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A Study on the Problems Faced by Witnesses During the Course of Trial and their Protection Under CrPC with Special Reference to Witness Protection Laws

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ABSTRACT

The Indian criminal justice system is built on the foundation of ensuring a fair and impartial trial for all. Witnesses play a pivotal role in achieving justice, yet they often face significant risks, including intimidation, coercion, and harassment. These risks discourage witnesses from testifying truthfully, which undermines the legal process. This study examines the real-life challenges faced by witnesses during trials and the need for a comprehensive and effectively enforced witness protection mechanism in India. The research utilizes primary data collected from 200 respondents and focuses on the correlation between trial delays and witness hostility. The findings underscore the urgent requirement for institutional and legal reforms to provide anonymity, physical protection, and psychological support to witnesses, thereby reinforcing trust in the justice system.

Keywords: Criminal Justice System, Trial, Witness, Coercion, Harrasment, Witness Protection.

1. Introduction

Witnesses are central to the operation of the criminal justice system. Their testimonies often shape the outcomes of trials. However, in India, witnesses are frequently subjected to external threats and pressure, which results in many turning hostile. Unlike the rights afforded to the accused, witnesses and victims often lack adequate legal protections. This disparity leads to a fundamental imbalance in the justice process. The Indian judiciary has acknowledged this problem, and the introduction of the Witness Protection Scheme, 2018 marked a significant step forward. Nevertheless, challenges persist, including implementation gaps, lack of awareness, and insufficient infrastructure. The current study seeks to explore these challenges and highlight the necessity for reforms aimed at safeguarding witnesses through legal, administrative, and technological measures.

2. Objectives

- To explore the various problems encountered by witnesses during legal proceedings.
- To evaluate the importance of implementing a robust witness protection mechanism in India.
- To understand the factors that lead to witnesses turning hostile in court.
- To assess whether procedural delays contribute to witness reluctance.

3. Review of Literature

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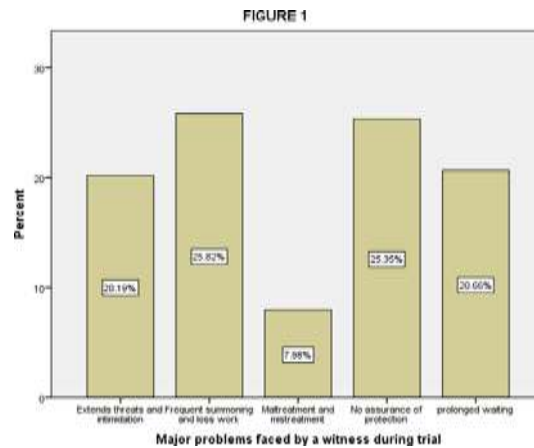
3.1 Methodology

This study employs both primary and secondary sources of data. A structured questionnaire was distributed to 200 respondents selected through convenient sampling. Demographic variables such as age, gender, education, and marital status served as independent variables. Dependent variables included problems faced by witnesses, their rights, and perspectives on the implementation of witness protection measures. Analytical tools, including SPSS, were used for data processing.

3.2 Analysis

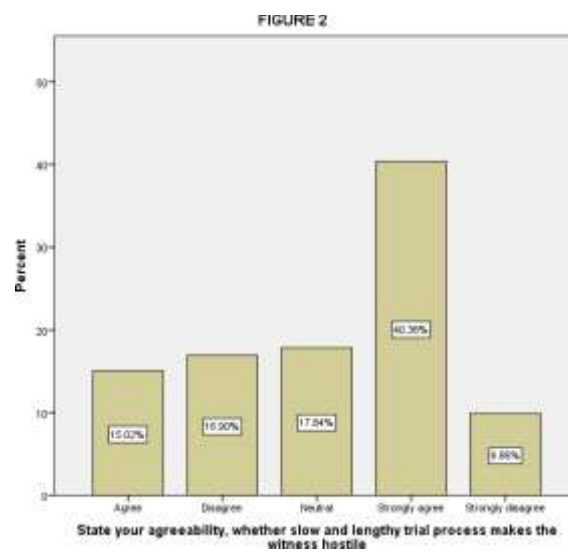
The survey revealed key challenges faced by witnesses, such as fear of retaliation, delays in trial proceedings, and lack of protection. A considerable portion of respondents strongly agreed that slow judicial procedures discourage witness participation. Gender and occupation appeared to influence perceptions of vulnerability. Many respondents identified protection of identity and relocation as effective protection methods under the Witness Protection Scheme, 2018.

