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103

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കേരള സർക്കാർ
2013



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KL/TV(N)/634/2012-14

KERALA GAZETTE
കേരള ഗസറ്റ്
EXTRAORDINARY

അസാധാരണം

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GOVERNMENT OF KERALA

Abstract

SOCIAL JUSTICE DEPARTMENT—NORMS AND GUIDELINES/RULES FOR REGISTRATION/
RENEWAL OF REGISTRATION OF WELFARE INSTITUTIONS FOR DISABLED PERSONS
UNDER SECTION 52 OF PERSONS WITH DISABILITIES ACT,
1995—APPROVED—ORDERS ISSUED

SOCIAL JUSTICE (D) DEPARTMENT

G. O. (Ms.) No. 28/2013/SJD. Dated, Thiruvananthapuram, 25th March, 2013.

- Read:—1. G. O. (Ms.) 45/2008/SWD dated 11-7-2008.
2. Letter No. HI-50811/10 dated 28-11-2011 from the Director, Social Justice Department, Thiruvananthapuram.
3. Letter No. 2176/S2/SCPWD dated 7-2-2013 from the State Commissioner for Persons with Disabilities, Thiruvananthapuram.

33/1619/2013/DTP.

ORDER

As per the G. O. read as 1st paper above, Government have constituted an Expert Committee for preparing guidelines/rules for the registration/renewal of registration of welfare institutions for disabled persons under Section 52 of Persons with Disabilities (Protection of Rights, Equal Opportunities and Full Participation) Act, 1995. Accordingly, the Director, Social Justice Department has submitted a comprehensive norms and guidelines for the registration/renewal of registration of Welfare Institutions under Persons with Disabilities Act, 1995 for approval vide the letter read as 2nd paper above. The State Commissioner for Persons with Disabilities has also offered some suggestions in this matter as per his letter read as 3rd paper above.

In the above circumstances, Government are pleased to approve the norms and guidelines for registration/renewal of registration of Welfare Institutions for Disabled under Section 52 of Persons with Disabilities (Protection of Rights, Equal Opportunities and Full Participation) Act, 1995 as appended to this order.

By order of the Governor,

GOVINDAN NAMBOODIRI, V. S.,

Additional Secretary.

To

The Director of Social Justice Department.

The State Commissioner for Persons with Disabilities, Poojappura,
Thiruvananthapuram.

The Information and Public Relations Department (for giving vide publicity).

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A&E), Kerala, Thiruvananthapuram.

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117

105

3

NORMS AND GUIDELINES FOR REGISTRATION/RENEWAL OF
REGISTRATION UNDER SECTION 52 OF PERSONS WITH
DISABILITIES (PROTECTION OF RIGHTS, EQUAL
OPPORTUNITIES AND FULL PARTICIPATION)
ACT, 1995

I. Introduction

All institutions working for welfare, development, vocational training, medical treatment and rehabilitation of persons with disabilities are mandatorily required to be registered with competent authority under Section 52 of Persons with Disabilities (Protection of rights, equal opportunities and full participation) Act, 1995 hereinafter referred to as PWD Act. Competent authority has been appointed under Directorate of Social Justice, Vikas Bhavan, Thiruvananthapuram, Pin-695 033 in the State of Kerala to receive applications in prescribed format from eligible organizations/running institutions/projects engaged in welfare, training, medical treatment, rehabilitation development and inclusion of person with different disabilities to process them, to grant or reject/refuse registration on valid grounds and to withdraw registration of such organisations/institutions/projects who are found not complied with or violative of stipulated norms and guidelines.

II. Objectives

1. To ensure minimum standards, facilities and quality in rehabilitation programmes, projects, activities and services for different categories of persons with disabilities as defined in PWD Act, 1995 which has been established, maintained, conducted and delivered by institutions/projects as prescribed by the Government from time to time.

2. To monitor and evaluate standards and quality of activities and services conducted by institutions/projects registered with the competent authority.

3. To keep in abeyance and withdraw registration of such institutions/projects which are found not complied with stipulated norms and conditions and not maintaining required standards even after giving enough warnings, corrections and caution notices.

4. To evaluate whether the institution/project have complied the conditions/norms during the registration period in order to grant renewal of registration.

III. Scope

All Institutions/Projects engaged in services for persons with Disabilities namely (i) Blindness (ii) Low vision (iii) Hearing Impairment (iv) Locomotor Impairment (v) Mental Retardation (vi) Mental illness (vii) Autism (viii) Cerebral Palsy (ix) Multiple disability and Leprosy cured fall within this scope of categories of disabilities according to PWD Act, 1995 and National Trust Act, 1999. All Institutions working for persons with disabilities, excluding special schools recognized by DPI, Human Resource Training Institutions recognised by RCI for mentally retarded children shall be registered with the competent authority under the Directorate of Social Justice.

IV. Eligibility

All organisations shall have registration under:—

1. (i) Indian Societies Registration Act 21 of 1860 or (ii) Travancore Cochin Literary Scientific and Charitable Societies Registration Act, (XII of 1955) or (iii) Section 25 of Indian Companies Act, 1956 (iv) or Under any other relevant Act in force and applicable to the State of Kerala.

