

**Notification**  
**Srinagar, the 13<sup>th</sup> September, 2023**

**S.O.469** .-In exercise of the powers conferred by the sub-section (2) of section 121 of the Mental Healthcare Act, 2017 (10 of 2017), the Lieutenant Governor, UT of Jammu and Kashmir, makes the following rules namely:-

**CHAPTER-I**

**PRELIMINARY**

**1. Short title, extent and commencement.** - (1) these rules may be called the Jammu and Kashmir Mental Healthcare (Mental Health Authority) Rules, 2023.

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

**2. Definitions.**- In these rules; unless the context otherwise requires-

- (a) "**Act**" means the Mental Healthcare Act, 2017;
- (b) "**Board**" means the Mental Health Review Board constituted by the Mental Health Authority of Union territory of Jammu and Kashmir;
- (c) "**Department**" means the Health and Medical Education Department, Jammu and Kashmir
- (d) "**Form**" means a form appended to these rules;
- (e) "**Government**" means the Government Union territory of Jammu and Kashmir.

- (f) **"Mental Health Authority"** means the Mental Health Authority of Union Territory of Jammu and Kashmir.
- (g) **"Non-official member"** means a member of the Jammu and Kashmir Mental Health Authority nominated under clauses (g) to (n) of sub-section (1) of section 46 of the Act;
- (h) **"Rules"** means rules of the J&K Mental Health care (Mental Health Authority) rules;
- (i) **"Section"** means section of the Act; and
- (j) **"Union Territory"** means the Union Territory of Jammu and Kashmir.
- (2) Words and expressions used in these rules which are not defined therein, but are defined in the Act, shall have their respective meaning as assigned to them in the Act.

## CHAPTER II

### J&K MENTAL HEALTH AUTHORITY

**3. Norms for selection of non-official members of Mental Health Authority-** A person shall not be selected as a non-official member of Mental Health 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 clause (f) sub section (1) of sec 46 of the Act.

**4. Invitation of application for the posts of non-official members of Mental Health Authority:** A vacancy for the post of non-official member of the Mental Health 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 Union Territory and the advertisement shall also be made available on the website of the Department of Health and Medical Education, Government of Union Territory of Jammu and Kashmir.

**5. Selection Committee for nomination of non-official members of Mental Health Authority:-** The Selection Committee for nomination of non-official members of the Mental Health Authority shall consist of the following:

- (a) Chairperson, who shall be the Chairperson of the Mental Health Authority of Union Territory of Jammu and Kashmir;
- (b) The Head of Department of Psychiatry, Government Medical College, Srinagar; The Head of Department of Psychiatry Government Medical College, Jammu; and
- (c) Mission Director, National Health Mission, J&K.

**6. Procedure for nomination of non-official members of Mental Health Authority:-**

(1) The Selection Committee constituted under rule 5 (above) shall consider all applications received by the Department and scrutinize such applications which fulfill the requirements of section 46 of the Act and rule 3 of these rules.

(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 Mental Health Authority:

Provided that in case of persons to be nominated under clauses (l), (m) and (n) of sub-section (1) of section 46 of the Act, preference shall be given to the persons with ten years of experience in dealing with persons with mental illness.

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

**7. Terms of office and allowances of non-official members of Mental Health Authority:-**

(1) Every non-official member nominated under rule 6 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 Mental Health Authority shall be entitled to sitting allowance, travelling allowance, daily allowance and such other allowances as are applicable to non-official members of similar commissions/committees of the Union Territories of Jammu and Kashmir.

**8. Furnishing of Information-** The Government may call for information concerning the activities of the Mental Health Authority or the Mental Health Review Boards periodically or as and when required by it, which shall be furnished in **Form-A**.

**9. Chief Executive Officer: -**

(1) The Mission Director, National Health Mission, J&K shall be the Chief Executive Officer of the Mental Health Authority.

(2) The Government shall nominate senior MBBS doctor with Masters in Health Administration/ Masters in Hospital Administration as Medical Advisor to Chief Executive Officer of the Mental Health Authority for the purpose of carrying out the various activities under the Act in the Union Territory.

(3) The Mental Health Authority with the approval of Government shall determine the number, nature and categories of the officers and employees required by Mental Health Authority of Union Territory of Jammu and Kashmir in the discharge of its functions.

