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Repatriation of the Biharis Stranded in Bangladesh: Diplomacy and Development

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Introduction

Who are Biharis? They are the non-Bengali poor Muslims who fled from their homeland and migrated to the East Pakistan at the time of the partition of British-India in 1946-47 to escape communal holocaust and to preserve their Islamic way of life.¹ They lent their support to the Muslim League's idea of Pakistan as enunciated in the Lahore Resolution of 1940. Most of them came from the Indian State of Bihar and some of them were from Calcutta, Northern India, Bombay and Madras. They were the products of great Calcutta killing in 1946 and the communal violence of Bihar.² But their common language was Urdu like any other Pakistani. In Bangladesh they are well known in their generic name, 'Bihari'.³ The number of Biharis migrated to the then East Pakistan in 1946-47 was 699,079 and about 4

* This paper was presented at a Seminar of the International Development Studies (I.D.S.) Speaker's Program of Saint Mary's University, Halifax, Canada on 21 March 2003 and also presented at the 19th annual conference of the Canadian Association for the Study of International Development (CASID) at DalHousie University, Halifax, Canada on 2nd June 2003.

1. The Biharis fled to East Pakistan, because their leaders convinced them that Hijrat (migration) was the only way to get rid of perpetual miseries of life in Hindu India. In order to escape from the oppression of the non-Muslims, the holy religion Islam encouraged its followers for 'Hijrat'. For details, see, Muhammad Tajuddin, "The Stateless People in Bangladesh: A Study". A paper presented in a seminar on South Asian Politics and Development, organized by Maulana Abul Kalam Azad Institute, Calcutta (1-3 March, 1994), p. 1.
2. Regarding the communal riot of 1946, Maulana Azad wrote: "The Great Calcutta Killing in 1946 had been followed by trouble in Noakhali and Bihar. Riots had started in the Punjab in March. Originally confined to Lahore, the disturbances spread and soon large areas in and around Rawal Pindi were torn with strife. Lahore in fact became the battle ground for which communalists among Hindus and Muslims fought." See, Maulana Abul Kalam Azad, *India Wins Freedom* (Madras: Orient Longman Limited, 1988), p. 218; Abdul Hamid, *Muslim Separatism in India: A Brief Survey 1858-1947* (Lahore: Oxford University Press), p. 238; Myron Weiner pointed out that attacks against minorities forced the Muslims to leave India. See, Myron Weiner, "Bad Neighbors, Bad Neighborhoods", *International Security*, vol. 21, No. 1 (Summer, 1996), p. 20.
3. The Biharis are referred to in various ways: Muhajirs, non-locals, non-Bangladeshis, stranded Pakistanis or Urdu speaking people. International convention on Biharis held in Geneva in 1982 referred to them as non-Banglaeshis or stranded Pakistanis. See, Dilara Chowdhury, *Bangladesh and the South Asian International System* (Dhaka: Academic Publishers, 1992), p. 296.

to 5 million concentrated in West Pakistan.⁴ Eventually the Liaqat-Nehru pact of 8 April 1950⁵ had prevented the precipitate plight of thirty five million Muslims from India to Pakistan.⁶ The Biharis were convinced to serve the Pakistani authority in the former East Pakistan in the same way that the Eurasians and immigrant minorities had served European rulers of Asian and African countries. During 24 years of residence in East Bengal they did not integrate with the mainstream Bengalis. These Urdu speaking people sided with the Pakistani rulers and actively collaborated with Pakistan army as they desired and helped execute their plans and actions at the time of the liberation war of Bangladesh. They are stigmatized as 'collaborators of Pakistan Army and War Criminals for perpetrating Genocide in Bangladesh. Their role created backlash among the Bengalis. Immediately after the liberation, these Biharis became unwanted and targets of revenge to the local Bengalis'.⁷

In 1972-73, one million Biharis were given an option to choose citizenship of either of Pakistan or Bangladesh through International Committee of Red Cross (ICRC); of them 500,000 opted for residence in Bangladesh; the rest 500,000 requested their repatriation to Pakistan.⁸ They enlisted their names in the list prepared by the ICRC. Those who wanted to stay in Bangladesh were immediately granted Bangladeshi citizenship. They were assimilated in the mainstream of the Bangladesh society. But for the repatriation of the stranded Biharis two agreements were signed in the past: the Delhi agreement of August 1973, its accompanying memorandum and the tripartite agreement of April 1974. According to the provision of the Delhi Agreement at the initial stage 170,000⁹ Biharis were repatriated by 1974 under the auspices of ICRC. After few months of repatriation ICRC stopped the work for its fund shortage. Eventually from 1974-2002 out of 500,000 a total of 193,590 Biharis were

4. The 1951 Census of Pakistan reported that 6,99,079 Muhajirs migrated to East Pakistan. According to their previous place of origin they were listed as follows:

	North	East	South	West	Central	North West	Other	Total
India	20,773	670,735	982	1,855	2,697	2,009	28	699,079
In former East Pakistan, the place of their residence was as follows:								
Chittagong Division	41,935							
Dhaka Division		1,62,85						
Rajshahi Division								4,94,289

For details, see: Government of Pakistan, *Census of Pakistan, 1951*, Vol. 2 (East Bengal) (Karachi: Pakistan) Table - 19A; Miran Shelly, *Emergence of a New Nation in Multi Polar World: Bangladesh* (Dhaka: University Press Limited [UPL], 1979), p. 30; Partha S. Ghosh, *Cooperation and Conflict in South Asia* (Dhaka: UPL, 1989), p. 16.

5. The Liaqat-Nehru Pact of 8 April 1950 opened with a solemn undertaking by the Government of India and Pakistan that "each shall ensure to the minorities though out its territory complete equality of citizenship irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship subject to law and morality". Choudhury Muhammad Ali, *The Emergence of Pakistan*, (New York: Columbia University Press, 1967), p. 274.

6. Leonard Binder, *Religion and Politics in Pakistan*, (Berkeley: University of California Press 1963) p. 218.

7. Herbert Feith, "Biharis' Sorrow", *Far Eastern Economic Review*, May 13, 1972.

8. Zaglul Haider, "Crises of Regional Cooperation in Bangladesh" (Government of Bangladesh [GOB], Ministry of Foreign Affairs, 1998); Zaglul Haider, "Cases of Regional Cooperation in South Asia", *Security Dialogue*, Volume 32 Number 4 December 2001, pp. 426-427.

10. Syed Serajul Islam, "Bangladesh-Pakistan Relations: From Conflict to Cooperation" in Enajuddin Ahmad ed. *Foreign Policy of Bangladesh* (Dhaka: UPL, 1984), p. 54; Lok Raj Baral and S.D. Muni, *Introduction: Refugees, South Asia and Security* in Lok Raj Baral and S.D. Muni eds. *Refugees and Regional Security in South Asia* (New Delhi: Konark, 1996), p. 17.

repatriated to Pakistan, leaving 306,410.¹¹ According to a survey conducted by Mecca based Non Government Organization (NGO) Rabita Al-Alam-AL Islami (RAAI) in 1992, there are 2,38,093 stranded Pakistanis living in 66 different camps in several areas of Bangladesh¹² who are waiting for repatriation to Pakistan. Although there is a difference between the GOB and RAAI about the total number of refugees stranded in Bangladesh, G.O.B. believes that because of long inaction in the repatriation a substantial number of Biharis left refugee camps and assimilated with the local people.¹³ However, finally GOB accepted 2,380,93 as the total number of stranded Biharis according to the survey of RAAI. Although these stateless Biharis are residing in refugee camps, they are not recognized by the United Nations High Commissioner for refugees (UNHCR) as refugees.¹⁴ Naturally, they are deprived from the benefits given to the refugees by the UNHCR.

However, what was the background of the Biharis? What role did they play in the liberation war of Bangladesh? What was the status of Biharis in the post-liberation period? What sort of diplomacy was adopted to repatriate them? What is the present status of stranded Biharis in Bangladesh? And what are the problems of their repatriation to Pakistan? In this paper we shall be concerned with all these questions.

Background of Stranded Biharis

Following the Hindu-Muslim communal violence of 1946-47 (popularly known as Hindu-Muslim Civil war) in Calcutta, East Bengal and Bihar, these Urdu speaking people migrated to former East Pakistan from the riot centric areas, mainly from Bihar in order to preserve their religious identities as well as to escape communal bloodshed.¹⁵ These immigrants settled in the urban or sub-urban areas of East Pakistan. During their nearly quarter century long residence in East Pakistan, they could not blend themselves with the mainstream Bengali people and could not merge with the local society. They preferred to live in separate enclaves and considered them as minority in East Pakistan. Initially the host Bengali speaking people had great respect for these non-Bengalis because of their religious

11. During 1972-1973, a total of 500,000 Biharis opted to go to Pakistan. In 1973-74 the number of Biharis repatriated to Pakistan was 170,000. In 1977 the number of repatriation was 4790. It was 7000 in 1981. In 1984 6000 Bihari people further repatriated to Pakistan. Lastly in 1993 only 300 Biharis repatriated to Pakistan. No repatriation occurred during 1994-2002 period Hence the total number of Biharis repatriated from Bangladesh to Pakistan was 1,93, 590, leaving 306,410 stranded in Bangladesh.

12. *Bangladesh Observer*, 11 August 1992

13. A good number of stranded Biharis reportedly returned to Pakistan on their own effort and a substantial number further merged with the local People. Information released by the Foreign minister Mr. Abdus Samad Azad in the *Bangla desh Jati yo Sansad* in 1998.

14. Addressing the question of large number of refugees resulting from the Second World War Europe, a UN convention on the status of refugees held in 1951 defined a refugee as "any person who owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear is unwilling to avail himself of the protection of that country" – According to this definition, the Biharis are not refugees because they have not fled but the territory of their residence has seceded from the mother country and became a separate, sovereign and independent state. See, "The 1951 UN Convention Relating to the Status of Refugees" in *United Nations Treaty*, Vol. 189, No.2545, p. 137.

15. Khalid bin Sayeed, *The Political System of Pakistan* (Lahore: 1967), p. 48; Pappya Ghosh, "The 1946 Riot and the Exodus of Bihari Muslims to Dhaka" in Sherifuddin Ahamed ed. *Dhaka: Past, Present and Future* (Dhaka: 1991), p. 283.

Muslims considered them good Muslims and brothers-in Islam. But these Biharis never reciprocated same treatment to the Bengali speaking Muslims. Like the West Pakistanis, these 'Bihari refugees' also gradually started to consider themselves as Ashraf – means, cultured, noble and gentle and regarded the Bengali Muslims as 'Atraf' or 'Ajraf' meaning low born rustics. To these Urdu speaking settlers, Bengali was the language of idolatry and of cowards. Like the West Pakistani rulers these Biharis decried Bengali as Pagan in a lower order of culture, which the Bengalis very strongly resisted. The Bengalis who rejected Urdu were judged un-patriotic and un-worthy to bear the designation of Muslims by these Bihari refugees like the non-Bengali ruling class. Central Government's policy of favoritism and insulation of the Bihari minority from the Bengali majority led the Biharis to cast their fate with the West Pakistani political elite.¹⁶ The audacity of these Bihari refugees was such that they allegedly often considered the Bengalis as Bastard children of Hindus.¹⁷ They regarded themselves as junior partner of the Pakistani civil-military oligarchy,¹⁸ that ultimately backfired them and proved self defeating. Except religious homogeneity, their customs, traditions and cultures were sharply different from the Bengalis. Their main food was bread and meat like the West Pakistanis, whereas rice and fish were the staple food of the Bengalis. The main dress of the Bihari men was Salwar (Men's trouser) and Kurta (loose shirt) and salwar and kameez(garment for the upper part of the body of women) for the Bihari women, while historically, the favorite dress of the Bengali men was Payjama (Men's trouser) and Panjabi (very loose convenient shirt) and Sari (a long piece of fabric i.e wrapped around the body and worn as the main piece of clothing by Bengali women.) for Bengali women.

The Bengalis considered Nazrul Islam, Rabindra Nath Tagore and Jasmuddin as their main poets, on the other hand the Biharis regarded Iqbal, Ghalib and Hali as their favourite poets. The Bengalis used to celebrate 'Poheba Baisshakh' (the 1st day of Bengali new year) as a great festival, the Biharis would observe the 1st *Mahar-ram* the first day of arabic new year as new year's day. The Bengalis loved to listen the classical *Rabindra Sangeet* (Tagor's song) and *Nazrul Geeti* (Nazrul's song). On the contrary, the Biharis were the lovers of *Kawali* musics (chorus songs), Ghazal (traditional Urdu song) and other Hindi and Urdu music. The Biharis used to read the Urdu daily the *Jung* and the *Mashrik*, while the Bengalis liked to read the *Ittefaq* and the *Azad* (vernacular Bengali dailies). The Biharis would send their children to Urdu school¹⁹ while the Bengali children used to attend the Bangla School. The Bengalis were basically employed in agricultural sector while the Biharis were employed in industrial sector jobs, small businesses, trade and commerce. In short, they had different social customs, literatures, heroes and episodes. Despite their 24 years co-existence, cultural heterogeneity forbade inter-marriage (which happened very seldom between Biharis and Bengalis) and ultimately isolated them from broader Bengali society.²⁰ Culturally, the Biharis arrogance toward the Bengalis, mistreat-

16. Lawrence Ziring, *Bangladesh from Mujib to Ershad: An Interpretive Study* (Dhaka: UPL, 1994), p. 5; Sumit Sen, "Stateless in South Asia", *Seminat* (No. 463, 1998), p. 51.
17. Based on author's interview with a Professor of Political Science at Rajshahi University, who had very close association with Biharis.
18. Ta-ji-ul Islam Hashmi, "The Bihari Minorities in Bangladesh : Victim of Nationalism's in Islam Communities and the Nation ed. *Mushitul Hasan*, (Dhaka : U . P. L. 1998) P, 390.
19. In an interview with the author a young lady (whose mother is a Bihari and father is a Bengali) told that still the Biharis teach Urdu language and provides their children Urdu books at home for their familiarity with Urdu language and culture.
20. Based on the author's interview with some Bihari people of Rajshahi city.

ment in social relations and their so-called 'Ashraf' like behavior with the Bengalis gradually eroded their image among the Bengalis. Although they could not merge with the Bengalis, they could not even integrate with the West Pakistanis (Pakistanis) and remained as *Muhajirs* (refugees) because of their cultural inhibition. The culture of the Biharis demarcated the ethnic boundary between them and the majority Bengalis²¹ Their cultural obsession truly retained their language and way of life but prevented their adaptation with the Bengalis.²²

Politically the Biharis in East Pakistan felt alienated from the indigenous population and considered the non-vernacular central elite as their friends and allies. They did not join any opposition political party for fear of changing the status quo but all along supported the Muslim League, the ruling party in Pakistan.²³ They did not have any separate political party of their own. Very few of them joined Awami League who had no significant status in the community.²⁴ Politically the Biharis started opposing the Bengalis cause since 1948 with the beginning of the language movement in East Pakistan. They supported the central government's policy of making 'Urdu' as the only national language of Pakistan and the Bengalis demand for making Bengali as one of the state languages of Pakistan was opposed by them. Since then the Bengalis grievances developed simultaneously against the West Pakistani ruling elite as well as the Urdu speaking Bihari settlers in East Pakistan. Bengalis started identifying them as the permanent agents of the West Pakistani vested interests who could never be dislodged from East Bengal as long as West Pakistani domination continues. First Bengali-Bihari ethnic riot occurred in 1952 at Adamjee Jute Mill, after the brutal students killing in Dhaka in the language movement of 1952.²⁵

In addition to this on several occasions the Biharis took part in anti-Bengali communal riots at Dhaka, Chittagong and Khulna, whipped up by their Pakistani Masters throughout 1950's and 1960's.²⁶ Since then the Biharis never supported any of the Bengalis freedom struggle. They characterized the Bengalis as pro-Indian and dis loyal to Pakistan.²⁷ Through out 1960's when the East Pakistanis were Pressing their demands for autonomy Biharis openly sided with the Military regime of President Ayub Khan. Their inimical role to the Bengalis interest soon turned them undesirable elements or parasites of East Bengal in the eyes of many Bengalis.²⁸ In the national and provincial elections of 1970 not a single Bihari was elected in East Pakistan. Thus their conspiracy against the Bengalis ended in a fiasco

21. Ahmed Bashir, "Repatriation of Biharis", *The Frontier Post* (Lahore, 18 September 1991), p. 9; Sumit Sen, *Stateless in South Asia*, p. 50.

22. Shah Muhammad Habibur Rahman, "The Settlement of Refugees: A Riddle for Pakistan and Bangladesh". *Asian Profile*, Vol. 14, No. 4., August 1986, p. 344.

23. Rounaq Jahan, *Pakistan Failure in National Integration* (Dhaka: UPL, 1977), p. 134.

24. Alauddin and Ghulam Dastagir were two intermediary status leaders in Awami League. See, Muhammad Tajuddin, *The Stateless People in Bangladesh*, p. 3; Dewan Warashat Husain Khan, Hashib Hashmi, Maulana Matin Hashmi, Professor A.F. Shams were some of the leaders of Bihari community. See, *Ibid.*, p. 3.

25. Bengali was the principal spoken language of 98.16% in East Pakistan and 56.40% in Pakistan in 1951. While Urdu speaking people were 7.05% in West Pakistan and 3.37% in Pakistan, see Ministry of Home and Kashmir Affairs, Home Affairs Division, Population Census of Pakistan 1961, Vol. 1, pt. iv, Statement 5.3; Lawrence Ziring pointed out that support for the Bengali language was deemed by the West Pakistani ruling elite a Hindu Plot aimed at the undoing of Pakistan. See, Lawrence Ziring, *Bangladesh: From Mujib to Ershad*, p. 6; Zillur Rahman Khan, *Martial Law to Martial Law: Leadership Crisis in Bangladesh* (Dhaka: UPL, 1984), p. 90.

26. Abul mansur Ahmed, *Amar Dekha Rajnitir Panchash Bachhar* [Bengali Book] (Dhaka: Naorez Kitabstan 1970) p. 335.

27. Kamruddin Ahmed, *The Social History Of East Pakistan*, (Dhaka: 1967) p., 176.

28. Tajul- Islam Hashmi, *The Bihari Minorities in Bangladesh: Victims of Nationalism's* p. 391

with Awami League's landslide victory in both national and Provincial Assembly elections.²⁹ Economically at the time of their migration in 1947 they were 'have-nots', homeless refugees in East Pakistan. But they, soon awarded preferential treatment by the rulers, compared to the local Bengalis. They received all kinds of benefits from the central government, which included jobs in business and industry, low interest Bank loans for investments, support for trading and industrial enterprises, opportunities for training and later on technical and managerial positions in business and industrial enterprises. Apart from this by the early 1960's most of them were rehabilitated under the soft housing schemes in the suburbs of Dhaka, Chittagong, Rajshahi, Khulna and other towns.³⁰ Besides, these Bihari minorities were intrinsically quality people in economic sense. Many of them had technical skills, which gave them the opportunities for self-employment, business facilities and access to jobs in private and public sectors. Significant number of them used to work in service sector as artisans for handicrafts, tailors, barbers, electricians, leather technicians, dyers, railway technicians, drivers, washer-men etc. Many other were hard-working poor people who were engaged in small business viz. *Pan Birr Dokan* (small shop where betel leaves and cigarettes were sold in retail price), peanut selling, mobile hot tea selling or ferrying small goods.³¹ Apart from this they had firm determination for economic betterment, which helped improve their position and changed their economic status faster than the host Bengalis.

Central government's preferential treatment to the Biharis was such that the abandoned properties of Hindu minorities in East Pakistan, who migrated to India at the time of partition in 1947 were seized by the Pakistan government and largely distributed among those Biharis who had left their properties in India. The Bengalis of East Pakistan could not gain anything from it and perceived it as pay off to interlopers and they feared another foreign intrusion.³² The Bengalis found that the Bihari refugees of central India with the help of West Pakistani rulers replaced the Hindus of erstwhile Bengal as wielders of economic and political power.³³ Actually the Biharis who fled to East Pakistan as refugees, they over the years captured significant positions in business, commerce, and industrial sub-sectors as well as in the administration which changed their positions from the status of a powerless refugee to that of a powerful elite.

The Bangladesh Liberation War and Biharis Role

As the Biharis essentially opposed the Bengali nationalist movement during 1947-1971, mistrust, misunderstanding and animosity got rise between the two communities, which eventually led to the

29. The Awami League won an absolute majority in the national assembly (160 out of 300 seats). In the Provincial Assembly elections Awami League got another resounding victory (288 out of 300 seats). See. Roumaq Jahann, *Pakistan Failure in National Integration*, p. 190.

30. Zillur Rahman Khan, *Leadership Crisis in Bangladesh*, p. 90; while interviewing some Biharis none of them confessed that they were given preferential treatment by the central government. They argued that they got jobs in private and public sectors by dint of their merits; Chowdhury R Abrar, "Issues and Constraints in the Repatriation/Rehabilitation of the Rohingya and Chakma Refugees and the Biharis", Paper presented to the conference on Refugees and the Displaced Persons in South Asia, Rajendrapur, Dhaka, February 9-11, 1998, organized by the Colombo based Regional Center for Strategic Studies (RCCSS).

31. Based on my interview with some Biharis.

32. Lawrence Ziring, *Bangladesh: From Mujib to Ershad*, p.12. Apart from redistribution of abandoned Hindu properties among the Biharis, Government housing facilities were also offered to the poor Biharis.

33. Zillur Rahman Khan, "Islam and Bengali Nationalism", *Asian Survey* 25:8 (August 1985), p. 843.

Bihari slain at the first phase of Bangladesh struggle in 1971. At the studied dilemma of Gen. Yahya Khan and Z.A. Bhutto (Bhutto) to hand over power to Mujib, the Bengalis lost their patience and rose up with arms. Initially, the Biharis became a target of assault for their unqualified support to the West Pakistanis.³⁴ This led to the bloody rioting in different urban areas. Commercial establishments owned and operated by the Biharis were invaded, ransacked and burnt. Against the background of Pakistan army's senseless massacre of 25 March 1972 Bengalis unleashed reprisal against the Biharis.³⁵ It is reported that the Pakistan army distributed arms in the non-Bengali ghettos in different areas of East Pakistan for their self-defense if the Bengalis attacked them. The Pakistan government encouraged communal tension between Hindus and Muslims and between Bengalis and Biharis in order to perpetuate its evil design.³⁶ Mujib, the leader of the Bangladesh movement urged the Bengalis to stop violence against Biharis and maintain communal harmony between Hindus and Muslims. Regardless of language or place of origin he declared everybody as Bengali and urged the Bengalis to honor and protect the life and properties of the non-Bengalis.³⁷ Mujib's call ended the communal violence. In the first phase of Bangladesh liberation war from the midnight of 25 March 1971 the Pakistan army unleashed indiscriminate murder of Bengalis to abort an alleged bid by the Bengalis for armed revolution and to stop the slaughter of Biharis by the Awami League.³⁸ Pakistan army equipped the Biharis with arms and encouraged them to kill the supporters of the Bengali freedom movement and dishonor their women. The Biharis under the protection of Pakistan army par-took in killing the Bengalis and occupying their properties. They were recruited to the police force and security guards. Aside from this Pakistan army also built a Civil Armed Forces (C.A.F) consists of Biharis who aided the Pakistan army in perpetrating Bengali cleansing.³⁹ They also joined the large number of Peace Committees and *Razakars* (volunteers) organized by the Pakistan army, which acted with considerable savagery against Bengalis.⁴⁰ In the second phase of Bangladesh liberation war, the exiled government of Bangladesh attempted to refrain the Biharis from collaborating with Pakistan army against the Bengalis. *Swadhin Bangla Betar Kendra* (Radio free Bangladesh) started broadcasting an Urdu program for the Biharis and they were urged to join the liberation war. But they did not respond to the call of the exiled government, (sup-

34. It is generally believed that many Biharis were besieged and killed at the formative phase of Bangladesh movement because they were considered paid or unpaid agents of the West Pakistani rulers. But one Bihari Professor of Rajshahi University unearthed a different story. He said that the Bengalis first attacked the Biharis to provoke the Pakistan army to retaliate so that the break up of Pakistan could be hastened.

35. Kazi Anwarul Haq, *Under Three Flags: Reminiscences of a Public Servant*, (Dhaka: 1986) p.569.

36. Lawrence Ziring, *Bangladesh: From Mujib to Ershad*, p. 65; Abul Asad, *Kulo Pachisher Agay O Paray* (Dhaka: Etihash Parishad, 1990), pp. 242-247; Moudud Ahamed, *Bangladesh: Constitutional Quest for Autonomy* (Dhaka: UPL, 1987), p. 225.

37. Mujib reminded the people at Paltan Maidan on 3 March 1971: "The non-Bengalis living in Bengal are sons of the soil. It is our sacred duty to afford protection to the life and properties of every citizen whether Bengali or non-Bengali, Hindu or Muslim". See, Moudud Ahmed, *Ibid.*, p. 226; Richard Sisson and Leo E. Rose, *War and Secession: Pakistan, India and the Creation of Bangladesh* (Berkeley and Los Angeles: University of California Press 1990), p. 93.

38. Government of Pakistan, white paper on the crisis of East Pakistan in *The Daily Azad*, 6 August 1971.

39. Major General Moinul Hossen Choudhury, "Ekjon Generaler Nirob Sakkhi." (Silent witness of a General) Prothom Alo, 4 December 1999.; Talukder Maniruzzaman, *The Bangladesh Revolution And Its Aftermath* (Dhaka: Bangladesh Books International Limited, 1980) p., 83 .

40. In retaliation of Biharis Bengali killing campaign in collaboration with Pakistan army, the Bengalis killed several thousand Biharis in towns still controlled by the retreating Bangladesh army units. See, Herbert Feith, "Bihari Sorrow", *Far Eastern Economic Review*, May 13, 1972; Radha Kumar, "Who is a Refugee?" *Seminur* No. 463, 1998, p. 16.

ported by India) because they watched the Hindu's horror act of Muslim holocaust in the pre-independence India.⁴¹ In the last phase of Bangladesh liberation war, when the whole of Bangladesh was liberated from Pakistani occupation, most of the West Pakistani civilians along with the defeated army were transferred to India, but the Biharis were left behind. The Biharis became demoralized and got serious psychological shock at the dismemberment of Pakistan. They became unwanted and uncured immediately after the birth of Bangladesh. Violence occurred against them in the form of looting their properties, chastising and killing their men and raping their women.⁴² Although thousands of Biharis were killed mercilessly yet anticipated massacre could be forestalled initially by the Indian army who guarded the Bihar colonies and subsequently by the charisma of Mujib. After returning from the Pakistan jail, Mujib directed the Bengalis not to take any revenge upon those Biharis who sided with the Pakistan army during the liberation struggle. Mujib's appeal to the nation was:

Forgive them. Today I do not want revenge from any body. There should not be any more killing. The Bengal that will eat, smile, sing and be happy is my Bengal. Every one in Bengal is now a Bengali and we must live together.⁴³

Another post-liberation reality was that the Biharis (who had arms, ammunition and training from West Pakistani soldiers) attempted to protect themselves and further engaged in armed clash with the Bengalis, which once again proved counter productive. These Biharis were all armed with automatic weapons and some Pakistani soldiers who did not surrender were allegedly hiding among them. As the Indian army could not succeed in disarming the Biharis, Mujib government at first sent a small contingent of police and soldiers in to the Mirlpur and Mohammadpur area to disarm them, but the Biharis militants murdered them. This created serious resentment among the Bengali army and the guerrillas who had not yet surrendered their arms. Finally under serious public pressure Mujib had to withdraw the Indian army from the Bihar occupied areas and deployed the regular Bangladesh army in the areas with specific orders to disarm the Biharis. The Bihar resistance was so strong that the Bangladesh army after tough action forced the Biharis to surrender. In clash with troops and police many Biharis had been killed.⁴⁴

41. Rounaq Jahan, *Bangladesh Politics: Problems and Issues* (Dhaka: UPL, 1980), pp. 53-58; Richard Sisson and Leo B. Rose, *War and Secession*, p. 9.

42. Facts on File, 30 January - 5 February 1972, No. 631, p. 69; one report says that at Khatispur near Khulna at least 1000 and perhaps as many as 5000 Biharis were slaughtered on the morning of March 10, 1972. See Herbert Feith, "Bihar Sorrow", *Far Eastern Economic Review*, 13 May 1972; it is recorded that Kader Siddiqui a valiant freedom fighter killed a few Biharis ceremoniously at the outer Dhaka Stadium field. See, Moudud Ahmed, *Democracy and Challenge of Development* (Dhaka: UPL, 1995), p. 5; about the Bihar sorrow in the post-liberation period of 1973, one observer wrote: perhaps no other class of the people in the world today (are) as ruined economically and socially as smitten and smashed up as the community of the former Indian refugees in Bangladesh who are known here by the general term Biharis. Quoted in Sumit Sen, *Stateless in South Asia*, p. 52; mainstream history of Bangladesh's independence fails to document brutally meted out by the ultra nationalist and chauvinist Bengalis to a section of unarmed Biharis including women and children immediately before and after the military crackdown of 25 March 1971 and in the aftermath of the independence. See Abrar, *Issues and Constraints*.

43. Fox Butler Field, "Sheikh Mujib Home: 500,000 Give him Rousing Welcome", *New York Times*, 11 January 1972.

44. Zillur Rahman Khan, *Ibid*: Sydney D. Bailey ed. *The UN Security Council and Human Rights*. (London: Macmillan Press Ltd, 1994), p., 79.

Bihari Repatriation: Diplomacy and Development

According to an estimate of ICRC the total number of Biharis remained in Bangladesh on in 1972. In 1972-73 Bangladesh offered them the option to stay in Bangladesh as Bangladeshi citizen or to return to Pakistan through the ICRC. In all half a million Biharis gave their options through the ICRC to return to Pakistan and the remaining half a million wanted to stay in Bangladesh.⁴⁵ Those who opted to stay in Bangladesh were immediately granted Bangladeshi citizenship. They have since been assimilated in the mainstream of Bangladesh society. But from the very beginning, Pakistan was reluctant to accept this large number of Bihari refugees awaiting repatriation to Pakistan. This propelled Prime Minister, Mujib to complain to the UN Secretary General Kurt Waldheim to use his good offices to ensure the repatriation of stranded Biharis in 1973.⁴⁶ In the aftermath of Simla accord of July 1972 (which led to the normalization of relations between India and Pakistan) New Delhi used a great deal of persuasion on Dhaka to settle the trilateral problems between India, Pakistan and Bangladesh. This effort produced Indo-Bangladesh joint declaration of 17 April 1973, which called for repatriation of the Non-Bengalis in Bangladesh who owe allegiance to Pakistan and opted for Pakistan. This led to the signing of two other agreements; the Delhi agreement of August 1973, its accompanying memorandum and the tripartite agreement of April 1974.⁴⁷

The Delhi Agreement⁴⁸ has clearly stated that:

1. The Government of Pakistan "agrees initially to receive a substantial number of non-Bengalis (who are stated to have opted for repatriation to Pakistan) from Bangladesh".
2. "Thereafter meet to decide what additional number of persons who may wish to migrate to Pakistan may be permitted to do so".

