

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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BILL

further to amend the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981

Whereas it is expedient to amend the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) to provide the facilitative system for the disabled persons at gross root level.

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Disabled Persons (Employment and Rehabilitation) (Amendment) Act, 2015.

(2) It shall come into force at once

2. Amendment of Section 2, Ordinance XL of 1981.- In the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981), hereinafter referred to as the said Ordinance, in Section 2,-

(i) for sub-section (a), the following shall be substituted, namely:-

"(a) 'Chairman' means the Chairman of the National Council, Provincial Council, District Council, Tehsil Council and Local Council, or as the case may be";

(ii) after sub-section (d), the following new sub-section shall be inserted, namely:-

"(dd) 'District Council' means the district council established under Section 64";

(iii) in sub-section (f), for the words 'one hundred', the word 'fifty' shall be substituted;

(iv) after sub-section (g), the following new sub-section shall be inserted, namely:-

"(gg) 'Government' means Federal Government, a Provincial Government, District, Tehsil and Union Council, or as the case may be";

(v) for sub-section (h), the following shall be substituted, namely:-

"(h) 'Government establishment' includes any autonomous or semi-autonomous body, university, college, professional school and any organization controlled or managed by the Federal Government, a Provincial Government, District, Tehsil and Union Council";

(vi) after sub-section (h), amended as aforesaid the following new sub-section shall be inserted, namely:-

"(hh) 'Local Council' means the Local Council established under section 6E";

(vii) in sub-section (k), the word 'and' occurring at the end, shall be omitted;

(viii) for sub-section (l), the following shall be substituted, namely:-

"(l) 'Secretary' means the Secretary of the National Council, Provincial Council, District Council, Tehsil Council or Local Council, as the case may be; and";

(ix) after sub-section (l), amended as aforesaid, the following new sub-section shall be added, namely:-

"(m) 'Tehsil Council' means a Tehsil Council established under section 6C";

3. Insertion of new Section 2A, Ordinance XL of 1981.- In the said Ordinance, after Section 2, amended as aforesaid, the following new Section shall be added, namely:-

"2A steps and Facilities.- Facilities to be provided for the Welfare of disabled persons at all levels. The following necessary facilities will be provided on top priority basis by the Federal Government, a Provincial Government, District, Tehsil and Union Council:-

- (a) Government will make ensure quota of two percent (2%) and take steps to fix Employment quota equal to the percentage of disability existing in the society for disabled persons for employment in the federal, provincial and district departments and if any institution or department ignores the quota of two percent (2%) for disabled persons while giving advertisement for employment, then a serious action be taken against them;
- (b) Government will give and ensure full concession in admission fee and relief up to seventy-five percent (75%) in tuition fee in government educational institutions and fifty percent (50%) in private educational institutions and other financial assistance required by needy disabled persons and seats will be reserved in every stage of education;
- (c) It would be the duty of the Federal Government and NADRA to provide Special Computerized National Identity Card (SCNIC) at home to disabled persons on reaching the age of eligibility for CNIC automatically.
- (d) Government will ensure to provide fifty percent (50%) concession on total charges of tickets including all taxes to the disabled persons in PIA, Pakistan Railway, public and private transport companies;
- (e) Government will provide free treatment to the disabled persons in federal, provincial, district, tehsil headquarters, social security hospitals, dispensaries and

in private hospitals govt will ensure to provide the treatment to the person with disabilities on sixty percent (60%) discount charges basis ;

- (f) Federal government will provide and ensure special discount of thirty percent (30%) to the disabled persons in utility stores; for such facility utility stores will be issued directions.
- (g) Government will provide and ensure availability of wheel chairs for disabled persons at airports, parks, railway stations and at other public places and managements will be directed to facilitate the persons with disabilities completely and satisfactory.
- (h) Pakistan Bait-ul-Mal, Zakat and Ushr departments will provide help on monthly basis to the needy disabled persons and a sum of rupees one hundred thousand (Rs. 100,000) will be given on the marriage of each disabled child. Pakistan Bait-ul-Mal will give interest free loans up to rupees three hundred thousand (Rs. 300,000) for establishing small businesses;
- (i) Government will increase and ensure special quota for the disabled persons in Federal and Provincial Public Service Commission;
- (j) The Federal Government will, in order to provide disabled persons public facilities easily will direct all private and government based constructed buildings, traffic and other public facilities, give appropriate consideration to the structure of the said facilities and the improvement of equipment therein;
- (k) Government will ensure full access to knowledge through information technology with the help of adoptive software's and hardwares which have become a common facility for visually impaired, deaf and physically handicapped;
- (l) Government will take steps for zero tolerance with regard to the any type, nature, behavior of mishandling of person with disabilities by any person, department, private or public organization and make sure the utmost respect and access to them.
- (m) Government will give full relief to disabled persons on import of vehicles and other items relating to disabilities;
- (n) Government will not only prefer but ensure and take steps for the appointments of disabled persons while recruiting on posts of easy nature such as tube-well operator etc, staff of complaint offices of utility departments, i.e. gas, electricity and water authorities from federal to the union council level and after the commencement of this act, on above and similar posts, persons with disabilities will be only employed.
- (o) All the disabled persons working on contractual basis in any institution of government or private shall become permanent automatically within a period of three months after the commencement of this amended Act and it is the duty of

the concerned organization to complete all formalities within the three month after the commencement of this act.

4. Insertion of new sections, Ordinance XL of 1981.- In the said Ordinance, after Section 6, the following new sections shall be inserted, namely:-

“6A District Council – A provincial government shall establish a Council to be called as the District Council for providing facilities and full cooperation to the persons with disabilities at district level, consisting of the following chairman and members:-

- (i) The District Nazim/DCO (District Coordination Officer), who shall also be its Chairman;
- (ii) One representative of the Education Department;
- (iii) One representative of the Health Department;
- (iv) One representative of the Zakat and Ushr Department;
- (v) One representative of the Labour Department;
- (vi) One representative of the persons with disabilities;
- (vii) Chairmen of the Tehsil Councils; and
- (viii) Secretary of the District Council appointed by the Chairman.

6B. Functions of the District Council – Subject to the directions given by the Federal Government and a Provincial Government, District Council shall:-

- (a) Formulate policy for providing facilities of employment, rehabilitation and welfare to the persons with disabilities at district level;
- (b) Evaluate, assess and coordinate the execution of federal and provincial policy at district level and have overall responsibility for the achievement of the purposes of this Act;
- (c) Coordinate the survey of the persons with disabilities in the whole district through the Tehsil and Local Councils;
- (d) Arrange and coordinate the medical facilitation and treatment of the persons with disabilities at district level and health counters shall be established in the hospitals and shall provide useful appliances and other devices needed by persons with disabilities to help with their disabilities;
- (e) Control and supervise the establishment of training centers for persons with disabilities;
- (f) A facilitation counter shall be established in every department at district level;
- (g) Build coordination among the institutions established for the welfare of persons with disabilities;
- (h) The Council shall arrange awareness campaign on electronic and print media about the problems faced by persons with disabilities and solutions and facilities provided by the government at district level;
- (i) Ensure the employment quota of two percent (2%) increasingly for persons with disabilities at district, tehsil and union council levels;
- (j) Ensure the full concession in admission and relief of seventy-five (75%) in tuition fee in government institution and fifty percent (50%) in private institutions and

other financial assistance provided to needy persons with disabilities at district level;

- (k) Promoting research and development in the protection, medical treatment, living guidance, rehabilitation training according to the age, type and severity of disability. It would be the duty of the district council to take such other measures as are necessary for carrying out purposes of this Act; and
- (l) To implement in the letter and spirit of those facilities ensured under Section 2A.

6C Tehsil Council – The District Government shall establish a council to be called the Tehsil Council for providing facilities and full cooperation to the persons with disabilities consisting of the following members, namely:-

- (i) The Tehsil Nazim/TMO, who shall also be its Chairman;
- (ii) One representative of the Education Department;
- (iii) One representative of the Health Department;
- (iv) One representative of the Zakat and Ushr Department;
- (v) One representative of the Labour Department;
- (vi) One representative of the persons with disabilities;
- (vii) Chairmen of the Local Councils; and
- (viii) Secretary of the Tehsil Council appointed by the Chairman.

6D Functions of the Tehsil Council – Subject to the directions given by District Council, the Tehsil Council shall:-

- (a) Follow the policy given by the District Council for providing facilities of employment, rehabilitation and welfare of the persons with disabilities at Tehsil level;
- (b) Coordinate the execution of Federal, Provincial and District policies at Tehsil level and have overall responsibility for the achievement of purposes of this Act;
- (c) Coordinate the survey of the persons with disabilities in the whole Tehsil through local councils;
- (d) Arrange and coordinate the medical facilities and treatment of the persons with disabilities at Tehsil level and health counters shall be established in the hospitals and shall provide prosthetic appliances and other devices needed by the persons with disabilities to help with their disabilities;
- (e) Control and supervise the establishment of training centers for persons with disabilities;
- (f) A facilitation counter shall be established in every department at tehsil level and make arrangements for the establishment of counters at union council level;
- (g) Build coordination among the institutions established for the welfare of persons with disabilities;
- (h) The Council shall arrange awareness campaign on electronic and print media about the problems faced by persons with disabilities and solutions and facilities provided by the government at district, tehsil and union council level;
- (i) Ensure the employment quota of two percent (2%) increasingly for persons with disabilities at tehsil and union council levels;
- (j) Ensure the full concession in admission and relief of seventy-five (75%) in tuition fee in government institution and fifty percent (50%) in private institutions and

other financial assistance provided to needy persons with disabilities at tehsil level;

