

In the twilight zone

Holding centres, set up under an executive order issued by the Bengal government, and ‘pushbacks’ are part of an opaque regime that runs parallel to courts and accountability

Ipsita Chakravarty Published 11.08.26



The government guest house in Tentulia serving as a ‘holding centre’ Sourced by the Telegraph

The ‘holding centre’ in Tentulia is a repurposed government rest house called ‘Pathar Sathi’. Local police and the Rapid Action Force patrol the precincts. They won’t say how many are held inside. But a cacophony of voices, of women and of children, rises from within. They are allegedly ‘illegal immigrants’ who stole into India from Bangladesh.

Tentulia is in Basirhat I block of the North 24 Parganas district near the Bangladesh border. Holding centres are the cornerstone of the Bengal government’s ‘detect, delete, deport’ policy — detect so-called foreigners, delete their names from electoral rolls, deport them to Bangladesh. In these makeshift camps, alleged illegal immigrants may

be held for up to 30 days before they are ‘pushed back’: deported without trial and without following diplomatic protocol.

After the Bharatiya Janata Party swept to power in Bengal, every administrative block in border areas was asked to set up holding centres. Given the official secrecy, it is hard to ascertain the identities of those detained or ‘pushed back’, but anecdotal evidence suggests most are Muslim. Chief Minister Suvenhu Adhikari had announced that those who are eligible for naturalisation under the Citizenship (Amendment) Act of 2019 — Hindu migrants — would not be targeted.

India has a history of anti-immigrant politics and a legal architecture to match. But holding centres, set up under an executive order issued by the Bengal government, and ‘pushbacks’ are part of an opaque regime that runs parallel to courts and accountability.

The Indo-Bangladesh border has long witnessed migrations that evade legal routes. Hindu Bangladeshis have found refuge in border districts. Family ties on either side exercise a gravitational pull. Labour networks bring short-term migrants into India. Much of this informal economy existed at the edge of official vision. Now, there is growing scrutiny of cross-border movements. The Border Security Force has powers to search and arrest in these border areas. It is meant to hand over detainees to the local police, which then registers a case.

In Basirhat subdivision alone, there are 7,000-8,000 cases of illegal immigration annually, said Piyaarul Islam, a local lawyer and member of the Indian Secular Front. Most are Indians, caught at the border without travel documents, charged under the Passports Act and produced in court. About 1,000 of these cases involve foreigners who entered the country without valid documents, Islam added. Until recently, they were tried under the Foreigners Act. (New cases would be tried under the Immigration and Foreigners’ Act, 2025.) Earlier, the court, Islam said, would let off such offenders with a five-month sentence and a fine, after which they would return or be deported to Bangladesh. Now, it has grown more stringent, handing out two-year sentences.

But holding centres, Islam added, have nothing to do with courts. Such centres appear to have tacit legal backing in the controversial Immigration and Foreigners Act, 2025. The law drew flak for giving police and immigration officials sweeping executive powers and for violating constitutional rights that apply to both citizens and non-citizens. Besides, to detain a foreigner, there must be an adjudicatory mechanism to determine they are a foreigner first, explains the legal scholar, Mohsin Alam Bhat.

In Assam, the anti-foreigners agitation in the 1980s led to the crystallisation of a ‘foreigner detection mechanism’ that ran parallel to regular courts. It involved a border police, dedicated to hunting down so-called illegal immigrants, and foreigners tribunals, quasi-judicial bodies tasked with deciding on citizenship. Declared foreigners were held in detention centres set up under the Foreigners Act. It proved to be a discriminatory mechanism, targeting ethnic Bengalis, especially Muslims, who were denied the right to a fair trial. Many were Indians, rendered Stateless because of minor errors in paperwork. Until a court order in 2019, capping detention periods, they also faced incarceration without end since Bangladesh didn’t recognise them as citizens.

Bengal’s ‘detect, delete, deport’ drive, which takes inspiration from Assam, drops even this fig leaf of adjudication — unless challenged in court by detainees or their relatives. It flows from an executive order: a secretive Union home ministry directive that reportedly empowers local law enforcement to detain and deport on mere suspicion, with no room for the accused to defend themselves. It also relies on a certain theatre of cruelty. In Hakimpur, residents spoke of a family stranded in no-man’s land between India and Bangladesh; a pregnant woman and children sitting in open fields as blazing summer skies broke into rain. Where they disappeared residents could not say. In district after district, it is the same story: families driven out by the BSF, blocked by the Border Guards Bangladesh, trapped in no-man’s land.

Such ‘pushbacks’ have no legal backing. If the BSF stops people trying to sneak in at the border, it is a valid pushback, explained the human rights lawyer and Congress party

member, Aman Wadud. But no one can be detained inside Indian territory and forced across the border after a cursory check by the local administration. If those deported were Bangladeshi, Wadud asked, why didn't the government file cases and put them on trial for entering India illegally?

But that may precisely be the point of 'detect, delete, deport'. As Bhat pointed out, it embodies a 'politics of illegality', which makes a virtue out of flouting due process.

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