

Policies for Special Persons in Pakistan Analysis of Policy Implementation

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Abstract

The study of the policy implementation in Pakistan with the reference to the policy making context is the main object of this paper. The special persons gained more significance in the social setup but the policies made for them by governments of developing countries are not satisfactory. The implementation of policies is no doubt disheartened. The over all effects of the policies and its implementation are analyzed in this paper. Historical, analytical and comparative approach is adopted. Another object of this paper is to analyze the opportunities that given to special persons by the government of Pakistan. Such a study can provide preliminary information to extend the opportunities and supportive to indicate the problems in implementation of such policies. This research paper is an attempt to analyze the policies of the government and evaluate the impacts of these policies on the persons with disabilities. After revealing grey areas of these policies, recommendations are being made for the improvements in these policies.

Contextual Analysis

A person with disabilities means who, on account of injury, disease, or congenital deformity, is handicapped in undertaking any gainful profession or employment, and includes persons who are visually impaired, hearing impaired, and physically and mentally disabled. The data about disabled persons calculated by Pakistani government is not correct enough because not all special persons were included in these estimates. One of the major reasons for inaccuracy of the figures about disable person is the disagreement on the definition of 'disability' and the non-cooperation of the respondents who in many cases do not want to reveal disabilities of their children. Although, various attempts have been made in Pakistan to rehabilitate the persons with disabilities but their outcomes are not properly investigated. The policy acknowledges the need for the provision of a comprehensive range of facilities for persons with disabilities from

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prenatal to postnatal period through proper assessment education, vocational training and employment¹

Historical Notes

United Nations estimates that there are more than 650 million persons in the world with disabilities. The majority of such persons live in under-developed countries. It is feared that their number would increase rapidly due to the break out of wars, terrorist attacks and increasing vulnerability to natural calamities. The UN declared 1981 as the International Year of Disabled Persons to awaken awareness among the member countries regarding the rights of disabled persons. UN adopted "*Convention on the Rights of Persons with Disabilities 2006*" that demands from the signatory countries to make legal framework for providing them equal opportunities in every sphere of life. Pakistan being signatory to this convention had taken a number of steps to facilitate such persons. Pakistan announced its first "*National Policy on the issue of disability*" in 2002 which defined disability as: "A person with disabilities means who, on account of injury, disease, or congenital deformity, is handicapped in undertaking any gainful profession or employment, and includes persons who are visually impaired, hearing impaired, and physically and mentally disabled". Earlier, systematic care of disabled persons was initiated in 1981 when "*Disabled Persons' (Employment and Rehabilitation) Ordinance*" was promulgated. This ordinance fixed the responsibility of the State toward the prevention of disabilities; protection of rights of persons with disabilities; and provision of medical care, education, training, employment, and rehabilitation to the persons with disabilities. The Pakistan Census Organization (PCO) in its 1998 national population census has provided data about disability under seven categories: Crippled; Insane; Mentally Retarded; Multiple Disability, Blind; Deaf, Mute and Others. According to the Census data, the Persons with Disabilities constituted 2.49 per cent of the overall population. According to the "*WHO Policy on the Employment of Persons with*

¹ National Policy for the Persons with Disabilities, 2002; Directorate General of Special Education, Government of Pakistan.

Disabilities HRD”, released on 28 May 2010, disabled persons constitutes 10 per cent of the world population.

Magnitude of disability in Pakistan

The Pakistan Census Organization (PCO) in its 1998 national population census has provided data about disability under seven categories: Crippled; Insane; Mentally Retarded; Multiple Disability, Blind; Deaf, Mute and Others². According to the Census data, the Persons with Disabilities constituted 2.49 per cent of the overall population. Data reveals that 55.7 per cent of disabled people are found in Punjab, followed by 28.4 per cent in Sindh, 11.1 per cent in NWFP, 4.5 per cent in Baluchistan, and 0.3 per cent in Islamabad. Most disabled people have a physical handicap; this is followed by hearing impairment. The number of males with disability is greater than females in both rural and urban areas. This is probably because of the high incidence of child mortality among female children caused by social discrimination, preference for the male child, and deep-rooted gender insensitivity within households. More resources are used for rearing infant boys than infant girls. Thus, if a girl child is disabled she is doubly disadvantaged as she will receive less nutritious food, health care and attention within the family and will often die young. Among adults, the number of physically disabled males is higher than the number of physically disabled females as the incidence of accidents in the household as well as in the workforce is much higher for men.

