

GOVERNMENT OF <sup>1</sup>[Khyber Pakhtunkhwa].  
ZAKAT AND, SOCIAL WELFARE:

Date Peshawar the, 11/1/1992.

**NOTIFICATION**

NO SO (SW) 1-47/91. In Exercise of the powers conferred by sub-section (2) of the section 22 of the disabled persons (Employment and Rehabilitation) Ordinance, 1981 (Ord. XL of 1981) the governor of the <sup>2</sup>[Khyber Pakhtunkhwa] is Pleased to make the following rules, namely.

**SHORT TITLE AND COMMENCEMENT:**

- (1) These rules may be called the <sup>3</sup>[Khyber Pakhtunkhwa] Disabled Persons (Employment and Rehabilitation) Rules, 1991.
- (2) They shall come into force at once.

**DEFINITIONS:** In these rules, unless there is anything repugnant in the subject or context:

- (i) "Administrative Department " means the Zakat and Social Welfare Department.
- (ii) "Board" means District Assessment Board constituted by the Council under the Ordinance.
- (iii) "Chairman" means Chairman of the council;
- (iv) "Council" meant the <sup>4</sup>[Khyber Pakhtunkhwa] Provincial council constituted under section 5 of the ordinance.
- (v) "Form means a form appended- to these rules ;
- (vi) "Manager" means manager of the Employment Exchange"
- (vii) "Ordinance" means the Disabled Persons (Employment and Rehabilitation) Ordinance, 1991 (Ord. XL of 1981);
- (ix) "Provincial Government "means Government of <sup>5</sup>[Khyber Pakhtunkhwa];
- (x) "Regional Manager" means Regional manager of the Employment Exchange; and
- (xi) "Social Welfare Officer" means Social Welfare officer of the Directorate of Social Welfare <sup>6</sup>[Khyber Pakhtunkhwa].

**OFFICE OF THE COUNCIL:**

- (1) The head office of the council shall be at Peshawar.
- (2) The Council may establish such other sub-offices as it may deem necessary.

**RESIGNATIONS OF MEMBERS AND FILLING OF CASUAL VACANCIES.**

- (1) A member other than an ex-office member of the council may, by writing under his hand and addressed to the Chairman, resign from the office and his resignation shall take effect on the date specified by him in this behalf or on the date of the receipt of his resignation by the Chairman, which-ever is later.

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<sup>1</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>6</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (2) When a casual vacancy occurs by reason of death or resignation of a member of the Council, or for any other reason, a report shall forthwith -be made by the Secretary of the Council to the Provincial Government to fill in the Vacancy.

5. DUTIES OF THE CHAIRMAN.

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

6. STAFF OF THE COUNCIL:

- (1) Subject to the approval of the Chairman \ the Council may appoint such administrative such other staff as may be required by it from time to time for the efficient performance its functions
- (2) The powers and duties of the officers and staff of the Council shall be such as may be laid down by it from time to time.
- (3) All officers and staff of the Council shall retire on attaning the age of sixty years.

7. MEETING OF THE COUNCIL:

- (1) The Council shall ordinarily meet quarterly but a special meeting of the Council may be convened at any time by the Chairman.
- (2) The Secretary shall convene a meeting of the council as directed by the Chairman and record minutes of the meetings.
- (3) The Secretary shall keep all record of the proceedings of the Council and its committees and of such other matters as are dealt with by the Council.

8. NOTICE OF MEETING AND AGENDA:

Notice of meeting alongwith agenda shall be circulated by the Secretary to each member not less than fifteen days before the date of the meeting while special meeting shall be called on three days notice.

9. INCLUSION OF MOTION IN THE AGENDA:

- (1) A member who wishes to move any motion not included in the agenda or an amendment to any item of the agenda shall give notice thereof of to the Secretary not less than seven days before the date fixed for the meeting.
- (2) A motion shall not be admissible:
  - (a) If the matter to which it relates is not within the scope of the Council's function;
  - (b) If it raises substantially the same question as a motion or an amendment which has been mooved or with-drawn with the leave of the Council within one year of the date of the meeting at which it is proposed to be moved;
  - (c) If it docs not raise or clearly and precisely express one definite issue, or
  - (d) If it contains arguments, references, ironical expressions or defamatory statement.

3. The Chairman may disallow any motion which, in his opinion, is inadmissible provided that if a motion can be made admissible by amendment, the Chairman may admit it in amended form.
4. When the Chairman disallows or amends a motion, the Secretary shall inform the member who gave notice of the order of disallowance or, as the case may be, to the amended form in which the motion has been admitted.

