



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 698]

CHENNAI, WEDNESDAY, OCTOBER 23, 2002
Aippasi 7, Chitrabhanu, Thiruvalluvar Aandu-2033

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT.

SOCIAL WELFARE AND NUTRITIOUS MEAL PROGRAMME DEPARTMENT

TAMIL NADU REGISTRATION OF PSYCHIATRIC REHABILITATION CENTRES OF MENTALLY ILL PERSONS RULES, 2002.

[G.O. Ms. No. 152, Social Welfare and Nutritious Meal Programme, 23rd October 2002.]

No. SRO A-53(a)/2002.

In exercise of the powers conferred by sub-section (1) of Section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996), the Governor of Tamil Nadu hereby makes the following Rules:-

CHAPTER I

PRELIMINARY.

1. *Short title and commencement.*—These Rules may be called the Tamil Nadu Registration of Psychiatric Rehabilitation Centres of Mentally Ill Persons Rules, 2002.
2. *Definitions.*—In these rules, unless the context otherwise requires,
 - (a) "Act" means the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
 - (b) "Certificate of registration" means a certificate issued under rule 5 of these Rules;
 - (c) "Minor" means a person who has not completed the age of 18 years;
 - (d) "Orphaned mentally ill person" means a mentally ill person who has no parents and includes a person who having left home is not able to recall any of the parents, relatives or friends;
 - (e) "Psychiatrist" means a person as defined in section 2(r) of the Mental Health Act, 1987.
 - (f) "Relative" includes any person related to the mentally ill person by blood, marriage or adoption.

CHAPTER II

PROCEDURE FOR REGISTRATION OF PSYCHIATRIC REHABILITATION CENTRES.

3. *Application for registration.*-Any person who wishes to establish a Psychiatric rehabilitation centre shall apply in Form I to the competent authority.

4. *Inspection of psychiatric rehabilitation centres.*- Upon receipt of an application for registration, the competent authority shall,-

(a) inspect the premises to ascertain their suitability; and

(b) ascertain whether the psychiatric rehabilitation centre is in a position to provide the facilities and maintain the standards laid down in these rules.

5. *Grant of certificate of registration.*-Based on the inspection, the competent authority may issue a certificate of registration to the applicant. Every certificate of registration shall be in Form II and it shall be in force for a period of three years unless revoked by the competent authority as per rule 10 of these rules.

6. *Enquiry in other cases.*-(1) If the competent authority is not satisfied that the applicant deserves a certificate of registration on the information that is available, the competent authority shall conduct a personal enquiry after giving the applicant a month's notice. The applicant may present his case before the competent authority for registration in person or through a counsel.

(2) If, after the enquiry, the competent authority is satisfied that the psychiatric rehabilitation centre will be established and run as per these rules, he may grant a certificate of registration to the applicant.

(3) If even after the enquiry the competent authority is satisfied that the applicant does not deserve a certificate of registration, the competent authority may refuse to grant the certificate of registration after recording the reasons in writing for such refusal. The order refusing the grant of certificate of registration shall be in Form III and it shall be communicated to the applicant by registered post with acknowledgement due. The applicant may however file an appeal against such orders of the competent authority to the State Government within thirty days from the date of receipt of the order of refusal of the certificate of registration.

7. *Renewal of certificate of registration.*-An application for renewal of the certificate of registration shall be made to the competent authority not later than sixty days before the expiry of the period of validity.

8. *Procedure for renewal of certificate of registration.*- The procedure for renewal of the certificate of registration will be the same as in the case of a fresh application.

9. *Certificate of registration to be displayed at a prominent place.*-The certificate of registration shall be displayed in a prominent place within the premises of the psychiatric rehabilitation centre.

10. *Revocation of certificate of registration.*-(1) The competent authority may revoke the certificate of registration granted under rule 5 if after an inspection it is found that the psychiatric rehabilitation centre does not meet any of the standards prescribed or it habitually violates any of the procedures laid down in these rules:

Provided that no such order of revocation shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.

(2) The competent authority shall also indicate the arrangements to be made for the inmates of the home in the order of revocation.

