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हरियाणा सरकार

गृह विभाग

अधिसूचना

दिनांक 20 फरवरी, 2025

संख्या 4/7/2017—2एच०सी०(भाग—1).— भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का केंद्रीय अधिनियम 46) की धारा 398 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, हरियाणा राज्य में साक्षियों का संरक्षण सुनिश्चित करने के लिए निम्नलिखित स्कीम बनाते हैं, अर्थात:—

- 1. (1) यह स्कीम "हरियाणा साक्षी संरक्षण स्कीम, 2025" कही जा सकती है।
- संक्षिप्त नाम, प्रारंभ तथा लागुकरण।

- (2) यह राजपत्र में इसके प्रकाशन की तिथि से लागू होगी।
- (3) यह स्कीम उन अपराधों के साक्षियों पर लागू होगी, जो मृत्यु या आजीवन कारावास या सात वर्ष या उससे अधिक के कारावास से तथा भारतीय न्याय संहिता, 2023 (2023 का केन्द्रीय अधिनियम 45) की धारा 74, 75, 76, 77, 78 तथा 79 और लैंगिक अपराधों से बालकों का संरक्षण अधिनियम, 2012 (2012 का केन्द्रीय अधिनियम 32) की धारा 8, 10, 12, 14 और 15 के अधीन दंडनीय हैं।
- 2. (1) इस स्कीम में, जब तक संदर्भ से अन्यथा न हो,-

परिभाषाएँ।

- (क) "प्रशासकीय विभाग" से अभिप्राय है, हरियाणा राज्य का गृह विभाग;
- (ख) "परिशिष्ट" से अभिप्राय है, इस स्कीम से संलग्न परिशिष्ट;
- (ग) "सक्षम प्राधिकरण" से अभिप्राय है, इस स्कीम के खण्ड 4 के अधीन गठित प्राधिकरणः
- (घ) "साक्षी की पहचान छिपाना" से अभिप्राय है, और इसमें शामिल है, कोई भी ऐसी शर्त, जो किसी भी रीति में, प्रत्यक्ष या अप्रत्यक्ष रूप से, नाम, पता और अन्य विवरणों के प्रकाशन या खुलासे को प्रतिषिद्ध करती है, जिससे अन्वेषण, विचारण और विचारण के बाद के चरण के दौरान साक्षी की पहचान होती है;
- (ङ) "परिवारिक सदस्य" में शामिल हैं, माता—पिता या अभिभावक, पति या पत्नी, सह—निवास भागीदार, भाई—बहन, बच्चे, पोता—पोती;
- (च) "सरकारी अभिकरणों से अभिप्राय है, सरकार द्वारा बनाई गई नीतियों और विनियमों को लागू करते हुए, किसी विशिष्ट सेक्टर या कार्य जैसे स्वास्थ्य संरक्षण, शिक्षा या पर्यावरण संरक्षण के सर्वेक्षण या प्रबन्धन के लिए केन्द्रीय या राज्य स्तर पर उत्तरदायी सरकारी संरचना के भीतर स्थापित कोई विशिष्ट संगठन;

- (छ) "कैमरे में कार्यवाहियां" से अभिप्राय है, ऐसी कार्यवाहियां, जिनमें सक्षम प्राधिकरण या न्यायालय केवल उन व्यक्तियों को उपस्थित होने की अनुमित देता है जिनका साक्षी संरक्षण आवेदन की सुनवाई और निर्णय देते समय या न्यायालय में बयान देते समय उपस्थित होना आवश्यक है;
- (ज) "संगठन" से अभिप्राय है, सामाजिक, राजनीतिक, धार्मिक, सांस्कृतिक संगठन या ऐसे स्वरूप का कोई सामूहिक, निकाय, समूह या संगठन, चाहे रजिस्ट्रीकृत हो या अरजिस्ट्रीकृत;
- (झ) "राज्य सरकार" से अभिप्राय है, हरियाणा राज्य की सरकार;
- (ञ) "धमकी विश्लेषण रिपोर्ट" से अभिप्राय है, साक्षी, उसके पारिवारिक सदस्यों या कोई अन्य व्यक्ति, जिसमें साक्षी हितबद्ध है, के लिए धमकी की आशंका की गंभीरता और विश्वसनीयता के संबंध में सम्बद्ध पुलिस उपायुक्त / पुलिस अधीक्षक, जैसी भी स्थिति हो, द्वारा तैयार और प्रस्तुत एक विस्तृत रिपोर्ट। इसमें साक्षी या उसके परिवार द्वारा उनके जीवन, प्रतिष्ठा या संपत्ति के लिए मिलने वाली धमकी के स्वरूप के बारे में विशिष्ट विवरण होंगे, इसमें व्यक्ति या व्यक्तियों द्वारा दी गई धमकी की सीमा, इरादे, उद्देश्य और धमकी देने के लिए संसाधनों का विश्लेषण किया जाएगा। यह विशिष्ट साक्षी संरक्षण उपायों का सुझाव जो मामले में किए जाने के योग्य हैं, देने के अतिरिक्त धमकी की आशंका को भी वर्गीकृत करेगा;
- (ट) "साक्षी" से अभिप्राय है, कोई भी व्यक्ति, जिसके पास किसी अपराध के बारे में जानकारी या दस्तावेज हैं;
- (ठ) "साक्षी संरक्षण आवेदन" से अभिप्राय है, साक्षी संरक्षण आदेश प्राप्त करने के लिए सक्षम प्राधिकरण के समक्ष इसके सदस्य सचिव के माध्यम से परिशिष्ट—I के अनुसार साक्षी द्वारा किया गया कोई आवेदन। इसे साक्षी, उसके पारिवारिक सदस्य, उसके विधिवत् नियुक्त वकील या संबंधित अन्वेषण अधिकारी/स्टेशन हाऊस अधिकारी/जेल अधीक्षक द्वारा पेश किया जा सकता है;
- (ड) "साक्षी संरक्षण सेल" से अभिप्राय है, स्कीम के खण्ड 5 के अधीन गठित सेल;
- (ढ) "साक्षी संरक्षण निधि" से अभिप्राय है, इस स्कीम के अधीन सक्षम प्राधिकरण द्वारा पारित साक्षी संरक्षण आदेश के कार्यान्वयन के दौरान हुए व्ययों को वहन करने के लिए स्कीम के खण्ड 10 के अधीन सुजित निधि;
- (ण) "साक्षी संरक्षण आदेश" से अभिप्राय है, सक्षम प्राधिकरण द्वारा पारित कोई आदेश, जिसमें किए जाने वाले साक्षी संरक्षण उपायों का विवरण दिया गया है;
- (त) "साक्षी संरक्षण उपायों" से अभिप्राय है, इस स्कीम के खण्ड 8 के अधीन बताए गए उपाय।
- (2) इस स्कीम में प्रयुक्त किन्तु अपरिभाषित शब्दों तथा अभिव्यक्तियों के वही अर्थ होंगे, जो भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का केन्द्रीय अधिनियम 46) में उन्हें दिए गए हैं।

धमकी की संवेदनशीलता के अनुसार साक्षी की श्रेणी।

धमकी की आशंका के अनुसार साक्षी की श्रेणी निम्नानुसार है; अर्थात्:-

श्रेणी "क": जहां अन्वेषण या विचारण के दौरान या उसके बाद साक्षी या उसके पारिवारिक सदस्यों की जान को खतरा है।

श्रेणी "ख": जहां अन्वेषण या विचारण के दौरान या उसके बाद साक्षी या उसके पारिवारिक सदस्यों या कोई अन्य व्यक्ति, जिसमें वह हितबद्द हो, की सुरक्षा, प्रतिष्ठा या संपत्ति को खतरा है।

