
AN EMPIRICAL EVALUATION OF WITNESS PROTECTION AND THE CRISIS OF HOSTILE WITNESSES IN INDIAN CRIMINAL JUSTICE SYSTEM

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ABSTRACT

In India, witness testimony is crucial to the functioning of the adversarial criminal justice system, yet circumstances of threatening harassment, loss of income, and sheer disregard of witnesses have led to the normalisation of the practice of witness hostility. The present study intends to provide a legal empirical perspective on the issues of witness protection and hostile witnesses in India by conducting a hypothetical survey of 200 respondents (114 witnesses/victims and 86 legal professionals) supported with existing empirical studies and doctrinal literature on the Witness Protection Scheme 2018 and Section 398 of the Bharatiya Nagarik Suraksha Sanhita. According to the survey, 71.5% of respondents have been threatened in connection with their role in criminal proceedings; the awareness level about the Witness Protection Scheme 2018 is low, as only 39.5% of respondents claimed to be aware of it; generally, the perception of adequacy of protection measures is very low. A composite index based on threat exposure, fear levels, and scheme awareness indicates that almost 33% of respondents are likely to turn hostile. These findings are to a large extent in line with existing empirical research, which reveals the problem of intimidation as well as procedural and institutional shortcomings. The paper argues that the significant normative steps taken through the Witness Protection Scheme 2018 and BNSS have been seriously outweighed by disadvantages in their implementation, limited dissemination and inadequate support structures. It offers the parliament a set of reforms that focus on legislative, institutional, and procedural aspects, with witness protection at the core of ensuring a fair trial and maintaining public trust in India's criminal justice system.

Keywords: Witness Protection, Hostile Witnesses, Witness Protection Scheme 2018, BNSS 2023, Indian Criminal Justice System.

INTRODUCTION

Witnesses are known as the "eyes and ears of justice" in the adversarial criminal justice system of India, but their real-life experience may be quite different. It is often characterised by fear, harassment, loss of income, and disregard for authorities (Bajpai, G. 2009; Bhosale, R. 2020). The problem of witnesses turning hostile has been one of the reasons for low conviction rates in serious crimes where state protection and prosecutorial support are weak (Ghosh, P 2013; Shirali, A 2020). The Supreme Court and Law Commission, realising the severity of the problem, kept on urging for a well-structured witness protection system, which finally resulted in the Witness Protection Scheme 2018. Section 398 BNSS 2023 spectra further reinforced this argument by enjoining the states to have their own witness protection schemes (Law Commission of India, 2004; Mahender Chawla, 2018; Bajpai, G, 2025).

However, the latest academic studies indicate that the states have not yet fully implemented WPS 2018. Incidents of threats, slow judicial processes, and mistreatment of witnesses in police stations and courts are still being reported (Mishra, D., 2026; Legal Wellbeing, 2026; The Leaflet, 2025). Experimental research has indicated that witnesses bear most of the financial and social costs, are pressured directly by accused persons, and the court process is so unfriendly that witnesses prefer to retract their statements or simply not cooperate (Bajpai, G 2009; Vaishnavi, S 2025).

OBJECTIVES

1. To analyze the prevalence and patterns of threats & fear among the witnesses & legal professionals in criminal proceedings.
2. To examine awareness and perceived adequacy of the Witness Protection Scheme, 2018 and related mechanisms.
3. To analyse court-process experiences of respondents in terms of number of court appearances, perceived severity of trial delays, cross-examination shaming/harassment, and exposure to bribe or inducement offers.
4. To identify respondents at high risk of turning hostile on account of combined threats, fear and lack of protection awareness.

REVIEW OF LITERATURE

Agrawal, T. (2022) delineated doctrinal and practical issues associated with hostile witnesses. He defined hostile witnesses as individuals who initially support the prosecution but later change their minds and retract their statements due to fear, inducement, or other pressures, which ultimately facilitates the acquittal of offenders. He even went further to address new problems with hostile witnesses and highlighted that the lack of a robust protective system, along with lengthy trials, low allowances and uncomfortable court surroundings, form powerful factors that discourage truthful testimony.

Bajpai, G. (2009), through empirical research on hostility, conducted a four-state study, gathering data on widespread intimidation, repeated court appearances, financial loss, and the absence of institutional support as major structural causes of witness reluctance and hostility. He also investigated the laws, such as the Evidence Act, Code of Criminal Procedure, and Indian Penal Code, that are connected to witness treatment and suggested a national policy and law called the "Witness Protection and Assistance Act", which would cover hostility, protection and assistance in a holistic manner as one of the solutions. The Law Commission's consultation papers and reports also pointed out the need for witness cooperation in serious offences through protections of identity, safe waiting areas, allowances, and procedural reforms. The aforementioned research revealed that approximately two thirds of the witnesses regarded the adjournments as excessively frequent, while almost 90 per cent indicated loss of business or wages owing to court appearances, and about 39 per cent had suffered physical assault after being witnesses, the most affected being the economically weaker and less educated groups.

Shirali, A. (2020) analysed thematically on how the hostility of a key witness, made worse by intimidation and a lack of state protection, significantly impacted prosecution and accounted for low conviction rates in serious crimes. Similarly, Vhora, S (2018) have investigated the socio-economic and political reasons behind hostility, highlighting financial inducements, the accused's political influence, and the lack of a strong protection scheme as main reasons for hostility in high-profile cases. Sah, M. (2013) elaborated the hostile witnesses as a "threat" to the administration of criminal justice and emphasised developing comprehensive witness protection legislation that keeps in mind both security and procedural dignity as the chief solution. Shabnam, S. (2010), in an analysis of the evidential treatment of hostile witnesses,

revealed that constant threats, a lack of proper investigation, and the absence of institutional safeguards have made hostility a normal phenomenon; hence, the reliability of oral evidence has been undermined in Indian courts.

