

SMRUTI TUKARAM BADADE

A

v.

STATE OF MAHARASHTRA & ANR

(Miscellaneous Application No. 1852 of 2019)

JANUARY 11, 2022

B

**[DR. DHANANJAYA Y CHANDRACHUD AND
SURYA KANT, JJ.]**

Guidelines/Norms/Directions: Guidelines – Issuance of – As regards recording evidence of vulnerable witnesses in criminal matters – Directions issued to facilitate the implementation of directions issued in State of Maharashtra v Bandu @ Daulat's case for setting up 'special centres for examination of vulnerable witnesses in criminal cases – Definition of "vulnerable witness" contained in Clause 3(a) of the 'Guidelines for recording evidence of vulnerable witnesses in criminal matters' of the High Court of Delhi widened – Along with child witnesses who have attained the age of 18 years, to include age and gender neutral victims of sexual assault, witnesses suffering from "mental illness", any witness deemed to have a threat perception, any speech or hearing impaired individual or a person suffering from any other disability – Issuance of direction to the High Courts to adopt and notify a Vulnerable Witnesses Deposition Centres Scheme within the stipulated period – To devise and implement an all India VWDC training programme, a Committee to be constituted – Issuance of directions to all High Courts and concerned role assignees to facilitate conducting of training programmes, to set up an in-house permanent VWDC Committee and one permanent VWDC in every District Court or additional Sessions Court establishments – Furthermore, NALSA and SLSAs to provide an effective interface for the scheme for training – Constitution of India – Art. 142 – Criminal law – Witnesses.

*Sakshi v Union of India (2004) 5 SCC 518 : [2004] (2)
Suppl. SCR 723; State of Punjab v Gurmit Singh (1996)
2 SCC 384 : [1996] (1) SCR 532; State of Maharashtra*

H

- A *v Bandu @ Daulat (2018) 11 SCC 163; Mahender Chawla v Union of India (2019) 14 SCC 615 : [2018] (14) SCR 627 – relied on.*

Case Law Reference

B	[2004] (2) Suppl. SCR 723	relied on	Para 1, 5(c)
	[1996] (1) SCR 532	relied on	Para 1
	(2018) 11 SCC 163	relied on	Para 2, 4, 5(ii)
	[2018] (14) SCR 627	relied on	Para 5(e)

- C CRIMINAL APPELLATE JURISDICTION: Miscellaneous Application No. 1852 of 2019 in Criminal Appeal No. 1101 of 2019.

From the Judgment and Order dated 20.03.2019 of the High Court of Judicature at Bombay in Criminal Application No.165 of 2017.

- D Ms. Vibha Datta Makhija (AC), Sr. Adv., Ms. Jaikriti S. Jadeja, Praveen Gaur, Kashish Aneja, Advs. for the Appellant.

Brijender Chahar, Sr. Adv., Gopal Jha, Gautam Singh, Shreyash Bhardwaj, Ms. Shirin Khajuria, Sandeep Sudhakar Deshmukh, Ms. Deeplaxmi Subhash Matwankar, Arjun Garg, Aakash Nandolia, Ms.

- E Sagun Srivastava, Sanjai Kr. Pathak, Ms. Shashi Pathak, Vivek Gupta, Ms. Jyoti Chahar, Karan Chahar, Ms. Asmita Singh, Gautam Narayan, Ashok Mathur, V. N. Raghupathy, Md. Apzal Ansari, R. Neduraman, Ms. Radhika Gautam, Jagjit Singh Chabba, Ms. Uttara Babbar, Manan Bansal, Nikhil Goel, Ms. Naveen Goel, Vinay Mathew, Rahul Chitnis,
F Sachin Patil, Aaditya A. Pande, Geo Joseph, Ms. Shwetal Shepal, Sibo Sankar Mishra, Niranjan Sahu, Umakant Mishra, Advs. for the Respondents.

The Judgment of the Court was delivered by

DR. DHANANJAYA Y CHANDRACHUD, J.

- G 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

H

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:

(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

¹ (2004) 5 SCC 518

² (1996) 2 SCC 384

³ (2018) 11 SCC 163

- A 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:
- B “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.”
- C 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 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.
- D 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
- E
- F
- G
- H

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 1860⁵;
 - (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;

⁴ “VWDC Scheme” available at http://delhihighcourt.nic.in/writereaddata/upload/notification/notificationfile_lcwcd2x4.pdf.

