



# **WITNESS PROTECTION SCHEME, 2018**

SUMMARY NOTE



## SCOPE

The aim of the Witness Protection Scheme, 2018 is to facilitate protection of witnesses and ensure that the investigation, prosecution, and trial of criminal offences is not prejudiced because witnesses are intimidated or frightened to give evidence. The scheme is applicable to witnesses in cases involving offences punishable by death, life imprisonment, or a sentence of seven years in prison or more, as well as offences punishable under Sections 354, 354A, 354B, 354C, 354D, and 509 of the Indian Penal Code.

## CATEGORIES OF WITNESSES

The scheme identifies **three categories** of witnesses as per threat perception:

<b>Category A</b> Cases in which there is a threat to a witness or their family members' life during the investigation/trial, or thereafter.	<b>Category B</b> Cases in which there is a threat to a witness or their family members' safety, reputation, or property during the investigation/trial or thereafter.	<b>Category C</b> Cases in which threat is moderate and includes harassment or intimidation of the witness, their family, or threats to their reputation or property during the investigation/trial, or thereafter.
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## APPLICATION FOR WITNESS PROTECTION – THE PROCESS

- A witness or their family members can file an application for a protection order under this scheme. The application can also be filed by their duly engaged counsel or the concerned Investigating Officer/Station House Officer/Sub-Divisional Police Officer/jail superintendent.
- The application has to be filed before the Competent Authority. Competent Authority means the standing committee in each district which includes the District and Sessions Judge (Chair), Head of the Police in the district (Member), and Head of the Prosecution in the district (Member Secretary).
- The Competent Authority shall then pass an order calling for a threat analysis report from the Assistant Commissioner of Police/Deputy Superintendent of Police in charge of the concerned police sub-division.
- The threat analysis report shall be prepared and reach the Competent Authority within five working days of the receipt of the order. The report shall contain all details of the threat, its category and suggestions for safety precautions while maintaining full confidentiality.
- The Competent Authority shall then conduct confidential, in-camera hearings and ascertain the witness protection needs.
- The witness protection application shall be disposed within five working days of receipt of the threat analysis report from the police authorities.

(**Note:** Depending upon the urgency in the matter owing to imminent threat, the Competent Authority can pass orders for interim protection of the witness or her family members during the pendency of the application).

## Types of Protection

The witness protection measures ordered shall be proportionate to the threat and for a specific duration not exceeding three months at a time. Some of these measures include:

- Ensuring that witness and accused do not come face to face during investigation or trial;
- Monitoring of mail and telephone calls;
- Close protection, regular patrolling around the witness's house;
- Installation of security devices in the witness's home, such as security doors, CCTV, alarms, and fences etc.;
- Using a different name or alphabet to refer to the witness in order to conceal their identity; change of identity in appropriate cases;
- Temporary change of residence to a relative's house or a nearby town;
- Escorted transportation to and from court and provision of government vehicle or a state funded conveyance for the date of hearing;
- Holding of in-camera trials; allowing a support person to be present during recording of statement and deposition;
- Usage of specially designed vulnerable witness court rooms which have special arrangements like live video links, one way mirrors and screens apart from separate passages for witnesses and accused;
- Awarding periodical financial aids or grants to the witness from witness protection fund for the purpose of re-location, sustenance or starting a new vocation or profession.

(**Note:** In case the Competent Authority finds that there is a need to revise the witness protection order or an application is moved in this regard, and upon completion of trial, a fresh threat analysis report shall be called from the Assistant Commissioner of Police/Deputy Superintendent of Police in-charge).

## Monitoring and Implementation

- The witness protection order passed by the Competent Authority shall be implemented by the witness protection cell of the state (designated cell of state/UT police or central police agencies assigned to implement witness protection orders) or the trial court, as the case may be.
- The witness protection cell shall file a monthly follow-up report before the Competent Authority which shall review the witness protection order on a quarterly basis.

(**Note:** In all cases responsibility to implement protection order shall be borne by the head of the police department of state but the change of identity and/or relocation shall be borne by the Department of Home of the state).

For assistance on witness protection, you can contact:



Single emergency response number across the country: 112



Police: 100

To access the full scheme with the new 2018 amendments highlighted see [here](#).