No. F. 22(4)/2020-Legis.—The following Bill/Reports have been introduced/presented in the National Assembly on 9th January, 2020.

N.A. BILL NO. 21 OF 2020

A

BILL

further to amend the SBP Banking Services Corporation Ordinance, 2001

WHEREAS it is expedient further to amend the SBP Banking Services Corporation Ordinance, 2001 (LXVII of 2001), for the purposes hereinafter appearing:

47 (1—72)

Price: Rs. 100.00

[5033(2020)/Ex. Gaz.]
It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the SBP Banking Services Corporation (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 5, Ordinance LXVII of 2001.**—In the SBP Banking Services Corporation Ordinance, 2001 (LXVII of 2001), hereinafter referred to as the said Ordinance, in section 5,—

   (1) in sub-section (1),—

   (a) in clause (d), the word “and”, at the end, shall be omitted; and

   (b) in clause (e), for the full stop at the end, a semicolon and the word “and” shall be substituted and thereafter the following new clause shall be added, namely:—

   “(f) to carry out its functions effectively, the Bank if deemed necessary may, with the prior approval of the Board and State Bank, establish one or more subsidiaries for the purpose of conducting its business.”; and

   (2) for sub-section (2), the following shall be substituted, namely:—

   “(2) The State Bank shall not transfer or delegate any of the functions specified in section 9A of the State Bank of Pakistan Act, 1956 (XXXIII of 1956), including,—

   (a) formulation and monitoring of monetary and credit policies;

   (b) regulation and supervision of the financial sector;

   (c) foreign exchange regime and exchange rate policy; and

   (d) payment and settlement system.”.

3. **Amendment of section 9, Ordinance LXVII of 2001.**—In the said Ordinance, in section 9, after sub-section (5), the following new sub-section shall be added, namely:—

   “(6) At any time when the office of the Managing Director is vacant, the Governor may appoint any officer of the State Bank or from the Bank as Acting Managing Director within a period of sixty days from the date of vacancy:
Provided that the Managing Director shall be appointed under sub-section (1) within a period of three months of the occurrence of vacancy.”.

4. **Amendment of section 13, Ordinance LXVII of 2001.**—In the said Ordinance, in section 13, in sub-section (3), for the words “State Bank”, the word “Board” shall be substituted.

5. **Substitution of section 24, Ordinance LXVII of 2001.**—In the said Ordinance, for section 24, the following shall be substituted, namely:

“24. **Pension, gratuity and provident fund of Bank employees to be exempt from attachments, etc.**—Notwithstanding anything contained in any law for the time being in force, pensions, gratuity and provident fund of the executives and other employees or pensioners shall not be liable to seizure, attachment or sequestration by process of any court order at the instance of a creditor, decree holder etc., for any demand against the executives, employees or pensioners or in satisfaction of a decree or order of any court.”.

6. **Insertion of new section 24A, Ordinance LXVII of 2001.**—In the said Ordinance, after section 24, substituted as aforesaid, the following new section shall be inserted, namely:

“24A. **Act or proceeding of the Board not to be questioned.**—No act or proceeding of the Board or the committees of the Board shall be questioned on the ground only on the existence of any vacancy in or any defect in the constitution of such Board or committee thereof.”.

7. **Substitution of section 28, Ordinance LXVII of 2001.**—In the said Ordinance, for section 28, the following shall be substituted, namely:

“28. **Protection of action taken in good faith.**—No suit or other legal proceedings shall lie against the State Bank and the Bank or any director or officer of the State Bank and the Bank for anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules, regulations or orders made thereunder.”.

**STATEMENT OF OBJECTS & REASONS**

The purpose of amendments in the SBP Banking Services Corporation Ordinance 2001 (Ordinance) is to enable the SBP Banking Services Corporation (SBP BSC) to optimize its operational efficiency thereby bringing it in conformity with the emerging operational needs.

The amendments in the Ordinance are being proposed for the following reasons:
(i) A new sub-section has been introduced in section 9, in line with good governance for the appointment of an Acting Managing Director within a period of sixty (60) days, from the date of vacancy, provided that the Managing Director shall be appointed within a period of three (3) months from the date of the occurrence of vacancy.

(ii) The power of the Board of Directors to appoint external auditors has been proposed in line with good governance.

(iii) An enabling clause on creation of subsidiaries by SBP BSC with the approval of Board and State Bank under the Ordinance has been introduced for operational efficiency.

(iv) Amendments have been proposed to exempt the gratuity and provident fund of employees of the Bank from attachment as already provided for, in case of pensioners to make the Ordinance consistent with the existing compensation benefits.

(v) In order to provide adequate protection to the Bank and the officers of the Bank for actions taken in good faith, amendments have been proposed in section 28 of the Ordinance.

(vi) A new section 24A has been proposed to legally protect the proceedings of the Board and the committees of the Board from any questions arising only on the grounds of any vacancy or any defect in the constitution of the Board.

This Bill is designed to achieve the aforesaid purpose.

DR. ABDUL HAFEEZ SHAikh,
Adviser to Prime Minister on Finance and Revenue.

Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committee, presented to the National Assembly on 9th January, 2020 are published for information:

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS ON THE ZAINAB ALERT, RESPONSE AND RECOVERY BILL, 2019”

I, the Chairman of Standing Committee on Human Rights have the honour to present this report to make provisions for raising alert, response and
recovery of missing and abducted children [“The Zainab Alert, Response and Recovery Bill, 2019”] (Government Bill) referred to the Committee on 24th April, 2019.

2. The Committee comprises of the following:—

(1) Mr. Bilawal Bhutto Zardari
(2) Ms. Ghulam Bibi
(3) Mr. Saif-ur-Rehman
(4) Mr. Attaullah
(5) Ms. Kishwer Zebra
(6) Ms. Ghazala Saifi
(7) Ms. Rukhsana Naveed
(8) Ms. Zille Huma
(9) Ms. Fouzia Behram
(10) Ms. Tashfeen Safdar
(11) Ms. Shunila Ruth
(12) Agha Hassan Baloch
(13) Ms. Shaista Pervaiz
(14) Mr. Mohsin Dawar
(15) Mr. Abdul Rehman Khan Kanju
(16) Ms. Zaib Jaffar
(17) Ms. Shaza Fatima Khawaja
(18) Shazia Marri
(19) Dr. Mahreen Razzaq Bhutto
(20) Mr. James Iqbal
(21) Dr. Shireen M. Mazari

Mr. Bilawal Bhutto Zardari
Chairman
Ms. Ghulam Bibi
Member
Mr. Saif-ur-Rehman
Member
Mr. Attaullah
Member
Ms. Kishwer Zebra
Member
Ms. Ghazala Saifi
Member
Ms. Rukhsana Naveed
Member
Ms. Zille Huma
Member
Ms. Fouzia Behram
Member
Ms. Tashfeen Safdar
Member
Ms. Shunila Ruth
Member
Agha Hassan Baloch
Member
Ms. Shaista Pervaiz
Member
Mr. Mohsin Dawar
Member
Mr. Abdul Rehman Khan Kanju
Member
Ms. Zaib Jaffar
Member
Ms. Shaza Fatima Khawaja
Member
Shazia Marri
Member
Dr. Mahreen Razzaq Bhutto
Member
Mr. James Iqbal
Member
Dr. Shireen M. Mazari
Ex-Officio
Minister for Human Rights
Member

3. The Committee considered the Bill as introduced in the Assembly placed at Annexure-A, in its meetings held 20th and 29th May, 2019, 12th,13th, 18th and 19th June, 2019, 8th August, 2019, 7th October, 2019 and 20th December, 2019. The Committee made the following amendments therein:—

(1) Preamble

In preamble, paragraph (4), shall be substituted with the following, namely:—

“AND WHEREAS it is a matter of national concern that children under the age of eighteen years, who are abducted, are at high risk of violence, exploitation, abuse, trafficking, rape or death. It is thus essential to legislate providing for an institutional response at the level of such areas in the Federation as are not included in any Province, complementing the functions of the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);”
Clause 2

Clause 2, shall be substituted with the following, namely:—

“2. Definitions.—In this Act, unless there is anything repugnant in the subject or contest,—

(a) “Act” means the Zainab Alert, Response and Recovery Act 2019;

(b) “alert” means any notification raised by ZARRA after receiving any information or complaint about missing children on any media;

(c) “alert system” means an alert system established under this Act;

(d) “abduction” means,—

(i) whoever by will or force, threat, violence, coercion or by any deceitful means induces any child under eighteen years of age to move from one place to another and includes kidnapping as defined in the Pakistan Penal Code 1860 (Act XLV of 1860); or

(ii) whoever has un-lawful custody of a minor or removing a child from the custody of his parents or lawful guardianship;

(e) “abductor” means a person, a group of persons or an organization who kidnaps, traffics or abducts a child;

(f) “Board” means the ICT Child Protection Advisory Board established under the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);

(g) “child” means anyone who has not attained the age of eighteen years at the time of commission of an offence or when reported to be missing or abducted;

(h) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);

(i) “Government” means the Federal Government of the Islamic Republic of Pakistan;

(j) “missing child” means any child for whom a complaint is lodged with the police or in respect of whom information is given to any ZARRA office or any other relevant authority assigned under this
Act as missing because his whereabouts are not known to his parents or legal guardians or is a runaway child regardless of circumstances and causes of dis-appearance or time elapsed since the child went missing;

(k) “organization” means any group, combination or body of persons acting under a distinctive name;

(l) “rape” means any forcible and non-forcible sexual conduct with a child by another person;

(m) “recovery” means all those required actions that may include, but not limited to search, investigation, forensics, coordination and dispatch of specially trained teams to rescue, recover, to provide psycho-social support and bring the missing or abducted child to safety;

(n) “response” means all those actions that must be taken by the ZARRA office, police, local government, telecommunication companies, state and privately-owned media channels, airports, railway stations, highway authorities, missing child response and recovery teams or any other organization or individual that is assigned a task under this Act; and

(o) “ZARRA” means Zainab Alert, Response and Recovery Agency established under this Act of Missing and Abducted Children;

(3) Clause-3

In clause 3,—

(i) Sub-clause (2), shall be substituted with the following, namely:—

“(2) The ZARRA shall consist of a Director General who shall be appointed by the Prime Minister in such manner and in such terms and conditions as may be prescribed by rules and such other officers and employees who shall be appointed by such authorities in such manner and on such terms and conditions as may be prescribed by rules.”

(ii) Sub-clause (3), shall be substituted with the following, namely:—

“(3) The management staff of ZARRA shall be suitably equipped with skills of managing databases, conducting planning and monitoring of programs, analyzing data, preparing reports and
coordinating with all other offices. The qualifications and experience of staff for their appointment shall be prescribed by rules.”

(iii) Sub-clause (5), shall be substituted with the following, namely:—

“(5) The ZARRA shall work closely with the helpline 1099 or such other helpline operating under the mandate of the Division concerned. In this regard, the helpline shall forward complaints relevant to the mandate of ZARRA, which shall be acted upon in partnership between the ZARRA and the National Commission on the Rights of the Child (NCRC) established under the National Commission on the Rights of Child Act, 2017 (XXX II of 2017).”

(4) Clause-4

In clause 4,—

(i) Sub-clause (1), shall be substituted with following, namely:—

“(1) The superintendence of the ZARRA shall vest with the ICT Child Protection Advisory Board.”

(ii) Sub-clause (2), shall be substituted with following, namely:—

“(2) The administration of the ZARRA shall vest in the Director General.”

(5) Clause-5

In clause 5,—

(i) After the word “ZARRA” the expression, “that shall be performed under the administration of the Director General”, shall be inserted:

(ii) Paragraph (b), shall be substituted with the following namely:—

“(b) to coordinate with Pakistan Telecommunication Authority (PTA) for issuance of Zainab Alert SMSs, MMSs, with Pakistan Electronic Media Regulatory Authority (PEMRA) for tickers on television channels and announcements on radio stations and alerts on social media as well as postings on relevant websites or online, print media or any other available medium to report abductions;”
(iii) In paragraph (e), for the expression “the National Commission on the Rights of the Child (NCRC)”, the expression, “ZARRA” shall be substituted.

(iv) In paragraph (i), after the word, “rules” the expression, “as may be” shall be inserted and for the expression “by Ministry of Human Rights”, the expression, “under this Act” shall be substituted.

(6) Clause-6

In clause 6,—

(i) In the marginal note for the expression, “Division concerned”, the expression, “the ICT Child Protection Advisory Board for the purposes of this Act”, shall be substituted.

(ii) In clause 6, for the word, “attached” the word, “allocated” shall be substituted and the expression, “in the Rules of Business, 1973” shall be omitted.

(iii) In clause 6, for the expression, “Division concerned”, appearing second time the expression, “the ICT Child Protection Advisory Board for the purposes of this Act”, shall be substituted.

(iv) paragraph (b), shall be substituted with following, namely:—

“(b) to provide governance and oversight in order to ensure that all actions relating to ZARRA that are initiated, from registration of FIR to safe recovery of child and referral for rehabilitation of a recovered child, are performed efficiently.”

