

FIFTH REPORT
ESTIMATES COMMITTEE
(2009-2010)

(FIFTEENTH LOK SABHA)

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

**(Action taken by Government on the recommendations contained
in Eighteenth Report (Fourteenth Lok Sabha) on the Ministry of
Social Justice and Empowerment - 'Programmes and Schemes for
the welfare of persons with disabilities')**



Presented to Lok Sabha on 27th April, 2010

**Lok Sabha Secretariat
New Delhi**

April, 2010/ Baisakha, 1932(S)

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COMPOSITION OF THE COMMITTEE ON ESTIMATES
(2009-2010)

Shri Francisco Sardinha – Chairman

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3	Shri Sanjay Singh Chauhan
4	Shri Adhir Ranjan Chowdhury
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29	Shri Manish Tewari
30	Shri K.C. Venugopal

SECRETARIAT

1.	Shri U.S. Saxena	-	Joint Secretary
2.	Shri Bhupesh Kumar	-	Director
3.	Smt. Juby Amar	-	Under Secretary
4.	Shri Satyakaam Yadav	-	Executive Assistant

INTRODUCTION

I, the Chairman of the Estimates Committee, having been authorized by the Committee to submit the Report on their behalf, present this Fifth Report on action taken by Government on the recommendations contained in the Eighteenth Report of Estimates Committee (Fourteenth Lok Sabha) on the Ministry of Social Justice and Empowerment.

2. The Eighteenth Report (Fourteenth Lok Sabha) was presented to Lok Sabha on 20th October 2008. The Government furnished their replies indicating action taken on the recommendations contained in that Report on 6th August 2009. The Draft Report was considered and adopted by the Estimates Committee (2009-2010) at their sitting held on 30th March 2010.

3. The Report has been divided into the following Chapters:-

- I. Report;
- II. Recommendations/Observations which have been accepted by Government;
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies;
- IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee; and
- V. Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in the Eighteenth Report of Estimates Committee (14th Lok Sabha) is given in Appendix -II. It would be observed there from that out of 33 observations/recommendations made in the Report, 17 recommendations i.e. 52% have been accepted by Government and the Committee do not desire to pursue 2 recommendations i.e. 6% in view of Government's replies. Replies of Government in respect of 7 recommendations i.e. 21% have not been accepted by the Committee and replies in respect of 7 recommendations i.e. 21% is still awaited.

NEW DELHI;
April 23, 2010
Vaisakha 3, 1932(S)

FRANCISCO SARDINHA
Chairman,
Committee on Estimates

CHAPTER I

REPORT

1.1 This Report of the Committee deals with the action taken by the Government on the recommendations contained in the 18th Report of the Estimates Committee (Fourteenth Lok Sabha) on the Ministry of Social Justice and Empowerment – “Programmes and Schemes for the welfare of persons with disabilities”.

1.2 The Committee’s 18th Report (Fourteenth Lok Sabha) was presented to Lok Sabha on 20th October, 2008. It contained 33 observations/recommendations. Action Taken Notes on all these observations/recommendations have been received from the Ministry of Social Justice and Empowerment.

1.3 Replies to the observations and recommendations contained in the Report have broadly been categorized as under:

- (i) Recommendations/Observations which have been accepted by the Government:
Sl. Nos. 4, 7, 8, 9, 12, 13, 14, 15, 17, 20, 21, 22, 24, 25, 28, 29, 30
(Total 17, Chapter -II)
- (ii) Recommendations/observations which the Committee do not desire to pursue in view of Government’s reply:
Sl. Nos. 6, 31 (Total 2, Chapter-III)
- (iii) Recommendations/observations in respect of which Government’s replies have not been accepted by the Committee:
Sl. Nos. 1, 2, 5, 10, 11, 18, 23 (Total 7, Chapter-IV)

- (iv) Recommendations/observations in respect of which final replies of Government are still awaited:

Sl. Nos. 3, 16, 19, 26, 27, 32, 33

(Total 7, Chapter-V)

1.4 The Committee desire that the final replies in respect of the recommendations for which only interim replies have been given by the Government should be furnished expeditiously.

1.5 The Committee will now deal with the action taken by Government on some of the recommendations /observations in respect of which Government's replies have not been accepted by them..

NEED FOR SEPARATE DEPARTMENT

Recommendation (Para No. 1)

1.6 After going into the functioning of the Ministry of Social Justice and Empowerment and Rehabilitation Council of India, the Committee felt that there is a need for consideration of a separate department dealing with persons with disabilities. The Committee recommended as:-

“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. The Committee selected the subject programmes and schemes for the welfare of persons with disabilities for examination and had detailed interactions with the representatives of the Ministry of Social Justice and Empowerment, Rehabilitation Council of India and NGOs.

According to the Census 2001, there are 2.19 crore persons with disabilities in India. Now-a-days there have been vast and positive changes in the perception of the society towards these people. It has been realized that a majority of these persons can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures. The Government of India has enacted three legislations for persons with disabilities viz. (i) Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995; (ii) National Trust for welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999; and (iii) Rehabilitation Council of India Act, 1992. National Policy for persons with disabilities has also been announced in February, 2006. After going into the functioning of the Ministry of Social Justice and Empowerment and Rehabilitation Council of India, the Committee feel that the Act and convention lay many obligations upon the Government and society. The subject of Disability still falls under the Ministry of Social Justice and Empowerment and keeping in view the increased obligations in terms of convention as well as Act and the changing scenario both economic as

well as social and political, there is a need for consideration of a separate department dealing with persons with disabilities. The Committee also feel that though the policy has been rightly pronounced and legislations have also been enacted but the benefits that are intended have not reached the disabled beneficiaries. There is ample scope for improvement in several spheres of working of the Ministry and RCI. These aspects have been dealt with in greater detail by the Committee in the succeeding paragraphs.”

1.7 The Ministry of Social Justice and Empowerment has not furnished any comments on the need for a separate department dealing with persons with disabilities. The Committee are of the view that the number of disabled persons in our country is very large (2.19 crore) and they need focused attention to provide them the required benefits, services and rehabilitation. The Ministry of Social Justice and Empowerment is implementing schemes relating to various other sections of the society and as such they are not able to pay as much attention to execution of schemes for the welfare of the disabled persons as required and to meet the duties and obligations desired by the Acts of Parliament and the conventions of the society to be performed by the Executive. Therefore, the Committee reiterate their earlier recommendation and urge upon the Government that there is urgent necessity of creating a separate department dedicated for the welfare of the disabled.

UNITED NATIONS CONVENTION ON THE RIGHTS OF PEOPLE WITH DISABILITIES (UNCRPD) AND LACK OF AWARENESS

Recommendation (Para No. 2)

1.8 The Committee had noted that India had ratified the United Nations Convention on the Rights of People with Disabilities (UNCRPD) and there was lack of awareness about the ministries programs & schemes, the Committee recommended:-

“The National Policy recognizes that persons with disabilities are valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protect their rights and encourages their full participation in society. The focus of the policy is primarily on prevention of disabilities, early detection and appropriate intervention, physical and economic rehabilitation measures, inclusive education, employment in the public as well as the private sector and self-employment, creation of a barrier free environment and development of rehabilitation professionals. The Committee notes that India has ratified the United Nations Convention on the Rights of People with Disabilities (UNCRPD). By doing this, India has reaffirmed its commitment towards the International Policy Framework in respect of persons with disabilities. The Committee, therefore, are of the view that now it has become obligatory to incorporate the essence of the UN convention in our planning, implementation, monitoring and review processes pertaining to the welfare of disabled persons.

The Committee also note that there is a wide gap between the policy and grassroot reality. There is lack of awareness about disabilities. The Ministry have not taken sincere measures to create awareness. Although the policy has been formulated, proper implementation is lacking. Even the local MPs/MLAs are not apprised about the various welfare schemes. The Committee recommended that the Ministry should devise a mechanism to effectively associate Panchayati Raj institutions, local bodies and involve MPs/MLAs of the

country in the process of implementation of National Policy for disabled persons, 2006. They also recommend that the Ministry should assign the work relating to evaluation of implementation of National Policy for persons with disabilities to an autonomous body having expertise in the field.”

1.9 The Ministry of Social Justice and Empowerment in their action taken reply stated as follows:-

“The Ministry of Social Justice and Empowerment is in the process of preparing draft amendments to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, incorporating provisions of the UN Convention for the Rights of Persons with Disabilities to the extent they do not already figure in the Act. State Governments and concerned Central Ministries have also been addressed to implement provisions of the Convention.

The Central Coordination Committee (CCC) constituted under Section 3 of the Persons with Disabilities Act, 1995, is mandated, as per Section 8 of the Act, to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities. The CCC is chaired by the Minister for Social Justice and Empowerment. Three Members of Parliament, including two Members of the Lok Sabha and one Member of the Rajya Sabha, are elected to serve as members of the CCC.”

1.10 The Committee note that the Ministry of Social Justice and Empowerment is in the process of preparing draft amendments to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, incorporating provisions of the UN Convention for the Rights of Persons with Disabilities to the extent they do not already figure in the Act.

The Committee regret to note that the Ministry is silent on the recommendation that Panchayati Raj Institutions / Local bodies/MPs/MLAs

should be involved in the process of implementation of National Policy for Disabled Persons, 2006. The Committee desire that a monitoring Committee under the Chairmanship of the local MP should be formed to review the implementation of the National Policy for Disabled Persons, 2006. It should comprise of the local MLAs and District Magistrate. It should conduct periodic meetings and send its reports to the Ministry of Social Justice & Empowerment. This monitoring Committee should have minimum three meetings in a year.

Lack of information about the schemes and policies of the Government is a major barrier in the welfare and rehabilitation of the disabled people. As it is upto the stakeholders to ensure that those schemes and policies that do exist are taken advantage of, it becomes imperative for the ministry to build a strong network of advocacy and awareness of its policies and welfare schemes. To this end, it is necessary to involve local communities as without their cooperation, no rehabilitation programme can sustain.

The Committee reiterate their earlier recommendation and desire the Government to urgently finalise the draft amendments to the 'Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 by incorporating the provisions of the UN Convention for the Rights of Persons with Disabilities and introduce the Bill in Parliament without further delay. The Committee also urges the Government to involve the Panchayati Raj institution, local MPs/MLAs and local communities in the process of implementation of National Policy for the Disabled Persons, 2006.

