

## EVIDENCE PRODUCED BY CHILD WITNESSES AND THE NEED FOR REFORMS

Rahul Antil

LLB Hons., Independent Researcher

**Email:** rahulantil30@gmail.com

### Abstract

When a witness has been threatened, assassinated, or harassed, putting not just the witness but the citizen in jeopardy, the citizen is entitled to a fair trial. When a witness of threatened, assassinated, or harassed, not only is the witness's right to a free and impartial trial violated, but so too right of every citizen to a trial in which he or she is not subjected to coercion or intimidation. The state must protect witnesses, when it fails in this duty; it betrays the essence of the national motto "Satyamev Jayate" and acts against the will of the people. Any form of intimidation or harassment directed toward a witness has the potential to completely derail the administration of justice. An ongoing process involves the development of a witness identity program which will be available to a witness throughout the entire legal process, from the beginning of an investigation through the final delivery of a judgment. There is currently no legislation in India that guarantees the safety of witnesses, even though they play a crucial part in the country's system of criminal justice and thus are put at great risk. If the witnesses are not taken care of, they may become disinterested in helping authorities find the perpetrators of the crime. Many commissions and committees have previously studied this issue, with the hope of enacting a strong statute for witness protection in a manner that ensures a fair trial for both parties; however, no concrete action has been made so far. Thus, the swift passage of this legislation is crucial to the efficient functioning of a Justice System.

### Keywords

Witness protection, justice system, crime, judicial tribunal

### 1. Introduction

Violent crime is a fact of life in every civilization. Every civilization tries to reduce the frequency of these occurrences and punish those involved. It is a requirement of every system of criminal justice that the accused be proven guilty beyond a reasonable doubt in court (Wu, 2020). So, it's up to the prosecution to convince the judge or jury that the accused is guilty beyond a reasonable doubt by presenting evidence that proves it. In determining whether or not an accused individual is guilty, testimony from witnesses is crucial (Herbst, 2018). The commission of a crime is the result of a complex chain of events and actions. To arrest and punish the criminal is a primary goal of the criminal justice system, and this can only be accomplished through a thorough and methodical investigation that identifies the chain of events necessary to prove the crime.

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The defence will constantly try to cast doubt on the evidence's veracity to exonerate their client, hence the investigation relies significantly on systematic evidence collection and presentation. Due to delays in justice or inadequate recognition, allowances, and protection, witnesses are rarely ready to participate in the legal process. They fear being called as witnesses in court and are hesitant to talk to authorities (Wells, 2020). In numerous situations, witnesses gave ambiguous testimony that was unhelpful in proving guilt. In civil and criminal processes, an instrument for evidence conveys disputed or necessary facts to the legal system.

Written papers and witness testimony are the main types of evidence presented to courts. For oral evidence, the witness is key. Oral testimony is common for victims, defendants, and third parties. Witnesses are vital to criminal proceedings and the court's ability to administer justice. Witnesses present textual and physical evidence in court. Anyone who testifies in court is a witness. All tribunals, including quasi-judicial ones, accept witness testimony (Bierhoff, 2022).

### **1.1. Meaning and definition of witness**

***“A person who sees an event happening, especially a crime or an accident”***

A competent witness can answer questions with an appropriate level of detail and comprehension. Someone who can testify as to the truth of a matter is called a witness. A witness is an individual who testifies in court because he or she has personal experience with an event or has observed something that has left an impression on him or her. A legal witness is an individual who testifies, either voluntarily or under oath, to the truth or accuracy of statements made by another party (Mukherjee, 2011).

**According to Black’s Law Dictionary:** “A Person who sees a document signed and Person called to court to testify and give evidence” Black, (Hertz-Piccio, 2018).

**According to the English law Dictionary,** “A witness in a trial who has a personal interest in the outcome of the matter on hand” (Dami, et al. 2021).

