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PROTECTION OF VULNERABLE WITNESSES IN SEXUAL OFFENCE TRIALS: AN EMPIRICAL STUDY OF THE IMPLEMENTATION OF VULNERABLE WITNESS DEPOSITION CENTRES IN JHARSUGUDA DISTRICT

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I. ABSTRACT

The protection of vulnerable witnesses has become a cornerstone of India's evolving victim-centric criminal justice system, particularly in the prosecution of sexual offences. Victims and other vulnerable witnesses often face intimidation, psychological trauma, social stigma, and secondary victimisation during criminal proceedings, adversely affecting both the quality of evidence and the administration of justice. In response, India has undertaken significant legal reforms through the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 2023, and the continued implementation of the Protection of Children from Sexual Offences Act, 2012. Complementing these legislative measures, the High Court of Orissa issued the Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable Witness Deposition Centres, 2024, to facilitate trauma-informed judicial processes. This study critically examines the effectiveness of the legal and institutional framework governing the protection of vulnerable witnesses in sexual offence trials through an empirical study conducted in Jharsuguda District, Odisha. Adopting a socio-legal research methodology, the study integrates doctrinal analysis with empirical data collected through structured questionnaires and semi-structured interviews involving advocates, public prosecutors, District Legal Services Authority officials, and vulnerable witnesses. The findings indicate that despite a robust legal framework, implementation remains inconsistent due to limited awareness, inadequate stakeholder training, insufficient institutional coordination, underutilisation of Vulnerable Witness Deposition Centres, and the absence of comprehensive psychological support services. The study concludes that recent

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legislative and judicial reforms have considerably strengthened witness protection mechanisms; however, their effectiveness depends upon sustained capacity building, improved infrastructure, institutional accountability, and coordinated victim support services. It recommends regular monitoring, specialised training, enhanced awareness programmes, and inter-agency collaboration to ensure a more accessible, trauma-informed, and victim-centred criminal justice system in India.

II. KEYWORDS

Vulnerable Witnesses, Vulnerable Witness Deposition Centres, Sexual Offence Trials, BNSS 2023, and Victim-Centric Justice.

III. INTRODUCTION

The effective administration of criminal justice depends not only upon the prosecution of offenders but also upon the ability of witnesses to testify freely, truthfully, and without fear. Witnesses constitute the foundation of the criminal justice system, as their testimony frequently determines the outcome of criminal trials. However, in cases involving sexual offences, victims and other vulnerable witnesses often encounter intimidation, social stigma, psychological trauma, and secondary victimisation throughout the investigative and trial processes. Fear of retaliation, repeated court appearances, hostile cross-examination, and inadequate institutional support frequently discourage victims from participating in criminal proceedings, thereby affecting both the quality of evidence and the overall delivery of justice. Consequently, the protection of vulnerable witnesses has emerged as an indispensable component of a fair, effective, and victim-centred criminal justice system.³

International human rights instruments increasingly recognise that access to justice extends beyond safeguarding the rights of the accused and encompasses the protection, dignity, and participation of victims and witnesses. The International Covenant on Civil and Political Rights, 1966 guarantees the right to a fair trial while permitting procedural safeguards to protect privacy and vulnerable participants in

³ G. S. Bajpai & Anup Surendranath, *Victim Justice: A Paradigm Shift in Criminal Justice System* (Thomson Reuters 2016).

criminal proceedings.⁴ Similarly, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 obligates State Parties to adopt gender-sensitive judicial procedures that prevent re-traumatisation of women during legal proceedings.⁵ The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 further emphasises that victims should be treated with compassion, dignity, and respect throughout the criminal justice process while receiving adequate protection from intimidation and reprisals.⁶ These international standards have significantly influenced domestic legal reforms across several jurisdictions, including India.

In India, the constitutional commitment to protecting vulnerable witnesses flows primarily from Articles 14 and 21 of the Constitution, which guarantee equality before law, equal protection of laws, and the right to life and personal liberty. The Supreme Court has consistently interpreted Article 21 as encompassing the right to live with dignity, privacy, and fair procedure, thereby extending constitutional protection to victims and witnesses participating in criminal trials.⁷ The Court has repeatedly observed that the concept of a fair trial is not confined to safeguarding the rights of the accused alone but also requires adequate protection of victims and witnesses so that justice may be administered without fear or intimidation.⁸

Judicial activism has played a transformative role in shaping India's witness protection jurisprudence. In *State of Punjab v. Gurmit Singh*, the Supreme Court recognised the traumatic nature of sexual offence trials and highlighted the necessity of conducting proceedings in a manner that preserves the dignity and privacy of survivors.⁹ Subsequently, in *Sakshi v. Union of India*, the Court recommended the adoption of child-friendly procedures, including the use of screens and video

⁴ International Covenant on Civil and Political Rights arts. 14 & 17, Dec. 16, 1966, 999 U.N.T.S. 171.

