

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 3425**

**TO BE ANSWERED ON THE 01<sup>ST</sup> JANUARY, 2019/ PAUSHA 11, 1940 (SAKA)**

**PROTECTION TO WITNESS**

**3425. SHRI L.R. SHIVARAME GOWDA:  
SHRI TEJ PRATAP SINGH YADAV:  
SHRIMATI ANJU BALA:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

**(a) whether the Government provides protection/security to witnesses in the country and if so, the details thereof and if not, the reasons therefor;**

**(b) whether the Government has received reports/complaints with regard to attack/murder, harassment, threatening of witnesses and forcing them to turn hostile by the accused and other influential people;**

**(c) if so, the total number of such cases reported, guilty arrested and the action taken against them separately during the last three years, State/UT-wise;**

**(d) whether the Government has any proposal to bring in a new law for providing protection to witnesses and if so, the details thereof; and**

**(e) the progress made regarding implementation of witness protection programme along with the other measures taken by the Government to provide protection to witnesses?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI HANSRAJ GANGARAM AHIR)**

**(a): Section 195A in IPC was introduced in 2006 making Criminal intimidation of Witnesses, a criminal offence punishable upto seven years of imprisonment. Likewise statues, namely, 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. However, the Ministry of Home Affairs has prepared a “Witness Protection Scheme, 2018” in consultation with the National Legal Service Authority, Bureau of Police Research & Development and the State Governments. This scheme provides for protection of witnesses based on the threat assessment.**

**(b) & (c): National Crime Records Bureau (NCRB) does not maintain data in this regard.**

**(d) & (e): Hon’ble Supreme Court of India in its Judgment dated 05.12.2018 in Writ Petition (Criminal) No. 156 of 2016 has endorsed the “Witness Protection Scheme, 2018” prepared by the Ministry of Home Affairs and has also directed that the Union of India as well as States and Union Territories shall enforce the Witness Protection Scheme, 2018 in letter and spirit and that it shall be the ‘law’ under Article 141/142 of the Constitution, till the enactment of suitable Parliamentary and/or State Legislations on the subject.**