SUPPORTED GUARDIANSHIP SCHEME

Recommendation (Para No. 5)

1.11 Taking note of the fact that the disabled persons need proper care, the Committee had recommended:-

“Under the Scheme Supported Guardianship Rs.500/-p.m. per beneficiary is provided to 10 beneficiaries per district in 36 districts for encouraging relatives, friends and institutions to accept legal guardianship of destitute and abandoned disabled persons. The Committee were informed that keeping in view the limited availability of funds at present only upto 10 beneficiaries per district are being covered under the scheme. According to an evaluation study, the Guardianship Scheme can have significant impact over a large area in the country if the present coverage of the scheme is enlarged. The Committee are not convinced with the reason put forth by the Ministry that due to limited availability of funds the scheme is confined to only 10 beneficiaries per district. The Committee recommends that the Ministry should take steps to implement this scheme in other districts of the country at the earliest and the amount of assistance should be suitably increased from Rs.500, which is a meager amount to take proper care of disabled persons.”

1.12 The Ministry of Social Justice and Empowerment in their action taken reply stated as follows:-

“The Supported Guardianship Scheme was initiated by the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, on a pilot basis, to provide financial assistance @ Rs.500 per month per beneficiary covering 10 beneficiaries per district in 36 districts. On the one hand, the total number of beneficiaries thus covered was too small to have any substantial effect in the community and on the other, the amount required was too high (Rs.21.6 lakhs per annum for just 360 beneficiaries) for the National Trust to scale it up to cover any

substantial number of beneficiaries, say 10000 for which the amount required would have been Rs.6 crore per annum. Seeing this, the Board of the National Trust in its 31st meeting held on 3.6.2008 decided to discontinue the scheme with effect from 1.4. 09.

Ministry of Rural Development has recently announced “Indira Gandhi National Disability Pension Scheme”. Under this scheme, persons with severe and multiple disabilities, who are below poverty line and in the age group of 18-64 years, are given disability pension of Rs.200 per month.

Besides, many State Governments are also providing Disability pension/ allowance to Persons with Disabilities.”

1.13 The Committee are distressed to note that the Ministry had decided to discontinue the “Supported Guardianship Scheme” of assisting @ Rs.500/- per beneficiary (10 beneficiaries per district in 36 districts) w.e.f. 01.4.2009 due to lack of funds. The Committee take further note of the observation of the evaluation study that the Guardianship scheme can leave significant impact over a large area in the country if the present coverage of the scheme is enlarged. In view of the same the Committee reiterate the recommendation that the “Supported Guardianship Scheme” should be restarted and implemented in all the districts of the country at the earliest in coordination with Ministry of Rural Development. The Committee further observe that paucity of funds cannot be a reason to discontinue the scheme in the social sector as the primary responsibility of mitigating the hardships faced by persons with disabilities lies with the Government and all efforts should be taken to bring persons with disabilities in the main stream.

NATIONAL INSTITUTES PROVIDING MEDICAL TREATMENT & REHABILITATION

Recommendation (Para No. 10)

1.14 Observing that there are only seven National Institutes providing medical treatment and rehabilitation of persons with disabilities, the Committee had recommended:-

“The Committee were informed that seven National Institutes at New Delhi, Dehradun, Kolkata, Secunderabad, Mumbai, Cuttack and Chennai have been set up in the country which are specialized in various disabilities and are working for the development of rehabilitation manpower providing specialized services to persons with disabilities; and research and development of models for delivery of services. Four other National Institutes at Bangalore, Mumbai, Mysore and Ranchi under the Ministry of Health and Family Welfare are also working in the field of medical treatment and rehabilitation of persons with disabilities. The Committee in this regard are of the view that only these handful National Institutes are not sufficient to cater the needs of persons with disabilities. These National Institutes will not be able to cover all parts of the country. They therefore, recommend that the Ministry should make efforts to set up more such institutes all over the country, region-wise and preference should be given to those regions where such Institutes have not so far been set up. They also recommend that the existing National Institutes should also be upgraded as per international standards and strengthened and together with the local non-governmental organisations should reach the blocks and villages where their services are required the most.”

1.15 The Ministry of Social Justice and Empowerment in their action taken reply stated as follows:-

“The Ministry agrees that there is a need to set up more National Institutes, but there is no provision in the Ministry's XI Plan for this purpose. It can, therefore, now be considered while formulating the XII Five Year Plan.”

1.16 The Committee are not satisfied with the Ministry's reply that there is a need to set-up more National Institutes, but no provision has been made in the Eleventh Plan and that the same can now be considered while formulating the XIIth Five Year Plan. The Committee reiterate their earlier recommendation that the Ministry should set-up more such institutes all over the country and take up this issue with the Planning Commission and the Ministry of Finance for providing adequate funds for the purpose. The Committee also suggest that every State of the country should have at least one institute of international standards to provide such services and the Ministry should be more proactive in its planning while formulating five year plans.

COMPOSITE REGIONAL CENTERS

Recommendation (Para No. 11)

1.17 Expressing concern over the number of Composite Regional Centers for persons with disabilities to provide for both preventive and promotional aspects of rehabilitation, the Committee had recommended:-

“The Ministry of Social Justice and Empowerment have set-up five Composite Regional Centres for persons with disabilities at Srinagar, Sundernagar (Himachal Pradesh), Lucknow, Bhopal and Guwahati to provide for both preventive and promotional aspects of rehabilitation like education, health, employment and vocational training, research and manpower development, rehabilitation for persons with disabilities, etc. These centres have been working as extended arms of National Institutes in each of the disabilities and providing services to persons with all type of disabilities at one place. The Committee feel that more such Composite Regional Centres should be set up in every State in the country. The Ministry also in their written reply furnished to the Committee have underlined the need to establish one Composite Regional Centre in each State. The Committee, therefore, recommend that the Ministry should take expeditious steps to establish more Composite Regional Centres in the country. They would like to be apprised of the action taken by the Ministry in this regard.”

1.18 The Ministry of Social Justice and Empowerment in their action taken reply stated as follows:-

“In addition to existing five Composite Regional Centres at Srinagar, Sundernagar (Himachal Pradesh), Lucknow, Bhopal and Guwahati, the Ministry has set up a Composite Regional Centre for persons with disabilities at Patna, in February, 2009.”

1.19 The Committee appreciate that the Ministry has set-up a new Composite Regional Centre at Patna, but at the same time note with regret that the Ministry has mentioned nothing about setting-up Composite Regional Centres in various other parts which are not covered including South and West of

India. The Committee feel that there is need to set up more such centers in each State to provide services like education, health, employment and vocational training, research and manpower development and rehabilitation for persons with disabilities. The Committee, therefore, reiterate their earlier recommendation.

PAY SCALES OF TEACHERS/PROFESSIONALS OF SPECIAL SCHOOLS

Recommendation (Para No. 18)

1.20 Noting that pay scales of teachers / professionals of special schools are not at par with general school teachers that no staff is willing to teach / work, the Committee recommended:-

“The Committee are constrained to note that the pay scales of teachers/professionals of special schools are not at par with general school teachers. The pay scales of teachers are so low that no staff is willing to teach or work. The teachers/professionals leave special schools and join other schools offering higher remuneration. As such, there is great dearth of good teachers in special schools for children with special needs. The present level of honorarium for special educators varies from Rs.2800/- to Rs.6000/- p.m., depending upon the qualification and experience of the educator. They also note that there is great disparity in the rate of honorarium for teachers of special school and those who are working in Government/Government sponsored schools while both are giving the same services. The Committee have been informed that Rehabilitation Council of India (RCI) is advocating same terms and conditions of services for teachers qualified with diploma/degree in general education and diploma/degree in special education. One of the recommendations of the evaluation study conducted by Tata Institute of Social Sciences, Mumbai is that in order to retain and attract well qualified staff, it is necessary to reconsider the honorarium currently offered. The proposal to revise the cost norms of the Deendayal Disabled Rehabilitation Scheme, including honoraria has been considered by the Expenditure Finance Committee on 12.5.2008 and will now be placed before the Cabinet Committee on Economic Affairs. The Committee are of the view that disparity in salary structure of staff working in NGOs and in other fields is the root cause for staff leaving at regular intervals for higher remuneration and they, therefore, strongly recommend that the

teachers of special schools should be paid good salary so that they do not leave the schools for want of good salary and children with special needs are not deprived of good teachers.

The Committee also recommend that the proposal to revise the cost norms of the Deendayal Disabled Rehabilitation Scheme including honoraria as considered by Expenditure Finance Committee should be placed before Cabinet Committee on Economic Affairs immediately and action thereon should also be taken expeditiously.”

1.21 The Ministry of Social Justice and Empowerment in their action taken reply stated as follows:-

“Cost norms under the Deendayal Disabled Rehabilitation Scheme, including for staff honoraria, are being revised with effect from 2009-10.”

1.22 The Committee note with dissatisfaction that the Ministry of Social Justice and Empowerment is silent on the recommendation to bring the pay scales of teachers / professionals of special schools at par with general school teachers. Education is the most important tool for social and economic empowerment of the disabled. Economic rehabilitation of the disabled will happen only if they are mainstreamed into the general education system through Inclusive education, which necessitate the recruitment and retention of highly trained and sensitized teachers by making their job attractive by upgradation of their pay scales keeping in view the specialization required in their role. The Committee, therefore, reiterate the recommendation that the disparity in salary structure be mitigated to attract skilled staff and professionals.

RESERVATION OF POSTS IN GOVERNMENT SERVICES FOR DISABLED PERSONS

Recommendation (Para No. 23)

1.23 In order to promote participation & role of persons with disabilities in the public sector, the Committee had recommended:

“Under Section 32 of PWD Act 1995, there is a provision that Government should identify the posts where reservations for persons with disabilities are to be made. In Section 33 of PWD Act, it is mentioned that there would be reservations in employment of 3% vacancies in identified posts. The status of reservation in various Ministries/Dept. against identified posts in Grade A,B,C &D is 3.07%, 4.41%, 3.76% and 3.18% respectively. For PSUs the reservation status in Grade A,B,C and D is 2.78%, 8.54%, 5.04% and 6.75% respectively. The nodal Department in respect of these reservations is the Department of Personnel & Training. The Committee are astonished to note that the nodal department i.e. Department of Personnel and Training have data/ information only upto the year 2004 and according to the available data, out of total 1352 posts reserved for person with disabilities only 563 have been filled up. The Committee also note with dissatisfaction that there are so many Ministries/Departments where not even a single post is reserved for persons with disabilities. One of the reasons put forth for not filling up the posts by the Ministry of Social Justice and Empowerment is that UPSC have not identified higher posts in the Govt. for the persons with disabilities. In the absence of identification, naturally these posts have not been filled up. The Committee recommend that the Ministry should take expeditious steps to fill up all vacant posts for persons with disabilities and should also take up the matter of identifying the higher posts with UPSC as early as possible.

Under PWD Act, there is a provision that these posts should be periodically identified and revised in various categories of service in the

PSUs at the interval of three years. The Committee are constrained to note that the last such revision was done by the Ministry in 2001. The Committee view very seriously the lackadaisical attitude of the Ministry towards persons with disabilities. For years together no efforts have been made to identify and revise the posts in various categories of services in the PSUs. They, therefore, recommend that the exercise to identify and revise the posts in PSUs according to PWD Act, 1995 should be undertaken without any further delay and the Committee be apprised of the action taken in this regard. The Committee also recommend that a separate panel should be set up for promotion of disabled persons and PWD Act should be amended accordingly.”

1.24 The Ministry of Social Justice and Empowerment in their action taken reply stated as follows:-

“Action with regard to filling up of vacant posts is to be taken by the Department of Personnel & Training and the concerned cadre controlling authorities for various cadres. The Department of Personnel and Training has issued instructions vide OM No. 36038/2/2008-Estt. (Res) dated 10.12.08 (Annexure-III) to launch a special recruitment drive to fill up backlog vacancies reserved for persons with disabilities.

As per the PWD Act, all appropriate Governments i.e. concerned Ministries/ Departments and State Governments, are required to take action for identification of posts. The last notification regarding identification of posts for Government employment (including Public Sector Units) was issued by this Ministry on 17.01.2007, in supersession of the earlier identification done by the Ministry in 2001. Through the notification of 2007, the number of categories of identified posts has been increased from about 3300 to 5000.

The Ministry is presently drafting amendments to the Persons with Disabilities Act, 1995, during which the recommendation regarding setting up of a separate panel for promotion of persons with disabilities will be duly considered.”

1.25 The Committee had taken note of issues of significant and vital importance for the welfare of the disabled persons viz. identifying the posts where reservation for persons with disabilities are to be made to the extent of 3% of vacancies in identified posts. However, the Committee note with concern that in this regard the nodal department i.e. Department of Personnel and Training have data/information only upto 2004 and out of total 1352 posts reserved for persons with disabilities, only 563 were filled up. In so many Ministries/Departments not even a single post was reserved for the disabled persons and in case of higher posts, UPSC had not identified such posts. Besides the revision of posts reserved for the disabled in PSUs were to be identified and revised at the interval of three years (last such revision done in 2001). The Committee is also distressed to note that the PSU's have not implemented the quota for persons with disabilities. The Ministry of Social Justice & Empowerment should direct the PSU's to implement the disabilities quota at the earliest.

The Committee expresses serious concern that the Government have implemented the recommendation partially. It has not been mentioned that how many vacancies were filled by the Department of Personnel and Training at the time of special recruitment drive taken up in 2008 to fill up backlog vacancies. It is a matter of satisfaction that the categories of identified posts in various departments including PSUs have been increased from about 3000 to 5000 vide last notification issued in 2007 in this regard. However, how many disabled persons have been actually appointed in various departments including PSUs has not been made clear.

Keeping the above points in view, the Committee reiterate their earlier recommendation and desire to implement the same fully in letter and spirit including the issues raised above.

IMPLEMENTATION OF RECOMMENDATIONS

1.26 The Committee would like to emphasise that they attach the greatest importance to the implementation of recommendations accepted by the Government. They would, therefore, urge that the Government should keep a close watch so as to ensure expeditious implementation of the recommendations accepted by them. In case it is not possible to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee with reasons for non-implementation.

1.27 The Committee desire that replies in respect of the recommendations contained in Chapter V of the Report may be finalized and final replies of the Government furnished to the Committee expeditiously.

CHAPTER II

RECOMMENDATIONS / OBSERVATIONS WHICH HAVE BEEN ACCPETED BY THE GOVERNMENT

Recommendation (Sl. No.4, Para No.4)

National Trust Act covers autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disabilities. The main objectives of this trust are to enable and empower persons with disabilities to live as independently and as fully as possible, to extend support to registered organizations for providing need based services and to evolve procedure for appointment of legal guardians for persons with disabilities requiring such protection. The Committee note that the trust has generated income of Rs.551.98 lakh, Rs.1289.83 lakh, Rs.1032.11 lakh, Rs.887.94 lakh, Rs.895.17 lakh and Rs.991.24 lakh during the year 2001-02, 2002-03, 2003-04, 2004-05, 2005-06 and 2006-07 respectively and the utilization is Rs.396.31 lakh, Rs.505.69 lakh, Rs.607.31 lakh, Rs.620.39 lakh, Rs.375.86 lakh, Rs.442.22 lakh for the same period. The Committee are distressed to note that National Trust could not fully utilize the funds from 2001-02 to 2006-07. They are astonished to note the reasons given by the Ministry for lower utilization of funds in comparison to the income generated through corpus of National Trust, that 286 districts are having no NGOs working in this area. The Committee view this lackadaisal attitude of the Ministry seriously and recommend that every sincere effort should be made to encourage NGOs to serve in the unserved districts for ensuring optimum utilization of the funds and also to ensure that the disabled beneficiaries in those districts are not deprived of their right to live a dignified life. They also recommend that mentally ill persons should also be included under the National Trust Act.

Reply of the Government

During the recent past, number of measures and initiatives have been taken to expand the scope and coverage of existing schemes and also to introduce innovative schemes like health insurance scheme for disabled persons called "Niramaya" covering the entire country (except J&K). Due to all these measures and efforts, not only the number of beneficiaries covered increased manifold but also the utilization of funds (i.e. expenditure) by the National Trust improved to Rs 9.10 crore in 2007-08 and Rs 16.62 crore in 2008-09 against income of Rs 9.97 crore and 9.98 crore respectively.

National Trust is making all efforts to encourage NGOs to serve in unserved districts of the country.

"Mental Illness" is one of the disabilities defined in the Persons with Disabilities Act, 1995, and mentally ill persons who come under the category of "person with disability" as defined in the Act, are entitled to consequential benefits as provided therein.

Aspects relating to treatment of mentally ill are covered under Mental Health Act, 1987. Section 53 of the Act also provides for appointment of guardians for mentally ill persons.

The issue of bringing mentally ill persons under the purview of the National Trust Act, will be considered, in consultation with all concerned stakeholders, when a review of the Act as a whole is undertaken.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.7, Para No.7)

The annual budget allocation for the years 2002-03, 2003-04, 2004-05, 2005-06, 2006-07 and 2007-08 were Rs.229.50 crore, Rs.219.50 crore, Rs.250.60 crore,

Rs.250.60 crore, Rs.243.00 crore, Rs.221.00 crore and expenditure for the same period is Rs.193.27 crore, Rs.168.87 crore, Rs.177.15 crore, Rs.195.72 crore, Rs.183.06 crore and Rs.191 crore respectively. The Committee are surprised to see the wide variation in budget allocation and actual expenditure by the Ministry. The allocated funds have not been fully utilised. The situation, to say the least is very alarming. The reasons advanced by the Ministry are - the late receipt of recommendations from State Governments and delay in receipt of grants-in-aid proposals from the NGOs. The Committee while expressing their deep concern on the under utilization of funds recommend that as project proposals and projections for budget are drawn up well in advance, effective planning, implementation and monitoring should be ensured to make optimum use of allocation received annually. Regarding pendency of utilization certificate, the Ministry informed that the grant-in-aid for a financial year is being released only after receipt of the utilization certificate for the previous year. However, a representative of the Ministry agreed during the evidence that getting the utilization certificate in time is creating problem. The Committee view this attitude of the Ministry in giving varying information about the actual situation very seriously and desire that while furnishing the information to a parliamentary Committee, the Ministry should be extra vigilant.

The Committee also recommend that the Ministry should make all efforts to recover the grant-in-aid from those NGOs who have either misused the grants or have not furnished utilization certificate for the grant-in-aid received by them. They also recommend that appropriate penal action should be taken against those NGOs who have misused the grants.

The Committee further note that multi-disciplinary grants in Committees for supporting voluntary organisations does not have any representation of disabled persons or their Associations. They recommend that the Ministry, as was agreed during the evidence, should invariably make efforts to ensure the representation of disabled persons in the multi-disciplinary grant in Committee.

The Committee were also informed that the persons engaged in the work of inspection/monitoring are not specialized in the field and the inspection reports are prepared by the inspecting team in a standardized and comprehensive format prescribed by the Ministry. Not convinced with the reply of the Ministry, the Committee recommend that monitoring/inspection of the projects, including review of past performance, staff, data regarding beneficiaries, maintenance of records should be done by persons specialized in the field.

Reply of the Government

In order to ensure transparency and optimum utilization of funds under grant-in-aid schemes of the Ministry, the Government has launched a web based software solution titled “NGO Partnership System (NGO-PS)” under the National Portal of India (<http://india.gov.in>) for interactions with NGOs. The initiative is aimed at enforcing transparency in the process of approval and rejection of any application submitted by NGOs, VOs or Civil Society Organizations for seeking grant from the Government. In addition, optimal utilization of allocations under Annual Plans will also be facilitated by effective planning, implementation and monitoring of schemes.

The Ministry will, in future, be fully vigilant in furnishing information, as desired by the Committee. The grants are released to a particular organization, only after receipt of utilization certificate for the last grant sanctioned to that organization. However, in some cases, the organizations which receive grant in a particular year and had not applied for grant in following years, the utilization certificate remains pending with them. Efforts are being made to get utilization certificates for such cases.

Wherever cases of misuse of grants by NGOs/ implementing agencies are reported, State Governments concerned are requested to look into such complaints. Penal action and/ or recovery of grants from implementing agencies will be carried out through the State Government.

The Ministry has advised State/UT Governments to include persons with disabilities or their associations in the multi-disciplinary grants in aid committees constituted by them.

The Ministry takes up special evaluation of projects under the Deendayal Disabled Rehabilitation Scheme through independent agencies, in addition to the inspections of projects carried out by the State Governments. This monitoring mechanism will be further strengthened as recommended by the Committee.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.8, Para No.8)

The Committee have been informed that proposals for grant-in-aid under Deendayal Rehabilitation Scheme are required to be sent by NGOs to the concerned State Government/UT Administration in the prescribed applications form along with project detail, annual report and other documents such as audited accounts, utilization certificates for the previous year, etc. Proposals from various NGOs are examined by a multi-disciplinary grant-in-aid Committee of the State Government/UT Administration, alongwith inspection reports of the State Governments. The recommendations are then sent by the State Governments/UT Administration to the Ministry. Inspection can be carried out by any agency other than the State Government/UT Administration that may be designated by the Ministry. Recommended proposals are considered by the Ministry on the basis of the model projects and detailed norms laid down in the scheme and past performance of the organisation. Grant-in-aid can be provided to a maximum of 90% of the admissible grant while 10% is to be borne by the NGO. The Committee are constrained to note that the Ministry do not even possess the data regarding number of proposals of NGOs received during the years 2004-05, 2005-06, 2006-07. They therefore, recommend that Ministry should evolve a mechanism to maintain data regarding

number of proposals received and grant sanctioned to maintain the transparency.

