



GOVERNMENT OF INDIA

Chandigarh Administration Gazette

Published by Authority

NO. 45]

CHANDIGARH, FRIDAY, APRIL 22, 2022 (VAISAKHA 02, 1944 SAKA)

CHANDIGARH ADMINISTRATION

HEALTH DEPARTMENT

Notification

The 21st April, 2022

PD/CSACS/2022/1735.—In exercise of powers conferred by Section 49 read with Sections 23, 24 and 25 of the Human Immunodeficiency Virus And Acquired Immune Deficiency Syndrome (Prevention And Control) Act, 2017 (16 of 2017), and to all other powers enabling him in this behalf, the UT Administrator, UT, Chandigarh is pleased to make the following rules, to provide for the appointment, terms and conditions, qualifications and manner of inquiry by Ombudsman :—

1. **Short title, extent and commencement :**

- (1) These Rules shall be called the Union Territory of Chandigarh Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Ombudsman and Legal Proceedings) Rules, 2022.
- (2) These Rules shall come into force on and with effect of the date of their publication in the Official Gazette of the Union Territory of Chandigarh.

2. **Definitions :**

In these rules, unless the context otherwise requires,—

- (a) "Act" means the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (No. 16 of 2017);
- (b) "Appropriate authority" means, unless otherwise notified, the National AIDS Control Organisation in the case of the Central Government and Chandigarh State AIDS Control Society in the case of the State Government;
- (c) "High burden districts" means districts notified as such by the appropriate authority under the Central Government of India from time to time;
- (d) "Ombudsman" means an Officer appointed or designated by the State Government, as the case may be, under section 23 of the Act;
- (e) "State Government" means the Administrator of UT Chandigarh;
- (f) Words and expressions used and not defined in these rules but defined in the Act, shall have the meanings assigned to them in the Act.

(399)

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Chapter - II

3. **Provision of Diagnostic Facilities of HIV/AIDS, ART and Opportunistic Infections management :**

The Chandigarh Administration shall provide free diagnostic services related to HIV/AIDS and other opportunistic infections to all citizens in Government. Health Facilities (Primary Health Centres or Community Health Centres or Sub Divisional Hospitals or District Hospitals or Government Medical Colleges and Hospitals). ART drugs shall be provided free of cost at all Government Health Facilities in accordance with the guidelines issued by National AIDS Control Organization and Chandigarh Administration to all HIV positive persons.

4. **Appointment & Jurisdiction of Ombudsman :**

The Union Territory of Chandigarh shall designate the Medical Superintendent, Govt. Multispecialty Hospital, Sector 16, as the Ombudsmen for Union Territory of Chandigarh for the purpose of this Act. Provided that the Chandigarh Administration shall provide him the Assistant from the Department of Law and Prosecution on legal issues that may arise in the course of his work, if so requested :

Provided that the Chandigarh Administration shall provide capacity building within thirty days from the date of appointment of the Ombudsman.

5. **Manner of inquiring into complaints by Ombudsman :**

- (a) The Ombudsman shall act in an objective and independent manner when inquiring into complaints made under the Act;
- (b) While inquiring into complaints under the Act, the Ombudsman shall not be bound by any rules of evidence and may follow such procedure as he considers just and proper;
- (c) No cross-examination shall be permitted in inquiries before the Ombudsman;
- (d) The Ombudsman may, in the interests of justice, take the assistance of experts, including protected persons and persons vulnerable to HIV, and persons working in the fields of HIV and AIDS, public health or health delivery systems;
- (e) The Ombudsman shall have the power to pass interim orders in cases of medical emergency without hearing the parties;
- (f) The Ombudsman shall have the power to pass orders, including to, withdrawal and rectification of the violation, counselling, social service etc;
- (g) The Ombudsman shall inform the complainant of the action taken;
- (h) The Ombudsman shall inform the parties of the complaint of their right to seek judicial review from the Ombudsman's order.

6. **Manner of maintaining records by Ombudsman :**

[Under Section 24(3)]

(1) The Ombudsman shall—

- (a) immediately on receipt of a complaint, record it by assigning a sequential unique complaint number in a register maintained solely for that purpose in physical or computerized form;
- (b) on receipt of the complaint, acknowledge it including by sending the unique complaint number by SMS or e-mail to the complainant where available;
- (c) record the time of the complaint and the action taken on the complaint in the register; and
- (d) maintain the register of complaints in a manner that ensures confidentiality of data.

(2) The Ombudsman shall comply with data protection measures in accordance with section 11 of the Act.

7. Manner of making complaints to Ombudsman :

- (1) Any person may make a complaint to the Ombudsman within whose jurisdiction the alleged violation took place, within three months from the date that the person making the complaint became aware of the alleged violation of the Act and their Rules :

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.

- (2) All complaints shall be made to the Ombudsman in writing in accordance with the form set out in the Appendix to the Rules :

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

- (3) In cases of medical emergency, the Ombudsman or his assistant may visit the complainant at the location of the alleged violation or any other convenient place to enable written documentation of the complaint.

- (4) The Ombudsman may receive complaints made in person, via post, telephonically, or through electronic form through the Ombudsman's website.

(a) Provided that the Chandigarh State AIDS Control Society shall establish a website of the Ombudsman within seven days from the appointment of Ombudsman.

8. To disseminate information on Ombudsman :

- (1) Within thirty days of the appointment of the Ombudsman, the appropriate authority under the Chandigarh Administration State AIDS Control Society shall disseminate information about the office of the Ombudsman, including the Ombudsman's jurisdiction, role, functioning and procedures, and the manner in which complaints can be made to the Ombudsman.

- (2) Such dissemination shall be undertaken to advance the understanding, in particular, of protected persons, healthcare workers, legal aid service authorities and civil authorities.

9. Manner of recording pseudonym and providing suppression of identity in legal proceedings
[Under Section 34(1)(a)]

- (1) In any legal proceeding where a court, pursuant to Clause (a) of the 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 Registrar of the court shall direct all parties involved to :—

(i) File one copy of the documents bearing the full name, identity and identifying details of the parties concerned before the court, which shall be kept in a sealed cover and in safe custody with the Registrar; and

(ii) Serve one copy of documents bearing the full name, identity and identifying details of the parties concerned upon other parties in the proceeding with a requirement to ensure that the full name and identity of the parties concerned are kept confidential.

- (2) The Registrar shall provide pseudonyms to protected persons involved in the legal proceedings in the documents filed before the court in such manner that the identity and identifying details of the protected person involved in the legal proceeding are kept confidential.

- (3) The Registrar shall place the sealed covered documents before the court on the first date the legal proceeding 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 documentation generated by the court in relation to the legal proceeding, including listing of the case on the court Board, interim orders and final judgments.
- (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 staff.

Exception : 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 aforementioned legal proceedings in electronic or any other form, shall be lawful only if the same is done by ensuring the suppression of identities 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.

(Sd). . . ,
Secretary Health,
Chandigarh Administration.

APPENDIX**Form for making Complaint to Ombudsman under [Rule 7]**

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

Signature/ 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*

(Sd). . .,
Secretary Health,
Chandigarh Administration.

CHANGE OF NAME

I, Sunny, S/o Gaje Singh, # 484, Phase-1, Ramdarbar, Chandigarh, have changed my name to Sunny Machal.

[268-1]

I, Kainaat, D/o Sh. Harpal Singh, R/o H. No. 5804-B, Sector 38 West, Chandigarh, have changed my name from Kainaat to Kainaat Waraich.

[269-1]

I, Bir Singh, S/o Kishan Lal, # 711/2, Babu Dham Colony, Sector 26, Chandigarh, have changed the name of my minor son from Reyansh Rivdiya to Ranveer Singh.

[270-1]

I, Monu, S/o Dharamvir, R/o # 468-A, HBC, Dhanas, Chandigarh, have changed my name from Monu to Varun Singh.

[271-1]

I, Rajinder Kumar, S/o Babu Ram, R/o 6228-A, Sector 56, Chandigarh, have changed my minor son's name from Utkarsh to Utkarsh Gautam.

[272-1]

I, Santosh Kumar, S/o Ram Pravesh Shah, # 635, Village Kajheri, Chandigarh, have changed my name to Santosh Prasad.

[273-1]

I, Renu Sejal, W/o Late Sh. Harmesh Kumar Sejal, R/o # 3599, Sector 37-D, Chandigarh, have changed my name to Renu Bala Gautam.

[274-1]

I, Bachan Ram, S/o Ram Kishan, # 211, Village Kaimbwala, Chandigarh, have changed my name to Bachan Singh.

[275-1]

I, Pardeep Kumar, S/o Bachan Singh, # 211, Village Kaimbwala, Chandigarh, have changed my name to Pardeep Singh.

[276-1]

I, Namrata *alias* Namrata Chaudhry, W/o Virender Singh Nagar, # 6375/A, Rajeev Vihar, Manimajra, Chandigarh, have changed my name to Namrata Nagar.

[277-1]

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