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 കേരള സർക്കാർ
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KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Health and Family Welfare (E) Department

NOTIFICATION

G. O. (P) No. 362/2012/H&FWD.

Dated, Thiruvananthapuram, 31st October, 2012.

S. R. O. No. 768/2012.—In exercise of the powers conferred by sub-section (2) of section 94 of the Mental Health Act, 1987 (Central Act No. 14 of 1987), the Government of Kerala with the previous approval of the Central Government hereby make the following rules, namely :—

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THE KERALA STATE MENTAL HEALTH RULES, 2012

CONTENTS

CHAPTER I

PRELIMINARY

<i>Rule</i>	<i>Page</i>
1. Short title and commencement	.. 4
2. Definitions	.. 4

CHAPTER II

STATE MENTAL HEALTH AUTHORITY

3. Constitution of the Authority	.. 6
4. Disqualification	.. 7
5. Chairman	.. 7
6. Term of Official Members	.. 7

CHAPTER III

PROCEEDINGS OF THE AUTHORITY

7. Meeting of the Authority	.. 8
8. Subject for the Special Meeting	.. 8
9. Subject for the Annual Meeting	.. 8
10. Procedure for Holding Meetings	.. 8
11. Proceedings of the Authority	.. 9
12. Approval by Circulation	.. 9
13. Secretary to the State Mental Health Authority	.. 9
14. Forwarding the copies of the proceeding of the Authority to the State Government	.. 10

CHAPTER IV

LICENCE

<i>Rule</i>	<i>Page</i>
15. Application for Licence	.. 10
16. Grant of Licence	.. 11
17. Refusal of Licence and Manner of communicating the Order	.. 11
18. Application for Renewal	.. 11
19. Refusal of A for Renewal of Licence	.. 11

20. Manner and conditions of maintaining Psychiatric Hospital or .. Psychiatric Nursing Homes	12
21. Time for Appeal ..	12

CHAPTER V

PSYCHIATRIC HOSPITALS AND NURSING HOMES

22. Minimum facilities for treatment of inpatients ..	13
23. Revocation of licence ..	17
24. Maintenance of records ..	17

CHAPTER VI

MISCELLANEOUS

25. Admission and detention in Psychiatric Hospital/ Psychiatric Nursing Home ..	18
26. The qualification and functions of the Visitors ..	19
27. Leave of Absence ..	19
28. Interception of the letters and other communications .. addressed to the mentally ill persons	20
29. The qualification and functions of Inspecting Officers ..	20
30. Protecting Human Rights of Mentally ill Persons ..	20

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Mental Health Rules, 2012.

(2) They shall come into force at once.

2. *Definitions.*—In these rules unless the context otherwise requires,—

(a) “Act” means the Mental Health Act, 1987 (No.14 of 1987);

(b) “applicant” means the person who makes an application to the licensing Authority for grant of a licence;

(c) “Authority” means the State Mental Health Authority constituted under section 4 of the Act;

(d) “Chairman” means the Chairman nominated under rule 5;

(e) “child/adolescent psychiatry hospital/nursing home/unit” means a specialized centre for the treatment and care of those who are under the age of sixteen years with psychiatric disorders or a unit attached to either a general hospital or a psychiatric hospital or psychiatric nursing home where children of less than sixteen years of age with psychiatric disorders are provided treatment and care;

(f) “clinical psychologist” means a mental health professional assistant with M.A./M.Sc. degree in Psychology from a recognized university with M.Phil. or Ph.D. in Clinical Psychology acquired after a two-year course from an accredited institution;

(g) “convalescent home” means and includes a part of the hospital or an institution or a unit or section of the institution established or; maintained by the Government or any other person for such

mentally ill persons in the form of psychiatric rehabilitation homes, psychiatric day care home or other partial hospitalization units, and long term care homes or units;

(h) “de-addiction hospital/de-addiction nursing home/de-addiction unit” includes a specialized psychiatric hospital/psychiatric nursing home or a section of the psychiatric hospital or psychiatric nursing home meant for the treatment and care of persons with substance abuse ensuring the availability of various supporting Medical Care Services, or a Unit attached to a well-equipped General Hospital for the treatment and care of persons with substance abuse;

(i) “forensic psychiatric unit” means a specialized unit duly established by the Government and attached to a psychiatric hospital/psychiatric nursing home or government general hospital where under-trials and prison-inmates could be taken care of with their security requirements;

(j) “Form” means Form annexed to these rules;

(k) “licence” means licence granted under section 8 of the Act;

(l) “long term care home or unit” means an institution or a part of institution where recovered and stabilized psychiatric patients without support of the family are provided long-term care and support which include rehabilitation services;

