EXPERIENCES OF MOBILITY AND INCARCERATION: CONTEXTUALISING WOMEN'S NARRATIVES OF BANGLADESH-INDIA BORDER CROSSINGS

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Introduction

The 1947 Partition caused the largest migration in South Asia, displacing over 11.5 million people. While the western border between India and Pakistan saw army-assisted evacuations, the eastern border experienced a more complex migration. Initially, wealthier Hindus from East Bengal migrated to West Bengal, while poorer peasants stayed behind. Over 6 million Hindu refugees moved to West Bengal by 1973. The Standstill Agreement allowed border trade and daily crossings, but riots in Dacca led to the introduction of passports and visas in 1952. The India-East Pakistan border, not necessarily based on religious lines, became a site of disputes and bureaucratic control. The 1972 Indira-Mujib Pact allowed pre-1971 migrants to stay, but by 2001, Bangladeshi migrants were labelled as infiltrators, reflecting a shift from the narrative of homecoming to exclusion. This narrative continues to influence India's border policies with Bangladesh.

It becomes important to locate women's position under such conditions and even in the current times. During the Partition of India, women faced brutal assaults and displacement. Both India and Pakistan sought to recover abducted women under various agreements, highlighting gendered violence across communities. It also shows how female bodies often were made to embody as well as carry the honour of the community. This embodiment of honour, morality and often risk are still attached to women mobility, and this is where the research tries to situate the essence of the problem it tries to look at.

Women's migration is observed as secondary, mostly as a counterpart to the primary male migration. Therefore, even when most movements across the Bengal borderlands were scruntised post Partition, marriage migration remained one of the licit cross border movements. Simultaneously, women moved for work as well. Despite limitation on movement and mobility, women increasingly participated in labour migration, driven by

economic changes and feminisation of poverty. Feminist scholarship has highlighted gendered controls restricting women's mobility, especially for young or poor women, challenging patriarchal norms. However, migration became both a gendering process and a space for evolving gender roles as South Asian women consistently adapted to shifts in family structures and cultural expectations during migration across borders and beyond.

Statement of the problem

The current global regime has seen an evolution in terms of migration and asylum policies as immigrants are seen with scrutiny, transnational movement is seen as an imminent threat and migrants often seen as vehicles of crime. Against such growing concerns about transnational migration and crime, border becomes a site of exclusion of citizens from non-citizens where the sovereignty of a nation state is localised.

Although India and Bangladesh maintain a friendly relationship, their border remains highly sensitive, heavily surveilled, and marked by violence. A significant number of people cross this border annually, though exact figures are unavailable, with hundreds arrested and criminalised for unauthorised movements. These crossings are often deemed illegal and labeled as "infiltration," a term central to India-Bangladesh border narratives, which obscure the complex realities of intertwined lives, migration, and kinship. Under such conditions, borders extend into public spaces, enforcing practices of identification and exclusion, often criminalising unauthorised or illegal non-citizens. While West Bengal receives undocumented migrants from countries like Nepal without criminalisation, irregular/illegal Bangladeshis face charges under multiple legal acts such as Foreigners Act 1946 and Passports Act 1920. This raises questions as well as concerns since cross border movements in the Bengal borderlands are intertwined with history, kinship and cultural exchanges.

Research Objectives

The proposed research tries to understand criminality of mobility at the West Bengal-Bangladesh border. It interrogates how in a border that shares a colonial history, mobility is understood and controlled by the state and how this border control practice is enacted. The study foregrounds female border crossers experience in understanding this criminalisation of cross-border mobility and simultaneously situates the state's understanding of the same in these contexts. By situating these women's experience in the border and prison as a site of border control practice, the research tries to interrogate their experiences of navigating the border, urban internal spaces, prison and judiciary through their identity as 'foreign women'. The research, hence, tries to understand and contextualise the experiences of incarcerated Bangladeshi women from border to prison to court while they are being criminalised for crossing the West Bengal- Bangladesh border.

Research Questions

1. In what ways does criminalisation of mobility at the West Bengal- Bangladesh border function as a border control practice?
2. How do Bangladeshi women who make irregular border crossings at the West Bengal-Bangladesh border experience the process of criminalisation?
3. How incarcerated Bangladeshi women border crossers navigate border and carceral spaces?

Field and Methodology

Literature Review:

The thesis looks at Criminology of mobility or criminality of mobility as its primary theoretical framework. Since the study looks at mobility at the border, it also takes in from a cluster of scholarship done on cross border mobilities both from within the larger discourse of criminality of mobility as well as specific to India-Bangladesh borderlands.

The primary reason for why criminology of mobility is the main theoretical framework for the thesis despite the study largely revolving around ideas of identity, citizenship, border and judiciary is because criminology of mobility as a field explores interconnections between border control and criminal justice. Border control practices are intertwined with concepts of citizenship and is designed for people who do not belong to the citizenry. This interdisciplinary nature of the field further helps this study which looks at multiple aspects of a phenomenon as well as is multi-sited ethnography in nature. Criminology of mobility as a recent and developing framework looks at how criminology is entangled with mobility especially as human mobility has increased dramatically post-globalisation and neo-liberalisation. While countries adapt to accommodate newcomers, there are also simultaneous process of blocking them out and criminalising them in the process.

Although the criminology of mobility largely looks at the borders in the West, it does offer deep insights into how citizenship regimes have adopted a more exclusionary approach to immigrants. However, there is very little work that is based on the Global South. Hence, it is in this space that Rimple Mehta's work becomes very important as it examines the cross-border mobility at the West Bengal-Bangladesh border through a Southern feminist approach. Mehta's monography *Women, Mobility and Incarceration: Love and Recasting of Self across the Bangladesh-India Border* takes in from the narratives of imprisonment of Bangladeshi women in Kolkata to understand their idea of illegality, honour and love and how they

negotiate these ideas in the prison. This research is very close to Mehta's work as the category of the respondents as well as site of the fieldwork is similar. However, what this study adds to Mehta's work is that while Mehta does a deep dive into the lives and experiences of Bangladeshi women in the prison, this research expands onto border as a site of study and looks at how women negotiate the idea of identity, labour, community and licit.

Respondents/ Participants of the study:

The research was a multi-sited fieldwork. It was carried out in a central correctional facility in Kolkata and some border villages in the district of North 24 Parganas areas of Kolkata where I interacted with border guards as well as local villagers. The names of the border outposts shall not be disclosed to maintain the confidentiality of the said border guards. Besides, the prison and the border, I also talked to a couple of other state and non-state actors in and around Kolkata. The interviews were semi-structured leaving scope for more discussions. The interviews with the state officials needed permission from the concerned authority, therefore the first step usually involved writing letters for permission to the offices through emails. It normally took several weeks for the offices to revert to the letter and often there would be no responses at all. The state officials that were interviewed in this way were top officials of Kolkata Police, West Bengal Police Department, Border Security Force (BSF) and Correctional services in the district of Cooch Behar, West Bengal. Many of the officers referred me to other top offices making it easier for me to arrange a meeting with them. There were also a couple of informal meeting set up with state officials over the telephone where they would speak about their work and how they patrolled border activities in their region and context.

Besides the state officials, other non-state actors were also interviewed during the study. They were residents of border areas, social workers and members of human rights

groups based in West Bengal, members of Non-Profit Organisation, members of anti-human trafficking organisation, journalists, lawyers and academicians. These were largely carried out as informal non-structured interviews in person or many times over telephone. The contacts of the interviewees were often referred by previous interviewees who would refer me to them, resembling more as snowball sampling in loose terms. Such mode also enabled me to approach people who would often be wary about talking about topics dealing with state and state operations.

Table: List of Respondents of the Study

Respondents	Number
Incarcerated Bangladeshi women	27
BSF personnel	9
Border Police Personnel	1
Police personnel (Kolkata)	4
Prison Officials	10
NGO workers/ Human rights Organisation members	6/4
Lawyers/Legal Volunteers	3/1
Journalists	1
Border villagers	10
Academics	4

Total	80

Sites of Fieldwork:

The study was qualitative in nature. The field work was primarily conducted in the prison because despite the limitations the prison was the only accessible site where I could have got a chance to interact with those persons who are criminalised for making irregular border crossings at the West Bengal- Bangladesh border.

A secondary study was conducted in five border villages of North 24 Parganas namely Gobindapur, Hakimpur, Purba Joynagar, Panitar and Sayaeshtanagar to understand how border crossings are understood by the residents and law enforcement officials stationed in these regions. These field visits were conducted between January 2022 to December 2022.

a. Correctional home:

The study at the correctional home was carried out between February 2022 and September 2022 where I was given permission to conduct interviews of the concerned respondents once a week. The permission was given by the Inspector General of Prisons and the Superintendent of Police was given the charge of deciding the time and place of the interview. Since the Coronavirus pandemic was still a big threat during the time of the interview, I was not allowed to enter the prison barracks and had to conduct interviews of both the prison officials as well as the prisoners in the common spaces of the prison. Therefore, the interviews were carried out mostly in the clerical offices as well as near the common entrance of the prison.

b. Border:

The designation (of state actors besides BSF Company Commander) and the location of the interviewees are not disclosed to maintain ethics of anonymity and to avoid indication of any sort of information.

