

Final Report on a proposed law relating to protection of victims and witnesses of crimes involving grave offences

Introduction

The word “victim” has not been defined either in the Penal Code or in the Code of Criminal Procedure. We can, however, define ‘victim’ as a person or persons who, individually or collectively have suffered physical, emotional, financial, social or psychological injury as a result of the commission of an offence and in some cases, it includes the immediate dependants or a member of the family of the direct victim and also a person who has suffered harm in intervening to assist the victim in distress or to prevent victimization of the victim. The word ‘witness’ may be defined as any person including a child, who is or may be required to make a statement or give evidence or who has made a statement or given evidence, in any investigative or judicial proceedings in relation to the commission of an offence.

The victim of a crime plays a very important role in the administration of criminal justice both as a complainant/informant and also as a witness for the prosecution. Victim’s role is vital at the stage of investigation of a reported crime and also at the stage of trial of the case arising out of that crime. But these victims are now a days vulnerable to threats, intimidation, coercion and harassment by the offenders or their associates preventing the victims from testifying before the investigating officer at the stage of investigation or from giving evidence before the courts and tribunals at the trial of the case. The testimony of a victim at the stage of investigation and during trial of the case in court specially when the crime is a crime of violence against women and children, can be said to be the best piece of evidence that can be used against the accused. The victim being an important player in the whole process of criminal justice system, much attention needs be given to the rights, privileges and protection of the victims.

In the present day society crimes have been syndicated and organized posing a challenge to the existing administration of law and order. Particularly, murder, kidnapping, abduction, rape, trafficking for commercial sexual exploitation and acid throwing against women and children have considerably increased and are being organized on a well co-ordinated basis. But the victims of these crimes feel reluctance to file their complaints against the offenders for fear of threat, intimidation, humiliation, harassment and of further victimisation by the offenders and their associates. Even if the incidents of such crimes are reported to police stations, the victims are afraid to come forward to make their statements at the time of investigation although without the active participation of the victims, the investigation of such crimes may not come to a conclusive end. After the completion of investigation, when regular cases are started against the offenders, the victims then as witnesses are again subjected to threats, intimidation and coercion by the accused party or their associates preventing them from coming before the court or tribunal to give their evidence at the stage of trial of the case. Since the testimony of the victim is a very important piece of evidence in the criminal trial, it is essential that the victim should be able to give his/her testimony in court or tribunal freely and without any fear or pressure for the purpose of securing the ends of justice. Some legal arrangements for the protection of the victim-witnesses are, therefore, necessary to be made. This was not within the responsibility of the State for so long, but now the State can no longer shirk it. Wholesale acquittal of known criminals, in the trial of offences of grave nature is taking place almost every day in the law courts and it can no longer be a matter of no concern of the State as to how victims and witnesses stand vis-à-vis a criminal trial. A people form a State primarily for protection of life, liberty and honour and the State has the responsibility to undertake any efforts and incur any expenditure necessary to protect it.

Similarly, witnesses named in charge sheets of crimes of grave nature, are also subjected to threats, intimidation and harassment by the accused party or their associates preventing them from attending a court or tribunal to give their

evidence at the trial of the case. The witnesses are also reluctant to come before a court or tribunal to give their evidence in the case for fear of their own life and property or those of their families. When, however, the victims and witnesses come to court for giving evidence in the trial of a case, they often turn hostile due to threats or pressure from the accused or his associates standing behind them in the court room. In certain cases, the victim feels uncomfortable about giving answers in the immediate presence of the offender. It is, therefore, necessary to make a specific enactment providing for the rights and protection of the victims and witnesses against the threats and intimidation, psychological and physical, of the accused party and their associates. We think that the enactment of a distinct law in that direction will help solve this problem.