श्रेणी "ग": जहां धमकी मध्यम है और अन्वेषण या विचारण के दौरान या उसके बाद साक्षी या उसके पारिवारिक सदस्यों या कोई अन्य व्यक्ति, जिसमें वह हितबद्ध हो, के शोषण या उत्पीड़न, प्रतिष्ठा या संपत्ति की सीमा तक है।

सक्षम प्राधिकरण का गठन।

- 4. (1) प्रत्येक जिला में, अध्यक्ष के रूप में जिला और सत्र न्यायधीश, सदस्य के रूप में पुलिस उपायुक्त या पुलिस अधीक्षक, जैसी भी स्थिति हो, और सदस्य-सचिव के रूप में जिला न्यायवादी से मिलकर बनने वाले सक्षम प्राधिकरण का गठन किया जाएगा।
 - (2) सक्षम प्राधिकरण राजपत्र में इस स्कीम के प्रकाशन की तिथि से प्रभावी होगा।

प्रत्येक जिला में साक्षी संरक्षण सेल का गठन किया जाएगा, जिसकी अध्यक्षता सम्बन्धित साक्षी संरक्षण सेल जिला के पुलिस उपायुक्त या पुलिस अधीक्षक, जैसी भी स्थिति हो, द्वारा की जाएगी और इसमें ऐसी संख्या में सदस्य शामिल होंगे, जो सेल का अध्यक्ष उचित समझे।

- साक्षी संरक्षण सेल राजपत्र में इस स्कीम के प्रकाशन की तिथि से प्रभावी होगी।
- साक्षी संरक्षण सेल को सक्षम प्राधिकरण द्वारा पारित साक्षी संरक्षण आदेशों को लागू करने की डयूटी सौंपी जाएगी।
- साक्षी संरक्षण सेल, संबंधित आयुक्तालय/रेंज, जैसी भी स्थिति हो, के पुलिस आयुक्त / पुलिस महानिरीक्षक को प्रत्येक साक्षी संरक्षण आवेदन के लिए मासिक अनुवर्ती रिपोर्ट दाखिल करेगी।
- किसी भी साक्षी संरक्षण आदेश को लागू करने में किसी भी कठिनाई के मामले में, संबंधित आयुक्तालय / रेंज के प्रमुख तुरंत इसकी रिपोर्ट अपर पुलिस महानिदेशक, (विधि-व्यवस्था) या पुलिस मुख्यालय पर पुलिस महानिदेशक, हरियाणा द्वारा इस प्रयोजन के लिए पदाभिहित किसी अन्य अधिकारी को करेगी, जो उसकी जांच करने के बाद समुचित निर्देश पारित करेगा।
- अपर पुलिस महानिदेशक विधि व्यवस्था या उपरोक्त ऐसे अन्य पदाभिहित अधिकारी द्वारा पुलिस महानिदेशक को तिमाही रिपोर्ट प्रस्तुत की जाएगी।
- इस स्कीम के अधीन संरक्षण आदेश की मांग के लिए आवेदन, परिशिष्ट-। के अनुसार, सक्षम प्राधिकरण के समक्ष संबंधित जिला, जहां अपराध किया गया है, के सदस्य सचिव के माध्यम से, किसी भी प्रामाणिक पहचान प्रमाण और उसके अनुरोध के समर्थन में अन्य दस्तावेजों, यदि कोई हो के साथ दायर किया जा सकता है।

सक्षम प्राधिकरण के समक्ष आवेदन दायर करना।

जब कभी सदस्य सचिव द्वारा आवेदन प्राप्त किया जाता है, तो वह सम्बद्ध पुलिस उपायुक्त / पुलिस अधीक्षक से दो कार्य दिवस के भीतर धमकी विश्लेषण रिपोर्ट मांगने के लिए शीघ्रता से आदेश पारित करेगा।

आवेदन पर कार्यवाही के लिए प्रकिया।

- आसन्न धमकी के कारण मामले में तात्कालिकता के आधार पर, सक्षम प्राधिकरण आवेदन के लंबित होने के दौरान उस साक्षी या उसके पारिवारिक सदस्यों या किसी व्यक्ति के संरक्षण के लिए आदेश पारित कर सकता है, जिसके आवेदन के लंबित रहने के दौरान साक्षी हितबद्ध हो।
- धमकी विश्लेषण रिपोर्ट, पूरी गोपनीयता बनाए रखते हुए शीघ्रता से तैयार की जाएगी और यह आदेश प्राप्त होने के पांच कार्य दिवस के भीतर सक्षम प्राधिकरण को उपलब्ध करवाई जाएगी। रिपोर्ट इस स्कीम के परिशिष्ट-II में विहित फार्मेट में तैयार की जाएगी।
- धमकी विश्लेषण रिपोर्ट, धमकी की आशंका को श्रेणीकृत करेगी और इसमें साक्षी या उसके परिवार को पर्याप्त संरक्षण प्रदान करने के लिए सूचक सुरक्षा उपाय भी शामिल होंगे।
- साक्षी संरक्षण के लिए आवेदन की प्रक्रिया करते समय, सक्षम प्राधिकरण, जो यह साक्षी के संरक्षण आवश्यकताओं का पता लगाने के लिए उचित समझे, साक्षी और / या उसके पारिवारिक सदस्यों और/या किसी व्यक्ति, जिसमें साक्षी हितबद्ध है या नियोक्ताओं या किसी अन्य व्यक्ति के साथ व्यक्तिगत रूप में या ऑडियो-वीडियो इलेक्ट्रॉनिक साधनों, के माध्यम से भी बातचीत करेगा।
- पूरी गोपनीयता बनाए रखते हुए साक्षी संरक्षण आवेदन पर सभी सूनवाईयां सक्षम प्राधिकरण द्वारा कैमरे में आयोजित की जाएंगी।
- पुलिस प्राधिकारियों से धमकी विश्लेषण रिपोर्ट प्राप्त होने के पांच कार्य दिवस के भीतर आवेदन का निपटान किया जाएगा।
- सक्षम प्राधिकरण द्वारा पारित साक्षी संरक्षण आदेश, साक्षी संरक्षण सेल या विचारण न्यायालय, जैसी भी स्थिति हो, द्वारा लागू किया जाएगा। सक्षम प्राधिकरण द्वारा पारित सभी साक्षी संरक्षण आदेशों को लागू करने की समग्र जिम्मेदारी पुलिस महानिदेशक पर होगी। तथापि, स्कीम के खण्ड 12 तथा 13 में यथा उपबंधित पहचान परिवर्तन और / या स्थानांतरण के लिए सक्षम प्राधिकरण द्वारा पारित साक्षी संरक्षण आदेश प्रशासकीय विभाग द्वारा लागू किया जाएगा।
- साक्षी संरक्षण आदेश पारित होने पर, साक्षी संरक्षण सेल, सक्षम प्राधिकरण के समक्ष एक मासिक अनुवर्ती रिपोर्ट दाखिल करेगा।
- (10) यदि सक्षम प्राधिकरण को लगता है कि साक्षी संरक्षण आदेश को संशोधित करने की आवश्यकता है या इस संबंध में कोई आवेदन दायर किया गया है और विचारण के पूरा होने पर, सम्बद्ध पुलिस उपायुक्त / पुलिस अधीक्षक, जैसी भी स्थिति हो, से नए सिरे से धमकी विश्लेषण रिपोर्ट मांगी जाएगी।

संरक्षण उपायों के प्रकार।

8.

- साक्षी संरक्षण उपायों में निम्नलिखित शामिल होगा:-
 - (क) यह सुनिश्चित करना कि साक्षी और अभियुक्त अन्वेषण या विचारण के दौरान आमने—सामने न आएं;
 - (ख) मेल / ई-मेल, टेलीफोन कॉल इत्यादि की निगरानी करना;
 - (ग) टेलीफोन कंपनी के साथ साक्षी की टेलीफोन संख्या बदलने या उसे एक गैर—सूचीबद्ध टेलीफोन संख्या देने की व्यवस्था करना;
 - (घ) साक्षी, उसके पारिवारिक सदस्यों या वह व्यक्ति, जिसमें साक्षी हितबद्ध है, जैसी भी स्थिति हो, के घर/कार्य—स्थल में सुरक्षा उपकरणों जैसे सुरक्षा दरवाजे, सीसीटीवी, अलार्म, बाड़ इत्यादि की स्थापना करना;
 - (ङ) बदले हुए नाम या वर्णाक्षर के साथ साक्षी का उल्लेख करके उसकी पहचान छिपाना;
 - (च) साक्षी के लिए आपातकालीन संपर्क सूत्र;
 - (छ) साक्षी, उसके परिवार के सदस्यों या उस व्यक्ति, जिसमें साक्षी हितबद्ध है, जैसी भी स्थिति हो, के घर/कार्य—स्थल के आसपास सावधानीपूर्ण सुरक्षा (शारीरिक व्यक्तिगत सुरक्षा, अंगरक्षक इत्यादि), पीसीआर वैन की नियमित गश्त/तैनाती;
 - (ज) किसी रिश्तेदार के घर या पास के कस्बे / शहर में निवास का अस्थायी परिवर्तन;
 - (झ) न्यायालय में आने—जाने और सुनवाई की तिथि के लिए सरकारी वाहन या राज्य सरकार द्वारा वित्त—पोषित वाहन का प्रावधान;
 - (ञ) इन-कैमरा विचारणों का आयोजन;
 - (ट) साक्षी की सर्वोत्तम सुरक्षा और सरंक्षण को ध्यान में रखते हुए उसके निवास / निर्दिष्ट स्थान सहित किसी स्थान से ऑडियो–वीडियो इलेक्ट्रॉनिक साधनों के माध्यम से बयान की रिकॉर्डिंग और साक्षी को बयान की अनुमति देना;
 - (ठ) कथन और बयान दर्ज करने के दौरान किसी सहायक व्यक्ति को उपस्थित रहने की अनुमति देना;
 - (ड) विशेष रूप से डिजाइन किए गए असुरक्षित साक्षी न्यायालय कक्षों का उपयोग, जिसमें ऑडियो वीडियो इलेक्ट्रॉनिक साधनों के माध्यम से साक्ष्य, साक्षियों और अभियुक्तों के लिए अलग—अलग मार्गों के अतिरिक्त एक तरफा दर्पण और स्क्रीन जैसी विशेष व्यवस्थाएं हैं, जिसमें साक्षी के चेहरे की छवि को संशोधित करने और साक्षी की आवाज के ऑडियो फीड को संशोधित करने का विकल्प हो, तािक वह पहचाना न जा सके;
 - (ढ़) स्थगन के बिना दिन—प्रतिदिन के आधार पर विचारण के दौरान बयान की त्वरित रिकॉर्डिंग सुनिश्चित करना;
 - (ण) पुनः स्थान, निर्वाह या कोई नया व्यवसाय या पेशा, जो आवश्यक समझा जाए, शुरू करने के प्रयोजन के लिए साक्षी संरक्षण निधि से साक्षी को, समय—समय पर, वित्तीय सहायता या अनुदान प्रदान करना;
 - (त) कोई अन्य संरक्षण उपाय, जो प्रशासकीय विभाग इस स्कीम के प्रयोजन के लिए समुचित समझे।
- (2) साक्षी संरक्षण उपाय धमकी के सम्बन्ध में आनुपातिक होंगे और किसी भी समय तीन मास से अनिधक की विशिष्ट अविध के लिए होंगे।

निगरानी और समीक्षा।

9. एक बार संरक्षण आदेश पारित होने के बाद, सक्षम प्राधिकरण इसके लागूकरण की निगरानी करेगा और मामले में प्राप्त अनुवर्ती / नई रिपोर्ट के संदर्भ में इसकी समीक्षा करेगा। तथापि, सक्षम प्राधिकरण साक्षी संरक्षण सेल द्वारा प्रस्तुत मासिक अनुवर्ती रिपोर्ट पर आधारित तिमाही आधार पर साक्षी संरक्षण आदेश की समीक्षा करेगा।

साक्षी सुरक्षा निधि।

- 10. (1) साक्षी संरक्षण निधि के नाम से एक निधि होगी, जिसमें से सक्षम प्राधिकरण द्वारा पारित साक्षी संरक्षण आदेश के लागूकरण के दौरान उपगत व्यय और अन्य संबंधित व्यय को पूरा किया जाएगा।
 - (2) साक्षी संरक्षण निधि में निम्नलिखित शामिल होंगे, अर्थात्ः
 - (क) राज्य सरकार द्वारा वार्षिक बजट में किया गया बजटीय आबंटन;
 - (ख) न्यायालयों या अधिकरणों द्वारा साक्षी संरक्षण निधि में अधिरोपित या जमा करने के लिए आदेशित व्यय की राशि की प्राप्ति;

- (ग) केंद्रीय या राज्य सरकारों द्वारा अनुमत धर्मार्थ संस्थानों या संगठनों और व्यक्तियों से दान या अंशदान;
- (घ) निगमित सामाजिक उत्तरदायित्व के अधीन निधियों का योगदान।
- (3) निधि का संचालन प्रशासकीय विभाग द्वारा किया जाएगा।
- (4) इस स्कीम के अधीन साक्षी संरक्षण आदेशों के लागूकरण के दौरान उपगत व्यय का निर्धारण परिशिष्ट—III के अनुसार किया जाएगा।
- (5) सम्बद्ध पुलिस उपायुक्त / पुलिस अधीक्षक, पुलिस महानिदेशक के माध्यम से प्रशासकीय विभाग को तिमाही रिपोर्ट प्रस्तुत करेगा।
- 11. (1) किसी भी अपराध के अन्वेषण या विचारण के दौरान, सक्षम प्राधिकरण के समक्ष आवेदन इसके सदस्य-सचिव के माध्यम से परिशिष्ट- I के अनसार दायर किया जाएगा।

पहचान का संरक्षण।

- (2) आवेदन प्राप्त होने पर, सक्षम प्राधिकरण का सदस्य—सचिव धमकी की विश्लेषण की रिपोर्ट मांगेगा। सक्षम प्राधिकरण यह पता लगाने के लिए कि क्या पहचान संरक्षण आदेश पारित करने की आवश्यकता है, साक्षी या उसके पारिवारिक सदस्यों या किसी अन्य व्यक्ति, जिसमें साक्षी हितबद्ध है, की जांच करेगा।
- (3) आवेदन की सुनवाई के दौरान, साक्षी की पहचान किसी अन्य व्यक्ति को प्रकट नहीं की जाएगी, जिससे साक्षी की पहचान होने की संभावना है। इसके बाद, सक्षम प्राधिकरण रिकार्ड पर उपलब्ध सामग्री के अनुसार आवेदन का निपटान करेगा।
- (4) सक्षम प्राधिकरण द्वारा साक्षी की पहचान की सुरक्षा के लिए एक बार आदेश पारित किए जाने के बाद, यह साक्षी संरक्षण सेल की जिम्मेदारी होगी कि वह सुनिश्चित करें कि ऐसे साक्षी या उसके पारिवारिक सदस्यों की पहचान, पूरी तरह से संरक्षित हैं, जिसमें नाम, मातृत्व—पितृत्व, व्यवसाय, पता, डिजिटल पदचिह इत्यादि शामिल हैं।
- (5) जब तक सक्षम प्राधिकरण के आदेश के अधीन किसी साक्षी की पहचान सुरक्षित है, तब तक साक्षी संरक्षण सेल उन व्यक्तियों का विवरण प्रदान करेगा जिनसे आपात स्थिति में साक्षी द्वारा संपर्क किया जा सकता है।
- 12. (1) यदि, जहां पहचान में परिवर्तन के लिए साक्षी का अनुरोध धमकी विश्लेषण रिपोर्ट पर पर आधारित, वहां सक्षम प्राधिकरण द्वारा साक्षी को एक नई पहचान प्रदान करने के लिए निर्णय लिया जा परिकृता है।

