

**ADDRESS DELIVERED BY HON'BLE MS. JUSTICE G. ROHINI,  
CHIEF JUSTICE, DELHI HIGH COURT ON THE INAUGURATION  
OF VULNERABLE WITNESS DEPOSITION COMPLEX AT DWARKA  
COURT COMPLEX, NEW DELHI ON 3<sup>rd</sup> FEBRUARY, 2017**

- Hon'ble Sri Justice Uday Umesh Lalit, Judge, Supreme Court of India
- Justice Gita Mittal
- Justice R.K. Gauba
- My brother and sister Judges of the Delhi High Court
- Mr. Brijesh Sethi, District & Sessions Judge, South West
- Ms. Ravinder Kaur, District & Sessions Judge, Head Quarter
- Senior officers from Government of India and Delhi Govt.
- Senior Advocates
- Mr. Girish Kathpalia, Registrar General
- District & Sessions Judges,
- Office Bearers and Members of the Bars
- Judicial Officers,
- Ladies and Gentlemen

1. Vulnerable Witness Deposition Complexes have already been established at Karkardooma, Saket and Tis Hazari Courts.
2. The fourth one is being inaugurated today in Dwarka Court Complex and undoubtedly it is a step forward towards more effective functioning of criminal justice system in the Country. It is a matter of great pride to state that Delhi High Court is the only Court, not only in the Country but in entire Asia, which could achieve this so far.
3. It is an established fact that the testimonies of the witnesses form an essential ingredient in a criminal trial. However, the role of victim in a criminal trial can never be lost sight of. He or she is an inseparable stakeholder in the process of adjudication. Since their testimonies establish the guilt of the accused, it is imperative to ensure protection of witnesses and victims for justice to be done.
4. Our experience shows that eye-witnesses or victims turning hostile is one of the important factors for many cases ending in acquittal. Turning of witnesses as hostile may be on account of threats, coercion, monetary considerations and political clouts. There may also be innumerable other corrupt practices ingeniously adopted to stifle the truth and realities coming out to surface.

5. Right from the inception of the judicial system it has been accepted that discovery, vindication and establishment of truth are the main purposes underlying the existence of the courts of justice. Restraints on the processes for determining the truth are multifaceted. They have emerged in numerous different ways, at different times and affect different areas of the conduct of legal proceedings.

6. The concept of fair trial entails familiar triangulation of interests of the accused, the victim and the society. If the witness himself/herself is incapacitated from acting as eyes and ears of justice, the trial gets paralysed and it no longer can constitute a fair trial.

7. The next question would be how to identify a vulnerable witness?

8. In my view, any witness who has been subjected to threats of violence or retribution in connection with the proceedings can be termed as a vulnerable witness. The Court has a great responsibility to identify such a witness and to find a way to have access to the information possessed by he or she in its most accurate form. Simultaneously, it is essential to protect the witness against further trauma. At the same time, it is imperative to make sure that the right of the accused to a fair trial is not defeated.

9. I can say without any hesitation that all the three elements would be taken care of - if the trial is conducted in the vulnerable witness deposition complex.

10. The accused in our country has a right to an open public trial in a criminal court. The right of the accused for an open trial in his or her presence, being not absolute, the law has to balance that right of the accused as against the need for fair administration of justice in which the victims and witnesses can depose without fear or danger to their lives or property or those of their close relatives.

11. It is again the responsibility of the presiding judicial officer to make sure that the needs of the vulnerable witnesses are met without compromising the right of the accused to a fair trial.

12. The members of the Bar form an integral part of the system of administration of justice and the community of lawyers always stand in the forefront for upholding the rights guaranteed under the Constitution of India.

13. I am extremely happy that with the unconditional support extended by the members of the Bar the Vulnerable Witness Deposition Complexes at Saket, Karkardooma and Tis Hazari have been proved to be successful.

14. I am sure similar support, understanding and cooperation will be extended by the members of the Bar at Dwarka Court Complex and an atmosphere that is conducive to allow vulnerable witnesses to feel safe and testify would be provided.

15. I heartily congratulate Justice Gita Mittal and the other Hon'ble Judges in the Committee for taking all the necessary measures for effective implementation of the guidelines for protection of witnesses and for establishing special facility in all the District Courts to cater to the needs of the vulnerable witnesses.

16. I also convey my gratitude to Hon'ble Justice U.U. Lalit for having graced this occasion despite his busy schedule.

17. I conclude thanking all of you for the opportunity provided to associate myself with today's wonderful programme. Let all of us march together with commitment and courage to uphold the nobility and the glorious traditions of this great institution for many more years to come.

Thank you