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<td>Orders, Notifications and Rules of the High Court of Assam, Nagaland, Meghalaya &amp; Tripura.</td>
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<td>Orders, Notifications and Rules of the Government of India and by the Election Commission, India. Papers Extracted from Gazette of India and other State</td>
<td>Nil</td>
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<td>Nil</td>
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<td>Acts of Legislative Assembly of Nagaland and Ordinances promulgated by the Governor of Nagaland and Regulations passed by the Tuensang Regional Council.</td>
<td>Nil</td>
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<td>Nil</td>
</tr>
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<td></td>
<td></td>
<td>Supplement-Prices, Current vital Statistics, Wealth and Crops Statements etc.</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Supplement - Tribal, Ranges and Area Councils.</td>
<td>Nil</td>
</tr>
</tbody>
</table>
PART-I

NOTIFICATION

Dated Kohima, the 24th October 2017

NO.DSE/HSS/4-7/2008/1380:: In the interest of public service the Governor of Nagaland is pleased to order mutual cross-transfer of the following Post Graduate Teachers (English) as under:

<table>
<thead>
<tr>
<th>Name</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Smti. Sendongmenla</td>
<td>RGHSS Kohima</td>
<td>GHSS Thangjam</td>
</tr>
<tr>
<td>ii. Smti. Kivitoli Sema</td>
<td>GHSS Thangjam</td>
<td>RGHSS Kohima</td>
</tr>
</tbody>
</table>

2. Handing/taking over charge should be completed within 15 days.
3. No TA/DA will be admissible.

Sd/-
THEJANGUSANO SAVINO
Under Secretary to the Govt. of Nagaland

NOTIFICATION


NO.WH/EST/11/07(Pt-I)/1285:: In the interest of public service, the Governor of Nagaland is pleased to order transfer and posting of the following Junior Engineers under NPWD with immediate effect.

1. Shri. Janalal Babu, JE under E.E PWD (R&B) Dimapur Division, is transferred and posted as J.E under PWD (R&B) Atoizu Division against Shri. Ito Yepthomi, J.E transferred.
2. Shri. Ito Yepthomi, J.E. under PWD (R&B) Atoizu Division is transferred and posted as J.E under E.E PWD (R&B) Dimapur Division against Shri. Janalal Babu, JE transferred.

Sd/-
M. BENJONGNUNGSANG
Under Secretary to the Government of Nagaland.
NOTIFICATION

Dated Kohima the 5th October, 2017

NO.WH/EST/54/2017/1277: In the interest of public service, the Governor of Nagaland is pleased to order transfer and posting of the following Executive Engineers and Junior Engineers under NPWD with immediate effect:-

1. Er. Longzochnag, Deputy Chief Engineer, NPWD is transferred and posted as S.E. (D) under Chief Engineer, PWD (H) vice Er. P.I. Imna S.E transferred.

2. Er. P.I. Imna, Superintending Engineer (D), under Chief Engineer (H) is transferred and posted as Deputy Chief Engineer, NPWD vice Er. Longzochnag Dy. C.E transferred.

3. Er. Neilabeizo Angami, E.E (D) under C.E (R&B) is transferred and posted as E.E Youth Resources and Sports and Er. Swedi Kiso SDO is relieved of the charge of E.E.


5. Er. John Mera, E.E (D) under C.E (R&B) is transferred and posted as E.E Kiphire and Shri Kisheto SDO is relieved of the charge of E.E Kiphire.

6. Er. G. Vikhepu Yeptho, E.E (D) under C.E (R&B) is transferred and posted as I (R&B) Mon vice Er. Talitemsu Jamir, E.E transferred.

7. Er. Ketuozo Pesevie, E.E Urban Development is transferred and posted as E.E Rural Development Department against existing vacancy.


9. Er. S. Lanu Jamir, E.E (NH) Division-I, Kohima is transferred and posted as I (D) under Chief Engineer (H), Nagaland, Kohima.

10. Er. Talitemsu Jamir, E.E (R&B) Mon is transferred and posted as E.E (R&B) Dimapur vice Er. Hoojhe, E.E transferred.

11. Er. Vihokhe, E.E (PEP) Chumukidema is transferred and posted as I (D) under Chief Engineer, PWD (R&B) Kohima vice Er. G. Vikhepu Yeptho transferred.

12. Er. Hojhe, E.E (R&B) Dimapur is transferred and posted as I (D) under Chief Engineer, PWD (R&B) Kohima.


14. Shri. Hewoto Yeptho, J.E Estate Division under SDO (H) Mokokchung is transferred and posted as J.E under E.E PWD (R&B) Dimapur.

Serial no. 2, 4, 6 and 8 shall move first and handing/taking over of charge should be completed within 15 (fifteen) days with effect from the date of issue of this notification.

Sd/-

M. BENJONGNUNGSANG
Under Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 18th September, 2017.

No. FIN/TA/ESTT/1-20/2005 (VOL-III): The Governor of Nagaland is pleased to order officiating promotions and postings of the following officers of the Department of Treasuries & Accounts from the date of issue of this notification as given below:

A. Asstt. Director/A.O./T.O. to Dy. Director/Sr.A.O. /Sr. T.O. (Class-I Sr. grade) in the Pay Band of Rs.15600-39100 GP-6600/-

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name &amp; Designation</th>
<th>Promoted to</th>
<th>Present Place of Posting</th>
<th>Place of posting on promotion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri Abalie Talie, A.O.</td>
<td>Sr.A.O.</td>
<td>Dte. of Urban Development</td>
<td>Retained in the same Dept. as Sr.A.O.</td>
</tr>
<tr>
<td>2</td>
<td>Smti I. Limainla Ao, A.O.</td>
<td>Sr.A.O.</td>
<td>Dte. of Geo. &amp; Mining, Dimapur</td>
<td>Retained in the same Dept. as Sr.A.O.</td>
</tr>
<tr>
<td>4</td>
<td>Smti I. Makhenla Changkier, A.O.</td>
<td>Sr.A.O.</td>
<td>Addl. C.E. PWD (R&amp;B) Mokokchung</td>
<td>Retained in the same Dept. as Sr.A.O.</td>
</tr>
<tr>
<td>5</td>
<td>Shri K. Imsunungsang Imchen, A.O.</td>
<td>Sr.A.O.</td>
<td>Dte. of Sericulture, Kohima</td>
<td>Retained in the same Dept. as Sr.A.O.</td>
</tr>
<tr>
<td>6</td>
<td>Smti Tainla Paul, A.O.</td>
<td>Sr.A.O.</td>
<td>Dte. of Horticulture</td>
<td>Retained in the same Dept. as Sr.A.O.</td>
</tr>
<tr>
<td>7</td>
<td>Shri Y. Tali Mongro, A.O.</td>
<td>Sr.A.O.</td>
<td>C.E. Irri. &amp; FC. Kohima</td>
<td>Retained in the same Dept. as Sr.A.O.</td>
</tr>
<tr>
<td>8</td>
<td>Shri Aboto H. Zhimomi, T.O.</td>
<td>Sr.T.O.</td>
<td>Zunheboto Treasury</td>
<td>Retained in the same Dept. as Sr.T.O.</td>
</tr>
<tr>
<td>9</td>
<td>Smti Narola Imti, A.O.</td>
<td>Sr.A.O.</td>
<td>Commissioner of Taxes, Dimapur</td>
<td>Retained in the same Dept. as Sr.A.O.</td>
</tr>
</tbody>
</table>

B. JAO/STO/Audit Officer/DAO to Asstt. Director/A.O./T.O. (Class-I Jr. grade) in the Pay Band of Rs.15600-39100 GP-5700/-

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name &amp; Designation</th>
<th>Promoted to</th>
<th>Present Place of posting</th>
<th>Place of posting on promotion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri N. Lomching Phorn, S.T.O.</td>
<td>T.O.</td>
<td>Sub-Treasury Longleng</td>
<td>Retained in the same Treasury as T.O.</td>
</tr>
<tr>
<td>2</td>
<td>Shri Tamal Dutta, D.A.O.</td>
<td>A.O.</td>
<td>E.E. PHE Div. Mon</td>
<td>A.O. Dte. of Cooperation, Kohima vice Smti Asemmla, A.O. transferred</td>
</tr>
<tr>
<td>3</td>
<td>Shri I. Panger, S.T.O.</td>
<td>A.O.</td>
<td>Dte. of Industries</td>
<td>Retained in the same Dept. as A.O.</td>
</tr>
<tr>
<td>4</td>
<td>Shri C. Mukumchim Yimeh, D.A.O.</td>
<td>A.O.</td>
<td>E.E. PWD (H) Tuensang</td>
<td>A.O. NPSC Kohima against existing vacancy</td>
</tr>
<tr>
<td>Sl. No</td>
<td>Name &amp; Designation</td>
<td>Promoted to</td>
<td>Present Place of posting</td>
<td>Place of posting on promotion</td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------</td>
<td>----------------------</td>
<td>-------------------------------------------</td>
<td>-------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Shri Neipe K. Venuh, Try. Accent.</td>
<td>J.A.O.</td>
<td>Phek Treasury</td>
<td>J.A.O., Chief Electoral Officer's Office, Kohima</td>
</tr>
<tr>
<td>4</td>
<td>Shri N. Kawito Swa, Sr. D.A.</td>
<td>D.A.O.</td>
<td>E.E. PWD (R&amp;B) Cheiphobozou</td>
<td>D.A.O., retained on promotion</td>
</tr>
<tr>
<td>5</td>
<td>Smti Temjenyangla, Sr. D.A.</td>
<td>D.A.O.</td>
<td>Electrical Store Division, Dimapur</td>
<td>D.A.O., E.E. PWD (Housing) Dimapur vice Shri Imtidingzuk, DAO promoted &amp; transferred</td>
</tr>
<tr>
<td>6</td>
<td>Shri Khriesaduyi, Sr. D.A.</td>
<td>D.A.O.</td>
<td>E.E. Education, Kohima</td>
<td>D.A.O., E.E. PHE Rural Division Kohima against existing vacancy</td>
</tr>
<tr>
<td>7</td>
<td>Shri Temjenyanger, Sr. D.A.</td>
<td>D.A.O.</td>
<td>E.E. PWD (R&amp;B), Longleng</td>
<td>D.A.O., E.E. PHE Division, Mokokchung against existing vacancy</td>
</tr>
<tr>
<td>8</td>
<td>Shri I. Panger Longchar, Sr.D.A.</td>
<td>D.A.O.</td>
<td>E.E. PWD (R&amp;B) Mangkolemba</td>
<td>D.A.O., E.E. PWD (R&amp;B) retained on promotion.</td>
</tr>
</tbody>
</table>

Normal transfer & postings:

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name &amp; Designation</th>
<th>Present Place of posting</th>
<th>Posted to</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri K. Ramlia, A.O.</td>
<td>C.E. (Power)</td>
<td>C.E. PWD (Housing) against retirement vacancy of Smti Asangla Tzadir, Sr.A.O.</td>
</tr>
</tbody>
</table>
2. The above promotions are purely temporary in nature and shall not confer any right of claim to seniority in the grade, and shall be subject to regularization by the Departmental Promotion Committee.

3. Handing and taking over of charge should be completed latest by 3rd October 2017.

Sd/-

ANDREW C. IMTI
Under Secretary to the Government of Nagaland.

NOTIFICATION

Dated Kohima, the 24th Oct., 2017

NO.AGR/RTI-59/2010/1953 : : In pursuance to Right to Information, Act 2005, the Governor of Nagaland is pleased to appoint the following Officers under the Directorate of Agriculture with immediate effect as given below:

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the Officer</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri. Helie Rupreo, Director</td>
<td>Appellate Authority (AA)</td>
</tr>
<tr>
<td>2.</td>
<td>Shri. M. Ben Yanthan, Joint Director</td>
<td>Public Information Officer (PIO)</td>
</tr>
<tr>
<td>3.</td>
<td>Shri. Sanuzo Nenu, Deputy Director</td>
<td>Assistant Public Information Officer (APIO)</td>
</tr>
</tbody>
</table>

Sd/-

P. NUNGSANGWAPANG JAMIR
Deputy Secretary to the Govt. of Nagaland
NOTIFICATION

Kohima; Dated 25th October 2017.

NO. PHE-1/EST/13/2014:: In the interest of public service, the Governor of Nagaland is pleased to order Officiating Promotion of the following Junior Engineers to Sub Divisional Officers with effect from the date of issue of this order:

<table>
<thead>
<tr>
<th>Sl.no</th>
<th>Name</th>
<th>Promoted to</th>
<th>Against vacancy of</th>
<th>Pay band + grade pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Shri. Thejangulie</td>
<td>Sub-Divisional Officer</td>
<td>Er.I.Katoshe Sumi</td>
<td>Rs.15600-39100+ 5400 p/m</td>
</tr>
<tr>
<td>02</td>
<td>Shri. Lanupokyim</td>
<td>Sub-Divisional Officer</td>
<td>Er.Benjongtoshi</td>
<td>Rs.15600-39100+ 5400 p/m</td>
</tr>
</tbody>
</table>

All other allowances as are admissible under rules from time to time in the State of Nagaland.

Further, the above officiating promotion is subject to regularization by Departmental Promotion Committee (DPC) in due course of time.

Sd/-
NIKESENO KEVICHUSA
Under Secretary to the Government of Nagaland

NOTIFICATION

Dated Kohima, the 9th October, 2017

NO.POL-1/ESTT/142/2004 :: The Governor of Nagaland is pleased to order transfer /Posting of Dr. Haelom Liegise, RMO from 8th NAP to 9th NAP (IR) Bn. against the existing vacancy with immediate effect.

Sd/-
NEIKEDUOLIE
Under Secretary to the Govt. of Nagaland.
NOTIFICATION

Dated Kohima, the 23rd, October, 2017.

NO.TPT/INST/ESTT-34/10: In the interest of public service, the Governor of Nagaland is pleased to order the officiating promotion of the following Officers under the Establishment of NST Department to the post and Scale of pay as shown against their name indicated below with effect from the date of taking charge.

<table>
<thead>
<tr>
<th>SL. NO</th>
<th>Name &amp; Designation</th>
<th>Promoted to</th>
<th>Against the vacancy of</th>
<th>Pay Band</th>
<th>Grade Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Smti. Tianaro Pongen, A.S</td>
<td>Office Superintendent</td>
<td>Smtl. P. Mangyangnunlga (Rtd.)</td>
<td>PB-3 ₹15,600-39,100/-</td>
<td>₹ 5400/-</td>
</tr>
<tr>
<td>2.</td>
<td>Shri. Khaku Swu, A.S</td>
<td>Office Superintendent</td>
<td>Shri. P. Nikensashi (Rtd.)</td>
<td>PB-3 ₹15,600-39,100/-</td>
<td>₹ 5400/-</td>
</tr>
<tr>
<td>3.</td>
<td>Shri. A. Imti Pongen, A.S</td>
<td>Office Superintendent</td>
<td>Shri. M. Akong Phon (Rtd.)</td>
<td>PB-3 ₹15,600-39,100/-</td>
<td>₹ 5400/-</td>
</tr>
<tr>
<td>4.</td>
<td>Smti. Aienla Chiten, UDA</td>
<td>Asstt. Superintendent</td>
<td>Smti. Tianaro Pongen (Promotion)</td>
<td>PB-2 ₹9,300-34,800/-</td>
<td>₹ 4400/-</td>
</tr>
<tr>
<td>5.</td>
<td>Shri. Mhatung Ezung, UDA</td>
<td>Asstt. Superintendent</td>
<td>Shri. Khaku Swu (Promotion)</td>
<td>PB-2 ₹9,300-34,800/-</td>
<td>₹ 4400/-</td>
</tr>
<tr>
<td>6.</td>
<td>Shri. Imnameren, UDA</td>
<td>Asstt. Superintendent</td>
<td>Shri. A. Imti Pongen (Promotion)</td>
<td>PB-2 ₹9,300-34,800/-</td>
<td>₹ 4400/-</td>
</tr>
</tbody>
</table>

The Officiating promotion is subject to regularization by Departmental Promotion Committee (DPC).

Sd/-
SAMSON SEKHOSE
Under Secretary to the Govt. of Nagaland

ORDER

Dated Kohima, the 24th Oct, 2017.

NO.GAB-7/28/96/619 :: The Governor of Nagaland is pleased to order the officiating promotion of Shri, Thupuciyi Nienu, Accountant to the post of Office Superintendent under the establishment of Deputy Commissioner, Phek (Class-II Gazetted) in the pay Band of ₹9300-34800 with Grade Pay of ₹4400/-P.M with all other allowances as are admissible under the rules in force from time to time in Nagaland with effect from the date of taking over charge by the aforesaid official.

2. The Officiating Promotion is purely on temporary basis subject to regularization by the Departmental Promotion Committee.

Sd/-
VESWUSAYI KEZO
Under Secretary to the Govt. of Nagaland.
NOTIFICATION

Dated Kohima, the 24th Oct. 2017

NO.PHE-1/EST/18/2014 (pt): In the interest of public service the Governor of Nagaland is pleased to order transfer and posting of the following Junior Engineer under Public Health Engineering Department with immediate effect.

1. Shri. Temsu Pongen J.E, Mon Division is hereby transferred and posted to Dimapur Urban Division vice Shri. Atoka Jakhalu J.E, transferred.

2. Shri. Atoka Jakhalu J.E, Dimapur Urban Division is transferred and posted to Mon Division vice Shri. Temsu Pongen J.E, transferred.

Handing and taking over charge should be completed 31\textsuperscript{st} Oct. 2017 positively.

Sd/-
NIKESONO KEVICHUSA
Under Secretary to the Government of Nagaland

NOTIFICATION

Dated Kohima, the 12\textsuperscript{th} Oct’ 2017

NO.LM/CP-2/13/2006: In the interest of public service, the Governor of Nagaland is pleased to promote Shri. C. Yapang Pongener, Assistant Controller, LM\&CP, in the pay Band of Rs. 15600-39100/- with grade pay of Rs. 5700/- to the post of Deputy Controller in the pay Band of Rs. 15600-39100/- with grade pay of Rs. 6600/- plus all other allowances as are admissible from time to time against the upgraded post in the cadre Review of LM\&CP vide this Department’s letter No. LM/CP-9/41/2012 dated 21\textsuperscript{st} April, 2017 with effect from the date of taking over charge.

The Officer will continue to serve in the same establishment.

Sd/-
Y. AKUMLA WALLING
Joint Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 21\textsuperscript{st} September, 2017

NO.GAB-I/COM/ESTT/3/2016/598 :: On the recommendation of the Departmental Promotion Committee (DPC), the Governor of Nagaland is pleased to accord Promotion to Shri. Assamwati Nokdir, UDA to the Post of Assistant Superintendent under the establishment of Commissioner, Nagaland in the pay Band of Rs. 9300-34800/- with a Grade Pay of Rs. 4200/- with all other allowances as are admissible under the rules in force from time to time in Nagaland with effect from 20-07-2017

Sd/-
VESWUSAYI KEZO
Under Secretary to the Govt. of Nagaland.
NOTIFICATION

Dated Kohima, the 4th of Oct’ 2017

IPR/EST/22(2005)PT-2/211: In the interest of public service, the Governor of Nagaland is pleased to order the officiating promotion in respect of Shri. T. C. Tajinki, seniormost, Information Assistant to the post of Assistant Public Relations Officer (APRO) in the Payband of Rs. 9300-34800/- with Grade Pay Rs. 4600/-. Shri. T. C. Tajinki is promoted and posted as APRO, under DPRO Office, Kphere with the scale of pay indicted plus all other allowances as are admissible under Rules from time to time in Nagaland with immediate effect.

2. The promotion is purely on officiating and temporary basis subject to regularization by the Departmental Promotion Committee

3. The promotion is against the the vacancy created by the promotion of Smti. L. Setsatsishu Sangtam to the post of DPRO.

Sd/-

VIHOPILE KEYIE
Under Secretary to the Government of Nagaland

NOTIFICATION

Dated, Kohima the 10th October 2017

NO SAB-44/1/87(PT-III): The Governor of Nagaland is pleased to allow officiating promotion to Smti. Amongla Walling Senior Grade Stenographer (Class-I Gazetted) of Nagaland Civil Secretariat to the post of Principal Private Secretary(PPS) (Class-I Gazetted) against the vacancy caused by the retirement of Shri. Rajendra Singh, PPS(Officiating) on 30-09-2017, in the Pay Band of Rs.15600-39100 and Grade Pay of Rs. 7600/- per month plus all other allowances as admissible under the rules from time to time in Nagaland with immediate effect.

2. The officiating promotion of the stenographer is made with the prior clearance of the P&AR Department for relaxation of the prescribed qualifying length of service vide U O No. 422 dated 29/8/17 and fulfillment of other eligible criteria prescribed in the Stenographers Service Rule,2015.

3. The promotion is purely on officiating basis subject to regularization by the DPC.

Sd/-

ZHOTHISA DAWHUO
Joint Secretary to the Government of Nagaland
**NOTIFICATION**

Dated Kohima, the 18th Oct, 2017

DSE/PROM/1-7/2015(Po)/366: In the interest of public service, the Governor of Nagaland is pleased to order transfer and posting of the following attached Headmaster/Headmistress under different establishments of the Department in the same pay and grade as with immediate effect as under:

<table>
<thead>
<tr>
<th>Sl.no</th>
<th>Name of the Officer</th>
<th>Attached as</th>
<th>Posted as</th>
<th>Against the vacancy of</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>T. Asangla Amer</td>
<td>HM attached to DEO, Kohima</td>
<td>HM, GHS Noksen</td>
<td>Existing vacancy</td>
</tr>
<tr>
<td>2.</td>
<td>Grace Ashom</td>
<td>HM attached to Directorate</td>
<td>HM, GHS Molvom</td>
<td>Vice Smti. Halkholing Hangsing, HM promoted</td>
</tr>
<tr>
<td>3.</td>
<td>Ketouselie Keditsu</td>
<td>HM attached to Directorate</td>
<td>HM, GHS Rusoma</td>
<td>Vice Smti. Sekhonulq Thingo, HM promoted</td>
</tr>
<tr>
<td>4.</td>
<td>T. Molung Aier</td>
<td>HM attached to Directorate</td>
<td>HM, GHS Chesezou</td>
<td>Existing vacancy</td>
</tr>
<tr>
<td>5.</td>
<td>Tsulakno Ao</td>
<td>HM attached to DEO, Peren</td>
<td>HM, GHS Peren</td>
<td>Existing vacancy</td>
</tr>
<tr>
<td>6.</td>
<td>Vilanuo Angela Yirome</td>
<td>HM attached to DEO, Kohima</td>
<td>HM, GHS New Market, Kohima</td>
<td>RMSA School</td>
</tr>
<tr>
<td>7.</td>
<td>Nikono Angami</td>
<td>HM attached to DEO, Kohima</td>
<td>HM, GHS Peducha</td>
<td>Newly upgraded GHS</td>
</tr>
<tr>
<td>8.</td>
<td>Limayangla Tzudir</td>
<td>HM attached to DEO, Dimapur</td>
<td>HM, GHS Burma Camp</td>
<td>RMSA School</td>
</tr>
<tr>
<td>9.</td>
<td>M. Alongla Ikr.</td>
<td>HM attached DEO, Mokokchung</td>
<td>HM, GHS Mangmetong</td>
<td>RMSA School</td>
</tr>
<tr>
<td>10.</td>
<td>Bondangsangla</td>
<td>HM attached to Directorate</td>
<td>HM, GHS Mokokchung Village</td>
<td>RMSA School</td>
</tr>
<tr>
<td>11.</td>
<td>Sanchisao</td>
<td>HM attached to Directorate</td>
<td>HM, GHS Longehing</td>
<td>Existing vacancy</td>
</tr>
<tr>
<td>12.</td>
<td>O. Chubasangla</td>
<td>HM attached to Directorate</td>
<td>HM, GHS Chongtor</td>
<td>Existing vacancy</td>
</tr>
<tr>
<td>13.</td>
<td>Sano Bizo</td>
<td>HM attached to DEO, Dimapur</td>
<td>HM, GHS Sovima</td>
<td>RMSA School</td>
</tr>
<tr>
<td>14.</td>
<td>H. Khetoni Sema</td>
<td>HM attached to DEO, Dimapur</td>
<td>HM, GHS Lingrijan</td>
<td>RMSA School</td>
</tr>
<tr>
<td>15.</td>
<td>Smti. Imtila</td>
<td>HM attached to DEO Dimapur</td>
<td>HM, GHS Sarbura</td>
<td>RMSA School</td>
</tr>
<tr>
<td>16.</td>
<td>Nukshitjemjen</td>
<td>HM attached to DoSE</td>
<td>HM, GHS Changtongya-B</td>
<td>RMSA School</td>
</tr>
</tbody>
</table>
1. Handing and taking over should be completed within 15 (fifteen) days from the date of issue of this Notification. Any request for retention/posting or lobbying will invite disciplinary proceedings against the erring official under the relevant rules in force.

Sd/-

Y. RENBONTHUNG TSOPOE
Deputy Secretary to the Government of Nagaland

NOTIFICATION
Dated Kohima, the 18th October, 2017

No. AR-I/ATI-111/2013: In the interest of public service, the Governor of Nagaland is pleased to promote Smt. Videno, Assistant Superintendent under the establishment of Administrative Training Institute, Kohima on officiating promotion to the vacant post of Superintendent in the scale pay of PB-15600-39100 with GP-5400/- plus all other allowances as are admissible from time to time with effect from taking over the charge.

2. The officiating promotion is subject to regularization in the Departmental Committee in due course of time.

Sd/-

RENBONI MOZHUI
Joint Secretary to the Government of Nagaland.

NOTIFICATION
Dated Kohima, the 10th Oct. 2017

NO.EMP-2/63/2009: In the interest of the Public service, the Governor of Nagaland is pleased to order officiating promotion of Shri. Atsie Kenneth, Employment Officer (E.O), REO, Kohima to the post of District Employment Officer (D.E.O.) and posted at District Employment Exchange (D.E.E) Mokokchung, in the Pay Band of Rs.15600-39100/- with Grade Pay of Rs.5700 PM, against the vacancy caused due to retirement of Shri. Kakuto Swu, District Employment Officer (D.E.O) at District Employment Exchange (D.E.E), Mokokchung, plus all other allowance as are admissible under the rules in force in the State of Nagaland from time to time with effect from the date of taking over of charge.

The Officiating promotion is made purely on temporary basis and is subject to regularization by DPC.

Sd/-

DIELIENUO
Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 6th October 2017

NO. POWER/ESTT-75/16 :: In the interest of public service, the Governor of Nagaland is pleased to order transfer and posting of the following Officers under Power Department with immediate effect:


4. Shri. M. Meren Sangtam, J.E. (E), O/o E.E. (E), Store Division, Dimapur, on promotion, is posted as S.D.O. (TC), Store Division, Dimapur.


7. Shri. Imkongwati, J.E. (E), O/o E.E. (T), Mokokchung, on promotion, is transferred and posted as S.D.O. (TC), T&G, O/o Engineer-in-Chief, Kohima.

8. Shri. I. Shikavi Aomi, J.E. (E), O/o E.E. (E), Zunheboto is transferred and posted under O/o E.E. (E), Store Division, Dimapur.


11. Er. N. Achumo Ovung, J.E. (E), O/o E.E. (E), Mon is transferred and posted under O/o E.E. (E), Kiphire.

Sl. Nos. 10 & 11 shall be posted under S.D.O. (E), Pungro till creation of an Electrical Sub-Division at Pungro.

Handing and taking over charge shall be completed on or before 20th October 2017.

Sd/-

SUNGTLA JAMIR
Deputy Secretary to the Govt. of Nagaland
NOTIFICATION
Dated Kohima, the 13th October, 2017

NO.EDS(A)-123/83(Vol-I)/1340 : In the interest of public service, the Governor of Nagaland is pleased to order officiating promotion of Shri. Sakuyuden, UDA to the post of Assistant Superintendent vice Smti. Neizoleu, Asst. Superintendent retired on 31/08/2017 in the Pay Band of Rs. 9,300-34,800 with GP of Rs. 4,400 with all other allowances admissible under rules in force with immediate effect subject to following conditions:

a) The officiating promotion is purely on temporary basis subject to regularization by the Departmental Promotion Committee (DPC).

b) Further, the officiating promotion will not confer any right on the claim of seniority in the present grade till regularization.

Sd/-
THEJANGUSANO SAVINO
Under Secretary to the Govt. Of Nagaland

NOTIFICATION
Dated Kohima, the 16th of Oct’ 2017

IPR/EST/1-4/2017/223 : In supersession to our earlier order of even No. dated 16.08.17, the Governor of Nagaland is pleased to appoint Shri. Azeu Namcyn Hau to the post of Press Secretary to Chief Minister, Nagaland, in the rank of Additional Secretary to the Government of Nagaland in the Payband of 37400-67000/- with Grade Pay Rs. 8900/- plus all other allowances as are admissible under Rules from time to time in Nagaland with effect from the 20th July’2017.

2. The appointment is purely on tenure basis and co-terminus with the duration of the office of the incumbent Chief Minister.

3. Henceforth, appointment of Press Secretary to the Chief Minister shall be dealt by the IPR Department. Pay and allowances of the Press secretary to CM shall be drawn from IPR Department.

4. This is issued with the approval of the Hon’ble Chief Minister.

Sd/-
A.WOPEN LOTHA
Commissioner & secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, the 16th Oct., 2017

NO.VETY/EST-1/1/2012 :: In the interest of public service, the Governor of Nagaland is pleased to order transfer and posting of the following officers as indicated below with immediate effect:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of Officer:</th>
<th>Present Place of Posting:</th>
<th>To be transferred and posted as:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dr. Mhathung Lotha</td>
<td>VAS, Vety. Dispensary, Bhandari with additional charge of FM, Duck Farm, Baghy</td>
<td>Farm Manager, Goat Breeding Farm, Sanis with additional charge of FM, CBF Baghty &amp; FM, Duck Farm, Baghy</td>
</tr>
<tr>
<td>2.</td>
<td>Dr. Wopenthung Odyuo</td>
<td>VAS, QCP, Merapani</td>
<td>VAS, Vety. Dispensary, Bhandari with additional charge of VAS, QCP, Merapani</td>
</tr>
</tbody>
</table>

Handing/Taking over charge should be completed within 15 days of issue of this notification.

Sd/-

MEDUHELE
Joint Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 26th October, 2017.

NO.FOR/ESTT-1/14 (B) /883 :: Consequent upon the upgradation of 1 (one) post of Head Assistant, Class III (non-gazetted) to that of Head Assistant (Senior) (Class II gazetted) in the scale of pay of Rs 9300-34800/- and Grade Pay of Rs. 4400/- p.m. vide Government Notification No.FOR/ESTT-1/14(A) dated 26.10.2017, the Governor of Nagaland is pleased to promote Smt. Tohoni, Head Assistant to Head Assistant (Senior).