Bhosale, R. (2022) examined the various witness protection models in India, the USA, and the UK and found that India's reliance on fragmented procedural safeguards falls far short of the structured relocation, identity change, and financial support that are offered under WITSEC and other such programmes overseas. Ankita, J. (2024) carried out a study of India's witness protection mechanisms vis-à-vis those of the US and UK and argued that the coming into force of the WPS 2018 barely enhances witness security because of the absence of dedicated agencies and resources.

Mishra, D. (2026), in his research, evaluated the role of the WPS 2018 in granting witness protection and, after a thorough study, has concluded that the WPS 2018 is indeed the first-ever national framework in this regard, but it's coming to fruition in the effective safety and willingness of witnesses being limited is due to institutional gaps, low level of budget support, and irregular implementation. Several writers who deliberated on the Supreme Court's ruling in Chawla, M (2018) considered it the verdict that sanctioned the Witness Protection Scheme 2018 and ordered its implementation all over the country under the exercise of the Court's power through Articles 141 and 142 as "law" until Parliament enacts a statute. Mishra, D (2026), conducted a follow-up analysis on judicial responses to Chawla and observed that the lower courts, by and large, experienced difficulty in obtaining access to threat analysis reports and were not familiar with scheme procedures, which in turn meant that protective measures were the least exploited. Dhull, J. (2024) gave special attention to the judicial reading of witness protection through the prisms of notable judicial decisions in Zahira Sheikh, Sakshi and Delhi Domestic Working Women's Forum and, while drawing attention to the judiciary's effort of filling legislative lacunae, also highlighted that a comprehensive statute is still missing. Bajpai, G (2023), looked at how witness protection was folded into the BNSS 2023 and mentioned that Section 398 mandates every state to notify a witness protection scheme, thus providing statutory recognition to the main features of WPS 2018 even though designing and funding the schemes still remain largely at state option.

TIJER (2024) authors took to the witness protection chapter of BNSS and through their critical analysis found that the structure is still quite general; it does not sufficiently address the needs

of long-term protection, and it leans primarily on police threat analysis that might be vulnerable to local influences. The constitutional foundation and possible developments of witness protection concluded that despite some progress being achieved due to judicial activism, the lack of a separate Witness Protection Act continues to significantly limit resources, accountability, and the setting of uniform standards (Legal Wellbeing, 2026).

Vaishnavi, S. (2025), through a primary survey that included 200 respondents from urban areas and using structured questionnaires and data analysis by SPSS, studied the difficulties faced by witnesses during the trial and their views on the laws of protection. The study results showed that apart from the fear of retaliation, the main reasons that led to witnesses' unwillingness and unfriendliness were delays in the court, failure to protect identity, and unawareness of the WPS 2018. However, the respondents were highly supportive of the option of anonymity and relocation as the most effective means. Authors of Legal Lock Journal (2026) researched witness protection using the empirical data of 213 respondents. In their report, intimidation, lack of legal awareness, and poor protective infrastructure undermine trust in the system and encourage hostile behaviour.

Zibran, K (2025) investigated the impact of hostile witnesses on the criminal justice system through doctrinal and survey-based analysis, pointing out that hostile testimony may be a key factor in many acquittals and that witness hostility and poor investigation are partly responsible for low conviction rates in some categories.

RESEARCH METHODOLOGY

Research design

This study is primarily empirical, cross-sectional and descriptive, focused on legal doctrinal context. The authors use a structured questionnaire to understand the threats, fear and witness protection measures as experienced by witnesses and legal stakeholders. Doctrinal analysis of statutory provisions and judicial developments regarding witness protection in India is used to complement the survey. This empirical component senses the paper's title "empirical evaluation" of witness protection and hostile witnesses; the doctrinal component places the results within the 2018 Witness Protection Scheme and Section 398 of the Bharatiya Nagarik Suraksha Sanhita.

Sampling and Sample Size

The notional universe includes people who have been involved in or are regularly attending criminal proceedings in India as witnesses/victims and legal professionals (advocates, prosecutors, and other courtroom personnel). To keep things manageable, the study uses a non-probability sampling method:

- **Witnesses/Victims:** Purposefully chosen from those who have appeared in court during the last cases and agreed to participate.
- **Legal professionals:** Chosen via convenience sampling among practicing lawyers and other professionals in criminal courts.

A total of **200 respondents** were included:

- 114 witnesses/victims (57.0%).
- 86 legal professionals (43.0%).

The sample is close to gender balance (51.0% male, 48.0% female), covers four age groups (18–29, 30–44, 45–59, 60+), includes different income levels from low to upper middle and various types of residences (urban, semi-urban, rural).

Instrument and variables

Using a structured questionnaire, data were collected. This questionnaire was devised by the authors based on themes found in the literature about hostile witnesses and witness protection. The instrument consists of:

- Demographic items: gender, age group, role (witness/victim or legal professional), income level, and place of residence.
- Threat and fear indicators:
 - Question with yes/no response on whether a person has been threatened or intimidated because of their involvement in a crime-related matter.
 - A 5-point Likert scale for overall fear level (1 = very low, 5 = very high).

- Witness protection measures:
 - Binary item such as yes/no on the awareness of the Witness Protection Scheme 2018.
 - 5-point Likert scale rating perceived adequacy of protection (1 = completely inadequate, 5 = fully adequate).
- Court-process experiences:
 - Number of court appearances.
 - 5-point Likert scale for perceived severity of trial delays (1 = Very low; 5 = Very high).
 - 5-point Likert scale for cross-examination shaming/harassment (1 = Not at all; 5 = Very high).
 - Binary item such as yes/no on whether any bribe or inducement was offered.
- Composite index: One of the derived variables is "High_Hostility_Risk" which is a set of respondents who (a) have experienced threats, (b) report high fear (4-5), and (c) are not aware of the Witness Protection Scheme, thus representing those at greatest risk of becoming hostile.

Data collection procedure

A questionnaire was distributed both through offline mode during a scheduled time frame. For offline distribution, the team conducted the survey in the vicinity of the criminal courts, where the researchers interacted with the prospective respondents, briefing them on the objectives of the study, assuring confidentiality, and getting their consent for participation.

Survey instruments were disseminated through professional networks and groups of legal practitioners with an aim to contact other legal professionals and witnesses who had been part of recent trials. Participation was free, answers were anonymous, and no personal case information was recorded so as not to affect the ongoing cases.

Data processing and analysis

The following method was used for analyzing the data:

- Descriptive statistics (frequencies and percentages) were used to describe demographic characteristics as well as key issues like experience of threats, knowledge of the system, and the risk of a highly hostile situation.
- Cross-tabulations to analyze the primary relationships that were key to the objectives, especially
 - Threat exposure according to gender and role.
 - Level of awareness of the Witness Protection Scheme by role.
 - Distribution of high hostility risk according to main demographic characteristics.
- Interpretive analysis to align the empirical evidence with the doctrinal understandings derived from statutes, schemes and case law on witness protection, in particular the Witness Protection Scheme 2018 and BNSS Section 398.
 - The respondent has experienced threats.
 - The fear level is in the higher range (4–5 on a 1–5 scale).
 - The respondent is not aware of the Witness Protection Scheme 2018.

DATA ANALYSIS AND INTERPRETATION

In this section, we have analysed the data following with demographic profiles. With the data, we have verified all our four objectives to justify Threat and fear indicators, Witness protection measures, Court process experiences and Composite index (to know hostility risks).

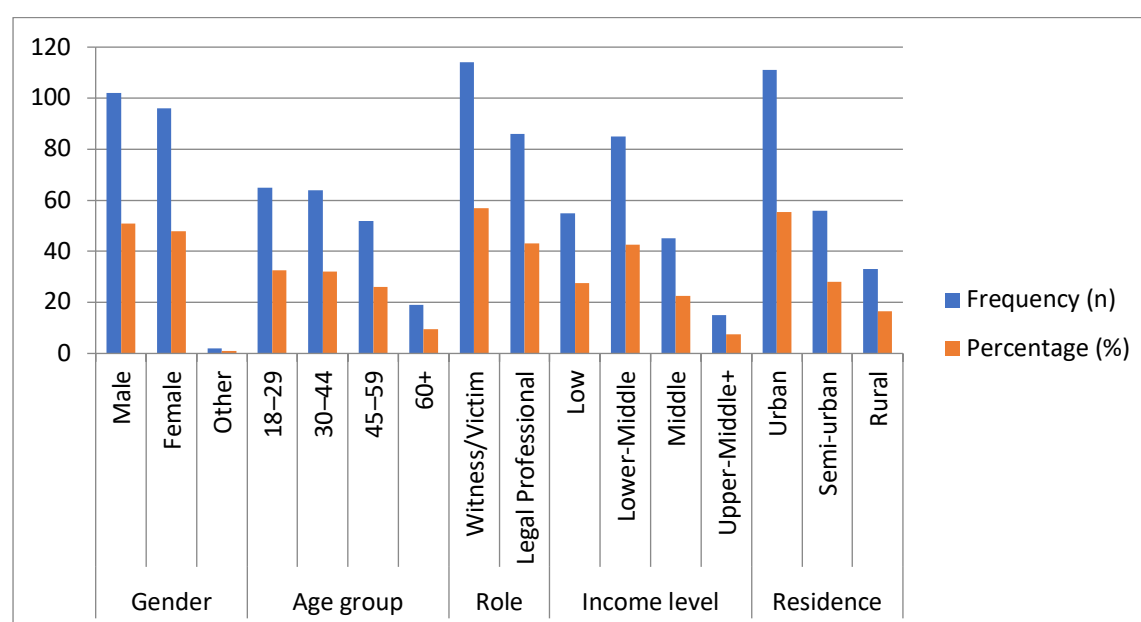
Demographic Profile

In this section, we have analysed the demographic details of the respondents to assess the level of respondents in terms of professional, income and how much of age groups.

Table 1: Demographic profile of respondents (N = 200)

Variable	Category	Frequency (n)	Percentage (%)
Gender	Male	102	51.0
	Female	96	48.0
	Other	2	1.0
Age group	18–29	65	32.5
	30–44	64	32.0
	45–59	52	26.0
	60+	19	9.5
Role	Witness/Victim	114	57.0
	Legal Professional	86	43.0
Income level	Low	55	27.5
	Lower-Middle	85	42.5
	Middle	45	22.5
	Upper-Middle+	15	7.5
Residence	Urban	111	55.5
	Semi-urban	56	28.0
	Rural	33	16.5

The sample is nearly equally divided between men (51%) and women (48%), with men forming a small majority and only a handful self-identifying as "others". Most of the respondents are in their productive age, between 18 and 44 years, which together make up almost two thirds of the total, while the elderly (60+) represent a tiny minority.

**Graph 1: Demographic profile of respondents**

Most of the respondents are witnesses or victims rather than lawyers, and the majority are in the low to lower middle-income brackets, which show a high level of their economic vulnerability. More than half of the respondents are from urban areas, while the rest of them, who are from semi-urban and rural areas, together make up a good-sized minority.

Results

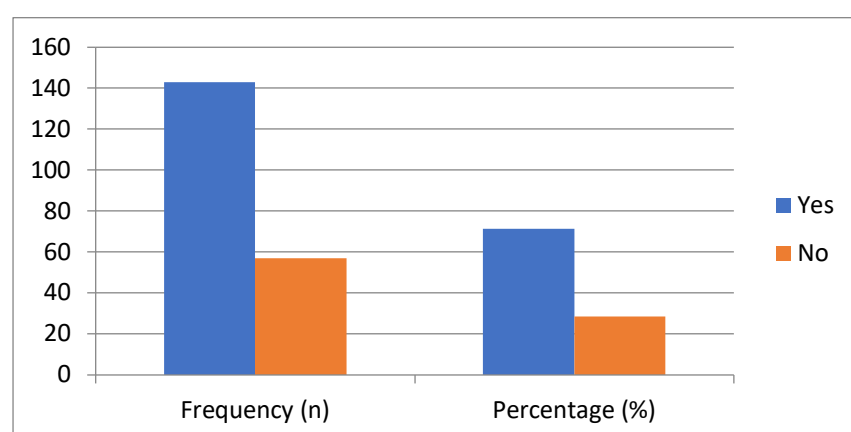
In this section, we have presented analysis results about threats and fear, Witness protection measures, Court process experiences and Composite index (to know hostility risks).

The extent of threats and fear among witnesses and legal stakeholders

Table 2: Overall experience of threats (N = 200)

Threat experienced	Frequency (n)	Percentage (%)
Yes	143	71.5
No	57	28.5

Interestingly, 71.5% of respondents report experiencing threats in some form due to their involvement in criminal cases. Only about a third (i.e. 28.5%) say that they haven't been threatened at all, which shows that being intimidated is almost a routine part of how they engage with the criminal justice system.



Graph 2: Overall experience of threats

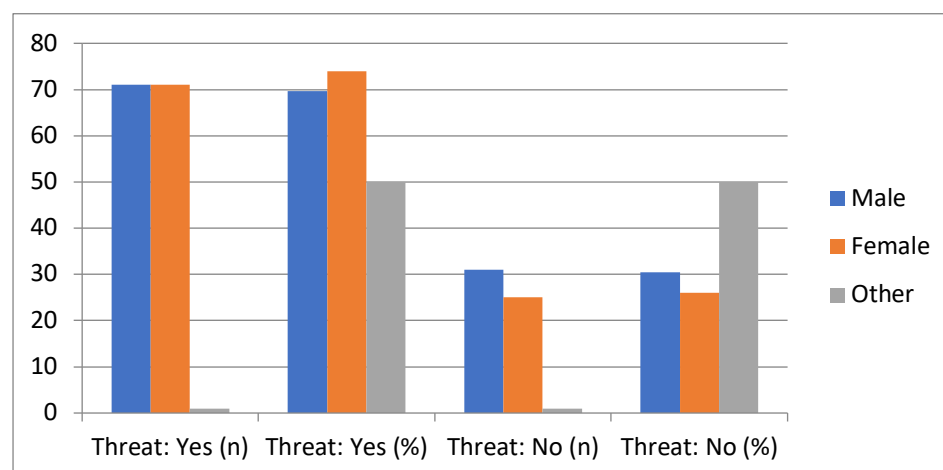
This reflects a very significant inclination towards a positive reaction of the participants to the

issue under survey.

Table 3: Threat experience by gender (N = 200)

Gender	Threat: Yes (n)	Threat: Yes (%)	Threat: No (n)	Threat: No (%)	Total (n)
Male	71	69.6	31	30.4	102
Female	71	74.0	25	26.0	96
Other	1	50.0	1	50.0	2

Respondents of both sexes are very much at risk of threats; however, a few more females have indicated that they have been threatened. Even if the "Other" category is minuscule, normally the trend shows that both men and women are subjected to intimidation, only that women are slightly more likely to report such incidents.



Graph 3: Threat experience by gender

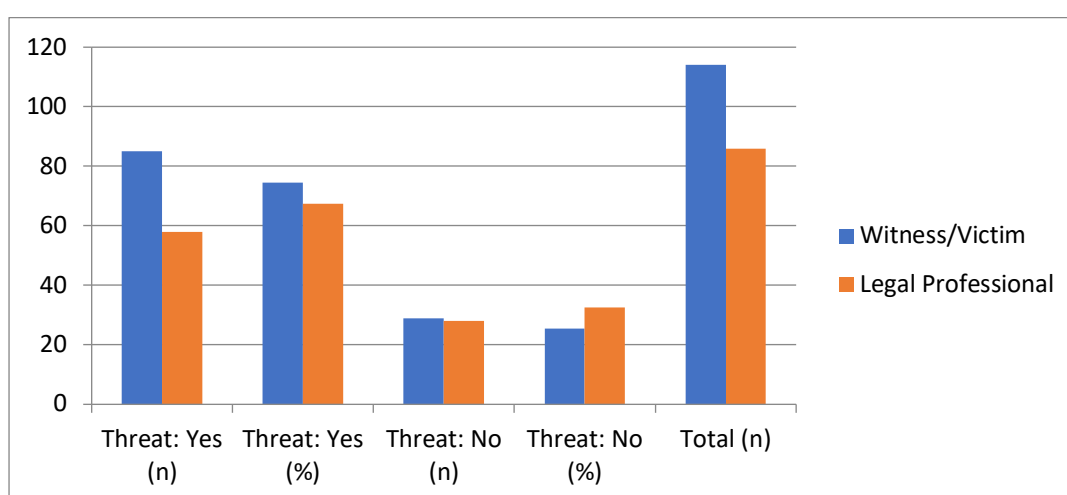
The results show that being threatened was a shared experience for men as well as women, with a large percentage of both males and females reporting it.

Table 4: Threat experience by role (N = 200)

Role	Threat: Yes (n)	Threat: Yes (%)	Threat: No (n)	Threat: No (%)	Total (n)

Witness/Victim	85	74.6	29	25.4	114
Legal Professional	58	67.4	28	32.6	86

Concerns about threat exposure are marginally greater for witnesses/victims as compared to legal professionals, and this aligns with the first being more dependent on witness testimony. However, more than two-thirds of the legal professionals reporting that they too have been threatened indicate that intimidation is not only limited to lay witnesses but also to those engaged in representing or administering justice.



