

RAJASTHAN

EXECUTIVE SUMMARY

The 2001 Census revealed that in Rajasthan 2.5% of the population consisted of disabled persons.¹ During the same year, the Rajasthan Government conducted a door to door survey in order to categorize the disabilities according to the seven categories listed in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.² Among the disabled, the highest number of 53.4 % was persons with visual impairment. Rajasthan also has 6.45% of the total disabled population in India, the sixth largest in the country.³

Quick Statistics:

- ❖ Capital: Jaipur
- ❖ Population: 5,65,07,188
- ❖ Population of Persons with Disabilities:14,11,979
- ❖ Literacy: 67.1%

The Department of Social Welfare and Empowerment, Rajasthan implements the various rules and schemes concerning persons with disabilities in Rajasthan. The State Government has also appointed a Commissioner for Disabilities. In May 2010, the Rajasthan Government appointed a task force on disability to develop a Comprehensive Disability Policy for the state. The policy aims at including disability rights, values and practices into government developmental strategies, planning and programs and development of an integrated management system for the coordination of disability planning. The policy is still in the pre-cabinet stage.⁴

The State Government has also introduced various schemes for welfare of persons with disability. Out of these, schemes such as the Viswas Yojana to provide loan and subsidy for

1. <http://www.hindu.com/2004/08/17/stories/2004081711760500.htm>
2. No.F16(1)/VK/Internal Survey/Sanyavi/10/47506-38
3. <http://www.hindu.com/2004/08/17/stories/2004081711760500.htm>
4. http://www.shodhana.org/index.php?option=com_content&view=article&id=24:rajasthan-disability-policy&catid=85&Itemid=435

self-employment, Sukhad Jeevan Yojana to provide assistance for marriage of disabled persons and the Aastha Yojana etc. are some of the more important ones.

Legal Provisions

The Government of Rajasthan has formulated four main Rules for the benefit of persons with disability. They are:

- ❖ The Rajasthan Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules 2011.
- ❖ The Rajasthan Government Scholarship to the Physically Handicapped Rules 1981
- ❖ The Rajasthan Handicapped, Crippled and Blind Persons Pension Rules 1965
- ❖ The Rajasthan Government Financial Assistance to Disabled Individuals Rules 1986

The Rajasthan Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules 2011 were enacted under S.73 of the PWD Act. The Rules provide for the following:

- ❖ Application for issue of Disability Certificate
- ❖ Rules regarding State Co-ordination Committee and the State Executive Committee.
- ❖ Employment of persons with disability- reservation, relaxation in age and other such concessions.
- ❖ Rules regarding recognition of institutions for Persons with Disabilities through registration
- ❖ Rules regarding presentation of complaints before the Commissioner for Persons with Disabilities

Directions were issued to make suitable amendments to the State Rules due to the amendments made to the central Persons with Disabilities Rules, 1996⁵ mainly with regard to issuance of Disability Certificates.

Accessibility

There are very few schemes and provisions made in Rajasthan for accessibility. The existing schemes mainly relate to travel allowances and provision of motorized tricycles.

5. F.. 16 (1) () Vilkl / Sanyaavi / 10/4 1 8 82-914

- (i) Travel allowances: The Director, Social Welfare Department of the Government of Rajasthan through an Office Order⁶ dated 16/1/1982 lists the following travel concessions that may be utilised by persons with disabilities:
- a. Conveyance allowance: State Government employees with disability are given 5% of their pay and Rs.75/- p.m. as conveyance allowance.
 - b. Bus concession: Free bus travel is provided to persons with disabilities by the Rajasthan State Roadways Corporation.
- (ii) Grant for acquisition of motorized tricycles: By Notification⁷ dated 14/5/2012, directions were passed by the Rajasthan Department of Social Justice and Empowerment to provide for free motorized tricycles to persons with disabilities whose family income does not exceed Rupees 1,00,000/-. The beneficiary must also show the necessary certificate, be a domicile of Rajasthan and of 18 years of age or above.

Education

Education related schemes provide for scholarships to students with disabilities, grants to NGOs running schools and incentives for students.

