

A
BILL

to establish an effective system of protection relief and rehabilitation of women against violence.

Since the Constitution of the Islamic Republic of Pakistan, while guaranteeing gender equality, enables the State to make any special provision for the protection of women, it is necessary to protect women against violence including domestic violence, to establish a protection system for effective service delivery to women victims and to create an enabling environment to encourage and facilitate women freely to play their desired role in the society, and to provide for ancillary matters;

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.– (1) This Act may be cited as the Punjab Protection of Women against Violence Act 2015.

(2) It extends to the whole of the Punjab.

(3) It shall come into force on such date as the Government may, by notification, specify and different dates may be so specified for various areas in the Punjab.

2. Definitions.– In this Act:

- (a) "aggrieved person" means a woman who has been subjected to violence by a defendant;
- (b) "Committee" means a District Women Protection Committee established under the Act;
- (c) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (d) "Court" means the Family Court established under the Family Courts Act, 1964 (XXXV of 1964);
- (e) "dependent child" means a child who is below the age of twelve years of age and includes any adopted, step or foster child;
- (f) "District Coordination Officer" means the District Coordination Officer of the district;
- (g) "District Women Protection Officer" means the District Women Protection Officer appointed under the Act;
- (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;
- (i) "Government" means Government of the Punjab;
- (j) "house" includes a place where the aggrieved person lives in a domestic relationship irrespective of right to ownership or possession of the aggrieved person, defendant or joint family;
- (k) "prescribed" means prescribed by rules made under the Act;
- (l) "Protection Centre" means a Violence against Women Centre established under the Act;
- (m) "protection system" means the protection system constituted under the Act and includes the a Committee, a Protection Centre and a shelter home established under the Act;
- (n) "defendant" means a person against whom relief has been sought by the aggrieved person;
- (o) "resident" means a woman residing in a shelter home or a dependent child of such woman residing with her in the shelter home or a child residing in a shelter home;
- (p) "rules" means the rules made under the Act;

- (q) “shelter home” means a premises established or licensed by the Government under the Act to provide board and lodging and rehabilitation services to the aggrieved persons, other women and their children;
- (r) “violence” means any offence committed against a woman including abetment of an offence, domestic violence, emotional, psychological and verbal abuse, economic abuse, stalking or a cybercrime; and
- (s) “Women Protection Officer” means a Women Protection Officer appointed under the Act.

(2) A word or expression not defined in this Act shall have the same meaning as assigned to it in the Code or the Pakistan Penal Code, 1860 (XLV of 1860).

3. Measures for the implementation of the Act.– (1) The Government shall:

- (a) institute a universal toll free dial-in-number for the aggrieved persons;
- (b) establish Protection Centres and shelter homes under a phased programme;
- (c) appoint necessary staff at a Protection Centre for mediation and reconciliation between the parties, rescue, medical examination, medical and psychological treatment and legal help of the aggrieved persons and proper investigation of offences committed against aggrieved persons;
- (d) arrange for wide publicity of this Act and the protection system in Urdu and, if necessary, in local languages;
- (e) institute a mechanism for the periodic sensitization and awareness of the concerned public servants about the issues involving women and the requirements of protection and relief of the aggrieved persons; and
- (f) take other necessary measures to accomplish the objective of this Act.

(2) The Government shall establish a data-base and software for timely service delivery and monitoring and evaluation mechanism in the prescribed manner with a view to achieving the objectives of the Act and, where necessary, shall introduce necessary reforms for the purpose.

4. Complaint to Court.– (1) An aggrieved person, or a person authorized by the aggrieved person or the Women Protection Officer may submit a complaint for obtaining a protection, residence or monetary order in favour of the aggrieved person in the Court within whose jurisdiction:

- (a) the aggrieved person resides or carries on business;
- (b) the defendant resides or carries on business; or
- (c) the aggrieved person and the defendant last resided together.

(2) The Court shall proceed with the complaint under this Act and the Code and shall fix the first date of hearing which shall not be beyond seven days from the date of the receipt of the complaint by the Court.

(3) On receipt of the complaint, the Court shall issue a notice to the defendant calling upon him to show cause within seven days of the receipt of notice as to why any order under this Act may not be made and if the defendant fails to file a reply within the specified time, the Court, subject to service of the notice on the defendant, shall assume that the defendant has no plausible defense and proceed to pass any order under this Act.

(4) The Court shall finally decide the complaint within ninety days from the date of the receipt of the complaint, as nearly as possible, under Chapter XXII of the Code relating to the summary trials.

5. Right to reside in house.– Notwithstanding anything contained in any other law, the aggrieved person, who is the victim of domestic violence, shall not be evicted, save in accordance with law, from the house without her consent or if wrongfully evicted, the Court

shall restore the position obtaining before the eviction of the aggrieved person if the aggrieved person has right, title or beneficial interest in the house.

6. Interim order.– (1) Pending proceedings under this Act, the Court may, at any stage of the complaint, pass such interim order as it deems just and proper.

(2) If the Court is satisfied that the complaint *prima facie* shows that the defendant has committed an act of violence or is likely to commit an act of violence, it may issue an order on the basis of an affidavit of the aggrieved person or any other material before the Court.

7. Protection order.– (1) 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 from the aggrieved person as may, keeping in view the peculiar facts and circumstances of the case, be determined by the Court;
- (d) wear ankle or wrist bracelet GPS tracker to track the movement of the defendant twenty four hours, seven days a week;
- (e) move out of the house;
- (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;
- (g) refrain from aiding or abetting an act of violence;
- (h) refrain from entering the place of employment of the aggrieved person or any other place frequently visited by the aggrieved person;
- (i) refrain from causing violence to a dependent, other relative or any person who provides assistance to the aggrieved person against violence; or
- (j) refrain from committing such other acts as may be specified in the protection order.

(2) The Court may issue one or more directions contained in subsection (1) even if the aggrieved person has not prayed for such direction and may, keeping in view the peculiar facts and circumstances of the case, specify the period for which the protection order shall remain operative.

(3) The Court may impose any additional conditions or pass any other direction which it may deem reasonably necessary to protect and provide for the safety of the aggrieved person or any dependent child of the aggrieved person.

(4) The Court may require the defendant to execute a bond, with or without sureties, for preventing the commission of violence.

(5) While making an order under this section or section 8, the Court may, pass an order directing the Women Protection Officer to provide protection to the aggrieved person or to assist the aggrieved person or the person making a complaint on behalf of the aggrieved person.

(6) The Court may direct the police to assist the Women Protection Officer in the implementation of the protection or residence order.

8. Residence order.– (1) The Court, in case of domestic violence, may in addition to any order under section 7, pass a residence order directing that:

- (a) the aggrieved person shall not be evicted, save in accordance with law, from the house;
- (b) the aggrieved person has the right to stay in the house;

- (c) the defendant shall not sell or transfer the house to any person other than the aggrieved person;
- (d) the aggrieved person may be relocated from the house to the shelter home for purposes of relief, protection and rehabilitation;
- (e) the defendant shall deliver the possession of any property or documents to the aggrieved person to which the aggrieved person is entitled;
- (f) 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
- (g) shall arrange an alternative accommodation for the aggrieved person or to pay rent for the alternative accommodation.

(2) The Court may, keeping in view the peculiar facts and circumstances of the case, issue one or more directions contained in subsection (1) even if the aggrieved person has not prayed for such direction and may specify the period for which the residence order shall remain in force.

(3) The Court shall have due regard to the financial needs and resources of the parties before passing any order having financial implications.

9. Monetary order.– (1) 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:

- (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; and
- (e) reasonable maintenance for the aggrieved person and her dependent children, if any, in addition to an order of maintenance under family laws.

(2) The Court shall have due regard to the financial needs and resources of the parties before passing any order under subsection (1).

(3) The defendant shall pay monetary relief to the aggrieved person within the period specified in the order made under subsection (1).

(4) If the defendant fails to make payment within the period mentioned in the order, the Court shall direct the employer or debtor of the defendant, directly to pay the aggrieved person or to deposit with the Court a portion of the wages or debt due to or accrued to the credit of the defendant.

(5) The amount paid or deposited under subsection (4) shall be adjusted by the employer or debtor towards payment to the defendant.

10. Duration and alteration of orders.– (1) The interim order, protection order or residence order shall remain in force during the period specified by the Court.

(2) The Court may, keeping in view the circumstances and for reasons to be recorded in writing, alter or discharge any order made under this Act.

(3) The Court shall, on an application of the aggrieved person, discharge any order passed under the Act.

(4) Nothing in this section shall prevent an aggrieved person from making a fresh application after the previous interim, protection or residence order has been discharged.

