

***Migration and Human Trafficking in  
Bordering regions of India.***

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Migration is not a new phenomenon; there has always been a movement of people, whether voluntary or involuntary, in search for new opportunities such as economic gains, to achieve a higher standard of living, in search of social security or to escape from atrocities such as war, climate change, poverty and so on. Migration is a subjective concept which isn't restricted towards the given reasons; it varies from person to person. For instance, Rohingya women refugee in Karachi explained her migration was to save life not just because of their poverty (Manchanda, 2006). Mobility has become easier with the advent of communication and transportation technologies. Migration can be within the boundaries of the nation or it can be across the border of the nation-state. With the gradual increase in movement of people, the age of migration is witnessing challenges. Firstly, politicians think as a danger to the sovereignty and security of the nation caused by international migration, hence to regulate it there is the active involvement of government in bilateral, regional and international diplomacy. Since migrants' foster social and economic relationships in more than one society, there is a divided loyalty; thereby observers believe that it will constraint government control and will lead to the emergence of the new political forum. The reasons to migrate are to get an adequate amount of returns which they have invested economically, socially and psychologically in the process of migration. Sometimes, it is not only individuals who migrate, families and even communities also migrate because of generalized fear due to the destruction of livelihoods, identity or life worlds and to find new opportunities. However, they don't necessarily end up into getting expected results. They might undergo the experience of being ill-treated or exploited.

Human trafficking, an extreme manifestation of exploitation, is a transnational organized crime which is considered three evils to haunt globe along with terrorism and drug trafficking as maintained by United Nations<sup>1</sup> (Kempadoo, 2012). However, UN statement is contestable; this paper will depict few evidences that will counter the above mentioned. Trafficking is the movement, trade and exploitation of labour under the conditions of coercion and force analyzed from the lives, agency and rights of the women and men who are involved in a variety of activities in transnationalised world. Trafficking in persons is fueled up because of the growing insecurity of food and livelihood, poverty, structural inequities in societies, gender

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<sup>1</sup> United Nations Convention of 1949 hasn't defined the trafficking but it's based on previous understanding of eliminating "immoral trafficking in women" which however haven't been ratified or signed the convention by any South Asian countries though laws are there being practiced with moral fervor (Pattnaik, 2006).

discrimination, war and armed conflict and other forms of natural or constructed disasters, shrinkage in migration passages on regular basis along with innumerable harms. These are not the causes of trafficking but they intensify the vulnerabilities of marginalized and disadvantaged group of people and making them more gullible towards the harm. These groups live in the underground existence because of the lack of legal rights to mobility and legal accepted forms of livelihood (Kempadoo, 2012). Trafficking as a business is flourishing for its easy money making acquisition. Women from poorer communities' gets 'voluntarily' allured either through marriage or better job opportunities offered by the traffickers (Samaddar, 1999). Trafficking is restricted only to women even children of middle class families get trafficked in Middle Eastern countries, South Asia, South East Asia, and Europe for their organs which are a growing market there and America. Reports on trafficking is focused on supply side - trafficked person, their experiences, what happens to them etc., although the demand side of trafficking- those people/ organizations/ syndicates that create or influence an environment for commercial sexual services or exploitative labor to exist- requires equal attention by the migration and human trafficking studies (Ahmed, 2012). There is a need to expand the definition of trafficking to encompass other forms such as forced labor; forced marriage or slavery like practices (Sanghera, 2012). The issue of trafficking should be based on human rights<sup>2</sup> approach where its illegalization and criminalization is getting addressed (Kempadoo, 2012).

The study of border culture is necessary to shift the focus from state strategies and global economic change to people living in the borderland and also to understand the nation-state linkage between geography and politics (Schendel, 2004). A border of the nation-state is a space where it differentiates inside/outside region through the jurisdiction which ends in the one state and is taken by another state. It's a space of endemic violence where masculinity triumphs and territories should be possessed by blood if those needs occur. Leaders of the nation build their own narratives on borders based on historical writings and national archives manipulating the interpretation for its citizens. South Asian Border is a unique combination of bitterness of the past, security concerns and lack of mutual confidence in parallely sharing thousand and one linkages making border space more complicated. Among the South Asian countries, Bangladesh

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<sup>2</sup> Human rights are basic rights and freedom that belong to every person from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. Everyone is entitled to these rights without any discrimination.

is the youngest of the nations which have gone through the course of conflicts, upheavals and crisis (Banerjee & Chaudhary, 2011). The migration pattern is recognized in the elements of past history i.e. Hindu-Muslim relations, land reclamation, colonization, new settlement formation and land politics. The border helps the government of a country to practice effective statecraft by fixing the illegality of migration and also by determining the state responses towards it (Samaddar, 1999). The Indian government has advocated stringent border controls and regulation to curb the “infiltrators” by, firstly, fencing around the border region vis a vis Bangladeshi immigration. Bangladeshi migrants enter the border either by creating fake documents which are made at minimal price or enter border without any legal documents solely relying on the agents or brokers considering that latter's demands in financial term is negotiable and this has upsurge an untold number of migrants getting duped in human trafficking and other forms of exploitation. Secondly, to identify the culprit and send them across the border though it was difficult because Bangladeshi migrants travelled without identity paper or many took Indian Correspondence fraudulently by obtaining ration cards, school certificate- the ultimate proof of Indian citizenship and lastly, Deportation (Schendel, 2004). The process under globalization has also motivated the movement of people, whether legally or illegally.

