



Vol. 3 No. 1 (January) (2025)

A Critical Overview of Disability Prevalence and Law in Pakistan

Shaista Naznin (Corresponding Author)

Assistant Professor, Department of law, Abdul Wali Khan University Mardan.

Email: shaista@awkum.edu.pk

M. Usman Khan

ASC. Email: muhammadusmankhan820@gmail.com

Abstract

In Pakistan, disability has different meaning with different barriers of different types that needs different means and approaches to tackle the issue. Social attitude, State policy and outdated disability law are main hurdles in PWDs participation, representation, and inclusion in society. Pakistan ratified UN Convention on the Rights of Persons with Disabilities (UNCRPD) in 2011. This requires Pakistan to adopt UNCRPD standards at national level in its letter and spirit. However, the legislation in Pakistan is mostly incapable to take pace with the emerging modern notion of disability under UNCRPD. In the absence of an appropriate legal framework to address disability issue, superior courts in Pakistan have attempted to interpret and give judgments on various issues brought to it. However, in the absence of purpose-oriented law, court judgments can fill the gap only.

Key Words: Disability , UNCRPD, PWDs, Federal and Provincial Legislation, Case Law.

Introduction

Disability as a social and human right issue is relatively new field of interest in the world generally and in Pakistan particularly. This socio-economically-disadvantaged group of society and their right of full participation and equality needs positive action on the part of State as recognized by UNCRPD, however, government of Pakistan has not paid due attention and publicity to the technical issue of disability.

This study discusses various Pakistani laws/policies and statutory efforts on disability to see whether disability has turned inclusive topic in Pakistan as per UNCRPD version. The only federal disability specific law with limited application to employment of PWDs in Pakistan has been passed in 1980 in addition to some segregated provincial efforts and other little efforts. There are some other little and segregated efforts by provinces after 18th constitutional amendment. The overall situation of PWDs is miserable. Therefore, it is to see that whether the current laws and policies are in tune with human rights obligations or not. Similarly, it is to critically evaluate with different case laws that whether the creation of few special laws and policies via fragmented efforts is all that should be done.



Vol. 3 No. 1 (January) (2025)

Disability Law and Situation in Pakistan

In contrast to recent census data,¹ the number of individuals with physical disabilities in Pakistan is at sure increase due to terrorist attacks, vulnerability to natural calamities and required broader definition of disability. It requires legislative efforts made in line with constitutional principles and the international obligations of Pakistan. A critical glance of the existing legal regime and its impact to set out the rights of PWDs in Pakistan in disability context is as under.

Constitution of Pakistan 1973

The present Constitution of Pakistan 1973 is the supreme law of land. The very preamble of the Constitution guarantees the principles of equality, democracy, social justice, and tolerance and that the fundamental rights shall be fully observed.² Chapter 1 of the Constitution is comprised of fundamental rights which are justiciable and enforceable in court of law.³ Another important chapter entitled “principles of policy” is a detailed catalogue of titles (Articles 29 to 40 of the Constitution of Pakistan). “Principles of policy”, for the purposes of research work on PWDs, refers to shield special needs and special groups. Constitution is silent on direct reference to the rights of PWDs but its Article 38 (d) talks about the social and economic well-being of the persons to be promoted by the State. It requires State to

“provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”⁴

However, the character and the working of the principles of policy are very different from fundamental rights. Fundamental rights are justiciable, whereas the “principles of policy” document is not capable of being settled by law and is subject

¹Population census 2017: Transgender, disabled count might not be thorough: PBS". *Nation.com.pk*. 7 February 2018. <https://nation.com.pk/07-Feb-2018/population-census-2017-transgender-disabled-count-might-not-be-thorough-pbs> accessed September 8, 2021.

²Constitution of Pakistan 1973, Article 2A.

³Ibid, Articles 8–28. These rights include: “security of person (Article 9), safeguards as to arrest and detention (Article 10), slavery, forced labor, etc. prohibited (Article 11), protection against retrospective punishment (Article 12), protection from double punishment and self-incrimination (Article 13), inviolability of dignity of man, etc. (Article 14), freedom of movement, etc. (Article 15), freedom of assembly (Article 16), freedom of trade, business, or profession (Article 18), freedom of speech, etc. (Article 19), freedom to profess religion and manage religious institutions (Article 20), safeguard against taxation for purposes of any religion (Article 21), safeguard as to educational institutions in respect of religion, etc. (Article 22), provision as to property (Article 23), protection of property rights (Article 24), equality of citizens (Article 25), non-discrimination in respect of access to public places (Article 26), safeguard against discrimination in services (Article 27), preservation of language, script and culture (28).”

⁴Ibid, Article 38(d).



Vol. 3 No. 1 (January) (2025)

to the proviso of “available resources of the government”. Shaheen Sardar Ali who is a British Pakistani law professor at the University of Warwick, rightly resembles the split of human rights at domestic level into “fundamental rights” and “principles of policy” to the division and separation of human rights at international level in human rights instruments in the form of “International Covenant on Civil and Political Rights” (ICCPR) and the “International Covenant on Economic, Social and Cultural Rights” (ICESCR)⁵ respectively. She calls this dichotomy of rights as having adverse impact on the lives of PWDs.⁶ Similarly, the protection provided under article 38(d) may not be compatible with the shift demanded by UNCRPD in terms of the use of stereotypes of ‘weakness’ or a ‘sickness’ but if it comes to defining the scope of the fundamental rights of PWDs, Constitution is correctly interpreted by courts as evident in “*Hafiz Junaid Mahmood vs. Government of Punjab*”⁷ and “*Barrister Asfandiyar Khan vs. Government of Punjab*”⁸ although Constitution does not specifically forbid disability discrimination and apply to all citizens.

The dedication of no provision to disability in Constitution, in one sense, is considered that it believes in equality of rights and inherent dignity of a human beings without discriminating between persons with or without disabilities as determined in *Aisha Nawaz and others*⁹ invoking Article 5 of the UNCRPD. Article 25 of the Constitution endorses actual participation, inclusiveness, and admits human diversity in a society. In “*Tariq Aziz-ud-Din and others*”,¹⁰ the Court held that

we are also conscious of the provision of Article 25 of the Constitution, which guarantees equality of citizens. However, denying such protection in peculiar circumstances of the case on basis of reasonable classification founded on an intelligible differentia which distinguishes persons or things that are grouped together from those who have been left out.

The notion of “equal protection of laws”, however, does not restrict State’s authority to adopt special laws or policy to address the issue of disability.