**CHAPTER III**

**PROVISIONAL REGISTRATION OF MENTAL HEALTH ESTABLISHMENTS (MHE) BY MENTAL HEALTH AUTHORITY OF UNION TERRITORY OF JAMMU AND KASHMIR.**

**10. Procedure for provisional registration of mental health establishments –**

(1) Every mental health establishment in the Union Territory, except the mental health establishment under the Control of the Central Government, shall be registered with the Mental Health Authority of Union Territory of Jammu and Kashmir.

(2) Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the Mental Health Authority of Union Territory of Jammu and Kashmir in **Form-B**, containing details as specified therein, along with a fee of rupees twenty thousand (Rs. 20,000/-) by way of a demand draft drawn in favour of the Chairperson, Mental Health Authority of Union Territory of Jammu and Kashmir payable at the place where the Mental Health Authority of Union Territory of Jammu and Kashmir is situated.

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

**11. Validity and renewal of certificate of registration -**

The provisional registration certificate granted under sub-rule (3) of rule 10 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 and in case application is not made within the specified period, the mental health establishment concerned shall be liable to pay renewal fee of rupees five thousand by way of a demand draft drawn in favour of the Chairperson, Mental Health Authority of Union Territory of Jammu and Kashmir payable at the place where the Mental Health Authority is situated.

**12. Issue of duplicate certificate -** Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the Mental Health Authority issue a duplicate certificate on an application made by such establishment along with a fee of rupees two thousand (Rs 2000/-) by way of a demand draft drawn in favor of the Chairperson, Mental Health Authority of Union Territory of Jammu and Kashmir payable at the place where the Mental Health Authority of Union Territory of Jammu and Kashmir is situated.

### **13. Maintenance of digital register-**

(1) A category-wise register in "**Form-D**" of all registered mental health establishments shall be maintained by the Mental Health Authority of Union Territory of Jammu and Kashmir in digital format in accordance with the provisions of section 71 and 55 of the Act.

(2) A category-wise register in "**Form-E**" of clinical psychologist, mental health nurses, and psychiatric social workers as mental health professionals shall be maintained by the Mental Health Authority in digital format in accordance with the provisions of section 55 (1), (d) of the Act.

## **CHAPTER IV**

### **FINANCE, ACCOUNTS AND AUDIT**

#### **14. Accounts and Audit of Mental Health Authority:-**

(1) The Mental Health 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 of every 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 Mental Health Authority by the officer in-charge of accounts and the Chief Executive Officer..

#### **15. Annual Report of the Mental Health Authority:-**

(1) The Mental Health Authority shall prepare its annual report in "**Form-F**" and forward it to the Government within nine months from the end of the financial year for being laid before the Legislature of Union Territory.

(2) The annual report shall give a full account of the activities of the Mental Health 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.

## CHAPTER V

### AUDIT, INSPECTION AND ENQUIRY OF MENTAL HEALTH ESTABLISHMENTS

#### **16. Audit of mental health establishments: -**

(1). The Mental Health Authority shall, for the purpose of conducting audit of registered mental health establishments in the Union Territory, 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 Deputy Commissioner of the district where the mental health establishment is situated;
- (b) a representative of the Human Rights Commission of the Union Territory of Jammu and Kashmir 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 Mental Health Authority shall charge a fee of



rupees five thousand by way of a demand draft drawn in favour of the Chairperson, Mental Health Authority of Union Territory of Jammu and Kashmir payable at the place where the Authority is situated.

### **17. Inspection and inquiry of mental health establishments-**

(1) The Mental Health 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 a non-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 Deputy Commissioner of the district where the mental health establishment is situated.

(2) The Mental Health 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 contravening any of the provisions of the Act or the rules and regulations made there under, shall have the power to enter and search such mental health establishment.

(3) The mental health establishment upon search may be directed to produce the documents relating to its registration and it shall be obligatory on the part of the mental health establishment to, produce such documents in original.



(4) A written report of the findings of such search conducted under sub-rule (3) shall be submitted to the Chairperson of the Mental Health Authority within two days.

(5) The Chairperson of the Mental Health 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.

## **CHAPTER-VI**

### **MAINTENANCE OF ONLINE REGISTERS**

#### **18. Online registers:**

(1) The Mental Health Authority shall issue periodic regulations or notifications with regards to creating and operating online register of mental health professionals, advanced directives, mental health establishment etc. by taking into account prevailing laws, standards, guidelines, standard operating procedures, rules and regulations for such online databases or portal from time to time.

