

C O N F I D E N T I A L

Not to be released for publication in the press before presentation to the Assembly

PROVINCIAL ASSEMBLY OF THE PUNJAB **REPORT OF THE STANDING COMMITTEE ON HEALTH REGARDING** **THE PUNJAB MENTAL HEALTH (AMENDMENT) BILL 2014 (BILL** **NO.13 OF 2014)**

The Punjab Mental Health (Amendment) Bill 2014 (Bill No.13 of 2014) was referred to the Standing Committee on Health on 13 March 2014. The Committee considered the bill in its meeting held on 2 April 2014.

2. The following were present:-

1.	Mr Nishat Ahmed Khan Daha, MPA (PP-214)	Chairman
2.	Dr Nadia Aziz, MPA (PP-34)	Member
3.	Mr Amjad Ali Javaid, MPA (PP-86)	Member
4.	Rana Liaqat Ali, MPA (PP-126)	Member
5.	Ch Mohsin Ashraf, MPA (PP-129)	Member
6.	Mr Muhammad Zeeshan Gurmani, MPA (PP-252)	Member
7.	Dr Najma Afzal Khan, MPA (W-320)	Member
8.	Dr Salah-ud-Din Khan, MPA (PP-44)	Member
9.	Dr Nausheen Hamid, MPA (W-356)	Member

3. Mr Farasat Iqbal, Special Secretary (Health), Government of the Punjab, Health Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Acting Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Secretary, Health Department apprised the Committee about the aims and objects of the bill. He said that the subject on which the principal law i.e., the Mental Health Ordinance 2001 had been enacted, had devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Ordinance was required to be adapted by the Provincial Assembly of the Punjab in terms of clause (6) of Article 270AA of the Constitution through the instant bill.

5. The Committee after hearing the Members, having the view points of the Administrative Department and discussing various points, unanimously decided to recommend that the bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) CLAUSE 2

in para (a), the expression "except in subsection (1) of section 28," be added after the word and comma "occur,".

(2) **CLAUSE 5**

in the proposed sub-section (3) of section 3 of the Principal Ordinance, para (iii), be substituted as under:-

“(iii) three eminent psychiatrists and two eminent psychologists of at least ten years’ standing.”; and”.

(3) **NEW CLAUSE 6**

after clause 5, the following new clause 6 be added and the subsequent clauses be renumbered accordingly:-

“6. Amendment in section 4 of Ordinance VIII of 2001.— In the said Ordinance, in section 4—

(a) in subsection (1), the word “concerned” shall be omitted;

(b) in subsection (2)–

(i) in the rider clause, the words “at the provincial level” shall be omitted; and

(ii) in clause (e), the words “of the Province” shall be omitted.”

(4) **NEW CLAUSE 8**

after renumbered clause 7, the following new clause 8 be added and the subsequent clauses be renumbered accordingly:-

“8. Amendment in section 27 of Ordinance VIII of 2001.— In the said Ordinance, in section 27–

(a) for words “the same Province or some other Province”, the words “any other Province or territory of Pakistan” shall be substituted; and

(b) for the words “Provincial Government with the consent of the there Provincial Government”, the words, “Government with the consent of the Government of that Province or territory” shall be substituted.”.

(5) **RENUMBERED CLAUSE 9**

the existing paras (a) and (b) be renumbered as paras (b) and (c) respectively and the following new para (a) be added before the above renumbered paras:-

“(a) in subsection (1), for the words, “Provincial Government concerned within which such order may be made”, the words “Government for such placement of the patient” shall be substituted;”.

(6) **NEW CLAUSE 11**

after renumbered clause 10, the following new clause 11 be added and the subsequent clauses be renumbered accordingly:-

“11. Amendment in section 43 of Ordinance VIII of 2001.— In the said Ordinance, in section 43–

(a) in subsection (1), for the words “government concerned”, the words “the Government” shall be substituted; and

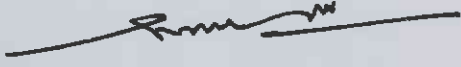
(b) in subsection (3), for the words “Government concerned”, the words “the Government” shall be substituted.”.

6. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.

Lahore
2 April, 2014

(NISHAT AHMED KHAN DAHA)
Chairman
Standing Committee on Health

Lahore
2 April, 2014


(HAIFZ MUHAMMAD SHAFIQ ADIL)
Acting Secretary

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)

PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO. 13 OF 2014

THE PUNJAB MENTAL HEALTH (AMENDMENT) BILL 2014

**A
BILL**

to amend the Mental Health Ordinance, 2001.

Preamble.—Whereas it is expedient to amend the Mental Health Ordinance, 2001 (VIII of 2001) for purposes hereinafter appearing;

It is enacted as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Mental Health (Amendment) Act 2014.

(2) It shall come into force at once.

2. Amendment in Ordinance VIII of 2001.— In the Mental Health Ordinance, 2001 (VIII of 2001), hereinafter referred to as the said Ordinance:

(a) for the words "Federal Government", wherever occur, the word "Government" shall be substituted; and

(b) for the words "Federal Mental Health Authority", wherever occur, the words "Punjab Mental Health Authority" shall be substituted.

3. Amendment in section 1 of Ordinance VIII of 2001.— In the said Ordinance, in section 1, in subsection (2), for the word "Pakistan", the words "the Punjab", shall be substituted.

4. Amendment in section 2 of Ordinance VIII of 2001.— In the said Ordinance, in section 2, in subsection 1, for clause (f), the following shall be substituted:

"(f) "Government" means Government of the Punjab;"

5. Amendment in section 3 of Ordinance VIII of 2001.— In the said Ordinance, in section 3:

(a) for subsection (2), the following shall be substituted:

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

(b) for subsection (3) the following shall be substituted:

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

(i) Secretary to the Government, Health Department;

(ii) Chief Consultant Psychiatrist, Punjab Institute of Medical Health, Lahore; and

(iii) five eminent psychiatrists of at least ten years standing."; and

(c) in subsection (5), for the words "Secretary, Ministry of Health, Government of Pakistan", the word "Government" shall be substituted.

6. Amendment in section 6 of Ordinance VIII of 2001.- In the said Ordinance, in section 6, for subsection (1), the following shall be substituted:

"(1) The Government may 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."

7. Amendment in section 28 of Ordinance VIII of 2001.- In the said Ordinance, in section 28:

(a) in subsection (2), for the words, "Provincial Government concerned", the words "the Government" shall be substituted; and

(b) in subsections (3) and (4), the word, "Provincial", wherever occurs, shall be omitted.

8. Amendment in section 29 of Ordinance VIII of 2001.- In the said Ordinance, in section 29, for the words, "Advocate General of the Province concerned", the words "Advocate General Punjab" shall be substituted.

9. Amendment in section 58 of Ordinance VIII of 2001.- In the said Ordinance, in section 58:

(a) for the word, "President", the word "Government" shall be substituted; and

(b) for the word "him", the word "it" shall be substituted.

10. Amendment in section 59 of Ordinance VIII of 2001.- In the said Ordinance, in section 59, for subsection (1), the following shall be substituted:

"(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance."

STATEMENT OF OBJECT AND REASONS

The subject on which this law has been enacted has devolved on the Provinces by virtue of the Constitution (Eighteenth Amendment) Act 2010. The Act is required to be adapted by the Provincial Assembly of the Punjab in terms of clause (6) of Article 270AA of the constitution. Hence this Bill.


MINISTER INCHARGE

(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON HEALTH)

A

Bill

to amend the Mental Health Ordinance, 2001.

