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Witnessicide: A Constitutional Failure

Vimudha Aggarwal[a] Dr. Bhavna Nain[b]

[a]Modern Delhi International School, Greater Faridabad, India [b]PGT-Legal Studies, Modern Delhi International School, Greater Faridabad, India

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Witnesses are the eyes and the ears of the justice system. When witnesses are silenced, it is not just the victim's safety that is threatened; but the entire foundation of a fair trial is threatened with it. Witnessicide, while a term that is not defined, is an apt representation of the modern-day mockery the Indian criminal Justice system has become with the excessive use of threats and intimidation in trials to avoid culpability. To kill the testimony in a trial is to kill the evidentiary value of one of the most historically trusted pieces of evidence, the witness. This article aims to explore this constitutional and structural failure within the Indian criminal justice system and argues that the failure to protect witnesses is to betray the motto 'Satyamev Jayate.' It is hence imperative to protect all witnesses at all stages of a trial, from the investigation process till the announcement of the judgment. India currently lacks a comprehensive witness protection system, instead relying on the non-binding Witness Protection Scheme, 2018, which further establishes a state responsibility for the proper implementation of a witness protection scheme. States conveniently ignore their responsibility to legislate on this matter to protect corrupt officials and people in power. The one who ends up suffering in this tussle is the common man, and the integrity and fairness of the justice system on which a citizen is supposed to rely for the protection of his rights. Thereby, there remains a vacuum in this sphere, and there continues to be a need for a comprehensive witness protection system in India.

Keywords: *witnesses, victim, protection, fair trial.*

INTRODUCTION

In a country as expansive and diverse as India, the rate of crime surpasses the rate at which justice is dispensed by the Indian Judiciary; the foundation of every case lies in evidence, and it is a well-settled fact that witness testimony in criminal adjudication remains indispensable. They have historically served as the primary source for reconstructing facts, establishing culpability and enabling the judiciary to maintain the rule of law. However, in India, the very idea of admitting to bearing witness to a crime has increasingly become a jeopardous task. In the current age, witnesses in India are often bought off, coerced and intimidated by corrupt authorities or even, in some cases, even killed off.

This practice in the legal system of India is not an isolated occurrence, but rather is an entrenched problem. In *Renuka Prasad v State*[1], decided on 9 May 2025, the Supreme Court acquitted the 12 accused after 71 of 87 prosecution witnesses turned hostile. This raises the same question Indian law fails to answer currently; it is a clear showcase of institutional incapacity to protect truth tellers and uphold the legitimacy of the trial process. This case is a sign of a deeply rooted problem. Despite its frequency and seriousness, India's legal system offers minimal protection to witnesses.

According to Bentham, "witnesses are eyes and ears of justice."[2] It is well known that justice should not only be done, but it should be seen to have been done beyond a reasonable doubt; and hence, not only the parties involved in the dispute, but also the witnesses have a right to a fair trial- the most integral provision enshrined in Article 21[3]. This article aims to discuss this issue in detail.

WHO IS A WITNESS?

The term 'witness' is not expressly defined under the *Indian Evidence Act, 1872*, nor under the *Code of Criminal Procedure, 1973*.[4] This omission, however, has been partially remedied by the

[1] *Renuka Prasad v The State represented by Assistant Superintendent of Police* (2025) INSC 657
[2] Jeremy Bentham, *RATIONALE OF JUDICIAL EVIDENCE, SPECIALLY APPLIED TO ENGLISH PRACTICE, FROM THE MSS. OF J. BENTHAM [ED. BY J.S. MILL]* (Legare Street Press 2023)
[3] Constitution of India 1950, art 21
[4] Indian Evidence Act 1872; Code of Criminal Procedure 1973

ancillary statutory enactments and judicial schemes, where an expanded and strategic definition of the term has emerged over time.

As per Black's Law Dictionary, a witness is a 'person who knows an event; as the most direct mode of acquiring knowledge is by seeing it, the term 'witness' has acquired the sense of a person who is present and observes a transaction'[5]. This definition states that a witness is a person who observes the disputed fact through direct observation, generally through sight. However, new developments have moved towards a more expansive interpretation that extends to individuals possessing indirect, circumstantial or documentary knowledge relevant to the trial; we now also have definitions of witness in the *Unlawful Activities (Prevention) Act, 1967, TADA* and *POTA*.[6]

A statutory articulation of such a definition is viewable in Section 2 (ed) of the *Scheduled Castes, and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015*, which defines a witness as: "any person who is acquainted with the facts and circumstances, or owns any information or has knowledge necessary for investigation, inquiry or trial of any crime involving an offence and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence."[7]

This framework marks a significant change from the traditional approach and poses the witness, not as a passive channel for evidence, but as a rights-bearing participant whose protection is essential for the preservation of due process.

