HIGH COURT OF DELHI AT NEW DELHI

No. 356-368/Rules/DHC/2022 Dated : 05/04/2022

From

The Registrar General,
High Court of Delhi,
New Delhi.

To

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.
2. The Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi.
3. The Principal District & Sessions Judge, South District, Saket Courts, New Delhi.
4. The Principal District & Sessions Judge, South-West District, Dwarka Courts, New Delhi.
5. The Principal District & Sessions Judge, North District, Rohini Courts, Delhi.
6. The Principal District & Sessions Judge, South-East District, Saket Courts, New Delhi.
7. The Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi.
8. The Principal District & Sessions Judge,New Delhi District, Patiala House Courts,New Delhi.
9. The Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.
10. The Principal District & Sessions Judge, North-East District, Karkardooma Courts, Delhi.
11. The Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi
12. The Principal District & Sessions Judge-cum-Special Judge, CBI (PC Act), Rouse Avenue District Court Complex, New Delhi
13. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi

Sub: Practice Directions for functioning of Vulnerable Witness Deposition Complex

Sir/Madam,

This is to bring to your kind notice that Hon'ble the Acting Chief Justice, on the recommendations of the "Committee to monitor proper implementation of several guidelines laid down by the Supreme Court as well as this Court for dealing with matters pertaining to sexual offences, child witnesses and other vulnerable witnesses", of this Court has been pleased to issue Practice Directions for functioning of Vulnerable Witness Deposition Complex for implementation in your Districts.

Yours sincerely,

(Aparna Swami)
Joint Registrar (Rules)
For Registrar General

Encl : As above.

YWDC

P. DSJ (HQ)
07/04/22

(3)

HIGH COURT OF DELHI : NEW DELHI

No. 84 /Rules/DHC Dated : 05/04/2022

PRACTICE DIRECTIONS FOR FUNCTIONING OF VULNERABLE WITNESS DEPOSITION COMPLEX

Hon'ble the Acting Chief Justice, on the recommendations of the "Committee to monitor proper implementation of several guidelines laid down by the Supreme Court as well as this Court for dealing with matters pertaining to sexual offences, child witnesses and other vulnerable witnesses", of this Court has been pleased to issue following Practice Directions for information and compliance by all concerned :-

AIM & OBJECT:

To facilitate and ensure optimum utilization of the services of Ministerial Staff and the facilities of the Vulnerable Witnesses Deposition Complex during the recording of Evidence / In-Camera Proceedings by different Courts.

The words and phrases used in these practice directions are defined as under:-

(i) "*Committee*" means the "District Court Vulnerable Witness Deposition Courtrooms Monitoring Committee (VWDCMC)".

(ii) *"Complex"* means Vulnerable Witnesses Deposition Complex (VWDC), Delhi.

(iii) *"Court Room"* means the Vulnerable Witness Court Room(s).

(iv) *"Evidence Room"* means the Annexee Room(s) meant for the recording of evidence of Vulnerable Witness in the complex through video conferencing with the aid of Support Person.

(v) *"Presiding Officer"* means the Judicial Officer presiding the court during the Camera Proceedings in the VWDC.

(vi) *"VWDC Staff"* means the ministerial staff, irrespective of cadre, posted/deputed at Vulnerable Witnesses Deposition Complex, Delhi.

(vii) *"Court Staff"* means staff (i.e. PA/Reader/Ahlmad/Asstt. Ahlmad/Orderly) posted in the court of Presiding Officer concerned.

(viii) *"Judicial Record"* means and includes the Judicial File including the Evidence recorded/Order Sheets/Case Property of the case listed for recording the evidence in the complex.

GUIDELINES / INSTRUCTIONS:

i) The VWDC Staff shall ensure that the facilities required to be provided to Vulnerable Witnesses viz. transportation refreshment/pantry items and other necessary items along with lean and hygienic conditions are being provided to vulnerable witness and shall also be extended to the guardians / parents accompanying the vulnerable witness subject to maximum two persons accompanying a single vulnerable witness per case.

ii) The VWDC Staff shall make all necessary arrangements in the Court Room for recording of testimony of Vulnerable Witnesses, including availability of stationery items, Support Persons/Facilitator and shall ensure proper functioning of electronic equipments & peripherals installed at VWDC.

