

**Women, War and Statelessness:
Stranded Bihari Women and Girls
in Bangladesh**

Zakia Haque

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Foundation for Universal Responsibility

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Preface

The Scholar of Peace Fellowships awarded by WISCOMP for academic research, media projects and special projects are designed to encourage original and innovative work by academics, policy makers, defense and foreign policy practitioners, NGO workers and others. The series WISCOMP Perspectives in conjunction with WISCOMP Discussion Papers, brings the work of some of these scholars to a wider readership.

The twenty-fourth in the series, *Women, War and Statelessness: Stranded Bihari Women and Girls in Bangladesh* is the outcome of a Research Project by Zakia Haque. The project explores the situation of Biharis in Bangladesh, who have been trapped in uncertainty ever since the Bangladesh Liberation War, 1971. Although at that time most of this community opted for Pakistani citizenship, there were obstacles to their repatriation. Stranded in Bangladesh, they have been dwelling in 66 makeshift camps in different parts of the country. The next generation, born and brought up here, is by and large opting for Bangladeshi citizenship. At present, these people are stateless, denied the right to citizenship with all its attendant benefits.

Zakia Haque has approached the issue from both a legal and a humanitarian perspective, with a special focus on the conditions of the women and children who are stranded in these ‘refugee camps’. Through field visits and surveys she has provided a first-hand account of the abysmal life-conditions of the camp residents, who lack access to basic amenities, primary education and sources of income. The camps have literally become crime zones. There is a lack of mature leadership, although a few leaders and groups do exist, who try to represent the interests of this community at a wider level. However, they do not really have the confidence of the bulk of the members of the community.

Through extensive review of the literature, media sources, and interviews with experts, Haque presents a picture of inexplicable neglect, amounting to gross irresponsibility, on the part of the state, towards the plight of this large group of people. There is simply no rationale for denial of citizenship and basic rights to the majority of these people, who are explicitly opting for citizenship within the country of their birth (Bangladesh), and are keen to integrate into the mainstream.

Statelessness in South Asia is a complicated phenomenon, however. The present case directly involves three countries – Bangladesh, Pakistan and India. Bilateral or even trilateral talks might be required for full and successful resolution of the issue. There is an urgent need to carry out the talks, if required, and work systematically to work out the details of a settlement. There is no ground on which state – or states – can justify the continued denial of basic rights to a whole community of people. Intricate issues are involved here: ethnicity, perceived loyalties, and exclusionary practices that become part of the self-definition of each nation-state. The stranded Biharis of Bangladesh are a stark instance of such exclusionary practices. Their case needs to be urgently settled and citizenship granted, from which accrue the rights to livelihood, education, health and other indices of security and well-being.

The WISCOMP Research Team

Introduction

The major intention of the present study was to identify and discuss the status of Biharis with special focus on women and children living in Bangladesh. The involvement of different stakeholders in this field was examined. The role of the Governments of Bangladesh and Pakistan, and the views of general camp dwellers along with their leaders' motives were investigated. For the analysis, literature review played an important role.

The study revealed how these people are looked upon in society around us. At the same time various types of insecurities faced by women were discussed. Where the whole community is deprived of their civic rights, women and children were found in the most vulnerable position. It was pertinent to analyze the concepts of statelessness, citizenship, women and state in the realm of international relations and feminism.

If this study contributes to research in this field by which government and experts could arrive at a solution to the crisis, all efforts during the study would be meaningful.

Zakia Haque

Acknowledgements

I still remember two Bihari men who lived in our house in Syedpur District (Northern part of Bangladesh). It was a government quarter. One of them was gatekeeper and the other was gardener of that quarter. They were very friendly with us. After long period as a student of International Relations, I studied about this community in brief. Since then I had a desire to know more about their status in Bangladesh. My dream came true when WISCOMP awarded the fellowship, which provided the necessary support and grant to conduct research on the status of Bihari women and children living in stateless position in our country. With this final report I would like to express my heartfelt gratitude to WISCOMP for awarding me the fellowship.

This report is the outcome of extensive fieldwork and desk research that were carried out during the project period. I would like to convey my thanks to my research assistant whose timely support was very useful for the project. I am also very grateful to my teachers and researchers from whom I received necessary guidelines and inspiration to complete the task.

Last but not least, I would like to remember every single support provided by my family members during the whole project period. They helped me to complete the study by providing all necessary support.

Finally, it is important to note here that I have always found the WISCOMP members who are in charge of the fellowship programme, cooperative and helpful. Through this report I would like to acknowledge their support to the project.

Zakia Haque

Chapter 1

1.1 Introduction

Stranded Biharis living in Bangladesh are forgotten people whose status does not attract much attention, and they therefore, remain ‘missing’ in society, even at the level of the state. Bihari women and children in particular are the most vulnerable people of this community. Very few researches have been conducted so far to find out the existing situation of Biharis living in different camps throughout the country. On the other hand, Biharis themselves lack power of unity, which in turn does not give them space to search for solution to their problems. Their problems are multifarious. With water shortages, power cuts and a lack of gas facilities, life in 66 shanty camps across the country is increasingly becoming difficult. Several factors have taken their condition into a more complex arena day by day.

In this scenario, I made up my mind to conduct in-depth research on this issue. In this regard, the major focus of study has been shifted from the initial focus on ‘women and war’ to the issue of statelessness. Gradually it was revealed that the condition of these people has large impact on lives of other common people of our country in many ways. Increased levels of close interaction mainly due to economic reasons among people living in camps and those living outside have made these problems more acute. Insecurities felt by these camp people also create various forms of insecurities for people around them. It is mainly visible in terms of the law and order situation in and around the camp areas.

Furthermore, the study also tried to find out different actors whose involvement has deepened the crisis situation. In this regard literature review on the theoretical debate over the notion of statelessness and the situation of Biharis from historical perspective helped build an understanding of the existing dilemmas. An attempt has been made to examine the denial of the rights of these people, and the diverse threats to their survival and livelihood including physical, health and environmental insecurity. The study used the lenses of human rights and humanitarianism to analyse the challenges confronted by the Bihari in Bangladesh. Although some legal and theoretical issues were discussed, the main focus of the study was analysis from humanitarian point of view.

Some scholars have already studied the lives and status of these Biharis living in Bangladesh since 1947 and how they have become ‘stateless people’ immediately after the war of liberation in 1972. At one point of time the process of repatriation stopped and the UNHCR has not granted them refugee status. Since then these people are living in 66 camps in Bangladesh without having minimum access to basic human rights. It may be noted that the Refugee and Migratory Movements Research Unit (RMMRU) – a Dhaka based research organization had carried out considerable study on stranded Biharis. This study took the advantage of those studies while trying to take it one step ahead.

As already mentioned, the prime objective of the project was to identify the living conditions of Bihari people, sufferings of young girls and women living in different camps and rights of children. Being stateless they could not enjoy the minimum rights to health facilities, education and food. These are all state sponsored facilities. The project aims to identify every possible way to improve their conditions leading towards an end to the problem with necessary involvement of others like Government, local and international NGOs, members of civil society and legal experts. It is important to note here that these people are engaged in many skilled activities like weaving, knitting, preparing and designing of gorgeous *saris* and boutiques.

1.2 Objectives of the study

The overall objective of the study was to find out the present status of the *Bihari* women and children living in Bangladesh as ‘stateless person’ by examining their lifestyle, and level of insecurity. It also put emphasis on the need to grant citizenship to those who opt for it (the present generation opts for citizenship of Bangladesh) and to find an alternative possible way to ensure their basic human rights.

Other major objectives were:

- To identify the impact of war on women and children with special focus on Biharis living in Bangladesh.
- To discuss the concepts of statelessness and citizenship in order to redefine the situation of Bihari women and children.
- To investigate the present vulnerable condition of Biharis especially women and children living in different camps without having minimum access to water, sanitation, healthcare, education and other basic needs.

- To investigate the possibility of NGO involvement for these people.
- To suggest a gender sensitive development policy for them in consultation with civil society.
- To find out how the Government of Bangladesh has addressed this issue both from humanitarian and legal points of view.
- To search for role of Pakistan in this crisis.
- To identify the nature of leadership in Bihari community: past and present scenario.

1.3 Methodology

The very nature of the study demands in-depth analysis using both qualitative and quantitative research methods. It included in-depth interviews, discussions with knowledgeable persons in the government agencies, civil society, organizations working with Biharis, Bihari leaders living in camps, representatives of NGOs, human rights organizations, social scientists, young women and men living in camps.

To collect relevant primary data for the study, 3 different questionnaires both structured and unstructured were used.

- Research was carried out on the basis of primary sources of data.
- Research also took into account secondary sources of information.

1.4 Hypothesis / expected substantive results:

- Young women and girls are opting for the citizenship of Bangladesh;
- They are skilled manpower and therefore, their contribution should be measured in the national economy of our country;
- They should be given chances for integration into the mainstream population of the country through ensuring basic human rights.

1.5 Limitations of the study

As such there were no major obstacles in carrying out the study. The following limitations were observed –

- Scant availability of existing research materials

- Difficulties initially faced during the field survey as the respondents were reluctant to take part in interviews
- Respondents were afraid to provide necessary information, regarding violence against women in particular, due to the presence of men-folk around them
- There also remained chances of biased responses from the camp dwellers, as the survey was conducted by Bangladeshi researchers.

Chapter 2

“In war-torn societies, women often keep societies going. They maintain the social fabric. They replace destroyed social services and tend to the sick and wounded. As a result, women are the prime advocates of peace.”

– Kofi Annan
Former UN Secretary General

2.1 Women and war

History shows that war affects women and girls in a very different way than men. They are the bearers of untold suffering during the war and play crucial role even after the war, in the rebuilding process. They suffer more because of their vulnerability to sexual assault. Rape is often considered as a weapon of war during wartime. This study with special focus on women and children attempts to have a theoretical analysis on the role of women in war, state formation, and rights of citizens while redefining the concept of security.

It is true that no one wants to be uprooted unless the circumstances are beyond one’s control. As a result of war and conflicts between states in the name of structural, political, social, ethnic and other causes, various types of violence and sexual brutalities occur within states. People are then compelled to wander, becoming homeless and helpless, and therefore seeking refugee.

Ritu Menon and Kamla Bhasin in their book entitled *Borders and Boundaries: Women in India’s Partition* describe that for the sake of religious or ethnic lines countries are divided, and the question of where people “belong” has bedeviled this century more than ever before. Today’s wars are fought mostly by non-combatants and in every disturbed area of the world civilians are in conflict with each other. For example, during World War I, five per cent of casualties were against non-combatants and in contemporary wars, almost 95 per cent are against non-combatants. Individuals are increasingly the principal victims, targets and instruments of modern war. Civilians are paying the heaviest price, with the rise in intra-state conflict and failed states.

As a result there are millions of refugees or displaced people found mostly in the developing world, and a very large proportion of them are women and children.¹

We frequently find women as victims in war and conflict also being the bearers of identities of society, nation and state. Formation of nation-state system has created different forms of insecurities for women in particular. The notion of identity politics has shown that women have been playing crucial roles in the reproduction of national collectivities and states. They have important roles in the construction and reproduction of nationalist ideologies. At the level of agency, women act as participants in national struggles, and as members of ethnic groups or classes. The nationalist discourse includes examples of different role allocations to men and women.

The impact of war on women has both short term and long-term consequences. Women and children are the majority in any refugee camp or resettlement site. In a third world country as well as in a developed country, during times of war or peace, stability or instability, the situation of women has often been overlooked and rights are not attainable.

Against this backdrop, the designation “stateless” has become very common and recently governments are grappling with another category of people called “permanent liabilities”. Here this study has also a similar viewpoint of showing Biharis in Bangladesh as “permanent liabilities” for the Government. And the question: *Do women have a country?* has given rise to further analysis in a separate chapter of the study.

2.2 Liberation war of 1971 and Bihari women in Bangladesh

The Liberation war of 1971 had a critical impact on every woman in Bangladesh. Women were the worst victims during this war, like other wars in world. Stories of women combatants remained untold for many days, sometimes years, in our history. During this war Biharis were widely considered as supporters of Pakistan (the then West Pakistan). On one side of the coin many of them acted as collaborators and on the

¹ Ritu Menon and Kamla Bhasin, *Borders & Boundaries: Women in India's Partition*, Oxford University Press, 1999, Karachi, Pakistan

other side of the coin we find they fell into the trap of Bengali-Bihari conflict, without having any leadership. Many Biharis joined Pakistani militias or collaborated with the Pakistani army. As a result, after the surrender of the Pakistani army in mid-December 1971, the entire community faced the wrath of Bengali nationalism and was viewed as collaborators of the Pakistani administration and troops. Many were killed and much of their property was seized. There were many attacks on this community as they were seen as symbols of Pakistani domination. Bengalis reportedly killed over 1,000 *Biharis*. In December 1971, with the formation of the independent state of Bangladesh, the *Biharis* were left behind as the Pakistani army and civilians were evacuated.

Under the circumstances stated above, Biharis either lost their homes during the attacks immediately made by Bangladeshi freedom fighters, or felt insecure living in their own houses. Women and children became more vulnerable and most of them living in different parts of the country began to look for shelter soon after the war. With the attack in search of Bengali scholars in Mirpur, innocent Biharis also suffered. Even when the men-folk of these communities were taken to jail, women had to struggle for mere survival. They maintained their families until men came back. Again their life started in camps where women have to be subordinate to their men-folk. Their suffering continues to date.

The aftermath of war has turned their life into an insecure struggle for shelter and food. Many women of this community had to leave their houses in fear and began to live in camps. Suddenly they found themselves unwanted in this country and thus started waiting for repatriation to Pakistan. Since then they tried to cope with changed circumstances – life in shanty camps amid extreme poverty.

At that time women became totally helpless. Even when their men-folk returned home they found themselves living in 66 camps throughout the country, waiting for possible repatriation in Pakistan. Displaced women have to cope with the new environment, new social and economic roles, new community structures, new familial relationships and new problems. Language also played an important role in this regard, as many of them began to learn Bengali in order to contact with people outside camps. At the same time, they seek to reconstruct the familiar lifestyles as much as possible. So here also women became both the agents of change and sources of continuity

and tradition. They became the principal maintainers of the traditional culture and they provide support for their family members as and when necessary.

When the repatriation process began, some women became more vulnerable when members of their families, friends and relatives got the chance to go to Pakistan and they were left here in even greater uncertainty.

A study² conducted by the Refugee and Migratory Movements Research Unit (RMMRU) revealed that after 25 March 1971 a large section of the Urdu-speaking males were killed in Mymensingh. Often, this was in retaliation to the excesses committed by some members of the community. Before independence, camps were formed in Dhaka and Mymensingh for the Urdu-speaking community. Since they were the majority in Syedpur, the Urdu-speaking community did not face such problems, but others living in Nilphamari, Dinajpur and adjacent areas faced several casualties. Later they took shelter in the camps located at Syedpur. After 16 December 1971, most lost their jobs. Homes of many were looted and seized, and where their number was the least, killing was most rampant. The whole community had to go through a number of problems- they lacked food for many days, and suffered from inadequacy of drinking water. In order to save themselves, some of the male members of this community were dressed as females wearing veils. The occupied land and homesteads were never returned to them. Some occupants forcibly took the owners' signature on the documents. A number of female members of this community were victims of rape and incidents of mass rape were reported in Dinajpur, Mymensingh and Chittagong.

The following case studies are the outcome of field visits to two camps in Dhaka, conducted as part of the present project.

² *Experiences of Urdu-speaking Camp-based Women in Bangladesh*, RMMRU, February-March 2002

Case Study 1: Leaving homes behind due to war

An old woman Sanzida (60), born in Bihar, India, during her interview said that she has been living in this camp after the war of liberation, leaving her own house in Mohammadpur, Dhaka. She along with her family was afraid of Bengalis immediately after the war. Since then she has been living in the camp in a miserable condition.

Case Study 2: Bihari woman living in a rented house inside the camp

Sakhina (50) was born in Rangpur. Her father was a Police Officer and was transferred to Bangladesh before 1971 and came here with his family. But after the war they could not go back to Murshidabad, India. They used to live in a rented house in Rangpur, which was owned by a Bihari family. There she got married to a Bengali shopkeeper. In 1975 they came to Dhaka. Since then she began to live in a camp near the water tank in Mirpur-11 and when a fire took place they lost their belongings. Since then she along with her son began to live in another part of the camp paying a rent of Tk./-600. Her son is the only earning member in the family. She considers herself as Bangladeshi and opted for citizenship. She complained that she has lost her relief card and requested the Chairman of the camp to have a new one but he refused her.

Chapter 3

3.1 Historical overview

Geo-political mapping shows that 7 Bihari groups are living in 4 countries. These are Biharis of Bangladesh, Fiji, Bhojpuri Biharis of India and Nepal, Anga, Magadhi Biharis and Nagpuri Biharis of India. The heartland of all these groups lies in the Bihar Province of India, which extends over Western Terai of southern Nepal. And the people whose legal status has been of long-standing controversy in Bangladesh, are certainly the Biharis or stranded Pakistanis.

In the decade prior to the 1947 partition, “increasing communal polarization” marked political developments. Despite this, there were also efforts at Hindu-Muslim political co-operation and alliances in Bengal. Leonard A. Gordon sees these alliances as “patterns” of political accommodation which were unfortunately overridden by “pressures for communal divisions and... of communal identity”³. However, in the two decades following 1947, a resurgent Bengali nationalism in East Pakistan proved increasingly incompatible with the obsessive policy pursuit by the West Pakistani leadership both for religio-cultural homogeneity and politico-economic domination. And by the time East Pakistan seceded from Pakistan and emerged as Bangladesh in favour of autonomy, Muslim solidarity had become a spent-force (that is by 1971).

The historical background of Biharis or stranded Pakistanis living in Bangladesh goes back to the origin of these people in this region. It is found that in 1947, the population of Bihar numbered around 30,000,000 and out of this nearly 4,000,000 were Muslims. A year before partition, in October of 1946, some 30,000 Bihari Muslims were killed by Bihari Hindus in alleged retaliation for killings of Hindus in Noakhali. These killings precipitated the movement of Muslim Biharis into Pakistan, after creation of the state. Of the 1.3 million Bihari Muslims who moved to Pakistan, about 700,000 choose to settle in East Pakistan and the rest in West Pakistan.⁴

³ Leonard A. Gordon, “Divided Bengal: Problems of Nationalism and Identity in the 1947 Partition,” in *India’s Partition: Process, Strategy and mobilization*, ed. Mushirul Hasan (Delhi: Oxford University Press, 1994), 296.

⁴ Minority Rights Group (MRG), *The Biharis in Bangladesh*, London 1982, at pp.7-9.

However, when Pakistan and Bangladesh (formerly known as East Pakistan) became two separate nations, these Urdu speaking Biharis remained in a predominantly Bengali speaking Bangladesh. They began to feel like refugees in their own homeland in Bangladesh. The ethnic gap between the recently arrived Urdu-speaking Biharis and the Bengali-speaking Muslims of East Pakistan⁵, for several political and economic reasons, was never bridged. Biharis continued to live as a separate community. Their role in support of the Pakistani Army during the war of liberation precipitated retaliation against them, both during the liberation war and after the liberation. They became targets for their support to the Pakistan army during the liberation struggle. Since no reliable figures are available, several estimates put the number of Biharis killed during 1971 as ten to fifteen thousand.

