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PROVINCIAL ASSEMBLY OF THE PUNJAB

NOTIFICATION

December 19, 2022

No.PAP/Legis-2(160)/2022/76. The Punjab Empowerment of Persons with Disabilities Bill, 2022, having been passed by the Provincial Assembly of the Punjab on the 5th day of December 2022, and assented to by the Governor of the Punjab on the 14th day of December 2022, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB EMPOWERMENT OF PERSONS WITH DISABILITIES ACT 2022

ACT XLII OF 2022

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated December 19, 2022.]

An
Act

to promote and ensure effective inclusion of persons with disabilities in the community and to protect their rights.

It is necessary to promote and ensure effective inclusion of persons with disabilities in the community; to protect their rights in line with the Constitution of the Islamic Republic of Pakistan, the United Nations Convention on the Rights of Persons with Disabilities and the international best practices; and to provide for the matters ancillary thereto.

Be it enacted by Provincial Assembly of the Punjab as follows:

PART I PRELIMINARY

1. **Short title, extent and commencement.**- (1) This Act may be cited as the Punjab Empowerment of Persons with Disabilities Act 2022.
 - (2) This Act extends to whole of the Punjab.
 - (3) This Act shall come into force at once.
2. **Definitions.**- In this Act:
 - (a) "Accessibility" includes meaningful and effective access to various tangible and intangible means to fulfil special needs of persons with disabilities;
 - (b) "barrier" means any physical, social, psychological, or attitudinal hurdle in the way to access to infrastructure or services meant for general public;
 - (c) "Board" means Assessment Board established under the Act;
 - (d) "certificate" means the disability Certificate issued under this Act;
 - (e) "Code" means the Accessibility Code of Pakistan, 2006 and the Design Manual and Guidelines for Accessibility, 2006;

- (f) "commercial establishment" and "industrial establishment" shall have the same meanings as defined in the Punjab Shops and Establishments Ordinance, 1969 (VIII of 1969);
- (g) "Council" means the Council established under this Act;
- (h) "Court" means the Court designated under this Act;
- (i) "Department" means Social Welfare and Bait-ul-Maal Department of the Government;
- (j) "discrimination" means any distinction, exclusion or restriction on the basis of a disability which has the purpose or effect of impairing or nullifying the recognition or exercise of any right and includes any other form of discrimination;
- (k) "educational institution" includes both public and private institutions;
- (l) "employee" means person employed on regular, contract, full time or part time or any other basis and includes an apprentice;
- (m) "establishment" means a Government establishment or a commercial establishment or an industrial establishment, in which the number of employees employed at any time during a year is not less than thirty;
- (n) "Fund" means the Fund for rehabilitation of persons with disabilities established under this Act;
- (o) "Government" means Government of the Punjab;
- (p) "Government establishment" means an establishment owned, controlled or managed by the Government by whatever name called, and includes an autonomous or semi-autonomous body, a university, college or professional institution;
- (q) "person with disabilities" means a person who has a long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder his full and effective participation in society on an equal basis with others, and shall include a person with any of the long-term disabilities specified in the Schedule;
- (r) "prescribed" means prescribed by the rules or the regulations made or framed under this Act.
- (s) "Unit" means District Welfare and Rehabilitation Unit constituted under this Act.

PART II

RIGHTS AND ENTITLEMENT

3. No discrimination.- (1) Persons with disabilities shall have right to be respected for their individual dignity and to lead a decent life with opportunity to receive education, skills training and rehabilitation services to participate in educational, social, economic, cultural and all other activities in the society without any discrimination.

(2) A person shall not be deprived of his personal liberty only on the ground of any disability.

(3) A person or institution, whether public or private, shall not discriminate against a person with a disability or violate his rights or restrict his benefits in any manner.

4. Right to privacy.- (1) Persons with disabilities shall have the right to privacy as available to all citizens at a private home, rehabilitation center, hostel or any other private or public living facility.

(2) A person with a disability shall not be subjected to arbitrary or unlawful interference with his privacy of person, family, home, communication and correspondence and shall have protection of law against any illegal interference and attack against his person, family, property and reputation.

5. Women, children, transgender and elderly people with disabilities.- (1) The rights of women, children, transgender and elderly people with disabilities shall be afforded special protection to allow them to enjoy their rights equally with others.