Preamble.— Whereas it is expedient to amend the Mental Health Ordinance, 2001 (VIII of 2001) for purposes hereinafter appearing;

It is enacted as follows:-

1. Short title and commencement.— (1) This Act may be cited as the Punjab Mental Health (Amendment) Act 2014.

(2) It shall come into force at once.

2. Amendment in Ordinance VIII of 2001.— In the Mental Health Ordinance, 2001 (VIII of 2001), hereinafter referred to as the said Ordinance—

(a) for the words “Federal Government”, wherever occur except in subsection (1) of section 28, the word “Government” shall be substituted; and

(b) for the words “Federal Mental Health Authority”, wherever occur, the words “Punjab Mental Health Authority” shall be substituted.

3. Amendment in section 1 of Ordinance VIII of 2001.— In the said Ordinance, in section 1, in subsection (2), for the word “Pakistan”, the words “the Punjab”, shall be substituted.

4. Amendment in section 2 of Ordinance VIII of 2001.— In the said Ordinance, in section 2, in subsection (1), for clause (f), the following shall be substituted:-

“(f) “Government” means Government of the Punjab;”

5. Amendment in section 3 of Ordinance VIII of 2001.— In the said Ordinance, in section 3—

(a) for subsection (2), the following shall be substituted:-

“(2) The Authority shall consist of a Chairperson and not more than ten members to be appointed by the Government.”;

(b) for subsection (3) the following shall be substituted:-

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

(i) Secretary to the Government, Health Department;

(ii) Chief Consultant Psychiatrist, Punjab Institute of Medical Health, Lahore; and

(iii) three eminent psychiatrists and two eminent psychologists of at least ten years’ standing.”; and

(c) in subsection (5), for the words “Secretary, Ministry of Health, Government of Pakistan”, the word “Government” shall be substituted.

6. Amendment in section 4 of Ordinance VIII of 2001.— In the said Ordinance, in section 4—

(a) in subsection (1), the word “concerned” shall be omitted;

(b) in subsection (2)–

(i) in the rider clause, the words “at the provincial level” shall be omitted; and

(ii) in clause (e), the words "of the Province" shall be omitted.

7. Amendment in section 6 of Ordinance VIII of 2001.— In the said Ordinance, in section 6, for subsection (1), the following shall be substituted:-

“(1) The Government may 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.”

8. Amendment in section 27 of Ordinance VIII of 2001.— In the said Ordinance, in section 27—

(a) for words “the same Province or some other Province”, the words “any other Province or territory of Pakistan” shall be substituted; and

(b) for the words “Provincial Government with the consent of the there Provincial Government”, the words, “Government with the consent of the Government of that Province or territory” shall be substituted.

9. Amendment in section 28 of Ordinance VIII of 2001.— In the said Ordinance, in section 28—

(a) in subsection (1), for the words, “Provincial Government concerned within which such order may be made”, the words “Government for such placement of the patient” shall be substituted;

(b) in subsection (2), for the words, “Provincial Government concerned”, the words “the Government” shall be substituted; and

(c) in subsections (3) and (4), the word, “Provincial”, wherever occurs, shall be omitted.

10. Amendment in section 29 of Ordinance VIII of 2001.— In the said Ordinance, in section 29, for the words, “Advocate General of the Province concerned”, the words “Advocate General Punjab” shall be substituted.

11. Amendment in section 43 of Ordinance VIII of 2001.— In the said Ordinance, in section 43—

(a) in subsection (1), for the words “government concerned”, the words “the Government” shall be substituted; and

(b) in subsection (3), for the words “Government concerned”, the words “the Government” shall be substituted.

12. Amendment in section 58 of Ordinance VIII of 2001.— In the said Ordinance, in section 58—

(a) for the word “President”, the word “Government” shall be substituted; and

(b) for the word “him”, the word “it” shall be substituted.

13. Amendment in section 59 of Ordinance VIII of 2001.— In the said Ordinance, in section 59, for subsection (1), the following shall be substituted:

“(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.”