The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981

⁵Shaheen Sardar Ali, “Disability, human rights and redistributive justice: Some reflections from the North

West Frontier Province of Pakistan on popular perceptions of disabled people (ch 6)” in *Disabled People and the right of life: the protection and violation of Disabled People’s Most Basic Human Rights*, ed. Luke Clements and Janet Read (London: Routledge, 2008), 17.

⁶Ibid.

⁷*Hafiz Junaid Mahmood vs. Govt. of Punjab, etc.* W.P. No.2565/2014.

⁸*Barrister Asfandiyar Khan vs. Government of Punjab* W. P. No.29131/2017.

⁹*Punjab Public Service Commission and another vs. Mst. Aisha Nawaz and others* (2011 SCMR 1602)

¹⁰*Tariq Aziz-ud-Din and others* (Human Rights cases Nos.8340 of 2009, 2010 SCMR 130.



Vol. 3 No. 1 (January) (2025)

The “Disabled Persons (Employment and Rehabilitation) Ordinance 1981”, (the Ordinance) was promulgated in 1981- international year for disabled persons- and can be rightly called an initial step towards employment, wellbeing, and rehabilitation of disabled persons in Pakistan. However, it may not be termed as an exhaustive framework for the enforcement of equal rights notion embedded in UNCRPD. It is worth mentioning that the Ordinance stands defunct and repealed to the extent of territory of Islamabad under “Islamabad Capital Territory (ICT) Rights of Persons with Disability Act 2020” (ICT Act).

Taking the meaning of disability under the Ordinance, it can be elaborated and evaluated from following two aspects.

I. Use of Insensitive Terms in the Definition

A disabled person, under the Ordinance, is

*A person who, on account of injury, disease, or congenital deformity, is handicapped for undertaking any gainful profession or employment in order to earn his livelihood, and includes a person who is blind, deaf, physically handicapped or mentally retarded.*¹¹

Under the Ordinance, PWDs remained to be called ‘handicapped’ like past who remained mostly hidden in their houses or institutionalized in welfare centers and were subject to de jure discrimination.

The use of term handicapped for persons with disabilities is itself labeling as it was generally misunderstood as disabled persons holding their caps out to beg for alms (i.e., holding their caps in their hands, hence, hand-i-cap). In 20th century, the use of the word generally referred to disadvantage, disfavor and hindrance particularly applied for PWDs. Globally the view too persists that use of the word “handicap” is not in terms of disrespect but is in context of environment that creates challenge or difficulty.¹² The definition of a PWD in Ordinance is, therefore, not in lines with UNCRPD and the use of words “disabled, physically handicapped and mentally retarded” mentioned in the Ordinance are challenged being unconstitutional.¹³ As the Constitution does not make any difference between a person with and without disabilities, the use of such terms as a part of law was challenged by public interest petition. In ***Barrister Asfandyar Khan vs. Government of Punjab***,¹⁴ the then Chief Justice declared the words “disabled”, “physically handicapped” and “mentally retarded” as violative of **Articles 9,14 and 25** of the **Constitution** and hence unconstitutional and illegal. Federal and Punjab governments were clearly directed to discontinue the use of such words in directives, circulars notifications, official correspondence, and instead use the terms “persons with disabilities” or

¹¹The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, Government of Pakistan, Section 2(3).

¹²The interesting origin of the word ‘handicap’ <http://www.todayifoundout.com/index.php/2013/12/origin-word-handicap/> accessed July 2, 2020.

¹³*Barrister Asfandyar Khan Tareen etc vs. Govt of the Punjab etc* W.P. No 29131/2017.

¹⁴*Ibid*, para 19.



Vol. 3 No. 1 (January) (2025)

“persons with different abilities”.¹⁵ Directions were given to the Ministry of Parliamentary Affairs, Islamabad to make sure that the Ordinance is reprinted in compliance with this judgment.¹⁶ However, these directions of the Lahore High Court have not been implemented till date.

Barrister Asfandiyar Khan case has been endorsed by the SC in two of its recent judgments. In the case of *Malik Ubaidullah vs. Government of Punjab*¹⁷ it was held that the use of insensitive terms deeply bruises and offend human dignity of persons with different abilities. In *Mst. Beena vs Raj Muhammad*,¹⁸ where an appeal was moved by a “disabled mother” against the judgment passed by the Peshawar High Court (PHC). The PHC set aside two concurrent judgments of the Family Court and Appellate Court and awarded the custody of minor to his father by giving preference to the Khula deed in which along with dower waiver, the petitioner agreed for not claiming minor’s custody. Court considered the petitioner unfit for the custody and quoted her as “crippled/disabled lady” in its judgment. In Appeal, the SC stripped off the PHC judgment and observed that a mother entitled, under Muslim personal law, for custody cannot be compelled to surrender her right through an agreement of khula. The consideration of such an agreement will be considered unlawful and against public policy. The SC further criticized and termed the conduct/ judgment of the PHC as “inappropriate”. Citing Chief Justice Syed Mansoor Ali Shah in the case of *Asfandiyar Khan Tareen vs. Government of Punjab*, the Supreme Court observed that the use of words like “disabled”, “physically handicapped” and “mentally retarded” is the violation of the Constitution.¹⁹

II. Magnitude and Meaning of Disability

Court while giving the meaning of disability relied on *Hafiz Junaid Mahmood vs. Government of Punjab and others* and on UNCRPD. In *Barrister Asfandiyar Khan Tareen etc vs. Govt of the Punjab etc.*, the court’s approach that disability is what someone has, not what someone is, is a move from pure charitable and medical to social model of disability. However, such a move would require having right definition of disability, but the Ordinance defines it as impairment with no specific magnitude where the loss of finger and any other serious disability is tackled on same lines. In earlier case of *Aisha Nawaz and others*,²⁰ the apex court directed federal government to “categorize the types, causes, magnitude, duration and severity of disability of each individual”. Much of the Ordinance is still medical oriented focusing on physical impairments and disabilities and is not addressed by law and policy framework. For example, impairment is the only criteria and standard that is still used for the registration of PWDs by physician without social participation assessment. Likewise, there is no single Pakistani law or data about the rights of caregivers who are providing unpaid care for their ill, older, or

¹⁵ Ibid, para 20.

¹⁶ Ibid, para 21.

¹⁷ *Malik Ubaidullah vs. Govt of Punjab* Civil Petition No.140-L of 2015, para 19.

¹⁸ *Mst. Beena vs. Raj Muhammad* Civil Petition No. 4129/2019 and C. M. A. No. 10406/2019.

¹⁹ Ibid.

