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GOVERNMENT OF KERALA
SOCIAL WELFARE(D)DEPARTMENT
NOTIFICATION

G.O(P)No.45/2012/SWD.

Dated, Thiruvananthapuram,24.7.2012

S.R.O.No.543.../2012.- In exercise of the powers conferred by sub-section (1) read with sub-section(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 Government of Kerala hereby make the following Rules, namely:-

CHAPTER I
PRELIMINARY

1. *Short title and commencement* .- These Rules may be called the Kerala Registration of Psycho-Social Rehabilitation Centres of Mentally Ill Persons Rules, 2012.

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) "certificate of registration" means a certificate issued under rule 5 of these Rules.
- (c) "competent authority" means the authority appointed under section 50 of the Act
- (d) "experienced nurse" means a Junior Public Health Nurse (ANM) having at least two years experience in any of the projects under the State or Central Government or any hospital, or a nurse having the qualification of General Nursing (GNM) or BSc. Nursing;
- (e) "minor" means a person who has not completed eighteen years of age;
- (f) "occupational therapist/vocational instructor" means a person having a certificate course in related trade or a skilled trainer having two years experience;
- (g) "orphaned mentally ill person" means a mentally ill person who has no parents and includes a person who having left home is not able to recall any of the parent, relatives or friends;
- (h) "psychiatric social worker" means a person having MSW Degree with specialization in 'Medical and Psychiatry' from a recognized university or higher qualification in Psychiatric Social Work after two year post-graduation course from an accredited institution;
- (i) "Psychiatrist" means a registered medical practitioner possessing a post-graduate degree or diploma in psychiatry, recognized by the Medical Council of India, constituted under Indian Medical Council Act, 1856 (102 of 1956) and includes, in relation to the State of Kerala, any Medical Officer who, having regard to his knowledge and experience in Psychiatry, has been declared by the State Government to be a Psychiatrist for the purpose of this Act.

- (j) "psychologist" means a person having MA/MSc Degree in Psychology from a University recognized by University Grants Commission (UGC).
- (k) "psycho-social rehabilitation centre" means a recognized home under the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, (Central Act 10 of 1960) which fulfills all the conditions prescribed under these rules and having a certificate of registration under these rules, and includes an institution defined in section 2 (m) of the Act but doesn't exclude a Treatment centre or a nursing home or a hospital established or maintained under the Mental Health Act, 1987 (Central Act 14 of 1987);
- (l) "qualified medical practitioner" means a person who possesses a recognized medical qualification as defined in the Indian Medical Council Act, 1956 (Central Act 102 of 1956), and whose name has been entered in the State Medical Register, or as defined in the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970), and whose name has been entered in a State Register of Indian Medicine, or as defined in the Homeopathy Central Council Act, 1973 (Central Act 59 of 1973), and whose name has been entered in a State Register of Homeopathy;
- m) "relative" includes any person related to the mentally ill person by blood, marriage or adoption/guardianship.
- n) words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

PROCEDURE FOR REGISTRATION OF PSYCHO- SOCIAL REHABILITATION CENTRES

3. *Application for registration.*- (1) Any person who wishes to establish a psycho-social rehabilitation centre shall apply to the competent authority.

(2) The person who runs the psycho- social rehabilitation centre which was existing at the time of commencement of these Rules and is still functioning or which has started functioning after the commencement of these Rules and has not been registered shall, within a period of six months from the date of commencement of these Rules, submit an application for registration.

(3) Every application under sub sections (1) and (2) shall be in Form No.1 and be accompanied by such other documents as mentioned in the Form.

(4) A certificate of registration shall not be transferable or heritable.

(5) All State run rehabilitation centres shall also be registered under this rule

4. *Inspection of psycho-social rehabilitation centers.* - Upon receipt of an application for registration, the competent authority shall,-

(a) inspect the premises by the competent authority or an officer authorised by the competent authority to ascertain their suitability; and

(b) ascertain whether the psycho-social rehabilitation centre is in a position to provide the facilities and maintain the standards laid down in these rules.

5. *Grant of certificate of registration.*- Based on the inspection, the competent authority may issue a certificate of registration to the applicant. Every certificate of registration shall be in Form No. II and it shall be in force for a period of four years unless revoked by the competent authorities as per rule 10 of these Rules.

6. *Enquiry in other cases.*- (1) If the competent authority is not satisfied, he shall inform the applicant in writing the grounds for the disqualification and give a chance to file his/her explanation. The competent authority shall conduct a personal enquiry after giving the applicant one month's notice. The applicant may also be given a chance to be heard if he/she so desires.

