

CHAPTER V

SKILL DEVELOPMENT, EMPLOYMENT AND SOCIAL SECURITY

Chapter-V: Skill Development, Employment and Social Security

The Government is yet to establish required technical training institutions for imparting skills to enable them secure livelihood. Community Care Centres were not established for the orphaned children and destitute disabled persons and many Central Sector Schemes designed for the welfare of the disabled were not implemented. The awareness and publicity about the provisions of the revised Act and Rules was inadequate, which resulted in their non-implementation. As a result, many of the PwDs had to seek legal intervention for their rights. There were deficiencies in few of the test-checked schemes implemented.

Social protection plays a key role in realizing the rights of persons with disabilities of all ages, providing them with an adequate standard of living, a basic level of income security, thus, reducing levels of poverty and vulnerability. People with disabilities need skills to engage in livelihood activities. These skills can be classified into foundation skills acquired through education, professional skills to enable undertake a particular activity or task and business skills to succeed in self-employment.

5.1 Skill development for PwDs

Government is extending grants to institutions such as Non-residential Industrial Training Institute of the National Association for Blind, Mysuru, Technical Training Institute run by the National Association for Blind, Bengaluru, Association of People with Disabilities (APD), Bengaluru to impart vocational training to PwDs and improve their employability skill and these institutions are functioning with 100 *per cent* financial assistance from the State budget (Under 1982 GIA code). Audit observations on functioning of technical institutes are discussed in subsequent paras in this chapter.

5.1.1 *Non-compliance to guidelines by Non-residential Industrial Training Institute of the National Association for Blind, Mysuru*

The State Government accorded (December 1985) sanction to start non-residential Industrial Training Institute (ITI) for the blind run by National Association for Blind (NAB) at Mysuru under the GIA scheme for Physically handicapped persons and Mentally Retarded children. The institution initially established for blind students is also now training hearing impaired students.

Records indicated that the teaching faculty did not possess either Braille skills or sign language required to teach the visually and hearing impaired. The institute stated (January 2021) the teachers were imparting training through experience. It was also seen that the post of the Director is vacant since 1995 and the running of the institute is by a manager.

The condition of the institute is detrimental to the interest of the children.

5.1.2 Working of Technical Training Institute run by the National Association for Blind, Bengaluru

The Technical Training Institute established in 1982 by the National Association for Blind was granted affiliation by State Council of Vocational Training in 1987 for conducting ITI related courses. The Institute had not conducted ITI courses since all the GIA teaching staff had retired by 2015-16. The institution has so far not filled up the vacant posts. As per the information furnished by the institution, it had conducted one course each of six months duration (foundation course) during 2017-18 and 2018-19 through an outsourced staff and the Attender. In 2019-20, five courses of two-month duration (Garment course) were conducted.

Audit observed that necessary permission for conducting these courses was not obtained from the Government. It was noticed that the institution had received grants of ₹25.11 lakh during the period 2016-17 to 2021-22 which was thus largely unfruitful. The State Government did not offer its comments.

5.1.3 Non-establishment of Training Centres

The State Government accorded (September 2001) its approval to establish two Special Training Centres during the year 2002-03 viz., the Community Based Rehabilitation (CBR) Workers' Training Centre with financial assistance from GoI and the Special Teachers' Training Centre for Vocational Training to MR children with assistance from NIEPID, Secunderabad. The role of CBR was to enable PwDs to access work opportunities by actively promoting and facilitating the acquisition of relevant knowledge, skills and attitudes.

Audit observed that the Department had not taken steps to establish these institutions even after 18 years of approval by the State Government. As a result, it failed to create conducive conditions assuring vocational education initiatives to PwDs. The State Government did not offer its comments.

5.2 Employment of PwDs

Government of India have reserved identified posts and Special Employment Exchanges were also established to provide platform for job aspirants to register themselves for appointments. Besides, RPWD Act provides incentives to private sector employers who give opportunities to PwDs. Besides, GoI also extends financial assistance to PwDs for their skill upgradation and provides loans at concessional rates of interest for self-employment opportunities.