⁵ Convention on the Elimination of All Forms of Discrimination Against Women arts. 2 & 15, Dec. 18, 1979, 1249 U.N.T.S. 13; Comm. on the Elimination of Discrimination Against Women, General Recommendation No. 33, U.N. Doc. CEDAW/C/GC/33 (2015).

⁶ G.A. Res. 40/34, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Nov. 29, 1985).

⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

⁸ *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158.

⁹ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

conferencing to prevent direct confrontation between victims and accused persons during testimony.¹⁰ A significant milestone was achieved in *Mahender Chawla v. Union of India*, wherein the Supreme Court approved the Witness Protection Scheme, 2018 and unequivocally held that witness protection forms an integral part of the constitutional guarantee under Article 21.¹¹ These judicial pronouncements collectively shifted Indian criminal jurisprudence from an accused-centric approach towards a more balanced framework recognising the legitimate rights of victims and vulnerable witnesses.

The legislative landscape has undergone a substantial transformation with the enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS), the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and the Bharatiya Sakshya Adhiniyam, 2023 (BSA), replacing the colonial-era Indian Penal Code, Code of Criminal Procedure, and Indian Evidence Act respectively. These enactments seek to modernise India's criminal justice system through greater technological integration, victim-sensitive procedures, and expedited criminal trials. The BNSS introduces important procedural safeguards, including in-camera proceedings, protection of victim identity, electronic recording of evidence, and the use of audio-visual technology for recording testimony. Likewise, the BSA modernises evidentiary rules by recognising electronic evidence and empowering courts to regulate cross-examination in a manner that protects the dignity of vulnerable witnesses. These reforms, together with the Protection of Children from Sexual Offences Act, 2012 (POCSO), indicate a significant legislative commitment towards developing a trauma-informed criminal justice system.

An important institutional development in this direction has been the establishment of Vulnerable Witness Deposition Centres (VWDCs). Drawing inspiration from judicial precedents and international best practices, several High Courts have adopted specialised mechanisms to facilitate the recording of evidence in a secure and psychologically supportive environment. The High Court of Orissa, through the *Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable*

¹⁰ *Sakshi v. Union of India*, (2004) 5 SCC 518.

¹¹ *Mahender Chawla v. Union of India*, (2019) 14 SCC 615.

Witness Deposition Centres, 2024, institutionalised dedicated deposition centres equipped with child-friendly infrastructure, technological facilities, support persons, and standard operating procedures for recording evidence. These guidelines seek to minimise secondary victimisation while ensuring that vulnerable witnesses can testify with dignity, confidence, and security.

Despite these progressive constitutional, legislative, and institutional developments, significant challenges continue to affect the practical implementation of witness protection measures. Existing studies predominantly examine witness protection from a doctrinal perspective, focusing on statutory provisions or judicial pronouncements, while limited empirical attention has been devoted to evaluating the actual functioning of Vulnerable Witness Deposition Centres at the district level. Questions concerning awareness among stakeholders, infrastructural adequacy, coordination between institutions, availability of psychological support, and practical challenges experienced by vulnerable witnesses remain insufficiently explored. Consequently, there exists a substantial gap between the normative legal framework and its implementation in practice.

Against this background, the present study undertakes an empirical examination of the protection of vulnerable witnesses in sexual offence trials in Jharsuguda District, Odisha. Combining doctrinal legal analysis with empirical field research involving advocates, public prosecutors, officials of the District Legal Services Authority, and vulnerable witnesses, the study critically evaluates the implementation of contemporary witness protection mechanisms under India's new criminal law regime and the Orissa High Court Guidelines, 2024. By identifying the strengths, limitations, and practical challenges associated with the functioning of Vulnerable Witness Deposition Centres, the study seeks to contribute to the growing discourse on victim-centred criminal justice and to propose measures for strengthening witness protection mechanisms in India.

A. Research Objectives

The study is guided by the following objectives:

1. To examine the constitutional, statutory, and judicial framework governing the protection of vulnerable witnesses in sexual offence trials in India.
2. To analyse the implementation of the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023, Bharatiya Sakshya Adhiniyam, 2023, the Protection of Children from Sexual Offences Act, 2012, and the Witness Protection Scheme, 2018 in protecting vulnerable witnesses.
3. To evaluate the functioning and effectiveness of Vulnerable Witness Deposition Centres (VWDCs) established under the High Court of Orissa Guidelines, 2024.
4. To assess the level of awareness, perceptions, and experiences of advocates, public prosecutors, District Legal Services Authority officials, and vulnerable witnesses regarding existing witness protection mechanisms.
5. To identify the practical challenges affecting the implementation of witness protection measures and propose recommendations for strengthening victim-centred criminal justice.