(2) If after the enquiry, the competent authority is satisfied the psycho-social rehabilitation centre will be established/maintenance as per these Rules, he may grant a certificate of registration to the applicant.

(3) If even after the enquiry the competent authority is satisfied that the applicant does not deserve a certificate of registration, the competent authority may refuse to grant the certificate of registration after recording the reasons for such refusal. The order refusing the grant of certificate of registration shall be in Form No. III and it shall be communicated to the applicant by registered post with acknowledgment due. The applicant may, however, file an appeal against such order of the competent authority to the Government within thirty days from the date of receipt of the order of refusal of the certificate of registration.

7. *Renewal of certificate of registration.*- An application for renewal of the certificate of registration shall be made to the competent authority not later than sixty days before the expiry of the period of validity.

8. *Procedure for renewal of certificate of registration.* - The procedure for renewal of the certificate of registration will be the same as in the case of a fresh application.

9. *Certificate of registration to be displayed at a prominent place.*- The certificate of registration shall be displayed at a prominent place within the premises of the psycho-social rehabilitation centre.

10. *Revocation of certificate of registration.*- The competent authority may revoke the certificate of registration granted under rule 5, if after an inspection it is found that the psycho-social rehabilitation centre does not meet any of the standards prescribed or if it habitually violates any of the procedures laid down in these Rules:

Provided that no such order of revocation shall be made until, an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.

11. *Appeal against an order of refusal or revocation of certificate of registration.*- The applicant may make an appeal against an order of refusal or revocation of certificate of registration to the Government within thirty days from the date of the receipt of such order:

Provided that the Government may for any sufficient reasons, entertain an appeal under this rule after the said thirty days time limit.

12. *Government orders on appeals to be final.* - The orders of the Government on the appeals filed under rule 11 of these Rules shall be final.

13. *Effect of an order of refusal or revocation of certificate of registration.*- (1) Where a certificate of registration has been refused under rule 6 or revoked under rule 10 of these Rules to any psycho-social rehabilitation centre, such psycho-social rehabilitation centre shall cease to function from the date of refusal or from the date of revocation of the certificate of registration, as the case may be:

Provided that where an appeal filed under rule 11 against the order of refusal or revocation of certificate of registration, such psycho-social rehabilitation centre shall cease to function,-

(a) where no appeal has been filed immediately on the expiry of thirty days of the order of refusal or revocation of certificate of registration, or

(b) where such appeal has been filed, but the order of refusal or revocation of certificate of registration has been upheld from the date of the order of appeal.

(2) On the refusal of certificate or revocation of certificate of registration in respect of a rehabilitation centre, the competent authority may direct that the inmates of that rehabilitation centre, on the date of such refusal/revocation shall be restored to the custody of her/his parent, spouse or lawful guardian, as the case may be, or transferred to any other rehabilitation centre registered under these Rules specified by the competent authority.

(3) It shall be mandatory to the rehabilitation centres so specified by the competent authority to admit the inmate in the rehabilitation centres. However, if there is no space for such admission, such fact shall be intimated to the competent authority, and in such cases, the competent authority shall make alternative arrangements. Such transfer shall be made by the District Social Welfare Officer at Government cost. Wherever required, necessary assistance shall be provided by the Police and the Health Department.

14. *Surrender of certificate of registration.*- Every psycho-social rehabilitation centre whose certificate of registration is revoked as per these Rules shall surrender the certificate of registration immediately on such revocation.

CHAPTER III

PROCEDURE FOR ADMISSION AND DISCHARGE OF INMATES

15. *Admission.*- (1) Treated and controlled mentally ill persons after their discharge from a mental health centre including private institutions shall be admitted.

(2) All admissions into a psycho-social rehabilitation centre of mentally ill persons, other than orphaned mentally ill persons shall be voluntary and made on the advice of a psychiatrist. The psychiatrist should certify that the person referred is a mentally ill person who requires only maintenance, medication and rehabilitation measures. Two identification marks referred to by the doctor should be noted with the admission register along with a passport size photograph.

(3) After examination, if the psychiatrist certifies that the person referred is a chronic mentally ill person who needs treatment in a hospital, he shall be dealt with under the provisions of the Mental Health Act, 1987(Central Act 14 of 1987).

(4) All rehabilitation centres shall provide day care facilities for mentally ill persons.

(5) All rehabilitation centres shall function as a care-giving centre.

(6) All children below eighteen years of age shall be produced before the Child Welfare Committee and they shall be dealt with in accordance with Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules made thereunder.

