integrate disability in their various other initiatives like the Affirmative Action Plan, Skill Training etc. which they are undertaking for SCs and STs. Specific Budget should be allocated for this purpose.

Including Disability in Skill Development Mission

In the XI Plan, the Government plans to launch a major ‘Skill Development Mission’ (SDM) with the aim to train people in skills in line with the employment requirements with particular emphasis on the twenty high growth high employment sectors. SDM should include disabled youth as one of the target groups. The training modules, curriculum, infrastructure, methodology should include the needs of disabled people.

Inclusion of Disability in Modernisation/Up-gradation Plans & New Projects for Training Institutes

Eleventh Plan mentions up-gradation of 500 existing ITIs into ‘Centres of Excellence’, upgradation of 400 government polytechnics; Setting up 125 new polytechnics in PPP mode in hitherto unserved districts; setting up 600 Rural Development and Self-Employment Training Institutes (RUDSETI). All initiatives related up-gradation of training institutes should include disability as a component.

SEZs should be made Disabled-Friendly

The objective of Special Economic Zones (SEZs) is to establish industrial townships. The establishment of new SEZs has been left to the initiative of private developers. The SEZs benefit from various tax incentives. The scheme has evoked a good response and up to the end of August 2007, 366 SEZs had been approved formally and 141 had been notified. Many constructions in SEZs are not disabled friendly. Government should enforce accessibility guidelines in these townships.

Disability Component Plan to be part of MMSEs

Eleventh Plan considers Medium & Small Scale Enterprises (MSEs), which constitute over 90% of total enterprises and are credited with generating the highest rates of employment growth, as an important segment of industry that needs support. They have Tribal Sub-Plan (TSP), Special Component Plan (SCP) for SCs. In similar lines, they should prepare a Component Plan for Disability.

Special Employment Exchanges

There is huge infrastructure under the ML&E called the 'Special Employment Exchanges'. There are also Special Cells in regular exchanges. These have been catering only to the Government sector whose numbers have reduced over time. All Special Employment Exchanges and Special Cells should be revamped and should serve private companies as well.

Accessibility

Lack of Access is the biggest barrier for people with disability in employment. Therefore an Ordinance should be passed to ensure that all new construction of public buildings and facilities (including the buildings that are privately owned but used by public, like workplaces, malls, etc.) are accessible to people with disabilities. The existing buildings and facilities built after 1995 should be made accessible in a given time frame (say by 2010).

Higher Education

The Scheme for upgrading Polytechnics to integrate disabled people, which was introduced in 1999-2000, seems to have not expanded in the last ten years. It requires to be expanded to cover all polytechnics in the country.

UGC Schemes that were introduced in Higher Education for Persons with Special Need (HEPSN) and Teachers (TEPSE) have not found a mention in the Annual Report of MHRD. Disability Units that have come up in universities because of the Scheme has proved to be a great support to disabled students. The UGC Schemes should be expanded to cover all universities and colleges in a time bound manner, so that facilities are provided to students with disabilities.

Eleventh Plan clearly states that, "certain urgent steps are necessary, including the setting up of disability units in the University Grants Commission (UGC), All India Council for Technical Education (AICTE), National Council of Educational Research and Training (NCERT), Kendriya Vidyalaya Sangathan (KVS), and all other apex education bodies." Steps have to be taken immediately to set up these units.

Eleventh Plan also states, "The scholarships provided by the Central Government and stipends for pre-metric education, mostly provided by the States, should be made equivalent to similar scholarships and stipends given to students belonging to the SCs and STs. The scheme for postgraduate and professional education initiated in the Tenth Plan should be strengthened and expanded in the Eleventh Plan. Further, deserving persons with disabilities should be supported for training/education abroad, especially in studies relating to disability". Government should review the existing scholarship schemes to include the provisions stated in the Eleventh Plan.

