

THE HIGH COURT OF MEGHALAYA SHILLONG

NOTIFICATION

Dated, Shillong, the 10th March, 2022

No.HCM.II/214/2017/Estt/80

In exercise of powers conferred under Rule 7 (C) 15 of the Rules of High Court of Meghalaya, 2013, and in terms of the resolution of the Full Court dated 10.03.2022, the High Court of Meghalaya is pleased to amend the Guidelines for recording of evidence of vulnerable witnesses in criminal matters, as under:-

The definition of Vulnerable Witness under Clause 3(a) is hereby substituted and amended as follows:-

3 (a) **Vulnerable Witness** - means and shall include the following:-

- (i) A child who has not completed 18 years of age;
- (ii) Age neutral victims of sexual assault read with Sections 273 and 327 of the Code of Criminal Procedure 1973 and Section 354 of the Indian Penal Code 1860;
- (iii) Gender neutral victims of sexual assault read with Section 2(d) of the Protection of Children from Sexual Offences Act 2012;
- (iv) Age and gender neutral victims of sexual assault under Section 377 of the Indian Penal Code 1860 read with paragraph 34(1) of the decision in **Sakshi** (supra);
- (v) Witnesses suffering from "mental illness" as defined under Section 2(s) of the Mental Healthcare Act 2017 read with section 118 of the Indian Evidence Act 1872;
- (vi) Any witness deemed to have a threat perception under the Witness Protection Scheme 2018 of the Union Government as approved by the Hon'ble Supreme Court in **Mahender Chawla v Union of India**;
- (vii) Any speech or hearing impaired individual or a person suffering from any other disability who is considered to be a vulnerable witness by the competent court; and
- (viii) Any other witness deemed to be vulnerable by the concerned court.

By order;

REGISTRAR GENERAL

Copy to:

- 1) The Registrar-cum- Principal Private Secretary to the Hon'ble, the Chief Justice, High Court of Meghalaya, Shillong.
- 2) The P.S to Hon'ble Mr. Justice H.S. Thangkhiew, Judge, High Court of Meghalaya, Shillong.
- 3) The P.S to Hon'ble Mr. Justice, W. Diengdoh, Judge, High Court of Meghalaya, Shillong.
- 4) The P.S. to the Advocate General of Meghalaya, Shillong.
- 5) The Secretary to the Government of Meghalaya, Law Department, Shillong.
- 6) The Member Secretary, Meghalaya State Legal Services Authority, Shillong.
- 7) The Director, Meghalaya State Judicial Academy, Shillong.
- 8) The Registrar (Judicial Service), High Court of Meghalaya, Shillong.
- 9) The District & Sessions Judges, all Districts in the State.
- 10) The Judge, all District Council Courts in the State.
- 11) The Joint Registrar (Listing)-cum-OSD to the Hon'ble the Chief Justice, High Court of Meghalaya, Shillong.
- 12) The Director, Printing and Stationery, Meghalaya Government with a request to publish this notification in the next issue of the Gazette.
- ✓ 13) The Systems Analyst, High Court of Meghalaya, Shillong for uploading the same on the official website.
- 14) Office file.

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10/3/22


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