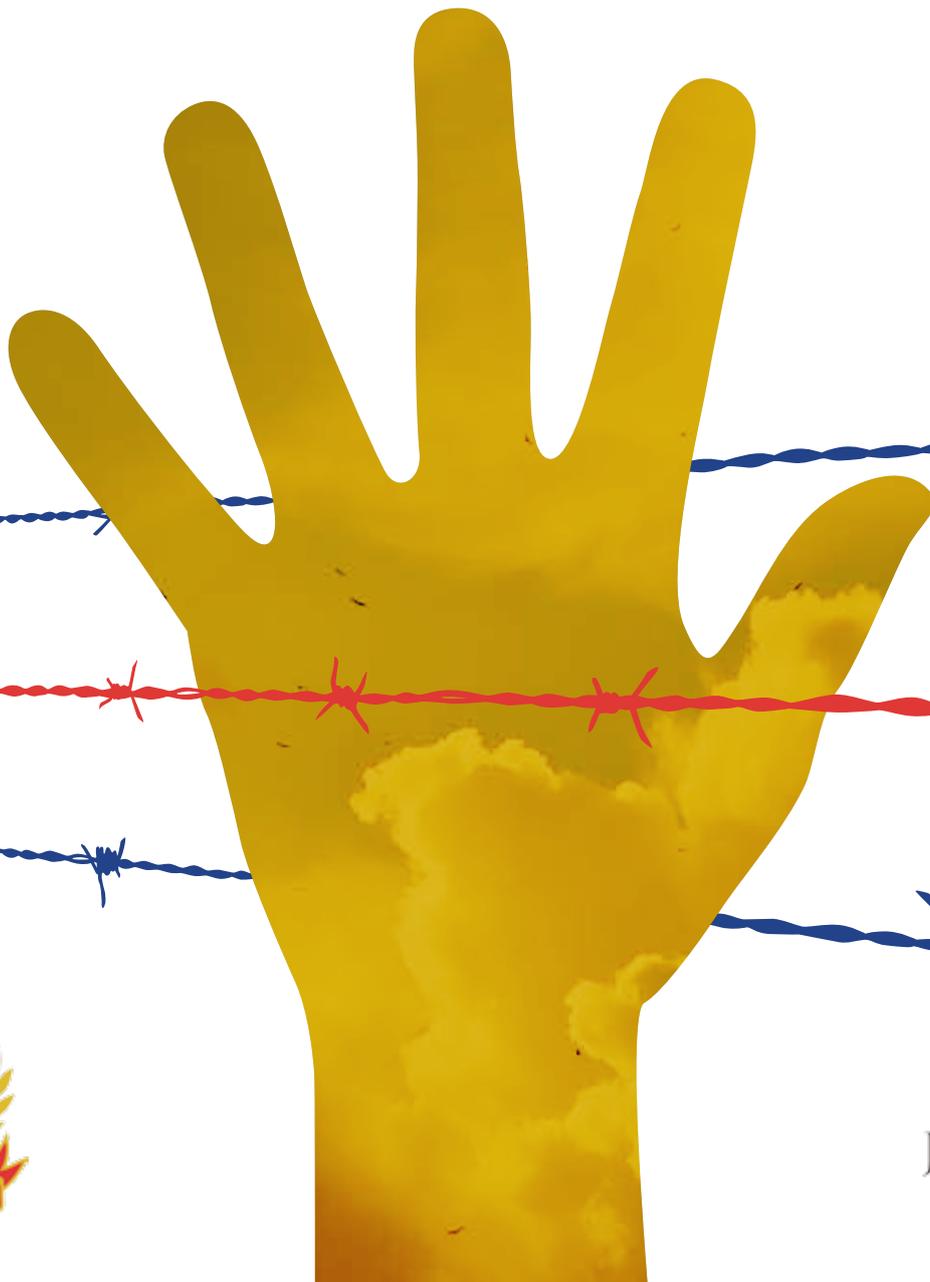


ADOLESCENCE AT THE BORDER

A study on cross-border trafficking
and safety along the
Indo-Bangladesh Border





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Sayantoni Datta
Director - Research
Justice and Care

FOREWORD

For the Border Security Force guarding the Indo-Bangladesh border, the distinction between illegal migrants and victims of human trafficking was almost non-existent until 2015. That is when the BSF decided to join hands with Justice and Care not only to make its personnel aware of this distinction but also to understand the various nuances of this issue.

Over the last two years, this synergy has given us better insight into the micro-dimensions of the process of trans-border human trafficking. The experiences gained have been well-illustrated in this report. The sincere efforts put in by both Justice and Care and the BSF are evident by the factual details and specific actionable recommendations that the report outlines. The findings will surely offer a better understanding to all the agencies working towards crime prevention in border areas. Such cooperation would certainly result in a comprehensive intervention.

This laudable effort was ably guided by Ms. Satwant Atwal Trivedi, initially as DIG East and later as IGG of the BSF. A special mention must also be made of the remarkable effort made by team Justice and Care led by Sayantoni Datta and the BSF G team headed by Mr. Jaswal. I must also make a special mention of Dr. Meha Dixit for coordinating this whole effort.

I sincerely hope that this symbiosis of researched knowledge creation and professional operationalisation will set a new paradigm of national security.

Mr. Aditya Mishra,
Former Inspector General,
Border Security Force

Additional Director General, Law and Order,
Uttar Pradesh

PREFACE

In the year 2014, Justice and Care came across a series of cases in Mumbai, where Bangladeshi victims of human trafficking were rescued. For almost all of them, criminal networks had prepared fake identity documents, declaring them to be Indian citizens. The challenge lay in cracking this world of fake identity documentation and repatriating these victims safely to their homes. Fake identity rackets deferred the time taken to repatriate victims of trafficking due to longer investigations.

Through a field investigation study along the Indo-Bangladesh border, Justice and Care found that a series of ancillary networks have supported large criminal networks engaged in human trafficking by creating fake identity documents for victims crossing the border.

On rescuing victims, it was found that minors were given school-leaving certificates, for example, and a series of other documents were then manufactured to show them as Indian citizens. The high risk that victims face in the country after being brought in by touts is further exacerbated as trafficked victims always faced insecurity and threat of not having genuine documents after crossing the border. The fear of criminalising victims of trafficking under the Foreigners Act in such circumstances is also very high. The investigations revealed that touts on both sides of the border were producing fake identity documents with free abandon. There was only one case of forgery that had been recorded against them with no convictions at all.

Further, investigations revealed that detection of the crime was close to impossible as victims were in transit from Bangladesh into India. Studies on 'illegal migration' along the Indo-Bangladesh border have not been able to map how actual transportation of victims takes place across the border. Several studies conducted on cross-border trafficking have quoted jailed Bangladeshi women who spoke about being trafficked across the border but lodged under Section 14 of the Foreigners Act, 1946 and Foreigners (Amendment) Act, 2004. There was little material to show what happens at the point of crossing or irregular entry and how the crime may be detected at that point. This resulted in understanding the border as a sensitive zone where multitudes of people come and go. While systems around human rights responses to illegal migrants had been advocated, more focus was required around victims of trafficking and arrests of their touts through correct detection.

In a set of cases for repatriation conducted by Justice and Care under the directive of the Juvenile Justice Committee (JJC), Kolkata High Court, related to boys lodged in child care institutions for several months and years, one found that these children had been picked up for inadvertently crossing the border. However, there was no clarity on their legal cases and how the police were actually sifting through them. Only a few of these cases involved trafficking. Many children had inadvertently crossed the border. It is clear that humanitarian approaches are required to address these issues along the Indo-Bangladesh Border.

Interviews with Bangladeshi victims Justice and Care helped rescue provided different stories of what was happening to victims of trafficking when they were crossing over. Therefore, in the mixed massive flow of migrant crossers and smugglers crossing the border, were the victims of human trafficking invisible?

This encouraged Justice and Care to partner with the BSF along with Sanlaap, to understand the nuances of trafficking hidden within illegal migration or 'irregular entry', assist BSF in detection, and provide case work support for victims of trafficking intercepted at the border. From this premise the Ghoadanga Pilot Initiative was created in partnership with Justice and Care and Sanlaap. This study, conducted in partnership with the Faculty of Studies, BSF Academy, is an attempt to understand community perspectives specifically from the eyes and experiences of adolescent girls and their mothers on safety and crime at the border. The study uses data from eight villages around two check posts and provides a glimpse into the multidimensional issues among border communities and its relation to trafficking. The report also incorporates experiences from case work and other secondary material to give the reader comprehensive understanding about the issue as it stands in the community and systems operating at the border.

ABBREVIATIONS

BD	Bangladesh
BGB	Border Guards Bangladesh
BNWLA	Bangladesh National Women Lawyers Association
BOP	Border Outpost
BSF	Border Security Force
CBO	Community Based Organisation
CSO	Civil Society Organisation
EU	European Union
FGD	Focus Group Discussion
GDP	Gross Domestic Product
HIR	Home Investigation Report
ICDS	Integrated Child Development Services
IPC	Indian Penal Code
JC	Justice and Care
JJC	Juvenile Justice Committee
LBA	Land Boundary Agreement
MoU	Memorandum of Understanding
NCRB	National Crime Records Bureau
NFHS	National Family Health Survey
NGO	Non-Governmental Organisation
OBC	Other Backward Castes
SC	Scheduled Caste
SOP	Standard Operating Procedure
SSB	Sashastra Seema Bal
ST	Scheduled Tribe
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UP	Uttar Pradesh
WHO	World Health Organisation

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INTRODUCTION

BACKGROUND OF THE STUDY

This research is a culmination of the work done with the BSF (Border Security Force) on introducing new and innovative strategies to innovate around border control activities, which may tackle the crime of trafficking and adopt victim-centric approaches to interception and interviews so that the crime is detected correctly at transit points experimented along a part of the Indo-Bangladesh border. It also marks the beginning of a new set of partnerships with Border Guards Bangladesh (BGB) to look at a bilateral rapid response team, which would monitor incidents of trafficking along the Indo-Bangladesh border.

"Adolescence at the Border" tries to capture the lives of adolescents living along the zero line or at a distance of 5km from the Indian border. The study attempts to:

- Map awareness levels about the crime of human trafficking and other violations of protection rights;
- Understand perceptions on safety;
- Understand community attitudes towards state authorities such as the police, and;
- Make an attempt to map criminal networks engaged in trafficking on both sides of the border

Furthermore, it tries to locate the potential of community partnership in border security and other state authorities in creating a safe environment for children in a trafficking-prone border area.

THE PARTNERSHIP WITH THE BORDER SECURITY FORCE

In March 2016, Justice and Care and Sanlaap began a partnership with the BSF to ensure better detection of human trafficking crimes along the border. Since the Ghojadanga check post was a vulnerable point, a pilot initiative was initiated in the area. BSF officials were given detailed sensitisation workshops in order to improve responses and correctly handle human trafficking cases. This included collaborative trainings and casework in collaboration with Justice and Care and Sanlaap. The initiative entailed:

- a. Detection of crime while intercepting irregular entries
- b. Victim centricity and victim support systems when interceptions happen and cases of trafficking are detected
- c. Recording of crime in the police stations when cases of trafficking are detected
- d. Tracking touts involved in human trafficking
- e. Sharing a proposal regarding the setting up of a transit home along the Ghojadanga check post, since there was little infrastructure to house victims in the interim period while the nature of the case is ascertained, and steps are taken towards coordination with BGB for safe repatriation and restoration to the family

The testimonies of the girls lay to rest several misperceptions on how victims may be identified at the border. These narratives by victims show that it is possible to carry out detections and locate victims of trafficking at a transit point, like the international border.

