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"Most Vulnerable Witnesses Are Women & Children" : Supreme Court Says MoW&CD Should Be Nodal Agency For Vulnerable Witness Deposition Centres

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The Supreme Court on Friday impleaded the Ministry of Women and Child Development in the case in which it has issued guidelines for the protection of vulnerable witnesses.

"Most vulnerable witnesses are women and children", Justice DY Chandrachud, heading a vacation bench, said, while turning down a plea that the Ministry of Law and Justice should be made the nodal agency for implementing the guidelines for Vulnerable Witnesses Deposition Centres (VWDCs) in courts.

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Yesterday, amicus curiae Senior Advocate Vibha Dutta Makhija had submitted that the Law Ministry be made the nodal agency instead of the Ministry of Women and Child Development for better coordination with the Committee chaired by Justice Gita Mittal which is formulating the guidelines for VWDCs.

The bench said that the Department of Justice, Ministry of Law and Justice, shall extend necessary assistance if its coordination is required.

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Additional Solicitor General Aishwarya Bhati requested that the MoW&CD be impleaded in the case as a respondent.

Accordingly, the bench, also comprising Justice Bela Trivedi, passed the following order :

"The Ministry of Women & Child Development GOI shall stand impleaded. The judgment of this court had passed the responsibility of coordinating with Justice Gita Mittal on the Ministry of Women & Child Development. The Ministry has been nominated as the coordinating ministry having due regard to the fact that the issue directly concerns the plight of women & children who are in the position of Vulnerable Witnesses. Hence the Ministry shall continue to coordinate in consultation with the Chairperson. If any coordination with the Department of Justice is required, the ASG shall ensure that facilitative assistance is made available in that regard".

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On [April 8, 2022](#) had requested the High Courts to respond to the Model Guidelines for Vulnerable Witnesses Deposition Centres (VWDCs) circulated to the Chief Justices of High Courts by 20th May, 2022, so that the Committee, chaired by Justice Ms. Gita Mittal, former Chief Justice of the Jammu And Kashmir High Court, appointed to implement an All India VWDC Training Programme, can provide a uniform national model for implementation.

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A Bench comprising Justices D.Y. Chandrachud and Aniruddha Bose also noted that apart from criminal cases, VWDCs should also be utilised and permission should be granted to record evidence of vulnerable witnesses in cases in civil jurisdictions, family courts, juvenile justice boards and Children's courts. The Bench accepted the suggestion made in the report submitted by Justice Gita Mittal in this regard.

Additionally, the Bench asked Ms. Mittal to share the developments in respect of the VWDCs with the Secretary in the Union Ministry of Women and Child Development.

On January 11, 2022, the Court had expanded the definition of "vulnerable witnesses" while accepting the guidelines framed by the Delhi High Court. It said the definition should include not just those below the age of 18 years but also other categories of vulnerable persons

[Case Title: Smruti Tukaram Badade v. The State Of Maharashtra and Anr]