Audit observed that as against an amount of ₹2.64 crore released for placement cell of the differently abled programme during the period 2017-18 to 2022-23, ₹0.32 crore was spent which indicates department had accorded least priority to employment programmes for PwDs.

Audit observations in providing jobs to PwDs in Government jobs, working of Special Employment exchanges and compliance to Act provisions are discussed below.

5.2.1 Delay in notification of Reservation and identification of posts

Section 34 of the RPWD Act stipulates that ‘Every appropriate Government shall appoint in every Government establishment, not less than four *per cent*, of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities. Further, as per Section 33, the appropriate Government shall identify posts in establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34, constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts.

The State Government brought out an exclusive reservation policy of mandatory appointment of not less than four *per cent* of the total number of vacancies (Group A and B) and not less than five *per cent* of the total number of vacancies (Group C and D) in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities in September 2020 after a lapse of four years of implementation of the RPWD Act. Though an expert committee was constituted (November 2017) to identify the posts in the various Departments that were to be held by persons with benchmark disabilities, the Committee was yet to submit its report (December 2022).

The State Government stated that a committee for identification posts of persons with disabilities had been constituted and every Department in the State had to submit the proposal in prescribed format to this committee to identify the particular post for PwD and issue the notification. Based on the request, Committee will identify and submit the report to concerned authority to fill post as per the roster system.

Non-submission of the report led to non-identification of the posts in various departments, thereby denying the rightful opportunity to the deserving candidates.

5.2.2 Non-implementation of Supreme Court directions

The Hon’ble Supreme Court vide its judgement (in Writ Petition (Civil) No. 521 of 2008) upheld (June 2016) that once the post is identified, it must be reserved for PwD, irrespective of the mode of recruitment adopted by the State for filling up of the said post. In the light of this judgement, the State Commissioner requested (February 2020) to issue revised orders as was done in Andhra Pradesh and Punjab States. The Government is yet to act in this regard. Consequently, reservation in promotions were not being followed in the State. The State Government did not offer its comments.

5.2.3 Special Employment Exchange

As per Section 36 of RPWD Act 2016, the appropriate Government may require the employer in every establishment to furnish such information or return as prescribed in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in establishments to such Special Employment Exchange (SEE) and the establishment is to comply with such requisition.

The State Government decided (February 2004) to close down the SEEs at Belagavi, Hubballi, Kalaburagi, Mangaluru and Mysuru due to insufficient work and fewer number of PwDs getting jobs through SEEs. Only one SEE is presently functioning at Bengaluru. Only 98 of the registered PwDs were employed (32 in Government/Central PSU and 66 in private sector) through SEE during the period 2016-17 to 2021-22 as few organisations barring furnishing the prescribed returns to SEE. As per the information furnished by Assistant Director, SEE, there are a total of 1,026 PwDs registered as of March 2022. In the absence of SEEs other than Bengaluru, there was no platform for the job aspirants to register themselves for appointments.

The Department had not made alternate arrangements for registration of job aspirants like creating awareness about *kaushalkar.com*, the web portal of the Department of Skill Development, Entrepreneurship and Livelihood (SDEL) which provides the youth to acquire necessary skills and expertise to increase their employability besides providing with job opportunities. The State Government did not offer its comments.

5.2.4 Incentives to private sector employers for providing employment to PwDs

As per Section 35 of RPWD Act, incentives are to be provided to private sector employers to ensure that at least five *per cent* of their work force is composed of persons with benchmark disability. Accordingly, the GoI introduced (February 2017) ‘Incentive Scheme for providing employment to PwDs in the private sector’ effective from 1 April 2016, which provides for payment of employer’s contribution to Provident Fund and Insurance by Government, payment of gratuity *etc.*

Audit observed that the Department had neither maintained any data on employment of PwDs in private sector nor had conducted any survey to assess the extent of employment among PwDs. It also failed to give wide publicity about the scheme by arranging workshops or seminars in association with FICCI / Chamber of Commerce / ASSOCHAM to sensitise multinational and domestic private employers about the provisions of the RPWD Act and the incentives to be provided to them.

The State Government stated that office of the State Commissioner has requested (February 2023) Confederation of Indian Industry (CII) and Federation of Indian Chambers of Commerce and Industry (FICCI) Chamber of Commerce and ASSOCHAM, Bengaluru to facilitate a workshop with corporate sectors to create awareness about the provisions of Section 35 of the RPWD Act 2016 and further stated that the private sectors would be requested to provide at least five *per cent* employment opportunities to PwDs in their firms and incentives will also be provided to the private sectors who will provide employment opportunity for PwDs.

5.2.5 Non-execution of Agreement with National Handicapped Finance and Development Corporation

The National Handicapped Finance and Development Corporation (NHFDC) established (January 1997) by GoI finances, facilitates and mobilises funds for the empowerment of PwDs including their skill upgradation and provides

loans to target groups through its State Channelizing Agencies (SCAs) nominated by State Government, Public Sector Banks, Regional Rural Banks and other Institutions. A total of 3,117 beneficiaries in the State had received loans amounting to ₹10.15 crore during the period 2002-03 to 2013-14.

The State Government transferred (October 2014) the responsibility of implementing NHFDC schemes from Karnataka State Women Development Corporation to DEDASC. Consequently, the Department was required to execute General Loan Agreement with NHFDC and provide State Government Guarantee. Audit observed that the Department did not execute the agreement for which no reasons were placed on record. No action was taken by the State Government even when NHFDC in January 2020 had appraised that it was not able to actively engage in the State.

Consequently, the PwD population in the State were not able to benefit from NHFDC's concessional credit linkages in the absence of an active SCA for its schemes like *Jan Aushadi Kendras*, *NHFDC Swavalamban Kendra*, *Divyangjan Swavalamban Yojana* etc. The objectives of the schemes are indicated in **Appendix 5.1**.

The State Government stated that Karnataka State Women Development Corporation and other nationalised banks had not accepted /shown interest to become a SCA, for implementation of the scheme. Therefore, all NHFDC schemes had not been implemented since 2014-15. The State Government should have explored other avenues especially in the light of NHFDC's appraisal, the scheme would be a means of aiding PwD in empowerment.

5.3 Social Security for PwDs

5.3.1 Establishment of Community Centres

As per Section 24 of the RPWD Act, the appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of PwDs for adequate standard of living to enable them to live independently or in the community, provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least 25 per cent higher than the similar schemes applicable to others.

The schemes devised shall provide for Community centres with good living conditions in terms of safety, sanitation, health care and counselling, facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood, support during natural or man-made disasters and in areas of conflicts etc.

Audit observed that apart from Intellectual Disability schools and Manasa Kendras in Bengaluru and Belagavi, the Department had not initiated steps to identify institutions or devised schemes to encourage establishing such community centres.

The State Government stated that Hon'ble Chief Minister of Karnataka has announced setting up of Shelter workshop for mentally retarded persons to provide required rehabilitation and training facilities under one roof and once

the schemes are approved at the Government level, the project would be implemented in the State.

5.3.2 Non-implementation and deficiencies in implementation of schemes

The main objective of the Department was to bring the PwDs into mainstream of the society with focus on their abilities rather than their disabilities. This required a multi dimension approach for overall welfare and development of the PwDs. Accordingly, Government is implementing schemes such as Niramaya Health Insurance Scheme, Adhara Scheme *etc.*, for the benefit of PwDs. Audit observed deficiencies in implementation which resulted in not extending the benefits of these schemes to the PwDs as discussed below:

5.3.2.1 Niramaya Health Insurance Scheme

The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities had brought out the Health Insurance scheme with the objective of providing affordable Health Insurance to PwDs under the National Trust Act. Under the scheme, all enrolled beneficiaries would be provided with a health insurance cover of up to one lakh rupees on reimbursement basis for OPD treatment including medicines, pathology, diagnostic tests *etc.*, non-surgical hospitalisation, corrective surgeries for existing disabilities. Every year the policy is to be renewed online either by the beneficiary or NGO by paying the prescribed fee.

