

Domestic Violence (Prevention and Protection) Rules 2016

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The Domestic Violence (Prevention and Protection) Rules, 2016

(Karachi, dated the 22nd March, 2016)

Notification- No SO(WD/WDD/2 -100-20216—In exercise of the power conferred by section 29 of the Domestic and Prevention Act, 2013, the Governor of Sindh is pleased to make the following rules namely:-

1. Short Title and commencement— (1) These rules may be called the Domestic Violence (Prevention and Protection) Rules, 2016.

(2) They shall extend to the whole Province of Sindh

(3) They shall come into force at once

CHAPTER-I

2. Definitions.-In these rules the unless the context otherwise require

(a) **"Act"** means the Domestic Violence (Prevention and Protection) Act, 2013

(b) **"Complaint"** means any allegation made orally or in writing by any person to the Protection Officer;

(c) **"Counsellor"** means a member of a service provider competent to give counselling under sub-section (8) of the Act,

(d) **"Rules"** means The Domestic Violence (Prevention and Protection) Rules, 2016

(e) **"Section"** means a section of the Act

(f) **Words and expressions used and not defined** in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act

CHAPTER-II

Establishment and Functioning of the Commission on Domestic Violence

3. (1) The Provincial Government of Sindh shall constitute a Commission to be known as the Domestic Violence Commission (hereby referred to as "the Commission", which shall be established in Karachi to exercise the powers conferred upon, and to perform the functions assigned to it, as per Section 4 of the Act

(2) The Commission shall consist of sixteen (16) members and shall include one (1) Chairperson and fifteen (15) Members

(3) The Secretariat of the Commission shall lie with the Women Development Department.

(4) The Chairperson shall be the Minister of the Women Development Department

(5) The Members of the Commission shall include;

(i) The secretary of the women development department;

(ii) The Additional Secretary of the Women Development Department, who shall be the Secretary of the Commission.

(iii) Six (6) ex-officio members who shall be representatives of the Provisional Department of Law, Finance, Social Welfare, Home, Human Rights and Health, not below the rank of Deputy Secretary, and who shall not have the vote;

(iv) Chairperson, Sindh Commission of Human Rights;

(v) Two members of civil society;

(vi) Two members of the legal fraternity, one of whom shall not be nominated by the Sindh Bar Council;

(vii) Two members of the media;

(6) Delegation of representation by the Commission:- The ex-officio members of the Commission may nominate and delegate their representatives to attend Commission meetings.

(7) If due to any circumstances, the Women Development Department is unable to take charge of the Commission, the Chief Minister may notify another Provincial Department responsibility over the Secretariat of the Commission.

4. **Appointment of the Members of the Commission.** (1) The Women Development Department, Chairperson of the Sindh Commission of Human Rights and Chairperson Sindh commission on the Status of Women shall compile a list of candidates fulfilling the qualifications identified in Rule 5 and present them to the Chief Minister.

5. **Qualification of members.** (1) The ex-officio members and their delegated representative shall not be below the rank of Deputy Secretary.

(2) Members from civil society shall have at least ten (10) years of experience working on women's rights and issues.

(3) The member nominated by the Sindh Bar Council shall have at least ten (10) years' experience working on human rights cases and cases involving women's issues.

(4) The member of the legal fraternity not nominated by the Sindh Bar Council shall have at least ten (10) years experience working in women's rights.

(5) Members from the media shall have at least ten (10) years' experience working, reporting or researching on women's rights issues.

(6) Members of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860):

Provided at least half of the members shall be women.

6. **Term of Office of Member of the Commission.** (1) A person appointed as a Member of the Commission shall hold office for a term

of three years from the date on which he or she enters upon his or her office. The term of the office may be extended only once.

(2) The Member may resign his or her office in writing under his or her hand addressed to Chairperson of the Commission and on acceptance of such resignation; such vacancy shall be filled within thirty days for the unexpired term of the member.

7. Removal of Chairperson and Members. The Chairperson and Members may be removed from office by the Chief Minister if he or she, as the case may be,

- (a) Is after proper inquiry, found guilty of misconduct.
- (b) Is adjudged an insolvent;
- (c) Is unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority;
- (d) Does not attend two (2) consecutive meetings without a justifiable reason; and
- (e) Has on conviction of any offence involving moral turpitude, been sentenced to imprisonment for a term of not less than two years, unless a period term of not less than two years, unless a period of five years has elapsed since his or her release.