²⁰ *Punjab Public Service Commission and another vs. Mst. Aisha Nawaz and others* (2011 SCMR 1602)



Vol. 3 No. 1 (January) (2025)

disabled family members, friends, or partners.

Hafiz Junaid Mahmood vs. Govt. of Punjab,²¹ a blind Hafiz-e-Quran petitioner²² with Braille proficiency certificate²³ being “fit for job consistent with his experience” and fulfilling all the requirements advertised under various posts of educators, was declared ineligible under “recruitment policy – 2013 for educators” dated 31 July 2013 saying that “blind”, “deaf” and “dumb” will not be eligible to apply under disabled persons’ quota. Paragraph 4-D of the policy reads as under:

*2% statutory quota of the total allocated posts of each category will be reserved for disabled person on direct basis. Their disability certificates will be issued by District Officer (Social Welfare) concerned district of disabled person. Disability should not hinder mobility or effective communication or use of blackboard. Disabled candidates fit for teaching profession and able to read, speak, write and use blackboard will be eligible to apply for appointment against this quota. Under disabled persons’ quota, blind, deaf & dumb candidates will not be eligible to apply. The vacancies reserved for disabled persons against which disabled qualified candidates are not available, will be treated as unreserved and filled on district merit.*²⁴

The recruitment policy was challenged on the ground of definition that stood conflicting to the definition of disability in Section 2(c) of the Ordinance. However, it was supported on the ground that courts cannot interfere in policy matters and placed reliance on earlier petitions in favor of the Policy.²⁵ Court referred to already decided cases.²⁶ Applying the Doctrine of Severance to have

²¹*Hafiz Junaid Mahmood vs. Government of Punjab and others*. PLD 2017 Lahore 1.

²²As per the Disability Certificate issued by the Assessment Board for the Disabled Persons District Lahore, Social Welfare Women Development and Baitul-Maal, Government of Punjab dated 5-5-2012 read with the Revised Disability Certificate dated 17-12-2016.

²⁴Educators Recruitment Policy 2013 Education Department Punjab.

²⁵*Executive District Officer (Revenue), District Khushab at Jauharabad and others vs. Ijaz Hussain and another* (2011 SCMR 1864), *Aqsa Manzoor vs. University of Health Sciences, Lahore through Vice Chancellor and 3 others* (PLD 2006 Lahore 482), *Lt. Muquddus Haider vs. Federal Public Service Commission through Chairman, Islamabad* (2008 SCMR 773), *Punjab Public Service Commission and another vs. Mst. Aisha Nawaz and others* (2011 SCMR 1602) and *Mian Muhammad Afzal vs. Province of Punjab and others* (2004 SCMR 1570).

²⁶*Human Rights case No.14392 of 2013* (2014 PTD 243), *Messrs Al-Raham Travels and Tours (Pvt.) Ltd. vs. Ministry of Religious Affairs, Hajj, Zakat and Usher through Secretary and others* (2011 SCMR 1621), *Messrs Shaheen Cotton Mills, Lahore and another vs. Federation of Pakistan, Ministry of Commerce through*



Vol. 3 No. 1 (January) (2025)

the constitutionally compliant definition, honorable court declared that the use of words “physically handicapped”, “mentally retarded” and “disabled” is unlawful and unconstitutional and is in violation of articles 9, 14 and 25 of the Constitution. Court further said to read the title of the Ordinance as: Persons (Employment and Rehabilitation) Ordinance, 1981 rather than Disabled Persons (Employment and Rehabilitation) Ordinance, 1981²⁷- but of no practical purpose yet.

Special and Inclusive Education

Ministry of Social Welfare and Special Education was formed under the Ordinance. It established opening of almost 100 special education schools for children with disabilities (CWDs). “National Council for the Rehabilitation of Disabled Persons” was designated with the task to shape policies in this regard.²⁸ The scale of disability from different sources in Pakistan suggests that special education facilities-though in contrast to UNCRPD spirit of inclusive education- are not enough to adjust even 10% of the CWDs of the country.²⁹

The Ordinance bifurcates between special and mainstream education because people with special abilities have special issues to get education. However, separation promotes segregation which goes against the spirit of UNCRPD. UNCRPD recognizes that

*Disability is an evolving concept that results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full active participation in society on an equal basis with others.*³⁰

Inclusive education, therefore, must be one of the main strategies to achieve this goal requiring States Parties “to ensure an inclusive education system at all levels”.³¹ John Rynders’ research in 2005 concluded education in inclusive classrooms beneficial for persons both with and without disabilities in respect of costs, accessibility, and changing societal attitudes.³² However, in developing countries, the availability of direct funding and resources on the part of govt. for the purpose is absent. It is recommended to ease the burden on govts. of developing countries through innovative community-based mechanisms. “Lady health worker program” in Pakistan, for instance, was such a program to help

Secretary and another (PLD 2011 Lahore 120) and Wattan Party through President vs. Federation of Pakistan through Cabinet Committee of Privatization, Islamabad and others (PLD 2006 SC 697).

²⁷*Hiral P. Harsora and others vs. Kusum Narottamdas Harsora and others (2016) 10 SCC 165), Shahid Pervaiz vs. Ejaz Ahmad and others (2017 SCMR 206) R.M.D. Chamarbaugwalla and another vs. Union of India and another (AIR 1957 S.C. 628), The Corporation of Calcutta vs. Calcutta Tramways Co. Ltd, (AIR 1964 SC 1279), Satyawati Sharma vs. Union of India and another (2008) 5 SCC 287).*

²⁸The Ordinance, 1981, Section 6.

²⁹Amjid Hafeez, “Special Education in Pakistan: A Critical Analysis,” *A Journal of the National School of Public Policy* 41 (2020):169.

³⁰Convention, 2006, Preamble.

³¹Ibid, Article 24.

³²John Rynders, “Down Syndrome: Literacy and Socialization in School. Focus on Exceptional Children,” 38(2005) <https://eric.ed.gov/?id=EJ754720> accessed July 2, 2019.



Vol. 3 No. 1 (January) (2025)

bring driving change in societal attitudes via awareness raising. Disability needs such initiatives to be commenced and adopted in community.

