



GOVERNMENT OF KERALA

Social Justice (D) Department

NOTIFICATION

G.O.(P)No.3/2020/SJD Dated,Thiruvananthapuram,28/03/2020

S.R.O No. /2020.- In exercise of the powers conferred by sub-sections (1) and (2) of section 101 of the Rights of Persons with Disabilities Act,2016 (Central Act 49 of 2016), the Government of Kerala, after considering the objections and suggestions received on the preliminary notification published as D3/2/2017/SJD dated 17th July,2019 in the Kerala Gazette Extraordinary No 1628 dated 19th July, 2019 and in supersession of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Kerala Rules,2000 issued under G O (P) No. 13/2000/SWD dated 19th June , 2000 and published as S. R. O No. 603/2000 in the Kerala Gazette Extraordinary No.1271 dated 30th June, 2000, hereby make the following rules,namely:-

Rules

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*— (1).These rules may be called the Rights of Persons with Disabilities (Kerala) Rules, 2020.

(2)They shall come in to force at once.

2. *Definitions.*- (1). In these rules, unless the context otherwise requires,-

(a) “Act” means the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016);

(b) “Certificate” means a certificate of disability issued under section 58 of the Act;

(c) “Form” means forms appended to these rules;

(d) “Government” means the Government of Kerala;

(2) The words and expressions used and not defined in the rules but defined in the Act shall unless the context otherwise requires have the meanings respectively assigned to them in the Act.

CHAPTER II

STATE COMMITTEE FOR RESEARCH ON DISABILITY

3. *State Committee for Research on Disability.*- (1) The Government shall, by notification in the Gazette, constitute a Committee to be called State Committee for Research on Disability at State level.

(2) The Committee shall consist of the following members, namely:-

(a) An eminent person having vast experience in the field of science and research and having minimum five years experience in the disability sector in any of the Government/ University/ Medical College with five publications in the UGC approved journals in the area of disability to be nominated by the Government and having age less than 70 (seventy) years- Chairperson ;

(b) An officer not below the rank of Additional Director, Health Department or Medical Education Department nominated by Government- Member;

(c) Six experts one each representing disability management in physical, visual, speech language and hearing, Intellectual disabilities, mental behaviour, disabilities caused due to neurological disorders/ blood related disorders to be nominated by the Government- Members ;

(d) Five persons with disabilities to be nominated by the Government from each of the five groups of specified disabilities in the Act where minimum two shall be women and one person shall be from the Scheduled Caste/Scheduled Tribes- Members ;

(e) Four persons representing registered organizations defined under clause (z) of section 2 of the Act to be nominated by the Government of which two shall be women and two shall be persons with disabilities-Members;

(f) Executive Director(Head of the Institution), NISH- Member

(g) The Director, Social Justice Department - Member Secretary

(3) The Chairperson shall invite any special expert as he deems fit as special invitee depending on the merit of the issues to be discussed in the Committee meeting ;

(4) One half of the members shall constitute the quorum except special invitee.

(5) The nominated member shall hold office for a period of three years from the date on which he assumes office or attaining seventy years of age whichever is earlier and shall be eligible for re-nomination for not more than one term.

(6) Non-official members and special invitees shall be eligible for travelling allowance at the rate admissible to Class I officers of State Government and sitting fee fixed by the Government from time to time which shall not be less than Rs. 1000/- (Rupees one thousand only) per sitting.

(7) The Social Justice Department shall provide necessary support for conducting the meeting of the committee.

CHAPTER III

LIMITED GUARDIANSHIP

4. *Granting of limited guardianship* .-(1)The designated authority/Court before granting limited guardianship for a person with disability shall satisfy itself that such person is not in a position to take legally binding decision of his own. The designated authority on receiving the application should grant the limited guardianship within a period of three months considering that his/her best interests will be protected by the Limited Guardian so appointed.

(2)The District Collector shall act as the appellate authority and will be empowered to collect grievances if any regarding the appointed limited guardianship, on the decisions of the designated authority.

5. *Who may apply for limited guardianship* .- (1) Person with Disability himself or parents or

any relative of persons with disability shall make an application for the appointment of limited guardianship.

Note.- For the purpose of this rule “relative” means any person related to the person with disability by blood, marriage or adoption.

(2) An organisation registered under the provisions of the Act and these rules may make an application for the appointment of limited guardianship:

Provided that no such application shall be entertained by the District Court or designated Authority unless the consent of person with disability or the guardian of the person with disability has been obtained.

(3) In case of a person with disability in Government institution, the superintendent of the institution shall make an application for the appointment of limited guardianship.

6. *Who may be appointed as limited guardian.*- In the interest of the person with disability, any of their parents or siblings or their relative, or an organisation registered under the Act or these rules or any person proposed by the organisation registered under the Act or Superintendent of Government institution, in the case of a disabled person in Government institution or a person with special knowledge may be appointed as limited guardian.

Note.- For the purpose of this rule “relative” means any person related to the person with disability by blood, marriage or adoption.

7. *Matters to be considered by the Court or designated authority for appointing Limited Guardian.*- (1) On receipt of the application for appointment of limited guardian the court or the designated authority shall scrutinize the application and call for any supporting document or information and consult with the disabled persons in such manner as specified in sub-rule (2).