This paper, with the assistance of case studies, is going to develop the pedestal or background that will help to understand the ground reality of migration and human trafficking-exploitation in bordering regions. Consequently, the clusters are planned to comprehend the concepts of migration, human trafficking and border. These clusters are i) Myth associated with Migration and Human Trafficking, ii) Role of Globalization and iii) Where do they belong and what's their identity?

### **Myths associated with Migration and Human Trafficking:**

The blunder Migration and Human trafficking studies has created is by simply associating trafficking with prostitution and the migration is blamed for the rationale behind trafficking. Given that women are vulnerable to trafficking, this directed state toward unrealistic solutions suchlike the anti-trafficking laws in the country have attempted to either regulate or criminalize sex trade/prostitution or to control the movement of women by imposing gender border controls thereby reinforcing gender bias that women and girls need constant protection of male or state. As a result, trafficking activity goes underground and becomes invisible. The crime of trafficking

is recognised when it reaches its end but the process- recruitment, transportation and confinement- involved in it is not easily detectable. GAATW<sup>3</sup> has defined trafficking, it signifies i) Movement of Persons; ii) under deception or coercion; iii) into the situation of forced labour, servitude or slavery-like practices. Traffickers disguise into well-wishers for emigrants since the latter are willing to migrate for an adequate alternative in life viz. work or marriage.

Consequently, the first process of transportation is smoothly carried, traffickers don't face whatsoever problems and moreover coercion is less involved. However, the involvement of the mentioned action is visible once the migrant reaches its destination; right here crime reaches its zenith. The clandestine aspect of this crime got willing migrants transformed into victims and confines them into exploitative conditions where their reach becomes gradually inaccessible. The conventions of UN Protocol<sup>4</sup> on trafficking and the US Trafficking Victims Protection Act 2000, SAARC Draft Convention on Trafficking and other major document and laws exhibits their patriarchal disposition over equating women with child trafficking into one group. They assume that women are unfit to create their own agency and to make sound decisions since they can be duped like children who are still in the growing process (Sanghera, 2012). UN protocol doesn't recognise the rights of women and furthermore refuse to treat them as a full citizen of their home as well as host countries. (Chaudhary, 2012). Therefore, the nation-state has appropriated that women should be seized behind the four walls of the house for their protection i.e. to prevent their lawful migration by intercepting them at national borders. Traffickers caught are small in number for they are difficult to trace and when they are caught prosecutions carried on traffickers are premised on the state laws which are less consequential. State laws litigate

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<sup>3</sup> The Global Alliance Against Traffic on Women (GAATW) is a network of NGOs who share a deep concern for the women, children and men whose human rights have been violated by the criminal practice of trafficking in persons. GAATW is committed to work for changes in the political, economic, social and legal systems and structures which contribute to the persistence of trafficking in persons and other human rights violations in the context of migratory movements for diverse purposes, including security of labour and livelihood. GAATW promotes and defends the rights and safety of all migrants and their families against the threats of an increasingly globalised and informalized labour market.

<sup>4</sup> The United Nations Protocol on Trafficking in Persons, which was adopted in November 2000 and came into force in December 2003, defines trafficking: "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, or 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." (United Nations Convention Against Transnational Organised Crime and the Protocols Thereto, United Nations Office on Drugs and Crime (UNDOC), Vienna, 2004, cited in Chaudhary 2012) .

traffickers on migration-related offences and the laws of prostitution which only identify procurement as a crime. It doesn't follow up the human rights abuses- physical, sexual and psychological violence, slavery-like conditions- which have been inflicted upon trafficked, and so Kempadoo (2012) suggested the adoption of a human rights-based approach. Anti-trafficking interventions should look at other forms of the trafficking arena to provide the solution for trafficking; given that not all victims of trafficking are prostitutes or all prostitutes are the victims of trafficking (Sanghera, 2012). However, there is no clear definition of anti-trafficking strategies with regards to raid, rescue and repatriation. The approach to save them from brothels has added to their sufferings since those who went home weren't accepted or there was a report of human right violation in shelter homes additionally no compensation from the South Asian courts were proffered to the trafficked when they reported the case of exploitation. As a result, many relapsed to the brothel where they were trafficked or took up prostitution somewhere else. One of the misled understandings is discerned in the case study of Bombay Dance bars which was shut down by the Maharashtra government because the government had an impression that these bars provided a haven for trafficking and other criminal activities, hence all the women lost their sole earnings. However, it was mentioned in an enquiry that exploitation didn't occur and they came willingly to have an income (Pattnaik, 2006).

NSWP<sup>5</sup>, a feminist anti-trafficking organization like Coalition against trafficking against women advocates worldwide decriminalization and deregulation of prostitution and promotes as a legitimate area of work however they don't advocate for the decriminalization of brothel owners, pimps and industry. They have countered the understanding of prostitution stated by UN convention of 1949 and international non-governmental organization that it's a subordination of women. Coomaraswamy<sup>6</sup> suggested to the UN the definition of forced/free, wherein trafficking is never consensual in opposition of 1949 convention. Yet United Nation protocol of 2003 is consistent with the 1949 convention and hasn't incorporated the suggestion given. UN report of 2003 report states trafficking is the violation of human rights. UN takes the moral stance by

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<sup>5</sup> Network of Sex work Projects is a grouping of 'sex worker activists' that provides an umbrella for organizations in many countries which use AIDS money to do 'safe sex' education for prostituted women and men.

