AN ANALYSIS ON INDIA-BANGLADESH BORDER KILLING

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Abstract:
Bangladesh and India, geographically two neighboring friendly countries located in the South Asia. The total length of border is about 5138 kilometers with 4427-kilometer land border and 711-kilometer water border. Bangladesh has 4,096-kilometer common border with India. Bangladesh has 32 border districts whilst India has five border provinces. Bangladesh and India both the countries have bilateral issues from the emergence of them. The economic relations between two countries is growing rapidly since the early 1990s. Amongst various issues between these two countries, border issue has come in the front line, because of the smuggling, human trafficking and border killing by the Indian Border Security Force (BSF). In 2013, US based news agency “Global Post” opines that the border line between Bangladesh and India is the worst border line in the world. They are showing uncontrolled behavior in the border line by killing, abducting Bangladeshi people, violating human rights and offence relating to push-in etc. This is an interesting issue for research for finding out the reasons for mass killing of civilian even though the two countries claim to be in friendly relationship at least after creation of Bangladesh.

Key Words:
India, Bangladesh, Border, Killing.
1. Background
Bangladesh and India share a border of 2,429 miles. The Bangladeshi geographical Divisions of Dhaka, Khulna, Rajshahi, Rangpur, Sylhet and Chittagong, along with Indian states of West Bengal, Assam, Meghalaya, Tripura and Mizoram are situated along the border. India has constructed the Indo-Bangladeshi barrier, a 3,406-kilometre (2,116 miles) fence of barbed wire and concrete just under 3 metres high, to prevent trespass and the smuggling of weapons and narcotics. Human rights violations by the Indian Border Security Force (BSF) have been going on for a long time along these borders between Bangladesh and India. Instances of BSF shooting, killing, torturing and abducting unarmed Bangladeshi civilians in the border areas violate international norms and treaties. Members of the BSF also illegally enter Bangladesh territory and attack people residing along the border, shoot and kidnap Bangladeshis. India-Bangladesh border is probably the most vulnerable and bloodiest border in the world.

According to the Memorandum of Understanding and related treaties signed between India and Bangladesh, if citizens of the two countries illegally cross the border, it would be considered trespass and as per law those persons should be handed over to the civilian authority. However, we have repeatedly noticed that India has been violating treaties, shooting at anyone seen near the border or anyone trying to cross the border, which is a clear violation of international law and human rights.

Two Bangladeshis were killed along the border in 1972, the very next year after the independence while the first Indian civilian was killed by BGB in 1990 and still it’s on going by BSF. In the meanwhile, a battle took place between Bangladesh-India borders at Syhlet district in 2001.

2. Objective of Research
Objective of this research is to find out the reasons for border killing despite being two friendly neighboring countries. This research paper also examines the effect of border killing between two friendly countries relations. Understanding of this may facilitate resolution of these issues without further delay for broader interests of the two countries.

3. Methodology
Both qualitative and quantitative data to be used for this research paper and will be collected from secondary sources. The study collects secondary information from books, journal articles, reports and newspapers and primary data of the interview the victim’s family and interview of academician. The study will rely heavily on online media to examine the issues
concerned. This paper also used the documents and survey reports published by various Bangladeshi NGOs, who work on the issue. Odhikar and Ain O Shalish Kendra are most prominent of them.

3.1 Primary Data
The primary data of this research paper was collected from 26 respondents. This data was collected over phone and also direct interview. Among those respondents, 16 respondents crossed border illegally & others 9 respondents went legally. 23 respondents are male and 3 are female. The main motive of those respondents are -3 students, 2 farmers, 5 as a tourist, 2 for business, 7 respondents as a migrant worker i.e. construction worker, illegal trade and maid servant, 4 for treatment and 2 are the local people of border area.

3.2 Secondary data
Books, newspaper articles and journal were the source of secondary data in this research. For the theory part, various books and journal articles were used. This paper also used the documents and survey reports published by various Bangladeshi NGOs, who work on the issue. Odhikar and Ain O Shalish Kendra are most prominent of them. These articles have focused on various sides of the issue, many of them showed this issue as a part of the major India-Bangladesh nexus. A major weakness of secondary articles is that there is serious lack of scholarly article on the issue. The articles by Bangladeshi NGOs takes an advocacy perspective, and more focused on the victims experience and the brutality of BSF. While the articles Written by most Indian writers seem to justify the BSF’s action.

3.3 Literature Review
Bangladesh-India are the friendly neighboring country in south Asia. India helped Bangladesh to get independence in 1971. Bangladesh was part of British-India up to 1947. Bangladesh got its border which was divided by Sir Cyril Radcliffe in 1947. Bangladesh share its 4,096 km international border with India. Despite being friendly country Indian BSF is killing Bangladeshi civilians brutally along border.

The Guardian news published a report on *India’s shot to kill policy on the Bangladesh border by Brad Adams*. In this report he argues that millions of people live in India illegally. This article also claims that mass people are shoot by BSF, but international media cannot focus their attention. This article also ensure that India always try to impose their right in
border control but they cannot use the right to protect life of people. It is also claims that BSF has used violence unnecessary. But this article are not discuss about the solutions of the problem. An article title responding to border killing written by Md. Ariful Islam. In this article the author claims that India and Bangladesh should cooperate with each other and showing respect for it. This article also focuses on the historical matters and to its complexity and increase border dispute. This reports also clear that people move Bangladesh to India without valid passport, it is one of the most important reasons of border killing. But in this report he does not include the role of other states and international community for solving the problem.

Another article titled stop border killings for better relations by the Dhaka Tribune published May 20, 2014. It reports that although the Bangladeshi government express their effective role but border killing has continued in Bangladesh-India border. It plays a negative impact on Bangladesh-India relations. The newspaper called to stop these killing, Indian government should take initiative for confidence building for both countries. But this article shows the solution of border killing narrowly. This solution should be considered broadly.

4. Creation of India-Bangladesh Border
At first this border was created when the united Bengal was divided in 1905 then again during the partition of India in 1947 as per the Indian independence act-1947. The international border line between India and Bangladesh were determined by Cyril Radcliffe Boundary Commission. But some disputes arose & it was necessary to solve. To resolve these disputes Indo-Pakistan Boundary Disputes Tribunal was constituted by Lord Mountbatten then governor general. The decision of the tribunal was announced in February 1950. After liberation of Bangladesh from Pakistan in 1971, the Radcliffe line was inherited as border between India and Bangladesh.

5. Theoretical Understanding
The concept of enormous border killing is a very rare incident in the modern time. There are very few of scholarly articles that explains border killing from theoretical perspective. For this reason, we look forward to articles about border militarization. Collecting knowledge from different news reports analyzing journal articles we concluded that border killing could be described from constructivist perspective. For Wendt, Constructivism is a structural theory of the international system that makes the following core claims: (1) states are the principal units of analysis for international political theory; (2) The key structures in the states system are
inter-subjective rather than material; and (3) state identities and interests are in important part constructed by these social structures. In the light of Constructivism, Bangladesh-India relations are analyzed as conflict between two identities. Strong India in one hand and the state sovereignty on the other. Strong India identity has been forged historically by numerous bilateral contacts between Bangladesh and India. In most of the treaty, India dictates because Bangladesh is decidedly inferior to India in most categories of power.

6. Border Violence
Border violence is one kind of violence that refers to any type of violence occurred especially on the international border between the two countries. There is no universally accepted definition of border violence. It refers to exchange of fire between the two border guarding forces, the detention and torture of civilian from one country by the other country’s border guards. On the extreme case, this can refer to shooting and killing by the border guards. The India-Bangladesh border are the best example of border violence in the world. The main causes behind border violence are identified as illegal migration, drug trafficking, smuggling etc.

6.1 Friendly state with violent borders
BSF is continuously shooting, killing, torturing and abducting unarmed Bangladeshi civilians in the border areas violent international norms and treaties. Member of the BSF also illegally enter Bangladesh territory and attack people residing along the border, shoot and kidnap Bangladeshis. India-Bangladesh border is probably the most vulnerable and bloodiest border in the world. According to Article 3, 4 and 5 of the United Nations Universal Declaration of Human Rights-1948, all these are treated as inhuman treatment. According to the memorandum of Understanding and related treaties signed between India and Bangladesh, if citizens of the two countries illegally cross the border, it would be considered Trespass and as per law those persons should be handed over to the civilian authority. Over the last few years, the two countries have signed a series of agreements to ease tension on the border. In March 2011, both parties agreed on the use of non-lethal weapons by the border guards and in Sept. 2011, the neighbors inked a protocol agreement clarifying the demarcation of the land boundary However India has been violating treaties, shooting at anyone seen near the border or anyone to cross the border, which is a clear violation of international law and human rights. According to statistics available from different government sources including BGB, since 1971, total 1,206 Bangladeshi civilians and 22 BGB personnel were injured by BSF and
Indian nationals. The year of 1973 was the only year when no Bangladeshi was killed by BSF while the year 2006 was the year of highest border killing, in that year 106 Bangladeshi civilians were killed by BSF. During the period covering 4 decades and a half, BGB also killed over 36 Indian nationals and BSF personnel of which 16 BSF men were killed in 1999. Less than 50 Indian civilians and BSF men were injured by Bangladeshis during this period. Two Bangladeshis were killed along the border in 1972, the very next year after the independence while the first Indian civilian was killed by BGB in 1990. Decade-wise, 103 Bangladesh nationals were killed from 1972 to 1981 by the Indian side. From 1982 to 1991, 179 Bangladeshi civilians and 4 BGB personnel were killed. From 1992 to 2001, 264 Bangladesh civilians along with 10 BGB men met their death along the border. From 2002 till 2011, the Indians killed 666 civilians and 2 BGB personnel. In the half decade from 2012 to 2016, the border has witnessed killing of 178 Bangladeshis. India’s force has killed almost 1,000 Bangladeshis over the past ten years. That implies a shooting every four days. The death toll between two democracies dwarfs the number killed attempting to cross the inner German border during the cold war. The statistics shows that a significant number of Bangladeshis were killed and injured by the Indian civilians along the border. Joint India-Bangladesh Guidelines for Border Authorities 1975 states that illegal border trespass should be dealt with preferably without resorting to fire. BSF was requested to exercise maximum restraint and in the event of compulsive situation to open blank fire or fire at the lower portion of the body. In various meetings, both sides agreed that Killing of unarmed persons is unacceptable and inhuman and emphasized that the legal system prevalent in both the countries does not permit these killings either. Since 1971, 1,391 Bangladeshi civilians and personnel of BGB was killed along the border. According to Odhikar from 2000 to 2016, 1108 Bangladeshi civilian were killed, 1027 civilians were injured, 1323 civilians were abducted from Bangladeshi territory and even 15 girls were also raped by BSF & Indian civilians. Below Table shows details about last 17 years persecution of BSF & Indian civilians.
7. Findings

7.1 Ineffectiveness role of Border Guard Bangladesh

In some case the Bangladeshi border guard’s irresponsibleness are responsible for border violence. Most news reports are available that they simply overlook the crime. While many Bangladeshi people whose are living near border line accused that border guards actually took bribe and help in the smuggling. Sadly, Bangladeshi border officials have also suggested that such killings are acceptable if the victim was engaged in smuggling. Our respondent told us over cell phone that now-a-days they started to took some actions, but in most cases, these were when any Bangladeshi citizen shot dead, and the action was simply to hold a flag meeting with the BSF, other than that they failed to help Bangladeshi citizens. There is indeed corruption inside the force and has reflected the inability on Bangladeshi part to take ineffective actions. This is also part of search for answer about what caused the continuous border killing. The Bangladeshi border guards are supposed to protect its people and stop illegal affairs. However, in reality it has failed to do both. Rather, it has become corrupted and a facilitator of illegal trade, which is causing serious image crisis for Bangladesh.

4.2 Cattle
trade: Cattle trade or smuggling is one of the most important factors in border killing at India-Bangladesh border line. Being a Hindu majority state, India ban cattle especially cow trading & trading cattle is illegal in India. On the other side Bangladesh is a Muslim majority country. During the holy occasion of Eid-ul-Azha the demand of cattle increases in Bangladesh. Bangladesh has $500 million market for cattle, which cannot be served by the domestic supply alone. Moreover during. Due to that a large number of cattle are slaughtered on the occasion. This demand is fulfilled by the Indian cattle supplies by illegally. Nazrul Islam, a Bangladeshi, was luckier. “At around 3am we decided to cross the Indian border,” he said. He was headed to India to smuggle cows back to Bangladesh. “As soon as the BSF saw us, they started firing without warning.” Islam was shot in his arm, but survived13-year-old named Abdur Rakib, who broke no law and was killed simply because he was near the fence. Sadly, Bangladeshi border officials have also suggested that such killings are acceptable if the victim was engaged in smuggling. Alauddin Biswas, a border resident, described the killing of his nephew who was suspected of cattle rustling by border guards in March 2010: I went to see the body. It was lying 5 or 6 kilometers away from our house. There were police and politicians. We all saw that the BSF had shot him while he was lying on his back. They had shot him in the forehead and the bullet had pierced through and was lying a few inches inside the ground this makes the cattle trading a profitable job for Indians cattle farmers and Bangladeshi cattle traders. An estimated 1.8 million to 2 million animals are moved across the border each year [9]. Bangladesh is one of India’s most important trading partners, with trade totaling$5.09 billion in 2010-2011[10]. In value terms, the trade has shrunk from approximately ₹9,000 core ($1.5 billion) to ₹1,600 core ($250 million) [11]. Many people killed by BSF when farmer went to bring their cows at home. BSF personnel killed people even who don not attempt to cross border. But maximum incident related with cattle trading’s Professor Imtiaz of Dhaka University believes that illegal trade like cattle smuggling in the border is the main reason why the killing continues. He thinks India should remove ban on the cattle trade with Bangladesh. He also thinks that not only Bangladeshi citizens are killed but also Indian citizens who are being killed but Indian media do not publish it

### 7.2 Illegal Arms Trade

Bangladesh for some time has also been a key ‘transit route’ for trafficking and smuggling of weapons in South Asia. All the points of entry i.e., air, land, and sea routes are used for trafficking and smuggling and the Bangladesh-India land routes are used extensively for the business. According to newspaper reports, 10 rifles, one light machine gun, six magazines, 13...
grenades and 1200 rounds of bullets in total are recovered by the security agencies in the year 2012 alone, all of which have been found in the border areas of the country.

7.3 Illegal Immigration

Illegal immigration from Bangladesh to India, which includes both refugees and economic migrants, continues unabated. There is no reliable figure on the exact number of illegal immigrants from Bangladesh in India. An analysis of population growth and demographic statistics for Bangladesh and India in the last four censuses of 2011, 2001, 1991, and 1981, however, suggests with reasonable certainty that their number exceeds 15 million. Most of them have settled in states along the border with Bangladesh, and some subsequently moved to other parts of India, including its remote corners. The influx of such a large number of illegal Bangladeshi immigrants, particularly in the Border States, has proved to be a huge challenge for India with serious implications for its resources and national security. A large number are engaged in menial jobs in metropolitan cities in different parts of India. It has substantially contributed to changing the demographic pattern in the northeastern states of India, where the locals feel overwhelmed by the different type of arms are pouring into the country from across the border through different points. Outsiders. This has adversely affected their way of life and led to simmering tension between the two sides. Referring to killings by the Indian Border Security Force in the international border, Gowher said, “Border causalities have gone down. We want a border with zero death. But we have to be mindful about drug and human trafficking.”

7.4 Drug trafficking and terrorism

Indo-Bangla border also safe passage for drug trafficking and terrorism. Some militants group of eastern part of India operate their attack using Bangladeshi territory even sometimes they store their weapons in Bangladesh territory.
Figure: Indo-Bangla Drug Trafficking Routes In 2014 Bangladesh’s elite force, RAB has recovered huge quantity of arms and ammunition hidden under concrete chambers and unused well at various spots in the Satchharhi forest area of Habiganj district, once the headquarters of the almost disseminated banned. The India-Bangladesh border has been susceptible to smuggling of various kinds of drugs ranging from heroin, ganja, brown sugar, cough syrups, etc. Ninety-five per cent of the killings are related to cattle smuggling, said Major General Aziz Ahmed, director general of Border Guard Bangladesh at a press briefing on Friday. High demand for cough syrups in Bangladesh, a highly porous border, dense settlement along the border, and strong trans-border ethnic ties contribute towards drug trafficking along the India-Bangladesh border.

