

PWD (Persons with Disabilities) Act 1995: A Paradigm Shift in Creating Employment and Employability among the Persons with Special Needs

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ABSTRACT

According to the 2001 census, 2,19,06,769 people are disabled in India in one way or the other. Out of them, 1,26,05,635 are men and 93,01,134 are women. From among the total disabled population, the majority i.e., 1,63,88,382 i.e., 74 per cent are from rural backgrounds and the remaining 55,18,387 i.e., 25.19 per cent are from urbanites. Whereas in the case of Andhra Pradesh, 13,64,981 are disabled. Among these 7,73,971 are men and 5,91,010 are women. Again the majority of them are from ruralites. Even though they are disabled, due to the technological innovations and adaptation of technology, they began to lead normal life. Recognizing the potential and positive contribution of the disabled to the development and growth of society, the United Nations framed the standard Rules for the equalization of opportunities for the disabled. As a result, India has taken the first initiation in the direction by enacting the law of Persons With Disabilities (Equal opportunities, protection of rights and full participation) Act 1995 (PWD Act 1995) which came into force from 1st January, 1996. But for the successful implementation of any scheme or Act, it is necessary to access the people for whom it was meant. Even in the case of the PWD Act, 1995 also it is necessary to find out the impact of the Act in terms of the implementation of the measures such as education, employment and other welfare measures and to provide feedback to the administration to take necessary steps to change the policy to improve the quality of the life of the disabled. The present study is an attempt to find out the impact created by the PWD Act 1995 in the upbringing of the socio-economic conditions and mainstreaming of persons with special needs.

INTRODUCTION

Disabled persons constitute 2.13 per cent of India's total population. According to the Directorate of Census Operation, their absolute number is 2.2 crore people. The break-up of the differently abled shows that 10.6 million are visually disabled, 6.1 million are locomotor disabled, 2.3 million are mentally retarded and 1.3 million are hearing impaired. Sikkim state is in the forefront with the highest number of the differently abled population followed by Jammu and Kashmir, Himachal Pradesh, Uttaranchal, Rajasthan, Bihar, Arunachal Pradesh, West Bengal, Orissa, Madhya Pradesh, Kerala, Tamil Nadu and Andhra Pradesh. Due to their disability, the disabled are leading miserable and low quality of life.

As stated earlier, the majority of the disabled are ruralites, they lagged behind in accessing equal opportunities in all spheres of life. But despite the changing attitudes of people towards the disabled and the latest technological interventions and appliances have lead to the improvement of the quality of life of the disabled.

Though they have better conditions when compared with the earlier days, still they have to cross many barriers in the aspects of education, and skill development to secure employment or self-employment. Organizations, industries and business marts are still thinking that employing disabled ever with requisite competencies is waste of time and money and they are less productive. But, this is the time for the integration of the disabled with society by imparting employable skills. And the Act facilitates the disabled with such benefits. Keeping this in view, the Government of India has implemented several programmes and enacted Acts. One such Act is PWD Act 1995. The Act envisages equal opportunities in education and employment and to provide health care facilities like appliances, medical care etc., Apart from it, the Government of India also implemented the schemes for preferential allotment of land for certain purposes viz., housing, setting up of the business, setting up of special recreation centres, the establishment of special schools, research centres, factories for entrepreneurs with disabilities etc.,

As years passed, there is a need to study the impact of the Act on the mainstreaming of the differently abled. Hence, an attempt has been made in this study to find out the impact of the PWD Act 1995 on education, employability and employment of the differently abled with the following objectives.

OBJECTIVES OF THE STUDY

The broad objective of the study is to study the impact of the PWD Act 1995 on the employability and employment of the disabled in terms of formal education, vocational training and extent of recruitment. To be specific, the objectives of the study are as follows:

1. To study the type and nature of the disability among the selected sample of the study.
2. To study the enrollment patterns of the disabled at various levels of education after the implementation of the PWD Act 1995
3. To assess the extent of access of vocational training programmes for the disabled.
4. To identify the disabled opinions about the suitability of education for their employability.
5. To study the extent of recruitment of the disabled in organized employment after implementation of the PWD Act 1995
6. To study the awareness of the disabled on various provisions of the PWD Act 1995
7. To elicit the opinions of the disabled towards the strengths and weaknesses of the Act in safeguarding their rights.
8. To formulate and suggest strategies for mainstreaming the disabled in terms of employment and employability