Employment Quota

Under the Ordinance, a qualified disabled person has been allocated 1 % employment quota in public and private employment which was later extended to 2% by government in 2012 Policy under special directive of the Prime Minister.³³ However, Ordinance is silent on jobs in informal sector and self-employment. When it comes to implementation, there exists a confusing and complicated forum shared between the ministry of labor, social welfare departments and special education. The 18th Constitutional amendment made “Ministry of social welfare and Special Education” at the federal level defunct resulting into a confusing patchwork through different agencies working at each province. In practice, it includes several tiresome procedures of registration with local employment exchange office.³⁴ After registration, a PWD has then to go through a medical test to assess his/her fitness for employment. More ironically, medical board is authorized to recommend a type of job that suits the person³⁵ and his disability rather than his capability which is the violation of “right to the freedom of choice” under Article 27 of the UNCRPD. In “*Sajjad Ali vs. Vice Chancellor through Registrar University of Malakand at Chakdara, Dir Lower & others,*” the petitioner suffered of the impugned judgment of PHC dated 28.05.2018 who applied for the post of lecturer and was refused to be recruited on the ground that the advertisement contains only one post of lecturer in the subject of Pharmacy that could not satisfy/workout the 2% quota prescribed for the disabled persons against the advertised post.³⁶ Examined under Sections 10 (an establishment should employ no less than two percent of disabled persons) and 12 (mandatory registration of a disabled person with the local employment exchange of the area where provincial council may or may not fit one for recruitment) of the Ordinance (amended by the “Khyber Pakhtunkhwa Disabled Persons (Employment and Rehabilitation) (Amendment) Act 2012), the SC gave 3 months policy formulation time to the university for the allocation of this quota to PWDs. And that the case of the petitioner will be duly considered afresh by the respondent university with no effect from findings of impugned judgment of PHC. The constitutional interpretation in the light of UNCRPD undoubtedly shows that a PWD cannot be debarred from applying on open merit for the general seats and 2% employment quota is an extra advantage for PWDs which does not prohibit

³³*The Disabled Persons (Employment) and Rehabilitation (Amendment) Act,*

(2015).<https://courtingthelaw.com/2015/05/27/faqs/the-disabled-persons-employment-and-rehabilitation-amendment-act-2015/>.

³⁴*Ibid, Section 12.*

³⁵*Ibid, Section 12(2).*

³⁶*Sajjad Ali vs. Vice Chancellor through Registrar University of Malakand at Chakdara, Dir Lower & others,* Civil Petition No.3107 of 2018.



Vol. 3 No. 1 (January) (2025)

them to apply for a job or employment on general quota.

The issue of quota allocation of PWDs was once again considered by the SC in a civil petition *No.140-L of 2015* on an appeal from the order of LHC dated 02.12.2014. *Malik Ubaidullah vs. Govt of Punjab Civil Petition No.140-L 2015* was heard and decided on (14th July 2020) giving detailed interpretation of the allocated 2% disability quota in Jobs. The petitioner applied for the post of “senior elementary school educator Arabic” (SESE [Arabic]) on the disability quota advertised by education department, local government, Multan. A total of 81 posts were advertised and thereafter, only one (Asma Qasim with 62.78 marks) was appointed against the said post under the disability quota and the petitioner (with 43.53 Marks) failed to secure a position. Feeling aggrieved, petitioner invoked constitutional jurisdiction and challenged the selection process under disability quota before LHC. His writ petition was dismissed vide order dated 28.10.2013 and so did his appeal before the LHC vide impugned order dated 01.12.2014. The Apex Court during the hearing of this case arose a legal question on the manner of allocation of 2% disability quota under the Ordinance.³⁷ Relying on international laws under UNCRPD, ILO and social model of disability in paras 3-12, the apex court decided on how 2% disability quota should be worked on.³⁸ Court said that “Section 10 of the Ordinance provides that not less than 2% of the total number of persons employed by an establishment at any time shall be PWDs.”³⁹ The ‘total number of persons employed’ means the total sanctioned posts or total workforce⁴⁰ of the establishment rather than the advertised posts.⁴¹ Honorable Court further added that:

The allocation of 2% disability quota on the basis of the advertised posts as compared to the sanctioned posts is adverse to the interest of the PWDs for the reasons that 2% disability quota can only be actualized if there is a minimum of 50 posts advertised to secure one post for the PWDs. If the advertisement is for less than 50 posts (due to the vacancies arising at that particular time), Disability Quota on the basis of the advertised posts cannot be worked out, depriving the PWDs of their prospect of employment. It is, therefore, in the interest of the PWDs that the Disability Quota for the

³⁷ The federal Law is now a provincial law after the Disabled Persons (Employment & Rehabilitation) (Amendment) Act, 2012, however, as this case pertains to a period before 2012, therefore, the Federal Law would apply in the present case.

³⁸ *Malik Ubaidullah vs. Govt of Punjab Civil Petition No.140-L of 2015*, para 14.

³⁹ *Ibid.*

⁴⁰ *Pakistan Tobacco Co. Ltd. and others vs. Government of N. W.F.P. through Secretary Law and others* (PLD 2002 SC 460) and Reference No.01/2012 (reference by the President of Pakistan under Article 186 of the Constitution of Islamic Republic of Pakistan, 1973) (PLD 2013 SC 279).

⁴¹ *Malik Ubaidullah vs. Govt of Punjab Civil Petition No.140-L of 2015*, para 14.



Vol. 3 No. 1 (January) (2025)

establishment is first worked out on the basis of the total sanctioned posts and then apportioned against the total sanctioned strength of different categories of posts.⁴²

Based on above explanation, court decided that:

81 advertised posts of SESE [Arabic] allows for one post in the disability quota, while if the Disability Quota is worked out on the total sanctioned strength of the posts of SESE [Arabic] it comes to 5 posts (cadre wise posts - 2009 contains total 252 sanctioned posts of SESE [Arabic]) and 4 more PWDs could have been appointed against the said posts against the advertisement in question.⁴³

Most significant of the judgment is that court termed the appointment of PWDs under 2% disability quota as half the story and the most important other half of the story is to provide support, structure, accessibility, and facilities to PWDs to perform all with ease and convenience if they are offered jobs.⁴⁴ Court in its landmark ruling upheld the reasonable accommodation principle recognized in UNCRPD although Pakistani law was previously silent on the subject. For analysis, the reasonable accommodation principle and reasonable adjustment duty is thoroughly discussed in Ch 6 in context of UK's modern disability law and court rulings.