(2) Women, children, transgender and elderly people with disabilities shall have the right to freely express their views on all matters affecting them, and shall be entitled to appropriate support with respect to their age and disabilities.

6. Accessibility and mobility.- (1) Persons with disabilities shall be allowed ease of access in public and private hospitals, public transport, streets roads and all other public places, and for the purpose, the existing infrastructure and vehicles shall be appropriately

modified, and new buildings and vehicles shall be built conforming to appropriate standards to meet the requirements of persons with disabilities.

(2) Persons with a disabilities shall be entitled to special seats in all means of transport, and to parking spaces designated exclusively for them at all public places free of cost, and such special seats and parking spaces shall be nearest to the entry and exit points of such means of transport or entrance to such public place, as the case may be.

(3) Persons with disabilities shall be given access to all forms of communication including information technology, auxiliary aids to enhance ability to communicate and participate in all facets of life and livelihood.

(4) The Government shall facilitate accessibility for persons with disabilities to mobility aids, devices, assistive technologies and forms of live assistance and intermediaries by making them available at affordable cost, or by encouraging entities that produce mobility aids, devices, and assistive technologies to take into account all aspects of mobility for persons with disabilities.

7. Protection from abusive, violent and intolerant behaviour.- (1) Persons with disabilities shall have right of protection against all forms of abuse, violence and exploitation at the hands of any person, institution or authority.

(2) No person with disabilities shall be the subject of any research without:

- (a) free consent of such person or his legal guardian, where applicable; and
- (b) prior permission of a committee to be constituted by the Council in the prescribed manner.

8. Equity in education.- (1) Persons with disabilities shall be entitled to equal right of educational institutions at concessional rates, as determined by the Council through regulations, and shall have the right to adequate facilities for their education without any discrimination.

(2) No person with disabilities, if qualified for admission, shall be denied admission into any educational institution due to his disability.

(3) No educational institution shall discriminate against or abuse or otherwise violate the rights of a 'Person with Disabilities' at his place of education.

(4) The educational institutions shall offer accommodation to persons with disabilities in the hostels, where applicable, on such concessional rates as the Council may determine.

(5) There shall be established an inclusive education system in the educational institutions where not less than three percent of the total number of students shall be students with disabilities.

(6) The educational institutions shall:

- (a) provide necessary support and conducive environment to maximize academic and social development of persons with disabilities;
- (b) ensure that education to those with visual impairments and those with hearing impairment is imparted in the most appropriate languages, modes and means;
- (c) devise procedure and mechanism in consultation with the Council and Specialized Healthcare and Medical Education Department and Primary and Secondary Healthcare Department to detect specific learning disabilities in children at the earliest, and take suitable pedagogical and other measures to overcome such disabilities;
- (d) monitor participation, progress in terms of attainment levels, and completion of education in respect of every student with disability; and
- (e) make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities, including measures for provision of extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses, etc.

(7) The Government shall:

- (a) conduct surveys of school-going children periodically to identify children with disabilities, ascertain their special needs and the extent to which such needs are being met.

provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

- (b) arrange special trainings for the teachers who are qualified in sign language and Braille, are engaged in teaching the students with intellectual disabilities;
- (c) provide special training to professionals and staff to support inclusive education at all levels of school education;
- (d) promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfil the daily communication needs of persons with speech, communication or language disabilities;
- (e) take necessary measures for provision of books and other learning materials, as well as appropriate assistive devices to students with disabilities free of cost up to the age of eighteen years;
- (f) provide scholarships in appropriate cases to students with disabilities; and
- (g) ensure that persons with disabilities are given full access to all modes and means of education including vocational training, online education, distance learning and adult education.

9. Right to live independently in community.- (1) Persons with disabilities shall have the right to live independently in the community without any discrimination.

(2) A person with a disability shall in no case be denied access to communal facilities and services or excluded or segregated from his community on the basis of his disability.

10. Right to home and family.- (1) No person with a disability shall be separated from his family on the grounds of disability unless a court of law requires him to be so separated in his best interest.

(2) Where the immediate family of a person with a disability is unable to cater for such person, arrangements shall be made to place such person at a setup or an institution suitable for his safe living.

(3) The Government shall take measures necessary to support the parents or primary caregivers of persons with disabilities, including the provision of short-term care through the setting up of respite care centres.

(4) Persons with disabilities shall have the right to marry of their own choice and raise their family without any discrimination.

(5) No person with a disability shall be subjected to any forced medical or surgical procedure or forced sterilization.

11. Freedom of expression and right to information.- (1) Persons with Disabilities shall have full and equitable rights with regards to freedom of speech, right to expression and information.

12. Right of political participation.- (1) Persons with disabilities shall have right to participate in the political activity including exercising the right of vote and the right to be elected to an elected body.

(2) As far as possible, the polling stations shall be accessible to persons with disabilities, and allied facilities shall be provided to them to cast their votes confidentially and without any difficulty.

13. Access to justice.- (1) Persons with disabilities shall have effective access to the justice system without any discrimination in courts of law, tribunals, police and other law enforcement agencies.

(2) All judicial officers shall be adequately trained to understand the importance of dispensing justice particularly to the persons with disabilities and on matters relating to them.

14. Equity in healthcare and rehabilitation.- (1) Persons with disabilities shall be provided barrier-free access to all necessary public health services and infrastructure free of cost on priority basis.

(2) The Government shall:

- (a) encourage private sector healthcare providers, through appropriate incentives, to provide quality services to persons with disabilities at affordable rates or for free;
- (b) take all such measures as may be necessary for early identification of and early intervention in disabilities;
- (c) undertake initiatives to promote, support and implement community-based rehabilitation and research initiatives at the community level; and
- (d) conduct, with the help of the medical and scientific community, research to identify causes of various disabilities and create awareness in the public to adopt practices that may help in prevention of disabilities.

15. **Right to inherit and own property.**- No person with a disability shall be denied the right to inherit and/or own property.

16. **Participation in sports, cultural and recreational activities.**- Persons with disabilities shall be entitled to provision of effective opportunities to participate in sports, games, cultural and recreational activities.

17. **Protection in risk and disaster situations.**- Persons with disabilities shall be given protection and safety on priority basis in situations of risk and natural or human disasters, and they shall immediately be removed from such areas and moved to a safe place for early rehabilitation

18. **Right to certification.**- Persons with disabilities shall have the right to be assessed, examined and certified by the Board in a manner that takes full account of his particular needs, and without imposing a disproportionate or undue burden in a particular case.

PART III

PROTECTION, WELFARE AND REHABILITATION

19. **Establishment of Council.**- (1) The Government may, by notification, establish a Council to be known as Council on Rights of Persons with Disabilities for carrying out the purposes of this Act.

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, both movable and immovable, and may, by the said name, sue and be sued.

(3) The Council shall not dispose of any immovable property without prior consent in writing of the Government.

(4) The Council shall consist of the following:

(a)	Minister for Social Welfare and Bait-ul-Maal Punjab;	Chairperson
(b)	Secretary of the Department;	Vice Chairperson
(c)	three members of Provincial Assembly of the Punjab, including at least one woman member of the Assembly to be nominated by the Speaker of the Assembly;	members
(d)	Secretary to Government of the Punjab, Finance Department;	member
(e)	Secretary to Government of the Punjab, Literacy and Non-Formal Education Department;	member
(f)	Secretary to Government of the Punjab, Sports and Youth Affairs Department;	member
(g)	Secretary to Government of the Punjab, Women Development Department;	member
(h)	Secretary to Government of the Punjab, Communication and Works Department;	member
(i)	Secretary to Government of the Punjab, Higher Education Department;	member
(j)	Secretary to Government of the Punjab, Specialized Healthcare and Medical Education Department;	member

(k)	Secretary to Government of the Punjab, Primary and Secondary Healthcare Department;	member
(l)	Secretary to Government of the Punjab, Special Education Department;	member
(m)	Secretary to Government of the Punjab, School Education Department;	member
(n)	Secretary to Government of the Punjab, Housing, Urban Development and Public health Department;	member
(o)	Secretary Government of the Punjab, Labour and Human Resource Department;	member
(p)	Secretary to Government of the Punjab, Zakat and Ushr Department;	member
(q)	Chief Executive Officer, Punjab Social Protection Authority;	member
(r)	one representative to be nominated by the President Lahore Chamber of Commerce and Industry;	non-official member
(s)	two persons including at least one woman to be nominated by the Department from the NGOs engaged in the welfare work of persons with disabilities	non-official members
(t)	three persons with disabilities at least one woman to be nominated by the Department.	non-official members
(u)	One person having medical expertise in neuro developmental disabilities nominated by the Specialized Healthcare and Medical Education Department;	non-official member
(v)	one person having medical expertise in physical disabilities to be nominated by the Specialized Healthcare and Medical Education Department; and	non-official member
(w)	Director General of the Department;	member/Secretary

(5) The non-official members of the Council shall be appointed for a term of three years extendable to one more term of one year.