(m) “member” means a member of the Authority appointed under rule 3;

(n) “membership” means membership of the Authority established under section 4 of the Act;

(o) “non-official member” means a member appointed under sub-rule (2) of rule 3;

(p) “official member” means a member appointed under sub rule (1) of rule 3;

(q) “psychiatric day care home or other partial hospitalization unit” means an institution or a section of an institution where psychiatric patients are provided treatment, care and rehabilitation measures for specified period of time in a day;

(r) “psychiatric nurse” means a qualified nurse with certificate in General Nursing/B.Sc. (Nursing) and Diploma in Psychiatric Nursing/adequate training in psychiatry as may be decided by the Government or M.Sc. in Psychiatric Nursing after a regular course recognized by Nursing Council of India;

(s) “psychiatric rehabilitation home” means a unit or section of an institution that temporarily assumes total care responsibility of psychiatric patients where partially recovered and stabilized psychiatric patients are given long-term treatment with an objective of restoring them to their maximum attainable pre-illness level of functioning by special emphasis on providing them with self care skills, symptom management skills, medication management skill, successful living skills, recreational skills, vocational skills and family education;

(t) “psychiatric social worker” means a mental health professional assistant with M.S.W. Degree from a recognized university with M.Phil. or Ph.D. in Psychiatric Social Work acquired after a two-year course from an accredited institution;

(u) “psychologist” means a person trained in clinical psychology at the level of post graduation studies from a recognized university;

(v) “Secretary” means Secretary to the Authority appointed under rule 13;

(w) “social worker” means a postgraduate from a recognized university in a social work with training in medical and psychiatric social work;

(x) words and expressions used herein and not defined but defined in the Act shall respectively have the meanings assigned to them in the Act.

CHAPTER II

STATE MENTAL HEALTH AUTHORITY

3. *Constitution of the Authority.*—The Authority shall consist of the following members, namely:—

(1) *Official Members:*

- (a) the Secretary, Health and Family Welfare Department, Government of Kerala;
- (b) the Additional or Joint or Deputy Secretary to Government, Health and Family Welfare Department, Government of Kerala, dealing with the subject of mental health;
- (c) Director of Health Services;
- (d) Director of Medical Education;
- (e) Medical Superintendent of one of the Government mental Health Centres of Kerala;
- (f) Head of the Department of Psychiatry of one of the Government Medical Colleges of Kerala;
- (g) Member Secretary, State Legal Service Authority;
- (h) Secretary, Kerala State Human Rights Commission.

(2) *Non-official Members:*

Four members including one psychiatric social worker, one clinical psychologist, one psychiatrist and one representative of Social Welfare Department to be nominated by the State Government.

4. *Disqualification.*—A person shall be disqualified for being appointed as a member or shall be removed from the membership by the State Government if he,—

- (a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or
- (b) is an un-discharged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government.

5. *Chairman.*—(1) The State Government may nominate any official member to act as the Chairman of the Authority.

(2) The Chairman shall cease to hold office when he ceases to be a member of the Authority.

6. *Term of Official Members.*—(1) Every official member shall hold the office as long as he holds the office by virtue of which he was so appointed.

(2) Every non-official member shall hold the office for a period of three years from the date of his appointment and shall be eligible for reappointment.

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

(4) Where a vacancy occurs by resignation of a Non-official member under sub rule (3) or otherwise, the State Government shall fill the vacancy by appointing from amongst category of persons referred to in sub-rule (2) of rule 3 and the person so appointed, shall hold office for the remainder of the term of the office of the member in whose place he was so appointed.

(5) Where the term of office of any non-official member is about to expire, the State Government may appoint a successor at any time within three months before the expiry of the term of such member but the successor shall not assume office until the term of the member expires.

CHAPTER III

PROCEEDINGS OF THE AUTHORITY

7. *Meeting of the Authority.*—(1) The Authority shall ordinarily meet once in every six months at such time and place as may be fixed by the Chairman:

Provided that the Chairman,—

(i) may call a special meeting at any time to deal with any urgent matter requiring the attention of the Authority;

(ii) shall call special meeting, if he receives written requisition for the same from at least four Members.

(2) The first meeting of the Authority to be held in any calendar year shall be the annual meeting for that year.

8. *Subject for the Special Meeting.*—Where a meeting referred to in clause (ii) of sub-rule (1) of rule 7 has been convened, only the subjects for the considerations of which the meeting was convened, shall be discussed.