B. Research Questions

The present study is guided by the following research questions:

1. What constitutional, statutory, and judicial safeguards govern the protection of vulnerable witnesses in sexual offence trials in India?
2. To what extent are the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023, Bharatiya Sakshya Adhiniyam, 2023, the Protection of Children from Sexual Offences Act, 2012, and the Witness Protection Scheme, 2018 effectively implemented to protect vulnerable witnesses?
3. How effectively do Vulnerable Witness Deposition Centres (VWDCs) established under the High Court of Orissa Guidelines, 2024 function in Jharsuguda District?
4. What are the levels of awareness, perceptions, and experiences of advocates, public prosecutors, District Legal Services Authority officials, and

vulnerable witnesses regarding existing witness-protection mechanisms in Jharsuguda District?

5. What practical challenges affect the implementation of witness-protection measures, and what reforms may strengthen victim-centred criminal justice?

C. Research Methodology

The present study adopts a socio-legal empirical research methodology to examine the implementation of legal and institutional mechanisms for the protection of vulnerable witnesses in sexual offence trials in Jharsuguda District, Odisha. Since witness protection concerns both normative legal safeguards and their practical operation, the study integrates doctrinal legal research with empirical field investigation to provide a comprehensive evaluation of the existing framework.

The doctrinal component examines constitutional provisions, international human rights instruments, statutory enactments, judicial pronouncements, Law Commission Reports, government notifications, and policy documents relating to witness protection. Particular emphasis is placed on the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 2023, the Protection of Children from Sexual Offences Act, 2012, the Witness Protection Scheme, 2018, and the High Court of Orissa Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable Witnesses Deposition Centres, 2024. This analysis establishes the normative framework against which the implementation of witness-protection measures is evaluated. The empirical component is confined to Jharsuguda District, Odisha. The study examines stakeholders, institutions, and criminal proceedings involving vulnerable witnesses in sexual offence trials, including proceedings under the Protection of Children from Sexual Offences Act, 2012 and other relevant criminal laws. Its institutional focus includes the District and Sessions Courts, the Vulnerable Witness Deposition Centre, the District Legal Services Authority, and other agencies directly associated with witness protection and the administration of criminal justice. The research is descriptive, analytical, and exploratory in character.

It evaluates the existing legal framework, examines its implementation at the district level, identifies practical challenges encountered by stakeholders, and assesses the effectiveness of institutional mechanisms created for vulnerable-witness protection. The study therefore critically analyses the relationship between legal norms and their practical operation within the criminal justice system.

Primary data were collected through structured questionnaires and semi-structured interviews. The questionnaires, comprising predominantly close-ended questions, were administered through Google Forms to facilitate systematic collection of quantitative data. Semi-structured interview schedules containing open-ended questions enabled respondents to explain their experiences, perceptions, and institutional challenges in greater detail. Separate research instruments were prepared, where necessary, for advocates, public prosecutors, District Legal Services Authority officials, police personnel, accused persons, and vulnerable witnesses, having regard to their respective roles and experiences within the criminal justice process.

The study employed non-probability sampling techniques, namely purposive, judgmental, and snowball sampling. These techniques were considered appropriate because the research required informed responses from persons possessing direct knowledge of sexual offence trials and witness-protection mechanisms, while access to vulnerable witnesses and other sensitive participants remained practically constrained. Fieldwork involved visits to relevant institutions, including the District Court, Vulnerable Witness Deposition Centre, District Legal Services Authority, Bar Association, and Jharsuguda Jail, enabling direct interaction with stakeholders and observation of institutional practices.

A mixed-method approach was adopted for data analysis. Quantitative data were analysed through descriptive statistical techniques, including frequencies, percentages, tables, and graphical representations. Qualitative interview responses were analysed thematically to identify recurring issues relating to institutional coordination, awareness, infrastructure, psychological support, training, procedural difficulties, and stakeholder experiences. The integration of quantitative and

qualitative findings enabled triangulation of evidence and strengthened the reliability of the analysis.

Recognised ethical standards were observed throughout the research process. Participation was voluntary, informed consent was obtained from all respondents, and confidentiality and anonymity were maintained. Given the sensitive nature of sexual offence proceedings, particular care was exercised to prevent psychological distress, secondary victimisation, or re-traumatisation of vulnerable participants. The study is subject to limitations arising from its geographical confinement to Jharsuguda District, the limited period available for fieldwork, and restricted access to certain respondent categories owing to ethical and institutional considerations. The findings must therefore be understood within the context of the selected study area.

