

**Sindh Empowerment of  
'Persons with Disabilities'  
Act 2018**



**Sindh Act No: XLVIII of 2018**  
**Karachi, The 11<sup>th</sup> June, 2018**

**PROVINCIAL ASSEMBLY OF SINDH  
NOTIFICATION  
KARACHI, THE 11<sup>TH</sup> JUNE, 2018**

NO.PAS/LEGIS-B-27/2018- The Sindh Empowerment of 'Persons with Disabilities' bill, 2018 having been passed by the Provincial Assembly of Sindh on 24<sup>th</sup> May, 2018 assented to by the Governor of Sindh on 7<sup>th</sup> June, 2018 is hereby published as an Act of the Legislature of Sindh

**THE SINDHEMPOWERMENT OF  
'PERSONS WITH DISABILITES ACT' 2018**

**SINDH ACT NO. XLVIII OF 2018**

**AN  
ACT**

An Act to give effect to the United Nations Convention on the Rights of 'Persons with Disabilities' and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of 'Persons with Disabilities' on the 13th day of December, 2006;

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of 'Persons with Disabilities', —

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination;
- (c) full and effective participation and inclusion in society;
- (d) respect for difference and acceptance of 'Persons with Disabilities' as part of human diversity and humanity;
- (e) equality of opportunity;
- (f) accessibility;
- (g) equality between men and women;
- (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS Islamic Republic of Pakistan is a signatory to the said Convention;

AND WHEREAS Islamic Republic of Pakistan has ratified the said Convention on the 25th day of October, 2011

AND WHEREAS the matter of 'Persons with Disabilities' is a Provincial Subject under Constitution of Islamic Republic of Pakistan;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

Be it enacted by Provincial Assembly of Province of Sindh, to *promote and ensure full and effective inclusion of 'Persons with Disabilities' in the community*

WHEREAS it is expedient to put in place legal and institutional framework to protect the rights of the 'Persons with Disabilities' in general and particularly in line with the *UN Convention on the Rights of 'Persons with Disabilities'*, as follows:

**Part I - Preliminary**

- 1. Short title & Commencement.** (1) This Act may be called the Sindh Empowerment of 'Persons with Disabilities' Act, 2018
- (2) It shall extend to the whole of the Province of Sindh
- (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 or accessibility" means meaningful and effective access to various physical and intangible means made suitable to fulfill the special needs of the 'Persons with Disabilities';
  - b) "Authority" means Authority for the Empowerment of 'Persons with Disabilities', Government of Sindh established under section 28 of Act;
  - c) "Barrier" means the physical, psychological, legal or attitudinal hurdles in the way to access to infrastructure and services;
  - d) "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;
  - e) "Constitution" means the Constitution of Islamic Republic of Pakistan 1973;
  - f) "Council" means the Provincial Advisory Council on Rights of 'Persons with Disabilities' set up under section 26 of the Act;
  - g) "Court" means "Special Courts for the Persons with Disabilities' established under section 35 of the Act;
  - h) "Disabilities/Specified disabilities" means the disabilities specified in the schedule;
  - i) "Discrimination on the basis of disabilities" means any distinction, exclusion or restriction on the basis of disabilities 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;
  - j) "Effective Access to Justice system" means through the provision of procedural and age-appropriate accommodations, in order to facilitate "Persons with Disabilities" effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages;
  - k) "establishment" means both Government and private establishment;
  - l) "Freedom of movement" shall have the same meaning as expressed in the Article 15 of the Constitution;
  - m) "Fund" means 'Provincial Fund for Persons with Disabilities' established under section 30 of the Act;
  - n) "Government" means Government of Sindh;
  - o) "inclusive education" means a system of education wherein students with and without disabilities learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;
  - p) "information and communication technology" includes all services and innovations relating to information and communication, including telecom services, web-based services, electronic and print services, digital and virtual services;
  - q) "institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for 'Persons with Disabilities';
  - r) "Independent living" means environment to live with freedom, self-control, choice, and self-determination in everyday life;
  - s) "person with disabilities" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his/her full and effective participation in society equally with others;

- t) “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;
- u) “public building” means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;
- v) “public facilities and services” includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;
- w) “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;
- x) “rehabilitation” refers to a process aimed at enabling ‘Persons with Disabilities’ to attain and maintain optimal, physical, sensory, intellectual, psychological, environmental or social function levels;
- y) “Special Employment Exchange” means the employment exchange established under Section 11(9) of the Act.

## **Part II – Rights of ‘Persons with Disabilities’**

**3. Equality and non-discrimination of ‘Persons with Disabilities’** - (1) The Government shall ensure that every Person with Disabilities shall have a right to be respected for his/her individual dignity and lead a decent life with equal opportunity to the provision of education, skills training and rehabilitation services to participate in educational, social, economic, cultural and all other activities in the society without any discrimination.

(2) No person shall be deprived of his/her personal liberty only on the ground of disabilities.

(3) No person or institution, whether public or private, shall be allowed to discriminate against ‘Persons with Disabilities’ or violate their rights or restrict benefits in any manner.

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

(5) 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 and private establishments according to the allocated quota.

(6) The Government shall ensure that the 'Persons with Disabilities' are treated equally at par with persons without such disabilities in all public facilities and services and public buildings and that they are not discriminated in exercise of their rights.

(7) Government shall ensure that 'Persons with Disabilities' have legal capacity to enjoy their rights and if they need support to exercise legal capacity such support will be provided by the Government to them free of cost.

**4. Right to privacy** - (1) Every 'Person with Disabilities' shall have the right to privacy as available to all citizens regardless of him/her living in a private home, rehabilitation center, hostel or any private or public living facility.

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

**5. Women, children and elderly people with disabilities** - (1) In view of the extraordinary vulnerability of women, children and senior citizens with disabilities, the Government shall take special measures to ensure that such women, children and elderly people enjoy their rights equally with all others.

(2) The Government shall ensure that women, children and senior citizens with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disabilities."

**6. Ease of access and mobility** - (1) To enable 'Persons with Disabilities' to live independently and participate fully in all aspects of life, the Government shall take appropriate measures to ensure 'Persons with Disabilities' access, on equal basis with others to public facilities and services, to public buildings, to transportation, to information and communications and to other facilities and services open or provided to the public both in urban and rural areas;

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communications and other services, including electronic services and emergency services.

(2) The Authority with the advice of the council shall develop, promulgate and monitor the implementation of minimum standards and guidelines for accessibility of services and facilities to the 'Persons with Disabilities' which are open or provided to the public by Government or private sector. These standards and guidelines for accessibility shall be prepared and implemented by the Authority within one year of promulgation of this Act.

(3) The Authority with the advice of the Council shall develop rules for minimum standards of access and related signage that each department, authority, entity, and major enterprise shall put in place to ensure access and comprehension of 'Persons with Disabilities'. These rules shall be prepared and implemented within one year of promulgation of this Act.

(4) The Authority with the advice of the council shall develop and enforce rules ensuring access to audio, print and electronic media as well as information technology by the 'Persons with Disabilities', to enjoy freedom of speech and freedom of information. These rules shall be prepared and implemented within one year of promulgation of this Act.

(5) The Government shall implement procedures and programs to promote the personal mobility of 'Persons with Disabilities' at affordable cost through provision of incentives and concessions for retrofitting of vehicles and assistive technologies.

(6) The Government shall ensure special seats in all means of transport for 'Persons with Disabilities' and to allot parking space exclusively for the 'Persons with Disabilities' at all public places. These spaces shall be nearest to that particular public place.

(7) The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Authority under sub section 2, 3 and 4 above within a period of two years from the date of notification of such rules.

(8) Permission for all new infrastructure to be built for the purpose of public use shall be subject to their building plans adherence to rules given in the 'Accessibility Code of Pakistan 2006, Government of Pakistan' in addition to any other building codes enforced at the time by the Government and completion certificate and permission for occupation will not be issued if the infrastructure design is not in adherence to the 'Accessibility Code of Pakistan 2006, Government of Pakistan'.

(9) All existing public buildings shall be made accessible in accordance with the 'Accessibility Code of Pakistan 2006, Government of Pakistan' within a period of five years from the date of promulgation of this Act.

**7. Protection from torture or cruel, inhuman or degrading treatment -** (1) The Government shall take measures to protect 'Persons with Disabilities', from all forms of torture or cruel, inhuman or degrading treatment at the hands of any person, institution or authority.

(2) No Person with Disabilities shall be a subject of any research without

- a) his/her free and informed consent obtained through using accessible modes, means and formats of communication.
- b) prior permission of a committee for research on disabilities constituted in prescribed manner by the Government

(3) No person with disabilities shall be subjected to forced medical/surgical procedures unless it is certified by a medical board constituted by the Government for the purpose, to be necessary for his/her survival.

**8. Freedom from Exploitation, violence and Abuse –** (1) The Government shall take measure to protect 'Persons with Disabilities' from all kinds of exploitation, violence and abuse

(2) Whenever such an act is committed against any person with disabilities and the information of such act is communicated to the 'Authority' or any relevant law enforcement agency, the concerned agency on receipt of such information, shall immediately take necessary action to curb such act and to take appropriate measures under law to lodge the

affectee of the abuse, violence, or intolerance, as the case may be, to safe place for protected housing. No cost shall be recovered from such affectee for lodging in safe place in such situation.

(3) In case of need for legal aid such aid shall be made available by the “Authority” to such affectee at public expense.

(4) The Court on receipt of information or complaint about exploitation, violence or abuse towards any person with disabilities shall inform the aggrieved person of;

- a) his/her right to apply for protection under sub-section (2);
- b) the particulars of the nearest institution working for the rehabilitation of ‘Persons with Disabilities’;
- c) the right to free legal aid; and
- d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence or prevent its occurrence as the case maybe or pass any such order as deemed fit for the protection of such person with disabilities including an order.