Conducting field work with the state actors was rather difficult to get through as it often meant getting more approvals. Firstly, I was at no point allowed to walk into any law enforcement offices or border outposts beyond the main entry point. So, I had to get a letter of permission that had to be shown before I could be at the offices. Most letters seeking the permission would be emailed to the official emails of the designation asking for permission to speak to law enforcement personnels be it in the police or at the border. For those in the police or BSF headquarters, the officer to whom the letter was addressed, decided to give the interview, though at no point the letter mentioned who the preferred interviewee was. I preferred talking to subordinate officers as they came across as more honest and less cautious about their answers and also because they would be the ones with more field experiences and stories to share. On the other hand, the higher-ranking officers and in-charge seemed to be wary of the kind of study, even suspicious about whether it would be critical of the state. The answer would be more precise, closed-ended and cautiously constructed as to evade any sort of further follow-up questions and critiques. Often if the interviewee was not as wary, they would refer me to the officers of other departments thereby making it easy for me to get access to interviews.

Timeframe of the study:

The fieldwork was conducted from November 2021 to December 2022. At the time of the interview, the respondents' duration of incarceration was no more than two years. The study

has examined secondary data of the past ten years that are available through government agencies and independent research.

Significance of Study Area:

I try to look at two areas as field sites because both sites are pivotal when it comes to criminality of mobility at the India-Bangladesh border.

The prison contains those who are criminalised for extra-legal border crossings in the West Bengal –Bangladesh border, primarily at the North 24 districts. Despite the limitations of the prison as field site, it was the only accessible site where I could have got a chance to interact with those persons who are criminalised for making irregular border crossings at the West Bengal-Bangladesh border. Additionally, prison acts more than a physical space, it encapsulates the temporality of the criminality as the people are confined for a certain 'time' with an intention of punishment and correction. Hence, prison becomes a site where criminality of mobility as a legal and codified process and practice is enacted and executed. Without prisons, the process is incomplete.

Another fieldwork site was the North 24 Parganas borders. Besides the fact that barring two women the respondents were arrested at the borderlands of the North 24 Parganas district, the study chooses to look at border as a secondary site of ethnography because borders are where the process of criminalising of these individuals happen for the first time. Borders becomes important in this context because without the nature of the border in context, it will be incomplete to understand why and how people move across it without authorisation. Out of 27 respondents of the study, 25 were arrested at the border while entering or leaving India which makes it important to note that criminalising of border crossing is not limited only for entry to the country. The interviews with the border guards,

BSF and Police help us understand how the state perceives and aims to prevent cross border movement and if such understanding is uniform across the force.

Narratives as data:

The study investigates narratives as a key tool for data collection, highlighting the stories of prisoners and state actors. Narratives face scrutiny in social science for their subjective nature, seen as less reliable compared to empirical methods. Critics argue they lack measurable evidence and are dismissed as fiction or storytelling. But narratives offer unique insights beyond quantifiable aspects, capturing social realities, human concerns, and dynamic identities. They are chronological, meaningful, and social, providing a structure to recount experiences.

Although challenges arise when researchers impose meanings or selectively emphasise parts of narratives, narratives empower narrators through self-representation and identity formation, reflecting evolving social structures and beliefs. Narratives also deconstruct cultural discourses, uncovering relational and changing identities, shaping the larger sociological and criminological understanding. The process of creating and consuming narratives involves performance, interaction, and context, showcasing their importance in interpreting social life.

Therefore, narrative criminology allows researchers to explore lived experiences of criminalised individuals, revealing changes over time and space. Narratives are vital in criminology, offering insights into phenomena that are difficult to observe directly. They go beyond mere accounts, serving to build identity, integrate experiences, and challenge taboos. This approach emphasises relationships shaping stories rather than focusing solely on their authenticity. Storytelling is a dynamic, intersubjective process involving multiple voices and

negotiations, often influenced by audience context. In this study, incarcerated women's narratives demonstrate self-representation, showcasing moral assertions amidst societal scrutiny. Ambiguities in these accounts reflect their beliefs and situational identities. Narrative criminology challenges binary categorisations, instead granting agency and exploring complex identities. It also sheds light on state agents' varied experiences and beliefs. Ultimately, narratives provide unique insights into the nuances of border navigation and criminalisation, offering a deeper understanding of social realities and evolving identities.

Research Ethics:

Conducting research in a prison through interviews of incarcerated foreign nationals and conducting research with state actors as respondents, both invited caution and awareness regarding the location of fieldwork as well as position of the researcher.

In both instances, I made sure of minimising any sort of discomfort to the respondents by not coercing them into answering anything they were not comfortable with. Also, the respondents were always made to feel free to not answer any questions. While talking to the state actors, the position that the respondents derived from the office that they held, kept them at a position of power, where I had to largely rely on their instructions and whim. However, in the prison, I was aware that my position as a 'free citizen' of a country put me at a position of advantage and that the position of the respondents as 'foreign prisoner' immediately put them at a position of disadvantage. Fully cognisant of these facts, I tried my best to not violate codes of ethics while conducting fieldwork.

All the respondents were correctly informed about who I was and the nature of the study that was being conducted. All had consented to the study on the condition that

confidentiality and anonymity would be maintained. The respondents at the prison were specifically told that their names or identities would not be disclosed, and the study would not affect their ongoing court case in any way. They were also fully informed that the study would not help their cases either or accelerate their process of deportation. Although some women did ask me for help like arranging a phone call or helping with their case, they were at no point given any sort of false hope that the study could individually help them. Given that these interviews were not one-on -one and were carried out amongst their peers, I also refrained from asking too personal questions that would put the respondents in a difficult spot.

Many of the state actors actively asked me to not mention their names. Those who were interviewed informally were assured beforehand that their names or location would not be disclosed in the study since they would be visibly tensed when speaking about their job. Those who were formally interviewed were contacted through recorded mail, yet I have consciously decided to not include their names or their offices in the study to maintain anonymity.

At no point during the study, I have deployed any deceptive practice to conduct or record the interviews. I had asked for permission to audio-record the interviews in the prison, but on clear denial of permission, I refrained from adopting any methods that would question the credibility towards ethical research.

Chapterisation

Chapter 1: Introduction

The first chapter begins with briefly looking at the history of movements across India and Bangladesh after the Partition of 1947. The history reveals how the perception of

Bangladeshis has evolved with time, from individuals separated by the process of nation-making to increasingly being seen as a detainable and deportable subject of the current times. The Indian government organised army-assisted evacuations on the western border, while population exchanges on the eastern border proved impractical, resulting in significant long-term displacement. Over time, the narrative shifted from "homecoming" to "infiltration," particularly targeting Bengali Muslims, labelled as infiltrators in the 1980s as anti-Bangladeshi sentiment intensified, framing migrants as threats to national security. The chapter moves forward by finding the location women in this discourse and finding how women have been imagined in the nation-making process, mostly as passive subjects who symbolise national honour and identity, while men actively engage in nation-building. Similarly, gender significantly influences their experiences and societal perceptions as women become migrants. It then moves further into looking at the Bangladeshi female labour migration as most of the respondents of the study belong to this category. It is observed that Bangladeshi women increasingly seek overseas work, driven by economic necessity. Although they contribute significantly via remittances, they face poor working conditions, low wages, and vulnerability, particularly in India, where undocumented migrants form an informal workforce.

The latter half of the chapter delves into the methodological aspects of the dissertation by highlighting the problem that it seeks to address, i.e., the criminalisation of the discussed migration through narratives. Narratives as a source of information in a social science has often been questioned for its validity and reliability in a study. However, narratives reflect larger structures and meaning makings of the study in how it is constructed, produced and consumed. Narratives are also important in this research because the women are getting a chance to explain themselves—an act that they rarely get a chance to, after being caught and imprisoned. Both as women, and as a criminalised being, being able to speak for themselves

is a rare opportunity. Besides the narratives of the incarcerated Bangladeshi women, state actors and non-state actors were also interviewed to understand cross border mobility as well as border control practices. The dissertation looks at the process of criminalisation of mobility in India through the trajectory of the process, that is from the being arrested to being incarcerated to being deported. Hence, the chapters move from border to the prison to the courts.

Chapter 2: Policing the Border

The second chapter starts by looking at India Bangladesh border as the first site of criminalisation of mobility in the context of the study through field study and various interactions with the border guards and border villagers. The chapter starts with a brief introduction to the India Bangladesh border and the Indian Border forces stationed in the borderlands. It then tries to interrogate the symbolic meanings that fences carry and the strategies of policing at the border. Lastly, the chapter delves into the narratives of interaction between the border forces and the respondents of the study at the time of their arrest. Border fencing has occupied a pivotal space in both scholarships as well as state discourses where it shows how border becomes a space for the state to exercise and uphold the sovereignty of the space and fences are instrumental in doing so. The border in context that is West Bengal - Bangladesh border is known for its everyday violence and increasing militarisation. Visiting the fenced areas becomes even more restricted with limited authorisation for visitations, be for the villager or an outsider. Border villages are under surveillance and what this leads to is the village itself absorbing the politics of the fence. Criminalising mobility at the national frontiers, therefore, captures the complexities of nation states where the process of guarding the borders is both targeting and protecting therefore emanating both hope and fear at the

same time. In such borderlands, the citizens submit to the state by specifically submitting to the authority of the border guards as modern nation-states expropriate what John Torpey calls legitimate ‘means of movement,’ leading to the detention and criminalisation of border crossers. Such militaristic and hyper-masculine nature of border control influences which bodies are permitted to cross, reinforcing gender dynamics: women are viewed as needing protection while men are seen as threats, making the border a gendered space.

The chapter also looks at interaction between Bangladeshi border crossers and border forces under such conditions as border becomes the point where most respondents met the state. Most respondents moved for work or due to kinship ties. While many women reported not being mistreated by the Border Security Force (BSF), they felt intimidated and often pleaded for leniency. Some were prepared to evade arrest with fraudulent Aadhaar cards or explanations claiming Indian identity. However, there also existed accounts of harsh treatment, including humiliation and hostile behaviour from the border guards towards those arrested. Under such conditions, a notable distinction emerged in interactions; the border police were perceived as milder and less hostile than the BSF. The BSF sought greater power and authority, while the border police advocated for stricter laws. This difference illustrates the BSF's perception of entitlement due to their role at the borders, contrasting with the police's position within the legal-judicial system.

As the chapter traces the narratives of Bangladeshi border crossers, the border villagers as well as the border forces, what unravels is the absence of uniformity in the approaches and the perspectives of the state actors. In this case the border officers be it the BSF or the Border police. This lack of uniformity is explained in two steps. The first is through the act of discretion which becomes rather important in the context of the study. Detection becomes challenging without clear physical markers, so border guards often rely on discretion and intuition, which makes border control practices unpredictable. Hence, the

interactions with various border guards revealed that many factors affected how they perceived and enacted border control such as the nature of the border in question. While the border outpost with less activity appeared quieter, so did the border guards who came across as calmer. Whereas another border outpost in the same district infamous for its high frequency of cross border activity as well as hostility of the BSF, was chaotic from the very entry point. I consisted of multiple checkpoints and the border guards were less approachable and candid while talking to the researcher.

Second is through the interaction of the women with the border guards which was different at different border outposts. For instance, the experience of these women with the state actors depended on which border they were arrested at. Additionally, their interaction with the border police was different than that of their experience with the BSF which also showed how state actors stationed at the same region of the same border can vary in their perception, functioning as well as temperament. Some saw border crossings as a mean to sustain life, since India was a greener pasture for these Bangladeshi women, while some saw it as criminal activity meant to be harshly punished.

Chapter 3: The Criminality of Mobility at the West Bengal-Bangladesh Border

The third chapter takes in from the second chapter on border to look at the mobility at the border as at the criminalisation of it. It explores why women in the study chose to cross the West Bengal-Bangladesh border illegally despite having access to passports and visas, often paying high fees, facing exploitation, and deception. It connects this issue to broader theories of transnational networks, labour, kinship, and criminality. The chapter interrogates how Bangladeshi women understand and conceptualise their criminalise against three recurring themes that occurred in the interviews: the role of cross-border networks in facilitating

crossings and the normalisation of cross border mobility amid rampant border crossings, the experiences of non-citizens working in Indian urban areas, and the complexities faced by Bangladeshi women married to Indian men regarding their citizenship status when jailed.

From the conversations with the respondents, both incarcerated women as well as other, what was observed was that cross-border movement, despite being criminalised, remained a routine and normalised activity for many. The fact that there existed long standing border networks in the form of border touts, contractors' people who enabled document forgery showed how the dynamics of border crossings entails a range of agents besides the respondents of the study, be it the crossers of the guards. Some respondents had crossed multiple times with the help of border brokers or *dhurs* whereas some did not take any assistance, which displayed the seamlessness of the border where one nation flows into another making such cross- border movements rather unremarkable. And it is often in making these unremarkable movements visible, the state exercises criminality of mobility in such an active border region that lacks any sort of estimable data of cross border movements. As the long- established networks and functioning of the brokers or *dhurs* showed the ordinariness of negotiations of resources at the border, it also meant that the women often saw border-crossing as an ordinary event rather than a criminal offense. Therefore, the arrests at the border amidst such mundanity of the border crossings perplexed the women about the criminal nature of it.

Furthermore, in examining the economic migration of women, all respondents who had worked in Indian cities confirmed that their native employers were aware of their Bangladeshi identity and had no issues with it. This finding challenges the notion that immigrants create problems for residents. In West Bengal, particularly in Kolkata, much of this acceptance can be attributed to a shared history before the partition where Bangladeshis are often viewed as either former refugees or as newcomers, as suggested by Rizwana

Shamshad. Additionally, this acceptance is likely because Bangladeshi migrants bring with them low bargaining power and offer cheap, flexible labour. However, this context led the Bangladeshi women to view their work as less illegal and more licit, even when they could see their presence as illegal at times, they failed to see their labour as one.

Likewise, the longstanding kinship networks and exchanges between India and Bangladesh, particularly marriages influence border mobility and complicate citizenship definitions. Bangladeshi women marrying Indian men often see themselves as belonging to the nation of their husbands, but as the study shows, many end up facing arrest and deportation due to legal and bureaucratic frameworks. Their experiences highlight the gap between legal frameworks and lived realities, leaving them uncertain about their citizenship—caught between their birthplace in Bangladesh and their husbands' home in India. Marriage migration challenges traditional norms and crossers challenge national borders, but nation states play a crucial role in shaping these movements and settlement processes. Therefore, movement of brides should be understood within the context of national borders and practices, influencing not only entry and residency but also the broader notions of belonging. This conundrum of being and belonging can be traced to how a woman is ideally imagined as a citizen, her identity largely attached to her role as a passive appendage to her male family members.

This brings one to the blurring of the difference between illegality and criminality in the context of unauthorised border-crossing. While authorised irregular crossings are labeled as crimes in legal terms, the underlying motivations and experiences of the crossers as discussed complicate this view as women who often cross for work or marriage fail to see the criminality of their action which appears as licit. Through their narratives, these women questioned the legitimacy of their criminalisation even when they knew about the legal way of moving across the border. The existence of this slim difference between perceiving the act

as illegal but not criminal becomes important. Illegal and criminal have often been represented as equivalent, where illegal has often been perceived as criminal. But what the women as well as state actors' foreground through their narrative is the fact that their illegal act of crossing the border does not constitute as crime primarily because it does not harm anyone. It is in this space of negotiating of ideas of criminality, there exists a continuum between legal and licit, as what may not be legal may still be licit and the reliance on legal mechanisms to criminalise migrants neglects the social factors driving their mobility.

Chapter 4: Negotiating Identity, Honour and Labour as Non-citizens: The Experiences of Imprisonment

The fourth chapter moves from border to the prison, which acts as the site for criminalisation as well as punishment in the context of the study. The chapter examines the experiences of incarcerated non-citizens, particularly Bangladeshi women, within the prison system of West Bengal. It explores how these women negotiate their identity, honour, and labour in a carceral space primarily designed for the punishment of citizens. The chapter situates their experiences within broader debates on punishment, sovereignty, and gendered migration. It argues that the criminalisation of mobility extends beyond borders into the prison system, where non-citizens are subjected to surveillance, discipline, and exclusion.

Prisons are traditionally seen as masculine spaces, leaving Bangladeshi women to navigate a double marginalisation as 'foreign women' in these spaces. Many women who travel alone face assumptions of being at risk for sex trafficking, prompting them to assert that they have not been assaulted during their journeys. They're often categorised within a binary of victimhood or criminality, either viewed as trafficked individuals needing protection or as immoral border-crossers. State officials interviewed during the study,

including police and prison staff, frequently perceived this category of prisoners through a dual lens of protecting as well as policing thereby reinforcing the binary of victim and criminal, presuming they are sex workers or trafficking victims. However, these women while feeding into the statist notions of female mobility and female bodies also often challenge these in myriad ways. Such as the fact that Bangladeshi women refuse to plead under plead under the Immoral Traffic (Prevention) Act (ITPA) to avoid being labelled as trafficked, choosing instead longer sentences under the Foreigners Act.

