



SCHEME ON HUMAN TRAFFICKING SPECIAL TASK FORCE - A PREVENTIVE STRATEGY

KARNATAKA STATE LEGAL SERVICES AUTHORITY, BENGALURU

JUSTICE B. VEERAPPA

Judge, High Court of Karnataka
EXECUTIVE CHAIRMAN
Karnataka State Legal Services Authority



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: F O R E W O R D :

“Injustice anywhere is a threat to justice everywhere”- Martin Luther King, Jr., American Civil Rights Leader.

Human Trafficking is a crime where a person is controlled and exploited in a hidden condition. It involves activities, such as recruiting people on illegal terms, moving them from one place to another, or keeping them in a secret place for the purpose of exploitation. The traffickers use different tactics such as force, threats, manipulation, blackmailing etc. to make victims/survivors do things against their will such as provide their labour or sexual services, marry someone they don't want to marry, or remove their organs. A Traffickers can be one individual or part of a larger criminal network.

It was in this background, under the able guidance of Hon'ble Sri Justice Ajit J. Gunjal, Former Judge, High Court of Karnataka a Committee for the effective implementation of NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 was constituted. I am delighted to note that the Scheme for Human Trafficking Special Task Force, comprehensively covers the action plan for pre-rescue, rescue, post-rescue including rehabilitation aspects.

The social reforms through accessible legal services is the way forward after 25 years of dedicated efforts put in by Karnataka State Legal Services Authority in achieving "Access to justice for all". The term Access to Justice should mean that threat to justice everywhere is minimized or defused. I congratulate the Committee headed by Hon'ble Sri Justice Ajit J. Gunjal, all the officials of KSLSA and the stakeholders in bringing out this comprehensive scheme.



(JUSTICE B. VEERAPPA)



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'ನ್ಯಾಯ ದೇಗುಲ', ಮೊದಲನೇ ಮಹಡಿ, ಹೆಚ್. ಸಿದ್ದಯ್ಯ ರಸ್ತೆ, ಬೆಂಗಳೂರು-560 027



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No. KSLSA :

: MESSAGE :

Human Trafficking is the fastest growing organized crime in India and the third largest illegal trade after drugs and arms smuggling across the world. National Legal Services Authority and the State Legal Services Authorities have been proactively rendering legal services to the needy beneficiaries, which includes the victims of trafficking. The NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 extensively provides strategies to effectively provide legal services.

I have had the privilege of heading the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 Committee of KSLSA for its effective implementation in the State of Karnataka. During the meetings held by the said Committee it was made known that there is lack of convergence between the stakeholder Government Departments and NGOs. It is also pointed that as the rescue operation goes unnoticed, it becomes difficult to render Legal Services.

I am happy to note that the officials of Karnataka State Legal Services Authority in consultation with the stakeholders and with my approval have brought out a detailed "Scheme for

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NYAYA SAMYOGA

Legal Assistance Establishment (Multiple services-single point establishment)

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Human Trafficking Special Task Force". The said Scheme sets out clear-cut protocols, procedures, roles and responsibilities of all key stakeholders. I congratulate KSLSA on this excellent document that I am sure will greatly improve efforts to stop trafficking and render much needed Legal Services to the victims of trafficking.



(JUSTICE AJIT J. GUNJAL)

Former Judge, High Court of Karnataka
& Designated Judge for implementation of NALSA
(Victims of Trafficking and Commercial Sexual
Exploitation) Scheme, 2015



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MESSAGE

Trafficking in human being is categorized as the worst form of offence and legal services institutions are required to respond with their workforce to help the victims. Hon'ble Sri Justice Ajit J. Gunjal, Former Judge, High Court of Karnataka was designated to guide Karnataka State Legal Services Authority for implementation of NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015 in the State of Karnataka. Under the able and efficient guidance of his Lordship several initiatives have been taken by this Authority. The formulation of this 'Scheme for human trafficking task force' is the magnum opus contribution.

In order to prevent the happening of human trafficking in the society, it necessary that all the stakeholder government departments coordinate with each other. Even the Legal Services Authority have a solemn duty and responsibility to provide competent legal services to the victims of human trafficking.

