

PRISM

A PPF Dispatch

Vol 4. Issue 3 & 4 ; July-August 2022



Policy Perspectives Foundation (PPF) is a non-profit, apolitical think tank on matters of national interest. PPF's activities focus on complex and inter-connected challenges to peace, stability and development in India in cognizance of the external dimension. PPF is committed to spreading awareness, building capacity and promoting resilience.

Contents

- Understanding Water Disputes in India.....1
- Child Trafficking in Bihar6
- देश में बढ़ता हुआ बाल तस्करी चिंता का विषय होना चाहिए10

Understanding Water Disputes in India

-Nazima Parveen

In order to give adequate attention and to do justice to the complex nature of inter-state water disputes, legal-constitutional framework, the subsequent policy discourse, and national debates, this significant issue will be discussed in a series of four articles.

Addressing the southern states' conclave, on 5 March 2022, on the 'Jal Jeevan Mission' and 'Swachh Bharat Mission' (Rural) Projects, the Karnataka Chief Minister Basavaraj Bommai said the "Inter-State Water Disputes Act

needs to be totally amended, as it creates more disputes than resolving them...We need correction in our law so that more water is available for different sections of people, instead of narrow political considerations," He also claimed that river basin management is the only answer for that. This statement highlights the nature of water disputes, which is intrinsically linked to the ways in which trans-boundary water resources have been viewed, discussed and debated in India till now. This statement came when the two Bills: Interstate River Water Dispute (Amendment) Bill, 2019 and the (Draft) River Basin Management Bill, 2018 are awaiting parliament's approval. The IRWD, 2018 has been passed by the Lok Sabha and has not yet



been placed in the Rajya Sabha for discussion, while the draft RBM, 2018 is under consideration by the Ministry of Jal Shakti. The provisions suggested in both the Bills deals with dispute resolution and water management respectively. However, it yet to be seen what kind of legal framework will finally emerge at the national level once the Bills are passed.

The history of interstate river water disputes in India reveals a serious gap in the legal-administrative structures and policy framework. The water in India has been seen as a source of interstate disputes not as a scarce and valuable resource that needs to be managed and developed adequately for agricultural, industrial and domestic use. This is one of the reasons that, since independence, the focus of legislative framework and policy has remained confined to dispute-resolution and not to water-management. Even the Central Governments have not utilised their power under Concurrent List for the development of water bodies of the country. They have instead, restricted themselves to the role of an arbitrator – a body to resolve interstate disputes on water sharing. Thus, water, an important commodity and national resource that needs to be managed, conserve, and developed effectively nationwide for economic growth and development suffered serious negligence. This is one of the reasons that the Interstate (River) Water Disputes Act (IRWDA), 1956 has emerged as one of the most debatable legislation. Consequently, it has been amended a number of times which includes the recent amendment proposed in 2019. In contrast, the River Boards Act (RBA) 1956, which was enacted at the same time to enable water management and interstate collaboration, has never been amended since its inception nor has it been used by the central governments to establish river boards. It is only recently that water management has acquired some degree of attention, though it has evoked a new set of challenges.

The other, yet, interconnected problem, which has actually brought the spirit of Indian

federalism in question in relation to water, is legislative development that has primarily responded to interstate disputes resolution mechanisms and has remained oblivious to the idea of interstate cooperation. There is practically no active mechanism for ensuring interstate coordination and collaboration over river waters flowing across the boundaries of different states. The formation of Interstate Council (ISC) under article 263 of the constitution and Zonal Councils (ZCs), which were formed specifically for the resolution of inter-state and Union-state conflicts and for promoting inter-state cooperation respectively, have not been utilised to their extent. As a result, sharing of trans-boundary river water emerged and re-emerged as a contested issue in different times and contexts. Several review commissions, though they focused primarily on Centre-State relations from the perspective of dispute resolution, have also highlighted this gap and recommended the strengthening of these bodies to promote cooperation.

Why are we discussing water?

Water has been globally recognized as a scarce resource required by multiple stakeholders for different uses, which makes it an important focus. At the same time, the ecological imbalance and environmental concerns, especially concerning the dangers of global warming, have made it imperative to adopt practical approaches for the reasonable use of water. However, in India, water bodies, especially the transboundary-rivers and river-basins seem to remain contested due to multiple reasons.

A look at water resource as a whole in India presents a wider picture to understand the issue better. There are around 113 river basins ranging from major to medium to minor based on their basin areas which include more than twenty major river systems like Ganga, Brahmaputra, and Indus originating in the Himalayas, and Godavari, Krishna, Pennar, Mahanadi, Cauvery, Narmada, Tapi, Brahmani, Mahi, and Sabarmati. Nearly all of these water bodies transcend different political

boundaries. India's 29 states and 7 Union Territories share the country's twenty major river basins. These water bodies originate either in Central India or in the peninsular regions. The existence of these vast transboundary water bodies is also an important reminder of the interdependence of India's water security, which is determined by how these rivers are governed. The interstate character of these rivers and tributaries has given rise to several disputes over water supplies, irrigation and construction of canals, drainage and embankments, water conservation, and the utilisation of water power in development-related projects between the upper riparian and lower riparian states. Although some of these disputes emerged during the colonial period due to colonial administrative policies, postcolonial legal developments and identity politics which led to the subsequent politicisation of water, have aggravated the issue. Most of the disputes intensified after the reorganisation/amalgamation of state boundaries based on linguistic and cultural identities under the State Reorganisation Act of 1956. The structure and nature of the merger of territories led to the conflict on sharing power and natural resources between the newly emerged or re-organised States. These disputes have even resulted in violent clashes between States on several occasions.