Research Questions

In light of the above objectives, the following research questions were framed

1. Whether the type and nature of the disability among the selected sample is same or not?
2. Are all disabled persons enrolled at various levels of education after the implementation of the PWD Act 1995?
3. What is the extent of access to vocational training programmes for the disabled?
4. What are the opinions of the differently abled towards the suitability of education for their employability?
5. What is the extent of recruitment of the disabled in organized employment after the implementation of the PWD Act 1995?
6. What are the awareness levels possessed by the differently abled on various provisions of the PWD Act 1995?
7. What are the opinions of the differently abled towards the strengths and weaknesses of the Act in safeguarding their rights?

Methodological Approach

Locale and Sample of the Study

The undivided State of Andhra Pradesh has had three clear-cut geographical areas viz., Rayalaseema, Telangana and Coastal Andhra. As the study was conceived before the bifurcation of the State, three districts were selected from the United Andhra Pradesh i.e., one district from Telangana (Nalgonda), one district from Coastal Andhra (East Godavari) and one district from Rayalaseema (Rayalaseema) was chosen as the area of the study. Further, 25 disabled persons each from formal schools, vocational training institutions (ITIs) Registered Disabled and Employed Disabled were chosen randomly as a sample of the study. Thus, the sample frame is as follows:

Districts	-	3	
Disabled attending the Schools	-	25 x 3 =	75
Disabled attending the Vocational Training Institutes (ITIs)	-	25 x 3 =	75

Registered disabled	-	25 x 3 =	75
Employed disabled	-	25 x 3 =	75
Thus, the total sample comprises 300 disabled.			

Tools and techniques

For the purpose of the present study, the information was drawn both from primary and secondary sources. The information relating to the access to education, and employment opportunities relating to the disabled from the districts were drawn from secondary sources viz., the records maintained at the schools, training institutions, employment exchanges etc., at district and state levels. The primary data collected from the disabled with regard to access of education, vocational training and employment opportunities among the disabled and their perceptions regarding the Act and its consequences on their socio-economic development etc., was gathered by developing the following tools.

1. A schedule to identify the socio-economic and demographic profile of the disabled
2. A schedule for the disabled attending the vocational training programmes
3. A schedule for the disabled registered in the Employment Exchanges
4. A schedule for the employed disabled

Source of Data

The statistics relating to the disabled were gathered from the Census and NSSO reports of the country and the State. The provisions created under PWD Act 1995 were drawn from the Gazettes from the State and Central Governments. The educational status of the disabled was drawn from the educational statistics of the disabled at various levels from the education department of the State and employment status in terms of registrations and employment was drawn from the State Directorate of Employment and Training. The primary data relating to the opinion of the disabled towards various provisions incorporated in the Act, implementation of the Act, and ways and means of sharpening teeth of the Act was elicited from the disabled by canvassing respective schedules. The investigators met the District Employment Officers, IECD Coordinators, Assistant Director, Department of Welfare of the Disabled and Senior Citizens of the concerned districts and elicited their cooperation in selecting the Institutions and sample. The investigators have contacted the institutions and the sample canvassed the schedules individually. Before canvassing the schedules, good rapport was established with the sample and indicated the aim of the study and the importance of the information. It has taken about one hour to get the information from the selected sample. In addition, the investigators have also conducted in-depth interviews to elicit the opinion of the sample towards the implementation of the Act.

Data Analysis

The information thus collected both from the primary and secondary sources was pooled together by using qualitative and quantitative techniques and analyzed keeping in view of the objectives of the study. As the study is explorative in nature, simple statistics such as per centtages and means were used for analysis.

Objective-wise Findings of the study

I. Profile of the Sample

The characteristics of the differently abled students show that they belong to girls, 14-16 years, pursuing high school education, daily wage earning families, having more men and school going boys in the families, more annual income, blind and mentally retarded as a disability.

The personal details of the PWDs attending vocational training programmes are an equal number of the gender is represented in the sample, less than 20 years of age, 59.21 per centt of them have less than 15000/- per annum, only 10.50% of the sample households have disabled persons in the family, with agriculture as their family occupation and represented from skilled services.