The State Government implemented the scheme from August 2014 and pays ₹250 per beneficiary for the first time and beneficiary needs to renew it thereafter to avail the scheme benefits. As per the information furnished by eleven test-checked districts, an expenditure of ₹5.95 lakh was incurred during the period 2016-17 to 2021-22 towards enrolment of 2,379 persons.

Audit observed that only 201 beneficiaries in Bagalakote district had renewed their policies (one time only) and the Department had not taken any measures to ensure that beneficiaries renewed their policies so that the benefit of insurance could be availed by them. As the renewal fee is only of ₹50 per year per beneficiary, Department needs to revisit scheme guidelines to pay renewal fee also to ensure health insurance scheme benefits are availed by all PwDs.

The State Government stated that the Department had appointed District Disabled Welfare Officer of Belagavi as the nodal officer for adequate implementation of the scheme. The concerned District Disabled Welfare Officers and Nodal Agency were instructed to renew the policy for all the beneficiaries registered under the scheme.

5.3.2.2 Insurance scheme for Parents/Guardians of Mentally Retarded Children

Under this scheme, the Directorate of Disabled Welfare contributes the annual premium to Life Insurance of Corporation of India under a specially designed group Insurance policy for parents/guardians of persons with mental retardation whose annual income is ₹12,000 or less per year. After the demise

of the parents / guardians of the mentally retarded person, the nominee will get a one-time lump sum amount of ₹20,000 for the maintenance of the person with retardation.

As per the information furnished by six⁸ test-checked districts, 787 persons were enrolled under the scheme. However, the details of registration were not placed on record. The DDWOs were forwarding the same list every year to the Directorate and there were no additions. This indicates that the Department had not taken steps to publicise the scheme to identify new beneficiaries.

The State Government stated that the District Disabled Welfare Officers would be directed to create awareness about the usefulness of the scheme at the district level beneficiaries.

5.3.2.3 Adhara – Self Employment Scheme

Under the scheme, financial assistance of ₹20,000 would be provided to the eligible persons as interest free working capital along with a kiosk worth ₹15,000 for setting up petty business. As per the information furnished by test-checked districts, an amount of ₹2.23 crore was disbursed to 1,113 beneficiaries during the period 2014-15 to 2017-18 as working capital. It was seen that only ₹32,000 was recovered in Mysuru district and ₹5,000 was recovered in Bagalakote district while there were no recoveries in the remaining districts. The State Government subsequently waived (June 2016) ₹11.08 crore being the outstanding loan not repaid by beneficiaries since 1995-96 till 2013-14.

The State Government revised (August 2018) the above scheme wherein the beneficiary would be provided a maximum assistance of one lakh rupees per unit (₹50,000 as bank loan and ₹50,000 as back-end subsidy). The scheme was not implemented in 2018-19 even though a budget allotment of ₹3.36 crore was made and during 2019-20, only ₹1.43 crore was spent against ₹3.90 crore released. The balance amount of ₹2.47 crore lapsed. The Department did not furnish the reasons for not utilising the funds. Evidently, the scheme did not achieve its desired objective of providing self-employment to the PwDs to the maximum extent.

Audit also observed instances of release of back-end subsidy of ₹1.33 crore in test checked 287 cases of ten districts for the period 2019-20 to 2021-22 even before the sanction and disbursement of loan by the banks. Evidently, the Department had failed to ensure sanction of bank loans before crediting the back-end subsidy indicating that funds were drawn to avoid lapse of grants.