(5) If the Court finds that the alleged act or behavior constitutes an offence under this Act or Pakistan Penal Code, or under any other law for the time being in force, Court shall take cognizance of the case as may require.

**9. Equity in education.** - (1) The Government shall endeavor that all educational institutions funded or recognized by it provide inclusive education to the children with disabilities and towards that end shall—

- a) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;
- b) make building, campus and various facilities accessible;
- c) provide reasonable accommodation according to the individual’s requirements;
- d) provide necessary support individualized or otherwise in environments that maximize academic and social development consistent with the goal of full inclusion;
- e) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;
- f) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;
- g) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disabilities;
- h) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.
- i) enable ‘Persons with Disabilities’ to learn life and social development skills to facilitate their full and equal participation in education and as members of the community
- j) 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.

(2) The Government shall take the following measures for the purpose of sub section (1);

- a) to ensure that the 'Authority' conducts survey of school going children in every three years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

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

- b) to establish adequate dedicated and general institutions for teacher training with a view to train adequate number of specially trained teachers equipped with skills for inclusive education to teach students with various disabilities;
- c) to train and employ teachers, including teachers with disabilities who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disabilities;
- d) to train professionals and staff to support inclusive education at all levels of school education;
- e) to ensure that education of persons and children who are blind or deaf is delivered in the most appropriate languages and modes and means of communication for individuals and in environments which maximize academic and social development;
- f) to provide books, other learning materials and appropriate assistive devices to students with disabilities free of cost up to the age of eighteen years;
- g) to provide scholarships in appropriate cases to students with disabilities;
- h) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses, age relaxation to sit in particular examinations;
- i) to promote research to improve learning; and
- j) any other measures, as may be required.

(3) The Government shall take necessary measures to establish special education and rehabilitation institutions for the 'Persons with Disabilities' to cater to their special needs, in addition to making other institutions reasonably equipped and staffed to provide adequate facilities for inclusive education to such persons in those general educational institutions.

(4) The Government shall take measures to promote, protect and ensure participation of 'Persons with Disabilities' in informal and adult education and continuing education program equally with others.

**10. Equity in health and 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) Government shall ensure provision of aids and appliances, medicine and diagnostic services and corrective surgery along with follow-up services free of cost to 'Persons with Disabilities' with such income ceiling as may be notified;

(3) The Government shall take appropriate steps to ensure affordable healthcare insurance to 'Persons with Disabilities' through addressing discrimination against the 'Persons with Disabilities' by the private insurers and subsidizing health insurance for 'Persons with Disabilities' through State owned insurance entities.



(4) The Government shall ensure private sector health service providers through appropriate incentives to provide quality services to 'Persons with Disabilities' at affordable rates.

(5) Government shall take steps to ensure implementation of "The Sindh Newborn Screening Act 2013" through framing rules and improving capacity of the health facilities in the Province for early identification of disabilities. Government shall endeavor to establish medical services especially designed for early interventions to manage disabilities.

(6) The Government shall initiate, with the help of the 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.

**11. Skills Development and Equity in Employment.** - (1) The Government shall formulate schemes and programs including provision of loans at concessional rates to facilitate and support employment of 'Persons with Disabilities' especially for their vocational training and self-employment.

(2) The schemes and programs referred to in sub-section (1) shall provide for;

- (a) inclusion of persons with disabilities in all mainstream formal and non-formal vocational and skill training schemes and programs;
- (b) ensuring that a person with disabilities has adequate support and facilities to avail specific training;
- (c) exclusive skill training programs for 'Persons with Disabilities' with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;
- (d) loans at concessional rates including that of microcredit;
- (e) marketing of the products made by 'Persons with Disabilities'; and
- (f) maintenance of disaggregated data on the progress made in the skill training and self-employment by the 'Persons with Disabilities'.

(3) No Government establishment shall discriminate against any person with disabilities in any matter relating to employment:

Provided that the Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this sub section.

(4) No establishment, whether public or private, shall discriminate against a person on the ground of disabilities in the matters of employment, promotion, career development and enjoying fruits of his/her employment.

(5) Every establishment shall ensure the provision of reasonable accommodation including necessary aid and equipment and appropriate barrier free environment which a Person with Disabilities would reasonably require to perform his/her duties.

(6) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this section in the manner as may be prescribed by the Government.

(7) Every establishment shall register a copy of the said policy with the Authority.

(8) Every establishment shall maintain records of the 'Persons with Disabilities' in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this section in such form and manner as may be prescribed by the Authority. The record maintained under this sub section shall be open to inspection at all reasonable hours by such persons as may be authorized in this behalf by the Authority.

(9) Authority shall establish a 'Special Employment Exchange and portal', to which every establishment shall furnish such information as maybe prescribed by the Government in relation to vacancies earmarked for "Persons with Disabilities" which have occurred and filled or are about to occur.

