

| LAW AUDIENCE JOURNAL |
| VOLUME 2 | ISSUE 2 | JUNE 2020 | ISSN (O): 2581-6705 |
| INDEXED JOURNAL | IPI VALUE (2019): 2.32 |
| IMPACT FACTOR (2018): 2.527 |

| LAW AUDIENCE JOURNAL® |
| VOLUME 2 & ISSUE 2 | JUNE 2020 |
| ISSN (O): 2581-6705 |

EDITED BY:
LAW AUDIENCE JOURNAL'S
EDITORIAL BOARD

| LAW AUDIENCE JOURNAL |

| VOLUME 2 | ISSUE 2 | JUNE 2020 | ISSN (O): 2581-6705 |

| INDEXED JOURNAL | IPI VALUE (2019): 2.32 |

| IMPACT FACTOR (2018): 2.527 |

| COPYRIGHT © 2020 BY LAW AUDIENCE JOURNAL |

(ISSN (O): 2581-6705)

*All Copyrights are reserved with the Author. But, however, the Author has granted to the Journal (**Law Audience Journal**), an irrevocable, non-exclusive, royalty-free and transferable license to publish, reproduce, store, transmit, display and distribute it in the Journal or books or in any form and all other media, retrieval systems and other formats now or hereafter known.*

No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

*For permission requests, write to the publisher, subject of the email must be "**Permission Required**" at the email addresses given below.*

Email: lawjournal@lawaudience.com, info@lawaudience.com,

Phone: +91-8351033361,

Website: www.lawaudience.com.

Facebook: www.facebook.com/lawaudience

Instagram: www.instagram.com/lawaudienceofficial

Contact Timings: 5:00 PM to 9:00 PM.

| LAW AUDIENCE JOURNAL |

| VOLUME 2 | ISSUE 2 | JUNE 2020 | ISSN (O): 2581-6705 |

| INDEXED JOURNAL | IPI VALUE (2019): 2.32 |

| IMPACT FACTOR (2018): 2.527 |

DISCLAIMER:

*Law Audience Journal (ISSN (O): 2581-6705) and Its Editorial Board Members do not guarantee that the material published in it is 100 percent reliable. You can rely upon it at your own risk. But, however, the Journal and Its Editorial Board Members have taken the proper steps to provide the readers with relevant material. Proper footnotes & references have been given to avoid any copyright or plagiarism issue. Articles published in **Volume 2 & Issue 2** are the original work of the authors.*

*Views or Opinions or Suggestions (**if any**), expressed or published in the Journal are the personal point of views of the Author(s) or Contributor(s) and the Journal & Its Editorial Board Members are not liable for the same.*

While every effort has been made to avoid any mistake or omission, this publication is published online on the condition and understanding that the publisher shall not be liable in any manner to any person by reason of any mistake or omission in this publication or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this work.

All disputes subject to the exclusive jurisdiction of Courts, Tribunals and Forums at Himachal Pradesh only.

**“WITNESS PROTECTION WITH RESPECT TO INTERNATIONAL
SCENARIO AND JUDICIAL PRONOUNCEMENTS.”**

**AUTHORED BY: MS. ADITI SHARMA, MODY UNIVERSITY, SCHOOL OF
LAW, EMAIL ID: ADITISHARMA1993@AOL.COM,
PUBLISHED AT: WWW.LAWAUDIENCE.COM.**

I. ABSTRACT:

“The Criminal Justice System protects certain fundamental rights and freedoms guaranteed under the Constitution by enforcing the law and punishing the offender. In line with this goal, practitioners in the criminal justice system are pursuing the principal "Verify the Righteous and Punish the Wicked." Failing that, the criminal justice organization is trying to reduce the effectiveness of criminals. The criminal justice system deals with the process of defining crime, preventing and detecting crime, the process of conviction and the amount of punishment and rehabilitation of citizens charged with criminal offences, so that they can become useful members of society. Every criminal justice system is based on the Criminal Law system and follows the Adversarial System or Inquisitorial System. The judicial framework followed in India for the restoration of criminal justice is a system of opposition to the common law adopted by the British Judicial System.

The Adversarial System clearly focuses on the role of witness in criminal cases. The witness is the foundation upon which the formation of justice and equity rest. Therefore, he is unforgettable and plays an important role in the conclusion of the case depending on it. You are the victim of a crime, regardless of whether it is a crime or a criminal. No trial proceedings can be started without expert witnesses. Testimony is an important guideline in the criminal justice framework and the clear operation of the criminal justice framework is required for witnesses to come forward and dismiss their evidence and statements in a free and fair manner. This research paper tries to highlight the key laws of witness protection in

other countries. There are certain cases where Indian Judiciary has tried to save witnesses but it's high time to enact stringent laws for their protection."

II. INTRODUCTION:

In India the Criminal Justice System is being implemented and its main purpose is "Serve Justice". Justice can only be obtained when proper evidence and direct testimony of witnesses are obtained. A witness is considered a very important district, because the court's decision is based on the statement of witnesses. Therefore the protection of witnesses plays a major role in serving justice. Due to lack of proper protection of witnesses, they and their families were threatened and their health was threatened and they became violent. India does not have a comprehensive system of defense of witness protection because in many cases important witnesses are found of leading criminal cases. The need was identified by the Delhi High Court and so the Women's Discrimination Act of 2015 was enacted by the Delhi Government where a special witness protection fund and a witness protection cell were created to help protect their families. With this Delhi has become the first state / union territory to have a specific law to protect witnesses but this is not enough as it does not provide complete protection of witnesses so that witnesses are free from any threats and approach the court freely, and will not prevent witnesses from turning into enemies. India is a developing country and therefore developing in all its sectors. The law also needs to be changed from time to time when witness intimidation has a profound and profound effect on the government's ability to enforce its laws and on public confidence in the government's ability to protect its citizens.¹

Developing our own witness protection strategies can help other countries and compare their witness protection programs with our own. We have to consider some of the laws imposed by other countries. India is not the first country to recognize the need for a witness protection program. Many countries such as the United States of America, Canada, Thailand, Australia, and South Africa among others have enacted witness protection law, and many others have

¹. TanujBhushan and Pranati, "Witness Protection in India and United States: A Comparative Analysis", <http://www.sascv.org/ijcjs/tanujpranatiijcjsjan2007.pdf>

illegal security programs such as the United Kingdom. Therefore, it may be useful to think about the laws that have made other countries and study them in the context of India.

II.I UNITED STATES OF AMERICA:

Witness protection was first introduced in the United States of America, in the year 1970, as a legal process that was used in conjunction with the demolition plan of the criminal organizations. Until then, an unwritten peace code among Mafia members - known as omertà - has come as a shock, threatening death to anyone who violates standards and cooperating with police. Important witnesses could not be induced to testify to the State and key witnesses failed in the joint efforts of the criminal authorities intended to be prosecuted. Those early experiences convinced the United States Department of Justice that a witness protection program should be started. 'Protected witness' means any witness given to a particular type of protection from fear or retaliation. In fact, the term is usually reserved for witnesses who receive the protection of the official witness protection program. The USA is one of the most developed countries and therefore has the most protected witness protection programs. Witness protection is confiscated by the US Marshals Service, but some provinces have their own rules of protection of witnesses for offences that may be seized through the organization's system. The US Federal Government relocates and issues new IDs to endangered witnesses by providing evidence and providing financial and employment assistance. The State Government also grants provinces to enable them to provide a similar system. However, due to the lack of specific guidelines in the program, the 1984 Security Reform Act was enacted that made the plan broader. It is believed that in the 25 years after the Reform Act, more than 6,600 witnesses, as well as more than 8,000 family members, have been offered assistance as participants in the process.

II.II CANADA:

In Canada, the Witness Protection Act names these witnesses as 'protectees', a term not commonly used in other places. For the purposes of those and many other programs, the word

'witness' may also refer to other people who, because of their relationship to witnesses, may need protection. The term 'reporting people' designates another group of people that may need special protection. Groups in the United States are encouraged to look for ways to protect against improper treatment by any person who reports misconduct and crime in confidence and with good reason to knowledgeable authorities. These steps are sometimes referred to as a 'whistleblower' scheme. They are very important in cases involving economic and financial crime, or corruption.

II.III AUSTRALIA:

In 1983, the royal commission emphasized the need in Australia for the better use of organized crime makers, and as a result, that low-level players were given an incentive to introduce to the organizers. At that time, the arrangements for witness protection were a matter for individual police officers and different methods, with particular emphasis on 24-hour protection and some opting for the deployment of witnesses under new ownership. In 1988, a joint parliamentary committee conducted a thorough investigation into the issue of witness protection and its report directly led to the introduction of the Commonwealth level of the Protection of Act of 1994 and the enactment of screening in several states. Now in Australia, the most important law is the Witness Protection Act, 1994. Along with the separation of local and state government activities the WPA deals with cases under state law.

The law provides the legal basis for the provision of protection to the people: a. offer or agree to testify on behalf of the Crown in a criminal case or procedure and persons who have given or agreed to testify in relation to a criminal case; b. make a statement on the case; or c. may require protection and assistance for any other reason and appear to be in danger as a result of such evidence or statement. It involves protecting people who are related or related to those people. The witness protection program created under the Witness Protection Act of 1991 is a very comprehensive program and almost all factors were taken into account when enacting the law. The interpretation of the evidence itself is broad in the area of interest and is not merely considered in the strict sense of the witnesses in relation to a statement before a

criminal court under oath. Section 4 (2) (d) (of the 1996 Amendment Act) includes the transitive clause "a person may, for some reason, seek protection or other assistance under this law." One of the most interesting aspects of this law is the clear integration of changed ownership (Section 3A (a)) with specific guidelines for changing ownership in relation to birth, death and marriage registrations (under birth and marriage registrations) Act, 1959, S.C. 24 unemployed) under S. 4 of the said Act. However, it should be noted that under this law, certain authorities and a nominated member of the local authority may keep a record of the identity of real witnesses to be given details of the original identity of the person (s).

At first glance, this may seem to defeat the purpose of the Act by expanding the security circle, but the same provision is protected by a strict ten-year penalty for unlawful breach of security and disclosure. It is also protected by not being included in the Freedom of Information Act.

II.IV NEW ZEALAND:

Section 13A of the (New Zealand) Evidence Act, 1908 (introduced 1986); protection is available to employees found in cases involving drug and drug offences and attempted offences for attracting a minimum of seven years imprisonment. A certificate must be issued by the Police Commissioner to the court that the officer seeking protection has not been found guilty. In 1997, Section 13G was introduced to make the protection applicable to all witnesses should their lives be at risk. In R v. L, this provision was tested in the resources of section 25 (f) of the New Zealand Bill of Rights that provides for the right of interrogation of the accused. The court upheld the provision on the ground that the right to cross examination was not absolute. Under Section 13C (4), a Judge may make an anonymous declaration where he is satisfied that the safety of a witness may be compromised if his identity is disclosed. Subsection (5) of Chapter 13C provides for matters to be dealt with by the court and subsection (6), the conditions to be fulfilled. The court's power to exclude the public or to

direct the examination of witnesses or to give evidence on local television is provided under section 13G.²

II.V CHINA:

In China during a telephone call from police in search of change in 1994, Hong Kong Police launched a witness protection program. A similar plan was introduced in 1998 under the Independent Commission against Corruption (ICAC). In 2000, the Protection Ordinance was enacted to provide a basis for the protection and other assistance of witnesses and persons associated with witnesses. This same rule provides for similar mechanisms for the use of witness protection programs established by the Hong Kong Police and the ICAC.

