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RIGHTS OF VICTIMS AND WITNESS PROTECTION IN CRIMINAL TRIALS

~ *Anannya Mohanty*

Abstract

In the system of the Indian justice, the rights of victims and security of witnesses in the criminal proceedings have become the most important aspects of justice considering the traditional emphasis on the accused to the more comprehensive observation of the victim as an interested party in justice¹. In the past, the adversarial system discriminated against the victims so that they were not seen as participants, but as informants, which led to the secondary victimization of intimidation, harassment, and delays in trials². But judicial activism and movements in legislation have slowly changed this stance as it now argues that the right to fair trial is not just in the accused but in the victims and the witnesses as well³. Both statutory provisions in the code of criminal procedure like Section 357A⁴ which deals with the victim compensation and judicial pronouncements in cases like *Zahira Sheikh v. State of Gujarat*⁵ and *Sakshi v. Union of India*⁶, have pointed out the necessity to have procedural safeguards, compensation, anonymity, and dignified involvement of victims. Equally the introduction of Witness Protection Scheme, 2018, sanctioned by the Supreme Court, in a press of its own was the model step towards institutionalising a set of measures to prevent intimidation and give a free fair testimony, by providing anonymity such as

¹ Amit Kumar & Abhishek Kumar Singh, Victim and Witness Protection Laws in India, Int'l J. L., Policy & Soc. Rev., Vol. 7, Issue 3, 2025, p. 80

² S. Muralidhan, Rights of Victims in the Indian Criminal Justice System, IELRC (2004)

³ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14 (India)

⁴ Code of Criminal Procedure, 1973, § 357A (India)

⁵ *Zahira Habibullah Sheikh v. State of Gujarat*, (2004) 4 SCC 158 (India)

⁶ *Sakshi v. Union of India*, (2004) 5 SCC 518 (India)

identity concealment, relocation, and in-camera proceedings among others⁷. However, even with these reforms, some issues remain, namely, the unbalanced application of reforms in all states, inadequate funding, political interference, and ignorance, which damage effectiveness of victim rights and witness protection. Such systemic failures lead to loss of trust in the justice system as well as the encouragement of criminals that results in miscarriage of justice in sensitive cases like sexual assaults, communal violence and organized crime trials.⁸ It is thus important that these frameworks are given more strength to balance the rights of the accused and the right of the victims to an equal access to the justice, as stipulated in Articles 14 and 21 of the Constitution⁹. The key to future developments in this regard rests in elaborate legislation, good enforcement, victim-witness assistance and greater sensitization of judicial and investigative agencies.¹⁰

Introduction and history

Victim and witness protection rights in India have evolved tremendously and have been influenced by the historical lack of concern of victims within the criminal justice system which operates as an adversary as well as by the gradual changes in laws, the judicial activism, and the international trends. Historically the criminal law of India was largely based on the accused and the state with little regard to the victims, who in most instances were absent on the stage of substantive rights or protection in the trials as they were regarded as mere witnesses or complainants. This inattention frequently led to secondary victimization, i.e. the victims were intimidated, harassed, and traumatized during investigation and trial procedures, which further removed their place in the justice system. Initial legislative changes started to tentatively even out this imbalance by introducing changes in the Code of Criminal Procedure (CrPC)¹¹, including the existence of a provision in the Code of Criminal Procedure that enables a victim to receive compensation, and the provision of intermediaries to vulnerable witnesses¹². This was greatly expedited by judicial activism where the victims began to be viewed by the courts as the main component in the process

⁷ Witness Protection Scheme, 2018 (India), approved in *Mahender Chawla v. Union of India*, (2019) 14 SCC 615 (India); blog.iplayers.in/witnesses-protection-india/.

⁸ Unnati Singh & Dr. Shova Devi, *Legal Framework For Victim Rights In India*, IJLLR, Apr. 2025

⁹ Constitution of India, arts. 14, 21

¹⁰ Dr. MeenaKetan Mishra, *Criminal Justice Administration Witness Protection*, 2025; Malimath Committee Report, 2003

¹¹ Amit Kumar & Abhishek Kumar Singh, *Victim and Witness Protection Laws in India*, Int'l J. L., Policy & Soc. Rev., Vol. 7, Issue 3, 2025, p. 81.

¹² Protection of Children from Sexual Offences Act, 2012, § 33(7) (India)

of achieving justice. *Delhi Domestic Working Women's Forum v. Delhi Domestic Working Women* is one of the landmark Supreme Court rulings. *Bodhisattwa Gautam v. Union of India* (1995). Subhra Chakraborty (1996) introduced the growth of victim rights by directing damages, counselling and procedural protections in an endeavour to preserve dignity, and thereby established the victim welfare as a fact in the legal field. *The Zahira Habibullah Sheikh v. The case State of Gujarat* (2004)¹³ revealed the extreme exposure of witnesses to intimidation and aggression, which motivated the changes which resulted in the creation of the Witness Protection Scheme in 2018 which became the first tangible policy framework to protect witnesses by implementing identity protection, in-camera trials, and relocation.¹⁴ This was supported by the international commitments to India such as the UN Declaration of Basic Principles of Justice to Victims of Crime that promoted victim-focused reforms and receiving quality remedies. Even with these efforts, there are still several challenges that affect the effectiveness of victim rights and witness security implementation, including lack of consistency across states, poor infrastructure, ignorance, systematic bias, and so on. However, the intervention of courts and the changes in the laws, as well as the change in the societal awareness, emphasize a continuous shift in the process of addressing victims and witnesses not as marginal players but as the fundamental participants in the criminal proceedings- the shift towards a more juvenile, humanitarian, and proportionate criminal justice system in India. This development highlights how far it has come on the road of being side logged to being taken seriously, and preconditions the modern safeguards of helping victims feel empowered and ensuring justice via detailed witness protection systems.¹⁵

Legal Foundations and Statutory Provisions

The Indian criminal justice system has its traditional focus on the prosecution of the accused individuals in the first place, focusing more on the rights and protections of those accused, whereas nearly disregarding the rights and protection of the victims and witnesses¹⁶. Both legislative changes and judicial interventions have over the years realized the importance of the lawful system and therefore the legal framework has significantly increased to ensure the safety of victims and

¹³ *Zahira Habibullah Sheikh v. State of Gujarat* (Best Bakery case), (2004) 4 SCC 158 (India)

¹⁴ Law Commission of India, Consultation Paper on Witness Identity Protection, No. 2017.

¹⁵ Witness Protection Scheme, 2018 (India), blog.ipleaders.in/witnesses-protection-india/.

¹⁶ Aamer Bakrolwala, History and Development of Victims Rights, Inst. of Law, Nirma Univ., 2021

witnesses and safeguard the rights of the victims in the criminal court proceedings.¹⁷ The cornerstone of such change is a number of statutory measures entrenched mostly in the Code of Criminal Procedure (CrPC), the Indian Evidence Act, the various victim compensation schemes as well as the developing body of law on witness protection. Such laws are supported by the principles of the constitution and primarily Articles 14, 21, and 39A of the Indian constitution that focuses on the right to justice, equality before law, and fair trial to all the members of the criminal justice system.¹⁸

The major law that governs the criminal procedure in India is the Code of Criminal Procedure, 1973, which includes the main provisions to acknowledge the rights of the victims and ensure the protection of witnesses. In 2009, an amendment to the CrPC established the Victim Compensation Scheme in section 357A that compels state governments to establish systematic structures to compensate and rehabilitate monetarily the survivors or the legal representatives of the survivors irrespective of the verdict of the trial¹⁹. This historic clause is an acceptance that other critical damages caused by crimes are the economic distress as well as the physical and emotional sufferings, and prompt compensation is the key rescue. In addition, Section 357A requires the state-level development of the rules to define the eligible victims, the amount of compensation, and the effective disbursement of the funds. Such regulations have since been embraced among other states and have made victims more accessible to justice other than punitive actions against the offenders. Nevertheless, it is not successfully implemented because of the inconsistent administration on the state levels and a lack of awareness among the potential beneficiaries.²⁰

Indian Evidence Act, 1872 is central in establishing the protocol, which can be used to protect the witnesses during trial period. A number of provisions are aimed at guarding the testifying of vulnerable witnesses, e.g., children, women that have endured sexual violence, and caste or communal violence victims. Indicatively, Section 155 and 156²¹ permit courts to limit inappropriate questioning which can embarrass or threaten the witnesses. More importantly, the

¹⁷ S. Muralidhan, Rights of Victims in the Indian Criminal Justice System, IELRC (2004)

¹⁸ Malimath Committee Report, 2003, ch. 6; Code of Criminal Procedure, 1973; Constitution of India, arts. 14, 21, 39A; Victim Rights in Indian Criminal Justice System, RJHSS, 2020

¹⁹ Criminal Law Amendment Act, 2013; Code of Criminal Procedure, 1973, § 357A (India)

²⁰ K. P. Karunakaran, Victim Compensation Schemes in India, 2012; Victim Rights and Criminal Justice in India, IJARST, 2020

²¹ Indian Evidence Act, 1872, §§ 155, 156 (India)

Section 164 assists in making the confessions or statements in the presence of magistrates that will subsequently be used in future as evidence so that one does not need to appear before court several times which may expose the witnesses to intimidation. Moreover, under the Evidence Act, courts are granted the right to have the in-camera (or closed-door) trial, to protect victims and witnesses against exposure to the public and media sensationalism, which usually discourages their contribution. Other than that, intermediaries used to investigate child witnesses mitigate trauma and promote truthful testifying²².

In addition to these generic laws in India, there are special acts that have established norms of victim-centric and witness protection. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, obligatory provides instant protective steps and compensation to the victims of the marginalized groups; the recently added provisions in the Indian Penal Code penalize the acts of intimidating witnesses, which gave the police the power to act proactively²³. Having victim and witness protection provisions such as anonymity, legal assistance, and victim-friendly court proceedings, which are the stringent measures prescribed by the Protection of Children against Sexual Offences (POCSO) Act, 2012, facilitates the role of a child witness through dignity. These specialized laws enhance the fact that victims and witnesses must not be re-victimized in the process of seeking justice. The rights of the victim and the witness are constitutionally entrenched in the Indian Constitution in Articles 14, 21, and 39A. Article 14 ensures equality before the law and equal protection which stipulates that the state also offers non-discriminatory access to justice and that vulnerable groups, including victims and witnesses, should not be arbitrarily denied their participation.²⁴ The human right to life and personal liberty is enshrined in Article 21, which is the main pillar of the jurisprudence of human rights. The Indian Supreme Court has construed this right widely to embrace right of life with human dignity and protection against cruelty that incorporates the protection against traumas arising out of threats, intimidation or unsuitable trial process. In the protection of the rights under Article 21, several court decisions have made it clear that the protection of both witnesses and victims is implicit²⁵. Article 39A is a Directive Principle,

²² Indian Evidence Act, 1872, § 327 (India); S. Muralidhan, Rights of Victims in the Indian Criminal Justice System, IELRC (2004); Protection of Children from Sexual Offences Act, 2012, § 31 (India)

²³ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, § 15A (India)

²⁴ Protection of Children from Sexual Offences Act, 2012, §§ 24–33 (India); S. Muralidhan, Rights of Victims in the Indian Criminal Justice System, IELRC (2004); Constitution of India, art. 14; Indian Supreme Court in State of Kerala v. N.M. Thomas, (1976) 2 SCC 310 (India)

²⁵ Constitution of India, art. 21; Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India)

which subjects a state to the obligation to secure free legal assistance and to foster justice on equal grounds, which, in any case, constitutes an obligation to support victims and witnesses who are likely to be sidelined in a complicated legal procedure.²⁶

The judicial intervention has been a significant driving force to the gradual implementation of the rights of the victims and witness protection in India²⁷. The Supreme Court has severally acknowledged the role of the state in providing witness safety which guarantees integrity in the delivery of justice. The case of *State of Gujarat v. Anirudh Singh* (1997) also underlined that the witness plays a critical role in criminal trials and is one of the pillars of the criminal trials and how failure by the state to ensure that witnesses are safe compromises the criminal justice process. This ruling made more people realize the need to have the law in place that will ensure that the witnesses do not fear to come forward and this is because witness protection is the key to maintaining the rule of law. The *Zahira Habibullah Sheikh v. 2004. State of Gujarat (Best Bakery case)*²⁸ is a turning point in the jurisprudential history of the witness protection in India. The situation that the court faced in this instance due to the Gujarat riots was massive witness intimidation and withdrawal which resulted in miscarriage of justice. The intercession by the Supreme Court led to a retrial and a major restructuring of the system to incorporate the issue of witness protection directly as a part and parcel of the court system and police procedures.²⁹ Such decision led to a legislative wave that ultimately resulted in the establishment of witness protection laws, establishing principles to maintain the confidentiality of the identity of witnesses, as well as, to protect them against coercion or retaliation. The case raised the structural pitfalls that witnesses are prone to particularly in communally or politically sensitive violence cases and it helped to drive the story, that witness protection is a constitutional requirement.

Similarly, in *Sakshi v. Union of India* (2004)³⁰, the Supreme Court highlighted the importance of providing the victim of sexual assault with holistic support by procedural protection, such as being free of hostile cross-examination, anonymity, victim compensation, and

²⁶ Indian Penal Code, 1860, § 195A, as amended by Act 25 of 2006 (India); Constitution of India, arts. 14, 21, 39A

²⁷ Constitution of India, art. 39A; Law Commission of India, Consultation Paper No. 2017

²⁸ . *Zahira Habibullah Sheikh v. State of Gujarat*, (2004) 4 SCC 158 (India)

²⁹ . Muralidhan, *Rights of Victims*, IELRC (2004); *Zahira Habibullah Sheikh v. State of Gujarat*, (2004) 4 SCC 158 (India)

³⁰ *Sakshi v. Union of India*, (2004) 5 SCC 518.

posttraumatic court conditions. This ruling solidified the concepts of victim dignity and protection in the procedural structure of criminal trials, a strengthening of victim input as one of the pillars of justice. *NALSA v. the National Legal Services Authority (NLS)*. Although the Union of India (2014) judgment does not directly address victim and witness protection, its main idea, which is the enforcement of the rights of transgenders, has an indirect reference to the protection of vulnerable witnesses, who are representatives of marginalized groups. It was the ruling that successfully expanded the range of constitutional rights, safety, and additional protection that could cover the victim and witnesses facing social exclusion or stigmatization.³¹

The longest fight to legislatively guarantee witness protection was the most material one, the Witness Protection Scheme, 2018. Though this is not a law, but an executive plan, it is approved and confirmed by the Supreme Court which stated that until it is formally legislated, it must be treated as a law.³² The scheme has brought about the introduction of institutional and procedural mechanisms that classify witnesses into three levels of threats; threats to life or physical safety, threats that are reputational or property-related, and threats that are in nature harassment or intimidation. Depending on such categories, specific protective services are offered such as police protection, escort services, relocation with new identities, unlisted telephone numbers, safeguards on the court proceedings such as in-camera hearings, and prohibition of physical contact with the accused individuals. The plan also focuses on ongoing threat evaluation, immediate security implementation, and witness welfare schemes that are funded by special Witness Protection Fund. Among the most important procedural changes the scheme and judicial decisions brought is the utilization of the modern technology in order to minimize the exposure and intimidation of the witness. Video conference facilities have been actively used where the witnesses can be remotely invited to testify without affecting the full transparency of the trial, yet significantly reducing the physical and psychological burden on the witness.³³ The courts also permitting testimonies to be recorded at the first opportunity possible is a regular process of ensuring that the intimidation that could be caused by appearance is avoided across time. Voice-modulation and protecting the identity of witnesses in open court facilities will increase privacy and security. These policies

³¹ *NALSA v. Union of India*, (2014) 5 SCC 438 (India); Rights of Victims in the Indian Criminal Justice System, IELRC (2004)

³² *Mahender Chawla v. Union of India*, (2019) 14 SCC 615 (India); Witness Protection Scheme, 2018, MoHFW/BPRD

³³ Witness Protection Scheme, 2018, § 3; BPRD Guidelines, 2019

indicate the way India is adapting itself to international best practice in witness protection as it deals with local contextual issues.³⁴

In spite of such developments, the adoption of witness protection and victim support systems encounters many challenges. Lack of uniformity on implementation in various states, insufficient funding, incompetence in training law enforcement, political influence, and insufficient awareness among the victims and witnesses undermine the efficacy of the provisions of law. Other states have led on an all-inclusive Victim and Witness Protection Programs, having dedicated police units and victim assistance centres, but most have a hard time putting the 2018 scheme into full operation. Lack of infrastructure in both the secured housing or transfer places of witnesses is also a major obstacle.³⁵ Social stigmatization and fear of retaliation also make many witnesses unwilling to cooperate or testify entirely, particularly in an organized crime or politically influential case. There has been constant advocacy to have a specific, consistent federal witness protection statute to seal the gaps in its implementation and create consistent protection procedures across the country. The slow yet progressive development of legal protection given to victims and witnesses in India is a shift, as India has always been a silent system on the plight of victims and witnesses, but now is working towards a just and balanced justice delivery model. CrPC and Indian Evidence Act statutory provisions have formed a strong base with constitutional provisions provided on Articles 14, 21 and 39A. The judicial rulings have played a significant role in the expansion of these rights and bringing about policy changes. The Witness Protection Scheme 2018³⁶ is an important institutional policy turnover as it is an indication of greater awareness by the states regarding the intricacy of witness safety and victim dignity. But to attain maximum transformative power of these measures, more reforms, clarity in legislation, strong funding, capacity building and public awareness would be required so that victims and witnesses can be able to take part in trials without any fear and with greater confidence³⁷. Finally, preserving the rights of victims and witness

³⁴ Witness Protection Scheme, 2018, §§ 11-12

³⁵ Victim and witness protection laws in India, Law Journals, 2025; Witness Protection In India: Challenges And Legal ... IJCRT, 2025

³⁶ Delhi Witness Protection Scheme 2025, Central Government Notification

³⁷ Judicial interpretation and witness protection, Law Journals, 2025; Witness Protection Scheme Under BNSS, CCJC NLIU, 2025; Witness Protection Scheme, 2018, Bpr&D

protection does not only fulfil the constitutional requirements but also enhances the rule of law and democratic governance as it allows more equitable and transparent criminal justice decisions.

Socio-Legal Implications and Human Rights Concerns

The criminal justice system in India has over time realised that the victims have their rights and that witnesses have to be protected but the actualisation of these rights is deeply challenged in such a way that its realisation is hampered. The provision of safe, honourable, and fair justice to victims and witnesses has been hampered by some systemic flaws, logistical challenges, and deep-rooted prejudices despite the significant legislations such as Witness Protection Scheme, 2018 and constitutional considerations under Articles 14, 21 and 39A. A critical analysis of the challenges encountered in the implementation of victim and witness protection programs show that there are various interconnected challenges such as the absence of a nationwide implementation enforcement, inadequate financial and infrastructural backing, threats and intimidation of the subject by those subjected to victimization, delays in compensating the victims, and the overall negative adversarial approach whereby the alleged offenders dominate the victims. The lack of a consistent application of witness protection programs to India with its different federal system is one of the main challenges.³⁸ The Witness Protection Scheme, 2018, that was accepted by the Supreme Court, requires establishing State Witness Protection Funds, capable authorities, and threat assessment measures. Nevertheless, these demands are not successfully implemented in most states. The necessary administrative bodies have not been formed in some states, leading to uneven and an ad hoc coverage, usually at the direction of the discretion of the district-level officials and available resources. This inconsistent application creates a sense of insecurity in the protection procedures among victims and witnesses who are often susceptible to being victimized again, or being coerced into withdrawing a witness statement.³⁹

This is aggravated by lack of funds. Funding that is provided to witness protection such as relocation, security guards, safe accommodation, and compensation is in most cases insufficient or payment is made irregularly. Most states do not have their own budgets to support victim-witness programs; they must rely on random central government grants or on an ad hoc basis.⁴⁰

³⁸ The Failure of Witness Protection in India: Legal Analysis, Office of Partap Singh, 2025

³⁹ Witness Protection In India With Special Reference To ..., IJRTI, 2025

⁴⁰ Delhi Witness Protection Scheme, 2025, SCC Online, 2025

There is the challenge of mobilizing resources in the Witness Protection Fund which affects the timely delivery of the safeguards. This fiscal weakness is also reflected in the form of human resource shortage in the form of skilled police force, forensic investigations, legal support teams, and social workers that are necessary to fully defend and rehabilitate the victims and witnesses. Moreover, the use of modern technological security like encrypted communication system, biometric identity checks and video conferencing systems are inadequately used because of budgetary and infrastructural constraints.⁴¹

The exposures of the victims and witnesses are quite significant and multifield and occur mainly as threats, intimidation, and harassment. Retaliatory violence is also used to intimidate or control witnesses or in high profile and politically sensitive cases, there are blunt examples of retaliatory violence. Not only do such hostilities jeopardize the physical and psychological welfare of the victims and their families, but also interfere with the trial integrity leading to false acquittals and loss of trust in the system of justice by the population. These vulnerabilities are exacerbated by social stigmatization which is especially true in situations related to sexual violence, caste-based discrimination, or communal conflicts, where victims are marginalized in their community and which makes the trauma and non-cooperation with the judicial system particularly more problematic. Fear of additional victimization also prevents the witnesses to testify or collaborate with the police to the fullest effect and continues the impunity of criminals. The other pressing issue is the inefficiencies that are systematic in the system and the bureaucratic delays that derail the protection initiatives. In order to gain protection, witnesses have to repeatedly overcome the process-based obstacles, such as the threat assessment process taking too long, the protection order approval process taking too long, lack of coordination between state and central departments. These delays expose the witnesses to dangers in critical stages of the trial. In addition, its prevention is hampered by corruption, political pressures, and opposition by powerful accused individuals or friends, and the law enforcement agencies are sometimes hesitant or even inefficient in implementing the court orders because of threats or personal interests. This loophole between the law and the reality in the field weakens the deterrent nature of the protection laws.⁴²

⁴¹ Comparative Insights into Witness Protection: Evaluating Global Models, IJFMR, 2025

⁴² A Critical Study on Witness Protection, Supremo Amicus, 2022; Witness Protection in India: Some Issues and Challenges, Anubooks, 2021

Section 357A of the Code of Criminal Procedure⁴³ and other policies define victim compensation that attempts to counter material and psychological damages incurred by victims. Though with a progressive motive, it is mostly slow and stifled by red tape, ineffective funds allocation and ignorance among victims on their rights. Most of the eligible victims fail to get compensation on time and in a meaningful way and it denies them of the much needed support in recovery and rehabilitation. Behind these operational problems is a larger problem of systemic bias that has been embedded in the adversarial criminal justice system of India which has long been conservative in referring to the rights and protection of the accused at the cost of the victim. The right to presumption of innocence and to confront witnesses, to cross-examine and to have counsel is positively upheld and victims are usually in the background. This lack of balance may lead to secondary victimization in the trial procedure by way of unfriendly cross-examination, absence of dignity in the trial, and insufficient inclusion in the criminal process. This disparity is also heightened by the fact that there is no codified legislation on rights of victims, so the victims have to rely on ad-hoc protections granted either by law courts or disjointed administrative frameworks⁴⁴.

Socio-legal consequences of poor victim and witness protection do not only have procedural implications, but also far-reaching human rights and social implications. The combination of the fear of punishment and the trauma of victimhood is psychologically more harmful when there is inadequate protection, which leaves the victims and witnesses with anxiety, depression, and post-traumatic stress disorders. Marginalized communities including women, children, Scheduled Castes and Tribes and minorities are further discriminated and marginalized socially and their voices are silenced, which are essential in ensuring fair justice. Victims are vulnerably affected economically and medically, and because of social ostracism, they are lack of income and thus the medical costs too. Victim and witness protection is placed within the human rights discourse as being central to the implementation of the constitutional right to life and dignity in Article 21 and the directive to equitable justice in Article 39A.⁴⁵ On the international level, India subscribes to treaties like the United Nations Declaration of Basic Principles of Justice for Victims of Crime and

⁴³ Supra note 4

⁴⁴ Rethinking Witness Compensation: A Two-Pronged Approach, NUALS Law Journal, 2024; Victim Rights in India: Is the Focus of the Criminal Justice System Shifting?, IJLMHS, 2021

⁴⁵ Evolution and Development of Victim Protection Laws in India, IJLLR, 2025; Victim Rights under the New Criminal Laws, NMA Legal, 2025; Rights of Victims in the Indian Criminal Justice System, IELRC, 2004

Abuse of Power (1985) that urges states to treat victims fairly, protect them, support and compensate them. Such commitments support the urgency of the need to incorporate victim and witness protection in domestic laws and systems of operation, in order to adhere to international human rights principles.⁴⁶

The described challenges require a multilateral strategy that will include legislative, administrative, and social changes. Firstly, there is an acute necessity of the enactment of the comprehensive federal law that will codify the rights of the victims, protection measures, and the ability to receive compensation. This would give a common system, elaborate procedures and penal requirements to replace the present disjointed scheme protection. A special National Victim and Witness Protection Authority should be established to supervise implementation, training and monitoring throughout the country to provide uniformity and responsibility. This authority would also be able to organize threat evaluation, distribute budgetary funds in a fair manner and implement quick response systems. It is important to strengthen funding mechanisms. A unified Victim and Witness Protection Fund that is funded by the central and state governments with clear policies on disbursement would guarantee continued funding on protection facilities like safe houses, relocation programs, and counselling services. The institutionalization of capacity building should be through training of police officers, prosecutors, judges, and legal aid providers to be sensitive and protective towards the victims and to adopt measures that assure their protection. There should be awareness campaigns, especially among vulnerable communities, especially in the rural areas which will allow them to educate the victims and witnesses on their legal rights and protection that they can invoke, enabling them to demand compensation and help.⁴⁷

It is necessary to extend the technological integration. Encrypted and secure communication lines, video testimony centres, biometric data protection and identity change programs, which are modelled after successful international witness protection laws, would significantly improve the effectiveness of protection. The criminal justice system should also put in place victim -witness support unit that is at the police station and court to offer the psychological, legal and logistical support to the victim during the trial process. It is also crucial that judicial sensitization should be

⁴⁶ UNODC, 2021; United Nations, G.A. Res. 40/34 (1985); Shekar Salem, New Laws in India –A ray of Hope for Victims of Crime, *Balkan Criminology*, 2024

⁴⁷ Law Commission of India, 198th Report, 2006; Protection of Witness and Victim Compensation, NJA, 2021

done to balance the rights of accused and victims in a harmonious manner. In consideration of the dignity and trauma of the victims, courts ought to always implement protective actions like in camera hearing, witness screening of the accused persons, and hostile cross-examination should be limited. The promotion of other dispute resolution strategy and restorative justice models may supplement the adversarial procedures and result in a lower level of victim traumatization and faster remedies. the process of victim and witness protection in India is continuous, with the legislative framework and judicial awareness being the key features but the lack of implementation and the challenge of the system being the main challenges. Lack of uniformity in implementing protective measures by the legal system undermines the rights of victims, the safety of witnesses and the rule of law. These can only be tackled with a proper legislation, reforms at the institution levels, proper funding, technological upgradation and a commitment of the society to the dignity of victims. These reforms will not only improve access to justice and compliance with human rights, but they will strengthen the democratic links within India because each party in the criminal justice chain will be granted humanity and safety. Victim-witness protection is not only a legal requirement but a moral and social necessity and therefore requires policy focus and on-the-ground actions.⁴⁸

Conclusion

To sum it up, the respect and safeguarding of rights of the victims and witnesses in criminal justice of India is a developing but essential sphere that is essential in the promotion of equity, honour, and good administration of justice. Although great progress has been achieved with the help of the constitutional guarantees, the statutory provisions, such as the Victim Compensation Scheme of CrPC, and the historic Witness Protection Scheme of 2018, there are various challenges that prevent their successful and consistent application. Such difficulties are interdependent inequalities between different parts of the country, lack of resources, gaps in infrastructures, institutional prejudices towards the accused, and a sense of constant threat and intimidation to the victim and witnesses, particularly in sensitive cases. These socio-legal and human rights aspects of this problem highlight the severe consequences of lack of protection, including psychological trauma and social marginalization, as well as disenfranchisement, which impedes access to justice

⁴⁸ Witness Protection Scheme 2018, MHA/BPRD; Victim Compensation, NALSA, 2025; UNODC, Good Practices in Protection of Witnesses, 2015; UNODC, Victim Assistance and Witness Protection, 2023

by the victims. The responsibilities of India towards the international frameworks of human rights only enhance the need to adhere to the dignity and the safety of those who have been victimized and those who have witnessed any instance, to be heard without any fear or prejudice. Going forward, the comprehensive changes are badly needed: the federal laws specially focused on the rights of victims and witnesses, the uniformity of the implementation of schemes of protection, the creation of special assistance units, their financial support, the introduction of new technologies, and extensive educational work. The rights of the accused and victims should be balanced by the judicial sensitization and victim-focused procedures to achieve an inclusive, empowering, and resilient justice system. Finally, safeguarding of victims and witnesses is not just a procedural requirement but also a constitutional and ethical requirement ensuring the existence of the rule of law and democracy. With added defences, India will be able to develop a more humane and efficient criminal justice system that allows justice to be available to all parties without fear and makes sure that the wheels of justice keep rolling consistently and in a just manner to all the individual parties in question.

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