Since 1971, Biharis were regarded as inferior due to their expressed loyalty to Pakistan. When Bangladesh offered them citizenship, less than half accepted. Those who refused vowed that they would rather die dreaming of moving to their “promised land,” Pakistan, than to change their citizenship. More than 160,000 Biharis moved to Pakistan, but thousands more were unable to move due to lack of funds. Most of those who remained in Bangladesh sought protection by moving into temporary refugee camps while awaiting repatriation to Pakistan. Experts believe that Pakistan is reluctant to accept the Biharis for fear of exacerbating existing ethnic and political tensions in the Sindh province. Thus the community has been rejected by both their present country and the country for whom they fought. Although in practice, many Biharis have been accepted in Bangladesh, some 238,000 Biharis, many of whom consider themselves citizens of Pakistan live in Bangladesh in refugee-like circumstances, as “unfinished business”.⁶

Biharis are still living in 66 camps with poor facilities scattered around Bangladesh. Their unclear citizenship status has created enormous problems for them. After so many years of a refugee-like existence, there are now indications that some Biharis would prefer to obtain

⁵ The 1961 Census of Pakistan stated that 800,247 persons out of the total population of 50,840,235 of East Pakistan spoke in mother tongue other than Bangla. Of these, Urdu was the mother tongue for 310,628 and Hindi for another 140,845, both groups coming to East Pakistan from Bihar.

⁶ Ahmed Ilias, “*Biharis: The Indian Émigrés in Bangladesh-An objective analysis*” Syedpur, Bangladesh, December, 2003.

Bangladeshi nationality.⁷ According to the survey of 1992, 4,816 families stay in Mirpur and at present it is more than 6,000 (approximately). During 1974, 50,000 people were repatriated to Pakistan. Even in 1993, 325 people were repatriated to Pak.

Biharis are often considered as refugees although their status as refugee creates much debate. They face many problems similar to those of other refugees. Therefore, the understanding of refugee will give us a clearer picture on the status of this community (discussed in Chapter 4).

Being unwanted foreigners they were denied privileges and benefits accorded to Bangladeshi citizens. Until very recently their leadership continues to demand that one day Pakistan would take them back. However, there are sections within the community that advocate local integration instead of repatriation. All this has made them frustrated. The wretched camp conditions compelled thousands of Biharis to move to Pakistan on their own. Others managed to leave the camps and integrate into the local community. The remaining Biharis are generally those too poor to have options other than the shanty camps.

Literature review: Historical debate over the status of Biharis living in Bangladesh

In his book, *Biharis: The Indian Émigrés in Bangladesh – An objective analysis*, Ahmed Ilias (2003), deals exclusively with historical background, legal status, and present status of Biharis living in Bangladesh. He says that after the war of liberation in Bangladesh, the Bihari issue emerged as one of the many political and humanitarian consequences of the war. The issue of the Biharis received worldwide coverage in electronic and print media but soon lost its significance and gradually the Biharis became a forgotten community.

Sultana Nahar's 'Biharis in Bangladesh: Present Status, Legal Impediments and Solutions' in Chowdhury R Abrar (2000) (ed.), *On the Margin: Refugees, Migrants and Minorities*, states that the word 'Bihari' literally means a person who belongs to the state of Bihar of

⁷ C. R. Abrar, *A Forsaken minority: stateless persons of the Bihari community in Bangladesh*, RMMRU, January 1999 p.13; K.M. Rahman, 'Bihari Refugees in Bangladesh: on the way to integration' *South Asian Refugee Watch*, Vol.1, No. 1, July 1999, p.29.

India and in Bangladeshi parlance, anyone who speaks Urdu is a Bihari whether or not he comes from Bihar. She also described the leadership crisis among the Bihari Muslims living in East Pakistan and how the mentally fatigued and confused community felt itself trapped in a mess after the Liberation war of 1971.

In Mushirul Hasan (1998) (ed.), *Islam, Communities and the Nations: Muslim Identities in South Asia and Beyond*, Professor Taj Ul-Islam Hashmi in his article entitled, 'The 'Bihari' Minorities in Bangladesh: Victims of Nationalisms' argued how the case of the Biharis in Bangladesh is different from the other minority groups. He argues that the Biharis have been the victims of two divergent streams of nationalism – the Pakistani from 1947 to 1971, and the Bengali/Bangladeshi from 1971 to the present.

3.2 Repatriation at a standstill...

The Simla Agreement between India and Pakistan was signed on 2 July 1972. Under this agreement India and Bangladesh agreed that the repatriation process of stranded people should be initiated soon. It is to be noted here that this was the first instrument to initiate the repatriation of stranded people in the whole of the subcontinent. Likewise, repatriation of prisoners of war from India, Bengalis from Pakistan and stranded Pakistanis from Bangladesh started on 19 September 1973 under the supervision of the Geneva based International Committee of the Red Cross Society. Under this agreement Pakistan agreed to take "a substantial number of those non-Bengalis who are stated to have opted for repatriation to Pakistan."⁸

A meeting between the Foreign Ministers of India, Pakistan and Bangladesh was held in Delhi from 5 to 9 April 1974 to sign a tripartite agreement. Through this agreement, conditions of the category-wise repatriation of the stranded people from Bangladesh were laid down by Pakistan. According to this agreement Pakistan, during 1973-74, gave clearance to 112,915 persons for their repatriation under 3 categories namely

- (i) original Pakistani,
- (ii) employee of Central Government services, and
- (iii) members of a divided family.

⁸ Ahmed Ilias, "*Biharis: The Indian Émigrés in Bangladesh-An objective analysis*" Syedpur, Bangladesh, December, 2003.

Many Biharis did not fall under these categories specified in the tripartite agreement, and there was no legal obligation for Pakistan to grant citizenship to them. Despite this, the announcement of category-wise repatriation had been made. However, in the first phase of registration, the ICRC accepted applications without any category. Many families submitted more than a single application and registered themselves twice and thrice. There was no mechanism for the ICRC to check and verify those applications. Therefore, the number of registered families reached to a considerably high mark. According to the statement made by the permanent representative of Bangladesh in Geneva, 539,669 non-locals registered with the ICRC for their repatriation to Pakistan.⁹

The second Delhi agreement included a new category of hardship for 25,000 cases and provided chances of review to the rejected cases. According to this agreement, there was no limit for submission of the review petition by an aggrieved family. Therefore, hope of mass migration emerged afresh, when people started receiving clearance from Islamabad after rejection of their cases under the first agreement.¹⁰

Pakistan also agreed “the background and antecedents of a persons who traveled in first instant to Pakistan” as hardship case would be enquired into by the Government of Pakistan in order to establish if he or she would fall within one of the three categories contemplated in the tripartite agreement.¹¹

Under the hardship category many teachers, doctors, writers, and employees of provincial government, widows and orphans wanted to be repatriated. The Government of Bangladesh gave priority to the Urdu-speaking inmates of the jails. Thousands of Urdu-speaking persons including members of the auxiliary force of the EPCAP, prisoners who had already been sentenced for their crimes during the war of liberation, and those who were charge-sheeted, all crowded the jails. Their repatriation to Pakistan was considered under hardship cases.¹²

Soon after the signing of the Delhi agreement, the underground mission of this community emerged in the open. They decided to work openly as the Non-locals Central Repatriation Committee (NCRC). They

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

demanding that without any condition of category all those who were registered with the ICRC should be allowed to repatriate. Although this organization had no direct link with any organization in Pakistan, it managed to communicate through the ICRC with the concerned Pakistani authority in Islamabad. By and large, all its memoranda and appeals remained unacknowledged.¹³

Diplomats of various Muslim states in Dhaka advised the NCRC to resolve the situation and stay on in Bangladesh. Sheikh Mujibur Rahman went to Pakistan in February 1974 to attend the Islamic Summit in Lahore based on sovereign equality. In June 1974, Bhutto made a reciprocal visit to Bangladesh. Immediately after the departure of Bhutto from Bangladesh, the process of repatriation was stalled. As a result, several thousand people who had already received clearance for their repatriation were transferred from their place of residence to “transit camps” in Dhaka and Syedpur, for the “possible second phase of repatriation.” Many families had earlier sent a family member to Pakistan through Nepal, but other members were left here stranded in Bangladesh, and the families were divided.¹⁴

On the other hand, the Government of Pakistan issued a large number of clearances for those who had already reached Karachi by crossing the Wagah border with the help of clandestine agents or were waiting in Nepal. Under this situation, many chartered planes of ICRC flew from Dhaka taking the handful of cleared families.¹⁵

After three years, in December 1977, the then President of Bangladesh, General Ziaur Rahman visited Pakistan. Pakistan’s new President General Ziaul Haq agreed to receive further 25,000 persons under hardship case. Within the next two years only 9,178 stranded persons were able to go to Pakistan during this second phase, as the fund was exhausted in 1979.¹⁶

In 1980, the stranded people protested and a demonstration was staged on the issue of repatriation, during discussions at the Foreign Secretaries level in Dhaka. A new move was initiated in 1981 to repatriate another batch of 7,000 persons through the United Nations High Commission

¹³ Ibid

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Ibid

for Refugees (UNHCR). At the same time, a joint appeal was made to five Muslim countries, Saudi Arabia, United Arab Emirates, Kuwait, Libya and Qatar to raise funds for the repatriation. With the help of these Muslim countries, only 4,850 out of the agreed 7,000 persons reached Pakistan. The fate of other cleared and non-cleared people was again left hanging. About the number and status of such stranded people, a report was given in the Bangladesh Parliament in May 1981.¹⁷

In 1992-93, the Saudi Arab based Rabita al Alam al Islam, Bangladesh surveyed the stranded people and found only 2,37,240 persons living in and outside the enclaves. On the other hand, according to Government's statistics, the number of non-Bengali Pakistani nationals awaiting repatriation was 462,116. Therefore, the Rabitat al Alam al Islam constituted a Board of Trustees under an agreement with the Government of Pakistan. It decided to raise 500 million US dollars to facilitate the repatriation of the stranded Pakistanis. General Ziaul Haq was made the chairperson of the Board. The Board, however, could not raise the required funds due to the sudden death of General Ziaul Haq in a plane explosion. The next President of Pakistan, Gholam Ishaque Khan refused to chair the Board. After him, Benazir Bhutto being a woman head of the Government was not acceptable to the Rabitat as the chairperson of the Board. On the other hand, Benazir categorically refused to accept the stranded people as citizens of her country.¹⁸

Another hope emerged in 1991 when Nawaz Sharif was elected to power, as Prime Minister and subsequently became the next chairperson of the Board of Trustees. By this time the Board was able to raise only 15 million US dollars; 10 million dollars was the base-fund with equal contributions by Pakistan and the Rabitat.¹⁹

Begum Khalida Zia had paid a visit to Pakistan and reportedly reached an unwritten agreement with her counterpart to resolve the problems of the stranded Pakistanis in Bangladesh. And a fresh initiative was taken for the repatriation when Newaz Sharif was scheduled to visit Bangladesh. During his visit it was agreed that Pakistan would take back 3,000 families of stranded Pakistanis based on the survey report

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

of the Rabitat al Alam al Islam, Bangladesh. It was agreed that the process would start immediately with the departure of the Pakistani Prime Minister from Dhaka. Subsequently, a batch of 63 out of 3000 families along with the Prime Minister went to Pakistan on 10 January 1993. It was informed by the Rabitat al Alam al Islam that the rest would be repatriated within next two years.²⁰

Since then, all official resettlement of the Biharis has been put on hold. Benezir Bhutto who succeeded Sharif as Prime Minister and is herself an ethnic Sindhi opposed repatriation as “it could threaten national unity and security.”²¹ Her Interior Minister, Naseerullah Babar, indicated that he had asked other Islamic countries to take in the stranded Pakistanis and called for a pan-Islamic effort to help resolve the issue.²² But during the next year he indicated that the Biharis would not be repatriated because upon return, they engaged in “undesirable activities.”²³ But the 1997 electoral victory of Nawaz Sharif once again raised hopes that Biharis could be returned. Sharif reaffirmed his commitment to repatriation once the necessary funds were raised. This time no timetable was fixed for repatriation.²⁴

Since then, over a decade has passed and there is no indication as to when the remaining families would be taken to Pakistan or how the issue would be resolved.

In 2002, the present Pakistani leader, General Pervez Musharraf visited Bangladesh. At the end of his visit it was reported that “Islamabad has said it cannot take back stranded Pakistanis now but will put ‘more focus’ on their repatriation once it takes care of some three million Afghan refugees displaced by years of civil war and the US war on terrorism.”²⁵

²⁰ Ibid

²¹ *Deutsche Presse-Agentur*, 3/8/95

²² *Reuters*, 10/31/95

²³ *Asia Times*, 9/5/96

²⁴ *Agence France Presse*, 1/28/97

²⁵ *The Daily Star*, July 31, 2002

Chapter 4

In this chapter a few concepts and notions are discussed in brief to develop a theoretical understanding on the status of Biharis living in Bangladesh. The issues are dealt here from both national and South Asian perspectives, and the viewpoint takes gender into cognizance.

4.1 Concept of Statelessness

With the demise of Cold War, issues of ‘soft politics’ have created space for various forms of insecurities throughout the world. Refugee, stateless people, internal displaced people (IDPs) are becoming common phenomena, with growing number of inter and intra state conflicts, which are mostly caused by political, religious, ethnic and environmental inequalities among states and different actors within states. South Asia is grappling with many problems with its diverse people, with acute memories of historical incidents and recent threats of insecurity. Common borders, ethnic diversity, and poverty have triggered these all the more. A number of second-class citizens that are found in every country of South Asia, and elsewhere as well, are minorities — whether linguistic, ethnic or religious – and are extremely vulnerable.²⁶

Under the 1954 Convention on the Status of Stateless Persons, a person is “stateless” when he/she is not automatically considered a national (or citizen) under the laws of any State. To be stateless is often to be unable to enjoy the array of rights that are granted without question to citizens, such as the rights to education, work, travel, and health care. UNHCR acts as an intermediary between States and stateless persons in securing the standards set forth in the 1954 Convention and in urging States to provide or maintain nationality for persons who would otherwise be stateless through the provisions of the 1961 Convention on the Reduction of Statelessness. Unfortunately, as of 2001, only 53 States were party to the 1954 Convention and only 23 were party to the 1961 Convention.²⁷

²⁶ Ritu Menon & Kamla Bhasin, *Borders & Boundaries: Women in India's Partition*, Oxford University Press, 1999, Karachi, Pakistan.

²⁷ *UN guide for minorities*, pamphlet no.12.

If we look at historical movements we find that both the liberal and socialist movements had assumed the right for national self-determination as ideal for a nation-state. Indeed, Gellner (1983:1, 36) has defined nationalism as a ‘theory of political legitimacy which requires that ethnic boundaries should not cut across political ones, and in particular, that ethnic boundaries within a given state.... should not separate the power holders from the rest.... and therefore state and culture must now be linked.’ In reality such a pure nation-state does not exist in the world and therefore there are always settled residents (and usually citizens as well) who are not members of the dominant national collectivity in the society. So, according to Floya Anthias and Nira Yuval-Davis, there remain overlaps between the boundaries of the state, citizens and the nation. On the other hand, nation is expressed by the naturalizing effect of a collective hegemony and its access to ideological apparatuses of both state and civil society. As a result minorities assume themselves as deviants from the ‘normal’ and lack power sources.²⁸

Some scholars hold that the nation is a particularly modern, or even Western, phenomenon. On one extreme there are the ‘primordialists’ (Shils 1957, Geertz 1963, Van den Berghe 1979), who claim that nations are natural and universal, an ‘automatic’ extension of kinship relationships. On the other extreme there are the ‘modernists’ who see nationalism and nations as a phenomenon that is particular to capitalism (Althusser 1969, Hobsbawm 1990). According to Stalin, ‘A nation is a historically evolved, stable community of language, territory, economic life and psychological make-up’. (1972:13).

The Universal Declaration of Human Rights, which was adopted by the United Nations in 1948, is now considered customary law that all countries must follow. Article 15 of the Declaration states that “everyone has the right to a nationality” and that “no one shall be arbitrarily deprived of his nationality.”²⁹ Despite this people continue to live without the benefits of citizenship worldwide. In South Asia this

²⁸ Floya Anthias and Nira Yuval-Davis, *Racialized boundaries: Race, nation, gender, colour and class and the anti-racist struggle*, Routledge, London, 1993.

²⁹ Article 15 of the Universal Declaration of Human Rights states “1. Everyone has the right to a nationality [and] 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”, [treaty on-line]; available from <http://www1.umn.edu/humanrts/instrree/b1udhr.htm>; Internet; accessed 5 February 2002.

phenomenon increases and in many ways remains underreported. In this region, people's identities are often confined within the nationalist discourse.

Gerrard Khan³⁰ argues that the phenomenon of statelessness in South Asia needs to be seen as part of the larger post-colonial nation-building framework in the subcontinent. He also points out that statelessness emerges out of narrow and exclusionary citizenship and membership policies perpetuated by the region's central authorities, which fail to match the complex contours of multiple identities experienced by the polity.

The problem of statelessness is also linked with the refugee issue. According to the UNHCR (1995)³¹, the problem of statelessness is related to the issue of human displacement in two principal ways. First, statelessness can act as an obstacle in the search for solutions to refugee problems. In most cases, countries of origin refuse to allow the return and reintegration of refugees whose claim to citizenship has been rejected. Refugees prevented from repatriating in this way encounter greater difficulties if no other country is prepared to offer them long-term residence rights and the opportunity to apply for citizenship. The statelessness of Biharis living in Bangladesh might be viewed in this way although their status as refugee is not granted by the UNHCR.

A second connection between statelessness and the refugee problem is to be found in the threat of displacement and expulsion, which hangs over many people who are not recognized as citizens of the countries to which they essentially belong. This threat mostly derives from the policies and prejudices that often motivate a state's decision to withhold citizenship from a particular group of people. Even the nationality laws might lead to large-scale statelessness.

It is now widely accepted that the question of statelessness goes beyond the domestic jurisdiction of states. It has an important human rights implication along with a damaging impact on inter-state relations.

³⁰ Gerrard Khan, *Citizenship and statelessness in South Asia, New issues in refugee research*, Working Paper No. 47, October 2001.

³¹ *The State of the World's Refugees 1995*, pp-67.

4.2 Refugees and Statelessness in South Asia

The phenomenon of refugees in international relations is as old as the emergence of the nation-state. Movement of people has been an age-old phenomenon. On the other hand, the births of territorial nation-states are forcing people from their established and known habitat. In the very process of emergence of identity, minorities and those groups of people who refused to conform and compromise their identities were persecuted and pushed out by the new, aggressive, and in many respects totalitarian, states³².

Thus refugee generation continues, with inter-state conflicts and tensions. These tensions often spill over the territorial boundaries of ethnically, religiously and ideologically defined states.

Addressing the question of a large number of refugees resulting from the Second World War Europe, a UN Convention on the Status of Refugees held in 1951 defined refugee³³ 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.

Under this Convention, the right to asylum for refugees was not mentioned.

In the present-day world, economic migration gave rise to a new category – of environmental and developmental refugees. According to one scholar the refugee-generating factors can be sorted into six broad causal factors. They are:

- i) anti-colonial wars and self-determination movements
- ii) international conflicts
- iii) revolutions, coups and regime changes

³² Lok Raj Baral and S.D. Muni (eds.) *Refugees and Regional Security in South Asia*, Regional Centre for Strategic Studies (RCSS), Colombo, Sri Lanka.

³³ “The 1951 United Nations Conventions Relating to the Status of Refugees,” 28 July 1958, *United Nations Treaty*, Vol.189, No.2545, p.137.

- iv) ethnic, communal and religious conflicts
- v) creation and restructuring of state boundaries, and
- vi) population transfers.³⁴

Accordingly we can discuss two relevant broad categories of refugee generating factors in South Asia:³⁵

Firstly, the breakdown of colonial rule and the rationalization of some of the colonial legacies created refugee flows. The largest of such flows was between India and Pakistan, resulting from the partition of British India, which gave birth to the new state of Pakistan on the basis of religion.

The second category of refugee-generating factors in South Asia is related to state and nation-building processes. This has precipitated political, ethnic and religious conflicts and created economic and environmental conditions that force people to migrate within or outside their respective countries. The first and also the largest refugee flow generated by factors under this category was in 1971, from Bangladesh (then East Pakistan) to India. Another category of refugees was those of 'stranded Pakistanis' who had refused to support the struggle for Bangladesh, and even after the victory of this struggle, continued to state their allegiance to Pakistan. But it was found that Pakistan is not willing to accept and rehabilitate³⁶ the remaining people of this community.

4.3 Citizenship in South Asia

Denial of membership results in statelessness. It is the membership model that gives rise to the denial of citizenship. So, the concept of citizenship needs to be discussed to examine statelessness.

³⁴ N. Kilot, 'The Era of Homeless Man', *Geography*, Vol. 72, No. 2. 1987, pp. 109-121; J. Rogge (ed.), *Refugees. A Third World Dilemma* (Totowa, NJ:Rowman and Littlefield, 1987).

³⁵ Lok Raj Baral and S.D. Muni (eds.) *Refugees and Regional Security in South Asia*, Regional Centre for Strategic Studies (RCSS), Colombo, Sri Lanka.

³⁶ Ben Whitaker, *The Biharis in Bangladesh* (London: Minority Rights Group, 1982), as cited in Weiner, "Rejected People...", op. cit. n. 7. Pakistani sources however claim that more than 500,00 Biharis are already living in Karachi and that it has no obligation to accept any more of these 'stranded Pakistanis' from Bangladesh.

Yasmin Soysal,³⁷ described two dimensions that define membership models: the first, whether the locus of action and authority rests with the society or with the state; the second, whether the organizational structures of authority are centralized or decentralized. The intersection of these two dimensions gives rise to 4 membership models that can be mapped as below:

Locus of authority organizational configuration

| | Centralized | Decentralized |
|----------------|--------------------|----------------------|
| Society | Corporatist | Liberal |
| State | Statist | Fragmental |

These four membership models – corporatist, liberal, statist and fragmental – represent the institutional scripts and understandings of the relationship between the individuals, the state and the polity, as well as the organizational structures and practices that underlie and maintain this relationship.³⁸

In the corporatist model, membership is organized around corporate groups defined by occupational, ethnic, linguistic or religious identities. These groups assume certain powers and rights with regard to controlling and guiding the apparatus of the state. They are the source of action and authority. Individuals gain access to rights and legitimacy through subscription to and participation in these groups. The corporatist model is centrally organized and collectively oriented and tied to the administrative structure of the state.³⁹ In this model, deprivation of membership would require the collusion of the central administration and the corporate groups that constitute the voice of the polity.

In the liberal model, the individual is the primary source of action and authority and locus of membership. In the liberal membership model where rights accrue around the individual, it is difficult for the state to deny membership privileges based on group affiliation.

³⁷ Soysal, Yasemin, *Limits of Citizenship: Migrant and Post national Membership in Europe*, University of Chicago Press : Chicago, 1989), p. 37.

³⁸ Ibid

³⁹ Ibid

According to the statist model a centralized bureaucratic administrative government holds the power of sovereignty. The state organizes the polity and individuals and their activities are subordinate to the state. State also divides and allocates resources and services. In this model, deprivation of membership can be relatively easily accomplished by the state.

Finally, the fragmental model is characterized by a sovereign but organizationally weak state. With this decentralized state, “primordial” groups such as the family, clan and church dominate social and political life. These groups compete for control of the state resources and services and the granting and deprivation of membership is linked to the struggles of these groups.

Referring to these 4 models Gerrard Khan⁴⁰ has shown that the statist membership model lies at the heart of problems involving statelessness in South Asia. According to him membership to a state is defined here in terms of particular national ideologies and identities. A narrow concept of membership includes only those who subscribe to the central administrations of the post-colonial states. Furthermore, the citizenship laws and policies are responsible for the disenfranchisement of whole sections of the polity. Membership goods were also distributed in accordance with perceived loyalty to the state and nation.⁴¹

In addition, Gerrard Khan states that the imposition of a narrow statist definition of membership and the South Asian reality of multiple social and political identities within the polity led to the emergence of stateless groups in South Asia. Moreover, the multiple ethnic, religious and group identities transcend the boundaries of the new nation states. This enabled the political elites to legitimize the disenfranchisement of groups whom they could portray as having closer ties to other states, and demand their ‘repatriation.’ In practice, ‘repatriation’ also becomes problematic. Receiving states often were experienced similar inter-group tensions and competition for resources as the sending states. Thus, rejected from citizenship in one state, the unwanted peoples are often unable to find membership in the states to which they were supposedly to be repatriated. This left them effectively *de facto* stateless as the states

⁴⁰ Ibid

⁴¹ Jalal, Ayesha, *Democracy and Authoritarianism in South Asia*, Cambridge University Press: Cambridge, 1995 p. 247.

involved would spend years and decades in bilateral talks disputing their nationalities. And even when ‘repatriated’, they are not guaranteed the benefits of full membership, as they are often regarded as foreigners in the receiving polity, and denied full citizenship rights.⁴²

The above discussion clearly defines the dilemma faced by the Biharis in Bangladesh living as ‘Stranded Pakistanis’. These communities get the citizenship of neither Bangladesh nor Pakistan. Especially the issue of ‘repatriation’ and the reluctant position of Pakistan have left them *de facto* stateless as long as there is no permanent solution to the crisis.

4.4 Statelessness in South Asia

According to Soysal’s membership models discussed above, Gerrard Khan⁴³ further argues that statelessness in South Asia arises out of the central administration’s appropriation of a statist model to determine its allocation of citizenship rights and to distribute its membership goods. In South Asia, the post-colonial states pursued an agenda to build and reinforce strong, centralized administrations and to utilize central government as the primary determinant of membership and citizenship.

The statist model of membership is fragmental by nature. The imposition of a monolithic, centralized model of membership on South Asian societies led to competition among different groups (having diverse social, cultural, religious and ethnic polities) with each other for the resources and membership goods distributed by the state. Groups such as the Tamils in Sri Lanka, the Bengalis in Pakistan and the Nepalis in Bhutan found themselves in confrontation with the dominant political group of the state for membership goods. Like these groups Biharis have found themselves alienated from the Bengali majority surrounding them, as a result of the state’s inequitable distribution of membership goods.⁴⁴

4.5 Statelessness and Children

Statelessness poses serious threats to the life of children. Being stateless they are deprived of rights as citizens. According to the UN Convention

⁴² Gerrard Khan, *Citizenship and statelessness in South Asia, New issues in refugee research*, Working Paper No. 47, October 2001.

⁴³ Ibid

⁴⁴ Ibid

on the Rights of the Child (CRC), a child is a person under age 18 unless national laws recognize the age of majority earlier. Citizenship is essential for children because living as a stateless person causes acute legal, physical, and psychological insecurity for them.

Nationality is important because it determines what rights and responsibilities apply to a person. Nationality confers citizenship, and citizenship is a fundamental building block to other human rights – it is “the right to have rights.”⁴⁵

Children are dependent on the care of parents and guardians to ensure their citizenship and legal identity. It is the responsibility of parents to register a child’s birth. When they fail to register, the right to a nationality is denied to that child. And when a stateless child becomes an adult, he or she may be unable to get married, open a bank account, own land or vote.⁴⁶ Similarly, due to lack of opportunities, stateless people often are forced into the role of outlaws, living on the margins of society.⁴⁷

Right to nationality is a prerequisite in ensuring some other rights. Thus it has been universally recognized by states around the world. Under international law, a stateless person is defined as a person who “is not considered as a national by any State under the operation of its law.”⁴⁸

In fact, very few people meet this narrow legal definition of statelessness. Without having any official proof of birth or citizenship, millions of people, however, effectively lack nationality and citizenship. Likewise, Bihari children born and brought up in different camps are stateless people. Their condition is the worst, as they became stateless in a country where they were born – being referred to as the citizens of another country due to their family’s past allegiance to that country.

⁴⁵ Adam M. Warnke, *Vagabonds, Tinkers, and Travelers: Statelessness Among the East European Roma*, Indiana Journal of Global Legal Studies, (1999) 335, 352] (quoting United States Supreme Court Chief Justice Warren in *Perez v. Brownell*, 356 U.S. 44, 64 (1957)).

⁴⁶ Unity Dow, *Birth Registration: The ‘first’ right*, The Progress of Nations 1998, UNICEF, 5.

⁴⁷ UNHCR, *The State of the World’s Refugees 1997-1998: A Humanitarian Agenda*, 241.

⁴⁸ UNHCR, *The State of the World’s Refugees 1997-1998: A Humanitarian Agenda*, 226. 1954 Convention on the Status of Stateless Persons, available from http://www.unhcr.ch/html/menu3/b/o_c_sp.htm; Internet; accessed 5 February 2002.

The right to nationality has been addressed in ten international agreements since 1948, most recently the Convention on Rights of Children.⁴⁹ It is a multilateral treaty designed to provide special safeguards and legal protection for children. According to Article 7(1) of the Convention, national governments must register children immediately after birth, and children enjoy the right from birth to acquire a nationality. The CRC requires that governments should guarantee children's rights and, therefore, protect these rights as the children mature. For any government it then becomes an international obligation to protect children's right to nationality ahead of other national considerations. The CRC also states that national governments have a duty to grant children born in their territory citizenship if the child is not recognized as a citizen by any other country. Bangladesh is also a signatory to this agreement and therefore, committed to fulfill it.

Children who are not citizens of any country lack legal recognition. Even when governments acknowledge their existence through providing such children rights of residency, stateless children still are in a vulnerable position before legal authorities. In addition to the psychological impact, the lack of citizenship affects stateless children in many other specific ways. For example,

Health

Statelessness has a considerable impact on children's health. In at least 20 countries, stateless children cannot be legally vaccinated. In many other countries, children without citizenship documents cannot receive treatment in health centers or participate in food programs. The field survey conducted under this project shows how Bihari children being stateless in this country are deprived of minimum health facilities in every camp. (See chapter 5)

Education

In many countries, stateless children cannot enroll in publicly funded schools.⁵⁰ Chapter 5 shows that many Bihari children living inside camps cannot take admissions in schools outside the camps. They have

⁴⁹ The UN Convention on the Rights of the Child (CRC) is the fastest adopted international Convention to date. Every country except the United States and Somalia has ratified the CRC. It entered into force on 2 September 1990.

⁵⁰ Unity Dow, *Birth Registration: The 'first' right*, 5, and UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 241, 254-255.

to pay for schooling that is provided free to children who are acknowledged as citizens. For this, some of them use the name of their relatives outside camps as their legal guardians.

Case Study 3: Children are deprived of education due to lack of citizenship

Sonia (12) was born in a Geneva camp. She studies at home with the help of a private tutor rather than going to school, as getting admission is not easy in schools outside the camp. In her words, '*We have to use the names of our relatives living outside the camps for taking admission in schools, as camp children are not admissible to the schools, which are outside the camps*'.

Case Study 4: Even if one gets educational opportunity, could not continue due to lack of funding

Nadia Sultana (16) Relief Camp, Mirpur-11 is a student. She is a permanent resident of the camp and has been living there since birth. There are 5 people in her family and only one member is engaged in income generating activity. She is a Secondary School Certificate (S.S.C.) candidate and she goes to Prgati School near her house where she has to pay Tk./-120 per month. She took a study break for one year and during that time learnt some skills – making showpieces of wax and dry flowers. She has no money to invest for her handicraft business and does not know about the marketing system for her products. She does tuition and earns a little to support her educational expenses. She said that there is no provision for the children in the camp to receive formal education. She considers herself as Bangladeshi and opts for citizenship, which will ensure their voter rights, right to access proper education, and free mobility.

The right to residence and to travel

Stateless children do not have an automatic right of residence, and therefore may live in fear of being evicted or deported by authorities.⁵¹ Without proof of birth, children cannot obtain a passport. In that case

⁵¹ UNHCR, *The State of the World's Refugees 1997-1998: A Humanitarian Agenda*, 225; and Sharon Dietrick, *A Commentary on the United Nations Convention on the Rights of the Child*, (Cambridge, Massachusetts: Kluwer Law International, 1999) 147.

if they have to flee from their home country, they may not be able to return without passport. As a consequence, they could never settle securely in any country. This also happens with the Bihari communities in Bangladesh. As a result many of them who have their relatives in Pakistan could not go there.

Access to justice

Stateless children lack the basis of citizenship that provides a foundation for their access to fair treatment under national justice systems.⁵² It was revealed during the field visit of this project that without having citizenship camp dwellers could not receive proper judgment from lawmakers.

Safety and physical well-being

Lack of citizenship subjects children to significant threats to their safety and well-being. Children without official papers are vulnerable to abduction, sale and trafficking, illegal adoption, and sexual exploitation⁵³. This is very common in the life of *Bihari* communities in Bangladesh.

Legal barriers to establishing nationality

Now it becomes necessary to point out the legal barriers to establishing nationality. States determine a child's nationality based on two factors: the nationality of the child's parents, and the birthplace of the child. Some states use one factor exclusively to grant citizenship, while other states grant citizenship if the child meets either of the two criteria. Statelessness can result from legal loopholes that arise between states that exclusively follow one system. So, in a state where a child's nationality is determined by parental nationality, a child born to non-nationals is often left with the risks of being stateless. Here, child's nationality is recognized with the child's parent's nationality. However, if the child's parents are nationals of a country that determines nationality solely on the basis of being born in that territory, the child who was born in another country will be stateless.

⁵² Ibid

⁵³ Ibid

Barriers to nationality in countries

In states where citizenship is granted on the basis of parental nationality the problem of stateless children is particularly prominent when the nationality of one or both of the child's parents is disputed. In most countries of Asia, states grant citizenship exclusively on the basis of parental nationality. Here, only the birth registration of children does not give automatic citizenship unless the parents are recognized as citizens of the registering state.

Again mothers face problem in citizenship laws based on parental nationality. Although Article 9 of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) obligates governments to respect the right of women to pass their nationality on to their children, several countries have not yet ratified the Convention. In most of the countries, a woman may pass her nationality on to her child only if the father is unknown. If she marries a foreigner, she can't transmit her nationality to her child. Therefore, her child either takes the father's nationality or remains stateless. Although a signatory of CEDAW, a woman of Bangladesh cannot transmit her nationality to her child, if she is married to a foreign national.

If the citizenship is provided on the basis of birthplace, children have to face difficulties in obtaining nationality, because here the authorities concerned are usually reluctant to register the births of certain children born in their territory. For example, the children of refugees and asylum seekers are deprived of nationality in these countries. This is done due to fear of large number of refugees to be accepted in that particular country, which might result in several types of insecurities.

On the other hand, the UN Convention on the Rights of the Child specifically declares every child's right to name and nationality. States bound by the CRC are obligated to implement policies and programs to ensure that child's families and national authorities can secure citizenship for every child in the country. Bangladesh is also a signatory to this treaty. Children without Bangladeshi nationality enjoy restricted protection under the Constitution since many of the fundamental rights guaranteed by the Constitution are available to citizens only.

In the Second periodic report of 1997, Bangladesh-Right to acquire a nationality, (March 14, 2003) under Article 44 of the convention of CRC, discussed the terms and conditions to acquire Bangladeshi

nationality. It stated that it could be acquired by birth, descent, migration or naturalization. A child's nationality is based on the nationality of his or her father. Accordingly, where a father's nationality is unknown and cannot be ascertained, the possibility exists that his children may be stateless. This rule also prevents children with a Bangladeshi mother and a non-Bangladeshi father who were not born in Bangladesh from acquiring their mother's rather than their father's nationality and from acquiring dual nationality. It is already noted above that although Bangladesh ratified the CEDAW, women are unable to pass their nationality to a child if the father is a foreign national to whom they got married.

The children of the Biharis represent the largest group of stateless children in Bangladesh. Being Muslims of Indian origin, Bihari children became stateless when their parents opted for Pakistani citizenship in 1972. Since then, they have remained in Bangladesh awaiting repatriation to Pakistan. Now the younger generation who have no affiliation with Pakistan, wish to stay in this country and would like to obtain Bangladeshi citizenship. It is to be noted here, that many children living inside camps do not speak Urdu, their mother tongue.

4.6 Citizenship in Bangladesh

Shahdeen Malik, in his paper entitled, 'Overview of the situation of refugees, stateless persons and internally displaced persons in Bangladesh', presented in the Regional consultation on Refugee and Migratory Movements in South Asia, New Delhi, 14-15 November 1996, discussed the background issues of Biharis living in Bangladesh along with the right of citizenship. He said that those whose legal status has been of the longest standing controversy in Bangladesh are certainly the Biharis or Stranded Pakistanis. According to him the pertinent issue concerning the legal status of the Biharis revolves around their stated desire to migrate to Pakistan on the one hand, and the reluctance of both Pakistan and Bangladesh to grant them citizenship on the other hand.

He further discussed the issue of citizenship in Bangladeshi perspective from a legal point of view. He argued that according to the law of citizenship of Bangladesh⁵⁴ the Biharis, who were in the territory of

⁵⁴ Bangladesh Citizenship Act, 1951 [adopted under The Bangladesh (Adaptation of Existing Bangladesh Law) Order, 1972] and The Bangladesh Citizenship (Temporary Provision) Order, 1972.

Bangladesh, are eligible to become citizens. Article 3(d) of the Bangladesh Citizenship Act, 1951 provides the following criterion:

Who before the commencement of this Act migrated to the territories now included in Bangladesh from any territory in the Indo-Pakistan sub-continent outside those territories with the intention of residing permanently in those territories.

Furthermore, article 2 of the Bangladesh Citizenship (Temporary Provisions) Order, 1972 (President's Order 149 of 1972) provides:

- (i) *who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident of the territories now comprised in Bangladesh on the 25th March, 1971, and continues to be so resident; or*
- (ii) *who was a permanent resident of the territories now comprised in Bangladesh on the 25th day of March, 1971, and continues to be so resident and is not otherwise disqualified for being a citizen by or under any law, for the time being in force;*

Most of the Biharis came to Bangladesh (the then East Pakistan) with the intention of residing permanently and nearly all of them were permanent residents before 25 March, 1971. Therefore, the above two sections confirm their entitlement to citizenship of Bangladesh.⁵⁵

However, article 2B of the Bangladesh Citizenship (Temporary Provisions) Amendment Ordinance 1978 (Ordinance No vii of 1978) added that a person shall not qualify to be a citizen of Bangladesh⁵⁶ if he:

2(B) (1) (i) *owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state, or*

According to this rule Biharis who have applied for or expressed their desire to become citizens of Pakistan in 1972 are deprived of the right of citizenship in Bangladesh. Again the President's Order No 149 of 1972 authorized the Government on the date of the impugned

⁵⁵ Shahdeen Malik, 'Overview of the situation of refugees, stateless persons and internally displaced persons in Bangladesh' presented in the Regional consultation on Refugee and Migratory Movements in South Asia, New Delhi, 14-15 November, 1996.

⁵⁶ Ibid

notification to disqualify a citizen on the ground of collaboration with the Pakistan Occupation Army. But it was never intended to punish an alleged collaborator of the said Army by stripping him of his citizenship.⁵⁷

More generally, in this very important judgment on citizenship the Appellate Division also held that:

It is not a power in the hands of the Government to ‘cancel’ a person’s citizenship or to make a ‘declaration’ of any sort or to disqualify any person from citizenship or to review one’s citizenship under article 2.⁵⁸

It further specified that:

One cannot continue to be a citizen of Pakistan merely by his choice or stay in Pakistan unless State of Pakistan accepted him as such.⁵⁹

Another judgment of the Dhaka High Court of 1960 stated:

There is no principle recognized in international law which would enable a person by his violation and by his own act regardless of the will of a State to acquire or terminate a nationality merely by his own choice. A nationality can neither be acquired nor retained except with will of the State.⁶⁰

General provisions of the relevant law seem to support the claim for citizenship of the Biharis who have been residents on or before 25 March 1971.

So, according to legal experts, if the present generation of Biharis apply for citizenship in Bangladesh, if they or any of them so wishes, it may be resolved through the courts by invoking the writ jurisdiction of the High Court Division of the Supreme Court of Bangladesh. However, a political decision in favour of granting them citizenship rights and status is unlikely. This is by and large because of their perceived participation in acts against the liberation forces during 1971.

⁵⁷ Bangladesh v Professor Golam Azam, supra note 23, at p.215.

⁵⁸ Ibid, at para 119.

⁵⁹ Ibid at para 84.

