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# Issue pertaining to vulnerable witnesses directly concerns plight of women and children: Supreme Court

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Supreme Court (Photo | PTI)

**By PTI**

NEW DELHI: The Supreme Court Friday said that issue pertaining to vulnerable witnesses directly concerns the plight of women and children as they are in a "position of vulnerable witnesses" and impleaded the Ministry of Women and Child Development as a party in the matter which relates to the preparation of a uniform national model for Vulnerable Witness Deposition Centres (VWDC).

The apex court said the ministry shall continue to coordinate all activities in consultation with the chairperson of the court-appointed committee.

A vacation bench of Justices D Y Chandrachud and Bela M Trivedi observed that the top court had earlier said that the Ministry of Women and Child Development must be the nodal ministry and it wants the ministry to monitor it.

"The Ministry of Women and Child Development has been nominated as a coordinating ministry having due regard to the fact that the issue pertaining to vulnerable witnesses directly concerns the plight of women and children who are, generally speaking, in the position of vulnerable witnesses," the bench said.

"The Ministry of Women and Child Development, Government of India, shall stand impleaded," it said.

The apex court on April 8 requested the Chief Justices of all high courts to respond within six weeks to the model guidelines prepared by former Jammu and Kashmir High Court Chief Justice Gita Mittal led panel so that their suggestions could be factored in the preparation of a uniform national model for VWDC.

During the hearing on Friday, the bench told Additional Solicitor General (ASG) Aishwarya Bhati that the apex court had earlier said that the Ministry of Women and Child Development should be the nodal ministry.

It asked what is the point in foisting this obligation on the department of justice now.

"We are not concerned with the allocation of business rules because most of the vulnerable witnesses are generally women and children. Therefore, we had said Ministry of Women and Child Development," the bench said.

"Now, what is the point in foisting the obligation on the Department of Justice? Department of Justice generally looks after the court infrastructure. We want the Ministry of Women and Child Development to monitor it actually," it said.

The ASG told the bench that the apex court may consider passing an order and implead the Ministry of Women and Child Development as a party in the matter.

"Please implead this ministry also as a party so that we can appear and assist," Bhati said.

The bench said if any coordination with the department of justice is required, the ASG shall ensure that facilitative assistance in that regard is made available to the Ministry of Women and Child Development.

On April 8, the top court had said that another aspect that has been highlighted in the two reports filed by Justice (ret'd) Gita Mittal led panel, is the use of the VWDCs in cases of other jurisdiction in civil jurisdictions like family courts or juvenile justice boards and children courts.

The apex court had then said the reports indicate that it would be appropriate if permission is granted to enable the use of VWDCs for recording evidence of vulnerable witnesses in places across all jurisdictions.

The bench had said, "On March 11, 2022, model guidelines for vulnerable witness deposition centres have been circulated to all the Chief Justices of the High Courts. We would request the High Courts to respond to the guidelines, within a period of six weeks, so that any suggestions which are forthcoming may be factored in by the chairperson of the committee before finalising the guidelines."

It had said that once the suggestions of the high courts are duly factored in, the guidelines can provide for a uniform national model for implementation.

Earlier on January 11, the top court had in a major order, expanded the definition of "vulnerable witness" in a criminal case, which earlier used to be a child below the age of 18, to include age and gender-neutral victims of sexual assault and witnesses suffering from mental illness among others.

It had also expanded the definition to include any speech or hearing impaired individual or a person suffering from any other disability, who is considered to be a vulnerable witness by the competent court or any other witness deemed to be vulnerable by the court concerned.

It had said the need of the importance of setting up special facilities which cater to the creation of a safe and barrier-free environment for recording the evidence of vulnerable witnesses has been engaging this court's attention over the last two decades.

The apex court had directed all the high courts to adopt and notify a VWDC scheme within two months from the date of the order unless a scheme has already been notified.

It had appointed Justice (retd) Gita Mittal as the chairperson of the committee for designing and implementing an all-India VWDC training programme for managing such centres and sensitizing all the stakeholders including judicial officers, members of the bar, and staff of the court establishments.

The top court had referred to a verdict of 1996 in which the apex court had passed similar directions, and also those in 2004 and 2017 when it had asked all the high courts to adopt the guidelines prepared by the Delhi High Court in 2017 for vulnerable witnesses.

The apex court was hearing a matter where it was looking into the compliance of directions issued in 2017.