16. *Admission of orphaned mentally ill persons.* - Whenever an orphaned or wandering person who is allegedly mentally ill is brought to a psycho-social rehabilitation centre with a report or request for admission by a friend or a social worker or police or any statutory authority, the person may be admitted subject to the conditions that,-

(a) a psychiatric social worker or a psychologist or police or any statutory authority concludes after an enquiry that the person to be admitted is indeed an orphaned person;

(b) a qualified medical practitioner conducts physical examination of the admitted person and summary is recorded in the admission register within forty eight hours of admission;

(c) a psychiatrist examines the person within ten days of admission and certifies that the person admitted requires the therapeutic and/or the rehabilitative services of the psycho-social rehabilitation centre; and

(d) a report of such admission with a photograph of the person admitted is sent to the police station having jurisdiction over the psycho-social rehabilitation centre.

17. *Leave of absence.* - As far as possible all inmates shall be given leave of absence for meeting parents or relatives based on the application or request of their parents or relatives. Maximum period of leave at a time shall be fifteen days.

18. *Discharge* - (1) Any discharge of a person admitted in to a psycho social rehabilitation centre shall be made in consultation with a psychiatrist.

(2) Any such discharge shall be based on the written request of the concerned person on his complete cure or the relatives.

(3) The authority of the psycho-social rehabilitation centre shall make all efforts to identify and locate the parents or relatives of the admitted person. Whenever the parents or relatives of the person admitted approach the authority, the person shall be released, if the authority is able to ensure the identity and relation of such persons.

(4) Such discharge shall also be reported to the persons or authority on whose request or recommendation his/her admission was made.

(5) Any such discharge shall be intimated to the station house officer of the police station having jurisdiction over the area where the rehabilitation centre is situated.

19. *Transfer of inmates.* - (1) Inmate of one rehabilitation centre can be transferred to another rehabilitation centre registered under these rules for providing better care/facilities or for the convenience of the inmate or her/his relatives with the mutual consent of the rehabilitation centres executed in writing and such transfers shall be reported to the District Level Advisory Board and to the station house officers of the police stations having jurisdiction over the area where the rehabilitation centres are situated. Wherein an inmate of one rehabilitation centre is transferred to another rehabilitation centre outside the state, it should be ensured that such centre has been approved by that State Government for the purpose of rehabilitation.

(2) An inmate who is unmanageable or unwilling to stay in the psycho-social rehabilitation centre shall not be retained. Such a person may be either admitted to a psychiatric nursing home or a psychiatric hospital as per the procedure prescribed in the Mental Health Act, 1987 or sent back to the family/ institution/agency who recommend his/her admission.

20. *Death or Escape of Inmates.* - The death of an inmate shall be reported to the local authority and police within 24 hours. The cause of death of the inmate shall be certified by a qualified medical practitioner. In the case of escape of an inmate, it shall be reported to the local authority and police within 24 hours and it shall ensured that a man missing case has been registered. In both the cases the photograph of the inmate shall be presented to the police along with the report on death or escape.

CHAPTER IV

INFRASTRUCTURAL FACILITIES AND SERVICES TO BE PROVIDED IN PSYCHO-SOCIAL REHABILITATION CENTRES

21. *Space and Buildings.* - (1) There should be an open land area of at least 30 percent of the plinth of the area.

(2) Every psycho-social rehabilitation centre should have sufficient space for free movement, recreation, various in-door and out-door activities and vocational and various therapies.

(3) The building should be eco-friendly and user-friendly to the disabled.

(4) The buildings in which rehabilitation and other services are to be provided to the inmates by the psycho- social rehabilitation centres, should be adequate and structurally sound. A certificate to this effect should be obtained from the officer of the Public Works Department concerned or an engineer authorized by the competent authority to issue such a certificate.

(5) Sanitation certificate should be obtained once in every year from the Medical officer.

22. *Residential facilities.*- Wherever the residential facilities are provided in a psycho-social rehabilitation centre, the following conditions shall apply, namely:-

(a) women shall be provided with separate accommodation and they will be under the care of female staff only. Their privacy shall be protected and any type of entrance by a male member shall be in the presence of female staff;

(b) not more than 25 inmates will be accommodated in a dormitory. Each inmate will be provided a living space of sixty sqft.