⁵ “IPC”

⁶ (2019) 14 SCC 615

A

B

C

D

E

F

G

H

- A (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
 - B (g) Any other witness deemed to be vulnerable by the concerned court.
- (ii) The High Courts shall adopt and notify a Vulnerable Witnesses Deposition Centres⁷ 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;
- F (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;
- G (v) Having due regard to the importance of conducting periodic training programmes for manning and managing the VWDCs and sensitizing all stake holders, including judicial officers,
-
- H ⁷ “VWDC”

members of the Bar and the staff of the court establishment, A
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; C

- (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 E 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; F
- (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 G

H

- A so as to secure a safe, conducive and barrier free environment for recording the depositions of vulnerable witnesses;
- B (ix) The National Legal Services Authority⁸ as well as the State Legal Services Authorities⁹ 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;
- C (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;
- D (xi) The Chief Justice of the High Court of Delhi is requested to make available a work space/room for the office of the VDWC 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 the Ministry of Women and Child Development to the Director of the Delhi

⁸ "NALSA"

⁹ "SLSAs"

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 A

(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. B

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. C

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

8. The Miscellaneous Application is accordingly disposed of. E

9. Pending application, if any, stands disposed of. F

A

Annexure 'A'

B

C

D

E

F

G

H

IN THE SUPREME COURT OF INDIA
M.A. No. 1852 of 2019
IN
Crl. App. No. 1101 of 2019

IN THE MATTER OF:-

Smruti Tukaram Badade

.....Petitioner

Versus

.....Respondents

INDEX

State of Maharashtra & Anr.

S.No.	Particulars	Page No.
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 Vulnerable Witness Deposition Centers (VWDC) for hearing on 25.10.2021.	1-15

Dated: 25.10.2021

Mruniti Tukaram Badade v. State of Maharashtra & Anr.
M.A. No. 1852 of 2019 in Cr. 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 (VDC).

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 High Court / Ran king	Date of Status Report	Number of vulnerable witness deposition centers – established - permanent	GUIDELINES	Status of compliance regarding establishment of Vulnerable Witness Deposition Courts	Financial Status/Funds Requested
1.	Bombay High Court [Pg. No. 5-10A [No. of District Courts = 33]]	6.9.2019	116 [INCLUDING AT SUBORDINATE COURTS]	NIL	AS PER THE DIRECTIONS IN C.R.L. APPEAL NO. 1101 OF 2019 NOTICE WAS ISSUED BY o. THE BOMBAY HIGH COURT TO THE REGISTRAR • <i>Status of establishment of Vulnerable Witness Deposition Courts as on 18.3.2019</i>	<u>WORK COMPLETED FOR 116 VULNERABLE WITNESS DEPOSITION COURTS IN THE STATE</u> <u>Courts as on 18.3.2019</u>

A B C D E F G H

					<ul style="list-style-type: none"> <i>Temporary arrangements for Vulnerable Witness Deposition Courts made in 10 Districts - Alwar, Banswara, Bharatpur, Churu, Jaisalmer, Jalore, Thalwar, Kota, Pratapgarh and Rajasamand.</i> <p>No Centre established - Dungarpur</p>	PERMANENT T. NO INFORMATI ON AVAILABLE ON GRANT OF FUNDS.																				
3.	Gujarat High Court [SEPARATE VOLUME 9 [No. of District Courts = 34]	05.02.20 20	24	NIL	<p>NO GUIDELINES AVAILABLE</p> <p>24 VULNERABLE DEPOSITION CENTERS</p> <p>FUNCTIONAL</p> <ul style="list-style-type: none"> In 33 Judicial districts, vulnerable deposition centers have been planned. 7 district deposition centers are ready for inauguration by the end of February 2020. 2 districts Mahisagar and Narmada, new building for district and sessions court is under construction and vulnerable deposition centers under construction in newly constructed court buildings. 	NO INFORMATI ON AVAILABLE																				
4.	Delhi High Court [SEPARATE VOLUME 2 [No. of District Courts = 6]	20.01.20 20	10	NIL	<p>DELHI HIGH COURT HAVE CREATED THEIR OWN GUIDELINES FOR RECORDING OF EVIDENCE OF VULNERABLE WITNESSES IN CRIMINAL MATTERS.</p>	<p>6 COURT COMPLEXES VULNERABLE DEPOSITION CENTRES ARE ESTABLISHED – TOTAL 10 WITNESS DEPOSITION COURTOOMS</p> <ul style="list-style-type: none"> Rouse Avenue District Court – vulnerable witness deposition centre is not established because at present, only CBI and Labour court are functioning. <table border="1"> <thead> <tr> <th>S.N</th> <th>Court Complex</th> <th>District</th> <th>No. of vulnerable witness deposition courtrooms established</th> <th>No. of vulnerable witness deposition courtrooms to be established</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Tis Hazari</td> <td>Central</td> <td>1</td> <td>3</td> </tr> <tr> <td>2.</td> <td></td> <td>West</td> <td>0</td> <td></td> </tr> <tr> <td></td> <td></td> <td>East</td> <td>2</td> <td>6</td> </tr> </tbody> </table>	S.N	Court Complex	District	No. of vulnerable witness deposition courtrooms established	No. of vulnerable witness deposition courtrooms to be established	1.	Tis Hazari	Central	1	3	2.		West	0				East	2	6
S.N	Court Complex	District	No. of vulnerable witness deposition courtrooms established	No. of vulnerable witness deposition courtrooms to be established																						
1.	Tis Hazari	Central	1	3																						
2.		West	0																							
		East	2	6																						

A

B

C

D

E

F

G

H

A									
B									
C									
D									
E									
F									
G									
H									
5.	Orissa High Court [Pg. No. 53 [No. of District Courts = 30]	21.01.20 20	9	NIL	NO GUIDELINES AVAILABLE	9 <u>VULNERABLE COMPLEXES HAVE BEEN SET UP</u>	WITNESS DEPOSITION	NO INFORMATI ON ON AVAILABLE	GOVERNME NT HAS SANCTIONE D AMOUNT ONLY FOR
6.	Madras High Court [Pg. No. 37-42]	02.01.20 20	6	NIL	NO GUIDELINES AVAILABLE.	6 <u>CHILD FRIENDLY DEPOSITION ESTABLISHED</u>	COURT	• Child Friendly Deposition Court established at City Civil Court Complex, Chennai	

	No. of District Courts = 32]				<ul style="list-style-type: none"> • <i>Work completed for creation of Child Friendly Environment</i> in Mahila Courts in 5 districts viz. Coimbatore, Salem, Madurai, Tirchy, Tirunelveli • <i>Funds sanctioned for setting up Vulnerable Witness and Child Witness Examination Centers</i> in the Combined Court Building Campus at Tiruvannamalai - Construction to be commenced • <i>Proposal for sanction of funds pending</i> for construction of Vulnerable and Child Witness Examination Centers in Combined Court Building Campus at Salem, Kanur, Timavalur, Tirchy and Krishnagiri • <i>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</i> in the State – All Principle District Judges/District Judges directed to set up Centers 	SOME DISTRICTS WHILE OTHERS ARE STILL AWAITING FUNDS.
7.	Punjab & Haryana High Court [SEPARATE E VOLUME 6	21.12.20 19	1	Nil	NO GUIDELINES AVAILABLE	<p>CHANDIGARH – 1 VULNERABLE WITNESS CENTER ESTABLISHED</p> <ul style="list-style-type: none"> • Vulnerable Witness Center established in the Judicial Courts Complex, Chandigarh <p>PUNJAB – VULNERABLE WITNESS CENTERS ESTABLISHED IN 5 OUT OF 20 DISTRICTS</p> <ul style="list-style-type: none"> • Vulnerable Witness Centers established in 5 districts – Patiala, Bathinda, Fatehgarh Sahib, Kapurthala and S.A.S. Nagar • Cost estimate has been approved by the Building Committee, Punjab for establishment of a Vulnerable Witness Center at Sangrur • Cost estimates under consideration by the Building Committee, Punjab for establishment of Vulnerable Witness <p>STATE HAS GRANTED FUNDS FOR SOME DISTRICTS. COST ESTIMATE PENDING IN SOME DISTRICTS. IN OTHER DISTRICTS, FINANCIAL SANCTION YET TO BE GRANTED.</p>

