

Set up centres under all High Courts for vulnerable victims: SC

The court said that the right of vulnerable witnesses should be protected.

Vulnerable witnesses in criminal cases, often minor survivors of rape or victims of sex abuse, should testify without fear or intimidation in a conducive environment, the Supreme Court has said.

Concerned at the trauma these victims of crime face in conventional courtrooms, the Supreme Court has ordered the setting up of at least two vulnerable witnesses deposition centres in the jurisdiction of every High Court across the country within the next three months. The order upholds the right of vulnerable witnesses to be protected while testifying in court and is in consonance with international norms in these matters.

A Bench of Justices A.K. Goel and U.U. Lalit found that vulnerable witnesses are often treated like any other witness of the State in a criminal trial. Victims often end up being ill-treated by the very system they had approached in the hope of justice. Delay and intimidating questions during trial in a hostile environment lead to fewer convictions.

Friendly atmosphere

Setting aside the acquittal by the high court of a child rapist, the Bench acknowledged the arguments for more vulnerable witness deposition complexes across the country made by its amicus in the case, advocate Shirin Khajuria. "There should be special centres for examination of vulnerable witnesses in criminal cases in the interest of conducive environment in court so as to encourage a vulnerable victim to make a statement," the Bench noted in its order.

The Bench said eventually every district should have a special centre, which would provide vulnerable witnesses a friendly atmosphere to testify. The Supreme Court referred to the Delhi High Court's initiative to set up vulnerable witnesses deposition centres and issuance of guidelines.

'Adopt guidelines'

The Bench suggested that other high courts should adopt the Delhi HC's 'Guidelines for Recording the Evidence of Vulnerable Witnesses in Criminal Matters,' with required modifications. The Delhi HC's guidelines are filtered from the best practices followed by other countries and the police and precedents of the apex court and high courts.

The practices include a screen or some arrangement by which the victim does not see the body or face of the accused; reducing cross-examination questions to writing and handing them over to the judge to be put to the victim in a language that is clear and not embarrassing; and sufficient breaks for victims of child abuse or rape while testifying.

The Bench recommended that the high courts trigger the initiative with at least two centres in the next three months. But they must not stop with that and continue to set up more such centres.

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