**[Mental health and justice](https://www.dawn.com/news/1786316/mental-health-and-justice)**

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FORENSIC psychiatry, the nexus between psychology and law, has undergone a transformation within Pakistan’s judicial system. Arising from the foundations set by the Pakistan Penal Code, 1860, and the Criminal Procedure Code, 1898, to address mental health, the Qanun-i-Shahadat Order, 1984, further emphasised the role of expert witnesses in such cases. While Pakistan once leaned on the Indian Lunacy Act, 1912, the landscape evolved with the Mental Health Ordinance in 2001. But the game changer came with the 18th Amendment of 2010, prompting the provinces to craft their own mental health policies and reflecting the nation’s growing commitment to mental health in the legal sphere.

Several cases underscore the growing intertwining of mental health and criminal trials. The Safia Bano case is a significant turning point. This case reshaped the fate of three individuals, replacing their death sentences with life terms. It also spotlighted the increasing indispensability of mental health evaluations in the justice process. Justice Manzoor Malik’s legal insights, combined with the expertise of Prof Mowadat Hussain Rana, served as a testament to the growing confluence of law and psychiatry.

The Safia Bano case marked a pivotal moment in Pakistan’s forensic psychiatric history, laying the groundwork for the nation’s future in forensic mental health services. Following this, the significant Imdad Ali case reinforced the Supreme Court’s unwavering recognition of the equal importance of mental health and physical health in the legal domain. The court drew from an array of definitions and guidelines from established sources, such as the ICD (International Classification of Diseases, DSM (Diagnostic and Statistical Manual of Mental Disorders), the Indian Mental Health Act 2007, Mental Health Act 2001, and the provincial Mental Health Acts. It called for amendments to existing mental health laws in line with the latest ICD editions from the WHO. Moreover, the court mandated the removal of archaic, potentially stigmatising terms such as “unsoundness of mind” from legal texts, promoting the use of more modern and empathetic terminology.

The unsettling case of Zainab Ansari, coupled with the gruesome confessions of Javed Iqbal Mughal, and the horrifying 2022 Noor Muqadam case collectively underline a dire need for thorough forensic psychiatric evaluations within Pakistan’s justice system. Zainab’s brutal rape and murder by Imran Ali unveiled deeply rooted psychopathological issues within the perpetrator, spotlighting the imperative of addressing mental disorders in such contexts.

Qualified forensic psychiatrists are absent.

Similarly, Mughal’s macabre crimes, in­­volving the calculated murders of 100 boys, underscored the pressing need for ro­­bust forensic psychiatric practices to navigate the intricacies of such brutalities. Additio­nally, Noor’s tragic and brutal murder by Zahir Jaffer, which shockingly involved captivity and decapitation, amplified calls for an intricate understanding and evaluation of the mental states of perpetrators before the execution of their crimes, thereby further solidifying the demand for comprehensive psychiatric evaluation mechanisms in the legal framework.

In light of these grave realities and responding to the directives of the Supreme Court, the demand for specialised medical boards, populated with adept psychiatrists and psychologists specialising in forensic mental health, has reached an unprecedented peak. The present efforts remain constrained due to a palpable gap in capacity building: notably, Pakistan has not yet recognised forensic psychiatry as a specialty nor does it host a qualified forensic psychiatr­ist within its borders. This sta­rk con­­­trast raises ap­­­prehensions, even though num­erous qualified forensic psychiatrists of Pakistani origin practise successfully in nations such as Canada, the US, the UK and Australia.

However, a breakthrough came in 2022. Canadian psychiatrists from Queen’s University Canada, collaborating with the Pakistan Psychiatric Society, the psychiatry department (M.H. Rana) Sheikh Zayed Medical College Hospital Rahim Yar Khan, Islamia University (Rahim Yar Khan campus) and Justice Project Pakistan introduced a three-month online certification course in forensic mental health. This amb­i­­tious initiative aspires to groom participants into professionals well-versed in evidence-backed evaluations and court testimonies.

Pakistan has the potential to harmonise its legal heritage with modern forensic mental health advancement.

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