
Effectiveness of the Witness Protection Scheme, 2018 in Punjab: Analyzing Implementation Gaps and Judicial Responses

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Abstract

This research critically examines the effectiveness of the Witness Protection Scheme, 2018, with a focused inquiry into its implementation and judicial oversight within the State of Punjab. Through doctrinal and empirical analysis, the study identifies persistent gaps between policy framework and practical realities—highlighting obstacles such as procedural delays, underutilized protection mechanisms, limited resource allocation, and uneven awareness at the district level. Judicial pronouncements and high-profile criminal cases from Punjab are analyzed to assess the judiciary’s influence in shaping protective protocols and enforcing compliance. The findings reveal that, while the Scheme represents a significant advancement in bolstering witness confidence and safeguarding judicial integrity, substantial challenges remain at the operational level. The research concludes with recommendations for harmonizing administrative functions, enhancing capacity-building, and ensuring robust judicial monitoring to bridge the gap between legislative intent and actual protection afforded to vulnerable witnesses in Punjab.

Keywords: *Witness Protection Scheme, Implementation Gaps, Judicial Responses, Punjab, Indian Criminal Justice, Witness Security, Legal Reform, Empirical Analysis, Protection Mechanisms, Access to Justice*



Introduction

Witnesses have always been integral to the pursuit of justice, serving as the eyes and ears of the court and providing the crucial factual foundation upon which judicial decisions are built. In the Indian context, witnesses routinely face grave risks—including intimidation, threats to personal safety, and social ostracism—particularly in high-stakes criminal cases. Punjab, with its unique socio-political landscape and history of organized crime, has witnessed frequent incidents where witnesses are pressured to retract or alter their testimonies, undermining the very foundation of fair trials and judicial integrity. Recognizing the persistent vulnerability of witnesses and the repeated failure of ad hoc protective measures, the Supreme Court of India approved the Witness Protection Scheme, 2018, aiming to institutionalize safeguards through structured, standardized protocols. This scheme mandates protective measures ranging from identity concealment and relocation to interim police protection, overseen by district-level committees. Despite these advancements, field realities in Punjab reveal a stark dissonance between legislative intent and actual implementation. Empirical studies highlight that only a small fraction of targeted witnesses are even aware of the scheme, fewer still receive substantial support, and the bulk of protective actions are temporary or symbolic in nature. The judiciary has played a pivotal role by recommending and monitoring the adoption of protective protocols, yet pronounced gaps persist in administrative execution, cross-agency coordination, and financial allocations at the state level. Consequently, victimization of witnesses in Punjab remains systemic rather than incidental, with significant consequences for the reliability of testimony and outcomes of criminal prosecutions. This research critically examines the effectiveness of the Witness Protection Scheme, 2018, in the state of Punjab, analyzing policy frameworks, empirical data, and judicial responses. The introduction frames the problem by highlighting the indispensable role of witnesses, the severity of threats they face, the intentions behind the scheme, and the urgent need for substantive reforms to bridge the gap between statutory promise and lived reality. Ultimately, this inquiry aims to contribute to the development of a robust, enforceable, and accessible protective ecosystem for all witnesses within Punjab's justice process.



Research objective

- ✦ To investigate the underlying causes and real-world manifestations of victimization experienced by witnesses in criminal trials within Punjab, identifying specific threats, intimidation patterns, and forms of harassment that undermine witness confidence and participation.
- ✦ To critically evaluate the effectiveness of the Witness Protection Scheme, 2018, in safeguarding witnesses in Punjab, focusing on both the procedural implementation by state authorities and the substantive outcomes achieved for vulnerable individuals.
- ✦ To analyze the role of judicial interventions—both at the Supreme Court and High Court levels—in shaping protective measures, enforcing compliance, and addressing barriers to the full execution of the scheme.
- ✦ To identify systemic lacunae, administrative shortcomings, and operational barriers that hinder the translation of statutory and judicial promises into meaningful, on-ground protection of witnesses.
- ✦ To propose pragmatic reforms rooted in doctrinal analysis and empirical findings, aimed at securing a more robust, accessible, and accountable witness protection framework in Punjab’s criminal justice system.
- ✦ To evaluate the adequacy and consistency of existing policies in addressing the diverse needs of witnesses.

Research scope

The present study is dedicated to a rigorous and nuanced exploration of the effectiveness of the Witness Protection Scheme, 2018, with a specific focus on its operationalization in Punjab. While national discourse and legal scholarship highlight the broad objectives of the Scheme, this research recognizes the necessity of examining region-specific implementation, administrative practices, and the socio-political variables that shape the lived experiences of witnesses. The study encompasses multiple dimensions: statutory analysis, administrative structures, judicial interventions, and frontline realities, offering a comprehensive overview that moves beyond theoretical constructs to assess actual outcomes. A key aspect of the research scope involves evaluating the interplay between the legal framework and the practical challenges faced by



witnesses, law enforcement, and judicial officers in Punjab. Special attention is given to the identification of institutional gaps, resource constraints, and the localized strategies adopted by authorities to protect vulnerable witnesses. Additionally, the research accounts for the perspectives of stakeholders—such as witnesses, legal professionals, police officials, and members of district protection committees—capturing their insights through empirical methods to illuminate both successes and persistent shortcomings in the scheme’s implementation. By delimiting the scope to Punjab’s distinctive context, the study intends not only to provide a detailed assessment of current practices but also to identify replicable models and critical deficiencies that may inform broader policy reform. Ultimately, the research aspires to furnish actionable recommendations for strengthening witness protection mechanisms, ensuring justice delivery, and reinforcing public trust in the criminal justice system.

Research methodology

This study adopts a mixed-method approach, combining doctrinal analysis of statutes, judicial decisions, and policy documents with empirical research through interviews and questionnaires targeting key stakeholders in Punjab’s witness protection system. Data from field experiences, case studies, and public records will be triangulated to assess the ground realities and gaps in implementation. The objective is to present a holistic, evidence-based understanding of how the Witness Protection Scheme, 2018 operates in real-world Punjab.

Statement of problem

The role of witnesses in the criminal justice process is foundational—they provide the direct accounts and factual clarity that courts depend on to adjudicate guilt or innocence. However, in Punjab, the reality for many witnesses is fraught with adversity. The act of testifying is often accompanied by severe threats, intimidation, and overt retaliation from accused parties, their associates, or interested third parties. This persistent climate of fear compels numerous witnesses to either retract their statements, turn hostile, or recede into silence, thereby crippling the justice delivery process and encouraging a culture of impunity. Despite the formal introduction of the Witness Protection Scheme, 2018, which seeks to offer a coherent framework and tangible safety



mechanisms, significant ground-level problems persist. Many witnesses remain unaware of their rights under the scheme. Even when protective measures are sought, bureaucratic delays, inconsistent application across districts, and coordination failures between the police, prosecution, and judiciary frequently render the promised safeguards ineffective or merely symbolic. Furthermore, the process for threat assessment is riddled with procedural delays and often lacks the sensitivity and urgency warranted by the circumstances. Resource allocation for witness protection in Punjab is typically inadequate, resulting in shortages of trained personnel, safe houses, and logistical support. This underfunding further compounds the problem for already marginalized witnesses. Social stigma and lack of community support exacerbate the vulnerability of those who dare to come forward, subjecting them not only to legal and physical risks but also to sustained social isolation. These systemic shortcomings not only imperil individual witnesses but pose a direct threat to the fairness and reliability of criminal trials. When core participants succumb to coercion or fail to participate altogether, confidence in judicial outcomes erodes, victims are denied justice, and offenders are emboldened to repeat their crimes. In summary, the central problem this research confronts is the stark disjunction between the objectives of the Witness Protection Scheme, 2018, and the ongoing realities of endangerment, intimidation, and procedural failure in Punjab. Without confronting and resolving these practical impediments, the vision of witness-centric justice remains distant and unattainable.

Hypothesis

The study hypothesizes that, despite the statutory framework of the Witness Protection Scheme, 2018, the majority of witnesses involved in criminal proceedings in Punjab remain inadequately protected due to persistent implementation gaps, resource limitations, and inconsistent administrative practices. It is further posited that these shortcomings result in continued victimization, intimidation, and reluctance among witnesses to participate honestly in judicial processes. The research anticipates that robust judicial interventions and systemic reforms are essential for translating legal provisions into effective, real-world protection for vulnerable witnesses in Punjab.