II. The promotion will be effective from the date of assumption of charge.

III. The incumbent will be placed and posted in her present place of posting till further orders.

Sd/-

THUPUSA NIENU
Under Secretary to the Government of Nagaland.
PART-IIA

NOTIFICATION

Dated Kohima, the 21st September, 2017

NO.GAB-I/COM/ESTT/3/2016/398:: On the recommendation of the Departmental Promotion Committee (DPC), the Governor of Nagaland is pleased to regularize the Officiating Promotion of Shri. Dzuvihol Kweho, Superintendent in the Pay Band of Rs. 15600-39100/- with a Grade Pay of Rs.5400/- P.M and Smi. Neilasenuo, Assistant Superintendent in the Pay Band of Rs. 9300-34800/- with a Grade Pay of Rs. 4200/- P.M under the Establishment of Commissioner, Nagaland with all other allowances as are admissible under the rules in force from time to time in Nagaland with effect from 20-07-2017.

Sd/-

VESWUSAYI KEZO
Under Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 17th October 2017.

NO.AHV/EST-1/7/2012:: In continuation to this Department Notification of even number dated 07/04/2016; 04/04/17; 13/06/17 and 21/06/17, the Governor of Nagaland is pleased to extend the contract service of the following VAS under Animal Husbandry and Veterinary Services Department for a period of 6 (six) months w.e.f. 09/10/2017 or till recruitment is done through NPSC whichever is earlier. The extension is purely on contract basis and the department reserves the right to terminate the contract service without any further notice. The other terms and conditions shall remain the same as per the appointment order.

Name & Designation
1. Dr. Medo-u Wetsah, Farm Manager, Plants, NSDCF, Kohima.
2. Dr. S. Mangyang, Farm Manager, SCBF, Aliba, Mokokchung.
3. Dr. Meyiakum Jamir, Farm Manager, CRC, Medziphema, Dimapur
4. Dr. Nzanthur Paton, VAS (Dispensaries), Aitepyong, Wokha
5. Dr. L. Toshisenla Lkr VAS (outpost) Tuensang
6. Dr. Meriyani Kikon, Farm Manager, PBC, Wokha

Sd/-

MEDOLHI
Deputy Secretary to the Govt. of Nagaland.
NOTIFICATION
Dated Kohima, the 20th September, 2017.

NO.FOR/NFMP/39-2/17/771: In supersession to this Department’s Notification of even No. dated 15.06.2017, the Governor of Nagaland is pleased to re-constitute the High Power Committee of the Nagaland Forest Management Project Society with the following members:

1. Chief Secretary
2. Addl. Chief Secretary & Development Commissioner
3. Addl. Chief Secretary & Finance Commissioner
4. Principal Secretary & Agriculture Production Commissioner
5. Principal Secretary, EF & CC.
6. Principal Chief Conservator of Forests & HoFF
7. Chief Project Director/Chief Executive Officer, NFMP
8. Representative of JICA
9. Civil Society/ Academia/ Research or any other Department deemed required

Chairperson
Member
Member
Member
Member Secretary
Member
Special Invitee
Special Invitee (2 Nos.)

Powers and Functions of the High Power Committee:

The High Power Committee shall be the highest decision making body of the Society. A minimum of 4 (Four) members excluding the Chairperson, shall form the quorum for the meetings of the High Power Committee. The HPC shall meet at least 2 (Two) times in a year. The powers and functions of the HPC shall be as follows:

b) Approval of Annual Work Plan of the Society.
c) Approval of Annual Budget & Accounts of the Society.
d) Facilitate convergence with other Departments & Schemes to achieve the objectives of the Society.
e) Approval of such Programmes and Plans for furtherance of the objectives of the Society.
f) Any other functions which may be added at a later stage by the HPC.

Sd/-
IMTIENLA AO, IFS
Secretary to the Govt. of Nagaland

NOTIFICATION
Dated: Kohima, the 20th Sept, 2017.

NO: POL/ESTT/PF-10/2012-13/A: On completion of his inter-cadre deputation tenure to Nagaland, the Governor of Nagaland is pleased to release and repatriate Shri. Myintheungo Tungoe, IPS from Nagaland to his parent cadre i.e Chhattisgarh cadre w.e.f 23-09-2017.

Sd/-
S.R SARAVANAN
Special Secretary to the Govt. of Nagaland.
ORDER
Dated Kohima, the 19th September, 2017

NO.GAB-6/59/2005 (Pt)/588 :: The Governor of Nagaland pleased to de-recognise Khesepu Village under Zunheboto District with immediate effect.

This issues with the approval of Cabinet on 08-09-2017 communicated vide O.M NO.CAB-2/2013 dated 12-09-2017.

Sd/-
ROVILATUO MOR, IAS
Secretary to the Govt. of Nagaland.

NOTIFICATION
Dated Kohima, the 17th October 2017.

NO.LAW-45/86 (Pt-I) ::: The Governor of Nagaland is pleased to upgrade the post of Assistant Librarian to that of Deputy Librarian of the Registry Kohima bench, in the Pay Band of Rs.15600-39100/- and Grade Pay of Rs. 5400/-.

2. This is issued with the clearance of the P&AR Department vide their U.O. No. 211 dated 7.07.16, and concurrence of the Finance Department vide No. RFC/ESTT No. 4/20 dated 2.09.2016 with the recommendation of the manpower rationalization Committee vide No. AR-3/G&H-331/2016 dated 7th March 2017, and approval of the State Cabinet vide O.M. No. CAB-2/2013 dated 12th September 2017.

Sd/-
IMTITEMSU
Under Secretary to the Govt. of Nagaland.

NOTIFICATION
Dated Kohima, the 6th October, 2017

No.WH/EST/234/2012/1287 :: The Governor of Nagaland is pleased to revoke the upgradation of the post of Legal Officer to that of Senior Legal Officer issued vide WH/EST 84/2005 (Pt) dated 3rd August, 2017 in respect of Shri. Temsu Soya with immediate effect.

Sd/-
M. BENJONGNUNGSANG
Under Secretary to the Government of Nagaland.
NOTIFICATION
Dated Kohima, the 17th October 2017.

NO.LAW-45/86 (Pt-I) ::: The Governor of Nagaland is pleased to accord sanction for creation of 12 (twelve) numbers of additional posts under Gauhati High Court, Kohima Bench as shown below;

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of the post</th>
<th>Number of post</th>
<th>Pay Band &amp; Grade Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assistant Protocol Officer</td>
<td>1(one)</td>
<td>PB15600/-39100/- GP5700/-</td>
</tr>
<tr>
<td>2</td>
<td>Superintendent</td>
<td>1(one)</td>
<td>PB15600/-39100/- GP5400/-</td>
</tr>
<tr>
<td>3</td>
<td>Stenographer Grade-II</td>
<td>2(two)</td>
<td>PB 9300/-34800/- GP 4200</td>
</tr>
<tr>
<td>4</td>
<td>Driver</td>
<td>3(three)</td>
<td>PB5200/-20200 GP 1800/-</td>
</tr>
<tr>
<td>5</td>
<td>Lawn Attendant Mali</td>
<td>1(one)</td>
<td>PB 4400/-17200/- GP 1300/-</td>
</tr>
<tr>
<td>6</td>
<td>Sanitation Attendant (Sweeper)</td>
<td>2(two)</td>
<td>PB 4400/-17200/- GP 1300/-</td>
</tr>
<tr>
<td>7</td>
<td>Cook</td>
<td>2(two)</td>
<td>PB 4400/-17200 GP 1300/-</td>
</tr>
</tbody>
</table>

1. The expenditure is debitable to the Head of Account 2014, Administrative of Justice 102, during the current financial year 2017-18.

2. This is a “Non Plan” expenditure.

3. This is issued with the clearance of the P&AR Department vide their U.O. No. 211, dated 7.07.16, and concurrence of the Finance Department vide No. RFC/ESTT No. 4/20 dated 2.09.2016 with the recommendation of the manpower rationalization Committee vide No. AR-3/GEN-331/2016 dated 7th March 2017, and approval of the State Cabinet vide O.M. No. CAB-2/2013 dated 12th September 2017.

Sd/-
IMTITEMSU
Under Secretary to the Govt. of Nagaland.

NOTIFICATION
Dated Kohima, the 25th Oct, 2017.

No.HTE/TE-8/2/2010/920 // The Governor of Nagaland is pleased to engage Smti. Nzano Tsanglao as Lecturer, Civil Engineering, Govt. Polytechnic, Kohima against the vacancy caused due to transfer of Er. Zhapulhoulie Rupreo, Sr. Lecturer, Civil Engineering, GPK vide HTE/1-23/05(Pt) dated 06.10.2017 w.e.f. her joining the post.

2. The appointment is purely on exigency basis in the fixed pay of Rs.20,000/- (Rupees Twenty Thousand) only p.m for a period of 1(one) year or till the post is filled up on regular basis through NPSC whichever is earlier.

3. Smti. Nzano Tsanglao is further requested to join the post immediately after the issue of this Notification, failing which the appointment will be treated as cancelled/not accepted.

Sd/-
ANIMI LOTHIA
Under Secretary to the Govt. of Nagaland.
OFFICE MEMORANDUM

No. AR-3/Gen-174/2007(Pt) Dated Kohima, the 26th October, 2017

Procedure for filling up of Non Gazetted Posts in the Departments

The existing policy and procedure for filling up of Grade-III and Grade-IV posts under the State Government, including the District Offices, has been further reviewed and it has been decided that recruitments to Non Gazetted posts shall be made as per the procedure laid down in the following paragraphs.

1. All direct recruitment vacancies arising in Non Gazetted posts, including Grade-III and Grade-IV posts under the establishment of Deputy Commissioners in District administration shall be filled up by the indigenous tribes of the respective District through a Selection Committee headed by the Deputy Commissioner and having three District level Heads of Offices, an Administrative Officer, the Regional Employment Officer or District Employment Officer and the Principal or Senior Lecturer of the local College to be nominated by the Deputy Commissioner.

2. Further, all direct recruitment vacancies in Non Gazetted posts in a Department except Grade-IV posts, including such vacancies in the District offices of that Department, shall be filled up by the following Departmental Recruitment Board with the approval of the Government:

   (1) Director/Head of Department Chairman

   (2) Representative of concerned Administrative Department not below the rank of Under Secretary - Member

   (3) Representative of P&AR Department not below the rank of Under Secretary - Member

   (4) A senior officer concerned Directorate not below the rank of Deputy Director in-charge of administration - Member Secretary

3. The Departmental Recruitment Board shall meet every month.
4. All direct recruitment vacancies in Grade-IV posts in District offices of the Departments shall be filled up by the indigenous inhabitants of the respective District. In making recruitments to other Grade-IV posts in the Directorate and Secretariat level offices, the reservation policy for Backward Tribes shall be adhered to. All Grade-IV appointments shall be with the approval of Government.

5. The Indigenous Inhabitant Certificate (IIC) may be verified with the help of latest Census records to rule out possibility of multiple IICs in the name of the same person.

6. The above procedure shall not apply to the Non Gazetted posts of Secretariat Assistant in Nagaland Secretariat Service Cadre which will continue to be requisitioned to the Nagaland Public Service Commission (NPSC) for recruitment.

7. This issues in supersession of all earlier instructions on the matter, including this Department’s Office Memorandum of even number dated 7th December, 2016 and with the approval of the Cabinet vide Memorandum No.CAB-2/2013 dated 12th September, 2017 and dated 26th October, 2017.

Sd/-

RENBONI MOZHUI
Joint Secretary to the Government of Nagaland

ORDER

Dated Kohima, the 13th Oct. 2017

NO.IRR/ESTT-03/2009/355: : In terms of section 3(1) and section 3(2) of the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009, Vide Government of Nagaland, P&AR Department Notification No. AR-3/GEN-174/2007 (Pt) dated 07.08.2009, the Governor of Nagaland is pleased to release the following officers under Irrigation & Flood Control Department with effect from the date(s) as indicated below:-

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name &amp; Designation</th>
<th>Date of release from service</th>
<th>Nature of retirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Er. C. Vanchamo Lotha, SDO, Wokha Division.</td>
<td>28-02-2018(AN)</td>
<td>on completion of 35 years of service</td>
</tr>
<tr>
<td>2</td>
<td>Er. T. Chubanungsang Ao, E.E. Longleng.</td>
<td>31-03-2018 (AN)</td>
<td>on completion of 35 years of service</td>
</tr>
</tbody>
</table>

Sd/-

IMLIAKUM
Under Secretary to the Govt. of Nagaland
NOTIFICATION

Dated Kohima, the 23rd October, 2017.

NO. TPT/MV/16/2017/567: In supercession of this Department’s Notification of even number dated 4th June, 2017 and in exercise of the powers conferred under Section 19 read with Section 19(2) of the Nagaland Road Safety Authority Act, 2013, the Governor of Nagaland is pleased to constitute the District Road Safety Committee in all the 11 (eleven) Districts of Nagaland State with the following members with immediate effect.

1. The Deputy Commissioner, Ex-Officio & Chairman;
2. The Superintendent of Police, Ex-Officio;
3. The Executive Engineer (Roads and Bridges), Ex-Officio;
4. The Executive Engineer (National Highways), Ex-Officio;
5. The Regional Transport Officer/District Transport Officer, Ex-Officio & Member Secretary;

The Committee shall discharge the following functions:-

1. Implementation of road safety programmes including road safety awareness campaigns;
2. Coordinating the functions of all the Agencies and District Offices discharging the duties related to road safety;
3. Enforcing road safety standards and procedures in the Districts;
4. Implement schemes, projects and programmes relating to road safety in the Districts;
5. It shall meet at least once in three months with a minimum quorum of three members;
6. The District Road Safety Committee shall submit such report and returns and furnish such information to the Road Safety Commissioner as may be required from time to time.

Sd/-

Y. METCHIU
Deputy Secretary to the Govt. of Nagaland

ORDER

Dated Kohima the 24th October, 2017

NO.WH/EST/34/2008/1318: The Governor of Nagaland is pleased to confirm the service of Er. Daniel Kevie under the Nagaland Public Works Department (NPWD) in the PB-3 15600-39100 with GP- 5400/- pm against the post of SDO (Class-I Gazetted) with immediate effect.

Sd/-

M. BENJONGNUNGSANG
Under Secretary to the Government of Nagaland.
NOTIFICATION

Dated Kohima, the 30th October, 2017.

NO.SOIL-25/2004: In the interest of public service, the Governor of Nagaland is pleased to order the additional charge in respect of Shri K.Khekiho Shohe, Joint Director, under the Soil & Water Conservation Department, who shall hold additional charge of District Soil Conservation Officer (DSCO), Zunheboto on temporary basis upto December, 2017 or till further orders.

Handing & taking over charge should be completed on or before 1st November, 2017. Furthermore, work assignment Order NO.SC/ESTT-131/89(P.T.) dated 12.09.2017 may be adhered to.

Sd/-
VIKUONUO VIZO
Under Secretary to the Government of Nagaland.

NOTIFICATION

Dated Kohima, the 13th October 2017.

NO. PHE-1/EST/23/2014(Pt-I) : : The Governor of Nagaland is pleased to extend the contract service of the following Junior Engineer under Public Health Engineering Department with 1(one) day break as indicated below:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name</th>
<th>Designation</th>
<th>Period from</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri. Imsungt Jamir</td>
<td>JE</td>
<td>2.10.2017 to 31.3.2018</td>
</tr>
<tr>
<td>2</td>
<td>Shri. Lanusungkum Jamir</td>
<td>JE</td>
<td>2.10.2017 to 31.3.2018</td>
</tr>
<tr>
<td>3</td>
<td>Shri. Vihouto Kruse</td>
<td>JE</td>
<td>2.10.2017 to 31.3.2018</td>
</tr>
<tr>
<td>4</td>
<td>Shri. Lipokmeren Lkr</td>
<td>JE</td>
<td>2.10.2017 to 31.3.2018</td>
</tr>
<tr>
<td>5</td>
<td>Shri. Mhanyivituo</td>
<td>JE</td>
<td>2.10.2017 to 31.3.2018</td>
</tr>
<tr>
<td>6</td>
<td>Shri. Rongsentosho</td>
<td>JE</td>
<td>2.10.2017 to 31.3.2018</td>
</tr>
</tbody>
</table>

The extension of contract service is in continuation to an earlier Notification No.PHE-1/EST/23/2014 Dated 8/06/2017.

In the interest of public service the officers will continue to remain in their respective place of posting till further order.

Sd/-
NIKESONO KEVICHUSA
Under Secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, the 16th Oct 2017.

No.GM-32/RT1-2/2016:: The Governor of Nagaland is pleased to designate the following Officers as Appelate Authority (AA), Public Information Officers (PIOs) and Assistant Public Information Officers (APIOs) for performing functions under section 5 & 19 of the Right to Information Act,2005 (Central Act No.22 of 2005) in respect of Geology & Mining Department with immediate effect.

1. Administrative Office, Nagaland Civil Secretariat, Kohima.

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Name</th>
<th>Designation</th>
<th>Mobile No</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mr Imjung M Panger</td>
<td>Secretary</td>
<td>9436000131</td>
<td>N/L Civil Secretariat Kohima</td>
</tr>
<tr>
<td>2</td>
<td>Mr M Hangsing PIO</td>
<td>Addl Secretary</td>
<td>9615351755</td>
<td>N/L Civil Secretariat Kohima</td>
</tr>
<tr>
<td>3</td>
<td>Mr Kedukhwa Chirhah</td>
<td>Joint Secretary</td>
<td>9436005750</td>
<td>N/L Civil Secretariat Kohima</td>
</tr>
<tr>
<td>4</td>
<td>Mr Vekushevi Rhakho</td>
<td>Under Secretary</td>
<td>9612705942</td>
<td>N/L Civil Secretariat Kohima</td>
</tr>
<tr>
<td>5</td>
<td>Besuyi Khokhru</td>
<td>Section Officer</td>
<td>9436820061</td>
<td>N/L Civil Secretariat Kohima</td>
</tr>
</tbody>
</table>

2. Directorate, Geology & Mining, Dimapur.

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Name</th>
<th>Designation</th>
<th>Mobile No</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mr Wantang Rengma</td>
<td>Director</td>
<td>9612154823</td>
<td>Directorate G&amp;M Dimapur</td>
</tr>
<tr>
<td>2</td>
<td>Er M Nakhro PIO</td>
<td>Joint Director</td>
<td>9436013245</td>
<td>Directorate G&amp;M Dimapur</td>
</tr>
<tr>
<td>3</td>
<td>Ms Tokheli APIO</td>
<td>Geologist</td>
<td>9436261847</td>
<td>Directorate G&amp;M Dimapur</td>
</tr>
<tr>
<td>4</td>
<td>Er Tesino Semy APIO</td>
<td>Mining Engineer</td>
<td>9862564415</td>
<td>Directorate G&amp;M Dimapur</td>
</tr>
<tr>
<td>5</td>
<td>Er S Posatho Ngouri APIO</td>
<td>Drilling Engineer</td>
<td>8974052504</td>
<td>Directorate G&amp;M Dimapur</td>
</tr>
<tr>
<td>6</td>
<td>Mr Hilto Z Swu APIO</td>
<td>Geologist</td>
<td>9436832177</td>
<td>Directorate G&amp;M Dimapur</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SI No</th>
<th>Name</th>
<th>Designation</th>
<th>Mobile No</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mr. Longri Ao, Appellate Authority</td>
<td>Managing Director</td>
<td>9436000992</td>
<td>NSMDC Ltd., Kohima</td>
</tr>
<tr>
<td>2</td>
<td>Mr. Kikamanen Jamir, PIO</td>
<td>General Manager</td>
<td>9436078053</td>
<td>NSMDC Ltd., Kohima</td>
</tr>
<tr>
<td>3</td>
<td>Mr. Adhrise Sangtam, APIO</td>
<td>Manager</td>
<td>9402018788</td>
<td>NSMDC Ltd., Kohima</td>
</tr>
</tbody>
</table>

4. Operational Wing, Nagaland Petroleum & Natural Gas (NPNG), Kohima.

<table>
<thead>
<tr>
<th>SI No</th>
<th>Name</th>
<th>Designation</th>
<th>Mobile No</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mr. Tsukhunang Jamir, PIO</td>
<td>Team Leader</td>
<td>9436003230</td>
<td>N/L. Civil Secretariat</td>
</tr>
<tr>
<td>2</td>
<td>Mr. Apenthung Lotha, APIO</td>
<td>Member</td>
<td>9615378106</td>
<td>N/L. Civil Secretariat</td>
</tr>
</tbody>
</table>

Sd/-

KEDUKHWE CHIRHAH
Joint Secretary to the Govt. of Nagaland

NOTIFICATION


All other terms and conditions remains the same.

In the interest of public service the officer will continue to remain in the office of Chief Engineer, PHED.

Sd/-

NIKESONO KEVICHUSA
Under Secretary to the Government of Nagaland

NOTIFICATION
Dated Kohima, the 17th October 2017

NO.GM-1/ESTT-138/2015 :: In continuation to this Department’s Notifications NO.GM-1/ESTT-41/2009 (Pt). Dated 28th January 2015 and NO.GM-1/ESTT-138/2015 Dated 22nd January 2016, the Governor of Nagaland is pleased to extend the service of Shri. M. Chandemo Lotha, Legal Officer under the Directorate of Geology and Mining, Dimapur, Nagaland for a further period of 2 (Two) years with effect from 31st January 2018 under the same terms and conditions.

This has the approval of the Hon’ble Minister, Geology & Mining, Nagaland.

Sd/-

M. HANGSING
Addl. Secretary to the Government of Nagaland.
NOTIFICATION

Dated Kohima, the 13th Oct, 2017.

NO. HTE/HE/16-1/2016: As per documents available on record, the SCTE (formerly Nagaland College of Teacher Education), Nagaland, Kohima was granted permission by the National Council for Teacher Education (NCTE) under Section 15(i) of the NCTE Act of 1993 for conducting M.Ed (Additional Course) with an annual intake of 35 (thirty five) students for 1 (One) year from the academic session 2014-2015 vide Order NO.ERC-163.6.5/NCTE/M.Ed-Additional Course/2013/21793 dated 08.11.2013.

2. Another order was issued vide Order NO.ERC/NCTE/APP1419/M.Ed. (Additional Course)(Revised Order)/2016/3179 dated 20.05.2015 under the same Act of NCTE granting permission to SCTE, Nagaland, Kohima for conducting M.Ed (Additional Course) programme of 2 (Two) years duration with an intake of 50 (fifty) students from the academic session 2015-2016.

3. It may be mentioned that, to comply with the guidelines/ instructions/NCTE Act, the Department of Higher & Technical Education, Nagaland constituted a Committee to examine and assess the qualifications and experience of the existing faculty (Assistant Professor) who have been appointed earlier for teaching B.Ed Course. On verification and assessment of the bio-data of the faculty in service selected the under mentioned teachers from among the teachers who have requisite qualification as per the NCTE Act as below:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Subject</th>
<th>Nature of Appointment</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Dr. Bendangyapangla</td>
<td>English</td>
<td>Regular</td>
<td>Ph.D</td>
</tr>
<tr>
<td>2.</td>
<td>Smti. Rumi Nakro</td>
<td>Education</td>
<td>Regular</td>
<td>Ph.D (under submission)</td>
</tr>
<tr>
<td>3.</td>
<td>Smti. Neizekhonuo Liezietsu</td>
<td>Education</td>
<td>Regular</td>
<td>Ph.D (under submission)</td>
</tr>
<tr>
<td>4.</td>
<td>Shri. Sandip Ratna</td>
<td>Mathematics</td>
<td>Regular</td>
<td>Ph.D (submitted)</td>
</tr>
</tbody>
</table>

4. However, the Committee used the word ‘Appointed’ instead of using the word ‘Selected’ to teach M.Ed Course. Hence, the word ‘Selected’ shall be used for all official purpose instead of the word ‘Appointed’ w.e.f 30.09.2013 retrospectively.

5. This Office Notification of even NO. dated 23.06.2017 placing the faculty in M.Ed Section to teach the M.Ed Course was in compliance with the NCTE norms which will be in operation till further order.

Sd/-
CRONGSENRENLA
Deputy Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 31st October 2017.

No. PWR/ESTT-02/05/10  // In continuation to this Departments’ Notification of even number dated 02-11-2015, the Governor of Nagaland is pleased to extend the deputation service of Er. I.V. Chishi, S.E (E), O/o Engineer-in-Chief (Power) as Chief Electrical Inspector, Electrical Inspectorate, Nagaland for a further period of 1 (one) year w.e.f 04-11-2017.

2. The terms and conditions laid down in this Departments’ Notification of even number dated 02-11-2015 shall apply.

Sd/-
SUNGTLA JAMIR
Deputy Secretary to the Govt. of Nagaland.
NOTIFICATION
Dated Kohima, the 12th October 2017

NO. PWR/ESTT-02/26/09(Pt) :: In terms of section 3 (2) of the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009, which comes into effect from 31st October 2009 and in terms of Government of Nagaland, P&AR Department’s Notification NO. AR-3/GEN-174/2007 (Pt) Dated 7th August 2009, the Governor of Nagaland is pleased to release Shri. Henpong Konyak, Supervisor, O/o Executive Engineer (E), Tuensang whose particulars are given below with effect from 30/09/17 (A.N.) on completion of 35 years of service:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Govt. employee</th>
<th>Designation</th>
<th>Office and place of posting</th>
<th>Date of Birth</th>
<th>Date of joining Govt. service</th>
<th>Date of completion of 35 years of service</th>
<th>Date of release on attaining 35 years of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri. Henpong Konyak</td>
<td>Supervisor</td>
<td>E.E. (E), Tuensang</td>
<td>03.11.66</td>
<td>21.09.82</td>
<td>20.09.17</td>
<td>30.09.17</td>
</tr>
</tbody>
</table>

Sd/-
SUNGTILA JAMIR
Deputy Secretary to the Govt. of Nagaland

NOTIFICATION
Dated Kohima, the 31st October, 2017

No.CSO/RTI-4/2017 :: In partial modification to this office notification No.CSO/RTI/86/2016 dated 12.07.2016 and in pursuance to section 5 & 19(1) of the Right to Information Act, 2005, the following officers are hereby designated as Appellate Authority(AA), Public Information Officer (PIO) and Assistant Public Information Officer (APIO) in respect of the Chief Secretary’s Office.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name</th>
<th>Designation</th>
<th>Public Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri. Polan John</td>
<td>Deputy Secretary</td>
<td>Appellate Authority</td>
</tr>
<tr>
<td>2</td>
<td>Smt. Atosheili</td>
<td>Under Secretary</td>
<td>PIO</td>
</tr>
<tr>
<td>3</td>
<td>Shri. Gwazenlo Chung</td>
<td>Secretariat Assistant</td>
<td>APIO</td>
</tr>
</tbody>
</table>

Sd/-
POLAN JOHN
Deputy Secretary to the Govt. of Nagaland
NOTIFICATION


NO.GAB/GEN/15/2014: The Governor of Nagaland is pleased to declare the days specified in Annexure-I as General Holidays and Annexure-II as Restricted Holidays under the Government of Nagaland during the Calendar Year 2018.

Further, in pursuance of the explanation to section-3 of the Negotiable Instruments Act, 1881 (Act, XXVI), the Governor of Nagaland is pleased to declare the days specified in the Annexure-III as Public Holidays in Nagaland during 2018.

Sd/-
T. KHONSUNGO NGULLIE
Under Secretary to the Govt. of Nagaland.

