

## **CHHATTISGARH MENTAL HEALTH RULES, 2018 (Draft)**

In exercise of the powers conferred by the proviso to sub-section (2) of section 121 of the Mental Healthcare Act, 2017 (10 of 2017), the State Mental Health Authority, Government of Chhattisgarh hereby makes the following rules, namely:

### **CHAPTER-I**

#### **Preliminary**

1. Short title, extent and commencement -

(1) These rules may be called the Mental Healthcare (State Mental Health Authority) Rules, 2018.

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

2. Definitions. –

(1) In these rules; unless the context otherwise requires -

(a) "Act" means the Mental Healthcare Act, 2017;

(b) "Form" means a Form appended to these rules;

(c) 'De-addiction facility' or called by any other name means a place 'which qualifies the definition of Mental Health Establishment as per Section 2(p) Mental Healthcare Act, 2017 and where persons diagnosed to have abuse or dependence on alcohol and/or other drugs are treated and cared for.

(d) "Non-official member" means a member of the State Authority nominated under clauses (g) to (n). of sub-section (1) of section 46 of the Act;

(e) "rules" means rules of the State Mental Health Authority of Chhattisgarh

(f) "Section" means section of the Act.

(2) The words and expressions used herein and not defined, but defined in the Act or, as the case maybe, in the Indian Medical Council Act, 1956 (102 of 1956) or in the Indian Medicine Central Council Act, 1970 (48 of 1970), in so far as they are not inconsistent with the provisions of the Act, shall have the meanings as assigned to them in the Act or, as the case may be, in those enactments.

**CHAPTER II**  
**STATE MENTAL HEALTH AUTHORITY**

3. Nomination of ex-officio members of State Authority.

(1) The State Government shall nominate Secretary or Principal Secretary in the Department of Health as Chairperson of the State Authority under clause (a) of section (1) of section 46.

(2) The State Government shall nominate Joint/Deputy Secretary in charge of mental healthcare in the Department of Health, the Director of Health Services, Director of Medical Education and Joint/Deputy Secretary in the Department of Social Welfare, as ex officio members of the State Authority respectively under clauses (b), (c) and (d) of sub-section (1) of section 46.

(3) The State Government shall nominate persons, not below the rank of Joint Secretary in the Departments of Home, Finance and Law, Director Health and Family Welfare, The Member Secretary, Chhattisgarh State Legal Services Authority, Bilaspur, The Member Secretary, High Court Legal Services Authority, Bilaspur to be ex-officio members of State Authority under clause (e) of sub-section (1) of section 46.

4. Norms for selection of non-official members of State Authority- A person shall not be selected as a non-official member of State Authority unless, he-

- (a) is an Indian National;
- (b) is of the age not exceeding sixty-seven years;
- (c) Possesses qualification and experience as specified in rule 5.

5. Qualification and experience of non-official members of State Authority –

(1) The State Government shall nominate one person who is an eminent psychiatrist as a member of the State Authority under clause (g) of sub-section (1) of section 46.

(2) The State Government shall nominate one mental health professional, one psychiatric social worker, one clinical psychologist and one mental health nurse/psychiatric nurses, having a minimum of fifteen years' experience in their respective fields and registered as mental health professionals with the State Authority, as members of the State Authority respectively under clauses (h), (i), (o) and (k) of sub-section (1) of section 46.

(3) The State Government shall nominate two persons each from the following categories as members of the State Authority respectively under clauses (l), (m) and (n) of sub-section (1) of section 46, namely: -

- (a) persons representing persons who have or have had mental illness;
- (b) persons representing care-givers of persons with mental illness or organizations representing care-givers; and
- (c) persons representing non-governmental organizations which provide services to persons with mental illness.

6. Invitation of application for the posts of non-official members of State Authority - A vacancy for the post of non-official member of the State Authority shall be given wide publicity through open advertisement in at least two daily newspapers (one English and one local language) having wide circulation in the State and the advertisement shall also be made available on the website of the Department of Health and Family Welfare.

7. Selection Committee for nomination of non-official members of State Authority. - The Selection Committee for nomination of non-official members of the State Authority shall consist of a Chairperson who shall be the Chairperson of the State Authority, Director Health and Family welfare and CEO State Mental Health Authority, nominated by the State Government of Chhattisgarh.

8. Procedure for nomination of non-official members of State Authority.

(1) The Selection Committee constituted under rule 7 (above) shall consider all applications received by the Department and scrutinize such applications which fulfill the requirements of section 46 and rules 4 and 5.

(2) The Selection Committee shall, having regard to the provisions of the Act and these rules, decide about the suitability of the applicants for being selected as members of the State Authority: Provided that in case of persons to be nominated under sub-rule (3) of rule 5, preference shall be given to the persons with ten years of experience in dealing with persons with mental illness.

(3) The State Government shall nominate the persons selected by the Selection Committee as members of the State Authority.

9. Terms of office and allowances of non-official members of State Authority. –

(1) Every non-official member nominated under rule 8 shall hold his office for a term of three years at a time from the date of his nomination.

(2) Every non-official member attending the meeting of the State Authority shall be entitled to sitting allowance, travelling allowance, daily allowance and such other allowances as are applicable to non-official members of the Commissions and Committees of the State Government attending the meeting of such Commission or Committee.

10. Furnishing of information- The State Government may call for information concerning the activities of the State Authority or the Board periodically or as and when required by it and the State Authority or the Board, as the case may be, shall furnish such information in Form-A.

## **CHAPTER III**

### **Qualification of Mental health professionals**

1 In exercise of power of the State Government with reference to definition of psychiatrist under section 2(y) authority given to the state to recognize any medical officer who having regard to his knowledge and experience in psychiatry can be declared by Government of State to be a Psychiatrist in purpose of act ; it is decided that who has completed a certificate/Degree/Diploma in mental health conducted by an Institute of National Importance shall be recognized as a psychiatrist when employed in Government Service for the purpose of Act.

2 In exercise of power under section 121 sub section (3) (a) with reference to definition of Clinical Psychologist it is decided that who has completed a certificate/Degree/Diploma in mental health conducted by Institute of National Importance shall be recognized as a Clinical Psychologist when employed in Government Service for the purpose of act.

3 In exercise of power under section 121 sub-section (3) (b) with reference to definition of Psychiatric Social Worker it is decided that who has completed a certificate/Degree/Diploma in mental health conducted by institute of national importance shall be recognized as a Psychiatric Social Worker when employed in Government Service for the purpose of act.

## **CHAPTER IV**

### **PROVISIONAL REGISTRATION OF MENTAL HEALTH ESTABLISHMENTS BY STATE AUTHORITY**

11. Procedure for provisional registration of mental health establishments by State Authority – Minimum norms for Mental Health Establishment will be notified (with appropriate modifications) by the State Mental Health Authority, Government of Chhattisgarh once the Central Mental Health Authority, Government of India notifies the same.

(1) Every mental health establishment in a State, except the mental health establishment under the Control of the Central Government, shall be registered with the State Authority.

(2) Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the State Authority in Form-B, containing details as specified therein, along with a fee of rupees five thousand by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

(3) The State Authority shall, on being satisfied that the mental health establishment fulfils all the requirements as specified in sections 65 and 66, grant to such mental health establishment, a provisional registration certificate in Form-C.

12. Validity and renewal of certificate of registration - The provisional registration certificate granted under sub-rule (3) of. rule 11 shall be valid for a period of twelve months from the date of such grant and an application for renewal of .such certificate shall be made in Form-B within thirty days before the date of expiry of the period of validity of such certificate. The registration and renewal fees shall be as under: less than or equal to 10 bedded- shall pay a fee of Rs. 5000, 11-50 bedded shall pay a fee of Rs. 10000/- and 51 and above bedded shall pay a fee of Rs. 20,000 by way of a demand draft drawn in favor of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated and for permanent registration within the specified period, the mental health establishment shall pay a fee as under: less than or equal to 10 bedded- shall pay a fee of Rs. 5000, 11-50 bedded shall pay a fee of Rs. 10000/- and 51 and above bedded shall pay a fee of Rs. 20,000 by way of a demand draft drawn in favor of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

13. Issue of duplicate certificate - Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the State Authority may issue a duplicate certificate on an application made by such establishment along with a fee of rupees two thousand by way of a demand draft drawn in favor of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

14. Maintenance of digital register-

(1) A category-wise register in **Form-D** of all registered mental health establishments shall be maintained by the State Authority in digital format in accordance with the provisions of section 71 and 55.

(2) A category-wise register in **Form-E** of all registered mental health professionals shall be maintained by the State Authority in digital format in accordance with the provisions of section 55 (1), (d).

(3) **Form-F** for application for Registration of Mental Health Professionals along with a fee of rupees three thousand by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

(4) **Form-G** is the format for registration certificate issued to the professionals by the State Mental Health Authority. The registration certificate issued, is subject to the conditions laid down in the Mental Healthcare Act, 2017 and the rules and regulations made there under and shall be valid for a period of ten years from the date of its issue and can be renewed before one month of the expiry with the prescribed fee.

(5) in fulfillment of the requirement of the Act, the Authority shall issue regulation or notification with regards to creating and operating online, register of mental health professionals, advanced directives, mental health establishment etc. by taking into account current laws, standards, rules and regulations for such online databases or portal from time to time.

#### **CHAPTER IV FINANCE, ACCOUNTS AND AUDIT**

15. Accounts and audit of State Authority –

(1) The State Authority shall maintain accounts of its income and expenditure relating to each year and prepare an annual statement of accounts consisting of income and expenditure account and the balance sheet.

(2) Annual statement of accounts shall be submitted for audit not later than 30th June each year in the common accounting format prescribed from time to time by the Ministry of Finance for the central autonomous bodies or as nearer thereto as the circumstances admit.

3) The annual statement of accounts prepared under sub-rule (1) shall be signed on behalf of the State Authority by the officer in-charge of accounts and the Chief Executive Officer and shall be approved by the State Authority.

16. Annual report of the State Authority. –

(1) The State Authority shall prepare its annual report in Form-H (see rule 16(1)) and forward it to the State Government within nine months of the end of the financial year for being laid before each House of State Legislature.

(2) The annual report shall give a full account of the activities of the State Authority during the previous year and shall include the audited accounts of the year and the report of the Comptroller and Auditor General of India thereon.

**CHAPTER V**  
**AUDIT, INSPECTION AND ENQUIRY OF MENTAL HEALTH**  
**ESTABLISHMENTS**

17. Audit of mental health establishments-

(1). The State Authority shall, for the purpose of conducting audit of registered mental health establishments in the State, authorize one or more of the following persons to ensure that such mental health establishments. Comply with the minimum standards specified under the Act, namely:-

(a) a representative of the District Collector or District Commissioner of the district where the mental health establishment is situated;

(b) a representative of the State Human Rights Commission of the State where the mental health establishment is situated;

(c) A psychiatrist who is in Government service;

(d) A psychiatrist who is in private practice;

(e) A mental health professional who is not a psychiatrist;

(f) A representative of a non-governmental organization working in the area of mental health;

(g) Representatives of the care-givers of persons with mental illness or organizations representing care-givers; and

(h) representatives of the persons who have or have had mental illness.

(2) For conducting audit of registered mental health establishment, the State Authority shall charge fees as follows: less than or equal to 10 bedded- shall pay a fee of Rs. 5000, 11-50 bedded shall pay a fee of Rs. 10000/- and 51 and above bedded shall pay a fee of Rs. 20,000 way of a demand draft drawn in favor of the Chairperson, State Mental' Health Authority payable at the place where the Authority is situated.

18. Inspection and inquiry of mental health establishments –

(1) The State Authority may, suo moto or on a complaint received from any person with respect to non-adherence of minimum standards specified by or under the Act or contravention of any provision thereof, order an inspection and inquiry of any mental health establishment, to be made by one or more of the following persons, namely:-

- (a) a psychiatrist in Government service;
- (b) a psychiatrist in private practice;
- (c) a mental health professional who is not a psychiatrist;
- (d) a representative of anon-governmental organization working in the area of mental health;
- (e) a police officer in charge of the police station under whose jurisdiction, the mental health establishment is situated;
- (f) a representative of the District Collector or District Commissioner of the district where the mental health establishment is situated.
- (g) (2)The State Authority or the person authorized by it under sub-rule (1), if it has reasons to, believe that a person is operating a mental health establishment without registration or is not adhering to the minimum standards specified by or under the Act or has been contravening any of the provisions, of the Act or the rules and regulations made there under, enter and search such mental health establishment will be done.

(3) During search, the State Authority or the person authorized by it may require the mental health professional in charge of the mental health establishment to produce the original documents relating to its registration with the State Authority and it shall be obligatory on the part of the mental health establishment to, produce such documents.

(4)Within two days of completing search of the mental health establishment under sub-rule (3), a written report of the' findings of such search shall be submitted to the Chairperson of the Authority.

(5)The Chairperson of the State Authority, shall, on receipt of the written report under sub-rule (4), take such action as it deems fit, against the defaulting mental health establishment in accordance with the provisions of the Act.



**Form-A**

**See rule 10**

**INFORMATION ON THE ACTIVITIES OF THE STATE AUTHORITY/ BOARD**

1. New Regulations notified:
2. Number of orders passed during the year:
3. Meetings held during the year:
4. Number and details of mental health establishments under the control of the State Government:
5. Number and details of mental health establishments in the State or Union Territory:
6. Registration of mental health professionals by the State Authority:
7. Statement on references received from the Central Government and the State Government and action taken thereon:
8. Quality and service provision norms for different types of mental health establishments under the State Government:
9. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017:
10. Applications for registration of mental health establishments received accepted and rejected along with reasons for such rejection:
11. Audit of Mental Health Establishments along with audit reports:
12. Complaints received regarding violation of rights of mentally ill persons and action taken thereon
13. Details regarding guidance document for medical practitioners and mental health professionals
14. Number of cases registered regarding Sexual Harassment of Women at Workplace under section 22 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and details thereof:
15. Details of inspection and inquiry of Mental Health Establishments:
16. Number of appeals to High Court against order of Authority and status thereof:
17. Complaints received regarding deficiencies in provision of services and action taken thereon:
18. Stakeholders Consultations:
19. Inquiry initiated by the Authority/Board:
20. Administration and establishment matters
21. Budget .and Accounts with details including balance sheet, income and expenditure account, etc.:
  
22. Any other matter which may be relevant:

**Form-B**

[See rules 11(2) and 12]

**APPLICATION FOR GRANT OF PROVISIONAL REGISTRATION/ RENEWAL OF  
PROVISIONAL REGISTRATION OF A MENTAL HEALTH ESTABLISHMENT**

To,  
The State Mental Health Authority,  
The Department of Health & Family Welfare,  
Government of Chhattisgarh.

Dear Sir/ Madam,

I/we intend to apply for grant of provisional registration/ permanent registration/ renewal of provisional registration for the Mental Health Establishment namely ..... of which I am/we are holding a valid license /registration for the establishment/ maintenance of such hospital / nursing home. Details of the hospital/nursing home are given below:

1. Name of applicants .....
2. Details of license with reference to the name of the authority issuing the license and date:
3. Age:
4. Professional experience in Psychiatry:
5. Permanent address of the applicant:
6. Location of the proposed hospital/nursing home:
7. Address of the proposed nursing home/hospital:
8. Proposed accommodations:
  - (a) Number of rooms:
  - (b) Number of beds:
  - (c) Facilities provided:
  - (d) Out-patient:
  - (e) Emergency services:
  - (f) In-patient facilities:
  - (g) Occupational and recreational facilities:
  - (h) ECT facilities (n X-Ray facilities):

(i) Psychological testing facilities;

(j) Investigation and laboratory facilities:

(k) Treatment facilities staff pattern:

**Staff Pattern**

(a) Number of doctors:

(b) Number of nurses:

(c) Number of attendees:

(d) others:

I am herewith sending a bank draft for Rs..... drawn in favor of .....as application fee.

I hereby undertake to abide by the rules and regulation of the Mental Health Authority.

I request you to consider my application and grant the license for establishment/maintenance of psychiatric hospital/nursing home.

Yours faithfully

Signature

Name

Date

**Form-C**

**[See rule 11(3)]**

**CERTIFICATE OF PROVISIONAL REGISTRATION/ RENEWAL OF PROVISIONAL  
REGISTRATION**

The State Authority, after considering the application dated .....submitted by .....under section 65 (2) or section 66 (3) or section 66(10) of the Mental Healthcare Act, 2017, hereby accords provisional registration/renewal of provisional registration to the applicant mental health establishment in terms of section 66 (4) or section 66 (11), as per the details given hereunder:

Name: -----

Address -----

No of beds: -----

The provisional registration certificate issued is subject to the conditions laid down in the Mental Healthcare Act, 2017 and the rules and regulations made there under and shall be valid for a period of twelve months from the date of its issue and can be renewed.