The number of people with disabilities is greater in urban areas than in rural areas. A possible explanation is that the incidence of mortality is higher in rural areas than in urban areas because of the lack of facilities such as safe water, sanitation, health services, etc. However, the number of people with hearing and physical disability is greater in rural areas than in urban areas. Besides heredity, one significant cause of hearing disabilities is disease. Illnesses such as typhoid, small pox, polio, pneumonia, meningitis, measles and scabies, which are linked to hearing disability, are more common in rural areas, and their treatment in such areas is also limited.

Legislation and Policy Reforms

² Report on National Census of Pakistan, 1998; Population Census Organization, Government of Pakistan.

Policy reforms introduced by Government of Pakistan in various periods are analyzed in next lines.

Disabled Persons (Employment and Rehabilitation) Ordinance, 1981:

It was the first constitutional effort on the part of the state to start institutional care of the special persons in Pakistan³. Under this ordinance, the National Council for the Rehabilitation of Disabled Persons was established to formulate policy for the employment, rehabilitation and welfare of the disabled persons. The Council was also assigned the medical examination, treatment and survey of disabled persons who are desirous of being rehabilitated.

The ordinance binds the provincial governments to establish the Provincial Councils for the Rehabilitation of Disabled Persons to execute the policy made by the National Council for the employment, rehabilitation and welfare of this vulnerable segment of the society. These councils are also responsible to issue directions to relevant bodies for the implementation of the projects launched by the government. Establishment of training and vocational centers for equipping special persons with necessary skills is also the domain of Provincial Councils.

Under Disabled Persons (Employment and Rehabilitation) Ordinance one per cent quota was reserved for special persons in all government and private sector establishments which were later enhanced to two per cent. An establishment which does not employ a disabled person shall pay into the Disabled Persons Rehabilitation Fund each month the sum of money it would have paid as salary or wages to a disabled person had he been employed which will be utilized for the distribution of stipends or scholarships to disabled persons receiving training and financial assistance of those disabled persons who are not fit to undertake any employment. Any establishment which fails to pay into the Fund any sum it is required to pay under section 11 shall be punishable with fine which may extend to one thousand rupees and, in the case of non-

³ Disabled Persons (Employment and Rehabilitation) Ordinance, 1981; Government of Pakistan

payment of fine, with an additional fine which may extend to ten rupees for every day during which the payment of fine is not made.

National Policy for Persons with Disabilities (2002)

The National Policy for Persons with Disabilities was finalized after a lengthy consultative process involving all stakeholders and relevant Federal Ministries including Health, Labour Manpower, Housing and Works, Science and Technology as well as relevant departments and prominent NGOs.

. The provision and expansion of services of good quality require a multi-sectoral and multidimensional approach. This is possible only through the active cooperation of federal, provincial, local government organizations, NGOs as well as involvement of family, professionals and the community at large. The policy document contains a vision, guiding principles and strategies to achieve the objectives. The overall vision of the policy is to provide a conducive environment for the realization of the full potential of persons with disabilities leading to their empowerment irrespective of caste, creed, colour race, or religion in all spheres of life including social, economic, personal and political.

National Plan of Action for Persons with Disabilities, 2006

The National Plan of Action (NPA) suggests measures to operationalize the National Policy for the Persons with Disabilities 2002. The NPA is based on the philosophy that access, inclusion and equalization of opportunities for the person with disabilities are not possible by isolated interventions⁴. These services should therefore be designed in an integrated way by pooling and mobilizing all resources.

The NPA identifies 17 critical areas of intervention from assessment of the magnitude of the problem to service delivery systems. It spells out short term steps to be taken by the end of June 2009 and long term measures to be adopted by July, 2025. It contains specific time frames for the completion of each activity and assigns responsibility to various departments and agencies.

⁴ National Plan of Action for the Persons with Disabilities, 2006; Directorate General of Special Education, Government of Pakistan.

The short term measures listed in the NPA include: establishment of data bank; sample surveys of persons with disabilities in selected districts; reduction in incidence of disabilities through primary and secondary preventive care, strengthening of disability prevention programmes, arrangements for early detection and institutional interventions; escalating medical rehabilitation services; promoting inclusive education; expanding and reinforcing vocational training; employment including self employment; legislative support to persons with disabilities; and boosting up public opinion and increasing support to NGOs.

