



**THE CHILD WHO SEES BUT IS NOT HEARD: RE- IMAGINING CHILD WITNESS
TESTIMONY IN DOMESTIC VIOLENCE ADJUDICATION UNDER
THE BHARATIYA SAKSHA ADHINIYAM, 2023**

Sneha Sunil Arekar, Research Scholar, School of Law, Sandip University, Nashik
Dr. Sharvari Vaidya, Research Guide, I/C Dean, School of Law, Sandip University, Nashik

“Law often asks whether the child understands the question, but seldom whether the law understands the child.”

Abstract

Domestic violence adjudication in India presents a persistent evidentiary paradox. While the law increasingly recognises violence within the home as a public wrong, it remains hesitant to engage with those who most consistently witness it—children. Positioned at the intersection of evidence law and domestic violence jurisprudence, child witnesses occupy an ambiguous legal space: present within the domestic sphere, yet marginalised within adjudicatory processes. This article critically examines the treatment of child witness testimony in domestic violence cases, with specific reference to the Bharatiya Saksha Adhiniyam, 2023 and the Protection of Women from Domestic Violence Act, 2005. Through a doctrinal and comparative analysis, the article argues that Indian evidence law continues to operate within an adult-centric framework that equates vulnerability with unreliability. Despite repeated judicial affirmations that children are competent witnesses, their testimony is subjected to heightened scrutiny, discretionary exclusion, and demands for corroboration not imposed upon adult witnesses. The Bharatiya Saksha Adhiniyam, 2023, while modernising evidentiary rules in technological terms, fails to introduce child-specific procedural safeguards, thereby reproducing colonial assumptions regarding childhood and credibility. The article further interrogates the limits of judicial discretion and soft-law mechanisms such as Vulnerable Witness Deposition Centres, demonstrating that procedural sensitivity without statutory force results in uneven protection and inconsistent outcomes. Drawing on selective comparative practices from the United Kingdom and Australia, it contends that reliability and protection are complementary rather than competing values. Advancing a reformist thesis, the article conceptualises the child witness as a relational witness whose testimony captures patterns of domestic abuse rather than isolated incidents. It argues for a child-centric evidentiary jurisprudence grounded in constitutional values of dignity, equality, and fair procedure, calling for statutory recognition and trauma-informed evidentiary evaluation.

Keywords: Child Witness; Domestic Violence; Bharatiya Saksha Adhiniyam, 2023; Evidence Law Reform; Vulnerable Witnesses; Judicial Discretion; Trauma- Informed Adjudication.



1 1. Introduction

Domestic violence, though recognised by law and condemned within constitutional discourse, continues to be experienced predominantly within the enclosed spaces of the household. Unlike offences committed in public settings, its evidentiary traces are frequently rendered fragile often confined to subdued recollections, hesitant testimonies, and silences shaped by fear rather than fabrication. Within this private domain of violence, a presence has consistently been left unacknowledged by legal processes: the child, by whom acts of violence are seen, heard, and remembered, yet by whom legal marginalisation is repeatedly experienced.¹

Historically, child witnesses have been approached within the Indian legal system through an uneasy balance of concern and distrust, with their accounts often being characterized as fragile impressions rather than being recognised as sources of legally significant truth. This uncertainty assumes sharper contours in proceedings under the Protection of Women from Domestic Violence Act, 2005, where children, though affected by domestic abuse, are positioned largely at the periphery of adjudication.² They are encountered not merely as incidental observers, but as silent participants within a recurring cycle of harm one that is persistently witnessed and quietly endured.

A striking paradox is revealed within the existing legal framework. While women are recognised as “aggrieved persons” within domestic violence jurisprudence, and while witness competence is acknowledged by evidence law without regard to age, the child who occupies the same domestic space continues to be left conceptually unanchored.³ Within legal reasoning, the child is positioned neither as an autonomous victim nor as a reliable source of testimony, but rather as an incidental presence⁴—visible within the narrative of violence, yet rendered legally inaudible.

This doctrinal silence has been sustained despite substantial psychological and sociological research demonstrating that children exposed to domestic violence suffer profound cognitive, emotional, and behavioural consequences.⁵ Such exposure is often accompanied by the retention of vivid and enduring memories of violent episodes—memories that persist long after efforts are made by adults to suppress, rationalize, or conceal the violence experienced.⁶ Thus, the child in a violent household occupies a paradoxical position of being a witness in fact but a non-witness in law

Indian courts have repeatedly affirmed that a child is not an incompetent witness merely by reason of age.⁷ Section 118 of the Indian Evidence Act, 1872—and now its successor provision under the Bharatiya Saksha Adhiniyam, 2023 [hereinafter ‘BSA, 2023’]—rests competency on the ability to understand questions and give rational answers. Yet, judicial practice reveals a persistent unease. Indian courts have evolved a doctrine of *functional competency*, under which a child’s testimony is judged not by age but by demonstrated cognitive understanding, rational narration, and resistance to tutoring.⁸ This judicial hesitation



is frequently justified on grounds of susceptibility to tutoring, emotional vulnerability, or lack of maturity. However, such assumptions, when uncritically applied, risk transforming protective concern into evidentiary exclusion. This exhibit that although, the law recognises the child as competent, it makes her audibility conditional upon adult standards of rationality and composure.

The enactment of the BSA, 2023 was widely projected as a moment of evidentiary reform—modern, responsive, and attuned to contemporary realities such as electronic evidence and evolving crime patterns. Yet, in relation to child witnesses, the new legislation largely reproduces the inherited structure of the 1872

Case	The court relies on
Rameshwar (1952)	n the child understand questions and give rational answers? Oath is secondary.
Dattu Ramrao (1997)	n the child's answers be trusted as conscious, coherent and untutored?
Panchhi (1998)	Is the testimony naturally given or artificially planted?
Suryanarayana (2001)	Does the child withstand cross-examination like any other witness?
Ratansinh Nayak (2004)	Does the child comprehend and communicate intelligibly?
ate of M.P. v. Ramesh (2011)	Is the testimony reliable in substance, not just formally admissible?

Thus the Court is applying what evidence theorists call a “cognitive-communicative test”: perception → memory → narration → resistance to suggestion.

Act. The reference to “tender age” remains abstract, offering neither procedural safeguards nor child-specific methodologies for recording testimony. The absence of explicit statutory recognition of child witnesses as a vulnerable evidentiary category signals a missed opportunity—particularly in the context of domestic violence, where children are often the only non-participating observers capable of recounting repeated patterns of abuse. Thus, it can be inferred that while the Bharatiya Sakshya Adhiniyam, 2023 modernises the form of evidence, it revealed a deeper structural continuity leaving untouched the epistemic status of childhood, thereby perpetuating a legal order in which the child remains visible to violence but invisible to law.

In this backdrop, this article argues that the continued marginalisation of child witnesses in domestic violence adjudication is not merely a procedural gap, but a deeper jurisprudential failure. It reflects an adult-centric vision of evidence that privileges formal consistency over lived reality. In domestic violence cases, where the abuse is cyclical, relational, and often normalized within the household, children occupy a unique epistemic position. They witness violence not as isolated incidents but as patterns embedded in everyday life. Their testimony, therefore, is not merely corroborative; it is constitutive of the truth that courts seek to uncover. Thus, to be precise, in domestic violence adjudication, children are not peripheral witnesses but



epistemic anchors, whose lived observation of recurring abuse constitutes the very truth that evidence law seeks to reconstruct

The reformist claim advanced here is twofold. First, that the Indian evidentiary framework must move beyond discretionary accommodation of child witnesses towards statutory recognition grounded in constitutional values of dignity, protection, and best interests of the child. Second, that domestic violence jurisprudence must reconceptualize children not only as secondary victims but as relational witnesses whose testimony bridges the private-public divide that shields domestic abuse from effective legal scrutiny. Comparative developments in jurisdictions such as the United Kingdom and Australia—where child-friendly evidentiary procedures and trauma-informed recording mechanisms have been institutionalized—demonstrate that reliability and sensitivity are not mutually exclusive goals.⁹ This, in turn, demands domestic violence adjudication must be re-oriented toward epistemic justice for the child witness, recognising the child as a constitutionally protected, memory-bearing, relational knower whose lived observation of abuse constitutes indispensable legal truth.

By situating child witness testimony at the intersection of evidence law, domestic violence law, and constitutional morality, this article seeks to re-imagine the role of the child from a passive observer to a silent constitutional actor. It contends that reform cannot remain confined to judicial guidelines and ad hoc schemes; it must be embedded in the statutory architecture of evidence law itself.

Only then can the law claim to hear those who have long seen violence without being heard.

2 Child Witness and Evidentiary Anxiety in Indian Criminal Jurisprudence

Indian evidence law professes inclusivity while simultaneously nurturing suspicion. Nowhere is this contradiction more visible than in the judicial treatment of child witnesses.¹⁰ Section 118 of the Indian Evidence Act, 1872—substantially retained under the BSA, 2023—declares every person competent to testify unless the court considers otherwise. On its face, the provision appears neutral and progressive. In practice, however, it has generated a jurisprudence of hesitation where childhood itself becomes a reason for doubt rather than a neutral attribute.

The judicial approach towards child witnesses is characterised by what may be described as *evidentiary anxiety*—a persistent unease rooted not in statutory text but in assumptions about mental maturity, vulnerability, and susceptibility to influence. Courts repeatedly assert that a child is not incompetent merely because of age, yet they subject child testimony to scrutiny far exceeding that applied to adult witnesses. This doctrinal inconsistency reflects an underlying belief that childhood and truthfulness exist in uneasy proximity.

The concept of prudence has played a decisive role in sustaining this anxiety. In *Suryanarayana v. State of Karnataka*,¹¹ the Supreme Court observed that reliance on child testimony is not a rule of law but a matter of caution and prudence. While intended as a safeguard, this formulation has inadvertently legitimised judicial reluctance. Prudence, when left undefined, becomes an elastic standard—capable of expanding to exclude child testimony



whenever judicial comfort is absent. As a result, corroboration, though repeatedly declared unnecessary as a rule, continues to be sought almost instinctively when the witness is a child.

This insistence on corroboration is particularly problematic because it is selectively applied. Adult witnesses in domestic violence cases are equally vulnerable to coercion, fear, emotional dependence, or social pressure. Yet, the law does not presume their unreliability. The apprehension that a child may be tutored is treated as a decisive evidentiary concern, whereas similar risks affecting adult witnesses are normalised as part of adversarial litigation. Such asymmetry reveals an age-based evidentiary bias rather than a principled legal distinction.

The judiciary's reliance on preliminary examination—commonly referred to as *voir dire*—further illustrates this anxiety. Judges routinely ask children questions unrelated to the incident, such as personal details or numerical tasks, to assess

competence.¹² While such questioning is justified as a means to ensure understanding, it often evaluates intelligence rather than experiential truth. The implicit assumption is that children must first prove their capacity to speak truthfully, whereas adults are presumed capable unless proven otherwise. This inversion of presumption finds no express support in evidence law.

Judicial inconsistency across cases has further deepened the uncertainty. In *State of Bihar v. Harman Koeri*,¹³ the testimony of an eight-year-old child was rejected on grounds of incompetence, reinforcing a restrictive view of childhood capacity. Conversely, in *Rameshwar v. State of Rajasthan*,¹⁴ the Supreme Court upheld the admissibility of a child witness's testimony, holding that corroboration is a rule of prudence and not of law. These divergent outcomes demonstrate that competence is often assessed through subjective judicial impressions rather than through consistent jurisprudential standards.

The problem becomes more acute in cases arising from domestic violence. Unlike isolated public offences, domestic violence unfolds as a pattern of conduct within the home. Children do not witness a single episode; they observe repeated cycles of aggression, reconciliation, fear, and silence. Their testimony, therefore, possesses a continuity and contextual depth often absent from adult narratives shaped by trauma, compromise, or fear of retaliation. Yet, paradoxically, this embedded witnessing is treated as a source of suspicion rather than probative strength.

Recent judicial pronouncements have attempted to impose procedural discipline without addressing structural bias. In *Pradeep v. State of Haryana*,¹⁵ the Supreme Court emphasised the duty of the trial judge to record satisfaction regarding the child's ability to understand questions and the duty to speak the truth. While the decision reinforces judicial responsibility, it does not confront the deeper issue: the absence of child-sensitive evidentiary norms. Recording satisfaction does not eliminate prejudice; it merely documents it.

Psychological research further undermines the assumptions sustaining this anxiety. Empirical studies indicate that children, when questioned in non-threatening environments and through open-ended methods, are capable of accurate recall and coherent narration.¹⁶ Memory



distortion is not inherently greater in children than in adults; it is the adversarial courtroom environment—intimidating, formalistic, and unfamiliar—that compromises reliability.¹⁷ Indian courts, however, continue to assess child testimony within adult-centric procedural frameworks that neither accommodate vulnerability nor facilitate truthful narration.

This evidentiary anxiety has constitutional implications. Article 14 mandates equal protection of laws, while Article 21 guarantees fairness, dignity, and procedural justice. When child witnesses are subjected to heightened suspicion without rational justification, the promise of equal protection is diluted.¹⁸ More critically, the best interests of the child—recognised through constitutional interpretation and international commitments—remain absent from the evidentiary discourse. The child is evaluated as a problem to be managed rather than as a rights-bearing participant in the justice process.

In domestic violence adjudication, the consequences are profound. Marginalising child testimony weakens prosecutions, silences lived experiences, and reinforces the private nature of domestic abuse. Children internalise the message that what they see does not matter to the law. Silence becomes habitual, and violence reproduces itself across generations. The anxiety of evidence law thus transforms into complicity through omission.

The difficulty, therefore, lies not in the unreliability of child witnesses but in the law's reluctance to trust childhood as a legitimate source of truth. Until evidence law reforms its own imagination—moving from discretionary suspicion to structured inclusion—child witnesses will remain legally present yet jurisprudentially invisible. This failure becomes even more glaring when examined alongside the statutory design of the Protection of Women from Domestic Violence Act, 2005, to which the next section now turns.

3. Domestic Violence Law and the Missing Child

The Protection of Women from Domestic Violence Act, 2005 (hereinafter “PWDVA”) was enacted as a remedial statute—civil in form, protective in spirit, and constitutional in ambition. It sought to recognise domestic violence not merely as a private wrong but as a public harm warranting state intervention. Yet, within this progressive framework lies a conspicuous silence: the absence of the child as a legal subject whose voice matters independently of the aggrieved woman.¹⁹ The statute acknowledges children as persons affected by domestic violence, but stops short of recognising them as evidentiary participants capable of contributing meaningfully to adjudication.

Section 2(a) of the PWDVA defines an “aggrieved person” as any woman who is, or has been, in a domestic relationship and alleges domestic violence. Children, despite sharing the same domestic space and often bearing the brunt of violence indirectly, are subsumed within the woman's experience rather than recognised as autonomous bearers of harm or knowledge.²⁰ This statutory design reflects an adult-centric conception of domestic violence—one that views children as appendages to the victim rather than as witnesses whose testimony may illuminate the lived reality of abuse.

Judicial interpretation has, to some extent, expanded the protective scope of the Act.



Interdisciplinary Journal of Information, Knowledge, and Management

An Official Publication
of the Informing Science Institute
InformingScience.org

Vol. : 21, Issue 1, Jan-June 2026
ISSN: (E) 1555-1237

In *V.D. Bhanot v. Savita Bhanot*,²¹ the Supreme Court held that the PWDVA applies even to acts of domestic violence committed prior to its enactment, recognising the continuing nature of harm within domestic relationships. However, even such progressive interpretation remains focused on adult victims. The experiential world of the child—who witnesses violence as a recurring pattern rather than an isolated event—remains legally peripheral.

Domestic violence cases are evidentiary outliers. They rarely produce independent eyewitnesses, forensic trails are minimal, and much of the abuse is normalised within the household. In such cases, children often become the only neutral observers—neither perpetrators nor complainants, but constant witnesses to everyday violence. Yet, the procedural architecture of the PWDVA does not meaningfully integrate child testimony into its adjudicatory framework. Proceedings before Magistrates under the Act are designed for speed and relief, not for careful evidentiary engagement with vulnerable witnesses.

The courts have repeatedly emphasised that proceedings under the PWDVA are quasi-civil and summary in nature. In *Kunapareddy v. Kunapareddy Swarna Kumari*,²² the Supreme Court observed that procedural flexibility is inherent in domestic violence proceedings. Ironically, this flexibility has not been utilised to create child-friendly mechanisms for recording testimony. Instead, the absence of express provisions has resulted in the near-total exclusion of children from the evidentiary process, except as dependents requiring custody or maintenance.

This silence becomes particularly problematic when read alongside the lived realities of domestic violence. Children exposed to prolonged abuse often develop acute observational awareness. They recognise patterns of escalation, identify triggers, and remember specific incidents with startling clarity. Psychological research consistently demonstrates that such children do not merely “see” violence—they internalise it.²³ Yet, the law continues to treat their presence as incidental, not evidentiary.

Judicial reluctance to rely on child testimony in domestic violence cases is often justified by reference to familial loyalty and fear of tutoring. However, this reasoning fails to acknowledge a fundamental distinction: in domestic violence cases, the child’s silence is more often a product of fear than fabrication. The legal system’s failure to provide a safe, supportive environment for children to speak transforms vulnerability into invisibility. In *State of Maharashtra v. Bandu Daulat*,²⁴ the Supreme Court recognised the need for special measures to protect vulnerable witnesses. Yet, such recognition has largely remained confined to sexual offence cases, leaving domestic violence proceedings untouched by similar sensitivity.

The Allahabad High Court’s Vulnerable Witness Deposition Centres Scheme, 2022—framed pursuant to *Smruti Tukaram Badade v. State of Maharashtra*²⁵ marks an important institutional step. It acknowledges children as vulnerable witnesses entitled to protection, privacy, and psychological support. However, these schemes function as soft law instruments. They lack uniform application, statutory force, and binding procedural mandates. Their implementation varies across states, reinforcing geographic inequality in access to justice for child witnesses.



The absence of statutory recognition has another troubling consequence: the evidentiary burden in domestic violence cases disproportionately falls on adult complainants. When women are unable to testify consistently due to trauma, fear, or reconciliation pressures, cases collapse for want of evidence. The child—who may possess independent recollection—is rendered legally irrelevant. This evidentiary vacuum not only undermines justice for women but also perpetuates a culture of disbelief surrounding domestic violence itself. Evidently, by excluding the child’s independent memory, domestic violence law converts trauma-induced silence of women into legal acquittal of abuse. This provides a scope for argument that Domestic violence adjudication must be reconstructed around child-centred epistemic justice, recognising the child as a constitutionally protected, memory-bearing, relational witness whose lived observation of abuse is essential both to truth-finding under the Bharatiya Sakshya Adhiniyam, 2023 and to the effective enforcement of women’s rights under the Domestic Violence Act, 2005.

Comparative jurisdictions offer instructive contrasts. In the United Kingdom, the Youth Justice and Criminal Evidence Act, 1999 institutionalises special measures for child witnesses, including video-recorded testimony and intermediary assistance. Australian courts similarly employ trauma-informed procedures to elicit reliable child testimony without subjecting the witness to adversarial harm. These models demonstrate that reliability and protection are not mutually exclusive goals. India’s continued reliance on judicial discretion rather than statutory design reflects not prudence, but legislative inertia.

The PWDVA, when read alongside the BSA, 2023, reveals a missed opportunity for integrated reform. While the new evidence law acknowledges “tender age,” it fails to contextualise childhood within domestic violence adjudication. The result is a fragmented legal response where substantive law recognises harm, but procedural law silences knowledge. Children remain present in domestic violence narratives, yet absent from legal reasoning.

This statutory silence cannot be justified as neutrality. It represents a normative choice—one that prioritises adult testimony while discounting child experience. In doing so, the law overlooks the relational nature of domestic violence and the epistemic value of childhood witnessing. If domestic violence is to be addressed meaningfully, the child must be recognised not merely as an affected dependent but as a witness whose testimony can pierce the private veil shielding abuse.

4 4. BSA, 2023: Continuity, Change, or a Missed Moment of Reform

The BSA, 2023 (hereinafter “BSA, 2023”) was introduced as a cornerstone of India’s criminal law overhaul—intended to modernise evidentiary principles, accommodate technological realities, and align procedure with contemporary notions of justice. Considerable legislative attention has been devoted to electronic evidence, digital records, and forensic efficiency. Yet, when examined through the lens of child witness jurisprudence, the new statute reveals a striking continuity with the colonial framework it replaces. The reform, though ambitious in rhetoric, remains hesitant where vulnerability demands imagination.

At the heart of this continuity lies the treatment of witness competency. The BSA,



Interdisciplinary Journal of Information, Knowledge, and Management

An Official Publication
of the Informing Science Institute
InformingScience.org

Vol. : 21, Issue 1, Jan-June 2026
ISSN: (E) 1555-1237

2023 retains the core logic of Section 118 of the Indian Evidence Act, 1872, recognising all persons as competent witnesses unless prevented by tender age, disease, or incapacity from understanding questions or giving rational answers. The language has been cosmetically updated, but the conceptual architecture remains unchanged. Childhood continues to be framed as a potential disqualification rather than as a condition warranting accommodation.

This legislative choice is significant. Law reform moments are rare opportunities to recalibrate normative priorities. In an era marked by heightened awareness of child rights, trauma-informed adjudication, and victim-centric justice, the omission of child-specific evidentiary safeguards cannot be dismissed as oversight. It reflects a deeper reluctance to move beyond judicial discretion into statutory commitment.

Indian courts have long insisted that competence is a question of understanding, not age. In *Rameshwar v. State of Rajasthan*,²⁶ the Supreme Court clarified that the testimony of a child witness is admissible provided the witness understands the duty of speaking the truth, and corroboration is a matter of prudence rather than law. Subsequent decisions have reiterated this position, yet legislative intervention has remained absent. The BSA, 2023 had the opportunity to codify these judicial insights, to transform prudence into principle. It chose not to.

The failure to statutorily recognise child witnesses as a distinct category is particularly troubling in the context of domestic violence. Domestic violence cases are evidentiary anomalies—marked by private occurrence, relational coercion, and chronic repetition. Children often emerge as the only witnesses capable of narrating patterns of abuse rather than isolated incidents. Yet, the BSA, 2023 offers no guidance on how such testimony should be recorded, assessed, or preserved. The law speaks of competence, but remains silent on care.

Judicial pronouncements have repeatedly highlighted the need for sensitivity while recording child testimony. In *Dattu Ramrao Sakhare v. State of Maharashtra*,²⁷ the Supreme Court cautioned that evidence of a child witness must be evaluated carefully, but also emphasised that it cannot be rejected outright. Despite such guidance, trial courts continue to operate without structured procedures, relying on individual temperament rather than uniform standards. The BSA, 2023 reinforces this discretionary terrain instead of disciplining it.

One of the most conspicuous omissions in the new law is the absence of any provision mandating child-friendly recording mechanisms. There is no statutory requirement for in-camera proceedings for child witnesses, no recognition of intermediary assistance, no incorporation of trauma-informed questioning techniques, and no obligation to minimise repeated appearances. The law assumes that the courtroom—designed for adult contestation—is a neutral space for children. This assumption ignores decades of psychological research demonstrating that adversarial environments impair truthful narration by vulnerable witnesses.

The Supreme Court's intervention in *State of Maharashtra v. Bandu Daulat*²⁸ and later in *Smruti Tukaram Badade v. State of Maharashtra*²⁹ underscores judicial awareness of this problem. These decisions directed the establishment of vulnerable witness deposition



Interdisciplinary Journal of Information, Knowledge, and Management

*An Official Publication
of the Informing Science Institute
InformingScience.org*

**Vol. : 21, Issue 1, Jan-June 2026
ISSN: (E) 1555-1237**

centres and child-sensitive procedures. However, these remain judicially created frameworks—operational through guidelines rather than binding statutory command. The BSA, 2023 could have absorbed these principles into the legislative text, lending them permanence and uniformity. It declined to do so.

The contrast with international practice is instructive. Jurisdictions such as the United Kingdom and Australia have moved decisively towards statutory protection of child witnesses, embedding special measures into evidentiary law rather than relegating them to judicial discretion. These systems recognise that vulnerability does not undermine reliability; unmanaged vulnerability does. Indian law, by contrast, continues to treat protection as optional and competence as suspect.

The emphasis on electronic and digital evidence in the BSA, 2023 further accentuates this imbalance. While the law eagerly accommodates technological witnesses—machines, recordings, algorithms—it remains hesitant to accommodate human vulnerability. A child's spoken memory is treated with more suspicion than a digital file, despite the former often being the only available narrative of domestic abuse. This inversion of trust reflects a technocratic imagination of evidence that privileges form over experience.

From a constitutional perspective, this legislative silence is difficult to justify. Article 21 demands fairness not only in outcome but in process. Article 15(3) and Article 15(4) empower the State to enact special provisions for women and children. When Parliament consciously refrains from creating child-specific evidentiary safeguards, it relinquishes an opportunity to operationalise constitutional compassion within procedural law. The promise of dignity remains abstract when procedure remains indifferent.

The BSA, 2023 thus represents a reform that looks forward technologically but backward normatively. It modernises the tools of proof while preserving outdated assumptions about who is entitled to speak and be believed. In domestic violence adjudication, this failure is particularly acute. The child remains a witness in fact but not in law—a repository of memory without a recognised voice.

This section demonstrates that the problem is not judicial ignorance but legislative inertia. Courts have repeatedly signalled the need for reform; psychology has supplied the evidence; comparative law has offered workable models. What remains absent is statutory courage. Until child witnesses are explicitly recognised, protected, and facilitated within evidence law, reform will remain incomplete.