Graph 4: Threat experience by role

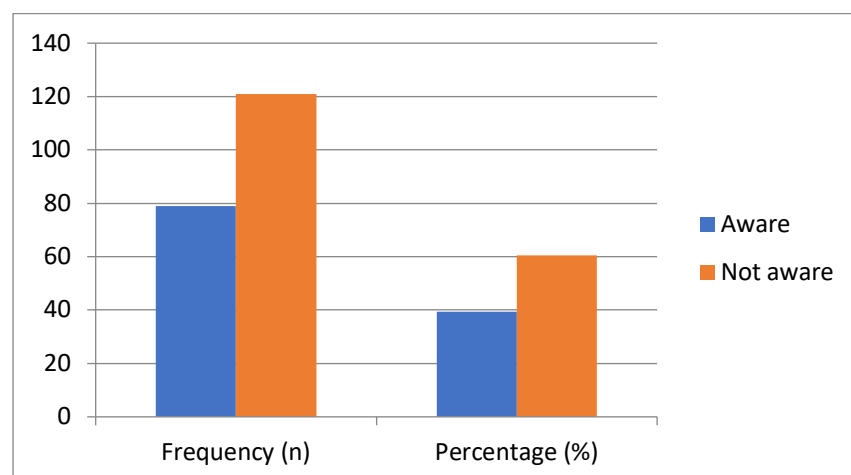
Fear levels (rated 1-5 in the data) support these threat results because those with threat experience are mostly found at the top of the fear scale, which means that threats lead to a long-term worry about involving oneself.

The awareness and perceived adequacy of the Witness Protection Scheme 2018

Table 5: Awareness of Witness Protection Scheme 2018 (N = 200)

Awareness of WPS 2018	Frequency (n)	Percentage (%)
Aware	79	39.5
Not aware	121	60.5

Fewer than four in ten respondents claimed to have heard of the Witness Protection Scheme 2018, while the great majority were completely unaware of it. This signals a huge lack of communication, which is quite a matter of concern in view of the very high levels of threats experienced, as effective communication is essential for ensuring public awareness and safety regarding the Witness Protection Scheme.



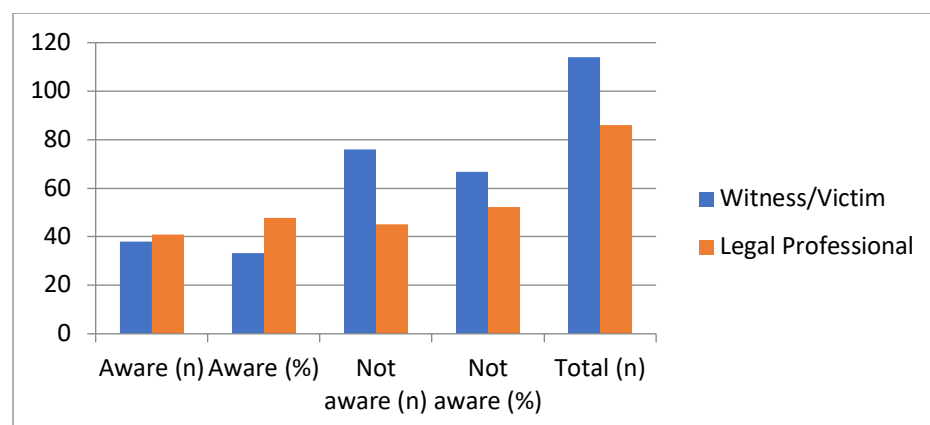
Graph 5: Awareness of Witness Protection Scheme 2018

The graph illustrates that most of the respondents fell under the category of not knowing about the Witness Protection Scheme 2018 rather than knowing about it and the results point to a considerable shortfall in the public's understanding of the project.

Table 6: Awareness of WPS 2018 by role (N = 200)

Role	Aware (n)	Aware (%)	Not aware (n)	Not aware (%)	Total (n)
Witness/Victim	38	33.3	76	66.7	114
Legal Professional	41	47.7	45	52.3	86

Legal professionals are more aware of the scheme than witnesses/victims. But, even among the professionals, awareness is less than half. Among witnesses and victims, 66.7% do not know about the formal protection scheme, indicating that those in greatest need of protection are the least informed of the mechanisms available.



Graph 6: Awareness of WPS 2018 by role

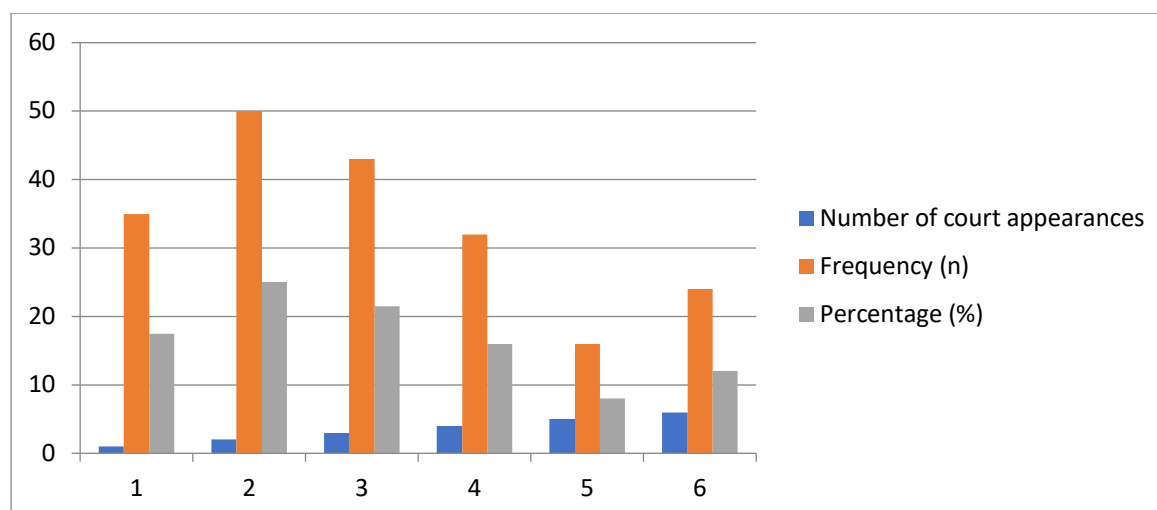
Besides awareness, perceived adequacy of protection (on a 1-5 scale) is generally low in the dataset, with most of the responses near the lower end of the scale. This means that even those with some knowledge of witness protection measures feel these measures are insufficient in practice.