(c) each inmate shall be provided with a cot, mattress, pillow and adequate number of bed sheets;

(d) there shall be one bathroom and one toilet each for every eight male inmates and for every six female inmates;

(e) adequate water supply should be arranged for drinking, washing and bathing;

(f) all inmates should be provided with toilet items required to maintain personal hygiene;

(g) each inmate should be provided with a place to store his/her personal belongings safely;

(h) adequate facilities should be provided for dining. There shall be separate dining halls for males and females with proper seating arrangements;

(i) there should be planned intervention for recreation and entertainment for which sufficient equipments should be provided. Preferably thirty percent of the plinth area of the building/open place shall be provided for common purpose, such as recreation, prayer, entertainment etc;

(j) facilities for picnic/outing shall be given at least to the able bodied inmates at least once in a year. They shall be given chances to participate in or associate with community festival/cultural programmes. If found suitable, community organization including academic institutions shall be permitted to interact with the inmates or arrange programmes for the inmates in the rehabilitation centres or outside the rehabilitation centres;

(k) adequate facilities to ensure safety of the resident should be provided ;

(l) adequate facilities for occupational therapy should be provided; and

(m) each rehabilitation centre shall have its own waste management system.

23. *Facilities to be provided in training or work area .-* Wherever training or work is provided as a rehabilitative measure in a psycho-social rehabilitation centre, the following conditions shall apply, namely:-

(a) each inmate shall be provided with adequate working area with proper ventilation and light and adequate materials to work with;

(b) the training or work shall not be of a demeaning kind and its main aim should be helping the inmates to regain mental balance;

(c) the training or work shall be simple and safe;

(d) any surplus funds generated from the income of the said training work after meeting the manufacturing cost shall be used for the welfare activities of the rehabilitation centre; and

(e) the inmates shall be paid reasonably for the work done by them.

24. *Staff in the Psycho- Social Rehabilitation Centres.*- The requirement of staff in a Psycho-social rehabilitation centre shall be as follows, namely:-

(a) every psycho- social rehabilitation centre should ensure the visit of a psychiatrist once in a month and she/he will be available on call to attend any emergencies; Subject to availability, the Superintendent of Medical College/Superintendent of Government Medical Centre or the District Medical Officer may assign any of the psychiatrists to each centre for this purpose. In their absence, the rehabilitation centres shall make arrangements for the visit of psychiatrists from any private sector;

(b) the psycho-social rehabilitation centre should ensure that every inmate is examined once in thirty days by a psychiatrist and observations and prescriptions are noted in a register to be maintained for that purpose.

(c) *qualified medical practitioner* from any Government institution shall visit and conduct medical check-up at least once in thirty days in psycho-social rehabilitation centres. The District Medical Officer shall assign the duty to the concerned medical officer and ensure the visit of medical officers in the rehabilitation centre in every month.

(d) there shall be a full time psychiatric social worker or psychologist for every fifty inmates/persons;

(e) every psycho-social rehabilitation centre shall have a minimum of one full time experienced nurse and the nurse - inmate ratio shall be 1: 50;

(f) there shall be one nursing assistant/attendant/helper for every twenty inmates;

(g) there shall be *occupational therapist/part-time vocational instructor* including village artisans for providing various types of occupational therapy/vocational training to the inmates; and

(h) there shall be a project coordinator, manager or superintendent to coordinate all the activities and supervise and control the functioning of the rehabilitation centre.

25. *Health Services to the inmates.*- Health services shall be provided to the inmates of a psycho-social rehabilitation centre in the following manner, namely:-

(a) as far as possible all health services to the inmates shall be provided from Government hospitals;

(b) a separate queue will be arranged for the inmates of rehabilitation centres in all Government hospitals;

(c) the medicine required for the inmates will be provided from the Government hospital as per the prescription of the medical officer;

(d) if the medicine is not available in the Government hospital, the rehabilitation centre shall procure the same based on the prescription of medical officer from wholesale dealers to government or quasi-government agencies or from private suppliers;

(e) the nurse appointed in the rehabilitation centre shall be in charge of the medicine and she/ he shall ensure the timely administration of medicine in accordance with the prescription of the psychiatrist/medical officer and shall keep proper records in the inmate-wise medicine register;

(f) for keeping medicines, there shall be proper safe and secure place/ room with adequate lock and key under the control of the nurse; and

(g) each inmate shall have medical record diary/note book for proper recording of treatment history.

26. *Food and Nutrition.*- Each rehabilitation centre shall have a diet-scale and menu chart prepared by a nutrition expert and the centre shall ensure that nutritional food not below the rate of list prepared by nutrition expert is being served.

CHAPTER V PROTECTION OF HUMAN RIGHTS OF INMATES OF PSYCHO-SOCIAL REHABILITATION CENTRES

27. Provisions for the protection of Human Rights of Inmates.- (1) All persons in the rehabilitation centre shall be treated without any type of human rights violation.