ANNEXURE—I

LIST OF GENERAL HOLIDAYS FOR GOVERNMENT SERVANTS OF NAGALAND DURING THE YEAR 2018.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Holiday(s)</th>
<th>Day(s)</th>
<th>Date(s)</th>
<th>Day(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>New year’s Day</td>
<td>1</td>
<td>January 01</td>
<td>Monday</td>
</tr>
<tr>
<td>2.</td>
<td>Republic Day</td>
<td>1</td>
<td>January 26</td>
<td>Friday</td>
</tr>
<tr>
<td>3.</td>
<td>Holi</td>
<td>1</td>
<td>March 02</td>
<td>Friday</td>
</tr>
<tr>
<td>4.</td>
<td>Good Friday</td>
<td>1</td>
<td>March 30</td>
<td>Friday</td>
</tr>
<tr>
<td>5.</td>
<td>Id-ul-fitr</td>
<td>1</td>
<td>June 16</td>
<td>Saturday</td>
</tr>
<tr>
<td>6.</td>
<td>Independence Day</td>
<td>1</td>
<td>August 15</td>
<td>Wednesday</td>
</tr>
<tr>
<td>7.</td>
<td>Id – ul-Zuha (Bakrid)</td>
<td>1</td>
<td>August 22</td>
<td>Wednesday</td>
</tr>
<tr>
<td>8.</td>
<td>Janmashtami</td>
<td>1</td>
<td>September 03</td>
<td>Monday</td>
</tr>
<tr>
<td>9.</td>
<td>Mahatma Gandhi’s Birthday</td>
<td>1</td>
<td>October 02</td>
<td>Tuesday</td>
</tr>
<tr>
<td>10.</td>
<td>Dussehra (Durga Puja)</td>
<td>2</td>
<td>October 18-19</td>
<td>Thursday-Friday</td>
</tr>
<tr>
<td>11.</td>
<td>Diwali (Deepavali)</td>
<td>1</td>
<td>November 07</td>
<td>Wednesday</td>
</tr>
<tr>
<td>12.</td>
<td>Milad-Un-Nabi or Id-E-Milad (Birthday of Prophet</td>
<td>1</td>
<td>November 21</td>
<td>Wednesday</td>
</tr>
<tr>
<td>13.</td>
<td>Guru Nanak’s Birthday</td>
<td>1</td>
<td>November 23</td>
<td>Friday</td>
</tr>
<tr>
<td>14.</td>
<td>State Inauguration Day</td>
<td>1</td>
<td>December 01</td>
<td>Saturday</td>
</tr>
<tr>
<td>15.</td>
<td>Christmas</td>
<td>9</td>
<td>December 23-31</td>
<td>Sunday-Monday</td>
</tr>
</tbody>
</table>

Total 24

Sd/-
ABHISHEK SINGH
Home Commissioner, Nagaland.
# ANNEXURE-II

**LIST OF RESTRICTED HOLIDAYS FOR GOVERNMENT SERVANTS OF NAGALAND DURING THE CALENDAR YEAR 2018.**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Holiday(s)</th>
<th>No. of Days</th>
<th>Date(s)</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Thuni (Chakhesang)</td>
<td>1</td>
<td>05 January</td>
<td>Friday</td>
</tr>
<tr>
<td>2.</td>
<td>Chithuni</td>
<td>1</td>
<td>07 January</td>
<td>Sunday</td>
</tr>
<tr>
<td>3.</td>
<td>Poang Lüm (Chang)</td>
<td>1</td>
<td>13 January</td>
<td>Saturday</td>
</tr>
<tr>
<td>4.</td>
<td>Sükrunyi (Chakhesang)</td>
<td>1</td>
<td>15 January</td>
<td>Monday</td>
</tr>
<tr>
<td>5.</td>
<td>Tsungkamneo (Yimchunger)</td>
<td>1</td>
<td>16 January</td>
<td>Tuesday</td>
</tr>
<tr>
<td>6.</td>
<td>Mímkut (Kuki)</td>
<td>1</td>
<td>17 January</td>
<td>Wednesday</td>
</tr>
<tr>
<td>7.</td>
<td>Khaozaosie-Hok-Ah(Khamniungan)</td>
<td>1</td>
<td>20 January</td>
<td>Saturday</td>
</tr>
<tr>
<td>8.</td>
<td>Basant Panchami/Sri Panchami</td>
<td>1</td>
<td>22 January</td>
<td>Monday</td>
</tr>
<tr>
<td>9.</td>
<td>Bishu (Kachari)</td>
<td>1</td>
<td>27 January</td>
<td>Saturday</td>
</tr>
<tr>
<td>10.</td>
<td>Totino</td>
<td>1</td>
<td>18 February</td>
<td>Sunday</td>
</tr>
<tr>
<td>11.</td>
<td>Sekrenyi (Angami)</td>
<td>1</td>
<td>25 February</td>
<td>Sunday</td>
</tr>
<tr>
<td>12.</td>
<td>Mileinya (Zeliang)</td>
<td>1</td>
<td>11 March</td>
<td>Sunday</td>
</tr>
<tr>
<td>13.</td>
<td>Tsóhsu (Sangtam)</td>
<td>1</td>
<td>12 March</td>
<td>Monday</td>
</tr>
<tr>
<td>14.</td>
<td>Kundaglün (Chang)</td>
<td>1</td>
<td>01 April</td>
<td>Sunday</td>
</tr>
<tr>
<td>15.</td>
<td>Aoleang (Konyak)</td>
<td>2</td>
<td>1-2 April</td>
<td>Sunday-Monday</td>
</tr>
<tr>
<td>16.</td>
<td>Phom Monyu</td>
<td>2</td>
<td>1-2 April</td>
<td>Sunday-Monday</td>
</tr>
<tr>
<td>17.</td>
<td>Holong Monglashi</td>
<td>1</td>
<td>03 April</td>
<td>Tuesday</td>
</tr>
<tr>
<td>18.</td>
<td>Manipur New Year Day</td>
<td>1</td>
<td>13 April</td>
<td>Friday</td>
</tr>
<tr>
<td>19.</td>
<td>Vaisakhadi (Bengal)/Bahag Bilhu (Assam)</td>
<td>1</td>
<td>15 April</td>
<td>Sunday</td>
</tr>
<tr>
<td>20.</td>
<td>Wangtsunuo (Yimchunger)</td>
<td>1</td>
<td>16 April</td>
<td>Monday</td>
</tr>
<tr>
<td>21.</td>
<td>Pochury Commemoration Day</td>
<td>1</td>
<td>21 April</td>
<td>Saturday</td>
</tr>
<tr>
<td>22.</td>
<td>Tsukhenyi (Chakhesang)</td>
<td>1</td>
<td>24 April</td>
<td>Tuesday</td>
</tr>
<tr>
<td>23.</td>
<td>Buddha Purnima</td>
<td>1</td>
<td>30 April</td>
<td>Monday</td>
</tr>
<tr>
<td>24.</td>
<td>Moatsu (Ao)</td>
<td>1</td>
<td>02 May</td>
<td>Wednesday</td>
</tr>
<tr>
<td>25.</td>
<td>Woplong</td>
<td>1</td>
<td>03 May</td>
<td>Thursday</td>
</tr>
<tr>
<td>26.</td>
<td>Phom Day</td>
<td>1</td>
<td>06 June</td>
<td>Wednesday</td>
</tr>
<tr>
<td>27.</td>
<td>Tuluni (Sumi)</td>
<td>1</td>
<td>08 July</td>
<td>Sunday</td>
</tr>
<tr>
<td>28.</td>
<td>Naknyulim (Chang)</td>
<td>1</td>
<td>31 July</td>
<td>Tuesday</td>
</tr>
<tr>
<td>29.</td>
<td>Tsungremong(Ao)</td>
<td>2</td>
<td>1-2 August</td>
<td>Wednesday-Thurs</td>
</tr>
<tr>
<td>30.</td>
<td>Biam (Khamniungan)</td>
<td>1</td>
<td>07 August</td>
<td>Tuesday</td>
</tr>
<tr>
<td>31.</td>
<td>Metemneo (Yimchunger)</td>
<td>1</td>
<td>08 August</td>
<td>Wednesday</td>
</tr>
<tr>
<td>32.</td>
<td>Martyr’s Day (Manipur)</td>
<td>1</td>
<td>13 August</td>
<td>Monday</td>
</tr>
<tr>
<td>33.</td>
<td>Hunapongpi (Sangtam)</td>
<td>1</td>
<td>18 August</td>
<td>Saturday</td>
</tr>
<tr>
<td>34.</td>
<td>Onam or Thiru Onam Day(Kerala)</td>
<td>1</td>
<td>25 August</td>
<td>Saturday</td>
</tr>
<tr>
<td>35.</td>
<td>Mongmong (Sangtam)</td>
<td>1</td>
<td>03 September</td>
<td>Monday</td>
</tr>
<tr>
<td>36.</td>
<td>Black Day (Pochury)</td>
<td>1</td>
<td>06 September</td>
<td>Thursday</td>
</tr>
<tr>
<td>37.</td>
<td>Muharram</td>
<td>1</td>
<td>21 September</td>
<td>Friday</td>
</tr>
<tr>
<td>38.</td>
<td>Lao-Ong Mo (Konyak)</td>
<td>1</td>
<td>28 September</td>
<td>Friday</td>
</tr>
<tr>
<td>39.</td>
<td>Tsokum (Khamniungan)</td>
<td>1</td>
<td>05 October</td>
<td>Friday</td>
</tr>
<tr>
<td>40.</td>
<td>Yemshe (Pochury)</td>
<td>1</td>
<td>05 October</td>
<td>Friday</td>
</tr>
<tr>
<td>41.</td>
<td>Dura Puja</td>
<td>1</td>
<td>17 October</td>
<td>Wednesday</td>
</tr>
<tr>
<td>Sl. No</td>
<td>Name of the Festivals</td>
<td>No. of Days</td>
<td>Date in the Gregorian Calendar</td>
<td>Days of the Week</td>
</tr>
<tr>
<td>-------</td>
<td>--------------------------------------------</td>
<td>-------------</td>
<td>--------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>1.</td>
<td>New Year Day</td>
<td>1</td>
<td>1\textsuperscript{st} January</td>
<td>Monday</td>
</tr>
<tr>
<td>2.</td>
<td>Republic Day</td>
<td>1</td>
<td>26\textsuperscript{th} January</td>
<td>Friday</td>
</tr>
<tr>
<td>3.</td>
<td>Good Friday</td>
<td>1</td>
<td>30\textsuperscript{th} March</td>
<td>Friday</td>
</tr>
<tr>
<td>4.</td>
<td>Bank Holiday (Annual Account Closing)</td>
<td>1</td>
<td>1\textsuperscript{st} April</td>
<td>Sunday</td>
</tr>
<tr>
<td>5.</td>
<td>Idu’l Fitr</td>
<td>1</td>
<td>16\textsuperscript{th} June</td>
<td>Saturday</td>
</tr>
<tr>
<td>6.</td>
<td>Independence Day</td>
<td>1</td>
<td>15\textsuperscript{th} August</td>
<td>Wednesday</td>
</tr>
<tr>
<td>7.</td>
<td>Id-ul- Zuha (Bakrid)</td>
<td>1</td>
<td>22\textsuperscript{nd} August</td>
<td>Wednesday</td>
</tr>
<tr>
<td>8.</td>
<td>Mahatma Gandhi’s Birthday</td>
<td>1</td>
<td>2\textsuperscript{nd} October</td>
<td>Tuesday</td>
</tr>
<tr>
<td>9.</td>
<td>Dussehra (Durga Puja)</td>
<td>2</td>
<td>18\textsuperscript{th} - 19\textsuperscript{th} October</td>
<td>Thursday - Friday</td>
</tr>
<tr>
<td>10.</td>
<td>Diwali (Deepavali)</td>
<td>1</td>
<td>7\textsuperscript{th} November</td>
<td>Wednesday</td>
</tr>
<tr>
<td>11.</td>
<td>Guru Nanak’s Birthday</td>
<td>1</td>
<td>23\textsuperscript{rd} November</td>
<td>Friday</td>
</tr>
<tr>
<td>12.</td>
<td>State Inauguration Day</td>
<td>1</td>
<td>1\textsuperscript{st} December</td>
<td>Saturday</td>
</tr>
<tr>
<td>13.</td>
<td>Christmas</td>
<td>4</td>
<td>24\textsuperscript{th} - 27\textsuperscript{th} December</td>
<td>Monday-Thursday</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>17</td>
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</tbody>
</table>

There will be no public transactions on these days.

Sd/-

ABHISHEK SINGH
Home Commissioner, Nagaland.
NOTIFICATION

Dated Kohima, the 12th October 2017

NO. PWR/ESTT-02/26/09 :: In terms of section 3 (2) of the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009, which comes into effect from 31st October 2009 and in terms of Government of Nagaland, P&AR Department’s Notification NO. AR-3/GEN-174/2007 (Pt) Dated 7th August 2009, the Governor of Nagaland is pleased to release the following officers under Power Department whose particulars are given below with effect from the dates shown against their names on completion of 35 years of service:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Govt. employee</th>
<th>Designation</th>
<th>Office and place of posting</th>
<th>Date of Birth</th>
<th>Date of joining Govt. service</th>
<th>Date of completion of 35 years of service</th>
<th>Date of release on attaining 35 years of service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri. Imdong Ao</td>
<td>Supervisor</td>
<td>E.E. (T), Dimapur</td>
<td>07.05.63</td>
<td>08.09.82</td>
<td>07.09.17</td>
<td>30.09.17</td>
</tr>
</tbody>
</table>

Sd/-
SUNGTILA JAMIR
Deputy Secretary to the Govt. of Nagaland

NOTIFICATION

Dated Kohima, the 25th October, 2017

NO. TRSM -1/4/2006/632 :: In pursuance of section 5 & 19 of the Right to Information Act, 2005 and in partial modification of this Department’s Notification of even number dated the 20th June, 2015, the Governor of Nagaland is pleased to designate the following Officials as Appellate Authority, Public Information Officer and Assistant Public Information Officer in respect of Tourism Department with immediate effect as given below.

1. Appellate Authority : Smti. Angau I. Thou, IAS, Secretary
2. Public Information Officer : Shri. M. Shayung Phom, Joint Secretary
3. Assistant Public Information Officer : Shri. S. W. Augustine Lotha, Under Secretary.

Sd/-
KEYIRANGDING HEGUI
Deputy Secretary to the Government of Nagaland
NOTIFICATION

Dated Kohima, the 31st Oct., 2017

I&C/PF/05/16:: In the interest of public service, the deputation service of Shri. T. Alisaba Phom, Functional Manager/Asst. Manager, under Industries & Commerce Department on deputation from School Education Department, is hereby extended for a period of one year with effect from 19/5/2017 to 19/5/2018 on following terms and conditions:

1. Period of Deputation: The period of deputation will be for a period of 1 (one) only. The Official will be reverted to his parent department after the completion of his one year tenure. No new Notification/Order on the extension of Deputation service of the official will be issued hereafter.

2. Scale of Pay: He will draw the pay scale of Functional Manager/Asst. Manager plus all other allowances of his present scale.

3. Other Facilities: He will enjoy all other facilities as admissible to the officers on deputation without any deputation allowance while in the station.

This has the approval of the Parliamentary Secretary, Industries & Commerce Department.

Sd/-

HELUIBE ZELIANG
Deputy Secretary to the Government of Nagaland

NOTIFICATION

Dated Kohima, the 26th October, 2017.

NO:FOR:ESTT-1/14 (A)/882 : The Governor of Nagaland is pleased to upgrade 1(one) post of Head Assistant Grade III (non-gazetted) to that of Head Assistant (Senior)(Class II gazetted) in the scale of pay of Rs.9300-34800/- and Grade Pay of Rs. 4400/- pm in accordance with P & AR Department’s Notification No. AR-113/5/89 dated 11th February, 2002, 16th November, 2006 and 31st March,2015.

Sd/-

THUPUSA NIENU
Under Secretary to the Government of Nagaland.
NOTIFICATION

Dated Kohima, the 31st October, 2017.

NO. TPT/MV/03/2017/548 : In pursuance of Ministry of Road Transport and Highways letter No. RT-11021/47/2014-MVL dated 27.09.2017 and in terms of Hon’ble Supreme Court’s order dated 10.08.2017 passed in the matter of W.P.(C) No.13029 of 1985, the Governor of Nagaland is pleased to issue an advisory as under:-

(i) The State Motor Vehicles Department shall mandate a PUC Centre at every fuel station in the State.

(ii) The calibration of PUC machines should be done at regular periodicity by third party agencies duly authorised by the Motor Vehicles Department of the State. Further, the State Motor Vehicles Department shall conduct random checks of the PUC Centres and also to carry enforcement drive for PUC compliance by Motor Vehicle Owners.

(iii) Mandate pre-payment of PUC fee before the tests are conducted.

(iv) Introduce well equipped mobile test centres and a programme to check visibly polluting vehicles.

(v) Enforce stringent penalty for PUC Centres for non-compliance and malpractices and to cancel the authorization of non-compliant PUC Centres.

Sd/-
Y.METCHIU
Deputy Secretary to the Govt. of Nagaland.
NOTIFICATION

Dated Kohima, the 31st October, 2017.

NO. TPT/MV/16/2017/629 : In supercession of this Department’s Notification of even number dated 23.10.2017, and in exercise of the powers conferred under Section 19 read with Section 19(2) of the Nagaland Road Safety Authority Act, 2013, the Governor of Nagaland is pleased to constitute the District Road Safety Committee in all the 11 (Eleven) Districts of Nagaland State with the following members with immediate effect.

1. The Deputy Commissioner, Ex-Officio & Chairman;
2. The Superintendent of Police, Ex-Officio;
3. The Executive Engineer (Roads and Bridges), Ex-Officio;
4. The Executive Engineer (National Highways), Ex-Officio;
5. The Regional Transport Officer/District Transport Officer, Ex-Officio & Member Secretary;
6. Representative of General Manager, National Highways Infrastructure Development Corporation, Ltd. (NHIDCL), Branch Office, Dimapur.

The Committee shall discharge the following functions:

1. Implementation of road safety programmes including road safety awareness campaigns;
2. Coordinating the functions of all the agencies and District Offices discharging the duties related to road safety;
3. Enforcing road safety standards and procedures in the Districts;
4. Implement schemes, projects and programmes relating to road safety in the Districts;
5. It shall meet at least once in three months with a minimum quorum of three members;
6. The District Road Safety Committee shall submit such report and returns and furnish such information to the Road Safety Commissioner as may be required from time to time.

Sd/-

Y. METCHIU
Deputy Secretary to the Govt. of Nagaland
MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 2nd September, 2017/Bhadra 11, 1939 (Saka)

THE GOODS AND SERVICES TAX (COMPENSATION TO STATES) AMENDMENT ORDINANCE, 2017

NO. 5 OF 2017

Promulgated by the President in the Sixty-eighth Year of the Republic of India.

An Ordinance to amend the Goods and Services Tax (Compensation to States) Act, 2017.

WHEREAS Parliament is not in session and the President is satisfied that the circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. (1) This Ordinance may be called the Goods and Services Tax (Compensation to States) Amendment Ordinance, 2017.

(2) It shall come into force at once.

2. (1) In the Goods and Services Tax (Compensation to States) Act, 2017, in the Schedule,—

(i) after serial number 4 and the entries relating thereto, the following serial number shall be inserted, namely—

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8702 10, 8702 20, 8702 20 or 30</td>
<td>Twenty-five per cent. ad valorem.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(ii) against serial number 5, for the entry in column (4), the entry “Twenty-five per cent. ad valorem” shall be substituted.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.
PART-V

GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE AND LAW
NAGALAND, KOHIMA

NOTIFICATION

No. LAW/ACT/6-21/2017

THE CONSTITUTION (SCHEDULED CASTES) ORDERS
(AMENDMENT) ACT, 2017.

Sd/-

IMTITEMSU
Under Secretary to the Govt. of Nagaland.
THE CONSTITUTION (SCHEDULED CASTES) 
ORDERS (AMENDMENT) ACT, 2017

AN
ACT

further to amend the Constitution (Scheduled Castes) Order, 1950 to modify the list of Scheduled Castes in the State of Odisha and to amend the Constitution (Pondicherry) Scheduled Castes Order, 1964.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 2017.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part XIII.—Odisha, for entry 79, the following entry shall be substituted, namely:—

“79. Sabahia, Sualgiri, Sualgiri.”

3. In the Constitution (Pondicherry) Scheduled Castes Order, 1964, for the word “Pondicherry” at both the places where it occurs, the word “Puducherry” shall be substituted.
PART-V

GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE AND LAW
NAGALAND, KOHIMA

NOTIFICATION

No. LAW/ACT/6-21/2017 Dated, Kohima the 9th Oct. 2017


Sd/-
IMTITEMSU
Under Secretary to the Govt. of Nagaland.
THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (PREVENTION AND CONTROL) ACT, 2017

ARRANGEMENT OF CLAUSES

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2. Definitions.

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4. Prohibition of certain acts.

CHAPTER III
INFORMED CONSENT

5. Informed consent for undertaking HIV test or treatment.
6. Informed consent not required for conducting HIV tests in certain cases.
7. Guidelines for testing centres, etc.

CHAPTER IV
DISCLOSURE OF HIV STATUS

10. Duty to prevent transmission of HIV.

CHAPTER V
OBLIGATION OF ESTABLISHMENTS

11. Confidentiality of data.
12. HIV and AIDS policy for establishments.

CHAPTER VI
ANTI-RETROVIRAL THERAPY AND OPPORTUNISTIC INFECTION MANAGEMENT FOR PEOPLE LIVING WITH HIV

13. Central Government and State Government to take measures.

CHAPTER VII
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16. Protection of property of children affected by HIV or AIDS.
Clauses

17. Promotion of HIV and AIDS related information, education and communication programmes.
18. Women and children infected with HIV or AIDS.

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21. Grievance redressal mechanism.

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46. Guidelines.
47. Power of Central Government to make rules.
48. Laying of rules before both Houses of Parliament.
49. Power of State Government to make rules and laying thereof.
50. Power to remove difficulties.

THE HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (PREVENTION AND CONTROL) ACT, 2017

AN ACT

to provide for the prevention and control of the spread of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome and for the protection of human rights of persons affected by the said virus and syndrome and for matters connected therewith or incidental thereto.

WHEREAS the spread of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome is a matter of grave concern to all and there is an urgent need for the prevention and control of said virus and syndrome;

AND WHEREAS there is a need to protect and secure the human rights of persons who are HIV-positive, affected by Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome and vulnerable to the said virus and syndrome;

AND WHEREAS there is a necessity for effective care, support and treatment for Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome;
AND WHEREAS there is a need to protect the rights of healthcare providers and other persons in relation to Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome;

AND WHEREAS the General Assembly of the United Nations, recalling and reaffirming its previous commitments on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, has adopted the Declaration of Commitment on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (2001) to address the problems of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome in all its aspects and to secure a global commitment to enhancing coordination and intensification of national, regional and international efforts to combat it in a comprehensive manner;

AND WHEREAS the Republic of India, being a signatory to the aforesaid Declaration, it is expedient to give effect to the said Declaration.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “AIDS” means Acquired Immune Deficiency Syndrome, a condition characterised by a combination of signs and symptoms, caused by Human Immunodeficiency Virus, which attacks and weakens the body’s immune system making the HIV-positive person susceptible to life-threatening conditions or other conditions, as may be specified from time to time;

(b) “capacity to consent” means ability of an individual, determined on an objective basis, to understand and appreciate the nature and consequences of a proposed action and to make an informed decision concerning such action;

(c) “child affected by HIV” means a person below the age of eighteen years, who is HIV-positive or whose parent or guardian (with whom such child normally resides) is HIV-positive or has lost a parent or guardian (with whom such child resided) due to AIDS or lives in a household fostering children orphaned by AIDS;

(d) “discrimination” means any act or omission which directly or indirectly, expressly or by effect, immediately or over a period of time,—

(i) imposes any burden, obligation, liability, disability or disadvantage on any person or category of persons, based on one or more HIV-related grounds; or

(ii) denies or withholds any benefit, opportunity or advantage from any person or category of persons, based on one or more HIV-related grounds,

and the expression “discriminate” to be construed accordingly.

Explanation 1.—For the purposes of this clause, HIV-related grounds include—

(i) being an HIV-positive person;

(ii) ordinarily living, residing or cohabiting with a person who is HIV-positive person;
(iii) ordinarily lived, resided or cohabited with a person who was HIV-positive.

Explanation 2.—For the removal of doubts, it is hereby clarified that adoption of medically advised safeguards and precautions to minimise the risk of infection shall not amount to discrimination;

(e) “domestic relationship” means a relationship as defined under clause (f) of section 2 of the Protection of Women from Domestic Violence Act, 2005;

(f) “establishment” means a body corporate or co-operative society or any organisation or institution or two or more persons jointly carrying out a systematic activity for a period of twelve months or more at one or more places for consideration or otherwise, for the production, supply or distribution of goods or services;

(g) “guidelines” means any statement or any other document issued by the Central Government indicating policy or procedure or course of action relating to HIV and AIDS to be followed by the Central Government, State Governments, governmental and non-governmental organisations and establishments and individuals dealing with prevention, control and treatment of HIV or AIDS;

(h) “healthcare provider” means any individual whose vocation or profession is directly or indirectly related to the maintenance of the health of another individual and includes any physician, nurse, paramedic, psychologist, counsellor or other individual providing medical, nursing, psychological or other healthcare services including HIV prevention and treatment services;

(i) “HIV” means Human Immunodeficiency Virus;

(j) “HIV-affected person” means an individual who is HIV-positive or whose partner (with whom such individual normally resides) is HIV-positive or has lost a partner (with whom such individual resided) due to AIDS;

(k) “HIV-positive person” means a person whose HIV test has been confirmed positive;

(l) “HIV-related information” means any information relating to the HIV status of a person and includes—

(i) information relating to the undertaking performing the HIV test or result of an HIV test;

(ii) information relating to the care, support or treatment of that person;

(iii) information which may identify that person; and

(iv) any other information concerning that person, which is collected, received, accessed or recorded in connection with an HIV test, HIV treatment or HIV-related research or the HIV status of that person;

(m) “HIV text” means a test to determine the presence of an antibody or antigen of HIV;

(n) “informed consent” means consent given by any individual or his representative specific to a proposed intervention without any coercion, undue influence, fraud, mistake or misrepresentation and such consent obtained after informing such individual or his representative, as the case may be, such information, as specified in the guidelines, relating to risks and benefits of, and alternatives to, the proposed intervention in such language and in such manner as understood by that individual or his representative, as the case may be;

(o) “notification” means a notification published in the Official Gazette;

(p) “partner” means a spouse, de facto spouse or a person with whom another person has a relationship in the nature of marriage;
(q) "person" includes an individual, a Hindu Undivided Family, a company, a firm, an association of persons or a body of individuals whether incorporated or not, in India or outside India, any corporation established by or under any Central or State Act or any company including a Government company incorporated under the Companies Act, 1956, any Limited Liability Partnership under the Limited Liability Partnership Act, 2008, any body corporate incorporated by or under the laws of a country outside India, a co-operative society registered under any law relating to co-operative societies, a local authority, and every other artificial juridical person;

(r) "prescribed" means prescribed by rules made by the Central Government or the State Government, as the case may be;

(s) "protected person" means a person who is—

(i) HIV-Positive; or

(ii) ordinarily living, residing or cohabiting with a person who is HIV-positive person; or

(iii) ordinarily lived, resided or cohabited with a person who was HIV-positive;

(i) "reasonable accommodation" means minor adjustments to a job or work that enables an HIV-positive person who is otherwise qualified to enjoy equal benefits or to perform the essential functions of the job or work, as the case may be:

(u) "relative", with reference to the protected person, means—

(i) spouse of the protected person;

(ii) parents of the protected person;

(iii) brother or sister of the protected person;

(iv) brother or sister of the spouse of the protected person;

(v) brother or sister of either of the parents of the protected person;

(vi) in the absence of any of the relatives mentioned at sub-clauses (i) to (v), any lineal ascendant or descendant of the protected person;

(vii) in the absence of any of the relatives mentioned at sub-clauses (i) to (vii), any lineal ascendant or descendant of the spouse of the protected person;

(v) "significant-risk" means—

(a) the presence of significant-risk body substances;

(b) a circumstance which constitutes significant-risk for transmitting or contracting HIV infection; or

(c) the presence of an infectious source and an uninfected person.

Explanation.—For the purpose of this clause,—

(i) "significant-risk body substances" are blood, blood products, semen, vaginal secretions, breast milk, tissue and the body fluids, namely, cerebrospinal, amniotic, peritoneal, synovial, pericardial and pleural;

(ii) "circumstances which constitute significant-risk for transmitting or contracting HIV infection" are—

(A) sexual intercourse including vaginal, anal or oral sexual intercourse which exposes an uninfected person to blood, blood products, semen or vaginal secretions of an HIV-positive person;

(B) sharing of needles and other paraphernalia used for preparing and injecting drugs between HIV-positive persons and uninfected persons;
(C) the gestation, giving birth or breast feeding of an infant when the mother is an HIV-positive person;

(D) transfusion of blood, blood products, and transplantation of organs or other tissues from an HIV-positive person to an uninfected person, provided such blood, blood products, organs or other tissues have not been tested conclusively for the antibody or antigen of HIV and have not been rendered non-infective by heat or chemical treatment; and

(E) other circumstances during which a significant-risk body substance, other than breast milk, of an HIV-positive person contacts or may contact mucous membranes including eyes, nose or mouth, non-intact skin including open wounds, skin with a dermatitis condition or abraded areas or the vascular system of an uninfected person, and including such circumstances not limited to needle-stick or puncture wound injuries and direct saturation or permeation of these body surfaces by the significant-risk body substances:

Provided that "significant-risk" shall not include—

(i) exposure to urine, faeces, sputum, nasal secretions, saliva, sweat, tears or vomit that does not contain blood that is visible to the naked eye;

(ii) human bites where there is no direct blood to blood, or no blood to mucous membrane contact;

(iii) exposure of intact skin to blood or any other blood substance; and

(iv) occupational centres where individuals use scientifically accepted Universal Precautions, prohibitive techniques and preventive practices in circumstances which would otherwise pose a significant-risk and such techniques are not breached and remain intact;

(w) "State AIDS Control Society" means the nodal agency of the State Government responsible for implementing programmes in the field of HIV and AIDS;

(x) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution; and

(y) "Universal Precautions" means control measures that prevent exposure to or reduce, the risk of transmission of pathogenic agents (including HIV) and includes education, training, personal protective equipment such as gloves, gowns and masks, hand washing, and employing safe work practices.

CHAPTER II

PROHIBITION OF CERTAIN ACTS

3. No person shall discriminate against the protected person on any ground including any of the following, namely:—

(a) the denial of, or termination from, employment or occupation, unless, in the case of termination, the person, who is otherwise qualified, is furnished with—

(i) a copy of the written assessment of a qualified and independent healthcare provider competent to do so that such protected person poses a significant risk of transmission of HIV to other person in the workplace, or is unfit to perform the duties of the job; and
(i) a copy of a written statement by the employer stating the nature and extent of administrative or financial hardship for not providing him reasonable accommodation;

(b) the unfair treatment in, or in relation to, employment or occupation;

(c) the denial or discontinuation of, or unfair treatment in, healthcare services;

(d) the denial or discontinuation of, or unfair treatment in, educational establishments and services thereof;

(e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public, whether or not for a fee, including shops, public restaurants, hotels and places of public entertainment or the use of wells, tanks, bathing ghats, roads, burial grounds or funeral ceremonies and places of public resort;

(f) the denial, or discontinuation of, or unfair treatment with regard to, the right of movement;

(g) the denial or discontinuation of, or, unfair treatment with regard to, the right to reside, purchase, rent, or otherwise occupy, any property;

(h) the denial or discontinuation of, or, unfair treatment in, the opportunity to stand for, or, hold public or private office;

(i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a person may be;

(j) the denial of, or unfair treatment in, the provision of insurance unless supported by actuarial studies;

(k) the isolation or segregation of a protected person;

(l) HIV testing as a pre-requisite for obtaining employment, or accessing healthcare services or education or, for the continuation of the same or, for accessing or using any other service or facility:

Provided that, in case of failure to furnish the written assessment under sub-clause (i) of clause (a), it shall be presumed that there is no significant-risk and that the person is fit to perform the duties of the job, as the case may be, and in case of the failure to furnish the written statement under sub-clause (ii) of that clause, it shall be presumed that there is no such undue administrative or financial hardship.

4. No person shall, by words, either spoken or written, publish, propagate, advocate or communicate by signs or by visible representation or otherwise the feelings of hatred against any protected persons or group of protected person in general or specifically or disseminate, broadcast or display any information, advertisement or notice, which may reasonably be construed to demonstrate an intention to propagate hatred or which is likely to expose protected persons to hatred, discrimination or physical violence.

CHAPTER III

INFORMED CONSENT

5. (1) Subject to the provisions of this Act,—

(a) no HIV test shall be undertaken or performed upon any person; or

(b) no protected person shall be subject to medical treatment, medical interventions or research, except with the informed consent of such person or his representative and in such manner, as may be specified in the guidelines.
429

The Nagaland Gazette, Part-V 31,October,2017

(2) The informed consent for HIV test shall include pre-test and post-test counselling to the person being tested or such person’s representative in the manner as may be specified in the guidelines.

6. The informed consent for conducting an HIV test shall not be required—

(a) where a court determines, by an order that the carrying out of the HIV test of any person either as part of a medical examination or otherwise, is necessary for the determination of issues in the matter before it;

(b) for procuring, processing, distribution or use of a human body or any part thereof including tissues, blood, semen or other body fluids for use in medical research or therapy:

Provided that where the test results are requested by a donor prior to donation, the donor shall be referred to counselling and testing centre and such donor shall not be entitled to the results of the test unless he has received post-test counselling from such centre;

(c) for epidemiological or surveillance purposes where the HIV test is anonymous and is not for the purpose of determining the HIV status of a person:

Provided that persons who are subjects of such epidemiological or surveillance studies shall be informed of the purposes of such studies; and

(d) for screening purposes in any licensed blood bank.

7. No HIV test shall be conducted or performed by any testing or diagnostic centre or pathology laboratory or blood bank, unless such centre or laboratory or blood bank follows the guidelines laid down for such test.

CHAPTER IV

DISCLOSURE OF HIV STATUS

8. (1) Notwithstanding anything contained in any other law for the time being in force,—

(i) no person shall be compelled to disclose his HIV status except by an order of the court that the disclosure of such information is necessary in the interest of justice for the determination of issues in the matter before it;

(ii) no person shall disclose or be compelled to disclose the HIV status or any other private information of other person imparted in confidence or in a relationship of a fiduciary nature, except with the informed consent of that other person or a representative of such another person obtained in the manner as specified in section 5, as the case may be. and the fact of such consent has been recorded in writing by the person making such disclosure:

Provided that, in case of a relationship of a fiduciary nature, informed consent shall be recorded in writing.