Explanation 1: "Misconduct" shall include behavior which is found to be discriminatory or biased against women.

Explanation ii:- An inquiry shall be carried out into any charge of 'misconduct' by 2 members of the Commission and 1 independent member.

8. Acting Chairperson. By reason of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, the Chief Minister shall appoint the another women from amongst the members of the Commission to act as Chairperson for a period of not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.

9. Secretariat of the Commission. (1) The Secretariat of the Commission shall lie with the Women Development Department at Karachi.

(2) The Women Development Department shall have the administrative and financial responsibility of the Commission.

(3) There shall be a separate desk and office for record keeping within the Women Development Department at Karachi.

(4) Extra staff may be hired by the Women Development Department when and if deemed necessary.

10. Role and Responsibilities of the Commission. The roles and responsibilities of the Commission as identified by section 4(2) of the Act include:

(a) Review from time to time the existing provisions of the law on domestic violence and suggest amendments therein, if any;

(b) Call for specific studies or investigation into specific incidence of domestic violence;

(c) Look into complaints and take suo moto notice of matters relating to domestic violence and the non-implementation of the law; and

(d) Participate and advice on the planning process for securing a safe environment free of domestic violence;

(e) Mobilize grants from domestic and international sources in order to meet any of its obligations and for the performing of its functions.

11. Appointment of a Sub-Committee. (1) There shall be a Sub-Committee appointed consisting of five persons which shall be responsible to oversee the implementation of the decision and recommendations of the Commission.

(2) The Sub-Committee shall set its own process and procedures with approval of the commission.

(3) The Commission may establish such other Committees from amongst its members as it deems fit and may refer to them any matter for consideration and report. Any such Committee shall be time barred. The Commission may if it considers necessary, co-opt to the Sub-Committee or any other Committee any person possessing special knowledge and expertise on the relevant subject.

12. Functioning of the Commission. (1) The Commission shall meet at least quarterly at such times and at such place as the Chairperson may decide. The Chairperson may call additional meetings if and when required.

(2) All decisions of the Commission shall be authenticated by the signature of the Chairperson or any person authorized in this behalf by the Chairperson.

(3) The quorum for the meeting of the Commission shall not be less than one third of the total voting strength of the Commission.

(4) The decisions of the Commission shall be taken by the majority of the members present. In case of a tie, the Chairperson of the meeting shall have the casting vote.

(5) No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Commission.

(6) In case of an emergency, the Sub-Committee shall meet and respond as the situation may require. If deemed necessary, the Sub-Committee may convene a meeting of the entire Commission.

(7) While inquiring into Complaints of violations of women's rights, the Commission may call for information or report from the Government, civil society organization and autonomous or concerned bodies; and in this regard the Commission shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.

13. Annual Report of the Commission. (1) The Commission shall prepare its Annual Report and it shall be presented to the Chief Minister and concerned Department. The Annual report shall include an account of its performance and utilization of funds.

(2) The Annual Report of the Commission shall be laid and discussed in the Provincial Assembly.

14. Assistance to the Commission. All Provincial executive authorities and departments shall assist the Commission in the performance of its functions.

CHAPTER-III

APPOINTEMNT OF PROTECTION OFFICER

15. Appointment of Protection Officer. (1) The Women Development Department shall appoint a gazette officer not below the rank of BPS-17 as a Protection Officer in each district of Sindh, as per Section 21(1) of the Act, to perform duties and functions for the purpose of this Act.

(2) The post shall be advertised through the newspaper.

(3) Preference shall be given to females.

(4) The appointment of the officer shall be notice through the Official Gazette.

(5) The Government through the Women Development Department shall provide necessary office assistance to the Protection Officer for the efficient discharge of his or her functions under the Act and these rules.

16. Qualifications of the Protection Officer. (1) The Protection Officer shall be a gazette officer not below BPS-17.

(2) The Protection Officer shall have at least 3 years experience in the social and welfare sector with a degree in law, social work, social sciences, psychology or gender, preferably with experience on working issues relating to violence against women.

