

Domestic Violence (Offence and Punishment) Rules, 2067 (2010)

In exercise of the powers conferred by Section 17 of Domestic Violence (Offence and punishment) Act, 2066 (2009), Government of Nepal has framed the following Rules.

1. **Short Title and Commencement:** (1) These Rules may be called as “Domestic Violence (Offence and Punishment) Rules, 2067 (2010).”
(2) These Rules shall come into force immediately.
2. **Definition:** Unless the subject or content otherwise requires in these Rules:
 - (a) “Complaint” means a complaint registered pursuant to Sub-section (1), of Section 4, or Sub-section (2), of Section 5.
 - (b) “Complainant” means a person who lodges the complaint.
 - (c) “Complaint Hearing Body” means Police Office, National Women Commission, local body or the Court.
 - (d) “Act” means Domestic Violence (Offence and Punishment) Act 2066 (2009).
 - (e) “Ministry” means, Ministry of Women, Children and Social Welfare.
 - (f) “Committee” means committee of Service Fund Management or Board of Directors pursuant to Rule-13.
 - (g) “Health Centre” means Hospital, Health Post, and Sub-health post.
 - (h) “Service Centre” means the Service Centre established pursuant to Section 11.
 - (i) “Service Fund” means the Service Fund established pursuant to Sub-section (1), of Section-12.

3. Provision Relating to Complain: (1) Anyone willing to lodge a complaint relating to domestic violence may lodge such complaint before the Complain Hearing Body in a format as referred to in Schedule-1.

(2) In case, a complaint of domestic violence is received in a verbal form, the Complaint Hearing Body shall register it upon setting out details in the written form upon putting the signature of the complainant pursuant to Schedule-1.

(3) In case, a complaint is received pursuant to Sub-rule (1) or (2), the Complaint Hearing Body shall register such complaint pursuant to Rule (4) and issue the receipt thereof to the complainant as referred to in Schedule-2.

(4) In case, anyone lodges a complaint of domestic violence in the court or in any other Complaint Hearing Body, action shall only be taken in the complaint lodged in the Court.

(5) In case, anyone lodges a complaint of domestic violence in more than one Complaint Hearing Bodies other than the court, an action shall only be taken upon the complaint of one Complaint Hearing Body which is chosen by the complainant.

(6) In case, a complaint of domestic violence is lodged by both the victim and other (perpetrator), an action shall be taken only in the complaint lodged by the victim.

(7) In case, action has to be taken against only one complaint pursuant to Sub-rule (4), (5) or (6), such Complaint Hearing Body shall inform the details of the matter to the other related Complaint Hearing Body.

(8) In case, an information is received pursuant to Sub-rule (7), the Complaint Hearing Body shall cross off the record upon maintaining the same details in the register book.

4. **Complaint Registration Book:** A Complaint Hearing Body shall keep the complaint registration book as referred to in Schedule-3 for the purpose of complaint registration.

5. **Inquiry May be Conducted With Victim:** (1) In case any complaint is lodged by a person other than the victim, the Complaint Hearing Body may call the concern person and conduct an inquiry as required.

(2) The procedure of inquiry to be conducted pursuant to Sub-rule (1) may be kept confidential by the concerned Complaint Hearing Body.

6. **Provision Relating to Examination of Health:** (1) In case, a complaint is lodged stating that the victim has been physically wounded or mentally tortured by the perpetrator, the Complaint Hearing Body, shall request the hospital or health Centre which is nearby or convenient for the health examination of health of such victim.

(2) In case, a hospital or health centre is requested for the health examination pursuant to Sub-rule (1) it shall immediately provide treatment and shall submit the medical examination report to the Complaint Hearing Body.

7. **Provision Relating to Security:** (1) In case, there is a possibility of physical wound or mental torture of the victim or his/her dependent by the perpetrator while lodging the complaint or during the procedure of taking an action, the petitioner may request to the Complaint Hearing Body, for his/her security upon showing the reasonable grounds thereof.

