

STATELESS IN BANGLADESH & PAKISTAN
GENERATIONS OF OPPRESSED

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PRESENTED BY:

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Summary:

The following is a brief narrative of the tragic saga of a stateless minority population spread over three countries and six decades. This minority has suffered incredible atrocities in the form of mass killings, rapes, arson, confiscation of property, loss of employment, economic exploitation, mass and arbitrary denial of nationality of the scale, level and frequency unknown anywhere else.

In the months leading up to the Independence of India, there was extensive violence against this minority in the State of Bihar in eastern India. In August 1947, upon creation of independent India and Pakistan (East and West), this population migrated to East Pakistan where they worked hard and found relative peace and tranquility. This lasted for a little over two decades. In 1971, the Bengali majority in East Pakistan launched their own independence movement and victimized this minority on account of their close association with the ruling West Pakistanis. There was extensive violence against this minority in East Pakistan in the months leading up to and following the independence of Bangladesh. They were gathered in camps all across Bangladesh for their safety where they expressed and registered their desire to be repatriated to their country, Pakistan. Estimated 250,000 men, women, and children have lived in these camps for over three decades in inhumane conditions. Pakistan arbitrarily stripped them of their nationality. Bangladesh does not recognize them as citizens either. Their three decade old status of de facto statelessness alone is deserving of world's attention and concern.

We have researched and collected historical information and evidence about this minority and presented at this website – www.strandedpakistani.org. You are invited to independently research this topic. We are confident that you will be convinced of the profound and chronic nature of the injustice. We seek your help in obtaining justice for this oppressed minority.

Who We Are:

This paper has been prepared by the Stateless People in Bangladesh Inc. USA. We are a non-profit, non-political organization, established in 2003 to provide advocacy and humanitarian assistance to this group. We are incorporated in the State of Texas, USA. Our directors, officers and volunteers receive no financial or material compensation from any source for their work. We are committed to non-violence, peaceful co-existence and respect for law.

Our objective is to help this minority in getting their basic human rights in the country of their choice – Bangladesh or Pakistan. We provide information to the world about the plight of the Stateless in Bangladesh and Pakistan. We keep abreast of developments in Bangladesh and Pakistan as it affects the Stateless in both countries. We engage in advocacy for this minority in various fora and provide them with ways to communicate with the world.

The Group:

Our client group has been referred to by various names; the oldest among them is “Bihari”, because a majority of this group came from the State of Bihar in India. This term is most common in Bangladesh and may be used for all Urdu-speaking persons. Bihari is also a term of denigration in Bangladesh.

After creation of Bangladesh in 1971, the members of this group coined a new term for themselves – “Stranded Pakistani”. This is what they prefer to call themselves to this day. We refer to them as “Stateless” because this term accurately describes their legal status

and is the root cause of their lack of rights in either country.

The only recognizable common characteristic of this group is the language they speak, which is Urdu. Urdu speakers live in many parts of the Indo-Pakistan sub-continent, Middle East, UK, Canada and the US.

The Great Bihar Killings: (1946-47)

Just before the Indian sub-continent was partitioned into two countries, India and Pakistan, violent riots broke out between majority Hindus and minority Muslims all over India.

In November 1946 thousands of Muslims were killed in the State of Bihar. Mr. Ghandi¹, the foremost leader of the Indian independence movement, was greatly distressed by large scale killings of Muslims in Bihar 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 in Bihar.² Many of the refugees 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.

NEW DELHI, Nov. 8, – Mohandas K. Gandhi, announced today that he will begin a new fast-unto-death unless Hindus in Bihar Province quickly stop slaughtering Moslems.

Oakland Tribune, November 8, 1946

The founder of Pakistan Mr. Mohammad Ali Jinnah³ acknowledged the sacrifices of the Bihari Muslims and their contribution in the creation of the new state of Pakistan. He urged educated and skilled Bihari Muslims, especially

railway workers to relocate to East Pakistan and assist in the construction and running of the new country. By 1951 the number of Indian emigrants to East Pakistan had reached 700,000.⁴



In August 1947, Indian Sub-Continent was partitioned into two countries – the Hindu Majority India and the Muslim majority Pakistan. Pakistan consisted of West Pakistan and East Pakistan separated by over 1,000 miles of Indian Territory. East Pakistan became Bangladesh in December 1971.

Biharis in East Pakistan: (1947-1971)

Biharis arrived in East Pakistan in several waves. They were accepted as Pakistanis under the Pakistan Citizenship Act.⁵ Whether through luck or through hard work, the newly arriving Biharis did well in their new home, East Pakistan. They were culturally and ethnically distinguishable from the local Bengali majority. Urdu speaking Biharis more closely identified with and resembled the West Pakistanis, who dominated the politics of Pakistan. In December 1970, when the national elections were held, the estimated population of this minority in East Pakistan was around one million (less than 2% of the total population).

The State of Bihari-Bengali relations were strained from almost the beginning. The Biharis were perceived by the Bengali majority as privileged, proxies of the much despised West Pakistanis. Biharis were also considered cultural elitists strongly attached to their language and social customs.

Victims of Bengali Chauvinism:⁶

During the 1970 election campaign there were many documented instances of use of violence by the Awami League (East Pakistan's dominant political party) against rival political parties. However the victory of the Awami League in the national elections was so overwhelming that such cases were not pursued. Government of Pakistan and the West Pakistani politicians were engaged in negotiations on the political demands of the Awami League in the early months of 1971.

HILLI, India – Thousands of helpless Moslem refugees who settled in Bengal when the sub-continent was partitioned were reported to have been massacred in East Pakistan during the last week by Bengalis who set upon the minority community that is identified culturally and linguistically with the West Pakistanis.

This was reported by Bihari Moslem refugees who crossed the border into India this week and by a young British technician.... He said that hundreds of non-Bengalis must have died in the northwestern town of Dinajpur alone after victorious Bengalis there drove the Punjab regiment out of the town last week.

“After the soldiers left the mobs set upon the non-Bengali Moslems from Bihar,” he said. “I don’t know how many died but I could hear the screams throughout the night”

Dispatch of *Times of London*
The Dominion News, April 7, 1971

It appeared that no progress was being made in political negotiations between the Pakistani administration and the Awami League. On the 1st of March, the Awami League called for a general strike. Soon thereafter violence spread all across East Pakistan in which patriotic Bengalis were intimidated and Biharis were killed, maimed, looted and burned out of their homes.⁷ These events went mostly unreported in the national and international press. Biharis got temporary relief when Pakistan Army restored law and order and rescued thousands of Biharis spread all across East Pakistan. In the period from 1st week of March to 3rd week of April when Pakistan Army reasserted control 73,649 Biharis were killed.⁸

**Actions of Pakistan Government:
(March – Dec 1971)**

All levels of Government in East Pakistan failed miserably to protect the life, limb, honor and property of the non-Bengali citizens. During March-April 1971 Government of Pakistan censored all news reports from East Pakistan including the news of violence against the non-Bengali minority. The atrocities committed against this minority in East Pakistan by the Awami League and Mukti-Bahini (Armed wing of the Awami League) went completely unreported in Pakistani and international press. Just before the military action in late March 1971, all foreign journalists were expelled from East Pakistan by the Government of Pakistan in a misguided effort to get them out of harm's way.

According to the Government of Pakistan, the news reports of atrocities against non-Bengalis were also suppressed because the Government of Pakistan was desperately trying to reach

a political compromise in order to keep the country from splitting. Propagation of such news would have made reaching that compromise more difficult and may have even caused retaliatory strikes against the nearly 180,000 Bengalis in West Pakistan.

Government of Pakistan issued a belated white paper⁹ on the crisis in East Pakistan in August 1971. The white paper provided detailed accounting of attacks on non-Bengalis (mainly Urdu-speaking Biharis) all over East Pakistan. According to the official reports, a total of 73,284 non-Bengalis were killed. No figures were given for the injured or property damages.

India seized the opportunity and intervened in the civil war in East Pakistan. After a short period of active hostilities, Pakistan Army surrendered to Indian Army on December 16, 1971 and East Pakistan became the independent country of Bangladesh.

Actions of Bangladesh Government:

After the surrender of Pakistani forces in East Pakistan, the Biharis were left to fend for themselves. There were massacres and there were individual killings of the Biharis. For their own safety, Biharis were gathered in 66 camps temporarily by the International Committee of the Red Cross (ICRC). In some cases they were holed up in schools, mills and other places without food, water or medical treatment for days.¹⁰ In the camps, they were supposed to wait for normalization of relations and exchange of population. ICRC registered 535,000 persons who indicated their desire to go back to Pakistan and retain their Pakistani nationality.



A MUKTI BAHINI leader holds a cigarette before putting it to face of a young man at a public rally at Dacca. The youth and three others called "Razakars" or local militiamen under West Pakistani command were executed before 5,000 men and children.

Associated Press, December 18, 1971

After the creation of Bangladesh, almost all Biharis were fired from their jobs on various pretenses. Bihari children were expelled from schools. Bihari pensions, bank accounts and investments were seized. Most Bihari homes and businesses were declared abandoned/enemy properties and therefore confiscated under cover of law.¹¹

ICRC provided food (mostly ground flour) and medicine for a period of time. Food distribution was later transferred over to Bangladesh Red Crescent Society. The meager rations supplied to this population continued going down, year after year and were finally discontinued completely two years ago.

