

Vulnerable Witness Deposition Scheme

The Vulnerable Witness Deposition Scheme aims at providing safety to vulnerable witnesses based on threat assessment and protection measures. In this article, we bring to you the aspects of the VWDC scheme, along with its objectives and significance.

Latest Update: The Supreme Court of India has expanded the meaning of vulnerable witnesses to also include among others sexual assault victims, those with mental illness and people with speech or hearing impairment.

The bench was held by Justice DY Chnadrachud and Surya Kant, who evidently mentioned that vulnerable witnesses would not just include child witnesses but also,

- Age-neutral & Gender-neutral victims of sexual assault
- Witnesses suffering from mental illness as defined in Mental Healthcare Act
- Witnesses with threat perception and any speech or hearing impaired individual
- A person with other disabilities is considered vulnerable by the court

What is the Vulnerable Witness Deposition Centre (VWDC) Scheme?

The Supreme Court in its order also mentioned setting up of Vulnerable Witness Deposition Centres.

Other things addresses in the same regard by the court include:

- Setting up centres that will act as a barrier-free environment for recording the statement of witnesses
- A Vulnerable Witness Deposition Centre (VWDC) scheme to be adopted within a period of two months
- Setting up a permanent VWDC committee
- Also, an order to set up VWDC in every district was passed by the bench. Each of them to be established in close proximity to the Alternate Dispute Resolution (ADR) centres

VWDC Training Programs

- The court also focussed on the importance of conducting training programs to manage VWDC for all its members and stakeholders
- The former Chief Justice of Jammu and Kashmir HC Justice Gita Mittal has been appointed as the first Chairperson of the committee and given the responsibility for the implementation and design of an All India VWDC training program. Her initial tenure was specified as 2 months
- For an effective interface for training programs, National and State Legal Services Authorities have been suggested to work with the Chairperson
- For logistical support, a nodal officer is to be appointed by the Union Ministry of Women and Child Development

Witness Protection Scheme, 2018

India's First Witness Protection Scheme was introduced in the year 2018. It was drawn by the central government with the objective of ensuring protection to the witnesses who may be intimidated or frightened to give evidence.

The Scheme provides for three categories of witness as per threat perception:

Category 'A': Where the threat extends to the life of the witness or his/her family members, during investigation/trial or thereafter.

Category 'B': Where the threat extends to safety, reputation or property of the witness or his/her family members, during the investigation/trial or thereafter.

Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his/her family member's, reputation or property, during the investigation/trial or thereafter.

A State Witness Protection Fund was also introduced under the scheme that would be managed by the Department/Ministry of Home under State/Union Territories.

Why was the Witness Protection Scheme introduced?

The judicial system found many instances where the witnesses turned hostile during the trials. To curb this threat and protect the vulnerable witnesses, this scheme was introduced. The general reasons for the witnesses to turn hostile included:

- Power of money, muscle and status enforced by the accused on the witness
- Threat to life or intimidation
- Lack of transparency in the trial
- Hassle/inconvenience faced by witnesses during the trials

Witness Protection in India – Key Facts

- In 2018, when the Witness Protection Scheme, 2018 was introduced, the court had stated that under Article 21 (Right to Life), it is the right of a witness to testify in front of the court.
- The 2018 scheme was registered under Article 141/142 of the [Indian Constitution](#)

Apart from this for a fair judgement and to protect the right to justice for all, transparency in the judicial system is of extreme importance.

With protection towards the vulnerable witnesses, a timely and justified verdict can be passed by the court of law in the country.