(7) Clause-7

Clause 7, shall be substituted with the following, namely:—

“7. Coordination between ZARRA and Local Police Stations.—(1) The police station where a case of missing or abducted child is reported shall, immediately and not later than two hours after the complaint is lodged, through any available means of communication call, fax, electronic email or ZARRA mobile application, inform the ZARRA of the missing child incident and keep providing latest status of the case and all available details. The missing or abducted child database shall be shared on online database, maintained by the ZARRA office in accordance with the prescribed rules. The police officer shall ensure that the required information in Schedule A to Act, is made part of the complaint.
(2) The ZARRA shall on the receipt of information under sub-section (1) take an immediate action and launch, with the help of local police, the investigation, search, rescue, recovery and rehabilitation operations.

(3) In case ZARRA office receives a direct complaint of a missing or abducted child, it shall coordinate immediately with the local police station and other ZARRA offices to ensure all actions relating to ZARRA are initiated. This includes registering of a complaint at the concerned police station on behalf of the complainant.”

(8) **Clause-8**

Clause 8, shall be substituted with the following, namely:—

“8. **Punishment under this Act.**—Any police officer who does not comply with the provisions of section 154 of the Code in case of missing or abducted child or any other public officer who willfully delays or hinders in providing or processing the information in accordance with provisions under this Act, shall be punished with imprisonment as provided under section 182 of Pakistan Penal Code, 1860 (Act XLV of 1860).”

(9) **Clause-9**

In clause 9, for the expression, “The Federal Government” the expression “ZARRA in consultation with the Minister-in-charge”, shall be substituted.

(10) **Clause-10**

In clause 10, for the expression, “The Federal Government” the expression, “ZARRA in consultation with the Minister-in-charge”, shall be substituted.

(11) **Clause-11**

In clause 11, sub-clause (2) shall be deleted.

(12) **Clause-12**

In clause 12, in the marginal note the word “offices” shall be substituted with word “officers”

(13) **Clause-13**

Clause 13, shall be substituted with the following, namely:—
13. **Kidnapping or abducting a person under the age of eighteen years.**—For the purposes of this Act, whoever kidnaps or abducts any person under the age of eighteen years in order that such person may be murdered or subjected to grievous hurt, or slavery, rape, or that such person may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery or rape shall be punished with imprisonment for life or with rigorous imprisonment which may extend to fourteen years but shall not be less than ten years.”

14. **Clause-14**

Clause 14, shall be substituted with the following, namely:—

“14. **Kidnapping or abducting child under eighteen years with intent to take movable property from its person.**—Whoever kidnaps or abducts any child under the age of eighteen years with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and with fine of one million Rupees.”

15. **Clause-15**

Clause 15, shall be substituted with the following, namely:—

“15. **Application of Code.**—The provisions of the Code shall apply to the proceedings under this Act, except in the case of juveniles who will be dealt under the Juvenile Justice System Act, 2018.”

16. **Clause-16**

Clause 16, shall be substituted with the following, namely:—

“16. **Procedure for the information which relates to the commission of abduction or missing child.**—In respect of the information which relates to the commission of offence of abduction or missing child, an officer incharge of a police station shall compulsory reduce it to writing by him or under his direction, and be read over to the informant and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such officer and also ensure that the required information in Schedule-A to this Act, is made pat of the complaint.”
(17) Clauses 17 and 18

After Clause 16, following two new clauses shall be added, namely:—

“17. Completion of trial.—The trial under this Act shall be completed within three months.

18. Act to override other laws.—Subject to section 15, the provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.”

4. The Committee recommends that the Bill as amended by the Committee placed at Annexure-B, may be passed by the Assembly.

Sd/-
(TAHIR HUSSAIN),
Secretary.

Sd/-
(BILAWAL BHUTTO ZARDARI),
Chairman.

Islamabad, the 6th January, 2020.

Annex-A

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to make provisions for raising alert, response and recovery of missing and abducted children

WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the inviolability of life, liberty and dignity of a person as fundamental rights;

AND WHEREAS, in recognition of the Constitution’s fundamental rights, it is necessary to make provisions for the protection of missing and abducted children under the age of eighteen years, that includes raising alert, responding and recovering of missing and abducted children;

AND WHEREAS it is obligatory on the Government of Pakistan to make provisions for ensuring the right to life and protection from violence, abuse, neglect, abduction or exploitation of children under the age of eighteen years, as envisaged under various national and international laws, conventions, covenants and instruments, relating to the rights of children;
AND WHEREAS it is a matter of national concern that children under the age of eighteen years, who are abducted, are at high risk of violence, exploitation, abuse, trafficking, rape or death. It is thus essential to legislate providing for an institutional response at the level of such areas in the Federation as are not included in any Province, complementing the work of the Child Protection Institute established pursuant to the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);

AND WHEREAS it is urgent and necessary to introduce systems with respect to raising alerts, as well as the response and recovery of missing and abducted children, so that incidents such as that of a seven-year old Zainab, resident of district Kasur, who was abducted, raped and murdered in January, 2018, do not occur again in future;

AND WHEREAS it is in the interest of efficacy and avoidance of duplication of efforts that the ZARRA established pursuant to this Act will work supporting and complementing the mandate of the Child Protection Institute established pursuant to the said Act XXI of 2018, following, receipt of complaints through the helpline, operating under the mandate of the Division concerned or such other designated helpline in this regard.

It is hereby enacted as follows:—

PART-I

1. Short title, extent and commencement.—(1) This Act may be called the Zainab Alert, Response and Recovery Act, 2019.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) “Act” means the Zainab Alert, Response and Recovery Act, 2018;

(b) “alert system” means an alert system established under this Act,

(c) “abduction” means,

(i) whoever by will or force, threat, violence, coercion or by any deceitful means induces any child under eighteen years of age to move from one place to another. It also includes kidnapping; or

(ii) whoever has un-lawful custody of a minor or removing a child from the jurisdiction of his parents or lawful guardianship.
PART III

(2) The ZARRA shall consist of a Director General to be appointed by the Prime Minister or a person authorized by him in this behalf.

(3) The management staff of ZARRA shall be suitably equipped with skills of managing databases, conducting planning and monitoring of programs, analyzing data, preparing reports and coordinating with all other offices. The qualification and experience of staff shall be prescribed by rules.

(4) Standard operating procedures (SOPs) shall be devised to ensure the safety and protection in the hands of authorities of the recovered missing or abducted child.

(5) The ZARRA shall work closely with the helpline or such other helpline, operating under the mandate of the Division concerned. In this regard, the helpline shall forward complaints relevant to the mandate of ZARRA, which shall be acted upon in partnership between the ZARRA and the National Commission on the Rights of the Child.

4. Superintendence and administration of ZARRA.—(1) The superintendence of the ZARRA shall vest with the National Commission on Rights of the Child.

(2) The administration of the Agency shall vest in the Director General.

(3) The Director General shall exercise such powers and perform such functions as may be prescribed.

5. Powers and functions of ZARRA.—The following shall be powers and functions of ZARRA, namely:—

(a) to activate Zainab Alerts, when there is a missing or abducted child, at the Federal Capital level, which will include information on the physical characteristics of the missing or abducted child as well as any other data that would help in the child’s identification, so as to inform the public at large and all concerned agencies to whom these alerts will be issued;

(b) to coordinate with Pakistan Telecommunication Authority (PTA) for issuance of Zainab Alert SMSs, MMSs, with Pakistan Electronic Media Regulatory Authority (PEMRA) for tickers on television channels and announcements on radio stations and alerts on social media as well as postings on relevant websites or any other available medium;

(c) to define procedures for how, when, with what frequency and in which geographical territory the missing or abducted child alert will be raised.
(d) to provide nation-wide telephonic toll free hotline number 1099 or such other number where any person may report a missing or abducted child and such number may be used by any member of public who has any information relating to the missing or abducted child;

(e) to maintain online data base both in the National Commission on the Rights of the Child (NCRC) and Division concerned of every reported incident of a missing or abducted child, the actions taken, the current status of the case and its final outcome. This database shall be monitored for accuracy and shall be kept updated at all times. The database shall cover all territories of ICT and will be accessible to public on ZARRA website in English and in Urdu;

(f) to define procedures for who, how and when an incident of missing or abducted child shall be brought on to the ZARRA database. NCRC and Division concerned shall have the responsibility to maintain the database. To maintain proper record for each case, coordinate any information on missing children with local law enforcement agencies, detect criminal patterns in a geographical area, issue monthly public reports on missing and abducted children on its website, introduce procedures and key performance indicators that will improve and measure the effectiveness of Zainab Alert, Response and Recovery;

(g) to ensure that the concerned stakeholders perform their duties in accordance with the prescribed rules;

(h) to introduce a user friendly cellular mobile application linked with the main database for reporting of any missing child and for updated information of any child abducted or recovered;

(i) to initiate, refer or take action for proceeding against any non-cooperation or non-compliance by any organization or stakeholder in accordance with the rules prescribed by Ministry of Human Rights;

(j) to ensure that full real-time information is being received in ZARRA office.

(k) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of any such child;

(l) to facilitate the provision of legal aid or advice, where circumstances so requires;

(m) to coordinate and cooperate, in case of missing or abducted child who has been wrongfully removed to, or retained in Pakistan, with
the concerned authorities of the country where the child was habitually residing; and

(n) to do any other task necessary to perform the functions of ZAARRA.

6. **Powers and Functions of the Division concerned.**—Without prejudice to the business attached to the Division concerned in the Rules of Business, 1973, the following shall be powers and functions of Division concerned, namely:

(a) to analyze the performance of ZARRA, to evaluate the effectiveness of ZARRA functions and to take actions to continually improve the performance of ZARRA;

(b) to provide governance and oversight to ensure all actions relating to ZARRA that are initiated and all functions from registration of FIR, to safe recovery of child and may refer for rehabilitation of a recovered child are performed efficiently.

7. **Establishment of missing child response and recovery teams.**—

(l) The Director General in consultation with National Commission on the Rights of the Child and Division concerned shall establish missing child response and recovery teams (MCRRTs) at level of the Federal Capital and equip them with individuals, conceptually and technologically, highly trained in functions such as investigation, forensics, rapid response, search, rescue and recovery operations. Every MCRRT shall be headed by a senior police officer of not less than the rank of superintendent of police and shall also include a child protection officer as defined in the said XXI Act of 2018.

(2) the police station where a case of missing or abducted child is reported shall immediately and not later than 2 hours after the complaint is lodged, inform the ZARRA, of the missing child incident and keep providing latest status of the case and all available details. The missing or abducted child database shall be shared on online database, maintained by the ZARRA office.

(3) the police officer simultaneously through any available means of communication shall call, fax, electronic email or ZARRA mobile application shall inform the MCRRT of the missing child event and provide all possible information and support to the MCRRT team in accordance with the prescribed rules.

(4) The MCRRT shall take an immediate action and launch, with the help of local police, the investigation, search, rescue, recovery and rehabilitation operations;

(5) in case ZARRA office receives a direct complaint of a missing or abducted child, it shall coordinate immediately with the local police station, NCRC, other ZARRA offices and the MCRRTs to ensure all actions relating to
ZARRA are initiated. This includes registering of a complaint at the concerned police station on behalf of the complainant.

PART-III

8. **Punishments under this Act.**—(1) Any police officer who does not comply with the provisions of section 154 of the Code in case of missing or abducted child or any other public officer who willfully delays or hinders in providing or processing the information in accordance with the rules made under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine.

   (2) Whoever intentionally issues or cause to be issued a false or fake alert of any child on the alert system or misuses it which may result to desensitization in the public shall be punished with imprisonment for a term upto six months and a fine of one hundred thousand Rupees.

PART-IV

9. **Power to make rules.**—The Federal Government may, by notification in the official Gazette, make rules within six months of the commencement of this Act to carry out the purposes thereof.

10. **Power to amend Schedule A to this Act.**—The Federal Government may amend the Schedule A to this Act so as to add thereto or omit therefrom or amend therein any entry.

11. **Financing of ZAARA.**—(1) The remuneration payable to the Director General, other employees, staff and administrative expenses of the ZAARA shall be made from funds allocated by Federal government.

   (2) The Director General shall be the Principal Accounting Officer of the ZAARA.

12. **Director General, offices and employees deemed to be public servants.**—The Director General, officers and employees of ZAARA shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (Act XLV of 1860) and shall be subject to all the relevant provisions of sections 161 to 169 of the said Act XLV of 1860.

PART-V

13. **Amendment of section 364 A, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the PPC, for section 364 A the following shall be substituted, namely:
“364A. Kidnapping or abducting a person under the age of eighteen years.—Whoever kidnaps or abducts any person under the age of eighteen years in order that such person may be murdered or subjected to grievous hurt, or slavery, rape, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, rape or to the lust of any person shall be punished with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years and with fine which shall not be less than ten million Rupees and which may extend to twenty million Rupees.”

14. Amendment of section 369, Act XLV of 1860.—In the PPC, for section 369 the following shall be substituted, namely:

“369. Kidnapping or abducting child under eighteen years with intent to take immovable property steal from its persons.—Whoever kidnaps or abducts any child under the age of eighteen years with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and with fine of one million Rupees.”