- (i) Scholarships to Persons with Disabilities: The Rajasthan Government has notified the Rajasthan Government Scholarship to the Physically Handicapped Rules, 1981 (1987) for providing scholarships to persons with disabilities. These Rules were amended to make the following provisions:
- a. The Rajasthan Government through Notification⁸ dated 27/12/2007, amended the existing Rule-3 of the Rajasthan Government Scholarship to the Physically Handicapped Rules, 1981 increasing the maximum income of the students applying for scholarship or of their parent/guardian to Rs. 1,00,000/- per

6. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

7. No.F(16) ()V.O/B.Gho.S /SJ&D/11 /2533 Operations of the Directions/Orders for providing disabled persons with motorized tricycles-2012

8. No F.9(4)Students/H.W/SJED/97/7563 Order for amendment of Rajasthan Government Scholarship to the Physically Handicapped Rules,1981

annum from the earlier limit of Rs. 40,000/- per annum. By the Notification⁹ of amendment dated 2/7/2010, sub-rule (c) to Rule 5 was added to the existing rules for Scholarship for Disabled Persons, 1987. This amendment provided for post-matric students with disability to be paid their enrolment, tuition, library, medical examination or any such compulsory fees, except towards refundable deposits such as caution money or security deposits.

- (ii) Grace Marks and Supply of Material: The Director, Social Welfare Department of the Government of Rajasthan via an Office Order¹⁰ dated 16.1.1982, provides for various benefits to students with disabilities. This Order provides that 5% grace marks is given to the disabled persons in the qualifying examination for all competitive examinations and supply of free text books and other education material to students who are visually handicapped, hearing impaired or mentally handicapped by the Social Welfare Department.
- (iii) Grant to schools run by NGO's: The Rajasthan Social Justice and Empowerment Department via Notification¹¹ dated 1/9/2010 provides private schools for children with disability a one-time grant through self help groups. The said Notification also lays down conditions for eligibility for the grant. Self help groups functioning under the DDRS of the central government facing financial difficulties due to non availability of grants are also eligible for a one time grant from the state government. The grant has been provided for in the 2010-11 budget and provides for different heads of expenditure, such as towards furniture for hostels, aids and appliances, adapted sports equipment, occupational therapy equipment etc., and the maximum grant available under each head.
- (iv) Anuprathi Scheme - Incentives for Students: The Rajasthan Social Justice and Empowerment Department issued the Anuprathi Scheme through Notification¹² dated 16/6/2011 which provides monetary reward to students with disabilities who take up national and state level competitive exams. The Scheme has a graded system of

9. No F.16(1)(277)/DW/Ba/Sch/SJED/2010-11/37012 Addition of Sub-rule (c) to Rule 5 to the Rules Scholarships for the Disabled Persons Rules 1987

10. No.: F-9(4) SCH/PH/STATE-81-82 3029, dated 16.1.82.

11. No. F16(1) (278) /V.Anu /B.Gho/SJ&E/10 /48382.

12. No. F 16(1)()V.K/Anuprathi /SJ&E /11 / 46553 - Disabled Persons Anuprathi Scheme 2011

awarding monetary rewards depending on the level of success achieved in the examination.

Employment

Employment related provisions are mainly included in the ____ Rules. This is the first example of a State Government enacting Rules which contain such detailed provisions on employment. No other State has enacted Rules which contain such extensive provisions for persons with disabilities.

(i) Rules: The Rajasthan Government enacted Rajasthan Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules 2011. The Rules give various benefits to Persons with Disabilities in the area of employment in addition to those mentioned in the Persons with Disabilities Act, 1995. Some of the provisions in these Rules are as follows:

- a. Provides for 3% reservation in government jobs for persons with disabilities
- b. Maintenance of Rosters: all establishments to maintain 100 point rosters divided into 3 blocks of Point No. 1 to point No. 33, point No. 34 to point no. 66 and point no. 67 to Point No. 100. Out of this points 1, 34 and 67 shall be earmarked and reserved for persons with disabilities – 1 point for each of the three categories of disabilities. Detailed provisions are given for filling up vacancies at these roster points when a candidate with a particular disability is not available.
- c. Relaxation in age: There is a relaxation in the age requirement to posts specified in the rules as follows: 10 years for General Category, 13 years for Other Backward Classes and, 15 years for schedule castes and schedule tribes.
- d. Concessions: It provides for 5% grace marks in qualifying exams to persons with disabilities, academic qualifications given in the certificate issued by the recognised institute for people with hearing impairment shall be treated at par with those other institutions recognised by the government and conditions of training or experience wherever prescribed shall not apply to disabled persons for temporary employment.