20. Functions and powers of the Council.- (1) The Council shall perform all such functions and exercise all such powers as may be required for the enforcement of the rights and entitlements of persons with disabilities mentioned in PART II of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), the Council shall:

- (a) execute the policy made by the Government for employment, rehabilitation and welfare of persons with disabilities;
- (b) undertake appropriate projects for purposes of welfare of persons with disabilities;
- (c) issue directions to the Units or any other bodies for the implementation of the projects of the Council;
- (d) evaluate the extent of functional disabilities of persons with disabilities;
- (e) evaluate, assess and coordinate the execution of its policies;
- (f) have overall responsibility for achievement of the purposes of this Act;
- (g) conduct surveys of persons with disabilities;
- (h) conduct research studies for welfare of persons with disabilities;
- (i) develop processes to ensure effective disability screening and evaluations of all children at least once a year;
- (j) provide training to persons with disabilities;
- (k) take all possible measures to ensure the effective implementation of the provisions of the United Nations Convention for Rights of Persons with Disabilities (UNCRPD) and the ILO Convention on Vocational Rehabilitation and Employment of (Disabled Persons) 1983;

- (l) ensure development, advancement and empowerment of women, children, transgender and elderly people with disabilities;
 - (m) develop minimum standards of access and guidelines on removing barriers and obstacles to access in buildings, roads, parks, places of entertainment, modes of transportation, housing, hospitals, schools, workplaces, communication and information related services;
 - provided that till such time that the Council develops its minimum standards and guidelines, the Code shall be deemed to be the Council's minimum standards and guidelines for accessibility, mobility, and removal of barriers for persons with disabilities;
 - provided further that permission for all new infrastructure for public use shall be subject to adherence of their building plans to the Council's minimum standards, guidelines and requirements, in addition to any other building byelaws enforced at the time by the Government.
 - (n) ensure implementation both in public and private sectors, of the Council's minimum standards, guidelines and requirements pertaining to accessibility as well as the applicable building byelaws prevalent in the Province;
 - (o) ensure that all existing public buildings, roads, parks, places of entertainment, modes of transportation, hospitals, schools, workplaces, communication and information related services are made accessible in accordance with the standards, guidelines and requirements referred to in the Code within a period not exceeding five years from the date of promulgation of this Act;
 - (p) implement procedures and programmes to promote the personal mobility of persons with disabilities at concessional cost;
 - (q) develop and enforce guidelines allowing persons with disabilities to have full and appropriate access to all forms of mass communication, including information technology;
 - (r) take all necessary measures to protect persons with disabilities from abuse, violence, torture, cruel, inhuman or degrading treatment, and exploitation at the hands of any person, institution or authority;
 - (s) take all necessary measures to ensure that persons with disabilities have restriction-free access to communal facilities and services;
 - (t) take all necessary measures for inclusion of persons with disabilities in sports, cultural, recreational and leisure activities;
 - (u) coordinate and liaise with any authority, including disaster management authorities, for ensuring priority rehabilitation of persons with disabilities in situations of natural or human disasters;
 - (v) conduct, encourage, support and promote awareness campaigns and sensitization programmes to ensure that the rights and entitlements of persons with disabilities provided under this Act are protected;
 - (w) issue no objection certificates (NOCs), on such terms and conditions as may be prescribed by the Council, to any governmental or non-governmental organization for furtherance of the objectives enumerated in this Act, for a period of one year, subject to periodic review;
 - (x) ensure provision of any document or information, subject to the applicable laws, which may be requested by any persons with disabilities;
 - (y) impose and collect fines on violation, breach or non-compliance of the provisions of the rules and regulations made, and measures taken under this Act; and
 - (z) ensure effective provision and enforcement of the rights and entitlements listed in PART III of this Act through rules or regulations.
- (3) The Council shall have the powers to take such other measures as are necessary for carrying out the purposes of this Act.
- (4) The Council may assign any of its functions to a person on such terms and conditions as may be agreed between the Council and the person.
- (5) The Council may, by an order in writing, constitute an executive committee and such other special committees from within its membership for performance of the functions listed in this section:

provided that all acts, proceedings, orders and decisions of such executive committee shall always be subject to ratification by the Council.

21. Appointments - The Council may in the prescribed manner through the regulations, appoint such inspectors, officers, advisors any other and employees as it considers necessary for purposes of its efficient functioning under this Act.

22. Meetings of the Council. - (1) The meetings and other business of the Council shall be conducted in such manner and in accordance with such procedure as may be prescribed through regulations, and until so prescribed, as the Chairperson of the Council may direct.

(2) The powers and functions of the Chairperson shall, in his absence, be exercised and performed by Vice Chairperson.

(3) The quorum for the meetings of the Council shall be at least one fourth of its total members that includes not less than two non-official members.

(4) No act, proceedings or decision of the Council shall be called in question or declared invalid merely by reason of the existence of a vacancy, or any defect, in the constitution of the Council.

23. Advisory Committees. - (1) The Council may appoint such advisory committees consisting of such members or persons as it deems fit, and may refer to them any matter for advice, consideration and report:

provided that not less than three-fourths of the membership of an advisory committee shall comprise of eminent experts on the subjects to which such advice, consideration and report may pertain.

(2) The advisory committees shall perform such functions and in such manner as may be prescribed through regulation or until so prescribed as may be determined by the Council from time to time.

(3) The Council may, if it considers necessary, co-opt any person to an advisory committee

24. District Welfare and Rehabilitation Units. - (1) The Council shall by notification constitute a District Welfare and Rehabilitation Unit in each district to exercise such powers and perform such functions as may be assigned to it under the provisions of this Act, rules and regulations made there under.

(2) A Unit shall consist of the following:

(a)	Deputy Commissioner concerned	Chairperson
(b)	District Zakat Officer;	member
(c)	District Manager, Technical and Vocational Training Authority (TEVTA);	member
(d)	District Head of Primary and Secondary Health care Department of the Government	member
(e)	District head of School Education Department of the Government;	member
(f)	District head of Sports;	member
(g)	District Head of Industries, Commerce, Investment and Skills Development Department of the Government;	member
(h)	District Head of Labour and Human Resource Department of the Government;	member
(i)	District head of Special Education Department of the Government;	member
(j)	one prominent social worker to be nominated by the Chairperson of a Unit;	non-official member
(k)	four Persons with Disabilities including at least one each from the persons with visual impairment, hearing impairment, any physical disability and intellectual disability engaged in welfare of persons with disabilities;	non-official members

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| (l) | one person from amongst the parents of a Person with Disabilities to be nominated by the Chairperson of a Unit, and | non-official member |
| (m) | one representative of the local government to be nominated by the Head of local government at the District concerned. | member |
| (n) | District Head of the Department, | member/
secretary |
- (3) A Unit, through regulations, shall have the following powers and functions:
- collection of data of establishments for purposes of this Act;
 - facilitation of persons with disabilities through different modes regarding employment and training, as the case may be;
 - referral of persons with disabilities for medical treatment and financial assistance;
 - maintenance of database of persons with disabilities to whom certificate has been issued by the Board;
 - coordination with any authority or entity from both the public and private sector, including but not limited to the Chamber of Commerce, philanthropists and NGOs, for purposes of rehabilitation of persons with disabilities;
 - redressal of grievances of persons with disabilities through order after affording an opportunity of hearing to the concerned parties;
 - facilitation and guidance of persons with disabilities for job application in both the public and private sector;
 - provision of financial assistance to persons with disabilities from the Fund;
 - arranging for adult literacy with the collaboration of Literacy and Non-Formal Basic Education Department of the Government and NGOs;
 - preparation of monthly progress reports and their submission to the Council, and
 - any other powers or functions as may be conferred by the Council, from time to time.

25. Meetings of the Units - (1) The meetings of the Units shall be conducted in accordance with such procedure as may be prescribed through regulations, and until such procedure is prescribed, in such manner as the Council may direct.