15. Amendment of section 154, Act V of 1898.—In the Code, in section 154, in the second proviso for full stop at the end, a colon shall be substituted and thereafter the following third proviso shall be added, namely:

“Provided also that if the information relates to the commission of abduction or missing child an officer in charge of a police station shall compulsory reduce to writing by him or under his direction, and be read over to the informant and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such officer and also ensure that the required information in Schedule-A to the Response and Recovery Act, 2019 is made part of the complaint”.

16. Amendment of Schedule-II, Act V of 1898.—In the Code, in Schedule-II, (a) for the entries relating to section 364A, the following shall be substituted, namely:

<table>
<thead>
<tr>
<th>364A</th>
<th>Kidnapping or abducting a person under the age of eighteen years</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years and with fine which shall not be less than ten million Rupees and may extend to twenty million Rupees.</td>
<td>Ditto</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

and
(b) for the entries relating to section 369, the following shall be substituted, namely:

| 369 | Kidnapping or abducting child under eighteen years with intent to steal from its persons | Ditto | Ditto | Ditto | Ditto | Imprisonment of either description for fourteen years, and fine of one million Rupees. | Ditto |

Schedule-A

(a) Basic information about the missing child:

i. Full name
ii. Date of birth
iii. Birthplace
iv. Nicknames, if any
v. Current and previous addresses. Who else lived there?
vi. Current and former employers.

(b) Physical description of the missing child:

i. Height
ii. Weight
iii. Age
iv. Build
v. Hair Color/Lenth of Hair
vi. Eye color?
vii. Any Distinguishing Marks – such as tattoos, birthmarks, scars, etc.
viii. Beard/Mustache/Sideburns
ix. Most recent photo of the missing Child

(c) Habits and personality of missing child:

i. Does the Child have any personal or emotional problems?
ii. Any addiction Drug/Smoking
iii. What level of education or training does the Child have?
iv. Does the Child frequent any particular areas or places of interest?

(d) Clothing that the missing child was wearing the last time seen:

i. Style and color of wearing cloths
ii. Style and color of jacket or outerwear
iii. If applicable, type of headwear
iv. Type of glasses
v. Type of gloves
vi. Type and color of footwear
(e) **Trip Plans of the missing child the day they went missing:**—

i. What were the missing Child’s plans and/or activities on the day they went missing?

ii. Where was he/she going?

iii. Why was he/she going there?

iv. If the individual was traveling by car, can you provide the make and model number, license plate number, as well as registration (if possible).

v. Provide information about any other vehicles or mode of travel the missing Child may have access too.

(f) **Information about the last time the missing child was seen:**—

i. The time and location of where he/she was last seen

ii. The name of the individual who last saw the missing Child

iii. The name of the individual who last talked at length with the missing Child

iv. The direction the missing Child was traveling the last time seen.

v. The attitude of the missing Child the last time seen

vi. Was the missing Child complaining of or concerned about anything before he/she went missing?

(g) **Overall health and condition of the missing child:**—

i. Physical condition.

ii. Any known medical problems or disease.

iii. Any handicaps or disabilities.

iv. Any psychological problems.

v. Any medications that the child is taking.

vi. Any addictions that the child has.

vii. Provide the name of the missing child’s family physician and their health card number, if possible.

viii. Provide the name of the missing child’s main dentist, if possible.

ix. Potential people that the child may have contacted last time

x. List all of the child’s friends and acquaintances who the missing child may try to contact. Try to include addresses and telephone numbers.

(h) **Belongings of the kidnapped or abducted child:**—

i. Items such as a hairbrush, a toothbrush, or undergarments in the event that investigators may need to undertake DNA analysis.

ii. Any electronic equipment such as a cell phone or computer. What is the maker of phone and the cell phone provider.
iii. As well, do you know if they were active on a chat line or other social on-line/media network such as facebook?

STATEMENT OF OBJECTS AND REASONS

Zainab Alert Response and Recovery Bill 2019 will raise the required alerts and initiate the responses required for recovery of missing, abducted, abused or kidnapped children in Islamabad Capital Territory (ICT). The magnitude of violence against children are on an alarming stage. The current laws and procedures required to be strengthened to effectively monitor, trace or recover missing and abducted children. In view of that, there is an urgent and pressing need to: (i) enact special laws to provide a speedy system of alerts, responses, recoveries, investigations, trials and rehabilitation to prevent and curb criminal activities against the children in ICT; and (ii) to ensure harmonization and cohesion in the workings of the new agencies and institutions established for the protection of children and already existing mechanisms within this field.

2. The Bill is drafted to achieve the aforesaid object.

DR. SHIREEN M MAZARI,
Federal Minister for Human Rights.

Annexure-B

[AS REPORTED BY THE STANDING COMMITTEE]

A BILL

to make provisions for raising alert, response and recovery of missing and abducted children

WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the inviolability of life, liberty and dignity of a person as fundamental right;

AND WHEREAS, in recognition of the Constitution’s fundamental rights, it is necessary to make provisions for the protection of missing and abducted children under the age of eighteen years, that includes raising alert, responding and recovering of missing and abducted children;

AND WHEREAS it is obligatory on the Government of Pakistan to make provisions for ensuring the right to life and protection from violence, abuse, neglect, abduction or exploitation of children under the age of eighteen years, as
envisaged under various national and international laws, conventions, covenants and instruments, relating to the rights of children;

AND WHEREAS it is a matter of national concern that children under the age of eighteen years, who are abducted, are at high risk of violence, exploitation, abuse, trafficking, rape or death. It is thus essential to legislate providing for an institutional response at the level of such areas in the Federation as are not included in any Province, complementing the functions of the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);

AND WHEREAS it is urgent and necessary to introduce systems with respect to raising alerts, as well as the response and recovery of missing and abducted children, so that incidents such as that of a seven-year old Zainab, resident of district Kasur, who was abducted, raped and murdered in January, 2018, do not occur again in future;

AND WHEREAS it is in the interest of efficacy and avoidance of duplication of efforts that the ZARRA established pursuant to this Act will work supporting and complementing the mandate of the Child Protection Institute established pursuant to the said Act XXI of 2018, following receipt of complaints through the helpline, operating under the mandate of the Division concerned or such other designated helpline in this regard.

It is hereby enacted as follows:—

PART-I

1. Short title, extent and commencement.—(1) This Act may be called the Zainab Alert, Response and Recovery Act, 2019.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) “Act” means the Zainab Alert, Response and Recovery Act 2019;

(b) “alert” means any notification raised by ZARRA after receiving any information or complaint about missing children on any media;

(c) “alert system” means an alert system established under this Act;

(d) “abduction” means,—
(i) whoever by will or force, threat, violence, coercion or by any deceitful means induces any child under eighteen years of age to move from one place to another and includes kidnapping as defined in the Pakistan Penal Code 1860 (Act XLV of 1860); or

(ii) whoever has unlawful custody of a minor or removing a child from the custody of his parents or lawful guardianship;

(e) “abductor” means a person, a group of persons or an organization who kidnaps, traffics or abducts a child;

(f) “Board” means the ICT Child Protection Advisory Board established under the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);

(g) “child” means anyone who has not attained the age of eighteen years at the time of commission of an offence or when reported to be missing or abducted;

(h) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);


(j) “missing child” means any child for whom a complaint is lodged with the police or in respect of whom information is given to any ZARRA office or any other relevant authority assigned under this Act as missing because his whereabouts are not known to his parents or legal guardians or is a runaway child regardless of circumstances and causes of dis-appearance or time elapsed since the child went missing;

(k) “organization” means any group, combination or body of persons acting under a distinctive name;

(l) “rape” means any forcible and non-forcible sexual conduct with a child by another person;

(m) “recovery” means all those required actions that may include, but not limited to search, investigation, forensics, coordination and dispatch of specially trained teams to rescue, recover, to provide psycho-social support and bring the missing or abducted child to safety;
(n) “response” means all those actions that must be taken by the ZARRA office, police, local government, telecommunication companies, state and privately-owned media channels, airports, railway stations, highway authorities, missing child response and recovery teams or any other organization or individual that is assigned a task under this Act; and

(o) “ZARRA” means Zainab Alert, Response and Recovery Agency established under this Act of Missing and Abducted Children;

PART-II


(2) The ZARRA shall consist of a Director General who shall be appointed by the Prime Minister in such manner and in such terms and conditions as may be prescribed by rules and such other officers and employees who shall be appointed by such authorities in such manner and on such terms and conditions as may be prescribed by rules.

(3) The management staff of ZARRA shall be suitably equipped with skills of managing databases, conducting planning and monitoring of programs, analyzing data, preparing reports and coordinating with all other offices. The qualifications and experience of staff for their appointment shall be prescribed by rules.

(4) Standard operating procedures (SOPs) shall be devised to ensure the safety and protection in the hands of authorities of the recovered missing or abducted child.

(5) The ZARRA shall work closely with the helpline 1099 or such other helpline operating under the mandate of the Division concerned. In this regard, the helpline shall forward complaints relevant to the mandate of ZARRA, which shall be acted upon in partnership between the ZARRA and the National Commission on the Rights of the Child (NCRC) established under the National Commission on the Rights of Child Act, 2017 (XXX II of 2017).

4. Superintendence and administration of ZARRA.—(1) The superintendence of the ZARRA shall vest with the ICT Child Protection Advisory Board.

(2) The administration of the ZARRA shall vest in the Director General.
(3) The Director General shall exercise such powers and perform such functions as may be prescribed.

5. Powers and functions of ZARRA.—The following shall be powers and functions of ZARRA that shall be performed under the administration of the Director General, namely:—

(a) to activate Zainab Alerts, when there is a missing or abducted child, at the Federal Capital level, which shall include information on the physical characteristics of the missing or abducted child as well as any other data that would help in the child’s identification, so as to inform the public at large and all concerned agencies to whom these alerts shall be issued;

(b) to coordinate with Pakistan Telecommunication Authority (PTA) for issuance of Zainab Alert SMSs, MMSs, with Pakistan Electronic Media Regulatory Authority (PEMRA) for tickers on television channels and announcements on radio stations and alerts on social media as well as postings on relevant websites or online, print media or any other available medium to report abductions;

(c) to define procedures for how, when, with what frequency and in which geographical territory the missing or abducted child alert shall be raised;

(d) to provide nation-wide telephonic toll free hotline number 1099 or such other number where any person may report a missing or abducted child and such number may be used by any member of public who has any information relating to the missing or abducted child;

(e) to maintain online data base both in ZARRA and Division concerned and of every reported incident of a missing or abducted child, the actions taken, the current status of the case and its final outcome. This database shall be monitored for accuracy and shall be kept updated at all times. The database shall cover all territories of ICT and shall be accessible to public on ZARRA website in English and in Urdu;

(f) to define procedures for who, how and when an incident of missing or abducted child shall be brought on to the ZARRA database. NCRC and Division concerned shall have the responsibility to maintain the database. To maintain proper record for each case, coordinate any information on missing children with local law enforcement agencies, detect criminal patterns in a geographical
area, issue monthly public reports on missing and abducted children on its website, introduce procedures and key performance indicators that will improve and measure the effectiveness of ZARRA;

(g) to ensure that the concerned stakeholders perform their duties in accordance with the prescribed rules;

(h) to introduce a user friendly cellular mobile application linked with the main database for reporting of any missing child and for updated information of any child abducted or recovered;

(i) to initiate, refer or take action for proceeding against any non-cooperation or non-compliance by any organization or stakeholder in accordance with the rules as may be prescribed under this Act;

(j) to ensure that full real-time information is being received in ZARRA office;

(k) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of any such child;

(l) to facilitate the provision of legal aid or advice, where circumstances so requires;

(m) to coordinate and cooperate, in case of missing or abducted child who has been wrongfully removed to, or retained in Pakistan, with the concerned authorities of the country where the child was habitually residing; and

(n) to do any other task necessary to perform the functions of ZAARA.

6. Powers and functions of the ICT Child Protection Advisory Board for the purposes of this Act.—Without prejudice to the business allocated to the Division concerned, the following shall be powers and functions of the ICT Child Protection Advisory Board for the purposes of this Act, namely:—

(a) to analyze the performance of ZARRA, to evaluate the effectiveness of ZARRA functions and to take actions to continually improve the performance of ZARRA; and

(b) to provide governance and oversight in order to ensure that all actions relating to ZARRA that are initiated, from registration of FIR to safe recovery of child and referral for rehabilitation of a recovered child, are performed efficiently.
7. **Coordination between ZARRA and Local Police Stations.**—(1) The police station where a case of missing or abducted child is reported shall, immediately and not later than two hours after the complaint is lodged, through any available means of communication call, fax, electronic email or ZARRA mobile application, inform the ZARRA of the missing child incident and keep providing latest status of the case and all available details. The missing or abducted child database shall be shared on online database, maintained by the ZARRA office in accordance with the prescribed rules. The police officer shall ensure that the required information in Schedule-A to this Act, is made part of the complaint.