The State Government stated that action would be taken to ensure sanction of bank loans before crediting the back-end subsidy.

⁸ There were no enrolments in Bengaluru, Bidar, Dakshina Kannada, Raichur and Ramanagara districts.

5.3.2.4 Distribution of motorised vehicles

The State Government accorded (July 2014) approval for distribution of motorised vehicles to PwDs, subject to fulfilment of conditions, to enable them to travel to their places of duty or learning. During the period 2016-17 to 2021-22, a total of 3,980 vehicles were distributed to PwDs in the test-checked districts.

Illustration

Non-distribution of 82 Motorised Tri Wheel 90 CC TVS BS 6 vehicles despite lapse of three years due to non-preparation of beneficiary list

Motorised Tri Wheel 90 CC TVS BS 6 vehicles (82) were purchased for distribution to differently abled persons in the district of Hassan during the financial year 2019-20 and 2020-21 for ₹59.86 lakh at ₹73,000 per vehicle from the agency and amount was paid to an agency. Audit noticed that as beneficiaries list was yet to be prepared (October 2022) for the period 2019-20 and 2020-21, vehicles were not supplied by the agency. but Memorandum of Understanding was entered into for the period 2019-20 for supply of vehicles after receipt of beneficiary list. However, no agreement was entered into with the agency for the period 2020-21. Even for the period 2021-22, ₹8.55 lakh was released for purchase and distribution of Motorised Tri Wheel vehicles and kept in bank account without being utilised for the purpose for which it was granted on the ground that beneficiary list was not prepared and submitted by ZP.

The State Government stated that beneficiary list for the period 2019-20 was yet to be approved and vehicles were distributed to 39 beneficiaries for period 2020-21.

5.4 Issues due to lack of awareness amongst stakeholders

Non enforcement and lack of awareness amongst the stakeholders related to the RPWD Act in the matters of employment has resulted in PwDs seeking legal interventions to get their rights. A few such cases are discussed below:

5.4.1 Denial of employment due to omissions

As per Section 33 of PwD Act and Section 20 read with Schedule under Section 2-zc of RPWD Act, persons with locomotor disability or cerebral palsy are eligible to write examinations under the physically handicapped quota. Audit noticed an instance of opportunity being denied as explained below:

The Karnataka Public Service Commission (KPSC) invited (22 June 2017) applications from the prospective candidates for appointment to the posts of Assistant Engineer in the Department of Water Resources. The notification,

however, omitted certain disabilities such as scoliosis⁹. A prospective candidate citing discrimination on the ground of disability in the above notification approached (14 July 2017) the State Commissioner seeking justice.

The Department of Water Resources in response to the summons issued by the State Commissioner deposed (December 2017) that Job identification committee of DWCD/Directorate for the Empowerment of Differently abled and Senior Citizens was consulted and reservation for disabled candidates was decided accordingly. Audit observed that the DWCD in its letter (26 July 2016) had mentioned locomotor disability of cerebral palsy instead of loco motor disability or cerebral palsy. This omission went unnoticed during the entire appointment process. Though the State Commissioner ordered (June 2018) to appoint the candidate subject to eligibility, it was not implemented.

Thus, despite the existence of law, opportunity was denied not only the to the petitioner but other prospective candidates with similar disabilities. The order of the State Commissioner was not complied with by the Government Department. The State Government did not offer its comments.

Recommendation 7: The State Government should ensure that schemes are aimed at providing self-employment opportunities supported by MSME/NHFDC.

Recommendation 8: The State Government should implement Niramaya health insurance scheme and consider payment of renewal amount by Government itself to ensure adequate and affordable health services to PwDs. Further, insurance scheme for parents/guardians should be improvised in providing additional financial benefits to the members/subscribers.

⁹ Scoliosis is a sideways curvature of the spine that most often is diagnosed in adolescents and can occur in people with conditions such as cerebral palsy and muscular dystrophy.