(2) The manner of consultation of different categories of persons with disability specified in the Schedule of the Act shall be as follows, namely:-

(a) Physical disability-

(i) locomotor disability– communication with such person. In case of cerebral palsy with a limitation of intellectual functioning and in adaptive behavior the court or designated Authority shall seek the assistance of technical expert or the service of any other person as the designated authority may decide;

(ii) visual impairment – with the help of assistive device;

(iii) hearing impairment – using hearing aids, cochlear implants, assistive technology or sign language;

(iv) speech and language disability – using AAC/artificial larynx/written mode/sign language /gestures/ and with the help of interpreter;

(b) Intellectual disability other than specific learning disability - as there is limitation of intellectual functioning and in adaptive behavior the court or the designated authority shall seek the assistance of technical expert or service of any other person as the court or the designated authority may decide. In case of specific learning disability, the court or the designated authority shall communicate with such person;

(c) Mental behaviour - As there is substantial disorder of thinking, mood, perception,orientation or memory that grossly impairs judgment, behavior, capacity to recognise reality, the court or the designated authority shall seek the assistance of technical experts or service of any other person as the designated authority may decide;

(d) Disability due to chronic neurological conditions- communication with such person. If it is not possible due to significant impairment in intellectual functioning, the court or the designated authority shall seek the assistance of a person who can give technical experts or service of any other person as the court or designated authority may deem fit;

(e) In case of blood disorder, the court or the designated authority shall communicate with such person;

(f) In case of multiple disabilities the designated authority can decide the communication manners

according to the disability specified in (a) to (e) above;

NOTE: The 'technical expert' for this purpose means a person qualified under Rehabilitation Council of India Act, 1992(Central Act No.34 of 1992) in the respective field or the professionals registered under the State Mental Health Authority constituted under the Mental Health Care Act, 2017(Central Act 10 of 2017).

(3) For a female person with disability the limited guardian shall as far as possible be a female.

8. *Qualification of person to be appointed as limited guardian.*- (1). While taking decision on the appointment of limited guardian, the District Court or the designated authority as the case may be shall ensure that the person whose name suggested as limited guardian:-

(a) is above 25 years of age; however a relative aged 18 years or above can also be appointed as Limited guardian in the interest of person with disability, in exceptional circumstances.

(b) is a citizen of India;

(c) is of sound mind ;

(d) is, or has not been, convicted for any offence, which in the opinion of the Central Government or State Government involves moral turpitude;

(e) is not a destitute or has not been declared insolvent or bankrupt;

(f) is not disqualified under rule 13 of these rules.

9. *The term of appointment of limited guardian.*- The limited guardian shall be appointed for such period as requested in the application. If the period is not specified in the application, the court or the designated authority shall appoint the limited guardian for such time as it deem fit. If within the time limit the specific purpose is not completed, the limited guardian shall make an application before the court or the designated authority for extension of time.

10 *Consultation by limited guardian with person with disability.*- Every person appointed as limited guardian shall support the person with disability with respect to the specific purpose for

which he is appointed as specified in the order of the court or the designated authority. He shall consult the person with disability in all matters before taking legally binding decision. He shall ensure that the legally binding decision taken on behalf of the person with disability is in the interest of the person with disability. On completion of the purpose or period specified in the order, he shall file a report to the court or the designated authority in writing.

11. *Removal of limited guardian.*- If the court or the designated authority finds that the limited guardian so appointed, neglects the person with disability or if he is disqualified due to any reason specified in rule 8 or if he physically or sexually abused the person with disability or if he is incapable of supporting the person with disability for such specific need for which he was appointed, the court or the designated authority shall remove him from the limited guardianship.

CHAPTER IV

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

12. *Competent Authority.*- (1) The Joint Director of Social Justice Department shall be the competent authority for granting certificate of registration for the institution meant for persons with disabilities and the Director of Social Justice Department shall be the appellate authority.

(2) All institutions, other than an institution established or maintained by the Central or State Government, for providing any kind of service for persons with disabilities shall be registered with the Competent Authority.

(3) No individual or group of individuals, trust, organisations, companies etc. shall establish or maintain any institution for persons with disabilities, except in accordance with certificate of registration issued in this behalf by the competent authority, other than the one exempted under the proviso to section 50 of the Act.

13. *Procedure for Registration.*- (1) All institutions for the persons with disabilities shall apply for registration in Form I before the competent authority along with a copy of each of rules, by-laws, memorandum of association, list of governing body, office bearers, certificate of registration

obtained under any other law, annual report of the previous year, balance sheet of preceding three years, details of foreign contributions received if any, details of building in which institution is running, copy of sanitation certificate and building permit from concerned authorities, details of staff with qualification and Registration Certificate from the Rehabilitation Council of India (RCI) in applicable cases and a declaration from the person or the organisation regarding any previous conviction record or involvement in any immoral act or that it has not been black listed by the Central or State Government.

(2) The Competent Authority, while taking decision on the application for registration may consider the following, namely,-

- (i) registration of the organisation under any law for the time being in force ;
- (ii) details of physical infrastructure, water and electricity facilities, sanitation and hygiene, recreation facilities;
- (iii) financial position of the organisation and maintenance of documents along with audited statement of accounts for the previous three years;
- (iv) resolution of governing body to run the institution;
- (v) plan to provide services such as medical, educational, vocational, counselling etc;
- (vi) arrangements of safety, security and sanitation;
- (vii) details of other support services run by the organisation;
- (viii) details of existing staff with the qualification, experience and registration with concerned Councils/Organisations;

NOTE : a) For every category of institution dealing with Children with Special Needs there shall be a person in charge to take care of the activities as per a Standard Operating Procedure prescribed by the Director of Social Justice Department and should have the requisite qualification pertinent to such disability or multiple disability as prescribed by the Government.

b) All the Special Teachers /Therapists/Caregivers etc.should have undergone requisite training and obtained certificate from an institution accredited by the Government.