(2) The ZARRA shall on receipt of information under sub-section (1) take an immediate action and launch, with the help of local police, the investigation, search, rescue, recovery and rehabilitation operations.

(3) In case ZARRA office receives a direct complaint of a missing or abducted child, it shall coordinate immediately with the local police station and other ZARRA offices to ensure all actions relating to ZARRA are initiated. This includes registering of a complaint at the concerned police station on behalf of the complainant.

---

**PART-III**

8. **Punishment under this Act.**—Any police officer who does not comply with the provisions of section 154 of the Code in case of missing or abducted child or any other public officer who willfully delays or hinders in providing or processing the information in accordance with provisions under this Act, shall be punished with imprisonment as provided under section 182 of Pakistan Penal Code, 1860 (Act XLV of 1860).

---

**PART-IV**

9. **Power to make rules.**—ZARRA in consultation with the Minister-in-charge may, by notification in the official Gazette, make rules within six months of the commencement of this Act to carry out the purposes thereof.

10. **Power to amend Schedule A to this Act.**—ZARRA in consultation with the Minister-in-charge may amend the Schedule-A to this Act so as to add thereto or omit there from or amend therein any entry.

11. **Financing of ZAARA.**—(1) The remuneration payable to the Director General, other employees, staff and administrative expenses of the ZAARA shall be made from funds allocated by Federal Government.
12. Director General, officers and employees deemed to be public servants.—The Director General, officers and employees of ZAARA shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (Act XLV of 1860) and shall be subject to all the relevant provisions of sections 161 to 169 of the said Act XLV of 1860.

PART-V

13. Kidnapping or abducting a person under the age of eighteen years.—For the purposes of this Act, whoever kidnaps or abducts any person under the age of eighteen years in order that such person may be murdered or subjected to grievous hurt, or slavery, rape, or that such person may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery or rape shall be punished with imprisonment for life or with rigorous imprisonment which may extend to fourteen years but shall not be less than ten years.

14. Kidnapping or abducting child under eighteen years with intent to take moveable property from its person.—Whoever kidnaps or abducts any child under the age of eighteen years with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and with fine of one million Rupees.

15. Application of Code.—The provisions of the Code shall apply to the proceedings under this Act, except in the case of juveniles who will be dealt under the Juvenile Justice System Act, 2018.

16. Procedure for the information which relates to the commission of abduction or missing child.—In respect of the information which relates to the commission of offence of abduction or missing child, an officer in charge of a police station shall compulsory reduce it to writing by him or under his direction, and be read over to the informant and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such officer and also ensure that the required information in Schedule-A to this Act, is made part of the complaint.

17. Completion of trial.—The trial under this Act shall be completed within three months.

18. Act to override other laws.—Subject to section 15, the provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.
Schedule-A

(a) **Basic information about the missing child:**—

(i) Full name;
(ii) Date of birth;
(iii) Birthplace;
(iv) Nicknames, if any;
(v) Current and previous addresses. Who else lived there? and
(vi) Current and former employers;

(b) **Physical description of the missing child:**—

(i) Height;
(ii) Weight;
(iii) Age;
(iv) Build;
(v) Hair Color and Length of Hair;
(vi) Eye color;
(vii) Any distinguishing marks - such as tattoos, birthmarks, scars, etc.;
(viii) Beard, mustache and sideburns; and
(ix) Most recent photo of the missing child;

(c) **Habits and personality of missing child:**—

(i) Does the child have any personal or emotional problems?;
(ii) Any addiction drug or smoking;
(iii) What level of education or training does the child have?; and
(iv) Does the child visit frequently any particular areas or places of interest?;

(d) **Clothing that the missing child was wearing the last time seen:**—

(i) Style and color of wearing cloths;
(ii) Style and color of jacket or outerwear;
(iii) If applicable, type of headwear;
(iv) Type of glasses;
(v) Type of gloves; and
(vi) Type and color of footwear;

(e) **Trip plans of the missing child the day he went missing:**—

(i) What were the missing child’s plans and activities on the day he went missing?;
(ii) Where was he or she going?;
(iii) Why was he or she going there?
(iv) If the individual was travelling by car, can you provide the make and model number, licensed plate number, as well as registration (if possible); and
(v) Provide information about any other vehicles or mode of travel the missing child may have access too;

(f) **Information about the last time the missing child was seen:**—

(i) The time and location of where he or she was last seen;
(ii) The name of the individual who last saw the missing child;
(iii) The name of the individual who last talked at length with the missing child;
(iv) The direction the missing child was travelling the last time seen;
(v) The attitude of the missing child the last time seen;
(vi) Was the missing child complaining of or concerned about anything before he or she went missing;

(g) **Overall health and condition of the missing child:**—

(i) Physical condition;
(ii) Any known medical problems or disease;
(iii) Any handicaps or disabilities;
(iv) Any psychological problems;
(v) Any medications that the child is taking;
(vi) Any addictions that the child has;
(vii) Provide the name of the missing child's family physician and their health card number, if possible;
(viii) Provide the name of the missing child’s main dentist, if possible;
(ix) Potential people that the child may have contacted last time; and
(x) List all of the child’s friends and acquaintances who the missing child may try to contact. Try to include addresses and telephone numbers; and

(h) **Belongings of the kidnapped or abducted child:**—

(i) Items such as a hairbrush, a toothbrush, or undergarments in the event that investigators may need to undertake DNA analysis;
(ii) Any electronic equipment such as a cell phone or computer. What is the maker of phone and the cell phone provider; and
(iii) As well, do you know if they were active on a chat line or other social on-line or media network such as facebook?
STATEMENT OF OBJECTS AND REASONS

Zainab Alert Response and Recovery Bill will raise the required alerts and initiate the responses required for recovery of missing, abducted, abused or kidnapped children in Islamabad Capital Territory (ICT). The magnitude of violence against children are on an alarming stage. The current laws and procedures required to be strengthened to effectively monitor, trace or recover missing and abducted children. In view of that, there is an urgent and pressing need to: (i) enact special laws to provide a speedy system of alerts, responses, recoveries, investigations, trials and rehabilitation to prevent and curb criminal activities against the children in ICT; and (ii) to ensure harmonization and cohesion in the workings of the new agencies and institutions established for the protection of children and already existing mechanisms within this field.

2. The Bill is drafted to achieve the aforesaid object.

DR. SHIREEN M. MAZARI,
Federal Minister for Human Rights.


I, the Chairman of Standing Committee on Human Rights have the honour to present this Report on “The ICT Rights of Persons with Disability Bill, 2018,” (Government Bill) referred to the Committee on 21st December, 2018.

2. The Committee comprises of the following:—

(1) **Mr. Bilawal Bhutto Zardari**   **Chairman**
(2) Ms. Ghulam Bibi            **Member**
(3) Mr. Saif-ur-Rehman          **Member**
(4) Mr. Attaullah               **Member**
(5) Ms. Kishwer Zehra            **Member**
(6) Ms. Ghazala Saifi            **Member**
(7) Ms. Rukhsana Naveed         **Member**
(8) Ms. Zille Huma              **Member**
(9) Ms. Fouzia Behram           **Member**
(10) Ms. Tashfeen Safdar        **Member**
(11) Ms. Shunila Ruth           **Member**
(12) Agha Hassan Baloch         **Member**
3. The Committee considered the Bill as introduced in the Assembly placed at Annexure-A, in its meetings held on 18th April, 2019, 20th and 29th May, 2019, 12th, 13th, 18th and 19th June, 2019, 8th August, 2019 and 20th December, 2019 and made the following amendments therein:—

(1) **Clause-2**

Clause 2, shall be substituted with the following, namely:—

“2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or contest,—

(a) ‘**access**’ means meaningful and effective access to various physical and intangible means made suitable to fulfill special needs of persons with disabilities;

(b) ‘**barriers**’ means physical, social, psychological, communication, information, legal or attitudinal hurdles in the way to access to infrastructure and services meant for general public;

(c) ‘**Constitution**’ means the Constitution of the Islamic Republic of Pakistan;

(d) ‘**Council**’ means the Council on Rights of Persons with Disabilities constituted under this Act;

(e) ‘**Court**’ means the Special Disability Court established under section 32;

(f) ‘**disability**’ means a long term physical or mental condition that limits a person’s movements, senses or activities and shall include physical, mental, intellectual and developmental disorders or...
sensory impairments which in interaction with participate fully and effectively in day to day performance and interaction with others on an equal basis;

(g) “discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, denial of reasonable accommodation;

(h) “equality before law” includes principles of quality on equitable basis that persons with disability shall have in line with the Constitution and international covenants in which Pakistan is a party;

(i) “freedom of movement” shall have the same meaning as expressed in Article 15 of the Constitution;

(j) “Fund” means the fund established under section 28;

(k) “independent living” means environment to live with freedom, self-control, choice and self-determination in everyday life;

(l) “misconduct” shall have the same meaning as defined in the Government Servants (Efficiency and Discipline) Rules, 1973.

(m) “mobility” means the possible independent for persons with disabilities with access to quality mobility aids, devices, assistive technologies and forms of assistance and intermediaries, including by making them available at affordable cost; and

(n) “reasonable accommodation” means necessary and appropriate modification where needed in a particular case, to ensure that the persons with disabilities enjoy or exercise on an equal basis with others of all human rights and fundamental freedoms at home, workplace and in social life.

(2) **Clause-3**

In clause 3, the marginal note shall be substituted with the following, namely:—

“Equality and non-discrimination of persons with disability”
(3) **Clause-6**

Clause 6, shall be substituted with the following, namely:—

“6. **Women, children, elderly people and transgender with disabilities.**—(1) In view of the extraordinary vulnerability of women, children, senior citizens and transgender with disabilities, the government shall in prescribed manner take special measures to ensure that such women, children, senior citizens and transgenders with disabilities are given full protection under law in enjoying their rights.

(2) The government as well as the private sector shall in the prescribed manners take necessary measures to ensure development, advancement and empowerment of women, children, senior citizens and transgender with disabilities.”

(4) **Clause-7**

In clause 7,—

(i) Sub-clause (1), shall be substituted with the following, namely:—

“(1) The government as well as the private sector shall take necessary measures towards allowing ease of access to the persons with disabilities to public buildings, hospitals, recreational facilities, public transport streets and roads for which the old buildings and vehicles shall be appropriately modified and new buildings and vehicles shall be built conforming to appropriate standards in conformity with guidelines developed by the Council:

Provided that the government shall ensure accessible washrooms, toilets and bathrooms with all the facilities and necessary accessories.”

(ii) Sub-clause (2), shall be substituted with the following, namely:—

“(2) The Council shall develop a guideline on removing barriers and obstacles to access in buildings, roads, mode of transportation, housing, hospitals, schools, workplaces, communication and information related services, recreational spaces, parks and also public washrooms and get those implemented by the concerned authorities and persons both in public and private sectors.”
(iii) Sub-clause (4), shall be substituted with the following, namely:—

“(4) The government shall implement policies and programs to promote the personal mobility of persons with disabilities at affordable cost or free.”

(iv) In sub-clause (5), after the word “public”, the words, “and private” shall be inserted.

(5) Clause-8

In clause 8,—

(i) In the marginal note, after the word “intolerant”, the word “discriminatory”, shall be inserted.

(ii) In sub-clause (2), after the word “intolerant”, the word “discriminatory”, shall be inserted.

(6) Clause-9

In Clause 9, sub-clause (1), after the words “to access”, the expression “Government as well as private” shall be inserted.

(7) Clause-10

In clause 10,—

(i) In sub-clause (2), for the word “aids” the word “aid” shall be substituted.

(ii) In sub-clause (6), the word “twice” shall be deleted.

(8) Clause-11

In Clause 11, sub-clause (3), shall be substituted with the following, namely:—

“(3) The government shall encourage private sector health services providers through appropriate incentives to provide quality services to persons with disabilities at affordable rates/free.”

(9) Clause-19

In clause 19, after sub-clause (4), the following new sub-clauses shall be added, namely:—
“(5) The government shall ensure that talent-enhancing abilities in both public and private schools including sports activities are developed.

(6) The government shall ensure that courses and activities are designed to promote arts and culture to enhance talent of persons with disabilities.

(7) The government shall take steps so that access to cultural materials, programs and activities in accessible and appropriate formats to persons with disabilities are ensured.”

