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WITNESS PROTECTION IN 2026: ASSESSING THE “GROUND REALITY” OF THE WITNESS PROTECTION SCHEME UNDER SECTION 398 OF THE BNSS

AUTHORED BY - GEETA DEVI SHARMA & DR. KAVYA CHANDEL
LL.M. Student, Amity Law School, Amity University (Lucknow Campus), U.P., India

Abstract

The Witness Protection can be deemed as one the elements constituting the foundation of an efficient criminal justice system. Criminal trial in India have a historical trend of being hampered by a widespread witness animosity, intimidation and retraction of statements which has led to low conviction rates and decline in the public trust. This gap was first addressed by the judicial intervention through guidelines, leading to the statutory recognition of witness protection under the Section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the proposed Witness Protection Bill, 2023. This paper critically analyzes the actual state of witness protection of witness in India as of current scenario, evaluating whether the statutory integration has resulted in effective, consistent and significant safeguarding of the witnesses and to what extent. This research paper utilizes the doctrinal research method complemented with the analysis of judicial precedents and reported implementation data. This paper argues that despite having a progressive state of the conditions, witness protection in India continues to suffer from uneven or fragmented implementation, administrative inertia and structural constraints. This study concludes that Section 398 of the BNSS represents a necessary but insufficient reform, requiring institutional commitment, financial backing and judicial monitoring to fulfill its constitutional commitments.

Keywords- Witness Protection, BNSS, Criminal Justice, Fair Trial, Section 398, Ground Reality.

Introduction

As Hart has said “A legal system that fails to protect its witnesses invites the defeat of justice itself”¹, yet in practice, the administration of criminal justice often falters when these ‘witnesses’ are silenced in fear, intimidation, and institutional apathy. As Justice V. R. Krishna

¹ H.L.A. Hart (derived from his theory of legal obligation)

Iyer observed, “Truth in a court of law is often not defeated by lack of evidence, but by the absence of courage to speak”

Witnesses play a very crucial role in the Criminal Justice System. Their testimony determines whether justice will be served or miscarried. The function of the court gets undermined to meet the ends of justice, when witnesses are threatened, intimidated or made to face violence in order to discourage them from coming forward or turn hostile in Court.

Witness protection hence becomes an indispensable part of the criminal justice system for the protection of the witness in order to uphold the sanctity of the principle of rule of law to ensure there is a fair trial outcome.

Section 398 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides addressing these hurdles by mandating the States across India to have Witness Protection Scheme.²

The Central Government has delegated the responsibility for making laws and schemes regarding the witness protection to State Governments primarily because “police” and “Public Order” are State Subjects under the Seventh Schedule of the Indian Constitution.

Prior to the provision provided in BNSS, the Witness Protection was guided by the Witness Protection Scheme, 2018 which was approved by the Supreme Court in the Case of Mahendra Chawla v. Union of India.³ This embedded the implementation of the Witness Protection from its logistics to the financial burden with the local police and state administration.

Since there is a direct correlation between the intimidation of witness having its impact on the quality of the evidence, it is very much obvious that in such situations it has tendencies to derail prosecution particularly in cases involving organized crime, terrorism, corruption or powerful perpetrators. Therefore, there is a need of comprehensive set of mandates such as concealment of identity, relocation of witness, security escorts and confidentiality protocols so that witnesses are not left vulnerable crippling the justice system by losing the trust of citizens and deterring them from cooperating with the law enforcement.

² Bharatiya Nagarik Suraksha Sanhita, 2023, s. 398

³ (2019) 14 SCC 615

This paper is an attempt to examine that whether the statutory promise of witness protection has been realized in practice till now. It advances the hypothesis that while Section 398 of the BNSS, 2023 marks a significant normative shift, the ground reality reveals there still in uneven implementation, deficiency in the resources and continuous dependence on judicial discretion rather than institutional protection mechanism.

The Indian Reality: High Profile Acquittals and the Structural Failure of Witness Protection

High profile cases in India have reportedly exposed systematic failures in witness protection, striking at the heart of the criminal justice system rather than just being an isolated error. Cases like Jessica Lal, Best Bakery, and the BMW hit-and run case shows how political influence, intimidation, and state indifference turn trials into formalities rather than sincere attempts to find the truth.