Besides this gendered notion of morality, what the women had to negotiate was their dignity as non-citizens too. Their identity as jailed foreigners made them particularly vulnerable to mistreatment by Indian prisoners arrested for more serious crimes. This highlights how citizenship shapes ideas of belonging and power distribution. In a foreign prison, the women find their un-belonging is evident both in leaving their homelands and entering a carceral space making female foreign prisoners more visible as both criminals and non-citizens. This shows that punishment much like borders generate political identity, morality, and societal structures, suggesting that penal institutions reflect and extend the meanings of borders.

This exclusion and othering of non -citizens was also visible in the how the foreign prisoners sold their labour in the prison. Since, foreign national prisoners cannot avail paid labour in the prison, they often had to rely on working for other prisoners, mostly Indians, to manage for essentials that are not provided by the prison management. Such roles mirror the vulnerabilities faced by undocumented migrants in India's informal economy. Despite marginalisation, these women build informal support networks, creating a "community of outsiders" that helps them resist exclusion. Through shared experiences, they develop a collective identity, aiding each other in navigating prison life and consistently sharing resources like menstrual products due to insufficient supplies. Additionally, experienced

inmates provide legal guidance to newcomers, reinforcing their communal resilience and compensating for a lack of institutional support.

A prior notion attached towards women in prisons is the idea of shame and indignation attached to female bodies and mobility. There were instances, when the respondents' showed signs of worry about their folks back home coming to know about their incarceration and how they would sometimes be relieved about the lack of communication with their families because that meant no one knew about their imprisonment. However, there were more respondents who were more concerned about getting back home and sought to contact their families back home. Many times, the women stated it was their families and folks that suggested they cross the border for work. However, it was the uncertain nature of the imprisonment with pending court hearings and overdrawn sentences, that worried the women more as they failed to comprehend why a harmless act of crossing the border for work warranted such long imprisonment.

Chapter 5: Deportation*, 'Jaankalash',* and Contested Citizenships

The fifth chapter takes in from the anxiety of the incarcerated women as discussed towards the end of the fourth chapter and interrogates the process of deportation as the final phase of the criminalisation of mobility. A key focus of the chapter is the prolonged judicial process that foreign national prisoners (FNPs) must endure. Many of the respondents in the study were undertrials—individuals awaiting conviction or acquittal—rather than convicted criminals. Legal proceedings in India are notoriously slow, exacerbated by an overwhelmed judiciary and inadequate legal representation. It is often due to the pendency of court trials as well as long bureaucratic processes that the women end of overstaying, they time in the prison. Such prisoners, called *jaankhalash* are no longer legally defined as criminals, yet they

continue to be treated as such due to their unresolved legal status. The uncertainty surrounding their identity—neither fully Bangladeshi nor recognised as Indian—puts them in a limbo state where their nationality remains undefined. At the same time, the prolonged imprisonment of the foreigners in the country contradicts with the states' ambition of removing foreigners from its territory promptly.

Until this point of the dissertation, Foreigners Act 1946 was understood as a legal act designed for the foreigners and any sort of unauthorised stay or entry pertaining to these foreigners. However, during one of the field visits to a local district court, what emerged was the existence of court cases where many individuals claiming to be Indian are charged under Foreigners Act 1946. Under these cases, these said individuals had provided ample documentation proofs to support their claim of citizenship, however, it is because of the nature of the Foreigners Act 1946 that puts the onus of proof on the accused, that the said individuals had to remain the judicial custody until they were acquitted at the court. The surplus of documents as well as existence of forgery of documents often trivialises citizenship claims, reflecting Kamal Sadiq's concept of documentary and blurred citizenship. Such contested citizenships question the idea of documents as proof of citizenship as well as demonstrates how the task of identifying citizens becomes an unfinished task, emphasising the inadequacy of documents as reliable markers of citizenship.

This becomes more crucial in the aftermath of Citizenship Amendment Act which makes its way onto foreigners Act 1946, as to make this act religion neutral. The Citizenship Amendment Act 2019 (CAA) states that Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) from Pakistan, Afghanistan and Bangladesh would be exempted from both Passports Act 1920 and Foreigners Act 1946. Hence, a person who does not belong to any of this religion would be more vulnerable to being charged under Foreigners Act 1946, which as displayed by the cases becomes a tool against marginalised citizens as well.