⁶⁰ *Superintendent and Remembrancer of Legal Affairs, Government of East Pakistan v Amalendu Paul*, PLD 1960 Dhaka 329.

Shahdeen Malik also pointed out that the general principles of issues of nationality in consequence of state succession suggest the need for negotiation between the predecessor and successor states. Therefore, Bangladesh is not in a position to demand unilateral repatriation of these Biharis without considering a counter-demand from the side of Pakistan vis-à-vis the Bangladeshis in Pakistan.

Considering the legal entitlement of Biharis under the citizenship laws of the country, the government does not have much justification in denying their citizenship status, if any or some of them so desires, he opined.⁶¹ The states involved, should take necessary attempts to prevent statelessness. The issue of state succession has critical implications in this regard.

Added to this, Bangladesh has not acceded to the Convention on the Reduction of Statelessness 1961. Despite this Bangladesh should try to reduce statelessness, as expressed by the Convention. And the continued denial of nationality to Biharis is contrary to this Convention, as well as Article 15 of the Universal Declaration of Human Rights. which Bangladesh is a signatory to.

4.7 Statelessness vis-a-vis the Biharis in Bangladesh

How Bihari community became stateless goes back to the membership policies of the pre-1971 Pakistani state. When Pakistan was created from India in 1947, the ethnic Punjabis in coalition with the military forces gained power as the new ruling elite. At the same time, the Bengali speaking peoples in East Pakistan were denied full representation in the political and bureaucratic arms of the state and received an inequitable share of state services and resources.⁶²

By 1970, the Bengali led Awami League party won a majority in the national parliamentary elections and demanded maximum provincial autonomy. This led to the struggle for independence on the one hand,

⁶¹ The latest amendment to Bangladesh Citizenship (Temporary Provisions) (Amendment) Act, 1990 has now added a new article 4A to the Citizenship Order 1972 which provides: 'The Government, upon an application made to it in this behalf in the manner prescribed, grant right of permanent residence to any person on such conditions as may be prescribed.'

⁶² Jalal, Ayesha, *Democracy and Authoritarianism in South Asia*, Cambridge University Press: Cambridge, 1995 p. 247.

and Bihari leaders actively participated in the government offensive to crush the Bengali separatists, on the other.⁶³ Many Biharis were in the government militia units that perpetuated the atrocities during 1971.

As a consequence of the war, Bangladeshis took immediate action against the Biharis for their collaboration with the Pakistani forces.⁶⁴ They were forced out of their homes, imprisoned, property taken away, and over one thousand were massacred in retaliation to the Pakistani slaughter of Bengali civilians. But the Indian Army present in Bangladesh shielded them from the most severe retaliations and moved them into some 66 'refugee' camps for their safety. These camps were set up with the help of the Red Cross.⁶⁵

The new government of Bangladesh declared the Biharis as Pakistanis due to their allegiance to Pakistan.⁶⁶ In more than 66 camps, they became effectively stateless, as neither Pakistan nor Bangladesh recognized them as their citizens. As part of a larger agreement between India, Bangladesh and Pakistan regarding the exchange of prisoners of war from Bangladesh, Pakistan felt no legal obligation to grant citizenship to those Biharis who did not fall under the categories specified in the tripartite agreement. And that position remained fixed up to 1999 when Pakistani Prime Minister Nawaz Sharif reiterated that the stranded Pakistanis are indeed not Pakistani citizens, but Pakistan might accept their resettlement on humanitarian grounds.⁶⁷

According to a newspaper clipping of 16 August 2001, High Court gave a ruling that the Chief Election Commissioner, District Election Officer, and Secretary of the State should grant voter rights to the Biharis. The High Court Division of the Supreme Court put in a case in favour of 5,000 non-Bengali people. Barrister Rafiqul Islam and Advocate Rafiqul Hossein conducted the case in favour of these people. It was 3361/2001 hearing, dated 14/8/2001 for the writ petition.⁶⁸

⁶³ Muni, S., *Refugees and Regional Security in South Asia*, Konarak Publishers: New Delhi, 1996), p. 11.

⁶⁴ Michael Kaufman, 'Biharis Long to Go Home to Pakistan,' *New York Times*, 8/3/80, p. 14.

⁶⁵ Muni, S., *Refugees and Regional Security in South Asia*, Konarak Publishers: New Delhi, 1996), p. 11.

⁶⁶ Minority Rights Group, *'The Biharis in Bangladesh'* London :1982.

⁶⁷ Nawaz Sharif statement quoted in Xinhua New Agency, 3/4/99.

⁶⁸ Ahmed Ilias, *Biharis: The Indian Émigrés in Bangladesh - An objective analysis*, Syedpur, Bangladesh, December, 2003.

In fact, they did not accept citizenship rights from Bangladesh government and are living in this country in a stateless position. Although present generation opts for Bangladeshi citizenship, only a few received the voter rights through the recent High Court decision, and the rest are living in extreme poverty. Older generation having relatives and friends in Pakistan looks for immediate solution to their problem – granting citizenship of either Pakistan or Bangladesh.

Thus, it may be said that from having privileged membership in the pre-1971 Pakistani state Biharis went to being denied membership in the post 1971 Bangladeshi state.

4.8 Women, State and Citizenship

According to feminist scholar Sunila Abesekera⁶⁹, with the changing nature of the state system, the position of women is even more fraught since their entry into negotiations with the state and with civil society is framed by their lack of equal rights and status as citizen. That is why she considers that the issue of citizenship in general and of women's citizenship in particular, is one on which we should focus more attention, within discussions on public policy. Defining citizenship as the relationship between the individuals, state and society, she notes that women's citizenship needs to be looked at not only in contrast or comparison to male citizenship but also in relation to women's own affiliations within other social sectors and groups. An understanding of sexualized and gendered nature of the social contract is critical to this discussion.

She further discusses that the possibility of expanding the concept of the citizen in an inclusive way is extremely problematic when the construction of citizenship as exclusionary has become part of political practice. Citizenship has become a matter of 'national interest', which is opposed to the humanitarian concern to belong to a particular place or community. And here identity-based politics only sharpens the exclusive nature of citizenship. Again women of majority and minority groups are affected differently by sexist limitations to their citizenship rights. Historically women in the conflict-ridden parts of South Asia came forward to challenge patriarchal norms of war and conflict.

⁶⁹ Sunila Abesekera, *The Female Citizen*, Women's Studies Conference, Hyderabad, January 2000.

It is liberal feminists who have been fighting for a wide range of new rights for women to make them equal citizens, without challenging the dominant liberal models of citizenship and politics. Their view has been criticized by other feminists who argue that the present conception of the political is a male one and that women's concerns cannot be accommodated within such a framework.⁷⁰

Citizenship generally poses a masculine picture, in a state which itself is patriarchal. According to Pateman, citizenship is a patriarchal category, an arena within which acts have been constructed in the masculine image. Moreover, the call for women's distinctive capacities to be integrated fully into the public world of citizenship faces what she calls the "Wollstonecraft dilemma": to demand equality is to accept the patriarchal conception of citizenship which implies that women must become like men while to insist that women's distinctive attributes, capacities, and activities be given expression and valued as contributing to citizenship is to demand the impossible because such difference is precisely what patriarchal citizenship excludes.⁷¹

The question: do women have a country? is often followed by: are they full-fledged citizens of their countries? Recent feminist research demonstrates the gendered categories of "citizen". It shows that men and women are treated unequally by most states, despite having constitutional guarantees of equality.⁷² According to Deniz Kandiyoti, in a sovereign nation-state the integration of women into modern nationhood is epitomized by a different path from that of men.⁷³

Some analysts have also noted that women have been subsumed only symbolically into the national body politic. In reality, women and men do not have the same privileged access to the resources of the nation-state. Moreover, Mosse points out, "nationalism had a special affinity for male society, and together with the concept of respectability, legitimized the dominance of men over women."⁷⁴

⁷⁰ Ibid

⁷¹ Carole Pateman, *The Sexual Contract*, Stanford: Stanford University Press, 1988.

⁷² Yuval-Davis & Anthias, 'Introduction' in *Woman-Nation-State*, op.cit., p.6.

⁷³ Deniz Kandiyoti, 'Identity and Its Discontents', op.cit., p.429.

⁷⁴ Andrew Parker, Mary Russo, et al (eds.), *Nationalism and Sexualities* (New York and London:Routledge, 1992) p.6.

The relationship between the state, women, and ethnic and national processes might be observed in five major ways⁷⁵. These are:

1. as biological reproducers of members of ethnic collectivities;
2. as reproducers of the boundaries of ethnic or national groups;
3. as participating centrally in the ideological reproduction of the collectivity and as transmitter of its culture;
4. as signifiers of ethnic or national differences, as a focus and symbol of ideological discourses used in the construction, reproduction and transformation of ethnic or national categories;
5. as participants in national, economic, political and military struggles (1989: 7).

Conventional human rights work ensuring that the government does not violate human rights is not sufficient to ensure putting into practice women's human rights. Even the main UN human rights bodies deal with 'women' as a sub-item among numerous items on their long agendas.⁷⁶

In the context of Bihari women, they do not have minimum basic rights within their community, and therefore they are not in a position to raise or uphold the demand to receive the right to citizenship. Their voice is always subsumed or suppressed under the politics of male domination.

⁷⁵ Floya Anthias and Nira Yuval-Davis, *Racialized boundaries: Race, nation, gender, colour and class and the anti-racist struggle*, Routledge, London, 1993.

⁷⁶ Katarina Tomasevski, *Women and Human Rights*, Zed Books Ltd. London & New Jersey.

Chapter 5

5.1 Experiences from field visit

As one of the major activities of the present project, a survey was conducted in 2 camps of Dhaka city where Biharis from different ages and professions are living in a very poor condition. The sample size was 100. The questionnaire included both open-ended and close-ended questions where the respondents were allowed to freely describe their situation and sufferings to the study team. The study team comprised of one Researcher and one Research Assistant. It took about two months to complete the data collection. After that, data was compiled and analysed. In accordance with the major objective of the study, the target respondents were women and young girls, in most cases.

As far as the camps are concerned, they were densely populated with shabby corridors. All rooms are very small (8 Ft x 12 Ft) where they have to cook, eat, and sleep. Some were found in a relatively good position who occupied more than one room and let others to live there on payment. But still the whole environment was very narrow, polluted and clumsy.

5.2 General overview of the respondents

An important part of the study was to collect information about the present status of the Bihari community with special focus on women and children. But it was not an easy task to interview the camp dwellers. Especially when women members of the family were interviewed, male members often interrupted and in most cases women were afraid of their male folks. So, initially it was necessary to persuade them to take part in the interviews. They were assured that they would have no threat from any group in and outside the camps or from men folk of their families and neighbours, if they agreed to respond to the questionnaire. They were reluctant to answer some questions due to lack of security. Interestingly, some were found very vocal and keen to narrate their suffering, and demanded an immediate solution to their troubles.

Some major findings about the respondents are:

- Those who agreed to give interviews mostly opted for Bangladeshi citizenship
- Most women were unaware about the world around them as they are always confined in homes inside the camp
- Everyone is busy working to meet their own needs, with no time to think about others
- Most respondents are suspicious of the activities of their camp leaders
- People in general and women in particular do not want to report on incidences of violence against women or various illegal activities of the camps
- The living condition of camp dwellers is deteriorating day by day
- Finally they welcomed the study, and hoped that the government of Bangladesh along with the respective authorities concerned would take necessary action.

5.3 General features of respondents

Sex ratio:

Among the total respondents 75 were women and young girls. The rest of the respondents were men. It is shown in the following table and figures:

Table: 1.1 Sex ratio of the people interviewed

| Type of respondents | Percentage |
|---------------------|------------|
| Male | 25% |
| Female | 75% |

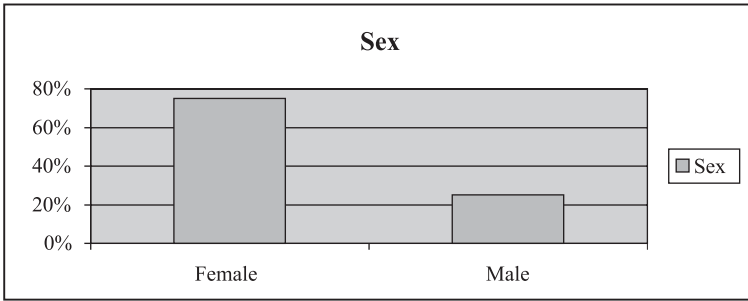


Figure 1. Sex ratio of the respondents

Age group:

If we look at the age of the respondents it was found that mostly young people were interested to give interviews. The following table and figure give a clear picture:

Table: 1.2 Age group of the people interviewed

| Age group | Persons in number |
|------------|-------------------|
| From 10-20 | 28 |
| From 21-30 | 30 |
| From 31-40 | 22 |
| From 41-50 | 8 |
| From 51-60 | 9 |
| From 61-70 | 2 |
| From 71-80 | 1 |

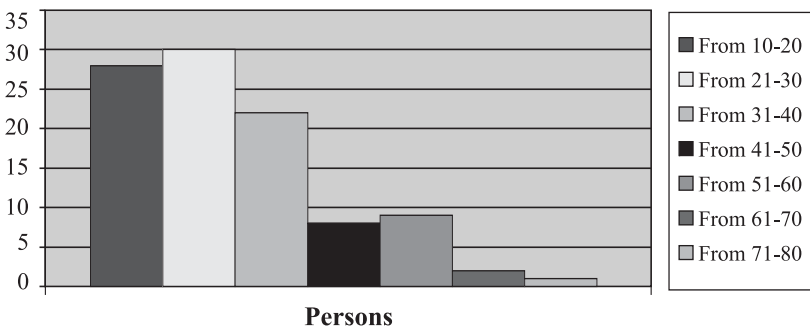


Figure 2. Age group of the respondents

Profession:

People from diverse professional backgrounds were interviewed. Most women were housewives and majority of them were skilled in some sort of handicraft work. Students, garment workers, business people, calligraphers, shopkeepers, barbers, mechanics, electricians, tailors, cook and people engaged in many kind of handicraft work were interviewed. The following table is a summary of this analysis.

Table 1.3: Professional background of respondents

| Name of profession | Number of people interviewed |
|---|-------------------------------------|
| House wife (skilled in handicraft works) | 31 |
| Handicraft workers | 27 |
| <i>Banarasi</i> sari worker | 7 |
| Student | 7 |
| Garments worker | 3 |
| Businessman | 6 |
| Shopkeeper | 3 |
| Calligrapher | 1 |
| Mechanic | 1 |
| Electrician | 2 |
| Dice maker | 1 |
| Tailor | 2 |
| Cook | 2 |
| Security guard | 1 |
| Teacher (Arabic) | 1 |
| Gold jeweler | 1 |
| Mason | 1 |
| Barber | 3 |

Place of birth:

It was one of the major queries of the study to know the birthplace of the respondents. It shows that most of them (comparatively young people) are born in Bangladesh and those who came from different

parts of India comprised the older generation living in camps. The following table and figure illustrates the actual place of birth of the respondents.

Table 2.1 Birthplace of the people interviewed

| Place of birth | | Persons in number |
|-------------------|------------------|-------------------|
| Bangladesh | Inside the camp | 40 |
| | Outside the camp | 36 |
| | Other places | 10 |
| India | Bihar | 5 |
| | Uttar Pradesh | 2 |
| | Other places | 6 |
| Pakistan | | 1 |

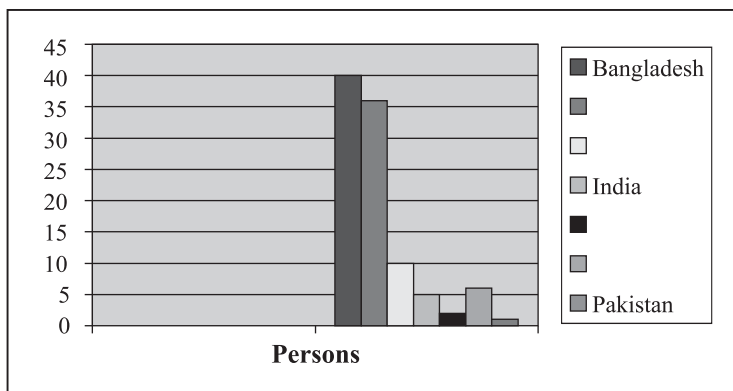


Figure 3. Birthplace of the respondents

It shows that only 14 respondents were born outside Bangladesh: 6 of these came to Bangladesh during the mass migration of 1947 while 8 came here between 1947-71. The following table shows this.

Table: 2.2 Biharis in Bangladesh: time of arrival

| Time period | Number of people |
|-------------|------------------|
| During 1947 | 6 |
| Before 1971 | 8 |

Status of living in camps:

The study found 80 respondents as permanent residents of camps while 20 as non-permanent residents who live in rented places inside the camps. Out of 80 permanent residents, 32 were living here since birth, 20 were living since the establishment of the camps, and 28 do not know exactly how long they have been living here. It is shown in the following table:

Table: 3 Status of people living in the camps

| Status of living | | Number of people |
|-------------------------------------|--------------------|-------------------------|
| Since birth | Permanent resident | 32 |
| | Non permanent | 8 |
| Since the establishment of the camp | Permanent resident | 20 |
| | Non permanent | 5 |
| Not specified | Permanent resident | 28 |
| | Non permanent | 7 |

Nature of families in camps:

The study identified that most of the families in camps consist of a large numbers of family members, and each family lives in a small room in a congested environment. It was found that 39 families have members more than 10 persons, 40 families have more than 6 persons, 20 families have more than 3 persons, and one family has more than 15 members in a room. (See table and figure below)

Table 4.1 Family members in number

| Total members in family | Families in number |
|--------------------------------|---------------------------|
| Not more than 3 | 20 |
| Not more than 6 | 40 |
| Not more than 10 | 39 |
| Not more than 15 | 1 |

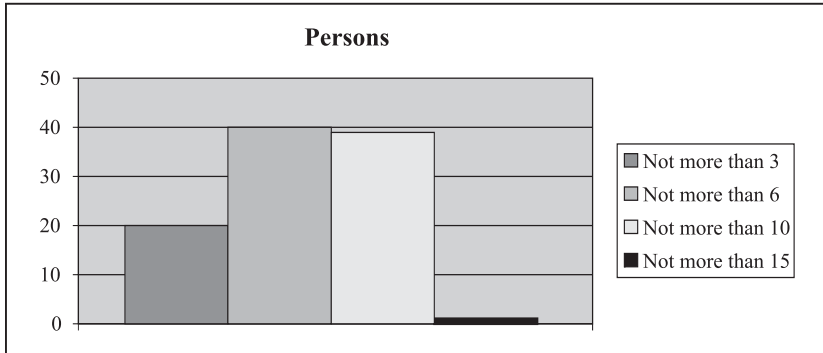


Figure 4: Family members in number

This breakdown indicates the population density in the camps, which is increasing at an alarming rate.

In these families the number of earning people do not show a good picture, rather is a sign of extreme poverty that prevails in the families inside camps. It was revealed that 31 families have only one earning member, out of which 21.7% are skilled; 39 families have 2 earning members, out of which 27.3% are skilled, and 30 families have more than 3 earning members out of which 21% are skilled enough to run their families.

Table 4.2 Earning members in a family

| Total earning members in family | Families (in number) | Skilled people (%) |
|--|-----------------------------|---------------------------|
| Only 1 | 31 | 21.7 |
| 2 members | 39 | 27.3 |
| More than 2 members | 30 | 21 |

Case Study 5: Skilled people in camps are often low paid or remain uncertain about their wages

Shahnaz (15) lives in Non Local Relief camp, Mirpur, Dhaka. By doing various types of designs in sari (a type of embroidery work) she earns money. There are 7 members in her family and 3 are engaged in income generating activities. Her father is ill. Being a girl she faces more problems than boys. She studies in class 5 and manages her fees all by herself. When she finishes designing a sari she gives it to a middleman and waits for a response. She receives money only when the sari is

sold in the market. She always tries to save for her education and future. She further pointed out that she, and other girls like her, earn very little by weaving saris.