The accompanying Memorandum has further stated that the Government of Pakistan "agrees that initially it will receive:

- i) Persons who are domiciled in what was West Pakistan;
- ii) Employees of the Central Government (of Pakistan) and their families; and
- iii) Members of the divided families irrespective of their original domicile and thereafter 25,000 others who constitute hardship cases.⁴⁹

45. According to ICRC the total number of Biharis in 1972 were 682,000. But the Foreign Ministry of Bangladesh claimed that, the total number was more than one million. Here I have taken the number released by GOB, Ministry of Foreign Affairs. For ICRC estimated number, see, A.M.A. Muhith, *Bangladesh: Emergence of a Nation* (Dhaka: Bangladesh Books International [BBI], 1978), p. 236. For the GOB figure see, Brief on "Stranded Biharis in Bangladesh".

46. Regarding Mujib's complain Werner Adam wrote in the *Far Eastern Economic Review*: "..... Mujib complains. Bhutto is not even willing to accept repatriation of non-Bengalis in Bangladesh who have expressed a desire to return to their motherland. As far as Mujib is concerned the only conclusion is to be drawn is that Bhutto wants to maintain a fifth column in Bangladesh; as long as these Pakistanis remain in this country, the hostility must technically be in force..."

47. Muhammad Ayub, *India, Pakistan and Bangladesh: Search for a New Relationship* (New Delhi: Indian Council of World Affairs, 1975), pp. 113-114; Sabiha Hasan, "Foreign Policy of Bangladesh - I", *Pakistan Horizon* (Third Quarterly, 1983), pp. 71-72; Zaglul Haider, *The Changing Patterns of Bangladesh Foreign Policy: A Comparative Study of the Mujib and Zia Regimes (1971-1981)*. An unpublished Ph.D. dissertation, Clark Atlanta University, Atlanta, Ga. July, 1995), p. 149.

48. Bangladesh was not the signatory of the Delhi agreement of 1973 but delegated its right to India to sign an agreement with Pakistan on behalf of Bangladesh, because still Pakistan did not recognize Bangladesh.

49. The 25,000 hardship cases are those who felt insecure due to their collaboration with Pakistan army.

A massive three way repatriation (from India, Pakistan and Bangladesh) started in 1973 according to the Delhi agreement and continued till April 1974 under the auspices of the ICRC and only 170,000 Biharis were repatriated to Pakistan.⁵⁰ Following the recognition of Bangladesh by Pakistan in February 1974 a tripartite agreement was signed on 9 April 1974 by Bangladesh, Pakistan and India. The agreement said: "Pakistan side reiterated that all those who fall under first three categories would be received by Pakistan without any limit as to numbers". As a matter of fact on the question of Bihari repatriation the Pakistan government insisted on treating them on humanitarian ground rather than as a legal obligations. The Pakistani authority under the two agreements admitted to repatriate only three categories viz. those domiciled in West Pakistan, former employees of the Central Government and the members of the divided families. But the Pakistan Government did not make any commitment for taking back the rest of Biharis who did not fall within the above three categories but few hardship cases. This clearly stipulates the failure of the Bangladesh Government to come to a clear agreement with Pakistan. Since 1974 after the initial repatriation of substantial number of Biharis Pakistan was not ready to accept the large number of remaining stranded Biharis awaiting repatriation. During the Mujib-Bhutto talk in Bangladesh in June 1974 the first demand that Mujib handed over to Bhutto was to repatriate all Biharis to Pakistan immediately. But Bhutto refused to shoulder the responsibility of all those stranded Biharis.⁵¹ Due to lack of interest of Pakistani authority for the repatriation of the Biharis, Mujib government raised the Bihari issue in the Third World Committee of the United Nations General Assembly (UNGAs) in December 1974 and Commonwealth leaders conference in Jamaica in May 1975 and tried to internationalize it.⁵² But that diplomacy failed to make any breakthrough.

After a long inaction the post-Mujib military ruler General Zia initiated serious diplomatic efforts for the repatriation of the stranded Biharis. Zia paid an official visit to Pakistan in 1977 during his South Asia tour and discussed the issue with his Pakistani counterpart and the Pakistan Government agreed to speed up the repatriation process. This was followed up by Pakistan Foreign Secretary's visit to Dhaka and he agreed to take 25,000 hardship cases through the international agencies. Out of those 25,000, people 4,790 were repatriated by sea as a friendly gesture.⁵³ But the process was again halted for Pakistan's political instability. In order to reactivate the repatriation process, Bangladesh's Foreign Secretary visited Pakistan in July 1978 and urged the Pakistani officials to complete the process of repatriation of the Biharis from Bangladesh. However, this time Pakistan Government reduced the figure of Biharis from 25,000 to 16,000 only⁵⁴, which indicated Pakistan's ill motive in Biharis repatriation. The UNHCR very briefly arranged necessary measures for the repatriation of another 2800 Biharis

50. There are confusion about the actual number of Bihari repatriation. Some serious academic research shows that the number was 170,000 up to 1974. But the Foreign Ministry of Bangladesh disclosed that this number was 126,941. For details see, Syed Serajul Islam, Bangladesh-Pakistan Relations: From Conflict to Cooperation" in Enajiddin Ahmad ed. *Foreign Policy of Bangladesh* (Dhaka: UPL, 1984), p. 54; Ben Whitaker, *The Biharis in Bangladesh* (London: Minority Rights Group, 1982) as cited in Myron Weiner, "Rejected peoples and Unwanted Migrants in South Asia", *Economic and Political Weekly*, 28:34, August 21, 1993), pp. 1737-1746.

51. While answering questions of the newsmen in Dhaka, Bhutto said "I have not come to Bangladesh with a blank cheque". See, Kai Bird and Sue Goldmark, "Dhaka and Bhutto: The Slow Thaw", *Far Eastern Economic Review*, 30 June, 1974.

52. M. Abdul Haqiz, "Bangladesh-Pakistan Relations: Still developing?" *BHSS Journal*, 6:3 (1985), p. 360.

53. *Ibid.* p. 369; Zaglul Haider, *The Changing Patterns of Bangladesh Foreign Policy*, p. 149; Dilara Chowdhury, *Bangladesh and the South Asian International System*, p. 299.

54. *The Weekly Kobzar*, Dhaka, 11 September, 1983.