To gain in-depth knowledge and a feel for the suffering of Biharis in Bangladesh, we recommend reading "*Internment Camps of Bangladesh*"¹² by Loraine Mirza – a noted American journalist and researcher.



AFTERMATH of the tragic India-Pakistan war is more tragedy. A mother comforts her child dying of cholera that has broken out among Biharis at the Adamjee Jute Mills, ten miles south of Dacca. The Bihari minority sided with the Pakistani army at the price of reprisals from Bengalis in the newly independent Bangladesh.

Bettmann / CORBIS Photo, January 2, 1972

Settlement of Outstanding Issues after the War:

After the surrender of Pakistan Army, there were a number of issues to be resolved among the three countries; India, Pakistan and Bangladesh. One of the issues was the repatriation of 535,000 Pakistanis to Pakistan.

During negotiations, the Government of Pakistan asserted that all those now living in Bangladesh are responsibility of Bangladesh and that Pakistan had no

responsibility for those citizens – the very individuals who had a hand in creation of Pakistan, voted in the national and provincial elections, worked to keep the country together, assisted the Pakistan Army in numerous ways and who wanted to continue to be Pakistanis. Bangladesh considered them traitors and enemy collaborators and did not accept them as citizens. They were effectively rendered Stateless, and remain so to this day.

In the end, the Government of Pakistan agreed to repatriate only about 175,000 Pakistanis. While this allowed some to go home to Pakistan, it also caused break-up of thousands of families.

Since Bangladesh was created through an international conflict all civilians including Biharis were entitled to the protection of the fourth Geneva convention.¹³ Bangladesh violated many of the provisions. The convention is posted at our website under Legal/Historical Documents, with identification of clauses violated. Video and documentary evidence of atrocities committed against this group is also available at our web site.

Victimization of Stranded Pakistanis in Pakistan:

Government of Pakistan's refusal to allow return of all of her former citizens unconditionally and without numerical limitations back to their country of citizenship was illegal (contrary to the provisions of Pakistan Citizenship Act) and unconstitutional. The Government of Pakistan understood and acknowledged the gravity of the situation and the conditions of life for the stranded Pakistanis but chose not to allow them to return to Pakistan.^{14, 15, 16}

Bhutto: End Biharis massacre of else...

LAHORE, March 19, 1972 (Reuters) President Zulfikar Ali Bhutto, in an emotional speech at a public rally after his return from Moscow appealed today to Bangladesh leader Sheikh Mujibur Rahman to stop the alleged massacre of Biharis in his newly created state.

But that wasn't all, in 1978 almost seven years after the break-up of the country, the citizenship act of Pakistan was amended by ordinance, with retroactive effect to deny nationality of Pakistanis living in Bangladeshi Camps. This amendment of citizenship act was arbitrary (without a reason), and it deprived a quarter of a million citizens of their rights, en masse, without representation or due process of law. The only common feature of the population so deprived was their ethnicity.

In the mid eighties, the Punjab Provincial Assembly and Senate of Pakistan passed a resolution demanding immediate repatriation of the Stranded Pakistanis from Bangladesh. The elected representatives had the power to formulate and pass a resolution, but only the executive had the ability to execute the resolution which it plainly - did not do.

Stateless Population in Pakistan:

Since all avenues for unification of divided families were closed and life in Bangladesh was intolerable, many stranded Pakistanis continued returning to Pakistan via different routes and means. No reliable estimates of this population, considered illegal by Pakistan Government, are available but they may number 50-100 thousand.

Individuals who were repatriated in early 70's with the permission of the Government of Pakistan were issued National Identity Cards. Recently the Government of Pakistan computerized the identity card system. The old ID cards are being replaced with new computer generated ID cards. New ID cards are required and any person applying for a new ID card, who was born in East Pakistan or Bangladesh, is not only refused the new ID card, but their old ID cards are also confiscated. The officials demand documentary proof of having been admitted to the country legally 34 years ago if the applicants indicate "East Pakistan" as their place of birth.



Karachi, Pakistan – Crowd assembling for one of the many peaceful demonstrations to press for repatriation of Stranded Pakistanis.

*Internment Camps of Bangladesh*¹²

The need for ID card in Pakistan is everywhere; school admissions, driving licenses, passports, check cashing, opening a bank account, buying an airline ticket, employment, voting or obtaining any government services. Not having an ID card means truncation of citizen's rights, pure and simple.

Actions of Government of Pakistan: (Dec 1971 - To date)

Government of Pakistan like any other national government ought to be the protector of citizen's rights. The Government has failed this population many times and on many accounts. National and international humanitarian organizations have been urging the Government of Pakistan to do the right thing and allow return of these citizens back to their country for many decades.



Karachi, Pakistan – Mustafa, one of the young participants in a peaceful march to press for repatriation of Stranded Pakistanis, killed by unprovoked and deadly use of force by the local police.

*Internment Camps of Bangladesh*¹²

Government of Pakistan has used every excuse imaginable; fear of ethnic strife, unavailability of resources, lack of funds, even the rainy season, and the list goes on and on. The net result is that quarter of a million citizens have been living in squalid and inhumane internment camps in a foreign country where they were first traumatized and then stigmatized.

With an implicit recognition of their citizenship, Government of Pakistan established a trust fund¹⁷ for repatriation of these citizens back to Pakistan in July 1988. Rabita-al-alam-al-Islami a charitable agency of the Government of Saudi Arabia and the Government of Pakistan provided the funds. These funds have been sitting in a bank account accumulating interest. Most recent known balance of the account was in excess of 900 million rupees. So far, none of these funds have been used for repatriation and rehabilitation of this population. One thousand residential units were built in 1993 for the returning citizens of which less than 5% were actually occupied, the rest were lying vacant because repatriation and rehabilitation was abruptly stopped for no apparent reason and has not resumed ever since.

With the agreement of Government of Pakistan, Rabita-al-Alam-al-Islami had the entire population photographed and temporary Identity Cards¹⁸ were prepared for 238,000 persons which remain in possession of Rabita's Dhaka office.

In a voting rights case in September 2003, Bangladesh Supreme Court has held that all camp residents are entitled to citizenship of Bangladesh. The Government of Bangladesh has not filed an appeal in implicit acceptance of the decision. The Government of Pakistan is now poised to exploit this decision as a pretext for extinguishment of the prior established right of the Stranded Pakistanis to Pakistan's citizenship based on birth, naturalization, descendance and international law.

International Aspects:

As U.N. member states, Bangladesh and Pakistan are signatories to the following international conventions:

Bangladesh:

- Universal Declaration of Human Rights.¹⁹
- Convention on the Rights of the child.²⁰
- Convention on the Prevention and Punishment of the Crime of Genocide.²¹
- International Covenant on Civil and Political Rights.²²
- International Covenant on Economic, Social and Cultural Rights.²³

Pakistan:

- Universal Declaration of Human Rights.¹⁹
- Convention on the Rights of the Child.²⁰
- Convention on the Prevention and Punishment of the Crime of Genocide.²¹
- International Covenant on Economic, Social and Cultural Rights.²³

All of these conventions are posted at our web site. Bangladesh and Pakistan are developing countries who provide only basic rights and amenities to most of their citizens. In identifying the clauses contravened by each country we have excluded those rights and amenities which are unavailable to the general population in these countries.

A noteworthy document in this respect is the two part paper published in International Journal of Refugee Law (Oxford University Press): *Stateless Refugees and the Right to Return: Bihari Refugees of South Asia. (Part I & Part II) By Sumit Sen.*²⁴ The article

examines the current status of the population and their rights in light of International law relating to succession of states.

International human rights conventions represent consensus of many nations of the world on human rights. These are voluntary norms of behavior to which the signatories have agreed. Some of the applicable instruments are listed below and are available at our web site with clauses contravened by Bangladesh and Pakistan:

- Convention relating to the Status of Stateless Persons.²⁵
- Convention on the Reduction of Statelessness.²⁶
- Human Rights and arbitrary Denial of Nationality.²⁷
- The Right of Return of Refugees and Internally Displaced Persons.²⁸
- Housing and Property Restitution: Refugees, Internally Displaced Persons.²⁹
- Forced Evictions, Resolution 1994/39³⁰

Latest Situation in Bangladesh:

The Stranded Pakistanis have been living in the internment camps setup as temporary shelter more than three decades ago by ICRC. Over the years, conditions have deteriorated tremendously. Entire families, sometimes as many as 8 persons, live in cramped 10x10 feet space. Camps were set up in the suburbs or outer edges of cities in 1971. In the last 34 years, population has been growing and cities have been expanding. Land values have increased many-fold. Many camps are now in the middle of populated areas and sitting on valuable real estate. Commercial and public

interests have been trying to evict the camp dwellers to get possession of the land with no concern that the stateless population will also become homeless. Many evictions and demolitions have taken place despite legal orders to the contrary.



A tin shelter with a dirt floor and only three walls is home to a family of six.

