

Chapter-I
Introduction

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1.1 Enabling provisions pertaining to Persons with Disabilities

The Constitution of India ensures equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all, including Persons with Disabilities (PwDs). Article 41 of the Constitution of India mandates the State to make effective provisions for securing the right to work, to education and to public assistance for people affected by disability within the limit of its economic capacity and development. In line with this, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (PwD) Act, 1995, was enacted by Government of India (GoI).

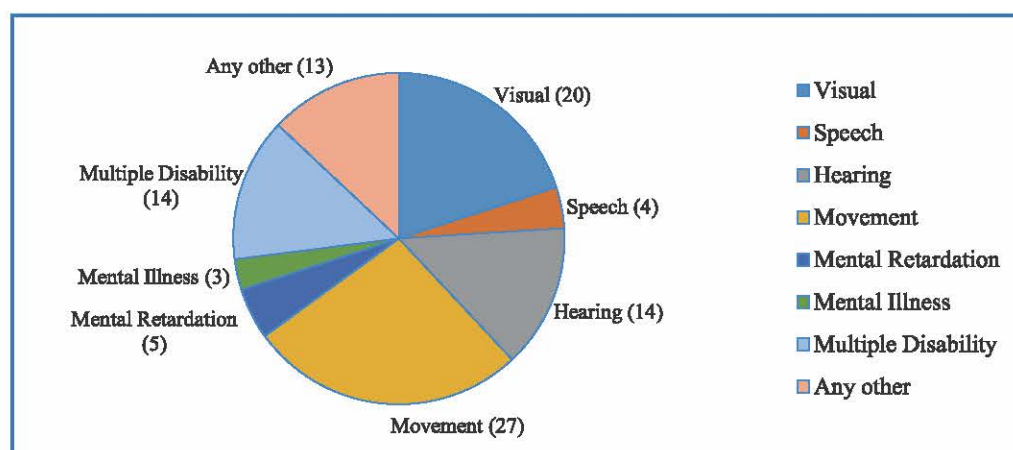
The Rights of Persons with Disabilities (RPwD) Act, 2016 which came into force from April 2017 replaced the existing PwD Act, 1995 and was enacted to give effect to the principles adopted by the United Nations Convention¹ on the Rights of Persons with Disabilities 2006. The salient features of the RPwD Act, 2016 are as under:

- The Act prescribes 21 types² of disabilities whereas the existing Act of 1995 had only 7 categories under its umbrella.
- This Act provides for various rights and entitlements for PwDs like equality and non-discrimination, community life, protection against cruelty and inhuman treatment, access to justice, legal capacity, etc.
- The Governments are required to make existing public buildings and infrastructure accessible within five years and provide barrier free environment for PwDs.
- The benefits of schemes implemented by GoI/State Governments are related to ‘persons with benchmark disability’ i.e., not less than 40 *per cent* disability as certified by a certifying authority.

As per Census 2011, Rajasthan had 15.64 lakh persons with disabilities, which was 2.28 *per cent* of the total population (6.85 crore) of the State. Rajasthan had the sixth largest population of PwDs which constituted 5.83 *per cent* of total PwDs in the country. The category wise proportion of PwDs is depicted in **Chart 1:**

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- 1 India ratified the Convention in October 2007.
 - 2 (i) Blindness (ii) Low-Vision (iii) Leprosy Cured Persons (iv) Hearing Impairment (deaf and hard of hearing) (v) Locomotor Disability (vi) Dwarfism (vii) Intellectual Disability (viii) Mental Illness (ix) Autism Spectrum Disorder (x) Cerebral Palsy (xi) Muscular Dystrophy (xii) Chronic Neurological Conditions (xiii) Specific Learning Disabilities (xiv) Multiple Sclerosis (xv) Speech and Language Disability (xvi) Thalassemia (xvii) Haemophilia (xviii) Sickle Cell Disease (xix) Multiple Disabilities including Deaf Blindness (xx) Acid Attack Victims and (xxi) Parkinson’s Disease.

Chart 1: Category-wise percentage of PwDs in Rajasthan as per Census 2011



Source: 'Persons with Disabilities (Divyangjan) in India- A Statistical Profile: 2021' published by Ministry of Statistics and Programme Implementation, GoI.

1.2 Organizational Set-up

With the objective of giving benefits of various schemes, provisions, Act and Rules governing the welfare of the disabled persons in a dedicated manner, a separate Directorate for Disabled Persons was established (October 2011) in the State. Subsequently, the Directorate was renamed as Directorate of Specially Aabled Person (DSAP), from March 2012 and the persons with disabilities were termed as "Specially Aabled Persons" (SAP) in the State.

The Principal Secretary, Social Justice and Empowerment Department (SJED) Government of Rajasthan (GoR), is the administrative head of the Department and is assisted by Director-cum-Special Secretary, SAP who heads DSAP and is responsible for overall planning, implementation of various schemes and monitoring the utilization of the funds disbursed by GoI/GoR against various schemes³ implemented for the benefit of SAPs, by coordinating with different departments of the State Government. Deputy/Assistant Directors i.e., District Level Officers (DLO) of SJED at District Level and Block Social Security Officers (BSSOs) of SJED at Block level assist in administration and implementation of schemes. As of March 2021, there were 35 Mentally Retarded (MR) homes and 101 Residential and Non-Residential schools being run by Non Governmental Organisations (NGOs) for SAPs in Rajasthan which were receiving grants from DSAP. In addition, one Government Mentally Retarded Women and Child Welfare Rehabilitation Home, Jamdoli (Jaipur) is functioning under the control of DSAP.

3 Examples include (i) *Mukhyamantri Vishesh Yogyajan Swarojgar Yojana*; (ii) *Vishesh Yogyajan Sukhad Dampatya Jeevan Yojana*; (iii) *Sanyukt Sahayata Anudan Yojana*; (iv) *Vishesh Yogyajan Scholarship Yojana*; (v) *Vishesh Yogyajan Anupriti Yojana*; (vi) *Vishesh Yogyajan Identification Yojana*; (vii) *Astha Yojana*; (viii) *Vishesh Yogyajan Sports Yojana*; (ix) *Vishesh Yogyajan State Level Award Yojana*; (x) *Polio Correction Camp*; (xi) *One time financial assistance to pension holder SAPs for self-Business Yojana*; and (xii) *Vishesh Yogyajan Self-Employment and Training Yojana*.

In addition, an independent office of the State Commissioner, SAP was established under Section 79 of the RPwD Act, 2016. The State Commissioner, SAP is responsible to monitor the implementation of schemes, programmes and provisions of the RPwD Act besides inquiring into the complaints relating to deprivation of rights of SAP etc.

1.3 Audit Objectives

The Performance Audit was carried out to examine whether:

- (i) *government took adequate measures to effectively ensure the rights and entitlements of SAPs, including dignity, equality, non-discrimination, individual autonomy, independence and accessibility;*
- (ii) *societal participation, inclusion and acceptance was ensured through adequate social security and effective rehabilitation and recreational measures;*
- (iii) *health services, education, skill development and employment opportunities were adequately and effectively provided in a non-discriminatory manner ensuring equality of opportunity; and*
- (iv) *effective system of governance including effective financial management, monitoring and internal control was in place.*

1.4 Audit Criteria

The Performance Audit was benchmarked against the criteria derived from the following sources:

- The Rights of Persons with Disabilities (RPwD) Act, 2016;
- Rajasthan State Policy on Disabilities, 2012;
- Annual Reports of the State Commissioner for SAPs;
- The Rajasthan Rights of Persons with Disabilities (RRPwD) Rules, 2018; and
- Guidelines of the respective schemes, Government orders and circulars issued by the GoI/GoR.

1.5 Audit Scope and Methodology

The Performance Audit covering the period 2016-21, commenced in July 2021 with an Entry Conference (July 2021) with Secretary, SJED wherein audit objectives, audit criteria, selection of units, audit methodology and scope of Performance Audit were discussed. Records of office of the Director-cum-Special Secretary, SAP as well as the Office of the State Commissioner, SAP were examined.

Audit selected eight Deputy Director (DD)/Assistant Director (AD) offices of SJED at district level and 16 Block Social Security Offices (BSSOs) of SJED at block level. In addition to the Government Mentally Retarded Women and Child Welfare Rehabilitation Home, Jamdoli (Jaipur), out of the 13 MR Homes run by NGOs in the eight selected districts, eight MR homes were selected. Further, out of 33 Residential/Non-Residential Schools run by NGOs in the eight test checked districts, 11 were selected. All these selections were done through Simple Random Sampling using IDEA software. Apart from this, five Special Schools under Deendayal Disability Rehabilitation Scheme (DDRS), one District Disability Rehabilitation Centre (DDRC) and three centres under Assistance to Disabled Persons for Purchasing/Fitting of Aids/Appliances (ADIP) Scheme run by NGOs through central grants, were also selected for audit, in selected eight districts. Details of selected units are given in *Appendix-I*.

Audit findings were discussed with the Secretary, SJED and officers of the implementing agencies in an Exit Conference held on 11 April 2022. Replies of GoR and views of GoR expressed in the Exit Conference have been appropriately incorporated in the Report.

1.6 Acknowledgement

Audit acknowledges the cooperation of GoR including Secretary, SJED and State Commissioner, SAP during the conduct of the Performance Audit. Audit also appreciates the assistance provided by the field functionaries of concerned departments for smooth conduct of the audit. However, certain important information⁴ has not been provided by SJED due to which Audit could not conduct a more comprehensive and in-depth analysis of various steps taken by the department for successful implementation of the Act.

4 Such as State level consolidated data of all schemes, State level information of NGOs (registered/renewed/cancelled/closed/inspections conducted etc.); State/district level information about SAPs (category wise); State level data of distribution of *Astha* cards; State level information about *Palanhaar* Scheme; State level information about legal guardianship given under National Trust Act; Financial information about DDRC, DDRS and ADIP centres; Information about grievance redressal system (complaints received/resolved etc.).