



Shielding witnesses

Posted at: 07/12/2018

Shielding witnesses-A robust witness protection scheme will strengthen the criminal justice system

- The witness protection programme is at last in place.
- Pending legislation by Parliament, the Supreme Court has asked States to implement a scheme framed by the Centre to protect witnesses in criminal trials from threat, intimidation and undue influence.
- The need to protect witnesses has been emphasised by Law Commission reports and court judgments for years. Witnesses turning hostile is a major reason for most acquittals.
- In the current system, there is little incentive for witnesses to turn up in court and testify against criminals.
- Besides threats to their lives, they experience hostility and harassment while attending courts.
- The Centre deserves credit for coming forward to suggest that its draft witness protection scheme be introduced by judicial mandate instead of waiting for formal legislation.
- In its minutiae the scheme appears workable, but its efficacy will be confirmed only with the passage of time.
- It broadly classifies witnesses in need of protection into three types based on the threat assessment.
- A witness protection order will be passed by a competent authority.
- The scheme is to be funded by budgetary support from State governments and donations.
- Basic features such as in camera trial, proximate physical protection and anonymising of testimony and references to witnesses in the records are not difficult to implement.
- The real test will be the advanced forms of identity protection: giving witnesses a new identity, address and even 'parentage', with matching documents.
- However, expanding such facilities and implementing a comprehensive and credible witness protection programme will pose logistical and

financial challenges.

- It will be well worth the effort, as the scheme could help strengthen India's tottering criminal justice system.

The Hindu

