

ORDER SHEET

BEFORE NATIONAL COMMISSION FOR HUMAN RIGHTS

File No. 1244/2022/NCHR (P)/Complaint/

Ms. Sehrish Sheikh D/O Dr. Capt. Hajji Muhammad Iqbal Sheikh (Late)

VS

Secretary, Specialized Healthcare Department

And

Chief Executive Officer, Punjab Healthcare Commission

S. No. of Order/ proceedings	Date(s) of order/ Proceedings	Order with signature of the Chairman or Members and that of parties or counsel where necessary.
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05.09.2024 &

04.10.2024

In Attendance

Dr. Muhammad Usman Fazal, Deputy Secretary, on behalf of Secretary, Specialized Healthcare and Medical Education Department.

Dr. Mubashir Nadeem, Deputy Director (Complaints), on behalf of Chief Executive Officer, Punjab Healthcare Commission.

Mr. Syed Mehran Shah, Deputy Director (Legal), on behalf of Chief Executive Officer, Punjab Healthcare Commission.

Mr. Zunair Maqsood, Section Officer, on behalf of Secretary, Specialized Healthcare and Medical Education Department.

A complaint was filed by Ms. Sehrish Sheikh D/O Dr. Capt. Hajji Muhammad Iqbal Sheikh (Late) regarding the maltreatment and forced hospitalization by the private establishment, namely, "The Genius - Psychiatric & Addiction Treatment Center" Lahore. She also complained about The Mental Health Ordinance, 2001 to be oppressive and against Human Rights. The first hearing of the case was held on 4th September, 2024 which was attended by Dr. Muhammad Usman Fazal, Deputy



Secretary, on behalf of Secretary, Specialized Healthcare and Medical Education Department, Mr. Syed Mehran Shah, Deputy Director (Legal) and Dr. Mubashir Nadeem, Deputy Director (Complaints), on behalf of Chief Executive Officer, Punjab Healthcare Commission. The complainant did not attend the hearing proceedings but appeared before the Commission on 12th September, 2024 and presented her view point. In order to ascertain the veracity of the allegations levelled by the complainant, the representative of Punjab Healthcare Commission (PHC) was asked to conduct an inquiry, including a visit of "The Genius - Psychiatric & Addiction Treatment Center" and present a report on the next date of hearing. The representatives of the Specialized Healthcare and Medical Education Department as well as the Punjab Healthcare Commission were also asked to give comments on the gaps in the Mental Health Ordinance, 2001 which could result in the misuse of the said law.

2. The second hearing of the case was held on 4th October, 2024 which was attended by Dr. Mubashir Nadeem, Deputy Director (Complaints) and Mr. Syed Mehran Shah, Deputy Director (Legal), on behalf of Chief Executive Officer, Punjab Healthcare Commission (PHC). A detailed inquiry/visit report of the above said private psychiatric facility was submitted (placed on record, Annexure A) with the following findings:

a) **The Genius - Psychiatric & Addiction Treatment Center was assessed for the implementation of the MSDS and was not found fully compliant. Indoor service of the facility along with the services of Dr. Muhammad Shazib Shamim were suspended due to the reasons including but not limited to the following:**

- i. No evidence/record of the 24/7 coverage by the medical doctor, nurse/dispenser was observed.



- ii. Deficiencies in patients' record and non-availability of HR files.
- iii. Deficient infection control measures and unhygienic conditions.
- iv. Owner of HEC, Dr. Muhammad Shazib Shamin, portrayed himself a psychiatrist/neuro psychiatrist without having any postgraduate qualifications in the respective field.

4. The representative also informed that the PHC would ensure that all such psychiatric indoor private facilities are run in accordance with the MSDS and Reference Manual for Psychiatrist and Addiction Treatment/Rehabilitation Facilities. He also stated that no amendment was required in the Mental Health Ordinance, 2001 which was catering to the needs as well as supervisory aspects of such private health establishments in Punjab.