(ix) details of registration under Foreign Contribution Regulation Act, 2010 (Central Act 42 of 2010) and funds available if any;

(x) declaration from person or organisation regarding any previous conviction record or involvement in any immoral act;

(xi) minimum standards and any other criteria approved by the Government

NOTE: The minimum standard guidelines required for each categories of service shall be fixed by the Government from time to time for specific categories and services.

(3) The competent authority shall thereafter make such enquiries through a team constituted for this purpose under these Rules and shall grant a certificate of registration to the applicant in Form II within a period of ninety days from the date of receipt of application for registration.

(4) If the Competent authority is not satisfied with facilities available in an institution, the authority shall issue notice, to maintain the specified amenities within the time limit which shall not exceed ninety days.

(5) The certificate of registration issued under these Rules, shall, unless otherwise revoked, be valid for a period of three years.

(6) If the competent authority decides to decline the application, the reason for the same shall be communicated to the applicant within a period of seven days from the date of decision.

14. *Constitution of a team for inspection* .- (1) The competent authority shall constitute a team not exceeding five members with the following officials for inspection of facility of institutions applied for registration, namely :-

- (a) District Social Justice Officer;
- (b) Specialist from the concerned field working in the Government sector such as Health Services / Medical Education / Social Justice Department or other Government Bodies with a minimum experience of three years;
- (c) A person from the Public Works Department not below the rank of Assistant Engineer (civil) preferably with experience in accessibility for individuals with disabilities ;
- (d) Secretary from the concerned Corporation/Municipality/ Panchayat;
- (e) Health / Sanitary Inspector from the Health Department;
- (f) In the case of educational institutions, Deputy Director of Education or his representative from the concerned district.

(2) The team head shall be the competent authority or District Social Justice Officer concerned.

15. *Renewal of registration certificate.*- (1) All institutions shall make an application for renewal of registration not less than sixty days prior to the expiry of the period of registration to the competent authority and in the case of failure to make application for renewal of registration before the expiry of the period of registration, the institution shall cease to function as an institution as provided under sub-section (2) of section 52 of the Act.

(2) An application for renewal of registration shall be disposed of within sixty days from the date of receipt of such application. If the competent authority decides to decline the renewal of registration, the reasons for the same shall be communicated to the applicant within a period of seven days from the date of decision.

(3) The renewal of registration shall be based on the recommendation of the inspection team constituted under rule 14 of these rules.

16. *Appeal.*- (1) Any person aggrieved by the order of rejection of the registration or renewal by the competent authority may within thirty days of receipt of copy of such order of rejection,

prefer an appeal to the Appellate Authority. On receipt of the appeal, the appellate authority may himself or through an authorised officer or through a team of officers may conduct further enquiry on appeal and shall take a decision and intimate the same to the appellant in writing.

(2) Every appeal preferred under sub rule (1) shall be disposed of within a period of sixty days from the date of receipt of the same.

(3) The decision of the appellate authority shall be final.

CHAPTER V

APPEAL AGAINST THE DECISION OF THE CERTIFYING AUTHORITY

17. *Appellate Authority*.- (1) Any person aggrieved by an order of the certifying authority may prefer an appeal to the Standing Appellate Medical Boards headed by Superintendent of Medical College / a HoD nominated by the Superintendent in five Government Medical Colleges.

(2) An appeal shall be preferred within thirty days from the date of receipt of order or on intimation from the certifying authority . A copy of certificate or intimation along with substantiating reasons or documents shall be produced with the appeal. Where the appellant is a minor or is a person suffering from any disability which renders him unfit to make such an appeal by himself as appeal may be made on his behalf by his legal guardian or limited guardian or a relative as the case may be.

NOTE:-For the purpose of this rule “relative” means any person related to the person with disability by blood, marriage or adoption.

(3) The appeal shall be disposed by the appellate authority within forty five days from the date of receipt of appeal after considered the relevant guidelines notified under section 56 of the Act and after giving an opportunity of being heard to the appellant. The decision of the appellate authority shall be final and shall be intimated to the appellant in writing.

(4) The appellate authority may admit the appeal after the expiry of the period of thirty days if the appellate authority is satisfied that the appellant was prevented by sufficient reasons from filing

the appeal in time.

CHAPTER VI

STATE ADVISORY BOARD ON DISABILITY

18. *Allowances for the nominated members of the State Advisory Board.* - (1) The nominated members of the advisory board shall be eligible for travelling allowance at the rate admissible to Class I officers of the Government and sitting fee fixed by the Government from time to time which shall not be less than Rs.1000/- (Rupees one thousand only) per sitting.

(2) The Ex-officio members are eligible for daily allowance and travelling allowance as per the respective rules applicable to them. The members of the Legislative Assembly are also entitled for travelling allowance and dearness allowance at the rate applicable to them.

19. *Rules of procedure for transaction of business in the meetings of State Advisory Board.* - (1) The meeting of the State Advisory Board shall be held on such venue and on such dates as may be fixed by the Chairperson and it shall meet at least once in every six months.

(2) The Chairperson shall on the written request of not less than ten members of the State Advisory Board, call a special meeting of the Board.

(3) The member secretary shall give fifteen clear days' notice for an ordinary meeting and five clear days' notice for a special meeting specifying the time, venue of such meetings and the details of business to be transacted.

