

**Victim/Witness Protection**

**AND**

**Guidelines for Recording of Evidence of  
Vulnerable Witnesses in Criminal Matters**

**AND**

**Adoption of Vulnerable Deposition  
Centres Scheme (VWDC)**

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## **Section 327 Cr.P.C.**

S.327 (1) The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed to be an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

(2) Notwithstanding anything contained in sub- section (1), the inquiry into and trial of rape or an offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code (45 of 1860)] shall be conducted in camera :

Provided that the presiding Judge may, if he thinks fit, or on an application made by either of the parties, allow any particular person to have access to, or be or remain in, the room or building used by the Court:

(3) Where any proceedings are held under sub-section (2), it shall not be lawful for any person to print or publish any matter in relation to any such proceedings except with the previous permission of the Court.

Earlier, before 1983 sub-section (1) of Section 327 was there but in 1983, Section 327 was renumbered as sub-section(1) and sub section (2) was added with the proviso.

# State of Punjab vs. Gurmeet Singh, (1996) 2 SCC 384

- Keeping in view the amendments in section 375 and 376 IPC, section 114-A Evidence Act and sub section 2 and 2 to section 327 Cr.P.C to conduct the inquiry of Rape or an offence under sections 376, 376A, 376B, 376C or 376D in camera and requirement of the permission of the court to publish such matter, it was held that the courts are obliged to act in furtherance of the intention expressed by the legislature and **not to ignore its mandate and must take recourse to the provisions of section 327(2) and (3) CrPC and hold the trial of Rape cases in camera, where trials are held in camera it would not be lawful any person to print or publish any matter concerning the proceedings in the case except with the previous permission of the court.**

- This would stay any further embarrassment to the victim of sex crime. Wherever possible it would be worth considering whether it would be more desirable the cases of sexual assault on the females are **tried by Lady Judges wherever available**. The courts should as far as possible, **avoid disclosing the name of prosecutrix in their orders**.

# Sakshi vs. Union of India (2004) 5 SCC 518

The Apex Court in para no. 34 held as follows :

- (1) The provisions of sub section (2) of Section 327 Cr.P.C. 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 witness (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;

Thereafter, in the year 2009, second proviso to sub section (2) and a proviso to sub section (3) were added as follows :

- (2) Provided further that *in camera* trial shall be conducted as far as practicable by a **woman Judge or Magistrate**.
- (3) Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties.

# **Virender Vs. State of NCT of Delhi, LQ/Del HC/2009/3675**

The Delhi High Court **reiterated the guidelines issued through different judgments and added some more involving a child victim or child witness.** The said directions were to Police, Magistrate for recording statement, Doctors for medical examination and Court for recording evidence of the child witness and some other general guidelines. **On the basis of this judgment, the guidelines for recording of the deposition of vulnerable witness were framed.**



# **State of Maharashtra vs. Bandu alias Daulat (2018) 11 SCC 163**

- **Direction issued by the Apex Court for establishment of special centres for examination of vulnerable witnesses in criminal cases in the interest of conducive environment in court for recording statements of vulnerable witnesses. It dwelt on the guidelines issued by the High Court of Delhi for recording the evidence of the vulnerable witnesses in criminal matters and noted that special centres have been set up in Delhi for that purpose.**

# **Mahender Chawla vs. Union Of India Ministry Of Home (2019) 14 SCC 615**

- The Apex Court **adopted Witness Protection Scheme, 2018 in its entirety.**
- The directions laid down in the case of **State of Maharashtra Vs. Bandu** supra for setting up of special centres for examination of vulnerable witnesses in criminal cases have been again stressed upon.

# Witness Protection Scheme, 2018

The definitions have been defined in Rule No.2 of the Scheme. Some of the important definitions are as follows:-

- **Competent Authority** means a Standing Committee in each District chaired by District and Sessions Judge with Head of the Police in the District as Member and Head of the Prosecution in the District as its Member Secretary.

- (g) **“Live Link”** means and include a live video link or other such arrangement whereby a witness, while not being physically present in the courtroom for deposing in the matter or interacting with the Competent Authority.
- (i) **"Offence"** means those offences which are punishable with **death or life imprisonment** or an **imprisonment up to seven years and above** and also offences punishable under **Section 354, 354A, 354B, 354C, 354D and 509 of IPC.**
- (j) **"Threat Analysis Report"** means a **detailed report prepared and submitted by the Head of the Police in the District Investigating the case with regard to the seriousness and credibility of the threat perception to the witness or his family members.** It shall contain specific details about the **nature of threats** by the witness or his family to their life, reputation or property apart from analyzing the **extent**, or persons making the threat, have the intent, motive and resources to implement the threats.

- The application for seeking protection order under this scheme can be filed in the prescribed form before the competent authority of the concerned district **through its Member Secretary alongwith supporting documents, if any.**
- On receipt of such an application, **Member Secretary, shall forthwith call for the threat analysis report from the ACP, DCP** Incharge of the concerned Police Sub Division.
- Owing to imminent threat, the competent authority can pass orders for **interim protection** of the witness or his family members during pendency of the application.

- The threat analysis report shall be prepared **expeditiously with confidentiality** and shall reach the competent authority **within 5 working days of receipt of the order**. It shall categorize the threat perception and include suggesting protective measures.
- The **competent authority** shall also **interact preferably in person and if not possible through electronic means with the witness or his family** members or employers or any other person deemed fit so as **to ascertain the witness protection needs of the witness**. All proceedings shall be held *in camera*. **The application shall be disposed of within 5 working days of receipt of threat analysis report.**

- The witness protection order passed by the competent authority shall be implemented by the **Witness Protection Cell or the Trial Court** as the case may be. **The overall responsibility of implementation is of the head of the police in the State/U.T.** The implementation of order for change of identity and/or relocation is upon Department of Home of the State or U.T concerned.
- The Witness Protection Cell, after passing the protection order shall file a monthly follow-up report before the competent authority. **In case of need to revise the order, a fresh threat analysis report shall be called from the quarter concerned.** However, the competent authority shall **review the order quarterly on the basis of monthly follow up report.**

Application before competent authority through Member Secretary



Threat Analysis Report from concerned ACP/DSP to be submitted within 5 working days of the receipt of the order



Competent authority to interact with the concerned witness in person/ electronic means to hold hearings in camera and to dispose of the application within 5 working days of receipt of Threat Analysis Report.



