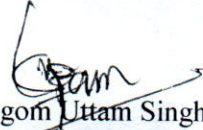


**GOVERNMENT OF MANIPUR
DIRECTORATE OF SOCIAL WELFARE**

NOTIFICATION

Imphal, the 17th September, 2024

No. 20/54/2024-SW-TRUST Centre (RR) Act, 2024: In pursuant to Government approval conveyed vide letter No. CSSS-1301(4)/2/2024-SW-SW dated 04/09/2024 to the draft *Treatment and Rehabilitation Centres of Users for Social Transformation (Registration and Regulation) Act, 2024*, the draft copy of the same is hereby notified and put up in the Department website- socialwelfare.mn.gov.in for seeking suggestions, views and feedback, if any, from all the stakeholders. Any feedback or suggestions should reach the undersigned on or before 16th October, 2024.


(Ngangom Uttam Singh)
Director (Social Welfare)
Manipur

Copy to:

1. PS to the Commissioner-cum-Secretary (SW), Govt. of Manipur
2. The Director (IPR), Manipur
3. The Station Director, Air Imphal with a request for kind announcement as news items at News Bulletin
4. The Editor, Pknapham/Sangai Express/Huiyen Lanpao in both Manipuri and English edition with a request for kind publishing as advertisement item for 2 days.
5. The IT Section, Directorate of Social Welfare for uploading the draft copy to the Dept. Website - socialwelfare.mn.gov.in
6. Notice Board
7. Guard File

THE TREATMENT AND REHABILITATION CENTRES FOR USERS FOR SOCIAL TRANSFORMATION (REGISTRATION AND REGULATION) ACT, 2024

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**THE TREATMENT AND REHABILITATION CENTRES FOR USERS FOR
SOCIAL TRANSFORMATION (REGISTRATION AND REGULATION) ACT, 2024**

ACT NO. OF 2024

[..... November, 2024]

An Act to provide for the registration and regulation of treatment and rehabilitation centres for substance users in the state of Manipur and for matters connected therewith or incidental thereto.

WHEREAS, it is considered expedient to provide for the registration and regulation of treatment and rehabilitation centres for substance users with a view to prescribe minimum standards of facilities, care and services which may be provided by them so that mandate of Article 47 of the Constitution for improvement in public health and prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health may be achieved;

ANDWHEREAS, the State Assembly has the power to make laws for the State with respect to any of the matters aforesaid as provided in Articles 245 and 246 of the Constitution;

BE it enacted by the Manipur State Assembly in the 75th Year of the Republic of India as follows:—

**CHAPTER I
PRELIMINARY**

1. Short title, application and commencement. —(1) This Act may be called the Treatment And Rehabilitation Centres For Users For Social Transformation (Registration And Regulation) Act, 2024.

(2) It applies to the whole of the State of Manipur.

(3) It shall come into force at once in the State of Manipur from the date of notification of the Act in the official Gazette.

2. Definitions: In this Act, unless the context otherwise requires,

(a) “authority” means the registering authority i.e. Social Welfare Department set-up under Section 8;

(b) “certificate” means certificate of registration issued under Section 9;

(c) “Treatment and Rehabilitation Centres for Users for Social Transformation (TRUST Centres)” means—

a drug treatment centre, a drug rehabilitation centre or an institution by whatever name called that offers care and services for detoxification, treatment, counselling and/or rehabilitation of psychoactive substance users, established and administered or maintained by any person or body of persons, whether incorporated or not, and shall include such a centre owned, controlled or managed by—

(i) the Government or a Department of the Government;

(ii) a trust, whether public or private;

(iii) a corporation (including a society) registered under a Central, Provincial or State Act, whether or not owned by the Government;

(iv) a local authority; and

(v) a single doctor/individual;

- (d) “notification” means a notification published in the Official Gazette;
- (e) “prescribed” means prescribed by rules made under this Act by the State Government;
- (f) “registration” means to register under Section 9 of the Act and the expression registration or registered shall be construed accordingly;
- (g) “rules” means rules made under this Act;
- (h) “standards” means the guidelines that the State Government may prescribe under Section 11, for the registration of TRUST Centres;

CHAPTER II

THE STATE COUNCIL FOR TREATMENT AND REHABILITATION CENTRES FOR USERS FOR SOCIAL TRANSFORMATION

3. Establishment of State Council.—

(1) A state council to be called the State Council for TRUST Centres shall be established within 2 months from the date on which, by notification, this Act comes into force in the State.

(2) The State Council shall consist of—

- (a) Administrative Secretary of Social Welfare Department, *ex officio*, who shall be the Chairperson;
- (b) Administrative Secretary of Health and Family Welfare as member;
- (c) Director of Health and Family Welfare as member;
- (d) Director of State Level Co-ordinating Committee as member;
- (e) One representative from Integrated Rehabilitation Centre for Addicts as Member;
- (f) One representative from Registered private drug treatment centre/TRUST Centre;
- (g) Director of Social Welfare Department as Member Secretary.

4. Disqualifications for appointment as member. —A person shall be disqualified for being appointed as a member of the State Council if he/she —

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or
- (e) has, in the opinion of the State Government, such financial or other interest in the Council as is likely to affect prejudicially the discharge by him of his functions as a member.

5. Functions of State Council.—

- (a). to compile and publish a State Register of TRUST Centres under Section 22 of the Act;
- (b). to review periodically of TRUST Centres to ensure proper care and services are provided to psychoactive substances dependent persons;
- (c). to develop and recommend new or revised goals and objectives on matters concerning the regulation of the TRUST Centres and its related programmes;
- (d). to take measures to protect human rights violations of both psychoactive

- substance users and the service providers;
- (e). to hear appeals against the orders of the authority; and
 - (f). to perform any other function determined by the State Government from time to time.

6. Power to seek advice or assistance.—The State Council may associate with itself any person or body whose assistance or advice it may desire in carrying out any of the provisions of this Act.

7. Power to recommend. —The State Council may recommend formulation of policies, programmes and schemes for the Treatment and Rehabilitation Centres for Users for Social Transformation (TRUST Centres) as well as for the substance users/dependants.

CHAPTER III

REGISTRATION AND STANDARDS FOR TREATMENT AND REHABILITATION CENTRES FOR USERS FOR SOCIAL TRANSFORMATION (TRUST CENTRE)

8. Authority for registration.—The Director of Social Welfare Department shall be the Registering Authority and he/she shall set up a Screening cum Selection Committee at the State level and Inspection cum Recommendation Committee at the District Level as may be prescribed.

9. Registration for TRUST Centres.—

- (a) All TRUST Centres as mentioned under Section 2(c) whether funded or non-funded which are meant, either wholly or partially for providing services like detoxification, treatment, counselling and/or rehabilitation of substance dependant person shall be registered under this Act in such manner as may be prescribed.

Provided that the TRUST Centres having valid registration under the Department of Social Welfare, Government of Manipur as per the guidelines formulated for this purpose, on the date of commencement of this Act shall be deemed to have registered under this Act for the valid period specified in the registration certificate.

- (b) Any TRUST Centre registered under this section shall be duty bound to admit clients, subjects to the capacity of the centre, provided in the case of visible sign of physical injury/weakness of the person, admission shall be done after the production of a fitness certificate issued by a certified medical practitioner.
- (c) The State Government may, after following the procedure as may be prescribed, cancel or withhold registration, as the case may be, of such centre which fail to provide the required services and facilities as specified in Section 11.

10. Time frame for issuance of Registration Certificate. — Registration Certificate of a newly registered TRUST shall be provided within 3 months from the date of application, provided the requisite documents are duly submitted. On the failure to issue Registration Certificate within 3(three) months, a provisional certificate shall be provided till the process for issue of certificate is completed.

