



NATIONAL COMMISSION
FOR HUMAN RIGHTS

DOMESTIC VIOLENCE

POLICY BRIEF

National Commission for Human Rights, Pakistan



March 2023



DOMESTIC VIOLENCE

POLICY BRIEF

National Commission for Human Rights, Pakistan

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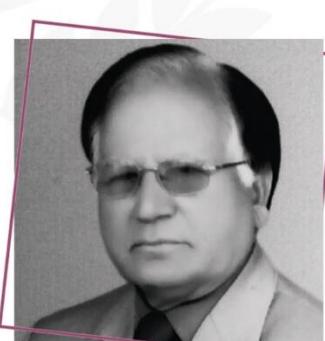
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FOREWORD



RABIYA JAVERI AGHA
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*National Commission for
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Following nationwide consultations and meetings with various stakeholders from civil society and state institutions, NCHR took note of an alarming rise in domestic violence cases in the country and the lack of protection for women who find themselves in an increasingly precarious position as Pakistan reels from the Covid-19 Pandemic, the devastating floods in August 2022 and now rising inflation, all which disproportionately affect women far more than their male counterparts.

NCHR has received a number of complaints from victims of domestic violence and has taken legal action where possible to help hold the culprits responsible. A case was reported to NCHR's Punjab office regarding a mother and her daughter who had been living with the mother's in-law following the death of her husband. Both the mother and daughter reported being sexually harassed by their in-laws to the police. However, afterwards, the in-laws physically assaulted them for going to the police. NCHR took notice of the mother and daughter's ordeal, and took necessary action. A report was requested from the police regarding the incident. The report confirmed an FIR was registered against the

in-laws, challan was submitted and currently the case is sub-judice before the court. NCHR is following the case closely and supporting it with legal aid when necessary. The institution has been responsible for helping register cases of domestic violence in the relevant police stations, in providing legal aid through pro bono lawyers and in liaising with shelters to ensure the safety of victims.

NCHR as part of a wider campaign in addressing gender discrimination and violence has developed a policy brief with support from organisations such as Musaweh and UN Women with the aim of creating a legal and social framework that protects women in this country. This policy brief, as part of the campaign, aims to explain how rampant domestic violence is in the country, and the legal steps being taken to address it. It also poses recommendations for the government, the media, schools, and citizens to consider in addressing an alarming situation for women in the country.

EXECUTIVE SUMMARY

Domestic violence is an alarming issue in Pakistan. As reported by the HRCP in 2020, over 90% of Pakistani women have faced domestic violence in their lifetime. This policy brief is part of a wider campaign by the National Commission for Human Rights (NCHR) against domestic violence. The National Commission for Human Rights is an independent statutory body created to look into matters pertaining to all forms of violations of human rights within the territorial jurisdiction of the Islamic Republic of Pakistan, by virtue of the National Commission for Human Rights Act of 2012.

The policy brief aims to provide a detailed overview of how domestic violence affects Pakistani citizens, particularly women. Furthermore, it will analyse possible interventions that can be made against domestic violence, citing the establishment of federal domestic violence legislation as a crucial step in addressing this urgent matter. The policy brief is split into four sections.

The first section consists of a **Situational Analysis**, which contextualises the issue of domestic violence in Pakistan. Domestic Violence is often underreported due to the stigma surrounding it, and because of the lack of accessibility to complaint mechanisms for victims. According to available data, domestic violence is most prevalent in the FATA, Balochistan, and Khyber Pakhtunkhwa regions, with the least prevalence reported in Sindh. However, these statistics are based on reported cases, and the actual number of domestic violence cases in Pakistan are likely much higher due to underreporting. Pakistan has witnessed a sharp increase in domestic violence against women as the country struggles to recover from the COVID-19 pandemic and the devastating 2022 floods. The Situational Analysis concludes by detailing the short-term and long-term effects of domestic violence on victims and children who were exposed to this violence in their childhood.

The policy brief from sections two to four explores domestic violence from a **Legal Perspective**, examining present domestic violence legislation in all four provinces of the country. It moves on to explain how a judgement following a petition in the Federal Shariat Court against the Punjab Violence Against Women Act further supports legislation on domestic violence, emphasizing that they are in line with Islamic jurisprudence. The section also details legal and political hurdles in passing a domestic violence bill in the capital. In its conclusion, the section provides a brief summary of domestic violence laws in Malaysia and Bangladesh, two Muslim-majority countries, to further highlight that domestic violence laws do not infringe upon Islamic beliefs.

The fifth section examines how Pakistan is party to several **International Treaties** that oblige it to take action against domestic violence. These obligations include the United Nations Convention on the Elimination of All Forms of Discrimination Against

Women (CEDAW), which requires states to take all appropriate measures to eliminate discrimination against women, including violence against women. Pakistan has also ratified the International Covenant on Civil and Political Rights (ICCPR) among other treaties and international obligations.

The final section poses **Recommendations** for legal and socio-economic actions that can be taken by the government of Pakistan to tackle domestic violence, including better training for its judiciary and police force, and awareness campaigns focusing on schools and media.

SITUATIONAL ANALYSIS

01.

SITUATIONAL ANALYSIS

1.1 Domestic Violence in Pakistan

There are limited statistics available on domestic violence in Pakistan.¹ This can be attributed to the stigma involved in reporting domestic violence and the lack of access to resources to file complaints- whether its access to police, to transport, to finances and to legal remedy. On the economic front, women account for a mere 22.63% of the labour force while men make up 84.79% of the labour force.² On average, a Pakistani woman's income is 16.3% of a man's income. Meanwhile 82% of Pakistani women remain unbanked and have limited access to financial institutions.³

According to the Domestic Health Survey (DHS) available data on domestic violence shows that by region, the percentage of women who have experienced physical violence is highest in FATA (56%), followed by Balochistan (48%) and Khyber Pakhtunkhwa (43%). Women in Sindh are least likely to have experienced physical violence (15%) while the report did not contain figures for Punjab, the country's most populous province.⁴

One of the most startling discoveries in this research was that according to data received from the Punjab Police, zero cases of domestic violence were registered under the Punjab Protection of Women against Violence Act 2016. On the other hand, media tracking conducted by SSDO demonstrated 44 cases of domestic violence during a single month within that same time frame.⁵

According to a study conducted by the Human Rights Commission of Pakistan (HRCP) titled 'Factsheet on Domestic Violence During COVID-19 Lockdown' in 2020, 90% of Pakistani women have experienced some form of domestic violence in their lifetimes. The study also found that violence against women had increased during the COVID-19 pandemic. A report by the Aurat Foundation, a women's rights organisation in Pakistan, found in their 'Annual Statistics 2020' report, that over 11,000 cases of violence against women were reported in 2020. The most common forms of violence were domestic violence (4,775 cases), rape and gang rape (2,297 cases), and murder (1,033 cases).

¹ Zia, Maliha. Legal Aid Society, Karachi, Sindh, 2018, p. 6, Understanding Domestic Violence within the Legal Framework of Pakistan.

² <https://asiapacific.unwomen.org/en/countries/pakistan>

³ https://data2x.org/wp-content/uploads/2022/06/06.21_DataDiagnostics-Pakistan.pdf

⁴ <https://dhsprogram.com/pubs/pdf/FR354/FR354.pdf>

⁵ https://www.ssdopk.org/_files/ugd/5668b5_cce1cc961b7643e5a185e55c8c040dc2.pdf

The National Database and Registration Authority (NADRA) reported that over 10,000 cases of violence against women were reported in 2020, including 2,297 cases of rape and gang rape. According to the Ministry of Human Rights, 63,000 cases of gender based violence were reported in the last three years, of which some 4,000 cases of violence against women were registered in the first half of 2020. Of these cases, 80% were related to domestic violence, while some 47% of married women have experienced sexual abuse (domestic rape).⁶ It is important to note that these statistics are based on reported cases, and the actual numbers of domestic violence cases in Pakistan are likely much higher due to underreporting. Interestingly, only 0.4% victims of domestic violence take their cases to court.⁷

According to the Domestic Health Survey women with a higher education are much more likely to seek help to end violence (46%) than women with no education (25%). These statistics highlight how imperative education can be for victims in reporting abuse and being able to seek help.

1.1.1 Impact of Disasters (2022 Floods/Covid-19)

According to the American Journal of Emergency Medicine, in 2022, domestic violence increased by 25 to 33 percent globally.⁸ In the official record, Punjab followed by Sindh in Pakistan reported a considerable surge in cases involving domestic violence during and post Covid-19.⁹ Evidence suggests that epidemics and stresses involved in coping with epidemics increase the risk of domestic abuse and other forms of gender-based violence.

Studies have also found that disaster situations tend to increase the risk of depression, aggression and episodes of violent behaviour in people. Hence, a country could experience a rise in cases of domestic abuse as a result of the Covid-19 and similar epidemics/disasters.¹⁰ The report, "Tracking numbers: state of violence against women and children in Pakistan" highlighted that compared to the first half of the year, Jan-June 2020, there was a considerable increase in the child and women rights violation cases from July and December 2020. According to the findings violence against women and rape cases doubled in the last six months of 2020.¹¹

Data from around the world substantiates this information. In China, peer-reviewed studies reveal a 300% increase in violence against women. In Lebanon, there has been a 45% increase in violence against women. In the United Kingdom, violence against women has doubled from the 10-year average. Next door in India, the onset of the pandemic has led to at least a 21% increase in violence against women.¹²

6 <https://images.dawn.com/news/11823181>

7 <https://tribune.com.pk/story/2369842/where-pakistans-domestic-violence-law-fails>

8 <https://www.dawn.com/news/1615613>

9 https://www.ssdo.org.pk/_files/ugd/5668b5_cce1cc961b7643e5a185e55c8c040dc2.pdf

10 <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA/Docs/Publications/2020/04/pk-Gendered-Impact-and-Implications-of-COVID.pdf>

11 https://www.ssdo.org.pk/_files/ugd/5668b5_cce1cc961b7643e5a185e55c8c040dc2.pdf

12 <https://www.dawn.com/news/1615613>

Spending more time in close contact with abusive family members allows perpetrators to manipulate the imposed restrictions and reduce access to essential service, help or psychological support.¹³

These figures have now been further compounded by the recent floods which have affected over 33 million people, with 15 million children in need of life saving support. Over 1700 people have died, some 1.6 million women are of reproductive age with approximately 130,000 pregnant women.

In August 2022, Pakistan experienced some of the deadliest floods in its history. The floods have contributed to rise in inflation, unemployment and food insecurity. With millions of people dislodged from their homes and living on the streets, the level of frustration and anxiety creates a fertile ground for violence and abuse.

This year the U.N. Intergovernmental Panel on Climate Change identified a link between climate change and violence, citing the growing evidence that extreme weather events are driving domestic violence, with global implications for public health and gender equality.¹⁴

Recent challenges posed by the floods have served to aggravate the already debilitating condition of women. Because of the so-called preservation of honour associated with their gender, men in some affected villages did not evacuate for relief camps as it would go against their cultural norms to take their women out of their villages to safety. Even though the families are battling against diseases, food shortage and livelihood problems, they are still not ready to leave the area.¹⁵

Those who made it to shelters faced joblessness, homelessness, starvation and uncertainty. Studies prove that economic conditions, financial uncertainty and stress often lead to women being in more vulnerable positions and more prone to abuse and violence.¹⁶ The floods have increased women's vulnerability to gender-based violence (GBV) due to aggravated household tensions, harassment, and abuse related to displacement and lack of secure infrastructure.¹⁷ Women in particular have lost their livelihoods resulting in negative impacts on their economic empowerment and well-being.