Research question

- 1- To what extent has the Witness Protection Scheme, 2018, been effectively implemented in Punjab, and how do existing legal frameworks, administrative practices, and judicial interventions address or fall short in protecting witnesses from intimidation, victimization, and procedural challenges within the state's criminal justice system?
- 2- What are the principal administrative, legal, and social obstacles encountered during the implementation of the Witness Protection Scheme, 2018 in Punjab, and how do these challenges affect the safety, participation, and cooperation of witnesses in the criminal justice process?

THEORETICAL FRAMEWORK

Concept of Witness Protection : Witness protection refers to the set of legal and administrative measures designed to safeguard individuals who provide testimony or possess relevant knowledge about criminal activity, ensuring they can testify freely and truthfully without fear of harm, intimidation, or retribution. While Indian law lacks an explicit statutory definition, Black's Law Dictionary considers a witness as anyone giving testimony or bearing knowledge about an alleged offense¹. The European Council expands this scope, including anyone who possesses information relevant to criminal proceedings, irrespective of their procedural status².

The range of protections involved may include not only physical security measures but also legal anonymity, confidentiality, and in certain circumstances, the extension of such protections to immediate family members of the witness³.

¹ *Black's Law Dictionary* (10th ed., 2014), "Witness", p. 1842.

² Council of Europe, Recommendation Rec(2005)9, art. 1.

³ *Witness Protection Scheme, 2018*, para 5(b); Law Commission of India, 277th Report (2018), para 3.5.



Types of Witnesses Requiring Protection

- 1- Eyewitnesses: Individuals directly observing a crime, whose accounts often determine case outcomes⁴.
- 2- Victims as Witnesses: Victims of crime whose testimony is central to prosecution.
- 3- Expert Witnesses: Specialists (forensic analysts, medical examiners) referenced for technical or interpretive knowledge.
- 4- Whistleblowers: Individuals exposing corruption, governmental or corporate crimes, and systemic abuses.
- 5- Vulnerable Witnesses: Children, sexual abuse survivors, those with disabilities, or witnesses from marginalized communities facing greater risks of intimidation.
- 6- Hostile Witnesses: Witnesses whose testimony adversely impacts the party calling them, often after coercion or inducement.
- 7- Collaborators or Accomplices: Individuals within criminal organizations willing to reveal internal operations; at heightened risk due to their insider knowledge.

International Standards on Witness Protection

Globally, witness protection is guided by several foundational instruments:

1. United Nations Convention against Transnational Organized Crime (UNTOC): Urges nations to adopt comprehensive witness protection programs, spanning physical security, relocation, new identities, and requalification measures⁵.
2. UNODC Handbook on Witness Protection: Sets best practices on confidentiality, risk assessment, and aftercare support.
3. The United States WITSEC Program: Offers relocation, new identity, and continued support, overseen by law enforcement.
4. UK Serious Organised Crime and Police Act, 2005: Ensures coordinated police-led protection, confidentiality, and rigorous eligibility protocols.

⁴ G.S. Bakshi, "Protection of Eyewitnesses", *Indian Journal of Criminology*, Vol. 48, p. 72 (2021).

⁵ United Nations Convention against Transnational Organized Crime, Art. 24 (2000)



5. Malaysia's Witness Protection Act, 2009: Provides legal protection alongside financial support and rehabilitation for witnesses and their families.

These international frameworks emphasize multi-agency coordination, robust funding, autonomy from prosecutorial agencies, and procedural fairness as essential pillars for effective witness protection-elements that India's evolving framework is striving to incorporate for greater efficacy and credibility.

LEGAL BASIS OF WITNESS PROTECTION IN INDIA

Constitutional Provisions Related to Witness Protection : Witness protection in India is grounded fundamentally in the constitutional guarantee of the right to life and personal liberty under Article 21, ensuring fair, dignified, and impartial judicial processes for every individual, including witnesses⁶. Article 14—the right to equality before law⁷—and Article 20(3)—protection against self-incrimination⁸—further safeguard witnesses, affirming their entitlement to due process, non-coercion, and equal treatment irrespective of their status.