(10) Clause-21

Clause 21, shall be substituted with the following, namely:—


<table>
<thead>
<tr>
<th>(a)</th>
<th>Minister-in-charge:</th>
<th>Chairperson</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)</td>
<td>Secretary of the Division allocated with business of this Act;</td>
<td>Vice Chairperson</td>
</tr>
<tr>
<td>(c)</td>
<td>Two members from the Senate, one each from government and the opposition;</td>
<td>Members</td>
</tr>
<tr>
<td>(d)</td>
<td>Two members from the National Assembly, one each from government and the opposition;</td>
<td>Members</td>
</tr>
<tr>
<td>(e)</td>
<td>One representative from Ministry of Information, Broadcasting, National History and Literary Heritage not below the rank of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(f)</td>
<td>One representative from Ministry of Finance, Revenue and Economic Affairs not below the rank of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(g)</td>
<td>One representative from the Division allocated with business of education not blow the level of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(h)</td>
<td>One representative from the Division allocated with the business of poverty alleviation and social safety not below the rank of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(i)</td>
<td>An officer not below the rank of a Joint Secretary of the Division to which business of this Act stands allocated;</td>
<td>Member</td>
</tr>
<tr>
<td>(j)</td>
<td>Chairman, Capital Development Authority (CDA);</td>
<td>Member</td>
</tr>
<tr>
<td>(k)</td>
<td>Chief Executive or Head of National Institute of Rehabilitation Medicine (NIRM);</td>
<td>Member</td>
</tr>
<tr>
<td>(l)</td>
<td>Three persons with disability;</td>
<td>Member</td>
</tr>
</tbody>
</table>
(2) Member at clause (i) of sub-clause (1) shall also act as Secretary of the Council.

(3) The Council may co-opt any person as a member.

(4) The government functionaries represented in the Council shall hold their memberships on *ex-officio* basis. The tenure of the members shall be three years.

(5) The Council shall meet at least quarterly and the quorum of each meeting shall be one-fourth of the total number of the composition of the Council.”

(11) **Clause-22**

In clause 22,—

(i) In sub-clause (8), after the word “year” appearing before the full stop, the expression “to present its report to the Parliament through Minister-in-charge” shall be inserted.

(ii) Sub-clause (11), shall be deleted”.

(12) **Clause-23**

In clause 23, sub-clause (5), after the words “struck off”, the word “from” shall be inserted.

(13) **Clause-26**

Clause 26, shall be substituted with the following, namely:—

“26. **Dissolution of the Council.**—On the commencement of this Act, the council formed under the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) shall stand dissolved and on such dissolution, all assets, rights, powers, authorities and privileges and property, movable and immovable, cash and bank balance, reserve funds, investments all the other interests and rights in, or arising out of, such property and all debts, liabilities and obligations of whatever kind of the dissolved council subsisting immediately before its dissolution shall stand transferred to and vest in the Council.”

(14) **Clause-28**

In clause 28,—

(i) In sub-clause (1), for the word “an” the words, “non-lapsable”, shall be substituted.
(ii) In sub-clause (2) after the word, “established” the expression, “under sub-section (1)” shall be inserted.

(iii) in sub-clause (3), paragraph (a) shall be substituted with the following, namely:—

“(a) Annual allocation and grants of funds from Federal Government;”

**Clause-34**

After Clause 33, following new clause 34 shall be added, namely and all remaining clauses shall be renumbered accordingly:—

“34. **Power to make regulation.**—The Council may, by notification in the official Gazette, make regulations for its own efficient and professional working and for effective achievement of objectives of this act.”

4. The Committee recommends that the Bill as amended placed at **Annexure-B**, may be passed by the Assembly.

Sd/-

(TAHIR HUSSAIN),

Secretary.

Sd/-

(BILAWAL BHUTTO ZARDARI),

Chairman.

Islamabad, the 6th January, 2020

———

**Annex-A**

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

*to promote, protect and effectively ensure the rights and inclusion of persons with disabilities in the communities in line with Islamic Injunctions and provisions of the Constitution of the Islamic Republic of Pakistan to advance efforts for recognition of their respect and dignity in the society;*

WHEREAS, it is expedient to put in place legal and institutional framework to protect the rights of persons with disabilities in general and women, children and the elderly in particular, as called for by the United Nations Convention on the Rights of Persons with Disabilities, as well as other human rights treaties and conventions to which Pakistan is state party;

It is hereby enacted as follows:—
PART-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the ICT Rights of Persons with Disability Act, 2018.

   (2) It shall extend to the whole of the Islamabad Capital Territory (ICT).

   (3) It shall come into force at once.

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

   (a) “access” means meaningful and effective access to various physical and intangible means made suitable to fulfill special needs of persons with disabilities;

   (b) “barrier” means physical, social, psychological, communication, information, legal or attitudinal hurdles in the way to access to infrastructure and services meant for general public;

   (c) “chief executive” means the chief executive of the Council appointed under this Act;

   (d) “Constitution” means the Constitution, of the Islamic Republic of Pakistan;

   (e) “Council” means the Council on Rights of Persons with Disabilities constituted under this Act;

   (f) “disability” means a long term physical or mental condition that limits a person’s movements, senses or activities and shall include physical, mental, intellectual and developmental disorders or sensory impairments which in interaction with various barriers hinder performance of persons suffering from such conditions to participate fully and effectively in day to day performance and interaction with others on an equal basis;

   (g) “equality before law” includes principles of equality on equitable basis that persons with disability shall have in line with the Constitution and international covenants, in which Pakistan, is a party;
PART III

THE GAZETTE OF PAKISTAN, EXTRA., JAN. 10, 2020 47(41)

(h) “discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other, field. It includes all forms of discrimination, including denial of reasonable accommodation;

(i) “freedom of movement” shall have the same meaning as expressed in Article 15 of the Constitution;

(j) “independent living” means environment to live with freedom, self-control, choice and self-determinatiopn everyday, life;

(k) “mobility” means the possible independence for persons with disabilities with access to quality mobility aids, devices, assistive technologies and forms of assistance and intermediaries, including by making them available at affordable cost;

(l) “reasonable accommodation” means necessary and appropriate modification where needed in a particular case, to ensure that the persons with disabilities enjoy or exercise on an equal basis with others of all human rights and fundamental freedoms at home, workplace and in social life; and

(m) “misconduct” shall have the same meaning as defined in the Government Servants (Efficiency and Discipline) Rules, 1973.

PART-II

RIGHTS OF PERSONS WITH DISABILITIES

3. Rights of persons with disabilities.—(1) The Government shall ensure that every person with disability shall have a right to be respected for his individual dignity and lead a decent life with equal opportunity to participate in educational, social, economic, cultural and all other activities in the society without any discrimination.

(2) No person or institution, whether public or private, shall discriminate against persons with disabilities or violate their rights or restrict benefits in any manner.

(3) The Government shall take all necessary legal and administrative steps including appropriate changes in the existing laws, to ensure that persons with disabilities enjoy a life inclusive of the right of equality guaranteed under the Constitution and that such person’s disability shall not be used by any person
or institution to restrain or restrict him from enjoying his rights unless there is a reasonable cause that not restricting such person may cause him harm or letting him perform something may be out of his physical or mental capacity.

(4) In view of restricted access of the persons with disabilities to means of earning their livelihood independently, the Government shall take extraordinary steps to ensure their effective inclusiveness in the society through suitable education, skill development, training and placement against appropriate positions in the government departments and entities in the private sector according to the allocated quota.

(5) No person with disability shall be a subject of any research without his willingness or consent without any pressure and such research shall be through using accessible modes, means and formats of communication.

4. **Equality before law.**—(1) The Government shall ensure that the persons with disabilities are treated equally like persons without such disabilities and that they are not discriminated in exercise of their rights.

(2) It shall be ensured that such persons have legal capacity to enjoy their rights and if they need support to exercise legal capacity such support is provided to them free of cost.

5. **Right to privacy.**—(1) Every person with disabilities shall have right to privacy as available to all citizens regardless of his living in a private home, rehabilitation centre, hostel or any private or public accommodation.

(2) No person with disabilities regardless of place of residence or living arrangements shall be subjected to arbitrary or unlawful interference with his privacy of person, family, home and communication or correspondence. Such persons shall have the right to the protection of the law against any illegal interference and attack against their person, family, property and reputation.

6. **Women, children and elderly people and transgender with disabilities.**—(1) In view of the extra-ordinary vulnerability of women, children and senior citizens with disabilities, the Government shall take special measures to ensure that such women, children and elderly people are given full protection under law in enjoying their rights.

(2) The Government shall also take necessary measures to ensure development, advancement and empowerment of women, children and senior citizens with disabilities.

7. **Ease of access and mobility.**—(1) The Government shall take necessary measures towards allowing case of access to the persons with
disabilities to public buildings, hospitals, recreational facilities, public transport streets and roads for which the old buildings and vehicles shall be appropriately modified and new buildings and vehicles shall be built conforming to appropriate standards in conformity with guidelines developed by the Council.

(2) The Council shall develop a guideline on removing barriers and obstacles to access in buildings, roads, mode of transportation, housing, hospital, schools, workplaces, communication and information related services and get those implemented by the concerned authorities and persons both in public and private sectors.

(3) The Council shall develop a set of minimum standards and scope of access and related signage that each department, authority, entity and major, enterprise shall put in place to ensure necessary access of persons with disabilities.

(4) The Government shall implement policies and programs to promote the personal mobility of persons with disabilities at affordable cost.

(5) The Government shall ensure special seats in all means of transport for persons with disabilities and allot parking space exclusively for persons with disabilities at all public places.

(6) The Council shall develop and enforce guidelines allowing persons with disabilities to have full and appropriate access to all forms of mass communication including information technology to enjoy freedom of speech and freedom of information. A national relay system may be established to standardize mechanism understandable consistently across the country.

8. Protection from abusive, violent and intolerant behavior.—(1) The Government shall take all possible steps to protect persons with disabilities from all forms of abuse, violence and exploitation at the hands of any person, institution or authority.

(2) Whenever an act of abuse, violence and intolerant behavior is committed against any person with disability and the information of such act is communicated to the Council or any law enforcement agency, the concerned agency on receipt of such information shall immediately take necessary action to investigate and curb such act and to take appropriate measures under law to lodge the victim of abuse, violence or intolerance, to a safe place for protected housing. No cost shall be recovered from such victim for lodging in safe place in such situation.

(3) Notwithstanding the provisions of any law for the time being in force, an act of physical violence against a person with disability causing even a
minor injury shall be deemed as grievous injury and shall be treated as an act of violence under section 335 of the Pakistan Penal Code, 1860 (Act XLV of 1860) and shall attract punishment accordingly. Other situation of aggravated abuse and violence shall also be deemed to have more gravity than in case of a person without disabilities.

(4) In case of need for legal aid such aid shall be made available to such affected person at public expense or prevent its occurrence, as the case may be, or pass such order as deemed fit for the protection of such person with disability.

9. **Equity in education.**—(1) The Government shall take all necessary measures to ensure that persons with disabilities are afforded equal rights to access educational institutions and shall be provided with appropriate facilities for their education without any discrimination.

(2) The Government shall provide free pre-primary to higher education to persons with disabilities.

(3) The Government shall take necessary measures to establish special education institutions for persons with moderate to severe disabilities to cater to their special needs, in addition to making other institutions reasonably equipped and staffed to provide appropriate facilities for inclusive education to such persons in those general educational institutions.

(4) Persons with disabilities shall not be denied admission into any educational institution, whether state owned or private, on ground of their disabilities.

(5) It shall be illegal for an institution and its staff members to discriminate against or abuse or otherwise violate rights of a person with disability at his place of education for which both the institution and such violating person shall be punished.

(6) The Government shall ensure inclusive education focusing on personality, development, creativity and strengthening of physical and mental capabilities of persons with disabilities.

(7) Reasonable and appropriate accommodation shall be provided to persons with disabilities in educational institutions including hostels, where applicable.

(8) The Government shall establish adequate dedicated and general facilities for teacher training with a view to train adequate number of specially trained teachers equipped with skills to teach students with various disabilities.
(9) The Government shall ensure that all persons with disabilities are given full access to all modes and means of education including but not limited to vocational training, online education distance learning and adult education.

10. **Equity in the employment.**—(1) No person, institution, organization or entity, whether public or private, shall discriminate against a person on the ground of disability in the matters of employment, promotion, career development and enjoying fruits of his employment.

(2) To employer shall ensure the provision of reasonable accommodation including necessary assistive aids and equipment which a person with disabilities would reasonably require to perform his duties.

(3) The Government shall reserve an employment quota as prescribed by the Federal Government to be periodically reviewed, at various levels for persons with disabilities in Government departments, institutions, entities and corporate entities owned and managed by the Government and the concerned department shall implement the allocated quota.

(4) The Government shall take necessary steps to encourage private enterprises to employ persons with disabilities through incentives for which the Government shall prepare long term inclusion plans and allocate necessary resources.

(5) The terms and conditions of employment shall not be less favorable for persons with disabilities as compared with those offered to other persons appointed against same or similar positions.

(6) As establishment which does not employ persons with disabilities as required by sub-section (3) shall pay twice into the Fund each month the sum of money it would have paid as salary or wages to a person with disabilities had he been employed. In the event of non-payment or non-compliance, the matter shall be brought before an arbitration council to be established for the purpose by the Council.

11. **Equity in health and medical rehabilitation services.**—(1) The Government shall ensure barrier free access to necessary public health services and infrastructure to persons with disabilities without any discrimination and without any cost to such persons.

(2) The Council shall devise plans to provide special health insurance to persons with disabilities to ensure free medical coverage to such persons.

(3) The Government shall encourage private sector health services providers through appropriate incentives to provide quality services to persons with disabilities at affordable rates.
(4) Special health service for early identification and intervention of disabilities and medical services especially designed to prevent disability shall be implemented.

(5) The Government shall initiate with the help of medical and scientific community, research to identify causes of various disabilities and make efforts to create awareness in public to adopt practices that help prevent disabilities from happening.

(6) The Government shall in respect of person with disabilities undertake initiatives to promote support and implement community based rehabilitation and research initiatives at the community level.

12. Right to live independently in community.—(1) The persons with disabilities shall have equal right to live independently in the community. Such persons shall be provided all necessary facilities by the Government without discrimination to enable them to live independently.

(2) The Government shall take necessary preventive measures to ensure that persons with disabilities are not excluded or segregated from the community on basis of their disability and that their access to communal facilities and services is restriction free.

(3) The Government may also take necessary measures to enable the person with disabilities to have access to a range of in-house, residential and other community support services including personal assistance service necessary to support living and inclusion in community.

13. Right of living.—(1) Every person with disability shall have right to a decent place of living of his choice and no person shall discriminate against a person with disability by way of refusing to rent him or sell to a place of living because of him being a person with disability.

(2) The Government shall evolve a policy towards fair and affordable housing for persons with disabilities in Government owned, sponsored or assisted projects and also in the private housing schemes. The authorities approving establishment of new housing schemes and plans shall ensure that appropriate number of affordable housing units are included in each such scheme or plan.

(3) The Government may set up and maintain decent housing facilities for the persons with disabilities who do not have a place to live and need a decent temporary shelter. The Council shall with the help from the authorities of the Federal Capital, civil society organizations and society at large assist to arrange temporary shelter for such persons.
14. **Right to home and family.**—(1) No person with disability especially a child or adult or senior citizen 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 person with disability is unable to cater a person with disability, especially a child with disabilities, the court shall make effort to place such person at a setup suitable for his safe living.

(3) All persons with disabilities shall have the right to marry a person of their own choice and raise their family without any discrimination.

(4) No person with disability shall be subjected to any medical procedure leading to infertility and forced sterilization shall be a non-compoundable offence.

(5) The Government shall provide free services regarding reproductive health especially to women with disabilities.

15. **Freedom of expression and information.**—(1) The Government shall ensure that persons with disabilities have full and equitable rights regarding freedom of speech, right to expression and information and effective measures shall be taken for their such rights to be enjoyed.

(2) The Council shall take necessary measures to convey the voice of persons with disabilities and their organizations across the Governments, civil society and international community.

(3) The Council shall encourage the state and private run electronic and print media to promote awareness on the rights of persons with disabilities through public service messages and programming inclusive for all types of disabilities.

(4) The Government may provide advertisements to publications dedicated for persons with disabilities.

(5) The Government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities.

16. **Right of political participation.**—(1) Persons with disabilities shall have full right to participate in the political activity in the country including exercising right of vote and right to be elected to an elected body.

(2) The Election Commission of Pakistan shall ensure that each polling station is accessible to persons with disabilities and necessary arrangements are
made for them to cast their votes confidentially and without any difficulty. Any act by any person to cause restriction on exercise of right of vote by a person with disability shall be deemed as forceful obstruction as defined in the Elections Act, 2017 (XXXIII of 2017) and shall be prosecuted and punished accordingly.

(3) The Council shall, with the help of the Election Commission of Pakistan, educate political parties on the issues and problems of the persons with disabilities.

(4) The Election Commission of Pakistan shall be mandated to develop voter’s accessibility mechanism for person with disabilities such as brial voting paper etc.

17. **Access to justice.**—The Government shall ensure that persons with disabilities are provided with assistance, including sign language interpreters and attendants to access to the justice system.

18. **Right to own property.**—Persons with disabilities shall not be denied the right to own, sell or inherit property.

19. **Participation in sports, cultural and recreational activities.**—(1) The Government shall ensure that no person is discriminated against in participation of any sports, games, cultural and recreational activities on ground of his disability. Assistive devices, equipment and latest technology shall be made available for their inclusion in sports, cultural, recreational and leisure activities. One seat for persons with disabilities in the sports board shall be ensured and the Government shall ensure linkages of the monitoring mechanism for para olympics and special olympics sports association.

(2) Access to cultural materials, programs and activities shall be provided in accessible and appropriate formats to persons with disabilities.

(3) Barrier-free and discrimination-free access to media programs, films, theaters, parks, stadiums, play grounds, beaches and other places of leisure, recreation, sports and cultural activities shall be provided to such persons with disabilities.

(4) The Government shall facilitate participation of persons with disabilities in scouting, art classes, outdoor camps, hunting, tourism and adventure activities and shall also help to develop and utilize their artistic, creative and intellectual capabilities.

20. **Protection of persons with disabilities in risk and disaster situation.**—(1) All persons with disabilities shall be given top priority in providing suitable protection and safety in situations of risk and natural disaster
and shall immediately be removed from such areas and moved to a safe place on priority.

(2) In situations of armed conflict, the police, civil armed forces and the armed forces shall take appropriate measures on priority to ensure safety, protection and removal of such persons.

(3) All authorities engaged in reconstruction activity subsequent to any situation of armed conflict, humanitarian emergencies or natural disaster shall ensure that persons with disabilities are accorded priority in reconstructing their institutions, homes and other facilities and restoring services.

(4) The Council shall keep a close coordination with the disaster management authorities for protection and removal to safety and keep record of such persons caught in such situation and ensure early rehabilitation.

(5) Needs and concerns of persons with disabilities should be included in disaster risk reduction.

PART-III

ADMINISTRATION OF RIGHTS


(a) Minister concerned with Human Rights  
(b) Secretary concerned with Human Rights  
(c) Person with disability  
(d) One representative not below the level of Joint Secretary concerned with Special Education  
(e) Chairperson or Heads of the Provincial Councils. for Rehabilitation of Disabled Persons or the relevant Body or Department or Organization  
(f) Director General or in his absence a Joint Secretary of the Ministry concerned with Human Rights

Chairperson  
Vice Chairperson  
Deputy Chairperson  
Members  
Member  
Member
(2) Member at clause (f) of sub-section (1) shall also act as Secretary of the Council.

(3) The Council shall be a body corporate having perpetual succession and a common seal with power to acquire, sell and hold property, both moveable and immoveable and shall by its name sue and be sued.

(4) The Government functionaries represented on the Council, shall hold their memberships on *ex-officio* basis. The private members to be appointed by the Government shall hold office for a period of one year and shall be eligible for re-appointment for one additional term of one year.

22. **Functions of the Council.**—(1) The Council shall have the responsibility to achieve and implement objectives of this Act and to assist the Government in developing legal and institutional framework.

(2) The Council shall be the executive authority to implement this Act, to develop a legal and social environment and to help persons with disabilities to have the protection of law in enjoying their fundamental rights.

(3) The Council shall, with the help of other authorities and persons, take all possible measures to protect persons with disabilities from discrimination, exploitation, torture, inhuman or degrading treatment on the hands of any one including their families and caregivers.

(4) The Council shall coordinate implementation of the principles of relevant Conventions at provincial and lower administrative levels through providing technical assistance to various organs of the provincial legislatures and governments in developing appropriate legal and institutional frameworks in their jurisdictions and making them achieve the objective of protection and enforcement of rights.

(5) The Council shall evaluate the effectiveness of laws and policies and assess the implementation of laws and policies at the national level and recommend to the Government any changes required in the policies, laws and practices.

(6) The Council shall conduct or cause to conduct research on the status of persons with disabilities and matters related to the promotion and protection of their rights.

(7) The Council shall put into place an institutional mechanism to regularly monitor performance of various departments and organizations in the Government and issue a performance score card to each such entity and organization at least once in every three years. Similarly, the Council shall devise
and maintain score cards for private entities that seek such evaluation and assessment. Such performance audits shall be conducted by third party professionals and the employees of the Council.

(8) The Council shall assess its own performance in creating legal and social environment in the country and issue an annual status report at the end of every calendar year.

(9) The Council shall be responsible to monitor the activities of private and community based organizations to ensure that required standards of service are maintained. The Council may enforce an institutional mechanism for effective, efficacious and transparent functions of such organizations and may impose restrictions on organizations not meeting the objective criteria laid down by it.

(10) The Council shall have the powers to address individual and collective complaints of violations of human rights of persons with disabilities.

(11) The Council shall have the powers to make regulations and for its own efficient and professional working and for effective achievement of objects of this Act.

23. Registration of Persons with Disabilities.—(1) Any person with disability desireous of being employed or otherwise rehabilitated may have his name registered in the register maintained by the Council or its designated office in such form and in such manner as may be prescribed by the Council.

(2) The Council shall, if it thinks necessary, cause each person with disability 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 or by such assessing board as it may appoint having at least one medical officer and the 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 the Council.

(3) If the person with disability is considered by the Council fit to work, he shall be informed 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 person with disability is not considered by the Council fit to work, he shall be informed 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 a disabled person, his name shall be struck off the register.

24. Establishments to employ persons with disabilities.—(1) Not less than one percent of the total number of persons by an establishment at any time shall be persons whose names have been registered with the Council or its designated office of the area in which such establishment is located and against whose names in the register maintained under section 23 an endorsement exists to the effect that they are fit to work.

(2) The persons with disabilities 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 persons with disabilities, the fraction of 0.5 and above shall count as a whole number.

25. Establishment to pay to the Fund.—An establishment which does not employ a person with disability as required by section, 24 shall pay into the Fund each month the sum of money it would have paid as salary of wages to a disabled person had he been employed.

26. Dissolution of the Council.—On the commencement of this Act, the Council formed under the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) shall stand dissolved and on such dissolution.—

(a) all assets, rights, powers, authorities and privileges and property, movable and immovable, cash and bank balance, reserve funds, investments and all other interests and rights in, or arising out of such property and all debts, liabilities and obligations of whatever kind of the Council subsisting immediately before its dissolution shall stand transferred to and vest in the Council; and

(b) all regular employees of the Council shall be given an irrevocable option to,—

(i) remain civil servant under the Civil Servants Act, 1973 (LXXI of 1973) and shall be entitled to all the privileges and facilities of the Federal Government such as pension, gratuity, housing and health; or

(ii) cease to be a civil servant for all purpose and shall be entitled to such remuneration, allowance and other terms and conditions of employment as are applicable to the employees of the Council.
27. **Governmental authorities and other persons to assist the Council.**—(1) All the functionaries of the Government shall extend full and effective cooperation to the Council in ensuring the enforcement of this Act and other laws for protecting the rights of the persons with disabilities.

(2) Any person in the Governmental position not effectively cooperating with the Council shall be deemed to have committed misconduct and shall be proceeded against accordingly.

28. **Funds for rehabilitation.**—(1) The Government may establish an endowment Fund for sustainably financing projects and activities related to ensuring effective rights protection and inclusion in society of persons with disabilities.

(2) The Fund established shall be called as ICT Disability Fund which shall be managed by the Council.

(3) The following shall be the sources of the Fund, namely:—

(a) grants from the Federal and Provincial Governments;

(b) grants from international organizations, governments and other such bodies;

(c) levies and other charges that government imposes for rehabilitation;

(d) fines and penalties under this Act;

(e) donations and bequests by private persons; and

(f) any other source.

(4) The Fund established under the Disabled Persons (Employment & Rehabilitation) Ordinance, 1981 shall stand transferred along-with all sums and moneys to the Fund established under sub-section (2).

29. **Creating public awareness.**—(1) The Council shall take immediate, appropriate and result oriented measures to raise awareness amongst the society as whole with regards to recognition and respect for persons with disabilities and their rights.

(2) The Council shall recommend to the Federal and Provincial Governments measures to include topics on disability in educational curriculum and to create awareness among young students about persons with disabilities.
(3) The Government shall include topics on addressing problems of persons with disabilities in training programs of institutions responsible for imparting trainings to officers and officials of the government, including judges and court officials.

30. **Rehabilitation.**—(1) The Government shall take all possible measures to ensure that persons with disabilities attain maximum independence and ability to participate in activities of life including getting education, doing business, getting employed and participating in sports and cultural activities.

(2) The Government shall promote continuing skill development and training in existing advance skills and technologies to persons with disabilities for effective participation and integration in the community.

(3) The Government shall undertake initiatives to promote, support and implement community based rehabilitation and research initiatives of its own.

31. **Insurance cover.**—(1) The Council may devise and put in place comprehensive group medical and accident insurance for persons with disabilities and may also facilitate such persons in getting affordable life and other forms of insurance.

(2) The Council may pay the premium for persons with disabilities who cannot pay the premium from their own sources.

32. **Special disability courts.**—(1) For speedy justice, the Government may designate and may encourage provincial governments to designate courts to hear cases under this Act or other laws in which one or more parties are persons with disabilities.

(2) There shall be an effective institutionalized mechanism to monitor cases in courts under sub-section (1) by appropriate judicial forums as devised by the respective High Courts.

33. **Power to make rules.**—(1) The Council may, in consultation with the Government, by notification in the official Gazette, make rules to carry out purposes of this Act.

(2) The rules made under the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 so far as they are not inconsistent with the provisions of this Act shall continue to be in force until altered, amended or repealed.
PART IV

MISCELLANEOUS

34. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary, for the purpose of removing the difficulty.

35. Repeal.—The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) is to the extent of Islamabad Capital Territory, hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Constitution of Islamic Republic of Pakistan guarantees the Fundamental Rights of all citizens, including Persons with Disabilities, without discrimination. As State Party to the UN Convention on the Rights of Persons with Disabilities (UNCRPD), Pakistan is obliged to ensure and promote the full realization of rights and freedoms for persons with disabilities by taking appropriate legislative, administrative and policy measures. Keeping in view our national and international commitments, the ICT Rights of Persons with Disability Bill, 2018 has been prepared through a consultative process for protection and promotion of Rights of PWDs. The law proposes legal and institutional framework for an inclusive society where PWDs have full participation in all forms of social life, particularly in health, education and employment.

2. The Bill seeks to achieve the aforesaid objective.

DR. SHIREEN M. MAZARI,

Annexure-B

[AS REPORTED BY THE STANDING COMMITTEE]
WHEREAS it is expedient to put in place legal and institutional framework to protect the rights of persons with disabilities in general and women, children and the elderly in particular, as called for by the United Nations Convention on the Rights of Persons with Disabilities, as well as other human rights treaties and conventions to which Pakistan is a state party;

It is hereby enacted as follows:—

PART-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the ICT Rights of Persons with Disability Act, 2019.

(2) It shall extend to the whole of the Islamabad Capital Territory (ICT).

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or contest,—

(a) “access” means meaningful and effective access to various physical and intangible means made suitable to fulfill special needs of persons with disabilities;

(b) “barriers” means physical, social, psychological, communication, information, legal or attitudinal hurdles in the way to access to infrastructure and services meant for general public;

(c) “Constitution” means the Constitution of the Islamic Republic of Pakistan;

(d) “Council” means the Council on Rights of Persons with Disabilities constituted under this Act;

(e) “Court” means the Special Disability Court established under section 32;

(f) “disability” means a long term physical or mental condition that limits a person’s movements, senses or activities and shall include physical, mental, intellectual and developmental dis-orders or sensory impairments which in interaction with participate fully and
effectively in day to day performance and interaction with others on an equal basis;

(g) “discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, denial of reasonable accommodation;

(h) “equality before law” includes principles of quality on equitable basis that persons with disability shall have in line with the Constitution and international covenants in which Pakistan is a party;

(i) “freedom of movement” shall have the same meaning as expressed in Article 15 of the Constitution;

(j) “Fund” means the fund established under section 28;

(k) “independent living” means environment to live with freedom, self-control, choice and self-determination in everyday life;

(l) “misconduct” shall have the same meaning as defined in the Government Servants (Efficiency and Discipline) Rules, 1973.

(m) “mobility” means the possible independent for persons with disabilities with access to quality mobility aids, devices, assistive technologies and forms of assistance and intermediaries, including by making them available at affordable cost; and

(n) “reasonable accommodation” means necessary and appropriate modification where needed in a particular case, to ensure that the persons with disabilities enjoy or exercise on an equal basis with others of all human rights and fundamental freedoms at home, workplace and in social life.

PART-II

RIGHTS OF PERSONS WITH DISABILITIES

3. **Equality and non-discrimination of persons with disability.**—

(1) The government shall ensure that every person with disability shall have a right to be respected for his individual dignity and lead a decent life with equal opportunity to participate in educational, social, economic, cultural and all other activities in the society without any discrimination.
(2) No person or institution, whether public or private, shall discriminate against persons with disabilities or violate their rights or restrict benefits in any manner.

(3) The government shall take all necessary legal and administrative steps including appropriate changes in the existing laws, to ensure that every person with disabilities enjoy a life inclusive of the right of equality guaranteed under the Constitution and that such person’s disability shall not be used by any person or institution to restrain or restrict him from enjoying his rights unless there is a reasonable cause that not restricting such person may cause him harm or letting him perform something may be out of his physical or mental capacity.

(4) In view of restricted access of the persons with disabilities to means of earning their livelihood independently, the government shall take extraordinary steps to ensure their effective inclusiveness in the society through suitable education, skill development, training and placement against appropriate positions in the government departments and entities in the private sector according to the allocated quota.

(5) No person with disability shall be a subject of any research without his willingness or consent without any pressure and such research shall be through using accessible modes, means and formats of communication.

4. Equality before law.—(1) The government shall ensure that the persons with disabilities are treated equally like persons without such disabilities and that they are not discriminated in exercise of their rights.

(2) It shall be ensured that such persons have legal capacity to enjoy their rights and if they need support to exercise legal capacity such support is provided to them free of cost.

5. Right to privacy.—(1) Every person with disabilities shall have right to privacy as available to all citizens regardless of his living in a private home, rehabilitation centre, hostel or any private or public accommodation.

(2) No person with disabilities regardless of place of residence or living arrangements shall be subjected to arbitrary or unlawful interference with his privacy of person, family, home and communication or correspondence. Such persons shall have the right to the protection of the law against any illegal interference and attack against their person, family, property and reputation.

6. Women, children, elderly people and transgender with disabilities.—(1) In view of the extra-ordinary vulnerability of women, children, senior citizens and transgender with disabilities, the government shall in prescribed manner take special measures to ensure that such women, children,
senior citizens and transgenders with disabilities are given full protection under law in enjoying their rights.

(2) The government as well as the private sector shall in the prescribed manners take necessary measures to ensure development, advancement and empowerment of women, children, senior citizens and transgender with disabilities.

7. **Ease of access and mobility.**—(1) The government as well as the private sector shall take necessary measures towards allowing ease of access to the persons with disabilities to public buildings, hospitals, recreational facilities, public transport, streets and roads for which the old buildings and vehicles shall be appropriately modified and new buildings and vehicles shall be built conforming to appropriate standards in conformity with guidelines developed by the Council:

Provided that the government shall ensure accessible washrooms, toilets and bathrooms with all the facilities and necessary accessories.

(2) The Council shall develop a guideline on removing barriers and obstacles to access in buildings, roads, mode of transportation, housing, hospitals, schools, workplaces, communication and information related services, recreational spaces, parks and also public washrooms and get those implemented by the concerned authorities and persons both in public and private sectors.

(3) The Council shall develop a set of minimum standards and scope of access and related signage that each department, authority, entity and major enterprise shall put in place to ensure necessary access of persons with disabilities.

(4) The government shall implement policies and programs to promote the personal mobility of persons with disabilities at affordable cost or free.

(5) The government shall ensure special seats in all means of transport for persons with disabilities and allot parking space exclusively for persons with disabilities at all public and private places.

(6) The Council shall develop and enforce guidelines allowing persons with disabilities to have full and appropriate access to all forms of mass communication including information technology to enjoy freedom of speech and freedom of information. A national relay system may be established to standardize mechanism understandable consistently across the country.

8. **Protection from abusive, violent and intolerant discriminatory behavior.**—(1) The government shall take all possible steps to protect persons
with disabilities from all forms of abuse, violence and exploitation at the hands of any person, institution or authority.

(2) Whenever an act of abuse, violence and intolerant discriminatory behavior is committed against any person with disability and the information of such act is communicated to the Council or any law enforcement agency, the concerned agency on receipt of such information shall immediately take necessary action to investigate and curb such act and to take appropriate measures under law to lodge the victim of abuse, violence or intolerance, to a safe place for protected housing. No cost shall be recovered from such victim for lodging in safe place in such situation.

(3) Notwithstanding the provisions of any law for the time being in force, an act of physical violence against a person with disability causing even a minor injury shall be deemed as grievous injury and shall be treated as an act of violence under section 335 of the Pakistan Penal Code, 1860 (Act XLV of 1860) and shall attract punishment accordingly. Other situation of aggravated abuse and violence shall also be deemed to have more gravity than in case of a person without disabilities.

(4) In case of need for legal aid such aid shall be made available to such affected person at public expense or prevent its occurrence, as the case may be, or pass such order as deemed fit for the protection of such person with disability.

9. **Equity in education.—** (1) The government shall take all necessary measures to ensure that persons with disabilities are afforded equal rights to access government as well as private educational institutions and shall be provided with appropriate facilities for their education without any discrimination.

(2) The government shall provide free pre-primary to higher education to persons with disabilities.

(3) The government shall take necessary measures to establish special educational institutions for persons with moderate to severe disabilities to cater to their special needs, in addition to making other institutions reasonably equipped and staffed to provide appropriate facilities for inclusive education to such persons in those general educational institutions.

(4) Persons with disabilities shall not be denied admission into any educational institution, whether state owned or private, on ground of their disabilities.

(5) It shall be illegal for an institution and its staff members to discriminate against or abuse or otherwise violate rights of a person with
disability at his place of education for which both the institution and such violating person shall be punished.

(6) The government shall ensure inclusive education focusing on personality, development, creativity and strengthening of physical and mental capabilities of persons with disabilities.

(7) Reasonable and appropriate accommodation shall be provided to persons with disabilities in educational institutions including hostels, where applicable.

(8) The government shall establish adequate dedicated and general facilities for teacher training with a view to train adequate number of specially trained teachers equipped with skills to teach students with various disabilities.

(9) The government shall ensure that all persons with disabilities are given full access to all modes and means of education including but not limited to vocational training, online education distance learning and adult education.

10. **Equity in the employment.**—(1) No person, institution, organization or entity, whether public or private, shall discriminate against a person on the ground of disability in the matters of employment, promotion, career development and enjoying fruits of his employment.

(2) The employer shall ensure the provision of reasonable accommodation including necessary assistive aid and equipment which a person with disabilities would reasonably require to perform his duties.

(3) The government shall reserve an employment quota as prescribed by the Federal Government to be periodically reviewed, at various levels for persons with disabilities in government departments, institutions, entities and corporate entities owned and managed by the government and the concerned department shall implement the allocated quota.

(4) The government shall take necessary steps to encourage private enterprises to employ persons with disabilities through incentives for which the government shall prepare long term inclusion plans and allocate necessary resources.

(5) The terms and conditions of employment shall not be less favorable for persons with disabilities as compared with those offered to other persons appointed against same or similar positions.

(6) An establishment which does not employ persons with disabilities as required by sub-section (3) shall pay into the Fund each month the sum of
money it would have paid as salary or wages to a person with disabilities had he
been employed. In the event of non-payment or non-compliance, the matter shall
be brought before an arbitration council to be established for the purpose by the
Council.

11. **Equity in health and medical rehabilitation services.**—(1) The
government shall ensure barrier free access to necessary public health services
and infrastructure to persons with disabilities without any discrimination and
without any cost to such persons.

(2) The Council shall devise plans to provide special health insurance
to persons with disabilities to ensure free medical coverage to such persons.

(3) The government shall encourage private sector health services
providers through appropriate incentives to provide quality services to persons
with disabilities at affordable rates or free.

(4) Special health service for early identification and intervention of
disabilities and medical services especially designed to prevent disability shall be
implemented.

(5) The government shall initiate with the help of medical and
scientific community, research to identify causes of various disabilities and make
efforts to create awareness in public to adopt practices that help prevent
disabilities from happening.

(6) The government shall in respect of person with disabilities
undertake initiatives to promote support and implement community based
rehabilitation and research initiatives at the community level.

12. **Right to live independently in community.**—(1) The persons with
disabilities shall have equal right to live independently in the community. Such
persons shall be provided with all necessary facilities by the government without
discrimination to enable them to live independently.

(2) The government shall take necessary preventive measures to ensure
that persons with disabilities are not excluded or segregated from the community
on basis of their disability and that their access to communal facilities and
services is restriction free.

(3) The government may also take necessary measures to enable the
person with disabilities to have access to a range of in-house, residential and
other community support services including personal assistance service necessary
to support living and inclusion in community.
13. **Right of living.**—(1) Every person with disability shall have right to a decent place of living of his choice and no person shall discriminate against a person with disability by way of refusing to rent him or sell to a place of living because of him being a person with disability.

(2) The government shall evolve a policy towards fair and affordable housing for persons with disabilities in government owned, sponsored or assisted projects and also in the private housing schemes. The authorities approving establishment of new housing schemes and plans shall ensure that appropriate number of affordable housing units are included in each such scheme or plan.

(3) The government may set up and maintain decent housing facilities for the persons with disabilities who do not have a place to live and need a decent temporary shelter. The Council shall with the help from the authorities of the Federal Capital, civil society organizations and society at large assist to arrange temporary shelter for such persons.

14. **Right to home and family.**—(1) No person with disability especially a child or adult or senior citizen 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 person with disability is unable to cater a person with disability, especially a child with disabilities, the Court shall make effort to place such person at a setup suitable for his safe living.

(3) All persons with disabilities shall have the right to marry a person of their own choice and raise their family without any discrimination.

(4) No person with disability shall be subjected to any medical procedure leading to infertility and forced sterilization shall be a non-compoundable offence.

(5) The government shall provide free services regarding reproductive health especially to women with disabilities.

