

## Judicial safe zones: on special deposition centres in courts

It has long been recognised that children testifying as witnesses find the courtroom experience intimidating. In many cases, they are victims themselves, and may be deterred from deposing fully and confidently in the formal atmosphere. The [Supreme Court's direction](#) that within three months there should be at least two special deposition centres under every high court's jurisdiction is a positive step towards ensuring a conducive and protective atmosphere for vulnerable witnesses. This takes forward the principle already contained in laws relating to children. For instance, the Protection of Children from Sexual Offences Act provides for child-friendly procedures during a trial. Under this law, the officer recording a child's statement should not be in uniform; also, during court proceedings steps must be taken to ensure that the child is not exposed to the accused. The court is allowed to record a child's statement through video conferencing, or using one-way mirrors or curtains. At present, Delhi has four such deposition centres, backed by guidelines framed by the Delhi High Court. The *amicus curiae* in a criminal appeal before the Supreme Court had suggested that such special centres are needed in criminal cases that involve vulnerable witnesses. The Bench, setting aside a high court's acquittal of a man accused of raping a hearing and speech impaired girl and restoring the trial court's conviction, agreed such centres are needed with safeguards.

The Delhi High Court's guidelines are inspired by the UN Model Law on Justice in Matters involving Child Victims and Witnesses of Crime. The main objectives include eliciting complete, accurate and reliable testimony from child witnesses, minimising harm, and preventing 'secondary victimisation'. Secondary victimisation, or the harm that occurs not due to a criminal act but through the insensitive response of institutions, systems and individuals, is something that vulnerable witnesses often experience in cases of sexual violence. The creation of special centres would have to imply much more than a safe space for recording the testimony of vulnerable witnesses. It should also mean that multiple depositions and hearings at which they have to be present are avoided. In particular, they should not have to needlessly wait for their turn or be subjected to procedural delays. For now, the term 'vulnerable witnesses' is limited to children, but the principle may have to be expanded to include adults who may be equally vulnerable to threats and an atmosphere of fear and intimidation. Victims of sexual violence and whistle-blowers whose testimony against powerful adversaries may endanger their lives require a conducive atmosphere to depose. Ideally, every district in the country would need a special deposition centre. The infrastructural and financial burden may be huge, but the state will have to provide for it to abide by the overarching principle of protecting vulnerable witnesses.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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