In some cases, it is found that the victim or the complainant as witness in court, contradicts his/her own statement made in the First Information Report or during investigation because of the fear of consequence at the time of his/her returning to home from the court after giving evidence. In order to facilitate the victim to give his/her testimony in court freely and without any fear or pressure, it is necessary that the victim and other witnesses are provided with certain rights and protection. It needs to be ensured that the statement of a victim that has already been recorded at the stage of investigation is not destroyed by the victim resiling from his or her earlier statement while deposing on oath before court. This phenomenon of victim's turning hostile on account of the lack of any protective measure, requires that the identity of the victim in some cases be kept secret and anonymity be given. Names and addresses of victims may be kept secret in criminal proceedings. Even in supplying copies of charge-sheet to the accused in the case of the victim of sex crime, the anonymity of the victim must be maintained as far as possible through out the whole proceedings to save further embarrassment to such victim. The physical and mental vulnerability of the victim to threats and intimidation from the offenders calls for physical and other protection of the victim/witnesses at all stages of the criminal justice process till the conclusion of the case.

It is said that in our country, in most of the cases involving the rich and influential persons, witnesses turn hostile making the whole process of justice infructuous. Very often witnesses become untraceable and sometimes they are just eliminated.

The offenders have a wide range of rights both constitutional and legal in the trial of a criminal case. The law specially article 35 of the Constitution provides that the accused of a criminal offence shall get a speedy and public trial by an independent and impartial court or tribunal, that they shall in the trial of the case be presumed to be innocent until and unless their guilt is proved by the prosecution “beyond all reasonable doubts”. Thus it will appear that the law and the principles of criminal justice are all in favour of the right and protection of the accused. But no specific law is there providing for the rights and protection of the victims and more particularly the witnesses although they are the principal actors for the prosecution to prove its case “beyond all reasonable doubt”. A widespread concern has been raised over the lack of rights and protection of the victims and witnesses. The victim also needs a fair and quick trial of a criminal case to get justice for the loss he/she and his/her family has suffered by the crime committed on them and that his/her need is greater than the needs of the accused. Certain rights and protection of victims and witnesses should, therefore, be granted by enacting a specific law and in doing so, efforts shall be made to balance the rights of the accused with those of the victims and witnesses without losing sight of the public interest involved in the prosecution of those persons who have committed the crime.

Much has been said by various organizations and persons connected with the field of legal area for enacting a specific law providing for protection and certain rights and benefits for the victims and witnesses of criminal cases particularly involving crimes of grave and violent nature, when their life and property are endangered. But no specific law has yet been enacted nor even a scheme or policy or program has been made in our country for the rights and protection of the victims and witnesses before, during or after the trial of such cases.

As occurrence of rape generally takes place in closed rooms or in secret places, so there is no eye witness available to such occurrence. In a crime of such situation, the testimony of a victim is the best and the only evidence that can be obtained by the prosecution against the accused. Even then such victims/witnesses are reluctant to appear before the court for fear of their life and property or that of their families because of the fact that there is no specific provision of law for protection of the victims and witnesses as against threat, intimidation or any inducement of the accused party. As a result, cases of such crimes of heinous nature are resulting in acquittals in most of the cases. Therefore, there is an urgent need for making a specific law providing for the rights and protection of the victims/witnesses.

The victims and witnesses are also threatened and intimidated by using the subtle means of cross-examination during their deposition before the court thereby rendering the victims/witnesses helpless for lack of their sufficient right to protect themselves under such circumstances although the victims and witnesses should be able to speak before the court to narrate the entire incident in a free atmosphere without any embarrassment. The mere sight of the accused may create an element of extreme fear in the mind of the victim and the witnesses putting them in a state of shock. In such a situation he/she may not be able to give full details of the incident, which may result in a miscarriage of justice. The victims are afraid of facing such cross-examination in the trial particularly of a rape-case, which they feel to be worse than the rape itself. In such a position, some arrangements need be made for the victims and witness to feel free in court at the time of giving his/her evidence. Some suggestions are there that the use of a screen would make it comfortable to testify in court where he/she may not confront the accused directly.

A comprehensive victim and witness protection scheme is now a need of the hour. The aim should be to protect the victims and witnesses and grant them certain rights and benefits to ensure their appearance before the investigative bodies and the courts or tribunals to give their evidence in respect of the alleged crime without fear of threat or intimidation of the accused. Some times

protection may also be given to a person who has participated in the commission of a crime but desires to be a witness for the state as such approver.

The rights, benefit and protection to be given to the victims and witnesses shall include, among others, accommodation with a secured housing facility, relocation, change of identify as well as counseling and financial support, transport facilities, subsistence allowance, medical treatment and other facilities to ensure the security of the victim and witnesses to facilitate their becoming self sufficient. Protection may also be provided to the immediate family of the witness or a person associated with, such witness, if the family or person may also be endangered on account of the participation of the witness in the judicial proceedings. The victim's special right shall include the rights to be rescued immediately after getting the information of the commission of a crime and in case of woman her identity shall be kept confidential and shall not be disclosed to the public or media and right of access to justice, fair treatment and to prompt redress, and to proper assistance in every stage of criminal proceedings and the right to protection of privacy and safety.

In view of the discussions as we have made above, we think that there is an urgent need for making a new law providing for the rights, privileges and protection of the victims and witnesses and where necessary their family members. The rights of the victim shall be to ensure that justice is done more often and more quickly and to empower them to give their best evidence in the most secured environment possible.

For the purpose of recommending for enactment of a new law relating to the rights, benefits and protection of the victims of and witnesses to crimes of grave and violent nature, we have considered the relevant law and programs of South Africa and Australia obtained from some websites. We have also considered a draft regional victim/witness protection protocol prepared by one Dr. Asha Bajpai, Reader, Tata institute of social sciences, Deonar, Mumbai, India and our own experience from the happenings on the victims and witnesses in our country.

Recommendation

In view of our discussion above, we recommend that a new law providing for the rights, privileges and protection of the Victims and Witnesses be enacted.

For convenience and ready reference we are enclosing herewith a Draft Bill as Annexure “A”.

(Dr. M. Enamul Hoque)
Member-2

(Justice Md. Sirajul Islam)
Member-1

(Justice Mustafa Kamal)
Chairman

A Draft Bill for making a Law providing for protection facilities to victims and witnesses of crimes of specific grave nature

WHEREAS victims or witnesses of crimes of specific grave nature like murder, trafficking, kidnapping, abduction, rape, sexual abuse of women and children, money laundering and smuggling of foreign exchange, gold and prohibited goods are nowadays vulnerable to threats, intimidation, coercion, harassment and further victimization by offenders or their associates preventing victims or witnesses from lodging First Information Report or General Diary or making statement before an investigating officer or investigative body or giving evidence or are compelled to give obliging evidence in favour of the offender before a court or tribunal trying the offender; AND

WHEREAS many criminal cases are resulting in acquittals (i) due to the forced absence or reluctance of victim/witness to give evidence before the court or tribunal trying the offender for fear of humiliation, retribution and threat either to their own lives and properties or to those of their families and well wishers, or (ii) due to giving obliging evidence in favour of the offender as a result of threat, intimidation or force; AND

WHEREAS it is now necessary and expedient to make a law providing for security and protection of victims and witnesses of crimes of specific grave nature and for granting them certain rights and benefits to ensure their accessibility and appearance and giving of a true account of what they saw and heard before investigative bodies and courts and tribunals during investigative and judicial proceedings, free from threat, coercion, intimidation and undue influence;

NOW, THEREFORE, it is hereby enacted as follows:

1. Short title, extent and commencement. – (1) This Act may be called the Victim and Witness Protection Act, 200...

(2) It shall extend to the whole of Bangladesh.

(3) It shall come into force with effect from a date as the Government may, by notification in the Official Gazette, appoint.