The PWDs registered in the Employment Exchange show that majority of them are female, with less than 25 years of age, passed up to SSC Qualification, from agricultural families, with a family income of Rs. 50,000 /-, had a personal income of Rs. 45,00/-, married, have children.

The employed differently abled sample shows that majority of them are male, 41-50 years, graduates, with agriculture as family occupation, skilled, middle-income families and having personal income ranges between Rs. 10,000/- to Rs. 40000/-, married, having children, without the presence of other disabled in the families.

II. Type and Nature of the Disability

The type of disability possessed by the PWD students attending formal schools are blind (23.37%), mentally retarded (22.07%), deaf and dumb (19.48%), Ortho (15.58%), slow learners (9.09%) and mental illness (7.79%).

The PWDs attending the vocational training programmes are having orthopaedic disabilities followed by deaf and dumb (18.42%), Multiple disabilities (15.79%), hearing handicapped (14.47%), and Visually handicapped (6.58%). Apart from the above, there are equal representations (3.95%) of mentally retarded and slow learners. The per centage of disability possessed by them is 61-80% in the case of 47.37% of the sample followed by 31.58% (41-60%) and 19.74% (81-100%) however it is less than 40% in the case of 1.32%.

The type of disability prevailing among the registered differently abled shows that the majority of them are having locomotor, blind/low vision. In addition, 6.49 per cent of them are deaf and dumb. The representation of the sample with a hearing problem and multiple disabilities is 7.79 and 2.29 per cent respectively. The percentage of disability indicates that about half of them have less than 60 per cent of disability. About one-fourth of them have 76.90 per cent of disabilities followed by 61 – 75 per cent of disabilities (18.18%) and there are 5.94 per cent with more than 91 and above per cent of disabilities.

Regarding the nature and percentage of disabilities, about three-thirds of the employed PWDs, are locomotor disabled followed by blind, multiple disabilities and deaf and the percentage of disabilities revealed that nearly half of them are suffering between 51 to 75 per cent disabilities followed by 76 per cent and above and less than 50 per cent.

III. Enrollment Patterns of the Disabled At Various Levels of Education After Implementation of The PWD Act 1995

The MHRD claimed in 2004, that 1.08 million children with disabilities were being educated, and by using a very low estimate of the total number of children with disabilities, thus arrived at an estimate of 67.5 per cent of children with disabilities receiving education. Again, a different figure would be found by using the Census estimates for the total number of children with disabilities, and the MHRD data would then suggest that around 28 per cent of children with disabilities were enrolled in school. Data gathered from the NSSO 58th round survey (Jul- Dec 2002), suggest that about 45 per cent of people with disabilities are literate. In contrast, the 2001 Census literacy rate of the total population is 64.8 per cent. According to the NSSO data, 25 per cent of the literate population of people with disabilities had received education up to the primary level (five years of schooling), 11 per cent up to the middle level (eight years), while a mere 9 per cent had nine or more years. (Nidhi Singhal and Roger Jeffery, 2009).

IV. The extent of access to vocational training programmes for the disabled.

More than half of the employed persons with disabilities informed that they know about the vocational education and training programmes organized for them. The source of information for them is from friends followed by social workers, non-governmental agencies and relatives. The trades in which the vocational training is being provided are Tailoring, Computer courses, Vocational education, Skilled professions, Exercise training, Vocational training in Braille language, Teacher training, Saree designing, Weaving, Paper plate making, Phenyl making, Data entry operator, Special training on disabilities, Beautician, research training, Organizing the NGOs, Special education training necessary for schools/ institutions and Blind schools.

More than 60 per cent of the Registered PWDs are aware of the training programmes and less than 40 per cent are not aware of the programmes. The source of information revealed by them is friends, relatives, social workers, non-governmental agencies and others. About 39 per cent of them revealed that they have attended vocational training and more than 61 per cent have not undergone the training. Those who have attended the vocational training course revealed the trades that they have undergone as MS Office in computers, computer operating, data entry, typewriting, tailoring, Talley, chalk piece making, handloom and tie & dye.

Only 53 per cent PWDs attending the Vocational Training programmes are aware of the programmes and 42 per cent of them are not aware of the vocational training programmes. The majority of them have received the information from friends (56.82%) followed by NGOs (29.55%), Relatives (27.27%) and social workers (15.91%) etc., The courses pursued by the sample indicate that most of the courses are service oriented and are short-duration in nature. Most of the courses are service-oriented and given the opportunity the disabled will be performing effectively and also become economic assets in society.