<sup>6</sup> Deshamanya **Radhika Coomaraswamy** (born 17 September 1953) is a Sri Lankan lawyer, diplomat and human rights advocate who served as the Under-Secretary-General of the United Nations, Special Representative for Children and Armed Conflict until 13 July 2012. Secretary-General Kofi Annan appointed her to the position in April 2006 (Wikipedia.org).

labelling trafficking as an undignified and illegitimate form of labour and the elimination of prostitution since its legalization has increased the trafficking. In recent developments, migration studies, as well as international organisations, denied the practice of trafficking. They ended up by normalizing with migration for labour where traffickers are “migration organizer”, the modern form of slavery is a “contract work” and prostitution as ‘sex work’ and ‘clients’. Though there are other areas of trafficking which demands individual attention as well but at present in order to curb trafficking, prostitution entails significant awareness in the study of former. A simplified understanding of trafficking has dreading consequences. If prostitution industries, brothels are decriminalized for a particular practice rather than trafficking in a comprehensive manner, then the woman who got trafficked in prostitution in name of labor will be undiscovered, suffering through severe risks of violence and murder, held as a slave, since there will be no police involvement. Impunity of this organized crime will be at the crest and soaring exploitative practices. Trafficking of women in prostitution is a human rights violation not the migration of labour. Focus on prostitution has diverted the debate from rights and vulnerabilities to issues of morality. (Jagori 2012; Jeffreys 2006). But still, in South Asia, anti-trafficking campaigns are limited to prostitution and only stressed on commercial sexual exploitation (Chaudhary 2012, Pattnaik 2006). Notwithstanding, a migration which is chiefly associated as an act of voluntarism, many arguments suggest that it’s a coerced or imposed ‘voluntarism’ established on the circumstance migrants are surrounded as stated by Samaddar (1999). Taking, for instance, Rohingya people in Karachi told that in Bangladesh they are deemed as “illegal aliens”. They are unwanted and going through the endurance of no ration cards, intimidation by police or fear of being pushed back. Therefore, this compelled them ‘voluntarily opt’ to get trafficked as illegal migrants in Karachi (Manchanda, 2006). To fight trafficking of women, GAATW members argue that trafficking is a consequence of many factors and unless the root causes are urgently addressed, many anti-trafficking schemes will only pay lip service to human and gender rights and suggests that the governments should link gender, migration and labour laws to combat trafficking (Chaudhary 2012, Pattnaik 2006).

### **Role of Globalization:**

Contemporaries are saying that in a globalised world, the nation-state will be inanimate with the emergence of the borderless world i.e. territorial geographies of the state getting deterritorialised. The forces of globalization –transnational flows of goods, people, capital and information- are

undermining the strategy of territoriality, the attempt to classify and control by means of geographical fixity, border and enclosures. This region has established 'complex interdependence of state' where territory, national identity and community exist with each other without any line of distinction. It's a new phase of territorialisation in which the link between sovereignty and territory has become indistinguishable. However, Bangladesh border followed the counter path through policing, fencing, patrolling and land mining in order to restrict the flow of transnational labour migrants, refugees (Rohingya) and to protect its sovereignty (Samaddar, 1999; Schendel, 2004). Globalization today has facilitated migration due to forces of demand and supply which have increased the opportunities, needs and gratification and the easier possibility of movement and communication at one place (Thapan, 2006) and in parallel, disruption of livelihood and food security at the other. Intense mass migration is being witnessed owing to the demand and availability of cheap labour from any part of the world with the onset of ease in mobility as well as an increase in value capital. People, particularly women, migrate for survival and fulfillment, in search for new identities, to escape social and cultural constraint, for employment and economic gains and a better life for themselves and their families. Migration of women is alleviated because of transnationalised industry where women are in huge demand. They provide cheap labour, they are needed in the jobs of care like domestic work and elder care also in sectors of growing sex, entertainment and tourism which has got heighten up with the commencement of contemporary migration and they can be suppressed since they are less likely to rebel and resign to substandard working condition, hence extracting great amount of product through low wages. This has ushered towards feminization of poverty and migration: women migrant has become a prominent feature of globalization. This phenomenon has affected the trafficking situation. In South Asia, acceleration of human trafficking along with undocumented and illegal migrants is being caused by poverty and globalization. Coomaraswamy has maintained that traffickers look for the vulnerable section –women and children- to dupe them away into most exploitative, inhuman and hazardous work environment by capitalizing on the option of choice available to poor women and children, hence further susceptible to exploitation. The gender discrimination they suffer and exclusion from the economic and political arenas makes them socially vulnerable subjects and is the key ingredient in their oppression (Jagori, 2012); (Chaudhary, 2012). Customarily women's migration was constrained to household or marriage migration, but gender studies in the 1980s discovered that there is an increase in