The next section therefore examines how judicial discretion—left unstructured by statute—has produced inconsistency, unpredictability, and uneven protection for child witnesses across Indian courts.

5. Judicial Discretion versus Jurisprudential Consistency in Child Witness Testimony

Indian courts have repeatedly asserted that the treatment of child witnesses is governed not by rigid rules but by judicial discretion exercised with caution and prudence. While such flexibility is often defended as necessary to accommodate individual



Interdisciplinary Journal of Information, Knowledge, and Management

An Official Publication
of the Informing Science Institute
InformingScience.org

Vol. : 21, Issue 1, Jan-June 2026
ISSN: (E) 1555-1237

circumstances, it has, in practice, produced a fragmented jurisprudence marked by inconsistency, unpredictability, and uneven protection. The absence of statutory structure has allowed discretion to drift into subjectivity, undermining both evidentiary reliability and child welfare.

The Supreme Court has, on several occasions, emphasised that the testimony of a child witness is neither inherently unreliable nor automatically suspect. In *Rameshwar v. State of Rajasthan*,³⁰ the Court clarified that corroboration of a child's testimony is not a legal necessity but a rule of prudence. This principle was reaffirmed in *Dattu Ramrao Sakhare v. State of Maharashtra*,³¹ where the Court held that a child witness, if found competent and truthful, can form the sole basis of conviction.

Despite these authoritative pronouncements, lower courts continue to treat child testimony with heightened suspicion. The invocation of "prudence" has evolved into an informal threshold requirement—one that often demands corroboration even where none is legally mandated. This tendency reveals a deeper discomfort: discretion is exercised not to protect the child, but to shield the court from perceived evidentiary risk.

The problem is not the existence of discretion per se, but its unstructured nature. In *Suryanarayana v. State of Karnataka*,³² the Supreme Court cautioned that child testimony must be evaluated carefully due to the possibility of tutoring. While this observation was context-specific, it has been generalised into a near-universal suspicion. Courts frequently cite the risk of tutoring without examining whether such risk is actually present in the facts of the case. The result is a jurisprudence driven by assumptions rather than analysis.

Contradictory outcomes across cases further expose the instability of discretionary standards. In *State of Bihar v. Harman Koeri*,³³ the testimony of an eight-year-old child was rejected as unreliable, reinforcing a restrictive approach. Conversely, in *Radhey Shyam v. State of Rajasthan*,³⁴ the Supreme Court accepted child testimony, emphasising that age alone cannot be a ground for rejection if the evidence is natural and consistent. These divergent judicial responses illustrate that outcomes often depend less on legal principle and more on individual judicial perception.

This inconsistency is particularly damaging in domestic violence cases, where evidence is already scarce. The discretionary rejection of child testimony can effectively dismantle the evidentiary foundation of a case. When adult victims retract, reconcile, or testify hesitantly due to fear or dependence, the child's account may be the only remaining narrative capable of revealing the truth. Judicial hesitation in such contexts does not merely affect outcomes; it reinforces the structural invisibility of domestic violence.

Recent judicial efforts to impose procedural discipline highlight the limits of discretion without statutory backing. In *Pradeep v. State of Haryana*,³⁵ the Supreme Court stressed that trial judges must record their satisfaction regarding a child's competence and understanding of the duty to speak the truth. While this decision enhances accountability, it does not eliminate variability. One judge's satisfaction may differ radically from another's,



Interdisciplinary Journal of Information, Knowledge, and Management

An Official Publication
of the Informing Science Institute
InformingScience.org

Vol. : 21, Issue 1, Jan-June 2026
ISSN: (E) 1555-1237

especially in the absence of uniform guidelines on child psychology, questioning techniques, or trauma-sensitive procedures.

The judiciary's reliance on demeanour as a marker of credibility further complicates matters. Children express fear, confusion, or hesitation differently from adults. Silence, pauses, or emotional responses are often interpreted as uncertainty rather than trauma. Without training or statutory guidance, judges risk misreading vulnerability as unreliability. In *State of U.P. v. Krishna Master*,³⁶ the Supreme Court cautioned against discarding testimony merely due to emotional behaviour, yet such warnings have not translated into consistent trial-level practice.

The constitutional implications of this discretionary regime cannot be ignored. Article 14 demands that like cases be treated alike. When similarly situated child witnesses receive radically different treatment across courts, the principle of equality before law is compromised. Article 21's guarantee of fair procedure is also implicated when children are subjected to intimidating processes without protective mechanisms. Discretion, when left unguided, becomes a vehicle for arbitrariness rather than justice.

The judicial response to vulnerable witnesses in sexual offence cases offers a revealing contrast. Through decisions such as *State of Maharashtra v. Bandu Daulat*

,³⁷ courts have recognised the necessity of protective measures and special procedures. However, domestic violence cases—despite involving similar power imbalances and trauma—have not received equivalent doctrinal attention. The selective application of vulnerability reveals a fragmented understanding of harm.

Judicial discretion, therefore, operates as both a shield and a barrier. It shields courts from the risk of relying on testimony perceived as fragile, but it simultaneously bars children from meaningful participation in the justice process. Without statutory scaffolding, discretion cannot evolve into consistency. What is needed is not the elimination of discretion, but its discipline through law.

This section demonstrates that reliance on judicial wisdom alone is insufficient to address the systemic marginalisation of child witnesses. Courts have articulated concern, caution, and sympathy, yet these sentiments dissolve into inconsistency at the point of application. Legislative intervention is necessary to transform discretion into duty and caution into care.

6 Vulnerable Witness Deposition Centres: Soft Law Innovation and Its Structural Limits

The emergence of Vulnerable Witness Deposition Centres (VWDCs) marks a significant institutional response to the longstanding neglect of vulnerable witnesses within the Indian criminal justice system. These centres, conceived through judicial intervention rather than legislative mandate, represent an attempt to humanize evidentiary procedures by recognising that vulnerability affects the manner in which truth is communicated. For child witnesses, particularly those exposed to domestic violence, such spaces promise safety, dignity, and psychological comfort. Yet, despite their progressive intent, VWDCs remain structurally



constrained by their status as soft law instruments.

The doctrinal foundation for these centres can be traced to *State of Maharashtra v. Bandu Daulat*,³⁸ where the Supreme Court acknowledged the trauma faced by vulnerable witnesses and directed High Courts to adopt suitable guidelines for recording their testimony. The Court recognised that conventional courtrooms— adversarial, intimidating, and adult-centric—are ill-suited for children and other vulnerable persons. This judicial acknowledgment was a decisive departure from earlier evidentiary formalism, signalling sensitivity to psychological harm as a legal concern.