(2) The powers and functions of the Chairperson shall, in his absence, be exercised and performed by secretary of the Unit.

(3) The quorum for the meetings of the Unit shall be at least one third of its total members that includes not less than three non-official members.

(4) No act, proceedings or decision of the Unit shall be called in question or declared invalid merely by reason of the existence of a vacancy, or any defect, in the constitution of the Unit.

26. Appeal to the Council. - (1) Any person aggrieved by an order passed by the District Welfare and Rehabilitation Unit, may prefer an appeal to the Council within thirty days of the date of the order.

(2) The Council may call for the record of the case and may, after giving hearing opportunity and after making such enquiry as it deems necessary, stay or suspend the operation of the order or may pass such order, as it deems appropriate.

(3) The Council shall decide an appeal under subsection (1) of this section expeditiously and no later than within sixty days from the date of filing of such appeal.

27. Assessment Board for persons with disabilities. - (1) Assessment Board for persons with disabilities shall be established in the prescribed manner through regulations of the Council consisting of such members as the Council deems appropriate.

(2) The Board shall examine the persons with disabilities to assess the nature of his functional differentiability, aptitude, nature and ability to work in accordance with the regulations of the Council, and shall issue Certificate on the basis of such assessment.

28. Provincial Assessment Committee - (1) The Council shall notify a Provincial Assessment Committee comprising of such members, as it deems appropriate, who are

experts or specialists in the fields of Physical Impairment or Intellectual Impairment or Hearing and Vocal Impairment, or Visual Impairment or Medical Impairment or Neuro Impairment.

- (2) The Provincial Assessment Committee shall:
 - (a) review the complicated and disputed cases referred by the Board through the Council; and
 - (b) hear and decide the appeals, preferred against the assessment of the Board within sixty days of receiving the appeal.
- (3) The Provincial Assessment Committee may confirm, modify or reverse the assessment decision of a Board.
- (4) The Provincial Assessment Committee shall frame guidelines for assessment of persons with disabilities.

29. Appeal to the Provincial Assessment Committee - Any person aggrieved by assessment decision of the Board, may prefer an appeal to the Provincial Assessment Committee within thirty days of the date of such assessment.

30. Registration of persons with disabilities - (1) Any Person with Disabilities desirous of being employed or otherwise facilitated or rehabilitated may be registered with the Unit of the respective district after getting Certificate from the Board in such form and in such manner as may be prescribed through regulations of the Council, and until such manner is prescribed, in such manner as the Council may direct.

(2) The Unit shall record the particulars of every Person with Disabilities having obtained a Certificate from the Board, and shall indicate the nature of work according to his disability for which he may be employed, or the trade or vocation in which he may be trained, and an endorsement to that effect shall be made against his name in the register.

31. Establishments to employ persons with disabilities - (1) Not less than three percent of the total number of persons employed by an establishment at any time shall be persons with disabilities:

(2) The recruitment against reserved posts under subsection (1) shall be made in accordance with the procedure, criteria and qualification as may be notified by the Council from time to time for each category of persons with disabilities:

provided that persons with short-term or temporary disabilities shall remain unqualified for recruitment against the posts reserved under subsection (1).

provided further that the reserved posts shall be divided equally amongst visually impaired persons, hearing impaired persons, persons with other physical disabilities, and intellectually impaired persons.

(3) When calculating the percentage of the posts in an establishment for the purposes of employment of Persons with Disabilities, the fraction of 0.5 and above shall count as a whole number.

(4) Such persons with disabilities whose names have been registered with the Unit and declared fit to work shall be employed by the establishments as per quota mentioned in subsection (1).

(5) A person with a disability employed against any post in pursuance of subsection (1) shall be entitled to such terms and conditions as are not less favorable than those of the other persons employed by the an establishment against similar posts.

32. Establishment to pay to the Fund - An establishment that does not employ persons with disabilities as required under section 31 shall, on a monthly basis, pay into the Fund, a sum of money not less than the Minimum Wages notified by the Government under the Punjab Minimum Wages Act, 2019, or a sum of money not less than what it would have paid as salary or wages to a 'Person with Disabilities' had he been employed, whichever is greater.