2. Applicant organization/Institution shall have worked for a minimum period of 6 months after legal establishment of the Organisation/Institutions.

3. Above mentioned eligibility criteria are not applicable to undertakings of Government departments and local bodies.

V. Conditions for Granting Registration

1. Centre should be located at a place where proper transport accessibility is available.

2. There should be a minimum of 20 persons. Area of bedroom/dormitory per inmate should be 40 Sq.ft. For special schools/rehabilitation centres shall have enough class rooms proportionate to the number of children, office room, staff room, recreation hall, store, kitchen, dining hall, vocational training, therapy room and day care facilities.

3. Institution shall have barrier free access with provisions of ramps, hand rails and wherever necessary lifts etc.

4. There should be at least 4 bathrooms cum toilets 2 each for boys and girls separately along with provision of at least one European closet and relevant to specific disability.

419

5. Institutions as a whole be maintained Clean. Adequate water for drinking and auxiliary purposes should be made available.

6. Required number of study equipments and infrastructure fan, furniture, vocational training facilities, physiotherapy equipments should be there in the centre. Qualified teacher (ie. having RCI Certificate) 2 to 3 Ayahs, 2 cooks and cleaning staff should be there. As the number of children increases the number of staff should be enhanced.

7. Furniture suitable to the nature of disability of each child should be provided.

8. Vocational Training programmes according to aptitude of children should be organised.

9. Visit of Physiotherapist, Speech Therapist, Medical Officer, Social Worker at regular intervals should be ensured. Counselling facilities should be made available whenever necessary.

10. Meeting of the parents should be convened at least once in 3 months.

11. Parents of beneficiaries with severe disabilities shall be given facilities to be with their children during school hours.

VI. Procedure for Making Application for Registration

1. For Registration, application shall be submitted in prescribed format attached with this in duplicate.

2. Application forms shall be properly and correctly filled in and be completed in all aspects with relevant information as required in the form.

3. Each application form shall be accompanied by relevant documents.

4. Application shall be addressed to the Director, Social Justice, Vikas Bhavan, Thiruvananthapuram-695 033 through District, Social Justice Officer of the District of the applicant concerned.

5. General Education Department of Kerala is also giving a registration certificate. The registration may be limited to those inmates of mentally challenged only. Whereas Persons with Disabilities if accommodated in an institution, such institution should be compulsorily registered under the provision of Persons with Disabilities Act, 1995.

6. The Registration issued by the competent authority based on Persons with Disabilities Act is for a period of 5 years and such registration should be renewed before expiry of the registration period.

7. Brief Annual Report on performance of the institution shall be submitted to the competent authority before 31st October of the succeeding year.

8. The Competent authority shall inspect the institution every year and certify its satisfaction compulsorily.

VII. The application for registration shall be submitted immediately after completion of six months from the date of establishment of the applicant/institution/projects.

VIII. Application for renewal of registration shall be submitted in the prescribed format to the Directorate of Social Justice, Vikas Bhavan, Thiruvananthapuram- 695 033 through the District Social Justice Officer 60 days prior to expiry date of existing registration period, along with relevant documents.

IX. Procedure for processing application and granting registration. After receipt of application for new registration or application for renewal of registration, District Social Justice Officer shall scrutinize it and shall ensure that all columns are duly filled in with all documents attached. District Social Justice Officer shall complete the process of scrutiny and spot inspection of the applicant organization/institution/project within a period of 30 days from the date of receipt of application in the District Social Justice Office and the District Social Justice Officer shall forward the application with inspection report and specific recommendation to the Director of Social Justice within one week from the date of inspection for further action.

X. The competent authority will verify the application and enclosed documents. If they are found, complete, infact and Satisfactory, the registration shall be granted and certificate of registration shall be issued by the competent authority within a maximum period of 30 days from the date of receipt of application in the Directorate of Social Justice. The Competent Authority reserves the right to accept or reject an application or to refuse granting registration giving valid reason what so ever in writing to the applicant.

FORM IV

APPLICATION FOR CERTIFICATE OF REGISTRATION

1. Name of the Applicant Organisation :
2. Address and Phone No. :
E-mail, Fax :
3. Applicant is :
 - (a) An organisation registered, under the Charitable Societies Registration Act, 1860 (Act XXI of 1860) :
 - (b) A Public Trust registered, under any Law for the time being in force. :
 - (c) Indian Red Cross Society or its branches :
 - (d) Company registered under Section 25 of the Companies Act, 1965 :
 - (e) Any other organisation (details of registration with the name of the Act) which may be recognized by the Ministry for the purpose of this Scheme (Details of registration with the name of the Act) :
4. Date of registration of the organisation :
5. Nature of the organisation (please indicate, precisely whether it is education or training institution or workshop for the blind, the hearing impaired, the orthopaedically handicapped or mentally challenged persons etc.) :

6. Brief History of the organisation and of its objects and activities
7. Whether recognised by the State Government
8. Whether the organisation is of an All India Character, if so, give the nature of its All India activities.
9. Whether located in its own/rented building
10. Present number of disabled beneficiaries
11. Likely dates of commencement and completion of project
12. Whether the project is to be assisted by some other official or non official source
13. (a) Whether trained staff and other suitable facilities for undertaking the project are available, if so give details.
(b) In case new staff is to be appointed, give details of the qualification, academic, professional and experience prescribed for the purpose
(c) Number of the employees working in the organisation
14. List of papers/statements to be attached
 - (a) Prospectus or a brief descriptive note giving aims and objects/activities of the organisation
 - (b) MOA of the Organisation
 - (c) Constitution of the Board of Management with particulars of each Member
 - (d) Latest available annual report

123

(e) Income and Expenditure Accounts and Receipt and Payment Account duly audited by a Chartered Accountant or a Government Auditor for the last two years for the Organisation as a whole (along with a copy of the certified balance sheet of previous financial year for the organisation as a whole)

(f) A statement giving details (Year, purpose amount, etc.) of assistance received during the last five years from the Central / State Government, Central Social Welfare Board, Local Bodies or any other quasi Government institution including requests made thereof to any one of those or any other Organisation for the projects under consideration or for any other project

(g) A statement giving item wise and year wise details of estimated recurring and non recurring expenditure on the project

(h) A copy of the plan of the proposed building (rough sketch giving broad indication of the building to be constructed and area to be covered) and estimated cost of construction

- (i) A statement indicating the equipments, apparatus, furniture, library books etc. (by number of details whichever is possible) already available, and separately a statement indicating the above items purchased year wise with financial assistance from the Ministry of Social Justice and
 - (i) Details of budget estimates of the organisation as a whole exhibiting the estimated receipts and expenditure during the year for which grant sought for
15. List of additional papers, if any
16. List of additional information, if any

Registration/ Renewal of Institution under PWD Act 1995

INSPECTION REPORT BY DISTRICT SOCIAL JUSTICE OFFICER

Name of District :

| | |
|--|--------------------|
| 1 Name and Designation of the Inspecting Officer | |
| 2 Date of Inspection | |
| 3 Name of the applicant Institution | |
| 4 Full address of the Institution & Telephone Number | |
| 5 Name and address of the Parental body of the Institution | |
| 6 Nature of the Institution (Care Homes, Training Institution etc) | |
| 7 Whether it is a Residential /Non Residential Institution | |
| 8 Category of Disabled persons being cared protected educated/trained rehabilitated in the institution | |
| 9 Details of previous registration of the Institution/Organization/NGO if any | |
| 10 If the application is for renewal of Registration please give details of previous Registration granted by the competent Authority (Furnish copy) | |
| 11 Whether there is a clear provision in Memorandum of Association for their functioning of the institution. If so please quote the relevant provision | |
| 12 Date of starting of | a) The Institution |
| | b) The N G O |

| | Main Objective of | a. The Institution | |
|----|---|--|--|
| | | b. The NGO | |
| 2 | Whether there exist the properly constituted managing committee. If so the date of constitution of the committee and its tenure | | |
| 3 | Building No. | | |
| | Ward No. | | |
| | Panchayat | | |
| 14 | Whether the Institution is accommodated in its own building or in rented building | | |
| 15 | If it is in rented building monthly rent Being paid | | |
| 16 | Whether there is a valid rent agreement between the NGO with the building owner | | |
| | a) If so the period of validity of the agreement(furnish a copy of rent agreement) | | |
| 17 | Plinth area of the building for the /Training Centre/Rehabilitation centre | | |
| | (a) Type of building Permanent/Semi permanent | | |
| | (b) Whether the structure is sound | | |
| | (c)Whether necessary maintenance work has been done | | |
| 18 | Extent of land available for the Institution | | |
| 19 | Whether the Institution is functioning as a regular Training Centre or Care Home | | |
| | (a) If it is registered under orphanage Act whether the furnish a copy of registration | | |
| | (b) If it is a Training Centre | (1) Authority which granted recognition (give details) | |
| | | (2) Branches of training in the Training Centre | |

128

Details of Non Teaching Staff:

| Name & Designation | Date of Birth | Qualification | Special Qualification | Date of entry in the institution |
|--------------------|---------------|---------------|-----------------------|----------------------------------|
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| 25 | Whether the Institution has provided necessary Equipments/machines | |
| 26 | Whether assessment of disability of students/inmates has been done and properly recorded | |
| 27 | Whether the history sheet of the students/inmates are being maintained properly | |
| 28 | Whether the inmates/students are provided with necessary aids and appliances | |
| 29 | Details of extracurricular activities for the inmates | |
| 30 | Give details of following facilities available in the Institution | |
| | a. Vocational Training | |
| | b. Recreational facilities | |
| | c. Indoor games, Out door games | |
| 31 | e. Sports | |
| | Details of medical facilities available in the institution | |
| 32 | In case it is a residential institute furnish the following details | |