

Smruti Tukaram Badade vs The State Of Maharashtra on 11 January, 2022

Author: D.Y. Chandrachud

Bench: Surya Kant, Dhananjaya Y Chandrachud

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Miscellaneous Application No 1852 of 2019 in
Criminal Appeal No 1101 of 2019

Smruti Tukaram Badade

.... App

Versus

State of Maharashtra & Anr

....Resp

JUDGMENT

Dr Dhananjaya Y Chandrachud, J 1 The need for and importance of setting up facilities which cater to the need for creating a safe and barrier free environment for recording the evidence of vulnerable witnesses has engaged the attention of this Court over two decades. In *Sakshi v Union of India* 1, this Court issued directions in addition to those which were contained in the decision in *State of Punjab v Gurmit Singh* 2. The relevant extract from the decision in *Sakshi* (supra) reads thus:

“34. [...] (1) The provisions of sub-section (2) of Section 327 CrPC shall, in addition to the offences mentioned in the sub-section, also apply in inquiry or trial of offences under Sections 354 and 377 IPC.

(2) In holding trial of child sex abuse or rape:

1 (2004) 5 SCC 518 2 (1996) 2 SCC 384

(i) a screen or some such arrangements may be made where the victim or witnesses (who may be equally vulnerable like the victim) do not see the body or face of the

accused;

(ii) the questions put in cross-examination on behalf of the accused, insofar as they relate directly to the incident, should be given in writing to the presiding officer of the court who may put them to the victim or witnesses in a language which is clear and is not embarrassing;

(iii) the victim of child abuse or rape, while giving testimony in court, should be allowed sufficient breaks as and when required.” 2 More recently, in *State of Maharashtra v Bandu @ Daulat 3*, directions were issued by this Court for setting up “special centres for examination of vulnerable witnesses” in criminal cases so as to facilitate a conducive environment for recording the statements of vulnerable witnesses. This Court dwelt on the guidelines which have been issued by the High Court of Delhi for recording the evidence of vulnerable witnesses in criminal matters and noted that special centres have been set up in Delhi for that purpose. While observing that the direction of the High Court of Delhi for setting up special centres for vulnerable witnesses is consistent with the earlier decisions of this Court and supplement the principles which have been laid down, this Court issued the following directions:

“12. [...] all High Courts can adopt such guidelines if the same have not yet been adopted with such modifications as may be deemed necessary. Setting up of one centre for vulnerable witnesses may be perhaps required almost in every district in the country. All the High Courts may take appropriate steps in this direction in due course in phases. At least two such centres in the jurisdiction of each High Court may be set up within three months from today. Thereafter, more such centres may be set up as per decision of the High Courts.”

3 The fairness of the process of trial as well as the pursuit of substantive justice are determined in a significant measure by the manner in which statements of vulnerable witnesses are recorded. The dignity of person, which is an intrinsic 3 (2018) 11 SCC 163 element of Article 21 of the Constitution, cannot be left to the vagaries of insensitive procedures and a hostile environment. Access to justice mandates that positive steps have to be adopted to create a barrier free environment. These barriers are not only those which exist within the physical spaces of conventional courts but those which operate on the minds and personality of vulnerable witnesses. There is a pressing need to facilitate the salutary purpose underlying the creation of a barrier free environment where depositions can be recorded freely without constraining limitations, both physical and emotional. This requires not just the creation of infrastructure but sensitizing all stakeholders.

4 This Court issued notice to all the High Courts in pursuance of which they have appeared through Counsel. Based on the material which has been placed before the Court, Ms Vibha Datta Makhija, amicus curiae, has prepared a tabulated statement of the position of infrastructure in various High Courts as of 25 October 2021. A copy of the tabulated statement is annexed as a broad indicator at Annexure ‘A’ to this order. Based on the deliberations which have taken place during the course of proceedings in the Court, the suggestions which have been proposed by the amicus curiae and the responses of some of the Counsel who have appeared on behalf of the High Courts, the following directions are issued under Article 142 of the Constitution in furtherance of the earlier decisions of

this Court. These are intended to facilitate the implementation of the directions which were rendered on 24 October 2017 in Bandu (supra) and earlier in other decisions.

