

IN THE HON'BLE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

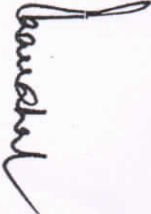
COCP No. 23/2015
In
CWP No 15919/2014

Sh. H.C.Arora, Advocate, S/o Late Sh Sunder Dass, R/o House No. 2299,
Sector- 44 C, Chandigarh ...Petitioner

Versus

Smt Vini Mahajan, IAS, Principal Secretary, Department of Health &
Family Welfare, Punjab, Chandigarh. ...Respondent.

Reply by way of Affidavit of Sarvesh Kaushal, IAS,
Chief Secretary to Government, Punjab.

 I, the above named deponent, do hereby solemnly affirm and
declare as under :-

Preliminary submissions

1. That the State Government has set up 31 Drug De-addiction
Centers in 14 district level hospitals, 13 sub divisional hospitals

and 4 at other places. In addition, 5 tertiary care Drug De-addiction Centers one each at Patiala, Amritsar, Faridkot, Bathinda and Jalandhar have been made operational and are working under the supervision of the three Government Medical Colleges in the State. In these centers intensive care is provided to patients, especially complicated cases, round the clock under the supervision of specialists. These are also the research centers for conducting studies about drug abuse and treatment.

2. That the State Government has now set up 21 (50-bedded) Rehabilitation Centers one each at District headquarters (one common for Gurdaspur and Pathankot districts). These centers are to be run by District level De-addiction and Rehabilitation Societies under the overall supervision of Deputy Commissioners.
3. That there are 11 private de-addiction centers and 72 Private Counseling & Rehabilitation Centers in the State. Further, there are 55 Private Psychiatric Nursing Homes out of which 26 have been registered as substance abuse disorder treatment centers. The Department of Health & Family Welfare has formed 5 teams headed by Deputy Directors/Assistant Directors to inspect these private centers. On the basis of inspection reports received so far, the following deficiencies have been pointed out:-

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Date of Inspection	Name of Center	Deficiencies
17/06/2015	Guru Hargobind Foundation counseling & rehabilitation center, Ropar.	<ul style="list-style-type: none"> • security guard was not on duty • Counselor visits twice a week as against a regular one
18/03/2015	Nishkam Sewa Society, Guruhar Sahai, Distt Firozpur.	<ul style="list-style-type: none"> • Inadequate staff • Poor physical standard. • Poor display services. • Poor support services. • Poor record maintenance
08/04/2015	Guru Asra Foundation, Chahal Road, Tarn Taran. (15 bed)	<ul style="list-style-type: none"> • Indoor file of patients incomplete. Demographic page not filled in any file. • No counselor present • Consent form not filled • Only one bathroom • Mess unhygienic • No manager
18/06/2015	Navjivan Rehabilitation Center, Gurdaspur.	<ul style="list-style-type: none"> • Patients admitted without detoxification • Inadequate staff/ Counselor • Poor quality food • Beds/bathroom not clean

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4. That there is 100-bed Government Ayurvedic College & Hospital at Patiala under the Department of Medical Education. There are 5 Ayurvedic Hospitals and 524 ayurvedic dispensaries. There is one Director, 1 Joint Director, 19 District Ayurvedic and Unani Officers, 17 Senior Ayurvedic Physician, 322 Ayurvedic/Unani Medical Officers and 280 Up-Vaid.

5. That there are 111 Homeopathic dispensaries in the State. There is one Joint Director cum Head of Homeopathic Department, 15 District Homeopathic officers, 50 Homeopathic Medical officers and 100 Homeopathic dispensers. In addition, 100 Homeopathic Medical officers and 99 Homeopathic dispensers under National Health Mission are working.

On merits

1. That the above mentioned COCP is fixed for hearing in this Hon'ble Court on 29/6/2015.
2. That the petitioner filed CWP No. 15919/2014 which was disposed of vide order dated 12/8/2014. He then filed the present COCP in which the Hon'ble High Court vide order dated 21/5/2015 gave the following directions:-

“After hearing learned counsel for the parties and examining the record, I am of the considered opinion that the respondent is required to answer each and every part of the representation dated 20.6.2014 meticulously as in clause D of the representation, the Government of Punjab has framed a policy under which a cancer patient is sanctioned/released specific amount with a maximum limit of `1.50 lacs, but nothing is being given to a drug addict who is also suffering from a disease. It is also submitted that not a single drug addict center is being run by the Government of Punjab practising homeopathic and

Sanctioned

Let an affidavit be filed by the Chief Secretary, Govt. of Punjab in this regard on or before the next date of hearing.

Adjourned to 29.6.2015.

21.5.2015

(Rakesh Kumar Jain)

Judge"

3. That the issues raised in the representations filed as Annexures P5, P6 and P7 by the petitioner Sh H.C. Arora in CWP No 15919/2014 are as under:-

Annexure P5 dated 20/6/2014

- State Government may frame policy to bear the cost of medicines, treatment of drug addicts, boarding/lodging and transportation etc in private drug de-addiction centers (DDC) on the pattern of Red Cross centers and other such centers within Government Hospitals.
- In view of a large number of drug addicts in the State, Government Hospitals cannot accommodate all of them and therefore, there is need for private DDCs and to give financial aid to them as in the case of cancer patients who get grant of Rs 1.5 lakh.
- The State does not have even a single residential rehabilitation center. Government should set up such rehabilitation centers.

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- Government should create awareness amongst students regarding harmful effects of drugs by introducing some chapters in syllabus of classes 5th to 12th.

