

# Shielding The Testimony Prospects

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## I. INTRODUCTION

An indispensable part of the criminal justice system is witness, as he is the one whose stand determines the backbone of the decision of the case. It is universally accepted that witness are considered to be the most essential element to reach to the light of justice. From the times immemorial witnesses are serving as a key agent in the justice delivery system for finding truth. Therefore, the truthfulness of the witness's testimony becomes the cornerstone of justice and therefore the witness is made to offer statement under oath. One should not exercise fear, force and pressure on a witness, also the witness must depose out of his or her own free will and consent. The quality of the statements given by a witness also determines the pace of a particular case.

Black's Law Dictionary gives the following definition: "*In the primary sense of the word, a witness is a person who has knowledge of an event. As the most direct mode of acquiring knowledge of an event is by seeing it, "witness" has acquired the sense of a person who is present at and observes a transaction.*"<sup>1</sup>

## II. WITNESS PROTECTION UNDER INDIAN EVIDENCE ACT, 1872

A milestone was laid down in the field of Evidence Law with the enactment of Indian Evidence Act, 1872 which codified the rules relating to admissibility of fact competency of witness, examination and cross examination of witness.

Section 3 of the Evidence Act, 1872 distinguishes evidence into two parts i.e. oral (includes statements of witnesses) and documentary. A Judge adjudicates the matter brought before him on the basis of the deposition made by the witnesses and documents produced before him. Hence it can be said that the basis of the evidentiary laws lies upon the statement of witnesses.

Section 135 of Indian Evidence Act, 1872 says that "*the order of production and examination of witnesses.—The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to civil and criminal procedure respectively, and, in the absence of any such law, by the discretion of the Court*"<sup>2</sup>

Therefore we can say that it leaves a wide power upon the Court in which order will the witnesses are examined

<sup>1</sup> Black's Law Dictionary, available at <http://thelawdictionary.org/witness-n/#ixzz2cm686Dz8>(last visited on September 19, 2013)

<sup>2</sup> S 135 OF INDIAN EVIDENCE ACT, 1872

and produced in the absence of any law to that regard.

### III. WITNESS IDENTITY PROTECTION UNDER SPECIAL STATUTES IN INDIA:

In India there is no specific legislation in regard to witness protection, but from time to time witnesses were given protection under various statutes. Following are the Special Statutes which were made for witness identity protection.

#### i. Protection of Identity - TADA 1985 and TADA 1987

After India got its independence, the Indian Legislature incorporated the protection of witnesses in relation to terrorist activities in 1985 under Terrorist and Disruptive Activities Act, 1985, which was subsequently renewed in 1989 as Terrorist and Disruptive Activities Act, 1987.

#### ii. Prevention of Terrorism Act, 2002<sup>3</sup>

POTA, 2002 repealed the TADA, 1987. The witness identity protection and in-camera proceedings with few modifications were further carry forwarded in POTA, 2002 wherein Section 30 of the Act dealt with the same.

The changes that were brought into POTA, 2002 were

1. That the Court has to record reasons for holding the proceedings in camera and also for coming to the conclusion that the 'life of such witness is in danger'.
2. An additional clause (d) was added in sub section (3) that publication of Court proceedings may be prohibited in 'public interest' too. The validity of Section 30 has been upheld in PUCL vs. Union of India.<sup>4</sup>

#### iii. The Unlawful Activities (Prevention) Amendment Act, 2004

In 2004 the Unlawful Activities Act was amended and POTA, 2002 was then repealed. Section 44(1) to (4) of the said amended act dealt with the protection of Witness which followed same identical language to that of POTA, 2002.

#### iv. Protection of Identity of Juvenile - Juvenile Justice Act, 2000

The Juvenile Justice (Care and Protection of Children) Act, 2002 prohibits publication of name, etc. of Juvenile involved in any proceeding under the Act. Section 21 of the Act particularly deals with that.

### IV. CASE LAWS

From time to time Judiciary has laid emphasis on laying down on the protection of witnesses in the absence of

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<sup>3</sup> The POTA has been repealed by THE PREVENTION OF TERRORISM (REPEAL) ACT ,2004, w.e.f. 21.9.2004

<sup>4</sup> 2003(10)SCALE 967

any particular legislative initiative on witness protection.

**Naresh Shridhar Mirajkar v. State of Maharashtra**<sup>5</sup> was the earliest judgement that dealt with the aspect of witness protection in India, wherein the High Court allowed protection of publication of evidence of the witness and the Supreme Court later reconfirmed it.