TABLE 1: VICTIM STATEMENTS AT THE BORDER

Details in statement by the victim	Details from verification India / Bangladesh (BD)	Action taken	Learnings for improved strategy
The victim was trafficked from Bangladesh. She was apprehended when she was returning from India. She was trafficked from Bangladesh to Bengaluru for a job in a beauty parlour but she was later sold to a brothel.	The victim does not have any Indian documents as well as BD documents.	BSF treated her as a victim of trafficking but officials at the police station did not file the case under anti-trafficking laws. Instead it was placed under Section 14 of the Foreigners Act. The victim was sent to a correctional home.	When the victim was providing her statements at the police station, she was surrounded by local touts. This affected her statement. If she was sent to a shelter home at that point, and detailed statements taken later, the case may have evolved differently.
The victim, when apprehended by the BSF at check post B, was found to have been trafficked to Surat from Bangladesh six months ago with a friend into domestic servitude. Instead she was forced into the sex trade.	The victim did not have any documents but revealed her Bangladesh address. The Justice and Care BD team checked the address and got back to the Justice and Care India team to validate her identity.	She was sent to the police station near check post B. The police sent her to a shelter home through the court as a victim of trafficking. On the basis of information shared by the victim, the investigation officers at the local police station went to Surat, arrested two accused and rescued two more girls.	The BSF does not have a mandate for prosecutions. However, convergence of these stakeholders and combined action will make it possible, through help of Civil Society Organisations (CSO), to follow up with this successful case. CSOs need to be empowered to follow up on legal action to ensure prosecution of such cross-border cases.
The day before she was apprehended by the BSF, the victim was trafficked from Bangladesh to India. She crossed a river at night and the trafficker made her stay her in a room in an Indian village near the check post. He informed her that she was sold and will be taken to Mumbai and forced into the flesh trade. After hearing this, she managed to run away from the house and reached the BSF camp.	The victim revealed her complete address and other details in Bangladesh. The Justice and Care BD team verified this information.	She was handed over to BGB and Justice and Care BD. The team, assisted by a partner organisation, took the girl from the border and restored her to the family.	Harbouring points need to be assessed and strategies evolved to prosecute those who 'harbour'. BGB also needs to be sensitised towards implementing victim-centric processes for successful cases. When victims are handed over to BGB, it is important to ensure that victims of human trafficking are segregated from illegal migrants

TABLE 1: VICTIM STATEMENTS AT THE BORDER

Details in statement by the victim	Details from verification India / Bangladesh (BD)	Action taken	Learnings for improved strategy
<p>The victim was from Bangladesh. During her interview, it was found that she had been trafficked to India a while back by her husband and was staying in Delhi. Her husband who was an alcoholic, would brutally beat her and forcefully sold her into the sex trade. Some months ago, when her husband passed away she decided to return to Bangladesh.</p>	<p>The victim had an Indian Aadhaar card and also revealed her address in Bangladesh. Justice and Care BD checked and verified the address.</p>	<p>The BSF handed over the victim to BGB. Unfortunately, Justice and Care could not follow-up on the Bangladesh side because of a miscommunication from the check post.</p>	<p>A coordinated effort is required constantly between BSF officials at Border Outposts (BOP) and Indian CSOs. On the Bangladesh side, by BGB officials at corresponding BOPs. It is also important to communicate the time of handover to CSOs so victims are restored safely.</p>
<p>Here, it was found after the interview that the victim had eloped. However, there was a risk element, pointing to human trafficking. Through a tout the young couple had both come into India from Bangladesh.</p>	<p>The victim did not have any documents but shared information about incidents.</p>	<p>The BSF treated her as an inadvertent crosser and after a flag meeting, handed them over to BGB.</p>	<p>Usually male touts accompanying the victims escape.</p>
<p>The victim came to India through a tout to get a good job since she had a large family of six members to support in Bangladesh. She was married and her husband left her with a tout.</p>	<p>The victim did not have any documents with her.</p>	<p>The BSF treated her as an inadvertent crosser and after a flag meeting, handed her over to BGB.</p>	<p>The BSF prefer to handover victims within 24 hours. While this mandate is clear, in a counter trafficking strategy, procedures of informing the police, anti-trafficking CSO that can carry out risk assessments and verification and decisions on correct reporting of the crime also need to be implemented.</p>

Table 1 clearly shows statements of victims, where the element of human trafficking has emerged through sensitive interviews conducted by NGO social workers in collaboration with the BSF.

The resources for a transit home are still to be decided. In the meantime, the BSF has referred 16 cases to Justice and Care and Sanlaap in the last year from identified border outposts. Out of these, six were found to be clear cases of human trafficking. Each case intervention threw up different nuances towards how one dealt with victims of trafficking intercepted at the border. The partnership and collaboration emphasised bringing in the following systemic strategies to counter cross-border trafficking:

- a. Prevent criminalisation of victims, which would entail that instead of booking victims as illegal migrants (under the Foreigners Act), they should be treated as victims and sent to protection homes or restored to their family, based on the nature of the case
- b. Ensure that victims coming from Bangladesh may be speedily sent back on humanitarian grounds, rather than go through lengthy bureaucratic procedures involving repatriation
- c. Ensure victims being handed over to Bangladesh are not treated as illegal crossers and are safely restored to families rather than criminalised on the other side of the border
- d. Convergence of other state authorities such as the police on either side of the border and Border Guards Bangladesh to encourage better coordinated systems to counter human trafficking at the border
- e. Tracking the movement of touts who engage in recruitment and transportation of victims to and across the border and raising awareness levels about the crime in the communities living along the border
- f. Bring in awareness among border security personnel on zero tolerance to the crime and recommend humanitarian processes to be followed during apprehension

These strategies were used in different cases. The report carries select details of learnings from those cases. Furthermore, Justice and Care carried out an in-depth study in villages around two border outposts, which gave better insights into the modus operandi of criminal networks and the issue of safety of young girls along the Indian side. To look at awareness levels about the crime, parts of the field study included a victimisation survey.

METHODOLOGY

A victimisation survey was conducted among 639 adolescent girls (9-18 years) living in eight villages around two border outposts along the Indo-Bangladesh border in North 24 Parganas district of West Bengal. 279 respondents were interviewed under check post A while 360 were interviewed under check post B. The results and findings from the survey have been coupled with information on crime and child protection through Focus Group Discussions (FGDs) with the mothers of the target group in order to get a wider spectrum of opinions and facts.

The main objectives of the survey include:

1. Understanding the situation of human trafficking in the villages and its surroundings.
2. Mapping awareness levels of crime among the participants.
3. Community attitudes towards law enforcement authorities such as the police and the BSF.

4. Safe and unsafe zones in the concerned areas with respect to safety and security of adolescent girls.

The survey was done through semi-structured interviews. The schedule laid out questions on awareness and experiences of the target group with respect to child protection besides understanding the socio-economic background of each respondent. As mentioned earlier, the survey was designed more as a victimisation survey, a discussion of which is to follow.

The study includes a mix of both quantitative and qualitative findings. The quantitative findings have revealed key trends and perceptions of adolescent girls besides their awareness on crimes in the area, while the qualitative findings have provided deeper understanding on criminality and cross-border issues in the area from the local people and stakeholders.

VICTIMISATION SURVEY

Victimisation surveys provide reliable information to understand and deal with local and national crime in cases where official data is either not available (as a huge number of crimes go unreported) or its quality can be challenged. According to certain estimates, the ratio of crimes actually committed to those reported is very high - only 30 to 40 per cent compared to what is committed. For offences such as assaults and sexual offences, the ratio is much lower - between 1 and 10 per cent or less due to factors such as social stigma. Victimisation surveys provide the advantage of eliciting a better picture by capturing opinion of a cross-section of society on matters relating to crime and punishment, their perception of criminal justice agencies and the method of handling offenders and victims. Significantly, information collected from victims covers their experience before, during and after the offence was committed. This method has been in use for about two decades in more and more countries to assess national or local level crime. It understands crime from the perspective of victims rather than that of state agencies. Regardless of state policies, this method enables respondents or victims to speak about their perception of criminal victimisation. (UNODC-UNECE 2010:7-8)

The study attempted to understand the awareness on sexual and trafficking crimes in border villages and perceptions on state agencies working on the crime. The survey did not target victims but vulnerable populations who may be prone to getting trafficked. Thus the focus was on border villages and among adolescent girls. Closed-ended questionnaires showed that there is 'silence' around issues of crime and safety, and young girls are hesitant to speak openly about these crimes. Contradiction mapping was used to shed light on these areas, and also understand contradictions in terms of how communities are viewing law enforcement or state machinery that are meant to deliver justice or record crimes.

TABLE 2: NATURE OF THE SAMPLE

Respondents	Check post A				Check post B ¹				Total	Total Interviews	Total FGDs
	Village A1 (zero line)	Village A2 (zero line)	Village A3 (Non zero line)	Village A4 (Non zero line)	Village B1 (zero line)	Village B2 (non zero line)	Village B3 (Non zero line)	Village B4 (zero line)			
Adolescent girls (9-18)	51	103	53	72	80	120	120	40	639	639	
Mothers of respondents	22	15	28	12	13	25	15	14	144		8
Community volunteers	2	2	3	2	2	3	3	1	15 ⁺		
CBOs									2		
Victims of trafficking				1			1	1	3		
Victims of trafficking from Bangladesh in shelter homes in other parts of India									5		
Victims of trafficking after interception by the BSF									6		
Other forms of abuse			1		2				3		
Total pictures/ drawings									27		
Training with jawans and commandants of BSF (2BOPs) [#]											
Convergence training with BSF and the police									2		
BSF-BGB meeting									1		
BSF researchers									3		
Total pictures by children									27		
										639	8

¹The names of the check posts and villages where field work has been conducted for the study are being withheld to maintain confidentiality and protect the identity of the participants in research. The generic pseudonyms are meant to avoid deductive disclosure.

⁺3 volunteers conducted interviews at multiple villages.

[#]Justice and Care, Sanlaap and BSF conducted a series of sensitisation workshops and trainings with the BSF on the issue of human trafficking. Conclusive observations and recommendations from these interactive sessions have also been incorporated into the study.

THE AREA UNDER STUDY

West Bengal is the hub of internal and cross-border trafficking in eastern India. In 2013, it had the maximum human trafficking cases amongst all Indian states, followed by Tamil Nadu, Andhra Pradesh, Karnataka and Maharashtra (Saha 2015).

West Bengal shares an approximately 2,220 km land border and 259 km long riverine border with Bangladesh. A large section of the Indo-Bangladesh border is unfenced and porous, which makes it vulnerable to trafficking in persons, drugs and fake currency. The districts in West Bengal, which are most vulnerable to trafficking in persons include North 24 Parganas, South 24 Parganas, Murshidabad, North Dinajpur, South Dinajpur, Nadia, Malda and Cooch Bihar. West Bengal is a source, transit and destination state for human trafficking. The current study intends to conduct a victimisation survey of adolescent girls along the border at Taki in North 24 Paraganas.

A BRIEF PROFILE OF GHOJADANGA CHECKPOST

The Ghojadanga check post is about 10 years old. The post is under the Basirhat-1 Block and North 24 Parganas district. The villages around were not used to traffic or for the influx of people from outside the area. They were purely agrarian and fishing villages. Today, the formalisation of the check post and now a four-lane highway to transport goods from different parts of India into Bangladesh, has proven that this new vector of change has created a new environment for these traditional villages. Farmlands are being given out as parking space to truck drivers. All along the highway, trucks halt and this is a major source of disturbance to the families whose homes lie adjacent to the highway. Near the parking area for trucks, the situation has become extremely unsafe for women and girls. Truck drivers from all over the country halt at this point. Community water sources are located near this parking area and women and girls have complained of being eve teased and harassed when they go to collect water.

Ghojadanga is a restricted area due to the presence of the BSF check post. The residents of the area have shared that there is movement of people from Bangladesh to India at night as they attempt to cross over with lesser chances of getting apprehended under the cover of darkness. Locals fear that unknown people who move around in the area at night may be carrying weapons. This makes them stay indoors at night.

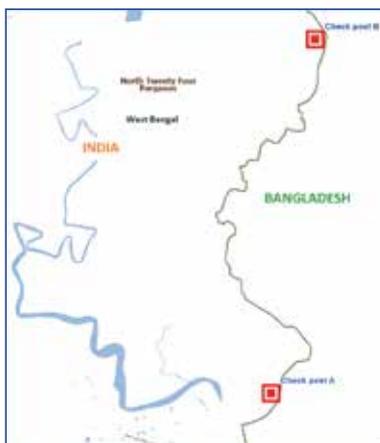


FIGURE 1:

Check post A and Check post B in North 24 Parganas, Basirhat block was selected for study



FIGURE 2:

The blue dots indicate 4 villages chosen around each check post for the study on zero line and within 5km of the International Border.

The area under the two check posts chosen for the study is located in Basirhat Block, North 24 Parganas district of West Bengal. All the villages were within five kms of the border. A brief profile of the check posts and villages around include the following:

CHECK POST A

A1 is a zero line² village adjacent to the international border. Check post A is about 10 years old. There are no job options for villagers, so most people are involved in illegal activities such as smuggling of gold, utensils, cigarettes, clothes and edible items such as spices, onions, sugar and salt to earn easy money. Mothers of respondents in village A1 compete in black market activities with their counterparts in village A2.

A2 is a large village with a total of 3177 resident families. A2 is a zero line village. On both sides of the village the population resides up to the zero line. Some parts of the village cannot be identified as Indian territories as there is only a tiny lane between the India and Bangladesh border. In other words, there is no clear demarcation of territory between the two countries. Brick kilns thrive here. The seasonal migration rate is very high. Our study revealed that children were found to be working in these brick kilns with their parents. Villagers do not get basic amenities in this village as revealed by the mothers of the respondents.

A3 is a large village with a total of 581 resident families. A3 is a non zero line village as it is situated three to four kilometres from the Indo-Bangladesh international border. Unsafe locations are hamlets B and M. Many people from these villages are engaged in black market activities and cattle smuggling.

A4 is a non zero line village situated adjacent to A1 village. It is the main market place of the gram panchayat. The panchayat office, hospital and post office are located in this village. In between A4 and A1 villages lies a huge truck parking that leads to both the villages. The presence of outsiders in the truck park makes the adolescent population vulnerable to eve teasing. Information received from mothers revealed that some people in this village have completed their higher education and settled down in a main town nearby.

CHECK POST B

B1 is a zero line village. A second check post of the BSF - being referred to as check post B - is located near this village. In terms of migration, 40 per cent of the working members migrate to Uttar Pradesh (UP) and Mumbai for various forms of employment. Among the people migrating for work to these places, there is a composition of five per cent children. According to one villager, child trafficking is a profit-oriented business employing many people from this village.

B2 is a non zero line village. Regarding the involvement of children in various forms of labour, it was found that children accompanied their parents to work as masons or in tea and tailoring shops and eateries. Those who migrate for work usually frequent cities such as Moradabad, Mumbai and Bengaluru. Many new buildings can be seen in the village, indicating the fact that many villagers are economically sound.

²A zero line village is one that lies along an international border. It denotes that there is inhabitation until the border between two states.

B3 is a non zero line village. Due to lack of employment or regular work opportunities, about 40 per cent of the villagers migrate to UP and Mumbai for work. In terms of other socio-economic indicators, 50 per cent of the population are married off before the legal age of marriage. The rate of child labour and school dropouts stands at five per cent. Children are also taken to UP and Mumbai to work.

