



# DOMESTIC LAWS AND CASE MANAGEMENT

Sonia Gupta  
Principal District & Sessions Judge  
Reasi, Jammu & Kashmir

# Rising Concern

No. of identified HT Victims –

2019 - 5145

2020 - 6622

2021 - 5934

2022 - 6500+

## THE VULNERABLE CLASS

Poor

Women

Children

Tribals

No. of HT Prosecution

2020 - 1714

2021 - 2189





# **Advisory to Registrar General and State Judicial Academies**

# Session Overview

- Human Trafficking – An Issue
- Identify bottlenecks to the expeditious disposal of trafficking cases
- Affirm the role of the judge in active case management
- Discuss strategies for overcoming case management challenges
  - Calendar management
  - Case management hearings
  - Curbing frivolous adjournments
  - Setting expectations
  - Securing the testimony of victims, witnesses and experts
  - Using sanctions
- Apply case management strategies to distributed fact pattern



# Dimensions of Trafficking

- I. Trafficking for Sexual Exploitation
- II. Trafficking for Labor Exploitation
- III. Adoption and Trafficking
- IV. Trafficking for Human Organs
- V. Marriage and Trafficking
- VI. Trafficking for Domestic help
- VII. Trafficking for Circus, Camel Jockeying etc.
- VIII. Trafficking for Terrorism

# IPC / BNS

- Definition and punishment of Human Trafficking - Section 370 IPC

Section 143 BNS

- Exploitation of Trafficked person - Section 370 A IPC

Section 144 BNS

- Kidnapping for begging - Section 363A IPC

Section 139 BNS

- Kidnapping or Abduction or inducement of  
a woman for Marriage or Illicit Sexual Intercourse - Section 366 IPC

Section 87 BNS



# IPC / BNS

- Procurement of a Minor Girl for Sexual Intercourse- Section 366 A IPC  
Section 87 BNS
- Selling / Buying Minor for prostitution.-Section 372 & 373 IPC  
Section 98 & 99 BNS
- Habitual dealing in slaves- Section 371 IPC  
Section 145 BNS
- Unlawful compulsory labour- Section 374 IPC  
Section 146 BNS

“It is the lack of managerial skills in the court administration, which has attributed to the current increase in pendency rates of cases in courts”.

Hon'ble Justice P. Sathasivam



Why must judges prioritize human trafficking cases?

# Bottlenecks in Expeditious Disposal of Cases

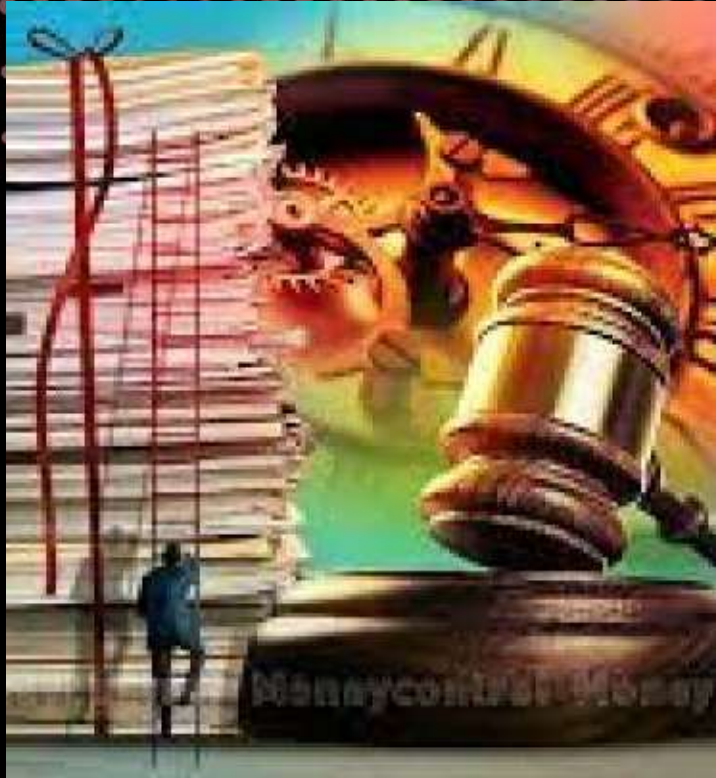
- Pendency of bails in one forum
- Delay in framing of charges
- Prolonged recording of testimonies
- Heavily loaded courts



# Bottlenecks in Expeditious Disposal of Cases

- Frequent adjournments
- Communication with stakeholders:
  - Lawyers
  - Prosecution agency
  - Staff
  - Judges
- Impact of media

# Prioritization & Disposal of HT Cases



- Specialized Teams and Task Forces
- Efficient Case Management Protocols
- Advanced Case Tracking Systems



Please share one tip for effective case management in a human trafficking case.

# CALENDAR MANAGEMENT

## Calendar for Year 2023

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March						
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12	13	14	15	16	17	18
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26	27	28	29	30	31	

April						
S	M	T	W	T	F	S
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
S	M	T	W	T	F	S
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September						
S	M	T	W	T	F	S
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24	25	26	27	28	29	30

October						
S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						



“The courts in all criminal cases should hold a preliminary case management hearing at the beginning of the trial.”

Hon’ble Apex court in “In RE To issue certain guidelines regarding inadequacies and deficiencies in criminal Trials Vs State of Andhra Pradesh on 20 April 2021”

# Calendar Management

- Preliminary case management hearing
- Scheduled hearing at various stages
- Use of technology for virtual testimonies





“Witness is a guest of court and should not be sent back without examination.”

Hon’ble Apex Court in State of UP Vs Shambu Nath and others

# Securing Victim/Witness Testimony

- Immediate victim/witness production
- Scheduled statement recording
- Prioritizing formal and expert witnesses
- Utilizing virtual testimonies



# Curbing Frivolous Adjournments – Section 309(2) IPC

## Section 344 BNSS



- Strict adherence to court timelines
- Sanctions for unjustified delays

# Setting Expectations



- Role of judges
- Managing media
- Regular review and update of case management strategies



# Small Group Activity

Working in groups of 5 – 6 judges

You have 20 minutes to review and discuss the distributed fact pattern.

1. Identify **3 case management challenges** presented in the fact pattern
2. **For each challenge**, identify **one strategy** the judge can adopt





Thank You