11. Guidelines for Registration of Private Drug Treatment & Rehabilitation Centres. — The State Government, by notification in the Official Gazette, shall frame guidelines for registration and regulation of Treatment and Rehabilitation Centres for Users for Social Transformation (TRUST Centres) in the State. The said guidelines shall incorporate all aspects of registration such as obtaining of application form, submission of application form, screening/verification of application, inspection of the centre, provisional certificate, validity of certificate, cancellation of certificate, renewal of certificate, etc.

12. Minimum Standard of Care and Services. — The State Government, by notification in the Official Gazette, shall prescribe a minimum standard of care and services to be provided at the Treatment and Rehabilitation Centres for Users for Social Transformation (TRUST Centres) in the State.

13. Classification of TRUST Centres. —The drug treatment and/or rehabilitation centres shall be classified according to the capacity, gender and age group of the client/patients.

14. Gender Classification of TRUST Centres. —Under no circumstances, patients of opposite gender shall be housed and treated together in the same treatment centre.

15. Treatment of minors:—Children below 18 (Eighteen) years of age shall be treated at separate centres/ facilities for treatment meant for minors:

Provided the registered treatment centres (meant for adults) may provide separate enclosures or divisions in the same centre for providing treatment facilities to children and follow separate treatment protocols suitable for minors, in the districts where there are no separate treatment centres for children or in case there is no treatment facility for children or where the capacity of Treatment Centre for children is full.

16. Display of Certificate of Registration. —The certificate shall be kept affixed in a conspicuous place in the TRUST Centre in such manner so as to be visible to everyone visiting such establishment.

17. Duplicate certificate. —In case the certificate is lost, destroyed, mutilated or damaged, the authority shall issue a duplicate certificate on the request of the TRUST Centre and on the payment of such fees as may be prescribed.

18. Certificate to be non-transferable. — (1) The certificate of registration shall be non-transferable.

(2) In the event of change of ownership or management, the TRUST Centre shall inform the authority of such change in such manner as may be prescribed.

(3) In the event of change of category, or location, or on ceasing to function as a TRUST Centre, the Certificate of Registration in respect of such TRUST Centre shall be surrendered to the authority and the TRUST Centre shall apply afresh for grant of Certificate of Registration.

19. Power of entry and inspection. — Subject to the provisions of this section, any person empowered by the authority in this behalf shall have a right at any time to enter, with such assistance as he considers necessary, any place —

(a) for the purpose of performing any of the functions of the authority entrusted to him;

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorization served, made, given, or granted under this Act is being or has been complied with;

(c) for the purpose of examining any record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for ceasing any such TRUST Centre, record, register, document or other material object, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder:

Provided that the right to enter under this sub-section for the inspection of TRUST Centre shall be exercised only at reasonable hours.

20. Levy of fee by State Government.—The State Government may charge fees for different categories of TRUST Centres, as may be prescribed.

21. Appeal. — Any person, aggrieved by an order of the registering authority refusing to grant or renew a Certificate of Registration or revoking a Certificate of Registration may, in such manner and within 1(one) month of issue of the order by the authority, prefer an appeal to the State Council:

Provided that the State Council may entertain an appeal preferred after the expiry of the prescribed period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

CHAPTER IV REGISTER OF TREATMENT AND REHABILITATION CENTRES FOR USERS FOR SOCIAL TRANSFORMATION (TRUST)

22. Register of TRUST Centre.—(1) The authority shall within a period of two years from its establishment, compile, publish and maintain in digital format a register of TRUST Centres, registered by it and it shall enter the particulars of the certificate so issued in a register to be maintained in such form and manner, as may be prescribed by the State Government.

(2) Each authority, including any other authority set-up for the registration of TRUST Centres under any other law for the time being in force, shall supply in digital format to the State Council of TRUST Centres a copy of every entry made in the register of TRUST Centres in such manner, as may be prescribed to ensure that the State Register is constantly up-to-date with the registers maintained by the registering authority in the State.