Reasonable Adjustment Duty

Reasonable adjustment as a legal and anticipatory duty is a mandatory and significant part of modern disability laws under international standards. It obliges very public sector organization to alter their approach or provision for making services accessible to PWDs as well as everybody else. The failure on the part of employer to make reasonable adjustments for an applicant or worker suffering with a disability constitutes discrimination. The Ordinance and subsequent bills to amend and improve it are all silent upon this important aspect of the employment rights of a PWD or mention of limited circumstances as justification for disability related discrimination. Any case law emphasizing on the issue is almost absent. In the absence of law and judicial interpretation to guide on the circumstances as justification for disability related discrimination, it proves more violating of the rights of PWDs. In *Muhammad Nazak vs. Usman Yousaf Mobeem etc.*,⁴⁵ relief was granted to a PWD via contempt of court application and resulting notification of Government of Pakistan Ministry of Interior instead of invoking any provision of

⁴² Ibid, para 16.

⁴³ Ibid, para 17.

⁴⁴ Ibid, para 20.

⁴⁵ *Muhammad Nazak vs. Usman Yousaf Mobeem etc.* Case No. Crl. Org. No. 39725-W of 2017.



Vol. 3 No. 1 (January) (2025)

the Ordinance or enforcement of already existing regulations (law does not possess reasonable accommodation provision for disabled workers).

A contempt petition in *Muhammad Nazak vs. Usman Yousaf Mobeem etc.*, was filed on alleged defiance of order dated 07.04.2017⁴⁶. Petitioner was a certified disabled person with amputated hands from shoulders. His grievance was the issuance of CNIC without foot toe impression that deprived him from availing certain facilities like opening of bank account, issuance of mobile sim card etc. The CNIC was issued contrary to “Regulation No. 13” of the NADRA (application for National Identity Card). Regulation 2002 demands special treatment of certain persons including eunuchs and persons with disability. It says that eunuch should be treated as “male” and an identity card shall be issued accordingly. It further says that

*An applicant with amputated hands shall put the impression of his left foot toe on the application form and, if the left foot toe is also amputated, the impression of the right foot toe shall be put on the application form.*⁴⁷

Deputy Director (Operations) NADRA appeared and informed the court about certain amendments in software module to implement the regulations. Six-weeks’ time was given to entertain amendments and issue required CNIC. The above-mentioned contempt petition was filed for non-fulfillment of court’s order in letter and spirit (law is silent on reasonable adjustment duty of authorities and employers). The petition, however, was dismissed after the notification of Ministry of Interior, Government of Pakistan on 21 July 2017. In addition to amputated hands, the notification covered the applicants whose fingerprints cannot be computed due to chronic skin disease, old age, worn out or fades fingerprints and shall apply through “problematic fingerprints” option of card processing.⁴⁸

Zakat and Ushr Ordinance 1980

The Zakat and Ushr Ordinance provides for educational and medical expenses of the poorer. “Pakistan Bait ul Maal Act 1991” and later the Provisional Ordinances after 18th Constitutional amendment offers general support to the poorer or PWD including educational, medical, and housing fields, for example, Benazir income support program (BISP).

Section 8(a) of the zakat fund under “Khyber Pakhtunkhwa Zakat and Usher Act, 2011” mentions of providing help in form of zakat to widows, orphans, handicapped and disabled under Sharia either directly or through institutions like religious schools and social institutions.⁴⁹ However, its basic idea revolves around a charitable purpose whereas the charity-based approach towards disability is rejected by UNCRPD. Other than charitable approach towards disability, the

⁴⁶ Ibid.

⁴⁷ National Identity Card Regulations, 2002., Clause 13.

⁴⁸ *Muhammad Nazak vs. Usman Yousaf Mobeem etc.* Case No. CrI. Org. No. 39725-W of 2017.

⁴⁹ The Khyber Pakhtunkhwa Zakat and Usher Act, 2011, Section 8(a).



Vol. 3 No. 1 (January) (2025)

Khyber Pakhtunkhwa Zakat and Usher Act, 2011 which was enacted after Pakistan ratified UNCRPD, still use the obsolete terms like 'disabled' and 'handicapped' as were in 1981 Ordinance that goes against the spirit of UNCRPD.

National Policy, 2002 and National Plan of Action, 2006 for Persons with Disabilities

The information contributed to the formation of "National Policy for Persons with Disabilities 2002" on the number of PWDs and CWDs were based upon WHO estimates and census of 1998.⁵⁰ The consultative process included all stakeholders including relevant federal ministries, departments, and prominent NGOs.⁵¹ The main purpose of the policy was to establish an inclusive environment for PWDs by 2025.⁵² To put the 2002 national policy in practice, National Plan of Action 2006 (NPA) was designed to propose concrete measures particularly on the issues of accessibility, inclusion, and equalization of opportunities. It identified 17 critical areas of concern and intervention to take short-term steps ((like data bank; sample surveys, promoting inclusive education, employment opportunities, legislative support, improving public opinion) to be achieved by the end of 2009 and long-term measures (like accessible/barrier free environment and revision of construction bye laws) to be achieved by July 2025.⁵³

NPA clearly mentions that available data on PWDs is not accurate, and distribution of causes is not determined which requires reliable mechanism to collect district level information.⁵⁴ Some of its short-term unachieved goals in this regard included adoption of ICF model of WHO for measuring disability, sample surveys in selected districts, databanks on disability at federal and provincial levels and generation, dissemination and posting of such data on the web. Long term steps included enforcement of Occupational Health and Safety (OHS) laws in industries, studies/ research on cousin marriages and on genetically transmitted diseases and conduct of public awareness if confirmed as responsible factor. For inclusive education, it demands one inclusive education unit per Union Council.⁵⁵ NPA demands clear implementation of existing employment laws and drafting of new laws, however, it identifies the weak implementation status of Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, Workmen' Compensation, Social Security and Occupational Health Safety Acts.⁵⁶

⁵⁰National Policy for Persons with Disabilities 2002, 3.

<http://siteresources.worldbank.org/PAKISTANEXTN/Resources/pdf-Files-in-Events/Pak-Disabled-Policy.pdf> accessed March 22, 2020.

⁵¹ Mughees Ahmed, Abdul Basit Khan, Fozia Nasem, "Policies for Special Persons in Pakistan: Analysis of Policy Implementation," *Berkeley Journal of Social Sciences* 1(2011):5.

⁵² National Policy 2002,3 <http://siteresources.worldbank.org/PAKISTANEXTN/Resources/pdf-Files-in-Events/Pak-Disabled-Policy.pdf> accessed March 22, 2020.

⁵³ National Plan of Action for the Persons with Disabilities, 2006; Directorate General of Special Education, Government of Pakistan.

⁵⁴Ibid.

⁵⁵ National Plan of Action for the Persons with Disabilities, 2006; Directorate General of Special Education, Government of Pakistan, Action No. 6.12.

⁵⁶ Ibid, Action No. 11.