- (k) Promoting research and development in the protection, medical treatment, living guidance, rehabilitation training according to the age, type and severity of disability. It would be the duty of the tehsil council to take such other measures as are necessary for carrying out purposes of this Act; and
- (l) To implement in letter and spirit those facilities ensured under Section 2A.

6E. Local Council – The Union council Government shall establish a council to be called the Local Council for providing facilities and full cooperation to the disabled persons consisting of the following members, namely:-

- (i) The Union Council Nazim, who shall also be its Chairman;
- (ii) One representative of the Education Department;
- (iii) One representative of the Health Department;
- (iv) One representative of the Zakat and Ushr Department;
- (v) One representative of the Labour Department;
- (vi) One representative of the persons with disabilities;
- (vii) Secretary of the tehsil council
- (viii) Secretary of the Union Council will be Secretary of the Local Council.

6F. Functions of the Local Council – Subject to the directions given by District Council, the Local Council shall:-

- (a) Follow the policy given by the Federal, Provincial, District and Tehsil Council for providing facilities of employment, rehabilitation and welfare of the persons with disabilities at Union Council level by providing means for facilitating daily life, by making visits to the homes of the persons with disabilities or other measures;
- (b) Implement the Federal, Provincial, District and Tehsil policy matters and have full responsibility for the achievement of the purposes of this Act.
- (c) Coordinate the survey of the persons with disabilities in the union council;
- (d) Register the cases for the medical examination and treatment of the persons with disabilities from the union council;
- (e) Establish and supervise the training centers with the help of District and Tehsil Councils for the persons with disabilities;
- (f) A facilitation counter shall be established in every department at union council level and that counter would be responsible for providing basic necessities to the persons with disabilities with the cooperation of NADRA for educational admissions, registration of births, issuing birth certificates for children, Computerized National Identity Card (CNIC), Passports and others necessities of life.
- (g) Build coordination among the institutions established for the welfare of persons with disabilities;
- (h) The Local Council shall arrange programs, special facilities of sports, recreation, transport and give full cooperation and provide facilities as persons with disabilities need or require and it would be the duty of the Local Council to have coordination with the Tehsil, District and Province for all the matters related to the persons with disabilities;

- (i) Ensure the employment quota of two percent (2%) and take steps to fix Employment quota equal to the percentage of disability existing in the society for persons with disabilities at tehsil and union council levels;
- (j) Ensure the full concession in admission and relief of seventy-five (75%) in tuition fee in government institution and fifty percent (50%) in private institutions and other financial assistance provided to needy persons with disabilities at tehsil level;
- (k) Promoting research and development in the protection, medical treatment, living guidance, rehabilitation training according to the age, type and severity of disability; and
- (l) To implement in letter and spirit those facilities ensured under Section 2A.

5. Amendment of Section 7, Ordinance XL of 1981.- In the said Ordinance, in Section 7,

- (i) in sub-section (1), after the words 'Provincial Council', the words and commas 'District, Tehsil and Local Councils' shall be inserted
- (ii) in sub-section (2), after the words 'Provincial Council', the words and commas 'District, Tehsil and Local Councils' shall be inserted;
- (iii) in sub-section (3), after the words 'Provincial Council', the words and commas 'District, Tehsil and Local Councils' shall be inserted; and
- (iv) in sub-section (4), after the words 'Provincial Council', the words and commas 'District, Tehsil and Local Councils' shall be inserted; and
- (v) in sub-section (5), after the words 'Provincial Council', the words and commas 'District, Tehsil and Local Councils' shall be inserted."

6. Amendment of Section 9, Ordinance XL of 1981.- In the said Ordinance, in Section 9, after the words 'Provincial Council', the words and commas ', District, Tehsil and Local Councils' shall be inserted.

7. Amendment of Section 12, Ordinance XL of 1981.- In the said Ordinance, in Section 12,

- (a) in sub-section (1), after the words 'Provincial Council', the words and commas ', District, Tehsil and Local Councils' shall be inserted.