(2) In case of seeking of security pursuant to Sub-rule (1), and if it is found necessary to provide protection to the victim or his/her dependents, the Complaint Hearing Body, shall issue a written letter to the nearby Police Office for the security of such person.

(3) In case, a letter is received pursuant to Sub-Rule (2), the concerned Police Office shall immediately make the following security arrangements of such person:

- (a) To make temporary arrangements of a safe place or Service Centre to the victim or his/her dependent,
- (b) To make necessary arrangements to be protected from physical injuries (attack) and getting mental torture from the perpetrator.

8. Forwarding File with the Complaint: (1) In case, the perpetrator fails to appear pursuant to Sub-section (4) and (5) of Section (4) of the Act, or perpetrator cannot be presented, or the perpetrator and victim fail to settle their dispute through reconciliation, the police office and local body shall forward the complaint to the court in a format as referred to in Schedule-4, as per Sub-section (11) of Section 4 upon mentioning all the details, along with the evidence and other legal documents incidental thereto.

(2) In case the file (*Misil*) along with the complaint is received pursuant to Sub-rule (1), the court shall forward the document to the local body or police office after proceeding and disposing the case based on such complaint.

9. Permission Required: (1) In case, any organization is interested to establish or operate Service Centre pursuant to Sub-section (2) of Section-11, an application shall be submitted to the Ministry in a format as referred to in Schedule-5.

(2) After examining the application received pursuant to Sub-rule (1), if an organization has been found to have been fulfilled the standards as prescribed in Rule-10, the Ministry shall give permission to such organization in a format as referred to in Schedule-6 upon prescribing condition so required.

10. Standards to be met: (1) Following standards prescribed by the Ministry shall be met to open up or operate a Service Centre.

- (a) Infra structure with basic minimum facilities,
- (b) Minimum health services and security provisions,
- (c) Provision to provide psycho-consultation service, psychological service and legal aid to the victim as required,
- (d) Capacity to provide financial support to the victim,
- (e) Other standards as prescribed by the Ministry,

11. Supervision and Monitoring: (1) The supervision and monitoring of Service Centre may be pursued by the Ministry itself or the Ministry may assign any of its subordinate body or staff to carry out such action.

(2) In case the Ministry assigns any of the subordinate body or staff for the Supervision and Monitoring of Service Centre pursuant to Sub-rule (1), such a body or staff shall submit the report to the Ministry.

(3) While conducting Supervision or monitoring pursuant to Sub-rule (1), if any service Centre is found not following the standards as per Rule-10 or not complying with the conditions as prescribed by the Ministry, Ministry may give necessary instructions to the concerned Service Centre to follow such standards or to comply with the conditions.

(4) It shall be the duty of concerned Service Centre to follow the instructions issued pursuant to Sub-rule (3).

(5) In case, any Service Centre is found not complying with the instruction pursuant to Sub-rule (3), Ministry may cancel the permission of such Service Centre.

Provided that, before cancelling the permission of the concerned Service Centre it shall not be denied to submit its clarification.

12. Provision of Protection Officer: (1) Each Women Development Office shall have one Women Protection Officer to coordinate in relation to the domestic violence.

(2) Until the appointment of the protection officer pursuant to Sub-rule (1), concerned Women Development Officer shall carry-out the function of the protection officer.

(3) The other duties, functions, and powers of protection officer as referred to in Sub-rule (1) shall be as following:

- (a) To work as a focal point at the district level to control the domestic violence,
- (b) To maintain coordination between the Complaint Hearing Body and Service Centre,
- (c) To provide legal aid to the victim,
- (d) To provide psycho-consultation or psychological service to the victim and perpetrator as required,
- (e) To update the details of domestic violence,
- (f) To carry out other functions as prescribed by the Ministry,

(4) Ministry may form Legal Aid Committee for the purpose of providing Legal Aid to the victim, as per the requirement.

(5) The duty, function, jurisdiction and formation procedure of the Legal Aid Committee pursuant to Sub-rule (4), shall be as prescribed by the Ministry.

13. Provision Relating to Committee: (1) There shall be a Service Fund Management and Operation Committee to manage and operate the Service Fund.

(2) The committee shall have following members:

- (a) Secretary, Ministry of Women, Children and Social Welfare - Chairperson
- (b) Joint Secretary, Ministry of Finance - Member
- (c) Joint Secretary, Ministry of Home Affairs - Member
- (d) Joint Secretary, Office of Prime Minister and Council of Minister - Member
- (e) Joint Secretary, Ministry of Local Development - Member
- (f) Joint Secretary, Ministry of Women Children and Social Welfare - Member
- (g) Director General, Women Development Department - Member
- (h) Representative, National Women Commission - Member
- (i) Deputy Inspector General of Police, Women, children Service Directorate, Police Head Quarter - Member
- (j) One representative from Service Centre as designated by the Ministry - Member
- (k) Under Secretary (Law), Ministry of Women, Children and Social Welfare - Member-Secretary

(3) Meeting procedures of the Committee shall be as determined by the committee itself.

(4) The administrative expenses of the Committee shall be borne from the Service Fund.

Provided that, such an expense shall not exceed the Ten percent of the total budget of the Service Fund.

(5) The secretariat of the Committee shall be located in the Ministry.

14. Operation of Account of the Service Fund: (1) The fund shall be operated as revolving fund.

(2) Collected sum of Service Fund shall be deposited in any of the Commercial Bank upon opening an account, as prescribed by the Committee.

(3) The account opened as per Sub-rule (2) shall be operated as prescribed by the Board of Directors.

15. Use of Service Fund: Collected sum of Service Fund shall be spent for the following works:

- (a) To operate or manage the Service Centre,
- (b) To provide security or medical treatment for the victim,
- (c) To provide Legal Aid for the Victim,
- (d) To provide psycho-consultation or psychological service to the victim and perpetrator as required,
- (e) To conduct awareness programme against domestic violence,
- (f) To spent the sum for other activities related to domestic violence,

16. Account and auditing of Service Fund: (1) The account of income and expenditure of the Service Fund shall be maintained in a format as followed by the government.

(2) The audit of the Service Fund shall be conducted by the Auditor General.

17. **To Conduct Awareness Programme:** The Ministry, any other Governmental body or Non-governmental organization may conduct or cause to conduct awareness programme against domestic violence.
18. **Record to be up-to-dated:** (1) Out of the Complaint Hearing Body, the Local Body and Police Office shall send the complaint and the details of the action taken as per the complaint lodged in the office, on the monthly basis to the Women Development Office of the District, every year.
- (2) The Service Centre shall send the details of the service provided to the victim every year to the Women Development Office of the District.
- (3) Women Development Office shall send the report to the Ministry received from Complaint Hearing Body and Service Centre pursuant to Sub-rule (1), and (2).
- (4) The Ministry shall update the report received from Women Development Office pursuant to Sub-rule (3).
19. **Delegation of Power:** Ministry may delegate some of the powers obtained as per the Rules to the subordinate body or any of the officer as required.
20. **Amendment or Alteration in the Schedule:** Ministry may make necessary amendment or alteration in the Schedule by publishing a Notification in the Nepal Gazette.

Schedule-1

(Relating to Sub-rule (1), or (2) of Rule-3)

Format of the Complaint

Submitted to

Complaint

I(victim) aged.....years, resident ofdistrictMunicipality/Village Development Committee, Ward No....., submit this complaint letter requesting necessary action against....., aged.....resident ofdistrictMunicipality/Village Development Committee, Ward No.,...for committing an offence of domestic violence upon mentioning the following details.

1. Whether domestic violence has taken place or going to take place or is taking place:
 - (a) Place,
 - (b) Date,
 - (c) Time,
2. Nature of domestic violence:
 - (a) Physical torture,
 - (b) Mental torture,
 - (c) Sexual torture,
 - (d) Financial torture,
 - (e) Others
3. Consequence of domestic violence on victim.
4. If anyone other than the victim has seen or knowledge of domestic violence his/her name and address:
 - (a)
 - (b)
 - (c)
5. Evidence, if any:

6. If complaint is lodged in any other Complaint Hearing Body, name of such body and date of such complaint.
7. The statement mentioned above is true and correct, if proved otherwise I shall abide by law.

Complainant's Name:

Signature:

Name:

Address:

Date:

NEPAL LAW COMMISSION

Schedule-2

(Related to Sub-rule (3) of Rule-3)

Format of Receipt

This receipt has been issued upon registering the complaint relating to domestic violence on in this office.

Office Stamp

Staff who registered complaint:

Signature:

Name:

Post:

Office:

Date:

NEPAL LAW COMMISSION

Schedule-3

(Related to Rule-4)

Format of Complaint Registration Book

.....(Office/Court)

Fiscal Year

Complaint Registration No.	Complaint Registration Date and Time	Name, Surname and Address of Complainant	Name, Surname, Address Age, Gender and Occupation of the Victim	Place, Date and Time of Domestic Violence	Name, Surname and Address of perpetrator	Nature of Domestic Violence	Details of the Arrest of Perpetrator	Details of the Actions	Remarks

Schedule-4

(Related to Sub-rule (1), of Rule-8)

Format of letter for forwarding case file along with complaint

..... District Court,

.....

Subject: Relating to sending a case file along with complaint

This is to inform that in response to the complaint registered by Mr./Mrs./Ms.....against Mr./Mrs./Ms....., as the compromise has not been concluded between two parties, the complaint along with case file has been forwarded for the further action.

Enclosed documents:

1. Complaint,
2. Statement of victim and perpetrator,
3. Health examination report,
4. Wounds examination report,
5. Other evidence.

Signature:

Name:

Post:

Date:

Schedule-5

(Related to Sub-rule (1), of Rule-9)

Format of application for the permission to operate Service Centre

Date:

Subject: Requesting for the permission to establish and operate Service Centre

Ministry of Women, Children and Social Welfare,
Singhadurbar, Kathmandu.

As this Organization is interested to establish and operate the Service Centre; therefore, this application has been filed pursuant to Domestic Violence (Offence and Punishment) Act, 2066 (2009), and Domestic Violence (Offence and Punishment) Rules, 2067 (2010), for the permission.

1. Details of Organization:
 - (a) Name of the organization:
 - (b) Address of the organization:
 - (c) Name and address of the chief official of the organization:
 - (d) Contact person:
2. Details of proposed Service Centre:
 - (a) Place, where Service Centre will be established and operated,
 - (b) Details of the standards of Service Centre,
 - (c) Human resources of Service Centre,
 - (d) Financial Source,

Enclosed documents:

1. Copy of the statute of organization,
2. Copy of the Registration certificate of the organization,

Seal of organization:

Organization's authorized person's

Signature:

Name:

Contact Address:

Schedule-6

(Related to Sub-rule (2), of Rule-9)

Format of the Permission Letter to establish and operate Service Centre

Government of Nepal

Ministry of Women, Children and Social Welfare,

Singhadurbar, Kathmandu.

Sub: **Permission granted to establish and operate the Service Centre**

To.....

.....

Date:

Permission has been granted to this organization following the decision of this Ministry pursuant to Domestic Violence (Offence and Punishment) Act 2066 (2009), and Domestic Violence (Offence and Punishment) Rules, 2067 (2010), to establish and operate the Service Centre.

Conditions to be followed by Service Centre:

- (a)
- (b)
- (c)

Authorized Official's

Signature:

Name:

Post: