

EXAMINING SECTION 111 OF THE BHARATIYA NYAYA SANHITA IN THE CONTEXT OF CROSS-BORDER ORGANISED CRIMES IN WEST BENGAL AND CONGRUITY OF SDG 16 IN RESTORING PEACE, JUSTICE AND STRONG INSTITUTIONS

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The Bharatiya Nyaya Sanhita (BNS), 2023, introduces a landmark provision i.e. Section 111 which codifies organised crime. Under Section 111, continuing unlawful activities such as kidnapping, extortion, trafficking, economic offences, and cyber-crimes, committed by syndicates or organized groups, are explicitly criminalized. This paper examines the application of Section 111 in the border regions of West Bengal, a geographically sensitive area characterized by high vulnerability to cross-border crime. By contextualizing legal reform within regional law-enforcement realities, the study explores how the codification of organized crime under BNS may enhance prosecution of syndicates operating across state and international borders. The United Nations established Sustainable Development Goal (SDG) 16 in 2015 with the goals of fostering inclusive and peaceful societies, ensuring that everyone has access to justice, and creating inclusive, responsible, and efficient institutions. This objective is especially important for West Bengal, a state that shares a porous border with Bangladesh. Cross-border organized crime continues to pose a threat to the region's peace, justice, and institutional integrity.

Introduction

Organised crime has emerged as a multidimensional threat in India's border areas, particularly West Bengal, which shares a long and porous boundary with Bangladesh. The region's unique geopolitical and socio-economic dynamics make it susceptible to transnational networks involved in cattle smuggling, narcotics trafficking, human trafficking, Cattle Smuggling, counterfeit currency circulation, and illegal migration. The Bharatiya Nyaya Sanhita (BNS), 2023 introduces Section 111 as a central provision targeting organised crime

groups¹. The paper evaluates how Section 111, when applied effectively, may reshape the legal response to organised crime in West Bengal's border zones and proper congruity of peace, justice and strong institutions in borderline districts of West Bengal.

The multi-faceted nature of West Bengal's cross border organized crime can be summarized as follows –

Human Trafficking: Because of its close proximity to international borders, West Bengal is a major transit and destination site for trafficking, particularly of women and children.

Smuggling of Goods: Cattle, gold, drugs, and counterfeit money are all illegally traded across the border between India and Bangladesh.

Arms and Drug Networks: Organizations take advantage of lax border security to move drugs and weapons, which exacerbates insecurity and violence.

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Illegal Migration: Unrestricted cross-border travel puts demographic burden on local governments.

Effects on Institutions, Justice, and Peace

Erosion of the Rule of Law: Corruption is encouraged and judicial institutions are weakened by organized crime.

Social stability is threatened by violence, exploitation, and insecurity in communities.

Institutional Vulnerability: Political meddling, scarce resources, and cross-border challenges plague law enforcement organizations.

Economic Disruption: Smuggling damages lawful commerce and costs the government money.

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Background of Study

Organised crime has long posed a significant threat to India's internal security. West Bengal shares a long and often porous international border with Bangladesh, making it highly vulnerable to sophisticated, cross-border criminal activities, including Illegal migration, Gold Smuggling, Cattle Smuggling etc.

Result and Discussion

The following case studies and incident analyses are done as methods of doctrinal and empirical studies:

i) Cattle Smuggling Network in North and South 24 Parganas

Cattle smuggling is a highly organised criminal operation involving truck operators, document forgers, corrupt intermediaries, transport chains, and Bangladeshi buyers. The activities attracts Section 111 BNS, 2023 because of several causes like Smuggling involves a structured criminal network, and it generates high illegal profit through repeated offences. Cross-border elements make it a transnational organised crime. The cattle-smuggling network typically begins its operations deep inside rural markets, where animals are procured illegally

through local agents. Once the cattle are collected, middlemen prepare forged transport permits to create the appearance of lawful movement. Using these fake documents, trucks carrying the cattle travel mostly at night, moving quietly toward villages situated close to the international border².

Through these openings, the cattle are quickly driven across to the Bangladeshi side, where buyers waiting near the border receive them. Payments for the consignment are rarely made through the formal banking system. Instead, the money is channelled through hawala operators, cryptocurrency transfers, or cash couriers to ensure anonymity and avoid financial tracking³.

ii) Illegal Migration Syndicate in Nadia District

Illegal crossing into India and Bangladesh often occurs with the assistance of document-forgery rackets producing Aadhaar cards, ration cards, and PAN cards. Section 111 enables prosecution for Cross-border agents.

Illegal migration networks often operate through a structured chain of intermediaries. The process usually begins when prospective migrants make contact with local agents who promise safe passage and new identities. These agents collaborate with document forgers who create fake identification papers, such as Aadhaar or PAN cards, to help the migrants blend in. Once the forged documents are prepared, the migrants are quietly moved to safe houses near the border, where they wait for the right moment. Cross-border guides, familiar with the terrain and security gaps, then facilitate the illegal crossing into India⁴. After entry, the migrants are resettled in targeted towns or cities using their newly created identities to access housing, employment, and public services. Payments for the entire operation are routed through layered financial channels designed to conceal the flow of money. When investigators eventually expose this coordinated chain of agents, forgers, transporters, and guides, the entire syndicate can be booked under Section 111 of the Bharatiya Nyaya Sanhita for organised crime⁵.

iii) Aligning SDG 16 with the Challenges of West Bengal In this situation, a number of tactics are essential to achieving SDG 16:

Coordinated policing, technology-driven monitoring, and improved surveillance are ways to strengthen border governance.

Cross-border legal frameworks and bilateral agreements with Bangladesh to prosecute criminals may be considered effective measurements by Judiciary and Executives.

Community empowerment includes victim support services, livelihood initiatives, and awareness efforts to lessen vulnerability.

Institutional reforms include anti-corruption initiatives, judicial and police capacity building, and open governance.

Regional cooperation: joint efforts to combat organized crime led by SAARC and UNODC.

Conclusion and Suggestions

Section 111 of the Bharatiya Nyaya Sanhita (BNS), 2023 marks a significant shift in India's legal architecture against organised crime, particularly in states facing persistent cross-border criminal activity. When examined within the unique geopolitical landscape of West Bengal's border districts, Section 111 emerges as a potentially transformative legal instrument⁶. By explicitly recognising such recurring and coordinated criminal conduct as organised crime, Section 111 enables law-enforcement agencies to prosecute entire networks rather than focusing on low-level operatives. SDG Goal 16 is directly threatened

by cross-border organized crime in West Bengal. A multifaceted strategy that combines border security, judicial cooperation, community resilience, and international engagement is needed to build peaceful societies, ensure justice, and establish strong institutions. West Bengal can only get closer to realizing SDG 16's objective by implementing such integrated measures. □

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