- (i) in sub-section (1), after the words 'Council' occurring at the end, the words and commas ', District, Tehsil and Local Councils' shall be inserted;
- (ii) in sub-section (3), after the words 'register' occurring at the end, the words 'and each Council must bear all the data of persons with disabilities in its respective area' shall be inserted; and
- (iii) in sub-section (5), after the full stop occurring at the end, a colon shall be substituted, and thereafter the following proviso shall be added, namely:-

8. **Substitution of Section 13, Ordinance XL of 1981.**- In the said Ordinance, for Section 13, the following shall be substituted, namely:-

"13 Establishment of training centres – The National Council shall arrange for the training of the persons with disabilities in such trades or vocations as it thinks fit, and shall establish training centres in every union council under the supervision of Local Council in such trades or vocations and in such manner as may be approved by the Federal government and proposed by the relevant Provincial District, Tehsil and Local Council."

9. **Amendment of Section 15, Ordinance XL of 1981.**- In the said Ordinance, in Section 15:-

- "(i) in sub-section (1), for the word 'National', the word 'Provincial' shall be substituted.
- (ii) in sub-section (2), for the full stop occurring at the end, a colon shall be substituted, and thereafter the following proviso shall be added, namely:-

Provided that the National Council shall give reasons to debar any disabled person from training, employment or any other relief."

10. **Amendment of Section 16, Ordinance XL of 1981.**- In the said Ordinance, in Section 16:-

- "(i) for sub-section (1), the following shall be substituted, namely:-
- (1) Any person aggrieved by an order under Section 15 may prefer an appeal in the court of law within sixty days of the date of the order.
- (ii) in sub-section (2), for the words 'National Council', the words 'The court of law' shall be substituted."

11. **Amendment of Section 17, Ordinance XL of 1981.**- In the said Ordinance, for Section 17, the following shall be substituted, namely:-

"17. Fund – It shall be established by the Federal Government a Fund to be known as the Persons with disabilities Facilitation, Employment, Rehabilitation and Welfare Fund which shall comprise:-

- (b) all sums paid by the establishment under Section 11;
- (c) all grants, if any, made by the Federal government, Provincial governments or District, Tehsil and Union Council; and
- (d) donations, if any, made by private individuals."

12. **Amendment of Section 21, Ordinance XL of 1981.**- In the said Ordinance, in Section 21, for sub-section (2), the following shall be substituted, namely:-

"(2) The Magistrate of first class shall take cognizance of an offence punishable under this Act upon a complaint in writing made by the disabled person himself, or authorizing the National Council or the Provincial Council, District Council, Tehsil Council or Local Council."

STATEMENT OF OBJECTS AND REASONS

In 1981, a law was passed for the welfare, employment and rehabilitation of persons with disabilities, which has no comprehensive legislation to cover the problems and hardships faced by the persons with disabilities. Keeping this very objective in mind, a dire need is felt at large for such legislation to formulate, assess, manage and address the problems and grievances faced by the persons with disabilities from the grass-root to top level and *vice-versa*. According to the Directorate General of Special Education, which was shared in one programme that out of total population of 180 million, there are 4 to 8 million persons with disabilities in Pakistan, and 45% of these are children under 18. At least 3 million adults (both genders included) need rehabilitation through some kind of employment.

1. In 2002, the Federal Government introduced the "National Policy for the Persons with disabilities" and funds were allocated for ten years from 2001-2011 for education, training and rehabilitation of the handicapped. Main responsibility was of the Ministry of Women Development, Social Welfare and Special Education. But, all the steps remained in the papers, the work done was only in the main cities and that also did not meet the requirements of the persons with disabilities because there was no comprehensive legislative cover upon the policies and planning.
2. It is unfortunate to say that during the more than last thirty years (after the law was passed), governments have not introduced any improved and comprehensive legislation in both the Houses – National Assembly and the Senate.
3. The object of amendments is to introduce practical approach through proposed system at District, Tehsil and Union Council levels, for the welfare of the persons with disabilities in every sphere of life.
4. According to the announced policy of Federal Government in 2002, quota was increased to two percent (2%) by a special directive of the Prime Minister for the public and private sector to employ the persons with disabilities. But, unfortunately, reports show that special persons were deprived of their right of two percent (2%) seats in Federal departments. There were almost daily reports telecasted on TV channels and published in print media regarding the grievances of the persons with disabilities.

Details of employment of person with disabilities given in answers given in national assembly was near to nil, which is alarming. It is proposed in the bill that steps should be taken to fix Employment quota equal to the percentage of disability existing in the society for disabled persons for employment in the federal, provincial and district departments.

