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ParaLegal Training Manual

For

District Information Forum for Action(DIFA)

**This ParaLegal Training Manual is specifically
Designed for Rural Women Leaders**

(30- Days Training Manual)

(Completed Over 3 Months with Exercises)

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Introduction

The purpose of this ParaLegal volunteer training manual is to equip Rural women Leaders and grassroots community workers with basic legal knowledge about rights, Pakistani Laws and the functions of criminal justice system so they can support vulnerable constitutional populations in accessing Legal Aid. This manual is designed to teach how to facilitate justice services, train them in handling cases correctly with the ability to guide how to register First Inspection Report (FIR), recording of statements, understanding of Medico – Legal reports and its following processes. The training provides because information about Police investigation and court proceedings steps and victim support/ Rehabilitation for the trainee. Relevant laws e.g family laws, women/ children protection laws including domestic violence, Anti-Rape (Investigation and Trial) Act, Prevention of Trafficking in Persons Act, Prevention of Smuggling of Migrants Act, Child Marriage restraint Acts, Inheritance laws, Forced Marriages, Acid Crimes, Honor Killings, Cyber Crime laws. e.t.c

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Chapter 1

Learn the Ethics and Responsibilities of ParaLegal Staff

1. Introduction

Paralegals play a vital role in making justice accessible to all especially for women, children, minorities, and other vulnerable groups who often face barriers in navigating

the formal legal system. In the context of Pakistan's rural and underserved communities, paralegal workers serve as the first point of contact for legal assistance. These trained individuals are not lawyers, but they offer crucial support by simplifying legal processes, ensuring timely referrals, and guiding individuals through available legal remedies.

This chapter introduces the foundational knowledge every community-based paralegal must have. It begins with a clear understanding of what paralegal work is, followed by a strong emphasis on the code of conduct to ensure ethical and professional behavior. Finally, it elaborates on the critical role paralegals play in improving access to justice, particularly for those who are often left out of formal legal protections.

Paralegals work within their communities to raise legal awareness, support documentation processes, liaise with courts and law enforcement, and advocate for justice. Their work bridges the gap between the law and the people, helping citizens understand their rights and make informed decisions. By doing so, paralegals empower individuals especially women to stand up for themselves and seek legal recourse in a respectful, safe, and supportive environment.

This chapter will help to understand your responsibilities, the limits of your role, and the ethical standards you must uphold. Through your service, you will not only contribute to resolving legal issues but also promote a culture of justice, equality, and dignity within your community.

2. What is Paralegal Work?

Paralegal work refers to the support provided by trained individuals who assist lawyers, legal aid organizations, or communities in legal matters without being licensed lawyers themselves.

Duties of Paralegals

- **Legal documentation:** Helping fill out FIRs, court forms, complaints, and affidavits.
- **Record keeping:** Maintaining client files, case updates, and follow-up.
- **Legal guidance:** Explaining laws, procedures, or rights in simple language
- **Referrals:** Guiding to lawyers, government departments, or legal aid bodies
- **Support for vulnerable groups:** Women, children, minorities, people with disabilities

3. Code of Conduct for Paralegals

- Respect the privacy of victim/client and never share personal or case information without consent. Do not discuss cases with anyone except your legal supervisor or authorized personnel.
- Treat everyone equally regardless of gender, religion, caste, language, disability, or ethnicity.
- Do not forge documents, lie about facts, or assist in any fraudulent behavior.
- Do not present yourself as a lawyer.
- Do not provide legal opinions or represent victim/clients in court unless allowed under special permission (e.g., family courts or mediation)
- Do not demand or accept money, gifts, or favors for your services.
- Follow laws, rules of court, and procedures.
- Cooperate with police, lawyers, judges, or government officials professionally and respectfully.
- Keep clear records of cases and referrals.
- Do timely follow-ups and update clients or supervisors as needed.
- Inform the victim about serious or sensitive cases.
- Listen carefully to the victim, especially women, children, and vulnerable persons.
- Empower the victim to make their own decisions; do not force or pressure them.

4. Role of Para-Legal in Access to Justice

Paralegals act as a bridge between communities and the formal justice system. They help people, especially the poor, women, and marginalized groups, to understand their rights, navigate legal processes, and get timely help.

Roles of Paralegals in Ensuring Access to Justice

- **Legal Awareness:** Educating people about their legal rights (e.g., women's rights, FIR registration, inheritance, marriage laws, domestic violence, etc.)
- **Document Support:** Helping people fill legal forms, complaints, affidavits, B-Forms, CNIC, etc.

