



# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
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Thiruvananthapuram,  
Thursday

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20th April 2023

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No.

1392

GOVERNMENT OF KERALA

Health and Family Welfare (E) Department

NOTIFICATION

G. O. (P) No. 24/2023/H&FWD.

*Dated, Thiruvananthapuram, 26th March, 2023.*

**S. R. O. No. 502/2023**

In exercise of the powers conferred by sub-section (2) of section 121 of the Mental Healthcare Act, 2017 (Central Act No. 10 of 2017), the Government of Kerala with the previous approval of the Central Government hereby makes the following rules, namely:—



## RULES

### CHAPTER-I

#### PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Mental Healthcare (Kerala State Mental Health Authority) Rules, 2023.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Mental Healthcare Act, 2017 (Central Act No.10 of 2017);

(b) “Adviser” means Adviser to the Authority appointed under rule 7;

(c) “Form” means a Form appended to these rules;

(d) De-addiction Hospital/De-addiction Nursing home/De-addiction unit means a place, which qualifies the definition of Mental Health Establishment as per clause (p) of section 2 of the Mental Healthcare Act, 2017 meant for the treatment and care of person with substance abuse ensuring the availability of various supporting medical care service or a Unit attached to a well-equipped General Hospital for the treatment and care of persons with substance abuse;

(e) “Non-official member” means a member of the State Authority nominated under clauses (f) to (n) of sub-section (1) of section 46 of the Act;

(f) “ex-officio” means a member of the State Authority under clauses (a) to (e) of sub-section (1) of section 46 of the Act;

(g) “Government” means the Government of Kerala;

(h) “Section” means a section of the Act;

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

### CHAPTER-II

#### STATE MENTAL HEALTH AUTHORITY

3. *State Mental Health Authority.*—The Government shall by notification published in Official Gazette constitute the State Mental Health Authority which shall consist the following members namely:—

- |   |    |                        |
|---|----|------------------------|
| (i) Principal Secretary/Secretary in-charge of Health Department              | .. | Chairperson—ex-officio |
| (ii) Additional/Joint Secretary, Health Department in charge of Mental Health | .. | Member—ex-officio      |
| (iii) Director of Health Services or Director of Medical Education            | .. | Member—ex-officio      |



- (iv) Additional/Joint Secretary, Social Justice Department .. Member—ex-officio
- (v) Additional/Joint Secretary, Home Department .. Member—ex-officio
- (vi) Additional/Joint Secretary, Finance Department .. Member—ex-officio
- (vii) Additional/Joint Secretary, Law Department .. Member—ex-officio
- (viii) One Medical Superintendent in any of the Mental Health Centre or one Head of the Department of Psychiatry in any of the Medical College Hospital in Kerala nominated by the Government .. Member
- (ix) One eminent Psychiatrist in Kerala, not in Government Service nominated by Government .. Member
- (x) One Mental Health Professional as provided under clause (h) of sub-section (1) of section 46 .. Member
- (xi) One Psychiatric social worker as provided under clause (i) of sub-section (1) of section 46 .. Member
- (xii) One Clinical Psychologist as provided under clause (j) of sub-section (1) of section 46 .. Member
- (xiii) One Mental Health Nurse as provided under clause (k) of sub-section (1) of section 46 .. Member
- (xiv) Two persons representing persons have or had mental illness as provided under clause (1) of sub-section (1) of section 46 .. Member
- (xv) Two persons representing care givers of persons with mental illness or organisations representing care given as provided under clause (m) of sub-section (1) of section 46 of the Act .. Member
- (xvi) Two persons representing non governmental organisations which provide service to persons with mental illness provided under clause (n) of sub-section (1) of section 46 of the Act .. Member

4. *Qualification and nomination of Chairman and Members.*—(1) The Principal Secretary or Secretary in-charge of Health Department by virtue of his office shall be the Chairperson of the State Mental Health Authority. The members mentioned in clause (ii) to (vii) of the rule 3 shall be nominated by Government as ex-officio members.

(2) The non-official members mentioned in clause (x) to (xvi) of the rule 3 who shall possess the qualification and experience prescribed in section 46 of the Act to be nominated by the Government.

5. *Selection of non-official members.*—(1) The Government shall constitute a selection committee for selecting the non-official members in the State Authority.

The Selection Committee shall consists:—

- (i) Chairperson of the State Mental Health Authority—Chairperson
- (ii) Two independent expert in the field of Mental Health to be nominated by Government .. Member



(2) The Selection Committee shall invite application after giving wide publicity through official website and other appropriate means as it deems fit. The Committee may conduct interview for the selection of non-official members and prepare a panel of eligible persons to be nominated in the Authority.

