

**Press Brief on Performance Audit of**  
***'Implementation of Rights of Persons with Disabilities Act, 2016'***

In accordance with Article 151 of the Constitution of India, Comptroller and Auditor General of India (CAG) submits his Audit Reports to the Governor of State for laying on the table of the Legislature. Accordingly, Report of Performance Audit on *'Implementation of Rights of Persons with Disabilities Act, 2016'*- Government of Rajasthan, has been laid on the table of the State Legislature on 19.07.2023. As per procedure, the Report of the CAG stand referred to the Public Accounts Committee of the State Legislature.

**Purpose for undertaking this performance audit**

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.

The Rights of Persons with Disabilities Act, 2016 which came into force from April 2017 replaced the existing Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

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 Person with Disabilities which constituted 5.83 *per cent* of total PwDs in the country.

A Performance Audit of *'Implementation of Rights of Persons with Disabilities Act, 2016'* was conducted to assess whether Government of Rajasthan took adequate measures to ensure the rights and entitlements of Specially Abled Persons, provide adequate social security, education and employment. The performance audit covered the period of five years from April 2016 to March 2021.

The audit covered the Director-cum-Special Secretary, Specially Abled Persons as well as the Office of the State Commissioner Specially Abled Persons, eight Deputy/Assistant Director offices of Social Justice and Empowerment Department at district level and 16 Block Social Security Offices at block level. Further, Government Mentally Retarded Women and Child Welfare Rehabilitation Home, Jamdoli (Jaipur), eight Mentally Retarded Homes, 11 Residential/Non-Residential Schools, Five Special Schools under Deendayal Disability Rehabilitation Scheme, One District Disability Rehabilitation Centre, Three centres under Assistance to Disabled Persons for Purchasing/Fitting of Aids/Appliances Scheme run by Non-Governmental Organizations were also selected for audit in selected eight districts.

The principal audit findings that led to audit conclusions and recommendations are as follows:

## **Chapter II: Rights and Entitlements**

Rajasthan State Policy on Disabilities, 2012 had not been revised even after promulgation of the Rights of Persons with Disabilities Act, 2016. The Rajasthan Rights of Persons with Disabilities Rules 2018 were implemented with delay of more than one year and eight months. Reservation to SAPs was not adequately provided by the departments and SAP employees were deprived of reservation in promotion for more than four years since the enactment of RPwD Act. Equal Opportunity Policy is yet to be approved by the State Government.

State Commissioner did not have any mechanism to monitor the action taken on complaints received from aggrieved specially abled persons. The issues relating to non-constitution of State Advisory Board, State Committee for Research on Disability, State Fund and Assessment Boards in the State, even after lapse of four years of implementation of the Act indicate severe deficiencies in establishing the institutional mechanisms envisioned in the Act.

### ***Recommendations***

- 1. The State Government may ensure that reservation in jobs and promotions are made for the Specially Abled Persons as per the Rights of Persons with Disabilities Act.*
- 2. The State Government may take necessary steps for early adoption of Equal Opportunity Policy for the protection of rights of the Specially Abled Persons.*
- 3. The State Government may set up the institutional mechanisms envisioned in the Act for effective implementation of the Act for the welfare of the Specially Abled Persons.*

## **Chapter III: Social Security and Rehabilitation**

The inadequate coverage of the Specially Abled Persons under social security net was evident from the fact that out of 15.64 lakh, only 5.77 lakh (36.89 per cent) Specially Abled Persons were being provided disability pension. Further, 14 categories of Specially Abled Persons added under Rights of Persons with Disabilities Act, 2016 were covered for pension with inordinate delay.

The Mentally Retarded homes for Specially Abled Persons having intellectual disabilities were not adequate in the State and the existing MR homes suffered from shortage of staff and the amenities.

Financial assistance was provided to Specially Abled Persons without obtaining required documents like Income Certificate, Marriage Card, Domicile, Disability Certificate and receipt of Aid & Devices under *Vishesh Yogyajan Sukhad Dampatya Jeevan Yojana* and *Sankyukt Sahayata Anudan Yojana*.

Further, subsidy was released without ascertaining the actual disbursement of full loan and there was irregular disbursal of subsidy to ineligible people under *Mukhyamantri Vishesh Yogyajan Swarojgar Yojana*.

Directorate, Specially Abled Persons did not conduct social audit of all programmes and schemes for the Person with Disabilities from time to time.

In the eight test checked districts, many Government buildings were not fully accessible for SAPs as the ramps, railings and accessible toilets had not been constructed.

### ***Recommendations***

*4. The State Government may establish adequate number of Government/NGO run Mentally Retarded Homes and ensure availability of adequate infrastructure and human resources as per prescribed norms.*

*5. The State Government may ensure that there is no diversion of benefits meant for PwDs to ineligible persons. Responsibility may be fixed for diversion of benefits to ineligible persons.*

*6. The State Government may undertake social audits periodically which would help them in monitoring the progress as well as improving the implementation of schemes and programmes run for the welfare of the Specially Abled Persons.*

## **Chapter IV: Issue of Disability Certificates and Welfare of Specially Abled Persons**

There was significant delay in issue of Disability Certificates to the disabled as 31 *per cent* of the 9.85 lakh applications were pending for more than one year at various levels of Medical and Health department. Shortfall in the issue of Disability Certificates was more than 50 *per cent* in Sawaimadhopur and Udaipur districts.

The Rajasthan was ranked second lowest (34<sup>th</sup> rank out of 35) in Specially Abled Persons literacy rate (40.16 *per cent*). Children with Special Needs who enrolled for school education decreased from 1.07 lakh in 2016-17 to 0.75 lakh in 2020-21, a reduction of 30 *per cent*. There was shortage of essential human resources as posts of teachers in Government Special Schools (38.10 *per cent*) and 357 Resource Persons (56.22 *per cent*) at Resource Centres were vacant. Non-engagement of Speech Therapist/Audiologist/Physiotherapist for Specially Abled Persons was noticed in NGO run Residential/Non-Residential schools.

Directorate, Specially Abled Persons took excess time in granting new registration and renewal of certificates of NGOs.

### ***Recommendations***

*7. The State Government may undertake special campaigns to enhance the coverage of Specially Abled Persons for issue of disability certificates and prescribe norms regarding time limits for various stages of processing of applications.*

*8. The State Government may make all efforts to enhance the enrolment and retention of Children with Special Needs in the educational institutions in the State.*

*9. The State Government may make all efforts to facilitate NGOs through timely grant of registrations and their renewal and prepare proper database for effective monitoring of NGOs.*

### **Chapter V: Financial Management and Internal Control**

The utilization of budgetary funds for the welfare of Specially Abled Persons was found to be inadequate, especially in the schemes being run for Specially Abled Persons in the State. There was no dedicated staff of Directorate, Specially Abled Persons at the district or lower levels though a separate Directorate for Specially Abled Persons was established in October 2011 for focused intervention for welfare of Specially Abled Persons.

District officers did not conduct quarterly/monthly inspection of NGOs and instead conducted inspections on a half yearly basis at the time of making recommendation to Directorate, Specially Abled Persons for releasing grants.

### ***Recommendations***

*10. The State Government may establish separate Specially Abled Persons offices with adequate manpower at district/block level for effective implementation of the provisions of the Act and schemes/programmes.*

*11. The State Government may ensure effective Internal Controls by ensuring robust institutional mechanisms as envisaged in the Act and availability of timely and accurate information.*