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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 18TH MARCH, 2015.

NO.PAS/Legis-B-40/2014-The Sindh Differently able persons (Employment, Rehabilitation and Welfare) Bill, 2014 having been passed by the Provincial Assembly of Sindh on 6th February, 2015 and assented to by the Governor of Sindh on 16th March, 2015 is hereby published as an Act of the Legislature of Sindh.

THE SINDH DIFFERENTLY ABLE PERSONS (EMPLOYMENT, REHABILITATION AND WELFARE) ACT, 2014.

SINDH ACT NO. XVI OF 2015.

**AN
ACT**

to provide for the employment, rehabilitation and welfare of **differently able** persons.

WHEREAS it is expedient to provide for the employment, rehabilitation and welfare of **differently able** persons and for matters connected therewith; Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh **Differently able persons (Employment, Rehabilitation and Welfare) Act, 2014.** Short title, extent and commencement.

(2) It shall extend to the whole Province of Sindh.

(3) It shall come into force at once.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context -

- (a) "Chairman" means the Chairman of the 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) "Council" means the Council established under section 3;
- (d) "**differently able persons**" means a person who, on account of injury, disease or congenital deformity, is challenged for undertaking any gainful profession or employment in order to earn his livelihood and includes a person who is blind, deaf, physically challenged or mentally challenged;
- (e) "disease" includes the physical or mental condition arising from the imperfect development of any organ;
- (f) "employee" means a regular or whole-time employee whether employed on daily, weekly or monthly basis, and includes an apprentice;
- (g) "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;
- (h) "Fund" means the Fund established under section 15;
- (i) "Government" means the Government of Sindh;
- (j) "Government establishment" includes any autonomous or semi-autonomous body, university, college, professional school and organization controlled or managed by Government;
- (k) "prescribed" means prescribed by rules made under this Act;

(l) "Secretary" means the Secretary of the Council.

3. Government shall, by Notification in the Official Gazette, establish a council to be called the Council for the Rehabilitation of **Differently able** persons consisting of the following members, namely:-

Establishment of Council.

- | | |
|---|-----------------|
| (a) the Secretary, Social Welfare Department | Chairman |
| (b) the Secretary, Labour Department | Member |
| (c) the Secretary, Special Education Department | Member |
| (d) the Secretary, Rehabilitation Department | Member |
| (e) A representative of the Planning and Development Department, not below the rank of Additional Secretary | Member |
| (f) A representative of the Health Department, not below the rank of Additional Secretary | Member |
| (g) A representative of Auqaf, Religious Affairs, Zakat and Ushr Department not below the rank of Additional Secretary | Member |
| (h) A representative of Women Development Department, not below the rank of Additional Secretary; | Member |
| (i) Managing Director Sindh Technical Education and Vocational Training Authority (STEVTA) | Member |
| (j) Managing Director, Sindh Bait-ul-Mal | Member |
| (k) A representative of the Chamber of Commerce and Industry; | Member |
| (l) A representative of the registered trade unions to be nominated by the Labour Department | Member |
| (m) four persons to be nominated by Government from amongst the persons engaged in the welfare work of differently able persons. | Members |
| (n) Secretary of the Council. | Member / |

Secretary
Members

(o) **Two Members of the Provincial Assembly (One Lady Member and One Male Member) to be nominated by the Speaker of the Provincial Assembly.**

**Functions of
the Council.**

4. Subject to any directions given by Government, the Council shall -

- (a) execute the policy made by Government for the employment, rehabilitation and welfare of **differently able** persons;
- (b) undertake appropriate projects for the welfare of **differently able** persons;
- (c) issue directions to an employment exchange or any other body for the implementation of the projects of the Council;
- (d) take stock to the extent of functional disabilities of **differently able** persons;
- (e) evaluate, assess and coordinate the execution of its policies;
- (f) have overall responsibility for the achievement of the purposes of this Act;
- (g) conduct survey of the **differently able** persons who are desirous of being rehabilitated;
- (h) conduct medical examination and provide treatment to the **differently able** persons;
- (i) provide training to the **differently able** persons;
- (j) collect information from establishments to assess their compliance with the provisions of this Act;
- (k) facilitate the **differently able** persons to the following:-

- (a) full concession in admission fee and relief of seventy five percent in tuition fee in Government educational institutions;
- (b) reserved seats for education at every stage of education;
- (c) health insurance and free treatment in the hospitals and dispensaries run under the administrative control of Government and Local Government;
- (d) social security grant on monthly basis to the needy **differently able** persons and grant for the marriage of their children as may be prescribed;
- (e) interest free loan to the needy **differently able** persons for setting up small business as may be prescribed;
- (f) access to the knowledge of information technology with the help of adaptive software and hardware for visually impaired, deaf and physically **challenged**;
- (g) concession in cost of plots developed on lands allotted by Government for incremental housing; and
- (l) take other measures as are necessary for carrying out the purposes of this Act.

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

Meetings of the Council.

(2) The meeting of the 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 Council as the Chairman may appoint.

(4) The quorum to constitute a meeting of the Council shall be five members.

(5) All orders and decisions of the Council shall be authenticated by the signature of the Chairman or the persons authorized by him.

Duties of Secretary.

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

Appointment of Committee.

7. The Council may appoint such Committees consisting 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.

Establishment to employ differently abled persons.

8. (1) Not less than two percent of the total number of the persons employed by an establishment at any time shall be **differently able** persons whose names have been registered with the Employment Exchange or the District Officer Social Welfare of the area in which such establishment is located and against whose names in the register to be maintained under section 10 an endorsement exists to the effect that they are fit to work.

(2) The **differently able** persons employed against any post in pursuance of sub-section (1) shall be entitled to the terms and conditions which are not less favorable 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 purpose of employment of **differently able** persons, the fraction of 0.5 and above shall count as a whole number.

Establishment to pay to the fund.

9. An establishment which does not employ a **differently able** persons as required by section 8, shall pay into the funds each month the sum of money it would have paid as salary or wages to the **differently able** persons had he been employed.

10. (1) Any **differently able** persons desirous of being employed or otherwise rehabilitated may have his name registered in the register maintained by the Employment Exchange or the District Officer Social Welfare in such form and in such manner as may be prescribed by Government and the Employment Exchange or the District Officer Social Welfare shall refer all names so registered to the Council.

Registration of differently able persons.

(2) The Council shall, if it thinks necessary, cause each **differently able** persons 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 authorized by it in its behalf or by such assessing Board consisting of not less than one Medical Officer as it may appoint, and Medical Officer or, as the case may be, the assessing Board shall submit its report to the Council in such form as may be prescribed by Government.

(3) If the **differently able** persons is considered by the Council fit to work, it shall inform the Employment Exchange or the District Officer Social Welfare, indicating the nature of work for which he may be trained, and an endorsement to that effect shall be made against his name in the register.

(4) If the **differently able** persons is not considered by the Council fit to work, the Council shall inform the Employment Exchange or the District Officer Social Welfare accordingly for an endorsement to that effect being made against his name in the register, and the Council shall take such measures for his rehabilitation as it thinks fit.

(5) If a person is declared by the Council not to be **differently able** persons, his name shall be **taken** off from the register.

11. The Council shall arrange for the training of **differently able** persons in such trades and vocations as it thinks fit, and shall establish training centers in such trades and vocations in such a manner as may be determined by Government.

Establishment of Training Centers.

Establishments to Furnish Information.

12. Every Establishment shall furnish to such person or authority such information required for the implementation of the Provisions of this Act in such form and in such manner as the Council may, by notification in the official Gazette, specify.

Power to debar further employment.

13. (1) The Council may debar from further employment or training for such period as may be specified by it, any **differently able** persons who, without valid reason, refuses to accept or abandons his employment or training under this Act 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 **differently able** persons shall be debarred under sub-section (1) unless he has been given an opportunity of being heard.

Appeal.

14. (1) Any person aggrieved by an order under section 13 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 the parties an opportunity of being heard or after making such further enquiry as it thinks fit, pass such order as it thinks fit.

Fund.

15.(1) There shall be established by Government a Fund to be known as the **Differently able** persons Rehabilitation Fund which shall comprise -

(a) all sums paid by the establishment under section 9;

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

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

(2) The Fund shall be administered by the Council in such a manner as it thinks necessary.

(3) The Fund shall be utilized for -

(a) the establishment of training centers for **differently able** persons;

- (b) financial assistance to **differently able** persons who are not fit to undertake any employment;
- (c) disbursement of stipends or scholarship to **differently able** persons receiving training or education;
- (d) the welfare of **differently able** persons; and
- (e) providing artificial limbs, surgical therapy and medical treatment to **differently able** persons.

16. 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 Act. **Power to exempt.**

17. The Council may delegate all or any of its powers under this Act to any of its members, subject to such conditions as it may specify. **Delegation of powers.**

18. Any establishment which fails to pay into the Fund any sum it is required to pay under section 9 shall be punishable with fine which may extend to one hundred thousand rupees and, in the case of non-payment of fine, with an additional fine which may extend to five thousand rupees for every day during which the payment of fine is not made. **Penalty.**

19. (1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act. **Cognizance of offences.**

(2) The Magistrate of first class shall take cognizance of an offence punishable under this Act upon a complaint in writing by the **differently able** persons himself, or under the authority of the Council.

20. Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. **Power to make rules.**

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**