This approach was further consolidated in *Smruti Tukaram Badade v. State of Maharashtra*,³⁹ wherein the Supreme Court mandated the establishment of vulnerable witness deposition centres across the country. The Court emphasised that child witnesses must be protected from secondary victimisation and directed High Courts to frame schemes ensuring privacy, comfort, and support during testimony. The emphasis was not merely procedural efficiency but humane justice.

Pursuant to these directions, several High Courts framed schemes, most notably the Allahabad High Court's "Vulnerable Witness Deposition Centres Scheme, 2022." The scheme incorporates progressive safeguards such as in-camera proceedings, concealment of identity, presence of support persons, child-friendly infrastructure, and stress-free environments for recording testimony. These measures represent an important shift in judicial consciousness—one that recognises vulnerability as a structural condition rather than an individual weakness.

However, despite their normative appeal, VWDCs suffer from inherent limitations. First, their legal status remains non-statutory. They derive authority from judicial directions rather than parliamentary enactment. As a result, their implementation varies widely across states, depending on administrative will, financial resources, and institutional commitment. This variability undermines the principle of equal access to justice. A child witness in one jurisdiction may benefit from a fully equipped centre, while another may face traditional courtroom hostility merely due to geographic happenstance.

Second, the applicability of VWDCs remains uneven across categories of cases. Judicial discourse around vulnerability has largely developed in the context of sexual offences, particularly under the Protection of Children from Sexual Offences Act, 2012. Domestic violence cases, despite involving comparable trauma and power imbalance, often fall outside the operational focus of these schemes. This selective application reinforces the misconception that vulnerability is offence-specific rather than witness-specific.

Third, VWDCs operate at the level of infrastructure and procedure but do not address evidentiary evaluation. While they facilitate the recording of testimony, they do not guide courts on how such testimony should be weighed. The absence of statutory standards for assessing child testimony means that even evidence recorded in protective environments remains subject to the same discretionary suspicion discussed earlier. Comfort without credibility reform risks reducing VWDCs to symbolic gestures rather than transformative tools.

Judicial pronouncements themselves reveal this limitation. In *Pradeep v. State of*



Haryana,⁴⁰ the Supreme Court reiterated the importance of preliminary satisfaction regarding child competence but did not integrate VWDC mechanisms into evidentiary evaluation. The recording of testimony and its judicial appreciation continue to function in parallel silos, weakening the systemic impact of institutional reform.

From a constitutional standpoint, the reliance on soft law raises serious concerns. Article 21's guarantee of fair procedure cannot depend on judicial benevolence or regional implementation. When protective mechanisms for child witnesses are optional rather than mandatory, procedural fairness becomes contingent rather than guaranteed. Moreover, Article 14's promise of equality before law is diluted when similarly situated child witnesses receive different levels of protection based solely on administrative capacity.

Comparative jurisdictions illustrate the limitations of guideline-based reform. In the United Kingdom, special measures for child witnesses are statutorily embedded under the Youth Justice and Criminal Evidence Act, 1999, ensuring uniform application and enforceability. Australian evidence law similarly incorporates child-friendly procedures through legislative mandate. These models demonstrate that institutional compassion achieves durability only when translated into statutory command.

In the Indian context, VWDCs represent a commendable but incomplete response. They acknowledge the problem of vulnerability but stop short of resolving it. Their existence highlights an uncomfortable truth: the judiciary has moved faster than the legislature in recognising the needs of child witnesses. Yet, without legislative incorporation into evidence law—particularly the BSA, 2023—the promise of VWDCs remains fragile.

For child witnesses in domestic violence cases, this fragility is particularly consequential. The absence of binding statutory procedures means that their protection depends on judicial awareness rather than legal entitlement. Justice becomes discretionary, not guaranteed. The child is invited into a safer room but remains subject to an unchanged evidentiary gaze. This section underscores that while VWDCs signal progressive intent, they cannot substitute for comprehensive statutory reform. Infrastructure without doctrine, and sensitivity without enforceability, cannot dismantle entrenched evidentiary bias. To move from compassion to consistency, the law must speak clearly and authoritatively.

7. Towards a Child-Centric Evidentiary Jurisprudence: Reforming Law, Not Merely Practice

The preceding analysis reveals a persistent structural failure: Indian evidence law acknowledges the existence of child witnesses but does not meaningfully accommodate their realities. Judicial discretion, institutional innovation, and procedural sensitivity—while commendable—remain fragmented and contingent. What is required now is a shift from episodic protection to systemic reform, from sympathy to structure. A child-centric evidentiary jurisprudence must be consciously crafted, not left to judicial improvisation.

At its core, such a jurisprudence must reject the assumption that vulnerability undermines credibility. Indian courts have repeatedly affirmed that credibility is a matter of



appreciation, not age. In *Rameshwar v. State of Rajasthan*,⁴¹ the Supreme Court made it clear that the evidence of a child witness is admissible and that corroboration is not a rule of law. Yet, this doctrinal clarity has not translated into legislative design. Reform must therefore begin by codifying what courts have long acknowledged but inconsistently applied.

a. Statutory Recognition of Child Witness as a Distinct Evidentiary Category

The BSA, 2023 must be amended to expressly recognise children as a distinct class of witnesses requiring procedural accommodation. A dedicated provision— analogous to special measures for electronic evidence—should mandate child- friendly recording of testimony. This would include in-camera proceedings, prohibition of aggressive cross-examination, use of age-appropriate language, and minimisation of repeated appearances. Such recognition would transform protection from a discretionary courtesy into a legal right.

The constitutional basis for this reform is unequivocal. Article 15(3) empowers the State to make special provisions for women and children. Article 21 guarantees not merely substantive justice but fairness in procedure. When a child witness is subjected to intimidating courtroom practices without statutory safeguards, procedural fairness is compromised. Judicial observations in *State of Maharashtra v. Bandu Daulat*⁴² already recognise this harm. Legislative incorporation would merely give binding form to existing constitutional conscience.

b. Re-conceptualising Competence Through Capacity, Not Age

Competence must be understood as situational capacity rather than chronological maturity. Courts already conduct preliminary examinations to assess understanding. However, without statutory guidance, such examinations risk devolving into intelligence tests divorced from experiential truth. The law must clarify that competence relates to the ability to perceive, recall, and narrate relevant facts—not to abstract notions of maturity.