Under the Legal Services Authorities Act, 1987 the District Legal Services Authorities as well as Taluka Legal Services Committees are required to provide free legal aid and services to the victims of Human Trafficking. The present scheme will be a guide to all the Officers working in co-ordination with the Legal Services Institution. I hope and trust that all the stakeholders, either from government department or NGOs will abide by the directions of the Scheme and submit compliance accordingly.


(H. Shashidhara Shetty)

Member Secretary,
Karnataka State Legal Services Authority

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ಕಾನೂನು ನೆರವು ಘಟಕ (ಬಹುವಿಧ ಸೇವೆಗಳು- ಒಂದೇ ಸೂರಿನ ಅಡಿಯಲ್ಲಿ)

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SCHEME ON HUMAN TRAFFICKING SPECIAL TASK FORCE - A PREVENTIVE STRATEGY

1. Introduction

This scheme has been formulated as per the directions in the meeting resolution dated: 09.03.2021 of NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.

Section 12 of the Legal Service Authority Act 1987 provides for free legal services under the Act in favour of Victims of Trafficking in Human beings or begar as referred in Article 23 of the constitution. As per Standing Order No: 1027, dated: 14.10.2020 issued by DG & IGP, Police Department, State of Karnataka the Anti Human Trafficking Units (AHTU) in the State of Karnataka is reorganised. The said AHTU units are the Nodal and Integrated Task Force Units with the mandate to prevent, protect and prosecute the offence of human trafficking. However, it had become difficult to render legal services effectively as the rescue operation goes unnoticed. Moreover, it is opined that due to the lack of convergence between the stake holder government departments and NGO's, there is no proper Legal Services offered to the victims of Human Trafficking. After detailed discussion the present scheme is drafted.

2. Objective of the Scheme

The main object of the scheme is to provide a convergence mechanism between the stake holders and to render effective Legal Services to the Victims of Human Trafficking.

3. Acts, Schemes and Procedures governing this Scheme

A. Central & State Acts

- a Section 12 of the Legal Services Authority Act.
- b Section 370 of Indian Penal Code, Section 370 (A), 371 to 374 of IPC.
- c Immoral Traffic (Prevention) Act 1956.
- d The Bonded Labour System (Abolition) Act, 1976.
- e The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.
- f Schedule Caste & Schedule Tribe (Prevention of Atrocities) Act, 1989.
- g The Juvenile Justice (Care and Protection of Children) Act, 2015.
- h The Inter-State Migrant Workman (Regulation of employment and conditions of service) Act, 1979.
- i Minimum Wages Act, 1948.

B. Schemes and Advisories

- 1 NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.
- 2 **F. No: S-11012/01/2015-BL dated: 18/05/2016** – Central Sector Scheme for the rehabilitation of Bonded Labour – Ministry of Labour and Employment, Government of India.
- 3 **F. No: S-11012/01/2015-BL (pt.) dated: 23/06/2017** – Amendment to the Central Sector Scheme for the rehabilitation of Bonded Labour – Ministry of Labour and Employment, Government of India.
- 4 **GO No: HB 1 PCB 2011 dated: 22-02-2012** – Karnataka Victim Compensation Scheme 2011.
- 5 **GO No: SWD 37 SPA 2016 dated: 20-06-2016** – Enhancement of Monetary relief to victims of atrocities belonging to SC/ST under the Schedule Caste & Schedule Tribe (Prevention of Atrocities) Act, 1989.