2.Interpretation.—In this Act, unless the context otherwise requires;

- (a) “authority” means an officer of the Ministry of Home Affairs or an officer of the Department of Social Welfare, as the Government may appoint from time to time for performing the functions under this Act;
- (b) “child” means a person below the age of eighteen years;
- (c) “court” means and includes the Appellate and High Court Divisions, and any court of sessions or court of magistrate where a crime under the schedule to this Act is pending for inquiry or trial or appeal or revision;
- (d) “code” means the Code of Criminal Procedure, 1898 (V of 1898);
- (e) “intimidation” means any manner of pressure, threat of retribution or to life or bodily injury, victimization, coercion, tampering, actual or threatened destruction of property, undue influence or harassment of any kind that can be directly or indirectly or potentially used by any person upon any victim or witness either with a view to influencing his/her statement before any investigative agency or his/her testimony at a trial or prosecution of an appeal or revision and which may subvert, manipulate, weaken, mislead or misdirect the course of justice or with a view to preventing a witness or victim from receiving or reaching to any investigative proceedings or from going to any court or tribunal to testify in the trial of the concerned offence or to prosecute the criminal proceedings or an appeal or revision therefrom;
- (f) “investigative proceedings” means taking any step to lodge a First Information Report or General Diary or a proceedings relating to any investigation conducted by any judicial enquiry or by an investigating officer or by any investigative agency of the Government in respect of the commission of an

offence under the schedule to this Act;

- (g) “judicial proceedings” means any criminal proceeding before any court or tribunal in respect of any offence under the schedule to this Act;
- (h) “office” means the office for victim and witness protection, established by section 3 of this Act, and includes any branch office thereof;
- (i) “protected person” means any person who has been given protection under this Act;
- (j) “place of safety” means a place or a location including a Government run home, a private home, or an institution run by a non-Government organization recognised by the Government, having a woman and child-friendly environment, for the purpose among others of keeping victim or witness in a secured condition;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “related person” means any member of the family or household of a victim or witness or any other person in a close relationship to, or association with, such victim or witness;
- (m) “tribunal” means any special tribunal established under the Special Powers Act, 1974 and other special laws in force;
- (n) “victim” for the purposes of this Act, means any person or persons who, individually or collectively have suffered physical, emotional, financial, social or psychological injury as a result of commission of an offence under the schedule to this Act and includes the immediate dependants or any intimidated member of the family of the direct victim and also a person who has suffered harm in intervening to assist the victim or a victim in distress or to prevent victimization of the victim;
- (o) “victim/witness protection” means protection of a victim or witness from

intimidation, harassment or from further victimization by the accused or his associates or any person or body of persons, whether named in the First Information Report or not and includes relocation, accommodation, change of identity, as well as counseling and financial support of a victim or witness.

- (p) “witness” means any person including a child, who is or may be required to make a statement or give evidence, or who has made a statement or given evidence in any investigative or judicial proceedings in relation to the commission of an offence under the schedule to this Act.

3. Establishment of a victim and witness protection office. –(1) The Government shall establish an office in every Metropolitan City under the Ministry of Law, Justice and Parliamentary Affairs for the purpose of providing necessary security, medical, clinical and counselling assistance and secured protection for the victim of and witness to crimes involving offences under the schedule to this Act.

(2) The office of victim and witness protection shall consist of an officer of the Ministry of Law, Justice and Parliamentary Affairs, an officer of the Department of Social Welfare, a female lawyer from a Government-recognised Human Rights Lawyers’ Association, the concerned investigating officer of the alleged criminal offence and the public prosecutor, to be chaired by the Chief Metropolitan Magistrate.

(3) The Government may, by notice in Official Gazette, establish any branch office of victim and witness protection in any district with such persons as its members and chairman as it deems fit and proper.

4. Application for protection. –(1) Any victim or witness to a crime under the schedule to this Act who has reason to believe that his or her safety or the safety of any member of his or her family is or may be threatened before, during or after the investigative or judicial proceedings by any person or by the accused or his or their associates, whether known or unknown, by reason of his or her being a victim or a witness, may report or cause the sending of a report of such belief to the investigating officer of the concerned proceeding or to the officer-in-charge of the police station where the criminal case has been or is likely to be instituted or to the public prosecutor or to any member of the office and apply for his/her being placed under protection.

(2) Any person to whom a report is made under sub-section (1) shall assist the applicant in making an application for protection and shall forthwith submit the application to the office for its consideration and necessary order.

5. Order for Protection.- The Chief Metropolitan Magistrate on receiving the application under section 4 or on his own initiative shall consider the nature and circumstances of the case and make an order for sending the victim and/or witness to a place of safety.

Provided that the office or the majority of the members thereof are satisfied that:

(a) the alleged offence in which the victim or witness has made or may be required to make a statement in an investigative proceeding or has given evidence or may be required to give evidence in any court or tribunal trying the offender is an offence under the schedule to this Act;

(b) his/her statement or testimony, whether or not already given or taken, is necessary for substantial establishment of or corroboration for the material points of the case concerned;

(c) he/she or any member of his/her family is subjected to intimidation or there is a likelihood that he/she will be killed, maimed, forced, intimidated, or corrupted to prevent him/her from either making a statement or testifying, or to make a statement or testify falsely or evasively and/or prevented from pursuing an appeal or revision.

6. Rights and Benefits of the protected person. – The protected person shall have the following rights and benefits:

(a) to have a place of safety with a secured housing facility until he/she has made the statement in any investigative proceeding or testified or until the threat, intimidation or harassment disappears, whichever occurs later. When the circumstances warrant, the victim or witness shall be entitled to

relocation and/or change of personal identity at the expense of the office. In case of similar necessity this right may be extended to any related person.

- (b) the office shall, whenever practicable, assist the protected person in obtaining a means of livelihood. The protected person relocated pursuant to clause (a) shall be entitled to a financial assistance from the office for his/her support and that of his dependant family in such amount and for such duration as the office shall determine.
- (c) to be provided with reasonable travelling expenses and subsistence allowance by the office, in such amount as the office may determine for his/her attendance in and return from the court or tribunal for giving his/her testimony as well as in attending the interviews with prosecutors or investigating officers. Support person or persons shall always accompany the female person during her travelling to and return from court or tribunal or to prosecutor or investigating officer;
- (d) to be provided with free medical treatment, hospitalization and medicines for any illness or injury suffered by him/her during his/her stay in the place of safety or because of his/her witness-duty, in any private or public hospital or clinic at the expense of the office with full security protection;
- (e) the rights and benefits as mentioned above shall be provided to the protected person with a view to ensuring their appearance before investigative bodies and in court or tribunal enabling them to make a statement or to give evidence without fear in the investigation and trial of offences under the schedule to this Act.

7. Termination of victim/witness protection. – The office may, by an order in writing, terminate the protection of a protected person, if the office by majority is of the opinion that-

- (a) the safety of the protected person is no longer threatened;
- (b) a satisfactory alternative arrangement has been made for the protected person;

- (c) the circumstances that gave rise to the need for protection and assistance to the protected person cease to exist;
- (d) the protected person refuses or fails to make a statement or to give evidence in the investigation or judicial proceeding for which he/she has been given protection;
- (e) when a protected person requests in writing that the protection provided to him/her be terminated.

8. Special Provisions for Protection of Victims during rescue operation. –

Whenever any case of the commission of an offence of rape, kidnapping or abduction or trafficking of any woman or child is reported to a police station, the office-in-charge of the concerned police station or any other officer not below the rank of sub-inspector, shall record the details of the incident as reported and then shall rush to the place of occurrence to rescue the victim/victims as quickly as possible. The victim of such crimes shall be provided with the following assistance and protections during rescue operations-

- (a) After the rescue of the victim in case of a woman, her identity shall be kept confidential and shall not be disclosed to the public or media by any police officer or constable or any person associated with or connected to the rescue operation, the breach of which shall attract the provisions of section 16.
- (b) In identifying offenders immediately after rescue the identity of the victim and the complainant shall be kept confidential and their faces shall be concealed or a black screen shall be set up during the identification parade, if and when necessary, the breach of which shall attract the provisions of section 16.
- (c) It shall be the duty of the police officer to mention the relevant section of the Penal Code and other Special Laws pertaining to the circumstances of the crime to be specifically included in the first information report or general diary if the victim gives concrete statements attracting the relevant provisions of the said laws. The registered non-Government organizations and representative of the local Government may be called for, if available, without wasting time during police raid on any brothel house or any other

place. Every police station may maintain a list of female social workers who may be of help in rescuing the victim.