Vol. 3 No. 1 (January) (2025)

Action No. 2.8 of the NPA not only demands legislation but also its strict enforcement to eliminate quackery to check proliferation of disability.

Special Citizens Act 2008 and Special Citizens (Right to Concessions in Movement) Act, 2009

“Special Citizens Act, 2008” (currently pending) seeks to address the issue of accessibility of PWDs in respect of public buildings and other places, provision of seats in public transport, facilities on footpaths for blinds and wheelchairs, however, the Act is silent on accessibility of use of information and communications technology.⁵⁷ The vagueness of the Act can be witnessed from the fact that it mentions to reserve seats for PWDs on public transport, however, there is no reference to make vehicles accessible for PWDs. For instance, while designing the new metro bus system in Punjab, government ignored the accessibility issue with no heed paid to make these buses accessible for PWDs.

Special Citizens (Right to Concessions in Movement) Act 2009 aimed to make modes of public and private transport accessible to PWDs on concessional rates including air, railway and others but not seen in practice yet. The Act mentions the reason behind such concession and says that the working force of PWDs is even unable to earn sufficient to pay showing the discrimination faced by PWDs in education and employment.⁵⁸ UNCRPD stresses to make disables mandatory part of all activities if specific policies for them are not affordable.

Pakistan Accessibility Code 2006

The dream of equality and full participation of PWDs cannot be realized without resolving accessibility issue. Considering the accessibility issue of PWDs, the “Special Citizens Act 2008” recognize accessibility as “*to everywhere, just like the accessibility of normal citizens of Pakistan*”⁵⁹(a welfare not right-based approach to disability). PWDs are in fact, not ‘normal’ or like every other normal citizen and require action on the part of government for assuring their certain inalienable human rights.

As a step forward, Pakistan has an Accessibility Code 2006 (the Code) that provides standards for public infrastructure. However, any greater protection and relief provided for the rights of PWDs in any of federal, provincial, and local laws is not limited by the Code. Easy and safe access for PWDs has been assured in the Code although in theory at least. It reviews comprehensive space standards, design guidelines and building bylaws to create PWDs-friendly environment. To achieve its objective, the Code has made it obligatory for the designers, owners and builders of public buildings/facilities and privately owned public use buildings to adopt the required standards in all new construction.⁶⁰ Newly constructed buildings should be free of physical barriers. Code demands appropriate and possible measures to modify already existing buildings and facilities. Every public place that can be used

⁵⁷ Special Citizens Act, 2008; Government of Pakistan.

⁵⁸ Special Citizens (Right to Concessions in Movement) Act, 2009; Government of Pakistan.

⁵⁹ Special Citizens Act, 2008; Government of Pakistan, Section 2.

⁶⁰ The Accessibility Code of Pakistan 2006, Chap 3, section 3.2.



Vol. 3 No. 1 (January) (2025)

by PWDs, has brought under the realm of this Code.⁶¹ Keeping in view the chaotic situation of PWDs on environmental accessibility issue, it is ironic enough that “Design Manual & Guidelines” for new as well as existing buildings has also been provided for Accessibility Code 2006 to supplement it. However, the provisions of the Manual are not binding and are used as guidelines only. Non availability of the Manual on any government website to guide owners, contractors, builders, and facilitators further deteriorates the situation. Many of the concerned are unfamiliar of its presence.

NPA that requires public entertainment places and recreational activity centers more accessible, no efforts to draft policies and promulgate laws and regulations are there.⁶² In *Mian Mohammad Tanvir Ibrahim vs. Parks and Horticulture Authority*,⁶³ the High court required the Parks and Horticulture Authority to ensure that clubs provide access to persons with physical impairments. Both the Code as well as The Manual lack crucial legislative cover. Infrastructural development under legal obligations and policies as well as effective implementation of the Act is not seen. ⁶⁴This shows that the Act has not gone beyond welfare and empty approach.

The Disabled Persons Employment and Rehabilitation (Amendment) Act 2015

“The disabled persons (Employment) and Rehabilitation (Amendment) Act 2015,” the bill yet to be passed, seeks to reinforce the rights of PWDs in Pakistan in respect of employment and other livelihood benefits. It demands the Ordinance 1981 to be incorporated with a new Section 2A after Section 2, to ensure the provision of 14 facilities as a top priority list of the government. It requires the government to warrant 2% of disability quota in federal, provincial and districts departments, concession of 75% and 50% in tuition fees in public and private educational institutes respectively, 50% discount to PWDs in PIA, railway, public and private transport fares, 30% discount to PWDs in utility stores. Amount for wedding events and small business opening respectively is also proposed.⁶⁵ Provided in theory, all is far to be seen in reality.

Islamabad Capital Territory (ICT) Rights of Persons with Disability Act 2020

The most recent legislation on the issue of disability in Pakistan is the “Islamabad Capital Territory Rights of Persons with Disability Act 2020 (ICT Act).” The original draft of the said legislation was first presented before the Standing Committee on Human Rights on April 24, 2019, chaired by the Minister of Human

⁶¹ The Accessibility Code of Pakistan 2006, Chap 7.

⁶² National Action Plan 2006, point 11,12.4 on 29 and point 12.8 on 31.

⁶³ *Mian Mohammad Tanvir Ibrahim vs. Parks and Horticulture Authority* 2016 CLC 1508.

⁶⁴ Fatima Wahla, “Accessibility for PWDs,” *Daily Times*, August 28, 2019.

⁶⁵ <http://courtingthelaw.com/2015/05/27/faqs/the-disabled-persons-employment-and-rehabilitation-amendment-act-2015/> accessed June 23, 2019.



Vol. 3 No. 1 (January) (2025)

Rights Dr. Shireen Mazari, however, it required certain amendments. To make it more inclusive, the said legislation underwent some changes and was passed by National Assembly on Jan 10, 2020. It is to be noted that the ICT Act is limited only to Islamabad and its benefits to whole country cannot be extended. It repealed the “Disabled Persons (Employment and Rehabilitation) Act 1981” to the extent of Islamabad.

The legislation can be termed as an achievement developed in the light of UNCRPD as apparent from the very name of the Act- the name of the legislation includes the term ‘persons with disability’ instead of disables or handicapped given in previous legislations. However, this term is not defined in the Act. New disability definition in Section 1(f) satisfies UNCRPD requirement that takes disability as “an interaction between a PWD and attitudinal and environmental barriers. However, it is silent on recognized disability conditions (whereas Indian RPWD Act 2016 has increased the number of such recognized disability conditions from 7 to 21).