The court-process experiences of respondents

Table 7: Distribution of number of court appearances (N = 200)

Number of court appearances	Frequency (n)	Percentage (%)
1	35	17.5
2	50	25.0
3	43	21.5
4	32	16.0
5	16	8.0
6	24	12.0
Total	200	100.0

Most survey participants went to court between two and three times. However, a significant number of them were there for four or more times, which implies that going to court repeatedly is usual rather than rare. Only a tiny fraction was able to finish their case in one appearance, which means that getting involved in court is normally time-consuming and expensive.



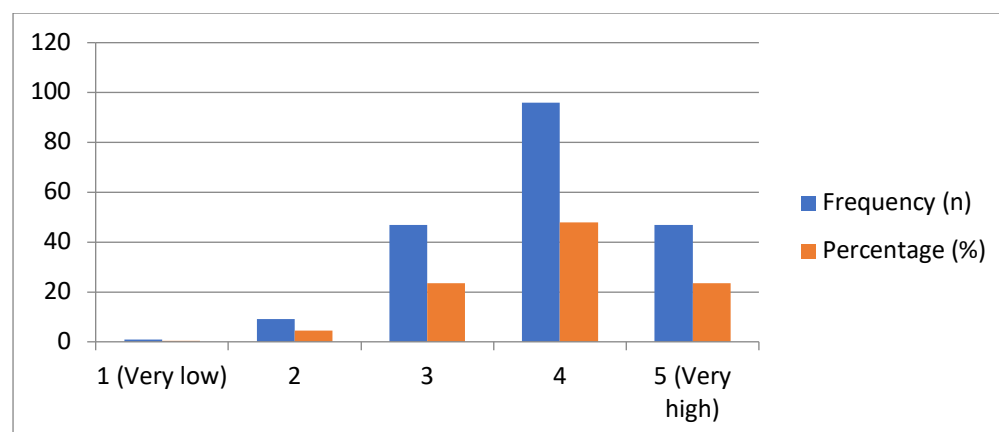
Graph 7: Distribution of number of court appearances

After the second court appearance, there were fewer and fewer respondents attending court, reaching barely a few at the end. This trend can be interpreted to mean that only a small number of persons over time had to repeatedly attend court.

Table 8: Perceived severity of trial delays (N = 200)

Delay severity (1–5)	Frequency (n)	Percentage (%)
1 (Very low)	1	0.5
2	9	4.5
3	47	23.5
4	96	48.0
5 (Very high)	47	23.5
Total	200	100.0

Delay perceptions are definitely biased toward the upper side of the scale, about 75% of participants in the survey rated the delay at the highest levels of 4 and 5, indicating that trial slowness is primarily viewed as one of the major problems.



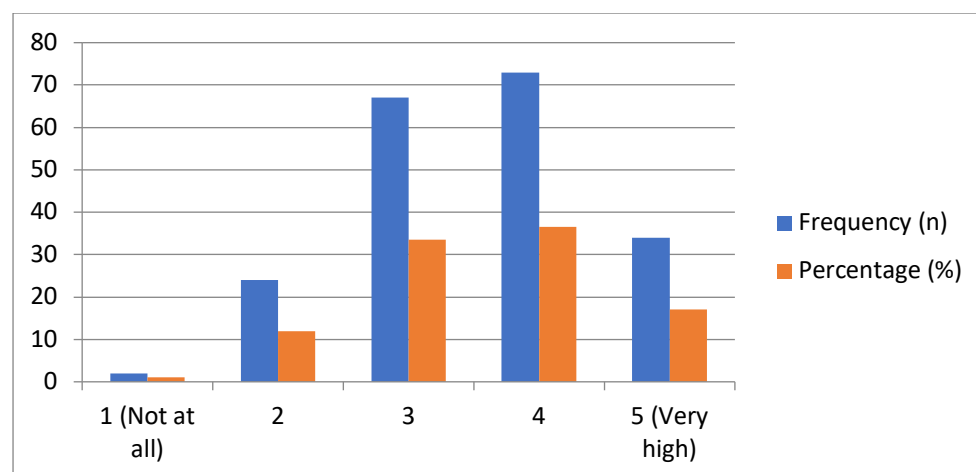
Graph 8: Perceived severity of trial delays

From the graph, it is clear that a large number of respondents considered trial delays to be a grave problem, as the highest number of responses came at level 4. On the contrary, very few people believed the situation was highly optimistic.

Table 9: Cross-examination shaming/harassment (N = 200)

Cross-exam shaming (1–5)	Frequency (n)	Percentage (%)
1 (Not at all)	2	1.0
2	24	12.0
3	67	33.5
4	73	36.5
5 (Very high)	34	17.0
Total	200	100.0

Only a very small number say they were never shamed. Most people choose levels 3 and 4, while 1 out of 5 people see shaming/harassment as extremely high, implying cross-examination is very often considered a rude attack rather than straightforward questioning.



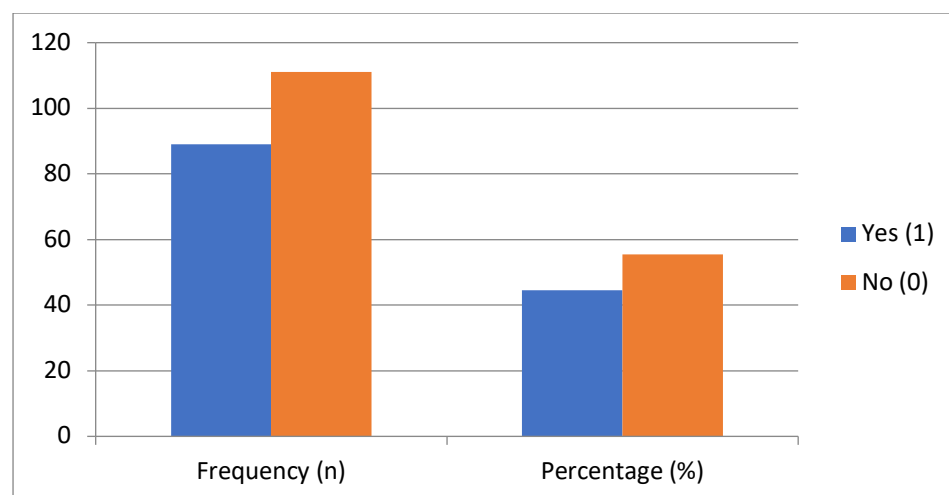
Graph 9: Cross-examination shaming/harassment

Most of those surveyed evaluated cross-examination shaming/harassment mostly at 3 and 4 levels, with level 4 gaining the most votes. Most respondents experienced shaming or harassment while cross-examining.

Table 10: Bribe or inducement offered (N = 200)

Bribe/inducement offered	Frequency (n)	Percentage (%)
Yes (1)	89	44.5
No (0)	111	55.5
Total	200	100.0

Nearly half of the respondents (44.5%) report receiving a bribe or a similar offer in relation to their role in the case. This clearly demonstrates how monetary pressure is often accompanied by threats and rigorous procedures to manipulate witness behaviour.



Graph 10: Bribe or inducement offered

The findings reveal that more people have reported that no bribe or inducement was offered to them than the numbers who were actually offered one. However, a large number of people have mentioned experiencing bribery or inducement, which indicates its significant presence.

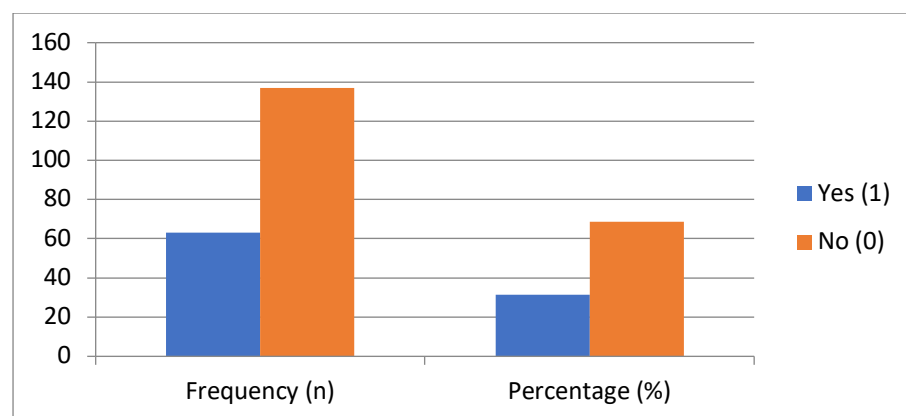
The proportion of respondents at high risk of turning hostile

The dataset includes a composite indicator labelled “**High_Hostility_Risk**”, coded as 1 where three conditions coincide.

Table 11: High hostility risk index (N = 200)

High hostility risk	Frequency (n)	Percentage (%)
Yes (1)	63	31.5
No (0)	137	68.5

Almost one in three respondents are considered at high risk of hostility by combining the experience of being threatened, increased fear, and lack of awareness of protective means. This segment of the population includes those who are most likely, in reality, to retreat from cooperation, retract prior statements or otherwise become hostile in the course of the trial.



Graph 11: High hostility risk index

Even among this group of high-risk individuals, most are witnesses or victims from the lower and lower-middle income groups. This shows a mix of economic vulnerability, personal danger and lack of information. They have a great reason to give the priority to their personal safety and livelihood rather than to the participation which can result in a serious weakening of the credibility of the criminal trials.

RESULTS AND DISCUSSION

We present data showing 71.5% of the sample to have been threatened on account of the low co-operation in criminal proceedings. And that exposes these to the very highest level of intimidation. Additionally these also tally well with the main lines drawn in the large-scale empirical studies and the doctrinal commentaries. Similarly, Bajpai G (2009) reported that a significant percentage of the total 798 witnesses taken from four states were giving in to the pressure both physically and economically. At times, they were pressured by the influence of "muscle" or "money" powers. They were also physically assaulted and suffered significant economic losses as a result of their participation. Just like that, Vaishnavi S. (2025) has identified retaliation, trial delays and lack of protection as the ones most spoken about by the witnesses. Additionally, the respondents have indicated that the slow and lengthy procedures discourage truthful testimony and contribute to hostility. If we look at our study, we see more prevalence of the notion of threat among those individuals who were experiencing fear. Therefore combining with the previous literature, we may say that, despite some changes, the threat remains a very major component of witness experience structurally and functionally.

The pattern of threats detected is somewhat more among victims/witnesses but also hitting

more than two-thirds of both groups. Conditioned from the doctrinal point of view that victims' hostility is only fear, the rest of the enemies of the law, the ambiance or the insecurity around the criminal process are what really digests the hostility in the field of criminal procedure. Agrawal, T. (2022) highlighted that intimidation is the main reason why witnesses become hostile in addition to delayed court trials and lack of adequate legal protection. He argued that the present law regarding the protection of witnesses is very far from covering all aspects, and the threats against witnesses continue without being checked. Vhora, S. (2016) also pointed out major factors that cause victim hostility includes the accused's political influence, capacity for violence, and economic power. A significant number of respondents here reported threats throughout the various demographic groups, creating an image that these issues are very relevant and that intimidation is limited to only a few very sensitive cases (Agrawal, T. 2022; Vhora, S. 2016).

Regarding familiarity with and perceived sufficiency of the Witness Protection Scheme 2018, findings show that only 39.5% of respondents were aware of the scheme and that the average perceived adequacy of the scheme was quite low, which are in fact in line with earlier research and doctrinal critiques that pointed to serious implementation and outreach deficiencies. Many respondents were reported to be somewhat unaware of the details of the scheme but were able to recognise anonymity and relocation as two key protection measures under witness protection (Vaishnavi, S 2025). Likewise, Bajpai G (2009) and subsequent doctrinal writings contended that in the absence of comprehensive legislation and a well-financed institutional framework, witnesses are often oblivious to the protections available to them and hence unable to effectively call upon these protections (Bajpai, G 2009). More current studies in victim and witness protection have also revealed that red tape, weak protection cells and unequal infrastructure are some of the factors that limit the schemes' practical visibility and impact (Kumar, P. 2025). By revealing lower awareness among witnesses and victims compared to legal professionals, our findings further substantiate these criticisms and point out the persistent information asymmetry in favour of more privileged actors.

The development of a high hostility risk index that identifies respondents who have been threatened, are very fearful, and are not aware of the Witness Protection Scheme serves as a good tool to compare the present research on hostility with previous studies. Nearly a third of the respondents in this study are classified in this high-risk group, which is consistent with the earlier research results showing that hostility is mainly caused by the accumulation of pressures

rather than a single incident. The BPRD study found that many witnesses thought if the accused were known criminal, witnesses would more likely go hostile, and also, the suspicion of police being in cahoots with the accused made witnesses less willing to cooperate (Bajpai, G 2009). Similar situations were narrated by Agrawal, T. (2022), who brings out the fact that long trials, repeated postponements, and lack of protection encourage witnesses to retract their statements. This index is in line with such views, as it quantitatively reveals that a large portion of respondents are experiencing a combination of threats, fear, and a lack of information, which leads them to consider hostility as a reasonable means of survival (Bajpai, G. 2009; Agrawal, T. 2022).

This wide-ranging collection of results reflects the main studies that establish a causal link between the absence of a complete witness protection system and a decline in the quality of trials as well as the level of public trust. Goswami, P. (2023), observes that lacking adequate protection, the intimidation and corrupting bribery of witnesses can well disrupt the justice system, so the guarantee of a fair trial under Article 21 becomes a mere mockery. Different studies on victim and witness anonymity and the Witness Protection Scheme have together pointed out that working with little money, a lack of proper timing of threat assessment reports, and a lack of specialised infrastructure are some of the factors that have practically left witnesses exposed, most of all in cases of serious and high-profile crimes (Kumar, P. 2025; Sharma, R. 2025). The combination of a high incidence of threats, a very low level of awareness, and the emergence of a profoundly high-risk group from this research aligns with an ongoing empirical and doctrinal narrative: while the Witness Protection Scheme 2018 and the subsequent inclusion of witness protection in BNSS represent normative progress, the day-to-day implementation of the scheme has hardly changed the reality for witnesses or significantly reduced the conditions that foster hostility.

CONCLUSION AND SUGGESTIONS

Conclusion

Empirical research reveals witnesses as well as lawyers are at risk of crime and stress when they participate in the criminal proceedings; over 2/3 of them directly linked their role to the threat. The awareness of the 2018 Witness Protection Scheme is low among witnesses and victims, and the perceived adequacy of protection measures is consistently viewed as poor, resulting in a significant gap between formal policy and the actual experiences of individuals.

Almost 1/3 of victims combine all three factors: threat, fear, and uncertainty about the protective environment; thus, hostile behaviour or testimony are their way of coping with the situation, not just an individual failure.

These results reflect the findings of earlier studies, including doctrinal research identifying the presence of hostile witnesses in India as being caused by factors such as frequent adjournments, economic losses, intimidation, and a lack of institutional support. They point out that even if the Witness Protection 2018 Scheme and Section 398 BNSS are significant normative changes, they have not yet changed normal practice to a large extent that would reduce witness vulnerability and hostility in a meaningful way. Crises involving hostile witnesses are a persistent issue, and factors such as conviction rates, fair trial guarantees, and public confidence in the criminal justice system will remain problematic unless measures are taken to improve implementation, resourcing, and awareness continuously.

Suggestions

1. Parliament should change the current scheme-based approach into a separate Witness Protection Act that will explicitly lay down the rights, responsibilities, procedures, funding, etc.
2. Local police support units for victims and witnesses in the states should be separated, created, and staffed with trained social workers, psychologists, and legal officers who will be entrusted with the risk assessment, inter-department coordination of protection measures, provision of logistics, and support for the witnesses and their families.
3. Awareness rising through systematic programmes by leveraging legal services authorities, bar associations, and court helpdesks should be done so that witnesses, especially those belonging to low-income and rural communities, get to know about the scheme and are helped to file their application if needed.
4. Witnesses' travel and wage loss expenses must be realistically calculated and paid right away in a transparent way, preferably through digital means. Besides, compensating programs are necessary for the people who get hurt physically or lose their property as the result of being witnesses.
5. The protection steps such as hiding the witnesses' identities, giving them separate

waiting rooms, using audio-visual equipment to keep the accused and the witnesses physically apart, and even the assistance in short- or long-term moving should not only be the reflections of the specific situations of each witness but also no less non-arbitrary, regular, and efficient things at which clear decision-making criteria are targeted.

6. Enhancing forensic infrastructure and scientific methods of investigation can help to lessen the overdependence on oral testimonies, which are often unreliable and subject to coercion. This will lead to the use of objective evidence in proving guilt beyond reasonable doubt in the same way as reducing the influence of intimidation and inducement on the final verdict of the case.

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