(3) If for any reason whatsoever identified in the sub-sections (1) to (2) are not available in a district, the Domestic Violence Commission through its Sub-Committee may appoint any other person in their place on the basis of a majority vote.

17. Duties of the Protection Officer. The duties of the Protection Officer are defined in Section 22 of the Act.

- (a) To make a domestic incident report to the Protection Committee, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the Protection Committee within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area,
- (b) To make an application in such form and in such manner as may be prescribed to the court, if the aggrieved person so desire, claiming relief for issuance of a protection order;
- (c) To ensure that the aggrieved person is provided legal aid;
- (d) To maintain a list of all service providers providing legal aid or counseling, shelter homes and medical facilities in a local area within the jurisdiction of the court;
- (e) To make available a safe place of residence, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the Protection Commission;
- (f) To get the aggrieved person medically examined, if he or she has sustained bodily injuries and forward a copy of the medical report to the Protection Commission having jurisdiction in the area where the domestic violence is alleged to have been taken place;

- (g) To ensure that the order for monetary relief under section 12 is complied with and executed in accordance with the procedure prescribed; and
- (h) To perform such other duties as may be prescribed.

18. Reports of the Protection Officer. (1) The Protection Officer shall submit a written quarterly report to the Protection Committee established under Section 17(1) of the Act.

(2) The Report shall contain details of every incident of domestic violence the Protection Officer investigated or was made aware of and his response and current status of the incident.

CHAPTER-IV

Establishment of Protection Committees

19. Establishment of Protection Committees. (1) The Government through the Women Development Department shall establishment Protection Committees (hereby referred to as "the Committee") in every distinct of Sindh under Section 17(1) of the Act. The Protection Committees shall be constituted by notification in the Official Gazette.

(2) The Members of the Protection Committee in each distinct, as identified in Section 17(2) of the Act shall compromised of

- (I) Women Development Department official, who shall be the Secretary;
- (ii) Social Welfare Officer, who shall be the Convener;
- (iii) Medical Practitioner;
- (iv) Psychologist
- (v) Psycho-social worker;
- (vi) Official appointed by the court
- (vii) Female police officer not below the rank of Sub-Inspector

(viii) Two women members from civil society; and

(ix) Protection Officer.

(3) If for any reason whatsoever a person identified in the sub-section (1) is not available in a district, the Women Development Department in consultation with the Domestic Violence Commission through its Sub-Commission may appoint any other person in their place on the basis of a majority vote.

20. Appointment of Members of the Protection Committees.

(1) The Women Development Department through its district offices shall compile a list of persons with specified by Section 21 of this Act.

Explanation- Members of the Committee shall include all members with the exception of the Protection Officer who shall be appointed as per the procedure identified in Section 14 of the Rules.

(2) The Commission shall finalize the Members of the Committee from the list identified by the Women Development Department.

(3) The Minister Women Development Department shall notify the Protection Committees.

21. Qualification of members. (1) All members, with the exception of the Women Development Department Officer, Social Welfare Officer and Police Officer, shall have at least ten (10) years' experience working on social and women's issues.

(2) Any gazette Officer shall not be below the rank of BPS-17.

(3) The Women Development Department and Social Welfare Officer shall not be below the rank of BPS-17.

(4) The police Officer shall not be below the rank of DSP.

(5) In case of non-availability of required qualifications, the Women Development Department in consultation with the Sub-

Committee of the Commission may make recommendations on the qualifications of alternative members;

(6) Members of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

22. Term of Office of Member of the Commission. (1) A person appointed as a Member of the Committee shall hold office for a term of three years from the date on which he or she enters upon his or her office. The term of the office may be extended only once.

(2) The Member may resign his or her office in writing under his or her hand addressed to Chairperson of the Committee and on acceptance of such resignation such vacancy shall be filled within thirty days for the unexpired term of the member.

