

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3338**

TO BE ANSWERED ON THE 16TH MARCH, 2021/ PHALGUNA 25, 1942 (SAKA)

PROTECTION OF WITNESSES

†3338. SHRI GOPAL CHINNAYA SHETTY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is aware that witnesses in criminal cases are either killed or threatened in a large number of dangerous criminal cases due to which courts had to finally quash such cases in various courts of the country;

(b) if so, the number of such persons killed during the last three years and the number of cases in which accused were set free due to adverse attitude of the witnesses during the said period;

(c) whether the Government proposes to make a law for security of witnesses in dangerous criminal cases; and

(d) if so, the time by which it is likely to be done and if not, the reasons therefor?

ANSWER

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

(a) to (d): ‘Police’ and ‘Public Order’ are State subjects under the Seventh Schedule to the Constitution of India. The responsibilities to maintain law and order, protection of life and property of citizens are with respective State Governments. The State Government are competent to deal with such offences under the extant provisions of law. Details of witnesses

killed and cases in which accused were set free due to adverse attitude of witnesses is not centrally maintained.

However, 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 various measures for protection of witnesses based on the threat assessment.
