

COURTS MUST COME TO CHILDREN, SAYS SC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

India's status as a "technological powerhouse" is in jeopardy if it cannot use technology to protect its children, the Supreme Court observed while directing that videoconferencing facilities be established across the country for child witnesses, especially victims of trafficking, to remotely testify against their attackers.

The order came in a plea that victims of child trafficking, mostly based in far-flung and under-developed areas of the country, should not be made to travel long distances during the COVID pandemic to trial courts, usually located in metros, where they were brought and held by their captors.

The court highlighted how the pandemic had put more children out of school and into forced labour. Cases of child trafficking and abuse were bound to rise. Judiciary had to be prepared.

The court said videoconferencing facility for child witnesses should not be limited to the pandemic period alone, but should be a regular feature in cases involving child witnesses. Virtual recording of evidence should be held in-camera whenever necessary.

Standard procedure

The court confirmed a standard operating procedure (SOP) prepared by its *amicus curiae*, advocate Gaurav Agrawal, and senior advocate Anita Shenoy, for recording the evidence of child witnesses through videoconferencing. The apex court said the High Courts too, on consultation, had given their nod to the SOP.

According to this SOP, a child can testify either at the 'court point', that is, cities or places where the trial has to take place, or at the 'remote point', which is his or her place of residence.

Safeguards

The SOP said that the videoconferencing facility should be created in every district, especially in States where incidence of child trafficking cases are high.

Other safeguards prescribed by the SOP include compliance of the "best practices" mandated by the Protection of Children from Sexual Offences Rules, 2020, while recording the evidence of child witnesses.

These will include ensuring that the child witness is provided diet money on the basis of the distance travelled by him or her to reach the remote point, the presence of a police officer at the remote point to make certain that the child witness does not come in contact with the accused (if out on bail) or any relative of the accused, etc.

It quoted past judgments to emphasise that innovative steps using communication technology should be encouraged in justice administration.

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