

ITEM NO.11

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 505/2022 in SMW(Crl) No. 1/2017 in
SMW(Crl) No. 1/2017

IN RE: TO ISSUE CERTAIN GUIDELINES
REGARDING INADEQUACIES AND
DEFICIENCIES IN CRIMINAL TRIALS

Petitioner(s)

VERSUS

Respondent(s)

IA No. 96874/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 62259/2022 - APPROPRIATE ORDERS/DIRECTIONS

WITH

MA 1836/2021 in SMW(Crl) No. 1/2017 (PIL-W)
IA No. 143809/2021 - APPROPRIATE ORDERS/DIRECTIONS

MA 2045/2025 in SMW(Crl) No. 1/2017 (PIL-W)
FOR ADMISSION

IA No. 265911/2025 - APPLICATION FOR PERMISSION
IA No. 265924/2025 - CLARIFICATION/DIRECTION
IA No. 265928/2025 - EXEMPTION FROM FILING O.T.
IA No. 265913/2025 - INTERVENTION/IMPLEADMENT

Date : 05-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

By Courts Motion

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Ms. Mukti Chaudhry, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard the learned Additional Solicitor General (ASG) along with the respective counsel appearing for various States, Union Territories, and the High Courts.

We have also perused the directions sought for by the learned *Amicus Curiae*. The said directions are relevant for all the

stakeholders, including the States, the Union Territories, the Registrar General of the respective High Courts as well as the Union of India. An exhaustive exercise has been carried out by the learned *Amicus Curiae* along with his associates. We thus, place our appreciation for them on record.

The learned *Amicus Curiae* submits that some of the States and the Union Territories have not notified the 'Witness Protection Scheme' as mandated under Section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS, 2023'). The States and the Union Territories who have not complied with the said mandate are listed under 'Annexure-B' of the compilation filed by the learned *Amicus Curiae*.

Accordingly, a direction is issued to the concerned States and Union Territories to comply with the mandate under Section 398 of the BNSS, 2023, by notifying the 'Witness Protection Scheme'. The needful shall be done within a period of three months from the date of receipt of a copy of this order.

On the directions sought for by the learned *Amicus Curiae*, we direct the Union of India, Ministry of Home Affairs (MHA) to facilitate a meeting with due participation of the learned ASG, a nominee of the Chief Secretary of the States and the Union Territories, the Director General of Police of the States and the Union Territories, and the Registrar General of the respective High Courts or their nominee(s).

In pursuance of the same, the MHA shall indicate a date during this month for the said meeting. After due consultation with all the relevant stakeholders, the MHA shall arrive at a conclusion

regarding the best practices to be adopted with respect to the implementation of the directions sought for. The said meeting can take place virtually, through Video Conferencing.

The Registry is directed to upload the directions sought for as contained in the compilation filed by the learned *Amicus Curiae*, on the official website of the Supreme Court of India.

The Registry shall also communicate the order passed by us, along with a copy of the paperbook which the learned *Amicus Curiae* has filed containing the directions sought for, to the Chief Secretary and the Director General of Police of States and the Union Territories, as well as to the Registrar Generals of the respective High Courts.

List these matters on 13.05.2026.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR