

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE**

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**LOK SABHA**

UNSTARRED QUESTION NO. 3904

TO BE ANSWERED ON WEDNESDAY, THE 17<sup>th</sup> JULY, 2019

Threats Faced by Witnesses

3904. DR. A. CHALLAKUMAR:  
DR. M.K. VISHNU PRASAD:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is aware of the threats faced by the witnesses involved in the justice system;
- (b) if so, whether the Government has drawn up Witness Protection Scheme to protect witnesses who testify in courts;
- (c) the number of categories that have been identified for the purpose;
- (d) the ratio of funds to be provided by the Centre and State for this purpose; and
- (e) whether suitable law would be enacted to give statutory backing for the scheme and if so, the details thereof?

**ANSWER**

**MINISTER OF LAW & JUSTICE, COMMUNICATIONS,  
ELECTRONICS AND INFORMATION TECHNOLOGY  
(SHRI RAVISHANKAR PRASAD)**

- (a) to (b) The Ministry of Home Affairs has drawn up a "Witness Protection Scheme, 2018" to provide protection to witnesses

based on the threat assessment and protection measures *inter alia* include protection/change of identity of witnesses, their relocation, installation of security devices at the residence of witnesses, usage of specially designed Court rooms, etc.

(c)The Scheme provides for three categories of witness as per threat perception:

Category 'A': Where the threat extends to life of witness or his family members, during investigation/trial or thereafter.

Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation/trial or thereafter.

Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's, reputation or property, during the investigation/trial or thereafter.

(d)The Scheme provides for a State Witness Protection Fund for meeting the expenses of the scheme. The fund shall comprise of the following:

- i. Budgetary allocation made in the Annual Budget by the State Government;
- ii. Receipt of amount of costs imposed/ ordered to be deposited by the courts/tribunals in the Witness Protection Fund;

- iii. Donation/ contributions from Philanthropist/ Charitable Institutions/ Organizations and individuals permitted by Central/State Governments.
- iv. Funds contributed under Corporate Social Responsibility.

(e) The Hon'ble Supreme Court of India in its Judgment dated 05.12.2018 in Writ Petition (Criminal) No. 156 of 2016 has endorsed the Scheme. As per Article 141/142 of the Constitution, the Witness Protection Scheme, 2018 endorsed in the said Judgment of the Supreme Court is binding on all Courts within the territory of India and enforceable in all States and Union Territories.