The majority of the PWD students attending formal schools i.e., 86.67 per cent of them have revealed that they are aware of the vocational education and training programmes and the source of information is friends followed by relatives, social workers, teachers and non-governmental organizations. In a further probe, the trades in which they have undergone for the training are beautician course, candle making, embroidery, tailoring, paper plate making, data entry, dress designing and vermicompost etc.,

V. Disabled Opinions About the Suitability of Education for Their Employability.

With regard to the suitability of the present education system in getting employment for the PWDs, more than three-thirds of the employed PWDs have opined that it is suitable and less than three-thirds of them felt that it is not suitable for getting employment. In a further probe about the type of skills inculcated through the present education system, the majority of them informed that computer training is being given followed by training suitable for the PWDs suitable to the nature of the disability, auto-cad, coaching, special reservation, special schools, specially trained teachers, special education, communication skills, vocational training, technical/soft skill training, skill development programmes, tailoring, research-oriented, scribe, newsreader etc., Those who opined that the present education system is not catering their needs informed about the skills required to be incorporated. They are computer-related, skill development, special rights for the disabled, vocational training, awareness programmes to the PWDs about their rights, reservations, provisions etc., special training, free coaching for skill development, spoken English, and government initiatives.

The suitability of the present education system in promoting employability among the PWDs, more than two-thirds of the Registered PWDs opined that the education system could promote employability skills among them and less than one-third of them informed that the education system could not promote employability among the PWDs. In a further probe to the registered PWDs who have a positive attitude towards the present education system further informed that the skills that are being developed by the present education system are Communication skills (45.09%), Coaching for the marginalized (41.17%), Vocational training (37.25%), computer training (35.29%), Skill development programmes (31.37%), Tailoring (31.37%), Technical/soft skills (27.45%), training based on the nature of the disability (25.49%), Special reservations (21.56%), Special education (21.56%), Auto-Cad (19.60%), Specially trained teachers (17.64%), Special schools (15.68%), Research oriented (9.80%), Scribe (7.84%), Newsreader (11.76%). The registered PWDs who responded against the utility of the present education system attributed that the skills to be incorporated through education are computer related (76.92%), skill development programmes (53.84%), Special rights for the disabled (46.15%), Vocational training (42.30%), Awareness to the disabled (38.46%), Special training (42.30%), Free coaching for skills development (34.61%), Spoken English (19.23%), Government initiatives (15.38%).

The opinion of the PWDs attending VTP towards the current education system in promoting employment opportunities among PWDs shows that 86.80 per cent of them felt that, the system is conducive to the employability of the disabled. On the other hand, 13 per cent felt that it is not suitable for the employability of the disabled. Further, 79 per cent of them indicated that the present education system is enabling the disabled to acquire skills and competencies required for performing the jobs. The list of the skills and competencies acquired by them through participation in vocational education clearly shows that these are enabling them to enhance their employability. The skills identified of Sari Painting and Printing, Computer Skills, Handi-Crafts, Book Binding Vermi-Compost, Electrical Works, Pharmacy, Tailoring, Creative Skills, Communication Skills etc. it is true that these skills are enhancing the competencies and employability. Those who have indicated that the current system is not assisting them in acquiring the skills and competencies also suggested the skills required by them for their employability. They have suggested that they need training for competitive examinations, creative skills, special coaching as teachers, special courses for deaf dumb, skill upgradation, communication skills etc.

86.67 per cent of the PWD students attending schools responded positively towards the suitability of the present education system and only 13.33 per cent have opined that it does not promote employability. A further probe about whether the present education system is helping the PWDs to acquire the skills necessary to discharge their job duties at work revealed that 86.66 per cent of them accepted that it helps them to acquire the skills. The skills that are being inculcated are Training in computers (43.07%), Communication skills (36.92%), Awareness programmes (27.70%), Hostel facility (27.70%), Skills up gradation (21.54%), Open learning (21.54%), First aid (20.00%), Special coaching (12.30%) and Braille maths (4.61%). Skills to be incorporated by the present education system perceived by the PWD students who have responded that the present education system is not suitable are competitive guidance (80%), computer education (70%), designing special schemes and programmes (60%), hostel facilities (30%), Braille (30%), special training (30%), i-pads (20%) and recording instruments (20%).