CHAPTER V OFFENCES AND PENALTIES

23. Penalty for non-registration. — (1) If any individual or group of individuals or an organisation is found to run a TRUST Centre without registration, shall on first contravention, be liable to a monetary penalty up to fifty thousand rupees; on second contravention with a monetary penalty which may extend to two lakh rupees and on any subsequent contravention with a monetary penalty which may extend to five lakh rupees. Further, such a centre shall also be closed after giving a notice for two months to transfer the patients to other registered centres.

(2) Whoever knowingly serves/works in a TRUST Centre which is not duly registered under this Act, shall be liable to a monetary penalty which may extend to twenty-five thousand rupees.

(3) For the purpose of adjudging under sub-sections (1) and (2), the authority shall hold an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any monetary penalty.

(4) While holding an inquiry the authority shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provisions specified in sub-sections (1) and (2), it may by order impose the monetary penalty specified in those sub-sections to be deposited within thirty days of the order in the account as decided by the authority.

(5) While determining the quantum of monetary penalty, the authority shall take into account the category, size and type of the TRUST Centre and local conditions of the area in which the establishment is situated.

(6) Any person aggrieved by the decision of the authority may prefer an appeal to the State Council within a period of one month from the date of the said decision.

(7) The manner of filing the appeal referred to in sub-section (6) shall be such as may be prescribed.

24. Forceful pickup or confinement of inmates:(1) Whoever wilfully violates the basic human rights of any individual under the pretext of admitting such person as an inmate in any TRUST centre without their consent, or the consent of the guardian in case of minor, either by forceful pickup or by any other deceitful means thereby resulting in wrongful restraint and wrongful confinement of such a person, as envisioned under Section 126 and Section 127 of the Bharatiya Nyaya Sanhita, in any TRUST Centre or anywhere else, shall be punishable with a fine which may extend to 50(fifty) thousand in respect of first offence, and in case of subsequent violation, with a fine which may extend to 2(two) lakhs.

(2) Any TRUST Centre found involving in such an act as stated under clause (1) of Section 24, or dishonestly receives/admits such a person knowing or having reason to believe that such person was forcefully picked up without consent, shall be punishable with a fine which may extend to 1(one) lakh in respect of first offence, and in case of subsequent violation, with a fine which may extend to 5(five) lakhs.

25. Disownment and abandonment of drug and psychoactive dependent persons, by parents or by person having care of them: Whoever being the parents/guardians or sibling or spouse of any drug and other psychoactive dependent person or having the care of such person, wilfully and intentionally violates basic human as well as constitutional rights of any such individual who is an inmate in any TRUST centre or otherwise, by disowning, disinheriting or abandoning such person, solely on the ground of his /her dependency on drugs and other psychoactive substances, shall be punishable with imprisonment of either description for a term which may extend to two years, or with fine which may extend to 2(two) lakhs, or with both.

Explanation:

1. This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, under appropriate laws in force, if the drug and psychoactive dependent person dies in consequence of such disownment or abandonment.

26. Disobedience of direction, obstruction and refusal to provide information. —

(1) Whoever wilfully disobeys any direction lawfully given by any person empowered by the authority under this Act to give such direction, or obstructs any person so empowered in the discharge of any functions which is required, shall be liable to a monetary penalty which may extend to 2(two) lakh rupees.

(2) Whoever being required by or under this Act to supply any information wilfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall be liable to a monetary penalty which may extend to 2(two) lakh rupees.

(3) For the purpose of adjudging under sub-sections (1) and (2), the authority shall hold an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any monetary penalty.

(4) While holding an inquiry the authority shall have power to summon and enforce the appearance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provisions specified in sub-sections (1) and (2), it may by order impose the monetary penalty specified in those sub-sections to be deposited within thirty days of the order in the account as decided by the authority.

(5) Any person aggrieved by the decision of the authority may prefer an appeal to the State Council within a period of one month from the date of the said decision.

(6) The manner of filing the appeal referred to in sub-section (5) shall be such as may be prescribed.

