



LEGISLATIVE WATCH

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EDITORIAL

The issue of domestic violence has been an area of concern for human rights and women's rights organisations, committed activists and concerned citizens for a number of years. They have constantly been demanding a specific legislation to effectively deal with this deeply rooted and serious issue in order to provide support and protection to women, and to try to prevent violence against women in the domestic sphere. The initiative by the two women MNAs in the previous National Assembly and later by the MoWD on preparing a bill for the prevention of domestic violence is a welcome sign deserving complete endorsement and support by the civil society.

However, after evaluating the proposed official bill circulated by the MoWD several months ago, it was found that the draft bill was flawed in several respects and required improvement. The concerned organisations, legal experts and civil society activists deliberated upon the proposed draft of the MoWD and developed their alternative suggestions in areas where they thought the improvement was needed. The process of identifying gaps in the draft MoWD bill and suggesting amendments underwent a comprehensive scrutiny of the bill through participatory debate and discussion at local, provincial and national level. The participants of the consultative process also looked into different laws in vogue in other countries, particularly in South Asia, in this respect.

The prime objective of this exercise was to look into the issues of domestic violence from all possible dimensions. The participants, while discussing the draft bill, remained cognizant of the alarming increase in the incidents of vio-

lence against women and government's helplessness in most of these cases.

Specific legislation on domestic violence is one such clear remedy. According to the In-Depth Study on All Forms of Violence against Women, presented by the United Nations Secretary-General in 2006, 89 States around the world had some form of legislative prohibition on domestic violence, including 60 States with specific domestic violence laws. The Report says that a growing number of countries have also instituted national plans of action to end violence against women. This is true. Notwithstanding, Pakistan's constitutional responsibilities and international commitments, our National Policy for Development and Empowerment for Women (2002) has unequivocally called for "adopting a zero tolerance policy regarding violence against women" and "introducing positive legislation on domestic violence" among other wide-ranging measures. The National Plan of Action for Women (1998) has also set five Strategic Objectives against 12 Actions for addressing the issue of VAW.

This is tantamount to adding salt to injury to have strong policy statements on violence against women while remaining silent on increased occurrence of these cases across Pakistan. The rhetoric needs to be translated into reality. Words need to be converted into actions. Curbing gender-based crimes against women is primarily government's responsibility through enactment of positive laws and their strict enforcement. The initiative to have a specific and effective law on domestic violence provides an historic opportunity to the present Parliament to do something which its predecessor could not do.

Critical gaps in draft bill on domestic violence

By Maliha Zia

The draft bill on domestic violence prepared by the Ministry of Women's Development (MoWD) is actually a merged form of two private members bills, separately presented in the previous National Assembly (2005-2006) by Ms. Sherry Rehman and Ms. Mehnaz Rafi. This bill is yet to be finalized by the MoWD and the Ministry of Law before it is presented to the Federal Cabinet and moved in the National Assembly.

While a number of the provisions in the draft bill prepared by the MoWD are welcomed, especially the wide definition of 'domestic violence', which includes previously unrecognized types of violence such as economic abuse and psychological abuse, a number of gaps still exist in it. These gaps, as summarized below, have been identified during a comprehensive consultative process and scrutiny of the draft bill by legal experts and concerned citizens.

Definitions: Some of the definitions under section 2, although wide and encompassing, remain contentious. For example, the use of the words 'aggrieved party' and 'offender' appear to be inadequate and the definition of 'victim' needs to be added. The definition of "service provider" is insufficient as a number of organisations and associations are not necessarily registered under the Societies

Registration Act 1860. Furthermore, this definition excludes entirely any role for the Government, thereby placing the entire burden on private organisations that may not have the capacity or capability to provide assistance to all victims who require it. Also, the Government should not be allowed to abdicate its role in the provision of service to its citizens. The definition of 'domestic violence' under section 4 is inclusive of major issues but it requires further clarity. The civil society draft has primarily tried to improve some of the definitions.

Punishments: The most contentious issue with the government bill is that it does not penalize the commission of domestic violence. Remedies such as protection and residence orders, monetary relief, compensation and custody orders are available, but except for penal punishment for the breach of a protection order under section 17, there is no punishment prescribed for committing domestic violence. It is unacceptable as domestic violence is a violent crime and therefore should be addressed with penal punishments, the civil society draft has added punishments to some of the offences.

Complaint System: The complaint system suggested in the government bill is inadequate. The government bill provides that only an aggrieved person or any person authorized by him in writing, or in the case of a child, his guardian, may present

an application to the court. In cases of domestic violence, it is very common that either the victim is not able to reach the court to register a complaint herself and is also not necessarily able to authorize any other person in writing. In the case of children, very often it is the guardians who are committing domestic violence themselves. To leave this provision, as it is, would result in many problems and would exclude a large number of victims who would be unable to actually register a complaint, thereby making the bill ineffective and unable to provide a recourse to justice for those it aims to protect. The civil society draft has relaxed the complaint procedure by allowing anyone to register complaint on behalf of the victim, while giving discretion to the court to decide whether to continue with the charge in such case.

Jurisdiction: A concern rose as to the court of competent jurisdiction i.e. a Magistrate of the First Class under the Criminal Procedure Code that has been prescribed in the government bill. Placing domestic violence within the sphere of criminal procedure, even with the imposition of time limits, may result in long delays, insensitive and unsympathetic handling of the case, further unnecessary causation of stress and anxiety to the victim who has already suffered so much. The civil society draft has suggested that the jurisdiction in these

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DVB: the process so far

By Maliha Zia

The history of domestic violence bill (DVB) began when two private member bills were moved by two distinguished women parliamentarians in the previous National Assembly. The first bill was moved by Ms. Sherry Rehman and 14 other MNAs of the PPPP on 10 March 2005, and was laid before the House on 8 August 2006; the second private member bill was moved by Ms. Mehnaz Rafi and another MNA of PML-Q on 23 December 2005, and was also laid before the House on 8 August 2006. The National Assembly Standing Committee on Women's Development constituted a sub-committee in December 2006 to examine the proposed bills. The sub-committee decided that the two bills should be clubbed together by the Ministry of Women's Development (MoWD) and Ministry of Law, Justice and Human Rights (MoLJHR). The National Assembly Standing Committee on Women's Development approved the Bill jointly prepared by the two women parliamentarians, in consultation with the sub-committee in April 2007. This process for the

Bill lapsed with the completion of the National Assembly's 5-year tenure in November 2007.

The proposed bill in its merged form, however, was circulated by the MoWD to ministries, government departments and civil society in 2007-2008 to have their input and comments. It was believed that the government intended to move the Bill in the National Assembly as an Official Bill at the earliest. The initiative by the two women MNAs in the previous National Assembly and later by the MoWD on moving a bill for the prevention of domestic violence has been welcomed and appreciated by the civil society. However, after evaluating the proposed official bill circulated by the MoWD, it was found that the draft bill was flawed in several respects and required improvement.

A number of focussed group discussions took place on this proposed draft by the MoWD and civil society organisations as well as by the UNIFEM. Aurat Foundation conducted a series of nationwide discussions on the proposed draft, which were participated

by eminent legal experts and civil society activists. On the basis of the critique and recommendations given at these consultations, Justice (ret.) Nasira Javid Iqbal drafted an alternative bill on behalf of Aurat Foundation, which comprised suggestions to improve the proposed draft of the MoWD. In the meantime, the UNIFEM also came up with a review of the MoWD bill, prepared by Barrister Zafarullah Khan. Therefore, it was decided to have a national consultation to examine both the drafts - one prepared by Aurat Foundation in collaboration with civil society organisations and activists and the other commissioned by the UNIFEM. The consultation, held in Islamabad on 7 August 2008, completed a clause-wise scrutiny of the two draft bills and formed four provincial sub-committees to prepare the final recommendations to be incorporated into one common draft. A team of legal experts of Aurat Foundation and UNIFEM finally put these recommendations together and prepared the final draft which was shared with the MoWD and MoLJHR, as well as the National Commission on the Status of Women (NCSW).

We are presenting below from this page to Page 7 both the draft bills, i.e. one prepared by the MoWD and the other by the civil society organisations jointly, in tabular form, for the sake of clarity and understanding of our valuable readers — *The Editorial Board.*

Proposed MoWD Draft Bill	Proposed Civil Society Draft Bill
To make provisions for the protection of women and children WHEREAS it is necessary to make provisions for the protection of women and children against domestic violence; AND WHEREAS Pakistan is to fulfill the national and international commitments which oblige the State to take action for the protection of women and children from gender based violence at domestic level; AND WHEREAS Article 35 of the Constitution of the Islamic Republic of Pakistan also obliges the State to protect the family, the mother and child;	To protect women, children and other vulnerable persons against domestic violence WHEREAS it is necessary to make provisions for the protection of women, children and other vulnerable persons against domestic violence and for the prevention of such violence; AND WHEREAS Pakistan has to fulfill Constitutional guarantees and international commitments that oblige the Government of Pakistan to take actions to protect women, children and other persons from violence within the domestic environment;
It is hereby enacted as follows:-	It is hereby enacted as follows:
1. Short title, extent and commencement.- (1) This Act may be called the Domestic Violence Against Women and Children (Prevention and Protection) Act, 2007. (2) It extends to the whole of Pakistan (3) It shall come into force at once.	1. Short title, extent and commencement:- (1) This Act may be called the Domestic Violence (Prevention and Protection) Act, 2008. (2) It extends to the whole of Pakistan including FATA & FANA (3) It shall come into force at once
2. Definitions. - In this Act, unless the context otherwise requires:- a) "aggrieved person" means any woman, child or any other member of family who is or has been in a domestic relationship with the respondent and who alleges to have been subjected to domestic violence by the respondent; b) "child" includes any adopted, step or foster child, or any other minor i.e. below the age of eighteen years, in a domestic relationship or in a shared household; c) "compensation order" means an order granted in terms of section 11; d) "court" means court of Magistrate defined in clause (i); e) "domestic relationship" means relationship between two persons who live or have, at any point of time, lived together in the shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of adoption or are family members living together as a joint family; f) "domestic violence" has the same meaning assigned to it under section 4; g) "Family Conciliatory Committee" means a committee constituted under section 22; h) "harassment" means engaging in a pattern of conduct that evokes the fear of harm to an aggrieved person and includes, but is not limited to: (i) making unwelcome telephone calls or inducing another person to make telephone calls to the complainant, whether or not conversation ensues; (ii) sending, delivering or causing the delivery of unwelcome letters, telegrams, packages, facsimiles, electronic. i) "Magistrate" means the Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1898 as described in section 24; j) "Monetary relief" means monetary relief which a court may order under section 9; k) "notification" means a notification published in the official gazette; l) "prescribed" means prescribed by rules made under this Act. m) "Protection Committee" means a committee constituted under section 18; n) "Protection order" means an order granted in terms of section 8; o) "residence order" means an order granted in terms of section 8' p) "respondent" means any person who is or has been in a domestic relationship with the aggrieved person against whom the aggrieved person has sought any relief under this Act; q) "service provider" means any voluntary association registered under the Societies Registration Act, 1860 or any other law for the time being in force with the objective of protecting the rights and interests of women, children or family by any means including legal aid, medical, financial or other assistance, and r) "shared household" means a household where the aggrieved person lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted by either of them, any such household in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title interest or equity and includes such a household which may belong to the joint family of which the respondent is a member irrespective of whether the respondent or aggrieved person has any right, title or interest in the shared household.	2. Definitions:- In this Act, unless the context otherwise requires, (a) "Accused" means a person against whom a complaint has been made under this Act; (b) "Child" means any person below the age of eighteen years, in a domestic relationship or in a shared household; (c) "Complainant" means any person against whom an offence has been committed under this Act or any other person connected with the victim having authentic information about the commission of the offence; Or any hospital or private clinic as they are obliged to report to the police any suspected case of domestic violence; (d) "Court" means the Family Court of competent jurisdiction; (e) "Domestic relationship" means relationship between persons who live or have lived together in the shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of de facto or de jure guardianship or are family members or dependants living together as a joint family; (f) "Service provider" means any government department or body including but not limited to government shelter homes, government hospitals, public and private medical practitioners and the police; any Civil Society Organization (CSO) or voluntary association registered under any other law for the time being in force with the objective of protecting the rights and interests of women, children or family by any means including providing legal aid, medical, psychological, financial or other assistance; (g) "Shared household" means a household where the victim lives or at any stage has lived in a domestic relationship either singly or along with the accused, and any such household in respect of which either the victim or the accused or both jointly or singly have any right, title interest or equity and includes such a household which may belong to the joint family of which the accused is a member irrespective of whether the accused or victim has any right, title or interest in the shared household; (h) "Victim" means any woman, child or any other vulnerable member of a household who is or has been in a domestic relationship with the accused and against whom an act of domestic violence has been committed; (i) "Vulnerable person" means a member of a shared household, who is a dependent on the accused or who is aged, destitute or physically infirm or mentally handicapped

