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'Settled Legally but not Socially'
Citizenship Experiences of Former Enclave Dwellers who became the New Citizens of India

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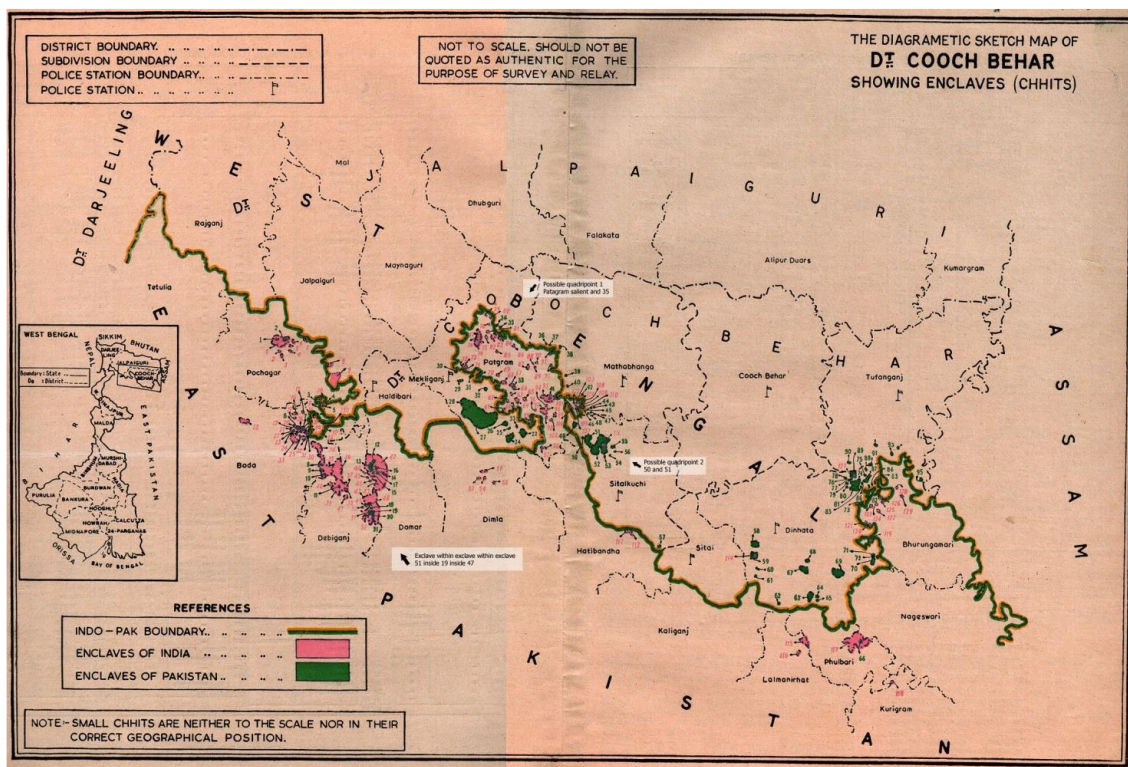
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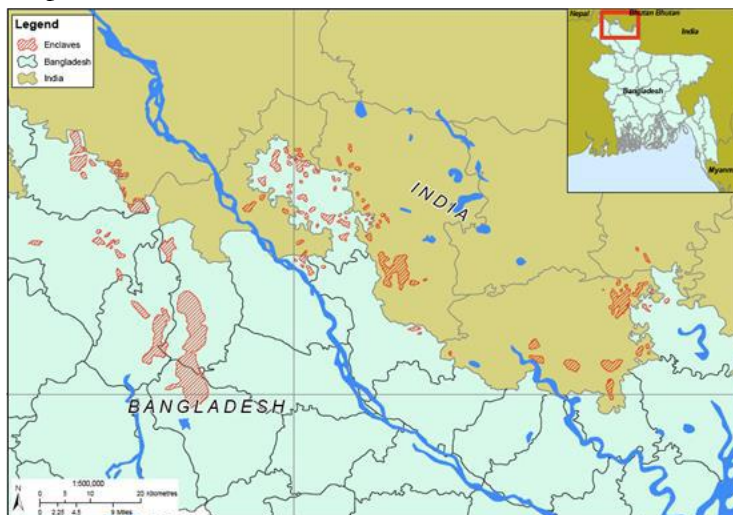
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List of Acronyms

AIFB	All India Forward Bloc
BJP	Bharatiya Janata Party
BSF	Border Security Force
CAA	Citizenship Amendment Act
ID	Identification document
LBA	Land Boundary Agreement
MASUM	Banglar Manabadhikar Suraksha Mancha
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Scheme
NGO	Non-Government Organization
NRC	National Registry of Citizens
RSS	Rashtriya Swayamsevak Sangh
VHP	Vishwa Hindu Parishad
WPR	What is the Problem Represented to be?

Acknowledgements

Abstract

This research paper focuses on the question of citizenship on the basis of the case of former enclave dwellers in the Indian-Bangladesh borderland. This research investigates the Land Boundary Agreement which was signed in 2015. It provided the former enclave inhabitants the choice of nationality, India or Bangladesh. My focus is on the former enclave inhabitants who took Indian citizenship. I argue in this paper that they have acquired legal citizenship but their social rights are not settled completely. The research uses an analytical framework of citizenship in relation to territory, security, identity and rights on the backdrop of political narrative of BJP's security and territorial concern and their politics on citizenship. This paper discusses the narrative created by BJP in differentiating a Bangladeshi infiltrators against Bangladeshi refugees and its implication on the Land Boundary Agreement. It also analyses the historical trajectory of the enclave formation and its effect on the lives of the new citizens. The research employs Bacchi's WPR method to dissect the LBA to understand the grounds on which the agreement was signed and the basis on which legal citizenship is provided to the people and its effect on the rights of the new citizens. The findings of the research also suggest that the marginal position of the new citizens remains intact even after getting Indian citizenship as their experiences of citizenship in relation to land rights remain unresolved.

Relevance to Development Studies

Citizenship is not only a legal status conferred by institutions but it is political as well. There has been a growing discourse around citizenship in recent years. My research paper situates itself in these understandings of citizenship in regards to national identity and politics. In India's current political time, citizenship has taken a central stage and it is important to discuss it in relation to the former enclave inhabitants. These people had remained stateless for more than six decades, so after obtaining citizenship in 2015, it rekindles their hope towards a better life. Citizenship is important to claim rights and my research takes a critical look at the role of government in conferring these rights. I engage concepts that are critical to development discourse in relation to citizenship, such as rights, territorial security, identity. In this study, The Land boundary Agreement is critically engaged through WPR technique for the first time, which contributes to the political discourse of BJP and the position of citizenship of former enclave dwellers in that. This will add to the existing theoretical and empirical knowledge on the issue of citizenship. Also, studying citizenship in light with social rights of the former enclave inhabitants is a development concern.

Keywords

Chapter 1 Introduction

"From heart I can't accept that I am a citizen of India. I still think I am a citizen of Chhitt and don't have value."- Hazi (Interview, 2020).

Hazi has been a citizen of India since 1st August, 2015. He resided in the former Bangladeshi enclave(Chhittmohol) in India all his life. On 7th May, 2015, the Land Boundary Agreement (LBA) of 1974, was ratified by India Parliament. On 31st July, 2015, Indian and Bangladeshi governments exchanged the enclaves and transferred the territorial lands which was part of the 1974 Land Boundary Agreement. This resulted in giving the residents of the enclaves the option to choose their nationality and residence, either India or Bangladesh.

An enclave is a piece of territory of one country surrounded by the territory of another country (Schendel 2002). According to the LBA, there were 51 Bangladeshi Enclaves in India and 111 Indian Enclaves in Bangladesh. They had no physical access to the parent country and so they could not access any state provided services. "In Bengali, enclaves are called Chhittmohol, wherein "chhitt" means a fragmented part of a whole and "mohol" means land from which revenue is collected (Lohia 2019: 6)".

The conflicting nature of Hazi's statement opens up further research about his identity of being a Chhittbashi (enclave dweller) or an Indian. This research paper focuses on the erstwhile enclave dwellers of Bangladesh in India in the Cooch Behar district of State of West Bengal, India, who received the Indian nationality and citizenship on July 31st, 2015.

This research seeks to unveil the experiences of these former enclave dwellers who are now legal citizens of India, while many social aspects related to their legal citizenship have remained unresolved. In this research paper, I explore the role of history of the enclaves in understanding the new citizen's relation to the current Indian citizenship. I will also analyse the LBA in relation to politics of Bharatiya Janata Party (BJP) and how it relates to getting their rights as a citizen of India. I will also bring in the voices of the former inhabitants of the enclaves to demonstrate their engagement with Indian citizenship and identity, primarily focussing on land rights. To answer the research questions, citizenship in relation to national territory, security, rights and identity are used as analytical frameworks. As a methodological strategy for the study, discourse analysis using Bacchi's 'What's the Problem Represented to be?'(WPR) method and semi-structured interviews were conducted.

Research Thesis Statement: The LBA settled the former enclave inhabitants legally but historically informed marginalised position of the new citizens remain the same. With their social rights not completely meted out, new citizens remain to be incomplete citizens of India.

1.1   Research Problem Statement

This research paper deals with erstwhile enclave dwellers (both who were Bangladeshi in Indian enclaves and Indians who chose to come from Bangladeshi enclaves), now residing in the Cooch Behar district of State of West Bengal, India. They have been facing the brunt of partition and larger politics of India since 1947, and 2015 has been the last phase of partition for them.

There have been several attempts to resolve the issue of the enclave exchange through Nehru-Noon agreement of 1958, Land Boundary Agreement of 1974 and in 2013. The Congress Government in 1974, the then ruling party of India tried to resolve the border dispute. However, it is worth recalling that it was opposed by many parties including members of the BJP (The Times of India 2013). BJP had opposed the exchange of enclaves at several points of time. For example, BJP had questioned the signing of the Land Boundary Agreement of 1974 on the ground that India would lose its territory to Bangladesh. But after the 2014 elections when BJP came to power, it changed its stance and signed the LBA in 2015 which led to an exchange of land and the enclaves ceased to exist. The people in these enclaves got to choose their nationality; Indian or Bangladeshi.

BJP justified the signing of the LBA claiming that the agreement will not cause any territorial loss, as the lands are deeply embedded within Bangladesh, virtually inaccessible to India. Hence, the "loss" was called out to be "just on papers". This sudden shift in politics of BJP is important to notice as the Prime Minister of India, Mr. Narendra Modi in 2014, claimed that LBA will prevent the entry of illegal Bangladeshi migrants into India by sealing the routes across the international border (Balachandran 2014). Scroll, an Indian newspaper, had reported the signing of LBA in alignment to Modi's neighbourhood outreach policy (Katyal 2015).

The agreement was signed with a clear objective of national security. "It will result in better management and coordination of the border and strengthen our ability to deal with smuggling, illegal activities and other trans-border crimes (Ministry of External Affairs, Government of India 2015: 2)". This quote from the agreement reflects on the idea of clear borders that it hopes to achieve. Notably, LBA offers a limited observation on the social rights of the former enclave dwellers after the LBA. However, it notes the denial of basic services like education, electricity, medical services, to the former enclave dwellers for long.

"According to Weber, the State is a "*territorial organization* which exercises legal control over its own territory undisturbed by internal power competition or external intervention. Whereas Nation means as a *community of sentiment* tending to produce a state of its own. When these two combine we see it to be a Nation-State (Helbing 2008: 32, original italics)". In India, it is the people in power that seek to combine these two as it builds towards a nation-state project. The relationship between territory and people has been significant in case of the former enclaves since the 18th century and it remains to stay the same. The marginal position they had held in the historical and geopolitical context defines their current Indian citizenship.

The Indian State uses citizenship as an institution to create or reinforce social fabrics of hierarchies, to have political control and create new national narratives (Shachar et al. 2017). With the former enclaves as well, the politics of citizenship is reflected in the national rhetoric of BJP where Bangladeshi's are portrayed as infiltrators. Moreover, this has implications on

the new citizens of India after the LBA. Mr. Rajnath Singh, then Union Minister of Home Affairs in June 2015 has been observed to say "'Infiltration from Bangladesh must stop. The Land Boundary Agreement, which was hanging in balance for 41 years... our Prime Minister has succeeded in getting it done' (The Times of India 2015)".

This research will be investigating the Land Boundary Agreement on the backdrop of political narrative of BJP's security and territorial concern and their politics of citizenship. It will be looking at the gap of translating the agreement on ground in relation to the social rights of the new citizens. It will explore the role the history in the formation of the enclaves has on the lives of the new citizens.

1.2   Contextual Background

1.2.1 Demography

With the ratification of LBA in 2015, 162 enclaves were exchanged, 51 Bangladeshi enclaves with 7,110.02 acres of land was assimilated to the Indian territory. Likewise, 111 Indian enclaves with 17,160.63 acres of land joined Bangladesh (Ministry of External Affairs, Government of India 2015). 14,864 inhabitants of the former Bangladeshi enclave stayed back in India and assumed Indian citizenship. Further 922 inhabitants from Indian enclave from Bangladesh moved to India by (the deadline)- 30th November 2015 and accepted the Indian citizenship. 37,532 inhabitants from the former Indian enclave stayed back in Bangladesh and assumed Bangladeshi citizenship (Mookerjee 2019).

In Dinhata subdivision of Cooch Behar district, which had former Bangladeshi enclaves, Muslim population is in majority. Hindus are in minority except for one former Bangladeshi enclave- Shiba Prasad Mustafi, with all Hindu residents. In Mekhliganj subdivision of Cooch Behar district, the former Bangladeshi enclaves have a majority of Hindu population. Also, the 922 inhabitants living in camps who came from former Indian enclaves of Bangladesh to India are mostly of Hindu faith (Mookerjee 2019).

1.2.2   Economic activity and livelihood

There is no census data available on the economic status of the erstwhile Bangladeshi enclaves as they were not induced in the Indian Census, last held in 2011. But a research conducted by Sarkar (2012) on the economic status of Poaturkuthi, shows that subsistence agriculture was one of the main occupations of these enclaves. Also, many people migrated to cities in India from these enclaves. The research was done with 141 households out of 435 resident families. The survey recorded that 91 % of the households depended on agriculture, 2% depended on fishing, while another 2% worked as construction labourers. The remaining occupants worked as shopkeepers (1.4%), carpenters (0.7%) and transportation labourers (0.7%).

Major crops include wheat, paddy, jute, potato, banana, and mustard. Delhi, West Bengal, Kerala, Rajasthan, Tamil Nadu and Andhra Pradesh are popular destinations for the migrating residents. Women were also "sold as wives to widowed villagers in the Indian states like Uttar Pradesh, Punjab and Rajasthan (Sarkar 2012)".

Sur (2013) in her research on the people of India Bangladesh borderland shows that the estimated smuggling of goods from India to Bangladesh is worth as high as 900 dollar million or "three times the volume of legal trade (World Bank 2006,xxiv) (Sur 2013: 71)". There is garment and decayed fish trading that takes place at India-Bangladesh border. "While hand woven clothing was traded in this region for long, 'foreign' garments and textile trade flourished since the 1970s. Garments shipped to Bangladesh as a part of development aid and relief, found their way into north-east India (Sur 2013: 80)".

1.2.3 Land Rights

The Indian law states that land is a state subject, though land acquisition comes under concurrent list of the Indian constitution. With the territorial exchange in 2015, the jurisdiction of the land was transferred to the State of West Bengal. The published survey records of the

lands were conducted during 1932, under the Maharaja of Cooch Behar (Mookerjee 2019). So, the government of West Bengal had to prepare a new record of rights "under sub section (1) of Section 5 of the West Bengal Land and Land Reforms Act (Mookerjee 2019: 175)".

In the end of October 2018, the then Chief Minister of West Bengal Ms. Mamata Banerjee visited Cooch Behar and noted that the new citizens hadn't received their land deeds. She instructed the work to be fast tracked. This resulted in passing of West Bengal Land Reforms (Amendment) Bill 2018 unanimously in the West Bengal State Assembly on November 19th, 2018 (The Indian Express 2018). The Indian Express (2018) quoted that Ms. Mamata Banerjee referred to the bill as "historic" and she promised that the bill will aid in distributing land-right documents to the new Indian citizens. She also stated that she will help the "new citizens to get full-fledged status as citizens of India, along with all civic amenities and citizenship rights. (The Indian Express 2018)".

To understand the ownership of land, plot-to-plot verification was done before the 2018 bill. The new bill enabled in creating thirteen new 'mouzas' (administrative district), and the rest of the area was amalgamated with the existing thirty one 'mouzas' (The Indian Express 2018).

1.2.4 Accessibility of welfare facilities

1.2.4.1 Before 2015 LBA

The former enclave dwellers on both(India and Bangladesh) sides, had no legal accessibility to education, health and other political and social rights till the ratification of LBA in 2015 (Chakrabortty 2016). Through fake identity cards some of the population would access these facilities in their host countries before 2015. If people had a piece of land or any relative residing in host country, they were able to manage these identity cards. For admission in schools, sometimes they would use their relative's address who were living in the host country. This meant change in their guardianship. "Among the surveyed enclaves 58% people do not use their own names. They try to use guardian's name (Chakrabortty 2016: 167)". Chakrabortty had surveyed the former Bangladeshi enclave in India.

Likewise for healthcare, in order to access hospitals, the residents of the enclaves would use fake identity cards. It involved pity or kindness of the host countries' health staff or officials. "Only 22% of pregnant mothers from Bangladeshi enclaves in India were able to enrol their names in the registered Government health institution (Chakrabortty 2016: 157)". The newborns were not registered as they were not the nationals of the host country, and neither had access to facilities in their parent country. Registration was possible only through fake identity documents (Hazi 2020, personal interview).

1.2.4.2 After 2015 LBA

Bhattacharya (2017) in his research has shown that essential identification documents such as Voter ID card, Aadhar Card, ration cards and job cards (under Mahatma Gandhi National Rural Employment Guarantee scheme) were issued by the Indian government to all those who accepted Indian citizenship. His research mentioned that limited infrastructural development has taken place in the former enclaves. He stated in his research that permanent shelter had not been provided to the former Indian enclave inhabitants from Bangladesh and their land records are yet to be resolved. His research also draws a comparison between the Government of India and Government of Bangladesh. In his research he states that Bangladesh government had provided direct financial assistance (Bangladeshi Taka 500/- per

month) to the erstwhile Indian enclave inhabitants in the form of old age pension where the eligibility criteria is 55 years of age or above. Whereas Indian government had not sanctioned any such direct financial assistance to the erstwhile Bangladeshi enclave inhabitants. Moreover, his research revealed that Bangladeshi government had begun constructing toilets within housing, had arranged boring tube well for drinking water and water facilities for agricultural work in former Indian enclaves.

Chakrabortty (2016) writes, "Kachua Barman (50) an inhabitant of resettlement camp of Dinhata coming from Indian Enclave in Bangladesh in Dinhata "I was the owner of 2.5 Acre land in Indian enclave named Dashiar Chhara. Now I have to work as a daily wage labour in surrounding area of this camp. The local people have a sentiment that for the decision of Government this unwanted people are eager to work at low rate. Therefore, their wage rate is also lowering down" (2016: 175)". There is an environment of hostility towards the former enclave inhabitants and they face discrimination from the Indian citizens.

1.3 Research Objective

The main objective of this study is to understand the new citizens politics of citizenship by the Government of India. Also, to explore the history of the enclave formation in relation to their new Indian citizenship and their position in the changing discourse of citizenship debates in India.

1.4 Research Question

The main research question is as follows:

How has the interplay between history of enclaves, Land Boundary Agreement of 2015 and the current idea(l)s of Indian national identity informed the new citizens the experiences of Indian citizenship?

1.5 Research Sub-questions

1. How is history of enclaves informing the marginalised social rights achieved by the new citizens?

2. How is the LBA document addressing the social rights of the new citizens?

3. What are the experiences of the erstwhile enclave dwellers towards their newly acquired Indian citizenship rights?

It is important to attend this interplay of history of enclaves, Land Boundary Agreement of 2015 and the current idea(l)s of Indian national identity because the former enclaves are situated in the social political setting of post-colonial India. Each element has a role to play in informing citizenship experiences for the new citizens.

1.6 Methodology: Sources of Data and mode of data collection

In this section, I present my research methods and the process of data collection. I used discourse analysis technique to tease the motifs of the LBA and qualitative interviewing provided a clear perspective on experiences of the agreement on new citizens actual lives. This combination of methods was important to bring out the narrative used by the State while providing legal citizenship to the former enclave dwellers. And to understand the ground realities of new citizens experiences in relation to citizenship. The methodology also helps in answering the research questions as it uncovers the interplay between the LBA, idea(l)s of Indian national identity and the voices from the new citizens to understand their belonging and citizenship experiences.

I have used qualitative mixed-methods technique for my research. Usually, mixed-method involves both quantitative and qualitative research techniques, but I have undertaken semi-structured interviews and have employed discourse analysis technique for my research paper. I have used Bacchi's framework- 'What's the Problem Represented to be?' (WPR), as one of the techniques of discourse analysis to read the LBA signed in 2015. The document is important for my research as it helps in teasing out the broader politics of the agreement. According to Bacchi the WPR framework helps in analysing the broad aspects of policy. It also shows the problems constructed are social in nature, and it arises at specific times and in specific spaces (Goodwin 2012). Bacchi in her book "Analyzing Policy: What's the Problem Represented to be?", talks in detail about it. It poses six questions to enquire on how 'problems' are represented in policies:

1. What's the 'problem' represented to be in a specific policy or policy proposal?
2. What presuppositions or assumptions underpin this representation of the 'problem'?
3. How has this representation of the 'problem' come about?
4. What is left unproblematic in this problem representation? Where are the silences?
Can the 'problem' be thought about differently?
5. What effects are produced by this representation of the 'problem'?
6. How/where has this representation of the 'problem' been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced? (Bacchi and Goodwin 2016: 20).

This approach helps more from a problem questioning perspective than from a problem-solving perspective: "It presumes that some problem representations benefit the members of some groups at the expense of others. It also takes the side of those who are harmed. The goal is to intervene to challenge problem representations that have these deleterious effects (Bacchi 2009: 44)". Therefore, the WPR analysis is not about the 'real' problem and the 'right' solution, but more to do with how representations come about, and how it shapes solutions and subjectivities (Bacchi 2012: 21-24).

I have also conducted semi-structured interviews of the new citizens and these interviews were conducted in Bengali. They were later transcribed and translated to English. The interviews were telephonic and mostly informal conversations which allowed the interviewee to

narrate their side of the story without me limiting them. Though I used a guiding questionnaire to direct the conversation so as to bring out the different themes relevant to this study. My research is informed by studies of other scholars as well.

I employed key informant methodology, where I connected with Kirity Roy, the secretary of the NGO Banglar Manabadhikar Suraksha Mancha (MASUM). They have been working with the former enclave dwellers since 2013, two years before the LBA was signed. I connected with Kirity Roy in the month of February through email. Initially, I had planned for a fieldwork but had to be cancelled due to the COVID-19 pandemic. So, in the month of July I requested him to connect me with the new citizens. He then connected me with one of the employees of the organisation who works with the people on ground. And through this employee I got a few contacts. Some of the research participants were connected through each other. I conducted interviews with five new citizens.

It is important to bring to light the politics of the NGO, MASUM as well. They are a Human Rights organization working in the State of West Bengal, mainly in the areas sharing a border with Bangladesh. They address issues such as custodial torture, shrinking livelihood of erosion affected population, illegal evictions, enforced migration, citizenry rights of the enclave dwellers and trafficking of persons and child marriage. Their work includes documentation, reporting and advocacy on human rights violations committed by state security forces, especially the Border Security Force operating along the Indo-Bangladesh Border (Banglar Manabadhikar Suraksha Mancha, n.d.). Thus, the production of knowledge is based on right's perspective.

I would like to highlight the point that all my research participants are adult males. I connected with two of my research participants through the NGO and then they further connected me to the other research participants. This is an important aspect in understanding the data that has been generated as it sheds light on how land became an important aspect of the data. It could be because most of the research participants were middle aged and were bread earners of their family and so their relation with land is also about livelihood. Then resolving the issue of land right becomes their priority. I am also aware that land is very political in terms of ownership. India being a patriarchal society gives very less space for women to own land. Mostly the men I spoke to were the owners of the land. Also, I acknowledge that a women's perspective on land rights and the politics of citizenship could have differed as it adds another layer of identity. There is a gendered dimension of knowledge production about the former enclaves.

I would like to engage about my positionality in this paper, as it is important to understand in relation to this research. Being a young student, pursuing a master's degree abroad does make me fall into a position of privileges and I was aware of it while contacting the NGO and while speaking to the research participants. It implies a power relation between me, as a researcher and the research participants. While talking to the research participants I also felt the privilege of being an Indian by birth and the entitlement rights I got through the Indian citizenship which they were deprived of for more than six decades. The research participants asked me to visit their place to see what conditions they are staying in and some of them asked me if they will get the benefits that they are entitled to. These questions further made me think more about my positionality as an outsider, even though I am working on this issue, I have the privilege to not get affected directly.

I also acknowledge the positionality I have towards the ruling government party (BJP) and their politics. I have been involved in the Citizenship Amendment Act (CAA) protests in the Netherlands and this adds another layer to my positionality while working on this research. I have tried to do my research from an unbiased lens and look at the issue of the erstwhile enclave and their citizenship rights objectively, keeping my politics aside.

1.7 The Scope and limitation of my research, and possible ethical and practical problems

Given the COVID-19 pandemic, I could not conduct any fieldwork, so my research is based on telephonic interviews (conducted from Netherlands), and secondary material. Lack of physical visit to the interviewee is a prime limitation of this research paper. All my information is based on documents that I have read and the people I have interviewed. It was challenging to find contacts and to secure interviews of the formal enclave dwellers as I had never met or spoken to them before.

One of the limitations I anticipated during the interviews would be to share details about their life and experiences given that they have never met me personally. But the interviewees were comfortable in talking and sharing their newly acquired Indian citizenship experiences. Also, with the COVID-19 pandemic in India, I have been through the moral and ethical dilemma of asking them questions in relation to their employment and livelihood situation, which can be disturbing for them. They come from a marginalized section of the society, where some of them had lost employment so to talk about my research at that point might not be appropriate.

The names of the research participants have been changed to protect their identity even though none of them had a problem with using their real names. It was difficult to obtain written consent from participants in the study due to cultural context in India where oral consent is preferred and also, none of them had access to a computer to print the forms. But before every interview an oral consent was taken, the participants were informed about the research and the way the data will be used and analysed. I had taken permission to record the interviews and had informed them that they can withdraw from the research at any point of time, if they felt uncomfortable or if they felt uncomfortable in answering the questions, but no one withdrew. Also, permission was asked at the beginning of each interview if they had any objection to a follow-up interview, to which no one objected.

1.8 Overview of the coming chapters

In this section I will introduce the overview of the coming chapters in brief. The following chapters are methodologically divided to answer the research question. In chapter 2, I will be discussing the macro level politics of BJP around the terminology of refugee and infiltrator. This will help in understanding the current idea(l) of national identity. Also, their change in stance of signing the LBA. This will further the discussions while dissecting the LBA through WPR method in chapter 5. Chapter 3 focuses on analytical framework of citizenship in relation to territory, security, identity and rights to later analyse the experiences of new citizens through these lenses. Chapter 4 presents an argument that history of enclaves furthers the marginal position of the new citizens in acquiring their social rights. Chapter 5 problematise the LBA using WPR research method to understand the broader implications

of the agreement on the lives of the new citizens. Chapter 6 highlights that legal citizenship has been provided through LBA in 2015 but not everything on the outcome has been translated on ground. The realities of lived experiences of the new citizens differs as they still struggle to access all their social rights, specially their land rights. Chapter 7 concludes the study by giving an overview of the research findings and highlights further scope of studies.

Chapter 2 Politics of BJP

In this chapter I will discuss how BJP have constructed the narrative of refugee and infiltrator and their politics around it. I will also explore the politics of LBA, the stance taken by BJP in 2013 followed by a shift in their rhetoric in 2015 before the agreement was signed. It is important understand the macro politics of India and the current idea(l)s of Indian national identity. That will pave the way to understand the politics and intention behind signing the agreement which will be further analysed in chapter 5 through Bacchi's WPR technique.

2.1   Narrative of refugee and infiltrator

The Partition of 1947 is an important landmark to understand the religious and political divide that still exists between the countries of India, Pakistan and Bangladesh (erstwhile East Pakistan). The partition was based on religion with severe political implications. BJP, a right wing Hindu nationalist party, currently leads the Government of India. They have been using the rhetoric of refugee and infiltrator as watchwords for their politics and are trying to create a national identity based on religious nationalism (Gillan 2002). The rhetoric of Bangladeshi's as an illegal migrant, draining the economic gains of India has been long in the making. BJP along with Hindu nationalist organisations, Vishwa Hindu Parishad (VHP) and Rashtriya Swayamsevak Sangh (RSS) had drawn attention about the cross-border movement of Bangladeshi's in India in the 1980s and they continue to do so (ibid).

In the 1990s BJP started with a campaign where they painted the picture of Bangladeshi migrants as illegal and portrayed them as infiltrators. They used statistics as a tool to build their argument on how Bangladeshi's are illegally migrating to India (Gillan 2002). More than "55,000 Bangladeshis attempted to cross the border in 1990 and over 73,000 in 1991 (Gillan 2002: 75)" was reported by the border authorities of West Bengal. However, these statistics are merely estimates. This lack of data provides an opportunity for the political party to create a threat of illegal immigration in the country and build it as a political issue.

"In April 1992, the BJP national executive passed a resolution claiming that over 15 million Bangladeshis had "illegally" entered India in only a few years, stating that:
. . . this influx has led to a variety of socio-economic tensions in the North- East, in West Bengal, parts of Bihar and even in far-away Delhi and Bombay. All this constitutes a serious strain on the national economy, a severe stress on the national society and, withal, a serious threat to the stability and security of the country. And yet the Congress takes no action to stem this flood or push back illegal immigrants, because it views them as its vote bank (BJP 1992) (Gillan 2002: 77)". BJP's Hindu nationalist movement is based on an ideology of Hindutva and thus want to establish a Hindu nation. This ideological framework is why they consider Bangladeshi Muslim migrants a threat.

It is important to link this ideology to the new Citizenship Amendment Act (CAA) of 2019. It states that the process of acquiring Indian citizenship for certain religions from countries such as Afghanistan, Bangladesh and Pakistan will be fast tracked. The CAA 2019 states that migrants from Hindu, Buddhist, Jain, Parsi and Christian religion from the above countries are not to be considered as illegal migrants. Also, they are eligible for Indian citizenship if they stay for six years in India, the time period was twelve years earlier (Jayal 2019). Muslims

were not covered under this act because it is believed that they are not minorities in these countries.

Since, the State of West Bengal shares the longest border with Bangladesh, it became a significant geographical location for the politics during the 1980s. As Gillan (2002) has noted, in 1998, the Indian Home Ministry prioritised identity cards to be issued as urgently as possible in the bordering areas of Bangladesh. This urgency highlights that identity cards work as a tool to differentiate between a legal and illegal citizen. It also works as a surveillance mechanism. This is significant in positioning the former enclave inhabitants as some of them had acquired these documents through fake names.

It is noteworthy to check the political discourse created by BJP based on religion in differentiating between legitimate refugees and illegal infiltrators. They mention a Hindu from Bangladesh as a refugee because they believe that the Hindus have fled from Islamic persecution and seek refuge in India. Whereas a Muslim fleeing from Bangladesh is considered as an infiltrator (Gillan 2002). The point of contestation is not about religious persecution not taking place in Bangladesh, but the problem is about its selective usage. The exploration of the persecutions in Bangladesh is out of scope of this paper. However, Samaddar (1999) describes various reasons for them to migrate and economic aspect is also one of them. During the 1980s, the Hindu peasants in Bangladesh had faced atrocities from the zamindars and their lands were being taken away, but even Muslim peasants faced the similar situation. Bangladeshi Muslims too have economic and political reasons to migrate but to brand them on blanket terms as infiltrators by BJP is what is problematic (Gillan 2002).

Sur (2013) in her work shows that there is a transnational trade of fish and garments that takes place in the India Bangladesh border. The Indian Bengali speaking Muslims and Bangladeshi Muslims who reside close to the border are suspected as terrorists. Even if they are fish traders, they are considered to compromise India's national security. "Such registers of imprecision are evident at the international boundary – where Indian border guards' physically push out suspected 'illegal Bangladeshis' towards Bangladesh and Bangladeshi border guards prevent 'foreigner intrusion' from India (Sur 2013: 84)".

Gillan's research was done in 2002 but the relevance and the rhetoric is still continued by BJP leaders. The newspaper The Indian Express (2014) quote the current Prime Minister of India, Mr. Narendra Modi saying in his election rally "Two types of people have come from Bangladesh – the refugees who have been thrown out in the name of religion and the infiltrators, In any country of the world if there are Indians in whose blood the colour of India runs, if they are ethnic Indians, whatever be the colour of their passport. Should not they come to India and be greeted with open arms? "Those who are thrown out of Bangladesh, should they come to India or not? … Those who are thrown out of Bangladesh, those who observe Durgastami and speak Bengali, they are all our Mother India's children. They will get the same respect just as any Indian,"(Press Trust of India 2014)."

Express New Service (2018) had quoted BJP President Mr. Amit Shah, who is also currently the Minister of Home Affairs to compare infiltrators as 'termites' who are draining the wealth of the country and they need to be deported. Similar rhetoric was used in the election rallies in West Bengal in April 2019 again. Even Narendra Modi echoed similar undertones in his 2015 State of West Bengal and 2016 State of Assam election campaigns where he distinguished between Hindu refugees and Muslim refugees as infiltrators who have entered the country illegally.