(2) All Mental health establishments and Mental health professionals shall abide by the rules for maintenance of online registers.

**By Order of the Lieutenant Governor.**

**Sd/-**

**(Bhupinder Kumar)IAS,**

Secretary to the Government,  
Health & Medical Education Department.

**No:- HD-NHM/63/2022-02**

**Dated:13.09.2023**

Copy to the:-

1. All Financial Commissioners (Additional Chief Secretaries).
2. Director General of Police, J&K.
3. Director General, J&K Institute of Management, Public Administration and Rural Development.
4. All Principal Secretaries to Government.
5. Principal Secretary to the Lieutenant Governor, J&K.
6. All commissioner/ Secretaries to the Government.
7. Joint Secretary (J&K), Ministry of Home Affairs, (J&K) Government of India, New Delhi.

8. Divisional Commissioner, Kashmir/Jammu.
9. Chairperson, J&K Special Tribunal.
10. Secretary, J&K Public Service Commission.
11. Director, Archives, Archeology & Museums, J&K.
12. All Heads of the Department/Managing Directors.
13. All Deputy Commissioners.
14. Director Information, J&K.
15. Director Estates, Kashmir/Jammu.
16. Secretary, J&K Services Selection Board
17. General Manager, Government Press, Jammu/Srinagar.
18. Private Secretary to Advisor (B) to Lieutenant Governor.
19. Private Secretary to Chief Secretary, J&K.
20. Private Secretary to Secretary to the Government, Health and Medical Education Department.
21. In charge Website H&ME.



**(Ata-UI-Munim Tak)JKAS,**  
Deputy Secretary to the Government,  
Health & Medical Education Department.



**Form-A**

**See rule 8**

**INFORMATION ON THE ACTIVITIES OF THE MENTAL HEALTH  
AUTHORITY OF UNION TERRITORY OF JAMMU AND KASHMIR/  
MENTAL HEALTH REVIEW BOARDS.**

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 Union Territory Government:
5. Number and details of mental health establishments in the Union Territory:
6. Registration of mental health professionals by the Mental Health Authority of Union Territory of Jammu and Kashmir:
7. Statement on references received from the Central Government and the Union Territory Government and action taken thereon:
8. Quality and service provision norms for different types of mental health establishments under the Union Territory 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 10(2)]**

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

To,  
The Mental Health Authority of  
Union Territory of Jammu and Kashmir,  
Department of Health & Medical Education,  
Government of Jammu and Kashmir,  
Office address.

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 favour of .....as application fee.

I hereby undertake to abide by the rules and regulation of the Mental Health Authority of Union Territory of Jammu and Kashmir.

I request you to consider my application and grant the license for establishment/maintenance of Mental Health Establishment.

Signature:

Name:

Date:

**Form-C**

**[See rule 10(3)]**

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

The Mental Health Authority of Union Territory of Jammu and Kashmir, 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 13(1)]**

**Register of Mental Health Establishments**

**(in digital format)**

Separate table for each category of mental health establishment

Category-----

S. 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 rule 13(2)]**

**Register of Mental Health Professionals**

**(in digital format)**

Separate table for each category of mental health professionals

Category of Mental Health Professionals -----  
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S. No	Full Name & address of the applicant	Degree/P G	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 rule 15(1)]**

**Annual Report of Mental Health Authority of Union Territory of  
Jammu and Kashmir**

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 Mental Health Authority of Union Territory of Jammu and Kashmir held during the year
7. Mental health establishments under the control of the Union Territory Government
8. Mental health establishments in the Union Territory
9. Registration of mental health professionals by the Union Territory Authorities
10. A statement on references received from Central and Union Territory Governments and action taken thereon
11. A statement on references sent to the Central and Union Territory Governments and action taken thereon by the respective Governments
12. Quality and service provision norms for different types of mental health establishments under the Union Territory Government
13. Supervision of mental health establishments under the Union Territory 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 Redressal) Act, 2013.
21. Stake holders Consultations:
22. Inspection and Inquiry of Mental Health Establishments.
23. Appeals to High Court against order of Authority and status thereof.
24. Status of review of use of advance directives and recommendations of the Authority in respect thereof.
25. 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.

