

[AS PASSED BY THE NATIONAL ASSEMBLY]

**A
Bill**

to establish an effective system of protection, relief and rehabilitation of women, children, elders and any vulnerable person against domestic violence.

WHEREAS the Constitution recognizes the fundamental rights of all individuals, their dignity and their right to be treated in accordance with the law;

WHEREAS it is essential to establish a protection system for effective service delivery to women, children and elders and any vulnerable person to create an enabling environment to encourage and facilitate women, children, elders and any vulnerable persons to freely play their desired role in society, and to provide for ancillary matters;

AND WHEREAS it is expedient to institutionalize measures which provide necessary safeguards preventing and protecting all persons, including women, children, elders and any vulnerable persons, from domestic violence and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

**PART I
PRELIMINARY**

1. Short title, extent and commencement.-(1) This Act may be called the Domestic Violence (Prevention and Protection) Act, 2020.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

(i) **“aggrieved person”** means any woman, child, elder, any vulnerable person or any other person who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

(ii) **“child”** means any person under the age of eighteen years living in a domestic relationship with the respondent and includes any adopted, step or foster child;

(iii) **“Code”** means the Code of Criminal Procedure, 1898 (Act V of 1898);

- (iv) “**court**” means the court of the first class Magistrate and the judge shall have all the powers under the Code of Criminal Procedure including power to grant protection, award costs, compensation or damages as may be just and proper;
- (v) “**domestic relationship**” means a relationship between persons who live, or have at any point in time lived, together in a household and are either related by consanguinity, marriage, kinship, adoption, or are family members living together or for any other reason are temporarily or permanently residing in one place;
- (vi) “**domestic violence**” has the same meaning as assigned to it in section 3;
- (vii) “**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 includes such a household whether owned or rented either jointly by the aggrieved person and the respondent or owned and rented 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 the fact whether the respondent or the aggrieved person has right, title, interest in such a shared household;
- (viii) “**informer**” means a person who has credible information that an offence is being committed under this Act;
- (ix) “**monetary relief**” means a monetary relief which a court may order under section 9;
- (x) “**notification**” means a notification published in the Gazette of Pakistan;
- (xi) “**prescribed**” means prescribed by the rules made under this Act;
- (xii) “**Protection Committee**” means a Committee constituted under section 15;
- (xiii) “**Protection Officer**” means an officer designated by the Ministry of Human Rights under section 19;
- (xiv) “**Protection Order**” means an order granted in terms of section 8;
- (xv) “**respondent**” means a person who is, or has been, in a domestic relationship with the aggrieved person and against whom relief has been sought under this Act;
- (xvi) “**residence order**” means an order granted in terms of section 9;
- (xvii) “**Service provider**” means any such government facility or registered voluntary organization established for the protection of aggrieved person providing legal, medical, and financial or any other assistance. These shall also include shelter homes; and

- (xviii) “**Vulnerable person**” means a person who is vulnerable due to old age, mental illness, or physical, learning, psychosocial or other disability, or for other special reason.

(2) Words and phrases not defined in this Act shall have the same meaning as assigned to them in the Pakistan Penal Code, 1898 (Act XLV of 1898) and the Code of Criminal Procedure, 1860, (Act V of 1860).

PART II DOMESTIC VIOLENCE

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

Explanation I. – For the purposes of this section:-

(a) “physical abuse” means all acts whereby physical harm is inflicted upon the vulnerable persons and includes all offences under chapters XVI, XVI A, XVII, XX , XX A of the Pakistan Penal Code (Act XLV of 1860) hereinafter referred to in this section as PPC.

(b) “emotional, psychological and verbal abuse”, is where the aggrieved individual suffers from a pattern of degrading or humiliating conduct of the respondent and includes but not limited to:-

- (i) repeated exhibition of obsessive possessiveness or jealousy causing repeated invasion of the victim’s privacy, liberty, integrity and security;
- (ii) insults or ridicule directed at the aggrieved person;
- (iii) threats to cause physical pain to spouse or other members of shared household;
- (iv) threats of divorce or second marriage on baseless accusation of insanity or infertility;
- (v) bringing false allegation upon the character of a female member or any member of the shared household;
- (vi) willful or negligent abandonment of the aggrieved person;
- (vii) stalking
- (viii) harassment or
- (ix) compelling the wife to cohabit with anybody other than the husband

(c) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of the vulnerable person or any other person;