Figure 1



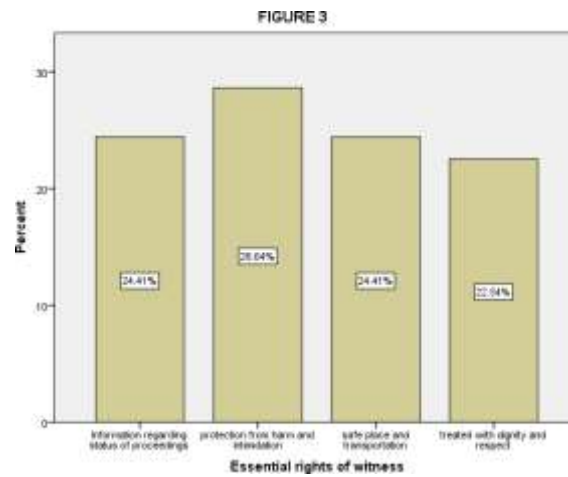
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Figure 1 represents the major problems faced by a witness during trial



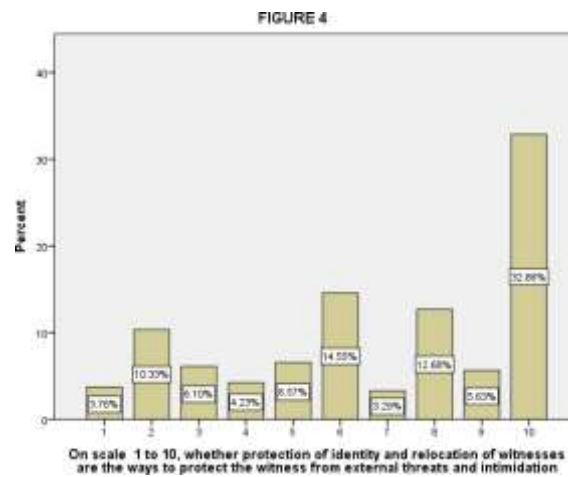
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Figure 2 represent whether slow and lengthy trial process makes the witness hostile.



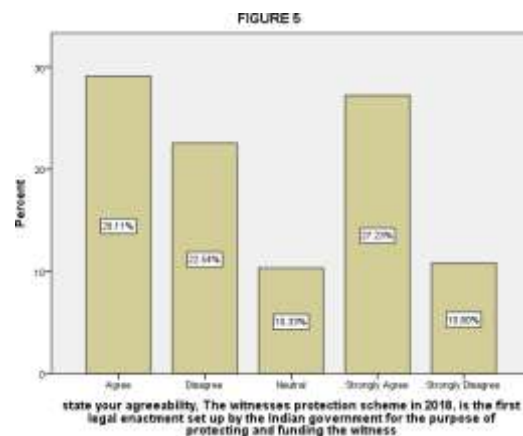
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Figure 3 represents the essential rights of witnesses.



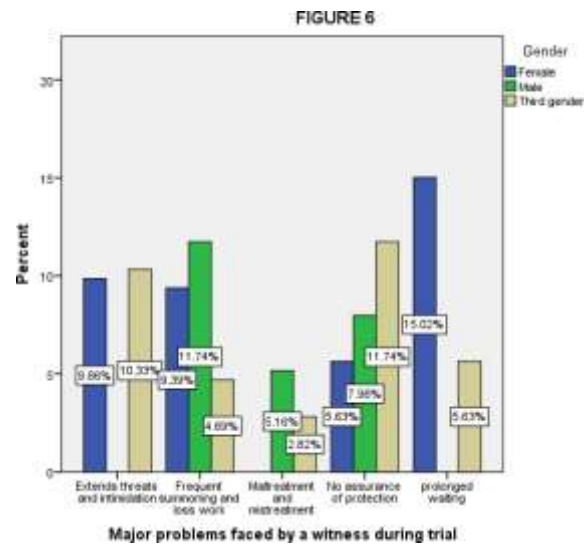
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Figure 4 represent whether protection of identity and relocation of witnesses are the ways to protect the witness from external threats and intimidation.



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Figure 5 represents whether the witnesses protection scheme in 2018, is the first legal enactment set up by the indian government for the purpose of protecting and funding.



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Figure 6 represents the major problems faced by a witness during trial with gender distribution.

DISCUSSION

The findings highlight how legal delays and fear of harm push witnesses into becoming hostile, thereby impairing the justice delivery system. Respondents agreed that emotional, physical, and financial safety measures must be incorporated to encourage witness cooperation. While the 2018 Scheme represents a vital first step, its practical enforcement still requires significant improvements.

LIMITATION

This research is limited by its focus on urban participants, potentially excluding issues prevalent in rural and semi-urban areas. Moreover, limited access to prior empirical studies posed challenges in establishing broad conclusions.

CONCLUSION

Witnesses are essential contributors to criminal trials, and their protection must be treated with priority to uphold the right to a fair trial. India's judicial system needs reforms that actively secure witness safety through both legislative support and real-world implementation. Enhancing anonymity, enabling remote testimony, and protecting witness rights are necessary to restore public confidence in the system.