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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

NOTIFICATION

Islamabad, the 13th September, 2023

S. R. O. 1326(I)/2023.—In exercise of the powers conferred by sub-section (2) of section 24 of the Anti-Rape (Investigation and Trial) Act, 2021 (XXX of 2021), the Ministry of Law and Justice, upon the recommendation of the Special Committee, is pleased to make the following rules, namely:—

1. **Short title and commencement.**—(1) These rules shall be called the Anti-Rape (Sex Offenders Register) Rules, 2023.

(2) These rules shall come into force at once.

(2953)

Price: Rs. 20.00

[1848(2023)/Ex. Gaz.]

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) **“Act”** means the Anti-Rape (Investigation and Trial) Act 2021 (XXX of 2021);
- (b) **“database”** means the database maintained by NADRA that contains information relating to sex offenders as defined in Section 2(h) of the Act;
- (c) **“Form”** means the forms annexed to these rules;
- (d) **“NADRA”** means the National Database and Registration Authority established under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000); and
- (e) **“Sex Offenders Register”** means a database that contains information relating to offenders convicted for offences mentioned under clause (h) of section 2 of the Act.

3. **Sex Offenders Register.**—(1) Entries in the Sex Offenders Register shall be made and information shall be retrieved for the purposes and manner as mentioned in these rules.

(2) The Sex Offenders Register shall be used for assisting in investigation and prosecution of sex offences under the Act.

(3) The Sex Offenders Register shall be maintained by NADRA in electronic form and shall not be accessed without express authorization as prescribed under these rules. NADRA shall be responsible for the storage, protection, retention and destruction of data in the Sex Offenders Register in compliance with instructions issued by the Ministry of Law and Justice developed in consultation with the National Police Bureau and NADRA.

4. **Information stored in the Sex Offenders Register.**—(1) The Sex Offenders Register may contain the following information related to an offender, namely:—

- (a) Given name and surname;
- (b) alias, if any;
- (c) father’s name;

- (d) date of birth;
- (e) gender;
- (f) recent photograph;
- (g) nationality;
- (h) computerized national identity card number, if any;
- (i) POR card number, POC number or Alien Card number, if any;
- (j) passport number, if any;
- (k) FIR No. with police station and district in which it was registered;
- (l) fingerprints;
- (m) history of DNA profiling, if available;
- (n) identifying marks, if any;
- (o) permanent and temporary address;
- (p) specific offenses for which the offender was convicted;
- (q) conviction order duly certified by the Court;
- (r) acquittal order duly certified by the Court;
- (s) category of offender;
- (t) description of the modus operandi of the offence; and
- (u) previous and current status of employment.

5. **Entry into the Sex Offenders Register.**—(1) Upon the conviction of the accused person for an offence under the Act, the special prosecutor appointed in the special court convicting the accused shall submit the completed Form A to the National Police Bureau for verification and onward submission to the NADRA.

(2) The National Police Bureau shall transmit the information received under sub-rule (1) to NADRA electronically through the prescribed

application programming interface for storage of data in the Sex Offenders Register. Any agency or authority involved in this process, if and when required, may ensure the verification and timely transmission of data.

(3) An entry in the Sex Offenders Register shall be made as early as possible but not later than fifteen days of a person being convicted of a sex offence.

6. Access to the Sex Offenders Register.—(1) All requests for access to the Sex Offenders Register for the purposes of investigation and prosecution shall be made to the concerned District Public Prosecutor.

(2) If an agency or authority makes request for supply of information from the Sex Offenders Register for the purposes of investigation or prosecution, the District Public Prosecutor shall determine whether such disclosure is related to an ongoing investigation or prosecution being conducted by the agency or authority that is making the request prior to providing the requested information.

(3) If a Court requires information about any person from the Sex Offenders Register, the District Prosecutor shall provide such information within the time specified by the Court.

7. Data protection.—(1) Upon conviction by the Court the information of the offender shall be stored in the Sex Offenders Register in accordance with the provisions of the Act and these rules.

(2) The data shall only be stored in the Sex Offenders Register for the specific purpose of investigation and prosecution of sex offenses.

(3) All authorities with access to and applying for the release of data on the Sex Offenders Register shall only process it for the stated purpose.

(4) Authorities with access to the Sex Offenders Register shall ensure that the data stored in the Sex Offenders Register is accurate and complete.

(5) Authorities with access to the Sex Offenders Register shall ensure that the data is processed in a manner that ensures appropriate security of the personal data including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.

(6) All authorities shall ensure that adequate safeguards for data protection are included in the design and implementation of the Sex Offenders Register.

8. **Requirement for notification.**—All offenders convicted of a sex offence and placed on the Sex Offenders Register under the Act shall be subject to notification requirements upon release from prison, in the manner prescribed in these rules.

9. **Categories of offenders for notification.**—(1) The period for which an offender shall be subject to notification requirements shall be defined by the penalty imposed on the offender.

(2) Convicted offenders included in the Sex Offenders Register shall be categorized as follows:—

Table

Sr No.	Category	Where the offender is punished with imprisonment of:	Notification period
(1)	(2)	(3)	(4)
1.	Category A	More than seven years	5 years
2.	Category B	More than three years and less than seven years	4 years
3.	Category C	Less than three years	2 years

(3) For Category A and B offenders, an application for review of notification requirements may be filed after a period of three years after release from prison in the case of adults, and two years after release from prison in the case of juvenile offenders.

(4) For Category C offenders, an application for review of notification requirements may be filed after a period of one year after release from prison in the case of adults, and six months after release from prison in the case of juvenile offenders.

10. **Notification upon release from prison.**—(1) Upon release from prison, a sex offender shall notify the officer-in-charge of the police station where the offender resides of his name, date of birth, permanent or temporary address, date of conviction, among other details within a period of three days of release from prison to ensure that the information stored in the Sex Offenders Register is updated. The notification shall be recorded on Form. B by the officer-in-charge of the police station.

(2) The officer-in-charge of the concerned police station shall submit the completed Form B to the District Police Officer for onward submission to NADRA through National Police Bureau for updating the Sex Offenders Register. The process for updating the information in the Sex Offenders Register shall be completed within fifteen days.

(3) If the offender fails to notify to the police station within three days of release, the officer-in-charge of the police station may seek an order, from a Magistrate under section 107 of the Code of Criminal Procedure, 1898 (Act V of 1898), to execute a bond.

(4) The concerned superintendent of prison shall notify to the officer-in-charge of the police station where the offender will be residing fifteen days prior to the release of the offender.

(5) The police station receiving notification about the release of an offender from a prison shall notify to the concerned District Police Officer about the change in the status of the offender so that the Sex Offenders Register can be updated.

11. Periodic notification.—(1) All offenders on the Sex Offenders Register must notify every six months their details to the police station of the area in which they reside.

(2) Offenders who are registered with ‘no permanent address’ shall notify to the police station of the area in which they reside fortnightly and shall notify to the police station of places they regularly visit.

12. Notification of change of residence.—(1) All offenders on the Sex Offenders Register shall notify to the concerned police station in which they reside of any change in their name or address within three days of the date of such change.

(2) The offender shall notify to the police of any address where they reside or stay for a period of seven days or longer.

13. Notification of the intention to travel.—(1) All offenders on the Sex Offenders Register shall notify to the concerned police station in which they reside not less than seven days in advance of any intended domestic travel and within thirty days in advance of any international travel. This information shall be communicated to the District Police Officer of the relevant jurisdiction where the offender plans to travel locally on Form C. In the case of foreign travel, the officer-in-charge of the concerned police station shall submit the completed Form C to the District Police Officer for onward submission to Federal Investigation Agency.

(2) The offender shall inform the concerned police station of any changes to his passport details within three days of such changes.

14. Notification to be recorded.—(1) The frequency for notification shall be entered into the Sex Offenders Register and any violation of notification requirements shall also be recorded in the information stored on the Sex Offenders Register for the offender.

(2) An officer-in-charge of a police station receiving the notification by an offender shall record the notification in Form B and shall forward such information to the District Police Officer for onward transmission to NADRA through National Police Bureau to be recorded in the Sex Offenders Register.

(3) The period for which the offender shall notify to the police shall be determined in accordance under these rules.

15. Review of notification period.—(1) Upon the expiry of the period prescribed under these rules, an offender on the Sex Offenders Register shall be eligible to submit an application on Form D for a review of notification requirements to the officer-in-charge of the police station where he currently resides. The officer-in-charge of the police station shall submit the application to the District Police Officer for consideration.

(2) The District Police Officer shall make a determination based on the conduct of the offender post-release from prison, which shall include compliance with notification requirements or any other requirement under the Act and these rules.

(3) If the District Police Officer is satisfied that the offender meets the threshold for early release from notification requirements, he may approve the offender's application after recording reasons for granting early release in writing and shall make a corresponding entry recording release of the offender from notification requirements under these rules and shall communicate the same to the National Police Bureau for updating the Sex Offenders Register.

16. Omission of record upon acquittal.—(1) If a successful appeal is filed after the conviction, which results in an acquittal, the previous conviction record shall be omitted from the Sex Offenders Register.

(2) The conviction record shall be omitted from the Sex Offenders Register upon the death of the offender.

(3) A person acquitted after having previously been included on the Sex Offenders Register shall immediately be released from notification requirements upon such acquittal being recorded by a court.

17. Implementation of the rules.—The Special Committee shall oversee the implementation of these rules and may require appropriate actions from officers of federal or provincial ministries, divisions, departments, offices, agencies or authorities to ensure the effective functioning of the Sex Offenders Register.

Form A
(See rule 5)

To be completed by the Special Prosecutor appointed under the Anti Rape (Investigation and Trial) Act, 2021 (XXX of 2021) for communication of conviction information of sex offenders to the National Police Bureau as prescribed by the Anti-Rape (Sex Offenders Register) Rules 2023 made under the Anti Rape (Investigation and Trial) Act, 2021 (XXX of 2021).

Date:

Location:

Given name with surname	Alias, if any	Father's name	Date of birth	Gender
(1)	(2)	(3)	(4)	(5)

Recent photograph attached (Yes/No)	Nationality	CNIC, if any	Passport number (if any)	FIR number (including police station and district where registered)
(6)	(7)	(8)	(9)	(10)

Fingerprints attached (Yes/No)	History of DNA profiling, if available	Identifying markers, if any	Permanent address	Temporary address
(11)	(12)	(13)	(14)	(15)

Specific offences	Conviction order attached (Yes/No)	Date of conviction	Duration of sentence	Place of incarceration
(16)	(17)	(18)	(19)	(20)

Previous conviction	Category of offender (A, B, C)	Description of the modus operandi of offence	Past employment status	Current employment status
(21)	(22)	(23)	(24)	(25)

*Note: This information is confidential. Once the Form is completed, it shall be communicated to the National Police Bureau in a safe, secure and timely manner to ensure protection of personal data contained in the Form to avoid leakage of information and human rights infringement of the offender.

Name of officer completing the Form:

Signature of officer completing the Form:

Contact details of officer completing the Form:

Form B
(See rules 10 and 14)

To be completed by the officer-in-charge of the relevant police station where the convicted sex offender notifies to police following release from prison as prescribed by the Anti-Rape (Sex Offenders Register) Rules 2023 made under the Anti Rape (Investigation and Trial) Act, 2021 (XXX of 2021).

Date:

Location:

Given name with surname	Alias, if any	Gender	Permanent address	Temporary address	Date of birth	Date of conviction
(1)	(2)	(3)	(4)	(5)	(6)	(7)

CNIC, if any	Date of release from prison	Intent to travel (Yes/No) If yes, please state destination of travel	Past employment history	Current employment
(8)	(9)	(10)	(11)	(12)

*Note: This information is confidential. Once the Form is completed, it shall be submitted to the District Police Officer for onward submission to the National Police Bureau in a safe, secure and timely manner to ensure protection of personal data contained in the Form to avoid leakage of information and human rights infringement of the offender.

Name of officer completing the Form:

Signature of officer completing the Form:

Contact details of officer completing the Form:

Form C
(See rule 13)

Form of intent to travel – to be completed by the officer-in-charge of the relevant Police Station where convicted sex offender resides as prescribed by the Anti-Rape (Sex Offenders Register) Rules 2023 made under the Anti Rape (Investigation and Trial) Act, 2021 (XXX of 2021).

Date:

Location:

Given name with surname	Date of birth	Gender	CNIC	Conviction order attached (Yes/No)	Intending to travel (Yes/No)
(1)	(2)	(3)	(4)	(5)	(6)

Local Travel	
Destination of travel	Period of travel
(7)	(8)

International Travel		
Destination of travel	Period of travel	Passport number
(9)	(10)	(11)

*Note: This information is confidential. Once the Form is completed, it shall be communicated to the District Police Officer in the jurisdiction where the offender plans to travel to, in a safe, secure and timely manner to ensure protection of personal data contained in the Form to avoid leakage of information and human rights infringement of the offender.

If the offender plans to travel internationally, the officer-in-charge of the police station shall submit the completed Form to the District Police Officer for onward submission to Federal Investigation Agency.

Name of officer completing the Form:

Signature of officer completing the Form:

Contact details of officer completing the Form:

Form D
(See rule 15)

Date:

Location:

Given name with surname	Date of birth	CNIC, if available	Gender	Date of release from prison	Any subsequent FIR/involvement in criminal activity (Yes/No)
(1)	(2)	(3)	(4)	(5)	(6)

To be filled by DPO:

Category of offender	Approval (Granted/Denied)	Record reason
(7)	(8)	(9)

Name of officer completing the Form:

Signature of officer completing the Form:

Contact details of officer completing the Form:

*Note: This information is confidential. Once the Form is completed, it shall be communicated to the National Police Bureau in a safe, secure and timely manner to ensure protection of personal data contained in the Form to avoid leakage of information and human rights infringement of the offender.

[No. F. 1(28)/2023-AR.]

J. R. SULTAN,
Section Officer (AR).