Proposed MoWD Draft Bill	Proposed Civil Society Draft Bill
<p>3. Act not in derogation of any other law: The provision of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.</p> <p>4. Domestic violence - means one or more of the following acts committed by the respondent against any person or persons with whom the respondent is in a domestic relationship, namely:-</p> <p>(i) hurt, as defined in section 332 of the Pakistan Penal Code (Act XLV of 1860), hereinafter in this section referred to as the said Code;</p> <p>(ii) wrongful confinement, as defined in section 340 of the said Code;</p> <p>(iii) criminal force, as defined in section 350 of the said Code;</p> <p>(iv) assault, as defined in section 351 of the said Code;</p> <p>(v) mischief, as defined in section 425 of the said Code; against the property of the aggrieved person, including causing economic loss or damage to property;</p> <p>(vi) criminal intimidation, as defined in section 503 of the said Code;</p> <p>(vii) attempt, as defined in section 511 of the said Code to commit any of the offences enumerated in this section.</p> <p>(viii) economic abuse;</p> <p>(ix) emotional, psychological and verbal abuse;</p> <p>(x) entry into the aggrieved persons' residence without his consent, where the parties do not share the same residence;</p> <p>(xi) harassment;</p> <p>(xii) sexual abuse;</p> <p>(xiii) stoking;</p> <p>(xiv) Willful and negligent abandonment of the aggrieved person;</p> <p>(xv) An other controlling or abusive behavior towards the aggrieved person, where such conduct harms, or may cause imminent harm to the safety, health or well-being of the aggrieved person;</p> <p>Explanation:-</p> <p>(i) "economic abuse" means unreasonable deprivation of economic or financial requirements or prohibiting or restricting continued access to such requirements which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household and any payments required by law in respect of such shared household;</p> <p>(ii) "physical abuse" includes any conduct that abuses, humiliates, degrades or otherwise violates the dignity;</p> <p>(iii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity;</p> <p>(iv) "stalking" includes, but is not limited to:</p> <p>(i) following, pursuing or accosting the aggrieved person in violation of the wishes of the aggrieved person; and</p> <p>(ii) watching or loitering outside or near the building or place where the aggrieved person resides, works, carries on business, studies or visits.</p> <p>(v) "verbal and emotional abuse" means a pattern of degrading or humiliating conduct towards the respondent, including but not limited to:</p> <p>(i) repeated insults or ridicule;</p> <p>(ii) repeated threats to cause pain;</p> <p>(iii) repeated threats of malicious prosecution;</p> <p>(iv) repeated exhibition of obsessive possessiveness or jealousy, constituting a serious invasion of the victim's privacy, liberty, integrity or security.</p>	<p>3. Act not in derogation of any other law:- The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.</p> <p>4. Corresponding amendment to the Schedule I of Family Courts Act 1964:- insert "domestic violence" into the Schedule I of the Family Courts Act 1964;</p> <p>4A. 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> <p>(1) "Hurt", as defined in section 332 of the Pakistan Penal Code (Act XLV of 1860), hereinafter in this section referred to as the said Code;</p> <p>(2) "Wrongful confinement", as defined in section 340 of the said Code;</p> <p>(3) "Criminal force", as defined in section 350 of the said Code;</p> <p>(4) "Assault", as defined in section 351 of the said Code;</p> <p>(5) "Mischief", as defined in section 425 of the said Code; against the property of the aggrieved person, including causing economic loss or damage to property;</p> <p>(6) "Criminal intimidation", as defined in section 503 of the said Code;</p> <p>(7) "Attempt", as defined in section 511 of the said Code to commit any of the offences enumerated in this section.</p> <p>(8) "Abuse" includes-</p> <p>(i) Economic abuse- means</p> <p>a)unreasonable deprivation of economic or financial requirements or prohibiting or restricting continued access to such requirements which the victim is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household and any expenses in respect of such shared household;</p> <p>b) any act with intent to cause or knowing that it is likely to cause wrongful loss, damage or destruction of the victim's property or causes any change in such property as diminishes its value or utility or affects it injuriously</p> <p>(ii) Emotional, psychological and verbal abuse- means a pattern of degrading or humiliating conduct towards the victim, including but not limited to:</p> <p>a)repeated insults or ridicule;</p> <p>b)repeated threats to cause bodily harm;</p> <p>c)repeated threats of malicious prosecution;</p> <p>d)repeated exhibition of obsessive possessiveness or jealousy constituting serious invasion of the victim's privacy, liberty, integrity or security;</p> <p>e)entry into the victim's residence without his/her consent, where the parties do not share the same residence;</p> <p>f)damaging any property of the victim such that it causes psychological harm or otherwise violates the dignity of the person</p> <p>(iii) Physical abuse- includes any conduct, act or omission to act that causes bodily harm, abuses, humiliates, degrades or otherwise violates the dignity of the person;</p> <p>(iv) Sexual abuse- includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of a person.</p> <p>(9) Harassment- means engaging in a pattern of conduct that evokes the fear of harm to the victim and includes, but is not limited to:</p> <p>(i) extending threats through any manner whatsoever or making gestures designed to intimidate the victim</p> <p>(ii) making unwelcome telephone calls or inducing another person to make telephone calls to the victim, whether or not conversation ensues;</p> <p>(iii) sending, delivering or causing the delivery of unwelcome letters, telegrams, packages, facsimiles, electronic messages.</p> <p>(10) Stalking- includes, but is not limited to:</p> <p>(i) following, pursuing or accosting the victim in violation of the wishes of the victim; and</p> <p>(ii) watching or loitering outside or near the building or place where the victim resides; works, carries on business, studies or visits;</p> <p>(11) Abet- means to instigate or intentionally aid by any act or omission the doing of a thing which may lead to an offence under this Act.</p> <p>4B. Punishment:- (1) Offences under Section 4A (1-7) shall have the same punishments as provided for in the relevant sections of the Pakistan Penal Code.</p> <p>(2) Whoever commits abuse of any kind under Section 4A(8) shall be punished with imprisonment of either description which may extend to two years and/or with compensation to the victim which may extend to ten thousand rupees or with both.</p> <p>(3) Whoever harasses or causes another to harass a person as under Section 4A(9) shall be punished with simple imprisonment which may extend upto one year and/or with fine to be paid which may extend upto five thousand rupees or with both.</p> <p>(4) Whoever stalks a person as under Section 4A(10) shall be punished with simple imprisonment which may extend upto one year and/or with fine to be paid as compensation to the victim which may extend upto five thousand rupees or with both.</p> <p>(5) Whoever abets under Section 4A(11) any offence under this Act shall be punished with the punishment provided for the offence.</p>
<p>5.Right to reside in a shared household and the right to protection against violence:-</p> <p>(1) Notwithstanding any other law for the time being force, every woman or any other person in a domestic relationship shall have the right to reside in the shared household, whether or not aggrieved person has any right, title or beneficial interest in the same.</p> <p>(2) Any aggrieved person shall have a right not to be evicted or excluded from the shared household or any part of it by the respondent except in accordance with law.</p>	<p>5.Right to reside in a shared household and the right to protection against violence:-</p> <p>(1) Notwithstanding any other law for the time being in force, every dependant person in a domestic relationship shall have the right to reside in the shared household, whether or not the dependant has any title or beneficial interest in the same.</p> <p>(2) Any victim shall have a right not to be evicted or excluded from the shared household or any part of it by the accused except in accordance with law.</p>
<p>6.Application to the Magistrate:-</p> <p>(1) An aggrieved person or any other person authorized by him in writing in this behalf or in case of a child his guardian may present an application to the Magistrate for seeking any relief under this Act.</p> <p>(2) The application under sub-section (1) may contain particulars in such form as may be prescribed or as near thereto as possible.</p> <p>(3) The Magistrate shall fix first date of hearing which shall not exceed three days from the date of the receipt of the application by the Magistrate for consideration of the application.</p> <p>(4) The application made under sub-section (1) shall be disposed of within a period of thirty days and any adjournment so given during the hearing of the application shall be granted for reasons to be recorded in writing by the Magistrate.</p>	<p>6. Application to the Court:-</p> <p>(1) The victim or other complainant may present an application to the Court for seeking any relief under this Act.</p> <p>(2) The application under sub-section (1) may contain particulars in such form as may be prescribed or as near thereto as possible.</p> <p>(3) The Court shall fix first date of hearing, which shall not exceed three (3) days from the date of the receipt of the application by the Court for consideration of the application.</p> <p>(4) The application made under sub-section (1) shall be disposed of or settled within a period of three (3) months and any adjournment so given during the hearing of the application shall be granted for reasons to be recorded in writing by the Court.</p> <p>6A. Appeal:- There shall lie an appeal to the District & Sessions Judge within 30 days from the date on which the order made by the Family Court is served on the victim, complainant or accused as the case may be;</p> <p>Provided that no appeal shall lie against an interim order passed under section 9.</p>
<p>7.Service of Notice:- Notice of the date fixed under section 6 shall be served in the manner provided in the Code of Criminal Procedure, 1898.</p>	<p>7. Service of Notice:- The Court shall issue the notice of the date fixed under section 8 and such notice shall be served through courier and through police station in the jurisdiction of which the accused resides or any other manner deemed appropriate by the Court.</p>

Proposed MoWD Draft Bill	Proposed Civil Society Draft Bill
<p>8. Passing of protection order and residence order:</p> <p>(1) The court on being satisfied that domestic violence has taken place may pass a protection order prohibiting the respondent from:</p> <ol style="list-style-type: none"> committing any act of domestic violence; aiding or abetting in the commission of acts of domestic violence; entering the place of employment of the aggrieved person or, if aggrieved person is a child, his educational institution; or any other place frequented by the aggrieved person; attempting to communicate in any form whatsoever with the aggrieved person, including personal, oral or written, electronic or telephonic or mobile phone contact; committing any other act as specified in the protection order; causing violence to the dependants, other relatives or persons who give the aggrieved person any assistance against domestic violence. <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> <ol style="list-style-type: none"> restrain the respondent from dispossessing or in any manner disturbing the possession of the aggrieved person from the shared household; restrain the respondent or any of his relatives from entering in the shared household; and direct the respondent to secure alternate accommodation for the aggrieved person or to pay rent for the same, if the circumstances so require. <p>(3) The court may impose any additional conditions or pass any other direction which it deems reasonably necessary to protect and provide for the safety of the aggrieved person.</p> <p>(4) The court may require as an interim and urgent measure from the respondent to execute a bond, with or without sureties, for maintaining domestic peace.</p> <p>(5) While passing an order under sub-section (1), (2) or (3) the court may also pass an order directing the police to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.</p> <p>(6) While making an order under sub-section (2), the court may impose on the respondent obligations relating to the discharge of rent or other payments, having regard to the financial needs and resources of the parties.</p> <p>(7) The court may direct the police officer in whose jurisdiction it has been approached to assist in the implementation of the protection order;</p> <p>(8) The court may direct the respondent to return the possession to the aggrieved person her jewelry or any other moveable or valuable security to which she is entitled to either singly or jointly.</p> <p>(9) The court shall in all cases where it has passed a protection order under this section, order that a copy of such order be given to the parties to the application, in whose jurisdiction the court has been approached as well as to service provider located within the local limits of jurisdiction of the Court.</p>	<p>8. Passing of protection order and residence order:-</p> <p>(1) The Court on being satisfied that domestic violence has taken place may pass a protection order prohibiting the accused from:</p> <ol style="list-style-type: none"> committing any act of violence including domestic violence; aiding or abetting in the commission of acts of domestic violence; entering the place of residence or employment of the victim or, if the victim is a child, her/his educational institution; or any other place frequented by the victim; attempting to communicate in any form whatsoever with the victim, including personal, oral or written, electronic or telephonic or mobile phone contact; committing any other act as specified in the protection order; threatening or causing violence to the dependants, other relatives or persons who give the victim any assistance against domestic violence. <p>(2) In addition to the order under sub-section (1), or otherwise, the Court, on being satisfied that any violence including domestic violence has taken place, may pass a residence order to:</p> <ol style="list-style-type: none"> restrain the accused from disturbing or in any manner dispossessing the victim from the shared household; restrain the accused or any of his/her relatives from entering the shared household; direct the accused to secure and pay rent, if the circumstances so require, alternate accommodation of the victim's choice and in accordance to the lifestyle of the victim; and where the victim has left the shared household, this shall not prejudice the right of the victim and those assisting her/him to re-enter or to take possession of any documents and valuables that are rightfully hers/his; by the prescribed procedures. <p>(3) The court may impose any additional conditions or pass any other direction, which it deems reasonably necessary to protect and provide for the safety of the victim including but not limited to requiring the accused to execute a bond with or without sureties for maintaining domestic peace; require him/her to discharge of rent, pay maintenance charges, or make other payments including reimbursement of the court fee and fee for engaging counsel to the victim or complainant, having regard to the financial needs and resources of the victim.</p> <p>(4) While passing an order under sub-section (1), (2) or (3), the Court may also pass an order directing the police or any other authority, agency or a person to give protection to the victim or to assist him/her or other complainant in the implementation of the order.</p> <p>(5) The Court may direct the police officer in whose jurisdiction it has been approached to assist in the implementation of the protection or other order passed by the Court in pursuance of this section;</p> <p>(6) The Court may direct the accused to return to the victim her jewelry or any other moveable and immovable property or valuable security to which she/he is entitled, and which is in the possession or control of the accused.</p> <p>(7) The Court shall in all cases where it has passed a protection or other order under this section, order that a copy of such order be given to the parties to the application, in whose jurisdiction the court has been approached as well as to the service provider located within the local limits of jurisdiction of the Court, with direction to the service provider to assist in implementation of the order.</p>
<p>9. Monetary relief</p> <p>(1) The court may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person as a result of domestic violence and includes but is not limited to:</p> <ol style="list-style-type: none"> loss of earning; medical expenses; loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order under family laws. <p>(2) The respondent shall pay monetary relief to the person aggrieved within the date specified in the order made in terms of sub-section (1) and in accordance with the terms thereof.</p> <p>(3) The court may, upon the failure on the part of the respondent to make payment in terms of sub-section (2) by an order, direct an employer or a debtor, if any, of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries of debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent</p>	<p>9. Monetary relief:-</p> <p>(1) The Court may direct the accused to pay monetary relief to meet the expenses incurred and losses suffered by the victim as a result of domestic violence and includes but is not limited to:</p> <ol style="list-style-type: none"> loss of earning; medical expenses; loss caused due to the destruction, damage or removal of any property from the control of the victim; and maintenance for the victim as well as his/her children, if any, including an order under or in addition to an order under family laws; <p>(2) The accused shall pay monetary relief and/or compensation to the victim within the date specified in the order made in terms of sub-section (1) and (2) and in accordance with the terms thereof;</p> <p>(3) The Court may, upon the failure on part of the accused to make payment by an order, direct that it be recovered as arrears of land revenue, and on recovery shall be paid to the victim;</p>
<p>10. Custody order</p> <p>Notwithstanding any other law for the time being in force, the court may at any stage of hearing of the application for protection order or under section 9 and 11, grant temporary custody of any child or children to the aggrieved person or the person making an application on behalf of aggrieved person and specify, if necessary, arrangement for visitation by the respondent;</p> <p>Provided that in any case where a complaint of sexual abuse of a child has been made and the court is prima facie satisfied that such allegation is true, the court shall grant custody to the aggrieved person or the person making an application on her behalf and no such order for arrangements for visitation by the respondent shall be made.</p>	<p>10. Custody order:-</p> <p>Notwithstanding any other law for the time being in force, the court may, at any stage of hearing of the application for protection order or otherwise grant temporary custody of any child or children to the victim or any other person that the Court deems fit, and specify, if necessary, arrangement for visitation by the accused;</p> <p>Provided that in any case where a complaint of sexual abuse of a child has been made and the Court is prima facie satisfied that such allegation is true, the Court shall grant temporary custody to the victim or any person keeping in view the best interest of the victim, and may order monetary assistance by the accused, but no such order for arrangements for visitation by the accused shall be made.</p>
<p>11. Compensation order</p> <p>(1) In addition to other relief under any other provisions of this Act, the court may on an application by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries caused by the acts of domestic violence committed by the respondent.</p> <p>(2) The aggrieved person may make an application for compensation and damages under this section without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent;</p> <p>Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the court under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 or any other law for the time being in force, be executable for the balance, if any, left after such set off.</p>	<p>11. Compensation order</p> <p>(1) In addition to other relief under any other provisions of this Act, the victim or complainant may make an application for compensation and damages under this section without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the accused.</p> <p>(2) The Court may on an application by the victim or other complainant pass an order directing the accused to pay compensation and damages for the injuries of any kind, caused by the acts of domestic violence committed on the victim by the accused.</p> <p>Provided that where a decree for any amount as compensation or damages has been passed by any Court in favour of the victim the amount, if any, paid or payable in pursuance of the order made by the Court under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 or any other law for the time being in force, be executable for the balance, if any, left after such set off.</p>
<p>12. Power to grant interim order</p> <p>(1) In any proceeding before the court under this Act, the court may pass such interim order as it deems just and proper.</p> <p>(2) If the court is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, it may on the basis of affidavit, grant an ex-parte order under sections 8, 9, 10 and 11 against the respondent in a form as may be prescribed under the rules.</p>	<p>12. Power to grant interim order:-</p> <p>(1) In any proceeding before the Court under this Act, the Court may pass such interim order as it deems just and necessary;</p> <p>(2) If the court is satisfied that an application prima facie discloses that the accused is committing, or has committed an act of domestic violence or that there is a likelihood that the accused may commit an act of domestic violence, it may on the basis of affidavit, grant an interim ex-parte order, restraining the accused from engaging in any act of domestic violence, subject to confirmation after hearing the parties;</p>

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<p>13. Counseling (1) The court at any stage of the proceedings under this Act may direct the respondent to undergo mandatory counseling with any service provider. (2) Where the court has issued any direction under sub-section (1), it shall fix the next date of hearing of the case within a period not exceeding thirty days.</p>	<p>13. Counseling:- (1) The Court may at any stage of the proceedings under this Act direct the accused and/or victim to undergo mandatory counseling with an appropriate service provider; (2) Where the court has issued any direction under subsection (1), it shall fix the next date of hearing of the case within a period not exceeding thirty (30) days.</p>
<p>14. Assistance of service provider In any proceedings under this Act, the court may secure the services of a service provider, preferably a woman where available, as it thinks fit, for the purpose of assisting it in discharging its functions.</p>	<p>14. Assistance of service provider:- In any proceedings under this Act, the Court may secure the services of a service provider, preferably a woman, if available, as it deems fit, for the purpose of assisting it in discharging its function; (1) A "service provider" registered under sub-section (1) shall have the power to: a) record the domestic incident in a prescribed form if the victim so desires, and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place; (b) get the victim medically examined and forward a copy of the medical report to the Protection Officer and the police within the local limits of which the domestic violence took place; (c) ensure that the victim is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the victim in a shelter home to the police station within the local limits of the place where the domestic violence took place; (d) provide the victim with any aid or assistance she/he may require. (2) No suit, prosecution or other legal proceedings shall lie against any service provider for anything which is in good faith done or purported to be done by or under this Act, or otherwise in receiving a complaint of domestic violence or dispensing of such complaint.</p>
<p>15. Relief in other suits and legal proceedings. (1) Relief available under sections 8, 9, 10, and 11 may also be sought in any legal proceedings, before a civil court, a family court or a criminal court, affecting the aggrieved person and the respondent, whether such proceeding was initiated before or after the commencement of this Act; and such order may be sought in addition to and along with any other relief that the aggrieved person may pray for in such suit or legal proceeding. (2) In case any relief has been obtained by the aggrieved person in any proceedings other than a proceeding under this Act, he shall be bound to inform the Court of the grant of such relief.</p>	<p>15. Relief in other suits and legal proceedings:- (1) The victim or other complainant may seek relief available under the provisions of this Act before a civil court or a criminal court, whether such proceeding was initiated before or after the commencement of this Act and such relief may be sought in addition to and along with any other relief that the victim or complainant has already prayed for in such suit or legal proceeding. (2) In case the victim or other complainant has been granted any relief in any proceedings other than a proceeding under this Act, she/he shall inform the Court of the grant of such relief.</p>
<p>16. Duration and alteration of protection and residence order: (1) The protection order made under section 8 shall remain in force until the aggrieved person applies for discharge of such order. (2) The residence order shall remain in force until such time it is altered. (3) Nothing contained in sub-section (1) or sub-section (2) shall prevent an aggrieved person from applying for an order under sections 8, 9, 10 and 11, notwithstanding that an order under those sections has been previously refused, if sufficient cause is made out for the grant of such an order and the previous order shall not operate as res-judicata. (4) Nothing contained in sub-sections (1) and (2) shall prevent an aggrieved person from making a fresh application after the previous order has been discharged.</p>	<p>16. Duration and alteration of protection and residence order:- (1) The protection order made under section 10 shall remain in force until the victim or other complainant applies for discharge of such order or the Court, on application of accused, deems fit to discharge such order. (2) The residence order shall remain in force until such time as it is altered. (3) Nothing contained in sub-section (1) or sub-section (2) shall prevent a victim or other complainant from applying for an order notwithstanding that an order has been previously refused, if the victim or other complainant can show to the satisfaction of the Court that circumstances have altered significantly from the time that the previous order was refused. (4) Nothing contained in sub-sections (1) and (2) shall prevent a victim or other complainant from making a fresh application after the previous order has been discharged.</p>
<p>17. Penalty for breach of protection order by the respondent (1) A breach of protection order, or of the interim protection order, by the respondent shall be an offence and shall be punished with imprisonment which may extend to one year or with fine which may not be less than rupees fifty thousand or with both. (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 six months and also be liable to fine which may not be less than rupees one hundred thousand. (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 the offence under this section shall be cognizable and non-bailable. (4) Any person convicted by a court under sub-section (1) or sub-section (2) may file an appeal to the court of Session within thirty days of the passing of order of sentence.</p>	<p>17. Penalty for breach of protection order by the accused:- (1) A breach by the accused of protection order, or of the interim protection order, shall be an offence and shall be punished with imprisonment of not less than 48 hours and which may extend upto one year and/or with fine which may extend to rupees fifty thousand or with both. (2) A person who violates a protection order more than once shall be punished with imprisonment, which may extend upto two years but shall not be less than six months and shall also be liable to fine, which may extend upto rupees one hundred thousand or more in the discretion of the Court. (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this Act shall be cognizable and non-bailable.</p>
<p>18. Protection committee (1) The Provincial Government shall, by notification in the official Gazette constitute as many Protection Committees as may be considered necessary for the purposes of this Act. (2) A Protection Committee shall comprise of one Police Officer male or female of sub-inspector rank and a lady councillor from the Union Council concerned and one member from Public Safety Commission to assist the court in the discharge of duties under this Act. Explanation a) "Union Council" means the Union Council established under, and the Public Safety commission means the Public Safety Commission appointed under a Local Government Ordinance; b) "Local Government" means the law which has been promulgated by a Provincial Government as Local Government Ordinance in the year 2001 and for Islamabad Capital Territory in the year 2002.</p>	<p>18. Protection Officer:- (1) The Provincial Government shall, in consultation with the coordinator, by notification in the official Gazette appoint such number of Protection Officers, preferably females, at least one in each tehsil and as may be considered necessary for the purposes of this Act and shall notify the areas within which a Protection Officer shall perform his/her functions under this Act. (2) The Protection Officer shall possess such qualifications as may be prescribed; (3) The terms and conditions of service of the Protection Officer shall be such as may be prescribed;</p>
<p>19. Duties and Functions of Protection Committee (1) The Protection Committee may,- i. enter upon a place where it has reasonable suspicion of domestic violence or imminent domestic violence likely to cause physical harm to the aggrieved person, and shall remain there until the requisite protection is secured to the satisfaction of such Protection Committee; ii. assist the aggrieved person in obtaining any medical treatment necessitated due to the domestic violence; iii. if necessary, and with the consent of aggrieved person, assist the aggrieved person in re-allocating to a safe 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 provide; iv. inform the aggrieved person of his rights provided under this Act or any other law for the time being in force and the remedies and help that may be provided; v. assist the aggrieved person in the preparation and filing or lodging of any application or report under this Act, the Code of Criminal Procedure, 1898 or any other law for the time being in force; vi. file an application for a protection order, if so desired by the aggrieved person; vii. report the incident to the Family Conciliatory Committee; viii. coordinate with Family Conciliatory Committee in performing its duties; ix. submit, if necessary, the report of the Family Conciliatory Committee to the Court; and x. keep official record of the incidents of domestic violence in area of jurisdiction, whether on the basis of information received or upon suo moto inquiry and irrespective of whether or not action is taken under suo moto inquiry, irrespective of whether or not action is taken under this Act. Such record shall include: a) the first information received about the incident of domestic violence; b) the assistance, if any, offered or provided by the Protection Committee to the aggrieved person; c) where applicable, the reason for no taking action under this Act when an incident was brought to the notice of the Protection Committee; d) where applicable, the reason for the aggrieved person refusal to take assistance from the</p>	<p>19. Duties and Functions of Protection Officer:- (1) The Protection Officer shall assist the court in the effective exercise of its powers under this Act. She/he may procure the assistance of any person or authority in performing her/his functions under this Act, and any person or authority so requested by the Protection Officer, shall be under legal obligation to provide the desired assistance to her/him. (2) The Protection Officer may: (i) enter upon a place where she/he has been given credible information of domestic violence or imminent domestic violence likely to cause physical harm to the victim, and shall take all steps necessary to ensure that the victim is protected to its satisfaction; (ii) assist the victim in obtaining any medical treatment necessary due to the domestic violence; (iii) if necessary, and with the consent of victim, assist the victim in re-locating to a safe place acceptable to the victim, which may include the house of any relative or family friend or other safe place, if any, established by a service provider; (iv) inform the victim of her/his rights provided under this Act or any other law for the time being in force and the remedies and help that may be provided; (v) assist the victim or other complainant in the preparation and filing or lodging of any application or report under this Act, the Code of Criminal Procedure, 1898 or any other law for the time being in force; (vi) perform such duties as may be ordered to be performed by the court; (vii) keep official record of the incidents of domestic violence in her/his area of jurisdiction, whether on the basis of officially received information or personally acquired information, and irrespective of whether or not any action is taken or cannot be taken under this Act. Such record shall include but not be limited to the first information received about the incident of domestic violence, the assistance, if any, offered or provided by the Protection Officer to the victim and will also include: (a) description of the nature of the violence; (b) where applicable, the reason for not taking action under this Act when an incident was brought to the notice of the Protection Officer;</p>