### **1.2 Need for witness protection**

Recent years have seen more organized crime. Criminal organizations are expanding. They are increasingly involved in structured coordination to advance their illegal operations. Witness faith in the judicial system is essential for successful prosecution and investigation, especially of sophisticated and significant organized crime. Any inquiry or prosecution relies on witnesses, so they must feel protected and respected. Trust is needed for victims to assist law enforcement or prosecutors. They need assurances that they will be protected if criminal groups try to deter or punish participants. Witness protection helps prosecute perpetrators, especially in organized crime and terrorism situations. Many nations utilize witness protection schemes to pursue terrorists. These methods ensure access to relevant testimony in linked legal actions. Witness protection includes keeping a witness's or family's name covered, presenting testimony behind closed doors, and employing videoconferencing throughout the process. A witness protection program may also need physical departure, identity alteration, and social and economic reintegration. Victims' participation in the court process and need for protection and care are crucial but often overlooked. Due to specific laws and policies, many countries,

including India, still lack the recognition and support of survivors in court prosecutions and victims' adequate compensation (Eikel, 2012). Emergency safeguards against witness threats, intimidation, bribery, and physical damage are needed. Even in jurisdictions where these safeguards have been adopted, execution has not always been improved enough; further improvement is needed, notably for changing identities or transferring dangerous witnesses. The history of witness protection shows there are no easy solutions. However, regional meetings with law enforcement, prosecution, and court experts to review witness protection program best practices may be helpful. It may provide a valuable review of the numerous measures available and practical solutions that can be adapted to a legal system and specific social, political, or economic circumstances.

### 1.3 Types of witness

There were determined to be three types of witnesses in the case of Sampath Kumar v. Inspector of Police, Krishnagiri. Those who can be relied on 100 per cent: It doesn't matter how the court rules on Fan, M. D., they'll reach the same result easily. The testimony of a single piece of evidence can be enough to either convict the accused or exonerate them, depending on how reliable that witness is deemed to be. Finding the right conclusion is simple. An entirely unreliable witness cannot have any weight in the deposition. Because of this, many types of witnesses contribute to the conclusion of the trial and the delivery of justice. Here are the key points: -

**Child Witness:** If a kid is deemed competent to testify, their testimony to the truth could be used as the foundation for a conviction. To rephrase, if a juvenile witness can understand the questions and answers, then their testimony can be accepted U/s 118 Indian Evidence Act even though they are not under oath. If he or she can logically answer questions, a judge may let a 6- or 7-year-old testify in court. The use of juveniles as witnesses is recognized by Indian law. The Supreme Court ruled in the case Rameshwar S/o Kalyan Singh v. the State of Punjab that a child as young as five years old can serve as a witness if he meets the necessary standards of ability. The Supreme Court has ruled that age is no longer a disqualifying criterion.

**Eye Witness:** In legal proceedings, an "eye witness" is a person who has firsthand knowledge of the events at issue. Witnesses or victims might provide crucial information to the court by testifying as "eyewitnesses" and recounting what they saw during the event in question. While a vivid recall of the past is preferable, it isn't always the case. Used to demonstrate the events as seen through the eyes of a witness. Forensic science can now back up psychologists' claims that memories or individual perceptions can indeed be faulty, manipulatable, and biased, casting doubt on the reliability of memory recall as a source.

**Interested Witness:** Someone who has a close personal or professional connection to the victim of a crime and has a vested interest in seeing the accused person convicted is considered a biased or interested witness. A natural witness who is also a close family member cannot be considered an interested witness. To be considered "interested," a witness must have a personal stake in seeing the defendant found guilty, whether out of resentment or some other motivation. It's Kartik Malhar v. Bihar State. A witness's involvement with the case is not grounds to disqualify him as a witness.

**Chance Witnesses:** A chance witness is someone present at the scene of an event purely by chance. Because he has no vested interest in the outcome of the case, the testimony of such a witness is very credible. Nonetheless, if he has a family connection to one of the parties, his testimony may be considered with other evidence.

**Expert Witness:** In some circumstances, a medical officer performing a medical examination is required by the Evidence Act to report on the examination's findings. The case may require the testimony of specialists from other professions, such as experts in handwriting analysis.

**Character Witness:** One who testifies about another person's character is called a character witness. Evidence of a person's character or disposition is called "character evidence," and it includes both oral testimony and written documents.

**Hostile Witness:** It refers to the "contrivance of clever witnesses" who wilfully "ruin the case" of the party calling such witnesses by providing evidence that is detrimental to their position. There is no guarantee that a hostile eyewitness is also a false witness.