11. *Appeal against an order of refusal or revocation of certificate of registration.*-The applicant may make an appeal against an order of refusal or revocation of certificate of registration to the State Government within thirty days from the date of the receipt of such order:

Provided that the State Government may for any sufficient reasons, entertain an appeal under this rule after the said thirty days time limit.

12. *Government orders on appeals to be final.*-The orders of the Government on the appeals filed under rule 11 of this Rules shall be final.

13. *Effect of an order of refusal or revocation of certificate of registration.*-Where a certificate of registration has been refused under rule 6, or revoked under rule 10 of these rules to any psychiatric rehabilitation centre such psychiatric rehabilitation centre shall cease to function from the date of refusal or from the date of revocation of the certificate of registration as the case may be:

Provided that where an appeal filed under rule 11 against the order of refusal or revocation of certificate of registration, such psychiatric rehabilitation centre shall cease to function-

(a) where no appeal has been filed immediately on the expiry of thirty days of the order of refusal or revocation of certificate of registration, or

(b) where such appeal has been filed, but the order of refusal or revocation of certificate of registration has been upheld from the date of the order of appeal, by the State Government under rule 13 of this Rules.

14. *Surrender of certificate of registration.*-Every psychiatric rehabilitation centre whose certificate of registration is revoked as per these rules shall surrender its certificate of registration immediately on revocation.

CHAPTER III

PROCEDURE FOR ADMISSIONS AND DISCHARGE OF MENTALLY ILL PERSONS

15. *Certificate for admission or discharge.*-All admissions into and discharges from a psychiatric rehabilitation centre of mentally ill persons, other than orphaned mentally ill persons shall be voluntary and made on the advice of a psychiatrist. The psychiatrist should certify that the person referred is a mentally ill person who requires only maintenance, medication and rehabilitation measures.

16. *Decision for admission or discharge.*-All decisions relating to admission into or discharge from a psychiatric rehabilitation centre shall be taken as far as possible in consultation with the guardian of the person to be admitted or discharged.

17. *Admission of orphaned mentally ill persons.*- Whenever an orphaned person who is allegedly mentally ill is brought to a psychiatric rehabilitation centre for admission by a friend or a social worker, the person may be admitted, subject to the condition that.-

(a) a social worker or a psychologist concludes after an enquiry that the person to be admitted is indeed an orphaned person;

(b) a report of such admission is sent to the police station having jurisdiction over the psychiatric rehabilitation centre; and

(c) a psychiatrist examines the person within three days of admission and certifies that the person admitted requires the services of the psychiatric rehabilitation centre.

18. *Transfer of unmanageable inmate.*-An inmate who is unmanageable or unwilling to stay in the psychiatric rehabilitation centre shall not be retained. Such a person may be either admitted to a psychiatric nursing home or a psychiatric hospital as per the procedure prescribed in the Mental Health Act, 1987 or sent back to the family or the guardian.

CHAPTER IV.

INFRASTRUCTURAL FACILITIES AND SERVICES TO BE PROVIDED IN PSYCHIATRIC REHABILITATION CENTRES

19. *Buildings.*-The buildings in which rehabilitation and other services are to be provided to the mentally ill persons by the psychiatric rehabilitation centres should be adequate and structurally sound. A certificate to this effect should be obtained from the officer of the Public Works Department concerned or a chartered engineer authorised by the competent authority to issue such a certificate.

20. *Residential facilities.*-Wherever the residential facilities are provided in a psychiatric rehabilitation centre, the following conditions shall apply :-

(a) women shall be provided with separate accommodation and they will be under the care of woman staff only;

(b) not more than 25 inmates will be accommodated in a dormitory. Each inmate will be provided a living space of 60 sq.ft. There should be a minimum distance of three feet between each cot;

(c) each inmate shall be provided with a cot, mattress, pillow and adequate number of bed sheets;

(d) there shall be one toilet for every five inmates and one bathroom for every ten inmates;

(e) adequate water supply should be arranged for drinking, washing and bathing;

(f) all inmates should be provided with toiletry items required to maintain personal hygiene;

(g) each inmate should be provided with a locker to store personal belongings;

