

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

HHC/Rules/SC/Vulnerable Witnesses/2018-

Dated: Shimla, the 11th September, 2018

OFFICE ORDER

In compliance of directions passed by the Hon'ble Supreme Court of India in Criminal Appeal No. 1820 of 2017 (Arising out of SLP (Criminal) No. 2172 of 2014) titled the State of Maharashtra versus Bandu @ Daulat, Hon'ble the High Court of Himachal Pradesh has been pleased to adopt the guidelines for recording the evidence of vulnerable witnesses in criminal matters, as framed by the High Court of Delhi, with necessary modifications, as annexed herewith.

**BY ORDER
REGISTRAR GENERAL**

Endst.No.HHC/Rules/SC/Vulnerable Witnesses/2018-24922-29

Dated: 11.9.2018

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Copy forwarded for information to:

1. The Principal Private Secretary to Hon'ble the Acting Chief Justice, High Court of Himachal Pradesh.
2. All the Secretaries to the Hon'ble Judges, High Court of Himachal Pradesh.
3. The Assistant Registrar, Supreme Court of India, New Delhi w.r.t. his letter D.No. 1738/2014/SEC-IIA, dated 30.10.2017 **(By Registered Post)**.
4. The Secretary/Private Secretary/P.A. to the Registrar General/Registrar (Vigilance)/District and Sessions Judge (Leave/Training Reserve)/Registrar (Protocol & Judges Branch)/Registrar (establishment and GAD)/Registrar (Accounts)/Central Project Coordinator, High Court of Himachal Pradesh.
5. All the District and Sessions Judges in Himachal Pradesh with a request to circulate the same amongst all the Judicial Officers posted in their respective divisions **(By Registered Post)**.
6. All the Additional Registrars, High Court of Himachal Pradesh.
7. The Section Officer (O&A) for information and necessary action.
8. The Section Officer (Computers), High Court of Himachal Pradesh with a request to obtain a soft copy of these guidelines from this Branch so as to upload the same on the High Court website.


(Rakesh Kainthla)

**District and Sessions Judge
(Leave/Training Reserve)**

Preamble

The purpose of this protocol is to present guidelines and mandatory recommendations to improve the response of the justice dispensation system to vulnerable witnesses.

This protocol prescribes guidelines for recording depositions of vulnerable witnesses to enable them to give their best evidence in criminal proceedings. Each witness is unique and is to be handled accordingly. Some of the most challenging cases handled by judges during the course of their careers are those involving vulnerable witnesses and the treatment given to such witnesses in the Courts, impact significantly the quality of deposition and potential outcome of a trial. Criminal justice system should not only punish and reform offenders but should ensure that services and support available to vulnerable and intimidated witnesses, including children, reach the highest possible standards.

Vulnerable witnesses find the criminal justice system intimidating, particularly the courtroom experience and in these circumstances, a vulnerable witness may provide weak testimony and contribute less information than should have been elicited. Further, the lengthy process of navigating the formal and adversarial criminal justice system can affect the vulnerable witness's psychological development and disable his sensitivity in significant and long-lasting ways.

To respond effectively to the needs of vulnerable witnesses, the criminal justice system needs to respond proactively with sensitivity in an enabling and age-appropriate manner so that the trial process is less traumatic for them.