The Apex Court in **Maneka Sanjay Gandhi vs. Rani Jethmalani**<sup>6</sup> basically focused on the need for a congenial atmosphere in order to conduct free and impartial trial.

Another most relevant and historic case was **Zahira Habibulla Sheikh v. State of Gujarat**<sup>7</sup>. This is one such case where the Supreme Court decided to shift the venue of the case from Gujarat to Maharashtra as the Court felt that the witnesses would not be able to depose their statements freely in the said state. The Supreme Court reiterated “legislative measures to emphasise prohibition against tampering with witness, victim or informant, have become the imminent and inevitable need of the day”.

In another case **Delhi Domestic Working Women’s Forum v. Union of India**<sup>8</sup>, the Supreme Court emphasised the maintenance of the anonymity of the victim of rape who would be the key witnesses in trials involving the offence of rape.

In the recent case of Vismay **Amitbhai Shah vs. State Of Gujarat**, popularly known as **BMW Hit and Run Case**, the witnesses turned hostile during evidence in the Court though they categorically stated in their statement before the police that they have seen the incident and the accused coming out of the vehicle from the driver's seat and saying sorry to the victims and injured at the relevant time.

But, fortunately, since they have made similar statement regarding identification of the accused in a live telecast of one news-channel, the prosecution has to call for the additional evidence from such TV Channel and has to examine as many as eight witnesses to prove that both the eye-witnesses are not telling the truth before the Court. Later finally the accused was held guilty but this case was one of the major cases wherein the witness turned hostile.

In **Neelam Katara v. Union of India**<sup>9</sup>, the guidelines for witness protection were laid down by the Delhi Court, but they did not deal with the manner in which the identity of the witness can be kept confidential, either during a trial or before that.

Justice Fali. S. Nariman says that criminal jurisprudence in India is a British Concept. The **Best Bakery case** relies on the maxim “It is better that guilty persons go unpunished than one innocent persons suffers” and that is

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<sup>5</sup> 1967 AIR, 1 1966 SCR (3) 744

<sup>6</sup> (1979) 4SCC 167

<sup>7</sup> 2006(3) SCALE,104

<sup>8</sup> (1995) 1 SCC 14

<sup>9</sup> CrI. W No. of 2002

the reason all the 21 accused were acquitted due to “lack of proper evidence”.

Justice Nariman even quotes Dr. Dixon, who said that in a court of appeal, many facts are not included, reason being negligence of legal profession, fading memory and also archaic laws of evidence. The tools under the CrPC are not used properly in a trial court at the initial stage of inquiry, trial and other proceedings or in summoning of witness, cross examination and examination.

In this public interest case, **National Human Rights Commission vs. State of Gujarat**<sup>10</sup>, a series of orders were passed by the Supreme Court.

The Court held – Witnesses are the eyes and ears of justice and if the witness himself is incapacitated from acting as eyes and ears of justice, the trial gets spoiled and paralysed and thus no longer constitutes a fair trial. The incapacitation is due to many reasons like witness not in a position to speak the truth for reasons beyond his control or due to negligence or ignorance.

Time has come to act on account of numerous experiences faced by the courts on account of witnesses turning hostile either due to threats, coercion, lures and monetary considerations. Time has come when serious and ultimate thoughts are to be bestowed for protecting witnesses so that the ultimate truth is presented before the court and justice triumphs and the trial is not reduced to mockery.

## V. REPORT OF COMMITTEES AND COMMISSIONS

- **14<sup>th</sup> Law Commission Report 1958 (Inadequate Arrangements For Witnesses)**<sup>11</sup>

Protection of witness was considered from a different angle in the 14<sup>th</sup> Report of Law Commission, The Report referred to:

“Inadequate arrangements for witnesses in the Courthouse, the scales of travelling allowance and daily allowance paid for witnesses for attending the Court in response to summons from the Court.”

This is an important aspect if one has to keep in mind the enormous increase in the expense involved and the long hours of waiting in Court with tension and attending numerous adjournments. Here the question of giving due respect to the witness’s convenience, comfort and compensation for his sparing valuable time is involved. Proper care of the witness is to be taken otherwise; he or she is likely to develop an attitude of indifference to the question of bringing the offender to justice.

- **Fourth Report of the National Police Commission (1980)**

Witness Protection in its narrow interpretation, and its impact on judicial administration, was also dealt with in

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<sup>10</sup> 2003(9) SCALE 329

<sup>11</sup> 1 Law Commission of India, Reform of Judicial Administration, 14th Report, First Law Commission under the Chairmanship of Mr. M. C. Setalvad 1955-1958, in 1958

the Fourth Report of the National Police Commission<sup>12</sup>. The Police Commission referred to certain inconveniences and handicaps from which witnesses suffer. The Commission referred to the inconveniences and harassment caused to witnesses in attending courts. The Commission reproduced a rather critical and trenchant letter it received from a senior District and Sessions Judge. The learned judge gave a litany of grievances and complaints that a witness may have and then said that:

*“A prisoner suffers from some act or omission but a witness suffers for no fault of his own. All his troubles arise because he is unfortunate enough to be on the spot when the crime is being committed and at the same time ‘foolish’ enough to remain there till the arrival of the police.”*

The Commission suggested that – The inspiring arrangement proposed above should also ensure the availability of adequate staying facilities for the witnesses and others who participate in court proceedings. The allowances payable to witness for their attendance in court should be fixed on a realistic basis and their payment should be affected through a simple procedure which would avoid delay and inconvenience.

- **154<sup>th</sup> Report of the Law Commission 1996<sup>13</sup>**

The Commission, referred to the 14th Report of the Law Commission and the Report of the National Police Commission while dealing with ‘Protection and Facilities to Witnesses’ in the 154<sup>th</sup> Report of Law Commission and conceded that there was “plenty of justification for the reluctance of witnesses to come forward to attend Court promptly in obedience to the summons”.

The main reason for the delay in the proceeding is the absence of witnesses in the trial procedure, adjournment and non-examination of witnesses. It was stated in the report that the plight of witnesses appearing on behalf of the State was pitiable because of lack of proper facilities and conveniences and also because witnesses have to incur the wrath of the accused, which can result in their life falling into great peril.

The Law Commission made the following recommendations:

- a) For the attendance of the witnesses in Courts, realistic allowances should be paid to them and there should be simplification of the procedure for such payment.
- b) Witnesses should also be provided with adequate facilities in the Court premises. They must be given due respect and it is also necessary that efforts are made to remove all reasonable causes for their anguish.
- c) Witnesses should also be protected from the wrath of the accused in any eventuality.

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<sup>12</sup> National Police Commission, 4th Report, 1980

<sup>13</sup> Law Commission of India, The Code of Criminal Procedure, 1973 (Act No. 2 of 1974), 154th Report, Fourteenth Law Commission under the Chairmanship of Mr. Justice K. J. Reddy 1995-1997, in 1996

- d) They should be examined on the day they are summoned and the examination should proceed on a day-to-day basis.

The Law Commission did not suggest any measures for the physical protection of witnesses or how witnesses could be protected from “the wrath of the accused”.

- **172<sup>nd</sup> Report of the Law Commission 2000**

The Law Commission in March 2000 submitted its 172nd Report<sup>14</sup> on ‘Review of Rape Laws’. The subject was taken up on a request made by the Apex Court of India (vide its order dated 9th August, 1999, passed in Criminal Writ Petition (No. 33 of 1997), *Sakshi v. Union of India*<sup>15</sup>).

The petitioner named ‘Sakshi’ is an organization, interested in the issues concerning women, filed this petition, seeking directions for amendment of the definition of the expression ‘sexual intercourse’, as contained in section 375 of the Indian Penal Code. The Supreme Court requested the Commission ‘to examine the issues submitted by the petitioners and examine the feasibility of making recommendations for amendments of the Indian Penal Code or to deal with the same in any other manner so as to plug the loopholes’.

The Law Commission thoroughly discussed the issues which were raised by the petitioner with Petitioner NGO and other women organizations. The Commission also requested ‘Sakshi’ and other organizations to submit their written suggestions for amendment of procedural laws as well as the substantial law.

Upon the request of the Commission, these women organizations submitted their suggestions. These suggestions mainly focused upon amendment of Cr.P.C and the Evidence Act and also I.P.C. However one of the views put forward by the organizations was that a minor complainant of sexual assault should not be allowed to give oral evidence in the presence of the accused, as this may lead to trauma to the complainant. It was suggested by the organizations that appropriate changes in the law should be made for giving effect to this provision.

