

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1999

PUNJAB

India

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Rule

PERSONS-WITH-DISABILITIES-EQUAL-OPPORTUNITIES-PROTECTION of 1999

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Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1999 Published vide Notification No. 18/1/98-5 Lab-1/2698 dated 5.8.1999 Department of Labour and Employment (Labour I Branch) No. 18/1/98-5 Lab-1/2698. - In exercise of the powers concerned by sub-sections (1) and (2) of section 73 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996); the Governor of Punjab is pleased to make the following rules, namely :-

1. Short title and commencement.

(1) These rules may be called the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1999. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless, the context otherwise requires : (a) 'Act' means the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995. (b) 'State Government' means the Government of the State of Punjab in the Department of Labour and Employment. (c) The words and expressions used in these rules, but not defined shall have the same meaning as assigned to them in the Act.

3. Computation of Vacancies.

[Section-33] - For the purposes of Computation of Vacancies of the Persons with Disabilities in Class-I, Class-II, Class-III, Class-IV posts the manner of computation of Vacancies shall be such as may be determined by the State Government by instructions or orders in this regard.

4. Notification of Vacancies to the Special Employment Exchange.

[Section-38 (1)(C)] - (1) The following vacancies shall be notified to the Special Employment Exchange, namely :-(a)Vacancies for posts of a technical and scientific nature carrying a basic pay for Rs. 1400 or more per month occurring in the establishments in respect of which the State Government is the appropriate Government under the Act; and(b)Vacancies which an employer may desire to be circulated to the Special Employment Exchange outside the State of Union Territory in which the establishment is situated, shall be notified to such Special Employment Exchange as may be specified by the State Government by notification in the official gazette in this behalf. A copy of the notification of vacancies shall be sent to the concerned Vocational Rehabilitation Centre for Handicapped.(2)Vacancies other than those specified in sub-rule (1) shall be notified to the local Special Employment Exchange concerned. A copy of the notification of vacancies shall also be sent to the concerned Vocational Rehabilitation Centre for Handicapped.

5. Form and manner of Notification of Vacancies.

[Section-38 (I) (C)] - (1) The vacancies for disabled persons shall be notified in writing to the concerned Special Employment Exchange or through other respective local Employment Exchange of the State. The following particulars shall be furnished in respect of each type of vacancies namely :-(1)Name and address of the employer,(2)Telephone number of the employer, if any(3)Nature of vacancy -(a)Type of workers required (Designation)(b)(i)Description of duties(ii)Physical requirements (i.e. job involves)(iii)Visual accuracy, frequent movement, or(iv)walking continuous long hours sitting etc.

2. Qualifications required :-

(a)Essential(b)Desirable(c)Age limits, if any(d)Whether Women are eligible ?

3. Number of vacancies :- Required for physical handicapped persons.

Orthopaedically handicapped, Visually handicapped, Hearing handicapped(a)Regular(b)Temporary(4)Pay and Allowances(5)Place of work (Name of Town/Village and District in which it is situated)(6)Probable date of which the vacancy will be filled(7)Particulars regarding interview or test of Applicants :-(a)Date of interview or test(b)Time of interview or test(c)Place of interview or test(d)Designation and address of person to whom applicants should report(8)Any other relevant information.

6. Time limit for the notification of vacancies.

[Section-38(1)(C)] - (1) Vacancies required to be notified to the local Special Employment Exchange shall be notified at least thirty days before the date on which applicants shall be interviewed or tested where interviews or test are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.(2)Vacancies required to be notified to the special Employment Exchange or through any other Employment Exchange of the State of Punjab under sub-rule (1) of rule-4, shall be notified at least three weeks before the date on which applicant will be interviewed to tested where interviews or tests are held or the date on which vacancies are intended to be filled, if no interviews or tests are held.(3)All employers shall furnish to the concerned Special Employment Exchange, the result of selection within fifteen days from the date of selection.

7. Submission of returns.

[Section 34(1)(2)] - (1) Every employer shall furnish quarterly returns in Form DPER-I and biennial return in Form DPER-II as may be amended from time to time, to the Special Employment Exchange for Physically Handicapped, Ludhiana or through any other respective District Employment Exchange in the State of Punjab and aforesaid Exchange shall collect and compile the statistics and shall submit statistical statement of the whole District to the Special Employment Exchange. The State level statements shall be compiled by the Special Employment Exchange for Physically Handicapped, Ludhiana.(2)Quarterly Return shall be furnished within thirty days of the due dates namely : 31st March, 30th June, 30th September and 31st December.(3)Biennial returns shall be furnished within thirty days of the date as notified in the Official Gazette.

8. Powers to Inspect record of document in possession of any establishment.

[Section 35] - The Deputy Director or Incharge of Special Employment Exchange or any other person authorised by him in this behalf, shall have access to any relevant record or documents in the possession of any establishments of Punjab Government or Semi-Government establishment and may enter at any reasonable time an premises where he believes such record or documents to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

9. Vacancies not filled up to be carried forward.

[Section 36] - Wherein any recruitment year any vacancy under Section 33 of the Act cannot be filled up due to non-availability of a suitable person with disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories specified in section 33 of the Act and only when there is no person with disability available for the post in the year, the employer shall fill up the vacancy by appointment of a person other than a person with disability :Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may

be inter- changed among the three categories with the prior approval of the State Government.

