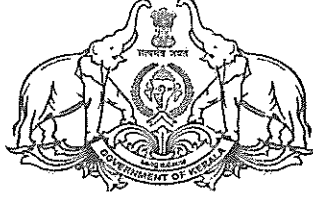


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കേരള സർക്കാർ  
Government of Kerala  
2020



Regn.No. KERBIL/2012/45073  
dated 05-09-2012 with RNI  
Reg No.KI/TV(N)/634/2018-20

# കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം  
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Social Justice(D)Department.

NOTIFICATION

G.O(P)No.22/2020/SJD

22.12.2020

S. R. O. No. 892/2020

Thiruvananthapuram

In exercise of the powers conferred by sub-section (1) of Section 79 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016), the Government of Kerala hereby appoint Sri.S.H. Panchapakesan, District and Sessions Judge, Kasaragod (Krishna, Madhumukku, Anayara P. O., Thiruvananthapuram) as the State Commissioner for Persons with Disabilities for a period of 3

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years for the purposes of the said Act.

By order of the Governor,

**BIJU PRABHAKAR**  
*Secretary to Government.*

### Explanatory Note

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

As per Sec 79 of the Rights of Persons with Disabilities Act, 2016 (Act 49 of 2016), the State Government may, by notification, appoint a State Commissioner for Persons with Disabilities for the purposes of the Act. The Screening Committee constituted as per Rule 38 of the Rights of Persons with Disabilities (Kerala) Rules, 2020 recommended a panel of 3 candidates for the post of State Commissioner for Persons with Disabilities. Government of Kerala have decided to appoint Sri.S.H. Panchapakesan, District and Sessions Judge, Kasaragod (Krishna, Madhumukku, Anayara P.O., Thiruvananthapuram) who is included in the panel of candidates recommended by the Screening Committee and secured Ist rank in the interview, as the State Commissioner for Persons with Disabilities for a period of 3 years.

This notification is intended to achieve the above object.





കേരള സർക്കാർ

മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ

തീയതി : 17-12-2020

ഫയൽ നം. ഡി3/7/2020/സാ.നീ.വ.

ഇനം നം: 4392

വിഷയം : സാമൂഹ്യനീതി വകുപ്പ് ഭിന്നഭേദബിരുദനാശമുള്ള സംസ്ഥാന കമ്മീഷണറുടെ നിയമനം.

തീരുമാനം : കുറിപ്പിലെ നിർദ്ദേശം അംഗീകരിച്ചു.

(ഒപ്പ്)

പിണറായി വിജയൻ  
മുഖ്യമന്ത്രി

(ശരിപ്പകർപ്പ്)

*Handwritten signatures and date: 18/12/20*

ഡോ. വിദ്യാസ് മേത്ത  
ചീഫ് സെക്രട്ടറി

സെക്രട്ടറി, സാമൂഹ്യനീതി വകുപ്പ്

*Handwritten signature and date: 18/12/20*

## NOTE FOR THE COUNCIL OF MINISTERS

This note deals with the appointment of State Commissioner for Persons with Disabilities.

2. As per Sec 79 of the Rights of Persons with Disabilities Act, 2016, the State Government may, by notification, appoint a State Commissioner for Persons with Disabilities for the purposes of the Act.

3. As per GO (Ms) No.5/2017/SJD dated 18.02.2017, Dr.Harikumar.G was appointed as the State Commissioner for Persons with Disabilities for a period of 3 years. His tenure as the State Commissioner for Persons with Disabilities expired on 21.02.2020. Since the State Rules was not notified at that time, Government extended his term of office for another 6 months w.e.f 22.02.2020 which was also expired on 21.08.2020. Now, Director of Social Justice is holding the additional charge of the State Commissioner for Persons with Disabilities.

4. The Rights of Persons with Disabilities (Kerala) Rules, 2020 was notified on 01.04.2020. Rule 37 of the above Rules stipulates the qualifications for the appointment of State Commissioner as follows.

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 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.

5. Subsequently, applications were invited for the post of State Commissioner for Persons with Disabilities as per section 79 of the Rights of Persons With Disabilities Act 2016 and Rule 37,38 of Rights of Persons With Disabilities (Kerala) Rules 2020 through advertisements in newspapers, websites and in the Gazette .The last date for receiving applications was initially fixed as 15.8.2020, then extended to 22.8.2020 and finally up to 04.09.2020.

6. As per Sec 38 of the Rights of Persons with Disabilities (Kerala) Rules, 2020, a Screening Committee with the following members was constituted to recommend a panel of candidates :-

- |  |                  |
|--|------------------|
| 1. Smt.K.K.Shailaja Teacher,<br>Minister for Health, Social Justice and<br>Women and Child Development | Chairperson      |
| 2. Shri.Biju Prabhakar IAS,<br>Secretary, Social Justice Department                                    | Member Secretary |
| 3. Shri.P.K.Aravintha Babu,<br>Secretary, Law Department .   | Member           |

7. 42 applications (including 3 belated applications) were received. The Screening Committee meeting held on 24.9.2020 enlisted 12 applicants who were found, prima facie, qualified to be invited for the interview based on education, experience as Group A officer and experience in the field of rehabilitation of Persons with disabilities

8. The interview was held on 13.10.2020 by the Screening Committee under virtual mode and 10 candidates out of the 12 enlisted candidates participated in the interview. The committee after conducting a detailed interview prepared a panel of the following 3 candidates for selection to the post of State Commissioner for Persons with Disabilities on the basis of the marks obtained.

- 1) Sri.S.H. Panchapakesan , District and Sessions Judge, Kasaragod.  
Krishna, Madhumukku, Anayara.P.O, Thiruvananthapuram
- 2) Dr. P.T Baburaj , Associate Professor, School of Behavioural  
Sciences, MG University, Kottayam.  
Palamkunnil(H), Gandhinagar.P.O, Kottayam-686008

3) Prof. Dr. P.A. Mohammadu Kunju, Retired Professor and HoD,  
Department of Paediatric Neurology, Government Medical College,  
Thiruvananthapuram.  
TC.2/471, Mythri Garden, PT Chacko Nagar, Medical College.P.O,  
Thiruvananthapuram- 695011.

9. Subsequently, the details of Vigilance cases/enquiry, disciplinary action and criminal cases pending, if any, against the candidates in the panel were called for from State Police Chief, Vigilance department and from their respective departments.

10. The State Police Chief reported that no crime cases were seen registered against the above 3 candidates on verification of the available computer records. The State Police Chief also reported that nothing adverse against the candidates was noticed as per the report of the Additional Director General of Police (Intelligence).

11. The Registrar (Subordinate Judiciary) reported that disciplinary proceedings were initiated once for misconduct against Sri. S.H. Panchapakesan, District Judge, Kasargod while serving as Legal Advisor & Disciplinary Enquiry Officer, KSEB Ltd., Vidyuthi Bhavan, Thiruvananthapuram on deputation. But the same was concluded by order dated 16.11.2015 by imposing penalty of 'Censure' on him.

12. It is also reported that no disciplinary action is pending against Dr. P.T Baburaj and Prof. Dr. P.A. Mohammadu Kunju by the Registrar, MG University and the Director of Medical Education respectively.

13. The Vigilance department offered the following remarks:-  
"Attention of Social Justice (D) Department may be invited to the reference cited and that department may be informed that, no Vigilance Case/Enquiry is pending at present against Sri. S.H. Panchapakesan, District & Sessions Judge, Kasargod and Dr. P.T Baburaj, Associate Professor, School of Behavioural Sciences, MG University, Kottayam, but a Confidential Verification is in progress against Prof. Dr. P.A. Mohammadu Kunju, Retired Professor & HOD, Department of Paediatric Neurology, Govt. Medical College, Thiruvananthapuram. It is also informed that the report is furnished based on the VACB SUIT (data stored in computer) and further details if any will be intimated in due course, after verifying the physical files and Registers. Above

all this has the approval of the Hon'ble Chief Minister .

14. The file was circulated to the Hon. Chief Minister for orders on placing the matter of appointing Sri.S.H.Panchapakesan, who is included in the panel of candidates recommended by the Screening Committee and secured 1st rank in the interview, as State Commissioner for Persons with Disabilities, before the Council of Ministers for approval, since no criminal cases, vigilance cases and departmental/disciplinary action are pending against him .The Hon'ble Chief Minister ordered to place the matter before the Council of Ministers.

15. In the meantime, Model Code of Conduct(MCC) due to the declaration of election to the Local Self Government Institutions came into force. Hence, as per the decision of the Screening Committee constituted to streamline the process and to ensure time bound disposal of all proposals during the operation of Model Code of Conduct(MCC), the proposal for posting the State Commissioner for Persons with Disabilities was forwarded to the State Election Commission for concurrence. The State Election Commission gave permission to place the matter of appointing Sri.S.H.Panchapakesan as the State Commissioner for Persons with Disabilities before the Council of Ministers.

#### Point for decision

Whether Sri.S.H.Panchapakesan, District and Sessions Judge, Kasaragod (Krishna, Madhumukku, Anayara P.O., Thiruvananthapuram) who is included in the panel of candidates recommended by the Screening Committee and secured 1st rank in the interview may be appointed as the State Commissioner for Persons with Disabilities for a period of 3 years ?