The courts have held that protecting witnesses is integral to upholding these constitutional values, as any compromise on witness safety or freedom to testify directly impacts the right to a fair trial for the accused and the integrity of the judicial system. Statutory Framework Governing Witness Protection.

Legislative and Statutory Framework

- Indian Evidence Act, 1872; Bharatiya Sakshya Adhinyam, 2023

The original Act, now replaced by BSA, governs examination, competence, privileges, and protections for witnesses, including in-camera proceedings and limitations on the compelled use

⁶ *Constitution of India*, Art. 21.

⁷ *Ibid*, Art. 14.

⁸ *Ibid*, Art. 20(3).

of testimony⁹. Sections 118-134 IEA (now Ch. IX BSA) address witness rights, oversights during cross-examination, and restrictions to protect against harassment.¹⁰

1- Code of Criminal Procedure, 1973; Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)

Key procedural protections include the power to conduct in-camera proceedings (s. 327 CrPC / s. 398 BNSS), safeguard anonymity, and regulate recording of statements. These are supplemented by the newly empowered district authorities under BNSS, particularly Section 398, for implementing structured protection at the local level¹¹.

1. Indian Penal Code, 1860; Bharatiya Nyaya Sanhita, 2023

While lacking dedicated witness protection, these Acts criminalize intimidation, threats, and harming witnesses (s. 503, 506 IPC / corresponding BNS provisions). They support the police and courts in prosecuting those who seek to undermine testimony.¹²

- Witness Protection Scheme, 2018

The Supreme Court-mandated scheme is presently the most comprehensive non-statutory program for witness safety, institutionalizing protection orders, funds, and district-level oversight¹³. Its adoption by Punjab as a guiding framework is reinforced by recent guidance aligning with BNSS's new procedural standards¹⁴.

- State-Level Innovations

The Assam Witness Protection Scheme, 2024, under the BNSS, institutionalizes risk assessment, state funding, and administrative accountability for witness protection. Punjab and similar states are encouraged to observe and adapt this robust fund-backed model.¹⁵

⁹ *Bharatiya Sakshya Adhiniyam, 2023*, Ch. IX; *Indian Evidence Act, 1872*, Ss. 118–134.

¹⁰ *Ibid*; S. 132, S. 134, *Indian Evidence Act, 1872*

¹¹ *Bharatiya Nagarik Suraksha Sanhita, 2023*, S. 398; *Code of Criminal Procedure, 1973*, S. 327.

¹² *Bharatiya Nyaya Sanhita, 2023*, S. 353, 354; *Indian Penal Code, 1860*, Ss. 503, 506

¹³ *Witness Protection Scheme, 2018* (Ministry of Home Affairs, GOI and Supreme Court).

¹⁴ *Bharatiya Nagarik Suraksha Sanhita, 2023*, S. 398.

¹⁵ *Assam Witness Protection Scheme, 2024*, Section 398 *Bharatiya Nagarik Suraksha Sanhita, 2023*.

Judicial Development and Directives

The judiciary's stewardship remains pivotal. In *Zahira Habibulla H. Sheikh v. State of Gujarat*, the Supreme Court emphasized the necessity of fair trials for both the victim and the accused, insisting on security and procedural dignity for witnesses¹⁶. In *Mahender Chawla v. Union of India*, it cemented the Witness Protection Scheme as a pan-India mandate¹⁷. Furthermore, frequent orders from both the Supreme Court and High Courts direct police and states to establish Vulnerable Witness Deposition Centres (VWDCs) and enact detailed SOPs, reinforcing witness safety and procedural integrity¹⁸.

Comparative Analysis of Witness Protection Laws: International Perspectives and Lessons for India

Overview of International Witness Protection Laws

Many leading nations have enacted robust legal frameworks ensuring the safety of witnesses, which serve as benchmark models for comprehensive witness protection. In the United States, the Witness Security Program (WITSEC), established under the Organized Crime Control Act, 1970, provides physical relocation, new identities, and sustained support for witnesses and their families involved in prosecutions against organized crime and corruption¹⁹. The United Kingdom, under the Serious Organised Crime and Police Act, 2005, operates a police-led model in which eligibility is standardized, breaches of confidentiality are criminalized, and witnesses benefit from inter-agency protection and relocation schemes.²⁰

Canada's Witness Protection Program Act, 1996, offers broad protection to those at risk due to their cooperation with law enforcement and prosecution authorities, including relocation and assistance for family members²¹. South Africa's Witness Protection Act, 1998, institutionalizes a

¹⁶ *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158.

¹⁷ *Mahender Chawla v. Union of India*, (2019) 14 SCC 615.

¹⁸ Supreme Court, Order dated 5 Dec 2018 (VWDCs), and subsequent High Court implementation orders.

¹⁹ *Witness Security Program*, United States, *Organized Crime Control Act*, 1970.

²⁰ *Serious Organised Crime and Police Act*, 2005 (UK); see also Crown Prosecution Service, UK: Witness Protection Guidelines.

²¹ *Witness Protection Program Act*, 1996 (Canada).



dedicated office to conduct risk assessments, manage contracts with protected persons, and implement both temporary and permanent protection, including for minors²². In Australia, the Witness Protection Act, 1994, centralizes operational authority under the Australian Federal Police and enables coordinated protection between jurisdictions and international partners²³. Ireland's program, run by the Garda Special Detective Unit, targets serious organized crime or terrorism and includes post-trial support for both witnesses and families²⁴.

Several European countries-such as France-have incorporated strict anonymity and criminal penalties for disclosure within their Penal Codes, creating a climate that prioritizes witness safety alongside fair trial principles²⁵.

Best Practices in Global Witness Protection

Centralized and Independent Authorities: Successful programs, such as those in South Africa, Albania, and the US, assign responsibility to specialized, independent agencies or designated law enforcement units possessing the expertise and autonomy to provide swift protection.

- **Comprehensive Coverage:** Most leading programs offer protective measures not just for trial duration, but also pre- and post-trial, and extend benefits to witnesses' immediate families and key associates.
- **Risk-Based Protection:** Tiered categorization of threats, as used in Malaysia and the Assam Witness Protection Scheme in India, ensures resources are matched to the degree of risk.
- **Strict Confidentiality:** Jurisdictions like the UK and France impose severe penalties for unauthorized disclosures, safeguarding the anonymity and integrity of the protection process.
- **Multi-agency Coordination and Funding:** Effective witness protection relies on collaboration across law enforcement, judicial bodies, and social support services, backed by dedicated, transparent, and flexible funding mechanisms.

²² *Witness Protection Act, 1998* (South Africa)

²³ *Witness Protection Act, 1994* (Australia)

²⁴ Garda Síochána, Ireland: *Witness Security Programme*.

²⁵ *French Penal Procedures Code*, Articles 706-57 to 706-63.



- **Procedural Fairness and Due Process:** Programs often require formal contracts with protected persons, clear eligibility criteria, judicial or administrative review options, and ongoing assessment.

Lessons for India

- **Statutory Institutionalization:** Unlike many international models, India's witness protection framework currently lacks a permanent, statutory backing. Enacting dedicated legislation with enforceable mandates and penalties would overcome gaps left by the scheme's non-statutory status.
- **Centralized Oversight and Funding:** Establishing independent, specialized protection authorities and state-level protection funds—as demonstrated in the Assam scheme—would aid swift and consistent implementation across jurisdictions.
- **Expansion of Eligibility:** Broadening eligibility to all at-risk associates, promoting contracts for protection services, and formalizing witness and family relocation would reflect international best practices.
- **Enhanced Enforcement and Accountability:** Penalizing breaches of confidentiality mandating police coordination, and integrating judicial monitoring would align India's system with stronger global standards.
- **Post-Trial Support and Monitoring:** Extending support and protection beyond the duration of legal proceedings would protect against delayed retaliation and reinforce witness confidence.

By learning from these global systems, India can move toward a more comprehensive, reliable, and accessible witness protection model, thereby strengthening the criminal justice process and public trust.