Assistive Devices

Assistive Devices, including technologies are great enablers for people with disabilities particularly in the work environment. Good quality assistive devices have a direct impact on productivity of a person with disability. Many of these devices are quite expensive. Regarding the issue of assistive devices, the Eleventh Plan states, "Any disabled person should be able to approach the district magistrate and derive benefit from her/him for getting aids & appliances under the ADIP Scheme. The income ceiling for availing assistance will be raised to Rs. 10000/- per month. Moreover, the ceiling for purchase/ fitting of aids and appliances should also be enhanced to Rs. 25,000/- per month". People with disability should be allowed to buy aids and appliances from any manufacturer, and not just ALIMCO. Also, the list of aids & appliances mentioned in the ADIP Scheme has to be revised to include many more assistive devices, including technologies. Government should provide subsidies to bring down the cost of assistive devices. Incentives should be given to companies to produce assistive devices.

3. Self Employment & Poverty Alleviation Schemes:

NHFDC

There should be awareness campaigns to disseminate information about the various NHFDC Schemes. Radio and local mediums of communication should be used to reach out to people in rural areas. State Channelising Agencies (SCAs) should be operationalised in all States and UTs. SCAs are located in State Capitals, making it difficult for many disabled to access them. Hence, there should be a system to process loans at District level.

Access to Credit

In the Eleventh Plan it is mentioned that, “efforts will be made to ensure that all Commercial Banks, Regional Rural Banks (RRBs) and Cooperatives should provide loans to disabled people on concessional terms for undertaking self-employment ventures. Such credit should be included in the Priority Sector and NABARD should ensure appropriate refinancing mechanisms”.

NREGA

The Panchayats should identify wider range of jobs under the NREGA. The project stakeholders should consider each adult with disability as a separate household. The Act should be amended to include 5 % of workforce of the NREGA should be disabled persons. The department should appoint a monitoring cell at district level to ensure inclusion of people with disabilities.

Poverty Alleviation Schemes

The 3% reservation in all poverty alleviation schemes remain unfulfilled. There are successful models in Andhra Pradesh and Tamil Nadu where holistic programmes on Rural Development, facilitated through SHGs have obtained amazing results. Government should replicate these successful programmes in other parts of the country.

Sensitisation of SHGs and other local groups

It may not be possible in some areas to form separate SHGs of disabled people. Effort should therefore be made to integrate disabled people in the SHGs present in the communities. Mahila Mandals and other groups are quite empowered. They need to be sensitised on disability issues so that they can lend support to disability issues in the community.

4. Sheltered Employment & Supported Employment:

Support and Incentives to NGOs running Production Centers

Government should provide loans and other facilities to NGOs which run Production Centers and employ people with disabilities. Government should create policies that encourage government departments and public sector undertaking to purchase products from disability NGOs. ARUNIM, a marketing federation, is a positive initiative of the National Trust. ARUNIM should be developed as a brand and it should be promoted like Khadi and other cooperatives with adequate incentives & subsidies from the Government.

Supported Employment

NGOs should try Supported Employment in an organised way with willing corporates & to promote employment of people with severe learning disabilities in the mainstream. There should be a focussed initiative in this regard. Government should support such initiatives.