33. Monitoring of establishments and collection of Fund - (1) The monitoring of establishments for employment of persons with disabilities and payment into the Fund, as required under Section 31 and 32 of this Act, shall be made with the assistance of The Punjab Employees Social Security Institution (PESSI) as prescribed under rules notified by the Government.

(2) In case an establishment fails to pay into the Fund, as required under section 32 of this Act, recovery of such payments shall be made in accordance with the provisions of The Provincial Employees' Social Security Ordinance, 1965 (Ordinance X of 1965), and the

procedure provided in sections 66, 67 and all other enabling provisions of Ordinance X of 1965 shall *mutatis mutandis*, apply and be followed.

34. **Establishments to furnish information.** - (1) Every establishment shall furnish:
- (a) to the Council, or such person or authority authorized by the Council, any information required for the implementation of the provisions of this Act in such form and in such manner as the Council may prescribe; and
 - (b) to the Unit such particulars with regard to prescribed quota for persons with disabilities and other records and information as may be required from time to time.
- (2) The Unit shall have the powers to call upon, through notice to the establishment, any record and information for the compliance of the law.

35. **Special Courts for persons with disabilities.** - (1) For the purpose of speedy justice, the Government shall, with the concurrence of the Chief Justice of the Lahore High Court, by notification, specify or designate for each district, a Court of Sessions to be a Special Court for Persons with Disabilities to try the offences under this Act.

(2) Until a Special Court is specified or designated for each district, the Lahore High Court may confer powers of the Special Court for a district upon a Sessions Judge or an Additional Sessions Judge.

PART IV OFFENCES AND PENALTIES

36. **Fine.** - Any person who contravenes any provision of the regulations or Code, the Council may impose upon him fine which may extend to five hundred thousand rupees but it shall not be less than one hundred thousand rupees.

37. **Punishment for fraudulently availing any benefit meant for persons with disabilities.** - Whoever fraudulently avails or attempts to avail any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one hundred thousand rupees or with both.

38. **Punishment for other offences.** - Whoever:

- (a) intentionally insults or intimidates with intent to humiliate a person with a disability in any place within public view;
- (b) having the actual charge or control over a person with a disability voluntarily or knowingly denies food to him;
- (c) being in a position to dominate the will of a child or woman with a disability and uses that position to exploit him or her sexually;
- (d) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with a disability; or
- (e) performs, conducts or directs any medical procedure to be performed on a woman with a disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disabilities and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disabilities,

shall be punished with imprisonment for a term which may extend to five years which shall not be less than six months and with fine of up to five hundred thousand rupees.

39. **Punishment for failure to furnish information.** - Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given there under, he is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given there under, shall be punished with fine which may extend to fifty thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day of continued failure or refusal after the date of original order imposing punishment of fine.

40. **Application of offences.** - Where an act or omission constitutes an offence punishable under this Act and also under any other Act, then, notwithstanding anything contained in any

other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

41. Cognizance and trial of offences.- (1) No court other than the Special Court constituted under this Act shall take cognizance of or try the offences under sections 38, 39 and 40 of this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), shall *mutatis mutandis*, apply to the proceedings relating to the offences under sections 37, 38 and 39 of this Act.

(3) Subject to sub section (1), the provisions of Chapter XXIIA of the Code of Criminal Procedure, 1898 (Act V of 1898) shall apply to trials under this Act.

42. Appeal - (1) Any person aggrieved by an order of the Council for imposition of fine or by an order of a Special Court may, within thirty days from the date of communication of the order of the Council or the Special Court as the case may be, prefer an appeal to the High Court

PART V FINANCES AND REPORTS

43. Fund - (1) There shall be established a Fund for the purposes of this Act, to be known as the 'Persons with Disabilities Rehabilitation Fund' which shall vest in, and be administered and controlled by, the Council in the prescribed manner.

(2) The Fund shall consist of:

- (a) all sums paid by the establishments under this Act;
- (b) all grants made by the Government;
- (c) donations by private individuals or organizations;
- (d) fines and penalties under this Act, and
- (e) all other sums receivable by the Council.

Explanation - For the purposes of this section, Government includes the Federal Government and the Local Government.

44. Bank accounts - The Council may open and maintain its accounts at such scheduled banks as may be prescribed, and until so prescribed, as the Government may determine.

45. Budget and accounts.- (1) The Council shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures and its assets and liabilities in such form and manner as may be prescribed.