5 The directions are enumerated below:

(i) The definition of “vulnerable witness” contained in Clause 3(a) of the ‘Guidelines for recording evidence of vulnerable witnesses in criminal matters’ 4 of the High Court of Delhi shall not be limited only to child witnesses who have attained the age of 18 years and should be expanded to include, inter alia, the following categories of vulnerable witnesses:

(a) Age neutral victims of sexual assault read with Sections 273 and 327 of the Code of Criminal Procedure 1973 and Section 354 of the Indian Penal Code 1860 5;

(b) Gender neutral victims of sexual assault read with Section 2(d) of the Protection of Children from Sexual Offences Act 2012;

(c) Age and gender neutral victims of sexual assault under Section 377 of the Indian Penal Code 1860 read with paragraph 34(1) of the decision in Sakshi (supra);

(d) Witnesses suffering from “mental illness” as defined under Section 2(s) of the Mental Healthcare Act 2017 read with Section 118 of the Indian Evidence Act 1872;

(e) Any witness deemed to have a threat perception under the Witness Protection Scheme 2018 of the Union Government as approved by this Court in Mahender Chawla v Union of India 6;

(f) 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; and 4
“ V W D C S c h e m e ” a v a i l a b l e a t
http://delhihighcourt.nic.in/writereaddata/upload/notification/notificationfile_lcwcd2x4.pdf.
5 “IPC” 6 (2019) 14 SCC 615

(g) Any other witness deemed to be vulnerable by the concerned court.

(ii) The High Courts shall adopt and notify a Vulnerable Witnesses Deposition Centres 7 Scheme within a period of two months from the date of this order unless a scheme is already notified. The High Courts which already have existing VWDC Schemes in place may consider making suitable modifications in conformity with the guidelines which are indicated in the present order. In formulating the VWDC Scheme, the High Courts shall have due regard to the scheme which has been formulated by the High Court of Delhi, which has been duly approved in the judgment of this Court in Bandu (supra);

(iii) Every High Court should set up an in-house permanent VWDC Committee for continuously supervising the implementation of the present directions and making a periodic assessment of the number of VWDCs required in each district proportionate to the time required for recording evidence of vulnerable witnesses and to coordinate the conduct of periodic training programmes;

(iv) Every High Court is requested to make an estimation of costs towards manpower and infrastructure required to set up at least one permanent VWDC in every establishment of the District Court (or additional Sessions Court establishments) and estimate the optimal number of VWDCs required for the entire State within a period of three months;

(v) Having due regard to the importance of conducting periodic training programmes for manning and managing the VWDCs and sensitizing all stake “VWDC” holders, including judicial officers, members of the Bar and the staff of the court establishment, we constitute a Committee chaired by Justice Ms Gita Mittal, former Chief Justice of the Jammu and Kashmir High Court. The Committee shall devise and implement an All India VWDC Training Programme, besides engaging with the High Courts on the creation of infrastructure for VWDCs. The initial tenure of the Chairperson shall be for a period of two years. All High Courts or concerned role assignees shall facilitate and give full cooperation in conducting training programmes in terms of the module which may be prepared by the Chairperson;

(vi) Upon the estimation of costs prepared by the VWDC Committee of each High Court, the State Government shall expeditiously sanction the requisite funds within a period of three months from the date of the submission of the proposal or the end of the financial year, whichever is earlier, and disburse the funds to the High Court in accordance with the project plan. The State Government shall nominate a nodal officer of the Finance Department who shall be associated ex officio with the work of the VWDC Committee of the High Court, to facilitate the implementation of the proposal submitted by the High Court in terms of these directions;

(vii) The High Courts shall ensure that at least one permanent VWDC is set up in every District Court establishment (or additional Sessions Court establishments) within a period of four months. The Registrars General of the High Courts shall file compliance reports before this Court;

(viii) In many States, ADR Centres have been set up by the High Courts in close proximity to the court establishments in the districts. Where such ADR Centres are in place, the High Courts would be at liberty to ensure that the VWDC is made available within the premises of the ADR Centre so as to secure a safe, conducive and barrier free environment for recording the depositions of vulnerable witnesses;

(ix) The National Legal Services Authority 8 as well as the State Legal Services Authorities 9 have a vital stake and role, particularly in devising and implementing sensitization and training programmes. The Chairperson of the Committee appointed by this Court is requested to engage with NALSA and SLSAs (subject to the directions which may be issued by the Hon’ble Executive Chairperson of NALSA) so as to provide an effective interface for implementing the scheme for training;

(x) The Hon'ble Chief Justices of the High Courts would be at liberty to take all appropriate steps either on the administrative side or on the judicial side in furtherance of the present directions and to monitor compliance on a periodic basis;