The Committee are distressed to find that the processing of application for a grant-in-aid has a lengthy procedure. The inspection takes place after a long gap of submission of application resulting disbursement of first installment of grant to the NGOs at the end of the financial year and the second installment in the next financial year. They also note that the procedure to sanction the grants is complicated with several channels within channel and it leads to delay. No time frame has been fixed for the disposal of applications at various stages and release of grant. The Committee are not convinced with the reasons put forth by the Ministry that (i) delay by State Governments, (ii) delay in completion of procedural formalities and (iii) non-availability of matching staff in the Ministry causes delay in sanctioning and releasing the grants. They recommend that provisions about the time frame at every stage of disposal of the application should be made in the Act itself. The status of the application should be placed at the internet for the information of the NGOs/individuals as is done in the case of issuance of passport. They also recommend that the Ministry should allow those NGOs who have proven record in the field to apply direct to the Ministry to save the procedural delay.

Reply of the Government

Data regarding number of proposals received from State Governments is now being maintained under the Deendayal Disabled Rehabilitation Scheme. Data regarding sanctioned grant is already available and is prepared every year.

In order to ensure transparency and optimum utilization of funds under grant-in-aid schemes of the Ministry, the Government has launched a web based software solution titled “NGO Partnership System (NGO-PS)” under the National Portal of India (<http://india.gov.in>) for interactions with NGOs. The initiative is aimed at enforcing transparency in the process of approval and rejection of any application submitted by NGOs, VOs or Civil Society Organizations for seeking grant from the Government.

The suggestion regarding permitting NGOs with a proven record in the field to apply directly to the Ministry is also under active consideration.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.9, Para No.9)

The Committee notice that from the year 2007-08, the Ministry have started tapering off grant in projects already funded for seven years in urban areas to encourage gradual self-reliance of NGOs. Tapering off is done by 5 per cent in every alternate year so as to reduce the level of funding to 75 per cent level. The Committee are of the view that in the present era of commercialization, there are very few corporats who donate for social cause. Everyone wants something in return. NGOs being Charitable organisations, cannot venture in to commercial field. In these circumstances, tapering off the grants will create a big problem for NGOs to perform their activities. This decision will result into phasing out of some programmes of the NGOs and negate the legislative mandate of equality and full participation for the disabled. The Committee, therefore, recommend that the Ministry should devise such mechanism through which NGOs can become self-reliant to meet their expenses and tapering off the grants should be reduced from 75% to a lower level.

Reply of the Government

Efforts will be made to improve fund-raising capabilities of NGOs, so that they become self-reliant.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.12, Para No.12)

District Disability Rehabilitation Centre scheme (DDRC) basically seeks to provide comprehensive services to the persons with disabilities at the grass root level through creation of infrastructure and capacity building at district level for awareness generation, rehabilitation, training/guiding of grass root level functionaries. Under this scheme, rehabilitation support is provided to the persons with disabilities. The Committee are distressed to note that there are only 199 DDRCs and only 128 are operational. They are of the view that every district of the country should have one DDRC. The Secretary, Ministry of Social Justice and Empowerment while deposing before the Committee stated that in an ideal scenario, there should be a district disability rehabilitation centre at least one in each district. The Committee recommend that the Ministry should make expeditious efforts to operationalise the remaining sanctioned DDRCs. After that, the Ministry should take concrete steps to set up more DDRCs in unserved districts of the country. Special care is required to cover those districts which are truly backward and where the prevalence of disability is higher and services as well as facilities for the disabled persons are meager. The Committee reiterate that the people's representatives and local bodies henceforth be kept informed about DDRC schemes.

Reply of the Government

At present the number of functional DDRCs has increased to 173 out of 199 sanctioned so far. The Ministry would take steps to operationalise the remaining sanctioned DDRCs, and would make efforts to set up more DDRCs, based on the criteria recommended by the Committee. DDRCs will also be advised to keep people's representatives and local bodies informed about their programmes and activities.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.13, Para No.13)

The Committee have been informed that National Handicapped Finance and Development Corporation (NHFDC) was established in 1997 with an objective to provide loans at concessional rates to persons with disabilities for setting up an enterprise, or for the purpose of education, etc. Loan applications have to be submitted in the prescribed format through the State Channelising Agency and branches of Punjab & Sind Bank or Oriental Bank of Commerce. Projects upto Rs.1.50 lakh are sanctioned by State Channelising Agency/ Bank and loan applications seeking more than Rs.1.50 lakh are sanctioned by NHFDC. The Committee note that the limits to provide loans at subsidized rates for the working people were decided more than a decade ago. They, therefore, recommend that these limits should be revised in view of growing inflation. The Committee also note that there are 44 State Channelising Agencies. They recommend that all Nationalised banks should be given instructions to accept loan applications of disabled persons and more State Channelising Agencies should be opened to facilitate the beneficiaries.

The Committee also feel that persons with disability find it very difficult to commute by public transport. They have to depend on vehicles specifically meant for them, driven by them or driven for them. Procuring such vehicles is difficult. They, therefore, recommend that NHFDC should provide conveyance loan without interest to disabled persons.

Reply of the Government

(i) The Corporation has increased the loan limits for various activities under NHFDC schemes at the 56th Board Meeting held on 15th May, 2009. The loan limits for various activities under NHFDC schemes stand revised, as follows:-

Particulars of the Loan/activity	Existing loan Amount	Revised loan Amount
1. For setting up small business service/training sector.	-Rs 1.0 lakh for sales trading activity.	-Rs 3.0 lakh for sales trading activity
	-Rs 3.0 lakh for service sector activity.	-Rs 5.0 lakh for service sector activity.

2. For Agriculture Activities: Agricultural production, irrigation, horticulture, sericulture, purchase of agricultural machinery/ equipment for agricultural service, marketing of agriculture products etc.	Rs 5.00 lakh	Rs 10.00 Lakh
3. For purchase of vehicle for commercial hiring	Rs 5.00 Lakh	Rs 10.00 Lakh
4. For self-employment amongst persons with mental Retardation, cerebral Palsy and Autism.	Rs 3.00 Lakh	Rs 5.00 Lakh
5. For setting up small industries unit	Rs 5.00 Lakh	Rs 25.00 Lakh

(ii) As regards instruction to Banks to accept loan application of disabled persons, the Banking Division of the Ministry of Finance has been requested to look into this matter. Further, the Corporation has been continuously following up with State Government Authorities for nominating State Channelising Agencies in States/U.Ts in the following cases:

- where the State Channelising Agency has not been nominated or
- where the State Channelising Agency nominated by the Government has either expressed its inability to implement NHFDC Schemes or not been functional.

(iii) The NHFDC in its Board of Directors' meeting dated 15.5.09, considered the matter and felt that its present financial resources would not permit it to provide interest-free conveyance loan to persons with disabilities.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV dated 6.8.2009]

Recommendation (Sl. No.14, Para No.14)

The Committee note that under Assistance to Disabled Persons (ADIP) Scheme modern assistive devices are provided to needy person with disabilities through NGOs/NIs/ALIMCO/ DDRCs. The main objective of the scheme is to assist

the needy physically handicapped persons with durable, modern and standard aids and appliances which can promote their physical, social and psychological rehabilitation. They further note that for expanding its coverage, the Ministry has revised the scheme w.e.f. 1.4.2005 and under the revised scheme, motorized tricycle for persons with locomotor disabilities, software for persons with visual disabilities using computer etc. are provided. The assistive devices costing up to Rs. 6,000/- are given to the disabled persons free of cost whose monthly income is upto Rs. 6,500/- and 50% of the cost to those having an income between Rs. 6,501/- and Rs. 10,000/- per month. The Committee are of the view that the income limit for supply of the assistive devices to the needy persons with disabilities should be revised as these limits were decided long back.

The Committee further note that the assistive devices provided under ADIP scheme are of sub standard quality. The Ministry in their reply have also agreed that there have been oral complaints during meeting with implementing agencies of schemes of Assistance to disabled persons for purchase/fitting of Aids/Appliances (ADIP) scheme. The Committee are also constrained to note that the Ministry do not have any agency which monitors the quality of these devices. Even crutches supplied to the beneficiaries are of sub-standard and have caused accidents. They also disagree with the view of the Ministry that their scheme is a special intervention basically keeping in view the needs of the poor disabled persons and they include those equipments and appliances which are within their financial limits. The Committee, therefore, recommend that the Ministry should not compromise with the quality of equipments for disabled persons which can prove hazardous. They strongly recommend that for maintaining the standard of assistive devices some agency should be appointed which may be authorized to give them certification, like the BIS, to market these products for the safe use of the beneficiaries.

Reply of the Government

A Committee for revision of ADIP Scheme has been constituted, which will inter alia examine revision of the income limit of the beneficiaries.

Under the provisions of the ADIP Scheme, the aids and appliances supplied under the scheme must be ISI certified.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.15, Para No.15)

The Deendayal Disabled Rehabilitation Scheme (DDRS) provides support to Non-Government Organisations in delivering various rehabilitation services to persons with disabilities. This scheme was started with the objective of ensuring effective implementation of the Persons with Disabilities (PWD) Act, 1995 by creating an enabling environment and encouraging non-governmental organisations through financial assistance for undertaking projects for the welfare of the disabled in different disciplines including the areas of education, training and rehabilitation services. Under this scheme activities like special schools for children with orthopedic, speech, hearing, visual and mental disabilities, vocational training centres, pre-school and early intervention programme, half way homes, etc. are taken up. The Committee note that eleven half way homes set up by NGOs provide vocational training, counseling to persons with disabilities and their families to facilitate reintegration with the family/society and medical advice/treatment for taking care of occasional psychiatric problems. The Committee recommend that the Ministry should encourage NGOs to set up more halfway homes under this scheme.

Reply of the Government

NGOs are encouraged to seek grant in aid under the scheme for Half way Homes. The State Governments have been requested to recommend proposals of setting-up half way homes by suitable NGOs, preferably linked to mental hospitals.

Recommendation (Sl. No.17, Para No.17)

The Committee note that the Ministry are not following a proper procedure to inform the NGOs about the status of their proposals. Many a time they are kept in the dark about the status especially the amount of grant that will be sanctioned, etc. They have to come personally to Delhi from far flung areas to know the status of their proposals. The Committee also note that in case of new proposals for grant-in-aid, the minutes of screening Committee are made available on the Ministry's website so that the organisations know whether their proposal is recommended. If the proposal is not recommended, the reasons for not recommending the proposal can also be seen on the website. The Committee desire that the same procedure should be followed for all the proposals for grant-in-aid. Status of all proposals of all the NGOs should be displayed on the website of Ministry so that every NGO can easily find out the status of their proposal and chalk out their plans accordingly.

Reply of the Government

In order to ensure transparency and optimum utilization of funds under grant-in-aid schemes of various Ministries, the Government has launched a web based software solution titled “NGO Partnership System (NGO-PS)” under the National Portal of India (<http://india.gov.in>) for interaction with NGOs. The initiative is aimed at enforcing transparency in the process of approval and rejection of any application submitted by NGOs, VOs or Civil Society Organizations seeking grant from the Government and also to track the status of each case. All NGOs are being requested to sign in and participate in this system.

Recommendation (Sl. No.20, Para No.20)

The Committee note that Chief Commissioner/State Commissioners for Persons with Disabilities are mandated to take steps to safeguard the rights and facilities of the persons with disabilities. They have certain powers of a Civil Court under Section 63 of the PWD Act. These are similar to the powers vested in the National Commissions for SC, ST, Minorities, Women, etc. The Committee are perturbed to note that many States do not appoint separate State Commissioners and the Secretary of the concerned department is entrusted with the additional job of Commissioner for persons with disabilities. This is a clear violation of the accepted legal principle that implementors cannot judge the enforcement part also. The Committee recommend that the Ministry should look into this matter and make a stringent rule in this regard so that every State should invariably appoint a separate Commissioner for persons with disabilities. The Committee also note that Chief Commissioner/State Commissioner for Persons with Disabilities is a Quasi Judicial Authority and has power of civil court and they therefore, recommend that the enforcement powers should also be vested to enable the CCD to discharge his duty effectively and if need be, suitable amendment should be made in the existing Act.

Reply of the Government

The State Governments are being advised regularly to ensure that the State Commissioners for Persons with Disabilities are appointed on a full-time basis. The Minister of Social Justice & Empowerment has also written to all Chief Ministers in this matter. A suitable provision in this regard is also proposed to be incorporated while amending the Persons with Disabilities Act, 1995.

Chief Commissioner for Persons with Disabilities (CCPD) and State Commissioner for Persons with Disabilities (SCPD) are functionaries in the nature of Ombudsmen. Such functionaries are not generally assigned functions of an executive or enforcement nature.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.21, Para No.21)

The persons with disabilities who are gainfully employed are provided insurance coverage under the normal insurance schemes of LIC (with certain restriction and extra premium) and the persons with disabilities who are not employed/not employable are covered under Jeevan Adhar and Jeevan Vishwas Schemes. National Trust has also formulated a Health Insurance Scheme Niramaya for the persons with four types of disabilities, viz. Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities covered under the trust. The scheme is to be launched in the 10 selected districts of the country in the first phase to provide affordable health insurance to persons with aforementioned disabilities to encourage health services seeking behaviour among persons with disability and to improve the general health condition and quality of life of persons with disability. The Committee recommend that the Ministry should formulate such other health policies like Niramaya covering the persons with other disabilities also. They also desire that the Ministry should take expeditious steps to launch Niramaya in every district of the country. The Committee further recommend that the Ministry should encourage other insurance companies to formulate cashless health insurance policies for persons with disabilities as the Government hospitals are not able to cope up with the increasing pressure.

Reply of the Government

Niramaya health insurance scheme was initially started in 10 selected districts on pilot basis which was extended to the entire country (except J&K) within 4 months of its launch due to its huge popular demand. However, due to increasing number of beneficiaries getting enrolled under the scheme, it is increasingly becoming difficult for the National Trust to bear the cost of scheme from its meager resources.

The Ministry has already taken up the matter with the Insurance Division of the Ministry of Finance to issue instructions to insurance companies to formulate cashless health insurance policies for persons with disabilities.

The Ministry of Labour and Employment has launched a health insurance scheme “Rashtriya Swasthya Bima Yojana (RSBY)” for the unorganized sector workers belonging to BPL category. The Ministry has requested Ministry of Labour on 11.9.2008 to ensure that no worker or his family member is excluded under RSBY on account of any disability.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.22, Para No.22)

The Ministry of Social Justice and Empowerment has formulated a scheme viz. “Incentive to Employees in the Private Sector” w.e.f. 01.04.2008 which is applicable to the persons with disabilities whose monthly income is up to Rs.25,000/- p.m. and working in the private sector, who are also covered under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. The Government has encouraged private sector to employ persons with disabilities - atleast 5% of their work force should consist of them. Under this scheme, employer's share of contributions for EPF and ESI for the first three years will be made by the Government. In fact, the Ministry of Labour and Employment is in the process of finalizing the changes in EPF and ESI Rules.

The Committee recommend that Ministry of Labour and Employment should finalize the changes in EPF and ESI Scheme/Rules immediately and apprise them about the changes made within 6 months of presentation of the Report.

The Committee are of the view that since several irregularities in employee contribution towards ESI, EPF, etc. have been noticed, the Ministry should be extra vigilant in implementing this scheme. They, therefore, recommend that the Ministry

of Social Justice and Empowerment should devise an effective mechanism to monitor the implementation of the scheme. The Committee also desire that the Government should explore the possibility of giving more incentives like tax exemptions/ relaxation to private sector employers in order to encourage them to employ more persons with disabilities.

Reply of the Government

The EPFO and ESIC, of the Ministry of Labour and Employment have issued necessary notifications on 31.3.2008 (Annexure I & II).

A High Level Monitoring Committee (HLMC) has been constituted by the Ministry of Social Justice & Empowerment to monitor the implementation of the Scheme of Incentives to Employers in the Private Sector for providing employment to persons with disabilities. Three meetings of the HLMC have been held so far. The meetings are chaired by Secretary, Labour & Employment, and co-chaired by Secretary, Ministry of Social Justice & Empowerment and are attended by representatives of various Ministries involved in implementation of the scheme, EPFO and ESIC. Representatives of apex organizations of Indian industries are also invited as Special Invitees.

Incentives like tax exemptions/ relaxation to private sector employers in order to encourage them to employ more persons with disabilities are to be considered by the Ministry of Finance.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.24, Para No.24)

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. Many legislations have been enacted for the welfare of the disabled persons. The Committee note that although the Ministry of Social Justice and Empowerment has taken various steps to create general awareness about programmes and schemes for welfare of persons with disabilities such as information available with DDRCs is disseminated through camps organized by DDRCs, NGOs, NIs and ALIMCO for the distribution of aids and appliances to the disabled, but there is a wide gap between the grassroot reality and the policy. Its proper implementation is lacking. Even the local corporators, MLAs, MPs are not kept informed about the various welfare schemes. The Committee are of the view that more attention is needed in this regard. This is very sensitive area, where training should be given to people working in the field. The life of disabled persons is challenging. They are subjected to lot of humiliation. So, the Ministry have to become extra cautious about providing amenities to them. The Ministry should take more stringent steps to create awareness about early detection, intervention, treatment of disabilities among general public. They therefore, recommend that the Ministry should take advantage of electronic media, small tele-films, ads on disabilities for creating awareness about detection and treatment of the disabled through television, as this is very popular source of creating awareness about disabilities. The Ministry should also address this issue through Press. Programmes and schemes regarding camps, etc. should be advertised in National level newspapers. Steps should be initiated to stage nukad-natak (street shows), etc. relating to persons with disabilities in small villages, towns, etc.

The Committee have also been informed that for creating awareness in rural areas, Anganwadi workers are provided assistance to disseminate information to pregnant women regarding prevention and early detection of disabilities. These programmes have been taken up in 30 districts of UP, Bihar and 13 districts of Assam. The Committee recommend that this programme should be implemented in every district of all the States in the country.

The Committee note that a disability helpline has been set-up in Delhi and

Mumbai which provides complete information about the disability, the benefits available and the procedure for obtaining the benefits by persons with disabilities. They recommend that disability helpline should be established in every State so that none of the disabled persons is deprived of the benefits of the schemes.

They also recommend that new medium of communication needs to be explored to create awareness about the achievements. While designing the website, it should be made user friendly and more interesting by including few case studies and statistics.

The Committee further recommend that the Ministry of Social Justice and Empowerment with the coordination of other Ministries should take up National Level Programme to eradicate deadly diseases like flurosis, leprosy, etc.

Reply of the Government

Short radio programmes and TV spots have been prepared and aired/shown from time to time. Advertisements have been issued regularly to publicise the scheme of incentives to employers for providing employment to persons with disability.

The State Governments have been advised to establish disability helplines at the State level.

The Rehabilitation Council of India has launched a new web portal “Punarbhava” which gives extensive information on matters relating to disabilities and various schemes/programmes for the empowerment of persons with disabilities.

The work of making the website of the Ministry disabled-friendly has been commenced and it will be made disabled-friendly on priority.

The Ministry of Health and Family Welfare is responsible for programmes for

eradication for diseases.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.25, Para No.25)

The Committee note that in 1986 when RCI was set-up there were only 24 institutions, which were imparting training to personnel and professionals in the field of rehabilitation and special education. Now RCI has 288 institutions. It is appreciable but still this number is insufficient to cater to the need of trained personnel in a vast country like India which has nearly 2.19 crore disabled persons. They therefore, recommend that the Ministry should take steps to set up more training institutions in the country specially in far flung areas and in those areas where there is no institution.

The Committee have been informed that distance education training is being imparted through 9 open universities under which 7000 professionals are trained every year. The Committee are of the view that distance education training should be imparted through more universities so that more professionals can be trained because we need about 8 lakh special educators and professionals. They recommend that the Ministry should take expeditious steps to provide distance education training through more universities.

The Rehabilitation Council of India (RCI) is offering short term courses for general school teachers through foundation courses organized by Bhoj University in MP and nearly 260 centres are operational. After getting basic education in special schools, students are brought to the main school, so that they do not find it difficult to integrate in the society later on. So, it becomes imperative that general school teachers should also be trained to educate these children. Otherwise their purpose of getting education in general schools will be defeated. The Committee are of the view that a large number of general school teachers need to be trained. They recommend that RCI

should offer short term courses for general school teachers through foundation courses/seminars in more universities, so that large number of general school teachers are trained to help the disabled students.

