

**TAMIL NADU STATE LEGAL SERVICES AUTHORITY**  
**NORTH FORT ROAD, HIGH COURT CAMPUS, CHENNAI – 600104.**

Patron – in – Chief:

**THE HON'BLE THE CHIEF JUSTICE,  
HIGH COURT, MADRAS.**

Executive Chairman:

**HON'BLE Dr. JUSTICE VINEET KOTHARI  
JUDGE, HIGH COURT, MADRAS**



MEMBER SECRETARY:

**THIRU K. RAJASEKAR B.Com., B.L.,  
DISTRICT JUDGE.**

DEPUTY SECRETARY

**Tmt.T.JAYASHREE B.A., M.L.,  
SENIOR CIVIL JUDGE.**

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TNSLSA. No. 4454/S3/2019

Date: 9.09.2019

To,  
The Chairman,  
(All) District Legal Services Authority,

Madam/Sir,

Sub.: TNSLSA – Guidelines for One Stop Crisis Team for Victims of  
Human Trafficking – Regarding.

Ref.: This Authorities letter even number dated 16.7.2019 & 29.7.2019

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I am to inform that the draft Guidelines framed for One Stop Crisis team recently framed at District level is herewith forwarded to DLSAs for guidance and implementation of the NALSA (Victim of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.

Encl.: As above

Yours faithfully,

  
Member Secretary

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D-5215/19

**GUIDELINES FOR**

**ONE STOP CRISIS TEAM**

**FOR**

**VICTIMS OF HUMAN TRAFFICKING**

**STATE LEGAL SERVICES AUTHORITY**

**TAMIL NADU**

**GUIDELINES FOR “ONE STOP CRISIS TEAM”**  
**FOR**  
**VICTIMS OF HUMAN TRAFFICKING**

**1. Introduction**

**Section 370 Criminal Amendment Act 2013 (Indian Penal code)**

Trafficking of person.-

- (1) Whoever for the purpose of exploitation, (a) recruits, (b) transport, (c) harbours, (d) transfers, or (e ) receives, a person or persons by - First.- using threats, or Secondly.-using force, or any other form of coercion Thirdly.- by abduction, or Fourthly.- by practicing fraud, or deception, or Fifthly.- by abuse of power, or Sixthly.- by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking. Explanation 1.- The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs. Explanation 2.- The consent of the victim is immaterial in determination of the offence of trafficking.

**Section 12 The Legal Services Authority Act 1987**

“Criteria for giving legal services”.

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is (a) a member of a Schedule Caste or Schedule Tribe; (b) a victim of trafficking in human beings or begar as referred in Article 23 of the Constitution.

**2. Related Legal Provisions**

- a) Indian Penal Code
  - Section 370 Trafficking of Person
  - Section 370 A. Exploitation of a trafficked person
  - Section 371 Habitual dealing in slaves
  - Section 372 Selling minor for purpose of prostitution , etc
  - Section 373 Buying minor for purposes of prostitution, etc.
  - Section 374 Unlawful compulsory labour
- a) Immoral Traffic (prevention) Act 1956
- b) The Bonded Labour System (Abolition) Act, 1976
- c) The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
- d) Schedule Caste & Schedule Tribe (Prevention of Atrocities) Act, 1989
- e) The Juvenile Justice (Care and Protection of Children) Act, 2015
- f) The Inter-State Migrant Workmen (Regulation of employment and conditions of service) Act, 1979
- g) Minimum Wages Act, 1948

### **3. Current trends of Human Trafficking**

Trafficking in human beings, more so in women and children, is one of the fastest growing forms of criminal activity, next only to drugs and weapons trade generating unaccountable profits annually. Trafficking in persons is a serious crime and a grave violation of human rights.

Human trafficking is primarily for the purpose of exploitation, which includes sexual exploitation, forced/bonded labour, slavery or similar practices and for the removal of organs. Human trafficking is considered as a form of modern slavery—a multi-billion-dollar criminal industry that denies freedom to 20.9 million people around the world. All trafficking victims share one essential experience: the loss of freedom.

### **4. One Stop Crisis Team -OSCT**

Tamil Nadu State Legal Services Authority had instructed all the District Legal Services Authorities to form One Stop Crisis Team (OSCT) at District Level to render legal services effectively in preventing and addressing the issue of human trafficking.

- a) The Chairman/Principal District Judge shall be patron-in-charge of the OSCT team in his/ her respective District and review the minutes of the meeting periodically and provide suitable guidance.
- b) The Secretary, District Legal Services authority shall choose the nominated members on his/her own discretion to constitute the team in their respective districts.
- c) The Secretary, District legal Services Authority shall be an ex-officio head for the OSCT Team.
- d) The Secretary, DLSA head of OSCT shall make sure the team is constituted with all members without any intervention.
- e) The members of the OSCT.

1. Secretary, DLSA- Head
2. Panel Advocate (nominated member)
3. Para Legal Volunteer (nominated member)
4. Trained and qualified social worker (nominated member)
5. Police official – Anti Human Trafficking unit
6. Nodal Officer from Labour Department
7. Nodal officer from Revenue Department
8. Nodal officer from Director of Industrial safety and health
9. Nodal officer from Social Welfare Department

### **The objective of the OSCT**

1. To converge with all departments for identification, rescue, rehabilitation of victims of human trafficking and initiating prosecution as per the various provisions of existing laws.
2. To inspect worksite periodically along with relevant officials. If they come across any victims of human trafficking, they will approach the relevant authorities to release them officially.
3. To map out the vulnerable areas and the vulnerable population and conduct awareness in the community about the issue of human trafficking.
4. To organize camps at the taluk level to ensure government schemes and rehabilitation schemes reach the victims.

### **The role of OSCT (As per NALSA Victims of Trafficking and Commercial Exploitation) scheme 2015**

1. Providing legal assistance to the victims of trafficking and sexual exploitation at the time of rescue and thereafter trial.
2. Facilitate the accessing of the District Legal Services Authorities ( DLSAs) for award of victim compensation under Section 357-A Cr.P.C
3. Monitoring and act as social auditors of the existing facilities available for rehabilitation of rescued victims of sexual exploitation and trafficking.
4. Spreading awareness in the community through the panel lawyers and para legal volunteers about the issues of trafficking particularly in vulnerable areas and among vulnerable groups.
5. Converging nodes to ensure that the government schemes meant for the marginalized actually reach them as such access to the government support does have a positive impact in preventing trafficking and falling prey to traffickers.
6. Initiating steps to sensitise the corporate world to support rehabilitation measures for trafficked victims including skilled building and employment under the head of CSR.
7. Assistance through training and sensitization of stakeholders, like police, lawyers including legal services lawyers, prosecutors, government servants and the judiciary.
8. Collaborating with the local education institutions and civil society organisations and NGOs working in this field.

## **5 Functions of the OSCT**

The Secretary DLSA – Ex-officio Head of OSCT shall call for monthly meeting

This OSCT shall meet once in every month as follows: -

At the end of every meeting the date for the next meeting may be finalized by each team and the meeting shall be conducted within the premises of DLSA of their respective jurisdiction.

The monthly meeting shall occur before 10<sup>th</sup> of every month.

If any of the members are not able to participate in the meeting, he/she may nominate a representative.

All the members of OSCT shall not be absent for more than 3 meetings consecutively and Secretary shall take effective steps for participation of all members in the meeting.

All the monthly meeting shall have following agendas

1. Maintenance of database
2. Status of Complaints/Information about Human Trafficking cases and action taken
3. Periodical inspection reports
4. Progress in Police Investigations in Human Trafficking cases within their jurisdiction
5. Progress in Trial or Human Trafficking cases within their jurisdiction
6. Action taken on the applications received from victims for assistance/Protection/Compensation
7. Status on Periodical awareness camps
8. Attendance of members
9. Next meeting date

The minutes of the meeting shall be communicated to the Chairman/Principal District Judge, District Legal Services Authority.

