

News

To overturn the LG notification permitting police witnesses to testify from stations, a PIL was filed in the Delhi High Court.



According to the plea, the notice violates criminal procedure, the separation of powers concept, and the judiciary.

The Delhi High Court has received a Public Interest Litigation (PIL) contesting a notification from the Lieutenant Governor of Delhi on August 13 declaring all Delhi police stations to be "designated places" for police officer depositions via video conference [Kapil Madan v. Lieutenant Governor of Delhi & Ors].

On the grounds that it **"strikes at the very root of the right to fair trial under Article 21 of the Constitution, by authorizing prosecution witnesses, i.e., police officials, to depose from within their own official precincts,"** petitioner Advocate Kapil Madan has contested the notification's legality.

The plea claims that by allowing police witnesses to testify conveniently from their offices, the notification arbitrary creates an unjustified classification, in violation of Article 14 (right to equality) of the Constitution.

The notification is also said to violate criminal procedure, the separation of powers concept, and the Delhi High Court Video Conferencing Rules, 2020, undermining the judiciary.

According to the PIL, "the Executive has usurped judicial powers by unilaterally designating police stations as deposition centers, thereby violating Article 50 which mandates separation of judiciary from executive."

Furthermore, it is said that permitting police officers to testify from police stations increases the possibility of witness tampering, coaching, and a break in the chain of evidence because it is simple for superiors or coworkers to teach or coach a police witness.

Advocates Gurmukh Singh Arora and Ayushi Bisht wrote the petition, which calls for the notification to be revoked.

Tomorrow is probably when the case will be heard.

Since August 22, district court attorneys in Delhi have been on strike over the matter. Wednesday, August 27, will see the continuation of the strike.

"Cooperation from all advocates is requested. The Coordination Committee of the All District Bar Associations of Delhi declared during the call for the strike that **"severe action shall be taken if any advocate is found appearing before any court, either physically or virtually."**

The Coordination Committee further requested in a letter dated August 20 that the notification be withdrawn from the Central government and LG.

"From a procedural perspective, there is no guarantee that an officer deposing from within his own police station is not assisted by confidential notes, documents, or other sources.

Because of its intrinsic lack of objectivity, such a setting makes the deposition vulnerable to manipulation. Furthermore, the evidentiary procedure and the fairness of the trial are compromised in such remote situations by the ineffective management and presentation of tangible evidence, such as firearms or seized objects," the attorneys had stated in their representation.

However, the lawyers' organization chose to go on strike because the government did not revoke the notice.

In a letter to the LG yesterday, the Bar Council of India (BCI) voiced concerns that the announcement violates the principles of a fair trial and reduces the effectiveness of cross-examinations.

The BCI has also voiced dissatisfaction over not being consulted prior to the issuance of this notification.

Concerns regarding the announcement have also been voiced by the Supreme Court Bar Association (SCBA) and the Delhi High Court Bar Association (DHCBA), who claim that it is illegal, capricious, and goes against natural justice principles.