This also becomes important to note in the context of the respondents. CAA does not directly influence the cases of the Bangladeshi women participants of the study since they at no point had raised claims for Indian Citizenship and sought to return to their country. Therefore, there was a clear absence of any sort of ambiguity regarding nationality as well as citizenship the cases of the Bangladeshi participants. However, had there been any sort of claim making of citizenship or appeal for one, only those respondents who belonged to any of the six minority religions mentioned in the CAA, could avail the provisions for citizenship.

Chapter 6: Conclusion

The sixth and the final chapter, "Summary and Conclusion", brings the dissertation together and concludes with the final thoughts of the researcher. The chapter sums up the dissertation while explaining the relevance of the study. It then discusses the findings of the research. Lastly, the chapter ends with the limitation of the dissertation and highlights questions for future research.

Limitation and Scope for Future Research

The study strictly limits itself to women border crossers from Bangladesh. The primary reason for focussing only on women mobility is because women mobility is intertwined with honour, sexuality and morality which are concepts that the study investigates. Men crossers are vulnerable to the hazards of crossing a heavily militarised border have their unique experiences, however, concepts of morality are not as deeply ingrained in male mobility as it is with female mobility. Since, the study does not delve into Bangladeshi male migration at any point, it does not offer any sort of comparative study between the male and female migrations either. Therefore, there lies scope for interrogating how men crossers experience

the process of criminalisation of mobility given male bodies are largely perceived as risky bodies.

The interactions with the state actors and the Bangladeshi women were limited to their border movements and their perception about criminality of border crossings. Also, the study focusses into the process of criminalisation of mobility and the idea of criminality as perceived by the women. Thus, the study does not offer deep insights into the personal lives of any of the respondents. This was largely due to space and time-based constraints set post Coronavirus pandemic.

The study focusses mainly on the class aspect of the respondents (Bangladeshi women), and not so much on the caste or religion. Class seemed to be the most decisive factor in female border crossing experiences and criminalisation experiences are concerned, as far as the responses of the women show. Religion certainly forms a very important index in understanding border crossing in South Asia, especially post Citizenship Amendment Act (CAA) and in the context of the current political turmoil in Bangladesh. But since the research is based entirely on the responses of the prisoners, it kept itself restricted to the aspects which the respondents themselves focused on, i.e. class, and not so much religion.

The study delves into juridical difficulties regarding court cases of the respondents but does not actively follow their case during or after the fieldwork. This was because the researcher was not provided with the case details of the participants. Therefore, the study does not to address for how long the respondents spent their time in the prison after the interviews.

Although, the scope of the study in its current form is limited, there is room for more discussions in future academic endeavours.

Concluding thoughts

The study explores how states and institutions categorize individuals, particularly illegal or irregular immigrants, to better monitor and govern them. Women who cross borders illegally are often categorized either as criminals or as trafficked victims, tying their mobility to their bodies. The state seeks to simultaneously police as well as protect these women, framing them both as risks and at risk. This reflects the gendered nature of mobility and morality, where women's movements are differently policed than men's.

Under such preconceptions, Bangladeshi women prisoners go on to internalise but also resist patriarchal norms tied to mobility and honour. Some women accepted the state's moral framing, while others subverted these notions by openly rejecting shame associated with illegal migration. This subversion was seen through one of the primary themes that the study foregrounds, the ordinariness of border crossings, where the concept of what is licit (socially accepted) often overrides what is legally defined. Although the women knew crossing was illegal, they didn't necessarily view it as criminal, showing a gap between legal definitions and lived experiences.

However, bordering as a practice also go on to occupy spaces beyond physical borders, into prisons and everyday life as observed in the study through the narratives of the incarcerated Bangladeshi women. It was not just state actor and border guards but also non-state actors, like local border villagers and most importantly, Indian prisoners, who participated in "performing the border" by distinguishing and excluding Bangladeshi women. One could see that even in the absence of sharp physical markers, the idea of a border was maintained through social practices and stereotypes.

Ultimately, the study critically analyses The Foreigners Act of 1946 as a tool to criminalise any border movement. With the help of narratives as well as secondary data, the study shows that as mobility is heavily policed in a border riddled with high frequency of

cross border activities, the Indian citizens are not totally untouched. As Indians are arrested and charged under Foreigners Act 1946, the reliance on documents for citizenship proof often raises questions about the credibility of documents, making this process of identification and criminalisation an unfinished task.