9. *Subject for the Annual Meeting.*—At the annual meeting of the Authority the following subjects shall be considered and disposed of, namely:—

(a) review of the progress of implementation of the various provisions of the Mental Health Act during the preceding one year;

(b) other business on the agenda; and

(c) any other business brought forward with the consent of the Chairman or where he is absent, with the consent of the Officer Presiding over the meeting.

10. *Procedure for holding Meetings.*—(1) Every notice calling for meeting of the Authority shall,—

(a) specify the place, date and hour of the meeting;

(b) be served upon every member of the Authority not less than twenty one clear days in the case of Annual meeting and fifteen clear days in the case of other meetings before the day appointed for the meeting.

(2) The Secretary shall prepare and circulate to the members along with the notice of the meeting, an agenda for such meeting showing the business to be transacted.

(3) A member who wishes to move a resolution on any matter included in the agenda shall give notice thereof to the Secretary not less than seven days before the date fixed for the meeting.

(4) A member who wishes to move any motion not included in the agenda shall give notice thereof to the Secretary not less than fourteen days before the date fixed for the meeting.

11. *Proceedings of the Authority.*—(1) The Chairman or in his absence any member authorized by him, shall preside at the meetings of the Authority.

(2) The quorum for the meeting of the Authority shall be seven members.

(3) If within half an hour from the time appointed for holding a meeting of the Authority, if there is no quorum, the meeting shall be adjourned to the same day in the following week at the same time and place and the presiding officer of such meeting shall inform the members present and send notice to the other members.

(4) At the adjourned meeting also, if there is no quorum within half an hour from the time appointed for holding the meeting, the members present shall constitute the quorum.

(5) In the adjourned meeting if the Chairman is not present and no member has been authorized to preside at such meeting, the members present shall elect a member to preside at the meeting.

(6) Each member including the Chairman shall have one vote. In the case of an equality of votes, the Chairman or any member presiding over such meeting, shall in addition, have a casting vote.

(7) All decisions of the meeting of the Authority shall be taken by a majority of the members present and voting.

12. *Approval by circulation.*—Any business which may be necessary for the Authority to transact except such as may be placed before the Annual Meeting, may be carried out by circulation among all members and any resolution so circulated and approved by a majority of members shall be valid and binding as if such resolution has been passed at the meeting of the Authority.

13. *Secretary to the State Mental Health Authority.*—(1) The Chairman shall cause to be appointed a Secretary to Authority from amongst persons possessing Post Graduate Degree in Psychiatry and having three years experiences in the field of Psychiatry, with the approval of the State Government.

(2) The Secretary shall be a full time or part time servant of the Authority and shall function as the Administrative Officer of the Authority.

(3) The Secretary shall be responsible for the control and management of the Office, accounts and correspondence of the Authority.

(4) The Secretary shall attend and take notes of the proceedings of the meeting of the Authority.

(5) The Secretary shall cause to be appointed such members of the ministerial and non-ministerial staff, which are essential for efficient functioning of the Authority with the approval of the State Government.

(6) The Secretary shall exercise such other powers and discharge such other functions as may be authorized in writing by the Chairman for the efficient functioning of the Authority.

14. *Forwarding the copies of the proceeding of the Authority to the State Government.*—The Secretary shall forward copies of the proceedings of the Authority to the State Government periodically.

CHAPTER IV

L I C E N C E

15. *Application for Licence.*—(1) Every application for licence under sub-section (1) or sub-section (2) of section 7 of the Act shall be made to the Licensing Authority in Form I or II as the case may be.

(2) The licence fees shall be at the rate given below:

beds less than 31	Rs. 2,500
beds 31-60	Rs. 5,000
beds 61-100	Rs . 7,500
beds more than 100	Rs. 12,500

(3) Every application for licence shall be accompanied by an initial fee of ` 1,000 (Rupees One Thousand only) in the form of Bank Draft drawn in favour of the Licensing Authority, which is not refundable.

16. *Grant of Licence.*—(1) If the licensing authority is satisfied that the application fulfils the conditions laid down in clauses (a), (b) and (c) of section 8 of Act, and rules 20 and 22 of these rules, the licensing authority shall instruct the applicant to remit the licensing fee under sub-rule (1) of rule 15 in the form of a Bank Draft drawn in favour of the licensing authority. After realization of the full amount of the licensing fee, the licensing authority shall grant licence in Form III.

(2) Every licence shall, unless revoked earlier under section 11 of the Act, be valid for a period of five years from the date on which it is granted.

17. *Refusal of Licence and manner of communicating the order.*—(1) If the licensing authority is satisfied that the applicant does not fulfil the conditions laid down in section 8 of the Act, it may, after giving the applicant a reasonable opportunity of being heard against the proposed refusal of licence, by order, setting out the reasons therein, refuse to grant the license.

