



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 25]

CHENNAI, WEDNESDAY, JUNE 21, 2023
Aani 6, Sobakiruthu, Thiruvalluvar Aandu-2054

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

CONTENTS

Pages.

HEALTH AND FAMILY WELFARE DEPARTMENT

The Tamil Nadu State Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Rules, 2023	56-60
--	---------	-------

NOTIFICATIONS BY GOVERNMENT

HEALTH AND FAMILY WELFARE DEPARTMENT

The Tamil Nadu State Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Rules, 2023.

*[G.O. Ms. No. 159, Health and Family Welfare (Z1), 25th May 2023,
வைகாசி 11, சோபகிருது, திருவள்ளூர் ஆண்டு-2024.]*

No. SRO A-24/2023.—In exercise of the powers conferred by Section 49 of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (Central Act 16 of 2017), the Governor of Tamil Nadu hereby makes the following Rules, namely:-

RULES.

1. Short title.- These Rules may be called the Tamil Nadu State Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Rules, 2023.

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

- (i) **"Act"** means the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (Central Act 16 of 2017);
- (ii) **"Complaint"** means any information or grievance made orally or in writing to the Ombudsman;
- (iii) **"Chief Ministerial Officer"** means an officer in the Judicial Magistrate First Class Court;
- (iv) **"Form"** means a form appended to these rules;
- (v) **"Government"** means the State Government;
- (vi) **"Ombudsman"** means an Officer appointed or designated by the Government of Tamil Nadu under Section 23 of the Act.

(2) Words and expressions used in these rules and not defined herein but defined in the Act shall have the same meaning assigned to them in the Act.

3. Measures to provide diagnostic facilities.- The Government Medical College Hospitals, District Headquarters Hospitals and Government Hospitals shall provide free lab investigation facilities, free lifelong Anti-retroviral Therapy and Treatment for "Prevention of Parent to Child HIV Transmission and other services viz Counselling services, Baseline lab investigations, Test for CD4 counting to know the immune status, Viral load testing to know the level of viral suppression, Management and treatment of Opportunistic Infections. HIV infected persons can access quality Care, Support and treatment appropriate for age, gender as laid down in the guidelines issued by the Central Government for HIV Care and Treatment subject to revision from time to time.

The Government Medical College Hospitals, Government Hospitals, Block Primary Health Centres and Additional Primary Health Centres shall provide the following services, namely:-

- (i) Counselling (Pre-test counselling, informed consent and Post-test Counselling).
- (ii) Testing and prompt delivery of test results with embedded quality assurance.
- (iii) Linkages to appropriate HIV prevention, Care, Support and treatment services.
- (iv) Prevention of parent to Child Transmission and Early infant diagnosis programme (except Additional Primary Health Centres).

4. Manner of disposal of Complaints by Complaints Officer.- (1) The designated complaints officer has to register the complaint which has to be made within three months from the date that the person making the complaint became aware of the alleged violation of the Act in the establishment.

(2) The complaints officer should arrive at a decision of the complaint promptly and in any case within seven working days. In case of emergency or in the case of healthcare establishments where the complaint

relates to discrimination in the provision of, or access to health care services or provision of universal precautions, the complaints officer should decide the complaint on the same day on which he receives the complaint under Section 21 of the Act.

- (3) The complaints officer shall, on deciding a complaint, provide brief reasons in writing for the decision to the establishment and the concerned parties to the complaint within a period of ten days from the date of arriving decision. The complaints officer should inform the complainant of the action taken in relation to the complaint and of the complainant's right to approach the Ombudsman or to any other appropriate legal recourse in case the complainant is dissatisfied with the action taken by the complaints officer.

5. Designation of Ombudsman.- (1) The State Government shall designate an officer not below the rank of the Assistant Collector/Sub-Collector/Revenue Divisional Officer and the Sub-Divisional Magistrate.

(2) At the time of commencement of this rule, the post of designated Officer is held by any other officer of equivalent rank as additional charge basis, such officer shall continue to hold such additional charge till such time a whole time Designated Officer is appointed.

6. Manner of Inquiry on complaints by Ombudsman:- (1) The Ombudsman shall act in an objective and independent manner when inquiring into complaints made under the Act.

- (2) While inquiring into complaints under the Act, the Ombudsman shall not be bound by any strict rules of evidence and may follow such procedure as he considers just and proper at his discretion in the interest of the protected persons.
- (3) No cross-examination shall be permitted in inquiries before the Ombudsman.
- (4) The Ombudsman may, in the interest of justice, take assistance of Health Care establishment for addressing the grievances of the protected person in medical issues under Section 24(2) of the Act.
- (5) The Ombudsman shall have the power to pass Interim orders including directing admission, operations or treatment and the provisions for universal precautions in case of medical emergency, based on the complaint received or suo-mote, without hearing the parties.
- (6) The Ombudsman shall have the power to pass orders including the following, namely:-
- (i) withdrawal and rectification of the violation: and
 - (ii) directing the person who has committed the violation to undergo a fixed period of counselling and or a fixed period of social services at a place so fixed by Ombudsman which shall include a non-governmental organization working on HIV/ AIDS protected person's network or the appropriate authority under the Government.
- (7) The Ombudsman may specify its own procedures to observe the rules of natural Justice.
- (8) Every order made by the Ombudsman shall be a speaking order with reasoning.
- (9) The Ombudsman shall inform the parties to the complaint about their right to seek judicial review from the Ombudsman's order.
- (10) The Ombudsman shall report about the number and nature of complaints received action taken and orders passed thereon the complaints to the Government once in every six months.

