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Protect witnesses in MP, MLA cases: HC to govt

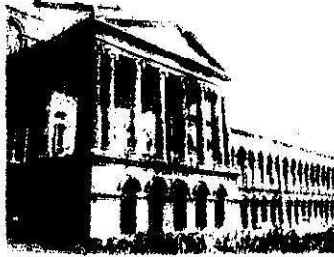
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THE state government should provide the Witness Protection Scheme (WPS) to those deposing against prominent political leaders, especially in cases pending before the Special Court, which has been set up to try criminal cases involving MLAs and MPs, the Karnataka High Court said on Tuesday.

A division bench of Chief Justice Abhay Shreeniwas Oka and Justice S Vishwajith Shetty, hearing a suo motu public interest litigation based on the directions of the Supreme Court to speed up cases pending against elected representatives, said, "Some prosecution witnesses may be vulnerable and they need WPS."

The state government has said that it will constitute the



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Karnataka High Court

Competent Authority (CA) in districts to implement WPS. With the Special Court being part of the civil court complex

in the city, the Principal Judge is the chairman of CA, while the police commissioner a member. "We direct the state government to issue a formal order to first constitute the CA for Bengaluru Urban and later for all other districts. In Bengaluru Urban, it should be done within two weeks," it ordered.

The WPS cannot be implemented effectively without a fund and the government should set that up too within two weeks, it said. All investigation officers (IOs) and witnesses should be made aware of WPS, and witnesses can send the application to the CA member secretary to get protection, it added.

"Every IO should be told to assess the vulnerability of prosecution witnesses and ensure that WPS is available to them. The presiding Judge of

the Special Court too should apply mind. If need be, even without an application, the judge can issue directions to the government to take appropriate measures. If an oral request is made, the Judge is bound to issue directions on WPS," it said.

Pointing out that the state, in its response, is silent on the procedure to be followed on the appointment of public prosecutors to the Special Court, the bench said that the government should name competent prosecutors. The government should coordinate with prosecution agencies like the CBI, IT, SFIO and submit the names of public prosecutors, it added.

It directed the government to set up another special court soon, and said that 165 cases are pending before the first court.