



# TAMIL NADU GOVERNMENT GAZETTE

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## 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.*-(1) 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.*-(1) 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.*-(1) 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;

(h) adequate facilities should be provided for dining, recreation and entertainment;

(i) adequate facilities to ensure safety of the resident should be provided; and

(j) adequate facilities for occupational therapy should be provided.

21. *Facilities to be provided in training or work area.*—Wherever training or work is provided as a rehabilitative measure in a psychiatric rehabilitation centre, the following conditions shall apply :-

(a) each inmate shall be provided with adequate working area and adequate materials to work with;

(b) the training or work shall not be of a demeaning kind and its main aim should be help the inmate to regain mental balance;

(c) the training or work shall be simple and safe;

(d) any surplus funds generated after meeting the manufacturing cost should be used for the welfare activities of the institution;

(e) the inmates should be paid adequately for the work turned out by them.

22. *Staff in psychiatric rehabilitation centres.*—The requirement of staff in a psychiatric rehabilitation centre shall be as follows:— (a) a psychiatrist shall be on hospital duty for at least two half day sessions in a week and he will be available on call to attend to any emergencies;

(b) there shall be a full-time social worker or Psychologist for every fifty persons and one attendant for every ten persons being serviced by the psychiatric rehabilitation centre;

(c) where a psychiatric rehabilitation centre provides only day care facilities or half way home there shall be a psychiatrist on call to attend to any emergencies.

## CHAPTER V

### ORGANISATION AND CONDUCT OF REHABILITATION WORK.

23. *Services of social worker or Psychologist.*—On admission to a psychiatric rehabilitation centre, each mentally ill person shall be attached to a social worker or psychologist who will be in charge of rehabilitating such mentally ill person.

24. *Monitoring of Medication.*—Attendants on duty shall look after the personal needs of mentally ill persons admitted in any of the psychiatric rehabilitation centres and also ensure that they shall take the prescribed medicines.

25. *Free Movement of inmates.*—The mentally ill persons admitted in a psychiatric rehabilitation centre shall not be chained or fettered so as to curtail their freedom of movement. This does not prohibit the temporary restraining of a person from causing harm to himself or to others. However if the violence does not abate or the person tends to be violent often, he shall be referred to a psychiatric hospital or a psychiatric nursing home following the procedure laid down in the Mental Health Act, 1987.

26. *Maintenance of case record.*—The social worker or the psychologist to whom a mentally ill person is attached shall maintain a case record for such mentally ill person in which the details relating to the nature of the person's disability, the administration of prescribed medicines, the details of the occupational and recreational therapy provided, the progress being made by the person and abnormal behaviour if any, may be recorded.

27. *Periodic health checkup.*—Periodic health checkup should be carried out to all inmates once in six months and physical illness should be attended to immediately.

28. *Maintenance of registers.*—The following registers shall be maintained in all the psychiatric rehabilitation centres :-

(a) an inventory of all facilities available in the institution such as plan of the buildings, equipments, etc ;

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

(c) census/nominal registers;

(d) treatment registers;

(e) injury and death register; (f) nominal register;

(g) patient weight chart;

(h) dangerously ill and seriously ill patients chart; and

(i) escape or injury charts.

## CHAPTER VI.

## INSPECTION OF PSYCHIATRIC REHABILITATION CENTRE

29. *Procedure for inspection.*- The competent authority may enter and inspect the psychiatric rehabilitation centre and require the production of any records, which are required to be kept in accordance with these rules for inspection:

Provided that any personal records of a patient so inspected shall be kept confidential.

(2) The competent authority may interview any mentally ill persons receiving treatment and care in the psychiatric rehabilitation centre,-

(a) for the purpose of inquiring into any complaint made by or on behalf of such mentally ill persons as to the treatment and care;

(b) in any case, where the competent authority has reason to believe that any mentally ill person is not receiving proper treatment and care.

(3) Where the competent authority is satisfied that any mentally ill person in a psychiatric rehabilitation centre is not receiving proper care, the competent authority may issue such direction as it may deem fit to the person in charge of the psychiatric rehabilitation centre and every such person in charge shall be bound to comply with such directions.