On the other hand, the rapid population growth accompanied by agriculture, rapid urbanisation, economic growth, and improved access to essential services has increased the demand for water within the water-sharing states.

Management of interstate disputes, therefore, is an issue of great concern. Issues of flood control, drought prevention, hydroelectric power generation, job creation, and environmental quality intensify disputes between states and provide a common plank for debates and confrontations. The sharing of Cauvery water mainly between the states of Karnataka and Tamil Nadu, Ravi-Beas water and Sutlej-Yamuna Canal Link between

Punjab, Haryana, Rajasthan, and Kashmir, Godavari and Krishna disputes involving Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Orissa, and Telangana are some of the significant interstate water disputes. They remain unresolved even after the constitution of tribunals and other authorities, and the involvement of political leadership of the concerned states, the Union government, and the courts. For instance, since 1956, five interstate water dispute Tribunals have been set up for Krishna, Godavari, Narmada, Cauvery, and Ravi-Beas rivers. Though the time limit is five years according to the provisions of IRWDA, 1955, Ravi-Beas took 33 years, Cauvery consumed 29 years, and the other tribunals took around a decade in declaring the award. Quite ironically, the disputes continue in many cases since the Judiciary has put a stay on tribunal awards.

In such a scenario river water issues have emerged as a serious legal, political, federal, developmental, and environmental issue affecting the lives of people as well as national interests. Such disputes have led to severe law and order problems due to the politicisation and mixing of water with ethnic and cultural identity issues. The Puncchi Commission (2007) also highlighted this problem and reiterated, 'as the combined effects of increased usage owing to population growth, intensive agriculture and rapid industrialization on the one hand and deleterious effects of environmental degradation especially deforestation on the other, lead to greater scarcity...and the chances of intensification of disputes at local, interstate and national levels become more real.' The frequent recurrence and long-drawn deliberations produce a variety of insecurities besides impacting people's livelihoods directly.

Why has water become a cause for dispute in India?

The interstate water disputes in India are

and geographically constructed. These disputes emerge, re-emerge, intensify and decline in the broader canvas of legal and constitutional ambiguities, and the political contestations in a multi-party federal democratic setting. These legal and constitutional ambiguities can be subscribed to colonial policies which shaped and reshaped the nature of post-independence politics of interstate water sharing. In this sense, the roots of interstate disputes lie very much in the colonial administrative policies of classification, categorization and mapping of boundaries and communities. In fact, the idea of a nation-state emerged, developed and took different forms due to these policies during the colonial and postcolonial period. The British authorities defined geographical boundaries according to their agenda of greater political control over resources through territorial expansion. This demarcation of administrative boundaries based purely on economic interests of the colonial power created multiple problems, the lingering effects of which are still continuing. The British rule was divided into two parts under different forms of government: (a) British provinces and sub-provinces which were directly administered by the British rule. These provinces were more integral with the unitary State of British India (b) the princely states that, by treaty or usage, were autonomous regarding their domestic affairs but accepted the suzerainty of the crown and its control of their external affairs (See: Table 1: Interstate Disputes in India: A Background). These distinct traditions of governance and some level of autonomy set them apart from the British provinces. British officials' defined the state boundaries in accordance with their administrative competence and the management of taxes, political, military, and strategic planning. During this process, the administrators completely ignored the cultural/ethnic and linguistic integrity of different States. In fact, there was always a confrontation for the extraction of more and more resources between the British provinces and princely States. This asymmetrical power relations

between the directly ruled presidencies and the indirectly ruled princely states have remained embedded at the core of the disputes over resources be it water or land. The British authorities made a number of fragmented and prejudiced agreements for expansion and control, which produced multiple forms of geographic disparities and uneven development over time.

The territories of these states were not suitable for easy administration in independent India. The situation became more complicated as most of the princely states decided to merge into the Indian republic with a condition of the reorganization of their boundaries. There was unanimity over the need for the reorganization of state territories in the Constituent Assembly to accommodate princely states according to the newly drawn structures of Indian federalism. However, settling the unsettled and uneven geographies produced by the colonial policies was the biggest challenge the independent Indian government had to face in the reorganization of boundaries. Eventually, the reorganization of States produced a new set of disputes that still affect the Indian federal system. Moreover, the colonial legal framework for dispute resolution that became the basis for post-colonial State also posed new contests. In fact, the settlement of the unsettled through legislative measures has been a central challenge in the adjudication of the dispute, especially due to the kind of identity politics that evolved and strengthened over the years. This post-colonial condition of interstate water disputes in India can broadly be understood in four different phases.

The reorganization of States moment (1947-1956).

The period 1947-1956 marks the first phase of interstate disputes. The reorganization of states on linguistic lines under the State Reorganization Act, 1956 led to disputes between newly formed states on multiple grounds. This act did not

create new states; instead, some formerly princely states were integrated or carved out based on linguistic associations of the majority of the population. This reorganization of territories intensified regional aspirations and essentialized linguistic identities. It led to the assertion of linguistic minorities within the newly formed States. They consolidated their demands over the years for fresh demarcation of boundaries or for the creation of more states on the same lines. From the 1960s onwards, some new states were created, partitioning more territories. The reorganization of regions resulted in interstate disputes on boundaries and natural resources like water, and ethnic disputes on migration issues. However, these disputes did not become politically aggressive until the late 1960s due to what political scientist Rajni Kothari calls the 'Congress system.' The Congress government in the Centre managed the disputes within party offices since most of the States were governed by it. One party dominance is also the reason behind the states taking advantage of or ignoring their constitutional boundaries in the field of water legislations.

The end of the 'Congress System' moment (1967)

This period marks the second phase of interstate disputes since the constitutional mechanism for resolving conflicting issues became a matter of heated political debate. The formation of non-Congress governments in the States after 1967 and the emergence of regional political parties infuriated interstate disputes. On the one hand, it paved the way for the subsequent politicisation of disputes over natural resources, especially water, within the concerned states. The end of the 'Congress-system,' on the other hand, highlighted the problems in the Centre-State relations for the first time. This configuration challenged the constitutional authority as well as the inefficiency of the Centre in dispute resolution. As the matter became worse with time, the Union governments formed many Commissions to review the Centre-State relations in matters related to economic liberties, management of natural resources, administrative compliance, and the Centre's

role in dealing with the interstate disputes over river water. This situation became more complicated with the emergence of coalition politics in the 1990s. While the efforts for resolving border disputes resulted in the reorganisation and creation of many small new States, especially in the northeast and other parts of India, river water sharing remained a contested arena of politics. In fact, in many cases, the reorganisation of states intensified the existing water disputes. The case of Cauvery and Krishna waters are quite relevant to exemplify the historical evolution, occurrence, reoccurrence and seemingly never-ending tussle over resources between multiple states that were reorganised over a period of time.

The economic liberalisation/coalition politics moment (1990)

This period marks the third phase that redefined interstate disputes and Centre-State relations. The nature of Centre-State relations changed significantly in the post-1990s period. Globalisation and liberalisation pressed the need for some financial liberties for States in securing their economic interests. At the same time, the rise of coalition governments at the Centre allowed the States to assert themselves as politically relevant entities. The shift in power politics redefined the federal structure, which previously relied upon the notion of the strong Centre and weak States. In the coalition era, the states became more powerful and started influencing the balance of power in their favour. The 73rd and 74th Constitutional Amendments legalised the concept of local self-government/Panchayati Raj contributed to this process of actual decentralisation. As a result, the Centre-State relations, inter-regional, interstate, and intrastate relations, acquired a new political overtone during this period. The strengthening of regional parties also redefined interstate river water disputes in terms of scale and growing demands for development projects while making the process of distribution, management and resolution much more complicated. The post-1990s 'strong State weak Centre'

phenomenon has challenged the existing legal framework in multiple ways and has produced a new term called 'water federalism' with a demand for the decentralisation of authority over the management of water.

The water management and cooperative federalism moment (2000)-

This is the contemporary moment of the interstate relations. It clearly marks a shift in focus from conflict resolution to water management which redefined both the nature of conflict and the Centre-State relations. Environmentalists throughout the world raised the alarm at global warming. They pressed the need to recognize water as an essential and scarce resource, which requires thoughtful planning and conservation strategies during this period. Thus, the Indian government also considered it imperative to bring water within the planning and national policy framework. This renewed emphasis redefined the debates on constitutional authority, which brought water resource management to the surface level. The union government(s) formed many national commissions to examine the feasibility of the legal-constitutional framework in dealing with water disputes and the effective management of water bodies stressing that water is a 'national resource' that should be managed and developed with an integrated and comprehensive approach. The commissions emphasised the need for a comprehensive legal framework and policy to ensure water federalism through the decentralisation of authority over the management of resources to the lowest level of governance and community organisations.

The nature of interstate water disputes is redefined in this phase in two different ways. (a) The resolution of disputes became more complicated. The involvement of different stakeholders, other than the States, transformed water disputes into a multifaceted phenomenon. It became inevitable for the courts to play a more active role, which has in return, complicated the whole process of dispute resolution. (b) The

status of the Union government as an agency for dispute resolution is also revised in a significant manner. The Centre has now emerged as an authority to manage water resources, a function which had remained under State's purview due to the Centre's apathy. But, this changed configuration of authority has the potential to create more complications due to the fact that Union governments are mainly coalition governments that rely extensively on regional parties for support. In such a scenario, state/party-specific regional interests cannot be side-lined. It is also a possibility that the Centre might emerge as a party in water-related matters. Thus, it is yet to be seen how this realisation of water as a 'national resource' and a need for a comprehensive framework of national law and policy will be translated into legislative and executive actions in the present scenario. The study, thus, endeavours to understand the nature of these disputes, legal-constitutional framework and the emerging debates regarding the ownership is important to discuss in the light of new Bills.

Dr. Nazima Parveen is an Associate Research Fellow at Policy Perspective Foundation.

Child Trafficking in Bihar

As part of 'DAREECHA' a platform created by Policy Perspectives Foundation to deliberate on social issues with young scholars and grassroots activists, a discussion titled Child Trafficking in Bihar a Woman's Perspective was organised on February 24, 2022. The existing evidence suggests that Bihar in the last decade or so has witnessed high levels of child trafficking. The number of trafficked children rescued by railway police and other child protection functionaries in

2020 and 2021 ranged from 300-450. As per NCRB 2020 estimates, Bihar stood fourth among the states with high levels of trafficking next only to Rajasthan, Kerala and Odisha. A rapid review of available literature and news items revealed poverty, natural disasters such as floods among others. It is likely that trafficking in Bihar increased further during the pandemic. Given this context, Ms. Savita Kumari, Reporter, Hindustan dwelt upon her rich experience of ground reporting and brought out enormous complexities of child trafficking in Bihar.

Child Trafficking in Bihar

Ms. Kumari stated that child trafficking is one of the most serious issues of child rights violation in Bihar. She noted that during the pandemic the trafficking of girls increased manifold but remained largely invisible. Many girls were trafficked without an inkling to authorities. Child trafficking involved one of the most organised crime nexuses in the world. Despite this, trafficking of girls went unreported. Parents and guardians due to fear of protecting their family's honour neither file FIR in police stations nor seek help from any other mechanism. Resultantly, these girls get trapped in sex work and other forms of exploitation. During COVID-19 lockdown in 2020, numerous migrants were returning from Delhi and Mumbai to Bihar. Upon their return, they were grappling with abject poverty and were having difficulties in eking out a living. The traffickers in the village appropriated their helplessness in the garb of giving the girls work, money or other help.

Trafficking cases were under-reported in Bihar. Districts such as Muzzaffarpur, Madhubani and Gaya had high numbers of missing children especially those who were child labourers in Jaipur, Mumbai and Hyderabad. However, most of these children were boys. The Criminal Investigation Department (CID), Bihar observed that not many girls returned during lockdown. This was primarily because many

girls were trafficked under the pretext of fake marriages. Trafficking through fake marriages was on a rise in Bihar. Earlier such marriages happened in Purnia and Katihar, but now they are becoming frequent in Supaul, Saharasa, Madhubani, Jamui and Banka. This form of trafficking is done through gangs of Uttar Pradesh, Rajasthan and Haryana. The members of these gangs posed as husbands and lived with girls for some time. Once the girls were pregnant and gave birth, they were left to fend for themselves, and their babies were trafficked. Last year one such gang was caught trafficking a baby from Ghaziabad to Nepal. Another gang trafficking girls as part of orchestras was nabbed in Rohtash. The girls who were rescued were scared and traumatized and recounted horrifying stories of being pushed into sex work. Emergence of this case from Rohtash - a district which has comparatively high literacy rates and better socioeconomic indicators was worrying. Trafficking through orchestras was becoming more and more organised in Bihar. Initially the trafficked girls were made to work as part of orchestras and were later pushed into sex work. Not only this, girls in orchestras were even killed if they raised their voice against ill-treatment by the customers or agents. Such cases were reported from Lakhisarai and Siwan districts of Bihar. Young girls of less than 14 years were being hired as part of orchestras. Many of these orchestras played at high profile events of politicians and celebrities thus, legitimising and popularising their presence. Girls who aspired to have a career often joined these orchestras unaware that they would be risking their lives. Modelling rackets making false promises to train girls and become successful models were also being used to traffic girls.

Efforts were made to explore why trafficking cases despite being on the rise were underreported. Interactions with police and authorities revealed that village heads and peoples' representatives in districts were often

involved in trafficking cases. The pandemic has further transformed various forms of trafficking. Earlier trafficking was more organised but due to restrictions organised syndicates lost their direct connection with source points. In this scenario, family members are being involved in trafficking of children. Recently many cases have been reported where family members trafficked girls in Bihar.

Girls from other states were also being trafficked to Bihar. Trafficking of girls in Patna and other urban areas through massage parlours was on the rise. Girls from Assam and West Bengal were being trafficked into Patna for these parlours. Bihar being a flood prone area was susceptible to trafficking of children and women during natural disasters when societal and familial systems were under a lot of stress.

The pandemic had further precipitated trafficking by luring children of poor families for work. In one case, 70 children from Gaya were rescued from Jaipur's bangle factories. Three of these children had deformed spine as they were made to work for long hours (16 hours). They were just given rice and soyabean curry and were allowed to sleep only for 6 hours.

Addressing child trafficking

Even though numerous girls from Bihar were trafficked to West Bengal and Nepal. Such cases do not reach NIA. A strong need was expressed for Government action towards adequate implementation of laws and schemes on ground.

Cases of harassment and exploitation of girls in the government protection system were also discussed. In a recent incident, a trafficked girl from Uttar Raksha Grih in Bihar had accused the staff of the home of sexual harassment after she was drugged. Once the girl exited from that home and opened up

about her ordeal, the organisation came to her rescue made her video and released it in the public domain. The district court gave a clean chit to accused in this case but the High Court took suo-moto cognizance of the case and constituted an SIT. Likewise, in the Muzaffarpur case the missing girls have still not been found. The violation of protection and dignity of girls within the government system is unacceptable and necessitates concrete steps from the Government to mainstream girls once they are 18 years through skill training and other capacity building opportunities. To address and prevent child trafficking, the Government will have to implement a workable and time-bound scheme with true intent. Bihar has demonstrated examples of good schemes such as MukhyaMantri Vaishya Vriti Nivaran Scheme which had been endorsed, commended and adopted by the Central Government. But effective implementation of such schemes remained elusive.

Condition of shelter homes must improve. Adequate staffing and their sensitisation in protection homes through advocacy was recommended to support survivors of trafficking. In Bihar, sub-inspector at every police station had been assigned as Child Protection Officer but they remained largely dispirited towards their responsibilities. Through a sting operation, it became clear that many of them did not even know that they were Child Protection Officers. Thus, there was a need to make police officers more sensitive and accountable. Further, at block and panchayat levels systems would have to be created to ensure that children were not taken away from their homes. Attraction to cities, desire to get lucrative job opportunities and more money were some of the pull factors which made families vulnerable to trafficking. Local and community-based mechanisms to counter the pull factors and identify and track traffickers could help in addressing the problem. Civil society organisations and youth groups must work together to build these systems. Police and civil society must set up stronger monitoring mechanisms to track

trafficking at transit and destination points such as states like Rajasthan, Uttar Pradesh and Nepal. Similarly, new source points of trafficking in Bihar namely Jamui, Banka, Rohtash, Saharsa and Supaul wherein under the pretext of child marriages girls were being trafficked must be closely monitored.

Bihar shares international borders with Nepal and inter-state borders with West Bengal. Through both these routes girls were being trafficked internationally. There was a need to closely monitor and check these border routes. The gendered nature of trafficking should not be ignored. The girls being trafficked were most often suppressed with little or no voice to raise their concerns. In view of this complex and multifaceted nature of the problem, concrete and comprehensive actions were required to stop trafficking from government, civil society and communities.

Discussions

The discussion opened with a query about the status of women police officers to handle cases of child trafficking in Bihar. The speaker informed that of the 110 police stations, 23 in posh areas of Bihar had women police officers. From these 23 only five were appointed as child protection officers. This trend had been highlighted in a media report on problems concerning reporting of rape cases. It was therefore amply clear that not enough women were available to handle child trafficking related crimes

Several incidents have time and again brought out lacunae in protection or shelter homes. Drawing lessons from these were any corrective measures taken to improve the situation of the homes. It was said that the State Government decided that no non-governmental organisation would run these homes. The Government was acquiring land and setting up homes for women and children in all districts. Additionally, CCTV cameras were installed to monitor the situation of children and after-care and

rehabilitation programmes have been launched. Trafficked children were also being linked to education. In a recent child assembly in Bihar, children in homes expressed that they wanted opportunities for exposure visits and meeting their families. These demands are being considered by the authorities. It was also said that in many homes women who committed crimes were being kept with those who were rescued from trafficking, this posed problems in acclimatising and adjustments. This was a challenge which required redressal.

With the involvement of families, trafficking of children had become easy, what could be done to prevent such cases. It was recommended that village head, PRI members, women and parents must be sensitised and made accountable to ensure that the village or panchayat is safe for children. Civil society and community-based organisations and police must remain alert and work rigorously to identify and track trafficking cases where families were involved. Capacity building of all the above stakeholders on children's issues could result in far-reaching results in such cases.

Were child protection bodies such as Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) and other bodies sensitised to their role in addressing trafficking. It was noted that many CWCs and JJBs were not active in Bihar and JJBs were constituted recently in many districts. The honorarium of these members was less and their overall functioning was thus compromised.

Information was sought about setting up model child friendly systems in Bihar. It was revealed that no such models existed in Bihar. Although women constables were appointed in most police stations which was recognised as a good practice. The Mahila Vikas Nigam, a body working for protection of women's rights had reconfigured Mahila and Bal Vikas Nigam. The new body

factored in children's issues as well. However, a much-needed separate body for children's rights was not there in Bihar.

A question was asked on rehabilitation and after-care of children. The speaker emphasised that these two aspects were not focused upon and required much needed attention to link children to mainstream society and prepare them for an adult life through higher education, skill training, internships and other opportunities. Therefore, a lot was required to be done in this area.

Questions were also asked about the role of the media on reporting on trafficking. It was explained that the media must adopt sensitive reporting ensuring privacy of the survivor. Overall media in Bihar was active and reported frequently on these issues.

An enquiry was made about any new guidelines or SoPs were launched in Bihar for child trafficking. The speaker mentioned that new SoPs have been made but they were not implemented or adhered to. A wanting need for implementing these SoPs and guidelines was expressed.

Steps taken to address trafficking during the flood were enquired about. The speaker noted that adequate steps were not taken to protect children during floods because of lack of coordination between administration, civil society and community. Specific steps must be taken to protect girls and children during floods specifically when food is being distributed or in and around toilets.

A participant asked about specific groups which were vulnerable to trafficking. It was stated that children from Musahaar, scheduled caste and Muslim communities were vulnerable to trafficking for child labour.

Awareness and adherence to NHRC SoP on trafficking also remained low in Bihar. Trafficking of boys for sexual exploitation was still uncommon in Bihar and it was said that such cases were still not reported.

Clarifications were sought in discrepancies between data on trafficking at state level. The speaker explained that there were many cases of trafficking in Bihar across various districts, but these went unreported resulting in discrepancies in data among various agencies and overall underreporting.

Child labour rescued from factories often went back to the same exploitative work owing to economic duress. The speaker said that it was true and was happening more often after corona. To nip this problem in the bud, poverty alleviation measures including employment opportunities such as collective farming with specialised assistance schemes and education for children were suggested.

Conclusion

The discussion was concluded by stating that trafficking was a serious child rights violation and could be prevented by collective and harmonious action from various stakeholders including government, civil society and communities themselves. Alertness and activation of the entire system was necessary to prevent trafficking. To protect children, linking them to education and adequate development services was strongly recommended.

देश में बढ़ता हुआ बाल तस्करी चिंता का विषय होना चाहिए

-पूजा कुमारी

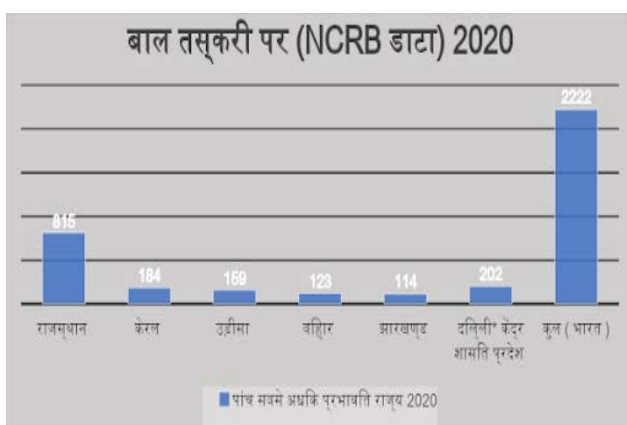
दुनिया भर में बाल तस्करी में लगातार वृद्धि हो रही है जिसकी मुख्य वजह जबरन श्रम और यौन शोषण है। जहाँ मानव तस्करी के सभी पीड़ितों में से 27% बच्चे हैं और हर तीन में से दो बाल पीड़ित, लड़कियां हैं।

संयुक्त राष्ट्र कार्यालय कि ड्रग्स एंड क्राइम (यूएनओडीसी)

रिपोर्ट (2009) के अनुसार, मानव तस्करी के 79% मामले यौन शोषण से जुड़े हैं। मुख्य रूप से महिलाएं और लड़कियां इसका शिकार होती हैं। मानव तस्करी का दूसरा सबसे बड़ा कारण जबरन श्रम (18%) है।

भारतीय संविधान के अनुच्छेद 23 (1) के तहत मानव तस्करी और जबरन श्रम अपराध है और कानून के अनुसार दंडनीय अपराध है। इसके बावजूद इसमें लगातार वृद्धि हो रही है। बाल मजदूरी के पीछे मुख्य वजह गरीबी और अशिक्षा है। कोरोना काल के दौरान भारत के कई हिस्सों से बाल तस्करी में भारी वृद्धि देखने को मिली।

भारत में NCRB के आंकड़ों के अनुसार पांच राज्यों राजस्थान, केरल, बिहार, उड़ीसा, झारखण्ड, पश्चिम बंगाल में बाल तस्करी के मामले लगातार बढ़ रहे हैं, फिर भी इस पर समाज, सरकार और मिडिया में जितनी चिंता का विषय होना चाहिए उतनी नहीं दिखाई दे रही है। कोविड से पहले NCRB के पिछले पांच साल के आंकड़ों में भी काफी वृद्धि थी। 2020 के डाटा अनुसार केरल, झारखण्ड और उड़ीसा में सबसे बच्चियों कि अधिक तस्करी के मामले दर्ज हैं।



सोर्स: Table 14.2.xlsx (ncrb.gov.in)

2020 आंकड़ों के अनुसार बाल तस्करी से बचाए गये बच्चों कि कुल संख्या 2151 रही। दूसरी ओर 2020 डाटा के अनुसार पूरे भारत में 108234 बच्चे लापता हुए हैं | जिनमें प्रमुख रूप से मध्य प्रदेश (14553),

पश्चिम बंगाल (14071), बिहार (12064) और महाराष्ट्र (7310) और उड़ीसा (6912) है | दूसरी ओर केंद्र शासित प्रदेशों में दिल्ली (10658) के साथ सबसे ऊपर है, जम्मू एवं कश्मीर (627) और चंडीगढ़ (509) में थे ये संभावना जताई जा सकती है कि इनमें से बहुत से बच्चे बाल तस्करी का शिकार हुए होंगे।

NCRB डाटा 2019 के अनुसार भारत में बाल तस्करी के 2914 मामले थे और रेस्क्यू होने वाले बच्चों कि कुल संख्या 2837 थी। NCRB डाटा 2018 के अनुसार भारत में कुल 2834 बाल तस्करी मामले थे और इस दौरान रेस्क्यू होने वाले बच्चों कि कुल संख्या 2358 थी। तो वहीं NCRB डाटा 2017 के अनुसार भारत में कुल 3535 मामले थे और इस दौरान रेस्क्यू होने वाले बच्चों कि कुल संख्या 3535 थी।

राजस्थान: 2020 में तस्करी किए गए 2,222 बच्चों में से, सबसे अधिक 815 (36.6 प्रतिशत) राजस्थान से थे | अगस्त, 2021 को बाल तस्करी पर राजस्थान से विरोधाभासी रिपोर्टों पर एनएचआरसी ने गंभीरता दिखाते हुए अन्य सभी राज्यों और केंद्र शासित प्रदेशों से रिपोर्ट मांगी थी। यहाँ गरीबी और बेरोजगारी कि वजह से बाल तस्करी बढ़ती जा रही है।

केरल: केरल में NGO या अनाथालयों में बच्ची को रखने के लिए उनकी तस्करी दूसरे राज्यों से कि जा रही है। 2021 में एक खबर के अनुसार NGO में काम करने वाला एक व्यक्ति बाल तस्करी के लिए गिरफ्तार किया गया। ऐसा ही 2014 में भी सामने आया था, जब पुलिस और पलक्कड़ के अधिकारियों ने अनाथालयों में भेजने के बहाने बिहार और झारखंड से राज्य में लाए जा रहे लगभग 600 बच्चों को बचाया। इस पर अनुसन्धान होना चाहिए कि क्या वे अनुदान के लोभ में बाल तस्करी को बढ़ावा दे रहे हैं।

बिहार: बिहार के गरीब और बाढ़ ग्रस्त जिले बाल तस्करी से सबसे ज्यादा मामले सामने आ रहे हैं। इस विषय पर फरवरी 2022 में में PPF द्वारा अयोजित ऑन लाइन वार्ता में, हिंदुस्तान अखबार कि सीनियर रिपोटर सविता कुमारी जी ने बताया कि कैसे इस दौरान बेरोजगारी और गरीबी के चलते अपने बच्चों को बाल तस्करी में भेजने के लिए लोग मजबूर

हुए। वही दूसरी ओर सरकारी स्कूल बंद होने से भी इसपर प्रतिकूल प्रभाव पड़ा जो कि मिड डे मील का सबसे बड़ा श्रोत है।

बिहार में, जुलाई – अगस्त 2021 में तस्करों के चंगुल से 26 बच्चे छुड़ाए गए। दूसरी ओर आरपीएफ और अन्य द्वारा 2020 में 313 बच्चों को ट्रेनों से और 2021 में अगस्त तक 426 से अधिक बच्चों को बचाया गया। वही 2020 जुलाई से अगस्त तक जयपुर में बिहार के 4 बाल श्रमिकों की मौत का मामला सामने आया है। जुलाई से सितंबर 2020 के बीच बिहार के करीब 250 बच्चों को बाल तस्करी से छुड़ाया गया है। ऐसे कई बच्चे हो सकते हैं जिनको बचाया नहीं जा सका होगा या संस्थाओं कि नज़र में नहीं आ सके होंगे।

उड़ीसा: बाल तस्करी विशेष रूप से राज्य के आदिवासी बहुल जिलों में जिसमें चाइल्डलाइन फाउंडेशन ऑफ इंडिया (सीएफआई) के कार्यकर्ताओं द्वारा गंजम जिले के बरहामपुर रेलवे स्टेशन से 29 जुलाई से 9 अगस्त, 2021 तक कम से कम 20 किशोरों को बचाया गया है जिनमें ज्यादातर लड़कियां (18) शामिल थीं। जुलाई, 2021 में CWC और पुलिस ने बाल अपहरण के आरोप में राउरकेला से पांच महिलाओं और दो पुरुषों की गिरफ्तारी किया। जो पैसों के लिए गरीबों के बच्चों को दूसरे राज्यों में बेचने का काम करते थे।

झारखण्ड: 2022 और 2021 के कई जिलों से बाल तस्करी कि खबरे आई। झारखंड पुलिस की मानव तस्करी रोधी इकाई ने जनवरी, 2021 में रांची हवाई अड्डे से 7 नाबालिग लड़कियों को बचाया। राज्य सरकार का एकीकृत पुनर्वास और संसाधन केंद्र (IRRC) 2019 से 2020 तक 500 से अधिक तस्करी किए गए बच्चों को बचाया गया। उड़ीसा की तहर ही झारखण्ड भी आदिवासी इलाकों से बच्चों की तस्करी में आगे है। जिसपर आये दिन खबरे आती रहती है। गरीबी के कारण यहाँ से परिवार आसानी से

तस्करों के चंगुल में आ जाते हैं जिसका परिणाम उनको अपने बच्चों को दूर शहर में बंधुआ मजदूरी के रूप में झेलना पड़ता है।