5. Just before the devolution of ministries, According to the print media details in present years, the total strength of staff in fifty-five (55) Ministries and Divisions was thirty thousand four hundred ninety-six (30,496) persons, but against six thousand one hundred and ten (6,110) quota posts for special persons, only two thousand and sixteen (2,016) of persons with disabilities had been adjusted. Whereas there was a staggering shortfall of four thousand and forty-nine (4,049) posts.now it has increased.
6. This Bill proposes that a new Section 2A shall be inserted after Section 2 of the Persons with disabilities (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981), where fourteen facilities are to be provided on top priority basis by the government; according to which the government must ensure quota of two percent (2%) for the persons with disabilities in the Federal, Provincial and District Departments.
7. In case of any institution or department ignores the quota of two percent (2%) for the persons with disabilities while giving advertisement for employment, then a serious action should be taken against them.
8. The government will also be bound to give full concession in admission fee and ensure relief of seventy-five percent (75%) in tuition fee in government educational institutions and fifty percent (50%) in private educational institutions and other financial assistance required by needy persons with disabilities and seats will be reserved in every stage of education.
9. It would be the duty of the Federal Government to provide the Special facilities as educational admissions, registration of birth and issuing certificates, SCNIC and passports at home to the persons with disabilities and Provincial, District, Tehsil and Union Council will make it convenience. The government shall ensure to provide fifty percent (50%) concession to the persons with disabilities in PIA, Railway, public and private transport fares.
10. The Government shall give full relief for the persons with disabilities on import of vehicles and other items relating to disabilities.
11. The Government shall provide free treatment to the persons with disabilities in Federal, Provincial, District headquarters, Social Security hospitals, dispensaries and in private hospitals only sixty percent (60%) chares be taken.

12. The Federal government shall provide special discount of 30% to the persons with disabilities in utility stores.
13. The government is also proposed to ensure provision of wheel chairs on demand from the persons with disabilities at airports, parks, railway stations and other public places. Pakistan Bait-ulMall and Zakat and Ushr departments will be bound to provide help on monthly basis to the needy persons with disabilities.
14. Furthermore, a sum of Rupees one hundred thousand is proposed to be given on the marriage of children of the persons with disabilities.
15. The Bill demands interest free loans up to Rupees three lac (Rs. 3,00000) to be provided by Pakistan Bait-ul-Maal for setting up small businesses to the persons with disabilities.
16. It is demanded that the Federal government shall also ensure provision of easy access to all public and private facilities for the persons with disabilities.
17. The Bill also seeks full access to knowledge through information technology with the help of adoptive softwares and hardwares which have become common facilities for visually impaired, deaf and physically handicapped persons.
18. While recruiting on posts such as tube-well operator, etc, complaint offices of utility departments: gas, electricity and water authority at the union council level, it is proposed that the government shall prefer the appointments of the persons with disabilities according to their qualification and condition to handle the job.
19. All persons with disabilities working on contractual basis in any government, semi-government, in private institutions or company are proposed to make permanent within a period of six months after the enactment of this Act.
20. It is further proposed that the District, Tehsil and Local councils shall be established and proposed amendments given details functions of the said councils. The reason of proposing such amendments was to make government responsible through councils at District, Tehsil and Union Council level. Functions of the councils are as follows:-
 - (i) Evaluate, assess and coordinate the execution of federal and provincial policy at District level and have responsibility for the achievement of the purposes of this Act. Coordinating the survey of the persons with disabilities. Arranging, coordinating the medical examinations, treatment of the persons with disabilities;

- (ii) Health counters shall be established in the hospitals and shall provide useful appliances and other devices for the help of needed persons with disabilities. Establishment of training centers, facilities counters in every department;
- (iii) Arranging awareness campaign on electronic and print media about the problems faced by the persons with disabilities; and
- (iv) It would be the duty of the council to implement section 2A in letter and spirit. It is proposed that if any disabled person is debarred from training, employment or any other relief, the authority of doing so, shall give sufficient reasons and no disable person can be debarred on the basis of mere technicalities.

21. An addition is made in the proposed Bill that while taking cognizance of offence, a complaint in writing made by the disabled person himself, or under the authority of the National Council or the Provincial Council, District Council, Tehsil Council or Local Council shall be accepted by the competent court of law.

22. One important and most neglected aspect is that particular attention is not given for the salvation of the problems of women with disabilities, There is no system of government available for woman with disabilities from gross route level i.e from school to university and on job. In the above bill it is proposed that federal and provincial and local governments will provide all facilities to the woman with disabilities through woman staff from the concerned departments of the government.

This Bill seeks to achieve the above-said objectives.

Sd/-

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