**Related Witness:** In legal proceedings, any witness who is called to testify on behalf of either the prosecution or the defence is referred to as a "related witness." Official case title: State of Uttar Pradesh v. Paras Nath Singh. The court ruled that there was no reason to discount the testimony of the witnesses because of their familial ties. A family member's loyalty should not lead them to either falsely accuse or shield the true offender. To secure a conviction, it is not always necessary to confirm the testimony of the deceased person's family and friends. The specifics of each situation must be taken into account.

**Independent Witness:** For a witness to be considered "interested," they must have a vested interest in the outcome of the case, whether that be financial, emotional, or otherwise. Evidence from a witness who has a vested interest in the outcome of the case is known to be extremely unreliable and cannot be accepted without independent verification. A trial witness with a stake in the outcome, as defined by the English legal dictionary.

**Solitary Witness:** One and only witness is synonymous with solitary witness. "No particular amount of witnesses may in any event be required for the evidence of any case," as defined under Section 134 of the Indian Evidence Act, 1872. If the witness is entirely credible, then his testimony alone may be used to get a conviction. When evidence is weak, it must be backed up by other pieces of evidence. Conviction can be made only on the witness's word if the evidence is clear and unrefuted, and the court is satisfied that the eyewitness is credible and telling the truth.

**Material Witness:** Material witnesses are those who testify as to issues or facts crucial to the litigation or prosecution. The parties' chances of success in civil lawsuits are diminished if the parties fail to interrogate crucial witnesses. In criminal trials, a complete acquittal may occur if the prosecution fails to cross-examine the material witness. In criminal proceedings, witnesses must include anybody present at the time of the crime, whereas in civil cases, witnesses must include anyone who had any involvement in the transaction at issue. For this dispute, a "material witness" refers only to witnesses who have information that is relevant to the issues at hand, and not to any of the parties involved.

**Trap/Decoy Witness:** The dictionary defines a "trap witness" as "a person who entices and lures someone into danger, a trap, or the like." The word "false friend" refers to "a person or thing used to mislead and lure anyone into a trap," as defined by the Oxford Dictionary. Fake witnesses are often utilized by the prosecution to set up an arrest. "No magistrate or law enforcement officer must also be compelled to disclose when he received info of the agency of any offense and also no income officer shall be obligated to disclose when he got any data regarding the commission of any offense against by the public revenue," it reads in Section 125 of the Indian Evidence Act 118 (Heritage, 2016).

### **1.5 Precautions taken during investigation & trial for witness security**

It is possible to guarantee the administration of justice by strictly adhering to the laws governing Procedural matters. However, putting legislation into practice is challenging due to the many nuances involved in criminal behaviour. Protecting a witness from harm or death is the literal meaning word "witness protection." However, the interpretation of the few witness protection laws is contrary to the impediments to legal obligation and disruption. In the administration of justice, the principle of equality is crucial. The rights of both the accused and the victim must be protected through a fair trial and inquiry (Farr and Dandurand, 2012). The presumption of innocence Audi Alteram Partem, the right to legal representation, the right to be free from double jeopardy, etc. are all examples of natural justice principles. However, victims and witnesses are not afforded the same degree of freedom or access to all forms of basic rights. Before India's independence, lawmakers probably wouldn't have considered the importance of witness protection, let alone try to incorporate it into the Indian Evidence Act of 1872. The issue at hand is how to approach the weak and defenceless position of the witness in the context of the uneven and constrained procedural components of the law. Any reasonable person would refuse to take the stand in such a complicated and tiring situation. This is the typical justification given for why a witness doesn't show up to court or disappears after being served with a summons. There are three possible outcomes to this predicament:

- 1.) The victim and accused were familiar with each other before the incident crime
- 2.) The accused is not acquainted with the witness's identity
- 3.) Accused is not acquainted with the victim & witnesses (a case of genocide or terrorist act)