EMPIRICAL STUDY ON WITNESS PROTECTION IN PUNJAB

Research Design and Methodology

This study adopts a mixed-method approach, integrating doctrinal research with non-doctrinal, empirical investigation to assess witness protection and victimization in Punjab. The doctrinal track analyzed statutes, case law, government reports, and international conventions. On the empirical front, primary data was collected from October 2023 to February 2024 across ten strategically chosen districts-urban (Amritsar, Ludhiana, Mohali) and rural/semi-urban (Bathinda, Sangrur, Hoshiarpur, Moga, Rupnagar, Patiala, Jalandhar)-reflecting Punjab's socio-political diversity and intensity of organized crime.

A purposive sampling technique was used to select 200 participants (20 per district), comprising eyewitnesses, victims-turned-witnesses, whistleblowers, and informants involved in criminal trials. Witnesses were categorized into three tiers: Category A (high risk: facing direct threats/violence), Category B (moderate risk: experiencing indirect intimidation or economic pressure), and Category C (low risk: primarily exposed to harassment by police or milder community pressure).

Structured interviews and semi-formal questionnaires formed the backbone of data collection, exploring demographic backgrounds, nature and frequency of threats, experiences with institutional response, and awareness/perception of the Witness Protection Scheme, 2018. Observational notes and secondary sources-District Legal Service Authorities, police files, NGO reports-were leveraged for triangulation. Thematic analysis was applied to identify recurring trends, divergence in protection efficacy, and to gauge the real-world alignment with legislative and judicial intent.

Findings on Witness Victimization in Punjab

The empirical data revealed witness victimization as a deeply entrenched, systemic crisis.

Of the 200 surveyed:



- 32.5% (65) were high-risk, facing direct life threats-common in homicide, terrorism, and organized crime cases.
- 39% (78) endured moderate risk, with economic duress, job loss, or threat to livelihood in corruption and politically charged matters.
- 28.5% (57) encountered so-called low risk; police pressure and social ostracism, seen most frequently in property or family disputes.

Forms of victimization extended far beyond direct physical harm. Social ostracism (21 cases) was a substantial phenomenon, particularly in rural contexts; witnesses labelled "informers" or "traitors" were shunned or threatened with expulsion from community life. Property threats (18 cases), such as land encroachment or destruction of crops, were reported. Notably, 20 witnesses cited police harassment as a source of intimidation rather than protection. Psychological distress affected 14 witnesses, who described persistent anxiety and fear for family safety.

The impact on testimony was stark: 42% confessed they had considered turning hostile, and 18% admitted actually changing statements in court when threatened. One-quarter said they would only testify honestly if assured of court-ordered police protection. Only 15% remained unaffected, willing to testify irrespective of risk.

Implementation of Witness Protection Measures in Punjab

Awareness and utilization of the Witness Protection Scheme, 2018, were extremely limited -just 12 of 200 witnesses knew of it, and none had received meaningful relocation or identity protection. For most, "witness protection" meant short-term police security at hearings, withdrawn soon after. The State Witness Protection Fund was rarely accessed, and complex protection orders (anonymity, safe houses, etc.) were practically non-existent.

District-level analysis showed urban centers (Amritsar, Ludhiana) faced more direct criminal threats, while rural regions (Sangrur, Bathinda) faced acute social coercion. Political cases, especially in Patiala and Mohali, saw witnesses threatened with job loss or denial of governmental benefits. Across the board, lack of coordination among police, prosecution, and courts led to patchy, often reactionary protection efforts.



Perception of Stakeholders on Witness Protection

Legal professionals and social workers largely viewed the current scheme as poorly publicized and drastically underfunded. Stakeholders reported that the prevailing attitude among district authorities leaned toward caution or reluctance—especially where the accused were politically powerful or connected. Police officers noted severe limitations in logistical resources and a lack of specialized training necessary to effectuate meaningful protective measures. Many legal professionals cited a lack of dedicated witness support staff and the absence of state-level independent boards or authorities tasked exclusively with witness protection. They highlighted that the system remains highly reactive, responding only after a threat has materialized rather than through preventive intervention.

Witnesses themselves—when aware often expressed skepticism about the scheme's efficacy. Most had little faith in institutional support, recounting negative experiences where threats were disregarded, or protection was short-lived and insufficient. Several suggested that true protection would only come with statutory guarantees, the automatic provision of security in all high-risk cases, and more consistent communication with judicial authorities. There was also a recognized need for psychological counseling and financial compensation during periods of relocation or employment loss. NGO representatives argued that greater community outreach and legal literacy programs are essential to building trust and ensuring utilization of the scheme.