The protection order to be implemented by **Head of the Police** in the State/U.T/ The Protection Order for change of identity and/or relocation to be implemented by the **Department of Home of the State/U.T**



Monthly follow up report to be filed by Witness Protection Cell.





In case of need of revision of the said order, fresh Threat Analysis Report to be called from ACP/DSP incharge.



Order to be reviewed quarterly by competent authority on the basis of monthly follow up report.

# Types of Protection Measures

The witness protection measures ordered shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time. They may include:

- (a) Ensuring that **witness and accused do not come face to face** during investigation or trial;
- (b) **Monitoring** of mail and telephone calls;
- (c) Arrangement with the telephone company **to change the witnesses telephone number or assign him or her an unlisted telephone number;**
- (d) Installation of security devices in the witnesses home such as **security doors, CCTV, alarms, fencing etc;**
- (e) **Concealment of identity of the witness** by referring to him/her with the changed name or alphabet;
- (f) Emergency contact persons for the witness;

- (g) Close protection, **regular patrolling around the witnesses house;**
- (h) **Temporary change of residence to a relatives house or a nearby town;**
- (i) **Escort to and from the court** and provision of Government vehicle or a State funded conveyance for the date of hearing;
- (j) Holding of *in-camera* trials;
- (k) **Allowing a support person to remain present during recording of statement and deposition;**
- (l) Usage of specially designed vulnerable witness court rooms which have special arrangements like **live video links, one way mirrors and screens apart from separate passages** for witnesses and accused, with option to **modify the image of face of the witness and to modify the audio feed of the witness voice, so that he/she is not identifiable;**

- (m) Ensuring **expeditious recording of deposition during trial** on day to day basis without adjournments;
- (n) Awarding **time to time periodical financial aids/grants to the witness from Witness Protection Fund** for the purpose of re-location, sustenance or starting a new vocation/profession, if desired;
- (o) **Any other form of protection** measures considered necessary.

Application for identity protection and/or relocation during investigation or trial before competent authority in the prescribed form through Member Secretary.

**Threat Analysis Report** from concerned ACP/DSP



Competent Authority to examine the concerned witness in camera and not to disclose identity of the witness during pendency of the application. On passing of such order, Witness Protection Cell is under the responsibility to fully protect the identity of such witness, his or her family members including name/parentage/occupation/address/digital footprints. During sustenance of such an order, Witness Protection Cell shall provide detail of such person who can contact in case of emergency.



Even new identity to the witness can be allotted by the Competent Authority, which includes new name/profession/parentage and providing supporting documents acceptable by the government agencies. However, the new identity should not deprive the witness from educational/professional/property rights.



Competent authority may pass an order for witness relocation to a safer place and the expenses shall be borne from the Witness Protection Fund.

## **Confidentiality and preservation of records:**

- All stakeholders including police, prosecution department, court staff, lawyer of both sides are under the obligation to maintain full confidentiality and not to share any record and not to share any record, document or information qua the same with any person except on a written order of trial court/appellate court.
- The record pertaining to the said proceedings shall be preserved till pendency of trial or appeal. The hardcopy of the records can be weeded out by the competent authority after one year of disposal of last court proceedings after preserving the scanned soft copies of the same.

## **Recovery of expenses:**

- In case of false complaint, the Home Department of concerned government can initiate the proceedings for recovery of the expenditure from the Witness Protection Fund.

## **Review:**

- A review application may be filed within 30 days of passing of the order by the aggrieved party i.e. either witness or police authority before the Competent Authority.

- Witness Protection Scheme, 2018 Witness Protection Application under Witness Protection Scheme, 2018 Before, (To be filed in duplicate) The Competent Authority, District.....

**Application for:**

1. Witness Protection
2. Witness Identity Protection
3. New Identity
4. Witness Relocation
5. Particulars of the Witness

**(Fill in ----- Capital): -----**

- 1) Name -----
- 2) Age -----
- 3) Gender (Male/Female/Other) -----
- 4) Father's/Mothers Name -----
- 5) Residential Address -----
- 6) Name and other details of family ----- members of the witness who are ----- receiving or perceiving threats -----
- 7) Contact details (Mobile/e-mail)

**2. Particulars of Criminal matter: -----**

- 1) FIR No. -----
- 2) Under Section -----
- 3) Police Station -----
- 4) District -----
- 5) D.D. No. (in case FIR not yet ----- registered) -----
- 6) Cr.Case No. (in case of private complaint)



**3. Particulars of the Accused** (if ----- available/known):

- 1) Name -----
- 2) Address -----
- 3) Phone No.
- 4) Email id

**4. Name & other particulars** of the ----- person giving/suspected of giving ----- threats -----

**5. Nature of threat perception.** Please ----- give brief details of threat received in ----- the matter with specific date, place, ----  
----- mode and words used -----

**6. Type of witness protection measures** ----- prayed by/for the witness -----

**7. Details of Interim / urgent Witness** ----- Protection needs, if required -----

Applicant/witness can use extra sheets for giving additional information.

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(Full Name with signature)

Date: ..... Place:.....

# UNDERTAKING

1. I undertake that I shall fully cooperate with the competent authority and the Department of Home of the State and Witness Protection Cell.
2. I certify that the information provided by me in this application is true and correct to my best knowledge and belief.
3. I understand that in case, information given by me in this application is found to be false, competent authority under the scheme reserves the right to recover the expenses incurred on me from out of the Witness Protection Fund.

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(Full Name with signature)

Date: ..... Place:.....

# **Smruti Badade vs. State of Maharashtra and Anr. , Misc. Appl. 1582 of 2019 in Crl. Appeal No. 1101 of 2019**

The Bench of Hon'ble Justices Chandrachud and Surayakant while hearing the miscellaneous application as to wider issue on the need to set up vulnerable witness courtrooms in compliance to the decision of the Supreme Court in State of Maharashtra vs. Bandu has **widen the definition of vulnerable witnesses and has issued the directions for setting up the vulnerable witness deposition centres.**

- It has been clarified that the definition of vulnerable witness contained in clause 3 of VWDC (Vulnerable Witness Deposition Centres) scheme formulated by the Delhi High Court shall not be limited only to child witnesses who have not attained the age of 18 years and would be expanded to include inter alia the following categories of vulnerable witnesses –
  - a) Age neutral witness of sexual assault read with section 273 and 327 of the Cr.P.C. and section 354 of the IPC;
  - b) Gender neutral victims of sexual assault read with section 2 (d) of the POCSO Act;

- c) Age and gender neutral victims of sexual assault under section 377 IPC read with paragraph 34(1) of the decision in **Sakshi vs. Union of India**.
- d) Witnesses suffering from mental illness as defined under section 2(s) of the Mental Healthcare Act of 2017 read with section 118 of the Indian Evidence Act;
- e) Any witness deemed to have threat perception under the witness protection scheme of the Union Government as approved by the Supreme Court in **Mahendra Chawla vs. Union of India (2019) 14 SCC 615**;
- 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 ;
- g) Any other witnesses deemed to be vulnerable by the court concerned.

With regard to setting of VWDC, following directions have been issued :

1. All High Courts shall adopt and notify a vulnerable witness deposition (VWDC) scheme within a period of two months from the date of this order unless a scheme has already been notified. High courts which have already existing schemes in place may consider making suitable modifications to the scheme in order to bring it 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 Delhi High Court, which has been duly approved in the judgment of this court in Bandhu.
2. Every High Court should set up a permanent VWDC committee.

3. Proportionate to the time required for recording the evidence of the vulnerable witnesses and to conduct periodic training programmes. Every High Court is required to make an estimation towards manpower requirements to set up at least one permanent VWDC in every establishment of the district court, and estimate the optimal number of VWDCs required for the entire state within a period of three months.

4. Having due regard to the importance of conducting periodic training programmes for managing and manning the VWDCs and sensitising all stakeholders including judicial officers, members of the bar and the staff of the court establishment, Justice Gita Mittal, former chief Justice of the Jammu and Kashmir High Court, is requested to chair the committee for designing, implementing an all India VDWC training programme.

The initial tenure of the chairperson shall be for a period of two years. All High Courts and concerned role assignees are required to facilitate and shall give full cooperation to conducting training programmes in terms of the module which may be prepared by the chairperson.



5. Upon the estimation of costs prepared by the VWDC committee of each High Court, the state government shall expeditiously sanction the requisite funds, not later than within a period of three months from the date of the submission of the proposal and disburse the same to the High Court in accordance with the project plan. The state government shall nominate a nodal officer drawn from the finance department, who shall ex officio be associated with the work of the VWDC committee of the High Court and facilitate the implementation of the proposal submitted by the High Court in terms of the above directions. The High Court shall ensure that at least one permanent VWDC is set up in a district court establishment within a period of four months. The registrar general shall file compliance report before this court.

6. In many states, ADR centres have been set up by the High Court in close proximity to the court establishment in districts. In such an eventuality, where such ADR centres are in place, the high courts would be at liberty to ensure that a VWDC is made available within the premises of the ADR centres so as to secure a safe, conducive and barrier free environment for recording the deposition of vulnerable witnesses.

7. The National Legal Services Authority as well as the State Legal Services Authorities would be vital stakeholders and have an important role particularly in devising and implementing sensitisation and training programmes. The chairperson of the committee appointed by this court is requested to engage with NALSA and SALSAs to provide an effective interface for implementing the schemes for training.

8. Where and to the extent it becomes necessary to so do, 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 the monitor compliance in a period basis.

9. The Ministry of Women and Child Development of the Union of India as well as the states shall designate a nodal officer for coordinating the implementation of these directions and for facilitating all logistical support to Justice Ms.Gita Mittal, chairperson of the committee appointed by this court. The Union Ministry for Women and Child Development and all ministries for women and child development in the states shall cooperate with the chairperson by providing logistical and other financial support particularly in the context of providing reasonable honorarium to resource persons who are required to conduct training programmes for training all stakeholders. The High Courts shall in consultation with the chairperson of the committee enlist experts in the field to facilitate proper training and development in the context of all stakeholders.

A copy of this order shall be forwarded by the register general to the secretary, ministry of women and child development of the union government and to the secretaries of all state governments for compliance. Copies shall also be emailed to the registrars general of all the High Courts for necessary action”, added the bench, disposing off the matter.

# Guidelines for Recording of Evidence of Vulnerable Witnesses

## OBJECTIVES OF THE GUIDELINES

1. To enable vulnerable witnesses **to depose freely** before any court in a safe and secure environment.
2. **To minimize harm or secondary victimization** of vulnerable witnesses in anticipation and as a result of participation in the justice system.
3. **To ensure that the rights of all the parties in the judicial processes are effectively implemented.** In the context of the criminal process – the **accused's right to a fair trial** and due process, the right to the **victim to take part effectively** in the proceedings, to be **treated sensitively and not to be subject to secondary victimization**, and the **protection of the rights of a vulnerable witnesses** (who may not necessarily be a victim), are effectively implemented.

# Definitions of the Terms have been Defined under Rule 3 of the Scheme.

Some of the important definitions of the scheme are as follows:

- a. **Vulnerable Witness** – As per the judgment of **Smruti Tukaram**, the definition of the witness has been widened up the guidelines and is as follows –
  - i. any child victim or witness who has not completed 18 years of age;
  - ii. any victim of an offence under the POCSO Act, 2012
  - iii. any victim of an offence under Sections 376(1), 376(2), 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, 376E, 354, 354A, 354B, 354C, 354D and 377 of the Indian Penal Code;



- iv. any person with **disability as defined under Section 2(s) of the Rights of Persons with Disabilities Act, 2016** and considered to be a vulnerable witness by the concerned Court;
- v. Any witness deemed to have a threat perception u/ the Witness Protection Scheme, 2018 of the Union Govt. as approved by the Supreme Court in Mahender Chawla v UOI; and
- vi. Any other witness deemed to be vulnerable by the concerned court including Family Courts, Children's Courts, JJ Board, Civil and Criminal Courts or any Tribunal or Forum.

- b. Support Person** – Means and includes **Support Persons assigned by the Child Welfare Committee under the POCSO Rules, 2020** to render assistance to the child through the process of investigation and trial, or any other person assisting a child in the pre trial or trial process in respect of an offence under the POCSO Act, **support person or para legal or para legal volunteer provided by the Legal Services Authority under the Juvenile Justice (Care and Protection of Children) Model Rules, 2016**, or any other person appointed by the court to provide support including psycho-social support, accompany and assist the vulnerable witness, whether minor or major, to testify or attend judicial proceedings.
- d. Development Level** – Development level refers to the **specific growth phase in which most individual are expected to behave and function** in relation to the advancement of their physical, socio economical, cognitive and moral abilities.

- e. **In-Camera Proceedings** – means criminal matters or part thereof wherein the public and press are not allowed to participate, for good reason as adjudged by the court.
- f. **Concealment of identity of witness** - means and includes any legislative provision or judicial ruling prohibiting the disclosure of the name, address, school, family, relative, neighbourhood or any other information which may lead to the identification of a vulnerable witness in print, electronic, social median, etc. or made known to the public at large during investigation, trial and post-trial stage.
- g. **Comfort Items** – Comfort items mean any article which shall have a calming effect on a vulnerable witness at the time of deposition and may include stuffed toy, blanket or book.

- h. Court House Tour – A pre-trial tour of court room and court complex** by the **support person or a para legal volunteer**, as the case may be to familiarize a vulnerable witnesses with the environment and the basic process of adjudication and roles of each court official.
- i. Live Link – ‘Live link’** means and includes a live television link, audio-video electronic means or other arrangement whereby a witness, while absent from the courtroom is nevertheless present in the court room by remote communication using technology to give evidence and be cross-examined.

- j. **Special Measures** – means and includes the use of legislative provisions, and any mode, method and instrument, etc., considered necessary for providing assistance in recording deposition of vulnerable witnesses.
- k. **Testimonial Aids** – means and includes screens; single visibility mirrors, curtains, live links, image and/or voice altering devices; or any other technical devices, facilities and equipment.
- l. **Secondary Victimization** – means victimization that occurs not as a direct result of a criminal act but through the response of institutions and individuals to the victim.

- m. **Revictimization** – means a situation in which a person suffers more than one criminal incident over a period of time.
- n. **Waiting Room** – A safe place for vulnerable witnesses where they can wait. It shall have toys, books, TV, etc. which can help them lower their anxiety.
- o. **Special Measures Direction** – The concerned court shall direct as to which special measure will be used to enable a vulnerable witness to depose freely and in a safe, accessible and comfortable environment. Directions may be discharged or varied during the proceedings, but normally continue to be in effect until the proceedings are concluded.

5. **No inference of prejudice to be drawn from special measures** – The fact that a witness has had the benefit of a special measure to assist them in deposition, shall not be regarded in any way whatsoever as being prejudicial to the position of the other side and this should be made clear by the judge at the time of passing order in terms of these guidelines to the parties when the vulnerable witness is examined.
6. **Identification of Stress causing factors of adversarial Criminal Justice System** – The Court shall consider the following factors which cause stress, especially but not only limited to child witnesses, rendering them further vulnerable witnesses, and impeding complete disclosure, and take necessary steps to mitigate or minimise the stress. The factors include, amongst others :

- a. Multiple depositions
- b. Not using developmentally appropriate language
- c. Delays and repeated adjournments
- d. Testifying more than once
- e. Prolonged/protracted court proceedings
- f. Lack of communication between professionals including police, doctors, lawyers, prosecutors, investigators, and mental health practitioners, and lack of convergence with authorities such as Child Welfare Committees, District Child Protection Units, One Stop Centres etc.
- g. Fear of public exposure
- h. Anxiety about threats from the accused and/or their associates
- i. Confusion and guilt about testifying against a family member or relative



- j. Lack of understanding of complex legal procedures
- k. Face-to-face contact with the accused
- l. Practices insensitive to developmental needs
- m. Aggressive and inappropriate cross-examination, including asking irrelevant questions
- n. Lack of adequate support, witness protection, and victims' services
- o. Sequestration of witnesses who may be supportive to the vulnerable witness
- p. Placement that exposes the vulnerable witness to intimidation, pressure, or continued abuse

- q. Lack of preparation to enable fearless and robust testifying
- r. Worry about not being believed especially when there is no evidence other than the testimony of the vulnerable witness
- s. Worry about being yelled at, ridiculed, or getting into trouble for testifying
- t. Worry about retaliation or repercussions for themselves or their family
- u. Worry about not being understood or being able to communicate effectively
- v. Formality of court proceedings and surroundings including formal dress of members of the judiciary and legal personnel
- w. Inaccessibility of the courtroom, particularly for vulnerable witnesses with disabilities

## **Competency of vulnerable witness:**

Every vulnerable witness shall be presumed to be qualified as a witness unless the court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions due to :

- (a) Tender years
- (b) Disability, either of mind or body and illness or any other call of the same kind, in accordance with section 118 of the Indian Evidence Act, 1872

## **Explanation:**

A mentally ill person may also be held competent unless the person is prevented by the illness to understand questions.

**When conducting the competency examination, the court shall not use “general knowledge” or “current affairs” questions to adjudge competence. Similarly, philosophical questions, such as what truth means should be strictly avoided. (State vs. Rahul CrI. L.P. 250/2012 D.O. April 15, 2013)**

**Persons allowed at competence assessment**— Only the following are allowed to attend the competence assessment:

- i. the Judge and such court personnel deemed necessary and specified by order of the judge concerned;
- ii. the counsel for the parties;
- iii. the guardian ad litem;
- iv. non-offending parent, guardian, friend, relative of a child victim or a person in whom the child has trust and confidence;**
- v. one or more support persons for a child victim or witness;

- vi. Translator, interpreter, expert or special educator, if necessary;
- vii. Person familiar with the manner of communication of a vulnerable witness with intellectual or physical disability;
- viii. The accused, unless the court determines that competence requires to be and can be fully evaluated in their absence; and
- ix. Any other person, who is the opinion of the court can assist in the competent assessment.

- The assessment of a child w.r.t. to his competency as a witness shall be conducted **only by a Judge by asking questions appropriate to the age and development level of the child but not relating to the issues at trial.** The focus should be on ability of the child to remember, communicate, distinguish between truth and falsehood and appreciated the duty to testify truthfully. This duty is continued throughout the testimony of the witness and court is under obligation to pass orders as and when being necessary.
- Before the evidence of a vulnerable witness, **the Judge suo motu after recording the reasons or on application of either party may meet a vulnerable witness in the presence of the prosecution and defence lawyer or in their absence for explaining the court process in order to help them to understand the procedure and give their testimony, free of fear and concerns.**

# Pre-trial visit of witnesses to the Court

Vulnerable witnesses shall be allowed to a pre trial court house tour or tour of the **civil court or Juvenile Justice Board etc. alongwith the support person or para legal volunteer** to enable such witnesses to familiarise themselves with the layout and to explain the following:

- a) The location of the accused in the dock;
- b) Court officials (what their roles are and where they sit);
- c) Who else might be in the court;
- d) The location of the witness box;
- e) A run –through of basic court procedure;



- f) The facilities available in the court which may include the waiting room, toilet, separate passage for entry and exit, and testimonial aids;
- g) Discussion of any particular fears or concerns, including concerns regarding safety in relation to the accused, with the support person, prosecutors and the judge to dispel the fear, trauma and anxiety in connection with the upcoming deposition at court;
- h) Demonstration of any special measures applied for and/or granted, for example practising on the live link and explaining who will be able to see them in the courtroom, and showing the use of screens (where it is practical and convenient to do so).

# Assistance of an Interpreter, Translator, Special Educator or Expert

- i. The court shall ensure that proceedings relevant to the testimony of a vulnerable witness or witness are conducted in language that is simple and comprehensible to the witness.
- ii. Wherever necessary, **the court may, suo motu or upon an application presented by either party or a Support Person of vulnerable witnesses take the assistance of a qualified and experienced interpreter, translator, special educator or expert**, to enable recording of evidence of vulnerable witnesses, and on payment of such fees as may be prescribed by the State Government or authority concerned.

- iii. **The concerned court may consider the qualifications prescribed for interpreters, translators, sign language interpreters, special educators and experts in Rule 5, POCSO Rules 2020 or any other laws, rules, or judgments of the High Court or Supreme Court in this regard.**
- iv. **The court may also take the assistance of a person familiar with the manner of communication of a vulnerable witness with physical or intellectual disability while recording evidence.**

- v. If, in view of the vulnerable witnesses' age, level of maturity or special individual needs of a witness, which may include but are not limited to disabilities (if any), ethnicity, poverty or risk of revictimization, the witness requires special assistance measures in order to testify or participate in the justice process, such measures shall be provided free of cost.
- vi. If the court appoints an interpreter, translator, special educator or expert, the respective counsel for the parties shall pose questions to the vulnerable witness only through them, either in the words used by counsel or, if the vulnerable witness is not likely to understand the same, in words, in words, signs, or by such mode as is comprehensible to the vulnerable witness and which conveys the meaning intended by the counsel.**

# **Court to allow presence of Support Persons**

- i. The court shall inform vulnerable witnesses that they may take the assistance of a Support Person during the trial. In cases under the POCSO Act, 2012, the concerned court shall take into consideration the role of the Support Persons as provided in Rule 4(9), POCSO Rules, 2020.**
- ii. The court shall allow suo motu or on request, verbal or written, the presence of a Support Person of the choice of the vulnerable witness in the courtroom during the deposition, provided that such support person shall not completely obscure the witness from the view of the accused or the judge.**

- iii. The court may allow the Support Person to take appropriate steps to provide emotional support to the vulnerable witness in the court of the proceedings and also inform the court if the vulnerable witness needs a break or is feeling stressed or triggered.**
- iv. The court shall instruct the Support Person not to prompt, sway, influence or tutor the vulnerable witness during their testimony.**

v. Where no other suitable person is available, and only in very rare cases should another witness in the case, whose deposition has already been completed in all respects, be appointed as a Support Person. The court shall ordinarily appoint a neutral person, other than a parent, as a Support Person. It is only in exceptional circumstances keeping the condition of the vulnerable witness in mind, that the court should appoint a parent as a Support Person. In POCSO cases, however, care shall be taken to ensure that the provisions of the POCSO Rules, 2020 regarding engagement of Support Persons are adhered.

- vi. The court shall allow Support Persons to coordinate with the other stakeholders such as police, Special Juvenile Police Unit (SJPU), medical officer, prosecutors, mental health professionals, Child Welfare Committee, Juvenile Justice Board, defence counsels and courts.
- vii. As far as possible, the concerned court shall ensure the continuity of the same Support Person during the deposition.
- viii. If the Support is also a witness in the case, their testimony shall be recorded, ahead of the testimony of the vulnerable witness.



# Additional Guidelines Specific to Child Victims and Witnesses

The questions to be asked to assess the competency of a child witness shall be :

- Appropriate to the age and developmental level of child
- In no manner related to the issues of the trial.
- Focus on the ability of the child to remember, communicate, distinguish between truth and falsehood and appreciate the duty to testify truthfully

# Guardian ad litem

- The court may appoint any person may be a member of Bar/Practicing Advocate except a person who is a victim or witness to a crime in any proceeding involving the child as guardian ad litem either to a victim or a witness to a crime.
- Such order should be to be best interests of the victim or witness after considering the background of the guardian ad litem and the familiarity with the judicial process, social service programme and child development.
- The preference should be given to parents of the child, if qualified.

## **Duties of Guardian ad litem:**

It shall be the duty of the guardian ad litem so appointed by court to:

- i. attend all depositions, hearings, and trial proceedings in which a vulnerable witness participates.
- ii. make recommendations to the court concerning the welfare of the vulnerable witness keeping in view the needs of the child and observing the impact of the proceedings on the child.

- iii. explain in a language understandable to the vulnerable witness, all legal proceedings, including police investigations, status and progress of the trial, child friendly measures and rights and witness protection manners in which the child is involved;
- iv. assist the vulnerable witness and his family in coping with the emotional effects of crime and subsequent criminal or non-criminal proceedings in which the child is involved;
- v. remain with the vulnerable witness while the vulnerable witness waits to testify;

35. **Testimony during appropriate hours** - The court may order that the testimony of the child witness or child victim should be taken during a time of day when the vulnerable witness is well-rested and does not clash with their routine activities like meal and sleep timings, attending school/exams or other activities specific to that witness. **(ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Clause 30(d))**.
36. **Frequent breaks during testimony** - The child witness or child victim may be allowed reasonable periods of relief and breaks while undergoing depositions, as often as necessary, depending on their age, disability, and developmental need. **(POCSO Act 2012, Section 33(3) ECOSOC Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, Clause 30(d))**.

# Measures to Protect the Privacy and Well Being of Child Victims and Witnesses

- i. Confidentiality of vulnerable witnesses and judicial transparency are not mutually exclusive and valuable victims/witnesses right to information and access to court records in their own case shall not be restricted in the name of protecting their privacy and confidentiality. It is possible for courts to maintain anonymity of vulnerable witnesses through simple name suppression measures which would then enable the release of court documents without endangering their privacy. Best practices from various countries and international tribunals and courts may be adapted for the purpose of balancing confidentiality and judicial data accessibility and transparency.

- ii. To ensure the privacy and physical and mental well being of a child victim and to prevent undue distress and secondary victimization, taking into account the best interests of the vulnerable witness, the court may order one or more of the following measures to protect the privacy and physical and mental well being of the vulnerable child witness or victim.

- a) Concealing from the public record any names, addresses, workplaces, professions or any other information that could lead to the identification of the child victim or witness in orders, judgments, or any case records accessible to the public. Where the accused is related to the child victim, care shall also be taken to redact the identity of the accused before making the order or judgment accessible to the public?
- b) Prohibiting the defence lawyer and persons present in the court room from revealing the identity of the vulnerable witness or disclosing any material or information that would lead to the identification of the vulnerable witness in the media.



- c) Protecting the identity of child victims and permitting disclosure in accordance with relevant statutory provisions and judicial precedents;
- d) Assigning a pseudonym or a number to a child victim in case of sexual offences, in which case the full name and date of birth of the child shall be revealed to the accused for the preparation of the defence. In other cases, a pseudonym may be assigned as per request of the parties;
- e) Avoiding exposure to the accused by using screens or single visibility mirror;

- f) Through examination in another place, transmitted simultaneously to the courtroom by means of video link; through a qualified and suitable facilitator, such as, but not limited to, an interpreter for vulnerable witness with hearing, sight, speech or other disabilities;
- g) Holding in-camera trials'
- h) If the child victim or witness refuses to give testimony in the presence of the accused or if circumstances show that the child may be inhibited from speaking freely in that person's presence, the court shall give orders to temporarily remove the accused from the courtroom to an adjacent room with a video link or a one way mirror visibility into the courtroom. In such cases, the defence lawyer shall remain in the courtroom and question the vulnerable witness, and the accused's right of confrontation shall thus be guaranteed;

- i. taking any other measure that the court may deem necessary to advance the right to privacy. Including, where applicable. anonymity, taking into account the best interests of the child witness and the rights of the accused.
- (iii) Orders and Judgments pertaining to cases involving vulnerable child witnesses shall be made available on e-courts or on the official portal of the court after suppressing their identifying information.

# **Standard Operating Procedure to be Followed during Virtual Examination of Child Witnesses**

- Judges shall ensure that the Standard Operating Procedure affirmed by the Hon'ble Supreme Court of India in In Re Children in Street Situation is adhered to in all criminal trials where the child witness does not reside near the court where the trial is conducted and where the child witness is examined virtually, not physically, by the court in which the trial is conducted.

# **Man-power Required for Smooth and Efficient Functioning of Vulnerable Witness Deposition Centre**

- The requisite man-power for smooth and efficient functioning, management and regulation of the affairs of Vulnerable Witness Deposition Centre including keeping and maintaining of records and data etc. shall be determined by the High Court from time to time.

# **Application of Rules for Video Conferencing for Courts**

Wherever applicable or in case of any ambiguity, 'Rules for Video-Conferencing for Courts' contained in Punjab and Haryana High Court Rules and Orders Volume I, III & V or any other rules as framed by the High Court of Punjab and Haryana in this regard shall apply.

# **Booking of slot for examination of vulnerable witnesses in Vulnerable Witness Deposition Centre**

On receipt of requisitions from different courts relating to the examination of vulnerable witnesses in the Vulnerable Witness Deposition Centre shall book date and time slot for such examination, enter the slot booking in a register to be maintained by him and communicate the same to the concerned courts well in advance.

# Man power required for Smooth and Efficient Running of Vulnerable Witness Deposition Centre

- a) **Officer in Charge** : The Officer in Charge shall be designated by the concerned District & Sessions Judge who shall ensure management and regulation of the affairs of Vulnerable Witness Deposition Centre including keeping and maintaining of records and data etc.
- b) **Technical Assistant-cum-Coordinator** : The Technical Assistant shall be appointed/designed by the District and Sessions Judge who shall apart from providing technical support at all ends in smooth and effective running of Vulnerable Witness Deposition Centre in managing and regulating the affairs of Vulnerable Witness Deposition Centre. Wherever applicable, he shall also function as remote point coordinator under 'Rules for Video-Conferencing for Courts' contained in Punjab and Haryana High Court Rules and Order, Volume I, III and V.



# Right to be Informed

It is right of the vulnerable witness, his or her parents or guardian/lawyer/support person, if any, or other appropriate person **to be promptly informed by the court about the stage of the process to the extent feasible and appropriate about the following:**

- (a) charges brought against the accused, or if none, the stay of proceedings against them ;
- (b) the progress of the case ;
- (c) procedures of the criminal justice process including the role of vulnerable witnesses, the importance, timing and manner of testimony, and the ways in which proceedings will be conducted during the trial;
- (d) existing support mechanisms for a vulnerable witness when participating in proceedings, including making available appropriate person designated to provide assistance;

- e) schedule of court proceedings that the vulnerable witness is either required to attend or is entitled to attend and the specific time and place of hearings and other relevant processes;
- f) right of the informant or person authorized by the informant to be present at the time of hearing of bail application of an accused under Sections 376(3), 376AB, 376DA, or 376DB of the Indian Penal Code, 1860, or under the POCSO Act.
- g) right of vulnerable victims and their dependents to reasonable, accurate and timely notice of court proceedings and bail proceedings under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989;

- h) right of vulnerable victims and their dependents to be heard during proceedings of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission or conviction, acquittal or sentencing under the Scheduled Castes and Schedule Tribes (Prevention of Atrocities Act), 1989;
- i) availability of public and private emergency, and crisis services, including shelters;
- j) availability of protective measures;
- k) availability of victim's compensation benefits;
- l) availability of legal aid;

m) availability of institutional and non-institutional care under the POCSO Act and Rules, JJ Act, 2015 and Model Rules or applicable State Rules, and other applicable laws, as well as the United Nations Convention on the Rights of the Child and other international legal instruments, including the Guidelines and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985;

- (n) relevant rights of child victims and witnesses u/the POCSO Act and Rules, JJ Act,2015 and Model Rules or applicable State Rules and other applicable laws as well as the UN Convention on rights of the child and other International legal instruments, including the Guidelines and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985;
- (o) the progress and disposition of the specific case, including in a criminal case the apprehension, arrest and custodial status of the accused and any pending changes to that status, the prosecutorial decision and relevant post-trial developments and the outcome of the case and sentence imposed;
- (p) all decisions, or atleast those decisions affecting the interests of the victim and vulnerable witness;
- (q) the process for appeal against the order of the court.

# Waiting Area for Vulnerable Witness

- It has to be ensured by the courts that there is separate waiting area for vulnerable witnesses with the support person, the non-offending family member and lawyer, if any.
- It should also be ensured that the waiting room should be assessable to all the vulnerable witnesses including those disability.
- It should be furnished to make such witness comfortable and may include but not limited to being furnished and equipped with toys, books, games, drawing and painting materials and other such activities, TV etc. which can help to lower the anxiety of the witness.
- It could include a place to rest or sleep for very young child witness.

- Assessable toilets and drinking water facilities.
- It should be easily assessable without confronting with other litigants, police or the accused and their associates.
- It needs to be equipped with a digital “Case No. Display Monitor”.
- Arrangements for deposition of such witness from the waiting area which may include monitor and screens.

# Duty to Provide Comfortable Environment

- Duty of the court to ensure a comfortable environment by issuing direction and by supervising the location, movement and deportment of all persons in the court room including the parties, their counsel, vulnerable witness, support person, guardian *ad litem*, facilitator and court personnel.
- Separate and safe **furnished waiting areas** for vulnerable witnesses including persons with disabilities with the support person and lawyer, if any.
- The child may be allowed to testify from a place other than the witness chair, which could be turned to facilitate his testimony but the opposing party must have a front on or a profile view of the child even by a video link during testimony of the child.



- The witness chair can be rearranged to allow the child to see the opposing party, if he chooses to look at them. However, in case of victim of sexual offence, the exposure of the victim to the accused at the time of recording the evidence should be avoided.
- The Judge may be dispensed with from wearing Judicial Robes during such testimony.
- Access to crèche facilities within court premises be made available.

# Directions for judges of Criminal Courts, Children's Courts and JJ Boards

- Vulnerable witnesses should be given higher priority.
- To identify the developmental needs of vulnerable witnesses and accommodate them accordingly in the arrangement of the court room and recording of the testimony.
- To treat the statement of vulnerable witnesses with disability may be temporary or permanently mentally or physically being victim under section 354, 354A, 354B, 354C, 354D, 376(1), 376(2), 376A, 376B, 376C, 376D, 376E or 509 IPC under Section 164 (5A) as examination in chief.

- Additional measures to be taken. For example, to record witness in Braille, amplification devices/document magnifiers ensuring that all notices/summons are available by accessible means and accessible formats; use of video and audio guides; engagement of sign language interpreters; enabling wheelchair access in the court premises, court room and witness box. Adequate time should be given to such witness using communication boards during evidence.

- To ensure that the victim or vulnerable victim is not scared and able to reveal what happened;
- Adequate time and opportunity to be given to refresh the memory of such witness;
- To avoid asking the witness to demonstrate intimate touching on their own body but can be asked to point to a body outline diagram;
- To allow support person with such witness at the time of deposition guarding against unnecessary sequestration.
- To encourage such witness to let the court know if they have any problem, do not understand the question or need a break;
- To ensure that the atmosphere is conformable and not intimidating by allowing limited number of defence lawyers or not allowing the questions in an intimidating done.

- The court shall ensure before time that the equipment of live link is working .
- To carefully monitor the examination and cross examination to avoid any harassment or intimidation;
- To allow to carry a comfort item to provide transport or transportation cost in accordance with the guidelines prescribed by the concerned high court;
- To ensure that the SOP affirmed by the Hon'ble Supreme Court is followed.
- The testimony of the vulnerable witness should be recorded when he is well rested.
- He may be allowed reasonable periods of relief during his deposition.
- The testimony should be conducted *in-camera*.

# Live link Testimony or Provision of Screens, One Way Mirrors and Other Devices to Vulnerable Witness

- The court on its own or on application either by the prosecutor or counsel/guardian ad litem of the child, testimony of the child may be recorded in a room outside the court room and be televised to the court room by live link television.
- To decide such application, the Judge may question the child in chamber or in some comfortable place other than court room in the presence of support persons, guardian ad litem, prosecutor and counsel for the parties regarding the feelings of the child about testifying in the court and not touching the issues in the trial.
- The court on its own or on an application either by the Prosecutor, Counsel/Guardian ad litem of the child, the chair of the witness or a screen or other device by placed in the court room in such a manner that the child cannot see the accused while testifying. The court shall issue an order stating the reasons and describing the approved court room arrangement.

However, to consider the said application following 13 factors are to be considered:-

- (i) the age and level of development of the vulnerable witness;
- (ii) his physical and mental health, including any mental or physical disability;
- (iii) any physical, emotional, or psychological harm related to the case in hand or trauma experienced by the child;
- (iv) the nature of the alleged offence and circumstances of its commission;
- (v) any threats against the vulnerable witness;
- (vi) his relationship with the accused or adverse party;

- (vii) his reaction to any prior encounters with the accused in court or elsewhere;
- (viii) his reaction prior to trial when the topic of testifying was discussed with him by parents or professionals;
- (ix) specific symptoms of stress exhibited by the vulnerable witness in the days prior to testifying;
- (x) testimony of expert or lay witnesses;
- (xi) the custodial situation of the child and the attitude of the members of his family regarding the events about which he will testify;
- (xii) the wishes of the vulnerable witness on the manner in which they would like to render the testimony; and
- (xii) other relevant factors, such as court atmosphere and formalities of court procedure.



# Rules of Deposition and Mode of Questioning

The court shall explain to a vulnerable witness :

- i. To listen carefully to the questions and not to reply by nodding/shaking head but by speaking clearly and loudly
- ii. To state specifically where he/she does not remember something
- iii. To clearly ask to repeat the question when not understood

- The court shall allow the questions to be put in simple language without slang, proverbs etc.
- The protect the victim from harassment or undue embarrassment, character assassination, aggressive questioning and ensure that dignity of the witness is maintained.
- Allow the witness to testify in a narrative form.
- In case of multiple accused persons or defendants, minimise repetition of questions and ask the questions in advance.
- In cases of sexual offences, to ensure that the questions are put to the child victim only through the court.
- Objections should be couched in a manner so as not to mislead, confuse, frighten a vulnerable witness.

The court shall not allow:

- i. Questions carrying words capable of two or three meanings
  - ii. Questions having use of past and present in one sentence
  - iii. Question having multiple questions which is likely to confuse the vulnerable witness
- The reaction of a vulnerable witness shall be treated as sufficient clue that the question was not clear and the court shall ask to rephrase the same.

To ascertain the truth from the vulnerable witness, the court shall:

- (i) ensure that questions are stated in a form appropriate to the developmental level of the vulnerable witness;
- (ii) protect vulnerable witness from harassment or undue embarrassment; and
- (iii) avoid waste of time by declining questions which the court considers unacceptable due to their being improper, unfair, misleading, needless, repetitive or expressed in language that is too complicated for the witness to understand.
- (iv) the court may allow the child witness to testify in a narrative form.
- (v) questions shall be put to the witness only through the court.

# Compensation

- The court shall apply its mind to the question of award of compensation in every case involving a victim who is a vulnerable witness, having regard to the applicable laws and schemes.

# Protection of Privacy and Safety

- Orders and judgments involving vulnerable witnesses shall be made available on e-courts or on the official portal of the court after redacting identifying information of vulnerable witnesses.
- Any record regarding a vulnerable witness shall be confidential and kept under seal. It can be provided only on oral request, to the following:-
  - (i) Members of the court staff for administrative use;
  - (ii) The Public Prosecutor for inspection;
  - (iii) Defence counsel for inspection;
  - (iv) The guardian ad litem for inspection;
  - (v) Other persons as determined by the court.

# Protective Order

- Where the deposition of the vulnerable witness is recorded by video link, it shall not be video recorded except under reasoned order requiring the special measures by the Judge.
- Where any video tape or audio tape of vulnerable witness is made, it shall be under a protective order that provides as follows:-
  - i. A transcript of the testimony of the vulnerable witness shall be prepared and maintained on record of the case. Copies of such transcripts shall be furnished to the parties of the case.
  - ii. Tapes may be viewed only by parties, their counsel, their expert witness and guardian ad litem in the office of the court, following a procedure similar to inspection of documents.

- iii. **No person shall be granted access to the tape or any part thereof unless he signs a written affirmation** that he has received and read the copy of the protective order; then he submits the jurisdiction of the court with respect to the protective order; and that in case of violation, he will be subject to the contempt power of the court.
- iv. Each of the tapes, if made available to the parties or their counsel shall bear the following cautionary notice:



“This object or document and the contents thereof are subject to a protective order issued by the court in (case title), (case number). They shall not be examined, inspected, read, viewed, or copied by any person, or disclosed to any person, except as provided in the protective order. No additional copies of the tape or any of its portion shall be made, given, sold, or shown to any person without prior court order. Any person violating such protective order is subject to the contempt power of the court and other penalties prescribed by law.”

- (v) No tape shall be given, loaned, sold, or shown to any person except as ordered by the court.
- This protective order shall remain in full force and effect until further order of the court.

- v. No tape shall be given, loaned, sold or shown to any person except as ordered by the court.
- vi. This protection order shall remain in full force and effect until further order of the court.
- Such video tape or audio tape shall be destroyed as per the rules framed by the Delhi High Court.
- A vulnerable witness has arrived at any court proceeding not to testify regarding personal identifying information including his name, address, telephone number, school and other information that could endanger his physical safety or his family. However, the court may require him/her to testify regarding personal identifying information in the interest of justice.

# Protective Measures

At any stage of the proceedings, where the safety of a child victim or witness is deemed to be at risk, the court shall arrange to have protective measures for the child, which may include:

- (a) Prohibiting direct or indirect contact between a child victim or witness and the accused at any point in the justice process;
- (b) restraint orders;
- (c) direct continuation of bail conditions during trial;
- (d) protection for a vulnerable victim or witness by the police or other relevant agencies and safeguarding the whereabouts of the such witness from disclosure;
- (e) any other protective measures that may be deemed appropriate including stipulated under the Witness Protection Scheme, 2018.

# Review and Monitoring

- The implementation of the guidelines shall be reviewed annually. For the said purpose, the high court concerned shall engage independent research bodies or organizations, reputed academics institutions or universities or constitute a multi disciplinary committee including experts having the experience of working with vulnerable witnesses.
- The recommendations received shall be promptly acted upon and the guidelines may also be updated based on relevant legal developments.



**THANK YOU**