Some salient features of ICT are that it proposes inclusive society and equal rights of PWDs both at institutional and legal forums particularly in education, employment, and health. The “National Council for the Rehabilitation of Disabled Persons” formed under the 1981 Ordinance has been reconstituted as the “Council on Rights of Persons with Disabilities” where PWDs have been given representation (seat of the deputy chairperson of the council will be occupied by a disabled person).⁶⁶ The Act talks of the creation of special disability courts to hear cases under this Act or other laws in which one or more parties are persons with disabilities⁶⁷ and requires monitoring of disability cases in courts under subsection (1) by appropriate judicial forums as devised by the respective High Court.⁶⁸

The Act requires government to provide free pre-primary to higher education to PWDs with educational institutions to cater their special needs. It demands reasonable and appropriate accommodation to educational institutions, including hostels (all this need comprehensive range of facilities). However, ICT Act is silent on how to achieve it. In employment cases of PWDs, the employer shall ensure the provision of reasonable accommodation. Reasonable accommodation includes necessary assistive aid and equipment reasonably required to perform his/her duties. But the term reasonable meaning by “necessary and appropriate modification” still needs judicial interpretation which is not affordable in many cases. Besides several developments under ICT Act, a PWD desirous of employment still needs to have his name registered with council and get job if the council fit him/her to work. This constitutes clear recruitment discrimination under UNCRPD. Ease of access and mobility under Section 7 requires government to take necessary measures towards accessibility issue via new development and amendments in lines with strategies developed by the Council. The Act, however, seems vague as it does not offer any time limit for such amendments (RPWD 2016

⁶⁶Islamabad Capital Territory Rights of Persons with Disability Act 2020, Section 21.

⁶⁷Ibid, Section 32.

⁶⁸Ibid, Section 32.



Vol. 3 No. 1 (January) (2025)

India provides 5-years' time limit to make existing public buildings accessible).⁶⁹ On protection from abuse, violence and exploitation, the Act says that "physical violence against a PWD causing even a minor injury shall be deemed as, grievous injury and shall be treated as an act of violence under section 335 of the Pakistan Penal Code, 1860 (Act XLV of 1860) and shall attract punishment accordingly." However, the significant issue of PWDs violation and exploitation and available legal remedies needs a detailed cover under a separate chapter on punishment (RPWD Act 2016 India provides detailed legal remedies available against such incidents).⁷⁰

Further, the Act is completely silent on the concept, definition, and rights of caregivers to PWDs for their recovery and rehabilitation. In Pakistani society primary caregivers are family members who provide unpaid care but the care giving burden of a person both effect his/her normal and professional lives. The rights of care givers in respect of hours-relaxation in case of employment are usually violated in Pakistan and no legal provision are seen to address the issue. As an example, India has reviewed the existing legal and civic support systems for these caregivers. As a preliminary step, tax exemptions and travel benefits are the aids provided to caregivers in India. Under recent amendment (Section 80 DD) to India Income Tax Act 1961, the caregiver is eligible for income tax exemption of Rs. 50,000-100, 000 depending on the magnitude of disability.⁷¹ Besides defining a caregiver as "*any person including parents and other family members who with or without payment provides care, support or assistance to a PWD*",⁷² the RPWD Act 2016 of India establish care-giver allowance to PWDs.⁷³It also provides to initiate capacity building program and training on care giving.⁷⁴

ICT Act, although a limited but very recent attempt on PWDs rights in Pakistan, is silent on this important associative aspect of disables rights.

National Commission for Persons with Disabilities Act, 2018

"National Commission for Persons with Disabilities Act, 2018" is a bill introduced in National Assembly applicable to whole of Pakistan. It aimed to create disability commission for drafting a national policy by reviewing the condition of PWDs in country. The bill, as an initial step, focus on the implementation of laws and policies with more practical approach to review them and instruct federal agencies for implementation. The disability commission's chairperson is proposed to be one of equal ranking to a judge of SC with national and international expertise in human rights field and activities. However, the definition and type of disability in the said bill as well as its enforcement has not yet been worked on in accordance with international and human rights standards.

⁶⁹ The Rights to Persons with Disabilities Act 2016 India, Section 45.

⁷⁰ Ibid, Sections 89-95.

⁷¹ India Income Tax Act 1961, Section 80 DD.

⁷² Disabilities Act 2016, Section 2(d).

⁷³ Ibid, Section 24(3-i).

⁷⁴ Ibid, Section 47(1) c.



Vol. 3 No. 1 (January) (2025)

Provincial Legislation

After 18th Constitutional amendment, there are some provincial laws as well in their embryonic and developing stage. For instance, an attempt to address disability issue at provincial level in Sind is Sind Empowerment of Persons with Disabilities Act 2018 that repealed the Sind Differently Able Persons Act, 2014. However, the acts done under the repealed law shall continue and cases for the time being pending in courts and tribunals will be decided under the old law.⁷⁵ **It is believed that the new Act adopts right based approach instead of medical and charity-based attitude towards disability.** Its preamble cites eight fundamental principles of the UNCRPD. In addition to many enhancements, the list of disabilities has been extended.

The enactment is commendable but still needs judicial interpretation which is almost missing under new Act. The framework of courts is usually remained limited to the available text of legislature only. Courts should adopt more elaborative, liberal, and constructive approach when defining physical disabilities. Definition of disability in new Act is an exhaustive one which needs to be inclusive and wide-ranging so that it could be extended to impairments not currently covered by the Act. Exhaustive definition of disability was discouraged by an Indian court ruling in *G. Muthu vs. Tamil Nadu State Transport Corporation*⁷⁶ where color blindness was interpreted as one of the visual impairments (PWD Act does not mentioned colorblindness as impairment). The stated case was used as an authority in later case⁷⁷ where heart attack-although not specifically the subject of the PWD Act- was deemed as disability by the court under non-discrimination provision of the Act. Court added that non-discrimination provision of the Act possesses such a wider scope to give protection to the petitioners under the PWD Act. Same rare and scattered efforts can be seen under Baluchistan Persons with Disabilities Act 2017. In Punjab, The Punjab Empowerment of Persons with Different Abilities Act 2021 **is the provincial legislation not enacted and notified by assembly till date. However, the law is an effort** to give effect to the UNCRPD in Pakistan. Justice Jawad Hassan gave direction in a judgment issued on public interest petition.⁷⁸ Court directed that The Punjab Empowerment of Persons with Different Abilities Act 2021 once adopted and announced by the assembly, must be implemented in letter and spirit by the provincial government to preserve the basic rights of PWDs. Court relied on the judgments of Hon'ble SC on fundamental rights of PWDs and on the UK Supreme Court in the case of *Paulley versus Firstgroup PLC*⁷⁹ summarizing that "people who cannot walk to justice, the justice can walk to them". Similarly

⁷⁵Sindh Empowerment of Persons with Disabilities Act 2018, Sec 45(2).