Devastating fires are a common and frequent occurrence in the Bihari camps. Water supply is polluted and sporadic. Sanitation facilities consist of highly dilapidated communal toilets with no running water.

Most of the 66 camps do not have any schools. There are only two schools which are run by the community with charitable donations and school fees. These schools are only up to grade 8. 99% of the school age children have no access to education. The camp schools receive no funding from the Government. One of the schools offers night classes for working adults and children. Bihari children are refused admission to public schools.

Mortality rate among the Bihari infants is very high; only 2 out of 5 babies make it to age five. Most Biharis have no access to health care. Deaths from easily

preventable or curable diseases are common. Water borne diseases, skin rashes, polio, malaria, tuberculosis, typhoid fever and malnutrition are very prevalent.



No education and no hope are practically guaranteed for the next generation.

Most Biharis live in extreme poverty making less than one dollar per day if they can find any work at all. Since they have been locked out of educational and vocational opportunities for the last 34 years many adults have no marketable skills or education. Some are self-employed but have no access to credit or capital. Women work as household help in middle class Bangladeshi homes for as little as 50 cents per day. Children as young as seven work full time to help their parents make a living. The conditions for the old and the sick are much worse.

Biharis can not obtain passports to leave Bangladesh since they are not recognized as Bangladeshi citizens. Some who have obtained Bangladeshi passports have done so by bribing officials or have a Bengali spouse. A small number who do have Bangladeshi nationality, live outside the camps and engage in small business or in private sector employment. Bihari businessmen

are frequent targets of extortion. Public sector employment for the most part has not been available to the Biharis.

In a voting rights case in June 2003, the Bangladesh Supreme Court has held, in a petition brought on behalf of ten camp residents, (some born before and some after creation of Bangladesh), that they are all entitled to citizenship of Bangladesh³¹. Since Government of Bangladesh has not appealed the decision, it is now final. Bangladesh Elections Commission has mobilized to register Biharis in some of the camps for the rolls in preparation of the 2007 elections. In the words of Mr. M. I. Farooqui, the advocate who obtained the judgment, "It is now up to the camp residents to assert their rights of citizenship". To the best of our knowledge, in response to this three year old decision, the Government of Bangladesh has not taken any remedial, protective or affirmative actions to redress the injustice done to this population over the last 34 years. How a tiny minority as traumatized, deprived and uneducated as the Biharis in Bangladesh today are supposed to assert their rights of citizenship is beyond comprehension.



An old man from Adamjee Camp waiting to die alone.

Many in the Bihari community are now in fear of losing their shanty towns to developers. Many essential government services are still being denied and there is no dialogue about restitution of confiscated properties. Fate of the Biharis in Bangladesh is yet to take a turn for the better.

Latest Situation in Pakistan:

The Stranded Pakistanis who returned in 1974 under the tri-partite agreement³⁰ are living under varying conditions of distress. They are certainly better off culturally, socially, economically and politically than their relatives left back in Bangladesh. Most who have family members in Bangladesh can neither bring them over due to legal problems, nor can they visit them due to cost of travel. Typical air fare to Bangladesh is about 4 month's salary for a wage earner in Pakistan, which must be paid in cash, and in full, upfront. It would be like an American trying to buy a new automobile for cash. Many are locked out of educational opportunities.

Who Represents or Works for this Population:

Members of this community are so poor and beaten down that they live at or near starvation levels. They are the poorest of the poor in one of the poorest countries of the world.

There are a few organizations in Bangladesh who try to provide relief and development assistance to this community. Despite their best efforts, the conditions of life for the stranded Pakistanis have not improved. This population has often been labeled "the forgotten people" by refugee or peace and justice organizations. Refugees International sent their representatives

to Bangladesh in 2004, issued a report and presented their testimony to the U.S. Congressional Committee on Refugees. University of Maryland tracks the existence of this group among many others through a program called "Minorities at Risk".

There have been many organizations in many parts of the world who have attempted to represent the interests of this population or undertake assistance to them. Depending on the resources and orientation of the organization each has done what it can. Most are strictly relief organizations.

We frequently cooperate with "OBAT Helpers" – a relief and development non-profit organization based in Plainfield, Indiana, USA and SPGRC (Stranded Pakistanis General Repatriation Committee) based in Geneva Camp, Dhaka, Bangladesh. We have been working for this otherwise voiceless community since August 2003. The focus of our efforts is the adjustment of their legal status which is the root cause of their suffering.

It is unacceptable for any group of human beings to be without rights for as long as the stranded Pakistanis have been. We pledge to work for this minority until their basic human rights are established in the country of their choice – Bangladesh or Pakistan.

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