5. The above situation indicates that prompt action has been taken by the PHC and the indoor services as well as the services of Dr. Muhammad Shazib Shamim – the doctor responsible had been suspended. However, certain aspects regarding this 'Mental Health Ordinance, 2001' needs to be looked into including:

- i. The referral application procedure under the Act ibid and definition of "family" which can be subject to misuse of the law.
- ii. Another area which needs to be looked into is the inclusion of an independent, government psychiatrist on the Board for assessing the admission of a person to a private psychiatric facility so as to provide an objective assessment for admission to a of psychiatric care facility



which obviously implies taking away the liberty of the person concerned.

6. It is accordingly recommended that the Secretary, Specialized Healthcare and Medical Education Department may please look into the above aspects. Additionally, a set of proposed amendments are also attached which may also be considered for ensuring that the Act ibid is not misused for unnecessary curtailment of liberty of a person except in justifiable circumstances.



Nadeem Ashraf 16.10.24
(NADEEM ASHRAF) (Ex-PAS)
MEMBER/COMMISSIONER (PUNJAB)
NCHR

SPECIAL INSPECTION
OF
THE GENIUS PSYCHIATRIST & ADDICTION REHAB CENTRE, LAHORE

Pursuant to the Office Order bearing No. PHC/INSP/OD/2024/42020 dated 23.09.2024 issued by the Director Inspections with the approval of the Chief Executive Officer, the following team was constituted to conduct the inspection of 'The Genius Psychiatrist & Addiction Rehab Centre' situated at 7KM, LSE, Barki Road, Lahore (HCE) for the implementation of Minimum Service Delivery Standards (MSDS), particularly regarding the case of Mst. Sehrish Sheikh;

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| a. Dr. Rehan Saeed | Additional Director, Inspections. |
| b. Dr. Mubashir Nadeem | Case Worker, Complaints. |
| c. Mr. Atif Masood | Deputy Director, Monitoring & Evaluation. |

2. The team inspected the HCE on 25.09.2024 without intimation/prior notice and made the following observations: -

- a. The HCE is registered with Punjab Healthcare Commission as Addition Treatment Center since 01.02.2024 bearing registration No. R-83519.
- b. As per the record, the HCE was owned by Dr. Muhammad Shazib Shamim, who is an MBBS Doctor.
- c. Mr. Shehzad Aslam who represented himself as Managing Director (MD) of the HCE, coordinated the inspection.
- d. The HCE was providing psychiatric & addiction treatment and rehabilitation services.
- e. The team inspected the record of Mst. Sehrish Sheikh (Patient) and also procured copies of the same. As per the available record, the details of the case of the Patient are as follows;
 - i. The Patient is a 38-year-old unmarried lady. On 02-06-2019, she was admitted by her father namely Capt. (R) Dr. Muhammad Iqbal in the HCE for the treatment of Cannabis THC misuse, Bipolar affective disorder, disturbing behavior and being physically abused. During the treatment, she was administered Antipsychotics. She was discharged on 01-08-2019.


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Punjab Healthcare Commission

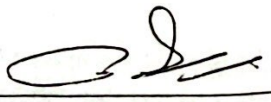
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3. **Actions Taken:**

- ✓ a. The HCE was assessed for the implementation of the MSDS and was not found fully compliant. Indoor services of the HCE along with the services of Dr. Muhammad Shazib Shamim were suspended due to the reasons including but not limited to the following: -
- i. No evidence/record of 24/7 coverage by the medical doctor, nurse/dispenser. However, a doctor namely Dr. Farrukh Shahzad was present at the time of the visit.
 - ii. Deficiencies in patients' record, non-availability of HR files.
 - iii. Deficient infection control measures and unhygienic conditions.
 - iv. Owner of the HCE, Dr. Muhammad Shazib Shamim, portrayed himself to be a psychiatrist / Neuro Psychiatrist without having any postgraduate qualification in the respective field.


Atif Masood
DD, M&E


Dr. Mubashir Nadeem
Case Worker, Complaints


Dr. Rehan Saeed
AD, Inspections

Original Copy
Dr. Rehan Saeed