11. District Women Protection Committee.– (1) The Government shall, by notification, constitute a District Women Protection Committee for each district.

(2) The Committee shall be headed by the District Coordination Officer of the district and shall, subject to subsection (3), consist of the following members:

- (a) Executive District Officer (Health);
- (b) Executive District Officer (Community Development);
- (c) a representative of the head of District Police;
- (d) District Officer Social Welfare;
- (e) District Public Prosecutor; and
- (f) District Women Protection Officer (Secretary).

(3) The Government shall nominate four non-official members of each District Women Protection Committee from amongst civil society and philanthropists' who are residents of the district.

(4) A member, including a co-opted member of the Committee, shall not be entitled to any remuneration or fee or any other charges or facilities for services rendered under the Act.

(5) The Government shall nominate the Vice Chairperson of the Committee from amongst the non-official members.

(6) The Committee shall hold at least one meeting in every three months and shall regulate its procedure.

(7) The Government may, at any time, remove a non-official member on charges of misconduct, disinterest, exploitation or misuse of powers, or any other act which is detrimental to the objectives of the Act.

12. Functions of the Committee.– (1) The Committee shall:

- (a) supervise the working of the Protection Centre, shelter home and toll free helpline and take necessary steps to improve the services;
 - (b) ensure uninterrupted functioning of the toll free dial-in-number of the Protection Centre and high quality response and services at the Protection Centre and, for the purpose, shall arrange training for the concerned employees;
 - (c) develop liaison with other departments and agencies in the district enabling the Protection Centre and shelter home best to perform the task of protection of women;
 - (d) try mediation and reconciliation between the parties for resolution of disputes under this Act;
 - (e) ensure that the cases of violence registered in any of police station of the district are referred to the Protection Centre for medical examination, collection of forensics and investigation and until the Protection Centre is established in the district, shall make standing arrangements for shifting of the aggrieved person, with her consent, to the nearest Protection Centre;
 - (f) approve annual plan of action for the Protection Centre and shelter home;
 - (g) discuss problems being faced by the Protection Centre and shelter home and find possible solution of the problems;
 - (h) monitor and evaluate working of the Protection Centre and shelter home;
 - (i) enlist women volunteers and women volunteer organizations in the district and assign roles under this Act to such volunteers and organizations;
 - (j) suggest measures for better protection of women or improvement in the protection system to the Government;

- (k) ensure minimum standards, code of conduct and standard operating procedures to be followed by the employees of the protection system;
- (l) approve annual report about physical targets, activities and gaps of the protection system in the district for submission to the Government; and
- (m) perform such other functions as may be assigned to it by the Government and as are ancillary to any of the above functions or necessary to accomplish the objectives of the Act.

(2) The Committee may accept donations such as land, vehicles, equipment or money for the facilitation of the functioning of the protection system and all such donations shall be used, maintained and disposed of by the Committee in the prescribed manner.

(3) The Government may delegate any of the functions of the Committee to the District Coordination Officer subject to such terms and conditions as the Government may determine.

13. Protection Centres and shelter homes.– (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;
- (h) register information against the perpetrators of violence;
- (i) initiate cases of state-inflicted violence, if any, against women;
- (j) maintain audio-visual record of all actions carried out under the Act;
- (k) provide or arrange to provide legal aid to an aggrieved person;
- (l) provide psychological counseling to an aggrieved person;
- (m) mediate between an aggrieved person and the defendant for resolution of disputes under the Act; and
- (n) act as a community centre to guide women in all Government related inquiries.

(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.

(4) A shelter home shall:

- (a) provide shelter and other allied facilities to an aggrieved person or other needy women along with dependent children;
- (b) provide, with the consent of the resident, rehabilitation services to reintegrate residents with their families and society where necessary;
- (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;

- (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.

14. Women Protection Officer.– (1) The Government shall, by notification, appoint a District Women Protection Officer for a district and Women Protection Officers.

(2) Subject to general supervision of the Committee, a District Women Protection Officer shall:

- (a) supervise and coordinate the protection system in the district;
- (b) maintain liaison, supervise, plan, implement, monitor and periodically evaluate the protection system in the district;
- (c) be responsible for training of the staff, reporting and documentation of the protection system in the district;
- (d) provide counselling services to the aggrieved persons in the Protection Centre and shelter home;
- (e) approve a rescue operation for rescuing an aggrieved person;
- (f) file a habeas corpus case on the basis of any credible information of wrongful confinement of an aggrieved person;
- (g) set specific, measurable, achievable and relevant targets for the protection system to be achieved in the specified time;
- (h) ensure achievement of targets and submit compliance report in every meeting of the Committee; and
- (i) prepare an annual report about targets, activities and gaps of the protection system.