The long term objectives reflected in NPA focus on creation of barrier free physical environment for PWDs in all public, private and commercial buildings and public places and revision of construction bye laws. More effective enforcement and expansion of social assistance and social security programme under the provisions of existing laws would be beneficial.

Special Citizens Act, 2008:

Special Citizens Act, 2008 seeks to provide the accessibility to disabled citizens at every public place, with regard to allocation of seats in public transports, provision of facilities on footpaths for wheelchairs and blind persons⁵. Similarly, while crossing the roads special citizens must be given priority. Under this act, government shall make the concerned authorities bound, before the construction of buildings in public or private sectors particularly in Educational Institutions, Banks, Hospitals, Shopping Malls, Police Stations, Airports, Railway Stations, Bus Stops, Hotels and at every public place to provide the facility of access of wheelchairs. Further, Public Transporters shall be made bound to allocate seats for special citizens and provide easy access to their seats in the public transport. The act also binds concerned authorities to take necessary steps to provide maximum facilities on footpaths for the wheel chairs and blind persons. Under the law, special persons should be given priority while crossing the roads and traffic police should be responsible for its implementation.

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

⁵ Special Citizens Act, 2008; Government of Pakistan.

Special Citizens (Right to Concessions in Movement) Act was promulgated in 2009 which seeks to provide concessional rates to special citizens in all modes of public and private transport as these citizens even if working, are unable to earn sufficient to pay standard fares⁶. Under this act, air, railway and other transport authorities are bound to charge less/half rates from disabled persons.

Duty Free Import of Car:

Disabled persons are allowed waiver of import duty which is in excess of 10% on Completely Knocked Down [CKD] kits that are imported for assembling of car for them.⁷ Restricting disabled persons to use locally assembled cars limits the choice to only a few makes. There have been persistent complaints of non-availability of customized vehicles in the local makes. Some time ago, the duty free import of customized cars by disabled persons was allowed. To facilitate disabled persons to actively participate in economic activities, the facility to import duty free customized cars, not above 1350cc of engine capacity is being allowed. To facilitate disabled persons further, it has been decided to allow the import of one used duty free motorized wheel chair to actual users.

According to the notification issued by the Ministry of Commerce, the disabled are allowed custom-free import of cars of up to 1,300cc capacity for their personal use, subject to certain conditions, such as having a valid driver's licence and a verifiable income of Rs20, 000-100,000 per month⁸. Once an applicant has submitted the required documents and been assessed as genuinely disabled by the Federal Board of Disabled Persons, he or she is due an import authorisation certificate from the Ministry of Commerce.

Banking Services

Ministry of Social Welfare and Special Education through State Bank issued special directives to all national and private banks to permit visually impaired persons to

⁶ Special Citizens (Right to Concessions in Movement) Act, 2009; Government of Pakistan

⁷ Trade Policy, 2009-10, Ministry for Commerce, Government of Pakistan.

⁸ SRO No: 16(1)/2006-import II, dated 28th September, 2009; Ministry of Commerce; Government of Pakistan.

open their individual accounts⁹. The persons with visual impairment would be given a special cheque books with Braille through which they could operate their accounts independently and individually. Previously blind persons were not allowed to open their individual accounts in any bank of the country and only their joint accounts could be opened which sometimes create trouble for them in the absence of some close blood relation.

Braille information is being produced and, for the first time, Talking ATMs are being considered for installation in Islamabad. Efforts to end discrimination against people with disabilities in insurance and micro-lending are also underway¹⁰. Special ATM cards would be issued to the visually impaired persons who could operate their account through their card as well. “The ATM cards with special identity of special persons would be issued to them and only they could take benefit from the talking ATM,”

Independent access to financial information and equipment is critical to financial privacy. Virtually all ATMs around the world are manufactured by a few global corporations, and the financial industry itself continues to grow more and more international.

Major Challenges and Constraints

The identification of challenges faced by persons with disabilities and organizations working for their welfare is of paramount importance. This important aspect has remained neglected in the past. No scientific study or survey at national level was ever conducted to comprehensively assess the problems of this marginalized segment of the society. However, inferences or conclusions drawn from the various micro studies carried out identify the following challenges and constraints:

Lack of Reliable Data

The basic problem identified in all key reports is the non availability of accurate and reliable data about the magnitude or prevalence of disability in the country. This does not help in proper planning and policy making. In the absence of nation-wide and

⁹ Daily the News, December 5, 2009

¹⁰ Rights of disabled by I. A .Rehman, 20.05.2010 daily the dawn

accurate data collection methodologies, reliability of current data would remain questionable.