13 <https://www.las.org.pk/wp-content/uploads/2020/09/COVID-19-and-SGBV-Reporting-A-Study-of-SLACC.pdf>

14 <https://www.washingtonpost.com/climate-environment/2023/01/03/domestic-violence-climate-change-umoja/>

15 <https://tribune.com.pk/article/97641/the-disproportionate-impact-of-floods-on-women-1>

16 <https://www.pc.gov.pk/uploads/downloads/PDNA-2022.pdf>

17 ibid

1.1.2 Social, Cultural and Religious Factors Enabling Domestic Violence

In Pakistan, domestic violence is supported by patriarchal norms that are deeply entrenched in all of its social and state structures. Domestic violence in Pakistan is a complex issue, grounded in multiple social, cultural, and religious factors such as;¹⁸

Patriarchal culture: This cultural mind-set promotes the belief that men have the right to control and dominate women, which can result in domestic violence.¹⁹

Gender Inequality: According to the Global Gender Parity Index Report 2022, Pakistan ranks 145/146 for economic participation and opportunity, 135/156 for educational attainment, 143/156 for health and survival, 95/156 for political empowerment.²⁰ This unequal treatment reinforces men's dominance over women and makes them more susceptible to domestic violence.²¹

Lack of awareness: Many people in Pakistan are not aware of the harmful effects of domestic violence, and some may not even recognize that it is a problem. This lack of awareness makes it difficult to address and prevent domestic violence.²² Victims may not be aware of their rights and protections against abusers or may even see themselves at fault. Others may not even view it as a private matter.

Economic dependence: Women in Pakistan are often financially dependent on their husbands or other male family members. This dependence can make it difficult for them to leave abusive relationships, as they have no other means of support.²³

Religious beliefs: Some religious beliefs in Pakistan are interpreted to support the notion that men are superior to women. This can lead to domestic violence being justified as a means of enforcing these beliefs.²⁴

Social stigma: There is often social stigma attached to divorce in Pakistan, which makes it difficult for women to leave abusive marriages and prevents them from seeking help or reporting incidents of domestic violence.²⁵

18 Zia, Maliha. Legal Aid Society, Karachi, Sindh, 2018, Understanding Domestic Violence within the Legal Framework of Pakistan.

19 Rashid, S. F. (2008). Women's empowerment and the inverse relationship between domestic violence and women's employment in Pakistan. Global Public Health, 3(Suppl 1), 43-56.

20 <https://asiapacific.unwomen.org/en/countries/pakistan>

21 Ali, P. A., & Naylor, P. B. (2013). Awareness of domestic violence and abuse among Pakistani immigrant women in the UK. Nursing research and practice, 2013, 861074.

22 Shaikh, M. A., & Hatcher, J. (2005). Health seeking behaviour and health service utilization in Pakistan: challenging the policy makers. Journal of public health, 27(1), 49-54.

23 Naved, R. T., & Persson, L. Å. (2010). Factors associated with spousal physical violence against women in Bangladesh. Studies in family planning, 41(4), 269-278.

24 Aslam, R. W., & Ali, A. (2018). Domestic violence and its socioeconomic determinants in Pakistan. Journal of interpersonal violence, 33(14), 22 09-2232

25 ibid

1.1.3 Institutional Hurdles in the Reporting of Domestic Violence

To add to the inherent social and cultural factors that lead to domestic violence, there are umpteen institutional hurdles that women face in accessing justice and redress. Institutions such as police or judiciary are often heavily male dominated and uncooperative when dealing with cases of domestic violence. In Pakistan women comprise a mere 1.5% of the police force. Complaints against abusers are frequently dismissed by the police as a ‘private matter or ghar ki baat’ and mediation is encouraged by other parties namely relatives. Majority of police request victims to sign a razi nam & go back home. As pointed out by NCHR’s Chairperson Rabiya Javeri Agha, rules for provincial domestic violence laws were still pending. “In Sindh, it took six years for the first conviction under Domestic Violence Prevention and Protection Act Sindh, 2013,” she said. Sarah Malkani, the lawyer who secured the first conviction under this act, pinpoints societal and official attitudes and patriarchal norms as one of the major reasons why the act has not been vigorously implemented. In fact, she informed that “the judge who gave the judgment remarked he thought the law is wrong and that men should not be locked up for hitting their wives, but since that is what the law now was, he had no choice but to give the verdict in favor of the woman.”²⁶

Adding to these challenges are the difficulties in registering first information reports (FIRs), women’s lack of legal knowledge, fear of the judicial system, and lack of financial independence of survivors.²⁷ The huge time lag in judicial proceedings is another deterrent to women accessing the courts.

Once the FIR has been submitted, there are delays in its registration. For example, the Rawalpindi complaint centre noted many complaints regarding the non-registration of FIRs with delays extending up to 23 days.²⁸ There are delays in obtaining a medico legal certificate (MLC) and trouble in storage & transport of specimens.

In a study by the LAS (Legal Aid Society) , the average timeline for cases of domestic and gender based violence were identified as under;²⁹



26 Nazish Brohi, "Gap Analysis of Service Providers for Gender-Based Violence in Punjab and Sindh" (Oxfam, Legal Aid Society 2020), p. 57.

27 <https://www.dawn.com/news/1735542>

28 <https://www.dawn.com/news/1463021>

29 In a study by the LAS (Legal Aid Society) , the average timeline for cases of domestic and gender based violence were identified as under ;

In such circumstances, women get worn down with the long process involved in judicial redress and either do not seek out redress or simply back off mid-way. Point in question is the case of Usman Mirza who raped and molested a young couple and made a video recording documenting the abuse. When the video was released on social media, there was a public outcry. A case was registered against the accused and five others, but midway during the trial, the couple withdrew their case.³⁰ It was then that NCHR intervened as a party to the case and a life sentence was secured for the main accused Usman Mirza.

30 <https://minutemirror.com.pk/complainant-withdraws-case-against-usman-mirza-out-of-free-will-20809/>

1.2 Impact of Domestic Violence

1.2.1 Impact on Children

Domestic violence has a significant impact on children in Pakistan. Some of the ways that domestic violence can impact children in Pakistan and around the world are detailed below:



Psychological Trauma:

Witnessing domestic violence can be traumatic for children and can cause long-lasting psychological harm. Children who are exposed to domestic violence may experience anxiety, depression, post-traumatic stress disorder (PTSD), and other mental health problems.³¹



Physical harm:

Children who are present during incidents of domestic violence may be physically harmed by the abuser. They may suffer from injuries or develop chronic health problems as a result of the violence.³²



Poverty and social exclusion

Children who are present during incidents of domestic violence may be physically harmed by the abuser. They may suffer from injuries or develop chronic health problems as a result of the violence.³⁴



Educational disruption:

Children who live in households affected by domestic violence may miss school or perform poorly in academics due to the trauma and instability in their home lives.³³



Increased risk of perpetrating or experiencing violence:

Children who grow up in affected households are more likely to become perpetrators or victims of violence themselves in the future.³⁵



It's important to note that not all children who witness domestic violence will experience all of these negative effects, and the impact of domestic violence on children can vary depending on the specific circumstances of each case.

31 Khan, M. M., Rehan, N., & Niazi, R. (2019). Domestic violence and its impact on child health. Journal of Ayub Medical College Abbottabad, 31(2), 286-290.

32 National Commission on the Status of Women. (2018). Violence against women and girls in Pakistan: A shadow report. Retrieved from <https://www.un.org/wp-content/uploads/2018/11/VAWG-in-Pakistan-Shadow-Report.pdf>

33 UNICEF Pakistan. (2020). Violence against children in Pakistan: Findings from a national survey. Retrieved from [https://www.unicef.org/pakistan/media/1136/file/VAC%20National%20Survey%20Report%20\(2020\).pdf](https://www.unicef.org/pakistan/media/1136/file/VAC%20National%20Survey%20Report%20(2020).pdf)

34 ibid

35 United Nations Population Fund (UNFPA) Pakistan. (2019). The costs of violence against women and girls in Pakistan. Retrieved from https://pakistan.unfpa.org/sites/default/files/pub-pdf/UNFPA_Pakistan_Cost_of_VAWG_Report.pdf

1.2.2 Impact on Women

The “Thomson Reuters Foundation,” a charitable arm of a Canadian news conglomerate reported that: “Pakistan is ranked amongst worst countries for women in terms of economic resources and discrimination as well as the risks women face from cultural, religious and traditional practices, including so-called honor killings. The country also ranked for non-sexual violence, including domestic abuse. In Pakistan, 90 percent of women experience domestic violence in their lifetimes”.

These figures draw attention to the fact that violence is not limited to the poor and the illiterate. A large proportion of Pakistani women suffer from violence of varying degrees. In a study that included urban couples with higher levels of education than the general population, found that 93% experienced some form of domestic violence, mostly verbal and physical abuse, such as slapping. With the murder of Noor Mukadam many queries have been raised about the safety and protection of women in Pakistan.

Every woman is different and the individual and cumulative impact of each act of violence depends on many complex factors. While each woman will experience family and domestic violence uniquely, there are many common effects of living with violence and living in fear. The impact of domestic violence on female survivors is multifaceted and can have both short- and long-term consequences such as:

(Please refer to figure on the next Page)

“In Pakistan, 90 percent of women experience domestic violence in their lifetimes”.





Physical injuries:

Domestic violence can result in injuries such as bruises, cuts, broken bones, and other physical trauma. In some cases, the injuries can be severe and even life-threatening.³⁶



Emotional trauma:

Witnessing Survivors of domestic violence can experience a range of emotional and psychological trauma, including depression, anxiety, fear, and low self-esteem.³⁷ A report by Agenda Alliance, found women who are victims of domestic abuse are three times more likely to attempt suicide.³⁸



Reproductive health problems:

Domestic violence can result in problems related to reproductive health such as unwanted pregnancy, sexually transmitted infections, and gynaecological disorders.³⁹



Economic hardship:

Survivors of domestic violence may face economic hardship due to loss of income or inability to work, as well as the cost of medical treatment and legal fees.⁴⁰



Social isolation:

Women who experience domestic violence often experience social isolation, which is a form of controlling behaviour or a consequence of women's stress, anxiety, shame, physical exhaustion, substance abuse, physical injuries and fear.⁴¹



Risk of further violence:

Survivors of domestic violence are at increased risk of further violence, and may face ongoing threats and harassment from their abuser.



36 Karmaliani, R., Mcfarlane, J., Soman, R., Khuwaja, H. M. A., Bhamani, S., Ali, T. S., & Soman, Y. (2017). "The pervasive effects of violence on the mental health of women in Pakistan." *Journal of Transcultural Nursing*, 28(3), 298-307.

37 ibid

38 <https://www.independent.co.uk/news/uk/home-news/domestic-abuse-link-suicide-women-b2286788.html>

39 ibid

40 United Nations. (2019). "Violence against women and girls: the shadow pandemic." Retrieved from [https://www.unwoman.org/-/media/headquarters/attachments/sections/library/publications/2021/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf?la=en&vs=5006](https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2021/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf?la=en&vs=5006)

41 ibid

NCHR Cases with Victims of Domestic Violence

- A case was reported to NCHR's Punjab office regarding a mother and her daughter who had been living with the mother's in-laws following the death of her husband. Both the mother and daughter reported being sexually harassed by their in-laws to the police. However, afterwards, the in-laws physically assaulted them for going to the police. NCHR took notice of the mother and daughter's ordeal, and took necessary action. A report was requested from the police regarding the incident. The report confirmed an FIR was registered against the in-laws, challan was submitted and currently the case is sub-judice before the court. NCHR is following the case closely and supporting it with legal aid when necessary.
- NCHR took suo motu notice of the murder of an 8-year-old girl in Gujranwala. She was brutally tortured by her family, and she died of the resulting injuries. The report received from Gujranwala police confirmed the domestic violence incident, and the accused was arrested. A challan was presented against the accused. Case is under trial.
- NCHR has been responsible for helping register cases of domestic violence in the relevant police stations, in providing legal aid through pro bono lawyers and in liaising with shelters for the safe stay of victims of abuse.

DOMESTIC VIOLENCE IN CONTEXT OF PAKISTAN'S LEGAL FRAMEWORK

02.

DOMESTIC VIOLENCE IN CONTEXT OF PAKISTAN'S LEGAL FRAMEWORK

2.1 Definitional Scope of “Domestic Violence”

Domestic violence is a manifestation of gender based violence involving vulnerable persons in a domestic relationship with the perpetrator. While the Istanbul Convention⁴² adopts a wide definition of domestic violence as

“all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;”

UN Women’s definition of domestic violence has been more in line with that of intimate partner violence⁴³ whereby violence is perpetrated to

“gain or maintain power and control over an intimate partner”.

Therefore, the broader definition employed in the Islamabad Capital Territory’s Domestic Violence (Prevention and Protection) Bill 2020 will be the framework for this policy brief.