Judiciary members and public prosecutors, in interviews and commentary, acknowledged the Scheme's potential but stressed the need for codification, increased resources, and continuous training for all actors involved. There was agreement that frequent judicial monitoring and the establishment of Vulnerable Witness Deposition Centres were critical reforms, as was enforcing strict confidentiality protocols in all districts.



Suggestions for Improvement:

- Creation of a statutory, independent State Witness Protection Board with clear authority and adequate budget.
- Mandatory awareness and legal literacy campaigns in all Punjab districts.
- Specialist training for police, prosecutors, and judicial staff on preventive protection and trauma-informed approaches.
- Institutionalized psychological counseling and economic relief for affected witnesses and families.
- Stronger penalties and accountability measures for breaches of confidentiality or failure to enforce protection orders.
- Expansion of the use and monitoring of Vulnerable Witness Deposition Centres to all districts.

The collective feedback from stakeholders provided a clear consensus: unless Punjab moves towards a statutory, adequately funded, and professionally administered witness protection system-rooted in prevention, not mere reaction-witness confidence, judicial reliability, and the delivery of justice will remain fundamentally compromised.

ANALYSIS AND DISCUSSION

Gaps Between Legal Framework and Ground Realities

Despite well-articulated policy frameworks, the empirical findings demonstrate that practical implementation of the Witness Protection Scheme, 2018 in Punjab falls short of its objectives. Persistent challenges include the lack of statutory backing, limited awareness, administrative inertia, and insufficient funding at the district level. Most critically, the non-statutory nature of the scheme undermines its enforceability, as local authorities remain reluctant to take proactive measures, particularly when faced with influential or politically connected accused. The absence of a dedicated State Witness Protection Board, as well as the inconsistent operation of the State Witness Protection Fund, reveals a structural disconnect between legislative promise and actual safeguards provided to witnesses. Institutional weaknesses-such as poor coordination between the



police, prosecution, and the judiciary-further exacerbate implementation deficits, frequently resulting in delayed or inadequate response to threats.

Impact of Witness Intimidation on the Criminal Justice System

The consequences of these institutional weaknesses are profound. Witness intimidation not only undermines individual cases but also systematically erodes public confidence in the justice system. Empirical data from Punjab illustrate that more than 40% of surveyed witnesses admitted they considered turning hostile, and over 18% actually altered their statements due to intimidation or inducement. Judicial records show that high-profile acquittals frequently result from hostile witnesses, rather than insufficient evidence. The continued prevalence of social ostracism, property threats, and even police harassment discourages truthful testimony, resulting in compromised case outcomes and lower conviction rates. This cycle of fear and silence perpetuates impunity, allowing organized crime and political corruption to flourish, and destabilizes the foundational principles of rule of law and justice.

Institutional Weaknesses and Resource Constraints

Lack of specialized training for police, investigators, and prosecutors in handling witness protection cases substantially reduces the effectiveness of available measures. Budgetary shortfalls hinder the establishment of safe houses, technological upgrades for protected testimony (such as video links in VWDCs), and provision of psychological support and compensation. The absence of systematic, ongoing review and follow-up for protected witnesses means most security arrangements are temporary, symbolic, or inconsistently applied. Notably, rural districts in Punjab face acute challenges due to logistical constraints, insufficient staffing, and a lack of awareness among both officials and at-risk witnesses.