Once in three months, a Periodical report shall be submitted to State Legal Services Authority about the functions of OSCT in the format of "Appendix A"

## **OPERATING PROCEDURES OF ONE STOP CRISIS TEAM**

### **1 Preventive measures**

The OSCT to generate widespread awareness regarding Labour Law violations, trafficking for labour exploitation, trafficking for sexual exploitations, payment of minimum wages and legal rights of an individual. There is a lack of general awareness among the public, especially the vulnerable community in their respective districts. This team will also sensitize the employers for them to understand the necessity of compliance of all the legal requirements.

- a) The OSCT shall list all the factories, Employment units within their jurisdiction and conduct a massive awareness programmes once every 6 months for the employers regarding Labour Law violations, exploitations including sex and labour and legal rights of an individual.
- b) The OSCT shall list all the factories, Employment units within their jurisdiction and conduct a massive awareness programmes once every 6 months for the employees regarding Labour Law violations, exploitations including sex and labour and legal rights of an individual.

### **2 Rescuing Victims**

**The OSCT may receive complaints from any person who has prima facie information regarding the existence of Human trafficking and act according to the respective Standard Operating Procedures.**

The OSCT shall get information about the existence of Human Trafficking cases initiate surprise visits and inspections to the possible facilities where exploitations occur. This team shall coordinate with relevant agencies to rescue the victims of human trafficking as per the following Standard Operating Procedures appropriately.

- 1) For Labour Trafficking  
G.O (Ms) No 35 dated 08.03.2019 Labour and Employment (UI) Department.
- 2) For Child Labour  
G.O (Ms) No 58 dated 28.05.2019 Labour and Employment (U2) Department.
- 3) For Sex Trafficking  
Standard Operating Procedures (SOP) on investigating Crimes of Trafficking for Commercial Sexual Exploitation, issued by Government of India and United Nations Office on Drugs and Crime.

The team shall also monitor the functions of various enforcement agencies and shall give suitable guidance and directions for their better actions.

- a) Complaint case:

Any one member of OSCT can receive complaint, whether oral or written, by any person or facts constituting the commission of Human Trafficking offence.

- i. If the team found there is a Labour exploitation, the team shall refer it to the authorities concerned for necessary course of action. The nodal officer from revenue department should co-ordinate with sub-divisional executive magistrate and should facilitate him to conduct an enquiry under Bonded Labour System Abolition Act 1976 as per G.O (Ms) No 35 dated 08.03.2019 Labour and Employment (UI) Department.
- ii. If the team found existence of Child labour, the team shall refer it to the authorities concerned for necessary course of action. The rescued children shall be produced before the Child Welfare committee under Child and Adolescent Labour (Prohibition and Regulating) Act, 1986.
- iii. If the team found any cases of Sexual exploitation, the team shall refer it to the authorities concerned for necessary course of action. The concerned authorities shall produce the victim before magistrate under The Immoral Traffic Prohibition Act, 1956 as per Standard Operating Procedures (SOP) on investigating Crimes of Trafficking for Commercial Sexual Exploitation, issued by Government of India and United Nations Office on Drugs and Crime.

b) Non-Complaint case:

The OSCT shall use police intelligence and map out the vulnerable area within their jurisdiction and conduct a surprise inspection periodically twice a year to find out about human Trafficking or Sexual, labour exploitation.

If the team come across any human trafficking cases, then it may be converted into a complaint case and shall processed accordingly.

### **3 Prosecution**

This team shall give assistance to the victims of human Trafficking at the time of Rescue, Investigation and trial, monitor the investigation for timebound quality charge sheets. This team shall also give protection and assistance to the victims of Human Trafficking during testimony before the enforcement agencies or the court of law, assist and or represent the victims even at the time of hearings including bail petitions emphasising special rights for children and women victim witnesses of Human Trafficking.

