

An analysis of witness protection to victims of sexual offence

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Abstract

Sexual Offences are often committed in secluded places. So, in such cases only the victim who is the eye witness plays a pivotal role. The victims of rape are threatened for life or influenced to wangle inanimate justice. This violates the principle of fair trial which is most basic principle in criminal law. Thus, in order to uphold the fair trial, it is necessary to provide witness protection to victims of sexual offence. This paper will deal with the idea of witness protection to victims of sexual offence in order to uphold the principle of fair trial. It will focus upon the legislative aspects of witness protection in cases of offence of rape and sexual harassment and it will also focus upon the judicial perspective for witness protection. It will analyse various case laws where Supreme Court has given elaborate guidelines for witness protection. This paper also focuses upon justifying principle of natural justice in cases of sexual offences by providing witness protection.

Keywords: sexual offence; witness protection; victim; fair trial; State responsibility.


Uma análise da proteção de testemunhas para vítimas de crimes sexuais

Resumo


Os crimes sexuais geralmente são cometidos em locais isolados. Portanto, nesses casos, somente a vítima, que é a testemunha ocular, desempenha um papel fundamental. As vítimas de estupro são ameaçadas de morte ou influenciadas a fazer justiça inanimada. Isso viola o princípio do julgamento justo, que é o princípio mais básico do direito penal. Portanto, para manter o julgamento justo, é necessário fornecer proteção às testemunhas das vítimas de crimes sexuais. Este artigo tratará da ideia de proteção de testemunhas para vítimas de crimes sexuais a fim de defender o princípio do julgamento justo. Ele se concentrará nos aspectos legislativos da proteção de testemunhas em casos de crime de estupro e assédio sexual e também na perspectiva judicial da proteção de testemunhas. Ele analisará várias jurisprudências em que a Suprema Corte forneceu diretrizes elaboradas para a proteção de testemunhas. Este artigo também se concentra na justificativa do princípio da justiça natural em casos de crimes sexuais por meio da proteção de testemunhas.

Palavras-chave: crime sexual; proteção à testemunha; vítima; julgamento justo; responsabilidade do Estado.

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Un análisis de la protección de testigos a las víctimas de delitos sexuales

Resumen

Los delitos sexuales suelen cometerse en lugares apartados. Por lo tanto, en estos casos sólo la víctima, que es el testigo ocular, desempeña un papel fundamental. Las víctimas de violación son amenazadas de por vida o influenciadas para obtener justicia inanimada. Esto viola el principio de un juicio justo, que es el principio más básico del derecho penal. Por lo tanto, para mantener un juicio justo, es necesario proporcionar protección de testigos a las víctimas de delitos sexuales. Este documento abordará la idea de la protección de testigos a las víctimas de delitos sexuales con el fin de defender el principio de un juicio justo. Se centrará en los aspectos legislativos de la protección de testigos en casos de violación y acoso sexual, así como en la perspectiva judicial de la protección de testigos. Se analizarán varias jurisprudencias en las que el Tribunal Supremo ha dado directrices detalladas para la protección de testigos. Este documento también se centra en la justificación del principio de justicia natural en los casos de delitos sexuales mediante la protección de testigos.

Palabras clave: delito sexual; protección de testigos; víctima; juicio justo; responsabilidad del Estado.

Une analyse de la protection des témoins pour les victimes d'infractions sexuelles

Résumé

Les infractions sexuelles sont souvent commises dans des endroits isolés. Dans de tels cas, seule la victime, qui est le témoin oculaire, joue un rôle essentiel. Les victimes de viol sont menacées pour leur vie ou influencées pour obtenir une justice inanimée. Cela viole le principe du procès équitable, qui est le principe le plus fondamental du droit pénal. Par conséquent, afin de garantir un procès équitable, il est nécessaire d'assurer la protection des témoins aux victimes d'infractions sexuelles. Ce document traitera de l'idée de la protection des témoins pour les victimes d'infractions sexuelles afin de respecter le principe du procès équitable. Il se concentrera sur les aspects législatifs de la protection des témoins dans les cas de viol et de harcèlement sexuel, ainsi que sur la perspective judiciaire de la protection des témoins. Il analysera diverses jurisprudences dans lesquelles la Cour suprême a donné des lignes directrices détaillées pour la protection des témoins. Ce document se concentre également sur la justification du principe de justice naturelle dans les cas d'infractions sexuelles en assurant la protection des témoins.