A comprehensive definition of domestic violence under section 3 of the Bill of 2020 states

“domestic violence shall mean all acts of physical, emotional, psychological, sexual and economic abuse committed by a respondent women, children, vulnerable persons, or any other person with whom the respondent is or has been in a domestic relationship that causes fear, physical or psychological harm to the aggrieved person.”⁴⁴

42 Article 3(b), Istanbul Convention

43 “Domestic violence, also called domestic abuse or intimate partner violence, is any pattern of behavior that is used to gain or maintain power and control over an intimate partner. It encompasses all physical, sexual, emotional, economic and psychological actions or threats of actions that influence another person. This is one of the most common forms of violence experienced by women globally.” Source: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence>

44 Section 3, ICT Domestic Violence (Prevention and Protection) Bill 2020

The definition is further elaborated with detailed explanations of what constitutes acts of “physical abuse,” “emotional, psychological and verbal abuse,” “sexual abuse,” and “economic abuse.”

In this regard, an aggrieved person under the Bill includes “any woman, child, elder or any vulnerable person or any other person who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence;”⁴⁵ whereby a vulnerable person has been defined as “a person who is vulnerable due to old age, mental illness, or physical, learning, psychosocial or other disability, or for other special reason.”⁴⁶ Also pertinent to mention here is the definition of “domestic relationship” which has been defined as “a relationship between persons who live, or have at any point in any point in time lived, together in a household and are either related by consanguinity, marriage, kinship, adoption or are family members living together or for any other reason are temporarily or permanently residing in one place.”⁴⁷

The ICT Domestic Violence (Prevention and Protection) Bill 2020, therefore, adopts a holistic definition of domestic violence, in line with our social and cultural context, to extend the scope of this beneficial legislation to the maximum number of vulnerable persons.

Salient points regarding the definitional scope of the Bill include:

1. The Bill protects all vulnerable persons including women, children, senior citizens, persons with disabilities etc. from domestic violence within the household. Therefore, the scope of the Bill is wider than spousal or intimate partner violence.
2. The Bill also adopts an open-textured definition of “domestic relationship” to ensure that all vulnerable persons residing in a place together are protected under this Bill.
3. The Bill lays down a comprehensive definition of domestic violence to include physical abuse; emotional, psychological and verbal abuse; sexual abuse; and economic abuse.

The ICT Domestic Violence (Prevention and Protection) Bill 2020 proposes the definitional scope of the Bill in line with our current realities and therefore will serve as the framework for this Policy Brief.

45 Section 2(i), ICT Domestic Violence (Prevention and Protection) Bill 2020

46 Section 2(xviii), ibid

47 Section 2(v), ibid

2.2 The Struggle for ICT's Domestic Violence Law

The struggle for comprehensive legislation to redress grievances of domestic violence in Islamabad Capital Territory is more than a decade long. Available parliamentary records⁴⁸ show that Senator Nilofer Bakhtiar⁴⁹ first tabled a bill on domestic violence in 2012, however, parliament failed to pass the Bill citing reasons such as 'we disagree with the text of the Bill'.⁵⁰

In 2020, Senator Sherry Rehman moved the Domestic Violence (Prevention and Protection) Bill 2020 as a Private Member's Bill⁵¹ which eventually lapsed after the respected Senator was appointed as Minister for Climate Change.⁵²

A ray of hope was expected when another Domestic Violence (Prevention and Protection) Bill 2020 was moved in the National Assembly as a Government Bill by the then Minister for Human Rights, Dr. Shireen Mazari, which was eventually passed by the National Assembly in April 2021.⁵³ However, despite being a Government Bill⁵⁴ The opposition was able to prevent the passing of the Bill by one vote.⁵⁵ The said Bill also received much backlash, especially when despite being a government Bill, the Adviser to the Prime Minister on Parliamentary Affairs, Babar Awan, stated in a letter that the "bill contravenes the Islamic injunctions and way of life as enshrined in responsibility of the state".⁵⁶

Against this legislative history of steps taken forwards and backwards, this policy brief aims to analyse the current domestic violence bill alongside Islamic jurisprudence and precedent from other Islamic countries.

48 https://senate.gov.pk/uploads/documents/1331531819_407.pdf

49 <https://www.dawn.com/news/697039/domestic-violence-no-more-a-private-affair-2>

50 <https://tribune.com.pk/story/360458/analysis-i-had-never-seen-right-wingers-laugh-so-hard>

51 <https://tribune.com.pk/story/2256954/bill-to-criminalise-domestic-violence-moved-in-senate>

52 https://senate.gov.pk/uploads/documents/1595859550_219.pdf

53 <https://senate.gov.pk/en/billsummary.php?bid=856>

54 <https://www.pakistantoday.com.pk/2021/07/06/minister-recommends-referring-domestic-violence-bill-to-religious-body/>

55 <https://www.dawn.com/news/1633531>

DOMESTIC VIOLENCE LEGISLATION FOR ICT



03.

DOMESTIC VIOLENCE LEGISLATION FOR ICT

3.1 Domestic Violence Laws in Provinces

Currently comprehensive legislation on domestic violence including grievance redressal mechanisms for victims exists in all provinces.

A matrix comparing the different provincial domestic violence legislations has been included in Annex A.

The main features of the various provincial laws are as below:

In Sindh, a comprehensive definition of domestic violence including physical, emotional, sexual or economic abuse exists to cater to all facets of domestic⁵⁶ violence. Powers conferred to a court include granting interim,⁵⁷ protection, residence⁵⁸ or custody orders⁵⁹ as well as monetary relief.⁶⁰ The Sindh Domestic Violence (Prevention and Protection) Act 2013 also criminalises domestic violence by stipulating punishments for committing the offence of domestic violence.⁶¹ Sindh has also notified the Sindh Domestic Violence (Prevention and Protection) Rules 2016 to complement the Act of 2013 for its effective implementation.

In Punjab, unlike Sindh, domestic violence is not criminalised. The Punjab Protection of Women against Violence Act, 2016 provides a grievance redressal Mechanism, which encourages domestic violence reporting. Domestic violence under the law is defined as ‘violence committed by the defendant with whom the aggrieved is living or has lived in a house when they are related to each other by consanguinity, marriage or adoption’⁶² whereas violence is defined as ‘domestic violence, sexual violence, psychological abuse, economic abuse, stalking or a cybercrime’⁶³ Relief to victims of domestic violence can be provided through an interim,⁶⁴ protection,⁶⁵

⁵⁶ Section 5, Sindh Domestic Violence (Prevention and Protection) Act 2013

⁵⁷ Section 10, ibid

⁵⁸ Section 11, ibid

⁵⁹ Section 13, ibid

⁶⁰ Section 12, ibid

⁶¹ Section 5, ibid

⁶² Section 2(h), Punjab Protection of Women against Violence Act, 2016

⁶³ Section 2(r), Punjab Protection of Women against Violence Act, 2016

⁶⁴ Section 6, ibid

⁶⁵ Section 7, ibid

monetary⁶⁶ or residence order.⁶⁷ Punishment under the law can be meted out in case of breach of court orders including imprisonment extending to one year and a fine extending to two lakh rupees.⁶⁸ For repeated breach of court orders, the penalty can extend to two years and a fine of five lakh rupees.⁶⁹ The law provides for the establishment/appointment of District Protection Committees, District Protection Officers and Women Protection Officers to provide women survivors with support.⁷⁰ Initially, in line with section 1(3), the law was only notified to the extent of Multan district. However, by virtue of Notification dated: 18th November 2022, the Punjab Protection of Women against Violence Act, 2016 has been notified for the whole of Punjab.

In Khyber Pakhtunkhwa, domestic violence is defined as “violence committed by the complainee against the complainant with whom the complainant is in domestic relationship”⁷¹ A complainant is defined as ‘a person who is in a domestic relationship with the complainant and against whom relief has been sought under the Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act 2021.’⁷² Furthermore, the Act of 2021, domestic relationship as ‘a relationship by consanguinity, marriage, kinship, affinity, or other family relationship.’⁷³ In line with Sindh’s domestic violence law, Khyber Pakhtunkhwa’s domestic violence law criminalises domestic violence with imprisonment for not less than one year and up to a maximum of five years.⁷⁴ Courts are conferred powers to pass interim,⁷⁵ monetary,⁷⁶ protection, restraint and residence orders⁷⁷ under the law. Furthermore, breach of court orders attracts imprisonment for a term which may extend to one year or fine which may extend to three hundred thousand rupees.⁷⁸ The law stipulates establishment of District Protection Committees⁷⁹ to assist victims of domestic violence.

In Balochistan the Domestic Violence (Prevention and Protection) Act, 2014 was promulgated based on a similar framework defining domestic violence to include physical, sexual, verbal, emotional and economic abuse.⁸⁰ The Balochistan law also confers powers to a court to grant interim,⁸¹ residence,⁸² protection⁸³ or custody⁸⁴ orders as well as monetary relief.⁸⁵ Punishments in the law are stipulated for breach

66 Section 8, ibid

67 Section 9, ibid

68 Ibid

69 Ibid

70 Sections 11, 13 and 14, ibid

71 Section 2(1)(j), Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act 2021

72 Section 2(1)(d), ibid

73 Section 2(1)(i), ibid

74 Section 3, Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act 2021

75 Section 13, ibid

76 Section 15, ibid

77 Section 14, ibid

78 Section 17, ibid

79 Section 4, ibid

80 Section 4, Balochistan Domestic Violence (Prevention and Protection) Act, 2014

81 Section 11, ibid

82 Sections 7 and 8, ibid

83 Section 8, ibid

84 Section 10, ibid

85 Section 9, ibid

of court orders passed in favour of the victim.⁸⁶ Furthermore, the Balochistan law has an expanded definition of ‘domestic relationship’ to include domestic help.⁸⁷ The law also stipulates establishment of protection committees at tehsil level⁸⁸ and appointment of protection officers for each tehsil as well.⁸⁹

3.2 ICT Domestic Violence Bill

The ICT Domestic Violence Bill carries forward the same framework as that of the domestic violence legislation in the provinces. While the definitional contours of domestic violence have been elaborated above in section 1.1, the proposed legislation takes a holistic approach by not only stipulating punishments for committing acts of domestic violence, but also advocating for victim-centric mechanisms to ensure victims are assisted throughout the legal process. The main features of the ICT Bill are reproduced below:

1. The proposed Bill provides a holistic definition of ‘domestic violence’ including acts of “physical abuse,” “emotional, psychological and verbal abuse,” “sexual abuse,” and “economic abuse” as domestic violence.⁹⁰
2. According to the Bill any woman, child, elder or vulnerable person who has been in a domestic relationship with the respondent can file a complaint of domestic violence.⁹¹ Any vulnerable person in this regard includes a person who is vulnerable “due to old age, mental illness, or physical, learning, psychosocial or other disability, or for any other special reason”, therefore, the Bill extends protection to all vulnerable household members.⁹²
3. The Bill also adopts a widened definition of ‘domestic relationship’ to include relationship between persons who live or have at any point in time lived together in a household and are either related by consanguinity, marriage, kinship, adoption, or are family members living together or for any other reason are temporarily or permanently residing in one place.⁹³
4. Punishments in the Bill can be divided into three categories:
 - i. For offences falling under Pakistan Penal Code 1860, committed in a domestic relationship, the punishment would be the same as that provided under PPC.⁹⁴

⁸⁶ Section 13, *ibid*

⁸⁷ Sections 2(f) and 2(a) of Balochistan Domestic Violence (Prevention and Protection) Act, 2014

⁸⁸ Sections 14 and 15, *ibid*

⁸⁹ Sections 18 and 19, *ibid*

⁹⁰ Section 3, ICT Domestic Violence Bill 2020

⁹¹ Section 2(1)(i), *ibid*

⁹² Section 2(1)(xiii), *ibid*

⁹³ Section 2(1)(v), *ibid*

⁹⁴ Section 4(1), *ibid*

- ii. For acts of domestic violence not falling within PPC, a punishment of simple imprisonment of three years and not less than six months along with a fine of twenty thousand rupees to one hundred thousand rupees to be paid to the aggrieved person. In default of payment a simple imprisonment of three months.⁹⁵
 - iii. For breach of court orders, imprisonment of one year and fine of one hundred thousand rupees to be paid to the aggrieved person.⁹⁶
- 5. An aggrieved person or authorised representative may present a petition to a Court of competent jurisdiction regarding their case of domestic violence. In this regard, a Court of competent jurisdiction would include the place where the aggrieved person resides or carries out business or where the aggrieved person and the respondent last lived together.⁹⁷ The Bill also gives a timeline of ninety days for deciding the petition.⁹⁸
- 6. Grievance redressal mechanisms under the Bill include “interim orders,” “protection orders and residence orders,”¹⁰⁰ “monetary relief,”¹⁰¹ and “custody orders.”¹⁰²
- 7. Where the court is prima facie satisfied that domestic violence may have taken place or is likely to take place, the following protection orders and residence orders¹⁰³ can be passed in favour of the aggrieved person:
 - i. not to commit any further act of domestic violence;
 - ii. not to have any communication in any form or manner including personal, oral or written, electronic or telephonic or cellular with the aggrieved person, with or without exceptions;
 - iii. to stay away from the aggrieved person with or without exceptions;
 - iv. to stay at such distance from the aggrieved person as may, keeping in view the peculiar facts and circumstances of the case, be determined by the Court;
 - v. to wear an ankle or wrist bracelet GPS tracker for any act of grave violence or likely grave violence which may endanger the life, dignity or reputation of the aggrieved person; and

95 Section 4(2)(3), ibid

96 Section 12, ibid

97 Section 5(1), ibid

98 Section 5(4), ibid

99 Section 7, ibid

100 Section 8, ibid

101 Section 9, ibid

102 Section 10, ibid

103 Section 8(1), ibid

vi. to move out of the house in case of an act of grave violence if the life, dignity or reputation of the aggrieved person is in danger.

8. Where the court is satisfied that domestic violence has taken place, protection and residence orders¹⁰⁴ can include:

- i. Restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the household;
- ii. restraining the respondent or any of his/her relatives from entering the household; and
- iii. directing the respondent to secure alternative accommodation for the aggrieved person or if the circumstances so require to pay rent for the same.

9. Appeal against imposition of punishment for breach of court orders can be filed within thirty days in the Court of Sessions.¹⁰⁵ An appeal against final decision of the court can be filed within ten days in the Court of Sessions.¹⁰⁶

10. Support mechanisms under the Bill include Protection Committees¹⁰⁷ and Protection Officers¹⁰⁸ to assist complaints during the process of filing complaints of domestic violence.

The ICT Domestic Violence Bill reflects the lessons learned from provincial realities and utilises a comprehensive approach by providing a grievance redressal mechanism and also ensuring an adequate support systems to assist victims of domestic violence in pursuing their rights and redressing their grievances.

104 Section 8(2), ibid

105 Section 13(1), ibid

106 Section 13(2), ibid

107 Sections 15 and 16, ibid

108 Sections 19 and 20, ibid

ISLAMIC JURISPRUDENCE

DOMESTIC VIOLENCE (POLICY BRIEF) - *National Commission for Human Rights, Pakistan*

04.

ISLAMIC JURISPRUDENCE

Over the years, for Pakistani courts domestic violence has become a bigger part of the jurisprudence of Pakistan with honourable courts taking notice of the various manifestations of domestic violence prevalent in society. While jurisprudence on the subject matter is still evolving, it is pertinent to mention some key judgments reflecting judicial attitudes in this regard.

In a recent judgement of the Supreme Court titled “Shaukat Hussain Versus The State”¹⁰⁹ it was ruled that “In incidents of domestic violence, more so in the event of homicidal death of a wife in the house of her husband, a heavy onus is cast upon the latter to satisfactorily explain circumstances leading to the tragedy.” The ruling is crucial in underscoring the vulnerability of women cohabitating with a perpetrator of domestic violence.

In Ms. Hina Versus Province of Sindh,¹¹⁰ the Honourable Sindh High Court while dilating upon various Islamic injunctions and verses , issued detailed directions to the Government of Sindh to implement the Sindh Domestic Violence (Prevention and Protection) Act 2013 in letter and spirit. Directions issued by the Sindh High Court included the following:

“9. Since the scope of the Act of 2013 was much wider and prima facie was aimed to ensure immediate rescue and assistance to an aggrieved (as defined in the Act of 2013) therefore, in every single district, committees were required to be formulated. Hence a mechanism of ambulance/rescue service shall be provided with [a] toll-free number accessible to everyone. The manner in which the Act of 2013 itself had insisted about composition of the 'Protection Committee' [section 17(2)] was self-sufficient to indicate that required objective would not be achieved unless special task force was created with special training in that field to deal with women, children and destitute persons. Such aspect shall be considered by the quarter concerned. Special task force shall be provided rescue vehicles having sufficient space with capability to rescue the victims of domestic violence, in every district. Psychologist including Protection Officers and other posts in each district shall be filled within three months, as the same was demand of the Act of

¹⁰⁹ 2022 SCMR 1358
¹¹⁰ PLD 2019 Sind 363

*2013. Since the Act of 2013 provided shelter homes in every district, fate of safe houses shall also be decided by the concerned departments as to whether same shall be governed under the Act of 2013 or the government wished to establish parallel shelter home..."*¹¹¹

In Morrison Bhatti Versus The State,¹¹² the Sindh High Court refused bail to an accused involving a case of domestic violence in which the nose of the victim was cut by the accused person and observed: "violence committed by the accused was a worst type of domestic violence and there was increasing tendency of such violence in the society".

Interestingly, the issue of domestic violence is not only limited to criminal law or special legislation but also comes up in family law. In this regard, in Adnan Zar Vs Khadeejah Khanum & Others,¹¹³ the Honourable Islamabad High Court while referring to the Dissolution of Muslim Marriages Act 1939 held:

"14. The word "cruelty" has not specifically been explained in the Dissolution of Muslim Marriages Act, 1939, but perusal of the aforesaid Section 2(viii)(a) clearly establishes that cruelty is not limited to physical injury. Nevertheless, the meaning of word "cruelty" has been observed from different connotations i.e. brutality, savagery, inhumanity, barbarism, murderous, callous, ruthless, heartlessness, evil, heinous, unkindness, abuse, harshness, painful, trauma, etc. (as referred in the Oxford Thesaurus of English)."

111 To ensure implementation of the Act of 2013, a campaign shall be launched by all departments by taking steps on emergency basis in every district by using social as well electronic and print media by including it in public interest seminars. District Judges shall also be taken onboard in such regard. The campaign must not only make the people aware about the objective of the Act of 2013 but should also make it known to people that the doors of the Courts of Magistrate shall always be open to an aggrieved or an informant for immediate rescue/help, as provided by section 7 of the Act of 2013 and that no formality was needed to approach the concerned police station. Resort to any other available legal remedy shall never be taken as a bar to what the Act of 2013 itself provided to an aggrieved (section 27 of the Act). The Magistrates shall ensure what the objective of the Act of 2013 demanded of them i.e not only wiping the tears of the cheeks of aggrieved but restoring what was snatched or attempted to be snatched from the aggrieved while making them a victim of 'domestic violence'. Provincial Prosecutor General shall ensure that prosecutors were assigned to assist the applicants and Courts accordingly. Member Inspection Team (MIT) had already been directed to circulate the Act of 2013 to all Magistrates, accordingly a report shall be submitted quarterly with regard to cases of domestic violence and action taken thereon.

Office (of the High Court) shall not entertain any petition regarding domestic violence, as the Act of 2013 provided alternative and efficacious remedy of approaching the concerned Magistrate. Member Inspection Team (MIT) shall ensure compliance of section 11 of the Act of 2013 in its letter and spirit. Concerned Magistrates shall receive harassment applications and entertain the same and shall update the same in workflow management web portal. Police had a very pertinent role regarding harassment cases, thus, all Deputy Inspector Generals of Police in the Province shall start awareness campaigns and refer the cases of harassment to the Magistrates for disposal in accordance with law, till finalization of Committees and rescue force in each district.

112 2008 MLD 866 Karachi

113 2020 MLD 1147 (Islamabad)

The judgement drew upon Islamic injunctions in relation to marriage and issued detailed guidelines to Family Courts regarding proceedings under Dissolution of Muslim Marriages Act 1939.¹¹⁴

4.1 Judgement Of The Federal Shariat Court ; Judges Mr Justice Syed Muhammad Anwar And Mr Justice Khadim Hussain Sheikh

In addition to the jurisprudence above, the seminal judgement of the Federal Shariat Court dated: 29.11.2022 in Shariat Petitions No. 1/I, 2/I and 3/I of 2016 with regard to a petition challenging the Punjab Domestic Violence Act as allegedly ‘unislamic’ details Islamic jurisprudence and debunks the misconceptions employed to justify domestic violence and discredit the prevailing law in the province.

The six-point judgement lays out the main features of Islamic jurisprudence on the subject matter in stating that domestic violence legislation of Punjab is in line with Islamic injunctions and constitutional fundamental rights. The six points answered in this milestone judgement are detailed below:¹¹⁵

POINT 1



Whether the woman has [the] right to Access to Justice according to the injunction of Islam against her family members, especially against her husband if she is a victim of ‘domestic violence’?

After listening to the arguments of the petitioners the FSC judges Mr Justice Syed Muhammad Anwar and Mr Justice Khadim Hussain Sheikh reached the conclusion that the petitioners arguments are not in conformity with the injunctions of Islam. The right to file a complaint against the

114 Guidelines: a) After recording of evidence by the Family Court, if it appears that any spouse who has suffered the psychological and physical injuries at the hands of other spouse covering under the offences referred in Part-II i.e. Sections 337A(i), 337F(i), 341, 342, 343, 344, 345, 346, 352 and 509, P.P.C., the learned Family Judge has to proceed against the perpetrator and award sentence in accordance with the law.
b) The Family Court while considering the offences referred in Part-II of the Schedule should give clear findings and verdict while dilating upon the evidence, even with or without framing of charge of that offence as the legislation has used the term "notwithstanding anything contained in the Code of Criminal Procedure, 1898".
c) The Family Court can summon the evidence of expert psychiatrist, doctor, CMO or the relevant doctor who had treated the victim in such type of cases.
d) The Family Court, before pronouncement of the final judgment, if prima facie, seem the offences referred in Part-II of the Schedule, may issue a show cause to the perpetrator or the spouse accused of the offence(s) in order to justify the requirements of Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 by giving full opportunity for his defence and may record his/her statement being an accused as required under Section 342, Cr.P.C. or 340(2), Cr.P.C., if so required.
e) The Family Court may also call the summary inquiry through the relevant police authorities or seek a report and treat all those reports, record and documents as part of trial and may also provide the copies of those documents to the person accused of the charge before final pronouncement of the judgment.
f) The Family Court, while deciding the issue of cruelty, may frame specific charge for the offence, consider the evidence on the touchstone and requirement of ingredients of offences referred in Part-II of the Schedule and pass a sentence simultaneously in the same judgment or may proceed separately in accordance with procedure provided under the Cr.P.C.
g) The Family Court who has not given any findings on Part-II of the Schedule (of the offences) in its judgment despite availability of evidence in the Family Court jurisdiction, shall be treated as misconduct on its part, which has to be dealt with separately by the High Court on its administrative side.

115 Full Judgement:
<https://www.federalshariatzcourt.gov.pk/Judgments/Shariat%20Petition%2003-I%20of%202016%20Prof%20M%20Ibrahim%20Khan%20-%20Women%20Protection.pdf>

the husband by a woman before a competent authority does clearly exist in Islam. In this regard, the Holy Quran has dedicated a whole Surah i.e. Surah al-Mujadilah which is about a complaint made by a Sahabiya namely Hazrat Khawlah Bint Tha'labah (RA) to the Holy Prophet (SAW), wherein she vehemently agitated against her husband regarding an inconsiderate action taken by him against her.

Based on the source from the Holy Quran, the judgement further held:

Firstly, customs and traditions have no legal force if they are infringing the rights of any weaker segment of society.

Secondly, the said verses tell us that an aggrieved person, especially a woman, is allowed to go to any forum to redress her grievance and to claim her rights. In this regard, Islam even accepts the right to protest and agitate by a woman before the authority to get her rights.

Thirdly, these verses specifically acknowledge that women have a fundamental right to Access to Justice to redress their grievance.

Fourthly, the husbands are duty bound to fulfil their matrimonial obligations which Islam puts upon them. They cannot escape from fulfilling their obligations on the pretext of any custom or tradition and usage etc.

POINT 2



Whether the impugned law is discriminatory against males as it talks about the rights of females only, hence it is against the injunctions of Islam?

The judgement argues that the Punjab Violence against Women Act 2016 is within Islam's injunctions and the Constitution of the Islamic Republic of Pakistan. Firstly, Islam granted women equal fundamental rights at historical time period when women had no rights in pre-Islamic Arabia where they had no property or succession rights and female infanticide was rampant. This practice is specifically referred to in Verses 8 & 9 of Surah At-Takwir. The judges further assert that they see similar behaviour in contemporary Pakistani society.

Secondly, laws such as the one petitioned against, help in ending or curtailing discrimination against women. In this regard, Article 25(3) of the

Constitution of the Islamic Republic of Pakistan, 1973 rightly provides the constitutional guarantee to any ‘positive action’ or even ‘affirmative action’, which shall be taken by the State for the protection of women and children. This provision of the Constitution is undoubtedly based on the very essence of Islam. To eliminate deep rooted societal menaces, against women and girls is a continuous process, anti-women biases and predispositions which at times lead to violence and even femicide. Violence against women does exist in our society in different forms and on different pretexts, and ‘domestic violence’ is one of them. Islam does not protect any custom or societal norm under any pretext which is against the fundamental teachings of the Holy Quran and Sunnah of the Holy Prophet (SAW).

POINT 3



Whether the impugned Act would devastate the family system of our country hence it is against the injunctions of Islam?

In this regard, the judgement states that neither of the petitioners have failed to fully understand the impugned act by believing it to be detrimental to the country’s family system. The Act is categorised as a special law and therefore safeguards exist to prevent its misuse. ‘It does not contain any provision which gives any arbitrary power to the Court or any other department of the Government constituted under this Act like ‘District Women Protection Committee’.

The judgement also states that the petitioners’ argument that “Islam gives men a higher status in society over women to the extent the husband can resort to physical violence against the wife” is misconceived and misconstrued. They further highlight Quranic verses that support equal rights between men and women such as Surah: al-Hujrat:13 and Surah an-Nahl:97.

The judgement states categorically that;

“In light of the above mentioned Ahaidh and Sunnah of the Holy Prophet (SAW), there remains no ambiguity that domestic violence is forbidden in Islam. A man cannot abuse his female relative under any pretext in any form. This law will not devastate the family values

and family system of our country, rather it will further strengthen the family system in our country in accordance with the injunctions of Islam due to which females will not feel unsafe in their own houses, but will feel protected. The home environment is to serve as a protective citadel for women and not a place of abuse and cruelty according to the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet (SAW)".

POINT 4



Whether a husband is permitted to commit 'domestic violence' upon his wife according to the injunctions of Islam?

Elaborating upon this point, the judges inform that Verse-34 of Surah An-Nisa, in which the word "Qawwam" (قوام) is used in the Holy Quran has repeatedly been relied upon by the petitioners in their arguments. This verse is very relevant to the impugned Act. First of all, the basic principle of the understanding of the Holy Quran is that the sentences and verses of the Holy Quran should not be read out of context.

The judgement provides a detailed analysis of Surah An-Nisa referencing the translation of the use of the word 'striking' and how it should be interpreted in context of the Surah and wider Islamic teachings as explained below:

They draw reference to two verses of Surah An-Nisa discussing the manner in which the Holy Quran wants its believer to settle their very serious matrimonial disputes. It appears from the directions given by Allah (SWT) that Muslims are required to keep matrimonial relations intact through various methods.

Furthermore, the judgement admonishes the petitioners for relying on one word of one sentence of the whole verse, i.e. Verse-34 of Surah An-Nisa, which should not be read independently and out of context, "it is not to be used to form a generalised principle". Nor is the petitioner's interpretation of the word Qawwam in accordance with Quranic principles. Rather than granting male guardians the right to resort to physical violence over women, the correct interpretation is for men to treat women of their family with due respect but also spend their wealth to ensure they are treated accordingly. This is clearly evident through the Ahadith referred to by the

judges:

The Prophet (PBUH) said:

If anyone has a female child, and does not bury her alive, or slight her, or prefer his children (i.e. the male ones) to her, Allah will bring him into paradise. Sunan Abu Dawud 5146

The judgement goes on to state;

“According to the Sunnah and Ahadith of the Prophet (SAW), domestic violence is not permissible in Islam. Hence the term ‘domestic violence’ as defined in the impugned Act is in accordance with the injunctions of Islam, therefore the husband of a woman is not allowed to commit the crime of domestic violence against his wife in any form or manner”

POINT 5



Whether the procedure laid down in the Impugned Act is against the Injunctions of Islam?

The judgement states the very central provisions enunciated in this Act regarding settlement of disputes are in accordance with the injunctions of Islam. It states;

“Similarly, the provision contained in Section 13(2)(g) of the impugned Act regarding the working of the “District Women Protection Committee” and the “Protection Centers” for referring of the matter to mediation and reconciliation centers in order to resolve the disputes between the parties. It is very much relevant here that the Holy Quran guides us to settle disputes amicably through different verses, the importance of reconciliation in family disputes is stated in Verse 128 of surah An-Nisa, in another Verse-10 of Surah Al-Hujurat the Holy Quran states the importance of reconciliation and amicable settlement of dispute”.

As a special law there exist checks and balances to prevent its misuse through a district court officer verifying the case before submitting it to special courts, as well as offering the defendant the right to appeal.

"Islam does not permit any kind of violence, Tashadud upon women, including domestic violence and any provision of law that makes it mandatory to promote activities that are conforming to the teachings of Islam to prevent violence against women is not only permissible but desirable according to the teachings of Islam and such steps fall within the concept of amar bin maroof according to the teachings of Islam ie; it is the duty of the Islamic state to promote good deeds in society".

POINT 6



Whether making any male person wear a GPS tracker is against the injunctions of Islam?

"We have already clarified in the beginning of this judgement that this is a special law, which is enacted for the protection of women. Hence, the 'aggrieved person' under this law will always be a female, but the perpetrator or the 'defendant' under this law can be anyone, either male or female. During the course of arguments, this aspect of the impugned law was completely ignored by the petitioners and most of the time they based their arguments that this law is enacted only against male members of a family. These arguments of the petitioners being untenable are rejected".

The judgement of the Federal Shariat Court, therefore, debunk misconceptions and biases that consider domestic violence legislation to be against the tenets of Islam. The judgement, in this regard, is a crucial verdict from the higher judiciary regarding legislation preventing and redressing domestic violence.

4.2 Analysis of ICT Domestic Violence Bill in Light of FSC Judgement

Interestingly, review of the ICT Domestic Violence Bill 2020 reveals that the provisions of the Bill are in conformity with the points laid out by the Federal Shariat Court judgement dated 29.11.2022. In this regard, the six-point judgment can be used as a framework to analyse the ICT Domestic Violence Bill.

POINT 1



Whether the woman has [the] right to Access to Justice according to the injunction of Islam against her family members, especially against her husband if she is a victim of 'domestic violence'?

The draft ICT Bill provides a mechanism for access to justice to victims of domestic violence. The FSC judgement holds that as per Islamic principles, the right to file a complaint against the husband by a woman before a competent authority clearly exists in Islam.

POINT 2



Whether the impugned law is discriminatory against males as it talks about the rights of females only, hence it is against the injunctions of Islam?

Unlike the Punjab Violence against Women Act 2016, the ICT Domestic Violence Bill 2020 adopts a gender neutral language and extends protection to, not only women, but also vulnerable persons residing in a household. Therefore, the ICT Domestic Violence Bill 2020 talks about the rights of all vulnerable persons who may be subjected to domestic violence.

POINT 3



Whether the impugned Act would devastate the family system of our country hence it is against the injunctions of Islam?

In this regard, the ICT Domestic Violence Bill 2020 focuses on grievance redressal mechanisms in the form of interim, protection, residence, custody orders or monetary relief to victims of domestic violence to ensure that their right to protection from violence is upheld. This is in line with the reasoning

employed by the FSC judgement that legislation must seek to protect victims and should not be construed as devastating traditional family systems.

POINT 4



Whether a husband is permitted to commit 'domestic violence' upon his wife according to the injunctions of Islam?

The ICT Domestic Violence Bill provides a protection and grievance redressal mechanism to victims of domestic violence in line with the judgement of FSC whereby it has been held that "According to the Sunnah and the Ahadith of the Prophet (SAW) domestic violence is not permissible in Islam,"

POINT 5



Whether the procedure laid down in the Impugned Act is against the Injunctions of Islam?

Similar to the Punjab Violence against Women Act 2016, the ICT Domestic Violence Bill 2020 also puts forward protection mechanisms and appellate jurisdiction to ensure that the law is duly monitored in terms of implementation. This is in line with the reasoning of the FSC judgement, and it is not against the injunctions of Islam.

POINT 6



Whether making any male person wear a GPS tracker is against the injunctions of Islam?

The ICT Domestic Violence Bill 2020 employs a gender neutral language and therefore this point is misconceived within the context of ICT. The respondent in the ICT Domestic Violence Bill 2020 can be any person who is or has been in a domestic relationship with the aggrieved person and against whom relief has been sought.¹¹⁶

¹¹⁶ Section 2(1)(xv), *ibid*

Therefore, it can be safely concluded that the proposed ICT Domestic Violence Bill 2020 is in line with Islamic injunctions and seeks to provide protection and grievance redressal to vulnerable persons.

4.3 Domestic Violence Laws in Other Muslim Countries

In order to substantiate this Policy Brief, examples of domestic violence laws in other Muslim countries help us understand the various approaches in dealing with cases of domestic violence.

4.3.1 Malaysia

In 1994, the Malaysian government recognised domestic violence as a serious public issue and enacted the Domestic Violence Act 1994 (DVA). Under the DVA, domestic violence victims can seek protection against further abuse by the abuser.¹¹⁷

Malaysia has several laws and regulations related to domestic violence, aimed at protecting victims and prosecuting perpetrators of such crimes. Key features of Malaysia's domestic violence laws are as under:

Penal Code: Malaysia's Penal Code also contains provisions relating to domestic violence. Section 323, for example, criminalises any act of causing hurt, including to a spouse or partner. Section 375 criminalizes rape, including spousal rape, and imposes a prison sentence of up to 20 years.

Child Act 2001: This law provides protection for children who are victims of domestic violence or abuse. It sets out procedures for reporting child abuse, investigations, and intervention.

Domestic Violence Act 1994: This is the main law in Malaysia that deals with domestic violence. It defines domestic violence as any form of physical, sexual, emotional, or economic abuse that takes place within a household. The act provides for the protection of victims and their children, as well as the prosecution of offenders. Under the law, victims can apply for protection orders and occupation orders, which prohibit the abuser from approaching or harassing them and gives them the right to stay in their homes.

The Domestic Violence Act 1994 in Malaysia has been amended several times since it was first introduced. Below are some of the key amendments that have been made to the law over the years:

In 2007, the Act was amended to provide for the establishment of a Domestic

¹¹⁷ <https://www.wccpenang.org/domestic-violence-laws-in-malaysia/>

Violence One-Stop Crisis Centre. This centre was intended to provide support and assistance to victims of domestic violence, including medical treatment, counselling, and legal advice.

In 2017, the Act was further amended to expand the definition of domestic violence to include stalking and harassment. The amendment was intended to provide greater protection to victims of non-physical forms of domestic violence.

In 2018, the Act was amended to provide for the use of electronic monitoring devices as a condition of bail for offenders of domestic violence. This was intended to help prevent further acts of violence by offenders and to ensure that victims are protected while the case is being investigated.

In 2019, the Act was amended to provide for the issuance of protection orders that can prohibit an abuser from contacting the victim, entering the victim's place of residence, or going near the victim's workplace. The amendment was intended to provide greater protection to victims of domestic violence and to ensure that abusers are held accountable for their actions.

Overall, the amendments made to the Domestic Violence Act in Malaysia have been aimed at improving the protection and support services available to victims of domestic violence, as well as to provide greater legal mechanisms to hold perpetrators accountable for their actions.

4.3.2 Bangladesh

Bangladesh has a Domestic Violence (Prevention and Protection) Act that was passed in 2010. The law provides for the prevention of domestic violence, the protection and relief of victims, and punishment for offenders. Overview of the key provisions of the law areas under:

Definition of domestic violence: The law defines domestic violence as any act or omission committed by a person against another person with whom he or she has or had a domestic relationship. This includes physical, sexual, psychological, and economic abuse.

Protection orders: The law provides for the issuance of protection orders, which can prohibit the abuser from contacting the victim, entering the victim's place of residence, or going near the victim's workplace. The law also allows the court to order the abuser to pay compensation to the victim.

Relief measures: The law provides for a range of relief measures to be made available to victims of domestic violence, including medical treatment, counselling, and legal assistance.

Punishment for offenders: The law provides for a range of penalties for offenders, including imprisonment and fines. The severity of the penalty will depend on the nature and severity of the offence.

Applicability: The law is applicable to all forms of domestic violence, regardless of the gender of the victim or the perpetrator.

Implementation: The law also provides for the establishment of special tribunals to deal with cases of domestic violence, and for the appointment of protection officers to provide support and assistance to victims.

While the Domestic Violence (Prevention and Protection) Act in Bangladesh has been seen as a positive step towards addressing the issue of domestic violence in the country, there have been some concerns about the implementation of the law. Some have criticised the government for not doing enough to raise awareness about the law and to ensure that victims are able to access the support and assistance they need. Others have called for more resources to be made available to support the implementation of the law, including the establishment of more protection centres and the recruitment of more protection officers.

PAKISTAN'S INTERNATIONAL COMMITMENTS ON DOMESTIC VIOLENCE



05.

PAKISTAN'S INTERNATIONAL COMMITMENTS ON DOMESTIC VIOLENCE

21 Sep 1966	CERD - International Convention on the Elimination of All Forms of Racial Discrimination
12 Nov 1990	CRC - Convention on the Rights of the Child
12 Mar 1996	CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
17 Apr 2008	ICESCR - International Covenant on Economic, Social and Cultural Rights
23 Jun 2010	ICCPR - International Covenant on Civil and Political Rights
23 Jun 2010	CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
05 Jul 2011	CRPD - Convention on the Rights of Persons with Disabilities
05 Jul 2011	CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
17 Nov 2016	CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Pakistan has ratified seven out of nine core United Nations Human Rights Conventions till date (Ratified Conventions in Table). Perpetrating domestic violence is a major human rights violation and therefore this has been reiterated time and again by United Nations Treaty Bodies in their Concluding Observations to the State of Pakistan. The Committee on the Elimination of Discrimination against Women, (CEDAW) in its Concluding Observations to the State of Pakistan, dated: 10th March, 2020 has

118 Committee on the Elimination of Discrimination against Women, Concluding observations on the fifth periodic report of Pakistan. Dated: 10th March, 2020

recommended to:

- “(a) Adopt legislation to criminalize all forms of gender-based violence against women, including domestic violence and marital rape, without exemptions;*
- (b) Adopt a national plan of action to combat all forms of gender-based violence against women, with a particular focus on domestic violence...”*

Similarly, the Human Rights Committee in its Concluding Observations to the State of Pakistan, dated: 23rd August, 2017 ¹¹⁹ has also recommended to:

- “(b) Effectively enforce the anti-honour killings and anti-rape laws and other relevant laws criminalizing violence against women and domestic violence, and monitor their enforcement throughout the territory...”*
- (e) Ensure that cases of violence against women and domestic violence are promptly and thoroughly investigated and that perpetrators prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences...”*
- (g) Ensure that judges, prosecutors and law enforcement authorities continue to receive appropriate training that equips them to deal with cases of violence against women and domestic violence effectively and in a gender-sensitive manner; and increase the number of female police officers and specialized units dealing with such cases to an adequate level.”*

Therefore, promulgation of a law to prevent domestic violence and protect victims of domestic violence is also necessary in light of the observations made by the UN Committees under the conventions ratified by Pakistan.

¹¹⁹ Human Rights Committee, Concluding observations on the initial report of Pakistan. Dated: 23rd August, 2017

RECOMMENDATIONS

06.

RECOMMENDATIONS

Addressing domestic violence in ICT requires a comprehensive approach involving multiple stakeholders, including the government, judiciary, civil society organisations, religious leaders, and the media. Broadly, the following recommendations are suggested to address domestic violence in our society:

- 1. Enact legislation against domestic violence for ICT:** In line with the various laws of the provinces, the ICT Domestic Violence Bill 2020 should be enacted into law to provide a functioning grievance redressal mechanism for victims of domestic violence as well as make available protection and support mechanisms for survivors.
- 2. Provide support and services to victims of domestic violence:** Promulgation of the law for ICT should be complemented by adequate budgetary resources to Chief Commissioner ICT to ensure availability of human resource and protection mechanisms for sustained implementation of the law including shelters, helplines, and other services like counselling, legal aid, and medical assistance.¹²⁰
- 3. Raise awareness and promote education:** Efforts should be made to raise awareness about domestic violence and its harmful effects. This can be done through public awareness campaigns, school programs, and community-based interventions.¹²¹
- 4. Address social and cultural norms that perpetuate domestic violence:** Efforts should be made to change social and cultural norms that enable domestic violence. This can be done by working with religious leaders, community leaders, and the media to promote gender equality and respect for women's rights.¹²²
- 5. Sensitise the judiciary on gender subjects and international commitments, as well as redress mechanisms available for victims of domestic abuse.** Train judges regarding the consequences and impacts of domestic violence and Pakistan's international commitments to ensure their decisions are aligned with them.

120 Khan, A. (2015). Legal reform for addressing domestic violence against women in Pakistan. International Journal of Criminal Justice Sciences, 10(2), 117-128.

121 Bano, R., & Malik, N. R. (2018). Domestic violence against women in Pakistan: A review of legislation and institutional frameworks. Journal of Family Violence, 33(4), 253-265.

122 Abbas, R. (2018). Domestic violence and Pakistani women: Analysis of newspaper coverage. Journal of Family Violence, 33(2), 135-146

6. Provide training and support to law enforcement and health professionals:

Law enforcement and health professionals should be trained to respond to cases of domestic violence in a sensitive and effective manner. They should also be provided with the necessary resources to carry out their duties.¹²³

7. Involve men in advocating against domestic violence:

Men can play a critical role in addressing domestic violence by challenging patriarchal attitudes and behaviours. Efforts should be made to promote positive models of masculinity.¹²⁴

8. Improve and update women's shelters:

A natural social protection corollary to addressing violence against women, is the setup of protection shelters. Working to provide refuge and protection, shelters offer services which enable women who have experienced abuse to recover from the violence, to rebuild self-esteem, and gain independence. There are 103 women's shelters in Pakistan, the largest number in Sindh and Punjab- Balochistan and KP have 5 women's shelters each. The shelters however, are under-budgeted and by and large dysfunctional and archaic in their way of operating. They need uplift, and they need standardised protocols under which to function.

9. Legal aid systems must be widely publicised and available to women at all levels.

Overall, addressing domestic violence requires consistent and sustained efforts involving multiple stakeholders. The promulgation of the ICT Domestic Violence Bill 2020 is the first step in the right direction. The policy brief highlights the successful establishment of domestic violence laws in all four provinces of Pakistan. Furthermore, the FSC judgement emphasises that domestic violence legislation is not against Islamic injunctions and teachings. Whilst the ICT Bill is not a panacea for addressing domestic violence in the country, it is, however, a crucial step in creating a strong legal framework that can protect victims and can hold abusers accountable.

123 Rahman, A., & Saleem, M. (2019). Tackling domestic violence against women in Pakistan: A case of state-civil society partnership. *Journal of Social Issues in Southeast Asia*, 34(3), 525-543

124 Kabeer, N. (2011). Between affiliation and autonomy: navigating pathways of women's empowerment and gender justice in rural Bangladesh. *Development and change*, 42(2), 499-528

ANNEX 1:

MATRIX OF

PROVINCIAL

DOMESTIC

VIOLENCE LAWS

ANNEX 1:

MATRIX OF PROVINCIAL DOMESTIC VIOLENCE LAWS

Balochistan Domestic Violence (Prevention and Protection) Act, 2014	Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act 2021	Sindh Domestic Violence (Prevention and Protection) Act 2013	Punjab Protection of Women against Violence Act, 2016
Definition			
<p>Section 4: Domestic Violence includes but is not limited to, all intentional acts of gender based or other physical or psychological abuse committed by an accused against women, children or other vulnerable persons with whom the accused is or has been in a domestic relationship including but not limited to:-</p> <ul style="list-style-type: none"> (a) "assault" as defined in section 351 of the Pakistan Penal Code (Act XLV of 1860) hereinafter referred to in this section "as the said Code"; (b) "attempt" as defined in section 511 of the said Code to commit any of the offences enumerated in this section; (c) "criminal force" as defined in section 350 of the said Code; (d) "criminal intimidation" as defined in section 503 of the said Code; (e) "economic abuse" includes deprivation of economic or financial resources or prohibition or restriction to continued access to such resources which the aggrieved person is entitled to use or enjoy by virtue of the domestic 	<p>Section 2(1)(j): "domestic violence" means the violence committed by the complainee against the complainant with whom the complainee is in a domestic relationship.</p> <p>Section 2(1)(p): "violence" means and include but not limited to an act, omission, commission, or conduct of the complainee which result in any physical, psychological, emotional, and economic abuse to the complainant and also include but not limited to abetment, assault, criminal force, criminal intimidation, hurt, mischief, harassment, sexual abuse and wrongful confinement as defined in the Code.</p> <p>Explanations: For the purpose of this clause-</p> <ul style="list-style-type: none"> (i) "economic abuse" means denial of food, clothing, or shelter in domestic relationships to the complainant by the complainee under legal obligation in accordance with the complainee income. (ii) "psychological abuse" means psychological deterioration of aggrieved person which may result in anorexia, a suicide attempt, 	<p>Section 5: Domestic Violence includes but is not limited to, all acts of gender based and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a domestic relationship including but not limited to -</p> <ul style="list-style-type: none"> (a) "abet" as defined in Pakistan Penal Code (Act XLV of 1860) hereinafter referred to in this section as the said code; (b) "assault" as defined in section 351 of the said Code; (c) "attempt" as defined in section 511 of the said Code to commit any of the offenses enumerated in this section; (d) "criminal force" as defined in section 350 of the said Code; (e) "criminal intimidation" as defined in section 503 of the said Code; (f) "Emotional, psychological and verbal abuse" means a pattern of degrading or humiliating conduct towards the victim, including but not limited to – (i) obsessive possessiveness or jealousy; 	<p>Section 2(h): "domestic violence" means the violence committed by the defendant with whom the aggrieved is living or has lived in a house when they are related to each other by consanguinity, marriage or adoption.</p> <p>Section 2(r): "violence" means any offence committed against the human body of the aggrieved person including abetment of an offence, domestic violence, sexual violence, psychological abuse, economic abuse, stalking or a cybercrime; Explanations.- In this clause:</p> <ul style="list-style-type: none"> (1) "economic abuse" means denial of food, clothing and shelter in a domestic relationship to the aggrieved person by the defendant in accordance with the defendant's income or taking away the income of the aggrieved person without her consent by the defendant; and (2) "psychological violence" includes psychological deterioration of aggrieved person which may result in anorexia, suicide attempt or clinically proven depression

