



CIVIL

Delhi Witness Protection Scheme, 2025: Safeguarding Vulnerable Witnesses in Legal Proceedings

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The Delhi Witness Protection Scheme, 2025, notified under Section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023, marks a significant step toward ensuring the safety of witnesses in the National Capital Territory of Delhi. This scheme addresses the critical need to protect individuals and their families from threats, intimidation, or harm during investigations, trials, and post-trial proceedings. By creating a structured framework for witness protection, the Delhi government aims to uphold the integrity of the judicial process and encourage public cooperation with law enforcement.

Witness protection schemes are legal frameworks designed to safeguard individuals who provide testimony in criminal proceedings, particularly when they face threats, intimidation, or potential harm due to their involvement in a case. These programs typically offer a range of protective measures, including identity concealment, physical security, relocation assistance, and financial support, to ensure witnesses can participate in legal processes without fear of retaliation. By maintaining strict confidentiality about witnesses' personal details and often providing new identities when necessary, these schemes protect both the physical safety and psychological well-being of participants. Witness protection programs strengthen the justice system by encouraging citizens to come forward with crucial information, knowing their safety will be prioritized. They typically involve collaboration between law enforcement, judicial authorities, and social services to implement comprehensive protection strategies that may include secure housing, escorted transportation, and ongoing support throughout legal proceedings and beyond.

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Understanding Key Definitions

The scheme introduces several key terms to guide its implementation. The “Concealment of Identity” refers to measures that prevent the disclosure of a witness's personal details, such as their name, address, or other identifiers, during legal proceedings. A “Competent Authority” is established as a district-level committee, chaired by the Principal District and Sessions Judge, with representatives from the police and prosecution. This authority oversees all decisions related to witness protection. A “Witness Protection Application” can be filed by the witness, their family, legal counsel, or police officials to seek safeguard measures.

Categorizing Threats to Witnesses based on perception

The scheme classifies witnesses into three categories based on the severity of threats they face:

- Category ‘A’ applies to cases where the witness or their family’s life is at risk.
- Category ‘B’ covers threats to the safety, reputation, or property of the witness or their family.
- Category ‘C’ addresses moderate risks, such as harassment or intimidation.

This categorization ensures tailored protection measures aligned with the level of danger.

State Witness Protection Fund

A dedicated Witness Protection Fund has been established to finance all protection measures. Funded through budgetary allocations, court-ordered deposits, donations, and corporate social responsibility (CSR) contributions, it is managed by the Home Department. This fund ensures that financial constraints do not hinder the implementation of critical safeguards.

Filing an Application for Protection

Witnesses or their representatives can file an application with the Competent Authority in the district where the offence occurred. The application must include supporting documents, such as evidence of threats, and is submitted through the authority's Member Secretary.

Processing Applications: A Streamlined Procedure

Upon receiving an application, the Competent Authority directs the police to submit a Threat Analysis Report within five working days. This report evaluates the credibility and severity of threats and suggests appropriate measures. In urgent cases, interim protection can be granted immediately. The authority then conducts a private, confidential hearing and resolves the application within five days of receiving the report. The Delhi Police's Witness Protection Cell or the trial court shall implement the final order, with oversight by the Police Commissioner. However, the Witness Protection Order passed by the Competent Authority for change of identity and/or relocation shall be implemented by the Home Department, Government of National Capital Territory of Delhi.

Protection Measures: Tailored to Threat Levels

Protection measures are proportional to the threat level and may include:

- Physical security enhancements, such as installing security devices or providing close patrolling.
- Identity concealment, including pseudonyms and unlisted phone numbers.
- Relocation assistance to safer locations within India.
- Financial aid from the fund for relocation, livelihood support, or emergency needs.
- Special court arrangements, such as live video links and separate passages for witnesses.

These measures are reviewed quarterly to ensure ongoing relevance and effectiveness.

Identity Protection and Relocation

The scheme allows witnesses to apply for identity protection, enabling the use of aliases and restricting the disclosure of personal details. In extreme cases, the Competent Authority may grant a new identity, including revised names, professions, and supporting documents, without compromising existing rights. Relocation to a safer location, funded by the scheme, is also permissible when necessary for safety.

Confidentiality and Record Preservation

All stakeholders, including police, courts, and lawyers, must maintain strict confidentiality to prevent leaks. Records related to protection orders are preserved until legal proceedings conclude, with scanned copies retained afterward.

Awareness and Accountability

The Delhi Police is tasked with publicizing the scheme to ensure witnesses are aware of their options. However, false complaints can lead to recovery of expenses from the witness. A review mechanism allows aggrieved parties to challenge decisions within 15 days.

Conclusion

The Delhi Witness Protection Scheme, 2025, reflects a comprehensive approach to safeguarding justice participants. By balancing immediate protection with long-term confidentiality, it aims to foster trust in the legal system while deterring criminal influence. This initiative underscores Delhi's commitment to upholding the rule of law and protecting the rights of all citizens engaged in judicial processes.

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