



# The Sindh Government Gazette

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## PART-I

GOVERNMENT OF SINDH  
LAW DEPARTMENT  
NOTIFICATION

Karachi dated 9<sup>th</sup> May, 2013.

No.S.Legis:1(04)/2013. The following Ordinance made by the Governor of Sindh is hereby published for general information:-

### THE SINDH MENTAL HEALTH ORDINANCE, 2013.

Sindh Ordinance No. IV of 2013.

## AN ORDINANCE

to regulate the matters 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 regulate the matters 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;

**Preamble.**

AND WHEREAS the Provincial Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, 1973, the Governor is pleased to make and promulgate the following Ordinance :-

#### CHAPTER-I PRELIMINARY

**Short title,  
extent and  
commencement.**

1. (1) This Ordinance may be called the Sindh Mental Health Ordinance, 2013.
- (2) It shall extend to the whole of the Province of Sindh.
- (3) It shall come into force at once.

**Definitions.**

2. 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 Sindh Mental Health Authority constituted under section 3;
  - (c) "Board" means the Board of Visitors appointed under section 4;
  - (d) "cost of maintenance" in relation to a mentally disordered person, includes the cost of lodging, maintenance, clothing, medicine and care of a 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 Government;
  - (e) "Court of Protection" means a District Court having jurisdiction under this Ordinance in matters specified herein and designated as such by Government;
  - (f) "Court" means a Court of Protection;
  - (g) "Government" means the Government of Sindh;

- (h) "health facility" means any basic health unit, rural health centre, taluka hospital, district hospital, teaching hospital and any private medical facility, supervised by a medical practitioner;
- (i) "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 persons;
- (j) "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;
- (k) "Magistrate" means a Judicial Magistrate of the first class specially empowered by Government to perform functions and exercise powers of a Magistrate under this Ordinance;
- (l) "medical officer" means a medical graduate serving in a Government health facility and registered with the Pakistan Medical and Dental Council;
- (m) "medical practitioner" means a medical graduate registered with the Pakistan Medical and Dental Council with good standing;
- (n) "mental disorder" means a mentally ill person who is in need of treatment by reason of any disorder of the mind other than mental impairment and severe personality disorder;

**Explanation:-** Nothing contained in clause (n), above shall be construed as implying that a person may be dealt with under this Ordinance as suffering from mental disorder or from any other form of such mental disorder defined in this section, by reason only of promiscuity or other immoral conduct, sexual deviancy or dependence on alcohol or drugs;

- (o) "mentally disordered prisoner" means a person, who is a prisoner for whose detention in or removal to a psychiatric facility or other place of safety, an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898 (Act V of 1898), section 30 of the Prisoners Act, 1900 (III of 1900), section and section 55 of this Act, section 130 of the Pakistan Army Act, 1952 (XXXIX of 1952), section 143 of the Pakistan Air Force Act, 1953 (VI of 1953) or section 123 of the Pakistan Navy Ordinance, 1961 (XXXV of 1961);
- (p) "minor" means a child or adolescent not having attained the age of eighteen years;
- (q) "patient" means a person who is under treatment and care;
- (r) "place of safety" means a Government run health facility, a psychiatric facility, or residence of any suitable relative who is willing to temporarily receive the patient;
- (s) "prescribed" means prescribed by rules or regulations;
- (t) "psychiatric facility" means a hospital, institute, ward, clinic, nursing home, day-care institution, half-way house, whether in public or private sector involved in the care of mentally disordered persons;
- (u) "psychiatrist" means a medical practitioner possessing a recognized postgraduate qualification in psychiatry and registered with the Pakistan Medical and Dental Council;
- (v) "relative" means and includes any person related by blood or marriage or adoption under the personal law, with the mentally disordered person;
- (w) "rules or regulations" means the rules or regulations made under this Ordinance;

- (x) "specialized psychiatric treatments" means electro-convulsive treatment, anti-psychotic depot injection, psychosurgery, and such other form of treatment as may be specified for the purposes of this Ordinance; and
- (y) "treatment of mentally disordered person" means the assessment and treatment of a mentally disordered person and shall include assessment, care, training, habilitation as well as rehabilitation techniques or measures, as the case may be;

3. (1) For the purposes of this Ordinance, Government shall constitute, by notification in the official Gazette, the Sindh Mental Health Authority.

Sindh Mental  
Health Authority.

(2) The Authority shall consist of a Chairperson and not more than fourteen members to be appointed by Government.

(3) The members of the Authority shall be as follows:-

- (i) Retired Judge of the High Court of Sindh;
- (ii) Secretary Health or Special Secretary (Public Health), Health Department, Government of Sindh;
- (iii) The Director General, Health Services Sindh, Hyderabad;
- (iv) Additional Secretary (Technical or Public Health), Health Department, Government of Sindh;
- (v) Medical Superintendent of Teaching Hospitals to be nominated by Government;
- (vi) Medical Superintendent, Sir C.J Institute of Psychiatry Hyderabad;
- (vii) Six Eminent psychiatrists and a Psychologist of more than ten years experience to be nominated by Government;
- (viii) A woman nominated by the Women Development Department, Government of Sindh;
- (ix) Deputy Secretary (Technical or Public Health), Health Department, Government of Sindh;

(4) The Chairperson and the members of the Authority, other than ex-officio members, shall be appointed on such terms and conditions as may be determined by Government.

(5) The Chairperson and the members of the Authority shall be appointed for a tenure of four years. The Chairperson and a member may resign from his office in writing addressed to the Chief Secretary, Government of Sindh.

(6) The Chairperson or a member of the Authority may be removed from his office by Government, for reasons of misconduct, or if he is unable to perform functions of his office, on account of mental or physical incapacity or for any other reason.

(7) The Authority established under sub-section (1) shall carry out the following functions:-

- (a) to advise Government on all matters relating to promotion of mental health and prevention of mental disorder;
- (b) to develop and establish new standards for care and treatment of patients;
- (c) to recommend measures to improve existing mental health services and setting up of child and adolescence, psychogeriatric, forensic, learning disability and community based services;
- (d) to prescribe procedures with respect to setting up and functioning of the mental health services and facilities;
- (e) to prescribe a code of practice to be implemented for achieving the purposes and objects of this Ordinance as well as to be followed by all the mental health personnel involved with the care of patients under this Ordinance;
- (f) to provide for regular review by the Board to ensure that the provisions of this Ordinance for assessment and treatment are being properly carried out, whether or not requested, by any individual, patient or his relative;
- (g) to prescribe for care, aftercare or rehabilitation, under supervision or otherwise;
- (h) to provide for and regulate the setting up of help lines and crisis centres for the general public with regard to mental health;
- (i) to provide for, organize and regulate public awareness programs and promote research, publish journals, bulletins, magazines, and other educational material on mental health issues;
- (j) to discharge such other functions with respect to matters relating to mental health as Government may require;
- (k) to register psychiatrists for the purposes of this Ordinance, in such manner as may be prescribed; and
- (l) to arrange and organize such courses and training programs as may be necessary for carrying out the purposes and objects of this Ordinance.

(8) The Authority may, by notification in the official gazette, make regulations in respect of functions specified in sub-section (7).

4. (1) The Authority shall, in consultation with Government establish a Board of Visitors for carrying out the purposes of this Ordinance as hereinafter provided.

**Constitution of  
Board of Visitors.**

(2) The Board of Visitors shall consist of -

- (a) a Chairperson who is or has been a Judge of the High Court;
- (b) two psychiatrists, one having a minimum of ten years experience in Government service;
- (c) one prominent citizen of good standing;
- (d) two medical practitioners of repute with a minimum standing of twelve years, one of whom shall be a nominee of Pakistan Medical and Dental Council; and
- (e) Director General Health Services Sindh, or his nominee.

(3) The Chairperson and members of the Board shall be appointed for a tenure of two years.

(4) No member shall be deputed to perform any duty as a visitor to a psychiatric facility wherein he has a direct or indirect conflict of interest.

5. (1) The Board may, at any time, enter and inspect any psychiatric facility within its area of responsibility and require the production of any records and documents for inspection to ensure that they are in proper order.

**Powers and  
Functions of the  
Board.**

(2) The Board shall periodically inspect every part of a psychiatric facility and examine as far as possible every patients and mentally disordered prisoners and shall inspect records and documents relating to the patients and mentally disorders prisoners since last visitation by the Board.

(3) The Board may make recommendations to a psychiatric facility, the Authority and Government, concerning improvement of conditions of such facility.

(4) The Authority may order the Board to visit any patient in case it appears necessary for the purpose of investigating any particular matter, or matters related to the capacity of the patient to manage his property and affairs, or otherwise, relating to the exercise of its functions. In compliance of this order, the Board may visit the facility or nominate a sub-committee of not less than two members:-

- (a) the Board or the sub-committee, making a visit under this sub-section shall make such report on the visit as the Authority may order;
- (b) the Board or the sub-committee, making a visit under this sub-section may interview and examine

a patient in private and may require the production of and inspect any documents and or medical records relating to the patient;

- (c) where the sub-committee visits a facility it shall report to the Board and the Board shall make its final report to the Authority; and
- (d) where the Board or a sub-committee is to visit a mentally disordered prisoner, it shall also include the Inspector General of Prisons, or his nominee.

