

**Disabled Persons (Employment And Rehabilitation)
Ordinance, 1981**

40 of 1981

[29 December 1981]

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[29 December 1981]

An Ordinance to provide for the employment, rehabilitation and welfare of disabled persons. WHEREAS it is expedient to provide for the employment, rehabilitation and welfare of disabled persons and for matters connected therewith. AND WHEREAS the President is satisfied that circumstances exist which render it necessary to make

immediate action; NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Provisional Constitution Order, 1981 (C.M.L.A Order No.1 of 1981), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. Short Title, Extent And Commencement :-

- (1) This Ordinance may be called the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981.
- (2) It extends to [2][whole] of [3][the Punjab].
- (3) It shall come into force on such day as the [4][Government] may, by notification in the official Gazette, appoint.

2. Definitions :-

In this Ordinance, unless there is anything repugnant in the subject or context,-

- [5][(a) "Chairman" means the Chairman of the Provincial Council;]
- (b) "commercial establishment" and "industrial establishment" shall have the same meaning as in the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (W.P. Ordinance No. VI of 1968);
- (c) "disabled person" means a person who, on account of injury, disease or congenital deformity, is handicapped for undertaking any gainful profession or employment in order to earn his livelihood, and includes a person who is blind, deaf, physically handicapped or mentally retarded;
- (d) "disease" includes the physical or mental condition arising from the imperfect development of any organ;
- (e) "employee" means a regular or whole-time employee whether employed on daily, weekly or monthly basis, and includes an apprentice;
- (f) "establishment" means a Government establishment, a commercial establishment or an industrial establishment, in which the number of workers employed at any time during a year is not less than one hundred;
- (g) "Fund" means the Rehabilitation of Disabled Persons Fund established under section 17;
- [6][(gg) "Government" means Government of the Punjab;]
- [7][(h) "Government Establishment" includes any autonomous or semi-autonomous body, university, college, professional school and

any other organization, controlled or managed by the Government;]

(i) [8][* * * * *

(j) "prescribed" means prescribed by the rules made by the [9] [Government] or, as the case may be, the [10][Government];

(k) "Provincial Council" means a Provincial Council established under section 5; and

[11][(l) "Secretary" means the Secretary of the Council.

3. Section 3 :-

4. Section 4 :-

5. Provincial Council :-

The Government shall, by notification in the official Gazette, establish a Council to be called the Provincial Council for the Rehabilitation of Disabled Persons consisting of the following members:-

(a) Secretary to the Government, Social Welfare, Women Development and Bait ul Maal Department, who shall also be its Chairman;

(b) Secretary to the Government, Labour Department;

(c) three members of the Provincial Assembly of the Punjab, including at least one woman member, to be nominated by the Government;

(d) one representative of the Home Department of the Government not below the rank of Deputy Secretary;

(e) one representative of the Planning and Development Department of the Government not below the rank of Deputy Secretary;

(f) one representative of the Health Department of the Government not below the rank of Deputy Secretary;

(g) one representative of the Education Department of the Government not below the rank of Deputy Secretary;

(h) one representative of the Information, Culture and Youth Affairs Department of the Government not below the rank of Deputy Secretary;

(i) one representative of the Lahore Chamber of Commerce and Industry;

(j) Administrator of the Punjab Zakat and Ushr Council;

(k) one representative of the Punjab Social Services Board;

(l) one representative of the registered trade unions to be

nominated by the Labour Department of the Government;
(m) four persons to be nominated by the Government from amongst the persons engaged in the welfare work of disabled persons; and
(n) Director (Programme) of the Government, Social Welfare Department, who shall also be the Secretary of the Provincial Council.

6. Functions Of The Provincial Council :-

Subject to any direction given by the Government, the Provincial Council shall-

- (a) execute the policy made by the Government for the employment, rehabilitation and welfare of disabled persons;
- (b) undertake appropriate projects for purposes of welfare of disabled persons;
- (c) issue directions to an employment exchange or any other body for the implementation of the projects of the Provincial Council;
- (d) take stock of the extent of functional disabilities of disabled persons;
- (e) evaluate, assess and coordinate the execution of its policies;
- (f) have overall responsibility for the achievement of the purposes of this Ordinance;
- (g) conduct survey of the disabled persons who are desirous of being rehabilitated;
- (h) conduct medical examination and provide treatment to the disabled persons;
- (i) provide training to the disabled persons; and
- (j) take such other measures as are necessary for carrying out the purposes of this Ordinance.

7. Meetings Of The Provincial Council :-

(1) The meetings of the Provincial Council shall be held at such time and at such places as the Chairman may direct and shall be presided over by the Chairman.

(2) The meetings of the Provincial Council shall be conducted in accordance with such procedure as may be prescribed, and until such procedure is prescribed, in such manner as the Chairman may direct.

(3) The powers and functions of the Chairman shall, in his absence, be exercised and performed by such member of the Provincial Council as the Chairman may appoint.

(4) Six members of the Provincial Council shall constitute quorum for a meeting of the Council.

(5) All orders and decisions of the Provincial Council shall be authenticated by the signature of the Chairman or a member of the Provincial Council authorized by the Chairman.

