

GOVERNMENT OF PUNJAB

DEPARTMENT OF HEALTH AND FAMILY WELFARE

(HEALTH 6 BRANCH)

Notification

The 16th January, 2011

No. G.S.R. 1/C.A.61/1985/Ss.71 and 78/2011.—In exercise of the powers conferred by sub-section (1) of section 78 read with sub-section (2) of section 71 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act No. 61 of 1985), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules for establishment, appointment, maintenance, management, superintendence of, and for supply of Narcotic Drugs and Psychotropic substances from, the centres established under sub-section (1) of the said section 71 and for the appointment, training, powers and duties of personnel employed in such centres, namely :—

1. Short title and commencement.—(1) These rules may be called the Punjab Substance Use Disorder Treatment and Counseling and Rehabilitation Centres Rules, 2011.

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

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

- (a) “Act” means the Narcotic Drugs and Psychotropic Substances Act, 1985 ;
- (b) “Appellate Authority” means the Chairman of the State Level Committee ;
- (c) “Centres” means the centres established under sub-section (1) of section 71 of the Act ;
- (d) “District Level Committee” means the Committee constituted under sub-rule (1) of rule 12 of these rules ;
- (e) “Form” means a form appended to these rules ;

- (f) "Government" means the Government of the State of Punjab in the Department of Health and Family Welfare ;
- (g) "Licensing Authority" means the Licensing Authority constituted under sub-rule (1) of rule 8 of these rules ; and
- (h) "State Level Committee" means the State Level Committee constituted under sub-rule (1) of rule 3 of these rules ;

(2) The words and expressions used in these rules, but not defined, shall have the same meaning, as assigned to them in the Act.

Sections 71 and 78. 3. **Constitution of State Level Committee.**—(1) There shall be constituted a State Level Committee by the Government.

(2) The Committee, constituted under sub-rule (1), shall consist of the following members, namely :—

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| (a) Administrative Secretary,
Health and Family Welfare ; | .. | Chairman |
| (b) Administrative Secretary,
Medical Education and Research ; | .. | Member |
| (c) Administrative Secretary, Social
Security, Woman and Child
Development ; | .. | Member |
| (d) Administrative Secretary,
Technical Education ; | .. | Member |
| (e) Administrative Secretary,
Higher Education ; | .. | Member |
| (f) Administrative Secretary,
School Education ; | .. | Member |
| (g) Director, Social Security
Woman and Child Development ; | .. | Member |
| (h) Director, Health and Family Welfare ; | .. | Member-
Secretary |
| (i) Secretary, Punjab State Child
Welfare Council ; | .. | Member |

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- (j) Secretary, Punjab Red Cross .. Member
Society, Chandigarh ;
 - (k) Head of the Department of Psychiatry, .. Member
Government Medical College, Amritsar ;
 - (l) Head of the Department of Psychiatry, .. Member
Government Medical College, Patiala ;
 - (m) Director, Institute of Medical Health, .. Member
Amritsar ;
 - (n) Two lawyers of repute ; .. Member
(To be nominated by the Chairman)
 - (o) Two representatives of existing Non- .. Member
Government organizations working in
the field of De-addiction in the State
of Punjab ;
(To be nominated by the Chairman)
 - (p) The Committee may opt any other
member for a meeting, who has special
qualifications and experience in the field
of De-addiction for giving expert advice
to the Committee.

4. Functions of the State Level Committee.—The State Level Sections 71 and 78.
Committee shall,—

- (i) act as Supervisory, policy making and facilitatory body with
regard to treatment of substance use disorder patients and
their rehabilitation ;
- (ii) frame guidelines for the licensing and registering authority to
grant licenses for operation of centres ;
- (iii) ensure effective implementation of minimum standards of care
in the Centres as laid down by the Government of India or
any Statutory Body or this Committee from time to time ;
- (iv) help and guide to establish a collaborating treatment network
amongst the centres and Government and Non-Governmental
Health Care Facilities ;

- (v) conduct training programmes for the personnel, deployed in Centres ;
- (vi) undertake any other activity for the promotion of welfare and rehabilitation of addicts ; and
- (vii) decide the appeals against the decisions of the Licensing Authority.

Sections 71 and 78.

5. Disqualifications.—No person shall be appointed as a member of State Level Committee, if he,—

- (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 un-discharged insolvent ; or
- (iii) is of unsound mind and stands so declared by a competent court ; or
- (iv) has been removed or dismissed from the Service of Government or a body corporate owned or controlled by the Government.

Sections 71 and 78.

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

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

(3) When a vacancy occurs by resignation or otherwise of a non-official member, the person so nominated on such vacancy shall hold office for the remainder of the term of office of the member in whose place he has been so appointed.

(4) When the term of office of any non-official member is going to expire the Government may nominate his successor three months before the expiry of the term of such member, but the successor shall assume office only after the expiry of term of the member.

7. Requirement for license.—No centre in the State of Punjab shall be allowed to operate, unless it has obtained license from the licensing authority : Sections 71 and 78.

Provided that the centres, which are already existing before coming into force of these rules, shall have to obtain a license under these rules within a period of three months from the date of commencement of these rules, failing which, it shall not be allowed to operate.

8. Licensing Authority.—(1) There shall be constituted a Licensing Authority to issue license for the purpose of these rules. Sections 71 and 78.

(2) The Licensing Authority, constituted under sub-rule (1), shall consist of the following, namely :—

- (a) Director, Health and Family Welfare, Punjab ; and
- (b) Director, Social Security, Women and Child Development, Punjab.

9. Functions of the Licensing Authority.—The functions of the Licensing Authority shall be to,— Sections 71 and 78.

- (i) issue and renew licenses for the operation of Centres ;
- (ii) investigate complaints against Centres ;
- (iii) monitor, supervise and evaluate functioning of Centres ;
- (iv) ensure minimum standards of care in the Centres as per guidelines issued by the Government of India or any statutory body, or the State Level Committee from time to time ;
- (v) implement and monitor the guidelines issued by the State Level Committee for setting up and functioning of the Centres ;
- (vi) carry out periodic inspections of the Centres and in case of any violation initiate punitive proceedings against them ;
- (vii) maintain record in the form as specified by the State Level Committee from time to time.

Sections 71 and 78.

10. Procedure for issuing license.—(1) An application shall be submitted to the Licensing Authority by the person intending to obtain a license for establishing a Centre in Form-I along with a fee in the shape of Demand Draft of one thousand rupees payable in favour of Director, Health and Family Welfare, Punjab, Chandigarh.

(2) For every Centre, a license shall have to be obtained separately.

(3) Before issuing a license, the Licensing Authority shall get the Centre in question inspected from the District Level Committee and satisfy itself about the arrangements and infrastructure available in the Centre.

(4) If the Licensing Authority is satisfied, it shall issue a license in Form-III within a period of thirty days from the date of receipt of the report submitted by the District Level Committee :

Provided that a license shall be issued by the Licensing Authority within a period of three months from the date of submission of the application.

(5) A license issued under these rules, shall be valid for a period of three years from the date of its issuance, unless suspended, revoked and cancelled by the Licensing Authority.

(6) If the Licensing Authority, after receiving the report of the District Level Committee, is not satisfied that the license should be issued, it may refuse to issue license to the applicant :

Provided that before refusing to issue a license, the applicant shall be given a reasonable opportunity of being heard.

(7) In case a person is refused license, an intimation in this regard shall be given to him by the Licensing Authority in writing.

(8) The aggrieved person may prefer an appeal against such refusal to the Appellate Authority within a period of thirty days from the date of receipt of intimation of such refusal in Form IV alongwith a fee of three hundred rupees in the shape of demand draft payable in favour of the Director, Health and Family Welfare, Punjab at Chandigarh.

(9) The Licensee may get the license renewed before the expiry of a period of three years from the date of its issuance by making an application to the Licensing Authority in Form-II alongwith a fee in the shape of Demand Draft of five hundred rupees payable in favour of the Director, Health and Family Welfare, Punjab at Chandigarh.

(10) In case, the licensee fails to get the license renewed before the expiry of the specified period of license, then the Centre in question shall be deemed to have been closed.

(11) The Centres established by the Government of Punjab shall be exempted from the payment of license fee. However, such Centres shall have to get themselves registered with the Licensing Authority as per Form-III within a period of three months from the date of commencement of these rules.

(12) The Psychiatric Nursing Homes or 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 Substance dependents, shall also be exempted from obtaining license. They shall be governed under the provisions of Mental Health Act, 1987, however, they shall have to get themselves registered with the Licensing Authority as per Form-III within a period of three months from the date of commencement of these rules and they will submit data on Substance Disorder cases on the proforma, prescribed by the World Health Organization for the purpose of consolidation of data on Substance Use Disorders in the State.

11. Cancellation of License.—(1) The Licensing Authority may cancel the License if on inspection of the centre, it is found that the Centre is not adhering to the minimum standards of care as specified in these rules or on receipt of any report of violation of the human rights from the District Level Committee. Sections 71 and 78.

(2) On receipt of report from the District Level Committee of any deficiency in the minimum standards of care ; or violation of human rights in a Centre, the Licensing Authority may suspend the license and may initiate inquiry within a period of fifteen days from the date of such suspension.

(3) Such Centre shall be given an opportunity of being heard by the Inquiry Committee as constituted by the Licensing Authority. The Committee shall submit its report within a period of one month to the Licensing Authority. On receipt of the report from the Inquiry Committee, the Licensing Authority shall take decision thereon.

