


**STATE AIDS CONTROL SOCIETY  
U.T. OF DADRA AND NAGAR HAVELI AND DAMAN AND DIU**

**PUBLIC NOTICE**

Dated: 26/11/2024

**State AIDS Control Society invites objections/suggestions on the Draft HIV & AIDS (Prevention & Control) Act, 2024 for PLHIVs proposed to be notified to carry out the provisions of the HIV & AIDS (Prevention & Control) Act, 2024.**

1. In order to carry out the provisions of the HIV & AIDS (Prevention & Control) Act, 2024, the State AIDS Control Society proposes to notify the HIV & AIDS (Prevention & Control) Act, 2024 as per Draft placed at Annexure A.
2. Objections/suggestions are invited from the general public on the Draft HIV & AIDS (Prevention & Control) Act, 2024. Objections/Suggestions may be sent to the State AIDS Control Society, DNH&DD through email to the undersigned at the below mentioned email ID and address. The timeline for submission of objections/suggestions is by 5.00 pm on or before from the 15 day of the date of issuing this public notice.

  
**Project Director  
State AIDS Control Society  
U.T of Dadra & Nagar Haveli and Daman & Diu  
Secretariat, Vidyut Bhawan,  
Kachigam, Daman - 396220**

**Email ID: [dnhsacs@gmail.com](mailto:dnhsacs@gmail.com)**

**Address:**

To,  
The In-charge,  
State AIDS Control Society,  
2<sup>nd</sup> Floor, CMO Building,  
Shri Vinoba Bhave Civil Hospital Campus,  
Silvassa – 396 230



सत्यमेव जयते

भारत सरकार / Government of India

# सरकारी राजपत्र

## OFFICIAL GAZETTE

### संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन U.T. ADMINISTRATION OF DADRA & NAGAR HAVELI AND DAMAN & DIU

DIRECTORATE OF MEDICAL & HEALTH SERVICES,  
STATE AIDS CONTROL SOCIETY

No. SACS/DNH&DD/HIV/ACT2017/

Dated: / /2024

**Subject: Human Immunodeficiency Virus and Acquired Immune  
Deficiency Syndrome (Prevention and Control) Rules, 2024.**

#### NOTIFICATION

{The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention And Control) Act, 2017 (16 of 2017)}

In exercise of powers conferred by Section 49 read with Sections 23, 24 and 25 of the Human Immunodeficiency Virus And Acquired Immune Deficiency Syndrome (Prevention And Control) Act, 2017 (16 of 2017), and to all other powers enabling him in this behalf, the UT Administrator, Union Territory, Dadra & Nagar Haveli and Daman & Diu is pleased to make the following rules, to provide for the appointment, terms and conditions, qualifications and manner of inquiry by Ombudsman:—

1. **Short title, extent and commencement:**

- (1) These Rules shall be called the Union Territory of Dadra & Nagar Haveli and Daman & Diu Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Ombudsman and Legal Proceedings) Rules, 2024.
- (2) These Rules shall come into force on and with effect of the date of their publication in the Official Gazette of the Union Territory of Dadra & Nagar Haveli and Daman & Diu.

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2. **Definitions:**

In these rules, unless the context otherwise requires,—

- (a) "Act" means the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (No. 16 of 2017);
- (b) "Appropriate authority" means, unless otherwise notified, the National AIDS Control Organization in the case of the Central Government and Dadra & Nagar Haveli and Daman & Diu State AIDS Control Society in the case of the Union Territory Government;
- (c) "High burden districts" means districts notified as such by the appropriate authority under the Central Government of India from time to time;
- (d) "Ombudsman" means an Officer appointed or designated by the Union Territory Government, as the case may be, under section 23 of the Act;
- (e) Words and expressions used and not defined in these rules but defined in the Act, shall have the meanings assigned to them in the Act.

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## Chapter - II

### 3. **Provision of Diagnostic Facilities of HIV/AIDS, ART and Opportunistic Infections management :**

The Dadra & Nagar Haveli and Daman & Diu Administration shall provide free diagnostic services related to HIV/AIDS and other opportunistic infections to all citizens in Government. Health Facilities (Primary Health Centres or Community Health Centres or Sub Divisional Hospitals or District Hospitals or Government Medical Colleges and Hospitals). ART drugs shall be provided free of cost at all Government Health Facilities in accordance with the guidelines issued by National AIDS Control Organization and Dadra & Nagar Haveli and Daman & Diu Administration to all HIV positive persons.

### 4. **Appointment & Jurisdiction of Ombudsman:**

The Union Territory of Dadra & Nagar Haveli and Daman & Diu shall designate the Director of Medical & Health Services (DMHS), as the Ombudsmen for Union Territory of Dadra & Nagar Haveli and Daman & Diu for the purpose of this Act. Provided that the Dadra & Nagar Haveli and Daman & Diu Administration shall provide him the Assistant from the Department of Law and Prosecution on legal issues that may arise in the course of his work, if so requested:

The Dadra & Nagar Haveli and Daman & Diu Administration shall provide capacity building within thirty days from the date of appointment of the Ombudsman.

### 5. **Manner of inquiring into complaints by Ombudsman:**

- (a) The Ombudsman shall act in an objective and independent manner when inquiring into complaints made under the Act;
- (b) While inquiring into complaints under the Act, the Ombudsman shall not be bound by any rules of evidence and may follow such procedure as he considers just and proper;
- (c) No cross-examination shall be permitted in inquiries before the Ombudsman;
- (d) The Ombudsman may, in the interests of justice, take the assistance of experts, including protected persons and persons vulnerable to HIV, and persons working in the fields of HIV and AIDS, public health or health delivery systems;
- (e) The Ombudsman shall have the power to pass interim orders in cases of medical emergency without hearing the parties;
- (f) The Ombudsman shall have the power to pass orders, including to, withdrawal and rectification of the violation, counselling, social service etc;
- (g) The Ombudsman shall inform the complainant of the action taken;
- (h) The Ombudsman shall inform the parties of the complaint of their right to seek judicial review from the Ombudsman's order.