All the aforementioned groups require modern security of witness approaches from a variety of angles. The phase is the beginning of evidence accumulation. When an investigation is conducted, the facts and details of the case become clear. It contains numerous things including a search of the area of crime, knowledge about 14 victim's states, and other prevalent circumstances all around the location, etc. To file a First Report, a police officer must conduct a preliminary investigation. The primary responsibility of an officer involved is the gathering of evidence, both direct and indirect. Police officers must finish their investigations quickly and thoroughly under close inspection because of the reasonable fear that the accused and his associates might tamper with or destroy evidence during the preliminary stages Rahangdale, P. (2019). If the witness is being harassed or threatened in any way, a police officer can question them about the case details while audio-visually recording their statements. If a police officer believes a statement should not be released to the accused, they can transmit it to the Magistrate



separately without reasons in a confidential note to keep investigations fair while it prepares a report following the investigation without delay for transmission to the Magistrate. At this point, it is clear that witnesses will play a much larger role once the trial begins. If a witness is coerced or otherwise pressured into providing false or fabricated testimony, as is prohibited by Section 195A of the Indian Penal Code, he or she may file a complaint with the court.

## **2. Review of Literature**

Sundari & Wisnubroto (2022) examined the self-protect responsibility paradigm's impediments to witness protection and advocated for it among UN member states. This study analyzes the UN's self-protection concepts and legal framework, the challenges of applying it to the US and Indonesia, and the conditions for its promotion using doctrinal research. Findings show a self-defense-based witness protection approach. It can supplement state sharing and safeguard witnesses if the government fails. In its strategies, a lack of education that prevents witnesses from being aware of the danger they may be in, a lack of resources that can provide witness self-protection devices, and the misuse of firearms for non-self-defense are still major obstacles. Members' resolve to overcome problems will affect self-protection paradigm adoption. Three ways can help embrace the self-protection responsibility concept. Nonlethal weapon laws, malpractice penalties, training, teaching, and peer pressure are examples. Second, educating individuals to use non-lethal weapons legally. Third, give witnesses self-defense tools. This discovery proposes a way to create a self-protect responsibility model for better witness protection among country members.

Nyreröd et al. (2022) argued that the global anti-money-laundering (AML) system will uncover sanctions evasion, which is becoming increasingly important as sanctions isolate autocratic regimes from Western markets. Due of its ineffectiveness, many have criticized this technique. This study examines the present punitive measures system and offers whistleblowers an incentive program to facilitate asset seizures without relying on it. Learn how to use whistleblower incentive programs in AML, identify gaps in the worldwide AML regime, and make program design recommendations based on agency experience and empirical evidence. And suggested structuring reward programs differently from the US Kleptocracy Asset Rewards Programme. This research provides governments with new AML context design recommendations and a model with three important pillars and other design considerations.

Mphaphuli (2022) studied the experiences of children of witnesses who are living in the program with their parents or not participating. OWP witnesses, guardians, social workers, and administrators were interviewed 30 times. Staff supported witnesses' observations as the children's parents. Participants claimed program kids struggled to acclimate to their new, isolated lifestyle. The upheaval of social lives and isolation from loved ones sometimes led to loneliness. Kids who were lonely behaved out, straining parent-child interactions. The reported activities included resistance, physical dispute with parents, refusal to attend school, disappearance from the safe room, and stubbornly coming home despite family peril. Many kids struggled to establish friends and adjust to their new school due to language and curriculum differences. This hurt their grades.

Sayed & Kaushal (2022) examined the impossibility of administering justice without witnesses. In case determination, they said the judicial system. Indian witnesses are often intimidated in instances involving powerful defendants. Witness protection is essential for fair trials. India's poor witness protection may explain its high acquittal rate. This page discusses witness shelter. Witness-protection laws receive special emphasis. This article also discusses key court rulings on witness protection. The paper explores video conferencing for witness concealing. The essay will also discuss witness protection legislation in Canada, the UK, and the US. India should adopt some of the best witness protection strategies from other nations to improve witness protection.