23. Role and Responsibilities of the Protection Committee.

(1) The role and responsibility of the Committees as identified by Section 18 of the Act include:

(a) Inform the aggrieved person of her or his rights provided under this Act or any other law for the time being in force and the remedies and the help that may be provided;

(b) Assist the aggrieved person in obtaining any medical treatment necessitated due to the domestic violence;

(c) If necessary, and with the consent of the aggrieved person, assist the aggrieved person in relocating to a safer place acceptable to the aggrieved person, which may include the house of any relative or family friend or other safe place or if any, established by a service provider;

(d) Assist the aggrieved person in the preparation of and filing of any petition or report under this Act, the Code or any other law for the time being in force;

(e) Keep official record of the incidents of domestic violence in its area of jurisdiction, whether on the basis of information received or suo moto inquiry, irrespective of whether or not action is taken under this Act. Such record shall include:-

- (i) The first information received about the incident of domestic violence;
- (ii) Assistance, if any, offered or provided by the Protection Committee to the aggrieved person;
- (iii) Where applicable the reason for not taking action under this Act when an incident was brought to the notice of the Protection Committee;
- (iv) Where applicable, the reason for the aggrieved person's refusal to take assistance from the Protection Committee;
- (v) The names and contact details of the service provider, if any from whom the aggrieved person sought help;
- (vi) Perform any other record of applications, protection orders and the service providers operating in the area of jurisdiction; and
- (vii) Perform any other duties that may be assigned to the Protection Committee this Act or the rules made there under.

24. Functioning of the Committee. (1) The Committee in its first meeting which shall be convened by the Convener shall appoint through a simple majority vote, a Chairperson.

(2) The Committee shall meet quarterly at such times and at such place as the Chairperson may decide.

(3) The convener may call additional meetings with the permission of the Chairperson if and when required.

(4) In addition to discussing any cases of domestic violence the Committee may be handling, the committee shall also evaluate its work, process and situation of domestic violence in its district.

(5) All decisions of the Committee shall be authenticated by the signature of the Chairperson or nay person authorized in this behalf by the Chairperson.

(6) All The quorum for the meeting of the Committee shall not be less than one third of the total voting strength of the Committee.

(7) The decisions of the Committee shall be taken by the majority of the members present. In case of a tie, the Chairperson of meeting shall have the casting vote.

(8) No act or proceedings of Committee shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of het committee.

(9) In case of an emergency, the Protection Officer shall call an emergency meeting to shall meet and respond as the situation may require. If deemed necessary, the Committee may appoint a smaller sub-committee to respond to the situation at hand. Any such sub-committee shall be time barred.

(10) While inquiring into complaints of violations of women's right, the committee may call for information or report from the Government, civil society organizations and autonomous or concerned bodies; and in this regard the committee shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.

25. Removal of Chairperson. The Chairperson and Members may be removed from office if he or she, as the case may be,-

(a) Is, after proper inquiry found guilty of mis-conduct

(b) is adjudged an insolvent;

(c) is unfit to continue in office by reason of being mentally or physically challenged and stands do declared by a competent medical authority;

(d) Does not attend two (2) consecutive meettings without a justifiable reason; and

(e) Has, on conviction of any offence involving poral turpitude, been sentenced to Imprisonment for a term of not less than two

years, unless a period of five years has elapsed since his or her release

Explanation.-"Misconduct" includes behavior which is found to be discriminatory or biased against women.

Explanation.-An inquiry shall be carried out into any charge of "misconduct" by 2 members of the Commission and 1 independent member

26. Acting Chairperson.-By reason of a vacancy of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, the Chairperson shall appoint another person from amongst the members of the Committee to act as Chairperson for a period not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.

27. Secretariat of the Committee.-(1) The Secretariat of the Committee shall lie with each District Women Development Department.

(2) District Women Development Department shall have the administrative and financial responsibility of the Committee

(3) There shall be a separate desk, office for record and staff keeping within the district offices of the Development Department

(4) Extra staff may be hired for the offices by the Women Development Department when and if deemed necessary

Provided if for any reason the Women Development Department is unable to hold Secretariat of a Committee, the Chief Minister may appoint another provincial department to hold the Secretariat and report to the Secretary Women Development Department

28. Reporting of the Committee.-(1) The Committees shall prepare and send a quarterly report to the Commission

(2) The Committees shall prepare and present an Annual Report and shall be presented to the Commission and concerned

Department. The Annual report shall include an account of its performance and utilization of funds

29. Assistance to the Committees.-All Provincial executive authorities and departments shall assist the Committee in the performance of its functions

CHAPER-V

Miscellaneous

30. Information to Protection Officers.-(1) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed may give information about it to the Protection Officer having jurisdiction in the area either orally or in writing

(2) in case the information is given to the Protection Officer under sub-section (1) orally, he or she shall cause it to be reduced into writing and shall ensure that the same is read out, understood and signed by the person giving such information and in case the informer is not in a position to written information the Protection Officer shall keep confidential record of the identity of the person giving such information

(3) The Protection Officer shall give a copy of information recorded by him immediately to the informant free of cost.

31. Domestic incident reports. (1) Upon receipt of a complaint of domestic violence, the Protection Officer, the Protection Officer shall prepare a domestic incident report in the form prescribed as FORM-1 and submit the same to the Magistrate and forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction of which the domestic violence alleged to have been committed has taken place and to the service providers in that area.

(2) Upon a request of any aggrieved person, a service provider may record a domestic incident report and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence is alleged to have taken place

32. Petitions to the Magistrate.-(1) An aggrieved person shall prepare a written petition to submit to the concerned Magistrate

(2) An aggrieved person may seek the assistance of the Protection Officer in preparing her or his petition and forwarding the same to the concerned Magistrate

(3) In case, the aggrieved person is illiterate, the Protection Officer shall read over the petition and explain to her or him the contents thereof

(4) The petitions under section 7 of the Act shall be dealt with and the orders enforced in the same manner laid down under the Code of Criminal Procedure, 1898.

33. Action to be taken in cases of emergency.-If the Protection Officer or a service provider believe receive information through any mode of communication including e-mail, telephone call or the fax either from the aggrieved person, an informer or from any person who has reason to believe that an act of domestic violence is being or is likely to be committed and in a such an emergency situation, the Protection Officer or the service provider, as the case may be, shall seek immediate assistance of the police who shall accompany the Protection Officer or the service provider, as the case may be, to the place of occurrence and record the domestic incident report and present the same to the Magistrate without any delay for seeking appropriate orders under the Act.

34. Certain other duties of the Protection Officers.-(1) The Protection Officer, if directed to do so in writing by the Magistrate shall-

(a) conduct a home visit of the shared household premises and make preliminary enquiry if the court requires clarification, in this regard to granting ex-parte interim relief to the aggrieved person under the Act and pass on order for such home visit;

(b) After making appropriate inquiry, file a report on the emoluments, assets, bank accounts or any other documents as may be directed by the court.

(c) Restore the possession of the personal effects including gifts and jewelry of the aggrieved person and the shared household to the aggrieved person;

(d) Assist the aggrieved person to regain custody of children and secure rights to visit them under his or her supervision as may be directed by the court;

(e) Assist the court in enforcement of orders in the proceedings under this Act in the manner directed by the Magistrate including orders under section 10, section 11, section 12, section 13 or section 14 in such manner as may be directed by the court

(f) Take the assistance of the police, if required in confiscating any weapon involved in the alleged domestic violence.

2. The Protection Officer shall also perform such other duties as may be assigned to him by the Government or the Magistrate in giving effect to the provisions of the Act, and these rules from time.

(3) The Magistrate may, in addition to the orders for effective relief in any case, also issue directions relating general practice for better handling of the cases, to the Protection Officers within the jurisdiction and the Protection-Officers shall be bound to carry out the same.

35. Means of service of notices.-(1) The notice for appearance in respect of the proceedings under the Act shall contain the names of the person alleged to have committed domestic violence, the nature of domestic violence and such details which may facilitate the identification of person concerned.

(2) The Court may issue notices as per the Civil Procedure Code, 1908 and the Code of Criminal Procedure, 1898 by all three modes at once, namely, through bailiff, pasting and publication all at once and if notice is served by any of these modes, the notice shall be deemed to have been served-

(a) The notice may be served at the place of residence of the accused or where he or she is gainfully employed

(b) in addition to the procedure prescribed under the Civil Procedure Code, 1908, and Code of Criminal Procedure, 1898, the court may direct any other steps necessary with a view to expediting the proceedings to adhere to the time limit provided in the Act

(3) on statement on the date fixed for appearance of the respondent or a report of the person authorized to serve the notices under the Act, that service has been effected appropriate order shall be passed by the court on any pending application for interim relief, after hearing the complainant or the respondent, or both

(4) When a protection order is passed restraining the respondent from entering the shared household or the respondent is ordered to stay away or not to contact the aggrieved person, no action of the aggrieved person including the invitation by the aggrieved person shall be considered as waiving or restraint imposed on the respondent, by the orders is duly modified in accordance with the Act.