<p>relationship including but not limited to household necessities for the aggrieved person and her children, any property jointly or separately owned by the aggrieved person, payment of rental related to the household, and maintenance;</p> <p>(f) entry into aggrieved person's residence without his or her consent, where the parties do not share the same residence;</p> <p>(g) "harassment" as defined in section 2(1) clause (j) of this Act;</p> <p>(h) "hurt as defined in section 332 of the said Code;</p> <p>(i) "mischief" as defined in section 425 of the said Code against the property of the aggrieved person;</p> <p>(j) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal force and criminal intimidation;</p> <p>(k) "stalking" includes, but is not limited to –</p> <ul style="list-style-type: none"> (i) following, pursing or accosting the aggrieved person against his or her wishes; and (ii) watching or loitering outsides or near the building or place where the aggrieved person resides or works for gains or carries on business or visits frequently; <p>(l) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity</p>	<p>or clinically proven depression resulting from complainee oppressive behavior or limiting freedom of movement of the aggrieved person.</p> <p>(iii) "sexual abuse" does not include ordinary and natural relationships amongst husband and wife so committed in accordance with injunctions of Islam.</p> <p>(2) Words and expressions used but not defined in this Act shall have the same meaning assigned to them under the Pakistan Penal Code, 1860 (Act No. XLV of 1860)</p> <p>for the time being enforced.</p>	<p>constituting serious invasion of the victim's privacy, liberty, integrity and security;</p> <ul style="list-style-type: none"> (ii) insults or ridicule; (iii) threat to cause physical pain; (iv) threat of malicious prosecution; (v) blaming a spouse of immorality; (vi) threats of divorce; (vii) baselessly blaming or imputing insanity, or citing barrenness of a spouse with the intention to marry again; (viii) bringing false allegation upon the character of a female member by any member of the shared household; and (ix) willful or negligent abandonment of the aggrieved person; <p>(g) "harassment" as defined in section 509 of the said Code;</p> <p>(h) "hurt" as defined in sections 332, 333, 335, 336A, 337, 337B, 337C, 337E, 337J, 337K, 337L of the said Code;</p> <p>(i) "mischief" as defined in section 425 of the said Code against the property of the aggrieved person;</p> <p>(j) "physical abuse" means any hurt caused by any act or conduct as defined in section 5(f) of this Act;</p> <p>(k) "stalking" includes, but is not limited to –</p> <ul style="list-style-type: none"> (i) accosting the aggrieved person against his or her wishes; and (ii) watching or loitering outside or near the building or place where the aggrieved person resides or works or visits frequently; <p>(l) "sexual abuse" includes any conduct of a sexual nature that abuses,</p>	<p>resulting from defendant's oppressive behaviour or limiting freedom of movement of the aggrieved person and that condition is certified by a panel of psychologists appointed by District Women Protection Committee; and</p> <p>(s) "Women Protection Officer" means a Women Protection Officer appointed under the Act.</p> <p>(2) A word or expression not defined in the Act shall have the same meaning as assigned to it in the Code or the Pakistan Penal Code, 1860 (XLV of 1860).</p>
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<p>of the aggrieved person;</p> <p>(m) "verbal and emotional abuse" means any or persistent degrading or humiliating conduct of the accused towards the aggrieved person, including but not limited to-</p> <ul style="list-style-type: none"> (i) insults or ridicule; (ii) threat to cause physical pain; and (iii) threat of malicious prosecution; <p>(n) willful or negligent abandonment of the aggrieved person;</p> <p>(o) "wrongful confinement" as defined in section 340 of the said Code; and</p> <p>(p) Any other repressive or abusive behavior towards the aggrieved person where such a conduct harms or may cause imminent danger of harm to the safety, health or well-being of the aggrieved person.</p>	<p>humiliates, degrades or otherwise violates the dignity of the aggrieved person which may include –</p> <ul style="list-style-type: none"> (i) compelling the wife to cohabit with anybody other than the husband; (ii) any kind of sexual abuse including sexual harassment of a member of the family; (m) "trespass" means entry into aggrieved person's residence either temporary or permanent without his or her consent, and includes workplace or frequently other place where the parties do not share the same residence; (n) "wrongful confinement" as defined in section 340 of the said Code; and (o) "economic abuse" includes deprivation of economic or financial resources or prohibition or restriction to continue access to such resources which the aggrieved person is ordinarily entitled to. 	
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Punishment

N/A	<p><u>Section 3(2):</u></p> <p>(2) Any person, who commits an act pursuant to sub-section (1), shall be deemed to have committed an offence under this Act and shall be liable to imprisonment for a period not less than one year and up to a maximum of five years, in addition to fine as provided for the said offence in the Pakistan Penal Code, 1860 (Act No. XLV of 1860).</p>	<p><u>Section 6(1):</u></p> <p>The offences under section 5 (a), (b), (c), (d), (e), (g), (h) (i) and (n) shall be punishable as provided under the Pakistan Penal Code, 1860.</p> <p>(2) The offences under section 5(f) shall be punishable with imprisonment of minimum six months or with fine to be paid as compensation to the aggrieved person which shall not be less than ten thousand rupees or with both.</p> <p>(3) Whosoever stalks a person under section 5(k)</p>	N/A
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	<p>shall be punished with simple imprisonment of not less than one year or with fine to be paid as compensation to the aggrieved party which shall not be less than twenty thousand rupees or with both.</p> <p>(4) The offences under section 5(l) shall be punishable with imprisonment of either description not less than two years or with compensation to the aggrieved party which shall not be less than fifty thousand rupees or with both.</p> <p>(5) The offences under section 5(m) shall be punishable with imprisonment for either description for a term not less than one month or with fine or with both.</p> <p>(6) Any person who commits the offences under section 5(o) shall be liable to pay compensation under section 12(1)(a).</p>
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Grievance Redressal Mechanism

Section 8(1): Protection Order

The court on being satisfied that domestic violence has taken place may pass a protection order in favour of the aggrieved person and prohibit the accused from:

- (a) committing any act of domestic violence;
- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the aggrieved person is a child,

Section 14: Protection Order

Passing of orders by the Court. (1) The Court, when satisfied that domestic violence has taken place, may pass orders in favor of the complainant and prohibit the complainee from:

- (a) committing any further act of domestic violence;
- (b) aiding or abetting the commission of acts of domestic violence;
- (c) entering the place of employment of the complainant or, his educational institution or any other place frequently visited

Section 11(1): Protection Order

The court on being satisfied that domestic violence has taken place may pass a protection order in favour of the aggrieved person and prohibit the accused from:

- (a) committing any act of domestic violence;
- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the aggrieved person is a child, his or her educational

Section 7(1): Protection Order

If the Court is satisfied that any violence has been committed or is likely to be committed, the Court may pass a protection order in favour of the aggrieved person and direct the defendant:

- (a) not to have any communication with the aggrieved person, with or without exceptions;
- (b) stay away from the aggrieved person, with or without exceptions;
- (c) stay at such distance

<p>his or her educational institution or any other place frequented by the aggrieved person;</p> <p>(d) attempting to communicate in any form, whatsoever with the aggrieved person, including personal, oral or written electronic or telephonic or mobile phone contact;</p> <p>(e) causing violence to the defendants, other relatives or any person who gives the aggrieved person assistance against domestic violence; and</p> <p>(f) committing any other act as specified in the protection order.</p>	<p>. by the complainant;</p> <p>(d) attempting to communicate in any form, whatsoever, with the complainant including personal, oral, written, electronic, telephonic or mobile phone contact; 6</p> <p>(e) causing violence to the dependents, his relatives or any person who gives assistance to the complainant; and</p> <p>(f) committing any other act as specified in the order.</p>	<p>institution or any other place frequented by the aggrieved person;</p> <p>(d) attempting to communicate in any form, whatsoever with the aggrieved person, including personal, oral or written electronic or telephonic or mobile phone contact;</p> <p>(e) causing violence to the defendants, other relatives or any person who gives the aggrieved person assistance against domestic violence; and</p> <p>(f) committing any other act as specified in the protection order.</p>	<p>from the aggrieved person as may, keeping in view the peculiar facts and circumstances of the case, be determined by the Court;</p> <p>(d) wear ankle or wrist bracelet GPS tracker for any act of grave violence or likely grave violence which may endanger the life, dignity or reputation of the aggrieved person;</p> <p>(e) move out of the house in case of an act of grave violence if the life, dignity or reputation of the aggrieved person is in danger;</p> <p>(f) surrender any weapon or firearm which the defendant lawfully possesses or prohibit the defendant from purchasing a firearm or obtaining license of a firearm;</p> <p>(g) refrain from aiding or abetting an act of violence;</p> <p>(h) refrain from entering the place of employment of the aggrieved person or any other place frequently visited by the aggrieved person;</p> <p>(i) refrain from causing violence to a dependent, other relative or any person who provides assistance to the aggrieved person against violence; or</p> <p>(j) refrain from committing such other acts as may be specified in the protection order.</p>
<p><u>Section 8(2): Residence Order</u></p> <p>(2) In addition to the order under sub-section (1), or otherwise, the court on being satisfied that domestic violence has taken place may pass a residence order to</p> <p>(a) restrain the accused from dispossessing or in any other manner disturbing the possession of the aggrieved person from the household;</p> <p>(b) restrain the accused or any of his relatives from entering the household; and</p> <p>(c) direct the accused to secure alternative accommodation for the aggrieved person or if the circumstances so require to pay rent for the same.</p>	<p><u>Section 14(2): Residence Order</u></p> <p>(2) In addition to the order under sub-section (1), or otherwise, the Court when satisfied that domestic violence has taken place, may pass the following orders to</p> <p>(a) refrain the complainee from dispossessing, or in any other manner disturbing the possession of the complainant from the household;</p> <p>(b) direct the complainee to provide some additional measures for the safety of life or property of the complainant or any member of his family; require from the complainee to execute a bond, with or without sureties, for keeping peace in the matter; and direct the complainee to return and put in possession the (c) (d) complainant in the same property to which she is legally entitled.</p>	<p><u>Section 11(2): Residence Order</u></p> <p>(2) In addition to the order under sub-section (1), or otherwise, the court on being satisfied that domestic violence has taken place may pass a residence order to -</p> <p>(a) restrain the accused from dispossessing or in any other manner disturbing the possession of the aggrieved person from the household;</p> <p>(b) restrain the accused or any of his relatives from entering the household; and</p> <p>(c) direct the accused to secure alternative accommodation for the aggrieved person or if the circumstances so require to pay rent for the same.</p>	<p><u>Section 8(1): Residence Order</u></p> <p>The Court, in case of domestic violence, may in addition to any order under section 7, pass a residence order directing that:</p> <p>(a) the aggrieved person shall not be evicted, save in accordance with law, from the house;</p> <p>(b) the aggrieved person has</p>
<p><u>Section 9(1): Monetary Relief</u></p> <p>The court may, at any stage of the trial on an application by the aggrieved person, direct the accused to pay monetary relief to meet the expenses incurred and losses suffered by the</p>	<p><u>Section 12(1): Monetary Relief</u></p> <p>The court may, at any stage of the trial on an application by the aggrieved person, direct the accused to pay monetary relief to meet the expenses incurred and losses suffered by the to</p>		

<p>the aggrieved person and such relief may include, but is not limited to-</p> <ul style="list-style-type: none"> (a) Loss of earning; (b) medical expense; (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and (d) the maintenance for the aggrieved person as well her children, if any , including an order under or in addition to an order of maintenance under family laws. <p>(2) The accused shall pay monetary relief to the person aggrieved within the period specified in the order made in terms of sub-section (1) and in accordance with terms thereof.</p> <p>Section 10: Custody Order</p> <p>The court may, at any stage of the application for protection order or for any other relief under this Act grant temporary custody of an aggrieved person who is;</p> <ul style="list-style-type: none"> (a) a child to a person under the Guardians and Wards Acts 1890(VIII of 1890); and (b) an adult to a service provider in accordance with the will of the aggrieved person to some other person: <p>Section 11(1): Interim Order</p> <p>In any proceeding before him under this Act, the court may pass such interim order as it deems just and proper.</p>	<p>resources of the parties.</p> <p>Section 15: Monetary Relief</p> <p>(1) The Court may, at any stage of the trial, on an application by the complainant, direct the complainee to deposit expenses incurred and losses suffered by the complainant and such relief may include-</p> <ul style="list-style-type: none"> (a) compensation to the complainant for suffering as a consequence of economic abuse to be determined by the Court; (b) loss of earning; (c) medical expense; (d) the loss caused due to the destruction, damage or removal of any property from the control of the complainant; and (e) the maintenance for the complainant and his children, if any, under family laws for the time being enforcedenforce. <p>(2) The complainee shall provide monetary relief to the complainant within the period specified in the order issued under sub-section (1) and in accordance with terms, thereof: Provided</p> <p>Section 13: Interim Order</p> <p>In any proceeding under this Act, the Court may pass any interim order deemed appropriate in the circumstances of the case at any stage before passing of final order.</p>	<p>aggrieved person and such relief may include, but is not limited to-</p> <ul style="list-style-type: none"> (a) Loss of earning; (b) medical expense; (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and (d) the maintenance for the aggrieved person as well her children, if any , including an order under or in addition to an order of maintenance under family laws. <p>(2) The Respondent shall pay monetary relief to the person aggrieved within the period specified in the order made in terms of sub-section (1) and in accordance with terms thereof.</p> <p>Section 13: Custody Order</p> <p>The court may, at any stage of the application for protection order or for any other relief under this Act grant temporary custody of an aggrieved person who is;</p> <ul style="list-style-type: none"> (a) a child to a person under the Guardians and Wards Acts 1890 (VIII of 1890); and (b) an adult to a service provider in accordance with the will of the aggrieved person to some other person. <p>Section 10(1): Interim Order</p> <p>In any proceeding before him under this Act, the court may pass such interim order as it deems just and proper.</p>	<p>the right to stay in the house;</p> <ul style="list-style-type: none"> (c) the aggrieved person may be relocated from the house to the shelter home for purposes of relief, protection and rehabilitation; (d) the defendant shall deliver the possession of any property or documents to the aggrieved person to which the aggrieved person is entitled; (e) the defendant or any relative of the defendant is restrained from entering the shelter home or place of employment or any other place frequently visited by the aggrieved person; or (f) shall arrange an alternative accommodation for the aggrieved person or to pay rent for the alternative accommodation <p>Section 9(1): Monetary Order</p> <p>The Court may, at any stage of the trial of a case, pass an order directing the defendant to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and such relief may include:</p> <ul style="list-style-type: none"> (a) such compensation, as the Court may determine, to the aggrieved person for suffering as a consequence of economic abuse; (b) loss of earning; (c) medical expense; (d) loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person to which the aggrieved person is entitled; (e) payment of reasonable rent and meals for shelter provided to the aggrieved person and dependent children in a shelter home if the defendant is mandated
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Violation of Orders