15. **Freedom of expression and information.**—(1) The government shall ensure that persons with disabilities have full and equitable rights regarding freedom of speech, right to expression and information and effective measures shall be taken for their such rights to be enjoyed.

(2) The Council shall take necessary measures to convey the voice of persons with disabilities and their organizations across the governments, civil society and international community.
(3) The Council shall encourage the state and private run electronic and print media to promote awareness on the rights of persons with disabilities through public service messages and programming inclusive for all types of disabilities.

(4) The government may provide advertisements to publications dedicated for persons with disabilities.

(5) The government shall ensure that all websites hosted by Pakistani website service providers are accessible for persons with disabilities.

16. **Right of political participation.**—(1) Persons with disabilities shall have full right to participate in the political activity in the country including exercising right of vote and right to be elected to an elected body.

(2) The Election Commission of Pakistan shall ensure that each polling station is accessible to persons with disabilities and necessary arrangements are made for them to cast their votes confidentially and without any difficulty. Any act by any person to cause restriction on exercise of right of vote by a person with disability shall be deemed as forceful obstruction as defined in the Elections Act, 2017 (XXXIII of 2017) and shall be prosecuted and punished accordingly.

(3) The Council shall, with the help of the Election Commission of Pakistan, educate political parties on the issues and problems of the persons with disabilities.

(4) The Election Commission of Pakistan shall be mandated to develop voter’s accessibility mechanism for persons with disabilities such as brail voting paper etc.

17. **Access to justice.**—The government shall ensure that persons with disabilities are provided with assistance, including sign language interpreters and attendants to access to the justice system.

18. **Right to own property.**—Persons with disabilities shall not be denied the right to own, sell or inherit property.

19. **Participation in sports, cultural and recreational activities.**—(1) The government shall ensure that no person is discriminated against in participation of any sports, games, cultural and recreational activities on ground of his disability. Assistive devices, equipment and latest technology shall be made available for their inclusion in sports, cultural, recreational and leisure activities. One seat for persons with disabilities in the sports board shall be ensured and the government shall ensure linkages of the monitoring mechanism for para olympics and special olympics sports association.
(2) Access to cultural materials, programs and activities shall be provided in accessible and appropriate formats to persons with disabilities.

(3) Barrier-free and discrimination-free access to media programs, films, theaters, parks, stadiums, play grounds, beaches and other places of leisure, recreation, sports and cultural activities shall be provided to such persons with disabilities.

(4) The government shall facilitate participation of persons with disabilities in scouting, art classes, outdoor camps, hunting, tourism and adventure activities and shall also help to develop and utilize their artistic, creative and intellectual capabilities.

(5) The government shall ensure that talent-enhancing abilities in both public and private schools including sports activities are developed.

(6) The government shall ensure that courses and activities are designed to promote arts and culture to enhance talent of persons with disabilities.

(7) The government shall take steps so that access to cultural materials, programs and activities in accessible and appropriate formats to persons with disabilities are ensured.

20. **Protection of persons with disabilities in risk and disaster situation.**—(1) All persons with disabilities shall be given top priority in providing suitable protection and safety in situations of risk and natural disaster and shall immediately be removed from such areas and moved to a safe place on priority.

(2) In situations of armed conflict, the police, civil armed forces and the armed forces shall take appropriate measures on priority to ensure safety, protection and removal of such persons.

(3) All authorities engaged in reconstruction activity subsequent to any situation of armed conflict, humanitarian emergencies or natural disaster shall ensure that persons with disabilities are accorded priority in reconstructing their institutions, homes and other facilities and restoring services.

(4) The Council shall keep a close coordination with the disaster management authorities for protection and removal to safety and keep record of such persons caught in such situation and ensure early rehabilitation.

(5) Needs and concerns of persons with disabilities should be included in disaster risk reduction.
PART-III

ADMINISTRATION OF RIGHTS


<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Minister-in-Charge:</td>
<td>Chairperson</td>
</tr>
<tr>
<td>(b)</td>
<td>Secretary of the Division allocated with business of this Act;</td>
<td>Vice Chairperson</td>
</tr>
<tr>
<td>(c)</td>
<td>Two members from the Senate, one each from government and the opposition;</td>
<td>Members</td>
</tr>
<tr>
<td>(d)</td>
<td>Two members from the National Assembly one each from government and the opposition;</td>
<td>Members</td>
</tr>
<tr>
<td>(e)</td>
<td>One representative from Ministry of Information, Broadcasting, National History and Literary Heritage not below the rank of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(f)</td>
<td>One representative from Ministry of Finance, Revenue and Economic Affairs not below the rank of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(g)</td>
<td>One representative from the Division allocated with business of education not below the level of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(h)</td>
<td>One representative from the Division allocated with the business of poverty alleviation and social safety not below the rank of Joint Secretary;</td>
<td>Member</td>
</tr>
<tr>
<td>(i)</td>
<td>An officer not below the rank of a Joint Secretary of the Division to which business of this Act stands allocated;</td>
<td>Member</td>
</tr>
<tr>
<td>(j)</td>
<td>Chairman, Capital Development Authority (CDA);</td>
<td>Member</td>
</tr>
<tr>
<td>(k)</td>
<td>Chief Executive or Head of National Institution of Rehabilitation Medicine (NIRM)</td>
<td>Member</td>
</tr>
<tr>
<td>(l)</td>
<td>Three persons with disability</td>
<td>Members</td>
</tr>
</tbody>
</table>

(2) Member at clause (i) of sub-section (1) shall also act as Secretary of the Council.

(3) The Council may co-opt any person as a member.

(4) The government functionaries represented in the Council shall hold their memberships on *ex-officio* basis. The tenure of the members shall be three years.
(5) The Council shall meet at least quarterly and the quorum of each meeting shall be one-fourth of the total number of the composition of the Council.

22. Functions of the Council.—(1) The Council shall have the responsibility to achieve and implement objectives of this Act and to assist the government in developing legal and institutional framework.

(2) The Council shall be the executive authority to implement this Act, to develop a legal and social environment and to help persons with disabilities to have the protection of law in enjoying their fundamental rights.

(3) The Council shall, with the help of other authorities and persons, take all possible measures to protect persons with disabilities from discrimination, exploitation, torture, inhuman or degrading treatment on the hands of any one including their families and caregivers.

(4) The Council shall coordinate implementation of the principles of relevant convention at provincial and lower administrative levels through providing technical assistance to various organs of the provincial legislatures and governments in developing appropriate legal and institutional frameworks in their jurisdictions and making them achieve the objective of protection and enforcement of rights.

(5) The Council shall evaluate the effectiveness of laws and policies and assess the implementation of laws and policies at the national level and recommend to the government any changes required in the policies, laws and practices.

(6) The Council shall conduct or cause to conduct research on the status of persons with disabilities and matters related to the promotion and protection of their rights.

(7) The Council shall put into place an institutional mechanism to regularly monitor performance of various departments and organizations in the government and issue a performance score card to each such entity and organization at least once in every three years. Similarly, the Council shall devise and maintain score cards for private entities that seek such evaluation and assessment. Such performance audits shall be conducted by third party professionals and the employees of the Council.

(8) The Council shall assess its own performance in creating legal and social environment in the country and issue an annual status report at the end of every calendar year to present its report to the Parliament through Minister-in-charge.
(9) The Council shall be responsible to monitor the activities of private and community based organizations to ensure that required standards of service are maintained. The Council may enforce an institutional mechanism for effective, efficacious and transparent functions of such organizations and may impose restrictions on organizations not meeting the objective criteria laid down by it.

(10) The Council shall have the powers to address individual and collective complaints of violations of human rights of persons with disabilities.

23. **Registration of persons with disabilities.**—(1) Any person with disability desirous of being employed or otherwise rehabilitated may have his name registered in the register maintained by the Council or its designated office in such form and in such manner as may be prescribed by the Council.

(2) The Council shall, if it thinks necessary, cause each person with disability 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 or by such assessing board as it may appoint having at least one medical officer and the 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 the Council.

(3) If the person with disability is considered by the Council fit to work, he shall be informed 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 person with disability is not considered by the Council fit to work, he shall be informed 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 a disabled person, his name shall be struck off from the register.

24. **Establishments to employ persons with disabilities.**—(1) Not less than one percent of the total number of persons employed by an establishment at any time shall be persons whose names have been registered with the Council or its designated office of the area in which such establishment is located and against whose names in the register maintained under section 23 an endorsement exists to the effect that they are fit to work.

(2) The persons with disabilities 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 persons with disabilities, the fraction of 0.5 and above shall count as a whole number.

25. Establishment to pay to the Fund.—An establishment which does not employ a person with disability as required by section 24 shall pay into the Fund each month the sum of money it would have paid as salary or wages to a disabled person had he been employed.

26. Dissolution of the Council.—On the commencement of this Act, the council formed under the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) shall stand dissolved and on such dissolution all assets, rights, powers, authorities and privileges and property, movable and immovable, cash and bank balance, reserve funds, investments and all other interests and rights in, or arising out of such property and all debts, liabilities and obligations of whatever kind of the dissolved council subsisting immediately before its dissolution shall stand transferred to and vest in the Council.

27. Governmental authorities and other persons to assist the Council.—(1) All the functionaries of the government shall extend full and effective cooperation to the Council in ensuring the enforcement of this Act and other laws for protecting the rights of the persons with disabilities.

(2) Any person in the governmental position not effectively cooperating with the Council shall be deemed to have committed misconduct and shall be proceeded against accordingly.

28. Funds for rehabilitation.—(1) The government may establish non-lapsable endowment fund for sustainably financing projects and activities related to ensuring effective rights protection and inclusion in society of persons with disabilities.

(2) The Fund established under sub-section (1) shall be called as ICT Disability Fund which shall be managed by the Council.

(3) The following shall be the sources of the Fund, namely:—

(a) Annual allocation and grants of funds from Federal Government;

(b) grants from international organizations, governments and other such bodies;
(c) levies and other charges that government imposes for rehabilitation;

(d) fines and penalties under this Act;

(e) donations and bequests by private persons;

(f) and any other source.

(4) The Fund established under the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) shall stand transferred along-with all sums and moneys to the Fund established under sub-section (2).

29. Creating public awareness.—(1) The Council shall take immediate, appropriate and result oriented measures to raise awareness amongst the society as whole with regards to recognition and respect for persons with disabilities and their rights.

(2) The Council shall recommend to the Federal and Provincial Governments measures to include topics on disability in educational curriculum and to create awareness among young students about persons with disabilities.

(3) The government shall include topics on addressing problems of persons with disabilities in training programs of institutions responsible for imparting trainings to officers and officials of the government, including judges and court officials.

30. Rehabilitation.—(1) The government shall take all possible measures to ensure that persons with disabilities attain maximum independence and ability to participate in activities of life including getting education, doing business, getting employed and participating in sports and cultural activities.

(2) The government shall promote continuing skill development and training in existing advance skills and technologies to persons with disabilities for effective participation and integration in the community.

(3) The government shall undertake initiatives to promote, support and implement community based rehabilitation and research initiatives of its own.

31. Insurance cover.—(1) the Council may devise and put in place comprehensive group medical and accident insurance for persons with disabilities and may also facilitate such persons in getting affordable life and other forms of insurance.

(2) The Council may pay the premium for persons with disabilities who cannot pay the premium from their own sources.
32. **Special disability courts.**—(1) For speedy justice, the government may designate and may encourage provincial governments to designate, courts to hear cases under this Act or other laws in which one or more parties are persons with disabilities.

(2) There shall be an effective institutionalized mechanism to monitor cases in courts under sub-section (1) by appropriate judicial forums as devised by the respective High Court.

33. **Power to make rules.**—(1) The Council may, in consultation with the Federal Government and by notification in the official Gazette, make rules to carry out purposes of this Act.

(2) The rules made under the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) so far as they are not inconsistent with the provisions of this Act shall continue to be in force until altered, amended or repealed.

34. **Power to make regulation.**—The Council may, by notification in the official Gazette, make regulations for its own efficient and professional working and for effective achievement of objectives of this Act.

**PART-IV**

**MISCELLANEOUS**

35. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purpose of removing the difficulty.

36. **Repeal.**—The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981 (XL of 1981) is, to the extent of Islamabad Capital Territory, hereby repealed.

**STATEMENT OF OBJECTS AND REASONS**

The Constitution of Islamic Republic of Pakistan guarantees the Fundamental Rights of all citizens, including Persons with Disabilities, without discrimination. As State Party to the UN Convention on the Rights of Persons with Disabilities (UNCRPD), Pakistan is obliged to ensure and promote the full realization of rights and freedoms for persons with disabilities by taking appropriate legislative, administrative and policy measures. Keeping in view our national and international commitments, the ICT Rights of Persons with Disability Bill, 2018 has been prepared through a consultative process for
protection and promotion of Rights of PWDs. The law proposes legal and institutional framework for an inclusive society where PWDs have full participation in all forms of social life, particularly in health, education and employment.

2. The Bill seeks to achieve the aforesaid objective.

DR. SHIREEN M. MAZARI,
Minister for Human Rights.

__________________________

TAHIR HUSSAIN,
Secretary.