

**SPECIAL ADDRESS BY HON'BLE MR. JUSTICE R.K. GAUBA**  
**ON THE OCCASION OF INAUGURATION OF VULNERABLE**  
**WITNESS DEPOSITION COMPLEX AT DWARKA COURT**  
**COMPLEX**

03.02.2017

Hon'ble Justice U.U. Lalit, Supreme Court of India, Respected Chief Justice, Justice G. Rohini, sister Justice Gita Mittal, sister Justice Anu Malhotra, Ms. Ravinder Kaur, District & Sessions Judge, Head Quarters. Mr. Brijesh Sethi on the dais, District Judge here. Judicial officers, Senior advocates, Members of bar, Members of Academia, Invited Guests.

I think the subject has been introduced in all its hues by the presentation given. I joined judiciary in 1981 precisely 35 years ago. Probably, I am in a position to compare what it was then, what it is today and what we hope to achieve in the future. During those days, 1980's, the witness rights or witness protection were only theories, one had learnt or discussed in some debates or heard in some conferences. When it came to depositions of witnesses of vulnerable group, particularly in dangerous crimes, more so in sexual offences, the courts would struggle. The Court would struggle to extract the necessary information in a very hostile atmosphere. Crowded court halls, no segregation, no

guidance, no support system. The only guiding factors that the law would give you was hold in-camera proceedings. But then nobody knew what in-camera was all about, what all one had to put in position for the legislative command to be followed in letter and spirit. Indecent scandalous questioning, we have all heard about it those days. Minors testing their competence to testify was a sheer formality. When it came to 164 CrPC statements, they were all individual efforts of particular Magistrates. Efforts to make the child comfortable in your own unique way. No guidance, no counseling. It all depended on the individual's sensitivity as to how the matter was handled. It all depended on your own sensibilities, on the availability of time which we all know is we feel the constraints of time in the court work. The inept or insensitive handling of such cases in courts hurts even more, more than perhaps the crime suffered. The hurt goes not only in the body but in the mind, psyche, soul. We can proudly proclaim that Delhi High Court has been the pioneer, pioneer in framing detailed guidelines. They are of course based on judicial dicta coming from the Supreme Court and judgements of the High Court of Delhi and other High Courts. These guidelines put in position certain court practices that are designed to ensure dignity and welfare of the vulnerable witnesses. The idea as we just heard is to insulate the vulnerable witness against intimidatory treatment. Pre and post deposition

support system is guaranteed by these guidelines. The objective is to preclude secondary victimization. The guidelines are structured in such a way that they balance the right for fair trial, right of the accused to fair trial and also effective opportunity for defence. At the same time, they build confidence of the witness to speak freely. The protocol aims to secure complete, accurate and reliable evidence which is the most essential, in the quest for justice. The guidelines and instructions as issued by the High Court of Delhi, they give directions. Thus, the time of experimentation is behind us. These guidelines bind the trial courts and therefore, they are intended to achieve uniformity and consistency. Of course Justice Gita Mittal has been the motivating force. We have had as we heard we have had so many training programmes on this subject involving almost all the judicial officers presently in position in Delhi. We have often heard of the hiatus between the promise of law and its delivery. The legislature gives us a document aiming at certain reforms but we find often that those responsible for enforcement fail to provide the bare minimum infrastructure required for such purposes. Probably Juvenile Justice Law itself is one illustration in this regard. This initiative on the other hand in contrast sets a new paradigm for the government agencies to follow. The court has introduced reforms and the court has also introduced the requisite infrastructure along side those reforms.

These vulnerable witness court rooms which began initially at Karkardooma followed by they being set up at Saket, then at Tis Hazari and fourth today here at Dwarka, the use thus far has been very encouraging . We have put them to optimal use. Of Course as I would love to proclaim, Saket has again stolen the march. In last 30 odd months that the special vulnerable witness court complex has been operational, it has recorded statements of almost 1000 witnesses. This is as compared to, in four and half years of its existence at Karkardooma, we have had about 1300 witnesses examined at that complex. Tis Hazari of course is fast catching up. In the last 10 months of its existence, it has put it to proper use for recording 200 witnesses statements. If we go by the statistics, that is given by these complexes, the witnesses examined include even toddlers in the age group of upto 5 years and they number exactly 19 at Saket. Most of the witnesses who have come up and have been examined through these facilities are in the teenage. They constitute the maximum percentage. The victims of these crimes are, of course, are the main focus of these depositions recorded in these complexes. The future of these complexes of course, would depend on regular guidance and sensitization by all who are at the helm, particularly the District Judges in control. It requires scrupulous follow up and vigil at supervisory levels. Its probably time to hear views of some experts, some

stake holders, some of those personalities who actually helped us in  
achieve this initiative, bringing it to a fruition. Let us hear them.

Thank you.