- (d) The authority shall notify that it shall be mandatory for each police officer to initiate and personally supervise the rescue operation immediately after receiving information of such an occurrence.

9. Protection of victims after rescue operation. - The police authority shall provide the following protections to the victims after the rescue operation and during the post-rescue investigative and judicial proceedings:

- (a) The victim shall be separated from the accused after his/her rescue. A social worker or support person, preferably a female, in case of a female victim, shall be required to be present when the victim girl or woman is being interviewed by a police officer or officers after the rescue.
- (b) The statement of the victim shall be taken by a police officer not below the rank of sub-inspector.
- (c) The victim shall be treated during the making of a statement and/or interview with respect and dignity by the police officer keeping in view that the victim is not an accused person. The office shall at its cost arrange to give the victim counseling by qualified counselor, if necessary, immediately after rescue.
- (d) The victim shall immediately be taken to a place of safety and the office shall get him/her examined by a doctor immediately after the rescue.
- (e) Any one or more members of the office shall visit, supervise and assist the victim in the place of safety. Access to the victims by other persons shall be under the strict supervision of the office. A social welfare worker recognised by the authority for purposes of this Act shall accompany the victim whenever he/ she wants to leave the place of safety temporarily.
- (f) The victim who apparently appears to be a minor shall be kept at a special facility for juveniles in need of care and protection and shall be produced before the nearest Magistrate within twenty-four hours. Efforts shall be made

to procure the entry in the Register of Births and Deaths maintained under the জন্ম-মৃত্যু নিবন্ধন আইন, ২০০৬ or under the city corporation or a school-leaving certificate as evidence of age. In the absence of such entry or certificate, the opinion of a medico-legal expert recognised by the authority for purposes of this Act, shall be taken to determine the age of the victim.

- (g) The detailed evidentiary statement of the victim in the place of safety shall be recorded by the investigating officer in the presence of his/her next friend or a lawyer of her choice, if any, or the superintendent of the place of safety or a protection officer or an approved social worker which shall form part of the case record for use in the court proceeding against the accused. Every effort shall be made to arrest all the accused within as short a time as possible. After the report of the commission of a crime under the schedule to this Act, the investigation of the crime shall be completed and charge sheet submitted within 60 days. A victim's help may be taken to trace the criminal.

10. Victim Protection during the process of age verification. -For the purpose of age verification and for determining sexual abuse, if any, the police officer shall, after rescue of the victim, produce the victim before a medico-legal expert recognised by the authority for purposes of this Act, for-

- (i) determination of his/her age, if no other evidence exists;
- (ii) detection of any injury or sign of violence or resistance as a result of sexual abuse or rape;
- (iii) if the victim is a girl or woman a female social worker recognised by the authority for purposes of this Act or a female member of the victim's family or a female lawyer of the victim's choice shall remain present in the room where the victim is medically examined. In case of any complaint of a foul play in the medical examination, a second opinion may be sought for the benefit of the victim.

11. Protection of Victim-witness. -A victim who acts as a witness in cases arising out of the occurrence of trafficking, rape, sexual abuse, kidnapping and abduction shall, in addition to the special protection as mentioned in the last preceding sections, also be entitled to the general protection and rights and benefits of victims and witness as provided in section 6.

12. Register of Victim and Witness Protection under this Act.- (1) The office shall maintain, if possible by electronic process, a register of victims and witnesses who have been provided with protection benefits under this Act.

