

UNRESOLVED STATELESSNESS: THE CASE OF BIHARIS IN BANGLADESH

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1. Introduction

Those whose legal status has been of the longest standing controversy in Bangladesh are certainly the Biharis or Stranded Pakistanis.¹ The Biharis², an Urdu-speaking Muslim minority originally and mostly from the Indian region of Bihar³ have been stateless since the days of Bangladesh independence. At the time of partition of British India in 1947, some of them chose to move to East Pakistan (which later became Bangladesh after a 9 month war) and others to West Pakistan. When Bangladesh Liberation War broke out in 1971, the Biharis sided with West Pakistan. Their past support for West Pakistan caused tension between the Bihari and the newly independent nation of Bangladesh.

After the war and the independence of Bangladesh, they were unwelcome in either country. Pakistan feared that a mass influx of Biharis would destabilize an already fragile and culturally mixed population, particularly in Sindh. Bangladesh scorned them for supporting the enemy. With neither country offering citizenship, the Biharis have remained stateless for 35 years. Bangladesh continues to host approximately 250,000-

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¹ Malik, S. (2000), 'Refugees and Migrants of Bangladesh: Looking Through A Historical Prism,' In C. R. Abrar (Ed.) *On the Margin: Refugees, Migrants and Minorities*, Dhaka: Refugee and Migratory Movements Research Unit, p. 18.

² In Bangladesh, they are also commonly called "Bangladeshi Biharis", "Stranded Pakistanis", "A Linguistic Minority", "Camp Based Urdu Speaking Minority" or even just "Displaced Persons."

³ Bihar, one of the constituent states of the Republic of India, is bounded on the north by the Kingdom of Nepal, on the east by West Bengal, on the south by Orissa, and on the west by Madhya Pradesh and Uttar Pradesh. Bihar occupied an important position in the early history of India; for centuries it was the principal seat of imperial powers and the main focus of Indian culture and civilization. Under the British it formed a part of the Bengal Presidency until 1912, when the province of Bihar and Orissa was formed. In 1936 Bihar was separated from Orissa and constituted a separate province, and, on India's independence in 1947, it became a state.

300,000 Biharis who live in 66 camps in 13 regions across the country. The Biharis face overcrowded living quarters, poor drainage and sanitation systems, inadequate education, and health care facilities. Most importantly, the Biharis continue to remain stateless after more than 35 years of hardship. Little has been done to improve their current conditions and no plausible solution has been reached.⁴

Living conditions are miserable due to high population density, aging accommodations, poor sanitation and hygiene, lack of education and healthcare facilities, and limited access to livelihoods, with most employable individuals consigned to day labor, barbering, or rickshaw pulling. In a country where the average life expectancy is 60, the average life span for Biharis who reside in the camps is said to be only 35-40 years.

Biharis exist at the fringes of society, with their most fundamental human rights denied. While there is widespread agreement about the hardships that Biharis face, there is far less consensus about how to resolve the issue.

The two most commonly proposed avenues for resolution are the resettlement of the Biharis in Pakistan and the granting of Bangladeshi citizenship to those who wish it. Typically the older generation prefers the former solution, while the younger generation believes their future lies in Bangladesh. Unfortunately, Pakistan has not acted to end the problem.

Poverty is widespread in Bangladesh, and the basic situation for the Biharis resembles that of the poorest citizens of the country. Denial of citizenship, however, creates additional disadvantages for the Biharis. Having no official government recognition and identification papers, prohibits a person from holding a government job and other professions which require higher education. Lack of status also restricts the Biharis' chances to develop their own economic opportunities and prohibits access to processes that would enable them to safeguard their rights.

This study attempts to analyze the case of the camp dwelling Biharis in Bangladesh. Emphasis is given on several human rights issues concerning this community. It has been argued that solving the multifarious problems of the Bihari population needs a multilateral approach involving Bangladesh, Pakistan, development agencies, and of course the Bihari community.

⁴ Refugees International website, <<http://www.refugeesinternational.org/content/country/detail/2944>>, at 4 August 2006.

2. Bangladesh: Country Information

Bangladesh, officially the People's Republic of Bangladesh, is a country in South Asia. It is surrounded by India on all sides except for a small border with Myanmar to the far southeast and the Bay of Bengal to the south. Together with the Indian state of West Bengal, it makes up the ethno-linguistic region of Bengal.⁵

The population of Bangladesh is approximately 152.6 million. The population of Bangladesh is 98 percent Bengali⁶, with tribal groups and non-Bengali Muslims, such as the Biharis, making up the last 2 percent. The primary religion is Islam (83 percent of the population), followed by Hindu (16 percent of the population); the remaining 1 percent is Buddhists, Christians, and Animists. The literacy rate is approximately 43.1 percent.

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

Bangladesh seceded from West Pakistan to form an independent nation in 1971. The war for independence was bitter and bloody, and was followed by 15 years of military rule. Though democracy was restored in 1990, the political scene remains mostly volatile, and the country is often charged with human rights violations. Though, since independence, Bangladesh has made some progress regarding the realization of basic human needs, but still, the overall picture of human development is frustrating. Millions of people are deprived from basic human rights-right to food, education, health care, adequate sanitation, and a safe environment which seems to be a distant dream for most of the people. The human deprivation is also on the rise.

It is indeed a fact that, the refugee phenomenon has been an integral part of Bangladesh state formation process. It is a refugee-generating as well as a refugee-receiving state. During the War of Independence, Bangladesh produced about ten million refugees, who took refuge in

⁵ "Bangladesh," Wikipedia: Online Encyclopedia, <<http://en.wikipedia.org/wiki/Bangladesh>>, at 16 August, 2006.

⁶ *Ibid.*