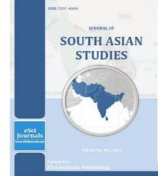




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BIHARI REFUGEES STRANDED IN BANGLADESH SINCE 1971

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ABSTRACT

A relatively large number of Pakistanis known as the Bihari community have been stranded in Bangladesh since its independence in 1971. The objective of this paper is to analyze the status of the Bihari people and their problems. This paper argues that the Bihari community suffers from identity crisis of being Bangladeshis and Pakistanis or being refugees and minorities that are deprived of fundamental rights. The unresolved repatriation problem is a consequence of deliberate procrastination and political indecision on the part of both Bangladesh and Pakistan governments. Neither of these governments have done much to resolve the problem of the Bihari community. The need of the hour is to resolve the problem so that these people can live a happy and dignified life and save the future of these refugees. Both governments should realize the magnitude of the problem and should adopt an amicable way in order to resolve it.

Keywords: Bangladesh, Biharis, Humanitarian Issue, India, Islam, Pakistan, Refugees, Repatriation, Urdu.

INTRODUCTION

A group of people do not fit in the standard definition of refugees of United Nations High Commissioner for Refugees (UNHCR). According to the 1954 Convention relating to the Status of Stateless Persons, a stateless individual is “a person who is not considered as a national by any state under the operation of its law” (Blitz and Lynch, 2011). Such people are sometimes categorized as de jure (legally) stateless. Persons who have legitimate claims to citizenship, but who cannot prove their citizenship, or whose governments refuse to give effect to their nationality, are called de facto (in fact) stateless. The Final Act of the 1961 Convention on the Reduction of Statelessness includes a recommendation that persons who are de facto stateless should as far as possible be treated as de jure stateless to enable them to acquire an effective nationality (Zimmermann, Dörschner and Machts, 2011).

Pakistan and Bangladesh—the countries they claim as their own, do not accept them as their citizens. They have been stateless for last Forty years and they are the creation of the process of state formation in South Asia.

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These people who are presently staying in Bangladesh are commonly known as ‘Biharis’ or ‘Stranded Pakistanis’. The most significant identification of this group is that they speak Urdu. These groups of people have been deprived of basic human rights from the last four decades due to their nebulous identity. There are around 250000-300000 Urdu speaking people living in different parts of Bangladesh. (Lynch, 2005). In September 2008 the inter-ministerial decision by the Caretaker Government of Bangladesh had decided to accept a portion of these people who were born after 1971 as the citizens of Bangladesh (Lynch, 2007). As a result of this, the Election Commission of Bangladesh registered these people as voters and granted national identity cards. But still there are several issues which need to be taken care of.

BACKGROUND

Bangladesh is one of the most densely populated and poorest nations in the world. The majority of the population is employed in the agricultural sector, yet floods and cyclones plague the country. Bangladesh has tried to diversify its economy through industrial development, but there are still an insufficient number of jobs for the burgeoning population. An estimated 35.6 percent of the population lives below the poverty line.



Source: - Maureen Lynch Thatcher Cook, "Citizens of Nowhere: The Stateless Biharis of Bangladesh", *Refugees International*, 2006: <http://www.refintl.org/content/issue/detail/5051>

The population of Bangladesh is 98 percent Bengali, with tribal groups and non-Bengali Muslims, such as the Biharis, making up the last two percent. The primary religion is Muslim (89 percent), followed by Hindu (8 percent); the remaining one percent is Buddhists, Christians, and Animists. The literacy rate is approximately 43.1 percent. Bangladesh seceded from West Pakistan to form an independent nation in 1971. The war for independence was bitter and bloody, and was followed by 15 years of military rule. Though democracy was restored in 1990, the political scene remains volatile, and the country is often charged with human rights violations (Abrar and Redcliff, 2004).

The word 'Bihari' literally means a person who belongs to the state of Bihar of India. In Bangladeshi context anyone who speaks Urdu is considered to be a Bihari whether that person comes from Bihar or not. The history of this Urdu speaking community or popularly known as the Biharis in Bangladesh goes back to the partition of India in 1947. During the Partition of British-India, around one million Urdu speaking Muslims from

the Indian provinces of Bihar, Uttar Pradesh, Madhya Pradesh and Rajasthan, West Bengal moved to East Pakistan, which later became Bangladesh. Their movement to East Pakistan was due to a desire to escape from communal bloodshed and to preserve their 'Islamic way of life'. In November 1946 thousands of Muslims were killed in the State of Bihar. The death-toll was so high that even Mahatma Gandhi was greatly distressed and threatened to go on a fast unto death if the Hindus didn't end violence against the Muslims. Reportedly up to 30,000 Muslims were killed during that period and this incident is known as the Great Bihar Killing. Many of those Muslims from the upheaval in Bihar were accommodated in camps in West Bengal. Upon creation of Pakistan, all of these and thousands of other refugees moved to East Pakistan (Ghosh, 2007).

When East Pakistan moved to secede and civil war broke out between East and West Pakistan in 1971, the Biharis, who considered themselves citizens of Pakistan, sided with West Pakistan. In December 1971, however, when East Pakistan became the independent state namely Bangladesh, many Biharis were left behind. Pakistan feared a mass influx of Biharis would be costly and could potentially stir passions in an already fragmented population (Ilias, 2004).

Newly formed Bangladesh scorned the Biharis for having supported the enemy. Neither country offered citizenship or aid. While Bangladesh permitted Biharis to stay, and they received some assistance from international organizations such as the International Committee of the Red Cross in the early days, they are now living in refugee-like camps in Bangladesh for more than four decades with little attention from the global community. Their lack of political voice further prevents any movement toward improvement in the situation. Nevertheless, some Biharis have organized, forming organizations such as the Stranded Pakistani General Repatriation Committee, and began lobbying for relocation to Pakistan. Between 1974 and 1992 some 175,000 Biharis were relocated to Pakistan. Two generations of Biharis have lived their lives in camps. For some members of the younger generation, Bangladesh is the only home they have ever known, and Bengali is the language they have learned. In the spring of 2003, a High Court ruling in Bangladesh allowed ten Biharis to assume Bangladeshi citizenship with voting rights. The judgment stated that Urdu-speaking people,

who were resident at the time of independence, as well as those born following independence and living in camps, are citizens of Bangladesh in the application of the 1972 Bangladesh Citizenship Order. However, the decision had no political support and faced the government appeal (Lunch and Cook, 2006).

INTERNAL POLITICAL LIFE

The political life of the stranded Bihari people is also ripped apart by internal political squabbles and factionalism. The political factionalism of the Biharis is as a result of divided loyalties of either supporting or opposing the view of becoming Bangladeshi citizens or going back to Pakistan. The older generation that held the view of returning to Pakistan still dominates the community and tries to persuade the community to support their view. Alhaj M. Nasim Khan is the leader of the Urdu speaking camp-dwellers all across Bangladesh (Moonis, 2004). He is the chief of *Stranded Pakistani General Repatriation Camp* (SPGRC), which had been established on 2nd December 1977 with the aim of being repatriated to Pakistan one day. The SPGRC Chief organized many demonstrations, hunger strikes and met the Pakistani high officials including heads of the state several times in order to put pressure on Pakistan. But as he failed in many bids to negotiate with both governments of Pakistan and Bangladesh, and as the whole process of repatriation has got sidelined, his popularity decreased. Moreover, in the present time, there is controversy about the leadership of Nasim Khan. Many of the Biharis believe that when the SPGRC was established, there were no influential leaders to represent this Bihari people. At that time, Nasim Khan claimed to be the leader of this organization and is continuing up to this time, as in their society there is no other system to change this. Even some Geneva Camp community people complained that Nasim Khan is no longer physically able to lead this community as he has become very old and sick (Moonis, 2002).

As a result, it is now evident that some Bihari people have established a new frontier, *The Committee for Rehabilitation of Non-Bengalis* with different objectives. The main supporters of this group are basically young people who considered themselves as Bangladeshis though they are poor and passing a very inhuman life in camps (The Daily *Manabjomin*, 2000). They do not want to be repatriated to Pakistan. One representative of the Stranded Pakistanis Youth Repatriation Movement (SPYRM) states that, "By virtue of birth, we are

Bangladeshi citizens and we want to live in this country with equal status enjoyed by the Bengali-speaking Bangladeshis." Another report on the survey of 51 households in Mohammadpur Geneva Camp, Tejgaon Camp and Mirpur Camp, conducted by Refugees and Migratory Movements Research Unit (RMMRU) in 1993, shows that 59 percent of Bihari people have identified themselves as Bangladeshi and wanted to get the citizenship of Bangladesh, whereas 35 percent wanted to go to Pakistan. The rest 6 percent did not comment on this issue. Now many of them want a different leadership. They opposed the old leader's dream - to be relocated to Pakistan one day. As the young generation has never set foot on their so-called homeland of Pakistan, to them Bangladesh is their home. They demand Bangladeshi citizenship. An example of this demand is a petition made to the High Court by a group of four women and six men claiming their citizenship rights. The High Court, in August 2003, declared them citizens of Bangladesh by birth and ruled in favor of their voting rights. However; the Bangladesh government is reluctant to abide by the High Court verdict (Lunch and Cook, 2004).

THE POLITICS OF BIHARI REPATRIATION

In 1972-73, Bangladesh offered the Biharis two options either to stay in Bangladesh as citizens or return to Pakistan through repatriation process handled by the International Committee of the Red Cross (ICRC). Two thirds of the Bihari people opted to return to Pakistan through ICRC as they wanted avoid an uncertain future. But from the very beginning, Pakistan was reluctant to receive large number of Biharis.

One year after the independence of Bangladesh, the unmanageable situation of the Biharis led the Prime Minister of Bangladesh, Sheikh Mujibur Rahman, to bring the issue before the UN and requested the Secretary General Kurt Waldheim to extend his help to ensure the repatriation of the stranded people. But the Bhutto government, from the very beginning, was reluctant to repatriate the Urdu-speaking Biharis due to domestic resistance and political consideration. In 1973, the UNHCR became involved in this issue and took practical initiatives which were called a "repatriation program." The International Committee of the Red Cross (ICRC) also worked side by side with the UNHCR. They gathered these people in different camps for their safety and registered them for possible repatriation to Pakistan.

The Simla Accord of July 1972 normalized the relationship between India and Pakistan which eventually allowed New Delhi to take the initiative of influencing Dhaka to settle the trilateral problems between India, Pakistan and Bangladesh. Subsequently, the two governments of Pakistan and India, with the agreement of the government of Bangladesh, signed the New Delhi Agreement on August 28, 1973. In the immediate aftermath of the accord, several phases of repatriation took place. From 1973 to April 1974, with the help of International Committee of Red Cross (ICRC) around 170,000 Bihari people were repatriated to Pakistan for the first time. After the initial repatriation, Pakistan expressed reluctance to accept more liability for the large number of remaining stranded Biharis for repatriation. In June 1974, during the Mujib-Bhutto talks in Bangladesh, Mujib requested Bhutto to take back immediately all stranded people who opted to return to Pakistan. But Bhutto refused to take the responsibility by saying "I have not come to Bangladesh with a blank cheque" (Bird and Goldmark 1974). Due to economic pressure, Mujib took the case seriously and raised the issue in the Third World Committee of the United Nations General Assembly (UNGA) in December 1974 and Commonwealth leader's conference in Jamaica in May 1975. But his diplomatic initiative did not come with any positive result. Moreover, the assassination of Sheikh Mujibur Rahman in 1975 slowed down the repatriation diplomacy further.

After the Mujib regime, the military government of General Ziaur Rahman restarted diplomatic efforts with his Pakistani counterpart to solve the issue of stranded Bihari people. Following his Pakistan visit in 1977, Pakistan's Foreign Secretary visited Dhaka and agreed to take 25,000 "hardship cases" through the international agencies. Subsequently, 4,790 people out of 25,000 were repatriated. But the whole process was stopped again because of Pakistan's internal political instability (Hafiz, 1985).

In July 1978, Bangladesh Foreign Secretary visited Pakistan and urged the officials to reactivate the repatriation process. But this time, the Pakistani government reduced the number of Biharis from 25,000 to 16,000 (Haider, 2003). With the help of UNHCR, another 2800 Biharis had been repatriated in September 1979. It was financed by Saudi Arabia and Libya. During this time, a former British Parliament Member (MP) Lord Ennals played a very important role in solving this

situation of these stranded people. In 1980, he met President Zia of Bangladesh and President Zia-ul-Haq of Pakistan which resulted in eventual repatriation of another 7,000 people. Later, with the initiative of Lord Ennals, the Geneva based International Council of Voluntary Agencies organized a conference in Geneva in December 1982 which is commonly known as the Geneva Conference. During the conference, twelve different national and international organizations from different countries including Bangladesh had attended except Pakistan. In this conference, the stranded Pakistani people expressed their strong desire to be repatriated to Pakistan. Consequently, Lord Ennals established an international resettlement trust to finance the resettlement procedure of the Biharis (Chowdhury, 1992).

After a series of different diplomatic initiatives a very important development took place in 1983 when President Zia-ul-Haq publicly announced in Karachi that Pakistan would not have any reservations about the repatriation of stranded Bihari people from Bangladesh, if the necessary fund were provided by donors. Then Foreign Minister of Pakistan paid an official visit to Dhaka and said after the conference that Pakistan was thinking about taking 50,000 more Biharis according to the second Delhi Agreement. In the meantime, with the financial support of Lord Ennals' Resettlement Trust 6,000 Biharis were repatriated and resettled in Lahore in 1984. But Pakistan's slow progress broke the patience of Bangladesh again. Therefore, once again Bangladesh raised the issue in the Islamic Countries Foreign Ministers' Conference (ICFM) in Sana, requesting them to put pressure on Pakistan to take back its people from Bangladesh to Pakistan. But that diplomatic effort did not work well. Rather, in December 1985, President Zia-ul-Haq during his visit to Dhaka told a delegation of the stranded Biharis that Pakistan had already "fulfilled its legal obligation under the agreement signed in 1973 and further repatriation would only depend on the availability of huge resources required" (Haider, 2003).

In this situation, Pakistan government signed an agreement with Saudi based Humanitarian organization *Rabita Al-Alam-Al-Islam* (RAAI), in July, 1986. Later, they established a trust, named *Rabita Trust Deed*, and appointed President Zia-ul-Haq as Chairman to mobilize funds for the repatriation of the remaining 250,000 stranded Pakistanis from Bangladesh. Initially the Pakistan Government donated RS. 250 million while the

RAAI contributed Rs. 50 million. The expectation was that the remaining required expenditure would be collected within three years and the repatriation would start immediately after that. Unfortunately, the whole process became stuck again with the sudden death of President Zia-ul-Haq in 1988. Later, the Committee of the Trust was re-established in August 1989, with Mr. Yakub Khan as its chairman, but it could not achieve any remarkable success. Benazir Bhutto, after becoming Prime Minister of Pakistan in 1988 soon faced some difficulties in resolving the issue of repatriation because of serious domestic challenges from her home province of Sind, where Biharis were supposed to be repatriated. Though, she promised to take immediate effective steps but that assurance proved ineffective (Kaushik, 1994).

At the beginning of 1989, under the joint initiatives taken by the UNHCR and RAAI, the government of Pakistan agreed to repatriate the first batch of 500 Biharis from Bangladesh. But at the same time, the Foreign Ministry of Pakistan explained that the collected money under the *Rabita Trust Deed* was only Rs. 300 million which was not sufficient for the total repatriation program. In addition to that, the Senate's adoption of a delay motion on the issue contributed to the further delay of the repatriation process.

The Benazir government was under heavy pressure from various Sindhi nationalist organizations such as the Sindh National Alliance, the Awami National Party, the Sindh Student Federation and the Democratic Students' Federation to oppose the process of repatriation of Biharis. The opposition leader, the Chief Minister of Punjab, Nawaz Sharif took advantage of Benazir's dilemma. All these factors influenced the Benazir's government. So, during her Dhaka visit in 1989, she subtly avoided the stranded Pakistani issue by labeling it as a very complex problem. Afterwards, domestic political developments in the respective countries hampered the progress of repatriation.

The settlement of Bihari issue proved to be more complex during PM Nawaz Sharif's regime. Despite domestic opposition, Nawaz Sharif speeded up the process of repatriation within a year of taking over power. In this line, the *Rabita Trust Board* (RTB), under the chairmanship of Nawaz Sharif established three committees on November 11, 1991 to accelerate the repatriation process. It agreed that initially a batch of 325 Biharis of 63 families would be repatriated to start the "symbolic repatriation" by December 31, 1992 and

subsequently, repatriation would take place phase by phase as funds became available. He gave the assurance that the August 1992 accord would be implemented and that an average of 8,000 repatriates would be settled in every district of Punjab.

However, because of the increasing domestic protests against the repatriation the government of Pakistan could not keep the word to start "symbolic repatriation" by December 13, 1992. In addition to that, the Pakistan High Commission in Dhaka informed the Bangladesh Foreign Ministry on December 28, 1992 that because of extensive floods in the Punjab province, the process of repatriation would be suspended until January of the following year. The Punjab Chief Minister also postponed his earlier scheduled visit to Bangladesh. Subsequently, a "symbolic repatriation" took place from Adamjee camp with the help of *Rabita Al-Alam-Al-Islam* on January 10, 1993. At this time, a small group of 325 Biharis were repatriated to Pakistan after a long wait. Conversely, "the symbolic repatriation was only the tip of the proverbial iceberg." But this process was soon stopped due to the dismissal of Nawaz Sharif government in 1993 (Kaushik, 1994).

The process of repatriation further suffered a serious setback because of Mrs. Bhutto's hard-line attitude during her second term in office. From the unhappy experience of Mrs. Bhutto's earlier tenure, the stranded Bihari community became deeply suspicious about the sincerity of Pakistan over early repatriation. The issue remained undecided during the second term of Nawaz Sharif in office, and it stopped making any progress at all after General Pervez Musharraf came to power.

From the above scenario, it is clear that immediately after the 1971 war and in the four decades that followed, Pakistan was under pressure to take these people back. Pakistan took back a substantial number of people, but gradually its moral obligations became weakened because of domestic political protests, the emphasis on other foreign policy issues, and above all, the unwillingness to take responsibility for these people. All these different political realities motivated Pakistan to change its decisions.

THE FUTURE: THE ALTERNATIVE POSSIBILITIES

The remaining Biharis future options appear to lie between migration back to India; an exodus to Pakistan or possibility to some other Islamic country; integration with or assimilation by Bangladesh; or some combination of these courses. Ideally each Bihari should

be able to choose which he or she prefers (Whitaker, 1984).

India at present appears unlikely to accept more than a marginal number, though she should be urged at least to allow individual families to be reunited in Bihar on compassionate grounds in the same way as she has on occasions made representation for Indian immigrant families to be reunited in United Kingdom. The Indian governments showed a very reasonable attitude towards the ten million refugees during Bangladesh war crisis. India could gain a positive prestige over Pakistan by providing the Muslim Biharis a respectable place in India. Pakistan certainly has a moral obligation to take at least all those Biharis whose loyalty to them in Bengal was the cause of their present predicament (Whitaker, 1984).

The United Nations and its agencies have no official status regarding the Bihari issue, without the Bangladeshi governments consent since it is an internal matter and no nation has alleged that they are threat to a peace. However at the time of international concern about the Biharis situation the Bangladeshi authorities have allowed the UN to provide the Red Cross with the food grains for distribution in the Bihari areas. The Bangladesh government is reported to have suggested to the UN that it might take over permanent responsibility for looking after the Biharis. But the UN is in no financial position to afford such a huge economic responsibility (Guest, 1984).

The least hazardous possible future for the remaining Biharis would appear to be for those who are still identified with the Pakistan or have close family ties in Pakistan to be moved as soon as possible where there is a reasonable chance that a limited number could be absorbed. India should accept as many as she can. The remainder should take a pledge of loyalty to Bangladesh and try to become part of the nation. For most minorities integration rather than assimilation is the ideal. Tagore who is much respected in Bangladesh once said, "The problem is not how to unite with all differences but how to unite with all differences intact" (Whitaker, 1984).

As these people are deprived of the basic human rights for a long time, granting citizenship and eventually rehabilitation outside the camp and integration are the best possible solutions to this humanitarian crisis. It should be mentioned that these camps are the centers of many illegal activities like trafficking of small arms and prostitutions, hence creating many social problems. At

the same Bangladesh is also not in a position to utilize this workforce properly. Therefore, Bangladesh government's decision of granting them citizenship is indeed an eminent step to eradicate the humanitarian problem. As Bangladesh itself is a developing country, this huge task cannot be done solely by the Bangladeshi government. In this regard, government of Pakistan can provide meaningful assistance (Naseem, 1992). They can give financial support to Bangladesh government for the resettlement and rehabilitation programme and can mobilize international organizations to help these two governments for practical solution to this problem. Further research needs to be done to identify the practical solution of resettling this group of people. At the same time, even though young generation Biharis have already obtained a national ID card, we need to observe whether they will be benefitted from this in near future. The expectation of these people as well as the support of mainstream Bengali population should be carefully combined. In the mean time, Bangladesh government can restore relief for immediate needs and can take help from the national and international NGOs to make basic amenities available to the camp dwellers including clean drinking water, toilets, medical clinics and schools. Rehabilitation programme will also need financial support from international organizations and moral support from the public at large. At the same time community mobilizing and awareness building should be taken care off. Young generation Bihari people have organizations of their own and through these organizations they have already shown keen interest to become citizens of Bangladesh. Organizations like Al-Falah conducts education programme and computer training programme to help the young Biharis to become more efficient workforce. Not only the state but also mainstream population should support these initiatives. In this regard, media, civil society, research organizations can play an important role in mobilizing public opinion. International organizations like UNHCR can take a proactive role to provide relief consistent with its mandate to address stateless people in the same manner as refugees and can play an important role by arranging financial aid to ease the workload of Bangladesh government (Naseem, 1992, 3).

CONCLUSION

It is argued that the camp based Urdu speaking people or the 'Biharis' are the unique example of statelessness and could not get access to many basic rights due to

their undefined identity. They are living in miserable condition which is also creating various social problems in the country. Bangladesh and Pakistan both are signatories of many UN Conventions; it is high time that a practical solution to this problem should be taken. The government of Pakistan should look into the issue and facilitate the return of old generation of Bihari people to Pakistan, who wishes to reunite with their family. However, the recent past has shown quite clearly that Pakistan government is reluctant in helping Bangladesh on this issue. So for the benefit of the humanitarian crisis and overall social imbalance created in Bangladesh due to a political aftermath (of which Bangladesh is least to blame), the intervention of other Muslim (or non Muslim) communities is needed to help the Bihari people assimilate with larger society as the rightful citizens of Bangladesh.

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