Rahangdale (2020) examined witness cross-examination, a crucial aspect of criminal trials. In court, they testified for free. They endure great suffering, yet they never give up. Witnesses are crucial to fair justice. Whittaker Chambers stated, "He seeks the truth in the hallowed place of the sun, dispelling darkness and showing the head of righteousness surrounded by humanity and compassion demons. Thus, witnesses must be respected. It has been discovered that testimony faces several obstacles at every trial level. Cases are often postponed without cause, adding to the unreasonable delays and poor witness accommodations in court. Judges, prosecutors, and defendants mistreat and kill witnesses during trials. Since there is no trustworthy witness protection system, these situations are inevitable. Due to this, witnesses lost faith in the Criminal Justice System and either stopped testifying or became antagonistic. Thus, witnesses must be protected. The Law Commission and Indian Supreme Court have often emphasized the need for a robust witness protection scheme.

Oyakhire (2020) explained many countries have accepted it as a proven way of witness protection and criminal court involvement. Despite its long history, witness protection rules differ each state. Evidence that witness protection is crucial to Indian criminal justice is growing. Most witness protection academic material is descriptive, restricted, and vague. Recent occurrences in India remind us how crucial it is to identify witness protection's legal and philosophical issues. Analyzing India shows how ambiguous witness protection is. What is witness protection, who is a beneficiary, what offenses necessitate protection, what protections are in place, and who has administrative control over witness protection are the essential points. The thesis uses criminal justice and human rights perspectives to analyze witness protection and its constituent aspects. Desktop, doctrinal, and field research were merged.

Waziri (2019) looked into the integrity of any court system that relies on victim, eyewitness, bystander, or subject matter expert testimony. This is because reliable witnesses are essential to criminal prosecution and inquiry. This makes witnesses less willing to support the prosecution. A well-rounded criminal justice response to a specific class of offenses requires witness testimony. Due to their vital role in getting a conviction, witnesses and their families may be at risk. Some defendants' cases were dropped due to witness intimidation. Due to the complexity of terrorism and financial crime investigations, this is extremely concerning. Witness protection is crucial in the fight against organized criminal groups because their hidden nature makes it difficult to use traditional investigation processes. In such cases, witnesses who were near to the crime's preparation and execution can help identify the offenders and those

who benefited from them. Many countries, including India, struggle to prosecute these offenses without witness protection. Any criminal justice system protects vulnerable victims and witnesses because their participation is essential to law and order.

Dworzecki (2018) investigated "Citizen security" refers to the conditions and institutions in place to protect people's lives and belongings, the state's property, system, and sovereignty, and the rule of law nationwide when threatened. Safety is a basic value and a major determinant of community interactions of all levels. Effective operation of all institutions and services within it should be the basis for broadly defined public security. European police operations reconnaissance and investigation are crucial to fighting crime. Police must be determined, professional, and have procedural and operational tools to tackle the most serious crimes, including organized crime. The Police have the most tasks and competencies, full-time status, the highest officer training, and the most advanced technological and organizational solutions compared to other Czech dispositional groups, allowing them to take effective measures to ensure public safety. A plan of action must prioritize witness physical and procedural safety. Witness protection programmes are crucial to fighting crime, especially organized crime, in the Czech Republic.

Shrotriya et al. (2017) studied the testimony of witnesses is often the deciding factor in a case, as any student of a criminal justice system can tell you. Despite their importance to the process, witnesses are frequently pressured or coerced by the litigants to alter or recant their testimony. The testimony of witnesses is crucial in a criminal trial, as it is often the only basis for a conviction. As a result, a hostile witness is a common issue in the criminal court system. Twenty-four witnesses allegedly perished in the Vyapam fraud, nine witnesses were attacked three were slain in the Asaram Bhai case, and five people involved in the National Rural Project scandal in Uttar Pradesh also died. Most of the victims had previously been threatened and then died mysteriously from "accidents" or "suicides."

Michael Freeman FBA ed. (2016) realised jurisprudence is law study. Looking at the sociality of law requires considering bigger theoretical issues like law and justice, morality, and civil system legislation. Roscoe Pound's Social Engineering Model is important here because it raises worries that reflect current testimony protection issues. Pound, the founder of modern sociological jurisprudence, believed that social facts should inform lawmaking and enforcement. According to him, lawmaking requires sociological research and functional understanding of legal management's social repercussions. He proposes defining interests as private, public, and societal, setting limitations for them, and ensuring them to fulfill the legal system. According to his social engineering thesis, society should be organized to meet the most people's needs efficiently. Resolving disputes is needed.