(2) The informed consent for disclosure of HIV-related information under clause (ii) of sub-section (1) is not required where the disclosure is made—

(a) by a healthcare provider to another healthcare provider who is involved in the care, treatment or counselling of such person, when such disclosure is necessary to provide care or treatment to that person;

(b) by an order of a court that the disclosure of such information is necessary in the interest of justice for the determination of issues and in the matter before it;

(c) in suits or legal proceedings between persons, where the disclosure of such information is necessary in filing suits or legal proceedings or for instructing their counsel;
Disclosure of HIV-positive status to partner of HIV-positive person

(d) as required under the provisions of section 9;

(e) if it relates to statistical or other information of a person that could not reasonably be expected to lead to the identification of that person; and

(f) to the officers of the Central Government or the State Government or State AIDS Control Society of the concerned State Government, as the case may be, for the purposes of monitoring, evaluation or supervision.

9. (1) No healthcare provider, except a physician or a counsellor, shall disclose the HIV-positive status of a person to his or her partner.

(2) A healthcare provider, who is a physician or counsellor, may disclose the HIV-positive status of a person under his direct care to his or her partner, if such healthcare provider—

(a) reasonably believes that the partner is at the significant risk of transmission of HIV from such person; and

(b) such HIV-positive person has been counselled to inform such partner; and

(c) is satisfied that the HIV-positive person will not inform such partner; and

(d) has informed the HIV-positive person of the intention to disclose the HIV-positive status to such partner:

Provided that disclosure under this sub-section to the partner shall be made in person after counselling:

Provided further that such healthcare provider shall have no obligation to identify or locate the partner of an HIV-positive person:

Provided also that such healthcare provider shall not inform the partner of a woman where there is a reasonable apprehension that such information may result in violence, abandonment or actions which may have a severe negative effect on the physical or mental health or safety of such woman, her children, her relatives or someone who is close to her.

(3) The healthcare provider under sub-section (1) shall not be liable for any criminal or civil action for any disclosure or non-disclosure of confidential HIV-related information made to a partner under this section.

10. Every person who is HIV-positive and has been counselled in accordance with the guidelines issued or is aware of the nature of HIV and its transmission, shall take all reasonable precautions to prevent the transmission of HIV to other persons which may include adopting strategies for the reduction of risk or informing in advance his HIV status before any sexual contact with any person or with whom needles are shared with:

Provided that the provisions of this section shall not be applicable to prevent transmission through a sexual contact in the case of a woman, where there is a reasonable apprehension that such information may result in violence, abandonment or actions which may have a severe negative effect on the physical or mental health or safety of such woman, her children, her relatives or someone who is close to her.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS

11. Every establishment keeping the records of HIV-related information of protected persons shall adopt data protection measures in accordance with the guidelines to ensure that such information is protected from disclosure.

Explanation.— For the purpose of this section, data protection measures shall include procedures for protecting information from disclosure, procedures for accessing information, provision for security systems to protect the information stored in any form and mechanisms to ensure accountability and liability of persons in the establishment.
12. The Central Government shall notify model HIV and AIDS policy for establishments, in such manner, as may be prescribed.

CHAPTER VI
ANTI-RETROVIRAL THERAPY AND OPPORTUNISTIC INFECTION MANAGEMENT FOR PEOPLE LIVING WITH HIV

13. The Central Government and every State Government, as the case may be, shall take all such measures as it deems necessary and expedient for the prevention of spread of HIV or AIDS, in accordance with the guidelines.

14. (1) The measures to be taken by the Central Government or the State Government under section 13 shall include the measures for providing, as far as possible, diagnostic facilities relating to HIV or AIDS, Anti-retroviral Therapy and Opportunistic Infection Management to people living with HIV or AIDS.

(2) The Central Government shall issue necessary guidelines in respect of protocols for HIV and AIDS relating to diagnostic facilities, Anti-retroviral Therapy and Opportunistic Infection Management which shall be applicable to all persons and shall ensure their wide dissemination.

CHAPTER VII
WELFARE MEASURES BY THE CENTRAL GOVERNMENT AND STATE GOVERNMENT

15. (1) The Central Government and every State Government shall take measures to facilitate better access to welfare schemes to persons infected or affected by HIV or AIDS.

(2) Without prejudice to the provisions of sub-section (1), the Central Government and State Governments shall frame schemes to address the needs of all protected persons.

16. (1) The Central Government or the State Government, as the case may be, shall take appropriate steps to protect the property of children affected by HIV or AIDS for the protection of property of child affected by HIV or AIDS.

(2) The parents or guardians of children affected by HIV and AIDS, or any person acting for protecting their interest, or a child affected by HIV and AIDS may approach the Child Welfare Committee for the safe keeping and deposit of documents related to the property rights of such child or to make complaints relating to such child being dispossessed or actual dispossession or trespass into such child’s house.

Explanation.—For the purpose of this section, “Child Welfare Committee” means a Committee set-up under section 29 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

17. The Central Government and the State Government shall formulate HIV and AIDS related information, education and communication programmes which are age-appropriate, gender-sensitive, non-stigmatising and non-discriminatory.

18. (1) The Central Government shall lay down guidelines for care, support and treatment of children infected with HIV or AIDS.

(2) Without prejudice to the generality of the provisions of sub-section (1) and notwithstanding anything contained in any other law for the time being in force, the Central Government, or the State Government as the case may be, shall take measures to counsel and provide information regarding the outcome of pregnancy and HIV-related treatment to the HIV infected women.
(3) No HIV positive woman, who is pregnant, shall be subjected to sterilisation or abortion without obtaining her informed consent.

CHAPTER VIII
SAFE WORKING ENVIRONMENT

19. Every establishment, engaged in the healthcare services and every such other establishment where there is a significant risk of occupational exposure to HIV, shall, for the purpose of ensuring safe working environment,—

(i) provide, in accordance with the guidelines,—

(a) Universal Precautions to all persons working in such establishment who may be occupationally exposed to HIV; and

(b) training for the use of such Universal Precautions;

(c) Post Exposure Prophylaxis to all persons working in such establishment who may be occupationally exposed to HIV or AIDS; and

(ii) inform and educate all persons working in the establishment of the availability of Universal Precautions and Post Exposure Prophylaxis.

20. (1) The provisions of this Chapter shall be applicable to all establishments consisting of one hundred or more persons, whether as an employee or officer or member or director or trustee or manager, as the case may be:

Provided that in the case of healthcare establishments, the provisions of this sub-section shall have the effect as if for the words “one hundred or more”, the words “twenty or more” had been substituted.

(2) Every person, who is in charge of an establishment, referred to in sub-section (1), for the conduct of the activities of such establishment, shall ensure compliance of the provisions of this Act.

21. Every establishment referred to in sub-section (1) of section 20 shall designate such person, as it deems fit, as the Complaints Officer who shall dispose of complaints of violations of the provisions of this Act in the establishment, in such manner and within such time as may be prescribed.

CHAPTER IX
PROMOTION OF STRATEGIES FOR REDUCTION OF RISK

22. Notwithstanding anything contained in any other law for the time being in force any strategy or mechanism or technique adopted or implemented for reducing the risk of HIV transmission, or any act pursuant thereto, as carried out by persons, establishments or organisations in the manner as may be specified in the guidelines issued by the Central Government shall not be restricted or prohibited in any manner, and shall not amount to a criminal offence or attract civil liability.

Explanation.—For the purpose of this section, strategies for reducing risk of HIV transmission means promoting actions or practices that minimise a person’s risk of exposure to HIV or mitigate the adverse impacts related to HIV or AIDS including—

(i) the provisions of information, education and counselling services relating to prevention of HIV and safe practices;

(ii) the provisions and use of safer sex tools, including condoms;

(iii) drug substitution and drug maintenance; and

(iv) provision of comprehensive injection safety requirements.
Illustrations

(a) A supplies condoms to B who is a sex worker or to C, who is a client of B. Neither A nor B nor C can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the strategy.

(b) M carries on an intervention project on HIV or AIDS and sexual health information, education and counselling for men, who have sex with men, provides safer sex information, material and condoms to N, who has sex with other men. Neither M nor N can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the intervention.

(c) X, who undertakes an intervention providing registered needle exchange programme services to injecting drug users, supplies a clean needle to Y, an injecting drug user who exchanges the same for a used needle. Neither X nor Y can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the intervention.

(d) D, who carries on an intervention programme providing Opioid Substitution Treatment (OST), administers OST to E, an injecting drug user. Neither D nor E can be held criminally or civilly liable for such actions or be prohibited, impeded, restricted or prevented from implementing or using the intervention.

CHAPTER X

APPOINTMENT OF OMBUDSMAN

23. (1) Every State Government shall appoint one or more Ombudsmans,

(a) possessing such qualification and experience as may be prescribed, or

(b) designate any of its officers not below such rank, as may be prescribed, by that Government,

to exercise such powers and discharge such functions, as may be conferred on Ombudsmans under this Act.

(2) The terms and condition of the service of an Ombudsmans appointed under clause (a) of sub-section (1) shall be such as may be prescribed by the State Government.

(3) The Ombudsmans appointed under sub-section (1) shall have such jurisdiction in respect of such area or areas as the State Government may, by notification, specify.

24. (1) The Ombudsmans shall, upon a complaint made by any person, inquire into the violations of the provisions of this Act, in relation to acts of discrimination mentioned in section 3 and providing of healthcare services by any person, in such manner as may be prescribed by the State Government.

(2) The Ombudsmans may require any person to furnish information on such points or matters, as he considers necessary, for inquiring into the matter and any person so required shall be deemed to be legally bound to furnish such information and failure to do so shall be punishable under sections 176 and 177 of the Indian Penal Code.

(3) The Ombudsmans shall maintain records in such manner as may be prescribed by the State Government.

25. The complaints may be made to the Ombudsmans under sub-section (1) of section 24 in such manner, as may be prescribed, by the State Government.

26. The Ombudsmans shall, within a period of thirty days of the receipt of the complaint under sub-section (1) of section 24, and after giving an opportunity of being heard to the parties, pass such order, as he deems fit, giving reasons therefor:

Provided that in cases of medical emergency of HIV positive persons, the Ombudsmans shall pass such order as soon as possible, preferably within twenty-four hours of the receipt of the complaint.
27. All authorities including the civil authorities functioning in the area for which the Ombudsman has been appointed under section 23 shall assist in execution of orders passed by the Ombudsman.

28. The Ombudsman shall, after every six months, report to the State Government, the number and nature of complaints received, the action taken and orders passed in relation to such complaints and such report shall be published on the website of the Ombudsman and a copy thereof be forwarded to the Central Government.

CHAPTER XI
SPECIAL PROVISIONS

29. Every protected person shall have the right to reside in the shared household, the right not to be excluded from the shared household or any part of it and the right to enjoy and use the facilities of such shared household in a non-discriminatory manner.

Explanation.—For the purposes of this section, the expression “shared household” means a household where a person lives or at any stage has lived in a domestic relationship either singly or along with another person and includes such a household, whether owned or tenanted, either jointly or singly, any such household in respect of which either person or both, jointly or singly, have any right, title, interest or equity or a household which may belong to a joint family of which either person is a member, irrespective of whether either person has any right, title or interest in the shared household.

30. The Central Government shall specify guidelines for the provision of HIV-related information, education and communication before marriage and ensure their wide dissemination.

31. (1) Every person who is in the care or custody of the State shall have the right to HIV prevention, counselling, testing and treatment services in accordance with the guidelines issued in this regard.

(2) For the purposes of this section, persons in the care or custody of the State include persons convicted of a crime and serving a sentence, persons awaiting trial, person detained under preventive detention laws, persons under the care or custody of the State under the Juvenile Justice (Care and Protection of Children) Act, 2000, the Immoral Traffic (Prevention) Act, 1956 or any other law and persons in the care or custody of State run homes and shelters.

32. Notwithstanding anything contained in any law for the time being in force, a person below the age of eighteen but not below twelve years, who has sufficient maturity of understanding and who is managing the affairs of his family affected by HIV and AIDS, shall be competent to act as guardian of other sibling below the age of eighteen years for the following purposes, namely:

(a) admission to educational establishments;
(b) care and protection;
(c) treatment;
(d) operating bank accounts;
(e) managing property; and
(f) any other purpose that may be required to discharge his duties as a guardian.

Explanation.—For the purposes of this section, a family affected by HIV or AIDS means where both parents and the legal guardian is incapacitated due to HIV-related illness or AIDS or the legal guardian and parents are unable to discharge their duties in relation to such children.
33. (1) Notwithstanding anything contained in any law for the time being in force, a parent or legal guardian of a child affected by HIV and AIDS may appoint, by making a will, an adult person who is a relative or friend, or a person below the age of eighteen years who is the managing member of the family affected by HIV and AIDS, as referred to in section 33, to act as legal guardian immediately upon incapacity or death of such parent or legal guardian, as the case may be.

(2) Nothing in this section shall divest a parent or legal guardian of their rights, and the guardianship referred to in sub-section (1) shall cease to operate upon by the parent or legal guardian regaining their capacity.

(3) Any parent or legal guardian of children affected by HIV and AIDS may make a will appointing a guardian for care and protection of such children and for the property that such children would inherit or which is bequeathed through the will made by such parent or legal guardian.

CHAPTER XII

SPECIAL PROCEDURE IN COURT

34. (1) In any legal proceeding in which a protected person is a party or such person is an applicant, the court, on an application by such person or any other person on his behalf may pass, in the interest of justice, any or all of the following orders, namely:—

(a) that the proceeding or any part thereof be conducted by suppressing the identity of the applicant by substituting the name of such person with a pseudonym in the records of the proceedings in such manner as may be prescribed;

(b) that the proceeding or any part thereof be conducted in camera;

(c) restraining any person from publishing in any manner any matter leading to the disclosure of the name or status or identity of the applicant.

(2) In any legal proceeding concerning or relating to an HIV-positive person, the court shall take up and dispose of the proceeding on priority basis.

35. In any maintenance application filed by or on behalf of a protected person under any law for the time being in force, the court shall consider the application for interim maintenance and, in passing any order of maintenance, shall take into account the medical expenses and other HIV-related costs that may be incurred by the applicant.

36. In passing any order relating to sentencing, the HIV-positive status of the persons in respect of whom such an order is passed shall be a relevant factor to be considered by the court to determine the custodial place where such person shall be transferred to, based on the availability of proper healthcare services at such place.

CHAPTER XIII

PENALTIES

37. Notwithstanding anything to the contrary contained in any other law for the time being in force, whoever contravenes the provisions of section 4 shall be punished with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine which may extend to one lakh rupees, or with both.

38. Whoever fails to comply with any order given by an Ombudsman within such time as may be specified in such order, under section 26, shall be liable to pay a fine which may extend to ten thousand rupees and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues.

39. Notwithstanding anything to the contrary contained in any other law for the time being in force, whoever discloses information regarding the HIV status of a protected person which is obtained by him in the course of, or in relation to, any proceedings before any court, shall
be punishable with fine which may extend to one lakh rupees unless such disclosure is pursuant to any order or direction of a court.

40. No person shall subject any other person or persons to any detriment on the ground that such person or persons have taken any of the following actions, namely:—

(a) made complaint under this Act;
(b) brought proceedings under this Act against any person;
(c) furnished any information or produced any document to a person exercising or performing any power or function under this Act, or
(d) appeared as a witness in a proceeding under this Act.

41. No court other than the court of a Judicial Magistrate First Class shall take cognizance of an offence under this Act.

42. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences under this Act shall be cognizable and bailable.

CHAPTER XIV

MISCELLANEOUS

43. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time in force or in any instrument having effect by virtue of any law other than this Act.

44. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Central Government or AIDS Control Society of the State Government Ombudsman or any member thereof or any officer or other employee of the Central Government, the State Government, the Central Government, or Ombudsman in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or guidelines made thereunder or in respect of the publication by or under the authority of the Central Government, the State Government, the Central Government or AIDS Control Society of the State Government Ombudsman.

45. The Central Government and State Government, as the case may be, may, by general or special order, direct that any power exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be mentioned in the order, be exercisable also by an officer subordinate to that Government or the local authority.

46. (1) The Central Government may, by notification, make guidelines consistent with this Act and any rules thereunder, generally to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such guidelines may provide for all or any of the following matters, namely:—

(a) information, relating to risk and benefits or alternatives to the proposed intervention under clause (m) of section 2;
(b) the manner of obtaining the informed consent under sub-section (f) and the manner of pre test and post test counselling under sub-section (2) of section 5;
(c) guidelines to be followed by a testing or diagnostic centre or pathology laboratory or blood bank for HIV test under section 7;
(d) the manner of taking data protection measures under section 11;
(e) guidelines in respect of protocols for HIV/AIDS relating to Anti-retroviral Therapy and Opportunistic Infections Management under sub-section (2) of section 14;
(f) care, support and treatment of children infected with HIV or AIDS under sub-section (1) of section 18;

(g) guidelines for Universal Precautions and post exposure prophylaxis under section 19;

(h) manner of carrying out the strategy or mechanism or technique for reduction of risk of HIV transmission under section 22;

(i) manner of implementation of a drugs substitution, drug maintenance and needle and syringe exchange programme under section 22;

(j) provision of HIV-related information, education and communication before marriage under section 30;

(k) manner of HIV or AIDS prevention, counselling, testing and treatment of persons in custody under section 31;

(l) any other matter which ought to be specified in guidelines for the purposes of this Act.

47. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:

(a) manner of notifying model HIV or AIDS policy for the establishments under section 12;

(b) any other matter which may be or ought to be prescribed by the Central Government.

48. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

49. (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) measures to provide diagnostic facilities relating to HIV or AIDS, Antiretroviral Therapy and Opportunistic Infection Management to people living with HIV or AIDS and for the prevention of spread of HIV or AIDS in accordance with the guidelines under section 14;

(b) qualification and experience for the appointment of a person as an Ombudsman under clause (a) or rank of officer of the State Government to be designated as Ombudsman under clause (b) of sub-section (1) of section 23;

(c) terms and conditions of services of Ombudsman under sub-section (2) of section 23;

(d) manner of inquiring into complaints by the Ombudsman under sub-section (1) and maintaining of records by him under sub-section (2) of section 24;

(e) manner of making the complaints to the Ombudsman under section 25; and

(f) manner of recording pseudonym in legal proceedings under clause (a) of sub-section (1) of section 34.
(3) Every rule made by the State Government under this Act shall be laid, as soon as may be, after it is made before the Legislature of that State.

50. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.
NOTIFICATION

No. LAW/ACT/6-21/2017

THE GOODS AND SERVICES TAX (COMPENSATION TO STATES)

Dated, Kohima the 9th Oct. 2017

Sd/-

IMTITEMSU

Under Secretary to the Govt. of Nagaland.
THE GOODS AND SERVICES TAX (COMPENSATION TO STATES) ACT, 2017

AN ACT

to provide for compensation to the States for the loss of revenue arising on account of implementation of the goods and services tax in pursuance of the provisions of the Constitution (One Hundred and First Amendment) Act, 2016.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:

1. (1) This Act may be called the Goods and Services Tax (Compensation to States) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

(a) “central tax” means the central goods and services tax levied and collected under the Central Goods and Services Tax Act;

(b) “Central Goods and Services Tax Act” means the Central Goods and Services Tax Act, 2017;

(c) “cess” means the goods and services tax compensation cess levied under section 8;

(d) “compensation” means an amount, in the form of goods and services tax compensation, as determined under section 7;

(e) “Council” means the Goods and Services Tax Council constituted under the provisions of article 279A of the Constitution;

(f) “Fund” means the Goods and Services Tax Compensation Fund referred to in section 10;

(g) “input tax” in relation to a taxable person, means,—

(i) cess charged on any supply of goods or services or both made to him;

(ii) cess charged on import of goods and includes the cess payable on reverse charge basis;
(h) "Integrated Goods and Services Tax Act" means the Integrated Goods and Services Tax Act, 2017;

(i) "integrated tax" means the integrated goods and services tax levied and collected under the Integrated Goods and Services Tax Act;

(j) "prescribed" means prescribed by rules made, on the recommendations of the Council, under this Act;

(k) "projected growth rate" means the rate of growth projected for the transition period as per section 3;

(l) "Schedule" means the Schedule appended to this Act;

(m) "State" means,—

(i) for the purposes of sections 3, 4, 5, 6 and 7 the States as defined under the Central Goods and Services Tax Act; and

(ii) for the purposes of sections 8, 9, 10, 11, 12, 13 and 14 the States as defined under the Central Goods and Services Tax Act and the Union territories as defined under the Union Territories Goods and Services Tax Act;

(n) "State tax" means the State goods and services tax levied and collected under the respective State Goods and Services Tax Act;

(o) "State Goods and Services Tax Act" means the law to be made by the State Legislature for levy and collection of tax by the concerned State on supply of goods or services or both;

(p) "taxable supply" means a supply of goods or services or both which is chargeable to the cess under this Act;

(q) "transition date" shall mean, in respect of any State, the date on which the State Goods and Services Tax Act of the concerned State comes into force;

(r) "transition period" means a period of five years from the transition date; and


(2) The words and expressions used and not defined in this Act but defined in the Central Goods and Services Tax Act and the Integrated Goods and Services Tax Act shall have the meanings respectively assigned to them in those Acts.
3. The projected normal growth rate of revenue subsumed for a State during the transition period shall be fourteen per cent. per annum.

4. For the purpose of calculating the compensation amount payable in any financial year during the transition period, the financial year ending 31st March, 2016, shall be taken as the base year.

5. (1) Subject to the provision of sub-sections (2), (3), (4), (5) and (6), the base year revenue for a State shall be the sum of the revenue collected by the State and the local bodies during the base year, on account of the taxes levied by the respective State or Union and net of refunds, with respect to the following taxes, imposed by the respective State or Union, which are subsumed into goods and services tax, namely:

(a) the value added tax, sales tax, purchase tax, tax collected on works contract, or any other tax levied by the concerned State under the erstwhile entry 54 of List-II (State List) of the Seventh Schedule to the Constitution;

(b) the central sales tax levied under the Central Sales Tax Act, 1956;

(c) the entry tax, octroi, local body tax or any other tax levied by the concerned State under the erstwhile entry 52 of List-II (State List) of the Seventh Schedule to the Constitution;

(d) the taxes on luxuries, including taxes on entertainments, amusements, betting and gambling or any other tax levied by the concerned State under the erstwhile entry 62 of List-II (State List) of the Seventh Schedule to the Constitution;

(e) the taxes on advertisement or any other tax levied by the concerned State under the erstwhile entry 55 of List-II (State List) of the Seventh Schedule to the Constitution;

(f) the duties of excise on medicinal and toilet preparations levied by the Union but collected and retained by the concerned State Government under the erstwhile article 268 of the Constitution;

(g) any cess or surcharge or fee leviable under entry 66 read with entries 52, 54, 55 and 62 of List-II of the Seventh Schedule to the Constitution by the State Government under any Act notified under sub-section (4).

Prior to the commencement of the provisions of the Constitution (One Hundred and First Amendment) Act, 2016:

Provided that the revenue collected during the base year in a State, net of refunds, under the following taxes shall not be included in the calculation of the base year revenue for that State, namely:

(a) any taxes levied under any Act enacted under the erstwhile entry 54 of List-II (State List) of the Seventh Schedule to the Constitution, prior to the coming into force of the provisions of the Constitution (One Hundred and First Amendment) Act, 2016, on the sale or purchase of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption;

(b) tax levied under the Central Sales Tax Act, 1956, on the sale or purchase of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption;

(c) any cess imposed by the State Government on the sale or purchase of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption; and

(d) the entertainment tax levied by the State but collected by local bodies, under any Act enacted under the erstwhile entry 62 of List-II (State List) of the Seventh Schedule to the Constitution, prior to coming into force of the provisions of the Constitution (One Hundred and First Amendment) Act, 2016.
(2) In respect of the State of Jammu and Kashmir, the base year revenue shall include the amount of tax collected on sale of services by the said State Government during the base year.

(3) In respect of the States mentioned in sub-clause (g) of clause (4) of article 279A of the Constitution, the amount of revenue foregone on account of exemptions or remission given by the said State Governments to promote industrial investment in the State, with respect to such specific taxes referred to in sub-section (1), shall be included in the total base year revenue of the State, subject to such conditions as may be prescribed.

(4) The Acts of the Central Government and State Governments under which the specific taxes are being subsumed into the goods and services tax shall be such as may be notified.

(5) The base year revenue shall be calculated as per sub-sections (1), (2), (3) and (4) on the basis of the figures of revenue collected and net of refunds given in that year, as audited by the Comptroller and Auditor-General of India.

(6) In respect of any State, if any part of revenues mentioned in sub-sections (1), (2), (3) and (4) are not credited in the Consolidated Fund of the respective State, the same shall be included in the total base year revenue of the State, subject to such conditions as may be prescribed.

6. The projected revenue for any year in a State shall be calculated by applying the projected growth rate over the base year revenue of that State.

Illustration. — If the base year revenue for 2015-16 for a concerned State, calculated as per section 5 is one hundred rupees, then the projected revenue for financial year 2018-19 shall be as follows—

Projected Revenue for 2018-19 = 100 (1+14/100)

7. (1) The compensation under this Act shall be payable to any State during the transition period.

(2) The compensation payable to a State shall be provisionally calculated and released at the end of every two months period, and shall be finally calculated for every financial year after the receipt of final revenue figures, as audited by the Comptroller and Auditor-General of India:

Provided that in case any excess amount has been released as compensation to a State in any financial year during the transition period, as per the audited figures of revenue collected, the excess amount so released shall be adjusted against the compensation amount payable to such State in the subsequent financial year.

(3) The total compensation payable for any financial year during the transition period to any State shall be calculated in the following manner, namely:—

(a) the projected revenue for any financial year during the transition period, which could have accrued to a State in the absence of the goods and services tax, shall be calculated as per section 6;

(b) the actual revenue collected by a State in any financial year during the transition period shall be—

(i) the actual revenue from State tax collected by the State, net of refunds given by the said State under Chapters XI and XX of the State Goods and Services Tax Act;

(ii) the integrated goods and services tax apportioned to that State; and

(iii) any collection of taxes on account of the taxes levied by the respective State under the Acts specified in sub-section (4) of section 5, net of refund of such taxes,

as certified by the Comptroller and Auditor-General of India;
(c) the total compensation payable in any financial year shall be the difference between the projected revenue for any financial year and the actual revenue collected by a State referred to in clause (b).

(4) The loss of revenue at the end of every two months period in any year for a State during the transition period shall be calculated, at the end of the said period, in the following manner, namely:

(a) the projected revenue that could have been earned by the State in absence of the goods and services tax till the end of the relevant two months period of the respective financial year shall be calculated on a pro-rata basis as a percentage of the total projected revenue for any financial year during the transition period, calculated in accordance with section 6.

Illustration — If the projected revenue for any year calculated in accordance with section 6 is one hundred rupees, for calculating the projected revenue that could be earned till the end of the period of ten months for the purpose of this sub-section shall be 100x(5/6)=Rs.83.33;

(b) the actual revenue collected by a State till the end of relevant two months period in any financial year during the transition period shall be—

(i) the actual revenue from State tax collected by the State, net of refunds given by the State under Chapters XI and XX of the State Goods and Services Tax Act;

(ii) the integrated goods and services tax apportioned to that State, as certified by the Principal Chief Controller of Accounts of the Central Board of Excise and Customs; and

(iii) any collection of taxes levied by the said State, under the Acts specified in sub-section (4) of section 5, net of refund of such taxes;

(c) the provisional compensation payable to any State at the end of the relevant two months period in any financial year shall be the difference between the projected revenue till the end of the relevant period in accordance with clause (a) and the actual revenue collected by a State in the said period as referred to in clause (b), reduced by the provisional compensation paid to a State till the end of the previous two months period in the said financial year during the transition period.

(5) In case of any difference between the final compensation amount payable to a State calculated in accordance with the provisions of sub-section (3) upon receipt of the audited revenue figures from the Comptroller and Auditor-General of India, and the total provisional compensation amount released to a State in the said financial year in accordance with the provisions of sub-section (4), the same shall be adjusted against release of compensation to the State in the subsequent financial year.

(6) Where no compensation is due to be released in any financial year, and in case any excess amount has been released to a State in the previous year, this amount shall be refunded by the State to the Central Government and such amount shall be credited to the Fund in such manner as may be prescribed.

8. (1) There shall be levied a cess on such intra-State supplies of goods or services or both, as provided for in section 9 of the Central Goods and Services Tax Act, and such inter-State supplies of goods or services or both as provided for in section 5 of the Integrated Goods and Services Tax Act, and collected in such manner as may be prescribed, on the recommendations of the Council, for the purposes of providing compensation to the States for loss of revenue arising on account of implementation of the goods and services tax with effect from the date from which the provisions of the Central Goods and Services Tax Act is brought into force, for a period of five years or for such period as may be prescribed on the recommendations of the Council.
Provided that no such cess shall be leviable on supplies made by a taxable person who has decided to opt for composition levy under section 10 of the Central Goods and Services Tax Act.

(2) The cess shall be levied on such supplies of goods and services as are specified in column (2) of the Schedule, on the basis of value, quantity or on such basis at such rate not exceeding the rate set forth in the corresponding entry in column (4) of the Schedule, as the Central Government may, on the recommendations of the Council, by notification in the Official Gazette, specify:

Provided that where the cess is chargeable on any supply of goods or services or both with reference to their value, for each such supply the value shall be determined under section 15 of the Central Goods and Services Tax Act for all intra-State and inter-State supplies of goods or services or both:

Provided further that the cess on goods imported into India shall be levied and collected in accordance with the provisions of section 3 of the Customs Tariff Act, 1975, at the point when duties of customs are levied on the said goods under section 12 of the Customs Act, 1962, on a value determined under the Customs Tariff Act, 1975.

9. (1) Every taxable person, making a taxable supply of goods or services or both, shall—

(a) pay the amount of cess as payable under this Act in such manner;

(b) furnish such returns in such forms, along with the returns to be filed under the Central Goods and Services Tax Act; and

(c) apply for refunds of such cess paid in such form,

as may be prescribed.

(2) For all purposes of furnishing of returns and claiming refunds, except for the form to be filed, the provisions of the Central Goods and Services Tax Act and the rules made thereunder, shall, as far as may be, apply in relation to the levy and collection of the cess leviable under section 8 on all taxable supplies of goods or services or both, as they apply in relation to the levy and collection of central tax on such supplies under the said Act or the rules made thereunder.

10. (1) The proceeds of the cess leviable under section 8 and such other amounts as may be recommended by the Council, shall be credited to a non-lapsable Fund known as the Goods and Services Tax Compensation Fund, which shall form part of the public account of India and shall be utilised for purposes specified in the said section.