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

6. *Term of office and allowances of non-official members of State Authority.*—(1) Every non-official member nominated under rule 5 shall hold his office for a term of three years at a time from the date of his nomination.

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

7. *Appointment of Advisor for the smooth functioning of the State Authority.*—The chairperson may cause to be appointed a person as Adviser to the State Authority amongst persons possessing Postgraduate Degree in Psychiatry and having ten years experience in the field of Psychiatry, with the approval of the Government. Adviser may be:—

- (i) appointed either part time/full time servant of the State Authority,
- (ii) may be invited to the meetings of the State Authority,
- (iii) hold office for a term of three years and eligible for reappointment

8. *Furnishing of information.*—The Government may call for information concerning the activities of the State Authority periodically or as and when required by it and the State Authority shall furnish such information in Form-A.

### CHAPTER-III

#### PROVISIONAL REGISTRRTION OF MENTAL HEALTH ESTABLISHMENTS BY STATE AUTHORITY

9. *Procedure for provisional registration of Mental Health Establishments by State Authority.*—(1) Every mental health establishment in the State, except the mental health establishment under the Control of the Central Government, shall be registered with the State Authority.

(2) Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the State Authority in Form-B, containing details as specified therein, along with a fee of ₹ 7500 (Rupees Seven Thousand and Five Hundred only) by way of a demand draft drawn in favour of the Chairperson, Kerala State Mental Health Authority payable at the place where the State Authority is situated, which is not refundable.

(3) The State 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.



10. *Validity and renewal of certificate of registration.*—The provisional registration certificate granted under sub-rule (3) of rule 9 shall be valid for a period of one year 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 ₹ 7500 (Rupees Seven Thousand and Five Hundred only) by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

11. *Issue of duplicate certificate.*—Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the State Authority may issue a duplicate certificate on an application made by such establishment along with a fee of ₹ 2000 (Rupees Two Thousand Only) by way of demand draft drawn in favor of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

12. *Maintenance of digital register.*—(1) The State Authority will maintain a category-wise register in Form-D containing details of all registered mental health establishments in the State except those referred to in Section 43(1) (a) of the Act and all particulars of mental health establishments shall be published in the website of the State Mental Health Authority within 45 days from the date of provisional registration.

(2) A category-wise register in Form-F containing details of all registered mental health professionals shall be maintained by the State Authority in digital format in accordance with the provisions of clause (d) of sub section (1) of Section 55 of the Act.

13. *Registration of Mental Health Professionals.*—(1) An application for Registration of Mental Health Professional shall be submitted in Form G along with a fee of ₹ 2000 (Rupees Two Thousand only) by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

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

#### CHAPTER-IV

#### FINANCE, ACCOUNTS AND AUDIT

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

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



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

15. *Annual report of the State Authority.*—(1) The State Authority shall prepare its annual report in Form-E and forward it to the State Government within nine months of the end of the financial year for being laid before each House of State Legislature.

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

## CHAPTER-V

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

16. *Audit of Mental Health Establishments.*—(1) The State Authority shall, for the purpose of conducting audit of registered mental health establishments in the State, authorize one or more of the following persons to ensure that such mental health establishments comply with the minimum standards specified under the Act, namely:—

- (a) a representative of the District Collector where the mental health establishment is situated;
- (b) a representative of the State Human Rights Commission;
- (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) representative of the care-givers of persons with mental illness or organisations representing care-givers; and
- (h) representatives of the persons who have or have had mental illness.

(2) For conducting audit of registered mental health establishment, the State Authority shall charge a fee of ₹ 10,000 (Rupees Ten Thousand only) by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated.

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

- (a) a Psychiatrist in Government service;
- (b) a Psychiatrist in private practice;
- (c) a mental health professional who is not a Psychiatrist;
- (d) a representative of 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 District Collector where the mental health establishment is situated.

(2) The State Authority or the person authorized by it under sub-rule (1) may, if it has reasons to, believe that a person is operating a mental health establishment without registration or is not adhering to the minimum standards specified by or under the Act or has been contravening any of the provisions, of the Act or the Rules and Regulations made there under, enter and search such mental health establishment.

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

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

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



FORM A  
(See rule 8)

INFORMATION ON THE ACTIVITIES OF THE STATE AUTHORITY

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

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

To

The Chief Executive Officer,  
The Kerala State Mental Health Authority,  
.....  
.....

Dear Sir/Madam,

I/We intend to apply for grant of provisional 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**

- (a) Number of doctors :  
(b) Number of nurses :  
(c) Number of attendees :  
(d) Others :

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

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

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

Yours faithfully,

Signature:

Name:

Date :



FORM C  
[See rule 9(3)]

CERTIFICATE OF PROVISIONAL REGISTRATION/RENEWAL OF  
PROVISIONAL REGISTRATION

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

Name.....

