

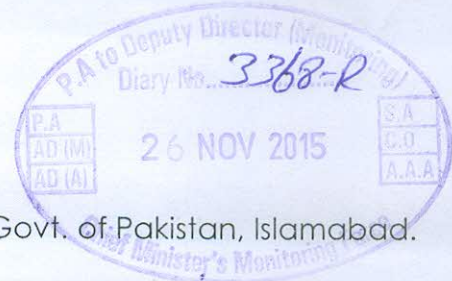
TOP PRIORITY  
URGENT  
OUT TODAY



PS, JPL, Secy, Govt.  
Dy. No. 2483  
Dated: 24/11/15

No. SO (JUDL-IV) 4-6/2013  
GOVERNMENT OF THE PUNJAB  
HOME DEPARTMENT

Lahore, the 16<sup>th</sup> November, 2015



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|-------------------|
| Special Secretary |
| PS                |
| AS (S)            |
| AS (ER)           |
| AS (G)            |
| AS (B&P)          |
| DS (G)            |
| DS (Legal)        |
| DDM               |

PS, Secy, Home Department  
Diary No. 11894  
Date: 24-11

To,

1. The Secretary, Ministry of Interior, Govt. of Pakistan, Islamabad.
2. The Chief Secretary, Punjab.
3. The Principal Secretary to Chief Minister, Punjab.
4. All Administrative Secretaries in Punjab.
5. The Home Secretary, Sindh, Khyber Pakhtunkhawa, Baluchistan, Gilget Bultistan and Azad Kashmir.
6. The Inspector General of Police, Punjab, Sindh, Khyber Pakhtunkhawa, Baluchistan, Gilget Bultistan and Azad Kashmir.
7. All the Divisional Commissioners in Punjab.
8. All RPOs/CCPOs/CPOs, in Punjab.
9. All District Coordination Officers, in Punjab.
10. All District Police Officer, in Punjab.
11. The Superintendent, Government Printing Press Punjab, Lahore for publication of these rules in official Gazette.

Subject: **PUNJAB PROTECTION OF VULNERABLE PERSONS RULES, 2015**

I am directed to refer to the subject cited above and to enclose herewith the copy of "Punjab Protection of Vulnerable Persons Rules, 2015" for information and necessary action at priority.

SECTION OFFICER (JUDICIAL-IV)

CC:-

1. P.O. to Minister for Law and Parliamentary Affairs, Punjab.
2. P.S.O. to Home Secretary, Punjab.
3. P.A. to Special Secretary (Home).
4. P.A. to Additional Secretary (Judicial), Home Department.
5. P.A. to Additional Secretary (Judicial), Home Department.







**GOVERNMENT OF THE PUNJAB  
HOME DEPARTMENT**

16-November 2015

**NOTIFICATION**

**No. S.O (S-IV) 4-6/13** . In exercise of the powers conferred under section 21 of the Anti-Terrorism Act, 1997 (XXVII of 1997), Governor of the Punjab is pleased to make the following rules:

**1. Short title and commencement.**— (1) These rules may be cited as the Punjab Protection of Vulnerable Persons Rules 2015.

(2) They shall come into force at once.

**2. Definitions.**— (1) In these rules:

- (a) 'Act' means the Anti-Terrorism Act, 1997 (XXVII of 1997);
- (b) 'Board' means the Punjab Protection of Vulnerable Persons Board established under the rules;
- (c) 'CTD' means the Counter Terrorism Department, Punjab;
- (d) 'Government' means Government of the Punjab;
- (e) 'proceedings' means any inquiry, investigation or trial in the court under the Act;
- (f) 'Programme' means a Protection Programme established under these rules;
- (g) 'protected person' means a vulnerable person who has been admitted to the Programme;
- (h) 'vulnerable person' means a witness, judge, public prosecutor, counsel, accused and any other person concerned with the proceedings under the Act and requiring protection under the Programme; and
- (i) 'Unit' means the Protection Unit constituted under the rules.

(2) A word or expression used but not defined in these rules shall have the same meaning as is assigned to it under the Act.

**3. The Board.**— (1) There shall be a Board to be known as the Punjab Protection of Vulnerable Persons Board.

(2) Secretary to the Government, Home Department shall be the Convener of the Board.



(3) In addition to the Convener, the Board shall consist of:

- (a) Secretary, Finance Department of the Government or Special Secretary of that Department;
- (b) Secretary, Public Prosecution Department of the Government;
- (c) Provincial Police Officer, Punjab;
- (d) Inspector General Prisons, Punjab;
- (e) Prosecutor General, Punjab; and
- (f) Additional Inspector General, CTD.

(4) Additional Inspector General, CTD, shall also act as Secretary of the Board and shall maintain complete record of the proceedings and decisions of the Board.

(5) The presence of at least five members, including the Convener, shall constitute the quorum at a meeting.

(6) The Convener shall preside a meeting of the Board and, in his absence, the members present at a meeting shall elect the Convener for that meeting.

(7) The Board shall advise, supervise and monitor the Unit in the exercise of its powers and discharge of its functions under the rules and the Unit shall abide by the directions of the Board.

(8) Without prejudice to the generality of the powers under sub-rule (7) the Board shall:

- (a) advise the Unit on the formulation of a Programme;
- (b) submit a Programme for approval of the Government;
- (c) oversee the administration and performance of the Unit;
- (d) on the recommendations of the Unit:
  - (i) recommend to the Government additional measures for the security of the vulnerable persons;
  - (ii) approve the criteria for admission to, and removal from, the Programme; and
  - (iii) approve the budgetary estimates of the Unit and submit it to the Government;
- (e) advise the Unit about the special measures to be taken for purposes of achieving the objectives of these rules; and
- (f) perform such other functions as may be conferred by or under these rules or assigned to the Board by the Government.



**4. Protection Unit.**— (1) There shall be a Protection Unit in the Punjab.

(2) The Unit shall be headed by a Deputy Inspector General of Police, CTD and shall consist of the following:

- (a) Deputy Inspector General of Police, Special Branch;
- (b) Representative of Prisons Department not below the rank of Deputy Inspector General;
- (c) Representative of Provincial Police Officer not below the rank of Deputy Inspector General; and
- (d) Representative of Prosecutor General Punjab not below the rank of Additional Prosecutor General.

(3) The Additional Prosecutor General mentioned in clause (d) of sub-rule (2) shall act as Secretary of the Unit and shall maintain complete record of the proceedings and decisions of the Unit.

(4) The presence of at least four members, including the head of the Unit, shall constitute the quorum for a meeting.

(5) The head of the Unit shall preside at a meeting of the Unit and, in his absence, the members present at a meeting shall elect the Chairperson for that meeting.

**5. Functions of the Unit.**—The Unit shall:

- (a) establish and maintain a Programme;
- (b) regulate admission to, and removal of, a vulnerable person from the Programme;
- (c) determine the type of protection measures to be applied to a vulnerable person;
- (d) advise any Government department, agency, body or any other person on the adoption of strategies and measures for purposes of these rules; and
- (e) perform such other functions as may be necessary for carrying out the purposes of these rules, or as may be assigned to it by the Board or the Government.

**6. Admission to a Programme.**— (1) The Unit, on the basis of information or intelligence supplied by relevant agencies, may include a vulnerable person in the Programme and apply to him such elements of the Programme as are considered necessary.

(2) In taking a decision, the Unit shall have regard to:

- (a) the seriousness of the offence with which the vulnerable person is concerned;
- (b) the nature and importance of the vulnerable person in the proceedings and his antecedents;



- (c) the nature and gravity of the threat or perceived danger to the vulnerable person;
- (d) the urgency of admitting the vulnerable person to the Programme and its extent and duration;
- (e) the willingness of the vulnerable person to be admitted to the Programme;
- (f) the probability that the vulnerable person shall adjust to requirements of the Programme, having regard to the personal characteristics, circumstances and family or other relationship of the vulnerable person;
- (g) the estimated cost involved in extending protection to the vulnerable person;
- (h) the report if any, of any psychological or psychiatric examination or evaluation of the vulnerable person conducted to determine his suitability for inclusion in the Programme;
- (i) the possibility of viable alternative methods of protecting the vulnerable person; and
- (j) any other factor relevant to determination whether or not the vulnerable person need to be admitted to the Programme.

(3) A vulnerable person shall not be included in the Programme unless he or his legal guardian agrees in writing to be included in the Programme.

**7. Order of the Court.**— Notwithstanding anything in these rules, the Unit shall promptly implement any order of the Court passed under section 21 of the Act.

**8. The Programme.**— (1) The Board shall generally approve one or more Programmes for the protection of the vulnerable persons under these rules.