D. Research Gap

The protection of vulnerable witnesses has increasingly attracted scholarly attention in India, particularly following the enactment of the Protection of Children from Sexual Offences Act, 2012, the Witness Protection Scheme, 2018, and the introduction of the Bharatiya criminal law reforms in 2023. Existing literature has predominantly focused on the constitutional dimensions of witness protection, judicial interpretations, victim rights, and procedural safeguards under criminal law. Several studies have also examined child-friendly procedures under the POCSO Act and analysed witness protection from a comparative or doctrinal perspective.

Despite these valuable contributions, significant gaps remain in the existing body of literature. First, there is a noticeable absence of empirical studies evaluating the practical implementation of witness protection mechanisms at the district level. Most studies remain doctrinal and rarely examine how legal safeguards function in actual court proceedings. Second, limited scholarly attention has been devoted to the functioning and effectiveness of Vulnerable Witness Deposition Centres (VWDCs), particularly following the issuance of the High Court of Orissa Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable Witness Deposition Centres, 2024. Third, there is inadequate research examining the perceptions and experiences of key stakeholders—including advocates, public

prosecutors, District Legal Services Authority officials, and vulnerable witnesses-regarding the implementation of these protective mechanisms. Finally, the impact of the newly enacted Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023, and Bharatiya Sakshya Adhiniyam, 2023 on witness protection remains largely unexplored due to their recent enforcement.

The present study seeks to bridge these gaps by undertaking a socio-legal empirical investigation of the implementation of vulnerable witness protection mechanisms in sexual offence trials in Jharsuguda District, Odisha. By integrating doctrinal legal analysis with empirical field research, the study evaluates the effectiveness of the existing legal and institutional framework while identifying practical challenges and policy interventions necessary for strengthening victim-centred criminal justice.

IV. LEGAL FRAMEWORK AND JUDICIAL PRONOUNCEMENTS

The protection of vulnerable witnesses in sexual offence trials is founded upon an integrated legal framework comprising constitutional guarantees, international human rights obligations, statutory provisions, judicial precedents, and institutional mechanisms. The objective of this framework is to ensure that vulnerable witnesses are able to participate in criminal proceedings without intimidation, humiliation, or secondary victimisation while simultaneously preserving the accused's constitutional right to a fair trial. Over the last two decades, Indian criminal jurisprudence has progressively shifted from an accused-centric approach towards a victim-oriented justice system, particularly in cases involving women and children.

A. International Legal Framework

International human rights law recognises witness protection as an essential element of access to justice. Although no universal treaty exclusively governs witness protection, several international instruments impose obligations upon States to ensure that victims and witnesses participate safely in criminal proceedings.

The International Covenant on Civil and Political Rights (ICCPR), 1966 guarantees the right to a fair trial under Article 14 while permitting restrictions on open court

proceedings where privacy and the interests of justice so require.¹² Article 17 further protects individuals from arbitrary interference with their privacy, thereby supporting measures such as in-camera proceedings and confidentiality of victim identity.¹³

Similarly, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 requires State Parties to eliminate discrimination against women and ensure equal access to justice. Through General Recommendations Nos. 33 and 35, the CEDAW Committee has emphasised that judicial procedures in cases of gender-based violence must be survivor-centred, gender-sensitive, and designed to prevent secondary victimisation.¹⁴

The United Nations Convention against Transnational Organized Crime (UNTOC), 2000 specifically obligates States to adopt measures protecting witnesses against retaliation or intimidation. Article 24 encourages the use of protective mechanisms such as relocation, confidentiality, and alternative methods of giving evidence.¹⁵ Although primarily directed towards organised crime, these principles have significantly influenced modern witness protection policies.

Further, the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 recognises that victims should be treated with compassion, dignity, and respect throughout criminal proceedings and should receive adequate protection from intimidation and reprisals.¹⁶ These international standards have substantially influenced the evolution of India's victim-centric criminal justice framework.

¹² International Covenant on Civil and Political Rights art. 14, Dec. 16, 1966, 999 U.N.T.S. 171.

¹³ Id. art. 17.

¹⁴ Comm. on the Elimination of Discrimination Against Women, General Recommendation No. 33, U.N. Doc. CEDAW/C/GC/33 (2015); General Recommendation No. 35, U.N. Doc. CEDAW/C/GC/35 (2017).

¹⁵ United Nations Convention Against Transnational Organized Crime art. 24, Nov. 15, 2000, 2225 U.N.T.S. 209.

¹⁶ G.A. Res. 40/34, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Nov. 29, 1985).