(3) Subject to the supervision of the District Women Protection Officer, a Women Protection Officer shall:

- (a) assist the District Women Protection Officer in the performance of her functions;
- (b) respond to the calls or queries of women on internet or toll free dial-in-number of the Protection Centre;
- (c) rescue an aggrieved person and, subject to this Act, admit her and her dependent children or other family members, if necessary, in the shelter home;
- (d) approve admission of a woman or any other person in the shelter home in accordance with the provision of this Act and the rules governing the shelter home;
- (e) provide counseling services on phone or, where necessary, by visiting an aggrieved person; and
- (f) supervise working of officials of the shelter home.

(4) The District Women Protection Officer may perform any function of a Women Protection Officer and, in the absence of the District Women Protection Officer owing to any

cause, the senior-most Women Protection Officer shall perform the functions of the District Women Protection Officer.

15. Power to enter.– (1) The District Women Protection Officer or a Women Protection Officer, at any time, enter in any place or house for the purpose of rescuing an aggrieved person but such officer or official shall not rescue the aggrieved person without her consent.

(2) The District Women Protection Officer or a Women Protection Officer shall give reasonable notice to the incharge of the place or house before entering and the incharge shall allow free access and afford all reasonable facilities to meet a woman residing or kept in the place or house.

(3) If access to such place or house cannot be obtained under sub-section (2), it shall be lawful for the District Women Protection Officer or a Women Protection Officer to enter such place or house in collaboration with district authorities including police and to meet an aggrieved person residing or kept in the place or house, and in order to effect an entrance into such place or house, to break open any outer or inner door or window of any house or place.

(4) If the District Women Protection Officer or a Women Protection Officer who enters a place or house under this Act is detained in the house or place, she may break open any outer or inner door or window of any house or place to get out of the house or place.

(5) Notwithstanding anything contained in this section, the powers of entry in a house or place of abode of a woman shall only be exercised by a female officer of the protection system.

16. Assistance on request.– (1) The District Women Protection Officer or a Women Protection Officer shall provide all reasonable assistance to an aggrieved person or to any other woman who needs such assistance in accordance with the provisions of this Act.

(2) The District Women Protection Officer or a Women Protection Officer may provide or offer to provide assistance under the Act on the request of the aggrieved person or on information or complaint received from any corner in collaboration with district authorities including police.

(3) Nothing in this Act shall be construed to provide assistance to an aggrieved person when the woman or aggrieved person has voluntarily refused to accept such assistance.

17. Assistance to officers.– (1) For protection of an aggrieved person, the designated police officer, agency or local government shall be bound to assist the District Women Protection Officer or the Women Protection Officer in the performance of their functions under the Act.

(2) In the performance of their functions under the Act, the District Women Protection Committee may call for any information from any agency of the Government or a local government in the district and such agency or local government shall be bound to provide the requisite information.

18. Penalty for obstructing a Protection Officer.– Any person, who obstructs the District Woman Protection Officer or a Woman Protection Officer in the performance of the duties under this Act, shall be liable to imprisonment for a term which may extend to six months or fine which may extend five hundred thousand rupees or both.

19. Penalty for filing false complaint.– A person, who gives false information about the commission of violence which that person knows or has reason to believe to be false, shall be liable to punishment of imprisonment for a term which may extend to three months or fine which may extend to one hundred thousand rupees but which shall not be less than fifty thousand rupees or both.

20. Penalty for breach of orders.– (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.

(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.

21. Cognizance and summary trial.— (1) The Court shall not take cognizance of an offence under this Act except on a complaint of the District Women Protection Officer or a Woman Protection Officer acting on behalf of the District Women Protection Officer.

(3) The Court shall conduct the trial of an offence under this Act in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

22. Appeal.— (1) A person aggrieved from an interim order, protection order, residence order, monetary order or sentence of the Court may, within thirty days of the communication of the order or sentence, prefer an appeal to the court of sessions which shall decide the appeal within sixty days from the date of receipt of the appeal.

(2) The decision of the court of sessions on an appeal under subsection (1) shall be final and shall not be called in question in any other court or forum except as provided under this Act.