8. Case Study

Felani Khatun’s died on an Indian barbed wire fence In January 7, 2011, the fencing in Kurigram along the India-Bangladesh border acted upon the flesh of 15 years old Felani Khatun Felani, born in India whose parents were undocumented migrants there, was returning to Bangladesh to get married had arranged for her to be married to her Bangladeshi cousin. She was dressed up in traditional bridal wear and wedding jewelry on the morning of her wedding, Nurul paid a pair Rs 3000 ($70) of cattle smugglers to help him and Felani scale the fence into Bangladesh so they could walk to the village where the groom was waiting. Felani climbed the fence with a bamboo ladder the smugglers provided, but when the barbed wire snagged her blue skirt she panicked and started to scream. The noise alerted Indian border soldiers, who fired their rifles in the direction of the fence’s shot her without any warning. A single bullet pierced Felani’s chest and she sagged, mortally wounded, on the wire. Nurul
Islam made it over successfully. Nurul Islam, has been relocated with the rest of his family to the Bangladeshi village of Ramkhana, “I wish they would say ‘stop.’ If they would just say ‘stop’ she would have been saved. “She begged for water for a half-hour before finally bleeding to death. Felani’s lifeless body hung on the fence for five hours, it was held in full view of Bangladeshi and Indian farmers living nearby. Eventually, the BSF slung her hands and feet onto a bamboo pole and took her away like a butchered animal. It was over 30 hours before her body was handed over to Bangladeshi authorities and returned to her father and they took her jewelry. A photo, first published in Indian newspaper Anandabazaar, of Felani’s corpse hanging from the fence sparked a huge uproar in Bangladeshi media. At last a special court formed by India’s BSF on 09 September 2013 acquitted BSF constable Amiya Ghosh of the charge of killing 15-year-old Bangladeshi girl Felani at the Cooch Behar frontier. A five-man BSF General Security Forces court headed by DIG (Communication) SP Trivedi, conducted the hearings from August 13 at Sonari BSF camp, near the North Bengal town of Cooch Behar BSF’s 181 Battalion constable Amiya Ghosh, the prime accused in the case, could not be found guilty due to ‘inconclusive and insufficient’ evidence against him, the court viewed. The judgment has made a mockery of justice. It has not only cheated the family of Felani but also the whole nation”-Said most of the international Human Rights Organization & Activities.

9. Impact on Bangladesh-India Bilateral Relations

As India is a surrounding country of Bangladesh from three sides there are many disputes between Bangladesh-India. Bangladesh is locked by India by its western, eastern & northern side. Water is one of the prominent causes & illegal migration is also a cause of dispute between two. The issue of border killing was not a man problem historically, people crossing border since 1947. And also contrary to popular belief, cattle trading is not the only reason people cross border. So, why has border killing increased in past few years? The question can be answered if we look in to Bangladesh-India relations on a whole. The border killing has increased as the bilateral relation between the two countries hut heard roles. On the other hand, border killing has definitely made the deficiency of India Bangladesh relations. Times of India reported quoting PTI In 2016 that a bi-annual direct general-level-talks between BSF and BGB agreed to erect a new fence to secure over 250 villages ahead of the present barbed-wire fence along the International Border (IB) to curb cross-border crime and instil a sense of security among the people living in the area. Killings of unarmed Bangladeshi civilians remain unresolved despite Bangladesh government efforts to improve bilateral issues between

India and Bangladesh. Despite the resolutions related to the border issues being carried out, recurrent killing of unarmed Bangladeshi civilians hinder the bilateral relation between the countries. The two countries share a bilateral trade of US $6 billion, more than 90 per cent of which is Indian exports to Bangladesh.