(2) All amounts payable to the States under section 7 shall be paid out of the Fund.

(3) Fifty per cent. of the amount remaining unutilised in the Fund at the end of the transition period shall be transferred to the Consolidated Fund of India as the share of Centre, and the balance fifty per cent. shall be distributed amongst the States in the ratio of their total revenues from the State tax or the Union territory goods and services tax, as the case may be, in the last year of the transition period.

(4) The accounts relating to Fund shall be audited by the Comptroller and Auditor-General of India or any person appointed by him at such intervals as may be specified by him and any expenditure in connection with such audit shall be payable by the Central Government to the Comptroller and Auditor-General of India.

(5) The accounts of the Fund, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each House of Parliament.
11. (1) The provisions of the Central Goods and Services Tax Act, and the rules made thereunder, including those relating to assessment, input tax credit, non-levy, short-levy, interest, appeals, offences and penalties, shall, as far as may be, mutatis mutandis, apply, in relation to the levy and collection of the cess leviable under section 8 on the intra-State supply of goods and services, as they apply in relation to the levy and collection of central tax on such intra-State supplies under the said Act or the rules made thereunder.

(2) The provisions of the Integrated Goods and Services Tax Act, and the rules made thereunder, including those relating to assessment, input tax credit, non-levy, short-levy, interest, appeals, offences and penalties, shall, mutatis mutandis, apply, in relation to the levy and collection of the cess leviable under section 8 on the inter-State supply of goods and services, as they apply in relation to the levy and collection of integrated tax on such inter-State supplies under the said Act or the rules made thereunder:

Provided that the input tax credit in respect of cess on supply of goods and services leviable under section 8, shall be utilised only towards payment of said cess on supply of goods and services leviable under the said section.

12. (1) The Central Government shall, on the recommendations of the Council, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the conditions which were included in the total base year revenue of the States, referred to in sub-clause (g) of clause (4) of article 279A of the Constitution, under sub-section (3) of section 5;

(b) the conditions subject to which any part of revenues not credited in the Consolidated Fund of the respective State shall be included in the total base year revenue of the State, under sub-section (6) of section 5;

(c) the manner of refund of compensation by the States to the Central Government under sub-section (6) of section 7;

(d) the manner of levy and collection of cess and the period of its imposition under sub-section (1) of section 8;

(e) the manner and forms for payment of cess, furnishing of returns and refund of cess under sub-section (1) of section 9; and

(f) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

13. Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, on the recommendations of the Council, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.
THE SCHEDULE

[See section 8 (2)]

1. In this Schedule, reference to a "tariff item", "heading", "sub-heading" and "Chapter", wherever they occur, shall mean respectively a tariff item, heading, sub-heading and Chapter in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).

2. The rules for the interpretation of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), the section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of this Schedule.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Description of supply of goods or services</th>
<th>Tariff item, heading, sub-heading, Chapter, or supply of goods or services, as the case may be</th>
<th>The maximum rate at which goods and services tax compensation cess may be collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Pan Masala.</td>
<td>2106 90 20</td>
<td>One hundred and thirty-five per cent. <em>ad valorem</em>.</td>
</tr>
<tr>
<td>2.</td>
<td>Tobacco and manufactured tobacco substitutes, including tobacco products.</td>
<td>24</td>
<td>Four thousand one hundred and seventy rupees per thousand sticks or two hundred and ninety per cent. <em>ad valorem</em> or a combination thereof, but not exceeding four thousand one hundred and seventy rupees per thousand sticks plus two hundred and ninety per cent. <em>ad valorem</em>.</td>
</tr>
<tr>
<td>3.</td>
<td>Coal, briquettes, ovoids and similar solid fuels manufactured from coal, lignite, whether or not agglomerated, excluding jet, peat (including peat litter), whether or not agglomerated.</td>
<td>2701, 2702 or 2703</td>
<td>Four hundred rupees per tonne.</td>
</tr>
<tr>
<td>4.</td>
<td>Aerated waters.</td>
<td>2202 10 10</td>
<td>Fifteen per cent. <em>ad valorem</em>.</td>
</tr>
<tr>
<td>5.</td>
<td>Motor cars and other motor vehicles principally designed for the transport of persons (other than motor vehicles for the transport of ten or more persons, including the driver), including station wagons and racing cars.</td>
<td>8703</td>
<td>Fifteen per cent. <em>ad valorem</em>.</td>
</tr>
<tr>
<td>6.</td>
<td>Any other supplies.</td>
<td></td>
<td>Fifteen per cent. <em>ad valorem</em>.</td>
</tr>
</tbody>
</table>
PART-V

GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE AND LAW
NAGALAND, KOHIMA

NOTIFICATION

No. LAW/ACT/6-21/2017

Dated, Kohima the 9th Oct. 2017


Sd/-
IMTITEMSU
Under Secretary to the Govt. of Nagaland.
THE PAYMENT OF WAGES (AMENDMENT) ACT, 2017

AN
ACT

further to amend the Payment of Wages Act, 1936.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Wages (Amendment) Act, 2017.
(2) It shall be deemed to have come into force on the 28th day of December, 2016.

2. For section 6 of the Payment of Wages Act, 1936, the following section shall be substituted, namely:—

"6. All wages shall be paid in current coin or currency notes or by cheque or by crediting the wages in the bank account of the employee:

Provided that the appropriate Government may, by notification in the Official Gazette, specify the industrial or other establishment, the employer of which shall pay to every person employed in such industrial or other establishment, the wages only by cheque or by crediting the wages in his bank account."

3. (1) The Payment of Wages (Amendment) Ordinance, 2016 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the Payment of Wages Act, 1936, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.
PART-V

GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE AND LAW
NAGALAND, KOHIMA

NOTIFICATION

No. LAW/ACT/6-21/2017

Dated, Kohima the 9th Oct. 2017

THE SPECIFIED BANK NOTES (CESSATION OF LIABILITIES) ACT, 2017.

Sd/-
IMTITEMSU
Under Secretary to the Govt. of Nagaland.
THE SPECIFIED BANK NOTES (CESSATION OF LIABILITIES) ACT, 2017

AN ACT

to provide in the public interest for the cessation of liabilities on the specified bank notes and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Specified Bank Notes (Cessation of Liabilities) Act, 2017.

(2) It shall be deemed to have come into force on the 31st day of December, 2016.

2. (1) In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 31st day of December, 2016;

(b) "grace period" means the period to be specified by the Central Government, by notification, during which the specified bank notes can be deposited in accordance with this Act;

(c) "notification" means a notification published in the Official Gazette;

(d) "Reserve Bank" means the Reserve Bank of India constituted by the Central Government under section 3 of the Reserve Bank of India Act, 1934;

(e) "specified bank note" means a bank note of the denominational value of five hundred rupees or one thousand rupees of the series existing on or before the 8th day of November, 2016.

(2) The words and expressions used and not defined in this Act but defined in the Reserve Bank of India Act, 1934 or the Banking Regulation Act, 1949 shall have the meanings respectively assigned to them in those Acts.

3. On and from the appointed day, notwithstanding anything contained in the Reserve Bank of India Act, 1934 or any other law for the time being in force, the specified bank notes which have ceased to be legal tender, in view of the notification of the Government of India in the Ministry of Finance, number S.O. 3407(E), dated the 8th November, 2016, issued under sub-section (2) of section 26 of the Reserve Bank of India Act, 1934, shall cease to be liabilities of the Reserve Bank under section 34 and shall cease to have the guarantee of the Central Government under sub-section (1) of section 26 of the said Act.

4. (1) Notwithstanding anything contained in section 3, the following persons holding specified bank notes on or before the 8th day of November, 2016 shall be entitled to tender within the grace period with such declarations or statements, at such offices of the Reserve Bank or in such other manner as may be specified by it, namely:—
(i) a citizen of India who makes a declaration that he was outside India between the 9th November, 2016 to 30th December, 2016, subject to such conditions as may be specified, by notification, by the Central Government; or

(ii) such class of persons and for such reasons as may be specified by notification, by the Central Government.

(2) The Reserve Bank may, if satisfied, after making such verifications as it may consider necessary that the reasons for failure to deposit the notes within the period specified in the notification referred to in section 3, are genuine, credit the value of the notes in his Know Your Customer compliant bank account in such manner as may be specified by it.

(3) Any person, aggrieved by the refusal of the Reserve Bank to credit the value of the notes under sub-section (2), may make a representation to the Central Board of the Reserve Bank within fourteen days of the communication of such refusal to him.

Explanation.—For the purposes of this section, the expression “Know Your Customer compliant bank account” means the account which complies with the conditions specified in the regulations made by the Reserve Bank under the Banking Regulation Act, 1949.

5. On and from the appointed day, no person shall, knowingly or voluntarily, hold, transfer or receive any specified bank note:

Provided that nothing contained in this section shall prohibit the holding of specified bank notes—

(a) by any person—

(i) up to the expiry of the grace period; or

(ii) after the expiry of the grace period.—

(4) not more than ten notes in total, irrespective of the denomination; or

(B) not more than twenty-five notes for the purposes of study, research or numismatics;

(b) by the Reserve Bank or its agencies, or any other person authorised by the Reserve Bank;

(c) by any person on the direction of a court in relation to any case pending in the court.

6. Whoever knowingly and wilfully makes any declaration or statement specified under sub-section (1) of section 4, which is false in material particulars, or omits to make a material statement, or makes a statement which he does not believe to be true, shall be punishable with fine which may extend to fifty thousand rupees or five times the amount of the face value of the specified bank notes tendered, whichever is higher.

7. Whoever contravenes the provisions of section 5 shall be punishable with fine which may extend to ten thousand rupees or five times the amount of the face value of the specified bank notes involved in the contravention, whichever is higher.

8. (1) Where a person committing a contravention or default referred to in section 6 or section 7 is a company, every person who, at the time the contravention or default was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention or default and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention or default was committed without his knowledge or that he had exercised all due diligence to prevent the contravention or default.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the same was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer or employee of the company, such director, manager, secretary, other officer or employee shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
Explanation—For the purposes of this section—

(a) "a company" means any body corporate and includes a firm, a trust, a co-operative society and other association of individuals;

(b) "director", in relation to a firm or trust, means a partner in the firm or a beneficiary in the trust.

9. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, the court of a Magistrate of the First Class or the court of a Metropolitan Magistrate may impose a fine, for contravention of the provisions of this Act.

10. No suit, prosecution or other legal proceeding shall lie against the Government, the Reserve Bank or any of their officers for anything done or intended to be done in good faith under this Act.

11. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

13. (1) The Specified Bank Notes (Cessation of Liabilities) Ordinance, 2016 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.
PART-V

GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE AND LAW
NAGALAND, KOHIMA

NOTIFICATION

No. LAW/ACT/6-21/2017 Dated, Kohima the 9th Oct. 2017


Sd/-
IMTITEMSU
Under Secretary to the Govt. of Nagaland.
THE ENEMY PROPERTY (AMENDMENT AND VALIDATION) ACT, 2017

AN ACT

further to amend the Enemy Property Act, 1968 and the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Enemy Property (Amendment and Validation) Act, 2017. Short title and commencement.

(2) Save as otherwise provided in this Act, it shall be deemed to have come into force on the 7th day of January, 2016.

2. On and from the date of commencement of the Enemy Property Act, 1968 (hereinafter referred to as the principal Act), in section 2,—

(i) in clause (b)—

(II) for the words "an enemy subject", the words "an enemy subject including his legal heir and successor whether or not a citizen of India or the citizen of a country which is not an enemy or the enemy, enemy subject or his legal heir and successor who has changed his nationality" shall be substituted and shall always be deemed to have been substituted;

(II) for the words "an enemy firm", the words "an enemy firm, including its succeeding firm whether or not partners or members of such succeeding firm are citizen of India or the citizen of a country which is not an enemy or such firm which has changed its nationality" shall be substituted and shall always be deemed to have been substituted;

(III) for the words "does not include a citizen of India", the words "does not include a citizen of India other than those citizens of India, being the legal heir and successor of the "enemy" or "enemy subject" or "enemy firm" shall be substituted and shall always be deemed to have been substituted;

(II) the following Explanations shall be inserted and shall always be deemed to have been inserted at the end, namely:

'Explanation 1.—For the purposes of this clause, the expression "does not include a citizen of India" shall exclude and shall always be deemed to have been excluded those citizens of India, who are or have been the legal heir and successor of an "enemy" or an "enemy subject" or an "enemy firm" which or who has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy.

Explanation 2.—For the purposes of this clause, it is hereby clarified that nothing contained in this Act shall affect any right of the legal heir and successor referred to in this clause (not being inconsistent to the provisions of this Act) which have been conferred upon him under any other law for the time being in force.';
(ii) in clause (c), in the proviso,—

(I) after the words "dies in the territories to which this Act extends", the words "or dies in any territory outside India" shall be inserted and shall always be deemed to have been inserted;

(II) the following Explanations shall be inserted and shall always be deemed to have been inserted at the end, namely:

'Explanation 1.—For the purposes of this clause, it is hereby clarified that "enemy property" shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue and always be deemed to be continued as an enemy property.

Explanation 2.—For the purposes of this clause, the expression "enemy property" shall mean and include and shall be deemed to have always meant and included all rights, titles and interest in, or any benefit arising out of, such property.'

3. On and from the date of commencement of the principal Act, in section 5, after sub-section (2), the following shall be inserted, and shall always be deemed to have been inserted, namely:

'(3) The enemy property vested in the Custodian shall, notwithstanding that the enemy or the enemy subject or the enemy firm has ceased to be an enemy due to death, extinction, winding up of business or change of nationality or that the legal heir and successor is a citizen of India or the citizen of a country which is not an enemy, continue to remain, save as otherwise provided in this Act, vested in the Custodian.

Explanation.—For the purposes of this sub-section, "enemy property vested in the Custodian" shall include and shall always be deemed to have been included all rights, titles, and interest in, or any benefit arising out of, such property vested in him under this Act.'

4. After section 5 of the principal Act, the following section shall be inserted, namely:

"5A. The Custodian may, after making such inquiry as he deems necessary, by order, declare that the property of the enemy or the enemy subject or the enemy firm described in the order, vests in him under this Act and issue a certificate to this effect and such certificate shall be the evidence of the facts stated therein."

5. On and from the date of commencement of the principal Act, after section 5A (as so inserted by section 4 of this Act), the following shall be inserted and shall always be deemed to have been inserted, namely:

"5B. Nothing contained in any law for the time being in force relating to succession or any custom or usage governing succession of property shall apply in relation to the enemy property under this Act and no person (including his legal heir and successor) shall have any right and shall be deemed not to have any right (including all rights, titles and interests or any benefit arising out of such property) in relation to such enemy property.
Explanation—For the purposes of this section, the expressions “custom” and
“usage” signify any rule which, having been continuously and uniformly observed
for a long time, has obtained the force of law in the matters of succession of property.

6. On and from the date of commencement of the principal Act, for section 6 of the
principal Act, the following section shall be substituted and shall always be deemed to have
been substituted, namely:

"6. (1) No enemy or enemy subject or enemy firm shall have any right and shall
never be deemed to have any right to transfer any property vested in the Custodian
under this Act, whether before or after the commencement of this Act and any transfer
of such property shall be void and shall always be deemed to have been void.

(2) Where any property vested in the Custodian under this Act had been
transferred, before the commencement of the Enemy Property (Amendment and
Validation) Act, 2017, by an enemy or enemy subject or enemy firm and such transfer
has been declared, by an order, made by the Central Government, to be void, and the
property had been vested or deemed to have been vested in the Custodian [by virtue
of the said order made under section 6, as it stood before its substitution by section 6
of the Enemy Property (Amendment and Validation) Act, 2017] such property shall,
notwithstanding anything contained in any judgment, decree or order of any court,
tribunal or other authority, continue to vest or be deemed to have been vested in the
Custodian and no person (including an enemy or enemy subject or enemy firm) shall
have any right or deemed to have any right (including all rights, titles and interests
or any benefit arising out of such property) over the said property vested or deemed
to have been vested in the Custodian."

7. In section 8 of the principal Act,—

(i) on and from the date of commencement of the principal Act, for sub-section (1),
the following sub-section shall be substituted and shall always be deemed to have
been substituted, namely:

"(1) With respect to the property vested in the Custodian under this Act,
the Custodian may take or authorise the taking of such measures as he considers
necessary or expedient for preserving such property till it is disposed of in
accordance with the provisions of this Act.

(ii) in sub-section (2),—

(a) after clause (i), the following clause shall be inserted, namely:

"(ia) fix and collect the rent, standard rent, lease rent, licence fee or
usage charges, as the case may be, in respect of enemy property,";

(b) after clause (iv), the following clause shall be inserted, namely:

"(iva) secure vacant possession of the enemy property by evicting
the unauthorised or illegal occupant or trespasser and remove
unauthorised or illegal constructions, if any."
8. After section 8 of the principal Act, the following section shall be inserted, namely:

"8A. (1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or any law for the time being in force, the Custodian may, within such time as may be specified by the Central Government in this behalf, dispose of whether by sale or otherwise, as the case may be, with prior approval of the Central Government, by general or special order, enemy properties vested in him immediately before the date of commencement of the Enemy Property (Amendment and Validation) Act, 2017 in accordance with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017.

(2) The Custodian may, for the purpose of disposal of enemy property under sub-section (1), make requisition of the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

(3) The Custodian shall, on disposal of enemy property under sub-section (1) immediately deposit the sale proceeds into the Consolidated Fund of India and intimate details thereof to the Central Government.

(4) The Custodian shall send a report to the Central Government at such intervals, as it may specify, for the enemy properties disposed of under sub-section (1), containing such details, (including the price for which such property has been sold and the particulars of the buyer to whom the properties have been sold or disposed of and the details of the proceeds of sale or disposal deposited into the Consolidated Fund of India) as it may specify.

(5) The Central Government may, by general or special order, issue such directions to the Custodian on the matters relating to disposal of enemy property under sub-section (1) and such directions shall be binding upon the Custodian and the buyer of the enemy properties referred to in that sub-section and other persons connected to such sale or disposal.

(6) The Central Government may, by general or special order, make such guidelines for disposal of enemy property under sub-section (1).

(7) Notwithstanding anything contained in this section, the Central Government may direct that disposal of enemy property under sub-section (1) shall be made by any other authority or Ministry or Department instead of Custodian and in that case all the provisions of this section shall apply to such authority or Ministry or Department in respect of disposal of enemy property under sub-section (1).

(8) Notwithstanding anything contained in sub-sections (1) to (7), the Central Government may deal with or utilise the enemy property in such manner as it may deem fit."

9. After section 10 of the principal Act, the following section shall be inserted, namely:

"10A. (1) Where the Custodian proposes to sell any enemy immovable property vested in him, to any person, he may on receipt of the sale proceeds of such property, issue a certificate of sale in favour of such person and such certificate of sale shall,
notwithstanding the fact that the original title deeds of the property have not been handed over to the transferee, be valid and conclusive proof of ownership of such property by such person.

(2) Notwithstanding anything contained in any law for the time being in force, the certificate of sale, referred to in sub-section (1), issued by the Custodian shall be a valid instrument for the registration of the property in favour of the transferee and the registration in respect of enemy property for which such certificate of sale had been issued by the Custodian, shall not be refused on the ground of lack of original title deeds in respect of such property or for any such other reason.

10. In section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:

"(2) The Custodian, Deputy Custodian or Assistant Custodian shall have, for the purposes of exercising powers or discharging his functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while dealing with any case under this Act in respect of the following matters, namely:

(a) requiring the discovery and inspection of documents;
(b) enforcing the attendance of any person, including any officer dealing with land, revenue and registration matters, banking officer or officer of a company and examining him on oath;
(c) compelling the production of books, documents and other records; and
(d) issuing commissions for the examination of witnesses or documents."

11. In section 17 of the principal Act, in sub-section (1), for the words "two per centum", as both the places where they occur, the words "five per centum" shall be substituted.

12. For section 18 of the principal Act, the following section shall be substituted, namely:

"18. The Central Government may, on receipt of a representation from a person, aggrieved by an order vesting a property as enemy property in the Custodian within a period of thirty days from the date of receipt of such order or from the date of its publication in the Official Gazette, whichever is earlier and after giving a reasonable opportunity of being heard, if it is of the opinion that any enemy property vested in the Custodian under this Act and remaining with him was not an enemy property, it may, by general or special order, direct the Custodian that such property vested as enemy property in the Custodian may be transferred to the person from whom such property was acquired and vested in the Custodian."

13. On and from the date of commencement of the principal Act, after section 18 (as so substituted by section 12 of this Act), the following section shall be inserted and shall always be deemed to have been inserted, namely:

"18A. Any income received in respect of the enemy property by the Custodian shall not, notwithstanding that such property had been transferred by way of sale under section 8A or section 18, as the case may be, to any other person, be returned or liable to be returned to such person or any other person."

14. After section 18A of the principal Act, (as so inserted by section 13 of this Act), the following sections shall be inserted, namely:

"18B. Save as otherwise provided in this Act, no civil court or authority shall have jurisdiction to entertain any suit or proceedings in respect of any property, subject matter of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, or any action taken by the Central Government or the Custodian in this regard."
18C. Any person aggrieved by an order of the Central Government under section 18 of this Act, may, within a period of sixty days from the date of communication or receipt of the order, file an appeal to the High Court on any question of fact or law arising out of such orders, and upon such appeal the High Court may, after hearing the parties, pass such orders thereon as it thinks proper.

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

Explanation.—In this section, "High Court" means the High Court of a State or Union territory in which the property referred to in section 18 is situated.

15. In section 20 of the principal Act, for the words "five hundred rupees" at both the places where they occur, the words "ten thousand rupees" shall be substituted.

16. On and from the date of commencement of the principal Act, in section 22 of the principal Act, after the words "for the time being in force", the brackets and words "(including any law of succession or any custom of usage in relation to succession of property)" shall be inserted and shall always be deemed to have been inserted.

17. After section 22 of the principal Act, the following section shall be inserted and shall always be deemed to have been inserted with effect from the 2nd July, 2010, namely—

"22A. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—

(a) the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, shall have and shall always be deemed to have effect for all purposes as if the provisions of this Act, as amended by the said Act, had been in force at all material times;

(b) any enemy property divested from the Custodian to any person under the provisions of this Act, as it stood immediately before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, shall stand transferred to and vest or continue to vest, free from all encumbrances, in the Custodian in the same manner as it was vested in the Custodian before such divesting of enemy property under the provisions of this Act, as if the provisions of this Act, as amended by the aforesaid Act, were in force at all material times;

(c) no suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority directing divestment of enemy property from the Custodian vested in him under section 5 of this Act, as it stood before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, and such enemy property shall continue to vest in the Custodian under section 5 of this Act, as amended by the aforesaid Act, as the said section, as amended by the aforesaid Act was in force at all material times;

(d) any transfer of any enemy property, vested in the Custodian, by virtue of any order of attachment, seizure or sale in execution of decree of a civil court or orders of any tribunal or other authority in respect of enemy property vested in the Custodian which is contrary to the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, shall be deemed to be null and void and notwithstanding such transfer, continue to vest in the Custodian under this Act."

18. In section 23 of the principal Act, in sub-section (2), clause (d) shall be omitted.

19. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, the Central Government may, by order, published in the Official Gazette, make such provisions not
inconsistent with the provisions of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Act, 2017, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date on which the Enemy Property (Amendment and Validation) Bill, 2017, replacing the Enemy Property (Amendment and Validation) Fifth Ordinance, 2016, receives the assent of the President.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

20. In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,—

(a) in section 2, in clause (e), after sub-clause (J), the following sub-clause shall be inserted, namely:—

"(J) any premises of the enemy property as defined in clause (c) of section 2 of the Enemy Property Act, 1968.";

(b) in section 3, in clause (a),—

(i) in the second proviso, the word "and" shall be omitted;

(ii) after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that the Custodian, Deputy Custodian and Assistant Custodian of the enemy property appointed under section 3 of the Enemy Property Act, 1968 shall be deemed to have been appointed as the Estate Officer in respect of those enemy property, being the public premises, referred to in sub-clause (J) of clause (e) of section 2 of this Act for which they had been appointed as the Custodian, Deputy Custodian and Assistant Custodian under section 3 of the Enemy Property Act, 1968.".

21. Notwithstanding the cessation of the operation of the Enemy Property (Amendment and Validation) Ordinance, 2010, anything done or any action taken under the Enemy Property Act, 1968, or the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by the Enemy Property (Amendment and Validation) Ordinance, 2010, as if the provisions of this Act, as amended by the said Ordinance had been in force at all material times.

22. (1) The Enemy Property (Amendment and Validation) Fifth Ordinance, 2016 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Enemy Property Act, 1968 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.
PART-V

GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE AND LAW
NAGALAND, KOHIMA

NOTIFICATION

No. LAW/ACT/6-21/2017 Dated, Kohima the 9th Oct. 2017

THE MENTAL HEALTHCARE ACT, 2017

Sd/-
IMTITEMSU
Under Secretary to the Govt. of Nagaland.
THE MENTAL HEALTHCARE ACT, 2017

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THE MENTAL HEALTHCARE ACT, 2017

AN ACT

to provide for mental healthcare and services for persons with mental illness and to protect, promote and fulfil the rights of such persons during delivery of mental healthcare and services and for matters connected therewith or incidental thereto.

WHEREAS the Convention on Rights of Persons with Disabilities and its Optional Protocol was adopted on the 13th December, 2006 at United Nations Headquarters in New York and came into force on the 3rd May, 2008;

AND WHEREAS India has signed and ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is necessary to align and harmonise the existing laws with the said Convention.

BE IT ENACTED by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Mental Healthcare Act, 2017.
(2) It shall extend to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; or on the date of completion of the period of nine months from the date on which the Mental Healthcare Act, 2017 receives the assent of the President.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "advance directive" means an advance directive made by a person under section 5;

(b) "appropriate Government" means,—

(i) in relation to a mental health establishment established, owned or controlled by the Central Government or the Administrator of a Union territory having no legislature, the Central Government;

(ii) in relation to a mental health establishment, other than an establishment referred to in sub-clause (i), established, owned or controlled within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory;

(c) "Authority" means the Central Mental Health Authority or the State Mental Health Authority, as the case may be;

(d) "Board" means the Mental Health Review Board constituted by the State Authority under sub-section (1) of section 80 in such manner as may be prescribed;

(e) "care-giver" means a person who resides with a person with mental illness and is responsible for providing care to that person and includes a relative or any other person who performs this function, either free or with remuneration;

(f) "Central Authority" means the Central Mental Health Authority constituted under section 33;

(g) "clinical psychologist" means a person—

(i) having a recognised qualification in Clinical Psychology from an institution approved and recognised, by the Rehabilitation Council of India, constituted under section 3 of the Rehabilitation Council of India Act, 1992; or

(ii) having a Post-Graduate degree in Psychology or Clinical Psychology or Applied Psychology and a Master of Philosophy in Clinical Psychology or Medical and Social Psychology obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 and approved and recognised by the Rehabilitation Council of India Act, 1992 or such recognised qualifications as may be prescribed;

(h) "family" means a group of persons related by blood, adoption or marriage;

(i) "informed consent" means consent given for a specific intervention, without any force, undue influence, fraud, threat, mistake or misrepresentation, and obtained after disclosing to a person adequate information including risks and benefits of, and alternatives to, the specific intervention in a language and manner understood by the person;

(j) "least restrictive alternative" or "least restrictive environment" or "less
restrictive option” means offering an option for treatment or a setting for treatment which—

(i) meets the person's treatment needs; and

(ii) imposes the least restriction on the person’s rights;

(k) “local authority” means a Municipal Corporation or Municipal Council, or Zilla Parishad, or Nagar Panchayat, or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the mental health establishment or empowered under any law for the time being in force, to function as a local authority in any city or town or village;

(l) “Magistrate” means—

(i) in relation to a metropolitan area within the meaning of clause (k) of section 2 of the Code of Criminal Procedure, 1973, a Metropolitan Magistrate;

(ii) in relation to any other area, the Chief Judicial Magistrate, Subdivisional Judicial Magistrate or such other Judicial Magistrate of the first class as the State Government may, by notification, empower to perform the functions of a Magistrate under this Act;

(m) “medical officer in charge” in relation to any mental health establishment means the psychiatrist or medical practitioner who, for the time being, is in charge of that mental health establishment;

(n) “medical practitioner” means a person who possesses a recognised medical qualification—

(i) as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and whose name has been entered in the State Medical Register, as defined in clause (k) of that section; or

(ii) as defined in clause (h) of sub-section (1) of section 2 of the Indian Medicine Central Council Act, 1970, and whose name has been entered in a State Register of Indian Medicine, as defined in clause (j) of sub-section (1) of that section; or

(iii) as defined in clause (g) of sub-section (1) of section 2 of the Homoeopathy Central Council Act, 1973, and whose name has been entered in a State Register of Homoeopathy, as defined in clause (l) of sub-section (1) of that section;

(o) “Mental healthcare” includes analysis and diagnosis of a person’s mental condition and treatment as well as care and rehabilitation of such person for his mental illness or suspected mental illness;

(p) “mental health establishment” means any health establishment, including Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy establishment, by whatever name called, either wholly or partly, meant for the care of persons with mental illness, established, owned, controlled or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person, where persons with mental illness are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation, either temporarily or otherwise; and includes any general hospital or general nursing home established or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person; but does not include a family residential place where a person with mental illness resides with his relatives or friends;
(q) "mental health nurse" means a person with a diploma or degree in general nursing or diploma or degree in psychiatric nursing recognised by the Nursing Council of India established under the Nursing Council of India Act, 1947 and registered as such with the relevant nursing council in the State;

(r) "mental health professional" means—

(i) a psychiatrist as defined in clause (x); or

(ii) a professional registered with the concerned State Authority under section 55; or

(iii) a professional having a post-graduate degree (Ayurveda) in Mano Vigyan Avun Manas Roga or a post-graduate degree (Homoeopathy) in Psychiatry or a post-graduate degree (Unani) in Moalijat (Nafasiyyat) or a post-graduate degree (Siddha) in Sirappu Maruthuvam;

(s) "mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence;

(t) "minor" means a person who has not completed the age of eighteen years;

(u) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(v) "prescribed" means prescribed by rules made under this Act;

(w) "prisoner with mental illness" means a person with mental illness who is an under-trial or convicted of an offence and detained in a jail or prison;

(x) "psychiatric social worker" means a person having a post-graduate degree in Social Work and a Master of Philosophy in Psychiatric Social Work obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 or such recognised qualifications, as may be prescribed;

(y) "psychiatrist" means a medical practitioner possessing a post-graduate degree or diploma in psychiatry awarded by an university recognised by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognised by the National Board of Examinations and included in the First Schedule to the Indian Medical Council Act, 1956, or recognised by the Medical Council of India, constituted under the Indian Medical Council Act, 1956, and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in psychiatry, has been declared by the Government of that State to be a psychiatrist for the purposes of this Act;

(z) "regulations" means regulations made under this Act;

(z.a) "relative" means any person related to the person with mental illness by blood, marriage or adoption;

(z.b) "State Authority" means the State Mental Health Authority established under section 45.

(2) The words and expressions used and not defined in this Act but defined in the Indian Medical Council Act, 1956 or the Indian Medicine Central Council Act, 1970 and not inconsistent with this Act shall have the meanings respectively assigned to them in those Acts.
CHAPTER II

MENTAL ILLNESS AND CAPACITY TO MAKE MENTAL HEALTHCARE AND TREATMENT DECISIONS

3. (1) Mental illness shall be determined in accordance with such nationally or internationally accepted medical standards (including the latest edition of the International Classification of Disease of the World Health Organisation) as may be notified by the Central Government.

(2) No person or authority shall classify a person as a person with mental illness, except for purposes directly relating to the treatment of the mental illness or in other matters as covered under this Act or any other law for the time being in force.

(1) Mental illness of a person shall not be determined on the basis of,—

(a) political, economic or social status or membership of a cultural, racial or religious group, or for any other reason not directly relevant to mental health status of the person;

(b) non-conformity with moral, social, cultural, work or political values or religious beliefs prevailing in a person’s community.

(4) Past treatment or hospitalisation in a mental health establishment though relevant, shall not by itself justify any present or future determination of the person’s mental illness.

(5) The determination of a person’s mental illness shall alone not imply or be taken to mean that the person is of unsound mind unless he has been declared as such by a competent court.

4. (1) Every person, including a person with mental illness shall be deemed to have capacity to make decisions regarding his mental healthcare or treatment if such person has ability to—

(a) understand the information that is relevant to take a decision on the treatment or admission or personal assistance; or

(b) appreciate any reasonably foreseeable consequence of a decision or lack of decision on the treatment or admission or personal assistance; or

(c) communicate the decision under sub-clause (a) by means of speech, expression, gesture or any other means.

(2) The information referred to in sub-section (1) shall be given to a person using simple language, which such person understands or in sign language or visual aids or any other means to enable him to understand the information.

(3) Where a person makes a decision regarding his mental healthcare or treatment which is perceived by others as inappropriate or wrong, that by itself, shall not mean that the person does not have the capacity to make mental healthcare or treatment decision, so long as the person has the capacity to make mental healthcare or treatment decision under sub-section (1).

CHAPTER III

ADVANCE DIRECTIVE

5. (1) Every person, who is not a minor, shall have a right to make an advance directive in writing, specifying any or all of the following, namely:—

(a) the way the person wishes to be cared for and treated for a mental illness;

(b) the way the person wishes not to be cared for and treated for a mental illness;
(c) the individual or individuals, in order of precedence, he wants to appoint as his nominated representative as provided under section 14.

(2) An advance directive under sub-section (1) may be made by a person irrespective of his past mental illness or treatment for the same.

(3) An advance directive made under sub-section (1), shall be invoked only when such person ceases to have capacity to make mental healthcare or treatment decisions and shall remain effective until such person regains capacity to make mental healthcare or treatment decisions.

(4) Any decision made by a person while he has the capacity to make mental healthcare and treatment decisions shall over-ride any previously written advance directive by such person.

(5) Any advance directive made contrary to any law for the time being in force shall be *ab initio* void.

6. An advance directive shall be made in the manner as may be specified by the regulations made by the Central Authority.

7. Subject to the provisions contained in clause (a) of sub-section (1) of section 91, every Board shall maintain an online register of all advance directives registered with it and make them available to the concerned mental health professionals as and when required.

8. (1) An advance directive made under section 6 may be revoked, amended or cancelled by the person who made it at any time.

(2) The procedure for revoking, amending or cancelling an advance directive shall be the same as for making an advance directive under section 6.

9. The advance directive shall not apply to the emergency treatment given under section 103 to a person who made the advance directive.

10. It shall be the duty of every medical officer in charge of a mental health establishment and the psychiatrist in charge of a person’s treatment to propose or give treatment to a person with mental illness, in accordance with his valid advance directive, subject to section 11.

11. (1) Where a mental health professional or a relative or a care-giver of a person desires not to follow an advance directive while treating a person with mental illness, such mental health professional or the relative or the care-giver of the person shall make an application to the concerned Board to review, alter, modify or cancel the advance directive.

(2) Upon receipt of the application under sub-section (1), the Board shall, after giving an opportunity of hearing to all concerned parties (including the person whose advance directive is in question), either uphold, modify, alter or cancel the advance directive after taking into consideration the following, namely:—

(a) whether the advance directive was made by the person out of his own free will and free from force, undue influence or coercion; or

(b) whether the person intended the advance directive to apply to the present circumstances, which may be different from those anticipated; or

(c) whether the person was sufficiently well informed to make the decision; or

(d) whether the person had capacity to make decisions relating to his mental healthcare or treatment when such advanced directive was made; or
(e) whether the content of the advance directive is contrary to other laws or constitutional provisions.

(3) The person writing the advance directive and his nominated representative shall have a duty to ensure that the medical officer in charge of a mental health establishment or a medical practitioner or a mental health professional, as the case may be, has access to the advance directive when required.

(4) The legal guardian shall have right to make an advance directive in writing in respect of a minor and all the provisions relating to advance directive, *mutatis mutandis*, shall apply to such minor till such time he attains majority.

12. (1) The Central Authority shall regularly and periodically review the use of advance directives and make recommendations in respect thereof.

(2) The Central Authority in its review under sub-section (1) shall give specific consideration to the procedure for making an advance directive and also examine whether the existing procedure protects the rights of persons with mental illness.

(3) The Central Authority may modify the procedure for making an advance directive or make additional regulations regarding the procedure for advance directive to protect the rights of persons with mental illness.

13. (1) A medical practitioner or a mental health professional shall not be held liable for any unforeseen consequences on following a valid advance directive.

(2) The medical practitioner or mental health professional shall not be held liable for not following a valid advance directive, if he has not been given a copy of the valid advance directive.

CHAPTER IV

NOMINATED REPRESENTATIVE

14. (1) Notwithstanding anything contained in clause (c) of sub-section (1) of section 5, every person who is not a minor, shall have a right to appoint a nominated representative.

(2) The nomination under sub-section (1) shall be made in writing on plain paper with the person's signature or thumb impression of the person referred to in that sub-section.

(3) The person appointed as the nominated representative shall not be a minor, be competent to discharge the duties or perform the functions assigned to him under this Act, and give his consent in writing to the mental health professional to discharge his duties and perform the functions assigned to him under this Act.

(4) Where no nominated representative is appointed by a person under sub-section (1), the following persons for the purposes of this Act in the order of precedence shall be deemed to be the nominated representative of a person with mental illness, namely:—

(a) the individual appointed as the nominated representative in the advance directive under clause (c) of sub-section (1) of section 5; or

(b) a relative, or if not available or not willing to be the nominated representative of such person; or

(c) a care-giver, or if not available or not willing to be the nominated representative of such person; or

(d) a suitable person appointed as such by the concerned Board; or

(e) if no such person is available to be appointed as a nominated representative, the Board shall appoint the Director, Department of Social Welfare, or his designated representative, as the nominated representative of the person with mental illness:
Provided that a person representing an organisation registered under the Societies Registration Act, 1860 or any other law for the time being in force, working for persons with mental illness, may temporarily be engaged by the mental health professional to discharge the duties of a nominated representative pending appointment of a nominated representative by the concerned Board.

(5) The representative of the organisation, referred to in the proviso to sub-section (4), may make a written application to the medical officer in charge of the mental health establishment or the psychiatrist in charge of the person's treatment, and such medical officer or psychiatrist, as the case may be, shall accept him as the temporary nominated representative, pending appointment of a nominated representative by the concerned Board.

(6) A person who has appointed any person as his nominated representative under this section may revoke or alter such appointment at any time in accordance with the procedure laid down for making an appointment of nominated representative under sub-section (7).

(7) The Board may, if it is of the opinion that it is in the interest of the person with mental illness to do so, revoke an appointment made by it under this section, and appoint a different representative under this section.

(8) The appointment of a nominated representative, or the inability of a person with mental illness to appoint a nominated representative, shall not be construed as the lack of capacity of the person to take decisions about his mental healthcare or treatment.

(9) All persons with mental illness shall have capacity to make mental healthcare or treatment decisions but may require varying levels of support from their nominated representative to make decisions.

15. (1) Notwithstanding anything contained in section 14, in case of minors, the legal guardian shall be their nominated representative, unless the concerned Board orders otherwise under sub-section (2).

(2) Where on an application made to the concerned Board, by a mental health professional or any other person acting in the best interest of the minor, and on evidence presented before it, the concerned Board is of the opinion that—

(a) the legal guardian is not acting in the best interests of the minor; or

(b) the legal guardian is otherwise not fit to act as the nominated representative of the minor,

it may appoint, any suitable individual who is willing to act as such, the nominated representative of the minor with mental illness:

Provided that in case no individual is available for appointment as a nominated representative, the Board shall appoint the Director in the Department of Social Welfare of the State in which such Board is located, or his nominee, as the nominated representative of the minor with mental illness.

16. The Board, on an application made to it by the person with mental illness, or by a relative of such person, or by the psychiatrist responsible for the care of such person, or by the medical officer in charge of the mental health establishment where the individual is admitted or proposed to be admitted, may revoke, alter or modify the order made under clause (c) of sub-section (4) of section 14 or under sub-section (2) of section 15.

17. While fulfilling his duties under this Act, the nominated representative shall—

(a) consider the current and past wishes, the life history, values, cultural background and the best interests of the person with mental illness;
(b) give particular credence to the views of the person with mental illness to the extent that the person understands the nature of the decisions under consideration;

(c) provide support to the person with mental illness in making treatment decisions under section 89 or section 90;

(d) have right to seek information on diagnosis and treatment to provide adequate support to the person with mental illness;

(e) have access to the family or home based rehabilitation services as provided under clause (c) of sub-section (4) of section 18 on behalf of and for the benefit of the person with mental illness;

(f) be involved in discharge planning under section 98;

(g) apply to the mental health establishment for admission under section 87 or section 89 or section 90;

(h) apply to the concerned Board on behalf of the person with mental illness for discharge under section 87 or section 89 or section 90;

(i) apply to the concerned Board against violation of rights of the person with mental illness in a mental health establishment;

(j) appoint a suitable attendant under sub-section (5) or sub-section (6) of section 87;

(k) have the right to give or withhold consent for research under circumstances mentioned under sub-section (3) of section 99.

CHAPTER V

RIGHTS OF PERSONS WITH MENTAL ILLNESS

18. (1) Every person shall have a right to access mental healthcare and treatment from mental health services run or funded by the appropriate Government.

(2) The right to access mental healthcare and treatment shall mean mental health services of affordable cost, of good quality, available in sufficient quantity, accessible geographically, without discrimination on the basis of gender, sex, sexual orientation, religion, culture, caste, social or political beliefs, class, disability or any other basis and provided in a manner that is acceptable to persons with mental illness and their families and care-givers.

(3) The appropriate Government shall make sufficient provision as may be necessary, for a range of services required by persons with mental illness.

(4) Without prejudice to the generality of range of services under sub-section (3), such services shall include—

(a) provision of acute mental healthcare services such as outpatient and inpatient services;

(b) provision of half-way homes, sheltered accommodation, supported accommodation as may be prescribed;

(c) provision for mental health services to support family of person with mental illness or home based rehabilitation;

(d) hospital and community based rehabilitation establishments and services as may be prescribed;

(e) provision for child mental health services and old age mental health services.

(5) The appropriate Government shall,—

(a) integrate mental health services into general healthcare services at all levels
of healthcare including primary, secondary and tertiary healthcare and in all health programmes run by the appropriate Government;

(b) provide treatment in a manner, which supports persons with mental illness to live in the community and with their families;

c) ensure that the long term care in a mental health establishment for treatment of mental illness shall be used only in exceptional circumstances, for as short a duration as possible, and only as a last resort when appropriate community based treatment has been tried and shown to have failed;

d) ensure that no person with mental illness (including children and older persons) shall be required to travel long distances to access mental health services and such services shall be available close to a place where a person with mental illness resides;

e) ensure that as a minimum, mental health services run or funded by Government shall be available in each district;

f) ensure, if minimum mental health services specified under sub-clause (c) of sub-section (4) are not available in the district where a person with mental illness resides, that the person with mental illness is entitled to access any other mental health service in the district and the costs of treatment at such establishments in that district will be borne by the appropriate Government:

Provided that till such time the services under this sub-section are made available in a health establishment run or funded by the appropriate Government, the appropriate Government shall make rules regarding reimbursement of costs of treatment at such mental health establishment.

(6) The appropriate Government shall make available a range of appropriate mental health services specified under sub-section (4) of section 18 at all general hospitals run or funded by such Government and basic and emergency mental healthcare services shall be available at all community health centres and upwards in the public health system run or funded by such Government.

(7) Persons with mental illness living below the poverty line whether or not in possession of a below poverty line card, or who are destitute or homeless shall be entitled to mental health treatment and services free of any charge and at no financial cost at all mental health establishments run or funded by the appropriate Government and at other mental health establishments designated by it.

(8) The appropriate Government shall ensure that the mental health services shall be of equal quality to other general health services and no discrimination be made in quality of services provided to persons with mental illness.

(9) The minimum quality standards of mental health services shall be as specified by regulations made by the State Authority.

(10) Without prejudice to the generality of range of services under sub-section (3) of section 18, the appropriate Government shall notify Essential Drug List and all medicines on the Essential Drug List shall be made available free of cost to all persons with mental illness at all times at health establishments run or funded by the appropriate Government starting from Community Health Centres and upwards in the public health system:

Provided that where the health professional of ayurveda, yoga, unani, siddha, homoeopathy or naturopathy systems recognised by the Central Government are available in any health establishment, the essential medicines from any similar list relating to the appropriate ayurveda, yoga, unani, siddha, homoeopathy or naturopathy systems shall also be made available free of cost to all persons with mental illness.
(1) The appropriate Government shall take measures to ensure that necessary budgetary provisions in terms of adequacy, priority, progress and equity are made for effective implementation of the provisions of this section.

Explanation.—For the purposes of sub-section (1), the expressions—

(i) "adequacy" means in terms of how much is enough to offset inflation;

(ii) "priority" means in terms of compared to other budget heads;

(iii) "equity" means in terms of fair allocation of resources taking into account the health, social and economic burden of mental illness on individuals, their families and care-givers;

(iv) "progress" means in terms of indicating an improvement in the State’s response.

19. (1) Every person with mental illness shall,—

(a) have a right to live in, be part of and not be segregated from society; and

(b) not continue to remain in a mental health establishment merely because he does not have a family or is not accepted by his family or is homeless or due to absence of community based facilities.

(2) Where it is not possible for a mentally ill person to live with his family or relatives, or where a mentally ill person has been abandoned by his family or relatives, the appropriate Government shall provide support as appropriate including legal aid and to facilitate exercising his right to family home and living in the family home.

(3) The appropriate Government shall, within a reasonable period, provide for or support the establishment of less restrictive community based establishments including half-way homes, group homes and the like for persons who no longer require treatment in more restrictive mental health establishments such as long stay mental hospitals.

20. (1) Every person with mental illness shall have a right to live with dignity.

(2) Every person with mental illness shall be protected from cruel, inhuman or degrading treatment in any mental health establishment and shall have the following rights, namely:—

(a) to live in safe and hygienic environment;

(b) to have adequate sanitary conditions;

(c) to have reasonable facilities for leisure, recreation, education and religious practices;

(d) to privacy;

(e) for proper clothing so as to protect such person from exposure of his body to maintain his dignity;

(f) to not be forced to undertake work in a mental health establishment and to receive appropriate remuneration for work when undertaken;

(g) to have adequate provision for preparing for living in the community;

(h) to have adequate provision for wholesome food, sanitation, space and access to articles of personal hygiene, in particular, women's personal hygiene be adequately addressed by providing access to items that may be required during menstruation;

(i) to not be subject to compulsory tonsuring (shaving of head hair);

(j) to wear own personal clothes if so wished and to not be forced to wear uniforms provided by the establishment; and
(k) to be protected from all forms of physical, verbal, emotional and sexual abuse.

21. (1) Every person with mental illness shall be treated as equal to persons with physical illness in the provision of all healthcare which shall include the following, namely:

(a) there shall be no discrimination on any basis including gender, sex, sexual orientation, religion, culture, caste, social or political beliefs, class or disability;

(b) emergency facilities and emergency services for mental illness shall be of the same quality and availability as those provided to persons with physical illness;

(c) persons with mental illness shall be entitled to the use of ambulance services in the same manner, extent and quality as provided to persons with physical illness;

(d) living conditions in health establishments shall be of the same manner, extent and quality as provided to persons with physical illness; and

(e) any other health services provided to persons with physical illness shall be provided in same manner, extent and quality to persons with mental illness.

(2) A child under the age of three years of a woman receiving care, treatment or rehabilitation at a mental health establishment shall ordinarily not be separated from her during her stay in such establishment:

Provided that where the treating Psychiatrist, based on his examination of the woman, and if appropriate, on information provided by others, is of the opinion that there is risk of harm to the child from the woman due to her mental illness or it is in the interest and safety of the child, the child shall be temporarily separated from the woman during her stay at the mental health establishment:

Provided further that the woman shall continue to have access to the child under such supervision of the staff of the establishment or her family, as may be appropriate, during the period of separation.

(3) The decision to separate the woman from her child shall be reviewed every fifteen days during the woman's stay in the mental health establishment and separation shall be terminated as soon as conditions which required the separation no longer exist:

Provided that any separation permitted as per the assessment of a mental health professional, if it exceeds thirty days at a stretch, shall be required to be approved by the respective Authority.

(4) Every insurer shall make provision for medical insurance for treatment of mental illness on the same basis as is available for treatment of physical illness.

22. (1) A person with mental illness and his nominated representative shall have the rights to the following information, namely:

(a) the provision of this Act or any other law for the time being in force under which he has been admitted, if he is being admitted, and the criteria for admission under that provision;

(b) of his right to make an application to the concerned Board for a review of the admission;

(c) the nature of the person's mental illness and the proposed treatment plan which includes information about treatment proposed and the known side effects of the proposed treatment;

(d) receive the information in a language and form that such person receiving the information can understand.
(2) In case complete information cannot be given to the person with mental illness at the time of the admission or the start of treatment, it shall be the duty of the medical officer or psychiatrist in charge of the person’s care to ensure that full information is provided promptly when the individual is in a position to receive it:

Provided that where the information has not been given to the person with mental illness at the time of the admission or the start of treatment, the medical officer or psychiatrist in charge of the person’s care shall give the information to the nominated representative immediately.

23. (1) A person with mental illness shall have the right to confidentiality in respect of his mental health, mental healthcare, treatment and physical healthcare.

(2) All health professionals providing care or treatment to a person with mental illness shall have a duty to keep all such information confidential which has been obtained during care or treatment with the following exceptions, namely:—

(a) release of information to the nominated representative to enable him to fulfil his duties under this Act;

(b) release of information to other mental health professionals and other health professionals to enable them to provide care and treatment to the person with mental illness;

(c) release of information if it is necessary to protect any other person from harm or violence;

(d) only such information that is necessary to protect against the harm identified shall be released;

(e) release only such information as is necessary to prevent threat to life;

(f) release of information upon an order by concerned Board or the Central Authority or High Court or Supreme Court or any other statutory authority competent to do so; and

(g) release of information in the interests of public safety and security.

24. (1) No photograph or any other information relating to a person with mental illness undergoing treatment at a mental health establishment shall be released to the media without the consent of the person with mental illness.

(2) The right to confidentiality of person with mental illness shall also apply to all information stored in electronic or digital format in real or virtual space.

25. (1) All persons with mental illness shall have the right to access their basic medical records as may be prescribed.

(2) The mental health professional in charge of such records may withhold specific information in the medical records if disclosure would result in,—

(a) serious mental harm to the person with mental illness; or

(b) likelihood of harm to other persons.

(3) When any information in the medical records is withheld from the person, the mental health professional shall inform the person with mental illness of his right to apply to the concerned Board for an order to release such information.
26. (1) A person with mental illness admitted to a mental health establishment shall have the right to refuse or receive visitors and to refuse or receive and make telephone or mobile phone calls at reasonable times subject to the norms of such mental health establishment.

(2) A person with mental illness admitted in a mental health establishment may send and receive mail through electronic mode including through email.

(3) Where a person with mental illness informs the medical officer or mental health professional in charge of the mental health establishment that he does not want to receive mail or email from any named person in the community, the medical officer or mental health professional in charge may restrict such communication by the named person with the person with mental illness.

(4) Nothing contained in sub-sections (1) to (3) shall apply to visits from, telephone calls to, and from mail or email to, and from individuals, specified under clauses (a) to (f) under any circumstances, namely:—

(a) any Judge or officer authorised by a competent court;

(b) members of the concerned Board or the Central Authority or the State Authority;

(c) any member of the Parliament or a Member of State Legislature;

(d) nominated representative, lawyer or legal representative of the person;

(e) medical practitioner in charge of the person’s treatment;

(f) any other person authorised by the appropriate Government.

27. (1) A person with mental illness shall be entitled to receive free legal services to exercise any of his rights given under this Act.

(2) It shall be the duty of magistrate, police officer, person in charge of such custodial institution as may be prescribed or medical officer or mental health professional in charge of a mental health establishment to inform the person with mental illness that he is entitled to free legal services under the Legal Services Authorities Act, 1987 or other relevant laws or under any order of the court is so ordered and provide the contact details of the availability of services.

28. (1) Any person with mental illness or his nominated representative, shall have the right to complain regarding deficiencies in provision of care, treatment and services in a mental health establishment to,—

(a) the medical officer or mental health professional in charge of the establishment and if not satisfied with the response;

(b) the concerned Board and if not satisfied with the response;

(c) the State Authority.

(2) The provisions for making complaint in sub-section (1), is without prejudice to the rights of the person to seek any judicial remedy for violation of his rights in a mental health establishment or by any mental health professional either under this Act or any other law for the time being in force.

CHAPTER VI

DUTIES OF APPROPRIATE GOVERNMENT

29. (1) The appropriate Government shall have a duty to plan, design and implement programmes for the promotion of mental health and prevention of mental illness in the country.
(2) Without prejudice to the generality of the provisions contained in sub-section (1), the appropriate Government shall, in particular, plan, design and implement public health programmes to reduce suicides and attempted suicides in the country.

30. The appropriate Government shall take all measures to ensure that,—

(a) the provisions of this Act are given wide publicity through public media, including television, radio, print and online media at regular intervals;

(b) the programmes to reduce stigma associated with mental illness are planned, designed, funded and implemented in an effective manner;

(c) the appropriate Government officials including police officers and other officers of the appropriate Government are given periodic sensitisation and awareness training on the issues under this Act.

31. (1) The appropriate Government shall take measures to address the human resource requirements of mental health services in the country by planning, developing and implementing educational and training programmes in collaboration with institutions of higher education and training, to increase the human resources available to deliver mental health interventions and to improve the skills of the available human resources to better address the needs of persons with mental illness.

(2) The appropriate Government shall, at the minimum, train all medical officers in public healthcare establishments and all medical officers in the prisons or jails to provide basic and emergency mental healthcare.

(3) The appropriate Government shall make efforts to meet internationally accepted guidelines for number of mental health professionals on the basis of population, within ten years from the commencement of this Act.

32. The appropriate Government shall take all measures to ensure effective co-ordination between services provided by concerned Ministries and Departments such as those dealing with health, law, home affairs, human resources, social justice, employment, education, women and child development, medical education to address issues of mental health care.

CHAPTER VII

CENTRAL MENTAL HEALTH AUTHORITY

33. The Central Government shall, within a period of nine months from the date on which this Act receives the assent of the President, by notification, establish, for the purposes of this Act, an Authority to be known as the Central Mental Health Authority.

34. (1) The Central Authority shall consist of the following, namely:—

(a) Secretary or Additional Secretary to the Government of India in the Department of Health and Family Welfare—chairperson ex officio;

(b) Joint Secretary to the Government of India in the Department of Health and Family Welfare, in charge of mental health—member ex officio;

(c) Joint Secretary to the Government of India in the Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy—member ex officio;

(d) Director General of Health Services—member ex officio;
(e) Joint Secretary to the Government of India in the Department of Disability Affairs of the Ministry of Social Justice and Empowerment—member *ex officio*;

(f) Joint Secretary to the Government of India in the Ministry of Women and Child Development—member *ex officio*;

(g) Directors of the Central Institutions for Mental Health—members *ex officio*;

(h) such other *ex officio* representatives from the relevant Central Government Ministries or Departments;

(i) one mental health professional as defined in item (iii) of clause (r) of sub-section (l) of section 2 having at least fifteen years experience in the field, to be nominated by the Central Government—member;

(j) one psychiatric social worker having at least fifteen years experience in the field, to be nominated by the Central Government—member;

(k) one clinical psychologist having at least fifteen years experience in the field, to be nominated by the Central Government—member;

(l) one mental health nurse having at least fifteen years experience in the field of mental health, to be nominated by the Central Government—member;

(m) two persons representing persons who have or have had mental illness, to be nominated by the Central Government—members;

(n) two persons representing care-givers of persons with mental illness or organisations representing care-givers, to be nominated by the Central Government—members;

(o) two persons representing non-governmental organisations which provide services to persons with mental illness, to be nominated by the Central Government—members;

(p) two persons representing areas relevant to mental health, if considered necessary.

(2) The members referred to in clauses (h) to (p) of sub-section (l), shall be nominated by the Central Government in such manner as may be prescribed.

35. (1) The members of the Central Authority referred to in clauses (h) to (p) of sub-section (l) of section 34 shall hold office as such for a term of three years from the date of nomination and shall be eligible for reappointment:

Provided that a member shall not hold office as such after he has attained the age of seventy years.

(2) The chairperson and other *ex officio* members of the Authority shall hold office as such chairperson or member, as the case may be, so long as he holds the office by virtue of which he is nominated.

(3) The salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members shall be such as may be prescribed.

36. A member of the Central Authority may, by notice in writing under his hand addressed to the Central Government, resign his office:
Provided that a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon the office or until the expiry of his term of office, whichever is the earliest.

37. The Central Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of a member of the Authority and three months before the superannuation or completion of the term of office of any member of that Authority, make nomination for filling up of the vacancy.

38. No act or proceeding of the Central Authority shall be invalid merely by reason of—
   (a) any vacancy in, or any defect in the constitution of, the Authority; or
   (b) any defect in the appointment of a person as a member of the Authority; or
   (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

39. Any member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Central Authority, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Central Authority, and the member shall not take any part in any deliberation or decision of the Authority with respect to that matter.

40. (1) There shall be a chief executive officer of the Authority, not below the rank of the Director to the Government of India, to be appointed by the Central Government.

(2) The Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required by the Central Authority in the discharge of its functions.

(3) The salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and employees of the Central Authority shall be such as may be specified by regulations with the approval of the Central Government.

41. (1) The chief executive officer shall be the legal representative of the Central Authority and shall be responsible for—
   (a) the day-to-day administration of the Central Authority;
   (b) implementing the work programmes and decisions adopted by the Central Authority;
   (c) drawing up of proposal for the Central Authority’s work programmes;
   (d) the preparation of the statement of revenue and expenditure and the execution of the budget of the Central Authority.

(2) Every year, the chief executive officer shall submit to the Central Authority for approval—
   (a) a general report covering all the activities of the Central Authority in the previous year;
(b) programmes of work;
(c) the annual accounts for the previous year; and
(d) the budget for the coming year.

(3) The chief executive officer shall have administrative control over the officers and other employees of the Central Authority.

42. On the establishment of the Central Authority—

(a) all the assets and liabilities of the Central Authority for Mental Health Services constituted under sub-section (1) of section 3 of the Mental Health Act, 1987 shall stand transferred to, and vested in, the Central Authority.

Explanation.—The assets of such Central Authority for Mental Health Services shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such Unique Identification Authority of India and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such Central Authority for Mental Health Services immediately before that day, for or in connection with the purpose of the said Central Authority for Mental Health Services, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Central Authority;

(c) all sums of money due to the Central Authority for Mental Health Services immediately before that day shall be deemed to be due to the Central Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against such Central Authority for Mental Health Services immediately before that day may be continued or may be instituted by or against the Central Authority.

43. (1) The Central Authority shall—

(a) register all mental health establishments under the control of the Central Government and maintain a register of all mental health establishments in the country based on information provided by all State Mental Health Authorities of registered establishments and compile update and publish (including online on the internet) a register of such establishments;

(b) develop quality and service provision norms for different types of mental health establishments under the Central Government;

(c) supervise all mental health establishments under the Central Government and receive complaints about deficiencies in provision of services;

(d) maintain a national register of clinical psychologists, mental health nurses and psychiatric social workers based on information provided by all State Authorities of persons registered to work as mental health professionals for the purpose of this Act and publish the list (including online on the internet) of such registered mental health professionals;
(e) train all persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of this Act;

(f) advise the Central Government on all matters relating to mental healthcare and services;

(g) discharge such other functions with respect to matters relating to mental health as the Central Government may decide:

Provided that the mental health establishments under the control of the Central Government, before the commencement of this Act, registered under the Mental Health Act, 1987 or any other law for the time being in force, shall be deemed to have been registered under the provisions of this Act and copy of such registration shall be furnished to the Central Authority.

(2) The procedure for registration (including the fees to be levied for such registration) of the mental health establishments under this section shall be such as may be prescribed by the Central Government.

44. (1) The Central Authority shall meet at such times (not less than twice in a year) and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations made by the Central Authority.

(2) If the chairperson, for any reason, is unable to attend a meeting of the Central Authority, the senior-most member shall preside over the meeting of the Authority.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the members present and voting and in the event of an equality of votes, the chairperson or in his absence the member presiding over shall have a second or casting vote.

(4) All decisions of the Central Authority shall be authenticated by the signature of the chairperson or any other member authorised by the Central Authority in this behalf.

(5) If any member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the Central Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the member shall not take part in any deliberation or decision of the Authority with respect to that matter.

CHAPTER VIII
STATE MENTAL HEALTH AUTHORITY

45. Every State Government shall, within a period of nine months from the date on which this Act receives the assent of the President, by notification, establish, for the purposes of this Act, an Authority to be known as the State Mental Health Authority.

46. (1) The State Authority shall consist of the following chairperson and members:

(a) Secretary or Principal Secretary in the Department of Health of State Government—chairperson ex officio;

(b) Joint Secretary in the Department of Health of the State Government, in charge of mental health—member ex officio;

(c) Director of Health Services or Medical Education—member ex officio;
(d) Joint Secretary in the Department of Social Welfare of the State Government—member ex officio;

(e) such other ex officio representatives from the relevant State Government Ministries or Departments;

(f) Head of any of the Mental Hospitals in the State or Head of Department of Psychiatry at any Government Medical College, to be nominated by the State Government—member;

(g) one eminent psychiatrist from the State not in Government service to be nominated by the State Government—member;

(h) one mental health professional as defined in item (iii) of clause (q) of sub-section (1) of section (2) having at least fifteen years experience in the field, to be nominated by the State Government—member;

(i) one psychiatric social worker having at least fifteen years experience in the field, to be nominated by the State Government—member;

(j) one clinical psychologist having at least fifteen years experience in the field, to be nominated by the State Government—member;

(k) one mental health nurse having at least fifteen years experience in the field of mental health, to be nominated by the State Government—member;

(l) two persons representing persons who have or have had mental illness, to be nominated by the State Government—member;

(m) two persons representing care-givers of persons with mental illness or organisations representing care-givers, to be nominated by the State Government—members;

(n) two persons representing non-governmental organisations which provide services to persons with mental illness, to be nominated by the State Government—members.