23. Right to information.— (1) Subject to subsection (2), the Government shall, within seven days of acquiring any information pertaining to violence against the aggrieved person shall publish the details of the case and the steps taken for the protection of the aggrieved person, on its website accessible to the public free of cost.

(2) The Government may, for reasons to be recorded in writing, not publish any information, wholly or partially:

- (a) to ensure the safety, security, privacy and dignity of a woman or an aggrieved person;
- (b) to protect national security or to maintain public order;
- (c) to prevent any prejudice to the investigation of a case; or
- (d) to protect the identity of an officer or official where such protection is necessary for the safety and security of such officer or official.

24. Certain persons to be public servants.— Every person engaged in, or employed for, the administration of this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

25. Performance audit.— (1) The Government shall conduct or cause to be conducted the performance audit of the protection system of a district on periodic basis under the Act.

(2) The performance audit shall include the details of quality of services provided by the protection system, the targets achieved and the identification of weaknesses and recommendations for future improvements.

26. Act not in derogation of other laws.— Save as otherwise provided in the Act, the provisions of the Act are in addition to and not in derogation of any other law.

27. Training.— The Government shall, at regular intervals, arrange training of the District Women Protection Officers, Women Protection Officers and other employees of the protection system for achieving the purpose of the Act.

28. Annual report.— (1) The Government shall, within three months of the close of a financial year, submit to Provincial Assembly of the Punjab an annual report relating to the affairs and efficacy of the protection system.

(2) The annual report shall consist of:

- (a) details of the services provided by the protection system along with a comprehensive statement of the rescue operations of the protection system during the preceding financial year;
- (b) reasons for delay, if any, in reaching the aggrieved person in need of help of the protection system and proposed solutions;
- (c) performance audit report, if any, of one or more protection system;

- (d) suggestions and recommendations for further reforms of the protection system for purposes of improving the service delivery; and
- (e) other matters considered appropriate by the Government or as may be prescribed.

29. Rules.— (1) The Government shall, after previous publication and by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the powers conferred under subsection (1), the Government shall, within one hundred and twenty days of the commencement of the Act, make the rules relating to:

- (a) establishment of monitoring and evaluation mechanism of the protection system;
- (b) universal toll free dial-in-number of the protection system;
- (c) regulation of meetings of the Committees;
- (d) women volunteers and women volunteer organizations;
- (e) use, maintenance and disposal of land, vehicle, equipment and other items or money donated to a Protection Centre or shelter home;
- (f) details of medical, legal and psychological assistance, and shelter facilities;
- (g) repatriation or rehabilitation of residents;
- (h) maintenance of records and publication of information under the Act; and
- (i) regulation of affairs of the of Protection Centres and shelter homes.

30. Immunity.— No suit, prosecution or other legal proceedings shall lie against the Government, any officer of the Government, a Committee, convener or any member of a Committee, District Women Protection Officer, Women Protection Officer or official of a protection system for anything which is done in good faith under this Act or the rules.

31. Power to remove difficulties.— The Government may, within two years of the commencement of this Act and by notification, make such provisions, not inconsistent with this Act, as may appear necessary for removing any difficulty or giving effect to the provisions of the Act.

STATEMENT OF OBJECTS AND REASONS

The instances of violence against women have been on the increase primarily because the existing legal system does not effectively address the menace and violence by some is perpetrated with impunity. It is, therefore, necessary to institute an effective protection system for the rescue, protection, shelter and rehabilitation of the women victim of violence including domestic violence. The overall objective of the Bill is to institute a protection system for prevention of violence against women and for the protection and rehabilitation of the woman victims. The Bill encompasses all types of violence against women including domestic violence, emotional, psychological and verbal abuse, economic abuse, stalking and cyber-crimes. The Bill proposes that on a complaint by an aggrieved person, or authorized agent or District Women Protection Officer, the Court may pass an interim order, protection order, residence order and monetary order if it is satisfied that violence has taken place or is likely to take place. The breach of such orders is liable to imprisonment and fine. It also makes provision for the establishment of protection systems including appointment of District Women Protection Committee, Protection Centres (Violence Against Women Centres) and shelter homes across the Punjab through a phased programmed to provide relief and protection to the aggrieved women. The Violence against Women Centres aim at providing sundry services under one roof to facilitate women. The provision of shelter homes has also been made for the board and lodging of women victims of violence and their dependent children. Hence this Bill.

MINISTER INCHARGE