⁷⁶*G. Muthu vs. Tamil Nadu State Transport Corporation* (2006) 4 MLJ 166.

⁷⁷*E Mancharan vs. Tamil Nadu State Transport Corporation* MANU/TN/3016/2009.

⁷⁸*Mst. Sana Khursheed vs. Government of the Punjab through Chief Secretary and 9 others* W.P.No.30364 of 2021.

⁷⁹*Paulley versus Firstgroup PLC* (2017 SCMR 407).



Vol. 3 No. 1 (January) (2025)

Provincial government of Khyber Pakhtunkhwa has failed to enact draft disability law, which is pending since 2014. In a public interest litigation, PHC is invited to follow the role of the European Court of Human Rights and the jurisprudence of India to recognize a limited right in favor of PWDs.⁸⁰

In nutshell, some improvements have been seen in theory, but there are **many loopholes**. Provinces lack disability legislation to protect PWDs.

Conclusion

UNCRPD takes disability as an evolving concept with no proper definition and the view behind it tends that it may limit the ambit of the convention or that definitions on disability may tend to change. In Pakistan, however, not defining or poorly defining disability may be very risky for its meaning and obligations. Current definition of disability as an 'abnormality' under the Ordinance as well as the use of derogatory terms is flatly rejected by UNCRPD (the risk persist that the present definition excludes many). The current definition of disability under the Ordinance jeopardizes results in the distraction of judicial and other attention even. A detailed discussion of Employment Ordinance of 1981, and other segregated efforts made on the issue of disability in the form of actions plans and policies, bills with relevant case laws highlighted the present unsatisfactory situation and lacunas in law on the rights of PWDs. **Pakistan did not have any adequate State legislation or any other consistent mechanism to address and enforce the rights of PWDs.** Policies and programs mostly seem to be documents with inspirational goals that gives the sketch of the government's mission statement and vision in an area but no clear steps to achieve practical goals. This situation demands an immediate step for enacting a comprehensive law and policy with practical implementation and intervention at federal level primarily.

Bibliography

Hafeez, Amjid. "Special Education in Pakistan: A Critical Analysis," *A journal of the National School of Public Policy* 41 (2020).

Sardar Ali, Shaheen. "Disability, human rights and redistributive justice: Some reflections from the North

West Frontier Province of Pakistan on popular perceptions of disabled people (ch 6)" in *Disabled People and the right of life: the protection and violation of Disabled People's Most Basic Human Rights*, ed. Luke Clements and Janet Read (London: Routledge, 2008).

Rynders, John. "Down Syndrome: Literacy and Socialization in School. Focus on Exceptional Children," 38(2005) <https://eric.ed.gov/?id=EJ754720> accessed July 2, 2019.

[Population census 2017: Transgender, disabled count might not be thorough: PBS](https://nation.com.pk/07-Feb-2018). *Nation.com.pk*. 7 February 2018. [https://nation.com.pk/07-Feb-](https://nation.com.pk/07-Feb-2018)

⁸⁰ Disable people move court for free health care THE NEWS 15 February 2018.



Vol. 3 No. 1 (January) (2025)

[2018/population-census-2017-transgender-disabled-count-might-not-be-thorough-pbs](#) accessed September 8, 2021.

The interesting origin of the word 'handicap' <http://www.todayifoundout.com/index.php/2013/12/origin-word-handicap/> accessed July 2, 2020.

Aqsa Manzoor vs. University of Health Sciences, Lahore through Vice Chancellor and 3 others (PLD 2006 Lahore 482).

Barrister Asfandyar Khan vs. Government of Punjab W. P. No.29131/2017.

Executive District Officer (Revenue), District Khushab at Jauharabad and others vs. Ijaz Hussain and another (2011 SCMR 1864)

Hafiz Junaid Mahmood vs. Govt. of Punjab, etc. W.P. No.2565/2014.

Hiral P. Harsora and others vs. Kusum Narottamdas Harsora and others (2016) 10 SCC 165)

Lt. Muquddus Haider vs. Federal Public Service Commission through Chairman, Islamabad (2008 SCMR 773)

Malik Ubaidullah vs. Govt of Punjab Civil Petition No.140-L of 2015.

Messrs Al-Raham Travels and Tours (Pvt.) Ltd. vs. Ministry of Religious Affairs, Hajj, Zakat and Usher through Secretary and others (2011 SCMR 1621)

Messrs Shaheen Cotton Mills, Lahore and another vs. Federation of Pakistan, Ministry of Commerce through Secretary and another (PLD 2011 Lahore 120).

Mian Muhammad Afzal vs. Province of Punjab and others (2004 SCMR 1570).

Mst. Beena vs. Raj Muhammad Civil Petition No. 4129/2019 and C. M. A. No. 10406/2019.

Muhammad Nazak vs. Usman Yousaf Mobeem etc. Case No. Crl. Org. No. 39725-W of 2017.

Pakistan Tobacco Co. Ltd. and others vs. Government of N. W.F.P. through Secretary Law and others (PLD 2002 SC 460) and Reference No.01/2012 (reference by the President of Pakistan under Article 186 of the Constitution of Islamic Republic of Pakistan, 1973) (PLD 2013 SC 279).

Punjab Public Service Commission and another vs. Mst. Aisha Nawaz and others (2011 SCMR 1602)

Sajjad Ali vs. Vice Chancellor through Registrar University of Malakand at Chakdara, Dir Lower & others, Civil Petition No.3107 of 2018.

Shahid Pervaiz vs. Ejaz Ahmad and others (2017 SCMR 206).

Tariq Aziz-ud-Din and others, Human Rights cases Nos.8340 of 2009, 2010 SCMR 130.

Wattan Party through President vs. Federation of Pakistan through Cabinet Committee of Privatization, Islamabad and others (PLD 2006 SC 697)

Constitution of Pakistan 1973, Article 2A.

Educators Recruitment Policy 2013 Education Department Punjab.

Islamabad Capital Territory (ICT) Rights of Persons with Disability Act 2020

The Disabled Persons (Employment and Rehabilitation) Ordinance, 1981

The Disabled Persons (Employment) and Rehabilitation (Amendment) Act 2015.

National Identity Card Regulations, 2002