

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

C. P. No. D – 2016 of 2024

Date of hearing	Order with signature of Judge
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**Fresh case**

1. For orders on CMA No.7494/2024 (U/A)
2. For orders on office objections at Flag-A
3. For orders on CMA No.7495/2024 (Ex./A)
4. For orders on CMA No.7496/2024 (151 CPC)
5. For hearing of main case

**20.11.2024**

Mr. Shafique Ahmed Leghari, Advocate for petitioner.

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- 1.** Urgency is granted.
- 2.** Deferred for the time being.
- 3.** Exemption is granted subject to all just legal exceptions.
- 4.** Through this application, the petitioner has sought the appointment of a Commissioner to visit her residence and assess the condition of her disabled children. The petitioner has submitted photographs at Pages 25 and 27 of the petition, which illustrate the circumstances surrounding her children. While this Court finds the photographs to be indicative of the situation, a comprehensive and detailed report is required to fully understand the current living conditions and the specific challenges faced by the petitioner and her family. Therefore, this application is allowed, and the Additional Registrar of this Court is directed to visit the petitioner's home at the earliest convenience **'free of cost'** and submit a detailed report to this Court within 07 days, providing an accurate and clear picture of the petitioner's situation.
- 5.** The petitioner, a household lady, has three children with disabilities: Seema (37 years), Jinsar (36 years) and Javed Ahmed (30 years). Her husband, a retired employee of the Highways Department, draws a modest pension, insufficient to meet the basic needs of the family, especially given the added responsibility of caring for her differently-abled children. Due to financial constraints, the petitioner is compelled to work

as a domestic helper in various homes to ensure her children receive the necessary care. Despite obtaining Disability Certificates and Domiciles for her children from respondents No.6 and 7, the petitioner has faced persistent neglect from respondents No.5 to 8, who have failed to provide the financial assistance to support her children's needs.

The petitioner has approached the Regional Director (Mohtasib) seeking a direction to respondent No.7 for the release of financial aid. The petitioner's grievance extends to the broader issue of inadequate implementation of policies meant to support persons with disabilities. She claims that the Government's failure to provide adequate healthcare, education and **employment opportunities** for persons with disabilities violates their fundamental rights and perpetuates their social exclusion. This non-compliance undermines the principles of equality guaranteed by the Sindh Empowerment of Persons with Disabilities Act, 2018 ('**Act-2018**'), and Sindh Empowerment of Persons with Disabilities Rules, 2021 ('**Rules-2021**'), and also contravenes the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The Act-2018 outlines comprehensive rights for persons with disabilities, focusing on the inclusion of people with disabilities in education, healthcare, employment and social welfare systems. Specifically, it mandates as follows:

- **Equity in Education:** Provision of free books, learning materials, and assistive devices to students with disabilities up to the age of 18. Scholarships are also to be provided in appropriate cases.
- **Equity in Health and Rehabilitation:** The Government is required to ensure barrier-free access to healthcare, diagnostic services, and surgeries for persons with disabilities, free of cost.
- **Employment and Skill Development:** A quota of 5% for persons with disabilities in Government Departments, Institutions and other Public Sector Bodies, along with the provision of age relaxation in employment policies.

- **Rights to Accommodation and Financial Support:** Provincial funds to assist persons with disabilities in meeting their needs for education, healthcare and daily living.

In addition, the Pakistan Bait-ul-Mal (PBM) Special Friends Scheme has launched a special initiative to provide financial assistance to families with multiple disabled members. The scheme grants Rs.20,000/- for families with one special person and Rs.30,000/- for families with two or more special persons. Moreover, under the Pakistan Bait-ul-Mal Individual Financial Assistance (PMF-IFA) program, which aims to provide social protection for marginalized segments of society, particularly focusing on persons with disabilities, the following areas of support have been designated:

- Wheelchair
- Hearing Aid
- White Cane
- Artificial Limbs
- Financial Assistance for the above-mentioned needs.

Even though the petitioner's family meeting the eligibility criteria for assistance under the PBM scheme, including the provision of medical aids and financial assistance, no support has been provided to the petitioner's family. This lack of support further highlights the systemic failure in meeting the needs of persons with disabilities, directly impacting the petitioner's ability to care for her children. Furthermore, the Social Welfare Department, Government of Sindh has also been given task to work for the persons with disabilities as millions of rupees are being sanctioned in this regard.

Despite the Act-2018 and accompanying Rules-2021, the petitioner claims the Government has not taken sufficient steps to provide education, healthcare, financial aid and employment opportunities for her disabled children. This non-implementation is directly violating the principles of equality and inclusion enshrined in both national and international law. While the PBM scheme provides some financial

assistance to families with disabled members, the petitioner's family has not received the support needed to adequately care for her three children with disabilities. This highlights a failure of the system to provide the necessary financial security for families with multiple disabled persons. Moreover, the amount given in the PBM scheme is seems to be insufficient, which needs to be enhanced.

The petitioner's repeated requests to the concerned Government Departments (respondents No.5 to 8) for release of funds and provision of healthcare services have gone unanswered. This neglect is compounded by a general lack of awareness and support from Government agencies tasked with implementing disability rights policies. Persons with disabilities in the Sindh province face significant barriers to accessing essential services such as education, healthcare and employment. These barriers include infrastructural inadequacies, discriminatory attitudes and a general lack of provisions for disabled individuals. As a result, persons with disabilities are often excluded from mainstream society and face heightened levels of poverty and marginalization.

This Court expresses serious concern regarding the failure of the concerned authorities to provide adequate financial support, healthcare and other essential services to persons with disabilities, despite the legal obligations under the Sindh Empowerment of Persons with Disabilities Act, 2018, and the Pakistan Bait-ul-Mal Scheme as well as through the programs of Social Welfare Department, Government of Sindh.

Let notice be issued to respondents as well as Additional Advocate General Sindh. The respondents, particularly the Chief Secretary Sindh as well as the Secretary Health Department Sindh, Secretary Social Welfare Department Sindh and Secretary Pakistan Bait-ul-Mal (respondents No.1 to 4) are directed to file detailed comments on the following points:

1. Measures taken by the Government to implement the provisions under the Act-2018, particularly regarding the provision of free education, healthcare, assistive devices and employment

opportunities for persons with disabilities. Why has the petitioner's family not received the promised support?

2. What is the status of the petitioner's application for financial assistance under the Special Friends Scheme of PBM? What are the reasons for the delay or non-disbursement of funds to the petitioner's family, considering that they meet the criteria for assistance?
3. What measures are being taken to address the barriers faced by persons with disabilities in accessing essential services and benefits? How is the Government addressing the systemic neglect and marginalization of persons with disabilities?
4. Steps taken by the government to comply with the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), particularly in the areas of accessibility, education, healthcare and employment.
5. What is the Government's response to the petitioner's claim that the lack of implementation of disability policies is perpetuating the marginalization and exclusion of persons with disabilities from society?

This Court is deeply concerned by the systemic failures in ensuring the rights of persons with disabilities and is committed to ensuring that these vulnerable individuals receive the support and services they are entitled to under the law. The respondents are directed to file their detailed comments addressing the above concerns within 15 days. Failure to do so will compel this Court to take appropriate action to ensure the enforcement of the rights of persons with disabilities, as guaranteed by law.

To come up on **10<sup>th</sup> December 2024**.

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