- **Court & Police Liaison:** Guiding clients to courts, police stations, legal aid clinics, or government offices.
- **Support for Vulnerable Groups:** Assisting women, children, persons with disabilities, minorities, and displaced persons in accessing legal help.
- **Referrals:** Connecting clients to lawyers, judges, human rights commissions, or legal aid centers.
- **Record Keeping/ Data Collection & Case Follow-up:** Maintaining written case records and tracking progress.
- **Advocacy:** Raising community-level concerns with local authorities (e.g., police, union councils, DPOs).

Chapter 2:

Understanding of Basic Structure and Procedure of the Legal Justice System in Pakistan

1. Introduction

This chapter provides a practical overview of how paralegal workers can understand, support, and monitor legal cases through various stages of Pakistan's justice system. It begins with guidance on how to accurately record the facts of a victim's case a crucial step in ensuring justice for women and vulnerable groups. Paralegals are trained to document information with care, confidentiality, and clarity, forming the foundation for further legal action.

The chapter then outlines the pre-trial steps in three main types of legal matters: criminal, civil, and family cases. These step-by-step breakdowns equip paralegals to support victims at every stage from FIR registration and investigations in criminal matters, to plaint filing and written statements in civil disputes, to the family court's pre-trial reconciliation process in cases like divorce, maintenance, and custody.

Understanding the stages of investigation in criminal matters is essential, especially in cases involving violence, sexual abuse, or cybercrime. This includes the registration of FIRs, gathering medical and forensic evidence, preserving circumstantial evidence, and helping victims make informed decisions during police or court interactions.

The chapter also introduces the structure of the court system in Pakistan, helping paralegals and community leaders distinguish between the types of courts and their functions. It explains how cases progress through trial stages in criminal, civil, and family courts and how paralegals can play a role in monitoring case proceedings, ensuring transparency, accountability, and timely justice.

This chapter empowers grassroots paralegals to act as informed legal support persons, bridging the gap between vulnerable communities and the justice system with confidence and clarity.

2. How to record the facts of the case

When recording the facts of a victim's case, a paralegal must listen with empathy, remain non-judgmental, and ensure the information is captured accurately and confidentially. Begin by noting the basic details of the victim, including their name (with consent), age, gender, CNIC number (if available), address, and contact number. Then, record the incident details in the victim's own words, clearly stating what happened, when and where it occurred, and who was involved. Include any background context that helps understand the situation—such as prior threats, history of violence, or family disputes. Be sure to capture any visible signs of harm or injuries, and whether the victim has already approached any authorities or medical services. Avoid making assumptions or inserting personal opinions. Use simple, respectful language and avoid legal terminology the victim may not understand. After recording, summarize the key facts in a clear, chronological order, ensuring that all details are accurate and verified with the victim before finalizing the record. End the documentation with the date, time, location of the interview, and the name/signature of the paralegal worker. Always maintain confidentiality and secure storage of the recorded information to protect the victim's identity and legal rights.

- Exercise and Group Work: How to Handle a Case

- Case-Solving situation

3. Pre-trial steps of any Criminal, Civil, and Family Issues:

Pre-trial steps of any Criminal Matters in Pakistan

Step 1:

Lodging of FIR (First Information Report)

- The complainant or victim reports the incident to the police.
- Police register an FIR under Section 154 of the Criminal Procedure Code (CrPC).

Step 2:

Initial Police Investigation

- Police visit the crime scene, collect evidence, and record statements of witnesses (under Section 161 & 164 CrPC).
- Medical examination and DNA of the victim (if applicable) is conducted.

Step 3:

Arrest of the Accused

- Police may arrest the suspect without a warrant if the offense is cognizable (Section 54 CrPC).
- If non-cognizable, prior permission of the magistrate is required.

Step 4:

Production Before Magistrate

- Within 24 hours of arrest, the accused must be produced before a magistrate (Article 10 of Constitution, Section 61 CrPC).
- The magistrate may grant physical or judicial remand.

Step 5:

Remand Proceedings

- Police may request physical remand for further investigation (Section 167 CrPC).
- Judicial remand may be granted if police custody is not required.

Step 6:

Filing of Challan (Charge Sheet)

- After completing the investigation, the police submit the interim or final challan to the trial court (Section 173 CrPC).
- The challan includes evidence, witness list, and police opinion.

Step 7:

Court Takes Cognizance

- The magistrate reviews the challan and decides whether there is sufficient ground to proceed with the trial.

Step 8:

Framing of Charges

- If sufficient evidence exists, the judge frames formal charges against the accused.

Step 7:

Plea of the Accused

- The accused is asked to plead guilty or not guilty to the charges.
- If not guilty, the case proceeds to trial.

Pre-trial steps of any Civil Matters in Pakistan

Step 1:

Preparation of Complaint (Lawsuit Document)

- The plaintiff prepares a written complaint explaining the grievance, parties involved, and relief sought.

Step 2:

Filing of Complaint in Civil Court

- The complaint is submitted to the relevant civil court along with required court fees and documents.

Step 3:

Scrutiny by Court

- The court examines whether the complaint is complete, within jurisdiction, and properly filed.

Step 4:

Issuance of Notice to Defendant

- The court issues summons to the defendant to appear and respond within a specified time.

Step 5:

Submission of Written Statement by Defendant

- The defendant files a written reply to the complaint, admitting or denying the claims.

Step 6:

Filing of Replication (Optional)

- The plaintiff may file a replication to respond to the written statement if needed.

Step 7:

Filing of Documents by Both Parties

- Both sides submit relevant documents to support their claims and defenses.

Step 8:

Framing of Issues

- The court identifies the points of dispute (legal/factual issues) to be resolved during the trial.

Step 9 Pre-Trial Hearing / Preliminary Proceedings

- The judge may attempt settlement or mediation, or issue orders for evidence and trial schedule.

Pre-trial steps of any Family Matters in Pakistan

Step 1:

Filing of Suit/Petition

- The plaintiff (usually a woman) files a suit in the Family Court (e.g., for divorce, maintenance, custody, dower).

Step 2:

Scrutiny by the Family Court

- The court examines whether the case falls under its jurisdiction and if all documents are attached.

Step 3:

Issuance of Notice/Summons to Respondent

- The court issues notice to the defendant (respondent) to appear and submit a written reply.

Step 4:

Submission of Written Statement

- The respondent files a written statement in response to the petition within the specified time.

Step 5:**Filing of Document List and Evidence Summary**

- Both parties submit a list of supporting documents and a brief summary of their evidence.

Step 6:**Pre-Trial Hearing (Section 10, Family Court Act 1964)**

- The court holds a pre-trial hearing to:
- Review the plaint, written statement, and documents.
- Identify the issues of controversy.
- Attempt reconciliation or compromise between the parties.

Step 7:**Failure of Reconciliation**

- If reconciliation efforts fail (especially in divorce or khula cases), the court proceeds to frame issues.

Step 8: Framing of Issues

- The court formally lists the key points of dispute to be resolved during the trial.

Step 9: Fixing of Trial Schedule

- The court sets the timeline for recording evidence and hearing arguments.

4. Stages of Investigation in Criminal Matters

- Registration of FIR
- How to draft an Application and FIR to the police and other institutions
- Medico Legal Reports
- Physical and Judicial Remand
- Preservation of Circumstantial Evidence
- Statements before police
- Medical and Forensic Evidence
- How to secure Medical and Forensic Evidence
- Application for Reinvestigation or Change of Investigation

Registration of FIR (First Information Report) in Legal and Investigative Perspective

1. Definition of FIR

FIR (First Information Report) is the initial report given to the police by a complainant about the commission of a cognizable offence.

It is recorded under Section 154 of the Code of Criminal Procedure, 1898 (CrPC).

2. Legal Requirements

- Who can lodge FIR: Any person (victim, witness, or informant) who has knowledge of the commission of a cognizable offence.
- Where to lodge FIR: At the police station within the jurisdiction where the crime occurred.
- Language: It must be written in the local language understood by both the complainant and the police officer.
- Signature/Thumb impression: Required of the informant.
- Free of cost: Registration of FIR is free and must not be refused in cognizable cases.
- Delayed FIR weakens the prosecution case.
- In cognizable offences (e.g., murder, rape, robbery), police are legally bound to register the FIR under Section 154 CrPC.
- In non-cognizable offences (e.g., defamation, simple hurt), FIR is not registered without prior permission from the Magistrate.

3. Role of FIR in Investigation

- FIR sets the criminal justice process in motion.
- It becomes the basis for:
 - Crime scene investigation
 - Witness examination
 - Collection of evidence
 - Arrest of the accused
 - Case Diary & Investigation
- After FIR, investigation starts under Section 157 CrPC.
- Investigating officer (IO) maintains a case diary to record daily progress.

- Police report under Section 173 CrPC is submitted to the Magistrate after investigation.

4. Challenges in Practice

- Delays or refusal to register FIR.
- Political or social pressure on police.
- False FIRs due to personal enmities.
- Lack of awareness among the public about rights.

Note for Paralegal Workers:

- Listen carefully to the complainant and ensure all facts are clear.
- Use simple language when writing.
- Help the person submit this to the local police station.
- Keep a copy for record-keeping.
- In case of refusal by police, advise on approaching higher police officers or the court under legal provisions.

Essential Ingredients of FIR

1. Who – The Complainant:

Name and details of the person giving the information or complaint.
Relationship with the incident or victim (if not the victim).

2. What – Nature of the Offense:

Description of the crime (e.g. Violence of any sort including sexual violence, theft, assault, harassment, etc.).

Type of offense (cognizable or non-cognizable).

Any known sections of the law (if possible).

3. When – Time and Date:

Exact time and date of the incident.

Time and date of reporting the incident to the police.

4. Where – Location of the Incident:

Address or description of the place where the offense took place.

5. Why – Motive:

Any background, dispute, or suspected reason behind the incident.

6. How – Manner of Occurrence:

Details on how the incident took place.
Tools, weapons, or vehicles used.

7. Who did it – Identity of Accused :

Names, descriptions, or any identification of the suspected offender(s).
If unknown, description or witness information.

SAMPLE FIR TEMPLATE (FOR PARA-LEGAL WORKERS)

To
The Station House Officer (SHO)
Name of Police Station
Address
Subject: Request for Registration of FIR regarding (briefly mention incident, e.g., violence of any sort including sexual violence "domestic violence" "theft", "assault")
Respected Sir/Madam,
I, [Full Name], s/o or d/o [Father's/Mother's Name], resident of [Full Address], respectfully submit the following for your kind attention:
Date and Time of Incident:
On [date], at approximately [time]
Place of Incident:
[Exact location or address where the incident occurred]
Details of the Incident:
I would like to report that on the above-mentioned date and time, [clearly describe what happened — what offense occurred, who was involved, how it happened, and any injury or damage done].
Accused Details (if known):
The name(s) and description(s) of the person(s) involved are as follows:

Name:

Description (appearance/clothes/vehicle, etc.):

Reason/Motive (if known):

[Mention any known reason for the incident — such as personal enmity, theft, harassment, etc.]

Witnesses (if any):

Name(s) and contact details of any witnesses who saw the incident

Request:

I request you to kindly register my complaint as an FIR under the relevant sections of law and take necessary legal action against the accused. I am ready to cooperate in the investigation and can appear in person whenever required.

Thank you.

Sincerely,

Signature

Name of Complainant

CNIC No.

Contact Number

Date

SAMPLE FIR: VIOLENCE AGAINST WOMEN (DOMESTIC VIOLENCE CASE)

Police Station: Ganjmandi Police Station, Rawalpindi

FIR No: 234/2025

Date & Time: 12 July 2025, 5:00 PM

Sections Applied: 337-A, 506, 354, 498-A PPC

Complainant's Details:

Name: XYZ

Father's Name: ABC

CNIC No: 01010-0101010-0

Address: House No. A, Mohallah B, City C

Phone No: 0101-0101010

Subject: Physical and Mental Abuse by Husband and In-Laws

Details of Incident:

It is respectfully submitted that I, Ms. XYZ, have been married to Mr. ABC (s/o Mr. EDF) since 2021. From the beginning of marriage, I have faced continuous physical and mental abuse from my husband and his family. On 10 July 2025, around 9:00 PM, my husband brutally beat me with a belt and stick over a domestic issue, causing severe bruises on my arms and back.

His mother, Ms. EFG, and sister, Ms. NFC, also used abusive language and pushed me out of the house late at night. I went to my parents who took me to civil hospital and I have that medical report of 10 July 2025. Now I am living at my parents' house because I fear further violence from my husband and the Laws..

I request that FIR be registered against my husband and his family under relevant laws and that I be provided protection.

Signature of Complainant:

Ms. XYZ

(Thumb impression or Signature)

Duty Officer:

Name: Sub-Inspector OTO

Badge No: 0102

Signature: _____

Date:

Time:

تھانہ: گنج منڈی پولیس اسٹیشن، راولپنڈی
ایف آئی آر نمبر: 2025/234
تاریخ و وقت: 12 جولائی 2025، شام 5:00 بجے
دفعات قانون: A337-، 506، 354، 498-A تعزیرات پاکستان
شکایت کنندہ کی تفصیلات:

نام: بی بی

ولدیت: بابا

شناختی کارڈ نمبر: 01010-0101010-0

پتہ: مکان نمبر X، گلی Y، شہر Z

فون نمبر: 1010-1010101

موضوع: شوہر اور سسرال والوں کی طرف سے جسمانی اور ذہنی تشدد
واقعہ کی تفصیل:

باعرض یہ ہے کہ میں، بی بی، کی شادی بابا جی ولد بابا کے ساتھ 2021 میں ہوئی۔ شادی کے آغاز سے ہی مجھے مسلسل جسمانی اور ذہنی تشدد کا نشانہ بنایا جاتا رہا ہے۔ مورخہ 10 جولائی 2025 کو رات تقریباً 9 بجے میرے شوہر نے معمولی گھریلو معاملے پر مجھے بیلٹ اور ڈنڈے سے شدید تشدد کا نشانہ بنایا، جس سے میرے بازو اور کمر پر چوٹیں آئیں۔ اس کی والد بی بی ماں اور بہن بی بی نے بھی مجھے گالیاں دیں اور گھر سے باہر نکال دیا۔ وہاں سے

میں اپنے والدین کے گھر گئی، جوں مجھے اگلے دن سول اسپتال لے گئے اور میں نے چیک اپ کروایا۔ میرے پاس سول ہسپتال کی میڈیکل رپورٹ بطور ثبوت موجود ہے۔ اب میں اپنے والدین کے گھر رہ رہی ہوں اور مہجے اپنے خاوند اور سسرال کی طرف سے دوبارہ تشدد کا خدشہ ہے۔ میری درخواست ہے کہ میرے شوہر اور سسرال والوں کے خلاف ایف آئی آر درج کی جائے اور مجھے قانونی تحفظ فراہم کیا جائے۔
شکایت کنندہ کے دستخط:

بی بی
دستخط / انگوٹھا
ڈیوٹی آفیسر _____:
نام: انسپکٹر OTO
بیج نمبر: 1234
دستخط _____:
تاریخ:
وقت:

Medical and Forensic evidence and the role of paralegal

After FIR Registration the victim of any violence including rape and other sexual offenses must approach to the authorities' government hospitals for her medical legal examination herself or in the company of local police.

In sexual assault or violence cases, time is critical. Delay can lead to loss of evidence.

2. Preservation of Forensic Evidence

Police must secure and collect physical and forensic evidence from the scene and from the person (victim/accused).

Types of Forensic Evidence:

Blood, hair, semen, and skin samples

Weapons or objects involved

Clothing with stains or fibers

Digital evidence (phone, CCTV footage, etc.).

In a case of sexual assault, a paralegal may:

Immediately help the survivor get to a hospital for a medico-legal examination.

Ensure the clothes worn during the incident are preserved.

Assist in FIR registration, highlighting the need for DNA testing.

Track the evidence through the legal process to ensure it is submitted and analyzed.

In violence cases (such as domestic violence, assault, sexual violence, etc.), medical and forensic evidence must be collected as soon as possible to ensure its legal admissibility and forensic reliability.

Here is a summary of plausible and legally accepted timelines for different types of evidence in Pakistan (similar timelines are followed in many countries):

1. General Rule:

Immediately or within 24 hours of the incident is ideal.

The sooner the evidence is collected, the stronger its legal value.

2. Specific Timeframes by Type of Case:

Physical Assault / Domestic Violence:

Medical examination should be conducted within 24 to 48 hours.

Bruises and injuries fade within 3–5 days, so documentation must be timely.

Photographs and medico-legal certificates must be issued by an authorized doctor.

Sexual Violence / Rape Cases:

Ideally within 72 hours (3 days).

Semen, blood, saliva, HAIR DNA traces, and physical trauma evidence degrade over time.

After 3–5 days, forensic value decreases significantly.

Murder / Attempted Murder:

Post-mortem (autopsy) should be conducted as soon as possible, ideally within 12–24 hours of death.

Forensic evidence at the scene (blood, fingerprints, weapon traces) must be collected immediately.

Key Points for Para-Legal Workers:

Guide survivors to hospital immediately, ideally within 24 hours.

Ensure FIR is registered quickly, then get a police referral (chit) for medico-legal examination.

Preserve clothing, avoid washing or cleaning evidence.

5. Structure of the Court System in Pakistan

- Trial stages in the court of criminal matters
- Trial stages in the court of civil matters
- Trial stages in the court of Family matters
- How to monitor the case proceedings

Stages of Criminal Cases(Violence,harassment, rape etc) proceedings in court

1. Lodging of FIR (First Information Report)

2. Police Investigation

3. Judicial Custody / Bail

After arrest, the accused is brought before a Magistrate within 24 hours. Bail applications may be filed (Section 497, 498 CrPC).

4. Submission of Challan (Charge Sheet)

Police submit a Final Report (Challan) to the court. Complete Challan – with full evidence.

Incomplete Challan – if investigation still ongoing.

5. Supply of Challan Copies to the accused

If accused pleads not guilty and claims trial then

6. Framing of Charges

Court examines challan and frames charges if prima facie evidence exists. Accused pleads Guilty or Not Guilty.