(2) The register shall include the following particulars in respect of each protected person;-

- (a) the name of the protected person and the names of his/her father and mother;
- (b) if the protected person has been provided with a new identity under this act, his/her new name;
- (c) the full temporary and permanent address containing the name of police station and postal code no, telephone nos, fax no. and e-mail address, if any, of the protected person;
- (d) the date on which the protection has been terminated.

13. Speedy Hearing or Trial.- In any case where a protected person has been provided with necessary protection and rights and benefits under this Act, is a necessary witness to a judicial proceedings, the investigating authority and the court or tribunal shall ensure a speedy hearing or trial of the case and shall conclude the said proceeding as quickly as possible, preferably within three months from the filing of the accepted charge sheet:

14. State witness.- Any person who has participated in the commission of a crime and desires to be a witness for the state, can apply and, if qualified under the provisions of the code and of the Evidence Act, 1872, he/she shall be given by the office the relevant protections under this Act whenever the following circumstances are present:

- (a) the offences in which his/her testimony will be used is an offence under the schedule to this Act;
- (b) there is absolute necessity for his/her testimony;
- (c) there is no other direct evidence available for the proper prosecution of the offence committed;

- (d) he/she has not at any time been convicted of any crime involving moral turpitude.

15. Impeachment of credibility of victim-witness and other witnesses. – Notwithstanding anything contained in the Evidence Act, 1872, in all cases under the schedule to this Act, the fact that the protected person has been provided with the protection and benefits under this Act, shall not be admissible in evidence to diminish or impeach or affect his or her credibility as a witness.

16. Penalty for Intimidation and/or Harassment of victim/witness. - Any person who discloses the identity of the victim in circumstances described in clauses (a) or (b) of section 8 or intimidates and/or harasses a victim or witness and thereby hinders, obstructs, delays, prevents or dissuades a victim or witness from;-

- (a) attending or testifying before any court or tribunal or any investigating authority;
- (b) seeking the arrest of another person in connection with the offence;
- (c) instituting a proceeding for the cancellation of bail of the accused, if any, or
- (d) obtaining and enjoying the rights and benefits under this Act, shall be punished with imprisonment up to six months and fine not exceeding taka two thousand.

17. Confidentiality of proceedings or actions for protection.- All proceedings on an application for securing protection under this Act and the actions taken thereunder by the court or tribunal or office or by the police officers or support officers, shall be kept confidential. No information or documents as may be submitted in the proceeding shall be disclosed by any person who has acquired knowledge of it while discharging his official duties.

18. Rehabilitation of victims.- (1) The authority shall ensure proper rehabilitation of the rescued men/women and children-victims of trafficking and commercial sexual exploitation in the society commensurate with the dignity and self-respect of a human being.

(2) Apart from making necessary arrangement for lodging the victim of rape, kidnapping, abduction and trafficking in a place of safety immediately after the rescue the office and the authority shall make arrangement for supporting the victim financially and in other ways until he/she is rehabilitated by providing him/her with suitable employment opportunity.

(3) The authority shall formulate special schemes like employment guarantee schemes, agricultural subsidy and medical support to provide assistance to the families of trafficked child victims. The authority shall provide the child victims with necessary financial assistance for their education up to graduation and employment.

(4) The authority shall not send back a rescued victim to his/her family without ensuring social acceptance and family support and without being satisfied that the woman or child victim shall not be subjected to further rape, re-trafficking and further commercial sexual exploitation.

19. Power to make rules.- The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

20. Power to add more offences under the Schedule.- The Government may, by notification in the Official Gazette, add more offences under the schedule to this Act.

Schedule

Offences in respect of which a victim or a witness or related person may be given protection under this Act:-

1. Treason.
2. Sedition.
3. Murder.
4. Rape.
5. Dacoity.
6. Kidnapping.

7. Abduction.
8. Extortion.
9. Robbery or Hijacking involving the taking of a Motor vehicle.
10. Offences under section 19A of the Arms Act, 1878;
11. Trafficking of Women and Children;
12. Abduction for commercial exploitation and sexual abuse of women;
13. Money laundering;
14. Smuggling of foreign exchange, gold and prohibited goods.