

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4216
ANSWERED ON:20.12.2011
WITNESS PROTECTION PROGRAMME
Viswanathan Shri P.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the various High Courts and Supreme Court have directed the Government to bring a comprehensive legislation under Witness Protection Programme;
- (b) if so, the details thereof and the reaction of the Government in this regard;
- (c) whether the guidelines given by the Supreme Court regarding Witness Protection Programme is being implemented by the Government as directed by various trial courts;
- (d) if so, the details thereof;
- (e) whether the Ministry has estimated the tentative cost under Witness Protection Programme; and
- (f) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) to (d): The Supreme Court of India has referred to the questions of 'Witness Identity Protection' And 'Witness Protection Programmes' in a number of judgments: NHRC v. State of Gujarat: 2003 (9) SCALE 329, PUCL v. Union of India: 2003(10) SCALE 967, Zahira v. State of Gujarat: 2004(4) SCC 158, Sakshi v. Union of India: 2004 (6) SCALE 15 and Zahira v. Gujarat 2006 (3) SCALE 104. In the case of Sakshi v/s Union of India, the Hon'ble Supreme Court emphasized the need for legislation on witness protection. In view of these observations, the Law Commission of India examined the matter suo motu and in its 198th Report on 'Witness Identity Protection and Witness Protection Programmes' recommended detailed framework for Witness Identity Protection and Witness Protection Programmes. Since, Criminal Law and Criminal Procedure are on the Concurrent List of the Seventh Schedule to the Constitution of India, this requires consultation with State Governments and Union Territory Administrations. Therefore, the recommendations of the Law Commission have been referred to the State Governments/UT Administration for their comments/views. No time frame can be fixed in this regard.

(e): No, Madam.

(f): Does not arise.