

**DRAFT ‘DELHI SUBSTANCE USE DISORDER TREATMENT, COUNSELING
AND REHABILITATION CENTRES RULES, 2018’**

**GOVT OF NCT OF DELHI
HEALTH AND FAMILY WELFARE DEPARTMENT**

NOTIFICATION

Delhi, the, 2018

No. F. - In exercise of the powers conferred by Section 78 and sub-section(1) read with sub-section (2) of Section 71 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central act 61 of 1985), the Lieutenant Governor of Delhi hereby makes the following rules for establishment, appointment, maintenance, management, superintendence of centres, for appointment, training, powers and duties of personnel deployed in such centres and for identification, treatment, education aftercare, rehabilitation, social integration of addicts and for supply of narcotics drugs and psychotropic substances to the addicts, namely :-

1. These rules may be called the ‘Delhi Substance Use Disorder Treatment, Counseling and Rehabilitation Centres Rules, 2018’. They shall come into force on and with effect from the date of their publication in the Official Gazette.

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

- i. “Act” means the Narcotic Drugs and Psychotropic Substances Act,1985;
- ii. “Appellate Authority” means the Chairman of the State Level Committee;
- iii. “Centres” means the centres established under sub-section (1) of section 71 of the Act;
- iv. “Deaddiction Centre” means a centre established under sub-section (1) of section 71 of the Act for treatment and care of persons who are addicted to alcohol or other drugs with 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 addicted to alcohol or other drugs, which lead to behavioural changes in a person;
- v. “District Level Committee” means the Committee constituted under rule 12 of these rules;
- vi. “Form” means a form appended to these rules;
- vii. “Government” means the Government of the NCT of Delhi in the Department of Health and Family Welfare;
- viii. “Licensing Authority” means the Licensing Authority constituted under rule 8 of these rules;
- ix. “State Level Committee” means the State Level Committee constituted under of rule 3 of these rules and

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

3. (1) There shall be a State Level Committee, comprising of the following :-

- i. Pr. Secretary/ Secretary (Health & Family Welfare),
Govt of National Capital Territory of Delhi - Chairperson
- ii. Pr. Secretary/Secretary (Social Welfare /Women & Child Development),

Govt of National Capital Territory of Delhi	- Official Member
iii. Pr. Secretary/Secretary (Education), Govt of National Capital Territory of Delhi	- Official Member
iv. Director Health Services, Govt of National Capital Territory of Delhi	- Member Secretary
v. Director (Social Welfare), Govt of National Capital Territory of Delhi	- Official Member
vi. Director (Women & Child Development), Govt of National Capital Territory of Delhi	- Official Member
vii. Director (Education), Govt of National Capital Territory of Delhi	- Official Member
viii. Drugs Controller, Govt of National Capital Territory of Delhi	- Official Member
ix. Director, Institute of Human Behaviour and Allied Sciences	- Official Member
x. Head of Department of Psychiatry, GIPMER	- Official Member
xi. Head of Department of Psychiatry, Deen Dayal Upadhyay Hospital	- Official Member
xii. Representative of Delhi Legal Services Authority	- Official Member

Non-Official Members

- xiii. Representative of Regional Resource Training Centre (RRTC) of MSJE, GOI
- xiv. Two representatives of existing NGOs working in the field of Deaddiction in Delhi.

(2) The Committee may co-opt any additional members for a meeting who have special qualifications and experience in the field of Deaddiction in Delhi for giving their expert advice to the Committee.

4. The State Level Committee shall:

- (i) act as supervisory and facilitatory body with regard to treatment of substance use disorder patients and their rehabilitation;
- (ii) frame guidelines for the licensing and registering authority to grant licenses for operation of centres;
- (iii) ensure effective implementation of minimum standards of care in the centres as laid down by the Government of India or any Statutory Body or this Committee from time to time;
- (iv) help and guide to establish a collaborating treatment network amongst the centres and Government and Non-Governmental Health Care Facilities, conduct training programmes for the personnel, deployed in centres;
- (v) undertake any other activity for the promotion of welfare and rehabilitation of addicts; and
- (vi) function as the Appellate Authority against decisions of the Licensing authority.