- e. Travelling expenses: Travelling expenses for the appearing for tests, interviews and examination, and exemptions from paying fee for medical examination.
- f. It provides that persons with disabilities shall be eligible for appointment to posts of the State, Subordinate, Ministerial and the Class IV Services identified for them. Three percent of the vacancies shall be reserved for persons or class of persons with disabilities.

Via Notification dated 3/1/2013¹³ the state government had notified the Rajasthan Employment of Persons with Disabilities Rules, 2000. These Rules, which were almost identical to the above Rules, were repealed, effective from 26/7/2011 by the Rajasthan Employment of the Persons with Disability (Repeal) Rules, 2012.

(ii) Order dated 1982: The Director, Social Welfare Department of the Government of Rajasthan via an Office Order dated 16.1.1982¹⁴ lists various provisions for the benefit of persons with disabilities vis- a- vis employment. They include:

- a. Reservation in direct recruitment in grade D and C posts under the government and 1.5% reservation in houses constructed by the Rajasthan Housing Board.
- b. Age relaxation of 10 years in state government jobs.
- c. Un-employment allowance to persons with disabilities who are graduates, or post graduates for a period of two years or till they are employed, whichever is earlier. The applicant should have passed in I st or II nd division from a recognised Institutes.¹⁵

(ii) Self- Employment Schemes: The Rajasthan government has issued rules and schemes to generate self employment of persons with disabilities as follows:

- a. The state government passed the Rajasthan Government Financial Assistance to Disabled Individuals Rules 1986 to aide self-employment of persons with disabilities. By Notification¹⁶ dated 13/7/2012, Rule 4(1) was amended. With

13. No.F.14(18) DOP/A-II/96Part

14. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

15. http://punarbhava.in/index.php?option=com_content&view=article&id=144&Itemid=114

16. F-16 (1) (257) Vilyol / declared. / 2012-13 / Sanyaavi / 6782

the view to promote self-employment amongst persons with disabilities, the rules grants an aid not exceeding Rupees 6,000/-. In another Notification¹⁷ dated 13/7/2012 an amendment was made to increase the limit of money available under Rule 3(3) to Rupees to 25,000/- for the purposes of buying machinery for self - employment.

- b. Vishwas Scheme - This scheme provides persons with disability between the ages of 18 and 55 who have a monthly income from all sources not exceeding Rupees 2,000/- a loan of upto Rupees 50,000/- for self employment.¹⁸ Through Notification dated 28/12/2009¹⁹ guideline 2(4)(4) of the Vishwas scheme was amended, thereby increasing the loan given under the scheme to Rs. 1,00,000/- per year.
 - c. The Director, Social Welfare Department of the Government of Rajasthan by way of an Office Order ²⁰renders assistance for self employment for persons with disabilities. Under this Order, Trained persons with disabilities can get loans beneficial interest rates along with subsidies.
- (iii) Vocational Training: The Director, Social Welfare Department of the Government of Rajasthan via an Office Order ²¹makes a mention of the training for vocational purpose conducted by the District Rural Development. They also pay stipend of Rs.100 p.m. to local trainees and Rs.125 to outsiders.
- (iv) Awards: The Director, Social Welfare Department of the Government of Rajasthan by way of an Office Order ²² establishes a state level award scheme for the best employee with disability and the best employer and voluntary organization for persons with disability. The Scheme is similar to the National Award of Government of India.

Health and Rehabilitation

There are no health and rehabilitation schemes except for assistance in purchase of aids and appliances.

17. F-16 (1) () Vilyol / Budget announcement. / 12-13 / Sanyaavi / 12/3072

18. http://www.dnis.org/news.php?issue_id=21&volume_id=2&news_id=273&i=5

19. No.16(1)(A)H.W/Gho/04-05&08-09/SJ&E /10865

20. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

21. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

22. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

- (i) Issuing Disability Certificate: Vide Notification dated 1/11/2010²³, the Department of Social Justice and Empowerment laid down directions on issuing a disability certificate. The rules designate the hospital / authority to be treated as Medical Authority and appointment of a Medical officer who may issue the Disability Certificate depending on the type of disability.
- (ii) Assistance for purchase of aids and appliances: The Director, Social Welfare Department of the Government of Rajasthan through an Office Order²⁴ makes available financial assistance to handicapped persons for the purchase of aids and appliances. Provided, the cost of the aids and appliances must not be less than Rs.25/ or greater than Rs.2,500/. Full assistance is given to those whose monthly income is between Rs.751/- to Rs.1500/-.