### 6. **Manner of maintaining records by Ombudsman:**

*[Under Section 24(3)]* THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (PREVENTION AND CONTROL) ACT, 2017.

(1) The Ombudsman shall—

- (a) immediately on receipt of a complaint, record it by assigning a sequential unique complaint number in a register maintained solely for that purpose in physical or computerized form;
- (b) on receipt of the complaint, acknowledge it including by sending the unique complaint number by SMS or e-mail to the complainant where available;
- (c) record the time of the complaint and the action taken on the complaint in the register; and
- (d) maintain the register of complaints in a manner that ensures confidentiality of data.

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- (2) The Ombudsman shall comply with data protection measures in accordance with section 11 of the Act. THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (PREVENTION AND CONTROL) ACT, 2017.

**7. Manner of making complaints to Ombudsman:**

- (1) Any person may make a complaint to the Ombudsman within whose jurisdiction the alleged violation took place, within three months from the date that the person making the complaint became aware of the alleged violation of the Act and their Rules :

Provided that the Ombudsman may, for reasons to be recorded in writing, extend the time limit to make the complaint by a further period of three months, if he is satisfied that circumstances prevented the complainant from making the complaint within the stipulated period.

- (2) All complaints shall be made to the Ombudsman in writing in accordance with the form set out in the Appendix to the Rules :

Provided that where a complaint cannot be made in writing the Ombudsman shall render all reasonable assistance to the complainant to reduce the complaint in writing.

- (3) In cases of medical emergency, the Ombudsman or his assistant may visit the complainant at the location of the alleged violation or any other convenient place to enable written documentation of the complaint.

- (4) The Ombudsman may receive complaints made in person, via post, telephonically, or through electronic form through the Ombudsman's website.

- (a) Provided that the Dadra & Nagar Haveli and Daman & Diu State AIDS Control Society shall establish a website of the Ombudsman within seven days from the appointment of Ombudsman.

**8. To disseminate information on Ombudsman:**

- (1) Within thirty days of the appointment of the Ombudsman, the appropriate authority under the Dadra & Nagar Haveli and Daman & Diu Administration State AIDS Control Society shall disseminate information about the office of the Ombudsman, including the Ombudsman's jurisdiction, role, functioning and procedures, and the manner in which complaints can be made to the Ombudsman.

- (2) Such dissemination shall be undertaken to advance the understanding, in particular, of protected persons, healthcare workers, legal aid service authorities and civil authorities.

**9. Manner of recording pseudonym and providing suppression of identity in legal proceedings**

*[Under Section 34(1)(a)] THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (PREVENTION AND CONTROL) ACT, 2017*

- (1) In any legal proceeding where a court, pursuant to Clause (a) of the sub section (1) of Section 34 of the Act directs, on an application made by a protected person or any other person, that in the interests of justice the proceeding or any part thereof be conducted by suppressing the identity of such protected person, the Registrar of the court shall direct all parties involved to :—

- (i) File one copy of the documents bearing the full name, identity and identifying details of the parties concerned before the court, which shall be kept in a sealed cover and in safe custody with the Registrar; and
- (ii) Serve one copy of documents bearing the full name, identity and identifying details of the parties concerned upon other parties in the proceeding with a requirement to ensure that the full name and identity of the parties concerned are kept confidential.

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- (2) The Registrar shall provide pseudonyms to protected persons involved in the legal proceedings in the documents filed before the court in such manner that the identity and identifying details of the protected person involved in the legal proceeding are kept confidential.
  - (3) The Registrar shall place the sealed covered documents before the court on the first date the legal proceeding is listed for hearing before the court, if so required by the court.
  - (4) The identities of the protected person involved in the legal proceeding and their identifying details shall be displayed in pseudonym in all documentation generated by the court in relation to the legal proceeding, including listing of the case on the court Board, interim orders and final judgments.
  - (5) The identity and identifying details of the protected person involved in the legal proceeding shall not be revealed by any person or their representatives including assistants and staff.

*Exception* : Where in the interest of justice the name and identity of the protected person needs to be revealed to a third party, it shall only be allowed by an order of the court.

- (6) Printing or publishing any matter in relation to the aforementioned legal proceedings in electronic or any other form, shall be lawful only if the same is done by ensuring the suppression of identities of the parties in the legal proceeding.
- (7) In any legal proceeding before it under the Act, the court shall comply with data protection measures in accordance with section 11 of the Act. THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (PREVENTION AND CONTROL) ACT, 2017.

Secretary Health,  
U.T of Dadra & Nagar Haveli  
and Daman & Diu

**APPENDIX**

**Form for making Complaint to Ombudsman under [Rule 7]**

1. Date of Incident \_\_\_\_\_
2. Place of Incident \_\_\_\_\_
3. Description of incident \_\_\_\_\_
4. Person/ Institution responsible for the incident \_\_\_\_\_

Signature/ Thumb Impression of Complainant\*

Name :

Date

Mobile No./email/Fax/Address:

*For Official Use only:*

Unique Complaint Number: \_\_\_\_\_

*\*Where the complaint is received telephonically and reduced to writing by the Ombudsman, the Ombudsman shall sign the Form*

Secretary Health,  
U.T of Dadra & Nagar Haveli  
and Daman & Diu