Mots-clés : infraction sexuelle ; protection des témoins ; victime ; procès équitable ; responsabilité de l'État.

关于性犯罪的见证人和受害人的保护

摘要

性犯罪往往发生在僻静的地方。因此，在这种情况下，只有作为目击者的受害者才能在破案中发挥关键作用。强奸的受害者往往因为生命遭受到生命而被迫放弃追求那无生命的正义。这违背了刑法最基本的公平审判原则。因此，为了维护公正审判，有必要为性犯罪受害人提供证人保护。本文讨论了性犯罪受害者的证人保护的概念，以维护公平审判的原则。它重点关注强奸和性骚扰犯罪案件中证人保护的立法方面。文章分析了最高法院为证人保护提供的详细指导方针以及各种判例。它还重点讨论了犯罪案件中为提供证人保护的合理性，以彰显自然正义的原则。

关键词：性犯罪；证人保护；受害者；公平审判；国家责任

Eine Analyse des Zeugenschutzes für Opfer von Sexualstraftaten

Zusammenfassung:

Sexuelle Straftaten werden oft an abgelegenen Orten begangen. Daher spielt in solchen Fällen nur das Opfer, das Augenzeuge ist, eine entscheidende Rolle. Die Opfer von Vergewaltigungen werden auf Lebenszeit bedroht oder beeinflusst, damit sie mit der leblosen Justiz ringen. Dies verstößt gegen den Grundsatz des fairen Verfahrens, der das wichtigste Prinzip im Strafrecht darstellt. Um ein faires Verfahren aufrechtzuerhalten, ist es daher notwendig, den Opfern von Sexualstraftaten Zeugenschutz zu gewähren. Dieser Beitrag befasst sich mit der Idee des Zeugenschutzes für Opfer von Sexualstraftaten, um den Grundsatz des fairen Verfahrens zu wahren. Der Schwerpunkt liegt dabei auf den rechtlichen Aspekten des Zeugenschutzes in Fällen von

Vergewaltigung und sexueller Belästigung sowie auf der rechtlichen Perspektive des Zeugenschutzes. Es werden verschiedene Fälle analysiert, in denen der Oberste Gerichtshof ausführliche Leitlinien für den Zeugenschutz aufgestellt hat. Dieses Papier konzentriert sich auch auf die Rechtfertigung des Grundsatzes der natürlichen Gerechtigkeit in Fällen von Sexualdelikten durch die Gewährung von Zeugenschutz.

Schlüsselwörter: Sexualstraftat; Zeugenschutz; Opfer; faires Verfahren; staatliche Verantwortung.

Introduction

The United Nations Model Witness Protection Bill 2000 (UNDCP, 2000, p. 2) defines witness as, “a person who has made a statement, or who has given or agreed to give evidence in relation to the commission or possible commission of a serious offence.” Witnesses are considered as pillar of justice. In a dispute, when both the parties come out with conflicting version, the witnesses become significant tool to arrive at right conclusions, thereby facilitating justice in a particular case (Wagoner, 2003). This principle applies with more vigor and strength in criminal cases inasmuch as most of such cases are decided on the basis of statements of the witnesses, particularly, eye-witnesses, who may have seen actual occurrence of crime. It is for this reason that Bentham stated more than 150 years ago that “witnesses are eyes and ears of justice” (Wallas, 1923). The reliability in the deposition of the witness determines the decision in a case. In adversarial system, the judge acts as an unbiased referee and it is up to the parties to prove their case. In a criminal trial, the prosecution proves its case on the basis of the statement of witnesses and other evidence submitted before the court. So, it can be inferred that the deposition of witnesses helps in influencing the decision of the court. Here the court relies upon the statement of the witness and delivers the judgment.

Sexual offences are usually committed in secluded places and so the testimony of victims plays an important role (Hughes, 1962). The Supreme Court of India stated that,

In the Indian setting, refusal to act on the testimony of a victim of sexual assault in the absence of corroboration as a rule is adding insult to injury. Why should the evidence of the girl or the woman who complains of rape or sexual molestation be viewed with the aid of spectacles fitted with lenses tinged with doubt, disbelief or suspicion? To do so is to justify the charge of male chauvinism in a male dominated society (India, 1983).

Thus it is very essential to give provide protection to victims who are the eye witnesses in sexual offences.

Methodology

This article uses a common method in legal research called the doctrinal methodology to investigate and support the questions mentioned earlier. This approach involves using

secondary data sources to guide the research objectives and questions. Additionally, there is a strong emphasis on citing and giving credit to all referenced articles to maintain the scholarly integrity of the discussion.

Doctrinal legal research involves analyzing existing legal principles, statutes, and case law to understand the underlying doctrines that guide legal decision-making. It relies on studying legal texts, judicial opinions, and scholarly writings to develop a comprehensive understanding of the law in a specific area. Legal scholars and practitioners use this research to interpret and apply legal rules, identify trends, and assess the consistency of legal doctrines within a jurisdiction. It is a crucial tool for shaping legal arguments and informing legal practice and policymaking.

Results and Discussions

Need for Witness Protection

In a criminal trial, witnesses are one of the vital elements. So protection of witness is essential for the smooth operation of criminal justice system. Most of the cases in which the accused is an powerful person, the witnesses are vulnerable and are not in a state to freely give evidence before the court. The accused in such cases either try to threaten the witness by using some physical threat or try to corrupt them to testify in favor of the accused person.

Though the witness plays an important role in the judicial proceeding yet there are no substantial and specific legal provisions in India which can tackle the issue of protection of witness. There are certain provisions which are in some kind related to the protection of witness but those provisions are not sufficient to deal with this issue. The high rate of acquittal in the criminal cases can be attributed to the witnesses turning hostile due to threat or intimidation from the accused person. The helplessness of the witnesses is quite obvious as there are no relevant safety measures available to them, which will enable them to come forward and speak the truth before the court. So the witness may a times give up before the threat of accused person and alter their statement before the court which gives advantage to the accused leading to his acquittal. When a witness is turned hostile due to intimidation from accused person, subsequently he starts losing his confidence and hope in the rule of law. If criminals routinely succeed in deterring testimony, however, the criminal justice system withers, and laws can be broken with impunity. Witness intimidation is a fundamental threat to the rule of law.

Witness Protection in India

There is no specific statute for witness protection in India (Gangoli, 2011). But there are certain provisions in certain legislation for protection of witnesses. Section 151 of Evidence Act (India, 1872/2020) gives authority to the court to prohibit putting any question which is indecent or scandalous, provided it does not relate to fact in issue or to matters necessary to be known in order to determine whether or not the facts in issue existed. This provision allows indecent and scandalous question if it is in any way relating to the fact in issue. Here it is to be noted that all the irrelevant questions which are asked only to embarrass and harass the victim is prohibited under this provision.

Section 152 of Evidence Act (India, 1872/2020) confers power upon the court to forbid any question which appears to be intended to insult or annoy or needlessly offensive in form. Section 152 along with section 151 is included in Evidence Act to protect a witness from improper cross-examination. Also when the accused person is released on bail one of the condition for bail is that the accused person shall not in any manner try to threaten the witnesses.

Section 16 of the *Terrorist and Disruptive Activities (Prevention) Act, 1987* (India, 1987) provides that, the proceedings before the Court may be in camera. Also it provides that the Court acting on its own motion or an application made by the witness or Public Prosecutor may take measures to keep secret the identity and address of the witness. This Act was repealed by *Prevention of Terrorism Act, 2002* (India, 2002) in which section 30 deals with witness protection and is similar to section 16 of *Terrorist and Disruptive Activities (Prevention) Act, 1987* (India, 1987). Subsequently the Prevention of Terrorism Act was repealed in 2004. In 2004, the *Unlawful Activities (Prevention) Act* was amended (India, 2004). It inserted section 44 with the heading 'Protection of Witness' which is similar to section 30 of Prevention of Terrorism Act.

Section 17 of *National Investigation Agency Act, 2008* (India, 2008) states that, if the court is satisfied that the life of such witness is in danger, than the court may take all the measures necessary to keep the identity and address of such witness secret.

A detailed examination of all the provisions given above does not particularly provides certain substantial law for ensuring the safety of the witness. It can be noted that the laws dealing with terrorist activities provides for maintaining secrecy regarding the name of the accused. But in the present scenario, the cases of threatening the witnesses are not restricted to the cases of terrorism.

Judicial Perspective of Witness Protection

In *Kartar Singh vs. State of Punjab* (India, 1994), the validity of section 16 of *Terrorists and Disruptive Activities (Prevention) Act, 1987* was challenged. Section 16 empowers the Court to exclude the names and addresses of the witness secret which was alleged to be against the notion of fair trial. Here the Supreme Court stated that witnesses are not willing to testify against the accused of bad character because of threat or fear from such person. In such a situation no witness will testify against the risk of his life or property. So the object of the legislature behind enacting the impugned provision is quite clear and valid.

In *National Human Rights Commission vs. State of Gujarat* (India, 2009), the Apex Court stated that though Malimath Committee on Judicial Reforms has recommended the inclusion of provision relating to witness protection yet the legislature has failed to enact such law. Not even a scheme relating to witness protection has been framed by the government. Further the court emphasized on the alarming decrease in the conviction rate and attributed it to the absence of provisions relating to witness protection.

Neelam Katara vs. Union of India (India, 2003) is considered as one of the landmark judgment of the Delhi High Court which deals with the issue of witness protection. Here the court has given certain guidelines which are known as 'Witness Protection Guidelines.' It stated that the Member Secretary of the Legal Services Authority is the Competent Authority to deal with the issue of witness protection. The witness pertaining to a crime punishable with death or life imprisonment may make a request for police protection to the Competent Authority. Here the Competent Authority shall consider the following factors while determining whether or not a witness should be provided police protection:

- (i). The nature of the risk to the security of the witness which may emanate from the accused or his associates.
- (ii). The nature of the investigation or the criminal case.
- (iii). The importance of the witness in the matter and the value of the information or evidence given or agreed to be given by the witness.
- (iv). The cost of providing police protection to the witness (India, 2003).

Further the court also imposed duty on the Investigating Officer to inform the witnesses regarding the witness protection guidelines while recording the statement under section 161 of Criminal Procedure Code (India, 1973).

In *Zahira Sheikh vs. State of Gujarat*, the Supreme Court stated that,

The State has a definite role to play in protecting the witnesses, to start with at least in sensitive cases involving those in power, which have political patronage and could wield muscle and money power, to avert the trial getting tainted and derailed and truth becoming a casualty (India, 2006).

Here the court has expressed the need to have specific legislation in relation to protection of witness. The court further noted that if the witness is threatened or forced to give false evidence than it would not amount to fair trial which is the basis of criminal trial in India. Here the court has also discussed the witness protection programmes' which are prevalent in other parts of globe.

Witness Protection to Victims of Sexual Offence

Sexual offences are usually committed in secluded places making the victim the only witness in the case. In such a situation where the whole case depends upon the testimony of the victim, it becomes essential to provide proper protection to the victim. The accused in such cases try to intimidate or threaten the victim in order to change the testimony (Sheley, 2018). This can be considered as violation of principle of natural justice. Principle of Natural Justice focuses upon giving equal opportunity to both the parties. In the cases, where the victim who is the only eye witness in a case is threatened by the accused to change the testimony amounts to violation of Natural Justice as the victim will not get equal opportunity to present the side. For the same reason, it becomes important to provide protection to the victims of sexual assault so that they should be given proper chance to present their side in the court of law without any threat or influence. The Honourable Apex Court noted the same in *Sakshi vs. Union of India* (India, 1999) by highlighting the aspect of protection of victims of sexual assault.