36. Appointment of Counselors. (1) A person from the list of available Counselors forwarded by the Protection Officer, shall be appointed as a Counselor, under intimation to the aggrieved person

(2) The following persons shall not be eligible to be appointed as Counselors in any proceedings, namely;-

(i) Any person who is interested or connected with the subject matter of the dispute or is related to any one of the parties or to those who represent them unless such objection is forwarded by parties in writing

(ii) Any legal practitioner who has appeared for the respondent in the case or any other suit proceedings connected therewith

3. The Counselors shall as far as possible be women

37. Procedure to be followed by Counselors.-(1) The Counselor shall work under the general supervision of the court or the Protection Officer or both

(2) The Counselor shall convene a meeting at a place convenient to the aggrieved person or both the parties.

(3) The factors warranting counseling shall include the factor that the respondent shall furnish an undertaking that he would restrain from causing such domestic violence as complained by the aggrieved person and in appropriate cases an undertaking that he will not try to meet or communicate in any manner through letter or telephone, electronic mail or through any medium except in the counseling meetings before the counselor or as permissibly by law or order of a court of competent jurisdiction

(4) The counselor shall conduct the counseling proceedings bearing in mind that the counseling shall be in the nature of getting an assurance, that the incidence of domestic violence shall not be repeated

(5) The respondent shall not be allowed to plead any counter justification for the alleged act of domestic violence in counseling and the fact that any such justification for the act of domestic violence by the respondent is not allowed to be a part of the counseling proceeding should be made known to the respondent before the proceeding begin

(6) The respondent shall furnish an undertaking to the Counselor that he would refrain from causing such domestic violence as complained by the aggrieved person and in appropriate cases an undertaking that he will not try to meet, or communicate in any manner through letter or telephone, e-mail or through any other medium except in counseling proceedings before the Counselor.

(7) If the aggrieved person so desires, the Counselor shall make efforts of arriving at a settlement of the matter

(8) The limited scope of the efforts of the Counselor shall be to arrive at the understanding of the grievances of the aggrieved person and the best possible redressal of her or his grievances and the efforts shall be to focus on evolving remedies or measures for such redressal

(9) The Counselor shall strive to arrive at a settlement of the dispute by suggesting measures for redressal of grievances of the aggrieved person by taking into account the measures or remedies

suggested by the parties for counselling and reformatting the terms for the settlement, wherever required.

(10) The Counselor shall not be bound by the provisions of the Law of Evidence, 1984 or the Code of Civil Procedure, 1908, or the Code of Criminal Procedure, 1898, and his or her action shall be guided by the principles of fairness and justice and aimed at finding way to bring an end domestic violence to the satisfaction of the aggrieved person and in making such an effort the Counselor shall give due regard to the wishes and sensibilities of the aggrieved person.

(11) The Counselor shall submit his or her report to the Magistrate as expeditiously as possible for appropriate action

(12) In the event the Counselor arrives at a resolution of the dispute, she or he shall record the terms of settlement and get the same endorsed by the parties.

(13) The Court may, on being satisfied about the efficacy of the solution and after making a preliminary inquiry from the parties and after, recording reasons for such satisfaction, which may include undertaking by the respondents to refrain from repeating acts of domestic violence, admitted to have been committed by the respondents, except the terms with or without conditions

(14) The Court shall, on being satisfied with the report of counselling, pass an order, recording the terms of the settlement or an order modifying the terms of the settlement on being so requested by the aggrieved person, with the informed and voluntary consent of the parties

(15) In cases, where a settlement cannot be arrived at in the counselling proceedings, the Counselor shall report the failure of such proceedings to the Court and the court shall proceed with the case in accordance with the provisions of the Act

(16) The record of proceedings shall not be deemed to be material on record in the case on the basis of which any interference may be drawn or an order may be passed solely on it

(17) The Court shall pass an order, only after being satisfied that the application for such an order is not vitiated by force, fraud or

coercion or any other factor and the reasons for such satisfaction shall be recorded in writing in the order, which may include any undertaking or surety given by the respondent

38. Breach of protection orders- (1) An aggrieved person may report a breach of protection order or an interim protection order to the Protection Officer.