2.2 Politics of LBA

The stance taken by BJP in 2013 in relation to the LBA was very different from that in 2015. In 2013, the BJP President of West Bengal, Mr. Rahul Sinha opposed the Land Boundary Agreement and gave a statement in a newspaper stating that it's a 10,000 acre territorial loss of land to Bangladesh. He further said that in return they might gain 1 lakh population since nobody would prefer leaving their ancestral land and hence, the Bangladeshi enclave inhabitants would continue residing in India and become an Indian citizen (Sarkar 2013). Similar sentiment was raised by another senior leader of BJP. They also considered this action to be anti-national and a hasty one since the upper house Parliament elections were approaching. He also added that this agreement can benefit Sheikh Hasina's government (Government in Bangladesh who was in power) to win their elections (Kaushal 2013).

In 2015, BJP after winning the upper house Parliament elections, changed their stance completely. BJP claimed that by signing the LBA country's security would benefit and it would help build good relations with the neighbour's. The reasons that were given earlier to oppose the agreement were flipped and the BJP leaders stated in media that the agreement will not cause any territorial loss. The justifications were based on land being deeply embedded within Bangladesh, virtually inaccessible to India. Also, Mr. Narendra Modi, Prime Minister of India who belongs to the BJP said in a press conference that the boundary issue has been resolved which was in hold since the Indian Independence in 1947. He claimed that both the nations will have a settled boundary 2015 onwards (BBC 2015).

In another media statement Mr. Narendra Modi said that "The government will utilise the India-Bangla land transfer agreement to seal all routes across the international border through which illegal Bangladeshi migrants have been entering Assam and creating havoc in the state (Balachandran 2014)". These statements by the BJP leaders and the Prime Minister of India highlights the importance of borders for them to stop illegal migration and very specifically, differentiating between a refugee and an infiltrator.

In this chapter I have argued that the political rhetoric of BJP in constructing a Hindu Bangladeshi as a refugee and Muslim Bangladeshi as an illegal immigrant is not novice in nature. This established discourse is key to the project of constructing a nation-state. Here, the idea of a Hindu nation state based on legal control of territories and its people is achieved through the tool of citizenship, which I will be exploring in length in the next chapter. This chapter also demonstrated the change in arguments by BJP around the Land Boundary Agreement and their rationale to reinforce boundaries to curb Bangladeshi infiltration.

Chapter 3 Conceptualising Citizenship

In this chapter, I will be exploring the concept of citizenship in relation to national territory, security, rights and identity. I will also draw upon the interlinkages between these concepts and citizenship. The analytical framework will help me answer the research questions as the lives of the former enclave dwellers are embedded in their rights to citizenship.

According to Kabeer (2002), there are two kinds of citizenship tradition, the Republican notion which talks about the participation of the citizens in the political community, where citizenship is as practiced. And the other kind is the Liberal notion, where citizenship works as a status, which an individual receives in form of different rights by the State. This is passive in nature as it does not imply that there are responsibilities. And the Western tradition of citizenship has evolved from these two (Kabeer 2002). But we need to understand that India is a post-colonial state, where the ideas of boundaries, institutions and constitution is shaped by the colonial experience.

Khilnani (1997) has observed that before colonization, India was a heterogenous community and there were existing hierarchical structures in it. After the colonization these different groups interacted with the colonizers in unequal power terms. Colonization brought upon the centralised power structure to rule these different groups who were earlier ruled by their diverse rulers. The colonized population got independence as a nation but not as an individual citizen. As hierarchies continued to persist, discrimination takes place on basis of caste, religion, class, tribe. The colonizers left behind a model State apparatus, which is based on colonial practices of domination and rule. The rights of citizenship in the coloniser's country was achieved through mass struggles and other social aspects like industrialization, democratic political institutions etc. which is not the same for the members of the post-colonial state so they do not experience citizenship in a similar manner (Khilnani, as cited in Kabeer 2002: 14). The post-colonial states were "bestowed by the elite groups who had led the struggle for independence" (Kabeer 2002: 14) and it exhibits the colonial constitutions which is based on the colonisers countries.

The legal status of citizenship was provided by a Constitutional law in India, the Citizenship Act of 1955. When it was drawn it had both the concept of '*jus soli*' citizenship which meant that an individual person will be provided with Indian citizenship just by taking birth on the Indian soil. And '*jus sanguinis*' citizenship which meant citizenship acquired by nationality of one or both the parents (Jayal 2019). The State of Assam witnessed agitation with an influx of Bangladeshi immigrants in 1980s. The claim made by the people of Assam was that the geographical demography of the place was changing, reducing the opportunities for the people of Assam. This then led to the Assam Accord in 1985 and the Citizenship Act of 1955 was amended. The provisions under naturalization process and the Assam Accord clause were added in the amendment of Citizenship Act of 1955 and a new section titled 'Special Provisions as to Citizenship of Persons Covered by the Assam Accord' was added (ibid). This revision made new categories for eligibility for citizenship which was based on the year one came to India. The following amendment was made in the Citizenship Act of 1955, "All those who came before 1966 were declared citizens; those who came between 1966 and 1971 were struck off the electoral rolls and asked to wait ten years before applying for citizenship; and those who came after 1971 were simply deemed to be illegal immigrants (Jayal 2019: 35)".

In 2004, there was another amendment to the Citizenship Act of 1955, which added another clause to the *jus soli* citizenship. If a person is born on Indian soil and one of their parents was an illegal migrant during the time of the birth of the child, then the person will not be eligible for citizenship by *jus soli*. Jayal (2019) argues that this move by the Government of India was targeted towards a specific religion since most of the immigrants that migrated from Bangladesh were Muslims.

In 2019 another amendment was made to the Citizenship Act of 1955 and is called Citizenship Amendment Act (CAA). As discussed earlier this recorded change does not consider Muslims under this act because it is believed that they are not minorities in these countries.

This constant shift in meaning of citizenship in India is embedded in the political and historical nature of formation of the post-colonial state. I will conceptualise the idea of citizenship in relation to territory, security, rights and identity in the following sub- sections to understand it analytically.

3.1 Citizenship in relation to territory

The relation between territory and citizenship is important in case of the former enclave inhabitants and the Land Boundary Agreement 2015. Territory takes a central stage in the exchange of enclaves, as the former inhabitants of the enclaves were denied citizenship for decades because the territorial exchange between the two countries remained unresolved. The former enclave inhabitants finally became citizens of India through the exchange of territories. So, it is essential to unpack the intricacies of citizenship and territory.

Citizenship can be experienced from various ways, it can be through nation-state, where one identifies with one nationality and accepts the citizenship of that country. In that case, it is being defined by a membership to a political community, where one is accepting the territorial boundaries of a geographical area. Once one is bound by the territory, they are also confined by the authority of that particular political body through their citizenship. Then there is a mutual relationship which forms between citizenship and territory (Yarwood 2014).

Citizenship has been understood in link with nationality in the republican notion of citizenship. When citizenship is seen from the fusion between nation and state, it gives a view of "citizenship as membership that naturalises both the centrality of the state to citizenship and of nationality to the state (Clarke et al 2014: 10)."

It fuels the debate on how citizenship is then seen as a norm through which one can access its rights and obligations. It qualifies the relationship an individual member has with the nation-state through which it can realize its rights (Waters, as cited in Kabeer 2002: 2). This is a state centered approach, and it has been questioned. It can be seen as one form of approach. A member of a State can identify themselves through various other identities through which they claim their rights and obligations (Kymlicka 1995; Isin and Wood 1999).

The States uses nationalism which can "create an 'imagined community' to unite the people inside its territorial bounds with state membership meaning national-membership (Gupta 1992: 67)" to instill a sense of belonging amongst their citizens. In the case of India too, the State is trying to create a national identity but there are inherent hierarchies of caste, class,

religion. This leads to inclusions and exclusions, by being a citizen legally there is inclusion, but when it comes to access to resources from the State then practices of exclusion takes place. Kabeer (2002) says that citizenship works as an allocative tool, where there is a struggle for inclusion but this struggle is not determined only by the act of accepting its members as citizens but it is a "struggles over access to resources (Kabeer 2002: 3)".

3.2 Citizenship in relation to security and identity

According to Desforges et al. (2005), "border defences and crossing points, customs posts and immigration stations, meanwhile, form landscapes that demarcate the territorial limits of national citizenship. In this way, landscapes of national citizenship have tended to reproduce a model of citizenship as a singular identity awarded and controlled by the state (2005: 442)." In the case of India, the Indo-Bangladesh border confirms this conceptual understanding, as the State uses violence and force in borderland areas to stop 'illegal migration'. There has been documented reports by (Human Rights Watch, as cited in Sur 2013: 76) which shows that between the year 2000 and 2010, there has been 932 undocumented Bangladeshi border-crossers who were killed, amongst these some were small-scale border traders and 61 Indians were killed for travelling without authorization by the Indian border guards. These violent methods inflicted by the State indicates how the State differentiates between who could be a citizen which thus conforms the notion of creating one identity.

Security becomes an important factor in relation to citizenship. As Lucia Zedner (2009), says that security is a "promiscuous concept" (2009: 9). One can never reach a position where there is no threat, there is always a possibility of threat. In that case barriers are built to "ideas and people that are seen to threaten the security of a space (Yarwood 2014: 64)". And citizenship acts as an agreement to behave in these spaces.

But then citizenship is not an absolute thing, it is relational. It does have a relation to its territorial boundaries, but it is also constituted, contested and experienced in other forms as well. It could be citizenship with the local community or your identity. It is important to understand the notion of citizenship in relation to identity and recognition. The way citizens identify themselves as or are recognised by the State is related to how they act as citizens. "to act as a citizen requires: first a sense of agency, the belief that one can act; acting as a citizen, especially collectively, in turn fosters that sense of agency. Thus agency is not simply about the capacity to choose and act but also about a *conscious* capacity which is important to the individual's self-identity (Lister, as cited in Kabeer 2002: 31-32, original italics)". Here, Lister is making a significant point on how agency and self-identity is interlinked. The way the individual identifies is how they will exercise their agency to act as citizens. It then becomes vital to determine the way they are claiming their rights and thus, participate in the political arena, but the way the State identifies them is equally important for rights to be claimed. It will depend on whether they will be agents or not. This then opens up the avenue of learning of citizenship. The power and knowledge to attain information about their rights as a citizen or their status then takes a central stage. They will reflect and act accordingly (Kabeer 2002).

3.3 Citizenship in relation to rights and identification documents

Rights is an important aspect of citizenship. T.H. Marshall's idea is of liberal thought, where citizenship is seen as status, an individual is supposed to get certain universal rights and it is

embedded in law (Yarwood 2014). To exercise those rights is left to the individual. But this does not take into account the inequality in power structures and in accessing resources. Claiming of rights is political. So, knowledge and power are important factors and it positions actors differently (Jones and Gaventa 2002).

With the evolution of post modernization and globalization, there are a lot of new scholarships on citizenship in the twenty-first century. Citizenship has an inherent framework of legal rights embedded in it but it is also a social process, where people can claim, expand or lose rights (Isin and Turner 2002).

Jayal (2013) talks about how the incident of 9/11 terrorism attack in USA brought the country's 'security' to the forefront. Documentation and identification of citizens became important and was attached to the narrative of security. Identification through ID cards became important to check terrorism and immigration. According to Jayal (2013) in post-partition India, despite having citizenship, acquiring the identity documents was a struggle. Rather, documents are important to claim one's citizenship. They are important in three layers, first, it claims a legal status, proving that one is a legal citizen of the country. Second, it is important in claiming rights and entitlements as a citizen of India, where through the documents one can claim their welfare subsidies and social status. Third being the identity of a person is validated through these ID cards (Jayal 2013).

Identity documents also become an important tool for surveillance and verification of one's citizenship. Along with that it provides the State a power which showcases that they have the ultimate authority or are the provider of welfare services (Chhotray and McConnell 2018). Also, citizenship is then being authenticated through it.

According to Lister citizenship is "an essentially contested concept (Lister, as cited in Clarke et al. 2014: 172)." It is "rather a *practice* and a *process* than a stable form (Balibar, as cited in Clarke et al. 2014: 11, original italics)." This chapter reflected on Kabeer's(2002) idea of republican notion of citizenship. It also drew on territorial citizenship, where State has the authority to define an individual's citizenship which is based on territorial security. But it also discussed other ways through which citizenship is identified. Where people reflect on their self-identity to exercise their agency to act towards their citizenship. This connects to the liberal notion which talks about citizenship as status, is important to claim rights. In my context it is interesting to then draw the exclusion and inclusions that happen within claiming these rights and the role played by identification documents. These documents act as tools in the hands of the State to validate one's citizenship. According to Balibar citizenship is always "'in the making'(Balibar, as cited in Clarke et al. 2014: 11, original italics)." And that remains true in the context of this research as well. The former enclave dwellers are the embodiment of it.

Chapter 4 Mapping the Enclaves: A journey from 18th century to 2020

In this chapter I will explore how the history of enclaves informing the marginalised social rights achieved by the new citizens. The history of the formation of the enclaves from the pre-colonial, colonial and post partition of 1947 plays an important role in situating the former enclave inhabitants in the contemporary politics of citizenship in India. The chapter will trace the trajectory of the enclaves coming into being, how former enclave inhabitants' situation changed and how that situates them now.

4.1   Pre-colonial times

The history of enclaves' dates back to the 18th century, which predates the formation of the nation-state of India and Bangladesh. Scholars have documented oral stories passed from one generation to another amongst the enclaves' inhabitants. One such origin story refers to a chess match between the Maharaja of Cooch Behar and the Maharaja of Rangpur. And small territories of their kingdom were gambled in this match. This led to certain parts of the land of Rangpur to be under the jurisdiction of Cooch Behar and vice versa (Bhattacharya 2017).

There also exists another possible reason for the formation of the enclaves. It is the history of peace treaties that were signed between the Mughal Empire and the Kingdom of Cooch Behar in 1711 to 1713. This treaty enabled the Mughal soldiers to stay under the territorial administration of Cooch Behar, while some of the Cooch Behar chieftains stayed in the Mughal emperor's area. This was the starting of the formation of the enclaves. Though at that time, this arrangement was accepted by both the rulers and the people inhabiting these spaces. The rulers were accustomed to divided administrative unit and people could easily access the other territory, as land boundaries were not as rigid then (Mookerjee 2019).

4.2   During the British colonial times

Until 1814, the East India Company was unaware of the enclaved territories of Cooch Behar. They were known as "'isolated spots' (Mookerjee 2019: 71)". Cooch Behar was one of the princely States and in 1860s the British took control over Cooch Behar and governed it as subject to overall British suzerainty (it is a relationship in which one polity controls the foreign policy and relations of a tributary state, while allowing the tributary state to have internal autonomy). Before that "Whyte(2002) notes, "the Magistrate's authority ever been exerted, either in the way of general superintendence, or by occasion, when public offenders may have evaded the pursuit of the Police, by openly taking refuge in such asylums [sic].5..All notorious offenders, originally residents within the limits of this District, when hard pressed by the Police, immediately remove to situations, affording so ready a means of continuing their depredations with impunity, where they openly dwell, much to the encouragement of every species of offence" (Cooch Behar Select Records, 1882, vl, 272) (Mookerjee 2019: 71-72)".

The above quote indicates that the Britishers were not in charge of Cooch Behar till the 1860s, so they did not govern or exert any power over the territories. Only when they found

any criminal taking refuge in the enclaves, they interfered. There was a shift in the narrative of the enclave inhabitants being a threat from the pre-colonial to colonial times. In the colonial times the enclaves were seen in a negative light, they were associated with criminal activities and were portrayed as a place where criminals can seek refuge. But as the Britishers took over the territories after the 1860s, they considered it as "safe havens (Mookerjee 2019: 72)." But it is noted that since smuggling and illegal trade took place in the enclaves, they still retained their reputation as "ungovernable (Mookerjee 2019: 72)" spaces. So, the Britishers wanted to exchange the enclaves. They consulted the people living there about it, but it is interesting to note that the inhabitants of these spaces denied the exchange as they were comfortable living the way they were. The inhabitants did not mind living in another sovereign's territory because it did not affect their livelihood or mobility adversely (Mookerjee 2019). It could be possible that there were advantages to living there.

The sudden shift in this portrayal of enclave inhabitants is significant to note, as it shapes and constructs their identity later when the post-colonial states are formed. In the pre-colonial times there was no narrative of them being a problem because it was common at that time to have divided administration and so they were administered on whosoever's sovereignty they resided on. But during the colonial times Cooch Behar acted as a cushioning State between India and other territories of the East India Company. And the infamous image of the enclave inhabitants was etched as criminals involved in smuggling.

4.3 Post-Colonial State

In August 1947, when the British colonial rule ended, the subcontinent was partitioned into two independent nation states, India, a Hindu-majority country and Pakistan, a Muslim-majority country. Cyril Radcliffe, a lawyer from England haphazardly drew a line named Radcliffe Line which led to the formation of the two Nation-States of, India and Pakistan. The previously princely states assimilated to separate nations of either India or Pakistan after the Partition of 1947. The area of Rangpur integrated to East Pakistan. But Cooch Behar remained a princely State till 1949, then Cooch Behar agreed to be part of India. This division meant that the patches of land of Rangpur, which was within Cooch Behar, integrated to the Indian territory despite being East Pakistan land. This led to the formation of the enclaves (Bhattacharya 2018).

The two countries (India and Pakistan) implemented visa policies in 1952, and that constrained the prevailing fluidity of borders experienced by the erstwhile enclave inhabitants during the colonial times (Mookerjee 2019). This acted as a controlling tool for the nation-states through which power is regulated over the citizens in the form of identification documents. But it restricted the Chhittbashi's mobility as they did not belong to any nation-state. They could not access services provided by the host country as it needed them to be legal citizen. And to access their parent country's social benefits, it meant crossing borders but since they did not possess legal documents, they were labelled as illegal by both the counties (ibid). It is important to note that earlier during the British Raj, the inhabitants resisted the exchange of the enclaves, staying in another sovereign's territory was not problematic to the inhabitants. But when the nation-states emerged after the partition, it brought with itself a different documentation procedures, which became a hurdle and restricted their free mobility within the borders and hence, their need for the exchange of enclaves arose.

The Partition of 1947 happened on grounds of religion but it also affected the inhabitants of the Chhitts. The vulnerability of the Muslim majority enclave dwellers residing in India increased. There have been incidents in the 1970s where former Bangladeshi enclaves in India were plundered and burned by attackers from India. Mookerjee (2019) in her work has documented the elders of the village which is now called as Batrigach fragment (earlier a Bangladeshi enclave) have narrated that Hindus from Pakistan fled to India and the political party All India Forward Bloc(AIFB) assured them that they will be given Indian citizenship. They were told that the Chhitt inhabitants can be removed from their homes, and their lands can be taken away to be given to these Hindu refugees. What followed was the violent burning of Chhitt houses by the Hindu refugees. This incident made the inhabitants fly away but after a month they came back as safety was assured by Indian Border Security Force (BSF) (Mookerjee 2019). In my interview as well, some of the research participants mentioned these stories of violence that they have heard from their elders.

Later in 1971, Bangladesh was formed as a result of the war between East Pakistan and West Pakistan. The Radcliffe lines were inherited and the enclaves that were present in East Pakistan assimilated to Bangladesh. It is noted that the decisions of inheritance of enclaves have always been made by few in power, the inhabitants were never consulted. This reflects on the way elites have always made decisions for the inhabitants of the enclaves.

After the formation of Bangladesh, the exchange of enclaves was noted, and the Land Boundary Agreement of 1974 was drawn. The Land Boundary agreement of 1974 stated to resolve the Berubari issue, exchange of enclaves and exchange of adverse possession. The Berubari dispute dates back to the Radcliffe Award of demarcation of boundary between India and Pakistan in 1947. According to the description, Berubari was assimilated in India. However, on the map, Berubari was in Pakistan. In 1952 Pakistan claimed it, but through Nehru Noon agreement of 1958, the governments of India and Bangladesh tried to resolve it by dividing the area horizontally and by giving the lower half to Pakistan which consisted of Dahagram, Angorpota (Muslim majority enclaves) and four Hindu majority enclaves. The enclaves comprising of Hindu majority opposed being in Pakistan. (Mookerjee 2019).

Later in 1971, both the nation-states tried to solve the matter but by then Bangladesh was formed. So, the agreement was drawn stating Bangladesh to have the Muslim majority enclave and to lease 'Tin Bigha Corridor'. Whereas India to have the Hindu majority enclave (Mookerjee 2019). But this agreement of 1974 was ratified unilaterally by Bangladesh. The Berubari dispute further deepens the argument that religion was one of the factors for division of territories.

The portrayal of the erstwhile enclave inhabitants as criminals through historical exploration confirms the narrative of '*the other*' that was created in the modern Nation-state of India and Pakistan. This infamous identity of the Chhitts being criminals continued even after the partition of India in 1947. And the 'otherization' grew as these nations were formed on the grounds of religion. Sur (2013) notes that there was a disruption in the existing trade routes due to the formation of India and Pakistan, and later even though those routes became unlawful, trade continued and took the shapes of smuggling. This labelling of offenders and lawlessness has been iterated in the Land Boundary Agreement by the Ministry of External Affairs, Government of India where they mentions, "due to lack of access to these areas by the law and order enforcing agencies and weak property rights, certain enclaves became hot-

beds of criminal activities (Ministry of External Affairs, Government of India 2015: 4)". According to Shewly (2016), more than seventy-five percent of the residents of enclaves on both sides, have been arrested under the Foreigners Act of 1946 until the 2015 pact was signed. Even after being devoid of any nation-state, their existence was governed through law by categorising them as foreigners. Violence has been inflicted upon them time and again and since they could not access law, they could not seek help. The distinction between a foreigner and citizen is important for the Indian State and the amendment in the Citizenship Act 1955 has been a witness to it. Indian government always reiterates territory on religious grounds as seen in the case of Berubari as well.

The historical and colonial legacy of these enclaves sheds light on the role of the elite throughout the process of formation of the enclaves. Through the agreement of 2015, citizenship has been conferred upon the former enclave inhabitants, they have been naturalised to be part of India but at the same time the State takes on the power to define their citizenship (Clark et al. 2014), so, the role of the elite continues. Earlier they were Stateless in nature and identified as criminals but with the 2015 agreement this identity becomes the basis on which the State continues to govern them. The marginalised position of the people inhabiting the space continues and the next chapter looks into the LBA 2015 to understand the politics behind it.

Chapter 5 Land Boundary Agreement through the lens of WPR method

The Land Boundary Agreement was drawn in 1974 by the governments of India and Bangladesh but it was ratified in 2015. The LBA document mentions three issues to be resolved, the first is the un-demarcated land boundary of approximately 6.1 km; second, the exchange of the enclaves and third is resolving the adverse possessions that remain unsettled (Ministry of External Affairs, Government of India 2015: 3). In my research study I am looking at the issue of the enclaves exchange alone. In this chapter through my analysis I will problematize the LBA using Bacchi's framework- 'What's the Problem Represented to be?' (WPR) to understand the grounds on which the agreement was signed and the basis on which legal citizenship is provided to the people. The analysis will help in answering the research question of how the LBA is addressing the rights of the new citizen. In the sub-sections below I employ Bacchi's framework.

5.1 What's the 'problem' represented to be in LBA agreement?

This first question of the framework shows what is produced as a problem for the government. The claim of problem representation is not, that it is non-existent rather it means when problems are represented in a particular way, it paves way for the subjects to be governed in that manner.

The LBA at the very beginning reiterates the notion of territorial security of India through stable and peaceful boundary. It sets an undertone for the LBA to be a tool for "better management and coordination of the border and strengthen our ability to deal with smuggling, illegal activities and other trans-border crimes (Ministry of External Affairs, Government of India 2015: 2)".

LBA further argues that certain enclaves have become sites for unlawful activities and hence the agreement will settle the issue and bring in more territorial security. This shows that the State holds the former enclave inhabitants responsible for illegal activities. It states "due to lack of access to these areas by the law and order enforcing agencies and weak property rights, certain enclaves became hotbeds of criminal activities (Ministry of External Affairs, Government of India 2015: 4)".

LBA later goes on to state that "settled boundary is an essential prerequisite for effective cross-border cooperation. It reduces friction, helps neighbours consolidate mutually beneficial exchanges and promotes confidence in building better relations. The 2011 Protocol will ensure that the India-Bangladesh boundary is permanently settled with no more differences in interpretation, regardless of the government in power. This also helps on issues of security concern, including security cooperation and denial of sanctuary to elements inimical to India (Ministry of External Affairs, Government of India 2015: 6)".

So, here, the 'problem' in the agreement represented is:
1. That since there was lawlessness in these border areas for a long time, illegal activities had risen.

2. The borders were not secure and certain enclaves were "hotbeds of criminal activities (Ministry of External Affairs, Government of India 2015: 4)".

3. Due to a porous boundary, it became a "sanctuary to elements inimical to India (Ministry of External Affairs, Government of India 2015: 6)".

Securing the borders become the key problem represented in the LBA. Humanitarian need for enclave exchange receives partial attention. The LBA notes that the population was devoid of electricity, education and medical services for a long time. But the LBA repetitively mentions that in absence of the law and order, the erstwhile enclaves in India had become a place for criminal activities.

5.2 What presuppositions or assumptions underpin this representation of the 'problem'?

This question evokes assumptions that motivate the representation of the identified problem. It shows what kind of background knowledge is taken for granted. It helps us identify the meanings "*within* the policy, program or technical instrument, *not* in the heads of social actors (Bacchi and Goodwin 2016: 21)". It also helps in understanding the binaries that are created. The question explores the knowledge production that takes place. "These knowledges are understood as " "in the true" or "sayable" (Foucault 1991a: 58), as forms of truth, rather than as "truth" (Bacchi and Goodwin 2016: 21)."

Here, I find the agreement is making two of the following assumptions:

1. Enclave inhabitants are considered to be criminals.

2. Borderlands are where criminal activity takes place.

5.2.1 Enclave inhabitants as criminals

If former enclave inhabitants are identified as criminals, then the Indian State through the LBA, is holding former enclave inhabitants responsible for criminal activities. The State refuses to accept that there has been no legal entity present in these enclaves for many decades. So, prior to the signing of the pact, if the former enclave inhabitants faced any problem, they had no legal structure in place to seek justice and faced the brunt of any criminal activities within the enclaves. For example, from Mookerjee (2019) study, we find that in the 1970s, a former enclave resident's houses and cattle were burnt and lands were snatched away illegally by Dinesh Das and Dinesh Dakua- residents of Indian villages. The residents of the enclaves had to bear the trauma of the incident by leaving their houses and to seek refuge elsewhere.

The question also explores how the problem representation is constructed and the binaries that are formulated around it. In this case, we can see that there has been a creation of criminal/lawful binary. It is important to note the knowledge production and who is presenting this knowledge. Here, in the case of the agreement, it is written from the government's point of view, so the knowledge is produced in the realm of how the State had identified them as.

5.2.2 Borderland as hubs of crime

It is important to understand the construction of certain spaces, which play an important role in governing it. Places, here borders, are an important site of political creations. It is not contested that India- Bangladesh borders are not the sites where smuggling activities happen but to fixate that identity to the borders as the only identity is dangerous. Since the problem representation is assuming borderlands to be hubs of crime. The State also employ certain government rationalities to govern the spaces. In these cases, the BSF have been employed to maintain the border security of the country.

5.3 How has this representation of the 'problem' come about?

The goal of this question is to see what has been the background of such a problem. It also "involves a form of Foucauldian genealogy (Bacchi and Goodwin 2016: 22)" and it is important to focus on "subjugated knowledges (Bacchi and Goodwin 2016: 22)".

I will be analysing it from two angles, first being the political climate of India with its rise of Hindu nationalist politics, with which, came the idea of a Hindu nation (rashtra). Second being the idea of "'Global war on terror' (Jones 2009: 1)" and how that idea has been used to employ more border fencing and creation of an enemy which leads to '*otherization*'.

The treatment of Bangladeshi in India has to be understood from a historical lens. The Hindu nationalist politics have been in formation since the 19th century. But during the 1920s V.D. Savarkar, who is the founder of Rashtriya Swayamsevak Sangh (RSS-Association of National Volunteers) published a book named 'Hindutva: Who is A Hindu?' and the basic ideology of it was that Muslims and Christians were seen as outsiders unlike Hindus (Kapur 2010). It believes that "their holy lands lie outside of India (Kapur 2010: 13)". Savarkar's idea gives a way to the path of communal discourse. RSS are involved in Hindu Rights politics and try to assimilate the minorities into Hinduism. Kapur (2010) talks about how the aspiration to complete this mythical nation is still present in contemporary politics and the way to achieve it is through drawing lines on who belong and who does not. As discussed in chapter 2 that in the 1990s there was an infiltration campaign started by the Hindu right-wing party, BJP (the incumbent political party and the signatory of the agreement) towards the Bangladeshi migrants. The Hindu nationalists saw the Bangladeshi Hindus as refugees whereas the Bangladeshi Muslims were seen as invaders or infiltrators, the rhetoric used was of the '*othering*' the Bangladeshi Muslims. BJP had used the demographic data to highlight how Bangladeshi migrants are a threat to the States of West Bengal and Assam. During the period of 1999-2004, wherever there was a BJP-led National Democratic Alliance government in India, there was a revival of the notion to construct India-Bangladesh border fence by justifying that it will help stop infiltration (Shamshad 2017). The exchange of the enclaves becomes an important tool for the nation states to function in a better way and defined boundaries helps the cause. They thrive on the communal differences between Hindus and Muslims since the Partition of 1947 and showcase how Bangladeshi Muslims can pose a threat to the Indian state, hence fencing and securing the borders with Bangladesh becomes more essential. Even in contemporary politics it is used as during election campaign in Assam and West Bengal (Shamshad 2017).

"As Carl Schmitt (1996) famously argued, one of the fundamental roles of the state is to distinguish friend from enemy; that is, to create the boundaries of the categories of those who are represented by the state and those who are not. Geopolitical boundary narratives

are the means through which the boundaries of place-based identity categories, such as nations, ethnicities and enemy others, are established (Jones 2009: 296)". This is another aspect through which the problem representation is adding another layer to it which complements on why the security became one of the main reasons for the LBA to take place. I am employing Jones' (2009) idea on how there is a construction of Bangladesh as a State outside of modernity. Also, the framing of threat of terrorism a global security concern which establishes the nation states to secure their citizens and territories. The language of threat and security is used to encourage their own exclusionary practices (Oza 2007). The growing concern to secure borders by fencing is a preventive measure from the State. Also, there is a binary that is taking place of good and evil. Another way of deepening this binary was by mixing terrorism with communal divide. BJP tries to build Indian national identity on this binary of good and evil. There is a narrative of that terrorism is growing globally and nation-states need to constrict their boundaries to fight terrorism (Jones 2009). BJP in their 2014 election manifesto, under the theme of "Secure Indians – Zero Tolerance on Terrorism, Extremism and Crime" talked about dealing with border terrorism more strictly and that they will review and improve the border management. This again reiterates the idea of creating the '*other*' and justifying it through territorial security.

5.4 What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?

During the process some problem representation dominates and others are silenced, this question helps in uncovering those silences and limitations of the representation of the 'problem'. Here, since the question of border security has dominated the discourse, the rights of the people have taken a backseat. LBA only mentions twice about the deprivation of the rights of the former enclaves' dwellers and it does not engage on how the State will provide for the people. If the problem representation in the LBA focused and prioritised people's rights then the following aspects could have come in forefront:

5.4.1 Land Rights

Most of the former enclave dwellers have agricultural land and these lands have been inherited. Earlier, since former enclave inhabitants were not part of any Nation- State, the dwellers would buy and sell land verbally or by using stamps from their parent countries through the medium of agents. (Yaram 2020, personal interview)[1]. But after the 2018 Land Reform Bill, new citizens' lands were to be legally registered which would have enabled them access to the government schemes meant for farmers. But currently, their lands have been temporarily registered and they have received only temporary land deeds which again are erroneous. So, new citizens don't possess valid land documents yet. This leads to their exclusion from the government schemes meant for farmers.

5.4.2 Quality of Life in borderland

Since these former enclaves are located in the borderland areas of Indo-Bangla borders, they witness other issues faced by people residing near the border villages. Quality of life could have been prioritised and efforts could have been made to improve the lives and livelihood in the respective areas. Research on the West Bengal-Bangladesh border shows that trade

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[1] Personal interview with Yaram on land transactions before LBA 2015, 10 August.

does take place regularly in these border areas where the small traders are caught up between police firing by the BSF and have lost lives where they are misunderstood as terrorists.

5.4.3   Employment aspects

Through the interviews I conducted, I realised that there is a strong sense of disappointment amongst the people with regards to the employment opportunities. Before the ratification of LBA they could not access employment in any government services unless they possessed fake documents. Since they were deprived of formal employment opportunities, they expected compensation in terms of more employment opportunities. The new citizens believe they have a lot of educated young people amongst themselves, who are qualified to be employed in the Anganwadi's, primary, secondary schools that are being constructed within the former enclaves but they are deprived of such an opportunity.

5.5 What effects are produced by this representation of the 'problem'?

WPR approach shows that some problem representations create a divide between different social groups in attaining similar things. The examples below will help further probing the material effects it has on life experiences of people.

One such example is Rashidul's case. He was residing in an Indian enclave in Bangladesh before the 2015 agreement was signed. After the pact, he along with his family moved to the Indian rehabilitation settlement camp and accepted the Indian citizenship. He had migrated to Delhi, to work as labourer. On 14th August, 2017 he was arrested by the Delhi police, suspecting him as a Bangladeshi intruder. He possessed a voter identity, an Aadhar card and a certificate of residence which are all identification documents for an Indian citizen. But these were not considered valid as his voter id card was not showing up in the Indian database. So, he was deported to Bangladesh and his family still resides in the rehabilitation camps of Cooch Behar, West Bengal, India (Lohia 2019).

There are discrepancies in the identification documents issued to the new citizens by the government authorities. Errors are made by omitting middle names, or there are spelling errors etc. New citizens are affected as it reduces accessibility to any welfare schemes provided by the government. Exclusion takes place, as their voter id card might not match with the Aadhar card due to these errors. There are also problems in issuing ration cards (welfare schemes can be accessed through it) to the former enclave inhabitants as some of them were not included in the initial survey of 2011 conducted by the government and later in 2015 their names were not added to the list (Roffi 2020, personal interview).[2]

The other effects of this representation has been on the Indian Bengali- speaking Muslims who reside in the border areas of India Bangladesh and in other cities. The State of West Bengal and Bangladesh share a similar language and culture but they are seen as the '*others*' by the Indian State and are considered as illegal Bangladeshi Muslims who have migrated to India. This makes them vulnerable and are further marginalised.

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[2] Personal interview with Roffi on identification documents and about his ration card before, 12 August.

There are incidents where BSF has encroached on the private lands of the people and have their stations within the village. This causes a problem for the citizens living in these villages. The gates of the borders are opened only twice in a day, making it difficult for the villagers to access agricultural land or for children to attend schools, as the gates have fixed opening time (Lohia 2019).

5.6 How/where has this representation of the 'problem' been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

This question is then linked to question 3 illustrating 'the practices and processes that allow certain problem representations to dominate' (Bacchi 2009: 19)". Social media has played an important role in disseminating the nationalist discourse.

"The complex nature of mass mediation does not take away the key theoretical insight that Hindutva is shaped not as much by the political system or religious field per se but by the broader public culture where political discourses, commercial and cultural expressions, as well as official representations together constitute forms of recognition and identity (Hansen 1999) (Udupa 2018: 455)". The Hindu nationalist project formed a base through the televised series Ramayana (a Hindu religious epic) which was shown in the national television in 1980s. It innocently weaved a Hindu nationalism sensibility and Hindutva in the everyday lives of television viewers (Udupa 2018).

Social media opened up avenues of political expression for the common masses. In India BJP was the first major political party who took advantage of social media for electoral gains. The 2014 Parliamentary elections was a witness to this where the party used mobilisation tactics on social media and Prime Ministerial candidate Mr. Narendra Modi made himself and his party, BJP visible through twitter and other social media platforms. BJP hired workers and a huge number of unpaid volunteers to run their digital media accounts. This led to a growth of a wing of the party called the 'IT cell' which took over the responsibility to mobilise the common public on these social media platforms (Udupa 2018). It is interesting to note that the online volunteers who are involved in advancing the Hindutva cause are diverse in nature. Educated urban youth belonging from upper caste groups to small retail business owners to tech entrepreneurs to people employed in multinational companies (ibid). These online actors "participate in discussions on the grander points of the ideology, gliding around a set corpus of themes, and by commenting, tagging, tweeting, retweeting and posting, reproduce the ideological formation from various points of entry and exit (Udupa 2018: 456)".

The Parliamentary election were conducted between April 7th to 12th May in phases across India. Below is one of the tweets by Mr. Narendra Modi, the current Prime Minister of India from the year 2014, prior to the elections. The tweet reflects the same narrative of Bangladeshi's as infiltrators based on the politics of differentiating between a refugee and an infiltrator that has been discussed earlier. Though the tweet does not explicitly refer to any religion, it can be argued that in CAA 2019 Bangladeshi Muslims are not considered as legal migrants in India. So, it implies Bangladeshi Muslims as infiltrators. This tweet restates the position taken by the current government of India on territorial politics where boundaries are important. This connects to the problem represented in the agreement of securing the

borders as a national concern is being reiterated through this tweet, thus the social media plays an important role in disseminating this ideology.

This chapter using Bacchi's WPR techniques, unravels the problem representation in the LBA document and it argues the assumptions made are political in nature. It demonstrates these assumptions made by the government of India have ideological leanings towards it and its relation to national security and border concerns. It then further discusses the effects of such an assumption on the lives of the new citizens. It also illustrates the effects such on the rights of the people and how it places them in a marginalised position. Through the above analysis in this chapter we understand how the LBA acts as a tool to keep a check on nation state's security. It helps in creating the narrative of territories being threatened where terrorism is mixed with communal divide. This opens up the discussion on lived experiences of Indian citizenship for the new citizens. The next chapter will explore the voices of the new citizens in relation to their experiences of citizenship.

Chapter 6 Experiencing Citizenship-Voices of the New Citizens

In this chapter I will illustrate the experiences of the erstwhile enclave dwellers towards their newly acquired Indian citizenship rights. This helps me answer my third research question by using the analytical framework of citizenship discussed earlier in chapter 3.

The ground realities of citizenship is experienced very differently by the new citizens than the legal status of citizenship mentioned in LBA. Their experiences of citizenship are partial in nature and that indeed affects their belonging. The terrains of citizenship and belonging is navigated differently by each of the former enclave inhabitants as their association with citizenship has changed marginally since 2015. There is a sense of frustration and disappointment from their newly acquired citizenship as the social rights are not completely meted out. In the following sub-sections I demonstrate new citizens' citizenship experiences in relation to land, identification document, bureaucratic procedures, rights, identity and daily practices.

6.1 Citizenship experiences through land

Most of the former enclave residents possess land which becomes an important resource for agricultural work and their livelihood depends on it. But land also works as an asset through which new citizens value themselves. Land becomes a point of negotiation in their social relations and new citizens connect their identity and citizenship through land.

After 2018 Land Reform Bill, West Bengal state government issued a temporary land deed (called '*khasra khatihan*' in Bengali) to the new citizens. The temporary land deed is not valid against bank loans and neither is it valid in case of buying and selling the lands. However, Ms. Mamata Banerjee, the chief minister of West Bengal promised that the bill would help new citizens achieve land-right documents. She also promised that the bill would provide new citizens "full-fledged status as citizens of India (The Indian Express 2018)". This statement is important in two levels. First, there is a sense of acknowledgement that till 2018 the new citizens were not given all citizenship rights as Indian citizen are entitled to. Despite getting legal citizenship status in 2015. Second, new citizens are still awaiting for the permanent land deed which should have been resolved with the 2018 bill. This implies that even though on paper their rights are being fulfilled, in reality it is partial in nature.

New citizens relate their belonging to Indian citizenship through land rights. Most of my research participants felt that they are not being valued by the Indian State since their land rights are not being prioritised.

"*We had no value but now it's the same. I still feel no value, as I am not getting any land deeds. The land belonged to my father, uncles, grandparents.*"- Hazi[3] (Interview, 2020).

The above quote shows Hazi's inherent connection with his land through which he connects his Indian citizenship.

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[3] Hazi is a farmer.

Another significant aspect in relation to land has been the informal ways through which land is dealt with. Leasing and selling of land is important to the former enclave dwellers. The research participants felt earlier there was an informal way to sell and buy their ancestral and agricultural land. The new citizens thought after the ratification of LBA in 2015, land transactions will be easier. The legal framework would benefit them rather it has caused more trouble. Earlier land transaction would take place orally, with few people as witnesses. Sometimes, the land transaction would happen on a piece of paper. For example, they would mention the buyers and sellers name along with the amount of land to be sold in a piece of paper. At times these transactions would take place between a former Chhittbashi and an Indian villager, where the Indian villager would buy or lease land from them. This connects to the idea presented by Kabeer (2002), "The existence of parallel traditions of belonging, whether given legal recognition or left partly informal represents the juxtaposition of a moral economy, founded on norms of reciprocity between socially acknowledged members, with the contract-based economy, based on agreements between abstract individuals (2002: 16)".

"Even now leasing of land is not a problem, though it is done in an informal way. Even buying and selling of the land is possible only through trust, I can sell the land amongst our chhitt people. But through legal land papers or process it is not possible." – Yaram[4] (Interview, 2020)

Drawing on this idea of Kabeer in relation to citizenship, these traditions exist because the formalised forms of membership is weak, as there are no strong socio-economic rights. It does not reach all sections of the society, so community relations become an important aspect of security to the individuals.

6.2 Citizenship experiences through identification document and bureaucracy

Identification documents (IDs) are an important aspect in attaining rights in India as mentioned by Jayal (2013) in her study. Identification documents works as an identity proof through which citizenship rights are claimed. For new citizens it adds another layer, through these documents they can prove to be part of a territorial boundary of the State and can claim land rights. Various welfare schemes and subsidies provided by the government of India can be attained by Indian citizens through identification documents.

Most of my research participants informed me that the identification documents they own have errors. In some documents, there are error in the spellings of their names, or have omitted their middle name or there is a mistake in writing their or their father's name. With these errors, it becomes difficult for the new citizens to claim welfare rights. In case of new citizens' land deed, the problem is three folded. First, since the land deed is temporary, new citizens are unable to buy or sell land through that deed. So, they are not able to access their rights as complete citizens. Second, there are errors in the temporary land deed given to them. In some of the deeds, there are mistakes in names, in some cases they have not provided the exact amount of land the person possess. In Yaram's case, he has land worth of two acres but only one and half acres are recorded in his temporary land deed issued by the state. In most of the cases there are discrepancies in their temporary land deed. Even when later, the deeds get finalised, it will record the errors in the permanent land deeds as well.

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[4] Yaram is a businessman but he also owns agricultural land.

Third, there is a discrepancy in names mentioned in the temporary land deeds and the IDs issued to them. It is because the identification documents have errors in it. When the land deed gets finalised, new citizens will possess those deeds with different name than the name mentioned in the IDs. This can cause them trouble as they will not be seen as an Indian citizen. This is an important aspect, as before the 2015 LBA, new citizens were living their life through fake documents. Even after 2015, they continue to live life through names that are not associated with them. The only difference is, after 2015, this fake identity is being issued by the Indian government because of their inefficient bureaucratic process.

Kabeer (2002) talks about how even after acquiring formal citizenship there may still be struggles in accessing the resources and lead to exclusion. The same is the case of the Chhittbashi, where legally they have been given an Indian nationality through which citizenship rights can be claimed. But since new citizens are unable to access land rights, they are excluded from citizenship. The land deeds that have been issued by the State government of India, is temporary in nature. The legal framework of citizenship should have helped them in attaining their rights as a citizen of India, but in their case, it is causing them more trouble. This highlights the fact that the practices of the Constitution are very different from the practices of bureaucracy. Bureaucratic protocol has a rich lineage in India and the field practitioners are the delegates of the constitution but there is a gap in delivering these services.

The new citizens were asked for bribes by the government officials to make corrections in their identification documents and temporary land deeds. This again reiterates the power bureaucracy has over the rights of citizenship. Granting or denial of these documents dictates their right to citizenship, value and social standing. This kind of errors and corruption renders the citizenship of the former enclave inhabitants as partial, it makes them incomplete citizens. State acts as a bureaucratic apparatus which restricts the residents of the former enclaves but it also acts as a site of empowerment by providing them with legal status to Indian citizenship.

The former Chhittbashi's have long been deprived of the State's presence and the entitlements that come from belonging to a nation-State. However, after 2015, through bureaucratic procedures State's presence is being felt in the lives of the new citizens but not in the way they wanted.

6.3 Citizenship experiences through rights, identity and daily practices

The relations of belonging to a nation-state is not exclusive in nature, new citizens sometimes associate themselves as a member of the nation-state of India through their citizenship. But there are times when new citizens navigate through their local identity of being a Chhittbashi in claiming their rights and obligations. It is important to bring in the discussion of rights, resources and recognition under the boundaries of national territory, security and identity in this paper as they are recurring and interconnected themes in relation to citizenship.

Hazi's citizenship is connected through his land, as that is the only source of livelihood for him. The contradictory statement, where Hazi identifies himself as a citizen of India because he has to follow Indian constitution. But at the same time, he still feels that he is a chhittbashi, shows the national identity is not his only identity. Hazi is oscillating between his Indian

identity and Chhitt identity and there the point of contention of citizenship unfolds, where he is associating with his new Indian identity but also goes back to his Chhitt identity. Since he has not been given the complete benefits and rights of an Indian citizen, he does not feel as a complete citizen.

The former Chhittbashi's do not always associate themselves as Indians, they do identify as Chhittbashi, because of the unsatisfactory membership from the Indian State. As Kymlicka (1995); Isin and Wood (1999), had mentioned that a member of State identifies themselves through many identities to claim their rights.

Yaram thinks that the former chhitt people should be given some employment benefit in the government services since they have been deprived for decades. Here, he is compensating his exclusion from the nation-states by claiming employment benefits. Yaram identified himself as Chhittbashi before LBA was signed. Later after 2015 he identifies himself as Indian. However, while talking about job opportunities being denied to the new citizens in the newly constructed schools or Anganwadi[5] centres within the former enclaves. Yaram differentiates himself from the residents of the Indian villages and mentions them as "*Indians are coming and taking away the jobs*"(Interview, 2020). As he feels that residents from outside the former enclaves are employed in these schools.

Yaram observes that some Indians are valued more than the other Indians. This validates the incomplete citizenship that the new citizens are going through. This idea of experiencing that every citizen is not equal and some enjoy more citizenship rights than the rest is echoed by other research participants as well. Yaram connects with Indian citizenship not through mere Indian identification documents itself but also through his birthplace. He feels that he was always an Indian as he was born in the Indian land even if it was territorially through the lens of nation-state Bangladesh.

In the case of the former Chhittbashi different research participants learn differently about their rights as an Indian citizen so their actions also differ. Hazi and Yaram are actively associated with the NGO, MASUM, they go for protests, so their learning at times comes from the organization. The NGO has an influence shaping and voicing Hazi and Yaram's opinions. This positionality of them matters as it generates a certain kind of knowledge production. While speaking to Kirity Roy, the secretary of the NGO, I was told that MASUM is demanding for an individual citizenship card from the government of India. MASUM demands the card to have detailed information of an individual person and to state new citizens as Indian citizens since 2015.

For other Indian citizens, such a card does not exist. When I first interviewed Kirity, he stated that new citizens need citizenship card implying that the card is usually issued by government for every Indian. On probing more about the card, Kirity informed that MASUM is demanding for it. So, later if National Registry of Citizens (NRC)[6] is implemented in the State of West Bengal, new citizens will be able to prove their Indian citizenship through the citizenship card. It was interesting to note that while speaking to Hazi and Yaram they

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[5] Anganwadi is a type of rural child care centre in India. It was started by the Indian government in 1975 as part of the Integrated Child Development Services program.

[6] NRC is an Indian system of documentation of identifying illegal migrants, then deporting them.

brought the demand for citizenship card, without knowing much about it. When questioned furthered, Hazi and Yaram informed that their demands were not being meted out. This indicates the knowledge production taking place. Hazi and Yaram's knowledge to reassert their claims over land is also partly learnt through MASUM. Yaram informed me that new citizens are not getting the benefits of health and other welfare schemes available for farmers because their land has not been registered properly. In the case of Rajesh[7] and Yaram they learnt about their rights through their education. But most importantly, new citizens all learn about their rights through their citizenship experiences.

The channel through which new citizens know their rights implies their practice of citizenship. It then furthers the learning of citizenship as new citizens will accordingly reflect and act. Rpikul[8] informed me that the funds allocated for the new citizens are not provided to them. When questioned furthered about his rights and how he learnt about it. Rpikul told me that politicians, higher government officials, ministers often visit the former enclaves. They give speeches related to farmer loans, direct loan schemes. But Rpikul said that none can be availed unless the land rights are resolved.

Rpikul complained about the workings of tubewells, hand pumps in his village. He also informed that solar pumps are installed in their villages but electricity connection has not been provided yet which makes the solar pumps useless. In his interview he shared about his writing proposal to the Cooch Behar government for deep tubewells. Rpikul believes that deep tubewells can benefit their farms and help in irrigation for which he was ready to provide his land but he never heard back from the officials. There was a sense of awareness and frustration in his voice. Rpikul was aware that new facilities meant for the new citizens were being installed in the Indian villages and the benefits weren't reaped by them. He felt that the promises made by the Indian state are false in nature and they are continued to be deprived of their rights.

Yarwood's (2014) idea of daily performances of citizenship are practiced by the new citizens. The repeated daily acts reproduce and reinforce ideas of citizenship and that contributes to the way they are included and excluded from the place (Yarwood 2014). In case of Rajesh, before 2015 he had gone to school through fake documents, he was negotiating his identity as a Chhittbashi. The constant bullying by the Indian teachers and other students were reinforcing their citizenship to exclude him from the school space. But Rajesh feels now he can access university spaces as a citizen of India. New citizens who are taking part in the protests are reinforcing their Indian citizenship.

"Earlier also we used to protest but that time we were enclave dwellers and there was a constant fear but now we have become Indian citizens so we are not scared anymore, even if we have become citizens, all our rights are not fulfilled, so we are protesting."- Hazi (Interview, 2020).

In this chapter I demonstrate the various experiences of the new citizens in relation to Indian citizenship. Through this chapter I argue that the new citizens experiences an incomplete Indian citizenship. Since their land rights are not completely resolved as they are provided with only temporary land deed which again has errors in it. It further exposes the ways the power of bureaucracy has over constitutional rights and its effect on the new citizens. The chapter explores the differences in the claims of the LBA of providing legal citizenship status

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[7] Rajesh finished his graduation diploma in 2020 and is currently unemployed.
[8] Rpikul is a farmer.

and on ground experiences of the people. The chapter reflects on the power of the State being exhibited through identity documents where it provides the people a legal status of citizenship but at the same time it restricts them to gain their land rights.

Chapter 7 Conclusion

This research paper foregrounds the overlaps between the politics of citizenship, history of the enclave formation, new citizens, land boundary agreement and politics of BJP. Through this research I attempted to answer the research question where the historical formation of the enclaves paved way towards experiences of citizenship for the new citizens of India in relation to the Land Boundary Agreement of 2015 and the current idea(l)s of Indian national identity.

In this research, I drew on the analytical framework of citizenship in relation to territory, security, rights and identity to engage in the discussion of politics of citizenship in post-colonial India. I provided a trajectory of the politics of BJP in relation to establishing a narrative of Bangladeshi Muslims as infiltrators, who pose a threat to the Indian national identity. Lot of these former enclave inhabitants who have become new citizens are Bengali speaking Muslims who share similar language, religion and culture with Bangladesh. This makes them vulnerable of being identified as Bangladeshi Muslims and hence an infiltrator. I also drew light on the change in stance of BJP in relation to LBA highlighting the importance of territorial politics of BJP.

Through my historical analysis of the enclaves, I argued that the elites and political parties played an important role in disseminating the marginal position of the former enclave inhabitants which affects their current Indian citizenship. I also argued that the identity of the former chhittbashi's as criminals was established since colonial times, which led to governing them as an unlawful subject.

I employed Bacchi's WPR method to dissect the Land Boundary Agreement to explore the significance of territorial security for BJP. My findings highlighted that the LBA in 2015 was signed with a clear implication of clean borders for national security. This again reiterated the politics of BJP which is based on nationalism and creation of national identity through the rhetoric of border management and security. The analysis of LBA through WPR methodology exposed the politics of citizenship by the State. It showed that the social rights of new citizens are not completely addressed through LBA. It offered an avenue to differentiate the experiences of citizenship faced by the new citizens.

Drawing on my findings from the interviews I conducted with the new citizens, I argued that the former enclave dwellers have received Indian citizenship legally but the social rights are not meted out completely. This research showed the importance of land in the lives of new citizens and their connection of citizenship through it. The land bill of 2018 hasn't provided them the valid land deeds as promised by the government. My findings also suggest the various interlinkages of identification documents with new citizens land deeds. It showcases importance of IDs in their lives in providing legal status, claiming rights and as an identity document. In the case of the new citizens there are errors in identification documents which again adds to the problem of attaining correct land deeds. Therefore it is apparent legal settlement is not the only way to achieve citizenship, social rights are equally important. This leads to the narrative of incomplete citizenship being echoed by the new citizens since the issue of land rights remains unresolved as of date.

Through the research sub-questions I answered my main research question. The new citizens are situated in the historical and political climate of India. The current idea(l)s of Indian national identity is disseminated through macro level political discourse created by post-colonial Indian state. The association of new citizens with criminal activities is established through the historical formation of the enclaves. This is used by the political regimes to reproduce hierarchies and hence leads in inclusion and exclusion. It is manifested through the LBA and its implication are felt on the lives of the new citizens. This affected the new citizens in achieving their complete Indian citizenship. Their experiences suggest that they remain incomplete citizens of India. Thus, the interplay between history of enclaves, Land Boundary Agreement of 2015 and the current idea(l)s of Indian national identity informed the new citizens' experiences of Indian citizenship.

This research paper begs more question as to how these new citizens have become a source of vote bank politics for both the state government of West Bengal, Trinamool party and central government, BJP. This political nexus and its effect on these new citizens lives, their land rights can be explored through further studies. The paper also opens up further opportunity to research on lives of new citizens through the lens of citizenship politics of CAA 2019 and NRC in India.

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Appendices

Appendix 1: Informal interview questionnaire guide for the new citizens

1. What is your name and occupation?
2. How many family members you have?
3. Do you have children, if so, what do they do? And where and how did they get their education?
4. How did you get your education?
5. Have you heard about MASUM organization? How are you associated with them?
6. How was life before LBA? (their experiences, their struggles, their movements with the borders).
7. How has life changed after LBA?
8. How did you purchase or sell land before 2015?
9. What crops do you grow?
10. How much land you have? And how much is registered?
11. Is there any problem in the land registration? If yes, can you elaborate how and what are the challenges?
12. How do you see yourself? How do you associate with Indian citizenship?
13. Do they see yourself as members of the villages/former enclaves, or as members of the nation-state?
14. Why did you stay back in India?
15. Is there anybody who represents your social rights? If so, how, why do you feel about it?
16. Do you know about CAA and NRC? What do you think about it?

Appendix 2: Informal conversation pointers with Kirity Roy, Secretary of MASUM NGO and one of the employee of MASUM

a) How did you get engage with the work of MASUM?
b) How long have you been working with the former enclave residents?
c) What are the issues you have seen the former enclave residents face?
d) Kirity Roy in of our conversation mentioned about land rights being the key problem in the lives of the new citizens.
e) Both of them had emphasised on the CAA, NRC angle, and the looming statelessness around the new citizens.

Appendix 3 Profile of the new citizens interviewed

Pseudo Name	Age	Sex	Occupation	Place
Hazi	40	Male	Farmer	Batrigach fragment
Yaram	28	Male	Business-man	Batrigach fragment
Rajesh	21	Male	Student	Batrigach fragment
Roffi	58	Male	Unemployed	Batrigach fragment
RPikul	50	Male	Farmer	Batrigach fragment