Witness Protection in Other Countries

Canada

In Canada (1996), there is Witness Protection Program Act, which is enacted with an object to promote law enforcement, national security, national defence and public safety by facilitating the protection of persons who are involved directly or indirectly in providing assistance in law enforcement (Cassim, 2003). There is a Commissioner appointed to deal with the matters arising under the said Act. It has dedicated witness protection units across the country which co-ordinates the program with the help of local police. There are different types of measures available under this Act. So depending upon the facts and circumstances of the case, various measures are taken by the protection unit. A short-term measure usually involves quick response to the threat affecting the witness whereas a long-term measure involves relocation, accommodation and change of identity. It also includes security and

financial support to the witness which will help him in rehabilitation. An important aspect of this Act is that it has an independent unit to deal with witness protection which is separate from the investigation department. Other unique feature of this program is that, when a witness is admitted to this program and there is a need for changing his identity, in such a situation the Competent Authority provides him with new identity but his past criminal records will be maintained as it is with the new identity. Therefore, it can be deduced that when a habitual offender turns who has past criminal records enters into the program by becoming a government approver for a specific crime he will be given new identity but his past criminal records will be maintained with his new identity.

United Kingdom

In United Kingdom, there is UK Protected Persons Service which is a part of National Crime Agency which is responsible for giving protection to the members of the public who are under some threat or under risk of getting harmed (Fyfe; Heather, 2000. p. 78). Though this unit is a part of National crime Agency, yet it functions independently. The detailed legislation under which the protection unit performs its function is the *Serious Organised Crime and Police Act 2005* (United Kingdom, 2005). There is a dedicated chapter under this Act which specifically contains provisions relating to witness protection. It provides circumstances in which the person can be given protection.

One of the important principles of criminal justice system in UK is the concept of open justice which basically means transparency in justice delivery system. Transparency in general sense conveys that Courts are open for the general public to see and hear the cases, publishing the judgments and making judgments easily accessible to the public. But there are some exceptions to the notion of open justice. The *Official Secret Act, 1920* (United Kingdom, 1920) empowers the court to prohibit the members of public from attending court proceedings. In *Attorney General vs. Leveller Magazine*, the court stated that it is the inherent power of the court to withhold the name of the witness in a criminal trial also such powers can be conferred by the Parliament by enacting certain statute. The *Youth Justice and Criminal Evidence Act 1999* (United Kingdom, 1999), also contains certain provisions relating to witness protection. One of the provision deals with screening of witness from the accused person. It also contains provision in which the witness with prior permission of the court may testify by means of a live link.

United States of America

In United States, the Federal Witness Security Program is created to protect the witness. The witness security program was created under the *Organized Crime Control Act of 1970* and amended by the *Comprehensive Crime Control Act of 1984*. There is a special wing known as U.S. Marshals Service which is responsible for the safety of the witnesses and their immediate dependents, whose lives are in danger as a result of their testimony. The US Attorney General's also plays a vital role in the witness security program. Usually an evaluation is done regarding the nature of the threat before the witness is admitted to the program. The officers of the US Marshal Service give a brief summary of the program to the witness and his family members and are immediately moved to a safe and discreet location. Further witness rehabilitation and assistance fund is also given to the witness, which will help in the rehabilitation of such witnesses. The Marshals Service provides 24-hour protection while they are in a high-threat area, including pre-trial proceedings and court appearances (Davis, 2015). The program also includes counseling sessions for the witness which will help in rehabilitation.