A

B

C

D

E

F

G

H

	[SEPARATE VOLUME 4 [No. of District Courts = 30]				<ul style="list-style-type: none"> Vulnerable Witness Deposition Court Rooms available in 3 districts (out of 30 districts) i.e. Bengaluru City, Bengaluru Rural and Ballari District, Raichur DISTRICT HASSAN - Court room designated to try POCSO Act cases (provided with child friendly environment, partition room in the Court hall with one-way glass, attached 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 <p>REMAINING 22 DISTRICTS - Provisions have been made, in consultation with the State Govt, for suitable space/ accommodation for establishing Vulnerable Witness Deposition Courts</p>	<p>VULNERABLE WITNESS DEPOSITION CENTERS ESTABLISHED = 4 DISTRICTS</p> <ul style="list-style-type: none"> Vulnerable Witness Deposition Centers established in 4 Districts – Jabalpur, Katni, Bhopal and Ujjain Construction of 15 Vulnerable Witness Deposition Centers in progress in 8 Districts – Vidisha, Rewa, Dewas, Indore, Shahjapur, Hoshangabad, Mandsaur and Umriya Tender process pending completion for 11 Centers – 6 Districts Proposal for 19 Centers in 12 Districts – Pending Administrative and Financial Sanction <p>STATE HAS GRANTED FUNDS FOR SOME DISTRICTS. TENDER PROCESS PENDING IN SOME DISTRICTS. IN OTHER</p>
9.	Madhya Pradesh High Court [SEPARATE VOLUME 5 [No. of District Courts = 50]	16.1.2020 0	4	NIL	MADHYA PRADESH HAS FORMULATE D ITS OWN GUIDELINES: NORMS FORMULATE D REGARDING CONSTRUCTI	<p>VULNERABLE WITNESS DEPOSITION CENTERS ESTABLISHED = 4 DISTRICTS</p> <ul style="list-style-type: none"> Vulnerable Witness Deposition Centers established in 4 Districts – Jabalpur, Katni, Bhopal and Ujjain Construction of 15 Vulnerable Witness Deposition Centers in progress in 8 Districts – Vidisha, Rewa, Dewas, Indore, Shahjapur, Hoshangabad, Mandsaur and Umriya Tender process pending completion for 11 Centers – 6 Districts Proposal for 19 Centers in 12 Districts – Pending Administrative and Financial Sanction <p>STATE HAS GRANTED FUNDS FOR SOME DISTRICTS. TENDER PROCESS PENDING IN SOME DISTRICTS. IN OTHER</p>

A

B

C

D

E

F

G

H

A							
B							
C							
D							
E	ON OF CHILD-FRIENDLY COURTS/VULNERABLE WITNESS COMPLEX IN VARIOUS DISTRICT AND TEHSIL PLACES OF THE STATE OF MP – APRIL 2017	Detailed Project Report (DPR)/Plans – Pending in other Districts, Districts	Detailed Project Report (DPR)/Plans – Pending in other DISTRICTS, FINANCIAL SANCTION YET TO BE GRANTED.				
F							
G							
H	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 ESTABLISHED = 3 TEMPORARY ARRANGEMENTS MADE = 4	ESTIMATION COST HAS BEEN SENT FOR SETTING UP VULNERABLE WITNESS DEPOSITION CENTRES IN SOME DISTRICTS. THEY ARE STILL AWAITING THE FUNDS. <ul style="list-style-type: none"> • Vulnerable Witness Deposition Court set up – Khunti (complete provisions yet to be made); Pakur; Ranchi • Temporary arrangement done for Vulnerable Witness Deposition Courts at Deoghar; Dumka (temporarily POC SO Court being used); Latehar (temporary arrangements made in Court of District & Addl. Sessions Judge and District & Addl. Sessions Judge-I, Latehar) • POCSO Courts established as Vulnerable Witness Deposition Courts – Garhwa • No provision for Vulnerable Witness Deposition Courts – Dhanbad; Giridih (POCSO Court established); Godda; Hazaribag (temporarily using curtains); Jamtara (presently using video conferencing room); Palamau at Dallonganj (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-

A

B

C

D

E₆

F

G

H

A	B	C	D	E	F	G	H
13. Meghalaya High Court [Pg. No. 30-35] [No. of District Courts = 11]	25.10.20 19	2	NIL	GUIDELINES FOR RECORDING OF EVIDENCE OF VULNERABLE WITNESSES IN CRIMINAL MATTERS HAVE BEEN DRAFTED BUT HIGH COURT HAS STILL NOT YET NOTIFIED THE GUIDELINES.	2. VULNERABLE WITNESS CENTERS HAVE BEEN ESTABLISHED • <i>2 Vulnerable Witness Centers established at Shillong and Tura District Courts</i> [Govt. of Meghalaya, Law Deptt. Notification No. LR(B)43/2017/Pl.I/1064 dated 19.1.2018] Registrar General, High Court of Meghalaya has written to Commissioner and Secretary, Govt. of Meghalaya, Law Deptt. to set up Vulnerable Witness Centers in other Districts in the State [Letter No. HCM II/214/2017/Estd./31 dated 22.10.2019]	NO INFORMATION ON AVAILABLE	OTHER DISTRICTS.
14. Jammu and Kashmir High Court [Pg. No. 12-15] [No. of District Courts = 20]	25.10.20 19	1	NIL	NO GUIDELINES AVAILABLE	1. VULNERABLE WITNESS DEPOSITION COURT ESTABLISHED • <i>1 Vulnerable Witness Deposition Court established –</i> District Court, Srinagar Steps undertaken for setting up Vulnerable Witness Deposition Courts in other Districts	NO INFORMATION ON AVAILABLE	NOT AVAILABLE
15. Patna High Court [Pg. No. 1-4]	10.12.20 19	1	NIL	HIGH COURT LETTER NO. 87051/SUPREME COURT	1. VULNERABLE WITNESS DEPOSITION COURT ESTABLISHED	NOT AVAILABLE	

	[No. of District Courts = 37]			DEPARTMENT DATED 15.12.2017 AND HIGH COURT LETTER NO.91669/SUPERIOR COURT DEPARTMENT DATED 02.12.2019.	<ul style="list-style-type: none"> Vulnerable Witness Deposition Court established – Civil Court, Patna Architectural Map pending for construction of Vulnerable Witness Deposition Court – Civil Court, Bhagalpur 	
16.	Himachal Pradesh High Court [SEPARATE EDITION]	4.1.2020	NIL	3 VOLUME 3 [No. of District Courts = 11]	<p>VULNERABLE WITNESS DEPOSITION CENTER ESTABLISHED – NIL</p> <p>No Vulnerable Witness Deposition Center established – Chamba (presently examined <i>in camera</i> in child friendly environment); Solan (Layout plan approved for construction of child friendly environment in POC SO Court); Kullu (no provision for Vulnerable Witness Deposition Centers or child-friendly courts); Bilaspur and Ghamarawin in District 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);</p> <p>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)</p>	<p>A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p> <p>G</p> <p>H</p>

A	B	C	D	E	F	G	H
17.	Chhattisgarh High Court [Pg. No. 11] [No. of District Courts = 25]	17.12.20 19	NIL	3	NO GUIDELINES AVAILABLE	3 TEMPORARY VULNERABLE DEPOSITION CENTERS ESTABLISHED	NO INFORMATION ON AVAILABLE
18.	Guwahati High Court [SEPARATE VOLUME Pg. No. 1, 1A] [No. of District Courts in Assam = 27 Nagaland = 11]	07.02.20 20	NIL	NIL	NO GUIDELINES AVAILABLE.	ASAM: VULNERABLE WITNESS DEPOSITION CENTER ESTABLISHED = NIL • Construction of Vulnerable Witness Deposition Centers is in progress – Udaguri and Goalpara (80% complete); Bjni in Chirang District (50% complete) • Construction work of Vulnerable Witness Deposition Centers has just been allotted – Tinsukia (70% complete); Mangaldoi (30% complete)	ALL DISTRICTS HAVE ASKED FOR THE FINANCIAL ASSISTANCE EACH DISTRICT HAS REQUESTED AN AMOUNT OF RS. 50 LAKHS.

Mizoram = 8		NIL	NIL	NIL	NAGALAND: VULNERABLE WITNESS DEPOSITION CENTER CONSTRUCTED = NIL <ul style="list-style-type: none"> • No Vulnerable Witness Deposition Center constructed 	NO INFORMATION ON AVAILABLE
Arunachal Pradesh = 16]		NIL	5		MIZOBAM: VULNERABLE WITNESS DEPOSITION CENTER CONSTRUCTED = NIL <ul style="list-style-type: none"> • No Vulnerable Witness Deposition Center constructed • Temporary arrangements made in 5 District Courts 	NO INFORMATION ON AVAILABLE
		NIL	NIL	NIL	ARUNACHAL PRADESH: VULNERABLE WITNESS DEPOSITION CENTER CONSTRUCTED = NIL <ul style="list-style-type: none"> No Vulnerable Witness Deposition Center constructed 	NO GRANTS HAVE BEEN RECEIVED IN ARUNACHAL PRADESH FOR VWDC.
19.	Sikkim High Court [Pg. No. 25-26] [No. of District Courts = 4]	19.12.20 19	NIL	NIL	VULNERABLE WITNESS DEPOSITION CENTRE ESTABLISHED - NIL <ul style="list-style-type: none"> • Construction of Vulnerable Witness Deposition Center at District & Sessions Court Complex, Sichey, Gangtok, East Sikkim – Construction commenced in September 2018 and is 90% complete • Construction of Juvenile Justice Board at Namchi – Will include Vulnerable Witness Deposition Center & Waiting Room- Construction commenced in September 2018 and work is in progress - 16% complete • Redesigning of District & Sessions Court at Namchi – Will include Vulnerable Witness Deposition Center & Waiting Room- Construction commenced in October 2018 and is scheduled to complete in September 2020 • Construction of Admnl. Court building at Gyalshing - Will include Vulnerable Witness Deposition Center, Witness 	AMOUNT HAS BEEN SANCTIONED AND WORK IS IN PROGRESS. HOWEVER, STILL SOME BALANCE FUNDS ARE REQUIRED FOR COMPLETING THE WORK.

A

B

C

D

E

F

G

H

A	B	C	D	E	F	G	H
20. Calcutta High Court [Pg. No. 29] [No. of District Courts = 22]	06.12.20 19	NIL	NIL	NO GUIDELINES AVAILABLE.	VULNERABLE WITNESS DEPOSITION CENTRE ESTABLISHED - NIL	VULNERABLE WITNESS DEPOSITION CENTRE ESTABLISHED - NIL	FUNDS HAVE BEEN SANCTIONED FOR SOME COURTS.
							<ul style="list-style-type: none"> • State Govt. decided to construct Vulnerable Witness Deposition Centers in Kalkdwip, Barrupur, Diamond Harbour Court Complexes in District South 24 Parganas • <i>State Govt. granted administrative approval and sanction of funds for Barrupur and Kalkdwip Courts</i> • <i>Reminder sent to District Judge, South 24 Parganas for issuing cost estimate for establishment of Vulnerable Witness Deposition Center at Diamond Harbour Court</i>
21. Kerala High Court [Pg. No. 23-24] [No. of District Courts = 14]	20.11.20 19	NIL	NIL	NO GUIDELINES AVAILABLE	VULNERABLE WITNESS DEPOSITION CENTRE ESTABLISHED - NIL	VULNERABLE WITNESS DEPOSITION CENTRE ESTABLISHED - NIL	NO INFORMATION ON AVAILABLE
							<ul style="list-style-type: none"> • Approval of uniform plan for Vulnerable Witness Deposition Centers in Subordinate Courts is pending with 'Committee for Establishment of Courts, Tribunals and Construction of Court Buildings in the State' • 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 Pradesh High Court [Pg. No. 54]	17.02.20 20	NIL	NIL	NO GUIDELINES AVAILABLE	NO VULNERABLE WITNESS DEPOSITION CENTERS ARE ESTABLISHED IN SUBORDINATE COURTS IN STATE OF ANDHRA PRADESH	NO VULNERABLE WITNESS DEPOSITION CENTERS ARE ESTABLISHED IN SUBORDINATE COURTS IN STATE OF ANDHRA PRADESH	NO INFORMATION ON AVAILABLE

	[No. of District Courts = 13]				
23.	Telangana High Court [SEPARATE VOLUME 8] [No. of District Courts = 13]	24.02.20 20	NIL	NIL	<p>NO VULNERABLE WITNESS DEPOSITION CENTERS ARE ESTABLISHED IN SUBORDINATE COURTS IN STATE OF TELANGANA</p> <ul style="list-style-type: none"> • They have given the estimates for the setup of the vulnerable witness deposition centers in subordinate courts.
24.	Allahabad High Court [SEPARATE VOLUME 7] [No. of District Courts = 10]	20.12.20 19	NIL	NIL	<p>NO VULNERABLE WITNESS DEPOSITION CENTERS ARE ESTABLISHED IN SUBORDINATE COURTS</p> <ul style="list-style-type: none"> • Two judgeships at Allahabad and Lucknow have been identified for Child Witness Friendly Court cum Vulnerable Witness Deposition Centers. • Drawings and design made by Delhi High Court to be followed for establishment of these centres.

A

B

C

D

E

F

G