(10) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of this section and shall inform the Authority, about the appointment of such officer. Any person aggrieved with the non-compliance of the provisions of this section, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(11) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Authority, and every complaint shall be inquired within two weeks of its registration. If the aggrieved person is not satisfied with the action taken on his/her complaint, he or she may approach the Authority.

(12) The Government shall reserve a quota of five percent (5%) at various levels for the 'Persons with Disabilities' in the Government departments, institutions, entities, and corporate entities owned and managed by the Government. The Government shall through notification provide for such relaxation of upper age limit for employment of person with disabilities as it thinks fit.

(13) The private establishments shall ensure that their workforce will have 5% 'Persons with Disabilities' and the Government will provide incentives through a long-term inclusion plans for which necessary resources will be allocated.

(14) 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.

(15) Establishment which does not employ 'Persons with Disabilities' as per requirement under sub section 13, 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 s/he had been employed.

**12. Adequate Standard of Living and Social Protection – (1)** The Government shall with the advice of the Council and within the limits of its economic capacity shall formulate exclusive schemes and programs for ensuring the right of adequate living standards and social protection of 'Persons with Disabilities' to enable them to live independently or within the community

(2) The Government while devising these schemes and programs shall give due consideration to the diversity of disabilities, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for;

- a) shelter/ safe houses with good living conditions in terms of safety, sanitation, health care and counselling for 'Persons with Disabilities' who have no place to live;
- b) facilities for children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;
- c) support during natural or man-made disasters and in areas of conflict;
- d) support to women with disabilities for livelihood and for upbringing of their children;
- e) disabilities allowance to 'Persons with Disabilities' subject to such income ceiling as may be notified;
- f) unemployment allowance to 'Persons with Disabilities' registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;
- g) care-giver allowance to 'Persons with Disabilities' with high support needs;
- h) any other matter which the Government may think fit.

**13. Right to live independently in community** - (1) The 'Persons with Disabilities' shall have equal right to live independently in the community.

(2) Such persons shall be provided all necessary facilities by the Government without discrimination to enable them to live independently and not obliged to live in any particular living arrangement.

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

(4) The Government shall also take necessary measures to enable the 'Persons 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.

(5) The Government shall provide 'Persons with Disabilities' with appropriate aid and equipment, assistive technology at a subsidized rate. Special trainings shall be provided at all levels from time to time in order to train 'Persons with Disabilities' in mobility skills.

**14. Right to accommodation.** - (1) Every person with disabilities shall have right to a decent place of living of his/her choice and no person shall discriminate against a person with disabilities by way of refusing to rent or sell him/her a place of living because of him/her being a person with disabilities.

(2) The Government shall evolve a policy of 5% quota with 50% concession on the total cost payable on easy installments toward housing for 'Persons with Disabilities' who do not own any property in Governmental/private housing schemes. This will aim towards ensuring 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/apartment schemes and plans shall ensure that adequate

number of affordable housing units are included for 'Persons with Disabilities' in such schemes or plans.

(3) The Government shall set up and maintain decent housing facilities/ hostels for the 'Persons with Disabilities' who do not have a place to live.

**15. Right to home and family** - (1) No person with disabilities, especially a child/woman/senior citizen, shall be separated from his/her family on the grounds of disabilities unless a court of law requires him/her to be so separated in his/her best interest.

(2) Government shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, Government through the 'Authority' shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families

(3) Government shall ensure that a child shall not be separated from his/her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of disabilities of either the child or one or both of the parents.

(4) Where the immediate family of a child with disabilities is unable to take care, the 'Authority' in coordination with the 'Court' shall make an effort to provide alternative care within wider family and failing that at a setup suitable for his/her safe living.

(5) All 'Persons with Disabilities' shall have the right to marry a person of their own choice and raise their family without any discrimination.

(6) The Government through the 'Authority' shall provide free services regarding reproductive health especially to women with disabilities.

**16. Freedom of expression and information.** - (1) The Government shall ensure that 'Persons with Disabilities' have full and equitable rights with regards to freedom of speech, right to expression and information and effective measure are taken for their such rights to be enjoyed.

(2) The 'Authority' with the advice of the 'Council' shall take necessary measures to get the voice of 'Persons with Disabilities' and their organizations to the Governments, society and international community.

**17. Right to political participation.** -(1) 'Persons with Disabilities' shall have full right to participate in the political activities in the country including exercising right of vote and right to be elected to an elected body.

(2) The Government shall make necessary arrangements to ensure that voice of the 'Persons with Disabilities' is effectively heard in the elected houses at various levels.

(3) The 'Authority' with the advice of 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' to encourage them to make those issues and problems part of their political programs.

**18. Access to justice.** - (1) The Government shall ensure that the 'Persons with Disabilities' have effective access to the justice system in the country on equal basis with others in courts of law, tribunals, police and other law enforcement agencies.

(2) Government shall endeavor that all judicial officers are adequately trained to ensure effective access to justice for 'Persons with Disabilities'.