(2) No person shall be subjected during his/her stay to any indignity (whether physical or mental) or cruelty.

(3) Documents or records or other valuables or money if any, found in the possession of the inmate the time of admission shall be properly recorded in a Register of Valuables with two witnesses and kept in safe custody by the rehabilitation centre and it should be released at the time of discharge.

(4) Inmates shall be permitted to communicate with parents or relative by way of letter as per requirement.

(5) Representative of District Legal Service Authority or any practising lawyer authorized by the District Legal Service Authority may visit and provide free legal service to the inmates.

28. *Free movement of inmates.*- The mentally ill persons admitted in a psycho-social rehabilitation centre shall be threatened or fettered so as to curtail their freedom of movement. This does not prohibit the temporary restraining of a person from causing harm to himself/herself or to others, for a period not exceeding forty eight hours. However, if the violent tendencies exhibited by the person do not abate or the person tends to be violent frequently in this period, he/she shall be referred forthwith to a psychiatric hospital or a psychiatric nursing home following the procedure laid down in the Mental Health Act, 1987.

29. *Grievance redressal.*-(1) A complaint box shall be placed in an appropriate place of every psycho-social rehabilitation centre. The keys of the complaint box shall be kept by the District Collector or an officer not below the rank of a Deputy Collector in Revenue Department authorised by the District Collector. The box shall be opened at least once in every three months by the District Collector or the Deputy Collector and proper follow-up action will be initiated for the redressal of any of the grievances of the inmates.

(2). Every rehabilitation centre shall have a display board showing the addresses and phone numbers of the authority to whom complaints have to be filed by the inmates. The name, address, phone number of following persons shall invariably be displayed, namely:-

- i) Director of Social Welfare;
- ii) District Collector;
- iii) Superintendent of Police;
- iv) Commissioner for persons with disabilities;
- iv) District Social Welfare Officer;
- v) Station house officer of the local police station and;
- vi) District Legal Service Authority.

30. If any violation of the rights of an inmate comes to the notice of any member of the district level committee or rehabilitation centre level committee, it shall be brought to the immediate notice of the District Collector, who shall obtain a report on the matter through an officer authorised by him in this behalf and after considering the report, if required, shall initiate criminal proceedings against the person who has perpetrated the violation of rights of the inmate.

CHAPTER VI

ORGANIZATION AND CONDUCT OF REHABILITATION WORK

31. *Services of Social Worker or Psychologist.*-(1) On admission to a psycho-social rehabilitation centre, each inmate shall be attached to a social worker or psychologist who will be in charge of rehabilitating such inmate.

(2) Each rehabilitation centre shall have a total rehabilitation plan which may include yoga, physical exercises, behavioural therapy, group therapy, recreational facilities, cultural activities, skill training, entertainment activities, outing etc.

(3) The psychiatric social worker/psychologist shall ensure the rehabilitation plan with the help of occupational therapist, local artisans and other staff available at the centre.

32. *Maintenance of case record.*- The social worker or the psychologist to whom the inmate is attached shall maintain a case record for such inmate in which the details relating to the nature of the person's disability, the administration of prescribed medicines, the details of the occupational and recreational therapy provided, the progress being made by the person and abnormal behaviour, if any, may be recorded.

33. *Maintenance of registers.*- All psycho-social rehabilitation centres shall maintain all registers prescribed under the Kerala State Orphanages and other Charitable Home (Supervision and Control) Rules, 1961. In addition, the following register shall also be maintained, namely:-

- (a) an inventory of all facilities available in the rehabilitation centre including plan of the buildings, equipments etc;
- (b) establishment register showing details about various categories of personnel including volunteers and their qualification, experience and service conditions;
- (c) register of valuables of inmates;
- (d) register for recording examination, diagnosis and treatment;
- (e) injury, escape and death registers; and
- (f) inmate's weight Chart.

CHAPTER VII

INSPECTION OF PSYCHO-SOCIAL REHABILITATION CENTRE

34. *Procedure for inspection.*- (1) The competent authority or an authority designated by the Government in this behalf may enter and inspect the psycho-social rehabilitation centre and require the production of any records, which are required to be kept in accordance with these rules, for inspection:

Provided that any personal records of an inmate so inspected, shall be kept, confidential.