Annexure P6 dated 23/7/2014

- Homeopathic doctors may be involved in the campaign for de-addiction and such treatment will be effective and cheaper than allopathic drugs.
- The patients get addicted to allopathic medicines given during treatment but not in case of homeopathic medicines.

Annexure P7 dated 25/7/2014

- Allopathic drug 'tramadol' used for treating addicts is being used as substitute for opium/poppyhusk etc. Therefore homeopathic medicines be used for such treatment.
- 4 That a Committee consisting of experts headed by Secretary Health considered the points mentioned in the representations Annexures P5 to P7 referred to above, in a meeting held on 1/6/2015. A copy of the Minutes of the said meeting is annexed as Annexure-R1.
- 5 That the State Government has set up 31 Drug De-addiction Centers in the State as detailed in para-1 of preliminary submissions. While these De-addiction Centers are functional, however, during recent recruitment of Senior Residents, some of the Psychiatrists posted in 11 Drug De-addiction Centers have

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centers. In addition, 5 tertiary care Drug De-addiction Centers one each at Patiala, Amritsar, Faridkot, Bathinda and Jalandhar have been made operational and are working under the supervision of the three Government Medical Colleges. The State Government has spent about Rs. 43.60 crores for setting up of these Drug De-addiction Centers.

6. That the Department has drawn a list of essential drugs which are being provided to the OPD and IPD patients in the Drug De-addiction Centers. These drugs have been got procured through the Punjab Health Systems Corporation and are being made available free of cost to the OPD patients. However, only Rs. 200/- are being charged per day from IPD patients, for which all the medicines and diet is included.
7. That earlier there was no Counseling and Rehabilitation Center being run by the State Government. However, the State Government has now set up 21 (50-bedded) Rehabilitation Centers at a cost of about Rs 90 crores, one each at District headquarters (one common for Gurdaspur and Pathankot districts). These centers are to be run by District level De-addiction and Rehabilitation Societies under the overall supervision of Deputy Commissioners. All the staff has been recruited, trained and posted in these Rehabilitation Centers which are to be made functional by the end of Year 2015. A copy of standard requirements for Rehabilitation Center under Rule 14 of the Punjab Substance Use Disorders T

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8. That the Government of Punjab has launched a massive awareness and treatment campaign for identification and treatment of substance abusers in June 2014. Till date more than 3 lakh drug abusers have been identified as OPD patients and more than 12000 patients have also been admitted in these Drug De-addiction Centers.

9. That the State Government has created adequate infrastructure of De-addiction centres in the State for OPD and IPD treatment of drug addicts and also in view of the fact that about 200 General duty Medical Officers posted in Community Health Center level are also providing De-addiction services, it has been decided that the State Government would not need to include private Drug De-addiction Centers to augment the State Government run De-addiction Centers. It is pertinent to mention here that in the past, the running of these private Drug-Addiction Centers was under cloud and a petition (CRM No 26374/2008 Talwinder Singh V/s State of Punjab) is also pending in the Hon'ble High Court in which directions have been issued to the Health Department to inspect their treatment, counseling and Rehabilitation Centers. On the other hand, cancer treatment facilities are available only in three Government Medical Colleges and PGI Chandigarh. Cancer treatment is quite costly and the patients do need the Government support. Since adequate infrastructure was not available in the Government sector, the State Government took a conscious decision to include some of the private health institutions having adequate infrastructure to treat cancer patients after following a

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However, there seems to be no need to empanel the private Drug De-addiction Centers in treatment of drug addict patients. It is thus clear that there is no basis to make a comparison of cancer patients with those of de-addiction centers. It is important to add here that some of these private Drug De-addiction Centers do get support from Ministry of Social Justice and Empowerment to run these centers.

10. That for treatment of addicts with synthetic drugs, Ayurveda does not have any specific line of treatment. However, for treatment of addicts of alcohol, opium, cannabis, tobacco etc. the Ayurvedic Medical Officers will be included in the treatment to use their services in addition to the allopathic drugs. Similarly, there are some medicines in homeopathy which can be used for drug addicts and they are helpful in managing the withdrawal symptoms. The services of Homeopathic Medical Officers and Ayurvedic Medical Officers will be utilized in addition to the allopathic doctors in the Drug De-addiction Centers. Thus the patients will have the choice of the systems of medicines and also the medical doctors will also have the support of Ayurveda and Homeopathy doctors for better treatment to the addicts.

11. That as regards incorporating the chapters regarding harmful effects of drugs on human beings in the syllabus of Classes 5th to 12th, the Punjab School Education Board, SAS Nagar has informed that there are some chapters in the existing syllabus on this subject. Secretary, Punjab School Education Board has been

Amended

requested to have a fresh look and make efforts to further improve the material with a view to create awareness in the students.

In view of the above mentioned facts. It is therefore respectfully prayed that the present Contempt Petition may kindly be dismissed in the interest of justice.



CHIEF SECRETARY
GOVERNMENT OF PUNJAB

Deponent

(Sarvesh Kaushal)

Chief Secretary to Government of Punjab

Place: Chandigarh
Dated: 25th June, 2015

Verification

Verified that the contents of Para No. 1 to 5 of preliminary submissions and para 1 to 11 on merit of above affidavit are true and correct to my knowledge as per information derived from the official record. No part of it is false and nothing has been kept concealed therein.



CHIEF SECRETARY
GOVERNMENT OF PUNJAB

Deponent

(Sarvesh Kaushal)

Chief Secretary to Government of Punjab

Place: Chandigarh
Dated: 25th June, 2015