B4 is also a small zero line village. A small river that segregates India and Bangladesh passes through B4. Child marriage is predominant here. The village is vulnerable to trafficking as well.

EMERGING VULNERABILITIES

Several vulnerable families were found residing in these villages. In the data captured in both check posts, we found several kinds of vulnerability factors. These factors are influential in making children prone to trafficking. In some cases more than one vulnerability factor was found in the same family. Mothers of these children were separately selected for Focus Group Discussions. These emerging vulnerabilities are as follows:

Incidences of various vulnerability factors were found in 186 out of 279 families in check post A, and in 222 out of 360 families in check post B. The comparisons clearly show that in check post B the number of families suffering from poverty and violence related factors such as food insecurity, a vicious cycle of debt, and the unusual occurrence of violence reported in the family, is higher.

TABLE 3: NATURE OF VULNERABILITY

Vulnerability criteria	Village-wise responses								
	A1	A3	A3	A4	B1	B2	B3	B4	Total
Dropped out from school and working	0	1	2	0	2	2	1	0	8
Dropped out of school, not working and not married	2	6	2	2	2	3	1	1	19
Households with no working member	2	1	0	0	0	0	0	0	3
Households with seven to eight members	1	8	2	2	2	5	3	1	24
Households in which respondent is involved in a form of child labour	0	5	6	0	3	4	6	0	24
Households in which a parent is physically or mentally challenged	2	12	5	5	3	3	6	0	36
Households in which a sibling is physically or mentally challenged	0	8	6	5	2	4	3	1	29
Households that do not have three meals a day	5	3	5	1	7	15	16	10	62
Households that have borrowed money from a money lender	1	0	1	0	3	0	5	0	10
Households that have taken money for repayment of debt	6	3	1	4	14	14	21	0	63
Number of missing girls spoken about	0	0	1	0	2	1	0	0	4

CHAPTER I

BORDERS, ADOLESCENCE AND CROSS-BORDER TRAFFICKING

To understand the critical issue of cross-border trafficking, this chapter first makes an attempt to define the border. It then highlights the intensification of non-traditional or transnational threats such as cross-border trafficking during the post cold war period. Thereafter, it discusses border regions, which are the sites of cross-border trafficking. Finally, while defining adolescence, it highlights the vulnerability of adolescents at the border towards trafficking.

National Borders

National borders are political constructs, imagined projections of territorial power. Although they appear on maps in deceptively precise forms, they reflect, at least initially, merely the mental images of politicians, lawyers, and intellectuals. Their practical consequences are often quite different. No matter how clearly borders are drawn on official maps, how many customs officials are appointed, or how many watchtowers are built, people will ignore borders whenever it suits them. In doing so, they challenge the political status quo of which borders are the ultimate symbol (Baud and Schendel 1997).

DEFINING BORDER

Traditionally, borders – physical as well as conceptual – have been viewed as delineations of 'us' and 'them', of demarcating difference. Sofield argues that 'spatially they have enclosed nations, governments', cultures and ethnicities, and distinct centres and peripheries,' with seats of power, authority and governing elites in the nucleus and marginalised communities at the edge' (Sofield 2006). Alvarez notes, 'borders are traditionally defined as international boundaries between nation-states' (Alvarez 1995: 449).

Borders are not static in nature. Gualini argues that borders, 'rather than being eliminated through the blurring' of their formal or material characteristics, are transforming in meaning, and are being shifted and reconstructed' as new internal, cross-cutting and overlapping borders' (Gualini 2003:50).

It may also be pointed out that there is a lack of conceptual consensus on the term border. Further, within the Anglophone world there exists confusion due to differences in the use of the terms frontier, border and boundary (Baud and Schendel 1997). The terms also seem to imply a conceptual difference. In diplomatic discussions, boundary is often used on the precise location of borders, however, it also has a more general meaning, pointing at the dividing line between different peoples or cultures. While discussing psychological differences and while emphasising regions rather than lines on maps, the term border is usually preferred. Frontier generally implies a territorial expansion of nations or civilisations into empty areas (Baud and Schendel 1997).

STATE AND ITS BORDERS

The very concept of the State has following essential components:

- a. A permanent population,
- b. A defined territory,
- c. The Government, and
- d. The capacity to enter into relations with other States (Montevideo Convention on Rights and Duties of States of 1933, Article 1) (Masahiro 2017)

Whatever political regime and social institutions a State may have is an issue for it within its own territorial limits. It is however critical to note that international boundaries 'may be disputed between the States concerned' (Masahiro 2017). A border between two States may have been agreed by the States on both sides; not formally defined or could be a de facto military ceasefire line; imposed by one of the States, imposed by third party (for instance International Community); inherited from a former state, aristocratic territory or colonial power; or inherited from a former internal border. The Indo-Bangladesh border (approx. 500 miles) has an inherited colonial history, which was drawn out arbitrarily in one-and-a-half months by Cyril Radcliffe during the partition of India in 1947. Therefore, there are ethnic similarities and close relations on each side, and the border has been porous since its inception.

The India-Bangladesh border, instead of following natural barriers, meanders through villages, agricultural land and rivers, rendering the border extremely permeable with many disputed pockets. Undemarcated stretches, existence of enclaves (chhit-mohols), and adverse possessions have been causing constant friction between the border guarding forces of India and Bangladesh. Shortly after the Radcliffe award, disputes arose during the interpretation and implementation of the award. These were relating to the boundary between Rajsahi and Murshidabad, Daulatpur and Karimpur, the Patharia Hill Reserve Forest, and the course of the Kusiya River. For adjudication and final settlement of these disputes, the Indo-Pakistan Boundary Disputes Tribunal was set up in December 1949 under the chairmanship of Algot Bagge.

However, because of the nature of the boundary, some old disputes persisted and new disputes arose leading to renewed tensions between India and Pakistan. To address the boundary disputes and to reduce tensions between the two countries, the Nehru-Noon Agreement on the India-East Pakistan Border was signed in New Delhi on September 10, 1958. This was followed by a series of other agreements. The disputes were, however, far from settled. In 1974, three years after the liberation of Bangladesh, the then Prime Ministers of India and Bangladesh, Indira Gandhi and Sheikh Mujib-ur-Rahman, inked an agreement to settle the land boundary issue. Inter alia, the Indira-Mujib Agreement laid down the methods for demarcating various disputed stretches of the India-Bangladesh boundary. Under the agreement, India retained the southern half of South Berubari Union No.12 and the adjacent enclaves. Bangladesh retained Dahagram and Angorpota enclaves. According to the agreement, the adverse possessions in areas already demarcated were to be exchanged within six months of the agreement. However, even after many years, the enclaves and adverse possessions have not been exchanged. Under the Land Boundary Agreement of 1974 between India and Bangladesh, both the countries were committed to exchanging the enclaves

and cede adverse possessions. It was only in July 2015 that this happened. Unfortunately, the issue has been neglected for very long due to lack of political will on both sides of the border. In 2015 the two states formally exchanged 162 tracts of land totalling over 24,000 acres. For over 40,000 people on the Bangladeshi side and another 14,000 on the Indian side, a right was given to choose which country they wanted to be citizens of, after being stateless for decades together and lacking every right and liberty accorded to people who are otherwise citizens, these populations were officially recognised citizens in the countries.

The trend of illegal migration from Bangladesh into India has continued since independence. Various 'push' factors such as political upheavals, religious persecution, demographic pressures, environmental crises and 'pull' factors such as availability of land, employment opportunities, medical care, and education have contributed to the large-scale influx of Bangladeshis into India. Although there is an acknowledgement of this fact, there are no authoritative estimates of the number of such illegal migrants. This illegal migration has changed the demographic profile of many border states, which has resulted in separatist movements. A former governor of Assam had highlighted the problem of illegal migration in his report on the subject, submitted to the President of India on November 8, 1997. (Pushpita Das, 2010).

The State has critical governmental incentives 'to define, police, and protect its borders'. The definition of State borders occurs at the physical limits of the state, and also at internal points of entry such as airports, seaports, and railway stations. Salter describes the policing function 'as discriminating between desirable and undesirable travelers'. He further notes the protection of states can be described as maintaining the bureaucratic and physical power to exclude dangerous travelers (Salter 2004: 72).

States monopolise the right to decide 'who and what is granted legitimate territorial access'. However, there is considerable historical variation in border control priorities. Although 'military defense and economic regulation' have traditionally been fundamental border concerns, in many areas, states are reconfiguring and retooling their border regulatory machinery to prioritise policing. Therefore, rather than simply wearing away, as is often assumed, the significance of territoriality is continuing -'but with a shift in emphasis'. In a number of cases, the de-militarisation and economic liberalisation of borders is accompanied by more intensive border law enforcement (Andreas 2003).

WHAT ARE BORDER REGIONS OR BORDERLANDS?

Borders and border regions may, in many cases, be viewed as interstitial places (or as in-between spaces), and the reconceptualisation of space couched in theories of interstitiality, offers another direction from which to view those persons who dwell in border regions (Sofield 2006). A borderland is generally understood as the region in one nation that is considerably affected by an international border. Baud and Schendel interestingly note, 'however, following the lead of A. I. Asiwaju, we favor a cross-border perspective, in which the region on both sides of a State border is taken as the unit of analysis.' This approach allows them to consider 'the paradoxical character of borderlands' (Baud and Schendel 1997:216).

Borders generate political and socio-cultural distinctions, 'but simultaneously imply the existence of (new) networks

and systems of interaction across them' (Baud and Schendel 1997:216). Sven Tagil et al. highlight the paradox of border studies in the following manner, 'boundaries separate people (or groups of people) and the separating qualities of boundaries influence interaction between them' (Baud and Schendel 1997:216).

Jorge Bustamante rightly notes that from the standpoint of national centres of authority, the border between States 'is a sharp line, an impenetrable barrier'. However, from the standpoint of the border, borderlands 'are broad scenes of intense interactions in which people from both sides work out everyday accommodations based on face-to-face relationships'. Consequently, the study of border regions implies a critique of state-centric approaches that view 'borders as unchanging, uncontested, and unproblematic' (Baud and Schendel 1997:216).

BORDER, TRANSNATIONAL THREATS AND GLOBALISATION: A POST COLD WAR SCENARIO

The post cold war era and intensification of globalisation since the early 1990s has witnessed a rise in transnational threats such as trafficking in persons, drugs, and arms; illegal movement of nuclear, chemical, biological and other potentially deadly material; and cross-border terrorism. It is apparent that borders are permeable, even when the entire capabilities of a national security state are exercised 'on the control of movement of persons'. Passports can be authenticated, however, only to the extent that they rely on other identity documents. Border examinations cannot identify intentions, but rely on practices and policies that are devised 'in terms of low and high-risk populations' (Salter 2004: 85).

BORDERS AND CROSS-BORDER TRAFFICKING

As far as the issue of cross-border migration is concerned, according to some scholars, the end of the Cold War and bipolarity has contributed to transforming the nature as well as the function of national boundaries in ways that increasingly securitise migration and result in greater policing of national borders (Adamson 2006: 166). Moreover, the link between migration and trafficking poses difficulties for traditional security approaches (that focus on national or state security) to border control since distinguishing international human trafficking from immigrant smuggling is tricky (Lobasz 2009: 328).

The BSF and BGB guard the respective sides of the Indo-Bangladesh border. There are approximately 45 battalions of BSF and 30 battalions of BGB deployed to guard the border. Despite the manpower deployed along the border, various factors of the boundary between the two countries pose challenges towards managing these borders. Some of these features are the porous nature of the border, difficulty in identifying Bangladeshi nationals, passive/indifferent attitude of the border population, the criminal-administration-police nexus, the presence of criminals in enclaves, missing border pillars, lack of development and the like (Jamwal 2004).

ADOLESCENCE AND CROSS-BORDER TRAFFICKING

Adolescence is generally viewed as a transitional stage between childhood and adulthood. This vital developmental stage is typically understood as the years 'between the onset of puberty and the establishment of social independence'. The most frequently used chronologic definition of adolescence comprises the ages of 10 to 18 years, but may include a period of 9 to 26 years depending on the source (Curtis 2015). According to the World Health

Organisation (WHO):

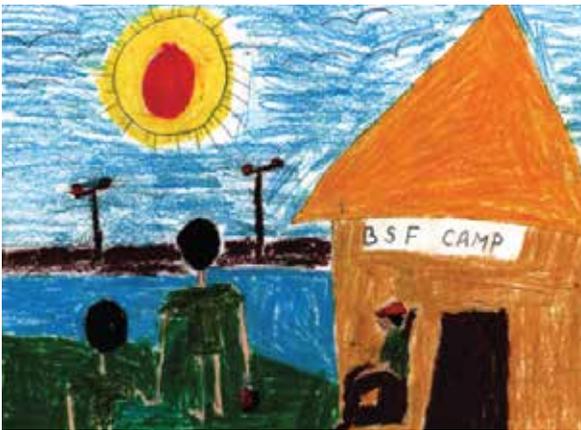
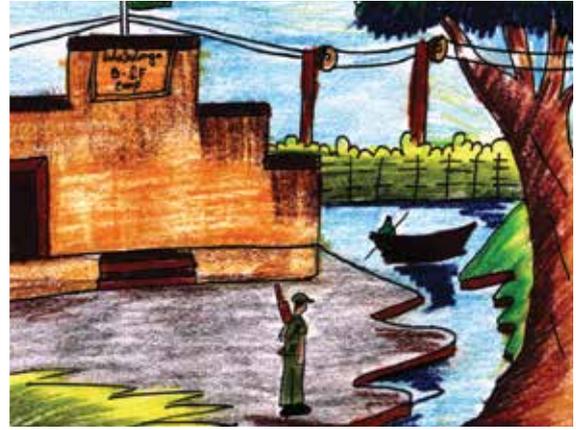
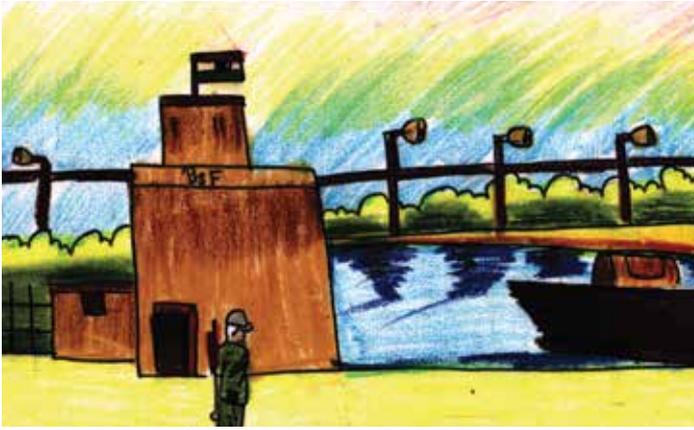
Adolescence represents one of the critical transitions in the life span and is characterised by a tremendous pace in growth and change that is second only to that of infancy. Biological processes drive many aspects of this growth and development, with the onset of puberty marking the passage from childhood to adolescence. The biological determinants of adolescence are fairly universal; however, the duration and defining characteristics of this period may vary across time, cultures, and socioeconomic situations. This period has seen many changes over the past century namely the earlier onset of puberty, later age of marriage, urbanisation, global communication, and changing sexual attitudes and behaviors (WHO 2017).