10. ADJOURNMENT OF MEETING:

If, at the time fixed for a meeting, a quorum (one third of the total members) is not present, the meeting shall not be commence until a quorum is present and if the quorum is not present on the expiration of thirty minutes from the time appointed for the meeting, the meeting shall stand adjourned for the next following days at the same time and place and for the adjourned meeting no quorum shall be required,

11. DECISION OF THE COUNCIL:

- (1) Every matter to be determined by the Council shall be determined on a motion moved by member and put to the Council by the Chairman.
- (2) Voting on a motion under sub-rule (I) may be by a show of hands or by division or by ballot, as the Chairman may direct:  
Provided that the voting shall be by ballot if majority of the members so demand.
- (3) The result of the voting shall be announced by the Chairman and it shall not be challenged.
- (4) In the event of equality of votes, the Chairman shall have a casting vote.

12. MOTIONS:

- (1) Every motion or amendment shall be seconded and if not seconded it shall be deemed to have been withdrawn.
- (2) When notions identical in purpose stand in the names of two or more members, the Chairman shall decide whose motion shall be moved and the other motion or motions shall thereupon be deemed to have been incorporated therein.
- (3) When a motion has been seconded, it shall be so announced by the Chairman.
- (4) When a notion has been seconded, it shall be discussed as a question to be resolved either in the affirmative or in the negative and any member may move amendment to the motion: Provided that the Chairman shall not allow an amendment to be moved which if it had been a substantive motion would have been inadmissible under sub-rule (2) of rule-9.

13. AMENDMENTS:

- (1) An amendment must be relevant to and within the scope of the motion to which it is proposed.
- (2) The Chairman shall not allow an amendment to be moved which has affect of a negative vote.
- (3) The Chairman may refuse to allow an amendment-which, in his opinion, is frivolous.
- (4) A motion may be amended by the omission, isertion, substitution or addition of words.

- (5) when a motion or amendment is under debate, no proposal with reference thereto shall be made other than:
  - (a) An amendment of the motion or of the amendment as the case may be or
  - (b) a motion for the adjournment of the debate on the motion ; or
  - (c) a motion for closure, that is to say, a motion that the question be now put ;or
  - (d) a motion that the Council instead of proceeding to deal with the motion, do pass to next item on the agenda.
- (6) it shall be in the discretion of the Chairman to put to or to refuse to put to the council a proposal of the nature referred to in clause (b) of sub-rule (5)

14. MOTION FOR CLOSURE:

Unless the Chairman is of the opinion that the motion for closure curtails the right of reasonable debate, he shall forthwith put a motion that the question be now put, and if that motion is earned, the substantive motion or amendment under debate shall be put forward:

Provided that the Chairman may allow the mover of the substantive motion to exercise his right of address or reply before the substantive motion under debate is put.

15. ADJOURNMENT OF DEBATE:

A proposal to adjourn the debate to a specified date and hour may be made at any time; Provided that it shall not interrupt a speech and it shall be in the discretion of the Chairman to put or to refuse to put such a proposal to the Council.

16. ORDER OF SPEECHES RIGHT OF REPLY :

- (1) When a motion has been moved and seconded, members, other than the mover and the seconder, may speak on the motion in such order as the Chairman may direct:

Provided that the mover and the seconder of a motion may, with the permission of the Chairman, speak thereon at any subsequent stage of the debate;

Provided further, that any member at any stage of the debate may rise on a point of order but no speech shall be allowed on that point;

Provided also that a member, who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

- (2) During the meeting, the Chairman may give at any time any suggestion or information to elucidate any point to help the members in the discussion.
- (3) The mover of the original motion and the mover of an amendment, if permitted by the Chairman, shall have the right of final reply.
- (4) No member shall save with the permission of the Chairman, speaking for more than five minutes.
- (5) The speech shall be strictly confined to the subject matter of the motion or amendment on which it is being made.

- (6) A motion or amend merit standing in the name of a member who is absent from the meeting or unwilling to move it may be brought forward by any other member with the permission of the Chairman.

7. ORDER OF AMENDMENT A MOTION ETC:

- (1) When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the Chairman shall, before taking the text of the original motion and of the amendment or amendments proposed.
- (2) An amendment to a motion shall be put to the vote first,
- (3) If there be more than one amendment to motion, the Chairman shall decide in what order the amendments shall be taken.

18. CHAIRMAN TO DECIDE POINT OF ORDERS, ETC:

- (1) When any motion involving several points has been discussed, it shall be in the discretion of the Chairman to divide the motion and put each or any point separately to the vote as he may think fit.
- (2) The Chairman shall decide any point or order which arises and his decision thereon shall be final.
- (3) if any question of procedure arises in respect of a matter for which these rules make no provision, the Chairman shall decide the same and his decision shall be final.

19. MINUTES OF THE MEETINGS :

- (1) A record of the proceedings of the meeting of the council and its committees shall be preserved in the form of the minutes.
- (2) A copy of the minutes of each meeting of the council shall be submitted to the Chairman within 15 days of the meeting which shall be authenticated by him and shall then be set to each member within 15 days of such authentication.
- (3) The minutes of each meeting of the Council shall contain such motions and amendments as have been moved and adopted or negated with the names of the movers and the seconders but without any record of comments or observations made by any member at the meeting.
- (4) If any objection regarding the correctness of the minutes is received by the Secretary within 15 days of the despatch of the minutes, such objection together with the minutes as recorded and attested shall be put before the next meeting of the council for information and no question shall be raised except as to the correctness of records of the meeting. Objections relating to typographic mistakes and inaccuracies of figures, etc, may be disposed of suitably by the secretary at his own level;  
 Provided that if no objection regarding a decision taken at a meeting is received within fifteen days of the despatch thereof by the secretary, such decision may, if expedient, be put into effect before the confirmation of the minutes at the next meeting:  
 Provided further that the Chairman may direct that action be taken on any decision of the Council before the expiry of the period of 15 days;

- (5) The minutes of the meeting of the Council shall as soon as practicable after their confirmation be printed in any appropriate form to be decided by the Chairman and shall be preserved permanently.

20. REPORT OF COMMITTEES :

The Convener of a Committee appointed by the council under section 9 of the ordinance shall submit the report for the committee to the council.

21. REGISTRATION OF DISABLED PERSONS :

- (1) Any disabled person desirous of being employed or otherwise rehabilitated may apply for registration with the Employment Exchange of the area in Form PGRDP-I (in triplicate).
- (2) Every Employment Exchange shall keep a register in form PCRDP-II for registering the names addresses qualifications and other particulars of disabled persons who apply for registration under sub-rule (1).
- (3) The Employment Exchange shall after registration, issue its Card in form-X-10 (XP) to the registered disabled persons.
- (4) The Employment Exchange shall send a duplicate copy of Form PCRDP-II on fortnightly basis to the social Welfare Officer concerned.

22. ASSESSMENT OF DISABLED PERSONS :

- (1) The Social Welfare officer concerned shall fix a date for the meeting of the District Assessment Board in consultation with the Medical Superintendent, District headquarters Hospital I Chairman of the Board and notify the disabled persons concerned to appear before the Board at the time and date specified by him.
- (2.) The Board shall, after examining each disabled person record its assessment on form PCRDP-III which shall be authenticated by each member of the Board participating in the meeting.
- (3) The Social Welfare Officer forward one copy each of authenticated form PCRDP-III to the Secretary of the Council as soon as practicable after the meeting of the Board.
- (4) The Secretary shall place the report of the Board before an Assessing Committee of the Council which shall, after considering whether or not a disabled person is fit to work make its recommendations in terms of sub-section (3) or (4) of section 12 of the ordinance, as the case may be, within five weeks of the receipt of the report from the Board and shall forward a copy of the said recommendations to the council and to the manager concerned.
- (5) The manager shall make necessary endorsement against the name of each registered disabled person in Form PCRDP-IJ in accordance with the recommendations of the Assessing Committee of the Council and shall forward an authenticated copy thereof to the social Welfare officer.

23. EMPLOYMENT OF DISABLED PERSONS:

- (1) Every establishment shall furnish to the Manager and Social Welfare Officer concerned in the first week of each quarter of the year a statement in Form

PCRDP-IV in duplicate indicating the total number of persons employed on the last day of the preceding quarter, total number of disabled persons employed on that date, total number of disabled persons required to be employed on the basis of 1% quota of the total employees of the establishment and the number of vacancies occupations against which disabled person could be employed by it.