(2) The competent authority or the authority designated by the Government in this behalf may interview any inmates receiving treatment and care in the psycho-social rehabilitation centre,-

- (a) for the purpose of inquiring into any complaint made by or on behalf of such inmates as to the treatment and care;
- (b) in any case, where the competent authority or the authority designated by the Government in this behalf has reason to believe that any inmate is not receiving proper treatment and care

(3) Where the competent authority or the authority designated by the Government in this behalf is satisfied that any inmate in a psycho-social rehabilitation centre is not receiving proper care, the competent authority may issue such direction as it may deem fit to the person in charge of

the psycho-social rehabilitation centre and every such person in charge shall be bound to comply with such directions.

CHAPTER VIII

NON-GOVERNMENTAL ORGANIZATION (NGO) FORUM FOR PSYCHO-SOCIAL REHABILITATION FOR MENTALLY ILL PERSON AND CAPACITY BUILDING OF THE FUNCTIONARIES

35. (1) There shall be a separate Non-Governmental Organization Forum to assist and aid the State Coordination Committee specified under section 18 of the Persons with Disabilities (Equal Opportunities of Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) for coordinating the activities of the rehabilitation centres. They will develop best practice guidelines for Psycho-social rehabilitation.
- (2) All the organizations being recognized under this rule shall be represented on the Forum, with one of their representatives being nominated by the organization to the State Forum. The State forum may co-opt a Non-Governmental Organization/professional bodies involved in the subject of , or engaged in the field of mental health as and when required.
- (3) The office bearers shall be elected in the general body meeting
- (4) The Forum shall be a registered organization under the Charitable Societies Registration Act,
- (5) District level or regional level Forum may be formed as per requirements and shall be affiliated to the state Forum.
- (6) Office of the Forum may be located in the organization being represented by the chairperson/ president of the Non-Governmental Organization Forum.
- (7) It will be imperative on the part of the Non-Governmental Organization Forum to submit their annual report, list of the members, list of office bearers and the audited accounts to the government through the Director of Social Welfare.
36. *Capacity building and Training:* (1) The Non-Governmental Organization Forum with the help of State government and State/ National level professional organization/agencies shall provide for training of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.
- (2) The training program may include
- (a) Orientation and induction training for the newly recruited staff
- (b) Refresher training courses and skill enhancement programs for all caregivers at least once a year and
- (c) Staff conference, seminars and workshops

CHAPTER IX

MONITORING AND EVALUATION MECHANISM

37. *Advisory Boards-* (1) There shall be a separate advisory board to assist and aid the State Coordination Committee specified under section 18 of the Persons with Disabilities (Equal Opportunities of Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) for monitoring and evaluating the functioning of the rehabilitation centres.

(2) *State Level Advisory Board:* The State Government shall by notification, in the Gazette, constitute a State Level Advisory Board consisting of the following members, namely:-

- | | |
|--|-------------|
| 1. Secretary, Social Welfare Department | - Chairman. |
| 2. Secretary, Health and Family Welfare Department | - Member |

- | | | |
|---|---|-----------------|
| 3. Secretary, Local Self Government Department | - | " |
| 4. Secretary, Law Department | - | " |
| 5. Secretary, Kerala State Legal Service Authority | - | " |
| 6. State Commissioner for Persons with Disability- | - | " |
| 7. Representative from police department
not below the rank of IG nominated by DGP | - | " |
| 8. Director of Health Service | - | " |
| 9. Secretary, State Mental Health Authority | - | " |
| 10. A representative nominated by Orphanage Control Board | - | " |
| 11. Superintendent, Government Mental Health Centre, Trivandrum | - | " |
| 12. Director, Homeopathy Department, Government of Kerala | - | " |
| 13. Director, Indian system of medicine, Government of Kerala | - | " |
| 14. Representative of Indian Medical Association (IMA), Kerala Branch | - | " |
| 15. A Representative of Indian Psychiatric Society (IPS), Kerala Branch | - | " |
| 16. A Representative from World Association of Psycho-Social
Rehabilitation Indian Chapter (WAPR). | - | " |
| 17. Five representative of the Mental Health
Rehabilitation Centres nominated by government | - | " |
| 18. Chairperson/President of the State Level NGO Forum | - | " |
| 19. Director of Social Welfare | - | Member Convener |
- (3) The tenure of non-official members shall be five years.
- (4) The functions of the State Level Advisory Board shall be the following namely:-
- (i) State Advisory Board shall meet at least once in three months;
 - (ii) The board shall function as a visiting committee and each member has the right to visit any of the Rehabilitation Centres;
 - (iii) The board shall obtain a quarterly report from all the District Advisory Board through the director of social welfare and issue directions and guidelines for the proper implementation of various provisions of this rules;
 - (iv) Coordinate all the services meant for the rehabilitation of the inmates in the rehabilitation centres;
 - (v) Advise the government in all matters relating to the rehabilitation of persons comes under the purview of these rules; and
 - (vi) Initiate proper action in the case of human rights violation or non-observations of any of the provisions of the rules or directions.
- (5) *District Level Advisory Board:* The State Government shall by notification constitute a District Level Advisory Board consisting of the following members, namely;
- | | | |
|--|---|----------|
| 1. District collector | - | Chairman |
| 2. Superintendent of Police and Commissioner of Police | - | Member |
| 3. Secretary, District Level Legal Service Authority | - | " |

- | | | |
|--|---|---|
| 4. All District Medical Officers (Health, Ayurveda, Homeopathy) - | | “ |
| 5. Chairman, Welfare Standing Committee, District Panchayath | - | “ |
| 6. Psychiatrist in the district nominated by DMO | - | “ |
| 7. Representatives of all recognized rehabilitation centre in the district - | | “ |
| 8. Member – Orphanage Control Board in charge of the District – | | “ |
| 9. A representative of the Indian Medical Association (IMA) - | | “ |
| 10. A representative of Indian Psychiatric Society (IPS) | - | “ |
| 11. District Social Welfare Officer – Member Secretary | - | “ |

(i) Role and functions of the District Level Advisory Board;

- (1) District Advisory Board shall meet at least once in three months;
- (2) The board shall function as a visiting committee and each member has the right to visit any of the Rehabilitation Centres in the district;
- (3) The board shall obtain a quarterly report from all the recognized centres through the district social welfare officer and issue directions and guidelines for the proper implementation of various provisions under this rules;
- (4) Co-ordinate all the services meant for the rehabilitation of the inmates in the rehabilitation centres
- (5) Advise the government in all matters relating to the rehabilitation of persons comes under the purview of these rules.

(c) *Rehabilitation Centre Level Advisory Board*: Each registered rehabilitation centres must have a Rehabilitation Centre Level Advisory Board consisting of following members, namely:-

1. A psychiatrist attending the institution - Chairperson
2. Medical officer of Health, Ayurveda, Homeopathy nominated by concerned District Medical Officer.
3. An officer of District Social Welfare Department nominated by District Social Welfare Officer.
4. Police Officer nominated by District Superintendent of Police or Commissioner of Police.
5. Three representatives from the rehabilitation centre nominated by district level advisory board; and
6. Chief functionary of the organisation running the institution - Convener

(i) Roles and Functions of Rehabilitation Centre Level Advisory Board shall be the following, namely:-

1. to mobilize local support for the effective functioning of rehabilitation centres;
2. to ensure that the centre is functioning in accordance with the rules;
3. members shall visit the rehabilitation centre, at least once in three months;
4. the Board will be convened by the Head / Director of the centre at least once in three months;
5. special meetings shall also be convened at any time at the request of any board members.

FORM-I

(See rule 3)

APPLICATION TO ESTABLISH/REGISTER/RENEW THE REGISTRATION OF
A PSYCHO-SOCIAL REHABILITATION CENTRE

- (1) Name of the Applicant :
- (2) Name of the Applicant Organization :
- (3) Address of the organization with Pin code :
- Panchayath and District
- Phone number (Land)
- Phone number (Mobile)
- Fax number
- Email
- (4) Register number under the Orphanages and other Charitable Home (Supervision and Control) Act, 1960 (Central Act 10 of 1960) with validity period (copy of the certificate should be attached) :
- (5) (a) Probable date of establishment of the proposed Rehabilitation centre :
- (b) If already functioning mention the date from which it is functioning :
- (6) Nature of the service provided (Also indicate precisely whether it is Day Care facility/Residential facility):
- (7) Brief history of the organization and of its objects and activities (The following should be attached - Bye-laws, experience and qualification of board members, last three years annual reports and audited reports). :
- (8) Whether located in its own/rented building. (Attach ownership certificate from Panchayath, copy of sanitation certificates, copy of plan with plinth area) :