7. Manner of maintaining records by Ombudsman.- (1) The Ombudsman shall receive complaint made in person, by post, orally telephonic message in writing through email or through his Official website:

Provided that the complaint received telephonically or orally shall be reduced to writing by the office of the Ombudsman and later scribed by the complainant or his authorised representative and shall be registered in Form A.

- (2) All complaints shall be made to the Ombudsman in writing in Form-A:

Provided that where a complaint cannot be made in writing, the Ombudsman shall render all reasonable assistance to complainant to reduce the complaint in writing:

Provided further that Ombudsman shall act upon immediately if the complaint so received orally or telephonically if it involves any emergency.

(3) The Ombudsman shall,-

- (i) immediately on receipt of a complaint, record it by assigning a sequential unique complaint number in a register in Form B maintained solely for that purpose in physical or in electronic form;
- (ii) on receipt of the complaint, acknowledge it and send the unique complaint number by SMS or e-mail to the complainant, where available;
- (iii) record the time and date of the complaint and the action taken on the complaint in the register; and
- (iv) maintain the register of complaints in that shall ensures confidentiality of data.

(4) The Ombudsman shall maintain confidentiality of any information or document coming into his knowledge or possession in the course of discharging his duties and shall not disclose such information or document to any person except with the consent of the person furnishing such Information or document:

Provided that nothing in this clause shall prevent the Ombudsman from disclosing information or document furnished by any party in a complaint to the other party, to the extent considered by him to be reasonably required to comply with the principles of natural justice and fair play in the proceedings, as provided in section 11 of the Act.

(5) Any person may, make a complaint to the Ombudsman within whose jurisdiction the alleged violation of the Act has taken place, within three months from the date on which the person making the complaint came to know about the alleged violation:

Provided that the Ombudsman may, for reasons to be recorded in writing, extend the time limit to make the complaint by a further period of three months, if he is satisfied that circumstances prevented the complainant from making the complaint within the stipulated period.

8. Manner of recording pseudonym and providing suppression of Identity in legal proceedings-

(1) In any legal proceeding where a Court, in pursuant to clause (a) of sub-section (1) of section 34 of the Act directs on an application made by a protected person or any other person, that in the interests of Justice, the proceeding or any part thereof be conducted by suppressing the Identity of such protected person, the Chief Ministerial Officer shall direct all parties involved to,-

- (i) file one copy of the document bearing the full name and identifying details of the parties concerned before the court, which shall be kept in a sealed cover and in safe custody with the Chief Ministerial Officer.
- (ii) serve one copy of document bearing the full name and identifying details of the parties concerned, upon other parties in the proceeding with a requirement to ensure that the bill name and Identity of the parties concerned are kept confidential.

(2) The Chief Ministerial Officer shall provide, pseudonyms to the protected person involved in the legal proceeding in the documents filed before the court in such manner that the Identity and identifying details of the protected person are kept confidential.

(3) The Chief Ministerial Officer shall place the sealed cover documents on the first date on which the legal proceedings is listed for hearing before the court, if so required by the court.

(4) The identities of the protected person involved in the legal proceeding and their identifying details shall be displayed in pseudonym in all the documents generated by the court in relation to the legal proceeding, including listing of the case on the court-board, interim orders and final judgment.

(5) The identity and identifying details of the protected person involved in the legal proceeding shall not be revealed by any person or their representatives including assistants and staffs:

Provided that where in the interest of justice, the name and identity of the protected person needs to be revealed to a third party, it shall only be allowed by an order of the court.

(6) Printing or publishing any matter in relation to the above legal proceedings, in electronic or any other form shall be lawful, only if the same is done by ensuring the suppression of identification of the parties in the legal proceeding.

(7) In any legal proceeding before it under the Act, the court shall comply with data protection measures in accordance with Section 11 of the Act.

(8) The Government shall provide periodical training to the staff who deals with confidentiality of the information under this rule.

FORM-A

(For making complaint and to acknowledge)*[see rule 7(1)]*

1. Name of the complainant:
2. Full address of the complainant:
3. Contact number:
4. Date of incident:
5. Place of incident:
6. Description of incident (Additional sheets may be attached:
7. List of document attached:
8. Person or institution responsible for the incident:
9. Nature of the relief sought:
10. Declaration:
 - (a) The above mentioned details are true to my/our knowledge, information and belief.
 - (b) I/We have not concealed or misrepresented any fact stated in aforesaid columns and the documents submitted herewith.
 - (c) I/We have not brought the subject matter of the present complaint before this Forum earlier (c) the subject matter of this present complaint has not been decided by any forum/court/arbitrator or any other authority.

Signature/Thumb Impression of Complainant

1. **NOMINATION:** (If the Complainant wants to nominate his representative to appear and make submissions on his behalf before the Ombudsman the following declaration should be submitted)

I/ We, the above name complainant hereby nominate Thiru/Tmt and whose address is as my/our representative in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/she has signed below in my presence.

2. ACCEPTED**(Signature of Representative)****3. Signature of Complainant****Place:****Date:**

Where the complaint is received telephonically or orally and reduced to writing by the Ombudsman, the Ombudsman shall sign the Form.

For Official Use only:

Unique Complaint Number:

Place:

Date:

FORM-B

Register for complaints*[see rule 7(2)]*

1. Date of incident:
2. Place of incident:
3. Description of incident:
4. Person/Institution responsible for the incident:

Signature or Thumb Impression of Complainant

Name:

Date:

Mobile No./email/Fax/Address:

For Official Use only:

Unique Complaint Number-----

Where the complaint is received telephonically and reduced to writing by the Ombudsman, the Ombudsman shall sign the Form

Ombudsman

GAGANDEEP SINGH BEDI,
Principal Secretary to Government.