migration of women alone with the primary purpose to engage in paid work. In some parts of the world women solely are responsible to take responsibility for their family and communities hence motivated them to move within and across the border in the search for livelihood, some examples are Filipino migrant in many parts of the world, Indian nurses in the Gulf and Sri Lankan domestic workers in the Middle East. However, not much contribution of literature is there on women migration even if they don't migrate alone. For instance, with the demand of domestic workers in a developed country and expendable income for the same work in the Middle East has brought the sexual division of labour where the job of the private domain is carried over into public domain which is paid and has economic value. Immigration of women is premised on "care deficit" in developed countries which in turn starts affecting the region from which migrants belong. Employers have a choice to make decisions whether hire workers to take care of their families but this choice is lacked for the workers at home. Asian women migrant have to go through challenges of being virtuous and immoral, kind and heartless, self-centered and altruistic, for example, Filipino migrant mother performs the duty of sole breadwinner at her home country and at the same time looking after her family by performing the assigned role given to her by society as mother through constant communication or like sending gifts. (Agrawal, 2006). Prospects of a better life abroad, poverty, economic marginalization, political and social unrest and conflict are effects of globalization that has to lead to the rising practice of smuggling people<sup>7</sup>. Two trends are a direct consequence of this. First, as avenues for legal migration have become increasingly restricted, the asylum system has come under pressure as one of the few options that migrants can use. Second, migrants (including asylum seekers) have increasingly resorted to the use of smugglers to facilitate their travel. This compounds their

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<sup>7</sup> UN Protocol has made distinction between Trafficked and Smuggled on basis of coercion and consent respectively along with gender distinction where women and children are trafficked while men are smuggled. This distinction has made trafficking gaining upper hand from the protocol while that's not the case for smuggling, even many smuggled migrant goes through same exploitative practices that trafficked person goes through. There are certainly 'pure' cases of trafficking and smuggling - of children kidnapped without their parents' consent, of migrant workers defrauded from the outset or, at the other end of the spectrum, of completely transparent cross-border transportation agreements where a fee is mutually agreed and the relationship between transporter and transported ends. States tend to favor looking at consent at the point of departure as an indication of the migrant's 'true intentions'. Rights advocates favor a focus on the ongoing circumstances of the migrant in the destination state as an indication of his or her needs. The smuggling fee from China to the US is about \$50,000 per person, to France about \$40,000, yet there is no shortage of takers. The smuggler benefits from his or her profit, and the migrant benefits from gaining access to an employment opportunity, even if the smuggling fee is exploitative. Indeed, many of the employment opportunities that smuggled migrants are keen to access are extremely exploitative in nature. Are these workers smuggled (because they consent) or are they trafficked (because they are transported to be exploited)? (Bhabha & Zard, 2006)

vulnerability to ill-treatment and exploitation (Bhabha & Zard, 2006). Migration is a fact of the globalized economy which hasn't been adequately addressed in International migration or labour studies. Though the considerable amount of attention has been given by the International Legal regime where the focus is just upon human trafficking or smuggling, law and order, border controls, security and sexual morality. Impact of these stated activities on cross border movements is mediated by gender, class, religion and sexual and marital status. The failure of the international legal system is to address the reality of migration along with the failure of the state to recognize the need of the marginalized community to migrate by providing safe and legal passage has led into the rise of clandestine services under the migrant-mobility regime. Simultaneously, global patterns of economic and trade have also increased the demand of low wage labour as well as the demand of poor countries for remittances from immigration which they are unable or unwillingly don't provide (Kapur, 2012).

### **Where do migrants belong? What's their identity?**

Borders are the uncertain and unstable and fixed demarcation of country boundaries leads to the creation of lots of internal boundaries eventually it segregates the solidarity which is presented already (Samaddar, 1999).

“Partition has caused the politics of the belly”- Francois Bayart.

The foundation of this cluster will dig into the integration of migrant community at the border regions of India, by undertaking the case study of Bangladeshi migrants into Indian Border region as well as communities residing at the border region. Bangladesh has become the land of émigrés in South Asia. The bi-directional flow of people from Bangladesh to India and vice versa, which is rarely a case, started with liberation war of Bangladesh in 1971 from West Pakistan in order to escape from genocidal attacks. Apart from this other aspect of the movement is because of the low transactional costs, thereby some of them entering the border illegally with the dream of the returns as already mentioned in order to escape from the dire situation they are facing currently in their country.

Communities residing at border regions are facing atrocities of border security guards of both the countries as well as the danger of trafficking agents most vulnerable being women and children.

### **- Communities at border region:**

Samaddar (1997) in his book “Marginal Nations” made a statement that how the border is

routinized and marginalized or insignificant in the lives of the border community. Transnational border trade and movement is a routine activity for them. Once collectorate official told him that at border abnormalcy was normal, illegal meant routine; infiltration was migration; smuggling was trading, these were less of Indian Villages and more of the border villages. People at border villages don't have the feeling of nationalism; government and the border don't exist for them. They are going through their own sufferings that are lack of schools, hospitals, roads and other decent means of livelihood, it's a place of endemic poverty and illiteracy and hence, transnational border activity provides them support. There is miscommunication between government and border communities in terms of Government inconsiderate implementation of fencing the border has up roared the fear and concerns among the border community as it would affect their economic activity which they carried out through informal border trade, but their argument with relation to fencing is overridden by the concern of national security, government emphasis that it's for the protection of their own countryman. A borderland is a place of constant conflict. Here public space retreats to the private space of women. Women living at borderlands are not fortunate. They survive the ordeal of the violence and resist in small ways to the massive structure of government. Yet, Conflicts leads to masculinization of space which demarcates citizen from aliens. Males are put forward by the state since they are role model who can draw blood, even though blood is drawn from women. To secure the borderland attempts are made to privilege masculine nature, while there is an inconsiderate rise up in female insecurities. Hence, in Borderlands, the feminization of space seldom happens, here women assume a new role and synchronously performing the role of a transmitter of culture for the nation. In the border, concerns for women security are delimited to women trafficking for sex. (Banerjee & Chaudhary, 2011). Trafficking at border villages is a common occurrence, villages are used as stations where traffickers come and stay for a while, some traffickers marry young girls and take them to other side but they don't accompany them whilst crossing the border, thus it's difficult to apprehend them. However, since border communities are aware of trafficking, traffickers are less interested in these areas <sup>8</sup>(Samaddar, 1999). In Bangladesh effects of globalization, growth of fundamentalism, modernization policies have contributed to ethnic and religious minorities and

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<sup>8</sup> Traffickers keep changing their route when one route is identified. Women from Bangladesh are largely trafficked to India; from here they are trafficked to Middle East and Pakistan. For instance, Assam-Siliguri route was identified as the main trafficking route through which the victims of flesh trade were transported across the north east India. It plays role of both procurement and transit area (Banerjee, 2011).

against the women, the latter being more vulnerable to being attacked as women and minority. Fundamentalist uses religion to increase their male-dominant status in the political arena and perpetuate oppressive gender identities and male dominant values, where women and minorities are at the receiving end of this strategy. These developments led to the displacement of women through which they end up in camps or ghettos where the condition is deplorable, unhealthy, damp and unhygienic. They are the epicentre of insecurity and thus, provide the breeding ground for traffickers. Trafficking in border region is symbolized with two great fears of national security, ‘uncontrolled flows of women’ with ‘uncontrolled sexuality’ that might undermine the patriarchal control (Banerjee, 2011). Bhaduri (2011) conducted an interview with women residing at the villages of border regions observed that they get affected directly or indirectly. The advanced summed up evidence is that BSF and BDR personnel are nuisances for them since they keep intervening in their daily routines, women sometimes don’t feel safe as some of them have experienced hooting from BSF personnel. Indian borderland Communities have the fear of not to get fenced out since within the fences they feel safe and secure, doesn’t matter how notorious BSF are. Fencing has disrupted the agricultural cultivation since there is a demand to maintain the length of the crops, so if plantation reaches beyond the height of the fence, either it has to chop down or have to look another substitute for that crop. Women feel unsafe when their men are out for work; some of the men get duped into drug trafficking, therefore, the responsibilities of household fall on the women shoulders. A woman recollecting her migration experience from Bangladesh to India discovered that they usually were transferred at night to cross border where agents (a broker who takes the responsibility to cross border by charging minimal amount of fees, but these brokers could be a trafficker) talk to both BDR and BSF personnel while no officials stop them while crossing border. Communities at border region question their affiliation from which country and which side they belong, as they are seen from the eyes of suspicions from both sides of the border. Women are at mercy of criminals and police, being near the border they are forced to give shelter to criminal either from Bangladesh or from India. Also, police use them for sex or if women migrants are caught while crossing border police rape them. These women have few options to improve their situation. Their problems are aggravated with militarization and criminalization of the area (Banerjee, 2011).

**- Crisis challenging Gender Norms:**

During crisis and conflict situation women, children, elderly and disabled are the ones who

cannot flee. They are left behind to face the increasing deprivation and wrath of the soldiers, many of whom use rape as a weapon of war. For instance, during the liberation struggle of 1971 in Bangladesh, many men had either joined guerillas (Mukti Bahani) or fled across the border to get arms training while women were left behind to protect their homes and children and more exposed to susceptibility. Partition has blurred the boundaries between the private and public sphere. Women from private came into the public sphere or public sphere receded into the private sphere. In this process, women have found two identities of her. She performed her traditional role to which she was already ascribed to and other she took the responsibility of the traditional role of males such as becoming the head of the household or principal income generator. Women when got displaced and simultaneously recovered during the partition period illuminate the paternalism of state. Patriarchal basis of state intervention is evident when they decided the fate of abducted women who got raped and their children. During the Bangladesh liberation war, many women were raped by West Pakistan soldier. To valorize them Bangladesh declared all the raped women as *birangonas* (war heroines), but when they reached home, they weren't given the right of the citizen or husbands burned them because they had been dishonoured; against the wishes of these women their children were denounced by the patriarch state (Behra, 2006). This depicts the dichotomy of getting the title of 'empowered' while at the same time stripping them off from their decision-making process. Women who were brought back to 'home' after getting abducted, after the partition period with Pakistan, 1947 as well as Bangladesh, 1971, weren't given choice to choose their home. It was assumed that Hindu women will retreat to India while Muslim women will transmitted to Pakistan (during 1947 partition) / Bangladesh (Liberation war of 1971). Their space of home could have changed wasn't given a consideration. It wasn't the boundary of domestic that defined home but it was the boundary of a nation, yet, they met the fate of non-acceptance from their natal families. In theory, everyone had a choice to move or stay but in practice staying on was virtually impossible. The 'choice' of whether to move or to stay or to return was constantly choices being made for women, by the patriarch nation-state and their families. Women's agency wasn't a principal concern in any of the conflicts and its aftermath. The assumption being that they were incapable of making choices as discussed also in Myth associated with human trafficking and migration (Butalia, 2006).

