

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
STARRED QUESTION NO. *427**

TO BE ANSWERED ON THE 23RD JULY, 2019/ SHRAVANA 1, 1941 (SAKA)

PROTECTION TO WITNESS

†*427. DR. BHARATI PRAVIN PAWAR:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of complaints related to harassment and threatening of witnesses and forcing them to turn hostile received in the country;

(b) whether the Government does not provide security to the witnesses due to which several witnesses have been killed and if so, the details thereof;

(c) whether the witnesses are unable to give true statement under an atmosphere of fear as they are not given security and the criminals go unpunished; and

(d) if so, the reaction of the Government thereto along with the corrective steps taken by the Government in this regard?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI NITYANAND RAI)**

(a) to (d): A statement is laid on the Table of the House.

**STATEMENT IN REPLY TO THE LOK SABHA STARRED QUESTION NO. *427
FOR 23.07.2019**

(a) The National Crime Records Bureau (NCRB) does not maintain data on number of complaints with respect to harassment/ threatening of witnesses in the country.

(b) to (d) : Various statutes provide for security of witnesses. Section 195 A of IPC makes intimidation of witnesses a criminal offence punishable with imprisonment upto 7 years. Similarly, the Juvenile Justice (Care and Protection of Children) Act, 2015, the Whistle Blowers Protection Act, 2011, the Protection of Children from Sexual Offences Act, 2012, the National Investigation Agency Act, 2008 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 also provide for safeguarding witnesses against the threats.

‘Police’ and ‘Public Order’ are State subjects under the Seventh Schedule to the Constitution of India and State Governments are responsible for prevention, detection, registration and investigation of crime as well as for providing security to witnesses. As witnesses are an important pillar of Criminal Justice System, Government attaches highest priority to the protection of witnesses and their family members so that they come forward to assist law enforcement and judicial authorities. The

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Ministry of Home Affairs, in consultation with the National Legal Service Authority, Bureau of Police Research & Development and State Governments, has prepared “The Witness Protection Scheme, 2018”. This scheme provides for protection of witnesses based on the threat assessment. 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. This scheme has been circulated to the States/Union Territories on 14.01.2019 for implementation and compliance. 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.