(3) The Government shall provide free and effective legal aid to the 'Persons with Disabilities', whenever needed. The Government shall arrange free legal aid services, and interpreters for early disposal of their cases.

**19. Right to own property-**(1) The Government shall ensure that the 'Persons with Disabilities' have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

(2) The Government shall ensure that the 'Persons with Disabilities' enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(3) When a conflict of interest arises between a person providing support and a person with disabilities in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disabilities in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disabilities by blood, affinity or adoption.

(4) A person with disabilities may alter, modify or dismantle any support arrangement and seek the support of another: Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third-party transaction entered into by the person with disabilities with the aforesaid support arrangement.

(5) Any person providing support to the person with disabilities shall not exercise undue influence and shall respect his/her autonomy, dignity and privacy.

**20. Guardianship** (1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where the 'Court' or any designated authority, as notified by the Government, finds that a person with disabilities, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his/her behalf in consultation with such person, in such manner, as may be prescribed by the Government:

Provided that the 'Court' or the designated authority, as the case may be, may grant total support to the person with disabilities requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to

be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation. — For the purposes of this sub-section, “limited guardianship” means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disabilities, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance with the will of the person with disabilities.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disabilities shall be deemed to function as a limited guardian.

(3) Any person with disabilities aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the Government for the purpose.

**21. Participation in cultural, recreational and sports activities.** - (1) The Government shall make efforts that no person is discriminated against in participation of any sports, games, cultural and recreational activities on ground of his/her disabilities

(2) The Government shall take steps to ensure;

- (a) facilities, support and sponsorships to artists and writers with disabilities to pursue their interests and talents;
- (b) making art accessible to ‘Persons with Disabilities’;
- (c) promoting recreation centers and other associational activities;
- (d) redesigning courses in cultural and arts subjects to enable participation and access for ‘Persons with Disabilities’;
- (e) ensuring that persons with hearing impairment can have access to television programs with sign language interpretation or sub-titles
- (f) The Government shall fully facilitate participation of ‘Persons with Disabilities’ in scouting, art classes, outdoor camps, hunting, tourism and adventure activities and international events.

(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, theatres, parks, stadiums, play grounds, beaches and other places of leisure, recreation, sports and cultural activities shall be provided to such persons.

(4) Government and the sports authorities shall take measures to:

- (a) restructure courses and programs to ensure access, inclusion and participation of ‘Persons with Disabilities’ in all sporting activities;
- (b) redesign and support infrastructure facilities of all sporting activities for ‘Persons with Disabilities’;
- (c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all ‘Persons with Disabilities’;

- (d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all 'Persons with Disabilities';
- (e) allocate funds for development of state of art sport facilities for training of 'Persons with Disabilities';
- (f) promote and organize disabilities specific sporting events for 'Persons with Disabilities' and also facilitate awards to the winners and other participants of such sporting events

(5) Assistive devices, equipment and latest technology shall be made available for 'Persons with Disabilities' to ensure their inclusion in sports, cultural, recreational and leisure activities.

**22. Protection of 'Persons with Disabilities' in risk and disaster situations.** - (1) All 'Persons with Disabilities' shall be given top priority in providing suitable protection and safety in situations of risk and natural or human made disasters and they shall be given priority in evacuation from such areas keeping cognizance of their special needs.

(2) All authorities engaged in reconstruction activity subsequent to any situation of armed conflict, humanitarian emergencies or natural disasters shall ensure that 'Persons with Disabilities' are accorded priority in IDP camps and in reconstructing their institutions, homes and other facilities and restoring services.

(3) The 'Authority' shall keep close coordination with the disaster management authorities for preparation of 'standard operating procedures (SOPs)' and building capacities for handling 'Persons with Disabilities'; their protection, relief, evacuation/removal and rehabilitation during natural and human made disasters as well as documenting and keeping record of 'Persons with Disabilities' caught in such situations and to ensure their early rehabilitation.

**23. Rehabilitation.** - (1) The Government shall take all possible measures to ensure that 'Persons with Disabilities' attain maximum independence and ability to participate in the activities of life including getting education, doing business, start family, become part of community, get employed, participate in sports and cultural activities.

(2) The Government shall promote continuing skill development and training in existing and new skills and technologies to the 'Persons with Disabilities' for maximum and effective participation and integration of such persons in the community.

(3) The Government shall undertake initiatives to promote, support and implement community-based rehabilitation and research initiatives itself and in cooperation with non-Government organizations/agencies.

**24. Registration of Institutions for the 'Persons with Disabilities' and Grant to Such Institutions** (1) Save as otherwise provided under this Act, no person shall establish or maintain any institution for 'Persons with Disabilities' except in accordance with a certificate of registration issued in this behalf by the Government.

(2) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the Government.

(3) On receipt of an application under sub-section 2, the Government shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the Government shall, by order, refuse to grant the certificate applied for: Provided that before making any order refusing to grant a certificate, the applicant will be given a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(4) No certificate of registration shall be granted under sub-section 3 unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the Government.

