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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Judicial Department
Writers' Buildings
Kolkata-700 001

NOTIFICATION

No. 1689-JL/JD/L/16M-38/2025.— the 18th September, 2025.— In exercise of the powers conferred under section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023), the Governor is hereby pleased to make the following Witness Protection Scheme, namely:-

- | | |
|---|--|
| Short title,
extent and
commencement. | 1. (a) This Scheme shall be called the West Bengal Witness Protection Scheme, 2025 .
(b) It extends to the whole of the State of West Bengal.
(c) It shall come into force on the date of its publication in the <i>Official Gazette</i> . |
| Definitions. | 2. (1) (a) " Act " means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No.46 of 2023);
(b) " Concealment of Identity of Witness " means and includes any condition prohibiting publication or revealing of, in any manner, directly or indirectly, the name, address and other particulars which may lead to the identification of the witness during investigation, trial and post-trial stage;
(c) " District Competent Authority " means a Standing Committee in each District chaired by the District and Sessions Judge with the Superintendent of Police in the District as Member, an officer not below the rank of the Additional District Magistrate to be nominated by the District Magistrate as Member or an officer of the equivalent rank nominated by the Government in case of Kolkata Police and the Head of the Prosecution in the District as the Member-Secretary. Any other member(s) may be co-opted by the District Competent Authority. The said Committee in its meetings shall review the status of the implementation of this scheme;
(d) " Family Member " includes parents or guardian, spouse, live-in partner, siblings, children, grandchildren of the witness and the spouse of the siblings, children and grandchildren of the witness: |

- (e) **"Form"** means the Witness Protection Application Forms (Form-I) and the Threat Analysis Report (Form-II) appended to this Scheme:
- (f) **"In Camera Proceedings"** means proceedings wherein the Competent Authority or Court allows only those persons who are necessarily to be present while hearing and deciding the witness protection application or deposing in the court:
- (g) **"Live Link"** means and include a live video link or other such arrangement including any electronic communication through any audio -video electronic means:
- (h) **"Offence"** means those offences which are punishable with death or life imprisonment or an imprisonment up to seven years and above and also offences punishable under sections 74, 75, 76, 77, 78 and 79 of the Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023):
- (i) **"State Witness Protection Authority"** means a Standing Committee at state level to be chaired by the Principal Secretary, Home & Hill Affairs, Govt. of West Bengal with (i) Principal Secretary, Judicial, Govt. of West Bengal, as a Member (ii) Addl. Director General Police (Legal) WB, as a Member (iii) Addl. Director General of Police, CID, WB, as a Convenor. (iv) one Additional Commissioner of Kolkata Police to be nominated by the Commissioner of Police, Kolkata as a Member and (v) Director of Prosecution, West Bengal as the Member Secretary. Any other member(s) may be co-opted by the Authority. This Authority shall regulate its own procedure, meet at least once in every six months and shall take all the steps as deemed necessary by it for the effective implementation and monitoring of the scheme:
- (j) **"Superintendent of Police of a District"** includes Superintendent of Police District and Commissioner of Police in case of a Commissionerate except Kolkata where it shall mean Deputy Commissioner of Police of the concerned Division:
- (k) **"Threat Analysis Report"** means the detailed report to be submitted by the Superintendent of Police in the District or the Commissioner/Deputy Commissioner of Police in case of Kolkata investigating the case with regard to the seriousness and credibility of the threat perception to the witness or his family members. It shall contain specific details about the nature of threats faced by the witness or his family to their lives, reputation or properties apart from analyzing the extent, the person or persons making the threat, who have the intent, motive and resources to implement the threats;
- It shall also categorize the threat perception apart from suggesting the specific Witness Protection measures which deserves to be taken in the matter:
- (l) **"Witness"** means any person, who has made a statement or who has given or agreed to give evidence in relation to any offence and who possesses information or document about any offence:
- (m) **"Witness Protection Application"** means an application submitted by a witness before a District Competent Authority for Witness Protection Order. It can be moved either in offline or online mode by the witness, his family member, his duly engaged counsel or by the Investigating Officer or Officer in Charge or Circle Inspector or Sub-Deputy Police Officer or Deputy Superintendent, or Asstt. Commissioner or Deputy Commissioner or Joint Commissioner of Police or Jail Superintendent concerned. Witness protection application may be defined as an application submitted by a witness in the prescribed form before the District Competent Authority seeking Witnesses Protection Order. It can be moved either in offline or online mode by the witness, his family member, his duly engaged counsel or by the Investigating Officer or Officer in Charge or any supervisory officer of the investigation concerned:

- (n) **"Witness Protection Cell"** means a cell constituted at district level (including Police Districts/ Commissionerates) for implementation of the witness protection order, which shall be headed by the Superintendent of Police/ Commissioner of Police or Deputy Commissioner of Police in case of Kolkata Police as the case may be. Other suitable person(s) may be co-opted by the head of the cell;
- (o) **"Witness Protection Fund"** means the fund created for bearing the expenses incurred during the implementation of Witness Protection Order passed by the Competent Authority under this scheme to take the witness protection measures;
- (p) **"Witness Protection Measures"** means the measures provided in clauses 7, 8, 9, 10 and 11 of this Scheme.
- (q) **"Witness Protection Order"** means an order passed by the Competent Authority detailing with the witness protection measures to be taken.

Note - I. It should be a dedicated cell assigned with the duty to implement the Witness Protection Order.

Note - II. It may also be added that as long as any witness is protected under this scheme, the Witness Protection Cell shall provide details of persons to be contacted by the witness in case of emergency.

- (2) The Scheme shall be applicable within the jurisdiction of Kolkata Police, with references to the Director General of Police to be read as references to the Commissioner of Police, Kolkata; references to Superintendent of Police as Deputy Commissioner of Police and references to districts to be read as references to divisions under Kolkata Police.

Categories of witness as per threat perception.

- 3.(1) Category 'A': Where the threat extends to the life of a witness or his family members, during investigation or trial or thereafter.
- (2) Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation or trial or thereafter.
- (3) Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's reputation or property during the investigation or trial or thereafter.

State Witness Protection Fund.

- 4.(1) There shall be a Fund namely, the Witness Protection Fund for incurring expenses during the implementation of the witness protection measures as per the Witness Protection Order passed by the Competent Authority and other related expenditure.
- (2) The Witness Protection Fund shall comprise the following: -
- (i) budgetary allocation made in the Annual Budget by the State Government;
 - (ii) receipt of amount of costs imposed or ordered to be deposited by the Courts or Tribunals in the Witness Protection Fund;
 - (iii) donations or contributions from Philanthropist or Charitable Institutions or Organizations and individuals permitted by the Government; and
 - (iv) funds contributed under the Corporate Social Responsibility.
- (3) There shall be a separate bank account for the State Witness Protection Fund at State and District level. The said account at the State Level shall be operated by DIG, CID, West Bengal and in case of Calcutta by Additional Commissioner of Police in case of Kolkata Police.

Filing of Applications before the competent authority. Procedure for processing the application.

5. The applicant shall file an application for seeking protection order under this scheme in Form I before the Competent Authority of the concerned District where the offence is committed, through its Member Secretary along with supporting documents, if any. It can be filed in offline as well as in online mode.

6. (1) As and when an application is received by the Member Secretary of the Competent Authority, in Form-1, he shall forthwith pass an order immediately calling for the Threat Analysis Report from the Assistant Commissioner of Police or Deputy Superintendent of Police (SDPO) in charge of the concerned Police Sub-Division, as the case may be.

members, or any other person it deems fit, to ascertain whether it is necessary to pass an identity protection order.

- (3) During the hearing of the application, the identity of the witness shall not be disclosed to any person in a manner likely to lead to the identification of the witness. The Competent Authority shall dispose of the application based on the material available on record.

- (4) Once an order for protection of the witness's identity is passed by the Competent Authority, it shall be the responsibility of the Witness

Protection Cell to ensure that the identity of the witness and/or his or her family members including their names, parentage, occupation, addresses, or digital footprints is fully protected.

- (5) For the duration that the identity protection order remains in force, the Witness Protection Cell shall provide the witness with details of designated contact persons who may be approached in case of any emergency.

Change of Identity.

10. (1) In appropriate cases, where a witness makes a request for change of identity, and based on the assessment contained in the Threat Analysis Report, the Competent Authority may take a decision to confer a new identity upon the witness, in accordance with the procedures prescribed by the Government.

- (2) The process of conferring a new identity may include the assignment of a new name, profession, and parentage, along with the issuance of supporting documents acceptable to Government agencies, subject to verification and necessary due diligence.

- (3) The conferring of a new identity shall not, under any circumstances, deprive the witness of his or her existing educational, professional, or property rights. Necessary steps shall be taken to ensure that the continuity of such rights is preserved and duly reflected under the new identity.

Relocation of Witness.

11. (1) In appropriate cases, where a witness makes a request for relocation, and based on the assessment contained in the Threat Analysis Report, the Competent Authority may consider such request. If deemed necessary, the Competent Authority shall forward its recommendation, along with a detailed report, to the State Witness Protection Authority for consideration of witness relocation.

- (2) Upon receipt of the recommendation, the State Witness Protection Authority may pass an order for the relocation of the witness to a safer place, either within the State or to any other territory of the Indian Union, taking into account the safety, welfare, and overall well-being of the witness.

- (3) The State Witness Protection Authority shall be assisted in this process by the District Competent Authority. All expenses incurred for the relocation shall be borne from the Witness Protection Fund.

Witness to be apprised of the scheme.

12. The Investigating Officer and the concerned Court shall inform witnesses about the existence of "Witness Protection Scheme" and its salient features.

Confidentiality and preservation of records.

13. (1) All stakeholders, including the Police, the Prosecution Department, Court staff, and Lawyers from both sides, shall maintain strict confidentiality in respect of all

from the final disposal of all related court proceedings, the Competent Authority may authorize the weeding out of the hard copies of such records, provided that scanned soft copies are duly preserved in a secure manner.

Recovery of expenses.

- 14.** In cases where it is established that a witness has lodged a false complaint, the Home Department may initiate proceedings against him for the recovery of the expenditure incurred from the Witness Protection Fund towards the protection of such witness.

The amount recoverable shall be treated as arrears of land revenue and shall be recovered accordingly, in accordance with the applicable laws and procedures.

Review.

- 15.** In case the witness or the police authorities are aggrieved by the decisions of the Competent Authority, a review application may be filed before the Competent Authority within 15 days of passing of the orders by the Competent Authority and the decision of Competent Authority on such review application shall be final and no appeal shall lie against such order before any authority.

Residuary provisions.

- 16. (1)** In respect of any matter not specifically covered under this Scheme, or in the event of any ambiguity or difficulty arising in the implementation of the provisions of this Scheme, the decision of the State Witness Protection Authority shall be final and binding upon all concerned.
- (2)** The State Witness Protection Authority may issue necessary guidelines, instructions, or clarifications, consistent with the objectives of this Scheme, to ensure its effective implementation.

FORM - 1

(See Clause-5,9)

West Bengal Witness Protection Scheme. 2025**Witness Protection Application**

To
The Competent Authority

District

Application for (Tick)

- Witness Protection
 Witness
 Identity
 Protection
 New Identity
 Witness Relocation

Particulars of the Witness (Fill in CAPITAL LETTERS)	
Name	
Date of Birth and Age	
Gender (Male/Female/Transgender)	
Father/Mother name	

Residential Address	
Mobile Number	
Email ID	
Aadhar Number (attach a self-attested copy)	
Any other Government ID (voter ID/PAN/Driving licence/Other) [attach a self-attested copy]	
Name and details of the family member(s) of the victim who are facing threats (including self)	

Particulars of the case	
FIR number	
Police Station	
Sections and Act(s) involved	
Year of the FIR	
GDE or daily diary number (if FIR not yet registered)	
CR case number (in complaint cases to magistrate)	
Name	

Particulars of the Accused (if known/available)	
Father/mother name	
Address	
Mobile Number.	
Email ID	

Particulars of the person who is giving or suspected to be giving threats	
Name	
Father name	
Address	
Mobile number	
Email	
Other details known (if any)	
Threat Perception	
Nature of the threat perception. Please give a brief of the threat received in the matter with specific date, place, mode and words used.	
Types of the witness protection measures prayed for by the witness	
Please give details of what kind of protection is prayed for.	
Details of the urgent immediate witness protection measures required, if any	

Note: Witnesses can use extra sheets, if needed and attach with the application.

UNDERTAKING

- (1) I shall fully cooperate with the competent authority, Department of Home and the Witness Protection Cell.
- (2) I certify that the information provided by me is correct to the best of my knowledge and belief.
- (3) I understand that if the information filed by me is found incorrect, competent authority reserves the right to recover the expenses incurred on me from the witness protection fund.

Name of the Witness/Applicant:

Signature:

Date:

Place:

FORM - II

See Clause-6(3)

The threat Analysis Report to be submitted before the District Competent Authority under West Bengal Witness Protection Scheme, 2025

Particulars of the Witness (Fill in CAPITAL LETTERS)	
Name	
Date of Birth and Age	
Gender (Male/Female/Transgender)	
Father/Mother name	
Residential Address.	
Mobile Number	
Email ID	
Aadhar Number (attach a attested copy)	
Any other Government ID (voter ID/PAN/Driving licence/ Other [attach a self-attested copy]	
Name and details of the family member(s) of the victim who are facing threats. (including self)	
Particulars of the case	
FIR number	
Police Station	
Sections and Act(s) involved	
Year of the FIR	
GDE or daily diary number (if FIR not yet registered)	
CR case number (in complaint case to magistrate)	
Particulars of the Accused (if known/available)	
Name	
Father/mother name	
Address	
Mobile Number	
Email ID	
Particulars of the person who is giving or suspected to be given threats	
Father name	
Name	
Address	
Mobile Number	
Email	
Other details known (if any)	

Threat Perception and Analysis	
Nature of the threat perception. Please give a brief of the threat received in the matter with specific date, place, mode and words used.	
History of enmity (if any)	
Details of body injury causing death.	
Grievous hurt, injury and threat of injury to property, reputation etc.	
Potential vulnerabilities of the Witness	
Physical location of the Application	
Vulnerability with regard to gender issues i.e. threat of gender violence like acid attacks/ physical/ emotional/psychological abuse etc.	
Any social vulnerability	
Possession of weapon by the threatening party	
Political patronage	
Socially dominate position of the threatening party	
Witness against gangsters or organized criminals	
Threat of contract killing or abduction	
Vulnerabilities on social media Extent of threat	
Categories of Witness as per Threat perception and Analysis	
Category 'A': Where the threat extends to the life of a witness or his family members, during investigation/trial or thereafter.	
Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation/trial or thereafter.	
Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's reputation or property, during the investigation/trial or thereafter.	
Protection Measures Prayed or Recommended	
Please give details of what kind of	
protection is prayed for by the witness Details of the Interim/urgent/immediate witness protection measures required, if any	
Protection measures Suggested for the witness (please specify the approximate cost involved in each measure suggested) Note: The witness protection measures shall be proportionate to the threat analysis and shall be for a specific duration not exceeding 3 months at a time.	
Ensuring that witness and accused do not come face to face during investigation or trial	
Monitoring of mail and telephone calls	
Arrangement with the telephone company to change the witness's telephone number or assign him or her any unlisted telephone number	

Installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc.	
Concealment of identity of the witness by referring to him/her with the changed name or alphabet.	
Emergency contact persons for the witness	
Close protection, regular patrolling around the witness's house	
Temporary Change of residence to a relative's house or a nearby town,	
Escort to and from the court and provision of Government vehicle or a State funded conveyance for the date of hearing	
Holding of in-camera trials	
Allowing a support person to remain present during recording of statement and deposition	
Usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the image of face of the witness and to modify the audio. feed of the witness voice, so that he/she is not identifiable.	
Ensuring expeditious recording of deposition during trial on a day to day basis without adjournments.	
Awarding time to time periodical financial aids grants to the witness from Witness Protection Fund for the purpose of re-location, sustenance or starting a new vocation/profession, as may be considered necessary.	
Protection of identity	
Change of Identity	
Relocation of witness	

Signature with

Name:

Date:

Place:

Mobile:

Email:

By order of the Governor,

SIDDHARTHA KANJILAL

Principal Secretary to the Government of West Bengal.