in September 1979, which was financed by Saudi Arabia and Libya.⁵⁵ Following former British Parliament Member (MP) Lord Ennals (who was a sympathizer of Biharis) meeting with President Zia and Zia-ul-Haq of Bangladesh and Pakistan in 1980, Mr. Riaz Piracha, Foreign Secretary of Pakistan came to Dhaka, which hastened the repatriation of another 7,000 Biharis from Bangladesh to Pakistan in 1981.⁵⁶ Apart from this at the initiative of Lord Ennals the Geneva based International Council of Voluntary agencies organized a conference in Geneva in December 1982,⁵⁷ which was attended by 12 national and international organizations from different countries including Bangladesh. Pakistan did not attend the conference. At the Geneva conference, the stranded Pakistanis made strong desire for their repatriation to Pakistan. Lord Ennals also established an international resettlement trust to finance the resettlement of Biharis. After long stagnation a considerable development took place when President Zia-ul-Haq publicly announced in Karachi in 1983 that Pakistan would have no objection to the repatriation of stranded Pakistanis from Bangladesh, provided necessary funds were made available by donors. Following this, Pakistan's Foreign Minister Mr. Yakub Khan paid an official visit to Dhaka and expressed to the journalists that Pakistan might take 50,000 more Biharis from Bangladesh on the basis of criteria set in the tripartite conference in 1974.⁵⁸ However, with the financial support of Lord Ennals' resettlement Trust 6000 Biharis were repatriated and resettled in Lahore in 1984.⁵⁹ Because of Pakistan's intransigence in repatriating the Biharis from Bangladesh once again in 1985 Bangladesh raised the issue in the Islamic Countries Foreign Minister's Conference (ICFM) in Sana urging the Muslim countries to put pressure on Pakistan to repatriate the stranded Biharis from Bangladesh to Pakistan.⁶⁰ But that diplomacy did not click too. On 10 December 1985, during President Zia-ul-Haq's visit to Bangladesh he told a delegation of the stranded Biharis that Pakistan fulfilled its legal obligation under the agreement signed in 1973 and further repatriation would only depend on the availability of huge resources required.⁶¹ In this predicament the government of Pakistan and RAAI signed an agreement on 9 July 1986 and founded a trust to mobilize fund for repatriation of estimated 250,000 stranded Pakistanis from Bangladesh. Later President Zia-ul-Haq was nominated as Chairman of the Trust. Pakistan Government donated RS. 250 million to the fund as initial contribution, while the RAAI donated RS. 50 million. It was expected that the remaining required expenditure would be collected in three years.⁶² It was also hoped that repatriation would start soon. But the process slowed down with the death of President Zia-ul-Haq in 1988. The Committee of the Trust was re-constituted in August 1989 with Mr. Yakub Khan as its Chairman, but it could not make any breakthrough.

Mrs. Bhutto, the Prime Minister of Pakistan, retreated from the commitment of President Zia-ul-Haq during her visit to Dhaka in October 1989. She refused to take back all the stranded Pakistanis and avoided the Bihari issue by labeling it very intricate problem. She also asked the Muslim Ummah to take

55. *Far Eastern Economic Review*, 5 September 1979.

56. Lord Ennals, "Biharis in Bangladesh: The Third Great Migration?" *Journal of Institute of Muslim Minority Affairs* (London) 8:2, July 1987, p. 243.

57. Muhammad Tajuddin, *The Stateless People in Bangladesh*, p. 11; Dilara Chowdhury, *Bangladesh and the South Asian International System*, p. 301.

58. "Brief on Stranded Pakistanis in Bangladesh"; *Weekly Robbar*, Dhaka, 11 September 1983.

59. Muhammad Tajuddin, *The Stateless People in Bangladesh*, p. 11.

60. *The Daily Ittefaq*, Dhaka, 2 January 1985.

61. *The Daily News*, 10 December 1985.

62. Initially it was estimated that about US\$300 million would be needed to complete the repatriation process but subsequently this figure was raised to US\$500 million. See *Brief on "Stranded Pakistanis in Bangladesh"*.

part in the solution of this problem.⁶³ The possibility of Bihari repatriation further brightened when Nawaz Sharif rode to power with the slogan to repatriate the stranded Pakistanis. Bangladesh Prime Minister Begum Zia's three day official visit to Islamabad on 9-11 August 1992 unclouded the Bihari repatriation. Prime Minister Nawaz Sharif agreed to repatriate all 238,000 Biharis stranded in Bangladesh to Pakistan and assured that initially the repatriation of 3000 families of Biharis would commence by December 1992 and thereafter the repatriation would take place in phases as funds become available.⁶⁴

A token batch of 50 families (which figured 300 Biharis) were repatriated in January 1993. The process further suffered serious set back after Mrs. Bhutto returned to power in 1993. Her hard-line pro-livites sent the issue to the cold storage.

With the advent of Sheikh Hasina as Prime Minister of Bangladesh, her government launched new diplomatic effort to settle the Bihari problem. During Foreign Minister Mr. Abdus Samad Azad's two times visit to Pakistan (3-5 March and 13-15 October 1997) it was discussed with his Pakistani counterpart Mr. Gowhar Ayub Khan but no remarkable progress was achieved on this issue. The issue was further discussed between the officials of the two countries during the three nation's business summit in Dhaka in January 1998. Again a ray of hope flickered when Nawaz Sharif government in a statement expressed its willingness to take back all 238,000 Biharis following the Dhaka Summit in January 1998. It was also assured that some 932 families would be taken to Pakistan in next three months and they would be settled in the housing units constructed by the Rabita Trust at Mian Channu in Punjab.⁶⁵ But no Bihari was repatriated. The military takeover in Pakistan in 1999 and Bangladesh's poor tie with Pakistan's military ruler General Pervez Musharraf has made further sterile the fate of the stranded Biharis. In the aftermath of Begum Zia's return to power as Premier of Bangladesh in October 2001 the ice between Bangladesh and Pakistan relations started melting for her friendly attitude towards Pakistan and once again the expectation for conflict resolution between the two SAARC countries over the Bihari issue is rising. President Pervez Musharraf's three day's official visit to Bangladesh during 30th July 2002-1st August 2002 although could strengthen bilateral relations the Bihari issue was not tabled for formal discussion because of strategic reason.⁶⁶

Status of Stranded Biharis in Bangladesh

The Biharis stranded in Bangladesh are stateless people in the real sense. The stranded Pakistanis

63. *The Bangladesh Times*, 5 October, 1989.

64. Prime Minister Begum Zia's press statement in the *Daily Jiefaq*, 12 August 1992.

65. The statement of Pakistan Government has firmly renewed its pledge to do all it can to bring and rehabilitate these stranded Biharis (who) number over 2, 38,000 according to the census carried out jointly in 1991-92. It is clearly the responsibility of all of us as ordained in the Glorious Quran to attend to the needs of these destitute brethren in -Islam who are denied the freedom of movement even to earn their daily bread. See, *The Daily Star*, 25 January 1998; Reportedly out of a planned 41,500 housing units in various districts of Punjab at an estimated cost of US\$250 million, about 1000 units have been completed at Mian Channu in 1994. See *Ibid*.

66. While briefing the press of the outcome of the talk Bangladesh's Foreign Minister M. Morshed Khan was asked about the fate of the stranded Biharis and he said "It is an ongoing process to restart their repatriation. Since Pakistan is overburdened with three million Afghan refugees and tension with the Kashmir issue at the moment it will need a breathing space to do that" *The Bangladesh Observer* 31 July 2002.

General Repatriation Committee (SPGRC) was formed by them on 2 December 1977 with the objective of achieving their repatriation. Despite having severe hardship and sufferings, the Biharis did not give up their Pakistani citizenship and refused to become Bangladeshi citizens when offered by President Zia.⁶⁷ The Biharis still do not belong to the Bangladeshi nation, because with the Bangladeshi's "they don't share significant elements of common heritage" and they don't think that they have a "common destiny for the future" that Rupert Emerson pointed out as essential pre-requisites for a nation.⁶⁸

From 1977-2002 the SPGRC Chief Nasim Khan organized demonstrations, hunger strikes and saw the Pakistani high officials including heads of the State several times in order to put pressure on Pakistan.

According to the latest survey concluded in 1992 there are at present 238,093 stranded Biharis in 66 different camps throughout Bangladesh who are living in sub-human condition (Table 1). This number has further raised due to natural increase. The living conditions in these camps are very deplorable. The camps are over crowded. Practically there exist no civic amenities. One common latrine and one common tube-well are used by 500 people. Families of six to seven persons live in a six by eight feet room. The number of residents in these camps has become double since these were constructed. Every day on average two babies are born in the camps.⁶⁹

Table 1
Bihari Population in Bangladesh

Area	No. of families	No. of Persons	Area	No. of families	No. of Persons
Dhaka	12,918	69,767	Faridpur	104	557
Narayanganj	1,452	7,289	Rajbari	53	287
Syedpur	9,017	69,234	Thakurgaon	271	1,632
			Nilphamari		
			Parbotipur		
Rangpur	2,538	15,879	Dhaka (outside camp)	1,207	7,763
Chittagong	2,652	17,302	Dewanganj	109	578
Dinajpur	1,542	9,906	Rajshahi	1,185	6,829
Khalishpur	2,382	12,394	Khulna	1,029	5,864
Jessore	985	5,539	Bogra	898	5,319
Mymensingh	435	2,583	Gaibandha	129	788
			Total	40,357	238,093

67. Muhammad Tajuddin, "Biharis in Bangladesh: Cessation, Liberation and the Problem of Statelessness", *Refugee Watch* (Calcutta, December 1998), No. 4, p. 19.