(4) The member secretary shall deliver the notice to the members either by messenger or sending by registered post to his last known place of residence/business or by e-mail or in such manner as the Chairperson may think fit.

(5) No member shall bring forward any matter for the consideration of the meeting of which he has not given ten clear days' notice to the Member Secretary, unless the Chairperson may permit him to do so.

(6) The State Advisory Board may adjourn its meeting to any particular day.

(7) Where a meeting of the State Advisory Board is adjourned from a date to another date, the notice of such adjourned meeting shall be given to all the members.

20. *Presiding Officer.*- The Chairperson shall preside over every meeting of the State Advisory Board and in his/her absence the members present shall elect one of the ex-officio members to preside over the meeting.

21. *Quorum.*- (1) One half of the total members of the State Advisory Board shall form the quorum for the meeting.

(2) No quorum shall be necessary for adjourned meeting in case of meeting adjourned due to lack of quorum.

(3) No matter not included in the agenda of the ordinary or the special meeting, as the case may be, shall be discussed .

22. *Minutes.*- (1) The Member Secretary shall maintain records of the members who attended the meeting and the proceedings at the meetings in a book to be kept for that purpose.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Member Secretary during office hours.

23. *Business to be transacted at meeting.*- Except with the permission of the Presiding officer, no business which is not mentioned in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 19 shall be transacted in any meeting.

24. *Agenda for the meeting of the State Advisory Board.*- At any meeting, the business shall be transacted in the sequence in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

25. *Decision by majority.*- All matters considered in the meeting of the committee shall be

decided by a simple majority of votes of the members present and voting, and in the event of equal votes, the Chairperson, or in the absence of the Chairperson, the member presiding over the meeting, shall have a right to casting vote.

CHAPTER VII

COMPOSITION AND FUNCTIONS OF DISTRICT LEVEL COMMITTEE

26. *The District Level Committee.*- (1)The Government shall constitute, by notification, District level Committees for each district.

(2) The District Level Committee shall consist of the following members, namely:-

(i) District Collector (Ex-officio)- Chairperson;

(ii) District Social Justice Officer (Ex-officio) - Member Secretary;

(iii) District Medical Officer (Ex-officio) – Member;

(iv) District Legal Services Authority Secretary/Sub Judge (Ex-officio) – Member;

(v) District Registrar (Ex-officio) – Member;

(vi) Deputy Director of Education (Ex-officio)– Member;

(vii) District Employment Officer/Special Employment Officer (Ex-officio)- Member;

(viii) Deputy Director of Panchayats (Ex-officio) – Member;

(ix) District Police Chief (Ex-officio)– Member;

(x) District Town Planner (Ex-officio)– Member;

- (xi) Representative from IT Mission(Ex-officio)– Member;
- (xii) Regional Transport Commissioner(Ex-officio)– Member;
- (xiii) District Women and Child Development Officer-Member
- (xiv) Eight nominated members nominated by District Collector representing registered organisations consisting of:-
 - (a) three persons with disabilities from organizations of persons with disabilities; and
 - (b)two from organizations of parents of persons with disabilities; and
 - (c) three from rehabilitation professional association;of which at least two nominated members shall be women.

27. *Functions of District Level Committee.*- The functions of the District Level Committee are as follows.-

- (a) to ensure and to co-ordinate activities of various agencies in the implementation of the Act and these Rules in the district;
- (b) to advise the district administration on matters of persons with disability;
- (c) to mobilize community support to meet requirements of persons with disability;
- (d) to monitor budgetary allocations and schemes involving persons with disability;
- (e) to take up issues of persons with disabilities with authorities concerned and to ensure that benefit reaches the persons/families concerned;
- (f) to take steps for barrier free atmosphere for persons with disabilities and to provide accessibility campaign and prioritise it for public services and buildings;

- (g) to lay emphasis on inclusive education and ensure that students with disability get the required support in the inclusive education;
- (h) to monitor employment schemes for persons with disability and their provision through special employment exchange of the district;
- (i) to provide support for establishing and monitor early intervention programmes and facilities for early disability screening and detection of the new born children throughout the district;
- (j) to ensure the rights of persons with benchmark disabilities;
- (k) to monitor services rendered to persons with disabilities with high support needs;
- (l) such other functions as may be assigned to it by the Government from time to time.

28. *Allowances to be paid to nominated members of District Level Committee.*- Every member nominated to District Level Committee under clause (xiv) of sub-rule (2) of rule 26 shall be entitled to receive a sitting fee fixed by the Government from time to time which shall not be less than Rs.1000/- (Rupees one thousand only) for each actual day of meeting of the Committee.

29. *Meetings.*- The District Level Committee shall meet at least once in every four months on such dates as may be fixed by the Chairperson. The Chairperson shall, upon the written request of not less than five members (including nominated members) of the District Level Committee, convene a special meeting of the Committee.

30. *Notice of Meetings.*- (1) Fifteen clear days' notice of an ordinary meeting and seven clear days' notice for a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereof shall be given to all members.

(2) Notice of a meeting may be given to the members by messenger or sending it by registered post to his last known place of residence or business or by e-mail or in such other manner as the

Chairperson may, in the circumstances of the case thinks fit.

(3) No member shall be entitled to bring forward for the consideration of the meeting, any matter of which he has not given ten clear days' notice to the Member-Secretary, unless the Chairperson at his discretion otherwise permits that member .

31. *Adjournment of meetings.*- (1) The Chairperson of the District Level Committee shall have power to adjourn the meeting on reasonable grounds.

(2) Where a meeting of the District Level Committee is adjourned, notice of such adjourned meeting shall be given to the members.

32. *Chair of the meeting.*- The Chairperson shall preside at every meeting of the Committee and in his absence, the Ex-officio Member Secretary shall preside, but when both the Chairperson and the Ex-officio Member Secretary are absent from any meeting, the members present shall elect one of the members to preside over the meeting.

33. *Quorum.*- (1) One half of the total members shall form the quorum for any meeting provided that at least three of the eight nominated members are present at such a meeting having the quorum of one half.

(2) If a meeting of the District level committee cannot be held for want of quorum, the Chairperson may adjourn the meeting to another day , at the same time and place, and if that day is a public holiday, to the next succeeding date which is not public holiday and at the same time and place.

(3) Notice of the adjourned meeting shall be given to all the members. The period of notice as prescribed under sub-rule (1) of rule 30 is not applicable in adjourned meeting.

(4) No quorum shall be necessary for the adjourned meeting.

34. *Maintenance of Minutes of the meetings.*- (1). Record with the names of members who attend the meeting and the proceedings of the meeting shall be maintained by the Member

Secretary.

(2) The Minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

(3) The Proceedings shall be open to any member at the office of the Member Secretary during office hours. Copy of the minutes shall be given to all the members within fifteen days of the meeting.

35. *Business to be transacted at meetings.*- (1) Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (3) of Rule 30 shall be transacted at any meeting.

(2) At any meeting business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

(3) At the beginning of the meeting, presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the presiding officer agrees, such a change shall take place.

36. *Decision by majority.*- (1) All matters considered at a meeting of the Committee shall be decided by a simple majority of votes of the members present and voting and in the event of equal votes, the Chairperson or in his absence the member presiding over the meeting, shall have a second or casting vote.

(2) No proceeding of the Committee shall be invalid by reasons of existence of any vacancy in or any defect in the constitution of the committee.

CHAPTER VIII

SALARIES, ALLOWANCES AND OTHER CONDITIONS OF STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

37. *Qualification for appointment of State Commissioner.*- (1) No person shall be eligible for appointment as State Commissioner unless,-

(a) he is a graduate from a recognised University. Preference shall be given for a person having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

(b) he is having at least fifteen years experience in a Group "A" level post in the Central Government or Class I Officer of State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or Social sector; and

(c) he shall not have attained the age of seventy years as on 1st January of the year of appointment.

Note.- If he is in the service of the Central or State Government, he shall resign/relieved from such service before his appointment to the post.

(2) The term of office of the State Commissioner shall be for a period of three years from the date on which he assumes office and may be extended for a further period of two years or until he attains the age of seventy years whichever is earlier.

38. *Method of appointment of the State Commissioner.*- (1) The Government shall, advertise in official website, Gazette and dailies each in English and Malayalam inviting applications for the post from eligible candidates fulfilling the qualifications specified in rule 37, six months before the post of State Commissioner is due to fall vacant.

(2) In the case of filling up of casual vacancies arised due to death, resignation or removal, the Government may relax the condition of six months prior advertisement and advertisement in Gazette.

(3) A Screening Committee shall be constituted to recommend a panel of candidates for the post of the State Commissioner by the Government with the following members, namely,-

(a) Minister in charge of Department of Social Justice - Chairperson ;

(b) Secretary, Social Justice Department - Member Secretary;

(c) Law Secretary - Member;

39. *Salary and allowances of the State Commissioner.*- The State Commissioner shall be entitled for the salary and allowances as admissible to the Secretary to the Government of Kerala.

40. *Other terms and conditions of service of the State Commissioner.*- The State Commissioner shall be entitled to,-

(i) such leave as admissible to a Government servant under the appendix VIII of Kerala Service Rules Part I and II.

(ii) such leave travel concession as admissible to the Secretary to Government.

(iii) such medical benefits as admissible to the Secretary to Government.

41. *Resignation and removal.*- (1) The State Commissioner may, by notice in writing, under his hand, addressed to the Secretary to Social Justice Department, Government, resign from the post.

(2) The Government may remove a person from the office of the State Commissioner, if he ,—

(a) becomes an undischarged insolvent;

(b) engages during his term of office in any paid employment or activity outside the duties of his office;

(c) is convicted or sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude;

(d) is in the opinion of the Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;

(e) without obtaining leave of absence from the Government, remains absent from duty for a

consecutive period of fifteen days or more; or

(f) has, in the opinion of the Government, so abused the position of the State Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after giving a reasonable opportunity to show cause why he should not be removed from his office.

42. *Procedure to be followed by State Commissioner.*- (1) A complainant may present a complaint containing the following particulars in person or by his agent to the State Commissioner or be sent by registered post addressed to the State Commissioner, namely,-

(a) the name, description and the address with phone number of the complainant;

(b) the name, description and the address of the opposite party or parties, as the case may be, so far as they can be ascertained;

(c) the facts relating to complaint;

(d) documents in support of the allegations contained in the complaint; and

(e) the relief which the complainant claims.

(2) The State Commissioner on receipt of a complaint under sub rule (1) shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the State Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the State Commissioner.

(4) Where the complainant or his agent fails to appear before the State Commissioner on such days, the State Commissioner may either dismiss the complaint on default or decide *ex-parte*.

(5) Where the opposite party or his agent fails to appear on the date of hearing the State

Commissioner may take such necessary action under section 82 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The State Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(7) The State Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of the same.

43. *Advisory Committee to assist the State Commissioner.*- (1) The Government shall constitute an Advisory Committee comprising of the following members, namely,-

(a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act out of whom two shall be women;

(b) three experts in the field of barrier- free environment

(i) one expert from physical environment;

(ii) one expert from transportation system; and

(iii) one expert from information and communication technology or other services and facilities provided to the public;

(c) one expert in the area of employment of persons with disabilities

(d) one legal expert ; and

(e) one expert as recommended by the State Commissioner for Persons with Disabilities

(2) The State Commissioner may invite subject or domain expert as per the need, who shall assist him in meeting or hearing and in preparation of the report.

44. *Submission of annual and special report.*- (1) The State Commissioner shall as soon as possible after the end of the financial year but not later than the 30th day of September in the

next financial year prepare and submit to the Government an annual report giving a complete account of activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-

(a) names of its officers and staff and a chart showing the organizational set up;

(b) the functions entrusted to the State Commissioner under sections 80 and 81 of the Act and the highlights of his performance in this regard;

(c) the main recommendations made by the State Commissioner;

(d) the progress made in the implementation of the Act;

(e) any other matter deemed appropriate for inclusion by the State Commissioner or specified by the State Government from time to time.

(3) The annual report and special report shall be submitted in Form III.

45. *Salaries, allowances and conditions of services of officers and staff of the State Commissioner for persons with disabilities.* - All staff and officers of the State Commissioner shall be appointed by deputation and they are eligible for such salaries and allowances as are applicable to them in their parent department.

CHAPTER IX

FEES AND REMUNERATION OF SPECIAL PUBLIC PROSECUTOR

46. *Special Public Prosecutor.* - (1). The Government shall by notification specify a Public

Prosecutor or appoint an Advocate having not less than seven years of practice as Special Public Prosecutor for conducting cases before special court notified under section 84 of the Act.

(2) The fee or remuneration and conditions of service of Special Public Prosecutor shall be according to the provisions of the Kerala Government Law Officers (Appointment and Conditions of Services and Conduct of Cases) Rules, 1978.

CHAPTER X

CONSTITUTION OF STATE FUND FOR PERSONS WITH DISABILITIES AND THE PREPARATION OF ITS ACCOUNTS

47. *State Fund for Persons with Disabilities.*- (1)The Government shall constitute a fund to be called the 'State Fund for Persons with disabilities' to ensure the rights of the persons dealt with under the Act and these rules.

(2) The Fund may include donations, grants, voluntary contributions, subscriptions or funds under Corporate Social Responsibility, whether or not for any specific purpose, and shall be directly credited to the State Fund for persons with disabilities.

48. *Management of State Fund.*- (1) The State Fund shall be managed by a governing body consisting of the following members, namely:-

(a) Secretary, Social Justice Department – Chairperson ;

(b) Two representatives each from Finance Department and Health and Family Welfare Department not below the rank of Deputy Secretary– Members;

(c) Director of Social Justice Department – Convenor;

(d) Two persons representing registered organisations of persons with disabilities, of which one shall be a person with disability- Members.

(2) The governing body shall meet as and when necessary, but at least once in every financial year.

(3) The nominated members shall hold office for three years.

(4) No member of the governing body shall be the beneficiary of State Fund during the period such member holds the office.

(5) The nominated non-official member shall be eligible for payment of travelling allowance and daily allowance as admissible to a Class I Officer of Government for attending the meetings of governing body.

(6) No person shall be nominated under clause (d) of sub rule (1) as a member of the governing body if he,-

(a) is, or has been, convicted of an offence, which in the opinion of the Government, involves moral turpitude, or

(b) is, or at anytime has been, adjudicated as an insolvent.

49. *Utilisation of State Fund.*- The State Fund for persons with disabilities may be utilised by the Government for the following purposes, namely:-

(a) supporting innovative programs for the welfare of the persons with

disabilities in the Institutions;

(b) strengthening of legal assistance and support;

(c) providing entrepreneurial support, skill development training or

vocational training ;

(d) providing after care facilities and entrepreneurship fund for providing capital and infrastructure to the persons who have, for starting up small businesses to support reintegration into mainstream life;

(e) rehabilitation of persons with disabilities in special circumstances;

(f) creating disabled friendly infrastructure;

(g) capacity building for parents, relatives and caregivers to understand the

needs of persons with disabilities;

(h) conducting awareness generation programs on rights of persons with disabilities and offences against them;

(i) creating community-based programs for persons with disabilities to identify and report offences against persons with disabilities;

(j) palliative care for persons with disabilities and stay facilities for their parents; and

(k) any other program or activity to support the holistic growth, development and well-being of a person with disabilities covered under the Act and the rules.

50. *Accounts of State Fund and its audit.*- The accounts of the State Fund including the income and expenditure shall be prepared in Form IV.

The accounts of the State Fund for Persons with Disabilities shall be liable for audit as per section 88 of the Act.

FORM – I

[see Rule 13(1) and section 51(1) of the Act]

**APPLICATION FOR REGISTRATION / RENEWAL OF REGISTRATION OF INSTITUTIONS FOR
PERSONS WITH DISABILITIES**

A. ESTABLISHMENT DETAILS

1. Name of the Institution/ Establishment:

2. Full Postal address.
.....
.....
.....

Village/ Taluk /Municipality /Corporation.....

Block..... District :

Post OfficePIN

Telephone No: Land Line with STD Code:

Mob: Fax :.....

Email :..... Website :.....

3.Name , Designation & Address of authorised person to whom communication is to be sent :

Name:.....Designation:.....

Address:.....

.....District :

.....

Post Office:PIN :

Telephone No: Land Line with STD Code:

Mob: Email:.....

4. In case of renewal application:

a. Month and year of which the institution started:

b. Old Certificate No. and last date of validity :

5. Old certificate number and last date of validity (In case of registration under any other law / rules etc):

6. Category of the organisation: (Tick mark whichever is applicable and attach 2 copies of registration certificate/ rules / bye laws / memorandum of association etc

Charitable Societies / Charitable Trust / Co-operative societies / Private Limited Company /

Individual proprietorship / Registered Partnership / Association

Any Others (Specify).....

7. Details of license from local bodies: (Attach Copy of latest license certificate)

Name of the local body: License Number:

Date of issue: Date of Validity :

8. Type of Service: (Tick mark whichever is applicable)

a. Care & Protection / Education / Training / Clinical or Rehabilitation services /
any other service (Specify).....

a. Care & Protection

Day-care/ Hostel/ Shelter home/ any others (specify).....

b. Special Education:

Pre- school/ LP /UP/ High school/ Higher secondary school/ College /

Any others (specify).....

c. Training:

Professional training / Vocational rehabilitation training centre for disabilities /

any others (specify).....

d. Clinical or rehabilitation service (Tick mark whichever is applicable)

Clinical Psychology / Rehabilitation Psychology /Audiology / Speech –Language therapy/

Hearing Aid Centre / Ear mould lab or Hearing aid repair centre / Autism Centre / Developmental

therapy centre / Orientation & Mobility centre / Prosthetic or Orthotic centre / Rehabilitation Engineering / Community based rehabilitation centre for disabilities / early intervention centre for disabilities/ Any Others (specify).....

9. Types of the disabilities covering: (Tick mark whichever is applicable)

Locomotors/ Visual/ Hearing/ Speech & Language / Intellectual disabilities/

Mental disorders/ Neurological disorders/ Blood disorders / multiple disabilities/

Any Others (specify).....

B. INFRASTRUCTURE DETAILS

10. Whether the building is - Own/ Rented

If it is own building, please furnish the following details :

11. Whether building is already constructed :

If yes ,state the purpose of construction:

12. Year of completion of construction :

13. Total area of the building :

(Attach copy of latest ownership certificate of the building)

Plinth area (in square feet).....Living area (in square feet).....

14. Name of the owner of the land:

15. Survey No with sub division:

16. Village :..... Taluk.....District.....

(Attach a copy of latest possession certificate)

17.Total area of land (in Ha): Total area of land meant for the disabilities (In Ha):

18.Total area of building meant for the particular disability:

19. Whether building is constructed as per the stipulation of the rights of person with disabilities Act 2016: Yes / No

If No, state the reason and mention the duration required for structural modification:

20. Details of facilities for waste disposal, pest control and other arrangements:

21. Capacity of institution with other facilities :

If in rented building , please furnish the following details:

22. Total area of the building meant for your establishment (in square feet) :

23. Total area of building meant for the particular disability (in square feet):

24. Name of the owner of the building:

(Attach a copy of latest ownership certificate)

25. Duration of the rent / lease agreement & Last date of validity:

(Attach a copy of latest rent /lease agreement)

26. Building / Room No:

C.HUMAN RESOURCES DETAILS

27.Total number of staff (As on date of application):

28.Number of Permanent staff : Number of temporary staff:

29. Staff details of rehabilitation professionals/ personals: (Use extra sheet if needed)

SL	Name	Qualification	Designation	RCI Registration Number	Date of validation

30. Other staff

SL	Name	Qualification	Designation

D. CREDENTIALS OF THE APPLICANT

31. Major activities of the institution in last two years (Annex copy of annual report)

32. Updated list of members of management committee/governing body (in applicable cases).

33. List of assets of the institution.

34. Details of Foreign contribution received if any during the last two years (Annex certificate of registration and connected documents (if applicable) :

35. Details of the sources :

Accounts of last three years.

I hereby declare that the statements made above are correct and true to the best of my knowledge. I shall abide by all provision of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016)

and the Rights of Persons with Disabilities (Kerala) Rules, 2020. I shall intimate to the authority concerned, in the event of any change in the particulars above. I shall comply with the standards prescribed under the Rights of Persons with Disabilities Act, 2016 and the Rights of Persons with Disabilities (Kerala) Rules, 2020 for services provided by us and also other conditions of registration as stipulated under the aforesaid Act and rules made thereunder. I declare that no person associated with the institution has been previously convicted or has been involved in any immoral act and that the organisation has not been blacklisted by the Central or State Government at any point of time.

Date: Signature of the Applicant:

Place: Name & Designation:

Office Seal

[see Rule 13(3) and section 51 (2)of the Act]

Certificate of Registration for Institution for Person with Disabilities

CERTIFICATE No:

Registration No./Renewal Registration No. [strike out which is not applicable]	
Old Registration No (If Applicable)	
Name of the institution	
Address	
Capacity of Institution	
Name of the authorised person	
Date of Registration	
Date of Expiry	
Type of service (Specify)	
Nature of service Registered	
Type of Disabilities Covered	

Date: Signature & Seal of Competent Authority

Office Seal

Conditions

1. The certificate is not transferable.
2. Registration certificate shall be prominently displayed in the place of work open to public.
3. Registration should be renewed after every 3 years.
4. The authorised person shall report to competent authority in writing in any change in the qualified professional /personal within one month of such change.
5. The authorised person shall inform the competent authority in writing In the event of any change in the place of the organisation operating under the registration. Current registration shall be deemed to be valid for a maximum period of three months from the date on which change take place, within which a fresh registration of the changed constitution shall be obtained from competent authority.
6. This certificate shall be subject to the conditions laid down in the Rights of Persons with Disabilities Act, 2016, the Rights of Persons with Disabilities (Kerala) Rules, 2020 and the order of Central and State Government issued from time to time.

Form III

[see Rule 44(3)]

**Report on Implementation of Rights of Persons with Disabilities Act –
2016 for the Year**

.....

1. Organisational setup

2. Policy, Programmes, Procedures and corrective steps
under following heading:

- i. Education
- ii. Skill Development & Employment
- iii. Accessibility & Transportation
- iv. Health care & Rehabilitation
- v. Social security
- vi. Research and Development
- vii. Rights & Entitlements
- viii. Recreation
- ix. Awareness Campaign
- x. Human Resource development

- xi. Registration of Institutions
- xii. Disability Certification
- xiii. District based activities report of District advisory committee
- xiv. Legal capacity & Special Court
- xv. State fund and other fund utilization
- xvi. Women & Child with disabilities
- xvii. Miscellaneous

3. Recommendations and Remedial measures

State Commissioner For Persons with Disabilities

Form IV

[see Rule 50]

Office

of.....Month
of.....

Receipts Payment

Particulars	Contingencies	Contingencies
-------------	---------------	---------------

Date	No. of the receipt issued or bill drawn	From whom received	Cheque/D.D.No of Serial Nos in the register of valuables	Receipt to be credited to Government Account	Advance payment	Miscellaneous	Total	Classification	Date	Sub voucher Nos/ Sr.Nos in the register of	To whom paid or sent to PA/O/Bank for	Receipt to be credited to Government Account	Out of money drawn in anticipation of payments	Miscellaneous	Total	Classification
				Rs. P	Rs. P	Rs. P	Rs. P					Rs. P	Rs. P	Rs. P	Rs. P	

Foot Note:

1. Closing balance should be analysed in the following manner
 2. Form of certificate:

- i. Cash “ Certified that the cash balance has been physically verified by me today
 - ii. Self cheques (Not transferable category cheque (date) and found to be Rs..... s and Bank Drafts)
 - iii. Other Cheques (Rupees.....)which tallies
 - iv. Other Bank Drafts with the closing balance as worked out in the cash book”
 - v. Imprest with
 - (a)
 - (b).....
 - vi.
- Total Cash Balance(Items (i) to (vi))

3. Self cheques drawn under cheque drawing powers, for payments to staff etc. in cash, should also be entered on the receipts side of the cash book

By order of the Governor,
BIJU PRABHAKAR
SECRETARY

Explanatory Note

(This does not form part of the notification , but is intended to indicate its general purpose.)

Section 101 of the Rights of Persons with Disabilities Act,2016 (Central Act 49 of 2016) empowers the State Government to make rules for carrying out the Provisions of the Act. Accordingly, Government of Kerala have framed necessary rules for the above purpose, by superseding the Persons with Disabilities(Equal Opportunity, Protection of Rights and Full Participation) Kerala Rules, 2000.

This notification is intended to achieve the above object.

To

The Secretary, Department of Empowerment of Persons with

Disabilities (Divyangjan), Ministry of Social Justice & Empowerment,5th Floor, Pt. Deendayal Antyodaya Bhawan,

CGO Complex,Lodhi Road,New Delhi -110 003

The Chief Commissioner for Persons with Disabilities

Ministry of Social Justice & Empowerment

Sarojini House, 6, Bhagwan Dass Road, New Delhi

The Director, Department for Empowerment of Persons with

Disabilities, Room.No.518, Antyodaya Bhavan, CGO Complex,

Lodhi Road, New Delhi-110003

All Additional Chief Secretary/Principal Secretary/Secretary/Special Secretary

All Head of Departments

All the Departments in the Government Secretariat (including Law & Finance Department)

All District Collectors

The Secretary, Kerala Legislature Secretariat

The Secretary, K.P.S .C., Thiruvananthapuram
The Registrar, High Court of Kerala. Ernakulam
The Registrar, University of Kerala, Kochi/Calicut/Mahatma
Grandhi/Kannur
The Registrar, Kerala Veterinary and Animal Science University
The Registrar, Kerala University of Health & Allied Sciences
The Director, Social Justice department, Thiruvananthapuram
The State Commissioner for Persons with disabilities, Anjaneya,
T.C.No.9/1023(1) Ground Floor, Sasthamangalam, Thiruvananthapuram-
695010
The Advocate General, Kerala, Ernakulam
The Secretary, K.S.E.B., Thiruvananthapuram
The Managing Director, KSRTC, Thiruvananthapuram.
The Secretary to Governor.
The Private Secretaries to the Chief Minister and other Ministers.
The Private Secretary to the Leader of Opposition, Speaker &
Deputy Speaker.
The Chief Executives of all PSUs.
The Director of Public Relations, Thiruvananthapuram
The State Chief Information Commissioner, Thiruvananthapuram
General Administration (SC) Department(vide item No.3904 dated
25.3.2020)
Finance Department (vide U.O No. WW-WW2/404/2018-FIN
(e-970732) Dated: 03/12/2018)
Law Department (vide U.O No. 2767/Leg H1/2020/Law dated
05.02.2020)
Information & Public Relations(Web & New Media) department