(2) A Programme may include any or all of the following:

- (a) proceedings may be held in camera, or in jail premises or under restricted entry of members of the public, where necessary;
- (b) the names of judges, prosecutors, witnesses and vulnerable persons concerned with the proceedings may not be published;
- (c) screens may be used during trial to shield judges, prosecutors and witnesses from public view;
- (d) voice modulation measures or interlocutors may be used from behind the screens;
- (e) trial may be held through video link;



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- (f) a witness may be allowed to conceal his identity by wearing a mask during trial;
  - (g) sealing of the record;
  - (h) adequate number of security guards may be provided to the judges of Courts, and Prosecutors and, if so required, to the prosecution witnesses;
  - (i) special measures for the protection of a judge, a counsel, public prosecutor and the witness during investigation of an offence and proceedings under the Act, and thereafter as may be considered necessary; and
  - (j) such other measures as may be necessary for the protection of the vulnerable person.

(3) The measures mentioned under sub-rule (2) shall be implemented subject to the approval of the concerned court.

**9. Duration of the protection.**— The protection under the Programme shall be provided for a term which may extend to six months at a time provided that the Unit may, by recording reasoning in writing, extend the protection beyond six months at its own or on written request of protected person.

**10. Termination of protection and assistance.**— (1) The protection and assistance provided under the Programme:

- (a) shall be terminated by the head of the Unit if the protected person requests in writing that it be terminated; and
- (b) may be terminated in writing by the Unit if:
  - (i) the protected person deliberately breaches a requirement or undertaking relating to the Programme;
  - (ii) the conduct of the protected person is, in the opinion of the Unit, likely to threaten the security or compromise the integrity of the Programme; or
  - (iii) the circumstances that gave rise to the need for protection and assistance for the vulnerable person have ceased to exist, and the Unit is satisfied that, in all the circumstances of the case, the protection and assistance should be terminated.



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- (iv) the safety of the protected person is no longer threatened;
  - (v) satisfactory alternative arrangements have been made for the protection of the protected person;
  - (vi) the protected person, in making application for placement under protection, willfully furnished false or misleading information or particulars or made a statement which is false or misleading in any material respect, or willfully failed to disclose any information or particulars material to his or her application;
  - (vii) the behaviour of the protected person has endangered or may endanger the safety of any protected person; and
  - (viii) the evidence of a protected person is no longer required in the proceedings which might be established upon receipt of a written notice given by the interested functionary or that such proceedings have been concluded by written notice.

(2) A decision to terminate protection and assistance under the Programme shall take effect:

- (a) when the Unit notifies the protected person of the decision; and
- (b) if the location of the protected person is not known and the head of the Unit has taken steps to notify the protected person, at the end of a period of twenty eight days after those steps were taken.

**11. Review.**— (1) A vulnerable person or protected person, aggrieved by any decision of or steps taken by the Unit or any person acting on behalf of the Unit under these rules, may within fifteen days from the receipt of the decision or the steps taken by the Unit, apply to the Government to review the decision or steps taken for the reasons mentioned in the application for review.



(2) The Government may pass such orders as may be considered necessary and the decision of the Government shall be final.

**12. High security prison.**— (1) The Government may declare any central prison as high security prison and take adequate steps for its protection and security.

(2) The Government may establish court rooms within the premises of a high security prison and may also provide facility for recording evidence through video link.

**13. Safe houses etc.**— On the recommendations of the Board, the Government may establish safe houses for lodging the prosecution witnesses and, if required, their families during the period of investigation and trial and if so required, post-trial protection may also be extended to a prosecution witnesses for such period as the Board may determine, if the witness has supported the charge against the accused.

**14. Financial assistance.**— On the recommendations of the Board, the Government may provide financial assistance to a prosecution witness for the period during which he is constrained from pursuing his normal course of business, if the witness supported the charge against the accused.

**15. Information.**— The Prosecutor General Punjab shall certify to the Unit that the witness or the witnesses have supported the charge.

**16. Funds.**— On the recommendations of the Board, the Government shall provide funds for the execution of the Programme.

**17. Powers of the Government.**— Nothing in these rules shall abridge the powers of the Government to make any order or take any steps with regard to any vulnerable person or protected person if the circumstances so justify.

**SECRETARY  
GOVERNMENT OF THE PUNJAB  
HOME DEPARTMENT**