II.VI GERMANY:

In Germany, there were no specific legal provisions to protect witnesses against organized crime. There was however a large number of laws aimed at protecting witnesses - especially with the independence of the nature of the offence committed; such rules, for example, also apply to criminal cases or sexual offences, and may apply to organized crime. German criminal law requires criminal prosecutors to prosecute all suspects when there is information that there is 'sufficient evidence' of non-prosecution crimes. German Witnesses are legally obligated to appear before the public prosecution office in court. Call, testify truthfully and swear an oath of their testimony when asked to do so. These are public works not established by the Criminal Code, but classified as a condition. The State has the power to enforce this obligation through successive procedural measures. On the basis of this statutory obligation, a particular obligation exists for the State to protect the legal interests of witnesses, above all life, organs and property, if this is the case. It is put at risk because of the evidence. Witness protection programs have been in existence in Germany since the mid-1980. They were first used in Hamburg for gang related offences. In the following years, they worked orderly with other Germans and the Crime Police Office. In 1998, the Witness Protection Act was

². Anonymous , "Importance of a Witness" , <http://www.lawteacher.net/free-law-essays/administrative-law/importance-of-a-witness-law-essays.php>

promulgated. The law included provisions governing criminal proceedings. And in 1998, the Criminal Police Task Force developed a concept of witness protection that first outlines the objectives and measures to be used by organizations that include witness protection. That has led to the issuance of standard guidelines for the protection of vulnerable witnesses by state and local agencies. Until the adoption of the Law on the Protection of Risk Witnesses, 2001, guidelines served as a major basis for the witness protection program in Germany. With the adoption of the Harmonize Act for the protection of evidence in 2001, the Legislature established the legal basis for certain steps to protect witnesses, which is why the statutory security is in this role. The legislature has chosen not to limit the area of application in the fields of 'organized crime' and 'terrorism'. Having said that, section 2 Subs. 2 Rule 2 of the Harmonize Witness Protection Act contains a special clause that the means of protecting witnesses in accordance with the Act so that Harmonize Witness Protection is ultimately considered only in cases of serious crime. The 2001 law was introduced to harmonize the legal environment with the process of witness protection at both the federal and state levels. In May 2003, the guidelines were compiled with the statutory provisions of that law and now serve as the provisions of the Act at all witness protection offices in Germany.

II.VI SOUTH AFRICA:

This approach is supported on a case-by-case basis to measure conflict of interest with the aim of ensuring proper administration of justice. Section 153 of the (South Africa) Criminal Procedure Code allows criminal proceedings to be held on camera to protect the privacy of witnesses. Section 154 gives the court an opinion denying the publication of the name of the accused. South African courts have allowed this witness to testify behind closed doors or to testify anonymously. Courts prefer to prohibit the media from reporting on their identity rather than taking them out of the courtroom. According to a study abroad program of witness protection, it can be concluded that our country needs strengthening of ours, as we have very weak evidence-protection programs. Some countries have more comprehensive witness protection schemes. They have a sense of changing their identity; they have enough infrastructures and a budget to protect their witnesses and their families. Their trial

procedures also assist in the protection of their witnesses as allowed by the camera. Even police officers required for witness protection should be exempt from any criminal record. These countries have developed defense mechanisms, our government must also adapt to these mechanisms.

III. THE ROLE OF THE JUSTICE SYSTEM:

Witness protection is given to witnesses in serious cases but it is inadequate and inaccurate. Due to lack of implementation and apathy in our departments our protection is of no avail. There were some cases where the witnesses were protected but all these protections leave us with a question.

III.I Naroda - The case of Patia³:

An important witness who was also a victim in the case of the loss of her three children in the Naroda-Patia massacre in 2002 was attacked by a group of 30 people and killed as she revealed many of the names involved in the massacre. Though given to one officer as he was threatened by other people and that the guard was on leave when he was attacked and killed. Witness protection was given to him but is it enough to protect a key witness in such a serious case? Can there be a reason that protecting this witness from 30 people with one guard was enough and what are the chances that when the attack is going to be there, the guard saved the life of the witness and not his life?

III.II KetanThirodkar Case⁴:

Journalist KetanThirodkar was granted temporary protection by the Bombay High Court while receiving threats of dismissal of details of another series of illegal acts by police and the subcontinent. He has lodged a petition demanding the protection and investigation of

³ . UdayMaharkur , “NarodaPatiya case: MayabenKodnani’s fate hangs in balance”,
<http://indiatoday.intoday.in/story/naroda-patiya-case-mayaben-kodnani-judgement-narendra-modi-gujarat-riots/1/273065.html>

⁴ . Roxy Gagdekar , “CBI Arrests KetanTirodkar in Sadik Jamal Mehtar encounter case”,<http://www.dnaindia.com/ahmedabad/report-cbi-arrests-ketan-tirodkar-in-sadik-jamal-mehtar-encounter-case-1711387>

undercover police officers. He failed to get as much protection as he could as the Public Prosecutor held the fact that he accepted the truth of his involvement in the underground. Was temporary protection sufficient for the person complaining of such serious crimes? That the Public Prosecutor was honest when it came to the case involving the police themselves? Was the reason for refusing Permanent Protection by the court sufficient?

III.III Twin Blast Case⁵:

In this case Shivnarayan Pandey the taxi driver gave some clues to the Twin Blast Case case and was therefore a very important witness in this case. His identity was a news item by an inspector on the day of the blast, so he must be protected with additional protection by Mumbai police. Mumbai police violated section 30 of the Terrorist Protection Act (POTA), by failing to protect the identity of prosecution witnesses. He was therefore held in an undisclosed location with police guards but his family was not protected, and, possibly under a political activist, another terrorist could go to Pandey or his family members. They would bribe Pandey or his family members or for that matter and do anything to make sure that Pandey turns hostile. Was it negligence and lack of witness protection? Is just protecting a witness and leaving the family in jeopardy in the process of justice?

These are great cases where witness protection is offered and there are many more but in all these cases the protection afforded by our courts and departments has been insufficient and leads to the killing of witnesses which also leads to the error of Justice.

IV. SUPREME COURT OF INDIA ON WITNESS PROTECTION:

The Supreme Court of India has expressly expressed its concern about the prediction of the witnesses in the words of Wadhwa, J. While presenting the decision and expressing his view of the circumstances of the witnesses as follows: “A criminal case arose on the basis of evidence, admissible evidence in law. In that case witnesses are needed, whether it is direct

⁵. Anonymous, “Two found guilty in Kozhikode twin blast case”, <http://www.hindustantimes.com/india/two-found-guilty-in-kozhikode-twin-blast-case/story-Gg004bh11CFZlfQ6l0N0CM.html>

evidence or strong evidence. Here are the witnesses who are the most abused. A witness in an unplanned trial may come from a remote area to find that the case has been postponed. How often he has to come to court and how hard it is to find himself and his family. It has become more and more fashionable that a criminal case is repeatedly postponed until witnesses become tired and reluctant. It is a game of innocent attorneys finding arguments for one reason or another until it comes to a witness or you are tired. Not only is a witness threatened, he is kidnapped; you are disabled; deleted; or bribed. There is no protection for her. In postponing the matter for no good reason the court has unintentionally been involved in perverting justice. The witness is not treated with respect in court. He is chased out of the crowded concrete square. He waits all day and finds that the matter has been postponed. He has no shelter and no place to get a glass of water. And when he appears in court, he is examined and held for long periods of time and cross-examination and he finds himself in a critical condition. For all these reasons and someone is disgusted with being a witness. It is the administration of justice that bothers you. After that the amount of food worth a witness is too far away.

Here again the abuse process begins and you decide not to get food money at all. The High Courts should be alert in these matters. Appropriate food money should be paid immediately to the witness (not only during the examination but for all hearing entries) and sent to him and should not be left abused by his subordinates. If the criminal justice system is to be introduced in the right months, the process cannot be left in the hands of innocent lawyers and the machinery of the lazy State. Each case must be carefully monitored. The time has come for all courts, district courts, lower courts to be connected to the Supreme Court electronically and a proper check should be taken on the verification and recording of evidence. The Bar Council of India and the State Councils must play their part and support their support to bring the criminal justice system back on track. Perjury is also a way of life in the courts of law. The trial judge knows that the witness is lying and returns with his previous statement, however he does not wish to punish him or make a complaint against him. He is asked to sign a petition himself, preventing him from lodging a complaint. Perhaps the law requires the amendment of Clause (b) of Section 340 (3) of the Code of Criminal Procedure,

1973 in this regard as the High Court may order any officer to lodge an appeal. To eliminate criminal misconduct, the court must turn to the use of legal remedies as set out in Chapter XXVI of the Criminal Code Code.” It is also important to note that, the Delhi High Court has issued guidelines to the Police in providing witness protection in order to curb their threats which lead to the dismissal of the accused in serious cases. The decision was handed down by the Bench consisting of Usha Mehra, J and Pradeep Nandrajog, J in a complaint filed by Neelam Katara his son Nitish allegedly kidnapped by a marriage form in Gaziabad by Rajya Sabha MP for DP Yadav son of Vikas and nephew Vishal, and killed in February 2002.

The guidelines were as follows:

- *Member Secretary, Delhi Legal Services Authority will be the appropriate authority when, upon receipt of the application for witnesses, determine "if the witness needs protection, how long and for how long", the Court said.*
- *However, protection will only be available to witnesses who have had to reduce their sentence of imprisonment or life imprisonment.*
- *In deciding whether to provide the protection of a witness, a competent authority must "consider the nature of the danger to the protection of the witnesses from the accused or his colleagues and the nature of the investigation or crime.*
- *The authority will also consider the importance of the witness and the value of the evidence presented or permitted to be given by him at no cost to protect him.*
- *While recording statements of witnesses under section 161 of the Criminal Procedure Code, 1973, it may be the duty of the investigator to make the witness aware of these guidelines and the fact that in the event of a threat he may approach the appropriate authority.*
- *When a competent authority decides to increase the protection of a witness, it is the duty of the police commissioner to protect him or her.*

The question on the issue of Best Bakery from Gujarat ascended the Supreme Court is one of the hallmarks of the series. In **Zahira Habibulla H. Sheikh and v. State of Gujarat and others**, the Apex Court emphasized the role State should play in protecting witnesses. It turns

out that as a protector of its citizens, the State must ensure that during the trial the witness can safely release the truth without fear of being abused by those he has removed. The Supreme Court reminded the State that it has a constitutional duty and an obligation to protect the health and liberty of citizens.

V. SUGGESTIONS/RECOMMENDATIONS:

V.I Protection for all witnesses:

Witness protection only focuses on high-profile cases, media cases as it is the government's job to protect them as they are accountable but what about non-specialist cases, non-rural cases, witness protection is needed in those areas and but it is not important to provide those areas and the number of rural areas is far greater than the number of high-profile cases. they are at a high level so when the witnesses in those areas and situations are protected and then the confidence of our witnesses alone will increase, they will move on to give statements, a large number of witnesses are prevented from becoming hostile.

V.II Relief Instant Relief:

There are many times when witnesses are suddenly attacked and have no way or no way to deal with it then they should have the choice to call anyone and be protected from him immediately or it may be that if this defense is too soon to be provided he should be given a firearm or other weapon for his defense and defense assigned. Independent witnesses should be added to the witnesses as in the case of the Nirbhaya case, Nirbheek guns are specifically designed for women to defend themselves.

V.III Family Protection:

A person is more concerned about his family than he is and when he comes to know that his family is safe, no harm will be done to them, proper care of his family will be taken care of, then he will come as a witness to give his testimony without fear, and it is possible that a sense of security will boost the confidence of our witnesses.

VI. PROBLEMS IN APPLICATION OF WITNESS PROTECTION PROGRAM IN INDIA:

There are many obstacles to the successful implementation of the witness protection program in India. The first and most important issue with regard to the anonymity of the witnesses and the balancing of the prosecutors' interests in protecting the evidence and the rights of the accused. Section 327 of the Criminal Procedure Code of India outlines the importance of an open case. Therefore, the rights of the accused in knowing who the witness is are of paramount importance, especially if they have to defend themselves against such evidence. Section 299 of the same statute provides only one exception to this rule and states that only if the accused is not found or gone and is not found in reasonable ways, the court may order the prosecution witnesses to testify without the presence of the accused.

There are many practical problems when talking about a comprehensive program.

- 1. The most obvious is the cost of operating and infrastructure. When you talk about providing invaders, security, relocation etc., the costs involved will definitely be huge. The truth can always be costly when it comes to rendering justice, but the real facts must be remembered. Nevertheless, countries such as Thailand and Puerto Rico have successfully implemented the protection of witnesses, even though their own less developed countries cannot be said of India, as India is much larger and more elusive. However, this problem can be solved by carefully selecting cases, which deserve protection, not all other cases. So by reviewing cases that may have been high, suspected civil cases, involving drugs or members of organized crime or cases involving serious offences where an officer perceives a threat, protection may be provided.*
- 2. The most important problem is corruption in the administration and justice. Although the argument seems complicated and trite, no witness protection program can work with corrupt officials. When a person is given a false identity and transferred to another and the authorized authority is bribed and sells the information, the whole*

process is interrupted. Therefore, corruption and political pressure remain a major problem in adjusting the situation of a hostile witness.

Therefore, it is proposed that a separate political forum be established to ensure the protection of witnesses at all stages of the trial. Virtually all countries with witness protection laws make up the Witness Protection Cell, which can have thermal travel that can be reached. The cell should also arrange for the provision of false identity, transit and compliance.

Even if all of the above provisions were made, the plan would be in vain if the witnesses were not informed of their rights. They should have the right to be informed of the judicial process, their role, the protective measures available to them and the possible retaliation. Not only must they have the right, but it must be the duty of the magistrate and the public prosecutor to inform witnesses of such rights.

VII. CONCLUSION:

Of course undeniable that the effective protection of witnesses is very important to find and frustrating to organized crime. It will not lead to much difficulty in finding the truth, nor may detriment his defense elsewhere to the defendant to some extent where there is doubtful or indeed inaccurate material in accordance with the law. It is not a matter of finding the truth in any way, and not risking a life or a witness. In this difficult area, the persecution of crime, the courts and the police to prevent, if possible, in conjunction with advice on security, you should find a practical compromise acceptable to all the interest.

The responsibility for witness protection is not only for Justice and the police, but also for society as a whole, especially because of all State bodies, they also need to adopt and support the witness protection measures through judges and police.

In fact, effective witness protection requires all parties to be very sensitive, to consider and understand the purposes of the State and all parties involved, and courage and, in particular,

| LAW AUDIENCE JOURNAL |
| VOLUME 2 | ISSUE 2 | JUNE 2020 | ISSN (O): 2581-6705 |
| INDEXED JOURNAL | IPI VALUE (2019): 2.32 |
| IMPACT FACTOR (2018): 2.527 |

to rely on the State's steps for witnesses, as well as thought and understanding in choosing the right methods; money should not play. Government must participate in this issue and implement a system that is not a new or innovative concept in global criminal justice systems.

Not enough witnesses turned to hate, enough people have been killed and yet no solution from the government looks like it will happen. Thus, the Indian Parliament should take note of the current situation and the implementation of a witness protection program in the country.