Case Study 6: Still there are some skilled people in the camp with a rare profession

Kashem (58) was born in Kolkata. He does calligraphy. He has been living here after the war of liberation as a permanent settler in the camp. There are 8 members in his family. He studied up to class 5 in Mymensingh. He is an Arabic calligrapher. With the modern technology of computer his work orders decreased gradually.

Like Kasem there are people of some other uncommon professions living in camps whose skills are no longer profitable. Some have also lost their channel of communication for earning a livelihood through practising their traditional skilled activities. For this they blame their present status of living, with its uncertainty.

Major problems in camp life:

Major problems in camp life were: lack of security, lack of access to pure drinking water, dirty environment and lack of access to education. Besides these problems, the camp dwellers identified some other problems as part of their daily lives which include: low income, space constraints, quarrel with each other, lack of toilet facilities, inferiority complex etc.

Table 5.1 Major problems in camp life

| Types of problem | | Frequency |
|-----------------------------------|-------------------------|-----------|
| Lack of security | | 67 |
| Lack of pure water | | 94 |
| Dirty environment | | 95 |
| Lack of opportunity for education | | 75 |
| Others | Low income (6) | 28 |
| | Lack of space (6) | |
| | Inferiority complex (6) | |
| | Quarrels (3) | |
| | Lack of toilets (7) | |

The following table shows some specific problems faced by women and young girls in camps. Major problems identified by women were: use of toilet, lack of cooking space, disturbance by boys /men, lack of space for mobility and others. It is important to note here that in most cases women identified more than one problem as part of their daily life.

Out of 75 women, 50 identified use of toilet as the single most major problem in camp life. 42 women respondents identified lack of cooking space as another major problem in camp life. And 18 pointed out that disturbance by boys /men is another major problem in their camp life. Again 46 consider lack of space for mobility as a major problem while other problems identified by the rest (12) include: early marriage, illness, lack of permission to mix with others, barrier to doing all types of jobs, and dowry related problems.

Table 5.2 Problems faced by women only

| Types of problem | | Frequency in number |
|-----------------------------|--------------------------------|----------------------------|
| Use of toilets | | 50 |
| Lack of cooking space | | 42 |
| Disturbance by the boys/men | | 18 |
| Lack of space for mobility | | 46 |
| Others | Early marriage 12 | |
| | Illness | |
| | Not allowed to mix with others | |
| | Can't do all types of jobs | |
| | Dowry related problem | |

Case Study 7: Girls face more problem than boys in camp

Sonia (12 years old) was born and brought up in camp. She is engaged with embroidery work by which she can earn Tk/-150 per month. She is a permanent resident of the camp and lives with her parents. There are 3 members in her family and they all are engaged in some sort of income generating activity. Like every respondent she also identified lack of security, lack of drinking water facilities and shortage of water,

and environmental pollution as major problems in camp life. In her words, ‘girls in particular face many problems; they are teased by bad people and incidents of suicide among women and girls are common in camp. We often go to SPGRC office and inform the leader about the matter’.

Comments on violence against women:

Most of the camp dwellers did not want to report incidents of violence against women in the camps. Women were always afraid of their men folk and unable to raise their voices in most cases. In some cases, they were allowed to give an interview to the study team only after seeking permission from their male family members. Only 37% respondents agreed to comment on this question.

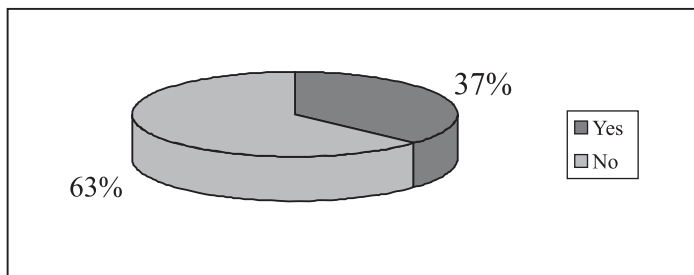


Figure 5. Comments on violence against women in camps

Different forms of violence are committed against women and young girls in camps. Major reasons and types included dowry related violence (beating, torture, mental pressure etc.), torture by husbands due to drug addiction, preference for boy child, bad comments on girls, teasing by others, family quarrels, left by husband, rape, forced prostitution etc. Dowry related violence is very acute and in some cases parents are unable to arrange marriage for their girls due to lack of money for dowry. On the other hand husbands are free to leave their wives and marry another girl according to their desire. (See table 6.1)

In short, women and young girls are helpless in camps in a highly patriarchic society where male members of their own family often assault them.

Case Study 8: Camp environment gives rise to incidents of violence against women

Rashida (25) a Bangladeshi woman was born in Dhaka, has been living in camps for the last 10 years, after her marriage with a Bihari man of the camp. She informed that there are just 20 toilets for 500 families. She identified lack of security, lack of drinking water facilities and shortage of water, environment pollution, lack of proper education system for the children of the camp, lack of law and order facilities as the major problems in the life of the camp dwellers. Furthermore they have to cook under the open air or inside their homes. This creates quarrels in families due to space constraints and other difficulties, which often result in violence against women. For these incidents they complain to the area leaders but the culprits often escape from justice.

Table 6.1 Violence occurred in camps

| Reasons and types of VAW | | Person in number |
|--|--------------------------|------------------|
| Dowry related violence | | 27 |
| Torture by husband due to drug addiction | | 14 |
| Others | Preference for boy child | 13 |
| | Bad comments on girls | |
| | Teasing by others | |
| | Family quarrel | |
| | Left by husband | |
| | Rape | |
| | Forced prostitution | |

It is very rare that they are able receive any solution from their area leaders on complaints against violence against women. In most cases crimes went uninvestigated and criminals remained unpunished. Out of 37 persons interviewed, 26 informed that they received some solutions to deal with incidents of violence against women in camps, while 19 respondents did not receive any formal solution to their complaints. Only 2 persons informed the team that they received solution from Police and Department of Women’s Affairs. It is important

to note here that these solutions are mostly short term and do not last long, as the culprits often commit the same crime again and again. (See table below)

Table 6.2 Solution received by the help of area leaders

| Comments by respondents | Person in number |
|---|-------------------------|
| Yes | 26 |
| No | 19 |
| Others (Police, Dept. of women's affairs) | 2 |

Status of education:

Lack of access to free education and abject poverty did not allow the camp dwellers to receive formal education. During the establishment of these camps they were not interested to send their children to schools to get education. During that time they opted for Pakistani citizenship and waited for repatriation. Therefore, no need was felt for receiving education in this country. The present generation has no intention to go back to Pakistan and wants to receive education in Bangladesh to improve their position. The study discovered that 52 persons out of 100 did not receive any formal education. Out of 48 persons 27 received education up to class 5 (primary level) and 20 persons studied up to Secondary level. It indicates that majority people have no access to education. (See table below)

Table 7.1 Status of education

| Comments by respondents | Person in number |
|---|-------------------------|
| Did not receive formal education | 52 |
| Studied up to primary level (class v) | 27 |
| Studied up to secondary level (class 10) | 20 |
| Studied up to higher secondary level (class 12) | 1 |
| Above higher secondary | 0 |

However, 38 respondents received minimum education from schools outside the camps and they enlisted their names as children of non-Bihari communities. They face problems in getting admissions in those schools as camp dwellers. And they do not have rights to receive free education from government schools being stateless in this country. Therefore they pay for education, which has become an extra burden for them. (See table below)

Table: 7.2 Place of receiving education

| Comments by respondents | Person in number |
|--------------------------------|-------------------------|
| From school inside the camp | 7 |
| From school outside the camp | 38 |
| Other source (at home) | 3 |

Status of health:

The general health condition of camp settlers is not well off. Women and young children are suffering from malnutrition due to extreme poverty and illiteracy. Fever, jaundice, cholera, skin diseases, and diarrhoea are the most common diseases among the settlers. In most cases health condition of women and children remain unnoticed by the family members. The following table illustrates the types of major diseases among the camp dwellers.

Table 8.1 Major diseases often found among the camp dwellers

| Type of disease | Person in number |
|---|-------------------------|
| Fever | 85 |
| Jaundice | 42 |
| Cholera | 6 |
| Skin disease | 18 |
| Diarrhoea | 49 |
| Others (Pneumonia, T.B., Cancer, Dental problem, Acidity, Heart disease, cold, Headache, AIDS, Cancer, cough, typhoid etc.) | 36 |

If someone becomes ill people generally take him or her to a clinic (*Al-falah Clinic, Marie Stopes Clinic*) inside/near the camp. But this clinic mainly provides maternal services and childcare facilities rather than treatment for other major diseases. Out of 100 respondents 48 said that they go to private clinics outside the camps for medical check up. Most of the respondents complained about the high cost of medical treatment in these private clinics, which is another major reason for growing number of various diseases among women and children day by day. Places for receiving medical treatment are shown in the following table in detail.

Table 8.2 Place to receive medical treatment

| Place | | Person in number |
|--|--------------------------|------------------|
| From Clinic inside/ near the camp | Al-falah Clinic (32) | 60 |
| | Marie Stopes Clinic (28) | |
| Private clinic | | 42 |
| Others (Tracing, Radda, Sher-e-Bangla, Sohrawardy, traditional treatment, homeopathy, Tara Medical, Dhaka Medical, IPGMR etc.) | | 39 |

Visit to two health institutes

It was identified during this field trip that most camp dwellers go to Al-falah clinic and Marie Stopes clinic for health service. For this, the study team visited these two institutes to know about their services to these people.

Al-falah Clinic (inside the Geneva camp)

It is an affiliated body of the Friendship Clinic, Life boy, Gulshan. Sister Mary, duty in charge, gave information. She informed us that the clinic provides all kind of medical treatment to the camp dwellers, such as,

- a) Childcare
- b) Immunization
- c) Maternal treatment

It also operates a pre-schooling system for the children in the camps. It is for 2 hours duration and during that time a teacher has to teach 30 students inside the clinic.

- The clinic also has a programme on leprosy.
- Vitamin-A capsules, tetanus and polio vaccination are free for all coming to this institute.
- All medicine is provided here at 50% discounted price.
- On an average, 50 people visit for regular check ups daily.

Regular medical check-up is free for the camp dwellers during morning and evening. 2 doctors are assigned for this purpose. For serious patients the charge is Tk./-20, for delivery the charge is Tk./-250 with follow-up programmes for mothers for about 10 months, at Tk./-20. Immunization is free for the newborn babies. For blood test the charge is Tk./-15, urine test Tk./-15.

Marie Stopes Clinic, 6/28, Humayun Road, Mohammadpur, Dhaka-1207. (Next to the camp)

It is a primary Health Care Unit under the project Urban Primary Health Care Project (UPHCP), Bangladesh. Camp dwellers were seen receiving medical treatment from here.

Ms. Riffat Sultana, Clinic Manager, informed that the center provides–

– 1 maternity care unit for maternity service

– Under the Essential service package -2 paramedics, 1 doctor are available, and the facility is open for 6 days in a week. The patient has to buy a ticket for Tk./-5 only to receive treatment from here.

If her/his family income is less than Tk./-2,000 per month a red card will be given to them for free treatment. But they have to pay for the pathology test, at the discounted rate of 50%. Medicine is also free for them.

For those people having incomes more than Tk./-2,000 but less than Tk./- 3,500 per month, there is a Green card, with 20% discount for pathology test.

There is a Blue card for those earning more than Tk./-3,500 per month. EPI is free which is a Govt. initiative. 20% discount is given to buy medicine from there. Family planning services are based in the clinic only, but they plan to expand it on a door-to-door basis.

At present the clinic has motivational activity with 4 persons who go in a group to camps to inform people about their service and to encourage them to come there.

Involvement of NGOs and other social groups in camps:

The survey found that except some small grant provider organizations (micro-credit types) there were no activities of NGOs or other social groups in camps. The respondents informed that occasionally some volunteers come to visit the camps for immunization programs. In Mirpur camp only 6 respondents informed about a social group who provides primary education to the camp children (up to class 3). (See table below)

Table 9. NGO involvement in camp activities

| Comments of respondents | Persons in number |
|--|--------------------------|
| Yes (immunization, free education up to class 3) | 6 |
| No | 42 |
| They are not aware about it | 19 |
| Not at present | 8 |
| Loan provider (micro-credit) such as SEEP | 25 |

Relations with people outside the camps:

Generally camp dwellers are busy working to meet their daily needs. For this, some have close relations with Bengalis outside the camps. Cross marriage between Bihari and Bengali families creates some social interaction with each other. The present generation of camp dwellers speaks Bengali and wants to mix with people outside the camps. But women and young girls are often kept inside in the male dominated environment of camps, and are not allowed to mix with people outside the camps. Despite this more young girls are now getting into close relations with people outside the camps, with economic and social motives. Out of 100 respondents 54 informed that they have good relations with people outside the camps.

Table 10. Relations with people outside the camp

| Comments of respondents | Persons in number |
|------------------------------------|--------------------------|
| Good | 54 |
| Bad | 24 |
| Others (No relation, not bad etc.) | 22 |

Case Study 9: Camp dwellers sometimes looked down upon by others

Mohammad Ali Hasan (33) was born in Dhaka. He is an electronic goods mechanic. During 1933 his grandfather came to Dhaka from Uttar Pradesh (UP) as a railway mechanic. In 1971, after the war of liberation they lost their own property and became homeless. There are 10 members in his family and 4 are earning members. He reported that they are looked down upon by others. Sometimes they are considered as people of low class, which is very humiliating. Due to the activities of some criminals inside camps, police of local Thana of Pallabi (Mirpur) has negative attitude towards them. Despite many difficulties he studied up to class 12 but could not continue due to financial problems. He considers himself a Bangladeshi and opts for citizenship. He believes that it will ensure voter rights and bring economic solvency. He demanded that SPGRC/ SPRYM work for immediate solutions for their sufferings.

Status of identity-at present:

Out of 100 respondents 85 considered themselves as Bangladeshi and therefore opt for citizenship. Among these 85 respondents 80% belongs to the age group between 10-40 years. It indicates that the present generation is eagerly waiting for Bangladeshi citizenship for better opportunity in this country. Only 6 persons out of 100 respondents consider themselves as Pakistani and 3 respondents are still confused about their identity. The following tables (11.1 & 11.2) illustrate the status of identity among the camp dwellers.

Table 11.1 Status of identity

| Comments of respondents | Persons in number |
|------------------------------------|--------------------------|
| Consider themselves as Bangladeshi | 85 |
| Consider themselves as Pakistani | 6 |
| Confused | 3 |

Table 11.2 Those who opt for Bangladeshi citizenship

| Age limits of respondents | Persons in number | Percentage (%) |
|----------------------------------|--------------------------|-----------------------|
| Age between 10-30 | 45 | 53 |
| Age between 31-40 | 23 | 27 |
| Age between 41-50 | 7 | 8 |
| Age between 51-60 | 8 | 9 |
| Above 61 | 2 | 2 |

In addition, 68% (58) respondents opt for Bangladeshi citizenship for free mobility in and around the country. And 31% (27) believe that they will have good relations with Bangladeshi people if they could obtain the rights of citizenship. Besides 83% consider that citizenship would create new job opportunities for them along with prospects for business. (See table below)

Table 11.3 Need for citizenship

| Reasons | Persons in number | Percentage (%) |
|--|--------------------------|-----------------------|
| Free mobility | 58 | 68 |
| To have good relations with Bangladeshi people | 27 | 31 |
| Other benefits (please specify) (identity, Voter rights, Opportunity for business, employment opportunity) | 71 | 83 |

Case Study 10: Identity crisis within the family

Shahnaz (30), born in Mirpur, is a housewife. She lives in a rented house in the camp since 10 years. There are 7 members in her family and 2 are earning members. Lack of opportunity for education and low-income level are the major problems faced by her family. Her husband holds a Pakistani passport and wants to take them there. But they could not move without passports. On the other hand, they do not even want to go to Pakistan, unlike her husband, and rather opt for Bangladeshi citizenship, which should be their right by birth. Thus the family suffers from the pull of two types of identities: Bangladeshi and Pakistani. She thinks that only the right to citizenship would make their life normal like others living in this country.

Case Study 11: Older generation living with the dream of repatriation

Fatema (70) was born in Bihar, India. She is a housewife. She lives in a rented house inside the camp. After the liberation war of 1971 her family lost their property and began to live in the Mirpur camp. There are 7 members in her family and only 2 are earning members. She considers herself a Pakistani and opts to go there if possible, as she has relatives there, and living in this Bangladesh is very difficult.

Activities of leaders in camp:

It was revealed that 45 respondents believe that leaders of SPGRC (Stranded Pakistani General Rehabilitation Committee) / SPYRM (Stranded Pakistani Youth Rehabilitation Movement) are not doing their best to address their issues and needs properly, rather they are busy playing their political games. On the other hand, 40 respondents think that leaders are doing their best to attain a solution to the problem, although not very aware about the exact nature of the leaders' activities. On the other hand 15 respondents are totally unaware about the activities of these leaders.

Table 12. Activities of Bihari leaders (SPGRC /SPYRM /others)

| Comments by the respondents | Persons in number |
|------------------------------------|--------------------------|
| Not aware about it | 15 |
| Leaders are doing best | 40 |
| Leaders are not doing best | 45 |

Status of receiving relief in camp:

About 85 respondents informed that they are not receiving relief from government for the last 8 or 9 months; and 4 respondents complained that they face a problem in the issuing of cards to get access to relief, which they should be entitled to.

Table 13. Status of receiving Relief in camp

| Comments by the respondents | Persons in number |
|------------------------------------|--------------------------|
| Not getting since last 7/8 months | 85 |
| Card difficulties | 4 |

In short it can be said that all these problems in camps are very basic and interrelated with each other. Therefore, the analysis of any one problem intersects with all the others.

Chapter 6

Newspaper overview

The present study reviewed some popular newspapers, both national and international, which reported on the status of stranded Pakistanis living in Bangladesh, and gave a picture of issues of repatriation and rehabilitation. Following are glimpses of some notable news items, which include some interesting stories of the plight of Biharis living in different camps.

- According to *Dawn/News International*, Karachi, 18 January 1998, the Mohajir Qaumi Movement (MQM) chief Altaf Hussain demanded an apology from the Foreign Secretary Shamshad Ahmad for criticising the statement “that the Biharis are not Pakistanis and they are being repatriated on humanitarian grounds”. He added that if these Biharis were not Pakistanis then no one in the country could claim to be Pakistani. He recalled the services of the forefathers of stranded Pakistanis during the Pakistan movement and the hardships being faced by them in Bangladesh for the last 27 years. He reiterated that the MQM would continue to strive until the repatriation of the last stranded Pakistani. Altaf said that his party was showing great patience over terrorist activities against its workers, but the PM and provincial Chief Minister were not fulfilling their commitments. He alleged that MQM ministers were not being provided funds for development projects. He urged the government to implement the agreement made with the MQM and the excesses against the party should be stopped forthwith.

The then Prime Minister of Pakistan Mr. Nawaz Sharif after his visit to Bangladesh said that the Rabta Aalm-e-Islami had promised funds to settle the Biharis’ problem. “As soon as we receive the funds, the issue will be settled,” he added. During this visit Nasim Khan, leader of the stranded Pakistanis in Bangladesh, called on Prime Minister Nawaz Sharif and handed over a memorandum to him including the demand for repatriation. Nasim Khan also called on Finance Minister Sartaj Aziz, who assured that measures would soon be taken for the rehabilitation of the stranded Pakistanis.

On the other hand, a press release of the Stranded Pakistanis General Repatriation Committee (SPGRC) stated that Pakistani Finance Minister Sartaj Aziz had announced that the government would build 2,000 houses in Gujrat district to rehabilitate the stranded Pakistanis.

- *Dawn / News International*, Karachi, 27 January 1998, commented that “*Younger Biharis say they are unwilling to come to Pakistan*”.

When Prime Minister Nawaz Sharif was in Dhaka, hundreds of Bihari refugees tried to meet him. But police halted the Biharis near Kurmitola refugee camp.