Reply of the Government

The Ministry of Social Justice and Empowerment has set up 7 National Institutes which impart training in various aspects of disability. There is no provision for setting-up more institutes in the XI Plan. However in addition to five existing Composite Rehabilitation Centres (CRCs), a new CRC has been set up in Patna in February, 2009.

The Ministry has requested the Ministry of Human Resource Development (MHRD) to encourage more and more universities to provide distance education programme for rehabilitation professionals.

The MHRD already has a large programme of orientation of school teachers to teach children with special needs - especially under the Sarva Shiksha Abhiyan.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.28, Para No.28)

The Committee further note that RCI has established Zonal Coordination Committees in collaboration with Non Governmental Organisations in 7 States i.e. Madhya Pradesh, West Bengal, Meghalaya, Punjab, Andhra Pradesh, Tamil Nadu and Gujarat. These Co-ordination Committees maintain vigil on the functioning of training institutes in their respective zones. These Committees strengthen the training programmes under their zone by inviting professionals/personnel and NGOs in their workshops/seminars/sensitization programme, etc. These seven Committees are looking after all the States of the country. Thus each Committee has to look after

atleast 5-6 States, which is a very difficult task. The Committee recommend that the Ministry should take expeditious steps to set-up more Zonal Coordination Committees especially in those regions where a large number of training institutes are located to maintain vigil on the functioning of these training institutes.

Reply of the Government

The Rehabilitation Council of India has been requested to take action on the recommendation.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.29, Para No.29)

According to census 2001, there are 93.01 lakh women with disabilities, i.e. 42.46% of the total disabled population. The Committee have been informed that though preference is given to girls/women in all schemes of the Ministry/NGOs but no social security scheme has been planned for the disabled girls/women. The Committee recommend that the Ministry should formulate a social security scheme for disabled girls/women so that their future can be secured to some extent. If these girls become independent, some boys might come forward to marry them.

The Committee are dismayed to note that there is no provision for stringent punishment for those persons who commit atrocities such as sexual assault against disabled girls. The Committee recommend that the Ministry should take up the matter with Ministry of Home Affairs and if need be, necessary amendments be made in the IPC and Cr. P.C.

Reply of the Government

Various social security schemes are already being implemented, e.g. Janashree Beema Yojana, Aam Admi Bima Yojana, Rashtriya Swasthya Bima Yojana, and the recently launched Indira Gandhi National Disability Pension Scheme, which also cover girls/women with disabilities. Further, some State

Governments are also providing pension/unemployment allowance to persons with disabilities including women.

The matter of stringent punishment for atrocities against disabled girls recommended by the Committee, has been referred to the Ministry of Home Affairs.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendation (Sl. No.30, Para No.30)

Under Persons with Disabilities Act, there is a provision for providing training to persons with disabilities and vocational training is provided to persons with disabilities through vocational rehabilitation centres run by the Ministry of Labour and Employment and by various NGOs supported by the Ministry of Social Justice and Empowerment with grants-in-aid scheme. The Ministry of Labour and Employment is running 20 Vocational Rehabilitation Centres and 144 Vocational Training Centres are run by NGOs and supported by Ministry of Social Justice and Empowerment. In addition to this, Ministry of Labour and Employment has been providing non-formal job oriented skill training through 7 Skill Training Workshops (STWs) and rehabilitation services in rural areas through 11 Rural Rehabilitation Extension Services. The Committee are of the view that Vocational Rehabilitation Centres run by the Ministry of Labour and Employment and NGOs are very less in comparison to the population of disabled persons. They recommend that the Ministry of Social Justice and Empowerment should encourage NGOs to set up more Vocational Rehabilitation Centres in different parts of the country especially in those areas where there is no such Vocational Rehabilitation Centres. They also recommend that the Ministry of Labour and Employment should also set up more Vocational Rehabilitation Centres. The Committee also stress that courses provided by these institutions should cater to present day needs.

Reply of the Government

Efforts will be made to assist more Vocational Training Centres under the DDRS. Vocational training offered by NGOs at present under DDRS includes trades related to computer training, desktop publishing etc, that are in line with the present day needs.

Ministry of Labour & Employment have been requested to take necessary action on the recommendations.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

CHAPTER III

RECOMMENDATIONS / OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT'S REPLY

Recommendations (Sl. No.6, Para No.6)

National Trust is implementing a scheme called SAMARTH to provide residential facility - both short term and long term. The Committee note that this scheme provides residential facility to 35 children, out of which only nine seats are for the BPL beneficiaries and rest are all paid seats. The scheme deprives poor disabled persons. The Committee, therefore, recommend that seats for BPL beneficiaries should be increased. The Committee also note that the scheme is based on tapering of grants. At the Ninth year, the grants will be stopped. The Committee are of the view that this scheme should not be based on 100% tapering of grants. It will discourage NGOs to come forward to take up projects under this scheme. The Committee, therefore, recommend that Ministry should review this scheme and instead of 100% tapering of the grants, it should be tapered off to certain lower extent.

Reply of the Government

Samarth scheme was initiated on a pilot basis with 9 seats for BPL beneficiaries, out of total 30 beneficiaries per centre. The scheme was revised in December, 2007 whereby all 30 seats were reserved for adult BPL beneficiaries or destitute children in case of new centers/ new vacancies in existing centers.

As far as 100% tapering of grant under the scheme is concerned, this arrangement was made with a view to (i) making NGOs self-sufficient by raising resources from philanthropic organizations, private sector as well as general public, (ii) reducing the burden of recurring expenditure on National Trust and (iii) making available funds to the National Trust, for expanding the existing schemes as well as for introducing new ones. However, appreciating the problem of the NGOs in

running the centers with such type of tapering grants compounded by cost inflation, other support systems and fund raising capabilities are being enhanced through Organizational Development Programmes being organized by the National Trust from time to time for its registered organizations.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.31, Para No.31)

The unemployment allowance as well as disability pension is provided to the persons with disabilities by State Governments/UT Administrations according to their financial capacity. Unemployment allowance varies from Rs.75/- to Rs.500/- p.m. and disability pension varies from Rs.60/- p.m. to Rs.1000/- p.m. The Committee are unhappy to note that only just Rs.75/- p.m. is given as unemployment allowance and Rs.60/- p.m. is given as disability pension in several States. It seems to be mockery of disabled persons. They are of the view that this meager amount of unemployment allowance/disability pension is degrading and insulting for disabled persons as it would create inferiority complex among them. The Committee, therefore, recommend that Ministry should take up the matter with State Governments and encourage them to raise the amount of unemployment allowance/disability pension, keeping in mind the present inflation. The Ministry should also fix certain amount as minimum unemployment allowance/disability pension being provided to disabled persons by State Governments/UTs.

Reply of the Government

The State Governments are autonomous in taking decisions with regard to unemployment allowance/disability pension being provided by them since the subject "Relief to Disabled" is in the State list of subjects under the Constitution of India.

However, the Ministry of Rural Development has recently launched the Indira Gandhi National Disabled Pension Scheme, under the National Social Assistance

Programme, under which the Central Government will contribute Rs.200 per month for disability pension, with at least a matching contribution by the concerned State Governments. The scheme is applicable to persons with severe or multiple disabilities in the age group of 18-64 years, in the BPL category.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

CHAPTER IV

RECOMMENDATIONS / OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT'S REPLIES HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendations (Sl. No.1, Para No.1)

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. The Committee selected the subject programmes and schemes for the welfare of persons with disabilities for examination and had detailed interactions with the representatives of the Ministry of Social Justice and Empowerment, Rehabilitation Council of India and NGOs.

According to the Census 2001, there are 2.19 crore persons with disabilities in India. Now-a-days there have been vast and positive changes in the perception of the society towards these people. It has been realized that a majority of these persons can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures. The Government of India has enacted three legislations for persons with disabilities viz. (i) Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995; (ii) National Trust for welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999; and (iii) Rehabilitation Council of India Act, 1992. National Policy for persons with disabilities has also been announced in February, 2006. After going into the functioning of the Ministry of Social Justice and Empowerment and Rehabilitation Council of India, the Committee feel that the Act and convention lay many obligations upon the Government and society. The subject of Disability still falls under the Ministry of Social Justice and Empowerment and keeping in view the increased obligations in terms of convention as well as Act and the changing scenario both economic as well as social and political, there is a need for consideration of a separate department dealing with persons with disabilities. The Committee also feel that though the policy has been rightly pronounced and

legislations have also been enacted but the benefits that are intended have not reached the disabled beneficiaries. There is ample scope for improvement in several spheres of working of the Ministry and RCI. These aspects have been dealt with in greater detail by the Committee in the succeeding paragraphs.

Reply of the Government

No reply.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.2, Para No.2)

The National Policy recognizes that persons with disabilities are valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protect their rights and encourages their full participation in society. The focus of the policy is primarily on prevention of disabilities, early detection and appropriate intervention, physical and economic rehabilitation measures, inclusive education, employment in the public as well as the private sector and self-employment, creation of a barrier free environment and development of rehabilitation professionals. The Committee note that India has ratified the United Nations Convention on the Rights of People with Disabilities (UNCRPD). By doing this, India has reaffirmed its commitment towards the International Policy Framework in respect of persons with disabilities. The Committee, therefore, are of the view that now it has become obligatory to incorporate the essence of the UN convention in our planning, implementation, monitoring and review processes pertaining to the welfare of disabled persons.

The Committee also note that there is a wide gap between the policy and grassroot reality. There is lack of awareness about disabilities. The Ministry have not taken sincere measures to create awareness. Although the policy has been formulated, proper implementation is lacking. Even the local MPs/MLAs are not apprised about the various welfare schemes. The Committee recommend that the

Ministry should devise a mechanism to effectively associate Panchayati Raj institutions, local bodies and involve MPs/MLAs of the country in the process of implementation of National Policy for disabled persons, 2006. They also recommend that the Ministry should assign the work relating to evaluation of implementation of National Policy for persons with disabilities to an autonomous body having expertise in the field.

Reply of the Government

The Ministry of Social Justice and Empowerment is in the process of preparing draft amendments to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, incorporating provisions of the UN Convention for the Rights of Persons with Disabilities to the extent they do not already figure in the Act. State Governments and concerned Central Ministries have also been addressed to implement provisions of the Convention.

The Central Coordination Committee (CCC) constituted under Section 3 of the Persons with Disabilities Act, 1995, is mandated, as per Section 8 of the Act, to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities. The CCC is chaired by the Minister for Social Justice and Empowerment. Three Members of Parliament, including two Members of the Lok Sabha and one Member of the Rajya Sabha, are elected to serve as members of the CCC.