Best Bakery Case: Complicit Through Inaction

In *Zahir Habibullah Sheikh v. State of Gujarat (2004)*⁴, the state's failure to provide a fearless testimonial environment was direct cause of the accused's acquittal rather than just the result of hostile witnesses. The Supreme Court's intervention exposed the use of social intimidation and threats to force witnesses to remain silent. The prosecution and police officials continued to be mere passive witnesses to intimidation, were implicitly indicated by the Court's observation that a fair trial is impossible without witness protection.

Jessica Lal Case: Justice Dependent on Public Outrage

The initial acquittal in the Jessica Lal murder case (*Siddhartha Vashisht @ Manu Sharma v. State (NCT of Delhi)*), exposed the weakness of witness testimony in the face of privilege and power. Witnesses frequently withdrew their statements, demonstrating how the criminal justice system unfairly disadvantages common people when the accused have social or political power. Concerning questions about whether justice in India depends more on public outrage than on legal institutions were raised by the eventual conviction, motivated by public protests on large scale and media pressure than by systematic safeguards.⁵

These cases are just amongst a list of such high profile cases which exposes a deep disconnect between constitutional ideals and operational realities.

⁴ (2004) 4 SCC 158

⁵ (2010) 6 SCC 1

Research Objectives

1. To examine legal provisions of section 398 BNSS.
2. To evaluate implementation status across states.
3. To identify gaps between legislation and practice i.e. the ground reality.
4. To assess impacts on justice delivery and witness safety.

Research Problem

Despite schemes and judicial concern, how witness protection is failing in ground reality?

Meaning and Scope of the term “Witness”

Neither the old CrPC, 1973 nor the Indian Evidence Act, 1872 does not expressly defined the term “witness” or “witness protection”, however it did contained procedure for examination of witnesses. The criminal laws also do not define any of these terms.

Without a clear statutory provision, the law only allows the questioning of people “supposed to be acquainted” with pertinent facts, implying the functional role of a witness.

Definitions under the Witness Protection Scheme, 2018

The Witness Protection Scheme, 2018 which was framed by the Ministry of Affairs and approved by the Supreme Court, holds specific terms which are meant to make the witness protection operational. It provides the following key definitions:

(1) Witness

“Any person who possesses information or document about any offence”

(2) Code

Means the Code of Criminal Procedure, 1973 (2 of 1974)

(3) Concealment of Identity of Witness

Means and includes any condition prohibiting publication or revealing, in any manner, directly or indirectly, of the name, address and other particulars which may lead to the identification of the witness during investigation, trial ad post trial stage.

The Scheme also contains definition of the terms such as “Competent ant Authority”, “Witness Protection Fund”, and “Witness Protection Cell” and other related institutional elements for implementing protective measures.

The 2018 Scheme’s definition of “witness” is more explicit than the Bill of 2023 i.e. it assumes office of witness protection measures and related bodies. However, as far as they ar eligible for.

Who Needs Protection?

- Victim witnesses
- Independent witnesses
- Informants and whistleblowers
- Family member of witnesses

Historical Evolution of the Witness Protection

The Witness Protection Concept is something the legislature has been deliberating upon for decades. The 14th Law Commission Report, 1958⁶ was the first instance where the requirement of a strategic approach was recognized. Later on the 154th Law Commission Report⁷ called for a reasonable witness accommodations and appropriate trial arrangements. Even afterward, the 172nd Law Commission Report⁸ highlighted the need of legal provisions for protection of witnesses who had high chance of facing danger associated with their identities. After so many years, the 198th Law Commission Report⁹ was the report which recommended for division of witnesses in three categories based on those who lives are in danger, those whose safety or reputation is in danger and those who are being harassed moderately.

The **Malimath Committee Report in 2003** also formally known as the “**Committee on Reforms of the Criminal Justice System**” emphasized that the current criminal justice system was more accused oriented and insufficiently responsive to the needs of victims and witnesses.

In of the landmark judicial decision *Sakshi v. Union of India* (2004)¹⁰ The Supreme Court argued in favor of protective measures for vulnerable witnesses, especially in the cases surrounding sexual offences. The Court acknowledged that a significant obstacle was the absence of sufficient witness protection.

From the perspective of International Law and Conventions, the UN Declaration of Basic

⁶ 14th Law Commission Report on Reform of Judicial Administration (1958), Vol. 1, Ch.5, pg.37

⁷ The Code of Criminal Procedure, 1973 (Act No. 2 of 1974) Vol I & II

⁸ Law Commission of India, One Hundred and Seventy- Third Report on Prevention of Terrorism Bill, 2000 (April 2000)

⁹ Law Commission of India, 198th Report on Witness Identity Protection and Witness Protection Programmes (August 2006)

¹⁰ 2004 (5) SCC 518

Principles of Justice for Victims of Crime and Abuse of Power (1985) highlights the importance of treating victims in the criminal Justice System with respect, compassion and dignity. It urges States to guarantee the victims, access to justice, equitable treatment, compensation, reparations and support including social, psychological and medical care. The Declaration also emphasizes the importance of minimizing inconvenience, intimidation and secondary victimization during criminal proceedings as well as protecting victims' safety and privacy, especially when they serve as witnesses.

The Witness Protection Scheme, 2018

The Witness Protection Scheme, 2018 is a centrally endorsed, court approved framework intended to protect witnesses who are subjected to coercion, intimidation, or threats due to their involvement in the criminal proceedings. In order to make sure that the witness is able to be produced before court to give their testimony; this scheme offers protective measures such as concealment of identity, police security, relocation, in-camera trials, and use of video conferencing. Until a comprehensive statutory law is passed, the scheme which is run by the District Witness Protective Committees is applicable throughout India.

The requirement of such scheme was realized through many high profile cases where the judiciary felt the need of a law protecting witnesses. One of these cases was Asaram Bapu Case. Asumal Sirumal Harpalani, a religious leader with millions of followers was convicted for rape charges of a 16 year old girl by the Rajasthan High Court on April 2018.¹¹

During the course of trial:

- 3 witnesses were killed
- 5 witnesses were attacked
- 1 witness got abducted
- Senior police officers were threatened

Despite these facts, protective mechanisms remained weak and reactive. The patronage of Asaram in the ruling and opposition parties, his massive followers and financial influence made a setting in which victims had difficulty getting justice. Officials and police were reluctant or compromised. Witnesses were exposed. This case can be a prime example of how criminal justice outcomes are distorted by power imbalance.

¹¹ 2025 SCC OnLine Raj 4176

Even the Report of Watch Report of the Human Rights Titled “Everyone Blames Me” 2017 observed:

- Threats, harassment, intimidation of victims are routine
- Victims from marginalized communities face greater risk
- Police often pressure victims to “settle” or “compromise”
- Victim – blaming and social stigma deter reporting

Following which in the year 2018 a PIL was filed Mahendra Chawla v/s Union of India, in which the key witnesses against Asaram and his son were shot after police protection was withdrawn which left them partially disabled. The Hon’ble Supreme Court observed there was a lack of continuity and monitoring along with arbitrary withdrawal of police protection. It was in this case the Supreme Court of India mandated implementation of Witness Protection Scheme across all the states of India until a comprehensive statute is brought by the Parliament, which in this case is the Witness Protection Bill, 2023 which is awaiting to be approved.

Kew Features of the Witness Protection Scheme, 2018

The Scheme provides bifurcates witnesses into **categories A, B, and C**, on the basis of threat perception which ranges from threats to lesser forms of intimidation.

It provides increased standards of protective measures such as **police protection, concealment of identity witness relocation, in-camera trials** by which the trial proceeding is only restricted to authorized parties and their representatives, and **live-link** through which a vulnerable witness is facilitated to provide his or her testimony through video technology from a remote location. All of these advanced measures are maintained and supported by a dedicated **Witness Protection Fund**.

The process for securing protection involves an application that has to be submitted by either a witness or concerned authorities. On the basis of which a Threat Analysis Report is submitted by the Police Authorities outlining the level of threat of the applicant to the Competent Authority such as District Level Committee chaired by Sessions Judge or it can be the Secretary of District Legal Services Authority who makes a final decision.

Emergence of the BNSS

The Bharatiya Nagarik Suraksha Sanhita, 2023 is India’s new criminal procedural law enacted

to repeal the old Criminal Procedure Code, 1973 with the objective of making the criminal justice system more efficient, victim-centric and technology drive. A key reform under BNSS is statutory recognition of witness protection through Section 398, mandating State Government to notify Witness Protection Schemes in their respective States, thereby reinforcing fair trials and public confidence in the justice system. This guarantees that the protective measures are in par with the local community and criminal context.

Witness Protection Bill, 2023

The Witness Protection Bill, 2023 aims to improve and support the mandate under BNSS by creating a clear legal framework. It plans to establish dedicated institutions like Witness Protection Authorities and Witness Protection Cells at both district and State levels. These bodies will assess threat, issue protection orders, and ensure they are followed. The bill clearly identifies important protective measures including hiding identities, changing them, relocating individuals and allowing live-link testimony backed by law.

Most importantly, it introduces offences and penalties for breaking confidentiality or violating protection orders, filling a significant gap in the 2018 Scheme. This Bill represents a shift from a welfare focused scheme to a right based, enforceable legal system, though its success will ultimately rely on its enactment and implementation.

Comparative Perspectives on Witness Protection

United States: Federal Witness Protection Program (WITSEC)

The WITSEC is officially called the Witness Protection in the United States. It came into force in 1971 and is operated by the U.S. Marshals Service which is a part of the Department of Justice (DOJ). This program is for the protection of witness whose lives are in danger because they have agreed to testify against criminals.

This program derives its authority from the 18 U.S. Code section 3521 and was initially authorized by the Organized Crime Control Act of 1970, the update by the Comprehensive Crime Control Act of 1984.

This Program was brought in for protection of witnesses mainly testifying against organized crime figures, drug traffickers, terrorists and other dangerous offenders. Protection can be extended to immediate family members along with witness. While the incarcerated witnesses protection is managed by the Federal Bureau of Prisons.

The Protection is extended to witnesses in the form of New Identities supported by official documents such as name, social security number, relocation to a secure and an undisclosed location. Financial Assistance may also be given in the form of housing, expenses for basic living and medical care. Support for attaining employment and job training. In some case 24/7 physical protection may also be provided in periods of high risks.

Not all witnesses are eligible for WITSEC, the acceptance is based on the

- The importance of testimony in a case
- The level of threat to witness
- Review by the enforcement agency sponsoring witness protection, the U.S. Attorney's Office. U.S. Marshals Service and the DOJ's Office of Enforcement Operations.

The Witnesses when under such protection are expected to comply with the rules of the Program, cease contact with their former life and known associates, and cooperate fully with the authorities. Noncompliance may lead to removal from the program.

The program's success is credited to the centralized administration, federal funding and operational independence from local law enforcement, ensuring confidentiality and consistency.¹²

Australia

The WITNESS Protection Act, 1994 has been established under the National Witness Program (NWPP), run by the Australian Federal Police (AFP). The program is intended for the safeguarding individuals whose safety is gravely jeopardized due to their consent to give out crucial evidence in criminal proceedings and assistance to the law enforcement.

It is authorized by Federal law due to which under local laws, state and territory police department also manage their own protection department. However, their work is in accordance with the National program.

Being a witness does not automatically lead to grant of protection, as there must be a genuine and significant risk to the safety of the witness and in some cases their families also. Both factors are assessed by the law enforcement on referral and nomination, before they are taken under this protection program.

A range of guidelines needs to be adhered to by the people coming under the protection Program such as new identities backed by documentary evidence such as license, passports

¹² usmarshals.gov/

which is legally recorded and protected by the law. Witnesses and their families may be moved to a new safe and undisclosed location which may lie in another state or territory.

To help people under this program to adjust to a new ordinary circumstances long term protection such as housing assistance, financial aid, counseling, job support and continuous security monitoring may be provided.

Each State in Australia has its own Witness Protection Program which is guided by the National Program for Witness Protection Program such as New South Wales has Witness Protection Act, 1995; Queensland has Witness Protection Act, 2000.

However, there are certain shortcomings associated such as complete details are rarely made public because the system is extremely confidential. Identity concealment is more difficult now than it was in the past due to social media and digital records. And most importantly, coordination between various protection programs may be hampered by secrecy and different laws in different jurisdictions may hamper efficiency and effectiveness of witness protection program to a certain extent.

Canada

Canada's Witness Protection Program provides protection to witness and their family when they are under grave threat due to their involvement and assistance in criminal proceedings. The Program is maintained by the Royal Canadian Mounted Police (RCMP) under the Witness Protection Program Act (WPPA). The Government of Canada on their behalf appoints Commissioner of the RCMP as an administrator. The Commissioner is responsible for taking decisions as who will be admitted in the witness program and the level of protection provided to them.

The witnesses are referred to this program by Canadian law enforcement agencies; federal security, defense and safety organization; foreign police agencies and international criminal courts.

Witnesses admitted to this Program may be given short term protection such as instant threat confrontation, safeguard from immediate crises. Long term protective measures may include identity concealment, relocation, and limited financial aid complimented with employment and counseling support.

The RCMP is also responsible for preparing an annual report on the detailing the performance of the Witness Protection Program and presenting it to the Minister of Public Safety and Emergency Preparedness. These reports contains figures pertaining to cases evaluated; admission; and general details about protection offered

Assessing the Ground Reality in India

Despite normative acknowledgment of witness protection as an essential element of fair trial, its application in India demonstrates a persistent gap between the law on paper and the law in practice. Unquestionably, the Witness Protection Scheme, 2018 which gained strengthened under section 398 of the BNSS, 2023 has made a significant progress, but its actual operation is till disjointed, underfunded and primarily symbolic.

1. Implementation Gaps

Although Witness Protection Scheme, 2018 categorically mandates State level notification and operationalization all over India, yet many States have not been able to do so. Courts have frequently criticized or asked for the status regarding implementation due to litigants being compelled to request protection orders directly from the judiciary rather than the appropriate authorities. In the State of Uttar Pradesh the Scheme was rolled out on 1 July 2024. The division bench of Justice Masoodi and Justice Subhash Vidyarthi of the Allahabad High Court in Jan 2025 took a suo moto cognizance and asked the State Government to make records available regarding whether the application specified in 6(8) of the Witness Protection Scheme, 2024 has been followed in the same format or not. The Court even called for information clarifying if any Official Website has been made so that witnesses can apply for witness protection along with information as to fund allocation.¹³ Another Incident of Karnataka, where a sanitation worker named Chinnayya filed a complaint that over a decade the temple administration had forced him to bury over 100 bodies that showed sign of strangulation sexual assault and other violent deaths. Presently investigation is being carried out in this case and Karnataka High Court granted him witness protection for statement recording.¹⁴ However, the Supreme Court on the other hand had to issue notice to the State of Madhya Pradesh regarding its failure in framing witness protection rule under BNSS. The petition was filed by a minor in a repeated sexual assault case through her mother under POCSO.¹⁵

¹³ Smt Kavita Chudhary and another v. State of U.P. and Others (2023)

¹⁴ Dese Gowda, 'Witness protection granted to Dalit complainant in Dharamsthala mass burial case'[South First July 11, 2025]

<http://thesouthfirst.com/karnataka/witness-protection-granted-to-dalit-complainant-in-dharmasthala-mass-burial-case/>

¹⁵ X v. State of Madhya Pradesh and others (2025)

2. Police centric threat Assessment – Conflict of Interest

The majority of the districts utilize police led threat assessment, which leads to conflict when police are thought to be insufficient or incompetent. In the well-known case of Lakhimpur Kheri violence, for instance the Supreme Court was informed that the Uttar Pradesh Police only filed a formal complaint (FIR) for witness intimidation against the powerful accused after the court's intervention brought attention to the matter. This highlights the police's reliance on litigation rather than proactive protection planning.¹⁶

3. Inadequate Witness Protection Fund and No Assured Central Funding

Lack of dedicated, recurring central funding, mechanism places the burden squarely on States, many of which cite financial incapacity. Unlike jurisdictions such as United States (WITSEC), India lacks a centrally funded, long term protection model, limiting the scope of meaningful interventions.

4. Short Duration of Protection Orders

Protection orders are frequently granted for limited durations often aligned with trial stages rather than the actual threat lifecycle. This ignores the reality that threats may intensify post testimony or after conviction or acquittal as the case maybe, leaving witnesses exposed once formal protection is over.

5. Absence of Independent Protection Agencies

India lacks specialized, independent witness protection agencies. This responsibility continues to rest with the already overburdened police force, which prioritizes investigation and law – and – order duties over long term witness safety. This institutional overlap dilutes accountability and effectiveness.

6. Overburdened Police Machinery

With high vacancy rates and excessive caseloads, police personnel are ill – equipped to provide sustained, sensitive protection. Witness protection is treated as an additional administrative task rather than a specialized function requiring dedicated manpower and expertise.

¹⁶ Lakhimpur Kheri violence: SC told about FIR for witness intimidation [The Economic Times Oct 10, 2025
<<http://m.economictimes.com/news/India/Kheri-violence-sc-told-about--fir-for-witness-intimidation/articleshow/>>

7. Lack of training and Sensitization

There is minimal structured training on witness psychology, trauma, and intimidation. Insensitive handling, delays and procedural rigidity often re-victimized witnesses, pushing them towards hostility or withdrawal rather than cooperation.

8. Judicial Practice versus Ground Reality

Courts have consistently acknowledged the importance of witness protection, issuing directions and invoking the Scheme in appropriate cases. However, judicial intervention largely remains procedural rather than substantive. Orders are passes, committees are constituted and reports are filed – yet actual safety on the ground remains questionable.

Critical Analysis

1. Witness Protection Scheme, 2018 is Reactive and not Preventive

The Scheme only comes into action when the a threat is perceived or repeated rather than embedding anticipatory safeguards the moment a witness steps in the criminal justice process. In practical life, threat to a witness or intimidation often begins in a covert manner. As a result many of the witness disengage before the Scheme is triggered defeating it protective measures.

2. Excessive Reliance on Police Discretion

The police is predominantly responsible for risk assessment, threat level classification and protection measure implementation. This concentration of secretion raises questions about bias, arbitrariness and conflict of interest because the police may be overworked, undertrained or institutionally aligned with the prosecution especially in cases involving powerful accused individuals. Transparency is weakened and witness confidence in the system is undermined by the lack of an independent authority.

3. Temporary Protection for Permanent Risk

The Scheme largely offers short term and review based protective measures, whereas the risk faced by witnesses- especially in organized crime, caste based violence, or sexual offences – is often long lasting or irreversible. Once the trial concludes or protection is withdrawn, witnesses remain vulnerable to retaliation without any structural post trial safeguards. This imbalance between the duration of threat and

duration of protection given by the State significantly dilutes the Scheme's effectiveness.

For instance in the case of *DRY v. State (NCT of Delhi)*, sexual assault on a minor under POCSO Act, the complaint was filed by the mother of the victim child studying in class VI who was raped by her own father. The Prosecutrix was three months pregnant as soon as filed the complaint after which various medical tests were carried out and her pregnancy was medically terminated. The Prosecutrix later on retrieved their statement later on. The Court observed the family economic status of the Prosecutrix compelled them to turn hostile, however scientific evidence cannot be ignored which has been taken on record.¹⁷

4. Gap between Constitutional Promise and Administrative Capacity

The Scheme being rooted in Article 14 and 21 of the Constitution guarantees fair trial and personal liberty. Yet its implementation is not as par the expectations due to the inadequate funding, uneven State adoption and lack of infrastructure. The absence of dedicated budgets, trained personnel and inter-state coordination mechanisms reveal disconnect between normative constitutional commitments and the administrative capacity required to realize them in practice.

Suggestion and Reform Measures

1. Enactment and Effective Enforcement of Witness Protection Act

Center must strive to establish framework a shared funding model, with mandatory central and grants supplemented by state contributions. This would help in ensuring continuing the Scheme smoothly. There can be more focus on –

- Statutory clarity on rights and obligations of witnesses
- Enforceable duties on the State
- Penal consequences for breach of protection measures

2. Institutional Reforms

A separate central and state level Independent Witness Protection Authority should be established, consisting of distinctive investigative agencies. This Authority should be made responsible for -

¹⁷ *DRY v. State (NCT of Delhi)*, 2026 SCC OnLine Del 236

- Independent threat assessment
- Sanctioning protective measures
- Coordinating relocation and rehabilitation
- Monitoring compliance with court orders

3. Automatic Protection in Serious Offences

Protection must be extended to witnesses without them having to seek out protection through application. Offences involving grave threats such as sexual offences, caste based violence, terrorism, organized crime and custodial violence, there should be interim protection provided without any application by witness. This shift from request based to rights based model would strengthen safeguards. The protective measures must also be reviewed every three months mandatorily based on risk based rather stage based ensuring continuity of protection.

4. Technological Measures

Including live- link testimony can help in reducing physical exposure of witness to intimidation. Courts already have enabling powers under procedural law, uniform guidelines and infrastructure development is essential for uniform application especially at district courts. Dedicated vulnerable witness courtrooms – equipped with privacy screens, separate entry points and psychological support should be institutionalized across States.

Conclusion

The Indian witness protection framework suffers not from lack of recognition but from lack of institutional seriousness, without independent agencies, assured funding, long term protection models, and witness centric implementation, the Scheme risks becoming another well-intentioned but ineffective reform. Bridging this gap is essential not merely for witness safety, but for the credibility of the criminal justice system itself.