7. Prosecution Evidence

Witnesses are examined and cross-examined.

8. Statement of Accused (Section 342 CrPC)

Accused gives their statement without oath.

9. Defense Evidence (optional, section 340(2) crpc)

10. Final Arguments

Both sides present final submissions.

11. Judgment

Based on evidence and arguments, the court announces: Conviction or Acquittal

12. Appeal / Revision

Either party can file an appeal in a higher court:

Within specific time limits (usually 30 to 90 days)

Stages of Court Proceedings in Family Cases

1. Filing of Suit / Petition

Filed by the aggrieved party (wife, husband, or guardian).

Submitted in Family Court of the district where either party resides.

Suit/Petition includes facts, a list of witnesses, a list of attached documents, and documents to be presented/relied upon, affidavits of the parties and witnesses, claims, and prayer.

2. Issuance of Notice / Summons

Court issues notice to the other party (defendant/respondent).

Notice through a process server, registered post, and advertisement in the newspaper.

3. Written Statement (Reply) by Respondent

May include counterclaims (e.g., if husband files for custody, wife may file for maintenance).

4. Pre-Trial Proceedings / Reconciliation Attempt

Compulsory reconciliation effort by the Family Court (under Section 10 of West Pakistan Family Courts Act, 1964). In all family cases except dissolution of marriage, if reconciliation fails, the judge records this and moves to trial. In case of dissolution of marriage, if reconciliation fails, the court shall pass a decree in favour of the plaintiff/wife forthwith under section 10 (4) Family Court Act 1964.

5. Framing of Issues

The court frames specific legal and factual issues to be decided during the trial.

E.g., whether the wife is entitled to khula?

Whether the wife is entitled to the maintenance and for what period?

Whether the petitioner/mother is entitled to custody of the minor son/daughter

6. Evidence Stage

Plaintiff's Evidence: Witnesses, documents, and cross-examination.

Defendant's Evidence: Their witnesses, documents, and cross-examination.

7. Final Arguments

Lawyers from both sides argue the case based on evidence.

Parties may also be allowed to speak.

8. Judgment / Decree

Family Court issues a written judgment.

A decree will be issued/prepared

9. Execution of Decree

If the losing party does not comply, the decree holder can file execution proceedings under Family Court law.

Example: If maintenance is not paid, the court can issue an arrest or attach property.

10. Appeal

Appeal can be filed within 30 days to the District Judge or High Court, depending on the case nature.

Family cases include:

Dissolution of marriage

Maintenance

Recovery of dowry articles,

Recovery of dower

Guardianship

Custody of children

Restitution of conjugal rights, etc.

Chapter 3

Basic Fundamental Laws in Pakistan

1. Introduction

This chapter introduces key laws and constitutional rights that form the foundation of legal protection for women and other vulnerable groups in Pakistan. It is designed to equip paralegal workers, especially women leaders at the grassroots level, with essential knowledge of legal provisions that safeguard human dignity, liberty, and access to justice.

The Constitution of Pakistan guarantees fundamental rights to all citizens, including the right to life and liberty (Article 9), safeguards against arbitrary arrest (Article 10), the right to a fair trial (Article 10-A), protection of property (Article 24), equality before the law (Article 25), and free education for children (Article 25-A). Understanding these constitutional rights enables paralegals to guide and support communities in asserting their legal entitlements.

Further, the chapter outlines family laws, including the *Family Courts Act 1964*, which governs matters such as divorce, maintenance, custody, and dowry recovery. It emphasizes the importance of reconciliation efforts and women's rights during marital disputes.

A range of women protection laws are also covered, including provincial *Domestic Violence Acts*, the *Anti-Rape Act 2021*, *Child Marriage Restraint Acts*, and laws against forced marriage, acid crimes, honor killings, and deprivation of inheritance. These laws aim to provide justice, protection, and redress to survivors of abuse and harmful practices.

Additionally, Pakistan's *cybercrime* and *harassment* laws offer legal recourse against online and workplace abuse. The *Protection Against Harassment of Women at the Workplace Act, 2010 (amended in 2022)* is a critical legal instrument that ensures safer working environments for women.

This chapter aims to strengthen the role of paralegals in raising legal awareness, identifying violations, and supporting victims through appropriate legal channels to enhance justice and human rights protections at the community level.

2. Constitution of Pakistan (Protection and fair trial Article

The Constitution of Pakistan guarantees every citizen certain fundamental rights that protect their dignity, liberty, and access to justice. As paralegals, it is important to be familiar with these constitutional rights so you can inform and support people, especially vulnerable groups, when these rights are violated. Below are key constitutional articles that relate to protection, justice, and fair trial:

Article 9: Security of person:

No person shall be deprived of life or liberty save in accordance with law.