The State Co-ordination Committee, constituted under Section 13 of the PwD Act, to serve as the focal point on disability matters, has 3 Members of Legislative Assembly (MLAs) as its members. In the proposed amendment to the PwD Act, establishment of district level monitoring committee on disability, with representation of Panchayati Raj Institutions, is being considered.

Para 62 of the National Policy for Persons with Disabilities, adopted in February, 2006, envisages, "a comprehensive review will be done on the implementation of the National Policy" every five years. Thus, the first review will be

done in 2011, for which action will be initiated at the appropriate time.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.5, Para No.5)

Under the Scheme Supported Guardianship Rs.500/-p.m per beneficiary is provided to 10 beneficiaries per district in 36 districts for encouraging relatives, friends and institutions to accept legal guardianship of destitute and abandoned disabled persons. The Committee were informed that keeping in view the limited availability of funds at present only upto 10 beneficiaries per district are being covered under the scheme. According to an evaluation study, the Guardianship Scheme can have significant impact over a large area in the country if the present coverage of the scheme is enlarged. The Committee are not convinced with the reason put forth by the Ministry that due to limited availability of funds the scheme is confined to only 10 beneficiaries per district. The Committee recommends that the Ministry should take steps to implement this scheme in other districts of the country at the earliest and the amount of assistance should be suitably increased from Rs.500, which is a meager amount to take proper care of disabled persons.

Reply of the Government

The Supported Guardianship Scheme was initiated by the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, **on a pilot basis**, to provide financial assistance @ Rs 500 per month per beneficiary covering 10 beneficiaries per district in 36 districts. On the one hand, the total number of beneficiaries thus covered was too small to have any substantial effect in the community and on the other, the amount required was too high (Rs 21.6 lakhs per annum for just 360 beneficiaries) for the National Trust to scale it up to cover any substantial number of beneficiaries, say 10000 for which the amount required would have been Rs 6 crore per annum. Seeing this, the Board of the National Trust in its 31st meeting held on 3.6.2008 decided to discontinue the scheme with effect from 1.4. 09.

Ministry of Rural Development has recently announced “Indira Gandhi National Disability Pension Scheme”. Under this scheme, persons with severe and multiple disabilities, who are below poverty line and in the age group of 18-64 years, are given disability pension of Rs 200 per month.

Besides, many State Governments are also providing Disability pension/ allowance to Persons with Disabilities.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.10, Para No.10)

The Committee were informed that seven National Institutes at New Delhi, Dehradun, Kolkata, Secundrabad, Mumbai, Cuttack and Chennai have been set up in the country which are specialized in various disabilities and are working for the development of rehabilitation manpower providing specialized services to persons with disabilities; and research and development of models for delivery of services. Four other National Institutes at Bangalore, Mumbai, Mysore and Ranchi under the Ministry of Health and Family Welfare are also working in the field of medical treatment and rehabilitation of persons with disabilities. The Committee in this regard are of the view that only these handful National Institutes are not sufficient to cater the needs of persons with disabilities. These National Institutes will not be able to cover all parts of the country. They therefore, recommend that the Ministry should make efforts to set up more such institutes all over the country, region-wise and preference should be given to those regions where such Institutes have not so far been set up. They also recommend that the existing National Institutes should also be upgraded as per international standards and strengthened and together with the local non-governmental organisations should reach the blocks and villages where their services are required the most.

Reply of the Government

The Ministry agrees that there is a need to set up more National Institutes, but there is no provision in the Ministry's XI Plan for this purpose. It can, therefore, now be considered while formulating the XII Five Year Plan.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.11, Para No.11)

The Ministry of Social Justice and Empowerment have set-up five Composite Regional Centres for persons with disabilities at Srinagar, Sundernagar (Himachal Pradesh), Lucknow, Bhopal and Guwahati to provide for both preventive and promotional aspects of rehabilitation like education, health, employment and vocational training, research and manpower development, rehabilitation for persons with disabilities, etc. These centres have been working as extended arms of National Institutes in each of the disabilities and providing services to persons with all type of disabilities at one place. The Committee feel that more such Composite Regional Centres should be set up in every State in the country. The Ministry also in their written reply furnished to the Committee have underlined the need to establish one Composite Regional Centre in each State. The Committee, therefore, recommend that the Ministry should take expeditious steps to establish more Composite Regional Centres in the country. They would like to be apprised of the Reply of the Government by the Ministry in this regard.

Reply of the Government

In addition to existing five Composite Regional Centres at Srinagar, Sundernagar (Himachal Pradesh), Lucknow, Bhopal and Guwahati, the Ministry has set up a Composite Regional Centre for persons with disabilities at Patna, in February, 2009.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.18, Para No.18)

The Committee note that under Assistance to Disabled Persons (ADIP) Scheme modern assistive devices are provided to needy person with disabilities through NGOs/NIs/ALIMCO/ DDRCs. The main objective of the scheme is to assist the needy physically handicapped persons with durable, modern and standard aids and appliances which can promote their physical, social and psychological rehabilitation. They further note that for expanding its coverage, the Ministry has revised the scheme w.e.f. 1.4.2005 and under the revised scheme, motorized tricycle for persons with locomotor disabilities, software for persons with visual disabilities using computer etc. are provided. The assistive devices costing up to Rs. 6,000/- are given to the disabled persons free of cost whose monthly income is upto Rs. 6,500/- and 50% of the cost to those having an income between Rs. 6,501/- and Rs. 10,000/- per month. The Committee are of the view that the income limit for supply of the assistive devices to the needy persons with disabilities should be revised as these limits were decided long back.

The Committee further note that the assistive devices provided under ADIP scheme are of sub standard quality. The Ministry in their reply have also agreed that there have been oral complaints during meeting with implementing agencies of schemes of Assistance to disabled persons for purchase/fitting of Aids/Appliances (ADIP) scheme. The Committee are also constrained to note that the Ministry do not have any agency which monitors the quality of these devices. Even crutches supplied to the beneficiaries are of sub-standard and have caused accidents. They also disagree with the view of the Ministry that their scheme is a special intervention basically keeping in view the needs of the poor disabled persons and they include those equipments and appliances which are within their financial limits. The Committee, therefore, recommend that the Ministry should not compromise with the quality of equipments for disabled persons which can prove hazardous. They strongly recommend that for maintaining the standard of assistive devices some agency should be appointed which may be authorized to give them certification, like the BIS,

to market these products for the safe use of the beneficiaries.

Reply of the Government

A Committee for revision of ADIP Scheme has been constituted, which will inter alia examine revision of the income limit of the beneficiaries.

Under the provisions of the ADIP Scheme, the aids and appliances supplied under the scheme must be ISI certified.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.25, Para No.25)

The Committee note that in 1986 when RCI was set-up there were only 24 institutions, which were imparting training to personnel and professionals in the field of rehabilitation and special education. Now RCI has 288 institutions. It is appreciable but still this number is insufficient to cater to the need of trained personnel in a vast country like India which has nearly 2.19 crore disabled persons. They therefore, recommend that the Ministry should take steps to set up more training institutions in the country specially in far flung areas and in those areas where there is no institution.

The Committee have been informed that distance education training is being imparted through 9 open universities under which 7000 professionals are trained every year. The Committee are of the view that distance education training should be imparted through more universities so that more professionals can be trained because we need about 8 lakh special educators and professionals. They recommend that the Ministry should take expeditious steps to provide distance education training through more universities.

The Rehabilitation Council of India (RCI) is offering short term courses for general school teachers through foundation courses organized by Bhoj University in

MP and nearly 260 centres are operational. After getting basic education in special schools, students are brought to the main school, so that they do not find it difficult to integrate in the society later on. So, it becomes imperative that general school teachers should also be trained to educate these children. Otherwise their purpose of getting education in general schools will be defeated. The Committee are of the view that a large number of general school teachers need to be trained. They recommend that RCI should offer short term courses for general school teachers through foundation courses/seminars in more universities, so that large number of general school teachers are trained to help the disabled students.

Reply of the Government

The Ministry of Social Justice and Empowerment has set up 7 National Institutes which impart training in various aspects of disability. There is no provision for setting-up more institutes in the XI Plan. However in addition to five existing Composite Rehabilitation Centres (CRCs), a new CRC has been set up in Patna in February, 2009.

The Ministry has requested the Ministry of Human Resource Development (MHRD) to encourage more and more universities to provide distance education programme for rehabilitation professionals.

The MHRD already has a large programme of orientation of school teachers to teach children with special needs - especially under the Sarva Shiksha Abhiyan.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF GOVERNMENT ARE STILL AWAITED

Recommendations (Sl. No.3, Para No.3)

The Persons with Disabilities (equal opportunities, protection of rights and full participation) Act, 1995 (PWD Act) enacted to give effect to the Proclamation on the full participation and equality of the people with disabilities in the Asia and Pacific region is applicable only to seven disabilities viz. blindness, low vision, leprosy-cured, hearing impairment, loco-motor disability, mental retardation and mental illness. This Act also provides for both preventive and promotional aspects of rehabilitation like education, employment, vocational training, job reservations, research and manpower, creation of barrier free environment, rehabilitation of persons with disabilities, unemployment allowance, establishment of home for persons with disabilities, etc. The Committee note that no sincere effort has been made to effectively implement the PWD Act, 1995. The commitment made in the Tenth Five Year Plan of reaching the un-reached disabled persons remained unfulfilled. The Committee were informed that steps had been initiated for amendment to the Persons with Disabilities (opportunities, protection of rights and full participation) Act, 1995. Consultation with stakeholders at national level was undertaken. The suggestions received from the stakeholders are examined for amending the Act. The Committee are of the firm view that though Act is in place, proper implementation of it is lacking and they, therefore, recommend that Ministry should examine the suggestions received from stakeholders in the country expeditiously and accordingly bring amendments in the PWD Act in consonance with the UNCRPD within a timeframe after presentation of the Report to the House.

The Committee are also of the view that there are certain other disabilities like thalassaemia, flurosis, cochlear implant, etc, that have not been recognized in the PWD Act, 1995 so far. They recommend that Ministry should examine all such

disabilities and explore possibility to give recognition to these major disabilities in the PWD Act.

Reply of the Government

After holding wide consultations with various stakeholders, the Ministry is drafting amendments to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, based on suggestions received and provisions of the UNCRPD.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.16, Para No.16)

The Committee find that the criteria of releasing grant-in-aid are based on the number of beneficiaries found present on the day of inspection, the number of beneficiaries covered in the grant for the previous financial year and the prescribed ceiling of 15 per cent increase in number of beneficiaries over the previous year. They feel that the criteria evolved is totally illogical. The inspection generally takes place in winter season or rainy season and the disabled students remain absent from the school for many days during these seasons. The absenteeism of children with the disabilities is high due to the associated medical complication. Therefore, in their view it is unjustified that just on the basis of one day s attendance, grant-in-aid is decided. NGOs have to bear expenses according to the prescribed teacher-student ratio. Even if the students remain absent, NGOs have to pay teachers salaries, perks, etc. and bear all the expenses. The Committee, therefore, recommend that grants should be sanctioned on the basis of children enrolled. However, Government should make note of the attendance of disabled children over a period of time. The Ministry should explore the possibility to constitute a regulatory body to conduct regular inspection in

schools.

Reply of the Government

The guidelines of the DDRS scheme will be suitably amended to provide a more rational basis for release of assistance. Moreover, State Governments will be requested to involve Panchayati Raj Institutions & local bodies in regular inspections of such schools.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.19, Para No.19)

The scholarship to persons with disabilities is provided from the interest earned from investment made under the National Disability Fund available in various public sector banks. Students with 40% or more disability whose monthly family income does not exceed Rs.15,000/- are eligible for scholarship. A scholarship of Rs.700/- p.m. to day scholars and Rs.1,000/- p.m. to hostellers is provided to those students who are pursuing graduate and post graduate level technical or professional courses. Rs.400/- p.m. to day scholars and Rs.700/- p.m. to hostellers is provided for pursuing diploma and certificate level professional courses. The Committee have been informed that the Ministry have awarded 1443 scholarships and 447 scholarships have been continued. The Committee are constrained to note that in comparison to large number of disabled persons in our country, only 1443 scholarships are provided, which are quite meager. The Secretary, Ministry of social Justice and Empowerment during the interaction with the Committee have accepted that about the scholarships we have really not been able to do much about it. But then we have a small scheme under which some scholarships are given to the disabled students to pursue their higher professional courses'. The Committee are also of the view that the amount provided under this scheme is too meager to bear educational expenses. They therefore, recommend that the Ministry should review this scheme in the present scenario and accordingly increase the amount provided

under this scheme and also make earnest efforts to provide more scholarships to more students with disabilities.

The Committee desire that to encourage the persons with disabilities, nationalized banks may be asked to extend education loans to disabled persons to pursue higher studies on lesser simple rate of interest. This way the banks will also be fulfilling their social obligations towards society and will help in bringing the disabled persons to the main stream. They recommend that this matter may be pursued with the Ministry of Finance and nationalized banks for implementation.

Reply of the Government

Board of Management of the National Fund for People with Disabilities, in its meeting dated 25.8.2008 has already directed examination of the feasibility to increase number and rate of scholarships. Further, action is being taken in that light.

As regards extending education loan to persons with disabilities by nationalized banks on lesser and simple rate of interest, the Banking Division of the Ministry of Finance has been requested to issue necessary instructions to the banks in compliance of the recommendation.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.26, Para No.26)

The RCI monitors the performance of recognized institutions through inspections, surprise visits by experts, monitoring of the Zonal Coordination Committee, involvement of the concerned universities and State Governments, by way of feed back from the students and teachers and action on the complaints of irregularities in coordination with the Chief Commissioner of Disabilities. The Committee are of the view that measures taken by RCI are not adequate to keep a vigil on the performance of recognized institutions. Secretary, Ministry of Social

Justice & Empowerment during oral evidence had expressed the opinion that there is need for constant vigilance regarding functioning of these organisations. Even a bit of carelessness on the part of RCI will adversely affect the performance of these institutions. The Committee recommend that the Ministry should look into this matter with great seriousness and devise a mechanism to keep a strict vigil on the working and performance of the recognized institutions.

Reply of the Government

Amendment to the RCI Act is under consideration for which purpose the RCI has sent certain proposals to the Ministry. While considering these amendments, the above recommendation will also be kept in view.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.27, Para No.27)

The Committee are astonished to note that RCI, is having a part-time Chairman since its inception. Though the Act does not make a specific mention anywhere, it only mentions that there has to be a Chairperson under Section 3 Sub-Section 3. It also mentions under Section 8 Sub-Section 2 that the Council may determine the appropriate allowances for the Chairperson. In the present scenario, RCI's activities have increased on a large scale in regulating and promoting manpower development. So, there is a great need to have a full time Chairperson to guide its activities and maintain close liaison with the Ministries and for interacting with State Governments, Vice Chancellors of the Universities and rehabilitation professionals inside and outside the country. It is an established fact that success of an organization to a large extent depends upon the proficiency and interest shown by the Head, who is at the helm of affairs. The Committee, therefore, recommend that Ministry should take concerted steps to appoint a full-time Chairperson in RCI and place the matter before the Cabinet urgently.

Reply of the Government

The matter of appointing a full-time Chairperson in RCI involves amendment to the RCI Act, 1992, and will be considered with other amendments required in it.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.32, Para No.32)

Disability Certificates are issued by the Medical Board duly constituted by the Central and State Governments. The Medical Board consists of three members out of which at least one member has to be specialist in the particular field for assessing locomotor/visual disability including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be. The Committee find that due to complicated procedure getting a disability certificate is very difficult for persons with disabilities. The Secretary, Ministry of Social Justice & Empowerment has deposed before the Committee that only 22 percent of the targeted population has been issued Disability Certificate. The Committee have been informed that the Committee set up to simplify the procedure of issuing Disability Certificate has recommended that the power to certify disability should be brought down from the district level to the CHC or the PHC level. These recommendations can be implemented by an amendment in the rules notified under the PWD Act and the Ministry are in the process of preparing those rules. The Committee recommend that the Ministry should take expeditious steps to amend the relevant rules notified under the PWD Act.

The Committee find that if a person is refused Disability Certificate, he/she has to again give a representation to the Medical Board, which would then review the decision having regard to all the facts and circumstance of the case and pass such order in the matter as it thinks fit. The Committee find it ironical. A person who has been refused to get Disability Certificate by Medical Board again has to give

representation to Medical Board. The Committee are of the view that if once Medical Board has refused, it will hesitate to issue the disability certificate. So, in such cases the competent authority to reconsider the issuance of Disability Certificate should be other than the Medical Board. The Committee, therefore, recommend that this procedure should also be reviewed thoroughly and amended accordingly.

Reply of the Government

The Ministry of Social Justice and Empowerment is in the process of finalizing amendments to the rules, for streamlining the procedure for certification of disability.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

Recommendations (Sl. No.33, Para No.33)

Various travel concessions are provided to persons with disabilities. They are given 75% concession in railway journey. Some States give them free transportation by bus and some States give 50% concession. For availing these concessions different passes are issued to persons with disabilities. So the person with disability has to obtain several passes, which creates problem for them. It is a fact that for a person who is suffering from disabilities, keeping various passes during travel is very difficult. The Committee recommend that to overcome the problem of keeping up various passes, the Ministry should issue National Identity Card containing all the particulars of individuals to persons with disabilities, which should be valid for availing all travel concessions.

Reply of the Government

Action on this recommendation will be taken in consultation with concerned Ministries viz. Railways, Civil Aviation, Road Transport & Highways, etc.

[Ministry of Social Justice and Empowerment OM No.3-31/2008-DD IV
dated 6.8.2009]

**NEW DELHI;
SARDINHA
April 23, 2010
Vaisakha 3,1932(S)**

FRANCISCO

**Chairman,
Committee on Estimates**

MINUTES OF THE TWENTIETH SITTING OF THE ESTIMATES COMMITTEE (2009-2010)

**The Committee sat on Tuesday, the 30th March, 2010 from 1500 hrs. to
1800 hrs.**

PRESENT

Shri Francisco Sardinha – Chairman

MEMBERS

- | | |
|----|--------------------------------|
| 2 | Shri Sanjay Singh Chauhan |
| 3 | Shri T.K.S. Elangovan |
| 4 | Dr. Sanjay Jaiswal |
| 5 | Shri Ramesh Jigajinagi |
| 6 | Shri P. Karunakaran |
| 7 | Shri Mohinder Singh Kaypee |
| 8 | Shri M. Krishnaswamy |
| 9 | Shri Prabodh Panda |
| 10 | Shri M. Sreenivasulu Reddy |
| 11 | Shri Madan Lal Sharma |
| 12 | Shri Brij Bhushan Sharan Singh |
| 13 | Dr. Raghuvansh Prasad Singh |
| 14 | Shri Sushil Kumar Singh |
| 15 | Shri Lalji Tandon |
| 16 | Shri Manish Tewari |
| 17 | Shri K.C. Venugopal |

SECRETARIAT

- | | | |
|---|--------------------|-----------------|
| 1 | Shri U.S. Saxena | Joint Secretary |
| 2 | Shri Bhupesh Kumar | Director |

WITNESSES

2. At the outset, the Chairman welcomed the Members of the Committee. Thereafter, the Committee took up for consideration the following draft Reports and adopted the same with some modifications/additions:

(i)

(ii) Report on action taken by the Government on the recommendations contained in Eighteenth Report (Fourteenth Lok Sabha) on the Ministry of Social Justice & Empowerment –‘Programmes and Schemes for the welfare of persons with disabilities’.

3. The Committee authorized the Chairman to finalize the Draft Reports in the light of the modifications and also to make verbal and other consequential changes, if any, arising out of factual verification by the concerned Ministries and present the same to the House.

4.	*****	*****	*****
5.	*****	*****	*****
6.	*****	*****	*****

The Committee then adjourned.

APPENDIX - II
(vide introduction to Report)

Analysis of the action taken by Government on the recommendations contained in the Eighteenth (18th) Report of the Estimates Committee (14th Lok Sabha).

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|--------|--|-------------------|
| (v) | Total number of Recommendations/observations: | <u>33</u> |
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| (vi) | Recommendations/observations which have been accepted by the Government:
(Nos. 4, 7, 8, 9, 12, 13, 14, 15, 17, 20, 21, 22, 24, 25, 28, 29, 30 - Total 17)
Percentage | <u>52%</u> |
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 | | |
| (vii) | Recommendations/observations which the Committee do not desire to pursue in view of Government's reply:
(Nos. 6, 31 - Total 2)
Percentage | <u>6%</u> |
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 | | |
| (viii) | Recommendations/observations in respect of which Government's replies have not been accepted by the Committee:
(Nos. 1, 2, 5, 10, 11, 18, 23 - Total 7)
Percentage | <u>21%</u> |
|
 | | |
| (ix) | Recommendations/observations in respect of which final replies of Government are still awaited:
(Nos. 3, 16, 19, 26, 27, 32, 33 - Total 7)
Percentage | <u>21%</u> |