



A Study Highlighting the Pitiful Condition of Witnesses

Rama, Research Scholar, School of Law, MVN University, Palwal, Haryana

ABSTRACT

In criminal trials as well as in the trial of civil cases, testimony of witnesses plays an important role. The whole case revolves around the testimony made by them before the court. They are the backbone of any case, whether it is civil or criminal. The witness built up the case of the contesting parties by giving their testimony before the court. Witness testimony before the court enables the court to reach out or to decide the case on merit. They enable the court to appraise the evidence with clear lances. In some cases, witnesses are the key witness or eye witness, but in some cases, witnesses fill the missing gap which results in the complete conclusion of the case or comprehensive disposal. For complete justice and for the successful functioning of the criminal justice system largely depends upon the testimony given by witnesses in court. However, the condition of witnesses in India is pathetic. Witnesses in India no longer want to come forward to give their testimony before the court. It is often seen that witnesses face pressure and intimidation in their lives and the lives of their loved ones by the accused. They are pressurised to change their testimony before the court. Before 2018, there was no specific scheme for protection of witnesses in India. In the year 2018, the Hon'ble Supreme court of India constructed a witness protection scheme, 2018 in the case of Mahender Chawla V. Union of India.¹ The aim of this paper is to discuss the pitiful condition of witnesses in India and related legislative provisions, reports of the law commission to improve the conditions of witnesses in India. And an attempt has been made to discuss the key points of the witness protection scheme and also a discussion on how laws relating to witness protection will be helpful in legal reform vis-a-vis criminal justice.

Key Words: Criminal, Trial, Testimony, Witness, Protection, Intimidation, Justice

