

HARYANA GOVT. GAZ. (EXTRA.), SEPT. 1, 2010
(BHDR. 10, 1932 SAKA)

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[Authorised English Translation]

HARYANA GOVERNMENT

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

Notification

The 1st September, 2010

No. S.O. 92/C.A. 61/1985/S. 71 and 78/2010.—In exercise of the powers conferred by section 78 and sub-section (1) read with sub-section (2) of section 71 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Central Act 61 of 1985), the Governor of Haryana hereby makes the following rules for establishment, appointment, maintenance, management, superintendence of centres, for appointment, training, powers and duties of personnel employed in such centres and for identification, treatment, education, aftercare, rehabilitation, social re-integration of addicts and for supply for narcotic drugs and psychotropic substances to the addicts, namely :—

1. (1) These rules may be called the Haryana De-addiction centres Rules, 2010 Short title and commencement.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. (1) In these rules, unless the context otherwise requires;

Definitions.

(a) "Act" means the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act No. 61 of 1985);

(b) "Centre" means drug de-addiction and rehabilitation centre established under sub-section (1) of section 71 of the Act;

(c) "District Level Committee" means the Committee constituted under sub rule (1) of rule 8;

(d) "Form" means form appended to these rules;

(e) "Government" means the Government of the State of Haryana in the Administrative Department;

(f) "Licencing authority" means the licensing-cum-registering authority constituted under sub rule (1) of rule 7;

(g) "Organisation" includes a society registered under the Societies Registration Act, 1860 (XXI of 1860), registered charitable society, Trust, a company incorporated under the Companies Act, 1958, (1 of 1958), institution fully funded, managed or approved by the State Government or by the Ministry of Social Justice and Empowerment, Government of India;

(h) "State Level Committee" means the State Level Committee constituted under sub-rule (1) of rule 3;

(2) Words and expressions used in these rules but not defined shall have the same meaning respectively assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985).

Constitution of
State level
Committee.

3. (1) There shall be State Level Committee, comprising of the following officials and non-official members; namely :—

- | | |
|---|-------------------|
| (i) Administrative Secretary, Health and Medical Education | Official Member |
| (ii) Administrative Secretary, Social Justice and Empowerment. | Official Member |
| (iii) Administrative Secretary, Technical Education | Official Member |
| (iv) Administrative Secretary, Higher Education | Official Member |
| (v) Administrative Secretary, School Education | Official Member |
| (vi) Director, Social Justice and Empowerment Department | Official Member |
| (vii) Director General Health Services | Member Secretary. |
| (viii) Secretary, Haryana State Child Welfare Council | |
| (ix) Secretary, Haryana Red Cross Society | |
| (x) Head, Psychiatry Department, Post Graduate Institute of Medical Sciences, Rohtak. | |
| (xi) Head, Psychiatry, Post Graduate Institute of Medical Education and Research, Chandigarh. | |
| (xii) Head Psychiatry, GMCH, 32, Chandigarh. | |
| (xiii) Director, State Institute of Mental Health, Rohtak. | |
| (xiv) Two lawyers of repute. | |
| (xv) Two representatives of existing NGOs working in this field of the State. | |
| (xvi) The Committee may opt any additional Member for a meeting who has special qualifications and experience in the field of De-addiction for giving expert advice to the Committee. | |

(2) The Senior most Secretary shall be the Chairman.

(3) The role and responsibilities of the State Level Committee shall be—

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- (i) to act as supervisory, policy making and facilitatory body with regard to treatment of addicts and their rehabilitation;
- (ii) to frame guidelines for the licensing authority to grant licences for operation of centres;
- (iii) to ensure effective implementation of minimum standards of care in Centres as laid down by the Government of India or any Statutory Body or this Committee;
- (iv) to help and guide for establish a collaborative treatment network among the centres and Governmental and Non-Governmental Health Care facilities;
- (v) to conduct facilitating training programme for personnel deployed in centres;
- (vi) to undertake any other activity for the promotion of welfare and rehabilitation of addicts;
- (vii) to decide the appeals against the decisions of the licensing authority.

4. A person shall be disqualified for being appointed as a member or in case is already appointed then shall be removed by the Government if he, Disqualification.

- (i) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude; or
- (ii) is an undischarged insolvent, or
- (iii) is of unsound mind and stands so declared by a competent court, or,
- (iv) has been removed or dismissed from the Government or a body corporate owned or controlled by the Government.

5. (1) Every non-official member shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment. Term of office of non-official members.