इन बेहद प्रभावित राज्यों में कुछ पुराने कारण आज भी इसके लिए जिम्मेदार हैं:

डाटा तालमेल में कमी; पिछले पांच साल के डाटा के अनुसार राजस्थान और केंद्र शासित प्रदेशों में दिल्ली लगातार सबसे ऊपर है। समस्या बस ये नहीं की ये आंकड़ें इस स्थिति में हैं बल्कि ये हैं कि ये आंकड़ें इनसे बहुत अधिक हो सकते हैं। बहुत से NGO और समाजसेवियों के अनुसार असल डाटा इनसे कई गुना ज्यादा है।

दूसरा; NCRB हर साल राज्यों द्वारा भेजे गये डाटा को संलगित कर प्रकाशित करता है। लेकिन इसमें समस्या ये आती है की राज्यों द्वारा अलग – अलग विभाग बच्चों को रेस्क्यू करते और उनकी तस्करी रोकने के लिए काम करते हैं। जबकि राज्य केवल पुलिस द्वारा बताये मामले ही केंद्र तक भेजते हैं। इसलिए इन सबका आपसी तालमेल बहुत जरूरी है।

केंद्र और राज्यों द्वारा समस्या का पता होने पर भी ज़मीनी स्तर पर काम अब भी बाकी है; पाँचों राज्यों और दिल्ली पर नज़र डालेंगे तो पाएंगे कि सभी जगहों पर बाल तस्करी की वजह और सरकार द्वारा समाधान दोनों मौजूद है फिर भी ये आंकड़ें लगातार बढ़ रहे हैं। जैसे, राजस्थान में बच्चों से जबरदस्ती बाल मजदूरी करवाई जाती है, जो मुख्य रूप से गरीब और अशिक्षित परिवारों से आते हैं। बावजूद उसके उनकी शिक्षा, स्वास्थ्य और गरीबी उन्मुलन कार्यों पर सरकार उदासीन दिखाई पड़ती है। जबकि केंद्र से लेकर राज्य स्तर पर ऐसे कई अच्छे उपाय मौजूद हैं। वही हाल, बिहार का है जो पिछले कई सालों से इसमें प्रभावित राज्यों में से एक है। कोशी बेल्ट के साथ सबसे गरीब जिलों में बच्चों की तस्करी आम होती जा रही है जहाँ गरीब परिवार अपने बच्चों को बेच देने के लिए विवश हैं। जिन पर काम करने के बावजूद ये बच्चे बार – बार तस्करी का शिकार हो रहे हैं।

पिछले पांच सालों में झारखण्ड, उड़ीसा, पश्चिम बंगाल, असम

में गरीबी, अशिक्षा के अलावा आदिवासी इलाकों के बच्चे ज्यादा प्रभावित हुए हैं, जिनको इसमें देश के अलग – अलग हिस्सों से बचाया गया है। लेकिन जो लोग इसपर जमीनी स्तर काम करते हैं, उनके अनुसार बचाए गए बच्चों की संख्या आज भी काफी कम है। इन जगहों से बच्चियों को बड़े शहरों में या जबरदस्ती घरेलू कामों के लिए इस्तेमाल किया जाता है या फिर औकेस्ट्रा में अश्लील नाच करवाने के लिए इस्तेमाल किया जा रहा है, जिसे खुद समाज का एक बड़ा और मजबूत तबका बड़े शौक से स्वीकार करता है।

दिल्ली और केरल का इस लिस्ट में आना और भी गंभीर बात है। देश में सबसे समृद्ध और शिक्षित होने के बाद भी बच्चे दोनों जगह बराबर रूप से बाल तस्करी का शिकार हो रहे हैं, जो बहुत बड़े नेटवर्क की ओर भी इशारा करता है। जिसमें बच्चों को न केवल जबरदस्ती बाल मजदूरी को ओर धकेलना हो सकता है बल्कि उनके साथ पोर्नोग्राफी सहित जबरदस्ती सेक्स रैकेट में धकेलना भी हो सकता है।

समाधान:

- 1) भारत में बाल तस्करी पर बने कानून का सख्ती से पालन हो;
- 2) बच्चों को शिक्षा से जोड़ें रखा जाये, मिड डे मील ने गरीब बच्चों को एक सहारा दिया है और कोविड के दौरान स्कूल बंद होने से लाखों बच्चे शिक्षा के साथ पोषण से वंचित रहे;
- 3) राज्य को पंचायत स्तर पर इस मुद्दे को देखने के एक जिम्मेदारी निभानी होगी, जिसमें पंचायत अपने गांवों के बच्चों को सुरक्षित रख पाए;

4) बाल तस्करी पर काम करने वाले संस्थाओं के बीच बेहतर तालमेल बहुत जरूरी है ताकि सही डाटा मिले और समय पर बच्चों को बचाया जा सके।

लेखिका पीपीएफ में शोधकर्ता हैं।


Policy Perspectives Foundation (PPF)

J-5, First Floor, Green Park Extn, New Delhi-110016

Phone : 011-41058454

 ppf.org.in

 policymerspective@gmail.com

 +91 11 4105 8454