Place

Date

Registration Authority

Seal of the Registration Authority

**FORM-D**

(See rule 14)

**Register of Mental Health Establishments  
(In digital format)**

Separate table for each category of mental health establishment

Category-----

Sl No	Name & address of the applicant	Name of the establishment and address	Date of the application	Date and particulars of registration	No. of beds	Remarks

**FORM-E**

See Sec55 (1) (d)

**Register of Mental Health Professionals  
(in digital format)**

Separate table for each category of mental health professionals

Category of Mental Health Professionals -----

Sl No	Full Name & address of the applicant	Degree/PG	RCI/NCI/others*	Place of practice/work	Contact Number / Email	Remarks

\*the Psychiatric Social Workers will be registered as per the mental healthcare Act, 2017 prescription

**Form-F**

[See rules 14(3)]

**APPLICATION FOR GRANT OF REGISTRATION / RENEWAL OF REGISTRATION  
OF A MENTAL HEALTH PROFESSIONAL**

To,  
The Mental Health Authority,  
The Department of Health & Family Welfare,  
Government of Chhattisgarh

Dear Sir/ Madam,

I intend to apply for grant of registration/ renewal of registration for the Mental Health Professionals namely .....

1. Name of applicants .....
2. Details of Registration of qualifying degree in respective specialties\* (RCI / NCI) (copy attached):
3. Age:
4. Professional experience in Psychiatry:
5. Permanent address of the applicant:
6. Location/s of the Practice:
7. Qualifications (copies attached):

I am herewith sending a bank draft for Rs..... drawn in favour of .....as application fee.

I hereby undertake to abide by the rules and regulation of the Mental Health Authority.

I request you to consider my application and grant the registration for the Mental Health Professional to practice in Chhattisgarh State.

Yours faithfully

Signature  
Name  
Date

\*this is not applicable for Psychiatric Social Worker

**Form-G**

**[See rule 16(4)]**

**CERTIFICATE OF PROVISIONAL REGISTRATION/ RENEWAL OF PROVISIONAL  
REGISTRATION**

The State Authority, after considering the application dated .....submitted by  
.....under section 55 (1) (d) of the Mental Healthcare Act,  
2017, hereby accords registration/renewal of registration to the applicant, as mental health  
professionals category.....

Registration No: -----

Name: -----

Address -----

The registration certificate issued is subject to the conditions laid down in the Mental Health care  
Act, 2017 and the rules and regulations made there under and shall be valid for a period of ten  
years from the date of its issue and can be renewed.

Place

Date

Registration Authority

Seal of the Registration Authority

**Form-H**  
**[See rule 16 (1)]**  
**Annual Report of State Authority**

1. Introduction
2. Profile of the Authority's Members
3. Scope of Regulation
4. New Regulations/procedures etc. notified/issued
5. Orders passed by the Authority
6. Meetings of the State Mental Health Authority held during the year
7. Mental health establishments under the control of the State Government
8. Mental health establishments in the State
9. Registration of mental health professionals by the State Authorities
10. A statement on references received from Central and State Governments and action taken thereon
11. A statement on references sent to the Central and State Governments and action taken thereon by the respective Governments
12. Quality and service provision norms for different types of mental health establishments under the State Government
13. Supervision of mental health establishments under the State Government and action taken on the complaints received about deficiencies in provision of services therein
14. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017
15. Applications for registration of mental health establishments received accepted and rejected along with reasons for such rejection.
16. Audit of Mental Health Establishments
17. Complaints received regarding violation of rights of Mentally ill persons .and action taken thereon
18. Details regarding guidance document for medical practitioners and mental health professionals
19. Implementation of RTI Act, 2005



20. Details regarding Sexual Harassment of Women at Workplace under Section 22 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and
21. Inspection and Inquiry of Mental Health Establishments
22. Appeals to High Court against order of Authority and status thereof
23. Status of review of use of advance directives and recommendations of the Authority in respect thereof.
24. Complaints received about deficiencies in provision of services and action taken thereon.
26. Inquiry initiated by the Authority
27. Administration and establishment matters
28. Annual accounts
29. Any other-matter which in the opinion of the Authority needs to be highlighted