- 6 Ujjawala** – A comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking for commercial sexual exploitation – Ministry of Women and Child Development, Government of India.
- 7 WCD 167 MB 2014(B) dated: 27/02/2020** – Implementation of guidelines to be followed in cases of Human Trafficking.
- 8 F.No:S-11012/01/2015-BL dated: 18/05/2016** – Central Sector Scheme for the rehabilitation of Bonded Labour issued by Ministry of Labour and Employment, Government of India.
- 9 F.No: S-11012/01/2015-BL (Pt.) dated: 23/06/2017** – Modification in the Central Sector Scheme for the rehabilitation of Bonded Labour issued by Ministry of Labour and Employment, Government of India.
- 10 JLC/K Mai-08/2017-18 dated: 03-09-2018** – Labour Department officials to be part of the rescue and to ensure all labour violation is looked into as per the various Acts.
- 11 JLC/ECL-2/CR-04/18-19 dated: 08-06-2018** – Labour Department to be a part of Bonded Labour rescues.
- 12 RDP/50/RBL/2016 dated: 21-06-2018** – Enrolment of released Bonded labourers under Aadhar and opening of bank accounts if they don't have one.
- 13 RDP/13/RBL/2016 dated: 06-10-2017** – Implementation of MoLE circulars regarding increase of corpus fund.
- 14 RDP/50/RBL/2016 dated: 30-10-2017** – Implementation of Corpus fund at district level.
- 15 RD16LRA2020 dated 01-02-2020** – Prioritization of Bonded Labour issued by the Principal Secretary, Revenue Department, Government of Karnataka.
- 16 CRM-6/06/SMS-4/2011 dated: 22-12-2015** – Designation of Crime Police Stations to Function as AHTU's issued by the DGIGP, Karnataka Police.
- 17 CRM-6/SMS/43/2017 dated: 05-04-2017** – Standing Order 1016 (Advisory in preventing and combating Human Trafficking and missing children in Karnataka issued by the DGIGP, Karnataka Police.

C. Standard Operating Procedures

- a** **Operational Guidelines for all stakeholders addressing Human Trafficking'** - Department of Women and Child Development, Government of Karnataka.
- b** **F.No: S-11012/01/2015-BL date: 18-05-2016** – Central Sector Scheme for the rehabilitation of Bonded Labour issued by Ministry of Labour and Employment, Government of India.
- c** **F.No: S-11012/01/2015-BL (Pt.) dated: 23-06-2017** – Modification in the Central Sector Scheme for the rehabilitation of Bonded Labour issued by Ministry of Labour and Employment, Government of India.
- d** **RD16LRA2020 dated: 01-02-2020** – Prioritization of Bonded Labour issued by the Principal Secretary, Revenue Department, Government of Karnataka.
- e** **CRM-6/06/SMS-4/2011 dated: 22-12-2015** – Designation of Crime Police Stations to function as AHTU's issued by the DGIGP, Karnataka Police.
- f** **CRM-6/SMS/43/2017** – Standing Order 1016 (Advisory in preventing and combating Human Trafficking and missing children in Karnataka issued by the DGIGP, Karnataka Police.

4. Implementing Departments of the scheme

A. Government Agencies:

- 1 Anti Human Trafficking Unit in the District.
- 2 Labour Department.
- 3 Revenue Department.
- 4 Social Welfare Department.
- 5 Department of Woman and Child Development (DWCD)
- 6 Department of Health and Family Welfare.
- 7 Department of Primary and Secondary Education.
- 8 Department of Rural Development and Panchayat Raj / Zilla Panchayath.
- 9 Karnataka Skill Development and Entrepreneurship and livelihood.
- 10 Department of Prosecution.

B. Non government agencies:

NGO's, Para Legal Volunteers, Panel Advocates of Legal Service Institutions and college students.

4. Action Plan:

FORMATION OF SPECIAL TASK FORCE COMMITTEE (hereinafter referred as “STFC”)

It is felt necessary to constitute STFC for the purpose of (i) Coordinating with the stake holder government departments and for rendering free legal services effectively in preventing and addressing the issue of Human Trafficking. (ii) To map out the vulnerable areas for Human Trafficking issues in the District. (iii) To organize legal awareness programs and camps throughout the district and especially near the vulnerable areas. (iv) To sensitize the on field departments which carry out the process of rescue and rehabilitation of the victims of Human Trafficking.

5(A).

Proposed members of the Special Task Force Committee-

- a** Chairman of DLSA (Recommended to be the Chairman of STFC) and Member Secretary of DLSA as the convenor of STFC.
- b** District Commissioner.
- c** Chief Executive Officer of Zilla Panchayath.
- d** Superintendent of Police – In-Charge of AHTU in the district. (Nodal agency for rescue).
- e** Labour Commissioner.
- f** Chairperson of the Child Welfare Committee.
- g** District Child Protection Unit
- h** District Special Juvenile Police Unit Officer.
- i** District Social Welfare Officer.
- j** District Health Officer.
- k** Deputy Director of Prosecution.
- l** Project Director, District Child Labour Project.
- m** Expert NGO's who work on the field of Human Trafficking. The name and particulars of the said NGO's must be furnished by the Department of Police and Department of Women and Child Development.
- n** Provided that the Chairman of STFC is empowered to add or remove any member either belonging to government department or NGO's for smooth functioning of STFC by way of notification.

5(B). Duties of the Special Task Force Committee-

- a** Convene a meeting of all the Members of STFC at a venue fixed by the Chairman of DLSA, atleast once in every month.
- b** To sensitize the on-field Government Departments namely, AHTU, Labour Department, Social Welfare Department, Department of Women and Child Development, Education Department regarding the rescue of Victims of Human Trafficking in the district.
- c** To monitor the efforts of on-field Government Departments who undertake rescue operation in the district.
- d** To deploy atleast one panel Advocate or two para legal volunteers as per the request of on-field departments during rescue operation for providing free legal aid to the victims at the spot.
- e** Providing legal assistance to the victims of trafficking and sexual exploitation also during trial through the DLSA / TLSC's as the case may be.
- f** Facilitating the access to the DLSA for award of victim compensation under Section 357(A) of Cr.P.C.
- g** Facilitating the access to various Government Departments for award of compensation and rehabilitation schemes to the victims of sexual exploitation and trafficking as per the existing facility.
- h** Spreading awareness amongst the stake holders as well as in the community at large regarding the issue of Human Trafficking, particularly in vulnerable areas and groups.
- i** Initiating steps to provide skill building and employment to the victims of human trafficking and sexual exploitation through the concerned departments.
- j** Initiating steps for providing necessary education to the victims of human trafficking and sexual exploitation through the concerned departments.
- k** Such other functions in consonance with NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.

6. GUIDELINES FOR CONDUCTING REGULAR MEETINGS BY SPECIAL TASK FORCE COMMITTEE (STFC):-

The convenor of the STFC i.e., the Member Secretary of DLSA shall call for monthly meetings, preferably within 15th of every month. If any of the members of STFC are not able to participate in the meeting for a valid reason, they may nominate a responsible officer as their representative.

The monthly meetings shall have the following agenda:

- 1** Review of the action points from previous monthly meeting.
- 2** Maintenance of data base – STFC shall monitor and collect information with regard to the data base of the victims of human trafficking from the on-field government departments.
- 3** Discussion on the status of complaints/information regarding human trafficking cases and action taken reports thereon.
- 4** Discussion on the periodical inspection reports by the on-field departments to prevent or detect human trafficking cases.
- 5** Discussion on the progress in police investigation, trial of human trafficking cases in the district.
- 6** Action taken on the applications received from victims for assistance/protection/compensation etc.,
- 7** To discuss regarding the holding of awareness programmes and camps.
- 8** Acknowledging the attendance of members and fixing next meeting date.

7. GUIDELINES FOR FUNCTIONING

7(A). Preventative Measures -

- 1** The STFC shall endeavour to generate wide spread awareness regarding Child Rights violations, Labour Law violations, trafficking for labour exploitation, trafficking for sexual exploitations, payment of minimum wages and legal rights of an individual.
- 2** The STFC shall list all the vulnerable areas within their jurisdiction and conduct a massive awareness programme and camps for the public and in educational institutions.
- 3** The STFC shall encourage periodical inspection by the on-field departments namely AHTU, Labour etc., to prevent and detect the cases of human trafficking.

7(B). Rescuing Victims -

- 1 Whenever the on-field departments namely AHTU Rescue Squad undertake rescue operation either on complaint basis or suo-moto on the credible information available, if there is requirement of legal assistance, they shall contact and request convenor of STFC.
- 2 Upon receipt of the request, convenor of STFC shall depute atleast one panel advocate or two para legal volunteers to assist the rescue team and render free legal services to the victims of human trafficking during the rescue operation.
- 3 The on-field departments undertaking rescue operation shall abide by the Standard Operating Procedures formulated by the Government of Karnataka. For the sake of convenience the action to be performed by the on-field departments during rescue in complaint case and in non-complaint case is described below:-

A. Complaint case:-

- i If the team finds there is Labour exploitation somewhere here, 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 facilitate them to conduct an enquiry under the Bonded Labour System (Abolition) Act 1976 as per Government order JLC/K Mai – 08/2017-18 dated: 03-09-2018 and JLC/ECL-2/CR-04/18-19 dated: 08-06-2018 issued by the Labour Commissioner, Government of Karnataka.
- ii If the team finds 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 the Child and Adolescent Labour (Prohibition and Regulating) Act, 1986.
- iii If the team finds 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 a magistrate under the Immoral Traffic Prevention Act, 1956 as per the ‘ Operational Guidelines for all stakeholders addressing Human Trafficking’ issued by the Government of Karnataka vide order number WCD 167 MBB 2014 (B) dated: 27-02-2020.

B. Non-Complaint Case:-

- i The STFC shall use police intelligence and map out the vulnerable area within their jurisdiction and conduct a surprise inspection through concerned departments to find out about human trafficking incidents.
- ii If the inspection team comes across any human trafficking cases, then it may be converted into a complaint case and shall proceed accordingly.

7(C). Prosecution -

- 1 The STFC shall ensure that the victims of human trafficking are provided effective legal services at the time of rescue, investigation and trial stage.
- 2 The STFC shall encourage quality investigation and prompt filing of charge sheet by the concerned Police Department in co-ordination with Department of Prosecution.
- 3 The STFC shall ensure that the victims of Human Trafficking are provided protection and assistance while giving statement before the investigating agencies or before the court of law.
- 4 The STFC shall list out all pending trial cases under Human Trafficking within their jurisdiction, and monitor the cases through their Panel Advocate / Para Legal Volunteers' and make efforts to provide suitable legal assistance to the victims as per Section 24(8) Cr.P.C.
- 5 The STFC shall list out all pending trial cases under Human Trafficking within their jurisdiction and find out the list of victims / witnesses. Para Legal Volunteer's assistance may be utilised to help victims depose before the Court of Law.

7(D). Rehabilitation -

- 1** The STFC 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.
- 2** The STFC shall also monitor the functions of different agencies who are entrusted with the rehabilitation for victims of Human Trafficking.
- 3** The STFC shall receive applications from the victims of Human Trafficking for the cases within their jurisdiction for non-compliance of rehabilitation as prescribed by different laws / Procedures and shall give suitable assistance to the deserving victims to get those benefits.
- 4** The STFC shall conduct massive convergence camps 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 non-compliance with assured rehabilitation benefits or unexplained delay in it, the STFC through Secretary, DLSA, shall settle this in Lok Adalats.
- 5** Holistic rehabilitation – A detailed survey with regard to the vulnerable areas for Human Trafficking should be conducted by the Government Departments and effort should be made to develop such vulnerable areas. For example if the vulnerable area is a Slum, each family residing there in should be provided ration card; Angawadies, Primary Health Centre, Evening Tution Classes to the children etc., should be established; skill development programs and Self Help Group System must be encouraged. In this way, vulnerable areas can be holistically brought to main stream of society.

8. DOCUMENTATION AND REPORTING :

The minutes of the meeting shall be prepared by the convenor of STFC and a bi-monthly report regarding the functioning of STFC shall be submitted to Karnataka State Legal Services Authority as per Appendix-A attached herewith.

BI-MONTHLY REPORT

SPECIAL TASK FORCE COMMITTEE FOR HUMAN TRAFFICKING

Name of DLSA :

Report for the month of to, 2022.

1	No. of legal awareness programmes conducted on human trafficking issues (Mention the date, place & no. of beneficiaries)	
2	No. of legal awareness camps conducted on human trafficking issues (Mention the date, place and no. of beneficiaries)	
3	Number of application received from the victims for assistance during : (a) Rescue / Investigation stage (b) Trial (c) Rehabilitation	
4	STFC Meeting date.	
5	Details of the department which has remained absent for STFC meeting & duties without a valid excuse.	
6	Number of human trafficking cases in the district at (a) Investigation stage (b) Trial (c) Disposal	

Place :

Date :



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