#### **Investigation**

- a) The OSCT shall make sure that the FIR is filed in all the Human Trafficking cases which the team has initiated rescue.
- b) The OSCT shall also monitor within their jurisdiction whether FIR is filed in all the human trafficking cases. If the team finds that FIR has not been initiated, the team shall immediately take action and ensure criminal prosecution is initiated.
- c) The OSCT shall collect information within their jurisdiction about the pendency of investigation and provide instructions to the concerned officer for speedy and quality charge sheet.
- d) The OSCT shall list out the pending investigation cases and shall assist the deserving victim witnesses for giving statements before the enforcement agencies and if the team receives any specific applications from the victims, appropriate assistance shall be provided.
- e) The OSCT shall receive application from the Victims of Human Trafficking for victim compensation and the team shall work with the Secretary DLSA – Head, OSCT for the deserving victims to get the compensation through DLSA.



## **Trial**

This team also shall monitor the trial cases for its effective prosecution and speedy disposal of cases and shall assist the prosecution for meaningful convictions for Human Trafficking cases.

- a) The OSCT shall list out all the pending trial cases under Human trafficking within their jurisdiction and monitor the case through their Panel advocate/ Para legal volunteers member of OSCT and take effort to give suitable assistance through representing the victims as per Section 24(8) Cr.PC.
- b) The OSCT shall list out all the pending trial cases under Human Trafficking within their jurisdiction and find out the list of victim witnesses and the Para legal volunteer's assistance may be utilised for the victims to help them to depose before the Court of Law.
- c) The OSCT shall also receive application from the Victims of Human Trafficking for victim compensation even at the time of trial and the team shall work with the Secretary DLSA – Head, OSCT and for the deserving victims shall get the compensation through DLSA

## **5. Rehabilitation**

The OSCT team shall give suitable assistance to the victims of Human Trafficking to access their rehabilitation benefits and shall take efforts to award compensation for the deserving victims. This team shall also monitor the functions of different agencies who are entrusted with the rehabilitation for victims of Human Trafficking.

- a) The OSCT shall receive applications from the victims of Human Trafficking for the cases within their jurisdiction for noncompliance of rehabilitation as prescribed by different laws / Procedure and the team shall give suitable assistance to the deserving victims to get those benefits.
- b) The OSCT shall conduct massive convergence camps periodically once in 6 months within their jurisdiction for the victims of Human Trafficking. The team shall provide suitable assistance to the victims to get those benefits. If there is a non-compliance of assured rehabilitation benefits or unexplained delay in, the team through Secretary, DLSA Head of OSCT shall settle through Lok Adalat.

S.no	Act	Department	Amount	
			Time	Amount
1	F.No S-11012/01/2015 - BL(Pt) Ministry of Labour and Employment dated 17 Aug 2017	Labour and Employment Department, Tamil Nadu	On Rescue	20%
			After legal Consequences	80%
2	Sec 3 of The Schedule Caste and Schedule Tribe (Prevention of Atrocities Act)1989	Adi Dravidar and Tribal Welfare Department, Tamil Nadu	At the time of FIR	25%
			At the time of Conviction	75%

## **Attachments**

- 1 Apppendix A – Monthly report format**
- 2 G.O (Ms) No 35 dated 08.03.2019 Labour and Employment (UI) Department.
- 3 G.O (Ms) No 58 dated 28.05.2019 Labour and Employment (U2) Department.
- 4 Standard Operating Procedures (SOP) on investigating Crimes of Trafficking for Commercial Sexual Exploitation, issued by Government of India and United Nations Office on Drugs and Crime

## **Appendix A**

### **Monthly report One Stop Crisis Team**

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To,

The Chair person  
The State Legal Services Authority  
Tamil Nadu  
Chennai

Report From ----- to -----

Number of Information received on Human Trafficking cases and action taken on those cases

Number of Application received from the victims for assistance

1. Investigation
2. Trial
3. Rehabilitation

Number of surprise visits conducted in vulnerable areas and actions taken

Number of awareness camps conducted

Number of awareness programme conducted for employers

Other activities related to Human Trafficking including prosecution and trial

Signature

Head, One Stop Crisis Team

Date