Accordingly, the Law Commission in Para 6.1 of its 172nd Report recommended for insertion of a proviso to section 273 of the Cr.P.C. 1973 to the following effect:

*“Provided that where the evidence of a person below sixteen years who is alleged to have been subjected to sexual assault or any other sexual offence, is to be recorded, the Court may, take appropriate measures to ensure that such person is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused”.*

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<sup>14</sup> Law Commission of India, Review of Rape Laws, 172nd Report, Fifteenth Law Commission under the Chairmanship of Mr. Justice B. P. Jeevan Reddy 1997-2000, in 2000

<sup>15</sup> 2004(6) SCALE 15

- **178<sup>th</sup> Report of the Law Commission 2001**

The Commission gave its 178th Report in December, 2001 for amending various civil and criminal statutes. That Report basically dealt with hostile witnesses and the precautions the Police should take at the stage of investigation to prevent prevarication by witnesses when they are examined later at the trial stage. The Law Commission recommended the insertion of Sec. 164A in the Code of Criminal Procedure, 1973<sup>16</sup> to provide for recording of the statement of material witnesses in the presence of Magistrates where the offences were punishable with imprisonment of 10 years and more<sup>17</sup>. Thereafter on the basis of this recommendation, the Criminal Law (Amendment) Bill was introduced in the Rajya Sabha in 2003. The Commission recommended three alternatives after modification of the two alternatives which were suggested in the 154th Report. They are as follows:

- a. In Section 164 of the Code of Criminal Procedure, sub-section (1A) should be inserted (as was suggested in the 154th Report). The major object of the insertion of sub section is that the statements of material witnesses are recorded in the presence of Magistrates.
- b. Certain checks should be introduced so that witnesses do not turn hostile. For example, taking the signature of a witness on his police statement and sending it to an appropriate Magistrate and a senior police officer.
- c. Under Section 164 of the Code of Criminal Procedure, 1973, the statement of important witnesses should be recorded by the Magistrate at the earliest in all serious offences which are punishable with ten or more years of imprisonment. And for the offences which are less serious in nature, the second alternative with few modifications was found suitable.

However, it is to be noted that the Law Commission, in the above Report, did not suggest any measures for the physical protection of witnesses from the 'wrath of the accused' nor does it deal with the question whether the identity of witnesses can be kept secret and if so, in what manner the Court could keep the identity secret and

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<sup>16</sup> Section 164A – (1) Any police officer making an investigation into any offence punishable with imprisonment for a period of ten years or more (with or without fine) including an offence which is punishable with death, shall in the course of such investigation, forward all persons whose evidence is essential for the just decision of the case, to the nearest Magistrate for recording their statement.

(2) The Magistrate shall record the statements of such persons forwarded to him under sub-section (1) on oath and shall keep such statements with him awaiting further police report under section 173

(3) Copies of such statements shall be furnished to the investigating officer.

(4) If the Magistrate recording the statement is not empowered to take cognizance of such offence, he shall send the statements so recorded to the magistrate empowered to take cognizance of the case.

(5) The statement of any person duly recorded as a witness under subsection (1) may, if such witness is produced and examined, in the discretion of the court and subject to the provisions of the Indian Evidence Act, 1872, be treated as evidence.

<sup>17</sup> Law Commission of India, Recommendations for Amending Various Enactments, Both Civil and Criminal, 178th Report, Sixteenth Law Commission under the Chairmanship of Mr. Justice B. P. Jeevan Reddy 2000-2001 & Mr. Justice M. Jagannadha Rao 2002-2003, in 2001



yet comply with the requirements of enabling the accused or his counsel to effectively cross examine the witness so that the fairness of the judicial procedure is not sacrificed.

- **Malimath Committee Report 2003**

In the year 2003, the Committee on Reforms of Criminal Justice System under the chairmanship of Dr. Justice V. S. Malimath, former Chief Justice Karnataka High Court submitted its voluminous Report, popularly known as Malimath Committee Report containing as many as 158 recommendations. Many of these recommendations reiterate the earlier recommendations of the Law Commission and the National Police Commission<sup>18</sup>

The major objective of the committee was to simplify the judicial practices and procedure, to bring synergy among the Judiciary, Prosecution and the Police, suggesting simpler, faster, and cheaper and people friendly system and gaining confidence of the public.

The Committee made the following recommendations:

- 1) The witness should be treated with courtesy & dignity and for this reason an officer should be allotted to help the witness. Separate compartment should be given to the witness and facilities like seating, resting, drinking water, washroom etc should be provided for their convenience.
- 2) There should be increment in the allowances which are fixed for the witness like travelling and other expense. Strict rules must be made regarding the payment of allowances on the same day when the case is adjourned.
- 3) Laws like that of USA and UK should be enacted, in order to give protection to the witness and the relatives of the witness whose life may be in danger.
- 4) Granting of adjournments should be minimized. Courts should look after the matter and make sure that the witnesses are not forced to visit court again and again.
- 5) Seats should be allocated for the witness for sitting and giving evidence.
- 6) In order to protect witness who may be subjected to harassment, annoyance or indignity, the Judges should be given training by the High Court for regulating the cross examination process.

The committee just asked what to do but not how to do. Though it has highlighted the miserable conditions of the witnesses in India and also made recommendations for their protection, but it has not gone into much details. As regards physical protection to a witness is concerned, the Justice Malimath Committee makes only a single line recommendation at page 284, which is as follows:

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<sup>18</sup> Government of India, Ministry of Home Affairs, Committee on Reforms of Criminal Justice System, March 2003 (Chaired by Dr. Justice V. S. Malimath),



“A law should be enacted for giving protection to the witnesses and their family members on the lines of the laws in USA and other countries.”

- **198<sup>th</sup> Report of the Law Commission (2006)**

The 198<sup>th</sup> law commission report of the law commission make exhaustive study of the protection and treatment of witness in other countries like Australia, Canada , U.S. , South Africa , U.K. and it came up with a witness protection bill. It also included various decisions of High Court and the Supreme Court pertaining to witness protection. Apart from that it took advice and recommendation from legal fraternity all over India.

Thus, the above analysis of the various recommendations of the Law Commission made from time to time, including the 178th Report shows that they do not address the issue of ‘protection’ and ‘anonymity’ of witnesses or to the procedure that has to be followed for balancing the rights of the witness on the one hand and the rights of the accused to a fair trial. The above gaps in the law have been dealt with in detail in the Consultation Paper of the Law Commission of India on ‘Witness Identity Protection and Witness Protection Programme’<sup>19</sup>,

## **VI. WITNESS PROTECTION IN UNITED STATES**

The witness protection laws are more developed in US as compared to India. The law in United States are so advanced and is at such state that the Congress has come up with Organised Crime Control Act way back in the year 1970 and since that time their Courts have only been trying to perfect by addressing as many lacunae as possible.

The one of the most developed of all the existing Witness Protection programs in the world is The United States Federal Witness Security Program, also known as the Witness Security (WITSEC) Program.

In order to make the guidelines more specific the Witness Security Reform Act 1984 was enacted. Many agencies in USA such as The United States Marshals Service, the Office of Enforcement Operations (OEO) and the Federal Bureau of Prisons (BOP) and The U.S. Attorney General’s office, are associated with the programme. The major objective of these agencies was to protect the witnesses so that they can testify at the trials conducted in the courts that could convict the members of organised crimes, gangs or terrorist networks. The program assisted in providing in providing housing, medical care, job training and assistance in obtaining employment and subsistence funding until the witness becomes self-sufficient.

The family members as well as the witness sign a Memorandum of Understanding which is coordinated by

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<sup>19</sup> Law Commission of India, 198th Report on ‘Witness Identity Protection and Witness Protection Programme’ Seventeenth Law Commission under the Chairmanship of Mr. Justice M. Jagannadha Rao 2003-2006, in 2004

multiple government agencies, in good timing and total secrecy. The witness receives a pre-admittance briefing by Marshals Service personnel and agrees to enter the program, after that he and his family are immediately removed from their current location and are taken to a temporary, secure holding area. Further assistance given in the form of finding a house, temporary employment and payment of a subsistence payment on average of \$60,000 per year which is approximately Rs 33 lakhs is paid out.

Further the witness is provided with new identity documents for him as well as his family. Agency also arranges counselling service for the witness and his family. The Marshals Service provides 24-hour protection while they are in a high-threat area, including pre-trial proceedings and court appearances. Once the witnesses are assimilated into new environments, contact with the government is just required once in a year or on in a case of emergency.

Once the trail is over the witness assumes new identity. With the assistance from the Marshals Service, protected witnesses are expected to find employment and become self-sufficient. According to the Marshals Service, the State was able to secure a successful conviction as in 89% of the cases were such where witnesses were involved since the inception of the program in 1970.

## **VII. WITNESS PROTECTION IN UNITED KINGDOM**

United Kingdom enacted the Criminal Justice and Public Order Act, 1994 which basically provides for punishment for intimidation of witness. This act protects not only a particular person who is actually going to give evidence but also protects a person who is helping with the investigation of the crime. The Coroners and Justice Act, 2009 provides with the procedure for application of Witness anonymity order. This order ensures that specified measures are taken in relation to a witness in criminal proceedings as the court considers it important to protect the identity of the witness in order to ensure his safety. The personal details of the witness may be withheld or deleted from the documents which are disclosed to the parties and it will also ensured that no leading questions are asked from the witness that will disclose his identity. The witness will hence also be screened in a manner that the jury can see him and also his voice is subjected to modulation upto an extent.