(2) After the conclusion of a financial year, the Council, in the manner prescribed shall cause to be prepared for the financial year its statements of account which shall include a balance-sheet and an account of income and expenditures.

(3) The Council shall approve its annual budget for a financial year in the prescribed manner.

(4) No expenditure for which provision has not been made in any approved budget shall be incurred without prior approval of the Council.

46. Audit - (1) The Auditor General of Pakistan shall annually audit the accounts of the Council.

(2) The Government, may in addition to the audit under subsection (1), cause the accounts of the Council annually audited by a Chartered Accountant or a firm of Chartered Accountants

(3) The auditor appointed under subsection (2) shall be provided such access to the books, accounts and other documents as may be considered necessary for the audit of accounts

(4) The auditor shall submit the annual or any special audit report to the Council, and the Council, under intimation to the Government, shall take appropriate remedial or other action in the light of the audit report

47. Annual report - (1) The Council shall, within three months of the close of a financial year, submit to the Government an annual performance report.

(2) The report shall consist of:

- (a) the statement of accounts and audit reports of the Council;

- (b) a comprehensive statement of the work and activities of the Council during the preceding financial year and its proposed projects and schemes; and
- (c) such other matters as may be prescribed or as the Council may consider appropriate.

(3) The Government shall cause the report received under subsection (1) to be laid before Provincial Assembly of the Punjab.

PART VI MISCELLANEOUS

48. Assistance to the Council.- All executive authorities and law enforcement agencies of the Government shall act in aid of the Council

49. Indemnity.- No suit, prosecution or legal proceedings shall lie against any person in respect of anything done in good faith under this Act or the rules made there under.

50. Delegation of powers.- The Council may, by notification, delegate all or any of its powers and functions under this Act or the rules made there under except the powers mentioned in PART V and the power to frame regulations, to any of subordinate authority as may be considered expedient by it.

51. Removal of difficulties - If any difficulty arises in giving effect to any provisions of this Act, the Government may make such orders not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty.

52. Act to prevail over other laws - If there is inconsistency between the provisions of this Act and the provisions of any other law, the provisions of this Act shall prevail to the extent of such inconsistency.

53. Power to amend the Schedule.- The Government may, on the recommendation of the council, amend the Schedule from time to time by notification in the official Gazette for carrying out the purposes of the Act.

54. Power to make rules.- The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

55. Power to frame regulations.- Subject to the provisions of this Act and the rules, the Council may, by notification in the official Gazette, frame regulations for carrying out the purposes of the Act.

56. Repeal and savings.- ((1) The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) is hereby repealed.

(2) Save as otherwise provided in this Act, the repeal shall not affect:

- (a) the previous operation of the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 or anything duly done or suffered there under;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Ordinance;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed under the repealed Ordinance; and
- (d) any legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such legal proceedings or remedy instituted, continued or enforced and any such penalty, forfeiture and punishment imposed under the repealed Ordinance.

SCHEDULE
[See section 2(q)]

1. **Physical Disabilities**
 - (a) Cerebral Palsy
 - (b) Muscular Dystrophy
 - (c) Restricted Growth, i.e. proportionate short stature (PSS) and/or disproportionate short stature (DSS)
 - (d) Polio and related disabilities
 - (e) Blindness
 - (f) Low-vision
 - (g) Deafness
 - (h) Hardness of Hearing
 - (i) Speech Disorders
 - (j) Aphasia

2. **Neuro Developmental Disorders**
 - (a) Global Developmental Delay
 - (b) Intellectual Disability
 - (c) Cerebral Palsy
 - (d) Down Syndrome
 - (e) Attention Deficit Hyperactive Disorder (ADHD)
 - (f) Autism Spectrum Disorder (ASD)
 - (g) Communication Disorders
 - (h) Specific Learning Disabilities
 - (i) Epilepsy
 - (j) Post Meningitis / encephalitis sequelae
 - (k) Dyslexia
 - (l) Dyscalculia
 - (m) Dyspraxia
 - (n) Angel man Syndrome
 - (o) Tourette Syndrome
 - (p) Rett Syndrome
 - (q) Fragile X Syndrome

3. **Chronic Neurological Disabilities**
 - (a) Multiple Sclerosis
 - (b) Parkinson's disease

Inayat Ullah Lak
Secretary