Children and especially those in the adolescent age group are highly vulnerable to early marriage, sexual abuse, child labour and trafficking. Given this vulnerability the study focuses on adolescent girls at the border. The data below from Crimes in India published by National Crime Records Bureau (NCRB) over the years shows that the numbers in procurement of minor girls depicts an increasing trend in the country. This could be indicative of a booming industry around trafficked minors. The low numbers of importation of girls from a Foreign Country do not match the records or numbers registered by Civil Society Organisations regarding actual numbers of girls brought in from Bangladesh alone. Importation would include other countries like Nepal and Bhutan. For instance, among the total number of survivors rescued by Justice and Care in India, 200 survivors were from Bangladesh, and among them, 102 survivors from Bangladesh were minors. This shows that during rescues, the section "Importation of girls from foreign country are not always recorded at police stations."

TABLE 4: INCIDENCE OF CRIMES AGAINST MINOR GIRLS IN INDIA (2005 - 2015)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Procurement of Minor girls	145	231	253	224	237	679	862	809	1224	2020	3087
Importation of girls from foreign country	149	67	61	67	48	36	80	59	31	13	6

Source: Crimes in India, 2005 to 2016, NCRB



Children growing up along the border are exposed to several locational realities. The views of children living along the border convey the fact that their lives are highly remote and different from the mainland. They are prone to receiving lesser services and facilities in comparison to other children living in urban centres or even villages in mainland India. Life is different due to the security conditions operating at the border. The sketches above drawn by children at the two checkpoints under the study clearly reveal the perceptions about their surroundings.

CHAPTER II

CROSS-BORDER TRAFFICKING ALONG THE INDO-BANGLADESH BORDER

This chapter first outlines International Law on Trafficking in Persons. Thereafter, while discussing the legal framework on trafficking in India, it highlights the issue of internal and cross-border trafficking in India. Further, it delves into the critical issue of cross-border human trafficking from Bangladesh into West Bengal

INTERNATIONAL LAW ON TRAFFICKING IN PERSONS

Human Trafficking may generally be described as a crime that exploits children, women, and men for a number of purposes including sex and forced labour. Trafficked persons usually come from areas 'where economic and social difficulties make migration a popular choice' (Friesendorf 2007: 381).

The UN Trafficking Protocol, to which India is a signatory, is the single most significant international legal instrument on human trafficking. Article 3, paragraph (a) of the Trafficking Protocol defines Trafficking in Persons as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UNODC 2016).

HUMAN TRAFFICKING IN INDIA

India is a source, transit and destination country for trafficking in persons. A significant amount of trafficking occurs internally (inter-state or intra-state). The rest occurs across national borders. India is a destination for individuals trafficked from neighboring countries such as Bangladesh and Nepal, and a transit country for persons being trafficked to the Middle East and other countries. Moreover, India serves as a source for individuals trafficked to the Middle East, North America and Europe.

In 2013, the Criminal Law (Amendment) Act of 2013 was passed by India. The Act amended Section 370 of the Indian Penal Code and included India's first definition of human trafficking based on the UN Trafficking Protocol. Under Article 23 of the Constitution of India, trafficking in persons is prohibited; however, the article does not define the term. Further, the Immoral Traffic (Prevention) Act 1956 (as amended in 1986) is a special legislation, which addresses the issue of sex trafficking. It offers wide ranging powers to special police officers and other police officers, working on their behalf for carrying out searches, rescue of victims, and arrest of offenders (SSB 2015). The legislation, however, does not address the issue of labour trafficking.

Indian laws do not explicitly recognise and punish all forms of labour trafficking to the extent required by the UN

Trafficking Protocol. The definition of human trafficking in the now-amended Section 370 of the Indian Penal Code does not include forced labour. Further, other laws, which address forced labour in the country do not sufficiently address the complex issues concerning the trafficking of human beings for the purpose of labour. Besides, although the 2013 Amendment Act reformed Section 370 to penalise those who engage sex trafficking victims, it did not criminalise the acts of those who engage labour trafficking victims (Rhoten et al 2015).

In May 2016, Ms. Maneka Gandhi, the Union Cabinet Minister for Women and Child Development, released a draft of the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill that was referred to as India's first ever anti human trafficking law. Its key objectives are to unify existing anti-trafficking laws and extend the definition to incorporate labour-trafficking and not just sex-trafficking. Significantly, the Bill aims 'to treat survivors of trafficking as victims in need of assistance and to make rehabilitation a right for those who are rescued' (Sriram 2016).

COMPARISON OF LAWS

TABLE 5: COMPARISON OF LAWS IN INDIA AND BANGLADESH COUNTERING THE CRIME OF TRAFFICKING

India (Penal Code)	Bangladesh (Penal Code)
<p>Section 370, Indian Penal Code: Trafficking of Persons:</p> <p>Recruits, transports, harbours, transfers a person, by means of threat, coercion, abduction, abuse of power or inducement, for the purpose of exploitation.</p> <p>Penalty: Rigorous Imprisonment for 7 years to 10 years and fine.</p> <p>The Penal Code also criminalises the exploitation of a trafficked person, habitual dealing in slaves, the selling and buying of minors for prostitution.</p> <p>Section 366B, Indian Penal Code, penalises the importation of a girl from a foreign country, under the age of 21 years, for the purposes of subjecting such a girl to illicit intercourse, with imprisonment of 10 years and fine.</p>	<p>Section 370, Penal Code: Buying/disposing of slaves:</p> <p>Imports, exports, removes, buys, sells or disposes any person as a slave, or accepts, receives or detains a person as a slave.</p> <p>Penalty: Up to seven years and fine.</p> <p>The Code also penalises habitual dealing in slaves, selling and buying a minor for prostitution.</p> <p>Section 366B, Penal Code, penalises the importation of a girl from a foreign country under the age of 21 years, for the purpose of subjecting such a girl to illicit intercourse, with imprisonment up to 10 years and fine.</p>

India (Penal Code) - Special Laws

Immoral Trafficking Prevention Act, 1986

The Act criminalises the running of a brothel, living on the earnings of a prostitute, procuring or inducing a person for prostitution and the seduction of a person in custody.

Bangladesh (Penal Code) - Special Laws

Prevention and Suppression of Human Trafficking Act, 2012

The Act defines human trafficking to include selling, buying, recruiting, receiving, deporting, transferring, sending, confining or harboring, inside or outside the territory of Bangladesh any person inside or outside the territory of Bangladesh for exploitation or oppression of any kind, by the means of threat, deception, abuse of power, giving or receiving of money.

The Act also criminalises Organised Criminal Groups involved in the crime of human trafficking.

The Act has extra territorial application of a crime of trafficking committed against a Bangladeshi National outside the territory of Bangladesh. The Act also applies to an offence of trafficking committed from outside of Bangladesh into Bangladesh or from inside Bangladesh to the outside of Bangladesh, recognising the offence to have taken place in Bangladesh.

Advisory from the Ministry of Home Affairs, Government of India on preventing and combating Human Trafficking in India - Dealing with foreign nationals [May 2012]

The advisory mandates that foreign victims of human trafficking, when found in India without a valid passport or visa, should not be prosecuted under the Foreigners Act., but must be treated as a victim and procedures to repatriate such a victim shall be ensured.

Memorandum of Understanding between the Government of the People's Republic of Bangladesh and the Government of the Republic of India for Prevention of Human Trafficking, especially trafficking in women and children; rescue recovery, repatriation and re-integration of victims of trafficking

This MoU enforces the responsibility of both the countries in taking the following measures to curb human trafficking between the countries:

i. Preventive Measures

- The countries have undertaken to take necessary measures to prevent human trafficking, by strengthening law enforcement agencies, border controls, raising awareness, vocational and educational programmes, community-based interventions, etc., to reduce the vulnerability of trafficking
- Develop and share a database on traffickers and victims of trafficking

- Border forces in both countries will strive to prevent human trafficking through simultaneous coordinated patrolling, activating nodal points, regular meetings, etc.
- Trainings of forces in both countries
- ii. Protection of Trafficked Women and Children
 - That victims of trafficking found in either country should be treated as victims
 - Relevant authorities should ensure protection and security at every step taken for repatriation of trafficked women and children
 - Such victims shall be treated with dignity and not be discriminated against
 - SOP adopted by the governments for rescue, recovery, repatriation and integration will be followed for repatriation of the victims
 - The victims shall be provided with safe shelters, healthcare and access to legal assistance
- iii. Repatriation
 - Repatriation and reintegration of trafficked victims shall be conducted expeditiously
- iv. Joint task forces
 - A joint task force shall be established with representatives from both countries and such a body shall monitor the implementation of the Memorandum of Understanding

CROSS-BORDER HUMAN TRAFFICKING FROM BANGLADESH INTO WEST BENGAL

The long frontier between India and Bangladesh is crossed by thousands of people each day. Some of them go through authorised checkpoints with appropriate papers, but some, inevitably, prefer quieter, unofficial routes across dry riverbeds and along tiny spaces segregating the two nations. The people who are crossing the border without papers are called illegal immigrants. However, there is another type of migration across the border. These people move countries either by being deceived where they unknowingly take risks to get a good job, good marriage or for other reasons, or they are forced. This phenomenon is called cross-border trafficking.

It is mostly women and girl children who have been victims of cross-border trafficking. The Indo-Bangladesh border is long and densely inhabited. Inhabitants have a common history of growth, culture, language and rich heritage. The problem of border management on this border is not just one of securing the borders but of doing so without causing harm to the economic interests of the people, long dependent on mutual trade and various other forms of interdependence. Being on the extreme corner of the country, the border areas have remained underdeveloped and were economically and politically ignored for a long time. The negligence by the mainland forced the people of the border areas to indulge in and depend on the traditional systems for their survival. This gave rise to cross-border movements.

The boundary line separating the countries exists in the form of border pillars. People who live on either side share similar ethnic, religious, linguistic and cultural characteristics. These features along with the topography make it easy for infiltrators, smugglers and traffickers to cross over into India. Along with this, crossing is facilitated as the border is thickly populated. Thus, in the case of the border between Bangladesh and India, various factors work in the interest of the traffickers as opposed to the common folk who struggle to make a livelihood in the light of their vulnerabilities and lack of various forms of capital both at an individual as well as societal level. While many persons

living along the border are engaged in the 'illicit flows' of commodities, ideas and people (Abraham and Schendel, 2005:5), the micro practices involved specifically around black market, smuggling of small goods and trade which are considered 'licit' in the eyes of participants in these transactions and flows' it is not necessary that they club 'human trafficking' a heinous crime, in these illicit, flows. Our study shows that the crime is not necessarily accepted by ordinary local populations, instead, the view on the reality of cross-border flows and accompanied threats is mired in contradictions and a sense of helplessness with respect to everyday life and human security, given the aggressive operation of organised criminal networks.

BORDER THEORIES AND BORDER POLICIES

As mentioned previously, in the present era of a globalised world, borders have become a point of much debate and contestation. Various sections of stakeholders put forth views on borders due to its impact on the people living near it. More recently, Critical Border Studies (CBS) has moved beyond the stalemate between two extreme views on the border i.e. whether borders between states are disintegrating under globalised conditions or are stronger now in the wake of increasing terror. CBS has recommended a sociological approach of borders as a set of practices. This broadened idea of borders covers the range of technologies of governance meant to control the mobility of people, services and goods. Within this framework, borders are not understood as sharp lines but as a sociological entity (Basham and Vaughan-Williams, 2012). This approach brings to the fore the need to look at 'border communities' as a unit of analysis.

BORDER POLICIES: OPEN AND CLOSED BORDERS

Many nations today have a closed border policy. Borders are controlled for various reasons. One main concern is that of internal security due to the increasing threat of terrorism. In a paper that focuses on present-day gendered politics of migration in Britain, the authors discuss how migration in the EU has developed into a security issue that invokes the dangers to public order and stability brought about by criminal and terrorist abuses. They say that it is part of a "general technocratic and political surveillance of society and militarisation of migration." (Yuval-Davis et al, 2005).

Western countries in particular have closed their borders to their less developed neighbours using various refined techniques and tools of control. One case in point is that of the US-Mexico border. Various forms of external control are coupled with internal controls meant to identify undocumented migrants after their entry into the destination. The same is the case with the UK, which sees the securing of borders and boundary maintenance as the pre-condition for harmonious social relations in a multicultural Britain (Yuval-Davis et al, 2005).

Antoine Pecoud and Paul de Guchteneire in a joint paper discuss the arguments in favour of and against the right to mobility and argue how contemporary border policies are restrictive but there are still challenges on the ground that call for alternate approaches. While tight border control poses challenges such as human trafficking for sex and labour, the asylum crisis and vulnerability of irregular migrants thus threatening the basis of liberal democracies, a right to mobility, has various implications with respect to world justice, social cohesion, economic wealth, security and border governance. Thus discussions on cross-border trafficking invariably get interlocked into the controversies related to border crossing and irregular entries and migration.

Border control and migration projects both require further discussion to unlock the polarities in the debate between right to mobility and countering the human trafficking crime.

Pecoud and de Guchteneire argue that the notion of a right to mobility may usefully reinforce an ethical and rights-based approach to migration and border controls. The one issue they discuss about the Universal Declaration of Human Rights is that while it recognises emigration as a human right, immigration is not and this leads to a disconnect. They also argue that mobility rights depend on age, class, skill, race, gender etc. thus, states mete out preferential treatment to certain people to the detriment of others and this is generally not contested by anyone. A broader proposition has been to argue for a human rights approach for both irregular migrants and victims of trafficking.

Zygmunt Bauman (1998) refers to migration as the 'most powerful and coveted stratifying factor'. Both geographic and social mobility is achieved through access to mobility. At the level of economic growth, there is an argument that favours free and unrestricted mobility.

In an article by Hamilton and Whalley (1984) the argument in favour of migration is that liberalisation of the world's labour market would double the world's GDP. Pecoud and de Guchteneire argue though that the flow of people cannot be compared to the flows of commodities, capital and information because it neglects the social complexity of migration. Migration has many different reasons that give into this complexity and therefore embedded within mixed massive flows of people, it is critical to understand the agency of the migrating person in this migration passage.

The counter argument to the right to mobility is that it would 'lead to enormous and unmanageable flows of people' (de Guchteneire, Pecoud, 2006). Another such view that is an opponent to the right to mobility states that free migration would lead to chaos and an increase in unfair situations. The paper discusses the view of the critics of neo-liberalism who argue that if migration was deregulated and entirely market driven, the absence of state intervention would mean that no one would be responsible to ensure the well-being, equality and justice of the citizens. This argument then implies that for the well being of the world at large, each state should take care of its own citizens rather than allowing free movement of people. It consequently puts forth alternate means to world justice such as development. Other possible solutions to this put forth by the opponents of free movement include foreign investment and trade. The authors discuss that the problem with this approach is that these alternatives have not sufficiently proved to be successful. Another argument against free movement is that migration is considered a threat to social cohesion. Further, mobility is a challenge to the welfare state concept since the logics of both are contradictory. Pecoud and de Guchteneire, however, argue that the correlation between increased migration and the deterioration of welfare schemes is not straightforward. The multiple vulnerabilities at work for migrating persons pose different kinds of risks. These considerations are not always dependent on border control and whether it is open or closed. However, how aggressive border controls are would definitely impinge on increasing risks and vulnerabilities for migrating persons.

Pecoud and de Guchteneire suggest based on Massey and Taylor's (2004) argument that, 'a third way between open and closed borders could be a system of multilateral governance of migration flows whereby states would coordinate their migration policies for their mutual benefit, just as they do with flows of capital, commodities and goods.' Different authors have discussed similar ideas under what is considered 'migration management'. However the authors argue that current security concerns advice against such cooperation between states leading to a "rebordering" process though they wonder if it is the best approach to tackle the security issue. Drawing from Andreas (2003) and Schoenholtz (2003), they suggest a "smart borders" approach where states can reduce security risks while enabling fluid border crossing by sharing intelligence and cooperating beyond national borders. Thus a combined approach of humanitarian and victim-centric responses to border policing and understanding the 'agency' of the migrating person is critical to reconciling irregular entry and arrest the victims of human trafficking.

LATEST DEVELOPMENTS IN BILATERAL RELATIONS BEARING ON HUMAN TRAFFICKING AND THE CONCEPT OF 'BORDER MANAGEMENT'

Considering how huge the issue of trafficking is across the borders of the two states, we shall now take a look at the response of the governments in tackling the issue. How have the disputes between the countries acted as a detriment to the well being of the people near the border? Is sufficient attention being focused on the people and their vulnerabilities? These are some of the questions we shall briefly consider now.

During Prime Minister Narendra Modi's visit to Bangladesh in June 2015, both countries signed a treaty to implement the Land Boundary Agreement (LBA) protocol based on the India-Bangladesh Land Boundary Agreement of 1971, which was signed between then Prime Minister Indira Gandhi and then President of Bangladesh Sheikh Mujibur Rehman. As a result of the treaty, 51 Bangladeshi enclaves with their 14854 residents assimilated with India on an as-is-where-is basis while 111 Indian enclaves with 41449 residents went to Bangladesh through an exchange exercise between India and Bangladesh. According to the same news article, those willing to migrate to the Indian mainland were allowed to do so until November 30, 2015.

During one of PM Modi's visits to Bangladesh, emphasis was placed on joint border management. Apart from this, cooperation on various other counts has been initiated, although one cannot be sure of how effective these have been. The two countries signed MoUs on Prevention of Smuggling of Fake Currency Notes, and Cooperation between Coast Guards and Prevention of Human Trafficking. They also emphasised effective implementation of the Coordinated Border Management Plan (CBMP) to prevent cross-border criminal activities and the like. The CBMP was initially signed in 2011 when India had assured it would implement zero killing on the border for illegal trespassing. Other criminal activities such as smuggling of goods and drugs have made the border a hub of illegal activities.

PM Modi visited Bangladesh on 6 June 2015 for enhancing bilateral ties. With the announcement of a USD 2 billion line of credit from India to Bangladesh, 22 Memoranda of Understanding (MoUs) were signed between the two heads of state. During the visit, both leaders emphasised the importance of seamless, multi-modal connectivity between India and Bangladesh to ensure regional economic development and people-to-people contact. They noted that roadways, railways and waterways were the building blocks of an inter-dependent and mutually beneficial

relationship among the countries of the region. Since 2015, several initiatives have been taken by both countries to strengthen various modes of connectivity that are hoped to facilitate the seamless movement of people and cargo across the border.

Observer Research Foundation (ORF) is a public policy think-tank that aims to influence formulation of policies for building a strong and prosperous India. ORF pursues these goals by providing informed and productive inputs, in-depth research and stimulating discussions. The Foundation is supported in its mission by a cross-section of India's leading public figures, academicians and business leaders. ORF Kolkata, produced a report in 2015 on India-Bangladesh Connectivity: Possibilities and Challenges. The report is part of a larger project on Proximity to Connectivity: India and her Eastern and Southeastern Neighbours.

- The ORF report highlighted the issue of border crimes and recommended the strengthening of coordination among border guards on either side of the border, along with organising dialogues with all stakeholders at different levels
- The ORF report suggested the simplification of cross-border movement to enhance people-to-people interaction by: a) easing of visa restrictions; b) easing cross-border vehicle movement
- The ORF report argued that it is important to allow cross-border jobs and commerce-related movement of workers, traders, academics, businessmen, patients and groups of people having connection to cultural, social and religious traditions on the other side of the border. For this, of course, mutual understanding and proper coordination among border guards on either side of the border would be necessary.

Our study shows that many people are not in the above categories so they should be addressed for cross-border jobs and commerce-related movement.

According to a paper about India-Bangladesh Relations by Pattanaik, which provides these details (pp.222 [M2]), both the countries have Home Secretary-level talks to address human trafficking. Although the author opines that plugging of vulnerable areas used by traffickers, along with improved border vigil are crucial towards addressing human trafficking, she does not discuss if the governments are taking steps towards achieving this. Among other measures toward border management, the paper says that the two nations have restarted after many years the District Magistrate/Deputy Commissioners meet, which takes place between border areas every six months. These meetings now include the superintendents of police of the border districts of both countries.

CHAPTER III

MODUS OPERANDI OF CROSS-BORDER CRIMINAL NETWORKS

Cross-border networks usually are transnational networks with access to global markets. However the criminal activity highlighted hereunder relates mainly to local or regional criminal networks and micro practices related to the human trafficking crime. In the quantitative study with adolescent girls, 13 perpetrators associated with cross-border trafficking crimes were identified operating in the area and 21 others were named as linked to other crimes such as cattle smuggling, black markets and drug trade.

KEY FINDINGS OF THE INVESTIGATIVE STUDY

The following findings have emerged from investigative reports, interviews with victims and village level community interviews on the modus operandi of cross-border criminal networks and issues prevalent in the area under study.

- a. **Profile of Legal Cases:** Profiling cases in the Basirhat Court³, the teams found that large number of cases were to do with the Foreigners Act. The advocate and judge at the court stated that the largest numbers of cases at the Court are from Basirhat Police Station. There were only three convictions of the 80 criminal cases in Court, of the three all were related to murder. There were a large number of cases under IPC 370 and 376. The numbers of acquittals in such cases were alarmingly high. The reasons for high acquittals in such cases were found to be due to witnesses turning hostile, or the inability of the police to produce a witness. Since travel for witnesses is not compensated they are not willing to come to Court repeatedly⁴ Rape cases are mostly related to 'breach of promise to marry' and tend to get settled out of court. 70 percent of such cases turn out this way. Gender crimes such as rape and trafficking are particularly hard to prove⁵ The number of missing records at the Court was also very high. (Source: Trial Register) 80 per cent of the cases were under IPC sections 370 and 376. (Source: Trial Register). There are few cases of forgery and cases related to production of fake documents and trials under the same are rare⁶.
- b. **Preparation of fake documents:** Informants observed that in most private schools (that have mushroomed along the border), very few ask for proper documents before admissions. The only necessity is a donation. However when the child leaves this school, the school-leaving certificate is an important document that is made available. This certificate is then used to gain admission into a government school and through this various other documents are then made available. School-leaving certificates do not go through as much scrutiny and sometimes minors are posed with 'fake parents'⁷ for the purpose. A nexus operates here as well.

The team visited the press already in the news for printing fake documents and interviewed the owner. The owner stated that it was his ex-staff member who was involved in the process and not him, though both were

³Both Check post A and Check post B and their corresponding police stations fall within the Basirhat Court's jurisdiction

⁴Judge, Basirhat Court, 2014

⁵Advocate practicing at the Court in 2014

⁶Advocate practicing at the Court interviewed by the team in 2014

⁷Fake parents: Criminal networks usually stage people from within as parents of minors to smoothen processes around preparation of identity documents in India or even for victims testifying in court.

accused and are now out on bail. The team observed that the crackdown has not helped and the practice has continued. At the time of interview, some local Panchayat documents (caste certificates of Gram Panchayat) were being printed. Fake school and birth certificates are rampantly used to get original citizenship documents. A lot of these persons working in brick kilns are staying without documentation and get fake documentation done through monetary incentives. Currently even the production of 'Adhaar' cards is under suspicion, since these are simply made by giving a small sum of money to agents. Thus in the trail of papers that have been used to get the identity document, loopholes have been sought in the system where fake identity documents have been used to get genuine identity documents.

- c. **Traffickers and the Nexus:** Traffickers generally build a nexus in the area through money flow and political alliances.
- i. In one village, khas (government-owned) land has been granted by the panchayat to a trafficker. In another instance, a former trafficker has become a panchayat pradhan. One of the main ways in which traffickers operating on both sides cement their operations is by buying land in villages close to the border. Following this, they enroll their names in voters lists in the panchayats. In fact the investigating team detected this set-up in the case of at least two traffickers currently operating in each of the two zones selected for the study. Trafficker 1 in village B2 is a Bangladeshi citizen who has acquired all the necessary Indian identity documents, including a ration card. He had even purchased a 'khas land' and built a house on it. This house is also used as a temporary shelter point for girls coming in from Bangladesh. They are then shifted to Mumbai and other destinations. At the time of the visit, informants mentioned that more than 35 of Trafficker 1's girls are working in Mumbai. His monthly income is Rs. 5 - 7 lakhs
 - ii. Another main modus operandi used by this trafficker is marrying girls from Bangladesh and India. He has multiple wives and all of them contribute to trafficking and sex trade. In another case, Trafficker 2 in village A4 is from Bangladesh and owns an Indian-registered vehicle that he uses to transport girls from Bangladesh to India. Girls are kept in his house and then taken to Mumbai. He recently bought land in one of the villages and got his name enrolled on the voter lists under an alias. He is also due to marry one of the girls in India, in the same village, and his father has also done the same thing. His turnover from trafficking and smuggling of illegal migrants across the border amounts to Rs 5 - 7 lakhs a month
 - iii. There are two kinds of 'images' that traffickers tend to exhibit in vulnerable communities, one, the 'Robin Hood Syndrome', where they pay for weddings, hospital expenses and other basic needs of people, which turns them to 'heroes'. They exploit the vulnerable under the garb of helping them at a time of great need. On the other hand, traffickers may also create immense fear, even of 'life' that allows them to continue to operate in an area. This fear has been telling in the interviews conducted with girls in the villages. Trafficker 3 from village A4 is also a Bangladeshi citizen who works with Trafficker 1 as an ally and has now set up his own business as a black marketeer and trafficker

- d. **Crossing the Border:** There are multiple ways in which touts strategise crossing the border with victims. Some of these are listed below:
- i. Many try to convert their appearance from Muslim to Hindu through change in clothes. Sometimes they disguise themselves to show that they are locals engaged in activities such as farming, fishing or any unsuspecting local activity
 - ii. Since there is no fencing in riverine areas, it serves as hotbed of crossing. Even where areas are fenced, there are discontinuities, which become pockets of crossing
 - iii. Electricity supply is intermittent in the border area. Using the cover of darkness, movement takes place in tough terrain across the border
 - iv. Very often, victims are hidden amongst cattle that are smuggled at night. A new highway has been constructed as a result of the new Ghojadanga check post. The highway runs through agricultural fields and villages and most trucks take this route. Due to this, the villages are exposed to new activities that have created new dynamics in the area. While legal trade is flourishing, checks need to be made on black market activities with this new movement of goods
 - v. Since there are strong kinship ties across the border, very often relatives live across the border. This makes it difficult to segregate and traffickers use this cultural reality as an advantage to stage themselves as family members when taking victims across

Victims are usually tortured either during the stay on the Bangladesh side of the border, during their night stay in the Indian side of the border, or at the 'harbouring' point. It is during this time that they are threatened and told not to reveal any details to officials who may be patrolling and may intercept. Besides this, when victims are brought across, a lot of their cash and material possessions are kept by the touts. Very often when they are caught or intercepted by BSF, touts disappear from the area and are seldom caught.

SURVIVOR PERCEPTIONS ON CROSSING THE BORDER

Of 200 survivors from Bangladesh rescued by Justice and Care, the team interviewed those still residing in shelter homes to gauge their understanding on their experiences while crossing.

Cross-border human trafficking, as we know, thrives on a nexus of illegal connections between people based on both sides of the border. While the main allurements that traffickers employ for vulnerable women and girls to get them across the border are promises of well-paid jobs and better lifestyles, we have also seen that many women are duped into bogus marriages in Bangladesh by men who then get them across the border and sell them to agents and pimps in Indian cities. One modus operandi of traffickers is that they involve many different people who take victims from point A, which are their own villages in their places of origin, to final destinations, which could be any major town or city in India. The fact that there are many people involved in the transportation of victims makes it almost impossible for law-enforcement agencies to nab each person involved directly and indirectly in the trade. In this section, we shall take a look at some narratives of women and girls rescued by Justice and Care. These survivors also spent some time in safe homes in India before being repatriated to Bangladesh. We shall take a look at their personal narratives of being brought across the border and their perception of the border itself. One needs to bear in mind that while these women crossed the border willingly, knowing that it was illegal to do so, threat and

intimidation were employed in order to ensure that they stuck to the plan of their traffickers when even the slightest doubt of something being amiss came up.

It is clear that traffickers and agents always target vulnerable girls and women. One of the vulnerabilities that these agents or 'dalals' take advantage of is a single woman who does not have financial freedom or the support of her family. Baasima (name changed) is one such girl who was divorced and had gone back to her parents. She was 18 when she was interviewed on her experience of being trafficked across the border. She had fallen in love and married a man who, soon after the wedding, sent her a notice for divorce. It was only then that she realised that her husband had married multiple girls and done the same thing to everybody. Without any other form of support, she had returned to her parents' home where she helped with activities around the home. She was visiting her sister at her village near the border when the agent, who was a friend of her brother-in-law, approached and asked her if she would like to work at a beauty parlour in India. It seemed like a good idea to her and she decided to travel along with her sister and brother-in-law who also had a two-year-old daughter at the time.

As is common when speaking to survivors of trafficking, there are bits and pieces of information that don't fit into the big picture. Often, girls are unwilling to share complete details, especially when their own family members are involved in their trafficking. Even in Baasima's case, she had not revealed that her brother-in-law was himself involved in the trafficking. Both Baasima and her sister were brought to Mumbai and then to Bangalore. The other portions of information that did not fit properly included the fact that Baasima had not told her parents about her desire to travel to India and find work here. She also shared that she did not know at the time of the border crossing that they needed a passport to cross over legally.

While Baasima hails from Satkhira district in Bangladesh, she crossed over from a village near her sister's home, which could not be located on a map. She shared that they managed to cross the border at about 5:30 AM while a policeman on duty was not watching. They walked through fields for about half an hour before reaching a main road. There was another dalal waiting for them on the other side of the border. He took them in a vehicle to Howrah. On the same day they travelled to Mumbai by train.

There are similar accounts of women in difficult circumstances who decide to cross the border to find work in order to be independent. When interviewed, Saabira (name changed) had been in India for two years along with her three-year-old daughter. What brought her to India was a marriage where she was abused. After an argument one day, she decided to leave her husband and return to her parents, along with her daughter. When she was in Bangladesh, a lady approached her and said she could help her travel to India and take up tailoring work. The idea resonated with Saabira as she did not want to be dependent on her parents without being able to make any monetary contribution to her family. In this case too, Saabira decided to travel along with the trafficker Reena without informing her parents. From her home, which is in the Jessore district, she walked about 10-15 minutes to Singia railway station from where they took a train to Benapole, which is around 50km away. There were other girls travelling with her but she decided not to interact much with them. At one point during the journey, she felt scared and worried and told Reena this. Reena reassured her and told her there was no need for her to worry. She later decided to speak to some of the other girls who confirmed that they were all travelling to India and that Reena

would help them find jobs. Along with these women, there was one man who eventually took the girls in batches across the border. She shared that his name was Ali and that he was about 18 to 19-years-old at the time. After arriving at Benapole railway station, this man took Saabira and another girl on a motorcycle to a house near the border. The journey lasted about 15 to 20 minutes. She had started early from her home that day and they crossed the border at about 4:00 or 5:00 PM the same day. She knew that she was crossing illegally. There were no police personnel when they crossed and there were no other people apart from the group of six girls, Reena and the man. There was some open land near the border. From there, they walked about 10 to 15 minutes to reach the main road where an auto rickshaw was waiting to pick them up. Saabira shared that the man who was with them arranged for transport and that he was the one making many phone calls. The ride lasted about half an hour after which they had to cross a small river by boat. The boat ride lasted about 20 to 30 minutes. Another auto rickshaw was waiting to pick them up from there and take them to a house in Bongaon (Benapole to Bongaon is about 9km). They were kept in that house for about 4 to 5 days. There were 4 to 5 men in that house. When Saabira enquired with Reena about the delay in taking them for work and why she was being kept in that house for so many days she was told that the man who would provide them work in Bengaluru would send money for their train journey and then their tickets would be booked. On the day of their travel, a car was brought to take them to the nearest bus stand (she does not know the name of the bus stand). They then took a bus from there to Howrah. The girls were taken in groups of three by train. They were brought to Bengaluru from Howrah railway station.

Another story of trafficking from Bangladesh is that of 15-year-old Raabia (name changed) who was rescued in December 2015 from Krishnagiri. Her cousin Sheetal, the trafficker, introduced her to the sex trade. Raabia used to live in her village with her mother, step-father and step-brother. She ran away from home to escape her sexually abusive step-father. Sheetal had promised to take Raabia to India for work and so she decided to leave home one day. Similar to the cases we have already looked into, there was an entire network of people who transported Raabia from her village to the brothel in Krishnagiri from where she was eventually rescued.

Meanwhile, after Raabia ran away from home, her mother filed a case against Sheetal. In order to escape, Sheetal forced Raabia to call her mother to tell her that she was not with Sheetal but had eloped and married a man in Dhaka. Her mother was unaware about the fact that she was in India. Raabia also made it clear that she did not want to return home since she did not want her mother to know that she was introduced to the flesh trade and that she had lied to her mother about getting married.

She hails from Nisarabad village (not found on Google Maps) in Jhalokati district. Her village is an hour from Jhalokati. She said that there was a small river flowing near her village but she could not recollect the name. Raabia shared that there's a mohila madrasa in her village. She was not able to give proper directions to her house or even the full address. As a result, Justice and Care's Bangladesh team has not been able to locate her village in order to conduct an HIR. When she escaped from her home, she walked for half an hour to a place she said is called, "College mode" where there's a bridge and a bus stop. The bridge is apparently not a proper cement and brick structure as she said she was scared to cross it by herself. She was picked up from the bridge by Sheetal's mother. From there, they went to Khulna village by bus. From Khulna, she was taken to Jessore gaon which is Sheetal's sister's village. Sheetal's brother-in-law is in the police force. She stayed there for two days. From Jessore bus stand, they went to

the border, which is two hours away. She said that they got off at Benapole. This place was a town with many houses. From there, a man on a motorcycle took her to a place one kilometre away. At night, they crossed over to India on foot.

The entire journey took place over a few days. While she was at Sheetal's sister's house, she said that a young boy and a woman asked her why she had run away from home. They warned her saying she would be taken to do some 'dirty work'. They asked her if she knew why she was being taken to India. She said she did not. They then told her about the fact that she would be introduced to the flesh trade. At this she was very worried and started crying. When Sheetal's mother got to know about this, she was locked up in a room and physically assaulted. Then one night, a young boy took her to the border on a motorcycle. He stopped near the border area and molested her at which point she resisted and began to cry. The boy told her that if she raised an alarm the BSF would arrest him. As she was scared of the police, she calmed down. The boy then took her back to the house from where she was picked up. Again, Sheetal's mother physically abused her when she heard that she had resisted and made a scene.

Many different people were involved in her transportation from the village to the border. When she was finally taken across the border, she said that Sheetal's husband Ripon was with her. She said that Ripon often takes people across the border. The night she crossed the border, there were many other people of different age groups crossing the border. She said that they cross the border at night as there are fewer BSF personnel then. When asked how so many could cross over unnoticed by the few personnel on duty, she said they are bribed.

Once they crossed over, she was taken to Bongaon in West Bengal on the outskirts of Kolkata. She was there for about two months. After that Sheetal and her husband took her to Bengaluru and introduced her to the flesh trade. She had been in the trade for a few months before she was rescued.

More survivors of human trafficking from Bangladesh currently based in a shelter home in Bengaluru were also interviewed in order to elicit their perception of the international border through their experiences of having crossed it. The first one said that she had crossed over with the help of an agent who charged her around Rs 3000 in order to get her safely across. There are different border crossing points between India and Bangladesh via West Bengal. They include Benapole and Satkhira border crossing. People who cross the border multiple times may use different exit points each time. From her narrative, it seemed like there was not much apprehension about illegally crossing an international border due to the normality and frequency of such incidents. Apart from agents who help one across, another rampant means that ensures ease of crossing over is through bribes paid to police or BSF officials at the border. Another factor that has aided illegal crossing across the border and is now being addressed is the fact that a large portion of the border is / was unfenced, coupled with the facial similarity of the people on both sides of the border which would make it difficult for the border guard officials to identify or even be suspicious of people casually walking across the border. The arbitrarily drawn border cuts across peoples' homes and agricultural fields thus leading to people continuing with their daily activities unfazed by the fact that they were crossing the international border several times a day. The second survivor interviewed shared that she has crossed the border several times in order to work in India. She once crossed over to work at a dance bar in India. She worked there for three years while living in a rented house. She then returned home after having accumulated some savings. When

asked how she was not worried about getting accosted by a police or BSF official, she said that since she can speak Hindi and Bengali, it would be very difficult or rather impossible to distinguish her from an Indian. Most BSF officials do not even get suspicious. Only if an official gets suspicious does he ask for documents to prove one's nationality. She said she had never faced any trouble during her attempts to cross the border.

SOME BASIC TRENDS

- i. Very few victims could locate their point of entry along the border. It was either by boat, through a forested patch, at night, or after having bribed corrupt officials for smooth entries.
- ii. They crossed over at night when there are fewer or no BSF personnel on duty or when they were not watching.
- iii. In some cases, there had been instances known to victims of corrupt officials who were bribed by touts on both sides of the border. Here they mentioned the standard rate was a minimum of Rs. 2500 per person.

Among the victims intercepted by BSF officials and referred to Justice and Care, the following information was gathered:

- i. Being told they will get good jobs across the border. Only later do they realise that they have been trafficked and deceived.
 - ii. A victim said she did not know that she had crossed the border. In the morning she discovered that she was on the other side after being transported with cattle.
 - iii. Crossing is a risky exercise. At times, victims intercepted were those who could not run as fast as the others.
 - iv. Many cross over after getting married. They are trafficked once on the other side.
 - v. Most victims spoke about being 'harboured' for a night in a shelter in villages along the border on either side. These harbouring points are also 'grooming grounds' for the girls who are to be sold to brothels later.
 - vi. Many victims mentioned being drugged through food served to them. As a result of this, they are unconscious or not completely in their senses when being moved from one location to another.
- e. **Trafficking at the border is a highly organised crime:** Human trafficking is a highly organised crime operating within source and destination areas. There are different stages from the time a vulnerable person is spotted, sourced, recruited, harboured, transported, exploited and then sold into exploitative businesses, which thrive on enslaving humans, such as organ trafficking and sex slavery. Touts and traffickers working together to smuggle victims across the border is only one step in the entire crime cycle. Touts connect to different networks that engage in taking victims across to different destinations. There are touts who procure girls from across the border. Usually, they work from both sides and supply agents connected to broader networks at different destinations. Victims harboured at various sites are rapidly moved to different locations.
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QUALITATIVE FINDINGS FROM FOCUS GROUP DISCUSSIONS (FGD)

Based on selection of vulnerable families that emerged from conversation with adolescent girls, discussions were held with groups of mothers. The following insights emerged from these group discussions:

- a. **Mobility and safety:** In connection with the mobility of villagers, mothers stated that since they are residing in zero line villages, their mobility is restricted. Villagers have to prove their identity to the BSF and this is a

challenge when it comes to daily movement. Mothers mentioned that every time a relative comes to visit them they have to submit proof of identity. Moreover, they are allowed to stay only for five days after taking the permission of the BSF. While security is a core concern for the BSF, and they must do their job of protecting the country, there is a significant amount of disruption to the lives of innocent villagers. Due to remoteness and lack of transportation, villagers must reach their home before 7:00 PM.

Mothers stated that they do not go out after 5:00 PM and the locality is not safe for adolescent girls. The same point came up during the survey when adolescent girls were questioned about safety. The mothers also mentioned that they were aware of illegal activities. Many of these activities took place in the afternoon. Some mothers and respondents were quite confident about their safety and mentioned that state authorities were playing an important role in ensuring their safety and security.

- b. **State and community relationship:** Mothers of adolescent girls stated that there is a huge gap between state authorities and the community. In one of the villages the respondents were very frustrated. Those living on the Indian side shared that where they live there is no border demarcation and hardly any access to basic civic amenities such as electricity. On the other hand, the Bangladesh households were getting a host of facilities from their government. Even though these houses are almost adjacent to one another, people on the Indian side did not get regular drinking water or electricity. This difference creates a lot of discontent against state authorities. The mothers shared that often they are unable to trust the police and the BSF but can trust panchayat members more. Panchayat members try to solve issues like trafficking and recovery of missing persons. Many do not register cases because of fear of social stigma.
- c. **Nexus of Black Market and its impact on women:** Mothers in villages where black markets flourish stated that they do not have many job opportunities. There are no factories or industries and seasonal agriculture was the only field of work. Therefore, migration rates were very high in the area. People living 3 to 4 km from the border were migrating on a regular basis. Since agriculture was seasonal, farming could be done for only six months. Most people were unemployed for the rest of the year. Black market activities presented them with an easy way to make a quick buck. Some mothers mentioned that most women in zero line villages were involved in black markets activities. They did not reveal much since they believed it was a sensitive issue. Two villages under check post A compete in black market activities. According to the mothers, villagers in one hamlet are rich due to black market activities. The mothers of check post B mentioned that black market activities were their only option. They feel they are not doing anything wrong. In fact, they said they were taking full advantage of being close to the border. Other than the black market, respondents mentioned that villagers are directly involved in cattle smuggling, human trafficking and illegal migration. Some were working as touts to bring in Bangladeshis without passports and visas into India. It is clear from their statements that an active criminal network plays an important role in controlling state machinery.
- d. **Child marriage:** Child marriage is a significant issue at both check posts due to economic and age old cultural issues. Even though people know about the Child Marriage Prohibition Act, mothers at both check posts mentioned that girls get married when they are 14 to 16 years old. This was mainly due to lack of safety and

security on the border. Some mothers said that it was very difficult to educate girls as they did not have enough money to pay school fees. Since most children are first generation learners, the family's interest level in education is fairly limited. Most need private tuitions but due to their economic condition they cannot afford this. They feel marriage is a safer and better option. Mothers continue to be very concerned about paying dowry that increases with age. Girls under 18 pay less.

LOCATION SPECIFIC VULNERABILITY

All eight villages have their own location specific vulnerabilities, which govern life and lead to risk. The geographical situation is predominantly the same in villages A1, A2, B1 and B4 and all face the same set of challenges since the villages are situated on the zero line of the international border. Village A3 is situated in a low-lying area that results in a multitude of problems such as water logging and ruined crops when it rains. Agriculture is the primary occupation and villagers do not have other sources of employment. Therefore they migrate from the village to other places to earn money or have taken up illegal activities as their profession.

CONCLUSION

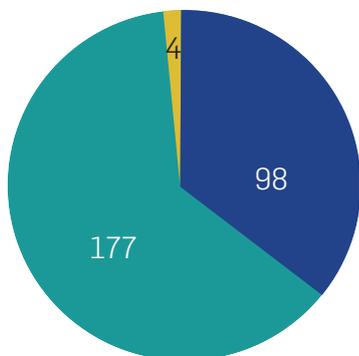
RESEARCH FINDINGS

- A total of 639 adolescent girls were interviewed in eight villages in two check posts located within 5 km of the Indo-Bangladesh border
- Most of the girls interviewed were between the age group of 13 to 15 and 16 to 18. The mean age of the respondents was around 14 years
- Owing to a predominance of Muslim families in the area, a significant number of respondents - 72 per cent - were Muslim
- 42 per cent of the respondents belonged to the General Caste Category. 22 per cent were Other Backward Castes, 14 per cent were Scheduled Caste, and a very small number of respondents were from the Scheduled Tribes category. 18 per cent of respondents did not state their caste during the interviews
- 87 per cent of the respondents in Check post A were school going individuals while 96 per cent in Check post B were attending classes in school
- 55 per cent of families had seasonal unemployment in Check post A while 69 per cent families experience seasonal unemployment in Check post B

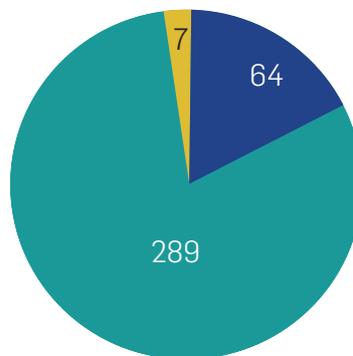
The key findings on the following objectives are outlined below:

1. Awareness levels about human trafficking and other crimes against children;
2. Perceptions on security;
3. Understanding of community attitudes towards law enforcement agencies such as the police;
4. Mapping of criminal networks engaged in trafficking on both sides of the border.

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1. Awareness of Human Trafficking and other crimes against children:
 - i. Quantitative data revealed that in the villages visited, there is a reasonably high level of awareness of human trafficking. More than 63.4 per cent of respondents in village set A were aware of what this refers to. However, the response was captured as a simple 'yes' or 'no' about whether or not the respondents have seen any message on human trafficking. This awareness, however, is not reflected in responses related to knowledge of actual incidents of trafficking. Most respondents shared that they attribute their knowledge of human trafficking to friends and relatives. Further, as far as other crimes are concerned, only 4 out of 639 girls shared that sexual offence crimes are reported.



Have you heard / read / seen messages on human trafficking?



Have you heard / read / seen messages on human trafficking?



The data is similar for both village sets, A and B, although there is a change in numbers since the overall sample size from both sets of villages have been different. The above chart corresponds to village set A while the one below to village set B.

2. Victimization and Perception on Safety

- i. Most women and girls felt unsafe moving freely in the area
- ii. Many feared that they may get trafficked
- iii. Some spoke openly about criminal and cross-border activities
- iv. 8 girls shared that age of first abuse was below 10 years, 27 girls shared that age of first abuse was between 11 and 16 years. Many among them did not openly share
- v. 13 perpetrators operating in the area and involved in human trafficking and crimes against women and girls were identified through the survey
- vi. Most of the methods of trafficking victims across the border involved deception on providing profitable jobs, marriage, chemicals or drugs mixed in food, or taking advantage of the landscape and cultural similarity, where victims did not even realise that they had crossed the border.
- vii. 57.9 per cent felt that the police was doing a good job of maintaining law and order. They suggested increased patrolling and creating sensitivity about crimes against women and girls

Type of victimisation	A1	A2	A3	A4	B1	B2	B3	B4	Total Respondents
Child labour	0	0	0	0	2	6	3	1	12
Physical abuse	0	0	1	0	0	1	3	1	6
Verbal abuse	0	15	15	0	0	3	5	4	42
Sexual abuse	0	0	1	0	0	1	0	0	2
Sex trafficking	0	0	0	1	2	0	0	0	3
Child marriage	1	5	4	1	7	17	18	6	59

TABLE 6: VICTIMISATION MEASURES

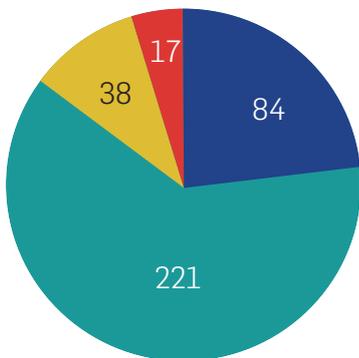
Questions asked to the respondents around victimisation	A1	A2	A3	A4	B1	B2	B3	B4	Total	Total number of respondents who chose not to respond
Total number of respondents interviewed in each village	51	103	53	72	87	122	111	40	639	
Number of respondents who shared that there was unusual violence in their family over the past year	1	1	7	4	2	7	9	2	33	37
Number of respondents who shared there was unusual violence in their neighbourhood over the past year	12	10	25	4	1	17	18	0	87	140
Number of respondents who said that sexual offences get reported	0	0	1	0	2	0	0	0	3	259
Number of respondents who were aware of human trafficking as a crime	45	48	28	56	68	102	97	22	466	11
Number of respondents who believed that the police is doing a good job of maintaining law and order/containing crime in their area	28	60	12	44	64	60	75	22	365	55
Number of respondents who did not respond to the question regarding first instance of abuse	51	90	39	70	84	116	107	38		595

A large number of respondents were uncomfortable in answering some of the questions. Therefore a contradiction mapping was done in the contradictions in responses in each interview to track the hidden information in silence. This has been explored under the section titled contradiction mapping.

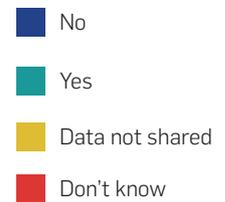
3. Community attitudes towards law enforcement agencies such as the police

A little over 50 per cent of the respondents from village set A felt that the police force is doing a good job of maintaining law and order. Those who said that this was not the case gave the following recommendations. The maximum number of respondents recommended that they want increase of patrolling and sensitivity towards women and children from these enforcement agencies.

In village set B, only 23 per cent of respondents stated that the police force in their area do not do a good job of maintaining law and order and containing crime. As we can see, the whole range of recommendations presented as options were chosen by the respondents. This is a telling sign of the issues they encounter when dealing with the authorities.



Does the police force in your area do a good job of maintaining law and order/containing crime?



In case of village set B, respondents do not think that the police is doing a good job. They recommended that they also would like increase of police patrolling and a force that is more sensitive to women and children.

4. Map criminal networks engaged in trafficking on both sides of the border

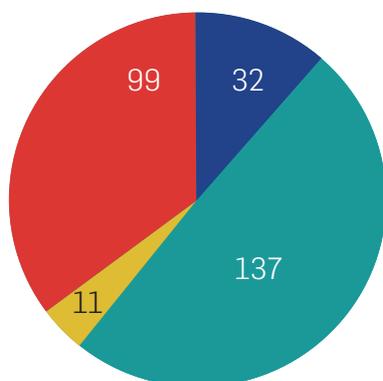
Trafficking in Persons appears to be a highly organised crime operating within source and destination areas. There are different stages from the time a vulnerable person is spotted, sourced, recruited, harboured, transported, exploited and then sold into exploitative businesses such as sex and organ trafficking. Touts and traffickers work together in smuggling victims across the border. In addition, the touts connect to different networks that are involved in taking victims across to different destinations. 13 perpetrators associated with human trafficking crimes were identified operating in the area, and several tout names have been mapped from statements of victims.

5. Other findings on the following:

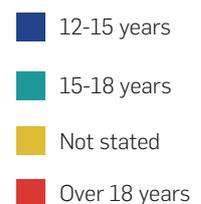
1. Age of marriage
2. Schemes for adolescent girls

1. At what age do girls usually get married in the neighbourhood or village?

While few respondents were victims of early child marriage, most girls responded that the average age of marriage was below 18 years in the neighbourhood.



At what age are girls usually married off in your village/neighbourhood?



As the above chart depicts, a large number of respondents stated that girls from the village are usually married off between the ages of 15 and 18 years while 32 respondents stated that girls are usually married off between 12 to 15 years of age. Only 99 stated that they get married after completing 18 years of age.

Data (chart given below) for the check post B also depicts child marriage as a norm in the region.



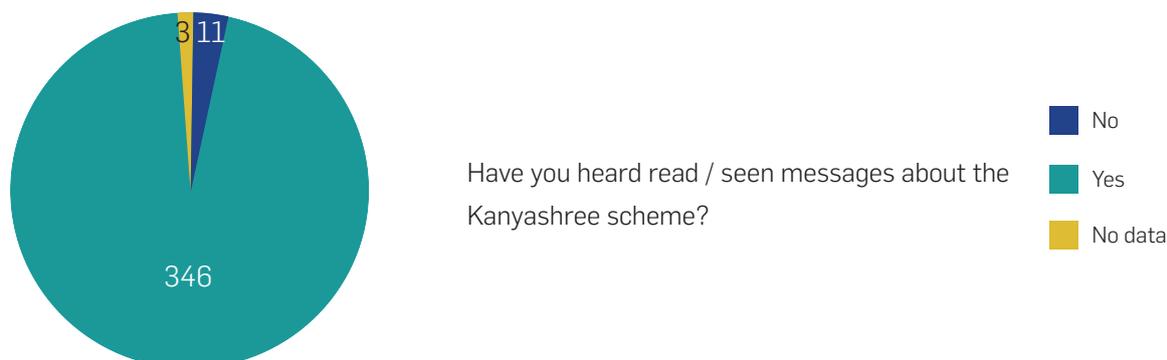
2. Awareness of Kanyashree Scheme (A scheme for adolescent girls)

Our data shows that

- Out of 279 girls, 84.2 per cent know about the scheme while 2.2 per cent do not know about the scheme
- With regard to the medium of awareness about Kanyashree scheme, 57.3 per cent girls have heard about the scheme from school, 34.8 per cent girls are not sure where they had first heard about the scheme. Awareness of Kanyashree is mainly through school. A few also mentioned newspapers and TV/radio as media leading to awareness
- Cross tabulation showed that those who were not aware of the scheme were either school drop outs, married, or in paid employment.



Again, over 95 per cent of the respondents in village set B were aware of the Kanyashree scheme. With regard to their medium of awareness, here again, TV/radio, newspapers, schools and ICDS are the most common media leading to awareness along with information received from friends and relatives.



Child marriage and school drop-outs go hand in hand. In West Bengal, attendance of girls in school drops from 85 per cent in the age-group 6-10 years to a mere 33 per cent in the age group 15-17 years (NFHS III, 2005-06). After the implementation of free and universal elementary education in India, progress in enrolment and completion of elementary school has been noticed, however, the transition from elementary to secondary school remains a concern. Secondary education is not free, and many impoverished parents, failing to see the economic rationale for investing in their daughters' education, marry them off at this age in the belief that this will enhance the girl's and the family's security. This step, however, condemns girls to a life of financial and social insecurity. Field studies show that most women have to take up some economic activity in later years, and that their lack of qualifications and work experience makes them ill-equipped for the labour market, and therefore susceptible to poverty and exploitation throughout life. As a result, poverty, a factor that fuels child marriage, in turn perpetuates the feminisation of poverty. Kanyashree Prakalpa seeks to improve the status and wellbeing of girls, specifically those from socio-economically disadvantaged families through conditional cash transfers. If tied in with the idea of protection and safety for girls, the scheme could become multifaceted.

CONTRADICTION MAPPING

While respondents may have given some clear-cut responses, there appeared to be contradictions in some of their responses. Either there was silence or they had answered in the affirmative, which did not match subsequent responses, indicating contradictions in answers. The following section attempts at mapping these contradictions.

Check post A: 279 adolescent girls residing along check post A on the Indo-Bangladesh border were interviewed on issues related to their security.

1. Security in the neighbourhood:

Out of 279 respondents, 47 pointed out that they do not feel safe in their neighborhood. Many of these respondents noted that they live in fear; many said the place is not safe; some noted that they cannot venture out after dark; and some said that they cannot go out on their own. Only two respondents explained that the place is not safe since a lot of Bangladeshis enter India through their village. Only one respondent said that she is afraid of the police. One of the respondents attributed her fear to gender and another explained that she cannot freely speak to everyone. Many respondents while laying emphasis on fear, did not explain the reason for it.

Interestingly, some girls did not want to respond to the question related to their security. One of the respondents said that she does not want to reveal anything regarding her own safety.

Further, six respondents, when asked if they feel safe in their neighbourhood, responded by saying they 'do not know' while four said that they 'cannot say'. One respondent said that she is safe but added a caveat - as long as she does not stand up against illegal activities.

2. Victim of crime

A large number of respondents said that they fear being a victim of crime. Some noted they are fearful of being abducted. Another respondent pointed out saying, "I am worried I'll get trafficked". Other reasons that came up were related to poverty and power relations. One respondent said that she is scared since she is poor. Another respondent's statement elicited the links between poverty, power, gender and victimisation. Moreover, some responses brought forth the issue of gender, power and victimisation. For instance, one respondent noted, "Not only me, all women are somewhat scared of the bad people".

Further, phrases such as 'fear of outsiders', 'fear of criminals', 'fear of unknown people' and 'fear of being harmed' frequently came up. Some respondents openly spoke about criminal and cross-border activities including cross-border cattle smuggling and cross-border migration. While some respondents mentioned that they do not feel safe in their village, some said that they do not feel safe while going to school. There were a few respondents who said that they do fear being a victim of crime but they could not reveal the names of the perpetrators of crime.

3. Perception of safety (Have perceptions of safety changed over time?)

Twelve respondents noted that the security situation is deteriorating and over 150 said it was changing but did not explain for better or worse. Fourteen gave positive feedback about the perception of safety. Around 25 respondents said they "do not know" if there has been any change in the security situation. Only a few explained why they think the situation is deteriorating or elaborated on the situation. One respondent highlighted the issue of gender and security. She argued, "We need more security for women". In addition, some respondents also said that they have heard about agencies/individuals that prepare fake documents for people in their village/neighbourhood.

DISCREPANCIES

There appeared discrepancy in the response of some of the girls on two questions:

- Do you feel safe in your neighbourhood? Why or why not?
- Do you fear becoming a victim of some form of crime? If yes, please elaborate.

Fifty four out of 279 respondents answered in the affirmative to the first question on their safety in their 'neighbourhood'. However, on being asked the second question, they responded by saying yes. This reflects incongruity since these respondents feel safe in their 'neighbourhood'. However, at the same time they fear being a victim of some crime. It may be pointed out that many of these 54 respondents also noted that they feel safe since they are with their parents and/or their families or the police station or the BSF camp is located in the vicinity. Another critical point is that the first question talks about their security in the 'neighbourhood', however, in the second question the word 'neighbourhood' is not mentioned. This may imply that they feel safe in their 'neighbourhood', yet they may be apprehensive of being a victim of crime outside their 'neighbourhood'.

Check post B: Overall 363 adolescent girls residing along check post B on the Indo-Bangladesh border were interviewed on issues related particularly to their security.

1. Security in the neighbourhood

Like check post A, a majority of the respondents pointed out that they feel safe in their neighbourhood. Slightly over 20 girls noted that they feel safe because of their family. Twelve respondents pointed out that they feel safe due to their family members. One girl said, 'I don't know whether I am safe or not'. Another respondent pointed out that she feels very unsafe due to what was happening in the community. Similarly, another respondent noted that she lives in fear as many incidents are taking place every day. Interestingly both the respondents did not describe the incidents.

Less than 50 respondents said that they do not feel safe due to different reasons. One respondent noted, "I feel scared because when I come home after tuition, the road is dark." Another respondent remarked that she does not feel safe while returning home from tuitions. One respondent also said that she feels very unsafe but is unable to speak about it. Further, one of the respondents raised the issue of inadequate safety for women.

2. Victims of crime

More than 130 respondents noted that they fear becoming victims of some form of crime. One respondent said that she feels scared in case someone abducts her. Another respondent

pondered, "If I get trafficked, I may not be able to return home." Some girls also talked about lack of protection 'outside', which is why they fear becoming a victim of crime.

3. **Perceptions on crime and safety**

Ninety-eight respondents said that it has changed. Seven respondents noted rather vaguely that the level of crime or the characteristics of crime have changed over time 'due to surrounding situation'. One of the respondents pointed out that 'trafficked girls are facing humiliation'. Another respondent said, 'the outsiders are coming into their village and making the environment dirty'. One respondent said, 'criminals move around without any fear, and the police never arrests them, which causes panic among people'. Further, a large majority (over 280) of respondents noted that the village has become safer now as compared to 10 years ago. Some also said that they do not know. In addition, when asked if they personally know any perpetrators of crimes from their village/neighbourhood, 22 respondents responded in the affirmative. Around 15 also said that they know some person who can make documents, which are similar to the one, the government issues.

Around 24 girls said 'yes' to the question 'Do you feel safe in your neighbourhood? Why/why not?' Interestingly they also responded in the affirmative to the question 'Do you fear becoming a victim of some form of crime? If yes, please elaborate'. However, 24 respondents did not elaborate on their responses. Many other girls who said yes to both the above questions explained that despite currently feeling safe in their neighbourhood, they also fear becoming a victim of some form of crime. These girls gave various reasons for why they currently feel safe. These include safety because of the presence of a father, family, husband and home. Some even said that they feel safe since so far they have not experienced any untoward incident. Although their statements may seem contradictory at the outset, if read carefully, they also seem to imply that absence or loss of their home, husband, family or father may contribute to insecurity in their lives.

The apparent contradictory responses from girls in both check posts also seems to hint at an insecure environment in their villages, which perhaps makes them feel secure only because of their family or husband and/or home. Further, the recurrent themes, which came up in both check posts were inadequate security for women; fear of outsiders; and perpetual fear and uncertainty. Another thing, which runs through both the cases is unwillingness of a number of girls to explain the security situation perhaps due to fear or apprehension as is implicit in the expression "I do not know". Some even explicitly noted that they do not want to express or explain due to the security situation in their village.

RECOMMENDATIONS

Sl. No.	Research Outcome	Recommendations	Responsible Stakeholders
1.	ILLEGAL IMMIGRATION & MIGRATION	<ol style="list-style-type: none"> 1. Close understanding and tracking of movements across BORDERS 2. Vigilance and committee for investigating fake ID and documents under Indian laws 3. Developing human rights based approaches sensitive to inadvertent crossers and victims of human trafficking 	BSF, INTELLIGENCE BUREAU, DISTRICT POLICE, ATS SQUAD, PROSECUTION, BGB
2.	TRAFFICKING OF GIRLS & WOMEN	<ol style="list-style-type: none"> 1. Shift systems to decriminalise victims of trafficking. That is victims intercepted must be sent to Shelter Homes instead of correctional homes under Foreigners Act 2. District police to identify victims and accused 2. Application of Indian laws 3. Interception and arrest of touts having a track record of transporting and harbouring victims of trafficking from near border 5. Sharing of intelligence by BSF on touts to district police 6. BSF, AHTU, Police need to find convergence strategies to ensure prosecution of cases of trafficking detected at the border 7. Improve partnerships and coordination with border force on the other side and other state agencies responsible for anti trafficking crimes 	BGB, BSF, District Police, partnership with Community Based Organisations
4.	INFRASTRUCTURAL GAPS AT BORDERS	<ol style="list-style-type: none"> 1. Tightening of borders with impervious equipment 2. Weekly/Monthly maintenance with scrutiny and quality control 3. Proper electrification along border villages 4. Focused provision of amenities and facilities for border populations through funds such as Border Area Development Fund, MPLADS Schemes 	BSF with reputed agencies and other departments
5.	GAPS IN BORDER MANAGEMENT	Partnership with CBOs, awareness training, on job handling of real cases, personnel deployment, regular meetings for strengthening of services	Convergence with CSOs, DM Office and District Police
6.	VULNERABILITY ON BORDERS - INDIA SIDE	Employment creation, job options for women and enrolment of all children to school with a monitoring committee	Focussed convergence programme for all zero line villages - phase 1 Similarly for phase-2 for non zero line villages

Sl. No.	Research Outcome	Recommendations	Responsible Stakeholders
7.	NATURE OF VULNERABILITY	Convergent programme in DM and BSF	As above – At state and district platform
8.	CRIMINAL NETWORK IN OPERATION	Awareness, training and strong investigation with due application of Indian laws for trial of prosecutors	CSOs. BSF, district police with a monitoring committee
9.	COMMUNITY BASED VIGILANCE AND PARTNERSHIPS	Effective hand holding and orientation to locate and report findings for planning forward. Increase the base of organisations that may have expertise in transit surveillance and human trafficking issue. Introduce partnerships around safety programmes, awareness and detection of cases in partnership with the BSF	CBOs and BOPs
10.	LAND/ PROPERTY SETTLEMENTS	Careful investigation of documents and land holdings for new property holders. Technological solutions for fake IDs. Monitoring of land transactions and sale in vulnerable areas	DM and District Collectors office in convergence meeting IB, MHA

AT STATE LEVEL

Stakeholders - BSF South Bengal HQ, IB South Branch, DWCD & SW, Dept of Education, DM and District Police - North 24 Parganas, P & RD

- i. Convergence at District with State and BSF CHAPTER, DWCD, Dept of Home, DMs, Women's Commission and WBCPCR
- ii. Advisory Committee at State Level with District Stakeholders
- iii. Special Task Force for securing BORDERS

AT DISTRICT LEVEL

- i. Structured School Programme with an active Vigilant Committee
- ii. Kanyashree Ambassadors to represent in each zero and non zero line village
- iii. Creation of CPCs/VLCPCs across all villages in vulnerable zone with immediate priority
- iv. Infrastructure support with electrification and safety patrolling near highways and zero line villages
- v. Job facilities with consistent employment programme
- vi. Creation of social capital within communities to reduce/eliminate migrant occupation
- vii. DCPO and DSW for child marriage investigation and due penalisation
- viii. Convergence with NGOs for awareness programmes, to report active cases and work in tandem with BSF, District Police
- ix. Examination of all records for identification and new entrants by panchayats, local police, BDOs
- x. Police to attend panchayat and community-based trainings with consultation
- xi. Special adolescent girls groups for proposing Kishori Shakti Programme

IN CONCLUSION

As we have seen through the course of the report, children, and especially those in the adolescent age group, are highly vulnerable to human trafficking across the international border from Bangladesh to India. Children growing up along the border are exposed to several locational realities. This study is a culmination of the collaboration evolved by BSF border outposts and NGOs with the core objective of bringing to the fore the lived experiences of adolescent girls in the highly sensitive area. This pilot initiative attempted to introduce new strategies to innovate around border control activities, which may tackle trafficking and adopt victim-centric approaches to interception so that the crime is detected correctly at transit points and victims repatriated sensitively. Yet, it is pertinent to note in conclusion that ensuring a safe and secure environment where children can grow, thrive and realise their full potential requires a long-term partnership between security agencies and NGOs who are committed to the cause of upholding the rights of children.

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