In *Pradeep v. State of Haryana*,⁴³ the Supreme Court emphasised the duty of trial judges to record satisfaction regarding a child's understanding. This duty must be supplemented by statutory criteria grounded in child psychology and trauma awareness. Without such criteria, judicial satisfaction remains subjective and inconsistent.

c. Integrating Trauma-Informed Evidentiary Evaluation

Domestic violence cases present unique challenges. Trauma affects memory, narration, and demeanour. Children exposed to repeated domestic abuse often recall incidents in fragments, emotions, and sensory impressions rather than linear narratives. Traditional evidentiary expectations—consistency, chronological precision, emotional neutrality—are ill-suited to such testimony.

Indian courts have occasionally acknowledged this reality. In *State of U.P. v. Krishna Master*,⁴⁴ the Supreme Court cautioned against rejecting testimony merely due to emotional behaviour. However, without statutory reinforcement, such insights remain underutilised. Evidence law must explicitly require courts to consider trauma as a factor in evaluating child testimony, particularly in domestic violence adjudication.



d. Learning from Comparative Legislative Models Without Diluting Indian Context

Comparative experience offers guidance without demanding transplantation. The United Kingdom's Youth Justice and Criminal Evidence Act, 1999 institutionalises special measures for child witnesses, ensuring uniform application across jurisdictions. Australian evidence statutes similarly embed child-friendly procedures within the legislative framework. These models demonstrate that statutory protection enhances reliability rather than diminishing it.

India need not replicate foreign frameworks wholesale. However, the principle underlying these models—that vulnerability requires accommodation, not exclusion—is universally applicable. Selective incorporation of such principles into the BSA, 2023 would align Indian evidence law with global best practices while remaining rooted in constitutional values.

e. Bridging the Gap Between Domestic Violence Law and Evidence Law

Perhaps the most urgent reform lies in integrating domestic violence jurisprudence with evidentiary reform. The Protection of Women from Domestic Violence Act, 2005 recognises the cyclical and relational nature of abuse but does not address evidentiary silence. Evidence law, conversely, regulates testimony without contextualising domestic violence. This disconnect marginalises child witnesses who inhabit both domains.

A child-centric evidentiary jurisprudence must therefore operate across statutes. Amendments to evidence law should explicitly acknowledge domestic violence contexts, mandating sensitive procedures when children testify about intra-familial abuse. Such integration would not only strengthen prosecutions but also affirm the child's role as a bearer of legally relevant truth.

f. From Discretion to Duty: The Need for Legislative Courage

Judicial discretion has carried the system as far as it can. Courts have expressed concern, devised guidelines, and urged sensitivity. Yet, as demonstrated earlier, discretion without structure breeds inconsistency. Legislative courage is now required to convert judicial wisdom into enforceable norms.

The failure to do so perpetuates a troubling message: that children may see violence, remember it, and live with its consequences, but the law is unsure whether it wishes to hear them. Such ambivalence is incompatible with a constitutional democracy committed to dignity and justice. A child-centric evidentiary jurisprudence does not seek to privilege child testimony over others; it seeks to place it on equal footing through appropriate accommodation. It recognises that fairness is not sameness, and that equality sometimes demands differentiation. Until evidence law internalises this principle, reform will remain incomplete.

8 8. Conclusion

The journey of Indian evidence law in relation to child witnesses reveals a paradox that can no longer be ignored. On the one hand, courts have repeatedly acknowledged that children are capable of truth, perception, and rational narration. On the other, the legal system continues to approach their testimony with suspicion, caution, and discretionary hesitation. This paradox becomes particularly stark in cases of domestic violence, where the child is not merely an observer but a silent inhabitant of a violent domestic ecology.



This article has argued that the marginalisation of child witnesses in domestic violence adjudication is not accidental. It is the product of an adult-centric evidentiary imagination that privileges formal consistency over lived experience. While the Protection of Women from Domestic Violence Act, 2005 recognises the cyclical and relational nature of abuse, it does not structurally integrate the child into its evidentiary framework. Conversely, the BSA, 2023 modernises evidence law in technological terms but retains colonial assumptions about vulnerability and competence. Together, these statutes create a legal space where children are present in fact but absent in law.

Judicial discretion has attempted to fill this gap. Decisions such as *Rameshwar v. State of Rajasthan*,⁴⁵ *Suryanarayana v. State of Karnataka*,⁴⁶ and *Pradeep v. State of Haryana*⁴⁷ demonstrate a consistent recognition that age alone cannot disqualify testimony. Yet, discretion without statutory discipline has produced inconsistency rather than coherence. Prudence has become a proxy for doubt, and caution has too often resulted in exclusion.

Institutional innovations such as Vulnerable Witness Deposition Centres reflect an important shift in judicial consciousness. They acknowledge that truth cannot emerge from fear and that vulnerability requires accommodation. However, as this article has shown, soft law cannot substitute statutory command. Without legislative incorporation, such mechanisms remain uneven, fragile, and contingent upon administrative will. Justice for child witnesses cannot depend on geography or judicial temperament.

The central claim advanced here is that child witnesses—particularly in domestic violence cases—must be recognised as relational witnesses whose testimony captures patterns rather than isolated incidents. Their evidence is not supplementary; it is often foundational. The failure to hear them weakens prosecutions, silences lived realities, and perpetuates cycles of violence that the law seeks to dismantle. When children learn that what they witness does not matter to the legal system, silence becomes normalised, and harm is reproduced across generations.

A child-centric evidentiary jurisprudence therefore demands more than procedural kindness. It requires statutory recognition, trauma-informed evaluation, and constitutional courage. Articles 14 and 21 of the Constitution do not merely promise formal equality and procedural fairness; they demand that law respond meaningfully to difference. Article 15(3) empowers the State to act decisively in favour of children. The continued legislative silence in evidence law is thus not neutrality—it is omission.

Comparative experience demonstrates that reform is neither radical nor unworkable. Jurisdictions that have statutorily embedded child-friendly evidentiary procedures have enhanced, not diluted, reliability. India need not replicate foreign models wholesale, but it can no longer ignore the principle that vulnerability requires accommodation, not exclusion.

The BSA, 2023 represented a rare moment of legislative renewal. Its failure to meaningfully engage with child witness jurisprudence is a missed opportunity—but not an irreversible one. The path forward lies in integrating judicial wisdom, psychological insight, and constitutional morality into the statutory architecture of evidence law. Only then can



discretion evolve into duty, and sensitivity into enforceable right.

Ultimately, the measure of a justice system lies not in how it treats the powerful speaker, but in how it listens to the quiet witness. The child who sees violence and survives it is not merely a subject of sympathy; she is a bearer of truth. Until the law learns to hear her—not cautiously, not conditionally, but conscientiously—domestic violence will remain partially adjudicated and incompletely understood.

