

**Experiences of mobility and incarceration: Contextualising women's narratives of
Bangladesh-India border crossings**

Abstract

Transnational migration is increasingly being contextualised as a preeminent form of global threat in the popular discourse thereby inviting reconfiguration of overarching security and citizenship policies followed by the international community. Although this rhetoric locates border as a site for primary action against such 'threats', the modality of exclusion transcends boundaries and categories of legalities or criminalisation of 'illegal' migration making border a fluid entity, a practice and a performance. Criminology of mobility as a framework offers diverse perspectives on how immigration and asylum policies have evolved with time against an increasingly exclusionary politics of citizenship and belonging. Therefore, borders emerge as a tool and as method to check and criminalise any sort of unauthorised transnational movement. As a tool, border becomes the site where the non-citizens are detected and excluded; as a method, border continues as a practice of detecting and excluding non-citizens from citizens at spaces that extend beyond the frontiers. This performativity of border is carried out by not just state actors but also various stakeholders in the contemporary political geography comprising of civil, state and market actors. Foreigners Act 1946, a criminal law can be seen as an extension of such practices as it criminalises foreigners who have entered India illegally or have overstayed their visa. The Prison Statistics of India reported 2,534 Bangladeshi nationals as lodged in the prisons of India accounting for over 32 percent of total foreign national prisoners as of 31st Dec 2022.

The challenges of mobility are further complicated by gender. Women who cross borders, especially when traveling alone, are often perceived as losing their morality, which society usually associates with being rooted in a specific place. Furthermore, a woman is seen as secondary to male citizen, who becomes the primary national subject. An illegal traveller is

often seen as disgraceful, but when that traveller is a woman, she is viewed as transgressive and immoral. If the woman is incarcerated, this perception is even more pronounced. Thus, negotiating one's identity becomes deeply connected to issues of belonging, honour, and agency in such situations.

This research tries to interrogate such practices in the highly active and porous India Bangladesh border, a well-researched border region but rarely looked at through the lens of criminology of mobility as thousands of border crossers are jailed and incarcerated every year. The India-Bangladesh border, although dotted with fences and ultra-militarised infrastructure is seamless with a shared history and mobility that has endured the political changes that has happened in both the nations.

This mobility is characterised by a continuity of history, facilitated by various factors. Cross-border networks exist on both sides of the border and consist of border brokers, contractors, local politicians, border guards, and others. These networks not only enable border crossings but also facilitate job opportunities, the distribution of fraudulent documents, and clandestine movements within the cities, making cross-border activities a routine occurrence. Additionally, the historical presence of transnational marriages and kinship exchanges further normalises border crossings. Therefore, examining the India-Bangladesh border through the lens of the criminology of mobility is crucial, especially when considering factors that challenge the notion of criminality associated with such movement.

What follows the arrests at the border is Bangladeshi women spending time in the prison until their deportation. Often this time extends beyond the length of their sentence because of the delay in court trials and drawn-out deportation processes. Spending time in an overcrowded prison, which is observed as a masculine space largely meant for citizens, means negotiating not only space and limited resources, but also questions of morality, identity, honour and shame. Moreover, foreign national prisoners are unable to participate in paid labour

like Indian convicts, which adds another layer of negotiation for the prisoners. Consequently, the prison environment reflects the market relations and labour dynamics between citizens and non-citizens. This situation leads to the prison both reflecting and reproducing existing power relations, particularly in the interactions between Bangladeshi prisoners and prison staff, as well as between Bangladeshi and Indian prisoners. In this context, this research explores how these women negotiate their sense of unbelonging identity. It seeks to understand whether they resist these identity-forming processes, and if so, how they do it.

The process of identifying non-citizens, excluding them, and criminalizing them for illegal movements has its own set of challenges. While the state's aim is to swiftly remove unauthorised foreign individuals from its territory, India faces prolonged court case backlogs and a complicated deportation process, which often causes these individuals to remain in the prison even after the completion of their term. This situation is further complicated by the historical context of cross-border movement between India and Bangladesh, which is widespread and mired in bureaucratic delays. Moreover, the situation is made more complex by the movement of people living on both sides of the border. Indian citizens who are arrested at the border and charged under the Foreigners Act of 1946 often struggle to prove their citizenship. Here, the process of categorising of people, and the reliance on documents reveals the fault lines of the process, thereby showing how it is an unfinished task.

However, what also follows this process of criminalisation of mobility at a border mired with generational economic, cultural, and kinship exchanges, is that individuals who are arrested from moving across the border, find ways to subvert the statist notions of female bodies, morality and mobility in various ways, displaying the socialisation, aspiration, as well as agency of these women.

Therefore, the research examines the process of criminalisation of mobility at the India-Bangladesh border by delving into these aspects, and experiences of incarcerated Bangladeshi

women. Through these questions of identity, morality, and labour, the research explores how Bangladeshi women conceptualise the criminality of their crossings and how they negotiate these concepts at a carceral space. The research explores the unique aspects of criminalisation of mobility in India, highlighting both the historical context of cross-border movements and the legal procedures following irregular migration. It shows how detection of the irregular migrants when coupled with detention and deportation, reveal continuity as well as fault lines in the criminalisation of mobility at the India-Bangladesh border.