Women, whether as a refugee or displaced, have addressed double jeopardy. Since partition or

conflict disintegrated the patriarch structure, recomposition of the latter began. It led to greater control of women rather than letting them create their own agency, as males couldn't perform their role of protector or unable to participate in income generation activities it drove to the domestic violence or resurgence of religious practices. Moreover, many human right discourses have been packed up to recognize women as victims during conflicts, yet many women, in long term displacement, got the opportunity for greater personal and group autonomy and experiments with identity and leadership. Women begin to play the role of dealing with authorities from the government agencies to the military and the humanitarian aid agencies thereby providing, especially to the younger generation, mobility and sense of empowerment (Behra, 2006). Muktir Gaan (a documentary film was released in Bangladesh in 1996) narrative has disrupted the narrative of militarization and patriarchy. Both male and female during the liberation of war played the role of peace activists, using peaceful tools; concurrently women acquiring the role of male gender –reading newspaper while men are engaged in practising songs.

Considering this paper's focal point in research is Bangladeshi migrants, respectively, further deliberation will transpire. The above clusters have laid the foundation for the conflation on how these concepts interact with each other. This Conflation will provide the basis for the reasonable overall understanding of the premises in relation to each other and maintained that concepts are overlapping in the structure. While contemplating the latter action, one thing is crucial that not all conflation leads to judicious reasoning. Addressing the fine line is necessary otherwise it will head towards disastrous outcomes which can remain for a longer period of time as substantiated in the cluster of “Myth associated with human trafficking and migration”. Categories of presented conflation are migration and trafficking - exploitation, trafficking-exploitation and border and lastly, border and migration thereby creating the ring of correlation among them.

#### 1. Migration and human trafficking-exploitation:

The broader canvas of transnationalism should incorporate transnational response and analysis for cross border movements and human trafficking. Bangladesh has described human trafficking as a wide variety of crimes and human rights abuses associated with recruitment, movement and sale of people into a range of “exploitative” or slave-like circumstances (Ahmed, 2012), women and children being the most vulnerable if they are undocumented migrants besides belonging to community or section which is in minority - ethnicity, religiosity or culturally social group. They

easily become victims of trafficking because they are often uneducated, unskilled or debt-ridden<sup>9</sup> (Kempadoo, 2012). The perspective of migration that is stifled within the push-pull framework as well as a voluntary choice is counteracted by Ranabir Samaddar (1999). He argues that migrant women from Bangladesh who is a sex worker in India and also engaged in other forms of labour shouldn't be assumed as voluntary since she might have escaped from the fear of endemic violence of her husband and other males; from unorganized garment industry; the village and society as a whole. Women migrants or refugees in South Asia are the most unwanted and abused migrants. In this migration process, they face gender-specific human rights abuses. These abuses have violated their fundamental rights on their bodies, physical and psychological integrity and life of dignity (Samaddar, 1999). The decision-making process to migrate is generally an individual answer but communities and family play a role or influence decision-making process of that individual, whereas, for women, their male family head or communities they are surrounded make the decision for them to migrate, however, even when women take individual decision to migrate they remain shadowy followers in the studies of migration. There are migrations exporting countries which fulfil the demand of migrant labour in an organized way by taking care of their documents, on the contrary, the slave importing countries take the advantage of migrants by disguising itself as former to attain weak labour for the established enterprises in the host country leading to exploitation of migrants. Importing of slaves is successful with stable organisations such as criminal gang or semi-legitimate firm or corrupt state officials (Chaudhary, 2012).

## 2) Human trafficking-exploitation and border:

Borders of South Asia bears humanitarian crisis and human rights abuses, communal discord and intensified suspicion have created a problematic state for women. With the ease of mobility, crossing the border has become hassle free which traffickers manipulate in order to traffic women and children from Bangladesh either into India or to other countries. India and Pakistan provide a platform for trafficking; it functions as transit as well as the destination zone. It is an intermediary space where women and children are trafficked to areas within the region and to

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<sup>9</sup> One of the basic reason, not the only reason, for migration from Bangladesh to India is loss of agricultural land owned by a rural family or small possession of agricultural land also getting lost because of medical expenses or dowry or because of river erosion, also changed status of marital women i.e. widowed, divorce, desertion or remarriage by their husbands return to their parents home for support but families are reluctant to provide any kind of aid for them therefore compelling them to migrate into India in order to fulfill their dream of feeding themselves their children and families along with more options in life.