10. Analysis
Analyzing both primary & secondary data, this paper able to indicate too many factors that were not previously noted in the conventional research. The results have also shown that BGB do not patrol border regularly and sometime they take bribe from illegal cattle traders, smugglers, and illegal migrants and also from lackey. One the other side the illegal cattle trade on the India-Bangladesh border has been reduced by 75% due to strict security measures taken by law-enforcement officials. The cross-border trafficking of cows has been decreased from 2.2 million a year to 5,00,000 this year (2015). The trade dropped to $250 million from $1.5 billion, which means an approximate fall of $1.2 billion, reports The Hindu. With the sustained campaigns conducted by the Border Security Force (BSF), Indian local police and Bangladesh government’s active participation in better border management have ensured the cattle trade restriction. The Bangladeshi animal husbandry lobby is now working as a pressure group against illegal trade from India. Dhaka has also used this opportunity to encourage local farming of cattle for the past two (2015-2016) years. Indian cattle traders from Haryana, Uttar Pradesh (UP), and Rajasthan supplied majority of the cattle across the 4,096km land boundary with Bangladesh. Approximately 100km from Kolkata, Angrail in North 24-Parganas district which was a hotspot for illegal cattle trade had an average traffic of 5,000 cattle a day which has been brought down to 500 now. Hindu cattle traders would drive the cattle across the Ichhamati River, which divides the two countries at Angrail. For these traders their religious identity is an advantage for the trade due to the prohibition of cow slaughter in Hinduism. BSF Inspector General (IG) of South Bengal PSR Anjaneyulu said increased highway surveillance has made their job easy. BSF has strengthened the surveillance and with the emergence of confidence-building measures with the local community, the IG added.

Besides, smugglers being killed in BSF firing initiated a rage among human rights bodies on both sides of the border making the cattle trade a major concern in the border districts. Both the claims of the Bangladeshi official and BSF’s statement are partially correct. There are aspects of the issue that simply cannot be explained by the newspaper reports; rather there are realities that are far more vivid than imaginable from outside. The reason that compels Bangladeshi people to visit to India is not one-dimensional as it looks from the newspaper
articles. The main reasons of visiting India, is for cow trade, smuggle i.e. arms, saris, cosmetics, gold, drug and also for settling there permanently. This result has also confirmed that there are indeed incidents of illegal trade and smuggling going in the border areas and the people from bordering villages are who are involved in them.

11. Recommendations

The ‘guilty will be punished’ and that New Delhi would pursue a ‘zero tolerance’ policy in respect of killing of any unarmed civilians on the border. What’s worse, there have been attempts by the BSF top brass to justify such killings on one tenuous ground or the other. For example, at the end of the director general-level meeting of the border guards of the two countries in Dhaka in September 2010, the BSF chief claimed that ‘most of them [people killed by the BSF] are Indian criminals and the rest are Bangladeshi criminals.’ Such a claim not only amounted to calling the Bangladesh government, which has persistently called for New Delhi’s effective interventions to prevent killings of ‘civilians’, a liar but tended to presuppose that the BSF had the right to play the role prosecutors, jurors and executioners all rolled into one.

Meanwhile, the Indian government is expected to make sure that no more killings of Bangladeshis by its border guards take place on the border. This promise should be in practice. Investigate all allegations reported by different human rights organizations and publish on newspaper through an independent boy. Bangladesh can seek support of UN to mitigate border killing by BSF along Bangladesh border line. Those who fail to cooperate with UN should face appropriate sanctions such as suspension or dismissal. Indian Police must register complaints against the BSF in cases of abuses against Bangladeshi nationals. It is the responsibility of the BSF internal courts to deal with abuses by the BSF that the Indian police should not refuse on the grounds. BSF must adhere to guidelines that are down by the National Human Rights Commission to investigate all cases of deaths during security operations. Finally establishing an independent and impartial commission of inquiry into serious violations of international human rights law is a must need.

12. Conclusion

Bangladesh and India are the countries of South Asia and both of them play crucial role in the economic and cultural aspects of the region. India is one of the world largest economic and democratic powers. Bangladesh is India’s one of the friendly alliances in south Asia. But all in aspect India don not maintain friendly behavior such in the questions of border killing
along with Bangladesh border. India is routinely shooting poor and unarmed villagers is not desired in the modern era of democracy and human rights. The Government of Bangladesh should strongly establish neighbor's rights with India under the patronization of international community. It is important to keep in mind for all that bilateral and regional multilateral cooperation can stop such inhuman killing by BSF. In fact, no law could have solution unless the people of both countries are morally and ethically found upright.

13. References