C.K. GARIYALI,  
*Secretary to Government.*

## APPLICATION TO ESTABLISH A PSYCHIATRIC REHABILITATION CENTRE.

FORM - I  
(see rule 3 )

1. Name of the Applicant Organisation :
2. Address and Phone Number  
Fax, e-Mail. :
3. Applicant is :
  - (a) An Organisation registered under the Societies Registration Act, 1860 (Act XXI of 1860) :
  - (b) A Public Trust registered under any Law for the time being in force :
  - (c) Indian Red Cross Society or its branches. :
  - (d) Company registered under Section 25 of the Companies Act, 1956 :
4. Probable date of establishment of the proposed Rehabilitation Centre. :
5. Nature of the service provided (Please indicate precisely whether it is a day care centre or a Residential Home or a training Psychiatric Rehabilitation Home or a workshop for the mentally ill persons.) :
6. Brief history of the Organisation and of its objects and activities. :
7. Whether the Organisation is of an All India Character, if so, give nature of its All India activities. :
8. Whether located in its own / rented building. :
9. Number of beneficiaries to be admitted in the Centre. :

10. Likely dates of commencement and completion of project :
11. Whether the project is likely to be assisted by some other official or non-official source :
12. (a) Whether necessary building is available. If so, give details. (Please indicate the location, enclose structural stability certificate from the competent authority, etc.):
- (b) Specify the area of the building :
- (c) Whether sufficient building is available :
13. (a) Whether trained staff and other suitable facilities for undertaking the project are available. If so, give details :
- (b) No. of Attendant provided : Male: Female: Total:
- (c) Whether Social Worker / Psychologist is working :
- (d) In case new staff is to be appointed, give details of the qualifications, academic professional and experience prescribed for the purpose :
- (e) List of the employees working in the Organisation with Sl.No. / Name / Designation / Qualfn. / Salary :
14. List of papers / statements to be attached :
- (a) Prospectus or a brief descriptive note giving aims and objects / activities of the Organisation :
- (b) Constitution of the Organisation :
- (c) Constitution of the Board of Management with particulars of each Member :
- (d) Latest available annual report :
- (e) A statement giving details (year, purpose, amounts, etc.) of assistance received during the last five years from the Central / State Government, Central Social Welfare Board, Local Bodies or any other Quasi-Government Psychiatric Rehabilitation Home including requests made thereof to anyone of those or any other Organisation for the projects under Consideration or for any other project :
- (f) A Statement giving item-wise and year-wise details of estimated recurring and non-recurring expenditure on the project for three years :
- (g) A statement indicating the equipments, apparatus, furniture, library books, etc. (by number of details whichever is possible) already available :
15. List of additional papers, if any :
16. List of additional information, if any :

Place:

Date:

*Signature of the Applicant.*

FORM - II  
(see rule 5)

**CERTIFICATE OF REGISTRATION**

This Certificate of Registration is awarded to ..... Psychiatric Rehabilitation Centre *vide* S.No. .... /2002 under rule 5 of the Tamil Nadu Registration of Psychiatric Rehabilitation Centres of Mentally Ill Persons Rules, 2002.

The registration is valid for the period commencing from ..... and ending with ..... The registration shall be subjected to the conditions laid down in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the Tamil Nadu Registration of Psychiatric Rehabilitation Centres of Mentally Ill Persons Rules, 2002.

Place : ..... (State Commissioner for the Disabled.)

Date :

FORM - III  
(see rule 6)

The State Commissioner for the Disabled, Chennai-4 , the competent authority to grant a certificate of registration under the rule 5 of the Tamil Nadu Registration of Psychiatric Rehabilitation Centres of Mentally Ill Persons Rules, 2002, after considering the application received from ..... as per the Tamil Nadu Registration of Psychiatric Rehabilitation Centres of Mentally Ill Persons Rules, 2002 concludes that the applicant does not merit a certificate of registration due to the following reasons:-

- 1.
- 2.
- 3.

Hence the application is rejected.

The applicant may appeal against this order to the State Government within 30 days from the date of receipt of this Order.

The order of the State Government will be final.

\*Where no appeal has been preferred, immediately on the expiry of 30 days the Psychiatric Rehabilitation Centre will cease to function and a separate order will be issued regarding the arrangements to be made for the residents of the existing Psychiatric Rehabilitation Centre.

\*applicable in the case of existing centre.

C.K. GARIYALI,  
*Secretary to Government.*