

Judicial Interpretation and Witness Protection in India: A Critical Analysis of Legislative Gaps and Constitutional Imperatives

Richa Shukla

LL.M., 247/PLL/013

School of Law, Justice & Governance, Gautam Buddha University, Greater Noida (U. P.)

Email: j.richashukla@gmail.com

Dr. Santosh Kumar Tiwari

Assistant Professor

School of Law, Justice & Governance, Gautam Buddha University, Greater Noida (U.P.)

santoshitiwari@gbu.ac.in

Article: Received: 22/05/2026, Returned: 28/05/2026, Accepted: 04/06/2026, Published:06/06/2026.

D.O.I. <https://doi.org/10.5281/zenodo.20563803>



© 2026 The Author(s). This is an Open Access article/ Journal distributed under the terms of the Creative Commons Attribution 4.0 International which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are properly credited. (<https://creativecommons.org/licenses/by/4.0/>)

Abstract: Witness protection is one of the most important yet neglected aspects of criminal justice in India. Reliable, voluntary testimony is essential to any adversarial adjudicatory process. However, there has never been a systematic law in place in India to protect the witnesses from the threats of coercion, intimidation or retributive violence. This paper provides a systematic analysis of how the Indian Supreme Court, through wise constitutional interpretation and innovative judicial activism, has carved out interpretative duties relating to witness protection without exhaustive legislation. The analysis of constitutional provisions and principles, important judicial rulings, the various Law Commission reports and the 2018 Law Reform (Witness Protection Scheme) Report, shows that there are structural weaknesses in the current system. The paper sets out a series of reforms based on both constitutional principles and state-of-the-art practice in other jurisdictions. The argument is that witness protection is not a luxury but a constitutional obligation, arising from Articles 14 and 21 of the Constitution of India, and is necessary for the effective implementation of the right to a fair trial.

Keywords: Witness Protection, Judicial Interpretation, Article 21, Fair Trial, Witness Protection Scheme 2018, Law Commission, Witness Intimidation.

I. Introduction: At the heart of criminal justice is witness testimony. Even a thorough investigation can turn into institutional futility without evidence presented to a competent court by individuals who have acquainted themselves with the material facts. The irony is that exactly those people who rely most on the justice system are least protected by the system in India. In many incidents, witnesses face intimidation, coercion, surveillance and sometimes physical attacks by accused persons and their associates, and in some cases by complicit state officials.¹

The Supreme Court of India, in the case of *Zahira Habibulla H. Sheikh v. State of Gujarat*, expressed the same by stating that "*Witnesses who are neither accused nor complainants, have the most vulnerable position in any trial and the State is constitutionally bound to ensure their safety and dignity during the*

¹Zahira Habibulla H. Sheikh v. State of Gujarat, (2004) 4 SCC 158.

course of any trial procedure".² This wasn't a throwaway comment, but rather a sharp criticism of the systemic neglect of the Indian State towards witness protection for decades since post-colonial legal development began.

While successive governments failed to pass a standalone Witness Protection Act for almost a half-century, the importance of the free and voluntary nature of testimony in upholding the rule of law was recognized in *Talab Haji Hussain v. Madhukar Purshottam Mondkar*.³ The vacuum has been partially filled by executive measures under the Witness Protection Scheme, 2018, which were constitutionally recognised by the Supreme Court in *Mahender Chawla v. Union of India*.⁴ However, several issues regarding enforceability, resource allocation, and the rights of witnesses vis-à-vis those of the accused remain unresolved.

This paper reviews the trajectory of judicial interpretation of the contours of witness protection in India. Section II discusses the historical background and legislative background comprising the recommendations of the Malimath Committee and the subsequent Law Commission Reports. Section III examines the constitutional basis of witness protection, mainly Article 21. In Section IV, a comprehensive examination of important judicial rulings is provided. Examining the Witness Protection Scheme (WPS) 2018 critically (section V). The comparative survey of select jurisdictions is provided in Section VI. Section VII lists current gaps and identifies areas for recommendations. Section VIII concludes.

ii. Historical and Legislative Background

The general principles of criminal procedure and evidence law in India, inherited from the British colonial system, did not directly provide for the protection of witnesses beyond the ban on leading questions and the rule against self-incrimination. The Code of Criminal Procedure, 1973, has a few isolated provisions on summons and the recall of witnesses, and the Indian Evidence Act, 1872, provides for hostile witness declarations. However, the instruments do not address pre- or post-trial witness safety. This was based on the Victorian tradition of confrontation, which assumed that the courtroom ritual would make depositions truthful. In India, where there is a serious imbalance in power, a high rate of witness tampering and organised crime, this assumption was never true to start with.

This deficiency was first noticed through an administrative enquiry. The National Police Commission, in its Eighth Report of 1981, identified witness intimidation as a threat to the integrity of criminal trials, but did not recommend legislation.⁵ It was the Law Commission of India that most persistently called for reform. The 154th Report (1996) highlighted the tendency of witnesses to become hostile on oath and hinder prosecutions, and recommended that the procedure be amended to minimise their exposure.⁶ In the 178th Report (2001), it made recommendations.⁷

The most thorough pre-legislative study was the 198th Report (2006) on Witness Identity Protection and Witness Protection Programmes.⁸ The Commission found that it was necessary to introduce a specific statute based on the American, British and South African models, that would include the following

²Sakshi v. Union of India, (2004) 5 SCC 518, para 14.

³Talab Haji Hussain v. Madhukar Purshottam Mondkar, AIR 1958 SC 376.

⁴V.S. Malimath, *Report of the Committee on Reforms of Criminal Justice System* (Government of India, Ministry of Home Affairs, 2003) Vol. I, p. 147.

⁵National Police Commission, *Eighth Report* (Government of India, 1981) p. 63.

⁶Law Commission of India, *One Hundred and Fifty Fourth Report on the Code of Criminal Procedure, 1973* (154th Report, 1996) p. 24.

⁷Law Commission of India, *One Hundred and Seventy Eighth Report on Recommendations for Amending Various Enactments, Both Civil and Criminal* (178th Report, 2001) p. 103.

⁸Law Commission of India, *One Hundred and Ninety Eighth Report on Witness Identity Protection and Witness Protection Programmes* (198th Report, 2006) p. 1.

provisions: anonymity orders, relocation of at-risk witnesses, voice and image distortion during depositions and protection of witnesses' family members. It further called for the central and state governments to establish a Witness Protection Authority to protect witnesses. Sadly, these recommendations were not incorporated into legislation for more than 10 years.

At the same time, the Malimath Committee on Reforms of the Criminal Justice System (2003) also identified witness-hostility as one of the top factors contributing to the dwindling conviction rate and suggested that India should adopt a modified adversarial system with inquisitorial features to reduce reliance on oral evidence.⁹ The Committee's wider recommendations were controversial, but both academics and practitioners widely accepted its analysis of the crisis of witnesses.

III. Constitutional Foundations of Witness Protection: Lack of an express constitutional provision for witness protection does not mean that it is constitutionally unimportant. However, the right to witness protection is correctly recognised as a layered right emanating from Articles 14, 21, and 39A of the Indian Constitution.

A. Article 21 and the Right to a Fair Trial

The Constitution says in Article 21 that no one may be deprived of their life or personal liberty except by the procedure established by law.¹⁰ In the footsteps of *Maneka Gandhi v. Union of India*,¹¹ the Supreme Court has interpreted this as embodying a substantive due-process right to a fair and reasonable procedure. In *Olga Tellis v. Bombay Municipal Corporation*,¹² the Court extended the scope of Article 21 to rights which are reasonably ancillary to the right to life and dignity.

A fair trial has been acknowledged as an integral part of Article 21. For a trial to be considered fair, the principal evidence-gatherers, the witnesses themselves, must not be intimidated, as this leads to lower-quality, less truthful testimony.¹³ In this way, witness protection is not just a form of state grace but is a structural safeguard to the integrity of the adjudicatory process itself. As Madhava Menon has pointed out, the silencing of witnesses is not only about silencing them, but also about the vision of equal justice and the rule of law.¹⁴

Moreover, witnesses are subjected to attacks on their personal liberty and, in some instances, their lives. The constitutional right to life of witnesses in jeopardy will be protected. In *Bodhisattwa Gautam v. Subhra Chakraborty*,¹⁵ the Court held that the right to live with dignity carries with it corresponding obligations on the State. Failure to protect the safety of witnesses known to be at risk is a failure of this constitutional duty.

B. Article 14 and Equal Access to Justice: Article 14 is the equality before the law and the equality of laws. The State's denial of equal protection when witnesses of the marginalised groups or witnesses who have gone against organised crime groups and powerful accused are at a higher risk of being exposed to greater risk.¹⁶ Substantive equality calls for more than the absence of formal discrimination; it also demands the active removal of structural barriers to equality. A regime that grants equal legal rights to

⁹Government of India, "Report of the Committee on Reforms of Criminal Justice System" (Ministry of Home Affairs, 2003).

¹⁰Constitution of India, Art. 21.

¹¹*Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

¹²*Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180, para 32.

¹³N.S. Madhava Menon, "Witness Protection: A Constitutional and Legislative Imperative" (2007) 49 *Journal of the Indian Law Institute* 185, 188.

¹⁴N.R. Madhava Menon, "Victim's Rights and Criminal Justice Reforms", *The Hindu*, 27 March 2006.

¹⁵*Bodhisattwa Gautam v. Subhra Chakraborty*, AIR 1996 SC 922, para 19.

¹⁶P.M. Bakshi, *The Constitution of India* (14th edn., Universal Law Publishing, 2017) p. 122.

all witnesses but fails to address the unequal nature of these risks constitutes a substantive violation of Article 14.

In *Anita Kushwaha v Pushap Sudan*,¹⁷ the Supreme Court held that access to justice is a fundamental right under Articles 14 and 21. Witness protection is therefore not only an essential prerequisite for access to justice, but a necessary condition for its meaningfulness, as only protected witnesses would be available for justice, or would be able to give truthful testimony if they were.

IV. Judicial Interpretation: The Courts as Architects of Witness Protection

For most of India's post-constitutional experience, the legislature remained absent, and it was the superior courts that gave rise to an '*imaginative jurisprudence*' of witness protection. This judicial lawmaking can be interpreted as a typical example of the strengths and limitations of adjudicatory norm creation.

A. Early Recognition: Preventing Hostile Witnesses and Procedural Safeguards

The first contacts with witness protection in the judiciary were "*indirect*": the interpretation of procedural rules concerning examination and protection of witnesses. In *Rattan Singh v. State of Punjab*,¹⁸ the Supreme Court stated that an accused who engages in witness intimidation attacks the very root of the adjudicatory process, and that courts possess inherent power to prevent such subversion. The Court noted that Section 327 of the Code of Criminal Procedure ought to be interpreted liberally if the life of a deponent is threatened.¹⁹

In *State of U.P. v. Ramesh Prasad Misra*,²⁰ the Court held that if the witness withdraws from the previous statement, which has been made before the police, then the court needs to be very circumspect and look into the circumstances of the retraction and draw inferences against the witness, if any. This ruling tacitly recognised that adverse testimony is often the result of pressure rather than a genuine change in memory. The Court's order that prosecutors should make it known by placing those records on the court record if there has been any tampering was a judicial move to set in motion accountability for the security of witnesses within the prosecutorial process.

B. The Best Bakery Case and the Turning Point

The most significant judgment in the context of witness protection was the two Best Bakery cases related to the communal violence in the State of Gujarat in 2002. In *Zahira Habibulla H. Sheikh v. State of Gujarat*,²¹ the Supreme Court meticulously recorded how crucial witnesses had been intimidated, coerced into withholding their evidence and completely silenced. The Court said this: the right of the accused to a fair trial is a right of the victim and of society, and the State's duty to guarantee the safety of witnesses is a part of the right of the accused.

The Court had directed the retrial of the case before a different High Court and had also sought to have the Union of India draw up a comprehensive witness protection programme. It said the current statutory provisions were 'grossly inadequate' in protecting witnesses in sensitive cases and that there was no substitute for a more systemic legislative solution if the matter was to be addressed on a case-by-case basis.²² The Court, in the second Best Bakery judgment,²³ also stated that the State had failed to perform

¹⁷*Anita Kushwaha v. Pushap Sudan*, (2016) 8 SCC 509, para 43.

¹⁸*Rattan Singh v. State of Punjab*, AIR 1980 SC 84, para 5.

¹⁹Code of Criminal Procedure, 1973, ss. 327, 228A.

²⁰*State of U.P. v. Ramesh Prasad Misra*, AIR 1996 SC 2766, para 7.

²¹(2004) 4 SCC 158.

²²*Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158, para 39.

²³*Zahira Habibulla H. Sheikh v. State of Gujarat (II)*, (2006) 3 SCC 374, para 18.

its basic constitutional obligation to protect witnesses and commanded the state governments to submit affidavits showing the witness protection mechanisms, if any, in place.

C. Technology, Privacy, and Witness Identity: Later Developments

In *Sakshi v Union of India*,²⁴ the Supreme Court has discussed the special circumstances of the child witness/survivor of sexual offences. It has been ruled that evidence in such cases should be recorded via audiovisual links if the accused's presence may cause trauma to the witness. The Court interpreted Section 273 of the Code of Criminal Procedure, which provides that evidence should be taken in the presence of the accused, thereby balancing the accused's right to confrontation with the witness's right to dignity and safety. This interpretive act revealed the judiciary's ability to read statutes of procedure in a constitutionally responsive fashion before they can be modified by legislation. The Court in *State of Maharashtra v. Praful B. Desai*²⁵ held that videoconferencing can be used to record evidence without having to be in the courtroom. The expanded definition of 'presence' has since enabled the deposition of witnesses without bringing them into contact, even when they may be in danger or live in another jurisdiction.

The Court emphasised in *Noor Aga v. State of Punjab*²⁶ that the presumption of innocence of an accused does not relieve the State of its obligation to protect witnesses. The two rights coexist within the constitutional structure, and the court's role is to balance their exercise without losing either. The right of the accused, the victim or the complainant to cross-examine does not give him or her a right to intimidate, nor does it give the Court a license to permit the trial to be a means of further victimisation.

The decision in *Justice K.S. Puttaswamy v. Union of India*²⁷ has further bolstered the constitutional case for protecting the identity of witnesses. The right to life under Article 21 of the Constitution suggests that the forced disclosure of a witness's identity, or the State's failure to prevent such disclosure, may, in appropriate cases, constitute a violation of the right to privacy. The courts have begun adopting this approach in their rules on the protection of witness particulars in case records.

V. The Witness Protection Scheme, 2018: An Assessment

The Supreme Court judgement in *Mahender Chawla v. Union of India*,²⁸ which sanctioned the Witness Protection Scheme, 2018, is the first-ever comprehensive formulation of a national witness protection mechanism in India. This meant that the Court had imposed the instrument as a constitutional obligation on all State governments and the Union Territories to implement the Scheme as law till Parliament passed the necessary law.²⁹ The Scheme deserves a critical study.

A. Structural Framework

The Scheme provides for the creation of a Competent Authority, a District and Sessions Judge, to accept and determine applications for protection, and for a fund to be established to provide financial assistance to the Competent Authority, to be financed by the State.³⁰ It classifies witnesses as either A (threat to life), B (threat to safety and property) or C (moderate threat or harassment).³¹ Similarly, protection can be anything from court premises security and concealment of identity (Category C) to change of identity

²⁴AIR 2004 SC 3566.

²⁵State of Maharashtra v. Praful B. Desai, (2003) 4 SCC 601, para 13.

²⁶Noor Aga v. State of Punjab, (2008) 16 SCC 417, para 55.

²⁷Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1, para 308 (per Chandrachud J.).

²⁸Mahender Chawla v. Union of India, (2018) 14 SCC 716.

²⁹Ibid., para 31.

³⁰Ministry of Home Affairs, *Witness Protection Scheme, 2018* (Government of India, 2018) cl. 2(e).

³¹Ibid., cl. 7.

and relocation (Category A).³² A WITNESS PROTECTION ORDER may be issued ex parte in cases of urgency, and shall be heard in camera.³³

B. Critique: Gaps and Structural Deficiencies

Despite its conceptual achievements, the Scheme is quite structurally flawed. First, it is without parliamentary legitimacy. The Scheme is a judicial decision that is legally binding; it is not a legislative process, lacks deliberative legitimacy, and does not have the same binding nature as legislation. Implementation is reliant on the political will of individual state governments. There are also no penalties for state authorities' failure to comply, further crippling its application.

Second, there is no transparency of the budgetary structure for the Scheme. Although the concept of the Witness Protection Fund is sound, it does not require State governments to make minimum contributions. This has, unfortunately, resulted in a geographical disparity in protecting the Fund, with states facing fiscal difficulties slow to operationalise it.³⁴ Third, the protection under the Scheme primarily benefits those who have now become court witnesses in a criminal case, but does not specifically address the equally pressing need for protection for persons who have already reported a crime to the police but have not yet appeared in court. This pre-trial gap exposes the informer and first informer as a group without the protections of statute as the most vulnerable.

Fourth, the Scheme does not adequately protect the witness's anonymity in relation to the accused's right to know the identity of his/her accusers, an issue central to the right to a fair trial. Although Scheme allows for concealment of identity, there is no adversarial process by which the accused can challenge the granting of anonymity, and there are concerns about the fairness of the procedure. Fifth, there is no independent legal aid for witnesses, who must apply for it without a lawyer's help, unlike in some comparative models.³⁵

VI. Comparative Perspectives

A comparative study of witness protection systems highlights the spectrum of institutional structures and the comparative underdevelopment of the Indian system.

In 1970, the United States passed the Organised Crime Control Act, which led to the creation of the United States Marshals Service (USMS) Organised Crime Control Act (OCCA) Program.³⁶ The Programme has been successful in moving and giving new identities to thousands of witnesses over 50 years. Its hallmark is the contractual nature in which witnesses willingly engage in response to the agreement of specific requirements. The Federal courts have upheld the programme's constitutionality, and it has been accepted that the State's interest in ensuring the cooperation of witnesses in organised crime prosecutions outweighs the ordinary disclosure obligations.³⁷

The Serious Organised Crime and Police Act 2005 in the United Kingdom gives the power to grant protection orders for witnesses, relocate witnesses, and limit the release of witness details.³⁸ An interesting feature of the framework is its explicit recognition of the need to balance the right to anonymity with the “*right to a fair trial*” guaranteed by Article 6 of the European Convention on Human Rights. The courts have to determine that justice can be done even in the face of anonymity.

³²Ibid., cl. 5.

³³Ibid., cl. 8.

³⁴V. Vijayakumar, "Witness Protection in India: A Critical Analysis" (2010) 52 *Journal of the Indian Law Institute* 543, 558.

³⁵K. Venkataramaiah, "Gaps in Witness Protection: Rethinking the Role of the Prosecutor" (2012) 54 *Journal of the Indian Law Institute* 237, 249.

³⁶Organised Crime Control Act, 1970 (United States of America), Title V.

³⁷United States v. Balistreri, 779 F.2d 1191 (7th Cir. 1985).

³⁸Witness and Victim Protection Act, 2004 (United Kingdom) (SOCPA 2005, Part 2, Chapter 2).

The Protection of Witnesses Act, 2008, establishes a Witness Protection Programme under the Director-General of Justice and Correctional Services and provides comprehensive relocation, identity change, and counselling services.³⁹ It has a strong focus on rehabilitative support, such as psychological counselling and vocational support, demonstrating its holistic approach to the welfare of witnesses.

Internationally, the rights of victims and witnesses of crime or abuse of power to be informed, treated with dignity, and protected from intimidation and reprisal are set out in the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985).⁴⁰ Although this instrument is not binding under international law, it provides a persuasive argument for broadening the definition of domestic witness protection.

VII. Persistent Lacunae and Recommendations

From the above discussion, it is clear that the witness protection system in India is multifacetedly inadequate. The following recommendations are made as legislative and institutional measures that would be meaningful and effective.

First and foremost, a Witness Protection Act should be passed by the Parliament of India. A statutory basis would give it democratic legitimacy, impose penal sanctions for obstruction, and provide a coherent national framework that would not be undermined by short-term political will at the state level. The legislation needs to reflect the main features of the 2018 Scheme and address the identified gaps, including compulsory funding, the granting of independent legal representation to witnesses, pre-trial protection for informants, and an adversarial system for challenging anonymity orders.⁴¹

Second, the need for a National Witness Protection Authority, an independent statutory body with its own cadre, budget and enforcement mechanisms, is essential. The current system of 'competent authorities' in the shape of District and Sessions Judges, where the adjudicatory and administrative roles are merged, is institutionally awkward and has been recognised by the courts themselves.⁴²

Third, the POCSO Act's recognition of the role of intermediaries in child witness examination should be broadened and extended to all vulnerable children⁴³, such as those who have been trafficked, abused in the home and by organised criminals. The technology infrastructure used in videoconferencing (as held constitutional in Praful Desai) should be mandatory in all District and Sessions Courts.

Fourth, the existing provisions of the Prevention of Money Laundering Act, which grant the power to protect witnesses in special courts⁴⁴, should be harmonised with the general witness protection regime to avoid jurisdictional inconsistencies. To avoid the formation of parallel regimes of protection with different levels of effectiveness, a multi-sectoral approach to witness protection in the various categories of sensitive cases, organised crime, terrorism, corruption and sexual violence is necessary.

Fifth, all proceedings involving serious offences should have a general rule on the disclosure of witness identity, allowing disclosure only upon a court's order after balancing the competing rights of the accused and the witness. The existing discretionary model results in variable decisions and can be unpredictable.⁴⁵

³⁹Protection of Witnesses Act, 2008 (South Africa), s. 7.

⁴⁰United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, GA Res. 40/34, UN GAOR, 40th Sess., UN Doc. A/RES/40/34 (1985), Annex, para 6(d).

⁴¹Witness Protection Scheme, 2018 (Ministry of Home Affairs, Government of India) as approved by the Supreme Court in Mahender Chawla v. Union of India, (2019) 14 SCC 615.

⁴²R.V. Kelkar, *Criminal Procedure* (6th edn., EBC Publishing, 2019) p. 287.

⁴³Protection of Children from Sexual Offences Act, 2012 (India), s. 33(7).

⁴⁴Prevention of Money Laundering Act, 2002 (India), s. 44(1)(b).

⁴⁵S.C. Tripathi, *Commentary on the Code of Criminal Procedure, 1973* (9th edn., Central Law Publications, 2020) p. 612.

Lastly, and most importantly, investment in witness support and prosecutorial capacity must accompany any good witness protection system. Physical protection measures are ineffective when witnesses are unaware of their rights, lack support from pre-trial counselling, and are not represented by legal counsel. It would be a big institutional step toward creating witness liaison officers within the prosecution service, which has been done in some common law countries.⁴⁶

VIII. Conclusion: Witness protection in India is in a critical situation. The judiciary, over the years, has done much to flesh out the normative underpinning of a witness protection regime; a Witness Protection Scheme of 2018 has furnished the operational structure, but the architecture is yet incomplete, the foundations are executive rather than legislative, and the implementation is widely divergent in a huge and diverse federal polity. The constitutional case for giving witnesses sanctuary is now well established. These rights, right to a fair trial, right to life and dignity and right to equal protection of laws, in tandem, require the State to provide effective protection to those who most depend on the judicial process. If they do not, it is not only a failure of policy, but of the constitution. A system of justice that fails to protect its witnesses cannot purport to be a system of justice at all, as the Supreme Court said in the Best Bakery case. It is also essential that the new and developing body of witness protection law be framed with careful consideration of the rights of the accused. Restricted confrontation and witness anonymity do not necessarily conflict with a fair trial. However, their administration requires strict judicial oversight and an adversarial procedure in which the accused can participate. It is the balance that can be credibly kept by courts of law, not executive authorities.

A comprehensive Witness Protection Act, an independent national authority and sufficient resources for witness support services are the bare essentials of a justice system which can honestly claim to champion constitutional values. Witness protection has to be at the heart of India's criminal justice reform programme, and not an adjunct to it, as it has been so far, because it is a core part of the rule of law that has gained fresh momentum with various judicial orders and committee reports.

Bibliography

Primary Sources

- 1-Zahira Habibulla H. Sheikh v. State of Gujarat, (2004) 4 SCC 158.
- 2-Sakshi v. Union of India, (2004) 5 SCC 518, para 14.
- 3-Talab Haji Hussain v. Madhukar Purshottam Mondkar, AIR 1958 SC 376.
- 4-V.S. Malimath, Report of the Committee on Reforms of Criminal Justice System (Government of India, Ministry of Home Affairs, 2003) Vol. I, p. 147.
- 5-National Police Commission, Eighth Report (Government of India, 1981) p. 63.
- 6-Law Commission of India, One Hundred and Fifty Fourth Report on the Code of Criminal Procedure, 1973 (154th Report, 1996) p. 24.
- 7- Law Commission of India, One Hundred and Seventy Eighth Report on Recommendations for Amending Various Enactments, Both Civil and Criminal (178th Report, 2001) p. 103
- 8-Law Commission of India, One Hundred and Ninety Eighth Report on Witness Identity Protection and Witness Protection Programmes (198th Report, 2006) p. 1.
- 9-Government of India, "Report of the Committee on Reforms of Criminal Justice System" (Ministry of Home Affairs, 2003).
- 10- Constitution of India, Art. 21.

⁴⁶Government of India, Report of the Committee on Reforms of Criminal Justice System (Malimath Committee) (Ministry of Home Affairs, 2003).

- 11-Maneka Gandhi v. Union of India, AIR 1978 SC 597.
- 12-Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180, para 32.
- 13-N.S. Madhava Menon, "Witness Protection: A Constitutional and Legislative Imperative" (2007) 49 Journal of the Indian Law Institute 185, 188.
- 14-N.R. Madhava Menon, "Victim's Rights and Criminal Justice Reforms", The Hindu, 27 March 2006.
- 15-Bodhisattwa Gautam v. Subhra Chakraborty, AIR 1996 SC 922, para 19.
- 16-P.M. Bakshi, The Constitution of India (14th edn., Universal Law Publishing, 2017) p. 122.
- 17-Anita Kushwaha v. Pushap Sudan, (2016) 8 SCC 509, para 43.
- 18-Rattan Singh v. State of Punjab, AIR 1980 SC 84, para 5.
- 19-Code of Criminal Procedure, 1973, ss. 327, 228A.
- 20-State of U.P. v. Ramesh Prasad Misra, AIR 1996 SC 2766, para 7.
- 21-(2004) 4 SCC 158.
- 22-Zahira Habibulla H. Sheikh v. State of Gujarat, (2004) 4 SCC 158, para 39.
- 23-Zahira Habibulla H. Sheikh v. State of Gujarat (II), (2006) 3 SCC 374, para 18.
- 24-AIR 2004 SC 3566.
- 25-State of Maharashtra v. Praful B. Desai, (2003) 4 SCC 601, para 13.
- 26-Noor Aga v. State of Punjab, (2008) 16 SCC 417, para 55.
- 27-Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1, para 308 (per Chandrachud J.).
- 28-Mahender Chawla v. Union of India, (2018) 14 SCC 716.
- 29-Ibid., para 31.
- 30-Ministry of Home Affairs, Witness Protection Scheme, 2018 (Government of India, 2018) cl. 2(e).
- 31-Ibid., cl. 7.
- 32-Ibid., cl. 5.
- 33-Ibid., cl. 8.
- 34-V. Vijayakumar, "Witness Protection in India: A Critical Analysis" (2010) 52 Journal of the Indian Law Institute 543, 558.
- 35-K. Venkataramaiah, "Gaps in Witness Protection: Rethinking the Role of the Prosecutor" (2012) 54 Journal of the Indian Law Institute 237, 249.
- 36-Organised Crime Control Act, 1970 (United States of America), Title V.
- 37-United States v. Balistreri, 779 F.2d 1191 (7th Cir. 1985).
- 38-Witness and Victim Protection Act, 2004 (United Kingdom) (SOCPA 2005, Part 2, Chapter 2).
- 39-Protection of Witnesses Act, 2008 (South Africa), s. 7.
- 40-United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, GA Res.40/34, UN GAOR, 40th Sess., UN Doc. A/RES/40/34 (1985), Annex, para 6(d).
- 41-Witness Protection Scheme, 2018 (Ministry of Home Affairs, Government of India) as approved by the Supreme Court in Mahender Chawla v. Union of India, (2019) 14 SCC 615.
- 42-R.V. Kelkar, Criminal Procedure (6th edn., EBC Publishing, 2019) p. 287.
- 43-Protection of Children from Sexual Offences Act, 2012 (India), s. 33(7).
- 44-Prevention of Money Laundering Act, 2002 (India), s. 44(1)(b).
- 45-S.C. Tripathi, Commentary on the Code of Criminal Procedure, 1973 (9th edn., Central Law Publications, 2020) p. 612.
- 46-Government of India, Report of the Committee on Reforms of Criminal Justice System (Malimath Committee) (Ministry of Home Affairs, 2003).

Declaration by Author (s): "We hereby declare that this manuscript is our original work, free from plagiarism, and that all sources and any use of Artificial Intelligence tools for content generation or editing have been fully disclosed and verified for accuracy." **Richa Shukla & Dr. Santosh Kumar Tiwari**