(2) The members referred to in clauses (e) to (n) of sub-section (1), shall be nominated by the State Government in such manner as may be prescribed.

47. (1) The members of the State Authority referred to in clauses (e) to (n) of sub-section (1) of section 46 shall hold office as such for a term of three years from the date of nomination and shall be eligible for reappointment:

Provided that a member shall not hold office as such after he has attained the age of seventy years.

(2) The chairperson and other ex officio members of the State Authority shall hold office as such chairperson or member, as the case may be, so long as he holds the office by virtue of which he is nominated.

(3) The salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members shall be such as may be prescribed.

48. A member of the State Authority may, by notice in writing under his hand addressed to the State Government, resign his office:

Provided that a member shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is the earliest.

49. The State Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of a member of the Authority and three months before the superannuation or completion of the term of office of any member of that Authority, make nomination for filling up of the vacancy.
50. No act or proceeding of the State Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the State Authority; or

(b) any defect in the appointment of a person as a member of the State Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

51. Any member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the State Authority, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the State Authority, and the member shall not take any part in any deliberation or decision of the State Authority with respect to that matter.

52. (1) There shall be a chief executive officer of the State Authority, not below the rank of the Deputy Secretary to the State Government, to be appointed by the State Government.

(2) The State Authority may, with the approval of the State Government, determine the number, nature and categories of other officers and employees required by the State Authority in the discharge of its functions.

(3) The salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and employees of the State Authority shall be such as may be specified by regulations with the approval of the State Government.

53. (1) The chief executive officer shall be the legal representative of the State Authority and shall be responsible for—

(a) the day-to-day administration of the State Authority;

(b) implementing the work programmes and decisions adopted by the State Authority;

(c) drawing up of proposal for the State Authority's work programmes;

(d) the preparation of the statement of revenue and expenditure and the execution of the budget of the State Authority.

(2) Every year, the chief executive officer shall submit to the State Authority for approval—

(a) a general report covering all the activities of the Authority in the previous year;

(b) programmes of work;

(c) the annual accounts for the previous year; and

(d) the budget for the coming year.

(3) The chief executive officer shall have administrative control over the officers and other employees of the State Authority.

54. On and from the establishment of the State Authority—

(a) all the assets and liabilities of the State Authority for Mental Health Services constituted under sub-section (1) of section 4 of the Mental Health Act, 1987 shall stand transferred to, and vested in, the State Authority.
Explanation.—The assets of such State Authority for Mental Health Services shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such State Authority for Mental Health Services and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such State Authority for Mental Health Services immediately before that day, for or in connection with the purpose of the said State Authority for Mental Health Services, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the State Authority;

(c) all sums of money due to the State Authority for Mental Health Services immediately before that day shall be deemed to be due to the State Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against such State Authority for Mental Health Services immediately before that day may be continued or may be instituted by or against the State Authority.

55. (1) The State Authority shall—

(a) register all mental health establishments in the State except those referred to in section 43 and maintain and publish (including online on the internet) a register of such establishments;

(b) develop quality and service provision norms for different types of mental health establishments in the State;

(c) supervise all mental health establishments in the State and receive complaints about deficiencies in provision of services;

(d) register clinical psychologists, mental health nurses and psychiatric social workers in the State to work as mental health professionals, and publish the list of such registered mental health professionals in such manner as may be specified by regulations by the State Authority;

(e) train all relevant persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of this Act;

(f) discharge such other functions with respect to matters relating to mental health as the State Government may decide:

Provided that the mental health establishments in the State (except those referred to in section 43), registered, before the commencement of this Act, under the Mental Health Act, 1987 or any other law for the time being in force, shall be deemed to have been registered under the provisions of this Act and copy of such registration shall be furnished to the State Authority.

(2) The procedure for registration (including the fees to be levied for such registration) of the mental health establishments under this section shall be such as may be prescribed by the State Government.

56. (1) The State Authority shall meet at such times (not less than four times in a year) and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations made by the State Authority.
(2) If the chairperson, for any reason, is unable to attend a meeting of the State Authority, the senior-most member shall preside over the meetings of the Authority.

(3) All questions which come up before any meeting of the State Authority shall be decided by a majority of votes by the members present and voting and in the event of an equality of votes, the chairperson or in his absence the member presiding over shall have a second or casting vote.

(4) All decisions of the State Authority shall be authenticated by the signature of the chairperson or any other member authorised by the State Authority in this behalf.

(5) If any member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the State Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the member shall not take part in any deliberation or decision of the State Authority with respect to that matter.

CHAPTER IX

FINANCE, ACCOUNTS AND AUDIT

57. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Central Authority grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

58. (1) There shall be constituted a Fund to be called the Central Mental Health Authority Fund and there shall be credited thereto—

(i) any grants and loans made to the Authority by the Central Government;

(ii) all fees and charges received by the Authority under this Act; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund referred to in sub-section (1) shall be applied for meeting the salary, allowances and other remuneration of the chairperson, other members, chief executive officer, other officers and employees of the Authority and the expenses of the Authority incurred in the discharge of its functions and for purposes of this Act.

59. (1) The Central Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority and the Central Government shall cause the same to be laid before each House of Parliament.
60. The Central Authority shall prepare in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving a full account of its activities during the previous year, and copies thereof along with copies of its annual accounts and auditor's report shall be forwarded to the Central Government and the Central Government shall cause the same to be laid before both Houses of Parliament.

61. The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the State Authority grants of such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

62. (1) There shall be constituted a Fund to be called the State Mental Health Authority Fund and there shall be credited thereto—

(i) any grants and loans made to the State Authority by the State Government;

(ii) all fees and charges received by the Authority under this Act; and

(iii) all sums received by the State Authority from such other sources as may be decided upon by the State Government.

(2) The Fund referred to in sub-section (1) shall be applied for meeting the salary, allowances and other remuneration of the chairperson, other members, chief executive officer, other officers and employees of the State Authority and the expenses of the State Authority incurred in the discharge of its functions and for purposes of this Act.

63. (1) The State Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the State Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the office of the State Authority.

64. The State Authority shall prepare in every year, in such form and at such time as may be prescribed by the State Government, an annual report giving a full account of its activities during the previous year, and copies thereof along with copies of its annual accounts and auditor's report shall be forwarded to the State Government and the Government shall cause the same to be laid before the State Legislature.

CHAPTER X
MENTAL HEALTH ESTABLISHMENTS

65. (1) No person or organisation shall establish or run a mental health establishment unless it has been registered with the Authority under the provisions of this Act.

Explanation.—For the purposes of this Chapter, the expression “Authority” means—

(a) in respect of the mental health establishments under the control of the Central Government, the Central Authority;

(b) in respect of the mental health establishments in the State [not being the health establishments referred to in clause (a)], the State Authority.
(2) Every person or organisation who proposes to establish or run a mental health establishment shall register the said establishment with the Authority under the provisions of this Act:

Provided that the Central Government, may, by notification, exempt any category or class of existing mental health establishments from the requirement of registration under this Act.

Explanation.—In case a mental health establishment has been registered under the Clinical Establishments (Registration and Regulation) Act, 2010 or any other law for the time being in force in a State, such mental health establishment shall submit a copy of the said registration along with an application in such form as may be prescribed to the Authority with an undertaking that the mental health establishment fulfils the minimum standards, if any, specified by the Authority for the specific category of mental health establishment.

(3) The Authority shall, on receipt of application under sub-section (2), on being satisfied that such mental health establishment fulfils the standards specified by the Authority, issue a certificate of registration in such form as may be prescribed:

Provided that till the period the Authority specifies the minimum standards for different categories of mental health establishments, it shall issue a provisional certificate of registration to the mental health establishment:

Provided further that on specifying the minimum standards for different categories of mental health establishments, the mental health establishment referred to in the first proviso shall, within a period of six months from the date such standards are specified, submit to the Authority an undertaking stating therein that such establishment fulfils the specified minimum standards and on being satisfied that such establishment fulfils the minimum standards, the Authority shall issue a certificate of registration to such mental health establishment.

(4) Every mental health establishment shall, for the purpose of registration and continuation of registration, fulfil—

(a) the minimum standards of facilities and services as may be specified by regulations made by the Authority;

(b) the minimum qualifications for the personnel engaged in such establishment as may be specified by regulations made by the Authority;

(c) provisions for maintenance of records and reporting as may be specified by regulations made by the Authority; and

(d) any other conditions as may be specified by regulations made by the Authority.

(5) The Authority may—

(a) classify mental health establishments into such different categories, as may be specified by regulations made by the Central Authority;

(b) specify different standards for different categories of mental health establishments;

(c) while specifying the minimum standards for mental health establishments, have regard to local conditions.

(6) Notwithstanding anything in this section, the Authority shall, within a period of eighteen months from the commencement of this Act, by notification, specify the minimum standards for different categories of mental health establishments.
66. (1) The mental health establishment shall, for the purpose of registration, submit an application, in such form, accompanied with such details and fees, as may be prescribed, to the Authority.

(2) The mental health establishment may submit the application in person or by post or online.

(3) Every mental health establishment, existing on the date of commencement of this Act, shall, within a period of six months from the date of constitution of the Authority, submit an application for its provisional registration to the Authority.

(4) The Authority shall, within a period of ten days from the date of receipt of such application, issue to the mental health establishment a certificate of provisional registration in such form and containing such particulars and information as may be prescribed.

(5) The Authority shall not be required to conduct any inquiry prior to issue of provisional registration.

(6) The Authority shall, within a period of forty-five days from the date of provisional registration, publish in print and in digital form online, all particulars of the mental health establishment.

(7) A provisional registration shall be valid for a period of twelve months from the date of its issue and be renewable.

(8) Where standards for particular categories of mental health establishments have been specified under this Act, the mental health establishments in that category shall, within a period of six months from date of notifying such standards, apply for that category and obtain permanent registration.

(9) The Authority shall publish the standards in print and online in digital format.

(10) Until standards for particular categories of mental health establishments are specified under this Act, every mental health establishment shall, within thirty days before the expiry of the validity of certificate of provisional registration, apply for a renewal of provisional registration.

(11) If the application is made after the expiry of provisional registration, the Authority shall allow renewal of registration on payment of such fees, as may be prescribed.

(12) A mental health establishment shall make an application for permanent registration to the Authority in such form and accompanied with such fees as may be specified by regulations.

(13) The mental health establishment shall submit evidence that the establishment has complied with the specified minimum standards in such manner as may be specified by regulations by the Authority.

(14) As soon as the mental health establishment submits the required evidence of the mental health establishment having complied with the specified minimum standards, the Authority shall give public notice and display the same on its website for a period of thirty days, for filing objections, if any, in such manner as may be specified by regulations.

(15) The Authority shall, communicate the objections, if any, received within the period referred to in sub-section (14), to the mental health establishment for response within such period as the Authority may determine.

(16) The mental health establishment shall submit evidence of compliance with the standards with reference to the objections communicated to such establishment under sub-section (15), to the Authority within the specified period.
(17) The Authority shall on being satisfied that the mental health establishment fulfils the specified minimum standards for registration, grant permanent certificate of registration to such establishment.

(18) The Authority shall, within a period of forty-five days after the expiry of the period specified under this section, pass an order, either—

(a) grant permanent certificate of registration; or

(b) reject the application after recording the reasons thereof:

Provided that in case the Authority rejects the application under clause (b), it shall grant such period not exceeding six months, to the mental health establishment for rectification of the deficiencies which have led to rejection of the application and such establishment may apply afresh for registration.

(19) Notwithstanding anything contained in this section, if the Authority has neither communicated any objections received by it to the mental health establishment under sub-section (13), nor has passed an order under sub-section (18), the registration shall be deemed to have been granted by the Authority and the Authority shall provide a permanent certificate of registration.

67. (1) The Authority shall cause to be conducted an audit of all registered mental health establishments by such person or persons (including representatives of the local community) as may be prescribed, every three years, so as to ensure that such mental health establishments comply with the requirements of minimum standards for registration as a mental health establishment.

(2) The Authority may charge the mental health establishment such fee as may be prescribed, for conducting the audit under this section.

(3) The Authority may issue a show cause notice to a mental health establishment as to why its registration under this Act not be cancelled, if the Authority is satisfied that—

(a) the mental health establishment has failed to maintain the minimum standards specified by the Authority; or

(b) the person or persons or entities entrusted with the management of the mental health establishment have been convicted of an offence under this Act; or

(c) the mental health establishment violates the rights of any person with mental illness.

(4) The Authority may, after giving a reasonable opportunity to the mental health establishment, if satisfied that the mental health establishment falls under clause (a) or clause (b) or clause (c) of sub-section (3), without prejudice to any other action which it may take against the mental health establishment, cancel its registration.

(5) Every order made under sub-section (4) shall take effect—

(a) where no appeal has been preferred against such order, immediately on the expiry of the period specified for preferring of appeal; and

(b) where the appeal has been preferred against such an order and the appeal has been dismissed, from the date of the order of dismissal.

(6) The Authority shall, on cancellation of the registration for reasons to be recorded in writing, restrain immediately the mental health establishment from carrying on its operations, if there is imminent danger to the health and safety of the persons admitted in the mental health establishment.

(7) The Authority may cancel the registration of a mental health establishment if recommended by the Board to do so.
68. (1) The Authority may, suo motu or on a complaint received from any person with respect to non-adherence of minimum standards specified by or under this Act or contravention of any provision thereof, order an inspection or inquiry of any mental health establishment, to be made by such person as may be prescribed.

(2) The mental health establishment shall be entitled to be represented at such inspection or inquiry.

(3) The Authority shall communicate to the mental health establishment the results of such inspection or inquiry and may after ascertaining the opinion of the mental health establishment, order the establishment to make necessary changes within such period as may be specified by it.

(4) The mental health establishment shall comply with the order of the Authority made under sub-section (3).

(5) If the mental health establishment fails to comply with the order of the Authority made under sub-section (3), the Authority may cancel the registration of the mental health establishment.

(6) The Authority or any person authorised by it may, if there is any reason to suspect that any person is operating a mental health establishment without registration, enter and search in such manner as may be prescribed, and the mental health establishment shall co-operate with such inspection or inquiry and be entitled to be represented at such inspection or inquiry.

69. Any mental health establishment aggrieved by an order of the Authority refusing to grant registration or renewal of registration or cancellation of registration, may, within a period of thirty days from such order, prefer an appeal to the High Court in the State:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

70. (1) Every mental health establishment shall display the certificate of registration in a conspicuous place in the mental health establishment in such manner so as to be visible to everyone visiting the mental health establishment.

(2) In case the certificate is destroyed or lost or mutilated or damaged, the Authority may issue a duplicate certificate on the request of the mental health establishment and on the payment of such fees as may be prescribed.

(3) The certificate of registration shall be non-transferable and valid in case of change of ownership of the establishment.

(4) Any change of ownership of the mental health establishment shall be intimated to the Authority by the new owner within one month from the date of change of ownership.

(5) In the event of change of category of the mental health establishment, such establishment shall surrender the certificate of registration to the Authority and the mental health establishment shall apply afresh for grant of certificate of registration in that category.

71. The Authority shall maintain in digital format a register of mental health establishments, registered by the Authority, to be called the Register of Mental Health Establishments and shall enter the particulars of the certificate of registration so granted in a separate register to be maintained in such form and manner as may be prescribed.

72. (1) Every mental health establishment shall display within the establishment at conspicuous place (including on its website), the contact details including address and telephone numbers of the concerned Board.

(2) Every mental health establishment shall provide the person with necessary forms to apply to the concerned Board and also give free access to make telephone calls to the Board to apply for a review of the admission.
CHAPTER XI
MENTAL HEALTH REVIEW BOARDS

73. (1) The State Authority shall, by notification, constitute Boards to be called the Mental Health Review Boards, for the purposes of this Act.

(2) The requisite number, location and the jurisdiction of the Boards shall be specified by the State Authority in consultation with the State Governments concerned.

(3) The constitution of the Boards by the State Authority for a district or group of districts in a State under this section shall be such as may be prescribed by the Central Government.

(4) While making rules under sub-section (3), the Central Government shall have regard to the following, namely:—

(a) the expected or actual workload of the Board in the State in which such Board is to be constituted;

(b) number of mental health establishments existing in the State;

(c) the number of persons with mental illness;

(d) population in the district in which the Board is to be constituted;

(e) geographical and climatic conditions of the district in which the Board is to be constituted.

74. (1) Each Board shall consist of—

(a) a District Judge, or an officer of the State judicial services who is qualified to be appointed as District Judge or a retired District Judge who shall be chairperson of the Board;

(b) representative of the District Collector or District Magistrate or Deputy Commissioner of the districts in which the Board is to be constituted;

(c) two members of whom one shall be a psychiatrist and the other shall be a medical practitioner.

(d) two members who shall be persons with mental illness or care-givers or persons representing organisations of persons with mental illness or care-givers or non-governmental organisations working in the field of mental health.

(2) A person shall be disqualified to be appointed as the chairperson or a member of a Board or be removed by the State Authority, if he—

(a) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or

(b) is adjudged as an insolvent; or

(c) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(d) has such financial or other interest as is likely to prejudice the discharge of his functions as a member; or

(e) has such other disqualifications as may be prescribed by the Central Government.

(3) A chairperson or member of a Board may resign his office by notice in writing under his hand addressed to the Chairperson of the State Authority and on such resignation being accepted, the vacancy shall be filled by appointment of a person, belonging to the category under sub-section (1) of section 74.
75. (1) The chairperson and members of the Board shall hold office for a term of five years or up to the age of seventy years, whichever is earlier and shall be eligible for reappointment for another term of five years or up to the age of seventy years whichever is earlier.

(2) The appointment of chairperson and members of every Board shall be made by the Chairperson of the State Authority.

(3) The honorarium and other allowances payable to, and the other terms and conditions of service of, the chairperson and members of the Board shall be such as may be prescribed by the Central Government.

76. (1) The decisions of the Authority or the Board, as the case may be, shall be by consensus, failing which by a majority of votes of members present and voting and in the event of equality of votes, the president or the chairperson, as the case may be, shall have a second or casting vote.

(2) The quorum of a meeting of the Authority or the Board, as the case may be, shall be three members.

77. (1) Any person with mental illness or his nominated representative or a representative of a registered non-governmental organisation, with the consent of such a person, being aggrieved by the decision of any of the mental health establishment or whose rights under this Act have been violated, may make an application to the Board seeking redressal or appropriate relief.

(2) There shall be no fee or charge levied for making such an application.

(3) Every application referred to in sub-section (1) shall contain the name of applicant, his contact details, the details of the violation of his rights, the mental health establishment or any other place where such violation took place and the redressal sought from the Board.

(4) In exceptional circumstances, the Board may accept an application made orally or over telephone from a person admitted to a mental health establishment.

78. All proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

79. The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be specified by regulations made by the Central Authority.

80. (1) The Board, on receipt of an application under sub-section (1) of section 85, shall, subject to the provisions of this section, endeavour to hear and dispose of the same within a period of ninety days.

(2) The Board shall dispose of an application—

(a) for appointment of nominated representative under clause (a) of sub-section (3) of section 14;

(b) challenging admission of a minor under section 87;

(c) challenging supported admission under sub-section (10) or sub-section (11) of section 89,

within a period of seven days from the date of receipt of such applications.

(3) The Board shall dispose of an application challenging supported admission under section 90 within a period of twenty-one days from the date of receipt of the application.
(4) The Board shall dispose of an application, other than an application referred to in sub-section (3), within a period of ninety days from the date of filing of the application.

(5) The proceeding of the Board shall be held in camera.

(6) The Board shall not ordinarily grant an adjournment for the hearing.

(7) The parties to an application may appear in person or be represented by a counsel or a representative of their choice.

(8) In respect of any application concerning a person with mental illness, the Board shall hold the hearings and conduct the proceedings at the mental health establishment where such person is admitted.

(9) The Board may allow any persons other than those directly interested with the application, with the permission of the person with mental illness and the chairperson of the Board, to attend the hearing.

(10) The person with mental illness whose matter is being heard shall have the right to give oral evidence to the Board, if such person desires to do so.

(11) The Board shall have the power to require the attendance and testimony of such other witnesses as it deems appropriate.

(12) The parties to a matter shall have the right to inspect any document relied upon by any other party in its submissions to the Board and may obtain copies of the same.

(13) The Board shall, within five days of the completion of the hearing, communicate its decision to the parties in writing.

(14) Any member who is directly or indirectly involved in a particular case, shall not sit on the Board during the hearings with respect to that case.

81. (1) The Central Authority shall appoint an Expert Committee to prepare a guidance document for medical practitioners and mental health professionals, containing procedures for assessing, when necessary or the capacity of persons to make mental health care or treatment decisions.

(2) Every medical practitioner and mental health professional shall, while assessing capacity of a person to make mental healthcare or treatment decisions, comply with the guidance document referred to in sub-section (1) and follow the procedure specified therein.

82. (1) Subject to the provisions of this Act, the powers and functions of the Board shall, include all or any of the following matters, namely:—

(a) to register, review, alter, modify or cancel an advance directive;

(b) to appoint a nominated representative;

(c) to receive and decide application from a person with mental illness or his nominated representative or any other interested person against the decision of medical officer or mental health professional in charge of mental health establishment or mental health establishment under section 87 or section 89 or section 90;

(d) to receive and decide applications in respect non-disclosure of information specified under sub-section (3) of section 25;

(e) to adjudicate complaints regarding deficiencies in care and services specified under section 28;

(f) to visit and inspect prison or jails and seek clarifications from the medical officer in charge of health services in such prison or jail.
(2) Where it is brought to the notice of a Board or the Central Authority or State Authority, that a mental health establishment violates the rights of persons with mental illness, the Board or the Authority may conduct an inspection and inquiry and take action to protect their rights.

(3) Notwithstanding anything contained in this Act, the Board, in consultation with the Authority, may take measures to protect the rights of persons with mental illness as it considers appropriate.

(4) If the mental health establishment does not comply with the orders or directions of the Authority or the Board or wilfully neglects such order or direction, the Authority or the Board, as the case may be, may impose penalty which may extend up to five lakh rupees on such mental health establishment and the Authority on its own or on the recommendations of the Board may also cancel the registration of such mental health establishment after giving an opportunity of being heard.

83. Any person or establishment aggrieved by the decision of the Authority or a Board may, within a period of thirty days from such decision, prefer an appeal to the High Court of the State in which the Board is situated:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

84. (1) The Central Government may, make to the Central Authority grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The grants referred to in sub-section (1) shall be applied for,—

(a) meeting the salary, allowances and other remuneration of the chairperson, members, officers and other employees of the Central Authority;

(b) meeting the salary, allowances and other remuneration of the chairperson, members, officers and other employees of the Boards; and

(c) the expenses of the Central Authority and the Boards incurred in the discharge of their functions and for the purposes of this Act.

CHAPTER XII

ADMISSION, TREATMENT AND DISCHARGE

85. (1) For the purposes of this Act, “independent patient or an independent admission” refers to the admission of person with mental illness, to a mental health establishment, who has the capacity to make mental healthcare and treatment decisions or requires minimal support in making decisions.

(2) All admissions in the mental health establishment shall, as far as possible, be independent admissions except when such conditions exist as make supported admission unavoidable.

86. (1) Any person, who is not a minor and who considers himself to have a mental illness and desires to be admitted to any mental health establishment for treatment may request the medical officer or mental health professional in charge of the establishment to be admitted as an independent patient.
(2) On receipt of such request under sub-section (1), the medical officer or mental health professional in charge of the establishment shall admit the person to the establishment if the medical officer or mental health professional is satisfied that—

(a) the person has a mental illness of a severity requiring admission to a mental health establishment;

(b) the person with mental illness is likely to benefit from admission and treatment to the mental health establishment;

(c) the person has understood the nature and purpose of admission to the mental health establishment, and has made the request for admission of his own free will, without any duress or undue influence and has the capacity to make mental healthcare and treatment decisions without support or requires minimal support from others in making such decisions.

(3) If a person is unable to understand the purpose, nature, likely effects of proposed treatment and of the probable result of not accepting the treatment or requires a very high level of support approaching hundred per cent support in making decisions, he or she shall be deemed unable to understand the purpose of the admission and therefore shall not be admitted as independent patient under this section.

(4) A person admitted as an independent patient to a mental health establishment shall be bound to abide by order and instructions or bye-laws of the mental health establishment.

(5) An independent patient shall not be given treatment without his informed consent.

(6) The mental health establishment shall admit an independent patient on his own request, and shall not require the consent or presence of a nominated representative or a relative or care-giver for admitting the person to the mental health establishment.

(7) Subject to the provisions contained in section 88 an independent patient may get himself discharges from the mental health establishment without the consent of the medical officer or mental health professional in charge of such establishment.

87. (1) A minor may be admitted to a mental health establishment only after following the procedure laid down in this section.

(2) The nominated representative of the minor shall apply to the medical officer in charge of a mental health establishment for admission of the minor to the establishment.

(3) Upon receipt of such an application, the medical officer or mental health professional in charge of the mental health establishment may admit such a minor to the establishment, if two psychiatrists, or one psychiatrist and one mental health professional or one psychiatrist and one medical practitioner, have independently examined the minor on the day of admission or in the preceding seven days and both independently conclude based on the examination and, if appropriate, on information provided by others, that,—

(a) the minor has a mental illness of a severity requiring admission to a mental health establishment;

(b) admission shall be in the best interests of the minor, with regard to his health, well-being or safety, taking into account the wishes of the minor if ascertainable and the reasons for reaching this decision;

(c) the mental healthcare needs of the minor cannot be fulfilled unless he is admitted; and

(d) all community based alternatives to admission have been shown to have failed or are demonstrably unsuitable for the needs of the minor.

(4) A minor so admitted shall be accommodated separately from adults, in an environment that takes into account his age and developmental needs and is at least of the same quality as is provided to other minors admitted to hospitals for other medical treatments.

(5) The nominated representative or an attendant appointed by the nominated representative shall under all circumstances stay with the minor in the mental health establishment for the entire duration of the admission of the minor to the mental health establishment.
(6) In the case of minor girls, where the nominated representative is male, a female attendant shall be appointed by the nominated representative and under all circumstances shall stay with the minor girl in the mental health establishment for the entire duration of her admission.

(7) A minor shall be given treatment with the informed consent of his nominated representative.

(8) If the nominated representative no longer supports admission of the minor under this section or requests discharge of the minor from the mental health establishment, the minor shall be discharged by the mental health establishment.

(9) Any admission of a minor to a mental health establishment shall be informed by the medical officer or mental health professional in charge of the mental health establishment to the concerned Board within a period of seventy-two hours.

(10) The concerned Board shall have the right to visit and interview the minor or review the medical records if the Board desires to do so.

(11) Any admission of a minor which continues for a period of thirty days shall be immediately informed to the concerned Board.

(12) The concerned Board shall carry out a mandatory review within a period of seven days of being informed, of all admissions of minors continuing beyond thirty days and every subsequent thirty days.

(13) The concerned Board shall at minimum, review the clinical records of the minor and may interview the minor if necessary.

88. (1) The medical officer or mental health professional in charge of a mental health establishment shall discharge from the mental health establishment any person admitted under section 86 as an independent patient immediately on request made by such person or if the person disagrees with his admission under section 86 subject to the provisions of sub-section (3).

(2) Where a minor has been admitted to a mental health establishment under section 87 and attains the age of eighteen years during his stay in the mental health establishment, the medical officer in charge of the mental health establishment shall classify him as an independent patient under section 86 and all provisions of this Act as applicable to independent patient who is not minor, shall apply to such person.

(3) Notwithstanding anything contained in this Act, a mental health professional may prevent discharge of a person admitted as an independent person under section 86 for a period of twenty-four hours so as to allow his assessment necessary for admission under section 89 if the mental health professional is of the opinion that—

(a) such person is unable to understand the nature and purpose of his decisions and requires substantial or very high support from his nominated representative; or

(b) has recently threatened or attempted or is threatening or attempting to cause bodily harm to himself; or

(c) has recently behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(d) has recently shown or is showing an inability to care for himself to a degree that places the individual at risk of harm to himself.

(4) The person referred to in sub-section (3) shall be either admitted as a supported patient under section 89, or discharged from the establishment within a period of twenty-four hours or on completion of assessments for admission for a supported patient under section 89, whichever is earlier.

89. (1) The medical officer or mental health professional in charge of a mental health establishment shall admit every such person to the establishment, upon application by the nominated representative of the person, under this section, if—

(a) the person has been independently examined on the day of admission or in the preceding seven days, by one psychiatrist and the other being a mental health professional or a medical practitioner, and both independently conclude based on the examination and, if appropriate, on information provided by others, that the person has a mental illness of such severity that the person,—
(i) has recently threatened or attempted or is threatening or attempting to cause bodily harm to himself; or

(ii) has recently behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him; or

(iii) has recently shown or is showing an inability to care for himself to a degree that places the individual at risk of harm to himself;

(b) the psychiatrist or the mental health professionals or the medical practitioner, as the case may be, certify, after taking into account an advance directive, if any, that admission to the mental health establishment is the least restrictive care option possible in the circumstances; and

(c) the person is ineligible to receive care and treatment as an independent patient because the person is unable to make mental healthcare and treatment decisions independently and needs very high support from his nominated representative in making decisions.

(2) The admission of a person with mental illness to a mental health establishment under this section shall be limited to a period of thirty days.

(3) At the end of the period mentioned under sub-section (2), or earlier, if the person no longer meets the criteria for admission as stated in sub-section (1), the patient shall no longer remain in the establishment under this section.

(4) On the expiry of the period of thirty days referred to in sub-section (2), the person may continue to remain admitted in the mental health establishment in accordance with the provisions of section 90.

(5) If the conditions under section 90 are not met, the person may continue to remain in the mental health establishment as an independent patient under section 86 and the medical officer or mental health professional in charge of the mental health establishment shall inform the person of his admission status under this Act, including his right to leave the mental health establishment.

(6) Every person with mental illness admitted under this section shall be provided treatment after taking into account,—

(a) an advance directive if any; or

(b) informed consent of the patient with the support of his nominated representative subject to the provisions of sub-section (7).

(7) If a person with the mental illness admitted under this section requires nearly hundred per cent. support from his nominated representative in making a decision in respect of his treatment, the nominated representative may temporarily consent to the treatment plan of such person on his behalf.

(8) In case where consent has been given under sub-section (7), the medical officer or mental health professional in charge of the mental health establishment shall record such consent in the medical records and review the capacity of the patient to give consent every seven days.

(9) The medical officer or mental health professional in charge of the mental health establishment shall report the concerned Board,—

(a) within three days the admissions of a woman or a minor;

(b) within seven days the admission of any person not being a woman or minor.

(10) A person admitted under this section or his nominated representative or a representative of a registered non-governmental organisation with the consent of the person, may apply to the concerned Board for review of the decision of the medical officer or mental health professional in charge of the mental health establishment to admit the person to the mental health establishment under this section.
(11) The concerned Board shall review the decision of the medical officer or mental health professional in charge of the mental health establishment and give its findings thereon within seven days of receipt of request for such review which shall be binding on all the concerned parties.

(12) Notwithstanding anything contained in this Act, it shall be the duty of the medical officer or mental health professional in charge of the mental health establishment to keep the condition of the person with mental illness admitted under this section on going review.

(13) If the medical officer or mental health professional in charge of the mental health establishment is of the opinion that the conditions specified under sub-section (1) are no longer applicable, he shall terminate the admission under this section, and inform the person and his nominated representative accordingly.

(14) Non applicability of conditions referred to in sub-section (13) shall not preclude the person with mental illness remaining as an independent patient.

(15) In a case, a person with the mental illness admitted under this section has been discharged, such person shall not be readmitted under this section within a period of seven days from the date of his discharge.

(16) In case a person referred to in sub-section (15) requires readmission within a period of seven days referred to in that sub-section, such person shall be considered for readmission in accordance with the provisions of section 90.

(17) If the medical officer or mental health professional in charge of the mental health establishment is of the opinion that the person with mental illness admitted under this section in the mental health establishment requires or is likely to require further treatment beyond the period of thirty days, then such medical officer or mental health professional shall be duty bound to refer the matter to be examined by two psychiatrists for his admission beyond thirty days.

90. (1) If a person with mental illness admitted under section 89 requires continuous admission and treatment beyond thirty days or a person with mental illness discharged under sub-section (15) of that section requires readmission within seven days of such discharge, he shall be admitted in accordance with the provisions of this section.

(2) The medical officer or mental health professional in charge of a mental health establishment, upon application by the nominated representative of a person with mental illness, shall continue admission of such person with mental illness, if—

(a) two psychiatrists have independently examined the person with mental illness in the preceding seven days and both independently conclude based on the examination and, on information provided by others that the person has a mental illness of a severity that the person—

(i) has consistently over time threatened or attempted to cause bodily harm to himself; or

(ii) has consistently over time behaved violently towards another person or has consistently over time caused another person to fear bodily harm from him; or

(iii) has consistently over time shown an inability to care for himself to a degree that places the individual at risk of harm to himself;

(b) both psychiatrists, after taking into account an advance directive, if any, certify that admission to a mental health establishment is the least restrictive care option possible under the circumstances; and

(c) the person continues to remain ineligible to receive care and treatment as a independent patient as the person cannot make mental healthcare and treatment decisions independently and needs very high support from his nominated representative, in making decisions.
(3) The medical officer or mental health professional in charge of the mental health establishment shall report all admissions or readmission under this section, within a period of seven days of such admission or readmission, to the concerned Board.

(4) The Board shall, within a period of twenty-one days from the date of last admission or readmission of person with mental illness under this section, permit such admission or readmission or order discharge of such person.

(5) While permitting admission or readmission or ordering discharge of such person under sub-section (4), the Board shall examine—

(a) the need for institutional care to such person;

(b) whether such care cannot be provided in less restrictive settings based in the community.

(6) In all cases of application for readmission or continuance of admission of a person with mental illness in the mental health establishment under this section, the Board may require the medical officer or psychiatrist in charge of treatment of such person with mental illness to submit a plan for community based treatment and the progress made, or likely to be made, towards realising this plan.

(7) The person referred to in sub-section (4) shall not be permitted to continue in the mental health establishment in which he had been admitted or his readmission in such establishment merely on the ground of non-existence of community based services at the place where such person ordinarily resides.

(8) The admission of a person with mental illness to a mental health establishment under this section shall be limited to a period up to ninety days in the first instance.

(9) The admission of a person with mental illness to a mental health establishment under this section beyond the period of ninety days may be extended for a period of one hundred and twenty days at the first instance and thereafter for a period of one hundred and eighty days each time after complying with the provisions of sub-sections (1) to (7).

(10) If the Board refuses to permit admission or continuation thereof or readmission under sub-section (9), or on the expiry of the periods referred to in sub-section (9) or earlier if such person no longer falls within the criteria for admission under sub-section (1), such person shall be discharged from such mental health establishment.

(11) Every person with mental illness admitted under this section shall be provided treatment, after taking into account—

(a) an advance directive; or

(b) informed consent of the person with the support from his nominated representative subject to the provision of sub-section (12).

(12) If a person with mental illness admitted under this section, requires nearly hundred per cent. support from his nominated representative, in making decision in respect of his treatment, the nominated representative may temporarily consent to the treatment plan of such person on his behalf.

(13) In a case where consent has been given under sub-section (12), the medical officer or mental health professional in charge of the mental health establishment shall record such consent in the medical records of such person with mental illness and review on the expiry of every fortnight, the capacity of such person to give consent.

(14) A person with mental illness admitted under this section, or his nominated representative or a representative of a registered non-governmental organisation with the consent of the person, may apply to the concerned Board for review of the decision of the medical officer or mental health professional in charge of medical health establishment to
admit such person in such establishment and the decision of the Board thereon shall be binding on all parties.

(15) Notwithstanding anything contained in this Act, if the medical officer or mental health professional in charge of the mental health establishment is of the opinion that the conditions under sub-section (1) are no longer applicable, such medical officer or mental health professional shall discharge such person from such establishment and inform such person and his nominated representative accordingly.

(16) The person with mental illness referred to in sub-section (15) may continue to remain in the mental health establishment as an independent patient.

91. The medical officer or mental health professional in charge of the mental health establishment may grant leave to any person with mental illness admitted under section 87 or section 89 or section 90, to be absent from the establishment subject to such conditions, if any, and for such duration as such medical officer or psychiatrist may consider necessary.

92. If any person to whom section 103 applies absents himself without leave or without discharge from the mental health establishment, he shall be taken into protection by any Police Officer at the request of the medical officer or mental health professional in-charge of the mental health establishment and shall be sent back to the mental health establishment immediately.

93. (1) A person with mental illness admitted to a mental health establishment under section 87 or section 89 or section 90 or section 103, as the case may be, may subject to any general or special order of the Board be removed from such mental health establishment and admitted to another mental health establishment within the State or with the consent of the Central Authority to any mental health establishment in any other State:

Provided that no person with mental illness admitted to a mental health establishment under an order made in pursuance of an application made under this Act shall be so removed unless intimation and reasons for the transfer have been given to the person with mental illness and his nominated representative.

(2) The State Government may make such general or special order as it thinks fit directing the removal of any prisoner with mental illness from the place where he is for the time being detained, to any mental health establishment or other place of safe custody in the State or to any mental health establishment or other place of safe custody in any other State with the consent of the Government of that other State.

94. (1) Notwithstanding anything contained in this Act, any medical treatment, including treatment for mental illness, may be provided by any registered medical practitioner to a person with mental illness either at a health establishment or in the community, subject to the informed consent of the nominated representative, where the nominated representative is available, and where it is immediately necessary to prevent—

(a) death or irreversible harm to the health of the person; or

(b) the person inflicting serious harm to himself or to others; or

(c) the person causing serious damage to property belonging to himself or to others where such behaviour is believed to flow directly from the person’s mental illness.

Explanation.—For the purposes of this section, “emergency treatment” includes transportation of the person with mental illness to a nearest mental health establishment for assessment.
(2) Nothing in this section shall allow any medical officer or psychiatrist to give to the person with mental illness medical treatment which is not directly related to the emergency treatment specified under sub-section (1).

(3) Nothing in this section shall allow any medical officer or psychiatrist to use electro-convulsive therapy as a form of treatment.

(4) The emergency treatment referred to in this section shall be limited to seventy-two hours or till the person with mental illness has been assessed at a mental health establishment, whichever is earlier:

Provided that during a disaster or emergency declared by the appropriate Government, the period of emergency treatment referred to in this sub-section may extend up to seven days.

95. (1) Notwithstanding anything contained in this Act, the following treatments shall not be performed on any person with mental illness—

(a) electro-convulsive therapy without the use of muscle relaxants and anaesthesia;

(b) electro-convulsive therapy for minors;

(c) sterilisation of men or women, when such sterilisation is intended as a treatment for mental illness;

(d) chained in any manner or form whatsoever.

(2) Notwithstanding anything contained in sub-section (1), if, in the opinion of psychiatrist in charge of a minor’s treatment, electro-convulsive therapy is required, then, such treatment shall be done with the informed consent of the guardian and prior permission of the concerned Board.

96. (1) Notwithstanding anything contained in this Act, psychosurgery shall not be performed as a treatment for mental illness unless—

(a) the informed consent of the person on whom the surgery is being performed; and

(b) approval from the concerned Board to perform the surgery.

has been obtained.

(2) The Central Authority may make regulations for the purpose of carrying out the provisions of this section.

97. (1) A person with mental illness shall not be subjected to seclusion or solitary confinement, and, where necessary, physical restraint may only be used when,—

(a) it is the only means available to prevent imminent and immediate harm to person concerned or to others;

(b) it is authorised by the psychiatrist in charge of the person’s treatment at the mental health establishment.

(2) Physical restraint shall not be used for a period longer than it is absolutely necessary to prevent the immediate risk of significant harm.

(3) The medical officer or mental health professional in charge of the mental health establishment shall be responsible for ensuring that the method, nature of restraint justification for its imposition and the duration of the restraint are immediately recorded in the person’s medical notes.
(4) The restraint shall not be used as a form of punishment or deterrent in any circumstance and the mental health establishment shall not use restraint merely on the ground of shortage of staff in such establishment.

(5) The nominated representative of the person with mental illness shall be informed about every instance of restraint within a period of twenty-four hours.

(6) A person who is placed under restraint shall be kept in a place where he can cause no harm to himself or others and under regular ongoing supervision of the medical personnel at the mental health establishment.

(7) The mental health establishment shall include all instances of restraint in the report to be sent to the concerned Board on a monthly basis.

(8) The Central Authority may make regulations for the purpose of carrying out the provisions of this section.

(9) The Board may order a mental health establishment to desist from applying restraint if the Board is of the opinion that the mental health establishment is persistently and wilfully ignoring the provisions of this section.

98. (1) Whenever a person undergoing treatment for mental illness in a mental health establishment is to be discharged into the community or to a different mental health establishment or where a new psychiatrist is to take responsibility of the person's care and treatment, the psychiatrist who has been responsible for the person's care and treatment shall consult with the person with mental illness, the nominated representative, the family member or care-giver with whom the person with mental illness shall reside on discharge from the hospital, the psychiatrist expected to be responsible for the person's care and treatment in the future, and such other persons as may be appropriate, as to what treatment or services would be appropriate for the person.

(2) The psychiatrist responsible for the person's care shall in consultation with the persons referred to in sub-section (1) ensure that a plan is developed as to how treatment or services shall be provided to the person with mental illness.

(3) The discharge planning under this section shall apply to all discharges from a mental health establishment.

99. (1) The professionals conducting research shall obtain free and informed consent from all persons with mental illness for participation in any research involving interviewing the person or psychological, physical, chemical or medicinal interventions.

(2) In case of research involving any psychological, physical, chemical or medicinal interventions to be conducted on person who is unable to give free and informed consent but does not resist participation in such research, permission to conduct such research shall be obtained from concerned State Authority.

(3) The State Authority may allow the research to proceed based on informed consent being obtained from the nominated representative of persons with mental illness, if the State Authority is satisfied that—

(a) the proposed research cannot be performed on persons who are capable of giving free and informed consent;

(b) the proposed research is necessary to promote the mental health of the population represented by the person;

(c) the purpose of the proposed research is to obtain knowledge relevant to the particular mental health needs of persons with mental illness;

(d) a full disclosure of the interests of persons and organisations conducting the proposed research is made and there is no conflict of interest involved; and
(e) the proposed research follows all the national and international guidelines and regulations concerning the conduct of such research and ethical approval has been obtained from the institutional ethics committee where such research is to be conducted.

(4) The provisions of this section shall not restrict research based study of the case notes of a person who is unable to give informed consent, so long as the anonymity of the persons is secured.

(5) The person with mental illness or the nominated representative who gives informed consent for participation in any research under this Act may withdraw the consent at any time during the period of research.

CHAPTER XIII

RESPONSIBILITIES OF OTHER AGENCIES

100. (1) Every officer in-charge of a police station shall have a duty—

(a) to take under protection any person found wandering at large within the limits of the police station whom the officer has reason to believe has mental illness and is incapable of taking care of himself, or

(b) to take under protection any person within the limits of the police station whom the officer has reason to believe to be a risk to himself or others by reason of mental illness.

(2) The officer in-charge of a police station shall inform the person who has been taken into protection under sub-section (1), the grounds for taking him into such protection or his nominated representative, if in the opinion of the officer such person has difficulty in understanding those grounds.

(3) Every person taken into protection under sub-section (1) shall be taken to the nearest public health establishment as soon as possible but not later than twenty-four hours from the time of being taken into protection, for assessment of the person’s healthcare needs.

(4) No person taken into protection under sub-section (1) shall be detained in the police lock up or prison in any circumstances.

(5) The medical officer in charge of the public health establishment shall be responsible for arranging the assessment of the person and the needs of the person with mental illness will be addressed as per other provisions of this Act as applicable in the particular circumstances.

(6) The medical officer or mental health professional in-charge of the public mental health establishment if on assessment of the person finds that such person does not have a mental illness of a nature or degree requiring admission to the mental health establishment, he shall inform his assessment to the police officer who had taken the person into protection and the police officer shall take the person to the person’s residence or in case of homeless persons, to a Government establishment for homeless persons.

(7) In case of a person with mental illness who is homeless or found wandering in the community, a First Information Report of a missing person shall be lodged at the concerned police station and the station house officer shall have a duty to trace the family of such person and inform the family about the whereabouts of the person.

101. (1) Every officer in-charge of a police station, who has reason to believe that any person residing within the limits of the police station has a mental illness and is being ill-treated or neglected, shall forthwith report the fact to the Magistrate within the local limits of whose jurisdiction the person with mental illness resides.
(2) Any person who has reason to believe that a person has mental illness and is being ill-treated or neglected by any person having responsibility for care of such person, shall report the fact to the police officer in-charge of the police station within whose jurisdiction the person with mental illness resides.

(3) If the Magistrate has reason to believe based on the report of a police officer or otherwise, that any person with mental illness within the local limits of his jurisdiction is being ill-treated or neglected, the Magistrate may cause the person with mental illness to be produced before him and pass an order in accordance with the provisions of section 102.

102. (1) When any person with mental illness or who may have a mental illness appears or is brought before a Magistrate, the Magistrate may, order in writing—

(a) that the person is conveyed to a public mental health establishment for assessment and treatment, if necessary and the mental health establishment shall deal with such person in accordance with the provisions of the Act; or

(b) to authorize the admission of the person with mental illness in a mental health establishment for such period not exceeding ten days to enable the medical officer or mental health professional in charge of the mental health establishment to carry out an assessment of the person and to plan for necessary treatment, if any.

(2) On completion of the period of assessment referred to in sub-section (1), the medical officer or mental health professional in charge of the mental health establishment shall submit a report to the Magistrate and the person shall be dealt with in accordance with the provisions of this Act.

103. (1) An order under section 30 of the Prisoners Act, 1900 or under section 144 of the Air Force Act, 1950, or under section 145 of the Army Act, 1950, or under section 143 or section 144 of the Navy Act, 1957, or under section 330 or section 335 of the Code of Criminal Procedure, 1973, directing the admission of a prisoner with mental illness into any suitable mental health establishment, shall be sufficient authority for the admission of such person in such establishment to which such person may be lawfully transferred for care and treatment therein:

Provided that transfer of a prisoner with mental illness to the psychiatric ward in the medical wing of the prison shall be sufficient to meet the requirements under this section:

Provided further that where there is no provision for a psychiatric ward in the medical wing, the prisoner may be transferred to a mental health establishment with prior permission of the Board.

(2) The method, modalities and procedure by which the transfer of a prisoner under this section is to be effected shall be such as may be prescribed.

(3) The medical officer of a prison or jail shall send a quarterly report to the concerned Board certifying therein that there are no prisoners with mental illness in the prison or jail.

(4) The Board may visit the prison or jail and ask the medical officer as to why the prisoner with mental illness, if any, has been kept in the prison or jail and not transferred for treatment to a mental health establishment.

(5) The medical officer in-charge of a mental health establishment wherein any person referred to in sub-section (1) is detained, shall once in every six months, make a special report regarding the mental and physical condition of such person to the authority under whose order such person is detained.
The appropriate Government shall setup mental health establishment in the medical wing of at least one prison in each State and Union territory and prisoners with mental illness may ordinarily be referred to and cared for in said mental health establishment.

The mental health establishment setup under sub-section (5) shall be registered under this Act with the Central or State Mental Health Authority, as the case may be, and shall conform to such standards and procedures as may be prescribed.

104. (1) If it appears to the person in-charge of a State run custodial institution (including beggars homes, orphanages, women’s protection homes and children homes) that any resident of the institution has, or is likely to have, a mental illness, then, he shall take such resident of the institution to the nearest mental health establishment run or funded by the appropriate Government for assessment and treatment, as necessary.

(2) The medical officer in-charge of a mental health establishment shall be responsible for assessment of the person with mental illness, and the treatment required by such persons shall be decided in accordance with the provisions of this Act.

105. If during any judicial process before any competent court, proof of mental illness is produced and is challenged by the other party, the court shall refer the same for further scrutiny to the concerned Board and the Board shall, after examination of the person alleged to have a mental illness either by itself or through a committee of experts, submit its opinion to the court.

CHAPTER XIV

RESTRICTION TO DISCHARGE FUNCTIONS BY PROFESSIONALS NOT COVERED BY PROFESSION

106. No mental health professional or medical practitioner shall discharge any duty or perform any function not authorised by this Act or specify or recommend any medicine or treatment not authorised by the field of his profession.

CHAPTER XV

OFFENCES AND PENALTIES

107. (1) Whoever carries on a mental health establishment without registration shall be liable to a penalty which shall not be less than five thousand rupees but which may extend to fifty thousand rupees for first contravention or a penalty which shall not be less than fifty thousand rupees but which may extend to two lakh rupees for a second contravention or a penalty which shall not be less than two lakh rupees but which may extend to five lakh rupees for every subsequent contravention.

(2) Whoever knowingly serves in the capacity as a mental health professional in a mental health establishment which is not registered under this Act, shall be liable to a penalty which may extend to twenty-five thousand rupees.

(3) Save as otherwise provided in this Act, the penalty under this section shall be adjudicated by the State Authority.

(4) Whoever fails to pay the amount of penalty, the State Authority may forward the order to the Collector of the district in which such person owns any property or resides or carries on his business or profession or where the mental health establishment is situated, and the Collector shall recover from such persons or mental health establishment the amount specified thereunder, as if it were an arrear of land revenue.

(5) All sums realised by way of penalties under this Chapter shall be credited to the Consolidated Fund of India.

108. Any person who contravenes any of the provisions of this Act, or of any rule or regulation made thereunder shall for first contravention be punishable with imprisonment for a term which may extend to six months, or with a fine which may extend to ten thousand rupees or with both, and for any subsequent contravention with imprisonment for a term which may extend to two years or with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees or with both.

Persons in custodial institutions.

Question of mental illness in judicial process.

Restriction to discharge functions by professionals not covered by profession.

Penalties for establishing or maintainng mental health establishment in contravention of provisions of this Act.

Punishment for contravention of provisions of the Act or rules or regulations made thereunder.
109. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER XVI

MISCELLANEOUS

110. (1) The Central Government may, by a general or special order, call upon the Authority or the Board to furnish, periodically or as and when required any information concerning the activities carried on by the Authority or the Board, as the case may be, in such form as may be prescribed, to enable that Government, to carry out the purposes of this Act.

(2) The State Government may, by a general or special order, call upon the State Authority or the Board to furnish, periodically or as and when required any information concerning the activities carried on by the State Authority or the Board in such form as may be prescribed, to enable that Government, to carry out the purposes of this Act.

111. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

112. (1) If at any time the Central Government is of the opinion—

(a) that on account of circumstances beyond the control of the Central Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Central Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act; or

(c) that circumstances exist which render it necessary in the public interest so to do,
the Central Government may, by notification and for reasons to be specified therein, supersede the Central Authority for such period, not exceeding six months, as may be specified in the notification.

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Central Authority to make representations against the proposed supersession and shall consider representations, if any, of the Central Authority.

(2) Upon the publication of a notification under sub-section (1), superseding the Central Authority,—

(a) the chairperson and other members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Central Authority shall, until the Central Authority is reconstituted under sub-section (3), be exercised and discharged by the Central Government or such authority as the Central Government may specify in this behalf;

(c) all properties owned or controlled by the Central Authority shall, until the Central Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Central Authority by a fresh appointment of its chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

113. (1) If at any time the State Government is of the opinion—

(a) that on account of circumstances beyond the control of the State Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act or

(b) that the State Authority has persistently defaulted in complying with any direction given by the State Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act, or

(c) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification and for reasons to be specified therein, supersede the State Authority for such period, not exceeding six months, as may be specified in the notification.

Provided that before issuing any such notification, the State Government shall give a reasonable opportunity to the State Authority to make representations against the proposed supersession and shall consider representations, if any, of the State Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the State Authority,—

(a) the chairperson and other members shall, as from the date of supersession, vacate their offices as such;
(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the State Authority shall, until the State Authority is reconstituted under sub-section (3), be exercised and discharged by the State Government or such authority as the State Government may specify in this behalf;

(c) all properties owned or controlled by the State Authority shall, until the State Authority is reconstituted under sub-section (3), vest in the State Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government shall reconstitute the State Authority by a fresh appointment of its chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The State Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before the State Legislature at the earliest.

114. (1) Notwithstanding anything contained in this Act, the provisions of this Act shall, taking into consideration the communication, travel and transportation difficulties, apply to the States of Assam, Meghalaya, Tripura, Mizoram, Manipur, Nagaland, Arunachal Pradesh and Sikkim, with following modifications, namely:\n\n(a) under sub-section (3) of section 73, the chairperson of the Central Authority, may constitute one or more Boards for all the States;
\n(b) in sub-section (2) of section 80, reference to the period of “seven days”, and in sub-section (3) of that section, reference to the period of “twenty-one days” shall be construed as “ten days” and “thirty days”, respectively;
\n(c) in sub-section (9) of section 87, reference to the period of “seventy-two hours” shall be construed as “one hundred twenty hours”, and in sub-sections (3) and (12) of that section, reference to a period of “seven days” shall be construed as “ten days”;
\n(d) in sub-section (3) of section 88, reference to the period of “twenty-four hours” shall be construed as “seventy-two hours”;
\n(e) in clauses (a) and (b) of sub-section (9) of section 89, reference to the period of “three days” and “seven days” shall be construed as “seven days” and “ten days” respectively;
\n(f) in sub-section (3) of section 90, reference to the period of “seven days” and in sub-section (4) of that section, reference to the period of “twenty-one days” shall be construed as “ten days” and “thirty days” respectively;
\n(g) in sub-section (4) of section 94, reference to the period of “seventy-two hours” shall be construed as “one hundred twenty hours”.

(2) The provisions of clauses (b) to (g) of sub-section (1) shall also apply to the States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir and the Union territories of Lakshadweep and Andaman and Nicobar Islands.

(3) The provisions of this section shall cease to have effect on the expiry of a period of ten years from the commencement of this Act, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

115. (1) Notwithstanding anything contained in section 309 of the Indian Penal Code any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.
(2) The appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.

116. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the Board is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

117. The Central Government may, if it considers so necessary in the interest of persons with mental illness being governed by the Mental Health Act, 1987, take appropriate interim measures by making necessary transitory schemes.

118. The chairperson, and other members and the officers and other employees of the Authority and Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

119. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or against the chairperson or any other member of the Authority or the Board, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder in the discharge of official duties.

120. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

121. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Subject to the provisions of sub-section (1), the State Government may, with the previous approval of the Central Government, by notification, make rules for carrying out the provisions of this Act:

Provided that the first rules shall be made by the Central Government, by notification.

(3) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (1) may provide for all or any of the following matters, namely:

(a) qualifications relating to clinical psychologist under sub-clause (ii) of clause (j) of sub-section (1) of section 2;

(b) qualifications relating to psychiatric social worker under clause (w) of sub-section (1) of section 2;

(c) the manner of nomination of members of the Central Authority under sub-section (2) of section 34;

(d) the salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members of the Central Authority under sub-section (3) of section 35;

(e) the procedure for registration (including the fees to be levied for such registration) of the mental health institutions under sub-section (2) of section 43;

(f) the manner of nomination of members of the State Authority under sub-section (2) of section 46;
(g) the salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members of the State Authority under sub-section (3) of section 47;

(h) the procedure for registration (including the fees to be levied for such registration) of the mental health establishments under sub-section (2) of section 55;

(i) the form of accounts and other relevant records and annual statement of accounts under sub-section (1) of section 59;

(j) the form in, and the time within which, an annual report shall be prepared under section 60;

(k) the form of accounts and other relevant records and annual statement of accounts under sub-section (1) of section 63;

(l) the form in, and the time within which, an annual report shall be prepared under section 64;

(m) manner of constitution of the Board by the State Authority for a district or groups of districts in a State;

(n) other disqualifications of chairperson or members of the Board under clause (e) of sub-section (2) of section 82;

(o) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

(4) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (2) may provide for all or any of the following matters, namely:—

(a) the manner of proof of mental healthcare and treatment under sub-section (1) of section 4;

(b) provision of half-way homes, sheltered accommodation and supported accommodation under clause (b) of sub-section (4) of section 18;

(c) hospitals and community based rehabilitation establishment and services under clause (d) of sub-section (4) of section 18;

(d) basic medical records of which access is to be given to a person with mental illness under sub-section (1) of section 25;

(e) custodial institutions under sub-section (2) of section 27;

(f) the form of application to be submitted by the mental health establishment with the undertaking that the mental health establishment fulfills the minimum standards, if any, specified by the Authority, under the Explanation to sub-section (2) of section 65;

(g) the form of certificate of registration under sub-section (3) of section 65;

(h) the form of application, the details, the fees to be accompanied with it under sub-section (7) of section 66;

(i) the form of certificate of provisional registration containing particulars and information under sub-section (4) of section 66;

(j) the fees for renewal of registration under sub-section (11) of section 66;

(k) the person or persons (including representatives of the local community) for the purpose of conducting an audit of the registered mental health establishments under sub-section (7) and fees to be charged by the Authority for conducting such audit under sub-section (2) of section 67;
(l) the person or persons for the purpose of conducting and inspection or inquiry of the mental health establishments under sub-section (l) of section 68;

(m) the manner to enter and search of a mental health establishment operating without registration under sub-section (b) of section 68;

(n) the fees for issuing a duplicate certificate under sub-section (2) of section 70;

(o) the form and manner in which the Authority shall maintain in digital format a register of mental health establishments, the particulars of the certificate of registration so granted in a separate register to be maintained under section 71;

(p) constitution of the Boards under sub-section (3) of section 73;

(q) the honorarium and other allowances payable to, and the other terms and conditions of service of, the chairperson and members of the Board under sub-section (3) of section 75;

(r) method, modalities and procedure for transfer of prisoners under sub-section (2) of section 103;

(s) the standard and procedure to which the Central or State Health Authority shall confirm under sub-section (6) of section 103;

(t) the form for furnishing periodical information under section 110; and

(u) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

122. (1) The Central Authority may, by notification, make regulations, consistent with the provisions of this Act and the rules made thereunder, to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) manner of making an advance directive under section 6;

(b) additional regulations, regarding the procedure of advance directive to protect the rights of persons with mental illness under sub-section (3) of section 12;

(c) the salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and employees of the Central Authority under sub-section (3) of section 40;

(d) the times and places of meetings of the Central Authority and rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) under sub-section (l) of section 44;

(e) the minimum standards of facilities and services under clause (a) of sub-section (4) of section 65;

(f) the minimum qualifications for the personnel engaged in mental health establishment under clause (b) of sub-section (4) of section 65;

(g) provisions for maintenance of records and reporting under clause (c) of sub-section (4) of section 65;

(h) any other conditions under clause (d) of sub-section (4) of section 65;

(i) categories of different mental health establishment under clause (a) of sub-section (5) of section 65;

(j) the form of application to be made by the mental health establishment and the fees to be accompanied with it under sub-section (2) of section 66;
(k) manner of submitting evidence under sub-section (13) of section 66;

(l) the manner of filing objections under sub-section (14) of section 66;

(m) the time and places and rules of procedure in regard to the transaction of business at its meetings to be observed by the Central Authority and the Board under section 87;

(n) regulations under sub-section (2) of section 96 and under sub-section (8) of section 97;

(o) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.

123. (1) The State Authority may, by notification, make regulations, consistent with the provision of this Act and the rules made thereunder, to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the minimum quality standards of mental health services under sub-section (9) of section 18;

(b) the salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of the chief executive officer and other officers and employees of the State Authority under sub-section (3) of section 52;

(c) the manner in which the State Authority shall publish the list of registered mental health professionals under clause (d) of sub-section (1) of section 55;

(d) the times and places of meetings of the State Authority and rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) under sub-section (1) of section 56;

(e) the form of application to be made by the mental health establishment and the fees to be accompanied with it under sub-section (12) of section 66;

(f) the manner of filing objections under sub-section (14) of section 66;

(g) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.

124. (1) Every rule made by the Central Government and every regulation made by the Central Authority under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation, as the case may be.

(2) Every rule made by the State Government and every regulation made by the State Authority under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

125. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:
Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

126. (1) The Mental Health Act, 1987 is hereby repealed.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;

(b) the Central Authority for Mental Health Services, and the State Authority for Mental Health Services established under the repealed Act shall, continue to function under the corresponding provisions of this Act, unless and until the Central Authority and the State Authority are constituted under this Act;

(c) any person appointed in the Central Authority for Mental Health Services, or the State Authority for Mental Health Services or any person appointed as the visitor under the repealed Act and holding office as such immediately before the commencement of this Act, shall, on such commencement continue to hold their respective offices under the corresponding provisions of this Act, unless they are removed or until superannuated;

(d) any person appointed under the provisions of the repealed Act and holding office as such immediately before the commencement of this Act, shall, on such commencement continue to hold his office under the corresponding provisions of this Act, unless they are removed or until superannuated;

(e) any licence granted under the provisions of the repealed Act, shall be deemed to have been granted under the corresponding provisions of this Act unless the same are cancelled or modified under this Act;

(f) any proceeding pending in any court under the repealed Act on the commencement of this Act may be continued in that court as if this Act had not been enacted;

(g) any appeal preferred from the order of a Magistrate under the repealed Act but not disposed of before the commencement of this Act may be disposed of by the court as if this Act had not been enacted.

(2) The mention of the particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.
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