(2) Every report referred to in Sub-Section(1) shall be in writing by the aggrieved person or informer and duly signed by him or her.

(3) The protection Officer shall forward a copy of such complaint with a copy of the protection order of which a breach is alleged to have taken place to the concerned Magistrate for appropriate order.

(4) The aggrieved person may, if she or she so desires, make a complaint of breach of protection order or interim protection order directly to the Magistrate or the police, if she or he chooses.

(5) If, at any time after a protection order has been breached, the aggrieved person seeks his assistance, the protection officer shall immediately rescue her or him by seeking help from the local police station and assist the aggrieved person to lodge a report to the local police authorities in appropriate cases.

(6) When charges are framed under section 5 or 15 if this act, or any other offence not summarily triable, the court may separate the proceedings for such offences to be tried in the manner prescribed under Code of Criminal Procedure, 1898 and proceed to summarily try the offence of the breach of Protection Order under section 15.

(7) Any resistance to the enforcement of the orders of the Court under the Act by the respondent or any other person purportedly acting on his behalf shall be deemed to be a breach of protection order or an interim protection order covered under the Act.

(8) A breach of a protection order or an interim protection order shall immediately be reported to the local police station having territorial jurisdiction and shall be dealt with as a cognizable offence.

(9) While enlarging the person on bail arrested under the Act, the court may by order impose the following conditions so protect the aggrieved person and to ensure the presence of the accused before the court, which may include: -

- a. an order restraining the accused from threatening to commit or committing an act of domestic violence.
- b. an order preventing the accused from harassing telephoning or making any contact with the aggrieved person.
- c. an order directing the accused to vacate and stay away from the residence of the aggrieved person or any place she is likely to visit.
- d. an order prohibiting the possession or use of firearm or any other dangerous weapon.
- e. an order prohibiting the consumption of alcohol or other drugs.
- f. any other order required for protection, safety and adequate relief to the aggrieved person.

39. Shelter to the aggrieved person: - (1) On a request being made by the aggrieved person, the Protection Officer or a service provider may make a request to the person in charge of a shelter home in writing.

(2). When a Protection Officer makes a request referred to in Sub Section (1), it shall be accompanied by a copy of the domestic incident report registered by the Protection Officer.

Provided that shelter home shall not refuse shelter to an aggrieved person under the Act for her not having lodged a domestic incident report, prior to the making of request for shelter in the shelter home.

(3) If the aggrieved person so desires, the shelter home shall not disclose the identity of the aggrieved person in the shelter home or communicate the same to the person complained against.

40. Medical Facility to the aggrieved person- (1) The aggrieved person or the protection officer or the service provider may make a request to a person in charge of a medical facility in writing.

(2) When a protection Officer makes such a request, it shall be accompanied by a copy of the domestic incident report;

Provided that the medical facility shall not refuse medical assistance to an aggrieved person under the Act, for her not having lodge a domestic incident report, prior to making a request for medical assistance or examination to the medical facility.

(3) If no domestic incident report has been made, the person-in-charge of the medical facility shall make a domestic incident report and forward the same to the local protection officer.

(4) The Medical facility shall supply a copy of the medical examination report to the aggrieved person free of cost.

FORM NO.1

Form and manner – Domestic incident report under Sindh Domestic violence (Prevention and Protection) Act, 2013

1. Name of the complainant/aggrieved person.
2. Address
3. Mode of transmission of complaint oral/
verbal _____ writing _____.
4. Nature of complaint (brief gist)
(Enclosed copy of the complaint)
5. Name / Address of the respondent
6. Person to whom information first communicated
7. Report recorded by : -
Protection officer/service provider _____
8. Designation / Address

(Signature / thumb impression of complainant)
(Counter signature of SP/PO)

Complaint received by:

1. Name/designation of Protection officer
2. Address
3. Whether the complaint is covered under Section 5 of the Act.

Yes _____ No. _____

Signature of Protection officer

Copy forwarded to: -

1. Local police station
2. Service provider
3. Complainant
4. Magistrate

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