(5) The certificate of registration granted under sub-section 3;

- (a) shall, unless revoked under sub section 7, remain in force for such period as may be prescribed by the Government;
- (b) may be renewed from time to time for a like period as per the conditions prescribed in the registration form; and
- (c) shall be in such form and shall be subject to such conditions as may be prescribed by the Government.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place in its premises.

(7) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section 3 above has, —

- (a) made a misrepresentation of fact or
- (b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

after making such inquiry, as it deems fit, by order, revoke the certificate after according reasonable opportunity to be heard.

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(8) Where a certificate of registration in respect of an institution has been revoked under sub-section 7, such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under sub section 11 against the order of revocation, such institution shall cease to function, —

- (a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or
- (b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.



(9) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disabilities who is an inmate of such institution on the date of such revocation, shall be—

- (a) restored to the custody of his/her parent, spouse or lawful guardian, as the case may be; or
- (b) transferred to any other institution specified by the competent authority.

(10) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

(11) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the Government, prefer an appeal to such appellate authority, as may be notified by the Government against such refusal or revocation.

(12) The order of the appellate authority on such appeal shall be final.

(13) The Government may, based on performance and needs evaluation frame work notified by the Government and within the limits of its economic capacity, grant financial assistance to the registered institutions to provide services and to implement the schemes and programs in pursuance of the provisions of this Act.

**25. Certification of 'Persons with Disabilities'** (1) The Government shall notify guidelines for the purpose of assessing the extent of specified disability/ies in a person.

(2) The Government shall designate 'District Committees', in each district of Sindh, with persons, having requisite qualifications, experience and competency for assessing the extent of specified disabilities in individuals. The 'District Committees' will forward their assessment to the 'Authority', who shall be competent to issue the certificate of disabilities.

(3) Any person with specified disabilities, may apply, in such manner as may be prescribed by the Government, to the 'Authority', for issuing of a certificate of disabilities.

(4) On receipt of an application under sub-section 3, the Authority shall forward his/her application for assessment to the concerned 'District Committee' for assessment of the specified disabilities of the concerned person in accordance with relevant guidelines notified under sub section (1), and shall, after such assessment, as the case may be, forward its recommendation to the 'Authority' —

- (a) to issue a certificate of disabilities to such person, in such form as may be prescribed by the Government;
- (b) inform him/her in writing that s/he has no specified disabilities.

(5) Any person aggrieved with decision of the 'Authority', may appeal against such decision, within such time and in such manner as may be prescribed by the Government, to such appellate authority as the Government may designate for the purpose.

(6) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the Government.

### **Part III – Administration of Rights**

#### **26. The Provincial Advisory Council for the Empowerment of ‘Persons with Disabilities’ (1)**

The Government shall by notification, constitute a ‘Provincial Advisory Council for Empowerment of ‘Persons with Disabilities’ to exercise the powers conferred on, and to perform the functions assigned to it, under this act.

(2) Provincial Advisory Council for Empowerment of ‘Persons with Disabilities’ shall consist of:

Minister to Government of Sindh on “Special Education”	Chairperson
Secretary to Government of Sindh, “Special Education Department”	Vice Chairperson
Director General, Authority for the Protection of the Rights of ‘Persons with Disabilities’	Member
Four MPAs (2 each from treasury & opposition, atleast half shall be female)	Member
Additional Secretaries of Government of Sindh (Health, School & literacy, College Education, Social Welfare, Human Rights, Planning & Development, Finance, Law, Home, Sports, Culture, Information, Information Technology, Industries, Labor, Agriculture, Sports, Women Development)	Member
Chief Administrator Zakat, Sindh	Member
Director, Dow University, Institute for physical medicine and Rehabilitation.	Member
Four Persons who are experts in the field of disabilities and Rehabilitation	Member
six persons to be nominated by the Provincial Government amongst the persons engaged in the welfare of ‘Persons with Disabilities’ through Non-Governmental organization (with at least three of them being ‘Persons with Disabilities’ themselves and at least three of them be women)	Member
Two representatives nominated by FPCCI	Member
Chairperson, Special Education Departments, KU and Sindh Univ	Member
MD STEVTA	Member
MD Sindh Sports Board	Member
Additional Secretary, Special Education Department, Government of Sindh	Secretary to the Council
Any other person/s Government notifies to the council	Member

(2) The Government functionaries represented on the council shall hold their offices ex-officio. The private appointees shall be appointed by the Government for a period of three years and shall be eligible for reappointment for one additional term.

(3) The ‘Provincial Advisory Council for Empowerment of ‘Persons with Disabilities’ shall meet at least once in every two months and shall observe such rules of business at its meetings as maybe prescribed.