(5) Where the Board is satisfied that any patient in a psychiatric facility is not receiving proper care or treatment, it may report the matter to the Authority which may issue such directions as it may deem fit to the medical practitioner, or psychiatrist in charge of the psychiatric facility, as the case may be, who shall be bound to comply with such directions.

(6) The Board shall enter remarks in a register to be kept for that purpose in regard to the management and condition of a psychiatric facility and the inmates therein.

(7) Any information obtained by any member of the Board in the course of his duties or which comes to the knowledge otherwise, shall not be disclosed except to the authorized person(s).

**Establishment of psychiatric facilities by Government.**

6. (1) Government may, within the limits of the Province, establish or maintain psychiatric facilities for the assessment, admission, treatment, rehabilitation, care and after care of mentally disordered patients at such places, as it deems fit.

(2) The psychiatric facilities established under subsection (1) may organize or maintain separate units for -

- (a) persons who are above the age of eighteen years;
- (b) child and adolescence psychiatric units;
- (c) psycho geriatric units for the elderly; and
- (d) persons who have been convicted of any offence and are mentally disordered for whom special security measures shall be required.

(3) Where drug dependence units need to be established, they shall be set up separately which may be within the premises of the psychiatric facility for people who are not mentally disordered but have drug dependence or patients with drug-induced behavioral changes.

**Care in the Community.**

7. (1) Community based mental health services shall be setup for providing mentally disordered persons, their families and others involved in their care with guidance, education,



rehabilitation, aftercare and preventive measures and other support services on an informal basis.

**Explanation:-** For the purposes of this section, "community" shall include, family, home, workplace, educational institutions and other places where care and aftercare can be provided on an informal or voluntary basis.

8. Any person who himself seeks or is brought by a relative or is referred by a medical practitioner or is referred by any authority for forensic psychiatric assessment, shall be examined by a psychiatrist or a medical officer nominated by him who shall record his findings in writing and decide that the patient be treated on an out-patient basis or otherwise. Any such person on withdrawal of his consent may be discharged in accordance with the provisions of this Ordinance.

Care and treatment on an informal or voluntary basis.

9. For the purposes of this Ordinance, there are four types of detention of a patient, namely; (1) admission for assessment, (2) admission for treatment, (3) urgent admission, and (4) emergency holding. The duration for each type of detention shall be as follows:-

Duration for periods of detention for assessment, treatment, urgent admission and emergency.

- (a) The period of detention for the purposes of assessment shall be up to 28 days from the date of application made under section 10;
- (b) The period of detention for the purposes of treatment shall be up to six months from the date of application made under section 11, and is renewable under the provisions of the said section;
- (c) The period of detention for the purposes of urgent admission shall be up to 72 hours from the time of application made under section 12; and
- (d) The period of detention in the case of a patient for the purposes of emergency holding already in hospital, shall be up to 24 hours from the time of application made under section 13.

10. (1) A patient may be admitted to a psychiatric facility and detained there for the period allowed by sub-section (4) in pursuance of an application made in accordance with sub-sections (2) and (3).

Admission for assessment.

(2) An application for admission for assessment may be made in respect of a patient on the grounds that -

- (a) he is suffering from mental disorder of a nature or degree which warrants the detention of the patient in a psychiatric facility for assessment (or for

assessment followed by initial treatment) for at least a limited period; and

- (b) he ought to be so detained in the interests of his own health or safety or with a view to the protection of other persons; and
- (c) specifying that care and treatment in the community and on an informal and voluntary basis is not possible.

(3) An application for admission for assessment shall be founded on the written recommendations in the prescribed form of two medical practitioners, one of whom should be a medical officer and one should be a psychiatrist, or where a psychiatrist is not available, a medical practitioner with experience in psychiatry, including in each case a statement that in the opinion of such medical practitioners the conditions set out in sub-section (2) above are complied with.

(4) A patient admitted to a psychiatric facility in pursuance of an application for admission for assessment may be detained for a period not exceeding twenty eight days beginning with the day on which application was made under this section, but shall not be detained after the expiration of that period unless before it has expired he has become liable to be detained by virtue of a subsequent application, order or direction under the provisions of this Ordinance.

(5) Where a psychiatrist deems it fit he may discharge the patient from detention and advise the patient to continue treatment on voluntary basis.

(6) The patient, his relative or guardian shall have the right of filing only one appeal against the order of detention under this section to a Court of Protection within a period of fourteen days from the day on which the application was made. The decision of the Court of Protection shall be final for the period of detention under this section.

**Admission for treatment.**

11. (1) A patient may be admitted to a psychiatric facility and detained there for the period allowed by the following provisions, in pursuance of an application made in accordance with this section.

(2) An application for admission for treatment may be made in respect of a patient on the grounds that –

- (a) he is suffering from mental disorder which is of a nature or degree which makes it appropriate for him to receive medical treatment in a psychiatric facility; and

