

ADDRESS DELIVERED BY JUSTICE G. ROHINI, CHIEF JUSTICE, DELHI HIGH COURT ON THE INAUGURATION OF VULNERABLE WITNESS DEPOSITION COMPLEX AT TIS HAZARI COURT COMPLEX, NEW DELHI ON 26TH APRIL, 2016 AT 5:00PM

1. It gives me immense pleasure to associate myself with today's program at Tis Hazari Court Complex on the occasion of inauguration of 'Vulnerable Witness Deposition Complex'. Similar Deposition Complexes for vulnerable witnesses have already been established at the Karkardooma Court and the Saket Court and I am happy to share with you that under the able guidance of Justice Gita Mittal, they are proved to be very successful in the functioning of the justice delivery system.
2. At the outset I extend my gratitude to Hon'ble Justice Madan B. Lokur, for having graced this occasion despite his busy schedule. We are grateful to you Sir for the support and encouragement being extended for the implementations of the guidelines laid down by the Courts for protection of vulnerable witnesses.
3. Crime is a public wrong. It not only breaches public rights and duties but also affects the society in general.

4. It is an established fact that the testimonies of the witnesses form an essential ingredient in a criminal trial. 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 for justice to be done, to ensure protection of witnesses and victims.

5. 'Witnesses' as Bentham said: are the eyes and ears of justice. A witness is a person who gives testimony or evidence before any Court. Investigation and prosecution to a large extent depend upon the witnesses who are reliable and whose testimony can be accepted as truthful, accurate and complete.

6. 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.

7. Any witness who has been subjected to threats of violence or retribution in connection with the proceedings can be termed as a vulnerable witness and it is the duty of the State to extend protection to such witnesses from intimidation or physical harm that the criminal groups may adopt to dissuade them from giving evidence.

8. 'Witness protection' includes various methods and measures required to be applied at different stages of the criminal proceedings to ensure the safety and security of witnesses. The extent of protection depends on the nature of the risk to the security of the witness, the value of the evidence and the importance attached to it in the facts and circumstances of the case.

9. 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.

10. 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.

11. The witness protection programme covers all violent crimes where there is every likelihood of the witness or victim being intimidated by the accused.

12. Every judicial member associated with the criminal justice system has a great responsibility to find a way to have access to the information possessed by the vulnerable witness 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. All the three elements would be taken care of if the trial is concluded in the vulnerable witness deposition complexes.

13. Being the patron in chief of the Delhi State Legal Services Authority, I take this opportunity to share with you the various steps being taken by the Delhi State Legal Services Authority for effective implementation of Delhi Victim Compensation Scheme, 2011. The said Scheme provides for payment of compensation to a victim of crime in the range of Rs. 2 to 3 Lacs as also a compensation of Rs.50,000/- to a victim of human trafficking, child abuse and kidnapping.

14. DSLSA has been taking effective steps to ensure that the compensation under the Scheme is disbursed to the victim of crime without any delay. In 2014, compensation was awarded in 280 cases and Rs.2.03 crores was released to the victims, whereas in 2015, compensation was awarded in 195 cases and a sum of Rs.1.95 crores was released.

15. Pursuant to the directions issued by Delhi High Court in Writ Petition No.3686/2013 tilted Nandita Dhar v. Union of India, Delhi State Legal Service Authority along with Delhi Police, Department of Health & Family Welfare, Department of Women & Child Development and Delhi Commission for Women has framed Standard Operating Procedures for setting up of One Stop Centres in each Government owned hospitals, to cater to victims of rape, sexual offences, acid attacks, domestic violence, stalking etc. The objective is to provide and render all necessary assistance to a victim of crime under one roof, i.e. legal counselling, psychological counselling, forensic analysis, medical analysis etc.

16. On the same lines, One Stop Centres are opened in six District Court Complexes with effect from 1st April, 2016. Such Centres, which are first of its kind, are dedicated set up where all basic amenities are available and where the victim can make himself/herself comfortable before making their way to the Court Room as and when called for testimony.

17. I would also like to take this opportunity to share with you that following High Court's order in Jessica Lal and Nitish Katara murder cases, Delhi State Legal Services Authority, by involving major stakeholders, namely, Delhi Police, Department of Home, Department of Women & Child Development, Delhi Commission for Women, Finance Department & NGOs, framed 'Delhi Witness Protection Scheme, 2015'. This is the first scheme of its kind in the country, making it a watershed in the procedure of providing protection to the witnesses.

18. 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.

19. With the unconditional support extended by the members of the Bar the Vulnerable Witness Deposition Complex at the District Court complexes of Saket and Karkardooma have been proved to be successful.

20. I am sure similar support, understanding and cooperation will be extended by the members of the Bar at Tis Harazi Court Complex as well.

21. Before concluding I would like to express my gratitude to all of you for the wonderful opportunity provided to me to share my thoughts with you, I conclude with a sincere prayer to the Almighty to bless all of us with the strength and courage to uphold the nobility and the glorious traditions of this great institution for many-more years to come.

Thank you.