

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2400**

TO BE ANSWERED ON THE 03RD DECEMBER, 2019/AGRAHAYANA 12, 1941 (SAKA)

PROTECTION FOR WITNESSES

2400. SHRI HIBI EDEN:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is aware of several instances of witnesses turning hostile during trial on account of absence of protection and the criminals were set free;

(b) if so, the details thereof including the action taken by the Government in such cases;

(c) whether instances of attack/ murder, harassment, threatening of witnesses and forcing them to turn hostile have come to the notice of the Government;

(d) if so, the details thereof including the total number of such cases reported, guilty arrested and the action taken against them during each of the last three years and the current year, State/UT-wise; and

(e) whether the Government is coming up with a plan to provide Special Protection of Witnesses in Protection of Children from Sexual Offences (POCSO) cases and if so, the details thereof?

ANSWER

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

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

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 and for prosecuting the criminals through their law enforcement agencies. However, the Ministry of Home Affairs have issued advisories to States and UTs, from time to time, to maintain law and order and ensure that any person who takes law into his/her own hand is punished promptly as per law.

Further, the Ministry of Home Affairs has prepared a “Witness Protection Scheme, 2018” which has been endorsed by the Hon’ble Supreme Court of India in its Order dated 05.12.2018 in Writ Petition (Criminal) No. 156 of 2016. As per Article 141/142 of the Constitution, the law declared by the Supreme Court is binding on all Courts within the territory of India and enforceable throughout the territory of India. The scheme provides for protection of witnesses based on the threat assessment. This scheme covers witnesses under IPC and other acts including the POCSO.