(2) A non-official member may at any time resign from membership of the Authority State Level Committee by forwarding letter of resignation to the Chairman and such resignation shall take effect from the date on which it is accepted.

(3) Where a vacancy occurs by resignation or otherwise of a non-official member, the Government shall fill the vacancy by appointing from amongst the same persons and the persons so appointed, shall hold office for the remainder of the term of office of the member in whose place he has been so appointed.

(4) Where the term of office of any non-official member is about to expire, the Government may appoint a successor three months before the expiry of the term of such member but the successor shall assume office only after expiry of the term of the member.

Licensing
authority.

6. (1) There shall be a State Level Licensing Authority consisting of the following members; namely :—

- (i) Director General Health Services, Haryana;
- (ii) Director, Social Justice & Empowerment Department, Haryana.

(2) The functions of the Licensing Authority shall be as under :—

- (i) to issue provisional licence, regular licence and to renew licence for operation of centres set up by any organization and to register centres already operating;
- (ii) to investigate complaints against centres as also against suspected/alleged unlicensed centres;
- (iii) to monitor, supervise and evaluate functioning of various centres in the State of Haryana;
- (iv) to ensure minimum standards of care in the centre based on the Government of India guidelines or any statutory body, or the guidelines issued by the State Level Committee from time to time;
- (v) to implement and monitor the guidelines prepared by State Level Committee for setting up and functioning of the centres;
- (vi) to carry out periodic inspections of the centres and in case of any violations initiating punitive proceedings including suspension or cancellation of the licence;
- (vii) to devise its own procedure for discharging its duties and for carrying out the objectives and implementing the rules and for provisions contained in the Act;
- (viii) To maintain record in the form specified by the State Level Committee from time to time.

(3) The Licensing Authority shall follow the following procedure, namely :—

- (i) on receipt of an application, in form I - the Licensing Authority may cause such enquiries to be made about the applicant as it deems fit to ensure that the applicant is capable of adhering to the minimum standards prescribed under these rules for running a centre;

- (ii) after getting suitable enquiry conducted and after satisfying itself about the capabilities of an applicant for setting up a centre in accordance with the minimum standards prescribed in these rules, the licensing authority shall issue a provisional licence to the;
- (iii) after issuance of provisional licence, the applicant shall comply with the prescribed minimum standards and such other conditions as are prescribed by the licensing authority, and request the Licensing Authority to grant regular licence within a period of six months. If he fails to apply for the regular licence within the specified period, he shall stop the operation of the centre. A centre be operated in the State of Haryana only after issuance of a licence;
- (iv) for conversion of a provisional licence into a regular licence, the Licensing authority shall satisfy itself about due compliance of all the conditions of the provisional licence by the applicant, for which purpose, it may cause the centres to be inspected by the District Level Committee;
- (v) a license shall be valid for a period of five years from the date of issue unless suspended, revoked or cancelled by the licensing authority for non compliance of any of the conditions of license and non adherence to the Minimum Standards prescribed under these rules;
- (vi) the fee for application for setting up a centre shall be Rs. 10,000/- (ten thousand rupees only) for new licence and Rs. 5000/- (five thousand rupees only) for renewal of licence. The application for renewal of licence shall be made in Form II.
- (vii) the centres established by the Government of Haryana shall be exempted from the payment of license fee;
- (viii) Psychiatric Nursing Homes/Hospitals which are holding license under the Mental Health Act, 1987 (14 of 1987) and the Central Mental Health Authority Rules 1990) and are providing treatment and care to addicts shall be exempted from applying for the license. They shall be governed under the provisions of Mental Health Act, 1987 (14 of 1987), however, they shall be registered apply for registration in Form I to the Licensing Authority and submit data on de-addiction cases in the prescribed performa i.e. Drug Abuse Monitoring System (DAMS) to the Licensing Authority, as directed for the purpose of consolidation of data on de-addiction in the State;

(ix) all the existing centres shall have to apply for the license within six months from the date of publication of these rules, in Form I.

(x) on the receipt of application for regular license in Form I the Licensing Authority shall issue the same within thirty days of the receipt of reports regarding compliance of the conditions of provisional license to the applicant;

Appeal.

7. An applicant may prefer an appeal before the State Level Committee against the order of the Licensing Authority in case grant of licence is denied to him in Form III.

District level committee.

8. (1) There shall be a District Level Committee, comprising of the following members; namely :—

(i) Deputy Commissioner or his nominee Chairman.
not below the rank of Additional Deputy Commissioner.