References

- Annual Report of Ministry of Labour & Employment (2007-08)
- Annual Report of Ministry of Personnel, Public Grievances and Pensions (2007-08)
- Annual Report of Ministry of Housing & Urban Poverty Alleviation (2007-08)
- Annual Report of Ministry of Industry (2007-08)
- Annual Report of Ministry of Rural Development (2007-08)
- Annual Report of Ministry of Micro, Small and Medium Enterprises (2007-08)
- Annual Report of Ministry of Human Resource Development (2007-08)
- Annual Report of Ministry of Social Justice & Empowerment (2007-08)
- Planning Commission; Eleventh Five Year Plan (2007-2012)
- Volume 1; Chapter 4 Employment Perspective and Labour Policy
- Volume 1; Chapter 5 Skill Development & Training
- Volume 1; Chapter 6: 'Empowering Persons with Disabilities': Social Justice: Scheduled Caste, Schedule Tribe, Other Backward Classes, Minorities and other Vulnerable Groups
- Volume 2: Chapter 1.2. Secondary Education and Vocational Education (VE)
- Volume 2; Chapter 1.3. Higher & Technical Education
- Volume 3: Chapter 5 Ensuring Rural & Urban Livelihoods
- Volume 3; Chapter 7.1 Industry including Small & Medium Enterprises (SMEs)
- Volume 3; Chapter 11 Urban Infrastructure Housing, Basic Services and Poverty Alleviation
- Website of Office of the Chief Commissioner for Persons with Disability
<http://ccdisabilities.nic.in/>
- Social Justice & Empowerment; Mid Term Appraisal of the Tenth Five Year Plan (2002-2007); Planning Commission
<http://planningcommission.nic.in/plans/mta/midterm/english-pdf/chapter-03.pdf>
- Social Development; Confederation of Indian Industry
http://www.ciionline.org/menu_content.php?menu_id=93#
- Website of FICCI Socio Economic Development Foundation
<http://www.ficci-sedf.org/what-we-do/project-jeevika.htm>
- Website of NASSCOM
<http://www.nasscom.org/>
- Website of NASSCOM Foundation
<http://www.nasscomfoundation.org/index.php>
- People with Disabilities in India: From Commitments to Outcomes; Document of the World Bank; Human Development Unit; South Asia Region; May 2007
- Job & Work Analysis Guidelines for Identifying Jobs for Persons with Disabilities; Robert Heron; ILO Publication
- Website of National Handicapped Finance & Development Corporation
<http://www.nhfdc.org/> retrieved on 15th December 2008
- Progress Report, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities
http://thenationaltrust.in/yahoo_site_admin/assets/docs/National_Trust.100174640.pdf
Retrieved on 15th December 2008
- Editorial in Equity, April 1999; National Centre for Promotion of Employment for Disabled People (NCPEDP)
- Equity: December 2001, Partnering University Grants Commission; National Centre for Promotion of Employment for Disabled People (NCPEDP)
- Corporate Code on Disability ; Confederation of Indian Industry ; Social Development
<http://cii.in/documents/CIICorporateCodeDisability.pdf>

- Article 27, Work & Employment; United Nation Enable
<http://www.un.org/disabilities/default.asp?id=287>
- Chidambaram asks Industry to be disabled friendly in Job Recruitment; 18th October 2008; AndhraNews.net
<http://www.andhranews.net/India/2008/October/18-Chidambaram-asks-industry-69749.asp>
- Deepa Kurup, Private sector reluctant to hire disabled, The Hindu, Chennai, 24 December 2007
<http://www.hindu.com/2007/12/24/stories/2007122456610500.htm>
- Disabled girl refused hostel room in Pune Law College, Extract from Indianews.com, 27th June 2006; One World South Asia
http://socialjustice.ekduniya.net/ThematicArea/Tribes/news/news_item.2006-06-27.7674963439/view
- It's time something was done about the lack of Braille texts in India ; TV Jayan; January 28th, 2009
- Down to Earth ; Science & Environment Online
<http://209.85.175.132/search?q=cache:fae3cxIJM1QJ:www.downtoearth.org.in/full.asp%3Ffoldername%3D20040315%26filename%3Dnews%26sid%3D52+It%E2%80%99s+time+something+was+done+about+the+lack+of+Braille+texts+in+India&hl=en&ct=clnk&cd=1&gl=in>
- Jobs to grab, But Few takers : L Subramani
<http://www.deccanherald.com/Content/Dec32008/panorama20081202104277.asp> Extract from Deccan Herald; December 3rd 2008
- Extract from Enabling the differently abled, Neeraj Gandhi, Express Computers, 14th July 2008
<http://www.expresscomputeronline.com/20080714/market01.shtml>
- IKP – Disability; Department of Rural Development, Government of Andhra Pradesh
<http://www.rd.ap.gov.in/>
- AccessAbility Job Portal; Jump Start
<http://accessability.co.in/jobs/jump-start-a-self-employment-initiative>
- PIB Press Release; 18th September 2008
<http://pib.nic.in/release/release.asp?relid=42890>

Annexure

UN Convention on the Rights of Persons with Disabilities Article 27 - Work and employment

1. States Parties recognise the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realisation 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;
 - 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;
 - a. ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
 - i) Promote the acquisition by persons with disabilities of work experience in the open labour market;
 - j) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.