PROBLEMS AND PERSPECTIVES

Witnesses form the cornerstone of the criminal justice system, as their testimony often determines the outcome of a trial. At the current state, the judicial system of India has become highly inefficient; the most obvious reason behind this weakening is the retraction of statements by the prosecution witnesses made under *Section 161 of the Code of Criminal Procedure* before police and thereafter, turning hostile, which brings more stress to the

[5] Bryan A Garner (ed), *Black's Law Dictionary* (11th edn, West Group 2019)
[6] Unlawful Activities (Prevention) Act 1967; Terrorist and Disruptive Activities (Prevention) Act 1985; Prevention of Terrorism Act 2002
[7] Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015, s 2

prosecution, who has to prove guilt beyond a reasonable doubt.[8] This often delays proceedings, delaying justice. This trend is excessively visible in cases involving heinous offences or in cases that involve individuals with considerable political or social influence.[9] Evidence for this claim can be traced in landmark cases such as *Jessica Lal v State (NCT of Delhi)* and *the Best Bakery case.*[10]

To combat this, perjury (S.191 and S.193) has been made an offence under the IPC, and the fear of being penalised for it provides a form of persuasion for the witness to speak the truth; however, in India, perjury thrives due to the casual approach of the courts towards this matter.[11] Moreover, witnesses are seldom offered the respect, dignity or support. Along with the lack of adequate protective measures, they are often asked to testify under conditions of stress and intimidation. Along with this, they are not provided basic amenities such as access to potable water, proper seating arrangements, medical assistance or even a reasonable travel allowance. This amplifies their reluctance to partake in the testifying process.[12]

To understand this further, S. 161 of the CrPC empowers the police to record witness statements during investigation, and S. 162 aims to safeguard the rights of the accused; to prevent the accused from being prejudiced against based on the statements recorded by the police.[13] The reason behind this provision is to ensure that the statements that may have been obtained by the police using unlawful means, like coercion or intimidation, do not derail justice. As a result, any statement made during the investigation must be reiterated by the witness for it to hold any evidentiary value. At this stage, the court judges the nature of the witness. If the witness departs from their earlier version recorded by the police, they may have turned hostile.

The People's Union for Civil Liberties (PUCL), in its 2003 press release regarding the Best Bakery trial, presented two explanations for this: first, that the police may have inaccurately recorded

[8] Code of Criminal Procedure 1973, s 161
[9] Vipasha Verma and Vishwas Chitwar, 'Hostile Witness Laws Across the World' (*iPleaders,* 16 June 2020) <https://blog.ipleaders.in/hostile-witness-laws-across-the-world> accessed 31 July 2025
[10] *Sidhartha Vashisht @ Manu Sharma v State (NCT of Delhi)* (2010) 6 SCC 1; *Zahira Habibullah Sheikh & Anr v State of Gujarat & Ors* (2006) (3) SCC 374
[11] Indian Penal Code 1860, ss 191 and 193
[12] Law Commission, *14th Report on Reform of Judicial Administration* (Law Com No 14, 1958)
[13] Code of Criminal Procedure 1973, ss 161 and 162

statements, and second, that the statements were initially recorded correctly, but were later changed due to intimidation, coercion, or the use of other unlawful methods.[14]

Another facet is the deployment of 'stock witnesses' by the police in criminal trials. These are individuals of dubious credibility who partake in criminal trials for small sums of money, to serve as substitute witnesses where actual trials are not available or are unwilling to testify. Their testimony is usually fabricated or misleading, often leading to a miscarriage of justice.

In the case of *Jaswant Mauji*, covered by The Indian Express, it was stated that he reportedly served as a witness in nearly 200 cases at the instruction of the Amritsar police. On several occasions, his testimony was allegedly relied upon during trials, without his knowledge or even his voluntary appearance.

Similarly, in the case of *Charan Singh*, a former Sarpanch of village Mahal, was repeatedly produced as a witness before the trial courts and the Punjab and Haryana High Courts by the police in more than 30 cases, including murders, rapes, as well as frauds. Despite being fined by local courts after the discovery of his actions, the police continued to use him as a stock witness.[15] This shows that law enforcement is actively involved to date in the fabrication of evidence.

Another reason behind witness suicide is the use of monetary influence by affluent and often politically connected individuals. In various high-profile cases like the Porsche Accident in Pune[16] and Salman Khan's blackbuck poaching case[17], and the landmark Jessica Lal murder case, money has been used as a tool to manipulate evidence and to purchase witness silence.

In the *Jessica Lal Case*, the victim was fatally shot in a crowded room after refusing to serve a drink to Manu Sharma, the son of a Union Minister. There were several eyewitnesses and plenty of physical evidence that suggested a straightforward conviction. However, as the

[14] Naveena Varghese, 'Witness Protection: Problems Faced and Need for a Protection Programme in India' (*Academike,* 14 February 2015) <https://www.lawctopus.com/academike/witness-protection-problems-faced-and-need-for-a-protection-programme-in-india> accessed 31 July 2025

[15] *Ibid*

[16] 'Pune Porsche accident: Minor gets bail 15 hours after knocking duo to death; told to write 300-word essay' *The New Indian Express* (20 May 2024) <https://www.newindianexpress.com/nation/2024/May/20/pune-porsche-accident-minor-gets-bail-15-hours-after-knocking-duo-to-death-told-to-write-300-word-essay> accessed 31 July 2025

[17] *State of Rajasthan v Salman Salim Khan* (2015) 15 SCC 666

proceedings took place, critical witnesses, including the complainant, began to retract their statements, and vital case files were allegedly tampered with. This led to the trial court's eventual acquittal of the accused, which was later reversed on appeal. Despite the heinous nature of the crime, Manu Sharma was released on bail for a sum disproportionately low in comparison to the charges.

These instances showcase a grim pattern; in cases involving powerful individuals, the probability of witnesses turning hostile increases manifold. The strategic usage of financial leverage to buy witnesses' silence makes a mockery of the due process established by the Constitution. It not only undermines the credibility of the prosecution but also the public's faith in our criminal justice system. The rich and politically connected view the criminal system as pliable and hence routinely avoid legal consequences for their actions by bribery, intimidation or systemic manipulation.

WITNESS PROTECTION SCHEME, 2018

The Witness Protection Scheme, 2018, marks the first comprehensive national-level initiative for safeguarding witnesses and attempting to mitigate secondary victimisation.[18] The key provision of the scheme is the classification of witnesses based on the severity of threat perception, preparation of a Threat Analysis Report by the head of the police, and some protective measures such as ensuring that the witness and accused do not come too close during the probe, identity protection or change of identity, relocation of witness, confidentiality and preservation of records, and mechanisms for reimbursements of associated costs.[19]

Witnesses under the scheme are categorised under three levels based on the severity of the perceived threat:

Category 'A': Where the threat extends to the life of the witness or his family members, during investigation/trial or thereafter.

[18] *Witness Protection Scheme 2018*
[19] *Ibid*

Category 'B': Where the threat extends to the safety, reputation property of the witness or his family members, during the investigation/trial or thereafter.

Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's reputation or property, during the investigation/trial or thereafter.

Despite this significant step in the Indian Criminal System, this scheme remains limited and is not without its shortcomings. One of the major limitations is its time-bound approach to protection. This scheme only provides for protection 'not exceeding three months at a time'. This renders the main purpose of the scheme redundant, simply because the threat from the accused cannot necessarily dissipate once protection is stopped. Putting a cap on the duration of this scheme is like offering conditional security, subject to payment. Instead, the protection must last for as long as the threat persists.

The scheme also establishes a 'State Witness Protection Fund,' managed by 'the Department/Ministry of Home under the State/UT Government.'[20] The fund is to be sustained by Budgetary allocation made in the Annual Budget by the State Government; Receipt of amounts of costs imposed/ ordered to be deposited by the courts/tribunals in the Witness Protection Fund; Donations/contributions from Philanthropists/Charitable Institutions/Organisations, and individuals permitted by the Government. Funds contributed under Corporate Social Responsibility.[21]

DRAWBACKS OF THE SCHEME

The *Unnao rape case* (2017) showcases all the loopholes as well as shortcomings of the Indian Justice system; in the Unnao rape case, a minor was brutally assaulted by MLA Kuldeep Singh Sengar.[22] The survivor's father was later brutally beaten up by unknown men and then taken into custody instead of the assaulters for allegedly possessing an illegal firearm, while a key witness to her father's assault, Mohammad Younus, died of mysterious causes.[23] In

[20] *Ibid*
[21] *State of Rajasthan v Salman Salim Khan* (2015) 15 SCC 666
[22] *Kuldeep Singh Sengar v Central Bureau of Investigation* (2024) SCC OnLine Del 8993
[23] 'All that has happened in Unnao rape case, a timeline' *Hindustan Times* (10 April 2018) <https://www.hindustantimes.com/india-news/all-that-has-happened-in-unnao-rape-case-a-timeline/story-mawXOV70RXnt74VNdiJ02I.html> accessed 31 July 2025

2019, the survivor herself was critically injured in a staged car accident, when a truck with a greased-out license plate rammed into the side of the car the survivor, her lawyer and her two aunts were travelling in, killing both the aunts.[24] Such cases occur even after the adoption of the Witness Protection Scheme, 2018, in *Mahender Chawla v Union of India*,[25] and a few glaring loopholes are visible.

Firstly, the scheme was enforced by a judgment of the Supreme Court through *Article 141*, rather than a statutory act. It acts more as an executive guideline than an enforceable legal right, as its implementation is still dependent on the state governments, which often delay implementation or selectively apply the provisions. The result is a law that is unevenly applicable across states. This undermines the key principle behind this scheme of ensuring witness protection across the country. The scheme operates on the assumption that the state is both benevolent and competent in providing ample protection. However, this assumption falls apart when state credibility is compromised; when the state itself is complicit in violence and has failed to uphold justice, for instance, during communal riots, conflicts in insurgency areas or a more common example of caste-based atrocities inflicted by the police. Hence, witnesses often fear the police and judicial authorities more than the accused. For such a possibility, the scheme provides no alternatives such as independent protection units, civil society partnerships or community vetted safehouses. This gives witnesses less incentive to come forward in the first place and provides a motive for them to turn hostile.

Secondly, as established earlier, witnesses play a vital role in establishing justice. Although the term 'witness' is not a new concept and has been defined through judgments and ancient Indian texts, the modern Indian laws have yet to define the term 'witness.' In a similar fashion, the definition of the term remains missing from the Witness Protection Scheme, 2018, as well.[26]

Thirdly, the scheme prioritises surveillance-heavy provisions, with short-term visibility controls over long-term protection. Several measures enlisted, such as CCTV installations,

[24] 'Unnao rape survivor, critically injured in July car accident, out of AIIMS' *Hindustan Times* (04 July 2020) <https://www.hindustantimes.com/india-news/unnao-rape-survivor-who-was-critically-injured-in-a-car-accident-in-july-is-discharged-from-aiims-in-delhi/story-9M2p3LVcparIM2fm13wtYO.html> accessed 31 July 2025

[25] *Mahender Chawla and Ors v Union of India and Ors* (2019) 14 SCC 615

[26] *State of Rajasthan v Salman Salim Khan* (2015) 15 SCC 666

phone monitoring, police surveillance, and identity anonymity mechanisms, feel more like a framework designed for observation rather than genuine protection. While the scheme does include certain measures like temporary relocation of the witness and financial aid, they aren't given priority in implementation and are treated as secondary options and lack operational standards, making true protection inconsistent. Moreover, the scheme relies on the threats being reported or already visible before the protection is activated[27], thereby making the protection function as an incident-based response mechanism rather than a system of actual proactive risk prevention. There exists no process to flag at-risk witnesses from the get-go in cases involving organised crime, caste- based violence, sexual offences, high-profile celebrity or politically sensitive trials, even when systematic retaliation by the accused is very foreseeable. This approach makes the entire notion of witness protection a form of crisis management, rather than crisis mitigation and prevention.

Another perspective on this is to be considered when mentioning the lack of implementation of this scheme; the scheme emphasises concealing the identity of witnesses and conducting a detailed threat analysis report, to be prepared by the police. However, with the way the police and prosecution work currently, the idea of the application of these measures is not practical. With the police often being overworked and understaffed, the possibility of them executing a 'witness protection order' is minimal, and the lower courts, where witnesses are to appear, lack the necessary infrastructure to implement the scheme and can't do much to prevent the interaction between the witness and the accused.[28]

In the same sense, assigning the police the responsibility becomes counterintuitive in certain situations, like in high-profile cases or politically sensitive cases, where the accused often is deeply connected with the local police or wields a lot of influence over the law enforcement of the area. A prime example is the Best Bakery case, where a violent mob attacked the Best Bakery, operated by the Sheikh family, leading to the death of 14 people, who were mostly Muslims, as well as 3 Hindu employees.[29] During the legal proceedings of this case, Zahira Sheikh, a key eyewitness, initially filed a complaint against the 21 accused but later turned hostile in court, citing threats to her life by the police and local law enforcement. Her

[27] *Ibid*
[28] 'Police Training and Reforms: Standing Committee Report Summary' (*PRS Legislative Research*) <https://www.prsindia.org/policy/report-summaries/police-training-and-reforms> accessed 31 July 2025
[29] *Zahira Habibullah Sheikh & Anr v State of Gujarat & Ors* (2006) 3 SCC 374

retraction, with similar withdrawals by her family members, led to the acquittal of all the accused in the Vadodara Sessions Court due to lack of evidence and reliable testimony. Hence, to vest the authority to protect the witness's right within the hands of the corrupt police, who are aligned with the accused, is to practically hand the responsibility of protection of the witness into the hands of the accused; it is opposed to the very logic of witness protection.

Fourthly, the measure for identity change and temporary relocation of witnesses remains the most impractical measure of the scheme. This is a borrowed concept, which lacks a proper foundation in the Indian context. Most of the witnesses who appear before the courts are wage-earners, farmers, and people belonging to the scheduled castes or scheduled tribes, who often have limited education to begin with. For such individuals, these processes become difficult to go through as they involve the understanding of complex legal processes and jargon, and travelling to several government offices, etc. Additionally, they would have to adapt to unfamiliar environments, identifying safe houses, ensuring their families adjust to the new area, and finding a new source of welfare and livelihood, all of which is difficult and a lengthy process.

Also, much of the harassment endured by witnesses arises from repeated case adjournment of cases, leading to monetary loss and various other difficulties due to their constant appearances in the courts. Moreover, witnesses often share some relationship with the victim or the accused, thus, giving statements in favour or against a particular party is extremely stressful for them, especially due to social or caste- based pressures.

SECTION 15A - SC/ST ACT 1989

The SC/ST Act 1989 was enacted to address the systematic discrimination that took place against the Scheduled Castes and Scheduled Tribes of India. Section 15A of the act is dedicated to the rights of victims and witnesses. Some rights of the Witnesses mentioned include

(a) the complete protection to secure the ends of justice;

b) the travelling and maintenance expenses during investigation, inquiry and trial;

(c) the social-economic rehabilitation during investigation, inquiry and trial; and

(d) relocation.[30]

However, this act also consists of a few loopholes; firstly, the language of section 15A includes vague discretionary terms like 'reasonable', 'adequate' and 'timely', without actually defining what those terms mean. This leaves the victims' rights open to interpretation by the authorities and law enforcement, resulting in minimal and inconsistent implementation. This often leads to the authorities only meeting the bare minimum requirements, while ignoring the standards of justice.

Secondly, section 15A(6)(c) mentions 'socio-economic rehabilitation', yet the provision offers no actual blueprint or framework for actually providing psycho-social support, counselling services or trauma-informed care.[31] Moreover, the economic support mentioned in the act is rarely ever extended to the victims and their dependents, and even more rarely to witnesses. In many states, the first tranche, which is due at the FIR stage, is often delayed till the chargesheet or even the trial stage and the district level officials, who are empowered to release the funds under Sections 11 and 12, do not find it urgent and generally aren't willing to process relief unless pressured.[32] In this context, a citizen's audit by the Citizens' Vigilance and Monitoring Committee found that the monetised value of this delayed relief, for both victims and other 'survivors' (which includes witnesses, informants, and their dependants/family members), is estimated to be a minimum of ₹738 crores and could exceed ₹3,000 crores.[33] This is calculated based on 25% of the minimum (₹85,000) to maximum (₹500,000) relief due per case. This amount is pending because courts often do not comply with the guideline to complete trials within two months of filing the charge sheet, leading to delays that affect the ability of witnesses to continue participating.