iii) The VWDC Staff shall assist the Committee and also look after all the administrative as well as financial matters pertaining to the VWDC, like payments to support persons, purchase of pantry or any other items etc. or any other functions as may be assigned by the Chairperson of the Vulnerable Witness Deposition Courtrooms Monitoring Committee (VWDCMC).

iv) The Presiding Officer holding/conducting in camera proceedings in the Complex, shall be accompanied and assisted by his / her court staff, during the course of in Camera proceeding/Judicial proceeding. It shall be duty of the court staff accompanying the testimony of the Witness etc. and all other ancillary functions which they are supposed to do in the ordinary course while performing their duties in the regular functioning of their courts.

v) On the day of recording of testimony at the VWDC court room, the Court Staff of the Presiding Officer concerned shall be the custodian of the Judicial Record and VWDC Staff shall have no concern with it or have any accountability towards the said Judicial Records. It shall be the sole responsibility of the Court Staff to ensure safe custody of the Judicial Records or any case property concerning the particular case.

vi) The Court Staff shall ensure that all soft data (i.e. evidence recorded in PC) in pen drive or in any storage device and any other document related to Judicial Record shall be removed from the computer / premises of VWDC after recording of testimony of vulnerable witness before having the Complex for ensuring privacy and confidentiality of the data.

vii) The Court Staff shall provide all the requisite information of the case/matter listed for evidence in the Complex as may be required by the VWDC Staff in the *Proforma* prescribed by Hon'ble Delhi High Court Committee.

viii) It shall be the duty of the Court Staff of the Presiding Officer to furnish the contact number of the vulnerable witness or his/her guardian to the VWDC Staff well in advance so as to enable the VWDC Staff to make necessary arrangements of transportation of vulnerable witness from his/her place of residence to court and back and to ensure proper coordination between the vulnerable witness and the assigned support person.

ix) If the Presiding Officer happens to be on leave or on Training or otherwise not available, the Court Staff concerned shall inform the VWDC Staff well in advance so that necessary steps are taken immediately and the complex may be used by Presiding Officer having next priority on a particular day.

Further, in case due to some reason, the Presiding Officer is unable to examine a particular witness on a particular day, the court staff shall intimate the VWDC staff in writing as early as possible so that the vulnerable witness, if already present at VWDC, may be promptly sent back or in case they are in transit, the driver/support person may

be directed to drop the witness back to his/her residence or in case vulnerable witness is still at home he/she may be informed accordingly.

x) The VWDC Staff may be contacted for all the information i.e. the availability of the Complex or Witness and/or any other related information during office hours only.

xi) Where a vulnerable witness is required to be accommodated in the complex (though not summoned as witness on the said date), advance intimation be sent in writing so that appropriate arrangements may be made. No vulnerable witness who is not summoned for a particular day shall be accommodated of such witness shall be subject to availability of space at VWDC. For the best interest of the vulnerable witness the Presiding Officer must ensure that the vulnerable witness is accompanied by a guardian/any other person acquainted with the vulnerable witness.

By Order

(RAVINDER DUDEJA)
REGISTRAR GENERAL

Endst. No. 343-355 /Rules/DHC/2022 Dated: 05/04/2022

Copy forwarded for information and compliance to:-

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.
2. The Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi.
3. The Principal District & Sessions Judge, South District, Saket Courts, New Delhi.
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13. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi

(APARNA SWAMI)
JOINT REGISTRAR (JUDICIAL) (RULES)

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs), DELHI

No. 28183-28283 /VWDC (HQs)/THC/2022 Dated, Delhi the 21 APR 2022 21 APR 202

Subject : Practice Directions For Functioning Of Vulnerable Witness Deposition Complex.

Copy forwarded for information and compliance in its letter and spirit (Practice Directions for *functioning of VWDC*) to:

1) PS to Ld. Principal District & Sessions Judge (HQs), Delhi.
2) All the Judicial Officers, Central District, Tis Hazari Courts, Delhi.
3) Sr. A.O. (Judl.) / A.O.(Judl.)/ Branch In-charge, General Branch, Central District, Tis Hazari Courts, Delhi (*for Reference Book of Chronological Compilation of Circulars and Practice Directions*).
4) The Office of the Chief Metropolitan Magistrate (Central), Tis Hazari Courts, Delhi.
5) For uploading on LAYERS.
6) For uploading on centralized website through LAYERS.
7) Reader to undersigned.

(MUKESH KUMAR GUPTA)
Additional District Judge-11,
Central/Chairperson (VWDC)
Tis Hazari Courts, Delhi.