- (2) After the receipt of the statement from any establishment, the Manager shall scrutinize the same and investigate with regard to the particulars given in such statement, if necessary, and forward a copy of his report verifying the particulars given in the statement to the social Welfare officer concerned.
- (3) The Manager shall send to the establishment a panel of disabled persons selected from amongst the persons registered in the register (PCRDP-II) against whose names there exists an endorsement to the effect that they are fit to work, The Manager shall refer each one of them on a form (PCRDP-V) to the establishment where a vacancy exists keeping in view the qualification experience required for such vacancy and shall also send a copy of the same to the social welfare officer concerned.
- (4) When any establishment employs a disabled person referred to it by the Manager, it shall inform the Manager of such employment on a Form PCRDP-V. After the receipt of such information from the establishment the manager shall make suitable entries on the statement (PCRDP-IV) and also send a copy thereof to the social welfare officer concerned. The manager shall also strike off the name of the disabled persons so employed from the register (PCRDP-II).
- (5) In the event of the establishment not employing a disabled person in accordance with recommendation to the manager, it shall send a report to these effect together with the reasons for non-compliance in form PCRDP-V to the social welfare officer, with a copy thereof to the Manager.

24. PAYMENT BY THE ESTABLISHMENT INTO THE FUND:

- (1) Where an establishment does not comply with the provision of section 10 of the Ordinance, the Social Welfare Officer shall send a notice by registered post in form PCRDP-VI to the Principal of such establishment and required him to pay into "Disabled Persons Rehabilitation Fund" each month the sum of money it would have paid as salary or wages to a disabled person.
- (2) The establishment shall thereupon pay the sum due by the third of each month either through a bank draft or a crossed cheque payable to the Council by remitting the same to the Social Welfare Officer concerned.
- (3) The Social Welfare Officer shall transmit by the seventh of each month all such bank drafts or crossed cheques to the Secretary of the Council duly entered in a consolidated statement in form PCRDP-VII showing also the name and address of the Principal Officer of each establishment who has failed to pay any sum due from it till that date.
- (4) The social welfare officer shall serve a notice in Form PCRDP-VIH to be sent to the Principal Office of each establishment under his own signatures requiring him to pay 'any or all the sums due to the fund within 30 days from the date of despatch of such notice and to show cause within the same period as to why

penalty contemplated by section 20 of the ordinance may not be imposed upon him. A copy of the same shall also be forwarded to the Secretary of the Council.

- (5) The reply to the show cause notice, if any, furnished by the Principal Officer shall be communicated by the Social Welfare officer with his comments to the Chairman through Secretary for consideration and decision of the Chairman thereon shall be communicated to Principal Officer within 7 days from the date of such decision in Form PCRDP-IX with a copy endorsed to the Social Welfare Officer. The decision of the Chairman shall be final.
- (6) In case no reply to the show cause notice has been received from the Principal Officer of establishment within the stipulated period or in case of failure of such Principal Officer to make payment of sums due within 15 days from the communication of the final decision of the Chairman, the Social Welfare Officer shall make a complaint on Form PCRDP-X to competent Court of the area in whose jurisdiction such establishment is situated and shall endorse a copy thereof to the Secretary of the Council.

25. REHABILITATION OF DISABLED PERSONS NOT FIT TO WORK:

- (1) The Social Welfare officer shall prepare a list of disabled persons declared by the Assessing Committee of the Council as "Not fit for Work" and shall place it before a Rehabilitation Committee to be constituted by the Council for consideration.
- (2) The Rehabilitation Committee shall take into account the disability, age, education, training marital status and number of dependent family members of each disabled person and shall take suitable measures for his rehabilitation: Provided that the Council may prescribe standard uniform measure of rehabilitation for all disabled persons falling into a particular disability group, age limit, education / trade level marital status.
- (3) The Social Welfare officer shall take appropriate steps to implement the decision in respect of each disabled person.

26. TRAINING OF DISABLED PERSONS:

- (1) The Social Welfare Officer shall place a list of all disabled persons for whom training in different trades and vocations has been recommended by the Assessing committee before training committee to be constituted by the Council for consideration.
- (2) The Training committee shall consider the level nature and duration of training and shall recommend for different disabled persons and shall determine the polytechnic Institute, Technic Training Center, Govt. Vocational Institute, Apprenticeship Training Center of the Provincial Government, Crash or any other training programme of the Federal Government or recognized Private Technical Training Institute in which and the terms and conditions under which such training may be imparted,



- (3) The Social Welfare Officer shall take appropriate steps to implement the decision of the training committee in each case and shall inter alia, approach the venous authorities to the Provincial Federal Government and the management of the recognized Private Technical Training Institute, as the case may be, for this purpose,

27. ESTABLISHMENT OF TRAINING CENTRES BY THE COUNCIL:

- (1) The council may establish training centres for such trades/vacations as are deemed necessary.
- (2) The Council may arrange training for disabled persons in a trade or vocation at any appropriate institute.
- (3) The Council may allow a stipend to be paid to each registered disabled person receiving training in a trade or vocation of the recommendation of Training committee for such period and on such terms and conditions as may be determined by it.

28. FINANCIAL ASSISTANCE TO DISABLED PERSONS:

- (1) The Council may provide financial assistance to disabled persons who have been declared by the Assessing Committee to be not fit for work and such assistance, shall be subject to such terms and conditions as the Council may determine.
- (2) The Council may disburse financial assistance to Voluntary Organizations engaged in the welfare of disabled persons on such terms and conditions as it may determine.

29. PROVISION OF PROSTHESIS TO DISABLED PERSON:

- (1) The council may, on the basis of the report of the Assessing Committee, provide prosthesis to the disabled persons on such terms and conditions as it may determine.
- (2) The Council may on the basis of the report of its Assessing committee provide surgical therapy or medical treatment to a disabled person on such terms and conditions as it may determine.
- (3) The Council may at any appropriate time after the supply of prosthesis, surgical therapy and medical treatment to a disabled person direct the Board to re-examine the functional disability the disabled person and make suitable recommendations in that behalf.

30. FINANCE AND ACCO LINTS:

- (1) The Council shall maintain its funds and keep complete and accurate books of accounts. The Council shall deposit all moneys on its funds in any Branch of National Bank of Pakistan.
- (2) All funds of the Council shall be paid into the Council's Account only.
- (3) The funds of the Council shall be utilized for the purpose specified in the Ordinance and for meeting such expenditures as may be necessary in connection with the salary and allowances of the staff and for other contingency items.
- (4) Monthly account shall be compiled in the classified abstract according to the appropriations and suitable secondary units may be opend at the discretion of the

Secretary who shall be responsible for the due preparation and maintenance of all accounts.

- (5) All cheques drawn on the fund shall be signed by the Chairman and the Secretary.
- (6) The Chairman may, in his discretion, authorities any other member of the Council to sign the cheques on his behalf.
- (7) The cheque books shall remain in the personal custody of the Secretary.
- (8) The Secretary shall be the countersigning officer in respect of travelling, daily and other allowances to members officers and staff of the council and the Chairman shall be the countersigning officer in respect o the Secretary

31. ESTIMATES OF RECEIPTS AND EXPENDITURES:

- (1) The financial year of the council shall start and end with the financial year of the Provincial Government.
- (2) The Secretary shall prepare detailed estimates of the receipts and expenditures for the next financial year and shall submit the same for approval and sanction of the Council at the meeting to be held for the purpose.
- (3) The funds of the Council shall not be appropriated to expenditure on any item which has not been sanctioned by the council.
- (4) The council may re-appropriate funds from one unit of appropriation to another within the total sanctioned estimates.
- (5) The Chairman may sanction cash expenditure of an amount not exceeding five thousand rupees in each case at one time and the Secretary may sanction expenditure of a contingent nature of an amount not exceeding three thousand.
- (6) A permanent grant of three thousand rupees as imprest amount shall be made to the Secretary.

32. REGISTERS TO BE KEPT BY THE COUNCIL :

The council shall keep the following accounts and registers, namely:

- (1) Cash Books,
- (2) A classified abstract,
- (3) A register of fund received,
- (4) A register of Stock and Furniture,
- (5) A register of leave account,
- (6) A register of Provident Fund contributions,

33. AUDIT:

- 1 The accounts of the Council shall be audited by the auditor General of Pakistan.
- 2 The Audit Report shall be placed by the Secretary before the Council for consideration.

34. RELAXATION:

The Provincial Council may be general or special order, relax the operation of any of these rules in any case of hardship to a disabled person.

BY ORDER OF THE GOVERNOR, <sup>7</sup>[Khyber Pakhtunkhwa].

SECRETARY TO GOVERNMENT OF <sup>8</sup>[Khyber Pakhtunkhwa]  
ZAKAT AND SOCIAL WELFARE  
DEPARTMENT.

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<sup>7</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

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