



THE MENTAL HEALTH ORDINANCE, 2001



CONTENTS

SECTIONS:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II ESTABLISHMENT OF FEDERAL MENTAL HEALTH AUTHORITY

3. Federal Mental Health Authority.
4. Constitution of Board of Visitors.
5. Powers and functions of the Board.
6. Establishment of psychiatric facilities by the Government.

CHAPTER III ASSESSMENT AND TREATMENT

7. Care in the Community.
8. Care and Treatment on an informal or voluntary basis.
9. Duration for periods of detention for assessment, treatment, urgent admission and emergency holding.
10. Admission for assessment.
11. Admission for treatment.
12. Admission for assessment in cases of urgency.
13. Emergency Holding.
14. Emergency Powers.
15. Application by whom to be presented.
16. Effect of application for admission.
17. General provisions as to applications and medical recommendations.
18. Rectification of applications and recommendations.
19. Mentally disordered persons found in public places.

CHAPTER IV LEAVE AND DISCHARGE

20. Order of leave.
21. Discharge of a patient.

- 22. Application by a patient for discharge.
- 23. Discharge of a detained person found not to be mentally dis-ordered after assessment.
- 24. Duty of hospital management to inform relatives of the discharge.
- 25. Application for discharge to Magistrate.
- 26. Notice about serious illness or death.
- 27. Transfer and removal.
- 28. Foreign nationals.

CHAPTER V
JUDICIAL PROCEEDINGS FOR APPOINTMENT OF GUARDIAN OF
PERSON AND MANAGER OF THE PROPERTY OF THE MENTALLY
DISORDERED

- 29. Judicial proceedings.
- 30. Regulation of proceedings of the Court of Protection.
- 31. Inquiry by subordinate Court on commission issued by the Court of Protection and proceedings thereon.
- 32. Appointment of guardian.
- 33. Management of property of mentally disordered person.
- 34. Responsibility of manager.
- 35. Allowance payable to guardian.
- 36. Powers of manager of property of mentally disordered person.
- 37. Furnishing of inventory of immovable property, etc.
- 38. Inquiry by Court of Protection in certain cases.
- 39. Disposal of business premises under the direction of Court of Protection.
- 40. Investment of assets of mentally disordered person.
- 41. Appointment of a new manager or guardian.
- 42. Dissolution of partnership.
- 43. Securities, etc., of mentally disordered person.
- 44. Maintenance during temporary mental disorder.
- 45. Inquiry by Court of Protection into cessation of mental disorder.
- 46. Appeal to High Court.

CHAPTER VI
LIABILITY TO MEET COST OF MAINTENANCE OF MENTALLY
DISORDERED PERSON ADMITTED IN A PSYCHIATRIC FACILITY

- 47. Liability to meet cost of maintenance of a patient admitted in a psychiatric facility.
- 48. Maintenance out of pay, pension, etc.

CHAPTER VII
PROTECTION OF HUMAN RIGHTS OF MENTALLY DISORDERED
PERSONS

- 49. Cases of attempted suicide.
- 50. Confidentiality.
- 51. Informed consent.

CHAPTER VIII
OFFENCES AND INDEMNITY

- 52. Penalty for making false statement, etc.

53. Indemnity.

**CHAPTER IX
INSPECTION OF MENTALLY DISORDERED PRISONERS**

54. Inspection of mentally disordered prisoners.

**CHAPTER X
FORENSIC PSYCHIATRIC SERVICES**

55. Forensic psychiatric services.

**CHAPTER XI
MISCELLANEOUS**

56. Specialized Psychiatric Treatments.
57. Provisions for public and private sector psychiatric facilities.
58. Removal of difficulties.
59. Power to make rules.
60. Ordinance to override.
61. Repeal and saving.

THE MENTAL HEALTH ORDINANCE 2001

ORDINANCE No. VIII OF 2001

[20th February, 2001]

An Ordinance to consolidate and amend the law relating to the mentally disordered persons with respect to their care and treatment, the management of their property and other related matters

WHEREAS it is expedient to consolidate and amend the law relating to the treatment and care of mentally disordered persons, to make better provisions for their care, treatment, management of properties and affairs and to provide for matters connected therewith or incidental thereto and to encourage community care of such mentally disordered persons and further to provide for the promotion of mental health and prevention of mental disorder;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the Mental Health Ordinance, 2001.

(2) It extends to the whole of Pakistan.

(3) It shall come into force with effect from the 20th day of February, 2001.

2. Definitions. (1) In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “approved psychiatrist” means a medical practitioner possessing a recognized postgraduate qualification and registered with the Pakistan Medical and Dental Council and also approved by the Authority;

(b) “Authority” means the Federal Mental Health Authority constituted under section 3;

- (c) “cost of maintenance” in relation to a mentally disordered person, includes the cost of lodging, maintenance, clothing, medicine and care of mentally disordered person and any expenditure incurred in removing such mentally disordered person to and from a psychiatric facility together with any other charges specified in this behalf by the Government;
- (d) “Court of Protection” means a District Court having jurisdiction under this Ordinance in matters specified herein and designated as such by the Government;
- (e) “Court” means a Court of Protection;
- (f) “Government” means the Federal Government or, as the case may be, the Provincial Government;
- (g) “health facility” means any basic health unit, rural health centre, Tehsil hospital, district hospital, teaching hospital and any private medical facility, supervised by a medical practitioner;
- (h) “hospital management” means personnel operating and or managing any psychiatric facility or a health facility that has provision for indoor treatment for the mentally disordered;
- (i) “informed consent” means voluntary and continuing permission of the patient or if the patient is a minor his nearest relative or guardian, as the case may be, for assessment or to receive a particular treatment based on an adequate knowledge of the purpose, nature, likely effects, and risks of that treatment including the likelihood of its success and any alternatives to it and the cost of treatment;
- (j) "Magistrate" means a Judicial Magistrate of the first class specially empowered by the Government to perform functions and exercise powers of a Magistrate under this Ordinance;
- (k) “medical officer” means a medical graduate serving in a Government health facility and registered with the Pakistan Medical and Dental Council;
- (l) “medical practitioner” means a medical graduate registered with the Pakistan Medical and Dental Council with good standing;
- (m) “mental disorder” means mental illness, including mental impairment, severe personality disorder, severe mental impairment and any other disorder or disability of mind and "mentally disordered" shall be construed accordingly and as explained hereunder;
 - (i) “mental impairment” means a state of arrested or incomplete development of mind (not amounting to severe mental impairment) which includes significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously