

**THE KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION AND
WOMEN EMPOWERMENT DEPARTMENT**

NOTIFICATION

Peshawar, Dated the 10.02.2023

No. GS-II/SWD/DVA/1-5/23/1661-71:- In exercise of the powers conferred by section 19 of Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021 (Khyber Pakhtunkhwa Act No. III of 2021), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA DOMESTIC VIOLENCE AGAINST
WOMEN (PREVENTION AND PROTECTION) RULES, 2022.**

**PART-I
PRELIMINARY**

1. **Short title and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Rules, 2022.

(2) These shall come in to force at once.

2. **Definitions.**---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings, hereby respectively assigned to them that is to say,-

- (a) **“Act”** means the Khyber Pakhtunkhwa Domestic Violence against Women (Prevention and Protection) Act, 2021 (Khyber Pakhtunkhwa Act No. III of 2021);
- (b) **“Chairperson”** means the Chairperson of the District Protection Committee;
- (c) **“Department”** means the Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department of Government;
- (d) **“member”** means a member of District Protection Committee; and
- (e) **“Secretary”** means Secretary of the District Protection Committee.

(2) Words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

PART-II

DISTRICT PROTECTION COMMITTEES

3. Procedure for nominated members of the District Protection Committee.---

(1) For the purpose of nomination of members at clause (g) of sub-section (1) of section 4 of the Act, the Department shall request the Deputy Commissioner of the District concerned, to provide list of persons having qualifications as provided in rule 4 of these rules.

(2) The list, submitted by the office of Deputy Commissioner concerned, shall be scrutinized by the Department and shall submit panels of nominees for each District to Government for approval.

(3) After approval of Government, the Department shall notify the names of the nominees in the official Gazette.

4. Qualification.---The members at clause (g) of sub-section (1) of section 4 of the Act, shall have at least Bachelor's Degree from a recognized University with five years of professional experience of working on women's rights and issues preferably on gender-based violence and shall be resident of the same district.

5. Resignation.---(1) A member at clause (g) of sub-section (1) of section 4 of the Act, may tender resignation in writing to Government through the Department.

(2) A member, at clause (g) of sub-section (1) of section 4 of the Act, shall continue his duties unless his resignation is accepted or till the expiry of thirty days from the date he tenders his or her resignation whichever is earlier.

(3) Upon acceptance of resignation or expiration of the time period as provided in sub-rule (2), or the position becoming vacant due to any reason, whichever is earlier, the Department shall place a nomination against such vacancy within thirty days from the date of approval of the resignation or expiry of time, as provided in sub-rule (2), or the occurrence of vacancy, whichever is earlier, before Government for approval.

(4) Upon approval of Government, the nominated member shall be notified and such member shall serve for the remaining period of his predecessor.

(5) The procedure under rule 3 of these rules, shall mutatis mutandis apply to the nomination of members under sub-rule (3).

6. Office of the District Protection Committee.---(1) The Deputy Commissioner of each District shall provide space for meeting of the District Protection Committee.

(2) The District Office Social Welfare shall provide a secretariat support to the District Protection Committee.

7. Procedure of meetings of the District Protection Committee.---(1) The Chairperson on his own or on the request of a member, may convene meeting of the District Protection Committee.

(2) The Secretary shall prepare and circulate the agenda of the meeting amongst the members before the meeting.

(3) The decisions of the District Protection Committee shall be authenticated by the signature of the Chairperson and circulated by the Secretary amongst the members.

(4) The Secretary shall record minutes of the meeting and shall maintain a record of meetings of the District Protection Committee.

8. Constitution of sub-committees.---(1) The District Protection Committee may constitute sub-committees, consisting of its members, for a specific or designated case or matter.

(2) The sub-committee established under sub-rule (1), may co-opt any person having special knowledge or expertise on the case or matter before it.

(3) After conclusion of the deliberations on the case or matter, the sub-committee shall give its recommendations to the District Protection Committee.

9. Contents of biannual report of the District Protection Committee.---The biannual reports submitted by the concerned District Protection Committee under section 7 of the Act, shall include an account of-

- (a) its progress made during the preceding six months; and
- (b) performance of the District Protection Committee during the period.

10. Procedure of mediation.---(1) For the purpose of mediation under sub-section (2) of section 8 of the Act, the Secretary shall take consent of both the parties in writing before referring the matter for mediation.

(2) Upon referral of the matter for mediation after obtaining consent of the parties under sub-rule (1), the District Protection Committee shall seek nomination of a practicing advocate from the District Bar Association concerned, who is mutually acceptable to both parties, to be appointed as neutral in the panel of mediators to facilitate an agreement between the parties.

(3) In any case of mediation, the responsibility to reach agreement shall rest with the parties themselves and the agreement shall be reduced into writing by the Secretary or any staff member of the District Protection Committee, authorized by the Secretary and shall be signed by both the parties.

PART-III
MISCELLANEOUS

11. Information to District Protection Committee.---(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 provide information about it through any mode of communication including email, telephone call, social media or digital mean, helpline, in person in writing or any other mean to the District Protection Committee having jurisdiction in the area.

(2) In case the information is given to the District Protection Committee under sub-section (1) orally, the Secretary shall cause to the same be reduced into writing and shall ensure that the same is read out, understood and signed by the person giving such information.

(3) The identity of the person, giving information under this rule, shall be kept confidential.

(4) Information received through helpline, police station, other service providers or any other means shall be properly recorded forthwith by the Secretary.

(5) The Secretary shall provide a copy of the information, recorded by his office under sub-rules (1), (2) or (4), immediately to the informant free of cost.

12. Domestic violence incident reports.---(1) Upon receipt of information of domestic violence under rule 11 of these rules, the Secretary shall prepare a domestic violence incident report on the format as provided in Form-A.

(2) Upon receipt of an application for assistance by the complainant or her guardian, the District Protection Committee may refer the matter for mediation amongst the parties in terms of sub-section (2) of section 8 of the Act or may file an application to the Court to seek relief under section 12 of the Act.

(3) Upon the receipt of information of a domestic violence incident by the service provider under section 10 of the Act, it shall record the incident on the format as provided in Form-B with the consent of the complainant and forward a copy thereof to the District Protection Committee.

(4) If upon receipt of a information under rule 11 of these rules, the Secretary has reason to believe that an act of domestic violence is being committed or is likely to be committed or there is an emergency or hostile situation, he shall seek immediate assistance of the police officer in charge of the police station concerned.

13. Procedure in case of breach of orders.---(1) A complainant or any other person on her behalf, may report in writing, a breach of orders or an interim order passed under sub-sections (1) and (2) of section 14 and section 15 of the Act, to the Court within seven days of the occurrence.

(2) In emergency cases, if at any time after an order or interim order has been breached, the complainant seeks the assistance of the District Protection Committee, the Secretary or other staff of the District Protection Committee shall immediately help her or him by seeking help from the local service providers.

(3) 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 order or an interim order under the Act.

14. Medical facility to the complainant.---(1) For the purpose of the Act, Government may, in consultation with Health Department of Government, notify a medico legal officer, preferably a female, at each district of the Province.

(2) Every private medical facility providing assistance to the victim of domestic violence, shall provide a written signed and stamped report to the applicant and the Secretary or District Protection Committee concerned, as early as possible.

(3) If no domestic violence incident report has been made before the medical assistance or examination is sought, the person in charge of a medical facility shall make a domestic incident report on Form-B and forward the same to the Secretary concerned.

(4) The medical facility shall provide a copy of the medical examination report to the applicant and the Secretary concerned free of cost.

15. Provision of legal aid to the person.---(1) Where the complainant is in need of legal assistance and the Secretary has reason to believe that the complainant has no means to bear the cost of litigation, he may request the Khyber Pakhtunkhwa Legal Aid Agency established under the Khyber Pakhtunkhwa Legal Aid Act, 2019 to provide legal aid to the complainant.

(2) The request for legal aid under sub-rule (1), shall be made in writing and shall be accompanied by Form-A or Form-B, as the case may be.

(3) The request for legal aid shall briefly describe the case and the fact that the applicant is not able bear the cost of litigation.

(4) The Agency shall consider the request of the Secretary for legal aid and provide legal aid to the complainant under the Khyber Pakhtunkhwa Legal Aid Act, 2019 and the rules made thereunder.

FORM-A

(see sub-rule (1) of rule 12 and sub-rule (2) of rule 15)

Domestic Violence Incident Report by Secretary District Protection Committee**1. Details of the complainant**

(i)	Name of the complainant	
(ii)	Age:	
(iii)	Marital status	
(iv)	Address of the household:	
(v)	Present Address:	
(vi)	Phone Number, if any:	

2. Details of persons aggrieved other than complainant

(i)	Name of the aggrieved person:	
(ii)	Age:	
(iii)	Address of the household:	
(iv)	Present Address:	
(v)	Phone Number, if any:	
(vi)	Relationship of aggrieved person with complainant	
(vii)	is the complaint made with the knowledge of aggrieved person: Yes, or No <i>If No, briefly please explain:</i>	

3. Details of complaine

S#	Name	Relationship with the complainant	Address	Telephone No., if any	Does the person involved have a history of previous domestic violence incidents?
					☐ Yes ☐ No ☐ Don't Know.

4. Details of children, if any, of the complainant:

(a) Number of children:

(b) Details of children:

S. No	Name	Age	Sex	With whom at present residing

5. Incidents of domestic violence

<i>S. No.</i>	<i>Date, Place and time of violence</i>	<i>Person who caused domestic Violence</i>	<i>Type of violence</i>	<i>Detail of incident</i>
(I) Physical violence please tick mark (✓) the column applicable and add detail in next column				
(II) Sexual violence please tick mark (✓) the column applicable and add detail in next column				
(III) psychological and verbal abuse				
(iv) Any other nature of incident Please add details below				
(v) any other information regarding acts of domestic violence against you or your children				

6. Immediate assistance that the complainant needs

S. No.	Assistance Available	Yes/No	Nature of assistance
(i)	Medical assistance		
(ii)	Police assistance		
(iii)	Assistance for initiating criminal proceedings		

(iv)	Shelter Home		
(v)	Medical facilities		
(Vi)	Legal aid		
(vii)	Any other facility		

7. Any other information or detail (please mention below)

(Signature or thumb impression of the complainant)

Name:

Signature/thumb impression:

Signature of Secretary of District Protection Committee

Name:_____

District:_____

Signature:_____

FORM-B*(see sub-rule (3) of rule 12, sub-rule (3) of rule 14 and sub-rule (2) of rule 15)**Domestic Violence Incident Report by Bolo Helpline and Service Provider***Note:** Fill the form properly and forward a copy of it to Secretary District Protection Committee

Name of person (filling the form)	Designation	Name of department/ organization/institution	Time and date	Contact detail	Location

1. Details of the complainant

(1)	Name of the complainant	
(2)	Age	
(3)	Address of the household	
(4)	Present Address	
(5)	Phone Number, if any	
(6)	Service provided	
(7)	Referred any service <i>If yes, briefly please explain:</i>	

2. Details of complainee

S#	Name	Relationship with the complainant	Address	Telephone No., if any	Does the person involved have a history of previous domestic violence incidents?
					☐ Yes ☐ No ☐ Don't Know.

3. Details of children, if any, of the complainant:**(a) Number of children:****(b) Details of children:**

S. No	Name	Age	Sex	With whom at present residing

4. Incidents of domestic violence

<i>S. No.</i>	<i>Date, Place and time of violence</i>	<i>Person who caused domestic Violence</i>	<i>Type of violence</i>	<i>Detail of incident</i>
(I) Physical violence please tick mark (✓) the column applicable and add detail in next column				
(II) Sexual violence please tick mark (✓) the column applicable and add detail in next column				
(iv) Any other nature of incident Please add details below				
(v) any other information regarding acts of domestic violence against you or your children				

5. Immediate assistance provided to the complainant

S. No.	Assistance Available	Yes/No	Nature of assistance	If referred to the service, please add details below
(1)	Medical assistance			
(2)	Police assistance			

(3)	Assistance for initiating criminal proceedings			
(4)	Shelter home			
(5)	Legal aid			
(6)	Psychiatrist counselling/assistance			
(7)	Any other facility			

6. Any other information or details *(please mention below)*

7. Any follow up:

(Signature or thumb impression of the complainant)

Name:

Signature/thumb impression:

Date:

Authorization by designated official

Name:

Department/institution/organization:

Designation:

Signature:

Seal/stamp

-Sd/-

**Secretary to Govt. of Khyber Pakhtunkhwa,
Zakat, Ushr, Social Welfare, Special Education
& Women Empowerment Department**

Endst: of even No. & date:

Copy forwarded for information to the:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
5. Registrar, Peshawar High Court Peshawar.
6. PSO to Chief Secretary, Khyber Pakhtunkhwa.
7. Khyber Pakhtunkhwa Commission on the Status of Women.
8. Director, Social Welfare Khyber Pakhtunkhwa.
9. Director Social Welfare, Merged Districts.
10. Manager, Government Printing Press Peshawar for Publication in official Gazette.
11. PS to Secretary, Social Welfare, SE & WED Khyber Pakhtunkhwa.

Section Officer -IV