other parts of the world. Nevertheless, Bangladesh and Nepal come under the category of sending country. Pakistan and India didn't want to take the responsibility of cross border trafficking, they perceived this issue trivial to get attention. Notwithstanding, Nepal and Bangladesh have taken regional initiative for trafficking but their dialogue for this issue with formers is a failure. Therefore, to combat the problem of cross border trafficking was getting marginalized since four of them were busy in the blame game instead of taking the responsibility (Chaudhary, 2012). For traffickers, poor families where the daughter is unmarried or had come back home after marriage due to unfulfilled dowry demands are easy prey for them. Families voluntarily hand their girls to these traffickers, who disguise themselves as potential husbands, to jettison their burden. These women migrate to India with hope in their eyes, until; they reach their final destination they have no idea of what's happening to them thereby exposed to increased exploitation. Henceforth, girls are at the mercy of these traffickers as well as vulnerable at the hands of their family. Internal conflicts between Nepal and Bangladesh is boon for traffickers considering the slacken border controls during the time of turmoil consequently making it easy for the traffickers to cross the border along with victims. Also, the unfavourable security conditions of borders in South Asia have led to forced migrations, hence joined up to the advantage of traffickers (Chaudhary, 2012).

### 3) Border and Migration:

Quantity of migrants across the border plays an important role in the receiving or host country. Under this number game, all the other important issues with regarding links set up between political, geographical, economic and sociological aspects get buried. This obsession of number game is to know how much the nation has to spend in its welfarist approach towards migrant for their better condition of life. But the hidden reason is to prevent the marginalization of "nation". The ideology on the basis of which Nation is instituted can get vanished if deliberation on the above issues is provided. The fear of lebensraum has to lead stringent border controls since masses of migrants are demanding the right to live with safety within India, in turn, it has made created India a national security state especially Vis a Vis to Bangladeshi migrants. (Samaddar, 1999). Migrants and refugees aren't welcomed in the countries of South Asia and hence it is exercising exclusionary policies so that migrants can't take the jobs or bring the wage levels down of native workers or distress on the social security provision of the country since champions of this practices states that, they don't have undivided loyalty they are considered to

be untruthful. They even advocate humiliation and tortured physically and mentally for the migrants. But for migrants even more despair is when their own country refuses to take them instead latter is joyful of their emigration.

Lastly, from the deconstruction of the topic, endurance of migrants in the migration process is observed owing to stringent policies, measures undertaken by the host country since they sense migrants as onus or strain on the country's resources and the threat to the economic, cultural and social life of their citizen as well as physical boundaries of the state. Schendel (2004), however, turns the tables by exposing the conceal interest host countries that they obtain from migrants notably "illegal migrants". Taking into consideration the life of Bangladeshi migrants in India, it has pushed the political career of Politicians. They intensified the existence of Bangladeshi immigrants as "infiltrators" and stressed the cost of unauthorized immigration in terms of law enforcement and state services. Politicians were advocated by employers as they have employed Bangladeshi laborers for domestic, agriculture or industrial operations. "Infiltrator-bashing" served as vote getter and kept Bangladeshi labour immigrants, stigmatized and vulnerable, hence, cheap and pliable. Bangladesh served as a crucial reserve pool of labour for the economies of Assam, West Bengal, Delhi, Mumbai and other parts of India. Cross border migration ensured that real wages labour remain low in these areas also in those regions where minimum wage rates officially introduced because Bangladeshi migrants were in no position to claim these rights. The receiving country gets benefits from these undocumented migrants who do a great many odd jobs and form the bulk of cheap labour. In turn, migrants from Bangladesh gain advantages as they have a secure livelihood that was not available at home. Researchers have deduced the persona of migrants as criminals are based on erroneous facts as it's the natives of the country who most likely commits the crime. Migrants are less likely to engage themselves in this pitiable activity. Migrants of Bangladesh aren't employment thug. Nevertheless, jobs in which they are contracted, natives of the countries don't prefer to engage in it since Bangladeshi labour migrants are employed generally in low wage jobs as they don't have a well-off background, alternatively, they do have the potential to increase the total wealth of population. Migrants of Bangladesh from prospering environment migrate to the west. Migration is acknowledged as fundamental human rights, but there is no policy or mechanism to recognize the rights to life and security of the livelihood for the "illegal foreign nationals" who have been living in India for years (Ahmad, 2012). A transnational migrant is living the global reality,

hence compelling international organization as well as a nation-state to reconsider the legal response to cross border movements and acknowledge the fact that people will move illegally if legal means are not made available to them (Kapur, 2012).

## Bibliography

- 1) Agrawal, A., 2006. Introduction: Women, Work and Migration in Asia. In: A. Agrawal, ed. *Migrant Women and Work*. s.l.:Sage Publications, pp. 21-38.
- 2) Ahmed, A., 2012. Using a Dynamic, Interactive, and Participatory Process to Develop and Redefine the Human Trafficking Paradigm in Bangladesh. In: K. Kempadoo, J. Sanghera & B. Pattnaik, eds. *Trafficking and Prostitution Reconsidered*. United States of America: Paradigm Publisher, pp. 199-227.
- 3) Banerjee, P., 2011. Bengal-Bangladesh Borderland: Chronicles from Nadia, Murshidabad and Malda. In: P. Banerjee & A. B. R. Chaudhary, eds. *Women in Indian Borderlands*. s.l.:Sage Publications, pp. 5-36.
- 4) Banerjee, P. & Chaudhary, A. B. R., 2011. Introduction: Resistance in the Borderlands. In: P. Banerjee & A. B. R. Chaudhary, eds. *Women in Indian Borderlands*. s.l.:Sage Publications, pp. xv-xxv.
- 5) Behra, N. C., 2006. Introduction. In: N. C. Behra, ed. *Gender, Conflict and Management*. s.l.:Sage Publications, pp. 22-65.
- 6) Bhabha, J. & Zard, M., 2006. Smuggled or Trafficked. *Forced Migration Review*, pp. 25-27.
- 7) Bhaduri, A., 2011. Voice of Women in the Borderlands. In: P. Banerjee & A. B. R. Chaudhary, eds. *Women in Indian Borderlands*. s.l.:Sage Publications, pp. 179-202.
- 8) Butalia, U., 2006. Migration/Dislocation: A Gendered Perspective. In: N. C. Behra, ed. *Gender, Migration and Conflicts*. s.l.:Sage Publications, pp. 138-153.
- 9) Chaudhary, A. B. R., 2012. Trafficking of Women and Crisis of Identity. *South Asian Journal of Peacebuilding*, IV(1), pp. 2-15.
- 10) Jagori, 2012. Migration, Trafficking, and sites of work: Rights and vulnerabilities. In: K. Kempadoo, J. Sanghera & B. Pattnaik, eds. *Trafficking and prostitution reconsidered*. United States of America: Paradigm publisher, pp. 159-172.
- 11) Jeffreys, S., 2006. The Traffic in Women: Human Rights Violation or Migration for Work. In: A. Agrawal, ed. *Migrant Women and Work*. s.l.:Sage Publications, pp. 195-215.

- 12) Kapur, R., 2012. Cross-border Movements and the Law: Renegotiating the boundaries of Difference. In: K. Kempadoo, J. Sanghera & B. Pattnaik, eds. *Trafficking and Prostitution Reconsidered*. United States of America: Paradigm Publisher, pp. 25-39.
- 13) Kempadoo, K., 2012. Abolitionism, Criminal Justice, and Transnational Feminism: Twenty-first-century Perspectives on Human Trafficking. In: J. Sanghera, B. Pattnaik & K. Kempadoo, eds. *Trafficking and prostitution reconsidered*. United states of America: Paradigm Publishers, pp. vii-ix.
- 14) Manchanda, R., 2006. Contesting 'Infantlisation' of forced migrant women. In: N. C. Behera, ed. *Gender, Conflict and Migration*. s.l.:Sage Publications, pp. 205-224.
- 15) Mookherjee, N., 2006. Muktir Gaan, The Raped Woman and Migrant Identities of Bangladesh War. In: N. C. Behra, ed. *Gebder, Conflict and Migration*. s.l.:Sage Publications, pp. 72-91.
- 16) Pattnaik, B., 2006. Forced Migration Review. *Perceptions, Responses and challenges in South Asia*, pp. 17-19.
- 17) Pattnaik, B., 2006. Reflections on Initiatives to address Human Trafficking. *Forced Migration Review*, pp. 4-5.
- 18) Samaddar, R., 1999. A Hossian Mia of Today?. In: R. Samaddar, ed. *The Marginal Nations: Transborder Migration from West Bengal to Bangladesh*. s.l.:Sage Publications, pp. 89-94.
- 19) Samaddar, R., 1999. Introduction. In: R. Samaddar, ed. *The Marginal Nations: Transborder Migration from West Bengal to Bangladesh*. s.l.:Sage Publication, pp. 18-23.
- 20) Samaddar, R., 1999. Legality, Illegality and Reasons of the State. In: R. Samaddar, ed. *The Marginal Nations: Transborder Migration from West Bengal to Bangladesh*. s.l.:Sage Publications, pp. 52-63.
- 21) Samaddar, R., 1999. Shefali. In: R. Samaddar, ed. *The Marginal Nations: Transborder Migration from West Bengal to Bangladesh*. s.l.:Sage Publications, pp. 190-197.
- 22) Samaddar, R., 1999. The Numbers Game. In: R. Samaddar, ed. *The Marginal Nations: the Transbordr Migration from West Bengal to Bangladesh*. s.l.:Sage Publications, pp. 203-212.
- 23) Samaddar, R., 1999. The World of the Edges. In: R. Samaddar, ed. *The Marginal Nations: Transborder Migration from West Bengal to Bangladesh*. s.l.:Sage Publications, pp. 39-46.
- 24) Sanghera, J., 2012. Unpacking the Trafficking discourse. In: K. Kempadoo, J. Sanghera & B. Pattnaik, eds. *Trafficking and prostitution reconsidered*. United States of America: Paradigm Publisher, pp. 3-22.

26) Schendel, W. V., 2004. Migration, Deportation and Fences. In: W. V. Schendel, ed. *The Bengal Borderland*. London: Anthem Press, pp. 210-235.

26) Schendel, W. V., 2004. Studying bordelands. In: *The Bengal Borderland*. London: Anthem Press, pp. 1-17.

27) Thapan, M., 2006. Series Introduction. In: A. Agarwal, ed. *Migrant Women and Work*. s.l.:Sage Publication, pp. 7-17.