68. Rupert Emerson Viewed: "The nation is a community of people who feel that they belong together in the double sense that they share deeply significant elements of common heritage and that they have a common destiny for the future.", see Rupert Emerson, *From Empire to Nation*, (Boston: Beacon Press 1962) p., 95

69. "Geneva Camp: The Desperate Story", *Dhaka Courier*, 1-7 December 1979.

Source: Brief on "Stranded Pakistanis in Bangladesh", GOB, Ministry of Foreign Affairs (Dhaka: 1998).

Apart from civic facilities, social problem *viz.* educational facilities for their children, finding suitable rooms for their girls and insecurity due to social miscreants have increased the miseries in camp life. The UNHCR⁷⁰ and ICRC were the main NGOs who provided relief to the camp dwellers up to 1977. Since 1978, RAAI became the only NGO giving relief to these people. As far as Bangladesh is concerned, it has been doing everything possible within its limited resources. The relief ministry of Bangladesh distributes 3 kilograms (kg) of wheat to every person with a meager amount subsistence allowance per month. Although this puts an intractable burden on poor Bangladesh economy, still the authorities in Bangladesh are doing what they could to ameliorate the situation.⁷¹ Nonetheless it appeared as a perennial problem and created an obnoxious situation for Bangladesh.

Problems of Bihari Repatriation to Pakistan

Biharis are not entitled to Pakistani citizenship from the legal and constitutional point of view. General Zia-ul-Haq by an ordinance in 1978 denied Pakistani citizenship to the Biharis.⁷² Politically the population of trouble-ridden Sindh Province is more concerned with Bihari issue. There are two diametrically opposite views regarding the Bihari issue in the Province. The Urdu speaking people of Sindh represented by Muhajir Quami Movement (MQM) consider the Biharis as genuine Pakistani and they favor the repatriation of Biharis without any delay. They believe that the Pakistan Government was averse to their miserable plight and that the blood of Bihari martyr's which served as the foundation stone of Pakistan had been callously forgotten.⁷³ The native Sindhis on the other hand vehemently oppose such an idea. They believe that if the Biharis are repatriated to Pakistan, they would prefer to settle alongside their kith and kin in the big cities of Sindh Province. That will reduce the indigenous Sindhis into minority even in their ancestral homeland and would ultimately lead to the partition of the Province. The militant ethnic nationalist organization the Sindh National Alliance led by Hamida Khuro strongly opposed the repatriation of Biharis.⁷⁴ Actually the Political regimes in Pakistan as Ayub Khan pointed out "were interested in keeping this (Refugee) problem alive and the refugees became a pawn in the game of party politics".⁷⁵

70. Biharis do not enjoy refugee status. They are simply stateless people. They do not receive sufficient relief goods from UNHCR. More over the UNHCR is not directly involved with Biharis repatriation. It only continues to monitor the situation. See, *Bangladesh and the United Nations Partnership in Progress* (Dhaka: Archid Press, 1997), p. 25.

71. The expenditure of GOB for the Biharis in 1971-89 was about US\$ 40 million. It was US\$ 3 million in 1995-96 fiscal year. See, *The Daily Star*, 6 May 1999.

72. General Zia-ul-Haq issued an ordinance in 1978 through which a section 16A was inserted in the Pakistani Citizenship Act. This amendment deprived Pakistani citizenship to all those who at any time before 16th December 1971 were domiciled in territories which constituted the then province of East Pakistan and who were residing in that area or outside Pakistan on that date. According to this citizenship act Biharis are not entitled to Pakistani citizenship. For details see, Syed Mahab Ali Shah and Abdul Khaleque Chachar, "Settlement of Biharis in Pakistan", *Grass Roots* (Vols. 19 & 20, 1991), p. 65.

73. Papya Ghosh "Partitioned Bihar's", in Mushirul Hasan ed. *Islam, Communities and the Nation*, p-239

74. See, the statement of Mr. Alarf Hossain, the founding leader of the MQM on the issue of the repatriation of the Biharis in the Dawn, Karachi, 12 December 1988. Cited in Syed Mahab Ali Shah and Abdul Khaleque Chachar, *Ibid.*, p. 59.

75. Mohammad Ayub Khan, *Friends Not Masters*, Oxford University Press Lahore 1967, p. 93.

Pakistan People's Party (PPP) whose major constituency has been the rural Sindh remained quite opposed to the settlement of the Biharis in Pakistan. Mrs. Bhutto like her father Z.A. Bhutto was always disagreed to repatriate the stranded Biharis from Bangladesh to Pakistan.⁷⁶ The PPP leadership including Mrs. Bhutto whose power base for all practical purposes is rural Sindh quite naturally understood the emotional feelings of the rural Sindhis that the Biharis will ultimately settle into urban centers of Sindh, thereby reducing them into minority in their home province. This eventuality would lead to the erosion of their power base in Sindh and further exacerbate the ongoing conflict between native Sindhis and Bihars.⁷⁷ In addition to P.P.P. the repatriation of Biharis has been resisted by the Jay Sindh Student's Federation, the Jay Sind Tehrik, the Jay Sind Mahaaz and Jay Sind Taraqi Pasand Party.⁷⁸ These political forces launched Bihari roko (stop the Biharis) movement. On the other hand, Prime Minister Nawaz Sharif from the very day of his assuming power strongly supported the cause of Bihari repatriation. He wished to rehabilitate the Biharis in his own province Punjab. But many Siraki speaking Punjabis who consider themselves a distinct nationality in their own right, reacted seriously against Bihari settlement in Southern Punjab. Generally, it is viewed that the Biharis after their settlement in the Siraki belt will sell their properties and residences as soon as they can and move to the urban areas of Sindh for resettlement.⁷⁹

On the contrary, the central argument of the Pakistani intellectuals who support Biharis is that the Pakistan resolution of 1940 envisaged the idea of the creation of Muslim Homeland – Pakistan, in North-West and East India, entitled the Muslims from all over India to settle in these Provinces.⁸⁰ Any opposition to such a settlement in the existing boundaries of Pakistan will contradict the very philosophy of Pakistan.

But the critics of this interpretation further argue that the 1940 resolution, the creation of Pakistan in 1947 and erosion of its Eastern wing in 1971 do not ipso-facto entitled the Biharis for their repatriation to Pakistan. To them the repatriation means to send back one person to his native land. Biharis of course may be repatriated to the place of their origin i.e. the Indian state of Bihar but by no means to any unit of present Pakistan.⁸¹ However for the prevention of their inhuman sufferings the new generation Biharis are gradually losing their interests for repatriation and increasingly preferring local integration. The finding of one study conducted by Refugee and Migratory Movement Research Unit (RMMRU) of Dhaka University (1997) reveals that 59% of those interviewed said that they identified themselves as Bangladeshis as against 35% who see themselves as Pakistanis. In response to another query 55% stated that they were not willing to go to Pakistan and 45% expressed their desire to go.

76. After the dismemberment of Pakistan Mr. Z.A. Bhutto denied the responsibility for these stranded Biharis and proposed their settlement in U.S., Australia or Canada, see, *New York Times*, 29 May 1973; following her father Mrs. Bhutto suggested to settle the Biharis in Middle Eastern Muslim statesbinary application/msword attachment.