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<p>Protection Committee;</p> <p>e) where applicable, the grounds for entering any premises;</p> <p>f) the names and contact details of the service provider, if any, from whom the aggrieved person sought help;</p> <p>g) maintenance of record of applications, protection orders and the service providers operating in the area of jurisdiction; and</p> <p>h) perform any other duties that may be assigned to the Protection Committee under this Act or the rules made thereunder.</p>	<p>(b) where applicable, the reason for the refusal of the victim to take assistance from the Protection Officer;</p> <p>(c) where applicable, the grounds for entering any premises;</p> <p>(d) the names and contact details of the service provider, if any, from whom the victim sought help;</p> <p>(e) maintenance of record of applications, protection orders and the service providers operating in the area of jurisdiction.</p>
<p>20. Powers, privileges and immunities of Protection Committee</p> <p>(1) Members of the Protection Committee shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).</p> <p>(2) The Protection Committee may file an application for obtaining a protection order under section 8, if so desired by the aggrieved person;</p> <p>Provided that the Protection Committee may file an application, suo moto, for a protection order when deems it necessary to do so.</p> <p>(3) The Protection Committee may procure the assistance of any person or authority; and any person or authority so requested by the Protection Committee, shall be under legal obligation to provide the desired assistance to the Protection Committee.</p> <p>(4) The Members of the Protection Committee shall attend the meetings of the committee. The quorum for the meeting of the Committee shall be two-third of its membership.</p> <p>(5) No suit, prosecution or other legal proceedings shall lie against the Protection Committee or any member thereof for any act done or purported to be done in good faith in the discharge of duties under this Act.</p>	<p>20. Powers and Immunities of Protection Officer</p> <p>(1) A Protection Officer shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).</p> <p>(2) No suit, prosecution or other legal proceedings shall lie against the Protection Officer for any act done or purported to be done in good faith in the discharge of duties under this Act.</p>
<p>21. Delegation of functions and penalties</p> <p>The Protection Committee may delegate any of its functions and powers to any of its member or members.</p>	<p>Deleted as irrelevant</p>
<p>22. Family Conciliatory Committee</p> <p>(1) There shall be constituted a Family Conciliatory Committee in each Union Council consisting of the five members of the Union Council to be nominated by such Union Council from amongst its members. At least three members of the Committee shall be women.</p> <p>(2) The Chairperson shall be elected by majority of the votes of all the members of the committee.</p> <p>(3) Proceedings to terminate and substitute any member of the Committee shall be initiated by the Chairperson of the Committee, either suo moto or upon application by any member of the Committee or the Protection Committee and shall be decided by a majority vote of all the members of the Committee;</p> <p>(4) The Committee members subject to sub-section (3), shall hold office during their tenure as members of the union council.</p>	<p>Deleted</p>
<p>23. Proceedings before the Family Conciliatory Committee</p> <p>(1) The Chairperson shall call a meeting whether suo moto or on the request by Protection Committee or affected parties.</p> <p>(2) The meetings of the Committee shall be attended by all members of the Committee and affected parties and their representatives if any, and Protection Committee;</p> <p>Provided that the absence of any members shall not vitiate these proceedings of the Committee, if a quorum of at least three members of the Committee is present at such meeting.</p> <p>(3) The Committee shall use all reasonable and legitimate measures to resolve the dispute amicably.</p> <p>(4) If conciliation fails, the Chairperson shall cause a report to be prepared of the incident, the proceedings before the Committee, the attempted efforts and the conduct of the parties, especially their attitudes towards conciliation.</p> <p>(5) The report will be approved and signed by all present members of the Committee;</p> <p>(6) The Committee shall conclude its proceedings within a period of seven days and the report of the Chairperson will be issued within further period of seven days;</p> <p>(7) The Committee shall have all the privileges and immunities enjoyed by the Protection Committee.</p>	<p>Deleted</p>
<p>24. Jurisdiction</p> <p>(1) Notwithstanding anything contained in any other law for the time being in force, the jurisdiction to grant a protection order or any other relief or try an offence under this Act lies with the Magistrate's court, within whose jurisdiction:</p> <p>(i) the aggrieved person permanently or temporarily, resides, carries on business or is employed; or</p> <p>(ii) the respondent resides, carries on business or is employed; or</p> <p>(iii) the cause of action arose.</p>	<p>24. Jurisdiction:-</p> <p>Notwithstanding anything contained in any other law for the time being in force, the jurisdiction to grant a protection order or any other relief or try an offence under this Act lies with the Court, within whose jurisdiction:</p> <p>(i) the victim permanently or temporarily, resides, carries on business or is employed; or</p> <p>(ii) the accused resides, carries on business or is employed; or</p> <p>(iii) the offence has been committed.</p>
<p>25. Protection of actions taken in good faith</p> <p>(1) No suit, prosecution or other legal proceedings shall lie against any service provider for anything which is in good faith done or purported to be done by or under this Act, or otherwise in receiving a complaint of domestic violence or dispensing of such complaint.</p>	<p>25. Protection of actions taken in good faith:-</p> <p>(1) No suit, prosecution or other legal proceedings shall lie against any Protection Officer for anything which is in good faith done or purported to be done by or under this Act, or otherwise in receiving a complaint of domestic violence or dispensing of such complaint.</p> <p>(2) No suit, prosecution or other legal proceedings shall lie against the complainant for any act done or purported to be done in good faith.</p>
<p>26. Procedure</p> <p>Save as otherwise provided in this Act, all proceedings under sections 8, 9, 10, 11, and an offence under section 17 shall be governed by the Code of Criminal Procedure, 1898:</p> <p>Provided that nothing in sub-section (1) shall prevent the court from adopting fair procedure as may be necessary for just disposal of an issue before it.</p>	<p>26. Procedure:-</p> <p>(1) Save as otherwise provided in this Act, all proceedings under sections 7, 8, 9, 10, 11 and 12 and in respect of an offences under section 4A and the corresponding punishments under section 4B shall be governed by the Code of Criminal Procedure, 1898.</p> <p>Provided the Qanun-e-Shahadat and the Civil Procedure Code shall not be applicable unless expressly provided;</p> <p>Provided that nothing in sub-section (1) shall prevent the Court from adopting such fair procedure as may be necessary for just disposal of an issue before it.</p> <p>(2) The proceedings may be held in camera, if the Court considers that the circumstances of the case so warrant and shall be so held if either party so desires. In case of a female victim, the court shall require a lawyer, policewoman or a female counselor to remain in attendance throughout the proceedings. In the case of a child victim the court shall require the presence of a child psychologist. The Court shall also make all other necessary provisions to provide safety and security to the victim and the complainant.</p> <p>(3) Any proceedings conducted under this Act must be concluded within three months of commencement, failing which the victim or complainant may approach Member Inspection Team (MIT) of the concerned High Court for directions in the matter.</p> <p>(4) If the accused is a juvenile as defined in the Juvenile Justice System Ordinance, 2000, proceedings against her/him shall be conducted in accordance with the said Ordinance.</p>

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<p>27. Duty of Government to ensure effective implementation of the Act</p> <p>(1) The Federal and the Provincial Governments shall respectively appoint eminent persons as the Federal and Provincial Coordinators for the prevention of domestic violence who shall submit annual reports to the Federal and Provincial Governments respectively on the incidence of domestic violence in the implementation of this Act. These reports shall be laid before Parliament in case of Federal Government and Provincial Assembly, in case of the Provincial Government.</p> <p>(2) The coordinator for the prevention of domestic violence, appointed under sub-section (1) shall have the powers to perform all or any of the following:-</p> <ol style="list-style-type: none"> investigate and examine all matters relating to prevention of domestic violence generally; make in its annual reports to the Government recommendations for the effective implementation of the provisions of this Act; Review from time to time the existing provisions of the law on domestic violence and suggest amendments therein, if any; Look into complaints and take suo moto notice of matters relating to domestic violence and the non-implementation of the law on domestic violence; Call for special studies or investigation into specific incidence of domestic violence; Participate and advise on the planning process for securing a safe environment free of domestic violence; Evaluate the progress of the development and empowerment of women under the law on domestic violence; <p>(3) The Federal and Provincial Coordinators may be assisted by the service providers in the discharge of their functions.</p> <p>(4) The Government shall ensure that:</p> <ol style="list-style-type: none"> this Act and the contents thereof receive wide publicity through electronic and print media; the government officers, the police and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act; and effective protocols are formulated by concerned Ministries and Departments dealing with health, education, employment, law and social welfare to address issues of domestic violence and that the same are periodically revised. 	<p>27. Responsibility of the Government to ensure effective implementation of the Act:-</p> <p>(1) The Federal and the Provincial Governments, respectively, shall within one month of the enforcement of this Act, request the Chief Justice of the concerned High Court to nominate a District and Sessions Judge in each district as the Coordinator for the prevention of domestic violence, who shall submit annual reports to the Member Inspection Team (MIT) of the concerned High Court on the incidences of domestic violence in such district and in respect of implementation of this Act. After obtaining necessary directions from the High Court, these reports shall be shared by the MIT with the Gender Crime Centre within the National Police Bureau to maintain and update its record, and also referred to the National Commission on the Status of Women (NCSW) to make suitable recommendations to the legislatures.</p> <p>(2) The Coordinator for the prevention of domestic violence, appointed under sub-section (1) shall have the powers to perform all or any of the following functions:</p> <ol style="list-style-type: none"> investigate and examine all matters relating to prevention of domestic violence generally, in her/his district; look into complaints and take suo moto notice of matters relating to domestic violence and the non-implementation of the law on domestic violence; make her/his annual reports to the MIT with recommendations for the effective implementation of the provisions of this Act; The MIT shall forward the reports of all the Coordinators of the province after obtaining directions provided in sub-section (1) to NCSW. <p>(3) The NCSW shall</p> <ol style="list-style-type: none"> review from time to time the existing provisions of the law on domestic violence and suggest amendments therein, if any; call for special studies or investigation into specific incidence of domestic violence; participate and advise on the planning process for securing a safe environment free of domestic violence; evaluate the progress of the development and empowerment of women under the law on domestic violence. <p>(4) The district Coordinators may be assisted by the service providers in the discharge of their functions.</p> <p>(5) The Government shall ensure that:</p> <ol style="list-style-type: none"> this Act and the contents thereof receive wide publicity through electronic and print media in Urdu and local languages; the relevant government officials including the police, medico legal officers, staff of Government Shelter Homes and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act; and effective protocols are formulated by concerned Ministries and Departments dealing with health, education, employment, law and social welfare to address issues of domestic violence and that the same are periodically revised.
<p>28. Revision</p> <p>Chapter XXXII of the Code of Criminal Procedure 1898 (Act V of 1898) shall apply to an order passed under sections 8, 9 10, 11 or 12.</p>	<p>28. Revision</p> <p>Chapter XXXII of the Code of Criminal Procedure 1898 (Act V of 1898) shall apply to an order passed under sections 8, 9 10, 11 or 12.</p>
<p>29. Powers to make rules</p> <p>(1) The Federal Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-</p> <ol style="list-style-type: none"> prescribing the form in which the application may be made; and any other matter in connection with or in relation to this Act. <p>(3) The rules made under this Act shall be laid, as soon as possible after they are made before each House of Parliament.</p>	<p>29. Power to make rules:-</p> <p>(1) The Provincial Governments may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) The Federal Government shall consult the Federal and Provincial Coordinators and members of the civil society in making these rules.</p> <p>(3) The rules made under this Act shall be laid before each House of the Parliament immediately after they are structured.</p>
<p>30. Removal of difficulties</p> <p>If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order not inconsistent with the provisions of this Act as may be necessary to remove difficulty.</p>	<p>30. Removal of difficulties:- If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order not inconsistent with the provisions of this Act as may be necessary to remove the difficulty.</p>

Critical gaps in draft bill

Continued from Page 1

cased should lie with the Family Courts.

Implementation Procedures: The method of implementation is one of the most important aspects of the government bill. The formation of the Protection Committee raised a number of concerns. While the duties imposed on the members of the committee are not necessarily a problem, the formation, although it may attempt to be inclusive, may raise serious issues. The members of the union counselors and the public safety commissions are in their positions for only a few years and hold a large number of other responsibilities. It is more than likely they may not have the time or the necessary experience or understanding to deal with victims and situations of violence. It is necessary for someone dealing with the crime of domestic violence to be able to focus entirely on it and all the complexities entailed.

The civil society looked towards other acts on domestic violence for guidance and incorporated the provision of Protection Officers as opposed to committees. The officer has the sole responsibility on investigating the cases and has the authority to procure the assistance of any person or authority in performing her/his functions under this Act, and any

person or authority so requested by the Protection Officer, will be under a legal obligation to provide the desired assistance. This will maintain a sense of regularity and a person who has no other distractions will be able to focus on the issue entirely.

Reconciliation: The Family Conciliation Committee (FCC) was dropped by the civil society draft. It was strongly felt that no victim would go to the court for relief if there was a chance or hope for reconciliation - he/she would only go in circumstances when they do not wish reconciliation. Also, the methodology adopted by the FCC may be counter-productive as it will most likely continue to have the patriarchal, conservative over tones, echoing societal unacceptability, which the victim is attempting to escape from and may indirectly pressurize him/her to return to the situation. Furthermore, there always remains a possibility that during the course of the proceedings, the parties may come to an understanding and drop the cause of action themselves - as occurs in other cases that go to court. Also, to initiate reconciliation proceedings through the FCC gives an impression that 'domestic violence' remains a private matter which 'should' be resolved before going to court, as opposed to the fact that domestic violence is a crime and must be treated and punished as a crime. There is no 'reconciliation' in cases of assault, battery or murder and therefore, there is no need for 'reconciliation' in cases of domestic violence.

Consultation on the DVB

The National Consultation on 'domestic violence bill', organised by Aurat Foundation and UNIFEM in Islamabad on 7 August 2007, was co-chaired by Dr. Arfa Sayeda Zehra, Chairperson National Commission on the Status of Women and Dr. Faqir Hussain, Secretary Law and Justice Commission. Justice (Retd.) Nasira Javid and Barrister Zafarullah presented their draft proposals. Prominent among those participated in the discussion included, Justice (Retd.) Majida Rizvi, Justice (Retd.) Shaiq Usmani, Syed Iqbal Haider (HRCP & former Federal Law Minister), Ms. Naheeda Mehboob Elahi (Senior Advocate/HRSP), Prof. Akmal Waseem (Hamdard Law College, Karachi), Ms. Shamsa Ali (Senior Advocate), Mr. Shamim Malik (Advocate), Mr. Habib Tahir (Advocate), Mr. Shahnaz Hameed Khattak (Advocate), Mr. Shakeel Azam Awan (Advocate), Ms. S. K. Kausar (WAF), Ms. Anis Haroon (Aurat Foundation), Ms. Fareeda Shaheed (Shirkat Gah), Ms. Maryam Bibi (Khowendo Kor), Dr. Sabiha Syed (APWA), Ms. Rehana Hashmi (GRAP), Ms. Huma Chughtai (UNIFEM), Ms. Noor Naz Agha (Advocate), Ms. Rubina Saigol (WAF), Dr. Rakhshanda Perveen (SACHET), Ms. Sameena Nazir (PODA), Ms. Maliha Zia (AF), Mr. Ali Imran (MDM), Ms. Zakia Arshad & Ms. Naeema Malik (SAP-PK), Ms. Zubeida Noor (NET), Ms. Shabana Arif (Rozan), Ms. Naumana Suleman (NCJP), Ms. Uzma Irum (Sach), Dr. Noreen Khalid (OXFAM-GB), Ms. Aqsa Khan (Action Aid), Ms. Alice Shackelford (UNIFEM), Mr. Naeem Mirza (AF).

Call to end 'honour' killings, jirgas and panchayts

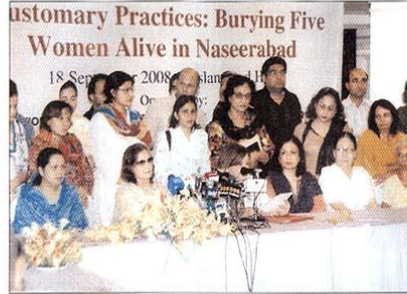
A national consultation of representatives of civil society organisations, committed and concerned activists from all over Pakistan was held in Islamabad on 18 September 2008 on the issue of 'Burying Five Women Alive in Naseerabad and the Customary Practices'. The Consultation was called together by the Joint Action Committees (JACs), Women's Action Forums (WAF chapters), Insaani Haqooq Ittehad (IHI), Legislative Watch Groups (LWGs) and Violence Against Women Watch Groups.

The participants, including civil society activists from Naseerabad and senior journalists, discussed the issue in detail and devised strategies to deal with the alarming situation of violence against women



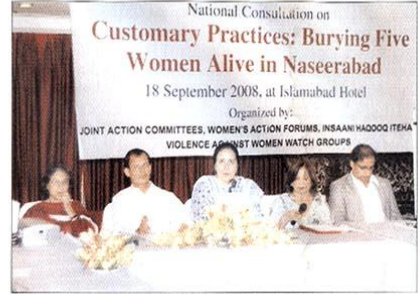
Tahira Abdullah and Naghma Imdad at the meeting

and formulated a future plan of action for a nationwide campaign against honour killing and other inhumane practices. An Islamabad Declaration released at a press conference on the occasion demanded among other



Anis Haroon is reading out the Islamabad Declaration along with representatives of CSOs.

actions, amendments in the present law on 'honour' crimes, particularly an end to waiver of Qisas and compoundability in cases of 'honour' killings; ban on jirgas and panchayts; and disqualification of 'Public Representatives' who defended 'honour' killings in the name of 'tradition' on the floor of the House. The meeting unanimously declared the victims of 'honour' crimes as 'shaheed Aurtein' (martyred women). The meeting also decided to dedicate this year's 16 Days of Activism against Gender Violence to these 'shaheed women'. The participants staged a demonstration against 'honour' killings in the end outside the venue of the meeting.



Asma Jahangir, Sheikh Razzak, Rukhshanda Naz, Anis Haroon & Rauf Klasra at the meeting.



Shabana Arif (left) and Nageen Hayat expressing their viewpoint.



Ayesha Mukhtar, Nasreen Azher, Naema Malik, Shabnam and Shah Taj Qizalbash (picture left); Maryam Bibi and Gulnar Tabassum (pictures in centre) during the deliberations. A scene of the demonstration (picture right).



Crucial amendments required to eliminate 'honour' crimes

- The law must lay down minimum mandatory punishments for 'honour' killings and crimes.
- The compounding of offences or waiver of punishments in cases of 'honour' killing and crimes must not be allowed under the law.
- The State must assume full responsibility for the registration, investigation and prosecution of 'honour' crimes.


Aurat Foundation in collaboration with Citizens' Action Committee (CAC) staged a peaceful rally on 20 September, on the eve of International Day of Peace (IDP) in front of the Lahore Press Club. The partic-

Peace rally in Lahore

ipants were holding placards inscribed with different peace messages. They also expressed their anger over the killings of innocent peoples by the US-led forces while calling it complete barbarism. They warned



the United States not to create situation which could create Third World War. They also advocated establishment of peace in Iraq, Afghanistan and tribal areas of Pakistan. They urged the world countries and discourage the US imperialistic efforts to save the human beings from destruction. They also said that many people in Bajaur had to leave their residents and take refuge in the nearby areas.



LEGISLATIVE WATCH

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