Conclusion

The witnesses, who plays crucial role in finding of truth and accordingly administration of justice are entitled to get protection from the accused person in order to give evidence freely in the court. Without promise of safety no person will be ready to come ahead and share the information related to the crime. Here, it is the duty of the state to ensure the protection of witnesses so that people will be confident to testify against the accused. Witness is the basis under whose direction the judge is trying to look for the truth concealed in a particular case. In such a situation, if the basis itself is harmed than the judge could be misdirected in arriving at a judgment which is against the idea of fair trial. The rate of conviction can be improved on providing sufficient safety measure for the witnesses (Doyle, 2010). The successful execution of the witness security programme in different countries could form the basis for enactment of one such programme in India.

The Witness Protection Bill, 2015 is being considered by the state governments but there is as such no consensus formed on that issue. As police and public order are included in the state list under the seventh schedule of the Constitution of India, so the state governments are responsible for witness protection also (Sharan, 1978). An important thing

that is to be noted is that the witness protection programme would incur extra burden on the state revenue and most of the states are not ready to incur expenditure on witness protection.

The following measures may be considered for protection of witness in India:

1. Separate and more detailed legislation may be enacted to deal with the issue of witness protection.
2. There should be policy regarding Witness rehabilitation fund and tax benefits must be given to any person who is contributing to such fund.
3. Specialized Witness Security Unit may be established in resemblance to US Marshal Service which should be responsible for the safety and security of the witness and his family members.
4. Effective Witness Assistance Service should be started under the guidance of District Legal Services Authority in each district.
5. Video conferencing for the purpose of giving testimony in the court may be ensured which will enable the witness to testify freely.

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Sources

CANADA. Minister of Justice. *Witness Protection Program Act* (S.C. 1996, c. 15). 1996. Available at: <https://laws-lois.justice.gc.ca/eng/acts/w-11.2/>. Access on: Sept. 30, 2024.

INDIA. The Governor-General in Council. *The Indian Evidence Act, 1872: last updated:-13-3-2020*. Mar. 15, 1872. Available at: https://www.indiacode.nic.in/bitstream/123456789/15351/1/iea_1872.pdf. Access on: Sept. 30, 2024.

INDIA. Parliament. *Criminal Procedure Code, 1973*. 1973. Available at: <https://bit.ly/4b3OZXP>. Access on: Sept. 30, 2024.

- INDIA. Supreme Court. *Bharwada Bhoginbhai Hirjibhai vs State Of Gujarat on 24 May, 1983*. 1983. Available at: <https://indiankanoon.org/doc/207774/>. Access on: Sept. 30, 2024.
- INDIA. Parliament. *Terrorist and Disruptive Activities (Prevention) Act, 1987*. Sept 3, 1987. Available at: https://www.indiacode.nic.in/bitstream/123456789/15340/1/terrorist_and_disruptive.pdf. Access on: Sept. 30, 2024.
- INDIA. Supreme Court. *Kartar Singh vs State of Punjab on 11 March, 1994*. 1994. Available at: <https://indiankanoon.org/doc/1813801/>. Access on: Sept. 30, 2024.
- INDIA. Supreme Court. *Sakshi vs Union Of India (Uoi) And Ors. on 9 August, 1999*. 1999. Available at: <https://indiankanoon.org/doc/1086919/>. Access on: Sept. 30, 2024.
- INDIA. Parliament. *Prevention of Terrorism Act, 2002*. 2002. Available at: <https://bit.ly/412ebua>. Access on: Sept. 30, 2024.
- INDIA. Delhi High Court. *Neelam Katara Petitioner vs. Union of India & Ors. S. Oct. 14, 2003*. Available at: <https://www.casemine.com/judgement/in/56e0ee2f607dba38965ec479>. Access on: Sept. 30, 2024.
- INDIA. Parliament. *Unlawful Activities (Prevention) Amendment Act, 2004*. Dec. 29, 2004. Available at: <https://bit.ly/4jNtggM>. Access on: Sept. 30, 2024.
- INDIA. Supreme Court. *Zahira Habibullah Sheikh & Anr vs State Of Gujarat & Ors on 8 March, 2006*. 2006. Available at: <https://indiankanoon.org/doc/1067991/>. Access on: Sept. 30, 2024.
- INDIA. Ministry of Home Affairs. *National Investigation Agency Act, 2008*. Dec. 31, 2008. Available at: <https://bit.ly/3CDszQ8>. Access on: Sept. 30, 2024.
- INDIA. Supreme Court. *National Human Rights Commission vs State Of Gujarat & Ors on 1 May, 2009*. 2009. Available at: <https://indiankanoon.org/doc/168922/>. Access on: Sept. 30, 2024.
- UNITED KINGDOM. *Official Secrets Act 1920 (repealed)*. 1920. Available at: <https://www.legislation.gov.uk/ukpga/Geo5/10-11/75/contents>. Access on: Sept. 30, 2024.
- UNITED KINGDOM. *Youth Justice and Criminal Evidence Act 1999*. 1999. Available at: <https://www.legislation.gov.uk/ukpga/1999/23/contents>. Access on: Sept. 30, 2024.
- UNITED KINGDOM. *Serious Organised Crime and Police Act 2005*. 2005. Available at: <https://www.legislation.gov.uk/ukpga/2005/15/contents>. Access on: Sept. 30, 2024.
- UNITED NATIONS OFFICE ON DRUGS AND CRIME. *UNDCP Model Witness Protection Bill 2000*. Vienna: UNDCP, 2000. Available at: https://www.unodc.org/pdf/lap_witness-protection_2000.pdf. Access on: Sept 30, 2024.
- UNITED STATES OF AMERICA. Congress. *Organized Crime Control Act of 1970*. 1970. Available at: <https://bit.ly/3Q9S3aZ>. Access on: Sept 30, 2024.
- UNITED STATES OF AMERICA. Congress. *Comprehensive Crime Control Act of 1984*. 1984. Available at: <https://www.congress.gov/bill/98th-congress/senate-bill/1762>. Access on: Sept 30, 2024.