- (9) Number of beneficiaries to be admitted in the centre :
- (10) Whether trained staffs and other suitable facilities for undertaking the project are available. If so, give details :
- (a) Psychiatrist: Name, qualification, address register number of psychiatrist (enclose copy of qualifying certificate, in the case of private psychiatrist) :
- (b) Qualified Medical Practitioner: Name, qualification and Address; register number of qualified medical practitioner (enclose copy of the qualifying certificate, in the case of private medical practitioner). :
- (c) Psychiatric Social Workers/ Psychologists: Name, Qualification, address (enclose copy of qualifying certificate) :
- (d) Nurses: name, qualification, address, register number (enclose copy of qualifying certificate) :
- (e) Nursing Assistants/ Helpers: Name, address, qualification (enclose copy of qualifying certificate, if any) :
- (f) Occupational therapists/ vocational instructors: Name, address and qualification (enclose copy of qualifying certificate, if any) :
- (g) Volunteer attenders, if any: Name and address :
- (h) Project Coordinator/Manager/Superintendent: Name, Address and qualification (enclose copy of qualifying certificate):
- (i) In case new staff is to be appointed, give details of the qualifications, academic professional and experience prescribed for the purpose :
- (11) Details of assistance received by the organization during previous years.
- (a) A statement giving details (year, purpose, amounts, etc.) of assistance received during the last five years from the Central/State Government, Central Social Welfare Board, Local Bodies or any other Government or Quasi Government agencies :

(b) A statement giving item-wise and year-wise details of estimated recurring and no-recurring expenditure on the project for the last three years. :

(c) A statement indicating the equipments, apparatus, furniture, library books, etc. (by number of details whichever is possible) already available. :

(12) List of additional papers, if any :

(13) List of additional information, if any :

Place :

Date :

Signature of the Applicant





FORM -II

(See rule 5)

SOCIAL WELFARE DEPARTMENT, GOVERNMENT OF KERALA

**CERTIFICATE OF REGISTRATION FOR
PSYCHO-SOCIAL REHABILITATION CENTRES OF MENTALLY ILL PERSONS**

The Certificate of Registration is awarded
to.....
.....
.....

.....(Full address of the home with building number, pin code, name of local body
and district) Psycho-Social Rehabilitation Centre owned
by.....
.....

..... (Full address of the organization) vide Registration
No. / under rule 5 of the Kerala Registration of Psycho-Social Rehabilitation
Centres of Mentally Ill Persons Rules, 2012.

The registration is valid for the period commencing from and ending
with..... The registration shall be subjected to the conditions laid down in the Person with
Disabilities (Equal Opportunities, Protection of Right and full Participation) Act, 1995(Central Act
1 of 1996) and the Kerala Registration of Psycho-Social Rehabilitation Centres of Mentally Ill
Persons Rules, 2012.

The certificate is not transferable.

Place :

Date :

Signature

(Name and Designation the Competent Authority)

(Seal)

FORM - III

(See rule 6)

FORM FOR REFUSAL OF APPLICATION FOR REGISTRATION OF PSYCHO-SOCIAL
REHABILITATION CENTRES OF MENTALLY ILL PERSONS

The State Competent Authority to grant a certificate of registration under the rule 6 of the Kerala Registration of Psycho-Social Rehabilitation Centres of Mentally Ill Persons Rules, 2012, after the due enquiry of the application received from,

.....(name and address of the organization) and considering the argument put forth by the organization during the personal hearing on as per the Kerala Registration of Psycho-Social Rehabilitation Centres of Mentally Ill Persons Rules, 2012, concludes that the applicant does not merit a certificate of registration due to the following reasons:

- 1.
- 2.
- 3.

Hence the application is rejected.

The applicant may appeal against this order to the State Government within thirty days from the date of receipt of Order.

The Order of the State Government will be final.

Where no appeal has been preferred, immediately on the expiry of 30 days the psycho-social rehabilitation centre ceases to function and a separate order will be issued regarding the arrangements to be made for the residents of the existing psycho-social rehabilitation centre.

Place :

Signature

Date :

(Name and Designation the Competent Authority)

(Seal)

By order of the Governor,

K.M.ABRAHAM

Principal Secretary to Government

Explanatory Note

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

Section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) empowers the appropriate Governments to make rules for carrying out the provisions of the Act. Accordingly Government of Kerala have decided to frame necessary rules, for the above purpose.

This notification is intended to achieve the above object.

To

The Secretary to Government of India, Ministry of Welfare, Government of India.

The Secretary to Government of India, Ministry of Social Justice and Empowerment,
Government of India, New Delhi.

The Chief Commissioner for Persons with Disabilities, Government of India, New Delhi.

The Director of Social Welfare, Thiruvananthapuram.

The State Commissioner for Persons with Disabilities, Thiruvananthapuram.

The Chairman, Bureau of Public Enterprise, Planning & Economic Affairs Department.

Secretaries/Additional Secretaries of all Departments of Secretariat.

All Heads of Departments

Copy to:-

The Private Secretary to Chief Minister

The Private Secretary to Minister (Industries & Social Welfare)

The Personal Assistant to Principal Secretary (SW)

The CA to Additional Secretary (Social Welfare)

The Law Department

