Protecting Vulnerable Witnesses

Why in news?

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The Supreme Court has recently ordered that within 3 months there should be at least two special deposition centres under every high court’s jurisdiction.

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What is the need?

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- Vulnerable witnesses in criminal cases often find the courtroom experience intimidating
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- They include children, often minor survivors of rape, victims of sexual abuse, and even whistle blowers.
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- 'Secondary victimisation' is something that vulnerable witnesses often experience in cases of sexual violence.
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- This refers to the harm that occurs not due to a criminal act but through insensitive response of institutions, systems and individuals.
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- Deposition centres will help create a conducive atmosphere for children and other such vulnerable witnesses, to testify without any fear or intimidation.
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What did POCSO specify?

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- The recent direction takes forward the principle already contained in laws relating to children.
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- The Protection of Children from Sexual Offences Act (POCSO) provides for child-friendly procedures during a trial.

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- It specifies that:
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i. The officer recording a child's statement should not be in uniform.
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ii. During court proceedings steps must be taken to ensure that the child is not exposed to the accused.
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iii. The court is allowed to record a child's statement through video conferencing, or using one-way mirrors or curtains.
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- **Implementation -** At present, Delhi has four such deposition centres, backed by guidelines framed by the Delhi High Court.
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- The Delhi High Court's guidelines are inspired by the UN Model Law on Justice in Matters involving Child Victims and Witnesses of Crime.
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- For now, the term 'vulnerable witnesses' is limited to children, but the principle needs expansion to include adults who may be equally vulnerable.
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What lies ahead?

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- Given the above limitation, it is felt that special centres are needed in criminal cases that involve other vulnerable witnesses as well.
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- The creation of such special centres would have to imply much more than a safe space for recording the testimony.
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- More importantly the procedure should ensure that it is minimising harm and preventing 'secondary victimisation'.
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- Multiple depositions and hearings at which witnesses have to be present should be avoided.
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- In particular, they should not have to needlessly wait for their turn or be subjected to procedural delays.
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- Ideally, every district in the country needs a special deposition centre.
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Source: The Hindu

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