Their chants of “*Hum Pakistan jayenge, adha roti khayenge*” (I shall go to Pakistan and survive even on just a little bread) filled the streets. Failing to gain an audience with the man they believe could provide them with a homeland after 25 years as refugees, some Biharis held a protest march.

All Bihari refugees, however, do not share this passion. Time has created a rift between older generations who long for a homeland in Pakistan, and younger Biharis who know only the squalor of their refugee camps and dream of striking it rich with a high-paying job in the Gulf.

Diplomatic and business ties between Pakistan and Bangladesh have warmed, but the fate of Bihari refugees remains in limbo. Elder Biharis are adamant about “going home.” Older Biharis look with hope to Pakistan’s Nawaz Sharif, who as prime minister in 1992 promised to take back all stranded Biharis.

The process has since remained suspended. But the Pakistani premier made no such commitment when he discussed political, economic and other issues with Bangladesh Prime Minister Sheikh Hasina in Dhaka on January 16. “He has realised the necessity to resolve the Bihari issue but made no specific commitment,” one Bangladesh official said.

Hanufa Bibi, 61, says she has kept her dreams alive over a quarter century. “I am counting days... My son has died of tuberculosis in this camp without treatment. My husband has been missing since the (1971) war,” she said.

To the dismay of older Biharis, many of the younger generations harbour no such dream. “This is my home, I know nothing of Pakistan,” one young girl, Rokshana Begum, told reporters. She is quickly surrounded

by pro-Pakistan activists, and she adds, but without enthusiasm: “I want to go to Pakistan if they take us.”

Rokshana’s world has been confined to the Kurmitola camp in Dhaka. She has had no education, health care or sanitation facilities and rarely gets two square meals in a day. Like many others her age, she has befriended Bengali girls living around the camp. The Bihari camps are awash with filth and stench from open sewers.

Hundreds of half-naked, ill-fed children mill around the ghettos. Each shanty is shared by six to 10 refugees – parents, children, married couples. Privacy is non-existent. Everyone hopes to escape, but to what destination depends upon their age. Abdul Wahid, 14, was weaving an intricate design on a black ladies shirt with gold and magenta threads at a local bazaar.

“Two of my sisters are also engaged in the trade. This gives us money, but not enough to meet all ends,” he said. He plans to become a welder and go off to the Gulf. “That will make lot of change. I will be rich.” “But I won’t go to Pakistan,” said the boy. “I heard that we are not welcome there.”

- *Daily Sangbad* and *The Independent*, 7 November 2001, stated that a newly floated organization of the Urdu-speaking community has claimed Bangladeshi nationality for the members of their community by virtue of their birth. Chief Advisor of the organization ‘Stranded Pakistani Youth Rehabilitation Movement’ (SPYRM), Mushtaque Ahmed, speaking at a press conference at the national Press Club demanded that the government allow them to enjoy all privileges and rights as legitimate citizens of Bangladesh. They claimed that their ancestors had been living here even prior to the division of the Indian sub-continent. They further claimed that no government act has cancelled their citizenship. Therefore they are legally citizens of this country.
- *The Daily Star*, 6 May 2003: “*10 Geneva Camp Refugees Get Voting Rights*”: stated that born and brought up here, 10 residents of the Geneva Camp for stranded Pakistanis yesterday got voting rights when the High Court (HC) declared them citizens of Bangladesh.

The HC order followed writ petitions by Mohammad Akib Khan and nine others including three women, who reside as refugees in the Geneva Camp at Mohammadpur. This is for the first time that a legal battle has

enabled some residents of the camp to be recognized as Bangladeshi nationals.

On October 14 2001, the HC had issued a rule on the Election Commission asking it to explain why these 10 persons should not be considered as Bangladeshi citizens and enlisted as voters. On completion of the hearing yesterday, an HC bench comprising Justice Hamidul Haq and Justice Zinat Ara made the rule absolute.

However, many of them, especially those born after independence, believe that they are Bangladeshis but deprived of the basic rights of citizens.

“Those born at the camp and those who have been residing in Bangladesh since the 1947 partition of India are all citizens of Bangladesh,” said Advocate Ruhul Kuddus Babu, one of the lawyers for the petitioners. “Their citizenship cannot be taken away just because they live in the Geneva camp or that they opted to go to Pakistan.”

Prior to the October 2001 election, the writ petitioners had applied to the Election Commission to be included in the voter list. But the EC did not include them. This prompted them to go to the HC.

“We have always considered ourselves Bangladeshi citizens,” said 24-year-old Mohammad Hasan, one of the 10 petitioners. “Now that I am eligible to be a voter, I will fight to establish all my rights as a citizen.”

He continued, “The High Court order is applicable not only to me but also to all the four lakh refugees in the country.”

Bangladesh had repeatedly asked Pakistan to take back these refugees but Pakistan avoided the issue. In 1993, Pakistan accepted only 325 refugees.

- *The Daily Star*, 7 May 2003, “*Stranded Pakistanis: Government to follow HC Judgement on Citizenship*”, stated ...

Law, Justice and Parliamentary Affairs Minister Moudud Ahmed yesterday said the government would move in line with a court judgment regarding the stranded Pakistanis born in Bangladesh.

Moudud also told the BBC Radio last night that the government would implement the judgment of the High Court, which has declared 10 refugees of the Geneva Camp as citizens of Bangladesh.

The High Court order followed writ petitions by one Mohammad Akib Khan and nine others including three women, who reside as refugees in the Geneva Camp at Mohammadpur in the city.

- *The Daily Star* 21 May 2003, “*Stranded no more: Second generation refugees finally get voting rights*” reported...

The quest for identity is an integral part of human existence and young people like Mohammed Hasan or Kulsum Sharmin are no exception. Thankfully for Hasan, Kulsum and eight others, the unhappy quest for identity is finally over. These members of stranded Pakistani families were awarded voting rights through a court ruling, which in effect recognised them as Bangladeshi citizens.

Twenty-two year old Kulsum could still recall those nightmarish childhood days. “Our classmates at school never played with us. Even the teachers used to say we were from an inferior race, the ‘*Bihari Jaat*’.” Like Kulsum, others too had similar rough experiences to relate.

The new citizens of Bangladesh believe that they should have gained recognition much earlier. “We are born and brought up here. We are the sons of this soil. Our generation never saw Pakistan or even India,” said Kulsum.

At least 2 lakh 80 thousand youths are believed to be members of stranded Pakistani families who have reached voting age. But their fate hangs in the balance as they still have not got voting rights.

Mohammed Hasan (23), convenor of the Association of Young Generation of Urdu Speaking Community described the circumstances that led them to form such an organization: “My great grandfather was born in India’s Uttar Pradesh and my father in Kolkata. They should’ve stayed in India but as they fostered a fateful dream they thought of going to Pakistan. We can’t commit the same mistake by abandoning our birthplace,” said Hasan.

The ten narrated how their parents or the older generation tried to mould them during childhood by saying that they belonged to a different community. But being born in Bangladesh they totally adopted the local culture. “We cannot even speak Urdu properly these days,” Hasan said. He added the new generation is strongly against repatriation.

“How can we survive when we do not know anyone in Pakistan?” he said. The youngsters are very passionate about Bangladesh and vowed their total allegiance.

“The feeling of being Bangladeshi is now a part of our psyche,” Mohammed Hasan said. Kulsum went further saying: “If now there is a war between Bangladesh and Pakistan, I will support my own country – Bangladesh”.

The achievements of the ten ‘Biharis’ have drawn a mixed reaction. The younger generation is extremely enthusiastic and looking forward to becoming citizens of Bangladesh. However, the veterans are not very happy since they still nurture the hope of being repatriated to Pakistan.

But the new voters want to look forward rather than sticking to old memories. “We will go to Supreme Court, if the government challenges the verdict,” Hasan vowed.

- *The Daily Star*, 14 June 2004, “*Stranded Pakistanis Seek Citizenship*”, reported:

Stranded Pakistanis Youth Rehabilitation Movement (SPYRM) yesterday urged the government to give them citizenship of Bangladesh.

“Due to lack of citizenship, around three lakh stranded Pakistanis are deprived of all basic rights and passing their days in an inhuman condition,” SPYRM General Secretary Shahed Ali Bablu said while addressing a press conference at the Dhaka Reporters’ Unity auditorium.

Both the Pakistan and Bangladesh governments had shown hardly any interest in resolving the issue, termed it as a ‘political problem’. Since 1972, the Bangladesh government could not create any pressure on the Pakistan government to send back stranded Pakistanis.

“We have no identity and the lives of three generations of the stranded Pakistanis have been damaged as the issue of citizenship has remained unresolved for the last 32 years,” Bablu added.

He said, “Pakistan did not give due attention to the issue and always avoided it, terming it ‘complex’. Bangladesh government never recognized the stranded Pakistanis as citizens of the country, since 1972, as our forefathers had given their options to be citizen of Pakistan”.

“Our forefathers wanted to be the citizens of Pakistan that does not mean that we cannot be the citizens of Bangladesh. As the issue has remained unsettled for the last 32 years and we have been brought up in this country, that’s why we want to be citizens of Bangladesh,” he added.

“We cannot run any business through credit from banks as we have no permanent assets,” he said.

Replying to a question, whether there is any legal bar to becoming citizens of Bangladesh, SPYRM advisor Mustak Ahmed said, “There is no legal bar, rather it is the lack of political will on the part of both Bangladesh and Pakistan governments.”

- *Dawn International*, 12 August 2004, ‘*Stranded Pakistanis Blame Politicians*’ stated that the leaders of the stranded Pakistanis held the politicians of both Pakistan and Bangladesh responsible for their plight.

They castigated the politicians at the inaugural session of the 12th annual general conference of the Stranded Pakistanis General Repatriation Committee held at the national Press Club on Tuesday with committee leader M. Nasim Khan in the chair.

They said if the agreements signed earlier were followed to the letter, the problem would have been solved long ago. Ghulam M. Quader MP, journalist Gias Kamal Chowdhury, editor of *The Good Morning*, Enayet H Khan, among others, addressed the function.

Quader blamed the governments of Bangladesh and Pakistan for not solving the problems for years. He said Bangladesh should sue Pakistan in the International Court of Justice for the latter’s failure to honour the agreements it had signed earlier.

Nasim Khan said they had opted to stay in Bangladesh in 1972 but the then government of Pakistan cheated them. “The Delhi Agreement raised our hope of repatriation to Pakistan,” he said.

He also reiterated the stranded Pakistanis’ demand for a tripartite meeting with the representatives of Bangladesh and Pakistan governments immediately to end the sufferings they had been undergoing for more than three decades.

Some 2,38,000 Pakistanis are now languishing in 66 squalid camps in 13 districts of the country. He also said the governments of Bangladesh and Pakistan should come to a decision immediately whether the stranded Pakistanis would be repatriated to Pakistan or rehabilitated in Bangladesh.

Nasim categorically said it does not matter whether they were repatriated to Pakistan or rehabilitated in Bangladesh. “We actually need to solve this long standing problem.” He said the government of Pakistan had cheated them with the false hope of repatriation.

”We have been living sub-human lives in squalid camps waiting for that to happen for more than three decades,” Nasim said. Although the stranded Pakistanis repeatedly demanded a tripartite meeting since 1997 to resolve their long-standing problem, both Bangladesh and Pakistan turned a deaf ear to their pleas.

– *By arrangement with New Age/Dhaka*

- *New Age*, 27 January 2005, stated that a group of stranded Pakistanis in Bangladesh on 26 January 2005 formed a human chain in front of the High Court in Dhaka demanding a bilateral meeting between the heads of the governments of Bangladesh and Pakistan during the 13th SAARC summit to resolve the problems of the stranded Pakistanis here.

The Stranded Pakistani Youth Rehabilitation Movement, a non-political organization, urged the government to award them citizenship and permanent rehabilitation in Bangladesh and demanded immediate resumption of government relief, which was suspended in January 2004.

The leaders of the organization submitted two memoranda to the Foreign Affairs and the Food and Disaster Management Ministries, after the hour-long human chain programme. The Foreign Ministry’s Assistant Secretary (South Asia), Fayaj Murshed Kazi, received the memoranda on behalf of the Foreign Minister.

Chapter 7

7.1 Bihari leadership in crisis

The study revealed that the leadership crisis is a major cause for the present unresolved conditions of stranded Pakistanis living in Bangladesh. Without having proper vision and mission, along with narrow political motives, leaders have failed to attain possible solution to their crisis. Added to this, conflicts among different groups have made the community helpless and vulnerable. This chapter attempts to identify the activities of different groups, crisis of leadership, and future plans of action, with some in-depth interviews of popular leaders.

History shows that immediately after the liberation war of 1971, Biharis were seeking safety and took shelter in the Geneva camp, Mohammadpur area, and the Millat camp in Mirpur, while awaiting repatriation. Then in 1976 a new group emerged under the leadership of Mohammad Nasim Khan. It was SPGRC. In this group, there are 29 committee members and 11 representatives from Dhaka District alone. Gradually Nasim Khan became a very popular leader among the community and was considered as the representative of this community. Since the process of repatriation became an uncertain issue, some new groups were formed with members breaking out from SPGRC. The newly formed formations included SPYRM, and Mohazir movement with the Ijaj-group faction. Conflicts began among all these groups, their leaders, and even some students. Students, who managed to be educated in this country, faced difficulty with these groups. International aid workers have even claimed that the Bihari leadership resisted efforts to improve living conditions in the camps in order to dramatize their appeal for repatriation.⁷⁷

In this study the respondents were found to be very reluctant to comment on the activities of these groups. Most were unaware about them. It was a common opinion among the community that these leaders have failed to attain any suitable solution to their problems.

⁷⁷ *Christian Science Monitor*, 4/22/81.

Most leaders play according to their political motivation, forgetting the desires of common people. Not all of them live in camps, but they take the masses with them for processions or protests. A woman named Khodeja (35 years) born in Bangladesh and living in Geneva camp, narrated,

“There are two interest groups in the camp who struggle among themselves for the citizenship of either Bangladesh or Pakistani: Nasim Khan group and Ijaz group. Common people are like weapons for them.”

Case Study 12: People are upset with the activities of camp leaders

Anwar Hossain (45) is very upset with the activities of leaders of SPGRC, and alleged that they are “doing politics with the lives of common camp dwellers for their own benefit”. He also said that relief is one of the major issues for this politics.

Apart from SPGRC, some other new groups are more concerned about rehabilitation instead of repatriation. The following comments published in various newspapers reflect the attitudes of these leaders at different points of time, and demonstrate inconsistencies and contradictions within their movement for the betterment of their people.

- “It is the moral duty of Pakistan to take us back,” Bihari leader Mohammad Nasim Khan said. “We fought for its (Pakistan’s) creation and stood alongside the Pakistan Army to defend it,” said Khan. “We expect to go home soon, as Nawaz Sharif is back in power,” he said. [*Dawn / News International*, Karachi, 27 January 1998]
- “We are among the world’s forgotten refugees,” said Ijaz Ahmed, another Bihari leader. “But our desire for going to Pakistan has been an undying reality. That’s our home. That is what we fought for and that is where we want to live and die.” [*Dawn / News International*, Karachi, 27 January 1998]
- At a seminar held on 27 February 2002, speakers underscored the need to recognise the different linguistic minority communities of Bangladesh. In his welcome address, Mr. Mohammad Hasan, convenor of the meeting, demanded that the residents of different camps be termed as ‘Urdu speaking Bangladeshis’. [*UDBASTU* -

The Uprooted, a newsletter on Refugee and Migratory Movements, January-June 2002, RMMRU, Dhaka, Bangladesh]

7.2 Activities of different groups – role of leaders

In general the activities of these leaders maybe summarized in the following way –

- i) Leaders act as representatives of the population living in various camps throughout the country
- ii) Leaders are the law providers in camps, they try to settle any dispute that occurs in camps
- iii) They take the help of Police for some problems, such as withdrawal by the Municipal authorities
- iv) They receive food relief from the government and distribute it among the camp dwellers, which often results in malpractices
- v) They began strong mobilization within the camps, continuing to demand repatriation to Pakistan
- vi) Being the representatives of camp people, on several occasions frequent protests were made under their leadership, in front of the Pakistani Embassy in Dhaka, with volunteers attempting to immolate themselves if immediate action was not taken towards repatriation
- vii) Threats were posed by leaders saying they would repatriate themselves by illegally migrating, by marching through India into Pakistan, along with hunger strikes
- viii) Sometimes, camp leadership has resisted any efforts by the Bangladeshi authorities to close down the camps and to integrate the Biharis into the local communities
- ix) On many occasions, the Bihari leaders were found to encourage their followers to remain in the Dhaka camps rather than seeking reintegration into Bangladesh. For this, sizable numbers within the stateless populations would actually *prefer to remain stateless* than be given a nationality not to their preference.

Detailed Interviews with Some Prominent Leaders

It maybe noted that the interview session with each leader was not an easy task. They always keep themselves busy with their party activities. Hence, they did not answer all questions structured during research planning. Accordingly, the researchers while conducting these interviews formulated some immediate questions. Thus the interviews are semi-structured.

• Nasim Khan, Leader, SPGRC

Question: As an old leader tell us about the genesis of the crisis?

Nasim Khan: I am 84 years old and was born in India, and fought against the British Government during partition of 1947. The incident at Noakhali triggered violence and riots started in Bihar. Gandhi went to Noakhali. Organization of East Pakistan League pointed out that Biharis should be taken back by India. After the independence of Bangladesh I met with Khondokar Moshtak about the issue that Stranded Pakistanis are dedicated to Pakistan. The process of repatriation started at that time.

Question: How do you examine the issue of reparation or rehabilitation in terms of Bangladesh-Pakistan relation?

Nasim Khan: Bangladesh government is serious but not serious enough to resolve the issue. I believe that India is responsible for the partition.

At present we have good relation with Bangladeshi people. We are all brothers here. We do not want to go back to Pakistan any longer.

It is the leaders of Bangladesh who are responsible for our miserable condition. Recently there was an attack at the house of Private Secretary of SPGRC. And we feel insecure after that incident.

Question: What measures are needed to solve the issue?

Nasim Khan: Being the leader of SPGRC we demand –

- i) Tripartite dialogue between Pakistan-Bangladesh-SPGRC to settle the issue,
- ii) Either repatriation or rehabilitation, but with clear terms and conditions,

- iii) Dialogue is a must to bring changes in the existing agreement,
- iv) Options should be open for us to choose repatriation or rehabilitation.

• **Wali Mohammad, President, SPGRC, Mirpur-11 branch, Dhaka**

Question: What is the present condition of Biharis living in different camps?

Wali Mohammad: Living in Bangladesh is becoming a big problem for Biharis day by day. At present we demand an immediate solution. Joint discussion is needed. We are hanging, uncertain, living like guests in Bangladesh. We are living in 10ft by 10ft. rooms in camps, in the same environment for 33 years.

The new generation is learning Bengali, becoming educated in Bengali medium. They foresee no future in Pakistan as they are born and brought up in this country. Cross-marriage (Bihari with Bengali) has become a common feature now.

How the present government of Bangladesh will keep us - is the main question here. Incidents of aggression from housing societies and Municipality to withdraw people from their camps are lingering problems. Although we believe that the government does not support this withdrawal without having a real solution to the main problem.

Question: How would you evaluate the role of Pakistan now?

Wali Mohammad: Pakistani Ex-Premier Nawaz Sharif, during his visit to Dhaka promised to take us back to Pakistan, but no process was initiated.

We have heard that people of Sindh province do not want to take Biharis from Bangladesh but Punjab wants to take us back. They only want a declaration from Bangladesh government.

- **Md. Sadeqat Khan (Fakku),** President & Shahid Ali Bablu, General Secretary (Central Committee) of Stranded Pakistanis Youth Rehabilitation Movement (SPYRM) SPYRM, Central Office, Section-11, Block-C, Road-10, Post Office Camp, P.S. Pallabi, Mirpur, Dhaka-1216

Question: Tell us about this committee, its activities.

Md. Sadeqat Khan (Fakku): It is a non-political organization for the rehabilitation movement. Our major activities are as follows:

- We are working to protest against the decision by the housing and municipal authority to withdraw the camps;
- We are trying to achieve citizenship rights. We have filed a writ petition in the High Court Division of Supreme Court, in 2001, to achieve voter rights.

• **Mr. Nasim Mallik, Deputy Chief Advisor, SPYRM**

Question: Tell us about this committee, its activities.

Mr. Nasim Mallik: This organization started in 1997-98. At first 200-250 people were members of this organization but it has now spread in all the Bihari camps in Bangladesh.

Question: What is the present condition of Biharis living in different camps?

Mr. Nasim Mallik: Earlier we thought that we would go back to Pakistan, and therefore did not look for educational opportunities in this country. The only education we had was in Urdu. Since the halt of the repatriation process we realized that the present generation is out of school today, and we want our children to be educated in Bengali medium to be in line with the mainstream population here.

Question: Tell us about your present line of activities.

Mr. Nasim Mallik:

We arranged a cycle-rally in 2002 – first time such a procession was held here – to uphold our demand for the process of rehabilitation.

We have again submitted a memorandum to the Prime Minister’s office on 14 July 2004 and like before, it stated that ‘we urge to the government of Bangladesh for rehabilitation here ensuring all basic rights like every citizen of Bangladesh, on a permanent basis’. Before this we arranged a public gathering in Mirpur where all the school-going children sang the national anthem of Bangladesh to express their complete allegiance to Bangladesh. Later on this procession marched towards the Prime

Minister's office, and an administrative official accepted the memorandum on her behalf.

We believe that according to the Constitution of Bangladesh, Biharis should get the minimum access to basic human rights as the inhabitants of this country. Furthermore according to the President Order (P.O.) 16 (149) those who were living in Bangladesh before 26th March 1971 and continued after that are citizens of this country. Accordingly, we are already citizens of this country. Now we want to enjoy all the benefits like any other citizen. Even the gazette of the Bangladesh government said the government does not deny our right to citizenship.

We have already approached various NGOs and INGOs to support us, but have not received a response till now. We will continue our demands in the future.

Question: Is there any women's wing in your group?

Mr. Nasim Mallik: There is a women's organization for the welfare of women in the camp, which is run by the SPYRM, called 'Mirpur Wheat Straw Centre' (MWSC). It has 300-350 women including locals and non-locals. It gives training to women to make greeting cards and souvenirs with special paper made of wheat and straw.

Question: What are your future plans?

Mr. Nasim Mallik: Future plans of SPYRM includes:

- to sit in front of Pakistan Embassy to call for their support for our demands
- to sit for our demand in front of UNDP, UNHCR offices.
- **Mr. Giasuddin,** President, Mirpur branch, Bangladesh Mohajir Welfare & Development Committee (BMWDC)

This committee works under the leadership of Ejaz Ahmed Siddiqui, President of Society for Human Services (SHS), Babar Road, Geneva Camp, Mohammadpur, Dhaka.

Question: What led you to form this committee although there were already SPGRC and SPYRM working for Biharis living in this country?

Giasuddin: Ejaz Ahmed Siddiqui used to work for SPGRC but at one point of time felt the need of forming a separate group called BMWDC.

Because SPGRC is not serious enough about the issue of rehabilitation, and repatriation process is not going on. Because of this Nasim Khan did not agree with the President Ershad's proposal to take the abundant area of Keraniganaj, outside Dhaka.

Question: What do you think about the status of Biharis at present?

Giasuddin: At present Biharis are living in miserable conditions in this country. So, we work for the betterment of these people. Our group believes that:

- Ambassador of Pakistan has agreed to do something for these Biharis, on humanitarian grounds, while keeping away the issue of repatriation. That is because the issue of repatriation of Biharis created trouble in Pakistan.
- Bangladesh government should allocate money for the rehabilitation process of this Biharis living in Bangladesh in the national budget.
- We will also urge to the Pakistan government to provide financial assistance for this process of rehabilitation.
- We always remember the commitment made by President Pervez Musharraf (during his visit in Bangladesh) of doing something for this Urdu speaking population in this country from a humanitarian point of view.
- We do not want to go back to Pakistan as our children are getting educated in Bengali medium schools and colleges here in Mirpur and will face difficulties if repatriated to Pakistan.

Question: Does your group favour rehabilitation or repatriation? And do you think that these people should be taken to some other place out of these camps?

Giasuddin: We opt to get citizenship, and want to remain in the places where they are living now, on a permanent basis. Because it would be difficult to start life in a new place where the people of that locality will treat them as unknown.

Question: What is the internal condition of your group?

Giasuddin: We are in a serious fund crisis at this moment, which makes it difficult to continue our activities. We receive very little share from the government.

We have provided support to the local communities who have gone through serious crisis when recent fire broke out in the locality near the camp. In the near future, we plan to organize a press conference to uphold our demands.

In summary *it can be said that the leadership of the Biharis in Bangladesh lacks proper vision and unity. Narrow political motives often undermine their real aspirations and beliefs. One interesting point revealed through this study was that all these leaders are male. There was only one woman, coming from a camp outside Dhaka, at the Annual Convention of 2004 held in Dhaka. The perspectives of the Bihari women are not represented sufficiently. The leaders are unable to provide guidance and proper leadership to the stranded Biharis in Bangladesh. There is too much confusion and contradictions in their views and actions, and not enough unity or dedication to the cause.*

Chapter 8

Opinions of experts /civil society members / human right activists

After completion of field visits in two camps of Dhaka city, it was felt that along with analysis of primary sources, the opinions of experts, civil society members and human rights activists would be an important component of study. Keeping this in mind, six such experts were interviewed with the help of a specific questionnaire. Although the same questionnaire was used for each interview it was slightly changed according to the nature and scope of activities of each expert. The following are excerpts from the in-depth interviews conducted with a number of experts, human rights activists and prominent civil society members.

- **Advocate Alena Khan, Executive Director, Bangladesh Society for the Enforcement of Human Rights (BSHER), National Centre for the Legal protection of Human Rights, Dhaka**

Question: The present generation are opting for Bangladeshi citizenship. Do you think they should be given the citizenship right?

Advocate Alena Khan: Before answering the question let me share an experience with you. A few years back I made a short documentary for a TV channel on the lives of women in camps. I found a young newly married couple in a small room – they had no privacy, because there were eight family members and they all had to live that room. A portion of cloth was used to ensure some privacy. Thus I found young children are feeling interested to know about sex. They live in this kind of an inhuman condition.

Yes, after 34 years of independence why should Biharis not get citizenship rights? Most of them were from Bihar, UP and other parts of India. As Pakistan is silent about repatriation, now the Bangladesh government should think about the issue for its own sake, as these camps are crime zones of Dhaka city. Women are the worst victims. The government has no right to let these innocent women and children suffer, deprived of even basic human rights. Moreover, even the government is bearing losses by providing water and electricity in camps, so they have recently stopped the relief.

Question: We believe that the issue of Biharis should be viewed from a humanitarian perspective. What is your opinion?

Advocate Alena Khan: Yes, the issue should be viewed from humanitarian grounds.

Question: Women are the worst sufferers in the camp...but they are mostly unaware about their rights...please give your comment on this.

Advocate Alena Khan: Women are victims of war: assaulted, raped, injured, they die and suffer most. Even members of their families violate women in these camps. They are not allowed to speak even of their practical needs.

Question: Biharis in the camp are deprived of basic human rights...how can NGOs, donor agencies act in this issue?

Advocate Alena Khan: Actually government should invite NGOs and donor agencies to act to mitigate the sufferings of the women and children in the camps. They should be provided basic facilities to live in this country. For this these camps should be abolished and they should be given places to live in by their own means.

We from BSEHR, are planning to create a hotline facilities with the help of police, by which camp dwellers could put their complains and we will take necessary action in this regard. It will help to reduce the intensity of crimes in the camps gradually. Because at present camp dwellers are afraid of each other, and afraid to file complaints against the criminals. And we know the illegal drugs and arms trade are rampant in the camps, but nobody admits it to the police.

Question: They lack proper leadership on repatriation and Pakistan is not ready to take them back...what could be done in this circumstance? Present leaders are divided into different groups and busy with political motives...but now most of them uphold the issue of rehabilitation leaving the issue of repatriation aside. Please give your comments.

Advocate Alena Khan: Those who have already gone to Pakistan are also in a bad situation. The government should give them clear options – whoever wants to go to Pakistan should be repatriated and others who want to stay here should be give citizenship rights and allowed to live with the mainstream populations here. The matters need to be resolved very soon.

Question: While conducting the survey it was found that access to minimum educational facilities are their major problems as well as other basic needs. They complained that they are deprived of free primary education and their economic condition does not allow them to spend money for education. In these circumstances what do you think about the role of government and NGOs?

Advocate Alena Khan: I think the Non-formal Education (NFE) sector should involve itself with education facilities for the children living in camps. They should review the situation from humanitarian grounds.

• **Prof. C.R. Abrar, Department of International Relations, University of Dhaka, and Executive Director, Refugee and Migratory Movement Research Unit (RMMRU), Dhaka**

Question: The issue of ‘statelessness’ and the status of Biharis in BD...please give your comment.

Prof. C. R. Abrar: I would like to explain this issue from two sides: one is the legal aspect and other is the humanitarian. I am not an expert on legal rights but as an academician I have found that for the last 30 years there are no clearly defined roles in the matter of citizenship issue of these people. The role of the state remains undefined, no specific position has been taken by the State. It is vital to let these people to live with minimum power and dignity. And the other party is Pakistan. According to the Simla Accord, legal right is not obligatory, but there is a moral view too. Every successive government of Pakistan except Benazir Bhutto’s government gave its moral support to these people, recognizing they have an obligation to them. They termed them as ‘Stateless’ and agreed on issues of repatriation. But the issues of ‘statelessness’ remain, from their point of view, unresolved.

Question We believe that the issue of Biharis should be viewed from humanitarian perspective...please give your opinion?

Prof. C.R. Abrar: Yes, I fully agree that the issue of Biharis should be viewed from humanitarian perspective. Their rights should be granted. Under the national law of Bangladesh they do not have voter rights, and are living in ghettos. The State should delineate their rights. They should be accorded full citizenship status.

Question: Biharis in camp are deprived of basic human rights...how can NGOs, donor agencies act in this issue?

Prof. C.R. Abrar: It is a irony that NGOs are not doing anything for the people living in camps. They are not in a position to identify who has citizenship right or not. So, they should continue to provide services for at least the minimum welfare of these people. They should work for the basic rights to liberty, dignity, education and employment of these people.

It is a shame that NGOs, who have acquired much praise in international arena in working for the poorest of the poor, did not do anything at all for camp people – except for a few Islamic NGOs. But they should do a lot.

Question: It was identified in research that they are now eagerly waiting to get into mainstream population...what do you think of that?

Prof. C.R. Abrar: Yes, even my own research showed that a bulk of them want to be part of the mainstream population, especially the new generation. Even for the citizenship rights, they should be encouraged to integrate themselves.

Question: They lack proper leadership on repatriation and Pakistan is not ready to take them back...what can be done in these circumstances? Present leaders are divided into different groups and busy with political motives, but by now most of them uphold the issue of rehabilitation, putting the issue of repatriation aside. Please give your comments.

Prof. C.R. Abrar: It is totally a failed leadership. To a great extent, the government is also a cause of disintegration. The issue of repatriation – and now rehabilitation – is being made a political game, by the leaders of various groups. Leadership had made the problem more acute and troublesome. There is no development in actual points of view. It is their late realization that they should try for rehabilitation rather than repatriation. Opportunism is there in plenty, but hardly any principled stands. There is no democratic culture, people-oriented. The people are bound to suffer.

Question: While conducting the survey it was found that access to minimum educational facilities and basic needs are their major problems. They are deprived of free education at primary level, and their economic condition does not allow them to spend money on education...In these circumstances what do you think about the role of government and NGOs?

Prof. C.R. Abrar: The Bangladesh Government has ratified and accredited CRC under which every child born and brought up on this soil should receive minimum rights from the State. So, right now the State is in a position of denying these rights. Primary education is a basic right. We found that the children are in a serious identity crisis and want to get educated outside the camp schools, as the schools inside the camps are not in a good condition. They do not have free education in schools outside the camps, under the government's free primary education facilities. There is much that could be done by NGOs, also, on this front. Education would bring them opportunities and the poverty trap could be overthrown.

Question The present generation opts for Bangladesh citizenship. Do you think they should be given the citizenship right?

Prof. C.R. Abrar: We are part of this process. Ten students have received this right from the High Court and we have always provided support to them.

- **Mr. Syed Kamal, President, Stateless People in Bangladesh Inc., 3615 Brier Gardens Drive, Houston, Texas 77082 USA**

Question: The issue of statelessness and the status of Biharis in Bangladesh... Please give your comments.

Mr. Syed Kamal: Let us first examine the issue of Statelessness. Citizens of every State enjoy many protections and amenities, which can only be offered by the state. These amenities and protections are fundamentals for the lives of all persons, to the point where being citizens of a state has become a basic human right. This means that every person – man, woman or child – must be citizen of a state. The world has been trying very hard to help humans who lack citizenship, to obtain it. In this regard there are at least two international conventions., entitled titled “Convention on Status of Stateless persons” and “Convention on Reduction of Statelessness”. International conventions are sets of laws or rules prepared with consultations between state parties and other interested institutions. They outline a minimum standard of behavior for states. Signatories of the conventions agree to live by the conventions. However even those states that have not formally accepted the conventions can be expected to abide by the basic principles.

While we are on the subject of conventions let me mention “Convention on the Rights of the Child” – many countries, including Bangladesh, are signatories to this convention. There are two things to which every child (rich or poor, black, white or brown, Muslim or non-Muslim) has the right by birth – to a name, and to a nationality. It is that important.

Question: We believe that the issue of Biharis should be viewed from humanitarian perspective...please give your opinion?

Mr. Syed Kamal: I agree that they ought to be looked at in Bangladesh as a minority who has been chronically under-privileged, and that situation should change. They are human beings, and they think, feel, plan and want to better themselves just like any other citizen of Bangladesh. They are also your Muslim brothers. Even if they were not Muslims they are still humans, and based on that mutuality alone we need to treat them justly. It is our moral duty. There are thousands of Bangladeshis living in U.S, UK and Canada. Will you accept if these countries treated Bangladeshis as non-citizens or second class citizens? Of course that will be absolutely unacceptable.

So far I only mentioned our humanitarian, moral and Islamic duties. Now let us look at the same problem from a self-interest point of view. That is what is in Bangladesh’s interest. The wealth of a nation is the sum total of the wealth of all its citizens. All persons living within the borders of a state contribute to its national wealth. Look at it another way – if all the people in your neighborhood become wealthier then you will invariably benefit from it; additionally your city becomes wealthy and in the end your country becomes wealthy. It is not in the interest of individual citizens nor that of the state to create circumstances or allow conditions to continue which keep some of the under-privileged poor for ever. If the Biharis are afforded citizenship, that will enable them to struggle for a better life. I am sure you have heard the adage “If you give a hungry person a fish you feed him for a day but if you teach him how to fish he will never be hungry”.

Question: Biharis in camp are deprived of basic human rights...how can NGOs, donor agencies act in this issue?

Mr. Syed Kamal: Government is the only agency that draws up the rules of citizenship and awards it based on those rules. NGOs or donor agencies cannot do it. They can help with education, medical needs,

employment, training, loans for small business etc, but awarding of citizenship depends upon the government in every state of the world.

Question: It was identified in research that they are now eagerly waiting to get into the mainstream population...what do you think of that?

Mr. Syed Kamal: I am not surprised, they have lived in Bangladesh for decades, and thousands of them were born in Bangladesh. Why wouldn't they love the country of their birth? Both my kids were born in Canada, they now live in the US but if anyone says anything bad about Canada they get very upset.

Just keep in mind that Biharis are a minority in Bangladesh. In a country like Bangladesh there are many religions, languages and races. Each minority adds something to the fabric of a state. Diversity of population is not to be relinquished, rather it should be allowed to prosper. In Canada – believe it or not – they have a government department at the level of every province called the Department of Multiculturalism. Bangladesh's official language is Bengali, so everyone must be able to speak, read and write in it. But no culture should be forced to give up its way of life except of its own volition. That is to say, the process of integration of the population should be absolutely voluntary.

Question: Women are the worst sufferers in the camp....but they are mostly unaware about their rights...please give your comment on this.

Mr. Syed Kamal: Women form the family, the most basic and essential unit of neighborhood and country. They give birth to children, care for all members of the family. Educating them is so important. Education teaches you how to read and write, but more than that, it shows you many alternatives, views and attitudes. In most Bihari families not only men but also the women and children work. It is important to offer them an opportunity to go to school at night, or at times when they can do it.

Question: They lack proper leadership on repatriation.... Please give your comments.

Mr. Syed Kamal: Another right of human beings everywhere on this planet is called the right of self-determination. Kashmiris have the right to belong to Pakistan or India. Citizens of East Pakistan decided by an overwhelming majority they wanted a country of their own called Bangladesh. Our organization feels that all of the camp population

should be allowed to live in the country of their choice, Bangladesh or Pakistan. Unfortunately in this matter Pakistan has acted very dishonorably and illegally. Our opinion is based upon study of Pakistan's laws and international conventions on this matter. Biharis have indicated their choice of Pakistan many times very clearly. It is obvious to even a casual observer that Pakistan is not likely to accept the Biharis any time soon. I believe it will be in the interest of Biharis to accept citizenship of Bangladesh. It may not sound very good but it is the truth. Once they have accepted Bangladeshi citizenship en masse, their leaders will become quite irrelevant. At that point they will have to choose from among the available candidates in various elections. Most current leaders will disappear.

Question: While conducting the survey it was found that access to minimum educational facilities and basic needs are their major problems... In these circumstances what do you think about the role of government and NGOs?

Mr. Syed Kamal: I know it is terrible. In the 66 camps all over Bangladesh I only know of two schools. Even these are not receiving any assistance from the government. The Biharis are entitled to same level of assistance in education and medical treatment as is offered to other citizens. Their educational needs are complicated by the fact that 98% of the generation born after 1971 is illiterate. So there is a significant need for adult education. Furthermore education of women in every society is of paramount importance. Bihari women lag far behind in this respect too. If you have educated a woman (or future mother) then you have taken a step toward educating a whole family. My father used to say education is a poor person's capital. This was true then and it is true today. No group of people can be lifted out of poverty without education. This is an area where NGOs can help, and in fact I am just now writing a feasibility study for a school.

Question: The present generation is opting for Bangladeshi citizenship, do you think they should be given the citizenship right?

Mr. Syed Kamal: Absolutely. It will be good for the Biharis and for Bangladesh. When a majority keeps a minority oppressed it benefits no one and hurts the country. And here is a parting thought: "The civility of a nation can be measured from how it treats its minorities". Bangladesh should accept them as equal citizens of the country. You have nothing to loose and everything to gain.

• **Prof. Amena Mohsin, Chair, Department of International Relations, University of Dhaka**

Question: The issue of statelessness and the status of Biharis in Bangladesh... Please give your comments.

Prof. Amena Mohsin: This needs to be analyzed from a humanitarian point of view rather than only the legal aspect. For the stateless position of these people, Pakistan is more responsible. They are the “forgotten people”. Civil society of both countries, Bangladesh and Pakistan should rethink the concepts of statelessness and the issue of Biharis. They are deprived of minimum human rights.

Question: We believe that the issue of Biharis should be viewed from humanitarian perspective...please give your opinion?

Prof. Amena Mohsin: Yes, this issue should be viewed from humanitarian point of view.

Question: Biharis in camp are deprived of basic human rights...how can NGOs, donor agencies act in this issue?

Prof. Amena Mohsin: NGOs, donor agencies, all have some specific mandates. So, they should work accordingly. We have to look and examine if they have any clear position regarding working for the Biharis living in Bangladesh.

Question: Women are the worst sufferers in the camp...but they are mostly unaware about their rights...please give your comment on this.