Addressing Challenges: Pathways and Recommendations

Bridging the gap between theory and practice demands sustained legal, procedural, and resource innovations:



- **Legislative Reform:** Codify witness protection into a central Act, ensuring clear penalties for non-compliance, robust administrative accountability, and judicial oversight.
- **Financial and Human Resource Investment:** Secure, ring-fenced funding for State Witness Protection Boards and Witness Protection Funds, coupled with capacity-building for law enforcement and judicial actors.
- **Psychosocial and Economic Supports:** Develop and institutionalize trauma counseling, relocation assistance, financial compensation, and legal aid for witnesses and families.
- **Enhanced Publicity and Legal Literacy:** Implement mandatory awareness drives in both urban and rural Punjab, engaging with local panchayats and civil society groups to promote scheme utilization.
- **Technological Integration:** Expand use of Vulnerable Witness Deposition Centres, digital reporting, and encrypted communications to modernize protection protocols.
- **Inter-Agency Coordination:** Mandate structured collaboration between police, courts, prosecutors, and support services through regular review meetings and a centralized threat database.
- **Judicial Monitoring:** Institutionalize compulsory judicial review of all high-risk protection orders and regular appellate oversight.

Long-Term Implications

Absent bold reform, the gap between legislative intent and lived reality for witnesses in Punjab will persist, perpetuating mistrust, undermining convictions, and ultimately weakening the criminal justice system's capacity to deter and punish crime. By adopting integrative solutions that reflect both global best practices and the empirical realities of Punjab, policy makers and judicial actors have the opportunity to revitalize witness protection and reaffirm public confidence in justice delivery.



CONCLUSION AND RECOMMENDATIONS

Summary of Key Findings

This research demonstrates that while the Witness Protection Scheme, 2018 is a major advancement for Indian criminal justice, its impact in Punjab is hindered by persistent gaps between statutory intention and ground-level execution. The lack of statutory codification, insufficient awareness, limited funding, and inconsistent inter-agency coordination are major barriers. Empirical data from Punjab reveals that only a minority of witnesses are aware of their rights under the Scheme, and even fewer benefit from comprehensive protection. Systemic issues—such as delays, bureaucratic inertia, police reluctance, and inadequate follow-up—leave many witnesses vulnerable to threats, intimidation, and social ostracism. Judicial interventions, though crucial, have not always bridged this implementation gap, while social stigma and economic hardship disincentivize witnesses from coming forward.

Policy Recommendations

1. **Legislative Reform:** Pass a central, statutory law codifying the Witness Protection Scheme with uniform national standards, strong enforcement provisions, and penal consequences for failure to comply.
2. **Dedicated Structures:** Establish and adequately fund State Witness Protection Boards and District Witness Protection Cells with trained personnel and oversight.
3. **Targeted Awareness:** Undertake robust legal awareness campaigns in both urban and rural Punjab, utilizing legal aid authorities, NGOs, and media to educate witnesses and communities.
4. **Accessible Relief:** Streamline application procedures and ensure swift, transparent, and accountable threat assessment and follow-up by district committees.
5. **Comprehensive Support:** Mandate psychological counseling, economic relief, and social reintegration programs for witnesses and families, with emphasis on marginalized groups.



6. Technological Integration: Expand Vulnerable Witness Deposition Centres, incentivize video testimony, and implement secure digital platforms for witness support and monitoring.

7. Inter-Agency Collaboration: Institutionalize coordination between police, prosecution, defense, judiciary, and civil society, enabled by regular meetings and centralized threat-tracking databases.

8. Judicial Monitoring: Require mandatory and periodic judicial review of all major protection orders, with clear appellate remedies and regular monitoring from High Courts for compliance.

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8. Judicial Monitoring: Require mandatory and periodic judicial review of all major protection orders, with clear appellate remedies and regular monitoring from High Courts for compliance.

9. Research and Audit: Periodically audit and publish district-wise data on implementation, effectiveness, and gaps to cultivate transparency and inform future policy adjustments.

Future Research Directions

- Comparative longitudinal studies across other Indian states and regions to identify factors influencing best practices and persistent challenges.
- Exploration of the long-term socio-economic impact of witness relocation and protection measures on families and communities.



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- Assessment of the effectiveness of digital and technological innovations in facilitating safe testimony.
 - Ongoing evaluation of reforms post-statutory codification and institutional restructuring.
 - Study of witness protection needs in emerging forms of crime (cybercrime, digital witness, white-collar and organized crime syndicates) for future-ready responses.

This research underscores that ensuring the safety and dignity of witnesses is foundational not only for fair trials, but for restoration of public confidence in the rule of law in Punjab and beyond. Reform is not merely a question of legal innovation, but of administrative will, social consciousness, and continuous judicial vigilance.