VI. Extent of Recruitment of the Disabled in Organized Employment After Implementation of the Pwd Act 1995

Since the implementation of the PWD Act 1995, the registrations of the PWDs ranged between 48.3 thousand to 66.1 thousand from 1995 to 2003. Later it has reduced to 36.1 thousand. With regard to the placements, though, 48.3 thousand have registered for employment, and only 3.7 thousand have got placement which shows the government's failure in creating employment. The status of placements also reveals that it has risen from 3.7 in 1995 to 4.9 thousand in 2003. Later it decreased to 2.1 thousand for the year 2013. But, in the case of live registers, it is gradually increasing from 352.8 thousand to 812 thousand which shows an enormous increase in the rate of aspirants. The studies conducted by the ILO (2014) and Nidhi Singhal and Roger Jeffery, (2009) have shown the same result. Hence, there is a need to promote employment opportunities both in the public and private sectors.

With regard to the registrations of different categories of PWDs, 3.0 thousand blind registered in 1990 and has reduced to 2.9 in 1997. Later, it rose to 5.4 in 2011 with a gradual increase, but, again reduced to 2.2 thousand in 2013. In the case of the deaf and dumb, the same trend prevailed. The registrations for the year 1990 have been rose to 5.8 thousand in 2011. Later, it decreased to 2.8 thousand in the year 2013. Whereas in the case of orthopaedically handicapped people, the total registrations for the year 1990 were 37.5 thousand and increased to 57.7 thousand in the year 2000. Again it decreased to 25.0 thousand in 2013. The data on women registrants is not available until 1998 and later, the number of registrants from 1998 to 2011 have been increased and later decreased like other sections. This clearly indicates the failure of the Government to the creation of employment for the PWDs and failed to mainstream them into society. Almost more or less similar trends can be seen in the case of placements and the number of aspired registrants is enormously increasing from 1990 to 2013.

VII. The Awareness of the Disabled on Various Provisions of the PWD Act 1995

More than half of the employed PWDs are having awareness about education, employment and other issues such as health, provisions etc., addressed by the PWD Act 1995.

In the case of Registered PWDs, only a few of them are having awareness of the educational aspects addressed and provisions provided by the PWD Act 1995. However, more than half of them are aware of the issues related to employment, and other facilities such as health, provision for appliances, grievance redressal etc.,

More than half of the PWDs attending the vocational education and training programmes are having awareness about the issues addressed for education, employment and other provisions created by the PWD Act 1995.

While in the case of PWD students attending formal schools, the majority of the students have a fair knowledge of all the provisions created by the Act.

VIII. To Elicit the Opinions of the Disabled Towards the Strengths and Weaknesses of the Act in Safeguarding Their Rights.

The employed PWDs ascribed the strengths of the PWD Act 1995 as Health facilities (medication) (73.33%), Providing opportunities for education (69.33%), Employment opportunities (54.67%), Reservations and subsidies for transportation (45.33%), Subsidized Technical appliances (37.33%), Assured social security (25.33%), Given respectable/equal status in the society (20.00%), Addressed the grievances of the PWDs (14.67%). The employed PWDs further ascribed the weaknesses of the Act as Not being able to change of attitudes of the society towards PWDs (68.00%), Lack of propagation of the Act among society (65.33%), Not able to control the discriminatory practices (64.00%), Not able to address all the grievances of PWDs (49.33%), Lack of awareness programmes about the provisions (44.00%).

The Subsidized Technical appliances (79.22%) as the topmost strength of the Act as perceived by the Registered PWDs followed by the provision of opportunities for education (62.33%), Employment opportunities (54.54%), Reservations and subsidies for transportation (50.65%), Given respectable/equal status in the society (45.45%), Health facilities (medication) (44.15%), Addressed the grievances of the PWDs (36.36%), Assured social security (27.27%). The weaknesses ascribed are a Lack of awareness programmes about the provisions (79.22%), Not able to change attitudes of the society towards PWDs (76.62%), Not able to control discriminatory practices (63.63%), Not able to address all the grievances of PWDs (55.84%), Lack of propagation of the Act among society (74.02%).

The PWDs attending the vocational training programmes revealed the strengths of the PWD Act 1995 as providing opportunities for education (82.89%), Subsidized Technical appliances (75.00%), Employment opportunities (71.05%), Health facilities (medication) (71.05%), Reservations and subsidies for transportation (64.47%), Given respectable/equal status in the society (55.26%), Addressed the grievances of the PWDs (43.42%), Assured social security (27.63%). The weaknesses are not able to change of attitudes of society towards PWDs (77.63%), Not being able to control discriminatory practices (75.00%), Lack of awareness programmes about the provisions (53.94%), Not being able to address all the grievances of PWDs (44.74%), Lack of propagation to the Act among society (14.47%).

Provision of subsidized technical appliances (89.33%) followed by Reservations and subsidies for transportation (86.67%), Health facilities (medication) (82.67%), Provides opportunities for education (78.67%), Employment opportunities (77.33%), Given respectable/equal status in the society (38.67%), Addressed the grievances of the PWDs (20.00%) and Assured social security (14.67%) are the strengths of the PWD Act 1995 as opined by the PWD students attending formal schools. The weaknesses are not able to change of attitudes of society towards PWDs (81.33%), Not being able to control discriminatory practices (78.67%), Lack of awareness programmes about the provisions (76.00%), Not able to address all the grievances of PWDs (42.67%) and Lack of propagation of the Act among society (29.33%).

IX. Suggested Strategies for Mainstreaming the Disabled in Terms of Employment and Employability

The employed PWDs have given number of suggestions including employment, more reservations than the existing reservations, provision of appliances, bringing of attitudinal changes through awareness programmes, more amicable training programmes, provision of reservations even at the promotions, effective implementation of PWD Act 1995, effective implementation of Employment Guarantee scheme for them, financial assistance to start their own enterprise, livelihood promotion programmes, creation of special facilities, providing of transportation, health and education facilities for them, unemployment allowances, motivational programmes for the PWDs to enter into the education, employment / self employment, The 56th Roster point of the disabled should be incorporated below 40th point, provision of basic needs, political reservations, disabled pensions, encouragement for the skilled PWDs, PWD budgeting should also be introduced like gender budgeting, additional time allotment for them in the competitive examinations, special employment drive need to be organized etc.,

The Registered PWDs have suggested for providing employment in the government sector, more reservations than the existing reservations, provision of appliances, bringing of attitudinal changes through awareness programmes, more amicable training programmes, financial assistance to start their own enterprise, creation of special facilities, motivational programmes for the PWDs to enter into the education, employment/self employment, provision of basic needs, political reservations, disabled pensions, organization of skill development suitable to their disability, provision of free treatment for the PWDs having more than 40% disability, special employment drive need to be organized, programmes to be organized to inculcate the self-confidence among the PWDs etc.,

Opportunities should be provided to the disabled for promoting their lively hoods, Establishment of vocational training institutions, Reservations for the disabled may be maintained for sanctioning/approving factories, At least one school for the district, Monitoring of the disabled through NGOs and trusts, Special training for the deaf and dumb, Deaf and Dumb should be trained lead lip reading special therapy etc., Braille slate, i-pads should be provided by the school, Preference should be given in Government jobs, Marriage institutes of Rs.50,000/- should be given for marriage of the disabilities, Awareness should be created among the parents, Promote skill development programmes, Providing better education and health facilities, Government should provide advanced health facilities to reduce the disability, Government jobs should be provided based on the level of disability, Free medical treatment for the disabled and Conducive environment for the disabled are the suggestions suggested by the PWDs attending the Vocational training programmes.

The suggestions given by the PWD children attending the formal schools for mainstreaming the PWDs are Rational thinking, Equal treatment, Sharing of knowledge with co-studies, Easy mingling with others, Awareness about the government schemes, Awareness programmes, Conducive environment, Sufficient classes, Parents interaction, Helping nature/help others, Special facilities, Social adjustment, Awareness on government facilities, Employment opportunities, Special reservation facilities, Providing employment opportunity immediately after compulsion the course, Fulfilling basic/needs, Providing special teaching aids Special classes, Supply of hearing instruments, Providing special vocational training programmes, Construction of special hostels, Nutritious food, Effective implementation of reservations, Using the RTI for their betterment, Construction of special schools, establishment of more Special schools i.e., one school per district etc.,

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