10. Form in which record is to be kept by an employer.

[Section 37] - An employer shall maintain the record of the employees with disabilities in form DPER-III as maybe amended from time to time. The record so maintained under rule 8 of the rules shall be open for inspection at all reasonable hours by the Deputy Director, Special Employment Exchange or any person authorised by him it this behalf.

11. Interpretation.

- If any question arises as to the interpretation of these rules, the State Government shall decide the same. Form DPER-I [See Rule 7(1)] (Disabled Persons Employed Return) Quarterly return to be submitted to the Special Employment Exchange for the quarter ending

_____ Name and Address of the Employer

_____ Whether - Head Office

_____ Branch Office

_____ Nature of business/principal activity _____

1. Employment. -

(a) Total number of persons including working proprietors/or partners or commission agents/contingent paid and contractual workers on the pay roll of the Establishment excluding part-time workmen and apprentices. (The figures should include every person whose wage or salary is paid by the establishment).

On the last working day of the previous quarter On the last working day of the quarter under report

Orthopaedically Handicapped	Visually Handicapped	Hearing Handicapped	Orthopaedically Handicapped	Visually Handicapped	Hearing Handicapped
Men with disability	Women with disability				

Total :

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the quarter.

2. Vacancies. - Vacancies carrying total emoluments as per prevailing minimum wage per month and of over three months duration.

(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter (Separate figures may be given for men with disability and women with disability). Number of vacancies which come within the purview of the Act

Occurred	Notified	Filled	Sources (Describe the source from which filled)
Special Employment Exchange	General Employment Exchange		
1	2	3	4 5

(b) Reasons for not notifying all vacancies occurred during the quarter under report, - vide 2(a) above.....Manpower Shortages. - Vacancies/Posts unfilled because of shortage of suitable applications

Name of the occupation or designation of the post	Number of unfilled vacancies/posts, Disability-wise	Essential Qualification	Essential Experience	Experience not necessary
1	2	3	4	

Please list any other occupations for which this establishment had recently any difficulty in obtaining suitable applicants. To The Employment

Exchange, _____ N

:- This return relates to quarters ending 31st March/30th June/30th September and 31st December and shall be rendered to the Special Employment Exchange within three days after the end of the quarter concerned. Form DPER-II [See Rule 7(1)] Occupational return to be submitted to the Special Employment Exchange once in two years. Name and address of the employer _____ Nature of business _____ (describe what the establishment makes or does as its principal activity)

1. Total number or persons on the pay rolls of the establishment on (specify date _____) (This figure should include every person whose wage or salary is paid by the establishment). (Separate figures for men with disability and women with disability may be given).

**2. Occupational classification of all employees as given in item-I above.
(Please below the number of employees in each occupation separately).**

Occupation	Number of Employees						
Use exact terms	Men with disability	Women with disability	Total				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
							Please give as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement
	Orthopaedic	Visually	Hearing	Orthopaedic	Visually	Hearing	

Such as
 Engineer(Mechanical)Teacher
 (domestic/Science),
 officer on
 duty(actuary)Assistant
 Director(Metallurgist)Scientific
 Assistant(chemist)
 Research
 Officer(economist),
 Instructor(carpenter)Supervisor
 (Tailor)Fitter
 (internalCombustion
 engine)Inspector
 SanitarySuperintendent
 (office)Apprentice
 (Electrician)Total

Date _____ Signature of Employer To The Employment Exchange

_____ (Please fill in here the address of your Special Employment

Exchange) Note :- Total of column 8 under item 2 should correspond to the figures given against item-I. Form DPER-III (See Rule 10)

1. Name and address of the employer _____

2. Whether Head Office _____

3. Branch Office _____

4. Total number of persons on the pay roll of establishment (This figure should include every person whose wage or salary is paid by the establishment).

5. Total number of disabled persons (disability-wise) on the pay roll of the establishment. This figure should include every person with disability whose wage or salary is paid by the establishment).

6. (a) Occupational qualification of all employees as given in item-5 above (Please give below the number of employees in each occupation separately).

Occupation	Number of Employees						Nature and extent of disability
	Men with disability	Women with disability	Total	Orthopaedic	Visually	Hearing	
Use exact terms							
Such as							
Engineer(Mechanical)Teacher							
(domestic/Science),							
officer on							
duty(actuary)Assistant							
Director(Metallurgist)Scientific							
Assistant(chemist)							
Research							
Officer(economist),							
Instructor(carpenter)Supervisor							
(Tailor)Fitter							
(internalCombustion							
engine)Inspector							
Total							

(b) Please indicate the main reasons for any increase in Employment if the increase or decrease is more than 5% during the quarter.....

7. Vacancies. - Vacancies carrying total emoluments as per prevailing minimum wage per month and of over three months duration.

(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter. Number of vacancies which come within the purview of the Act

Occurred	Notified	Filled	Sources
	Special Employment Exchange	General Employment Exchange	(Describe the source from which filled)
1	2	3	4 5

Total

(b) Reasons for not notifying all vacancies during the quarter under report, - vide (a) 2 of the above.....

8. Manpower Shortages. - Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts	Essential Qualifications	Essential experience	Experience not necessary
1	2	3	4	

Please list any other occupations for which the establishment had recently any difficulty in obtaining suitable applicants. Signature of Employer.