Inappropriate Need Assessment

The ownership of any programme largely depends upon the common needs of the beneficiaries and key stakeholders. However, in Pakistan no scientific effort has been made to assess the real needs and problems of the PWDs.

Inadequate Policy, Legislative and Enforcement Framework

The Disabled Persons (Employment and Rehabilitation) Ordinance 1981 does not contain an effective mechanism for the employment and rehabilitation of PWDs due to number of lacunae in the Ordinance. The policies and laws for the welfare of PWDs are not being followed strictly due to weak enforcement mechanisms and lack of awareness on part of major decision makers. For example, the 2% quota in all jobs reserved for PWDs is not being followed but there is no mechanism to ensure its implementation.

The Supreme Court took notice of a report that seats reserved for the disabled in 50 government departments were lying vacant. Aftab Amir, a representative of National Centre for Rehabilitation of Disabled Persons (NCRDP) confessed that Disabled Persons Ordinance has not been implemented yet properly thus forcing disabled person for begging¹¹.

Reality of Concession in Fare Rates:

Pakistan Railway has practically reduced the facility by not allowing concessions in all trains as matter of alternate which is really troublesome. Furthermore the procedure of receiving concession every time from commercial office is really troublesome both financially and otherwise moreover Railway has no commercial offices in all the Towns, as such the Blind Citizens of those Towns and Cities can not avail the facility so alternate arrangement be made to avoid injustice.

Proposed Initiatives and recommendations

¹¹ Daily the Times, August 01, 2010

Collection of Reliable Data

The non-availability of reliable data is a great impediment in the effective delivery of services to PWDs. Database provides a basis for policy making, project planning and programme implementation. There is a vital need to have reliable data about magnitude of the disability problem in the country. It is, therefore, imperative that a comprehensive survey to determine the status of disability be carried out which should also focus on the need assessment of PWDs to develop reliable programmes for their welfare.

Improvements in Policy, Legislative and Enforcement Framework

Existing policies and laws need to be refined since the only law for the welfare of PWDs was passed in 1981 and it now needs to be brought in line with changes in the society and advancement in various models for the rehabilitation and mainstreaming of PWDs. Weak enforcement mechanisms need to be strengthened so that the benefits available to PWDs, such as 2% quota in jobs, can accrue to them. This requires advocacy and lobbying with the government and corporate sector. A Disability Tribunal may be created on the patterns of Federal Services Tribunal to ensure compliance with laws, policies and rules related to persons with disabilities.

Performance of the National Trust for the Disabled Persons:

The National trust for disabled persons may be functional in accordance with its determined aims and objectives so that the benefits of the education of the disabled children may be ensured. For these reason involvements of the representative of the disabled persons may also be involved at implementation and monitoring level. The similar Trust established at Punjab had increased its funds and assets from Rs. 10 million to Rs. 44 million; but the output is below the desired standards that warranted its revitalization.

Micro Credit Facilities:

Micro-credit facilities should be provided to PWDs to promote self-employment opportunities leading to their socio-economic empowerment.

Simplification of Procedure to get transport concessions:

The procedure of getting railway concession for visually handicapped persons should be simplified and made available at all railway stations instead of only at commercial offices of railway located at Karachi and other big cities.

Continuous Media Campaign:

The biggest problem that persons with disabilities face in Pakistan is that the social environment and the people's culture are mostly hostile to them. Many persons' disabilities are aggravated by society's attitude towards them. The lives of a large number of people are spoiled and their potential for coming good is lost because of people's habit of looking down on those with slight impairment and treating such impairment as the mark of their identification and the dominant feature of their personality.

If a person limps he must be called langra; if a person has lost an eye, he must be summoned as kana. The government and civil society will need to coordinate their efforts to cure the people of their unhealthy attitude towards the disabled. In this connection, an aggressive and continuous campaign on print and electronic media is the need of the hour.

Brail as Optional Subject:

In the light of very successful experience and subsequent practice of introduction of Braille as an optional subject in ordinary schools and colleges of Karachi¹², It is strongly recommended to introduce the Braille subject as an optional subject in all the four provinces through boards of education and universities so that purpose of inclusion main streaming and employment of the visually impaired be comfortably solved.

¹² Daily the Dawn, December 05, 2007