Also under Section 17(1) of the Act, witnesses are eligible for assistance from the court on grounds of fear or distress about testifying. A child below the age of 17 at the time of hearing, known as child witness may be allowed to be accompanied by a witness supporter.

The Witness Protection program in the above mentioned countries is quite good and well designed. However in a few cases the protection programs are somewhat similar and if these are adopted in India then surely India could protect the witnesses in a proper way.

## VIII. CONCLUSION

A Country cannot be termed as a developed country until it is developed in the entire sphere such as economical, social, political, cultural, religious, etc. One important sphere of development is Justice Delivery System. Witnesses do play a vital role in removing the veil of darkness and to bring out the truth or in other words it can be said that witnesses are the most vital elements of the Criminal Justice Delivery System without which justice cannot be achieved. With one statement of witness the accused can be convicted likewise in the absence of such statement the actual offender can go away without being punished thereby leading the justice in dark. There are various reasons for which a person even after witnessing the incident does not project voluntarily as a witness before the court. Many a times witness faces the fear of danger of his or near relative's life. This is one of the major problems which the Criminal Justice System is facing in India.

As long as the hostility of the witness will continue people will always suffer and will lose faith in Justice Delivery System. However this problem is not only in Indian scenario but it is a global problem. It is considered as a current issue in the International sphere. In order to tackle this problem many developed nations have already taken steps. For example many countries like USA, UK, and Canada have already made legislation so far.

Laws are dynamic and it is very important to change them with change of the society. In a democratic country like India it is the need of the hour to make legislation for protection of witness with its effective implementation. In today's time, stringent laws are required against persons who give false proof and also against witnesses who turn dangerous.

## IX. RECOMMENDATIONS

This is high time now that the legislation has to enact laws in regard to witness protection. Though the judiciary and the legislature from time to time made enactments in this regard. The existing laws are not enough for the protection of witnesses. This is evident from the cases like Best Bakery and Jessica Lal Murder case. So a separate statutory enactment is required to curb this menace.

There lies a need of an independent witness protection cell and it must have provisions in relation to false identities, follow up and relocation. All the witnesses must be treated with fairness, dignity and respect and also they should be free from harassment, intimidation or abuse throughout the criminal justice process.

The witness should be provided with the status of the investigation and prosecution of the crime. Other facilities such as medical facility, state compensation, social service, treatment, counselling etc. should be provided to the witness. Witnesses also have a right to a speedy trial and prompt conclusion of the case. If any sort of

violations are found to exist on the witnesses who are basically enrolled for this programme, they should be penalised.

There are various instances which have given evidence that the legislature was forced to in act laws due to public pressure. For Example – in order to draw government’s attention, the social activist Anna Hazare carried out a campaign named ‘India Against Corruption’ in 2011<sup>20</sup>.The major objet of the campaign was passing laws which are against corruption. At last the Lokpal Bill was finally passed on 18<sup>th</sup> December 2013 due to public pressure. In the same way the Delhi Government was pressurized to amend Indian Penal Code and make stronger laws against the offence of rape, soon after the Nirbhaya Case in 2012.

Hence we can say that today is high time that Indian Public should stand against the intolerant behavior of Government and take steps in order to protect laws for the protection of witnesses as Indian public has always shown courage to protest against injustice.

Also the media should play an important role in highlighting the various issues related to witness protection as Indian public is highly influenced by the publication of media and also this will create a pressure upon government and will indirectly instigate the public to create pressure upon the government for the protection of witnesses.

The NGO’s of India should also pressurize the Government for enactment of laws for the protection of witnesses. A proper check on granting adjournments should be kept; witnesses are often harassed by attending court proceedings number of times. The reason for visiting court premises number of times is adjournments. Either there should be strict check put upon the granting of plea or if it is in the opinion of the opposite party that the plea is being misused by the other one and for that he has sufficient evidence then for he should be given opportunity of being heard before the High Court and the High Court should decide upon the issue within the period of one week.

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<sup>20</sup> [www.indiatvnews.com/politics/anna-hazare/lokpai-bill-3.html](http://www.indiatvnews.com/politics/anna-hazare/lokpai-bill-3.html)