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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIATô HEALTH AND MEDICAL  
EDUCATION DEPARTMENT

**1. Short title and commencement.** (1) These rules may be called the Jammu and Kashmir Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Ombudsman and Legal Proceedings) Rules, 2020.

2. The J&K Govt. Gazette, 13th August, 2020/22nd Sray., 1942..[No. 20-aa  
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(2) These rules shall come into force on and with effect from the date of their publication in the Official Gazette.

**2. Definitions.** (1) 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 (16 of 2017) ;
- (b) **“Appropriate Authority”** means, unless otherwise notified, the Jammu and Kashmir AIDS Control Society ;
- (c) **“Ombudsman”** means an Officer appointed or designated by the Government, as the case may be, under section 23 of the Act ;

(2) Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017.

### 3. Provision of Free Diagnostic Facilities of HIV/AIDS, Antiretroviral Therapy/Treatment and Opportunistic Infections

**Management.** (1) The AIDS Control Society of Union Territory of Jammu and Kashmir 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).

(2) Anti-Retroviral Therapy/Treatment (ART) drugs shall be provided free of cost at all Government Health Facilities in accordance with the guidelines issued by the National AIDS Control Organisation and J&K AIDS Control Society to all HIV positive persons.

#### 4. Qualification for the appointment of the Ombudsman.ô

(1) Any person who is a retired District or Sessions Judge may be appointed as Ombudsman under clause (a) of section 23 of the Act.

(2) Any officer not below the rank of Director, Health Services from Health and Medical Education Department shall be designated as Ombudsman under clause (b) of section 23 of the Act :

**5. Jurisdiction of Ombudsman.**—The jurisdiction of the Ombudsman shall be specified at the time of appointment of the Ombudsman.

Provided that no Ombudsman shall hold the office after he has attained the age of 70 years.

(3) The salary and allowances of the Ombudsman shall be disbursed by the Health and Medical Education Department of Union Territory of Jammu and Kashmir.

**7. Removal of Ombudsman.**—The Government shall remove on Ombudsman from office who,ô

- (a) is, or at any time has been, adjudged insolvent ;
- (b) has become physically or mentally incapable of acting as Ombudsman ;
- (c) has been convicted of any offence or has acquired such financial or other interest which is in the opinion of the Government likely to prejudicially affect such person's functions as the Ombudsman ; or



person may make a complaint to the Ombudsman within whose jurisdiction the alleged violation took place, within three months from the date alleged violation took place :

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

(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.

Provided that the Government, within seven days of the appointment of the Ombudsman shall establish a website of the Ombudsman.

## 11. Government to disseminate information on Ombudsman.ô

(1) Within thirty days of the appointment of the Ombudsman, the Appropriate Authority 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, health care workers, legal aid service authorities and civil authorities.

**12. Manner of recording pseudonym and providing suppression of identity in legal proceedings.** (1) In any

**suppression of identity in legal proceedings.** (1) In any legal proceeding where a court, 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 or 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 protect the persons involved in the legal proceedings in the documents filed before the Court in such manner that the identity and identify 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.

**Exception :** Wherein 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.

(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.

Financial Commissioner,  
Health and Medical Education Department.