

2022 LiveLaw (SC) 380

IN THE SUPREME COURT OF INDIA

DR. JUSTICE D.Y. CHANDRACHUD; ANIRUDDHA BOSE, JJ.

Miscellaneous Application No. 1852/2019 in Crl.A. No. 1101/2019; 08-04-2022

SMRUTI TUKARAM BADADE *VERSUS* THE STATE OF MAHARASHTRA & ANR.

Vulnerable Witnesses Deposition Centres - The use of VWDCs should, in addition to criminal cases, be allowed for other jurisdictions, including, civil jurisdictions, family courts, juvenile justice boards and Childrens' courts. Permission should be granted for recording the evidence of vulnerable witnesses in cases across all jurisdictions. (Para 3)

For Petitioner(s) Ms. Vibha Datta Makhija, Sr. Adv. (AC) Ms. Jaikriti S. Jadeja, AOR Mr. Praveen Gaur, Adv. Mr. Kashish Aneja, Adv. Mr. Karan Mamgain, Adv. Baani Khanna, Adv. Ms. Aditi Choudhary, Registrar, Delhi HC

For Respondent(s) Mr. Gopal Jha, AOR Mr. Nishant Verma, Adv. Mr. Shreyash Bhardwaj, Adv. Ms. Shirin Khajuria, Adv. Mr. Sandeep Sudhakar Deshmukh, AOR Ms. Deeplaxmi Subhash Matwankar, AOR Mr. Arjun Garg, AOR Mr. Aakash Nandolia, Adv. Ms. Sagun Srivastava, Adv. Mr. Sanjai Kr. Pathak, AOR Ms. Shashi Pathak, Adv. Mr. Brijender Chahar, Sr. Adv. Mr. Vivek Gupta, AOR Ms. Jyoti Chahar, Adv. Mr. Karan Chahar, Adv. Ms. Pooja Chahar, Adv. Mr. Shashi Bhushan, Adv. Mr. Gautam Narayan, AOR Ms. Asmita Singh, Adv. Mr. Ashok Mathur, AOR Mr. V.N. Raghupathy, AOR Mr. R. Neduraman, AOR Ms. Radhika Gautam, AOR Mr. Yashvardhan, Adv. Mr. Jagjit Singh Chabbra, AOR Mr. Saksham Maheshwari, Adv. Ms. Smita Kant, Adv. Ms. Uttara Babbar, AOR Mr. Manan Bansal, Adv. Mr. Nikhil Goel, Adv. Ms. Naveen Goel, Adv. Mr. Kartik Kaushal, Adv. Mr. Adithya Koshi Roy, Adv. Mr. Rahul Chitnis, Adv. Mr. Sachin Patil, AOR Mr. Aaditya A. Pande, Adv. Mr. Geo Joseph, Adv. Ms. Shwetal Shepal, Adv. Mr. Sibbo Sankar Mishra, AOR Mr. Niranjana Sahu, Adv.

ORDER

1. Two reports have been submitted before this Court by Hon'ble Ms Justice Gita Mitta, former Chief Justice of the High Court of Jammu and Kashmir dated 14 March 2022. The Court has had the occasion to hear the submissions of Ms Vibha Datta Makhija, amicus curiae and Ms Aditi Choudhary, Registrar (Vigilance) of the High Court of Delhi who is coordinating the work of the Committee chaired by Justice Gita Mittal.

2. On 11 March 2022, comprehensive Model Guidelines for Vulnerable Witnesses Deposition Centres ["VWDC"] have been circulated to all the Chief Justices of the High Courts. We would request the High Courts to respond to the Guidelines on or before 20 May 2022 so that the suggestions which are forthcoming may be factored in by the Chairperson of the Committee before finalizing the Guidelines. Once the suggestions of the High courts are duly factored in, the Guidelines can provide a uniform national model for implementation.

3. The use of VWDCs should, in addition to criminal cases, be allowed for other jurisdictions, including, civil jurisdictions, family courts, juvenile justice boards and Childrens' courts. Permission should be granted for recording the evidence of vulnerable

witnesses in cases across all jurisdictions. This suggestion in the report is appropriate and is accepted.

4. A prototype containing drawings and guidelines for VWDCs has been prepared under the auspices of the Committee. The document has been forwarded to the High Courts so that it can be borne in mind either where fresh construction is carried out or a modification in the existing set up is required for establishing VWDCs.

5. The Committee is in the process of creating a training module. We allow the Committee to chalk out a training module which may be placed before this Court. Ms Vibha Datta Makhija and Ms Aditi Choudhary have both joined in stating that for the purpose of training it may be necessary to engage experts internationally and within India. In the event that it becomes necessary to avail of any experts outside the country, the Committee may do so on a video conferencing platform presently.

6. The Chairperson of the Committee is also requested to keep the Secretary in the Union Ministry of Women and Child Development apprised of the work which is being carried out under the auspices of the Committee.

7. A copy of the status reports which have been filed by various High Courts shall be shared by the Registry both with the amicus curiae and with the Chairperson of the Committee.

8. The High Courts which have not file compliance reports shall do so within a period of four weeks.

9. The office report is disposed of.