#### **27. Functions of the ‘Provincial Advisory Council for Empowerment of ‘Persons with Disabilities’ (1)**

Subject to the provisions of this Act, the ‘Provincial Advisory Council for Empowerment of ‘Persons with Disabilities’ shall be the Sindh-level consultative and advisory body on disabilities matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of ‘Persons with Disabilities’ and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the 'Provincial Advisory Council for Empowerment of 'Persons with Disabilities'' shall perform the following functions, namely:

- a) advise the Government on policies, programs, legislation and projects with respect to disabilities;
- b) develop a Provincial policy to address issues concerning 'Persons with Disabilities';
- c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to 'Persons with Disabilities';
- d) take up the cause of 'Persons with Disabilities' with the concerned authorities, Federal Government and the international organisations with a view to provide for schemes and projects for the 'Persons with Disabilities' in the Provincial Annual Development plans;
- e) recommend steps to ensure accessibility, reasonable accommodation, nondiscrimination for 'Persons with Disabilities' vis-à-vis information, services and the built environment and their participation in social life;
- f) monitor and evaluate the impact of laws, policies and programs to achieve full participation of 'Persons with Disabilities'; and
- g) The council shall, with the help of "Authority for the Protection of Rights of 'Persons with Disabilities'" 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.
- h) shall evaluate the effectiveness of laws and policies and assess the implementation of the laws and policies at the Provincial level and recommend to the Government about the changes required in the policies, laws and practices.
- i) support the Government in devising 'awareness strategy' for the general society to increase its sensitivity towards the state of 'Persons with Disabilities' and implementation and protection of their rights to ensure inclusive living in the society.
- j) shall put into place an institutional mechanism to regularly monitor performance of "the Authority for the Protection of the Rights of the 'Persons with Disabilities'" and cause it to show its performance through submitting bi-annual reports in the Council meetings. The 'Council' shall devise and maintain score cards to seek such evaluations and assessments on the performance of the 'Authority'. Such performance audits shall be conducted by professionals and the council staff.
- k) shall also assess its own performance in creating legal and social environment in the Province conducive to the 'Persons with Disabilities' and issue an annual status report within 3 months of end of every calendar year and place the same before the Provincial Legislature.
- l) shall conduct or cause to conduct research on the status of the 'Persons with Disabilities' and matters related promoting and protecting their rights.
- m) such other functions as may be assigned from time to time by the Government.

**28. Authority for the Protection of the Rights of ‘Persons with Disabilities’- (1)** Government shall by notification establish ‘Authority for the Protection of the rights of the ‘Persons with Disabilities’ (hereinafter referred as “Authority”).

(2) The ‘Authority’ shall be headed by a Director General (BPS-19), an officer of Federal/Provincial Government.

(3) The structure of the ‘Authority’ will be as prescribed by the Government.

**29. Functions and Responsibilities of the Authority - (1)** Working under the supervision of the Government, the functions and responsibilities of the ‘Authority’ Shall be:

- a) all the actions, functions and responsibilities given to the Authority under this Act.
- b) such other functions as may be assigned from time to time by the Government.

**30. Provincial Fund for ‘Persons with Disabilities’ - (1)** The Government shall establish an endowment fund for sustainably financing the projects and activities related to ensuring effective rights protection and inclusion in society of ‘Persons with Disabilities’.

(2) The Government shall make rules to manage the ‘fund’ established in sub-sections 1 above.

(3) The fund shall be financed through:

- a) grants from the Government and Federal Government;
- b) grants from international organizations, Governments and other such bodies;
- c) levies and other charges that Government imposes for rehabilitation of Persons with Disabilities;
- d) fines and penalties under this Act;
- e) donations and bequests by private persons; and
- f) any other source.

(4) The monies from the fund shall be used for the projects and activities directly related to rehabilitation of the ‘Persons with Disabilities’, under advice of the ‘Council’.

(5) The ‘fund’ shall be subject to annual audit by the Auditor General of Pakistan and the annual performance, funding activities and Audit Report of the ‘fund’ shall be laid before the Provincial legislature of the Sindh Province.

**31. Creating public awareness. -(1)** The Authority under guidance of the Council shall, conduct, encourage, support or promote awareness campaigns and sensitization programs to ensure that the rights of the ‘Persons with Disabilities’ provided under this Act are protected.

(2) The programs and campaigns specified under sub-section (1) shall also, —

- (a) promote values of inclusion, tolerance, empathy and respect for diversity;
- (b) advance recognition of the skills, merits and abilities of ‘Persons with Disabilities’ and of their contributions to the workforce, labour market and professional fee;
- (c) foster respect for the decisions made by ‘Persons with Disabilities’ on all matters related to family life, relationships, bearing and raising children;

- (d) provide orientation and sensitization at the school, college, University and professional training level on the human condition of disabilities and the rights of 'Persons with Disabilities';
- (e) provide orientation and sensitization on disabling conditions and rights of 'Persons with Disabilities' to employers, administrators and co-workers;
- (f) ensure that the rights of 'Persons with Disabilities' are included in the curriculum in Universities, colleges and schools.

**32. Insurance cover.** - (1) The Government with the advice of the Council shall devise and put in place comprehensive group medical and accident insurance for the participating 'Persons with Disabilities' and shall also facilitate such persons in getting affordable life and other forms of insurance.

(2) The Government on the advice of the council may set up a separate fund to pay premium for the 'Persons with Disabilities' who cannot pay for the premium from their own sources.

**33. Special Courts for 'Persons with Disabilities'** - (1) For the purpose of speedy justice the Government shall with the concurrence of the Chief Justice of the Sindh High Court, by notification, specify for each district, a court of sessions to be a 'special court for 'Persons with Disabilities'' to try the offences under this act.

(2) For every 'Special Court for 'Persons with Disabilities'', the Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court. The Special Public Prosecutor appointed shall be entitled to receive such fees or remuneration as may be prescribed by the Government.

(3) There shall be an effective institutionalized mechanism to monitor such cases by the prosecutor general, Sindh and appropriate judicial forum as devised by the Sindh high court.

#### **Part IV – Offences and Penalties**

**34. Punishment for contravention of provisions of Act or rules made thereunder** - Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

**35. Offences by companies** - (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section 1, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director,

manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section, —

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

**36. Punishment for fraudulently availing any benefit meant for 'Persons with Disabilities' -** Whoever, fraudulently avails or attempts to avail any benefit meant for 'Persons with Disabilities', shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

**37. Punishment for offences of atrocities – Whoever –**

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

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

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

**39. Previous sanction of Government -** No Court shall take cognizance of an offence alleged to have been committed by an employee of the Government under this Chapter, except with the previous sanction of the Government or a complaint is filed by an officer authorized by it in this behalf.

**40. Alternative punishments -** Where an act or omission constitutes an offence punishable under this Act and also under any other Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

## **Part V - Miscellaneous**

**41. Power to make rules and regulation.** - The Government shall have power to make rules under this Act for its efficacious and effective implementation.

**42. Application of other laws not barred** - The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

**43. Protection of action taken in good faith** - No suit, prosecution or other legal proceeding shall lie against the Government or employees of the 'Authority' for anything which is done in good faith or intended to be done under this Act or the rules made thereunder.

**44. 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.

**45. Repeal and savings.** -(1) The Sindh Differently Able Persons (Employment, Rehabilitation and Welfare) Act 2014 shall stand repealed from the day this Act enters into force.

(2) All the acts done under the repealed law shall continue to remain in force and cases for the time being pending in courts and tribunals shall be decided according to that law.



## The Schedule (See Section 2(h))

### 1. Physical disabilities:

**A. Locomotor disabilities** (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including:

- a. **"Due to Accidents/Trauma/Disaster"** means people who suffered road accidents, went through a traumatic event or natural/ man-made disasters including earthquakes, floods, building collapse etc.;
- b. **"cerebral palsy"** means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;
- c. **"muscular dystrophy"** means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterized by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;
- d. **"Polio"** related Physical Disabilities.

### **B. Visual impairment:**

(a) **"blindness"** means a condition where a person has any of the following conditions, after best correction—

- (i) total absence of sight; or
- (ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or
- (iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) **"low-vision"** means a condition where a person has any of the following conditions, namely:

- (i) visual acuity not exceeding 6/18 or less than 20/60 up to 3/60 or up to 10/200 (Snellen) in the better eye with best possible corrections; or
- (ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degrees.

### **C. Hearing impairment—**

- (a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;
- (b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

**2. Neuro-Developmental Disorders:** means impairments of the growth and development of the brain or central nervous system. A narrower use of the term refers to a **disorder** of brain function that affects emotion, learning ability, self-control and memory and that unfolds as an individual develops and grows, including:

- (a). **Intellectual Disabilities;** A condition characterized by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior which covers a range of every day, social and practical skills;
- (b) **"Autism Spectrum Disorder"** means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviors and sensory issues;
- (c). **"Attention Deficit Hyperactivity Disorder (ADHD)"** means a chronic condition marked by persistent inattention, hyperactivity, and sometimes impulsivity. **ADHD** begins in childhood and often lasts into adulthood;

- (d). **"Specific Learning Disorder"** means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;
- (e). **"Communication Disorders"** means impairment in the ability to receive, send, process, and comprehend concepts or verbal, nonverbal and graphic symbol systems. A **communication disorder** may be evident in the processes of hearing, language, and/or speech. These include Language Disorder (Receptive and Expressive), Speech Sound Disorder, Fluency Disorder, Social Communication Disorder etc.
- (f). **Syndromes:** These include Down Syndrome, Angelman's Syndrome, Tourette's Syndrome, Retts Syndrome, Fragile X Syndrome etc.

**3. Disabilities caused due to chronic neurological conditions, such as:**

- (i) **"multiple sclerosis"** means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;
- (ii) **"Parkinson's disease"** means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine;
- (iii) **"Dementia and Alzheimer's Disease"**.

5. **"Multiple Disabilities"** means more than one of the above specified disabilities causing severe communication, developmental, social and educational problems.

6. Any other category as may be notified by the Government (**Not otherwise specified**).