References

- CASSIM, Fawzia. The rights of child witnesses versus the accused's right to confrontation: a comparative perspective. *The Comparative and International Law Journal of Southern Africa*, v. 36, n. 1, p. 65-82, 2003. <http://www.jstor.org/stable/23252224>.
- DAVIS, Tracy C. The Witness Security Program: Becoming Imperceptible in the Relocation Matrix. *TDR*, v. 59, n. 2, p. 74-91, 2015. <http://www.jstor.org/stable/24585009>.
- DOYLE, James M. Learning From Error In American Criminal Justice. *The Journal of Criminal Law and Criminology*, v. 100, n. 1, p. 109-148, 2010. <http://www.jstor.org/stable/20753686>.
- FYFE, Nicholas R.; HEATHER McKay. Witness intimidation, forced migration and resettlement: a British case study. *Transactions of the Institute of British Geographers*, v. 25, n. 1, p. 77-90, 2000. <http://www.jstor.org/stable/623319>. Access on: Nov. 27, 2024.
- GANGOLI, Geetanjali. Controlling women's sexuality: rape law in India. In: GANGOLI, Geetanjali; WESTMARLAND, Nicole. (ed.). *International approaches to rape*. Bristol, UK: Policy Press, 2011. p. 101-120. <https://doi.org/10.2307/j.ctt9qgkd6.9>.
- HUGHES, Graham. Consent in sexual offences, *The Modern Law Review*, v. 25, n. 6, p. 672-686, 1962. <http://www.jstor.org/stable/1092415>
- SHARAN, P. Constitution of India and judicial review. *The Indian Journal of Political Science*, v. 39, n. 4, p. 526-537, 1978. <http://www.jstor.org/stable/41854873>.
- SHELEY, Erin. A broken windows theory of sexual assault enforcement. *The Journal of Criminal Law and Criminology*, v. 108, n. 3, p. 455-510, 2018. <https://www.jstor.org/stable/48572873>
- WAGONER, David. Witness protection, *The American Poetry Review*, v. 32, n. 1, p. 44 [1 page], 2003. <http://www.jstor.org/stable/20682115>
- WALLAS, Graham. Jeremy Bentham. *Political Science Quarterly*, v. 38, n. 1, p. 45-56, 1923. <https://doi.org/10.2307/2142538>