(xi) The Chief Justice of the High Court of Delhi is requested to make available a work space/room for the office of the VDW Committee Training Centre and requisite staff, preferably personnel who have previously assisted in the development and implementation of the Training Modules of the Delhi High Court and to designate a Coordinator of the programme in consultation with the Chairperson. Appropriate secretarial and logistical support staff and equipment may be made available to the Committee on a reasonable remuneration as fixed by the Chairperson. The expenses in that regard, including the honorarium payable to the Chairperson shall be defrayed by 8 "NALSA" 9 "SLSAs" the Ministry of Women and Child Development to the Director of the Delhi Judicial Academy. The Chairperson may fix a reasonable honorarium for the work assigned to her under the terms of this order. In the event that any further directions are necessary, the Chairperson may seek them before this Court and any communication in that regard shall be placed for further directions; and

(xii) The Ministry of Women and Child Development of the Union Government shall designate a nodal officer for coordinating the implementation of these directions and for providing all logistical support to Justice Ms Gita Mittal, the Chairperson of the Committee appointed by this Court. This would include the payment of honorarium to the Chairperson in terms as fixed by the Chairperson and meeting the expenses, including those towards engaging domain experts for training programmes. The Union Ministry of Women and Child Development and all Ministries of Women and Child Development in the States shall coordinate with the Chairperson and extend logistical support.

The High Courts shall, in consultation with the Chairperson of the Committee, enlist experts in the field to facilitate proper training and development of all stake holders.

6 A copy of this order shall be forwarded by the Secretary General of this Court to the Secretary, Ministry of Women and Child Development of the Union Government and to the Secretaries of the Ministries of Women and Child Development of all the State Governments for compliance. A copy of this order shall also be emailed to Justice Ms Gita Mittal for information and also to the Registrars General of all the High Courts for implementation by the High Courts.

7 We conclude by recording our appreciation of the dedicated effort of the amicus curiae.

8 The Miscellaneous Application is accordingly disposed of.

9 Pending application, if any, stands disposed of.

.....J. [Dr Dhananjaya Y Chandrachud]
.....J. [Surya Kant] New Delhi;

January 11, 2022

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IN THE SUPREME COURT OF INDIA IN IN THE MATTER OF:-

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INDEX

S.No.

Particulars

1. Status Report Submitted by Vibha Datta Makhija, Senior Advocate on Reports from various High Courts in compliance of order dated 4.10.2019 passed by the Hon'ble Supreme Court for the establishment of 1-15 Vulnerable Witness Deposition Centers (VWDC) for hearing on 25.10.2021.

Dated: 25.10.2021 Smruti Tukaram Badade v. State of Maharashtra & Anr.

M.A. No. 1852 of 2019 in CrI. App. No. 1101 of 2019 Reports from various High Courts in compliance of order dated 4.10.2019 passed by the Hon'ble Supreme Court for the establishment of Vulnerable Witness Deposition Centers (VWDC).

HIGHLIGHTS:

24 out of 25 High Courts have submitted status reports regarding establishment of Vulnerable Witness Deposition Centers. Report from Manipur High Court has not been filed as per office report dated 25.10.2021. In 15 out of 25 High Courts, at least 1 Permanent Vulnerable Witness Deposition Centre has been established. In 9 remaining High Courts, not even 1 Permanent Vulnerable Witness Deposition Centre has been established. Delhi has established at least 1 Permanent Vulnerable Witness Deposition Centre in all its functional District Courts. Delhi High Court has also formulated guidelines for recording of evidence of vulnerable witnesses in criminal matters. This has been adopted by other High Courts as well. Maharashtra has the most number of Permanent Vulnerable Witness Deposition Centers in its District and Subordinate Courts.

S.No	Concerned	Date of	Number of	Number of	GUIDELINES
./	High Court	Status	vulnerable	vulnerable	

Ran king	Report	witness deposition s centers established - permanent	witness deposition centers – temporary/ insufficient infrastructure	
1.	Bombay High Court [Pg. No. 5- 10A [No. of District Courts =33]	6.9.2019 116 [INCLUDI NG AT SUBORDI NATE COURTS]	NIL	AS PER THE WORK COMPLETED DIRECTIONS WITNESS DEPO IN CRL. APPEAL NO. Status of est 1101 OF 2019, Courts as o NOTICE WAS S.N ISSUED BY o. THE BOMBAY 1. Wo HIGH COURT 2. Wo TO THE 3. REGISTRAR
		GENERAL TO ESTABLISH VWDCS.	4.	Estimate Stage Total

Proposal for construction of a new Court building with the RECEIVED provision of a Vulnerable Witness Deposition Court is FUNDING pending at Thane Headquarters. AND IT IS PENDING FOR 82 FUNCTIONAL VULNERABLE WITNESS OTHERS.

DEPOSITION CENTERS OUT OF A TOTAL OF 227 No. Vulnerable Witness Deposition On way of Centre glass to Place Functional Work in witness s Progress box With With With With Fun Wo full-partial full- partial ctio rk fledged faciliti fledged facilitie nal in d es facilitie s Pro faciliti s gre es ss 227 33 49 32 31 49 23

2. Rajasthan 09.01.20 24 10 NO TOTAL DISTRICTS = 35 SOME High Court 20 GUIDELINES CENTERS PERMANENTLY ESTABLISHED = 24 DISTRICTS [Pg. No. 43- AVAILABLE. DISTRICTS HAVE 52 CENTERS TEMPORARILY ESTABLISHED = 10 ASKED FOR DISTRICTS FUNDS FOR [No. of MAKING District Vulnerable Witness Deposition Courts/Centers set up in the THE Courts = 36] Court premises in 24 Districts – Ajmer, Balotra, Baran, CENTRES Bhilwara, Bikaner, Bundi, Chittorgarh, Dausa, Dholpur, WHICH ARE Ganganagar, Hanumangarh, Jhunjhunu, Jaipur District, Jaipur CURRENTL Metropolitan, Jodhpur District, Jodhpur Metropolitan, Y Karauli, Merta, Pali, Sawai Madhopur, Sikar, Sirohi, Tonk and TEMPORAR Udaipur Y INTO Temporary arrangements for Vulnerable Witness PERMANEN Deposition Courts made in 10 Districts - Alwar, Banswara, T. NO Bharatpur, Churu, Jaisalmer, Jalore, Jhalwar, Kota, Pratapgarh INFORMATI and Rajsamand. ON No Centre established - Dungarpur AVAILABLE ON GRANT OF FUNDS.

3. Gujarat 05.02.20 24 NIL NO 24 VULNERABLE DEPOSITION CENTERS NO High Court 20 GUIDELINES FUNCTIONAL INFORMATI [SEPARAT AVAILABLE In 33 Judicial districts,

vulnerable deposition ON E centers have been planned. AVAILABLE VOLUME 9 7 district deposition centers are ready for inauguration by the end of February 2020.

[No. of 2 districts Mahisagar and Narmada, new building District for district and sessions court is under construction and Courts = 34] vulnerable deposition centers under construction in newly constructed court buildings.

4. Delhi High 20.01.20 10 NIL DELHI HIGH 6 COURT COMPLEXES VULNERABLE DEPOSITION NO Court 20 COURT HAVE CENTRES ARE ESTABLISHED – TOTAL 10 WITNESS INFORMATI [SEPARAT CREATED DEPOSITION COURTOOMS ON E THEIR OWN Rouse Avenue District Court – vulnerable witness AVAILABLE VOLUME 2 GUIDELINES. deposition centre is not established because at present, GUIDELINES only CBI and Labour court are functioning.

No. of District Courts = 6]				FOR RECORDING OF EVIDENCE OF VULNERABLE WITNESSES IN CRIMINAL MATTERS.		S.N Court o Complex	
							Karkardoom a
						3.	Dwarka
						4.	Rohini
						5.	Patiala House
						6.	Saket
						7.	Rouse Avenue (not yet district court)
5.	Orissa High Court [Pg. No. 53	21.01.20 20	9	NIL NO GUIDELINES AVAILABLE	9	VULNERABLE COMPLEXES HAVE BEEN SET UP	
	[No. of District Courts = 30]						9 districts where vulner complexes have already Cuttack, Dhenkanal, Ga Phulbani, Sambalpur an In 7 districts, no space

complexes – e.g., Bhadrak, Deogarh, Jagatsinghpur, Jharsuguda, Keonjhar, Nuapada, Rayagada. Collector and the executive engineer of other districts have been requested to take necessary steps for construction of vulnerable witness deposition complexes in their districts.

6. Madras 02.01.20 6 NIL NO 6 CHILD FRIENDLY DEPOSITION COURT GOVERNMENT High Court 20 GUIDELINES ESTABLISHED NT HAS [Pg. No. 37- AVAILABLE. Child Friendly Deposition Court established at City Civil SANCTIONED 42 Court Complex, Chennai D AMOUNT ONLY FOR [No. of Work completed for creation of Child Friendly Environment SOME District in Mahila Courts in 5 districts viz. Coimbatore, Salem, DISTRICTS Courts = 32] Madurai, Trichy, Tirunelveli WHILE Funds sanctioned for setting up Vulnerable Witness and OTHERS Child Witness Examination Centers in the Combined Court ARE STILL Building Campus at Tiruvannamalai - Construction to be AWAITING commenced FUNDS.

Proposal for sanction of funds pending for construction of Vulnerable and Child Witness Examination Centers in Combined Court Building Campus at Salem, Karur, Tiruvallur, Trichy and Krishnagiri Construction of Centers at Combined Court Building Campus at Vellore, Theni and Perambalur are pending consideration before High Court Committee for 15th Finance Commission approved establishment of 70 Vulnerable Witness Deposition Courts in 61 places in the State – All Principle District Judges/District Judges directed to set up Centers

7. Punjab & 21.12.20 1 NIL NO CHANDIGARH – 1 VULNERABLE WITNESS CENTER STATE HAS Haryana 19 GUIDELINES ESTABLISHED GRANTED High Court AVAILABLE Vulnerable Witness Center established in the Judicial Courts FUNDS FOR [SEPARATE _____ COMPLEX, Chandigarh SOME 5 NIL DISTRICTS.

VOLUME 6

[No. of
District
Courts in
Punjab =
22]

PUNJAB - VULNERABLE
ESTABLISHED IN 5
Vulnerable Wit
Patiala, Bathi
Nagar
Cost estimate
Punjab for est
Sangrur
Cost estimates
Committee, Pun

Centers at 5 districts – Ferozepur, Gurdaspur, Barnala, Mansa and Sri Mukatsar Sahib Cost estimate under preparation for 4 districts – Moga, _____ Fazilka, Tarn Taran, Pathankot 2 NIL Provision to be made for establishment of Vulnerable [No. of Witness Deposition Centers in the Judicial Courts Complexes District under construction/proposed in 5 districts- Hoshiarpur, Courts in Jalandhar, Ropar, S.B.S. Nagar and Khanna Haryana = 21] HARYANA – 2 VULNERABLE WITNESS DEPOSITION CENTERS HAVE BEEN ESTABLISHED Centers

established at Kurukshetra and Sirsa Architectural drawing approved by the Building Committee, Haryana at Bhiwani, Faridabad and Rohtak Architectural drawing pending before the Building Committee, Haryana at Narnaul Architectural drawing under consideration by the Court at Palwal

Layout plan approved by the Building Committee, Haryana at Kaithal Cost estimate pending approval before the Building Committee, Haryana for establishment of Vulnerable Witness Centers at the Judicial Court Complex at Jagadhri in District Yamuna Nagar and at Jhajaar Cost estimate for audio-video conferencing system at the Vulnerable Witness Centre in the Judicial Courts Complex, Panipat has been approved by the Building Committee, Haryana and is pending before the Government of Haryana for administrative approval and allotment of funds For other Districts in Haryana, matter is under consideration before the Building Committee of the Court

8. Karnataka 20.12.20 4 1 NO AVAILABILITY OF VULNERABLE WITNESS NO High Court 19 GUIDELINES DEPOSITION COURTS IN 4 OUT OF 30 DISTRICTS INFORMATI AVAILABLE. ON AVAILABLE [SEPARAT Vulnerable Witness Deposition Court Rooms available in 3 E districts (out of 30 districts) i.e. Bengaluru City, Bengaluru VOLUME 4 Rural and Ballari District, Raichur DISTRICT HASSAN - Court room designated to try [No. of POCSO Act cases (provided with child friendly environment, District partition room in the Court hall with one-way glass, attached Courts = 30] waiting room with toilet) can be used as a Vulnerable Witness Deposition Court DISTRICT KODAGU-MADIKERI - 1 Court Room in the newly constructed District Court building (scheduled to be completed by December 2019) can be used as a Vulnerable Witness Deposition Court DISTRICT SHIVAMOGGA - Modifications proposed to court room designated to try POCSO Act cases to function as a Child Friendly as well as Vulnerable Witness Deposition Court DISTRICT CHAMARAJANAGAR - Cost estimate has been prepared and submitted by PWD, Chamarajanagar for alteration of ADR room into a Vulnerable Witness Deposition Court REMAINING 22 DISTRICTS – Provisions have been made, in consultation with the State Govt., for suitable space/accommodation for establishing Vulnerable Witness Deposition Courts

9. Madhya 16.1.202 4 NIL MADHYA VULNERABLE WITNESS DEPOSITION CENTERS STATE HAS Pradesh o PRADESH ESTABLISHED = 4 DISTRICTS GRANTED High Court HAS Vulnerable Witness Deposition Centers established in 4 FUNDS FOR [SEPARAT FORUMLATE Districts – Jabalpur, Katni, Bhopal and Ujjain SOME E D ITS OWN Construction of 15 Vulnerable Witness Deposition Centers DISTRICTS.

