

**CHAPTER I**  
**INTRODUCTION**



## Chapter-I: Introduction

Lack of ability or any restriction to perform an activity in a manner or within the range considered normal for the human beings, resulting from impairment is termed as disability. Impairment concerns the physical aspects of health and disability is the loss of functional capacity resulting from an impaired organ. Handicap is a measure of the social and cultural consequences of an impairment or disability. Early identification of development delays or disabilities reduces the chances of its progression to severe disability. Hence, timely intervention is a vital component in the rehabilitation of disabled. Disabled individuals in the community face many social problems and are being neglected in the community because of inaccessibility to services and lack of opportunities like health services, schools, vocational education programs, and jobs.

Article 41 of the Indian Constitution mandates the State to make effective provisions for securing the right to education, work and public assistance for people affected by disability within the constraints of its economic capacity and level of development. Also, non-inclusion of Persons with Disabilities (PwDs) in the development process has several implications as stigma of disability may result in loss of income and additional cost to the PwDs, for their care providers and other family members.

### 1.1 The Rights of Persons with Disabilities Act, 2016

India is a signatory to the United Nations Convention on the Rights of Persons with Disabilities 2006 (UNCRPD). The Government of India (GoI), to give effect to the principles laid down in the said Convention enacted the Rights of Persons with Disabilities Act, 2016 (RPWD Act) with effect from 27 December 2016 by replacing the “Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, (PwD Act)” and framed the Rights of Persons with Disabilities Rules, 2017 (June 2017). Some of the important provisions of the RPWD Act are highlighted below:

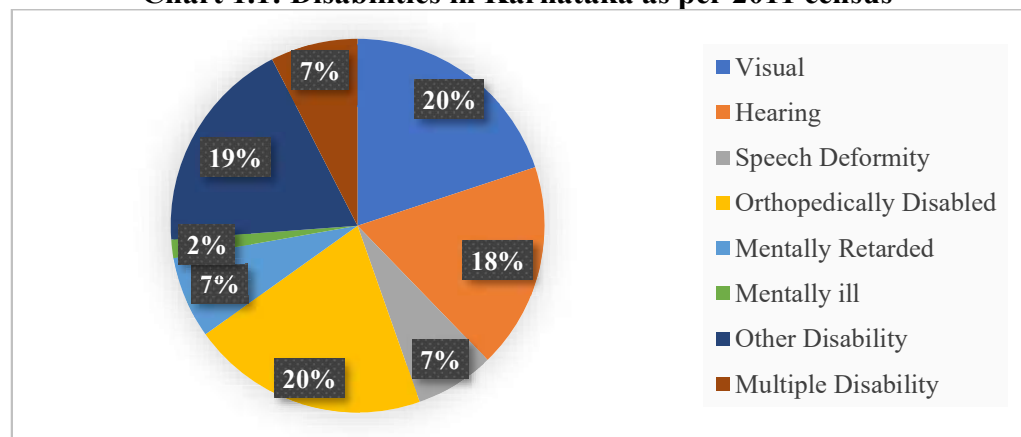
- Covers 21 disabilities as against seven disabilities in the PwD Act.
- Increase in reservations from three *per cent* to four *per cent* in Government establishments for certain persons or class of persons with benchmark disability.
- Right to free education for every child with benchmark disability between the age group of 6 to 18 years.
- Five *per cent* reservation in allotment of agricultural land and housing in all relevant schemes, poverty alleviation programmes and development programmes.
- Constitution of District level committees by the State Governments to address local concerns of PwDs.
- Designation of Special Courts in each district to handle cases concerning violation of rights of PwDs.
- Setting up of Central and State Advisory Boards on Disability to serve as apex policy-making bodies at the Central and State level.
- Providing incentives that are within the limits of their economic capacity to establishments to ensure that at least five *per cent* of the work force comprises of persons with benchmark disability.
- Constitution of a State Fund for PwDs in consultation with Comptroller and Auditor General of India.
- Additional thrust on activities such as awareness campaigns, access to transport, grievance redressal, social audit *etc.*

Apart from the above, the RPWD Act includes a dedicated chapter for rights and entitlements which include equality and non-discrimination, community life, protection against cruelty and inhumane treatment, protection from abuse, violence and exploitation, protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters, reproductive rights, access to voting, access to justice, legal capacity, provision of guardianship *etc.*, (Chapter II). The Act also mandates the appropriate Governments to frame schemes and programmes in the areas of social security, healthcare, rehabilitation, research and development, culture and recreation, sporting activities, skill development *etc.*, for effective empowerment and inclusion of PwDs (Chapter V).

## 1.2 Demographic Profile

As per Census 2011, Karnataka has 13.24 lakh people with disabilities, which is 4.94 *per cent* of the total PwDs in the country (2.68 crore). The PwD Act, 1995 had seven categories of disabilities that was expanded to 21 categories under the RPWD Act, 2016 to include cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, autism spectrum disorders, chronic neurological disorders such as multiple sclerosis and Parkinson's disease, blood disorders such as haemophilia, thalassemia, and sickle cell anaemia *etc.* The percentage share of disabilities under various categories as per 2011 census is shown in **Chart 1.1**.

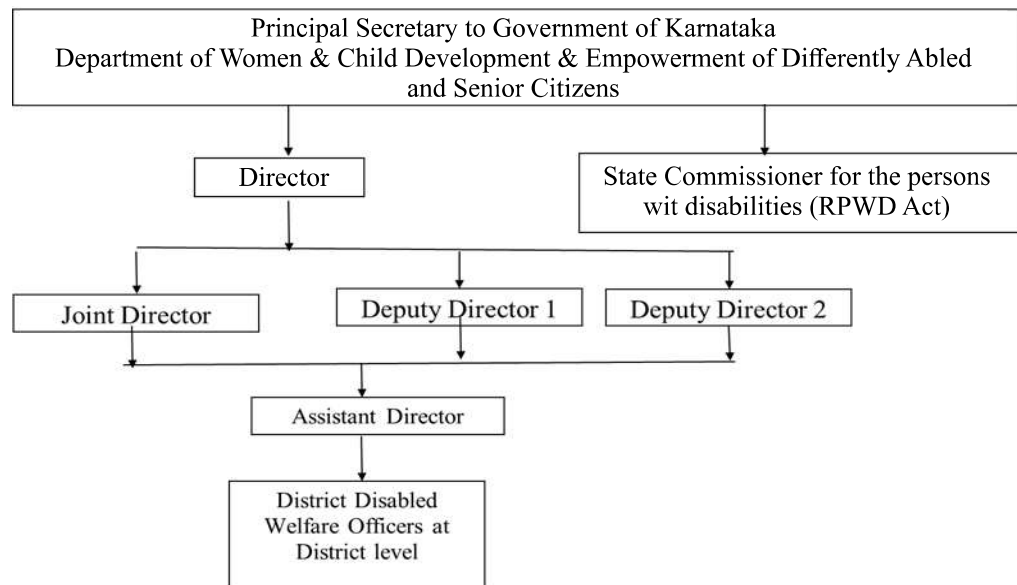
**Chart 1.1: Disabilities in Karnataka as per 2011 census**



## 1.3 Organisation setup

In Karnataka, the Department of Empowerment of Differently Abled and Senior Citizens (DEDASC) is responsible for providing rehabilitation, education, economic opportunities, barrier free environment and other supporting services to facilitate the integration of persons with disabilities in the mainstream of society.

The Organogram of the Department is as shown below:



The Department for the Empowerment of Differently Abled and Senior Citizens (DEDASC), which functions under the administrative control of the Principal Secretary, Women and Child Development and Empowerment of Differently Abled and Senior Citizens Department is headed by the Director, who is assisted by a Joint Director, two Deputy Directors, an Assistant Director and District Disability Welfare Officers (DDWO) as the implementing Officers at District Level.

In addition, an independent office of the State Commissioner for PwD, established (March 1998) under the PwD Act, 1995 is responsible for

- Monitoring the implementation of the RPWD Act;
- Monitoring the utilization of funds disbursed by the State Government;
- Safeguarding the rights and facilities made available to PwDs;
- Submitting reports to the Central and State Governments on the implementation of the Act; and
- Looking into complaints relating to deprivation of rights of PwDs;
- Inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

#### 1.4 Audit objectives

The present Performance Audit (PA) seeks to ascertain, with reference to the provisions of the RPWD Act, whether -

1. Proper planning for identification and verification of the PwDs along with appropriate rehabilitation measures were in place;
2. Adequate measures were undertaken to ensure access to means of empowerment of PwDs; and
3. Existing system of governance including financial management, monitoring and internal control system were effective.

## **1.5 Audit criteria**

The criteria for the PA were derived from the following:

- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (Karnataka) Rules, 2003 as amended from time to time
- The Rights of Persons with Disabilities Act, 2016
- The Rights of Persons with Disabilities Rule, 2017
- Karnataka Rights of Persons with Disabilities Rules, 2019
- Scheme notifications and guidelines
- Rehabilitation Council of India Act, 1992
- National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
- Annual plans of the Department and Annual Reports of the State Commissioner
- Instructions and guidelines issued by the Government/competent authority from time to time.

## **1.6 Audit scope and methodology**

The PA was conducted for the period 2016-17 to 2020-21 during November 2020 to July 2021 and updated up to March 2022 from October 2022 to January 2023.

Audit methodology involved collection of data through document analysis in the Secretariat, Directorate and 11<sup>1</sup> District offices and seeking a response to audit enquiries /questionnaires / proforma besides conducting joint inspection of 70 out of 111 test-checked institutions/schools maintained by the Government and NGOs in selected districts.

An entry conference was held on 11 December 2020 with the Commissioner to discuss the audit objectives, criteria, scope and methodology. The audit findings were discussed with the Director in the exit conference held on 09 February 2023. The response of the Government to the Draft Audit Report (May 2023) and their comments in the exit conference have been suitably incorporated in this Report.

## **1.7 Acknowledgement**

Audit acknowledges the cooperation and assistance extended by the officers and staff of the DEDASC, the State Commissioner and the test checked institutions in conducting the audit.

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<sup>1</sup> Bengaluru Urban, Bidar, Belagavi, Bagalakote, Chitradurga, Dakshina Kannada, Hassan Haveri, Mysuru, Raichur and Ramanagara.