Rowena Fong (2009) studied that the federal government, states, and neighborhoods' efforts to find and help victims of living smuggling have greatly improved since the 2000 Victims of Sentient Smuggling and Violence Privacy Act and President George W. Bush's 2008 resolution. The Victims of People Smuggling & Violence Privacy Act enabled these activities. Most human witness victim research and resources have focused on adults, not children. The number of adolescent victims and witnesses of child abuse in the US is rising, yet few programs



address their needs. Despite more kid victims and witnesses, the US has done little to address the issue.

### 3. Legal Provisions for Witness

When the prosecution must show guilt beyond a reasonable doubt by oral cross-examination of all witnesses in public hearings, witnesses become crucial. Even if not an eyewitness, a witness's narrative can help establish a timeline and possible criminal reasons. India has no witness protection legislation, unlike the West. This makes witnesses and their loved ones unsafe and denies them justice, according to Dhiman and Adyasha (2021). Witnesses face many hurdles during the investigation. The hardest part was testing. Threats against him could endanger his family. If the witness is a police informant or officer, their safety could hinder investigations and crime reduction. In *Swarn Singh v. State of Punjab*, Justice Wadhwa criticised Indian witnesses' helplessness. Many respected studies and reports have analyzed the American criminal justice system. The fourth National Police Council study examined how witness protection influences official statements. A witness is injured because they stayed at the crime scene or other horrific occurrence until the police arrived, not because they did anything wrong. The 154th Indian Commission report discusses witness protection and accommodations. To build trust with witnesses, fair daily allowances, comfortable court lodging, and safety measures are taken. To prevent witnesses from becoming hostile under accused pressure and to prevent mistaken acquittals, the Law Commission advocated significant "Witness Identity Protection" and "Witness Protection" programs in its 198th report. Witness problems are not fully addressed in the report. There is no national witness protection law. For the first time nationally, this Witness Protection Scheme, 2018 (Draft) aims to protect witnesses from becoming secondary victims. This plan protects witnesses adequately. This will strengthen the criminal justice system and boost national security. This approach divides threat into three levels. Where the witness's life or loved ones are under risk is worse. The extent to which witness and family member safety, reputation, or property is threatened, and the extent to which hazards are less severe than in categories 1 and 2. Finally, intimidation and harassment include reputational injury to the witness and his family. The Plan that the state creates a witness protection fund.

**Section 190:** sets forth the consequences for witnesses who lie in court. Indian law states that anyone who "holds out any danger of injury to any individual to cause that person to abstain or abstain from filing a legal implementation for protection against every injury to every public servant legitimately empowered as being such to give such safeguards, or to end up causing such protection to be given," shall be subject to "imprisonment of either type for a term which may extend with one year, or with fine, as well as with both" W. Morgan and A. G. MacPherson (2022).

**Section 118:** provides that a condition before the admissibility of a witness's testimony is that the witness be competent to do so. Any competent witness must be allowed to testify in court. The capacity to testify in court is referred to as "competency." For legal reasons, a judge must disregard the testimony of a witness who is found incapable of doing so. It should be emphasized, however, that the trend in current legislation has been to let the witness speak, with the truth being estimated by the tribunal, rather than completely reject his testimony. Even

if the law allows it, a court cannot compel a witness who is competent to depose if he refuses to answer any or all of the questions. During cross-examination, some individuals, including judges, attorneys, spouses, and so on, are entitled to special protections.

**Section 195A:** This, in 2005, was added to the Indian Penal Code. It makes it so that this is a cognizable, non-bailable crime. Section 195A of the Code of Criminal Procedure details the corresponding procedure for this substantive provision. It's important to remember that India's legal system contains exactly one clause dealing with witness protection. While this may give the witness a chance to submit a complaint, it does little to shield him from the underlying danger. Depending on the circumstances, the Magistrate may not be able to guarantee the witness's safety. The goal of this change is to reduce antagonism. However, for obvious reasons, this guarantee is not sufficient to ensure the safety of the witnesses. Without providing full safety for the witness and his or her family members and close relatives from any dangers that could affect their willingness to testify truthfully, the witness dilemma cannot be resolved (Shrotriya and Pachauri, 2017).

#### 4. Research Methodology

The research technique for "Evidence Produced by Child Witnesses and the Need for Reforms" takes an all-encompassing approach to comprehend the difficulties child witnesses encounter and the potential need for legal system reforms.

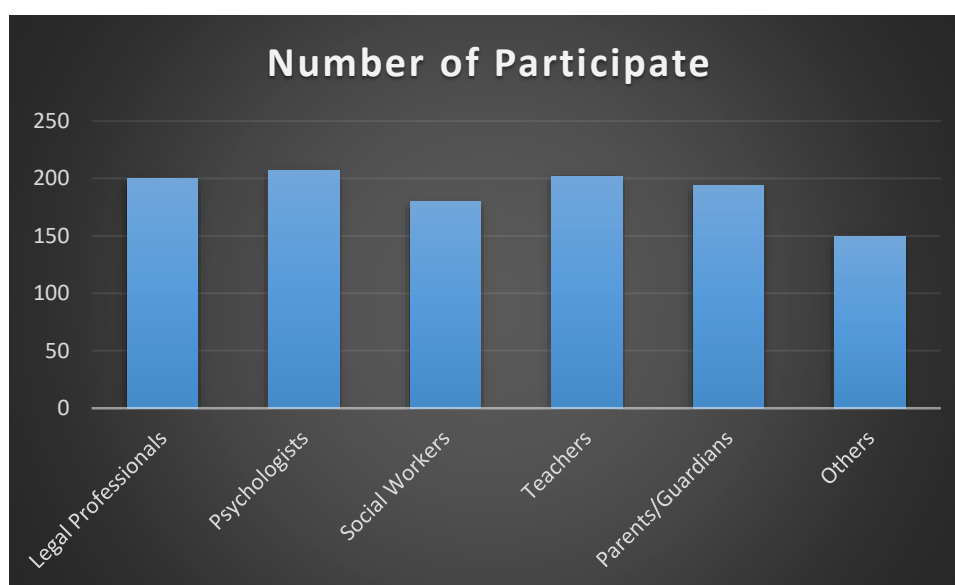
- ❖ **Sampling:** The target audience for this study consists of those with relevant training or experience in the legal field, child welfare, or psychology. We are looking for opinions from those with firsthand or specialised experience of child witness evidence, such as lawyers, child welfare advocates, psychologists, social workers, teachers, parents, and parents/guardians. In a variety of legal contexts, including criminal and family courts, the study is being conducted.
- ❖ **Data Analysis:** While qualitative data will be thematically analysed, quantitative data will be analysed with statistical software. To summarise quantitative findings, such as means, percentages, and correlations, we shall use descriptive statistics. To find recurrent themes and patterns, qualitative data will be coded and organised.

#### 5. Results

In order to develop a varied viewpoint on child witness testimony in this study, our selection strategy focuses on people with experience in the legal system, child welfare, and psychology. A structured questionnaire is delivered online and through targeted outreach to individuals and organisations for the purpose of gathering data. This method aims to collect a variety of insights. We are evaluating aspects including the difficulties child witnesses encounter, how important it is thought to be to solve these difficulties in the judicial system, and reform suggestions. Our data analysis employs both quantitative and qualitative methods, including thematic analysis, to assure objectivity. Our ability to provide a detailed knowledge of the study issues will be made possible by this thorough methodology. All throughout, we put a focus on ethical issues, obtaining informed permission, ensuring participant anonymity, and requesting institutional review board approval to protect the privacy and rights of everyone engaged.

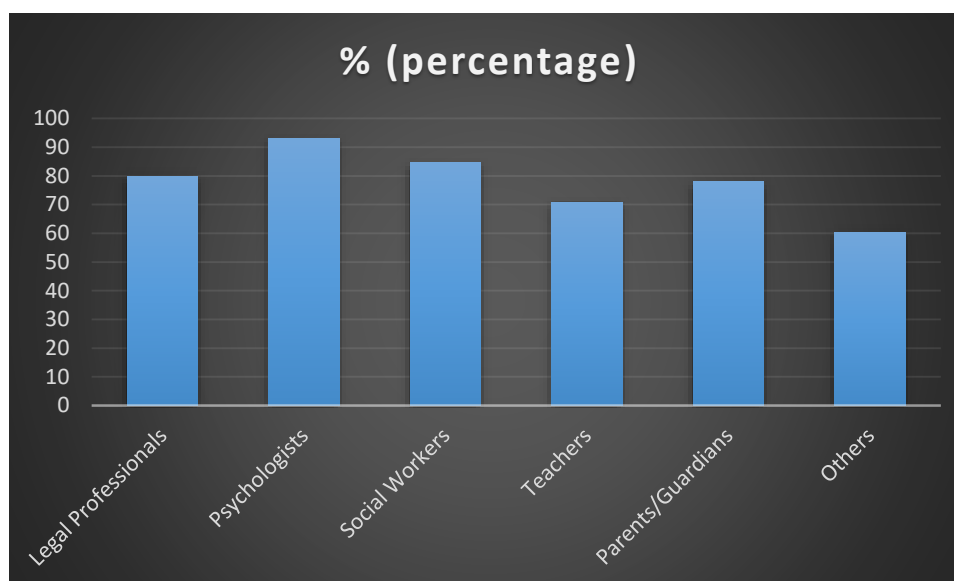
**Table 1: Represent the Categories for child witnesses**

Category	Number of Participate	% (percentage)
Legal Professionals	200	80
Psychologists	207	92.9
Social Workers	180	84.6
Teachers	202	70.8
Parents/Guardians	194	78
Others	150	60.3



**Figure 1: Graphical Representation of Participate**

According to their professional experiences and knowledge of child witness evidence, the participants in figure 1 are divided into various categories. 200 legal professionals, including attorneys, judges, and consultants, make up our team. 207 psychologists that specialise in child psychology or similar topics are also included in our study. 180 social professionals with experience in social work and child welfare have also been hired. With 202 participants, teachers offer their perspectives, particularly those who are familiar with child development. Additionally, 194 parents and guardians who have a significant impact on children's lives have taken part. Our last group of 150 participants, known as "Others," includes people from a variety of backgrounds who have personal or professional experience with child witness testimony. By including a wide range of opinions and experience, this diversified group of participants improves the thoroughness and richness of our study's findings.



**Figure 2: Graphical Representation**

The distribution of various participant categories within the study is shown by the percentages. For instance, the fact that 80% of the participants are lawyers suggests that this group is well represented. A significant number of professionals in the subject are present, as shown by the fact that 92.9% of the participants are psychologists. The fact that 84.6% of the participants are social workers shows how actively involved the industry's experts are. The sample has a considerable representation from the education sector, with teachers making up 70.8% of the total.

### **Conclusion**

In every single criminal justice system, the accused person must be proven guilty beyond a shadow of a doubt in a legal proceeding. But because of delays in the administration of justice as well as unsatisfactory allowances and protection of witnesses, witnesses are not willingly or fully prepared to participate in the process of law and become hostile or have absconded on account of intimidation of their family's life or regard of trauma did suffer by witnesses during the trial. This causes problems for the legal system. The circumstance around the witnesses is deteriorating daily, but neither the Central Government nor even the State Government have taken the initiative to draft any legislation to protect the witnesses. This article focuses on the numerous issues that witnesses face, including pay issues and gaps in witness protection programs, and makes some suggestions for how these issues can be resolved. Additionally, 78% of the participants are parents or guardians, suggesting a notable contribution from individuals with caregiving responsibilities. Finally, 60.3% fall into the "Others" category, signifying a diverse group of participants with varying backgrounds and expertise related to child witness testimony. These percentages provide a clear picture of the composition of the study's participant pool, reflecting the diversity of perspectives included in the research.

As a result of the fact that witnesses are an essential component of the Indian criminal justice system, legislation of witness protection is urgently required. Reform in the field of mistreatment of children is riddled with obstacles at every turn. There is a risk of overreaction as well as poorly conceived anti-child abuse initiatives, both of which could lead to overzealous

investigation and involvement that does more harm than good. A sensationalized and "moral panic" approach toward child abuse can be detrimental to the constructive settlement of the matter and lead to a need for immediate remedies, which does not provide time to investigate bigger issues.

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