Prof. Amena Mohsin: Yes, it is true. It is because women are not taken into account within our system and existing society. Inside the camps they are in no position to think of their issues.

Question: They lack proper leadership on repatriation... Please give your comments.

Prof. Amena Mohsin: Leadership crisis is another big problem for them, which requires special attention.

Question: While conducting the survey it was found that access to minimum facilities and needs are their major problems.... What do you think about the role of government and NGOs?

Prof. Amena Mohsin: To answer this question one needs to examine the different grounds on which NGOs work, i.e. their scope of work, terms and conditions for activities etc. They work according to their own mandates.

Question: The present generation opts for Bangladeshi citizenship, do you think they should be given the citizenship right?

Prof. Amena Mohsin: Unless the right of citizenship is settled, the question of basic rights provided by government is very critical for them. Law of Bangladesh needs to be used to ensure their rights. The government should ensure them the right of citizenship.

• **Ms. Salma Khan, Member, UN CEDAW Committee, & Chair NGO Coalition on Beijing Process (NCBP)**

Question: The issue of statelessness and the status of Biharis in Bangladesh...please give your comment.

Ms. Salma Khan: We have to search whether there is any regulation or rule of law under which they are not the citizens of Bangladesh. For integration with the mainstream population they should be given an ID card or something like that. They won't be taken back to Pakistan – it is clear now. Statelessness is a reality for them now. But we have to find out on what ground they are stateless now, especially those who were born and brought up here. As there is no document terming them as stateless, they presume themselves to be Bangladeshi. Their language and culture are also similar to ours, therefore they should be given voter rights.

Question: We believe that the issue of Biharis should be viewed from humanitarian perspective...please give your opinion?

Ms. Salma Khan: The ground of rights should come first, before the humanitarian ground. Legal side needs to be viewed critically. Normal citizens do not know about ID cards. So, a kind of mechanism should be created for them to show their identity. Through a government circular they should be given educational facilities.

On the other hand, they have to understand that they are Bangladeshi people, born and brought up here. NGOs may try to make them aware about their rights as voters. All of them are basically born in this part.

If people who have migrated here after 1971 could claim citizenship right, they should also be given the chance to claim so.

Question: Biharis in camp are deprived of basic human rights...how can NGOs, donor agencies act in this issue?

Ms. Salma Khan: It is difficult for NGOs to work for them. Their lack of integration with mainstream population has left no place for NGOs to work for them. Again activities of NGOs are not always applicable to them. They themselves should struggle for attaining their rights. NGOs might work to increase awareness among these people to empower them to work for their rights. These people ought to come out with their rights and demands.

Question: It was identified in research that they are now eagerly waiting to get into the mainstream population...what do you think of that?

Ms. Salma Khan: The question of repatriation does not arise. Real leadership is not here because of not having hold of any real issue. Better awareness in terms of education and skill is necessary. Leaders should try for Bangladeshi citizenship.

Question: Women are the worst sufferers in the camp....but they are mostly unaware about their rights...please give your comment on this.

Ms. Salma Khan: Although in Bangladesh patriarchy is deep rooted in our society, due to high NGO movement, more women are coming out in mainstream society day by day. But women living in camps are deprived of basic human rights and they live in an isolated environment, it is like a shell within another shell. Very few women have mobility. They are working in private houses as maids, working in embroidery in boutique shops; they are earning but they do not enjoy empowerment, not even like garment workers. To some extent other women in our society have more mobility than these women. So, awareness should be created among them.

Question: While conducting the survey it was found that access to minimum facilities and basic needs are their major problems.... What do you think about the role of government and NGOs?

Ms. Salma Khan: It is difficult for NGOs to work for people inside camps where insecurity is deeply rooted. Lack of integration with mainstream society has made the environment more complex. NGOs

might work to increase awareness among people in camps about their rights, which will empower the people in the long run. These people need to come out with their own consciousness of rights. They should try to convince and motivate political parties to consider them as voters through providing voter ID cards. In this way they should themselves try to convince NGOs, who will in return try to seek financial help from donor agencies.

Question: The present generation is opting for the citizenship of Bangladesh, do you think they should be given this right?

Ms. Salma Khan: Of course they should be given citizenship. Generally I think that the camps have already become a crime zone, but these people have lot of opportunities. Their income level is not so small in terms of conditions of the common people in our country.

• **Ms. Sharmeen Murshid, Sociologist & Chief Executive Officer, Brotee, Dhaka**

Question: The issue of statelessness and the status of Biharis in BD...please give your comments.

Ms. Sharmeen Murshid: In a state no one can be stateless for a long period of time. Children born in this country acquire the right of citizenship by birth. In this way children of Biharis born in this country are entitled to get the citizenship right of this country. Having said so, we have to find out whether they love this country before we attempt to work for granting of the rights of citizenship. They were considered supporters of our enemy during the war of liberation in 1971. Their allegiance to the country is very important.

No one can be stateless for a long period of time. Since statelessness is a mental or psychological issue, we have to see whether the Bihari children have allegiance to this country; do their parents still want to go back to Pakistan? It is also a matter of argument whether the older generation of this group of people wants the right of citizenship here, or would prefer to remain stateless.

Firstly, the mental state of being is very important for the Biharis living in this country. Secondly, we need to change the thinking of these people – where they belong, where they live, which resources they use to meet their everyday needs. Answers to these questions would help them

to understand whether they want the right of citizenship or not. If they do not want it, then there is no point to offer them the rights of citizenship from our side. Government should take immediate action to take them out from this country as early as possible, if they do not consider themselves as citizens of this country. In that case, they are definitely a lot of trouble for us.

The new generation is learning Bengali in Bengali-medium schools, and this number of children is increasing day by day. They are learning Bengali, mixing with all other children. Then we should understand that if they hate this country like their parents, and prefer to remain stateless since Pakistan is not now in a position to take them back, they should not be offered the right for citizenship.

So, if we think they are stateless then they are bound to be 'stateless' and if they consider themselves as stateless then also they are 'stateless'. It is the Biharis who need to decide first what they really want. If they shift their previous attitude towards this country, and respect the people and heritage here, then they should be allowed to live here like any other tribals living in this country. We should accept these people only when they change their mind, not if they still think what their parents used to think, about this country and people.

Question: We believe that the issue of Biharis should be viewed from humanitarian perspective...please give your opinion?

Ms. Sharmeen Murshid: Yes, of course their issue should be viewed from human rights perspective, whether they want to be citizens of this country or not. They should be allowed to get the basic minimum facilities like common people living in our country. We know that camps are a very unhealthy place, therefore, they should be out of these camps, allowed to live in a way so that they can gradually mix with other people in this country. A suitable rural place, out of these shanty camps, may be better for them.

Question: Women are the worst sufferers in the camp...but they are mostly unaware about their rights...please comment on this.

Ms. Sharmeen Murshid: Women are the worst victims of war. So, different types of awareness raising strategies might be adopted with special focus on Biharis.

Question: It was identified in research that they are now eagerly waiting to get into mainstream population...what do you think of that?

Ms. Sharmeen Murshid: They should be given chances to go along with the mainstream population, integrate with Bengali society. For this their mindset should be changed accordingly. NGOs might work to motivate them towards Bengali culture if they want to stay in this country.

We should think about the new generation. Of course if they are our enemy we should consider the issue from a humanitarian point of view. They should love this country and have a sense of responsibility towards society if they want to stay here. Otherwise the people won't accept them, even if they rise up for their rights. Cultural sensitization should be the work of NGOs.

If we think generally that we want to allocate the resources among the poor people then the share for Biharis is less than for others. They are skilled people, and their activities can add more to our society. They should not be allowed to live in isolation, out of mainstream society, rather their skills should be included in our economy.

Question: While conducting the survey it was found that access to minimum facilities and needs are their major problems... What do you think about the role of government and NGOs?

Ms. Sharmeen Murshid: A process should be initiated to internalize Bangladeshi values within them. We have to start the work with 'brain wash' – a clear-cut agenda, so that they can live here with respect for our society and culture. NGOs should work to move them away from the prejudices of the older generation. This motivation process will allow NGOs to help them move towards integration in the mainstream. Their obligation should be with this country and government, with complete loyalty.

Chapter 9

Present Scenario

Survey findings show that situation of Stranded Biharis living in 70 camps throughout the country is deteriorating day-by-day. Increased population, lack of space for living, lack of opportunity for education and jobs, and links with crime world, have made their life more complex and uncertain. Besides, politics of different interest groups within the communities have made the situation more vulnerable for the camp dwellers in general, and women in particular. Despite this many of them now have close interaction with the mainstream population for mere survival. At this stage, chances for women are very few, compared to those for men. The issue of repatriation has become a far cry for the older generation who are very few in number, while the present generation and others are demanding citizenship rights in Bangladesh as well as voter rights.

The Bangladesh government is not ready to accept the remaining Biharis as its citizens. On the other hand, the Biharis born in this country who have never seen Pakistan are still considered accountable for the 1971 abuses perpetuated by the Pakistani regime. Bangladeshi government and the people think like this. Nevertheless, the state has failed to take any successful action with regard to the stranded Pakistanis on its soil. For Bangladesh part, there is no natural border with Pakistan, therefore it could not forcibly repatriate the Biharis to Pakistan, nor insist that Pakistan accept resettlement. Although the role of India is also important here, Bangladesh could not send Biharis across the border by force, and India did not want the Biharis back.

The International Red Cross Committee with the assistance of the Bangladesh government started providing 19 items of relief material including wheat, rice, pulse, milk, biscuits and clothes to the stranded Pakistanis in 1972, and the authorities concerned suspended distribution of 16 of the 18 items since 1975. Every adult stranded Pakistani is entitled to an amount of 3.23 kg of wheat and every child an amount of 1.51 kg of wheat per month, and its distribution continued from 1975 to December 2003.⁷⁸

Further, despite rejecting the Biharis from citizenship rights, treatment of the non-citizens is a constraint for Bangladesh government for its development. Government provides camp residents with wheat, water, electricity and medical services, costing about \$250,000 a month [*'Bangla Biharis Weary of Wait,' Rediff, on the Net, 1/28/99.*] In addition, various Western and Islamic NGOs have intermittently provided aid to the camp population.

Lack of citizenship bars the Biharis from government and high level jobs, but the Biharis have a reputation for being good mechanics, drivers, barbers, cooks etc., because of which they have been able to create their own job opportunities in railways, mills, factories, restaurants, barber shops and so on. As such, their labour has been beneficial to Bangladesh. Although Bangladeshi Prime Ministers and Foreign Ministers have occasionally attempted to settle the Bihari issue in talks with their Pakistani counterparts, these requests did not get high priority status. Rather, these requests emerged along with other issues in the Pakistan-Bangladesh relationship, such as issues of economic cooperation and trade.⁷⁹

Observers identified that Pakistan is reluctant to accept the Biharis, for fear that their presence might exacerbate already existing ethnic and political tensions in Pakistan. They have no legal obligation to do so. Due to political reasons various administrations have broken promises or pledges to facilitate the resettlement of the Biharis in Pakistan. In the Sindh province, the Pakistan government offered preferential treatment to the Mohajir refugees from India in comparison to the indigenous Sindhis.⁸⁰ Since partition, the Sindhis and the Mohajirs have been in competition for control of economic benefits through access to state jobs and employment. The Punjabi-dominated central government at first favored the Urdu-speaking Mohajirs for government posts and higher education slots, creating dissension within the Sindhi-speaking community. Violent clashes between the two communities began in Karachi in the 1970s and have escalated and spread throughout Sindh.

⁷⁸ 'Stranded Pakistanis Demand Permanent Rehabilitation', *New Age*, 27 January 2005.

⁷⁹ 'Bangladeshi PM Asks Pakistan to Balance Trade', Xinhua News Agency, 3/4/99; 'Premier and Nawaz Sharif Discuss Asset Sharing, and Stranded Pakistanis', BBC Summary of World Broadcasts, 2/16/98.

⁸⁰ Pattanaik, Smruti, 'Ethnic Aspirations and Political Power: Defining Mohajirs' Grievances in Sindh', www.isda-india.org/an-jun8-8.html (1998).

By the 1980s, militant Mohajirs had formed the separatist Mohajir MQM party calling for an autonomous Mohajir province within Sindh.⁸¹ Therefore, the Pakistani central government was fearful of possible destabilizing effects of resettling the stranded Pakistanis. And the Sindhi leaders' reaction to this resettling proposal was severe, declaring that this would make the Sindhis a minority in their own province. In 1993 the Nawaz Sharif government, which came to power in coalition with the MQF, initiated a plan to repatriate the Biharis starting with the arrival of 325 people into Lahore. One day later, a bomb exploded in a Bihari colony in Kotri, and evidence proved that it was planted by the Sindhi militants.⁸²

Pakistan considers itself as having a humanitarian, if not legal responsibility towards the Biharis. In reality one might observe that while people belonging to this stateless group are denied full, effective membership in either of states, they do have a weak *de facto* dual citizenship in both states. So, as long as they remain stateless, it is the responsibility of both states to find a solution to their plight.

It maybe added that since January 2004 relief has been stopped and people are fighting for survival in camps. And it was revealed that they could survive in this country without help from Bangladesh government as a form of relief. The present government in Bangladesh is not willing to spent more money for stranded Pakistanis living in various camps throughout the country. Rather government is looking for a permanent solution to the problem. A new committee has been set up to make necessary recommendations regarding the issue on an urgent basis. The Ministry of Food and Disaster Management has set up this new committee. As government has to spend a huge amount of money for these people it has now become a serious burden for the government. For water, electricity and relief government had to spent Tk./-10,00,00,000 (one crore) each year. Since 2004, food relief had been stopped for camp dwellers as government allocation was reduced to Tk./-6,00,00,000.⁸³ And due to fund shortage, electricity bill amounting to Tk./-36 crore remains unpaid. Besides government has already paid 60 crore taka for the electricity bill to the authorized body.

⁸¹ Ibid

⁸² Report, Center for International Development and Conflict Management, *Minorities at Risk Program*, <http://bsos.umd.edu/cidcm>

It is also an economic pressure for government to allocate 6 thousand metric tons food grain, as food relief.

The present groups were eagerly waiting for the next round of meeting of SAARC countries, scheduled in Dhaka. Although the SAARC charter does not allow bilateral dispute management mechanism, it was felt by the Bihari leaders that this meeting could be a good chance for them to uphold their demand while seeking a possible solution to their crisis. In this regard the focus was on the Pakistan and Bangladesh leaders' dialogue, in particular. Yet, this hope and aspiration did not see light of opportunity, as the meeting did not take place. Therefore, a possible door was closed again for the Biharis.

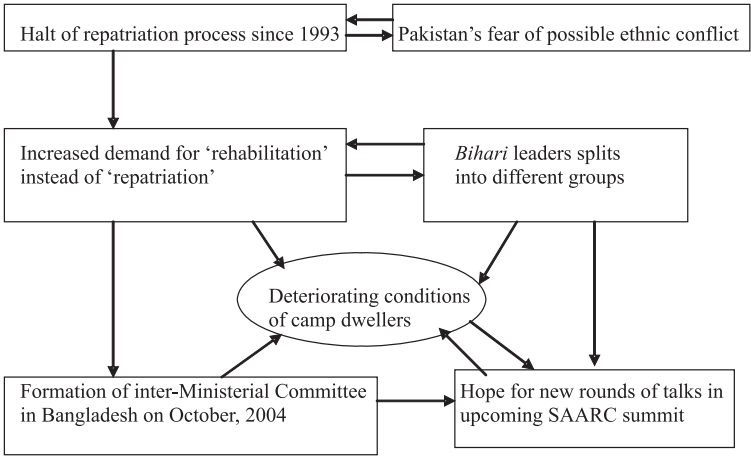
As already noted above about the group of inter-ministerial members, it was revealed that without having a proper background about the issues involved in this crisis, members were asked to give recommendations. This might not result in a fruitful solution. This was proved to be so when we found that all of a sudden the Dhaka Electric Supply Authority (DESA) has warned the camp dwellers that it would snap the power supply to these camps. In a letter issued on May 5, 2005 to the Food and Disaster Management Ministry, it said that it would discontinue power supply to 66 camps in 13 districts across the country if they fail to pay the outstanding electricity bills estimated at Tk./-44.28 crore.⁸³ There are also some DESA officials who gave them power supply after taking bribe. The Geneva camp of Mohammadpur had Tk./-16.48 crore in unpaid bills, while camps under the Dhaka Electric Supply Company (DESCO) area, Mirpur have not paid bills to the tune of Tk./-17.86 crore.

As a result, the power supply has been cut off and people are suffering terribly suffering this summer. It was reported by the camp groups that already 4 people have died due to the power crisis.

⁸³ *Daliy Prothom Alo*, 31 October, 2004.

⁸⁴ *The Daily Star*, May 22, 2005.

A **flow chart** may be drawn to identify the issues involved in the crisis at present:



The following case study is an ample example to show various types of insecurities faced by camp dwellers at present, which are increasing in an alarming rate.

Case Study 13: Level of insecurities increasing day by day

Salma (25) was born in Geneva camp. She is a garments worker. There are 8 members in her family, of which five are earning members. She identified lack of security, lack of drinking water facilities and shortage of water, environment pollution, and lack of proper education system for the children of the camp as major problems faced by them in camp. She said that there are many incidents of murder and killing. Culprits often left the dead body inside the camp. Nobody knows who is responsible for this. Even if they know, they never inform the police, because they are afraid of gang leaders. She also informed us that bad people tease girls and women. Her husband left her, went to India and married another woman without her permission. He said that he doesn't love her anymore. She is illiterate, therefore could not stand against her husband. She says the education in camp schools is too expensive for the poor camp dwellers. She works in a garment factory where she earns Tk/-500/600 per week. She considers herself a Bangladeshi. Sometimes a local Bengali leader takes them to cast votes as fake voters during election. They don't get any help from SPGRC, rather they contribute money to meet their common needs.

Chapter 10

“Languishing in camps for 33 years, who is responsible?”

– slogan of a banner published by the SPGRC

Glimpse of future

In a three-day annual conference organized by the SPGRC on 10-12 August 2004, National Press Club, Dhaka, the Chief Guest Golam M. Qader, M.P. Jatiya Sangshad, opined that Biharis should urge the Bangladesh government to take necessary measures to approve citizenship to stranded Pakistanis unless there is an agreement between Bangladesh and Pakistan to settle the issue. It ended with a hope to place their demand to the Prime Minister of Bangladesh. No concrete attempt was made to resolve the issue of Biharis living in a vulnerable position here. It was confirmed by the study that the present generation is getting education in Bengali medium schools and they are all engaged in many skilled activities, which is a big contribution to the national economy. The hypothetical assumptions of the study were clearly proved during the field visits. Knowing the deteriorating situation of camps dwellers, which has been a major focus of the present study, the following recommendations may be outlined:

- i) Government should take immediate action to search for possible alternative measures to come up with a decision which is acceptable to all;
- ii) Any kind of drastic measures like the recent power cut should be avoided urgently on the basis of humanitarian ground;
- iii) If required, fresh talks should be initiated with Pakistan with focus on repatriation of Biharis who desire so;
- iv) Biharis should be given a legal chance to choose their right of citizenship by affirming their loyalty to the country they wish to live in;

- v) Civil society members, NGOs, INGOS and above all government should come forward to use the skilled manpower in a more suitable way to contribute to our national economy;
- vi) Different women's organizations along with the rights-based organizations, with support from legal organizations, should initiate different motivational and awareness-raising programmes for the welfare of women and children living in camps;
- vii) Any kind of political motives of Bihari leaders should be avoided, to allow people to raise their voices;
- viii) Camps are sources of violence and irregularities, and therefore these should be gradually closed down, with government decision. At the same time alternative places for living should be created which will allow them to integrate with the mainstream population;
- ix) Human rights groups and international organizations like UNHCR should come, with a mandate to change the life of these people living under poverty and uncertainty. These people are 'stateless' with the experience of being refugees, minority, and internally displaced people;
- x) Gendered development policy may be applied for the immediate benefit of women and children living in camps.

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