Article 10: Safeguards as to arrest and detention:

(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

Article 10 A: Right to fair trial:

For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.

Article 24: Protection of property rights:

No person shall be compulsorily deprived of his property save in accordance with law.

Article 25: Equality of citizens:

All citizens are equal before law and are entitled to equal protection of the law.

Article 25-A: Right to education:

The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.

3. Family Laws

Family Court Act 1964:

Section 10 : Pre-trial proceedings.–

- (1) When the written statement is filed, the Court shall fix an early date for a pre-trial hearing of the case.
 - (2) On the date so fixed, the Court shall examine the plaint, the written statement (if any) and the precis of evidence and documents filed by the parties and shall also, if it so deems fit, hear the parties and their counsel.
 - (3) The Family Court may, at the pre-trial stage, ascertain the precise points of controversy between the parties and attempt to effect compromise between the parties.
 - (4) Subject to subsection (5), if compromise is not possible between the parties, the Family Court may, if necessary, frame precise points of controversy and record evidence of the parties.
 - (5) In a suit for dissolution of marriage, if reconciliation fails, the Family Court shall immediately pass a decree for dissolution of marriage and, in case of dissolution of marriage through khula, may direct the wife to surrender up to fifty percent of her deferred dower or up to twenty-five percent of her admitted prompt dower to the husband.
 - (6) Subject to subsection (5), in the decree for dissolution of marriage, the Family Court shall direct the husband to pay whole or part of the outstanding deferred dower to the wife.
- Suit for Dissolution of Marriage

- Suit for Recovery of Maintenance
- Suit for Recovery of Dowry Articles
- Dowry and Bridal Gifts Act
- Custody and Guardianship Cases

5. Women Protection Laws

- **Provincial Domestic Violence Acts**

Several provinces in Pakistan have enacted legislation to address domestic violence, each with its own specific provisions and focus. The Punjab Protection of Women Against Violence Act, 2016, for example, establishes a protection system for women, including Violence Against Women Centers. The Khyber Pakhtunkhwa Domestic Violence (Prevention and Protection) Act, 2021, aims to protect women from various forms of abuse. The Sindh Domestic Violence (Prevention and Protection) Act, 2013, focuses on institutionalizing measures to prevent and protect against domestic violence.

- **Punjab Protection of Women Against Violence Act 2016**

Section 2 r : “violence” means any offence committed against the human body of the aggrieved person including abetment of an offence, domestic violence, sexual violence, psychological abuse, economic abuse, stalking or a cybercrime;

Explanations.- In this clause:

(1) “economic abuse” means denial of food, clothing and shelter in a domestic relationship to the aggrieved person by the defendant in accordance with the defendant’s income or taking away the income of the aggrieved person without her consent by the defendant; and

(2) “psychological violence includes psychological deterioration of aggrieved person which may result in anorexia, suicide attempt or clinically proven depression resulting from defendant’s oppressive behaviour or limiting freedom of movement of the aggrieved person and that condition is certified by a panel of psychologists appointed by District Women Protection Committee;

- **Anti Rape Act**

The Anti-Rape (Investigation and Trial) Act, 2021, aims to expedite the handling of rape and other sexual offenses, particularly those involving women and children. It establishes special procedures for investigation, evidence collection, and trial, including the establishment of Special Courts and Anti-Rape Crisis Cells. The Act also emphasizes victim and witness protection, provides for Independent Support Advisors, and allows for in-camera trials.

- **Child Marriage Restraint Acts**

Punjab Child Marriage Restraint Acts

The Punjab Child Marriage Restraint Act, 2015, in Pakistan, prohibits child marriages by setting the minimum age for marriage at 18 for males and 16 for females, and prescribes penalties for those who violate the law. The Act makes it illegal for individuals to marry a child (under the specified ages), for Nikah registrars to solemnize such marriages, and for parents or guardians to facilitate or organize child marriages. Violations are punishable by imprisonment (up to six months) and/or a fine of Rs. 50,000.

Sindh Child Marriage Restraint Acts

The Sindh Child Marriage Restraint Act, passed in 2014, prohibits child marriage in the province of Sindh, Pakistan, by setting the minimum age of marriage to 18 for both boys and girls. This act repeals the earlier 1929 law that permitted girls to marry at 16. It also imposes stricter penalties, including imprisonment and fines, for those involved in child marriages, and makes the offense cognizable, meaning it can be directly tried in court.

- **Inheritance laws**

498A. Prohibition of depriving woman from inheriting property:

Whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for either description for a term which may extend to ten years but not be less than five years or with a fine of one million rupees or both.