B. Constitutional and Statutory Framework

The constitutional foundation for witness protection is primarily derived from Articles 14, 21, and 39A of the Constitution of India. Article 21 guarantees the right to life and personal liberty, which has been judicially interpreted to include dignity, privacy, fair investigation, and fair trial.¹⁷ The protection of vulnerable witnesses is therefore not merely a statutory obligation but a constitutional mandate designed to secure meaningful access to justice.

The enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS), Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and Bharatiya Sakshya Adhiniyam, 2023 (BSA) marks a significant transformation of India's criminal justice system. These enactments modernise criminal procedure through technological integration, victim-sensitive procedures, and enhanced procedural safeguards.

The BNSS introduces several procedural mechanisms directly relevant to vulnerable witnesses. These include the conduct of proceedings, including the examination of witnesses and recording of evidence, through electronic mode or audio-video electronic means; mandatory in-camera proceedings in specified sexual-offence and POCSO cases; and time-bound investigation and trial of specified sexual offences. The Bharatiya Nyaya Sanhita, 2023 further protects the identity of victims of specified sexual offences by prohibiting its disclosure.¹⁸ These safeguards reduce unnecessary courtroom exposure and support a more victim-sensitive criminal process.

The Bharatiya Sakshya Adhiniyam, 2023 complements these procedural reforms by recognising electronic and digital records and prescribing the conditions for their admissibility. It also preserves judicial control over improper cross-examination, including indecent, scandalous, or insulting questions, and excludes evidence of a victim's character or previous sexual experience in specified sexual-offence

¹⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹⁸ Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 2(1)(a), 193(2), 346, 366, 530 (India); Bharatiya Nyaya Sanhita, 2023, § 72 (India).

prosecutions.¹⁹ These safeguards seek to prevent unnecessary harassment during trial while maintaining procedural fairness.

The Protection of Children from Sexual Offences Act, 2012 (POCSO) establishes a specialised framework for child victims of sexual offences. It mandates child-friendly procedures during investigation and trial, prohibits aggressive questioning, protects the identity of child victims, and authorises Special Courts to adopt measures preventing direct confrontation between the accused and the child witness.²⁰

Although India does not yet possess a comprehensive witness protection statute, the Witness Protection Scheme, 2018, approved by the Supreme Court, provides an important institutional framework. The Scheme classifies witnesses according to the degree of threat and prescribes protective measures including identity protection, police security, relocation, and confidentiality during criminal proceedings.²¹

C. Orissa High Court Guidelines, 2024 and Vulnerable Witness Deposition Centres

A major institutional development in Odisha is the issuance of the High Court of Orissa Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable Witness Deposition Centres, 2024. The Guidelines operationalise constitutional principles and statutory safeguards by establishing dedicated Vulnerable Witness Deposition Centres (VWDCs) within court complexes.

These centres provide separate waiting areas, child-friendly infrastructure, video-link facilities, psychological support, and trained coordinators to facilitate testimony. The Guidelines also prescribe Standard Operating Procedures for recording evidence, regulating access to deposition centres, protecting witness identity, and ensuring that vulnerable witnesses are not compelled to directly confront the accused during testimony.

¹⁹ Bharatiya Sakshya Adhiniyam, 2023, §§ 48, 61–63, 151–155 (India).

²⁰ Protection of Children from Sexual Offences Act, 2012, Section 24–37 (India).

²¹ *Mahender Chawla v. Union of India*, (2019) 14 SCC 615.

The establishment of VWDCs represents a transition from purely legislative protection towards institutional implementation of witness rights. However, their effectiveness ultimately depends upon adequate infrastructure, trained personnel, institutional coordination, and awareness among legal stakeholders, all of which form the central focus of the present empirical study.

D. Judicial Pronouncements

Judicial interpretation has significantly contributed to the evolution of witness protection jurisprudence in India.

In *State of Punjab v. Gurmit Singh*, the Supreme Court recognised that rape victims frequently suffer psychological trauma during trial and directed courts to conduct proceedings in-camera while maintaining confidentiality of the victim's identity.²² The Court observed that judicial sensitivity is indispensable in sexual offence trials.

In *Sakshi v. Union of India*, the Supreme Court acknowledged the vulnerability of child victims and recommended the use of video conferencing, screens, and other protective mechanisms to prevent direct confrontation between victims and accused persons during testimony.²³ This decision laid the doctrinal foundation for the subsequent establishment of Vulnerable Witness Deposition Centres.

A landmark development occurred in *Mahender Chawla v. Union of India*, where the Supreme Court approved the Witness Protection Scheme, 2018 and unequivocally held that witness protection constitutes an essential component of the right to life guaranteed under Article 21 of the Constitution.²⁴ The Court observed that witnesses are the "eyes and ears of justice" and that failure to protect them undermines the administration of criminal justice.