Address.....

No. of beds.....

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

Place :

Registration Authority,

Date :

Seal of the Registration Authority.



## FORM D

[See rule 12 (1)]

## REGISTER OF MENTAL HEALTH ESTABLISHMENTS

(in digital format)

\*category.....

| <i>Sl. No.</i> | <i>Name &amp; address of the applicant</i> | <i>Name of the establishment and address</i> | <i>Date of the application</i> | <i>Date and particulars of registration</i> | <i>No. of Beds</i> | <i>Remarks</i> |
|----------------|--|--|--------------------------------|---|--------------------|----------------|
|                |  |  |                                |   |                    |                |
|                |  |  |                                |   |                    |                |
|                |  |  |                                |   |                    |                |
|                |  |  |                                |   |                    |                |
|                |  |  |                                |   |                    |                |
|                |  |  |                                |   |                    |                |

\*Separate table for each category of Mental Health establishment.



## FORM E

[See rule 15 (1)]

## ANNUAL REPORT OF STATE AUTHORITY

1. Introduction:
2. Profile of the Authority's Members:
3. Scope of Regulation:
4. New Regulations/procedures etc. notified/issued:
5. Orders passed by the Authority:
6. Meetings of the State Mental Health Authority held during the year:
7. Mental health establishments under the control of the State Government:
8. Mental health establishments in the State:
9. Registration of mental health professionals by the State Authorities:
10. A statement on references received from Central and State Governments and action taken thereon:
11. A statement on references sent to the Central and State Governments and action taken thereon by the respective Governments:
12. Quality and service provision norms for different types of mental health establishments under the State Government:
13. Supervision of mental health establishments under the State Government and action taken on the complaints received about deficiencies in provision of services therein:
14. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017:
15. Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection:
16. Audit of Mental Health Establishments:
17. Complaints received regarding violation of rights of Mentally ill persons and action taken thereon:
18. Details regarding guidance document for medical practitioners and mental health professionals:
19. Implementation of Right to Information 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. Inspection and Inquiry of Mental Health Establishments:
22. Appeals to High Court against order of Authority and status thereof:
23. Status of review of use of advance directives and recommendations of the Authority in respect thereof:
24. Complaints received about deficiencies in provision of services and action taken thereon:
25. Inquiry initiated by the authority:
26. Administration and establishment matters:
27. Annual accounts:
28. Any other-matter which in the opinion of the Authority needs to be highlighted:



## FORM F

[See rule 12 (2)]

## REGISTER OF MENTAL HEALTH PROFESSIONALS

(in digital format)

(Use separate table for each category of mental health professionals)

Category of Mental Health Professionals.....

| <i>Sl. No.</i> | <i>Full Name &amp; Address of the applicant</i> | <i>Degree/PG</i> | <i>RCI/NCI/ Others</i> | <i>Place of practice/work</i> | <i>Contact Number/ E-mail</i> | <i>Remarks</i> |
|----------------|---|------------------|------------------------|-------------------------------|-------------------------------|----------------|
|                |   |                  |                        |                               |                               |                |
|                |   |                  |                        |                               |                               |                |
|                |   |                  |                        |                               |                               |                |
|                |   |                  |                        |                               |                               |                |
|                |   |                  |                        |                               |                               |                |
|                |   |                  |                        |                               |                               |                |



FORM G  
[See rules 13 (1)]

APPLICATION FOR GRANT OF REGISTRATION/RENEWAL OF  
REGISTRATION OF MENTAL HEALTH PROFESSIONALS

To

The Chief Executive Officer  
The Kerala State Mental Health Authority,  
.....  
.....

Dear Sir/Madam,

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

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

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

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

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

Yours faithfully

Signature

Name

Date :

\*this is not applicable for Psychiatric Social Worker.



## FORM H

[See rules 13(2)]

CERTIFICATE OF REGISTRATION/RENEWAL OF REGISTRATION OF  
MENTAL HEALTH PROFESSIONALS

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

Category.....

Registration No. ....

Name.....

Address.....

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

Registration Authority,

Seal of the Registration Authority.

Place :

Date :

By order of the Governor,

TINKU BISWAL,  
*Principal Secretary to Government.*





### **Explanatory Note**

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

Sub-section (2) of section 121 of the Mental Healthcare Act, 2017 (Central Act No. 10 of 2017) empowers the State Government to make rules for carrying out the provisions of the Act, regarding various matters enumerated in sub-section (4) of section 121. The Government have decided to make the rules to establish the State Mental Health Authority to register all Mental Health establishments in the State and for matters connected there with accordingly.

The notification is intended to achieve the above object.