Law must move beyond asking whether the child understands the question.

It must ask whether the law is prepared to understand the child.

Declaration

I Sneha Sunil Arekar author of this above article do hereby declare that my manuscript titled, THE CHILD WHO SEES BUT IS NOT HEARD: RE- IMAGINING CHILD WITNESS TESTIMONY IN DOMESTIC VIOLENCE ADJUDICATION UNDER THE BHARATIYA SAKSHA ADHINIYAM, 2023 has received no funding and neither any sponsorship from any source . I further state that I have no competing interest to declare. The statement made hereinabove are true to the best of my information and knowledge and nothing has been concealed.

References

1. Patrick Parkinson & Catherine Humphreys, Children Who Witness Domestic Violence, 10 Child & Fam. L.Q. 147 (1998)
2. McAuliff, B. D., Lapin, J., & Michel, S. (2015). Support person presence and child victim testimony: Believe it or not. Behavioral Sciences & the Law, 33(4), 508-527. Retrieved from, <https://onlinelibrary.wiley.com/doi/abs/10.1002/bsl.2190> Visited on 26.12.2025
3. Shen, Z., & Xu, Y. (2023). The impact of domestic violence on children's psychology and self-cognition. In SHS Web of Conferences (Vol. 180, p. 02031). EDP Sciences. Retrieved from, https://www.shs-conferences.org/articles/shsconf/abs/2023/29/shsconf_icepcc2023_02031/shsconf_icepcc2023_02031.html Visited on 26.12.2025
4. See, Patrick Parkinson & Catherine Humphreys, Children Who Witness Domestic Violence, 10 Child & Fam. L.Q. 147 (1998)
5. The Court in Rameshwar v. State of Rajasthan, AIR 1952 SC 54 explained that competency is the rule under Section 118; a child is competent unless the judge finds the child cannot understand questions or give rational answers due to tender years.
6. Graham Davies et al., The Child Witness, 25 Howard J. Crim. Just. 81 (1986)
7. Dhariwal, D., & Verma, N. (2024). Balancing Justice: Human Rights and the Law of Evidence in India. Available at SSRN 4962336. Retrieved from, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4962336 Visited on 26.12.2025
8. Suryanarayana v. State of Karnataka AIR 2001 SC 482



9. <https://www.tandfonline.com/doi/abs/10.1080/09658211.2015.1010709> Visited on 25.12.2025
10. Robinson, J. (2015). The experience of the child witness: Legal and psychological issues. *International journal of law and psychiatry*, 42, 168-176. Retrieved from, <https://www.sciencedirect.com/science/article/pii/S0160252715001326> Visited on 26.12.2025
11. Chattopadhyay, S. (2017). Gendering legal discourse: a critical feminist analysis of domestic violence adjudication in India. *The Journal of Law, Social Justice and Global Development*, (20b). Retrieved from, <https://exchanges.warwick.ac.uk/index.php/lgdjournal/article/view/1419> Visited on 27.12.2025
12. Evans, A. D., & Lyon, T. D. (2011). Assessing children's competency to take the oath in court: The influence of question type on children's accuracy. *Law and Human Behavior*, 1-13. Retrieved from, <https://link.springer.com/article/10.1007/s10979-011-9280-6> Visited on 27.12.2025
13. State of Bihar v. Harman Koeri AIR 1971 Pat 237
14. Rameshwar v. State of Rajasthan AIR 1952 SC 54
15. Pradeep v. State of Haryana 2023 SCC OnLine SC 777
16. Graham Davies et al., The Child Witness, 25 Howard J. Crim. Just. 81 (1986)
17. Howe, M. L., & Knott, L. M. (2015). The fallibility of memory in judicial processes: Lessons from the past and their modern consequences. *Memory*, 23(5), 633-656.
18. Solanki, G., & Gangoli, G. (2016). Defining domestic violence and women's autonomy in law. *Socio- Legal Rev.*, 12, 51. Retrieved from, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/soclerev12§ion=7 Visited on 25.12.2025
19. V.D. Bhanot v. Savita Bhanot (2012) 3 SCC 183
20. Kunapareddy v. Kunapareddy Swarna Kumari (2016) 11 SCC 774
21. Patrick Parkinson & Catherine Humphreys, Children Who Witness Domestic Violence, 10 Child & Fam. L.Q. 147 (1998)
22. State of Maharashtra v. Bandu Daulat (2018) 11 SCC 163
23. Smruti Tukaram Badade v. State of Maharashtra 2022 SCC OnLine SC 80
24. Rameshwar v. State of Rajasthan AIR 1952 SC 54
25. Dattu Ramrao Sakhare v. State of Maharashtra (1997) 5 SCC 341
26. State of Maharashtra v. Bandu Daulat (2018) 11 SCC 163
27. Smruti Tukaram Badade v. State of Maharashtra 2022 SCC OnLine SC 80
28. Rameshwar v. State of Rajasthan AIR 1952 SC 54
29. Dattu Ramrao Sakhare v. State of Maharashtra (1997) 5 SCC 341
30. Suryanarayana v. State of Karnataka AIR 2001 SC 482
31. State of Bihar v. Harman Koeri AIR 1971 Pat 237
32. Radhey Shyam v. State of Rajasthan AIR 2000 SC 1238



Interdisciplinary Journal of Information, Knowledge, and Management

*An Official Publication
of the Informing Science Institute
InformingScience.org*

Vol. : 21, Issue 1, Jan-June 2026
ISSN: (E) 1555-1237

33. Pradeep v. State of Haryana 2023 SCC OnLine SC 777
34. State of U.P. v. Krishna Master (2010) 12 SCC 324
35. State of Maharashtra v. Bandu Daulat (2018) 11 SCC 163
36. State of Maharashtra v. Bandu Daulat (2018) 11 SCC 163
37. Smruti Tukaram Badade v. State of Maharashtra 2022 SCC OnLine SC 80
38. Pradeep v. State of Haryana 2023 SCC OnLine SC 777
39. Rameshwar v. State of Rajasthan AIR 1952 SC 54
40. State of Maharashtra v. Bandu Daulat (2018) 11 SCC 163
41. Pradeep v. State of Haryana 2023 SCC OnLine SC 777
42. State of U.P. v. Krishna Master (2010) 12 SCC 324
43. Rameshwar v. State of Rajasthan AIR 1952 SC 54
44. Suryanarayana v. State of Karnataka AIR 2001 SC 482
45. Pradeep v. State of Haryana 2023 SCC OnLine SC 777