Similarly, in *State of Maharashtra v. Praful B. Desai*, the Court upheld the validity of recording evidence through video conferencing, recognising technological innovation

²² *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

²³ *Sakshi v. Union of India*, (2004) 5 SCC 518.

²⁴ *Mahender Chawla v. Union of India*, (2019) 14 SCC 615.

as compatible with procedural fairness.²⁵ This judgment subsequently influenced statutory reforms incorporated under the BNSS.

In *Nipun Saxena v. Union of India*, the Supreme Court reinforced the confidentiality of sexual offence victims by prohibiting disclosure of their identity and directing courts and investigating agencies to strictly preserve victim privacy.²⁶

In *Smruti Tukaram Badade v. State of Maharashtra*, the Supreme Court treated the creation of a safe and barrier-free environment for vulnerable witnesses as essential to dignity, access to justice, and fair trial. Exercising its powers under Article 142, the Court expanded the meaning of “vulnerable witness” beyond child witnesses to include, inter alia, age-neutral and gender-neutral victims of sexual assault, persons with mental illness or disabilities, witnesses facing threat perception, and any other witness considered vulnerable by the concerned court. It further directed every High Court to adopt and notify a Vulnerable Witness Deposition Centres (VWDC) Scheme within two months, establish a permanent VWDC Committee, and ensure the establishment of at least one permanent VWDC in every District Court establishment. In a subsequent order in the same proceedings, the Court accepted the use of VWDCs beyond criminal proceedings, including in civil courts, Family Courts, Juvenile Justice Boards, and Children’s Courts. These directions constitute the institutional foundation for the High Court of Orissa Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable Witnesses Deposition Centres, 2024, which were framed on the basis of Model Guidelines prepared by the Supreme Court-constituted Vulnerable Witness Committee.²⁷

Collectively, these judicial pronouncements demonstrate that witness protection is no longer viewed merely as an administrative concern but as a constitutional imperative essential for ensuring fair trial, victim dignity, and public confidence in the criminal

²⁵ *State of Maharashtra v. Praful B. Desai*, (2003) 4 SCC 601.

²⁶ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

²⁷ *Smruti Tukaram Badade v. State of Maharashtra*, 2022 SCC OnLine SC 78, ¶ 5(i)-(vii); *Smruti Tukaram Badade v. State of Maharashtra*, M.A. No. 1852 of 2019 in Crim. App. No. 1101 of 2019, order dated Apr. 8, 2022, ¶¶ 2-3; The High Court of Orissa Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable Witnesses Deposition Centres, 2024, Preamble and cls. 1(b), 3(d).

justice system. The contemporary legal framework thus reflects a progressive movement towards trauma-informed and victim-centred justice. Nevertheless, the effectiveness of these reforms depends upon their implementation at the district level, making empirical evaluation indispensable for assessing whether legal guarantees are translated into meaningful protection in practice.

V. PROCESS OF DATA COLLECTION AND DATA ANALYSIS

The present study was undertaken as an empirical socio-legal investigation to examine the implementation of legal and institutional mechanisms for the protection of vulnerable witnesses in sexual offence trials in Jharsuguda District, Odisha. The research commenced with the identification of the study topic after recognising the increasing importance of victim-centric justice under the Bharatiya criminal law reforms and the establishment of Vulnerable Witness Deposition Centres (VWDCs). Considering the limited empirical research available on the functioning of VWDCs at the district level, the study sought to bridge the gap between the existing legal framework and its practical implementation.

The first stage of the research involved an extensive review of primary and secondary sources. Constitutional provisions, the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023, Bharatiya Sakshya Adhiniyam, 2023, the Protection of Children from Sexual Offences Act, 2012, the Witness Protection Scheme, 2018, the High Court of Orissa Guidelines for Recording Evidence of Vulnerable Witnesses and Functioning of Vulnerable Witness Deposition Centres, 2024, judicial pronouncements, Law Commission Reports, government notifications, books, journal articles, dissertations, and international instruments were critically examined. This review enabled the researcher to identify the existing research gap and formulate the research objectives and research questions that guided the empirical investigation.

After defining the research objectives, an empirical research framework was developed. A mixed-method approach combining quantitative and qualitative research techniques was adopted because the study required both measurable data regarding the implementation of witness protection mechanisms and an in-depth understanding of stakeholder experiences. Separate research instruments were

prepared for different categories of respondents, including advocates, public prosecutors, officials of the District Legal Services Authority (DLSA), police personnel, accused persons, and vulnerable witnesses. The questionnaires incorporated close-ended questions to generate quantitative data and open-ended questions to capture detailed opinions, experiences, and practical challenges faced by stakeholders during sexual offence trials.

For quantitative data collection, the structured questionnaire was converted into Google Forms and circulated among respondents to ensure systematic and uniform collection of responses. Simultaneously, printed interview schedules were used during field visits to facilitate direct interaction with stakeholders. The field investigation was conducted at the District Court, Vulnerable Witness Deposition Centre (VWDC), District Legal Services Authority (DLSA), Bar Association, and Jharsuguda Jail. These institutions were selected because they constitute the principal agencies responsible for the implementation of witness protection measures and the administration of criminal justice. The field visits enabled the researcher to observe institutional practices and obtain first-hand information regarding the functioning of witness protection mechanisms.

The respondents were selected through purposive sampling, judgmental sampling, and snowball sampling techniques. These non-probability sampling methods were considered appropriate because the research sought specialised information from respondents possessing direct knowledge and practical experience relating to vulnerable witness protection rather than statistically representative opinions from the general population. Snowball sampling proved particularly useful in identifying additional respondents through professional referrals, especially in cases where direct access was difficult due to the sensitive nature of sexual offence proceedings.

One of the major challenges encountered during the fieldwork was obtaining responses from vulnerable witnesses and victims of sexual offences. Concerns relating to privacy, social stigma, psychological trauma, and institutional restrictions limited access to several respondents. Consequently, the researcher exercised particular caution while approaching vulnerable participants, ensuring that participation

remained entirely voluntary and that no respondent experienced additional emotional distress during the research process. These practical challenges themselves reflect the complexities involved in conducting empirical research on witness protection in sexual offence trials.

The collected data were analysed using a mixed-method analytical framework.

The quantitative data obtained through Google Forms were systematically coded and analysed using descriptive statistical techniques. Frequency distributions and percentage analysis were employed to examine the level of awareness regarding Vulnerable Witness Deposition Centres, the utilisation of protective measures, stakeholder perceptions regarding institutional effectiveness, and practical challenges encountered during implementation. The results were presented through tables and pie charts to facilitate meaningful interpretation and comparison among different categories of respondents.

The qualitative data obtained through semi-structured interviews and open-ended responses were analysed using thematic analysis, which constituted a significant component of the present empirical research. The interview transcripts and narrative responses were carefully reviewed, coded, and organised into recurring themes reflecting the experiences and perceptions of different stakeholders. Thematic analysis enabled the researcher to identify common institutional issues, including awareness of the legal framework, utilisation of Vulnerable Witness Deposition Centres, adequacy of infrastructure, availability of psychological support, coordination among justice institutions, training of legal professionals, procedural challenges during cross-examination, implementation of witness protection measures, and overall effectiveness of victim-centred justice mechanisms. By identifying these recurring themes across different respondent groups, the qualitative analysis complemented the statistical findings and provided a deeper understanding of the practical realities underlying the implementation of witness protection laws in Jharsuguda District.

The integration of quantitative findings with thematic qualitative analysis enabled triangulation of evidence and strengthened the reliability of the study. While the statistical analysis identified measurable trends and response patterns, the thematic

analysis explained the underlying institutional and procedural factors responsible for those trends. Consequently, the mixed-method approach provided a comprehensive understanding of the functioning of Vulnerable Witness Deposition Centres and the broader witness protection framework in sexual offence trials.

Throughout the research, strict ethical standards were maintained. Prior informed consent was obtained from every respondent before participation. Confidentiality and anonymity were preserved by withholding personal identities, and all information collected during the field study was used exclusively for academic purposes. Particular care was exercised while interacting with vulnerable witnesses to ensure that the research process did not result in secondary victimisation or psychological distress.

VI. FINDINGS, CONCLUSION AND RECOMMENDATIONS

A. Major Findings

The empirical investigation reveals that although India has established a progressive legal framework for the protection of vulnerable witnesses through the Bharatiya criminal law reforms, the Protection of Children from Sexual Offences Act, 2012, the Witness Protection Scheme, 2018, and the High Court of Orissa Guidelines, 2024, their implementation at the district level remains inconsistent.

The study demonstrates that awareness regarding Vulnerable Witness Deposition Centres (VWDCs) exists among legal professionals; however, practical understanding and utilisation of these facilities remain limited. While respondents generally acknowledged that VWDCs contribute towards creating a safer and more dignified environment for recording evidence, these centres are not utilised consistently in all eligible cases. The empirical findings therefore indicate a significant gap between the availability of institutional mechanisms and their effective implementation.

The research further reveals that the existing infrastructure within VWDCs has improved the comfort and confidence of vulnerable witnesses during testimony. Nevertheless, several respondents highlighted deficiencies relating to psychological counselling, victim support services, specialised personnel, and child-friendly

assistance. The absence of professional counsellors and trained support persons continues to expose vulnerable witnesses to emotional stress and secondary victimisation during criminal proceedings.

Another important finding concerns institutional coordination. The study identifies inadequate coordination among the judiciary, prosecution, police, District Legal Services Authority (DLSA), and other support institutions as one of the principal obstacles to effective witness protection. Delays in communication, procedural inconsistencies, and uncertainty regarding institutional responsibilities adversely affect the functioning of witness protection mechanisms. Similarly, respondents emphasised that insufficient training of judicial officers, prosecutors, advocates, police personnel, and support staff limits the effective implementation of victim-centric procedures.

The empirical evidence also demonstrates that several procedural safeguards envisaged under the legal framework—including confidentiality of identity, separate waiting areas, use of audio-visual technology, and protective arrangements during testimony—are not uniformly implemented. Consequently, many vulnerable witnesses continue to experience fear, intimidation, and psychological pressure while participating in criminal proceedings. Although the judiciary is generally perceived as supportive towards vulnerable witnesses, the application of protective measures varies across individual cases, resulting in inconsistent standards of victim protection.

Finally, the study reveals that despite the establishment of Vulnerable Witness Deposition Centres, delays in trial proceedings continue to affect the administration of justice. Stakeholders also expressed concerns regarding the need to maintain an appropriate balance between protecting vulnerable witnesses and preserving the accused's constitutional right to a fair trial. These findings collectively demonstrate that legislative reform alone is insufficient unless accompanied by effective institutional implementation, specialised training, continuous monitoring, and adequate infrastructural support.

B. Suggestions and Recommendations

Based on the empirical findings of the study, the following recommendations are proposed:

1. Strengthen the institutional functioning of Vulnerable Witness Deposition Centres by ensuring uniform implementation across all eligible sexual offence cases and providing adequate infrastructure, technological facilities, and child-friendly environments.
2. Introduce mandatory capacity-building programmes for judicial officers, public prosecutors, advocates, police personnel, DLSA officials, and support staff on trauma-informed interviewing, victim-sensitive procedures, and the operation of VWDCs.
3. Integrate professional psychological counselling and victim support services within every Vulnerable Witness Deposition Centre through trained counsellors, social workers, and support persons to minimise secondary victimisation.
4. Improve institutional coordination among courts, investigating agencies, prosecution, DLSA, medical authorities, and support organisations through clearly defined standard operating procedures and regular inter-agency review meetings.
5. Enhance awareness among victims and witnesses regarding their legal rights, available protective measures, and the functioning of Vulnerable Witness Deposition Centres through legal literacy programmes and victim information services.
6. Strengthen implementation of the Witness Protection Scheme, 2018 by improving threat assessment procedures, ensuring timely protection orders, and providing adequate financial and administrative support for witness protection measures.
7. Establish periodic monitoring and evaluation mechanisms under the supervision of the High Court and District Legal Services Authorities to

assess the performance of Vulnerable Witness Deposition Centres and ensure compliance with statutory safeguards.

8. Encourage district-level empirical research on witness protection across different jurisdictions to generate evidence-based policy reforms capable of strengthening victim-centered criminal justice throughout India.

The implementation of these recommendations would substantially improve the effectiveness of witness protection mechanisms, promote trauma-informed criminal justice administration, and strengthen public confidence in the fairness and accessibility of India's criminal justice system.

VII. CONCLUSION

The study concludes that India has made significant progress towards developing a victim-centred criminal justice system through constitutional jurisprudence, judicial innovations, statutory reforms, and institutional mechanisms designed to safeguard vulnerable witnesses. The enactment of the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Sakshya Adhiniyam, 2023, together with the continued operation of the Protection of Children from Sexual Offences Act, 2012, the Witness Protection Scheme, 2018, and the High Court of Orissa Guidelines for Vulnerable Witness Deposition Centres, represents a substantial advancement in recognising the dignity and rights of victims and vulnerable witnesses within criminal proceedings.

However, the empirical findings from Jharsuguda District demonstrate that the effectiveness of these legal reforms depends primarily upon their implementation rather than their mere existence. While Vulnerable Witness Deposition Centres constitute an important institutional innovation, their potential has not yet been fully realised because of inconsistent utilisation, inadequate institutional coordination, limited awareness, shortage of trained personnel, and insufficient psychological support services. The study therefore confirms the existence of a considerable gap between the normative legal framework and its practical application.

The findings further establish that strengthening witness protection requires a multidisciplinary approach involving judicial sensitivity, technological integration, professional training, coordinated institutional action, and continuous monitoring. Effective implementation of these measures will not only improve the quality of witness testimony but will also enhance public confidence in the criminal justice system and strengthen access to justice for victims of sexual offences. The Jharsuguda experience illustrates that district-level empirical evaluation is essential for assessing the actual functioning of witness protection mechanisms and for informing evidence-based criminal justice reforms across India.

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