CIRCULAR

No. 09 /2019

WITNESS PROTECTION SCHEME-2018

The Hon'ble Supreme Court of India while disposing of Writ Petition (Crl.) No. 156/2016 in the matter of Mahender Chawla & Ors. Vs. Union of India & Ors. has directed to implement Witness Protection Scheme-2018 in true letter and spirit. Copies of Judgment in above matter and Witness Protection Scheme-2018 have already been circulated for meticulous compliance. DCsP District/Units are therefore directed to ensure compliance of the following actionable points on the part of Delhi Police:-

1. As per the Witness Protection Scheme-2018, it has been specifically mentioned that "Witness Protection Cell" means a dedicated Cell of State/UT Police or Central Police Agencies assigned with the duty to implement the witness protection order.

2. "Competent Authority" means a Standing Committee in each district chaired by the District & Sessions Judge with Head of the Police in the district as Member and Head of the Prosecution in the District as its Member Secretary.

3. In a meeting of senior officers, it was decided that a dedicated "Witness Protection Cell" shall be created at District/Unit level, which shall work as a Cell/Secretariat to implement the Scheme. It shall be headed by Addl. DCP-I with ACP/PG Cell, Inspr. Legal Cell, Reserve Inspector and two Ministerial Staff as members under the overall supervision of DCP at District/Unit level.

4. Once an application for Protection to witness is filed before the Competent Authority and the authority forwards the said application to the DCP District/Unit, he/she shall forward it to Witness Protection Cell with the direction to collect the Threat Analysis Report (TAR) qua the witness. The Cell shall send it to the concerned SDPO/ACP immediately for a report within 3 working days so that the requisite report could be placed before the Competent Authority within the stipulated period.

5. The SDPO/ACP concerned shall ensure that the Threat Analysis Report (TAR) categorizes the threat perception with the suggestive protection measures for providing adequate protection to the witness as per the scheme and the said report is prepared expeditiously while maintaining full confidentiality.

6. Witness Protection Order addressed to the DCP or Witness Protection Cell passed by the Competent Authority shall be implemented by the Witness Protection Cell.

7. The Witness Protection Cell shall file a monthly follow-up report before the Competent Authority after collecting the details from the SDPO/ACP through District/Unit DCsP.

8. Witness Protection Cell shall ensure that the SDPO/ACP concerned follow the protection measures as per the Scheme. In case of grave and imminent threat to the life of applicant and his family members, SDPO/ACP concerned shall hold in-camera proceedings and shall provide the necessary protection immediately to the witness without waiting for an order from the Competent

9. In case the witness or the police authorities are aggrieved by the decision of Competent Authority, a review application may be filed through Witness Protection Cell within 15 days of passing the order by the Competent Authority, though, there is no reviewing authority mentioned in the scheme, but it is implied that the said application will be filed before the Competent Authority.

10. Protection of Identity, Change of Identity, Relocation of Witness and Confidentiality and Preservation of records was also discussed at length and it was emphasized that the point of Change of Identity and Relocation of Witness is primarily the responsibility of Home Department of the State.

11. Once an order for protection of identity of witness is passed by the Competent Authority, it shall be the responsibility of Witness Protection Cell through SDPO/ACP concerned to ensure that identity of such witness/his or her family members including name/parentage/occupation/ address/digital footprints are fully protected and the Witness Protection Cell shall provide details of persons, who can be contacted by the witness in case of any emergency.

12. The Police shall maintain full confidentiality and ensure that under no circumstance, any record, document or information in relation to the proceedings under this scheme shall be shared with any person in any manner, except with the Trial Court/Appellate Court and that too, on a written order.

All concerned are directed to ensure strict compliance of these instructions.

(RAJESH DEO)
Deputy Commissioner of Police
Legal Cell: PHQ, New Delhi.

No. 1201-1350**/Record Branch/PHQ, dated, Delhi, and the** 19/9/**2019**

Copy forwarded for necessary action to the:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Addl. Commissioners of Police/DCsP/Districts/Units.
4. SO to CP/Delhi.
5. DCP/IT Centre with the request to get upload the Circular in Intra DP net.
6. ACP/Insprs/Legal Cell & Court Cell, PHQ.
7. All ACsP/PHQ and Insprs./PHQ.
8. All ACsP/Sub-Divisions & SHOs/Delhi, New Delhi.