(ii) Civil Surgeon of the district Member Secretary

(iii) District Social Welfare Officer (DSWO) Member

(2) The functions of the District Level Committee shall be;

(i) to periodically monitor, supervise and evaluate the functioning of the Centres in the district in accordance with the conditions of the licence and guidelines framed by State Level Committee or Licencing Authority from time to time.

(ii) to ensure that every centre has valid licence;

(iii) To maintain the record in the form prescribed by the State Level Committee from time to time.

Minimum Standards.

9. (1) The Centre shall conform to the following Minimum Standards; namely :—

A. PHYSICAL STANDARDS :—

(i) The centre after obtaining license shall start operations within thirty days of the receipt of the license and inform the licensing authority about the commencement of its operation.

(ii) The licensing authority shall cause an inspection of such new centre to be conducted by the District Level Committee;

(iii) The, Centres shall have requisite number of beds (one for each patient). Adequate accommodation and proper spacing between the beds shall be provided.

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- (iv) The centre shall have sufficient ventilation and be free from any pollution which may be detrimental to the health of admitted patients.
- (v) The centre shall have potable/drinking water and running water for washing, bathing and cleaning purposes.
- (vi) The centre shall have proper sanitation facilities in terms of clean and adequate number of bathrooms, toilets and sinks.
- (vii) The centre shall provide clean bed linen, utensils and articles for personal hygiene of the patients.
- (viii) The centre shall provide fresh, nutritious and adequate meals to the admitted patients.
- (ix) The centre shall have adequate recreational facilities for the patients.
- (x) The following additional facilities shall be available in every centre; namely :—
 - (a) reception enquiry / registration counter/waiting space with seating arrangements for a minimum of five persons.
 - (b) cubicle/room for providing individual counseling, group therapy and family counselling.
 - (c) space to store records of patients to ensure confidentiality and a system of easy retrieval.
 - (d) related educational material such as posters to be prominently displayed at strategic points in the centres.
 - (e) pamphlets, hand bills and other educational materials in vernacular shall be made freely available for the public.

B. MEDICAL STANDARDS :—

- (i) No patient shall be coerced to undergo detoxification treatment without explaining the range of treatment options available to him including substitution/maintenance therapy and psychosocial interventions and his consent for undergoing treatment for de-addiction.
- (ii) Treatment protocol of centres shall follow established and evidence based medical practice and guidelines published by the World Health Organization (WHO), Government of India, and Indian Psychiatric Society (IPS), including the harm minimization practices advocated from time to time.

- (iii) Nursing and other staff employed in the centre shall be duly qualified as per their job requirement, be competent to handle the work assigned to them. The core staff (Doctors and nurses) shall have received training in de-addiction treatment from a recognized institution.
- (iv) Officer in-charge of a centre shall be duly qualified psychiatrist or doctor with at least three months training in de-addiction treatment.
- (v) When doctor manages a centre, it shall have a psychiatrist on its roll visiting the centre at least once a week.
- (vi) Each centre shall furnish and prominently display an undertaking/arrangement from the management in charge of a Government/Private Centre, for providing support and emergency services to the in- patients, if needed.
- (vii) Adequate transport/Ambulance for patients shall be ensured by the centre.
- (viii) Round the clock medical nursing care to the addict shall be ensured by the centre.
- (ix) There shall be adequate and readily available stock of medicines required and related physical and psychiatric co- morbidities.

C. STAFF REQUIREMENT:—

(a) For De-addiction Centre.

- (i) One part-time (4 hours a day) doctor-MD Psychiatry (preferably), or a doctor with at least three months training in de-addiction treatment from a recognized institution (Doctor: Patient Ratio 1:20).
- (ii) Two Social Workers/Counselors-MPhil/MA in Psychology, Sociology or Social Work (preferably with training in de-addiction treatment) from a recognized institution (Counselors; Patient Ratio 1:10).
- (iii) Four staff nurses- for round the clock services, BSc or Diploma in Nursing with training in drug treatment from a recognized institution (Nurse:Patient Ratio 1:20).
- (iv) Three Ward Attendants- 10+2 education. Orientation training to handle drug addicts provided at the Centre locally within three months.

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- (v) Three security personnel- one each, round the clock.
- (vi) Two Safai Karamcharis.
- (vii) One Cook cum Helper or regular arrangement for fresh nutritious food from outside.
- (viii) Peer Educators (Optional).

(b) For counselling Centre

- (i) Project Director/Programme Officer-one.
- (ii) Three Social Workers/Counselors with Basic qualification of MA in Psychology, Sociology or Social Work preferably with training in de-addiction treatment from a recognized institution.
- (iii) Three Ward Attendants-Basic qualification 10+2, Orientation training to handle substance dependents to be provided at the Centre locally within three months.
- (iv) Two security guards/Chowkidars.
- (v) Two safai karamcharis.
- (vi) Peer Educators (Optional).
- (vii) One Cook cum Helper (Optional) or regular arrangements for fresh nutritious food from outside.

D. SUPPORT SERVICES:—

Each centre shall provide the following support services,—

- (i) Emergency medical care.
- (ii) Recreational/rehabilitation facilities and outdoor activities.
- (iii) Regular daily outpatient services.
- (iv) Referral linkage for specialist medical services, laboratory services. HIV/AIDS centers, RNTCP centres.
- (v) Adequate transport facilities for patients for the purpose of linkage activities and emergency medical care.

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(BHDR. 10, 1932 SAKA)**E. RECORD MAINTENANCE AND DISSEMINATION :—**

- (i) It shall be mandatory for all the Centres to maintain personal and treatment record of all the patients.
- (ii) These records shall be confidential and available only to the authorized persons on request with the discretion of Officer in charge of the centre.
- (iii) All the data on activities of the centre shall be sent on Drug Abuse Monitoring System (DAMS) Performa developed by the Union Ministry of Health and Family Welfare, to the Director General Health Services, Haryana and to the Director, Health and Family Welfare, Ministry of Health and Family Welfare, Government of India on the quarterly basis for the purpose of information and compilation of State and National data.

Admission to
centre.

10. (1) Admission to the Centre shall be made only with informed consent of the patient, after discussing risks, benefits and alternatives to treatment to be recorded in writing. Copy of the consent form shall be provided to the client. The client shall have the right to refuse and discontinue treatment at any time.

(2) The State Level Committee or the Licencing Authority, as the case may be, may frame guidelines or impose such conditions as it deems proper.

(3) Each Centre shall give an undertaking to the effect that it shall protect the human rights of the admitted patients as per the Universal Human Rights and that it will not engage in the following activities with the patients i.e. solitary confinement, forced labour, punishment, beating, psychological torture, chaining or locking up. The patients liberty shall be protected at all times. It shall allow private interaction with family and provide communication to the patient under supervision of the authorized person of Centre. It will ensure confidentiality of medical and counseling records of the patient except caregivers and under judicial orders.

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FORM I

[(See rule 6(3)(i)(viii)(ix)(x)]

REGISTRATION CERTIFICATE/LICENCE

We.....,being the Licencing Authority Narcotic Drugs and Psychotropic Substance Act, 1985 (61 of 1985) after satisfying the requirement of the Drug-de-addiction centre, hereby grant the Registration certificate/licence for establishment/maintenance of Drug-de-addiction centre.

2. The Registration shall be valid for a period of 3 years, commencing from.....and ending with.....
The Registration shall be subject to the conditions laid down in the section 71 of the Narcotic Drugs and Psychotropic Substance Act and the rules made under there for de-addiction centres.

Licensing Authority

Place.....

Date.....

Yours faithfully

Yours faithfully

Place

Signature

Date

Date

CHIEF SECRETARY

Principal Secretary to Government, Haryana

Government, Haryana

Social Justice and Empowerment Department

CHIEF SECRETARY

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FORM II

[(See rule 6(3)(vi)]

APPLICATION FOR RENEWAL OF REGISTRATION

From

To

Director
Social Justice & Empowerment Department
Haryana, Chandigarh

Sir,

Subject : Renewal Registration No. dated.....

I request you to kindly renewal my Registration No.....
dated the..... for the next five years, I am providing the facilities as
prescribed by the Act and the Rules framed there under. I have herewith attached a
demand draft for Rs. 250 only.

Thanking you.

Yours faithfully

Place.....

Signature.....

Date.....

Date.....

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FORM III

APPLICATION FOR APPEAL

(see rule 7)

To

The Appellate Authority

Government of

Sir,

I of had applied for a Registration for establishing Drug-de-addiction centre. (Copy of the earlier application to be attached). My application was rejected by the Registration Authority as per his/her letter No. dated with the following reasons.

1.

2.

3.

(Copy enclosed)

The above reason(s) appear(s) to be not valid. I requested you to reconsider my application. My justification are :

1.

2.

3.

I am willing to appear before you for a personal hearing, if necessary, I am herewith enclosing a draft for Rs. 300.

Thanking You.

Yours faithfully

Place.....

Signature.....

Date.....

Date.....

DHANPAT SINGH

Financial Commissioner and Principal Secretary to
Government, Haryana,
Social Justice and Empowerment Department.

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