VOLUME 5

[No. of
District
Courts = 50]

GUIDELINES: in progress in 8 Districts – Vidi
NORMS Shajapur, Hoshangabad, Mandla and
FORMULATE Tender process pending completion f
D Districts
REGARDING Proposal for 19 Centers in 12 Dis
CONSTRUCTI Administrative and Financial Sanc

ON OF CHILD- Detailed Project Report (DP
FRIENDLY Districts
COURTS/VUL
NERABLE
WITNESS
COMPLEX IN
VARIOUS

					DISTRICT AND TEHSIL PLACES OF THE STATE OF MP – APRIL 2017	
10.	Jharkhand High Court [Pg. No. 16- 22 [No. of District Courts = 24]	11.12.20 19	3	4	NO GUIDELINES AVAILABLE.	TOTAL = 24 DISTRICTS COURTS PERMANENTLY ESTABLISH TEMPORARY ARRANGEMENTS MADE Vulnerable Witness Deposition (complete provisions yet to be Temporary arrangement done for Deposition Courts at Deoghar; Court being used); Latehar (te Court of District & Addnl. Ses Addnl. Sessions Judge-I, Lateh POCSO Courts established as Vu Deposition Courts – Garhwa No provision for Vulnerable Wi Dhanbad; Giridh (POCSO Court e

Hazaribag (temporarily using curtains); Lohardaga (temporarily using curtains); Jamtara (presently using video conferencing room); Palamau at Daltonganj (temporarily video conferencing hall being used); Seraikella Kharsawan; Simdega Cost estimate sent for setting up Vulnerable Witness Deposition Courts at Civil Court, Bokaro (2 Courts) and Sub-

Divisional Civil Courts, Bermo at Tenughat (2 Courts);

Chatra; Koderma; Sahibaganj (temporarily using POCSO Court) – pending approval Map planning pending for Vulnerable Witness Deposition Courts - East Singhbhum, Jamshedpur Map approved for Vulnerable Witness Deposition Court – Gumia Construction in progress of Vulnerable Witness Deposition Court in new Civil Courts, Ranchi – Likely to be completed soon (temporarily using curtains) Lay out plan submitted for construction of new Court Complex – West Singhbhum, Chaibasa

11. Uttarakhan 13.12.20 2 NIL NO VULNERABLE WITNESS DEPOSITION COURTS NO d High 19 GUIDELINES ESTABLISHED IN 2 OUT OF 13 DISTRICTS INFORMATI Court AVAILABLE. ON [Pg. No. 27- Vulnerable Witness Deposition Courts established in 2 AVAILABLE 28 districts out of 13 Districts in the State of Uttarakhand– Chamoli and Champawat [No. of Not yet established in remaining 11 districts – Almora, District Bageshwar, Dehradun, Haridwar, Nainital, Pauri, Pithoragarh, Courts = 13] Rudraprayag, Tehri Garhwal, Udham Singh Nagar and Uttarkashi

12. Tripura 09.12.20 2 NIL NO 2 VULNERABLE WITNESS DEPOSITION CENTER STATE High Court 19 GUIDELINES ESTABLISHED GOVERNME [Pg. No. 36 AVAILABLE. NT HAS Vulnerable Witness Deposition Center established at RELEASED [No. of Udaipur, Gomati Judicial District FUNDS District State Government approached for release of funds for ONLY FOR Courts = 8] setting up the Vulnerable Witness Deposition Center at TWO Agartala, West Tripura Judicial

District DISTRICTS Vulnerable Witness Deposition Centers to be established AND WAS gradually in other Districts. APPROACH ED FOR RELEASE OF FUNDS IN OTHER DISTRICTS.

13. Meghalaya 25.10.20 2 NIL GUIDELINES 2 VULNERABLE WITNESS CENTERS HAVE BEEN NO High Court 19 FOR ESTABLISHED INFORMATI [Pg. No. 30- RECORDING ON 35 OF EVIDENCE 2 Vulnerable Witness Centers established at Shillong and AVAILABLE OF Tura District Courts [Govt. of Meghalaya, Law Dept. [No. of VULNERABL Notification No. LR (B)43/2017/Pt.I/1064 dated 19.1.2018] District E WITNESSES Registrar General, High Court of Meghalaya has written to Courts = 11] IN CRIMINAL Commissioner and Secretary, Govt. of Meghalaya, Law Dept. MATTERS to set up Vulnerable Witness Centers in other Districts in the HAVE BEEN State [Letter No. HCM II/214/2017/Estt. /31 dated 22.10.2019] DRAFTED BUT HIGH COURT HAS STILL NOT YET NOTIFIED THE GUIDELINES.

14. Jammu and 25.10.20 1 NIL NO 1 VULNERABLE WITNESS DEPOSITION COURT NO Kashmir 19 GUIDELINES ESTABLISHED INFORMATI High Court AVAILABLE ON [Pg. No. 12- 1 Vulnerable Witness Deposition Court established – AVAILABLE 15 District Court, Srinagar Steps undertaken for setting up Vulnerable Witness Deposition [No. of Courts in other Districts District Courts = 20]

15. Patna High 10.12.20 1 NIL HIGH COURT 1 VULNERABLE WITNESS DEPOSITION COURT NOT Court 19 LETTER NO. ESTABLISHED AVAILABLE [Pg. No. 1- 87051/SUPRE 4] ME COURT DEPARTMEN Vulnerable Witness Deposition Court established – Civil [No. of T DATED Court, Patna District 15.12.2017 Architectural Map pending for construction of Vulnerable Courts = 37] AND HIGH Witness Deposition Court – Civil Court, Bhagalpur COURT LETTER NO.91669/SUP REME COURT DEPARTMEN T DATED 02.12.2019.

16. Himachal 4.1.2020 NIL 3 HIMACHAL VULNERABLE WITNESS DEPOSITION CENTER NO Pradesh PRADESH ESTABLISHED – NIL INFORMATI High Court ADOPTED ON [SEPARAT THE No Vulnerable Witness Deposition Center established – AVAILABLE E GUIDELINES Chamba (presently examined in camera in child friendly VOLUME 3 AS FRAMED environment); Solan (Layout plan approved for construction BY THE HIGH of child friendly environment in POCSO Court); Kullu (no [No. of COURT OF provision for Vulnerable Witness Deposition Centers or District DELHI. child-friendly courts); Bilaspur and Ghumarwin in District Courts = 11] Bilaspur; Shimla (child friendly courts are functional); Mandi (Issue regarding establishment of Vulnerable Witness Deposition Centers being discussed with District Administration); Hamirpur (no provision for Vulnerable Witness Deposition Centers or child-friendly courts); Kinnaur at Rampur Bushahr (temporary provisions made for child-friendly courts);

Vulnerable Witness Deposition Centers temporarily set up – Kangra at Dharamshala; Sirmaur at Nahan (no provision for child friendly courts to try POCSO Act case – presently cases of juveniles are taken up in chamber by the Principal Magistrate, Juvenile Justice Board/ Judicial Magistrate, 1st Class); Una (no separate provision for child-friendly courts – presently cases of juveniles are taken up by the Principal Magistrate, Juvenile Justice Board/Addnl. CJM at Observation Home, Una)

17. Chhattisga 17.12.20 NIL 3 NO 3 TEMPORARY VULNERABLE WITNESS NO rh High 19 GUIDELINES DEPOSITION CENTERS ESTABLISHED INFORMATI Court AVAILABLE ON [Pg. No. 11 3 temporary Vulnerable Witness Deposition Centers AVAILABLE established– Bilaspur, Raipur, Dantewada District (equipped [No. of with witness box with curtains, separate waiting room with District drinking water facility, toilet, sofa/chairs for sitting, female Courts = 25] attendant) 3 SPECIAL CENTERS SET UP 3 Special Centers at Bilaspur, Raipur, and Dantewada districts Infrastructure available at these special centers

- Witness box covered with curtains.

- Friendly environment for the vulnerable witnesses during deposition.

Presence of Family members and female attendants during deposition/evidence for vulnerable witnesses in criminal matters as well as POCSO, and offences relating to women cases.

18. Guwahati 07.02.20 NIL NIL NO ASSAM: VULNERABLE WITNESS DEPOSITION ALL High Court 20 GUIDELINES CENTER ESTABLISHED = NIL DISTRICTS [SEPARAT AVAILABLE. Construction of Vulnerable Witness Deposition Centers is in HAVE E progress – Udalguri and Goalpara (80% complete); Bijni in ASKED FOR VOLUME Chirang District (50% complete) THE Pg. No. 1, Construction work of Vulnerable Witness Deposition FINANCIAL 1A] Centers has just been allotted – Tinisukia (70% complete); ASSISTANC Mangaldoi (30% complete) E. EACH [No. of DISTRICT District HAS Courts in REQUESTED Assam = 27 AN AMOUNT OF Nagaland RS. 50 =11 LAKHS.

NIL NIL

NAGALAND: VULNERABLE WITNESS CENTER CONSTRUCTED = NIL

No Vulnerable Witness Deposition Center constructed ON Mizoram =8 AVAILABLE NIL 5 MIZORAM: VULNERABLE WITNESS DEPOSITION NO Arunachal CENTER CONSTRUCTED = NIL INFORMATI Pradesh = No Vulnerable Witness Deposition Center constructed ON 16] Temporary arrangements made in 5 District Courts AVAILABLE NIL NIL ARUNACHAL PRADESH: VULNERABLE WITNESS NO GRANTS DEPOSITION CENTER CONSTRUCTED = NIL HAVE BEEN No Vulnerable Witness Deposition Center constructed RECEIVED IN ARUNACHA L PRADESH FOR VWDC.

19. Sikkim 19.12.20 NIL NIL NO VULNERABLE WITNESS DEPOSITION CENTRE AMOUNT High Court 19 GUIDELINES ESTABLISHED – NIL HAS BEEN [Pg. No. 25- AVAILABLE. SANCTIONE 26 Construction of Vulnerable Witness Deposition Center at D AND District & Sessions Court Complex, Sichey, Gangtok, East WORK IS IN [No. of Sikkim – Construction commenced in September 2018 and is PROGRESS.

District
Courts = 4]

90% complete
Construction of Juvenile Jus

include Vulnerable Witness Deposition Center & Waiting BALANCE Room- Construction commenced in September 2018 and FUNDS ARE work is in progress - 16% complete REQUIRED Redesigning of District & Sessions Court at Namchi – Will FOR include Vulnerable Witness Deposition Center & Waiting COMPLETION Room- Construction commenced in October 2018 and is G THE scheduled to complete in September 2020 WORK. Construction of Addnl. Court building at Gyalshing - Will include Vulnerable Witness Deposition Center, Witness Room & Waiting Room - Construction commenced in August 2019 and is scheduled to complete in August 2020 – 35% work complete

20. Calcutta 06.12.20 NIL NIL NO VULNERABLE WITNESS DEPOSITION CENTRE FUNDS High Court 19 GUIDELINES ESTABLISHED – NIL HAVE BEEN [Pg. No. 29 AVAILABLE. State Govt. decided to construct Vulnerable Witness SANCTIONED Deposition Centers in Kakdwip, Baruipur, Diamond Harbour D FOR SOME [No. of Court Complexes in District South 24 Parganas COURTS. District State Govt. granted administrative approval and sanction of Courts = 22] funds for Baruipur and Kakdwip Courts Reminder sent to District Judge, South 24 Parganas for issuing cost estimate for establishment of Vulnerable Witness Deposition Center at Diamond Harbour Court

21. Kerala 20.11.20 NIL NIL NO VULNERABLE WITNESS DEPOSITION CENTRE NO High Court 19 GUIDELINES ESTABLISHED – NIL INFORMATI [Pg. No. 23- AVAILABLE ON 24 Approval of uniform plan for Vulnerable Witness Deposition AVAILABLE Centers in Subordinate Courts is pending with ‘Committee [No. of for Establishment of Courts, Tribunals and Construction of District Court Buildings in the State’ Courts = 14] Refurbishing work commenced in POCSO Court, Ernakulam to incorporate child friendly features Proposal for modification of POCSO Court, Thiruvananthapuram and Kozhikode to incorporate child friendly features is pending before High Court

22. Andhra 17.02.20 NIL NIL NO NO VULNERABLE WITNESS DEPOSITION CENTERS NO Pradesh 20 GUIDELINES ARE ESTABLISHED IN SUBORDINATE COURTS IN INFORMATI High Court AVAILABLE STATE OF ANDHRA PRADESH ON [Pg. No. 54 AVAILABLE [No. of District Courts = 13]

23. Telangana 24.02.20 NIL NIL NO NO VULNERABLE WITNESS DEPOSITION CENTERS FINANCIAL High Court 20 GUIDELINES ARE ESTABLISHED IN SUBORDINATE COURTS IN ESTIMATES [SEPARATE AVAILABLE STATE OF TELANGANA HAVE BEEN E They have given the estimates for the setup of the SUBMITTED VOLUME 8 vulnerable witness deposition centers in subordinate BY THE courts. DISTRICT [No. of COURTS.

District Courts = 10]

24. Allahabad 20.12.20 NIL NIL NO NO VULNERABLE WITNESS DEPOSITION CENTERS STATE High Court 19 GUIDELINES ARE ESTABLISHED IN SUBORDINATE COURTS GOVERNMENT [SEPARATE AVAILABLE Two judgeships at Allahabad and Lucknow have NOT HAD E been identified for Child Witness Friendly Court cum RELEASED VOLUME 7 Vulnerable Witness Deposition Centers. AMOUNT Drawings and design made by Delhi High Court to be FOR [No. of

followed for establishment of these centres. LUCKNOW District BUT IT IS Courts = 75] PENDING FOR ALLAHABA D.