पहचान में परिवर्तन।

- (2) नई पहचान को संदर्भित करने में नया नाम या पेशा या मातृत्व-पितृत्व और सरकारी एजेंसियों द्वारा स्वीकार्य सहायक दस्तावेज प्रदान करना शामिल है। नई पहचान साक्षी को मौजूदा शैक्षिक या पेशे या संपत्ति के अधिकारों से वंचित नहीं करेगी।
- 13. (1) यदि, जहां साक्षी द्वारा स्थानांतरण के लिए अनुरोध धमकी विश्लेषण रिपोर्ट पर आधारित, वहां सक्षम प्राधिकरण द्वारा साक्षी के स्थानांतरण के लिए निर्णय लिया जा सकता है।

साक्षी का स्थानांतरण।

- (2) सक्षम प्राधिकरण साक्षी या उसके पारिवारिक सदस्यों या किसी अन्य व्यक्ति, जिसमें वह हितबद्ध है, की सुरक्षा, कल्याण और तंदरूस्ती को ध्यान में रखते हुए भारतीय संघ राज्यक्षेत्र के भीतर एक सुरक्षित स्थान पर साक्षी के स्थानांतरण के लिए आदेश पारित करेगा। व्यय, साक्षी संरक्षण निधि से वहन किया जाएगा अथवा साक्षी द्वारा वहन किया जाएगा यदि वह व्यय वहन करने के लिए लिखित रूप में प्रस्ताव करता है।
- 14. राज्य सरकार, अभियोजन विभाग, हरियाणा के माध्यम से इस स्कीम का व्यापक प्रचार करेगी। अन्वेषण अधिकारी, लोक अभियोजक और न्यायालय, साक्षियों को इस स्कीम के होने बारे अवगत करवाएंगे।

साक्षियों को स्कीम से अवगत कराया जाना।

15. (1) पुलिस, अभियोजन विभाग, न्यायालय अमला, दोनों पक्षकारों के वकीलों सिहत सभी हितधारक पूरी गोपनीयता बनाए रखेंगे और यह सुनिश्चित करेंगे कि किसी भी परिस्थिति में, विचारण न्यायालय या अपील न्यायालय के सिवाय और वह भी लिखित आदेश पर, इस स्कीम के अधीन कार्यवाही के संबंध में कोई रिकॉर्ड, दस्तावेज या जानकारी किसी भी व्यक्ति के साथ किसी भी तरह से साझा नहीं की जाएगी।

रिकार्ड की गोपनीयता और संरक्षण।

(2) इस स्कीम के अधीन कार्यवाही से संबंधित सभी रिकॉर्ड को उस समय तक संरक्षित किया जाएगा जब तक कि संबंधित विचारण या अपील, किसी न्यायालय के समक्ष लंबित न हो। न्यायालय की अंतिम कार्यवाही के निपटारे के एक वर्ष के बाद, रिकार्ड की हार्ड कॉपी की स्कैन की गई सॉफ्ट कॉपी को सुरक्षित रखने के बाद सक्षम प्राधिकरण द्वारा रिकार्ड की हार्ड कॉपी को हटा दिया जा सकता है।

व्ययों की वसूली। 16. यदि साक्षी ने झूठी शिकायत दर्ज कराई है, तो प्रशासकीय विभाग, साक्षी संरक्षण निधि से हुए व्ययों की वसूली के लिए कार्यवाही शुरू कर सकता है।

समीक्षा।

17. यदि साक्षी या पुलिस प्राधिकारी, सक्षम प्राधिकरण के निर्णय से व्यथित हैं, तो सक्षम प्राधिकरण द्वारा आदेश पारित करने के पन्द्रह दिन के भीतर एक समीक्षा आवेदन दायर किया जा सकता है।

निरसन तथा व्यावृत्ति।

- 18. (1) हरियाणा सरकार, गृह विभाग, अधिसूचना संख्या 4/07/2017—2H(C), दिनांक 07 फरवरी, 2020 और हरियाणा साक्षी संरक्षण स्कीम, 2020, इसके द्वारा, निरसित की जाती है।
- (2) ऐसे निरसन के होते हुए भी, उपरोक्त अधिसूचना संख्या 4/07/2017—2H(C), दिनांक 07 फरवरी, 2020 तथा हरियाणा साक्षी संरक्षण स्कीम, 2020 के अधीन की गई कोई बात या कार्रवाई, इस स्कीम के अधीन की गई कोई बात या कार्रवाई समझी जाएगी।

परिशिष्ट —। साक्षी संरक्षण आवेदन

{(देखिए खण्ड २(1)(ङ)}

	के	समक्ष,
सक्षम	प्र	धिकरण,

(दोहरी प्रति में दाखिल किया जाना है)

जिला -

- 1. साक्षी का संरक्षण;
- 2. साक्षी की पहचान का संरक्षण;
- 3. नई पहचान; तथा
- 4. साक्षी स्थानांतरण,-

के लिए आवेदन

47 1615 01		
1.	साक्षी के विवरण (बड़े अक्षरों में भरें)	
	(1) नाम	
	(2) आयु	
	(3) लिंग (पुरुष / महिला / अन्य)	
	(4) पिता / माता का नाम	
	(5) आवासीय पता	
	(6) साक्षी के परिवार के सदस्यों का नाम और अन्य विवरण जिन्हें	
	धमिकयां मिल रही हैं	3 1
	(7) संपर्क विवरण (मोबाइल / ई-मेल)	
2.	साक्षी के विवरण (बड़े अक्षरों में भरें)	
9	(1) एफ0आई0आर0 संख्या	
	(2) धाराके अधीन	
	(3) पुलिस थाना	
	(4) जिला	
	(5) दैनिक डायरी संख्या (यदि अभी तक एफ0आई0आर0 दर्ज नहीं	
	की गई है)	
	(6) अपराधिक केस संख्या (निजी शिकायत की दशा में)	
3.	अभियुक्त का विवरण (यदि उपलब्ध / ज्ञात हो)	
	(1) नाम	
	(2) पता	
	(3) फोन नंबर	
1	(4) ई—मेल आईडी	
4.	धमकी देने वाले/संदिग्ध व्यक्ति का नाम और अन्य विवरण	
5.	खतरे की धारणा की प्रकृति। कृपया विशिष्ट तिथि, स्थान, विधि और	
	उपयोग किए गए शब्दों के साथ मामले में प्राप्त धमकी का संक्षिप्त	
	विवरण दें	
6.	साक्षी द्वारा / उसके लिए प्रार्थना किए गए साक्षी सुरक्षा उपायों का	
	प्रकार	
7.	अंतरिम/तत्काल साक्षी सुरक्षा आवश्यकताओं, यदि आवश्यक हो का	11
	विवरण	

आवेदक / साक्षी अतिरिक्त जानकारी देने के लिए अतिरिक्त कागज का उपयोग कर सकते हैं (आवेदक / साक्षी के हस्ताक्षर सहित पूरा नाम)

तिथि	_
स्थान	

वचनबद्धता

- 1. मैं, वचन देता हूं कि मैं सक्षम प्राधिकरण और प्रशासकीय विभाग और साक्षी संरक्षण सेल के साथ पूरा सहयोग करूंगा।
- 2. मैं, प्रमाणित करता हूं कि इस आवेदन में मेरे द्वारा प्रदान की गई जानकारी मेरे सर्वोत्तम ज्ञान और विश्वास के लिए सत्य और सही है।
- 3. मैं समझता हूं कि यदि इस आवेदन में मेरे द्वारा दी गई जानकारी झूठी पाई जाती है, तो सक्षम प्राधिकरण स्कीम के अधीन साक्षी संरक्षण निधि से मुझ पर किए गए खर्चों की वसूली करने का अधिकार सुरक्षित रखता है।

(आवेदक / साक्षी के हस्ताक्षर सहित पूरा नाम)

तिथि	1902 (1909) (1909) (1909)
रश्मान	

परिशिष्ट—II

[देखिए खण्ड 7(3)]

362	HARYANA GOVT. GAZ. (EXTRA.), FEB. 20, 2025 (P	HGN. 1, 1946 SAKA)
9.	धमकी की आशंका के अनुसार साक्षी की श्रेणी	
	श्रेणी "क"	
	जहां, अन्वेषण या विचारण के दौरान या उसके बाद साक्षी या	
	उसके पारिवारिक सदस्यों की जान को खतरा है।	
	श्रेणी "ख" जहां, अन्वेषण या विचारण के दौरान या उसके बाद साक्षी या	
	उसके पारिवार के सदस्यों की सुरक्षा, प्रतिष्ठा या संपत्ति को खतरा	
	है।	
	श्रेणी "ग"	
	जहां, धमकी मध्यम है और अन्वेषण या विचारण के दौरान या	
	उसके बाद साक्षी या उसके पारिवारिक सदस्यों या किसी अन्य व्यक्ति, जिसमें साक्षी हितबद्ध है, के उत्पीड़न या धमकी, प्रतिष्ठा या	
	संपत्ति तक फैली हुई है।	
10.	साक्षी द्वारा / के लिए प्रार्थना किए गए साक्षी संरक्षण उपायों का	
900016	प्रकार	
11.	साक्षी के लिए सुझाए गए संरक्षण उपायों का प्रकार-	
	(क) यह सुनिश्चित करना कि अन्वेषण या विचारण के दौरान	
	साक्षी और आरोपी आमने-सामने न आएं;	Σ.
	(ख) मेल / ई—मेल, टेलीफोन कॉल आदि की निगरानी; (ग) टेलीफोन कंपनी के साथ साक्षी का टेलीफोन नंबर बदलने या	- 2
	उसे एक गैर-सूचीबद्ध टेलीफोन नंबर देने की व्यवस्था;	
	(घ) सुरक्षा दरवाजे, सीसीटीवी, अलार्म, बांड आदि जैसे सरक्षा	
	उपकरणों की स्थापना। साक्षी के घर/कार्यस्थल पर, उसके परिवार	
	के सदस्यों या वह व्यक्ति जिसमें साक्षी हितबद्ध है, जैसी भी स्थिति हो:	= "
	(ङ) साक्षी के लिए आपातकालीन संपर्क व्यक्ति;	
	(च) सावधानीपूर्ण सुरक्षा (शारीरिक व्यक्तिगत सूरक्षा, अंगरक्षक आदि)	
	साक्षी, उसके परिवार के सदस्यों या उस व्यक्ति के घर/कार्य	
	स्थल के आसपास पीसीआर वैन की नियमित गश्त/तैनात, जिसमें साक्षी हितबद्ध है, जैसा भी स्थिति हो;	,
	(छ) इन—कैमरा परीक्षणों का आयोजन;	
	(ज) साक्षी की सर्वोत्तम सुरक्षा को ध्यान में रखते हुए उसके	
	निवास / निर्देष्ट स्थान सहित किसी स्थान से ऑडियो वीडियो	
	इलेक्ट्रॉनिक माध्यमों के माध्यम से बयान की रिकॉर्डिंग और साक्षी	
	को बयान की अनुमति देना; (झ) बयान और बयान दर्ज करने के दौरान एक सहायक व्यक्ति को	
	उपस्थित रहने की अनुमति देना;	3
	(अ) स्थगन के बिना दिन-प्रतिदिन के आधार पर विचारण के	
	दौरान बयान की त्वरित रिकॉर्डिंग सुनिश्चित करना;	
	(ट) पहचान छिपाना; (ट) बदले हुए नाम या वर्णाक्षर के साथ साक्षी का उल्लेख करके	
	उसकी पहचान छिपाना;	
	(ड) किसी रिश्तेदार के घर या पास के कस्बे/शहर में निवास	
	का अस्थायी परिवर्तन;	
	(ढ) विशेष रूप से डिजाइन किए गए असुरक्षित साक्षी न्यायालय	
	कक्ष का उपयोग, जिसमें ऑडियो वीडियो इलेक्ट्रॉनिक साधनों के माध्यम से साक्ष्य, साक्षियों और अभियुक्तों के लिए अलग—अलग मार्गों	
	के अलावा एक तरफा दर्पण और स्क्रीन जैसी विशेष व्यवस्थाएं हैं	
	जिसमें साक्षी के चेहरे की छवि को संशोधित करने और साक्षी की	1
	आवाज के ऑडियो फीड को संशोधित करने का विकल्प हो, ताकि	
	वह पहचाना न जा सके;	

	(ण) यदि वांछित हो तो, पुनः स्थान, निर्वाह या एक नया व्यवसाय / पेशा शुरू करना;	
	(त) किसी भी अन्य प्रकार के संरक्षण उपायों, जो आवश्यक समझे जाएं।	
	(आदेशित साक्षी सुरक्षा उपाय धमकी के अनुपात में होंगे और एक विशिष्ट अवधि के लिए होंगे जो एक बार में तीन मास से अधिक नहीं होंगे)	
12.	अंतरिम / तत्काल साक्षी संरक्षण आवश्यकताओं, यदि आवश्यक हो तो, का विवरण।	

परिशिष्ट —III

[देखिए खण्ड 10(4)] त की जाने वाली व्यय

सम्बद्ध पुलिस उपायुक्त / पुलिस अधीक्षक द्वारा प्रस्तुत की जाने वाली व्यय आंकलन रिपोर्ट

कम संख्या	विवरण	व्यय
١.	साक्षी नं. 1.	
	(क) यह सुनिश्चित करना कि जाँच या विचारण के दौरान साक्षी	
	और अभियुक्त आमने–सामने न आएं।	
	(ख) मेल / ई—मेल, टेलीफोन कॉल आदि की निगरानी।	
	(ग) टेलीफोन कंपनी के साथ साक्षी का टेलीफोन नंबर बदलने या	
	उसे एक गैर-सूचीबद्ध टेलीफोन नंबर देने की व्यवस्था।	
	(घ) सुरक्षा दरवाजे, सीसीटीवी कैमरे, अलार्म, बाड़ आदि जैसे	
	सुरक्षा उपकरणों की स्थापना। साक्षी के घर / कार्यस्थल पर,	
	उसके परिवार के सदस्यों या वह व्यक्ति, जिसमें साक्षी	
	हितबद्ध है, जैसी भी स्थिति हो।	4
	(ङ) सावधानीपूर्ण सुरक्षा (शारीरिक व्यक्तिगत सुरक्षा, अंगरक्षक	2
	आदि)। साक्षी, उसके परिवार के सदस्यों या उस व्यक्ति के	
	घर / कार्य स्थल के आसपास पीसीआर वैन की नियमित	
	गश्त / स्टेशन, जिसमें साक्षी हितबद्ध है, जैसा भी स्थिति हो।	
	(य) किसी रिश्तेदार के घर या पास के कस्बे/शहर में अस्थायी	"
	रूप से निवास का परिवर्तन।	
	(छ) न्यायालय में आने-जाने और सुनवाई की तिथि के लिए	70
	सरकारी वाहन या राज्य वित्त पोषित वाहन की व्यवस्था।	71
	(ज) विशेष रूप से डिजाइन किए गए असुरक्षित साक्षी न्यायालय	
	कक्षों का उपयोग जिसमें, ऑडियो वीडियो इलेक्ट्रॉनिक	
	साधनों के माध्यम से साक्ष्य, साक्षियों और अभियुक्तों के लिए अलग—अलग मार्गों के अलावा एक तरफा दर्पण और स्क्रीन	
	जैसी विशेष व्यवस्थाएं हैं, जिसमें साक्षी के चेहरे की छवि को	
	संशोधित करने और ऑडियो को संशोधित करने का विकल्प	
	है।	v Ž
	(झ) रथगन के बिना दिन—प्रतिदिन के आधार पर विचारण के	
	दौरान बयान की त्वरित रिकॉर्डिंग सुनिश्चित करना।	
	(ञ) पुनः स्थान, निर्वाह या नया व्यवसाय/पेशा, जो आवश्यक	
	समझा जाए, के प्रयोजन के लिए साक्षी संरक्षण निधि से	
	साक्षी को, समय-समय पर, आवधिक वित्तीय सहायता/	
	अनुदान प्रदान करना	
-	(ट) साक्षी की सर्वोत्तम सुरक्षा को ध्यान में रखते हुए उसके	
	निवास/निर्दिष्ट स्थान सहित किसी स्थान से ऑडियो	
	वीडियो इलेक्ट्रॉनिक साधनों के माध्यम से बयान की	
	रिकॉर्डिंग और साक्षी के बयान की अनुमति देना।	
	(ठ) कोई अन्य विविध व्यय।	
	साक्षी नं. 2	
	साक्षी नं. 3	

डॉ० सुमिता मिश्रा, अपर मुख्य सचिव, हरियाणा सरकार, गृह विभाग।

HARYANA GOVERNMENT

HOME DEPARTMENT

Notification

The 20th February, 2025

No. 4/7/2017-2HC(Part-1).— In exercise of the powers conferred under section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023), the Governor of Haryana hereby makes the following Scheme in order to ensure the protection of the witnesses in the State of Haryana, namely:-

- 1. (1) The Scheme may be called the Haryana Witness Protection Scheme, 2025.
- (2) It shall come into force with effect from the date of its publication in the Official Gazette.

Short title, commencement and applicability.

- (3) The Scheme shall be applicable to the witnesses of those offences which are punishable with death or life imprisonment or an imprisonment up to seven years and above and also the punishments under sections 74, 75, 76, 77, 78 and 79 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) and under section 8, 10, 12, 14 and 15 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012);
- 2. (1) In this Scheme, unless the context otherwise requires,-

Definitions.

- (a) "administrative department" means the Home Department of the State of Harvana;
- (b) "Appendix" means appendix appended to this Scheme;
- (c) "competent authority" means an authority constituted under clause 4 of this Scheme;
- (d) "concealment of identity of witness" means and includes any condition prohibiting publication or revealing, in any manner, directly or indirectly, of the name, address and other particulars leading to identification of the witness during investigation, trial and post-trial stage;
- (e) "family member" includes parents or guardian, spouse, live-in partner, siblings, children, grandchildren;
- (f) "government agencies" means a specific organization established within the government structure either at the Central or State level, responsible for overseeing and managing a particular sector or function, like health care, education, or environmental protection, by implementing policies and regulations set by the government;
- (g) "in camera proceedings" means proceedings wherein the competent authority or the Court allows only those persons who are necessary to be present while hearing and deciding the witness protection application or deposing in the court;
- (h) "organization" means a social, political, religious, cultural organization or any collective, body, group or organization of such nature, whether registered or unregistered;
- (i) "State Government" means the Government of the State of Haryana;
- (j) "threat analysis report" means a detailed report prepared and submitted by the Deputy Commissioner of Police/Superintendent of Police concerned, as the case may be with regard to the seriousness and credibility of the threat perception to the witness, his family members or any person in whom the witness is interested. It shall contain specific details about the nature of threats faced by the witness or his family to their life, reputation or property apart from analyzing the extent, the person or person's making the threat, 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;
- (k) "witness" means any person, who possesses information or document about any offence;

- (I) "witness protection application" means an application moved by the witness as per Appendix-I before a competent authority through its Member Secretary for seeking witness protection order. It may be moved by the witness, his family members or any person in whom the witness is interested, his duly engaged Counsel or Investigating Officer /Station House Officer/Jail Superintendent concerned;
- (m) "witness protection cell" means a cell constituted under clause 5 of the Scheme;
- (n) "witness protection fund" means the fund created under clause 10 of the Scheme, for bearing the expenses incurred during the implementation of witness protection order passed by the competent authority under this Scheme;
- (o) "witness protection order" means an order passed by the competent authority detailing the witness protection measures to be taken;
- (p) "witness protection measures" means measures spelt out in clause 8 of this Scheme;
- (2) word and expressions used but not defined in this Scheme shall have the same meaning as assigned to them under the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023).

Category of witness as per threat perception.

- The following shall be category of the witness as per threat perception, namely:-
 - Category 'A': Where the threat extends to the life of the witness, his family members or any person in whom the witness is interested, during investigation or trial or thereafter.
 - Category 'B': Where the threat extends to safety, reputation or property of the witness, his family members or any person in whom the witness is interested, during the investigation or trial or thereafter.
 - Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness, his family members or any person in whom the witness is interested, reputation or property, during the investigation or trial or thereafter.

Constitution of competent authority.

- 4. (1) There shall be a competent authority constituted in each district consisting of the District and Sessions Judge as Chairperson, the Deputy Commissioner of Police or the Superintendent of Police, as the case may be, as Member and the District Attorney as its Member Secretary.
- (2) The competent authority shall come into existence with effect from the date of publication of this Scheme in the Official Gazette.

Witness protection cell

- 5. (1) There shall be a witness protection cell constituted in each district which shall be headed by the Deputy Commissioner of Police/ Superintendent of Police of the district concerned, as the case may be, consists of such number of members as the head of the cell may deem fit.
- (2) The witness protection cell shall come into existence with effect from the date of publication of this Scheme in Official Gazette.
- (3) The witness protection cell shall be assigned with the duty to implement the witness protection order(s) passed by the competent authority.
- (4) The witness protection cell shall file a monthly follow-up report for each witness protection application to the Commissioner of Police/Inspector General of Police of the concerned Commissionerate/Range, as the case may be.
- (5) In case of any difficulty in implementation of any witness protection order, the head of the Commissionerate/ Range concerned shall immediately report it to the Additional Director General of Police, Law and Order or any other officer designated for this purpose by the Director General of Police, Haryana at the police headquarter who shall pass appropriate direction after examining the same.
- (6) Quarterly reports shall be submitted to the Director General of Police, Haryana, by the Additional Director General of Police, Law and Order or other such designated officer as aforesaid.

6. An application for seeking a protection order under this Scheme shall be filed as per Appendix -I, before the competent authority through its Member Secretary where the offence is committed, along with any authentic identity proof and also other documents (if any) in support of his request.

Filing of application before the competent authority.

- 7. (1) As and when an application is received by the member secretary, he shall forthwith call for the threat analysis report within two working days from the Deputy Commissioner of Police/Superintendent of Police concerned, as the case may be.
- Procedure for processing of application.
- (2) Depending upon the urgency in the matter owing to imminent threat, the competent authority may pass orders for interim protection of the witness, his family members or any person in whom the witness is interested during the pendency of the application.
- (3) The threat analysis report shall be prepared expeditiously while maintaining full confidentiality and be provided to the competent authority within five working days of receipt of the order. The report shall be prepared in the format prescribed in Appendix-II of this Scheme.
- (4) The threat analysis report shall categorize the threat perception and shall also include suggestive protection measures for providing adequate protection to the witness or his family.
- (5) While processing the application for witness protection, the competent authority shall also interact in person or through audio-video electronic means with the witness and/or his family members and/or any person in whom the witness is interested or employers or any other person, as it may deem fit to ascertain the protection needs of the witness.
- (6) All the hearings on witness protection application shall be held in-camera by the competent authority while maintaining full confidentiality.
- (7) The application shall be disposed of within five working days of the receipt of threat analysis report from the Police authorities.
- (8) The witness protection order passed by the competent authority shall be implemented by the witness protection cell or the Trial Court, as the case may be. Overall responsibility of implementation of all witness protection orders passed by the competent authority shall lie on the Director General of Police. However, the witness protection order passed by the competent authority for change of identity and/or relocation as provided in the clauses 12 and 13 of the Scheme, shall be implemented by the Administrative Department.
- (9) Upon passing of a witness protection order, the witness protection cell shall file a monthly follow-up report before the competent authority.
- (10) In case, the competent authority finds that there is a need to revise the witness protection order or an application is moved in this regard, and upon completion of trial, a fresh threat analysis report shall be called by the competent authority from the Deputy Commissioner of Police/Superintendent of Police concerned, as the case may be.
- 8. (1) The witness protection measures shall include the following, namely:-

ring protection measures.

Types of

- ensuring that witness and accused may not come face to face during investigation or trial;
- (b) monitoring of mails/ e-mails, telephone calls etc.;
- arrangement with the telephone company to change the witness's telephone number or to assign him or her an unlisted telephone number;
- (d) installation of security devices such as security doors, CCTV, alarms, fencing etc. in the house/work place of the witness, his family member(s) or the person in whom witness is interested, as the case may be;
- (e) concealment of identity of the witness by referring to him or her with the changed name or alphabet;
- (f) emergency contact persons for the witness;
- (g) close protection (physical personal security, bodyguard etc.), regular patrolling/stationing of PCR van around the house/work place of the witness, his family member(s) or the person in whom witness is interested, as the case may be;

- (h) temporary change of residence to a relative's house or a nearby town/city;
- escort to and from the Court and provision of Government vehicle or a State funded conveyance for the date of hearing;
- (j) holding of in-camera trials;
- (k) allowing recording of statement and deposition of the witness through audiovideo electronic means from a place including his/her abode or a designated place keeping in view the best of safety and security of the witness;
- allowing a support person to remain present during the recording of the statement and deposition;
- (m) usage of specially designed vulnerable witness Court rooms which have special arrangements like evidence through audio video electronic means, 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 audio feed of the witness' voice, so that he or she is not identifiable;
- ensuring expeditious recording of deposition during trial on day to day basis without adjournments;
- (o) awarding appropriate periodical financial assistance to the witness from witness protection fund for the purpose of re-location, sustenance or starting a new vocation or profession, if as may be considered necessary from time to time;
- (p) any other protection measures as the administrative department may deem appropriate for the purpose of this scheme.
- (2) The witness protection measures shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time.

Monitoring and review.

9. Once the witness protection order is passed, the competent authority shall monitor its implementation and may review the same in terms of follow-up/fresh reports received in the matter. The competent authority shall review the witness protection order on a quarterly basis based on the monthly follow-up report submitted by the witness protection cell.

Witness protection fund.

- 10. (1) There shall be a fund, namely, the witness protection fund from which the expenses incurred during the implementation of witness protection order passed by the competent authority and other related expenditures, shall be met.
 - (2) The Witness Protection Fund shall comprise of the following, namely:-
 - (a) budgetary allocation made in the annual budget by the State Government;
 - receipt of amount of costs imposed or ordered to be deposited by the courts or tribunals in the witness protection fund;
 - (c) donations or contributions from Charitable Institutions, Organizations and individuals permitted by the Central or State Government.
 - (d) funds contributed under Corporate Social Responsibility.
 - (3) The fund shall be operated by the administrative department.
- (4) Assessment of expenditure incurred during the implementation of witness protection orders under this Scheme shall be as per Appendix-III.
- (5) The concerned Deputy Commissioner of Police/Superintendent of Police shall submit expenditure assessment report quarterly to the administrative department through the Director General of Police, Haryana.

Protection of identity.

- 11. (1) During the course of investigation or trial of any offence, an application for seeking identity protection shall be filed as per Appendix-I before the competent authority through its member secretary.
- (2) Upon receipt of the application, the member secretary shall call for the threat analysis report. The competent authority shall examine the witness, his family members or any person in whom the witness is interested or any other person if deem fit to ascertain whether there is necessity to pass an identity protection order.

- (3) During the course of hearing of the application, the identity of the witness shall not be revealed to any other person, which is likely to lead to the witness identification. The competent authority may thereafter, dispose of the application as per the material available on record.
- (4) Once, an order for protection of identity of a witness is passed by the competent authority, it shall be the responsibility of witness protection cell to ensure that identity of such witness, his family members or any person in whom the witness is interested including name, parentage, occupation, address, digital footprints etc. are fully protected.
- (5) As long as the identity of any witness is protected under an order of the competent authority, the witness protection cell shall provide details of persons who can be contacted by the witness in case of any emergency.
- 12. (1) In case, where there is a request from the witness for a change of identity and based on the threat analysis report, a decision may be taken for conferring a new identity to the witness by the competent authority.

Change of identity.

- (2) Conferring a new identity includes a new name or profession or parentage and providing the supporting documents that are acceptable by the Government Agencies. The new identity shall not deprive the witness from existing educational or professional or property rights.
- 13. (1) In case, where there is a request from the witness for relocation and based on the threat analysis report, a decision may be taken for relocation of the witness by the competent authority.

Relocation of witness

- (2) The competent authority may pass an order for witness relocation to a safe place within the State or territory of the Indian Union keeping in view the safety, welfare and well being of the witness, his family members or any person in whom the witness is interested. The expenses shall be borne by the witness protection fund or by the witness if he offers in writing to bear the expenses.
- 14. The State shall give wide publicity to this Scheme through the Prosecution Department, Haryana. The Investigation Officer, the Public Prosecutor and the Court shall inform witnesses about the existence of this Scheme.

Witnesses to be apprised of the Scheme.

15. (1) All stakeholders including the Police, the Prosecution Department, Court Staff, Lawyers from both sides shall maintain full confidentiality and shall 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 or Appellate Court and that too, on a written order.

Confidentiality and preservation of records.

- (2) All the record pertaining to proceedings under this Scheme shall be preserved till such time the related trial or appeal thereof is pending before a Court of Law. After one year of disposal of the last Court proceedings, the hard copy of the records may be weeded out by the competent authority after preserving the scanned soft copies of the same.
- 16. In case the witness has lodged a false complaint, the administrative department, may initiate proceedings for recovery of the expenditure incurred from the witness protection fund.

Recovery of expenses.

17. In case the witness or the police authorities are aggrieved by the decision of the competent authority, a review application may be filed within fifteen days of passing of the orders by the competent authority

Review.

18. (1) The Haryana Government, Home Department, notification no. 4/7/2017-2H(C) dated 07th February, 2020 and the Haryana Witness Protection Scheme, 2020 are hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the aforesaid notification no. 4/7/2017-2H(C) dated 7th February, 2020 and the Haryana Witness Protection Scheme, 2020, shall be deemed to have been done or taken under this scheme.

Before,

APPENDIX-I

WITNESS PROTECTION APPLICATION

[See clause 2 (1) (1)]

The Comp District	petent Authority, (to	o be filed in duplicate)
Application	on for: -	
1. Wi	itness Protection	
2. Wi	itness Identity Protection	
3. Ne	ew Identity	
	itness Relocation	
1.	Particulars of the Witness (Fill in Capital): (1) Name	
	(2) Age(3) Gender (Male/Female/other)	
	(4) Father's/Mother's Name(5) Residential Address(6) Name and other details of the family members	s or
	any person in whom the witness is interested ware receiving of perceiving threats (7) Contact details (Mobile/e-mail)	vho
2.	Particulars of the Witness (Fill in Capital): (1) FIR No. (2) Under Section (3) Police Station (4) District (5) D.D. No. (In case FIR not yet registered) (6) Criminal Case No. (In case of Private Complaint)	
3.	Particulars of the accused (if available/known) (1) Name (2) Address (3) Phone Number (4) E-mail ID	
4.	Name and other particulars of the person giving/suspected giving threat	of
5.	Nature of threat perception. Please give brief of threat received in the matter with specific date, place, mode and	

Applicant/witness can use extra sheets for giving additional information

Type of witness protection measures prayed by/for the

Details of Interim/urgent witness protection needs, if require

words used

(Full name of the applicant/witness with signature)

Date: Place:

6.

7.

UNDERTAKING

- 1. I undertake that I shall fully cooperate with the Competent Authority and the Administrative Department and Witness Protection Cell.
- 2. I certify that the information provided by me in this application is true and correct to my best knowledge and belief.
- 3. I understand that in case, information given by me in this application is found to be false, the administrative department under the Scheme reserves the right to recover the expenses incurred on me from out of the Witness Protection Fund.

	(Full name of the applicant/witness with signature)
Date:	
Place:	

APPENDIX-II

Threat Analysis Report to be submitted by the concerned Deputy Commissioner of Police/Superintendent of Police.

[See clause 7(3)]

1.	Particulars of the Witness (Fill in Capital):	
	(1) Name	
	(2) Age	17
	(3) Gender (Male/Female/other)	-
	(4) Father's/Mother's Name	
	(5) Residential Address	(
	(6) Name and other details of the family members or any	-
	person in whom the witness is interested who are	
	receiving of perceiving threats	
	(7) Contact details(Mobile/e-mail)	-
2.	Particulars of Criminal matter:	
	(1) FIR No.	
	(2) Under Section	12-11-11-11-11-11-11-11-11-11-11-11-11-1
	(3) Police Station	
	(4) District	-
	(5) D.D. No. (in case FIR not yet registered)	
	(6) Criminal Case No. (in case of private complaint)	
	(b) Criminal Case (vo. (iii case of private complaint)	-
3.	History of enmity	
4.		
7.	Particulars of the accused (if available/known) (1) Name	
	(2) Address	
	(3) Phone Number	
-	(4) E-mail ID	
5.	Name and particulars of the other persons giving/suspected of	
	giving threats	
	(1) Name	
	(2) Address	
	(3) E-mail, Mobile Number etc.	
6.	Nature/Reason of threat	
	Please give brief details of threat received in the matter with	
300	specific date, place, mode and words used	
7.	Details of bodily injury causing death, grievous hurt and injury	
	as to the reputation and financial injury.	
8.	Threatened persons potential vulnerabilities	
	A. Physical location of the applicant	
	B. Vulnerabilities with regard to gender issues i.e. threat	
	of gender violence such as acid- attack/physical abuse	
	of molestation/mental harassment	
	 C. Vulnerabilities vis-à-vis social issues such as: Honour 	²⁷
	killing, Out casting (hukkapani Band) etc.	
	 Possession of weapon by opposition party 	
	 E. Socially dominant position of opposite party 	
	F. Political patronage	
	G. Witness against Gangsters (Organized criminals)	
1	H. Threat of contract killing/abduction	
	I. Extent of threat	
	J. Vulnerabilities on social media	

9. Category of witness as per threat perception Category 'A' Where the threat extends to life of the witness, his family members or any person in whom the witness is interested during investigation/trial or thereafter Category 'B' Where the extends to safety, reputation or property of the witness, his family members or any person in whom the witness is interested during the investigation/trial or thereafter Category 'C' Where the threat is moderate and extends to harassment or intimidation of the witness, his family members or any person in whom the witness is interested, reputation or property during the investigation/trial or thereafter 10 Type of witness protection measures prayed by /for the witness 11. TYPES OF PROTECTION MEASURES SUGGESTED FOR THE WITNESS A. Ensuring that witness and accused do not come face to face during investigation or trial; B. Monitoring of mails/e-mails, telephone calls etc: C. Arrangement with the telephone company to change the witness's telephone number or assign him or her an unlisted telephone number; D. Installation of security devices such as security door, CCTV, alarms facing tec. in the house/work place of the witness, his family member(s) or the person in whom the witness is interested, as the case may be. E. Emergency contact persons for the witness; F. Close protection (physical personal security, bodyguard etc.), regular partolling/stationing of PCR van around the house/work place of the witness, his family member(s) or the person in whom witness is interested, as the case may be; G. Holding of in-camera trials; H. Allowing recording of statement and deposition of the witness from a place including his abode/designated place keeping in view the best of safety and security of the witness; I. Allowing a support person to remain present during recording of statement and deposition during trial on day-to-day basis without adjournments; K. Hiding the identity: L. Concealment of identity of the witness by referring to him/her with the changed name or alphabet; M. Tempor		(1110 to 11. 51 to 11. (Extract), 1 Eb. 20, 2023 (1110	11. 1, 1940 SARA) 393
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	O. Re-location, sustenance or starting a new vacation/profession, if desired.	
	P. Any other form of protection measures considered necessary.	
	(The witness protection measures ordered shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time).	
12.	Details of Interim/Urgent Witness Protection needs, if required	

APPENDIX-III

Expenditure Assessment Report to be submitted by the concerned Deputy Commissioner of Police/Superintendent of Police.

[clause 10 (4)]

Sr. No.	Particulars	Expenditure
1.	Witness No. 1 (Name)	The second secon
	a) Ensuring that the witness and the accused do not come	
	face to face during investigation or trial.	
	b) Monitoring of mails/e-mails, telephone calls etc.	
	c) Arrangement with the telephone company to change	
	the witness's telephone number or assign him or her an	
	unlisted telephone number.	
	d) Installation of security devices such as security doors,	
	CCTV cameras, alarms, fencing etc. in the house/work	
	place of the witness, his family member(s) or the	
	person in whom the witness is interested, as the case	*8
	may be.	
	e) Close protection (physical personal security,	
	bodyguard etc.), regular patrolling/stationing of PCR	
	van around the house/work place of the witness, his	
	family member(s) or the person in whom witness is interested, as the case may be;	
	f) Temporary change of residence to a relative's house or a nearby town/city.	
	g) Escort to and from the Court and provision of	
	Government vehicle or a State funded conveyance for	
	the date of hearing.	
	h) Usage of specially designed vulnerable witness Court	
	rooms which have special arrangements like evidence	
	through audio video electronic means, 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 audio feed of the	
	witness' voice, so that he or she is not identifiable.	
	i) Ensuring expeditious recording of deposition during	
	trial on day-to-day basis without adjournments.	
	j) Awarding time to time periodical financial aids/grants	
	to the witness from Witness Protection Fund for the	
	purpose of re-location, sustenance or starting new	
	vocation/profession, as may be considered necessary.	
	k) Allowing recording of statement and deposition of the	
	witness through audio video electronic means from a	
	place including his/her abode/designated place keeping	
	in view the best of safety and security of the witness.	
	Any other miscellaneous expenditure. Witness No. 2. **The Company of the C	
	Witness No. 2	
3.	Witness No. 3	

DR. SUMITA MISRA, Additional Chief Secretary to Government Haryana, Home Department.