5. **Disqualifications:** No person shall be appointed as a member of State Level Committee, if he/she,

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

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

for re-appointment.

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

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

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

(5) After expiry of term, the member may be allowed till the new member is appointed.

7. **Requirement for license**—No drug de-addiction centre in the National Capital Territory of Delhi shall be allowed to operate, unless it has obtained license from the licensing authority:

Provided that the drug de-addiction centres, which already exist before coming into force of these Rules, shall have to apply for a license under these rules within a period of six months from the date of commencement of these rules, failing which, it shall not be allowed to operate.

8. **Licensing Authority-** (1) There shall be constituted a Licensing Authority to issue license for the purpose of these rules.

(2) The Licensing Authority, constituted under sub-rule (1), shall be the Director Health Services, Government of National Capital Territory of Delhi.

9. **Functions of the Licensing Authority**—The functions of Licensing Authority shall be to-

- (i) Issue and renew licenses for the operation of Centres ;
- (ii) Investigate complaints against Centres ;
- (iii) Monitor, supervise and evaluate functioning of Centres ;
- (iv) Ensure minimum standards of care in the Centres as per guidelines issued by the Ministry of Social Justice & Empowerment, Government of India (Nodal Ministry for Drug Demand Reduction) Government of India from time to time available at the website of Ministry of Social Justice and Empowerment, Government of India;
- (v) Implement and monitor the guidelines issued by the State Level Committee for setting up and functioning of the Centres;
- (vi) Carry out periodic inspections of the Centres and in case of any violation initiate punitive proceedings against them and
- (vii) Maintain records in the form as specified in the minimum standards of care of Ministry of Social Justice and Empowerment, Government of India.

10. **Procedure for issuing licenses** – (1) An application shall be submitted to the Licensing Authority by the person intending to obtain a license for establishing a Centre in Form-I along with a fee in the shape of Demand Draft of Rs. 500/- payable in favor of Director Health Services, GNCT of Delhi or through online mode of payment.

- (2) For every Centre, a license shall have to be obtained separately.
- (3) Before issuing a license, the Licensing Authority shall get the Centre in question inspected from the District Level Committee giving 30 days time to inspect and satisfy itself about the arrangements and infrastructure available in the Centre.
- (4) The report of District Level Committee shall be forwarded to Licensing authority for

necessary action as per recommendations of Committee.

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

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

- (6) A license issued under these rules, shall be valid for a period of three years from the date of its issuance, unless suspended, revoked and cancelled by the Licensing Authority.
- (7) If the Licensing Authority, after receiving the report of the District Level Committee, is not satisfied that the license should be issued, it may refuse to issue license to the applicant:

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

- (8) In case a person or organization is refused license, intimation in this regard shall be given to him by the Licensing Authority in writing.
- (9) The aggrieved person may prefer an appeal against such refusal to the Appellate Authority within a period of thirty days from the date of receipt of intimation of such refusal in Form IV along with a fee of five hundred rupees in the shape of demand draft payable in favour of the Director Health Services, Government of National Capital Territory of Delhi at Delhi, or through online mode of payment.
- (10) The Licensee may get the license renewed before the expiry of a period of three years from the date of its issuance by making an application to the Licensing Authority in Form-II along-with a fee in the shape of Demand Draft of five hundred rupees payable in favour of the Director Health Services, Government of National Capital Territory of Delhi or through online mode of payment.
- (11) In case, the licensee fails to get the license renewed before the expiry of the specified period of license, then the Centre in question shall be deemed to have been closed.
- (12) The centres established by Government of NCT of Delhi or autonomous bodies /NGOs funded by Government of NCT of Delhi or Central Government or autonomous bodies/NGOs funded by Central Government or Local Bodies of Delhi (Municipal Corporations/ Councils/ Cantonment Board) shall be allowed to operate and exempted from getting the license. However, these centres shall have to get themselves registered with the Licensing Authority and have to submit reports on prescribed format regularly.
- (13) The Psychiatric Nursing Homes or Hospitals which are holding license under The Mental Healthcare Act, 2017 (10 of 2017) and are providing treatment and care to Substance dependents shall also be exempted from obtaining license. They shall be governed under the provisions of The Mental Healthcare Act, 2017. However, they shall have to get themselves registered with the Licensing Authority as per Form-III within a period of three months from the date of commencement of these rules and they will submit data on Substance Disorder cases on the proforma, prescribed by the World Health Organization for the purpose of consolidation of data on Substance Use Disorders in the State to State Mental Health Authority.

11. **Cancellation of License** – (1) The Licensing Authority may cancel the License if on inspection of the centre, it is found that the Centre is not adhering to the minimum standards of care as specified in rule 14 or on receipt of any report of violation of the human rights from the District Level Committee.

- (2) On receipt of report from the District Level Committee of any deficiency in the minimum standards of care; or violation of human rights in a Centre, the Licensing Authority may suspend the license and may initiate inquiry within a period of thirty days from the date of such suspension.
 - (3) Such Centre shall be given an opportunity of being heard by the Inquiry Committee/ District level Committee as constituted by the Licensing Authority. The Committee shall submit its report within a period of one month to the Licensing Authority.
 - (4) On receipt of the report from the Inquiry Committee/District level Committee, the Licensing Authority shall take decision thereon.
 - (5) If no inquiry is initiated or completed or inquiry report is pending without any decision within forty-five days from the date of the suspension of license, the suspension shall stand automatically revoked.
 - (6) The aggrieved person may prefer an appeal against the cancellation of license to the Appellate Authority within a period of thirty days from the date of intimation of such cancellation in the Form-IV along with a fee of Five hundred rupees in the shape of demand draft payable in favour of Director Health Services, GNCT of Delhi or through online mode.
12. **District Level Committee**—(1) There shall be constituted District Level Committee proposed to have the following constitution:
- (i) Deputy Commissioner or his nominee (not below the rank of Additional District Magistrate) : Chairperson
 - (ii) Chief District Medical Officer of the district or his nominee : Member Secretary
 - (iii) Psychiatrist of Government Hospital of the District : Member
 - (iv) District Social Welfare Officer : Member
 - (v) One representatives of the NGOs in the district working in drug de-addiction field (to be nominated by District Social Welfare Officer of the district) : Member
13. **Functions of the District Level Committee** - The functions of the District Level Committee shall be to—
- (i) Periodically monitor, supervise and evaluate the functioning of the Centres in the district in accordance with the conditions of the license and guidelines framed by State Level Committee or Licensing Authority from time to time;
 - (ii) Ensure that every Centre has a valid license;
 - (iii) Maintain the record in the form prescribed by the State Level Committee from time to time; and
 - (iv) Investigate any complaint received against any centre as Inquiry Committee.
14. **Minimum standards**—The Centre shall maintain the minimum standards of care prescribed by Ministry of Social justice and Empowerment, Government of India.
15. **Admission** : Admission to the Centre shall be made only with informed consent of the patient, after discussing risks, benefits and alternatives of the rehabilitation services, to be recorded in writing. A copy of the Consent Form shall be provided to the patient. The patient shall have the right to refuse and discontinue treatment at any time.
16. **Undertaking** : Each centre shall give an undertaking to the effect that -
- a. it shall protect the human rights of the admitted patients as per the Universal Human Rights and that it will not engage the following activities with the patients i.e. solitary confinement, forced labour, punishment, beating, psychological torture, chaining, or locking up,

- b. it shall abide by the provisions of Juvenile Justice act,
- c. it shall abide by all other applicable rules and guidelines as may be applicable to the operation of the deaddiction centres.

FORM-I**APPLICATION FOR REGISTRATION/LICENSE**

From:

To

Director Health Services
Govt of National Capital Territory of Delhi

Subject—Application for Registration/License of

- (a) Establishment of Substance Use Disorder Centre, at
- (b) Establishment of Substance Use Disorder Counseling Rehabilitation Centre, at

Sir,

I request you kindly to issue me Registration/License for the period of for the above said institution. I am providing the facilities as prescribed by the Act and the rules framed there under. I have attached herewith a Demand Draft for Rs..... bearing No. dated.....

I hereby give an undertaking to the effect that :

- i. The Centre shall protect the human rights of the admitted patients and shall not engage in the activities adversely affecting the patients such as solitary confinement, forced labour, punishment, beating, psychological torture, chaining or locked up. The patient's liberty shall be protected at all time;
- ii. The Centre shall allow private interaction with family and provide communication to the patients under supervision of the authorized person of the centre;
- iii. The Centre will ensure confidentially of medical and counseling records of the patient, except from the caregivers and under judicial orders;
- iv. The Centre shall abide by the provisions of Juvenile Justice Act;
- v. The Centre shall abide by all other applicable rules and guidelines as may be applicable to the operation of the deaddiction centres such as Biomedical Waste Management Rules, labour Laws, Drugs & Cosmetics rules 1940, NDPS Act 1985, Fire safety, Municipal byelaws etc. and comply to the statutory /legal requirements.

Yours faithfully,

Signatures

Place

Dated:

List of Enclosures/Checklist

- | | |
|---|--------|
| 1. Duly filled application form No I (Fresh) /II (Renewal) as per rules | Yes/No |
| 2. Proof of payment of requisite fee of Rs.500/- or valid DD of requisite fee | Yes/No |
| 3. Details of applicant : | |

- | | |
|--|--------|
| ○ Individual or by partners -undertaking of sole proprietorship or Partnership deed | Yes/No |
| ○ Society/Trust - Registration Certificate of Society/ Trust with Memorandum and Article of Association with list of member/trustees along with aims & objectives of Society/ Trust | Yes/No |
| ○ Private Limited Company - Registration with office of company affairs, with list of Director/Promoters, Agreement/MOU and other relevant documents | Yes/No |
| 4. PAN Card of Applicant: Individual/ Proprietorship Firm/ Trust/ Society/ Pvt. Ltd Company | Yes/No |
| 5. ID proof (Aadhaar, PAN and address proof) of the authorized signatory for signing the application and proof of address of the person signing the application | Yes/No |
| 6. Copy of authorization/decision authorizing the signatory for signing/ submitting the application for registration | Yes/No |
| 7. Document regarding the Land/Property on which the centre is functioning: Allotment letter, lease deed, sale deed, possession letters, or Lease agreement, If rented premises, copy of rent deed with duration | Yes/No |
| 8. Lay out plan and floor wise Blue Print with room dimensions of the building of the Centre | Yes/No |
| 9. List of Staff/ Human Resources for compliance to MSJE norms | Yes/No |
| 10. Information regarding Schedule of charges of the centre which should be displayed on the Reception and undertaking that the same shall not be changed without prior intimation to the authority | Yes/No |
| 11. Details regarding Ambulance Services and Emergency Medical Care service arrangements | Yes/No |
| 12. Undertaking with regards to complying to other applicable rules such as Juvenile Justice Act, Biomedical waste Management Rules, Medical/Nursing Care, Drugs & Cosmetics rules, NDPS Act 1985, Fire safety, Municipal byelaws, and any other statutory /legal requirements | Yes/No |

FORM-II**APPLICATION FOR RENEWAL OF REGISTRATION/LICENSE**

From:

To

The Director Health Services,
Govt of NCT of Delhi

Subject: Renewal of Registration/License No. dated of
 (a) Renewal of License of Substance Use Treatment Centre at

 (b) Renewal of License of Substance Use Disorder Counseling and
 Rehabilitation Centre at

Sir,

I request you to kindly renew my Registration/License No. Dated for the next three years from to for the above said institution. I am providing the facilities as prescribed by the Act and the rules framed there under. I have attached herewith a Demand Draft for Rs. 500/- bearing No. ... dated...../receipt of payment done online.

Yours faithfully,

Signatures

Place :

Dated :

List of Enclosures/Check List:

- | | |
|--|--------|
| 1. Duly filled application form No I (Fresh) /II (Renewal) as per rules | Yes/No |
| 2. Proof of payment of requisite fee of Rs.500/- or valid DD of requisite fee | Yes/No |
| 3. Details of applicant : | |
| o Individual or by partners -undertaking of sole proprietorship or Partnership deed | Yes/No |
| o Society/Trust - Registration Certificate of Society/ Trust with Memorandum and Article of Association with list of member/trustees along with aims & objectives of Society/ Trust | Yes/No |
| o Private Limited Company - Registration with office of company affairs, with list of Director/Promoters, Agreement/MOU and other relevant documents | Yes/No |
| 4. PAN Card of Applicant: Individual/ Proprietorship Firm/ Trust/ Society/ Pvt. Ltd Company | Yes/No |
| 5. ID proof (Aadhaar, PAN and address proof) of the authorized signatory for signing the application and proof of address of the person signing the application | Yes/No |
| 6. Copy of authorization/decision authorizing the signatory for signing/ submitting the application for registration | Yes/No |
| 7. Document regarding the Land/Property on which the centre is functioning: Allotment letter, lease deed, sale deed, possession letters, or Lease agreement, If rented premises, copy of rent deed with duration | Yes/No |
| 8. Lay out plan and floor wise Blue Print with room dimensions of the building of the Centre | Yes/No |
| 9. List of Staff/ Human Resources for compliance to MSJE norms | Yes/No |

- | | |
|--|--------|
| 10. Information regarding Schedule of charges of the centre which should be displayed on the Reception and undertaking that the same shall not be changed without prior intimation to the authority | Yes/No |
| 11. Details regarding Ambulance Services and Emergency Medical Care service arrangements | Yes/No |
| 12. Undertaking with regards to complying to other applicable rules such as Juvenile Justice Act, Biomedical waste Management Rules, Medical/Nursing Care, Drugs & Cosmetics rules, NDPS Act 1985, Fire safety, Municipal byelaws, and any other statutory /legal requirements | Yes/No |
| 13. Copy of last registration certificate in case of renewal | Yes/No |

FORM-III

LICENSE/RENEWAL /REGISTRATION CERTIFICATE

I,, Director Health Services, Govt of National Capital Territory of Delhi being the Licensing Authority of Government of National Capital Territory of Delhi under Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act No. 61 of 1985), after satisfying the requirement of the Substance Use Disorder Treatment Centres/ Rehabilitation, hereby grant the Registration certificate/licensee for the

- (a) Establishment/maintenance of Substance Use Disorder Treatment Centre at.....
- (b) Establishment/Maintenance of Substance Use Disorder Counseling/ Rehabilitation Centre at.....

2. The Registration Certificate/License shall be valid for a period of three years, commencing fromand ending with.....

The registration shall be subject to the conditions laid down in the Narcotic Drugs and Psychotropic Substances Act 1985 and the rules made there under.

Licensing Authority

Place :
Date :

Director Health Services
Govt of NCT of Delhi

FORM-IV APPLICATION FOR APPEAL

To

The Appellate Authority
State Level Committee
Govt of National Capital Territory of Delhi

Sir,

Iofhad applied for a Registration/License for establishing the Substance Use Disorder Treatment/ Rehabilitation Centre. (Copy of the earlier application is to be attached). My application was rejected by the Authority vide its letter No. dated..... for the following reasons:

.....
.....
.....
..... (Copy enclosed)

The aforesaid reasons for refusal/cancellation of registration are not valid. You are, therefore, requested to reconsider my application for registration on the following grounds namely :

- 1.
- 2.
- 3.

I am willing to appear before you for a personal hearing, if necessary. I am enclosing herewith a draft for Rs, 500 bearing No. dated.....

Yours faithfully,

Place :
Dated:

Signatures