(7) The monetary penalty levied under Chapter V of the Act shall be credited to such account as the State Government may by order specify in this behalf.

27. Penalty for minor deficiencies. —Whoever contravenes any provision of this Act or any rule made thereunder resulting in deficiencies that do not pose any imminent danger to the health and safety of any patient and can be rectified within a reasonable time, shall be punishable with fine which may extend to ten thousand rupees.

28. Contravention by organisations.—(1) Where an organisation commits contravention of any of the provisions of this Act or of any rule made thereunder, every person who, at the time the contravention was committed, was in charge of, and was responsible to the organisation for the conduct of the business of the organisation, as well as the organisation, shall be deemed to be guilty of the contravention and shall be liable to fine as envisioned under Section 31 of the Act.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule made thereunder has been committed by an organisation and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any chief functionary, director, manager, secretary, president or any other officer of the organisation, such chief functionary, director, manager, secretary, president or the officer shall also be deemed to be guilty of that contravention and shall be liable to fine as envisioned under Section 31 of the Act.

Explanation.—For the purpose of this section, —

(a) “company” means a 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.

29. Recovery of fine.—Whoever fails to pay the fine, the State Council of TRUST Centres may prepare a certificate signed by an officer authorised by it specifying the fine due from such person(s) or organisation and send it to the Deputy Commissioner of the District in which such person(s) or organisation owns any property or resides or carries on his business and the said Deputy Commissioner, on receipt of such certificate, shall proceed to recover from such person(s) or organisation the amount specified thereunder.

30. Penalty against unethical practice.—Any official found to be involved in manipulation or any other unethical practices with respect to carrying out of functions and duties assigned under this Act, shall be punishable, on first offence, with fine which may extend to ten thousand rupees; on second offence, with fine which may extend to fifty thousand rupees and on any subsequent offence with fine which may extend to 2(two) lakh rupees.

31. Penalty for any other contravention:—Whoever contravenes any provision of this Act shall, if no penalty is provided elsewhere, be punishable for the first offence with fine which may extend to 10(ten) thousand rupees, for any second offence with fine which may extend to 50(fifty) thousand rupees and for any subsequent offence with fine which may extend to 2(two) lakh rupees

32. Right to legal representation:— Notwithstanding anything contained in any law, no party to a proceeding envisioned under Section 21 as well as Chapter V shall be represented by a legal practitioner.

CHAPTER VI MISCELLANEOUS

33 Application of other laws not barred.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

34. Protection of action taken in good faith. — (1) No suit, prosecution or other legal proceedings shall lie against any authority or any member of the State Council or any officer authorised in this behalf in respect of anything, which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

(2) No suit or other legal proceedings shall lie against a State Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

35. Furnishing of reports, etc.—Every TRUST Centre shall, within such time or within such extended time, as may be prescribed in that behalf, furnish to the authority or the State Council such reports, data or the statistics and other information in such manner, as may be prescribed by the State Government, from time to time.

36. Power to give directions. —Without prejudice to the foregoing provisions of this Act, the authority shall have the power to issue such directions, including furnishing reports, returns, statistics and other information for the proper functioning of TRUST Centre and such directions shall be binding.

37. Members of the Council, etc. to be public servants. —Every member of the State Council, Screening cum Selection Committee or Inspection cum Recommendation Committee constituted under this Act shall be deemed to, when acting or purporting to act in pursuance of any of the provisions of this Act, be public servants within the meaning of Section 2(28) of BNS.

38. Power to remove difficulties. — (1) If any difficulty arises in giving effect to the provisions of this Act, the State 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 removal of the difficulty:

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

(2) Every order or rules made under this section shall, as soon as may be after it is made, be laid before the State Assembly.

39 Power of State Government to make rules. — (1) The State Government may, by notification, make rules for carrying out all or any of the provisions of this Act.

40. Savings. —In the absence of any specific provision to the contrary, nothing in this Act shall be deemed to limit or otherwise affect any special or local law now in force or any special jurisdiction or power conferred, or any guidelines already in force.