<p>Section 13:</p> <p>(1) A breach of protection order, or of the interim protection order, by the accused shall be an offence and shall be punished with imprisonment which may extend to one year but shall not be less than six months and with fine which may not be less than one hundred thousand rupees. The court shall order that the amount of fine shall be given to the aggrieved person.</p> <p>(2) A person who is guilty of violation of protection order second or third time or more, he shall be punished with imprisonment which may extend to two years but shall not be less than one year and also be liable to fine which may not be less than two hundred thousand rupees. The court shall order that the amount of fine shall be given to the aggrieved person</p>	<p>Section 17:</p> <p>A breach of an order made by Court under this Act shall deem to be an offence and shall be punishable with imprisonment for a term which may extend to one year or fine which may extend to three hundred thousand rupees or with both.</p>	<p>Section 15:</p> <p>A breach of protection order, or of the interim protection order, by the respondent shall be an offence and shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to twenty thousand rupees, or with both.</p>	<p>Section 20:</p> <p>(1) A defendant, who commits breach of an interim order, protection order, residence order or monetary order, or illegally interferes with the working of the GPS tracker, shall be punished with imprisonment for a term which may extend to one year or fine which may extend to two hundred thousand rupees but which shall not be less than fifty thousand rupees or both.</p> <p>(2) A defendant, who violates the interim order, protection order, residence order or monetary order more than once, shall be liable to punishment which may extend to two years but which shall not be less than one year and to fine which may extend to five hundred thousand rupees but which shall not be less than one hundred thousand rupees.</p>
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Support Structures

<p><u>Section 14(1): Protection Committee</u> The Provincial Government shall, by notification constitute a Protection Committee in every Tehsil for the purposes of this Act.</p> <p><u>Section 18(1): Protection Officer</u> The Provincial Government shall, by notification in the official Gazette, appoint an officer not below the rank of grade 17, to act as Protection Officer in each Tehsil, for the purposes of this Act.</p> <p>Section 2(t): Service Provider “Service Provider” means any such government facility or registered voluntary organization established for the protection of an aggrieved person or a household by any means including legal, medical, financial or any other assistance.</p> <p><u>Section 20(1): Assistance Provided by Service Provider</u> In any proceeding under this Act, the court may secure the services of a service provider.</p> <p><u>Section 15: Duties and Functions of Protection Committee</u> The Protection Committee may; (a) inform the aggrieved person of her or his rights provided under this Act or any other law for the time being in force and the remedies and the help that may be provided;</p>	<p><u>Section 4: District Protection Committee</u> (1) Soon after the commencement of this Act, Government shall, by notification in the official Gazette, constitute at each District a District Protection Committee,</p> <p><u>Section 2(o): Service Provider</u> “Service provider” means any such Government facility or voluntary organization registered with the Government to work for providing services under this Act to protect the complainant through any means including legal, medical, financial, or any other assistance.</p> <p><u>Section 10: Responsibilities of Service Provider</u> A service provider shall (a) record the domestic violence incident in a prescribed form with the consent of complainant and forward a copy thereof, to the District Protection Committee; (b) get the complainant medically examined and forward a copy of the medical examination report thereof, to the Secretary; and (c) ensure that the complainant is provided shelter in a safe place of residence, if he/she so requires and forward a report of his/her lodging in a safe place of residence to the Secretary of the District Protection Committee.</p>	<p><u>Section 17(1), Protection Committee</u> Government shall, by notification in the official Gazette, constitute Protection Committees for the purposes of this Act.</p> <p><u>Section 21(1): Protection Officer</u> Government shall, by notification in the official Gazette, appoint a gazetted officer to act as Protection Officer, for the purposes of this Act.</p> <p><u>Section 2(r): Service Provider</u> Service provider means any such government facility or registered voluntary organization established for the protection of aggrieved persons providing legal, medical, and financial or any other assistance.</p> <p><u>Section 23(1), Assistance of Service Provider</u> In any proceeding under this Act, the court may secure the services of a service provider. (2) Service provider shall have all the privileges and immunities enjoyed by the Protection Committee.</p> <p><u>Section 18: Functions of Protection Committee</u> The Protection Committee may (a) inform the aggrieved person of her or his rights provided under this Act or any other law for the time being in force and the remedies and the help that may be provided;</p>	<p><u>Section 11(1): District Women Protection Committee</u> The Government shall, by notification, constitute a District Women Protection Committee for each district.</p> <p><u>Section 13: Protection Centres and Shelter Homes</u> (1) The Government shall establish Protection Centres through a phased programme for protection of the aggrieved persons. (2) A Protection Centre shall: (a) be a converging point for all essential services to ensure justice delivery including police reporting, registration of criminal cases, medical examination, collection of forensic and other evidence; (b) register the cases of violence and facilitate medical examination, collection of forensic and other evidence and proper prosecution of the cases; (c) provide first aid relief to an aggrieved person; (d) collect and assist to collect evidence within twenty four hours to facilitate investigation and effective prosecution; (e) provide immediate protection to an aggrieved person; (f) establish an effective system for the receipt and disposal of the complaints within the time mentioned in the operating procedures; (g) maintain an effective system of mediation and reconciliation for resolution of disputes under this Act;</p>
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<p>(b) assist the aggrieved person in obtaining any medical treatment necessitated due to the domestic violence;</p> <p>(c) if necessary, and with the consent of the aggrieved person, assist the aggrieved person in relocating to a safer place acceptable to the aggrieved person, which may include the house of any relative or family friend or other safe place, if any, established by a service provider;</p> <p>(d) assist the aggrieved person in the preparation of and filing of any application or report under this Act, the Code or any other law for the time being in force;</p> <p>(e) file an application for a protection order, if so desired by the aggrieved person;</p> <p>(f) coordinate with Family Conciliatory Committee in performing its duties; and</p> <p>(g) keep official record of the incidents of domestic violence in its area of jurisdiction, whether on the basis of information received or suo moto inquiry, irrespective of whether or not action is taken under this Act. Such record shall include</p> <ul style="list-style-type: none"> i. the first information received about the incident of domestic violence; ii. the assistance, if any, offered or provided by the Protection Committee to the aggrieved person; iii. where applicable the reason for not taking action under this Act when an incident was brought to the notice of the Protection Committee; 	<p>Section 6: Powers and Functions of District Protection Committee</p> <p>(1) The District Protection Committee shall</p> <p>(a) aware the community at grass root level of their rights provided under this Act;</p> <p>(b) assist the complainant in obtaining any medical treatment necessitated due to the domestic violence; assist the complainant in relocating to a safer place acceptable to the complainant, which may include a Shelter Home established by Government or any other safe place; and</p> <p>(l) H keep official record in respect of the incidents of domestic violence in its area of jurisdiction on the basis of information received, irrespective of the action taken under this Act and such records shall include-</p> <ul style="list-style-type: none"> (i) the first information received about the incident of domestic violence; (ii) the assistance, if any provided by the District Protection Committee to the complainant; where applicable the reason for not taking action under this Act when an incident was brought to the notice of the District Protection Committee; (iv) maintain the record of applications received from the complainant or his guardian and protection order issued by the Court, and (v) perform such other functions that may be 	<p>(b) assist the aggrieved person in obtaining any medical treatment necessitated due to the domestic violence;</p> <p>(c) if necessary, and with the consent of the aggrieved person, assist the aggrieved person in relocating to a safer place acceptable to the aggrieved person, which may include the house of any relative or family friend or other safe place or if any, established by a service provider;</p> <p>(d) assist the aggrieved person in the preparation of and filing of any petition or report under this Act, the Code or any other law for the time being in force;</p> <p>(e) keep official record of the incidents of domestic violence in its area of jurisdiction, whether on the basis of information received or suo moto inquiry, irrespective of whether or not action is taken under this Act. Such record shall include –</p> <ul style="list-style-type: none"> (i) the first information received about the incident of domestic violence; (ii) the assistance, if any, offered or provided by the Protection Committee to the aggrieved person; (iii) where applicable the reason for not taking action under this Act when an incident was brought to the notice of the Protection Committee; (iv) where applicable, the reason for the aggrieved person's refusal to take assistance from the Protection Committee; 	<p>(h) register information against the perpetrators of violence;</p> <p>(i) initiate cases of state-inflicted violence, if any, against women;</p> <p>(j) maintain audio-visual record of all actions carried out under the Act;</p> <p>(k) provide or arrange to provide legal aid to an aggrieved person;</p> <p>(l) provide psychological counseling to an aggrieved person;</p> <p>(m) mediate between an aggrieved person and the defendant for resolution of disputes under the Act; and</p> <p>(n) act as a community centre to guide women in all Government related inquiries.</p> <p>(3) The Government shall, through a phased programme, establish a shelter home in each district or for a local area within a district, for board and lodging of the aggrieved persons and needy women and provision of social and rehabilitative services to the residents.</p> <p>(4) A shelter home shall:</p> <p>(a) provide shelter and other allied facilities to an aggrieved person or other needy women along with dependent children;</p> <p>(b) provide, with the consent of the resident, rehabilitation services to reintegrate residents with their families and society where necessary;</p> <p>(c) refer the case of a resident to the appropriate authority or body for redressal of her grievance and regularly monitor provision of services to the residents;</p>
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iv. where applicable, the reason for the aggrieved person refusal to take assistance from the Protection Committee; v. the names and contact details of the service provider, if any, from whom the aggrieved person sought help; vi. maintenance of the record of applications, protection orders and the service providers operating in the area of jurisdiction; and vii. perform any other duties that may be assigned to the Protection Committee under this Act or the rules made there under.

Section 19: Duties of Protection Officer

- (a) to make a domestic incident report to the Protection Committee, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the Protection Committee within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
- (b) to make an application in such form and in such manner may be prescribed to the court, if the aggrieved person so desires, claiming relief for issuance of a protection order;
- (c) to ensure that the aggrieved person is provided legal aid;
- (d) to maintain a list of all service providers providing legal aid or counseling, shelter homes and medical

(v) the names and contact details of the service provider, if any, from whom the aggrieved person sought help;
(vi) maintenance of the record of applications, protection orders and the service providers operating in the area of jurisdiction; and
(vii) perform any other duties that may be assigned to the Protection Committee under this Act or the rules made there under.

(d) arrange for technical and vocational training of the residents;
(e) provide legal, medical, emotional support, guidance and psychological counseling to the residents;
(f) repatriate or rehabilitate the residents in the shortest possible time;
(g) maintain discipline and regulate visitation and timings; and
(h) perform any other prescribed function or a function assigned to it by the Committee for purposes of protection of women, children and vulnerable persons.

(5) Subject to general or special direction of the Committee, a male child who is not a dependent child shall not be admitted in the shelter home and instead may be referred to the Child Protection and Welfare Bureau for provision of shelter, board and lodging, education and training.

facilities in a local area within the jurisdiction of the court;

(e) to make available a safe place of residence, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person a shelter home to the Protection Committee;

(f) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the Protection Committee having jurisdiction in the area where the domestic violence is alleged to have been taken place;

(g) to ensure that the order for monetary relief under section 10 is complied with and executed in accordance with the procedure prescribed; and

(h) to perform such other duties as may be prescribed.