77. Mahtab Ali Shah and Abdul Khaleque Chachas, Settlement of Biharis in Pakistan, p. 64; Sumit Ganguly, "Ethno-religious Conflict in South Asia", *Survival*, Vol. 35, No. 2, summer 1993, p. 100.

78. Papiya Ghosh "Partition's Bihari's" in Mushirul Hasan ed. *Islam, Communities and the Nation.. P. 240*.

79. Ahmed Basir, *Repatriation of Biharis*, p. 63.

80. While proposing Two Nations Theory, M.A. Jinnah declared: "... and it is a dream that the Hindus and Muslims can ever evolve a common nationality.... their aspects of life and on life are different". See, Presidential address by Mr. M.A. Jinnah, in All India Muslim League Lahore Session, 1940. Cited in Sharif AL Mujahid, *Quaid-i-Azam Studies in Interpretation* (Karachi: Quaid-i-Azam academy 1981), pp. 490-494; M. J. Akbar, *India: The Siege Within* (London: Penguin Books Limited, 1985), p. 20.

81. Mahtab Ali Shah and Abdul Khaleque Chachar, *Settlement of Biharis in Pakistan*, p. 61.

When asked about repatriation 47.06% respondents said that they did not consider repatriation as a feasible proposition while 29.4% thought it was. About a quarter of the respondents (23.53) did not comment on the issue. As high as 62.74% preferred local integration, 33.33% discarded this option.⁸⁷

Conclusion

Now the stranded Biharis, are considered neither Pakistani nor Bangladeshi. They are stateless people in true sense. The Delhi agreement of 1973 and the tripartite agreement of 1974 could not provide a comprehensive way out for the repatriation of Biharis stranded in Bangladesh. In the two agreements Pakistan Government did not consider the Biharis repatriation as a legal obligation rather they took it as a humanitarian issue. In these agreements Pakistan Government did not commit anything for taking back those who did not fall in the three categories *viz.*, domiciled in former West Pakistan, employees of the central government or their families and members of the divided families. Thus the existing Biharis issue is the product of the failure of the GOB to come to a clear agreement with Pakistan. The agreements signed in 1973 and 1974 left no provision for the repatriation of the rest of the Biharis who did not fall in the said three categories. Obviously it is a great humanitarian problem. But unfortunately, it has appeared as a serious political problem in Pakistan.⁸⁸ Refusing nationality by Bangladesh to these Biharis under the plea that they opted to go to Pakistan is not also a defensible position under international law.⁸⁹ In spite of having serious dispute between Bangladesh and Pakistan over the issue it is undeniable that states are obliged to prevent statelessness. But Bangladesh and Pakistan are not complying with it. Their inaction in preventing statelessness are going against the universal declaration of human rights which prominently talked about the right to nationality.⁹⁰ Not only from political or legal point of view, Pakistani authority should address this issue from moral, ethical and humanitarian point of view too. Because these Biharis sacrificed their lives and property first in 1947 for a separate Muslim homeland – Pakistan and again they suffered a serious setback in 1971, because they wanted to prevent the break up of Pakistan. With the emergence of Bangladesh these Biharis refused to give up their Pakistani citizenship. Today they are living in a very inhuman condition in the camps, because they opted to go to Pakistan. Nevertheless still they consider themselves as proud Pakistanis.⁹¹ Under these circumstances, it is immoral and unjust for Pakistan Govern-

82. Chowdhury R Abrar, *Issues and Constraints in the Repatriation/Rehabilitation of the Rohingya and the Chakma Refugees and the Biharis*.

83. In an interview with the author the 1st Secretary of Pakistan High Commission in Dhaka has said that stranded Biharis problem is clearly a political problem. Pakistan Government cannot say any clear-cut 'yes' or 'no' regarding their return to Pakistan.

84. According to Article 10(1) of the UN Convention on the reduction of statelessness "1959", "every treaty between contracting states providing for the transfer of territory shall include provisions designed to secure that no person shall become stateless as a result of transfer...." Clause 2 of the article explicitly states that "in absence of such provisions a contracting state to which territory is transferred or which otherwise acquires territory shall confer its nationality on such persons as would otherwise become stateless as a result of the transfer of acquisition". Cited in Muhammad Tajuddin, *Biharis in Bangladesh. Cessation, Liberation and Problem of Statelessness*, p. 20.

85. *Basic Facts About the United Nations* (New York: United Nations 1992), pp. 151-152.

86. Nazim Khan, Chief of SPGRG said: "we have no moral right to stay here as we failed to protect our dear Pakistan from breaking up ... this is why we want to go to our opted land." See *Fur Eastern Economic review*, 26 January 1989.

ment to deprive them from repatriation and deny their Pakistani citizenship. Their sacrifices and emotional feelings for Pakistan raised an open question: can they be deprived of Pakistani citizenship? Or can their repatriation to Pakistan be denied when they desire to go to Pakistan even before the last moment of their death? At least the Pakistan Government should launch necessary steps to repatriate those who want to go to their dreamland — Pakistan. On the other hand considering their half-century's residence in Bangladesh, the GOB may come forward to prevent their statelessness and grant the status of Bangladeshi citizenship to those who want to be Bangladeshi citizens. Why the new generation of Biharis should suffer for the mistakes of old generations? Under Bangladesh citizenship law Biharis are entitled to Bangladesh citizenship.⁸⁷ Of course it is the obligation of GOB to ensure the legal status of the Biharis that they are entitled.

Finally both Pakistan and Bangladesh should consider the Biharis sorrow as a moral and humanitarian problem. By keeping the stranded Biharis problem unsettled, maintaining status quo plainly means to disregard the United Nations Conventions on human rights which explicitly stated for the reduction of statelessness and stressed on the right to a nationality.⁸⁸

87. Although there is a general perception that Biharis are Pakistanis, Biharis appear to be eligible under the laws of citizenship of Bangladesh. Article 3(d) of the Bangladesh Citizenship Act, 1951 provides citizenship eligibility criterion. According to this article, every one residing permanently before 25 March 1971 in the territories now included in Bangladesh including the Biharis, is entitled to Bangladesh citizenship. Article 2B of the Bangladesh Citizenship (Temporary Provisions) amendment Ordinance 1978, however contains a disqualification clause which states that a person shall not be qualified to a citizen of Bangladesh if he owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state. Under this clause it is difficult to cancel any person's citizenship, because of the vagueness of the principles concerning what would constitute affirmation and acknowledgement of allegiance to a foreign state. This has provided legal controversy. The most noteworthy judgements pertaining to citizenship of Bangladesh were passed with respect to Bangladesh vs. Professor Golam Azam case. The Appellate Division Judgement made some important observations: "There is no power under Article 3 denuding a person of his citizenship for the offence of collaboration with Pakistan occupation army. Indeed there is nothing in President's order No. 149 of 1972 that authorized the Government on the date of the impugned notification to disqualify a citizen on the ground of collaboration with the Pakistan occupation army. Article conferred citizenship on a body of persons by a legal fiction, not by the Government or any other executive authority, but by the legislature ... it is not a power in the hands of the Government to cancel a person's citizenship or to review one's citizenship under Article 2." The above judgements established the fact that under the Bangladesh citizenship law Biharis is entitled to Bangladeshi citizenship. Their option to go to Pakistan, collaboration with the Pakistan occupation army and their persistent demand for repatriation to Pakistan are not sufficient grounds for denying their right to Bangladeshi citizenship. Cited in Chowdhury R. Abrar, "Issues and Constraints".

88. Article 15(1) of the Universal Declaration of Human Rights said: "everyone has the right to a nationality". Article 15(2) further said: "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." See *Universal Declaration of Human Rights* (adopted and proclaimed by the General Assembly of the United Nations on 10 December 1948) in *Human Rights: The New Consensus*, ed. Richard Roehch (London: Regency Press Ltd. 1994), p. 266.