8. Duties Of Secretary :-

The Secretary shall exercise such powers and perform such functions as may be assigned to him by the Chairman.

9. Appointment Of Committee :-

The [17][* * *] Provincial Council may appoint such Committee consisting of such of its members as it thinks fit, and may refer to them any matter for consideration and report:

Provided that the Council may, if it considers necessary, co-opt any person to a Committee.

10. Establishments To Employ Disabled Persons :-

(1) Not less than [18][two per cent] of the total number of persons employed by an establishment at any time shall be disabled persons whose names have been registered with the Employment Exchange of the area in which such establishment is located and against whose names in the register maintained under section 12 an endorsement exists to the effect that they are fit to work.

(2) The disabled persons employed against any post in pursuance of sub-section (1) shall be entitled to the terms and conditions which are not less favourable than those of the other persons employed by the establishment against similar posts.

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

11. Establishment To Pay To The Fund :-

An establishment which does not employ a disabled person as required by section 10 shall pay into the Funds each month the sum of money it would have paid as salary or wages to a disabled person had he been employed.

12. Registration Of Disabled Persons :-

(1) Any disabled person desirous of being employed or otherwise rehabilitated may have his name registered in the register maintained by an Employment Exchange in such form and in such manner as may be prescribed by the [19][Government]; and the Employment Exchange shall refer all names so registered to the Provincial Council.

(2) The Provincial Council shall, if it thinks necessary, cause each disabled person registered under sub-section (1) to be assessed as to the nature of his functional disability and also as to his aptitude and the nature of work he is fit to do by a medical officer authorised by it in his behalf or by such assessing board consisting of not less than one medical officer as it may appoint, and the medical officer or, as the case may be, the assessing board shall submit its report to the Provincial Council in such form as may be prescribed by the [20][Government].

(3) If the disabled person is considered by the Provincial Council fit to work, it shall so inform the Employment Exchange, indicating the nature of work 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.

(4) If the disabled person is not considered by the Provincial Council fit to work, the Provincial Council shall inform the Employment Exchange accordingly for an endorsement to that effect being made against his name in the register, and the Provincial Council shall take such measures for his rehabilitation as it thinks fit.

(5) If a person is declared by the Provincial Council not to be a disabled person, his name shall be struck off the register.

13. Establishment Of Training Centres :-

The Provincial Council shall arrange for the training of disabled persons in such trades or vocations as it thinks fit, and shall establish training centres in such trades or vocations and in such manner as may be prescribed by the [21][Government].

14. Establishments To Furnish Information :-

Every Establishment shall furnish to such person or authority such information required for the implementation of the provisions of this Ordinance in such form and in such manner as the [22][Government] may, by notification in the official Gazette, specify.

15. Power To Debar Further Employment :-

(1) The Provincial Council may debar from further employment or training for such period as may be specified by it any disabled person who, without valid reason, refuses to accept or abandons his employment or training under this Ordinance or otherwise acts in a manner detrimental to the interests of the trade or profession in which he is employed or undergoing training.

(2) No disabled person shall be debarred under sub-section (1) unless he has been given an opportunity of being heard.

16. Appeal :-

(1) Any person aggrieved by an order under section 15 may prefer an appeal to the [23][Government] within thirty days of the date of the order.

(2) The [24][Government] may call for the record of the case and may, after giving the parties an opportunity of being heard or after making such further enquiry as it thinks fit, stay or suspend the operation of the order or may pass such order as it thinks fit.

17. Fund :-

(1) There shall be established by the [25][Government] a Fund to be known as the Disabled Persons Rehabilitation Fund which shall comprise-

(a) all sums paid by the establishment under section 11;

[26][(b) all grants, if made by the Federal Government, Government or local bodies; and]

(c) donations, if any, made by private individuals.

[27][(2) The funds shall be administered by the Provincial Council in consultation with the Government.]

(3) The Fund shall be utilized for-

(a) the establishment of training centres for disabled persons;

(b) financial assistance to disabled persons who are not fit to undertake any employment;

(c) disbursement of stipends or scholarships to disabled persons receiving training;

(d) the welfare of disabled persons; and

(e) providing artificial limbs, surgical therapy and medical treatment to disabled persons.

18. Power To Exempt :-

The [28][Government] may, by notification in the official Gazette, exempt any establishment or class of establishments from the operation of all or any of the provisions of this Ordinance.

19. Delegation Of Power :-

(1) [29][* * * * *]

[30][(2) The Provincial Council may, subject to such conditions as it may specify, delegate any of its powers or functions to any of its members.

20. Penalty :-

Any establishment which fails to pay into the Fund any sum it is required to pay under section 11 shall be punishable with fine which may extend to one thousand rupees and, in the case of non-payment of fine, with an additional fine which may extend to ten rupees for every day during which the payment of fine is not made.

21. Cognizance Of Offences, Etc :-

(1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

(2) No court shall take cognizance of an offence punishable under this Ordinance except upon a complaint in writing made by, or under the authority of, the National Council or the Provincial Council.

22. Power To Make Rules :-

(1) The [31][Government] may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) [32][* * * * *]