PROVISIONS IN IPC 1860

Section 193 penalises the act of giving false evidence in any of a judicial proceeding, or fabricating false evidence for the purpose of being used in any stage of a judicial proceeding,

[30] Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 15A
[31] Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 15A(6)(c)
[32] Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, ss 11 and 12
[33] *Citizens' audit of the union report under Section 21(4) - The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989* (Citizens Vigilance and Monitoring Committees, 2023)

which has traditionally been known as perjury. This offence is punishable with imprisonment up to 7 years and a fine.[34] The essence of perjury lies in an intentionally false statement made under oath, and even an inconsistent or contradictory statement made regarding the same facts can constitute perjury. In the context of witness protection, an amendment in 2006 specifically penalizes threatening another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both; and if innocent person is convicted and sentenced in consequence of such false evidence, with death or imprisonment for more than seven years, the person who threatens shall be punished with the same punishment and sentenced in the same manner and to the same extent as such innocent person is punished and sentenced.[35]

Despite the clear provision in the IPC and CrPC, the Indian courts seldom invoke perjury actions; section 340 of the CrPC, which provides the procedure for starting perjury proceedings, requires a preliminary inquiry and when the Court believes that it is expedient in the interest of justice to prosecute.[36] Courts interpret this in a narrow sense, often not acting unless false evidence directly and deeply impacts the administration of justice, rather than just a mere deviation in the case outcome; in most trials, blatant false statements are unpunished if the court deems them to be 'unimportant' or if prosecuting them would delay the main trial.

Arguably, the most integral portion of the section, the amendment, section 195A, is rarely invoked. Moreover, the enhanced punishment as stated in Section 194 requires a high degree of proof, which is either never established or never used. Even after the Malimath Committee's comment in 2003, pointing out that these provisions are 'seldom resorted to,' no actual action has been taken.

[34] Indian Penal Code 1860, s 193
[35] Indian Penal Code 1860, s 195A
[36] Code of Criminal Procedure 1973, s 340

RECOMMENDATIONS AND CONCLUSION

In light of the current gaps in the Indian Witness Protection system, it is imperative that the definition of the term 'witness' be included in the Indian Constitution. Along with this, witness protection ought to be placed in the concurrent list, as mentioned in the 7th schedule, allowing both the centre and state to make laws on this subject. The definition of a 'witness' ought also to include the close relations of the person giving the testimony; such close relations may include the immediate family of the witness, to take them under the ambit of 'witness protection', since their safety would also ensure the witness and encourage them to testify. Further, there also remains a need for a common statutory framework that integrates all the provisions of the Witness Protection Act, IPC, CrPC, and other related acts, such as the SC/ST Act, the Whistleblowers Protection Act, etc. In order to help solve the issue of delays in relief disbursement to witnesses and victims, a simple time-bound mechanism can be implemented; this should also include a sum of the relief to be paid in advance, especially in the cases of economically vulnerable witnesses.

Lastly, there is a dire need for the creation of an independent and specialised protection unit should be created for the witness protection scheme. This unit should be tasked with ensuring physical security, managing relocation and overseeing identity changes for witnesses; and in order to maintain the confidentiality and integrity of the witnesses, strict standards must be put in place for the selection and oversight of the personnel of this force.

In conclusion, the witness protection in India remains more of a theory than a practical reality. While efforts like the Witness Protection Scheme, 2018, are a step in the right direction, they remain rarely implemented, if implemented at all. To silence the witnesses is to violate the due procedure and the doctrine of a fair trial. If changes and reforms do not take place, the witness protection program in India will continue to remain a flimsy scaffold, barely propped up by the myth of law and unable to deliver the justice it promises to deliver. In the words of Judge Patricia Wald, "Without witnesses, the law is just ink on paper. With them, it speaks truth to power."[37]

[37] Patricia M Wald, 'Dealing with Witnesses in War Crimes Trials: Lessons from the Yugoslav Tribunal' (2002) 5 Yale Human Rights and Development Law Journal <https://openyls.law.yale.edu/server/api/core/bitstreams/fe7bd647-4c3b-49f2-83f0-543b1e76b193/content> accessed 25 October 2025