Social Protection

There are several schemes for social protection, mainly pension schemes that are formulated by the Rajasthan State Government.

- (iii) Astha Scheme – This Scheme makes available to persons with disabilities benefits similar to those available to BPL families. Guidelines have been formulated to notify and treat all families in the State having two or more members who are disabled as BPL families. The objective of these guidelines is to alleviate the financial strain felt by such families. The notified families shall receive an 'Astha' card and all institutions providing benefits to BPL families shall provide the same benefits to those families holding an 'Astha' card.
- (iv) Pension: The Rajasthan government has formulated The Rajasthan Handicapped, Crippled and Blind Persons Pension Rules, 1965. By Notification²⁵ dated 30/04/2010, Rule 4 was added. It creates a payment scheme where Pensioners who are above 75 years of age will receive Rupees 750 per month and Pensioners who are below 75 years of age shall receive Rupees 500 per month.

23. No.16(1)DC/DW/SJED/2010 /59025.

24. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

25. F.. 9 (5) (12) Vhlpel / Sanyaavi / 10-11 / 1000

- a. On 26/11/2010 a replacement order ²⁶ was passed wherein age of the family members of the pensioners shall be verified so that the pension can be discontinued when any member of the pensioner's family attains 25 years of age.
- b. Through Notification²⁷ of directions dated 8/12/2011 Rule 15A was added under which two types of pensions were introduced: Pension for life and Pension till a specified period of time- such as till the family member of the pensioner reached 25 years of age or starts earning.
- c. By Notification²⁸ dated 18/7/2012 ,Rule 3(1) now states that if a person is resident or domiciled in Rajasthan ,is crippled, blind or disabled ,and is earning less than Rupees I4,000 per year (domiciled in a village) or less than 16,000 per year (domiciled in a city) shall qualify for pension. A new sub clause was added to Rule 4 which states that if any person who is eligible to receive a pension under these rules, also receives a pension from any state government, central government or any private entity shall only be entitled to receive the difference between the two amounts.
- d. The Indira Gandhi National Disabled Persons Pension Scheme: By a notification²⁹ dated 24/11/09 this Scheme was implemented in Rajasthan from 17/2/2009. The scheme covers disabled persons under the seven categories mentioned in the Persons with Disabilities Act, 1995. It provides that Rupees 400 per month shall be given as pension per month, and this amount shall be equally contributed to by the state and central governments. Persons receiving a pension under this scheme must be above 18 and below 64 years of age, however any pension received under Rajasthan Handicapped, Crippled and Blind Persons Pension Rules, 1965 shall continue.
- e. The Director, Social Welfare Department of the Government of Rajasthan by way of an Office Order ³⁰ also provides pension to persons with disabilities. Persons

26. F.. 9 (5) (18) Vhrilpel / Sanyaavi / 10-11 / 8236

27. F.. 9 (5) (18) Vilpel / Sanyaavi / 1 0 11 / 12203

28. F 0.9 (5) (13) R. Right from. / Sanyaavi / 12-13 / 10401

29. No.F 9(5)(5) Part-I/NEAP/Sanyavi/

30. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

of 8 years of age and above and have disability get Rs.100 per month and a couple gets Rs.150 per month.

(v)Housing benefits: By Order dated 16.1.1982,³¹ 1.5% of the houses constructed by Rajasthan Housing Board is reserved for the disabled, and the blind and the deaf get priority in allotment of Government accommodation where ever possible.

Miscellaneous

There are some other schemes such as the Sukhad Jeevan Yojna which provides a monetary incentive to encourage marriage with persons with disability which was amended vide notification³² dated 28/02/2009. Under the amended scheme, the monetary incentive under Rule 2(3) was increased from Rupees 20,000/- to Rupees 25,000/- and the income limit of guardian/parent of persons eligible under this scheme was increased from Rupees 12,000/- to 60,000/- per year.

31. No.: F-9(4) SC H/PH/STATE-81-82 3029, dated 16.1.82.

32. No. F 16 (1) (17) HW/Gho/04-04 & 08-09/SJ&E/10781