(2) Every order refusing to grant a licence under section 8 shall be communicated to the applicant by registered post.

(3) A copy of order shall also be conspicuously displayed in the notice board of the office of the licensing authority.

18. *Application for Renewal.*—Every application for renewal of a licence, under sub-section (5) of section 9 of the Act shall be,—

(a) made to the licensing authority in Form IV;

(b) accompanied by a fee at the rate given below in the form of a Bank Draft drawn in favour of the licensing authority:

beds less than 31	Rs 2,500
beds 31-60	Rs 5,000
beds 61-100	Rs. 7,500
beds more than 100	Rs . 12,500

19. *Refusal of Application for Renewal of Licence.*—(1) If the licensing authority is satisfied that the conditions mentioned in the proviso to sub-section (5) of section 9 of Act are not attracted, it shall renew the licence.

(2) If the licensing authority is of opinion that the license should not be renewed in view of the fact that conditions mentioned in the proviso to sub-section (5) of section 9 are attracted, it may, after giving the applicant a reasonable opportunity of being heard against the proposal of the renewal of the licence by order setting out the reasons therein, refuse to renew the licence.

(3) Every order refusing to renew the licence under the proviso to sub-section (5) of section 9 of the Act shall be communicated to the applicant by registered post to the address given in the application for renewal.

20. *Manner and Conditions of Maintaining Psychiatric Hospital or Psychiatric Nursing Homes.*—Every psychiatric hospital or nursing home shall be maintained subject to the conditions that,—

(a) such hospital or nursing home is located only in an area approved by the local authority;

(b) such hospital or nursing home is located in a building constructed with the approval of the local authority;

(c) the building, where such hospital or nursing home is situated, has sufficient ventilation and is free from any pollution which may be detrimental to the patients admitted in such hospital or nursing home;

(d) such hospital or nursing home has enough beds to accommodate the patients;

(e) the nurses and other staff employed in such hospital or nursing home are duly qualified and competent to handle the work assigned to them;

(f) the Supervising Officer in-charge of such Hospital or a Nursing Home is a person duly qualified having a post-graduate qualification in Psychiatry recognized by the Medical Council of India.

21. *Time for Appeal.*—(1) Any person aggrieved by the order of the licensing authority refusing to grant or renew a license or revoking a license, may prefer an appeal to the State Government within sixty days of the communication of such order.

Provided that the State Government may entertain an appeal, preferred after the expiry of the period specified in sub-rule (1), if it is satisfied that the applicant was prevented by sufficient causes from preferring the appeal in time.

(2) The appeal shall be in Form V and shall be sent to the State Government by registered post or presented in person to the Secretary to Government, Department of Health and Family Welfare or any other officer nominated by him in this behalf.

(3) Every appeal shall be accompanied by a fee of Rupees Two Thousand and Five Hundred.

(4) The State Government while examining the appeal shall verify whether the appellant institution has satisfied the provisions laid down in Chapter V of these Rules and whether the licensing authority has properly applied its mind while refusing to grant/renew license. The Government may consider the report of the committee consisting of the Secretary to Government, Health and Family Welfare Department, Head of Department of Psychiatry of the nearest Government Medical College, Superintendent of the nearest Government Mental Health Centre and the Ex-officio Visitor of all the Psychiatric Hospitals/Psychiatric Nursing Homes in the State and Secretary, State Mental Health Authority constituted for this purpose in this regard provided that before passing any order, the appellant may be given an opportunity of being heard.

CHAPTER V

PSYCHIATRIC HOSPITALS AND NURSING HOMES

22. *Minimum facilities for treatment of Inpatients.*—The minimum facilities required for every psychiatric hospital or psychiatric nursing home for treatment of patients mentioned in section 10 of the Act shall be as follows:

(1) Staff requirements—

(a) *Psychiatrists*—

(i) a psychiatric hospital/psychiatric nursing home, forensic psychiatric unit and child/adolescent psychiatry clinic and guidance units shall have at least a full time psychiatrist for every hundred patients and parts thereof;

(ii) de-addiction centres should have the service of a consultant psychiatrist visiting the hospital, examining the inpatients and conducting O.P. at least two hours twice in a week and will be available on call to attend on emergencies;

(iii) general hospital psychiatry units/beds should have the service of a consultant psychiatrist conducting O.P.s on the days on which psychiatric patients are admitted and visiting psychiatric inpatients in the hospital every alternate days and will be available on call to attend on emergencies.

(iv) a psychiatric rehabilitation home/centre, or other partial hospitalization unit should have a psychiatrist who will be attending these centres for at least one half day session in a week and will be available on all to attend on emergencies;

(v) long term care home should have at least one qualified psychiatrist visiting the institution at least once fortnightly and review all the patients and will be available on call to attend on emergencies.

(b) *Medical Officers having recognized M.B.B.S. Degree*—a psychiatric hospital/psychiatric nursing home, de-addiction centre, General Hospital with Psychiatry Units/beds, forensic psychiatric units and child/adolescent psychiatry clinic guidance units should have medical officers having recognized M.B.B.S. Degree in the doctor patient ratio of 1:50 and round the clock service of one Medical Officer should be available in the facility.

(c) *Clinical Psychologist or Psychiatric Social Worker*—(i) psychiatric hospital/psychiatric nursing home, de-addiction centre, general hospital with psychiatry units/beds, forensic psychiatric units and child/adolescent psychiatry clinic & guidance unit should have at least one fulltime mental health professional assistant for every hundred patients and parts thereof;

(ii) in psychiatric rehabilitation homes/centres, or other partial hospitalization units, service of at least one mental health professional assistant shall be made available during the hours of operation of the facility;

(iii) long term care homes should have the services of one mental health professional assistant attending for half-day duty in every week.

(d) *Staff Nurse*—(i) psychiatric hospital/psychiatric nursing home, de-addiction centre, general hospital with psychiatry units/beds, forensic psychiatric units and child/adolescent psychiatry clinic and guidance unit should have one staff nurse for every ten beds and round the clock service of at least one staff nurse should be made available in each ward;

(ii) psychiatric rehabilitation homes/centres or other partial hospitalization units should have one staff nurse for every fifteen beds and service of at least one staff nurse should be made available round the clock;

(iii) long term care homes should have one staff nurse for every fifteen beds.

(e) *Attenders*—(i) psychiatric hospital/psychiatric nursing home, de-addiction centre, general hospital with psychiatry units/beds, forensic psychiatric units and child/adolescent psychiatry clinic and guidance unit, psychiatric rehabilitation homes/centres, or other partial hospitalization units should have one attender for every ten patients/beds and the minimum number of attenders required for an institution will be three;

(ii) long term care homes should have one attender for every fifteen beds and the minimum number of attenders required for an institution will be three.

(f) *Further staff requirements*—Further staff requirements for the different types of the institutions shall be provided as per guideline issued by the State Mental Health Authority, in this regard, from time to time.

(2) *Physical Features*—(a) the plinth area of the building, housing a psychiatric hospital/psychiatric nursing home or other mental health care centre, shall ordinarily occupy only half of the land area of the plot in which it is located. In situations where there is genuine difficulty to provide this much of open land area, 10% to 30% of the total carpet area prescribed for patients shall be provided as additional living area, depending on the quantum in shortage of open land area;

(b) the open land area or the additional living area shall be easily accessible to the inpatients;

(c) there shall be proper compound wall to ensure the safety and privacy of the patients;

(d) each patient shall be provided with an area of 60 sq. feet as dormitory and further 30 sq. feet as living room-cum-dining room area;

(e) there shall be one bath room and one toilet each for every eight male patients and for every six female patients;

(f) the floor area for dormitory, living room and dining room mentioned above are exclusively for the use of the patients and additional floor area for the use of the staff has to be provided separately, to meet standard requirements;

(g) there shall be adequate ventilation and safe water supply and the patients should have access to drinking water round the clock;

(h) there should be adequate facilities for sanitation and waste disposal;

(i) cots, beds, pillows and adequate number of bed sheets and pillow cover should be provided to all inmates in the psychiatric institution;

(j) separate dining room should be made available for male and female inmates;

(k) a register should be maintained with the watcher and the name, purpose and time of visit of all the visitors should be entered in the register.

(3) *Support/Facilities*—(a) the minimum support/facilities for psychiatric hospitals/psychiatric nursing homes, de-addiction centres, general hospital with psychiatry units/beds, forensic psychiatric units, child/adolescent psychiatric centre shall be as under:

(i) provision for emergency care for outpatients and for handling medical emergencies for outpatients and inpatients;

(ii) a well equipped electro convulsive therapy (optional);

(iii) psycho diagnostic facilities;

(iv) provision for recreational/rehabilitation activities; and

(v) facilities for regular outpatient care.

(b) rehabilitation centre or partial hospitalization units and long term care homes should have provision for recreational and rehabilitation facilities.

(4) *Provision for treating outpatients in Psychiatric Hospitals/Psychiatric Nursing Homes*—(a) As required by section 14 of the Act, all psychiatric hospitals/psychiatric nursing homes shall have outpatient session open at least for three hours per day for six days in a week. De-addiction centres and child/adolescent psychiatric centres shall have an outpatient session working for at least two hours twice in a week. Rehabilitation centres or partial psychiatric units should have two hour outpatient session once in a week.

(b) outpatient session shall be manned by a psychiatrist and the presence of a clinical psychologist/psychiatric social worker and nurse are to be ensured as far as possible.

(c) all admissions shall be made through the outpatient session as far as possible. When admissions are made outside of the outpatient session, the psychiatrist in charge shall record on the patient's case record, the reasons for resorting such a procedure.

(5) *Further amenities*—Further amenities for the patients shall be provided as per guide lines issued in this regard by the State Mental Health Authority from time to time.

23. *Revocation of Licence.*—(1) Where the licensing authority is satisfied that the licence of any psychiatric hospital or psychiatric nursing home is required to be revoked in pursuance of clause (a) or (b) of sub section (1) of section 11 of the Act, it may, after giving the licensee a reasonable opportunity of being heard against the proposed revocation, by order setting out the grounds therein, revoke the licence.

(2) Every order revoking the licence under sub-rule (1) shall be communicated to the licensee by registered post.

(3) A copy of the order shall also be conspicuously displayed in the notice board of the office of the licensing authority and in the psychiatric hospital/nursing home.

24. *Maintenance of Records.*—(1) The following registers shall be maintained in all psychiatric hospitals and psychiatric nursing homes and other mental health care institutions, namely:—

(i) an inventory of all physical facilities available in the institutions such as buildings, equipments etc.;

(ii) an establishment register showing details about various categories of personnel including their qualification, experience and service conditions;

(iii) outpatient register;

(iv) inpatient register;

(v) census register;

(vi) case records in standard format in form VI;

(vii) treatment register; and

(viii) further registers/records for different institutional settings shall also be maintained as per the directions issued in this regard by the Mental Health Authority.

(2) Every psychiatric care institution shall have a written booklet setting forth in detail, facilities and privileges available in the institutions in various areas like boarding, entertainment, occupational training, participation in religious pursuits etc. which are open to various categories of patients such as voluntary patients, compulsory admission patients and prisoner patients. A copy of the above said booklet should accompany the application for the renewal of the licence to the Authority.

(3) Every psychiatric care institution shall send a yearly report in triplicate to the Mental Health Authority before the end of January giving details of staff, average patients census for each month during the year, annual admissions, discharges and death. Other major events, if any, should also be included in the report.

CHAPTER VI
MISCELLANEOUS

25. *Admission and detention in Psychiatric Hospital/Psychiatric Nursing Home.*—(1) Application by Medical Officer in charge shall be as follows:—

(a) the application for reception order may be made by the Medical Officer in charge of psychiatric hospital or psychiatric nursing home in Form No. VII, or

(b) by husband, wife or any other relative of the mentally ill person in Form No. VIII.

(c) when request from the voluntary patient is received as per sections 15 and 16 of the Act, the medical officer in charge of the institution while making enquiry as per section 17 of the Act shall satisfy himself of the following, namely :—

(i) the person who seeks admission eventhough mentally ill is in a position to give a consent for the admission; and

(ii) admission to less restrictive kind of institutional set-up is not enough for the proper treatment and care of the person for whom admission is being sought.

(2) Application by husband or wife shall be as follows:—

(a) every application by husband or wife, relative or friends of a person who is alleged to be mentally ill shall be accompanied by necessary medical certificates.

(b) such application shall be signed either by the husband or wife or relative or friend as the case may be, and verified by two independent witnesses;

(c) the name, address, occupation and other details of all the applicants and the attesting witnesses shall be clearly given in such applications.

26. *The qualification and functions of the Visitors.*—(1) The qualification of the persons to be appointed as visitors under section 37 of the Act shall be either of the following:

(a) a degree in medicine with post graduate degree/diploma in psychiatry awarded by any University in India recognized by the Medical Council of India and having at least ten years standing in the profession, who have held/is holding the post of medical superintendent/professor in psychiatric hospital or psychiatric wing of the hospital; or

(b) Experiences as a social worker/clinical psychologist/psychiatric nurse connected with any mental hospital for a period of not less than ten years;

(c) one public person who is a member of international/service/welfare organization and or having a work record in the field of mental health for a minimum period of five years.

(2) The visitors appointed by the Government under section 37 of the Act shall be responsible for:

(a) review of admission and discharge of patients;

(b) inspection of wards, outpatient department and kitchen;

(c) facilities to be provided;

(d) suggestions for improvement; and

(e) functioning as liaison officer between the Government and the Hospital.

(3) They shall maintain confidentiality regarding information of the patients.

27. *Leave of Absence.*—Every application by relative or any other person on behalf of the patient for leave of absence under section 45 of the Act shall be made in Form No. IX.

28. *Interception of the letters and other communications addressed to the mentally ill persons.*— No letter or other communications addressed to a mentally ill person intended for delivery either through the postal department or otherwise shall be intercepted, detained or destroyed except under the following circumstances:—

(i) any letter or other communication intended for delivery to a mentally ill person shall be opened only if the person having the supervisory control over the hospital or nursing home is of the opinion that such letter or communication contains any information or material which if communicated to such person will be detrimental to his health; or

(ii) that the interception, detention or destruction of any letter or communication intended to be delivered to the mentally ill person is necessary in the public interest.

29. *The qualification and functions of Inspecting Officers.*—(1) The qualification of persons to be appointed as inspecting officers under section 13 of the Act shall be a degree in medicine with post graduate degree/diploma in psychiatry recognized by the Medical Council of India who is holding the post of psychiatrist in Government hospitals or who is holding teaching post in the psychiatric Department of Government Medical Colleges.

(2) The Inspecting Officers appointed under section 13 of the Act shall be responsible for:

(a) inspection of a psychiatric hospital/psychiatric nursing home/psychiatric care institutions as per the direction from the State Government, or from the Licensing Authority keeping strict confidentiality;

(b) inspection shall be done to verify facilities in an institution to sanction new licence or renew an existing license or revoke licence or to find out the position with regard to staff, infrastructure facilities and the quality of medical care in an institution.

(3) A pool of Inspecting Officers shall be appointed at state level.

30. *Protecting human rights of mentally ill persons.*— Research work using mentally ill person under treatment which are permitted as per sub-section (2) of section 81 of the Act, shall be conducted only after obtaining the permission of a properly constituted Ethical Committee in the Institution.

FORM I

(See rule 15)

Application for maintaining a Psychiatric hospital/Nursing home under sub-section (1) of section 7 of the Act.

To

The Licensing Authority

.....

Dear Sir/Madam,

I/We intend to establish/maintain a psychiatric hospital/psychiatric nursing home in respect of which I am/we are holding a valid licence for the establishment/maintenance of such hospital/nursing home. The details of the hospital/nursing home are given below:

1. Name of Applicant :
2. Details of licence with reference to the name of the Authority issuing the licence 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 :

Facilities provided :

- (a) Out-patient
- (b) Emergency services
- (c) In-patient facilities
- (d) Occupational and recreational facilities
- (e) ECT facilities
- (f) X-ray facilities
- (g) Psychological testing facilities

(h) Investigation and Laboratory facilities

(i) Treatment facilities

Staff pattern:

(a) Number of Doctors :

(b) Number of Nurses :

(c) Number of Attenders :

(d) Others :

I am sending herewith a bank draft for `.....drawn in favour of.....as licence fee.

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

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

Yours faithfully,

Place :

Signature :

Date :

Name :

FORM II
(See rule 15)

**Application to establish a Psychiatric hospital/Nursing home under
sub-section (2) of section 7 of the Act.**

To

The Licensing Authority

.....

.....

Dear Sir/Madam,

I/We intend to establish a psychiatric hospital/psychiatric nursing home at.....(mention place). I herewith give you the details:

1. Name of the applicant :
2. Qualification of medical officer to be in charge of nursing home/hospital (Certificate to be attached) :
3. Age :
4. Professional experiences 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 :

Facilities provided:

- (a) Outpatient
- (b) Emergency services
- (c) In-patient facilities
- (d) Occupational and recreational facilities
- (e) ECT facilities
- (f) X-ray facilities
- (g) Psychological testing facilities

(h) Investigation and Laboratory facilities

(i) Treatment facilities.

Staff pattern:

(a) Number of Doctors :

(b) Number of Nurses :

(c) Number of attenders :

(d) Others :

I am sending herewith a bank draft for `drawn in favour of as.....licence fee.

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

I request you to consider my application and grant the licence.

Yours faithfully,

Place :

Signature :

Date :

Name :

FORM III

(See rule 16)

GRANT OF LICENCE FOR ESTABLISHMENT/MAINTENANCE OF PSYCHIATRIC
HOSPITAL/NURSING HOME

I being the licensing authority under the Mental Health Act, 1987, after considering the application received under section 7 and satisfying the requirements provided for in section 8 and the other provisions of the Mental Health Act, 1987 (Central Act 14 of 1987) and the rules made thereunder, hereby grant the licence for establishment/maintenance of a psychiatric hospital or nursing home in favour of (the applicant).

(2) The licence shall be valid for the period commencing from..... and ending with The licence shall be subject to the conditions laid down in the Mental Health Act, 1987 (14 of 1987) and the rules made thereunder.

Licensing Authority

Place:

Date:

Seal

FORM IV
(See rule 18)

APPLICATION FOR RENEWAL OF LICENCE

From

Dr.
.....
.....

To

The Licensing Authority
.....
.....

Sir,

Subject:—Renewal for Licence No.dated.....

I request you to kindly renew my Licence No.datedfor the next 5 years. I am providing the facilities as prescribed by the Mental Health Act, 1987 and the Rules framed there under. I have herewith attached a demand draft for ` only.

Thanking you,

Yours faithfully,

Place :

Signature :

Date :

Name :

FORM V
(See rule 21)
APPLICATION FOR APPEAL

To

The Appellate Authority,
Government of
.....

Sir,

I, Dr.of.....had applied for a licence for establishing a psychiatric nursing home/hospital at.....(copy of the earlier application to be attached). My application was rejected by the licensing authority as per his/her letter No. datedwith the following:

- 1.
- 2.
- 3.

(copy enclosed)

The above reason (s) appear to be not valid. I request you to consider my application. My justifications are:

- 1.
- 2.
- 3.

I am willing to appear before you for a personal hearing. If necessary. I am herewith enclosing a draft for `

Thanking you,

Yours faithfully,

Place :

Signature :

Date :

Name :

FORM VII
(See rule 25)

APPLICATION FOR RECEPTION ORDER
(by medical officer in charge of a psychiatric hospital)

From

Dr.

To

* The Magistrate

.....

Sir,

Subject:—Reception order for.....son/daughter of

I, Dr.maintain psychiatric hospital/nursing home at.....
under Licence No.dated.....

I request you to issue reception order in respect of Shri/Smt.
.....son/daughter of.....who is being treated at my hospital as a
voluntary patient and is not willing to continue. He / She has the following symptoms and/or signs:

- 1.
- 2.
- 3.
- 4.
- 5.

He/She requires to be in the hospital for treatment/personal safety/others
protection.

Thanking you,

Yours faithfully,

Place:

Signature:

Date :

Name :

* Magistrate means:

1. In relation to a metropolitan area within the meaning of clause (k) of section 2 of the Code of Criminal Procedure, 1973, a Metropolitan Magistrate.
2. In relation to any other area, the Chief Judicial Magistrate, Sub-Divisional Judicial Magistrate or such other Judicial Magistrate of the first class as the State Government may, by notification, empower to perform the functions of Magistrate under this Act.

FORM VIII
(See rule 25)

APPLICATION FOR RECEPTION ORDER
(by relative or others)

To
.....
.....
.....

Sir,

Sub:—Admission of.....son/daughter of.....in to psychiatry hospital/nursing home as in-patient.

Ison/daughter ofresiding at.....request you kindly arrange for admission in respect of Shri/Smt.....aged.....years.....son/daughter of.....and inpatient to(name of the hospital) or any other hospital/nursing home. He/She has the following suggestive of mental illness.

- 1.
- 2.
- 3.
- 4.
- 5.

1. Who is (relationship) of Sri/Smt. have an incomeand agree to pay the charges of treatment, if any, according to the rules and also assure that I shall abide by the rules and regulations of the institution. I state that, I have/have not made any such regard to the mental conditions of.....as required, I herewith enclose the two medical certificates needed for the purpose.

Yours faithfully,

Signature :

Name in Capital letters :

Witness:

- 1. Name :
Address :
- 2. Occupation :
do.

FORM IX

(See rule 27)

APPLICATION FOR LEAVE OF ABSENCE

(by relatives or others)

To

Dr.

.....

Sir,

Sub:—Request for leave of absence of Shri/Smt. aged.....years
admitted onto your Institute.

I request that Shri/Smt.son/daughter ofbe delivered to my care
and custody on leave of absence.

I hereby bind myself that on the said Shri/Smt.being made over to my care and
custody. I will have him here/properly taken care of and prevent from doing injury to himself or to others.

Yours faithfully,

Place :

Signature:

Date :

Name :

By order of the Governor,

RAJEEV SADANANDAN,

*Principal Secretary to Government.***Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

By invoking the proviso to sub-section (2) of section 94 of the Mental Health Act, 1987 (14 of 1987), the Government of India have framed the State Mental Health Rules, 1990 applicable to all States. Sub-section (2) of the said section provides that the State Government, with the previous approval of the Central Government may, by notification, make Rules for carrying out the provisions of the Act. Now the State Government have decided to frame separate Rules to suit the needs of the State Government.

The notification is intended to achieve the above object.