- **Forced Marriage**

Section 498B- Prohibition of forced marriage:

Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.

- **Acid Crimes**

Section 336B PPC: Punishment for hurt by corrosive substance:

Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years and a minimum fine of one million rupees.

- **Honor Killings (Killings in the name of Honour)**

In Pakistan, honor killings are addressed primarily under the Pakistan Penal Code (PPC) and the Criminal Law (Amendment) Act, 2004. These laws classify honor killings as a form of murder (qatl-i-amd) and prescribe punishments like death or life imprisonment. However, the Qisas and Diyat law, which allows for compounding of murder with the victim's heirs, presents a challenge in honor killing cases. While the 2004 amendment makes honor killings non-compoundable by the victim's heirs, courts still have discretion in sentencing, potentially leading to lighter penalties.

- **Cybercrime laws**

Cybercrime laws in Pakistan are primarily governed by the Prevention of Electronic Crimes Act (PECA) of 2016, which addresses various online offenses and provides a legal framework for cybersecurity. PECA criminalizes actions like unauthorized access to information systems, data theft, cyber terrorism, hate speech, and child pornography. The law also outlines penalties, including imprisonment and fines, for those found guilty of violating its provisions.

- **Prevention of Harassment Laws (2010)**

Section 509 PPC: Insulting modesty or causing sexual harassment:

Whoever,-

- (i) intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman;
- (ii) conducts sexual advances, or demands sexual favours or uses verbal or non-verbal communication or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of workplace, or makes submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, or makes submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliates because of rejection of such behaviour, or conducts such behaviour with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile,, or offensive working environment;

shall be punished with imprisonment which may extend to three years or with fine up to five hundred thousand rupees or with both.

Explanation 1: Such behaviour might occur in public place, including, but not limited to, markets, public transport, streets or parks, or it might occur in private places including, but not limited to workplaces, private gatherings, or homes.

Explanation 2: Workplace means, the place of work or the premises where an organization or employer operates, this may be a specific building, factory, open area or a larger geographical area where the activities of the organization are carried out. Sexual advances may occur after working hours and outside workplace. It is the access that a perpetrator has to the person being harrassed by virtue of a job situation or job related functions and activities.

Brief of the Harassment at Workplace Act in Pakistan

The "Protection Against Harassment of Women at the Workplace Act, 2010" in Pakistan aims to protect women from harassment at work. This act, with amendments in 2022, defines harassment broadly, encompassing unwelcome sexual advances, requests for favors, and conduct creating a hostile environment. It outlines procedures for addressing complaints and imposes penalties for violations.

Prevention of Trafficking in Persons Act, 2018

The Prevention of Trafficking in Persons Act, 2018 is a federal law in Pakistan aimed at stopping human trafficking, especially protecting women and children from exploitation.

Offences are punishable by 10 years imprisonment for trafficking adults and 14 years imprisonment for trafficking women and children. Victims are protected with safe housing, legal aid, medical and psychological care. Victims are not penalized for crimes committed as a result of being trafficked.

Prevention of Smuggling of Migrants Act, 2018

The Prevention of Smuggling of Migrants Act, 2018, criminalises the illegal transportation of people across borders for personal gain, especially targeting human smugglers. This law protects vulnerable migrants, especially women and children, from exploitation during illegal migration. 14 years imprisonment and heavy fines are imposed for culprits. Victims (including women and children) are not treated as criminals under the law—they are protected and assisted.

Prison Rules for Women, Children & Other Confined Persons

Women Prisoners

Separate Jails/Wards: Women are kept in separate enclosures within prisons to ensure privacy and security (Rule 710). Only female staff (matrons/wardresses) are allowed to supervise women (Rule 711). Pregnant Women are entitled to prenatal and postnatal care. Women and Children cannot be handcuffed during labour or childbirth. Medical checkups and delivery must be arranged in the hospital if needed (Rule 764). A woman can keep her child up to age 6 in prison, will be provided food, milk, clothing, and basic healthcare for the child (Rule 766).

Children in Custody / Juveniles:

Separate Borstal Institutions or juvenile wards under the Juvenile Justice System Act, 2018. Education, skill training, counselling, and no hard labour. Contact with families is encouraged. No corporal punishment allowed. Courts should use a rehabilitative approach, not punishment.

Other Confined Persons:

Will be provided medical care, Regular checkups, medicines, and hospitalisation if required (Rule 243).

Elderly and persons with disability will be given special care, suitable accommodation, and relief from physical work.

Mentally ill prisoners will be referred to psychiatric care units or hospitals.

Under-trial prisoners must be kept separately from convicted ones (Rule 900).